



NATRONA COUNTY BOARD OF COUNTY COMMISSIONERS AGENDA

Paul Bertoglio, Commissioner
Forrest Chadwick, Commissioner
Rob Hendry, Commissioner
Brook Kaufman, Commissioner
Jim Milne, Commissioner

Tuesday, June 2, 2020 5:30 p.m.
Natrona County Courthouse, 200 North Center, Casper, Wyoming
Large Courtroom, 2nd Floor

I. CALL MEETING TO ORDER

II. ROLL CALL

III. PLEDGE OF ALLEGIANCE

IV. APPROVAL OF CONSENT AGENDA

V. PUBLIC HEARING

A. CUP20-2 A Conditional Use Permit (CUP) to allow a 240-MW Utility Scale Solar Energy System on a portion of 2,150 acres of land, north of Casper and west of Bar Nun. This request also includes VC20-1 a Variance by Dinosolar, LLC to reduce the eastern setback from 1.25 miles to .63 miles from a residential zoning district.

VI. PUBLIC COMMENTS

VII. COMMISSIONER COMMENTS

VIII. ADJOURNMENT

Agendas are subject to amendments



**NATRONA COUNTY
BOARD OF COUNTY COMMISSIONERS**

Paul Bertoglio, Commissioner
Forrest Chadwick, Commissioner
Rob Hendry, Commissioner
Brook Kaufman, Commissioner
Jim Milne, Commissioner

CONSENT AGENDA

Tuesday, June 2, 2020 5:30 p.m.

Natrona County Courthouse, 200 North Center Street, Casper, Wyoming
Large Courtroom, 2nd Floor

I. APPROVAL OF MAY 19, 2020 MEETING MINUTES

II. APPROVAL OF BILLS \$826,978.21

III. CONTRACTS, AGREEMENTS, RESOLUTIONS:

A. CNAI FAA CARES Act Grant: AIP Grant No: 3-56-0004-061-2020; Contract No. DOT-FA20NM-1016; Duns No. 09-276-6013; Formal Amendment No. One

B. FAA Grant: CNIA; AIP Grant No. 3-56-0004-060-2020 (Contract No. DOT-FA20NM-1044); DUNS No. 09-276-6013 – Rehabilitate Regional aircraft Rescue & Fire Fighting (ARFF) Training Facility and Acquire Aircraft Rescue & Fire Fighting (ARFF) Vehicle

IV. STATEMENT OF EARNINGS: Development \$5,385.40; Clerk of Court \$6,727.93; Lake \$204,525.00; Parks \$1,210.00; Pedro Mtn Fire Reimbursement \$43,398.09; Public Surplus \$26,755.00

V. TAXROLL CORRECTION 2019: ALBERTS, ERIK M \$-3135.49;

Agendas are subject to amendments

BOARD OF COUNTY COMMISSIONERS
MINUTES OF PROCEEDINGS
May 19, 2020

The regular meeting of the Board of County Commissioners was brought to order at 5:30 p.m. by Chairman Rob Hendry. Those in attendance were Commissioner Chairman Paul Bertoglio, Commissioner Jim Milne, Commissioner Brook Kaufman, Commissioner Forrest Chadwick, County Attorney Eric Nelson, County Attorney and Commissioners' Assistant Michelle Maines.

Chairman Hendry announced Taylor Delaney as the 2020-2021 County Commissioner Renewal Scholarship recipient.

Consent Agenda:

Commissioner Chadwick moved for approval of the Consent Agenda omitting Item G for separate consideration. Commissioner Kaufman seconded the motion. Motion carried.

Commissioner Bertoglio moved to approve Resolution 20-20 with amendment 1st Floor opened to Assessor's office only. Commissioner Bertoglio seconded the motion. Motion carried.

Public Comments:

Chairman Hendry opened the floor to Public Comments.

Hearing comments the floor was closed.

Commissioner Comments:

Chairman Hendry opened the floor to Commissioner Comments.

Hearing no further comments the floor was closed.

Adjournment:

There being no further business to come before the Board of Commissioners, Chairman Hendry adjourned the meeting at 5:46p.m.

BOARD OF NATRONA COUNTY COMMISSIONERS

Robert L. Hendry, Chairman

ATTEST:

NATRONA COUNTY CLERK

Tracy Good

Newspaper listing for Bills 5/13/2020 through 5/26/2020

101 vendors listed

Total: \$ 826,978.21

ALCOHOL & DRUG TESTING \$13621.00	JOHNSON CONTROLS. \$2830.54
ALL AROUND TOWING & RECOVERY \$7700.00	KIMBALL MIDWEST \$457.89
ALSCO \$375.90	KNOWBE4 INC \$5940.00
AMAZON CAPITAL SVCS \$1271.17	M.A.D. TRANSPORTATION & TOWING \$8400.00
AMBER LIGHT \$11220.00	MAO PHARMACY INC \$3293.58
AMBI MAIL & MARKETING \$6164.42	MIDWEST HOSE & SPECIALTY INC \$947.60
AMERICAN PLUMBING & HEATING \$5500.00	MISSOULA COUNTY SHERIFF \$100.00
ATLAS OFFICE PROD \$2052.70	MTN STATES LITHOGRAPHING \$43.85
AXIS FORENSIC TOXICOLOGY \$160.00	NAPA AUTO PARTS \$952.92
BENNETT, THOMAS L MD \$7200.00	NC TREASURER \$8427.92
BLACK HILLS ENERGY \$9101.88	NORCO SEATTLE \$82.82
BLUE TARP CREDIT SVCS \$2970.87	NORTON ROSE FULBRIGHT US LLP \$94288.00
BUSTARD'S FUNERAL HOME INC \$1000.00	OLSEN, MICHELLE \$237.00
CASPER FIRE EXTINGUISHER \$251.27	ORACLE AMERICA INC \$230.77
CASPER- NC HEALTH DEPARTMENT \$59888.17	POSTMASTER \$170.00
CEC INC \$630.00	PROCESS SVC OF WY INC \$1890.00
CENTRAL FAIR AND RODEO \$352157.62	PRONGHORN PROPANE \$888.00
CENTRAL WY DRAIN SVCS \$180.00	QUALITY OFFICE SOLUTIONS INC \$1701.18
CENTURYLINK \$1244.65	RICOH USA INC \$110.75
CITY OF CASPER \$18015.94	RMP \$29510.31
CITY SVC ELECTRIC \$3346.70	ROCKY MOUNTAIN INFECTIOUS DISEASES PC \$356.00
CIVIL ENGINEERING PROFESSIONALS \$13112.50	SHAMROCK FOODS CO \$5816.22
COCA-COLA BOTTLING CO \$195.50	SILVA CEMENT WORKS \$1000.00
COMMUNICATION TECHNOLOGIES INC \$10126.29	SONNY'S RV SALES INC \$2739.00
CONCORDANCE HEALTHCARE SOLUTIONS \$2585.66	SOURCE OFFICE & TECHNOLOGY \$94.51
CONVERGEONE INC \$14155.46	SPECTRUM \$221.79
CONVERSE COUNTY SO \$1846.25	SPORTSMAN'S WAREHOUSE \$435.89
COOK'S CORRECTIONAL \$1828.32	STAPLES \$115.35
CORNERSTONE PROGRAMS \$109.90	STRAND, AMANDA \$80.00
COWBOY CHEMICAL \$2206.80	THE MASTER'S TOUCH \$2687.21
CROWLEY FLECK PLLP \$2651.00	THOLSON, MIKE \$16.99
CST \$767.00	THOMSON REUTERS \$1144.76
DALLAS CHOPPING \$290.00	TLC CLEANING \$24500.00
DEWITT WATER SYS \$331.55	TOWN OF MILLS/UTILITY SVC \$338.91
DK HAULING DBA VIKING CRANE \$80.00	UNITED STATES POSTAL SVC \$364.00
DUDE SOLUTIONS INC \$16005.88	UNIVERSITY OF WY FAMILY MEDICINE \$112.00
EIDE BAILLY LLP \$92.50	US FOODS \$2878.30
ENERGY LABORATORIES INC \$138.00	VERIZON \$3234.79
ENTENMANN-ROVIN CO \$309.25	VITAL RECORDS CONTROL (VRC) \$378.60
EXCEPTIONAL CLEANING SVC \$800.00	WARRIOR KIT SAFETY & SURVIVAL GEAR \$942.30
FARMER BROS. \$311.50	WASTE CONNECTIONS OF WY \$10315.68
FIRST INTERSTATE BANK \$15487.61	WESTERN WY LOCK & SAFE \$40.50
GALLS \$105.00	WHITE'S MOUNTAIN MOTORS \$69.92
GEOTEC INDUSTRIAL SUPPLY \$2176.50	WONDER WASH \$21.60
GREEN'S SEWER & DRAIN SVC \$700.00	WY DOOR SVC \$1269.88
GREENUP, JENNIFER L \$5000.00	WY MACHINERY CO \$24.88
HENSLEY BATTERY \$390.45	WY ORAL & MAXIOFACIAL SURGERY \$3785.00
HEWLETT PACKARD ENTERPRISE CO \$1251.36	WY PERFORMANCE & REPAIR \$493.40
HITEK COMMUNICATIONS \$270.00	YOUTH CRISIS CENTER INC \$2500.00
ICS JAIL SUPPLIES \$1280.00	ZERBE-ALME, KELLIE DBA ALL AREA PROCESS SVC \$1050.00
JH MECHANICAL \$791.03	



U.S. Department
of Transportation
**Federal Aviation
Administration**

Northwest Mountain Region
Colorado · Idaho · Montana · Oregon · Utah
Washington · Wyoming

Denver Airports District Office
26805 E. 68th Ave., Suite 224
Denver, CO 80249

May 19, 2020

Mr. Rob Hendry, Chairman
Natrona County Board of Commissioners
200 N. Center, Suite 115
Casper, WY 82601

**Casper-Natrona County International Airport
Casper, Wyoming
AIP Grant No. 3-56-0004-061-2020
Contract No. DOT-FA20NM-1016
DUNS No. 09-276-6013
Formal Amendment No. One**

Dear Commissioner Hendry:

We are enclosing an electronic copy of Amendment No. One to the subject grant agreement. The amendment increases the maximum obligation of the United States as authorized under the Coronavirus Aid, Relief, and Economic Security (CARES) Act (Public Law 116-136) for the current fiscal year 2020 obligation and increases the federal share to 100 percent.

To properly enter into this amendment, you must do the following:

- The governing body must provide authority to execute the grant to the individual signing the grant; i.e. the sponsor's authorized representative.
- The Sponsor's attorney must sign and date the grant amendment *after* the Sponsor.
- You may not make any modification to the text, terms or conditions of this grant amendment.

Please don't hesitate to call Rebecca Wersal if you have any questions. Rebecca can be reached at (303) 342-1257.

Sincerely,

John P. Bauer (May 19, 2020 13:15 MDT)

John P. Bauer, Manager
Denver Airports District Office

Enclosures



U.S. Department
of Transportation
**Federal Aviation
Administration**

Airports Division
Northwest Mountain Region
Colorado, Utah, Wyoming

09-276-6013

(DUNS No)

Casper-Natrona County International
Airport

(Airport/Planning Area)

AMENDMENT NO. ONE TO GRANT AGREEMENT AIP GRANT NO. 3-56-0004-061-2020

WHEREAS, the Federal Aviation Administration (hereinafter referred to as the "FAA") has determined it to be in the interest of the United States that the Grant Agreement between the FAA, acting for and on behalf of the United States, and the County of Natrona, Wyoming (hereinafter referred to as the "Sponsor"), accepted by said Sponsor on April 7, 2020 be amended to increase the maximum obligation of the United States as authorized under the Coronavirus Aid, Relief, and Economic Security (CARES) Act (Public Law 116-136) for the current fiscal year 2020 obligation. The CARES Act provides funds to increase the federal share to 100 percent for Airport Improvement Program (AIP) and supplemental discretionary grants already planned for fiscal year 2020. Under normal circumstances, AIP grant recipients contribute a matching percentage of the project costs. Providing this additional funding and eliminating the local share should allow critical safety and capacity projects to continue as planned regardless of airport sponsors' current financial circumstances.

NOW THEREFORE, WITNESSETH:

That in consideration of the benefits to accrue to the parties hereto, the FAA on behalf of the United States, on the one part, and the Sponsor, on the other part, do hereby mutually agree that the said Grant Agreement be and hereby is amended as follows:

Decrease the local/state share by \$16,927, and increase Maximum Federal Obligation by \$16,927 (from \$253,911 to \$270,838) to include the current fiscal year 2020 obligation;

The Federal Aviation Administration, for and on behalf of the United States, hereby offers and agrees to pay one hundred (100%) percent of the allowable costs incurred up to \$270,838.

All other terms and conditions of the Grant Agreement remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused this amendment to said Grant Agreement to be duly executed as of

May 19, 2020

**UNITED STATES OF AMERICA
FEDERAL AVIATION ADMINISTRATION**


John P. Bauer (May 19, 2020 13:15 MDT)

(Signature)

John P. Bauer

(Typed Name)

Manager, Denver Airports District Office

(Title of FAA Official)



U.S. Department
of Transportation
**Federal Aviation
Administration**

Northwest Mountain Region
Colorado · Idaho · Montana · Oregon · Utah
Washington · Wyoming

Denver Airports District Office
26805 E. 68th Ave., Suite 224
Denver, CO 80249

May 21, 2020

Mr. Robert L. Hendry
Chairman, County of Natrona
200 N Center
Casper, WY 82601

Dear Commissioner Hendry:

We are enclosing an electronic copy of a grant offered in accordance with section 185 of the Consolidated Appropriations Act, 2018 (Public Law Number 115-141), Grant No. 3-56-0004-060-2020 at the Casper-Natrona County International Airport. Please read this letter and the Grant Offer carefully

To properly enter into this agreement, you must do the following:

- The governing body must provide authority to execute the grant to the individual signing the grant; i.e. the sponsor's authorized representative.
- The sponsor's authorized representative must execute the grant, followed by the attorney's certification, no later than June 30, 2020, in order for the grant to be valid.
- The Sponsor's attorney must sign and date the grant agreement *after* the Sponsor.
- All signatures must be made with blue or black ink; signature stamps will not be accepted.
- You may not make any modification to the text, terms or conditions of the grant offer.
- We ask that you return one executed copy of the Grant Offer to our office. Please keep a copy of the grant for your records.

Subject to the requirements in 2 CFR §200.305, each payment request for reimbursement under this grant must be made electronically via the Delphi eInvoicing System. Please see the attached Grant Agreement for more information regarding the use of this System.

The terms and conditions of this agreement require you to complete the project without undue delay. We will be monitoring your progress to ensure proper stewardship of these Federal funds. **We expect you to submit payment requests for reimbursement of allowable incurred project expenses consistent with project progress.** Should you fail to make draws on a regular basis, your grant may be placed in "inactive" status, which will affect your ability to receive future grant offers.

Until the grant is completed and closed, you are responsible for submitting formal reports as follows:

- A signed/dated SF-270 (non-construction projects) or SF-271 or equivalent (construction projects) and SF-425 annually, due 90 days after the end of each federal fiscal year in which this grant is open (due December 31 of each year this grant is open); and
- Performance Reports, which are due within 30 days of the end of a reporting period as follows:
 1. Non-construction project: Due annually at the end of the Federal fiscal year.
 2. Construction project: Submit FAA form 5370-1, Construction Progress and Inspection Report at the end of each fiscal quarter.

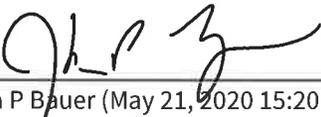
Once the project is completed and all costs are determined, we ask that you close the project without undue delay and submit the final closeout report documentation as required by FAA's Denver Airports District Office.

As a condition of receiving Federal assistance under this award, you must comply with audit requirements as established under 2 CFR part 200. Subpart F requires non-Federal entities that expend \$750,000 or more in Federal awards to conduct a single or program specific audit for that year. Note that this includes Federal expenditures made under other Federal-assistance programs. Please take appropriate and necessary action to assure your organization will comply with applicable audit requirements and standards

Paulette Lugo is the assigned program manager for this grant and is readily available to assist you and your designated representative with the requirements stated herein. If you should have any questions, please contact Paulette Lugo at (303) 342-1256.

We sincerely value your cooperation in these efforts and look forward to working with you to complete this important project.

Sincerely,



John P Bauer (May 21, 2020 15:20 MDT)

John P. Bauer
Manager, Denver Airports District Office

Enclosures

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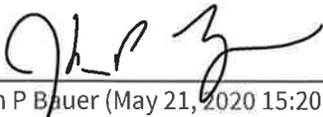
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Sincerely,



John P Bauer (May 21, 2020 15:20 MDT)

John P. Bauer
Manager, Denver Airports District Office

Enclosures



U.S. Department
of Transportation
Federal Aviation
Administration

GRANT AGREEMENT

PART I – OFFER

Date of Offer	May 21, 2020
Airport/Planning Area	Casper-Natrona County International Airport
AIP Grant Number	3-56-0004-060-2020 (Contract No. DOT-FA20NM-1044)
DUNS Number	09-276-6013

TO: County of Natrona, Wyoming
(herein called the "Sponsor") (For Co-Sponsors, list all Co-Sponsor names. The word "Sponsor" in this Grant Agreement also applies to a Co-Sponsor.)

FROM: The United States of America (acting through the Federal Aviation Administration, herein called the "FAA")

WHEREAS, the Sponsor has submitted to the FAA a Project Application dated August 18, 2019, for a grant of Federal funds for a project at or associated with the Casper-Natrona County International Airport, which is included as part of this Grant Agreement; and

WHEREAS, the FAA has approved a project for the Casper-Natrona County International Airport (herein called the "Project") consisting of the following:

**Rehabilitate Regional Aircraft Rescue & Fire Fighting (ARFF) Training Facility and
Acquire Aircraft Rescue & Fire Fighting (ARFF) Vehicle**

which is more fully described in the Project Application.

NOW THEREFORE, Pursuant to and for the purpose of carrying out the Consolidated Appropriation Act, 2018, Public Law Number 115-141, Section 185, and in consideration of (a) the Sponsor's adoption and ratification of the Grant Assurances dated March 2014, as applied and interpreted consistent with the FAA Reauthorization Act of 2018 (See 2018 FAA Reauthorization grant condition.), (b) the Sponsor's acceptance of this Offer; and, (c) the benefits to accrue to the United States and the public from the accomplishment of the Project and compliance with the Grant Assurances and conditions as herein provided.

THE FEDERAL AVIATION ADMINISTRATION, FOR AND ON BEHALF OF THE UNITED STATES, HEREBY OFFERS AND AGREES to pay 93.75 percent of the allowable costs incurred accomplishing the Project as the United States share of the Project.

This Offer is made on and **SUBJECT TO THE FOLLOWING TERMS, CONDITIONS, AND PRIORITY CONSIDERATIONS:**

CONDITIONS

1. **Maximum Obligation.** The maximum obligation of the United States payable under this Offer is \$6,942,375. The following amounts represent a breakdown of the maximum obligation for the purpose of establishing allowable amounts for any future grant amendment, which may increase the foregoing maximum obligation of the United States under the provisions of 49 U.S.C. § 47108(b):
 \$0 for planning
 \$6,942,375 for airport development or noise program implementation; and,
 \$0 for land acquisition.
2. **Period of Performance.** The period of performance begins on the date the Sponsor formally accepts this agreement. Unless explicitly stated otherwise in an amendment from the FAA, the end date of the period of performance is 4 years (1,460 calendar days) from the date of formal grant acceptance by the Sponsor.
 The Sponsor may only charge allowable costs for obligations incurred prior to the end date of the period of performance (2 CFR § 200.309). Unless the FAA authorizes a written extension, the sponsor must submit all project closeout documentation and liquidate (pay off) all obligations incurred under this award no later than 90 calendar days after the end date of the period of performance (2 CFR § 200.343).
 The period of performance end date does not relieve or reduce Sponsor obligations and assurances that extend beyond the closeout of a grant agreement.
3. **Ineligible or Unallowable Costs.** The Sponsor must not include any costs in the project that the FAA has determined to be ineligible or unallowable.
4. **Indirect Costs – Sponsor.** Sponsor may charge indirect costs under this award by applying the indirect cost rate identified in the project application, as accepted by the FAA, to allowable costs for Sponsor direct salaries and wages.
5. **Determining the Final Federal Share of Costs.** The United States' share of allowable project costs will be made in accordance with the Consolidated Appropriations Act, 2018 (Public Law Number 115-141), regulations, policies, and procedures of the Secretary. Final determination of the United States' share will be based upon the final audit of the total amount of allowable project costs and settlement will be made for any upward or downward adjustments to the Federal share of costs.
6. **Completing the Project Without Delay and in Conformance with Requirements.** The Sponsor must carry out and complete the project without undue delays and in accordance with this agreement, and the regulations, policies, and procedures of the Secretary. Per 2 CFR § 200.308, the Sponsor agrees to report to the FAA any disengagement from performing the project that exceeds three months. The report must include a reason for the project stoppage. The Sponsor also agrees to comply with the assurances which are part of this agreement.
7. **Amendments or Withdrawals before Grant Acceptance.** The FAA reserves the right to amend or withdraw this offer at any time prior to its acceptance by the Sponsor.
8. **Offer Expiration Date.** This offer will expire and the United States will not be obligated to pay any part of the costs of the project unless this offer has been accepted by the Sponsor on or before June 30, 2020, or such subsequent date as may be prescribed in writing by the FAA.
9. **Improper Use of Federal Funds.** The Sponsor must take all steps, including litigation if necessary, to recover Federal funds spent fraudulently, wastefully, or in violation of Federal antitrust statutes, or misused in any other manner for any project upon which Federal funds have been expended. For the purposes of this grant agreement, the term "Federal funds" means funds however used or dispersed by the Sponsor, that were originally paid pursuant to this or any other Federal grant agreement. The Sponsor must obtain the approval of the Secretary as to any determination of the amount of the Federal share of such funds. The Sponsor must return the recovered Federal share, including funds recovered by settlement, order, or judgment, to the Secretary. The Sponsor must furnish to

the Secretary, upon request, all documents and records pertaining to the determination of the amount of the Federal share or to any settlement, litigation, negotiation, or other efforts taken to recover such funds. All settlements or other final positions of the Sponsor, in court or otherwise, involving the recovery of such Federal share require advance approval by the Secretary.

