

112TH CONGRESS
1ST SESSION

S. 1758

To amend the Federal Power Act prohibit the Federal Energy Regulatory Commission from requiring the removal or modification of existing structures or encroachments in licenses of the Commission.

IN THE SENATE OF THE UNITED STATES

OCTOBER 20, 2011

Mrs. McCASKILL (for herself and Mr. BLUNT) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To amend the Federal Power Act prohibit the Federal Energy Regulatory Commission from requiring the removal or modification of existing structures or encroachments in licenses of the Commission.

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 “Landowner Protection
5 Act of 2011”.

6 **SEC. 2. SHORELINE MANAGEMENT PLANS.**

7 (a) IN GENERAL.—Section 4(e) of the Federal Power
8 Act (16 U.S.C. 797(e)) is amended—

1 (1) by designating the first, second, and third
2 sentences as paragraphs (1), (2), and (3), respec-
3 tively; and

4 (2) by adding at the end the following:

5 “(4) REMOVAL OR MODIFICATION OF EXISTING
6 NONCONFORMING STRUCTURES OR ENCROACH-
7 MENTS.—

8 “(A) IN GENERAL.—Except as provided in
9 subparagraph (B), in issuing, denying, approv-
10 ing, or modifying a shoreline management plan
11 required under any license issued under this
12 part for any project, the Commission shall not
13 require the removal or modification of any ex-
14 isting nonconforming structure or encroachment
15 within the project boundary.

16 “(B) EXCEPTION.—Subparagraph (A)
17 shall not apply to any existing nonconforming
18 structure or encroachment built within the
19 project boundary in bad faith.”.

20 (b) EFFECTIVE DATE.—The amendments made by
21 subsection (a) shall take effect on January 1, 2011.

○