HB283 – Natl. Res. Water Nomination/Designation
Sponsor Statement

HB283 "An act relating to the nomination and designation of state water as outstanding national resource water; and providing for an effective date."

House Bill 283 (HB283) creates a process for water in Alaska to be designated as an Outstanding National Resource Water (ONRW). The purpose of an ONRW – or Tier 3 – designation is to offer special protection for waters of "exceptional recreational or ecological significance." Once a water is designated as an ONRW, the only additional pollutants from wastewater discharges that can be added to that water are temporary and limited.

The state is required to establish a process for ONRW designation under the federal Clean Water Act. Current statute and the Constitution are not clear regarding the Department of Environmental Conservation (DEC)'s authority to designate ONRWs. ONRWs are afforded special protection: because only temporary and limited pollutants are allowed to be added to ONRWs, an ONRW designation effectively becomes a land use decision with the possibility of impacting or barring further development on lands near ONRWs. Given the far-reaching consequences of designation, ONRW designation is more appropriately the Legislature's decision.

This bill clarifies that the final designation decision is made by the Legislature. It also establishes a process by which nominations can be submitted to and compiled by DEC for submittal to the Legislature for consideration.

There is no anticipated increased cost to implement this bill. DEC will be able to establish regulations and collect nominations with current staffing levels.

There are currently no ONRWs in the State of Alaska; however, DEC has received three requests for ONRW designations, which DEC is holding until a final process for designation is established.

It is important to the protection of Alaska's human and environmental health to have a clear process for designation of Outstanding National Resource Waters or Tier 3 waters in the state.