10. **United States Not Liable for Damage or Injury.** The United States is not responsible or liable for damage to property or injury to persons which may arise from, or be incident to, compliance with this grant agreement.
11. **System for Award Management (SAM) Registration And Universal Identifier.**
 - A. Requirement for System for Award Management (SAM): Unless the Sponsor is exempted from this requirement under 2 CFR 25.110, the Sponsor must maintain the currency of its information in the SAM until the Sponsor submits the final financial report required under this grant, or receives the final payment, whichever is later. This requires that the Sponsor review and update the information at least annually after the initial registration and more frequently if required by changes in information or another award term. Additional information about registration procedures may be found at the SAM website (currently at <http://www.sam.gov>).
 - B. Data Universal Numbering System: DUNS number means the nine-digit number established and assigned by Dun and Bradstreet, Inc. (D & B) to uniquely identify business entities. A DUNS number may be obtained from D & B by telephone (currently 866-705-5771) or on the web (currently at <http://fedgov.dnb.com/webform>).
12. **Electronic Grant Payment(s).** Unless otherwise directed by the FAA, the Sponsor must make each payment request under this agreement electronically via the Delphi Invoicing System for Department of Transportation (DOT) Financial Assistance Awardees.
13. **Informal Letter Amendment of AIP Projects.** If, during the life of the project, the FAA determines that the maximum grant obligation of the United States exceeds the expected needs of the Sponsor by \$25,000 or five percent (5%), whichever is greater, the FAA can issue a letter amendment to the Sponsor unilaterally reducing the maximum obligation.

The FAA can also issue a letter to the Sponsor increasing the maximum obligation if there is an overrun in the total actual eligible and allowable project costs to cover the amount of the overrun provided it will not exceed the statutory limitations for grant amendments. The FAA's authority to increase the maximum obligation does not apply to the "planning" component of condition No. 1.

The FAA can also issue an informal letter amendment that modifies the grant description to correct administrative errors or to delete work items if the FAA finds it advantageous and in the best interests of the United States.

An informal letter amendment has the same force and effect as a formal grant amendment.
14. **Air and Water Quality.** The Sponsor is required to comply with all applicable air and water quality standards for all projects in this grant. If the Sponsor fails to comply with this requirement, the FAA may suspend, cancel, or terminate this agreement.
15. **Financial Reporting and Payment Requirements.** The Sponsor will comply with all federal financial reporting requirements and payment requirements, including submittal of timely and accurate reports.
16. **Buy American.** Unless otherwise approved in advance by the FAA, the Sponsor will not acquire or permit any contractor or subcontractor to acquire any steel or manufactured products produced outside the United States to be used for any project for which funds are provided under this grant. The Sponsor will include a provision implementing Buy American in every contract.
17. **Maximum Obligation Increase for Primary Airports.** In accordance with 49 U.S.C. § 47108(b), as amended, the maximum obligation of the United States, as stated in Condition No. 1 of this Grant Offer:
 - A. may not be increased for a planning project;
 - B. may be increased by not more than 15 percent for development projects until September 20, 2020, if funds are available;
 - C. may be increased by not more than 15 percent for a land project until September 20, 2020, if funds are available.

- 18. Audits for Public Sponsors.** The Sponsor must provide for a Single Audit or program specific audit in accordance with 2 CFR part 200. The Sponsor must submit the audit reporting package to the Federal Audit Clearinghouse on the Federal Audit Clearinghouse's Internet Data Entry System at <http://harvester.census.gov/facweb/>. Provide one copy of the completed audit to the FAA if requested.
- 19. Suspension or Debarment.** When entering into a "covered transaction" as defined by 2 CFR § 180.200, the Sponsor must:
- A. Verify the non-federal entity is eligible to participate in this Federal program by:
 1. Checking the excluded parties list system (EPLS) as maintained within the System for Award Management (SAM) to determine if the non-federal entity is excluded or disqualified; or
 2. Collecting a certification statement from the non-federal entity attesting they are not excluded or disqualified from participating; or
 3. Adding a clause or condition to covered transactions attesting individual or firm are not excluded or disqualified from participating.
 - B. Require prime contractors to comply with 2 CFR § 180.330 when entering into lower-tier transactions (e.g. Sub-contracts).
 - C. Immediately disclose to the FAA whenever the Sponsor (1) learns they have entered into a covered transaction with an ineligible entity or (2) suspends or debars a contractor, person, or entity.
- 20. Ban on Texting When Driving.**
- A. In accordance with Executive Order 13513, Federal Leadership on Reducing Text Messaging While Driving, October 1, 2009, and DOT Order 3902.10, Text Messaging While Driving, December 30, 2009, the Sponsor is encouraged to:
 1. Adopt and enforce workplace safety policies to decrease crashes caused by distracted drivers including policies to ban text messaging while driving when performing any work for, or on behalf of, the Federal government, including work relating to a grant or subgrant.
 2. Conduct workplace safety initiatives in a manner commensurate with the size of the business, such as:
 - a. Establishment of new rules and programs or re-evaluation of existing programs to prohibit text messaging while driving; and
 - b. Education, awareness, and other outreach to employees about the safety risks associated with texting while driving.
 - B. The Sponsor must insert the substance of this clause on banning texting when driving in all subgrants, contracts, and subcontracts
- 21. Exhibit "A" Property Map.** The Exhibit "A" Property Map dated January 28, 2016, is incorporated herein by reference or is submitted with the project application and made part of this grant agreement.
- 22. Employee Protection from Reprisal.**
- A. Prohibition of Reprisals –
 1. In accordance with 41 U.S.C. § 4712, an employee of a grantee or subgrantee may not be discharged, demoted, or otherwise discriminated against as a reprisal for disclosing to a person or body described in sub-paragraph (A)(2), information that the employee reasonably believes is evidence of:
 - i. Gross mismanagement of a Federal grant;
 - ii. Gross waste of Federal funds;
 - iii. An abuse of authority relating to implementation or use of Federal funds;
 - iv. A substantial and specific danger to public health or safety; or
 - v. A violation of law, rule, or regulation related to a Federal grant.

2. Persons and bodies covered: The persons and bodies to which a disclosure by an employee is covered are as follows:
 - i. A member of Congress or a representative of a committee of Congress;
 - ii. An Inspector General;
 - iii. The Government Accountability Office;
 - iv. A Federal office or employee responsible for oversight of a grant program;
 - v. A court or grand jury;
 - vi. A management office of the grantee or subgrantee; or
 - vii. A Federal or State regulatory enforcement agency.
 3. Submission of Complaint – A person who believes that they have been subjected to a reprisal prohibited by paragraph A of this grant term may submit a complaint regarding the reprisal to the Office of Inspector General (OIG) for the U.S. Department of Transportation.
 4. Time Limitation for Submittal of a Complaint - A complaint may not be brought under this subsection more than three years after the date on which the alleged reprisal took place.
 5. Required Actions of the Inspector General – Actions, limitations, and exceptions of the Inspector General’s office are established under 41 U.S.C. § 4712(b)
 6. Assumption of Rights to Civil Remedy - Upon receipt of an explanation of a decision not to conduct or continue an investigation by the Office of Inspector General, the person submitting a complaint assumes the right to a civil remedy under 41 U.S.C. § 4712(c).
23. **2018 FAA Reauthorization.** This grant agreement is subject to the terms and conditions contained herein including the terms known as the Grant Assurances as they were published in the Federal Register on April 3, 2014. On October 5, 2018, the FAA Reauthorization Act of 2018 made certain amendments to 49 U.S.C. chapter 471. The Reauthorization Act will require FAA to make certain amendments to the assurances in order to best achieve consistency with the statute. Federal law requires that FAA publish any amendments to the assurances in the Federal Register along with an opportunity to comment. In order not to delay the offer of this grant, the existing assurances are attached herein; however, FAA shall interpret and apply these assurances consistent with the Reauthorization Act. To the extent there is a conflict between the assurances and Federal statutes, the statutes shall apply. The full text of the Act is at <https://www.congress.gov/bill/115th-congress/house-bill/302/text>.

SPECIAL CONDITIONS

24. **Current FAA Advisory Circulars for AIP Projects.** The sponsor will carry out the project in accordance with policies, standards, and specifications approved by the Secretary including but not limited to the advisory circulars listed in the *Current FAA Advisory Circulars Required For Use In AIP Funded and PFC Approved Projects*, dated February 28, 2020, and included in this grant, and in accordance with applicable state policies, standards, and specifications approved by the Secretary.
25. **Agency Agreement.** The FAA, in tendering this Offer on behalf of the United States, recognizes the existence of an Agency relationship between the Sponsor, as principal, and the Wyoming Department of Transportation, Aeronautics Division, as agent. The Sponsor agrees that it will not amend, modify, or terminate said Agency Agreement without prior written approval of the FAA or its designated representative.
26. **Final Project Documentation.** The Sponsor understands and agrees that in accordance with 49 USC 47111, and with the Airport District Office's (ADO) concurrence, that no payments totaling more than 90.00 percent of United States Government’s share of the project’s estimated allowable cost may be made before the project is determined to be substantially complete. Substantially complete means the following: (1) The project results in a complete, usable unit of work as defined in the grant agreement; and (2) The sponsor submits necessary documents showing that the

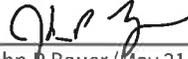
project is substantially complete per the contract requirements, or has a plan (that FAA agrees with) that addresses all elements contained on the punch list. Furthermore, no payments totaling more than 97.50 percent of the United States Government's share of the project's estimated allowable cost may be made until: (1) The sponsor submits all necessary closeout documentation and (2) The sponsor receives final payment notification from the ADO.

27. **ARFF and SRE Equipment and Vehicles.** The Sponsor agrees that it will:
- A. House and maintain the equipment in a state of operational readiness on and for the airport;
 - B. Provide the necessary staffing and training to maintain and operate the vehicle and equipment;
 - C. Restrict the vehicle to on-airport use only;
 - D. Restrict the vehicle to the use for which it was intended; and
 - E. Amend the Airport Emergency Plan and/or Snow and Ice Control Plan to reflect the acquisition of the vehicle and equipment.
28. **Equipment Acquisition.** The Sponsor understands and agrees that any equipment acquired through this grant is considered a *facility* as that term is used in the Grant Assurances. Further, the equipment must be only operated by the Sponsor. The Sponsor agrees that it will maintain the equipment and use it exclusively at the airport for airport purposes.
29. **Airport Layout Plan.** The Sponsor understands and agrees to update the Airport Layout Plan to reflect the construction to standards satisfactory to the FAA and submit it in final form to the FAA. It is further mutually agreed that the reasonable cost of developing said Airport Layout Plan Map is an allowable cost within the scope of this project.

#

The Sponsor's acceptance of this Offer and ratification and adoption of the Project Application incorporated herein shall be evidenced by execution of this instrument by the Sponsor, as hereinafter provided, and this Offer and Acceptance shall comprise a Grant Agreement, as provided by the Act, constituting the contractual obligations and rights of the United States and the Sponsor with respect to the accomplishment of the Project and compliance with the assurances and conditions as provided herein. Such Grant Agreement shall become effective upon the Sponsor's acceptance of this Offer.

**UNITED STATES OF AMERICA
FEDERAL AVIATION ADMINISTRATION**



John P Bauer (May 21, 2020 15:20 MDT)

(Signature)

John P. Bauer

(Typed Name)

Manager, Denver Airports District Office

(Title of FAA Official)

PART II - ACCEPTANCE

The Sponsor does hereby ratify and adopt all assurances, statements, representations, warranties, covenants, and agreements contained in the Project Application and incorporated materials referred to in the foregoing Offer, and does hereby accept this Offer and by such acceptance agrees to comply with all of the terms and conditions in this Offer and in the Project Application.

I declare under penalty of perjury that the foregoing is true and correct.¹

Executed this _____ day of _____, _____.

COUNTY OF NATRONA, WYOMING

(Name of Sponsor)

(Signature of Sponsor's Authorized Official)

By:

(Printed Name of Sponsor's Authorized Official)

Title:

(Title of Sponsor's Authorized Official)

CERTIFICATE OF SPONSOR'S ATTORNEY

I, _____, acting as Attorney for the Sponsor do hereby certify:

That in my opinion the Sponsor is empowered to enter into the foregoing Grant Agreement under the laws of the State of Wyoming. Further, I have examined the foregoing Grant Agreement and the actions taken by said Sponsor and Sponsor's official representative has been duly authorized and that the execution thereof is in all respects due and proper and in accordance with the laws of the said State and the Act. In addition, for grants involving projects to be carried out on property not owned by the Sponsor, there are no legal impediments that will prevent full performance by the Sponsor. Further, it is my opinion that the said Grant Agreement constitutes a legal and binding obligation of the Sponsor in accordance with the terms thereof.

Dated at _____ (location) this _____ day of _____, _____.

By _____

(Signature of Sponsor's Attorney)

¹ Knowingly and willfully providing false information to the Federal government is a violation of 18 U.S.C. Section 1001 (False Statements) and could subject you to fines, imprisonment, or both.



**FAA
Airports**

Current FAA Advisory Circulars Required for Use in AIP Funded and PFC Approved Projects

Updated: 2/28/2020

View the most current versions of these ACs and any associated changes at:

http://www.faa.gov/airports/resources/advisory_circulars and
http://www.faa.gov/regulations_policies/advisory_circulars/

NUMBER	TITLE
70/7460-1L Changes 1 - 2	Obstruction Marking and Lighting
150/5000-9A	Announcement of Availability Report No. DOT/FAA/PP/92-5, Guidelines for the Sound Insulation of Residences Exposed to Aircraft Operations
150/5000-17	Critical Aircraft and Regular Use Determination
150/5020-1	Noise Control and Compatibility Planning for Airports
150/5070-6B Changes 1 - 2	Airport Master Plans
150/5070-7 Change 1	The Airport System Planning Process
150/5100-13C	Development of State Aviation Standards for Airport Pavement Construction
150/5200-28F	Notices to Airmen (NOTAMs) for Airport Operators
150/5200-30D Change 1	Airport Field Condition Assessments and Winter Operations Safety
150/5200-31C Changes 1 - 2	Airport Emergency Plan
150/5210-5D	Painting, Marking, and Lighting of Vehicles Used on an Airport
150/5210-7D	Aircraft Rescue and Fire Fighting Communications
150/5210-13C	Airport Water Rescue Plans and Equipment

NUMBER	TITLE
150/5210-14B	Aircraft Rescue Fire Fighting Equipment, Tools and Clothing
150/5210-15A	Aircraft Rescue and Firefighting Station Building Design
150/5210-18A	Systems for Interactive Training of Airport Personnel
150/5210-19A	Driver's Enhanced Vision System (DEVs)
150/5220-10E	Guide Specification for Aircraft Rescue and Fire Fighting (ARFF) Vehicles
150/5220-16E, Change 1	Automated Weather Observing Systems (AWOS) for Non-Federal Applications
150/5220-17B	Aircraft Rescue and Fire Fighting (ARFF) Training Facilities
150/5220-18A	Buildings for Storage and Maintenance of Airport Snow and Ice Control Equipment and Materials
150/5220-20A	Airport Snow and Ice Control Equipment
150/5220-21C	Aircraft Boarding Equipment
150/5220-22B	Engineered Materials Arresting Systems (EMAS) for Aircraft Overruns
150/5220-23	Frangible Connections
150/5220-24	Foreign Object Debris Detection Equipment
150/5220-25	Airport Avian Radar Systems
150/5220-26, Changes 1 - 2	Airport Ground Vehicle Automatic Dependent Surveillance - Broadcast (ADS-B) Out Squitter Equipment
150/5300-13A, Change 1	Airport Design
150/5300-14C	Design of Aircraft Deicing Facilities
150/5300-16B	General Guidance and Specifications for Aeronautical Surveys: Establishment of Geodetic Control and Submission to the National Geodetic Survey
150/5300-17C Change 1	Standards for Using Remote Sensing Technologies in Airport Surveys
150/5300-18B Change 1	General Guidance and Specifications for Submission of Aeronautical Surveys to NGS: Field Data Collection and Geographic Information System (GIS) Standards
150/5320-5D	Airport Drainage Design

NUMBER	TITLE
150/5320-6F	Airport Pavement Design and Evaluation
150/5320-12C, Changes 1 - 8	Measurement, Construction, and Maintenance of Skid Resistant Airport Pavement Surfaces
150/5320-15A	Management of Airport Industrial Waste
150/5325-4B	Runway Length Requirements for Airport Design
150/5335-5C	Standardized Method of Reporting Airport Pavement Strength - PCN
150/5340-1M	Standards for Airport Markings
150/5340-5D	Segmented Circle Airport Marker System
150/5340-18G	Standards for Airport Sign Systems
150/5340-26C	Maintenance of Airport Visual Aid Facilities
150/5340-30J	Design and Installation Details for Airport Visual Aids
150/5345-3G	Specification for L-821, Panels for the Control of Airport Lighting
150/5345-5B	Circuit Selector Switch
150/5345-7F	Specification for L-824 Underground Electrical Cable for Airport Lighting Circuits
150/5345-10H	Specification for Constant Current Regulators and Regulator Monitors
150/5345-12F	Specification for Airport and Heliport Beacons
150/5345-13B	Specification for L-841 Auxiliary Relay Cabinet Assembly for Pilot Control of Airport Lighting Circuits
150/5345-26D	FAA Specification For L-823 Plug and Receptacle, Cable Connectors
150/5345-27E	Specification for Wind Cone Assemblies
150/5345-28H	Precision Approach Path Indicator (PAPI) Systems
150/5345-39D	Specification for L-853, Runway and Taxiway Retroreflective Markers
150/5345-42J	Specification for Airport Light Bases, Transformer Housings, Junction Boxes, and Accessories
150/5345-43J	Specification for Obstruction Lighting Equipment

NUMBER	TITLE
150/5345-44K	Specification for Runway and Taxiway Signs
150/5345-45C	Low-Impact Resistant (LIR) Structures
150/5345-46E	Specification for Runway and Taxiway Light Fixtures
150/5345-47C	Specification for Series to Series Isolation Transformers for Airport Lighting Systems
150/5345-49D	Specification L-854, Radio Control Equipment
150/5345-50B	Specification for Portable Runway and Taxiway Lights
150/5345-51B	Specification for Discharge-Type Flashing Light Equipment
150/5345-52A	Generic Visual Glideslope Indicators (GVGI)
150/5345-53D	Airport Lighting Equipment Certification Program
150/5345-54B	Specification for L-884, Power and Control Unit for Land and Hold Short Lighting Systems
150/5345-55A	Specification for L-893, Lighted Visual Aid to Indicate Temporary Runway Closure
150/5345-56B	Specification for L-890 Airport Lighting Control and Monitoring System (ALCMS)
150/5360-12F	Airport Signing and Graphics
150/5360-13A	Airport Terminal Planning
150/5360-14A	Access to Airports By Individuals With Disabilities
150/5370-2G	Operational Safety on Airports During Construction
150/5370-10H	Standard Specifications for Construction of Airports
150/5370-11B	Use of Nondestructive Testing in the Evaluation of Airport Pavements
150/5370-13A	Off-Peak Construction of Airport Pavements Using Hot-Mix Asphalt
150/5370-15B	Airside Applications for Artificial Turf
150/5370-16	Rapid Construction of Rigid (Portland Cement Concrete) Airfield Pavements
150/5370-17	Airside Use of Heated Pavement Systems
150/5390-2C	Heliport Design
150/5395-1B	Seaplane Bases

THE FOLLOWING ADDITIONAL APPLY TO AIP PROJECTS ONLY

Updated: 3/22/2019

NUMBER	TITLE
150/5100-14E, Change 1	Architectural, Engineering, and Planning Consultant Services for Airport Grant Projects
150/5100-17, Changes 1 - 7	Land Acquisition and Relocation Assistance for Airport Improvement Program Assisted Projects
150/5300-15A	Use of Value Engineering for Engineering and Design of Airport Grant Projects
150/5320-17A	Airfield Pavement Surface Evaluation and Rating Manuals
150/5370-12B	Quality Management for Federally Funded Airport Construction Projects
150/5380-6C	Guidelines and Procedures for Maintenance of Airport Pavements
150/5380-7B	Airport Pavement Management Program
150/5380-9	Guidelines and Procedures for Measuring Airfield Pavement Roughness



ASSURANCES AIRPORT SPONSORS

A. General.

- a. These assurances shall be complied with in the performance of grant agreements for airport development, airport planning, and noise compatibility program grants for airport sponsors.
- b. These assurances are required to be submitted as part of the project application by sponsors requesting funds under the provisions of Title 49, U.S.C., subtitle VII, as amended. As used herein, the term "public agency sponsor" means a public agency with control of a public-use airport; the term "private sponsor" means a private owner of a public-use airport; and the term "sponsor" includes both public agency sponsors and private sponsors.
- c. Upon acceptance of this grant offer by the sponsor, these assurances are incorporated in and become part of this grant agreement.

B. Duration and Applicability.

1. Airport development or Noise Compatibility Program Projects Undertaken by a Public Agency Sponsor.

The terms, conditions and assurances of this grant agreement shall remain in full force and effect throughout the useful life of the facilities developed or equipment acquired for an airport development or noise compatibility program project, or throughout the useful life of the project items installed within a facility under a noise compatibility program project, but in any event not to exceed twenty (20) years from the date of acceptance of a grant offer of Federal funds for the project. However, there shall be no limit on the duration of the assurances regarding Exclusive Rights and Airport Revenue so long as the airport is used as an airport. There shall be no limit on the duration of the terms, conditions, and assurances with respect to real property acquired with federal funds. Furthermore, the duration of the Civil Rights assurance shall be specified in the assurances.

2. Airport Development or Noise Compatibility Projects Undertaken by a Private Sponsor.

The preceding paragraph 1 also applies to a private sponsor except that the useful life of project items installed within a facility or the useful life of the facilities developed or equipment acquired under an airport development or noise compatibility program project shall be no less than ten (10) years from the date of acceptance of Federal aid for the project.

3. Airport Planning Undertaken by a Sponsor.

Unless otherwise specified in this grant agreement, only Assurances 1, 2, 3, 5, 6, 13, 18, 25, 30, 32, 33, and 34 in Section C apply to planning projects. The terms, conditions, and assurances of this grant agreement shall remain in full force and effect during the life of the project; there shall be no limit on the duration of the assurances regarding Exclusive Rights and Airport Revenue so long as the airport is used as an airport.

