

ALASKA LEGISLATURE COMMITTEE FILES

1993-1994

8672

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HOUSE RESOURCES

280

Here in Unalaska, the Federal Government is still looking the other way from its admitted responsibility to clean up the land and marine toxic waste dumping of WWII. Adak, Amchitka, Shemya, Kiska, and Attu all have solid waste landfills that in some instances have toxic waste left from WWII as well as from recent accumulations. As the Military downsizes, it will be extremely important to monitor the clean up activity making certain that waste is not just covered and left behind as it was here in our Bays. Lowering State water quality standards will provide a clear message for all the fishing related industries as well as the military that it is not important to clean up and cease polluting. In addition it removes leverage which is sometimes necessary to persuade the Federal Government and private industry that they MUST prevent or clean up pollution.

Historically, there have been only two mechanisms that motivate any given industry to action. One is economic and the other is actively enforced government regulation. Today there is emerging a worldwide awareness of the need to create and maintain high ethical standards and behavior in relation to environmental protection. This is evidenced particularly among the more enlightened of the big businesses, international corporations, States, some agencies of our Federal Government and some Foreign Nations. Alaska has more clean water than any other part of the United States and probably significantly more than most of the world, and it is imperative that we maintain or enhance that quality rather than lower it.

There is no doubt that it is going to cost the onshore fishing industry serious money to continue to develop ways to avoid further pollution of our Alaskan bays and local waters. The high seas fishery is going to have to be more responsible in its harvesting efforts. The fuel suppliers will have to spend increasing amounts of money in oil spill prevention and recovery efforts, (a situation only now being seriously addressed through recent "C plan" developments, although there is still much that needs fine tuning). The Federal Government is going to have to spend money to continue cleaning military toxic waste and dumping in Alaskan coastal waters. Local City administrations will be faced with more demands to spend greater amounts of tax revenue in clean-up and prevention of point source as well as non-point source pollution.

This is going to have to be part of the cost of doing business in Alaska, of living and working in Alaska. This is emerging as part of the cost of doing business worldwide. If we Alaskans don't start now, it will only be more costly later on. The problems aren't going to go away just because we want them to. The burden of prevention and clean up should not be on the State of Alaska and its people. The burden should be on the Federal Government, the Military or the Industries involved, particularly when those industries are significantly foreign owned and extractive in nature.

It is not only the Fishing industry that pollutes Aleutian and Bering Sea waters. Large numbers of ships which come into our ports contribute substantial amounts of toxic waste to the already biologically stressed waters here and the growing population necessary to work and support industry also adds considerable waste. All 5 of the Unalaska/Dutch Harbor bays and adjacent waters are on the State's impaired water body list. As mentioned earlier, those bodies of water have an incalculable amount of waste left from WWII. Daily additions of

petrochemical pollution, other industrial wastes from boat haul-out and ship repair, human sewage and bio-waste from the onshore processors all combine into a fairly unhealthy mix, particularly in areas adjacent to outfall lines all of which threaten Captains Bay, a deep fjord like system.

Several of our local lakes and streams are contaminated with high levels of coliform bacteria and in some cases they are reported by returning WWII veterans, to contain toxic waste dumped at the end of the war. Road runoff containing high levels of salt used to suppress dust, increasing amounts of salutation due to hill and roadside erosion, improper road maintenance practices as well as the high count coliform levels from the contaminated lakes, have probably contributed to the pollution of Iliuliuk Lake and Iliuliuk River (Town Creek) and the numbers of spawning salmon have declined significantly in the past 15 years.

Prior to WWII, Unalaska's Bays were extraordinarily rich in diverse numbers of species as well as in numbers. Once we had a very rich herring and red salmon fishery. After the impact of impaired water quality in the lakes, inter tidal zone encroachment, small bay and wetland fill by the military 50 years ago, the Herring fishery declined. Admittedly the high seas intercept fishery of the past 15-20 years seriously impacted the health of the local Red Salmon fishery, but the continued and escalating decline in water quality is probably responsible for the poor recovery of that species.

A study made in 1974 indicated that Captains Bay and the surrounding waters were recovering nicely after the wartime impact. As recently as 10 years ago local herring spawned in tremendous numbers on the kelp growing along the edges of the bays, and we had a very lucrative local fishery. Recently, because of increased water pollution, oil spills, new roadway encroachment into the inter tidal zone etc., we have had a significant decline in local spawning herring and stock. What is caught here now is probably Togiak herring traveling through. If we had a healthy local herring stock to add to what is presently being taken, if we had a healthy Red Salmon run, our local small boat fleet would be back in business and the local onshore processors would have considerably more to process.

At the present time the City of Unalaska is faced with the costly process of closing our land fill and creating a new solid waste disposal site next to the old one. We have to size it to configure with projected local industrial needs, MARPOL waste, the developing tourist industry and community growth and expansion. We must plan for the next 40 years as we are relatively land poor and can't just go out and dig in a new dump whenever we need one. We have now gotten to our last chance. Because of Federal regulations that rightfully demand that we line the landfill with a water impermeable material, so that toxic waste does not leach into the adjacent Iliuliuk Bay, we are faced with the prospect of having to dispose of approximately 20,000 gallons of contaminated water A DAY! Where will we put it? How will we treat it?

As of this writing, the main option being considered is the building of a pipeline from the landfill site at the edge of Iliuliuk Bay, tie into the main sewer line, cross over to Amaknak Island and pump it into Unalaska Bay at the City's sewer outfall!!! Why bother? There are no plans to filter it. In fact, none of the sewage collected by the City's system is even subjected to primary treatment!!! We simply sieve for solids and discharge. The discharge site is next to

Unisea's outfall and adjacent to the entrance to Captains Bay. The solution to pollution is not dilution. We can expect to pay a high price if we persist in such Antediluvian practices.

These examples are just a few of the situations we are faced with out here in the Aleutians. Every coastal community of Alaska, indeed the entire coast of the US faces similar problems. Worldwide, coastal communities are faced with devastating and destructive pollution of both marine and fresh water. Only the specific toxics vary. The results are all the same. Cumulatively, we are poisoning our marine environment.

At a time when virtually every single person in the United States over the age of 10 is aware of the existing and the potentially catastrophic water pollution problems nationwide, when 36 States have instituted more stringent regulations regarding water pollution and others are considering tightening their regulations, **IT IS ASTONISHING THAT THE STATE OF ALASKA EVEN CONSIDER RELAXING OR LOWERING OUR WATER QUALITY STANDARDS.** This kind of retrograde thinking, this yielding to the demands of big business to lower our standards to theirs and thus halting pollution prevention, is abhorrent.

What follows are some specific comments directly relating to the 1993 proposed regulation changes:

Human Health Risk Level:

We urge the State of Alaska to establish a risk level which affords the public the highest protection. Two thirds of the states have adopted the 1:1 Million risk level. In Alaska, we eat a significantly higher level of seafood than the general population of the U.S. and therefore should have a greater level of protection. In addition, there is a very high cancer rate among Native people from Unalaska. We are not certain to what to attribute this rate, but it is a fact of life in our community. Between 1946 and 1982 exactly 50% of those people who died in the Native community, died of cancer. Since then cancer rates in the non-native community have risen. None of us is willing to increase our risk further. We ask the State to adopt the 1:1 million risk level, better yet, the 1:10 risk level.

Site-specific Criteria:

We are very concerned that DEC is proposing to use site-specific criteria "at levels equivalent to natural conditions, where natural conditions exceed the existing State criteria". DEC is unclear on how natural conditions will be established in areas such as ours and presumably any other coastal community over 20 years old. Our community has had heavy industrial use/discharge for the past two decades as well as catastrophic impact from WWII toxic waste discharge. A discharge which continues after 50 years, to seep and leach out into both our marine and fresh waters. **By default, natural conditions can not be established.** Considering "natural conditions" to be those concurrent with discharge or operation, is absolutely stretching the term "natural" to unnatural limits!!!

This is as ludicrous as the plan to prevent toxic leachate from getting into one Bay by lining the new land fill (situated next to an old one that will continue to leech forever unless it is mined

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and cleaned up) and piping the newly contaminated water to another site and discharging it into another Bay without treatment. Again we ask, "Why bother!" The proposed regulation change would mean that "NATURAL CONDITIONS" in Unalaska waters would be that level which includes discharge and which do not even meet present state standards. Our impaired water bodies would by the wave of the DEC wand, meet State standards. 1? How is the public being served by this? It is obvious that industry is being served, but at what cost to the general public and the state's natural resources? ADEC has an obligation and a responsibility to promulgate water quality standards of the highest ethical and technological degree.

Additionally, we feel that we are being asked to rely on DEC's decision to determine conditions as "natural conditions" by measuring them in one or more seasons or in periods of time even shorter than seasonal. **We find any measurements of natural conditions less than an annual cycle or in fact a series of documented annual cycles to be completely unacceptable.**

It is entirely too convenient to specific shoreside processors to determine natural conditions this way. If a shorter time period than an annual cycle is used, this opens the door for such standards to become the norm. By doing this the Department would allow dischargers to pollute down to that level. How is this going to improve our water quality situation? Does DEC have the funds to provide the studies needed to measure natural conditions? With dwindling state funds, it is not likely. Yet, without such studies, how can the Department reasonably determine natural conditions? It can be argued that we have a "catch 22" situation here, but the most simple solution is to gather data from the most pristine Bays and Estuarine Systems in the region for example, and use that for baseline "Natural conditions" here. Doing the same for other parts of the coast would result in similar upgrade to "natural conditions".

We consider the maneuver to use site specific criteria at levels equivalent to natural conditions a backdoor approach to lowering the water quality standards both locally and statewide in favor of the very industries which have polluted our waters to the detriment of the other uses of area waters, such as fish and wildlife habitat, subsistence use, commercial fishing, and recreation. We all depend on good water quality and ADEC should be leading the way in maintaining the highest possible standards rather than being the apologists for industry and making it easier to pollute for short term economic gains. We will all be the losers in the end, with this approach. **We urge you not to adopt these revisions!**

Mixing zones:

We are concerned that DEC is proposing to loosen the restrictions on mixing zones particularly for discharge water that may have carcinogens, and will permit larger mixing zones for other toxic wastes. Mixing zones of highly toxic or carcinogenic substances should be highly regulated and certainly not be allowed in waters which are declared impaired. To date, ADEC has not been very diligent in placing the burden of proof on the applicant to demonstrate compliance with State standards prior to discharge. Now you are proposing that the public provide proof that the discharges are dangerous, thus relieving the polluter of the responsibility. This is heinous and shocking. What do we, the public have to do to make you

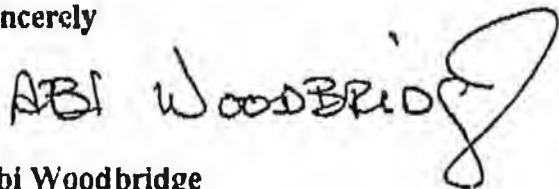
understand that water quality and its related problems in rural Alaska rank in the first magnitude of situations that need redress. We need to keep regulations that clearly prohibit mixing zones for carcinogens and we need to promulgate regulations that tighten the rules for discharges of any kind.

Furthermore, allowing a particular situation to continue when we know that similar situations in nearby waters have yielded consistently negative results (e.g. Akutan Bay, or Udagak Bay) is irresponsible. Following such a course of action will result in continued poor water quality and the further diminishment of fish and wildlife resources. We implore you to not allow mixing zones for waterbodies which don't even meet current state standards. In addition, removing waterbodies from the impaired list so as to allow mixing zones and other water pollution practices is simply not acceptable!

We recognize that industrial waste water has to go somewhere. However we feel that there is more that can be done to reduce the volume and content of polluted discharges within the State of Alaska. For example, encouraging or demanding that localized industries whether they be fishing, mining or logging combine efforts to treat or eliminate waste discharge would be an appropriate course of action. For ADEC to be finding ways within the present regulatory structure to lower water quality standards, may give the appearance of progress but is a perpetuation of existing polluting practices is unethical, and quite likely a violation of the public trust.

Thank you for the opportunity to comment.

Sincerely



Abi Woodbridge
P.O.Box 107
Unalaska, AK 99685

CC: Charles Findley, Water Quality Division
EPA Region X
1200 Sixth Avenue
Seattle, WA 98101
FAX: 206-553-0165

Rep. Bill Williams,
House Resources Committee
352 Front Street
Ketchikan, AK 99010
FAX: 225-8546

Mr. Dave Sturdevant
ADEC Water Quality Management
410 Willoughby Ave.
Juneau, Alaska 99801

Dear Mr. Sturdevant,

It appears as though the end result of ALASKA WATER QUALITY STANDARDS REGULATION 18 AAC70 is the lowering of standards and therefore the lowering of quality. I find this distressing and wish to comment.

For the majority of my last twenty years in Alaska the Unalaska/Dutch Harbor area has been my home base. In that time I have seen the water quality of the surrounding bays deteriorate alarmingly.

The Unalaska area has expanded rapidly over the past number of years and just the sheer numbers of people has had great effect. But now with REGULATION 18 AAC70, the fish processing industry, which in the past has been "let slide" just because of the remoteness of the area and lack of understanding of the water ways, will be given a free hand. With no burden of proof and only required to meet vague "historical levels" standards, it is not hard to imagine the drastic and dangerous decline of water quality that awaits the Aleutians.

I am adamantly opposed to any regulation that will reduce water quality standards.

Sincerely,

C. Gordon Terpening
P.O. Box 730
Dutch Harbor, Alaska 99692

Mr. Charles Findley
Director
Water Division EPA Region X
1200 6th Ave.
Seattle, Washington 98101

Dear Mr. Findley,

Enclosed please find a copy of a letter mailed to Mr. Dave Sturdevant of the Alaska DEC.

I can not stress enough my objection to any lowering of water quality standards (ALASKA WATER QUALITY STANDARDS REGULATION 18 AAC70). Especially in the Aleutians where quality has declined rapidly even under "more strict" regulations.

I would hope that the EPA is aware of the water quality problems in the Unalaska area and that Federal influence could be used to encourage the ADEC and the State of Alaska to establish and enforce standards aimed at returning the waters to the natural state.

Sincerely,

C. Gordon Terpening
P.O. Box 730
Dutch Harbor, Alaska 99692

The proposed water quality standards are of critical importance to the citizens of Alaska since they not only affect the environmental quality of the State's waters but also affect how the citizens can use the waters. As such, DEC should ensure that standards reflect the following:

First, while the standards should provide for adequate environmental protection, they should not unreasonably impair the domestic, municipal, commercial, and industrial uses of the waters. Second, the standards should recognize the wide variation in the natural water conditions found throughout the State and not be set at limits so restrictive as to exceed the native water quality. Third, the State should consider the experience of other states in formulating water quality policies and strive to set standards that are generally consistent with those of the other forty-nine states.

Of Alaska's more than 3 million lakes and thousands of miles of coastline, the State of Alaska has not classified marine or freshwater bodies in the State of Alaska for specific uses. While we acknowledge the impossible task of classifying all of them, the State has no plan to classify any more of them at the present time. If the State is reluctant to continue this practice based on time and economic constraints, then why have they worked during this triennial review to continue to regulate water bodies for classifications under specific uses? All but a handful of water bodies in the state are responsible for meeting the most

general

General

restrictive standards for each use category regardless of location or use. In most cases, this is unreasonable and puts economic, technological, and growth restraints on the many citizens, municipalities, and industries in the state.

Some specific issues that should be addressed:

COLOR

etc

The proposed water quality standard for color of 15 units is very troublesome. First, it does not reflect the natural levels of color that are found in most Alaskan waters. Many of the streams and coves surrounding Ketchikan have natural levels of color between 30 and 150 units. Under the proposed standard, these streams violate the water quality standard for color despite the fact that there are no man-made discharges into them.

Furthermore, color is mainly an aesthetic issue which generally does not affect the use of marine waters. The very strict standard proposed by the State will not have substantial environmental benefits. Very few states have set numerical color limits and the few that have done so regulate on the basis of increased levels of color at complete mixing.

It is very expensive to remove color from discharge streams. The removal processes frequently generate potential hazardous wastes. Given the very limited benefit and excessive costs associated with

the proposed standard, the State should not adopt a numerical limit. The State should set a standard that considers the natural atmospheric and seasonal variation of color throughout Alaskan waters.

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We strongly support the narrative limit as proposed for the seafood processing industry for all marine waters and uses in Alaska.

COLIFORM

The proposed standard of 20 colonies per 100 ml for the most stringent water classification is in some cases 10 times more restrictive than the federal standard. As noted earlier, the most stringent classification is applied unless the waters have been reclassified. No other state regulates this parameter at less than 100 colonies per 100 ml. The level proposed by Alaska is so low that some streams in remote uninhabited areas have coliform numbers that exceed the proposed standard.

