



THE ROLE OF GOVERNMENT AGENCIES

in the Approval Process

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This document is one of a series of reports and guides that are all part of the NYSERDA Wind Energy Tool Kit. Interested parties can find all the components of the kit at: www.powernaturally.org. All sections are free and downloadable, and we encourage their production in hard copy for distribution to interested parties, for use in public meetings on wind, etc.

Any questions about the tool kit, its use and availability should be directed to: Vicki Colello; vac@nyserda.org; 518-862-1090, ext. 3273.

In addition, other reports and information about Wind Energy can be found at www.powernaturally.org in the on-line library under “Large Wind.”

NOTICE

This report was prepared Katherine Daniels of the NY Planning Federation in the course of performing work contracted for and sponsored by the New York State Energy Research and Development Authority (hereafter “NYSERDA”). Substantial contributions to the report were made by the NYS Department of Environmental Conservation.

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The Role of Government Agencies in the Approval Process

Introduction

Most wind energy projects in New York are subject to permitting by municipal authorities, who may review project proposals under various regulatory frameworks, including local zoning ordinances and the State Environmental Quality Review Act (SEQR).¹ Yet those involved in land use decisions at the local level sometimes feel unprepared to conduct such a review. Many municipalities lack planning staff and most municipal planning and zoning boards have had relatively little exposure to wind energy technology.

This paper is intended to describe project review options and local land use evaluation methods, and provide local officials with the information and tools needed to create a meaningful review process for wind energy facilities. Planning ahead for the siting of wind energy facilities will help municipalities anticipate and effectively evaluate applications for these uses. By determining, in advance, where and under what conditions municipalities would prefer wind projects to be located, and then amending or adopting land use regulations and maps to reflect these preferences, a time-consuming and potentially controversial review process may be avoided.

As New York State continues to expand the use of renewable energy, wind energy project developers will continue to approach municipalities across the state with proposed wind projects that warrant local review.

At the same time, in some communities, residents are organizing and hiring legal representation to oppose new wind projects. Local officials are increasingly finding themselves caught in the middle, and without access to dependable, accurate information that will help them to make informed decisions that are consistent with the community's values.

This discussion paper is one of several intended to fill this information gap and assist local governments in their decision-making. Finally, this paper also summarizes the areas where interaction with other state and federal agencies may occur.

¹ For more information on the SEQR process, please see the Overview of SEQR Process paper of the Wind Energy Toolkit.

Local Review Options

Land use regulations are intended to guide future growth and development by ensuring that sufficient land is available for a variety of uses, adjacent uses are compatible, and a reasonable transition area exists between areas of different usage.

Municipalities should carefully consider what land areas would be best suited for wind energy development and make sure that this use is allowed in those areas. Municipalities should try to strike a balance between developing a responsible review process and imposing undue burdens on the developer. While it is important to be thorough and comprehensive, it is equally important to conduct a process within a reasonable time frame.

Local government review standards and timelines have an impact on the economic viability of a wind project in today's competitive markets.

Local regulations that may apply to proposed wind energy facilities include building permits, special use permits, site plan review, and zoning. The use of any one or more of these regulations varies widely across the state. About 78% of New York municipalities use zoning. Many of the more remote, rural parts of the state, where good wind energy potential may exist, do not use zoning. Wind energy projects located on land that is not subject to zoning may only require a building permit and, possibly, site plan review. This simplified approach, while perhaps adequate for small wind projects, may not be adequate to ensure compatibility with surrounding uses, especially for larger projects. The action also will trigger review under the State Environmental Quality Review Act (SEQRA).

Where zoning is in use, the biggest impediment to the siting of wind energy facilities is the ordinance that fails to identify wind energy facilities as allowed uses. Because wind projects are so new, many municipalities have not yet added this use to their ordinances. In most zoning ordinances, non-listed uses are considered prohibited uses and may only be permitted through the use variance process. Because the statutory use variance criteria are difficult to meet and the process is cumbersome, this is a less-than-ideal approach to evaluating and allowing wind energy facilities.

Updating Land Use Regulations

Land use regulations, including zoning, should be periodically updated to allow municipalities to address new uses, such as wind energy facilities. Local land use regulations must be “in accordance” with an adopted comprehensive plan (see discussion paper on *Wind Energy Development and the Comprehensive Plan*). For this reason, many

communities update their comprehensive plan and zoning ordinance in a parallel process.

