

(3) to the Secretary of Agriculture, acting through the Chief of the Forest Service, \$5,000,000 to carry out subsections (a)(2) and (c).

(Pub. L. 109-58, title III, §362, Aug. 8, 2005, 119 Stat. 721.)

Editorial Notes

REFERENCES IN TEXT

The Mineral Leasing Act, referred to in subsec. (b)(1)(A), is act Feb. 25, 1920, ch. 85, 41 Stat. 437, which is classified generally to chapter 3A (§181 et seq.) of Title 30, Mineral Lands and Mining. For complete classification of this Act to the Code, see Short Title note set out under section 181 of Title 30 and Tables.

Section 361, referred to in subsec. (b)(2), is section 361 of Pub. L. 109-58, title III, Aug. 8, 2005, 119 Stat. 720, which is not classified to the Code.

§ 15922. Consultation regarding oil and gas leasing on public land

(a) In general

Not later than 180 days after August 8, 2005, the Secretary of the Interior and the Secretary of Agriculture shall enter into a memorandum of understanding regarding oil and gas leasing on—

- (1) public land under the jurisdiction of the Secretary of the Interior; and
- (2) National Forest System land under the jurisdiction of the Secretary of Agriculture.

(b) Contents

The memorandum of understanding shall include provisions that—

- (1) establish administrative procedures and lines of authority that ensure timely processing of—
 - (A) oil and gas lease applications;
 - (B) surface use plans of operation, including steps for processing surface use plans; and
 - (C) applications for permits to drill consistent with applicable timelines;
- (2) eliminate duplication of effort by providing for coordination of planning and environmental compliance efforts;
- (3) ensure that lease stipulations are—
 - (A) applied consistently;
 - (B) coordinated between agencies; and
 - (C) only as restrictive as necessary to protect the resource for which the stipulations are applied;
- (4) establish a joint data retrieval system that is capable of—
 - (A) tracking applications and formal requests made in accordance with procedures of the Federal onshore oil and gas leasing program; and
 - (B) providing information regarding the status of the applications and requests within the Department of the Interior and the Department of Agriculture; and
- (5) establish a joint geographic information system mapping system for use in—
 - (A) tracking surface resource values to aid in resource management; and
 - (B) processing surface use plans of operation and applications for permits to drill.

(Pub. L. 109-58, title III, §363, Aug. 8, 2005, 119 Stat. 722.)

§ 15923. Methodology

The Secretary of the Interior shall use the same assessment methodology across all geological provinces, areas, and regions in preparing and issuing national geological assessments to ensure accurate comparisons of geological resources.

(Pub. L. 109-58, title III, §364(b), Aug. 8, 2005, 119 Stat. 723.)

§ 15924. Project to improve Federal permit coordination

(a) Establishment

The Secretary of the Interior (referred to in this section as the “Secretary”) shall establish a Federal Permit Streamlining Project (referred to in this section as the “Project”).

(b) Memorandum of understanding

(1) In general

Not later than 90 days after August 8, 2005, the Secretary shall enter into a memorandum of understanding for purposes of this section with—

- (A) the Secretary of Agriculture;
- (B) the Administrator of the Environmental Protection Agency; and
- (C) the Chief of Engineers.

(2) State participation

The Secretary may request that the Governors of the States in which Project offices are located be signatories to the memorandum of understanding.

(c) Designation of qualified staff

(1) In general

Not later than 30 days after the date of the signing of the memorandum of understanding under subsection (b), all Federal signatory parties shall, if appropriate, assign to each of the field offices identified in subsection (d) an employee who has expertise in the regulatory issues relating to the office in which the employee is employed, including, as applicable, particular expertise in—

- (A) the consultations and the preparation of biological opinions under section 1536 of title 16;
- (B) permits under section 1344 of title 33;
- (C) regulatory matters under the Clean Air Act (42 U.S.C. 7401 et seq.);
- (D) planning under the National Forest Management Act of 1976 (16 U.S.C. 472a et seq.); and
- (E) the preparation of analyses under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(2) Duties

Each employee assigned under paragraph (1) shall—

- (A) not later than 90 days after the date of assignment, report to the Bureau of Land Management Field Managers in the office to which the employee is assigned;
- (B) be responsible for all issues relating to the jurisdiction of the home office or agency of the employee; and

(C) participate as part of the team of personnel working on proposed energy projects, planning, and environmental analyses.

(d) Project offices

The following Bureau of Land Management Offices shall serve as the Project offices:

- (1) Rawlins Field Office, Wyoming.
- (2) High Plains District Office, Wyoming.
- (3) Montana/Dakotas State Office, Montana.
- (4) Farmington Field Office, New Mexico.
- (5) Carlsbad Field Office, New Mexico.
- (6) Grand Junction/Glenwood Springs Field Office, Colorado.
- (7) Vernal Field Office, Utah.
- (8) Any other State, district, or field office of the Bureau of Land Management determined by the Secretary.