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We have found no scientific support for such a standard. However, the proposed standard will probably require many dischargers to install and operate disinfection systems to meet a standard required by no state but Alaska.

The position discussed in the state issue papers for dioxins, arsenic, and chloroform are supported.

MIXING ZONES

In setting mixing zones, the State needs to balance the uses of the receiving waters, the size and hydrologic characteristics of the water body, and the measures needed to protect critical resource areas. Since each receiving water has individual characteristics, mixing zones should be set on a case-by-case basis. The State has proposed to get away from arbitrary specifications for determining mixing zones in streams and rivers and should do likewise for marine and estuarine waters. Therefore, the State should suspend its approach of limiting mixing zones in estuarine waters by area and width and adopt the site specific approach proposed for streams and rivers.

This will permit mixing zones to be set in a way that protects the environment yet still allows for the reasonable application of judgment. Otherwise, dischargers may be required to construct expensive facilities merely to satisfy an arbitrary limit with no consideration of whether these facilities will significantly benefit the receiving water.

TOXICITY

The technique of using short-term tests to assess chronic toxicity in waters is a fairly new area of science and needs to be applied cautiously. In setting a standard for toxicity, the State should

specify that the tests used to determine compliance with the standard reflect biological mechanisms that are relevant to the ecology of the receiving waters.

A major concern about short term chronic toxicity tests is that they have not undergone rigorous testing to evaluate inter-laboratory variability and reproducibility. Although these tests can be a useful tool in assessing water quality, extreme caution is needed in using these tests to determine water quality or for setting compliance limits on dischargers. There are still many issues (comparative sensitivities, test exposure regimes, and physiological considerations) that need to be further addressed by research laboratories before these test should be used as a regulatory tool.

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PETROLEUM HYDROCARBONS

The proposed standard for hydrocarbons is inconsistent with how other states regulate this parameter and may cause substantial problems for dischargers involved in non-petroleum-related activities. This test will place unnecessary limits on non-petroleum activities.

Most states that regulate total hydrocarbons do so at levels ranging from 10 to 75 parts per million. If the State of Alaska adopts the proposed standard, many entities will be forced to treat

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discharges containing minute amounts of hydrocarbons. These entities include municipalities, commercial operations with parking lots, and non-petroleum industries. Since the proposed standard would have an enormous impact on activities that do not cause water quality problems, the State should re-examine how best to regulate this parameter and rely on a standard similar to those adopted by other states.

CONCLUSION

Although water quality is important to Alaska, it is important that the water quality standards not be set so strict as to impose burdens on the citizens of the State that will not significantly benefit ambient water quality. The State has generally classified all its waters for the maximum beneficial uses and therefore should acknowledge that in many cases the natural waters of the State cannot meet the proposed limits. Given the extensive experience of other states with regulating water quality, the State of Alaska should not adopt standards that are much stricter than the norm without detailed and substantial justification.

I do not think these proposed standards will survive a legal challenge so why waste state money defending them. I also believe there is a municipality, industrial concern or small business that can meet ^{them}. Examples being - fish processing plants, sports fishing lodge or business any kind located on shoreline. There can't be selective enforcement targeting only major employers.

I would hope you would balance the threats to our jobs with what would be only marginal benefit to our environment provided by these strict regulations. By attempting to unreasonably burden industry you negate

any attempts local governments are making,
to attract new industry and jobs to our
state. We are living in a time of
declining state revenues when the real
money is gone its corporate - income
tax that's going to be minus your salary.
Have you considered that?

Testimony of
Meredith Marshall
P.O. Box 7418
Ketchikan

Hi Abi - Heu's
what I wrote
- Clare

November 10th, 1993
POB 338
Unalaska, Alaska 99685

Mr Dave Sturdevant
Water Quality Manager, DEC
410 Willoughby Ave #105
Juneau, AK 99801-1795

Dear Mr. Sturdevant,

The proposed revisions to regulation 18.AAC.70 do not provide adequate protection for Alaska. I object to the human health risk level accepted, the concept of site-specific criteria, and the lack of control of mixing zones. I have worked as a health care provider in Alaskan coastal communities for eight and a half years, and have grown increasingly concerned about the extent to which the natural resources and the local residents are used and discarded by industrial concerns. Alaska is not a third world country, it is an "owner state." Maintaining human and environmental health should be considered part of the cost of doing business; if we don't pick up the tab now, we will be paying punitive interest in years to come.

Sincerely,

Clare Lattimore

Mr Dave Sturdevant
Water Quality Management
Dept. of Environmental Conservation
410 Willoughby Ave, Suite 105
Juneau, AK 99801-1795

Dear Mr. Sturdevant,

I am writing in response to the proposed lowering of water quality standards in the State of Alaska

It amazes me that any responsible human being, let alone one of our elected officials, can consciously put at risk lives of fellow human beings by trying to lower quality of waters that are already turning toxic from the amount of waste being allowed to enter them.

Our community of Unalaska/Dutch Harbor is probably one of the most polluted fishing communities in our state. This is partly due to the amount of outfall coming from the fish processing plants and floating processors that lie in our bays. Another major pollutant includes very large amounts of World War II waste left by our government that continues to leach into our waters.

I have often wondered if the high rate of cancer and pregnancy problems in our community has anything to do with pollutants in our drinking water, or by the large amount of seafood eaten in this community. And this is the same seafood being sold in the world marketplace.

The negative reasons can go on and on, and will only continue to get worse. The only responsible answer is - TIGHTEN THE STANDARDS!! Don't let the big businesses set our health standards, do your job as it should be done.

cc: Charles Findley
Director of Water Division
EPA Region 10
1200 Sixth Ave
Seattle, Wa 981018

most sincerely
Susan Stone
Susan Stone
P.O. Box 304
UNALASKA, AK 99685

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copy

Dave Sturdevant
ADEC Water Quality
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George Ripley
PO Box 1226
Dutch Harbor Ak 99692

Chuck Findley, Dir.
Water Division US EPA Reg. X
1200 6th Ave.
Seattle, Wa. 98101
fax 206 553 0165

10/30/93

Dear Sir,

The cumulative negative effects of burgeoning global populations should make any knowledgeable and caring administrator aware that the time has come when we must account for years of environmental recklessness. As V.P. Al Gore's book has reminded us, the earth is in the balance. We each, as members of the crew aboard spaceship earth, must take a pledge to leave this planet better than we found it. It will never get easier than now to begin.

We in the State of Alaska are not naive to issues of water quality. We have seen water quality problems in other states, from the industrial sludge of Boston harbor to the toxins released from tailing piles into rivers throughout the west. Many of us came to Alaska hoping that here we could get things done correctly from the start, to do so we must ignore the tailing piles in the Fox Creek valley of Fairbanks, the industrial poisoning of Ship Creek in Anchorage, and the siltation of numerous spawning streams by reckless logging, and the relentless poisoning of the waters of Valdez, Dutch Harbor and Sitka.

Our Governor takes great pride in imagining our industries are a shining example to the world, that we know how to do things right and spare no expense to do so. Such blatant demagoguery! If he wishes these bragging rights he has no business eviscerating our water quality standards while the rest of the country strengthens theirs.

These are times when standards measuring hazardous substances are no longer in the realm of parts/thousand or million but are now couched in terms of parts/billion. 15 years ago the people of our nation were advised that the cumulative storage of mercury at the top of the food chain in tuna made the consumption of tuna hazardous. Alaskan's are no less aware of such hazards now, especially as we take steps to improve marketplace acceptance of our seafood.

Industries must learn to be increasingly responsive to preventing pollution not increasingly negligent.

I can see no justification for the reduction of existing water quality standards.

Sincerely
George Ripley

DEC manager reports people distrust agency

By JEANINE POHL

THE JUNEAU EMPIRE

In memos to Environmental Conservation Commissioner John Sandor, the manager of state water-quality hearings in Southeast Alaska said people testifying don't trust DEC and don't trust Sandor and the Hickel administration to protect the state's waters.

Dick Stokes, Southeast manager for DEC who served as hearing officer at the water-quality sessions, summarized the comments of people who testified at hearings earlier this month in Juneau, Ketchikan, Sitka and Haines.

"I was anxious to get the general message to the commissioner

and (Division of Environmental Quality director) Mike Menge as soon as possible," Stokes said today. "One reason that I wrote the first memo was the frustration that I heard in Haines, that no one (at DEC) was hearing the message."

"People want clean water," Stokes summarized of the Haines testimony. "They call it the essential of life, a priceless ingredient of Alaska life ... a commodity of value to the tourism and seafood industry, a right."

The state is in the midst of a public-comment period on revised water-quality standards, a review

Please see Water, Back page

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Juneau Empire

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Water...

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that is required under the federal Clean Water Act.

After an outpouring of negative comments on an earlier version a year ago, DEC's water-quality management section withdrew the regulations last fall and offered revised standards this summer.

In response to Stokes' memos, Sandor said the charges of some people are politically motivated. He defended DEC's emphasis on improving the state's water quality, particularly in villages.

Sandor said the greatest risk Alaskans face from water pollution is waterborne disease caused by unsafe sanitation systems, and that is where his department has concentrated more of its efforts.

Public comment on the new standards has continued to be critical, particularly regarding the state's proposal to allow mixing zones - areas in water bodies where pollution levels may exceed water-quality standards.

The proposed Kensington and

Alaska-Juneau gold mines will require mixing zones in order to operate, as will Southeast Alaska's two pulp mills - although the Alaska Pulp Corp. mill in Sitka recently closed indefinitely.

Many testifiers oppose the state's initial choice of a cancer risk level of 1-in-100,000 in determining levels of cancer-causing pollutants allowed in the water. Final decisions on risk levels have been postponed until next year.

"People are incredulous that DEC is proposing to relax some standards; that DEC is proposing the highest level of (cancer) risk acceptable to EPA," Stokes wrote of the Haines hearing. "They either don't understand or accept the notion that DEC is trying find a balance where a healthy economy can exist in a healthy environment."

"Our proposals have struck a fundamental nerve," Stokes wrote of the Sitka hearing. "They have angered, disappointed and frightened a number of people."

As he noted in his summary of

the Haines hearing, "they suspect DEC and the state of protecting industry too much and of 'caving in' to industry lobby. ... many testifiers weren't sure that DEC is listening, perhaps most doubted that we are.

"People were also worried ... about the proposed Kensington mixing zone near Point Sherman in Lynn Canal. As you know, the proposed mixing zone is an area of exceedingly high sensitivity to the fishing industry. They are worried about possible impacts of the zone on fishing stocks, the perception of tainting of products," Stokes wrote of the Haines comments.

While Stokes noted that the level of anger at the Ketchikan hearing was less than in other Southeast communities, he said opposition there to the revisions was still solid, as it was in Juneau.

Written comments on the water-quality standards are being accepted through Nov. 1 and final regulations must be approved by the federal Environmental Protection Agency.

TCN: 30711 DATE & TIME: 10/25/93 13:30 TO 17:00 STATUS:6 ADJOURNED

**** ORDER SUMMARY ****

SPONSOR: HRES HOUSE RESOURCES CHAIRS: REP. WILLIAMS
PURPOSE: PUB PUBLIC HEARING
CONTACT: LAURA OR PETE TEL#: (907)247-4672
CHAIRING SITE: KETCHIKAN 352 FRONT STREET ZZZ
TOLL FREE: (800)478-7612 DIAL-UP: LIO:(800)478-9910

SPONSOR REMARKS(PUB): TESTIMONY:Y ALLOWED 3 MINUTE LIMIT

SPONSOR REMARKS(LIO): BACKUP MATERIAL:N MEETING IN PROGRESS:N MAX. SITES:20
OTHER SITES MAY ADD IF INTEREST.

**** PLEASE SEE NEW AGENDA AND A SYSM COMING YOUR WAY ****
TCN REQUESTED ON 10/25/93 AND HAS 20 UPDATES

**** AGENDA ****

- 1 1. BRIEFING BY D.E.C.
- 2 2. TESTIMONY ON SOLID WASTE REGS.
- 3 3. TESTIMONY ON WATER QUALITY STANDARDS
- 4 MORE INFO. ON PAGE 6.

**** PARTICIPATING LIOS ****

ANC ANCHORAGE	716 W 4TH, #200	LOCATION STAFF
FBX FAIRBANKS	119 N CUSHMAN ST	LOCATION STAFF
GLN GLENNALLEN	COMMUNITY LIB.	LOCATION STAFF
HOM HOMER LTC	126 W PIONEER #4	LOCATION STAFF
JNU JUNEAU	CAPITOL CAP205	LOCATION STAFF
KOT KOTZEBUE	333 FRONT STREET	LOCATION STAFF
* KTN KETCHIKAN	352 FRONT STREET	LOCATION STAFF
MAT MATSU	165 E PARKS HWY.	LOCATION STAFF
NOM NOME	FRONT STREET	LOCATION STAFF
PSG PETERSBURG	101 GJOA STREET	LOCATION STAFF
SIT SITKA	210 LAKE STREET	LOCATION STAFF
SOL KEN/SOL	34824 KALIFONSKY	LOCATION STAFF
TOK TOK LIO	MP 1314 AK. HWY	LOCATION STAFF

**** VOLUNTEER & OFFNET SITES ****

PSG WRG WRANGELL LTC	LONGSHOREMEN'S	MABEL FENNIMORE	(907)874-3013
SIT CRA CRAIG	CITY HALL	HELEN GRAY	(907)826-3277
SIT GUS GUSTAVUS	FIRE HALL	BECKY KURTZ	(907)697-2348
SIT HNS HAINES	CITY HALL	ALETA ADKINS	(907)766-2294
SIT HOO HOONAH	LOCAL SCHOOL	DEE FISKE	(907)945-3664
SIT KLA KLAWOCK	CITY HALL	KAREN MOORE	(907)755-2261
VAL COR CORDOVA	CITY HALL	LORI DENSON	(907)424-6200

PARTICIPANTS IN:ANCHORAGE

1 MR. CHRIS TOAL	ANC.	REP. FINKELSTEIN	TSFY. 3. TESTIMONY
2 REP. CON BUNDE	ANCHORAGE	AK 99501	(907)258-8190
3 KRIS WARREN	ANCHORAGE	AK 99501	(907)258-8168
4 MS ANNETTE KREITZER	ANCHORAGE	AK 99510	(907)267-4543
5 MR MARTIN ROSEMAN	ANCHORAGE	AK 99501	(907)258-8189

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PARTICIPANTS IN:ANCHORAGE

6 MR MARC LITTLE	ANC	ANCHORAGE	AK 99510 (907)265-6533
952 C STREET, ROOM 501	ANCHORAGE	MOA/DHHS	OBSV. ALL ITEMS
		ANCHORAGE	AK 99501 (907)343-6586

PARTICIPANTS IN:FAIRBANKS

1 REP. JOHN DAVIES	FBX		TSFY. ALL ITEMS
119 N. CUSHMAN ST. #207	FAIRBANKS	AK 99701	(907)456-8172
2 REP. JEANNETTE JAMES			TSFY. ALL ITEMS
P.O. BOX 56622	NORTH POLE	AK 99705	(907)488-1546
3 MS NADINE WINTERS	FBX N.STAR BOROU		OBSV. ALL ITEMS
P.O. BOX 71267	FAIRBANKS	AK 99707	(907)459-1301
4 MR. KURT PARKAN	REP. DAVIES		OBSV. ALL ITEMS
119 N. CUSHMAN ST. #207	FAIRBANKS	AK 99701	(907)456-8172
5 MR. GUY VAN DOREN	FBX N.STAR BOROU		OBSV. ALL ITEMS
P.O. BOX 71267	FAIRBANKS	AK 99707	(907)459-1301
6 MS. TERESA SAGER-STANCLIFF	SEN. MILLERS		OBSV. ALL ITEMS
119 N. CUSHMAN ST. #101	FAIRBANKS	AK 99701	(907)488-0862
7 MS. SARA FISHER	REP. THERRIAULT		OBSV. ALL ITEMS
119 N. CUSHMAN ST. #101	FAIRBANKS	AK 99701	(907)488-0862

PARTICIPANTS IN: GLENNALLEN GLN
 1 MRS. CAROL NEELEY CBS SERVICE CO OBSV. 2. TESTIMONY
 BOX 88 GLENNALLEN AK 99588 (907)822-3600

PARTICIPANTS IN: HOMER LTC HOM
 1 MRS. LINDA GJOSUND REP. PHILLIPS OBSV. ALL ITEMS
 126 W. PIONEER AVE., #4 HOMER AK 99603 (907)235-2924
 2 MS. PATRICIA KING TSFY. 3. TESTIMONY
 BOX 15012 FRITZ CREEK AK 99603 (907)000-0000
 3 MR. CHRIS CHAVASSE TSFY. ALL ITEMS
 BOX 15003 FRITZ CREEK AK 99603 (907)000-0000