As municipalities evaluate and update their land use regulations with respect to wind projects, they should consider what type of review should be used. There are a variety of review options, as follows:

- Permitted use
- Special use permit
- Site plan review
- Accessory use
- Use variance
- Overlay Zone

Depending on the process that municipalities use, the reviewing body may be the local enforcement officer, the planning board, the zoning board of appeals, the local legislative body, or some combination of these. It is useful here to review the purpose of each of these options.

Permitted Use

Permitted uses in a zoning ordinance law are those that the municipality feels should be allowed in a particular zone under all circumstances, though they may be made subject to specific conditions that would be reviewed as part of a ministerial decision by the municipality's enforcement officer. Municipalities may, for instance, choose to make small wind energy facilities permitted uses in remote, rural areas where there is little potential of adverse impacts to nearby properties.

Special Use Permit

Special use permits are employed when the use is believed to be generally appropriate for a particular zone, though perhaps not in all circumstances or as proposed, and are subject to either general or specific conditions to ensure compatibility with and/or minimal impacts on nearby uses. Special use permits are normally issued by the planning board or zoning board of appeals as part of a discretionary review process involving a public hearing. Special use permits can be issued only where zoning is used. Special use permits are an effective tool for municipalities evaluating large, commercial wind projects with potential adverse impacts for nearby properties.

Site Plan Review

Site plan review is a process that is used to ensure that the permitted use is designed, constructed, and laid out in an appropriate way. Site plan review can be used with or without zoning because the proposed use of the property is not an issue. This is a good supplementary tool to use in the evaluation of wind projects. Site plan review is normally performed by the planning board or zoning board of appeals. Where site plan review and special use permits are both used, it is preferable for wind projects to be evaluated by a single reviewing body.

Accessory Use

Accessory uses are secondary to a principal use on the same property. A single wind turbine that is primarily used to supply electricity to a residence or a farm, for instance, might be considered an accessory use. Municipalities can amend the definition of accessory use in their zoning to include small wind projects.

Use Variance

Use variances can permit uses that are not listed as allowed in a particular zone. Use variances may be issued by the zoning board of appeals as part of a quasi-judicial review process involving a public hearing. This process exists to handle the unanticipated exception to the rule. Use variance may only be issued if the applicant meets strict statutory tests. The burden of proof of the appropriateness of the use rests on the applicant. It is preferable to allow the use in appropriate zones and to establish a meaningful but not overly cumbersome review process than to rely on the use variance process to allow wind energy facilities.

Overlay Zone

Part of any update of land use regulations should include an update of the zoning map. Such an update presents municipalities with the opportunity to create a wind energy overlay zone that can be used as a way to attract wind energy developers to the community, if desired. Wind energy facilities can also simply be added as an allowed use in various existing zones in the municipality. The different options in this area are discussed further in the *Wind Energy Model Ordinance Options* discussion paper.

Meaningful and Fair Review

Once municipalities choose an approach to reviewing and permitting wind energy facilities, they should consider what the substance of that review will be. A different set of review standards may be appropriate for large commercial wind energy facilities as opposed to a single small turbine. Nevertheless, permitting considerations will likely include most or all of the following issues:

- Public health and safety
- Siting and installation
- Setbacks from residences, roads, and property lines
- Nuisance impacts: sound, electromagnetic/microwave interference
- Environmental impacts: avian, soil erosion
- Visual impacts

The level of detail required to address these issues in a permitting strategy will vary depending on project location, existing land uses, community concerns, local environmental issues, and other factors. Sample ordinance language addressing the above considerations may be found in the *Wind Energy Model Ordinance Options* discussion paper.

Municipalities should encourage wind developers to schedule a pre-application conference to meet with municipality staff to discuss the proposed project in general terms and to clarify the application requirements. The conference should be informal. However, the applicant should be encouraged to bring preliminary materials to the conference to inform staff (and/or a review board member) of siting information. The general purpose of the pre-application conference is:

- To find out, on an informal basis, what the applicant has in mind
- To explain the municipality's standards and procedures
- To provide the applicant with the application form and list of items to be submitted.

Frank discussion early on can help reduce the time and expense involved in the approval process.

