

## **TESTIMONY OF JIM CLARK, 1109 C STREET, JUNEAU ALASKA IN SUPPORT OF SB 51**

Speaking for myself. Five basic points:

1. The Tier 3 Implementation Regulations (18AAC 70.016(d)) have been in place since July 2018. SB 51 simply names the Legislature as the Tier 3 Water designating authority.
2. The implementing regulations prohibit a discharge to a Tier 3 water body or a tributary of a Tier 3 water body that lowers its existing water quality, even if the discharge meets water quality standards. So, Tier 3 designation effectively prohibits development of an entire watershed whenever a discharge to water is involved.
3. The Legislature designates areas to be set aside for state parks, marine sanctuaries and the like. Because a Tier 3 designation has the same impact on development as designation of a state park, it should be made by the Legislature.
4. Former Commissioner Larry Hartig stated in a November 30, 2018 letter to a group of Senators that DEC policy was for Tier 3 designations to be made by the Legislature.
5. Essentially SB 51 would codify existing policy and is thus nothing more than a housekeeping measure.