



Council of
Alaska Producers

**Comments on SB163:
Nomination and Designation Process for Tier III
Outstanding National Resource Water (ONRW)**

March 11, 2016

Senator Cathy Giessel
Chair, Senate Resources Committee
Alaska State Legislature
State Capitol
Juneau, AK 99801

Dear Senator Giessel:

The Council of Alaska Producers (CAP) appreciates the opportunity to comment on SB163, "An Act relating to the nomination and designation of state water as outstanding national resource water."

CAP is a non-profit trade association formed in 1992 and serves as a spokesperson for the large metal mines and major metal developmental projects in the state. Bringing together mining companies with interest in Alaska, the Council represents and 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 and environmentally sound mining practices.

CAP concurs with the technical comment letter submitted by the Alaska Miners Association (AMA) on March 4, 2016. Rather than restate those details here, this letter will focus on our overarching concerns. A Tier III water body designation could severely restrict future resource development and community growth, thus it is appropriate that the Legislature take the responsibility for such serious, far-reaching determinations. It is equally important that the process be crafted to avoid illegitimate nominations by anti-development groups seeking to disrupt or prohibit potential development.

SB 163 should state that a nomination by itself will not change the way the water body is managed. Further protection or management of the water body as a Tier III should commence only if the Legislature makes the Tier III determination. While the Legislature should make the final decision, the Alaska Department of Environmental Conservation (ADEC) should be able to dismiss any frivolous or incomplete nominations prior to forwarding to the Legislature. SB 163 should include detailed criteria for any Tier III nomination. CAP concurs with the suggested criteria put forward by AMA in Exhibit A of their March 4th letter.

CAP would support SB 163 if it is modified to address these issues as well as AMA's concerns. Thank you for this opportunity to provide comments.

Sincerely,

Karen Matthias
Executive Director