

1980, 94 Stat. 3300; Pub. L. 104-208, div. A, title I, § 101(a) [title II, § 211(b)], Sept. 30, 1996, 110 Stat. 3009, 3009-41; Pub. L. 105-83, title III, § 316(b)(9), (d), Nov. 14, 1997, 111 Stat. 1594, 1595; Pub. L. 113-287, § 5(d)(33), Dec. 19, 2014, 128 Stat. 3267.)

Editorial Notes

REFERENCES IN TEXT

The National Wildlife Refuge System Administration Act of 1966, referred to in par. (4), consists of sections 4 and 5 of Pub. L. 89-669, Oct. 15, 1966, 80 Stat. 927, and is classified to sections 668dd and 668ee of this title. For further details, see Short Title note set out under section 668dd of this title.

The Fur Seal Act of 1966, referred to in par. (4), is Pub. L. 89-702, Nov. 2 1966, 80 Stat. 1091, which is classified principally to chapter 24 (§ 1151 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1151 of this title and Tables.

The Endangered Species Act of 1973, referred to in par. (4), is Pub. L. 93-205, Dec. 28, 1973, 87 Stat. 884, which is classified generally to chapter 35 (§ 1531 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1531 of this title and Tables.

The Marine Mammal Protection Act of 1972, referred to in par. (4), is Pub. L. 92-522, Oct. 21, 1972, 86 Stat. 1027, which is classified generally to chapter 31 (§ 1361 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1361 of this title and Tables.

The Act entitled "An Act for the Protection of the Bald Eagle", approved June 8, 1940, referred to in par. (4), is act June 8, 1940, ch. 278, 54 Stat. 250, which is classified generally to subchapter II (§ 668 et seq.) of chapter 5A of this title. For complete classification of this Act to the Code, see Tables.

The Migratory Bird Treaty Act, referred to in par. (4), is act July 3, 1918, ch. 128, 40 Stat. 755, which is classified generally to subchapter II (§ 703 et seq.) of chapter 7 of this title. For complete classification of this Act to the Code, see section 710 of this title and Tables.

The Federal Aid in Wildlife Restoration Act, referred to in par. (4), is act Sept. 2, 1937, ch. 899, 50 Stat. 917, also known as the Pittman-Robertson Wildlife Restoration Act, which is classified generally to chapter 5B (§ 669 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 669 of this title and Tables.

The Magnuson-Stevens Fishery Conservation and Management Act, referred to in par. (4), is Pub. L. 94-265, Apr. 13, 1976, 90 Stat. 331, which is classified principally to chapter 38 (§ 1801 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1801 of this title and Tables.

The Federal Aid in Fish Restoration Act, referred to in par. (4), is act Aug. 9, 1950, ch. 658, 64 Stat. 430, also known as the Dingell-Johnson Sport Fish Restoration Act and the Fish Restoration and Management Projects Act, which is classified generally to chapter 10B (§ 777 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 777 of this title and Tables.

AMENDMENTS

2014—Par. (4). Pub. L. 113-287 substituted "section 100101(b)(1), chapter 1003, and sections 100751(a), 100752, 100753, and 102101 of title 54" for "the National Park Service Organic Act (39 Stat. 535, 16 U.S.C. 1, 2, 3, 4)" and inserted "or such title" after "such Acts".

1997—Par. (5). Pub. L. 105-83, § 316(b)(9), which directed amendment of section by adding par. (5) reading as follows: "prohibiting the Secretary or the State from entering into co-management agreements with Alaska Native organizations or other local or regional

entities when such organization or entity is managing fish and wildlife on public lands in Alaska for subsistence uses.", was repealed by Pub. L. 105-83, § 316(d). See Effective and Termination Dates of 1997 Amendment note below.

1996—Par. (4). Pub. L. 104-208 substituted "Magnuson-Stevens Fishery" for "Magnuson Fishery".

1980—Par. (4). Pub. L. 96-561 substituted "Magnuson Fishery Conservation and Management Act" for "Fishery Conservation and Management Act of 1976".

Statutory Notes and Related Subsidiaries

EFFECTIVE AND TERMINATION DATES OF 1997 AMENDMENT

Until laws are adopted in Alaska which provide for definition, preference, and participation specified in sections 3113 to 3115 of this title, amendment by Pub. L. 105-83 was effective only for purpose of determining whether State's laws provide for such definition, preference, and participation, and such amendment was repealed on Dec. 1, 1998, because such laws had not been adopted, see section 316(d) of Pub. L. 105-83 set out as a note under section 3102 of this title.

EFFECTIVE DATE OF 1996 AMENDMENT

Pub. L. 104-208, div. A, title I, § 101(a) [title II, § 211(b)], Sept. 30, 1996, 110 Stat. 3009, 3009-41, provided that the amendment made by that section is effective 15 days after Oct. 11, 1996.

EFFECTIVE DATE OF 1980 AMENDMENT

Pub. L. 96-561, title II, § 238(b), Dec. 22, 1980, 94 Stat. 3300, provided that the amendment made by that section is effective 15 days after Dec. 22, 1980.

§ 3126. Closure to subsistence uses

(a) National parks and park monuments in Alaska; authorization of subsistence uses and sport fishing

All national parks and park monuments in Alaska shall be closed to the taking of wildlife except for subsistence uses to the extent specifically permitted by this Act. Subsistence uses and sport fishing shall be authorized in such areas by the Secretary and carried out in accordance with the requirements of this subchapter and other applicable laws of the United States and the State of Alaska.

