

Alaska State Lands Advisory Group

Proposed Resolution

Approved for Transmission January 27, 2016

The Alaska State Lands Advisory Group commends the attached resolution to the Citizens' Advisory Commission on Federal Areas for consideration and potential recommendation, in whole, in part, or as amended, to the Alaska State Legislature.

The Alaska State Lands Advisory Group further recommends House Bill 115 proceed through the legislative process with hearings and suitable amendments to initiate State of Alaska involvement in joining Utah in its lawsuit, if filed.

1 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:
2 **WHEREAS** all states are admitted to the Union on an equal footing with all
3 other states; and
4 **WHEREAS** the express constitutional authority of the United States allows
5 federal ownership of property, for the Erection of Forts, Magazines,
6 Arsenals, dock-Yards and other needful Buildings; and
7 **WHEREAS** Congress only has the enumerated powers to "make all Laws which shall
8 be necessary and proper for carrying into Execution the forgoing Powers and
9 all other Powers vested by this Constitution and the Government of the United
10 States, or in any Department or Officer thereof;" and
11 **WHEREAS** states admitted to the Union, West of the Rockies, did not receive
12 the public lands within their borders on statehood and the federal government
13 did not dispose of same as it did for the states East of the Rockies; and
14 **WHEREAS** Western States were expressly promised and expected most federal
15 lands to be transferred and proceeds of said lands would benefit the State's
16 School Trust; and
17 **WHEREAS** in lieu of land transfers, the federal land managers, previously
18 managed non withdrawn federal lands for a multiple use basis, with Payment In
19 Lieu of Taxes going to support local governments; and
20 **WHEREAS** since the passage of FLPMA, federal land planners and managers have
21 been systematically and unilaterally "managing" lands not previously
22 withdrawn, out of multiple use, into conservation overreach, thus
23 systematically eliminating revenue generating uses, and associated PILT
24 payments to state and local governments; and
25 **WHEREAS** federal overreach is causing paradigm environmental changes to the
26 lands and resources due to catastrophic wildfires, mismanagement of waters,
27 fish and wildlife, interference with legal access, destruction to the economy
28 and the health and welfare of its citizens, and thus the lifestyles of
29 generations of Western Americans; and
30 **WHEREAS** reasonable on-the-ground level federal land managers have their hands
31 tied by high level Washington DC decision makers, hundreds and sometimes
32 thousands of miles away from the said lands, making decisions with little to
33 no regard for the unique resources of the states and the health and welfare
34 of citizens in the affected States; and
35 **WHEREAS** the States have a vested interest in and local representation with
36 the consent of the governed; and will manage the multiple use lands for
37 better access, health and prosperity of the lands, benefiting the citizens of
38 their states and the United States; and
39 **WHEREAS** American citizens in the East are disproportionately paying for the
40 mismanagement of said lands in the West; and
41 **WHEREAS** the State of Utah has been a leader in the effort to stand up to the
42 usurpations and abuses by some federal land managers, and has commissioned a
43 legal study by nationally respected Constitutional Lawyers; and
44 **WHEREAS** the recommendation of said study suggests a reasonable chance of
45 successfully litigating, bringing clarity to the enumerated powers of the
46 federal government to hold and control said lands; and
47 **WHEREAS** the federal government has breached promises made in the Alaska's
48 Statehood Act with subsequent PLOs and federal legislation, including the

1 orderly transfer of submerged lands, access and the management of multiple
2 use lands, waters, fish and wildlife in Alaska; and
3 **WHEREAS** the State of Utah introduced legislation demanding the United States
4 to fulfill its obligation to transfer the federal lands within Utah's
5 borders; and
6 **WHEREAS** the United States has summarily ignored the aforementioned
7 legislation with impunity; therefore
8 **BE IT RESOLVED** the Alaska Legislature strongly encourages the State of Utah
9 to file suit as a sovereign, directly to the United States Supreme Court, for
10 violations of the express authority of the United States Constitution, in
11 regards to federal ownership and subsequent illegal enabling acts of
12 Congress, of certain lands within the State of Utah and other states, and to
13 seek injunctive relief against any and all federal land management planning
14 on said lands in the interim of settlement of this litigation; and
15 **BE IT FURTHER RESOLVED** the Alaska Legislature strongly encourages the
16 Governor of Alaska to work closely with the State of Utah and to file a
17 Motion to Intervene, when Utah files a complaint with the US Supreme Court.