

HOUSE JOINT RESOLUTION NO. 17

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIFTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES JOHNSON, Johansen, Ramras, Lynn, Thomas

Introduced: 4/5/07

Referred: Resources, Judiciary

A RESOLUTION

1 Encouraging Coeur Alaska, Inc., to pursue all legal options to resolve the issues
2 presented in Southeast Alaska Conservation Council v. United States Army Corps of
3 Engineers on behalf of itself and consistent with the state's efforts to enforce its rights as
4 a state over its resources; and requesting the United States Court of Appeals for the
5 Ninth Circuit to adjudicate those matters that come before the court in a fair and
6 impartial manner so that the state's natural resources can be developed in a timely and
7 lawful manner.

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

9 **WHEREAS** the state is rich in natural resources and is dependent on the development
10 of those resources for its well-being; and

11 **WHEREAS** the policy of the federal government expressed in 30 U.S.C. 21a is to
12 foster and encourage private enterprise in the development of economically sound and stable
13 domestic mining, minerals, metal, and mineral reclamation industries; and

14 **WHEREAS** the United States District Court for the District of Alaska found that the

1 decision of the United States Army Corps of Engineers to allow the disposal of tailings from
2 the proposed Kensington Mine into Lower Slate Lake is consistent with the requirements of
3 the Clean Water Act; and

4 **WHEREAS** the United States Court of Appeals for the Ninth Circuit stated in an
5 order issued in Southeast Alaska Conservation Council v. United States Army Corps of
6 Engineers, Case No. 06-35679, that the court intends to reverse and vacate the Record of
7 Decision authorizing the use of Lower Slate Lake as a disposal facility, and remand the case
8 to the district court with instructions to enter summary judgment in favor of Southeast Alaska
9 Conservation Council; and

10 **WHEREAS** the United States Court of Appeals for the Ninth Circuit has
11 demonstrated a pattern of antidevelopment decision making that has injured the people of this
12 state, and it is anticipated that the court will continue that pattern into the foreseeable future;

13 **BE IT RESOLVED** that the Alaska State Legislature encourages Coeur Alaska, Inc.,
14 to pursue all legal options, including an appeal to the United States Supreme Court, to resolve
15 the issues presented in Southeast Alaska Conservation Council v. United States Army Corps
16 of Engineers, Case No. 06-35679, on behalf of itself and consistent with the state's efforts to
17 enforce its rights as a state over its resources; and be it

18 **FURTHER RESOLVED** that the Alaska State Legislature respectfully requests the
19 United States Court of Appeals for the Ninth Circuit to adjudicate those matters that come
20 before the court in a fair and impartial manner so that the state's natural resources may be
21 developed in a timely and lawful manner.

22 **COPIES** of this resolution shall be sent to the Honorable George W. Bush, President
23 of the United States; the Honorable Richard B. Cheney, Vice-President of the United States
24 and President of the U.S. Senate; the Honorable Nancy Pelosi, Speaker of the U.S. House of
25 Representatives; the Honorable Mary M. Schroeder, Chief Judge, United States Court of
26 Appeals for the Ninth Circuit; the Honorable Arnold Schwarzenegger, Governor of
27 California; the Honorable Fabian Nunez, Speaker of the Assembly, California State
28 Assembly; the Honorable Don Perata, Senate President Pro Tem, California State Assembly;
29 the Honorable Ted Kulongoski, Governor of Oregon; the Honorable Peter Courtney, Senate
30 President, Oregon State Legislature; the Honorable Jeff Merkley, Speaker of the House,
31 Oregon State Legislature; the Honorable Chris Gregoire, Governor of Washington; the

1 Honorable Frank Chopp, Speaker of the House, Washington State Legislature; the Honorable
2 Brad Owen, Lieutenant Governor and Senate Speaker, Washington State Legislature; the
3 Honorable Janet Napolitano, Governor of Arizona; the Honorable Timothy S. Bee, Senate
4 President, Arizona State Legislature; the Honorable Jim Weiers, Speaker of the House,
5 Arizona State Legislature; the Honorable Brian A. Schweitzer, Governor of Montana; the
6 Honorable Mike Cooney, Senate President, Montana State Legislature; the Honorable Scott
7 Sales, Speaker of the House, Montana State Legislature; the Honorable C. L. "Butch" Otter,
8 Governor of Idaho; the Honorable Jim Risch, Lieutenant Governor and Senate President,
9 Idaho Legislature; the Honorable Lawrence Denney, Speaker of the House, Idaho
10 Legislature; the Honorable Jim Gibbons, Governor of Nevada; the Honorable Brian Krolicki,
11 Lieutenant Governor and Senate President, Nevada Legislature; the Honorable Barbara
12 Buckley, Speaker of the House, Nevada Legislature; the Honorable Linda Lingle, Governor of
13 Hawaii; the Honorable Colleen Hanabusa, Senate President, Hawaii State Legislature; the
14 Honorable Calvin K. Y. Say, Speaker of the House, Hawaii State Legislature; the Honorable
15 Felix P. Camacho, Governor of Guam; the Honorable Mark Forbes, Senate Speaker, Guam
16 Legislature; the Honorable Madeleine Z. Bordallo, U.S. Representative from Guam; the
17 Honorable Benigno R. Fitial, Governor of the Northern Marianas; the Honorable Joseph M.
18 Mendiola, Senate President, Saipan and Northern Islands Legislative Delegation; the
19 Honorable Oscar M. Babauta, Speaker of the House, Saipan and Northern Islands Legislative
20 Delegation; the Honorable Senator Pete P. Reyes, Chairman, Saipan and Northern Islands
21 Legislative Delegation; the Honorable Representative Ramon A. Tebuteb, Vice-Chairman,
22 Saipan and Northern Islands Legislative Delegation; the Honorable Jeff Bingaman, Chair of
23 the U.S. Senate Committee on Energy and Natural Resources; the Honorable Nick J. Rahall
24 II, Chair of the U.S. House Committee on Natural Resources; the Honorable Sarah Palin,
25 Governor of Alaska; and the Honorable Tom Irwin, Commissioner, Department of Natural
26 Resources; and the Honorable Ted Stevens and the Honorable Lisa Murkowski, U.S.
27 Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska
28 delegation in Congress.