C. Sponsor Certification.

The sponsor hereby assures and certifies, with respect to this grant that:

1. General Federal Requirements.

It will comply with all applicable Federal laws, regulations, executive orders, policies, guidelines, and requirements as they relate to the application, acceptance and use of Federal funds for this project including but not limited to the following:

- a. Title 49, U.S.C., subtitle VII, as amended.
- b. Davis-Bacon Act - 40 U.S.C. 276(a), et seq.¹
- c. Federal Fair Labor Standards Act - 29 U.S.C. 201, et seq.
- d. Hatch Act – 5 U.S.C. 1501, et seq.²
- e. Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 Title 42 U.S.C. 4601, et seq.^{1,2}
- f. National Historic Preservation Act of 1966 - Section 106 - 16 U.S.C. 470(f).¹
- g. Archeological and Historic Preservation Act of 1974 - 16 U.S.C. 469 through 469c.¹
- h. Native Americans Grave Repatriation Act - 25 U.S.C. Section 3001, et seq.
- i. Clean Air Act, P.L. 90-148, as amended.
- j. Coastal Zone Management Act, P.L. 93-205, as amended.
- k. Flood Disaster Protection Act of 1973 - Section 102(a) - 42 U.S.C. 4012a.¹
- l. Title 49, U.S.C., Section 303, (formerly known as Section 4(f))
- m. Rehabilitation Act of 1973 - 29 U.S.C. 794.
- n. Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252) (prohibits discrimination on the basis of race, color, national origin);
- o. Americans with Disabilities Act of 1990, as amended, (42 U.S.C. § 12101 et seq.), prohibits discrimination on the basis of disability).
- p. Age Discrimination Act of 1975 - 42 U.S.C. 6101, et seq.
- q. American Indian Religious Freedom Act, P.L. 95-341, as amended.
- r. Architectural Barriers Act of 1968 -42 U.S.C. 4151, et seq.¹
- s. Power plant and Industrial Fuel Use Act of 1978 - Section 403- 2 U.S.C. 8373.¹
- t. Contract Work Hours and Safety Standards Act - 40 U.S.C. 327, et seq.¹
- u. Copeland Anti-kickback Act - 18 U.S.C. 874.1
- v. National Environmental Policy Act of 1969 - 42 U.S.C. 4321, et seq.¹
- w. Wild and Scenic Rivers Act, P.L. 90-542, as amended.
- x. Single Audit Act of 1984 - 31 U.S.C. 7501, et seq.²
- y. Drug-Free Workplace Act of 1988 - 41 U.S.C. 702 through 706.
- z. The Federal Funding Accountability and Transparency Act of 2006, as amended (Pub. L. 109-282, as amended by section 6202 of Pub. L. 110-252).

EXECUTIVE ORDERS

- a. Executive Order 11246 - Equal Employment Opportunity¹
- b. Executive Order 11990 - Protection of Wetlands
- c. Executive Order 11998 –Flood Plain Management
- d. Executive Order 12372 - Intergovernmental Review of Federal Programs
- e. Executive Order 12699 - Seismic Safety of Federal and Federally Assisted New Building Construction¹
- f. Executive Order 12898 - Environmental Justice
- g. Executive Order 13788 - Buy American and Hire American
- h. Executive Order 13858 – Strengthening Buy-American Preferences for Infrastructure Projects

FEDERAL REGULATIONS

- a. 2 CFR Part 180 – OMB Guidelines to Agencies on Government-wide Debarment and Suspension (Non-procurement).
- b. 2 CFR Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards. [OMB Circular A-87 Cost Principles Applicable to Grants and Contracts with State and Local Governments, and OMB Circular A-133 - Audits of States, Local Governments, and Non-Profit Organizations].^{4, 5, 6}
- c. 2 CFR Part 1200 – Non-procurement Suspension and Debarment
- d. 14 CFR Part 13 - Investigative and Enforcement Procedures 14 CFR Part 16 - Rules of Practice For Federally Assisted Airport Enforcement Proceedings.
- e. 14 CFR Part 150 - Airport noise compatibility planning.
- f. 28 CFR Part 35- Discrimination on the Basis of Disability in State and Local Government Services.
- g. 28 CFR § 50.3 - U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964.
- h. 29 CFR Part 1 - Procedures for predetermination of wage rates.¹
- i. 29 CFR Part 3 - Contractors and subcontractors on public building or public work financed in whole or part by loans or grants from the United States.¹
- j. 29 CFR Part 5 - Labor standards provisions applicable to contracts covering federally financed and assisted construction (also labor standards provisions applicable to non-construction contracts subject to the Contract Work Hours and Safety Standards Act).¹
- k. 41 CFR Part 60 - Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor (Federal and federally assisted contracting requirements).¹
- l. 49 CFR Part 18 - Uniform administrative requirements for grants and cooperative agreements to state and local governments.³
- m. 49 CFR Part 20 - New restrictions on lobbying.

- n. 49 CFR Part 21 – Nondiscrimination in federally-assisted programs of the Department of Transportation - effectuation of Title VI of the Civil Rights Act of 1964.
- o. 49 CFR Part 23 - Participation by Disadvantage Business Enterprise in Airport Concessions.
- p. 49 CFR Part 24 – Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally Assisted Programs.^{1,2}
- q. 49 CFR Part 26 – Participation by Disadvantaged Business Enterprises in Department of Transportation Programs.
- r. 49 CFR Part 27 – Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting from Federal Financial Assistance.¹
- s. 49 CFR Part 28 –Enforcement of Nondiscrimination on the Basis of Handicap in Programs or Activities conducted by the Department of Transportation.
- t. 49 CFR Part 30 - Denial of public works contracts to suppliers of goods and services of countries that deny procurement market access to U.S. contractors.
- u. 49 CFR Part 32 –Government-wide Requirements for Drug-Free Workplace (Financial Assistance)
- v. 49 CFR Part 37 –Transportation Services for Individuals with Disabilities (ADA).
- w. 49 CFR Part 41 - Seismic safety of Federal and federally assisted or regulated new building construction.

SPECIFIC ASSURANCES

Specific assurances required to be included in grant agreements by any of the above laws, regulations or circulars are incorporated by reference in this grant agreement.

FOOTNOTES TO ASSURANCE C.1.

- ¹ These laws do not apply to airport planning sponsors.
- ² These laws do not apply to private sponsors.
- ³ 49 CFR Part 18 and 2 CFR Part 200 contain requirements for State and Local Governments receiving Federal assistance. Any requirement levied upon State and Local Governments by this regulation and circular shall also be applicable to private sponsors receiving Federal assistance under Title 49, United States Code.
- ⁴ On December 26, 2013 at 78 FR 78590, the Office of Management and Budget (OMB) issued the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards in 2 CFR Part 200. 2 CFR Part 200 replaces and combines the former Uniform Administrative Requirements for Grants (OMB Circular A-102 and Circular A-110 or 2 CFR Part 215 or Circular) as well as the Cost Principles (Circulars A-21 or 2 CFR part 220; Circular A-87 or 2 CFR part 225; and A-122, 2 CFR part 230). Additionally it replaces Circular A-133 guidance on the Single Annual Audit. In accordance with 2 CFR section 200.110, the standards set forth in Part 200 which affect administration of Federal awards issued by Federal agencies become effective once implemented by Federal agencies or when any future amendment to this Part becomes final. Federal agencies, including the Department of Transportation, must implement the policies and procedures applicable to Federal awards by promulgating a regulation to be effective by December 26, 2014 unless different provisions are required by statute or approved by OMB.

⁵ Cost principles established in 2 CFR part 200 subpart E must be used as guidelines for determining the eligibility of specific types of expenses.

⁶ Audit requirements established in 2 CFR part 200 subpart F are the guidelines for audits.

2. Responsibility and Authority of the Sponsor.

a. Public Agency Sponsor:

It has legal authority to apply for this grant, and to finance and carry out the proposed project; that a resolution, motion or similar action has been duly adopted or passed as an official act of the applicant's governing body authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.

b. Private Sponsor:

It has legal authority to apply for this grant and to finance and carry out the proposed project and comply with all terms, conditions, and assurances of this grant agreement. It shall designate an official representative and shall in writing direct and authorize that person to file this application, including all understandings and assurances contained therein; to act in connection with this application; and to provide such additional information as may be required.

3. Sponsor Fund Availability.

It has sufficient funds available for that portion of the project costs which are not to be paid by the United States. It has sufficient funds available to assure operation and maintenance of items funded under this grant agreement which it will own or control.

4. Good Title.

a. It, a public agency or the Federal government, holds good title, satisfactory to the Secretary, to the landing area of the airport or site thereof, or will give assurance satisfactory to the Secretary that good title will be acquired.

b. For noise compatibility program projects to be carried out on the property of the sponsor, it holds good title satisfactory to the Secretary to that portion of the property upon which Federal funds will be expended or will give assurance to the Secretary that good title will be obtained.

5. Preserving Rights and Powers.

a. It will not take or permit any action which would operate to deprive it of any of the rights and powers necessary to perform any or all of the terms, conditions, and assurances in this grant agreement without the written approval of the Secretary, and will act promptly to acquire, extinguish or modify any outstanding rights or claims of right of others which would interfere with such performance by the sponsor. This shall be done in a manner acceptable to the Secretary.

b. Subject to the FAA Act of 2018, Public Law 115-254, Section 163, it will not sell, lease, encumber, or otherwise transfer or dispose of any part of its title or other interests in the property shown on Exhibit A to this application or, for a noise compatibility program project, that portion of the property upon which Federal funds have been expended, for the duration of the terms, conditions, and assurances in this grant agreement without approval by the

Secretary. If the transferee is found by the Secretary to be eligible under Title 49, United States Code, to assume the obligations of this grant agreement and to have the power, authority, and financial resources to carry out all such obligations, the sponsor shall insert in the contract or document transferring or disposing of the sponsor's interest, and make binding upon the transferee all of the terms, conditions, and assurances contained in this grant agreement.

- c. For all noise compatibility program projects which are to be carried out by another unit of local government or are on property owned by a unit of local government other than the sponsor, it will enter into an agreement with that government. Except as otherwise specified by the Secretary, that agreement shall obligate that government to the same terms, conditions, and assurances that would be applicable to it if it applied directly to the FAA for a grant to undertake the noise compatibility program project. That agreement and changes thereto must be satisfactory to the Secretary. It will take steps to enforce this agreement against the local government if there is substantial non-compliance with the terms of the agreement.
- d. For noise compatibility program projects to be carried out on privately owned property, it will enter into an agreement with the owner of that property which includes provisions specified by the Secretary. It will take steps to enforce this agreement against the property owner whenever there is substantial non-compliance with the terms of the agreement.
- e. If the sponsor is a private sponsor, it will take steps satisfactory to the Secretary to ensure that the airport will continue to function as a public-use airport in accordance with these assurances for the duration of these assurances.
- f. If an arrangement is made for management and operation of the airport by any agency or person other than the sponsor or an employee of the sponsor, the sponsor will reserve sufficient rights and authority to insure that the airport will be operated and maintained in accordance Title 49, United States Code, the regulations and the terms, conditions and assurances in this grant agreement and shall insure that such arrangement also requires compliance therewith.
- g. Sponsors of commercial service airports will not permit or enter into any arrangement that results in permission for the owner or tenant of a property used as a residence, or zoned for residential use, to taxi an aircraft between that property and any location on airport. Sponsors of general aviation airports entering into any arrangement that results in permission for the owner of residential real property adjacent to or near the airport must comply with the requirements of Sec. 136 of Public Law 112-95 and the sponsor assurances.

6. Consistency with Local Plans.

The project is reasonably consistent with plans (existing at the time of submission of this application) of public agencies that are authorized by the State in which the project is located to plan for the development of the area surrounding the airport.

7. Consideration of Local Interest.

It has given fair consideration to the interest of communities in or near where the project may be located.

8. Consultation with Users.

In making a decision to undertake any airport development project under Title 49, United States Code, it has undertaken reasonable consultations with affected parties using the airport at which project is proposed.

9. Public Hearings.

In projects involving the location of an airport, an airport runway, or a major runway extension, it has afforded the opportunity for public hearings for the purpose of considering the economic, social, and environmental effects of the airport or runway location and its consistency with goals and objectives of such planning as has been carried out by the community and it shall, when requested by the Secretary, submit a copy of the transcript of such hearings to the Secretary. Further, for such projects, it has on its management board either voting representation from the communities where the project is located or has advised the communities that they have the right to petition the Secretary concerning a proposed project.

10. Metropolitan Planning Organization.

In projects involving the location of an airport, an airport runway, or a major runway extension at a medium or large hub airport, the sponsor has made available to and has provided upon request to the metropolitan planning organization in the area in which the airport is located, if any, a copy of the proposed amendment to the airport layout plan to depict the project and a copy of any airport master plan in which the project is described or depicted.

11. Pavement Preventive Maintenance.

With respect to a project approved after January 1, 1995, for the replacement or reconstruction of pavement at the airport, it assures or certifies that it has implemented an effective airport pavement maintenance-management program and it assures that it will use such program for the useful life of any pavement constructed, reconstructed or repaired with Federal financial assistance at the airport. It will provide such reports on pavement condition and pavement management programs as the Secretary determines may be useful.

12. Terminal Development Prerequisites.

For projects which include terminal development at a public use airport, as defined in Title 49, it has, on the date of submittal of the project grant application, all the safety equipment required for certification of such airport under section 44706 of Title 49, United States Code, and all the security equipment required by rule or regulation, and has provided for access to the passenger enplaning and deplaning area of such airport to passengers enplaning and deplaning from aircraft other than air carrier aircraft.

13. Accounting System, Audit, and Record Keeping Requirements.

- a. It shall keep all project accounts and records which fully disclose the amount and disposition by the recipient of the proceeds of this grant, the total cost of the project in connection with which this grant is given or used, and the amount or nature of that portion of the cost of the project supplied by other sources, and such other financial records pertinent to the project. The accounts and records shall be kept in accordance with an accounting system that will facilitate an effective audit in accordance with the Single Audit Act of 1984.
- b. It shall make available to the Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, for the purpose of audit and examination, any books, documents, papers, and records of the recipient that are pertinent to this grant. The Secretary may require that an appropriate audit be conducted by a recipient. In any case in which an independent audit is made of the accounts of a sponsor relating to the disposition of the proceeds of a grant or relating to the project in connection with which this grant was given or used, it shall file a certified copy of such audit with the Comptroller General of the United States not later than six (6) months following the close of the fiscal year for which the audit was made.

14. Minimum Wage Rates.

It shall include, in all contracts in excess of \$2,000 for work on any projects funded under this grant agreement which involve labor, provisions establishing minimum rates of wages, to be predetermined by the Secretary of Labor, in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a-276a-5), which contractors shall pay to skilled and unskilled labor, and such minimum rates shall be stated in the invitation for bids and shall be included in proposals or bids for the work.

15. Veteran's Preference.

It shall include in all contracts for work on any project funded under this grant agreement which involve labor, such provisions as are necessary to insure that, in the employment of labor (except in executive, administrative, and supervisory positions), preference shall be given to Vietnam era veterans, Persian Gulf veterans, Afghanistan-Iraq war veterans, disabled veterans, and small business concerns owned and controlled by disabled veterans as defined in Section 47112 of Title 49, United States Code. However, this preference shall apply only where the individuals are available and qualified to perform the work to which the employment relates.

16. Conformity to Plans and Specifications.

It will execute the project subject to plans, specifications, and schedules approved by the Secretary. Such plans, specifications, and schedules shall be submitted to the Secretary prior to commencement of site preparation, construction, or other performance under this grant agreement, and, upon approval of the Secretary, shall be incorporated into this grant agreement. Any modification to the approved plans, specifications, and schedules shall also be subject to approval of the Secretary, and incorporated into this grant agreement.

17. Construction Inspection and Approval.

It will provide and maintain competent technical supervision at the construction site throughout the project to assure that the work conforms to the plans, specifications, and schedules approved by the Secretary for the project. It shall subject the construction work on any project contained in an approved project application to inspection and approval by the Secretary and such work shall be in accordance with regulations and procedures prescribed by the Secretary. Such regulations and procedures shall require such cost and progress reporting by the sponsor or sponsors of such project as the Secretary shall deem necessary.

18. Planning Projects.

In carrying out planning projects:

- a. It will execute the project in accordance with the approved program narrative contained in the project application or with the modifications similarly approved.
- b. It will furnish the Secretary with such periodic reports as required pertaining to the planning project and planning work activities.
- c. It will include in all published material prepared in connection with the planning project a notice that the material was prepared under a grant provided by the United States.
- d. It will make such material available for examination by the public, and agrees that no material prepared with funds under this project shall be subject to copyright in the United States or any other country.
- e. It will give the Secretary unrestricted authority to publish, disclose, distribute, and otherwise use any of the material prepared in connection with this grant.

- f. It will grant the Secretary the right to disapprove the sponsor's employment of specific consultants and their subcontractors to do all or any part of this project as well as the right to disapprove the proposed scope and cost of professional services.
- g. It will grant the Secretary the right to disapprove the use of the sponsor's employees to do all or any part of the project.
- h. It understands and agrees that the Secretary's approval of this project grant or the Secretary's approval of any planning material developed as part of this grant does not constitute or imply any assurance or commitment on the part of the Secretary to approve any pending or future application for a Federal airport grant.

19. Operation and Maintenance.

- a. The airport and all facilities which are necessary to serve the aeronautical users of the airport, other than facilities owned or controlled by the United States, shall be operated at all times in a safe and serviceable condition and in accordance with the minimum standards as may be required or prescribed by applicable Federal, state and local agencies for maintenance and operation. It will not cause or permit any activity or action thereon which would interfere with its use for airport purposes. It will suitably operate and maintain the airport and all facilities thereon or connected therewith, with due regard to climatic and flood conditions. Any proposal to temporarily close the airport for non-aeronautical purposes must first be approved by the Secretary. In furtherance of this assurance, the sponsor will have in effect arrangements for-
 - 1) Operating the airport's aeronautical facilities whenever required;
 - 2) Promptly marking and lighting hazards resulting from airport conditions, including temporary conditions; and
 - 3) Promptly notifying airmen of any condition affecting aeronautical use of the airport. Nothing contained herein shall be construed to require that the airport be operated for aeronautical use during temporary periods when snow, flood or other climatic conditions interfere with such operation and maintenance. Further, nothing herein shall be construed as requiring the maintenance, repair, restoration, or replacement of any structure or facility which is substantially damaged or destroyed due to an act of God or other condition or circumstance beyond the control of the sponsor.
- b. It will suitably operate and maintain noise compatibility program items that it owns or controls upon which Federal funds have been expended.

20. Hazard Removal and Mitigation.

It will take appropriate action to assure that such terminal airspace as is required to protect instrument and visual operations to the airport (including established minimum flight altitudes) will be adequately cleared and protected by removing, lowering, relocating, marking, or lighting or otherwise mitigating existing airport hazards and by preventing the establishment or creation of future airport hazards.

21. Compatible Land Use.

It will take appropriate action, to the extent reasonable, including the adoption of zoning laws, to restrict the use of land adjacent to or in the immediate vicinity of the airport to activities and purposes compatible with normal airport operations, including landing and takeoff of aircraft. In addition, if the project is for noise compatibility program implementation, it will not cause or permit any change in land use, within its jurisdiction, that will reduce its compatibility, with

respect to the airport, of the noise compatibility program measures upon which Federal funds have been expended.

22. Economic Nondiscrimination.

- a. It will make the airport available as an airport for public use on reasonable terms and without unjust discrimination to all types, kinds and classes of aeronautical activities, including commercial aeronautical activities offering services to the public at the airport.
- b. In any agreement, contract, lease, or other arrangement under which a right or privilege at the airport is granted to any person, firm, or corporation to conduct or to engage in any aeronautical activity for furnishing services to the public at the airport, the sponsor will insert and enforce provisions requiring the contractor to-
 - 1) furnish said services on a reasonable, and not unjustly discriminatory, basis to all users thereof, and
 - 2) charge reasonable, and not unjustly discriminatory, prices for each unit or service, provided that the contractor may be allowed to make reasonable and nondiscriminatory discounts, rebates, or other similar types of price reductions to volume purchasers.
 - a. Each fixed-based operator at the airport shall be subject to the same rates, fees, rentals, and other charges as are uniformly applicable to all other fixed-based operators making the same or similar uses of such airport and utilizing the same or similar facilities.
 - b. Each air carrier using such airport shall have the right to service itself or to use any fixed-based operator that is authorized or permitted by the airport to serve any air carrier at such airport.
 - c. Each air carrier using such airport (whether as a tenant, non-tenant, or subtenant of another air carrier tenant) shall be subject to such nondiscriminatory and substantially comparable rules, regulations, conditions, rates, fees, rentals, and other charges with respect to facilities directly and substantially related to providing air transportation as are applicable to all such air carriers which make similar use of such airport and utilize similar facilities, subject to reasonable classifications such as tenants or non-tenants and signatory carriers and non-signatory carriers. Classification or status as tenant or signatory shall not be unreasonably withheld by any airport provided an air carrier assumes obligations substantially similar to those already imposed on air carriers in such classification or status.
 - d. It will not exercise or grant any right or privilege which operates to prevent any person, firm, or corporation operating aircraft on the airport from performing any services on its own aircraft with its own employees [including, but not limited to maintenance, repair, and fueling] that it may choose to perform.
 - e. In the event the sponsor itself exercises any of the rights and privileges referred to in this assurance, the services involved will be provided on the same conditions as would apply to the furnishing of such services by commercial aeronautical service providers authorized by the sponsor under these provisions.
 - f. The sponsor may establish such reasonable, and not unjustly discriminatory, conditions to be met by all users of the airport as may be necessary for the safe and efficient operation of the airport.

- g. The sponsor may prohibit or limit any given type, kind or class of aeronautical use of the airport if such action is necessary for the safe operation of the airport or necessary to serve the civil aviation needs of the public.

23. Exclusive Rights.

It will permit no exclusive right for the use of the airport by any person providing, or intending to provide, aeronautical services to the public. For purposes of this paragraph, the providing of the services at an airport by a single fixed-based operator shall not be construed as an exclusive right if both of the following apply:

- a. It would be unreasonably costly, burdensome, or impractical for more than one fixed-based operator to provide such services, and
- b. If allowing more than one fixed-based operator to provide such services would require the reduction of space leased pursuant to an existing agreement between such single fixed-based operator and such airport. It further agrees that it will not, either directly or indirectly, grant or permit any person, firm, or corporation, the exclusive right at the airport to conduct any aeronautical activities, including, but not limited to charter flights, pilot training, aircraft rental and sightseeing, aerial photography, crop dusting, aerial advertising and surveying, air carrier operations, aircraft sales and services, sale of aviation petroleum products whether or not conducted in conjunction with other aeronautical activity, repair and maintenance of aircraft, sale of aircraft parts, and any other activities which because of their direct relationship to the operation of aircraft can be regarded as an aeronautical activity, and that it will terminate any exclusive right to conduct an aeronautical activity now existing at such an airport before the grant of any assistance under Title 49, United States Code.