Coordinating the Review with Others

Any proposed special use permit or site plan for a proposed wind project (or any other use) that is within 500 feet of a municipal boundary, a county or state park, road, stream, public building, or a farm operation located in an agricultural district, may need to be referred to the county planning agency (or regional planning agency if there is no county agency) for its input (Section 239-m of the General Municipal Law). County referral is also required of any comprehensive plan or zoning ordinance amendments to accommodate wind projects.

Building Codes

Recent experience from New York wind projects has identified some concerns that local building inspectors may lack sufficient knowledge and understanding of wind projects and technology. Local inspectors in rural areas tend to be more familiar with residential, agricultural, and commercial construction as opposed to civil works or power plant construction. Although wind energy projects utilize turbines that are unique in comparison to other forms of energy-generating equipment, the issues associated with building and electrical code compliance are the same as any other power-generating plant. Road construction and operations and maintenance building construction are no different from other construction projects. The local utility receiving energy from the wind plant is responsible for inspection and acceptance of the turbine equipment, collection system, substation, and interconnection.

Local governments can also have their own building code, which may address issues not addressed by the state building code.

The Administration and Enforcement of the Uniform Fire Prevention and Building Code and the Energy Conservation Construction Code (aka Uniform Code), revised in March 2004 is available at www.dos.state.ny.us/lgss/pdfs/statecod.pdf. A summary of State and local government responsibilities under this code is available at www.dos.state.ny.us/lgss/books/adminandenforcementbec.htm. Local governments may also have their own building code.

Interactions with State and Federal Agencies

Local jurisdictions may also interact with state and federal agencies when conducting the environmental review for a wind energy project. The state and federal agencies that may become involved in the review of a wind energy project include those listed in Table 1. This sample information is provided from the large-scale, commercial wind energy project located near Prattsburgh, New York.

Table 1 Agency Involvement in WindFarm Prattsburgh

Agency	Involvement in WindFarm Prattsburgh environmental review process*
NYS Department of Environmental Conservation	Interested agency; may be Involved agency if NYSDEC permits are required (e.g., state regulated wetlands or stream permits); has broad responsibilities to consider impact of projects on natural resources, including birds, bats and their habitats.
NYS Department of Agriculture and Markets	Interested agency; focus on ensuring that soils and farming operations are not adversely affected by construction activities
NYS Public Service Commission	Interested agency; oversees issues relating to energy interconnection and transmission
NYS Office of Parks, Recreation and Historic Preservation	Interested agency; state administrators of National Historic Preservation Act
U.S. Fish and Wildlife Service	Interested agency; focus on ensuring that no adverse impacts occur to sensitive wildlife habitat or species; has responsibilities under Migratory Bird Act and Threatened and Endangered Species Act.
USDA Animal Plant Health Inspection Service	Interested agency; responsible for plant protection and quarantine program
U.S. Army Corps of Engineers	Interested agency; likely to issue permits in compliance with Section 404 of the Federal Clean Water Act
Federal Aviation Administration	Interested agency; provides obstruction lighting recommendations to minimize aviation risks
<p>* An “involved agency” typically has some form of discretionary authority relating to a specific aspect of a proposed action (e.g., the granting of a required permit). An “interested agency” lacks this discretionary authority but still chooses to participate in the review process because of specific expertise and/or concerns. Source: http://www.windfarmprattsburgh.org/table4.html</p>	

NYS Department of Environmental Conservation (DEC)

The NYSDEC may become involved in project approval if land that will be affected by the project falls into its jurisdiction under the federal Clean Air and Clean Water Acts. Issues related to streams or wetlands represent one of the most common ways in which the NYSDEC could become involved.

Potentially Required Permits

The DEC does not issue a specific permit for wind projects. Rather, permits may be required for specific actions taken in the construction of the wind project.

For example, a permit would be required if the project involved filling of a section of a state regulated wetland or disturbance to the bed or banks of a state regulated stream. For a typical wind project, the following permits may be required:

Freshwater Wetlands Permit (Part 663): This permit program was created in light of the legislature's intent to preserve, protect, and conserve freshwater wetlands and to regulate development so as to preserve their beneficial qualities. A permit would be required for regulated activities involving freshwater wetlands that appear on the New York State wetlands maps. Generally, the permits are limited to wetlands 12.4 acres or greater in size, though smaller wetlands of unusual significance may be included. Regulated activities include 1) filling, draining or excavating, grading, and dredging; 2) constructing buildings, roadways, septic systems, bulkheads, dikes, dams, and docks; 3) clear-cutting timber and other vegetation in a wetland or its 100 foot adjacent area. While it is not likely that a turbine itself would be located in a wetland, it is possible that an access road or electrical interconnections between turbines, the substation, and the electrical grid may involve disturbances to a wetland.

