

107TH CONGRESS
2D SESSION

H. R. 5694

To allow for the augmentation of electric power production at hydroelectric facilities located on certain Federal lands by making other Federal lands available for renewable energy production, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 17, 2002

Ms. BERKLEY introduced the following bill; which was referred to the Committee on Resources, and in addition to the Committees on Energy and Commerce, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To allow for the augmentation of electric power production at hydroelectric facilities located on certain Federal lands by making other Federal lands available for renewable energy production, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE AND DEFINITIONS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “National Renewable Energy Lands Act of 2002”.

6 (b) DEFINITIONS.—For purposes of this Act:

1 (1) The term “renewable energy” means elec-
2 tric energy generated by solar, wind, or geothermal
3 power.

4 (2) The term “candidate sites” means sites
5 identified under section 4 as candidates for the
6 siting of renewable energy production facilities.

7 **SEC. 2. FINDINGS.**

8 The Congress makes the following findings:

9 (1) The expedited development and deployment
10 of energy efficiency and renewable energy tech-
11 nologies and resources in the United States will both
12 increase our energy independence and contribute to
13 ensuring our energy security.

14 (2) Renewable energy facilities produce cleaner
15 energy and have much less impact on the environ-
16 ment than conventional energy facilities and fuels in
17 terms of air pollution, acid rain, and greenhouse
18 gases.

19 (3) The United States has abundant solar,
20 wind, and geothermal resources on Federal lands
21 providing, a tremendous potential for the develop-
22 ment and deployment of renewable energy power.

23 (4) The use of solar, wind, and geothermal
24 technologies and resources can be enhanced through
25 the use of integrated hydroelectric storage systems.

1 (5) The development and deployment of renew-
2 able energy technologies and resources on Federal
3 lands can be done in an expedited fashion consistent
4 with the requirements of the Federal Land Manage-
5 ment Policy Act of 1976 and the National Environ-
6 mental Policy Act of 1969.

7 **SEC. 3. EVALUATION OF FEDERAL HYDROELECTRIC FACIL-**
8 **ITY CANDIDATE SITES.**

9 The Secretary of the Interior, acting through the Bu-
10 reau of Reclamation and the Bureau of Land Manage-
11 ment, and in consultation with the Federal Power Mar-
12 keting Administrations and other appropriate Federal
13 agencies, shall evaluate all Federal hydroelectric facilities
14 on Federal lands and, within 1 year after the enactment
15 of this Act, identify facilities that are candidates for inter-
16 connection with potential renewable energy generation fa-
17 cilities. Evaluation criteria to identify candidate facilities
18 shall include—

- 19 (1) proximity of the hydroelectric facilities to
20 Federal lands suitable for renewable energy projects;
21 (2) existing transmission capacity infrastruc-
22 ture in proximity to the hydroelectric facilities;
23 (3) the need for, and value of, enhanced peak-
24 ing power production capability in conjunction with
25 the hydroelectric facilities;

1 (4) the value of increased Department of the
2 Interior ability to address varied multiple-use con-
3 cerns, such as water resource management, rec-
4 reational and wildlife uses, deriving from the addi-
5 tional margins of generation potentially provided by
6 collocated renewable energy production facilities; and

7 (5) other criteria to be determined.

8 **SEC. 4. EVALUATION OF FEDERAL RENEWABLE ENERGY**
9 **PRODUCTION CANDIDATE SITES.**

10 The Secretary of the Interior, acting through the Bu-
11 reau of Reclamation and the Bureau of Land Manage-
12 ment, and in consultation with the Federal Power Mar-
13 keting Administrations and other appropriate Federal
14 agencies, shall, within 1 year after the enactment of this
15 Act, evaluate and identify potential renewable energy pro-
16 duction sites on Federal lands. Evaluation criteria to iden-
17 tify candidate sites shall include each of the following:

18 (1) Proximity to (A) hydroelectric facilities that
19 are identified under section 3 as candidates for
20 interconnection with potential renewable energy gen-
21 eration facilities, or (B) support infrastructure, in-
22 cluding roadways, transmission lines, and other fa-
23 cilities.

