

Calendar No. 123

113TH CONGRESS
1ST SESSION**H. R. 316****[Report No. 113-69]**

IN THE SENATE OF THE UNITED STATES

FEBRUARY 13, 2013

Received; read twice and referred to the Committee on Energy and Natural
Resources

JUNE 27, 2013

Reported by Mr. WYDEN, with an amendment

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

AN ACT

To reinstate and transfer certain hydroelectric licenses and extend the deadline for commencement of construction of certain hydroelectric projects.

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 as the “Collinsville Renewable
5 Energy Promotion Act”.

1 **SEC. 2. REINSTATEMENT OF EXPIRED LICENSES AND EX-**
2 **TENSION OF TIME TO COMMENCE CON-**
3 **STRUCTION OF PROJECTS.**

4 Subject to section 4 of this Act and notwithstanding
5 the time period under section 13 of the Federal Power
6 Act (16 U.S.C. 806) that would otherwise apply to Federal
7 Energy Regulatory Commission projects numbered 10822
8 and 10823, the Federal Energy Regulatory Commission
9 (referred to in this Act as the “Commission”) may—

10 (1) reinstate the license for either or each of
11 those projects; and

12 (2) extend for 2 years after the date on which
13 either or each project is reinstated under paragraph
14 (1) the time period during which the licensee is re-
15 quired to commence the construction of such
16 projects.

17 Prior to reaching any final decision under this section, the
18 Commission shall provide an opportunity for submission
19 of comments by interested persons, municipalities, and
20 States and shall consider any such comment that is timely
21 submitted.

22 **SEC. 3. TRANSFER OF LICENSES TO THE TOWN OF CANTON,**
23 **CONNECTICUT.**

24 Notwithstanding section 8 of the Federal Power Act
25 (16 U.S.C. 801) or any other provision thereof, if the
26 Commission reinstates the license for, and extends the

1 time period during which the licensee is required to com-
 2 mence the construction of, a Federal Energy Regulatory
 3 Commission project under section 2, the Commission shall
 4 transfer such license to the town of Canton, Connecticut.

5 **SEC. 4. ENVIRONMENTAL ASSESSMENT.**

6 (a) DEFINITION.—For purposes of this section, the
 7 term “environmental assessment” shall have the same
 8 meaning as is given such term in regulations prescribed
 9 by the Council on Environmental Quality that implement
 10 the National Environmental Policy Act of 1969 (42 U.S.C.
 11 4321 et seq.).

12 (b) ENVIRONMENTAL ASSESSMENT.—Not later than
 13 180 days after the date of enactment of this Act, the Com-
 14 mission shall complete an environmental assessment for
 15 Federal Energy Regulatory Commission projects num-
 16 bered 10822 and 10823, updating, to the extent nec-
 17 essary, the environmental analysis performed during the
 18 process of licensing such projects.

19 (c) COMMENT PERIOD.—Upon issuance of the envi-
 20 ronmental assessment required under subsection (b), the
 21 Commission shall—

- 22 (1) initiate a 30-day public comment period;
 23 and
 24 (2) before taking any action under section 2 or
 25 3—

1 (A) consider any comments received during
2 such 30-day period; and

3 (B) incorporate in the license for the
4 projects involved, such terms and conditions as
5 the Commission determines to be necessary,
6 based on the environmental assessment per-
7 formed and comments received under this sec-
8 tion.

9 **SEC. 5. DEADLINE.**

10 Not later than 270 days after the date of enactment
11 of this Act, the Commission shall—

12 (1) make a final decision pursuant to para-
13 graph (1) of section 2; and

14 (2) if the Commission decides to reinstate one
15 or both of the licenses under such paragraph and ex-
16 tend the corresponding deadline for commencement
17 of construction under paragraph (2) of such section,
18 complete the action required under section 3.

19 **SEC. 6. PROTECTION OF EXISTING RIGHTS.**

20 Nothing in this Act shall affect any valid license
21 issued by the Commission under section 4 of the Federal
22 Power Act (16 U.S.C. 797) on or before the date of enact-
23 ment of this Act or diminish or extinguish any existing
24 rights under any such license.

1 **SECTION 1. SHORT TITLE.**

2 *This Act may be cited as the “Collinsville Renewable*
3 *Energy Production Act”.*

4 **SEC. 2. DEFINITIONS.**

5 *In this Act:*

6 (1) **COMMISSION.**—*The term “Commission”*
7 *means the Federal Energy Regulatory Commission.*

8 (2) **LICENSE.**—*The term “license” means—*

9 (A) *the license for Commission project num-*
10 *ber 10822;*

11 (B) *the license for Commission project num-*
12 *ber 10823; or*

13 (C) *both.*

14 (3) **TOWN.**—*The term “Town” means the town of*
15 *Canton, Connecticut.*

16 **SEC. 3. REINSTATEMENT, EXTENSION, AND TRANSFER OF**
17 **EXPIRED LICENSES.**

18 *Notwithstanding the termination of the license, the*
19 *Commission may, at the request of the Town, in accordance*
20 *with section 4(a), and after reasonable notice—*

21 (1) *reinstate the licence;*

22 (2) *extend for 2 years after the date on which the*
23 *license is reinstated the time period during which the*
24 *licensee is required to commence the construction of*
25 *the project subject to the license; and*

1 (3) *subject to section 4, transfer the license to the*
2 *Town.*

3 **SEC. 4. CONDITIONS OF TRANSFER.**

4 (a) *APPLICATION FOR TRANSFER.—The Town may re-*
5 *quest the reinstatement, extension, and transfer of the li-*
6 *cence by filing an application for approval of the transfer.*

7 (b) *CONTENTS OF APPLICATION.—The application for*
8 *approval of the transfer shall set forth in appropriate detail*
9 *the qualifications of the Town to hold the license and to*
10 *operate the property under license, which qualifications*
11 *shall be the same as those required of applicants for the*
12 *license.*

13 (c) *COMMISSION APPROVAL.—The Commission may*
14 *approve the transfer on a showing that the transfer is in*
15 *the public interest.*

16 (d) *TERMS AND CONDITIONS OF LICENSES.—The*
17 *Town shall be subject to—*

18 (1) *all the conditions of the license and all the*
19 *provisions and conditions of the Federal Power Act*
20 *(16 U.S.C. 791a et seq.), as though the Town were the*
21 *original licensee; and*

22 (2) *any additional terms and conditions the*
23 *Commission determines to be necessary, including*
24 *conditions for the protection, mitigation, and en-*
25 *hancement of fish and wildlife and related habitat*

1 *under sections 10(j) and 18 of the Federal Power Act*
2 *(16 U.S.C. 803(j), 811).*

3 **SEC. 5. ADMINISTRATION.**

4 *The Commission shall supplement the environmental*
5 *impact statement or similar analysis required under the*
6 *National Environmental Policy Act of 1969 (42 U.S.C.*
7 *4321 et seq.) prepared in connection with the issuance of*
8 *the original license to examine all new circumstances and*
9 *information relevant to environmental concerns and bear-*
10 *ing on the reinstatement of the license or the impact of the*
11 *license.*

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