

## Calendar No. 795

110TH CONGRESS  
2D SESSION**S. 2229****[Report No. 110–363]**

To withdraw certain Federal land in the Wyoming Range from leasing and provide an opportunity to retire certain leases in the Wyoming Range.

---

IN THE SENATE OF THE UNITED STATES

OCTOBER 25, 2007

Mr. BARRASSO (for himself and Mr. ENZI) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

JUNE 16, 2008

Reported by Mr. BINGAMAN, with an amendment

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

---

**A BILL**

To withdraw certain Federal land in the Wyoming Range from leasing and provide an opportunity to retire certain leases in the Wyoming Range.

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 “Wyoming Range Leg-  
5       acy Act of 2007”.

1 **SEC. 2. FINDINGS AND PURPOSES.**

2 (a) FINDINGS.—Congress finds that—

3 (1) the Wyoming Range, a rugged chain of  
4 mountains running north-south for greater than 100  
5 miles in western Wyoming, managed by the Bridger-  
6 Teton National Forest, contains some of the finest  
7 scenic views, wildlife habitat, and outdoor rec-  
8 reational opportunities in the State of Wyoming;

9 (2) the Wyoming Range provides world-class  
10 hunting and fishing opportunities;

11 (3) many area outfitters, ranchers, and busi-  
12 nesses rely on the habitat and recreational values of  
13 the Wyoming Range remaining undiminished;

14 (4) energy development on Federal land in the  
15 State of Wyoming contributes significantly to domes-  
16 tic energy production in the United States; and

17 (5) consistent with the multiple use mandate  
18 for national forest land, currently producing oil and  
19 gas leases within the Wyoming Range would be un-  
20 affected by this Act.

21 (b) PURPOSES.—The purpose of this Act are—

22 (1) to establish the Wyoming Range With-  
23 drawal Area, which would withdraw areas in the Wy-  
24 oming Range portion of the Bridger-Teton National  
25 Forest from location, entry, leasing, and patent  
26 under the mining laws; and

1           (2) to allow for the retirement of existing oil  
 2           and gas leases within the Wyoming Range With-  
 3           drawal Area that are relinquished or otherwise ac-  
 4           quired by the United States.

5   **SEC. 3. WITHDRAWAL OF CERTAIN LAND IN THE WYOMING**  
 6           **RANGE.**

7           (a) **IN GENERAL.**—Subject to valid rights in exist-  
 8           ence on the date of enactment of this Act and subsections  
 9           (c) and (d) (including valid rights under leases in effect  
 10          on the date of enactment of this Act), land in the Wyo-  
 11          ming Range described in subsection (b) is withdrawn  
 12          from—

13           (1) all forms of appropriation or disposal under  
 14           the public land laws;

15           (2) location, entry, and patent under the mining  
 16           laws; and

17           (3) disposition under laws relating to mineral  
 18           and geothermal leasing or mineral materials.

19           (b) **COVERED LAND.**—Subsection (a) applies to all  
 20           Forest Service land and federally owned minerals located  
 21           within the boundaries of the Bridger-Teton National For-  
 22           est identified on the map entitled “Wyoming Range With-  
 23           drawal Area” and dated October 17, 2007, on file with  
 24           the Office of the Chief of the Forest Service and the Office  
 25           of the Supervisor of the Bridger-Teton National Forest.

1       (c) **EXISTING RIGHTS.**—If an existing right to land  
 2 otherwise withdrawn from leasing under this section is re-  
 3 linquished or otherwise acquired by the United States  
 4 after the date of enactment of this Act, the land subject  
 5 to the existing right is withdrawn from leasing in accord-  
 6 ance with this section.

7       (d) **BUFFERS.**—Nothing in this section requires—

8           (1) the creation of a protective perimeter or  
 9 buffer area outside the boundaries of the land with-  
 10 drawn under this section; or

11           (2) any prohibition on activities that can be  
 12 seen or heard from within the boundaries of the land  
 13 withdrawn under this section.

14       (e) **FOREST PLAN.**—The Bridger-Teton National  
 15 Forest Plan (including any revisions) shall apply to any  
 16 land within the Bridger-Teton National Forest that is not  
 17 withdrawn under this section and any leases of that land.

18 **SEC. 4. RETIREMENT OF CERTAIN LEASES IN THE WYO-**  
 19 **MING RANGE.**

20       (a) **REQUEST FOR LEASE RETIREMENT.**—A lessee of  
 21 a valid existing Federal oil, gas, or other mineral lease  
 22 within the Wyoming Range Withdrawal Area covered by  
 23 section 3(b) may submit a written request to the Secretary  
 24 of the Interior (referred to in this section as the “Sec-  
 25 retary”) for the retirement and repurchase of the lease.

