

**“Public Engagement Opportunity on Public Lands Exploration  
(PEOPLE) Act of 2020”**

**Section-by-Section Summary**

**Sec. 1. SHORT TITLE.**

- Provides a short title for the bill: “Public Engagement Opportunity on Public Lands Exploration (PEOPLE) Act of 2020.”

**Sec. 2. PURPOSES.**

- Lays out the problem of inadequate public engagement opportunity and consultation regarding oil and gas leasing and development. Lays out the inadequacies of the current federal oil and gas leasing system including the lack of certainty for public comment periods, local government engagement and Federal agency and tribal government consultation, and the importance of addressing these flaws.

**Sec. 3. TRANSPARENCY AND LANDOWNER PROTECTIONS.**

- In General -- Amends section 17(b) of the Mineral Leasing Act by adding a new subsection (4) which addresses inclusion of land identified in expressions of interest in lease sales by the Secretary of the Interior (Secretary).
- Inclusion of Land in a Sale -- the Secretary may include in a lease sale under this section the land identified under an expression of interest received by the Secretary.
- Notification – On receipt of an expression of interest, the Secretary shall notify by [certified] mail, electronic mail, and electronic posting on the website of the relevant leasing or land management agency any owners of surface rights on land identified under the expression of interest; any holders of recreational or special use permits on the land; any holders of grazing rights on the land; and the local government with jurisdiction over the area in which the land is located.
- Transparency – The Secretary shall require each bid for a lease described include the name of the person or entity submitting the bid, including the name of all subsidiaries, affiliates, and entities controlled by, or under common control with, the person or entity; if an agent is submitting the bid on behalf of a person or entity, the name of the person or entity on behalf of which the agent is acting, including all subsidiaries, affiliates, and entities controlled by, or under common control with, the person or entity; and associated disclosure of the fact.
- Publication -- The Secretary shall publish on the website of the relevant leasing or land management agency each name disclosed in a bid.
- Notice Requirements -- Amends section 17(f) of the Mineral Leasing Act by adding a new subsection (f 1) which provides Not later than 90 days before offering land for lease under this section, and not later than 30 days before approving an application for permit to drill under the provisions of a lease issued under this section, modifying the terms of any lease issued under this section, or granting a waiver, exception, or modification of any stipulation of a lease issued under this section, the Secretary shall
  - Post notice in the appropriate local offices, and on websites, of the leasing and land management agencies offering the land for lease, and

- Notify by certified mail and electronic mail any owners of surface rights on the land covered by the lease; holders of special recreation permits for commercial use, competitive events, or other organized activities on the land covered by the lease; holders of grazing rights on the land covered by the lease; as applicable, members of the public who have submitted to the Secretary a request to receive notice regarding proposed actions of the Secretary applicable to a geographic area or a resource.
- Additional Requirements –
  - In General -- Before determining the parcels to be included in a lease sale, the Secretary shall provide a scoping period of not less than 15 days with public notice and an opportunity for comment regarding all parcels that may be included in the lease sale.
  - Environmental Analysis –
    - Defines Determination of NEPA Adequacy [DNA] as a determination by the Secretary or the Director of the Bureau of Land Management that an action is adequately analyzed pursuant to NEPA and conforms with the applicable land use plan.
    - The public shall have no less than 30 days to comment on any environmental analysis, including a DNA, prior to the lease sale.
  - NEPA Analysis Requirements – No parcel may be included in a lease sale without appropriate NEPA analysis and aforementioned public comment engagement; and each parcel must be specifically identified and considered in the analysis for that specific lease sale .
  - Surface Management by Another Agency – a parcel may not be included in a lease sale on the surface of another Federal agency without the consent of that Federal agency for that specific lease sale.
  - Protests -- Any party may file a protest regarding the inclusion of a parcel in a lease sale and must be done within 45 days of sale notice by the Secretary and may be filed by email.
- Local Governments -- Before taking any action for which notice or opportunity for comment is required the Secretary shall provide to local governments with jurisdiction over the area an opportunity for comment that is at least as long as that provided to the public.
- Surface Estate Owner Protection –
  - Defines covered land as land where the title to the oil and gas resources of which is held by the United States, but not the surface estate.
  - Post Lease Surface Use Agreement –
    - The Secretary shall not authorize any operator to conduct exploration and drilling operations on covered land without demonstrating that the operator has secured a written surface use agreement between the operator and the 1 or more surface estate owners.
    - Content -- Thoroughly identifies required contents of a surface use agreement.
  - Procedure -- Operator shall notify the 1 or more surface estate owners of the desire of the operator to conclude an agreement under this paragraph by certified mail or electronic mail.

- Arbitration – An operator may submit disputes for third-party arbitration if after 90 days of notice the surface estate owner and operator do not reach an agreement. The Secretary shall make publicly available a list of persons who are qualified to arbitrate disputes, who are qualified by the American Arbitration Association and be paid for by the operator.
- Authorized Exploration and Drilling Operations –
  - Authorization Without Surface Use Agreement -- Secretary may authorize an operator to conduct exploration and drilling operations on covered land without first securing a surface use agreement, if the Secretary determines the operator made a good faith attempt to conclude such an agreement, including submitting for arbitration, but the agreement was not met by the deadline; and the operator submits a plan of operations in accordance with this bill and existing Federal law; and the operator posts a bond or other financial assurance in an amount the Secretary determines to be adequate to ensure compensation to the 1 or more surface estate owners for any damages to, or reclamation of the site.
  - Surface Estate Owner Participation – The Secretary shall provide surface estate owners with no less than 30 days to comment on the plan of operations; an opportunity to participate in bond level determinations and bond release proceedings; an opportunity to attend any onsite inspection carried out; an opportunity to file written objections to a proposed bond release; and an opportunity to request and participate in an onsite inspection if the surface estate owner has reason to believe there is a violation of the terms and conditions of the plan of operations of the operator.
- Payment of Financial Guarantee -- The owner of the surface estate of covered land subject to a lease may petition the Secretary for payment of all or any portion of a bond or other financial assurance required as compensation for any damages resulting from exploration and drilling operations pursuant to the lease.
- Surface Estate Owner Notification -- the Secretary shall notify the 1 or more surface estate owners by mail, email, and posting on the website of the relevant leasing or land management agency of the lease sale by not later than 90 days before conducting the lease sale of: the identity and address of the lessee by not later than 10 business days after the lease is issued; any subsequent request or decision regarding the lease, by not later than 5 business days after the Secretary receives the request or makes the decision; and any issuance of a permit to drill under the lease, by not later than 5 business days after issuance of the permit.
- Bonds or Financial Assurances -- Secretary shall notify the 1 or more surface estate owners by not later than 30 days before establishing or releasing a bond or other financial assurance.
  - Objections – The Secretary will respond in writing addressing the objections of the surface estate owner if they object to the amount of the bond or other financial assurance to be required for a lease.
  - Release of Bond or Other Financial Assurance – Secretary may release the bond if the surface estate owner provides notice or the Secretary determines that compensation for damages has been paid in accordance with the surface use agreement; or if the surface operator and estate owner submit joint agreement of bond release to the Secretary; and if the Secretary determines if there has been a

final resolution of any action for damages and any damages awarded pursuant to that action have been paid, or the Secretary determines that all wells have been plugged and abandoned, and the operator has not conducted oil and gas operations on the lease for no less than 6 years.