

Article 12

12-103 Development Plan: Application for a Conditional Use and Development Plan approval shall be made in accordance with the procedures outlined in Article 19 of these Regulations. The application shall include a Development Plan which describes the applicant's intentions for the use and development of the property. The Development Plan shall include and/or display the following information:

1. When deemed necessary, a topographic survey indicating the legal description, property boundary, existing contours, existing utilities and easements, and natural and manmade features of the property.

Sample structure elevation drawings and topographic features are included in Attachment 1.

2. A Development Plan, drawn to the same scale as the topographic survey, indicating:

- a. existing contours (shown as dashed lines);

See support material in the preliminary format in Attachment 1 for details.

- b. proposed contours (shown as solid lines);

See support material in the preliminary format in Attachment 1 for details. No contour changes are proposed for the project, with the exception of less than one foot changes at the foundation locations of the transmission structures. Preliminary structure elevation drawings are provided in Attachment 1.

- c. location and orientation of all existing and proposed buildings;

See support material in the preliminary format in Attachment 1 for details, including an indicative route for the transmission line and preliminary pole placement for which this CUP is requested. While not applicable to this CUP application, there will be an Operations and Maintenance ("O&M") Facility incorporated into the full project Development Plan. The O&M functions and personnel pertaining to this CUP and the transmission facilities will be based out of that facility.

- d. areas to be used for parking, including the number and arrangement of stalls;

No new permanent parking will be necessary for this CUP. Through previous CUP submittals, the project has provided parking details for the designated Operations and Maintenance (O&M) facility and Laydown yard(s), the final configuration of which will be completed during the engineering design phase, just prior to submitting for the construction permit.

- e. areas to be developed for screening, including the location of plant materials, and screening structures and features;

This is not applicable to this CUP application, however the project previously provided detail on the collection substation and O&M facility, which will be further addressed with the engineering plans during the construction permit application and will have the appropriate security features. Batch plant is planned to be located within the gravel pad (shared) adjacent to laydown yard and O&M Facility and will be included in the project's final Development Plan.

- f. pedestrian and vehicular circulation, and their relationship to existing streets, alleys and public right-of-way;

The Project is working with Marion County on an agreement to address road maintenance and upon successful completion of this CUP, such agreement will apply to this CUP area as well. We understand the road maintenance agreement will designate the specific off-highway delivery and construction and operational service routes for the utility transmission corridor, as mutually agreed.

- g. points of ingress and egress;

All access to Transmission Facilities will be within the Easement Area as designated within the Transmission Easement for each landowner. Any necessary access roads will be shown within the map for each Transmission Easement and have been mutually agreed upon with the landowner. Specific to this CUP application, our planned access to the site will be from both Xavier Road and Highway 77, as shown on the Easement Area within the Transmission Easement Agreement in Attachment 2.

- h. location of all existing and proposed utilities (sanitary sewage systems, water systems, storm drainage systems, gas lines, telephone lines and electrical power lines);

There are no known existing utilities within the CUP area for this application. However, prior to construction and issuance of building permits, confirmatory studies and surveys (including 811 calls) will be completed on the site to confirm all utilities and ensure the project infrastructure does not interfere with such utilities.

Only the Operations and Maintenance Facility is expected to require sewage system and water, for which the design is not yet complete due to the project working with the City of Marion for an existing location within Marion city limits. However, if the project opts to locate the O&M Facility within the Project area, it will conform with all applicable County design, electrical, building, sewage treatment and well permitting requirements and authorizations prior to construction.

This facility is not directly applicable to this CUP application, as it is not planned for the land contained within this application. Map of relative location of O&M Facility within the overall Expedition Wind Project is contained in Attachment 1 of this application.

- i. drainage controls (retention or detention ponds);

A Soil Erosion, Sediment Control and Stormwater Run-off Plan has been prepared for Expedition on our current and proposed layout and is included in Attachment 3. The plan contemplates the expected construction activity for the full project, including the transmission line for this CUP application. This plan will be updated after the final layout and plan is complete and filed with the State for Kansas and Federal NPDES permitting.

- j. location, size and characteristics of identification and business signs;

While not applicable to this CUP application, the facility will display Business signs at the Project substation location, as well as the O&M facility. Additionally, access roads may be marked with private drive signs to prevent unauthorized access. All signs will comply with Marion County sign regulations as outlined in Article 16 of the zoning regulations.

