

(2) assessing the impact of oil and gas exploration, development, and transportation on the Arctic environment, including impact on fish, marine and land mammals, and migratory waterfowl;

(3) developing advanced design technologies, operational practices, and transportation systems to improve the environmental safety and efficiency of oil and gas exploration and production in the Arctic, including offshore activities;

(4) enlarging the body of knowledge on Arctic ice conditions and developing practical and efficient means of dealing with potential oil spills and other hazards associated with resource development in Alaska's Arctic; and

(5) developing a comprehensive Arctic policy for the Federal Government that will accommodate the need for development and use of Arctic resources with appropriate recognition and consideration given to the unique nature of the Arctic environment and the needs of its Native residents.

(c) Recommendations

After completion of the study, the Secretaries shall make recommendations on—

(1) changes in the mission and management of NARL necessary to accomplish the research and policy goals addressed in the study;

(2) the appropriate Federal agency or agencies that should have primary responsibility for management of NARL;

(3) changes in the organizational structure of NARL that would allow greater involvement by State and private organizations in the use, management and/or funding of NARL; and

(4) the appropriate level of Federal funding for scientific and technological research on the Arctic environment and its uses.

(d) Consultations; opportunity for public review and comment

In the course of the study, the Secretaries shall consult with representatives of the Department of Navy, the National Oceanic and Atmospheric Administration, the National Science Foundation, the Smithsonian Institution, the State of Alaska, local governments, representatives of public and private institutions conducting Arctic research, and Native Village and Regional Corporations in the areas now affected by the activities of NARL. The Secretaries shall provide an opportunity for public review and comment on the draft report and proposed recommendations prior to final approval, and shall include any recommendations of the local community in the final study.

(e) Submission of study to Congress

The Secretaries shall submit the study and their recommendations to the Congress no later than one year after December 2, 1980.

(f) Continuation of level of funding for NARL

Pending submission of the study to the Congress, the President is directed to continue the operation of NARL at the level of funding provided for in fiscal year 1979.

(Pub. L. 96-487, title X, § 1007, Dec. 2, 1980, 94 Stat. 2453.)

§ 3148. Oil and gas leasing program for non-North Slope Federal lands

(a) Establishment; restrictions

The Secretary shall establish, pursuant to the Mineral Leasing Act of 1920, as amended [30 U.S.C. 181 et seq.], an oil and gas leasing program on the Federal lands of Alaska not subject to the study required by section 3141 of this title, other than lands included in the National Petroleum Reserve—Alaska. Such program shall not be undertaken by the Secretary on those lands where applicable law prohibits such leasing or on those units of the National Wildlife Refuge System where the Secretary determines, after having considered the national interest in producing oil and gas from such lands, that the exploration for and development of oil or gas would be incompatible with the purpose for which such unit was established.

(b) Study of oil and gas potential and impact of development and production; permits; consultations; State studies

(1)(A) In such areas as the Secretary deems favorable for the discovery of oil or gas, he shall conduct a study, or studies, or collect and analyze information obtained by permittees authorized to conduct studies under this section, of the oil and gas potential of such lands and those environmental characteristics and wildlife resources which would be affected by the exploration for and development of such oil and gas.

(B) The Secretary is authorized to issue permits for study, including geological, geophysical, and other assessment activities, if such activities can be conducted in a manner which is consistent with the purposes for which each affected area is managed under applicable law.

(2) The Secretary shall consult with the Secretary of Energy regarding the national interest involved in exploring for and developing oil and gas from such lands and shall seek the views of the Governor of the State of Alaska, Alaskan local governments, Native Regional and Village Corporations, the Alaska Land Use Council, representatives of the oil and gas industry, conservation groups, and other interested groups and individuals in determining which land should be studied and/or leased for the exploration and development of oil and gas.

(3) The Secretary shall encourage the State to undertake similar studies on lands associated, either through geological or other land values or because of possible transportation needs, with Federal lands. The Secretary shall integrate these studies, to the maximum extent practicable, with studies on Federal lands so that needs for cooperation between the Federal Government and the State of Alaska in managing energy and other natural resources, including fish and wildlife, can be established early in the program.

(c) Repealed. Pub. L. 100-203, title V, § 5105(1), Dec. 22, 1987, 101 Stat. 1330-259

(d) Issuance of leases; competitive bidding

Pursuant to the Mineral Leasing Act of 1920, as amended [30 U.S.C. 181 et seq.], the Secretary is authorized to issue leases, on the Federal

lands described in this section, under such terms and conditions as he may, by regulation, prescribe.

(e) Repealed. Pub. L. 100-203, title V, § 5105(1), Dec. 22, 1987, 101 Stat. 1330-259

(f) Exploration plan

Prior to any exploration activities on a lease issued pursuant to this section, the Secretary shall require the lessee to describe exploration activities in an exploration plan. He shall approve such plan if such activities can be conducted in conformity with such requirements as may be made by the Secretary for the protection and use of the land for the purpose for which it is managed under applicable law.

