



City of Enid
401 W. Owen K. Garriott Road
Enid, Oklahoma 73701
580-234-0400

VANCE DEVELOPMENT AUTHORITY

NOTICE OF MEETING

Notice is hereby given that the Enid Vance Development Authority will meet in a rescheduled regular session at 10:00 a.m. on the 16th day of April, 2019, in Lower Level Conference Room in the basement of the City Administration Building, located at 401 W. Owen K. Garriott Road, Enid, Oklahoma, and the agenda for said meeting is as follows:

- AGENDA -

VANCE DEVELOPMENT AUTHORITY

1. **CALL TO ORDER/ROLL CALL.**
2. **CONSIDER APPROVAL OF MINUTES OF THE REGULAR VANCE DEVELOPMENT AUTHORITY MEETING OF JANUARY 3, 2019.**
3. **UPDATE ON HB2118, REGARDING REGULATIONS FOR WIND ENERGY FACILITIES.**
4. **UPDATE ON A PROPOSED NEW DORMITORY AT VANCE AIR FORCE BASE, INTERGOVERNMENTAL SUPPORT AGREEMENTS (IGSA) AND PILOT PROJECT DISCUSSIONS.**
5. **DISCUSSION REGARDING SKELETON CREEK WIND FARM AND PROPOSED CONSTRUCTION IN GARFIELD AND ALFALFA COUNTIES.**
6. **UPDATE ON DEFENSE COMMUNITY INFRASTRUCTURE PROGRAM.**
7. **UPDATE ON THE KAW LAKE PROJECT AND THE NATIONAL DEFENSE AUTHORIZATION ACT (NDAA) REGARDING WATER STORAGE FEES.**
8. **DISCUSS MEETING WITH SENATOR LANKFORD AND MILITARY LEGISLATIVE AIDE MEETING AT VANCE AIR FORCE BASE.**
9. **UPDATE ON A TEMPORARY SQUAD OPS FACILITY AT VANCE AIR FORCE BASE.**

10. ADJOURN.

Vance Development Authority

2.

Meeting Date: 04/16/2019

SUBJECT:

**CONSIDER APPROVAL OF MINUTES OF THE REGULAR VANCE DEVELOPMENT
AUTHORITY MEETING OF JANUARY 3, 2019.**

Attachments

Minutes

MINUTES OF THE REGULAR MEETING OF THE
TRUSTEES OF THE VANCE DEVELOPMENT AUTHORITY
HELD ON THE 3RD DAY OF JANUARY 2019

The Trustees of the Vance Development Authority met in a regular meeting in the Lower Level Conference Room of the Administration Building of the City of Enid located at 401 West Owen K. Garriott Road, Enid, Oklahoma, at 10:00 A.M. on the 3rd day of January 2019, pursuant to notice given ten (10) days in advance to the Clerk of the City of Enid, Oklahoma, and pursuant to notice thereof displayed on the bulletin board at the Administration Building of said City, which notice was posted prior to 10:00 A.M. on the 2nd day of January 2019.

Chairman Shewey called the meeting to order with following members present and absent:

PRESENT: Trustees Newton, Jackson, Blankenship, Henderson, Roberts, Keefer, Frantz, Venus and Chairman Shewey.

ABSENT: Trustees Barnes, Kisling, Cox and Cummings.

Others present were Secretary Alissa Lack, Vance Development Authority Consultant Mike Cooper, Director of Aviation Dan Ohnesorge, and VAFB Liaison Terri Schaefer.

Motion was made by Trustee Newton and seconded by Trustee Jackson to approve the minutes of the July 17, 2018 Vance Development Authority rescheduled regular meeting, and the vote was as follows:

AYE: Trustees Newton, Jackson, Blankenship, Henderson, Roberts, Keefer, Frantz, Venus and Chairman Shewey.

NAY: None.

