

# Creating Renewed Economic Activity Through Energy Jobs Act of 2010

## SUBTITLE A – FINDINGS AND PURPOSES

### SECTION 1. FINDINGS.

Congress finds that—

- (1) the domestic oil and natural gas industry is responsible for approximately 9.2 million jobs;
- (2) the approximately 43 million leased outer Continental Shelf acres currently account for about 15 percent of America’s domestic natural gas production and about 27 percent of America’s domestic oil production;
- (3) the leasing of these domestic offshore areas for oil and natural gas development provides significant economic benefits to the federal government, as well as to states and localities, through the creation and sustenance of jobs and domestic product;
- (4) the federal government distributed over \$10 billion to federal, State and Indian accounts from energy production during Fiscal Year 2009, primarily from oil and natural gas production; and
- (5) the Coastal Plain in Alaska is an important potential new source of domestic oil and gas production.

### SECTION 2. PURPOSES.

The purposes of this Act are to—

- (1) promote expansion of domestic employment opportunities;
- (2) respond to the Nation’s increased need for domestic oil and natural gas resources;
- (3) support the utilization of the outer Continental Shelf for oil and gas production and transmission;
- (4) confirm and ensure the validity of oil and gas leases issued under the Final Outer Continental Shelf Oil and Gas Leasing Program, 2007-2012; and
- (5) ensure the continued leasing of outer Continental Shelf areas pursuant to the Final Outer Continental Shelf Oil and Gas Leasing Program, 2007-2012.

### SECTION 3. DEFINITIONS.

- (a) The term “Secretary” means the Secretary of the Interior.
- (b) The term “Act” hereinafter means the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et. seq.).
- (c) The term “program” means a Final Outer Continental Shelf Oil and Gas Leasing Program issued pursuant to Section 18 of the Act.
- (d) Remaining terms retain their definitions under the Act.

**SUBTITLE B – PROMOTING AMERICAN JOBS THROUGH OIL AND GAS LEASING IN THE EASTERN GULF OF MEXICO**

**SECTION 1. LEASING IN THE EASTERN GULF OF MEXICO.**

(a) **TERMINATION OF MORATORIUM.**—Section 104 of the Gulf of Mexico Energy Security Act of 2006 (43 U.S.C. 1331 note; Public Law 109–432) is amended

(1) by striking subsection (a) and redesignating subsections (b) and (c) therein as subsections (a) and (b), respectively.

(b) **NATIONAL DEFENSE AREA.**—Section 12(d) of the Outer Continental Shelf Lands Act (43 U.S.C. 1341(d)) is amended—

(1) by striking “The United States” and inserting the following:

“(1) **IN GENERAL.**—The United States”;

(2) by adding at the end the following:

“(2) **REVIEW.**—Annually, the Secretary of Defense shall review the areas of the outer Continental Shelf that have been designated as restricted from exploration and operation to determine whether the areas should remain under restriction.”

(c) **LEASING OF MORATORIUM AREAS.**—

(1) **DESTIN DOME AND PENSACOLA AREAS.** —Within one year after the date of the enactment of this subtitle, the Secretary shall offer for leasing under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.), the Destin Dome (OPD NH 16-08) and Pensacola (OPD NH 16-05) areas.

(2) **IN GENERAL.**—As soon as practicable after the date of enactment of this subtitle, the Secretary shall offer for leasing under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.), any other areas in the Eastern Gulf of Mexico Planning Area that are made available for leasing pursuant to subsection (a) of this subtitle.

(3) **ADMINISTRATION.**—Any areas described in paragraphs (1) and (2) shall be offered for lease under this section notwithstanding the omission of any of these areas from the five-year leasing program approved by the Secretary pursuant to section 18 of the Outer Continental Shelf Lands Act (43 U.S.C. 1344) in effect at the time of the lease sale. The Secretary shall include the areas described in paragraphs (1) and (2) in any five-year leasing program approved following the date of enactment of this subtitle.

**SECTION 2. COASTAL ZONE MANAGEMENT ACT REVIEW.**

The Secretary’s decision to hold a lease sale for the areas described in Section 1(c) of this subtitle shall not be subject to consistency review under the Coastal Zone Management Act (16 U.S.C. 1451 et seq.).

**SUBTITLE C – PROMOTING AMERICAN JOBS THROUGH OUTER CONTINENTAL SHELF OIL AND GAS  
LEASING IN ALASKA UNDER THE 2007-2012 OUTER CONTINENTAL SHELF LEASING PROGRAM**

**SECTION 1. ENVIRONMENTAL SENSITIVITY ANALYSIS UNDER THE PROGRAM.**

(a) The Environmental Sensitivity Index, developed by the National Oceanic and Atmospheric Administration, which considers the sensitivity of different shoreline areas to oil spills, and the ranking under the program of the areas of the outer Continental Shelf based upon that Environmental Sensitivity Index, satisfies the requirements of Section 18 of the Act, including the requirement to consider the relative environmental sensitivity of different areas of the outer Continental Shelf under section 18(a)(2)(G) (43 U.S.C. 1344(a)(2)(G)).

(b) The Final Outer Continental Shelf Oil and Gas Leasing Program, 2007-2012, is hereby ratified as meeting all requirements of Section 18 of the Act and is effective as of the date on which the Secretary made that program effective.

**SECTION 2. VALIDITY OF EXISTING LEASES.**

Any lease issued pursuant to a lease sale held under the Final Outer Continental Shelf Oil and Gas Leasing Program, 2007-2012, including any lease issued pursuant to Lease Sale 193, is hereby ratified and its issuance is deemed to be in full compliance with the Act.

**SECTION 3. INTEGRITY OF LEASE SALES AND LEASING SCHEDULE.**

Section 18(d)(3) of the Act (43 U.S.C. 1344(d)(3)) is amended to read as follows:

“After the leasing program has been approved by the Secretary, except as otherwise provided by applicable law, no lease shall be issued unless it is for an area included in the approved leasing program and unless it contains provisions consistent with the approved leasing program, except that leasing shall continue for so long as such program is under judicial or administrative review pursuant to the provisions of this Act, including any administrative review occasioned by the remand of such program as a result of judicial review. Any lease issued pursuant to a lease sale held during the period that the approved leasing program is under judicial or administrative review shall be considered issued pursuant to an approved leasing program.”

