

112TH CONGRESS
1ST SESSION

H. R. 3407

To direct the Secretary of the Interior to establish and implement a competitive oil and gas leasing program for the exploration, development, and production of the oil and gas resources of the Coastal Plain of Alaska, to ensure secure energy supplies for the continental Pacific Coast of the United States, lower prices, and reduce imports, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 14, 2011

Mr. HASTINGS of Washington (for himself and Mr. YOUNG of Alaska) introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To direct the Secretary of the Interior to establish and implement a competitive oil and gas leasing program for the exploration, development, and production of the oil and gas resources of the Coastal Plain of Alaska, to ensure secure energy supplies for the continental Pacific Coast of the United States, lower prices, and reduce imports, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Alaskan Energy for
3 American Jobs Act”.

4 **SEC. 2. DEFINITIONS.**

5 In this Act:

6 (1) **COASTAL PLAIN.**—The term “Coastal
7 Plain” means that area described in appendix I to
8 part 37 of title 50, Code of Federal Regulations.

9 (2) **PEER REVIEWED.**—The term “peer re-
10 viewed” means reviewed—

11 (A) by individuals chosen by the National
12 Academy of Sciences with no contractual rela-
13 tionship with or those who have an application
14 for a grant or other funding pending with the
15 Federal agency with leasing jurisdiction; or

16 (B) if individuals described in subpara-
17 graph (A) are not available, by the top individ-
18 uals in the specified biological fields, as deter-
19 mined by the National Academy of Sciences.

20 (3) **SECRETARY.**—The term “Secretary”, except
21 as otherwise provided, means the Secretary of the
22 Interior or the Secretary’s designee.

23 **SEC. 3. LEASING PROGRAM FOR LANDS WITHIN THE**
24 **COASTAL PLAIN.**

25 (a) **IN GENERAL.**—The Secretary shall take such ac-
26 tions as are necessary—

1 (1) to establish and implement, in accordance
2 with this Act and acting through the Director of the
3 Bureau of Land Management in consultation with
4 the Director of the United States Fish and Wildlife
5 Service, a competitive oil and gas leasing program
6 that will result in the exploration, development, and
7 production of the oil and gas resources of the Coast-
8 al Plain; and

9 (2) to administer the provisions of this Act
10 through regulations, lease terms, conditions, restric-
11 tions, prohibitions, stipulations, and other provisions
12 that ensure the oil and gas exploration, development,
13 and production activities on the Coastal Plain will
14 result in no significant adverse effect on fish and
15 wildlife, their habitat, subsistence resources, and the
16 environment, including, in furtherance of this goal,
17 by requiring the application of the best commercially
18 available technology for oil and gas exploration, de-
19 velopment, and production to all exploration, devel-
20 opment, and production operations under this Act in
21 a manner that ensures the receipt of fair market
22 value by the public for the mineral resources to be
23 leased.

24 (b) REPEAL OF EXISTING RESTRICTION.—

1 (1) REPEAL.—Section 1003 of the Alaska Na-
2 tional Interest Lands Conservation Act of 1980 (16
3 U.S.C. 3143) is repealed.

4 (2) CONFORMING AMENDMENT.—The table of
5 contents in section 1 of such Act is amended by
6 striking the item relating to section 1003.

7 (c) COMPLIANCE WITH REQUIREMENTS UNDER CER-
8 TAIN OTHER LAWS.—

9 (1) COMPATIBILITY.—For purposes of the Na-
10 tional Wildlife Refuge System Administration Act of
11 1966 (16 U.S.C. 668dd et seq.), the oil and gas
12 leasing program and activities authorized by this
13 section in the Coastal Plain are deemed to be com-
14 patible with the purposes for which the Arctic Na-
15 tional Wildlife Refuge was established, and no fur-
16 ther findings or decisions are required to implement
17 this determination.

