

U.S. Fish and Wildlife Serv., Interior

§ 37.1

- Chamisso*
- Forrester Island*
- Hazy Islands*
- Pribilof*
- Saint Lazaria*
- Semidi*
- Simeonof*
- Tuxedni*
- 2. Alaska Peninsula
- 3. Arctic, including: William O. Douglas*
- 4. Becharof**
- 5. Innoko
- 6. Izembek*
- 7. Kanuti
- 8. Kenai*
- 9. Kodiak*
- 10. Koyukuk
- 11. Nowitna
- 12. Selawik
- 13. Tetlin
- 14. Togiak, including: Cape Newenham*
- 15. Yukon Delta, including:
 - Clarence Rhode*
 - Hazen Bay*
 - Nunivak*
- 16. Yukon Flats*

PART 37—GEOLOGICAL AND GEOPHYSICAL EXPLORATION OF THE COASTAL PLAIN, ARCTIC NATIONAL WILDLIFE REFUGE, ALASKA

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*These indicated units were previously existing refuges before the Alaska Lands Act of December 2, 1980, and are now part of the 16 National Wildlife Refuges established by the Alaska Lands Act.

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APPENDIX I TO PART 37—LEGAL DESCRIPTION OF THE COASTAL PLAIN, ARCTIC NATIONAL WILDLIFE REFUGE, ALASKA

AUTHORITY: Sec. 1002, Pub. L. 96-487, 94 Stat. 2449, as amended by sec. 110, Pub. L. 97-394, 96 Stat. 1982 (16 U.S.C. 3142); sec. 110, Pub. L. 89-665, as added by sec. 206, Pub. L. 96-515, 94 Stat. 2996 (16 U.S.C. 470h-2); sec. 401, Pub. L. 148, 49 Stat. 383, as amended (16 U.S.C. 715s); 31 U.S.C. 9701; 5 U.S.C. 301; 209 DM 6.1.

SOURCE: 48 FR 16858, Apr. 19, 1983, unless otherwise noted.

NOTE: The information collection requirements contained in this part do not require approval by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.*, because there are fewer than 10 respondents annually.

Subpart A—General Provisions

§ 37.1 Purpose.

These regulations implement the requirement of section 1002(d) of the Alaska National Interest Lands Conservation Act, 94 Stat. 2450, as amended, 16 U.S.C. 3142(d), that the Secretary establish guidelines governing surface geological and geophysical exploration for oil and gas within the coastal plain of the Arctic National Wildlife Refuge. Section 1002 mandates an oil and gas exploration program for the refuge's coastal plain. The program shall culminate in a report to Congress which contains, among other things, the identification of those areas within the coastal plain that have oil and gas production potential, an estimate of the volume of oil and gas concerned, the

description of the wildlife, its habitat, and other resources that are within the areas identified, and an evaluation of the adverse effects that the carrying out of further exploration for, and the development and production of, oil and gas within such areas will have on the refuge's resources. It is the objective of this program to ascertain the best possible data and information concerning the probable existence, location, volume, and potential for further exploration, development, and production of oil and gas within the coastal plain without significantly adversely affecting the wildlife, its habitat, or the environment and without unnecessary duplication of exploratory activities. These regulations prescribe the requirements and procedures for obtaining authorization for and the conduct of such exploratory activities, and for submitting to the Department the resulting data and information. These regulations also describe other matters relating to the administration of the program.

§ 37.2 Definitions.

The following definitions are applicable to the sections of this part.

(a) *Act* means section 1002 of the Alaska National Interest Lands Conservation Act, 94 Stat. 2449, as amended by section 110 of Pub. L. 97-394, 96 Stat. 1982, 16 U.S.C. 3142.

(b) *Adequate protective cover* means snow or a frostline, or both, sufficient to protect the vegetation and soil from significant adverse effects due to the operation of surface equipment, as determined by the Regional Director.

(c) *Coastal lagoons* means the waters and submerged lands between the mainland and the offshore barrier islands that lie between Brownlow Point and the Aichilik River within the coastal plain.

(d) *Coastal plain* means that area shown on the map entitled "Arctic National Wildlife Refuge", dated August 1980, and legally described in appendix I of this part.

(e) *Cultural resource* means any district, site, building, structure, or object significant in American history, architecture, archeology, engineering or culture, as determined in accordance with 36 CFR 60.6.

(f) *Department* means the Department of the Interior and any of its component bureaus and offices.

(g) *Director* means the Director of the U.S. Fish and Wildlife Service or his authorized representative.

(h) *Exploration plan* means the way in which a program of exploratory activities is proposed to be arranged and carried out.

(i) *Exploratory activities* means surface geological exploration or seismic exploration or both of the coastal plain and all related activities and logistics required for either or both, and any other type of geophysical exploration of the coastal plain which involves or is a component of an exploration program for the coastal plain involving surface use of refuge lands and all related activities and logistics required for such exploration.

(j) *Harass* means to pursue, hunt, take, capture, molest, collect, harm, shoot or kill or attempt to engage in any of the preceding by either intentional or negligent act or omission.

(k) *Hazardous substances* means petroleum, petroleum products, toxic materials, chemical effluent, explosives, or other materials which are likely to cause significant adverse effects to the refuge's wildlife, its habitat, the environment, or humans.

(l) *Permittee* means the person authorized by a special use permit issued pursuant to this part to conduct exploratory activities on the coastal plain; any official, employee, contractor, subcontractor or agent of the permittee or of the permittee's designee; and any participant to the permittee's permit.

(m) *Person* means any individual, partnership, firm, corporation, association, organization, or agency.

(n) *Plan of operation* means detailed procedures, covering a period not to exceed 12 months, proposed for executing an exploration plan.

(o) *Processed, analyzed and interpreted data or information* means any data or information which results from any subsequent modification, processing, analysis, or interpretation of raw data and information by human or electronic means, on or off the refuge.

(p) *Raw data and information* means all original observations and recordings in written or electronic form and