The last sentence of section 23(c)(6) of the Act (43 U.S.C. 1349(c)(6)) is amended to read as follows:

“The court may affirm or modify any order or decision or may remand the proceedings to the Secretary for such further action as it may direct.”

**SUBTITLE D – PROMOTING AMERICAN JOBS THROUGH SCHEDULED LEASING, EXPLORATION AND DEVELOPMENT OF OIL AND NATURAL GAS IN THE FEDERAL OUTER CONTINENTAL SHELF, 2010 – 2015**

**SECTION 1. EXPANDED OUTER CONTINENTAL SHELF LEASE SALES.**

(a) The Secretary shall conduct all lease sales included in Table A of the Draft Proposed Outer Continental Shelf Oil and Gas Leasing Program 2010-2015, issued January 2009 (hereinafter “Table A”). All such lease sales shall be conducted in accordance with the requirements of this section.

(b) If the Secretary issues a Final Outer Continental Shelf Oil and Gas Leasing Program pursuant to Section 18 of the Act for all or part of the period 2010 to 2015, then any lease sale the Secretary is required to conduct under subsection (a) shall be included in such Final Five-Year program.

(c) If the Secretary has not issued a Final Five-Year program by the date of any lease sale included in Table A, the Secretary shall proceed with such lease sale notwithstanding the omission of that sale area from an approved Five-Year program under Section 18 of the Outer Continental Shelf Lands Act (43 U.S.C. 1344) in effect at the time of the lease sale.

(d) Not later than 60 days after the date of enactment of this subtitle, and every two years thereafter, the Secretary shall publish in the Federal Register a notice requesting expressions of interest in lease sales included in Table A, except for sales scheduled in the Western, Central, and Eastern Gulf of Mexico. The Secretary is not required to hold any lease sale for which the Secretary determines there is not sufficient commercial interest.

(e) The Secretary’s decision to hold a lease sale required under this section shall not be subject to consistency review under the Coastal Zone Management Act, 16 U.S.C. 1451 et seq.

**SECTION 2. GEOLOGICAL AND GEOPHYSICAL ACTIVITIES IN EXPANDED LEASING AREAS.**

(a) Within one year after the date of enactment of this subtitle, the Secretary shall issue a Final Programmatic Environmental Impact Statement and Record of Decision pursuant to the National Environmental Policy Act, 42 U.S.C. 4321 et seq., assessing the environmental effects of geological and geophysical activities in the Atlantic OCS.

(b) The Secretary shall approve any permit that meets the requirements of the Act for geologic and geophysical activities in the Atlantic OCS unless the Secretary determines that such activities will cause significant environmental harm.

(c) Not later than 18 months after the date of enactment of this subtitle, the Secretary shall issue a Preliminary Environmental Impact Statement pursuant to the National Environmental Policy Act, 42 U.S.C. 4321 et seq., to assess the environmental impacts of geophysical activities in the Southern California Area.

**SUBTITLE E – PROMOTING AMERICAN JOBS THROUGH LEASING, EXPLORATION AND DEVELOPMENT  
OF OIL AND NATURAL GAS RESOURCES IN PORTIONS OF THE ARCTIC NATIONAL WILDLIFE REFUGE  
COASTAL PLAIN**

**SECTION 1. DEFINITIONS.**

In this subtitle:

- (1) COASTAL PLAIN.—The term “Coastal Plain” means that area described in appendix I to part 37 of title 50, Code of Federal Regulations.
- (2) SECRETARY.—The term “Secretary”, except as otherwise provided, means the Secretary of the Interior or the Secretary’s designee.

**SECTION 2. LEASING PROGRAM FOR LANDS WITHIN THE COASTAL PLAIN.**

(a) IN GENERAL.—The Secretary shall take such actions as are necessary—

- (1) to establish and implement, in accordance with this subtitle and acting through the Director of the Bureau of Land Management in consultation with the Director of the United States Fish and Wildlife Service, a competitive oil and gas leasing program that will result in an environmentally sound program for the exploration, development, and production of the oil and gas resources of the Coastal Plain; and
- (2) to administer the provisions of this subtitle through regulations, lease terms, conditions, restrictions, prohibitions, stipulations, and other provisions that ensure the oil and gas exploration, development, and production activities on the Coastal Plain will minimize any significant adverse effects on fish and wildlife, their habitat, subsistence resources, and the environment, including, in furtherance of this goal, by requiring the application of the best commercially available technology for oil and gas exploration, development, and production to all exploration, development, and production operations under this subtitle in a manner that ensures the receipt of fair market value by the public for the mineral resources to be leased.

(b) REPEAL.—

- (1) REPEAL.—Section 1003 of the Alaska National Interest Lands Conservation Act of 1980 (16 U.S.C. 3143) is repealed.
- (2) CONFORMING AMENDMENT.—The table of contents in section 1 of such Act is amended by striking the item relating to section 1003.

(c) COMPLIANCE WITH REQUIREMENTS UNDER CERTAIN OTHER LAWS.—

- (1) COMPATIBILITY.—For purposes of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.), the oil and gas leasing program and activities authorized by this section in the Coastal Plain are deemed to be compatible with the purposes for which the Arctic National Wildlife Refuge was established, and no further findings or decisions are required to implement this determination.
- (2) ADEQUACY OF THE DEPARTMENT OF THE INTERIOR’S LEGISLATIVE ENVIRONMENTAL IMPACT STATEMENT.—The “Final Legislative Environmental Impact Statement” (April 1987) on the Coastal Plain prepared pursuant to section 1002 of the Alaska National Interest Lands Conservation Act of 1980 (16 U.S.C. 3142) and section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) is deemed to satisfy the requirements under the National Environmental Policy Act of 1969 that apply with respect to prelease activities, including actions authorized to be taken by the Secretary to develop and promulgate the regulations for the establishment of a leasing program authorized by this subtitle before the conduct of the first lease sale, and no supplementation of that Environmental Impact Statement is required for those activities.

