

109TH CONGRESS  
1ST SESSION

# H. R. 907

To amend the Outer Continental Shelf Lands Act to authorize the Secretary of the Interior to grant easements and rights-of-way on the Outer Continental Shelf for activities otherwise authorized by that Act.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 17, 2005

Mrs. CUBIN introduced the following bill; which was referred to the Committee on Resources

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## A BILL

To amend the Outer Continental Shelf Lands Act to authorize the Secretary of the Interior to grant easements and rights-of-way on the Outer Continental Shelf for activities otherwise authorized by that Act.

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. ALTERNATE ENERGY-RELATED USES ON THE**  
4       **OUTER CONTINENTAL SHELF.**

5       (a) PURPOSES.—The purposes of this section are as  
6 follows:

7               (1) To protect the economic and land use inter-  
8       ests of the Federal Government in the management

1 of the Outer Continental Shelf for energy-related  
2 and certain other purposes.

3 (2) To provide an administrative framework for  
4 the oversight and management of energy-related ac-  
5 tivities on the Outer Continental Shelf, consistent  
6 with other applicable laws.

7 (3) To expedite projects to increase the produc-  
8 tion, transmission, or conservation of energy on the  
9 Outer Continental Shelf.

10 (4) To provide for interagency coordination in  
11 the siting and permitting of energy-related activities  
12 on the Outer Continental Shelf.

13 (5) To ensure that energy-related activities on  
14 the Outer Continental Shelf are conducted in a man-  
15 ner that provides for safety, protection of the envi-  
16 ronment, prevention of waste, conservation of nat-  
17 ural resources, the protection of correlative rights,  
18 and protection of national security interests.

19 (6) To authorize alternate uses of existing  
20 structures and facilities previously permitted under  
21 the Outer Continental Shelf Lands Act (43 U.S.C.  
22 1331 note).

23 (7) To ensure that the Federal Government re-  
24 ceives a fair return for any easement or right-of-way

1 granted under section 8(p) of the Outer Continental  
2 Shelf Lands Act.

3 (b) AMENDMENT TO OUTER CONTINENTAL SHELF  
4 LANDS ACT.—Section 8 of the Outer Continental Shelf  
5 Lands Act (43 U.S.C. 1337) is amended by adding at the  
6 end the following new subsection:

7 “(p) EASEMENTS OR RIGHTS-OF-WAY FOR ENERGY  
8 AND RELATED PURPOSES.—

9 “(1) The Secretary, in consultation with the  
10 Secretary of the Department in which the Coast  
11 Guard is operating and other relevant departments  
12 and agencies of the Federal government, may grant  
13 an easement or right-of-way on the outer Conti-  
14 nental Shelf for activities not otherwise authorized  
15 in this Act, the Deepwater Port Act of 1974 (33  
16 U.S.C. 1501 et seq.), or the Ocean Thermal Energy  
17 Conversion Act of 1980 (42 U.S.C. 9101 et seq.), or  
18 other applicable law when such activities—

19 “(A) support exploration, development,  
20 production, transportation, or storage of oil,  
21 natural gas, or other minerals;

22 “(B) produce or support production, trans-  
23 portation, or transmission of energy from  
24 sources other than oil and gas; or

1           “(C) use facilities currently or previously  
2           used for activities authorized under this Act.

3           “(2)(A) The Secretary shall establish reason-  
4           able forms of annual or one-time payments for any  
5           easement or right-of-way granted under this sub-  
6           section. Such payments shall not be assessed on the  
7           basis of throughput or production. The Secretary  
8           may establish fees, rentals, bonus, or other payments  
9           by rule or by agreement with the party to whom the  
10          easement or right-of-way is granted.

11          “(B) Before exercising the authority granted  
12          under this subsection, the Secretary shall consult  
13          with the Secretary of Defense and other appropriate  
14          agencies concerning issues related to national secu-  
15          rity and navigational obstruction.

16          “(C) The Secretary is authorized to issue an  
17          easement or right-of-way for energy and related pur-  
18          poses as described in paragraph (1) on a competitive  
19          or noncompetitive basis. In determining whether  
20          such easement or right-of-way shall be granted com-  
21          petitively or noncompetitively, the Secretary shall  
22          consider such factors as prevention of waste and  
23          conservation of natural resources, the economic via-  
24          bility of an energy project, protection of the environ-  
25          ment, the national interest, national security, human

1 safety, protection of correlative rights, and the po-  
2 tential return for the easement or right-of-way.

3 “(3) The Secretary, in consultation with the  
4 Secretary of the Department in which the Coast  
5 Guard is operating and other relevant departments  
6 and agencies of the Federal Government and af-  
7 fected States, shall prescribe any necessary regula-  
8 tions to assure safety, protection of the environment,  
9 prevention of waste, and conservation of the natural  
10 resources of the outer Continental Shelf, protection  
11 of national security interests, and the protection of  
12 correlative rights therein.

13 “(4) The Secretary shall require the holder of  
14 an easement or right-of-way granted under this sub-  
15 section to furnish a surety bond or other form of se-  
16 curity, as prescribed by the Secretary, and to comply  
17 with such other requirements as the Secretary may  
18 deem necessary to protect the interests of the United  
19 States.

20 “(5) Nothing in this subsection shall be con-  
21 strued to displace, supersede, limit, or modify the ju-  
22 risdiction, responsibility, or authority of any Federal  
23 or State agency under any other Federal law.

1           “(6) This subsection shall not apply to any area  
2           on the outer Continental Shelf designated as a Na-  
3           tional Marine Sanctuary.”.

4           (c) CONFORMING AMENDMENT.—The text of the  
5 heading for section 8 of the Outer Continental Shelf  
6 Lands Act is amended to read as follows: “Leases, Ease-  
7 ments, and Rights-of-Way on the Outer Continental  
8 Shelf.”.

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