Mike Cooper, Vance Development Authority Consultant, explained that the Oklahoma Strategic Military Planning Commission (OSMPC) had met prior to the Christmas holiday, and had approved the second funding amount of \$137,000.00 for the new terminal building at Enid Woodring Regional Airport.

An approximate total of \$287,000.00 of funding had been granted by the OSMPC. The minutes from that OSMPC meeting would be approved during the meeting of January 17th, and although the Department of Commerce already had the proposal, the funds could not be applied for until the approval of minutes.

These funds would be a piece of the funding for the building, but not specific to a debriefing room. Depending on the progress of the project, it would be determined if another year's funding would be needed or if there was another project that might need funded.

A brief overview of the costs and funding was provided by Dan Ohnesorge, Director of Aviation. He also introduced a brief discussion of the joint-use room. Additionally, it was noted that staff had been able to identify some items in the project that could be adjusted and could result in cost savings within the project.

Airport Director Dan Ohnesorge provided a construction update on construction of the Enid Woodring Regional Airport Terminal Building. He noted that there was currently dirt work occurring beside the current terminal. He also explained that the site had to be built up, and the stabilization and footing were in, and the electrical and plumbing were in place. It was also noted the weather had delayed work on the concrete slab, but the steel was already on premise.

The projected completion date was June 28, 2019, and the ribbon cutting was anticipated to possibly be in August. After the building had been completed, it would take four to five weeks to move items in from the current terminal building to the new building.

The Defense Community Infrastructure Program (DCIP), the federal program authorized through the last Defense Authorization Bill, had been approved, but was not appropriated yet. It had not been appropriated yet because there was not a plan in place to distribute the funds. The Defense Department was in the process of creating a plan for distribution of money, if it's funded.

Before the holidays, Mr. Cooper had met with Assistant Secretary of Defense Bob McMahon, representatives of the Department of Defense Clearinghouse, representatives of the Office of Economic Adjustment, and other agencies to discuss the DCIP and other important ways to help communities build which could help bases do better. The number one priority was to build in defense communities.

Some possible funding options for Enid included an alternative energy source, the Kaw Lake project, and new dormitories at VAFB.

A discussion was regarding a potential new dormitory and other infrastructure needs at Vance Air Force Base, as well as an update provided on the progress of improvements for the runway.

A few months back, Mr. Cooper had met with the new Wing Commander at VAFB to see what needs the base had and how Enid could help. The discussion included the need for a new 100 bed dormitory and a squad ops facility, and how to possibly make these things happen. Operationally, runway improvements were most important, followed by a squad ops facility, and then dorms.

A brief discussion was held regarding the replacement of an existing dormitory and housing needs.

There was a brief discussion regarding the runway improvements at VAFB. Warranty work was being completed on the outside runway, which would divert the T-38's to Enid Woodring Airport during that time and funding had been secured for the inside runway.

Mr. Cooper provided a brief update on airspace protection efforts in Oklahoma, and some possible improvements through state and federal airspace protection legislation. In order to construct these wind farms in Oklahoma, you now had to have a condition of no-hazard from the FAA or agreed upon mitigation between the developer and the Armed Services, for approval to build. This was to prevent blocking military training routes, which could destroy the training routes.

If an agreement could not be met or a certificate of no-hazard is not issued, then the Secretary of Defense would write an objection to submit to the FAA. If the developer continued to build after this happens, the Attorney General could then file for an injunction.

Discussion was held regarding quality of life issues that are important to the Defense Department, and possible recommendations for improvement. These were items that would be considered, in the event that another BRAC round would occur. The factors to consider were significantly influenced by their impact on military families who were relocating, and included minimizing the impact of transferring on their academic year, the transfer of licensing and continuing work for spouses, and educational and curriculum impact on students.

There was a brief discussion regarding the possibility of adding the superintendent of EPS to the VDA membership. There were many public education and higher education issues that this membership could help with. It was noted that it would require an amendment to the charter/bylaws to designate a new position for the Authority.