(3) COMPLIANCE WITH NEPA FOR OTHER ACTIONS.—Before conducting the first lease sale under this subtitle, the Secretary shall prepare an environmental impact statement under the National Environmental Policy Act of 1969 with respect to the actions authorized by this subtitle that are not referred to in paragraph (2). Notwithstanding any other law, the Secretary is not required to identify nonleasing alternative courses of action or to analyze the environmental effects of such courses of action. The Secretary shall only identify a preferred action for such leasing and a single leasing alternative, and analyze the environmental effects and potential mitigation measures for those two alternatives. The identification of the preferred action and related analysis for the first lease sale under this subtitle shall be completed within 18 months after the date of enactment of this subtitle. The Secretary shall only consider public comments that specifically address the Secretary’s preferred action and that are filed within 20 days after publication of an environmental analysis. Notwithstanding any other law, compliance with this paragraph is deemed to satisfy all requirements for the analysis and consideration of the environmental effects of proposed leasing under this subtitle.

(d) RELATIONSHIP TO STATE AND LOCAL AUTHORITY.—Nothing in this subtitle shall be considered to expand or limit State and local regulatory authority.

(e) SPECIAL AREAS.—

(1) IN GENERAL.—The Secretary, after consultation with the State of Alaska, the city of Kaktovik, and the North Slope Borough, may designate up to a total of 45,000 acres of the Coastal Plain as a Special Area if the Secretary determines that the Special Area is of such unique character and interest so as to require special management and regulatory protection. The Secretary shall designate as such a Special Area the Sadlerochit Spring area, comprising approximately 4,000 acres.

(2) MANAGEMENT.—Each such Special Area shall be managed so as to protect and preserve the area’s unique and diverse character including its fish, wildlife, and subsistence resource values.

(3) EXCLUSION FROM LEASING OR SURFACE

OCCUPANCY.—The Secretary may exclude any Special Area from leasing. If the Secretary leases a Special Area, or any part thereof, for purposes of oil and gas exploration, development, production, and related activities, there shall be no surface occupancy of the lands comprising the Special Area.

(4) DIRECTIONAL DRILLING.—Notwithstanding the other provisions of this subsection, the Secretary may lease all or a portion of a Special Area under terms that permit the use of horizontal drilling technology from sites on leases located outside the Special Area.

(f) LIMITATION ON CLOSED AREAS.—The Secretary’s sole authority to close lands within the Coastal Plain to oil and gas leasing and to exploration, development, and production is that set forth in this subtitle.

(g) REGULATIONS.—

(1) IN GENERAL.—The Secretary shall prescribe such regulations as may be necessary to carry out this subtitle, including rules and regulations relating to protection of the fish and wildlife, their habitat, subsistence resources, and environment of the Coastal Plain, by no later than 15 months after the date of enactment of this subtitle.

(2) REVISION OF REGULATIONS.—The Secretary shall periodically review and, if appropriate, revise the rules and regulations issued under subsection (a) to reflect any significant biological, environmental, or engineering data that come to the Secretary’s attention.

### **SECTION 3. LEASE SALES.**

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

(b) PROCEDURES.—The Secretary shall, by regulation, establish procedures for—  
(1) receipt and consideration of sealed nominations for any area in the Coastal Plain for inclusion in, or exclusion (as provided in subsection (c)) from, a lease sale;  
(2) the holding of lease sales after such nomination process; and  
(3) public notice of and comment on designation of areas to be included in, or excluded from, a lease sale.

(c) LEASE SALE BIDS.—Bidding for leases under this subtitle shall be by sealed competitive cash bonus bids.

(d) ACREAGE MINIMUM IN FIRST SALE.—In the first lease sale under this subtitle, the Secretary shall offer for lease those tracts the Secretary considers to have the greatest potential for the discovery of hydrocarbons, taking into consideration nominations received pursuant to subsection (b)(1), but in no case less than 200,000 acres.

(e) TIMING OF LEASE SALES.—The Secretary shall—  
(1) conduct the first lease sale under this subtitle as soon as practicable after the date of the enactment of this subtitle;  
(2) evaluate the bids in such sale and issue leases resulting from such sale, within 90 days after the date of the completion of such sale; and  
(3) conduct additional sales so long as sufficient interest in development exists to warrant, in the Secretary's judgment, the conduct of such sales.

#### **SECTION 4. GRANT OF LEASES BY THE SECRETARY.**

(a) IN GENERAL.—The Secretary may grant to the highest responsible qualified bidder in a lease sale conducted pursuant to this subtitle any lands to be leased on the Coastal Plain upon payment by the lessee of such bonus as may be accepted by the Secretary.

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

#### **SECTION 5. LEASE TERMS AND CONDITIONS.**

(a) IN GENERAL.—An oil or gas lease issued pursuant to this subtitle shall—  
(1) provide for the payment of a royalty of not less than 12 1/2 percent in amount or value of the production removed or sold from the lease, as determined by the Secretary under the regulations applicable to other Federal oil and gas leases;  
(2) provide that the Secretary may close, on a seasonal basis, portions of the Coastal Plain to exploratory drilling activities as necessary to protect caribou calving areas and other species of fish and wildlife;  
(3) require that the lessee of lands within the Coastal Plain shall be fully responsible and liable for the reclamation of lands within the Coastal Plain and any other Federal lands that are adversely affected in connection with exploration, development, production, or transportation activities conducted under the lease and within the Coastal Plain by the lessee or by any of the subcontractors or agents of the lessee;

- (4) provide that the lessee may not delegate or convey, by contract or otherwise, the reclamation responsibility and liability to another person without the express written approval of the Secretary;
- (5) provide that the standard of reclamation for lands required to be reclaimed under this subtitle shall be, as nearly as practicable, a condition capable of supporting the uses which the lands were capable of supporting prior to any exploration, development, or production activities, or upon application by the lessee, to a higher or better use as approved by the Secretary;
- (6) contain terms and conditions relating to protection of fish and wildlife, their habitat, subsistence resources, and the environment;
- (7) provide that the lessee, its agents, and its contractors use best efforts to provide a fair share, as determined by the level of obligation previously agreed to in the 1974 agreement implementing section 29 of the Federal Agreement and Grant of Right of Way for the Operation of the Trans-Alaska Pipeline, of employment and contracting for Alaska Natives and Alaska Native Corporations from throughout the State; and
- (8) contain such other provisions as the Secretary determines necessary to ensure compliance with the provisions of this subtitle and the regulations issued under this subtitle.

