

Scotts Bluff County Planning Commission
Meeting Minutes
April 9, 2024

The Scotts Bluff County Planning Commission met on April 9, 2024 at 6:00 P.M. in the Scotts Bluff County Commissioner’s Room, Administration Building, Gering, Nebraska.

Roll Call: Bill Wineman, Seth Popp, Jerry Thurman, Dean Schaneman, Terry Schank, Mick Lookabill, Roger Beitel, Vern Groskopf, Eric Wilcox

Members Present: Bill Wineman, Seth Popp, Jerry Thurman, Dean Schaneman, Mick Lookabill, Roger Beitel, Vern Groskopf, and Eric Wilcox

Members Absent: Terry Schank

Bill Mabin: Building and Zoning Director
Bobbie Dendy: Building and Zoning Assistant

Notice of the Nebraska Open Meetings Act was made by Eric Wilcox.

Jerry Thurman made the motion to approve the March 12th, 2024, minutes as presented. Motion was seconded by Dean Schaneman.

Roll Call: Bill Wineman-aye, Seth Popp-aye, Jerry Thurman-aye, Dean Schaneman-aye, Mick Lookabill-aye, Roger Beitel-aye, Vern Groskopf-aye, Eric Wilcox-aye.

Motion carried.

- Public Hearing** **1. Situla Energy/Preston Trust Conditional Use Permit (Solar Farm)**
Pts of Sec. 2, 3, 4, Township 20N, Range 58W
& 29, 30, 31, 32, Township 21N, Range 57W
& 26, 27, 34, 35, Township 21N, Range 58W
Tabled from January 9, 2024 meeting

Eric Wilcox asked for a motion to remove the Situla Energy/Preston Trust Conditional Use Permit request item from the table, which was tabled at the January 9, 2024 meeting. Bill Wineman made the motion to remove the item from the table. Motion was seconded by Mick Lookabill.

Roll Call: Bill Wineman-aye, Seth Popp-aye, Jerry Thurman-aye, Dean Schaneman-aye, Mick Lookabill-aye, Roger Beitel-aye, Vern Groskopf-aye, Eric Wilcox-aye.

Zoning Director, Bill Mabin began the meeting with an overview of the location of the proposed Situla Energy Project, located on the north side of County Road X, approximately 3 miles west of Stegall Road.

Mabin detailed Section 5.102 of the Scotts Bluff County Zoning Regulations, which permits “Power Generating Facilities and Related Uses” in the Agricultural zoning district by means of a Conditional Use Permit (CUP). He also displayed the provisions for recommendation of a CUP from Section 10

of the zoning regulations along with other potential impacts which might need to be mitigated (pg. 11).

Mabin then introduced a proposed list of Conditions of Approval (pg. 8-10) created in conjunction with Scotts Bluff County Zoning Department and consultant Marvin Planning, based on industry standards of other approved utility scale solar energy facilities. Situla Energy will be required to fulfill the provisions of the project plan (Exhibit 1), as submitted by Situla Energy in the CUP application and as approved by the Scotts Bluff County Board. Other required items in the conditions of approval mentioned were a decommissioning bond, screening of the solar array, and limited lighting. A building permit shall be required before any site work can commence, and an approved road use agreement, power purchase agreement, and emergency services plan, along with or prior to submittal of the building permit application. A decommissioning plan and related bond (pg. 10) or line of credit shall also be required as part the conditions of approval. Mabin detailed the requirements of decommissioning plan and bond.

Scott Ickes, 3430 Corral Drive, Rapid City, S.D., VP of business development for Dunlieh Energy LLC, San Marcos, California. Dunlieh Energy is a parent company of Situla Energy. Ickes made a power point presentation (pg. 12-15) and overview to the Planning Commission of the solar project. He says the State of Nebraska is going through a process to reduce greenhouse emissions. Addressing the concerns there have been about the emergency response and fire safety plan, the national security issue that has been raised, the road use agreement, potential environmental impacts, security of the site during construction and the longer term, management of the workforce throughout the project, and security and reliability issue as it related to the federal agencies. He says there is a framework for regulatory issues that have to be addressed with a menu of federal, state, and local requirements – otherwise the project cannot get permitted.

