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Military Aviation and Installation Assurance Siting Clearinghouse Prepared Statement for the Kansas Senate Committee on Local Government

Department of Defense
OFFICE OF PREPUBLICATION AND SECURITY REVIEW

Thank you Chairwoman McGinn and members of the Committee. I am Steven Sample, Executive Director of the Department of Defense Military Aviation and Installation Assurance Siting Clearinghouse. On behalf of the Department of Defense (DoD), I would like to thank the Kansas Senate Committee on Local Government for the opportunity to provide comments on Senate Bill 325 as well as for your efforts to ensure that the national defense mission is considered in certain energy siting decisions. As the Committee knows, DoD has a significant presence within Kansas.

The mission of the Clearinghouse is to protect the DoD's military readiness and operational capabilities from incompatible energy development. The Clearinghouse does this by collaborating with DoD components and external stakeholders to prevent, minimize, or mitigate adverse impacts on military training, testing and operations. Congress established the Clearinghouse in section 358 of the National Defense Authorization Act (NDAA) for Fiscal Year 2011 and subsequently modified and codified these requirements in title 10 of the U.S. Code, which addresses the Armed Forces. This law gives DoD a voice within the Federal Aviation Administration (FAA) Obstruction Evaluation Airport and Airspace Analysis (OE/AAA) program and sets clear guidelines for DoD's interactions with the public on energy project proposals. Under this statute, DoD may only object to development of energy projects when unacceptable risks to national security cannot be feasibly and affordably mitigated. It is important to note that these objections are advisory only, and are not binding on FAA, the project proponent, or permitting authorities at the state or local level.

The FAA and the Clearinghouse perform two different functions when reviewing proposed energy and energy-related structures. For wind turbines over 200 feet or near an airfield, the FAA assesses whether a structure presents a hazard to air navigation or degrades the safe and efficient use of the navigable airspace. The Clearinghouse determines whether the structure presents an unacceptable risk to national security and reports those findings to FAA. That determination is only made after full discussions with the developer.

Of energy and energy-related projects, wind turbines often pose the greatest impacts to military training testing and operations due to both their height and the effect that they can have on a wide variety of radar systems. In support of National Security, energy projects, and communities, DoD works with industry and other federal departments to develop and employ a variety of solutions to the compatibility challenges presented by wind turbines. The two most common compatibility issues are first, flight obstruction from wind turbines under or near low level military training routes and airspace, and second, interference with DoD-owned or -utilized radar. Wind turbines are typically 500-600 feet in height and expected to go even taller. As their height increases, the most effective solution for flight obstruction is to alter the location of proposed turbines. Flight obstruction typically occurs under or near Military Training Routes where the presence of tall wind turbines precludes the ability for DoD to execute its low-level

flying missions. Several cases of potential obstruction have been resolved by moving turbines out of a military training area or reducing the project footprint within the route.

In cases where the turbines degrade radar performance, radar modification can often reduce the impacts. DoD air traffic control radar, weather radar, and other military-unique radars can be adversely impacted by the spinning blades of wind turbines. In many cases, DoD can use developer funds, accepted under statutory authority for voluntary contributions, to mitigate the effects of the turbines.

When the Clearinghouse assesses a proposed wind or other energy project, Title 10 requires the Clearinghouse to first assess whether the project will cause an adverse impact on military readiness and operations. If the Clearinghouse, after coordination with the Military Departments, makes this determination, the Clearinghouse issues three notifications: 1) we inform the developer of the potential adverse impact determination and request mitigation discussions, 2) we notify the Governor of the state in which the project is located that we have made this determination and request comments, and 3) the Clearinghouse identifies a Military Department to lead discussions with the developer in order to identify any potential solutions.

At that point, the lead Military Department establishes a Mitigation Response Team to conduct any necessary analysis or studies to find a solution. As required under our statute, the DoD assessment will identify any feasible and affordable actions that can be taken by DoD, the developer of the project, or others to mitigate the adverse impact and to minimize risks to national security while allowing the project to proceed. If the parties are successful in finding a solution, a mitigation agreement is signed by the developer, the lead Military Department, and the Assistant Secretary of Defense for Sustainment. This process has proven to be an effective and flexible means to mitigate potential impacts.

Since 2014, DoD has reviewed over 5,900 wind projects nationwide, the vast majority of which were found to have little to no impact. DoD has entered into approximately 334 mitigation discussions with wind energy developers. In 86 of those cases to date, the discussions resulted in a written mitigation agreement to address adverse impacts on military readiness and operations. In some instances, a less formal mitigation approach resolved DoD's concerns. In others, developers have cancelled projects in or moved to alternate sites.

DoD has a proven track record of supporting thousands of energy development projects that are compatible with our ability to test, train, and operate. Most projects are compatible or can become compatible with reasonable mitigation actions. Most wind energy developers are good partners with the DoD and work closely with us to find solutions that allow for energy development while allowing our military missions to continue.

It is in the rare case when a developer does not voluntarily work with DoD that we need state support. Recently a developer of a wind project in another state constructed dozens of wind turbines within low-level military air training routes without an FAA Determination of No

Hazard or a determination from DoD that their activity was compatible with national security. In that case, the existence of a state law similar to S 325 was instrumental in halting the construction until DoD concerns were addressed. Otherwise, the development would have resulted in several low-level military training routes becoming unavailable for needed training. As a result of additional discussions brought about through the state process, DoD and the developer agreed to an alternate siting plan that allowed for construction of about two-thirds of the project while protecting military missions. Because the FAA and DoD determinations are advisory and not binding on developers or permitting authorities, it is in these cases where DoD encourages, and needs, state support.

As to wind projects within Kansas, we have reviewed 200 wind energy projects over the past 8 years. Of those, the Clearinghouse determined that 13 projects would pose an adverse impact to DoD missions, and established Mitigation Response Teams. One (1) wind project was cancelled by the developer, and nine (9) projects were ultimately cleared by the Air Force and DoD. Discussions concerning the remaining wind energy proposal are ongoing, and officials from the Air National Guard operating out of Oklahoma, Kansas and Colorado (due to concerns with training conducted in multiple Military Training Routes within Kansas) and the North American Aerospace Defense Command (due to radar impacts to the Garden City Common Air Route Surveillance Radar) are involved in discussions. The potential for significant expansion of wind energy development underscores the importance of a thoughtful and deliberative siting review process.

Support Needed

DoD needs your support in the infrequent cases where we cannot reach agreement with an energy developer. As previously noted, while DoD has the ability to object to the project through FAA's OE/AAA process, this objection by a federal agency does not prohibit construction.

We support your efforts to ensure that energy siting is conducted in a thoughtful manner that protects military missions in Kansas while allowing compatible development.

Thank you for providing me the opportunity to address this committee and for considering impacts to DoD missions as you plan for compatible domestic renewable energy development. We look forward to continuing the dialogue and supporting statewide approaches to ensure development of wind energy is compatible with military activities in the State of Kansas.

I would be glad to answer any questions.