

SENATE FILE NO. SF0132

Wind energy facilities-military approval.

Sponsored by: Senator(s) Boner and Nethercott and
Representative(s) Lindholm and Olsen

A BILL

for

1 AN ACT relating to planning and zoning; requiring military
2 review and approval before construction of wind energy
3 facilities; amending permit application requirements; and
4 providing for an effective date.

5

6 *Be It Enacted by the Legislature of the State of Wyoming:*

7

8 **Section 1.** W.S. 18-5-503(a)(i), 18-5-504 by creating
9 a new subsection (d) and 35-12-106 by creating a new
10 subsection (g) are amended to read:

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12 **18-5-503. Application.**

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14 (a) To obtain the permit required by W.S. 18-5-502,
15 the owner or developer of a wind energy facility shall

1 submit an application to the board of county commissioners.

2 The application shall:

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4 (i) Certify that reasonable efforts have been
5 undertaken to provide notice in writing to all owners of
6 land within one (1) mile of the proposed wind energy
7 facility, to the military installation commander or the
8 commander's designee if there are any active federal
9 military missile launch or control facilities within five
10 (5) miles of the proposed facility, to the department of
11 transportation and to all cities and towns located within
12 twenty (20) miles of the wind energy facility. Notice
13 shall include a general description of the project
14 including its location, projected number of turbines and
15 the likely routes of ingress and egress;

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17 **18-5-504. Minimum standards; incorporation into other**
18 **processes; pre-construction approval.**

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20 (d) For a permit granted for a wind energy facility
21 under this article, there shall be no vertical construction
22 of a wind turbine within two (2) nautical miles of any
23 active federal military missile launch or control facility,

1 unless the owner or developer of the wind energy facility
2 first obtains and furnishes documentation to the board of
3 county commissioners of:

4
5 (i) A written determination of no adverse impact
6 on nuclear security operations from the military
7 installation commander or the commander's designee. The
8 determination shall not be unreasonably withheld or denied;

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10 (ii) A determination of no hazard from the
11 federal aviation administration; and

12
13 (iii) Documentation from the federal military
14 aviation and installation assurance siting clearinghouse
15 that resolves any potential adverse impact on military
16 operations and readiness and that commits to implement
17 required mitigation measures.

18
19 **35-12-106. Permit from council required prior to**
20 **commencing construction of facility; electronic permitting;**
21 **amendments; exceptions; federal requirements.**

22

1 (g) For a permit issued for a facility meeting the
2 definition of W.S. 35-12-102(a)(vii)(E), there shall be no
3 vertical construction of a wind turbine within two (2)
4 nautical miles of any active federal military missile
5 launch or control facility, unless the owner or developer
6 of the facility first obtains and furnishes documentation
7 to the division of:

8
9 (i) A written determination of no adverse impact
10 on nuclear security operations from the military
11 installation commander or the commander's designee. The
12 determination shall not be unreasonably withheld or denied;

13
14 (ii) A determination of no hazard from the
15 federal aviation administration; and

16
17 (iii) Documentation from the federal military
18 aviation and installation assurance siting clearinghouse
19 that resolves any potential adverse impact on military
20 operations and readiness and that commits to implement
21 required mitigation measures.

22

1 **Section 2.** This act is effective July 1, 2020.

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3

(END)