

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 *gey 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 re-
8 creational 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 tie energy production in the United States; and17 (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

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;

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 (e) 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.

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:*

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.

(a) *WITHDRAWAL.—Except as provided in subsection (f), subject to valid existing rights as of the date of enactment of this Act and the provisions of this Act, land in the Wyoming Range Withdrawal Area is withdrawn from—*

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

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—

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

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.

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