There being no further business to come before the Authority at this time, Chairman Shewey adjourned the meeting.

The meeting adjourned at 11:03 A.M.

Vance Development Authority

3.

Meeting Date: 04/16/2019

SUBJECT:

UPDATE ON HB2118, REGARDING REGULATIONS FOR WIND ENERGY FACILITES.

Attachments

HB2118

1 ENGROSSED HOUSE
2 BILL NO. 2118

By: Ortega, McBride, Miller,
Moore and Caldwell (Chad)
of the House

3
4 and

Stanislowski of the Senate
5
6
7

8 An Act relating to the Corporation Commission;
9 amending Section 2, Chapter 92, O.S.L. 2015, as last
10 amended by Section 1, Chapter 179, O.S.L. 2018 (17
11 O.S. Supp. 2018, Section 160.20), which relates to
12 setback requirements for wind energy facilities;
13 modifying jurisdiction for certain disputes;
14 including individual wind turbines and certain other
15 individual structures in wind energy facility setback
16 requirements; modifying requirements of certain
17 required documentation; allowing certain form to
18 serve as evidence of resolution; modifying agencies
19 requiring certain documentation; modifying
20 applicability of act to certain construction;
21 authorizing Corporation Commission and the Oklahoma
22 Aeronautics Commission to promulgate rules;
23 authorizing penalty for violation of act; amending
24 Section 3, Chapter 92, O.S.L. 2015, as last amended
by Section 2, Chapter 179, O.S.L. 2018 (17 O.S. Supp.
2018, Section 160.21), which relates to notice of
intent to build a facility; modifying type of
information required in certain notification;
requiring certain notification to the Aeronautics
Commission; requiring Aeronautics Commission to
prescribe requirements for submission of certain
forms; requiring submission of certain subsequent
forms within certain timeframe to the Aeronautics
Commission and the Corporation Commission; exempting
certain filings from requirement; requiring
Aeronautics Commission to provide certain
notification to the Oklahoma Strategic Military
Planning Commission; requiring Strategic Military
Planning Commission to notify certain military base
commanders and submit certain letter to the

1 Aeronautics Commission; modifying penalty; and
2 declaring an emergency.

3
4 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

5 SECTION 1. AMENDATORY Section 2, Chapter 92, O.S.L.
6 2015, as last amended by Section 1, Chapter 179, O.S.L. 2018 (17
7 O.S. Supp. 2018, Section 160.20), is amended to read as follows:

8 Section 160.20 A. After August 21, 2015, no wind energy
9 facility may be constructed if the base of any tower is located at a
10 distance of less than:

11 1. One and one-half (1 1/2) nautical miles from the center line
12 of any runway located on:

- 13 a. a public-use airport as defined in Section 120.2 of
14 Title 3 of the Oklahoma Statutes, or
15 b. an airport owned by a municipality;

16 2. One and one-half (1 1/2) nautical miles from any public
17 school which is a part of a public school district; or

18 3. One and one-half (1 1/2) nautical miles from a hospital.

19 B. Attestation of compliance with the setback requirements in
20 this section shall be included in any reports required by the
21 Corporation Commission. ~~Disputes~~ Stakeholder and landowner disputes
22 arising under subsection A of this section shall fall under the
23 exclusive jurisdiction of the district courts. The Corporation
24 Commission may seek enforcement of the submission and attestation

1 requirements of this subsection and subsection C of this section
2 through its administrative court system.

