

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.*

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