#### **SECTION 6. COASTAL PLAIN ENVIRONMENTAL PROTECTION.**

(a) The Secretary shall administer the provisions of this subtitle through regulations, lease terms, conditions, restrictions, prohibitions, stipulations, and other provisions that—

- (1) ensure the oil and gas exploration, development, and production activities on the Coastal Plain will minimize any significant adverse effects on fish and wildlife, their habitat, and the environment;
- (2) require the application of the best commercially available technology for oil and gas exploration, development, and production on all new exploration, development, and production operations; and
- (3) ensure that the maximum amount of surface acreage covered by production and support facilities, including airstrips and any areas covered by gravel berms or piers for support of pipelines, does not exceed 2,000 acres on the Coastal Plain.

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

The Secretary shall also require, with respect to any proposed drilling and related activities, that—

- (1) a site-specific analysis be made of the probable effects, if any, that the drilling or related activities will have on fish and wildlife, their habitat, subsistence resources, and the environment;
- (2) a plan be implemented to avoid, minimize, and mitigate (in that order and to the extent practicable) any significant adverse effect identified under paragraph (1); and
- (3) the development of the plan shall occur after consultation with the agency or agencies having jurisdiction over matters mitigated by the plan.

(c) **REGULATIONS TO PROTECT COASTAL PLAIN FISH AND WILDLIFE RESOURCES, SUBSISTENCE USERS, AND THE ENVIRONMENT.**—Before implementing the leasing program authorized by this subtitle, the Secretary shall prepare and promulgate regulations, lease terms, conditions, restrictions, prohibitions, stipulations, and other measures designed to ensure that the activities undertaken on the Coastal Plain under this subtitle are conducted in a manner consistent with the purposes and environmental requirements of this subtitle.

(d) **COMPLIANCE WITH FEDERAL AND STATE ENVIRONMENTAL LAWS AND OTHER REQUIREMENTS.**—The proposed regulations, lease terms, conditions, restrictions, prohibitions, and stipulations for the leasing program under this subtitle shall require compliance with all applicable provisions of Federal and State environmental law.

(e) **CONSIDERATIONS.**—In preparing and promulgating regulations, lease terms, conditions, restrictions, prohibitions, and stipulations under this section, the Secretary shall consider the following:

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

(2) The environmental protection standards that governed the initial Coastal Plain seismic exploration program under parts 37.31 to 37.33 of title 50, Code of Federal Regulations.

(3) The land use stipulations for exploratory drilling on the KIC–ASRC private lands that are set forth in Appendix 2 of the August 9, 1983, agreement between Arctic Slope Regional Corporation and the United States.

(f) **FACILITY CONSOLIDATION PLANNING.**—

(1) **IN GENERAL.**—The Secretary shall, after providing for public notice and comment, prepare and update periodically a plan to govern, guide, and direct the siting and construction of facilities for the exploration, development, production, and transportation of Coastal Plain oil and gas resources.

(2) **OBJECTIVES.**—The plan shall have the following objectives:

(A) Avoiding unnecessary duplication of facilities and activities.

(B) Encouraging consolidation of common facilities and activities.

(C) Locating or confining facilities and activities to areas that will minimize impact on fish and wildlife, their habitat, and the environment.

(D) Utilizing existing facilities wherever practicable.

(E) Enhancing compatibility between wildlife values and development activities.

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

(1) manage public lands in the Coastal Plain subject to subsections (a) and (b) of section 811 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3121); and

(2) ensure that local residents shall have reasonable access to public lands in the Coastal Plain for traditional uses.

## **SECTION 7. JUDICIAL REVIEW.**

Any final decision by the Secretary under this subtitle shall be subject to judicial review pursuant to subtitle H.

## **SECTION 8. FEDERAL AND STATE DISTRIBUTION OF REVENUES.**

(a) All adjusted bonus, rental, and royalty revenues from Federal oil and gas leasing and operations authorized under this subtitle shall be subject to distribution in the same manner as for Federal oil and gas leases under 30 U.S.C. 191.

(b) **PAYMENTS TO ALASKA.**—Payments to the State of Alaska under this section shall be made semiannually.

## **SECTION 9. RIGHTS-OF-WAY ACROSS THE COASTAL PLAIN.**

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

(1) except as provided in paragraph (2), under section 28 of the Mineral Leasing Act (30 U.S.C. 185), without regard to title XI of the Alaska National Interest Lands Conservation Act (30 U.S.C. 3161 et seq.); and

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

(b) **TERMS AND CONDITIONS.**—The Secretary shall include in any right-of-way or easement issued under subsection (a) such terms and conditions as may be necessary to ensure that transportation of oil and gas minimizes any significant adverse effect on the fish and wildlife, subsistence resources, their habitat, and the environment of the Coastal Plain, including requirements that facilities be sited or designed so as to avoid unnecessary duplication of roads and pipelines.

(c) **REGULATIONS.**—The Secretary shall include in any regulations issued under this subtitle provisions granting rights-of-way and easements described in subsection (a) of this section.

#### **SECTION 10. CONVEYANCE.**

In order to maximize Federal revenues by removing clouds on title to lands and clarifying land ownership patterns within the Coastal Plain, the Secretary, notwithstanding the provisions of section 1302(h)(2) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3192(h)(2)), shall convey—

(1) to the Kaktovik Inupiat Corporation the surface estate of the lands described in paragraph 1 of Public Land Order 6959, to the extent necessary to fulfill the Corporation's entitlement under sections 12 and 14 of the Alaska Native Claims Settlement Act (43 U.S.C. 1611 and 1613) in accordance with the terms and conditions of the Agreement between the Department of the Interior, the United States Fish and Wildlife Service, the Bureau of Land Management, and the Kaktovik Inupiat Corporation effective January 22, 1993; and

(2) to the Arctic Slope Regional Corporation the remaining subsurface estate to which it is entitled pursuant to the August 9, 1983, agreement between the Arctic Slope Regional Corporation and the United States of America.