(e) Report to Congress

Not later than February 1 of the first fiscal year beginning after the date of enactment of the National Defense Authorization Act for Fiscal Year 2015 and each February 1 thereafter, the Secretary shall report to the Chairman and ranking minority Member of the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives, which shall include—

- (1) the allocation of funds to each Project office for the previous fiscal year; and
- (2) the accomplishments of each Project office relating to the coordination and processing of oil and gas use authorizations during that fiscal year.

(f) Additional personnel

The Secretary shall assign to each field office identified in subsection (d) any additional personnel that are necessary to ensure the effective implementation of—

- (1) the Project; and
- (2) other programs administered by the field offices, including inspection and enforcement relating to energy development on Federal land, in accordance with the multiple use mandate of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

(g) Omitted

(h) Transfer of funds

For the purposes of coordination and processing of oil and gas use authorizations on Federal land under the administration of the Project offices identified in subsection (d), the Secretary may authorize the expenditure or transfer of such funds as are necessary to—

- (1) the United States Fish and Wildlife Service;
- (2) the Bureau of Indian Affairs;
- (3) the Forest Service;
- (4) the Environmental Protection Agency;
- (5) the Corps of Engineers; and
- (6) the States in which Project offices are located.

(i) Savings provision

Nothing in this section affects—

- (1) the operation of any Federal or State law; or
- (2) any delegation of authority made by the head of a Federal agency whose employees are participating in the Project.

(Pub. L. 109-58, title III, §365, Aug. 8, 2005, 119 Stat. 723; Pub. L. 113-69, §1, Dec. 26, 2013, 127 Stat. 1207; Pub. L. 113-291, div. B, title XXX, §3021(a), Dec. 19, 2014, 128 Stat. 3759.)

Editorial Notes

REFERENCES IN TEXT

The Clean Air Act, referred to in subsec. (c)(1)(C), is act July 14, 1955, ch. 360, 69 Stat. 322, which is classified generally to chapter 85 (§7401 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 7401 of this title and Tables.

The National Forest Management Act of 1976, referred to in subsec. (c)(1)(D), is Pub. L. 94-588, Oct. 22, 1976, 90 Stat. 2949, which enacted sections 472a, 521b, 1600, and 1611 to 1614 of Title 16, Conservation, amended sections 500, 515, 516, 518, 576b, and 1601 to 1610 of Title 16, repealed sections 476, 513, and 514 of Title 16, and enacted provisions set out as notes under sections 476, 513, 528, 594-2, and 1600 of Title 16. For complete classification of this Act to the Code, see Short Title of 1976 Amendment note set out under section 1600 of Title 16 and Tables.

The National Environmental Policy Act of 1969, referred to in subsec. (c)(1)(E), is Pub. L. 91-190, Jan. 1, 1970, 83 Stat. 852, which is classified generally to chapter 55 (§4321 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 4321 of this title and Tables.

The date of enactment of the National Defense Authorization Act for Fiscal Year 2015, referred to in subsec. (e), probably means the date of enactment of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015, Pub. L. 113-291, which was approved Dec. 19, 2014.

The Federal Land Policy and Management Act of 1976, referred to in subsec. (f)(2), is Pub. L. 94-579, Oct. 21, 1976, 90 Stat. 2743, which is classified principally to chapter 35 (§1701 et seq.) of Title 43, Public Lands. For complete classification of this Act to the Code, see Short Title note set out under section 1701 of Title 43 and Tables.

CODIFICATION

Section is comprised of section 365 of Pub. L. 109-58. Subsec. (g) of section 365 of Pub. L. 109-58 amended section 191 of Title 30, Mineral Lands and Mining.

AMENDMENTS

2014—Pub. L. 113-291, §3021(a)(1), struck out “Pilot” before “Project” in section catchline.

Subsec. (a). Pub. L. 113-291, §3021(a)(2), substituted “Project” for “Pilot Project” in two places.

Subsec. (b)(2). Pub. L. 113-291, §3021(a)(3), substituted “the States in which Project offices are located” for “Wyoming, Montana, Colorado, Utah, and New Mexico”.

Subsec. (d). Pub. L. 113-291, §3021(a)(4)(A), struck out “Pilot” before “Project” in heading.

Pub. L. 113-291, §3021(a)(2), substituted “Project” for “Pilot Project” in introductory provisions.

Subsec. (d)(8). Pub. L. 113-291, §3021(a)(4)(B), added par. (8).

Subsec. (e). Pub. L. 113-291, §3021(a)(5), added subsec. (e) and struck out former subsec. (e) which required the Secretary to submit to Congress a report about the Pilot Project not later than 3 years after Aug. 8, 2005.

Subsecs. (e)(1), (2), (f)(1), (h). Pub. L. 113-291, §3021(a)(2), substituted “Project” for “Pilot Project”.

Subsec. (h)(6). Pub. L. 113-291, §3021(a)(6), added par. (6) and struck out former par. (6) which read as follows: “the States of Wyoming, Montana, Colorado, Utah, and New Mexico.”