18 (2) ADEQUACY OF THE DEPARTMENT OF THE
19 INTERIOR'S LEGISLATIVE ENVIRONMENTAL IMPACT
20 STATEMENT.—The “Final Legislative Environ-
21 mental Impact Statement” (April 1987) on the
22 Coastal Plain prepared pursuant to section 1002 of
23 the Alaska National Interest Lands Conservation
24 Act of 1980 (16 U.S.C. 3142) and section 102(2)(C)
25 of the National Environmental Policy Act of 1969

1 (42 U.S.C. 4332(2)(C)) is deemed to satisfy the re-
2 quirements under the National Environmental Policy
3 Act of 1969 that apply with respect to prelease ac-
4 tivities under this Act, including actions authorized
5 to be taken by the Secretary to develop and promul-
6 gate the regulations for the establishment of a leas-
7 ing program authorized by this Act before the con-
8 duct of the first lease sale.

9 (3) COMPLIANCE WITH NEPA FOR OTHER AC-
10 TIONS.—Before conducting the first lease sale under
11 this Act, the Secretary shall prepare an environ-
12 mental impact statement under the National Envi-
13 ronmental Policy Act of 1969 with respect to the ac-
14 tions authorized by this Act that are not referred to
15 in paragraph (2). Notwithstanding any other law,
16 the Secretary is not required to identify nonleasing
17 alternative courses of action or to analyze the envi-
18 ronmental effects of such courses of action. The Sec-
19 retary shall only identify a preferred action for such
20 leasing and a single leasing alternative, and analyze
21 the environmental effects and potential mitigation
22 measures for those two alternatives. The identifica-
23 tion of the preferred action and related analysis for
24 the first lease sale under this Act shall be completed
25 within 18 months after the date of enactment of this

1 Act. The Secretary shall only consider public com-
2 ments that specifically address the Secretary's pre-
3 ferred action and that are filed within 20 days after
4 publication of an environmental analysis. Notwith-
5 standing any other law, compliance with this para-
6 graph is deemed to satisfy all requirements for the
7 analysis and consideration of the environmental ef-
8 fects of proposed leasing under this Act.

9 (d) RELATIONSHIP TO STATE AND LOCAL AUTHOR-
10 ITY.—Nothing in this Act shall be considered to expand
11 or limit State and local regulatory authority.

12 (e) SPECIAL AREAS.—

13 (1) IN GENERAL.—The Secretary, after con-
14 sultation with the State of Alaska, the city of
15 Kaktovik, and the North Slope Borough, may des-
16 ignate up to a total of 45,000 acres of the Coastal
17 Plain as a Special Area if the Secretary determines
18 that the Special Area is of such unique character
19 and interest so as to require special management
20 and regulatory protection. The Secretary shall des-
21 ignate as such a Special Area the Sadlerochit Spring
22 area, comprising approximately 4,000 acres.

23 (2) MANAGEMENT.—Each such Special Area
24 shall be managed so as to protect and preserve the

1 area's unique and diverse character including its
2 fish, wildlife, and subsistence resource values.

3 (3) EXCLUSION FROM LEASING OR SURFACE
4 OCCUPANCY.—The Secretary may exclude any Spe-
5 cial Area from leasing. If the Secretary leases a Spe-
6 cial Area, or any part thereof, for purposes of oil
7 and gas exploration, development, production, and
8 related activities, there shall be no surface occu-
9 pancy of the lands comprising the Special Area.

10 (4) DIRECTIONAL DRILLING.—Notwithstanding
11 the other provisions of this subsection, the Secretary
12 may lease all or a portion of a Special Area under
13 terms that permit the use of horizontal drilling tech-
14 nology from sites on leases tracts located outside the
15 Special Area.

16 (f) LIMITATION ON CLOSED AREAS.—The Sec-
17 retary's sole authority to close lands within the Coastal
18 Plain to oil and gas leasing and to exploration, develop-
19 ment, and production is that set forth in this Act.