#### **SECTION 11. LOCAL GOVERNMENT IMPACT AID AND COMMUNITY SERVICE ASSISTANCE.**

(a) **FINANCIAL ASSISTANCE AUTHORIZED.**—

(1) **IN GENERAL.**—The Secretary may use amounts available from the Coastal Plain Local Government Impact Aid Assistance Fund established by subsection (d) to provide timely financial assistance to entities that are eligible under paragraph (2) and that are directly impacted by the exploration for or production of oil and gas on the Coastal Plain under this subtitle.

(2) **ELIGIBLE ENTITIES.**—The North Slope Borough, the City of Kaktovik, and any other borough, municipal subdivision, village, or other community in the State of Alaska that is directly impacted by exploration for, or the production of, oil or gas on the Coastal Plain under this subtitle, as determined by the Secretary, shall be eligible for financial assistance under this section.

(b) **USE OF ASSISTANCE.**—Financial assistance under this section may be used only for—

(1) planning for mitigation of the potential effects of oil and gas exploration and development on environmental, social, cultural, recreational, and subsistence values;

(2) implementing mitigation plans and maintaining mitigation projects;

(3) developing, carrying out, and maintaining projects and programs that provide new or expanded public facilities and services to address needs and problems associated with such effects, including fire-fighting, police, water, waste treatment, medivac, and medical services; and

(4) establishment of a coordination office, by the North Slope Borough, in the City of Kaktovik, which shall—

(A) coordinate with and advise developers on local conditions, impact, and history of the areas utilized for development; and

(B) provide to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate an annual report on the status of coordination between developers and the communities affected by development.

(c) APPLICATION.—

(1) IN GENERAL.—Any community that is eligible for assistance under this section may submit an application for such assistance to the Secretary, in such form and under such procedures as the Secretary may prescribe by regulation.

(2) NORTH SLOPE BOROUGH COMMUNITIES.—A community located in the North Slope Borough may apply for assistance under this section either directly to the Secretary or through the North Slope Borough.

(3) APPLICATION ASSISTANCE.—The Secretary shall work closely with and assist the North Slope Borough and other communities eligible for assistance under this section in developing and submitting applications for assistance under this section.

(d) ESTABLISHMENT OF FUND.—

(1) IN GENERAL.—There is established in the Treasury the Coastal Plain Local Government Impact Aid Assistance Fund.

(2) USE.—Amounts in the fund may be used only for providing financial assistance under this section.

(3) DEPOSITS.—Subject to paragraph (4), any revenues subject to deposit to the Treasury pursuant to section 8 of this subtitle shall be deposited into the fund created by paragraph (1).

(4) LIMITATION ON DEPOSITS.—The total amount in the fund may not exceed \$11,000,000.

(5) INVESTMENT OF BALANCES.—The Secretary of the Treasury shall invest amounts in the fund in interest bearing government securities.

(e) AUTHORIZATION OF APPROPRIATIONS.—To provide financial assistance under this section there is authorized to be appropriated to the Secretary from the Coastal Plain Local Government Impact Aid Assistance Fund \$5,000,000 for each fiscal year.

## **SUBTITLE F – SHARING OF REVENUES FROM OUTER CONTINENTAL SHELF OIL AND GAS LEASING**

(a) **PAYMENTS FROM AREAS NEWLY AVAILABLE TO LEASING**—Notwithstanding Section 9 of the Outer Continental Shelf Lands Act (43 U.S.C. 1338), upon enactment of this subtitle and each fiscal year thereafter, 37.5 percent of all bonuses, rents, royalties, and other sums due and payable to the United States received on or after enactment of this subtitle from outer Continental Shelf leases entered into on or after the date of enactment of this subtitle shall be paid to the coastal States adjacent to such leases. Such payment shall be allocated to each adjacent coastal State in amounts (based on a formula established by the Secretary by regulation) that are inversely proportional to the respective distances between the point on the coastline of each adjacent producing State that is closest to the geographic center of the applicable leased tract and the geographic center of the leased tract.

(b) **EXCLUSIONS**--Subsection (a) shall not apply to--

- (1) revenues from the forfeiture of a bond or other surety securing obligations other than royalties, civil penalties, or royalties taken by the Secretary in-kind and not sold; or
- (2) revenues generated from leases subject to Section 8(g) of the Outer Continental Shelf Lands Act (43 U.S.C. 1137(g)).

(c) **USE OF PAYMENTS TO STATES.**—

Amounts paid to a State under subsection (a) shall be used by the State for one or more of the following:

- (i) Education.
- (ii) Transportation.
- (iii) Reducing taxes.
- (iv) Coastal and environmental restoration.
- (v) Energy infrastructure and projects.
- (vi) State seismic monitoring programs.
- (vii) Alternative energy development.
- (viii) Energy efficiency and conservation.
- (ix) Hurricane and natural disaster insurance programs.
- (x) Any other purpose determined by State law.

**SUBTITLE G – IMPROVEMENT OF INTERAGENCY COORDINATION AND COOPERATION IN THE  
PROCESSING OF FEDERAL PERMITS FOR PRODUCTION OF DOMESTIC OIL AND GAS RESOURCES**

**SECTION 1. PURPOSES.**

The purposes of this subtitle are to—

- (1) respond to the Nation’s increased need for domestic energy resources;
- (2) facilitate interagency coordination and cooperation in the processing of permits required to support oil and gas use authorization on Federal lands, both onshore and on the outer Continental Shelf, in order to achieve greater consistency, certainty, and timeliness in permit processing requirements;
- (3) promote process streamlining and increased interagency efficiency, including elimination of interagency duplication of effort;
- (4) improve information sharing among agencies and understanding of respective agency roles and responsibilities;
- (5) promote coordination with State agencies with expertise and responsibilities related to Federal oil and gas permitting decisions, and to balance Federal interests with the interests and well-being of State and local communities;
- (6) promote responsible stewardship of Federal oil and gas resources;
- (7) maintain high standards of safety and environmental protection; and
- (8) enhance the benefits to Federal permitting already occurring as a result of a coordinated and timely interagency process for oil and gas permit review for certain Federal oil and gas leases.