24. Fee and Rental Structure.

It will maintain a fee and rental structure for the facilities and services at the airport which will make the airport as self-sustaining as possible under the circumstances existing at the particular airport, taking into account such factors as the volume of traffic and economy of collection. No part of the Federal share of an airport development, airport planning or noise compatibility project for which a grant is made under Title 49, United States Code, the Airport and Airway Improvement Act of 1982, the Federal Airport Act or the Airport and Airway Development Act of 1970 shall be included in the rate basis in establishing fees, rates, and charges for users of that airport.

25. Airport Revenues.

- a. All revenues generated by the airport and any local taxes on aviation fuel established after December 30, 1987, will be expended by it for the capital or operating costs of the airport; the local airport system; or other local facilities which are owned or operated by the owner or operator of the airport and which are directly and substantially related to the actual air transportation of passengers or property; or for noise mitigation purposes on or off the airport. The following exceptions apply to this paragraph:
 - 1) If covenants or assurances in debt obligations issued before September 3, 1982, by the owner or operator of the airport, or provisions enacted before September 3, 1982, in governing statutes controlling the owner or operator's financing, provide for the use of the revenues from any of the airport owner or operator's facilities, including the airport, to support not only the airport but also the airport owner or operator's general debt obligations or other facilities, then this limitation on the use of all revenues generated

by the airport (and, in the case of a public airport, local taxes on aviation fuel) shall not apply.

- 2) If the Secretary approves the sale of a privately owned airport to a public sponsor and provides funding for any portion of the public sponsor's acquisition of land, this limitation on the use of all revenues generated by the sale shall not apply to certain proceeds from the sale. This is conditioned on repayment to the Secretary by the private owner of an amount equal to the remaining unamortized portion (amortized over a 20-year period) of any airport improvement grant made to the private owner for any purpose other than land acquisition on or after October 1, 1996, plus an amount equal to the federal share of the current fair market value of any land acquired with an airport improvement grant made to that airport on or after October 1, 1996.
- 3) Certain revenue derived from or generated by mineral extraction, production, lease, or other means at a general aviation airport (as defined at Section 47102 of title 49 United States Code), if the FAA determines the airport sponsor meets the requirements set forth in Sec. 813 of Public Law 112-95.
 - a. As part of the annual audit required under the Single Audit Act of 1984, the sponsor will direct that the audit will review, and the resulting audit report will provide an opinion concerning, the use of airport revenue and taxes in paragraph (a), and indicating whether funds paid or transferred to the owner or operator are paid or transferred in a manner consistent with Title 49, United States Code and any other applicable provision of law, including any regulation promulgated by the Secretary or Administrator.
 - b. Any civil penalties or other sanctions will be imposed for violation of this assurance in accordance with the provisions of Section 47107 of Title 49, United States Code.

26. Reports and Inspections.

It will:

- a. submit to the Secretary such annual or special financial and operations reports as the Secretary may reasonably request and make such reports available to the public; make available to the public at reasonable times and places a report of the airport budget in a format prescribed by the Secretary;
- b. for airport development projects, make the airport and all airport records and documents affecting the airport, including deeds, leases, operation and use agreements, regulations and other instruments, available for inspection by any duly authorized agent of the Secretary upon reasonable request;
- c. for noise compatibility program projects, make records and documents relating to the project and continued compliance with the terms, conditions, and assurances of this grant agreement including deeds, leases, agreements, regulations, and other instruments, available for inspection by any duly authorized agent of the Secretary upon reasonable request; and
- d. in a format and time prescribed by the Secretary, provide to the Secretary and make available to the public following each of its fiscal years, an annual report listing in detail:
 - 1) all amounts paid by the airport to any other unit of government and the purposes for which each such payment was made; and
 - 2) all services and property provided by the airport to other units of government and the amount of compensation received for provision of each such service and property.

27. Use by Government Aircraft.

It will make available all of the facilities of the airport developed with Federal financial assistance and all those usable for landing and takeoff of aircraft to the United States for use by Government aircraft in common with other aircraft at all times without charge, except, if the use by Government aircraft is substantial, charge may be made for a reasonable share, proportional to such use, for the cost of operating and maintaining the facilities used. Unless otherwise determined by the Secretary, or otherwise agreed to by the sponsor and the using agency, substantial use of an airport by Government aircraft will be considered to exist when operations of such aircraft are in excess of those which, in the opinion of the Secretary, would unduly interfere with use of the landing areas by other authorized aircraft, or during any calendar month that –

- a. by gross weights of such aircraft) is in excess of five million pounds Five (5) or more Government aircraft are regularly based at the airport or on land adjacent thereto; or
- b. The total number of movements (counting each landing as a movement) of Government aircraft is 300 or more, or the gross accumulative weight of Government aircraft using the airport (the total movement of Government aircraft multiplied.

28. Land for Federal Facilities.

It will furnish without cost to the Federal Government for use in connection with any air traffic control or air navigation activities, or weather-reporting and communication activities related to air traffic control, any areas of land or water, or estate therein, or rights in buildings of the sponsor as the Secretary considers necessary or desirable for construction, operation, and maintenance at Federal expense of space or facilities for such purposes. Such areas or any portion thereof will be made available as provided herein within four months after receipt of a written request from the Secretary.

29. Airport Layout Plan.

- a. Subject to the FAA Reauthorization Act of 2018, Public Law 115-254, Section 163, it will keep up to date at all times an airport layout plan of the airport showing:
 - 1) boundaries of the airport and all proposed additions thereto, together with the boundaries of all offsite areas owned or controlled by the sponsor for airport purposes and proposed additions thereto;
 - 2) the location and nature of all existing and proposed airport facilities and structures (such as runways, taxiways, aprons, terminal buildings, hangars and roads), including all proposed extensions and reductions of existing airport facilities;
 - 3) the location of all existing and proposed non-aviation areas and of all existing improvements thereon; and
 - 4) all proposed and existing access points used to taxi aircraft across the airport's property boundary. Such airport layout plans and each amendment, revision, or modification thereof, shall be subject to the approval of the Secretary which approval shall be evidenced by the signature of a duly authorized representative of the Secretary on the face of the airport layout plan. The sponsor will not make or permit any changes or alterations in the airport or any of its facilities which are not in conformity

with the airport layout plan as approved by the Secretary and which might, in the opinion of the Secretary, adversely affect the safety, utility or efficiency of the airport.

- b. Subject to the FAA Reauthorization Act of 2018, Public Law 115-254, Section 163, if a change or alteration in the airport or the facilities is made which the Secretary determines adversely affects the safety, utility, or efficiency of any federally owned, leased, or funded property on or off the airport and which is not in conformity with the airport layout plan as approved by the Secretary, the owner or operator will, if requested, by the Secretary (1) eliminate such adverse effect in a manner approved by the Secretary; or (2) bear all costs of relocating such property (or replacement thereof) to a site acceptable to the Secretary and all costs of restoring such property (or replacement thereof) to the level of safety, utility, efficiency, and cost of operation existing before the unapproved change in the airport or its facilities except in the case of a relocation or replacement of an existing airport facility due to a change in the Secretary's design standards beyond the control of the airport sponsor.

30. Civil Rights.

It will promptly take any measures necessary to ensure that no person in the United States shall, on the grounds of race, creed, color, national origin, sex, age, or disability be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in any activity conducted with, or benefiting from, funds received from this grant.

- a. Using the definitions of activity, facility and program as found and defined in §§ 21.23 (b) and 21.23 (e) of 49 CFR § 21, the sponsor will facilitate all programs, operate all facilities, or conduct all programs in compliance with all non-discrimination requirements imposed by, or pursuant to these assurances.
- b. Applicability
 - 1) Programs and Activities. If the sponsor has received a grant (or other federal assistance) for any of the sponsor's program or activities, these requirements extend to all of the sponsor's programs and activities.
 - 2) Facilities. Where it receives a grant or other federal financial assistance to construct, expand, renovate, remodel, alter or acquire a facility, or part of a facility, the assurance extends to the entire facility and facilities operated in connection therewith.
 - 3) Real Property. Where the sponsor receives a grant or other Federal financial assistance in the form of, or for the acquisition of real property or an interest in real property, the assurance will extend to rights to space on, over, or under such property.

- c. Duration.

The sponsor agrees that it is obligated to this assurance for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the assurance obligates the sponsor, or any transferee for the longer of the following periods:

- 1) So long as the airport is used as an airport, or for another purpose involving the provision of similar services or benefits; or
- 2) So long as the sponsor retains ownership or possession of the property.

- d. Required Solicitation Language. It will include the following notification in all solicitations for bids, Requests For Proposals for work, or material under this grant agreement and in all proposals for agreements, including airport concessions, regardless of funding source:

“The **(Name of Sponsor)**, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises and airport concession disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.”

- e. Required Contract Provisions.

- 1) It will insert the non-discrimination contract clauses requiring compliance with the acts and regulations relative to non-discrimination in Federally-assisted programs of the DOT, and incorporating the acts and regulations into the contracts by reference in every contract or agreement subject to the non-discrimination in Federally-assisted programs of the DOT acts and regulations.
 - 2) It will include a list of the pertinent non-discrimination authorities in every contract that is subject to the non-discrimination acts and regulations.
 - 3) It will insert non-discrimination contract clauses as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a sponsor.
 - 4) It will insert non-discrimination contract clauses prohibiting discrimination on the basis of race, color, national origin, creed, sex, age, or handicap as a covenant running with the land, in any future deeds, leases, license, permits, or similar instruments entered into by the sponsor with other parties:
 - a. For the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
 - b. For the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.
- f. It will provide for such methods of administration for the program as are found by the Secretary to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the acts, the regulations, and this assurance.
 - g. It agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the acts, the regulations, and this assurance.

31. Disposal of Land.

- a. For land purchased under a grant for airport noise compatibility purposes, including land serving as a noise buffer, it will dispose of the land, when the land is no longer needed for such purposes, at fair market value, at the earliest practicable time. That portion of the proceeds of such disposition which is proportionate to the United States' share of acquisition of such land will be, at the discretion of the Secretary, (1) reinvested in another project at the airport, or (2) transferred to another eligible airport as prescribed by the Secretary. The Secretary shall give preference to the following, in descending order, (1)

reinvestment in an approved noise compatibility project, (2) reinvestment in an approved project that is eligible for grant funding under Section 47117(e) of title 49 United States Code, (3) reinvestment in an approved airport development project that is eligible for grant funding under Sections 47114, 47115, or 47117 of title 49 United States Code, (4) transferred to an eligible sponsor of another public airport to be reinvested in an approved noise compatibility project at that airport, and (5) paid to the Secretary for deposit in the Airport and Airway Trust Fund. If land acquired under a grant for noise compatibility purposes is leased at fair market value and consistent with noise buffering purposes, the lease will not be considered a disposal of the land. Revenues derived from such a lease may be used for an approved airport development project that would otherwise be eligible for grant funding or any permitted use of airport revenue.

- b. For land purchased under a grant for airport development purposes (other than noise compatibility), it will, when the land is no longer needed for airport purposes, dispose of such land at fair market value or make available to the Secretary an amount equal to the United States' proportionate share of the fair market value of the land. That portion of the proceeds of such disposition which is proportionate to the United States' share of the cost of acquisition of such land will, (1) upon application to the Secretary, be reinvested or transferred to another eligible airport as prescribed by the Secretary. The Secretary shall give preference to the following, in descending order: (1) reinvestment in an approved noise compatibility project, (2) reinvestment in an approved project that is eligible for grant funding under Section 47117(e) of title 49 United States Code, (3) reinvestment in an approved airport development project that is eligible for grant funding under Sections 47114, 47115, or 47117 of title 49 United States Code, (4) transferred to an eligible sponsor of another public airport to be reinvested in an approved noise compatibility project at that airport, and (5) paid to the Secretary for deposit in the Airport and Airway Trust Fund.
- c. Land shall be considered to be needed for airport purposes under this assurance if (1) it may be needed for aeronautical purposes (including runway protection zones) or serve as noise buffer land, and (2) the revenue from interim uses of such land contributes to the financial self-sufficiency of the airport. Further, land purchased with a grant received by an airport operator or owner before December 31, 1987, will be considered to be needed for airport purposes if the Secretary or Federal agency making such grant before December 31, 1987, was notified by the operator or owner of the uses of such land, did not object to such use, and the land continues to be used for that purpose, such use having commenced no later than December 15, 1989.
- d. Disposition of such land under (a) (b) or (c) will be subject to the retention or reservation of any interest or right therein necessary to ensure that such land will only be used for purposes which are compatible with noise levels associated with operation of the airport.

32. Engineering and Design Services.

Engineering and Design Services. If any phase of such project has received Federal funds under Chapter 471 subchapter 1 of Title 49 U.S.C., it will award each contract, or sub-contract for program management, construction management, planning studies, feasibility studies, architectural services, preliminary engineering, design, engineering, surveying, mapping or related services in the same manner as a contract for architectural and engineering services is negotiated under Chapter 11 of Title 40 U. S. C., or an equivalent qualifications-based requirement prescribed for or by the sponsor of the airport.

33. Foreign Market Restrictions.

It will not allow funds provided under this grant to be used to fund any project which uses any product or service of a foreign country during the period in which such foreign country is listed by the United States Trade Representative as denying fair and equitable market opportunities for products and suppliers of the United States in procurement and construction.

34. Policies, Standards, and Specifications.

It will carry out the project in accordance with policies, standards, and specifications approved by the Secretary including, but not limited to, the advisory circulars listed in the Current FAA Advisory Circulars for AIP projects, dated April 18, 2019, and included in this grant, and in accordance with applicable state policies, standards, and specifications approved by the Secretary.

35. Relocation and Real Property Acquisition.

- a. It will be guided in acquiring real property, to the greatest extent practicable under State law, by the land acquisition policies in Subpart B of 49 CFR Part 24 and will pay or reimburse property owners for necessary expenses as specified in Subpart B.
- b. It will provide a relocation assistance program offering the services described in Subpart C and fair and reasonable relocation payments and assistance to displaced persons as required in Subpart D and E of 49 CFR Part 24.
- c. It will make available within a reasonable period of time prior to displacement, comparable replacement dwellings to displaced persons in accordance with Subpart E of 49 CFR Part 24.

36. Access By Intercity Buses.

The airport owner or operator will permit, to the maximum extent practicable, intercity buses or other modes of transportation to have access to the airport; however, it has no obligation to fund special facilities for intercity buses or for other modes of transportation.

37. Disadvantaged Business Enterprises.

The sponsor shall not discriminate on the basis of race, color, national origin or sex in the award and performance of any DOT-assisted contract covered by 49 CFR Part 26, or in the award and performance of any concession activity contract covered by 49 CFR Part 23. In addition, the sponsor shall not discriminate on the basis of race, color, national origin or sex in the administration of its Disadvantaged Business Enterprise (DBE) and Airport Concessions Disadvantaged Business Enterprise (ACDBE) programs or the requirements of 49 CFR Parts 23 and 26. The sponsor shall take all necessary and reasonable steps under 49 CFR Parts 23 and 26 to ensure nondiscrimination in the award and administration of DOT-assisted contracts, and/or concession contracts. The sponsor's DBE and ACDBE programs, as required by 49 CFR Parts 26 and 23, and as approved by DOT, are incorporated by reference in this agreement. Implementation of these programs is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the sponsor of its failure to carry out its approved program, the Department may impose sanctions as provided for under Parts 26 and 23 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1936 (31 U.S.C. 3801).

38. Hangar Construction.

If the airport owner or operator and a person who owns an aircraft agree that a hangar is to be constructed at the airport for the aircraft at the aircraft owner's expense, the airport owner or

operator will grant to the aircraft owner for the hangar a long term lease that is subject to such terms and conditions on the hangar as the airport owner or operator may impose.

39. Competitive Access.

- a. If the airport owner or operator of a medium or large hub airport (as defined in section 47102 of title 49, U.S.C.) has been unable to accommodate one or more requests by an air carrier for access to gates or other facilities at that airport in order to allow the air carrier to provide service to the airport or to expand service at the airport, the airport owner or operator shall transmit a report to the Secretary that-
 - 1) Describes the requests;
 - 2) Provides an explanation as to why the requests could not be accommodated; and
 - 3) Provides a time frame within which, if any, the airport will be able to accommodate the requests.
- b. Such report shall be due on either February 1 or August 1 of each year if the airport has been unable to accommodate the request(s) in the six month period prior to the applicable due date.



NATRONA COUNTY

Development Department

200 North Center Street, Room 202
Casper, WY 82601

AGENDA
BOARD OF COUNTY
COMMISSIONERS MEETING
June 2, 2020

Planning Commission Recommendations

- 1. Planning Commission Recommendation:** **Approve**

CUP20-2 – A Conditional Use Permit (CUP) to allow a 240-MW Utility Scale Solar Energy System on a portion of 2,150 acres of land, north of Casper and west of Bar Nunn. This request also includes **VC20-1** – A Variance by Dinosolar, LLC to reduce the eastern setback from 1.25 miles to .63 miles from a residential zoning district.



NATRONA COUNTY

Development Department

200 North Center Street, Room 205
Casper, WY 82601

Jason Gutierrez, PE, Director
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Email: jgutierrez@natronacounty-wy.gov

"The purpose of the Natrona County Development Department is to provide necessary services to implement sound land use planning and economic development policies to protect and enhance the quality of life for present and future inhabitants of Natrona County."

MEMORANDUM

To: Board of County Commissioners

From: Jason Gutierrez, P.E., Director

Date: May 13, 2020

RE: **CUP20-2** – A Conditional Use Permit (CUP) to allow a 240-MW Utility Scale Solar Energy System on a portion of 2,150 acres of land, north of Casper and west of Bar Nunn. This request also includes **VC20-1** – A Variance by Dinosolar, LLC to reduce the eastern setback from 1.25 miles to .63 miles from a residential zoning district.

cc: Applicant, County Attorney, File

Planning and Zoning Commission Recommendation:

Approve

At its May 12, 2020 meeting, the Planning Commission, with all Commissioners present, acted to recommend approval of the requested Conditional Use Permit and Variance to the Board of County Commissioners with the following conditions:

- 1) Recommendations of the Wyoming Game & Fish Department as stated in the letter dated March 4, 2020 are adhered to.
- 2) Work with the Wyoming Department of Transportation (WYDOT) on appropriate access and intersection improvements through the access permit process. Evaluate and mitigate construction as necessary.
- 3) Construction shall commence no later than December of 2022 or a new Conditional Use Permit will be required.
- 4) Approved publicly dedicated access roads shall be brought to county road standards and maintained throughout the entire construction phase, this includes dust and drainage controls. These approved roads shall also be restored to County road standards once decommissioning has been completed.
- 5) Semi and heavy truck traffic shall occur between 7 A.M. and 4 P.M if access is through a residential area.
- 6) Financial assurance agreeable to the Board for decommissioning per the Zoning Resolution.

(Motion passed unanimously).

Board of County Commissioners Review and Procedure: The following options are available to the Board of County Commissioners when acting on an item:

- Approve the application as recommended by the Planning Commission;
- Approve the application as submitted;
- Approve the application on its own conditions;
- Deny the application;
- Remand the application to the Planning Commission for reconsideration;
- Table to a date specific; or with the express consent of the applicant, the Board may table indefinitely or dismiss the application.



Natrona County Planning and Zoning Commission
200 North Center Street Room 202
Casper, WY 82601

April 16, 2020

Re: Federal Aviation Administration Findings of the Dinosolar Project

Dear Planning and Zoning Commission,

We are writing this letter to inform you of the findings of the Federal Aviation Administration (FAA) study on the Dinosolar Project. On February 6, 2020, Dinosolar, LLC, filed a noticed of proposed construction of the photovoltaic project to be located in Bar Nunn, WY with the FAA. Solar projects within 2 miles of an airport's final approach path are required to file the project with the FAA. Although the Dinosolar project is outside of the FAA's requirement for filing, Dinosolar, LLC wanted to assure that the project was safe and would pose no hazard to the Casper- Natrona County Airport. On April 7, 2020, Dinosolar, LLC received a notice of no hazard to air navigation from the FAA. This determination was made after the results of an FAA aeronautical study (study number: 2020-ANM-990-OE) found that the photovoltaic panels do not exceed obstruction standards and would not be a hazard to air navigation.

Attached to this letter is one of the notices of no hazard that we received from the FAA. The complete results of the study are located online [here](#). If you have any questions regarding these findings, please contact me.

We look forward to working with the Natrona County Planning and Zoning Commission on this project and thank you for taking the time to review and consider the Conditional Use Permit application for the Dinosolar project.

Sincerely,

A handwritten signature in black ink that reads "CW Mikell".

Christine Mikell
(801)455-1045
christine@enyo-energy.com.



Mail Processing Center
 Federal Aviation Administration
 Southwest Regional Office
 Obstruction Evaluation Group
 10101 Hillwood Parkway
 Fort Worth, TX 76177

Aeronautical Study No.
 2020-ANM-990-OE

Issued Date: 04/07/2020

Christine Mikell
 Dinosolar, LLC
 9950 South Power Plant Lane
 Sandy, UT 84092

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Solar Panel 1
 Location: Bar Nunn, WY
 Latitude: 42-56-19.00N NAD 83
 Longitude: 106-23-45.39W
 Heights: 5344 feet site elevation (SE)
 10 feet above ground level (AGL)
 5354 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part 1)
- Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 L Change 2.

This determination expires on 10/07/2021 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, effective 21 Nov 2007, will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

If we can be of further assistance, please contact our office at (206) 231-2990, or paul.holmquist@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2020-ANM-990-OE.

