

Union Calendar No. 200

112TH CONGRESS
1ST SESSION

H. R. 2172

[Report No. 112–300, Part I]

To facilitate the development of wind energy resources on Federal lands.

IN THE HOUSE OF REPRESENTATIVES

JUNE 14, 2011

Mrs. NOEM (for herself, Mr. HASTINGS of Washington, Mr. LAMBORN, Mr. BROUN of Georgia, Mr. DUNCAN of Tennessee, and Mr. WITTMAN) introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committee on Agriculture, 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

DECEMBER 1, 2011

Additional sponsors: Mr. LANDRY, Mr. MCCLINTOCK, Mr. DUNCAN of South Carolina, Mr. LABRADOR, Mr. FLORES, and Mr. SOUTHERLAND

DECEMBER 1, 2011

Reported from the Committee on Natural Resources with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

DECEMBER 1, 2011

The Committee on Agriculture discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

[For text of introduced bill, see copy of bill as introduced on June 14, 2011]

A BILL

To facilitate the development of wind energy resources on
Federal lands.

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.**

4 *This Act may be cited at the “Utilizing America’s Fed-*
5 *eral Lands for Wind Energy Act”.*

6 **SEC. 2. ONSHORE METEOROLOGICAL SITE TESTING AND**
7 **MONITORING PROJECT.**

8 *(a) DEFINITION OF METEOROLOGICAL SITE TESTING*
9 *AND MONITORING PROJECT.—In this section, the term “me-*
10 *teorological site testing and monitoring project” means a*
11 *project carried out on land administered by the Bureau of*
12 *Land Management or the Forest Service to test or monitor*
13 *weather (including wind and solar energy) using towers or*
14 *other devices, that—*

15 *(1) causes—*

16 *(A) less than 1 acre of soil or vegetation dis-*
17 *ruption at the location of each meteorological*
18 *tower or other device; and*

19 *(B) not more than 5 acres of soil or disrup-*
20 *tion within the proposed right-of-way for the*
21 *project;*

22 *(2) is installed—*

23 *(A) to the maximum extent practicable,*
24 *using existing access roads;*

1 (B) in a manner that does not require off-
2 road motorized access other than 1 installation
3 activity and 1 decommissioning activity along
4 an identified off-road route approved by the Di-
5 rector of the Bureau of Land Management or
6 Chief of the Forest Service;

7 (C) without construction of new roads other
8 than upgrading of existing minor drainage
9 crossings for safety purposes; and

10 (D) without the use of digging or drilling
11 equipment vehicles other than rubber-tired vehi-
12 cles with gross weight ratings under 8,500
13 pounds;

14 (3) is decommissioned not more than 5 years
15 after the date of commencement of the project, includ-
16 ing—

17 (A) removal of any towers, devices, or other
18 surface infrastructure from the site; and

19 (B) restoration of the site to approximately
20 the condition that existed at the time the project
21 began; and

22 (4) provides meteorological information obtained
23 by the permitted project to the Bureau of Land Man-
24 agement and the Forest Service.

1 **(b) NEPA EXCLUSION.**—*Section 102(2)(C) of the Na-*
 2 *tional Environmental Policy Act of 1969 (42 U.S.C.*
 3 *4332(2)(C)) shall not apply with respect to a meteorological*
 4 *site testing and monitoring project.*

5 **(c) PERMIT TIMELINE AND CONDITIONS.**—

6 **(1) IN GENERAL.**—*The Director of the Bureau of*
 7 *Land Management or Chief of the Forest Service, as*
 8 *applicable, shall decide whether to issue a permit for*
 9 *a project that is a meteorological site testing and*
 10 *monitoring project within 30 days after receiving an*
 11 *application for the permit.*

12 **(2) PUBLIC COMMENT AND CONSULTATION.**—
 13 *During the period referred to in paragraph (1), the*
 14 *Director of the Bureau of Land Management or the*
 15 *Chief of the Forest Service, as applicable, shall—*

16 **(A)** *provide an opportunity for submission*
 17 *of comments by the public; and*

18 **(B)** *consult with the heads of other Federal,*
 19 *State, and local agencies that would be affected*
 20 *by the issuance of the permit.*

21 **(3) DENIAL OF APPLICATION.**—*If the application*
 22 *is denied, the Director or Chief, respectively, shall*
 23 *provide the applicant—*

24 **(A)** *in writing, clear and comprehensive*
 25 *reasons why the application was not approved*

1 *and detailed information concerning any defi-*
2 *ciencies, and*

3 *(B) an opportunity to remedy any defi-*
4 *ciencies.*

5 *(d) PROTECTION OF INFORMATION.—The information*
6 *provided to the Bureau of Land Management and the Forest*
7 *Service pursuant to subsection (a)(4) shall be treated by*
8 *such agency as proprietary information and protected*
9 *against disclosure.*

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