1       (b) ~~AUTHORITY OF SECRETARY.~~—The Secretary may  
 2 use non-Federal funds to purchase any lease from a lessee  
 3 who requests retirement and repurchase of the lease under  
 4 subsection (a).

5       (c) ~~AMOUNT.~~—

6           (1) ~~IN GENERAL.~~—Subject to paragraphs (2)  
 7 and (3), the amount of the purchase price for a  
 8 lease retired under this section shall be based on fair  
 9 market value, as determined from an appraisal that  
 10 is agreed to by the Secretary and the lessee.

11       (2) ~~DONATIONS AUTHORIZED.~~—A lessee may—

12           (A) waive a claim to compensation, in  
 13 whole or in part, under this section; and

14           (B) donate to the Secretary a valid exist-  
 15 ing lease in the Wyoming Range Withdrawal  
 16 Area.

17       (3) ~~ACCEPTANCE OF OTHER COMPENSATION.~~—

18 Nothing in this Act limits compensation from a pri-  
 19 vate, State, or other source in lieu of, or in addition  
 20 to, receiving compensation under this section.

21       (d) ~~CANCELLATION OF REPURCHASED AND DO-~~  
 22 ~~NATED LEASES.~~—

23           (1) ~~CANCELLATION.~~—The Secretary shall can-  
 24 cel each lease that is acquired under this section.

1           ~~(2) WITHDRAWAL.—Land that is subject to a~~  
 2           ~~lease that is cancelled under paragraph (1) is with-~~  
 3           ~~drawn in accordance with section 3.~~

4           ~~(e) NOTIFICATION OF LEASEHOLDERS.—Not later~~  
 5           ~~than 120 days after the date of enactment of this Act,~~  
 6           ~~the Secretary shall provide notice to holders of valid exist-~~  
 7           ~~ing Federal leases within the Wyoming Range Withdrawal~~  
 8           ~~Area of the opportunity for repurchase and retirement~~  
 9           ~~under this section.~~

10          ~~(f) RELATIONSHIP TO OTHER AUTHORITY.—Nothing~~  
 11          ~~in this section affects any authority the Secretary may~~  
 12          ~~otherwise have to modify, suspend, or terminate a lease~~  
 13          ~~without compensation.~~

14   **SECTION 1. SHORT TITLE.**

15          *This Act may be cited as the “Wyoming Range Legacy*  
 16          *Act of 2008”.*

17   **SEC. 2. DEFINITIONS.**

18          *In this Act:*

19                (1) *SECRETARY.—The term “Secretary” means*  
 20                *the Secretary of the Interior.*

21                (2) *WYOMING RANGE WITHDRAWAL AREA.—The*  
 22                *term “Wyoming Range Withdrawal Area” means all*  
 23                *National Forest System land and federally owned*  
 24                *minerals located within the boundaries of the*  
 25                *Bridger-Teton National Forest identified on the map*

1        *entitled “Wyoming Range Withdrawal Area” and*  
 2        *dated October 17, 2007, on file with the Office of the*  
 3        *Chief of the Forest Service and the Office of the Su-*  
 4        *pervisor of the Bridger-Teton National Forest.*

5    **SEC. 3. WITHDRAWAL OF CERTAIN LAND IN THE WYOMING**  
 6                                    **RANGE.**

7        *(a) WITHDRAWAL.—Except as provided in subsection*  
 8        *(f), subject to valid existing rights as of the date of enact-*  
 9        *ment of this Act and the provisions of this Act, land in*  
 10       *the Wyoming Range Withdrawal Area is withdrawn*  
 11       *from—*

12                    *(1) all forms of appropriation or disposal under*  
 13        *the public land laws;*

14                    *(2) location, entry, and patent under the mining*  
 15        *laws; and*

16                    *(3) disposition under laws relating to mineral*  
 17        *and geothermal leasing.*

18        *(b) EXISTING RIGHTS.—If any right referred to in*  
 19        *subsection (a) is relinquished or otherwise acquired by the*  
 20        *United States (including through donation under section 4)*  
 21        *after the date of enactment of this Act, the land subject to*  
 22        *that right shall be withdrawn in accordance with this sec-*  
 23        *tion.*

24        *(c) BUFFERS.—Nothing in this section requires—*

1           (1) *the creation of a protective perimeter or buff-*  
 2           *er area outside the boundaries of the Wyoming Range*  
 3           *Withdrawal Area; or*

4           (2) *any prohibition on activities outside of the*  
 5           *boundaries of the Wyoming Range Withdrawal Area*  
 6           *that can be seen or heard from within the boundaries*  
 7           *of the Wyoming Range Withdrawal Area.*

