

Alaska

State Water Quality Agency

Alaska's water quality laws are administered by the Alaska Department of Environmental Conservation (DEC), Division of Water.¹

Delegated Permit Authority

Alaska does not have delegated permit authority for the NPDES program (including stormwater permits) or the section 404 dredge and fill permit program. However, pursuant to Section 401 of the CWA State certified EPA and U.S. Army Corps of Engineers (COE) permits and any conditions placed on projects by the State must be adhered to by permittees.

State Definition of Covered Waters

Under Alaska state law, "waters" include "lakes, bays, sounds, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuaries, marshes, inlets, straits, passages, canals, the Pacific Ocean, Gulf of Alaska, Bering Sea, and Arctic Ocean, in the territorial limits of the state, and all other bodies of surface or groundwater, natural or artificial, public or private, inland or coastal, fresh or salt, which are wholly or partially in or bordering the state or under the jurisdiction of the state."²

Water quality standards apply to all waters of the State including wetlands and groundwater. Wetlands are specifically identified as "waters of the state" in Alaska's water quality standards (18 AAC 70), and consequently, Alaska's water quality standards apply to wetlands. However, the State does not have any wetland-specific water quality standards and there are neither numeric nor narrative criteria that are specific to wetlands.

Point Sources and NPDES Permits

The BLM does not hold any NPDES permits in Alaska.

Water Quality Standards

Designated Uses

Alaska recognizes seven designated uses for fresh waters, and seven designated uses for marine waters. By default, water bodies in Alaska are protected for all designated uses. The water bodies that have had some uses removed are listed in the water quality standards at 18 AAC 70. Figure One outlines Alaska's designated uses. The water quality standards include procedures for the reclassification of State waters for specific designated use classes 18 AAC.70.230. To date, 25 waters have been reclassified.

¹ Additional information is available on its webpage: <http://www.state.ak.us/dec/water/>.

² Alaska Stat. § 46.03.900(36).

Figure One: Alaska State-Designated Uses

Freshwater Uses	Marine Water Uses
Drinking Water	Aquaculture
Agriculture	Seafood Processing
Aquaculture	Industrial
Industrial	Contact Recreation
Contact Recreation	Non-Contact Recreation
Non-Contact Recreation	Growth and propagation of fish, shellfish, other aquatic life, and wildlife
Growth and propagation of fish, shellfish, other aquatic life, and wildlife	Harvesting for consumption of raw mollusks or other raw aquatic life

Source: Alaska's Final 2002/2003 Integrated Water Quality Monitoring and Assessment Report, December 2003.

Water Quality Criteria

For each of the 14 freshwater and marine uses, the State water quality standards specify criteria for a variety of parameters or pollutants. The criteria are both narrative and numeric. The pollutant parameters specified are fecal coliform bacteria, dissolved oxygen, pH, turbidity, temperature, dissolved inorganic substances, sediment, toxic substances, color, petroleum hydrocarbons, radioactivity, total residual chlorine, and residues (floating solids, foam, debris, deposits).

Wetlands are considered “waters of the state” in Alaska’s water quality standards (18 AAC 70) and consequently Alaska’s water quality standards apply to wetlands. Alaska does not have any wetland-specific water quality standards; furthermore, there are neither numeric nor narrative criteria that are specific to wetlands.

Alaska’s water quality standards apply to groundwater (with some specific exceptions such as turbidity). Under the current regulations, groundwater is protected for the aquaculture uses by applying aquatic life criteria, even though aquatic life does not exist in groundwater. Since aquatic life criteria are frequently more stringent than drinking water maximum containment levels, criteria meant to protect aquatic life become the effective groundwater standards. The standard is protective of surface water if groundwater is discharged as waste water or if surface water may be under the direct influence of groundwater (e.g., contaminated sites).

The water quality standards also contain provisions for antidegradation, and mixing zones, short-term variances, and “zones of deposit” where a water quality standard may be exceeded under certain conditions. The antidegradation regulation (discussed below) is identical to Federal law and requires protection of high quality waters such as waters of a National or State park, wildlife refuge, or a water of exceptional recreational or ecological significance.

Alaska does not have streamflow criteria to protect flows necessary to support existing uses. The state also does not have biological criteria or guidance.

Alaska has specific criteria related to residues. Alaska’s water quality standard for residues is described in 18 AAC 70.020 and is summarized in Appendix L of Alaska’s 2003 Integrated Report.³

³ Alaska’s Final 2002/2003 Integrated Water Quality Monitoring and Assessment Report, December 2003.

