

SENATE JOINT RESOLUTION NO. 16

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-EIGHTH LEGISLATURE - SECOND SESSION

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Introduced: 1/29/14

Referred: Resources

A RESOLUTION

1 **Urging the federal government to stop providing funding, through federal agencies, to**
2 **nongovernmental organizations that oppose the development of Alaska's resources.**

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

4 **WHEREAS**, on July 7, 1958, President Dwight D. Eisenhower signed the Alaska
5 Statehood Act, which mandated that Alaskans vote to approve or disapprove the terms of the
6 United States, thus establishing a compact between the United States Congress and Alaskans;
7 and

8 **WHEREAS**, at statehood, the United States Congress recognized that Alaska's small
9 population would not be able to pay for government services through taxes alone; thus, the
10 United States Congress promised the state 90 percent of revenue earned from resource
11 development on federal land in Alaska; and

12 **WHEREAS**, in joining the Union, Alaska was not merely absorbed into the federal
13 government; Alaska did not become a state until the people went to the polls to decide
14 whether to accept the terms crafted by the United States Congress and Alaska's designated
15 representatives; and

16 **WHEREAS**, because of those circumstances, Alaska's statehood is not simply an Act

1 of Congress that can be amended on a whim or infringed upon by federal agencies; Alaska's
2 statehood is a compact, otherwise known as a contract, between two sovereign parties and not
3 amendable by one side without the other's consent; and

4 **WHEREAS** art. VIII, sec. 1, Constitution of the State of Alaska, states that "it is the
5 policy of the State to encourage the settlement of its land and the development of its resources
6 by making them available for maximum use consistent with the public interest"; and

7 **WHEREAS** art. VIII, sec. 2, the Constitution of the State of Alaska, states that "the
8 legislature shall provide for the utilization, development, and conservation of all natural
9 resources belonging to the State, including land and waters, for the maximum benefit of its
10 people"; and

11 **WHEREAS** art. VIII, sec. 4, Constitution of the State of Alaska, states that "fish,
12 forests, wildlife, grasslands, and all other replenishable resources belonging to the State shall
13 be utilized, developed, and maintained on the sustained yield principle, subject to preferences
14 among beneficial users"; and

15 **WHEREAS** the mission of the Department of Natural Resources is to oversee
16 responsible development of the state's resources by making them available for maximum use
17 and benefit consistent with public interest; and

18 **WHEREAS** the mission of the Department of Environmental Conservation is to
19 conserve, improve, and protect the state's natural resources and environment and control
20 water, land, and air pollution, in order to enhance the health, safety, and welfare of the people
21 of the state and their overall economic and social well-being; and

22 **WHEREAS** the State of Alaska, through the Department of Natural Resources and
23 Department of Environmental Conservation, has comprehensive and stringent regulations in
24 place to ensure responsible development of the state's resources and protection of its
25 environment; and

26 **WHEREAS** the mission of the Department of Fish and Game is to protect, maintain,
27 and improve the fish, game, and aquatic plant resources of the state and manage their use and
28 development in the best interest of the economy and well-being of the people of the state,
29 consistent with the sustained yield principle; and

30 **WHEREAS** the United States Fish and Wildlife Service is a Bureau within the United
31 States Department of the Interior whose mission is to work with others to conserve, protect,

1 and enhance fish, wildlife, and plants, and their habitats for the continuing benefit of the
2 American people; and

3 **WHEREAS** the United States Department of Justice, Environment and Natural
4 Resources Division, has the responsibility for the conduct and oversight of litigation
5 conducted, directly and indirectly, on behalf of the United States Fish and Wildlife Service;
6 and

7 **WHEREAS**, despite the March 13, 1982, Master Memorandum of Understanding
8 with the Department of Fish and Game, which allows the department to have primary
9 responsibility to manage fish and resident wildlife in the state, and despite the promises in the
10 Alaska Statehood Compact, the United States Fish and Wildlife Service awards a variety of
11 Natural Resource Assistance Grants and contracts to nongovernmental organizations, some of
12 which aggressively oppose the express promises to Alaskans at statehood and oppose the
13 intent behind sec. 101(d) of the Alaska National Interest Lands Conservation Act, also known
14 as the "no more" clause; and

15 **WHEREAS** the United States Fish and Wildlife Service has provided \$10,000 -
16 \$50,000 to the Alaska Conservation Foundation in 2010 and 2011; and

17 **WHEREAS** the Alaska Conservation Foundation financially supports advocacy
18 groups such as the Chuitna Citizens Coalition, a group whose sole purpose is to oppose the
19 proposed Chuitna coal mine; and

20 **WHEREAS** the Alaska Conservation Foundation financially supports the Bristol Bay
21 Protection Campaign and Cook Inletkeeper, groups opposed to the prospective Pebble mining
22 project; and

23 **WHEREAS** the Alaska Conservation Foundation financially supports the Kachemak
24 Bay Conservation Society, a group avowed to restricting the expansion of oil and gas projects
25 in Cook Inlet; and

26 **WHEREAS** the Alaska Conservation Foundation has provided numerous grants to
27 Trustees for Alaska, a group that provides advocacy and legal representation to other groups
28 that oppose a variety of resource development projects around the state, including the filing of
29 law suits against the State of Alaska and the Department of Natural Resources; and

