

112TH CONGRESS  
2D SESSION

# H. R. 3882

To require inclusion of Lease Sale 220 in the proposed Outer Continental Shelf oil and gas leasing program for the 2012–2017 period, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 2, 2012

Mr. RIGELL (for himself, Mr. WITTMAN, Mr. HURT, Mr. GOODLATTE, and Mr. GRIFFITH of Virginia) introduced the following bill; which was referred to the Committee on Natural Resources

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## A BILL

To require inclusion of Lease Sale 220 in the proposed Outer Continental Shelf oil and gas leasing program for the 2012–2017 period, 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,*

### 3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Mid-Atlantic Energy  
5 and Jobs Act of 2012”.

### 6 **SEC. 2. LEASE SALE 220 AND OTHER LEASE SALES IN THE** 7 **MID-ATLANTIC PLANNING AREA.**

8 (a) INCLUSION IN LEASING PROGRAMS.—The Sec-  
9 retary of the Interior shall—

1           (1) upon enactment of this Act, revise the pro-  
2       posed Outer Continental Shelf oil and gas leasing  
3       program for the 2012–2017 period to include in  
4       such program Lease Sale 220 off the coast of Vir-  
5       ginia; and

6           (2) include the Outer Continental Shelf off the  
7       coast of Virginia in the leasing program for each 5-  
8       year period after the 2012–2017 period.

9       (b) CONDUCT OF LEASE SALES.—As soon as prac-  
10     ticable, but not later than 1 year after the date of enact-  
11     ment of this Act, the Secretary of the Interior shall carry  
12     out under section 8 of the Outer Continental Shelf Lands  
13     Act (43 U.S.C. 1337)—

14           (1) Lease Sale 220; and

15           (2) lease sales for any other areas of the Outer  
16     Continental Shelf that are included in the Mid-At-  
17     lantic planning area as a result of the map revision  
18     required under section 5.

19     **SEC. 3. PROTECTION OF MILITARY OPERATIONS.**

20       (a) PROHIBITION.—No person may engage in any ex-  
21     ploration, development, or production of oil or natural gas  
22     off the coast of Virginia that would conflict with any mili-  
23     tary operation, as determined in accordance with the  
24     Memorandum of Agreement between the Department of  
25     Defense and the Department of the Interior on Mutual

1 Concerns on the Outer Continental Shelf signed July 20,  
2 1983, and any revision or replacement for that agreement  
3 that is agreed to by the Secretary of Defense and the Sec-  
4 retary of the Interior after that date but before the date  
5 of issuance of the lease under which such exploration, de-  
6 velopment, or production is conducted.

7 (b) REVIEW AND UPDATING OF MOA.—The Sec-  
8 retary of the Interior and the Secretary of Defense shall  
9 periodically review and revise such memorandum of agree-  
10 ment to account for new offshore energy production tech-  
11 nologies, including those that use wind energy.

12 **SEC. 4. REVENUE SHARING.**

13 (a) IN GENERAL.—Notwithstanding section 9 of the  
14 Outer Continental Shelf Lands Act (43 U.S.C. 1338) and  
15 subject to the other provisions of this section, for each ap-  
16 plicable fiscal year, the Secretary of the Treasury shall  
17 deposit—

18 (1) 50 percent of any qualified revenues in the  
19 general fund of the Treasury; and

20 (2) 50 percent of any qualified revenues in a  
21 special account in the Treasury for use in accord-  
22 ance with subsection (b).

23 (b) DISPOSITION OF REVENUES TO STATE.—Of the  
24 qualified revenues deposited under subsection (a)(2)—

1           (1) 75 percent shall be disbursed to the Mid-At-  
 2           lantic State from the administrative planning area of  
 3           which the qualified revenues were generated, based  
 4           on the map referred to in section 5 (as revised under  
 5           that section, except as provided in section 5(b)); and

6           (2) 25 percent shall be used, at the discretion  
 7           of the Governor of such State—

8                     (A) for environmental cleanup and restora-  
 9                     tion purposes within that State; and

10                    (B) to enhance the ability of the public to  
 11                    access public lands within that State.

12           (c) DEFINITIONS.—In this section—

13                    (1) the term “Mid-Atlantic State” means each  
 14                    of the States of Delaware, North Carolina, Mary-  
 15                    land, and Virginia; and

16                    (2) the term “qualified revenues” means bonus  
 17                    bids, rental payments, and royalties received by the  
 18                    United States for leases of areas of the Outer Conti-  
 19                    nental Shelf off the coast of a Mid-Atlantic State for  
 20                    exploration, development, and production of oil and  
 21                    gas or wind power.

