

BY SEN. COGHILL, Kelly, Kerttula, Pearce, Szymanski

1 IN THE SENATE

2

SENATE JOINT RESOLUTION NO. 53

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SIXTEENTH LEGISLATURE - SECOND SESSION

5

Relating to the "no net loss" of wet-

6

lands policy of the United States Army

7

Corps of Engineers and the United States

8

Environmental Protection Agency.

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

10 WHEREAS Alaska was "declared admitted into the Union on an equal
11 footing with the other States in all respects whatever," with enactment by
12 the Congress of Public Law 85-508 on July 7, 1958; and

13 WHEREAS the Territory of Alaska officially became a state of the
14 United States on January 3, 1959, with the signing of a presidential pro-
15 clamation; and

16 WHEREAS the land deeded, granted, or patented to Alaska since state-
17 hood contains vast areas defined as wetlands using the definition used by
18 the United States Corps of Engineers and the United States Environmental
19 Protection Agency; and

20 WHEREAS this common definition of wetlands most correctly recognizes
21 the importance of marshes, swamps, and bogs in temperate climates for
22 aquifer recharge and discharge, flood control, storm surge protection,
23 erosion, sediment control, and wildlife habitat; and

24 WHEREAS the arctic and subarctic climate experienced in most of Alaska
25 produces a permanently frozen layer of ground that can stretch to hundreds
26 of feet below the surface; and

27 WHEREAS Alaska's permafrost does not allow water to penetrate the
28 surface area during Alaska's short thaw season or to provide the degree of
29 benefits usually attributed to wetlands in other states; and

1 WHEREAS more than 223,000,000 acres of Alaska would not be classified
2 as wetlands without this fundamentally different condition of permafrost;
3 and

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

8 WHEREAS the November 17, 1989, Memorandum of Understanding between the
9 United States Corps of Engineers and the United States Environmental Pro-
10 tection Agency fails to distinguish Alaska's fundamentally different wet-
11 lands from those of the other states; and

12 WHEREAS this memorandum of understanding represents a substantial
13 change of federal policy with regard to development activities affecting
14 Alaska's private and statehood entitlement land; and

15 WHEREAS the impediments to economic development represented by the
16 existing federal regulatory framework regarding wetlands pales in compari-
17 son to the adverse effects this new federal wetlands action will have on
18 the economy of Alaska; and

19 WHEREAS this federal action is a substantial departure from the basic
20 tenet that a state may adopt constitutions, republican in form, in confor-
21 mity with the principles of the Constitution of the United States and the
22 principles of the Declaration of Independence in order to achieve home rule
23 governments; and

24 WHEREAS each state, under the equal footing doctrine, should direct
25 its own destiny wherever and whenever possible, particularly with regard to
26 the management of state land and assistance to individual residents of the
27 states in the management of their privately held land;

28 BE IT RESOLVED by the Alaska State Legislature that George Bush,
29 President of the United States, is respectfully requested to rescind the

1 wetlands Memorandum of Understanding, known as the "no net loss of wetlands
2 policy," between the United States Army Corps of Engineers and the United
3 States Environmental Protection Agency; and be it

4 FURTHER RESOLVED that President Bush is respectfully encouraged to
5 call a conference of state governors for the purpose of adopting a national
6 wetlands policy that will recognize the unique wetland conditions of each
7 state and reflect the needs of states to determine their own economic
8 destiny.

9 COPIES of this resolution shall be sent to the Honorable George Bush,
10 President of the United States; Lieutenant General Henry J. Hatch, Chief of
11 Engineers, Commanding General, U.S. Army Corps of Engineers; William K.
12 Reilly, Administrator, U.S. Environmental Protection Agency; and to the
13 Honorable Ted Stevens and the Honorable Frank Murkowski, U.S. Senators, and
14 the Honorable Don Young, U.S. Representative, members of the Alaska delega-
15 tion in Congress.