

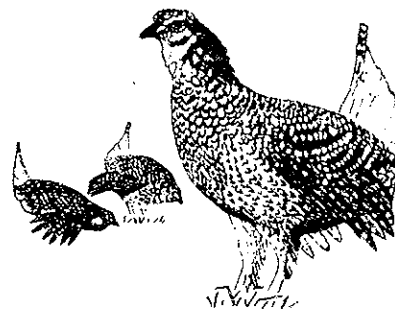


North Dakota Chapter

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# THE WILDLIFE SOCIETY

P.O. BOX 1442 • BISMARCK, ND 58502



## NORTH DAKOTA CHAPTER OF THE WILDLIFE SOCIETY RESOLUTION CONCERNING STATE ASSUMPTION OF THE SECTION 404 PROGRAM

WHEREAS, the U.S. Army Corps of Engineers currently administers Section 404 of the Clean Water Act which regulates the placement of fill material into the waters of the United States, and

WHEREAS, the Corps of Engineers has evaluated more than 4,000 permit applications in North Dakota since 1987, and

WHEREAS, over 98 percent of these projects were processed in an efficient, effective manner, with full consideration for the provisions of the law and wetland values, and

WHEREAS, an independent analysis of the 404 program in North Dakota by Colorado State University and the National Ecology Research Center found that 94 percent of permittees were in compliance with permit conditions, and

WHEREAS, the Corps of Engineers initiated biweekly interagency meetings in June of 1991 to encourage State and Federal agency participation in the regulatory process and address questions and concerns, and

WHEREAS, these meetings have proven to be an effective forum to cooperatively address complex projects and develop biologically sound alternatives, and

WHEREAS, the North Dakota State Water Commission is working towards assuming responsibility for administering the 404 regulatory program, and

WHEREAS, the effectiveness, compliance history, enforcement record, and resource protection benefits of the permitting programs currently managed by the North Dakota State Water Commission have not been systematically assessed or demonstrated, and

WHEREAS, the North Dakota State Water Commission does not currently have the expertise, staff, or funding to objectively evaluate complex projects affecting wetland resources, and

WHEREAS, the North Dakota Chapter of The Wildlife Society and the North Dakota State Water Commission both recognize that water development and wetland conservation activities must be balanced, we do not share the same perspective on how to achieve an appropriate balance which benefits all North Dakotans.

NOW THEREFORE, BE IT RESOLVED, that the North Dakota Chapter of The Wildlife Society supports the continued management of the 404 regulatory program by the Corps of Engineers, and

BE IT FURTHER RESOLVED, that the North Dakota Chapter of The Wildlife Society recommends that the North Dakota State Water Commission work cooperatively with the Corps of Engineers and the participating agencies to protect the integrity of the State's aquatic resources through the existing permitting programs, and

BE IT FURTHER RESOLVED, that copies of this resolution be sent to the North Dakota State Water Commission, North Dakota Game and Fish Department, North Dakota Department of Health and Consolidated Laboratories, the Governor of North Dakota, U.S. Army Corps of Engineers, and U.S. Environmental Protection Agency.

Passed by the membership of the North Dakota Chapter of The Wildlife Society on February 5, 1993.