STATE OF NEW YORK

9053--A

IN ASSEMBLY

January 18, 2018

Introduced by M. of A. JENNE, BLAKE, ORTIZ, WILLIAMS, HUNTER, PELLEGRINO, WALLACE, ENGLEBRIGHT, SIMOTAS, CRESPO -- read once and referred to the Committee on Energy -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to restrict the location of certain wind electric generation facilities around Fort Drum; and providing for the repeal of such provisions upon expiration thereof

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Legislative intent. The legislature hereby finds that Fort Drum is a premiere training installation, unlike any other military installation in New York State or anywhere east of the Mississippi. It is the only instrumented joint air to ground range north of Florida in the eastern United States able to execute live bomb training, and only one of two Army installations capable of cold weather, winter training in the country. The singular weather and unique terrain makes Fort Drum a peerless training installation.

Furthermore, the legislature finds that the moving blades of wind turbines already operating within the immediate proximity of Fort Drum have created interference with air traffic control and Doppler weather radars. Currently, existing turbines have created a 41 square mile blind spot in the 60 mile view shed of Forth Drum's air traffic control radar and corrupted the data of a significant portion of the Doppler weather radar view shed. Therefore, the impact of any additional wind projects in close proximity to Fort Drum would significantly degrade the data from such radars. Due to the unique nature of the terrain around Fort Drum and the extensive interference with the radars' view sheds and because the impacts on radar are increased with height, number and density of turbines, a specific state-imposed remedy for these problems is needed. Accordingly, this act would eliminate any state incentives for the development of wind turbines within the area that could interfere with Fort Drum's radar systems while maintaining the incentives for the development of wind generated energy outside of the Fort Drum radar area.

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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§ 2. Definitions. 1. For the purposes of this act, the "Fort Drum radar zone" shall be the area within:

(a) ten miles of the Wheeler-Sack Army airfield;

(b) fifteen miles of the Montague Doppler Weather Radar KTYX in the town of Lowville in Lewis county, excluding area within such fifteen mile radius east of a line traveling due north and due south from the intersection of county road twenty-seven and county road twenty-eight in the town of Lowville in Lewis county;

(c) five miles of the boundary of the Wheeler-Sack Army airfield restricted airspace located within St. Lawrence, Jefferson and Lewis counties;

(d) five miles of the boundary of the Wheeler-Sack Army airfield class D controlled airspace except where such area is within Lewis county;

(e) the Wheeler-Sack Army airfield class D controlled airspace; or

(f) the enclosed area beginning at the point where United States route eleven intersects New York route twenty-six; thence north along United States route eleven to New York route fifty-six; thence south along New York route fifty-six to the border of the Adirondack state park; thence west along the border of the Adirondack state park to a point directly due east of the intersection of United States route eleven and New York route twenty-six; thence due west until the point where United States route eleven intersects New York route twenty-six.

2. For the purposes of this act, "state agency" shall mean any board, authority, agency, department, commission, public corporation, or instrumentality of the state.

§ 3. Funding to wind electric generation facilities. No state agency shall provide or distribute funding to wind electric generation facilities that come into operation after July 1, 2018 and are located within the Fort Drum radar zone.

§ 4. Incentives and payments for wind electric generation facilities. Wind electric generation facilities that come into operation after July 1, 2018 and that are located within the Fort Drum radar zone shall not be deemed eligible facilities for the redemption of incentives or payments from a state agency program.

§ 5. This act shall take effect immediately; provided, however, that this act shall be deemed repealed fifteen years after it shall have become a law.