Project will produce 400 megawatts of AC power with just about 600,000 solar panels to be placed on just under 1600 acres of the Preston brothers land to be interconnected to WAPA, with whom they have an interconnection agreement in the queue pending a system study to understand the impacts of the proposed facility on the rest of its system, and whatever upgrades need to be made. Targeting 4th quarter of 2024 to obtain approval from WAPA, and expecting operation start up by the end of 2025. He detailed the economic benefits as shown in the presentation. Would like to use as much local workforce as possible.

The project will utilize bifacial solar photovoltaic technology, which means that both sides of the panel will produce power for an increase of a 40% increase of efficiency of the solar that is captured. He says Situla has been providing community outreach with the commissioners and a couple open houses to answer questions from citizens. Says Scotts Bluff County and Banner County Commissioners have given a lot of attention to emergency response and fire safety. Says once they receive the OK to proceed with the project, they will immediately bring local emergency response staff on site and engage with all parties in respect to a plan. Will be using an engineering firm who has built over 200 large scale solar facilities to draft the emergency response plan.

Mick Lookabill asked who would pay for special fire equipment and training needed for the project. Ickes answered that Situla would be responsible for those items. He says there was an issue of national security raised concerning the missile sites in the area. Situla has engaged with the DOD Clearinghouse (pg. 16), which has provided a favorable initial review and has green-lit the project up until this point. It can take up to a year for the DOD Clearinghouse to complete its final ruling in respect to the facility.

Ickes stated there will be a road use agreement with Scotts Bluff County and Banner County which codifies the commitment of Situla to return the roads to at least the same condition as when the project begins. Wants to be good neighbors to the community. The consulting firm, Two Dot Consulting, has performed the requisite environmental analysis of the project impact on the property. Committed at a high level not to make a material negative impact on the quality of the land, air, or wildlife. As part of the WAPA study, a mandatory review by the federal government is required to satisfy the conditions of the National Environment Protection Act.

The project will have 24-hour onsite security during the construction period, and there will be direct access to the site manager of the construction contractor for any concerns about site security. After the facility is active it will be fenced and security will be monitored remotely. He thinks it's a good idea to update the decommissioning bond every 5 years. The National Renewable Energy Laboratories expects the recycling costs for solar panels and batteries to fall over time.

Roger Beitel asked Ickes if the facility was to be sold if the new owners would be bound by the proposed conditions. Bill Mabin noted that was included in the conditions of approval. Beitel asked how long it would take to remove panels and clean up the site if a hail storm were to take out 600,000 panels. Ickes stated that the panels are designed to tilt in a different positions to minimize the damage from such storms. He's not exactly sure how long it would take if all of the panels were destroyed, but thought it could be done within a year. Mick Lookabill commented that he feels the decommissioning plan is important, and doesn't want the county to be liable for the cost of removal of equipment. Ickes said Situla will contractually address the decommissioning plan so neither Scotts Bluff County nor the Prestons will be on the hook for the restoration of the property. Feels that as technology improves, it is more likely that the site will be upgraded and recommissioned since the money has already been spent on the initial installation.

Jerry Thurman asked who is responsible to make sure that the operator stays compliant with the requirements of the CUP. Ickes noted that the EPC (engineering, procurement, and construction) contractor is incentivized by the contractual agreement to stay on schedule or could face penalties from the operator.

Eric Wilcox opened the discussion to the public. He asked the conversations be held to 4 minutes and please keep on point.

Bruce Hall, 2501 5th Avenue, Scottsbluff; Has questions about the company. Situla said they had 11 projects being developed around the country, and he went online and could not find one of them. So contacted the counties of said projects and they had never been contacted by Dunlieh Energy or Situla Energy. He also asks about the interconnect with WAPA and overload issues identified in the WAPA feasibility study. Hall also questions who the EPC contractor will be.

Ickes responded that those projects were probably in too early of a stage to reach out to the counties. He says there is a fair amount of work that has to be done before they are in a position to want to spend the money and develop a conditional use permit. Situla tries to identify places on the grid around the country that are high quality locations to plug in a solar and battery facility. Ickes said Dunlieh also has a land use consultant from Houston to then reach out to local land owners about interest in a facility on their property. There's other research that has to be done before we begin to engage the counties in a more formal way. Ickes also responded that there will need to be upgrades made to WAPA's system to facilitate the project which will be paid for by Situla. In response to the last question, Ickes named Wood Group PLC, a global company from the UK, as the EPC contractor for the project.

