

LAW OFFICES OF  
SIMPSON, TILLINGHAST, SHEEHAN & ARAUJO, P.C.

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March 19, 2019

VIA EMAIL ONLY

Senator Chris Birch  
Senate Resources Committee  
State Capitol Room 125  
Juneau, AK 99801  
[Senator.Chris.Birch@akleg.gov](mailto:Senator.Chris.Birch@akleg.gov)

Re: Support for SB 51

Dear Senator Birch:

This firm represents Sealaska Corporation, and the purpose of this letter is to convey Sealaska's support for SB 51, which is scheduled to be heard this Wednesday, March 20, in Senate Resources.

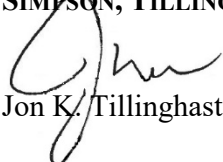
SB 51 would require legislative approval of any designation of a "Tier III" water in Alaska under the federal anti-degradation program. Tier III designation precludes *any* lowering of water quality—even if the water will still comply with Alaska's water quality criteria and all water uses will be fully protected. As a result, in most cases Tier III designation is tantamount to a "no discharge" designation. That restriction, in turn, would preclude a wide range of otherwise permissible uses on the adjacent uplands.

Effectively withdrawing potentially large land areas from multiple use is a significant public policy decision that ought to be made by the legislature. In that respect, SB 51 is similar in intent to AS 38.05.300, which has long precluded the Department of Natural Resources from effectively withdrawing more than 640 acres of land from multiple use without legislative approval.

By way of background, Sealaska has, for many years, been active in the state's collaborative effort to develop an effective anti-degradation program. It served on the Department of Environmental Conservation's antidegradation stakeholder workgroup, which for over a year labored to produce the foundation for what ultimately became a balanced program for protecting "Tier II" waters in Alaska. Under that program, and even without any Tier III designations, no degradation of Alaska's already-clean waters is allowable absent a sufficient economic or social justification for the proposed discharge—and, in no circumstance may water quality violate Alaska's water quality criteria or impair water uses.

Thank you for the attention that Sealaska knows you will give to our comments.

Sincerely,  
SIMPSON, TILLINGHAST, SHEEHAN & ARAUJO, P.C.



Jon K. Tillinghast

cc: Jaeleen Kookesh, Sealaska Vice President Policy & Legal Affairs  
Jim Tuttle, Sealaska Timber Company