PARTICIPANTS IN: JUNEAU JNU
 1 CHIP THOMA REPRESENTGN SELF OBSV. 3. TESTIMONY
 #2 MARINE WAY JUNEAU AK (907)000-0000
 2 CHUCK ACHBERGER CHAMBER OF COMM. TSFY. ALL ITEMS
 124 W. 5TH STR. JUNEAU AK 99801 (907)463-5604
 3 PAULA TERREL THANE NEIGHB. ASN TSFY. 3. TESTIMONY
 5025 THANE RD. JUNEAU AK 99801 (907)586-3451
 4 DICK HOFFMAN AK. TROLLERS ASN TSFY. 3. TESTIMONY
 JUNEAU AK (907)586-9400
 5 ELDON DENNIS USAG TSFY. 3. TESTIMONY
 BOX 20070 JUNEAU AK 99802 (907)586-3544
 6 DAVE DONALDSON APRN OBSV. ALL ITEMS
 JUNEAU AK (907)000-0000
 7 LAURA FLEMMING REP. WILLIAMS OBSV. ALL ITEMS
 JUNEAU AK (907)000-0000
 8 PAM DUNDY SEN. ZHAROFF OBSV. ALL ITEMS
 JUNEAU AK (907)000-0000
 9 ED EMSWILER ADEC/SERO OBSV. ALL ITEMS
 JUNEAU AK (907)465-5353
 10 DICK STOKES ADEC/SERO OBSV. ALL ITEMS
 JUNEAU AK (907)465-5350

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PARTICIPANTS IN: JUNEAU JNU
 11 STEVE TOROK EPA OBSV. ALL ITEMS
 JUNEAU AK (907)000-0000
 12 TO OBSERVE JUNEAU AK (907)000-0000
 13 TO OBSERVE JUNEAU AK (907)000-0000
 14 TO OBSERVE JUNEAU AK (907)000-0000
 15 TO OBSERVE JUNEAU AK (907)000-0000
 16 MS. SHARON HAWKINS AUDUBON SOCIETY TSFY. 3. TESTIMONY
 POB 21065 AUKE BAY AK 99821 (907)789-7414
 17 MS CARYL BOEHNERT TSFY. 3. TESTIMONY
 1114 SLIM WILLIAMS WAY JUNEAU AK 99801 (907)000-0000
 18 MS THERESA SVANCARA TSFY. 3. TESTIMONY
 POB 35 DOUGLAS AK 99824 (907)000-0000
 19 MS CLAUDIA ECHAVARRIA TSFY. 3. TESTIMONY
 235 5TH JUNEAU AK 99801 (907)000-0000
 20 TO OBSERVE JUNEAU AK (907)000-0000

PARTICIPANTS IN:KOTZEBUE KOT
 1 MS. CHERYL DAVIS REP. MACLEAN OBSV. ALL ITEMS
 BOX 667 KOTZEBUE AK 99752 (907)442-3061
 2 MS. MARTHA STEWART SEN. ADAMS OBSV. ALL ITEMS
 BOX 33 KOTZEBUE AK 99752 (907)442-3245
 3 MR. JOHN SPRIGGS MANIILAQ ASSOC. OBSV. ALL ITEMS
 BOX 256 KOTZEBUE AK 99752 (907)442-3311

PARTICIPANTS IN:KETCHIKAN KTN
 1 MR. MEAD TREADWELL DEC TSFY. 1. BRIEFING B
 410 WILLOUGHBY AVE. JUNEAU AK 99801 (907)465-5050
 2 MS. HEATHER STOCKARD DEC TSFY. 1. BRIEFING B
 410 WILLOUGHBY AVE. JUNEAU AK 99801 (907)465-5150
 3 MR. DAVID STURDEVANT DEC TSFY. 1. BRIEFING B
 410 WILLOUGHBY AVE. JUNEAU AK 99801 (907)465-5050
 4 MR. DOUGLAS REDBURN DEC OBSV. 1. BRIEFING B
 410 WILLOUGHBY AVE. JUNEAU AK 99801 (907)465-5050
 5 MR. ROLAND STANTON SELF TSFY. 3. TESTIMONY
 3817 FAIRVIEW KETCHIKAN AK 99901 (907)225-3406
 6 MR. ALLYN HAYES SELF TSFY. 3. TESTIMONY
 BOX 722 WARD COVE AK 99928 (907)247-8369
 7 MR. STEVE HAGAN KETCHIKAN PULP TSFY. 3. TESTIMONY
 BOX 6600 KETCHIKAN AK 99901 (907)225-2151
 8 MS. CONSTANCE GRIFFITH SELF TSFY. 3. TESTIMONY
 2509 4TH AVE. KETCHIKAN AK 99901 (907)225-5069
 9 MR. TROY REINHART AFA TSFY. 3. TESTIMONY
 111 STEDMAN #200 KETCHIKAN AK 99901 (907)225-6114
 10 MR. DAVE KATZ TSFY. 3. TESTIMONY
 320 BAWDEN ST. KETCHIKAN AK 99901 (907)225-0750
 11 MR. JACK LEE TONGAS SPORTFISH TSFY. 3. TESTIMONY
 BOX 1081 WARD COVE AK 99928 (907)247-8156
 12 MR. RALPH LEWIS SELF OBSV. 3. TESTIMONY

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PARTICIPANTS IN:KETCHIKAN KTN
 3338 1ST ST. KETCHIKAN AK 99901 (907)225-2565
 13 MR. ERNIE MCREYNOLDS MOBILE HOME PARK OBSV. 3. TESTIMONY
 BOX 963 WARD COVE AK 99928 (907)225-8608
 14 MS. ERNESTA BALLARD SELF TSFY. 3. TESTIMONY
 705 MAIN ST. KETCHIKAN AK 99901 (907)247-0846
 15 MR. CLIFF TARU SE STEVEDORING TSFY. 3. TESTIMONY
 BOX 8080 KETCHIKAN AK 99901 (907)225-6157
 16 MAYOR JAMES CARLTON BOROUGH MAYOR OBSV. 3. TESTIMONY
 1043 WOODLAND AVE. KETCHIKAN AK 99901 (907)225-4261
 17 MS. ALLIS MAY DAVIS CITIZEN TSFY. 3. TESTIMONY
 BOX 1102 WARD COVE AK 99928 (907)225-8771
 18 MS. MARILYN LEE CITIZEN TSFY. 3. TESTIMONY
 BOX 1081 WARD COVE AK 99928 (907)247-8156
 19 MAYOR ALAIRE STANTON CITY MAYOR TSFY. 3. TESTIMONY
 3817 FAIRVIEW KETCHIKAN AK 99901 (907)000-0000
 20 MR. FRED MONREAN KTN PUBLIC WORKS TSFY. 2. TESTIMONY
 334 FRONT ST. KETCHIKAN AK 99901 (907)228-5615
 21 MR. JACK PEARSON CITY MANAGER OBSV. 2. TESTIMONY
 334 FRONT ST. KETCHIKAN AK 99901 (907)228-5634
 22 MS. MEREDITH MARSHALL CITIZEN TSFY. 3. TESTIMONY
 429 EDMOND KETCHIKAN AK 99901 (907)225-3817
 23 MS. KATY FRENCH KTN PULP CO. TSFY. 3. TESTIMONY
 BOX 6600 KETCHIKAN AK 99901 (907)225-2151
 24 MR. JAMES HEIMRICH OBSV. 3. TESTIMONY
 BOX 9154 KETCHIKAN AK 99901 (907)225-2151
 25 MR. JON COLLIE OBSV. 3. TESTIMONY
 3844 DENALI APT A KETCHIKAN AK 99901 (907)225-2151
 26 MR. TROY OLIVADOTI OBSV. 3. TESTIMONY
 BOX 8974 KETCHIKAN AK 99901 (907)225-2151
 27 MR. STEVEN EILERTSON OBSV. 3. TESTIMONY
 BOX 9154 KETCHIKAN AK 99901 (907)225-2151
 28 MR. RICHARD SHEN OBSV. 3. TESTIMONY
 2619-1/2 3RD AVE. KETCHIKAN AK 99901 (907)228-2239
 29 MR. ROGER ZIESAK OBSV. 3. TESTIMONY
 15033 N. TONGASS HWY KETCHIKAN AK 99901 (907)225-2151
 30 MS. CINDY ROSS-BARBER OBSV. 3. TESTIMONY
 BOX 8595 KETCHIKAN AK 99901 (907)225-9079
 31 MR. JIM FOSTER TSFY. 3. TESTIMONY
 BOX 9068 KETCHIKAN AK 99901 (907)225-7607
 32 MR. JOHN PETERSON TSFY. 3. TESTIMONY
 661 S. POINT HIGGINS KETCHIKAN AK 99901 (907)247-2686

PARTICIPANTS IN:MATSU MAT
 1 REP PAT CARNEY TSFY. 1. BRIEFING B
 165 E PARKS HWY, # 106 WASILLA AK 99654 (907)373-2818

PARTICIPANTS IN:NOME NOM
 1 MR. E.C. WHEELER WHEELER & ASSOC. OBSV. ALL ITEMS
 P. O. BOX 945 NOME AK 99762 (907)443-5433
 2 MR. KENNETH KLANIKA KNOM RADIO OBSV. ALL ITEMS
 P. O. BOX 988 NOME AK 99762 (907)443-2777
 3 MR. RANDY ROMENESKO ADEC-NOME OBSV. ALL ITEMS
 P. O. BOX 1815 NOME AK 99762 (907)443-2600

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PARTICIPANTS IN:PETERSBURG PSG
 1 MR. ELI LUCAS CITY OF PSG TSFY. 2. TESTIMONY
 BOX 329 PETERSBURG AK 99833 (907)772-4520
 2 MS. CHRIS NOROSZ PSG VSSL. OWNERS TSFY. 3. TESTIMONY
 BOX 232 PETERSBURG AK 99833 (907)772-9323

PARTICIPANTS IN:WRANGELL LTC PSG WRG
 1 MR. STEVE REED UNABL. ALL ITEMS
 BOX 2035 WRANGELL AK 99929 (907)874-2258
 2 MR. PETERS BRANSON UNABL. ALL ITEMS
 BOX 2073 WRANGELL AK 99929 (907)874-3291

PARTICIPANTS IN:SITKA SIT
 1 MR. BOB ELLIS TSFY. 3. TESTIMONY
 BOX 2966 SITKA AK 99835 (907)747-8950
 2 MR. DON MULLER TSFY. 3. TESTIMONY
 BOX 1042 SITKA AK 99835 (907)747-8808
 3 MR. DICK SMITH SE CONFERENCE TSFY. 2. TESTIMONY
 304 LAKE ST. SITKA AK 99835 (907)747-5500
 4 MR. FLORIAN SEVER OBSV. 3. TESTIMONY
 1706 EDGE CUMBE DR. SITKA AK 99835 (907)747-8444

5 MS.	CHERYL BOX 6209	FRITCHARD	SITKA	DEC	OBSV. 3. TESTIMONY AK 99835 (907)000-0000
6 MS.	HELEN 1011 HALIBUT	DRURY POINT RD.	SITKA	DEC	TSFY. 3. TESTIMONY AK 99835 (907)747-8019
7 MS.	JANE BOX 1673	EIDLER	SITKA		OBSV. 3. TESTIMONY AK 99835 (907)000-0000
8 MR.	BOB	CHEVALIER			TSFY. 3. TESTIMONY AK (907)000-0000
9 MR.	AL BOX 33025	KEGLER		DEC JUNEAU	OBSV. ALL ITEMS AK 99803 (907)465-5348
10 MR.	LES BOX 3292	LEATHERBERRY		DEC JUNEAU	OBSV. ALL ITEMS AK 99803 (907)465-5348
11 MR.	JIM 901 HALIBUT	CLARE POINT RD.	SITKA	DEC	OBSV. ALL ITEMS AK 99835 (907)747-8614
12 MR.	STEVE 1308 SAWMILL	REIFENSTUHL CREEK RD.	SITKA		OBSV. ALL ITEMS AK 99835 (907)747-6850
13 MR.	MARK 304 LAKE ST.	BUGGINS	SITKA	CITY OF SITKA	OBSV. ALL ITEM. AK 99835 (907)966-2256
14 MR.	ROLAND 407 DEGROFF ST.	WIRTH	SITKA		UNABL 3. TESTIMONY AK 99835 (907)747-1473
15 MR.	ERIC 103 GIBSON	JORDAN	SITKA		UNABL 3. TESTIMONY AK 99835 (907)747-6743
16 MS.	CHRISTINE BOX 1364	YOUNG	SITKA		UNABL 3. TESTIMONY AK 99835 (907)747-1005
17 MR.	ROLLO 4600 SAWMILL	POOL CREEK RD.	SITKA	AK PULP CORP.	TSFY. 3. TESTIMONY AK 99835 (907)747-2283
18 MS.	KATRINKA 801 LINCOLN ST.	HIBLER	SITKA		OBSV. 3. TESTIMONY AK 99835 (907)747-1473
19 MS.	MAYA 801 LINCOLN ST.	RASCHEL	SITKA		OBSV. 3. TESTIMONY AK 99835 (907)747-1473
20 MS.	CAROLYN 305 ISLANDER DR.	NICHOLS	SITKA		UNABL 3. TESTIMONY AK 99835 (907)747-3146

PARTICIPANTS IN: GUSTAVUS SIT GUS

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PARTICIPANTS IN: GUSTAVUS SIT GUS

1 MR.	GREG	STREVELER	GUSTAVUS		TSFY. 3. TESTIMONY AK 99826 (907)697-2287
2 MS.	JUDY	BRAKEL	GUSTAVUS		OBSV. ALL ITEMS AK 99826 (907)000-0000
3 MR.	PAUL	BARNES	GUSTAVUS		OBSV. ALL ITEMS AK 99826 (907)000-0000
4 MR.	DOUG	OGILVIE	GUSTAVUS		OBSV. ALL ITEMS AK 99826 (907)000-0000
5 MS.	KATHY	STREVELER	GUSTAVUS		OBSV. ALL ITEMS AK 99826 (907)000-0000
6 MR.	VAN	BAKER	GUSTAVUS		OBSV. ALL ITEMS AK 99826 (907)000-0000
7 MR.	THOMAS	IMBODEN	GUSTAVUS		OBSV. ALL ITEMS AK 99826 (907)000-0000
8 MR.	CHARLIE	RICE	GUSTAVUS		OBSV. ALL ITEMS AK 99826 (907)000-0000
9 MS.	HEIDI	ROBICHAUD	GUSTAVUS		OBSV. ALL ITEMS AK 99826 (907)000-0000

PARTICIPANTS IN: HAINES SIT HNS

1 MR.	GERSHON BOX 956	COHEN	HAINES	CLEAN WATER	ALL. TSFY. 3. TESTIMONY AK 99827 (907)766-2488
2 MR.	THOMAS BOX 1014	ELY	HAINES		TSFY. 3. TESTIMONY AK 99827 (907)766-2869
3 MR.	TIM BOX 672	JURE	HAINES		UNABL 3. TESTIMONY AK 99827 (907)766-2208
4 MR.	DAVID BOX 387	NANNEY	HAINES		UNABL 3. TESTIMONY AK 99827 (907)766-2763
5 MR.	BRIAN BOX 318	CLAY	HAINES		OBSV. ALL ITEMS AK 99827 (907)766-3367
6 MR.	TOM BOX 209	CLAY	HAINES		OBSV. ALL ITEMS AK 99827 (907)766-2994

PARTICIPANTS IN: HOONAH SIT HOO

1 MAYOR	ALBERT BOX 360	DICK	HOONAH	CITY OF HOONAH	OBSV. ALL ITEMS AK 99829 (907)945-3663
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PARTICIPANTS IN: KLAWOCK SIT KLA

1 MR.	MARVIN BOX 113	YODER	KLAWOCK	CITY OF KLAWOCK	OBSV. ALL ITEMS AK 99925 (907)755-2261
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PARTICIPANTS IN: KEN/SOL SOL

1	CATHERINE 4710 E. POPPY LANE	MAYER	SOLDOTNA	KP BOROUGH	OBSV. 2. TESTIMONY AK 99669 (907)262-9667
2	DARIN 34824 K-BEACH RD.	MORGAN	SOLDOTNA	REP. GARY DAVIS	OBSV. ALL ITEMS AK 99669 (907)262-8414

PARTICIPANTS IN: TOK LIO TOK

1 MR.	JOHN P.O. BOX 101	ERICKSON	TOK	SELF	OBSV. 1. BRIEFING B AK 99780 (907)883-4092
MR.	CHARLES P.O. BOX 84	BROKER	TOK	SELF	OBSV. 1. BRIEFING B AK 99780 (907)883-2531

PARTICIPANTS IN: VALDEZ VAL

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PARTICIPANTS IN: VALDEZ VAL

1 MS.	RIKI P.O. BOX 1430	OTT	VAL	VFA	TSFY. ALL ITEMS AK 99574 (907)424-3915
2 MR.	DAVE P.O. BOX 460	LANKARD	VAL	CORDOVA	EYAK ELDERS COUN OBSV. ALL ITEMS AK 99574 (907)424-5790

PARTICIPANTS IN: CORDOVA VAL COR

1 MS.	RIKI P.O. BOX 1430	OTT	VAL	VEA	TSFY. ALL ITEMS AK 99574 (907)424-3915
2 MR.	DAVE P.O. BOX 460	LANKARD	VAL	CORDOVA	EYAK ELDERS OBSV. ALL ITEMS AK 99574 (907)424-5790

**** SCHEDULING NOTES ****
 BACKUP: LAURA EXPECTS SOME BACKUP TO BE AVAILABLE IN THE FUTURE. MEANWHILE SHE'S PROVIDING A FAX OF THE MEMO SENT OUT (WHICH WE WILL FAX). 10/11
 ADD-ONS: OTHERS MAY ADD-ON, BUT ADVISE LAURA OF THEM SO THAT THEY ARE AWARE OF WHICH SITES TO EXPECT. 10/11 LCM LAURA'S JNU NUMB. IS 465-3424. AS OF 10/14, SHE HAD BEEN CONTACTED ABOUT SITES WHICH ADDED ON. LCM
 SITKA ADDED PER LAURA 10/14 PW
 ON BEHALF OF REP. WILLIAMS', ISABEL REQ. 3 MINUTE TIME LIMIT. 10/15 LCM
 PETE ADDED ADDITIONAL PARAGRAPH TO THE AGENDA ON 10/15. LCM

TESTIMONY RESTRICTIONS ALTERED. 10/19 LCM PER LAURA.

