



BACKCOUNTRY HUNTERS AND ANGLERS ALASKA CHAPTER



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April 3, 2015

To: Senate Environment and Public Works Subcommittee on Fisheries,
Water and Wildlife

Re: April 6, 2015 hearing in Anchorage, Alaska

Testimony on the Impacts of the Proposed Waters of the United States Rule
on State and Local Governments and Stakeholders

Chairman Sullivan and members of the Committee,

Thank you for the invitation to testify before you today. My name is Mark Richards and I'm the Chairman of the Alaska Chapter of Backcountry Hunters & Anglers (BHA). We are a national hunting and fishing conservation organization dedicated to ensuring our heritage of hunting and fishing traditions can continue through education and work on behalf of wild public lands and waters.

We are a grass roots non-partisan organization and part of my volunteer duties as Chairman of our Alaska chapter involves attending a wide array of meetings and giving testimony on various issues that affect hunting and fishing and conservation in Alaska.

One issue we recently commented on was the National Park Service's Rulemaking changes governing hunting and trapping regulations on National Preserve lands. We opposed the Service's new rulemaking because we felt it was not based on any clear scientific or conservation concern and that it was an example of federal overreach.

The question before this Committee, and the country and specifically Alaskans, is whether or not this proposed rule clarifying what waters are protected under the Clean Water Act and what waters are subject to federal jurisdiction, is also federal overreach.

We don't believe that it is.

Court decisions in the last decade have made it unclear what waters are protected under the Clean Water Act and under federal jurisdiction. Our former Governor Sean Parnell was among those who requested that the Environmental Protection Agency (EPA) and the Army Corps of Engineers (Corps) clarify these issues via the Rulemaking process.

This final Rule would result in less waters being under federal jurisdiction than were in place for the first 30 years of the Clean Water Act. During that same time period, the state of Alaska saw enormous economic growth and development while our population quadrupled. Even when more waters were under federal CWA jurisdiction than there are now with this new rule, Alaska prospered and development soared.

Sure there are costs associated with regulations that govern and protect our streams and rivers and wetlands, costs to developers and industry and the private sector and communities, but those are the costs associated with clean water and healthy habitat for our fish and game. Those are the costs associated with having sustainable fish and game populations and carrying on our hunting and fishing traditions on public lands. Those are the costs that allow me to drink out of the Sag River on the North Slope and to catch a lunker Dolly Varden there as well.

And speaking of costs, there are of course costs to the regulatory agency as well. Back in 2013, Senator Sullivan served as the Alaska Department of Natural Resources (DNR) Commissioner under Governor Parnell. During that time Commissioner Sullivan and Governor Parnell sought to get "primacy" rights for the state of Alaska to take over the job of wetlands regulation from the federal government under the Clean Water Act. The federal laws protecting wetlands would still be in place under the Clean Water Act, but the state would take over wetlands permitting issuance from the Army Corps of Engineers. The rationale was that if the state had primacy rights, they could do as good a job as the EPA and Corps in regulating wetlands, but the state could permit development projects at a much faster pace.

As DNR Commissioner Sullivan said at the time, quote, *“It's not about cutting corners, it's about making our permitting more timely, efficient and certain.”* Unquote

The problem, however, then and especially now, should the State of Alaska ever gain those primacy rights, is that the costs of assuming regulation and permitting of wetlands for the state are extremely high, and in today's fiscal climate with our ongoing budget crisis unachievable.

I bring this up to point out that it's extremely unlikely the state of Alaska will ever gain primacy rights from the federal government over wetlands, and at the same time we still need to clarify just what bodies of water are under federal jurisdiction according to the Clean Water Act.

That's what this new Rule does. It clarifies what waters are under federal jurisdiction. And it is that clarification that does not sit well with many here today because of fears of how it could impact future development and costs to individuals and businesses.

We understand and respect those concerns, but overall the Clean Water Act has been very much a positive for our country and for our states and communities, for our fish and game and for hunters and anglers. We view this clarification and new Rule as a positive as well.

Thank you for the opportunity to testify and for your service to our country,

Mark Richards
Chairman – Alaska Backcountry Hunters & Anglers
kandik@starband.net
(907) 371-7436