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EX. ORD. NO. 13580. INTERAGENCY WORKING GROUP ON CO-ORDINATION OF DOMESTIC ENERGY DEVELOPMENT AND PERMITTING IN ALASKA

Ex. Ord. No. 13580, July 12, 2011, 76 F.R. 41989, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to establish an interagency working group to coordinate the efforts of Federal agencies responsible for overseeing the safe and responsible development of onshore and offshore energy resources and associated infrastructure in Alaska and to help reduce our dependence on foreign oil, it is hereby ordered as follows:

SECTION 1. Policy. Interagency coordination is important for the safe, responsible, and efficient development of oil and natural gas resources in Alaska, both onshore and on the Alaska Outer Continental Shelf (OCS), while protecting human health and the environment, as well as indigenous populations. A number of executive departments and agencies (agencies) are charged with ensuring that resource development projects in Alaska comply with health, safety, and environmental protection standards. To formalize and promote ongoing interagency coordination, this order establishes a high-level, interagency working group that will facilitate coordinated and efficient domestic energy development and permitting in Alaska while ensuring that all applicable standards are fully met.

SEC. 2. Establishment. There is established an Interagency Working Group on Coordination of Domestic Energy Development and Permitting in Alaska (Working Group), led by the Department of the Interior.

SEC. 3. Membership. (a) The Deputy Secretary of the Interior shall serve as Chair of the Working Group and coordinate its work. The Working Group shall also include deputy-level representatives or officials at the equivalent level, designated by the head of the respective agency, from:

- (i) the Department of Defense;
- (ii) the Department of Commerce;
- (iii) the Department of Agriculture;
- (iv) the Department of Energy;
- (v) the Department of Homeland Security;
- (vi) the Environmental Protection Agency; and
- (vii) the Office of the Federal Coordinator for Alaska Natural Gas Transportation Projects.

(b) The Domestic Policy Council shall work closely with the Chair of the Working Group and assist in the interagency coordination functions described in section 4 of this order. To maximize coordination with National Security Policy Directive-66 (NSPD-66), "Arctic Region Policy;" Executive Order 13547 of July 19, 2010 ("Stewardship of the Ocean, Our Coasts, and the Great Lakes"); the National Response Framework; the National Oil and Hazardous Substances Pollution Contingency Plan (National Contingency Plan); and other relevant Federal policy initiatives, the Working Group shall also include deputy-level representatives or officials at the equivalent level, designated by the head of the respective agency or office, from:

- (i) the Council on Environmental Quality;
- (ii) the Office of Science and Technology Policy;
- (iii) the Office of Management and Budget; and
- (iv) the National Security Staff.

(c) The Working Group shall consult with other agencies and offices, as appropriate, in order to facilitate the sharing of information and best practices.

(d) Members of the Working Group shall meet periodically and on a schedule coordinated with significant milestones in the various permitting cycles. Staff from the participating agencies shall meet as appropriate to facilitate the functions of the Working Group.

SEC. 4. Functions. Consistent with the authorities and responsibilities of participating agencies, the Working Group shall perform the following functions:

(a) facilitate orderly and efficient decisionmaking regarding the issuance of permits and conduct of environmental reviews for onshore and offshore energy development projects in Alaska;

(b) ensure that the schedules and progress of agency regulatory and permitting activities are coordinated appropriately, that they operate efficiently and effectively, and that agencies assist one another, as appropriate;

(c) facilitate the sharing of application and project information among agencies, including information regarding anticipated timelines and milestones;

(d) ensure the sharing and integrity of scientific and environmental information and cultural and traditional knowledge among agencies to support the permit evaluation process of onshore and offshore energy development projects in Alaska;

(e) engage in longterm planning and ensure coordination with the appropriate Federal entities related to such issues as oil spill prevention, preparedness and response, and the development of necessary infrastructure to adequately support energy development in Alaska;

(f) coordinate Federal engagement with States, localities, and tribal governments, as it relates to energy development and permitting issues in Alaska, including:

(i) designating a primary point of contact to facilitate coordination with the State of Alaska;

(ii) designating a primary point of contact to facilitate coordination with local communities, governments, tribes, co-management organizations, and similar Alaska Native organizations;

(g) collaborate on stakeholder outreach; and

(h) promote interagency dialogue with respect to communications with industry regarding Alaska offshore and onshore energy development and permitting issues.

SEC. 5. General Provisions. (a) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(b) The Department of the Interior shall provide administrative support for the Working Group to the extent permitted by law.

(c) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department, agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(d) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

BARACK OBAMA.

[Reference to the National Security Staff deemed to be a reference to the National Security Council Staff, see Ex. Ord. No. 13657, set out as a note under section 3021 of Title 50, War and National Defense.]

SUBCHAPTER I—GENERAL PROVISIONS

§ 3101. Congressional statement of purpose

(a) Establishment of units

In order to preserve for the benefit, use, education, and inspiration of present and future

generations certain lands and waters in the State of Alaska that contain nationally significant natural, scenic, historic, archeological, geological, scientific, wilderness, cultural, recreational, and wildlife values, the units described in the following titles are hereby established.

