

115TH CONGRESS
2D SESSION

H. R. 6088

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

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

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 is amended by—

9 (1) redesignating section 44 as section 45; and

10 (2) inserting after section 43 the following:

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

2 “(a) IN GENERAL.—Not later than 1 year after the
3 date of the enactment of this section, the Secretary shall
4 establish procedures by which an operator may conduct
5 drilling and production activities on available Federal land
6 and non-Federal land after sending to the Secretary a no-
7 tification of permit to drill under this section in lieu of
8 obtaining an APD.

9 “(b) CONTENT OF NOTIFICATION.—To be considered
10 a complete notification of permit to drill under this sec-
11 tion, an operator shall include in the notification of permit
12 to drill submitted under this section the following:

13 “(1) A notification of permit to drill form.

14 “(2) A surface use plan of operations.

15 “(3) A drilling plan.

16 “(4) A well plat certified by a registered sur-
17 veyor.

18 “(5) An operator certification.

19 “(6) Evidence of bond coverage.

20 “(7) A notification of permit to drill fee in an
21 amount to be determined by the Secretary.

22 “(8) Any other information required by order,
23 notice, or regulation issued by the Secretary pursu-
24 ant to this section.

25 “(c) JUSTIFICATIONS FOR OBJECTION.—

1 “(1) IN GENERAL.—Except as otherwise pro-
2 vided in this subsection, the Secretary may not ob-
3 ject to a notification of permit to drill under this
4 section if the notification—

5 “(A) demonstrates that the drilling oper-
6 ations described in the notification of permit to
7 drill will be located in—

8 “(i) a developed field, where there are
9 existing oil and gas wells within a 5-mile
10 radius and for which an approved land use
11 plan or environmental review was prepared
12 within the last 10 years under the National
13 Environmental Policy Act of 1969 (42
14 U.S.C. 4321) that analyzed such drilling
15 operations as a reasonably foreseeable ac-
16 tivity;

17 “(ii) a location or well pad site at
18 which drilling has occurred within 10 years
19 before the date of spudding the well and
20 the proposed operations do not increase
21 the surface disturbance on the location or
22 well pad site;

23 “(iii) an area consisting of individual
24 surface disturbances of less than 10 acres
25 and the total surface disturbance on the

1 lease is not greater than 150 acres and for
2 which an approved land use plan or envi-
3 ronmental review was prepared within the
4 last 10 years under the National Environ-
5 mental Policy Act of 1969 (42 U.S.C.
6 4321) that analyzed such drilling oper-
7 ations as a reasonably foreseeable activity;

8 “(iv) an area consisting of Federal
9 mineral interests that is located within the
10 boundaries of a communitization agree-
11 ment or unit agreement which contains
12 minerals leased by a State or private min-
13 eral owner for which a drilling permit has
14 been approved by a State regulatory agen-
15 cy; or

16 “(v) an area in which a categorical ex-
17 clusion under the National Environmental
18 Policy Act of 1969 (42 U.S.C. 4321) ap-
19 plies for oil and gas drilling or re-entry ac-
20 tivities; or

21 “(B) includes—

22 “(i) an environmental review that con-
23 cludes that actions described in the notifi-
24 cation of permit to drill pose no significant

1 effects to the human environment or
2 threatened or endangered species; and

3 “(ii) an archeological review that con-
4 cludes that actions described in the notifi-
5 cation of permit to drill pose no significant
6 effects on cultural or historic properties or
7 resources.

8 “(2) ENDANGERED SPECIES PROTECTION.—

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 jeopardize the continued existence of a species
14 that is a threatened species or endangered spe-
15 cies under the Endangered Species Act of 1973
16 (16 U.S.C. 1531 et seq.) or result in the de-
17 struction or adverse modification of critical
18 habitat of such species.

19 “(B) WITHDRAWAL OF OBJECTION.—The
20 Secretary may withdraw an objection under
21 subparagraph (A) if the operator consults with
22 the Secretary on such objection and places con-
23 ditions on the notification of permit to drill suf-
24 ficient to comply with the Endangered Species
25 Act of 1973 (16 U.S.C. 1531 et seq.).

1 “(3) NATIONAL HISTORIC PRESERVATION.—

2 “(A) IN GENERAL.—Notwithstanding para-
3 graph (1), the Secretary shall object to a notifi-
4 cation of permit to drill if the activity described
5 in such notification of permit to drill is likely to
6 affect properties listed, or eligible for listing, in
7 the National Register of Historic Places under
8 section 306108 of title 54, United States Code.

9 “(B) WITHDRAWAL OF OBJECTION.—The
10 Secretary may withdraw an objection under
11 subparagraph (A) if the operator consults with
12 the Secretary on such objection and places con-
13 ditions on the notification of permit to drill suf-
14 ficient to comply with section 306108 of title
15 54, United States Code.

16 “(d) OBJECTION OR NO ACTION.—

17 “(1) NOTIFICATION OF INCOMPLETE NOTIFICA-
18 TION.—Not later than 15 days after receipt of a no-
19 tification of permit to drill, or a revised notification
20 of permit to drill, from an operator under this sec-
21 tion, if the notification of permit to drill is not com-
22 plete, the Secretary shall notify the operator in writ-
23 ing of such.