20 (g) REGULATIONS.—

21 (1) IN GENERAL.—The Secretary shall pre-
22 scribe such regulations as may be necessary to carry
23 out this Act, including regulations relating to protec-
24 tion of the fish and wildlife, their habitat, subsist-
25 ence resources, and environment of the Coastal

1 Plain, by no later than 15 months after the date of
2 enactment of this Act.

3 (2) REVISION OF REGULATIONS.—The Sec-
4 retary shall, through a rule making conducted in ac-
5 cordance with section 553 of title 5, United States
6 Code, periodically review and, if appropriate, revise
7 the regulations issued under subsection (a) to reflect
8 a preponderance of the best available scientific evi-
9 dence that has been peer reviewed and obtained by
10 following appropriate, documented scientific proce-
11 dures, the results of which can be repeated using
12 those same procedures.

13 **SEC. 4. LEASE SALES.**

14 (a) IN GENERAL.—Lands may be leased under this
15 Act to any person qualified to obtain a lease for deposits
16 of oil and gas under the Mineral Leasing Act (30 U.S.C.
17 181 et seq.).

18 (b) PROCEDURES.—The Secretary shall, by regula-
19 tion and no later than 180 days after the date of enact-
20 ment of this Act, establish procedures for—

21 (1) receipt and consideration of sealed nomina-
22 tions for any area of the Coastal Plain for inclusion
23 in, or exclusion (as provided in subsection (c)) from,
24 a lease sale;

1 (2) the holding of lease sales after such nomina-
2 tion process; and

3 (3) public notice of and comment on designa-
4 tion of areas to be included in, or excluded from, a
5 lease sale.

6 (c) LEASE SALE BIDS.—Lease sales under this Act
7 may be conducted through an Internet leasing program,
8 if the Secretary determines that such a system will result
9 in savings to the taxpayer, an increase in the number of
10 bidders participating, and higher returns than oral bidding
11 or a sealed bidding system.

12 (d) SALE ACREAGES AND SCHEDULE.—

13 (1) The Secretary shall offer for lease under
14 this Act those tracts the Secretary considers to have
15 the greatest potential for the discovery of hydro-
16 carbons, taking into consideration nominations re-
17 ceived pursuant to subsection (b)(1).

18 (2) The Secretary shall offer for lease under
19 this Act no less than 50,000 acres for lease within
20 22 months after the date of the enactment of this
21 Act.

22 (3) The Secretary shall offer for lease under
23 this Act no less than an additional 50,000 acres at
24 6-, 12-, and 18-month intervals following offering
25 under paragraph (2).

1 (4) The Secretary shall conduct four additional
2 sales under the same terms and schedule no later
3 than two years after the date of the last sale under
4 paragraph (3), if sufficient interest in leasing exists
5 to warrant, in the Secretary's judgment, the conduct
6 of such sales.

7 (5) The Secretary shall evaluate the bids in
8 each sale and issue leases resulting from such sales,
9 within 90 days after the date of the completion of
10 such sale.

11 **SEC. 5. GRANT OF LEASES BY THE SECRETARY.**

12 (a) IN GENERAL.—The Secretary may grant to the
13 highest responsible qualified bidder in a lease sale con-
14 ducted under section 4 any lands to be leased on the
15 Coastal Plain upon payment by the such bidder of such
16 bonus as may be accepted by the Secretary.

17 (b) SUBSEQUENT TRANSFERS.—No lease issued
18 under this Act may be sold, exchanged, assigned, sublet,
19 or otherwise transferred except with the approval of the
20 Secretary. Prior to any such approval the Secretary shall
21 consult with, and give due consideration to the views of,
22 the Attorney General.

