

112TH CONGRESS  
1ST SESSION

# H. R. 2172

To facilitate the development of wind energy resources on Federal lands.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 14, 2011

Mrs. NOEM (for herself, Mr. HASTINGS of Washington, Mr. LAMBORN, Mr. BROUN of Georgia, Mr. DUNCAN of Tennessee, and Mr. WITTMAN) introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To facilitate the development of wind energy resources on  
Federal lands.

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 “Utilizing America’s  
5 Federal Lands for Wind Energy Act”.

1 **SEC. 2. ONSHORE METEOROLOGICAL SITE TESTING AND**  
2 **MONITORING PROJECT.**

3 (a) DEFINITION OF METEOROLOGICAL SITE TEST-  
4 ING AND MONITORING PROJECT.—In this section, the  
5 term “meteorological site testing and monitoring project”  
6 means a project carried out on land administered by the  
7 Bureau of Land Management or the Forest Service to test  
8 or monitor weather (including wind and solar energy)  
9 using towers or other devices, that—

10 (1) causes—

11 (A) less than 1 acre of soil or vegetation  
12 disruption at the location of each meteorological  
13 tower or other device; and

14 (B) not more than 5 acres of soil or dis-  
15 ruption within the proposed right-of-way for the  
16 project;

17 (2) is installed—

18 (A) to the maximum extent practicable,  
19 using existing access roads;

20 (B) in a manner that does not require off-  
21 road motorized access other than 1 installation  
22 activity and 1 decommissioning activity along  
23 an identified off-road route approved by the Di-  
24 rector of the Bureau of Land Management or  
25 Chief of the Forest Service;

1 (C) without construction of new roads  
2 other than upgrading of existing minor drain-  
3 age crossings for safety purposes; and

4 (D) without the use of digging or drilling  
5 equipment vehicles other than rubber-tired vehi-  
6 cles with gross weight ratings under 8,500  
7 pounds;

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

11 (A) removal of any towers, devices, or  
12 other surface infrastructure from the site; and

13 (B) restoration of the site to approximately  
14 the condition that existed at the time the  
15 project began; and

16 (4) provides meteorological information ob-  
17 tained by the permitted project to the Bureau of  
18 Land Management and the Forest Service.

19 (b) NEPA EXCLUSION.—Section 102(2)(C) of the  
20 National Environmental Policy Act of 1969 (42 U.S.C.  
21 4321 et seq.) shall not apply with respect to a meteorolog-  
22 ical site testing and monitoring project.

23 (c) PERMIT TIMELINE.—

24 (1) IN GENERAL.—The Director of the Bureau  
25 of Land Management or Chief of the Forest Service,

1 as applicable, shall decide whether to issue a permit  
2 for a project that is a meteorological site testing and  
3 monitoring project within 30 days after receiving an  
4 application for the permit.

5 (2) DENIAL OF APPLICATION.—If the applica-  
6 tion is denied, the Director or Chief, respectively,  
7 shall provide the applicant—

8 (A) in writing, clear and comprehensive  
9 reasons why the application was not approved  
10 and detailed information concerning any defi-  
11 ciencies, and

12 (B) an opportunity to remedy any defi-  
13 ciencies.

14 (d) PROTECTION OF INFORMATION.—The informa-  
15 tion provided to the Bureau of Land Management and the  
16 Forest Service pursuant to subsection (a)(4) shall be  
17 treated by such agency as proprietary information and  
18 protected against disclosure.

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