- k. lighting layout, appurtenances, and intensity of illumination;
There is no lighting necessary for the planned transmission lines associated with this CUP application. The Project will only install lighting as prescribed by the FAA, and to the minimal degree allowable (including the Aircraft Detection Lighting System, if approved by the FAA, as conditioned in the prior CUP approval, Resolution No. 19-11). Additionally, security lights will be located at the O&M facility with motion detectors to avoid nuisance lighting.
 - l. proposed finished floor elevations of all buildings and structures.
The preliminary design for the transmission line which shows elevations, is included in this CUP application in Attachment 1. All finished grade elevations will be provided with the Issued for Construction (IFC) plans at the time of construction permitting.
3. A statement of intent shall accompany the Development Plan to explain the measures used to achieve compatibility of the proposed development with surrounding properties through the planning of the site and the location and design of structures.
Expedition has been previously issued six CUP approvals for its project. This CUP application represents a companion CUP to the other approved CUP areas, which are immediately adjacent to and surrounding the site in this application. As such, Expedition intends to comply with all necessary conditions/regulations associated with the previously issued CUPs as it applies to the site and plans associated with this CUP.

12-104 Development Plan – Planning Commission Review: The Planning Commission shall review the application for a Conditional Use Permit, along with the Development Plan, and shall recommend approval or denial of the Conditional Use Permit along with the Development Plan to the Governing Body, or may request modifications to the Development Plan as deemed necessary to carry out the spirit and intent of these Regulations. Approval by the Governing Body shall constitute approval and permanency of the Development Plan, thereby establishing the criteria for construction of the proposed development.

In the process of reviewing any Development Plan, the Planning Commission and/or Governing Body may provide approval of the Development Plan conditioned upon certain limitations or restrictions deemed necessary to protect the public interest and surrounding properties, including, if any, the following:

- 1. Limitations on the type, illumination, and appearance of any signs or advertising structures.
- 2. Direction and location of outdoor lighting.
- 3. Arrangement and location of off-street parking and off-street loading spaces.
- 4. The type of paving, landscaping, fencing, screening and other such features. ARTICLE 12 PLAN APPROVAL GUIDELINES Marion County Zoning Regulations (December 2011 Draft) 12-3
- 5. Limitations on structural alterations to existing buildings.

6. Prohibition of use or construction of any structure to be used for a single-family dwelling, including a manufactured home.
7. Plans for control or elimination of smoke, dust, gas, noise or vibration caused by the proposed use.
8. Waiver of any standards, requirements or depiction of information required by this Article when requested by the applicant and shown to be unnecessary as applied to the specific case in question.
9. Such other conditions and/or limitations that are deemed necessary.

Several of the bulleted items above do not apply to a WECS development, as these are more typical items for a standard building project. The application and the Project's response to Article 27 in the following sections encompass our response to those points wherever applicable. As laid out above in bullets 8 and 9, the commission has the flexibility to determine the applicability of the ordinance provisions to each individual project seeking a conditional use permit, such as this submittal.

Further, Expedition has a preliminary approval (to be finalized upon construction permitting) to utilize KDOT right of way for approximately 14 miles starting from the area located in this CUP running south along Highway 77 and into Butler County to the project substation. Expedition will comply with all necessary and applicable permits, regulations and conditions imposed by KDOT for such use of its ROW.

Article 27

27-105 Additional Required Topics to be Included in Submittals: In addition to the requirements of Article 12, applications for a WECS project shall address specific issues related with the project that include but are not limited to the following:

1. In addition to strict conformance to all performance standards and Development Plan requirements as detailed in the Marion County Zoning Regulations, the Development Plan shall address the following:
 - a. The "boundary" of the project shall be the properties included within the "leased lands" on which the WECS is proposed to be constructed. The specific siting of individual components of the WECS, including towers, supporting structures, and all other aspects which entail a complete WECS as recognized within the industry, may be included conceptually within the Development Plan and are permitted to be moved and adjusted as necessary during the design and construction process without modifications to the Development Plan, so long as new lands are not added to the original "boundary" of the WECS and so long as such relocations conform to the setbacks and other requirements of this Article 27.

While the overall Project footprint encompasses about 21,000+ acres of land located in south-central Marion County - approximately 55 acres are included in this CUP application for the siting of transmission facilities. Such proposed transmission facilities include, but are not limited to (a) one or more overhead or underground electrical transmission and communications lines and related cables, wires, guy wires, cross arms, conduit, footings, foundations, towers, poles, cross-arms, guy lines and anchors, circuit breakers and transformers, interconnection, distribution and/or switching facilities,

including for purposes of line swings from any such lines, whether constructed on the Property or adjacent Property; (b) any and all necessary and proper facilities, fixtures, and additional equipment and improvements in any way related to or associated with any of the foregoing for the transmission of wind-generated electrical energy; and (d) access roads.

