

113TH CONGRESS
1ST SESSION

H. R. 1587

To authorize the Secretary of the Interior and the Secretary of Agriculture to issue permits for rights-of-way, temporary easements, or other necessary authorizations to facilitate natural gas, oil, and petroleum product pipelines and related facilities on eligible Federal lands, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 16, 2013

Mr. MARINO (for himself, Mr. YOUNG of Alaska, Mr. REED, and Mr. TURNER) introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To authorize the Secretary of the Interior and the Secretary of Agriculture to issue permits for rights-of-way, temporary easements, or other necessary authorizations to facilitate natural gas, oil, and petroleum product pipelines and related facilities on eligible Federal lands, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Energy Infrastructure
3 Improvement Act”.

4 **SEC. 2. AUTHORITY FOR NATURAL GAS AND OIL PIPE-**
5 **LINES.**

6 (a) **IN GENERAL.**—Notwithstanding any provision of
7 the Mineral Leasing Act (cite), the Secretary may issue
8 permits for rights-of-way, temporary easements, or other
9 necessary authorizations to allow a permittee to construct,
10 operate, maintain, expand, or modify a natural gas, oil,
11 or petroleum products pipeline and related facilities on eli-
12 gible Federal lands.

13 (b) **TERMS AND CONDITIONS.**—A permit issued
14 under this section shall be consistent with the laws and
15 regulations generally applicable to utility rights-of-way
16 within the respective eligible Federal land and subject to
17 such terms and conditions as the Secretary deems appro-
18 priate.

19 (c) **FEEES.**—

20 (1) **PERMIT FEE.**—The Secretary shall charge
21 and retain a fee for any permit issued under this
22 section. The fee shall be calculated to provide for re-
23 covery of costs incurred by the United States associ-
24 ated with processing, issuing, and monitoring the
25 permit.

1 (2) ANNUAL FEE.—The Secretary shall charge
2 an annual fee related to each permit which requires
3 payment, in advance, of the fair market rental value
4 of permitted use as determined by the Secretary.

5 (d) TERM.—

6 (1) INITIAL TERM.—The Secretary shall deter-
7 mine the initial fixed term for a permit issued under
8 this section, taking into consideration the following:

9 (A) The cost of planning, approval, con-
10 struction, operation, and maintenance of the
11 pipeline and its related facility (in terms of time
12 and money).

13 (B) The useful life of the pipeline and its
14 related facility.

15 (C) The public or economic purpose served
16 by the pipeline and its related facility.

17 (2) RENEWALS.—The Secretary shall renew
18 any right-of-way issued under this section, in accord-
19 ance with the provisions of this section, if the pipe-
20 line and its related facility is in commercial oper-
21 ation and operated and maintained in accordance
22 with this section and the permit issued under this
23 section for that pipeline and its related facility.

24 (e) ENFORCEMENT.—

1 (1) IN GENERAL.—The Secretary may impose
2 citations or fines or suspend or revoke any authority
3 under a permit issued under this section for failure
4 to comply with or for violation of any term or condi-
5 tion of the permit.

6 (2) SUSPENSION OR TERMINATION OF THE
7 RIGHT-OF-WAY.—Abandonment of a permit or delib-
8 erate noncompliance with any provision of this sec-
9 tion or of a permit issued under this section may be
10 grounds for suspension or termination of the permit
11 if the Secretary determines that such grounds exist
12 and that suspension or termination is justified after
13 the permittee has been given—

14 (A) due notice;

15 (B) a reasonable opportunity to remedy
16 the abandonment or noncompliance; and

17 (C) an appropriate administrative pro-
18 ceeding pursuant to section 554 of title 5,
19 United States Code.

20 (3) MISUSE OR NONUSE OF PERMIT.—Delib-
21 erate failure to use a permit for the purpose for
22 which it was granted or renewed for any continuous
23 two-year period shall constitute a rebuttable pre-
24 sumption of abandonment of the permit. Where the
25 failure to use the permit is due to circumstances not

1 within the permittee's control, the Secretary is not
2 required to commence proceedings to suspend or ter-
3minate the permit.

4 (4) JUDICIAL REVIEW.—Not later than 90 days
5 after a final decision by the Secretary under this
6 subsection, a permittee may file a suit to challenge
7 that decision in the United States court of appeals
8 for the circuit in which the Federal land which is the
9 subject of the permit is located. Such court shall
10 have jurisdiction to hear and determine any suit
11 brought as provided in this subsection.

12 (f) MODIFICATIONS.—The Secretary may modify a
13 permit issued under this section if the modification is
14 agreed upon by the permittee and complies with this sec-
15 tion. Any action taken by the Secretary pursuant to this
16 subsection shall not be considered a major Federal action
17 requiring a detailed statement under section 102(2)(C) of
18 the National Environmental Policy Act of 1970 (42 U.S.C.
19 4332(2)(C)).

20 (g) DEFINITIONS.—For purposes of this section:

21 (1) ELIGIBLE FEDERAL LANDS.—The term “el-
22 igible Federal lands” means—

23 (A) Federal lands under the administrative
24 jurisdiction of the Secretary of the Interior, ex-
25 cept—

1 (i) lands held in trust for a federal
2 recognized Indian tribe or a member of a
3 federally recognized Indian tribe; and

4 (ii) lands on the Outer Continental
5 Shelf; and

6 (B) National Forest System lands.

7 (2) FACILITY.—The term “facility”—

8 (A) includes such things as buildings, pipe-
9 lines, and auxiliary or appurtenant facilities re-
10 lated to the construction, operation, and main-
11 tenance of the pipeline; and

12 (B) does not include wells, drills, or drill-
13 ing platforms.

14 (3) PERMITTEE.—The term “permittee” means
15 the owner of a natural gas, oil, or petroleum prod-
16 ucts pipeline and the owner’s successors or assigns.

17 (4) SECRETARY.—The term “Secretary” means
18 the Secretary of the Interior or the Secretary of Ag-
19 riculture, as appropriate in regard the Secretary
20 with administrative jurisdiction over the Federal
21 lands involved.

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