**SECTION 2. REGIONAL OFFICES AND REGIONAL PERMIT COORDINATORS.**

(a) REGIONAL OFFICES.—Within 180 days after enactment of this subtitle, the Secretary of the Interior (Secretary) shall establish regional offices in Alaska and the contiguous 48 states to coordinate review of Federal permits for oil and gas projects on Federal lands onshore and on the outer Continental Shelf.

The regional offices shall be responsible for coordinating the timely completion of all permitting activities by Federal agencies, and State agencies to the maximum extent practicable, with respect to any oil and gas project under a Federal lease issued pursuant to the mineral leasing laws, either onshore or on the outer Continental Shelf. For purposes of this subtitle, such oil and gas projects shall include oil shale projects under Federal oil shale leases.

(b) NUMBER AND LOCATION OF REGIONAL OFFICES.—The number of regional offices shall be established by the Secretary. The Secretary shall ensure that there is an adequate number of offices in each region proximate to available Federal oil and gas lease tracts onshore and on the outer Continental Shelf to meet the demands for expeditious permitting in that region. The Secretary shall designate as regional offices under this section all offices established under section 365 of the Energy Policy Act of 2005 (42 U.S.C. 15924).

(c) MEMORANDUM OF UNDERSTANDING.—Within 90 days after the enactment of this subtitle, the Secretary, the Secretary of Agriculture, the Secretary of Commerce, the Secretary of Transportation, the Administrator of the Environmental Protection Agency, the Chief of the U.S. Army Corps of Engineers, and the head of any other Federal agency with responsibilities related to permitting of Federal oil and gas leases, shall enter into a memorandum of understanding (MOU) establishing respective duties and responsibilities for staffing the regional offices and accomplishing the objectives of this section.

(d) DESIGNATION OF QUALIFIED STAFF.—

(1) IN GENERAL.—Not later than 30 days after the date of signing of the MOU under subsection (c), all Federal signatory agencies shall assign to each regional office the appropriate employees with expertise in the oil and gas permitting issues relating to that office, including, but not limited, with respect to—

(A) consultation and preparation of biological opinions under section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536);

(B) regulatory matters under the Clean Air Act (42 U.S.C. 7401 et seq.);

(C) planning under the National Forest Management Act of 1976 (16 U.S.C. 472a et seq.);

(D) the preparation of analyses under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) (NEPA);

(E) the preparation of analyses and the issuance of approvals as required under the Coastal Zone Management Act (33 U.S.C. 1451 et seq.).

(F) authorizations pursuant to the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.)

(G) the issuance of permits as may be required for the discharge of dredged or fill material into the waters of the United States, including wetlands (33 U.S.C. 1344 et seq.).

(H) applications for permits to drill under the Mineral Leasing Act (30 U.S.C. 181 et seq.); and

(I) exploration plans and development and production plans and associated permits under the outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.).

(2) PREFERENCE AND INCENTIVES.—To the maximum extent practicable, for purposes of this subsection, Federal agencies shall give preference to employees volunteering for reassignment to the regional offices, and shall offer incentives to attract and retain regional office employees, including, but not limited to, retaining contract employees, rotational assignments, salary incentives of up to 120 percent of an employee’s existing salary immediately prior to reassignment, or any combination of strategies.

(e) DUTIES.—Each employee assigned under subsection (d) shall—

(1) within 90 days after the date of assignment, report to the regional office to which the employee is assigned;

(2) be responsible for all issues relating to the jurisdiction of the home office or agency of the employee; and

(3) participate as part of the team working on proposed oil and gas projects, planning, and environmental analyses.

(f) CREATION OF AND DELEGATION OF AUTHORITY TO REGIONAL PERMIT COORDINATORS.—The Secretary shall appoint a Regional Permit Coordinator to be located within each regional office established under this section, with full authority to act on behalf of the Secretary. Consistent with the purposes of this subtitle, the Regional Permit Coordinators shall:

(1) pursue interagency coordination and cooperation in the processing of permits required to support oil and gas use authorizations on Federal lands;

(2) maintain or enhance high standards of safety and environmental protection through improved coordination;

(3) achieve process streamlining and increased interagency efficiency, including elimination of duplication between Federal and State agencies;

(4) seek improved information sharing and use, as well as an improved understanding of respective agency mandates, roles, and responsibilities;

(5) provide a more consistent approach for the application of environmental science that will ensure environmental protection for all areas affected by OCS development, including Alaska; and

(6) establish mechanisms to enhance coordination with State agencies with expertise and responsibilities related to oil and gas use authorizations.

### **SECTION 3. REVIEWS AND ACTIONS OF FEDERAL AGENCIES.**

(a) **SCHEDULES FOR TIMELY PERMIT DECISIONMAKING.**—Within 10 days after the date on which the Secretary receives any oil and gas permit application or amended application, the Secretary shall either notify the applicant that the application is complete or notify the applicant that information is missing and specify the information that is required to be submitted for the application to be complete. Within 30 days after notifying a permit applicant that an application is complete, the Secretary, in consultation with the permit applicant as necessary, shall determine and inform the Regional Permit Coordinator responsible for that project area whether the proposed permit is a class I, class II, or class III permit. The Regional Permit Coordinator shall as soon as possible, but in no event later than 30 days following the Secretary's determination, establish a binding schedule to ensure the most expeditious possible review and processing of the requested permit in accordance with this section.

(b) **PERMIT CLASSES AND SCHEDULES.**—

(1) **CLASS I PERMITS.**—An oil and gas permit shall be designated as a class I permit under this section if the permitted activity is of a nature that would typically require preparation of an environmental impact statement under NEPA to inform the permitting decision. For such permits, the Regional Permit Coordinator shall establish a schedule for timely completion of all permit reviews and processing, not to exceed 30 months. The Regional Permit Coordinator shall make the schedule publicly available within 10 days after the schedule is established.

(2) **CLASS II PERMITS.**—An oil and gas permit shall be designated as a class II permit under this section if the permitted activity is of a nature that would typically be found not to significantly affect the quality of the human environment under NEPA. For such permits, the Regional Permit Coordinator shall establish the most expeditious schedule possible for completion of all permit reviews and processing, not to exceed 90 days. The Regional Permit Coordinator may grant a one-time extension of that schedule, not to exceed 60 days, upon a good cause showing that additional time is necessary to complete permit decisions. Not later than 15 days after establishing or extending any schedule for a class II permit, the Regional Permit Coordinator shall provide the permit applicant with the schedule.