A representative (but not final) map showing the planned infrastructure for this CUP is included in Attachment 1. Legal descriptions and evidence of Transmission Easements and the resolution from the County to include its Right-of-Way for those parcels included in this CUP application have been provided in Attachment 2 as evidence of filing this CUP application on the landowners' behalf. Provisions in the easement documents and the County Resolution authorize Expedition to act as an agent on behalf of the property owner to seek the necessary permit approvals and other authorizations required to build the proposed project.

Although the attached support documents may change as further engineering and design is completed, Expedition understands that any alterations may only take place within the Leased Lands Boundary in conformance with Articles 12 and 27 of the Marion County Zoning Regulations.

- b. All setback designations herein, when referenced as 'total height' shall mean "Total Tip Height", which is the total height of the wind turbine measured at the highest point of the blade system during its rotation, or with respect to any other structure including meteorological tower, its total height. All horizontal setbacks shall be measured from the center point of the turbine tower to the edge point from which the setback is required.

Expedition Wind acknowledges the County's regulation and agrees to conform to them in its final plan submittal. This CUP is for transmission facilities only.

2. No turbines shall be located closer than 500 feet from public roads, measuring from the nearest edge of the right-of-way or public road easement, or the total height of the turbine plus 50 feet, whichever is greater. No turbines shall be located closer than 500 feet from property lines of any property not included in the CUP, or the total height of the turbine plus 50 feet, whichever is greater. No turbine shall be located closer than 1,320 feet from an existing non-participating residential structure. For a participating residential structure, the turbine shall be located no closer than the total height of the turbine plus 50 feet. Turbine locations for other buildings on "participating lands" shall be as determined jointly by the WECS developer and the participating landowner. For the purposes of the above requirements, a "participating residential structure" means a residential structure on the same land under a lease or contract with a wind company; and a "non-participating residential structure" means a residential structure on land, not under lease or contract with a WECS Developer.

N/A - This CUP is for transmission facilities only.

3. Communication lines and power collection lines are to be installed underground in the area covered by the CUP with use of directional boring, horizontal drilling, micro-tunneling, vibrating plowing, narrow trench ditching and other techniques in the construction of facilities. Such processes are intended to result in the least amount of disruption and damage as possible to the surface soil and natural features. Said lines are to be located under or at the edge of turbine access roads as feasible. Above-ground transmission lines may be used only in public rights-of-way, easements or other legal documents dedicated for such purposes, or when conditions on-site are found to make installation of underground supporting lines impractical or infeasible, for example, the presence of existing underground lines or pipelines that conflict with such type of construction.

Expedition Wind acknowledges this regulation and will meet or exceed during the design and construction. This includes inclusion of all County ROW and roadways into the CUP as necessary to provide for Expedition's use of these ROW/Roadways for wire crossings.

4. Designation of the public roads to be used as transportation routes for construction and maintenance of the WECS; said roads to be included within the mandatory Road Maintenance Agreement specified in these Regulations.

The project is in discussions with the County regarding road maintenance for the total project under the existing CUPs. Expedition proposes to incorporate the finally agreed terms and conditions regarding road maintenance into this CUP (if approved) prior to the application for the Construction Permit as laid out by Section 107 of Article 27 WECS Overlay District Regulations.

Expedition also acknowledges the obligation to coordinate with the County and the County Roads and Bridge Department to ensure haul routes are well defined and the proper weight restrictions are met or the necessary improvements are made to ensure safe travel.

Final repairs and improvements will be completed once major construction is substantially complete in the County, and as further outlined in the final agreement regarding road maintenance.

5. Applicant shall construct the smallest number of turbine access roads as reasonably feasible. Access roads shall be low profile roads so farming equipment can cross them. Where an access road is to cross a stream or drainage way, it shall be designed and constructed so runoff from the upper portions of the watershed can readily flow to the lower portions of the watershed. Where an access road is to cross a stream or drainage way, the applicant must follow FEMA regulations pertaining to constructing a roadway structure in a floodplain zone.