(b) Preservation and protection of scenic, geological, etc., values

It is the intent of Congress in this Act to preserve unrivaled scenic and geological values associated with natural landscapes; to provide for the maintenance of sound populations of, and habitat for, wildlife species of inestimable value to the citizens of Alaska and the Nation, including those species dependent on vast relatively undeveloped areas; to preserve in their natural state extensive unaltered arctic tundra, boreal forest, and coastal rainforest ecosystems; to protect the resources related to subsistence needs; to protect and preserve historic and archeological sites, rivers, and lands, and to preserve wilderness resource values and related recreational opportunities including but not limited to hiking, canoeing, fishing, and sport hunting, within large arctic and subarctic wildlands and on freeflowing rivers; and to maintain opportunities for scientific research and undisturbed ecosystems.

(c) Subsistence way of life for rural residents

It is further the intent and purpose of this Act consistent with management of fish and wildlife in accordance with recognized scientific principles and the purposes for which each conservation system unit is established, designated, or expanded by or pursuant to this Act, to provide the opportunity for rural residents engaged in a subsistence way of life to continue to do so.

(d) Need for future legislation obviated

This Act provides sufficient protection for the national interest in the scenic, natural, cultural and environmental values on the public lands in Alaska, and at the same time provides adequate opportunity for satisfaction of the economic and social needs of the State of Alaska and its people; accordingly, the designation and disposition of the public lands in Alaska pursuant to this Act are found to represent a proper balance between the reservation of national conservation system units and those public lands necessary and appropriate for more intensive use and disposition, and thus Congress believes that the need for future legislation designating new conservation system units, new national conservation areas, or new national recreation areas, has been obviated thereby.

(Pub. L. 96-487, title I, § 101, Dec. 2, 1980, 94 Stat. 2374.)

Editorial Notes

REFERENCES IN TEXT

The following titles, referred to in subsec. (a), mean titles II to XV of Pub. L. 96-487, Dec. 2, 1980, §§ 201-1503, 94 Stat. 2377-2551. For complete classification of these titles to the Code, see Tables.

This Act, referred to in subsecs. (b) to (d), is Pub. L. 96-487, Dec. 2, 1980, 94 Stat. 2371, as amended, known as the Alaska National Interest Lands Conservation Act.

For complete classification of this Act to the Code, see Short Title note set out below and Tables.

Statutory Notes and Related Subsidiaries

SHORT TITLE

Pub. L. 96-487, § 1, Dec. 2, 1980, 94 Stat. 2371, provided that: "This Act [enacting this chapter, sections 410hh to 410hh-5, 460mm to 460mm-4, 539 to 539e, and 1285b of this title, and sections 1631 to 1641 and 1784 of Title 43, Public Lands, amending sections 410bb, 1274, 1276, 1279, and 1280 of this title and sections 1602, 1606, 1607, 1611, 1613, 1614, 1620, and 1621 of Title 43, enacting provisions set out as notes under this section and sections 431, 668dd, 1132, 1274, and 3145 of this title and sections 1605, 1613, and 1618 of Title 43, and amending provisions set out as notes under sections 1611 and 1613 of Title 43 and preceding section 21 of Title 48, Territories and Insular Possessions] may be cited as the 'Alaska National Interest Lands Conservation Act'."

§ 3102. Definitions

As used in this Act (except that in titles IX and XIV the following terms shall have the same meaning as they have in the Alaska Native Claims Settlement Act [43 U.S.C. 1601 et seq.], and the Alaska Statehood Act)—

(1) The term "land" means lands, waters, and interests therein.

(2) The term "Federal land" means lands the title to which is in the United States after December 2, 1980.

(3) The term "public lands" means land situated in Alaska which, after December 2, 1980, are Federal lands, except—

(A) land selections of the State of Alaska which have been tentatively approved or validly selected under the Alaska Statehood Act and lands which have been confirmed to, validly selected by, or granted to the Territory of Alaska or the State under any other provision of Federal law;

(B) land selections of a Native Corporation made under the Alaska Native Claims Settlement Act [43 U.S.C. 1601 et seq.] which have not been conveyed to a Native Corporation, unless any such selection is determined to be invalid or is relinquished; and

(C) lands referred to in section 19(b) of the Alaska Native Claims Settlement Act [43 U.S.C. 1618(b)].

(4) The term "conservation system unit" means any unit in Alaska of the National Park System, National Wildlife Refuge System, National Wild and Scenic Rivers Systems, National Trails System, National Wilderness Preservation System, or a National Forest Monument including existing units, units established, designated, or expanded by or under the provisions of this Act, additions to such units, and any such unit established, designated, or expanded hereafter.

(5) The term "Alaska Native Claims Settlement Act" means "An Act to provide for the settlement of certain land claims of Alaska Natives, and for other purposes", approved December 18, 1971 (85 Stat. 688), as amended [43 U.S.C. 1601 et seq.].

(6) The term "Native Corporation" means any Regional Corporation, any Village Corporation, any Urban Corporation, and any Native Group.