

**TITLE 25. OKLAHOMA DEPARTMENT OF AEROSPACE AND AERONAUTICS
CHAPTER 40. WIND ENERGY RULES**

SUBCHAPTER 1. GENERAL PROVISIONS

25:40-1-1. Purpose of this chapter

The purpose of this chapter is to implement the Oklahoma Department of Aerospace and Aeronautics Commission's responsibilities within the Oklahoma Wind Energy Development Act, 17 O.S. §§ 160.11 *et seq.*, by establishing rules and procedures for an owner of a wind energy facility to submit documentation to the Aeronautics Commission.

25:40-1-2. Definitions

In addition to terms defined in the Oklahoma Wind Energy Development Act, 17 O.S. § 160.11 *et seq.*, the following word(s) or term(s), when used in this Subchapter, shall have the following meaning, unless the context clearly indicates otherwise:

"Clearinghouse" means the Military Aviation and Installation Assurance Siting Clearinghouse.

"Department" means the Oklahoma Department of Aerospace and Aeronautics.

"Determination of No Hazard" means a document issued by the Federal Aviation Administration.

"Director" means the Director of the Oklahoma Department of Aerospace and Aeronautics Commission.

"FAA" means the Federal Aviation Administration.

"Owner" means the entity having a majority equity interest in commercial wind energy equipment, including their respective successors and assigns.

"Project boundary" means a graphic depiction of a wind energy facility's outer boundary, which should adequately demonstrate the project's outer perimeter, inclusive of all wind turbines.

"Wind energy facility" means an electrical generation facility consisting of one or more wind turbines under common ownership or operating control, and includes substations, meteorological data towers, aboveground and underground electrical transmission lines, transformers, control systems, and other buildings or facilities used to support the operation of the facility, and whose primary purpose is to supply electricity to an off-site customer or customers. Wind energy facility shall not include a wind energy facility located entirely on property held in fee simple absolute estate by the owner of the wind energy facility.

"Wind turbine" means a wind energy conversion system which converts wind energy into electricity through the use of a wind turbine generator and includes the turbine, blade, tower, base, and pad transformer, if any.

**SUBCHAPTER 3. SUBMITTAL REQUIREMENTS FOR FEDERAL AVIATION
ADMINISTRATION AND DEPARTMENT OF DEFENSE DOCUMENTATION**

25:40-3-1. Notification of intent to build a wind energy facility and other

notices

(a) The owner of a wind energy facility shall submit to the Oklahoma Department of Aerospace and Aeronautics Commission copies of all initial FAA 7460-1 form(s) for all individual wind turbines or any other individual structure that requires a FAA form 7460-1 that is part of a wind energy facility within thirty (30) days of the initial filing with the FAA.

(b) If the owner of a wind energy facility is required to file subsequent 7460-1 forms with the FAA due to changing locations or heights of individual structures from the locations or heights originally proposed in the initial 7460-1 forms submitted to the Oklahoma Department of Aerospace and Aeronautics Commission, the owner shall, within ten (10) calendar days of filing with the FAA, submit such subsequent 7460-1 forms to the Oklahoma Department of Aerospace and Aeronautics Commission.

(c) The 7460-1 form(s) shall be submitted electronically unless prior approval of another format has been granted by the Director. A cover letter shall accompany the 7460-1 form(s) detailing the name of the project, the owner of the wind energy facility, and indicating whether the submittal is for initial 7460-1 form(s) or subsequent 7460-1 form(s).

[Source: Added at 37 Ok Reg 823, eff 11-15-19 (emergency); Added at 37 Ok Reg 941, eff 9-11-20]

25:40-3-2. Final Documentation from the Federal Aviation Administration and Department of Defense

(a) The owner of a wind energy facility shall submit to the Oklahoma Department of Aerospace and Aeronautics Commission the Determination of No Hazard from the FAA for each individual wind turbine or other individual structure that requires a 7460-1 form that is part of a wind energy facility prior to the start of construction.

(b) The owner of a wind energy facility shall submit to the Oklahoma Department of Aerospace and Aeronautics Commission the Military Compatibility Certification Letter or successor form from the Clearinghouse which serves as documentation of the resolution of adverse impacts to the Department of Defense prior to the start of construction.

(c) All submissions shall be submitted electronically unless prior approval of another format has been granted by the Director.

SUBCHAPTER 5. OKLAHOMA DEPARTMENT OF AEROSPACE AND AERONAUTICS COMMISSION ACTIONS TO THE OKLAHOMA STRATEGIC MILITARY PLANNING COMMISSION

25:40-5-1. Notification to the Strategic Military Planning Commission

After receiving a FAA 7460-1 form from the owner of a wind energy facility, either as an initial or subsequent 7460-1 form, the Oklahoma Department of Aerospace and Aeronautics Commission shall notify the Strategic Military Planning Commission within 10 days of receiving the 7460-1 form.