Signature Control No: 430039569-435734463

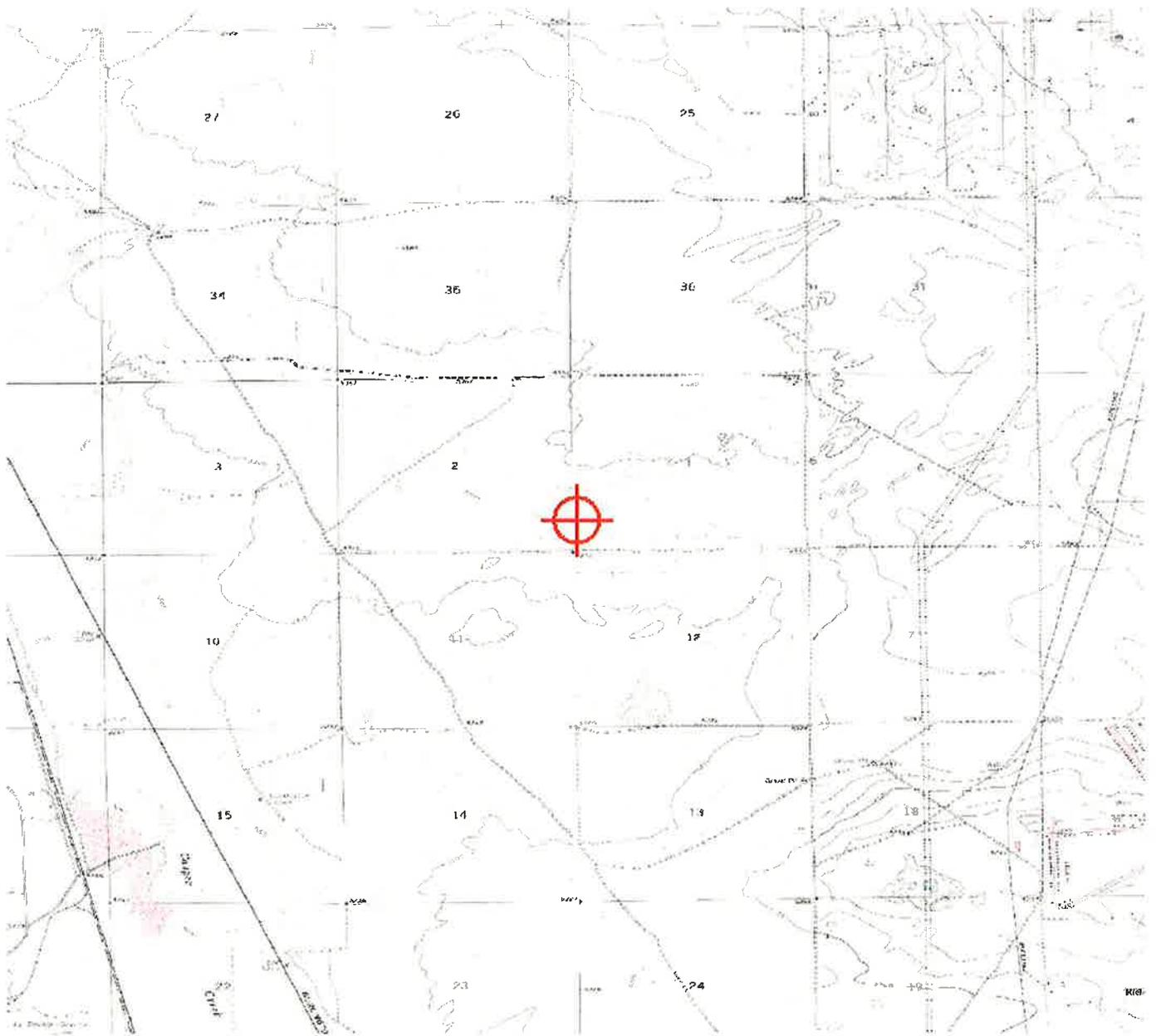
Paul Holmquist
Specialist

(DNE)

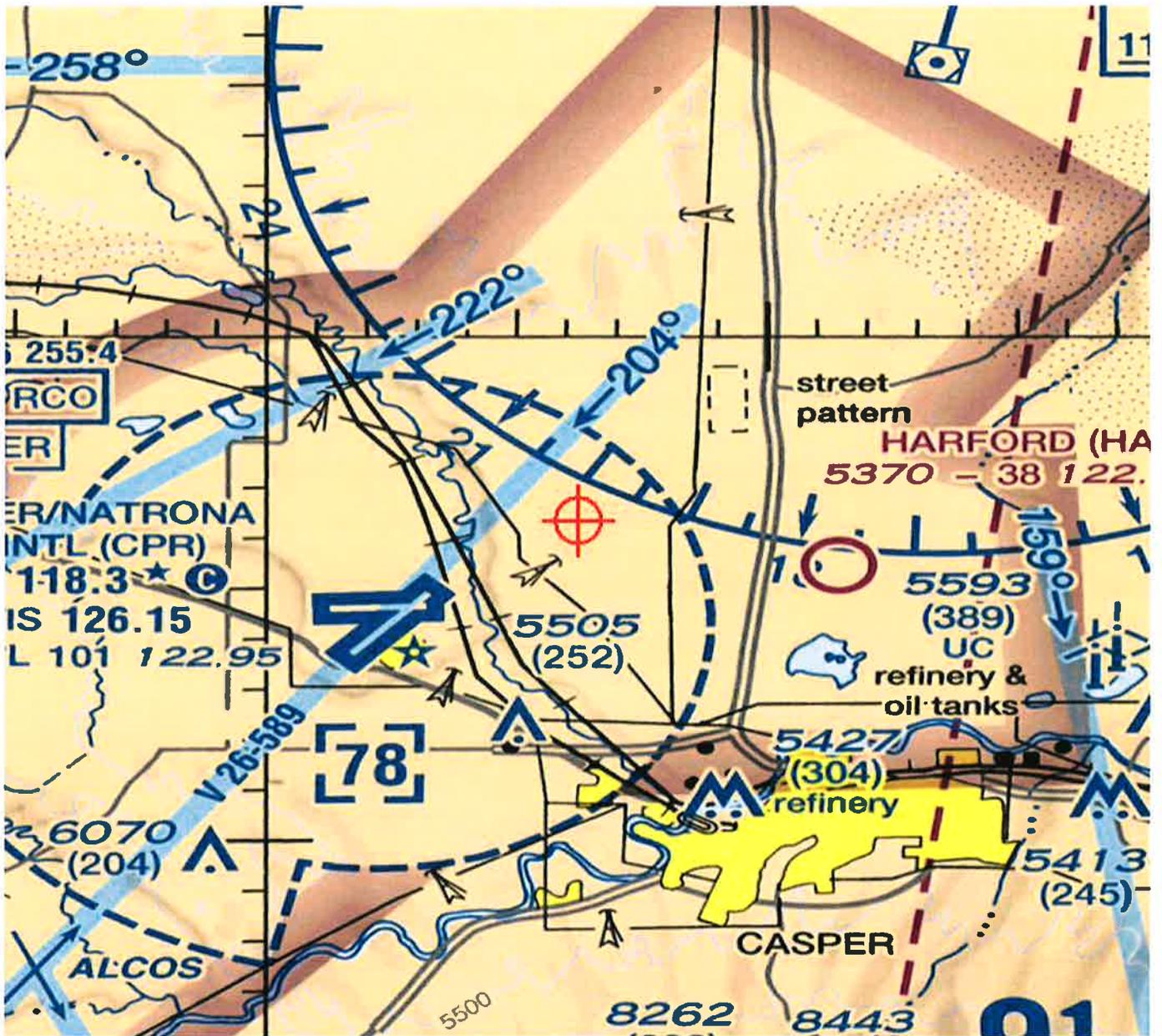
Attachment(s)

Map(s)

TOPO Map for ASN 2020-ANM-990-OE



Sectional Map for ASN 2020-ANM-990-OE





May 1, 2020

Via Email

Harold Wright, Chairman
Natrona County Planning and Zoning Commission
Natrona County Courthouse
200 N. Center Street
Casper, WY 82601

RE: Dinosolar, LLC Conditional Use Permit (CUP20-2)

Dear Mr. Wright:

On behalf of Dinosolar LLC, I write in response to the April 16, 2020 letter to you from Mr. Glenn S. Januska, Director of the Casper/Natrona County International Airport regarding the Project referenced above and the upcoming Planning and Zoning hearing for its Conditional Use Permit. We received a copy of Mr. Januska's letter from Mr. Gutierrez of the Natrona County Development Department and appreciate him forwarding it to us.

We appreciate the comments made by Mr. Januska on behalf of the Casper/Natrona County International Airport Board. As with any questions or comments we receive, we have evaluated our Application in view of them. After due consideration, we believe our Application is complete and concise as submitted. We believe the Application meets - if not exceeds - all the criteria necessary for its full and complete evaluation and the granting of the Conditional Use Permit. At this time we have nothing further to add to the Application.

As part of the application, Dinosolar submitted a Glint and Glare Analysis conducted by experts in the field using FAA-approved modeling software. The Project's Environmental Study details measures that will effectively control dust during both the construction and the operation phases of the Project. Furthermore, Dinosolar has filed a Notice of Proposed Construction with the FAA. After careful review, the FAA issued a Determination of No Hazard. On January 15, 2020, the Dinosolar team met with the Airport Board and answered all the questions the Board asked regarding the Project. On February 25, 2020, Dinosolar presented the Project in a public, open house forum in Bar Nunn. For the last six months, the Dinosolar team has been in communication with Airport Board and been ready, willing, and able to respond to any concern. This is our practice with anyone who has an interest in the project. For your convenience I am attaching a log depicting all the interactions the Dinosolar team has had with the Airport Board since November of last year. Dinosolar is also planning a zoom conference for next week to provide the pilots' community an opportunity to ask any questions they might have regarding the Project.

In his letter, Mr. Januska also requests a postponement of the May 12, 2020 hearing on our Application. We respectfully oppose Mr. Januska's request and believe the hearing should proceed as scheduled.

The requested postponement of the hearing is indefinite, "until such time that concerned pilots and residents in the area can attend the meeting in person to exchange ideas and ask questions." It is certainly the case that a global pandemic has interfered with all our personal and professional lives. Yet it's also true that the business of federal, state and local governments, private companies, and individuals has continued. All have had to adapt to a different way of doing business. Whether the May 12, 2020 hearing is held in person, telephonically or by video conference, all written and oral comments will be considered. The substance of the hearing - if it does take place by remote means - will remain the same and provide the Planning and Zoning Commission the opportunity to fully and completely evaluate the Application, the comments on it, and grant it. We note as well that other governmental hearings continue to take place, and our state and federal courts are continuing to conduct hearings in their criminal matters. Further, the Airport Board is no stranger to conducting meetings by remote means. A quick scan of their posted prior meeting minutes indicates the Board conducted a telephonic hearing at least as long ago as October 8, 2018 and as recently as April 15, 2020.¹ We believe a teleconference or video conference guarantees any and all interested parties the opportunity to actively participate in this process.

In addition, the delay to the permitting process would be significant and detrimental to the procedure and the substance of Enyo's application. As you know, a Project of this nature is intricate, complex, and expensive (construction costs alone exceed \$270 million). It must be well-coordinated and planned; carefully and well in advance. Delays, especially those early in the process, lead to significant scheduling complications as well as increased costs, endangering a Project's siting.

On behalf of Dinosolar, LLC, I thank you in advance for giving consideration to our position. We would ask that this letter be included in the comments received regarding our Application and made a part of the public record. We of course do not object to you providing it to any other individual or entity.

¹ We note as well that when facing a request for additional public comment time due to COVID-19 a few weeks ago, Governor Gordon declined an extension. Casper Star Tribune, "Energy Journal: Governor Declines to Extend Public Comment Periods During Pandemic," April 13, 2020.

We look forward to continuing to work with you and remain ready to respond to any concerns.

Sincerely,

A handwritten signature in blue ink, appearing to read "John A. Masterson". The signature is fluid and cursive, with a prominent horizontal stroke at the end.

John A. Masterson

Attachment

**Cc: Glenn S. Januska
Natrona County Board of County Commissioners
Trish Chavis, Planner, Natrona County Development Department
Jason Gutierrez, PE, Development Department Director**

CUP20-2 & VC20-1

Staff Report: Trish Chavis
May 4, 2020

For

May 12, 2020
Planning and Zoning Commission

And

June 2, 2020
Board of County Commissioner Meeting

Applicant: Dinosolar, LLC

Request: Allow a 240-MW Utility Scale Solar Energy System with a variance to the eastern setback from 1.25 miles from a residential district to .63 miles.

Location and Zoning

The Dinosolar Project will be located on a portion of 3,591 acres of land, north of Casper and a mile west of Bar Nunn. The fenced area of arrays is expected to be approximately 1,710 acres.

The project location and all surrounding property is zoned Urban Agriculture (UA). The project is also located within the Town of Bar Nunn's Growth Boundary.

Background

In January of 2020, the Board of County Commissioners approved Resolution No. 01-20, adopting emergency regulations for Utility Scale Solar Energy Systems (Solar Farm).

This system is defined in the regulations as a commercial facility that converts sunlight into electricity, whether by photovoltaics (PV), concentrating solar power (CSP), or other solar conversion technology, for the primary purpose of wholesale sales of generated electricity.

The Dinosolar Project is a large scale solar project that will generate 240 megawatts (MW) of electricity, split between two substations. There will be an 80-megawatt (MW) interconnection to the Casper North Substation and a 160-megawatt (MW) interconnection to the Bar Nunn Substation.

Enyo has been working with numerous department/agencies on the Dinosolar Project prior to making application with Natrona County. Some of these include Wyoming Game & Fish (G&F), Wyoming Department of Transportation (WYDOT), and Natrona County International Airport (NCIA). Enyo has also hosted an Open House for the surrounding property owners at Bar Nunn Elementary School on February 25, 2020.

Project Timeline

If the project is permitted the estimated timeline is as follows:

- Access road construction and grading initiated September 2022.
- Components of the electrical system and solar array (construction and module installation) approximately 15 months from September 2022 through November 2023.
- Commissioning is scheduled for late 2023 with commercial operations beginning in December 2023.

Project lifetime is expected to be 35 years, thus extending through December 2058. (See application page 5 for details)

Compliance with the Utility Scale Solar System Regulations

The regulations are broken into 6 parts; design standards, site management, visual appearance, setbacks, decommissioning, and application requirements. The application for the Dinosolar Project complies as follows:

Design Standards:

Will the facility have perimeter fencing to restrict unauthorized access?

There will be a 6-foot high chain link perimeter fence with 3 strands of barbed wire at the top, which will be angled outward to discourage climbing. (See page 13)

Bird diverters will be placed on fencing around the project area to make fences more visible to birds. Dinosolar will install gates on multiple sides of the fenced perimeter to allow big game species to pass through the area. (See page 19)

Does the system comply with the National Electrical Code and the Wyoming Department of Fire Prevention and Electrical Safety?

The project will comply with relevant codes including the National Electrical Code, International Fire Code, and other applicable International Code Council Codes adopted by Natrona County.

The applicant met with the Natrona County Fire Department in January 2020 to discuss fire protections measures for the project. (See Public Safety Services in Section 2.3.1.1)

Does the system exceed twenty five (25) feet in height?

The height of the solar array will vary from approximately 4 feet above ground when the panels are horizontal to a maximum of approximately 10 above ground at maximum tilt. (See page 13)

Is the facility within the Growth Management Area of a municipality?

This facility is within the Town of Bar Nunn and a small portion of the City of Casper's Growth Management Area.

Has that municipality reviewed and commented on this project?

The applicant has been coordinating with the Town of Bar Nunn officials including Mayor Patrick Ford regarding the project. Application was sent to Casper with no response.

Will the on-site power lines be underground?

Most of the power lines associated with the Dinosolar project will be buried. Any above ground power lines will follow the Avian Power Line Interaction Committee's guidelines for minimizing electrocution and collision risk for birds.

Is this system located within the Greater Sage Grouse Core Areas as defined by Governor Order 2011-5 or as amended, or Sage Grouse Priority Habitat and Focal Areas as defined by the BLM approved Resource Management Plan Amendment for Greater Sage Grouse?

No. The project site is not located within any sage-grouse core areas nor are there any known leks within or adjacent to the site.

Does this facility incorporate wildlife requirements imposed by Wyoming Game & Fish and Wildlife Services?

Yes. The Applicant has made appropriate modifications to their overall project that incorporates the Wyoming G&F recommendations. Examples are installing additional gates around the project site, installing bird diverters, burying transmission lines, perform preconstruction nest clearance surveys, etc. (Page 18)

Site Management:

Will drainage from the site adversely affect upstream and/or downstream properties?

The applicant has developed a Drainage, Erosion, Dust Control, Grading and Vegetation Removal Plan. There will also be a Stormwater Pollution Prevention Plan (SWPPP). (See Section 7 and Appendix D)

Have acceptable dust control methods been provided?

During construction dust will be controlled through watering of graded areas, and application of magnesium chloride and/or water to dirt access roads. Temporary use areas will be reclaimed and reseeded to minimize potential for erosion during operations phase.

Have plans for noxious weed and invasive species control been provided for all phases?

Yes. This is addressed page 17. This plan has also been reviewed by Natrona County Weed & Pest who found it to be very complete.

Visual Appearance:

To the extent reasonable, do the buildings and accessory structures use materials, colors, and textures that will blend with the existing environment?

Yes. Visual impacts are addressed on page 23.

Will landscaping and/or screening material be required to help screen the project area?

There will be no landscaping or screening required. The project uses natural landscape and topography to remain mostly unnoticeable.

Will the Solar Energy System be placed in such a way that concentrated solar glare will project onto adjacent properties or roadways within 1-1/4 mile of the project site?

The applicant has provided a glare analysis of this project. The analysis was done using FAA compliant ForgeSolar PV Planning and Glare Analysis software. The analysis used six observation points, four flight paths, and two routes along I-25. The analysis showed that modifying the resting angle to 5 degrees is a mitigation measure that eliminates glare across all observation points, flight paths, and I-25 travel routes used in this analysis.

Will the solar panels be placed in the vicinity of any airport in a manner that would interfere with the airport flight patterns? Has the Federal Aviation Administration (FAA) provided approval?

The FAA's interim policy applies to solar projects on airport property, and within 2 miles of the final approach. This project does not meet criteria requiring FAA approval. It is not on airport property nor is it within 2 miles of a final approach.

Although not required, the applicant did have the FAA conduct an aeronautical study and a Determination of No Hazard to Air Navigation was supplied.

Will the facility have lighting? Will there be any visual impacts?

Project lighting will be the minimum needed for project operations and will be directed downward to reduce offsite impacts. Lights will utilize timers or motion controls.

Setbacks:

Does the site plan show at least fifty (50) feet from all property lines and public rights-of-way?

Yes.

Are the Solar Energy System structures setback a minimum of 1.25 miles from any residential zoned property or residence not associated with this permit?

No. The applicant has applied for a variance from this requirement. The request is to reduce this setback from 1.25 miles to .63 miles from the Town of Bar Nunn. Patrick Ford, Mayor of the Town of Bar Nunn, has submitted a letter in support of this variance and the project as a whole.

The letter gives the support of the town with appreciation to the cooperative efforts of Enyo Renewable Energy to involve the town and its residents, taking suggestions and concerns into the development of the project site. (Page 252)

Are the solar panels at least five hundred (500) feet from any residence on the same lot associated with this project?

There are no residences within 500 feet of this project.

Decommissioning:

Decommissioning is addressed in Section 9.0 of the application.

Application Requirements:

Have signatures of all surface property owners been submitted with the application?

Yes. All owners of land have signed the application.

Has a general scope been submitted showing relevant information such as general location, timeframe for construction, phases, project life, etc.?

Yes. Applicant has provided relevant information such as general location, timeframe, phases, project life, etc. (See page 4)

Has a summary of the project been provided detailing the total nameplate generating capacity and a nameplate capacity for each module, the equipment manufacturer, types of solar modules, complete component list of the system, number of solar arrays, the maximum solar energy system height, and the distance between the ground and the top of the solar array?

Yes. This information can be found on page 12 within Section 4.0, Summary of the Utility Scale Solar Energy System. It should be noted that the manufacturer, type, and number of modules may change depending on the PV technology available at the time of procurement.

Public Utility Information. Documentation that the proposed Utility Scale Solar Energy System is owned or operated by the Public Utility and subject to the requirements of the Public Service Commission, if applicable.

The project will be owned and operated by Dinosolar, LLC, which is not a public utility. The purchaser of the Project's power is not known at this time. Should Rocky Mountain Power of another public utility purchase the power generated by the Project, they would be subject to the requirements of the Public Service Commission (PSC). (See page 12)

Has a social and economic report been submitted evaluating the following? Yes.

- a. The estimated amount of property, sales, and other taxes to be generated by the project in Natrona County.
- b. Estimated local expenditures of construction materials in Natrona County.

- c. The estimated number of construction jobs and estimated construction payroll.
Estimated number of local construction job opportunities.
- d. Estimate the construction workforce spending in Natrona County.
- e. Estimate the number of permanent jobs and estimated continuing payroll.

The applicant has provided a Social and Economic Report that can be found on page 13. Section 5.0 contains information on tax revenues, sales and lodging revenues, workforce expenditures, etc.

Has a drainage, erosion, dust control, grading and vegetation removal plan been submitted with the following? The Applicant contracted WLC Engineering and Surveying to develop a plan that includes these requirements. The full plan can be found in Appendix D.

- a. Existing and proposed contours.
- b. Existing wetlands and floodways.
- c. Water management structures.
- d. Drainage flow direction.
- e. Effect on downstream and upstream properties.
- f. Erosion mitigation and runoff control.
- g. Dust control plan.

Has a Waste Management Plan been submitted? (Plan to include the inventory of estimated solid wastes to be generated and a proposed disposal program for the construction, operation and eventual decommissioning of the proposed facility.)

Yes. The Applicant contracted WLC Engineering and Surveying to complete a waste management plan. The entire plan can be found in Appendix E. (Page 16)

In short, the Dinosolar Solar Project will generate waste during construction but not during operation. Anticipated waste includes plastic banding and shrink wrap used during component transport, cardboard and pallets, and municipal solid waste generated by the construction workforce.

Has a Reclamation and Decommission Plan been submitted?

Yes. The Applicant's leases with private landowners contain language addressing the removal of the facility and the restoration of the surface of the property. Per the terms of the Ground Lease Agreements between the Applicant and private landowners, the Applicant will provide the landowners with financial security to ensure removal is completed. (See document, "Lease Excerpt-Financial Assurance and Final Reclamation" in Appendix B)

Reclamation and Decommission Plan is address on page 16, Section 9.0-9.3. Removal and restoration shall begin within 90 days of the expiration or termination of the lease and will be completed within 9 months of the expiration or termination of the lease.

To assess visual impacts, has the applicant provided sufficient analysis of the project, including visual simulations from no less than ten (10) vantage points?

Yes. The Applicant has supplied visual simulations from a minimum of 10 locations around the project location.

Has the applicant provided an analysis from solar glare hazard analysis software?

Yes. In Appendix H, the analyses used six observation points, four flight paths, and two routes along I-25. The analyses indicate that maximum glare occurs when modules are at a resting angle of zero degrees. Modifying the resting angle to 5 degrees is a mitigation measure that eliminates glare across all observation points, flight paths, and I-25 travel routes used in the analyses. (See Appendix H, and/or page 24)

Has a traffic study been conducted?

Yes. WLC Engineering and Surveying has completed a Traffic Impact Study for the project.

Has a Transportation Plan for construction and operation phases been submitted?

Yes. The Applicant is currently evaluating multiple options for providing construction access to the Project site. The most workable option would most likely be utilizing Salt Creek Highway and turning west on onto Melodi Ln to Andy Rd. (See Appendix A and I for depictions and additional information)

Operation access is expected to use the construction access route and possibly the Zuni Trail road out of Bar Nunn. Operations-related traffic will be minimal and would have no impact on area residents should Zuni Trail be used.

