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

Ex. Ord. No. 13580, July 12, 2011, 76 F.R. 41989, pro-  
vided:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(g) collaborate on stakeholder outreach; and

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

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

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

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

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

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

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

BARACK OBAMA.

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

SUBCHAPTER I—GENERAL PROVISIONS

**§ 3101. Congressional statement of purpose**

**(a) Establishment of units**

In order to preserve for the benefit, use, education, and inspiration of present and future generations certain lands and waters in the State of Alaska that contain nationally signifi-

cant natural, scenic, historic, archeological, geological, scientific, wilderness, cultural, recreational, and wildlife values, the units described in the following titles are hereby established.

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

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

**(c) Subsistence way of life for rural residents**

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

**(d) Need for future legislation obviated**

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

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

**Editorial Notes**

REFERENCES IN TEXT

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

This Act, referred to in subsecs. (b) to (d), is Pub. L. 96-487, Dec. 2, 1980, 94 Stat. 2371, known as the Alaska National Interest Lands Conservation Act. For complete classification of this Act to the Code, see Short Title note set out below and Tables.

**Statutory Notes and Related Subsidiaries**

SHORT TITLE

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

**§ 3102. Definitions**

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

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

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

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

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

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

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

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

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

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

(7) The term "Regional Corporation" has the same meaning as such term has under section 3(g) of the Alaska Native Claims Settlement Act [43 U.S.C. 1602(g)].

(8) The term “Village Corporation” has the same meaning as such term has under section 3(j) of the Alaska Native Claims Settlement Act [43 U.S.C. 1602(j)].

(9) The term “Urban Corporation” means those Native entities which have incorporated pursuant to section 14(h)(3) of the Alaska Native Claims Settlement Act [43 U.S.C. 1613(h)(3)].

(10) The term “Native Group” has the same meaning as such term has under sections 3(d) and 14(h)(2) of the Alaska Native Claims Settlement Act [43 U.S.C. 1602(d) and 1613(h)(2)].

(11) The term “Native land” means land owned by a Native Corporation or any Native Group and includes land which, as of December 2, 1980, had been selected under the Alaska Native Claims Settlement Act [43 U.S.C. 1601 et seq.] by a Native Corporation or Native Group and had not been conveyed by the Secretary (except to the extent such selection is determined to be invalid or has been relinquished) and land referred to in section 19(b) of the Alaska Native Claims Settlement Act [43 U.S.C. 1618(b)].

(12) The term “Secretary” means the Secretary of the Interior, except that when such term is used with respect to any unit of the National Forest System, such term means the Secretary of Agriculture.

(13) The terms “wilderness” and “National Wilderness Preservation System” have the same meaning as when used in the Wilderness Act (78 Stat. 890) [16 U.S.C. 1131 et seq.].

(14) The term “Alaska Statehood Act” means the Act entitled “An Act to provide for the admission of the State of Alaska into the Union”, approved July 7, 1958 (72 Stat. 339), as amended.

(15) The term “State” means the state of Alaska.

(16) The term “Alaska Native” or “Native” has the same meaning as the term “Native” has in section 3(b) of the Alaska Native Claims Settlement Act [43 U.S.C. 1602(b)].

(17) The term “fish and wildlife” means any member of the animal kingdom, including without limitation any mammal, fish, bird (including any migratory, nonmigratory or endangered bird for which protection is also afforded by treaty or other international agreement), amphibian, reptile, mollusk, crustacean, arthropod or other invertebrate, and includes any part, product, egg, or offspring thereof, or the dead body or part thereof.

(18) The term “take” or “taking” as used with respect to fish or wildlife, means to pursue, hunt, shoot, trap, net capture, collect, kill, harm, or attempt to engage in any such conduct.

(Pub. L. 96-487, title I, § 102, Dec. 2, 1980, 94 Stat. 2375; Pub. L. 105-83, title III, § 316(b)(2), (d), Nov. 14, 1997, 111 Stat. 1592, 1595.)

#### Editorial Notes

##### REFERENCES IN TEXT

This Act, referred to in provision preceding par. (1) and in par. (4), is Pub. L. 96-487, Dec. 2, 1980, 94 Stat. 2371, known as the Alaska National Interest Lands Conservation Act. Title IX of this Act enacted sections 1631

to 1638 of Title 43, Public Lands, amended sections 1614 and 1620 of Title 43, and amended provisions set out as notes under section 1611 of Title 43 and preceding section 21 of Title 48, Territories and Insular Possessions. Title XIV of this Act enacted sections 1639 to 1641 of Title 43, amended sections 1602, 1606, 1607, 1611, 1613, 1620, and 1621 of Title 43, enacted provisions set out as notes under sections 1605, 1613, and 1618 of Title 43, and amended provisions set out as notes under sections 1611 and 1613 of Title 43. For complete classification of this Act to the Code, see Short Title note set out under section 3101 of this title and Tables.

