

Introduced: 2/10/87  
Referred: Judiciary and Resources

5-0620A

1 IN THE SENATE

BY COGHILL AND FAIKS

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SENATE RESOLUTION NO. 11

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IN THE LEGISLATURE OF THE STATE OF ALASKA

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FIFTEENTH LEGISLATURE - FIRST SESSION

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Requesting the Governor to direct the

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filing of an amicus brief in Sierra Club

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v. Bureau of Land Management to advise

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the court of the state's position.

9 BE IT RESOLVED BY THE SENATE:

10 WHEREAS the mining industry in Alaska has increasingly become the  
11 target of environmentally motivated litigation; and

12 WHEREAS the mining industry as a whole is not deserving of the onerous  
13 consequences of possible adverse court decisions; and

14 WHEREAS it has been the historic policy of the state through provi-  
15 sions of the Alaska Constitution to encourage the wise use and development  
16 of the state's mineral resources in an environmentally sound manner; and

17 WHEREAS the issuance of an injunction in a case now before the United  
18 States Court of Appeals for the Ninth Circuit, Sierra Club v. Bureau of  
19 Land Management, could shut down the mining industry pending a ruling on  
20 the merits of the Sierra Club's appeal and is an issue in which the state  
21 has a direct interest; and

22 WHEREAS, if the state remains silent on this issue, the Court of  
23 Appeals may conclude that an adverse ruling would not have grievous conse-  
24 quences to the residents of the state; and

25 WHEREAS the lawsuit has substantial implications for over 80 percent  
26 of the state's mining industry;

27 BE IT RESOLVED that the Senate respectfully requests the Governor to  
28 direct the attorney general to file an amicus curiae brief with the Court  
29 of Appeals in this matter; and be it

1           **FURTHER RESOLVED** that the brief address the state's opposition to any  
2 injunction that stops mining activity during the appeals process and addi-  
3 tionally address at least the following points:

4           (1) the importance of the mining industry to the economy of the  
5 state in the creation of jobs, tax revenue, and improvements to state land;

6           (2) solutions to environmental problems within the industry are  
7 being achieved within the present framework of approval by the Bureau of  
8 Land Management of notice and plans of operation;

9           (3) the issuance of an injunction would not solve the environ-  
10 mental difficulties that the Sierra Club case brings before the court;  
11 rather it would virtually stop development of sound engineering practices  
12 regarding the environment; and

13           (4) the issuance of an injunction would be devastating to rural  
14 economies and communities where 40 percent of those employed in the indus-  
15 try reside.

16           A COPY shall be sent to Attorney General Grace Berg Schaible.