While Expedition Wind will temporarily access the properties contained in this CUP application for the installation of transmission facilities, the Project does not propose a long-term improved access road through the property. Generally, Expedition Wind

intends to develop the Project lands with a low impact design that keeps intact the integrity of the natural landscape and cultivated plots as is feasible. The Project will seek direct input from landowners during the engineering and design phase to seek input for design and final location of access roads, if applicable.

6. The lowest point of the rotor blades shall be at least 50 feet above ground level at the base of each tower.

N/A - this CUP is for transmission facilities only.

7. All lubricants and/or hazardous materials to be located on the premises in connection with the WECS facility shall be kept and transported in accordance with all state and federal regulations.

The O&M facility for the project will be the operations and staging area and is currently planned to be located in the City limits of Marion, KS. This facility is available, as necessary, to store excess components, lubricants, fuel, waste oil, cleaning solvents, or other necessary products to ensure the performance safety of the Project's facilities. Some of these materials may be designated as hazardous materials, pursuant to title 40 Code of Federal Regulation, subpart 239-282, and the Resource Conservation and Recovery Act (RCRA).

Any waste material must be generated, stored, transported, and disposed of, pursuant to the CFR and State of Kansas Department of Health and Environment requirements. It is of good practice to have a facility-specific Spill Prevention Control & Countermeasure plan and MSDS filed with the County Department of Emergency Response and Preparedness, to ensure that all inventoried hazardous waste has a specific site location and its containment information for the purpose of responding to any potential emergency on site. This information can be submitted by the O&M provider. Owner will ensure owner, contractor, and O&M provider compliance to these requirements during the development, construction, operations, maintenance and decommissioning periods of the facility.

See the Soil Erosion, Sediment Control, & Stormwater Runoff Plan in Attachment 3 for more details on WECS Operation and the potential for hazardous material storage.

8. No lights shall be installed on the towers unless required by the Federal Aviation Administration (FAA). If lighting is required, then only the installation of red lights shall be permitted. This restriction shall not apply to infrared heating devices used to protect the wind monitoring equipment. At no point shall white, strobe lights be permitted.

N/A - This CUP is for transmission facilities only, which do not require lighting.

9. Structures for wind turbines shall be self-supporting tubular towers painted a neutral color such as a white or pale gray. No lattice structure shall be used. No logos or advertisements are allowed

on these structures. Each turbine shall be marked with a visible identification number located no higher than fifteen (15) feet above ground level.

N/A - This CUP is for transmission facilities only.

10. At the end of the project's or an individual turbine's or tower's useful life, all WECS equipment shall be removed from the site and the foundation for the base of each tower shall be removed such that each location can be covered over with a minimum of 18 inches of topsoil and re-seeded with native grass. Any request greater than the minimum requirements shall be negotiated between the WECS Developer and the landowner at or before the time of decommissioning. Access roads shall be removed to the landowner's satisfaction, and the ground shall be restored to a use compatible with surrounding use. The requirement to remove access roads shall not apply to roads in existence before the WECS application was filed. The landowner may choose to have access roads left intact.

Expedition Wind has significant commitments in its Transmission Easement Agreements to take full responsibility for decommissioning providing for removal of improvements, restoration of land, security guarantees and default provisions. Further, as a part of the ancillary agreements and after approval of the zoning, Expedition proposes to incorporate this CUP (if approved) with the final and agreed decommissioning standards associated with the the other six CUPs.

11. The WECS and its associated facilities shall not be operated so as to cause microwave, television, radio, telecommunications or navigation interference contrary to Federal Communications Commission (FCC) regulations or other law as to occupied residential structures existing as of the date of the CUP approval by Marion County. In the event the WECS and its associated facilities or its operations cause such interference, the applicant shall take timely measures reasonably necessary to correct the problem.

The Project has completed a detailed study on microwave beam paths that may be affected by the placement of infrastructure. The results of those studies have been applied to eliminate the possibility of obstruction to beam paths or communication in accordance with this provision and the FCC. Expedition Wind and the third party evidence it has provided in this application does not anticipate to have any adverse impacts.

However, after discussions with our subcontractor and other industry experts, we understand that there may be reason to provide repeaters or like equipment to mitigate any previously undiscovered interference, should it occur. Therefore, Expedition Wind agrees to incorporate this CUP (if approved) into the agreement(s) covering the existing

six CUPs providing cash/security to assure that all such issues are mitigated and resolved to County standards as agreed between Expedition and the County.