3 C. After the effective date of this act, construction or
4 operation of a proposed individual wind turbine or any other
5 individual structure requiring a Federal Aviation Administration
6 (FAA) Form 7460-1 that is part of a wind energy facility or proposed
7 ~~wind energy facility expansion~~ shall not encroach upon or otherwise
8 have a significant adverse impact on the mission, training or
9 operations of any military installation or branch of military as
10 determined by the Military Aviation and Installation Assurance
11 Siting Clearinghouse (Clearinghouse) and the ~~Federal Aviation~~
12 ~~Administration~~ FAA. Areas of impact include but are not limited to
13 military training routes, drop zones, approaches to runways and
14 bombing ranges. No individual wind turbine or any other individual
15 structure that requires a FAA 7460-1 form that is part of a wind
16 energy facility may be constructed or expanded unless there is an
17 active Determination of No Hazard from the Federal Aviation
18 ~~Administration or an approved mitigation plan is obtained from the~~
19 ~~Military Aviation and Installation Assurance Siting~~ FAA and
20 objections of the United States Department of Defense have been
21 resolved as evidenced by documentation from the Clearinghouse for
22 the individual wind turbine or other individual structure. The
23 Mission Compatibility Certification Form or successor form may serve
24

1 as such evidence of objections being resolved with the Department of
2 Defense or successor agency.

3 1. The Determination of No Hazard ~~or mitigation plan~~ and
4 documentation of the resolution of objections of the Department of
5 Defense shall be submitted to the Corporation Commission and the
6 Oklahoma Aeronautics Commission.

7 2. The requirements established by this subsection shall not
8 prohibit ~~a wind energy facility~~ the construction ~~or~~ of an individual
9 wind turbine or any other individual structure requiring a FAA 7460-
10 1 form that is part of a wind energy facility expansion if ~~those~~
11 ~~facilities or facility expansions~~ obtain that individual wind
12 turbine or other individual structure has received a written
13 Determination of No Hazard or mitigation plan on or before the
14 effective date of this act.

15 3. The Corporation Commission ~~shall~~ is authorized to promulgate
16 rules and regulations for the implementation of the provisions of
17 this section and Section 160.21 of this title.

18 D. If an owner of a wind energy facility fails to submit an
19 active Determination of No Hazard and documentation that objections
20 of the Department of Defense have been resolved by the Clearinghouse
21 for the individual wind turbine or other individual structure prior
22 to the start of construction, the owner shall be subject to an
23 administrative penalty not to exceed One Thousand Five Hundred
24 Dollars (\$1,500.00) per day, per violation from the Corporation

1 Commission as provided by law. In addition, stakeholders,
2 including, but not limited to, the Corporation Commission or the
3 Aeronautics Commission may institute an action in any court of
4 general jurisdiction to prevent, restrain, correct or abate any
5 violation of subsection C of this section other than Corporation
6 Commission actions related to submissions or attestations.

7 SECTION 2. AMENDATORY Section 3, Chapter 92, O.S.L.
8 2015, as last amended by Section 2, Chapter 179, O.S.L. 2018 (17
9 O.S. Supp. 2018, Section 160.21), is amended to read as follows:

10 Section 160.21 A. The owner of a wind energy facility shall
11 submit notification of intent to build a facility to the Corporation
12 Commission within six (6) months of the initial filing ~~pertaining to~~
13 ~~commencement of construction~~ with the Federal Aviation
14 Administration (FAA) of ~~an a~~ a FAA Form 7460-1 ~~(Notice of Proposed~~
15 ~~Construction or Alteration)~~ or any subsequent form required by the
16 ~~FAA for evaluating the impact a proposed wind energy facility will~~
17 ~~have on air commerce safety and the preservation of navigable~~
18 ~~airspace~~ form. The Corporation Commission shall prescribe the form
19 and submittal requirements of the notification; provided, the
20 information required on the notification form shall include at least
21 the same information required on the FAA form and a map of the
22 project boundary. The owner of a wind energy facility shall submit
23 to the Oklahoma Aeronautics Commission copies of all initial FAA
24 7460-1 forms for all individual wind turbines or any other

