

SENATE JOINT RESOLUTION NO. 15

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-EIGHTH LEGISLATURE - SECOND SESSION

BY SENATOR GIESSEL

Introduced: 1/22/14

Referred: Resources

A RESOLUTION

1 **Opposing any international designation of Alaska land or water as an international**
2 **park, world heritage site, biosphere reserve, Ramsar site, or other classification of land**
3 **or water that affects the use of land or water by the state or an Alaska Native**
4 **corporation without approval by the United States Congress and the Alaska State**
5 **Legislature; requesting the United States Department of State and the United States**
6 **Department of the Interior to cease all further action related to an international**
7 **designation for land and water in the state until the action is approved by the United**
8 **States Congress and the Alaska State Legislature; requesting that the United States**
9 **Congress pass legislation requiring Congressional approval of any international**
10 **designation that affects the use of land or water by the state or the United States;**
11 **requesting that the governor be involved in the process and development of any joint**
12 **action plan; requesting that the state, including the departments responsible for the**
13 **management of fish and wildlife and other natural resources, be an integral part of any**

1 **discussion, agreement, understanding, or other process that affects the use or**
2 **development of fish and wildlife and other natural resources in the state; and urging the**
3 **governor and the attorney general to reserve all legal remedies for a taking of the**
4 **natural resources of the state by an international designation of land and water in the**
5 **state.**

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

7 **WHEREAS** Alaska and the Russian Far East are close neighbors across the Bering
8 Sea, and archaeologists believe that the area was a migration route used by many peoples
9 moving from Asia and populating North and South America; and

10 **WHEREAS** some of the indigenous peoples of Western Alaska and the Russian Far
11 East speak the same language and share the same customs and traditions but have, until recent
12 times, been separated by political differences between their respective countries; and

13 **WHEREAS**, in recent years, various events and exchanges have been organized to
14 reconnect the residents of Western Alaska and those of the Russian Far East; and

15 **WHEREAS** the areas of Western Alaska and the Russian Far East have been referred
16 to as Beringia; and

17 **WHEREAS**, in 2010, the United States and Russia began negotiations to develop a
18 Memorandum of Understanding for the purpose of establishing an international protected area
19 in the Bering Strait region that would include the Bering Land Bridge National Preserve, the
20 Cape Krusenstern National Monument, and, in the Chukotka region of Russia, the yet-to-be-
21 created Beringia International Park; and

22 **WHEREAS** the National Park Service identifies and defines Beringia as the area
23 bounded on the east by the Mackenzie River in Canada, on the west by the Lena River in
24 Russia, on the north by 72 degrees North latitude, and on the south by the southern tip of
25 Kamchatka, leaving only the south-central and southeastern limits to be determined; and

26 **WHEREAS** the National Park Service historically has attempted to expand the scope
27 of its influence beyond Alaska park boundaries, including the attempt to establish game buffer
28 zones around Denali National Park and Preserve; and

29 **WHEREAS**, during the past two decades, the National Park Service has repeatedly

1 expanded the size of the area identified as Beringia; and

2 **WHEREAS** the National Park Service manages the Shared Beringian Heritage
3 Program and seeks to foster mutual understanding and cooperation between the United States
4 and Russia and between the indigenous peoples of Western Alaska and the Russian Far East
5 by promoting cultural exchange, supporting subsistence opportunities, and working toward an
6 international designation for the land and water in the area identified as Beringia; and

7 **WHEREAS**, for many years, the National Park Service has pursued a program to
8 establish a Beringia International Park, a world heritage site, and a marine biosphere reserve
9 that would include land and water in Alaska and the Russian Far East; and

10 **WHEREAS** officials of the United States Department of State and the National Park
11 Service have traveled throughout Russia and spoken before the Russian Duma in Moscow;
12 and

13 **WHEREAS** the international designations contemplated by the National Park Service
14 for the areas included in Beringia are an invitation and another means for United States and
15 foreign environmental nongovernmental organizations to oppose resource development on
16 public and Alaska Native land and water in the state; and

17 **WHEREAS** many Alaskans are concerned that the proposed Beringia International
18 Park would impede future rights of access for the Red Dog Mine, the primary economic
19 engine in Northwest Alaska; and

20 **WHEREAS** Alaska Native corporations and the state specifically selected much of
21 their land because of the mineral potential and the opportunity to create jobs and other
22 economic opportunities for the people of the state; and

23 **WHEREAS**, in September 2012, Governor Sean Parnell sent a letter to then United
24 States Secretary of State Hillary Rodham Clinton asking for time to conduct a meaningful
25 review of the proposed Memorandum of Understanding regarding Beringia and to provide
26 input on the possible effects of the Memorandum of Understanding on the region and the
27 State; and