12. Reasonable measures shall be identified to mitigate specific adverse visual impacts such as reflections, shadow flicker, and blade glint affecting occupied residential structures existing as of the date of the CUP approval by Marion County, and within or immediately adjacent to the project area, such as planting trees, installing awnings, etc.

This CUP is for transmission facilities only. Expedition has worked with each participating landowner to site the transmission easement to mitigate adverse visual impacts.

13. The applicant shall identify the potential fire risk associated with the project, including both prescribed burning and non-prescribed burning (natural or accidental). This shall include fire within the site, escape from the site, and the effects of fire originating from outside the site. Also address high angle rescue.

It is important to be aware that PRESCRIBED BURNING, or range burning is a common practice in this area. Mitigation plans are to show how the towers and equipment are protected from the fire within the site and from fire originating from outside the site. PRESCRIBED BURNING is defined as the controlled application of fire to naturally occurring or naturalized vegetative fuels under specified environmental (weather) conditions in accordance with a written prescription that is designed to confine the fire to a predetermined area and to accomplish planned land management objectives.

The applicant shall acknowledge that an owner, lessee, or occupant of any agricultural land is not liable for property damage caused by or resulting from prescribed burning their own land on the land owned by, leased by, or occupied by the WECS if the prescribed burning is conducted by the procedures stated above.

The Project encourages all landowners using prescribed burning to notify the onsite operations staff before such burning takes place to ensure safety to all parties. The Project will take all the necessary precautions to ensure the safe operations of the WECS.

During the construction period for the Project, fire safety training and equipment are incorporated into the daily operations of the field crew. Daily safety meetings will include, as necessary, consistent reminders of fire safety and the proper actions to ensure avoidance of accidental fires.

During the operating period of the project, onsite extinguishers will be placed within every vehicle, at the O&M facility, and with every crew member being trained in the use of firefighting equipment. Additionally, site plans will include an emergency response plan that specifically identifies the succession of emergency personnel to be

contacted in the event of an emergency including 911 and local medical, fire, police, etc. responders.

14. If the WECS project area contains riparian watershed areas, native prairie grasses, or other sensitive areas designated by the county, the applicant shall identify the manner in which the WECS project shall comply with the following requirements:
- a. The manner in which the riparian watershed areas, native prairie grass areas, or sensitive areas on any site shall be preserved, or shall be substituted for open space as approved by the County.

A desktop survey of potential wetland areas was conducted by a trained and licensed environmental scientist. The results of the survey have been incorporated into the setback requirement for equipment siting.

Wherever possible, the project has avoided road or equipment siting which impacts native grasslands throughout the project area. At this time, one transmission facility structure is planned within native grasses, while the others are located within cultivated property or wooded hedge row. A map showing the resulting affected native grasslands and tame grass is shown in Attachment 1. The lands included in this application include a small area of native grasslands, but majority is cultivated lands and/or hedge row.

All of the transmission facility equipment siting is located within private lands, except where underground collection or transmission facilities cross county rights-of-way or enters and travels within the KDOT right-of-way. The final project assessment, potential mitigation and permitting will be managed during final design and evidence will be provided for final building permits with the county.

- b. No clearing or grading shall be permitted within 125' from the centerline of any drainage area unless otherwise permitted by the County.

Expedition Wind acknowledges and agrees to comply with the county's regulation.

- c. Any development that is determined by the county to fall within the limits of the historic Chisholm Trail, Santa Fe Trail, or related historic natural or manmade feature shall comply with the following requirements:
 1. Any trees that are determined to endanger the preservation of trail ruts or diminish the visibility of a trail shall be removed under the direction of the County or the County's appointed designee.
 2. Interpretive signage as approved by the County shall be provided, if applicable.
 3. To the extent reasonably feasible, WECS projects should be designed, constructed and operated so as to have the minimal impact on existing historical or cultural resources, including the designation on the Development Plan and Construction Plans of areas designated as "off limits" to construction or operations activities.

Expedition Wind acknowledges and agrees to comply with the county's regulation. Expedition Wind contracted Westwood Professional Services to perform a cultural review. None of the aforementioned features (or any others) occur within the facility or any of the installation and construction activities. See Attachment 5 for this report and additional information regarding our cultural resource assessment of the Project area, which includes the area included in this CUP application. This CUP area does not fall within the limits of the historic Chisholm Trail or Santa Fe Trail.

