

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

As Engrossed: S3/24/15

SR 22

4
5 By: Senator Irvin

6
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.

12
13
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.

20
21
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*

27
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 without prejudice to operate as a public utility in*
31 *the State of Arkansas because the proposed project did not provide energy to*
32 *the public for compensation; and*

33
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, as well as environmental protection measures to avoid*
3 *adverse impacts; and*

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

8
9 *WHEREAS, the United States Department of Energy has extended the public*
10 *comment period for the Draft Environmental Impact Statement for the project*
11 *until April 20, 2015; and*

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

16
17 *WHEREAS, the Mississippi Flyway includes parts of 14 states from Canada*
18 *to the Gulf of Mexico, and provides great economic benefit to the region and*
19 *the State of Arkansas due to the favorable conditions it provides for*
20 *waterfowl and duck hunting; and*

21
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 *could have negative impacts on the state's waterfowl, duck hunting,*
26 *agriculture and related businesses, and the property values in these areas;*
27 *and*

28
29 *WHEREAS, lifelong landowners may have to grant easements on their*
30 *property if the project is approved; and*

31
32 *WHEREAS, if permitted, the state is best served by requiring that*
33 *adverse impacts on the State of Arkansas be avoided, minimized, and mitigated*
34 *such as burying the transmission lines underground where feasible; and*

35
36 *WHEREAS, the United States Department of Energy should reject the*

1 *application of Clean Line Energy Partners, LLC, for its Plains & Eastern*
2 *Clean Line transmission project in its entirety by selecting the no-action*
3 *alternative under the Draft Environmental Impact Statement or, at a minimum,*
4 *require the project avoid, minimize, and mitigate for adverse impacts; and*
5

6 *WHEREAS, United States Senators John Boozman and Tom Cotton have*
7 *introduced federal legislation, the Assuring Private Property Rights Over*
8 *Vast Access to Lands (APPROVAL) Act, to restore the right of states to*
9 *approve or disapprove of electric transmission projects before the federal*
10 *government exercises its power to take private property; and*
11

12 *WHEREAS, the APPROVAL Act would require that the United States*
13 *Department of Energy receive the approval of both the governor and the public*
14 *service commission of an affected state before exercising the federal power*
15 *of eminent domain to acquire property for transmission projects; and*
16

17 *WHEREAS, if a project is not good for Arkansas, our governor or public*
18 *service commission should have the power to reject the project in order to*
19 *preserve the Founding Fathers' vision of states' rights,*
20

21 *NOW THEREFORE,*

22 *BE IT RESOLVED BY THE SENATE OF THE NINETIETH GENERAL ASSEMBLY OF THE STATE*
23 *OF ARKANSAS:*
24

25 *THAT the Senate of the Ninetieth General Assembly opposes the proposed*
26 *Plains & Eastern Clean Line Transmission Project and encourages federal and*
27 *state action to prevent the project or limit its negative consequences.*
28

29 *BE IT FURTHER RESOLVED THAT upon adoption of this resolution, a copy be*
30 *provided by the Secretary of the Senate to the United States Department of*
31 *Energy, the Arkansas Public Service Commission, the Arkansas congressional*
32 *delegation, the Governor, and the President of the United States.*
33

34 */s/Irvin*
35
36