



# ALASKA STATE LEGISLATURE

## SENATE RESOURCES COMMITTEE

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### Senate Bill 163 Version I

### Explanation of Changes

**Authored by staff at the Department of Environmental Conservation**

In response to public testimony on the bill, the Committee Substitute (CS) adds more definition on the nomination criteria and process for designation of Tier 3 waters. The changes include:

- Changes the name of Tier 3 waters to outstanding state resource waters
- Adds that the Legislature may remove a designation
- Rather than have the process for submittal of nomination information and public notice established in regulation (AS46.03.085(c) in the original bill), the CS establishes an eleven point criteria a nomination must include, and adds a fee (Section 46.03.135(b)(1) through (11))
- Adds a six month timeline for the department to determine that a nomination is complete
- Allows for the department to enter into an agreement with a nominator for the nominator to reimburse the department for the costs related to the nomination process including public notice, preparation of the findings, analyses and determinations related to the nomination. Alternatively, the department can prepare a cost estimate for processing a nomination and forward that to the legislature for consideration as a capital appropriation

- Outlines that the department shall establish a process for providing public notice, including individual notice to land owners, and for prioritizing nominations
- Before transmitting nominations to the legislature, adds that the department must certify a nomination complete; in consultation with DNR and DF&G, determine that the water has exceptional characteristics; in consultation with DNR and DF&G create a report analyzing certain factors related to the nomination including analysis of risk that the water will be degraded, and the pros and cons of alternative available to preserve the water
- Clarifies that a list of nominations from the preceding four calendar years is submitted to the legislature, while entire nomination packets for nominations certified complete in the preceding two calendar years are submitted
- Requires the state resource agencies to submit a report to the legislature every ten years on the status of designated waters and recommendations on continuation of the designations
- Provides language describing how the department shall manage a designated water to maintain its existing water quality and only allow discharges that result in temporary lowering of water quality
- Clarifies that a water cannot be managed as an outstanding state resource water until it has been designated as such
- Provides a definition of “resident” and “waters of the United States”
- Adds uncodified law that the department’s first submittal of nominations to the legislature be after 2018