



THE STATE
of **ALASKA**
STATE LEGISLATURE

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Sponsor Statement

House Bill 138 Version A -- National Resource Water Nomination/Designation

House Bill 138 clarifies that the process for classifying waterbodies as Outstanding National Resource Waters (ONRW), which receive the highest level of protection under the federal Clean Water Act, belongs to the legislature

In 1983, the Environmental Protection Agency (EPA) defined ONRWs as waters of "exceptional recreational or ecological significance" in which water quality shall be "maintained and protected" from degradation in perpetuity. The EPA further mandated that each state establish a process for designating ONRWs.

Currently, the State of Alaska has no formal process for designating ONRWs. This puts the state at risk of violating the Clean Water Act, opens the possibility of the EPA imposing their own designation process, and leaves stakeholders—developers and conservationists alike—with uncertainty about the ONRW designation process.

HB 138 makes it clear that this process resides with the legislature and must be accomplished via statute. To date, the Legislature has designated approximately 12 million acres of state lands and waters as refuges, sanctuaries, critical habitat areas, forests, parks, public-use areas, and recreational rivers—118 such legislatively designated areas in total. No such designations have been made exclusively by an agency.

Once a waterbody is designated an ONRW, the water quality must be "maintained and protected," meaning no new or additional discharges into the water may be authorized. In- and near-water activities—like wastewater treatment plants, seafood processing, and motorized vessels—as well as upland activities, including residential and commercial septic systems, road construction, mining, and timber harvesting, could be impacted or prohibited by a ONRW designation.

ONRW designation could be an important tool for the protection of Alaska's human and environmental health. However, such a designation is a significant policy decision that could restrict a range of activities not only on state waterbodies but also on adjacent lands. This effectively makes ONRW designation a land-use decision, which—as demonstrated by the 118 existing legislatively designated areas in the state—should properly reside in the hands of the Legislature.

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