HJR

27

HOUSE COMMITTEE REPORT

(9)

Date referred: 4/8/87

FURTHER REFERRALS:

DATE: 4/27/87

The Resources Committee has considered HJR 27

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

RECOMMENDS:

[✓] replace with CSHJR 27 (Res) [ ] the same title

[ ] attached amendment(s) [ ] a new title

[ ] do pass

[ ] do not pass

[ ] no recommendation

[ ] individual recommendations

additional referral to the _____ Committee

ADOPTS: [ ] _____ letter of intent

ATTACHES NEW FISCAL NOTE(s):

[ ] fiscal impact

[ ] zero fiscal note

[ ] zero with analysis

[ ] same as previous fiscal note published _____

[ ] same as previous zero fiscal note published _____

SIGNING DO PASS:

Sam Guess

Mike Navarre

Dick Steele

Dennis Springer

Adalheid Herrmann

SIGNING OTHER RECOMMENDATIONS:

Lynn Hubbard NO REC

Cliff Davidson NO REC

Sam Guess

Chairman's signature

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

STEVE COWPER, GOVERNOR

400 WILLOUGHBY AVE.
JUNEAU, ALASKA 99801-1796
PHONE: (907) 465-2400

April 22, 1987

The Honorable Mike Miller
Alaska State Legislature
P.O. Box V
Juneau, AK 99801

Dear Representative Miller:

The Cowper Administration has no objection to reviewing the 1983 Department of Environmental Conservation report regarding state assumption of the United States Corps of Engineers Section 404 wetlands permitting process, as described in HJR 27. However, we suggest the following amendment to provide Governor Cowper with additional flexibility for reviewing the report. If this amendment is adopted HJR 27 would have minimal fiscal impact on our agencies.

On page three, replace lines 11-16 with the following:

> Further resolved that the Governor is respectfully requested to review the 1983 Department of Environmental Conservation report regarding state assumption and make recommendations regarding state assumption of the United States Army Corps of Engineers Section 404 wetlands permitting process.

Sincerely,

Judith M. Brady, Commissioner
Department of Natural Resources

Dennis Kelso, Commissioner
Department of Environmental Conservation

Don Collinsworth, Commissioner
Department of Fish and Game

cc: George Sullivan
Rod Swope
Rep. Steve Frank

10-J9LH

STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE

Bill Version : CSHJR 27(Resources)
REQUEST: Publish Date :

Revision Date: 4/27/87
Title : U.S.C.O.E.permitting

Agency Affected : Natural Resources
BRU : Land & Water Management

Sponsor : Miller & Frank
Requester : House Resources Committee

Components :

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		-0-	-0-	-0-	-0-	-0-
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL		-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Existing staff would be able to review the 1983 DEC report and make recommendations concerning state assumption of wetlands permitting authority. However, should the state decide to assume additional permitting responsibilities, a significant amount of increased funding would be necessary.

Prepared by : Carol Wilson
Phone : 465-2400
Division : Commissioner's Office
Date : 4/27/87

Approved by Commissioner : C.J.W. for J.M.S.
Date : 4/27/87
Agency : Natural Resources

Distribution (by preparer) :
- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)
- Senate Secretary

STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE

Bill Version: CSHJR 27' (Res)

REQUEST: Publish Date:

Revision Date:

Agency Affected: Environmental Conservation

Title: Relating to the U.S. Army Corps of Engineers' Permits for dredging and filling wetlands

BRU: Environmental Quality

Sponsor: Mike Miller

Components: n.a.

Requestor: House Resources

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
REVENUE	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART-TIME	-0-	-0-	-0-	-0-	-0-	-0-
TEMPORARY	-0-	-0-	-0-	-0-	-0-	-0-

ANALYSIS: (Attach a separate page if necessary)

Prepared by: Amy D. Kyle Phone: 465-2600

Division: Commissioner's Office Date: 4/27/87

Approved by Commissioner: Date: 4/27/87

Agency: Environmental Conservation

Distribution (by preparer):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)
- Senate Secretary

STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE

REQUEST:

Bill Version: HJR 27
Publish Date:

Revision Date: April 22, 1987
Title: C.O.E. permit assumption by state

Agency Affected: Natural Resources
BRU: Land & Water Management

Sponsor: Rep. Miller and Frank
Requester: Representative Miller

Components:

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		****	****	****	****	****
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL		***	***	***	***	***

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

*** We estimate that at least 1000.0 would be needed for DNR to assume C.C.E. permitting functions. Until the review of the current C.O.E.process is completed however, we will not be able to provide a meaningful assessment of the true fiscal impact of this resolution.

