

AMENDMENT NO. _____ Calendar No. _____

Purpose: To provide a complete substitute.

IN THE SENATE OF THE UNITED STATES—110th Cong., 2d Sess.

S. 2229

To withdraw certain Federal land in the Wyoming Range from leasing and provide an opportunity to retire certain leases in the Wyoming Range.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended
to be proposed by _____

Viz:

1 Strike all after the enacting clause and insert the fol-
2 lowing:

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Wyoming Range Leg-
5 acy Act of 2008”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) SECRETARY.—The term “Secretary” means
9 the Secretary of the Interior.

1 (2) WYOMING RANGE WITHDRAWAL AREA.—
2 The term “Wyoming Range Withdrawal Area”
3 means all National Forest System land and federally
4 owned minerals located within the boundaries of the
5 Bridger-Teton National Forest identified on the map
6 entitled “Wyoming Range Withdrawal Area” and
7 dated October 17, 2007, on file with the Office of
8 the Chief of the Forest Service and the Office of the
9 Supervisor of the Bridger-Teton National Forest.

10 **SEC. 3. WITHDRAWAL OF CERTAIN LAND IN THE WYOMING**
11 **RANGE.**

12 (a) WITHDRAWAL.—Except as provided in subsection
13 (f), subject to valid existing rights as of the date of enact-
14 ment of this Act and the provisions of this Act, land in
15 the Wyoming Range Withdrawal Area is withdrawn
16 from—

17 (1) all forms of appropriation or disposal under
18 the public land laws;

19 (2) location, entry, and patent under the mining
20 laws; and

21 (3) disposition under laws relating to mineral
22 and geothermal leasing.

23 (b) EXISTING RIGHTS.—If any right referred to in
24 subsection (a) is relinquished or otherwise acquired by the
25 United States (including through donation under section

1 4) after the date of enactment of this Act, the land subject
2 to that right shall be withdrawn in accordance with this
3 section.

4 (c) BUFFERS.—Nothing in this section requires—

5 (1) the creation of a protective perimeter or
6 buffer area outside the boundaries of the Wyoming
7 Range Withdrawal Area; or

8 (2) any prohibition on activities outside of the
9 boundaries of the Wyoming Range Withdrawal Area
10 that can be seen or heard from within the bound-
11 aries of the Wyoming Range Withdrawal Area.

12 (d) LAND AND RESOURCE MANAGEMENT PLAN.—

13 (1) IN GENERAL.—Subject to paragraph (2),
14 the Bridger-Teton National Land and Resource
15 Management Plan (including any revisions to the
16 Plan) shall apply to any land within the Wyoming
17 Range Withdrawal Area.

18 (2) CONFLICTS.—If there is a conflict between
19 this Act and the Bridger-Teton National Land and
20 Resource Management Plan, this Act shall apply.

21 (e) PRIOR LEASE SALES.—Nothing in this section
22 prohibits the Secretary from taking any action necessary
23 to issue, deny, remove the suspension of, or cancel a lease,
24 or any sold lease parcel that has not been issued, pursuant
25 to any lease sale conducted prior to the date of enactment

1 of this Act, including the completion of any requirements
2 under the National Environmental Policy Act of 1969 (42
3 U.S.C. 4321 et seq.).

4 (f) EXCEPTION.—Notwithstanding the withdrawal in
5 subsection (a), the Secretary may lease oil and gas re-
6 sources in the Wyoming Range Withdrawal Area that are
7 within 1 mile of the boundary of the Wyoming Range
8 Withdrawal Area in accordance with the Mineral Leasing
9 Act (30 U.S.C. 181 et seq.) and subject to the following
10 conditions:

11 (1) The lease may only be accessed by direc-
12 tional drilling from a lease held by production on the
13 date of enactment of this Act on National Forest
14 System land that is adjacent to, and outside of, the
15 Wyoming Range Withdrawal Area.

16 (2) The lease shall prohibit, without exception
17 or waiver, surface occupancy and surface disturb-
18 ance for any activities, including activities related to
19 exploration, development, or production.

20 (3) The directional drilling may extend no fur-
21 ther than 1 mile inside the boundary of the Wyo-
22 ming Range Withdrawal Area.

1 **SEC. 4. ACCEPTANCE OF THE DONATION OF VALID EXIST-**
2 **ING MINING OR LEASING RIGHTS IN THE WY-**
3 **OMING RANGE.**

4 (a) 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 mining or leasing rights within the Wyoming Range
8 Withdrawal Area of the potential opportunity for repur-
9 chase of those rights and retirement under this section.

10 (b) REQUEST FOR LEASE RETIREMENT.—

11 (1) IN GENERAL.—A holder of a valid existing
12 mining or leasing right within the Wyoming Range
13 Withdrawal Area may submit a written notice to the
14 Secretary of the interest of the holder in the retire-
15 ment and repurchase of that right.

16 (2) LIST OF INTERESTED HOLDERS.—The Sec-
17 retary shall prepare a list of interested holders and
18 make the list available to any non-Federal entity or
19 person interested in acquiring that right for retire-
20 ment by the Secretary.

21 (c) PROHIBITION.—The Secretary may not use any
22 Federal funds to purchase any right referred to in sub-
23 section (a).

24 (d) DONATION AUTHORITY.—The Secretary shall—

25 (1) accept the donation of any valid existing
26 mining or leasing right in the Wyoming Range With-

1 drawal Area from the holder of that right or from
2 any non-Federal entity or person that acquires that
3 right; and

4 (2) on acceptance, cancel that right.

5 (e) RELATIONSHIP TO OTHER AUTHORITY.—Nothing
6 in this Act affects any authority the Secretary may other-
7 wise have to modify, suspend, or terminate a lease without
8 compensation, or to recognize the transfer of a valid exist-
9 ing mining or leasing right, if otherwise authorized by law.