

document entitled “Interagency Agreement On Early Coordination Of Required Environmental And Historic Preservation Reviews Conducted In Conjunction With The Issuance Of Authorizations To Construct And Operate Interstate Natural Gas Pipelines Certificated By The Federal Energy Regulatory Commission” shall constitute compliance with subsection (a).

(2) Report

(A) In general

Not later than 1 year after August 8, 2005, and every 2 years thereafter, agencies that are signatories to the document referred to in paragraph (1) shall transmit to Congress a report on how the agencies under the jurisdiction of the Secretaries are incorporating and implementing the provisions of the document referred to in paragraph (1).

(B) Contents

The report shall address—

- (i) efforts to implement the provisions of the document referred to in paragraph (1);
- (ii) whether the efforts have had a streamlining effect;
- (iii) further improvements to the permitting process of the agency; and
- (iv) recommendations for inclusion of State and tribal governments in a coordinated permitting process.

(c) Definition of utility facility

In this section, the term “utility facility” means any privately, publicly, or cooperatively owned line, facility, or system—

- (1) for the transportation of—
 - (A) oil, natural gas, synthetic liquid fuel, or gaseous fuel;
 - (B) any refined product produced from oil, natural gas, synthetic liquid fuel, or gaseous fuel; or
 - (C) products in support of the production of material referred to in subparagraph (A) or (B);
- (2) for storage and terminal facilities in connection with the production of material referred to in paragraph (1); or
- (3) for the generation, transmission, and distribution of electric energy.

(Pub. L. 109–58, title III, §372, Aug. 8, 2005, 119 Stat. 734.)

PART C—MISCELLANEOUS

§ 15941. Great Lakes oil and gas drilling ban

No Federal or State permit or lease shall be issued for new oil and gas slant, directional, or offshore drilling in or under one or more of the Great Lakes.

(Pub. L. 109–58, title III, §386, Aug. 8, 2005, 119 Stat. 744.)

§ 15942. NEPA review

(a) NEPA review

Action by the Secretary of the Interior in managing the public lands, or the Secretary of Agriculture in managing National Forest System Lands, with respect to any of the activities

described in subsection (b) shall be subject to a rebuttable presumption that the use of a categorical exclusion under the National Environmental Policy Act of 1969 [42 U.S.C. 4321 et seq.] (NEPA) would apply if the activity is conducted pursuant to the Mineral Leasing Act [30 U.S.C. 181 et seq.] for the purpose of exploration or development of oil or gas.

(b) Activities described

The activities referred to in subsection (a) are the following:

(1) Individual surface disturbances of less than 5 acres so long as the total surface disturbance on the lease is not greater than 150 acres and site-specific analysis in a document prepared pursuant to NEPA has been previously completed.

(2) Drilling an oil or gas well at a location or well pad site at which drilling has occurred previously within 5 years prior to the date of spudding the well.

(3) Drilling an oil or gas well within a developed field for which an approved land use plan or any environmental document prepared pursuant to NEPA analyzed such drilling as a reasonably foreseeable activity, so long as such plan or document was approved within 5 years prior to the date of spudding the well.

(4) Placement of a pipeline in an approved right-of-way corridor, so long as the corridor was approved within 5 years prior to the date of placement of the pipeline.

(5) Maintenance of a minor activity, other than any construction or major renovation or a building or facility.

(Pub. L. 109–58, title III, §390, Aug. 8, 2005, 119 Stat. 747.)

Editorial Notes

REFERENCES IN TEXT

The National Environmental Policy Act of 1969, referred to in subsec. (a), 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 Mineral Leasing Act, referred to in subsec. (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.

§ 15943. Certain gathering lines located on Federal land and Indian land

(a) Definitions

In this section:

(1) 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;