Mike Blue, 210057 Lucas Road, Scottsbluff; Mr. Blue is the County Commissioner of District 1. Has met with Mr. Ickes, but didn't get a lot of his technical questions answered. His concerns are with Fire Safety and lithium batteries. Specifically an incident in Arizona where a lithium battery storage facility overheated and the firefighters and contractors had no knowledge of this type of facility, resulting in six first responders being seriously injured. He asked about the costs of equipment for the local firefighters and who provides the HAZMAT training to the fire districts. He also questions the overall efficiency of the facility. He also wonders about the source of the funding. Worried about the decommissioning and says the county doesn't have the funds to hire somebody to complete the job. Would like to hear input from the other agencies involved in the process, whether it be approving plans or permits. His main concern is the safety of the citizens and first responders.

Ickes said the source of funding is Treehouse Capital from Minneapolis, who is the same enterprise who funded the windfarm down in Kimball. He says Treehouse Capital is waiting on an offtake agreement, and once in place, is ready to finance the entire project. In respect to fire safety, Dunlieh can engage with Wood Group PLC to draft a fire response plan specifically for this facility.

Jennifer Lerwick, 190852 Stegall Road, Lyman; She is on the Kiowa-Lyman Fire Department and is concerned that no representative of the energy project has been in contact with the fire district in Lyman, in which this project is located. She says there are only three EMT's in her unit and feels they are understaffed for such a large call volume. She thinks the Wyoming fire districts should be involved in the response plan.

Lola Lacy, 2226 Highland Drive, Scottsbluff; Questioning if Dunlieh Energy has begun a project or completed a project. She is a business owner and already has trouble finding workers and is concerned the project could draw workers away from other small local businesses. She also wonders where the workers will be housed and what kind of workers will be brought in to do the work. Worried about the availability of housing and possibly driving rent prices up.

Ickes said that Thae Flied, owner of Dunlieh Energy, has completed other projects before, but not as part of the Dunlieh Energy company. He states that the EPC contractor will be in charge of staffing the project. Would like to give locals the opportunity to work on the project, but understands the challenges of the lack of availability in the workforce. He stated that non local workers would mainly be staying in local hotels and motels, and that the peak demand for housing would only be for one to two months. He says that a lot of the workers will be specialized for certain tasks.

Hod Kosman, 190498 County Rd G, Scottsbluff; He is for clean energy and is not speaking for or against the project. His concerns are with surety bond and the inflation for decommissioning in 30 years. He feels the county should require half of the decommissioning cost to be secured by a cash escrow. If the money is put in a 10-year treasury, you would have additional million dollars after 10 years. He also thinks the county should also be named as an "Additional Named Insured" on the Hazard Insurance policy.

Casey Debus, 60512 County Road P, Lyman; She says the 177-page (project plan) that was submitted with the CUP application has a lot of inconsistencies. She states the lack of detail and accurate facts is appalling, and has not provided the supporting analysis and studies is suspicious. Says the Montz Point Wildlife Management Area is close by and that area is managed for its biodiversity, cultural and archeological importance for fossil and artifact discoveries according to the Platte River Basin Environment website. Says the U.S. Fish and Wildlife Service has identified four wetland areas in the project area and a study has not been conducted. She is worried about the property values of her land and the health and well-being of her family. She sees a lot of red flags and feels there needs to be more research before the project moves forward.

Don Lease, 2068 County Road 73, Bridgeport; He is a Banner County Commissioner. Has talked at length with Scott Ickes and Scotts Bluff County Commissioners about a road use agreement. Wants to work with Scotts Bluff County Board to get a good deal for both counties. It affects Banner County because the truck travel will come up through Banner County. The rest of testimony is as a resident, not as a commissioner. He doesn't know how to calculate the loss of the quiet solitude they (residents) have up there. He's not sure about the surety bond. He says the oil well bonds from 20 years ago needed to appropriate money from the legislature because the bonds were totally insufficient later on. He thinks an escrow account would be the logical way to provide security for decommissioning. He says the fire safety issue should be addressed through the Mutual Aid Association.

Larry Bare, 15 Brentwood Court, Scottsbluff; Has owned and operated a business for 45 years and has been involved in major projects. He says not once would they have been involved as a "new kid on the block", without having a good history of things they have built and references from people they worked for. Says everyone is having trouble finding out about their company (Situla/Dunlieh) and thinks an \$800 million contract shouldn't go to a new company.

