

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas  
90th General Assembly  
Regular Session, 2015

*As Engrossed: S3/24/15*

SR 22

By: Senator Irvin

## SENATE RESOLUTION

TO OPPOSE THE PROPOSED PLAINS & EASTERN CLEAN LINE TRANSMISSION PROJECT; AND TO ENCOURAGE FEDERAL AND STATE ACTION TO PREVENT THE PROJECT OR LIMIT ITS NEGATIVE CONSEQUENCES.

### Subtitle

TO OPPOSE THE PROPOSED PLAINS & EASTERN CLEAN LINE TRANSMISSION PROJECT; AND TO ENCOURAGE FEDERAL AND STATE ACTION TO PREVENT THE PROJECT OR LIMIT ITS NEGATIVE CONSEQUENCES.

*WHEREAS, Clean Line Energy Partners, LLC, has submitted to the United States Department of Energy an application under the National Environmental Policy Act for its Plains & Eastern Clean Line transmission project to construct and operate a transmission line throughout various states, including Arkansas; and*

*WHEREAS, in 2011, the Arkansas Public Service Commission denied Clean Line Energy Partners, LLC's application for a certificate of public convenience and necessity without prejudice to operate as a public utility in the State of Arkansas because the proposed project did not provide energy to the public for compensation; and*

*WHEREAS, the United States Department of Energy has prepared and issued a Draft Environmental Impact Statement for the project under the National Environmental Policy Act, which analyzes the project's potential*



*environmental impacts and compares various alternatives, including a no-action alternative, as well as environmental protection measures to avoid adverse impacts; and*

*WHEREAS, the Draft Environmental Impact Statement process provides an opportunity for the public to provide input concerning the potential environmental impacts from proposed federal action; and*

*WHEREAS, the United States Department of Energy has extended the public comment period for the Draft Environmental Impact Statement for the project until April 20, 2015; and*

*WHEREAS, the route of the proposed corridor for the transmission line would travel through the Mississippi Flyway within the State of Arkansas, an important national staging area for waterfowl migration; and*

*WHEREAS, the Mississippi Flyway includes parts of 14 states from Canada to the Gulf of Mexico, and provides great economic benefit to the region and the State of Arkansas due to the favorable conditions it provides for waterfowl and duck hunting; and*

*WHEREAS, the proposed transmission line would pass through numerous Arkansas counties, including Crawford, Franklin, Johnson, Pope, Conway, Van Buren, Faulkner, Cleburne, White, Jackson, Poinsett, and Mississippi, and could have negative impacts on the state's waterfowl, duck hunting, agriculture and related businesses, and the property values in these areas; and*

*WHEREAS, lifelong landowners may have to grant easements on their property if the project is approved; and*

*WHEREAS, if permitted, the state is best served by requiring that adverse impacts on the State of Arkansas be avoided, minimized, and mitigated such as burying the transmission lines underground where feasible; and*

*WHEREAS, the United States Department of Energy should reject the*

*application of Clean Line Energy Partners, LLC, for its Plains & Eastern Clean Line transmission project in its entirety by selecting the no-action alternative under the Draft Environmental Impact Statement or, at a minimum, require the project avoid, minimize, and mitigate for adverse impacts; and*

*WHEREAS, United States Senators John Boozman and Tom Cotton have introduced federal legislation, the Assuring Private Property Rights Over Vast Access to Lands (APPROVAL) Act, to restore the right of states to approve or disapprove of electric transmission projects before the federal government exercises its power to take private property; and*

*WHEREAS, the APPROVAL Act would require that the United States Department of Energy receive the approval of both the governor and the public service commission of an affected state before exercising the federal power of eminent domain to acquire property for transmission projects; and*

*WHEREAS, if a project is not good for Arkansas, our governor or public service commission should have the power to reject the project in order to preserve the Founding Fathers' vision of states' rights,*

*NOW THEREFORE,*

*BE IT RESOLVED BY THE SENATE OF THE NINETIETH GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:*

*THAT the Senate of the Ninetieth General Assembly opposes the proposed Plains & Eastern Clean Line Transmission Project and encourages federal and state action to prevent the project or limit its negative consequences.*

*BE IT FURTHER RESOLVED THAT upon adoption of this resolution, a copy be provided by the Secretary of the Senate to the United States Department of Energy, the Arkansas Public Service Commission, the Arkansas congressional delegation, the Governor, and the President of the United States.*

*/s/ Irvin*