

SENATE JOINT RESOLUTION NO. 10

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-NINTH LEGISLATURE - FIRST SESSION

BY THE SENATE RESOURCES COMMITTEE

Introduced: 2/2/15

Referred: Resources

A RESOLUTION

1 **Opposing the revised Comprehensive Conservation Plan and Environmental Impact**
2 **Statement for the Arctic National Wildlife Refuge; opposing attempts by President**
3 **Obama to alter management of the coastal plain of the Arctic National Wildlife Refuge;**
4 **encouraging the United States Congress to reject a proposal based on the revised**
5 **Comprehensive Conservation Plan or accompanying Environmental Impact Statement;**
6 **encouraging the United States Congress to reject a proposal that does not open the**
7 **coastal plain of the Arctic National Wildlife Refuge to oil and gas development; and**
8 **finding that decision-making authority over the coastal plain of the Arctic National**
9 **Wildlife Refuge is reserved exclusively to the United States Congress.**

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

11 **WHEREAS**, on January 25, 2015, President Barack Obama announced his official
12 recommendation to the United States Congress to designate core areas of the Arctic National
13 Wildlife Refuge, including the coastal plain, as wilderness, in express violation of sec. 101(d)

1 of the Alaska National Interest Lands Conservation Act; and

2 **WHEREAS** the Alaska State Legislature opposes any unilateral executive erosion of
3 the Alaska National Interest Lands Conservation Act or, in the alternative, any use of the
4 Antiquities Act of 1906 (P.L. 59-209, 34 Stat 225, 16 U.S.C. 431 - 433) to restrict
5 development on the coastal plain; and

6 **WHEREAS**, in 1980, the United States Congress enacted the Alaska National Interest
7 Lands Conservation Act, transferring approximately 105,000,000 acres of public lands to
8 various conservation units; and

9 **WHEREAS** 105,000,000 acres is more land than contained in the State of California;
10 and

11 **WHEREAS**, if the land contained in conservation units developed under the Alaska
12 National Interest Lands Conservation Act were a state, it would be the third largest state in the
13 United States; and

14 **WHEREAS** sec. 101(d) of the Alaska National Interest Lands Conservation Act
15 states, "This Act provides sufficient protection for the national interest in the scenic, natural,
16 cultural and environmental values on the public lands in Alaska, and at the same time
17 provides adequate opportunity for satisfaction of the economic and social needs of the State of
18 Alaska and its people; accordingly, the designation and disposition of the public lands in
19 Alaska pursuant to this Act are found to represent a proper balance between the reservation of
20 national conservation system units and those public lands necessary and appropriate for more
21 intensive use and disposition, and thus Congress believes that the need for future legislation
22 designating new conservation system units, new national conservation areas, or new national
23 recreation areas, has been obviated thereby"; and

24 **WHEREAS** the Alaska National Interest Lands Conservation Act also prohibited
25 further studies of federal land in the state for "the single purpose of considering the
26 establishment of a conservation system unit, national recreation area, national conservation
27 area, or for related or similar purpose . . . unless authorized by this Act or further Act of
28 Congress"; and

29 **WHEREAS**, in sec. 1002 of the Alaska National Interest Lands Conservation Act, the
30 United States Congress specifically set aside and reserved ultimate decisions to the United
31 States Congress about the management of 1,500,000 acres of the coastal plain of the Arctic

1 National Wildlife Refuge; and

2 **WHEREAS** the coastal plain of the Arctic National Wildlife Refuge is estimated to
3 contain between 5,700,000,000 and 16,000,000,000 barrels of oil, with a mean recoverable
4 estimate of 10,300,000,000 barrels of oil; and

5 **WHEREAS** the oil resources estimated to be recoverable from the coastal plain
6 represent potential state and federal revenue in the hundreds of billions of dollars over the life
7 of production and a resource of significant national interest; and

8 **WHEREAS** the village of Kaktovik lies within the coastal plain, and there are
9 significant lands within the coastal plain that belong to the village of Kaktovik and the Arctic
10 Slope Regional Corporation and are of vital interest to the Native residents; and

11 **WHEREAS** the coastal plain lies within the boundaries of the state and the North
12 Slope Borough and is of special significance to the residents of the state and the borough; and

13 **WHEREAS** a minimal number of recreationists, estimated to be 250, visit the coastal
14 plain of the Arctic National Wildlife Refuge in any given year; and

15 **WHEREAS** the revised Comprehensive Conservation Plan for the Arctic National
16 Wildlife Refuge proposes to manage the entire Arctic National Wildlife Refuge, including the
17 coastal plain, as wilderness; and

18 **WHEREAS** the wilderness designation would create impractical limits to oil and gas
19 development and general economic development and potential limits to vital subsistence
20 activities; and

21 **WHEREAS** the original 1988 Comprehensive Conservation Plan involved far more
22 data gathering than the current Comprehensive Conservation Plan, including the incorporation
23 of studies by the United States Geological Survey, the United States Bureau of Land
24 Management, and other services in the United States Department of the Interior; and

