

STATE OF ALASKA  
THE LEGISLATURE

1997

Source

CSSJR 20(RLS) am H

Legislative  
Resolve No.

19



Requesting the United States Congress to accommodate Alaska's unique wetlands circumstances by amending the Clean Water Act to modify the wetlands regulatory program and to recognize Alaska's outstanding history of wetlands conservation.

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

**WHEREAS**, in 1972, the federal Clean Water Act 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**, in 1997, the United States Army Corps of Engineers has proposed to phase out its Nationwide Permit 26 (NWP 26) that allows developers to fill wetlands from one to 10 acres without gaining individual permit approval; and

**WHEREAS** this particular action may put a financial and logistical constraint on thousands of homeowners, businesses, and communities; and

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

**WHEREAS** approximately 99.5 percent of Alaska's original wetlands acreage remains today; and

**WHEREAS** most Alaska communities, including some 200 rural villages, are located in areas where wetlands are the dominant feature of the landscape; and

**WHEREAS** 88 percent of Alaska's wetlands are publicly owned; 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 restricts use or degradation of wetlands;

**BE IT RESOLVED** that the Alaska State Legislature respectfully requests the United States Congress to amend the federal Clean Water Act to modify the wetlands regulatory program to

(1) continue existing activities related to airport safety, logging, mining, ice pads, roads, and snow removal without the existing requirement that the activity be determined not to add to the "cumulative" loss of wetlands nationally;

(2) 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;

(3) eliminate existing requirements in states with substantial conserved wetlands to mitigate unavoidable impacts or to prove no alternative sites are available; and

(4) require the United States Army Corps of Engineers to customize a permitting process for all lands in Alaska that does not include burdensome mitigation, avoidance, and other requirements applying nationally; 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; the Honorable Al Gore, Jr., Vice-President of the United States and President of the U.S. Senate; the Honorable Strom Thurmond, President Pro Tempore of the U.S. Senate; the Honorable Trent Lott, Majority Leader of the U.S. Senate; the Honorable Thomas Daschle, Minority Leader of the U.S. Senate; the Honorable Newt Gingrich, Speaker of the U.S. House of Representatives; the Honorable Dick Army, Majority Leader of the U.S. House of Representatives; the Honorable Richard A. Gephardt, Minority Leader of the U.S. House

of Representatives; the Honorable John H. Chafee, Chair of the Senate Committee on Environment and Public Works; 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.