30 **WHEREAS** the Alaska Conservation Foundation has awarded more than \$30,000,000
31 over the last 30 years in grants to over 200 Alaska nongovernmental organizations and other

1 entities that aggressively oppose responsible resource development projects in the state; and

2 **WHEREAS** the Alaska Conservation Foundation opposes resource development
3 projects by hiring legislative organizers, commonly known as lobbyists, to generate support in
4 the legislature for the Alaska Conservation Foundation's legislative priorities; and

5 **WHEREAS** the Alaska Conservation Foundation has solicited support for their
6 "efforts to keep Alaska's coal in the ground, where it belongs" and has made numerous grants
7 to organizations opposing the responsible development of coal-related projects throughout the
8 state, granting \$3,155,238 to organizations in 2012; and

9 **WHEREAS** the Alaska Conservation Foundation coordinates the Bristol Bay
10 Protection Campaign, a campaign working to stop a proposed mine in the area, and provides
11 funding for legal support; and

12 **WHEREAS** the United States Fish and Wildlife Service funded studies conducted by
13 groups such as the Wilderness Society and Cook Inletkeeper, nongovernmental groups
14 actively opposing resource development; and

15 **WHEREAS** the Wilderness Society is a conservation organization that is focused on
16 preventing oil and gas development and logging in the state, and Cook Inletkeeper is a
17 nonprofit advocacy organization that has opposed a number of coal-related projects and oil
18 and gas developments; and

19 **WHEREAS** the Alaska Mental Health Trust Authority and the Trust Land Office
20 manage land to generate income to improve the lives of trust beneficiaries, whose lands are
21 near rural resource development areas such as the Chuitna Coal Project, the Chickaloon Coal
22 Project, the Fort Knox Mine, and the Livengood Gold Project, all of which have been
23 aggressively opposed by nongovernmental organizations funded through the Alaska
24 Conservation Fund; and

25 **WHEREAS** those grants and study partnerships funded and approved by United
26 States Fish and Wildlife Service are adverse and contrary to the Alaska Statehood Compact,
27 the Constitution of the State of Alaska, and the well-being of Alaskans; and

28 **WHEREAS** dispersing taxpayer funds to federal bureaus that then give those funds to
29 nongovernmental organizations that are not working in the state's best interest is a
30 misappropriation of public funds;

31 **BE IT RESOLVED** that the Alaska State Legislature urges the United States Fish

1 and Wildlife Service to stop providing grant money and contracts to nongovernmental
2 organizations opposed to resource development in the state; and be it

3 **FURTHER RESOLVED** that the Alaska State Legislature urges the United States
4 Fish and Wildlife Service to hire unbiased, independent firms and credible scientists to collect
5 data and compile peer-reviewed scientific reports and documents; and be it

6 **FURTHER RESOLVED** that the Alaska State Legislature opposes any efforts by the
7 United States Fish and Wildlife Service to hinder or delay development of the state's natural
8 resources by funding advocacy campaigns opposed to resource development in the state,
9 thereby prejudicing the public and preempting the permitting process; and be it

10 **FURTHER RESOLVED** that the Alaska State Legislature urges the United States
11 Office of Management and Budget to investigate those expenditures and perform a
12 comprehensive audit of all grants and contracts that may have been issued from taxpayer
13 funds through the United States Fish and Wildlife Service; and be it

14 **FURTHER RESOLVED** that the Alaska State Legislature urges the United States
15 Department of Justice to exercise greater oversight of litigation underwritten by grants from
16 the United States Fish and Wildlife Service; and be it

17 **FURTHER RESOLVED** that the Alaska State Legislature urges the United States
18 Congress to exercise greater oversight of the United States Fish and Wildlife Service budget
19 and management of grants and contracts by the United States Fish and Wildlife Service; and
20 be it

21 **FURTHER RESOLVED** that the Alaska State Legislature urges the United States
22 Congress to pass legislation prohibiting grants by agencies of the United States to
23 nongovernmental organizations engaged in opposing and litigating against the development of
24 natural resources in the state.

25 **COPIES** of this resolution shall be sent to the Honorable Joseph R. Biden, Jr., Vice-
26 President of the United States and President of the U.S. Senate; the Honorable John Boehner,
27 Speaker of the U.S. House of Representatives; the Honorable Harry Reid, Majority Leader of
28 the U.S. Senate; the Honorable Eric H. Holder, Jr., Attorney General of the United States; the
29 Honorable Sally Jewell, United States Secretary of the Interior; the Honorable Sylvia
30 Matthews Burwell, Director of the U.S. Office of Management and Budget; Robert Dreher,
31 acting Assistant Attorney General for the Environment and Natural Resources Division; the

1 Honorable Hilary Tompkins, Solicitor, U.S. Department of the Interior; the Honorable Daniel
2 M. Ashe, Director of the U.S. Fish and Wildlife Service; and the Honorable Lisa Murkowski
3 and the Honorable Mark Begich, U.S. Senators, and the Honorable Don Young, U.S.
4 Representative, members of the Alaska delegation in Congress.