



RESOURCE DEVELOPMENT COUNCIL

Growing Alaska Through Responsible Resource Development

April 2, 2025

Submitted electronically via: House.Finance.Committee@akleg.gov

House Finance Committee
Alaska State Legislature
Juneau, Alaska

Re: Support for Implementation of State Primacy over CWA 404 Permitting Authority

Dear Co-Chairs Representative Josephson, Representative Schrage, and Representative Foster, and Members of the House Finance Committee:

The Resource Development Council for Alaska, Inc. (RDC) writes in support of taking all necessary steps to give effect to the statutory authority for the State of Alaska to implement state primacy of Section 404 of the federal Clean Water Act (CWA), including funding authorization. RDC has a long record of supporting efforts to allow the State of Alaska to assume primacy over the Section 404 program, which regulates the discharge of dredged or fill materials into waters and wetlands. In 2013, the passage of SB 27 (28th Legislature) gave the Alaska Department of Environmental Conservation (DEC) the authority to take reasonable steps to assume primacy of the Section 404 program, and RDC believes it is now time to implement this directive.

RDC is a statewide, non-profit trade association founded in 1975. Our membership is comprised of individuals and companies from Alaska's fishing, tourism, forestry, mining, and oil and gas industries and includes Alaska Native corporations, local communities, organized labor, and industry support firms. RDC's purpose is to encourage a strong, diversified private sector in Alaska and expand the state's economic base through the responsible development of our natural resources.

RDC supports and encourages our elected officials to promote an effective, efficient, and rigorous environmental permitting process. A stable permitting process promotes a robust private sector to build a diverse economy. Primacy will streamline permitting and reduce costs without sacrificing Alaska's stringent environmental standards. The State of Alaska has a proven record assuming primacy programs, including the Clean Air Act, Safe Drinking Water Act, and the Clean Water Act



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National Pollutant Discharge Elimination System. Additionally, RDC is encouraged by DEC's feasibility study dated January 26, 2023, which included workload analysis and an evaluation of the department's ability to assume the Section 404 program.

With Section 404 primacy, project owners will benefit from state control over permitting of projects that involve dredging or filling, site improvement for residential, commercial, as well as recreational developments. Such permits are required for nearly all development projects in Alaska. Currently, review is required by the Army Corps of Engineers, the Environmental Protection Agency (EPA), DEC, and Alaska Department of Natural Resources.

Furthermore, following the U.S. Supreme Court decision in *Sackett vs. EPA* in 2023, it is now clear that the federal government overstepped its jurisdiction under CWA Section 404. Supporting implementation of state primacy over the Section 404 program will ensure we are well-positioned to more efficiently permit projects and maximize local control over federally mandated programs without sacrificing Alaska's rigorous environmental standards.

Thank you for your attention to this matter.

Sincerely,

Leila Kimbrell
Executive Director



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