

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2023

FILED SENATE  
Apr 6, 2023  
S.B. 697  
PRINCIPAL CLERK

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SENATE BILL DRS35248-RI-20

Short Title: Save the State's Coastal Resources. (Public)

Sponsors: Senators Moffitt and Hanig (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO IMPOSE A MORATORIUM ON THE CONSIDERATION OF PERMIT  
3 APPLICATIONS AND ISSUANCE OF PERMITS FOR THE CONSTRUCTION OF NEW  
4 OFFSHORE WIND ENERGY FACILITIES TO ENSURE COASTAL RESOURCES ARE  
5 NOT ADVERSELY IMPACTED BY THE SITING OF SUCH FACILITIES.

6 Whereas, marine fisheries play an important role in North Carolina's coastal  
7 communities; and

8 Whereas, supporting commercial and recreational fisheries that supply income, food,  
9 recreation, and employment, these resources are of great economic and social importance; and

10 Whereas, the siting, construction, and operation of offshore wind power projects in  
11 the State's territorial coastal waters may adversely affect resources, including scenic and aesthetic  
12 resources, and recreational and economic uses, including commercial and recreational fishing,  
13 which are more commonly found or take place in the State's submerged lands and jurisdictional  
14 waters than in proximate federal waters; and

15 Whereas, there are outstanding questions regarding the manner in and extent to which  
16 the siting, construction, and operation of offshore wind power projects may displace or otherwise  
17 adversely affect natural resources within and uses of the State's submerged lands and  
18 jurisdictional coastal waters; and

19 Whereas, it is anticipated that the growth and development of the offshore wind power  
20 industry over the next decade will provide additional information through project-specific  
21 studies, research findings, monitoring results, and operational experience that may assist the State  
22 in evaluating the siting and development of new offshore wind power projects in the State's  
23 submerged lands and territorial waters; and

24 Whereas, a moratorium on the development of offshore wind power projects will  
25 allow the State to undergo a review of applicable State laws and rules to determine whether the  
26 existing offshore wind power regulatory framework adequately protects North Carolina's coastal  
27 resources in a manner that avoids or minimizes adverse effects on coastal resources and uses;

28 Now, therefore,

29 The General Assembly of North Carolina enacts:

30 **SECTION 1.** Definitions. –

31 (1) The definitions set forth in Article 21C of Chapter 143 of the General Statutes  
32 apply throughout this act.

33 (2) "Territorial coastal waters" means those waters one marine league eastward  
34 from the seashore of the Atlantic Ocean bordering the State of North Carolina,  
35 measured from the extreme low-water mark of the Atlantic Ocean seashore  
36 aforesaid.



1           **SECTION 2.** Moratorium Established. – Notwithstanding any provision of Article  
2 21C of Chapter 143 of the General Statutes, there is hereby established a moratorium on the  
3 consideration of permit applications and issuance of permits for wind energy facilities to be  
4 located in the territorial coastal waters of the State due to the potential for adverse impacts to  
5 coastal resources of the State, including scenic and aesthetic resources, and recreational and  
6 economic uses, including commercial and recreational fishing. No agency of the State, including  
7 the Department of Environmental Quality or the Environmental Management Commission, shall  
8 issue a permit for a wind energy facility in the territorial coastal waters of the State for the period  
9 beginning July 1, 2023, to July 1, 2033.

10           **SECTION 3.** Study. – The General Assembly shall study the impacts from wind  
11 energy facilities currently sited in the coastal waters of other states and any impacts of those  
12 facilities to those states' coastal resources, including scenic and aesthetic resources, and  
13 recreational and economic uses, including commercial and recreational fishing.

14           **SECTION 4.** Effective Date. – This act is effective when it becomes law.