

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

H.B. 465  
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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH50044-TAa-4A\* (02/01)

Short Title: Military Operations Protection Act of 2017. (Public)

Sponsors: Representatives J. Bell, Dixon, and Cleveland (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO IMPOSE A TEMPORARY MORATORIUM ON THE CONSIDERATION OF  
3 PERMIT APPLICATIONS AND ISSUANCE OF PERMITS FOR THE  
4 CONSTRUCTION OF NEW ONSHORE AND OFFSHORE WIND ENERGY  
5 FACILITIES AND DIRECT A STUDY OF GEOSPATIAL, TEMPORAL, AND OTHER  
6 DATA TO UNDERSTAND THE EXTENT AND SCOPE OF MILITARY OPERATIONS  
7 IN THIS STATE WITH RESPECT TO ENERGY INFRASTRUCTURE.

8 Whereas, North Carolina has the third largest military force in the nation with nearly  
9 130,000 active duty personnel; and

10 Whereas, the United States military is the second largest sector of North Carolina's  
11 economy, accounting for \$66 billion in gross State product and contributing \$34 billion in  
12 personal income; and

13 Whereas, more than 575,000 individuals are either directly employed by the military  
14 or work in the private sector providing goods or services that support the military's presence in  
15 North Carolina; and

16 Whereas, businesses with defense-related contracts operated in 79 of North  
17 Carolina's 100 counties, contributing to more than \$2.5 billion in defense procurement contracts  
18 in North Carolina during 2014; and

19 Whereas, North Carolina is the home of six major Department of Defense (DOD)  
20 installations: Coast Guard Station, Elizabeth City; Fort Bragg; Marine Corps Air Station Cherry  
21 Point; Marine Corps Air Station New River; Marine Corps Base Camp Lejeune; and Seymour  
22 Johnson Air Force Base, as well as other DOD activities and organizations including North  
23 Carolina National Guard Joint Force Headquarters; and

24 Whereas, North Carolina's airspace is vital to supporting and preserving military  
25 operations and training capabilities at DOD installations; Now, therefore,  
26 The General Assembly of North Carolina enacts:

27 **SECTION 1.** Definitions. – The definitions set forth in Article 21C of Chapter 143  
28 of the General Statutes apply throughout this act.

29 **SECTION 2.** Moratorium Established. – There is hereby established a moratorium  
30 on consideration of applications for a permit and on the issuance of permits for wind energy  
31 facilities and wind energy facility expansions in this State. The purpose of this moratorium is to  
32 allow the General Assembly ample time to study the extent and scope of military operations in  
33 the State as directed in Section 4 of this act and to consider the impact of future wind energy  
34 facilities and energy infrastructure on military operations, training, and readiness. Neither the  
35 Department of Environmental Quality nor the Coastal Resources Commission shall consider a



1 permit application nor issue a permit for a wind energy facility or wind energy facility  
2 expansion for the period beginning January 1, 2017, and ending on December 31, 2020.

3 **SECTION 3.** Exception. – The moratorium established by Section 2 of this act  
4 shall not prohibit the consideration of an application or the issuance of a permit for a wind  
5 energy facility or wind energy facility expansion for either of the following:

6 (1) Those facilities or facility expansions that received a written "Determination  
7 of No Hazard to Air Navigation" issued by the Federal Aviation  
8 Administration on or before May 17, 2013.

9 (2) If the applicant can show that a completed application, prepared in  
10 accordance with the requirements set out in G.S. 143-215.119(a), was  
11 submitted to the Department or the Commission on or before January 1,  
12 2017.

13 **SECTION 4.(a)** Study. – The General Assembly shall study the extent and scope  
14 of military operations in the State in order to create a suite of maps and other relevant data and  
15 documentation that shall be employed to communicate the temporal and spatial use of land-,  
16 air-, and water-based military operations. Upon completion, the suite of maps and other  
17 relevant data and documentation may be utilized to identify areas of the State, both onshore and  
18 offshore, where energy infrastructure and development poses a threat to, encroaches upon, or  
19 otherwise reduces operations, training capabilities, or readiness. The Legislative Services  
20 Officer shall issue a request for proposals for (i) the collection of geospatial and other relevant  
21 data for land-, air-, and water-based military operations in the State and (ii) the creation of a  
22 suite of maps and other relevant data and documentation that can be used to communicate the  
23 temporal and spatial use of land-, air-, and water-based military operations in the State. In the  
24 conduct of the study, the selected contractor shall consult with the base commander, or the base  
25 commander's designee, of each major military installation in the State, United States  
26 Department of Defense officials, retired military personnel with relevant and applicable  
27 knowledge of training and operations in this State, the Military Affairs Commission, and any  
28 other person, agency, or organization that may be able to define the footprint of military  
29 operations in this State and identify, communicate, and relate the data necessary to prepare a  
30 comprehensive suite of maps and other relevant data and documentation that illustrate temporal  
31 and spatial use of land-, air-, and water-based military operations in the State.

32 **SECTION 4.(b)** Time Line. – The study directed by subsection (a) of this section  
33 shall adhere to the following time line:

34 (1) The request for proposals (RFP) shall be issued on or before December 31,  
35 2017.

36 (2) A contract to award the RFP shall be executed on or before June 30, 2018.

37 (3) The study, including the preparation of the suite of maps and other relevant  
38 data and documentation that illustrate temporal and spatial use of land-, air-,  
39 and water-based military operations in the State, findings, and  
40 recommendations, if any, shall be completed and submitted to the  
41 Legislative Services Officer on or before June 30, 2019, in order to inform  
42 the development of policies pertaining to the protection and preservation of  
43 major military installations during the 2019-2020 General Assembly.

44 **SECTION 4.(c)** Appropriation. – Notwithstanding G.S. 143C-6-23(f1)(1) and  
45 G.S. 143C-1-2, of the funds appropriated to the General Assembly for the 2016-2017 fiscal  
46 year, fifty thousand dollars (\$50,000) shall be used to fund the study authorized by subsection  
47 (a) of this section. Furthermore, the monies appropriated by this subsection shall be used for the  
48 study through the 2017-2018 fiscal year or until the monies are spent, whichever first occurs.

49 **SECTION 5.** Effective Date. – This act is effective when it becomes law.