

STATE OF ALASKA
THE LEGISLATURE

1995

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Legislative
Resolve No.
10



Requesting the United States Congress to accommodate Alaska's wetlands circumstances in the federal Clean Water Act reauthorization by increasing statutory flexibility on wetlands use in Alaska, and to recognize Alaska's unique and outstanding history of wetlands conservation.

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

WHEREAS, in 1972, the federal Clean Water Act (33 U.S.C. 1251-1387) allowed a broad expansion of federal jurisdiction over wetlands by modifying the definition of navigable waters to include all waters of the United States; and

WHEREAS, in 1975, the United States Army Corps of Engineers expanded wetlands regulations to include restricted discharge of dredged and fill material into wetlands; and

WHEREAS wetlands regulations have been expanded further to include isolated wetlands and those not adjacent to navigable waters; and

WHEREAS the expansion of the regulations governing wetlands by federal agencies exceeds what the Congress intended when it enacted the federal Clean Water Act; and

WHEREAS Alaska contains more wetlands than all other states combined; and

WHEREAS, according to the United States Fish and Wildlife Service, approximately 170,200,000 acres of wetlands existed in Alaska in the 1780s and approximately 170,000,000 acres of wetlands exist today, representing a loss rate of less than 1/10th of one percent in a

decade through human and natural processes; and

WHEREAS approximately 98 percent of all Alaska communities, including 200 of 209 remote villages in Alaska, are located in or adjacent to wetlands; and

WHEREAS with negligible benefit to the environment in Alaska, the expansion of wetlands regulations has placed an increasing and unnecessary burden on private landowners, Native organizations, and local and state governments by inhibiting reasonable community growth and environmentally benign, sensitive resource development; and

WHEREAS 88 percent of Alaska's wetlands are publicly owned, while only 26 percent of wetlands in the contiguous 48 states are in public ownership; and

WHEREAS more than 60,000,000 acres of Alaska's wetlands are known to be conserved in some form of land designation, including federally designated wilderness land, federal park and refuge land, and state park and refuge land, that restrict utilization or degradation of wetlands;

BE IT RESOLVED that the Alaska State Legislature respectfully requests the United States Congress to exclude Alaska from a "no net loss" policy associated with the federal Clean Water Act, and to amend the federal Clean Water Act to modify the wetlands regulatory program

(1) to provide flexibility in Alaska wetlands permitting commensurate with the large amount of wetlands set aside in Alaska and the low historic rate of wetlands loss in Alaska; and

(2) to relax the restrictions on the use of wetlands in Alaska; and be it

FURTHER RESOLVED that the Alaska State Legislature respectfully requests the United States Congress to recognize the unique contribution the citizens of Alaska have made to wetlands conservation and Alaska's outstanding record of wetlands conservation.

COPIES of this resolution shall be sent to the Honorable Bill Clinton, President of the United States; to the Honorable Al Gore, Jr., Vice-President of the United States and President of the U.S. Senate; to the Honorable Strom Thurmond, President Pro Tempore of the U.S. Senate; to the Honorable Bob Dole, Majority Leader of the U.S. Senate; to the Honorable Newt Gingrich, Speaker of the U.S. House of Representatives; to the Honorable Dick Armey, Majority Leader of the U.S. House of Representatives; to the Honorable Tom Daschle, Minority Leader of the U.S. Senate; to the Honorable Richard A. Gephardt, Minority Leader of the U.S. House of Representatives; to the Honorable John N. Chafee, Chair of the Senate Committee on

Environment and Public Works; to the Honorable Bud Shuster, Chair of the House Transportation and Infrastructure Committee; to the chairs of the following subcommittees of the Senate Committee on Environment and Public Works: the Subcommittee on Transportation and Infrastructure; the Subcommittee on Superfund, Waste Control, and Risk Assessment; the Subcommittee on Clean Air, Wetlands, Private Property, and Nuclear Safety; and the Subcommittee on Drinking Water, Fisheries, and Wildlife; 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.