***** ADDITIONAL AGENDA INFO. *****

BRIEFING BY DEC ON THE PROPOSED CHANGES TO WATER QUALITY AND SOLID WASTE REGS. DEC'S BRIEFING WILL LAST APPROX. 1.5 HRS. PUBLIC COMMENT IS INVITED STARTING AROUND 3:00 PM. THE MEETING WILL CONCLUDE FOLLOWING THE PUBLIC COMMENT PERIOD FOR FURTHER INFO., CONTACT PETE ECKLUND OF REP. WILLIAMS OFC. AT 247-4672.

***** UPDATES *****

01	10/11/93	14:24:55	ANNOUNCING TELECONFERENCE	
02	10/12/93	09:33:37	KEN/SOL	ADDED ON
03	10/12/93	09:35:47	ADDED BRIEFING BY THE DEPT OF ENVIRONMEN	
03	10/12/93	09:35:48	ADDED CONSERVATION ON THE PROPOSED CHANG	
03	10/12/93	09:35:49	ADDED WATER QUALITY AND SOLID WASTE REGU	
03	10/12/93	09:35:50	DROPPED BRIEFING BY THE DEPT OF CONSERVA	
03	10/12/93	09:35:51	DROPPED THE PROPOSED CHANGES TO WATER QU	
03	10/12/93	09:35:52	DROPPED AND SOLID WASTE REGULATIONS	
04	10/12/93	11:21:10	MATSU	ADDED ON
05	10/14/93	13:34:03	CORDOVA	ADDED ON
06	10/14/93	14:02:41	HOMER LTC	ADDED ON
07	10/14/93	14:39:35	SITKA	ADDED ON
08	10/15/93	13:00:17	ADDED ***3 MINUTE TIME LIMIT ON TESTIMON	
09	10/15/93	14:48:56	ADDED DEC'S BRIEFING WILL LAST APPROXIMA	
09	10/15/93	14:48:57	ADDED 1-1/2 HOURS. PUBLIC COMMENT IS IN	
09	10/15/93	14:48:58	ADDED STARTING AROUND 3PM. THE MEETING	
09	10/15/93	14:48:59	ADDED CONCLUDE FOLLOWING THE PUBLIC COMM	
09	10/15/93	14:48:60	ADDED PERIOD NO LATER THAN 5PM.	
09	10/15/93	14:48:61	ADDED ***FOR FURTHER INFORMATION, CONTAC	
09	10/15/93	14:48:62	ADDED PETE ECKLUND OF REP. WILLIAMS' OFF	
09	10/15/93	14:48:63	ADDED 247-4672***	
10	10/15/93	16:35:13	NOME	ADDED ON
11	10/19/93	10:30:34	WRANGELL LTC	ADDED ON
12	10/19/93	11:11:30	PETERSBURG	ADDED ON
13	10/19/93	12:32:01	DROPPED ***3 MINUTE TIME LIMIT ON TESTIM	

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***** UPDATES *****

14	10/20/93	08:18:44	KOTZEBUE	ADDED ON
14	10/20/93	08:18:45	GLENNALLEN	ADDED ON
14	10/20/93	08:18:46	HAINES	ADDED ON
15	10/22/93	07:46:38	TOK LIO	ADDED ON
16	10/22/93	16:31:28	CRAIG	ADDED ON
17	10/25/93	08:14:42	GUSTAVUS	ADDED ON
18	10/25/93	08:44:58	HOONAH	ADDED ON
19	10/25/93	10:26:58	ADDED 1. BRIEFING BY D.E.C.	
19	10/25/93	10:26:59	ADDED 2. TESTIMONY ON SOLID WASTE REGS.	
19	10/25/93	10:26:60	ADDED 3. TESTIMONY ON WATER QUALITY STAN	
19	10/25/93	10:26:61	ADDED MORE INFO. ON PAGE 6.	
19	10/25/93	10:26:62	DROPPED BRIEFING BY THE DEPT OF ENVIRONM	
19	10/25/93	10:26:63	DROPPED CONSERVATION ON THE PROPOSED CHA	
19	10/25/93	10:26:64	DROPPED WATER QUALITY AND SOLID WASTE RE	
19	10/25/93	10:26:65	DROPPED DEC'S BRIEFING WILL LAST APPROXI	
19	10/25/93	10:26:66	DROPPED 1-1/2 HOURS. PUBLIC COMMENT IS	
19	10/25/93	10:26:67	DROPPED STARTING AROUND 3PM. THE MEETIN	
19	10/25/93	10:26:68	DROPPED CONCLUDE FOLLOWING THE PUBLIC CO	
19	10/25/93	10:26:69	DROPPED PERIOD NO LATER THAN 5PM.	
19	10/25/93	10:26:70	DROPPED ***FOR FURTHER INFORMATION, CONT	
19	10/25/93	10:26:71	DROPPED PETE ECKLUND OF REP. WILLIAMS' O	
19	10/25/93	10:26:72	DROPPED 247-4672***	
20	10/25/93	13:15:54	KLAWOCK	ADDED ON



HOUSE RESOURCES COMMITTEE

DATE: 10/25/93

PLACE: Ketchikan

SUBJECT OF MEETING:
DEC Briefing on water quality
and solid waste regulations
followed by public comment

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?	WHAT SUBJECT/ WOULD BE?
Roland J. Stanton	Self	3817 Fairview Ketchikan	99901	225-3400		(Y) N	
Allen Hayes	Self	Box 722 Ward Cove	99928	247-8369		(Y) N	
Steve Hagan	KPC	Box 6600 Ketchikan	99901	225-2151		(Y) N	
Constance Giffels	Self	2509-4 th Ave. Ketchikan	99901-5521	225-5067		(Y) N	
Troy Reinhart	AFA	111 STEDMAN, #200	99901	225-6114		(Y) N	
Dave Korte		420 320 Bowden St. Ketchikan	99901	225-0750		(Y) N	
Jack Lee	Tongass Sport Fishing Assoc	Box 1081 Ward Cove	99928	247-8156		(Y) N	
GRAPH D LEWIS	SELF	3338 1 st Street	99901	225-2565		(Y) (N)	
✓ Mead Trendwell	DEC	410 Willoughby Ave. Inu.	99901	465-5050		(Y) N	
✓ Heather Stohard	DEC	"	"	465-5150		Y N	
✓ David Stearns	DEC					(Y) (N)	
✓ Doug Redburn	"					(Y) (N)	

Rep. Williams
Rep. Hudson



HOUSE RESOURCES COMMITTEE

DATE: 10/25/93

PLACE: Ketchikan

SUBJECT OF MEETING:
DEC Briefing on water quality and solid waste regulations followed by public comment

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?	WHAT SUBJECT/ WHICH BILL?
ERIC M. RYANOWS	Beagle, est MORRISON HOME PARK	PO BOX 963 WARD COV. AK 99928		225-8608	247-8120	(Y) (N)	WATER
ERNESTA RALLARD	705 SELF	705 MAIN ST.	99901	247-8546		(Y) N	WATER
CLIFF TARO	SOUTHEAST STEVEDORING CORP	P.O. BOX 8080 KTN	99901	225-6157		(Y) N	WATER
CARLTON, James E.	Borough Mayor	1043 Woodloop KTN	99901	225-4261		Y (N)	
Allis May Davis	Citizen	P.O. Box 1102, Ward Cove AK	99928	225-8771		(Y) N	water
Marilyn Lee	Citizen	P.O. Box 1081, Ward Cove, AK	99928	247-8556		(Y) N	water
Allice Stanley	Ketchikan Mayor	3817 Fairview 1150 SEC onference	99901			(Y) N	Water
FRED M. WREAN	Ketchikan Public Works	334 Front St.	99901	247-8640	225-5615	(Y) N	Solid Waste (02)
Jack Pearson	CITY OF KTN Mayor	334 Front St	"	225-5639	225-5639	Y (N)	Solid Waste Regs
Meredith Marshall	Private citizen	429 Edmond.	99901	225-3577		(Y) N	
Kathy French	KPC	Box 6600, Ktn.	99901	225-3380	225-2151	(Y) N	clean water



HOUSE RESOURCES COMMITTEE

DATE: 10/25/93

PLACE: Ketchikan

SUBJECT OF MEETING:
DEC Briefing on water quality
and solid waste regulations
followed by public comment

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?	WHAT SUBJECT/ISSUE?
James L. Hermonick		P.O. Box 9154 KTN	99901	247-6332	225-2151	Y (N)	
Jon Colli		3944 Denali apt "A"	99901	-	225-2151	Y (N)	
Troy Olivadoti		P.O. Box 8974	99901	247-2266	225-2151	Y (N)	
STEVEN ELLERTSON		P.O. Box 9514 KTN	99901	5-8625	5-2151	Y (N)	
RICHARD SIEN		2614 1/2 3rd AVE KTN	99901	247-7554	228-2239	Y (N)	
Roger M. Ziesak		15033 N Tongass Hwy KTN	99901	225-0247	5-2151	Y (N)	
Cindy Kosar Barber		P.O. Box 5595 Ktn.	99901	225-9079		Y N	
Jim Foster		P.O. Box 9008 Ktn	99901	225-7607		(Y) N	
John Peterson		Lele 1 S. Pt. Higgins ^{Ktn}	99901	247-2686		(Y) N	
						Y N	
						Y N	

Wetlands

Briefing

2-2-94

U.S. Army Corps of Engineers and
U.S. Environmental Protection Agency

Summary Report
Facilitated Alaska Wetlands Roundtable Discussions
Second Series
Juneau, Bethel, Fairbanks, Anchorage
January 4 to January 13, 1994

Prepared by: David G. Hanson
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January 19, 1994

Summary Report
Facilitated Alaska Wetlands Roundtable Discussions
Second Series

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INTRODUCTION

This report presents summaries of the second series of four facilitated Alaska wetlands roundtable discussions which took place in Juneau, Bethel, Fairbanks, and Anchorage, Alaska, between January 4 and January 13, 1994. These discussions were part of an effort by the U.S. Army Corps of Engineers (Corps) and the U.S. Environmental Protection Agency (EPA) to obtain input from Alaska interest groups regarding the Clean Water Act Section 404 wetlands permit program, and to consider environmentally appropriate means to provide regulatory flexibility for wetlands permitting in Alaska.

The purpose of the second series of roundtable discussions was to obtain input from primary Alaska wetlands stakeholders on 11 draft Issue Papers prepared by the Corps and EPA entitled Alaska Wetlands Initiative Public Review Draft Issue Papers, December 17, 1993. The Issue Papers were prepared to address concerns about the wetlands permit program in Alaska based upon input from the stakeholders during the first series of roundtable discussions (October 25 - November 5, 1993) and public comment. During the second series of roundtable discussions, the stakeholders were asked to provide input on how well the draft Issue Papers characterized their concerns and how well the proposed recommendations responded to those concerns.

The following summaries of the roundtable discussions attempt to communicate the main comments, concerns, recommendations, and consensus points identified during each discussion. The summaries are based on notes taken by the discussion facilitators, were completed without benefit of the written transcripts, and do not represent a complete or official record of the meetings. As overviews, these summaries do not reflect the amount of time spent on the various topics, nor do they note all of the points raised.

The summaries for the facilitated wetlands roundtable discussions are presented separately for each city. It is assumed that the reader will refer to the Alaska Wetlands Initiative Public Review Draft Issue Papers since stakeholder comments address specific pages or sections of particular Issue Papers. Each meeting summary discusses the Issue Papers in the order discussed during the roundtable discussion. Consequently, in addition to a table of contents for the city roundtable discussion summaries, a cross-reference table of contents is provided for the pages summarizing comments on specific Issue Papers. At the end of each summary is a copy of the stakeholder sign-up list for the particular roundtable discussion.

**FACILITATED ALASKA WETLANDS ROUNDTABLE DISCUSSION
SECOND SERIES**

Juneau Summary Report
January 4, 1994

This facilitated Alaska wetlands roundtable discussion took place in Juneau, Alaska, on January 4, 1994, at Centennial Hall. The roundtable discussion was sponsored by the U.S. Army Corps of Engineers (Corps) and the U.S. Environmental Protection Agency (EPA). The discussion took place between various invited stakeholders representing interest groups with a stake in the management of Alaska wetlands.

The stakeholder interest group participants included: Ms. Mary Nordale (Development interests), Ms. Caryl Boehnert (Environmental), Ms. Tamra Faris (Federal resource agencies), Mr. Dick Hofmann (Commercial fishing), Mr. Peter Hanley (Oil and gas), Mr. Tim Cook (State of Alaska), and Ms. Karen Cowart (Tourism).

The meeting was facilitated by Mr. Dave Hanson of Arktos Associates with assistance provided by Ms. Niki Stewart. Mr. Al Ewing of the U.S. Environmental Protection Agency and Mr. Bob Oja of the U.S. Army Corps of Engineers were present as observers and to provide technical information or program clarification as needed. Mr. John Gooden, representing the White House Interagency Working Group on Wetlands, Washington, D.C., was also present as an observer.

The purpose of the roundtable discussion was to obtain input from the primary wetlands stakeholders in Alaska on 11 draft Issue Papers prepared by EPA and the Corps based upon input received during the first series of wetland roundtable discussions and public comments. The 11 Issue Papers are entitled Alaska Wetlands Initiative Public Review Draft Issue Papers, December 17, 1993. The cover page of the document also contains a qualification reading: "This document was prepared to facilitate discussion. It does not represent agency conclusions."

The stakeholders were asked to provide input on how well the draft Issue Papers characterized their concerns and how well the proposed recommendations responded to those concerns. Specific questions set forth to help focus discussion included: Are these the right issues? Was the stakeholder concern accurately

portrayed? Do the proposed actions adequately address the identified concern? What changes are needed? Does a stakeholder consensus exist that certain Issue Papers or suggested actions are adequate? Does a stakeholder consensus exist that certain Issue Papers need to be changed and/or recommendations altered? Are there important technical errors that need to be corrected?

In the following Issue Paper sections, all "Administration Plan" and "Alaska Specific Action" recommendations are excerpted from the referenced Issue Paper in the Alaska Wetlands Initiative Public Review Draft Issue Papers document. Only the first line of the specified "Administration Plan" or "Alaska Specific Action" recommendation paragraph is restated. The applicable stakeholder comments follow these excerpts and refer to the entire specified recommendation paragraph.