Eric Wilcox asked if anyone else in the audience would like to speak, and as there was not, he closed the public hearing at 7:25 PM. Wilcox asked if there were any questions from the Planning Commissioners.

Vern Groskopf asked how much of the project is government subsidized, and what would happen if the subsidies are discontinued after the project has started. Scott Ickes said in terms of the Inflation Reduction Act, which includes incentives for these kinds of renewable projects, he's not 100% sure of what that number is at this time. He stated that the investors will look at loss of subsidies as a potential scenario, and that the expiration of tax credits and subsidies halted all new development until the Biden administration restarted those programs. He says that's a risk the investors will have to quantify and build a margin into the offtake agreement to offset the loss of those incentives.

Roger Beitel asked about training for fire districts. He asks who is responsible for the training and costs of training, necessary equipment, etc. Scott Ickes replied that project is still in its early stages, but when the finalization of the engineering work, the interconnect agreement, the NEPA review, the construction wrap agreement with the Wood Group, and all the stakeholders come together and decide to move forward with the project, before construction has even started, then that's when they will engage with the local fire departments to develop an emergency response plan. He says there's a year of construction, so that's when the training and procurement of fire safety equipment and emergency response equipment will happen.

Beitel also asked if there was a lithium battery on fire that can't be suppressed, how would they put the fire out. Ickes responded that he's not sure of how the fire should be extinguished, but that the batteries will be mounted on concrete slabs with an apron of aggregate gravel around the batteries.

Kyle Long, Attorney-at-Law, Simmons Olsen Law, 1502 2nd Avenue, Scottsbluff NE; Representing Situla. Long added to the conversation regarding fire safety. He says that the emergency response plan is developed hand in hand with the Authority Having Jurisdiction (AHJ), which is either the Nebraska State Fire Marshall or delegate of, responsible for enforcement in that area. The emergency response plan will be developed as part of the design review process, and will need to be accepted and approved by the AHJ. It will most likely be the decision of the fire departments, for crew safety and public safety, on tactics used to combat potential fires. He says it should be noted that these battery packs are not contained in a large building, such as the Arizona

fire mentioned earlier. The batteries for this project are smaller free-standing packs in a more distributed nature, so you have spacing between the packs with aggregate surrounding the entire area to prevent fire from spreading outside of the project area. The plan is that a fire won't move from one cabinet to the next. Long also noted, specifically because of the Arizona fire, the National Fire Protection Association (NFPA) has since been very active where it comes to battery storage systems and has adopted NFPA 855 to help solve these issues. He says the NFPA 855 along with UL standards require remote monitoring so if a single cell in the cabinet begins to overheat it can be monitored and hopefully addressed before it goes on to a fire. Monitoring and suppression are all part of the NFPA strategy.

Roger Beitel asked if Situla would be willing to do a cash escrow if the county doesn't want to do a bond. Scott Ickes replied that the goal is to make the community as comfortable with the process as possible, including the decommissioning pieces. He feels there is no difference between a 5-year bond and a cash security.

Hod Kosman posed the scenario what would happen if Situla were to sell the operation and is worried that the bond may not cover the costs of decommissioning due to inflation or other market effect. He questions how do we guarantee that they'll have the ability or the willingness move the next step up if there happens to be a substantial increase because of a liability. Kyle Long pointed out that failure to provide the surety is to simply forfeit the investment.

There was discussion by Bill Wineman, Kosman, Lookabill, Wilcox, and Beitel, questioning if Scotts Bluff County should be a party to the facility's hazard insurance policy in case there was a major disaster at the project facility. Wineman stated it could be another level of protection if the county was on the policy. Long noted that the mass casualty of the facility would generate a very significant insurance return well above and beyond the surety bond, there'd be enough money at that point to add the money that would be necessary for surety.

Wilcox asked if there were any further questions from the Planning Commissioners, and as there were not, asked for a motion.

Bill Wineman made a motion to recommend approval of the Situla Energy/Preston Trust Solar Facility along with the conditions of approval to the Scotts Bluff County Board. He added that the discussions that were had here as to the County Board fully investigating their options as far as surety for decommissioning and whichever avenue they'd like to go with that, and to seek a legal opinion on whether they should be added to the general liability insurance. Mick Lookabill seconded the motion.