Sediment

Alaska measures sedimentation based on percent accumulation of fine sediments in a waterbed above natural conditions,⁴ and on turbidity (a specified number of NTUs above natural conditions).⁵

Antidegradation

Alaska's Antidegradation Policy is identical to Federal law and can be found in 18 AAC 70.015. It states:

“It is the state's antidegradation policy that

- 1) existing water uses and the level of water quality necessary to protect existing uses must be maintained and protected;
- 2) if the quality of a water exceeds levels necessary to support propagation of fish, shellfish, and wildlife and recreation in and on the water, that quality must be maintained and protected unless ... the department finds that a) allowing lower water quality is necessary to accommodate important economic or social development, ... b) reducing water quality will not violate the applicable criteria, c) the resulting water quality will be adequate to fully protect existing uses of the water; d) the methods of pollution prevention, control, and treatment found by the department to be the most effective and reasonable will be applied to all wastes and other substances to be discharged; and e) all wastes and other substances discharged will be treated and controlled ...;
- 3) if a high quality water constitutes an outstanding national resource, such as a water of a national or state park or wildlife refuge or a water of exceptional recreational or ecological significance, the quality of that water must be maintained and protected; and
- 4) if potential water quality impairment associated with a thermal discharge is involved, the antidegradation policy described in this section is subject to 33 U.S.C. 1326 (commonly known as sec. 316 of the Clean Water Act).”

According to the State, many water bodies have natural water quality that is better than the criteria set by the Water Quality Standards. In such cases, a discharge may meet these standards, but still cause degradation. In 1996, Alaska adopted the above antidegradation policy. However, the EPA also requires the State to develop an Antidegradation Policy Implementation Plan. The Plan will specify the procedures and criteria used to determine when waters are degraded by discharges or nonpoint sources of pollution, and what social and economic benefit to the state would be necessary to justify any degradation. The plan will also have procedures for nomination and designation of outstanding natural resource waters (ONRW). Alaska is in the process of developing this plan.

Alaska does not have procedures for designating Tier III waters (ONWRs), but as noted above, has begun the development of an antidegradation policy implementation plan. The State does not have Tier II _ classifications, and Alaska does not have a listing of Tier I or II waters.

⁴ 18 AAC 70.020(b)(9).

⁵ 18 AAC 70.020(b)(12).

ONRWs on BLM Land

As noted above, the state does not have procedures for nomination and designation of ONRWs at this time. BLM manages six Wild and Scenic Rivers in Alaska, which likely will be designated as ONRWs once the antidegradation policy implementation plan is approved.

State 305(b) Reporting

The National Assessment Database (NAD) contains information on the attainment of water quality standards. Assessed waters are classified as either Fully Supporting, Threatened, or Not Supporting their designated uses. This information is reported in the National Water Quality Inventory Report to Congress under Section 305(b) of the CWA.⁶

State 303(d) List and TMDLs

The EPA TMDL Tracking System contains information on all impaired waters under section 303(d) of the CWA. The database also has information on EPA-approved TMDLs.⁷ As of 2003, the date of the most recent data in the EPA's tracking system, Alaska reported 48 water bodies on its 303(d) List and had 24 TMDLs approved. Alaska's 2003 303(d) List can also be found in Appendix F of its 2003 Integrated Report.⁸ Alaska will be issuing a new Integrated Report in 2005.

Alaska does not currently have GIS coverage of impaired water bodies.

303(d) List

Listing and Credible Data Standards

Impairment determinations in Alaska are made based on credible data. "Credible data" means scientifically valid chemical, physical, or biological monitoring data collected under a scientifically accepted sampling and analysis plan, including quality control and quality assurance procedures that are consistent with Alaska's water quality standards in 18 AAC 70.⁹ The following guidelines are used by the State to determine if a water body is impaired:

1. Water quality monitoring data that documents persistent exceedances of a criterion or criteria established in Alaska's water quality standards;
2. Issuance of a notice of violation or other enforcement action definitively linked to a persistent water quality violation that does not result in adequate corrective measures;
3. Photographs or videos with appropriate documentation definitively linked to persistent exceedances of water quality standards;
4. Documented persistent presence of residues (floating solids, debris, sludge, deposits, foam, scum) on or in the water, on the bottom, or on adjoining shorelines;
5. Documentation such as a report or study within the last five years that concludes designated uses are adversely affected by pollutant conditions; or

⁶ Alaska's attainment of water quality standards can be found at: http://oaspub.epa.gov/waters/w305b_report.state?p_state=AK.

