

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-
- dinary circumstances; and
- "(2) shall be effective for the full term of the
- 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,

pipeline, or utilities within an existing right-of-way

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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 Federal
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.".