28 **WHEREAS**, on January 17, 2013, Russian Prime Minister Dmitry Medvedev signed
29 a decree creating Beringia National Park as a Russian National Park in the Chukotka Region;
30 and

31 **WHEREAS**, in October 2013, members of the Alaska State Legislature learned that

1 the United States Department of State, the National Park Service, and the Russian Federation
2 were in the final stages of formalizing a Memorandum of Understanding regarding a
3 transboundary protected area in the Bering Strait region; and

4 **WHEREAS** the current effort to formalize a transboundary protected area would be
5 the first step in imposing international designations and would reduce the sovereignty of the
6 state and the United States over the burdened parts of the state, in violation of the Alaska
7 Statehood Compact, the Alaska Native Claims Settlement Act, and the Alaska National
8 Interest Lands Conservation Act; and

9 **WHEREAS** the Department of Fish and Game is responsible for the management,
10 protection, maintenance, enhancement, rehabilitation, and extension of fish and wildlife
11 resources in the state, including management responsibilities on National Park Service land;
12 and

13 **WHEREAS**, in the 1982 Master Memorandum of Understanding between the
14 Department of Fish and Game and the National Park Service, the parties agreed to "consider
15 carefully the impact on the State of Alaska of proposed treaties or international agreements
16 relating to fish and wildlife resources which could diminish the jurisdictional authority of the
17 State, and to consult freely with the State when such treaties or agreements have a significant
18 impact on the State";

19 **BE IT RESOLVED** that the Alaska State Legislature asserts that any international
20 Memorandum of Understanding or other action to designate land or water in the state as an
21 international park, world heritage site, biosphere reserve, Ramsar site, or classification of land
22 or water that affects the proper use of the land or water by the state or an Alaska Native
23 corporation should require approval by Acts of the Alaska State Legislature and the United
24 States Congress before taking effect; and be it

25 **FURTHER RESOLVED** that the Alaska State Legislature requests that the United
26 States Department of State and the United States Department of the Interior cease all further
27 action to establish an international designation of land or water in the state until the United
28 States Congress and the Alaska State Legislature approve; and be it

29 **FURTHER RESOLVED** that the Alaska State Legislature respectfully requests that
30 the United States Congress enact a law that requires Congressional approval of any
31 international designation that affects the use of land or water by the state or the United States;

1 and be it

2 **FURTHER RESOLVED** that the Alaska State Legislature requests that, if the United
3 States Department of State or the United States Department of the Interior nevertheless
4 pursues or proposes the designation of land or water as an international park, world heritage
5 site, biosphere reserve, Ramsar site, or classification of land or water that affects the proper
6 use of the land or water by the state or an Alaska Native corporation, the governor be actively
7 involved in the process and development of any joint action plan; and be it

8 **FURTHER RESOLVED** that the Alaska State Legislature requests that the state,
9 including the departments responsible for the management of fish and wildlife and other
10 natural resources, be an integral if not primary part of any discussion, agreement,
11 understanding, or other process or document that affects the use or development of fish and
12 wildlife and other natural resources in the state; and be it

13 **FURTHER RESOLVED** that the Alaska State Legislature urges the governor and the
14 attorney general to reserve all legal remedies, including the recovery of damages, for a taking
15 of the natural resources of the state in violation of the Alaska Statehood Compact, should a
16 designation of land and water in the state as an international park, world heritage site,
17 biosphere reserve, Ramsar site, or other classification hamper the use or development of the
18 natural resources of the state.

19 **COPIES** of this resolution shall be sent to the Honorable Barack Obama, President of
20 the United States; the Honorable Joseph R. Biden, Jr., Vice-President of the United States and
21 President of the U.S. Senate; the Honorable John F. Kerry, United States Secretary of State;
22 the Honorable Sally Jewell, United States Secretary of the Interior; the Honorable Jonathan B.
23 Jarvis, director of the National Park Service, United States Department of the Interior; the
24 Honorable John Boehner, Speaker of the U.S. House of Representatives; the Honorable
25 Nancy Pelosi, Minority Leader of the U.S. House of Representatives; the Honorable Harry
26 Reid, Majority Leader of the U.S. Senate; the Honorable Mitch McConnell, Minority Leader
27 of the U.S. Senate; the Honorable Ron Wyden, Chair of the Energy and Natural Resources
28 Committee of the U.S. Senate; the Honorable Lisa Murkowski and the Honorable Mark
29 Begich, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the
30 Alaska delegation in Congress; and all other members of the 113th United States Congress.