

TITLE IV—ENERGY AND NATURAL RESOURCES

SEC. 401. OIL AND GAS LEASING PROGRAM.

(a) DEFINITIONS.—In this section:

(1) COASTAL PLAIN.—The term “Coastal Plain” means the area identified as the Coastal Plain on the map prepared by the United States Geological Survey, entitled “Arctic National Wildlife Refuge 1002 Coastal Plain Area”, dated September 2005, and on file with the United States Geological Survey.

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

(b) PROGRAM.—

(1) IN GENERAL.—Congress—

(A) authorizes the leasing, development, production, and transportation of oil and gas in and from the Coastal Plain; and

(B) directs the Secretary to take such actions as are necessary to—

(i) establish and implement an environmentally sound competitive oil and gas

1 leasing program to carry out the activities
2 authorized under subparagraph (A); and
3 (ii) conduct 2 lease sales before Octo-
4 ber 1, 2010.

5 (2) ADMINISTRATION.—The Secretary shall ad-
6 minister this section through regulations, lease
7 terms, conditions, restrictions, prohibitions, stipula-
8 tions, and other provisions that ensure the oil and
9 gas exploration, development, production, and trans-
10 portation activities on the Coastal Plain are carried
11 out in a manner that will ensure the receipt of fair
12 market value by the public for the mineral resources
13 to be leased.

14 (c) 2 LEASE SALES BEFORE FISCAL YEAR 2011.—

15 (1) IN GENERAL.—In order to enable the Sec-
16 retary to hold 2 lease sales before October 1, 2010,
17 this subsection shall apply with respect to the oil
18 and gas leasing program established by the Sec-
19 retary pursuant to this section.

20 (2) PURPOSES.—For purposes of the National
21 Wildlife Refuge System Administration Act of 1966
22 (16 U.S.C. 668dd et seq.) and amendments made by
23 that Act, the oil and gas leasing program and activi-
24 ties authorized by this section in the Coastal Plain
25 are deemed to be compatible with the purposes for

1 which the Arctic National Wildlife Refuge was estab-
2 lished, and no further findings or decisions are re-
3 quired to implement this determination of compat-
4 ibility.

5 (3) PRELEASE ACTIVITIES.—The Final Legisla-
6 tive Environmental Impact Statement on the Coastal
7 Plain dated April 1987 and prepared pursuant to
8 section 1002 of the Alaska National Interest Lands
9 Conservation Act (16 U.S.C. 3142) and section
10 102(2)(C) of the National Environmental Policy Act
11 of 1969 (42 U.S.C. 4332(2)(C)) is deemed to satisfy
12 the requirements under the National Environmental
13 Policy Act of 1969 (42 U.S.C. 4321 et seq.) that
14 apply with respect to prelease activities, including
15 actions authorized to be taken by the Secretary to
16 develop and promulgate regulations for the establish-
17 ment of the leasing program authorized by this sec-
18 tion before the conduct of the first lease sale.

19 (4) PREFERRED ACTION.—

20 (A) NONLEASING ALTERNATIVES.—With
21 respect to any environmental impact statement
22 prepared by the Secretary under the National
23 Environmental Policy Act of 1969 (42 U.S.C.
24 4321 et seq.) with respect to any lease sale con-
25 ducted under the leasing program authorized by

1 this section, the Secretary is not required to
2 identify nonleasing alternative courses of action
3 or to analyze the environmental effects of those
4 courses of action.

5 (B) LEASING ALTERNATIVES.—The Sec-
6 retary shall only identify a preferred action for
7 leasing and a single leasing alternative, and
8 analyze the environmental effects and potential
9 mitigation measures for the preferred action
10 and leasing alternative.

11 (C) DEADLINE.—The identification and re-
12 lated analyses required by subparagraph (B)
13 shall be completed within 18 months after the
14 date of enactment of this Act.

15 (D) PUBLIC COMMENTS.—The Secretary
16 shall only consider public comments that are
17 filed within 30 days after publication of an en-
18 vironmental analysis.

19 (E) COMPLIANCE.—Compliance with this
20 paragraph satisfies all requirements of section
21 102(2)(C) of the National Environmental Policy
22 Act of 1969 (42 U.S.C. 4332(2)(C)) for the
23 analysis and consideration of the environmental
24 effects of proposed leasing under this section.

25 (5) EXPEDITED JUDICIAL REVIEW.—

1 (A) VENUE; DEADLINE.—Any complaint
2 seeking judicial review of this section or any ac-
3 tion of the Secretary under this section shall be
4 filed in the United States Court of Appeals for
5 the District of Columbia—

6 (i) within the 90-day period beginning
7 on the date of the action being challenged;
8 or

9 (ii) in the case of a complaint based
10 solely on grounds arising after that period,
11 within 90 days after the complainant knew
12 or reasonably should have known of the
13 grounds for the complaint.

14 (B) SCOPE.—Judicial review of a decision
15 of the Secretary to conduct a lease sale under
16 this section (including the environmental anal-
17 ysis of the decision) shall be—

18 (i) limited to whether the Secretary
19 has complied with this section; and

20 (ii) based on the administrative record
21 of that decision.

22 (d) RECEIPTS.—Notwithstanding any other provision
23 of law, of the amount of adjusted bonus, rental, and roy-
24 alty receipts derived from oil and gas leasing and oper-
25 ations authorized under this section—

1 (1) 50 percent shall be paid to the State of
2 Alaska; and

3 (2) the balance shall be deposited into the
4 Treasury as miscellaneous receipts.

5 (e) RIGHTS-OF-WAY.—For purposes of section
6 1102(4)(A) of the Alaska National Interest Lands Con-
7 servation Act (16 U.S.C. 3162(4)(A)), any rights-of-way
8 or easements across the Coastal Plain for the exploration,
9 development, production, or transportation of oil and gas
10 shall be considered to be established incident to the man-
11 agement of the Coastal Plain under this section.

12 (f) MAXIMUM SURFACE ACREAGE.—In administering
13 this section, the Secretary shall ensure that the maximum
14 quantity of surface acreage covered by production and
15 support facilities (including airstrips and any area covered
16 by gravel berms or piers for support of pipelines) does not
17 exceed 2,000 acres on the Coastal Plain.

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