

MUNICIPALITY OF ANCHORAGE
WATERSHED & NATURAL RESOURCES ADVISORY COMMISSION
RESOLUTION NO. 2025-01

A RESOLUTION SUPPORTING THE UPDATED MUNICIPAL WETLAND PERMIT POLICY TO BE IMPLEMENTED BY THE PLANNING DEPARTMENT.

WHEREAS, the *Anchorage Wetlands Management Plan* was first adopted by the Anchorage Assembly on April 20, 1982, via AO No. 82-33(S), establishing the Municipality of Anchorage's authority to regulate disturbance activity within identified wetland units throughout the Municipality; was revised on March 12, 1996, via AO No. 95-129 with the Ten-year Revision; and was further updated on July 8, 2014, via AO No. 2013-132(S); and

WHEREAS, regulatory authority was delegated between the Municipality and the U.S. Army Corps of Engineers (USACE) based upon specified wetland class through the issuance of a general permit from the USACE to the Municipality; and

WHEREAS, the Municipality's general permit expired on April 30, 2021, and was not renewed by the USACE; and

WHEREAS, the Municipality of Anchorage is legally obligated by the *Anchorage Wetlands Management Plan* and Anchorage Municipal Code (AMC) Title 21 to regulate disturbance activity within defined setbacks from the delineated edge of identified wetland units; and

WHEREAS, no formal policy guidance currently exists on how disturbance activity within wetland setbacks or within wetland units is to be permitted by the Municipality; and

WHEREAS, this policy will establish evaluation criteria to be considered and the review process in which a wetland permit will be evaluated. This will improve consistency between reviews and regulatory expectations of the Municipality of Anchorage.

WHEREAS, recent legal decisions made by the U.S. Supreme Court, such as *Sackett v. EPA* and *Rapanos v. U.S.*, have altered the definition of Waters of the United States (WOTUS) and reduced the scope of federal jurisdiction over wetlands.

WHEREAS, the Watershed & Natural Resources Advisory Commission serves as a technical liaison between municipal departments, the community and state and federal agencies having water quality, watershed and natural resources management responsibilities, programs to restore and improve fish and wildlife habitat and other activities to increase community stewardship of aquatic and other natural resources within the Municipality of Anchorage per AMC 4.90.010, and should be consulted on matters that may have adverse impacts on the function and health of our finite wetland resources.

WHEREAS, wetlands provide habitat for numerous species of aquatic and terrestrial plants as well as a wide range of wildlife and migratory birds. Wetlands also provide groundwater recharge, flood attenuation, improve water quality, and reduce shoreline and bank erosion thereby reducing the need for expensive man-made infrastructure to serve a similar mitigating function. Wetlands also play a role in carbon sequestration which benefits climate resilience. Many communities and peoples such as the local Dena'ina have significant cultural connections to wetlands and the waterbodies they are connected to. Wetlands provide intrinsic value that translates to economic and recreational benefits for the greater community through ecotourism, wildlife viewing and environmental education. Maintaining and protecting wetlands preserves their environmental, economic, and cultural importance.

NOW, THEREFORE, BE IT RESOLVED by the Anchorage Watershed & Natural Resources Advisory Commission that:

- A. The Commission supports the updated municipal wetland permit policy and corresponding *Application for Wetland Permit or Amendment to Anchorage Wetland Management Plan*. In considering any disturbance to wetlands identified within the *Anchorage Wetlands Management Plan*, the Municipality uses the below criteria to guide its decision. In addition to these criteria, the Planning Director shall consult the Watershed & Natural Resources Advisory Commission for a recommendation on a permit application disturbing one acre or greater prior to issuing a decision.
 - 1. The applicant has proposed best management practices to avoid or minimize individual and cumulative impacts to the wetland unit; and
 - 2. The area of disturbance is necessary to allow for the development of the proposed use and avoids excessive disturbance of wetlands as much as possible; and
 - 3. The wetland unit is subject to specific protections, such as special use limitations, easements, or has been designated for future public use for recreation, wildlife viewing, ecological function, and/or flood mitigation; and
 - 4. Impacts to adjacent or downstream wetlands, streams, aquatic resources, and drainage facilities will be minimized to the extent possible; and
 - 5. The disturbance activity and/or development is consistent with the purpose and goals of the *Anchorage Wetlands Management Plan*, as well as the goals, objectives, and policies of the Comprehensive Plan.

- B. The Commission encourages an update to the *Anchorage Wetlands Management Plan* with the following considerations:
1. To remain in compliance with the Clean Water Act, the Municipality should continue to require USACE permits as needed, with acknowledgement of the backlog in permit reviews as required under law by the Clean Water Act.
 2. With the revised definition of WOTUS and expiration of the Municipality's general permit in 2021, the updated municipal wetland permit policy should fill the need for a regulatory process to conserve and protect our wetlands. Sites with wetland disturbance of less than one acre should be reviewed for approval administratively to maintain an expedited evaluation, and sites with wetland disturbance of one acre or greater should be considered for approval following review and recommendation by the Watershed & Natural Resources Advisory Commission.
 3. Wetlands coordination and permitting should remain within the duties of the Municipality, and the *Anchorage Wetlands Management Plan* should be amended to allow more flexibility for which departments permit or review wetlands. The Planning Department's Long-Range Planning Division staff could continue to advise the Commission.
 4. The plan update shall include outreach to relevant agencies and the general public.

PASSED AND APPROVED by the Anchorage Watershed & Natural Resources Advisory Commission on the 22nd day of October 2025.



Mélisa K. K. Babb
Secretary



Emily Creely
Chair