

# Union Calendar No. 714

115TH CONGRESS  
2D SESSION

# H. R. 6088

**[Report No. 115–921]**

To amend the Mineral Leasing Act to authorize notifications of permit to drill, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 13, 2018

Mr. CURTIS (for himself, Mr. BISHOP of Utah, Mr. GOSAR, Mr. GIANFORTE, Mr. WESTERMAN, and Mr. GOHMERT) introduced the following bill; which was referred to the Committee on Natural Resources

SEPTEMBER 6, 2018

Additional sponsors: Mr. LAMALFA and Mr. CRAMER

SEPTEMBER 6, 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 13, 2018]

# **A BILL**

To amend the Mineral Leasing Act to authorize notifications  
of permit to drill, 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 “Streamlining Permit-*  
 5       *ting Efficiencies in Energy Development Act” or the*  
 6       *“SPEED Act”.*

7       **SEC. 2. NOTIFICATIONS OF PERMIT TO DRILL.**

8       *The Mineral Leasing Act (30 U.S.C. 181 et seq.) is*  
 9       *amended by—*

10               (1) *redesignating section 44 as section 45; and*

11               (2) *inserting after section 43 the following:*

12       **“SEC. 44. NOTIFICATIONS OF PERMIT TO DRILL.**

13               “(a) *IN GENERAL.—Not later than 1 year after the*  
 14       *date of the enactment of this section, the Secretary shall*  
 15       *establish procedures by which an operator may conduct*  
 16       *drilling and production activities on available Federal land*  
 17       *and non-Federal land after sending to the Secretary a noti-*  
 18       *fication of permit to drill under this section in lieu of ob-*  
 19       *taining an APD.*

20               “(b) *CONTENT OF NOTIFICATION.—To be considered a*  
 21       *complete notification of permit to drill under this section,*  
 22       *an operator shall include in the notification of permit to*  
 23       *drill submitted under this section—*

24                       “(1) *a notification of permit to drill form;*

25                       “(2) *a surface use plan of operations;*

1           “(3) a drilling plan;

2           “(4) a well plat certified by a registered sur-  
3       veyor;

4           “(5) an operator certification;

5           “(6) evidence of bond coverage; and

6           “(7) a notification of permit to drill fee in an  
7       amount to be determined by the Secretary.

8       “(c) *JUSTIFICATIONS FOR OBJECTION.*—

9           “(1) *IN GENERAL.*—*Except as otherwise provided*  
10       *in this subsection, the Secretary may not object to a*  
11       *notification of permit to drill under this section if the*  
12       *notification—*

13           “(A) *demonstrates that the drilling oper-*  
14       *ations described in the notification of permit to*  
15       *drill will be located in—*

16           “(i) *a developed field, where there are*  
17       *existing oil and gas wells within a 5-mile*  
18       *radius and for which an approved land use*  
19       *plan or environmental review was prepared*  
20       *within the last 10 years under the National*  
21       *Environmental Policy Act of 1969 (42*  
22       *U.S.C. 4321 et seq.) that analyzed such*  
23       *drilling operations as a reasonably foresee-*  
24       *able activity;*

1           “(ii) a location or well pad site at  
2           which drilling has occurred within 10 years  
3           before the date of spudding the well and the  
4           proposed operations do not increase the sur-  
5           face disturbance on the location or well pad  
6           site;

7           “(iii) an area consisting of individual  
8           surface disturbances of less than 10 acres  
9           and the total surface disturbance on the  
10          lease is not greater than 150 acres and for  
11          which an approved land use plan or envi-  
12          ronmental review was prepared within the  
13          last 10 years under the National Environ-  
14          mental Policy Act of 1969 (42 U.S.C. 4321  
15          et seq.) that analyzed such drilling oper-  
16          ations as a reasonably foreseeable activity;

17          “(iv) an area consisting of Federal  
18          mineral interests that is located within the  
19          boundaries of a communitization agreement  
20          or unit agreement which contains minerals  
21          leased by a State or private mineral owner  
22          for which a drilling permit has been ap-  
23          proved by a State regulatory agency; or

24          “(v) an area in which a categorical ex-  
25          clusion under the National Environmental

1 *Policy Act of 1969 (42 U.S.C. 4321 et seq.)*  
2 *applies for oil and gas drilling or re-entry*  
3 *activities; or*

4 *“(B) includes—*

5 *“(i) an environmental review that con-*  
6 *cludes that actions described in the notifica-*  
7 *tion of permit to drill pose no significant*  
8 *effects on the human environment or threat-*  
9 *ened or endangered species; and*

