

114TH CONGRESS
1ST SESSION

S. 411

To authorize the approval of natural gas pipelines and establish deadlines and expedite permits for certain natural gas gathering lines on Federal land and Indian land.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 9, 2015

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

A BILL

To authorize the approval of natural gas pipelines and establish deadlines and expedite permits for certain natural gas gathering lines on Federal land and Indian land.

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 “Natural Gas Gathering
5 Enhancement Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

8 (1) record volumes of natural gas production in
9 the United States as of the date of enactment of this

1 Act are providing enormous benefits to the United
2 States, including by—

3 (A) reducing the need for imports of nat-
4 ural gas, thereby directly reducing the trade
5 deficit;

6 (B) strengthening trade ties among the
7 United States, Canada, and Mexico;

8 (C) providing the opportunity for the
9 United States to join the emerging global gas
10 trade through the export of liquefied natural
11 gas;

12 (D) creating and supporting millions of
13 new jobs across the United States;

14 (E) adding billions of dollars to the gross
15 domestic product of the United States every
16 year;

17 (F) generating additional Federal, State,
18 and local government tax revenues; and

19 (G) revitalizing the manufacturing sector
20 by—

21 (i) significantly increasing commercial
22 demand for steel; and

23 (ii) providing abundant and affordable
24 feedstock;

1 (2) natural gas is lost due to venting and flar-
 2 ing, primarily in areas where natural gas infrastruc-
 3 ture has not been developed quickly enough, such as
 4 States with large quantities of Federal land and In-
 5 dian land;

6 (3) permitting processes can hinder the develop-
 7 ment of natural gas infrastructure, such as pipeline
 8 lines and gathering lines on Federal land and Indian
 9 land; and

10 (4) additional authority for the Secretary of the
 11 Interior to approve natural gas pipelines and gath-
 12 ering lines on Federal land and Indian land would—

13 (A) assist in bringing gas to market that
 14 would otherwise be vented or flared; and

15 (B) significantly increase royalties collected
 16 by the Secretary of the Interior and disbursed
 17 to Federal, State, and tribal governments and
 18 individual Indians.

19 **SEC. 3. AUTHORITY TO APPROVE NATURAL GAS PIPELINES.**

20 Section 100902 of title 54, United States Code, is
 21 amended—

22 (1) in subsection (a)(1)—

23 (A) in the matter preceding subparagraph
 24 (A), by striking “Under regulations” and in-
 25 serting “Notwithstanding section 28 of the

1 Mineral Leasing Act (30 U.S.C. 185), under
2 regulations”;

3 (B) in subparagraph (B), by striking
4 “and” at the end;

5 (C) in subparagraph (C), by striking the
6 period at the end and inserting “; and”; and

7 (D) by adding at the end the following:

8 “(D) natural gas pipelines.”; and

9 (2) in subsection (b)—

10 (A) in paragraph (1)—

11 (i) in subparagraph (B), by striking
12 “and” at the end;

13 (ii) in subparagraph (C), by striking
14 the period at the end and inserting “;
15 and”; and

16 (iii) by adding at the end the fol-
17 lowing:

18 “(D) natural gas pipelines.”;

19 (B) in paragraph (2), in the matter pre-
20 ceding subparagraph (A), by striking “A right
21 of way under” and inserting “Except as pro-
22 vided in paragraph (5), a right-of-way granted
23 under”; and

24 (C) by adding at the end the following:

1 “(5) RIGHT-OF-WAY FOR NATURAL GAS PIPE-
 2 LINES.—Notwithstanding paragraph (2), a right-of-
 3 way granted under paragraph (1)(D) shall—

4 “(A) be for a term of not more than 30
 5 years; and

6 “(B) not exceed 50 feet in width after con-
 7 struction of the natural gas pipeline.”.