The Alaska Native Claims Settlement Act, referred to in provision preceding par. (1) and in pars. (3)(B), (C)(5), and (11), is Pub. L. 92-203, Dec. 18, 1971, 85 Stat. 688, which is classified generally to chapter 33 (§ 1601 et seq.) of Title 43, Public Lands. For complete classification of this Act to the Code, see Short Title note set out under section 1601 of Title 43 and Tables.

The Alaska Statehood Act, referred to in provision preceding par. (1) and in pars. (3)(A) and (14), is Pub. L. 85-508, July 7, 1958, 72 Stat. 339, which is set out as a note preceding section 21 of Title 48, Territories and Insular Possessions. For complete classification of this Act to the Code, see Tables.

The Wilderness Act, referred to in par. (13), is Pub. L. 88-577, Sept. 3, 1964, 78 Stat. 890, which is classified generally to chapter 23 (§ 1131 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1131 of this title and Tables.

#### AMENDMENTS

1997—Par. (2). Pub. L. 105-83, § 316(b)(2), which directed the amendment of par. (2) generally, to read as follows: “The term ‘Federal land’ means lands the title to which is in the United States after December 2, 1980. ‘Federal land’ does not include lands the title to which is in the State, an Alaska Native corporation, or other private ownership.”, was repealed by Pub. L. 105-83, § 316(d). See Effective and Termination Dates of 1997 Amendment note below.

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE AND TERMINATION DATES OF 1997 AMENDMENT

Pub. L. 105-83, title III, § 316(d), Nov. 14, 1997, 111 Stat. 1595, provided that: “Unless and until laws are adopted in the State of Alaska which provide for the definition, preference, and participation specified in sections 803, 804, and 805 [sections 3113 to 3115 of this title] of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3111 et seq.), the amendments made by subsection (b) of this section [amending this section and sections 3111, 3113 to 3115, 3117, 3124, and 3125 of this title] shall be effective only for the purposes of determining whether the State’s laws provide for such definition, preference, and participation. The Secretary shall certify before December 1, 1998 if such laws have been adopted in the State of Alaska. Subsection (b) shall be repealed on such date if such laws have not been adopted.” [The State of Alaska did not adopt laws specified above by Dec. 1, 1998.]

##### SAVINGS CLAUSE

Pub. L. 105-83, title III, § 316(c), Nov. 14, 1997, 111 Stat. 1595, provided that: “No provision of this section [amending this section and sections 3111, 3113 to 3115, 3117, 3124, and 3125 of this title and enacting provisions set out as notes under this section], amendment made by this section, or exercise of authority pursuant to this section may be construed to validate, invalidate, or in any way affect—

“(1) any assertion that an Alaska Native organization (including a federally recognized tribe, traditional Alaska Native council, or Alaska Native council organized pursuant to the Act of June 18, 1934 (25 U.S.C. 461 et seq.) [now 25 U.S.C. 5101 et seq.], as

amended) has or does not have governmental authority over lands (including management of, or regulation of the taking of, fish and wildlife) or persons within the boundaries of the State of Alaska;

“(2) any assertion that Indian country, as defined in section 1151 of title 18, United States Code, exists or does not exist within the boundaries of the State of Alaska;

“(3) any assertion that the Alaska National Interest Lands Conservation Act, as amended (16 U.S.C. 3101 et seq.) is or is not Indian law; or

“(4) the authority of the Secretary of the Interior under section 1314(c) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3202(c)).”

MORATORIUM ON FEDERAL MANAGEMENT OF  
SUBSISTENCE USES IN ALASKA

Pub. L. 105-277, div. A, §101(e) [title III, §339], Oct. 21, 1998, 112 Stat. 2681-231, 2681-295, provided that:

[[“(a) Repealed. Pub. L. 105-277, div. A, §101(e) [title III, §339(b)(2)], Oct. 21, 1998, 112 Stat. 2681-231, 2681-295]

“(b) SUBSECTION (a) REPEALED.—

“(1) The Secretary of the Interior shall certify before October 1, 1999, if a bill or resolution has been passed by the Alaska State Legislature to amend the Constitution of the State of Alaska that, if approved by the electorate, would enable the implementation of state laws of general applicability consistent with, and which provide for the definition, preference, and participation specified in sections 803, 804, and 805 of the Alaska National Interest Lands Conservation Act [16 U.S.C. 3113, 3114, 3115].