(g) Development and production plan

Subsequent to a discovery of oil or gas in paying quantities, and prior to developing and producing such oil and gas, the Secretary shall require the lessee to describe development and production activities in a development and production plan. He shall approve such plan if such activities may be conducted in conformity with such requirements as may be made by the Secretary for the protection and use of the land for the purpose for which it is managed under applicable law.

(h) Revised development and production plan

The Secretary shall monitor the performance of the lessee and, if he determines that due to significant changes in circumstances regarding that operation, including environmental or economic changes, new requirements are needed, he may require a revised development and production plan.

(i) Suspension and cancellation of lease

If the Secretary determines that immediate and irreparable damage will result from continuation in force of a lease, that the threat will not disappear and that the advantages of cancellation outweigh the advantages of continuation in force of a lease, he shall suspend operations for up to five years. If such a threat persists beyond such five-year suspension period, he shall cancel a lease and provide compensation to the lease under such terms as the Secretary establishes, by regulation, to be appropriate.

(Pub. L. 96-487, title X, § 1008, Dec. 2, 1980, 94 Stat. 2454; Pub. L. 100-203, title V, § 5105, Dec. 22, 1987, 101 Stat. 1330-259.)

Editorial Notes

REFERENCES IN TEXT

The Mineral Leasing Act of 1920, as amended, referred to in subsecs. (a) and (d), is act Feb. 25, 1920, ch. 85, 41 Stat. 437, known as the Mineral Leasing Act, which is classified generally to chapter 3A (§ 181 et seq.) of Title 30, Mineral Lands and Mining. For complete classification of this Act to the Code, see Short Title note set out under section 181 of Title 30 and Tables.

CODIFICATION

Subsec. (b)(4) of this section, which required the Secretary to report yearly to Congress on efforts pursuant to Pub. L. 96-487 regarding the leasing of, and exploration and development activities on, certain lands, terminated, effective May 15, 2000, pursuant to section

3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance. See, also, page 111 of House Document No. 103-7.

AMENDMENTS

1987—Subsec. (c). Pub. L. 100-203, § 5105(1), struck out subsec. (c) which read as follows: “At such time as the studies requested in subsection (b)(4) of this section are completed by the Secretary, or at such time as the Secretary determines that sufficient interest has been indicated in exploring an area for oil or gas, and leasing should be commenced, he shall identify those areas which he determines to be favorable for the discovery of oil or gas (hereinafter referred to as ‘favorable petroleum geological provinces’). In making such determination, the Secretary shall utilize all information obtained in studies conducted under subsection (b) of this section as well as any other information he may develop or require by regulation to be transmitted.”

Subsec. (d). Pub. L. 100-203, § 5105(2), struck out at end “Areas which are determined by the Secretary to be within favorable petroleum geological provinces shall be leased only by competitive bidding.”

Subsec. (e). Pub. L. 100-203, § 5105(1), struck out subsec. (e) which read as follows: “At such time as paying quantities of oil or gas are discovered under a non-competitive lease issued pursuant to the Mineral Leasing Act of 1920, the Secretary shall suspend all further noncompetitive leasing in the area and shall determine the favorable petroleum geological province in proximity to such discovery. All further leasing in such area shall be in accordance with the requirements of subsection (d) of this section.”

§ 3149. Oil and gas lease applications

(a) Lands within National Wildlife Refuge System but not part of National Wilderness Preservation System

Notwithstanding any other provision of law or regulation, whenever the Secretary receives an application for an oil and gas lease pursuant to the Mineral Leasing Act of 1920 [30 U.S.C. 181 et seq.] for lands in Alaska within a unit of the National Wildlife Refuge System which are not also part of the national Wilderness Preservation System he shall, in addition to any other requirements of applicable law, follow the procedures set forth in this section.

(b) Statement of reasons for decision to issue or not to issue lease

Any decision to issue or not to issue a lease shall be accompanied by a statement setting forth the reasons for the decision, including the reasons why oil and gas leasing would be compatible or incompatible with the purposes of the refuge.

(c) Environmental impact statement

If the Secretary determines that the requirements of section 4332(2)(C) of title 42 do not apply to his decision, the Secretary shall render his decision within six months after receipt of a lease application. If such requirements are applicable to the Secretary's decision, he shall render his decision within three months after publication of the final environmental impact statement.

(Pub. L. 96-487, title X, § 1009, Dec. 2, 1980, 94 Stat. 2456.)

Editorial Notes

REFERENCES IN TEXT

The Mineral Leasing Act of 1920, referred to in subsec. (a), is act Feb. 25, 1920, ch. 85, 41 Stat. 437, known