

SENATE CS FOR HOUSE JOINT RESOLUTION NO. 60(RES) am S

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - SECOND SESSION

BY THE SENATE RESOURCES COMMITTEE

Amended: 4/19/00

Offered: 4/14/00

Sponsor(s): HOUSE RESOURCES COMMITTEE

A RESOLUTION

**1 Opposing the designation of millions of acres of Alaska as critical habitat for the
2 Spectacled Eider and the Steller's Eider.**

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

4 WHEREAS the United States Fish and Wildlife Service listed the Spectacled Eider
5 as a threatened species under the Endangered Species Act (ESA) in May 1993; and

6 WHEREAS the United States Fish and Wildlife Service listed the Steller's Eider as
7 a threatened species under the ESA in June 1997; and

8 WHEREAS, in response to a lawsuit, the United States Fish and Wildlife Service
9 published proposed regulations on March 13 and February 8, 2000, to designate large marine
10 and terrestrial areas of Alaska as critical habitat for both species; and

11 WHEREAS a lawsuit does not constitute "new information" for purposes of
12 determining whether a critical habitat designation is warranted, and the United States Fish and
13 Wildlife Service has not presented any other new information that justifies making a critical
14 habitat designation; and

15 WHEREAS the proposed regulations would designate over 50,000,000 marine and
16 terrestrial acres, as well as numerous miles of coastline between Bristol Bay and Cook Inlet,

1 as critical habitat for the Spectacled Eider and the Steller's Eider; and

2 **WHEREAS** the United States Fish and Wildlife Service has not adequately justified
3 the need for the overly expansive designations of critical habitat for both species; and

4 **WHEREAS** up to 65 percent of the area designated as critical breeding habitat on the
5 Y-K Delta is already within federal wildlife refuges; and

6 **WHEREAS** the United States Fish and Wildlife Service is purposely distorting the
7 original intent of the ESA to limit critical habitat areas to those areas most crucial to the
8 survival of endangered and threatened species rather than to designate overly broad, expansive,
9 and unjustified areas where the species may not even exist as critical habitat; and

10 **WHEREAS** the overly broad identification of vast marine and terrestrial areas as
11 critical habitat for endangered or threatened species could have an unnecessary negative
12 economic effect on reasonable and critically needed programs to develop resources of Alaska;
13 and

14 **WHEREAS** the overly broad identification of large expanses of marine areas as
15 critical habitat could have an unnecessary negative effect on important subsistence and
16 commercial fishing activities in rural Alaska;

17 **BE IT RESOLVED** that the Alaska State Legislature strongly opposes the designation
18 of overly large areas of Alaska as critical habitat for the Spectacled Eider and the Steller's
19 Eider; and be it

20 **FURTHER RESOLVED** that the Alaska State Legislature urges Governor Tony
21 Knowles to pursue legal action against the United States Fish and Wildlife Service if the
22 agency continues with the final adoption of regulations to designate critical habitat for the
23 Spectacled Eider and the Steller's Eider; and be it

24 **FURTHER RESOLVED** that the Alaska State Legislature urges the members of the
25 Alaska delegation in Congress to assist by whatever means available to block the adoption of
26 final regulations establishing critical habitat areas for the Spectacled Eider and the Steller's
27 Eider; and be it

28 **FURTHER RESOLVED** that the Alaska State Legislature urges the United States
29 Fish and Wildlife Service to adopt final regulations that do not designate new critical habitat
30 areas for the Spectacled Eider and the Steller's Eider in Alaska; and be it

31 **FURTHER RESOLVED** that the Alaska State Legislature urges the U.S. Fish and

1 Wildlife Service to consider negotiating reasonable purchases of private property within
2 proposed Critical Habitat on the Y-K Delta rather than preclude responsible economic uses
3 of these lands through agency regulatory actions.

4 **COPIES** of this resolution shall be sent to Jamie Rappaport Clark, Director, Fish and
5 Wildlife Service, U.S. Department of the Interior; and to the Honorable Ted Stevens and the
6 Honorable Frank Murkowski, U.S. Senators, and the Honorable Don Young, U.S.
7 Representative, members of the Alaska delegation in Congress.