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U.S. House of Representatives
Committee on Natural Resources
Washington, DC 20515

Opening Statement of
Subcommittee on Energy and Mineral Resources
Chairman Doug Lamborn
Before the Committee on Natural Resources
Markup on:

H.R. – 2170, "The Cutting Federal Red Tape to Facilitate Renewable Energy Act"
Wednesday, June 13, 2011, at 10:00 a.m.

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Mr. Chairman, I present to the Committee H.R. 2170, the "*Cutting Federal Red Tape to Facilitate Renewable Energy Act.*" H.R. 2170 was introduced by Chairman Hastings and on June 23rd the Subcommittee on Energy and Mineral Resources held a legislative hearing on H.R. 2170 and three other bills the Committee will take up later today.

H.R. 2170, the *Cutting Federal Red Tape to Facilitate Renewable Energy Act* is one of four renewable energy bills introduced by this Committee as part of House Republicans' American Energy Initiative. H.R. 2170 aims to streamline bureaucratic impediments to renewable energy production on federal lands by allowing project developers to conduct an environmental review for the specific location for where a renewable energy project would be located rather than requiring thousands of pages of environmental review for numerous different project locations.

While the Administration claims to have placed a priority on renewable energy development on federal lands, regulatory roadblocks and burdensome lawsuits continue to plague and delay development of these projects by years. As a result, wind, solar, geothermal, biomass and tidal energy projects are in a constant state of flux and the renewable energy industry is left in dire need of regulatory certainty in order to advance the development of renewable energy in this country.

The package of bills the Committee will markup today are aimed at streamlining the environmental permitting process to expedite the timely development of renewable energy on federal lands. These projects, which have the potential to provide hundreds of thousands of Americans with jobs and generate billions of dollars in economic benefits, are constantly held-up, delayed, and even stopped mid-construction by regulatory uncertainty, a burdensome, costly permitting process, and frivolous lawsuits that can add years to the development process.

In 2011, the Bureau of Land Management gave "priority status" to 19 renewable energy projects that could theoretically be permitted and begin construction by the end of 2011. To date, nearly 8 months into the year, only ONE of these 19 projects has been permitted. With only one project

permitted in eight months, we can expect a rush as the Administration attempts to permit the other 18 projects in the remaining five months of the year.

My colleagues on the other side may say that rather than addressing challenges with the permitting process, we should be focusing on extending tax credits for renewable energy development and ensuring financial certainty for the renewable energy industry. However, the jurisdiction of this committee is neither the federal tax code nor financial incentives, but energy development on federal lands and that is precisely what these bills deal with.

This legislation will allow renewable energy developers to commit their limited resources to a single project option rather than having their project delayed with countless unnecessary reviews and lawsuits. It will expedite the development of renewable energy and create jobs for countless Americans. I urge my colleagues to support this legislation.

**Opening Statement of
Subcommittee on Energy and Mineral Resources
Chairman Doug Lamborn
Before the Committee on Natural Resources**

Markup on:

***H.R. – 2171, the "Exploring for Geothermal Energy on Federal Lands Act"*
Wednesday, June 13, 2011, at 10:00 a.m.**

Mr. Chairman, I present to you H.R. 2171, the *Exploring for Geothermal Energy on Federal Lands Act*. H.R. 2171 was introduced by Representative Labrador and on June 23rd the Subcommittee on Energy and Mineral Resources held a legislative hearing on H.R. 2171 and three other bills that are part of the American Energy Initiative.

The United States has abundant natural resources that can be responsibly harnessed to produce American energy, create jobs, lessen our dependence on foreign oil, and secure America's energy future. However, despite claims by the Obama Administration of prioritizing renewable energy development, these projects are often delayed for years as developers attempt to maneuver the permitting process and fend off frivolous lawsuits that threaten to halt the development of these projects.

At the hearing on these bills, critics claimed that the bills completely disregard the environmental review process and will not facilitate the increased development of renewable energy.

However, my colleagues should be very clear that these bills are really a bipartisan sort of effort. I'd like to draw your attention to a bill introduced in the 111th Congress by Senator Feinstein of California. I have it here at the desk if any of you would like to review it. I want to read from Section 207 of S. 2921, the "California Desert Protection Act of 2010."

Specifically, on page 167 – "Site testing and monitoring categorical exclusion" and "causes less than 1 acre of...disruption...not more than 5 acres...is installed ...in a manner that does not require...new roads...decommission not more than 5 years...including...restoration of the site to the original condition of the site." If you do these things, then on page 168 of the bill a developer gets, "categorically excluded from documentation of environmental impact statement or environmental assessment under" NEPA.

This is language written by a Senate Democrat from California. Simply said, this isn't a radical idea.

But it is apparently too much for this Administration and for some of my colleagues here on the Committee.

Congressman Labrador's legislation would streamline environmental requirements for any geothermal exploration test hole project that meets the strict criteria in the bill. The criteria in the bill restricts the impacts of the test holes to ensure an extraordinarily small amount of disruption and the test well itself creates an 8 inch or smaller hole in the ground. There is no reason these temporary projects that create such a small disturbance should be tied up in the

permitting process for years. Yes it can take years to process permits to drill exploration holes on lands **ALREADY LEASED FOR GEOTHERMAL DEVELOPMENT**.

