

HOUSE JOINT RESOLUTION NO. 21

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES FEIGE, Keller, Chenault, Johnson, Peggy Wilson, Tammie Wilson, Saddler, Lynn, Stoltze, Costello

Introduced: 3/10/11

Referred: Resources

A RESOLUTION

1 **Urging the Secretary of the United States Department of the Interior to withdraw a**
2 **secretarial order that creates a wild land classification and to administer federal lands in**
3 **the state in accordance with existing statutes and agency guidelines; and urging the**
4 **United States Congress to prohibit the use of appropriated funds by the United States**
5 **Department of the Interior and the Bureau of Land Management to implement,**
6 **administer, or enforce the secretarial order.**

7 **BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

8 **WHEREAS**, on December 22, 2010, Ken Salazar, United States Secretary of the
9 Interior, issued Secretarial Order No. 3310, relating to the protection of wilderness
10 characteristics on lands managed by the United States Bureau of Land Management; and

11 **WHEREAS** Secretarial Order No. 3310 directs the Bureau of Land Management to
12 inventory all managed land for wilderness characteristics and to designate land with
13 wilderness characteristics as "Wild Lands" through land use planning; and

14 **WHEREAS** a designation of land as "Wild Lands" is a new land classification; and

1 **WHEREAS** the state's Citizens' Advisory Commission on Federal Areas determined
2 that Secretarial Order No. 3310 was drafted and issued without consultation with the state,
3 other affected states, or the public, and therefore does not comply with the Memorandum on
4 Transparency and Open Government issued by the President of the United States in
5 January 2009; and

6 **WHEREAS**, in issuing Secretarial Order No. 3310, Secretary Salazar failed to
7 recognize that only the United States Congress may designate land as wilderness; and

8 **WHEREAS**, in issuing Secretarial Order No. 3310, Secretary Salazar failed to
9 recognize that the policy expressed in the order will negatively affect the state's cultural
10 resources and economic prosperity; and

11 **WHEREAS** the Alaska National Interest Lands Conservation Act formally designated
12 57,000,000 acres of the land in the state as "wilderness"; and

13 **WHEREAS**, by enacting 16 U.S.C. 3101(d) and 16 U.S.C. 3213 (secs. 101(d) and
14 1326(b), Alaska National Interest Lands Conservation Act), the United States Congress
15 clearly stated that there were sufficient federal wilderness land holdings in the state and
16 expressly forbade the presumptive management of land for its wilderness characteristics
17 without prior congressional approval; and

18 **WHEREAS**, contrary to a statement by the Department of the Interior that "there has
19 never been a statewide wilderness inventory in Alaska," the land in the state was extensively
20 inventoried, reviewed, and classified for its wilderness value after passage of the Alaska
21 Native Claims Settlement Act in 1971; and

22 **WHEREAS**, by issuing Secretarial Order No. 3310, Secretary Salazar has reversed a
23 30-year policy of the Bureau of Land Management of conducting no further wilderness
24 reviews in the state; and

25 **WHEREAS**, in conjunction with the issuance of Secretarial Order No. 3310, the
26 Department of the Interior released a document titled "Wild Lands, Inventory and Planning
27 Guidance Questions and Answers," which included a series of questions and answers relating
28 to Secretarial Order No. 3310 and, in that document, stated that the "Secretary's Order applies
29 to BLM public lands in Alaska," and that the Bureau of Land Management must inventory the
30 lands in the National Petroleum Reserve - Alaska and "may designate Wild Lands in NPR-A
31 as part of its integrated activity planning for the area"; and

1 **WHEREAS** the directive to inventory the lands in the National Petroleum Reserve -
 2 Alaska and the authority to designate "Wild Lands" in the National Petroleum Reserve -
 3 Alaska places the Bureau of Land Management in violation of 42 U.S.C. 6502 (sec. 102,
 4 Naval Petroleum Reserves Production Act of 1976) and 43 U.S.C. 1712 and 1782 (secs. 202
 5 and 603, Federal Land Policy and Management Act of 1976); and

6 **WHEREAS** designating land in the National Petroleum Reserve - Alaska as "Wild
 7 Lands" would effectively preclude oil and other resource development and is likely to result
 8 in protracted and costly litigation; and

9 **WHEREAS** Secretarial Order No. 3310 would enable the Bureau of Land
 10 Management to create de facto wilderness areas without congressional oversight, thereby
 11 violating the intent of the United States Congress, expressed in the Wilderness Act of 1964,
 12 that wilderness designations be subject to congressional approval; and

13 **WHEREAS** Secretarial Order No. 3310 creates a presumption against the use of land
 14 through the default position of protecting wilderness characteristics unless the Bureau of Land
 15 Management determines that impairment of wilderness characteristics is appropriate; this
 16 presumption will stifle economic development of the state's natural resources and reduce
 17 future employment opportunities for Alaskans;

18 **BE IT RESOLVED** that the Alaska State Legislature urges the United States
 19 Secretary of the Interior to immediately withdraw Secretarial Order No. 3310 and direct the
 20 Bureau of Land Management to administer federal land in Alaska in accordance with existing
 21 statutes and guidelines of the agency; and be it

22 **FURTHER RESOLVED** that, should the United States Secretary of the Interior
 23 decline to withdraw Secretarial Order No. 3310, the Alaska State Legislature urges the United
 24 States Congress to prohibit the use of any appropriated funds by the United States Department
 25 of the Interior and the Bureau of Land Management to implement, administer, or enforce
 26 Secretarial Order No. 3310.

27 **COPIES** of this resolution shall be sent to the Honorable Ken Salazar, United States
 28 Secretary of the Interior; the Honorable Daniel S. Sullivan, Commissioner, Department of
 29 Natural Resources; the Honorable John J. Burns, Alaska Attorney General; Stan Leaphart,
 30 Executive Director, Citizens' Advisory Commission on Federal Areas; and the Honorable Lisa
 31 Murkowski and the Honorable Mark Begich, U.S. Senators, and the Honorable Don Young,

- 1 U.S. Representative, members of the Alaska delegation in Congress.