



**Testimony by the South East Alaska Conservation Council on SB 51, Designation of  
Outstanding National Resource Waters (ONRW)**

Please accept this testimony on behalf of the Southeast Alaska Conservation Council (SEACC) in opposition to SB 51.

SEACC is dedicated to preserving the integrity of Southeast Alaska's unique and valuable natural environment while allowing for sustainable use of our region's resources. The future economic opportunities for the people and communities in Southeast are dependent on tourism, fishing, recreation, and the continuation of customary and traditional. These, in turn, depend on maintaining clean water. Alaska holds 40% of the nation's fresh water resources, a far more valuable resource than petroleum, mining or timber combined.

Unfortunately, the State has a long history of mismanaging this resource.

- Alaska has been out of compliance with the Clean Water Act for 21 years.
- Alaska dragged its feet producing the required antidegradation guidance necessary to manage our waters while regularly allowing multiple discharges into pristine waters without it.
- Alaska bases its human health-based water quality standards on the laughable fish consumption rate of 6.5 grams per person per day; less than one bite.
- The State is one of the few jurisdictions in the world that allows cruise ships to dump sewage waste into inside waters and while docked at port.
- The Department of Environmental Conservation does not require polluters to supply adequate baseline water quality data for receiving waters before authorizing the discharge of pollutants into them.
- The Agency has been out of compliance with the Performance Partnership Agreement with the EPA for years.
- Alaska has consistently adopted only the bare, minimum federal requirements required to protect this valuable resource.

In Southeast Alaska, fishing is the number one industry and contributes over \$1 billion to the economy. Most fishermen are small, family-owned businesses. Fishing, when managed correctly is a long-term sustainable resource. The fishing industry is now in decline. Whereas global conditions may be a contributing factor, protecting fresh water habitat becomes that much more critical. Species depend on genetic diversity to withstand environmental pressures. Genetic diversity arises from clean, fresh water habitat.

It is far too easy to obtain a permit to dump contaminants into Alaska's waters. The applicant fills out a form and provides some data on the proposed effluent. There is no requirement to collect data on the receiving water and no requirement to use best available technology to treat the effluent. Monitoring of the receiving water may be waived.

Conversely, Senate Bill 51 places an insurmountable burden on the public to protect critical waters, waters that may be drinking watersheds, critical habitat, important recreational or cultural resources. Senate Bill 51 instead requires the unanimous approval of three agencies to agree on an ONRW designation. Then it requires the Legislature to enact a law, subject of course to a Governor's veto. This creates such a high bar for water protection it effectively means that the State will never allow citizens to successfully designate and protect high value waters. Other states that have adopted a legislative-only process have not adopted any ONRW's.

Instead Alaska needs to establish an administrative process for designating ONRW's. DEC is in the best position to consider science-based information to support an ONRW designation and provide a transparent public process devoid of politics. Successful implementation is accomplished by not allowing any permanent or long-term degradation of water quality. An administrative process through DEC would save the State money and protect the economic engines of Southeast Alaska.

ONRW designation does not affect other users of the waterbody as opponents repeatedly misstate. ONRW designation only restricts permitted point-source discharges that would permanently lower water quality and contain exceptions for construction, restoration or flood control activities.

ONRW designation is not a land use designation. Owners of adjacent lands do not have any inherent right to pollute the State's waters. There is no evaluation or assessment of land value that includes a right to dump pollutants into state waters, in fact property alongside a designated ONRW water may increase in value.

SEACC opposes SB 51. SB 51 is fundamentally unfair to the residents of Alaska because it sets up a system where their right to protect waters critical to their communities is subjugated to the rights of the outside corporations to pollute them.

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