



Sectional Analysis for CS for HB 138 (Version K)

(Revised February 4, 2020)

Section 1

Adds two new sections to state law:

Sec. 46.03.085

Requires that Outstanding National Resource Waters (a) may be designated as such only in statute and (b) may not be managed as such until they have been designated in statute.

Sec. 46.03.087

- (a) Establishes the Alaska Outstanding Resource Water Advisory Commission in the Department of Environmental Conservation. The purpose of the commission is to accept and review nominations for ONRWs.
- (b) The commission consists of seven members, including the commissioners of the departments of environmental conservation, natural resources, and fish and game and four members appointed by the governor, representing
 - a. a tribal entity or Native corporation
 - b. an environmental or conservation nongovernmental organization
 - c. a resource development nongovernmental organization
 - d. a statewide organization of local governments.
- (c) Commission members are appointed to staggered three-year terms; after two consecutive terms, a member may not be reappointed until three years have elapsed.
- (d) Commission members serve without compensation but are entitled to travel and per diem.
- (e) The commission shall
 - (1) establish a process and minimum criteria for an ONWR nomination to be accepted by the commission, including
 - a. name, description, and location of the water
 - b. upstream and downstream boundaries
 - c. explanation of what makes the water recreationally or ecologically exceptional
 - d. description of existing water quality
 - e. cost-benefit analysis for communities and potential projects.
 - (2) determine by vote whether a nomination meets the minimum criteria and, within one year of that vote, provide a public comment period and determine whether the nomination should be recommended as an ONWR to the legislature

- (3) prepare an annual report, including all waters nominated, whether they meet the minimum criteria, whether they are recommended by the commission for designation as ONWR, and any dissenting opinion relating to a final recommendation by the commission
- (4) deliver the report to the governor, the senate secretary, and the chief clerk on the first day of each regular session.
- (f) A recommendation of the commission requires an affirmative vote of a majority of members; a member who votes against a recommendation may provide a written dissenting opinion.
- (g) A recommendation or action of the commission does not constitute a final agency decision or action and is not subject to appeal or review under the Administrative Procedures Act.
- (h) The governor shall submit legislation consistent with a commission recommendation to designate an ONRW.
- (i) The cost of nomination is born by the nominator and not the state.
- (j) Definition of “commission” and “nonpoint source activity.”

Section 2

Immediate effective date clause.