

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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SENATE BILL 377
PROPOSED COMMITTEE SUBSTITUTE S377-PCS35291-RIF-16

Short Title: Military Base Protection Act.

(Public)

Sponsors:

Referred to:

March 28, 2019

A BILL TO BE ENTITLED

AN ACT TO PROHIBIT CONSTRUCTION, OPERATION, OR EXPANSION OF WIND ENERGY FACILITIES IN AREAS OF THE STATE WHERE IMPACTS OF VERTICAL OBSTRUCTIONS HAVE BEEN DETERMINED TO BE SIGNIFICANTLY HIGH, WITH A HIGH RISK FOR DEGRADING SAFETY AND THE MILITARY'S ABILITY TO PERFORM AVIATION TRAINING FOR A PERIOD OF THREE YEARS TO PROVIDE THE FEDERAL GOVERNMENT ADEQUATE TIME TO REVIEW AND PROMULGATE GUIDANCE ON POTENTIAL RAMIFICATIONS FOR THE BASE REALIGNMENT AND CLOSURE PROCESS CONCERNING THE COMPATIBILITY OF WIND ENERGY FACILITIES ON MILITARY OPERATIONS, TRAINING, AND READINESS; AND TO INCREASE THE APPLICATION FEE FOR PERMITTING OF PROPOSED WIND ENERGY FACILITIES OR WIND ENERGY FACILITY EXPANSIONS.

The General Assembly of North Carolina enacts:

SECTION 1. There is hereby established a moratorium on the issuance of permits for wind energy facilities and wind energy facility expansions in this State for facilities or expansions to be located in the area designated in red as "Significant" on the map entitled "Vertical Obstruction Impact on the NC Military Mission," as the impacts of vertical obstructions in this area have been determined to be significantly high, with a high risk for degrading safety and the military's ability to perform aviation training. The purpose of this moratorium is to allow the federal government adequate time to review and promulgate guidance on potential ramifications to the Base Realignment and Closure process concerning the compatibility of wind energy facilities on military operations, training, and readiness. Neither the Department of Environmental Quality nor the Coastal Resources Commission shall issue a permit for a wind energy facility or wind energy facility expansion for the period beginning July 1, 2019, and ending on July 1, 2022.

SECTION 2. G.S. 143-215.119 reads as rewritten:

"§ 143-215.119. Permit application requirements; fees; notice of receipt of completed permit; public hearing; public comment.

...

(c) Fees. – An applicant for a permit for a proposed wind energy facility or proposed wind energy facility expansion under this section shall submit with the application required pursuant to subsection (a) of this section, an application fee of ~~three thousand five hundred dollars (\$3,500)~~ four thousand dollars (\$4,000).

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1 **SECTION 3.** This act is effective when it becomes law and applies to applications
2 pending or submitted on or after that date.