

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

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SENATE BILL DRS35203-RI-4

Short Title: Modify Rqmts. for Wind Energy Facilities. (Public)

Sponsors: Senator Hanig (Primary Sponsor).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO ESTABLISH ENHANCED PUBLIC NOTICE REQUIREMENTS FOR
3 PROPOSED WIND ENERGY FACILITIES AND TO REQUIRE WIND ENERGY
4 FACILITIES TO INSTALL LIGHT-MITIGATING TECHNOLOGY SYSTEMS.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. G.S. 143-215.119 reads as rewritten:

7 "§ 143-215.119. Permit application requirements; fees; notice of receipt of completed
8 permit; public hearing; public comment.

9 (a) Permit Requirements. – A person applying for a permit for a proposed wind energy
10 facility or proposed wind energy facility expansion shall include all of the following in an
11 application for the permit:

12 (1) A narrative description of the proposed wind energy facility or proposed wind
13 energy facility expansion.

14 (2) A map showing the location of the proposed wind energy facility or proposed
15 wind energy facility expansion that identifies the specific location of each
16 turbine.

17 (3) A copy of a deed, purchase agreement, lease agreement, or other legal
18 instrument demonstrating the right to construct, expand, or otherwise develop
19 a wind energy facility on the property.

20 (4) Identification by name and address of property owners adjacent to the
21 proposed wind energy facility or proposed wind energy facility expansion.
22 The applicant shall notify every property owner ~~identified pursuant to this~~
23 ~~subdivision~~ located within 20 miles of any property boundary of the facility
24 by registered or certified mail or by any means authorized by G.S. 1A-1, Rule
25 4, in a form approved by the Department. The notice shall include all of the
26 following:

27 a. The location of the proposed wind energy facility or proposed wind
28 energy facility expansion and the specific location of each turbine
29 proposed to be ~~located within one half mile of the boundary of the~~
30 ~~adjacent property owner located.~~

31 b. A description of the proposed wind energy facility or proposed wind
32 energy facility expansion.

33 (5) A description of civil air navigation or military air navigation routes, air traffic
34 control areas, military training routes, special-use air space, radar, or other
35 military operations that may be affected by the construction or operation of
36 the proposed wind energy facility or proposed wind energy facility expansion.



- 1 (6) Documentation that addresses any potential adverse impact on military
2 operations and readiness as identified by the Department of Defense
3 Clearinghouse pursuant to Part 211 of Title 32 Code of Federal Regulations
4 (July 1, 2012 edition) and any mitigation actions agreed to by the applicant.
- 5 (7) Documentation that the applicant has either (i) submitted Federal Aviation
6 Administration Form 7460-1 for the turbines associated with the proposed
7 wind energy facility or proposed wind energy facility expansion or (ii)
8 initiated an informal review by the Department of Defense Siting
9 Clearinghouse of the proposed wind energy facility or proposed wind energy
10 facility expansion. If the applicant has submitted Federal Aviation
11 Administration Form 7460-1 in order to fulfill the requirements of this
12 subdivision, the applicant shall provide any determination reached by the
13 Federal Aviation Administration at the time the application is submitted to the
14 Department. If the Federal Aviation Administration has not made a
15 determination at the time the application is submitted to the Department, the
16 application shall include a description of the status of the applicant's
17 engagement with the Federal Aviation Administration and the Department of
18 Defense Siting Clearinghouse.
- 19 (7a) Documentation that the applicant has filed a request with the Federal Aviation
20 Administration for approval to install and use a light-mitigating technology
21 system at the proposed wind energy facility or proposed wind energy facility
22 expansion in compliance with the requirements of G.S. 143-215.121.1.
- 23 (8) A study of the noise impacts of the turbines to be associated with the proposed
24 wind energy facility or proposed wind energy facility expansion.
- 25 (9) A study on shadow flicker impacts of the turbines to be associated with the
26 proposed wind energy facility or proposed wind energy facility expansion,
27 unless the turbines will be located in a sound or in offshore waters.
- 28 (10) A study of the impact of the proposed wind energy facility or proposed wind
29 energy facility expansion on natural resources and uses, including avian, bat,
30 and endangered and threatened species.
- 31 (11) An explanation of how the proposed wind energy facility or proposed wind
32 energy facility expansion would be consistent with the criteria in subsection
33 (a) of G.S. 143-215.120.
- 34 (12) The application fee required by subsection (c) of this section.
- 35 (13) A plan regarding the action to be taken upon the decommissioning and
36 removal of the wind energy facility. The plan shall include an estimate of the
37 cost to decommission and remove the wind energy facility. The plan shall also
38 include the anticipated life of the project, an estimate of the cost to
39 decommission and remove the wind energy facility, a description of the
40 manner in which the facility will be decommissioned, and a description of the
41 expected condition of the site once the wind energy facility has been
42 decommissioned and removed.
- 43 (14) Other data or information the Department may reasonably require.
- 44 ...
- 45 (f) Public Hearing and Comment. – The Department shall hold a public hearing in each
46 county in which the wind energy facility or wind energy facility expansion is proposed to be
47 located within 75 days of receipt of a completed permit application. The Department shall
48 provide notice including the time and location of the public hearing in a newspaper of general
49 circulation in each ~~applicable county~~ county in which the wind energy facility or wind energy
50 facility expansion is proposed to be located and any counties bordering those counties. The notice
51 of public hearing shall be published for at least two consecutive weeks beginning no less than 45