24 “(2) NOTIFICATION OF OBJECTIONS.—Not later
25 than 45 days after receipt of a complete notification

1 of permit to drill from an operator under this sec-
2 tion, the Secretary shall review the notification of
3 permit to drill and—

4 “(A) notify the operator in writing of any
5 objections to the notification of permit to drill;
6 or

7 “(B) take no action.

8 “(3) NO ACTION REQUIRED.—If the Secretary
9 has not notified an operator under either paragraph
10 (1) or paragraph (2) within 45 days after receipt of
11 a notification of permit to drill from the operator
12 under this section, the operator may, without further
13 action from the Secretary, conduct the drilling and
14 production activities for which the notification of
15 permit to drill was submitted.

16 “(4) OPPORTUNITY TO RESUBMIT NOTIFICA-
17 TION.—If the Secretary notifies an operator under
18 paragraph (1) of an incomplete notification or para-
19 graph (2) of an objection, the Secretary shall allow
20 the operator to address such incomplete notification
21 or objection and revise and resubmit the notification
22 of permit to drill.

23 “(5) OPPORTUNITY TO RESUBMIT NOTIFICA-
24 TION AS APD.—If the Secretary notifies an operator
25 under paragraph (2) of an objection, the Secretary

1 shall allow the operator to resubmit such informa-
2 tion in the form of a notification for an APD.

3 “(e) NOTIFICATION FEE.—The Secretary may not
4 charge an operator under this section a fee for submitting
5 a notification of permit to drill greater than the fee the
6 Secretary charges an applicant for an APD.

7 “(f) ENVIRONMENTAL REVIEW.—

8 “(1) IN GENERAL.—An environmental review or
9 archeological review described in subsection
10 (c)(1)(B) may be completed by a third-party con-
11 tractor approved by the Secretary or pursuant to a
12 memorandum of understanding between the operator
13 and the Secretary.

14 “(2) FIELD WORK AUTHORIZATION.—The Sec-
15 retary shall issue a field work authorization to a
16 third-party contractor for the purposes of paragraph
17 (1) within a reasonable time period.

18 “(3) REQUEST FOR CONCURRENCE.—The Sec-
19 retary shall allow a third-party contractor to submit
20 a request to the State Historic Preservation Office
21 on behalf of the Secretary.

22 “(g) ADDITIONAL SURFACE USE PERMITS.—The
23 Secretary may not require an operator that has submitted
24 a notification of permit to drill for which the Secretary

1 did not notice an objection to obtain a surface use permit
2 for an action included in the notification of permit to drill.

3 “(h) SITE INSPECTION.—The Secretary may not re-
4 quire an operator that has submitted a notification of per-
5 mit to drill for which the Secretary did not notice an objec-
6 tion to submit to a site inspection before commencement
7 of the activities described in the notification of permit to
8 drill.

9 “(i) FEDERAL ENFORCEMENT.—The Secretary may
10 conduct inspections of and evaluate activities described in
11 a notification of permit to drill for purposes of bringing
12 an enforcement action. The Secretary may suspend en-
13 forcement proceedings if the operator modifies its activi-
14 ties to comply with the notification of permit to drill or
15 obtains an APD for such activities.

16 “(j) APPLICATION OF NEPA.—

17 “(1) NO ACTION BY SECRETARY.—The decision
18 by the Secretary to take no action under subsection
19 (c)(1)(B)(2) shall not constitute a major Federal ac-
20 tion under section 102(2)(C) of the National Envi-
21 ronmental Policy Act of 1969 (42 U.S.C.
22 4321(2)(C)).

23 “(2) DEVELOPMENT OF REGULATIONS.—The
24 development of any regulation pursuant to this sec-
25 tion shall constitute a major Federal action under

1 section 102(2)(C) of the National Environmental
2 Policy Act of 1969 (42 U.S.C. 4321(2)(C)).

3 “(k) DEFINITIONS.—In this section:

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

6 “(2) AVAILABLE FEDERAL LAND.—The term
7 ‘available Federal land’ means Federal land that—

8 “(A) is located within the boundaries of a
9 State;

10 “(B) is not held by the United States in
11 trust for the benefit of a federally recognized
12 Indian Tribe;

13 “(C) is not a unit of the National Park
14 System;

15 “(D) is not a unit of the National Wildlife
16 Refuge System;

17 “(E) is not a Congressionally-approved wil-
18 derness area under the Wilderness Act (16 22
19 U.S.C. 1131 et seq.); and

20 “(F) is managed by the Director of the
21 Bureau of Land Management or the Director of
22 the Forest Service.

23 “(3) DRILLING OPERATIONS.—The term ‘drill-
24 ing operations’ means the drilling or re-entry of a
25 well.

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

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

4 “(B) the surface and projected completion
5 zone location;

6 “(C) pertinent geologic data;

7 “(D) expected hazards;

8 “(E) proposed mitigation measures to ad-
9 dress such hazards;

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

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

14 “(5) SURFACE USE PLAN OF OPERATION.—The
15 term ‘surface use plan of operation’ means a plan
16 containing—

17 “(A) the road and drillpad location;

18 “(B) details of pad construction;

19 “(C) methods for containment and disposal
20 of waste material;

21 “(D) plans for reclamation of the surface;

22 “(E) any other information specified in ap-
23 plicable orders or notices; and

1 “(F) any other pertinent data as the Sec-
2 retary may require.”.

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