Wilcox then clarified that a vote "yes" means to recommend approval of the conditional use permit to the County Board, and a vote "no" means recommendation of denial of the conditional use permit as stated in the motion and provided before.

Roll Call: Bill Wineman-aye, Seth Popp-aye, Jerry Thurman-aye, Dean Schaneman-aye, Mick Lookabill-aye, Roger Beitel-no, Vern Groskopf-aye, Eric Wilcox-aye.

Motion carried.

Wilcox said the CUP request would be set for the Scott Bluff County Commissioners meeting on May 6th, 2024 at 4:30 PM.

2. Miscellaneous – None

Eric Wilcox called meeting adjourned at 8:03 PM

Respectfully submitted,
Bobbie Dendy

The Power Point presentation, Situla Project Plan (**exhibit 1**), and other materials provided before and at the Planning Commission meeting, can be obtained by contacting:

Bill Mabin
Scotts Bluff County
Building & Zoning
bill.mabin@scottsbluffcountyne.gov
(308) 436-6700
785 Rundell Road
Gering, NE 69341

PROPOSED

CONDITIONAL USE PERMIT CONDITIONS OF APPROVAL

**SITULA ENERGY PROJECT, LLC/PRESTON TRUST
UTILITY-SCALE SOLAR ENERGY CONVERSION FACILITY**

Pts of Sec. 2, 3, 4, Township 20 N, Range 58W, AND Sec. 29, 30, 31, 32, Township 21 N, Range 57 W, AND Sec. 26, 27, 34, 35, Township 21 N, Range 58 W; AS SHOWN ON MAP

1. Situla Energy Project, LLC, and/or its assignees (operator), are required to fulfill the obligations of the Conditional Use Permit (CUP) project plan as approved by the Scotts Bluff County Board of Commissioners (Appendix A).
2. The operator is to comply with all Federal, State and Local laws that apply to this operation and location. The operator will obtain all Federal and State permits necessary for this proposed operation and will keep them current. If any aforementioned permits are revoked or suspended, this Conditional Use Permit may be revoked or suspended by the County Board.
3. This permit is for a utility-scale solar energy conversion facility. This project and appurtenant uses qualify as "power generating facilities and related uses" listed as a Conditional Use in Section 5 of the Zoning Regulations.
4. Operator shall submit an application for a Scotts Bluff County building permit signed by all property owners, in conformance with the conditions of approval, within one calendar year of Western Area Power Authority's notice of completion of all system upgrades necessary to allow the facility to interconnect, or the CUP will expire. The building permit application shall require a site plan sealed by a Nebraska licensed engineer or surveyor, and shall include the location of required setbacks, fences, signage, and screening. No site work shall commence until the building permit is approved.
5. A Road Use Agreement shall be approved by the Scotts Bluff County Highway Superintendent before the building permit mentioned in item 4 of these conditions shall be issued. Applicants shall follow proposed construction haul routes for the duration of construction. Applicants shall be responsible for any damage to local roads during construction.
6. A copy of an approved power purchase agreement shall be submitted in full as part of the building permit application required in item 4 of these conditions.

7. Screening using conifer and/or shrub vegetation is required between the county road within 1000 feet of substantial equipment (solar array, building envelopes, et al). The screening shall be placed a minimum of 300 feet from the county road right-of-way. Screening shall be required between any abutting non-participating property owner within 1000 feet of substantial equipment. The screening shall be placed no closer than 50 feet from the property line.
8. Operator shall maintain conformance with Performance Standards in Section 6.305 of the Zoning Regulations, with proper mitigation for Fire Hazards as may be required by the local Fire District, and/or other Authority Having Jurisdiction (AHJ). Operator shall submit written approval by the Fire Chief/AHJ of the site plan and operations plans as part of the Building Permit application required in Item 5 of these conditions. Operator shall offer a site visit and training for mutual aid fire departments upon start of operations and annually thereafter.
9. All exterior lighting is required to be downcast with opaque or translucent shielding, so as to not cast glare off the site.
10. This Conditional Use Permit applies ONLY for use in such designated location (as shown on map). If substantial expansion of operation is desired, operator must reapply for approval from the Scotts Bluff County Commissioners as stated in Section 10 of the Scotts Bluff County Zoning Regulations. Any expansion done without such approval shall void current conditional use permit.
11. Situla Energy Project, LLC, shall submit a decommissioning plan as specifically set forth in Appendix B of this instrument.
12. When in compliance with conditions 1 through 11, such conditional use permit shall be transferred to all owners/operators of above mentioned property, and their successors.

