

HOUSE JOINT RESOLUTION NO. 17 am

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIFTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES JOHNSON, Johansen, Ramras, Lynn, Thomas

Amended: 5/10/07

Introduced: 4/5/07

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.**

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

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

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

11 **WHEREAS** the United States District Court for the District of Alaska found that the
12 decision of the United States Army Corps of Engineers to allow the disposal of tailings from
13 the proposed Kensington Mine into Lower Slate Lake is consistent with the requirements of
14 the Clean Water Act; and

15 **WHEREAS** the United States Court of Appeals for the Ninth Circuit stated in an

1 order issued in Southeast Alaska Conservation Council v. United States Army Corps of
2 Engineers, Case No. 06-35679, that the court intends to reverse and vacate the Record of
3 Decision authorizing the use of Lower Slate Lake as a disposal facility, and remand the case
4 to the district court with instructions to enter summary judgment in favor of Southeast Alaska
5 Conservation Council;

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

11 **COPIES** of this resolution shall be sent by electronic transmission to the Honorable
12 George W. Bush, President of the United States; the Honorable Richard B. Cheney, Vice-
13 President of the United States and President of the U.S. Senate; the Honorable Nancy Pelosi,
14 Speaker of the U.S. House of Representatives; the Honorable Mary M. Schroeder, Chief
15 Judge, United States Court of Appeals for the Ninth Circuit; the Honorable Jeff Bingaman,
16 Chair of the U.S. Senate Committee on Energy and Natural Resources; the Honorable Nick J.
17 Rahall II, Chair of the U.S. House Committee on Natural Resources; the Honorable Sarah
18 Palin, Governor of Alaska; and the Honorable Tom Irwin, Commissioner, Department of
19 Natural Resources; Dennis E. Wheeler, President, Coeur Alaska, Inc.; and the Honorable Ted
20 Stevens and the Honorable Lisa Murkowski, U.S. Senators, and the Honorable Don Young,
21 U.S. Representative, members of the Alaska delegation in Congress.