



February 24, 2023

Ashton Martin  
Free State Solar Project, LLC  
422 Admiral Boulevard  
Kansas City, MO 64106

RE: Free State Solar

Dear Mr. Martin,

First, let me congratulate you on receiving the favorable Determinations of No Hazard for the proposed solar panel structure(s) with a maximum height of 880 feet above mean sea level (AMSL) located in Midland, KS.<sup>1</sup> These determinations were issued by the Federal Aviation Administration (FAA) on February 15, 2023.

Based on the FAA evaluation, marking and lighting are not required for aviation safety. However, if marking/lighting are accomplished voluntarily, we recommended that lighting be installed in accordance with FAA Advisory Circular 70/7460-1L Paragraph 5.8. Additionally, below is a review of pertinent dates to set on your calendar.

1. **Before Construction:** Although it is not required, Capitol Airspace also recommends submitting notice for start of construction on the building to prevent the favorable determinations from expiring. Please provide Capitol Airspace with at least three weeks advance notice prior to the start of construction.
2. **During Construction.** The FAA requires notice within five days of the structure reaching its greatest height. This requires confirmation of latitude, longitude, site elevation, structure height, and marking and lighting. At your direction, this form may be submitted by Capitol Airspace. As a result, please coordinate with Capitol Airspace at least two weeks before structures begin reaching their greatest heights. Also, during construction, temporary lighting must be placed on all structures in excess of 199 feet AGL.
3. **Expiration.** These determinations expire on August 15, 2024, unless construction has started and notice is provided to the FAA. If you have not started construction by June 15, 2024, Capitol Airspace can request a one-time, 18-month extension. If an extension is requested, the FAA and Department of Defense (DoD) Siting Clearinghouse will re-evaluate the proposed project. As a result, extensions are not guaranteed.

These determinations include the use temporary construction equipment, provided they do not exceed the maximum heights listed in each determination. Any temporary construction

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<sup>1</sup> Each coordinate is assigned a unique aeronautical study number (ASN). This project's ASNs include: 2022-ACE-8475-OE through 2022-ACE-8514-OE.



equipment that exceeds these heights must also be filed with the FAA so that an aeronautical study can be completed.

Lastly, any horizontal shifts in location *or* any increase in structure height will result in a requirement for new aeronautical studies. If this occurs during construction, the previous aeronautical study will be terminated and the new location or height will be reviewed by the FAA.

Any questions regarding these determinations should be directed to me. I can be reached at 703-256-2485 or via email at [Rick.Coles@capitolairspace.com](mailto:Rick.Coles@capitolairspace.com).

Sincerely,

Rick Coles  
Project Manager  
Capitol Airspace Group