Subsec. (i). Pub. L. 113-291, §3021(a)(7), (8), redesignated subsec. (j) as (i) and struck out former subsec. (i). Prior to amendment, text read as follows: “During the

period in which the Project is authorized, the Secretary shall not implement a rulemaking that would enable an increase in fees to recover additional costs related to processing drilling-related permit applications and use authorizations.”

Pub. L. 113-291, §3021(a)(2), substituted “Project” for “Pilot Project”.

Subsec. (j)(2). Pub. L. 113-291, §3021(a)(2), substituted “Project” for “Pilot Project”.

2013—Subsec. (d). Pub. L. 113-69 added subsec. (d) and struck out former subsec. (d). Prior to amendment, text read as follows: “The following Bureau of Land Management Field Offices shall serve as the Pilot Project offices:

- “(1) Rawlins, Wyoming.
- “(2) Buffalo, Wyoming.
- “(3) Miles City, Montana.
- “(4) Farmington, New Mexico.
- “(5) Carlsbad, New Mexico.
- “(6) Grand Junction/Glenwood Springs, Colorado.
- “(7) Vernal, Utah.”

§ 15925. Fair market value determinations for linear rights-of-way across public lands and national forests

(a) Update of fee schedule

Not later than 1 year after August 8, 2005—

(1) the Secretary of the Interior shall update section 2806.20 of title 43, Code of Federal Regulations, as in effect on August 8, 2005, to revise the per acre rental fee zone value schedule by State, county, and type of linear right-of-way use to reflect current values of land in each zone; and

(2) the Secretary of Agriculture shall make the same revision for linear rights-of-way granted, issued, or renewed under title V of the Federal Lands Policy and Management Act of 1976 (43 U.S.C. 1761 et seq.) on National Forest System land.

(b) Fair market value rental determination for linear rights-of-way

The fair market value rent of a linear right-of-way across public lands or National Forest System lands issued under section 504 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1764) or section 185 of title 30 shall be determined in accordance with subpart 2806 of title 43, Code of Federal Regulations, as in effect on August 8, 2005 (including the annual or periodic updates specified in the regulations), and as updated in accordance with subsection (a).

(Pub. L. 109-58, title III, §367, Aug. 8, 2005, 119 Stat. 726.)

Editorial Notes

REFERENCES IN TEXT

The Federal Land Policy and Management Act of 1976, referred to in subsec. (a)(2), is Pub. L. 94-579, Oct. 21, 1976, 90 Stat. 2743. Title V of the Act is classified generally to subchapter V (§1761 et seq.) of chapter 35 of Title 43, Public Lands. For complete classification of this Act to the Code, see Short Title note set out under section 1701 of Title 43 and Tables.

§ 15926. Energy right-of-way corridors on Federal land

(a) Western States

Not later than 2 years after August 8, 2005, the Secretary of Agriculture, the Secretary of Commerce, the Secretary of Defense, the Secretary

of Energy, and the Secretary of the Interior (in this section referred to collectively as “the Secretaries”), in consultation with the Federal Energy Regulatory Commission, States, tribal or local units of governments as appropriate, affected utility industries, and other interested persons, shall consult with each other and shall—

(1) designate, under their respective authorities, corridors for oil, gas, and hydrogen pipelines and electricity transmission and distribution facilities on Federal land in the eleven contiguous Western States (as defined in section 1702(o) of title 43;¹

(2) perform any environmental reviews that may be required to complete the designation of such corridors; and

(3) incorporate the designated corridors into the relevant agency land use and resource management plans or equivalent plans.

(b) Other States

Not later than 4 years after August 8, 2005, the Secretaries, in consultation with the Federal Energy Regulatory Commission, affected utility industries, and other interested persons, shall jointly—

(1) identify corridors for oil, gas, and hydrogen pipelines and electricity transmission and distribution facilities on Federal land in States other than those described in subsection (a); and

(2) schedule prompt action to identify, designate, and incorporate the corridors into the applicable land use plans.

(c) Ongoing responsibilities

The Secretaries, in consultation with the Federal Energy Regulatory Commission, affected utility industries, and other interested parties, shall establish procedures under their respective authorities that—

(1) ensure that additional corridors for oil, gas, and hydrogen pipelines and electricity transmission and distribution facilities on Federal land are promptly identified and designated as necessary; and

(2) expedite applications to construct or modify oil, gas, and hydrogen pipelines and electricity transmission and distribution facilities within such corridors, taking into account prior analyses and environmental reviews undertaken during the designation of such corridors.

(d) Considerations

In carrying out this section, the Secretaries shall take into account the need for upgraded and new electricity transmission and distribution facilities to—

(1) improve reliability;

(2) relieve congestion; and

(3) enhance the capability of the national grid to deliver electricity.

(e) Specifications of corridor

A corridor designated under this section shall, at a minimum, specify the centerline, width, and compatible uses of the corridor.

¹So in original. A closing parenthesis probably should follow “title 43”.