Prepared by: Carol Wilson
Phone: 465-2400
Division: Commissioner's Office
Date: 4/22/87

Approved by Commissioner: Lenny Gosnik
Date: 4-22-87
Agency: Natural Resources

Distribution (by preparer):
Legislative Finance
Legislative Sponsor
Requester
Office of Management and Budget
Impacted Agency(ies)
Senate Secretary

5-1001B
Bradley
4/23/87

Original sponsors: Miller and Frank

IN THE HOUSE

CS FOR HOUSE JOINT RESOLUTION NO. 27 ( )

IN THE LEGISLATURE OF THE STATE OF ALASKA

FIFTEENTH LEGISLATURE - FIRST SESSION

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

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

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

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

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

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

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

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

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

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

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

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

WHEREAS Alaska's permafrost wetlands are significantly different than wetlands found in the contiguous United States, both in quantity and values, and therefore warrant a different approach with respect to identification, permitting, and protection; and

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

WHEREAS the present United States Army Corps of Engineers sec. 404 wetlands permit process is causing needless delay in development by individual homebuilders, subdivision developers, and state industry in general; and

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

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

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

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

FURTHER RESOLVED that the Governor is respectfully requested to review the 1983 Department of Environmental Conservation report regarding state assumption of the United States Army Corps of Engineers sec. 404 wetlands permitting process and report the Governor's findings to the legislature within the first 10 days of the Second Session of the Fifteenth Alaska State Legislature.

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

DEC, Draft 6

CAN NATIONAL WETLAND/MITIGATION LEGISLATION APPLY TO ALASKA? IF NOT, WHY NOT?

BY

ALAN C. EPPS, PROFESSOR OF NATURAL RESOURCES
UNIVERSITY OF ALASKA-FAIRBANKS

Alaska, a state one fifth the size of the contiguous states lying between 52° North latitude and 72° North Latitude. Alaska, a state with two thirds of this nations coast line and one third of the nations fresh water stream flow. Alaska, a state with less than five hundred thousand people and over one half of those living in the Anchorage area. A state with only three thousand miles of roads and daily jet traffic to villages of two to three thousand people. Alaska, a state with millions upon millions of waterfowl, shore birds, and large ungulets during three to four months of the year, and relatively devoid of wildlife the other eight to nine months. Alaska, a state with nearly half of this nations total wetlands.

Lets examine this latter fact, so that we can more fully understand the significance of wetlands in Alaska and their inherent role in the state. According to Dr. Robert Brooks of Pennsylvania State University, wetlands occupy 5 to 10 percent of the contiguous states. This equates to an area of 95 to 190 million acres of wetlands in the contiguous states. Based upon the U.S. Department of Agriculture's Soil Conservation Service, "Hydric Soils

of the State of Alaska, 1985 and SCS "Exploratory Soil Survey of Alaska," 1979, Alaska has some 164 million acres of wetlands. For perspective, this is an area larger than California and Oregon combined (Public Lands Law Review Commission, 1970). For midwesterner's, this an area larger than Illinois, Indiana, Ohio, Michigan and Iowa combined (Public Lands Law Review Commission, 1970). For southeasteners, this is an area larger than Florida, Georgia, Alabama, North and South Carolina combined (Public Lands Law Review Commission, 1970). Or one could say it is an area nearly the size of the state of Texas (Public Lands Law Review Commission, 1970).

Percentage wise, 164 million acres in Alaska is 45% of Alaska's land mass. If one looks at specific areas such as the area north of the Brooks range, 43 millions acres in area, or nearly the size of Oklahoma (Public Lands Law Review Commission, 1970), 72% of this area is classified wetlands. These vast wetlands create major problems for regulatory agencies and user groups when applying laws and regulations designed to protect five to ten percent of the contiguous states land area. In contrast, Pennsylvania's largest freshwater tidal wetland is Tinicum March, a 340 acre National Wildlife Refuge near Philadelphia.

Let's now look at some of the unique characteristics of the Alaskan environment and the associated impacts wetlands and user group activities have on one another. Soils with permafrost due to their environment, thaw down each year during the summer growing season. This thawed zone (active layer) varies in depth from less than 1 inch to several feet, depending on factors such as shade from trees, thickness of an organic insulation layer on the surface of the soil, latitude, exposure, snowcover, etc.. When this active layer is shallow, normal precipitation enters the soil, accumulates and

perches on the impermeable permafrost, thus maintaining a saturated soil condition, resulting in an environment that is favorable for growth of a hydrophyllic plant community (wetland). However, in many Alaskan soils when the shading effect of trees and/or the insulation effect of the organic surface layer is removed through natural fire or mechanical clearing, the soil warms, the permafrost lowers or completely disappears, and natural drainage of the soil occurs. The soil becomes well or moderately well drained, and will no longer support hydrophyllic vegetation (Clifford 1986).