⁷ Alaska's 303(d) Lists and approved TMDLs are available at: http://oaspub.epa.gov/waters/state_rept.control?p_state=AK.

⁸ *Supra* note 3.

⁹ *Id.*

6. Documentation from a resource agency or other credible source where the use of "best professional judgment" (BPJ) is applied to credible data. BPJ is used to determine if a water body has persistent exceedances of water quality standards, or has designated uses that are adversely affected by pollutant sources. Such BPJ determinations:
 - Should preferably be made by more than one professional and at the agency level;
 - Must be made by a professional knowledgeable in the relevant field of expertise and generally based on that person's experience and all the information reasonably available at the time;
 - Should be based on the best available scientific data and information;
 - Must be affirmed by the DEC if the BPJ recommendation comes from outside the department;
 - Must be subject to management-level review; and
 - Must include documentation of available data and the basis for the decision.¹⁰

Alaska has specific listing procedures for water bodies impaired by residue. A water body will be placed on the 303(d) List if there are more than 1.5 acres of continuous bark residues coverage for log transfer facilities, or more than a 1.5 acre area of seafood wastes at greater than 0.5 inch depth. Remediation plans and exemptions to residue listing are outlined in Alaska's Final 2002/2003 Integrated Water Quality Monitoring and Assessment Report.

De-Listing

Once a water body is listed on the 303(d) List, there are a number of instances under which it may be removed. These include:

- More recent and accurate data that shows the water quality standards are being attained;
- Attainment of applicable water quality standard(s);
- Flaws in the original analysis that led to the original listing or listed area;
- New procedures or revised listing criteria -- i.e., because of these, the listed water body no longer meets the criteria for listing;
- New standards -- the water quality standard for which the water body was listed has been revised, and the water no longer meets the criteria for listing;
- Application of sufficiently stringent pollution requirements -- such as incorporation of TMDL-type controls into the NPDES permit or controls such as those applied by a cleanup or remediation plan with assurance that the water quality standard(s) will be met within a reasonable time period;
- Development of a TMDL or equivalent water body plan; or
- Development of "other pollution controls" which assure water quality standards will be attained in a reasonable time as described for Category 4b water bodies.¹¹

¹⁰ *Id.*

¹¹ *Id.*

The following conditions must apply in order for a de-listing determination to be made:

- There should be a demonstration of “good cause,” i.e. an explanation of why, or on what basis, the water was originally listed and the same for why now it is appropriate to de-list the water or redefine the listed area.
- An administrative record and documentation supporting the recommended determination is needed.
- When considering a de-listing, and in the determination to remove a water body from the Section 303(d) List, the level of data to support a de-listing determination and burden of proof shall be no greater than was used in the initial listing determination.
- The proposed delisting is public noticed and public comment is sought.
- A de-listing determination is subject to approval by the U.S. Environmental Protection Agency.¹²

Alaska also has specific protocols for de-listing water bodies impaired from residues. These protocols are outlined in Alaska’s Final 2002/2003 Integrated Water Quality Monitoring and Assessment Report.

TMDLs

A TMDL or pollution controls are required for a polluted water body to be removed from Alaska’s 303(d) List. However, a water body can also be removed if there are assurances that pollution controls are in place, or will be in place that result in attainment of water quality standards. These “assurances” include other pollution recovery plans such as a water body recovery plan, Memorandum of Understanding (MOU) with other appropriate agencies, or a hazardous substance cleanup approved by the DEC's Contaminated Sites Program. There are also instances where there is no true plan but general assurances that controls are being implemented and only require some follow-up implementation or effectiveness monitoring (as opposed to in-stream monitoring). A list of Alaska’s approved TMDLs and links to the TMDL documents or “assurances” is available from the State.¹³

Alaska also has a schedule for the development of additional TMDLs. Alaska’s TMDL schedule is shown in Figure Two. The schedule will be updated in 2005.

¹² *Id.*

¹³ Available at: <http://www.state.ak.us/dec/water/tmdl/approved%20tmdls.htm>.