“(2) Subsection (a) shall be repealed on October 1, 1999, unless prior to that date the Secretary of the Interior makes such a certification described in paragraph (1). [A certification was not made prior to Oct. 1, 1999.]

“(c) TECHNICAL AMENDMENTS TO THE ALASKA NATIONAL INTEREST LANDS CONSERVATION ACT.—[Amended section 3115 of this title.]

“(d) EFFECT ON TIDAL AND SUBMERGED LAND.—Nothing in this section invalidates, validates, or in any other way affects any claim of the State of Alaska to title to any tidal or submerged land in Alaska.”

Pub. L. 105-83, title III, §316(a), Nov. 14, 1997, 111 Stat. 1592, provided that: “None of the funds made available to the Department of the Interior or the Department of Agriculture by this or any other Act hereafter enacted may be used prior to December 1, 1998 to issue or implement final regulations, rules, or policies pursuant to title VIII of the Alaska National Interest Lands Conservation Act [16 U.S.C. 3111 et seq.] to assert jurisdiction, management, or control over the navigable waters transferred to the State of Alaska pursuant to the Submerged Lands Act of 1953 [43 U.S.C. 1301 et seq.] or the Alaska Statehood Act of 1959 [Pub. L. 85-508, set out as a note preceding section 21 of Title 48, Territories and Insular Possessions].”

### § 3103. Maps

#### (a) Filing and availability for inspection; discrepancies; coastal areas

The boundary maps described in this Act shall be on file and available for public inspection in the office of the Secretary or the Secretary of Agriculture with regard to the National Forest System. In the event of discrepancies between the acreages specified in this Act and those depicted on such maps, the maps shall be controlling, but the boundaries of areas added to the National Park, Wildlife Refuge and National Forest Systems shall, in coastal areas not extend seaward beyond the mean high tide line to include lands owned by the State of Alaska unless the State shall have concurred in such boundary extension and such extension is accomplished under the notice and reporting requirements of this Act.

#### (b) Changes in land management status; publication in Federal Register; filing; clerical errors; boundary features and adjustments

As soon as practicable after December 2, 1980, a map and legal description of each change in land management status effected by this Act, including the National Wilderness Preservation System, shall be published in the Federal Register and filed with the Speaker of the House of Representatives and the President of the Senate, and each such description shall have the same force and effect as if included in this Act: *Provided, however,* That correction of clerical and typographical errors in each such legal description and map may be made. Each such map and legal description shall be on file and available for public inspection in the office of the Secretary. Whenever possible boundaries shall follow hydrographic divides or embrace other topographic or natural features. Following reasonable notice in writing to the Congress of his intention to do so the Secretary and the Secretary of Agriculture may make minor adjustments in the boundaries of the areas added to or established by this Act as units of National Park, Wildlife Refuge, Wild and Scenic Rivers, National Wilderness Preservation, and National Forest Systems and as national conservation areas and national recreation areas. For the purposes of this subsection, a minor boundary adjustment shall not increase or decrease the amount of land within any such area by more than 23,000 acres.

#### (c) Lands included within unit; acquisition of land by Secretary

Only those lands within the boundaries of any conservation system unit which are public lands (as such term is defined in this Act) shall be deemed to be included as a portion of such unit. No lands which, before, on, or after December 2, 1980, are conveyed to the State, to any Native Corporation, or to any private party shall be subject to the regulations applicable solely to public lands within such units. If the State, a Native Corporation, or other owner desires to convey any such lands, the Secretary may acquire such lands in accordance with applicable law (including this Act), and any such lands shall become part of the unit, and be administered accordingly.

(Pub. L. 96-487, title I, §103, Dec. 2, 1980, 94 Stat. 2376.)

#### Editorial Notes

##### REFERENCES IN TEXT

This Act, referred to in text, is Pub. L. 96-487, Dec. 2, 1980, 94 Stat. 2371, known as the Alaska National Interest Lands Conservation Act. For complete classification of this Act to the Code, see Short Title note set out under section 3101 of this title and Tables.

#### SUBCHAPTER II—SUBSISTENCE MANAGEMENT AND USE

### § 3111. Congressional declaration of findings

The Congress finds and declares that—

(1) the continuation of the opportunity for subsistence uses by rural residents of Alaska, including both Natives and non-Natives, on