STAKEHOLDER ISSUE PAPER PRIORITIES

The wetlands roundtable discussion began around 9:15 a.m. The stakeholders were asked to identify their priorities for Issue Paper discussions considering which Issue Papers they felt needed the most changes and/or additions. The stakeholders were also asked to identify Issue Papers which appear to be adequate and should receive a low discussion priority. As a result of this stakeholder input, the Issue Paper discussion priorities were set as follows: Issue Paper 7, The Mitigation Sequence; Issue Paper 8, Compensatory Mitigation; Issue Paper 1, No Overall Net Loss of Wetlands Goal; Issue Paper 6, Alternative Permit Processing Procedure; Issue Paper 4, State, Local, and Native Roles; Issue Paper 2, Special Alaskan Circumstances -- Legal Issues; Issue Paper 10, Wetlands Inventory, Classification, and Categorization; Issue Paper 5, The Individual Permit Process; and Issue Paper 9, Advance Planning and Watershed Management.

ISSUE PAPER 7: THE MITIGATION SEQUENCE

Interpretation of "Practicable" (P. 42, ¶¶ 2 and 3):

A stakeholder expressed concern that the term "practicable" was only considered from the standpoint of the permit applicant. It was suggested that the Corps should also take into consideration the cost to other industries, such as the fishing industry, and public values if the project goes forward. Such costs should be considered in determining whether or not certain mitigation measures are practicable for a particular project.

Alaska Specific Action 1: Develop interagency guidance to clarify how physical circumstances in Alaska such as the extent and type of wetlands affect the determination of practicability under the guidelines mitigation requirements.

Though some support was indicated for providing additional interagency guidance, most comments registered concern. These concerns included:

- * Adequate guidance is already available and any additional guidance may adversely impact the current implementation practices in Alaska;
- * The tone of the guidance recommendation implies that some form of exemption for low value wetlands may result from a new guidance document and that rewriting the guidance opens the door to wetlands destruction and counters current regulations which provide for adequate flexibility; and
- * A desire that any guidance specifically refer to Alaska specific situations and that the guidance language mesh closely with current Alaskan wetlands permit practices.

Alaska Specific Action 2: Recommend that the Executive Order on wetlands articulate the flexibility in implementing the Administration's goal of no overall net loss of the Nation's wetlands to reflect particular circumstances in Alaska.

It was suggested that the Executive Order be codified and include the Memorandum of Agreement (MOA) footnote 7, which provides specific direction regarding regional circumstances in Alaska. The concerned stakeholder concluded that it was more important to include the MOA footnote 7 language in the Executive Order than to codify the Executive Order into regulation.

The last clause of the recommendation including "effectively reflects regional circumstances" was discussed. Stakeholders indicated that there were two perspectives on Alaska regional circumstances. One perspective emphasizes the need for flexibility in implementing wetland permitting regulations due to physical circumstances and Alaska conditions. The other perspective emphasizes that wetlands permitting has been implemented too loosely and needs to be tightened up. Consequently, consideration of any regional circumstances should look at the actual data and what might be lost through too much flexibility. Participants had differing opinions on these perspectives and indicated concerns regarding the uniqueness of Alaska which supported greater ease and flexibility to allow development to go forward and, on the other hand, the permitting statistics which were felt to reflect too much flexibility.

Alaska Specific Action 4: Acknowledge pre-application, avoidance, and minimization efforts.

Stakeholders voiced support for greater use of the pre-application process and consideration of avoidance and minimization efforts which are identified during pre-application meetings. The question was posed regarding whether pre-application meetings should be required. Nearly all of the stakeholders did not want it required since that could lead to additional problems and another layer of regulation. However, participants indicated strong support for placing more emphasis on the encouragement of pre-application meetings. It was suggested that efforts to educate, advertise, and encourage applicants to use the pre-application process should receive a high priority. Pre-application meetings should also be encouraged for General Permits and Alternative Permit Procedures as well as individual permit applications.

A cautionary concern was raised that pre-application meetings could be abused. If applicants exaggerate their plans in order to gain avoidance and minimization credits when they scale the project back, the entire permitting process becomes meaningless. The Corps was encouraged to be sensitive to possible exaggerated claims during the pre-application process and not to give avoidance/minimization credit based on inflated plans.

ISSUE PAPER NO. 8: COMPENSATORY MITIGATION

Definition of Compensatory Mitigation:

Participants indicated that a good definition should be provided for compensatory mitigation. In addition, a complete explanation of what the term means in Alaska should be provided in the Issue Paper.

Alaska Specific Action 2: Recommend that the Executive Order on wetlands articulate the flexibility in implementing the Administration's goal of no overall net loss of the Nation's wetlands to reflect particular Alaska circumstances.

Some stakeholders indicated this recommendation was too general. Concern was voiced regarding the ability to quantify the recommendation or evaluate its success. Additional comments indicated that the recommendation may be creating unrealistic expectations and the need to clearly articulate what no net loss means for Alaska.

Alaska Specific Actions 4 and 6: Develop minesite reclamation guidelines; and develop bonding procedures for restoration/reclamation projects.

Participants felt that the two Actions needed to incorporate existing reclamation and bonding requirements. The agencies should build on existing requirements to the extent necessary. Added clarification language should indicate that these actions will not cause duplication of existing regulations.

A stakeholder stressed that the Corps should review bonding requirements on any project which is given credit for compensatory mitigation to make sure the bonding is adequate. If current bonding requirements are not adequate, the Corps should have the freedom to require a higher level of bonding, if appropriate.

Another stakeholder questioned whether or not reclamation projects or accelerated restoration projects should take the place of compensatory mitigation. The stakeholder indicated that reclamation does not really provide compensation for the wetlands which are used during the project. Other stakeholders indicated that compensatory mitigation should not be viewed as a penalty or automatic cost of wetlands use.

Alaska Specific Action 7: Establish mitigation banking pilot project.

The discussion indicated that a definition of mitigation banking was needed as well as an explanation of how it would be implemented in Alaska. The idea of mitigation banking was supported by some stakeholders. One stakeholder did not believe mitigation banking should be used in Alaska since it was too difficult and definitely should not refer to North Slope projects. Other comments voiced strong opposition to requiring mitigation banking for projects outside of Alaska and that any mitigation banking effort should be limited to in-state projects.

The discussion also addressed whether or not accelerated restoration for oil projects was adequate compensatory mitigation. Stakeholders did not agree on this issue.

The discussion also indicated that stakeholders had differences of opinion regarding what was adequate compensatory mitigation. It was pointed out that there was a need to protect other industries and the public interest impacted by the loss of wetlands through compensatory mitigation. Since industries, such as timber or mining, might directly impact other industries through wetlands use, some deemed such compensation appropriate. Other comments indicated a concern that this placed too much hardship on the applicant.

Alaska Specific Action 8: Assess the effectiveness of mitigation efforts in Alaska.

Participants questioned who was going to implement the many promises in this proposed action. It was felt that the recommendation was too broad and needed more specific definition as well as task clarification, timelines and budget specifics. Though these comments indicated a need to improve the recommendation, stakeholders strongly supported the need to assess impacts and the effectiveness of mitigation measures.

ISSUE PAPER 1: NO OVERALL NET LOSS OF WETLANDS GOAL

Participants indicated that the no net loss goal was not adequately addressed in the Issue Paper. The paper does not define the Administration's policy regarding application of no net loss to Alaska. On the one hand, the Issue Paper implies no net loss can't work in Alaska or that attainment is precluded. On the other hand, the paper continues to set forth recommendations as if attainment of the no net loss goal is required. This ambiguity stimulates further anxiety regarding the no net loss policy. The Corps representative indicated it was recognized that no net loss does not work in Alaska and this recognition did not get translated into the Issue Papers.

The discussion identified the need for additional explanation paragraphs after the first paragraph in the "Analysis and Proposed Recommendation" section on p. 4. The additional paragraphs should clearly explain the application of the no net loss policy in Alaska and provide a transition from analysis to actions. It was suggested that this transition explain the role of the Administration Plan and Alaska Specific Actions regarding the no net loss concept. (For example, are the Actions and recommendations presented because we must attain the no net loss goal or to help Alaska do its best to move toward the goal although it is unattainable?)

Questions were also raised about the last line of the first paragraph under the Analysis section. Is an acre-for-acre, value-for-value, function-for-function, or any other no net loss yardstick going to be applied to Alaska? Another stakeholder suggested considering habitat classification and the importance of habitat being considered in applying a no net loss standard.

Recommendations were also made that the "other factors" identified in the fourth sentence of the first paragraph under the Analysis section should be listed and include the human element, the early stage of development in rural Alaska, and other factors.

Alaska Specific Action 5: Recommend written partnerships be established between the Corps and all interested stakeholders on Section 404.

One comment indicated the need for partnerships with other entities in addition to the stakeholders. Another comment emphasized the need to address the inequity of representation between stakeholder groups (i.e., professional representatives v. volunteers).

Human Element:

It was suggested that an additional topic be added to the Alaska Specific Actions which would address consideration of the human element in Alaska wetlands permit processing.

ISSUE PAPER NO. 6: ALTERNATIVE PERMIT PROCESSING PROCEDURES

The discussion initially focused on the relative value of General Permits and understanding the cumulative impacts of such permits. A comment was made that General Permits (GPs) for the North Slope oilfields can progress without a cumulative impact analysis. Others commented that too much emphasis is placed on GPs without having more studies of how the process works or understanding the cumulative impacts. The discussion indicated a difference of opinion between stakeholders regarding how much emphasis should be placed on GPs. Concern was voiced regarding the impact political pressures have on local wetlands development decisions and classifications under municipal or community GPs.

Alaska Specific Action 2: Propose the development of additional General Permits.

Opposition was voiced to developing General Permits for log transfer facilities. Certain stakeholders felt that log transfer facilities were often placed in high value wetland areas and that it was not appropriate to use General Permits for such activities. Since only a few log transfer facilities are permitted each year, and certain high value wetlands may be impacted by their construction, it was recommended that the individual permit process was adequate for addressing such facilities. Some stakeholders recommended that the reference to log transfer facilities be removed from this Action statement.

Alaska Specific Action 3: Conduct cumulative impacts evaluations for General Permits.

Stakeholders voiced support for the language included in this Action recommendation which called for making "cumulative impact analysis available for public review prior to GP implementation." Such public review was felt to be justified and a good idea.

Alaska Specific Action 4: Develop Circle General Permits for Alaskan communities.

Several comments were made questioning the Circle General Permit concept. These included:

- * Circle GPs need to be defined and better explained before they can be evaluated;
- * Why are GPs including Circle GPs needed since system is working fine now;
- * Concept calls for too many leaps of faith and stakeholder was against such permits.
- * Circle GP process needs to incorporate local involvement if it is to be pursued; and
- * Strike Circle GP recommendation since it appears to be a mechanism for destroying wetlands.

General Comments:

- * A comment was made that some areas may not be appropriate for encouraging advance planning in accordance with the first recommendation in the Administration Plan section; and
- * A definition of "minimal impact" was also requested since different parties have dramatically different views of what "minimal impact" means.

ISSUE PAPER 4: STATE, LOCAL, AND NATIVE ROLES

The discussion focused on the need to provide for stronger roles for State, local, and Native representatives in Alaska wetlands management. It was recommended that the process structurally provide for local involvement. In this way, the opportunity to be involved would be guaranteed. A stronger partnership between the Federal government and the State was also suggested. It was assumed that a close Federal/State partnership could lead to State assumption of wetlands management. The participants agreed that the Federal government needed to establish a better partnership with bush communities and Native entities. It was also suggested that the Corps increase personnel available in bush communities. Some stakeholders voiced opposition against more GPs and Circle GPs even though they provide for local participation.

Administrative Plan 3: Increase deference to State, Tribal, regional, and local wetlands decisionmaking.

A strong concern was raised that participants could not endorse providing Programmatic General Permits to local governments or entities which enable them to take over the permit process without knowing the specific circumstances provided for in the guidance referenced in the Plan recommendation. Participants need an opportunity to comment on the guidance before endorsing letting local entities assume control of the program.

ISSUE PAPER 2: SPECIAL ALASKA CIRCUMSTANCES -- LEGAL ISSUES

The discussion focused on the need to encourage Native involvement in the permit process and improve the dialogue with Native entities. It was recommended that the Issue Paper put more emphasis on encouraging communication with Native entities. A recommendation, though not a consensus, was also made that more Corps personnel should be placed in the bush to increase communication and program effectiveness.

The possible special status of statehood grant lands, mental health lands, Alaska Native Claims Settlement Act (ANCSA) lands, and other grant lands was raised. A stakeholder indicated that such lands were conveyed to provide for economic development and since so much acreage was impacted by wetlands, it was incumbent upon the Federal government to compensate the State, Natives, or other owners with more land or money. The Corps representative indicated that a legal review of this subject found no legitimate exemptions and that the grant land status did not provide for a

special exemption status related to wetlands management. Participants agreed that the Issue Paper needs to directly respond to the special status argument and explain the legal findings regarding the exempted status claim for grant lands. Comments also indicated that there was more concern about future wetlands policies impeding economic development on grant lands than the existing policies.

A stakeholder questioned why EPA and the Corps are attempting to make the wetlands permit process more lenient. Since few permits are currently denied, the concern should be oriented toward protecting the wetlands. Another stakeholder indicated that the process is cumbersome and expensive. A stakeholder responded that the permitting process existed to assure that new development is not harmful and thus the expense is justified. The EPA representative clarified that the proposed changes are oriented toward streamlining procedures and allocating resources to higher priority wetlands rather than weakening the regulations.

**ISSUE PAPER NO. 10: WETLANDS INVENTORY,
CLASSIFICATION, AND CATEGORIZATION**

Support was voiced for the Alaska Specific Actions.

Alaska Specific Action 1: Support efforts to identify and collect wetlands data in focus areas (watersheds) where development is likely to occur.

A recommendation was made that this Action be expanded to include the use of local, State, and other entity wetlands information and information systems. The Action recommendation should not be limited to Federal agencies.

Alaska Specific Action 3: Accelerate the National Wetlands Inventory mapping project.

A comment was made that the accelerated National Wetlands Inventory mapping project was not the mechanism to incorporate more detailed wetlands information being developed on a local basis. It was recommended that this be recognized in this Action.

Alaska Specific Action 5: Continue to support activities related to comprehensive wetlands planning.

A comment was made that the use of the word "comprehensive" in "comprehensive wetlands planning" could refer to the giveaway of low and high value wetlands.

Water Dependency:

It was suggested that a new Alaska Specific Action be added to either Issue Paper 10 or Issue Paper 9. This Action should provide a definition of "water dependency" and address how this concept will be used in the wetlands management program.

ISSUE PAPER 5: THE INDIVIDUAL PERMIT PROCESS

The stakeholder representing oil and gas interests made a few suggestions including placement of more emphasis on some form of coordinated permit review process, the need to improve the process and make it more predictable, and the inclusion of some elevation process prior to permit approval.

Administration Plan 2: Adopt an appeals process for jurisdictional determinations, permit denials, and administrative penalties.

Some stakeholders recommended that the proposed appeals process, which only provides for the applicant to appeal, be expanded to provide an appeal right to all affected parties. Other stakeholders disagreed with this recommendation. Another suggestion regarded clarifying that the appeals process should also apply to permit conditions as well as the permit decision. The Corps representative was asked why an expanded appeal process was not included in the Administration Plan recommendation since it had been discussed in the first series of roundtable meetings. It was recommended that the revised Issue Paper discuss these recommendations. The Corps representative recognized that the Administration Plan did not reflect this input and that it would be reflected in the revised Issue Paper.

ISSUE PAPER 9: ADVANCE PLANNING AND WATERSHED MANAGEMENT

Comments included:

- * A working definition of "watershed" is needed throughout the document;
- * It was recommended that a separate Alaska Specific Action provide a general statement regarding watershed planning for Alaska and the definition of watershed;
- * Local entity involvement in wetlands planning should be structured to take place automatically as a part of the Federal planning process.

Alaska Specific Action 1: Provide greater emphasis on the use of advanced planning mechanisms.

This Action recommendation should refer to both specific and comprehensive advance planning. In the second line after "greater use of" insert "specific and," and then continue the line with "comprehensive advance planning;"

FINAL COMMENTS

Participants gave final comments which included the following ideas:

- * Most of the issues and recommendations in the Issue Papers do not reflect a stakeholder consensus;
- * There is a need to revise the drafts and clarify the analysis, recommendations, and Alaska Specific Actions. The draft has a lot of ambiguity and lack of clarity.
- * Combine issues or recommendations where possible to avoid confusion;
- * This process seems more designed to streamline the effort required to get a permit rather than follow the mandate to protect wetlands;
- * One stakeholder wanted the record to show that no net loss as a pure policy does not work in Alaska and to emphasize that a part of the problem is our need to provide basic services in rural communities.

Following the final comments, the wetlands roundtable discussion was adjourned at 5:10 p.m.