8 **SEC. 4. CERTAIN NATURAL GAS GATHERING LINES LO-**
 9 **CATED ON FEDERAL LAND AND INDIAN**
 10 **LAND.**

11 (a) IN GENERAL.—Subtitle B of title III of the En-
 12 ergy Policy Act of 2005 (Public Law 109–58; 119 Stat.
 13 685) is amended by adding at the end the following:

14 **“SEC. 319. CERTAIN NATURAL GAS GATHERING LINES LO-**
 15 **CATED ON FEDERAL LAND AND INDIAN**
 16 **LAND.**

17 “(a) DEFINITIONS.—In this section:

18 “(1) GAS GATHERING LINE AND ASSOCIATED
 19 FIELD COMPRESSION UNIT.—

20 “(A) IN GENERAL.—The term ‘gas gath-
 21 ering line and associated field compression unit’
 22 means—

23 “(i) a pipeline that is installed to
 24 transport natural gas production associ-

ated with 1 or more wells drilled and completed to produce oil or gas; and

“(ii) if necessary, a compressor to raise the pressure of that transported natural gas to higher pressures suitable to enable the gas to flow into pipelines and other facilities.

“(B) EXCLUSIONS.—The term ‘gas gathering line and associated field compression unit’ does not include a pipeline or compression unit that is installed to transport natural gas from a processing plant to a common carrier pipeline or facility.

“(2) FEDERAL LAND.—

“(A) IN GENERAL.—The term ‘Federal land’ means land the title to which is held by the United States.

“(B) EXCLUSIONS.—The term ‘Federal land’ does not include—

“(i) a unit of the National Park System;

“(ii) a unit of the National Wildlife Refuge System;

“(iii) a component of the National Wilderness Preservation System; or

1 “(iv) Indian land.

2 “(3) INDIAN LAND.—The term ‘Indian land’
3 means land the title to which is held by—

4 “(A) the United States in trust for an In-
5 dian tribe or an individual Indian; or

6 “(B) an Indian tribe or an individual In-
7 dian subject to a restriction by the United
8 States against alienation.

9 “(b) CERTAIN NATURAL GAS GATHERING LINES.—

10 “(1) IN GENERAL.—Subject to paragraph (2),
11 the issuance of a sundry notice or right-of-way for
12 a gas gathering line and associated field compression
13 unit that is located on Federal land or Indian land
14 and that services any oil or gas well shall be consid-
15 ered to be an action that is categorically excluded
16 (as defined in section 1508.4 of title 40, Code of
17 Federal Regulations (as in effect on the date of en-
18 actment of this Act)) for purposes of the National
19 Environmental Policy Act of 1969 (42 U.S.C. 4321
20 et seq.) if the gas gathering line and associated field
21 compression unit are—

22 “(A) within a field or unit for which an ap-
23 proved land use plan or an environmental docu-
24 ment prepared pursuant to the National Envi-
25 ronmental Policy Act of 1969 (42 U.S.C. 4321

et seq.) analyzed transportation of natural gas produced from 1 or more oil or gas wells in that field or unit as a reasonably foreseeable activity; and

“(B) located adjacent to or within—

“(i) any existing disturbed area; or

“(ii) an existing corridor for a right-of-way.

“(2) APPLICABILITY.—Paragraph (1) shall apply to Indian land, or a portion of Indian land, for which the Indian tribe with jurisdiction over the Indian land submits to the Secretary of the Interior a written request that paragraph (1) apply to that Indian land (or portion of Indian land).

“(c) EFFECT ON OTHER LAW.—Nothing in this section affects or alters any requirement—

“(1) relating to prior consent under—

“(A) section 2 of the Act of February 5, 1948 (25 U.S.C. 324); or

“(B) section 16(e) of the Act of June 18, 1934 (25 U.S.C. 476(e)) (commonly known as the ‘Indian Reorganization Act’);

“(2) under section 106 of the National Historic Preservation Act (16 U.S.C. 470f); or

1 “(3) under any other Federal law (including
 2 regulations) relating to tribal consent for rights-of-
 3 way across Indian land.”.