(3) **CLASS III PERMITS.**—Notwithstanding paragraphs (1) and (2), an oil and gas permit shall be designated as a class III permit under this section if the permitted activity either qualifies for a statutory or regulatory categorical exclusion under NEPA or if the requirements under NEPA and other applicable law for the permit have been completed within 30 days after the date of a complete application. For such permits, the permit shall be issued within 30 days after the date of a complete application.

(4) **RECLASSIFICATION OF CLASS II PERMIT.**—If prior to the expiration of the established schedule for a class II permit newly discovered information indicates that the class II permit will significantly affect the quality of the human environment, the Secretary may, in consultation with the permit applicant, reclassify the permit as a class I permit under paragraph (1), and the Regional Coordinator shall establish an amended schedule that complies with the provisions of that paragraph.

(c) **DISPUTE RESOLUTION.**—The Regional Permit Coordinator shall resolve all administrative issues that affect oil and gas permit reviews. The Regional Permit Coordinator shall report to the head of the relevant action agency, or his or her designee, for resolution of any issue regarding an oil and gas permit that may result in missing the schedule deadlines established pursuant to subsection (b). The Regional Permit Coordinators shall include data regarding the incidence and resolution of disputes under this subsection in their reports to the Secretary described in subsection (h).

(d) REMEDIES.—An applicant for a class I permit may bring a cause of action to seek expedited mandamus review, pursuant to the procedures in subtitle H, if a Regional Permit Coordinator or the Secretary fails to—

- (1) establish a schedule in accordance with subsection (b);
- (2) enforce and ensure completion of reviews within schedule deadlines; or
- (3) take all actions as are necessary and proper to avoid jeopardizing the timely completion of the entire schedule.

If an agency fails to complete its review of and issue a decision upon a permit within the schedule established by the Court pursuant to subtitle H, that permit shall be deemed granted to the applicant.

(e) PROHIBITION OF CERTAIN TERMS AND CONDITIONS.—No Federal agency may include in any permit, right-of-way, or other authorization issued for an oil and gas project subject to the provisions of this subtitle, any term or condition that may be authorized, but is not required, by the provisions of any applicable law, if such term or condition would prevent or impair in any significant respect completion of a permit review within the time schedule established pursuant to subsection (b) or would otherwise impair in any significant respect expeditious oil and gas development. No Regional Permit Coordinator shall have any authority to impose any terms, conditions, or requirements beyond those imposed by any Federal law, agency, regulation, or lease term.

(f) CONSOLIDATED RECORD.—The Secretary, acting through the appropriate Regional Permit Coordinator, with the cooperation of Federal and State administrative officials and agencies, shall maintain a complete, consolidated record of all decisions made or actions taken by the Regional Permit Coordinators or by any Federal agency with respect to any oil and gas permit.

(g) RELATIONSHIP TO NEPA AND ENERGY POLICY ACT OF 2005.—

- (1) Section 390(a) of the Energy Policy Act of 2005 (42 U.S.C. 15942(a)) is amended—
  - (A) by striking “rebuttable presumption that the use of a”; and
  - (B) by striking “would apply”.
- (2) Section 17(p) of the Mineral Leasing Act (30 U.S.C. 226(p)) is repealed.

(h) ADDITIONAL POWERS AND RESPONSIBILITIES.—

- (1) REGIONAL PERMIT COORDINATOR REPORTS.—The Regional Permit Coordinators shall each submit a report to the Secretary by December 31 of each year that documents each office’s performance in meeting the objectives under this subtitle, including recommendations to further streamline the permitting process.
- (2) REDIRECTION OF PRIORITIES OR RESOURCES.—In order to expedite overall permitting activity, the Secretary may redirect the priority of regional office activities or the allocation of resources among such offices, and shall engage the agencies that are parties to the MOU to the extent such adjustments implicate their respective staffs or resources.
- (3) REPORT TO CONGRESS.—Beginning three years after the date of enactment of this subtitle, the Secretary shall prepare and submit a report to the President and Congress by April 15 of each year that outlines the results achieved under this subtitle and makes recommendations to the President and Congress for further improvements in processing oil and gas permits on Federal lands.

#### **SECTION 4. STATE COORDINATION.**

(a) The Secretary shall invite the Governor of any State wherein an oil and gas operation may require a Federal permit, or the coastline of which is in immediate geographic proximity to oil and gas operations

on the outer Continental Shelf, to be a signatory to the MOU for purposes of fulfilling any State responsibilities with respect to Federal oil and gas permitting decisions. The Regional Permit Coordinators shall facilitate and coordinate concurrent State reviews of requested permits for oil and gas projects on the outer Continental Shelf.

(b) The Secretary may enter into cooperative agreements with affected States for purposes of this section, consistent with this subtitle and other applicable Federal law. Such agreements may include the sharing of information, the joint utilization of available expertise, the facilitating of permitting procedures, joint planning and review, and the formation of joint surveillance and monitoring arrangements to carry out applicable Federal and State laws, regulations, and stipulations relevant to oil and gas operations that may be carried out pursuant to this subtitle.

#### **SECTION 5. SAVINGS PROVISION.**

Except as expressly stated, nothing in this subtitle affects—

- (1) the applicability of any Federal or State law; or
- (2) any delegation of authority made by the head of a Federal agency the employees of which are participating in the implementation of this subtitle.

#### **SECTION 6. REVIEW OF AGENCY PERMITTING DECISIONS.**

(a) ADMINISTRATIVE REVIEW.—Any oil and gas permitting decision for Federal lands onshore or on the outer Continental Shelf under this subtitle shall not be subject to further administrative review within the respective Federal agency responsible for that decision, and shall be the final decision of that agency for purposes of judicial review.

(b) JUDICIAL REVIEW.—Any oil and gas permitting decision for Federal lands onshore or on the outer Continental Shelf under this subtitle shall be subject to judicial review only in accordance with the provisions of subtitle H.