FACILITATED ALASKA WETLANDS ROUNDTABLE DISCUSSION
SECOND SERIES

Bethel Summary Report
January 6, 1994

This facilitated Alaska wetlands roundtable discussion took place in Bethel, Alaska, on January 6, 1994, at the Kuskokwim Campus. The roundtable discussion was sponsored by the U.S. Army Corps of Engineers (Corps) and the U.S. Environmental Protection Agency (EPA). The discussion took place between various invited stakeholders representing interest groups with a stake in the management of Alaska wetlands.

The stakeholder interest group participants included: Ms. Diane Carpenter (Development interests), Mr. Tony Turrini (Environmental), Mr. David McGillivray (Federal resource agencies), Mr. Tom Bouillner (Municipal government), Mr. Nelson Angapak, Sr. (Native), Mr. Mike Joyce (Oil and gas), Dr. Paul Rusanowski (State of Alaska), and Ms. Karen Cowart (Tourism).

The meeting was facilitated by Mr. Dave Hanson of Arktos Associates with assistance provided by Ms. Niki Stewart. Mr. Al Ewing of the U.S. Environmental Protection Agency and Mr. Bob Oja of the U.S. Army Corps of Engineers were present as observers and to provide technical information or program clarification as needed. Mr. John Gooden, representing the White House Interagency Working Group on Wetlands, Washington, D.C., was also present as an observer.

The purpose of the roundtable discussion was to obtain input from the primary wetlands stakeholders in Alaska on 11 draft Issue Papers prepared by EPA and the Corps based upon input received during the first series of wetland roundtable discussions and public comments. The 11 Issue Papers are entitled Alaska Wetlands Initiative Public Review Draft Issue Papers, December 17, 1993. The cover page of the document also contains a qualification reading, "This document was prepared to facilitate discussion. It does not represent agency conclusions."

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the right issues? Was the stakeholder concern accurately portrayed? Do the proposed actions adequately address the identified concern? What changes are needed? Does a stakeholder consensus exist that certain Issue Papers or suggested actions are adequate? Does a stakeholder consensus exist that certain Issue Papers need to be changed and/or recommendations altered? Are there important technical errors that need to be corrected?

In the following Issue Paper sections, all "Administration Plan" and "Alaska Specific Action" recommendations are excerpted from the referenced Issue Paper in the Alaska Wetlands Initiative Public Review Draft Issue Papers document. Only the first line of the specified "Administration Plan" or "Alaska Specific Action" recommendation paragraph is restated. The applicable stakeholder comments follow these excerpts and refer to the entire specified recommendation paragraph.

STAKEHOLDER ISSUE PAPER PRIORITIES

The wetlands roundtable discussion began around 9:10 a.m. The stakeholders were first asked to identify their priorities for Issue Paper discussions based upon the Issue Papers they felt needed the most changes and/or additions. The stakeholders were also asked to identify Issue Papers which appear to be adequate and should receive a low priority for discussion consideration during the session. As a result of this stakeholder input, the Issue Paper discussion priorities were set as follows: Issue Paper 1, No Overall Net Loss of Wetlands Goal; Issue Paper 7, The Mitigation Sequence; Issue Paper 8, Compensatory Mitigation; Issue Paper 2, Special Alaska Circumstances - Legal Issues; Issue Paper 4, State, Local, and Native Roles; Issue Paper 6, Alternative Permit Processing Procedure; and as low priorities, Issue Paper 10, Wetlands Inventory, Classification, and Categorization and Issue Paper 11, Outreach and Education. Three Issue Papers were not identified for discussion.

ISSUE PAPER 1: NO OVERALL NET LOSS OF WETLANDS GOAL

Analysis and Proposed Recommendations for Discussion, p. 4, ¶ 1:
General discussion of no net loss goal.

Several stakeholders indicated that the no net loss Issue Paper was vague and ambiguous regarding the implementation of the no net loss goal in Alaska. Stakeholders focused comments on the first paragraph of the "Analysis and Proposed Recommendations for Discussion" section on p. 4 and specifically the sentence,

"Experience has demonstrated that Alaskan climate and geography, among other factors, generally preclude attainment of no net loss of wetlands through restoration and creation of wetlands." Commentors asked several questions including, "What does this sentence mean?" "Are we trying to achieve or not trying to achieve no net loss in Alaska?" It was re-emphasized that a straight statement on a no net loss policy was needed and that the analysis section was incomplete and unclear.

Several suggestions were made regarding what the no net loss policy in Alaska should be. These included:

- * A clear statement that no net loss is not achievable in Alaska;
- * Focus on no net loss as a national goal and Alaska program has flexibility to work within this national context, but opposed to saying no net loss goal can't work in Alaska;
- * The application of no net loss should be limited to higher value areas;
- * The no net loss goal should be applied on a value-for-value basis rather than an acre-for-acre basis;
- * A recognition that it is a goal and not a requirement or mandate and should only be viewed as a target; and
- * Its purpose is just to retain general functional values of regional wetlands.

Specific language changes and clarifications were suggested for the first paragraph of the section "Analysis and Proposed Recommendations for Discussion." These included:

- * The "other factors" referred to in the "Experience has demonstrated" sentence should be defined and reference be made to "human" factors;
- * The paragraph should clearly state that no net loss does not refer to an acre-for-acre policy nor a mandate, but only a national goal;
- * A statement is needed that no net loss is a "target to retain functional values within a regional perspective;"
- * Need to tie Alaska Specific Actions to the nation as a whole, but not burden Alaska with lower 48 goals, such as no net loss; and

- * The relationship between the Alaska wetlands policy and the national no net loss goals should be clearly stated.

Administration Plan 1: Develop improved analytical tools for wetlands functional assessment.

Several comments were made regarding the referenced Hydrogeomorphic Classification System (HGM). A stakeholder asked whether there are guidelines for HGM development and which agencies or parts of the academic community are involved in their development and review. Another participant suggested that any functional wetlands assessment system must include cultural and community use components. Others felt that community values should not be included in the identification tools for wetlands since that would open it up to local politics. It was recommended by some that an Alaskan Specific Action be added to explain this Administration Plan recommendation and how it relates to Alaska. It was felt that both the Alaskan differences as well as regional differences within Alaska should be recognized by the classification system.

Administrative Plan Addition:

A general comment was made that an additional paragraph should be added to p. 4 regarding the Administration Plan which indicates how the Administrative Plan will specifically recognize Alaska's unique circumstances.

Alaska Specific Action 1: Develop interagency guidance to clarify how physical circumstances in Alaska such as the extent and type of wetlands affect the determination of "practicability" under the Guidelines mitigation requirements.

Comments made regarding the last sentence of this recommendation concerning the need or lack of need for additional "guidance" clarification included:

- * The guidance discussion needs additional clarification and should provide details regarding what the target is and how we get there;
- * Need to clarify who guidance is for and what it will be;
- * Additional categorical clarifications and guidance is not needed since we have plenty of guidance now through the existing Memorandum of Agreements (MOAs). Case-by-case evaluation works fine and the stakeholder was opposed to any new categorical clarifications;

- * Existing and additional guidance documents are not effective, and new enforceable legal agreements are needed; and
- * Rewrite existing guidance for greater clarity.

Comments were also made about the first sentence regarding confusion about how each agency addresses wetlands issues. It was recommended that there be one designated lead agency and that three other agencies provide comments to the lead agency within specific timeframes.

Alaska Specific Action 2: Recommend that the Executive Order on wetlands articulate the flexibility in implementing the Administration's goal of no overall net loss of the Nation's wetlands to reflect particular circumstances in Alaska.

Comments included:

- * Several stakeholders supported the inclusion of an Alaska specific section in the Executive Order and one stakeholder did not feel it was necessary;
- * It was suggested that MOA footnote 7 be used to describe particular Alaska circumstances and the application of the no net loss goal in Alaska;
- * Language should be inserted after the word "implemented" in the last sentence of the recommendation, which states, "To retain wetland functions from a regional perspective or on a regional basis." This language would clarify that no net loss should not be implemented on a case-by-case or acre-per-acre basis. This recommended language insertion was specifically opposed by one participant;
- * No net loss goal should be pursued, not implemented, since it is not attainable; and
- * Make Executive Order a reality which will be implemented through provision of appropriate regulations. Executive Order must include special Alaska provision. One participant opposed having a specific Alaska provision and did not feel additional regulation was needed. Most participants supported the need for a special provision in the Executive Order.

Alaska Specific Action 3: Develop interagency guidance to clarify how circumstances in Alaska, such as the abundance of wetlands, can reduce opportunities to avoid impacts to wetlands and affect how rigorously alternatives are evaluated.

Comments included:

- * Support this recommendation, but need additional mechanisms or agreements to ensure that it is implemented;
- * The effectiveness of this approach was questioned since it only results in guidelines and not regulations;
- * One participant opposed recommendation since there is already enough guidance and that this may be turning into a categorical exemption; and
- * The agencies were cautioned that this recommendation should be consistent with NEPA and its implementing regulations.

Alaska Specific Action 5: Recommend written partnerships be established between the Corps and all interested stakeholders on Section 404.

The main comment regarded the need to provide additional detail on what the agencies expect out of the partnership, how it would operate, and how it relates to the 404 program.

ISSUE PAPER 7: THE MITIGATION SEQUENCE

"Analysis and Proposed Recommendations for Discussion" on p. 43, ¶ 1:

Comments included:

- * Completely support last full sentence on p. 43 that no specific wetland exemptions are needed from the mitigation sequence due to the inherent flexibility of the mitigation sequence program;
- * Flexibility in mitigation sequence should be defined;
- * Last sentence on p. 43 needs additional clarification and needs to be supported by the codification of the language in the MOA;
- * Need additional use of flexibility and assurance of flexibility. Some form of elevation system with specific timelines was suggested;

- * Remember that the purpose of the program is to protect wetlands, not make it easy to get permit;
- * Need to address relationship of mitigation to existing General Permits (GPs). The Corps made a clarification that the word "flexibility" may be misleading and the word "program efficiency" may be more appropriate since it doesn't imply less protection;
- * Not assuming any weakening of wetlands protection through GPs, but rather better efficiency; and
- * Need to place additional emphasis on relative value of wetlands. If a wetland is valuable, it may need compensatory mitigation. Analysis section needs to put more emphasis on a sensitivity to the relative value of wetlands when mitigation sequencing is applied.

Alaska Specific Actions 1 and 2:

An observation was made that the first two Alaska Specific Actions are duplicates of the first two Actions under Issue Paper 1 which was already discussed. Comments from the Issue Paper 1 discussion regarding these Actions should equally apply to Issue Paper 7.

Role of Wetland Functions:

A discussion focused on the appropriate role of wetlands functions. It was suggested that protection of wetlands functions within a region should be the target. If the functions within a region were not impaired on a regional basis, there should be no need for compensatory mitigation. Another stakeholder opposed this view since a loss of some wetlands may still hurt the function of the wetlands in a small part of the region even though it doesn't significantly impair the role of wetlands in the full region. If the wetlands function in a small part of the region is impacted, some loss has occurred and compensatory mitigation may be needed. On the other hand, if it is agreed that no functions or values are lost on a case-by-case basis, it can be agreed no compensatory mitigation is needed.

The Corps representative clarified that compensatory mitigation is not decided solely by the loss of functions and possible loss of wetland values. Even though 50% of the wetland permit cases may impair wetland functions or values, compensatory mitigation may not be applied since it is not "practicable." Another participant stated that it is extremely difficult to come up with any clear requirements regarding compensatory mitigation since there are so many variables and different factors in each

case. Another comment focused on the need to look at the wetlands project, both in the context of the whole wetlands area and on a case-by-case basis.

Mitigation Sequencing Predictability:

The discussion also focused upon the lack of predictability in the mitigation sequencing process. The discussion indicated that it was not possible to provide for such predictability or certainty since the program was subject to flexibility and many variables. In addition, assurance of predictability is different from assuring that the wetlands management program is fair. One participant emphasized that the program was very fair and that the wetlands management program had to be viewed in a totality rather than on one characteristic such as predictability.

Preliminary Determination Evaluation:

A suggestion was made that the preliminary determination evaluation completed by the Corps of Engineers should be made public at the beginning of the permit process. The Corps representative responded that such an action would give the developer the ability to claim that his permit application was prejudged before going through the process.

Alaska Specific Action 3: Issue a Special Public Notice (or Local Supplement to the Mitigation MOA) on application of the mitigation sequence in Alaska.

It was recommended that this Action be included in Issue Paper 11, which addresses outreach and education. The need for additional education and understanding of the program through measures such as public notices was also emphasized.

Alaska Specific Action 4: Acknowledge pre-application avoidance and minimization efforts.

Stakeholders supported this recommendation and suggested that it be incorporated into the Executive Order. It was suggested that additional emphasis be placed on the pre-application meeting and making it available to permit applicants. It was felt that the convenience and usefulness of the pre-application meeting should receive greater emphasis in publications and notices. Another participant recommended that one day a week be set aside for pre-application meetings with applicants.

Additional Alaska Specific Recommendation:

It was suggested that the accelerated restoration/rehabilitation recommendation set forth under Issue Paper 8, Compensatory Mitigation, also be set forth under Issue Paper 7 as an additional recommendation. It was explained that the word "restoration" referred to restoring a development area to its original condition whereas, "rehabilitation" could either mean restoring it to original condition or to some other enhanced condition.

ISSUE PAPER 8: COMPENSATORY MITIGATION

Alaska Specific Action 2: Recommend that the Executive Order on wetlands articulate the flexibility in implementing the Administration's goal of no overall net loss of the Nation's wetlands to reflect particular circumstances in Alaska.

It was recommended that Alaska needs its own Alaska specific Executive Order which would recognize that the differences between the regions of Alaska need to be specifically considered in the wetlands permit process.

Alaska Specific Actions 4 and 6: Develop minesite reclamation guidelines and develop and implement bonding procedures for restoration/reclamation projects.

Participants were concerned about these recommendations since the State already has reclamation and bonding requirements. Agency representatives explained that the permit program would piggyback on the State reclamation and bonding mechanisms. Additional requirements would only be added if they were specifically needed.

The discussion indicated that more explanation was needed under both the reclamation and bonding recommendations to clearly indicate that existing mechanisms would be used to the extent possible.

Alaska Specific Action 4: Develop minesite reclamation guidelines.

It was recommended that the three words "particularly in circumstances" be removed from the next to the last line of this recommendation. The three words immediately follow the words "mitigation requirements." A stakeholder questioned whether or not reclamation could be considered compensatory mitigation. Another participant suggested that a new category of land was needed called "borrowed lands" to deal with wetlands which were temporarily used

for industrial development. Another stakeholder claimed that compensatory mitigation should not be required for Alaska Native Claims Settlement Act (ANCSA) land mining operations.

Alaska Specific Action 5: Develop accelerated restoration program for oil and gas projects.

It was suggested that the Accelerated Restoration Program be renamed Accelerated Rehabilitation Program since "Restoration" limits it to restoring the developed area to its original condition, whereas "Rehabilitation" also provides for restoring an area to an enhanced condition. The discussion also focused on whether accelerated rehabilitation was an adequate compensatory mitigation measure. One participant felt that it should not replace compensatory mitigation obligations though it may contribute to the total mitigation package. Stakeholders felt this recommendation needed to address the role of accelerated rehabilitation and whether it is viewed as compensatory mitigation or as just part of the mitigation package. Additional explanation is also needed for the word "considered." In general, the meaning of this recommendation should be explained as specifically as possible.

Alaska Specific Action 6: Develop and implement bonding procedures for restoration/reclamation projects.

The discussion again emphasized the need to clarify bonding procedures regarding piggybacking on existing regulations. It was also suggested that bonding requirements should not refer just to mining, but should be applied across the board for all appropriate development projects. A strong statement of support for the use of bonding was expressed by one participant. A clarification was also made that bonding was supported as a tool rather than as a mandated requirement.

New Mitigation Banking Requirement:

A stakeholder recommended that a new mitigation banking requirement be included which would require oil and gas interests to buy mitigation credit in other states to provide for compensatory mitigation. Much of the discussion focused on mitigation banking in Alaska and/or mitigation banking outside of Alaska. One participant indicated opposition to any mitigation banking requirement whether it was inside or outside of Alaska and proposed that accelerated rehabilitation could take care of oil industry compensatory mitigation needs. The participant did not feel it was equitable to have the oil industry developer clean up another entity's mess to compensate for its own work. The State representative indicated opposition to any type of out-of-state

mitigation banking, but indicated that the State wants to promote mitigation banking in the State but that mitigation banking should be an alternative for compensatory mitigation, not a requirement. The oil industry representative again indicated that the industry was against mitigation banking and did not ever feel it would be needed for mitigation on the North Slope.