General Standards for Conditional Use Permits

1. Will granting the Conditional Use Permit contribute to an overburdening of county services?

The applicant believes that the project will be an asset to the community without overburdening county services. The applicant met with the local fire official to discuss appropriate fire protection measures and technology. Fire protection measures that will be put in place can be found on page 6 of the application.

Proposed finding of fact.

With the fire protection measures that will be utilized for this project, the project would not adversely affect the local public safety authorities or the Natrona County Sheriff's operations, nor detract from their ability to provide protection services to the surrounding community. No adverse impacts to public safety are anticipated.

2. Will granting the Conditional Use Permit cause undue traffic, parking, population density or environmental problems?

Proposed finding of fact.

During construction there will be an increase in traffic from workers traveling to the project area. After construction it is anticipated that 2-3 workers would make daily visits to the site. A short period of traffic can be anticipated during the decommissioning and reclamation phase.

There is no residential component to this project. Thus, significant project-related changes to population density are not anticipated.

Environmental impacts can be measured in loss or degradation of natural resources. The applicant has developed a Drainage, Erosion, Dust Control, Grading and Vegetation Removal Plan and will utilize best management practices outlined therein.

3. Will granting the Conditional Use Permit impair the use of adjacent property or alter the character of the neighborhood?

The current land use of the area is open space/rangeland. The Development Plan does not preclude conversion of the property to other uses because the area does not contain prime agricultural soils or support active agriculture. Adjacent land uses include residential, commercial, light industrial, mining and open space. Development of a solar facility will not impair these existing uses on adjacent properties.

The project would not significantly alter the character of the neighborhood. Although the project site itself would be converted from open range land to an industrial land use, the area already contains multiple transmission lines and pipelines and the solar arrays would be located a minimum of .63 miles from existing residential areas.

Proposed finding of fact.

The project will not impair the use of adjacent property. The project would be a minimum of .63 miles from the nearest residential area.

The project will not create long term noise, vibration, or odor to the existing neighborhood. The panels themselves are low to the ground and use natural landscape as visual buffers. There should be no significant or long-term alteration to the character of the neighborhood.

4. Will granting the Conditional Use Permit detrimentally affect the public health, safety and welfare, or nullify the intent of the Development Plan or Zoning Resolution?

During construction, there is potential for the generation of fugitive dust, which can adversely affect public welfare. Dust control measures will be used as needed during construction to ensure compliance with applicable county and state laws.

Operation of the solar PV facility will release no effluents, toxins, air emissions, or solid wastes in the process of generating electricity and, as a result, will have no impact on public health, safety, and welfare.

The Development Plan designates this area as Neighborhood 40 – Enterprise Zone. This area is projected to be “Industrial” with development coordination between Bar Nunn and Casper.

Proposed finding of fact.

The applicant has provided a Drainage, Erosion, Dust Control, Grading and Vegetation Plan, Waste Management Plan, Reclamation and Decommissioning Plan, Environmental Analysis, Solar Glare Hazard Analysis, Social and Economic Report, Visual Impacts, and a Traffic Study.

The applicant has had meetings with the Natrona County Airport, the Natrona County Fire District, Wyoming Game & Fish, Mayor of Bar Nunn and held an “open house” for the residents of Bar

Nunn. The Federal Aviation Administration (FAA) has conducted an aeronautical study and provided a Determination of No Hazard to Air Navigation.

The reports and analysis do not show any detriment to the health, safety and welfare of the public. The future development of this area is slated to be industrial with coordination with Bar Nunn and Casper. This has been completed by the applicant. With an approved CUP and Variance the project would not nullify the intent of the Development Plan or the Zoning Resolution.

Criteria for Variance

When acting upon a variance, the Board shall be guided by the Intent and Purpose as well as the Goals and Policies of the Zoning Resolution. In addition, the Board shall require showings concerning ALL of the following: *(See application for applicant full response)*

- 1. Are there exceptional or extraordinary circumstances and conditions, applicable to the property involved and literal application of this Resolution to the applicant's property that will result in "unnecessary hardship"?**

Dinosolar is the first commercial solar project proposed for Natrona County. As such, it presents unique and new opportunities for the County. Natrona County's emergency regulations are closely based on Sweetwater County who experienced significant difficulties with its first solar developer, who failed to understand, appreciate, and adapt their project to the needs of that community. An immediate consequence of that developer's poor practices was Sweetwater County drafting their regulations. As a result, Natrona County regulations are unnecessarily punitive, being among the most restrictive – if not the most restrictive regulations in the nation. As written, application of the regulations will render Dinosolar uneconomic, forcing it to be abandoned. This will result in the unnecessary hardship of the loss of the time and resources spent to date in development of the Project, obtaining leases, etc.

In addition however, there is an unnecessary hardship on the people of Natrona County in that the loss of the Project will result in the loss of long-term, reliable economic benefit to the County and its citizens and the loss of the opportunity for economic diversification.

Proposed Finding of Fact.

Natrona County adopted emergency regulations for commercial solar projects. The emergency regulations follow Sweetwater County and have not been utilized in Natrona County before. Dinosolar is the first applicant that Natrona County has had for a commercial solar project.

- 2. Is the hardship due to unique circumstances? (This proof is considered crucial to the validity because it ensures that the Board does not rezone the area under the guise of the variance procedure. The applicant has the burden of demonstrating that the difficulties facing him are different from those of his neighbors.)**

Dinosolar is unique in that it is a solar power generating facility in a County where there is none. The regulations applicable to setbacks do not apply to any of the Project's neighbors, nor do the regulations apply to any other development in Natrona County. As referenced above, the setback regulations are likely the most restrictive in the United States. For these reasons, relief from the setback is appropriate.

The difficulties with the current setbacks are completely different in kind and degree from the project's neighbors as the utility scale solar system setbacks do not apply to them. Further, permitting this variance will have no negative impacts on the neighbors to the project.

Proposed Finding of Fact.

Yes. Again, the regulations were adopted as emergency regulations for commercial solar projects such as Dinosolar. Dinosolar is the first application that Natrona County has ever processed for commercial solar.

- 3. Will the variance authorize a use other than those uses specifically listed as permitted or conditional uses in the zoning district in which the variance is sought?**

Proposed Finding of Fact.

No. The variance is applied to the installation of a Utility Scale Solar Energy System. No other use is being requested.

- 4. Will the variance result in a gain in use, service or income for the applicant to a greater extent than available to other landowners in the vicinity?**

No. There is no competing project of this nature so there is no unequal benefits.

Proposed Finding of Fact.

The applicant is requesting a reduction in their setback. The adjacent neighbors have the same ability to apply for setback variances and follow similar processing although, none of the adjacent neighbors have a 1.25 mile setback that applies to their property.

- 5. Will granting the variance merely serve as a convenience for the applicant or is it necessary to alleviate a proven hardship?**

As discussed above, Natrona County's setback regulations are among the nation's most restrictive. Failure to obtain this variance will result in the project being abandoned. The hardship to Dinosolar will be the lost resources put into development to date. Of note, Dinosolar was planned and designed before the emergency regulations were adopted on January 7, 2020. The emergency regulations have already created a hardship in terms of the necessary redesign and reengineering caused when they were passed.

Failure to obtain this variance will result not only in the loss of this Project but the loss of the associated long-term income and economic diversification in Natrona County. Further, prohibiting this Project will be a forceful and real communication to a burgeoning energy production industry that they are not welcome in Natrona County – pushing this type of development elsewhere.

Proposed Finding of Fact.

Staff has researched numerous county regulations throughout different states and found that setbacks from a residence vary from fifty (50) feet to five-hundred (500) feet. Natrona County currently requires 6,600 feet or 1.25 miles to a residential zoning district.

- 6. Will granting the variance impair the use of adjacent property or alter the character of the neighborhood?**

No. The variance will not impair or impact the adjacent property. Granting the variance still leaves the distance between the Project and Bar Nunn residences far enough that there will be no impact.

Proposed Finding of Fact.

There will be no impairment to the use of adjacent property. There will be a minimum of .63 miles (in a small portion) from the nearest residential area. A majority of the Project area will be more than 1 mile from the residential area. (See map located on last page of application)

Public Comment

Staff sent the public notice to 1,528 neighbors within 1 ½ miles. As of the date of this staff report there have been 46 comments received (5 opposed to Variance, 29 opposed to CUP, 12 in-favor).

As of May 1, 2020 Enyo Renewable Energy has spent the time to respond to each public comment with detailed information that individually addresses each public comment. A total of 31 letters were mailed out on Friday, May 1. In some cases, Enyo called and spoke directly to the landowner to address their concerns.

This application was also sent to the Natrona County Road & Bridge Department, Wyoming Department of Transportation, Wyoming Game and Fish, Town of Bar Nunn Mayor, City of Casper, Natrona County Conservation District, Natrona County International Airport, Natrona County Weed & Pest and Natrona County Fire District.

Recommendation

Staff proposes a motion and vote by the Planning and Zoning Commission to recommend approval of the requested Conditional Use Permit and Variance with the following conditions:

- 1) Recommendations of the Wyoming Game & Fish Department as stated in the letter dated March 4, 2020 are adhered to.
- 2) Work with the Wyoming Department of Transportation (WYDOT) on appropriate access and intersection improvements through the access permit process. Evaluate and mitigate construction as necessary.
- 3) Construction shall commence no later than December of 2022 or a new Conditional Use Permit will be required.
- 4) Road improvements shall be to County road standards and shall be maintained throughout entire construction phase, this includes dust and drainage controls. Access roads shall also be restored to County road standards once decommissioning has been completed.
- 5) Semi and heavy truck traffic shall occur between 7 A.M. and 4 P.M if access is through a residential area.

Staff also recommends the Planning Commission incorporate by reference all findings of fact set forth herein and make them a part thereof.



WYOMING GAME AND FISH DEPARTMENT

5400 Bishop Blvd. Cheyenne, WY 82006

Phone: (307) 777-4600 Fax: (307) 777-4699

wgfd.wyo.gov

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MIKE SCHMID

March 4, 2020

WER 14337.01 (replaces WER 14337.00)

Enyo Renewable Energy

Dinosolar Solar Project

Natrona County

R. Spencer Martin

Principal Ecologist/Project Manager

Martin & Nicholson Environmental Consultants

spencer@menvironmental.com

Dear Mr. Martin,

The staff of the Wyoming Game and Fish Department (Department) has reviewed the proposed Dinosolar Solar Project located in Natrona County. We offer the following comments for your consideration.

Commercial solar energy development is relatively new to Wyoming, and little is known regarding predictable impacts to the State's wildlife. However, solar energy development does share many characteristics with other industrial-scale developments, the impacts of which are better understood.

Industrial-scale developments result in the loss and degradation of wildlife habitat due to new infrastructure, increased human activity, and industrial noise and lighting. Wildlife mortality may also increase due to collisions with traffic, fencing, power lines, and other infrastructure. Additionally, the large-scale disturbance of soil can allow invasion by non-native plants and weeds. Construction can also result in changes in topography that contribute to run-off and erosion that can affect stream and river morphology and water quality.

Photovoltaic (PV) facilities are unique, however, due to the potential for death, injury, or stranding of birds resulting from collisions with PV panels. It's been hypothesized that birds may mistake the surface of the panels for water (called the "lake effect"). Although the underlying cause of this phenomenon is not well understood, a broad array of bird species have been found dead, injured, or stranded at PV facilities in other states following collisions with panels. PV facilities can also result in a complete loss of use by many species of wildlife, given the configuration of fencing, panels, vegetation management, and the expected lifespan of such projects.

The Department appreciates that the proponent has sited the proposed facility in proximity to existing exurban development and outside of big game crucial range and sage-grouse core

population areas. We recommend the following measures to further minimize potential impacts to wildlife species and habitats.

Avian Species

- The >1,600 acre project area provides potential nesting habitat for many species of native birds. We recommend beginning construction activities prior to April 1 or after July 31 to minimize the potential for loss of nests during the nesting season.
- Raptors may nest in the area, including ferruginous hawk and burrowing owl, and can require up to a 1-mile spatial buffer from construction activities during nesting. The proponent should coordinate with the U.S. Fish and Wildlife Service's Wyoming Ecological Services Office for guidelines on raptor nest seasonal and spatial buffers.
- Sage-grouse, raptors, and waterbirds are susceptible to death by collision with fences. Bird diverters are low-cost but highly effective markers that make fences more visible to birds and thereby reduce deaths. The Department recommends installing bird diverter markers on all Dinosolar fences.
- Many species of birds are at risk of death by collision with or electrocution by power lines. We commend the proponent on siting this project in such close proximity to a substation, which will help to reduce these risks. We recommend burying transmission lines between solar facilities and substations to further reduce these risks, particularly for the longer power line connecting to the Casper substation. If burying isn't feasible, we recommend following the Avian Power Line Interaction Committee's guidelines for minimizing electrocution and collision risk for birds, which simultaneously minimizes power outages and fire risk associated with bird use (available at aplic.org).

Big Game

Big game, such as pronghorn, can become trapped inside chain link fencing. In such cases, having gates on multiple sides of the fenced perimeter can allow for easier egress. We recommend including an adequate number of gates along the perimeter in the final siting plans to facilitate big game egress.

R. Spencer Martin
March 4, 2020
Page 3 of 4 – WER 14337.01 (replaces WER 14337.01)

Nongame Species

The project area falls within the predicted distribution of several Tier I and Tier II Species of Greatest Conservation Need (SGCN). To minimize impacts to these species, we recommend:

- For reptiles, minimizing the compaction of soils, particularly sandy soils, and avoiding the destruction of potential denning sites.
- Minimizing disturbance to active prairie dog colonies, particularly if prairie dog colony associated species are observed in the project area.
- Avoiding surface occupancy within 0.25 miles of active swift fox den sites, if documented.

Stranded, Injured, or Dead Wildlife

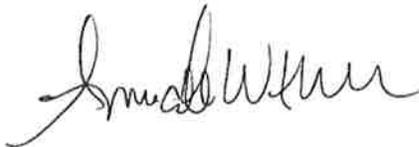
We recommend the operator of the Dinosolar Solar Project notify the Department of any stranded, injured, or dead wildlife within the project area, and coordinate with the Department for the removal of such wildlife.

Reclamation and Invasive Weed Management Plan

Reclamation following construction should re-establish native grasses, forbs, and shrubs to achieve cover, species composition, and life form diversity commensurate with the local native plant community. Landowners should be consulted on a desired plant mix on private lands. The project proponent should develop and implement a plan to control noxious and invasive weed species.

Thank you for the opportunity to comment. If you have any questions or concerns please contact Anika Mahoney, Habitat Protection Biologist, at 307-335-2623.

Sincerely,



Amanda Withroder
Habitat Protection Supervisor

AW/am/ap

cc: U.S. Fish and Wildlife Service
Trish Chavis, Natrona County Planning and Development

R. Spencer Martin

March 4, 2020

Page 4 of 4 – WER 14337.01 (replaces WER 14337.01)

Justin Binfet, Wyoming Game and Fish Department
Heather Obrien, Wyoming Game and Fish Department
Zack Walker, Wyoming Game and Fish Department
Wendy Estes-Zumpf, Wyoming Game and Fish Department
Matt Hahn, Wyoming Game and Fish Department
John McCoy, Wyoming Game & Fish Department
Chris Wichmann, Wyoming Department of Agriculture

From: [Mark Williams](#)
To: [Shane Porter](#)
Cc: [Trish Chavis](#); [Chad Aagard](#); [Jason Gutierrez](#)
Subject: Re: Traffic Study
Date: Friday, May 1, 2020 10:30:15 AM

CAUTION: Please be cautious. This email originated from outside the County. Use your Phish Alert button to report suspicious email or call your IT support team. Do not forward suspicious emails.

Shane and Trish,

We did look at the traffic study submitted with their application. We agree with the study findings that a temporary northbound auxiliary left turn lane would be justified during the construction phase. As noted earlier, the option using Westwinds interchange and Westwinds road would likely require no mitigation.

Thanks,

Mark Williams, P.E.
District Construction Engineer
(307) 473-3223
mark.williams@wyo.gov

On Mon, Apr 27, 2020 at 9:45 AM Shane Porter <shanep@wlcwyo.com> wrote:

Good morning Mark. I tried your office phone, but got a busy signal. Not sure if you guys are in the office or not.

Anyway, I was asked by the Dinosolar people to reach out to you and see if you had any comments regarding the Dinosolar Project. I am assuming the county provided you with the traffic study and site plan information for the project. Dinosolar is gearing up for the Planning and Zoning meeting on May 12th. They were hoping WYDOT could provide the county with any comments you have before this meeting in case they needed to address anything. If you could provide Trish with the county any comments that would be great.

Thanks

Shane

Shane M. Porter, P.E.

President

WLC Engineering and Surveying

200 Pronghorn St., Casper, WY 82601

307-266-2524



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From: Mark Williams <mark.williams@wyo.gov>
Sent: Monday, February 3, 2020 4:57 PM
To: Spencer Martin <spencer@mnenvironmental.com>
Cc: Christine Mikell <christine@enyo-energy.com>; Emily Skill <emily@enyo-energy.com>; Trish Chavis <tchavis@natronacounty-wy.gov>; Shane Porter <shanep@wlcwyo.com>; Mark Ayen <mark.ayen@wyo.gov>
Subject: Re: Traffic Study

Spencer,

Thank you for the information and the phone conversation.

As far as traffic impact studies are concerned, if you were using the new Westwinds interchange and Westwinds road, then we would see no need for a traffic impact study at that interchange or the intersection of the service road with Westwinds. It is a new interchange and the traffic loads are far from what it is designed for.

If you wish to access from Salt Creek Road, we would want to execute an access permit to document the change in use of the access or any new access point, agree on the

improvements and details of the access, and discuss any mitigation needed due to the increased turning movements on a busy commuter route. If we elect to access the site via the Salt Creek Highway with a new or existing access then we would like to see an evaluation for the construction traffic and recommended mitigation measures as a part of the access permit. I think at full build out the traffic increase would be negligible and we would not need to address those impacts.

You had noted the possibility of a Road Use Agreement. With the traffic use on the Salt Creek Highway, it would be difficult to assess any road damage due solely to your operations with so much other industrial traffic on that roadway. We would prefer to address access and intersection improvements through our access permit process.

Hopefully that cleared up any questions. Please feel free to contact me with any further questions or information. I would be happy to have a conference call if you wish.

Thanks,

Mark Williams, P.E.

District Traffic Engineer

(307) 473-3224

mark.williams@wyo.gov

On Mon, Feb 3, 2020 at 11:28 AM Spencer Martin <spencer@mnenvironmental.com> wrote:

Thanks for getting back to me, Mark. Is there any chance we could have a conference call with you this afternoon? In the meantime, I've attached a preliminary site plan for the proposed 240-MW Dinosolar solar photovoltaic (PV) power generation project planned for location west of Bar Nunn. We are still working to get a handle on construction traffic but it's looking like there will be something on the order of 1,500 deliveries of solar modules and associated racking and foundation materials and another 150 deliveries of inverters and miscellaneous materials to the site during construction, which will take place over the course of 12 – 15 months. There will also be several 40yd dumpster loads per week during about 10 months of module installation. All of the above delivery/dumpster traffic would be standard semi tractor-trailers. The only heavy hauls would be for delivery of the two project transformers. The rest of the construction traffic would be light vehicles used by construction workers to get to the site. Long-term operations traffic

Natrona County Development Dept.

April 7, 2020

200 N. Center St., Room 202

Casper, WY 82601

Subject: CUP20-2 Conditional Use Permit and VC20-1 Variance Apps – by Dinosolar, LLC

(Proposed Solar Energy Field West of Town of Bar Nunn) Your March 24, 2020 Letter

As a long-time resident of both Natrona County and the Town of Bar Nunn it is in my interest to make comments on the proposal you informed us of by Dinosolar, LLC, to build a solar collection electrical energy field directly to the west of our community. I would hope that the current push for this form of alternative energy will be tempered (by you), with the need for protection of our (taxpayers) most valuable assets, our homes, via zoning buffers between residential neighborhoods and all similar attempts to use Federal (BLM) lands for short term financial gain. Please remember, much like the explosion of wind energy, windmills near residential areas., these developments are not without unforeseen negative impacts. Your duty is to weigh the advantages vs the disadvantages long term.

Without details of the entire proposed project it is possible my comments listed below are not all the issues that your department should consider prior to making a decision on this issue. I offer the following:

1. The question should be raised of whether it is not just adequate, but the most appropriate form of company [Limited Liability Company], to be allow to proceed with this endeavor. The purpose of this (LLC) is to minimize, severely limit all their liability for problems, accidents, Hazmat spills, soil contamination, air quality problems, costs, etc. that may arise both during construction and long term into production, maintenance and refurbishment or shutdown of the development.
2. Travel, haul routes should be established both for initial construction & development and long term maintenance vehicles., that are satisfactory to those of us in the neighborhoods affected. Proposed mitigation of noise, traffic and dust should be required for approval by you.
3. Equipment data description catalogs (style, type, brand), for all equipment to be installed should be required for your review and acceptance, prior to start of work.
4. Particularly important are Lists of Hazmat exposures to county residents, such as heavy metals, chemicals, batteries (include explosion, fumes, soil contamination, etc.). And of course, mitigation, cleanup plans in the event of accident. After all, we are directly downwind. This is especially important to inform county emergency response personnel & EMS for the area.

Thank you for this opportunity to respond and voice concerns regarding this proposed development.

Thomas K. Cunningham

5130 Bel Vista, Bar Nunn



ROY DAVID ROGERS

1723 Mandan Trail

Bar Nunn, Wyoming 82601

(307) 473-8497

April 15, 2020

Natrona County Planning and Zoning Commission

200 North Center Street, Room 202

Casper, Wyoming 82601

Dear Board Members,

I am submitting this letter to state my opposition the solar power project proposed by Dinosolar, LLC. Although the company's lengthy submission paints a rosy picture of how little this massive proposed project will affect the community of Bar Nunn and the other residents who live along Salt Creek Road, there are several problems raised by its proposed project.

First, the company admits that there will be a substantial increase in traffic during both the construction phase and the deconstruction phase of the proposed project. The company proposes to bring the construction materials up Salt Creek Highway from the 20/26 bypass. The company claims that this will cause only a minor increase in heavy truck and passenger vehicle traffic. However, the company ignores the fact that Salt Creek Highway already has a significant traffic load, which has been increasing over time as that more and more businesses have opened along the highway and the number of homes in the area has increased. The Town of Bar Nunn currently has over 2,000 residents as well as numerous businesses, and there are numerous homes along Salt Creek Highway. Salt Creek Highway is the only road to Bar Nunn, and it has only two lanes. The proposed project would create undue traffic in the area and could potentially create a public safety issue.