APPENDIX B – DECOMMISSIONING PLAN

At the expense of the permittee, a gross estimate for the decommissioning costs of this approved Solar Facility, including any estimated resale and salvage value, shall be prepared by a Nebraska licensed professional engineer. Such plan shall include the means, procedure, and costs of removing Solar Facility components.

The estimated decommissioning cost shall be guaranteed in one of the following forms of financial security: surety bond; a letter of credit from a financial institution reasonably acceptable to the County which shall be irrevocable unless replaced with cash or other form of security reasonably acceptable to County. The operator of the Solar Facility shall maintain the financial security thereafter for as long as the Solar Facility is in existence, or upon discontinuance, decommissioning, and/or abandonment of the Solar Facility. Such financial security shall be payable to Scotts Bluff County, and shall be updated every five (5) years, commencing from the date of acceptance and approval of the security by the County Board, to cover the costs associated with the updated decommissioning cost estimates. All decommissioning cost estimates shall be prepared by a Nebraska licensed professional engineer.

For purposes of this instrument, discontinuance, decommissioning, and/or abandonment shall mean the Solar Facility, after being commissioned as defined by Neb. Rev. Stat. § 77-6202(1), has ceased energy production for twelve (12) consecutive months. At the end of such twelve (12) month period, the operator shall have twelve (12) months to complete decommissioning of the Solar Facility. If the operator of the Solar Facility fails to remove the installation in accordance with the requirements of this instrument, or within twelve (12) months following discontinuance, decommissioning, and/or abandonment, the County may collect the financial security and the County or a designated third party thereof may enter the property to physically remove the installation. Exception: The operator provides substantial evidence, updated every six (6) months after initial submission of evidence, to the County Board for approval of the intent to maintain and reinstate the operation of that facility.

For the purposes of this instrument, the term decommissioning costs shall mean all costs associated with the dismantlement, recycling, and safe disposal of facility components and site reclamation activities, including but not limited to the following elements: (a) All labor, equipment, transportation, and disposal costs associated with the removal of Solar Facility from the facility site; (b) All decommissioning activity management, site supervision, site safety costs; (c) Any other costs, including administrative costs associated with the decommissioning and reclamation of the facility site;

For the purposes of this instrument, the term Solar Facility components shall mean all equipment, infrastructure, fences, landscaping, etc., including but not limited to the following components: solar panels and collectors; battery energy storage systems; substations; switchyards, generators, transmission lines, electrical wiring; cabling; conduit; racking; facility roads, fencing; and any other related supporting infrastructure to a minimum depth of three (3) feet. Such components shall not include any public utility infrastructure.

AS ALLOWED IN THE ZONING REGULATIONS

5.102 Conditional Uses: The following conditional uses may be permitted in the "A" District upon approval of a permit in accordance with the requirements and procedures set forth in Section 10.

17. ~~17. Power generating facilities and related uses.~~
16. ~~16. Sales and Operation of Motor Vehicles operating license~~

The use is determined appropriate and compatible once adopted into the zoning regulations and included as a conditional use approved for the zoning district.

PROVISIONS FOR RECOMMENDATION OF CUP IN ZONING REGS

The conditional uses shall conform to the intent and purpose of this regulation and the following requirements:

- 10.301 The use shall in all other respects conform to the applicable regulations of the district in which it is located.
- 10.302 The use shall conform to all other applicable ordinances, laws, and regulations of any governmental jurisdiction.
- 10.303 The use shall have adequate water, sewer, and drainage facility approved by the County Board.
- 10.304 Ingress and egress shall be so designed as to minimize traffic congestion on public roadways.
- 10.305 The use shall be in harmony with the character of the area and the most appropriate use of the land.

Section 10.3 continues by providing the County Board and the Planning Commission may consider, among other things:

- the most appropriate use of the land;
- the conservation and stabilization of the value of property;
- adequate open space for light and air;
- concentration of population;
- congestion of public streets; and
- the promotion of public safety, health, convenience, and comfort.