The applicant's plans are required to show the freshwater wetlands boundary (if any) and the source of information providing that boundary.

In determining whether to issue a permit, the following factors must be considered: 1) wetland class 2) effect of the project on wetland functions and benefits 3) possible alternatives outside of the wetland or adjacent area and, 4) loss or degradation to the wetland cannot be more than insubstantial

Reference For Above: Statutory Authority provided by NYS Environmental Conservation Law (ECL), Article 24. Applicable regulations found in 6NYCRR Parts 663. (<http://www.dec.state.ny.us/website/regs/663.htm>)

Use and Protection of Waters Permit (Part 608): This permit program was created in view of the legislature's intent to minimize the disturbance of streams and water bodies and so prevent unreasonable erosion of soil, increased turbidity, loss of fish and aquatic wildlife or habitat destruction. This permit may be required if construction of access roads or electrical interconnections (turbine construction more rarely) involve disturbance to a stream (classified c(t) or above) or if excavation or placement of fill occurs in any of the

“navigable waters of the state or in wetlands that are adjacent to and contiguous at any point to any of the navigable waters of the state, and that are inundated at mean high water level or tide.”

The applicant must show that the proposal: 1) is reasonable and necessary 2) will not endanger the health, safety and welfare of the people of the State of New York 3) will not cause unreasonable, uncontrolled, or unnecessary damage to the natural resources of the state including soil, forests, water, fish, and aquatic and related environment.

Reference for above: Statutory authority provided by Article 15, Title 5, of the Environmental Conservation Law. Applicable regulations are 6 NYCRR Part 608 (<http://www.dec.state.ny.us/website/regs/ch5.htm>).

Federal Clean Water Act (Section 401) Certificate: This certificate program was created consistent with the legislative intent to ensure that federal agencies issue permits without violating the state’s water quality standards or impairing designated uses.

The Section 404 federal permit process, and corresponding state certification under Section 401, regulates the discharge of dredged or fill materials to the waters of the United States (to include wetlands). The State must issue a Section 401 water quality certificate before a Federal agency can approve a Section 404 permit. The certificate verifies that the federally approved action is in compliance with State water quality standards or designated use of the water body.

The burden of proof is on the applicant.

Unlike the Freshwater Wetland permit, this permit and corresponding certificate are necessary for the discharge of dredged or fill material to wetlands smaller than 12.4 acres in size.

Reference For Above: Statutory authority provided by Section 401 of the Federal Clean Water Act. Applicable regulations are 6 NYCRR Part 608 (<http://www.dec.state.ny.us/website/regs/ch5.htm>).

Stormwater Runoff during Construction

For a wind energy project, the amount of land disturbed during construction depends on the size and number of turbines, existing infrastructure (e.g., roads and transmission), and topography.

Temporary construction disturbance averages one acre per megawatt (MW) to accommodate a construction lay-down area at each turbine location, access roads, underground transmission line, substation, and construction vehicle parking. Permanent disturbance averages 0.5 acres/MW.

Under Phase II of EPA's stormwater rules, construction activities that commenced on or after March 10, 2003 and that disturb one or more acres of land must be authorized by a stormwater discharge permit.

On January 8, 2003, the NYSDEC issued one of the most progressive discharge permits in the nation for such authorizations.

The permit NYSDEC issued is the SPDES General Permit For Stormwater Discharges from Construction Activity (GP-02-01). To obtain coverage under the general permit, the operator of a construction activity must file a completed Notice of Intent (NOI) with the DEC. Submitting an NOI is an affirmation that a Stormwater Pollution Prevention Plan (SWPPP) has been prepared for the site and will be implemented prior to the commencement of construction commences. Coverage under the general permit can begin either five (5) or sixty (60) business days after receipt of the NOI to by the DEC.

General SWPPP Components:

All SWPPPs include provisions for erosion and sediment controls. For construction activities that meet either Condition A, B or C described below, the operator shall develop a "full" SWPPP which includes water quantity and water quality controls (post-construction stormwater control practices), in addition to the erosion and sediment controls.

Condition A - Construction site or post construction runoff discharging a pollutant of concern to either an impaired water identified on NYSDEC's 303(d) list or a TMDL watershed for which pollutants in stormwater have been identified as a source of the impairment.