(b) Closure for public safety, administration, or the continued viability of fish and wildlife population

Except as specifically provided otherwise by this section, nothing in this subchapter is intended to enlarge or diminish the authority of the Secretary to designate areas where, and establish periods when, no taking of fish and wildlife shall be permitted on the public lands for reasons of public safety, administration, or to assure the continued viability of a particular fish or wildlife population. Notwithstanding any other provision of this Act or other law, the Secretary, after consultation with the State and adequate notice and public hearing, may temporarily close any public lands (including those within any conservation system unit), or any portion thereof, to subsistence uses of a particular fish or wildlife population only if necessary for reasons of public safety, administration, or to assure the continued viability of such population. If the Secretary determines that an emergency situation exists and that extraordinary measures must be taken for public safety

or to assure the continued viability of a particular fish or wildlife population, the Secretary may immediately close the public lands, or any portion thereof, to the subsistence uses of such population and shall publish the reasons justifying the closure in the Federal Register. Such emergency closure shall be effective when made, shall not extend for a period exceeding sixty days, and may not subsequently be extended unless the Secretary affirmatively establishes, after notice and public hearing, that such closure should be extended.

(Pub. L. 96-487, title VIII, §816, Dec. 2, 1980, 94 Stat. 2430.)

Editorial Notes

REFERENCES IN TEXT

This Act, referred to in text, is Pub. L. 96-487, Dec. 2, 1980, 94 Stat. 2371, known as the Alaska National Interest Lands Conservation Act. For complete classification of this Act to the Code, see Short Title note set out under section 3101 of this title and Tables.

SUBCHAPTER III—FEDERAL NORTH SLOPE LANDS STUDIES, OIL AND GAS LEASING PROGRAM AND MINERAL ASSESSMENTS

§ 3141. Overall study program

(a) Area designated

The Secretary shall initiate and carry out a study of all Federal lands (other than submerged lands on the Outer Continental Shelf) in Alaska north of 68 degrees north latitude and east of the western boundary of the National Petroleum Reserve—Alaska, other than lands included in the National Petroleum Reserve—Alaska and in conservation system units established by this Act.

(b) Purposes

The study shall utilize a systematic interdisciplinary approach to—

- (1) assess the potential oil and gas resources of these lands and make recommendations concerning future use and management of those resources including an evaluation of alternative transportation routes needed for oil and gas development;
- (2) review the wilderness characteristics, and make recommendations for wilderness designation, of these lands; and
- (3) study, and make recommendations for protection of, the wildlife resources of these lands.

(c) Findings

After completion of the study, the Secretary shall make findings on—

- (1) the potential oil and gas resources of these lands;
- (2) the impact of oil and gas development on the wildlife resources on these lands, particularly the Arctic and Porcupine caribou herds and the polar bear;
- (3) the national need for development of the oil and gas resources of all or any portion of these lands;
- (4) the national interest in preservation of the wilderness characteristics of these lands; and

(5) the national interest in protection of the wildlife resources of these lands.

(d) Consultations; opportunity for public review and comment

In the course of the study, the Secretary shall consult with the Secretary of Energy and other Federal agencies, the State of Alaska, Native Village and Regional Corporations, the North Slope Borough, the Alaska Land Use Council and the Government of Canada. The Secretary shall provide an opportunity for public review and comment on a draft study and proposed findings prior to their final approval.

(e) Report to President and Congress; annual report to Congress

The Secretary shall submit the study and his findings to the President and the Congress no later than eight years after December 2, 1980. The Secretary shall submit annual reports to Congress on the progress in carrying out this subchapter.

(f) Selection and conveyance of land by State and Natives unaffected

Nothing in this subchapter shall be construed as impeding, delaying, or otherwise affecting the selection and conveyance of land to the State pursuant to the Alaska Statehood Act, or any other Federal law referred to in section 3102(3)(A) of this title, and to the Natives pursuant to the Alaska Native Claims Settlement Act [43 U.S.C. 1601 et seq.] and this Act.

(Pub. L. 96-487, title X, §1001, Dec. 2, 1980, 94 Stat. 2448.)

Editorial Notes

REFERENCES IN TEXT

This Act, referred to in subsecs. (a) and (f), is Pub. L. 96-487, Dec. 2, 1980, 94 Stat. 2371, known as the Alaska National Interest Lands Conservation Act. For complete classification of this Act to the Code, see Short Title note set out under section 3101 of this title and Tables.

The Alaska Native Claims Settlement Act, referred to in subsec. (f), is Pub. L. 92-203, Dec. 18, 1971, 85 Stat. 688, which is classified generally to chapter 33 (§1601 et seq.) of Title 43, Public Lands. For complete classification of this Act to the Code, see Short Title note set out under section 1601 of Title 43 and Tables.

The Alaska Statehood Act, referred to in subsec. (f), is Pub. L. 85-508, July 7, 1958, 72 Stat. 339, which is set out as a note preceding section 21 of Title 48, Territories and Insular Possessions. For complete classification of this Act to the Code, see Tables.

§ 3142. Arctic National Wildlife Refuge coastal plain resource assessment

(a) Purpose

The purpose of this section is to provide for a comprehensive and continuing inventory and assessment of the fish and wildlife resources of the coastal plain of the Arctic National Wildlife Refuge; an analysis of the impacts of oil and gas exploration, development, and production, and to authorize exploratory activity within the coastal plain in a manner that avoids significant adverse effects on the fish and wildlife and other resources.

(b) Definitions

As used in this section—