

108TH CONGRESS
2D SESSION

H. R. 4513

IN THE SENATE OF THE UNITED STATES

JUNE 17, 2004

Received; read twice and referred to the Committee on Environment and
Public Works

AN ACT

To provide that in preparing an environmental assessment or environmental impact statement required under section 102 of the National Environmental Policy Act of 1969 with respect to any action authorizing a renewable energy project, no Federal agency is required to identify alternative project locations or actions other than the proposed action and the no action alternative, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. ENVIRONMENTAL REVIEW FOR RENEWABLE**
2 **ENERGY PROJECTS.**

3 (a) COMPLIANCE WITH NEPA FOR RENEWABLE EN-
4 ERGY PROJECTS.—Notwithstanding any other law, in pre-
5 paring an environmental assessment or environmental im-
6 pact statement required under section 102 of the National
7 Environmental Policy Act of 1969 (42 U.S.C. 4332) with
8 respect to any action authorizing a renewable energy
9 project under the jurisdiction of a Federal agency—

10 (1) no Federal agency is required to identify al-
11 ternative project locations or actions other than the
12 proposed action and the no action alternative; and

13 (2) no Federal agency is required to analyze the
14 environmental effects of alternative locations or ac-
15 tions other than those submitted by the project pro-
16 ponent.

17 (b) CONSIDERATION OF ALTERNATIVES.—In any en-
18 vironmental assessment or environmental impact state-
19 ment referred to in subsection (a), the Federal agency
20 shall only identify and analyze the environmental effects
21 and potential mitigation measures of—

22 (1) the proposed action; and

23 (2) the no action alternative.

24 (c) PUBLIC COMMENT.—In preparing an environ-
25 mental assessment or environmental impact statement re-
26 ferred to in subsection (a), the Federal agency shall only

1 consider public comments that specifically address the pre-
2 ferred action and that are filed within 20 days after publi-
3 cation of a draft environmental assessment or draft envi-
4 ronmental impact statement. Notwithstanding any other
5 law, compliance with this subsection is deemed to satisfy
6 section 102(2) of the National Environmental Policy Act
7 of 1969 (42 U.S.C. 4332(2)) and the applicable regula-
8 tions and administrative guidelines with respect to pro-
9 posed renewable energy projects.

10 (d) DEFINITION.—For purposes of this section, the
11 term “renewable energy project”—

12 (1) means any proposal to utilize an energy
13 source other than nuclear power, coal, oil, or natural
14 gas; and

15 (2) includes but is not be limited to the use of
16 wind, solar, geothermal, or tidal forces to generate
17 energy.

Passed the House of Representatives June 15, 2004.

Attest:

JEFF TRANDAHL,

Clerk.