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January 28, 2016

The Honorable Mike Chenault
Speaker of the House
Alaska State Legislature
State Capitol, Room 208
Juneau, AK 99801-1182

Dear Speaker Chenault:

Under the authority of Article III, Section 18 of the Alaska Constitution, I am transmitting a bill relating to the nomination of state water as "outstanding national resource water," also known as "Tier 3" water. Once a water body is designated as a Tier 3 water, the only additional pollutants from wastewater discharges that can be added to that water are temporary and limited. There is currently no Tier 3 water in Alaska.

The bill would add a new section, AS 46.03.085, authorizing the Department of Environmental Conservation (DEC) to collect nominations of state water for Tier 3 status and compile a list of nominated water for transmittal to the Legislature. The bill also would clarify that legislative action would be required to formally designate a body of water as a Tier 3 water.

The Clean Water Act requires states to implement a procedure for Tier 3 designation. DEC does have the authority to set quality and purity standards under AS 46.03.080 and has the technical expertise to analyze whether or not a water body meets the criteria for extra protection under Tier 3 status. However, currently there is no provision in the Clean Water Act for reversing a Tier 3 designation. Thus, such a designation has the potential to permanently limit development. Given the far-reaching consequences, the final authority for designation should rest with the Legislature and not with DEC.

I urge your prompt and favorable action on this measure.

Sincerely,

A handwritten signature in blue ink that reads "Bill Walker".

Bill Walker
Governor

Enclosure