115TH CONGRESS
2D SESSION

H.R. 6106

To amend the Energy Policy Act of 2005 to clarify the authorized categorical exclusions and authorize additional categorical exclusions to streamline the oil and gas permitting process, 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 amend the Energy Policy Act of 2005 to clarify the authorized categorical exclusions 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. SHORT TITLE.
4 This Act may be cited as the “Common Sense Per-
5 mitting Act”.

SEC. 2. AMENDMENTS TO THE ENERGY POLICY ACT OF 2005.

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

"(a) NEPA REVIEW.—Action by the Secretary of the Interior in managing the public lands, or the Secretary of Agriculture in managing National Forest System Lands, with respect to any of the activities described in subsection (d) shall be categorically excluded from any further analysis and documentation under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) if the activity is conducted pursuant to the Mineral Leasing Act for the purpose of exploration or development of oil or gas.

"(b) CATEGORICAL EXCLUSION.—Use of a categorical exclusion created in this section—

"(1) shall not require a finding of no extraordinary circumstances; and

"(2) shall be effective for the full term of the authorized permit or approval.

"(c) APPLICATION.—This section shall not apply to an action of the Secretary of the Interior or the Secretary of Agriculture on Indian lands or resources managed in trust for the benefit of Indian Tribes.

"(d) ACTIVITIES DESCRIBED.—The activities referred to in subsection (a) are:
“(1) Reinstating a lease pursuant to section 31 of the Mineral Leasing Act (30 U.S.C. 188).

“(2) The following activities, provided that any new surface disturbance is contiguous with the footprint of the original authorization and does not exceed 20 acres or the acreage evaluated in a document previously prepared under section 102(2)(C) of the National Environmental Policy Act of 1969 with respect to such activity, whichever is greater:

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

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

“(C) Expansion or modification of an existing oil or gas well pad site, road, pipeline, facilities, or utilities submitted in a sundry notice.

“(3) Drilling of oil and gas wells at new well pad sites, provided that the new surface disturbance does not exceed 20 acres or the acreage evaluated in a document previously prepared under section 102(2)(C) of the National Environmental Policy Act of 1969 with respect to such activity, whichever is greater.

“(4) Construction or realignment of a road, pipeline, or utilities within an existing right-of-way
or within a right-of-way corridor established in a land use plan.

"(5) The following activities when conducted from non-Federal surface into Federally owned minerals, provided that the operator submits to the Secretary concerned certification of a surface use agreement with the non-Federal landowner:

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

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

"(C) Expansion or modification of an existing oil or gas well pad site, road, pipeline, facilities or utilities submitted in a sundry notice.

"(6) Drilling of oil or gas wells from non-Federal surface and non-Federal subsurface into Federal mineral estate.

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

"(8) Construction of up to 3 miles of individual pipelines or utilities, regardless of surface ownership."