

1 IN THE HOUSE

BY MILLER AND FRANK

2 HOUSE JOINT RESOLUTION NO. 27

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - FIRST SESSION

5 Relating to the United States Army Corps
6 of Engineers' permits for dredging or
7 filling wetlands.

8 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 WHEREAS the United States Congress recently renewed legislation known
10 as the Clean Water Act; and

11 WHEREAS sec. 404 of the Clean Water Act directs the United States Army
12 Corps of Engineers to regulate the discharge of dredged or fill material
13 into the waters of the United States, including wetlands; and

14 WHEREAS the federal government continues to play a principal role in
15 determining what development may take place on federal, state, and private
16 land in the state because of the high prevalence of wetland areas in
17 Alaska; and

18 WHEREAS the current regulations often result in decisions that are not
19 in the best interest of the local economy and the state economy as a whole;
20 and

21 WHEREAS a large percentage of the state's wetlands are caused by
22 underlying permafrost; and

23 WHEREAS the underlying permafrost and Alaskan climatic conditions
24 cause these permafrost wetlands to freeze solid for up to eight months of
25 the year; and

26 WHEREAS because of the relatively flat topography of a preponderance
27 of the permafrost wetland areas, water movement in these areas is often
28 localized with no hydrologic connection to any ground or surface body of
29 water; and

1 WHEREAS, as a result of these soil, climatic, and topographic
2 features, the majority of the state's permafrost wetlands do not provide
3 the beneficial characteristics normally attributed to wetlands, such as a
4 habitat for rearing fish and shellfish, water purification, groundwater
5 recharge, or flood water absorption and release; and

6 WHEREAS state wetlands provide valuable habitat for migratory
7 waterfowl for three or four months of the year; and

8 WHEREAS with an estimated 164,000,000 acres of wetlands in the state,
9 limited development on a portion of the wetlands will not effectively
10 restrict the available habitat; and

11 WHEREAS Alaska's permafrost wetlands are significantly different than
12 wetlands found in the contiguous United States, both in quantity and
13 values, and therefore warrant a different approach with respect to identi-
14 fication, permitting, and protection; and

15 WHEREAS, in certain permafrost soils, the benefits of surface-to-
16 groundwater filtration and recharge are more efficiently achieved after the
17 permafrost wetlands have been cleared; and

18 WHEREAS the present United States Army Corps of Engineers sec. 404
19 wetlands permit process is causing needless delay in development by indi-
20 vidual homebuilders, subdivision developers, and state industry in general;
21 and

22 WHEREAS the delay caused by the necessity of obtaining a sec. 404
23 permit is compounded by northern Alaska's limited construction season where
24 the loss of 60 to 90 days may cause the loss of an entire construction
25 season; and

26 WHEREAS the United States Congress has acknowledged Alaska's unique
27 permafrost wetlands characteristics through the exemption of "permafrost
28 soils in Alaska with a high potential for agricultural development" from
29 the "swampbuster" provisions of the Food Security Act of 1985; and

1 WHEREAS the State of Alaska should direct its own destiny wherever and
2 whenever possible, particularly with regard to the management of state land
3 and assisting individual residents of the state in the management of their
4 privately held land;

5 BE IT RESOLVED by the Alaska State Legislature that the Governor is
6 respectfully requested to work closely with the Alaska Congressional
7 delegation to secure regulatory recognition and relief from the United
8 States Army Corps of Engineers, Environmental Protection Agency, and the
9 United States Fish and Wildlife Service, for Alaska's unique permafrost
10 wetlands in the sec. 404 dredge or fill permit program; and be it

11 FURTHER RESOLVED that the Governor is respectfully requested to direct
12 the commissioner of natural resources to reconsider the 1983 Department of
13 Environmental Conservation report regarding state assumption of the United
14 States Army Corps of Engineers sec. 404 wetlands permitting process and to
15 pursue state assumption of the permitting process under 33 U.S.C. 1344(g)
16 if it is determined to be in the best interests of the state.

17 COPIES of this resolution shall be sent to the Honorable Judith A.
18 Brady, commissioner of natural resources; Colonel Wilbur Gregory, Alaska
19 District Engineer, U.S. Army Corps of Engineers; and to the Honorable Ted
20 Stevens and the Honorable Frank Murkowski, U.S. Senators, and the Honorable
21 Don Young, U.S. Representative, members of the Alaska delegation in Con-
22 gress.