15. An overview of the existing environment issues shall be documented and filed to include information regarding:

a. Wildlife Habitat;

(NOTE: Expedition has included, as Attachment 4, a summary of the environmental work completed to date, which includes an overall Site Characterization Summary, or the environmental "Wrap" document from Westwood Professional Services. Further, the Project has consulted, and will continue to communicate with the US Fish and Wildlife Service as well as the Kansas Department of Wildlife, Parks and Tourism ("KDWPT") to ensure protection of any sensitive species. KDWPT's initial and final review provided in September of 2019 are also provided in Attachment 4.

Expedition Wind has contracted Westwood Professional Services, Allied Environmental, and Aeolus Consulting Services, for the review and study of environmental and biological species in and around the development area. Westwood has put together the final comprehensive summary of all the collected data.

The transmission facilities equipment will avoid wildlife habitat disturbance by utilizing private, previously disturbed row crop agricultural and livestock grazing land wherever possible. By siting the transmission facilities equipment in agriculture land and not in otherwise sensitive or protected vegetation, native prairie, or riparian lands, wildlife habitat will be preserved.

The results from the compiled environmental reports indicate a low probability of significant adverse impact on wildlife. This is based on the fact that there is little to no critical areas for wildlife congregation, staging, nesting, and other areas of seasonal importance. These results include bird migration, flora, fauna, and areas of geo-conservation.

b. Bird Migration and the potential for bird strikes;

The Expedition Wind transmission facilities pose a very low risk to any avian species, as they are static structures that do not pose accidental strike risks.

To help inform the assessment of potential avian risks, the Project contracted avian experts to conduct studies of the site through and those preliminary results show little activity in the area, relative to other areas of Kansas, for migratory species. A total of

12,192 birds, representing 106 different avian species, we recorded during point county surveys conducted from April 2018 to October 2018. These surveys took place at 36 different points throughout the project area to ensure that a good representative sample was being surveyed. No federally or state listed species were ever observed onsite.

- c. Flora – vegetation species, threatened species (officially listed), critical habitat and habitat conditions for such species;

Westwood has concluded that no federally or state listed endangered or threatened plant species are known to occur within the proposed project area or Marion County. As the project development area includes only private, mostly-agriculture and rangeland, Expedition Wind expects it will have no significant impact on any critical habitat.

Expedition wind will continue to utilize industry experts through the development process as well as the engineering and design phase to ensure a low impact design of the WECS is followed.

- d. Fauna – species, habitat assessment, threatened species (officially listed), migratory species, critical habitat and habitat conditions for such species;

The bird count survey and the bat acoustical monitoring of the proposed project area represent an exhaustive effort by Expedition to identify and inventory those species most susceptible to potential wind turbine mortalities. Unlike aerial species, ground species will remain unaffected by the project due to the lack of natural and critical landscape alterations within the project area.

Westwood's Site Characterization Study and Biological Wrap serve as a Tier 2 level study, per the United States Fish and Wildlife Land-Based Wind Energy Guidelines. These guidelines are voluntary and Expedition is required to follow all state and federal laws regulating biological species and the environment. Due to the low probability of adverse impacts on any species, the USFWS Guidelines do not indicate the need to conduct a Tier 3 study. Expedition intends to conduct Tier 4 studies in-line with USFWS Guidelines, which monitors operational mortalities and is entirely voluntary.

- e. Geo-conservation – sites of geoconservation significance listed on the state/national database (All of Marion County is located in the Flint Hills);

Westwood Professional Services was contracted by Expedition to complete a review of Cultural Resources within the project and the general surrounding area that might be physically or visually impacted by the proposed project. Westwood's principal investigator accessed the Geographic Information System (GIS) portal for the Kansas Historical Society (KHS) which is hosted by the Data Access and Support Center (DASC)

on April 9, 2019. The principal investigator is permitted through KHS to access this database. Westwood's principal investigator meets the Secretary of Interior's Professional Qualification Standards for archaeology as stipulated in 36 CFR Part 61.

Westwood did not identify any cultural resources of concern within this proposed CUP area. However, in the Development Plan (leased land under an approved CUP), there were two areas identified as being as "Prehistoric (Lithic Workshop)" and "Prehistoric (Camp and Rockshelter)". Both of these two areas are located in Section 34, Township 20, Range 4 and there is no project infrastructure planned or proposed for this part of Expedition's leased land area. Further, the identified sites will have no potential to be impacted by construction activities.

An additional 82 sites were identified as being outside of the proposed Development Plan but within one mile of the general area. This one-mile "buffer" allows the licensed principal investigator to ascertain that there are no significant impacts to such sites by the Project or the transmission facilities contemplated within this CUP application.