Figure Two: Alaska's TMDL Schedule

	Southeast	Southcentral	Interior/North Slope
2003	Silver Bay Ward Cove	Chester Creek Fish Creek Furrow Creek Little Campbell Creek Little Rabbit Creek Little Survival Creek Ship Creek	
2004	Jordan Creek Katlian River Nakwasina River Thorne Bay	University Lake Westchester Lagoon	
2005	Hobart Bay Schulze Cove Skagway Harbor/Pullen Creek Twelvemile Arm	Campbell Creek Campbell Lake Cottonwood Creek Matanuska River	Chena River Chena Slough Goldstream Creek Noyes Slough
2006	Lookout Cove Popof Strait Cube Cove Pederson Hill Creek	Cheney Lake Dutch Harbor Egegik River Illiuliuk Bay/Harbor Saint Paul Island Lagoon	Crooked Creek Watershed Eyak Lake
2007	East Port Frederick Klag Bay Tostoi Bay	Cold Bay Hood/Spenard Lake Kazakof Bay	Caribou Creek Nat. Park Slate Creek Nat. Park
2008	Klawock Inlet	Red Lake / Anton Pond Red Fox Creek	Cabin Creek

Water Quality Monitoring

Alaska has begun development of a comprehensive water quality monitoring and assessment strategy. The strategy will include the ten program elements which the EPA has recommended in its March 2003 Elements of a State Water Monitoring and Assessment Program guidance document.¹⁴

Currently, little ambient water quality information is available other than that developed through a percentage of Alaska's Nonpoint Source Pollution Programs Section 319 grant program and water body-specific monitoring and assessment projects funded or implemented by other groups or agencies. The DEC has adopted EPA Environmental Monitoring and Assessment Program (EMAP) protocols to develop a baseline assessment of Alaska's fresh and

¹⁴ Available at: <http://www.epa.gov.owow/monitoring/repguide.html>.

marine waters. Projects completed or underway include a 2002 survey of the south-central Alaska coastline, a 2004 survey of Alaska's southeast coast, and a wadeable streams survey of the Upper Tannana Basin. The DEC has received funding for a 2006 survey of the Aleutian Islands/Alaska Peninsula coastal region and is planning future surveys and seeking financial support and partners for the Northwest Alaska/Bering and Chuckchi Seas Coastline, Northwest Alaska Beaufort Sea coastline, and the freshwaters of the North Slope National Petroleum Reserve and Yukon River Basin. The EPA has been the primary funding institution. Other cooperators include the National Oceanic and Atmospheric Administration, U. S. Geological Survey, University of Alaska system, and Cook Inlet Regional Citizens Advisory Committee.

Alaska has developed the Alaska Clean Waters Action Policy (ACWA) initiative to guide the selection of waters for water body specific data collection, stewardship, and restoration/protection activities. The ACWA is a joint effort of the Departments of Environmental Conservation, Natural Resources and Fish and Game. There are plans to invite the participation of Federal resource agencies including the BLM.

Nonpoint Source Pollution Program

Much of Alaska is undeveloped and relatively pristine, so the primary emphasis of the nonpoint source pollution program has been prevention. In populated areas, however, many water bodies, including important salmon streams, have been degraded and are in need of restoration. The general sources of nonpoint source pollution addressed by Alaska's NPS program include: urban and community development, forest practices, harbors and marinas, hydromodification, mining, agriculture, wetlands classification and management, and stormwater. Alaska works to control nonpoint source pollution by:

- Ensuring wetland fills do not adversely affect water quality.
- Reviewing timber harvest plans and performing related field inspections for forestry operations.
- Reviewing construction plans and Stormwater Pollution Prevention Plans for stormwater discharges from industrial and construction sites.
- Identifying state water quality priorities and needs.
- Establishing a schedule for developing recovery plans on impaired water bodies and developing water body recovery plans.
- Providing pass-through funding and technical help to municipalities, local groups, and other state agencies for water quality projects.
- Responding to public concerns and complaints on local water quality issues.

The most recent outline of Alaska's Nonpoint Source Pollution Strategy was completed in 2000,¹⁵ and the Nonpoint Source Pollution Strategy will be revised in 2005.

Additionally, Alaska's Coastal Zone Management Act (ACZMA) requires mitigation for projects that adversely affect water quality or create excessive erosion.¹⁶

¹⁵ Alaska Department of Environmental Conservation, Division of Air and Water Quality, Nonpoint Source Pollution Control Program. Alaska's Nonpoint Source Pollution Strategy, Volume 1: Strategy Document. September, 2000. Available at: <http://www.state.ak.us/dec/water/wnpssc/pdfs/npsstrategy%20final.pdf>.

¹⁶ Additional information on Alaska's Coastal Management Program is available at: <http://www.alaskacoast.state.ak.us/>.

BMPs

Alaska does not comprehensively identify BMPs by industry. The State has developed guidance for controlling stormwater runoff, and Anchorage has issued a guidance manual for erosion and sediment control.¹⁷

Implementation on Federal Land

Alaska has not implemented any 319 grant funded projects on BLM land or in cooperation with the BLM.