Over a period of many years in a natural state, trees and shrubs become reestablished and provide shade. The insulating organic surface layer will redevelop from plant leaves and residues, soil temperatures decline, and the impermeable permafrost level rises or returns. Precipitation accumulates and perches on the permafrost and the saturated soil condition is recreated. Hydrophillic vegetation can result, and the cycle is complete until the next major disturbance, allowing the soil to thaw. If the soils are managed to produce cultivated crops-- (or prevent reestablishment of natural vegetative cover) the soil will remain well or moderately well drained permanently (Clifford, 1986). Alaska is the only state where permafrost occurs in association with agricultural soils (Drew, 1986).

The majority of permafrost soils fit the definition of wetlands as described in "Classification of Wetlands and Deepwater Habitats of the United States, 1979 (U.S. Department of Interior)." Wetlands must have one or more of the following attributes: 1) at least periodically, the land supports predominantly hydrophytes; 2) the substrate is predominantly undrained hydric soil; and 3) the substrate is non-soil and is saturated with water or covered by shallow water at sometime during the growing season of each year. As the

previous discussion shows, Alaska's permafrost soils fit the national criteria. The result is that since the majority of Alaska is underlain with permafrost or discontinuous permafrost, soil temperature, a transitory condition and non-applicable from a contiguous state's perspective, creates nearly half of this nations wetlands.

Although the majority of permafrost soils fall under the definitions of wetlands, many "permafrost soils do not contain the beneficial characteristics" (Clifford, 1986) of traditional wetlands that past legislation has been designed to protect (ie. fish, shellfish, and waterfowl habitat; water quality maintenance pollution filter, sediment removal; flood control; groundwater recharge and water supply) (Drew, 1986).

Let's briefly address each of these beneficial characteristics as applicable to Alaska. The vast majority of Alaska's wetlands contain only perched water and freeze solid for half of each year or longer which eliminates their value from a fish and shellfish standpoint. As for waterfowl habitat, flooded tundra (Moss-Lichen Wetland) which, "may make up as much as 50% of the total surface area of all wetlands on the Arctic Coastal Plain -- seemed to be the least important to all water birds despite their tremendous surface area (Derkesen, 1981)." Alaska's other major wetland type, Forested Wetland, "Black Spruce Forests of Interior Alaska do not provide valuable waterfowl breeding, nesting and feeding habitat (Clifford, 1986)."

In regard to water quality maintenance and ground water recharge the majority of Alaska's wetlands have perched water tables above permafrost and primarily subject to evaporation during the thaw period and are non-functional during spring run-off because they are frozen.

With regard to flood control the majority of Alaska's wetlands are above

flood plains and because they are either frozen or saturated down to the permafrost level in fact may compound flooding.

From a drinking water standpoint, the majority of Alaska's drinking water comes from ground water (see above) and all major drainage basins are headwatered in glacial influenced streams and therefore carry silt loads of glacial flour unacceptable for drinking purposes.

Coupled to the lack of "real benefits" from the majority of Alaska's permafrost created wetlands are applications of regulations and court ruling from non-permafrost areas which create hardship for both regulator and user. A case in point is the United States Court of Appeals, fifth circuit court decision of September 26, 1983 in Avoqelles Sportsman's League Vs. Marsh which held that certain agricultural land clearing activities previously held exempt from Section 404 permit requirements were subject to regulation by the Army Corp of Engineers under Section 404 of the Clean Water Act (Edgar, 1985).

The soils being developed for agriculture in Alaska are the Forested Wetlands Black Spruce, which as pointed out earlier, have few values and following either natural or mechanical disturbance thaw and no longer have the characteristics of wetlands. In fact the "benefits of filtration, flood prevention, groundwater recharge and waterfowl habitats (when grain crops are grown) normally received from wetlands, are better realized from Alaska's permafrost soils after they have been thawed (Clifford, 1985).

The above came to an enlightened conclusion this past spring when, according to the Congressional Record, Alaska's Senator Stevens introduced an ammendment to the "swampbuster" provisions of the 1987 Farm Bill - "For purposes of this act, and any other Act, this term shall not include lands in Alaska identified as having high potential for agricultural development which

have a predominance of permafrost soils." The senate concurred.