1 days prior to the scheduled date of the hearing. The notice shall provide that any comments on
2 the proposed wind energy facility or proposed wind energy facility expansion should be
3 submitted to the Department by a specified date, not less than 15 days from the date of the
4 newspaper publication of the notice or 15 days after distribution of the mailed notice, whichever
5 is later. No less than 30 days prior to the scheduled public hearing, the Department shall provide
6 written notice of the hearing to:

- 7 (1) The North Carolina Utilities Commission.
- 8 (2) The Office of the Attorney General of North Carolina.
- 9 (3) The commanding military officer of any potentially affected major military
10 installation or the commanding military officer's designee.
- 11 (4) The board of commissioners for each county and the governing body of each
12 municipality with jurisdictions over areas in which a potentially affected
13 major military installation is located."

14 **SECTION 2.** G.S. 143-215.120 reads as rewritten:

15 "**§ 143-215.120. Criteria for permit approval; time frame; permit conditions; other**
16 **approvals required.**

17 ...

18 (b) Permit Decision. – The Department shall make a final decision on a permit application
19 within 90 days following receipt of a completed application, except that the Department shall not
20 ~~be required to~~ make a final decision until the Department has ~~received~~ received: (i) a written
21 "Determination of No Hazard to Air Navigation" issued by the Federal Aviation Administration
22 pursuant to Subpart D of Part 77 of Title 14 of the Code of Federal Regulations (January 1, 2012
23 ~~edition~~ edition); and (ii) documentation of the decision of the Federal Aviation Administration
24 to either approve or deny the applicant's request to install and operate a light-mitigating
25 technology system at the proposed wind energy facility or wind energy facility expansion. If the
26 Department requests additional information following the receipt of a completed application, the
27 Department shall make a final decision on a permit application within 30 days of receipt of the
28 requested information. If the Department determines that an application for a wind energy facility
29 or a wind energy facility expansion fails to meet the requirements for a permit under this section,
30 the Department shall deny the application, and the application shall be returned to the applicant
31 accompanied by a written statement of the reasons for the denial and any modifications to the
32 permit application that would make the application acceptable. If the Department fails to act
33 within the time period set forth in this subsection, the applicant may treat the failure to act as a
34 denial of the permit and may challenge the denial as provided under Chapter 150B of the General
35 Statutes.

36"

37 **SECTION 3.** Article 21C of Chapter 143 of the General Statutes is amended by
38 adding a new section to read:

39 "**§ 143-215.121.1. Light-mitigating technology requirements.**

40 (a) An applicant for a permit for a wind energy facility or wind energy facility expansion
41 shall file a request with the Federal Aviation Administration for approval to install and use a
42 light-mitigating technology system that complies with 14 C.F.R. Part 77. If approved by the
43 Federal Aviation Administration, the applicant shall install the light-mitigating technology
44 system on approved turbines prior to commencement of operations of the wind energy facility or
45 wind energy facility expansion.

46 (b) A permit holder for a wind energy facility, not subject to the requirements of
47 subsection (a) of this section, shall file a request with the Federal Aviation Administration for
48 approval to install and use a light-mitigating technology system that complies with 14 C.F.R.
49 Part 77. If approved by the Federal Aviation Administration, the permit holder shall install the
50 light-mitigating technology system on approved turbines no later than 24 months following such
51 approval.

1 (c) For purposes of this section, the term "light-mitigating technology" means an aircraft
2 detection lighting or any other comparable system capable of reducing the impact of facility
3 obstruction lighting while maintaining conspicuity sufficient to assist aircraft in identifying and
4 avoiding collision with a wind energy facility."

5 **SECTION 4.** This act is effective when it becomes law and applies to permits to
6 construct wind energy facilities or wind energy facility expansions pending or filed on or after
7 that date, except that G.S. 143-215.121.1(b), as enacted by Section 3 of this act, applies to wind
8 energy facilities constructed prior to the effective date of this act, and a permit holder shall file a
9 request with the Federal Aviation Administration as required by G.S. 143-215.121.1(b) no later
10 than 60 days after the date this act becomes law.