

# STATE OF ALASKA

## THE LEGISLATURE

1987

Source

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Legislative  
Resolve No.

27



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

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

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

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

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

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

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

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

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

WHEREAS, as a result of these soil, climatic, and topographic features, the majority of the state's permafrost wetlands

do not provide the beneficial characteristics normally attributed to wetlands, such as a habitat for rearing fish and shellfish, water purification, groundwater recharge, or flood water absorption and release; and

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

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

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

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

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

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

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

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

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

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

COPIES of this resolution shall be sent to the Honorable Judith A. Brady, commissioner of natural resources; the Honorable Don W. Collinworth, commissioner of fish and game; the Honorable

Dennis D. Kelso, commissioner of environmental conservation; Colonel Wilbur Gregory, Alaska District Engineer, U.S. Army Corps of Engineers; Lee M. Thomas, Administrator, Environmental Protection Agency; Frank H. Dunkle, Director, U. S. Fish and Wildlife Service, U. S. Department of the Interior; and to the Honorable Ted Stevens and the Honorable Frank Murkowski, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress.