

Union Calendar No. 168

112TH CONGRESS
1ST SESSION

H. R. 2173

[Report No. 112-252]

To facilitate the development of offshore wind energy resources.

IN THE HOUSE OF REPRESENTATIVES

JUNE 14, 2011

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

OCTOBER 14, 2011

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

OCTOBER 14, 2011

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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

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

A BILL

To facilitate the development of offshore wind energy
resources.

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 “Advancing Offshore*
5 *Wind Production Act”.*

6 **SEC. 2. OFFSHORE METEOROLOGICAL SITE TESTING AND**
7 **MONITORING PROJECTS.**

8 *(a) DEFINITION OF AN OFFSHORE METEOROLOGICAL*
9 *SITE TESTING AND MONITORING PROJECT.—In this sec-*
10 *tion, the term “offshore meteorological site testing and mon-*
11 *itoring project” means a project carried out on or in the*
12 *waters of the Outer Continental Shelf administered by the*
13 *Department of the Interior to test or monitor weather (in-*
14 *cluding wind, tidal, current, and solar energy) using tow-*
15 *ers, buoys, or other temporary ocean infrastructure, that—*

16 *(1) causes—*

17 *(A) less than 1 acre of surface or seafloor*
18 *disruption at the location of each meteorological*
19 *tower or other device; and*

20 *(B) not more than 5 acres of surface or*
21 *seafloor disruption within the proposed area af-*
22 *ected by for the project (including hazards to*
23 *navigation);*

1 (2) *is decommissioned not more than 5 years*
2 *after the date of commencement of the project, includ-*
3 *ing—*

4 (A) *removal of towers, buoys, or other tem-*
5 *porary ocean infrastructure from the project site;*
6 *and*

7 (B) *restoration of the project site to ap-*
8 *proximately the original condition of the site;*
9 *and*

10 (3) *provides meteorological information obtained*
11 *by the project to the Secretary of the Interior.*

12 (b) *OFFSHORE METEOROLOGICAL PROJECT PERMIT-*
13 *TING.—*

14 (1) *IN GENERAL.—The Secretary of the Interior*
15 *shall by regulation require that any applicant seeking*
16 *to conduct an offshore meteorological site testing and*
17 *monitoring project on the outer Continental Shelf (as*
18 *that term is defined in the Outer Continental Shelf*
19 *Lands Act (43 U.S.C. 1331 et seq.)) must obtain a*
20 *permit and right of way for the project in accordance*
21 *with this subsection.*

22 (2) *PERMIT AND RIGHT OF WAY TIMELINE AND*
23 *CONDITIONS.—*

24 (A) *DEADLINE FOR APPROVAL.—The Sec-*
25 *retary shall decide whether to issue a permit and*

1 *right of way for an offshore meteorological site*
2 *testing and monitoring project within 30 days*
3 *after receiving an application.*

4 (B) *PUBLIC COMMENT AND CONSULTA-*
5 *TION.—During the period referred to in subpara-*
6 *graph (A), the Secretary shall—*

7 (i) *provide an opportunity for submis-*
8 *sion of comments by the public; and*

9 (ii) *consult with the Secretary of De-*
10 *fense, the Commandant of the Coast Guard,*
11 *and the heads of other Federal, State, and*
12 *local agencies that would be affected by*
13 *issuance of the permit and right of way.*

14 (C) *DENIAL OF PERMIT; OPPORTUNITY TO*
15 *REMEDY DEFICIENCIES.—If the application is*
16 *denied, the Secretary shall provide the appli-*
17 *cant—*

18 (i) *in writing, clear and comprehensive*
19 *reasons why the application was not ap-*
20 *proved and detailed information concerning*
21 *any deficiencies in the application; and*

22 (ii) *an opportunity to remedy such de-*
23 *ficiencies.*

24 (c) *NEPA EXCLUSION.—Section 102(2)(C) of the Na-*
25 *tional Environmental Policy Act of 1969 (42 U.S.C.*

1 4332(2)(C)) shall not apply with respect to an offshore me-
2 teorological site testing and monitoring project.

3 (d) *PROTECTION OF INFORMATION.*—*The information*
4 *provided to the Secretary of the Interior pursuant to sub-*
5 *section (a)(3) shall be treated by the Secretary as propri-*
6 *etary information and protected against disclosure.*

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