



March 13, 2017

Mr. John Rhodes  
President & CEO  
NYS Energy Research & Development Authority  
17 Columbia Circle  
Albany, New York 12203

Dear Mr. Rhodes:

Ever since "Save Ontario Shores" (SOS) first raised concerns about the potential for the proposed Apex wind turbine project in Niagara and Orleans County's to encroach on the air and radar operations at the Niagara Falls Air Reserve Station (NFARS), our group has been following the issue of proposed wind turbine projects that are in close proximity to military installations around the nation.

It was our fear and suspicion that the Obama administration, in its zeal to pursue green energy projects through the Department of Defense, was applying pressure to approve these projects at the expense of military readiness and effectiveness.

We voiced our fear that a project deemed not to encroach on military operations by this administration might be looked upon less favorably by a new administration and could be determined by the next BRAC to constitute outright encroachment.

Now it looks as though our fears were not misplaced.

A recent series of events surrounding military installations in Virginia and Texas should put everyone concerned with the future of NFARS on alert.

It seems proposed wind turbine projects in these states had been determined by government and MIT studies to interfere with critical "Relocatable Over-the Horizon Radar" (ROTHR) operations. The military strongly opposed these projects including Congressional testimony by General John Kelly (now Secretary of Homeland Security) who said; "this wind farm could and likely will adversely impact our ROTHR systems".

Suddenly, after years of concluding that these wind projects constituted a serious military encroachment, the Pentagon reversed itself and approved the project. The Navy stated that a new study showed that the project would not interfere with the radars **BUT HAS REFUSED TO RELEASE THAT STUDY!**

These very suspicious actions have resulted in elected officials in North Carolina, another state whose military installations are facing encroachment threats from wind turbine projects, calling on the government to terminate these projects (letter attached).

These elected officials express the same concern as SOS - that a project approved through undo political pressure by the previous administration could meet a much different fate when the next BRAC is convened, resulting in the finding of encroachment and a decision to recommend closure of a base due to the degrading of its effectiveness.

As you know, NFARS has twice been listed for closure by previous BRAC's. The BRAC process has not been kind to New York. Previous administrations saw a total of seven military installations closed throughout New York State. Is anyone in this state government willing to risk the future of NFARS and its 3,000+ employees for an out of state wind developer whose project will create 10 full time jobs now that serious concerns have been raised about the impartiality of the vetting process of wind projects situated near military bases?

The residents of Western New York who are solidly opposed to the Apex project look to you and your Article 10 siting board reject the Apex project and the inherent threat it poses to NFARS.

Sincerely,

A handwritten signature in blue ink that reads "Pamela Atwater". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Pamela Atwater, President  
Save Ontario Shores

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<http://www.wsj.com/articles/the-winds-of-green-war-1485126942>

## REVIEW & OUTLOOK

# The Winds of Green War

Turbines in North Carolina threaten a crucial military radar.



PHOTO: MATT YOUNG/ASSOCIATED PRESS

Jan. 22, 2017 6:15 p.m. ET

Donald Trump has encouraged his cabinet nominees to take the initiative as soon as they're on the job, and one area ripe for action is reversing the Obama Administration's habit of letting its green-energy obsessions interfere with national defense. A good place to start is reviewing a wind farm that could compromise a

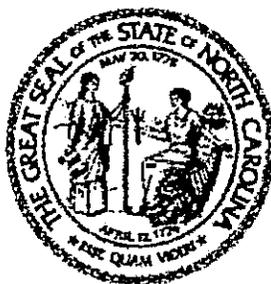
crucial U.S. defense radar in southern Virginia.

That's the location of one of America's two Relocatable Over-the-Horizon Radar (Rothr) sites. Rothr, which is run by the Navy, provides long-range surveillance of aircraft and surface ships through the Caribbean to South America. The two Rothr sites—the other is in Texas—are crucial for tracking foreign military operations, drug runners and other criminals.

The Navy—informed by MIT and government studies—has long held that wind farms within a 28-mile radius of a Rothr site interfere with its ability to function. In 2011 the Spanish wind-turbine manufacturer Iberdrola nonetheless applied to build a giant wind farm in North Carolina near the Virginia border. The farm's more than 100 turbines, some more than 500 feet tall, would fall within 28 miles of the Rothr site, some as near as 14 miles.

For years the U.S. military opposed the wind project. General John Kelly, then leading U.S. Southern Command, told Congress that the wind farm “could and likely will adversely impact our Rothr systems,” adding that while the Pentagon was working with “developers and stakeholders to develop potential mitigation solutions,” he had “little confidence we will succeed.” Gen. Kelly is now Mr. Trump's Secretary of Homeland Security.

So it was a surprise to many when the Pentagon reversed itself in October 2014 and approved the project. The preamble in its agreement with Iberdrola says “it is an



## North Carolina General Assembly

Presidential Transition Headquarters

Attn: General Kelly

1800 F Street NW

Room G-117

Washington DC 20270

General John Kelly:

We are extremely pleased that you were recently chosen to be the new leader of the US *Department of Homeland Security*.

Although you undoubtedly have a lot on your plate, we want to bring your attention to an extraordinarily important time-sensitive Homeland Security matter — and one you already have some familiarity with: **industrial wind energy interference with the North Carolina-Virginia border ROTHHR facility.**

We don't have to tell you about the wide breadth of critical Homeland Security responsibilities that this ROTHHR facility is responsible for,<sup>1</sup> as you had first-hand experience with it for some time when you were US Southern Command.