Alaska Specific Action 8: Assess the effectiveness of mitigation efforts in Alaska.

It was suggested that in addition to evaluating the effectiveness of compensatory mitigation, the evaluation should look at the effectiveness of avoidance and minimization efforts in Alaska. It was also suggested that this recommendation be added as an additional paragraph to Issue Paper 7 without its last sentence. Stakeholders requested active involvement as interested parties in the effort to assess the effectiveness of mitigation techniques.

The meaning of the last line of this Action paragraph was questioned and clarification requested. It was suggested that this last sentence does not fit as part of this Alaska Specific Action and may not be feasible. A separate Action paragraph was recommended to call for follow-up studies to assess the effectiveness of past and future options regarding mitigation efforts. The U.S. Fish & Wildlife representative indicated a desire to have a major role in this development and that the new Action should include coming up with a specific guidelines document.

MISSING ISSUES AND QUESTIONS

Stakeholders were given an opportunity to share any general concerns regarding the Issue Papers or process. Comments included:

- * A greater effort is needed to get local participants representing each of the stakeholder interest groups. This would allow a greater diversity of input from the different regions of the State;
- * The Issue Papers should cross-reference duplicate recommendations so the reader is aware certain recommendations are included under more than one issue; and
- * A separate Issue Paper might be required to address the responsibilities of the various agencies and ways in which their interactions could be improved to improve the efficiency of the program.

ISSUE PAPER NO. 4: STATE, LOCAL, AND NATIVE POLES

Existing Program Description:

A Corps of Engineers representative suggestion that a description of existing programs be provided at the beginning of the Issue Papers was well received by the participants. It was felt that such a description would be a good addition.

Administration Plan:

All six recommendations under the Administration Plan focus on State, Tribes, and local governments taking a stronger role in wetlands protection. Several participants voiced strong support for this direction. However, participants felt there should be a stronger commitment in terms of financial assistance and true partnership to make this participation real.

It was emphasized that communities want to have a voice in the permitting process and that local planning should be a clearly identified step in the process. When such planning is completed, it should be used as a basis for actions in a local community. Anxiety was expressed about possible changes in the future which may remove current program flexibility and the new emphasis on sharing responsibility with Tribes and local communities.

Alaska Specific Actions: Additional Action paragraphs.

A comment was made that though all six Administration Plan recommendations call for involvement of Tribes and Native entities as well as local governments, no Alaska Specific Actions address inclusion of Tribes in the program. It was strongly recommended that an Alaskan Specific Action be added which addresses the involvement of Native corporations and Tribes in the program.

A concern was raised that the Alaska Specific Actions failed to discuss dollars or personnel required to assist local involvement in the program. It was suggested that an additional Action paragraph be added to the Alaska Specific Action section which addresses the need for monetary support to educate local participants to take over management and enforcement of the permit program in local areas.

Alaska Specific Action 1: Develop regional General Permits.

Some stakeholders envisioned General Permits (GPs) as a possible vehicle for local assumption of permit management in a local area. It was noted that Tribal entities can assume 404

programs. One participant who supports local program assumption opposed the use of regional GPs as the vehicle. Other participants supported GPs, especially for specific purposes, such as housing, public works, and utilities across a bush area. It was also noted that GPs should not be assumed to result in environmental degradation and that many local area permits are well administered. It was further noted that a GP is granted for a limited amount of time and that the Corps has the ability to reassess the permit during its term or at renewal.

Concern was expressed that GPs could be used to shortcut the process to the detriment of local wetlands. Further discussion clarified that much of the concern about GPs was focused on GPs for large cities. GPs for specific activities such as building houses or putting in water and sewer or for small limited areas engendered much less concern. One participant suggested that GPs be restricted to limited impact activities. Other participants felt that GPs could be appropriately used for village or rural regional areas.

Alaska Specific Action 2: Develop Circle General Permits for Alaskan communities.

Though some participants supported the Circle General Permit concept, participants indicated the Circle GP recommendation needed additional explanation and clarification. The discussion indicated that the Circle GP was probably most appropriate for small rural communities. Thus, a population cap was recommended to limit program application to smaller communities.

Questions were raised about the necessity of Circle GPs and one participant did not feel they were needed. The statement was made that other existing mechanisms such as General Permits for housing, sewer and water projects, or small community GPs, already meet the needs served by the proposed Circle GPs. Other participants responded that a Circle General Permit concept could be useful if it covered several small adjacent villages and enabled them to work together. A Circle GP could provide a basis for integrated planning between the villages, management economies of scale, shared local enforcement efforts, and acceptance of preset conditions regarding permit limitations and responsibilities.

Other concerns identified regarding Circle General Permits included:

- * The need for financial assistance at the beginning if the permit was going to result in real local participation;
- * A lack of resources to complete advance identification of low value wetlands;

- * The need to inter-relate any low value wetlands planning with total watershed planning discussed in Issue Paper 9;
- * Circle General Permits should not be used as a guinea pig which is allowed to exist for five years without good Corps oversight; and
- * A shorter initial timeframe for Circle GPs is probably appropriate.

Other participants indicated that a Circle GP is viewed as a good vehicle for local involvement and shared responsibility in the permitting process.

Alaska Specific Action 5: Recommend written partnerships be established between the Corps and all interested stakeholders on Section 404.

Though participants supported this recommendation, the agencies were urged to make this recommendation real. It was suggested that true partnerships should be established that allow a local hand in community development decisions. It was also suggested that any partnership must be backed up with financial and technical support. EPA and the Corps representatives invited stakeholders to put specific recommendations in writing. A final comment indicated that the Coastal Zone Management Program has an assistance process that could be a model for local partnership assistance.

ISSUE PAPER NO. 6: ALTERNATIVE PERMIT PROCESSING PROCEDURES

Analysis and Proposed Recommendations for Discussion, p. 37, ¶1:

This paragraph indicates that the Corps' ability to monitor activities authorized by a General Permit is by necessity limited. It was suggested that the use of Circle GPs, which combine several communities and provide for self-monitoring, could significantly improve monitoring of wetlands permitting in rural areas. It was also indicated that the GP in the Bethel area was working well and that involvement of the local communities could result in better enforcement. The use of additional advanced planning to help reduce the need for monitoring was also discussed.

Alaska Specific Action 1: Expedite development of Abbreviated Processing Procedures.

Some participants indicated that General Permits should be expanded beyond covering water and sewer or public housing. A stakeholder indicated that a GP should cover a category of related activities, such as all public health related facilities including sewer and water in a rural area. Another participant urged the use of Abbreviated Processing Procedures (APPs) for North Slope oil development activities. Another participant disagreed and felt that APPs may be appropriate for sewer and water, but were not appropriate for commercial developments and large industrial projects such as oil and gas development. This disagreement regarding the appropriateness of APPs for certain types of development was not resolved.

Alaska Specific Action 3: Conduct cumulative impacts evaluations for General Permits.

This Specific Action adds a step in proposed GP application processes which would make the cumulative impact analysis of the General Permit available for public review prior to approval of the GP. This change was supported and wide distribution of such impact analyses encouraged. It was suggested that a comprehensive analysis of impacts associated with different GPs be completed and published. Participants also discussed the use of the word "summary" analysis in the recommendation's final sentence. It was felt that the impact analysis which is distributed should not be only a summary analysis, but rather should be a comprehensive analysis. It was suggested that the word "comprehensive" replace the word "summary."

Additional Specific Action: Elevation Process.

It was suggested that a structured elevation process with set timelines be developed as a part of a permit application review process. This elevation process would be related to specific steps in the permit review process with the applicant included in each step. The Corps representative responded that such an elevation process would greatly reduce permit review efficiency. A participant disagreed with this conclusion and another stakeholder voiced support for the elevation process.

Alaska Specific Action 4: Develop Circle General Permits for Alaskan communities.

The Circle GP recommendation is a duplicate and the comments on the concept in Issue Paper 4 should also apply to this recommendation. A stakeholder made an additional suggestion that

Circle GPs should not require compensatory mitigation for low value wetlands.

ISSUE PAPER 2: SPECIAL ALASKA CIRCUMSTANCES -- LEGAL ISSUES

The Native interest representative (representing the Alaska Federal of Natives - AFN) made reference to the preface of the Issue Papers where it stated that the agencies would initiate meetings with different stakeholders including representatives of Native villages. The Native interest representative indicated that no Native villages had been invited even though 209 villages and 208 village corporations exist. He indicated that an AFN representative was not adequate for providing true representation of the villages. Another stakeholder explained that many times the villages had no idea what was going on in Bethel and that village invitations were needed in certain situations.

Administration Plan 2:

This recommendation calls for the Federal government to expand partnerships with State, Tribal, and local governments, the private sector and individual citizens and to approach wetlands protection and restoration in an ecosystem/watershed context. Though participants supported this approach, they felt the recommendation needed additional information on the nature of the partnerships and the types of action that could be taken.

Alaska Specific Action 2: Propose the development of additional General Permits.

It was recommended that this Action be added to the recommendations in Issue Paper 6. A stakeholder noted that General Permits and Alternative Permit Processes were especially appropriate for oil and gas operations. Another comment emphasized the need for a better explanation and justification in this Issue Paper for the development of additional GPs. Clarification is needed to define and better explain APPs.

Alaska Specific Action 3: Continue to consider the public interest in Section 404 permit actions.

Comments emphasized that local villages and communities needed to have maximum input into the permit process for their areas. It was suggested that this recommendation include a detailed

explanation and more specifics regarding local landowner, Native village, and local resident participation in the process.

Legal Exemption Issues:

Stakeholders noted that the Alaska Specific Actions do not address the legal issues reviewed in the text of this Issue Paper. An important issue which needs more explanation and specific recommendation regards the possible special status and exemptions for State and/or Native lands from permit requirements.

Following closing comments, the second Bethel wetlands roundtable discussion was adjourned at 5:10 p.m.

FACILITATED ALASKA WETLANDS ROUNDTABLE DISCUSSION
SECOND SERIES

Fairbanks Summary Report
January 11, 1994

This facilitated Alaska wetlands roundtable discussion took place in Fairbanks, Alaska, on January 11, 1994, at the Captain Bartlett Inn. The roundtable discussion was sponsored by the U.S. Army Corps of Engineers (Corps) and the U.S. Environmental Protection Agency (EPA). The discussion took place between various invited stakeholders representing interest groups with a stake in the management of Alaska wetlands.

The stakeholder interest group participants included: Mr. Karl Hanneman (Development interests), Mr. Larry Landry (Environmental), Ms. Jeanne Hanson (Federal resource agencies), Mr. Pat Smith (Municipal government), Mr. Nathan Bergerbest (Native), Mr. Mike Joyce (Oil and gas), Mr. Dick Bishop (Sport fishing), Mr. Jules Tileston (State of Alaska), and Ms. Nancy Lethcoe (Tourism).

The meeting was facilitated by Mr. Dave Hanson of Arktos Associates with assistance provided by Ms. Niki Stewart. Mr. Al Ewing of the U.S. Environmental Protection Agency and Mr. Bob Oja of the U.S. Army Corps of Engineers were present as observers and to provide technical information or program clarification as needed. Ms. Cheryl Smith, representing the White House Interagency Working Group on Wetlands, Washington, D.C., was also present as an observer.

The purpose of the roundtable discussion was to obtain input from the primary wetlands stakeholders in Alaska on 11 draft Issue Papers prepared by EPA and the Corps based upon input received during the first series of wetland roundtable discussions and public comments. The 11 Issue Papers are entitled Alaska Wetlands Initiative Public Review Draft Issue Papers, December 17, 1993. The cover page of the document also contains a qualification reading: "This document was prepared to facilitate discussion. It does not represent agency conclusions."

The stakeholders were asked to provide input on how well the draft Issue Papers characterized their concerns and how well the proposed recommendations responded to those concerns. Specific questions set forth to help focus discussion included: Are these

the right issues? Was the stakeholder concern accurately portrayed? Do the proposed actions adequately address the identified concern? What changes are needed? Does a stakeholder consensus exist that certain Issue Papers or suggested actions are adequate? Does a stakeholder consensus exist that certain Issue Papers need to be changed and/or recommendations altered? Are there important technical errors that need to be corrected?

In the following Issue Paper sections, all "Administration Plan" and "Alaska Specific Action" recommendations are excerpted from the referenced Issue Paper in the Alaska Wetlands Initiative Public Review Draft Issue Papers document. Only the first line of the specified "Administration Plan" or "Alaska Specific Action" recommendation paragraph is restated. The applicable stakeholder comments follow these excerpts and refer to the entire specified recommendation paragraph.

STAKEHOLDER ISSUE PAPER PRIORITIES

The wetlands roundtable discussion began around 9:10 a.m. The stakeholders were asked to identify priorities for Issue Paper discussions considering which Issue Papers they felt needed the most changes and/or additions. The stakeholders were also asked to identify Issue Papers which appear to be adequate and should receive a low discussion priority. As a result of this stakeholder input, the Issue Paper discussion priorities were set as follows: Issue Paper 1, No Overall Net Loss of Wetlands Goal; Issue Paper 8, Compensatory Mitigation; Issue Paper 11, Outreach and Education; Issue Paper 6, Alternative Permit Processing Procedure; Issue Paper 7, The Mitigation Sequence; Issue Paper 10, Wetlands Inventory, Classification, and Categorization; Issue Paper 4, State, Local, and Native Roles; Issue Paper 2, Special Alaska Circumstances -- Legal Issues; and Issue Paper 3, Special Alaska Circumstances -- Physical Environment. Issue Papers 5 and 9 were not identified for discussion.

ISSUE PAPER 1: NO OVERALL NET LOSS OF WETLANDS GOAL

Alaska Specific Action 1: Develop interagency guidance to clarify how physical circumstances in Alaska such as the extent and type of wetlands affect determination of "practicability" under the guidelines mitigation requirements.

Comments included:

- * The term "practicable" should include consideration of the costs associated with mitigation and the benefits gained for those costs;
- * The term "practicable" should not only consider cost to applicants, but also the costs and benefits of the wetlands development to other affected industries such as tourism, commercial fishing, etc. and the general public;
- * Need to clarify whether the last line of this recommendation changes the mitigation sequence. If this isn't the case, it needs to be reworked to show that avoidance is still the first step and that the mitigation sequence still applies; and
- * Take out the word "physical" in the first line of the recommendation since more than physical circumstances make Alaska different.

Participants discussed what type of "guidance" might result from this recommendation. Several concerns were noted such as concern that the guidance would make the program too weak or too strong, questions regarding whether the guidance would reflect existing policy or the policy evolving out of this Alaska wetlands initiative process, a comment that the document was too apologetic and a fear that the guidance would further weaken the program, and a comment that the guidance should specifically reflect Alaskan interests.

The discussion resulted in a group consensus on three points: (1) the proposed guidance should be completed and should reflect guidance for the future program based upon the existing program and any changes that evolve out of this Alaska wetlands initiative; (2) this guidance document should be subject to a public comment process; and (3) the stakeholders in the Alaska wetlands initiative should be involved in the process to formulate these guidelines.

No Net Loss Policy:

A discussion regarding the paper's treatment of the no net loss policy focused on the first two paragraphs under "Analysis and Proposed Recommendations For Discussion" on p. 4 as well as the need to adequately address the policy throughout the paper. Participants did not feel the paper adequately explained what the no net loss policy means for Alaska and how it will impact implementation of wetlands permit regulation in Alaska.

Comments included: The need to specifically state that we cannot meet a no net loss goal on an acre-per-acre basis; that no

net loss is a national policy so it is necessary to identify how Alaska relates to that policy and whether we are going to try to meet the goal or ignore the goal; no net loss is a goal and not a mandate; the agency should avoid doublespeak and clearly state what the policy is and how it conforms to the Alaska situation. Other comments emphasized the need for clearer recognition that Alaska is different and that the no net loss goal is not practicable here. The discussion emphasized the need to state what the no net loss goal is in Alaska, make clearer how Alaskan programs relate to this goal, and that the goal is oriented toward function and value of wetlands and not acre-for-acre. Clear delineation of the relationship of the Alaska permit program to the no net loss goal will likely ease anxiety and misperceptions in the Alaskan community.

Mitigation Sequence Clarification:

The question was raised whether the term "practicable" (p. 1, ¶ 2) applies to the minimization step of the mitigation sequence as well as to the avoidance and compensatory mitigation steps. The EPA representative indicated that the term "practicable" referred to all three steps and that the paragraph should be clarified.

Alaska Specific Action 2: Recommend that the Executive Order on wetlands articulate the flexibility in implementing the Administration's goal of no overall net loss of the Nation's wetlands to reflect particular circumstances in Alaska.