8           (d) *LAND AND RESOURCE MANAGEMENT PLAN.—*

9           (1) *IN GENERAL.—Subject to paragraph (2), the*  
 10          *Bridger-Teton National Land and Resource Manage-*  
 11          *ment Plan (including any revisions to the Plan) shall*  
 12          *apply to any land within the Wyoming Range With-*  
 13          *drawal Area.*

14          (2) *CONFLICTS.—If there is a conflict between*  
 15          *this Act and the Bridger-Teton National Land and*  
 16          *Resource Management Plan, this Act shall apply.*

17          (e) *PRIOR LEASE SALES.—Nothing in this section pro-*  
 18          *hibits the Secretary from taking any action necessary to*  
 19          *issue, deny, remove the suspension of, or cancel a lease, or*  
 20          *any sold lease parcel that has not been issued, pursuant*  
 21          *to any lease sale conducted prior to the date of enactment*  
 22          *of this Act, including the completion of any requirements*  
 23          *under the National Environmental Policy Act of 1969 (42*  
 24          *U.S.C. 4321 et seq.).*



1       (f) *EXCEPTION.*—*Notwithstanding the withdrawal in*  
 2 *subsection (a), the Secretary may lease oil and gas resources*  
 3 *in the Wyoming Range Withdrawal Area that are within*  
 4 *1 mile of the boundary of the Wyoming Range Withdrawal*  
 5 *Area in accordance with the Mineral Leasing Act (30*  
 6 *U.S.C. 181 et seq.) and subject to the following conditions:*

7           (1) *The lease may only be accessed by directional*  
 8 *drilling from a lease held by production on the date*  
 9 *of enactment of this Act on National Forest System*  
 10 *land that is adjacent to, and outside of, the Wyoming*  
 11 *Range Withdrawal Area.*

12          (2) *The lease shall prohibit, without exception or*  
 13 *waiver, surface occupancy and surface disturbance for*  
 14 *any activities, including activities related to explo-*  
 15 *ration, development, or production.*

16          (3) *The directional drilling may extend no fur-*  
 17 *ther than 1 mile inside the boundary of the Wyoming*  
 18 *Range Withdrawal Area.*

19 **SEC. 4. ACCEPTANCE OF THE DONATION OF VALID EXIST-**  
 20 **ING MINING OR LEASING RIGHTS IN THE WY-**  
 21 **OMING RANGE.**

22       (a) *NOTIFICATION OF LEASEHOLDERS.*—*Not later*  
 23 *than 120 days after the date of enactment of this Act, the*  
 24 *Secretary shall provide notice to holders of valid existing*  
 25 *mining or leasing rights within the Wyoming Range With-*

1 *drawal Area of the potential opportunity for repurchase of*  
 2 *those rights and retirement under this section.*

3 *(b) REQUEST FOR LEASE RETIREMENT.—*

4 *(1) IN GENERAL.—A holder of a valid existing*  
 5 *mining or leasing right within the Wyoming Range*  
 6 *Withdrawal Area may submit a written notice to the*  
 7 *Secretary of the interest of the holder in the retire-*  
 8 *ment and repurchase of that right.*

9 *(2) LIST OF INTERESTED HOLDERS.—The Sec-*  
 10 *retary shall prepare a list of interested holders and*  
 11 *make the list available to any non-Federal entity or*  
 12 *person interested in acquiring that right for retire-*  
 13 *ment by the Secretary.*

14 *(c) PROHIBITION.—The Secretary may not use any*  
 15 *Federal funds to purchase any right referred to in sub-*  
 16 *section (a).*

17 *(d) DONATION AUTHORITY.—The Secretary shall—*

18 *(1) accept the donation of any valid existing*  
 19 *mining or leasing right in the Wyoming Range With-*  
 20 *drawal Area from the holder of that right or from any*  
 21 *non-Federal entity or person that acquires that right;*  
 22 *and*

23 *(2) on acceptance, cancel that right.*

24 *(e) RELATIONSHIP TO OTHER AUTHORITY.—Nothing*  
 25 *in this Act affects any authority the Secretary may other-*

- 1 *wise have to modify, suspend, or terminate a lease without*
- 2 *compensation, or to recognize the transfer of a valid existing*
- 3 *mining or leasing right, if otherwise authorized by law.*

Calendar No. 795

110<sup>TH</sup> CONGRESS  
2<sup>D</sup> Session

**S. 2229**

[Report No. 110-363]

**A BILL**

To withdraw certain Federal land in the Wyoming Range from leasing and provide an opportunity to retire certain leases in the Wyoming Range.

JUNE 16, 2008

Reported with an amendment