

1 State of Arkansas
2 90th General Assembly
3 Regular Session, 2015

SR 22

4
5 By: Senator Irvin
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7 **SENATE RESOLUTION**

8 TO OPPOSE THE PROPOSED PLAINS & EASTERN CLEAN LINE
9 TRANSMISSION PROJECT; AND TO ENCOURAGE FEDERAL AND
10 STATE ACTION TO PREVENT THE PROJECT OR LIMIT ITS
11 NEGATIVE CONSEQUENCES.
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14 **Subtitle**

15 TO OPPOSE THE PROPOSED PLAINS & EASTERN
16 CLEAN LINE TRANSMISSION PROJECT; AND TO
17 ENCOURAGE FEDERAL AND STATE ACTION TO
18 PREVENT THE PROJECT OR LIMIT ITS NEGATIVE
19 CONSEQUENCES.
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22 WHEREAS, Clean Line Energy Partners, LLC, has submitted to the United
23 States Department of Energy an application under the National Environmental
24 Policy Act for its Plains & Eastern Clean Line transmission project to
25 construct and operate a transmission line throughout various states,
26 including Arkansas; and
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28 WHEREAS, in 2011, the Arkansas Public Service Commission denied Clean
29 Line Energy Partners, LLC's application for a certificate of public
30 convenience and necessity to operate as a public utility in the State of
31 Arkansas because the proposed project did not provide energy to any citizens
32 of this state; and
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34 WHEREAS, the United States Department of Energy has prepared and issued
35 a Draft Environmental Impact Statement for the project under the National
36 Environmental Policy Act, which analyzes the project's potential



1 environmental impacts and compares various alternatives, including a no-
2 action alternative, or other methods of avoiding adverse impacts; and

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

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8 WHEREAS, the United States Department of Energy has extended the public
9 comment period for the Draft Environmental Impact Statement for the project
10 until March 19, 2015; and

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

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

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22 WHEREAS, the proposed transmission line would pass through numerous
23 Arkansas counties, including Crawford, Franklin, Johnson, Pope, Conway, Van
24 Buren, Faulkner, Cleburne, White, Jackson, Poinsett, and Mississippi, and
25 would be detrimental to the state's waterfowl, duck hunting, agriculture and
26 related businesses, and the property values in these areas; and

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28 WHEREAS, cities within the state may lose grant money for parks due to
29 overhead power lines and lifelong landowners may lose the right to control
30 their own property if the project is approved; and

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32 WHEREAS, the state is best served by denying permission to go forward
33 with the project or, if permitted, requiring an alternative method to avoid
34 adverse impacts on the State of Arkansas such as burying the transmission
35 lines underground; and

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1 WHEREAS, the United States Department of Energy should reject the
2 application of Clean Line Energy Partners, LLC, for its Plains & Eastern
3 Clean Line transmission project in its entirety by selecting the no-action
4 alternative under the Draft Environmental Impact Statement or, at a minimum,
5 require an alternative method to avoid adverse impacts; and
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7 WHEREAS, United States Senators John Boozman and Tom Cotton have
8 introduced federal legislation, the Assuring Private Property Rights Over
9 Vast Access to Lands (APPROVAL) Act, to restore the right of states to
10 approve or disapprove of electric transmission projects before the federal
11 government exercises its power to take private property; and
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13 WHEREAS, the APPROVAL Act would require that the United States
14 Department of Energy receive the approval of both the governor and the public
15 service commission of an affected state before exercising the federal power
16 of eminent domain to acquire property for transmission projects; and
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18 WHEREAS, if a project is not good for Arkansas, our governor or public
19 service commission should have the power to reject the project in order to
20 preserve the Founding Fathers' vision of states' rights; and
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22 WHEREAS, to protect the state's agricultural industry, property values,
23 duck hunting, and waterfowl, in and around numerous counties within the
24 state, the Arkansas Public Service Commission should reject any application
25 of Clean Line Energy Partners, LLC, for a certificate of public convenience
26 and necessity, and the United States Department of Energy should not approve
27 the project,
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29 NOW THEREFORE,

30 BE IT RESOLVED BY THE SENATE OF THE NINETIETH GENERAL ASSEMBLY OF THE STATE
31 OF ARKANSAS:
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33 THAT the Senate of the Ninetieth General Assembly opposes the proposed
34 Plains & Eastern Clean Line Transmission Project and encourages federal and
35 state action to prevent the project or limit its negative consequences.
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1 BE IT FURTHER RESOLVED THAT upon adoption of this resolution, a copy be
2 provided by the Secretary of the Senate to the United States Department of
3 Energy, the Arkansas Public Service Commission, the Arkansas congressional
4 delegation, the Governor, and the President of the United States.

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