See Westwood's Cultural Study in Attachment 5 for additional details for issues specific to Article 27-105(15) e.

Should the Project encounter suspected artifacts or sites of historical or cultural significance during construction, the Project will consult with archaeological professionals for the proper handling and activities.

f. Flood Zones

Flood zones are avoided at nearly all costs for the wind industry for many reasons. Access roads and O&M buildings will avoid these areas but underground collection lines, above ground transmission lines or crane walk-paths may run through flood zones. Restoration plans are developed to ensure that proper vegetation and seeding takes place to these disturbed areas and are addressed further in the Erosion and Sediment Control Plan as Stormwater Pollution Prevention Plan to be developed by the construction contractor.

The maps that support the development plan and the CUP area show the Federal Emergency Management Administration (FEMA) 100-year flood plain. The 100-year flood plain delineates the areas that have a 1% chance to be flooded by a precipitation event in any given year. Not having a qualifying precipitation in one year does not increase the probability of an event in the subsequent year. While there are many residential developments across the US, that have built in the flood plain and therefore carries the mandatory FEMA Flood Insurance Program, all of Expedition's buildings and generation equipment infrastructure will be located outside of the flood plain and no adverse impacts on flood plains are anticipated to occur as a result of the proposed Expedition Project.

Some of the area included in this CUP application are within the FEMA 100-year flood plain. However, with proper installation and flood plain off-set, if required, the transmission facilities are not expected to adversely affect the flood plain in any way. Final determinations will be made once final structure design is complete and at the time the project files for building permits with County permitting personnel.

Vegetation establishment is critical to avoid changing drainage patterns or causing soil loss through erosion of topsoil in flood zones. Early consultation with Westwood Professional Services determined that impacts will be well below those allowed under the US Army Corp of Engineers (USACE) Nationwide Permit and will not require a 404 permit. Should additional impacts be expected, the project will work with the USACE, Kansas Division of Water Resources within the Kansas Department of Agriculture (KDA DWR) or Kansas Department of Health and Environment, Bureau of Water (KDHE BW) to ensure proper permitting and allowed activities occur.

16. Soil Erosion, Sediment Control & Storm Water Runoff. Applicant shall develop a Soil Erosion, Sediment Control & Storm Water Runoff Plan. The Plan shall address what types of erosion control measures will be used during each phase of the project. Said plan shall identify plans for:

(Note: Expedition has prepared a draft Soil Erosion, Sediment Control and Storm Water Run-off Plan and included said plan in Attachment 3 of the CUP submittal. The following information represent directly related content as indicated)

- a. Grading;

Grading activities are mostly avoided during the construction of transmission projects due to the need to preserve the hydrologic features of exposed soil row-crop agriculture land.

No permanent access/grading improvements are expected for the lands included in this application. Temporary access for the installation of structures and equipment will be necessary, but is not expected to alter the ground grade. In the event that temporary access necessitates a temporary change in the natural grade contours, silt fence, sediment logs, or other perimeter control BMPs will be installed per Sediment Control and Stormwater Protection and Prevention Plans ("SWPPP").

- b. Construction and drainage of access roads and turbine pads;

No permanent access/grading improvements are expected for the lands included in this application. Temporary access for the installation of structures and equipment will be necessary, but is not expected to alter the ground grade. In the event that temporary access necessitates a temporary change in the natural grade contours, silt fence, sediment logs, or other perimeter control BMPs will be installed per Sediment Control and Stormwater Protection and Prevention Plans ("SWPPP").

- c. Necessary soil information;

Of the soils found throughout the Expedition Wind Project, 7% are classified as hydrologic Group B. Soils in this group have moderately low runoff potential when thoroughly wet and infiltration rates are high. Group C soils make up 8.5% of the soils in the area of interest, these soils have moderately high runoff potential when thoroughly wet and infiltration rates are slow. Group D soils make up 54.8% of the area of interest, these soils have a high runoff potential when thoroughly wet and infiltration rates are very slow.

- d. Design features to maintain downstream water quality;

The most effective site design feature is to not leave exposed soil open to the elements for extended periods of times. Due to the limited disturbance of soils for the construction of the transmission facilities, soils impact will be very low.

Inclusion of transmission facilities within existing agricultural property poses no significant alteration the natural hydrology of water drainage such as to cause significant adverse impacts to receiving waters. Additionally, there are many temporary and permanent erosion and sediment control features that will be used during construction to ensure soil stabilization and reduce the risk of inundating any creek, stream, or river.

