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Nauman  
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**CS FOR HOUSE BILL NO. 283( )**

**IN THE LEGISLATURE OF THE STATE OF ALASKA**

**TWENTY-NINTH LEGISLATURE - SECOND SESSION**

**BY**

**Offered:  
Referred:**

**Sponsor(s): HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR**

**A BILL**

**FOR AN ACT ENTITLED**

**"An Act relating to the nomination and designation of water as outstanding state resource water; and establishing an Advisory Board of Protected Waters."**

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

**\* Section 1.** AS 46.03 is amended by adding new sections to read:

**Sec. 46.03.085. Outstanding state resource water.** (a) Water of the state may be designated as an outstanding state resource as specified in 40 C.F.R. Part 131.12 by the commissioner after the commissioner receives a recommendation from the Advisory Board of Protected Waters established under AS 46.03.087. If the commissioner receives a nomination recommendation from the board but does not follow the recommendation, the commissioner shall, in writing, explain why the recommendation was not followed.

(b) The Advisory Board of Protected Waters established under AS 46.03.087 shall accept nominations of water for designation as outstanding state resource water.

(c) Any resident of the state may provide a nomination.

1           **Sec. 46.03.087. Advisory Board of Protected Waters.** (a) The Advisory  
2 Board of Protected Waters is established in the department for the purpose of  
3 accepting and reviewing nominations for an outstanding state resource water.

4           (b) The board shall consist of nine voting members as follows:

5                   (1) three permanent members:

6                           (A) the commissioner of environmental conservation, who shall  
7 chair the board;

8                           (B) one environmental specialist from the Department of  
9 Environmental Conservation, appointed by the commissioner;

10                          (C) one biologist from the Department of Natural Resources,  
11 appointed by the commissioner of natural resources; and

12                   (2) six rotating members, representing the region or regions in which  
13 the nominated water is located, appointed by the commissioner:

14                           (A) two representatives from a regional fishing organization;

15                           (B) two representatives from a regional mining organization;

16                           (C) two representatives from a regional tribal entity.

17           (c) The commissioner shall appoint rotating members of the board as soon as  
18 practicable after the board receives a nomination that meets the nomination criteria  
19 established under (g) of this section. The term of a rotating board member expires on  
20 the date the board takes final action on a nomination. The applicable commissioner  
21 shall fill a vacancy on the board within 30 days.

22           (d) Members of the board do not receive a salary and are not entitled to per  
23 diem and travel expenses authorized for boards and commissions under AS 39.20.180.

24           (e) Five members of the board constitute a quorum for the conduct of  
25 business. A majority of the membership of the board must approve a recommendation  
26 for nomination for a designation of an outstanding state resource water.

27           (f) The board shall consider nominations one at a time in the order that they  
28 are received. The commissioner shall determine whether a nomination meets the  
29 criteria established under (g) of this section within 60 days of receipt of a nomination.

30           (g) The department, in consultation with the permanent members of the board,  
31 shall propose and adopt regulations that establish

1 (1) the process for the submittal of a nomination and for the submittal  
2 of additional information related to a nomination;

3 (2) nomination acceptance criteria; regulations adopted under this  
4 paragraph must include a requirement that a nomination demonstrate that the  
5 nominated water is

6 (A) in relatively pristine condition, largely absent of human  
7 sources of degradation, and of exceptional value to the state in its current  
8 condition;

9 (B) of exceptional ecological, economic, or recreational  
10 significance;

11 (C) an exceptional and rare example of its type, regardless of  
12 its water quality; or

13 (D) proximate to, adjacent to, or within existing protected  
14 waters;

15 (3) public notice and public hearings for all nominations meeting  
16 qualifications under (2) of this subsection;

17 (4) a method to provide individual notice to known owners of land  
18 adjacent to the nominated water; and

19 (5) scientific and other requirements that must be met before water can  
20 be designated outstanding state resource water.

21 (h) The department shall provide staff for administrative support for the board.

22 \* **Sec. 2.** AS 46.03.900 is amended by adding a new paragraph to read:

23 (38) "outstanding state resource water" means water that is designated  
24 by the commissioner under AS 46.03.085.