

March 25, 2009

H 809. PERMITTING OF WIND ENERGY FACILITIES. Filed 3/25/09. *TO ESTABLISH A SYSTEM OF PERMITS TO BE ISSUED BY THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES FOR THE SITING OF WIND ENERGY FACILITIES.*

Adds new provisions to the Coastal Area Management Act (Article 7 of GS Chapter 113) requiring a permit from the Coastal Resources Commission before a wind energy facility (defined to mean the turbines, accessory buildings, transmission facilities and other equipment necessary for the operation of a facility with a capacity in excess of two megawatts) may be developed. Sets out information required for consideration of the permit application, including studies on noise impacts, shadow flicker impacts, avian and bat impacts, and viewshed impacts. The application must be accompanied by payment of a \$2,000 fee. The application may be denied if the Commission finds significant adverse impact on ecological systems, fish or wildlife, natural resources, cultural sites, recreation areas, and historical sites, or obstruction of navigation. The applicant must present a plan for decommissioning and removing the facility. The Commission is required to hold a public hearing in the county within 60 days of receipt of the application.

Also adds new Part 12 (Permitting of Wind Energy Facilities) to Article 21 of GS Chapter 143, setting out substantially similar requirements for permits in areas of the state other than coastal areas. Sets civil penalties of up to \$10,000 per day for operating without a permit. Amends GS 113A-206 in the Mountain Ridge Protection Act to provide that the exception of windmills from the definition of "tall buildings" under the act includes wind turbines having less than 100 kilowatts rated capacity, cumulatively with other turbines within one-half mile.

Effective January 1, 2010 and applies to wind energy facilities constructed then and later.

Intro. by Harrison, Fisher, Owens.

GS 113A, 143