- e. Re-vegetation to ensure slope stability;

If vegetation stabilization is needed, the construction contractor will ensure that a seed mix is used in accordance with the Kansas State University Extension Office for the use of a native seed mix devoid of noxious weeds, in accordance with the Kansas Noxious Weed Law. Temporary erosion control blanket, mulch, geotextile fabric, or other industry BMP may be used if above grade access roads or erection pads are required for slope stabilization. In almost all cases, an engineered specific ground cover will contain soils converted for project purposes and all other areas are left in an exposed soil row-crop condition for agricultural purposes so that farming can continue.

- f. Restoring the site after temporary project activities.

Temporary erosion and sediment control Best Management Practices will be designed specifically for the engineering Issued For Construction (IFC) design plan set, as required by the State of Kansas Department of Health and Environment (KDHE), Kansas Water Pollution Control and National Pollutant Discharge Elimination System (NPDES) stormwater runoff from construction activities.

Once temporary sediment controls are installed, the construction contractor's delegated SWPPP inspector will follow the schedule for routine and post rainfall events to ensure that controls are adequate and any required maintenance is done in a timely manner. A log book of inspection reports will be kept onsite at all times, being made available to the regulating body at any time.

The Soil Erosion, Sediment Control & Storm Water Runoff Plan shall also include practices regarding:

1. Disposal or storage of excavated materials;

Stockpiled material from the excavation of transmission pole foundations is typically backfilled after concrete and rebar installation. In the event that is not the case, perimeter protection will be installed with some form of BMP intended for steep slopes which could include, but not limited to, hydro mulch, tarpaulin, or polyethylene sheeting.

Disposal of excavated material will be the responsibility of the construction contractor but in most cases, excess uncontaminated material can be used elsewhere on site as fill material or for soil amendments during other construction activity. Any potentially contaminated material will be transported offsite to a permitted treatment or disposal facility.

2. Protecting exposed soil;

Stabilization of disturbed areas will be initiated immediately whenever construction activity is expected to cease for a period that is greater than 14 days. The area shall be protected from erosion by a temporary, permanent, or a combination of those BMP to ensure satisfaction with KSR100000. These BMP will be completely installed per the manufacturer specification within 14 days after the end of construction.

3. Stabilizing restored material and removal of silt fences or barriers when the area is stabilized;

For projects that disturb agricultural land, disturbed areas that are restored to their preconstruction agriculture use are not subject to the site stabilization criteria of the KSR100000. For those areas that don't qualify as agricultural areas and are not converted to project infrastructure, restoration of soil would be consistent with native perennial cover with special attention to not introduce noxious weeds to the area.

The removal of all temporary BMP would also be consistent with site restoration. This means that the contractor will be required to remove silt fence, straw waddles, hay bales, tracking control, and all other temporary erosion and sediment control BMP.

4. Maintenance of erosion controls throughout the life of the project.

Once BMP are installed onsite, they must be maintained to ensure they operate effectively and according to the manufacturer specification. These inspections shall be scheduled to place at least once a week and within 24 hours of any precipitation event with accumulation over 0.5 inches. If frozen conditions occur onsite, inspections may cease until the first thaw. Winter condition preparation should take place in fall to ensure that BMP will be in place for the spring thaw.

If during the inspection a BMP is determined to be ineffective, it may need additional or redundant BMP to adequately prevent erosion. If a BMP failure is noted, the inspector will list that failure in their report and assign a corrective action item to take place within a reasonable amount of time.

See the Soil Erosion, Sediment Control, & Stormwater Runoff Plan in Attachment 3 for more details on erosion and sediment control, as well as stormwater best management practices.

17. Other Lighting and Utility Standards. No light source greater than (1) one foot-candle shall be directed onto any public right-of-way, directed so as to cause glare onto any vehicle roadway or cause light trespass onto any residentially used or zoned property. Security or safety lighting shall also be designed to avoid excess light trespass and glare. Lighting sources of all kinds shall be adequately shielded and positioned to avoid glare or direct visibility of the light source from adjoining property.

Expedition Wind acknowledges this regulation and will meet or exceed this requirement.

18. Noise. The audible noise created by the WECS shall not exceed 55 decibels at all times measured at the property line of any non-participating property within the boundary of the project. Turbines shall be moved, or modified, or removed (and decommissioned) from service if necessary, to comply with this condition.

This CUP is for transmission facilities only.