OTHER POTENTIAL IMPACTS TO MITIGATE

1. Noise—All noise shall be muffled as measured at any property line. Section 6.305.1 measures maximum decibels by octave band. Any electric generating facility will produce some level of sound, and precautions should be taken to minimize off-site noise of any frequency.
2. Air Pollution
3. Odor
4. Glare, Heat, or Radiation-- The use should not involve any direct or reflected glare visible from any adjoining property or from any public street, road or highway. Any exterior lighting should be downcast with opaque or translucent shielding, to prevent glare off the site.
5. Vibration
6. Sewage and Liquid Wastes
7. Fire Hazard—the project is located in the Lyman-Kiowa Volunteer Fire Department response area. The Fire Chief should approve the Emergency Response Plan.
8. Physical Appearance—areas not in active use shall be landscaped as proposed by applicants.

Welcome to the Situla Solar Energy Project Open House

Dunlieh Energy
February 2024



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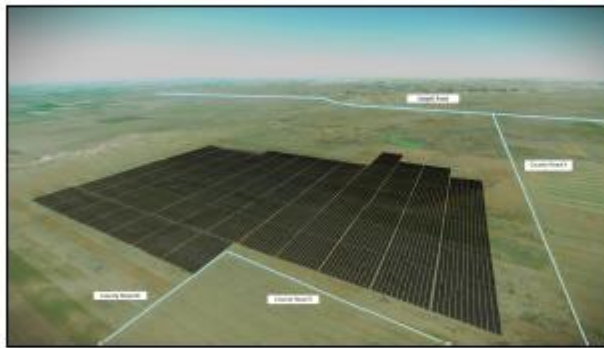
About the Project

The Situla Solar Project is a solar and energy storage project proposed for Scotts Bluff County, Nebraska.

- > 400 MW Solar Energy Facility
- > ~610,050 Solar Panels
 - > ~1,568 Acres
 - > Possible Use of Agrivoltaics
- > WAPA Interconnect to Existing Infrastructure (Archer-Stegall 230kV)
- > Target Construction Date: Q4-2024
- > COD: 12/31/2025



Situla Solar Energy Project



Proposed Solar Energy Project



Economic Benefits



*Based on project estimates



Economic Benefits

The Project is anticipated to provide a broad range of economic benefits to Scotts Bluff County over its 30-year lifespan.

Estimated Nameplate Tax Revenue

	Estimated Totals
Nebraska nameplate tax	\$3,513/MW
Estimated MW generated	400
TOTAL	\$1,407,200

Estimated Nameplate Tax Revenue

Taxing Jurisdiction/Entity	Project Total	Share of Total (%)
County General	\$283,642	20.19%
County Bond	\$21,808	1.56%
Airport Authority	\$28,598	2.03%
Airport Auth Bond	\$6,749	0.48%
Morrill School - 11	\$492,368	35.02%
Ed Service Unit 13	\$11,959	0.85%
ESU 13 Bond	\$390	0.03%
Western NE Com College	\$40,738	2.90%
Natural Resource	\$38,844	2.76%
Pleasant Hill Cemetery	\$1,851	0.13%
Kloss Fire	\$32,648	2.32%
Ag Society General	\$7,263	0.52%
TOTAL	\$1,407,200	100.00%



Community Benefits

- **State of Nebraska:** Situla is one of the largest solar installations under development in western Nebraska. The project joins seven (7) other utility scale projects under development in eastern Nebraska. The state is developing plans to lower greenhouse gas emissions by 2030.
- **Technology:** The project will utilize the latest in bifacial solar photovoltaic (PV) technology and a soil-based anchor system for minimal disturbance and solar tracking.
- **Community Engagement:** We believe in working closely with the local community to ensure the project brings tangible benefits to residents and stakeholders. We are regularly communicating with all neighbors surrounding the project.



Community Benefits (Cont'd)

- **Emergency Response and Fire Safety:**
 - The project will have an Emergency Response Plan that outlines roles, responsibilities and policies designed to ensure the safety of all workers and first responders. Remote monitoring and fire suppression technology will be utilized.
 - Mandatory training will be held on a regular basis and will include instruction on the use of emergency equipment and the appropriate actions to take during an emergency.
- **National Security:** The project has received a favorable informal review from the DOD's Siting Clearinghouse which works to protect the DOD's mission capabilities from incompatible energy development.
- **Road Use:** Dunlieh Energy has committed to repairing any damage to the county roads caused by the construction of the facility.



