

Statement on H.R. 2173

Earlier today, we marked up a bill called “Cutting Federal Red Tape.” If anyone wonders where all the red tape from that bill went, we’ve come to the answer. It is in this bill that we are now considering.

H.R. 2173 creates a new, burdensome permitting scheme that would further complicate the process for obtaining a permit to construct a meteorological tower offshore. Let me say it again. This program creates a new, burdensome permitting scheme that will make it harder to build an offshore meteorological tower, not easier.

This bill has not been endorsed by any offshore wind companies or trade groups. In fact, despite repeated requests, the majority was unable to find an industry witness to come testify on this bill. I think we can presume that is because the industry that the majority is trying to help with this bill doesn’t think that H.R. 2173 is a helpful bill.

I’m going to read a statement that is part of the legislative hearing record on this bill. It is from Jim Lanard, the President of Offshore Wind Development Coalition:

Streamlining approvals of towers or buoys to test wind speeds offshore is an important goal. We believe that NEPA will allow this goal to be achieved... [and we encourage the DOI’s Bureau of Ocean Energy Management, Regulation and Enforcement (BOEMRE) to consider appropriate modifications of its application of NEPA for these towers and buoys.]

So NEPA clearly is not the enemy here. But in case there is still doubt, he says:

[In talking about the] NEPA Exclusion. We believe that current BOEMRE practices are adequate for the approval of these towers or buoys.

This bill is a fundamental misunderstanding of what the industry needs. A company is simply not going to invest millions of dollars engineering and constructing a huge meteorological tower on the outer continental shelf unless they have a guarantee that they'll be able to use that area to build a wind farm. To be very clear: the industry wants a lease before they invest millions of dollars into a project. To get a lease we should, and do, require consideration of the impacts of development on the environment and the species living in these public waters, and we should, and do, require coordination with the other agencies using the OCS, like the Navy, the FAA, and the FCC.

Here's more from Jim Lanard, President of the Offshore Wind Development Coalition:

Towers that are installed on the Outer Continental Shelf with fixed foundations require expensive engineering, design, and installation protocols. Offshore wind developers suggest that a tower should be permitted to remain in place for the operating life of the wind farm(s) that it serves.

This bill, however, ignores this advice. This bill says: "Sorry wind industry, you may have sunk millions of dollars into your meteorological tower, but it's time to tear it down. We let you build it without fully considering the impacts." Plain and simple, this bill increases uncertainty for business.

The entities affected by this bill were not consulted before creating it. I have a document here from the Navy commenting on this bill. I'll submit this into the record, but it essentially says: The Navy uses the outer continental shelf. Consultation between the Departments of Interior and

Defense is essential. The 30-day limit you put on these consultations could be a problem.

The FAA has expressed similar concerns. The FCC has expressed similar concerns.

Let me boil it down further. This bill effectively requires the Department of Interior to red light or green light a significant construction project on the outer continental shelf in 30 days.

So in 30 days, the agency, by law, is supposed to engage in consultations on the Endangered Species Act, Magnuson-Stevens Fishery Conservation and Management Act, National Historic Preservation Act, National Marine Sanctuaries Act, Marine Mammal Protection Act, and Coastal Zone Management Act. The Department of the Interior must also ensure that the project doesn't interfere with Naval exercises, disrupt air traffic, or sever an underwater communications cable.. All within 30 days.

This bill amounts to a recipe to make Interior red light all offshore meteorological tower projects.

I would hope some members of the majority will realize that H.R. 2173 is counterproductive bill and will join me in defeating it.

I yield back.