Second, the company asserts that the proposed solar energy project would not create problems with glare. However, the company admits that the project would cause the most glare in the evening and the morning when the solar panels are adjusted to the maximum angle to catch the evening and morning sunlight. Since glare is already a problem in Wyoming, especially in the evening and morning, this could cause increased traffic accidents in this area. The increased glare would also negatively affect those

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residents who live in houses along the western edge of Bar Nunn, who would be able to see the proposed project from their properties.

Third, the company asserts that the proposed project will not have a significant adverse effect on the natural environment in the area. However, the proposed project would cover approximately 2,300 acres of land that is currently open country. It seems highly unlikely that such a project would not have a significant adverse impact on the wildlife population in the area. In addition, having numerous solar panels absorbing sunlight so close to Bar Nunn might increase thermal pollution in the town.

Fourth, the company asserts that the proposed project would not affect the property values in Bar Nunn and would not alter the character of the community. The company does not provide any evidence to support this assertion, and its assertion is counterintuitive. Having a massive solar power plant within 0.6 miles from the western border of the town would dominate the landscape and obviously change the character of the community. Currently, Bar Nunn sits at the edge of the open country, and the ability to look out over the open country is one of the most attractive features of the community. If this proposed project is approved, it will profoundly alter the view from the west side of the town and make the town much less attractive to live in.

In addition, the proposed project will invariably affect the property values in Bar Nunn by making purchasing property in the town less desirable. I purchased my home in April 2007. At that time, there were only three blocks of houses north of my house, and the field south of McMurry Blvd. was empty. Although I was concerned about the trashy appearance of Salt Creek Road south of my neighborhood, the area where my house was located was clean, quiet, and quasi-rural. Since that time, the town has allowed ugly industrial sites to be built in the open field directly south of McMurry Blvd., and now the county is considering allowing a massive solar power plant to be built directly to the west of my neighborhood. I would not have bought a house in Bar Nunn if I knew a massive solar power plant was going to be put in next door to the neighborhood. Since future prospective buyers in Bar Nunn would most likely feel the same, the presence of a massive power plant so close to the town will obviously adversely affect the property values in the town.

The residents in Bar Nunn spent a considerable amount of money to purchase their homes. Most of the houses in the community cost the residents somewhere between \$200,000 and \$300,000 to purchase, and some of the newest houses in the town would cost more than \$300,000 to purchase. The Planning and Zoning Commission and the County Commissioners have the responsibility to protect our investment.

Fifth, according to the company's application, the land where the project would be built is currently zoned for agricultural use. Because of its massive scale, converting 2,300 acres of agricultural land to a solar power plant violates the intent of the land use.

Sixth, the company asserts that the residents of the Town of Bar Nunn do not object to the proposed project. Although the company conducted a meeting in Bar Nunn in February, most of the residents of the town did not attend the meeting, and it is unclear if most residents understand the size of the proposed project. The town did not present any follow up information about the proposed project in its monthly newsletter, and I personally did not know about the size of the proposed project until I studied the notice of public hearing. In addition, although the company asserts that Mayor Ford does not object to the proposed project, Mayor Ford does not speak for me or the other residents of Bar Nunn in this matter. The reality is that allowing this proposed project to go forward could be politically costly to both Mayor Ford and the County Commissioners.

Finally, there does not appear to be any legitimate reason for building the proposed solar power plant so close to Bar Nunn. There are many alternate places in Natrona County where the proposed power plant could be built, which would not adversely affect any residential community's property values and quality of life. For instance, the project could be placed further north on I-25, or it could be placed north of 20/26 just to the west of where the 20/26 bypass intersects with 20/26. This area is already an industrial area, and there is a considerable amount of open land to the north of this industrial area where the proposed power plant could be located. Although the company and the landowners might derive some economic advantage from the current proposed location, this is not an adequate reason for the county to ignore the interests of the 2,000+ residents of Bar Nunn.

The purpose statement of the Natrona County Development Department reads as follows: "The purpose of the Natrona County Development Department is to provide necessary services to implement sound land use planning and economic development policies to protect and enhance the quality of life for present and future inhabitants of Natrona County." The residents of Bar Nunn are residents of Natrona County. Allowing this proposed project to be built would not "protect and enhance the quality of life" of the residents of Bar Nunn. For this reason, I ask the Planning and Zoning Commission to recommend that the company's application for a conditional use permit (CUP) be denied by the County Commissioners.

the

In the alternative, if the Planning and Zoning Commission recommends and the County Commissioners determine that the proposed project should be placed to the west of Bar Nunn in the area between Salt Creek Highway and Six Mile Road, the County Commissioners should take steps to mitigate the adverse effects the project would have on the town of Bar Nunn. The current eastern setback is 1.2 miles. This should be extended to at least two miles from Bar Nunn and any other residential property along Salt Creek Highway. The farther the project is from Bar Nunn, the less it will adversely affect the community. Obviously, the requested variance should be denied.

Finally, I request that the hearing in this matter be continued until the COVID-19 situation allows the hearing to be conducted in person. The currently proposed electronic and telephone hearing would

interfere with participants' ability to effectively advocate for their positions by limiting their ability to interact with the board members and the other participants and limiting their ability to communicate in nonverbal ways and to judge the responses of the people they are trying to communicate with. This proposed project is too massive and too significant to ^{the} future of Bar Nunn not to give it the careful consideration it warrants. In addition, the current COVID-19 pandemic and the economic issues it has caused has distracted people from paying attention to other matters of significance. Changing the entire character of a town of over 2,000 residents should not be slid through because the residents of the town are worried about their health and economic viability. Finally, the current social distancing requirements limit the ability of the townspeople to discuss the proposed project and determine the appropriate response to it.

I do want to be informed about any changes to the scheduling. I also request an opportunity to present my concerns at the hearing.

Respectfully submitted,

A handwritten signature in cursive script that reads "Roy D. Rogers". The signature is written in dark ink and is positioned below the typed name.

Roy D. Rogers

Harold Wright – Chairman Natrona County Planning and Zoning
Board of Natrona County Commissioners
Natrona County Courthouse
200 N Center
Casper, WY 82601
nccommissioners@natronacounty-wy.gov

Dear Chairman Wright and Board of Natrona County Commissioners,

Please accept this letter in opposition to the Dinosolar, LLC Conditional Use Permit (CUP20-2) application.

At this time, Dinosolar has not answered questions of the effect of glare, turbulence and dust on the NCIA airport and the established aircraft traffic pattern.

NCIA is tasked with protecting the airspace around the airport as a condition of receiving Federal Grant Assurance money.

The first responsibility of the NCIA airport is to provide a safe place for the operation of aircraft and transportation of passengers.

I hereby request that you postpone the approval of the Dinosolar Permit (CUP20-2) until the developer meets with:

1. The NCIA Federal Control Tower and study the effect of glare on the tower operation and visual identification aircraft in the traffic pattern,
2. Model the effect of turbulence created by the flat black panels on aircraft operating at low airspeed with gear and flaps extended turning to final approach,
3. The effect of dust created by the bare ground under the solar panels carried by high Wyoming winds,
4. Post COVID-19 postpone the meeting till users of NCIA can attend the meeting in person to listen to the presentation and voice concerns in person,
5. Consider safety of flight such as the recently approved 197' tall unlit MET tower under the missed approach instrument hold,
6. The Legislature overwhelming approved SF 36 Large Scale Solar with the goal of increasing community participation in the approval process,
7. Plans to decommission the solar farm at the end of its useful life and sustainable disposal of the solar panels.

The Casper-Natrona County International Airport is a mainstay of the Central Wyoming economy.

It is important that large scale facilities not be approved without full consideration of the effect upon the local airport and local residents.

Thank you for your consideration in this matter.
Sincerely,
Tom Walters



April 20, 2020

Harold Wright – Chairman Natrona County Planning and Zoning
 Board of Natrona County Commissioners
 Natrona County Courthouse
 200 N Center
 Casper, WY 82601

Via email: nccommissioners@natronacounty-wy.gov

Dear Chairman Wright and Board of Natrona County Commissioners,

I am writing this letter as a Commercial Pilot and business owner who regularly uses the Casper/Natrona County International Airport (C/NCIA) for both business and personal use, **not** as the C/NCIA Board President. We own and operate three aircraft that are based on the field.

I am firmly opposed to the Dinosolar, LLC Conditional Use Permit (CUP20-2) application.

At this time, I don't feel that Dinosolar has answered questions of the effect of glare, turbulence and dust on the C/NCIA airport and the established aircraft traffic pattern.

The first responsibility of the C/NCIA airport is to provide a safe place for the operation of aircraft and transportation of passengers. With this in mind, the C/NCIA is tasked with protecting the airspace around the airport as a condition of receiving Federal Grant Assurance money in order to continue to safely operate the airport.

I hereby request that you postpone the approval of the Dinosolar Permit (CUP20-2) until:

1. The developer meets with the C/NCIA Federal Control Tower and studies the effect of glare on the tower operation and visual identification aircraft in the traffic pattern.
2. Model the effect of turbulence created by the flat black panels on aircraft operating at low airspeed with gear and flaps extended turning to final approach.
3. The effect of dust carried by high Wyoming winds. This dust will be created by the bare ground that will develop as the result of the installation of the solar panels and the ensuing loss of vegetation below these solar panels.
4. Plans to decommission the solar farm at the end of its useful life and sustainable disposal of the solar panels.
5. **Most importantly, to assure proper dialect on this subject, I request you postpone the meeting until after the Covid-19 meeting restrictions so that users of C/NCIA can attend the meeting in person to listen to the presentation and voice concerns in person.**

CASPER	CHEYENNE	RIVERTON	ROCK SPRINGS
4113 W Yellowstone Hwy 82604 Ph 307.237.9388 Fax 234.2073	4221 S. Industrial Service Road 82007 Ph 307.635.9388 Fax 635.5335	810 S Federal Blvd 82501 Ph 307.856.6779 Fax 856.6911	685 Jonah Drive 82901 Phone 307.382.5050 Fax 352.2978

A matter of this importance should not be considered until a full in-person hearing can take place.
Please postpone your consideration of this conditional use permit until such a meeting can occur.

Very truly yours,

PETERBILT OF WYOMING



R Fred DeVore,
Dealer Principal

CASPER	CHEYENNE	RIVERTON	ROCK SPRINGS
4113 W Yellowstone Hwy 82604 Ph 307.237.9388 Fax 234.2073	4221 S. Industrial Service Road 82007 Ph 307.635.9388 Fax 635.5335	810 S Federal Blvd 82501 Ph 307.856.6779 Fax 856.6911	685 Jonah Drive 82901 Phone 307.382.5050 Fax 352.2978

Harold Wright – Chairman Natrona County Planning and Zoning
Board of Natrona County Commissioners
Natrona County Courthouse
200 N Center
Casper, WY 82601
nccommissioners@natronacounty-wy.gov

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4. Post COVID-19 postpone the meeting till users of NCIA can attend the meeting in person to listen to the presentation and voice concerns in person,
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6. The Legislature overwhelming approved SF 36 Large Scale Solar with the goal of increasing community participation in the approval process,
7. Plans to decommission the solar farm at the end of its useful life and sustainable disposal of the solar panels.

The Casper-Natrona County International Airport is a mainstay of the Central Wyoming economy.

It is important that large scale facilities not be approved without full consideration of the effect upon the local airport and local residents.

Thank you for your consideration in this matter.
Sincerely,

From: [Michelle Maines](#)
To: [Trish Chavis](#); [Jason Gutierrez](#)
Subject: FW: KCPR Instrument Approaches
Date: Tuesday, April 21, 2020 8:05:32 AM

Michelle Maines
Natrona County Commissioners' Office
200 North Center, Room 115
Casper, WY 82601
Phone: (307) 235-9202
Fax: (307) 235-9486

All Natrona County e-mails and attachments are public records under the Wyoming Public Records Act, W.S. § 16-4-201 et seq., and are subject to public disclosure pursuant to this Act.

From: dotcomm@charter.net <dotcomm@charter.net>
Sent: Tuesday, April 21, 2020 7:39 AM
To: NcCommissioners <NcCommissioners@natronacounty-wy.gov>
Subject: KCPR Instrument Approaches

CAUTION: Please be cautious. This email originated from outside the County. Use your Phish Alert button to report suspicious email or call your IT support team. Do not forward suspicious emails.

Harold Wright – Chairman Natrona County Planning and Zoning
Board of Natrona County Commissioners
Natrona County Courthouse
200 N Center
Casper, WY 82601
nccommissioners@natronacounty-wy.gov

Dear Chairman Wright and Board of Natrona County Commissioners,

Please accept this letter in opposition to the Dinosolar, LLC Conditional Use Permit (CUP20-2) application.

At this time, Dinosolar has not answered questions of the effect of glare, turbulence and dust on the NCIA airport and the established aircraft traffic pattern.

NCIA is tasked with protecting the airspace around the airport as a condition of receiving Federal Grant Assurance money.

The first responsibility of the NCIA airport is to provide a safe place for the operation of aircraft and transportation of passengers.

I hereby request that you postpone the approval of the Dinosolar Permit (CUP20-2) until the developer meets with:

1. The NCIA Federal Control Tower and study the effect of glare on the tower operation and visual

identification aircraft in the traffic pattern,

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Thank you for your consideration in this matter.

Sincerely,

A. James Pattan

Natrona County Resident, Retired Commercial Pilot, Recreational Pilot and seriously concerned citizen

Harold Wright – Chairman Natrona County Planning and Zoning
Board of Natrona County Commissioners
Natrona County Courthouse
200 N Center
Casper, WY 82601

bccommissioners@natronacounty.wy.gov

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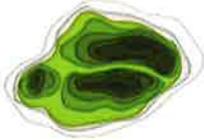
Thank you for your consideration in this matter.

Sincerely,

A handwritten signature in cursive script that reads "Tom Jones". The signature is written in black ink and is positioned above the printed name.

Tom Jones,

Natrona County Resident, Retired, Pilot, EAA 420 Sec.



Advanced **Geotechnical**
Solutions

Letter in Support of the Dinosolar Project

2435 King Blvd. Casper, Wyoming 82604

April 23, 2020

Natrona County Planning and Zoning Commission
200 North David Street
Casper, WY 82601

Members of the Natrona County Planning and Zoning Commission,

Advanced Geotechnical Solutions, Inc. is in support of the Dinosolar Project. The Dinosolar Project generates many great benefits for local businesses including, ours. For example, these types of projects help diversify our clients and revenue. In addition, this project diversifies the Wyoming economy away from natural resources extraction bases which have been hit hard over the past several years.

Dinosolar, LLC has hired our company to do preliminary geotechnical analyses. If the project receives its Conditional Use Permit, there will be a large amount of additional geotechnical and other types of engineering needed, providing a great opportunity for us and other local engineering companies to offer our services to the project and collect revenue which stays in the local economy.

We appreciate the opportunity to provide this opinion on the conditional use permit for the Dinosolar Project!

Regards,

Ben Hauser, P.E., G.I.T.
Principal

Harold Wright – Chairman Natrona County Planning and Zoning
Board of Natrona County Commissioners
Natrona County Courthouse
200 N Center
Casper, WY 82601
nccommissioners@natronacounty-wy.gov

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Thank you for your consideration in this matter.
Sincerely,

From: [Michelle Maines](#)
To: [Jason Gutierrez](#); [Trish Chavis](#)
Subject: FW: P&Z MEETING - 12 MAY - Dinosolar
Date: Monday, April 27, 2020 8:02:35 AM

Michelle Maines
Natrona County Commissioners' Office
200 North Center, Room 115
Casper, WY 82601
Phone: (307) 235-9202
Fax: (307) 235-9486

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From: TVanKleef@Warren-Goodwin.com <TVanKleef@Warren-Goodwin.com>
Sent: Friday, April 24, 2020 4:54 PM
To: NcCommissioners <NcCommissioners@natronacounty-wy.gov>
Subject: P&Z MEETING - 12 MAY - Dinosolar

CAUTION: Please be cautious. This email originated from outside the County. Use your Phish Alert button to report suspicious email or call your IT support team. Do not forward suspicious emails.

Dear Chairman Wright and Board of Natrona County Commissioners,

I'm writing to urge the Planning and Zoning Commission to pause prior to any action on the Dinosolar, LLC Conditional Use Permit (CUP20-2) application.

The pause I am suggesting is to allow a complete evaluation of the project, so that when Dinosolar breaks ground, and brings the economic benefits and jobs to Natrona County as promised, we do not create issues that could lead to a failure of the project – or devastating economic impacts and liabilities - for Natrona County

Natrona County, and the P&Z commission, appear to be operating with only partial information on the impact of the Dinosolar project. Your Commission may have been done a dis-service by not being made fully aware of the requirements of the Airport Sponsor Assurances agreement between Natrona County and The Federal Government.

It's my understanding that Dinosolar presented information from the FAA that gave the impression that the FAA had no objections to the Dinosolar project. That impression would be only partially correct. While I am sure that Dinosolar has met all of the requirements THEY are required to meet for the FAA, they do NOT have any responsibility or requirement to ensure that the Dinosolar project doesn't create a hazard for the Casper/Natrona County International Airport (C/NCIA), nor do they have a responsibility to inquire about any

Hazard issues.

The responsibility for "Hazard Removal and Mitigation" rests with Natrona County.

The Airport Sponsor Assurances agreement states in the section labeled "Hazard Removal and Mitigation", that Natrona County as the sponsoring organization:

"...will take appropriate action to assure that such terminal airspace as is required to protect instrument and visual operations to the airport (including established minimum flight altitudes) will be adequately cleared and protected by removing, lowering, relocating, marking, or lighting or otherwise mitigating existing airport hazards and by preventing the establishment or creation of future airport hazards."

In short – if this project isn't fully vetted with regard to hazards it may create at C/NCIA Airport, the project may be forced to shut down in the location currently selected. At that point, Dinosolar would have no responsibility or obligation to alter or move their project. That responsibility, cost, and all associated liability would fall on Natrona County.

If this were to occur, Natrona County would be at risk of

- Losing millions of dollars in economic activity generated by the ONLY international Airport in Wyoming,
- State and Federal grant monies being reduced or eliminated,
- Scheduled air carriers curtailing or ceasing operations in C/NCIA
- Medevac and Air Ambulance services being curtailed, reduced or eliminated
- All liability in the event of an aircraft mishap due to the Dinosolar project

Additionally, if Dinosolar builds as planned, they would be within their rights to liquidate damages against Natrona County for any costs associated with mitigation, re-location, removal, or other physical impacts – as well as loss of business.

These costs – directly and indirectly – can be avoided by ensuring that a complete and accurate assessment of the Dinosolar project is conducted BEFORE Dinosolar moves forward, and certainly before they break ground.

Such an examination is in the best interests of Natrona County, the Citizens of Natrona County, AND Dinosolar, and it's our combined responsibility to make this happen.

By definition, the P&Z Commission is the first point of clarity in this responsibility, while the County Commissioners bear the ultimate professional and fiduciary responsibility.

There are several areas which would directly impact the Dinosolar project vis-à-vis C/NCIA airport and the full range of operations there; several of these would be considered "safety of flight" issues. Issue that by definition immediately, directly, and repeatedly impact flight in adverse ways.

Dinosolar has expressed an interest in joining our Natrona County business community as solid, good neighbors. They've been lauded for the jobs and positive economic impact they will bring.

I am certain that as good Business Citizens, they'll welcome the assistance in ensuring that their project is not only successful, that is has no adverse impacts on their neighbors, and

that it won't place the County – or Dinosolar – in a position of having to mitigate risks AFTER the fact, when it will be more expensive and difficult for everyone. I'm doubly certain that this will be welcomed by Dinosolar in light of Aviation Safety, and the risks and liabilities associated with a fatal mishap.

We all welcome Dinosolar to Natrona County, and we should work with them to mitigate risks and issues with C/NCIA before they occur, since this is Natrona County's responsibility in accordance with the legally binding Federal Airport Sponsor Assurances Agreement.

To add perspective, I am both a Professional Pilot and a Local Business Owner. I served over 20 years in the USAF as a Fighter Pilot, Instructor and Evaluator Pilot, Commander, and as a Flying and Ground Safety officer. I'm a small business owner here in Natrona County and both understand and welcome additions to our business community.

If I can be of assistance in this matter, please feel free to contact me at TVanKleef@Warren-Goodwin.com or (307) 333-3168.

Tom Van Kleef
Natrona County

Harold Wright – Chairman Natrona County Planning and Zoning
Board of Natrona County Commissioners
Natrona County Courthouse
200 N Center
Casper, WY 82601
ncccommissioners@natronacounty-wy.gov

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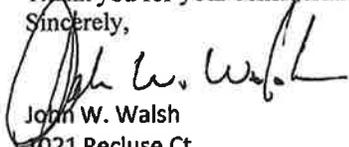
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Thank you for your consideration in this matter.

Sincerely,


John W. Walsh
1021 Recluse Ct.
Casper, WY 82609
307.262.9855



CASPER
200 PRONGHORN
CASPER, WY 82601
P: 307-266-2524

April 27, 2020

Natrona County Planning and Zoning Commission
Natrona County
200 North Center Street, Room 202
Casper, Wyoming 82601
Submitted via email: tchavis@natronacounty-wy.gov

RE: Dinosolar Solar Farm Application

Dear Members of the Planning and Zoning Commission and the Natrona County Commissioners:

WLC Engineering and Surveying is writing this letter in support of the Conditional Use Permit for the proposed Dinosolar Solar Farm Project west of Bar Nunn. Projects such as this add another line of work for our company, diversifying our business and revenue stream. Additionally, this project is the first of its kind in this area and has the potential to attract new companies to Wyoming that are in search of a good labor force, a great place to live, affordable power, and clean air.

WLC Engineering and Surveying has been providing engineering and surveying services to the Natrona County community since 1948. We have been involved with numerous different projects throughout our 72-year history. We have seen the numerous economic ups and downs endured by our county and state over these years and believes that diversification of the state's energy portfolio is critical, especially during these current uncertain times.

Sincerely,
WLC Engineering and Surveying

A handwritten signature in blue ink that reads 'Shane M. Porter'.

Shane Porter, PE
President

CHEYENNE

RAWLINS

DEDICATED TO CLIENTS. DEFINED BY EXCELLENCE.

Jason Gutierrez, PE

Development Department Director
Building Official
Natrona County Development Department
200 North Center, Suite 205
Casper, WY 82601
jgutierrez@natronacounty-wy.gov

April 19, 2020

Mr. Gutierrez,

This letter is in regard to the Dinosolar, LLC Conditional Use Permit (CUP20-2). I am a professional pilot currently serving as Captain flying and I have over 30 years' experience. I'm writing to you to share my professional knowledge and experience with glare from solar panel farms.

