

1                   **TITLE IV—ENERGY AND**  
2                   **NATURAL RESOURCES**

3 **SEC. 401. OIL AND GAS LEASING PROGRAM.**

4           (a) **DEFINITIONS.**—In this section:

5                   (1) **COASTAL PLAIN.**—The term “Coastal  
6           Plain” means the area identified as the Coastal  
7           Plain on the map prepared by the United States Ge-  
8           ological Survey, entitled “Arctic National Wildlife  
9           Refuge 1002 Coastal Plain Area”, and dated Sep-  
10          tember 2005.

11                  (2) **SECRETARY.**—The term “Secretary” means  
12          the Secretary of the Interior, acting through the Bu-  
13          reau of Land Management.

14          (b) **PROGRAM.**—

15                  (1) **IN GENERAL.**—Congress—

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

19                          (B) directs the Secretary to take such ac-  
20                          tions as are necessary to—

21                                  (i) establish and implement an envi-  
22                                  ronmentally 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.

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

18               (4) PREFERRED ACTION.—

19               (A) NONLEASING ALTERNATIVES.—With  
20      respect to any environmental impact statement  
21      prepared by the Secretary under the National  
22      Environmental Policy Act of 1969 (42 U.S.C.  
23      4321 et seq.) with respect to any lease sale con-  
24      ducted under the leasing program authorized by  
25      this section, the Secretary is not required to

1 identify nonleasing alternative courses of action  
2 or to analyze the environmental effects of those  
3 courses of action.

4 (B) LEASING ALTERNATIVES.—The Sec-  
5 retary shall only identify a preferred action for  
6 leasing and a single leasing alternative, and  
7 analyze the environmental effects and potential  
8 mitigation measures for those 2 alternatives.

9 (C) DEADLINE.—The identification of the  
10 preferred action and related analysis for the  
11 first lease sale under this section shall be com-  
12 pleted within 18 months after the date of enact-  
13 ment of this Act.

14 (D) PUBLIC COMMENTS.—The Secretary  
15 shall only consider public comments that—

16 (i) specifically address the preferred  
17 action of the Secretary; and

18 (ii) are filed within 20 days after pub-  
19 lication of an environmental analysis.

20 (E) COMPLIANCE.—Notwithstanding any  
21 other provision of law, compliance with this  
22 paragraph is deemed to satisfy all requirements  
23 for the analysis and consideration of the envi-  
24 ronmental effects of proposed leasing under this  
25 section.

1 (5) EXPEDITED JUDICIAL REVIEW.—

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

7 (i) except as provided in clause (ii),  
8 within the 90-day period beginning on the  
9 date of the action being challenged; or

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

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

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

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

23 (C) ENFORCEMENT PROCEEDINGS.—Ac-  
24 tions of the Secretary with respect to which re-  
25 view could have been obtained under this sec-

1           tion shall not be subject to judicial review in  
2           any civil or criminal proceeding for enforce-  
3           ment.

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

8           (1) 50 percent shall be paid to the State of  
9           Alaska; and

10           (2) the balance shall be deposited into the  
11           Treasury as miscellaneous receipts.

12           (e) RIGHTS-OF-WAY.—For purposes of section  
13 1102(4)(A) of the Alaska National Interest Lands Con-  
14 servation Act (16 U.S.C. 3162(4)(A)), any rights-of-way  
15 or easements across the Coastal Plain for the exploration,  
16 development, production, or transportation of oil and gas  
17 shall be considered to be established incident to the man-  
18 agement of the Coastal Plain under this section.

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

1           (g) PROJECT LABOR AGREEMENT.—The Secretary  
2 shall require that a lessee under the leasing program es-  
3 tablished by this section and any agents and contractors  
4 of the lessee negotiate to obtain a project labor agreement  
5 for the employment of laborers and mechanics on produc-  
6 tion, maintenance, and construction under the lease.