23 **SEC. 6. LEASE TERMS AND CONDITIONS.**

24 (a) IN GENERAL.—An oil or gas lease issued under
25 this Act shall—

1 (1) provide for the payment of a royalty of not
2 less than 12½ percent in amount or value of the
3 production removed or sold under the lease, as de-
4 termined by the Secretary under the regulations ap-
5 plicable to other Federal oil and gas leases;

6 (2) provide that the Secretary may close, on a
7 seasonal basis, portions of the Coastal Plain to ex-
8 ploratory drilling activities as necessary to protect
9 caribou calving areas and other species of fish and
10 wildlife based on a preponderance of the best avail-
11 able scientific evidence that has been peer reviewed
12 and obtained by following appropriate, documented
13 scientific procedures, the results of which can be re-
14 peated using those same procedures;

15 (3) require that the lessee of lands within the
16 Coastal Plain shall be fully responsible and liable for
17 the reclamation of lands within the Coastal Plain
18 and any other Federal lands that are adversely af-
19 fected in connection with exploration, development,
20 production, or transportation activities conducted
21 under the lease and within the Coastal Plain by the
22 lessee or by any of the subcontractors or agents of
23 the lessee;

24 (4) provide that the lessee may not delegate or
25 convey, by contract or otherwise, the reclamation re-

1 sponsibility and liability to another person without
2 the express written approval of the Secretary;

3 (5) provide that the standard of reclamation for
4 lands required to be reclaimed under this Act shall
5 be, as nearly as practicable, a condition capable of
6 supporting the uses which the lands were capable of
7 supporting prior to any exploration, development, or
8 production activities, or upon application by the les-
9 see, to a higher or better use as certified by the Sec-
10 retary;

11 (6) contain terms and conditions relating to
12 protection of fish and wildlife, their habitat, subsist-
13 ence resources, and the environment as required
14 pursuant to section 3(a)(2);

15 (7) provide that the lessee, its agents, and its
16 contractors use best efforts to provide a fair share,
17 as determined by the level of obligation previously
18 agreed to in the 1974 agreement implementing sec-
19 tion 29 of the Federal Agreement and Grant of
20 Right of Way for the Operation of the Trans-Alaska
21 Pipeline, of employment and contracting for Alaska
22 Natives and Alaska Native corporations from
23 throughout the State;

24 (8) prohibit the export of oil produced under
25 the lease; and

1 (9) contain such other provisions as the Sec-
2 retary determines necessary to ensure compliance
3 with this Act and the regulations issued under this
4 Act.

5 **SEC. 7. COASTAL PLAIN ENVIRONMENTAL PROTECTION.**

6 (a) NO SIGNIFICANT ADVERSE EFFECT STANDARD
7 TO GOVERN AUTHORIZED COASTAL PLAIN ACTIVITIES.—
8 The Secretary shall, consistent with the requirements of
9 section 3, administer this Act through regulations, lease
10 terms, conditions, restrictions, prohibitions, stipulations,
11 and other provisions that—

12 (1) ensure the oil and gas exploration, develop-
13 ment, and production activities on the Coastal Plain
14 will result in no significant adverse effect on fish
15 and wildlife, their habitat, and the environment;

16 (2) require the application of the best commer-
17 cially available technology for oil and gas explo-
18 ration, development, and production on all new ex-
19 ploration, development, and production operations;
20 and

21 (3) ensure that the maximum amount of sur-
22 face acreage covered by production and support fa-
23 cilities, including airstrips and any areas covered by
24 gravel berms or piers for support of pipelines, does

1 not exceed 10,000 acres on the Coastal Plain for
2 each 100,000 acres of area leased.

3 (b) SITE-SPECIFIC ASSESSMENT AND MITIGATION.—

4 The Secretary shall also require, with respect to any pro-
5 posed drilling and related activities, that—

6 (1) a site-specific analysis be made of the prob-
7 able effects, if any, that the drilling or related activi-
8 ties will have on fish and wildlife, their habitat, sub-
9 sistence resources, and the environment;

10 (2) a plan be implemented to avoid, minimize,
11 and mitigate (in that order and to the extent prac-
12 ticable) any significant adverse effect identified
13 under paragraph (1); and

14 (3) the development of the plan shall occur
15 after consultation with the agency or agencies hav-
16 ing jurisdiction over matters mitigated by the plan.

