



ASSOCIATED GENERAL CONTRACTORS of ALASKA

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Representative Bryce Edgmon
Representative Neal Foster
Representative DeLena Johnson
House Finance Committee

March 18, 2023

Re: Support for Section 404 Primacy Funding

Dear House Finance Committee Members,

Associated General Contractors of Alaska is the construction industry's largest professional trade association, representing over 600 general and specialty contractors and industry suppliers statewide.

We write to you today in support of the Alaska Department of Environmental Conservation's pursuit of permit primacy over Section 404 of the Clean Water Act. We respectfully request that the Legislature provide adequate funding to the Department of Environmental Conservation to assume primacy over this program.

AGC believes that our economy would benefit from Alaskans permitting Alaska projects. Having infrastructure projects permitted and regulated by Alaskans ensures that our unique landscape, isolated project locations, and limited construction seasons would be considered by regulators without compromising the stringent environmental standards that we are required to follow by law. Right now, our members experience uncertainty in processing and can miss entire construction seasons while a permit application sits on a federal regulator's desk in another state, awaiting review and approval.

We believe that a state-run primacy program would create a level of access to regulators that would encourage regular communication and accountability between the permittees and applicants to help move infrastructure projects forward. Similarly, a state-run program would be accountable to Alaskans and the legislature, assuring that Alaska has control of its permitting priorities while enabling the state to integrate the dredge and fill program with other related land and water management programs.

Lastly, the funds coming to Alaska through the Infrastructure Investment and Jobs Act (IIJA) will create opportunity for our state, but also has the potential to create a significant backlog in permits for infrastructure projects around the country. Virtually every construction project created by IIJA funds would require a 404 permit; site improvement fill for residential, commercial or recreational development; breakwaters, levees, dams, dikes, and weirs; placement of riprap and fill material for roads, airports, or buildings; and resource development projects. A state-run primacy program for 404 would provide the same high level of regulatory scrutiny while ensuring reasonable permitting timelines.

Successful examples of when the state of Alaska assumed primacy in similar precedent include the Clean Air Act, in 1972; the Safe Drinking Water Act, in 1978; and the Clean Water Act (section 402) National Pollutant Discharge Elimination System, in 2012. Assuming primacy over 404 would add another tool in Alaska's permitting toolbelt to help us fully realize the value of IJA funds in connecting our state via roads and broadband, and furthering our overall mission of Building Alaska.

Thank you for your consideration and support of this funding.

Sincerely,

A handwritten signature in blue ink, appearing to read "Alicia Amberg". The signature is fluid and cursive, with the first name "Alicia" and last name "Amberg" clearly distinguishable.

Alicia Amberg
Executive Director
Associated General Contractors of Alaska