

# **NEW MEXICO MILITARY BASE PLANNING COMMISSION**

## **ENERGY PROJECT NOTIFICATION POLICY**

### **A. PURPOSE**

The statutory mission of the New Mexico Military Base Planning Commission (MBPC) is to advise the Governor and support the long-term viability of the state's military bases. In the context of that mission, this Energy Project Notification Policy sets forth the process by which, after July 1, 2025, developers or owners of wind energy, solar collector or other facilities will notify the MBPC that, when required to by federal law, they have submitted a notice of proposed construction or alteration to the Federal Aviation Administration (FAA) to initiate the process by which the Department of Defense (DoD) Military Aviation and Installation Assurance Siting Clearinghouse will evaluate the compatibility of such projects with military missions. This policy further defines "other facilities" as those energy projects including geothermal, energy storage and transmission that are subject to filing in the FAA Obstruction Evaluation/Airport Airspace Analysis process.

### **B. GOALS**

The goal of this Energy Development Notification Policy ("Policy") is to strengthen coordination between the MBPC ("Commission"), the Office of Military Base Planning and Support ("Office"), military installations and developers of energy projects and to support New Mexico's energy strategy.

### **C. IMPLEMENTATION**

The Commission and Office shall implement this Policy. The Commission may waive this Policy if it determines that a deviation is necessary. Such waiver, and the reason(s) the waiver is necessary, will be reflected in the minutes of the meeting at which the Commission approves the waiver, subject to confidentiality considerations.

#### D. CONFIDENTIALITY

The Commission and Office understand the significance of proprietary information and, as such, agrees to hold all proprietary information confidential pursuant to an executed Confidentiality Agreement between the parties. The Commission and Office hereby agree to take reasonable efforts, up to and including legal action, to hold proprietary information confidential if a public information request is made. Proprietary information will be protected and will not be made available to the public.

#### E. NOTIFICATION TO MILITARY BASE PLANNING COMMISSION REQUIREMENT

As provided by NMSA 1978, Section 9-15-49.1, when the developer or owner of a project for construction or expansion of a wind energy conversion device, solar collector or other facility submits a notice of proposed construction or alteration of an individual structure or structures of a project to the Federal Aviation Administration to initiate the review process by the DoD Military Aviation and Installation Assurance Siting Clearinghouse (“DoD Siting Clearinghouse”) in compliance with federal law, the project developer or owner shall:

Within thirty business days, inform the chair of the Commission in writing about the submitted notice(s) and provide a description of the project's location and basic project details. For individual structure notices that are a part of a single proposed project, a bundled notification to the Commission is acceptable and preferred.

Further, within thirty days of obtaining a determination or determinations from the Federal Aviation Administration, a military Mission Compatibility Certification Letter from the DoD Siting Clearinghouse or a finding of unacceptable risk from the DoD Siting Clearinghouse, provide a copy of the finding(s) to the chair of the Commission. For individual structure findings that are a part of a single proposed project, a bundled notification to the Commission is acceptable and preferred.

#### F. NOTIFICATION PROCESS

Both notifications shall be sent to the chair of the Commission through the Office

by electronic or postal mail. Developer notifications to the Office, either through electronic or postal mail, received within the 30-day requirement will satisfy the statutory requirement of notifying the chair of the Commission.

Postal address:

Office of Military Base Planning and Support  
Attn: Chair, Military Base Planning Commission  
500 Marquette Ave NW, Ste 640  
Albuquerque, NM 87102

Electronic mail address:

MBPC@ombp.nm.gov

The Commission will accept copies of documentation submitted to the FAA and DoD Siting Clearinghouse. A developer satisfies the notice requirement by submitting:

1. FAA Form 7460-1 Notice of Proposed Construction or Alteration, which may include maps and other supporting documents; or
2. Official correspondence to the chair of the Commission that includes the name and contact information for the developer's point of contact, date notification was made to the FAA and pertinent project details including location, height, project type and if it is new construction or an alteration to an existing facility.

The Commission will also accept the bundling of individual documents that are part of a larger project. For example, while the FAA requires individual Form 7460-1 submissions for each proposed wind turbine, developers may submit to the Commission all Forms 7460-1 associated with a specific project in one package.

The Commission encourages developers to request an informal review by the DoD Siting Clearinghouse prior to formal submission to the FAA, and developers may provide notification to the Commission at that time. However, notification of submission and findings received during the informal review process do not replace the notification requirements of NMSA 1978, Section 9-15-49.1.

Instructions for submitting an informal review can be found on the DoD Clearinghouse website (<https://www.dodclearinghouse.osd.mil/>). The

Clearinghouse can review a project at any stage of planning, using either specific site data or general area data, depending on the level of details available.

#### G. ACTIONS OF THE COMMISSION AND OFFICE

The Office will provide all notifications to the chair of the Commission within one week of receipt of a notification from a developer and subsequently notify Commissioners representing the effected military installation.

With the approval of local Commissioners, the executive director of the Office may also provide notifications from developers to the commander of the affected military installation.

A summary of all notifications received will be presented to the entire Commission during quarterly meetings. Any proprietary or predecisional information will be discussed in a closed session of the Commission.

#### H. RISK MITIGATION PROCESS

In the event the DoD Siting Clearinghouse determines a project has a potential impact to military missions in the state and issues a Notice of Presumed Risk, the Commission will coordinate with the Office of the Governor and other state agencies to provide relevant comments to the DoD's established Mitigation Response Team for that project. Pursuant to 10 USC 183a, a notice of presumed risk is a preliminary assessment only and does not represent a formal objection pursuant to subsection (e). Discussions of possible mitigation actions under such subparagraph could favorably resolve any concerns identified in the notice of presumed risk.

#### I. DOD SITING CLEARINGHOUSE CONTACT INFORMATION

Electronic mail address:

[osd.dod-siting-clearinghouse@mail.mil](mailto:osd.dod-siting-clearinghouse@mail.mil)

Website:

<https://www.dodclearinghouse.osd.mil/>