In addition to my current employer (a major commercial airline), I have flown for TWA and a Northwest commuter. My experience with smaller airplanes includes: flight instructing, aerial photography, seaplane pilot, charter pilot, scenic flights, and corporate flying.

I have landed at many airports with solar panel projects on or near the airport, including Albuquerque, Chattanooga, Denver, Phoenix, Newark, San Jose, Tucson, and Las Vegas—and the largest in Indianapolis. I have also flown repeatedly over America's largest solar farm, Solar Star located near Los Angeles, CA. Solar collection is becoming—if not already—commonplace.

In your research you may have come across comments from pilots about the solar farm located near Las Vegas. The project most pilots are referring to is called Ivanpah. This solar farm can be annoying in flight and does put out glare. The difference is the Ivanpah solar farm is not photo voltaic. Ivanpah is a power tower collective that uses mirrors to focus sunlight. The solar project in Casper, WY is photo voltaic and would not produce the glare experienced at Ivanpah.

Further, I have never observed any noticeable glare from any photo voltaic solar in flight. Frankly, I was totally unaware that solar projects were even present at airports I often fly into.

You may be asking, what do other pilots think? I have performed an informal but interesting survey of my fellow airline pilots. Here are their responses:

“No, I have not been bothered by glare from photovoltaic solar panel” was selected by 91 pilots.

“Yes, I was aware that there are solar panels in or around airports at ABQ, CHA, DEN, FAT, IND, PHX, EWR, RFD, SJC, TUS” was selected by 4 pilots.

“Yes, I have had annoying glare issues with photovoltaic cells” was selected by 6 pilots; however, when contacted 100% of respondents were referring Ivanpha, which is NOT a photo voltaic solar panel system.

U.S. pilots filed about 138,000 “NASA Reports” a year. In performing a search of the entire history of the popular NASA Aviation Safety Reporting System using the key word “solar panel,” I was only able to find one report where solar glare was brought up. If glare from photo voltaic cells were an issue, NASA Reports would uncover it. No airplane accident in the history of aviation has been reported as “glare due to a solar panel” as a contributing factor

As pilots we deal with various conditions of “glare.” Looking directly into the sun is obviously the worst case for glare. Casper/Natrona Co. International airport design is such that as the sun sets pilots are taking off and landing looking directly into the sun when you use runway #26 (depending on season). Many airports are set up like this. Looking directly into the sun is unpleasant, and it is something pilots just deal with. It is standard and common for pilots to choose to land directly into the sun and accept glare to avoid a small tailwind for example. Water, snow, metal roofs on hangars, auto and building glass has more glare than photo voltaic solar panels. These common sources of glare are something pilots deal with almost every flight.

There are at least 10 major airports with photo voltaic solar projects. My experience flying airplanes into airports with photo voltaic solar projects is that glare is not an issue. Fellow pilots surveyed feel similarly. Over a million safety reports do not indicate a problem.

Additionally, the glare survey for this project indicates there is minimal glare coming off the panels that can be managed by tilting the panels a different direction at certain times of day. I recommend following the outcomes and recommendations of the glare study. This is what the FAA recommends and this is what has been done at other airports. It works.

Feel free to contact me anytime; I’m available and willing to discuss any concerns or questions you have.

Sincerely,

Captain Chester R Frantz
Airline Transport Pilot
801-865-6626
chesterfrantz@gmail.com

From: [Jason Gutierrez](#)
To: [Trish Chavis](#)
Subject: FW: Dinosaur Project
Date: Monday, May 4, 2020 7:38:19 AM

From: David DuBois <itsnowjoke@hotmail.com>
Sent: Sunday, May 3, 2020 9:05 AM
To: Jason Gutierrez <jgutierrez@natronacounty-wy.gov>
Subject: Dinosaur Project

CAUTION: Please be cautious. This email originated from outside the County. Use your Phish Alert button to report suspicious email or call your IT support team. Do not forward suspicious emails.

Jason Gutierrez, PE
Development Department Director
Building Official
Natrona County Development Department
200 North Center, Suite 205
Casper, WY 82601

Mr. Gutierrez,

It has come to my attention that you may be seeking input from pilots regarding possible negative effects from the proposed Dinosaur solar project. As a professional airline pilot, I have vast experience flying into airports that currently have large solar projects on their property, including Denver and Phoenix. As such, I have experienced no adverse flight conditions as a result of these solar projects.

The biggest concerns would be glare and turbulence. In my experience, the type of solar panels proposed in the dinosaur project do not produce an inordinate amount of glare, in fact I can say with confidence that glare is a complete non-issue with these types of panels.

Secondly, turbulence generated from solar farms has been a non-issue in my experience. I've seen turbulence generated from high winds hitting buildings and disrupting airflow downwind, and turbulence caused by hot airport parking lots and the rising air created as a result, but have never had negligible flight characteristics as the result of a solar project. I hope you find this info helpful.

Good luck with the project. It sounds very interesting.

Sincerely,

David DuBois
4674 Nelson Court
Park City, UT 84098
itsnowjoke@hotmail.com
(435) 901-2821
FAA Airline Transport Pilot Certificate # 3367174

Dear Chairman Wright and Board of Natrona County Commissioners,

Please accept this letter in support of the Dinosolar, LLC Conditional Use Permit (CUP20-2) application. Our ranch, North Forge Ranch Inc. owns the land where many of the solar panels would be located. North Forge Ranch is a third-generation operation and one of the few ranches in the State still running both sheep and cattle. As a ranching family, we believe in the value of diversification. Therefore, when Enyo Renewable Energy/Dinosolar, LLC approached us at the end of 2016 on a solar energy lease, we thought it would be a good fit for us.

Like many landowners, we are strong advocates of private property rights. We believe prosperity and property rights are inextricably linked. In the case of Dinosolar, there is a financial benefit not only to us, the landowners, but also the County, School District, other taxing entities, and those local businesses and contractors who will benefit during the construction. The ripple effects on the economy are significant, while the impacts are minimal. We are not asking for you to approve a large high-density subdivision with 20' high two-story homes. We are asking you to approve solar panels, which are similar to a one-story house. that create no sound, have minimal change on the horizon, and do not require significant public services.

We understand the Airport board had a question about dust. It may be of interest to the Commission, for the benefit of our livestock and ranch, we specifically negotiated a provision in our lease to ensure dust suppression activities are conducted. We are pleased to say Enyo Renewable Energy agreed to perform dust suppression on all surface disturbance in order to prevent dirt and dust from blowing from the site where such disturbance occurred.

We pride ourselves on being good neighbors and good community members. This type of project does just that—it creates jobs and revenues for the County, while contractually ensuring Dinosolar's panels don't infringe on the rights of others.

In our view, it's time to innovate as a ranch and as a community as we move forward from the recent worldwide events. If we as a County don't adapt, and simply continue in a business as usual mindset, we will struggle to advance as a community. This project is the first of its kind in this area, and has the potential to attract new companies to Natrona County who are searching for a strong labor force, affordable power, and a great place to live.

Please vote in favor of the project.

Bob M. Milly
Carter
Remilly

RECEIVED
5/4/2020

Dear Chairman Wright and Board of Natrona County Commissioners,

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Please vote in favor of the project.

Quade Estes 4-29-20
Ron Estes Jr. 4-29-2020

RECEIVED
5/4/2020



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Please vote in favor of the project.


CHARIS WELCH

4-29-20

RECEIVED
5/4/2020

62

Dear Chairman Wright and Board of Natrona County Commissioners,

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Please vote in favor of the project.


Chrisa
Bauer

RECEIVED
5/4/2020

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Please vote in favor of the project

Kim and Kevin Forgey

4-28-2020

RECEIVED
5/4/2020

Wyoming
Business Alliance
Business Makes Wyoming Better

April 29, 2020

Natrona County Board of County Commissioners
200 N. Center St.
Casper, Wy 82601

Dear Mr. Chairman,

On behalf of the 300 plus members of the Wyoming Business Alliance (WBA), I wanted to express our organizational support for the Dinosolar utility-scale solar project located west of Bar Nunn. Now more than ever, Wyoming needs to find new sources of revenue to help expand and diversify our economy and tax base. Supporting businesses and projects which are responsibly developed, that generate revenue, broaden our tax base, enhance production of natural resources, and provide jobs and resources to local communities are shared priorities of the diverse membership of our organization.

From our review of Enyo Renewable Energy's studies, it is our understanding that the proposed project is anticipated to provide the following revenue:

- \$2 million generated in property tax during the first year of operation
- \$46 million generated in property taxes over the 35-year life of the project
- 250 jobs created during the construction period
- \$2.96 million in projected retail and lodging expenditures
- \$8.7 million generated in sales and use taxes

We appreciate your careful review and consideration of this interesting project. The Dinosolar project could generate much needed revenue at the local and state level as well as keeping people in Wyoming working.

Sincerely,


Cindy DeLancey

President

RECEIVED
MAY 4 2020



PO Box 3197
Cheyenne, WY 82009



cindy@wyoba.com
wyomingbusinessalliance.com



307.635.9490

Wyoming
Business Alliance
Business Makes Wyoming Better

April 29, 2020

Natrona County Planning & Zoning Commission
200 N. Center St
Casper, WY 82601

Dear Chairman Wright,

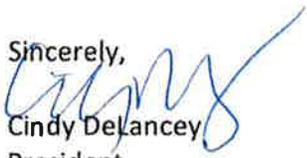
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President



PO Box 3197
Cheyenne, WY 82009



cindy@wyoba.com
wyomingbusinessalliance.com



307.635.9490



Nick Wilson
President
Wilson Bros Construction Inc

Lauren Benford
Vice President
Reiman Corp

TC Murphy
Secretary-Treasurer
Keyhole Technologies LLC

Ray Fertig
Past President
Recco Inc (dba Five-R Co)

Mike Haynes
Director
Knife River

Kevin Fulk
Director
Aulick Leasing Corporation

Greg Jackson
Director
Ofedal Construction Inc

Kevin Craft
Director
McGarvin-Moberly Construction Co

Ken McKillop
Director
DRM Inc

W.W. "Wally" Reiman
National Governor
Reiman Corp

Ernie Skretteberg
National Governor
McGarvin-Moberly Construction Co

Jeff Eastwood
Associate President
Tri-State Truck & Equipment Inc

Dan Holman
Associate Vice President
Wyoming Machinery Company

Tim Pluim
Ex-Officio
Komatsu

Katie Legerski
Executive Director
PO Box 965
Cheyenne WY 82003-0965
Phone: 307.632.0573
www.agcwyo.org

May 4, 2020

Chairman Harold Wright
Natrona County Planning and Zoning
200 N Center St
Casper WY 82601

Dear Chairman Wright and Commissioners:

The Associated General Contractors of Wyoming express our support for the Dinosolar utility-scale solar project located west of Bar Nunn. Everyone can agree there is a need to diversify our economy and tax base. Projects such as this that broaden our energy sector, diversify the economy, provide jobs and taxes to local communities, and do not significantly impact local services are extremely difficult to find.

In addition to the estimated 250 jobs during construction the economic impacts include:

- \$2 million generated in property tax during the first year of operation
- Over \$46 million generated in property taxes over the 35-year life of the project
- \$2.96 million in projected retail and lodging expenditures during construction
- \$8.7 million generated in sales and use taxes

The AGC of Wyoming appreciate your favorable consideration of the Dinosolar utility-scale solar project.

Sincerely,

Katie Legerski
Executive Director

Dear Chairman Wright and Board of Natrona County Commissioners,

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Please vote in favor of the project.

Kathleen J. Swanson

Jason Gutierrez, PE

Development Department Director
Building Official
Natrona County Development Department
200 North Center, Suite 205
Casper, WY 82601
jgutierrez@natronacounty-wy.gov

May 5, 2020

Mr. Gutierrez,

This letter is in regard to the Dinosolar, LLC Conditional Use Permit (CUP20-2). Will this solar project produce more turbulence? The answer is no.

I am currently a Captain for a major airline where I have worked for over 20 years. I have 17,000 hours flying airplanes. I have a degree in Applied Nuclear Physics. I have close to 1000 hours flying gliders which involves harnessing air currents, thermals, lift, and turbulence.

There are two types of turbulence: Mechanical and Thermal. We will cover both types of turbulence.

Mechanical- If you have ever looked at a river and watched how rocks in the stream effect waters downstream you have a pretty good idea of what mechanical turbulence looks like. you also probably noticed that the turbulence lessens with distance from the rock or obstruction. Big tall rocks create more turbulence than short rocks.

Will the Dinosolar project cause mechanical turbulence that would affect aircraft? No. The panels are too low and too far away. It would be quite an overreach for any airport to regulate objects that are 10 feet tall and over 2 miles away. Hangars, Terminals, Control Towers, are all much closer to the runway (1000 feet) and taller (30 feet) pose a much greater threat of producing turbulence than the solar panels. These buildings were deemed safe and built.

Thermal turbulence- Different surfaces heat up at different rates. The sun shines on the earth's surface and that surface and the air around it heats up. The air, once it gets hot enough relative to the air around it, rises and you get thermal turbulence. There are many different surfaces around airports. Parking lots, freshly plowed fields, wheat, snow, and water all heat up at different rates and produce thermal turbulence. Solar panels are no different than these other surfaces. Typically, in the morning the air is magically smooth. The sun slowly gets higher

and does its work heating up different surfaces at different rates. After 10 am the air everywhere gets a little bumpy.

Pilots can see the effects of thermal turbulence. A smattering of puffy popcorn like clouds are visual indicators of thermal activity. Birds and glider pilots love thermals and seek them out to fly in them. If you see a hawk or vulture or glider smoothly circling, they have found a thermal and are getting a free ride on the rising air. Thermals are not a threat to aviation unless the aircraft is 200 feet above the runway or lower when landing, an altitude that no airplane should reasonably be at above Dinosolar.

Is thermal turbulence considered in man-made structures and ground surfaces around airports? No. The FAA provides no guidance on turbulence as it pertains to manmade colors or solar, nor should they. Blacktop and plowed fields are common. Pilots just don't get to dictate nor do they care what color the ground they are flying over is. Pilots land in and around dense cities, or "Heat Islands" all the time. I have 30 years' experience flying airplanes, I cannot differentiate the ride quality of flying over a city, a farm, blacktop or a snow scape. Thermals are everywhere and expected when the sun is high. Thermal turbulence over a solar farm is just not a real issue.

I have flown into a dozen airports with large solar projects that are closer than this one. I have never detected any degradation in ride quality nor have I seen any visual clues that thermals are more common over them. Many airports have had several phases of their solar projects. These airports add more panels with time, something they wouldn't do if there were issues.

No, this solar farm will not cause a change in turbulence experienced by pilots flying into Casper. **The FAA said it best in the FAA airport solar guide when they wrote "It (solar) is particularly well suited to airports"**. If you have any questions feel free to call me.

Sincerely

Chester Frantz

Airline Transport Pilot

801-865-6626

chesterfrantz@gmail.com

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Please vote in favor of the project.

Julie Andrew
Haley Ayers
Bret Andrew

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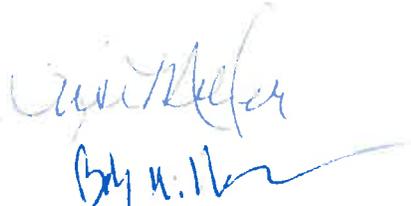
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A handwritten signature in blue ink, appearing to read "Cyril Meyer" followed by a flourish and "By N. H.".

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Please vote in favor of the project.

Jim M. Parker

From: [Michelle Maines](#)
To: [Jason Gutierrez](#); [Trish Chavis](#)
Subject: Fwd: Dinosolar Project adjacent to Natrona County International Airport.
Date: Tuesday, May 12, 2020 2:46:26 PM

Michelle
Sent from my iPhone

Begin forwarded message:

From: Sweetwater Guides <sweethunt@msn.com>
Date: May 12, 2020 at 9:43:38 AM MDT
To: Rob Hendry <rhendry@natronacounty-wy.gov>, "Paul C. Bertoglio" <pbertoglio@natronacounty-wy.gov>, Forrest Chadwick <fchadwick@natronacounty-wy.gov>, Brook Kaufman <bkaufman@natronacounty-wy.gov>, Jim Milne <jmilne@natronacounty-wy.gov>, Michelle Maines <mmaines@natronacounty-wy.gov>
Subject: **Dinosolar Project adjacent to Natrona County International Airport.**

CAUTION: Please be cautious. This email originated from outside the County. Use your Phish Alert button to report suspicious email or call your IT support team. Do not forward suspicious emails.

Dear Natrona County Commissioners,

I have concerns regarding the Cup20-2 and V20-1 for the Dinosolar proposals. I just now became aware that public comment had a deadline of 5/11/2020. I ask that the Natrona County Commissioners seriously look at and re-examine the county policies concerning these programs followed by research of these products and firms before blindly moving ahead with approvals.

Thank you for your time.

Ray Dennis
Casper, Wyoming
Ph. 307 266 1424

From: Sweetwater Guides <sweethunt@msn.com>

Sent: Thursday, May 7, 2020 11:44 AM

To: Glenn Januska <gjanuska@iflycasper.com>; From: Emily Skill <emily@enyo-energy.com>

Subject: Re: Please join us in discussing the Dinosolar Project with our Airport Experts - AECOM- on May 8 at 5pm

Thank you for the invitation Glenn,

I encourage everyone involved and the community to watch the documentary "Planet of the Humans" by Michael Moore. Far be it that I am a big fan of this Man but this most current documentary of his raises serious concerns about wind and solar generated power. This film is currently on You Tube and has gone super viral with almost seven million views in just a few days.

I have taken the opportunity to research many of the facts he presented in the film and the facts are readily researchable and hold up to vigorous scrutiny.

The mere production process of solar panels, consumes HUGE amounts of fossil fuels during their production thereby creating a larger carbon footprint than they will ever negate during their limited service life.

It takes a unconscionable amount of fossil fuels to mine the quartz and coal that are key ingredients/components in the manufacture of the panels themselves not to mention the additional fuels needed to bring these two ingredient/component minerals to temperatures in excess of 1800 degrees to allow their properties to be combined and manufactured into the panels themselves. This does not take into account the vast amount of additional fossil fuels used during transport, setup and maintenance.

The limited amount of beneficial power this solar farm would produce would likely never exceed the fossil fuel power used to produce, transport, setup and maintain this solar farm. Their carbon footprint is huge in comparison to commonly used sources of energy already in place.

There are also very real concerns of the negative effect this farm would pose to the Safety of the aviation community, both Commercial and General Aviation. As you know this area is in the path of approaching aircraft using the most commonly used Runway 21. It is also part of the departure area for the second most used Runway 3. The angle these panels would have to face to be beneficial for solar harvest would be generally South. The panels themselves, their

mounting hardware etc. could cause detrimental glare and distraction for pilots, not to mention taking up valuable emergency landing opportunities for departing and landing aircraft.

Also, this area is commonly frequented and used by Pronghorn Antelope, Mule Deer, Small Game, Sage Grouse and Predatory Birds. It also has significance as historical winter ranges for wildlife. This in itself would also decrease viewing and recreational opportunities for Outdoor Enthusiasts.

In recent news it was revealed Wyoming is also being burdened with the disposal of large amounts of non-recyclable Wind Generator Units that also have a limited service life, not to mention the destruction of the scenic vistas for which Wyoming is famous. Solar panels have an even more abbreviated and accelerated shorter service life than wind generators.

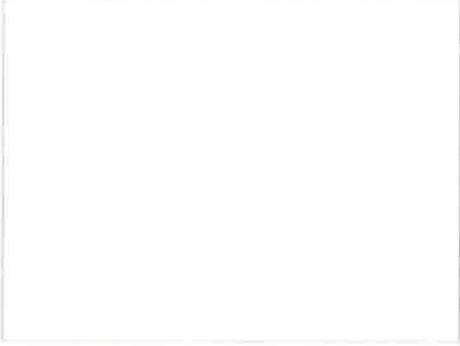
It is time to put these failed experiments behind us and contest any further development and encroachment of these programs on our Precious Natural Wyoming Lands. Wyoming benefits very little to nothing from these programs with the main benefactor being the corporations installing these sites for nothing more than the government subsidies, the cost of which is only forwarded to the end user with increased usage fees. It is time for Wyoming to say no to these over burdensome projects.

Please keep us updated as to ongoing events pertaining to this misuse of taxpayer funds, the visual scarring of Wyoming's Vistas, Endangerment to Aviation Pilots, their Passengers and Cargo as well as loss and harm to Wildlife Range and Recreational Opportunities.

Ray Dennis
Pilot
Casper, Wyoming
Sweetwater Outfitters
Ph. 307 266 1424

<https://www.youtube.com/watch?v=Zk11vl-7czE>

Michael Moore
Presents: Planet of the
Humans | Full
Documentary |



Directed by Jeff Gibbs

Michael Moore presents Planet of the Humans, a documentary that dares to say what no one else will this Earth Day — that we are losing the battle to stop climate change on planet earth because we are

www.youtube.com

From: Glenn Januska <gjanuska@iflycasper.com>

Sent: Wednesday, May 6, 2020 3:46 PM

To: Glenn Januska <gjanuska@iflycasper.com>

Subject: FW: Please join us in discussing the Dinosolar Project with our Airport Experts - AECOM- on May 8 at 5pm

All –

Please note the information on the video conference below. This is for the solar project that will be going before the County Planning & Zoning Board for conditional use permit next Tuesday. It is a solar farm to be located between the Airport and Bar Nunn. A map is attached and information on the project is below:

<http://dinosolarproject.com/>

Glenn

From: Emily Skill <emily@enyo-energy.com>

Sent: Wednesday, May 6, 2020 3:18 PM

Subject: Please join us in discussing the Dinosolar Project with our Airport Experts - AECOM- on May 8 at 5pm

Hello,

Dinosolar, LLC is holding a video conference on **Friday, May 8 from 5pm to 6pm MST** for pilots and other members of the community to ask our experts from AECOM questions about the Dinosolar glare study and other questions regarding the Project and the Casper-Natrona County Airport. Please join us and share the call details below with others who may be interested.

Meeting information below:

1. Please join my meeting.

<https://global.gotomeeting.com/join/733342269>

2. Use your microphone and speakers (VoIP) - a headset is recommended. Or, call in using your telephone.

One-touch: <tel:+16467493112..733342269#>

Dial +1 (646) 749-3112

Access Code: 733-342-269

Audio PIN: Shown after joining the meeting

Meeting ID: 733-342-269

GoToMeeting®

Online Meetings Made Easy®

Thank you,

Emily Skill

Project Developer

Enyo Renewable Energy