The Resource Development Council is asking the Environmental Protection Agency and the U.S. Army Corps of Engineers to rescind a Memorandum of Agreement (MOA) which essentially implements a highly controversial "no net loss" wetlands policy for Alaska.

Application of the MOA was delayed recently when EPA Administrator William Reilly agreed to hold off on the policy until mid-January to consider possible alternatives for Alaska. The MOA has also come under strong attack from Alaska Governor Steve Cowper, the state's congressional delegation, various cities and villages and the state's major industries. All agree that to bring Alaska, some two-thirds of which is considered wetlands, under the "no net loss" policy would bring even modest development to a halt.

In letters to Reilly and Robert Page, Assistant Secretary of the Army, RDC Executive Director Becky Gay said the MOA has been promulgated without opportunity for public comment or interagency review, in violation of the Administrative Procedures Act.

"While the agencies maintain that this MOA is merely a clarification of existing policy, it represents a significant change from the current mitigation requirements (continued on page 4)"
Alaska coal is "hean of future"
Changin Americans perception of Alaska

Alternatives to the "MOA on off the loss"

Considering various options for the development and environmental implications of potential energy projects in the region, several key considerations are emerging. The first, and perhaps most critical, is the impact on indigenous communities and the unique cultural heritage of the area. The second involves the potential for economic growth and job creation through the development of renewable energy infrastructure. The third consideration is the environmental consequences, including the effects of new projects on local ecosystems and wildlife habitats.

President from the thoughts

In the midst of these discussions, it's important to keep in mind the long-term goals of sustainability and the importance of balancing the need for development with the preservation of natural resources. The key is to explore innovative solutions that can benefit all stakeholders while minimizing negative impacts. This requires a collaborative approach that includes input from local communities, experts in environmental science, and representatives from the energy industry.

The recent report by the Alaska Energy Authority highlights several promising areas for further exploration, including the potential for offshore wind and wave energy. These technologies offer the possibility of harnessing the region's abundant natural resources while minimizing the environmental footprint. However, it's crucial to approach these projects with careful planning and consideration of potential challenges.

Ultimately, the decision-making process should be guided by a commitment to sustainability and the well-being of the communities that call Alaska home. By carefully evaluating the options available, we can work towards a future that maximizes the potential of the region while preserving its unique beauty and integrity.
MOA poses grave threat to Alaska

(continued from cover)

under Section 404 of the Clean Water Act," Gay noted. She explained that Section 404 does not call for compensation in its mitigation requirements and has not previously been interpreted to do so. Yet the MOA sets up a mitigation decisionmaking process that includes compensatory mitigation, resulting in a very significant change in the way projects are permitted.

"The MOA is not a clarification of existing policy, but is, in fact, a new policy directing agencies to achieve no net loss of wetlands," Gay said. "It is inappropriate to adopt the goal of no overall net loss of wetlands through the MOA process prior to any resolution of the issue by the Administration or Congress.

"This is an extremely serious issue for nearly all Alaska communities and industries," Gay stressed. "The MOA, which does not advance the cause of shaping a flexible wetlands policy for Alaska, should immediately be revoked." In a letter to President Bush, Governor Cowper asserted that the guidelines set forth in the MOA "provide only un-restrained discretion at the local agency level." Cowper said "this is not an expression of national wetlands policy, it is an example of ad hoc decision making. As such, it will have a chilling effect on community expansion and economic development.

According to Vicki Masterman, an environmental attorney from Chicago, "the most blatant departure for the existing laws and regulations in the MOA is the statement that 'compensatory mitigation will be required for unavoidable adverse impacts remaining after avoidance and after minimization.'" Speaking before RDC's recent 10th annual conference, Masterman took exception to the Corps position that the MOA doesn't change the current laws and regulations. "That's baloney, it's a mere fig leaf of a remnant of a national wetlands policy as the 'last straw,' a small non-profit organization in Juneau working on behalf of the homeless is also feeling the squeeze.

The St. Vincent de Paul Society in Juneau is building a $350,000 shelter for homeless families, but to get an occupancy permit the Society must pave a 40-foot by 190-foot vacant lot next door that it bought for parking. Surrounded by paved streets, that lot has a tendency to collect water during heavy rain. As a result, the Corps considers the lot a wetland, requiring a permit before any filling and paving can occur.

Wetlands...

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Since virtually all of the energy-rich Alaska North Slope is considered wetlands, the "no net loss" policy would preclude further development of promising oil and gas prospects vital to Alaska's economic well being and the nation's energy security. North Slope oil fields provide 25% of U.S. domestic oil production, yet less than 0.02% of Alaska's wetlands have been disturbed by energy development.

community will let any definition of no net loss work. Delay is a victory for them. The ultimate victory for them is to inject enough hurdles into a permit process to make projects die before they get to the end of the process.

Alaska does not have a wetlands problem, Masterman insists. "If the Lower 48 states had Alaska's wetlands management record, there would have been no National Wetlands Policy Forum, there would probably be no Section 404 (of the Clean Water Act), and we certainly wouldn't have a no net loss proposal."

Development has disturbed or altered about 80,000 acres of wetlands in Alaska, leaving 99.95% of the state's wetland base intact. In fact, Alaska's total wetland loss over the course of its history is less than one-third of the amount that is lost every year in the Lower 48.

Eighty-seven percent of the losses in the southern states are attributed to agricultural development which is exempt from Section 404 of the Clean Water Act. Only eight percent of wetland losses were from urban development, but most surface development in the Lower 48 occurred before the Section 404 program.

While many local, state and private officials view the emerging "no net loss" policy as the "last straw," a small non-profit organization in Juneau working on behalf of the homeless is also feeling the squeeze.

The Society is fearful that the Corps will invoke "no net loss" and require it to find land elsewhere to restore in compensation. Essentially, the non-profit organization would be paying twice for the parking lot. The Society paid $35,000 for the lot and paving costs will add substantially to that tally.

"I am afraid that with the Corps of Engineers we won't be able to get a certificate for occupancy simply because we don't have a paved parking lot," said Society Executive Director Paul Parka.

RDC coalition targets "no net loss"

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