Participants indicated that the last sentence of this recommendation was too vague and needed to specifically state what "regional circumstances" means for Alaska. It was recommended that the paragraph be written clearly and specifically state the policy. It was suggested that the Executive Order make very clear what the goal is for Alaska and codify the language in footnote 7 of the Memorandum of Agreement (MOA) into a regulatory form to implement this action.

Alaska Specific Action 3: Develop interagency guidance to clarify how circumstances in Alaska, such as the abundance of wetlands, can reduce opportunities to avoid impacts to wetlands and affect how rigorously alternatives are evaluated.

A comment was made that the last four words of the last line of this recommendation should be changed. The stakeholder felt the emphasis should not be on low value aquatic areas where compensatory mitigation is not required, but rather on high value areas with protection specifically oriented toward such areas.

Alaska Specific Action 4: Develop accelerated restoration program for oil and gas projects.

The oil and gas interests representative requested that the recommendation refer to accelerated rehabilitation since restoration only refers to restoring the wetlands to their original condition when in certain cases the development site can be rehabilitated so that it is returned to a condition which is better than the original condition or some other enhanced condition.

Alaska Specific Action 5: Recommend written partnerships be established between the Corps and all interested stakeholders on Section 404.

A comment was made that this was a good idea, but that it should place additional emphasis on interaction between the regulators and the regulated as well as with the stakeholders.

Property Value Concern:

A comment was made that the loss of property values related to the wetlands permit program was strongly identified as an issue during the first series of meetings, but was not adequately addressed in the Issue Papers. Though the property value concern received mention in Issue Paper 2, the suggestion was made that it receive more emphasis and be addressed directly. If it is a perception problem rather than a real problem, that should be stated, supported, and a plan set forth to properly resolve any perception concerns. The issue could then be addressed under Issue Paper 11 which deals with outreach and public education.

ISSUE PAPER 8: COMPENSATORY MITIGATION

Alaska Specific Actions 1 and 2:

Alaska Specific Actions 1 and 2 which relate to developing interagency guidance and recommend that the Executive Order on wetlands articulate flexibility regarding Alaska circumstances are duplicates of the same two Alaska Specific Actions in Issue Paper 1 and Issue Paper 7. It was requested that the comments made during the Issue Paper 1 discussion on these two Alaska Specific Actions equally apply to these actions in Issue Paper 8 and Issue Paper 7.

Alaska Specific Action 4: Develop minesite reclamation guidelines.

Comments included:

- * Reclamation is already required so it should not count for compensatory mitigation credit;
- * Reclamation should not be used as compensatory mitigation since the wetlands resources are lost while the mining activity is ongoing and compensatory mitigation needs to compensate for this loss;
- * Action recommendation needs to clarify whether it is recommending that mining reclamation be used for compensatory mitigation or only as part of the mitigation process;
- * Reclamation can improve the landscape beyond what it was before the mining and compensatory mitigation credit should be given for such improvement;
- * Use of mining reclamation as compensatory mitigation should reflect a function and value rather than acre-for-acre approach; and
- * Need to be flexible in reviewing specific reclamation projects for mitigation credit.

A discussion regarding mining reclamation requirements and bonding requirements focused on the need to avoid duplication of existing processes. The Section 404 process should use and build upon existing processes rather than creating unnecessary duplication. The Issue Paper recommendation should clearly state that the program will consider and use existing processes and only add additional processes if it is necessary.

The stakeholders developed a consensus recommendation that the wetlands program use existing processes to the extent possible for reclamation and bonding and only add additional processes and requirements to the extent necessary to provide adequate protection.

Alaska Specific Action 5: Develop accelerated restoration program for oil and gas projects.

The stakeholder representing oil and gas interests requested that the term "accelerated restoration" be changed to "accelerated rehabilitation" since restoration only refers to returning a project site to its original state whereas rehabilitation refers to restoring the site to its original state or enhancing a site so that it is environmentally improved over what it was before the

development project. The stakeholder also clarified that some sites are not now required to be reclaimed or restored and that accelerated restoration in these situations would provide additional benefit. It was also clarified that accelerating the rehabilitation of a site (rehabilitating 10 or 15 years earlier than is required) provides an environmental wetlands benefit whereby the wetlands are restored at an earlier time. The stakeholder stated that accelerated rehabilitation following completion of avoidance and minimization steps should be enough for oilfield activities and that compensatory mitigation should not be required.

Other stakeholders expressed concerns about accelerated rehabilitation. It was indicated that if high value habitats were hurt by oilfield activity, it was appropriate for compensatory mitigation to take place. A clarification was noted that high value areas would only be hurt in a rare instance. Another concern was raised that accelerated restoration does not provide for any type of compensation for the period the wetland is used for development. A stakeholder indicated that the Corps may not be doing their job if a wetland was used without adequate compensation for the lost habitat. Another concern was raised that if accelerated restoration was used as compensatory mitigation, it would set a precedent and other projects using similar measures would undercut the meaning of compensatory mitigation. A question was raised regarding what is enough compensation for oil and gas development and that accelerated restoration may be a practical form of mitigation. The importance of assuring that the long-term productivity of a wetlands not be lost was emphasized by one stakeholder as being more important than short-term use.

Alaska Specific Action 6: Develop and implement bonding procedures for restoration/reclamation projects.

Comments on the bonding action included: Bonding should be applied across the board to assure that all project mitigation requirements are implemented rather than limiting it to only restoration and reclamation projects; bonding should be limited to long-term projects where the risk is greater that the follow through would not be completed rather than short-term projects; and existing bonding systems should be used to the extent possible and additional bonding requirements only added if necessary.

As was noted above under Alaska Specific Action 4, a consensus recommendation was made regarding use of existing bonding systems.

Alaska Specific Action 7: Establish mitigation banking pilot project.

Comments included:

- * Not sure pilot project needed and mitigation banking should not refer to oil industry projects;
- * Strong support expressed for mitigation banking both in and/or outside of Alaska;
- * Mitigation banking may not be a good idea if it detracts from advance planning and avoidance efforts for wetland projects;
- * Opposition strongly expressed toward outside mitigation banking;
- * Need to justify that compensatory mitigation is needed before requiring mitigation banking measures;
- * Mitigation banking helps other industries such as fishing or tourism that are hurt by developed wetlands;
- * Compensatory mitigation is needed and mitigation banking on related out-of-state projects, such as for Alaska migratory bird nesting areas, may be appropriate; and
- * Most mitigation banking support assumes in-state mitigation banking projects.

Alaska Specific Action 8: Assess the effectiveness of mitigation efforts in Alaska.

Stakeholders reached consensus that this was a good recommendation which should be implemented and that the effectiveness of different mitigation measures should be assessed. It was recognized that this assessment would be a dynamic and evolutionary process whereby, as more was learned, mitigation measures would be improved.

P. 47, line 5:

A specific comment was made regarding line 5 on p. 47. It was stated that whether a project is low or high value may not be the key, but whether we have significantly hurt wetlands in a particular area is the important consideration.

GENERAL STAKEHOLDER CONCERNS

Stakeholders were given an opportunity to share any general concerns they had about the Issue Papers or the process. A few stakeholders expressed concerns which included:

- * Equity should be a major principle in a wetlands program so that Alaskans are not punished for outside wetlands abuse;
- * Private property rights and values related to wetlands permits, whether perception or fact, should be addressed in the Issue Papers;
- * The Issue Paper should emphasize that protecting wetlands through regulations is good and honorable and there is nothing to apologize about; and
- * Concern was expressed that stakeholders need to get another shot at the Issue Papers before they go to Washington, D.C.

ISSUE PAPER 11: OUTREACH AND EDUCATION

General Comments:

Several general comments were made regarding additions to this Issue Paper. The previously-noted recommendation that the Issue Paper specifically address the property value perception problem was restated.

The idea of establishing an advocate office for permit applicants who have problems with permits was suggested. The discussion indicated that the idea needed to be assessed to determine what was already being provided by the Corps and if additional help was needed. It was agreed that the Corps field office in Fairbanks was good, but it was suggested that the field office staff were not advocates for the applicant. It was suggested that Alaska Specific Action 5, sponsor regulatory coordination positions, may address part of this need. A stakeholder suggested that some form of ombudsman to take on the applicant's cause may be necessary.

Significant support was voiced for additional education and outreach efforts. Since misperceptions and fears were a significant part of the permit program problem, it was felt that additional education could help the public realize the program's

flexibility and neutrality. It was felt that such awareness would minimize misconception and anxiety concerns.

The recommendation was also made that additional funding and staff needs be provided to carry out outreach and education. Though the Corps and EPA representatives indicated such additional funding was not necessary, it was noted that other agencies would also be involved and may need support. There was no consensus on the additional funding issue.

Alaska Specific Action 1: Develop a comprehensive strategy for outreach and education efforts.

Regarding the "specific target audiences" reference, it was recommended that the outreach and education program target audiences which will be impacted by wetlands development as well as wetlands applicant groups. It was felt that groups which might be impacted by wetlands permits, such as tourism representatives, should be educated so they can more fully participate in the process.

Alaska Specific Action 2: Issue a series of special public notices.

It was suggested that in addition to wetlands permit statistics, the public notices should also explain how the permit process works and the types of actions which are taken to get a permit. This explanation should address pre-application processes, and avoidance and minimization efforts which are not reflected in the permit approval or denial statistics. It was also felt that related additional requirements imposed by other agencies should also be recognized.

Alaska Specific Action 5: Sponsor regulatory coordination positions.

It was suggested that this recommendation refer to certain precedents which had already successfully sponsored or coordinated regulatory actions between agencies. These precedents include the joint pipeline coordination office, and the one window placer mining process.

ISSUE PAPER 6: ALTERNATIVE PERMIT PROCESSING PROCEDURES

Alaska Specific Action 1: Expedite development of Abbreviated Processing Procedures (APP).

The oil and gas interest representative recommended that APP processes be used for oil and gas activities and that this recommendation address whether APP procedures will be applied to oil and gas situations. Other stakeholders were cautious and suggested APPs be considered for oil and gas procedures, but would not recommend it as an Action. It was suggested that an insert be added to the final line of the recommendation after "explore future opportunities" which would state "such as oil and gas activities." Some participants felt that the Corps should look at APPs very carefully and concern was expressed regarding the broad scope of General Permits.

Alaska Specific Action 2: Propose development of additional General Permits.

A suggestion was made that mining be added to the list of examples for possible General Permits in the third line of this recommendation on the top of p. 40.

Alaska Specific Action 3: Conduct cumulative impacts evaluations for General Permits.

A stakeholder recommended that cumulative impact assessments be completed before any additional GPs or APPs are granted. It was stressed that the Corps should not go overboard pushing more APPs or GPs until the Corps and the public were aware of the cumulative impacts resulting from the existing GPs and APPs.

Alaska Specific Action 4: Develop Circle General Permits for Alaska communities.

The discussion of Circle General Permits indicated that the concept of Circle General Permits was not adequately described and discussed in the Issue Paper. Participants agreed that a much better explanation was needed of the Circle General Permit process. Specific comments regarding the Circle GPs included:

- * Circle GPs should be flexible to cover any length of time from 1 to 5 years and renewal periods of more than 5 years should be considered;

- * Low value wetland areas for Circle GP purposes should be limited to truly low value areas and should not include any moderate wetlands;
- * The best available wetlands information including information from the various local, State, and national information systems should be considered in delineating low value wetlands;
- * The new Circle General Permit concept should be tried out in a pilot process before using it on a general basis;
- * Strong monitoring from the Corps of Engineers would be needed since many municipalities in bush communities will not have the money to implement the program properly; and
- * As a benefit, Circle GPs provide advance warning regarding which areas are available for development, as low value areas, and which areas require Corps permit processing.

Alaska Specific Action 5: Conduct exit polls or interviews with permit applicants.

It was requested that the exit poll surveys not be limited to applicants, but also include the commenting public and affected industries. By talking to both the applicants and the commenting public, a more balanced picture of how the permit program is working will be achieved.

New Elevation Process:

It was suggested that an elevation process should be established as part of the Corps permitting procedures. This process would go into effect if a deadlock is reached on a permit at one level of the Corps of Engineers. The mechanism would elevate the project to another level within the Corps before a final permit decision is made. Comments on this suggestion emphasized that both the applicant and those protesting the permit should be included in the elevated decision process rather than only the applicant. Some stakeholders felt that as long as both the applicant and the protesting parties were included in the process, that an elevation process may have merit.

ISSUE PAPER 10: WETLANDS INVENTORY, CLASSIFICATION, AND CATEGORIZATION

Comments emphasized the need to target potential development areas for wetlands mapping. This was suggested in the context of providing information to support Circle General Permits. It was also suggested that local representatives be contacted regarding development areas which should be mapped. The Corps representative indicated that the National Wetlands Inventory (NWI) is already oriented toward prime development areas. A stakeholder suggested that local government input into this process was still needed. Another comment was made that the this Issue Paper make it clear that the NWI is used for permitting.

Administration Plan 1:

It was suggested that the first Administration Plan recommendation on p. 62 include a better explanation of how the Hydrogeomorphic Classification System (HGM) fits into the classification program, the NWI program, and how it is used to help permitting in coordination with NWI information.

Explanation of Classification System:

Stakeholders recommended that additional explanation be included regarding the different classification systems and their relationship to different wetland programs. For example, how are low value wetlands classified. This explanation should recognize that classification delineates physical characteristics of areas and does not make decisions. The role of classification should be addressed in the context of the total permit process. The process steps which provide for discretion should be recognized.

Alaska Specific Action 1: Support efforts to identify and collect wetlands data in focus areas (watersheds) where development is likely to occur.

It was noted that definitions were needed for terms such as "watershed" and that examples of "watersheds" should also be provided. Additional terms needing definition throughout the paper include region, watershed, and ecosystem.

Alaska Specific Action 2: Investigate the feasibility of centralizing wetlands information.

It was requested that any centralized wetland information be available to the public. The Corps representative indicated that such availability might be very expensive.

ISSUE PAPER 4: STATE, LOCAL, AND NATIVE ROLES

Recognition Tribe/Native Involvement:

Participants noted that the Administration Plan provides several recommendations regarding involvement of Tribes or Tribal governments in the wetlands program. However, nothing in the Alaska Specific Actions addresses involvement of Tribes or Native villages. It is felt that the Alaska specific recommendations should address Tribe or Native village involvement. This may need to be in the form of a new recommendation under Alaska Specific Actions which would address how Tribes or Native corporations or villages could be involved in the wetlands program, assume part of the program, or participate in an appropriate role in view of the Administration Plan.

Local Government Input:

A comment was made that local government input is not adequately addressed under the Alaska Specific Actions. It was suggested that a new Alaska Specific Action paragraph be added which addresses local government involvement. Some participants felt local comments should be given more weight and elevated to the level of other commenting government agencies. This was felt to be appropriate since the local government is the elected governing body for the people directly affected. Other participants did not believe that local government comments should be weighted more than other interest groups, such as those represented by the stakeholders.

Alaska Specific Action 3: Conduct monitoring of existing and future cumulative wetland impact of General Permits.

Some stakeholders opposed holding up General Permits until cumulative impact assessments could be completed. It was suggested that this action address the timing required for monitoring of impacts. Another participant disagreed and felt it made sense to hold up development under General Permit programs until the cumulative impacts of past programs have been delineated.

It was also suggested that the two forms of cumulative impact assessment recommendations found on p. 25 and p. 40 need to be placed under both Issue Paper 4 and Issue Paper 6. Additional

explanation and clarification of these recommendations is also needed.

ISSUE PAPER 7: THE MITIGATION SEQUENCE

Alaska Specific Action 1: Develop interagency guidance to clarify how physical circumstances in Alaska such as the extent and type of wetlands affect the determination of "practicability" under the guideline mitigation requirements.

Some participants recommended that the guidelines place an emphasis on the economic value of impacted wetlands to industries other than those represented by the permit applicant such as tourism, commercial fishing, recreation, and personal use. Related onsite and offsite impacts should also be considered. It was felt that impacts on other industries and the general public should be addressed in the guidelines to balance the interests of the applicant. It was suggested that all the Issue Papers balance applicant concerns with impacted industry and public concerns.

Alaska Specific Action 4: Acknowledge pre-application avoidance and minimization efforts.

Stakeholders recognized the importance of pre-application meetings and felt that they should be encouraged. It was recognized that avoidance and minimization efforts addressed in the pre-application phase should be considered by both the Corps and public during the permit comment period.

Regional Approach Caution:

A stakeholder stressed that the Corps should be cautious in the use of a regional approach to assessing permit or development project impacts. A regional approach should not erode mitigation sequencing for site specific projects or wetlands protection.

