



State of Alaska 404 Development Program (Clean Water Act, Section 404)

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Program

Alaska Department of Environmental Conservation

December 18, 2013

Senate Bill 27, 2013 Session

- Directed DEC, DNR to analyze assumption
- Provided authority to submit application
- Provided resources for analysis and application effort
- And resources for general permit work with Corps





What is 404?

Section 404 of the Clean Water Act requires that:

... anyone discharging **dredged or fill** material in waters of the US must obtain a **(404)** permit from the U.S. Army Corps of Engineers (Corps)

What is 404?

Activities requiring a permit include:

- Large projects – mining, oil and gas
- Breakwaters, levees, dams, dikes
- Placement of riprap for roads, airports
- Housing development
- Recreational development



Current 404 program in Alaska

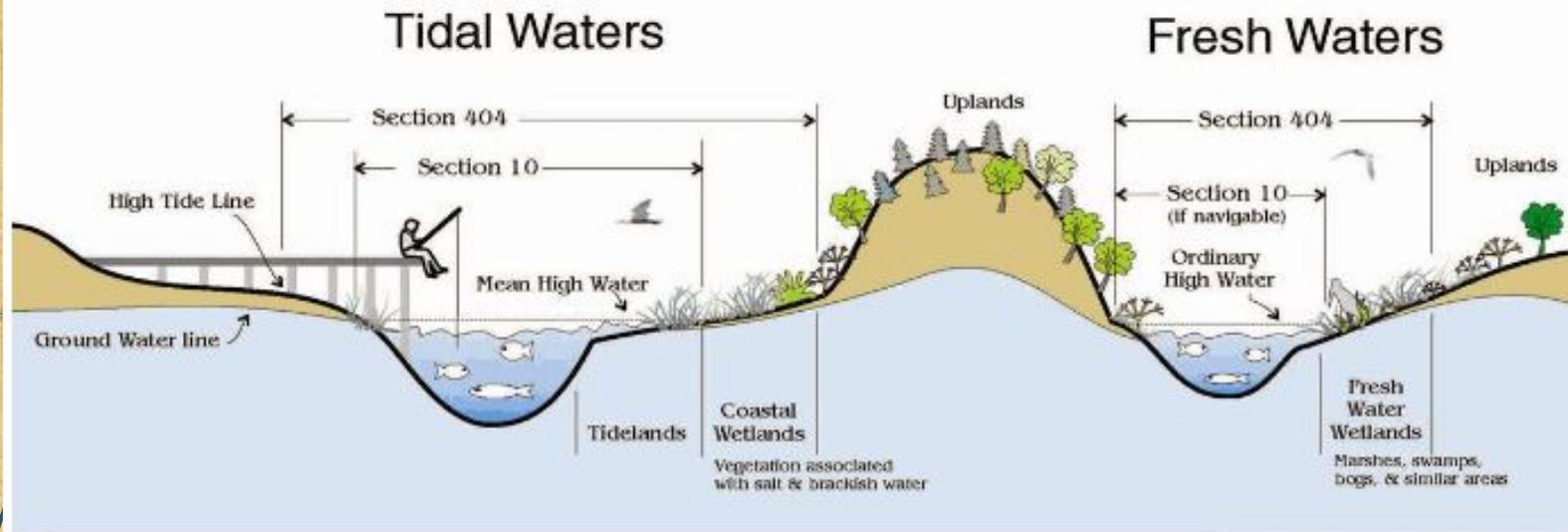
Administered by Corps with EPA oversight

Alaska's current role:

- Provides a "Certificate of Reasonable Assurance" that the activity meets Alaska's water quality standards
(Known as a "401 certification")
- State currently certifies some projects and waives certification on smaller projects

What are the Waters of the US?

CORPS OF ENGINEERS REGULATORY JURISDICTION



Typical examples
of regulated activities

Section 103 Ocean Disposal of Dredged Material

Ocean discharges of
dredged material

Section 404

Discharge of Dredged or Fill Material
(all waters of the U.S.)

All filling activities, utility lines, outfall structures,
road crossings, beach nourishment, riprap,
jetties, some excavation activities, etc.

Section 10

All Structures and Work
(navigable waters)

Dredging, marinas, piers, wharves,
floats, intake / outtake pipes,
pillings, bulkheads, ramps, fills,
overhead transmission lines, etc.