17 (c) REGULATIONS TO PROTECT COASTAL PLAIN
18 FISH AND WILDLIFE RESOURCES, SUBSISTENCE USERS,
19 AND THE ENVIRONMENT.—Before implementing the leas-
20 ing program authorized by this Act, the Secretary shall
21 prepare and promulgate regulations, lease terms, condi-
22 tions, restrictions, prohibitions, stipulations, and other
23 measures designed to ensure that the activities undertaken
24 on the Coastal Plain under this Act are conducted in a

1 manner consistent with the purposes and environmental
2 requirements of this Act.

3 (d) COMPLIANCE WITH FEDERAL AND STATE ENVI-
4 RONMENTAL LAWS AND OTHER REQUIREMENTS.—The
5 proposed regulations, lease terms, conditions, restrictions,
6 prohibitions, and stipulations for the leasing program
7 under this Act shall require compliance with all applicable
8 provisions of Federal and State environmental law, and
9 shall also require the following:

10 (1) Standards at least as effective as the safety
11 and environmental mitigation measures set forth in
12 items 1 through 29 at pages 167 through 169 of the
13 “Final Legislative Environmental Impact State-
14 ment” (April 1987) on the Coastal Plain.

15 (2) Seasonal limitations on exploration, develop-
16 ment, and related activities, where necessary, to
17 avoid significant adverse effects during periods of
18 concentrated fish and wildlife breeding, denning,
19 nesting, spawning, and migration based on a prepon-
20 derance of the best available scientific evidence that
21 has been peer reviewed and obtained by following
22 appropriate, documented scientific procedures, the
23 results of which can be repeated using those same
24 procedures.

1 (3) That exploration activities, except for sur-
2 face geological studies, be limited to the period be-
3 tween approximately November 1 and May 1 each
4 year and that exploration activities shall be sup-
5 ported, if necessary, by ice roads, winter trails with
6 adequate snow cover, ice pads, ice airstrips, and air
7 transport methods, except that such exploration ac-
8 tivities may occur at other times if the Secretary
9 finds that such exploration will have no significant
10 adverse effect on the fish and wildlife, their habitat,
11 and the environment of the Coastal Plain.

12 (4) Design safety and construction standards
13 for all pipelines and any access and service roads,
14 that—

15 (A) minimize, to the maximum extent pos-
16 sible, adverse effects upon the passage of mi-
17 gratory species such as caribou; and

18 (B) minimize adverse effects upon the flow
19 of surface water by requiring the use of cul-
20 verts, bridges, and other structural devices.

21 (5) Prohibitions on general public access and
22 use on all pipeline access and service roads.

23 (6) Stringent reclamation and rehabilitation re-
24 quirements, consistent with the standards set forth
25 in this Act, requiring the removal from the Coastal

1 Plain of all oil and gas development and production
2 facilities, structures, and equipment upon completion
3 of oil and gas production operations, except that the
4 Secretary may exempt from the requirements of this
5 paragraph those facilities, structures, or equipment
6 that the Secretary determines would assist in the
7 management of the Arctic National Wildlife Refuge
8 and that are donated to the United States for that
9 purpose.

10 (7) Appropriate prohibitions or restrictions on
11 access by all modes of transportation.

12 (8) Appropriate prohibitions or restrictions on
13 sand and gravel extraction.

14 (9) Consolidation of facility siting.

15 (10) Appropriate prohibitions or restrictions on
16 use of explosives.

17 (11) Avoidance, to the extent practicable, of
18 springs, streams, and river systems; the protection
19 of natural surface drainage patterns, wetlands, and
20 riparian habitats; and the regulation of methods or
21 techniques for developing or transporting adequate
22 supplies of water for exploratory drilling.

23 (12) Avoidance or minimization of air traffic-re-
24 lated disturbance to fish and wildlife.