As this country moves down the path of energy security, we should be facilitating the development of renewable energy on federal lands, not making the process so burdensome that developers seek to develop on private land rather than federal land simply to avoid the regulatory process. This legislation is a step towards that goal.

Take an opportunity today to say yes to renewable energy development, in this case say yes to geothermal development and geothermal energy. I urge my colleagues to say yes to energy and support this legislation. I yield back my time.

**Opening Statement of
Subcommittee on Energy and Mineral Resources
Chairman Doug Lamborn
Before the Committee on Natural Resources**

Markup on:

***H.R. – 2172, the "Utilizing America's Federal Lands for Wind Energy Act"*
Wednesday, July 13, 2011, at 10:00 a.m.**

Mr. Chairman, I present to the Committee H.R. 2172, the *Utilizing America's Federal Lands for Wind Energy Act*. H.R. 2172 was introduced by Representative Noem (NO-um) and on June 23rd the Subcommittee on Energy and Mineral Resources held a legislative hearing on H.R. 2172 and three other pieces of legislation that will put our country on a path toward energy independence and security.

The U.S. Energy Information Administration estimates that U.S. electricity demand will grow by 39% from 2005 to 2030. Wind energy is the fastest-growing energy source in the world. Unfortunately, frivolous lawsuits and a burdensome regulatory regime continues to block clean energy production from the resources we are so fortunate to have within our own borders.

Attempts to harness our own resources are constantly forced to overcome obstacles that not only delay the initial development of a project, but can also suddenly halt the construction of a project. This regulatory uncertainty results in developers seeking to build projects on private land in an attempt to avoid the burdensome and stifling requirements and unpredictability that comes with developing projects on federal land.

For onshore wind projects, the permitting process that corresponds with the ability to install a simple meteorological tower to test for wind resources can take several years. Again, this is not the construction of a decades-long installed wind project, but a simple temporary structure that can be smaller than a telephone pole. It creates a surface disturbance that is significantly smaller than one acre, so small in fact that according to BLM regulations, even equipment to install a met tower cannot be trucked in but instead can be carried in by foot. There is no reason these small, simple structures should be subject to a multi-year long environmental review process.

Representative Noem's legislation will ensure that projects that meet strict criteria regarding installation, disturbance, and removal will get expedited consideration that will allow developers to identify potential wind energy areas more quickly, thereby allowing projects that would create energy for American consumers to move forward while potentially shaving years off the permitting process.

I urge my colleagues to support this legislation and yes to expediting the production of renewable energy. I yield back my time.

**Opening Statement of
Subcommittee on Energy and Mineral Resources
Chairman Doug Lamborn
Before the Committee on Natural Resources
Markup on:
H.R. – 2173, the "Advancing Offshore Wind Production Act"
Wednesday, July 13, 2011, at 10:00 a.m.**

Mr. Chairman, I present to the committee H.R. 2173, the *Advancing Offshore Wind Production Act*. This legislation was introduced on June 14 by Congressman Wittman and on June 23 the Subcommittee on Energy and Mineral Resources held a legislative hearing on this, and several other pieces of renewable energy legislation.

The waters that surround our nation hold tremendous potential to create homegrown energy for American consumers. However, instead of facilitating the development of offshore energy, the Administration continues to create roadblocks to its development and close off large portions of the outer continental shelf with little justification. The singular example of an offshore wind project, the Cape Wind project off the coast of Massachusetts, was nearly a ten year permitting process, spanning multiple agencies, lawsuits, and bureaucratic delays, and we still have yet to see construction of this project begin. With our population increasing and our nation's energy needs expected to increase in the future, ten years is an unacceptable amount of time for American consumers to wait for domestically produced energy and jobs, while our reliance on foreign sources of energy increases.

Under the current regulatory regime, the permitting process to simply install a temporary meteorological tower to test areas that may or may not be optimal for offshore wind development can add years to the overall development time. Furthermore, there is no firm timeline the agencies must adhere to when responding to applications for a met tower installation. These towers disrupt less than one acre and are comparable in size to a sailboat, yet for inexplicable reasons, the agency takes months to years to issue a simple permit and continues to be insistent on requiring the issuance of leases for testing rather than permitting.

Congressman Wittman's legislation streamlines the environmental review process for offshore wind met towers that meet a strict set of criteria. In addition, the bill sets firm timelines for agencies to respond to applications, which will allow developers to quickly install towers to identify potential wind energy areas, while ruling out those areas that are not ideal for development. The legislation leaves ample room for public comment, and also takes into consideration other offshore priorities, including defense and navigation. Streamlining this process will allow developers to quickly proceed with offshore wind energy development for American consumers.

I urge my colleagues, today take an opportunity to say yes to energy development, in this case say yes to offshore wind development and wind energy. I urge my colleagues to say yes to American energy and support this legislation. I yield back my time.