All federal projects in Alaska are required to be consistent with the ACZMA to the maximum extent practicable. Consistency determinations have been completed and approved for the NW NPR-A and NE NPR-A. The BLM is currently working with the State on a consistency determination for the updated NE NPR-A EIS/IAP.

Federal Consistency

The Federal consistency provisions of section 319 of the CWA authorize Alaska to review Federal financial assistance programs and development projects for their effects on water quality. If the State determines that an application or project is not consistent with the State Nonpoint Source Management Program and notifies the Federal agency of its concerns, the agency must make efforts to accommodate the State's concerns, or explain its decision to not make accommodations, in accordance with Executive Order 12372. Additionally, section 313 of the CWA requires Federal agencies having jurisdiction over property or facilities, or engaged in activities which may result in water pollution, to comply with State and local water pollution control regulations and authorities to the same extent as any non-governmental entity.

The DEC reviews Federal activities for consistency with the nonpoint source pollution strategy through Alaska's Coastal Management Program (ACMP) direct Federal action reviews. Thus, Alaska's Federal consistency review is aimed at the coastal zone. Whenever a Federal permit is required for a project in Alaska's coastal zone, the Office of Project Management and Permitting (OPMP) coordinates the consistency review. This review process is governed by State regulations.¹⁸

Federal consistency review through the ACMP process involves a number of steps. The process starts with receipt of a notice of intent, preliminary plans, or a draft environmental impact statement/assessment and the required consistency determination by the Federal agency. Federal guidelines are controlling in the review schedule. The OPMP coordinates the State's response back to the Federal agency, either concurring with the Federal determination or objecting. If the State objects, it must identify alternative measures, if they exist, which would make the Federal activity consistent to the "maximum extent practicable" with the approved standards of the State's coastal program. If resolution has not been reached on the consistency of a direct Federal action at the end of a 90-day period, the Federal agency can consider postponing the final Federal action until the problems have been resolved. For non-Federal activities requiring a Federal permit, the Federal agency may not issue its approval if the State objects. Either the State or the Federal agency may request formal mediation by the Secretary of Commerce. These formal procedures have rarely been used between the State and Federal

¹⁷ Municipality of Anchorage. Erosion and Sediment Control and Materials Containment Guidance Manual. January, 1998. Available at:

http://www.state.ak.us/dec/water/wnpssp/pdf/moaerosion%20sediment_control_manual.pdf.

¹⁸ 11 AAC 110 "Process for Consistency Review."

agencies in Alaska because the agencies have successfully resolved their disagreements through a less formal, internal process.

A State review process does not exist for review of Federal activities and permits for non-coastal activities.

Enforceable State Laws/Policies/Programs to Limit NPS Pollution

Water Pollution Control Laws

Alaska law prohibits a person from “pollut[ing] or add[ing] to the pollution of the air, land, subsurface land, or water of the state.”¹⁹ The Alaska Department of Environmental Conservation (DEC) has broad authority to adopt pollution standards and “to determine what qualities and properties of water indicate a polluted condition ...”²⁰

If the DEC has reason to believe that a violation has occurred or is about to occur, it may notify the person involved and require a report stating the measures that have been or will be taken to correct or control the conditions. After the time period specified for filing the report has passed, the DEC may issue a compliance order.²¹ If an activity presents an imminent danger to the people of the State or would result in “irreversible or irreparable damage” to the environment, the DEC may issue an emergency abatement order without a hearing.

Fish and Fisheries Laws

A person is generally liable to the State if the person “violates or disregards an order, permit or other determination” of the DEC under the Water, Air, Energy, and Environmental Conservation Code and “thereby causes the death of fish, animals or vegetation or otherwise injures or degrades the environment of the state ...”²² There are additional State laws applicable to salmon and other fish administered by the Department of Fish and Game and the Department of Natural Resources. Obstruction, diversion, or pollution of “water of the state, either fresh or salt, utilized by salmon in the propagation of species, by ... casting, passing, throwing, or dumping tree limbs or foliage, underbrush, stumps, rubbish earth, stones, rock or other debris, or passing or dumping sawdust, planer shavings, or other waste or refuse of any kind in those waters” is prohibited without a permit.²³ A permit is also required to render the waters described above “inaccessible or uninhabitable for salmon for spawning or propagation.”²⁴

¹⁹ Alaska Stat. 46.03.710.

