

Co-Chair Tarr, Co-Chair Lincoln –

Please see the response to questions below that were asked during and immediately after the Monday, February 10 hearing on HB 138 National Resource Water Designation. We have received the follow-up questions that committee members have asked that Water Quality Division Randy Bates be prepared to answer in the hearing on Monday, February 17, and he is working on that task.

Rep. Hannan asked if the department aware of any states having faced legal challenge relating to non-compliance of CFR 131.12, specifically to failure to develop a Tier 3 designation process? If so, would it be possible to get a brief summary sent to the committee?

DEC is not aware of any states facing a legal challenge for failing to develop a Tier 3 designation process. In April 2016 Oregon faced a challenge to its process, but have since adopted rule amendments and have designated the North Fork Smith River and its associated sub basins as ONRWs.

Rep. Spohnholz asked for the list of Tier 3 water nominations that DEC has received to date:

1. Kaktuli River (2012) - Petitioners: Trout Unlimited, Inc., Alaska Program Nushagak-Mulchatna Wood-Tikchik Land Trust, Alaska Alpine Adventures, LLC (Dan Oberlatz), SnoPac Products, Inc., Alaska Independent Fishermen's Marketing Association Renewable Resources Coalition, Nunamta Aulukestai
2. Chilkat River (2015) – Petitioner: Chilkat Indian Village
3. Yakutat Forelands (2016) – Petitioner: Yakutat Tlingit Tribe
4. Chandlar River (2016) – Petitioner: Venetie Village Council
5. Draanjiik River (2017) – Petitioners: Gwichyaa Zhee Gwich'in Tribal Government and the Chalkyitsik Village Council

Best regards,

Laura Achee
Information Officer
Legislative Liaison
Alaska Department of Environmental Conservation