1 individual structure that requires a FAA Form 7460-1 that is part of
2 a wind energy facility within thirty (30) days of the initial filing
3 with the FAA. The Aeronautics Commission shall prescribe the
4 submittal requirements for the 7460-1 form. The owner of the wind
5 energy facility shall send copies of the notification ~~with~~ to the
6 board of county commissioners of every county in which all or a
7 portion of the wind energy facility is to be located within twenty-
8 four (24) hours of filing with the Corporation Commission. If all
9 or a portion of the wind energy facility is to be located within the
10 incorporated area of a municipality, copies of the notification
11 shall also be sent to the governing body of the municipality within
12 twenty-four (24) hours of filing with the Corporation Commission.
13 If the owner of a wind energy facility is required to file
14 subsequent 7460-1 forms with the FAA due to changing locations or
15 heights of individual structures from the locations or heights
16 originally proposed in the initial 7460-1 forms submitted to the
17 Aeronautics Commission, the owner shall, within ten (10) days of
18 filing with the FAA, submit such subsequent 7460-1 forms to the
19 Corporation Commission and Aeronautics Commission. A wind energy
20 facility owner shall not be required to start the notification
21 processes over unless the subsequent 7460-1 forms expand the project
22 beyond its original boundaries submitted to the Corporation
23 Commission.

24

1 B. Within ~~thirty (30)~~ ten (10) days of ~~submitting the~~
2 ~~notification to the Corporation Commission~~ receiving a FAA 7460-1
3 form, as provided for in subsection A of this section, the ~~owner of~~
4 ~~the wind energy facility~~ Aeronautics Commission shall ~~cause a copy~~
5 ~~of the notification to be submitted to~~ notify the Oklahoma Strategic
6 Military Planning Commission. The Oklahoma Strategic Military
7 Planning Commission shall notify local base commanders upon receipt
8 of ~~the~~ this notification. The Oklahoma Strategic Military Planning
9 Commission shall submit a letter to the Military Aviation and
10 Installation Assurance Siting Clearinghouse outlining potential
11 areas of impact, as provided in Section 160.20 of this title, within
12 thirty (30) days of receipt of the notification. The letter from
13 the Oklahoma Strategic Military Planning Commission shall be
14 submitted to the Corporation Commission, the Aeronautics Commission
15 and the wind energy facility owner.

16 C. Within six (6) months of submitting the notification with
17 the Corporation Commission as provided for in subsection A of this
18 section, the owner of the wind energy facility shall cause a copy of
19 the notification to be published in a newspaper of general
20 circulation in the county or counties in which all or a portion of
21 the wind energy facility is to be located. Proof of publication
22 shall be submitted to the Corporation Commission.

23 D. Within six (6) months of submitting the notification with
24 the Corporation Commission as provided in subsection A of this

1 section, the owner of the wind energy facility shall cause a copy of
2 the notification to be sent, by certified mail, to:

3 1. Any operator, as reflected in the records of the Corporation
4 Commission, who is conducting oil and gas operations upon all or any
5 part of the surface estate as to which the wind energy developer
6 intends the construction of the wind energy facility;

7 2. Any operator, as reflected in the records of the
8 Corporation Commission, of an unspaced unit, or a unit created by
9 order of the Corporation Commission, who is conducting oil and gas
10 operations for the unit where all or any part of the unit area is
11 within the geographical boundaries of the surface estate as to which
12 the wind energy developer intends the construction of the wind
13 energy facility; and

14 3. As to tracts of land not described in paragraphs 1 and 2 of
15 this subsection on which the wind energy developer intends to
16 construct a wind energy facility, all lessees of oil and gas leases
17 covering the mineral estate underlying any part of the tracts of
18 land that are filed of record with county clerk in the county where
19 the tracts are located and whose primary term has not expired.

20 If the wind energy developer makes a search with reasonable
21 diligence, and the whereabouts of a party entitled to any notice
22 described in this subsection cannot be ascertained or such notice
23 cannot be delivered, then an affidavit attesting to such diligent
24

1 search for the parties shall be placed in the records of the county
2 clerk where the surface estate is actually located.