Why Assume the 404 program?

Alaska: unique among the 50 states

- 65% of nation's wetlands in Alaska
- Wetlands cover
 - 174 million acres, or
 - about 43% of Alaska's surface area
- Wetlands in Alaska include
 - tundra, permafrost areas
 - marshes, and bogs



Why Assume the 404 program?

Congress intended for States to
assume 404

(1977 Amendment Clean Water Act)

Alaska has recent experience

Assumption of Section 402

(APDES Alaska Pollutant Discharge
Elimination System program)



How do we get there?

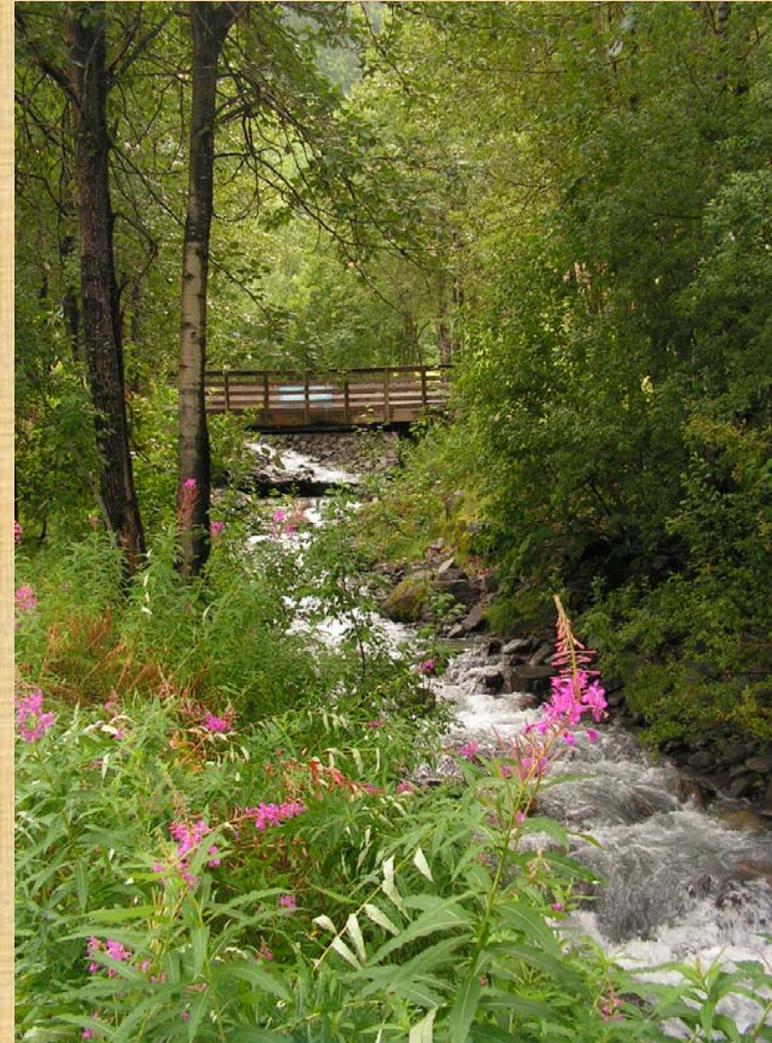
- Cost Benefit Analysis
- Draft Regulations
- Report to legislature
- Public and agency involvement
- Application to EPA



What is the timeline?

Major Milestones

Build 404 Team:	ongoing
Cost/Benefit Analysis:	now – Dec. 2014
Draft statutes and regs:	now to Jan. 2015
Report to Legislature:	2015 Session
Meet with other states:	Summer/Fall 2013
Develop Application:	Jan. 2014-2017
Application submittal target:	December 2017





➤ *DEC 404 Program*

➤ <http://dec.alaska.gov/water/index.htm>

➤ *Association of State Wetland Managers*

➤ <http://aswm.org/>

➤ *Corps of Engineers Permits*

➤ <http://www.usace.army.mil/missions/civilworks/regulatoryprogramandpermits.aspx>

➤ *EPA 404*

➤ <http://water.epa.gov/lawsregs/guidance/cwa/dredgdis/>

Questions?



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