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Governor Sean Parnell
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January 17, 2013

The Honorable Charlie Huggins
President of the Senate
Alaska State Legislature
State Capitol, Room 111
Juneau, AK 99801-1182

Dear President Huggins,

Alaskans have the right to have a say over regulation of our own resources including land and water. To that end, I am transmitting a bill under the authority of Article III, Section 18 of the Alaska Constitution, authorizing the State of Alaska to assume primacy for administering permitting under the Clean Water Act for dredge and fill activities allowed to individual states under federal law. The current federal process has resulted in a large number of projects in Alaska being subject to an expensive and bureaucratic federal permitting system and litigation, delaying and restricting opportunities for Alaskans.

The purpose of this legislation is to provide State authority to develop and implement State primacy of dredge and fill activities in waters and wetlands located within the state, in accordance with the regulating program allowed states under 33 U.S.C. 1344 (Section 404, Clean Water Act). This change will limit federal overreach in Alaska by giving the State authority to make jurisdictional determinations, timely process permits, and allow responsible resource development. Removing a significant amount of wetlands from federal authority also reduces the number of projects requiring an expensive and time-consuming federal National Environmental Policy Act (NEPA) process, since there would be fewer "major federal actions" associated with these projects.

There are millions of water bodies and tens of millions of acres of wetlands in Alaska. State primacy of dredge and fill activities under 33 U.S.C. 1344 is consistent with congressional intent under 33 U.S.C. 1251 that the states have the primary responsibilities and rights in regulating activities involving lands and waters within their boundaries.

The legislation provides that the Department of Natural Resources, in coordination with the Department of Environmental Conservation, will take the reasonable steps to assume the authority to administer and enforce any authorized dredge and fill permitting allowed under 33 U.S.C. 1344 (Section 404, Clean Water Act).

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Alaska should assume primacy for permitting projects in the state. I urge your prompt and favorable action on this measure.

Sincerely,

A handwritten signature in blue ink that reads "Sean Parnell". The signature is fluid and cursive, with the first name "Sean" and last name "Parnell" clearly legible.

Sean Parnell
Governor

Enclosure