

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.)

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, as amended, 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.)

REFERENCES IN TEXT

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

§ 3150. Alaska mineral resource assessment program**(a) Mineral assessments**

The Secretary shall, to the full extent of his authority, assess the oil, gas, and other mineral potential on all public lands in the State of Alaska in order to expand the data base with respect to the mineral potential of such lands. The mineral assessment program may include, but shall not be limited to, techniques such as side-looking radar imagery and, on public lands other than such lands within the national park system, core and test drilling for geologic information, notwithstanding any restriction on such drilling under the Wilderness Act [16 U.S.C. 1131 et seq.]. For purposes of this Act, core and test drilling means the extraction by drilling of subsurface geologic samples in order to assess the metalliferous or other mineral values of geologic terrain, but shall not be construed as including exploratory drilling of oil and gas test wells. To the maximum extent practicable, the Secretary shall consult and exchange information with the State of Alaska regarding the responsibilities of the Secretary under this section and similar programs undertaken by the State. In order to carry out mineral assessments authorized under this or any other law, including but not limited to the National Uranium Resource Evaluation program, the Secretary shall allow for access by air for assessment activities permitted in this subsection to all public lands involved in such study. He shall consult with the Secretary of Energy and heads of other Federal agencies carrying out such programs, to determine such reasonable requirements as may be necessary to protect the resources of such area, including fish and wildlife. Such requirements may provide that access will not occur during nesting, calving, spawning or such other times as fish and wildlife in the specific area may be especially vulnerable to such activities. The Secretary is authorized to enter into contracts with public or private entities to carry out all or any portion of the mineral assessment program. This section shall not apply to the lands described in section 3141 of this title.

(b) Regulations

Activities carried out in conservation system units under subsection (a) of this section shall be subject to regulations promulgated by the Secretary. Such regulations shall ensure that such activities are carried out in an environmentally sound manner—

(1) which does not result in lasting environmental impacts which appreciably alter the natural character of the units or biological or ecological systems in the units; and

(2) which is compatible with the purposes for which such units are established.

(Pub. L. 96-487, title X, §1010, Dec. 2, 1980, 94 Stat. 2456.)