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**ALASKA CHAMBER**



**RESOURCE DEVELOPMENT COUNCIL**  
Growing Alaska Through Responsible Resource Development



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### **Alaska trade groups: Sackett v. EPA ruling is a win for Alaska**

May 26, 2023, Anchorage - Today, leadership of the Associated General Contractors of Alaska, the Council of Alaska Producers, the Alaska Support Industry Alliance, the Alaska Forest Association, the Alaska Oil and Gas Association, the Alaska Chamber, the Alaska Miners Association and the Resource Development Council for Alaska expressed support for the Sackett v. EPA ruling.

The 9-0 ruling provides property owners with clarity and flexibility in developing their land and places uncertainty on what is qualified as “waters of the United States,” or “WOTUS.”

“This is a huge win for Alaska,” said Rebecca Logan, CEO of the Alaska Support Industry Alliance. “The Biden WOTUS led to massive uncertainty and more burdensome regulations. The Administration should now do its part and rescind its rule, which is clearly considered unconstitutional by the highest court in the land.”

“We are thrilled with the Supreme Court *Sackett vs. EPA* ruling,” said Alaska Miners Association Executive Director Deantha Skibinski. “Rejecting the significant nexus test restores common sense and clarifies how WOTUS is implemented. Now the Biden Administration must revise its WOTUS rule and provide for a durable rule that clearly details waters that fall under federal jurisdictions versus those that will be regulated by the states.”

"This ruling reaffirms the primary role of states in managing their own land and water resources," said Karen Matthias, executive director of the Council of Alaska Producers. "It will provide much needed regulatory certainty for all projects in Alaska."

“We are pleased with the Supreme Court’s decision in *Sackett vs. EPA*. The court correctly identified that the EPA’s plan was an extreme overreach by the federal government with

potential to extend to all waters of the United States,” said Kara Moriarty, AOGA president/CEO. “This decision balances state and federal powers and provides certainty.”

“RDC welcomes the practical limitations set by the U.S. Supreme Court in *Sackett v. EPA*,” said Leila Kimbrell, executive director of the Resource Development Council for Alaska. “For too long, federal agencies have illegally expanded the definition of ‘waters of the United States’ resulting in burdensome and destructive federal overreach of state and private lands. The recent *Sackett* decision affirms this, appropriately limits federal authority under the Clean Water Act, and should also reverse the overly expansive WOTUS rule issued by the Administration in late 2022.”

“The AFA supports the Supreme Court's decision in *the Sackett v. EPA* case. With this decision the Court affirms that agencies may not wield arbitrary determinations and intentionally broad definitions of US waters to advance radical environmental agendas and reduce longstanding state and private landowners' rights,” said Alaska Forest Association Executive Director Tessa Axleson.

“The Alaska Chamber is pleased to see the U.S. Supreme Court enforce the literal and figurative boundaries the EPA should have followed all long,” said Alaska Chamber President/CEO Kati Capozzi. “This is a win for State’s rights and private land ownership rights.”

“The Supreme Court soundly rejected the use of the flawed ‘significant nexus’ test for determining when projects require a federal permit and establishes a new test for evaluating when a wetland is a waters of the United States. The precise definition of WOTUS is fundamentally important to the construction industry,” said Alicia Amberg, executive director of the Associated General Contractors of Alaska. “AGC members perform many construction activities on land and water that require a WOTUS evaluation before proceeding. The fluctuations in WOTUS regulations, case law, and implementation guidance throughout the years have impacted our members’ ability to secure financing and approval to construct new projects or maintain existing infrastructure and facilities across Alaska. The *Sackett* decision provides the clarity needed to adopt a durable WOTUS rule that follows the intent of the Clean Water Act.”

### **About the Alaska Chamber**

The Alaska Chamber is a non-profit founded in 1953 working to promote a positive business environment in Alaska. The Chamber is the voice of small and large business representing more than 700 businesses, manufacturers, and local chambers across Alaska. Our member companies employ more than 55,000 hard-working Alaskans. The Chamber advocates for a positive investment climate that provides certainty and stability for Alaska. More information about the organization is available at [www.alaskachamber.com](http://www.alaskachamber.com).

### **About the Alaska Forest Association**

The Alaska Forest Association (AFA) is one of Alaska’s oldest trade organizations representing a variety of members in the forest products industry in Alaska. AFA’s members include small,

medium and large operators, tribal organizations, contractors, industry support organizations, and individuals from across the state of AK. While the timber industry is no longer at the height of the 1990s, AFA members continue to provide millions of dollars to a variety of local businesses including stevedoring and barge operations, freight carriers, regional and local airlines, and other related support businesses.

#### **About the Alaska Miners Association**

AMA is a professional membership trade organization established in 1939 to represent the mining industry in Alaska. AMA's more than 1,400 members come from eight statewide branches: Anchorage, Denali, Fairbanks, Haines, Juneau, Kenai, Ketchikan/Prince of Wales, and Nome. Alaska's miners are individual prospectors, geologists, engineers, suction dredge miners, small family mines, junior mining companies, major mining companies, Alaska Native Corporations, and the contracting sector that supports Alaska's mining industry.

#### **About the Alaska Oil and Gas Association**

AOGA is a professional trade association whose mission is to foster the long-term viability of the oil and gas industry in Alaska for the benefit of all Alaskans.

#### **About the Alaska Support Industry Alliance**

The Alliance promotes responsible exploration, development and production of oil, gas and mineral resources for the benefit of all Alaskans. It represents more than 500 businesses who provide support to the oil and gas and mining industries.

#### **About AGC of Alaska**

Associated General Contractors of Alaska is the construction industry's largest professional trade association, representing over 620 Alaskan contractors, specialty contractors, suppliers, manufacturers, and businesses in Alaska. AGC members abide by the best practices in the industry and take pride in their work to support vital infrastructure and connect Alaska. At AGC, we don't represent any specific resource industry. We instead advocate for a healthy economy, responsible environmental/developmental partnerships, and proper, legal, and well-established permitting and review process.

#### **About the Council of Alaska Producers**

CAP is a non-profit trade association formed in 1992 to represent the interests of large metal mines and mine developmental projects in Alaska. CAP informs members on legislative and regulatory issues; supports and advances the mining industry; educates members, the media, and the general public on mining related issues; and promotes economic opportunity, social benefits, and environmentally sound mining practices.

#### **About the Resource Development Council for Alaska, Inc.**

The Resource Development Council for Alaska is an Alaskan trade association comprised of individuals and companies from Alaska's fishing, forestry, mining, oil and gas, and tourism industries. RDC's membership includes Alaska Native corporations, local communities, organized labor, and industry support firms. RDC's purpose is to encourage a strong, diversified

private sector in Alaska and expand the state's economic base through the responsible development of our natural resources.

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