Community Benefits (Cont'd)

- **Environmental Impact:** Thorough environmental impact analysis was included in the project's Conditional Use Permit application.
 - No Threatened and Endangered Species Found in Project Area
 - Historic Inventories Assessed
 - No Known Eligible Sites in Project Area
 - Nebraska Game and Parks Commission (NGPC)
 - Project Will Adhere to NGPC CERT Recommendations Provided on July 24, 2023
 - Avoidance of Wetlands
 - No Wetlands Identified Within the Solar Array
 - Grading
 - Minimal Grading Required Due to Topography Within the Solar Array
 - Reclamation
 - Stormwater Compliance (NDEE) will be Part of Pre-construction and Site Layout and Design
 - Maintenance
 - Erosion and Weed Control



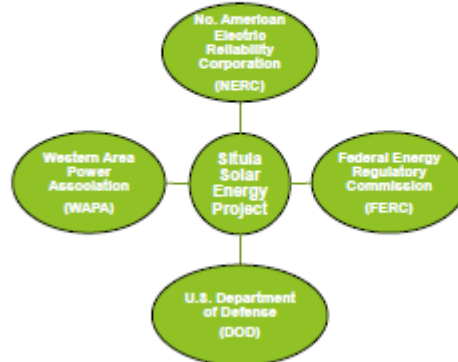
Community Benefits (Cont'd)

- **Site Security:** A security fence will be installed at the start of the construction phase of the project and there will be 24-hr onsite security personnel during the entire period of construction.
- **Workforce Management:** The sourcing, housing and security of the workforce during the period of construction will be managed by the EPC contractor.
 - Dunleith Energy will only consider the most reputable and successful EPC contractors - collectively brought more than 13GW of solar-BESS capacity online.
 - The EPC contractor will be instructed to draw from the local workforce as much as safely possible.



Security and Reliability

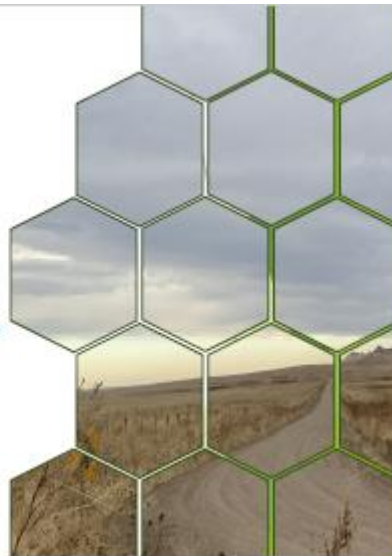
We are focused on partnership and compliance with all regulatory and governmental agencies.



Decommissioning

"We Have a Responsibility to Get This Right"

- ▶ **Protections for Landowners**
 - ▶ Lease Agreement Includes A Decommissioning Bond
 - ▶ Insurance Agreement Covers Replacement of Solar Panels if Damaged
 - ▶ Infrastructure Will Be Recycled (SolarCycle and Ecobat)
- ▶ Situla Energy is Committed to Successful Revegetation and Site Rehabilitation After the Decommissioning of the Project.





ENERGY, INSTALLATIONS
AND ENVIRONMENT

OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE

3400 DEFENSE PENTAGON
WASHINGTON, DC 20301-3400

February 14, 2024

Jack Pritchett
Two Dot Consulting
7674 Grandview Ave
Arvada, CO 80002

Dear Mr. Pritchett,

As requested, the Military Aviation and Installation Assurance Siting Clearinghouse coordinated within the Department of Defense (DoD) an informal review of the Situla Energy Project. The results of our review indicated that the solar project, located in Scotts Bluff County, Nebraska, as proposed, will have minimal impact on military operations conducted in the area.

Please note that this informal review by the DoD Military Aviation and Installation Assurance Siting Clearinghouse does not constitute an action under 49 United States Code Section 44718 and that the DoD is not bound by the conclusion arrived at under this informal review. To expedite our review in the Obstruction Evaluation Airport Airspace Analysis (OE/AAA) process, please add the project number 2024-01-S-DEV-13 in the comments section of the filing. If you have any questions, please contact me at robbin.e.beard.civ@mail.mil.

Sincerely,

Robbin Beard
Deputy Director
Military Aviation and Installation
Assurance Siting Clearinghouse