CONCLUSIONS

What does this all mean for wetland regulators and users in Alaska, as well as for national policy?

The key is to recognize that permafrost soils are something which do not fit nicely into the existing national classification system and certainly most "Alaska perm·frost wetlands" do not provide the beneficial characteristics envisioned by formulators of previous laws and regulations.

Secondly, there is a crying need to identify those permafrost wetland ecosystems which do provide beneficial wetland attributes and declassify those transitory wetlands, so that both regulators as well as users may recognize and protect real wetland values.

REFERENCES

(1) Alaska Rural Development Council, 1983, "Alaska's Agriculture and Forestry", Cooperative Extension Service, University of Alaska, Fairbanks, Alaska.

(2) Clifford, B.L., 1986. Requested letter by Alaska Soil and Water Conservation Districts to U.S. Senator Frank Murkowski, U.S. Department of Agriculture, SCS, Anchorage, Alaska.

(3) Derkesen, D.V., Rothe, T.C., Eldvidge, W.D., 1981, "Use of wetland Habitats by Birds In the National Petroleum Reserve-Alaska,", U.S. Dept.

of Interior - F. & W.S., Washington, D.C.

(4) Drew, J.V., 1986, Letter to the Honorable Richard Lyng U.S. Secretary of Agriculture, School of Agriculture and Land Resource Management/ Agriculture and Forestry Experiment State, University of Alaska Fairbanks, Fairbanks Alaska.

(5) Edgar III, C.E. 1985, Regulatory Guidance Letter, No. 85-4, Army Corps of Engineers, Office, Chief of Engineers, Washington, D.C.

(6) Public Lands Law Review Commission, 1970, One Third of the Nations Land, U.S. Government Printing Office Washington, D.C.

(7) Senate, 1986, Congressional Record, U.S. Government Printing Office, Washington, D.C.

(8) U.S. Department of Agr. SCS, 1985, Hydric Soils of the State of Alaska 1985, 1st Edition. USDA/SCS.

(9) U.S. Dept. of Agr. SCS, 1979, Exploratory Soil Survey of Alaska, USDA/SCS.

(10) U.S. Dept. of Interior, 1979, Classification of Wetland and Deepwater Habitats of the United States, USDI/F&WS.

United States Department of Agriculture
Soil Conservation Service
201 E. 9th Ave., Suite 300
Anchorage, AK 99501-3687
Telephone (907) 261-2424

February 13, 1986

* * * * * * * * * * * * *

The following material is a letter developed, at the request of Alaska Soil and Water Conservation Districts, to Senator Frank H. Murkowski, relative to the "Swampbuster" provision of the 1985 Farm Bill. The Conservation Districts surfaced the concern because of the impact on permafrost soils with agricultural potential. This information is being used to issue the concern raised by the Conservation Districts.

* * * * * * * * * * * * *

The following is provided in response to your request concerning the impacts on Alaska, of what has commonly become known as the "Swampbuster" and "Sodbuster" provisions of the 1985 Farm Bill.

The "Swampbuster" and "Sodbuster" provisions are designed to encourage landowners to stop the development of wetlands, and the plowing out of potential highly erodible lands for cropland use. The 1985 Farm Bill provides the stipulation that landowners in violation of either or both of these provisions will not be eligible for Federal assistance such as cost share, price support, or loans.

The Soil and Water Conservation Districts in Alaska are concerned with the limitations that these provisions will have on the use of Alaska's soils and have, as we discussed, raised some specific questions about Alaska soils that are somewhat wet in their natural state but when developed have high agricultural potential.

The State of Alaska has developed and probably will continue to develop lands that have a high level of agricultural potential. The native peoples of Alaska also may, at some future date, develop some of their lands for agriculture; they have shown quite a bit of interest in agricultural development. We estimate that there is in the neighborhood of 5 million acres in State and Native ownership that have agricultural possibilities. Many acres of this potential ag land with high to moderately high agriculture value, could be impacted by the "Swampbuster" provision. These lands, through strict interpretation, could be classified as wetlands and if developed a mentioned, would be eligible for future Federal assistance. The problem for lands the districts are concerned about results because of the presence of permafrost (permanently frozen layer of soil).