22   **SEC. 5. OCS ADMINISTRATIVE PLANNING AREAS MID-AT-**  
 23                    **LANTIC STATES.**

24           (a) REVISION OF MAP.—Subject to subsection (b),  
 25   the Secretary of the Interior, acting through the Bureau

1 of Ocean Energy Management, shall revise the map enti-  
2 tled “Atlantic NAD 83 Federal Outer Continental Shelf  
3 (OCS) Administrative Boundaries” and dated January  
4 2010, to make the best effort to ensure that the northern  
5 and southern boundaries of the Outer Continental Shelf  
6 administrative planning area of each Mid-Atlantic State  
7 extends from the coastal shoreline at the northern and  
8 southern borders, respectively, of such State to the outer  
9 boundary of the Exclusive Economic Zone.

10 (b) LIMITATION.—Nothing in this section affects any  
11 administrative planning area for purposes of Lease Sale  
12 220.

13 (c) DEFINITION OF MID-ATLANTIC STATE.—In this  
14 section, the term “Mid-Atlantic State” means each of the  
15 States of Delaware, North Carolina, Maryland, and Vir-  
16 ginia.

17 **SEC. 6. OFFSHORE METEOROLOGICAL SITE TESTING AND**  
18 **MONITORING PROJECTS.**

19 (a) OFFSHORE METEOROLOGICAL PROJECT PERMIT-  
20 TING.—

21 (1) IN GENERAL.—The Secretary of the Inte-  
22 rior shall by regulation require that any applicant  
23 seeking to conduct an offshore meteorological site  
24 testing and monitoring project on the outer Conti-  
25 nental Shelf (as that term is defined in the Outer

1 Continental Shelf Lands Act (43 U.S.C. 1331 et  
2 seq.)) must obtain a permit and right of way for the  
3 project in accordance with this subsection.

4 (2) PERMIT AND RIGHT-OF-WAY TIMELINE AND  
5 CONDITIONS.—

6 (A) DEADLINE FOR APPROVAL.—The Sec-  
7 retary shall decide whether to issue a permit  
8 and right of way for an offshore meteorological  
9 site testing and monitoring project within 30  
10 days after receiving an application.

11 (B) PUBLIC COMMENT AND CONSULTA-  
12 TION.—During the period referred to in sub-  
13 paragraph (A), the Secretary shall—

14 (i) provide an opportunity for submis-  
15 sion of comments by the public; and

16 (ii) consult with the Secretary of De-  
17 fense, the Commandant of the Coast  
18 Guard, and the heads of other Federal,  
19 State, and local agencies that would be af-  
20 fected by issuance of the permit and right  
21 of way.

22 (C) DENIAL OF PERMIT; OPPORTUNITY TO  
23 REMEDY DEFICIENCIES.—If the application is  
24 denied, the Secretary shall provide the appli-  
25 cant—

- 1 (i) in writing, clear and comprehensive  
2 reasons why the application was not ap-  
3 proved and detailed information concerning  
4 any deficiencies in the application; and  
5 (ii) an opportunity to remedy such de-  
6 ficiencies.

7 (b) NEPA EXCLUSION.—Section 102(2)(C) of the  
8 National Environmental Policy Act of 1969 (42 U.S.C.  
9 4332(2)(C)) shall not apply with respect to an offshore  
10 meteorological site testing and monitoring project.

11 (c) PROTECTION OF INFORMATION.—The informa-  
12 tion provided to the Secretary of the Interior pursuant to  
13 subsection (d)(3) shall be treated by the Secretary as pro-  
14 prietary information and protected against disclosure.

15 (d) DEFINITION OF AN OFFSHORE METEOROLOG-  
16 ICAL SITE TESTING AND MONITORING PROJECT.—In this  
17 section, the term “offshore meteorological site testing and  
18 monitoring project” means a project carried out on or in  
19 the waters of the Outer Continental Shelf administered  
20 by the Department of the Interior to test or monitor  
21 weather (including wind, tidal, current, and solar energy)  
22 using towers, buoys, or other temporary ocean infrastruc-  
23 ture, that—

- 24 (1) causes—

1           (A) less than 1 acre of surface or seafloor  
2           disruption at the location of each meteorological  
3           tower or other device; and

4           (B) not more than 5 acres of surface or  
5           seafloor disruption within the proposed area af-  
6           fected by for the project (including hazards to  
7           navigation);

8           (2) is decommissioned not more than 5 years  
9           after the date of commencement of the project, in-  
10          cluding—

11           (A) removal of towers, buoys, or other tem-  
12           porary ocean infrastructure from the project  
13           site; and

14           (B) restoration of the project site to ap-  
15           proximately the original condition of the site;  
16           and

17           (3) provides meteorological information ob-  
18           tained by the project to the Secretary of the Inte-  
19           rior.

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