



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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SHAWN M. LATOURETTE

Commissioner

April 3, 2023

State Senate
House of Representatives
Alaska State Capital
120 4th Street, Room 3
Juneau, Alaska 99801-1182

RE: State-based Wetlands Protection
Clean Water Act Section 404 Primacy

Dear Senators and Representatives,

As Alaskans consider whether to assume authority for implementing Section 404 of the federal Clean Water Act, my colleagues and I at the New Jersey Department of Environmental Protection (NJDEP) write to offer our perspective as one of the first states in the nation to assume and, over the last thirty years, successfully administer the wetlands permitting program.

In 1987, the New Jersey Legislature reached the bipartisan conclusion that the State should assume Section 404 primacy on account of the immense natural resource value of our wetlands and the State's interest in self-administering a consistent regulatory program that ensures their protection. (See [N.J.S.A. 13:9B-2](#).) Having implemented the wetlands program continuously since 1994, the State has found itself better positioned to protect wetlands from random or unnecessary disturbance, and to otherwise manage their alteration. Assumption of the federal program has likewise enabled the State to appropriately balance its environmental interests with its development goals and the rights of landowners affected by the wetlands program.

Assuming primacy has also aided our State in coordinating the federal wetlands program with state laws and objectives related to water quality, species conservation, and resource protection. For example, in addition to regulating wetlands, New Jersey places buffers around certain wetlands coincident with their resource value, which further protects them from degradation, and far exceeds federal protection levels. Further, where wetlands disturbances cannot be fully avoided or sufficiently minimized, primacy has allowed the State to direct mitigation efforts in a manner that best serves the interests of New Jersey residents and their environment.

Lastly, assumption has supported our important permitting efficiency and fiscal goals. With primacy over wetlands permitting, NJDEP has been successful in better coordinating the multiple environmental authorizations often required for a single project. And, with support from permitting fee revenue, we have limited the program's reliance on our state budget.

In summary, assumption of the federal wetlands permitting program has been a worthwhile and successful endeavor for New Jersey. For more information about our experience and future plans, the [New Jersey Wetland Program Plan](#) (2023-2027) is available on our internet website, and we invite you to contact us at any time.

We wish you and your constituents well as you further consider this important matter.

Sincerely,



Shawn M. LaTourette
Commissioner
Department of Environmental Protection
State of New Jersey

c: Jason W. Brune, Commissioner
Alaska Department of Environmental Conservation