24 (2) Topography appropriate for solar, wind, or
25 geothermal generation systems.

1 (3) The absence of cultural or historic re-
2 sources.

3 (4) The impact of facilities on wildlife including
4 the likelihood of interference with federally listed
5 threatened or endangered species and their habitats.

6 (5) The absence of any other potential impedi-
7 ments to the development of electric energy genera-
8 tion and transmission facilities.

9 Upon completion of the evaluation, the Secretary shall
10 publish a list of the sites that the Secretary finds to be
11 qualified for the location of renewable energy facilities.
12 Such list shall be made available for public comment for
13 a period of at least 90 days.

14 **SEC. 5. ENGINEERING FEASIBILITY ANALYSIS.**

15 The Secretary of the Interior, acting through the Bu-
16 reau of Reclamation and the Bureau of Land Manage-
17 ment, and in consultation with other appropriate Federal
18 agencies, shall complete an engineering feasibility analysis
19 for sites that are identified under section 4 as candidate
20 sites setting forth each of the following:

21 (1) The capability and cost estimates of addi-
22 tional hydro-related transmission equipment addi-
23 tions (if any) based on pro forma power production
24 increases in 1-percent increments up to a total of 10

1 percent of the subject hydrofacilities current produc-
2 tion capacity.

3 (2) An analysis of the potential financial bene-
4 fits of coordinated operation of the potential renew-
5 able energy facilities located at the candidate sites
6 with hydroelectric facilities on Federal lands.

7 (3) An analysis of the potential environmental
8 benefits to affected aquatic ecosystems arising from
9 improved flexibility in hydrofacility water manage-
10 ment attributable to collocated renewable energy sys-
11 tems.

12 **SEC. 6. LEASING.**

13 (a) IN GENERAL.—Upon the completion of the engi-
14 neering feasibility analysis under section 5 of this Act, the
15 Secretary of the Interior, acting through the Director of
16 the Bureau of Land Management, shall expeditiously
17 make the most promising of the candidate sites identified
18 under section 4 available for long-term lease pursuant to
19 a competitive bidding process to qualified renewable en-
20 ergy development firms. In identifying the candidate areas
21 to be made available for leasing under this section, the
22 Secretary shall locate such areas and determine the size
23 of such areas in such manner as will (1) minimize the need
24 for additional rights of way for transmission and for trans-
25 portation, and (2) provide such lands to enable the lessee

1 to expand the size of any initial facility to be constructed
2 on the lease lands.

3 (b) ADVERTISING.—The Director of the Bureau of
4 Land Management shall publicly advertise the terms and
5 conditions of potential long-term lease agreements for the
6 candidate sites.

7 (c) REQUEST FOR PROPOSALS.—The Director of the
8 Bureau of Land Management shall prepare a request for
9 proposals to develop the candidate sites identified under
10 section 4.

11 (d) ISSUANCE OF LEASES.—The leases issued under
12 this section shall be for a period of not less than 30 years.

13 (e) COMMENCEMENT OF CONSTRUCTION AND OPER-
14 ATION.—As a condition of any lease under this section,
15 the Director of the Bureau of Land Management shall re-
16 quire lessees to commence construction of a renewable en-
17 ergy production facility within 24 months of the signing
18 of the lease and be fully capable of producing electric en-
19 ergy for sale within 36 months of the signing of the lease
20 for the public lands site.

21 **SEC. 7. GAO REPORT.**

22 The Comptroller General of the United States shall
23 undertake an investigation of, and prepare and submit to
24 the Congress a report on, the existing impediments to the
25 construction of renewable energy projects on Federal lands

1 and the measures, including legislative measures, nec-
2 essary to expedite the development of such projects.

3 **SEC. 8. CONTRACT EXPIRATION.**

4 Upon expiration and renegotiation of any contract for
5 the sale of electric energy generated by a Federal hydro-
6 electric facility on Federal land, the interconnection of po-
7 tential renewable energy sources to such facility shall be
8 evaluated and implemented in accordance with the evalua-
9 tion criteria as defined in section 3 of this Act.

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