

such data and information from the Secretary or from any person other than a permittee from participation in any lease sale which includes the areas from which the information was obtained and from any commercial use of the information. The Secretary shall require that any permittee shall make available such data to any person at fair cost.

(f) Modification to exploration plans

If at any time while exploratory activity is being carried out under an exploration plan approved under subsection (e), the Secretary, on the basis of information available to him, determines that continuation of further activities under the plan or permit will significantly adversely affect fish or wildlife, their habitat, or the environment, the Secretary may suspend the carrying out of activities under the plan or permit for such time, make such modifications to the plan or to the terms and conditions of the permit (or both suspend and so modify) as he determines necessary and appropriate.

(g) Civil penalties

(1) Any person who is found by the Secretary, after notice and an opportunity for a hearing in accordance with section 554 of title 5, to have violated any provision of a plan approved under subsection (e) or any term or condition of a permit issued under subsection (f), or to have committed any act prohibited under subsection (d) shall be liable to the United States for a civil penalty. The amount of the civil penalty shall not exceed \$10,000 for each violation. Each day of a continuing violation shall constitute a separate offense. The amount of such civil penalty shall be assessed by the Secretary by written notice. In determining the amount of such penalty, the Secretary shall take into account the nature, circumstances, extent, and gravity of the prohibited act committed, and, with respect to the violator, the history of any prior offenses, his demonstrated good faith in attempting to achieve timely compliance after being cited for the violation, and such other matters as justice may require.

(2) Any person against whom a civil penalty is assessed under paragraph (1) may obtain review thereof in the appropriate district court of the United States by filing a notice of appeal in such court within thirty days from the date of such order and by simultaneously sending a copy of such notice by certified mail to the Secretary. The Secretary shall promptly file in such court a certified copy of the record upon which such violation was found or such penalty imposed, as provided in section 2112 of title 28. The findings and order of the Secretary shall be set aside by such court if they are not found to be supported by substantial evidence, as provided in section 706(2)(E) of title 5.

(3) If any person fails to pay an assessment of a civil penalty against him under paragraph (1) after it has become final, or after the appropriate court has entered final judgment in favor of the Secretary, the Secretary shall refer the matter to the Attorney General of the United States, who shall recover the amount assessed in any appropriate district court of the United States. In such action, the validity and appropriateness of the final order imposing the civil penalty shall not be subject to review.

(4) The Secretary may compromise, modify, or remit, with or without conditions, any civil penalty which is subject to imposition or which has been imposed under this subsection unless the matter is pending in court for judicial review or recovery of assessment.

(h) Report to Congress

Not earlier than five years after December 2, 1980, and not later than five years and nine months after such date, the Secretary shall prepare and submit to Congress a report containing—

(1) the identification by means other than drilling of exploratory wells of those areas within the coastal plain that have oil and gas production potential and estimate of the volume of the oil and gas concerned;

(2) the description of the fish and wildlife, their habitats, and other resources that are within the areas identified under paragraph (1);

(3) an evaluation of the adverse effects that the carrying out of further exploration for, and the development and production of, oil and gas within such areas will have on the resources referred to in paragraph (2);

(4) a description of how such oil and gas, if produced within such area, may be transported to processing facilities;

(5) an evaluation of how such oil and gas relates to the national need for additional domestic sources of oil and gas; and

(6) the recommendations of the Secretary with respect to whether further exploration for, and the development and production of, oil and gas within the coastal plain should be permitted and, if so, what additional legal authority is necessary to ensure that the adverse effects of such activities on fish and wildlife, their habitats, and other resources are avoided or minimized.

(i) Effect of other laws

Until otherwise provided for in law enacted after December 2, 1980, all public lands within the coastal plain are withdrawn from all forms of entry or appropriation under the mining laws, and from operation of the mineral leasing laws, of the United States.

(Pub. L. 96-487, title X §1002, Dec. 2, 1980, 94 Stat. 2449; Pub. L. 97-394, title I, §110, Dec. 30, 1982, 96 Stat. 1982.)

Editorial Notes

AMENDMENTS

1982—Subsec. (e)(2)(C). Pub. L. 97-394 inserted proviso that the Secretary prohibit by regulation any person who obtains access to such data and information from the Secretary or from any person other than a permittee from participation in any lease sale which includes the areas from which the information was obtained and from any commercial use of the information, and that Secretary require that any permittee make available such data to any person at fair cost.

§3143. Production of oil and gas from Arctic National Wildlife Refuge prohibited

Production of oil and gas from the Arctic National Wildlife Refuge is prohibited and no leasing or other development leading to production

of oil and gas from the range shall be undertaken until authorized by an Act of Congress.

(Pub. L. 96-487, title X, §1003, Dec. 2, 1980, 94 Stat. 2452.)

Statutory Notes and Related Subsidiaries

OIL AND GAS PROGRAM

Pub. L. 115-97, title II, §20001, Dec. 22, 2017, 131 Stat. 2235, provided that:

“(a) DEFINITIONS.—In this section:

“(1) COASTAL PLAIN.—The term ‘Coastal Plain’ means the area identified as the 1002 Area on the plates prepared by the United States Geological Survey entitled ‘ANWR Map – Plate 1’ and ‘ANWR Map – Plate 2’, dated October 24, 2017, and on file with the United States Geological Survey and the Office of the Solicitor of the Department of the Interior.

