

**SENATE JOINT RESOLUTION NO. 20**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - FIRST SESSION

BY SENATOR LEMAN, Pearce

Introduced: 3/5/97

Referred: Resources

**A RESOLUTION**

1 **Requesting the United States Congress to accommodate Alaska's unique wetlands**  
2 **circumstances by amending the Clean Water Act to modify the wetlands**  
3 **regulatory program and to recognize Alaska's outstanding history of wetlands**  
4 **conservation.**

5 **BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

6 **WHEREAS**, in 1972, the federal Clean Water Act allowed a broad expansion of  
7 federal jurisdiction over wetlands by modifying the definition of navigable waters to include  
8 all waters of the United States; and

9 **WHEREAS**, in 1975, the United States Army Corps of Engineers expanded wetlands  
10 regulations to include restricted discharge of dredged and fill material into wetlands; and

11 **WHEREAS**, in 1997, the United States Army Corps of Engineers has proposed to  
12 phase out its Nationwide Permit 26 (NWP 26) that allows developers to fill wetlands from one  
13 to 10 acres without gaining individual permit approval; and

14 **WHEREAS** this particular action may put a financial and logistical constraint on  
15 thousands of homeowners, businesses, and communities; and

16 **WHEREAS** Alaska contains more wetlands than all other states combined; and

1           **WHEREAS** approximately 99.5 percent of Alaska's original wetlands acreage remains  
2 today; and

3           **WHEREAS** most Alaska communities, including some 200 rural villages, are located  
4 in areas where wetlands are the dominant feature of the landscape; and

5           **WHEREAS** 88 percent of Alaska's wetlands are publicly owned; and

6           **WHEREAS** more than 60,000,000 acres of Alaska's wetlands are known to be  
7 conserved in some form of land designation, including federally designated wilderness land,  
8 federal park and refuge land, and state park and refuge land, that restricts use or degradation  
9 of wetlands;

10           **BE IT RESOLVED** that the Alaska State Legislature respectfully requests the United  
11 States Congress to amend the federal Clean Water Act to modify the wetlands regulatory  
12 program to

13                   (1) continue existing activities related to airport safety, logging, mining, ice  
14 pads, roads, and snow removal without the existing requirement that the activity be determined  
15 not to add to the "cumulative" loss of wetlands nationally;

16                   (2) provide flexibility in Alaska wetlands permitting commensurate with the  
17 large amount of wetlands set aside in Alaska and the low historic rate of wetlands loss in  
18 Alaska;

19                   (3) eliminate existing requirements to mitigate unavoidable impacts or to prove  
20 no alternative sites are available; and

21                   (4) require the United States Army Corps of Engineers to customize a  
22 permitting process for lands conveyed to the state under the Alaska Statehood Act and to  
23 Alaska Native Corporations under the Alaska Native Claims Settlement Act that does not  
24 include burdensome mitigation, avoidance, and other requirements; and be it

25           **FURTHER RESOLVED** that the Alaska State Legislature respectfully requests the  
26 United States Congress to recognize the unique contribution the citizens of Alaska have made  
27 to wetlands conservation and Alaska's outstanding record of wetlands conservation.

28           **COPIES** of this resolution shall be sent to the Honorable Bill Clinton, President of the  
29 United States; the Honorable Al Gore, Jr., Vice-President of the United States and President  
30 of the U.S. Senate; the Honorable Strom Thurmond, President Pro Tempore of the U.S.  
31 Senate; the Honorable Trent Lott, Majority Leader of the U.S. Senate; the Honorable Thomas

1 Daschle, Minority Leader of the U.S. Senate; the Honorable Newt Gingrich, Speaker of the  
2 U.S. House of Representatives; the Honorable Dick Armey, Majority Leader of the U.S. House  
3 of Representatives; the Honorable Richard A. Gephardt, Minority Leader of the U.S. House  
4 of Representatives; the Honorable John H. Chafee, Chair of the Senate Committee on  
5 Environment and Public Works; and to the Honorable Ted Stevens and the Honorable Frank  
6 Murkowski, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of  
7 the Alaska delegation in Congress.