3 E. Within sixty (60) days of publishing the notification in a
4 newspaper as provided for in subsection C of this section, the owner
5 of the wind energy facility shall hold a public meeting. Notice of
6 the public meeting shall be published in a newspaper of general
7 circulation and submitted to the board of county commissioners in
8 the county or counties in which all or a portion of the wind energy
9 facility is to be located. The notice shall contain the place, date
10 and time of the public meeting. Proof of publication of the notice
11 shall be submitted to the Corporation Commission. The public
12 meeting shall be held in one of the counties in which all or a
13 portion of the wind energy facility is to be located.

14 F. With regard to the surface estate upon which the owner of a
15 wind energy facility intends to construct a wind energy facility, at
16 least sixty (60) days before entering upon the surface estate for
17 the purposes of commencement of construction of the wind energy
18 facility, the owner shall provide written notice, by certified mail,
19 of its intent to construct the wind energy facility to:

20 1. Any operator, as reflected in the records of the Corporation
21 Commission, who is conducting oil and gas operations upon all or any
22 part of the surface estate as to which the wind energy developer
23 intends the construction of the wind energy facility;

1 2. Any operator, as reflected in the records of the Corporation
2 Commission, of an unspaced unit, or a unit created by order of the
3 Corporation Commission, who is conducting oil and gas operations for
4 the unit where all or any part of the unit area is within the
5 geographical boundaries of the surface estate as to which the wind
6 energy developer intends the construction of the wind energy
7 facility; and

8 3. As to tracts of land not described in paragraphs 1 and 2 of
9 this subsection on which the wind energy developer intends to
10 construct a wind energy facility, all lessees of oil and gas leases
11 covering the mineral estate underlying any part of the tracts of
12 land that are filed of record with county clerk in the county where
13 the tracts are located and whose primary term has not expired.

14 The notice shall contain a map or plat of the proposed location,
15 with sufficient specificity of all of the various elements of the
16 wind energy facility to be located on the governmental section which
17 includes all or any part of the tracts of land described in
18 paragraphs 1, 2 and 3 of this subsection and the approximate date
19 that the owner of the wind energy facility proposes to commence
20 construction. If the wind energy developer makes a search with
21 reasonable diligence, and the whereabouts of a party entitled to any
22 notice described in this subsection cannot be ascertained or such
23 notice cannot be delivered, then an affidavit attesting to such
24 diligent search for the parties shall be placed in the records of

1 the county clerk where the surface estate is actually located.
2 Within thirty (30) days of receiving said notice, any operator, as
3 described in paragraphs 1, 2 and 3 of this subsection shall
4 reciprocate, in writing by certified mail, certain site, operational
5 and infrastructure information, with sufficient specificity, to be
6 shared with the owner of the wind energy facility to assist both
7 with the safe construction and operation pertaining to the surface
8 estate. This information should include ALTA surveys of existing
9 subsurface and surface improvements on the property, if any, as well
10 as other technical specifications for existing improvements such as
11 pipe size, material, capacity and depth.

12 G. The owner of a wind energy facility shall not commence
13 construction on the facility until the notification and public
14 meeting requirements of this section have been met. If an owner of
15 a wind energy facility fails to submit the information as required
16 in this section, the owner shall be subject to an administrative
17 penalty from the Corporation Commission not to exceed One Thousand
18 Five Hundred Dollars (\$1,500.00) per day, per violation as provided
19 by law.

20 SECTION 3. It being immediately necessary for the preservation
21 of the public peace, health or safety, an emergency is hereby
22 declared to exist, by reason whereof this act shall take effect and
23 be in full force from and after its passage and approval.
24

1 Passed the House of Representatives the 12th day of March, 2019.

2
3 _____
4 Presiding Officer of the House
of Representatives

5 Passed the Senate the ____ day of _____, 2019.

6
7
8 _____
9 Presiding Officer of the Senate