“(2) SECRETARY.—The term ‘Secretary’ means the Secretary of the Interior, acting through the Bureau of Land Management.

“(b) OIL AND GAS PROGRAM.—

“(1) IN GENERAL.—Section 1003 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3143) shall not apply to the Coastal Plain.

“(2) ESTABLISHMENT.—

“(A) IN GENERAL.—The Secretary shall establish and administer a competitive oil and gas program for the leasing, development, production, and transportation of oil and gas in and from the Coastal Plain.

“(B) PURPOSES.—[Amended section 303(2) of Pub. L. 96-487, listed in a table under section 668dd of this title.]

“(3) MANAGEMENT.—Except as otherwise provided in this section, the Secretary shall manage the oil and gas program on the Coastal Plain in a manner similar to the administration of lease sales under the Naval Petroleum Reserves Production Act of 1976 (42 U.S.C. 6501 et seq.) (including regulations).

“(4) ROYALTIES.—Notwithstanding the Mineral Leasing Act (30 U.S.C. 181 et seq.), the royalty rate for leases issued pursuant to this section shall be 16.67 percent.

“(5) RECEIPTS.—Notwithstanding the Mineral Leasing Act (30 U.S.C. 181 et seq.), of the amount of adjusted bonus, rental, and royalty receipts derived from the oil and gas program and operations on Federal land authorized under this section—

“(A) 50 percent shall be paid to the State of Alaska; and

“(B) the balance shall be deposited into the Treasury as miscellaneous receipts.

“(c) 2 LEASE SALES WITHIN 10 YEARS.—

“(1) REQUIREMENT.—

“(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall conduct not fewer than 2 lease sales area-wide under the oil and gas program under this section by not later than 10 years after the date of enactment of this Act [Dec. 22, 2017].

“(B) SALE ACREAGES; SCHEDULE.—

“(i) ACREAGES.—The Secretary shall offer for lease under the oil and gas program under this section—

“(I) not fewer than 400,000 acres area-wide in each lease sale; and

“(II) those areas that have the highest potential for the discovery of hydrocarbons.

“(ii) SCHEDULE.—The Secretary shall offer—

“(I) the initial lease sale under the oil and gas program under this section not later than 4 years after the date of enactment of this Act; and

“(II) a second lease sale under the oil and gas program under this section not later than 7 years after the date of enactment of this Act.

“(2) RIGHTS-OF-WAY.—The Secretary shall issue any rights-of-way or easements across the Coastal Plain

for the exploration, development, production, or transportation necessary to carry out this section.

“(3) SURFACE DEVELOPMENT.—In administering this section, the Secretary shall authorize up to 2,000 surface acres of Federal land on the Coastal Plain to be covered by production and support facilities (including airstrips and any area covered by gravel berms or piers for support of pipelines) during the term of the leases under the oil and gas program under this section.”

§ 3144. Wilderness portion of study

(a) Suitability of lands for preservation as wilderness; report to President

As part of the study, the Secretary shall review the suitability or nonsuitability for preservation as wilderness of the Federal lands described in section 3141 of this title and report his findings to the President.

(b) Presidential recommendations to Congress

The President shall advise the Senate and the House of Representatives of his recommendations with respect to the designation of the area or any part thereof as wilderness together with a map thereof and a definition of its boundaries.

(c) Preservation of wilderness character and potential

Subject to valid existing rights and the provisions of section 3142 of this title, the wilderness study area designated by this section shall, until Congress determines otherwise, be administered by the Secretary so as to maintain presently existing wilderness character and potential for inclusion in the National Wilderness Preservation System. Already established uses may be permitted to continue, subject to such restrictions as the Secretary deems desirable, in the manner and degree in which the same were being conducted on December 2, 1980.

(Pub. L. 96-487, title X, §1004, Dec. 2, 1980, 94 Stat. 2452.)

§ 3145. Wildlife resources portion of study and impact of potential oil spills in Arctic Ocean

(a) Wildlife resources

The Secretary shall work closely with the State of Alaska and Native Village and Regional Corporations in evaluating the impact of oil and gas exploration, development, production, and transportation and other human activities on the wildlife resources of these lands, including impacts on the Arctic and Porcupine caribou herds, polar bear, muskox, grizzly bear, wolf, wolverine, seabirds, shore birds, and migratory waterfowl. In addition the Secretary shall consult with the appropriate agencies of the Government of Canada in evaluating such impacts particularly with respect to the Porcupine caribou herd.

(b) Oil spills

(1) The Congress finds that—

(A) Canada has discovered commercial quantities of oil and gas in the Amalagak region of the Northwest Territory;

(B) Canada is exploring alternatives for transporting the oil from the Amalagak field to markets in Asia and the Far East;

(C) one of the options the Canadian Government is exploring involves transshipment of