Soils with permafrost due to their environment, thaw down each year during the summer growing season. This thawed zone (active layer) varies in depth from less than 1 inch to several feet, depending on factors such as shade from trees, thickness of an organic insulation layer on the surface of the soil, latitude, exposure, snowcover, etc. When this active layer is shallow, normal precipitation enters the soil, accumulates and perches on the impermeable permafrost, thus maintaining a saturated soil condition, resulting in an environment that is favorable for growth of a hydrophytic plant community (wetland). However, in many Alaskan soils when the shading effect of trees and/or the insulation effect of the organic surface layer is removed through natural fire or mechanical clearing, the soil warms, the permafrost lowers or completely disappears, and natural drainage of the soil occurs. The soil becomes well or moderately well drained, and will no longer support hydrophytic vegetation.

Over a period of many years in a natural state, trees and shrubs become reestablished and provide shade. The insulating organic surface layer will redevelop from plant leaves and residues, soil temperatures decline, and the impermeable permafrost level rises or returns. Precipitation accumulates and perches on the permafrost and the saturated soil condition is recreated. Hydrophytic vegetation can result, and the cycle is complete until the next major disturbance, allowing the soil to thaw. If those soils are managed to produce cultivated crops or hay, the soil will remain well or moderately well drained permanently.

Although most permafrost soils fall under the definition of wetlands as described in the Department of Interior publication: "Classification of Wetlands and Deepwater Habitats of the United States," December 1979, most permafrost soils do not contain the beneficial characteristics of traditional wetlands that past legislation has been designed to protect. Permafrost soils in Black Spruce forests, for example, (a very common vegetation cover type on permafrost soils in Interior Alaska) do not provide valuable waterfowl breeding, nesting and feeding habitat, and do not act as a natural cleansing system by filtering out nutrients and capturing toxic materials. These soils also do not reduce flood hazards by temporarily storing moisture and they do not recharge groundwater aquifers when in the frozen state. These benefits of filtration, flood prevention and groundwater recharge, normally received from wetlands, are better realized from Alaska permafrost soils after they have been thawed.

The Alaska Soil Conservation Districts fully endorse and support the protection of true wetlands that provide these benefits. The Soil Conservation Service (SCS) and Districts from across the nation routinely provide assistance to landowners for the protection and enhancement of wetlands for wildlife benefits as part of our overall program, and we in SCS carry out an information and education program designed to promote this management ethic. Wildlife habitat and true wetlands are natural resources of great concern to Conservation Districts in Alaska--but as you can see, lands classified as wetlands because of their permafrost condition do not all fit into this category.

The apparent solution to this problem of classification and management of permafrost soils in Alaska, is to provide a special provision in the Swampbuster regulations for those permafrost soils that will thaw and naturally dry when cleared. This special provision should allow the State Conservationist of the Soil Conservation Service in Alaska to determine eligibility for Federal assistance for the development of lands that have agricultural potential and are a part of the State of Alaska and potentially Native peoples Agricultural Development Programs. Such a provision would allow the State Conservationist with his technical staff of Soil Scientists, Biologists, and Conservationists to make the eligibility determination after consultation with other agencies.

In summary:

Alaska lands which have been or will be classified as wetlands, using the definitions contained in the 1985 Farm Bill, occur in, or are adjacent to many of the areas that have a potential for agriculture development or have already been developed. The presence and impact of permafrost on plant communities in Alaska make the intelligent identification and classification of wetlands very difficult. In the absence of permafrost, these soils do not exhibit hydric conditions. Under the "Swampbuster" provision of the 1985 Farm Bill, Alaska landowners developing "permafrost soil wetlands" will be ineligible for Federal assistance which include price support or payments made available under the Agricultural Act of 1949, the Commodity Credit Corporation Act, or any other act, farm storage facility loans made under Section 4(h) of the Commodity Credit Corporation Charter Act, crop insurance under the Federal Crop Insurance Act, disaster payments, loans made insured or granted under the Consolidated Farm and Rural Development Act, or any other provision of the law administered by the Farmers Home Administration.

The issue of "permafrost soil wetlands" is one that I am sure can be properly addressed by way of a special provision in the Farm Bill regulations, through the cooperation of the local Soil and Water Conservation Districts and other agencies involved in wetland management. My staff and I will gladly work with you to help develop this concept.

I hope this will give you a better understanding of the concern over wetland classification in Alaska. Please remember the information provided in this letter is general in nature. Because we are dealing with a natural system, there are a variety of conditions that affect the wetland characteristics of our Alaskan soils. For more specific information concerning this or other issues, please contact my office at any time.

Burton L. Clifford

BURTON L. CLIFFORD
State Conservationist

Source: Ferrians (1965)

Environmental Atlas of Alaska
University of Alaska Charles W. Hartman
Phillip R. Johnson