

113TH CONGRESS
1ST SESSION

H. R. 1398

To facilitate the development of offshore wind energy resources.

IN THE HOUSE OF REPRESENTATIVES

MARCH 21, 2013

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

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 METEOROLOG-
9 ICAL SITE TESTING AND MONITORING PROJECT.—In this
10 section, the term “offshore meteorological site testing and
11 monitoring project” means a project carried out on or in

1 the waters of the Outer Continental Shelf administered
2 by the Department of the Interior to test or monitor
3 weather (including wind, tidal, current, and solar energy)
4 using towers, buoys, or other temporary ocean infrastruc-
5 ture, that—

6 (1) causes—

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

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

14 (2) is decommissioned not more than 5 years
15 after the date of commencement of the project, in-
16 cluding—

17 (A) removal of towers, buoys, or other tem-
18 porary ocean infrastructure from the project
19 site; and

20 (B) restoration of the project site to ap-
21 proximately the original condition of the site;
22 and

23 (3) provides meteorological information ob-
24 tained by the project to the Secretary of the Inte-
25 rior.

1 (b) OFFSHORE METEOROLOGICAL PROJECT PERMIT-
2 TING.—

3 (1) IN GENERAL.—The Secretary of the Inte-
4 rior shall by regulation require that any applicant
5 seeking to conduct an offshore meteorological site
6 testing and monitoring project on the outer Conti-
7 nental Shelf (as that term is defined in the Outer
8 Continental Shelf Lands Act (43 U.S.C. 1331 et
9 seq.)) must obtain a permit and right of way for the
10 project in accordance with this subsection.

11 (2) PERMIT AND RIGHT OF WAY TIMELINE AND
12 CONDITIONS.—

13 (A) DEADLINE FOR APPROVAL.—The Sec-
14 retary shall decide whether to issue a permit
15 and right of way for an offshore meteorological
16 site testing and monitoring project within 30
17 days after receiving an application.

18 (B) PUBLIC COMMENT AND CONSULTA-
19 TION.—During the period referred to in sub-
20 paragraph (A), the Secretary shall—

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

23 (ii) consult with the Secretary of De-
24 fense, the Commandant of the Coast
25 Guard, and the heads of other Federal,

1 State, and local agencies that would be af-
2 fected by issuance of the permit and right
3 of way.

4 (C) DENIAL OF PERMIT; OPPORTUNITY TO
5 REMEDY DEFICIENCIES.—If the application is
6 denied, the Secretary shall provide the appli-
7 cant—

8 (i) in writing, clear and comprehensive
9 reasons why the application was not ap-
10 proved and detailed information concerning
11 any deficiencies in the application; and

12 (ii) an opportunity to remedy such de-
13 ficiencies.

14 (c) NEPA EXCLUSION.—Section 102(2)(C) of the
15 National Environmental Policy Act of 1969 (42 U.S.C.
16 4332(2)(C)) shall not apply with respect to an offshore
17 meteorological site testing and monitoring project.

18 (d) PROTECTION OF INFORMATION.—The informa-
19 tion provided to the Secretary of the Interior pursuant to
20 subsection (a)(3) shall be treated by the Secretary as pro-
21 prietary information and protected against disclosure.

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