1 (13) Treatment and disposal of hazardous and
2 toxic wastes, solid wastes, reserve pit fluids, drilling
3 muds and cuttings, and domestic wastewater, includ-
4 ing an annual waste management report, a haz-
5 arduous materials tracking system, and a prohibition
6 on chlorinated solvents, in accordance with applica-
7 ble Federal and State environmental law.

8 (14) Fuel storage and oil spill contingency plan-
9 ning.

10 (15) Research, monitoring, and reporting re-
11 quirements.

12 (16) Field crew environmental briefings.

13 (17) Avoidance of significant adverse effects
14 upon subsistence hunting, fishing, and trapping by
15 subsistence users.

16 (18) Compliance with applicable air and water
17 quality standards.

18 (19) Appropriate seasonal and safety zone des-
19 ignations around well sites, within which subsistence
20 hunting and trapping shall be limited.

21 (20) Reasonable stipulations for protection of
22 cultural and archeological resources.

23 (21) All other protective environmental stipula-
24 tions, restrictions, terms, and conditions deemed
25 necessary by the Secretary.

1 (e) CONSIDERATIONS.—In preparing and promul-
2 gating regulations, lease terms, conditions, restrictions,
3 prohibitions, and stipulations under this section, the Sec-
4 retary shall consider the following:

5 (1) The stipulations and conditions that govern
6 the National Petroleum Reserve-Alaska leasing pro-
7 gram, as set forth in the 1999 Northeast National
8 Petroleum Reserve-Alaska Final Integrated Activity
9 Plan/Environmental Impact Statement.

10 (2) The environmental protection standards
11 that governed the initial Coastal Plain seismic explo-
12 ration program under parts 37.31 to 37.33 of title
13 50, Code of Federal Regulations.

14 (3) The land use stipulations for exploratory
15 drilling on the KIC–ASRC private lands that are set
16 forth in appendix 2 of the August 9, 1983, agree-
17 ment between Arctic Slope Regional Corporation and
18 the United States.

19 (f) FACILITY CONSOLIDATION PLANNING.—

20 (1) IN GENERAL.—The Secretary shall, after
21 providing for public notice and comment, prepare
22 and update periodically a plan to govern, guide, and
23 direct the siting and construction of facilities for the
24 exploration, development, production, and transpor-
25 tation of Coastal Plain oil and gas resources.

1 (2) OBJECTIVES.—The plan shall have the fol-
2 lowing objectives:

3 (A) Avoiding unnecessary duplication of fa-
4 cilities and activities.

5 (B) Encouraging consolidation of common
6 facilities and activities.

7 (C) Locating or confining facilities and ac-
8 tivities to areas that will minimize impact on
9 fish and wildlife, their habitat, and the environ-
10 ment.

11 (D) Utilizing existing facilities wherever
12 practicable.

13 (E) Enhancing compatibility between wild-
14 life values and development activities.

15 (g) ACCESS TO PUBLIC LANDS.—The Secretary
16 shall—

17 (1) manage public lands in the Coastal Plain
18 subject to of section 811 of the Alaska National In-
19 terest Lands Conservation Act (16 U.S.C. 3121);
20 and

21 (2) ensure that local residents shall have rea-
22 sonable access to public lands in the Coastal Plain
23 for traditional uses.

24 **SEC. 8. EXPEDITED JUDICIAL REVIEW.**

25 (a) FILING OF COMPLAINT.—

1 (1) DEADLINE.—Subject to paragraph (2), any
2 complaint seeking judicial review—

3 (A) of any provision of this Act shall be
4 filed by not later than 1 year after the date of
5 enactment of this Act; or

6 (B) of any action of the Secretary under
7 this Act shall be filed—

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

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

16 (2) VENUE.—Any complaint seeking judicial re-
17 view of any provision of this Act or any action of the
18 Secretary under this Act may be filed only in the
19 United States Court of Appeals for the District of
20 Columbia.

