

AMENDMENT NO. _____ Calendar No. _____

Purpose: To provide for local control for the siting of wind-mills.

IN THE SENATE OF THE UNITED STATES—109th Cong., 1st Sess.

H.R. 6

To ensure jobs for our future with secure, affordable, and reliable energy.

Referred to the Committee on _____
and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. ALEXANDER
(for himself, Mr. WARNER, Ms. LANDRIEU, Mr.
McCain, Mr. ALLEN, Mr. VOINOVICH, Mr. BROWNBACK,
Mr. BURR, and Mr. BUNNING)

Viz:

- 1 On page 697, between lines 6 and 7, insert the fol-
- 2 lowing:
- 3 **SEC. 1270A. LOCAL CONTROL FOR SITING OF WINDMILLS.**
- 4 (a) LOCAL NOTIFICATION.—Prior to the Federal En-
- 5 ergy Regulatory Commission issuing to any wind turbine
- 6 project its Exempt-Wholesale Generator Status, Market-
- 7 Based Rate Authority, or Qualified Facility rate schedule,

1 the wind project shall complete its Local Notification
2 Process.

3 (b) LOCAL NOTIFICATION PROCESS.—

4 (1) In this section, the term “Local Authori-
5 ties” means the governing body, and the senior execu-
6 tive of the body, at the lowest level of government
7 that possesses authority under State law to carry
8 out this Act.

9 (2) Applicant shall notify in writing the Local
10 Authorities on the day of the filing of such Market-
11 Based Rate application or Federal Energy Regu-
12 latory Commission Form number 556 (or a suc-
13 cessor form) at the Federal Energy Regulatory Com-
14 mission. Evidence of such notification shall be sub-
15 mitted to the Federal Energy Regulatory Commis-
16 sion.

17 (3) The Federal Energy Regulatory Commis-
18 sion shall notify in writing the Local Authorities
19 within 10 days of the filing of such Market-Based
20 Rate application or Federal Energy Regulatory
21 Commission Form number 556 (or a successor
22 form) at the Federal Energy Regulatory Commis-
23 sion.

24 (4) The Federal Energy Regulatory Commis-
25 sion shall not issue to the project Market-Based

1 Rate Authority, Exempt Wholesaler Generator Sta-
2 tus, or Qualified Facility rate schedule, until 180
3 days after the date on which the Federal Energy
4 Regulatory Commission notifies the Local Authori-
5 ties under paragraph (3).

6 (c) HIGHLY SCENIC AREA AND FEDERAL LAND.—

7 (1)(A) A Highly Scenic Area is—

8 (i) any area listed as an official United
9 Nations Educational, Scientific, and Cultural
10 Organization World Heritage Site, as supported
11 by the Department of the Interior, the National
12 Park Service, and the International Council on
13 Monuments and Sites;

14 (ii) land designated as a National Park;

15 (iii) a National Lakeshore;

16 (iv) a National Seashore;

17 (v) a National Wildlife Refuge that is adja-
18 cent to an ocean;

19 (vi) a National Military Park;

20 (vii) the Flint Hills National Wildlife Re-
21 serve;

22 (viii) the Tallgrass Prairie National Pre-
23 serve;

24 (ix) White Mountains National Forest; or

1 (x) the Flint Hills Tallgrass Prairie Pre-
2 serve or the Konza Prairie in the State of Kan-
3 sas.

4 (B) The term “Highly Scenic Area” does not
5 include—

6 (i) the Pueblo de Taos World Heritage
7 Area;

8 (ii) any coastal wildlife refuge located in
9 the State of Louisiana; or

10 (iii) any area in the State of Alaska.

11 (2) A Qualified Wind Project is any wind-tur-
12 bine project located—

13 (A)(i) in a Highly Scenic Area; or

14 (ii) within 20 miles of the boundaries of an
15 area described in subparagraph (A), (B), (C),
16 (D), or (F) of paragraph (1); or

17 (B) within 20 miles off the coast of a Na-
18 tional Wildlife Refuge that is adjacent to an
19 ocean.

20 (3) Prior to the Federal Energy Regulatory
21 Commission issuing to a Qualified Wind Project its
22 Exempt-Wholesale Generator Status, Market-Based
23 Rate Authority, or Qualified Facility rate schedule,
24 an environmental impact statement shall be con-
25 ducted and completed by the lead agency in accord-

1 ance with the National Environmental Policy Act of
2 1969 (42 U.S.C. 4321 et seq.). If no lead agency is
3 designated, the lead agency shall be the Department
4 of the Interior.

5 (4) The environmental impact statement deter-
6 mination shall be issued within 12 months of the
7 date of application.

8 (5) Such environmental impact statement re-
9 view shall include a cumulative impacts analysis ad-
10 dressing visual impacts and avian mortality analysis
11 of a Qualified Wind Project.

12 (6) A Qualified Wind Project shall not be eligi-
13 ble for any Federal tax subsidy.

14 (d) EFFECTIVE DATE.—

15 (1) This section shall expire 10 years after the
16 date of enactment of this Act.

17 (2) Nothing in this section shall prevent or dis-
18 courage environmental review of any wind projects
19 or any Qualified Wind Project on a State or local
20 level.

21 (e) EFFECT OF SECTION.—Nothing in this section
22 shall apply to a project that, as of the date of enactment
23 of this Act—

24 (1) is generating energy; or

1 (2) has been issued a permit by the Federal
2 Energy Regulatory Commission.