

STATE OF ALASKA THE LEGISLATURE

1994

Source
CSHJR 49(RES)

Legislative
Resolve No.
21



Requesting the United States Department of the Interior to adopt regulations that give a narrow interpretation to certain definitions under the Oil Pollution Act of 1990 relating to evidence of financial responsibility that must be shown by offshore facilities.

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

WHEREAS the Oil Pollution Act of 1990 has been interpreted to require offshore facilities operating on most surface water and adjacent wetlands to maintain evidence of financial responsibility in the amount of \$150,000,000; and

WHEREAS the federal definition of "wetlands" includes virtually all nonmountainous areas in Alaska; and

WHEREAS the Act defines "offshore facility" to include a structure, equipment, or device, other than a vessel or deep water port, used for the purpose of exploring for, drilling for, producing, storing, handling, transferring, processing, or transporting oil in, under, or on any United States navigable or territorial water; and

WHEREAS the Act defines "facility" to specifically include motor vehicles, rolling stock, and pipelines; and

WHEREAS the Alaska State Legislature is concerned that, without further

clarification, these definitions might be interpreted in regulations so that "offshore facilities" include marinas, port facilities, utility companies, gasoline filling stations, trucking companies, railroads, refineries, airports, farms, fishing boats and tenders, manufacturing plants, storage tanks, and pipelines, no matter how tangentially related to offshore oil exploration or production; and

WHEREAS this kind of interpretation would be much broader than appears to have been intended by the Congress when it established financial responsibility requirements for offshore facilities; and

WHEREAS implementation of a \$150,000,000 financial responsibility requirement on offshore facilities under a broad interpretation of the regulations would have a significantly adverse effect on Alaska villages and municipalities and would probably devastate the economy of Alaska; and

WHEREAS the Department of the Interior did not hold hearings in Alaska on the proposed regulations;

BE IT RESOLVED that the Alaska State Legislature respectfully urges the Department of the Interior to interpret the definitions of "navigable waters," "offshore facility," and "responsible party" in the financial responsibility regulations of the Oil Pollution Act as narrowly as practicable; and be it

FURTHER RESOLVED that the Department of the Interior should propose to the Congress appropriate amendments to the Oil Pollution Act if narrowing regulations are not sufficient to protect the environment without inflicting extreme economic hardships; and be it

FURTHER RESOLVED that the Department of the Interior should hold hearings in Alaska before adopting any regulations under the Oil Pollution Act of 1990.

COPIES of this resolution shall be sent to the Honorable J. Bennett Johnston, U.S. Senator and Chair of the U.S. Senate Natural Resources Committee; the Honorable Bruce Babbitt, Secretary of the Interior; Tom Fry, Director, Minerals Management Service, U.S. Department of the Interior; and to the Honorable Ted Stevens and the Honorable Frank Murkowski, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress.