

113TH CONGRESS
1ST SESSION

H. R. 1235

To amend the Federal Power Act to permit States to exempt projects from certain Federal Energy Regulatory Commission considerations in issuing licenses for such projects.

IN THE HOUSE OF REPRESENTATIVES

MARCH 18, 2013

Mrs. HARTZLER (for herself, Mr. COTTON, Mr. MULLIN, Mr. LANKFORD, Mr. GRAVES of Missouri, and Mr. GRIFFITH of Virginia) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend the Federal Power Act to permit States to exempt projects from certain Federal Energy Regulatory Commission considerations in issuing licenses for such projects.

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 as the “Leave our Lakes Alone
5 Act”.

1 **SEC. 2. STATE DETERMINATION TO EXEMPT PROJECTS**
2 **FROM CERTAIN FERC CONSIDERATIONS IN**
3 **LICENSING.**

4 Section 4 of the Federal Power Act (16 U.S.C. 797)
5 is amended by adding at the end the following new sub-
6 section:

7 “(h)(1) For the purposes of this subsection—

8 “(A) the term ‘exempt State’ means a
9 State for which a State law is in effect that ex-
10 pressly authorizes paragraph (2) to apply to
11 projects within the State; and

12 “(B) the term ‘public use and environ-
13 mental purposes’ means the purposes of energy
14 conservation, the protection, mitigation of dam-
15 age to, and enhancement of, fish and wildlife
16 (including related spawning grounds and habi-
17 tat), the protection of recreational opportuni-
18 ties, the preservation of other aspects of envi-
19 ronmental quality, and other beneficial public
20 uses, including irrigation, flood control, water
21 supply, and other purposes, as required under
22 subsection (e) and section 10(a), as such pur-
23 poses apply to land within the project boundary
24 that is above the highest target elevation for
25 normal operations of the project.

1 “(2) Notwithstanding subsection (e) and sections
2 10(a) and 28, the Commission may not consider public
3 use and environmental purposes in issuing a license for
4 a project in an exempt State.

5 “(3) If a State law described in paragraph (1)(A) is
6 no longer in effect, paragraph (2) shall continue to apply
7 to any project in the State for which a license was issued
8 while such law was in effect.

9 “(4) Paragraph (2) shall not apply to any project or
10 portion of a project on Federal land.”.

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