25 **WHEREAS** the original 1988 Comprehensive Conservation Plan fully recommended
26 exploration for oil and gas and stated that any effect on the area would be minimal and could
27 be mitigated; and

28 **WHEREAS** the revised Comprehensive Conservation Plan does not contain the force
29 of law and is only a recommendation on management practices; and

30 **WHEREAS** the revised Comprehensive Conservation Plan is a violation of the "No
31 More" clause in sec. 1326(a) of the Alaska National Interest Lands Conservation Act; and

1 **WHEREAS** sec. 1326(a) of the Alaska National Interest Lands Conservation Act
2 states, "No future executive branch action which withdraws more than five thousand acres, in
3 the aggregate, of public lands within the State of Alaska shall be effective except by
4 compliance with this subsection. To the extent authorized by existing law, the President or the
5 Secretary may withdraw public lands in the State of Alaska exceeding five thousand acres in
6 the aggregate, which withdrawal shall not become effective until notice is provided in the
7 Federal Register and to both Houses of Congress. Such withdrawal shall terminate unless
8 Congress passes a joint resolution of approval within one year after the notice of such
9 withdrawal has been submitted to Congress"; and

10 **WHEREAS** the United States Fish and Wildlife Service claims that the creation of the
11 Arctic National Wildlife Refuge as a refuge already takes the land out of use or potential use;
12 and

13 **WHEREAS** all the goals of the revised Comprehensive Conservation Plan can be
14 achieved without declaring wilderness; Prudhoe Bay has demonstrated that both a strict
15 environmental land management policy and development can exist side by side with no
16 destruction of land or ecology, and no negative effect on caribou; and

17 **WHEREAS** the revised Comprehensive Conservation Plan violates the National
18 Environmental Policy Act of 1969, as neither a study for wilderness nor the declaration of
19 wilderness can take place without the consideration of "all alternative land uses"; and

20 **WHEREAS** sec. 1002 of the Alaska National Interest Lands Conservation Act
21 requires that studies be performed to provide information to the United States Congress; the
22 mandated studies include not only a study of wildlife resources, but also an analysis of the
23 potential effects of oil and gas exploration and development on those resources and a
24 delineation of the extent and amount of potential petroleum resources; and

25 **WHEREAS** the revised Comprehensive Conservation Plan completely ignores the
26 requirement to study the potential effects of oil and gas exploration and development; and

27 **WHEREAS** oil and gas exploration and development on the coastal plain of the
28 refuge and adjacent land could result in major discoveries that would reduce our nation's
29 dependency on oil produced by hostile foreign nations, help balance the nation's trade deficit,
30 and significantly increase the nation's security; and

31 **WHEREAS** the revised Comprehensive Conservation Plan has an accompanying

1 Environmental Impact Statement;

2 **BE IT RESOLVED** that the Alaska State Legislature vehemently opposes any
3 attempt by the Administration to alter the management or status of the coastal plain of the
4 Arctic National Wildlife Refuge; and be it

5 **FURTHER RESOLVED** that the Alaska State Legislature strongly encourages each
6 member of the United States Congress to reject any proposal that is based on the revised
7 Comprehensive Conservation Plan or accompanying Environmental Impact Statement; and be
8 it

9 **FURTHER RESOLVED** that the Alaska State Legislature strongly encourages each
10 member of the United States Congress to reject any proposal that does not explicitly, and
11 without delay, open the coastal plain of the Arctic National Wildlife Refuge to oil and gas
12 development so that local residents and residents of the state and nation can realize the vast
13 economic and financial benefits of the immediate development of the coastal plain; and be it

14 **FURTHER RESOLVED** that the Alaska State Legislature finds that sec. 1002 of the
15 Alaska National Interest Lands Conservation Act demonstrates, through the detailed scheme
16 for the coastal plain, that the coastal plain is separate from the remainder of the Arctic
17 National Wildlife Refuge and that decision-making authority over the area is reserved only to
18 the United States Congress, leaving no room for executive discretion; and be it

19 **FURTHER RESOLVED** that the Alaska State Legislature vehemently opposes the
20 United States Fish and Wildlife Service's revised Comprehensive Conservation Plan and
21 Environmental Impact Statement and any recommendation by President Obama based on that
22 plan.

23 **COPIES** of this resolution shall be sent to the Honorable Barack Obama, President of
24 the United States; the Honorable Joseph R. Biden, Jr., Vice-President of the United States and
25 President of the U.S. Senate; the Honorable John Boehner, Speaker of the U.S. House of
26 Representatives; the Honorable Nancy Pelosi, Minority Leader of the U.S. House of
27 Representatives; the Honorable Mitch McConnell, Majority Leader of the U.S. Senate; the
28 Honorable Harry Reid, Minority Leader of the U.S. Senate; the Honorable Sally Jewell,
29 United States Secretary of the Interior; the Honorable Lisa Murkowski, Chair of the Energy
30 and Natural Resources Committee of the U.S. Senate; the Honorable Bill Walker, Governor
31 of Alaska; and the Honorable Dan Sullivan, U.S. Senator, and the Honorable Don Young,

1 U.S. Representative, members of the Alaska delegation in Congress.