

Comments on [H763 \(2016\)](#)

I commend the legislature for taking the initiative to fix some of the gaping holes of [H484 \(2013\)](#) — the state's initial industrial wind energy permitting regulations.

H484 is a feel-good law that provides very little genuine protections to NC military bases, citizens, local businesses, or regional ecosystems.

We'd like to avoid a similar situation with [H763 \(2016\)](#): excellent intentions, but relatively weak execution. (There are some improvements to the wind energy permitting rules, but problems still remain.)

I only received H763 the night before the Senate Committee vote. My initial readings indicate the following concerns:

1 - I'm a BIG supporter of our military. The proposed wind energy restrictions (due to interference with various military operations) is an excellent idea.

What legislators also need to understand regarding industrial wind energy, is that by properly addressing the health, safety and welfare of NC citizens, of NC businesses, of NC wildlife, and NC ecosystems — **the military would then automatically be significantly more protected!**

2 - An example of a loophole is **§ 143-215.119: (8), (9), & (10)**.

Those requirements might sound good, but (as written) they essentially do nothing. The problem is that the wind developer:

- a) is given the authority to decide exactly what tests that he feels are appropriate, *and*
- b) is also allowed to hire an ally who will write a report that is pre-determined to be favorable to his employer.

This is the same problem that exists with H484, so (as currently written) H763 provides no improvement. The good news is that this is easily changed:

- a) the same money the wind developer was going to pay anyway, is instead given to NC DEQ/NC DOH, *and*
- b) NC DEQ/NC DOH then decides what tests are appropriate (based on the circumstances of each situation), *and*
- c) NC DEQ/NC DOH then hires independent experts to conduct those tests.

So the end result of this small change is that (for no cost to taxpayers), **significantly** better testing would be done — which will end up providing more protections for NC military bases, citizens, local businesses, and regional ecosystems.

[Yes, I see that NC DOH has been added for the first time — which is a good step. However, what sense does it make to set up a system where we know with almost certainty that the test results will be biased and inadequate?]

3 - This legislation does **not** include some of the improvements put forth in [S843 \(2016\)](#) — like a one mile setback *and* 35 DBa noise limits. Both of those would go a **long way** towards protecting the health, safety and welfare of NC citizens — *as well as the military*.

4 - Authorizing the Department of Military and Veterans Affairs (DMVA) to review the military-related criteria in permit applications for wind energy facilities is a good improvement, and could be a very worthwhile addition to the process.

5 - Two Sections of H763 (#3 & #4) do not take effect until October 1, 2018. That is a long time away. I am aware of no legitimate reason why all regulatory changes do not go into effect at the time of this law's passage.

6 - The proposed changes in §153A-323 are improvements. However, let's look at by far the worst NC wind energy military infringement, and see whether the new words of H763 would have prevented that problem.

Due to its proximity to the nearby ROTH station, the Desert Wind project (Perquimans and Pasquotank counties) looks likely to result in a serious undermining of our national security.

Unfortunately, the changes in H763 would not have protected the military (or US citizens) from the national security impacts from that wind project.

Again, I want to thank NC legislators for having an interest in improving the state's wind permitting rules and regulations.

My point here is that nominal changes to H763 can provide exceptionally improved protections to NC military — as well as citizens and our environment.

Please let me know any questions.

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