

Mineral Lands Leasing Act of 1920

30 U.S.C. §§181-287

Certain **mineral deposits may be leased** to U.S. citizens, corporations, states, territories, and (for certain minerals) municipalities. These include deposits of coal, phosphate, sodium, potassium, oil, oil shale, gilsonite, gas, and land containing deposits of such minerals owned by the United States. Lands eligible for mineral leasing include national forest lands, but exclude lands acquired under the Appalachian Forest Act, certain lands in national parks and monuments, lands acquired under other acts passed after February 25, 1920, and lands within the naval petroleum and oil-shale reserves. The United States reserves ownership of and the right to extract helium from all gas produced from lands leased or otherwise granted under the Act. [30 U.S.C. §181]

The Act's **leasing provisions apply to** certain mineral deposits to which the United States, on the disposition of certain lands, reserves the right to prospect for, mine, and remove. [30 U.S.C. §182]

The Secretary of the Interior (or head of the federal agency having jurisdiction over the lands in question) may grant **rights-of-way** through any federal land (other than national parks, trust lands held for Native American tribes, or outer continental shelf lands) for pipelines that transport oil, natural gas, synthetic liquid, gaseous fuels, or any refined product produced therefrom. [30 U.S.C. §185(a), (b)]

The Secretary or appropriate agency head shall impose **environmental protection requirements** on holders of federal rights-of-way. [30 U.S.C. §185(h)]

The Secretary or appropriate agency head shall regulate the extent to which holders of rights-of-way and permits may be **liable to the federal government for damage or injury** caused in connection with such rights-of-way and permits. Strict liability is appropriate in certain instances. [30 U.S.C. §185(x)]

The Act establishes particular rules that govern the issuance and administration of mineral **prospecting or exploration permits and mineral leases**. [30 U.S.C. §§201-287]

No coal lease sale may be held unless the subject lands are included in a **comprehensive land-use plan**, and the sale is compatible therewith. The Secretary must develop such plans for lands over which the Department of the Interior has responsibility. The Secretary of the Interior shall inform the Secretary of Agriculture of substantial development interests in coal leasing on national forest lands. In response, the Secretary of Agriculture must ensure that comprehensive land-use plans are in place for the national forest lands.

The Act provides for consultation and public hearings in preparing land-use plans. [30 U.S.C. §201(a)(3)(A)(i), (ii)] Before issuing any coal lease, the Secretary of the Interior must consider the effects of mining on the impacted community or area, including environmental and agricultural impacts. [30 U.S.C. §201(a)(3)(C)]

Each coal lease must contain provisions that require compliance with the FWPCA and the Clean Air Act. [30 U.S.C. §201(a)(3)(E)] Each exploration license must contain conditions to insure **environmental protection**. Exploration licenses are subject to all applicable **federal, state, and local laws and regulations**. A lessee may not cause substantial disturbance to the natural land surface. [30 U.S.C. §201(b)(1), (2)]

A lessee, before taking any action that might cause significant environmental disturbance, must submit an **operation and reclamation plan** to the Secretary for approval. The Secretary may approve, disapprove, or require modifications to the plan. [30 U.S.C. §207(c)]

The Secretary of the Interior or Agriculture, depending on the land involved, shall regulate all **surface-disturbing activities conducted pursuant to any oil and gas lease**. The appropriate Secretary shall determine reclamation and other actions that are required to conserve surface resources. Neither Secretary may grant an oil and gas drilling permit without analyzing and approving a plan of operations covering any proposed surface disturbing activities within the lease area. Agency regulations shall establish standards necessary to ensure that an adequate financial arrangement will be established before surface disturbing activities begin on a lease, to ensure **reclamation** of the lease tract and **restoration** of any lands or surface waters adversely affected by lease operations. [30 U.S.C. §226(g)]

The Secretary of the Interior may not issue any **oil and gas lease on national forest lands** reserved from the public domain over the objection of the Secretary of Agriculture. [30 U.S.C. §226(h)]

The Act provides for **cooperative or unit plans** to conserve the natural resources of any oil or gas pool, field, or like area. [30 U.S.C. §226(m)]

The Secretary shall not issue any oil and gas lease on **lands recommended for wilderness allocation** or lands classified as **wilderness study areas**. In certain areas, however, the appropriate Secretary may issue permits for mineral exploration by means not requiring road construction or improvement and in ways compatible with preserving the wilderness environment. [30 U.S.C. §226-3]