As you are likely aware, MIT's government-funded 2012 study<sup>2</sup> concluded that any wind project within 28 miles of a ROTHHR receiver, would almost certainly seriously degrade the ROTHHR's operational performance. In the situation at hand, over a hundred 500 foot tall turbines are currently being constructed at the *Desert Wind Iberdrola/Amazon* project in Northeast North Carolina<sup>3</sup>.

Disturbingly, ALL of these turbines are *within* the 28 mile radius — with some only 14 miles from the ROTHHR receiver! (Note also that these are larger turbines than were used in the MIT study — so if anything their separation should be more.)

Yet despite the extraordinary Homeland Security importance of this facility, and MIT's dire warning, due to the political correctness focus of the current administration, DoD entered into an "Agreement"<sup>4</sup> to allow this intrusion.

When asked why they would put our national security at such risk, their answer was that a subsequent study concluded that the interference would not be as traumatic as the MIT report determined, *and* that mitigations

were possible that could allow the ROTHr facility to continue to operate, without any consequential loss of information.

Requests for a copy of this second study (to assess the methodology and assumptions that led to this starkly different conclusion), have been denied on the basis that it is confidential. This does not engender confidence.

Your testimony on this topic before the House *Armed Services Committee* (2/26/14)<sup>5</sup> was commendable in its frankness: you expressed grave concern about the proposed “mitigations” to this national security matter — and (in our view) rightly so.

In our opinion, due to the consequences at stake, this wind project should never have been permitted to be built. If it was allowed, there should have been specific and extremely strict rules and regulations that would have quickly (and automatically) rectified any situation caused by the wind project that would adversely undermine the functioning of this important Homeland Security asset.

We are very distraught that the “Agreement” entered into by DoD and the wind developer (10/23/14), does not have *any* provision that would automatically shut down the wind project (or require an acceptable remediation) if there is 10% degradation of the ROTHr signal, or 25%, or 50% or even 100%!

Under such circumstances, all the wind developer is currently required to do is to attend a meeting, to discuss the problem. Nothing more.

This totally unacceptable situation came about due to the current administration’s promotion of unscientific and nonsensical “All of the Above” energy sources (and renewable energy in particular), at essentially any cost. We are very hopeful that you and the new administration will have a considerably different energy perspective (e.g. “All of the Sensible”), and will take corrective action here *before* this wind project goes into operation (30± days from now).

The two options we are recommending for Homeland Security to consider are:

**1 - Preferred Option: Shut down this project permanently.** This would be done due to its imminent, highly likely, unacceptable threat to our national security.

Yes the government should compensate the developer, but **only** for actual documented costs to date (not for future speculated profits). No tears need to be shed for Iberdrola, which is the antithesis of the *Make America Great* program. For example, this foreign company holds the national record for amounts of money extracted from the US economy and sent abroad!<sup>6</sup>

In addition to the national security issues and federal welfare involved here, independent experts have concluded that this project will probably cost the NC host community something like \$11 million per year<sup>3</sup> — so you have our blessing to cancel this project, which will likely be a net liability to North Carolina.

**2 - Secondary Option: Immediately make major changes in the DoD Agreement.** Specifically the developer should be required to immediately shut down any and all turbines, when any more than a 5% degradation of the ROTHr signal is experienced due to any of this project’s turbines. The problematic turbines will stay shut down (without compensation) until the developer is able to satisfy DoD and DHS that they have a full remediation of the ROTHr signal degradation problem. [Note: Unlike the situation now, DHS should become a co-signer in this Agreement.]

Note: The developer may initially understandably balk at having to renegotiate their sweetheart deal — but you have at least one ace-in-the hole. Section 3-B of the Agreement allows for circumstances where the project may be shut down. The developer needs to be told that without their renegotiating this one-sided, inequitable Agreement, that the provisions in Section 3-B will be engaged.

In our view, time is of the essence here, or we would not have bothered you during this period of major adjustment for you.

Thank you for your exemplary dedication to working for our Country's best interests, and we look forward to working with you to improve our national security.

Sincerely,



Senator Harry Brown  
N.C. Senate Majority Leader



Senator Louis Pate  
N.C. Senate Deputy President Pro Tempore



Senator Norman Sanderson  
N.C. Senate



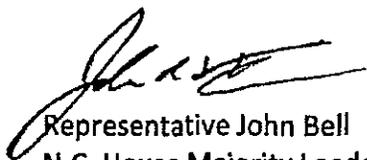
Representative Tim Moore  
N.C. Speaker of the House



Senator Phil Berger  
N.C. Senate President Pro Tempore



Representative George Cleveland  
N.C. House of Representatives



Representative John Bell  
N.C. House Majority Leader



Representative Christopher Millis  
N.C. House of Representatives

# New York

Site Name	City	Type	NPL Status	BRAC Round	Agency
<u>Bellmore Maintenance Facility</u>	Bellmore	BRAC		4	US Army
<u>Fort Totten</u>	Bayside	BRAC		4	US Army
<u>Griffiss Air Force Base (11 Areas)</u>	Rome	NPL/BRAC	Final	3	US Air Force
<u>Naval Station NY</u>	Brooklyn	BRAC		1	US Navy
<u>Naval Station Sableton</u>	Staten Island	BRAC		3	US Navy
<u>Plattsburgh Air Force Base</u>	Plattsburgh	NPL/BRAC	Final	3	US Air Force
<u>Seneca Army Depot</u>	Romulus	NPL/BRAC	Final	4	US Army