10 *“(ii) an archeological review that con-*  
11 *cludes that actions described in the notifica-*  
12 *tion of permit to drill pose no significant*  
13 *effects on cultural or historic properties or*  
14 *resources.*

15 *“(2) ENDANGERED SPECIES PROTECTION.—*

16 *“(A) IN GENERAL.—Notwithstanding para-*  
17 *graph (1), the Secretary shall object to a notifi-*  
18 *cation of permit to drill if the activity described*  
19 *in such notification of permit to drill is likely to*  
20 *jeopardize the continued existence of a species*  
21 *that is a threatened species or endangered species*  
22 *under the Endangered Species Act of 1973 (16*  
23 *U.S.C. 1531 et seq.) or result in the destruction*  
24 *or adverse modification of critical habitat of*  
25 *such species.*

1           “(B) *WITHDRAWAL OF OBJECTION.*—*The*  
2           *Secretary may withdraw an objection under sub-*  
3           *paragraph (A) if the operator consults with the*  
4           *Secretary on such objection and places condi-*  
5           *tions on the notification of permit to drill suffi-*  
6           *cient to comply with the Endangered Species Act*  
7           *of 1973 (16 U.S.C. 1531 et seq.).*

8           “(3) *NATIONAL HISTORIC PRESERVATION.*—

9           “(A) *IN GENERAL.*—*Notwithstanding para-*  
10          *graph (1), the Secretary shall object to a notifi-*  
11          *cation of permit to drill if the activity described*  
12          *in such notification of permit to drill is likely to*  
13          *affect properties listed, or eligible for listing, in*  
14          *the National Register of Historic Places under*  
15          *section 306108 of title 54, United States Code*  
16          *(commonly known as the National Historic Pres-*  
17          *ervation Act of 1966).*

18          “(B) *WITHDRAWAL OF OBJECTION.*—*The*  
19          *Secretary may withdraw an objection under sub-*  
20          *paragraph (A) if the operator consults with the*  
21          *Secretary on such objection and places condi-*  
22          *tions on the notification of permit to drill suffi-*  
23          *cient to comply with section 306108 of title 54,*  
24          *United States Code (commonly known as the Na-*  
25          *tional Historic Preservation Act of 1966).*

1 “(d) *OBJECTION OR NO ACTION.*—

2 “(1) *NOTIFICATION OF INCOMPLETE NOTIFICA-*  
3 *TION.*—*Not later than 15 days after receipt of a noti-*  
4 *fication of permit to drill, or a revised notification of*  
5 *permit to drill, from an operator under this section,*  
6 *the Secretary shall notify the operator in writing if*  
7 *the notification of permit to drill is not complete.*

8 “(2) *NOTIFICATION OF OBJECTIONS.*—*Not later*  
9 *than 45 days after receipt of a complete notification*  
10 *of permit to drill from an operator under this section,*  
11 *the Secretary shall review the notification of permit*  
12 *to drill and—*

13 “(A) *notify the operator in writing of any*  
14 *objections to the notification of permit to drill;*  
15 *or*

16 “(B) *take no action.*

17 “(3) *NO ACTION REQUIRED.*—*If the Secretary*  
18 *has not notified an operator under either paragraph*  
19 *(1) or paragraph (2) within 45 days after receipt of*  
20 *a notification of permit to drill from the operator*  
21 *under this section, the operator may, without further*  
22 *action from the Secretary, conduct the drilling and*  
23 *production activities for which the notification of per-*  
24 *mit to drill was submitted.*



1           “(4) *OPPORTUNITY TO RESUBMIT NOTIFICA-*  
 2           *TION.—If the Secretary notifies an operator under*  
 3           *paragraph (1) of an incomplete notification or para-*  
 4           *graph (2) of an objection, the Secretary shall allow*  
 5           *the operator to address such incomplete notification*  
 6           *or objection and revise and resubmit the notification*  
 7           *of permit to drill.*

8           “(5) *OPPORTUNITY TO RESUBMIT NOTIFICATION*  
 9           *AS APD.—If the Secretary notifies an operator under*  
 10           *paragraph (2) of an objection, the Secretary shall*  
 11           *allow the operator to resubmit such information in*  
 12           *the form of an APD.*

13           “(e) *NOTIFICATION FEE.—The Secretary may not*  
 14           *charge an operator under this section a fee for submitting*  
 15           *a notification of permit to drill greater than the fee the Sec-*  
 16           *retary charges an applicant for an APD.*

