

## Union Calendar No. 743

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

# H. R. 6106

[Report No. 115-955]

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.

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### 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

SEPTEMBER 20, 2018

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italie*]

[For text of introduced bill, see copy of bill as introduced on June 14, 2018]

# **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 Permit-*  
5 *ting Act”.*

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

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

9 **“SEC. 390. NEPA REVIEW.**

10        *“(a) NEPA REVIEW.—Action by the Secretary of the*  
11 *Interior in managing the public lands, or the Secretary of*  
12 *Agriculture in managing National Forest System Lands,*  
13 *with respect to any of the activities described in subsection*  
14 *(d) shall be categorically excluded from any further analysis*  
15 *and documentation under the National Environmental Pol-*  
16 *icy Act of 1969 (42 U.S.C. 4321 et seq.) if the activity is*  
17 *conducted pursuant to the Mineral Leasing Act (30 U.S.C.*  
18 *181 et seq.) for the purpose of exploration or development*  
19 *of oil or gas.*

20        *“(b) CATEGORICAL EXCLUSION.—Use of a categorical*  
21 *exclusion created in this section—*

22            *“(1) shall not require a finding of no extraor-*  
23 *dinary circumstances; and*

24            *“(2) shall be effective for the full term of the au-*  
25 *thorized permit or approval.*

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

5       “(d) *ACTIVITIES DESCRIBED.*—*The activities referred*  
6 *to in subsection (a) are:*

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

9               “(2) *The following activities, provided that any*  
10 *new surface disturbance is contiguous with the foot-*  
11 *print of the original authorization and does not ex-*  
12 *ceed 20 acres or the acreage evaluated in a document*  
13 *previously prepared under section 102(2)(C) of the*  
14 *National Environmental Policy Act of 1969 (42*  
15 *U.S.C. 4332(2)(C)) with respect to such activity,*  
16 *whichever is greater:*

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

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

21                       “(C) *Expansion or modification of an exist-*  
22 *ing oil or gas well pad site, road, pipeline, fa-*  
23 *ilities, or utilities submitted in a sundry notice.*

24               “(3) *Drilling of oil and gas wells at new well*  
25 *pad sites, provided that the new surface disturbance*

1        *does not exceed 20 acres or the acreage evaluated in*  
2        *a document previously prepared under section*  
3        *102(2)(C) of the National Environmental Policy Act*  
4        *of 1969 (42 U.S.C. 4332(2)(C)) with respect to such*  
5        *activity, whichever is greater.*

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

10               *“(5) The following activities when conducted*  
11        *from non-Federal surface into federally owned min-*  
12        *erals, provided that the operator submits to the Sec-*  
13        *retary concerned certification of a surface use agree-*  
14        *ment with the non-Federal landowner:*

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

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

19                *“(C) Expansion or modification of an exist-*  
20        *ing oil or gas well pad site, road, pipeline, fa-*  
21        *ilities or utilities submitted in a sundry notice.*

22                *“(6) Drilling of oil or gas wells from non-Fed-*  
23        *eral surface and non-Federal subsurface into Federal*  
24        *mineral estate.*

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

4           “(8) Construction of up to 3 miles of individual  
5           pipelines or utilities, regardless of surface owner-  
6           ship.”.



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