²⁰ Alaska Stat. 46.03.070.

²¹ Alaska Stat. 46.03.850(a)-(c).

²² Alaska Stat. 46.03.780(a).

²³ Alaska Stat. 16.10.010(a)(1).

²⁴ Alaska Stat. 16.10.010(a)(2),(3).

Operational Requirements

Forestry Requirements

With respect to forest resources and practices, the State, with the DEC as lead agency, “should exercise its full responsibility and authority for control of nonpoint source pollution with respect to the Federal Water Pollution Control Act.”²⁵ The law further provides that the Commissioner of Natural Resources may issue nonpoint source pollution regulations subject to DEC approval.²⁶

On State, municipal, and private forest land, State law provides that “environmentally sensitive areas” shall be recognized “in the development of regulations and best management practices that are designed to implement nonpoint source pollution control measures ...”²⁷ State law also requires that “significant adverse effects of soil erosion and mass wasting on water quality and fish habitat shall be prevented or minimized.”²⁸

Prior to beginning commercial timber harvest activities on municipal, private, or on State lands not managed by the Division of Forestry (DOF), the operator shall provide the State forester with a detailed plan of operations. Within 30 days after receipt of a detailed plan of operations, the state forester shall review the plan to determine if the operations are consistent with the requirements of the Alaska Forest Resources and Practices Act (FPA) and the regulations adopted under the FPA. Operations may begin under the plan upon the expiration of the 30-day period or upon notice from the State forester that the review has been completed, whichever occurs first, unless the division has issued a stop-work order for a particular portion of the plan or has notified the operator that a one-time, 10-day extension is necessary for agency review under AS 41.17.098(f). For State forests, the Commissioner must prepare a forest management plan.

Agriculture and Grazing Requirements

There are no State-based operational requirements regarding nonpoint source pollution from CAFOs or grazing activities.

Earth-Disturbing Activities

Alaska law provides for local land use regulation, planning, and zoning, but State law does not prescribe specific nonpoint source duties.

Wetlands and § 404 Permits

The State of Alaska has developed a strategy for managing wetlands that consists of the following activities: A) permitting and inspections, B) developing a functional assessment and classification system using the Hydrogeomorphic Approach (HGM), and C) assisting local government and Tribal organizations.

²⁵ Alaska Stat. 41.17.010(5).

²⁶ Alaska Stat. 41.17.055(d).

²⁷ Alaska Stat. 41.17.060(b)(2).

²⁸ Alaska Stat. 41.17.060(b)(5).

State Implementation of §404

Permitting and inspections: The State participates in managing and protecting wetlands by reviewing the Army Corps of Engineers (COE) dredge and fill permits under the authority of Section 401 of the CWA. This review is intended to assure that construction and other activities do not exceed Alaska's water quality standards.

Additional State Laws/Policies/Programs for Wetlands

Functional Assessment and Classification using HGM: The DEC participated in the development of an assessment tool to help managers distinguish between naturally variable conditions and changes in the function of the State's wetlands resulting from human activity. This effort was begun in 1996 and is called the Hydrogeomorphic Approach (HGM). An MOU signed by eleven agencies established a cooperative approach among Federal and State agencies to develop and use the HGM for assessing wetlands. The interagency MOU committed the signatory agencies to cooperatively develop a common scientific platform using HGM to assess wetland functions. The results are expected to be useful to local, State, and Federal agencies in watershed management and planning.

Assistance to Local Government and Native Organizations: The State provides particular assistance to three local governments that have delegated authority from the COE to manage their wetlands. The State is also assisting Juneau and the Sealaska Native Corporation in developing Wetland Mitigation Banks.

Stormwater Provisions

Since the EPA is the permitting authority for Alaska, a Construction General Permit²⁹ (CGP) is required for any construction activity one acre and above, including smaller sites that are part of a larger common plan of development or sale. The CGP outlines a set of provisions construction operators must follow to comply with the requirements of the NPDES stormwater regulations, and the CGP replaces and updates previous EPA permits.

In Alaska permit number AKR100000 is required for activities on non-Indian land, and permit number AKR10000I is required in Indian country. The DEC reviews construction plans and Stormwater Pollution Prevention Plans for stormwater discharges from industrial and construction sites.

Alaska has developed guidance for stormwater pollution prevention. This guidance can be found in "Alaska Department of Transportation & Public Facilities Stormwater Pollution Prevention Guide."

²⁹ Available at: http://www.epa.gov/npdes/pubs/cgp2003_entirepermit.pdf.