21 (3) LIMITATION ON SCOPE OF CERTAIN RE-
22 VIEW.—Judicial review of a Secretarial decision to
23 conduct a lease sale under this Act, including the en-
24 vironmental analysis thereof, shall be limited to
25 whether the Secretary has complied with this Act

1 and shall be based upon the administrative record of
2 that decision. The Secretary's identification of a pre-
3 ferred course of action to enable leasing to proceed
4 and the Secretary's analysis of environmental effects
5 under this Act shall be presumed to be correct un-
6 less shown otherwise by clear and convincing evi-
7 dence to the contrary.

8 (b) **LIMITATION ON OTHER REVIEW.**—Actions of the
9 Secretary with respect to which review could have been
10 obtained under this section shall not be subject to judicial
11 review in any civil or criminal proceeding for enforcement.

12 (c) **LIMITATION ON ATTORNEYS' FEES AND COURT**
13 **COSTS.**—No person seeking judicial review of any action
14 under this Act shall receive payment from the Federal
15 Government for their attorneys' fees and other court costs,
16 including under any provision of law enacted by the Equal
17 Access to Justice Act (5 U.S.C. 504 note).

18 **SEC. 9. TREATMENT OF REVENUES.**

19 Notwithstanding any other provision of law, 50 per-
20 cent of the amount of bonus, rental, and royalty revenues
21 from Federal oil and gas leasing and operations author-
22 ized under this Act shall be deposited in the Treasury.

23 **SEC. 10. RIGHTS-OF-WAY ACROSS THE COASTAL PLAIN.**

24 (a) **IN GENERAL.**—The Secretary shall issue rights-
25 of-way and easements across the Coastal Plain for the

1 transportation of oil and gas produced under leases under
2 this Act—

3 (1) except as provided in paragraph (2), under
4 section 28 of the Mineral Leasing Act (30 U.S.C.
5 185), without regard to title XI of the Alaska Na-
6 tional Interest Lands Conservation Act (16 U.S.C.
7 3161 et seq.); and

8 (2) under title XI of the Alaska National Inter-
9 est Lands Conservation Act (30 U.S.C. 3161 et
10 seq.), for access authorized by sections 1110 and
11 1111 of that Act (16 U.S.C. 3170 and 3171).

12 (b) TERMS AND CONDITIONS.—The Secretary shall
13 include in any right-of-way or easement issued under sub-
14 section (a) such terms and conditions as may be necessary
15 to ensure that transportation of oil and gas does not result
16 in a significant adverse effect on the fish and wildlife, sub-
17 sistence resources, their habitat, and the environment of
18 the Coastal Plain, including requirements that facilities be
19 sited or designed so as to avoid unnecessary duplication
20 of roads and pipelines.

21 (c) REGULATIONS.—The Secretary shall include in
22 regulations under section 3(g) provisions granting rights-
23 of-way and easements described in subsection (a) of this
24 section.

1 **SEC. 11. CONVEYANCE.**

2 In order to maximize Federal revenues by removing
3 clouds on title to lands and clarifying land ownership pat-
4 terns within the Coastal Plain, the Secretary, notwith-
5 standing section 1302(h)(2) of the Alaska National Inter-
6 est Lands Conservation Act (16 U.S.C. 3192(h)(2)), shall
7 convey—

8 (1) to the Kaktovik Inupiat Corporation the
9 surface estate of the lands described in paragraph 1
10 of Public Land Order 6959, to the extent necessary
11 to fulfill the Corporation's entitlement under sec-
12 tions 12 and 14 of the Alaska Native Claims Settle-
13 ment Act (43 U.S.C. 1611 and 1613) in accordance
14 with the terms and conditions of the Agreement be-
15 tween the Department of the Interior, the United
16 States Fish and Wildlife Service, the Bureau of
17 Land Management, and the Kaktovik Inupiat Cor-
18 poration dated January 22, 1993; and

19 (2) to the Arctic Slope Regional Corporation
20 the remaining subsurface estate to which it is enti-
21 tled pursuant to the August 9, 1983, agreement be-
22 tween the Arctic Slope Regional Corporation and the
23 United States of America.

○