#### **SECTION 7. AUTHORIZATION OF APPROPRIATIONS AND TRANSFER OF FUNDS.**

(a) There is authorized to be appropriated to carry out this subtitle \$20,000,000 for each of fiscal years 2009 through 2019, to remain available until expended.

(b) The Secretary may use any Federal oil and gas lease revenues that otherwise would be deposited to the Treasury of the United States as “miscellaneous receipts” pursuant to section 35 of the Mineral Leasing Act (30 U.S.C. 191) or section 9 of the Outer Continental Shelf Lands Act (43 U.S.C. 1338), for all costs of staffing and operating the regional offices authorized pursuant to this subtitle. The Secretary may use such funds to reimburse each Federal agency for the costs of its personnel assigned to the regional offices.

(c) Any program carried out under this subtitle shall include estimates of the appropriations and staff required to—

- (1) obtain resource information and any other information needed to prepare the leasing program described in this subtitle;
- (2) analyze and interpret the exploratory data and any other information that may be compiled under the authority of this subtitle;
- (3) conduct environmental studies and prepare any environmental impact statement required in accordance with Section 4 of this subtitle; and

(4) supervise operations conducted pursuant to each lease in the manner necessary to assure compliance with appropriate laws and regulations in the exploration and development of leases issued pursuant to this subtitle.

**SUBTITLE H – LEGAL CAUSES AND CLAIMS PERTAINING TO THE LEASING AND DEVELOPMENT OF  
FEDERAL LANDS FOR EXPLORATION AND PRODUCTION OF OIL, NATURAL GAS, ASSOCIATED  
HYDROCARBONS, AND OIL SHALE**

**SECTION 1. FINDINGS.**

Congress finds that—

- (1) the United States spends over \$1 billion per day to import crude oil from foreign countries;
- (2) such expenditure represents the largest wealth transfer in history;
- (3) the United States has substantial undeveloped oil and natural gas resources underlying federal lands;
- (4) multiple legal challenges relating to the leasing, exploration, and development of such lands can significantly delay and even prevent these badly needed oil and natural gas resources from reaching the American public;
- (5) expedited and focused judicial review of legal challenges to proposed oil and natural gas development activities is necessary to ensure that additional American oil and natural gas resources are made available without undue delay to American consumers.

**SECTION 2. DEFINITIONS.**

(a) In this subtitle, the term “authorizing leasing statute” means the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.), the Mineral Leasing Act (30 U.S.C. 181 et seq.), the Mineral Leasing Act for Acquired Lands (30 U.S.C. 351 et seq.), and any other law authorizing the use or disposition of federal lands for oil and gas production or transmission.

(b) The term “covered oil and natural gas activity” means—

- (1) the leasing or other disposition of any lands pursuant to an authorizing leasing statute for the exploration, development, production, processing, or transmission of oil, natural gas, or associated hydrocarbons, and oil shale, including actions or decisions relating to the selection of which lands may or shall be made available for such leasing; and
- (2) any activity taken or proposed to be taken pursuant or in relation to such leases, including their suspension, and any environmental analyses relating to such activity.

**SECTION 3. JUDICIAL REVIEW.**

(a) EXCLUSIVE JURISDICTION.—Notwithstanding any other provision of law, including 43 U.S.C. 1349(c)(2), any final agency decision concerning any covered oil and natural gas activity shall be subject to judicial review only in the United States District Court for the District of Columbia.

(b) FINALITY OF LEASING DECISIONS.—Notwithstanding the provisions of any law or regulation to the contrary, a decision by the Bureau of Land Management or the Minerals Management Service to issue a Final Notice of Sale and proceed with an oil and gas lease sale pursuant to any authorizing leasing statute shall not be subject to further administrative review within the Department of the Interior, and shall be the final decision of the agency for purposes of judicial review.

**SECTION 4. TIME FOR FILING PETITION; STANDING, FILING OF RECORD.**

(a) All petitions for judicial review of covered oil and natural gas activities must be filed within 45 days of the final agency decision or the challenge shall be barred.

(b) Only persons whose legal rights will be directly and adversely affected by the challenged action, and who are within the zone of interest protected by each Act under which the challenge is brought, shall have standing to file any petition for judicial review of covered oil and natural gas activities.

(c) Nothing in this Section shall create a right to judicial review or places any limit on filing a claim that a person has violated the terms of a permit, license, or approval.

(d) When any civil action is brought concerning any covered oil and natural gas activity, the federal agencies involved shall immediately prepare for the court the consolidated record compiled for the challenged decision.

#### **SECTION 5. TIMETABLE.**

(a) **GENERALLY** -- The court shall complete all judicial review, including rendering a judgment, before the end of the 210-day period beginning on the date on which a petition referred to in Section 4 is filed, unless all parties to such proceeding agree to an extension of such period.

(b) **EXPEDITED MANDAMUS REVIEW.**—Notwithstanding subsection (a), within 30 days after the filing of an action authorized under Section 3(d) of subtitle G, the court shall issue a decision either compelling permit issuance or establishing a schedule that enables the most expeditious possible completion of proceedings. The court may issue orders to enforce any schedule it establishes under this subsection.

(c) **NO PRIVATE RIGHT OF ACTION.**—Except as expressly provided in this section, this subtitle shall not be construed to create any additional right, benefit, or trust responsibility, substantive or procedural, enforceable at law or equity, by a person against the United States, its agencies, its officers, or any person.

#### **SECTION 6. LIMITATION ON SCOPE OF REVIEW AND RELIEF.**

(a) In any proceeding for judicial review referred to in Section 4, the court shall not grant or approve any prospective relief unless the court finds that such relief is narrowly drawn, extends no further than necessary to correct the violation of a federal law requirement, and is the least intrusive means necessary to correct the violation.

(b) **EFFECTIVENESS OF AGENCY DECISION PENDING JUDICIAL REVIEW.**--Final agency decisions relating to covered oil and natural gas activities shall be effective pending any judicial review of such decisions unless the Court issues an order staying the effect of the decision.

#### **SECTION 7. EXCLUSION.**

This subtitle shall not apply to disputes between the parties to a lease issued pursuant to an authorizing leasing statute regarding the obligations of such lease or the alleged breach thereof.