Condition B - Construction site runoff from Phase 1 construction activities (construction activities disturbing five (5) or more acres).

Condition C - Construction site runoff from construction activity disturbing between one (1) and five (5) acres of land during the course of the project, exclusive of the construction of single family residences and construction activities at agricultural properties.

The detailed components of a Stormwater Pollution Prevention Plan are set forth in the Appendix E of the New York State Stormwater Management Design Manual. Please note that many SWPPPs have unnecessarily included model runs that increase the volume but not the value of the SWPPP.

There is a great deal of information and resources available to help you develop a Stormwater Pollution Prevention Plan. Below are some suggestions on where to start.

Web Sites

www.dec.state.ny.us/water/stormwater the NYSDEC web site, which has a wealth of information about the federal government’s regulation and how it is being implemented in New York State.

www.epa.gov/npdes/stormwater This is the EPA’s website on stormwater.

Stormwater Reference Manuals

New York State Stormwater Management Design Manual (also known as the Design Manual)

Provides standards, specifications and uniform criteria for the design of the Stormwater Management Practices.

The Design Manual may be found at:

<http://www.dos.state.ny.us/lgss/stormwaterpub/index.html>

New York Standards and Specifications for Erosion and Sediment Control (also known as the Blue Book)

Contains standards and specifications for erosion and sediment control measures commonly used on construction sites.

The blue book may be found at:

<http://www.dec.state.ny.us/website/dow/toolbox/bluebook/bluebook.html>

Possible Roles of the DEC in the SEQR Process.

An agency can participate in a SEQR review as either an “Involved Agency” or as an “Interested Agency.” An involved agency is an agency that has or will have a discretionary decision to make regarding some aspect of the action. A discretionary decision would include reviewing a permit application or a certification request. An interested agency lacks a discretionary authority but still wishes to participate in the review process because of its specific expertise or concerns about the activity. Being an “Involved Agency”, particularly if designated the “Lead Agency” (the agency principally responsible for carrying out, funding or approving an action), gives an agency greater

legal leverage in directing the conduct of the SEQR process than if it is an “Interested Agency.”

Even if the DEC is not an involved agency, it will fully participate in the environmental review of the proposal to ensure that resource issues of statewide concern are identified and assessed in the environmental review process conducted under SEQR. The DEC's interests would include assessing the projects possible impact to state wildlife such as bats, raptors (hawks and eagles, for example), migratory waterfowl, and migratory songbirds and their habitats. If impacts were disclosed, the DEC would also identify ways that the impacts could be avoided or reduced. For a better understanding of the SEQR process, please consult our website:

<http://www.dec.state.ny.us/website/dcs/index.html>.

Also see Tool kit section specifically on SEQRA, “Overview of the SEQR Process.”

If you have any questions about DEC's role in the review of windpower projects, please contact the Bureau of Energy and Management in the Division of Environmental Permits at 518-402-9167. Questions can also be sent to the following e-mail address:

janasca@gw.dec.state.ny.us

NYS Department of Agriculture and Markets (Ag & Markets)

Villages, municipalities, and cities in New York State have broad ability to enact land use rules and regulations; however, these powers must be in accordance with the policy and goals of *Article AA-25 of the Agricultural and Markets Law*. This law prevents unreasonable restrictions by local government rules on land use within agricultural districts unless it can be demonstrated that public health or safety is threatened. The purpose of the law is to encourage development and improvement of agricultural land for production of food and other agricultural products.

DAM has created a document specifically focused on wind energy to facilitate the review process. *Guidelines for Agricultural Mitigation for Windpower Projects* is available at

<http://www.agmkt.state.ny.us/AP/agservices/constructWind.html>.

NYS Public Service Commission

The Public Service Commission is responsible for overseeing issues related to energy interconnection and transmission, including the siting of facilities under Article VII of the Public Service Law (PSL). It must also approve the construction of wind energy facilities with generating capacity over 80 megawatts, pursuant to PSL Section 68. New York State Office of Parks, Recreation, and Historic Preservation Consultation with this department may be necessary if there are visual impacts involving historic structures

or locations. For more information on this Office and the tools it has available to developers and municipality decision-makers please see the *Other Potential Environmental Impacts* paper of this Toolkit.