4 (b) ASSESSMENTS.—Title XVIII of the Energy Policy
 5 Act of 2005 (Public Law 109–58; 119 Stat. 1122) is
 6 amended by adding at the end the following:

7 **“SEC. 1841. NATURAL GAS GATHERING SYSTEM ASSESS-**
 8 **MENTS.**

9 “(a) DEFINITION OF GAS GATHERING LINE AND AS-
 10 SOCIATED FIELD COMPRESSION UNIT.—In this section,
 11 the term ‘gas gathering line and associated field compres-
 12 sion unit’ has the meaning given the term in section 319.

13 “(b) STUDY.—Not later than 1 year after the date
 14 of enactment of the Natural Gas Gathering Enhancement
 15 Act, the Secretary of the Interior, in consultation with
 16 other appropriate Federal agencies, States, and Indian
 17 tribes, shall submit to the Committee on Energy and Nat-
 18 ural Resources of the Senate and the Committee on Nat-
 19 ural Resources of the House of Representatives a study
 20 identifying—

21 “(1) any actions that may be taken, under Fed-
 22 eral law (including regulations), to expedite permit-
 23 ting for gas gathering lines and associated field com-
 24 pression units that are located on Federal land or
 25 Indian land, for the purpose of transporting natural

1 gas associated with oil and gas production on any
2 land to a processing plant or a common carrier pipe-
3 line for delivery to markets; and

4 “(2) any proposed changes to Federal law (in-
5 cluding regulations) to expedite permitting for gas
6 gathering lines and associated field compression
7 units that are located on Federal land, for the pur-
8 pose of transporting natural gas associated with oil
9 and gas production on any land to a processing
10 plant or a common carrier pipeline for delivery to
11 markets.

12 “(c) REPORT.—Not later than 1 year after the date
13 of enactment of the Natural Gas Gathering Enhancement
14 Act, and every 1 year thereafter, the Secretary of the Inte-
15 rior, in consultation with other appropriate Federal agen-
16 cies, States, and Indian tribes, shall submit to the Com-
17 mittee on Energy and Natural Resources of the Senate
18 and the Committee on Natural Resources of the House
19 of Representatives a report that describes—

20 “(1) the progress made in expediting permits
21 for gas gathering lines and associated field compres-
22 sion units that are located on Federal land or Indian
23 land, for the purpose of transporting natural gas as-
24 sociated with oil and gas production on any land to

1 a processing plant or a common carrier pipeline for
 2 delivery to markets; and

3 “(2) any issues impeding that progress.”.

4 (c) TECHNICAL AMENDMENTS.—

5 (1) Section 1(b) of the Energy Policy Act of
 6 2005 (Public Law 109–58; 119 Stat. 594) is amend-
 7 ed by adding at the end of subtitle B of title III the
 8 following:

“Sec. 319. Natural gas gathering lines located on Federal land and Indian
 land.”.

9 (2) Section (1)(b) of the Energy Policy Act of
 10 2005 (Public Law 109–58; 119 Stat. 594) is amend-
 11 ed by adding at the end of title XXVIII the fol-
 12 lowing:

“Sec. 1841. Natural gas gathering system assessments.”.

13 **SEC. 5. DEADLINES FOR PERMITTING NATURAL GAS GATH-**
 14 **ERING LINES UNDER THE MINERAL LEASING**
 15 **ACT.**

16 Section 28 of the Mineral Leasing Act (30 U.S.C.
 17 185) is amended by adding at the end the following:

18 “(z) NATURAL GAS GATHERING LINES.—The Sec-
 19 retary of the Interior or other appropriate agency head
 20 shall issue a sundry notice or right-of-way for a gas gath-
 21 ering line and associated field compression unit (as de-
 22 fined in section 319(a) of the Energy Policy Act of 2005)
 23 that is located on Federal land not later than 90 days

1 after the date on which the applicable agency head receives
2 the request for issuance unless the Secretary or agency
3 head finds that the sundry notice or right-of-way would
4 violate the National Historic Preservation Act (16 U.S.C.
5 470 et seq.) or the Endangered Species Act of 1973 (16
6 U.S.C. 1531 et seq.).”.

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