

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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SENATE BILL 331

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

Sponsors: Senators Brown, Sanderson, Pate (Primary Sponsors); Barefoot, Britt, Brock, Cook, Horner, Krawiec, Rabin, and Randleman.

Referred to: Rules and Operations of the Senate

March 22, 2017

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

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

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

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

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

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

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

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

SECTION 2. Moratorium Established. – There is hereby established a moratorium on consideration of applications for a permit and on the issuance of permits for wind energy facilities and wind energy facility expansions in this State. The purpose of this moratorium is to allow the General Assembly ample time to study the extent and scope of military operations in the State as directed in Section 4 of this act and to consider the impact of future wind energy facilities and energy infrastructure on military operations, training, and readiness. Neither the 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.