

**[DISCUSSION DRAFT]**

115<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**H. R.** \_\_\_\_\_

To clarify the categorical exclusions authorized by the Energy Policy Act of 2005 and authorize additional categorical exclusions to streamline the oil and gas permitting process, and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

Mr. PEARCE introduced the following bill; which was referred to the  
Committee on \_\_\_\_\_

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**A BILL**

To clarify the categorical exclusions authorized by the Energy Policy Act of 2005 and authorize additional categorical exclusions to streamline the oil and gas permitting process, and for other purposes.

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. AMENDMENTS TO THE ENERGY POLICY ACT OF**

4 **2005.**

5 Section 390 of the Energy Policy Act of 2005, (42  
6 U.S.C. 15942) is amended to read as follows:

1           “(a) NEPA REVIEW.—Action by the Secretary of the  
2 Interior in managing the public lands, or the Secretary  
3 of Agriculture in managing National Forest System  
4 Lands, with respect to any of the activities described in  
5 subsection (c) shall be categorically excluded from any fur-  
6 ther analysis and documentation under the National Envi-  
7 ronmental Policy Act of 1969 (42 U.S.C. 4321 et seq.)  
8 if the activity is conducted pursuant to the Mineral Leas-  
9 ing Act for the purpose of exploration or development of  
10 oil or gas.

11           “(b) CATEGORICAL EXCLUSION.—Use of a categor-  
12 ical exclusion created in this section—

13                   “(1) shall not require a finding of no extraor-  
14 dinary circumstances;

15                   “(2) shall be effective for the full term of the  
16 authorized permit or approval; and

17                   “(3) shall not apply to actions on Indian lands  
18 or resources managed in trust for the benefit of In-  
19 dian tribes.

20           “(c) ACTIVITIES DESCRIBED.—The activities re-  
21 ferred to in subsection (a) are:

22                   “(1) Reinstating a lease pursuant to section 31  
23 of the Mineral Leasing Act (30 U.S.C. 188).

24                   “(2) The following activities, provided that any  
25 new surface disturbance is contiguous with the foot-

1 print of the original authorization and does not ex-  
2 ceed 20 acres or the acreage evaluated in previously  
3 prepared NEPA documents, whichever is greater:

4 “(A) Drilling oil or gas wells at a well pad  
5 site at which drilling has occurred previously.

6 “(B) Expansion of an existing oil or gas  
7 well pad site to accommodate additional wells.

8 “(C) Expansion or modification of an ex-  
9 isting oil or gas well pad site, road, pipeline, fa-  
10 cilities, or utilities submitted in a Sundry No-  
11 tice.

12 “(3) Drilling of oil and gas wells at new well  
13 pad sites, provided that the new surface disturbance  
14 does not exceed 20 acres or the acreage evaluated in  
15 previously prepared NEPA documents, whichever is  
16 greater.

17 “(4) Construction or realignment of a road,  
18 pipeline, or utilities within an existing right-of-way  
19 or within a right-of-way corridor established in a  
20 Land Use Plan.

21 “(5) The following activities when conducted  
22 from non-Federal surface into Federally owned min-  
23 erals, provided that the operator submits to the Sec-  
24 retary concerned certification of a surface use agree-  
25 ment with the non-Federal landowner:

1           “(A) Drilling oil or gas wells at a well pad  
2 site at which drilling has occurred previously.

3           “(B) Expansion of an existing oil or gas  
4 well pad site to accommodate additional wells.

5           “(C) Expansion or modification of an ex-  
6 isting oil or gas well pad site, road, pipeline, fa-  
7 cilities or utilities submitted in a Sundry No-  
8 tice.

9           “(6) Drilling of oil or gas wells from non-Fed-  
10 eral surface and non-Federal subsurface into Fed-  
11 eral mineral estate.

12           “(7) Construction of up to 1 mile of new road  
13 on Federal or non-Federal surface, not to exceed 2  
14 miles in total.

15           “(8) Construction of up to 3 miles of individual  
16 pipelines or utilities, regardless of surface owner-  
17 ship.”.