

CS FOR SENATE JOINT RESOLUTION NO. 16(RES)
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-EIGHTH LEGISLATURE - SECOND SESSION

BY THE SENATE RESOURCES COMMITTEE

Offered: 2/10/14

Referred: Rules

Sponsor(s): SENATORS GIESSEL, Dunleavy, Kelly, Dyson

A RESOLUTION

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

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

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

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

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

1 representatives; and

2 **WHEREAS**, because of those circumstances, Alaska's statehood is not simply an Act
3 of Congress that can be amended on a whim or infringed upon by federal agencies; Alaska's
4 statehood is a compact, otherwise known as a contract, between two sovereign parties and not
5 amendable by one side without the other's consent; and

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

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

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

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

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

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

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

1 **WHEREAS** the United States Fish and Wildlife Service is a Bureau within the United
2 States Department of the Interior whose mission is to work with others to conserve, protect,
3 and enhance fish, wildlife, and plants, and their habitats for the continuing benefit of the
4 American people; and

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

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

17 **WHEREAS** the United States Fish and Wildlife Service has provided \$10,000 -
18 \$50,000 to the Alaska Conservation Foundation in 2010 and 2011; and

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

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

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

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

1 Natural Resources; and

2 **WHEREAS** the Alaska Conservation Foundation has awarded more than \$30,000,000
3 over the last 30 years in grants to over 200 Alaska nongovernmental organizations and other
4 entities that aggressively oppose environmentally responsible resource development projects
5 in the state; and

6 **WHEREAS** the Alaska Conservation Foundation opposes environmentally
7 responsible resource development projects by hiring legislative organizers, commonly known
8 as lobbyists, to generate support in the legislature for the Alaska Conservation Foundation's
9 legislative priorities; and

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

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

17 **WHEREAS** the United States Fish and Wildlife Service funded studies conducted by
18 groups such as the Wilderness Society and Cook Inletkeeper, nongovernmental groups
19 actively opposing environmentally responsible resource development; and

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

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

30 **WHEREAS** those grants and study partnerships funded and approved by United
31 States Fish and Wildlife Service are adverse and contrary to the Alaska Statehood Compact,

1 the Constitution of the State of Alaska, and the well-being of Alaskans; and

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

5 **BE IT RESOLVED** that the Alaska State Legislature urges the United States Fish
6 and Wildlife Service to stop providing grant money and contracts to nongovernmental
7 organizations opposed to environmentally responsible resource development in the state; and
8 be it

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

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

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

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

24 **FURTHER RESOLVED** that the Alaska State Legislature urges the United States
25 Congress to exercise greater oversight of the United States Fish and Wildlife Service budget
26 and management of grants and contracts by the United States Fish and Wildlife Service; and
27 be it

28 **FURTHER RESOLVED** that the Alaska State Legislature urges the United States
29 Congress to pass legislation prohibiting grants by agencies of the United States to
30 nongovernmental organizations engaged in opposing and litigating against the
31 environmentally responsible development of natural resources in the state.

1 **COPIES** of this resolution shall be sent to the Honorable Joseph R. Biden, Jr., Vice-
2 President of the United States and President of the U.S. Senate; the Honorable John Boehner,
3 Speaker of the U.S. House of Representatives; the Honorable Harry Reid, Majority Leader of
4 the U.S. Senate; the Honorable Eric H. Holder, Jr., Attorney General of the United States; the
5 Honorable Sally Jewell, United States Secretary of the Interior; the Honorable Sylvia
6 Matthews Burwell, Director of the U.S. Office of Management and Budget; Robert Dreher,
7 acting Assistant Attorney General for the Environment and Natural Resources Division; the
8 Honorable Hilary Tompkins, Solicitor, U.S. Department of the Interior; the Honorable Daniel
9 M. Ashe, Director of the U.S. Fish and Wildlife Service; and the Honorable Lisa Murkowski
10 and the Honorable Mark Begich, U.S. Senators, and the Honorable Don Young, U.S.
11 Representative, members of the Alaska delegation in Congress.