

[DISCUSSION DRAFT]

115TH CONGRESS
2^D SESSION

H. R. _____

To clarify that Bureau of Land Management shall not require permits for oil and gas activities conducted on non-Federal surface estate to access subsurface mineral estate that is less than 50 percent Federally owned, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

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

A BILL

To clarify that Bureau of Land Management shall not require permits for oil and gas activities conducted on non-Federal surface estate to access subsurface mineral estate that is less than 50 percent Federally owned, 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. ACCESS TO FEDERAL OIL AND GAS FROM NON-**
4 **FEDERAL SURFACE ESTATE.**

5 Section 17 of the Mineral Leasing Act (30 U.S.C.
6 226) is amended by adding at the end the following:

1 “(q) NO FEDERAL PERMIT REQUIRED FOR OIL AND
2 GAS ACTIVITIES ON CERTAIN LAND.—

3 “(1) IN GENERAL.—The Secretary shall not re-
4 quire an operator to obtain a Federal drilling permit
5 for oil and gas exploration and production activities
6 conducted on non-Federal surface estate, provided
7 that—

8 “(A) the United States holds an ownership
9 interest of less than 50 percent of the sub-
10 surface mineral estate to be accessed by the
11 proposed action; and

12 “(B) the operator submits to the Secretary
13 a State permit to conduct oil and gas explo-
14 ration and production activities on the non-Fed-
15 eral surface estate.

16 “(2) NO FEDERAL ACTION.—Oil and gas explo-
17 ration and production activities carried out under
18 paragraph (1)—

19 “(A) shall require no additional Federal
20 action;

21 “(B) may commence 30 days after submis-
22 sion of the State permit to the Secretary;

23 “(C) are categorically excluded from any
24 further analysis and documentation under the

1 National Environmental Policy Act of 1969 (42
2 U.S.C. 4321 et seq.);

3 “(D) shall not require any analysis under
4 section 106 of the National Historic Preserva-
5 tion Act of 1966, as amended (54 U.S.C.
6 306108); and

7 “(E) shall not require any analysis, assess-
8 ment, or consultation under section 7 of the
9 Endangered Species Act of 1973 (15 U.S.C.
10 1536).

11 “(3) ROYALTIES AND PRODUCTION ACCOUNT-
12 ABILITY.—(A) Nothing in this subsection shall affect
13 the amount of royalties due to the United States
14 under this Act from the production of oil and gas,
15 or alter the Secretary’s authority to conduct audits
16 and collect civil penalties pursuant to the Federal
17 Oil and Gas Royalty Management Act of 1982 (30
18 U.S.C. 1711 et seq.).

19 “(B) The Secretary may conduct on-site reviews
20 and inspections to ensure proper accountability,
21 measurement, and reporting of production of Fed-
22 eral oil and gas, and payment of royalties.

23 “(4) EXCEPTIONS.—This subsection shall not
24 apply to actions on Indian lands or resources man-
25 aged in trust for the benefit of Indian tribes.”.