

STATE OF ALASKA
THE LEGISLATURE

2000

Source
SCS HJR 60(RES) am S

Legislative
Resolve No.
43



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

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

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

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

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

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

WHEREAS the proposed regulations would designate over 50,000,000 marine and terrestrial acres, as well as numerous miles of coastline between Bristol Bay and Cook Inlet, as critical habitat for the Spectacled Eider and the Steller's Eider; and

WHEREAS the United States Fish and Wildlife Service has not adequately justified

the need for the overly expansive designations of critical habitat for both species; and

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

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

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

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

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

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

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

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

FURTHER RESOLVED that the Alaska State Legislature urges the U.S. Fish and Wildlife Service to consider negotiating reasonable purchases of private property within proposed Critical Habitat on the Y-K Delta rather than preclude responsible economic uses

of these lands through agency regulatory actions.

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