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RESOURCE DEVELOPMENT COUNCIL
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ALASKA CHAMBER



**ALASKA MINERS
ASSOCIATION**

Media contact: Deantha Skibinksi, AMA: (907) 317-6323 (mobile/text) or deantha@alaskaminers.org.

Alaska trade groups: Waters of the United States policy hampers development, fails to provide additional environmental protection

Dec. 30, 2022, Anchorage—Today, leadership of the Alaska Chamber, the Associated General Contractors of Alaska, the Alaska Oil and Gas Association, the Alaska Miners Association, the Alaska Support Industry Alliance, the Council of Alaska Producers, and the Resource Development Council for Alaska expressed frustration with newly released Waters of the United States Final [Rule](#) (commonly referred to as “WOTUS.”)

The reaction comes after the Biden Administration announced the third change in ten years to the definition of WOTUS, while awaiting a related and landmark decision from the U.S. Supreme Court, which could require another significant revision and further regulatory changes. Today’s announcement contains literally thousands of pages of documents, which Alaskans are working to analyze and understand.

“Every Alaskan demands and deserves clean water, whether it’s in the rivers they fish from, coming out of their faucet at home, or being used in development projects,” said Kati Capozzi, Alaska Chamber president and CEO. “Unfortunately, today’s one size fits all ruling only adds more regulatory hurdles and uncertainty to the permitting process, while increasing its reach to impact even the smallest of projects. This will chill the investment climate in Alaska at a time when we simply can’t afford it. We urge the agencies to pause before taking any additional steps that would further complicate resource, infrastructure, and community permitting decisions.”

“The precise definition of WOTUS—which dictates the scope of the federal control and CWA permitting responsibility as well as enforcement jurisdiction—is fundamentally important to the construction industry,” said Alicia Amberg, executive director, Associated General Contractors of Alaska. “AGC members perform many construction activities on land and water that require a jurisdictional determination from the US Army Corps of Engineering before proceeding. Construction work that involves the discharge of dredged material or the placement of fill material in a WOTUS cannot legally

start without authorization from the federal government, which takes the form of a Clean Water Act Section 404 permit (and may require additional permissions and reporting duties under other CWA programs). So changes to CWA regulations, case law, and resultant guidance throughout the years have impacted our members' ability to secure financing and approval to construct new projects or maintain existing infrastructure and facilities across Alaska."

"The definition of 'waters of the United States' is especially important to Alaskans," said Deantha Skibinski, executive director, Alaska Miners Association. "175 million acres of land in Alaska are classified wetlands; this constitutes 43% of the land base. Alaska's coastline and tidally influenced waters exceed that of the rest of the nation combined. In addition, Alaska is the only state with permafrost. Therefore, any rule addressing wetland and coastal environments will very likely have a greater effect on Alaska than anywhere else in the nation. We urged the EPA and Corps to evaluate the impacts from the proposed changes differently for Alaska, and not apply a broad nationwide rule to a state with such a unique water landscape. We are disappointed this did not happen."

"With today's new, complicated definition of WOTUS, the already heavily regulated oil and gas industry in Alaska will see more complex regulation with long permitting timelines when what the industry and Alaskans need is regulatory consistency and opportunities to move projects forward," said Kara Moriarty, president and CEO of the Alaska Oil and Gas Association.

"RDC is disappointed to see this massive final rule released on the last business day of the year," said Leila Kimbrell, Resource Development Council for Alaska's executive director. "While we are still in the process of reviewing the hundreds of pages of the new final rule, we have significant concerns over our initial assessment that this rule unnecessarily expands federal jurisdiction over state waters and brings further uncertainty to federal permitting requirements. The definition of WOTUS is of utmost importance to RDC and its membership because Alaska is uniquely vulnerable when it comes to EPA regulation and federal overreach. This new rule will result in disproportionate impacts to Alaska and RDC's members, from oil and gas, to maritime, fishing, tourism, timber, as well as Alaska Native corporations, and rural communities. While we continue to review the final document released today, RDC is committed to working with our federal and state partners to ensure a workable solution for Alaska's unique needs."

About the Alaska Chamber

The Alaska Chamber is a non-profit founded in 1953 working to promote a positive business environment in Alaska. The Chamber is the voice of small and large business representing more than 700 businesses, manufacturers, and local chambers across Alaska. Our member companies employ more than 55,000 hard-working Alaskans. The Chamber advocates for a positive investment climate that provides certainty and stability for Alaska. More information about the organization is available at www.alaskachamber.com.

About AGC of Alaska

Associated General Contractors of Alaska is the construction industry's largest professional trade association, representing over 620 Alaskan contractors, specialty contractors, suppliers, manufacturers, and businesses in Alaska. AGC members abide by the best practices in the industry and take pride in their work to support vital infrastructure and connect Alaska. At AGC, we don't represent any specific resource industry. We instead advocate for a healthy economy, responsible environmental/developmental partnerships, and proper, legal, and well-established permitting and review process.

About the Alaska Oil and Gas Association

AOGA is a professional trade association whose mission is to foster the long-term viability of the oil and gas industry in Alaska for the benefit of all Alaskans.

About the Alaska Miners Association

AMA is a professional membership trade organization established in 1939 to represent the mining industry in Alaska. AMA's more than 1,400 members come from eight statewide branches: Anchorage, Denali, Fairbanks, Haines, Juneau, Kenai, Ketchikan/Prince of Wales, and Nome. Alaska's miners are individual prospectors, geologists, engineers, suction dredge miners, small family mines, junior mining companies, major mining companies, Alaska Native Corporations, and the contracting sector that supports Alaska's mining industry.

About the Council of Alaska Producers

CAP is a non-profit trade association formed in 1992 to represent the interests of large metal mines and mine developmental projects in Alaska. CAP informs members on legislative and regulatory issues; supports and advances the mining industry; educates members, the media, and the general public on mining related issues; and promotes economic opportunity, social benefits, and environmentally sound mining practices.

About the Alaska Support Industry Alliance

The Alliance promotes responsible exploration, development and production of oil, gas and mineral resources for the benefit of all Alaskans. It represents more than 500 businesses who provide support to the oil and gas and mining industries.

About the Resource Development Council for Alaska, Inc.

The Resource Development Council for Alaska is an Alaskan trade association comprised of individuals and companies from Alaska's fishing, forestry, mining, oil and gas, and tourism industries. RDC's membership 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.

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