

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

JUNE 14, 2018

Mr. PEARCE (for himself, Mr. BISHOP of Utah, Mr. GOSAR, Mr. GOHMERT, Mr. JOHNSON of Ohio, and Mr. CRAMER) introduced the following bill; which was referred to the Committee on Natural Resources

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”.

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

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

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

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

17 “(1) shall not require a finding of no extraor-
18 dinary circumstances; and

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

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

25 “(d) ACTIVITIES DESCRIBED.—The activities re-
26 ferred to in subsection (a) are:

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

3 “(2) The following activities, provided that any
4 new surface disturbance is contiguous with the foot-
5 print of the original authorization and does not ex-
6 ceed 20 acres or the acreage evaluated in a docu-
7 ment previously prepared under section 102(2)(C) of
8 the National Environmental Policy Act of 1969 with
9 respect to such activity, whichever is greater:

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

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

14 “(C) Expansion or modification of an ex-
15 isting oil or gas well pad site, road, pipeline, fa-
16 cilities, or utilities submitted in a sundry notice.

17 “(3) Drilling of oil and gas wells at new well
18 pad sites, provided that the new surface disturbance
19 does not exceed 20 acres or the acreage evaluated in
20 a document previously prepared under section
21 102(2)(C) of the National Environmental Policy Act
22 of 1969 with respect to such activity, whichever is
23 greater.

24 “(4) Construction or realignment of a road,
25 pipeline, or utilities within an existing right-of-way

1 or within a right-of-way corridor established in a
2 land use plan.

3 “(5) The following activities when conducted
4 from non-Federal surface into federally owned min-
5 erals, provided that the operator submits to the Sec-
6 retary concerned certification of a surface use agree-
7 ment with the non-Federal landowner:

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

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

12 “(C) Expansion or modification of an ex-
13 isting oil or gas well pad site, road, pipeline, fa-
14 cilities or utilities submitted in a sundry notice.

15 “(6) Drilling of oil or gas wells from non-Fed-
16 eral surface and non-Federal subsurface into Fed-
17 eral mineral estate.

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

21 “(8) Construction of up to 3 miles of individual
22 pipelines or utilities, regardless of surface owner-
23 ship.”.

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