17           “(f) *ENVIRONMENTAL REVIEW.—*

18           “(1) *IN GENERAL.—An environmental review or*  
 19           *archeological review described in subsection (c)(1)(B)*  
 20           *may be completed by a third-party contractor ap-*  
 21           *proved by the Secretary or pursuant to a memo-*  
 22           *randum of understanding between the operator and*  
 23           *the Secretary.*

24           “(2) *FIELD WORK AUTHORIZATION.—The Sec-*  
 25           *retary shall issue a field work authorization to a*

1        *third-party contractor for the purposes of paragraph*  
2        *(1) within a reasonable time.*

3                “(3) *REQUEST FOR CONCURRENCE.*—*The Sec-*  
4        *retary shall allow a third-party contractor to submit*  
5        *a request to the State Historic Preservation Office on*  
6        *behalf of the Secretary.*

7                “(g) *ADDITIONAL SURFACE USE PERMITS.*—*The Sec-*  
8        *retary may not require an operator that has submitted a*  
9        *notification of permit to drill for which the Secretary did*  
10       *not object to obtain a surface use permit for an action in-*  
11       *cluded in the notification of permit to drill.*

12               “(h) *SITE INSPECTION.*—*The Secretary may not re-*  
13       *quire an operator that has submitted a notification of per-*  
14       *mit to drill for which the Secretary did not object to submit*  
15       *to a site inspection before commencement of the activities*  
16       *described in the notification of permit to drill.*

17               “(i) *FEDERAL ENFORCEMENT.*—*The Secretary may*  
18       *conduct inspections of and evaluate activities described in*  
19       *a notification of permit to drill for purposes of bringing*  
20       *an enforcement action. The Secretary may suspend enforce-*  
21       *ment proceedings if the operator modifies its activities to*  
22       *comply with the notification of permit to drill or obtains*  
23       *an APD for such activities.*

24               “(j) *APPLICATION OF NEPA.*—

1           “(1) *NO ACTION BY SECRETARY.*—*The decision*  
 2           *by the Secretary to take no action under subsection*  
 3           *(c)(1)(B)(2) shall not constitute a major Federal ac-*  
 4           *tion under section 102(2)(C) of the National Environ-*  
 5           *mental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).*

6           “(2) *DEVELOPMENT OF REGULATIONS.*—*The de-*  
 7           *velopment of any regulation pursuant to this section*  
 8           *shall constitute a major Federal action under section*  
 9           *102(2)(C) of the National Environmental Policy Act*  
 10          *of 1969 (42 U.S.C. 4332(2)(C)).*

11          “(k) *DEFINITIONS.*—*In this section:*

12           “(1) *APD.*—*The term ‘APD’ means an applica-*  
 13           *tion to drill or re-enter a well.*

14           “(2) *AVAILABLE FEDERAL LAND.*—*The term*  
 15           *‘available Federal land’ means Federal land that—*

16                   “(A) *is located within the boundaries of a*  
 17                   *State;*

18                   “(B) *is not held by the United States in*  
 19                   *trust for the benefit of a federally recognized In-*  
 20                   *Indian Tribe;*

21                   “(C) *is not a unit of the National Park*  
 22                   *System;*

23                   “(D) *is not a unit of the National Wildlife*  
 24                   *Refuge System;*

1           “(E) is not a Congressionally-approved wil-  
2           derness area under the Wilderness Act (16 U.S.C.  
3           1131 et seq.); and

4           “(F) is managed by the Director of the Bu-  
5           reau of Land Management or the Chief of the  
6           U.S. Forest Service.

7           “(3) DRILLING OPERATIONS.—The term ‘drilling  
8           operations’ means the drilling or re-entry of a well.

9           “(4) DRILLING PLAN.—The term ‘drilling plan’  
10          means a plan containing—

11           “(A) a description of the drilling program;

12           “(B) the surface and projected completion  
13          zone location;

14           “(C) pertinent geologic data;

15           “(D) expected hazards;

16           “(E) proposed mitigation measures to ad-  
17          dress such hazards;

18           “(F) any other information specified in ap-  
19          plicable notices or orders; and

20           “(G) any other pertinent data as the Sec-  
21          retary may require.

22           “(5) SURFACE USE PLAN OF OPERATION.—The  
23          term ‘surface use plan of operation’ means a plan  
24          containing—

25           “(A) the road and drill pad location;

1                   “(B) details of pad construction;  
2                   “(C) methods for containment and disposal  
3                   of waste material;  
4                   “(D) plans for reclamation of the surface;  
5                   “(E) any other information specified in ap-  
6                   plicable orders or notices; and  
7                   “(F) any other pertinent data as the Sec-  
8                   retary may require.”.

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[Report No. 115-921]

**A BILL**

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