US Fish & Wildlife Service

If a proposed project site includes or is adjacent to sensitive plant or wildlife habitat, the USF&WS can perform a threatened and endangered species review. The review identifies any threatened or endangered species located in or near the proposed project area and determines the likely level of impact. A positive species finding would trigger the National Environmental Policy Act's requirement for an assessment of the need for an Environmental Impact Statement; this process could be coordinated with the SEQR process.

USDA – Animal Plant Health Inspection Service

The Animal Plant Health Inspection Service of the USDA may be called upon to help assess the vulnerability of the project area's ecosystem to invasive pests and pathogens.

Army Corps of Engineers

The Army Corps of Engineers (COE) may become involved in a project, if any portion of the project (e.g., access road, distribution line) crosses a water body subject to COE jurisdiction such as streams flowing into navigable waters. Its level of involvement could range from expert review to mitigation plan suggestions to permit issuance.

Federal Aviation Administration (FAA)

Given the height of today's commercial wind turbines, the majority of wind energy facilities are subject to the FAA's review for safety lighting. The FAA requires lighting on any structure taller than 200 feet. Projects located near airports or military facilities or in aviation corridors may require additional review, even if they fall below the 200 foot threshold.

FAA lighting varies significantly from project to project because the FAA currently does not have a national standard for lighting utility-scale wind turbines. Each of the nine FAA regions has flexibility in determining how a particular project should be lit based on

the current advisory circular². Some lighting scenarios include lighting every other turbine or bracketing the project (i.e., lighting the turbines at just the corners of the project, the outermost ring of turbines, or the turbines at the end of rows). Projects typically require L864/L865 red and white strobe lights, though a few projects have been allowed to use L810 red obstruction lights.

To create a national standard, the FAA along with the national Department of Energy (DOE), the American Wind Energy Association (AWEA), and participating projects, started a study in 1999 to determine the most effective and efficient technique for lighting wind turbine projects. This study combined airborne evaluations of select project sites as well as model simulation to test the recommended guidelines. Some of the proposed recommendations tested at the Blue Canyon Wind project in Oklahoma included the following:

- Half mile separation unless bracketing used,
- Red strobe (L864) required,
- White strobe (L865) depending on location,
- Synchronize all lights,
- Omit daylight illumination,
- Light must extend above highest point of the nacelle, and
- White/off-white towers preferred.

The draft final report was submitted in April 2005, but is still going through internal review. Once the internal review is finalized, the report will be published in the Federal Register for a 90-day comment period. After the report is finalized, an advisory circular will be published outlining the recommendations to the regional offices.

Until a national standard is finalized, wind developers will continue to submit lighting plans to their regional FAA office, and an FAA Obstruction Hazard Analyst will determine lighting requirements on a case-by-case basis.

Table 2 lists the types of aviation lighting installed for New York’s existing wind projects, including the most recent Maple Ridge project.

Table 2 Examples of Aviation Lighting at New York Wind Power Projects

	Madison	Fenner	Wethersfield	Maple Ridge
Flash Pattern <i>FPM – Flashes per Minute</i>	40 FPM - Day 20-40 FPM - Night	40 FPM - Day 20-40 FPM - Night	40 FPM - Day 20-40 FPM - Night	20-40 FPM Day and Night
Turbines Lit	7 of 7 (100%)	20 of 20 (100%)	10 of 10 (100%)	55 of 195 (28%)

² The current 62 page advisory circular from 2000 is available at http://www.faa.gov/ats/ata/ai/AC70_7460_1K.pdf. It provides guidance to the regional FAA offices on how obstructions can be marked and/or lit.

Brightness	Medium intensity (white) Obstruction light (red)	Medium intensity (white) Obstruction light (red)	Medium intensity (white) Obstruction light (red)	Obstruction light (red, flashing)
Lights per Turbine	1 white (all turbines, day) 2 red (all turbines, night)	1 white (7 turbines, day) 2 red (all turbines, night)	1 white (3 turbines, day) 2 red (all turbines, night)	1 red (55 turbines, day & night)
FAA Light Type	L-865 (day) L-864 (night)	L-865\L-864 (7 turbines) L-864 (13 turbines)	L-865\L-864 (3 turbines) L-864 (7 turbines)	L-864 (55 turbines)

Source: AWS Truewind, LLC

Although the FAA’s determination of how to light a wind power project is not an open process like an environmental review, municipalities might be able to offer their lighting preference for a wind project in their local area. However, aviation safety will be a priority.