



March 12, 2019

**ALASKA FOREST ASSOCIATION RESOLUTION SUPPORTING SENATE BILL 51 -
THAT TIER 3/WILDERNESS WATERS IN ALASKA BE DESIGNATED BY THE
LEGISLATURE**

WHEREAS: The Tier 3 designation arises out of federal antidegradation rules, promulgated by the U.S. Environmental Protection Agency (EPA) under the Clean Water Act; and

WHEREAS, The most stringent of these rules is called "Tier 3" – which is reserved for Outstanding Natural Resource Waters (ONWR). Any waterbody that is designated an ONRW cannot, under the Tier 3 rules, be degraded beyond its baseline conditions; and

WHEREAS, Tier 3 goes beyond enforcing current water quality regulations. Instead, the Tier 3 rules prohibit any new activities and expansion of existing activities that impact water quality in any way- even if the discharge meets Alaska's water quality standards.; and

WHEREAS, by prohibiting any discharge into adjacent water, Tier 3 designation made by DEC alone would effectively amend federal and state land-use plans on lands adjacent to a Tier 3 designated water body without any role in this regulation process for federal land management agencies, the Alaska Department of Natural Resources, the Alaska Department of Fish & Game or affected communities; and

WHEREAS, because there are over three million waterbodies in Alaska, almost all of which are pristine, Tier 3 designation could result in massive land set asides throughout the State – every group will have a local waterbody that it will nominate for protection which will prohibit development of projects even if they meet Alaska's water quality standards; and

WHEREAS, decisions having such huge impacts upon resource development in Alaska should not be made by unelected officials of one State agency, but should be made by the elected representatives of the people;

NOW THEREFORE BE IT RESOLVED, that because of the land use and socio-economic implications of prohibiting a discharge into Tier 3/Wilderness Waters, the AFA supports SB 51 which authorizes only the Legislature to make a Tier 3/Wilderness Water designation.

BE IT FURTHER RESOLVED, that the AFA supports SB 51's requirement that the Commissioners of DEC, DNR, and ADF&G must unanimously agree that the water body qualifies for Tier designation in order for the waterbody's nomination to advance to the Legislature for its consideration.

Sincerely,

Alaska Forest Association
Board of Directors