

**CS FOR HOUSE BILL NO. 283(FSH)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-NINTH LEGISLATURE - SECOND SESSION

**BY THE HOUSE SPECIAL COMMITTEE ON FISHERIES**

**Offered: 4/8/16**

**Referred: Resources**

**Sponsor(s): HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to the nomination and designation of water as outstanding state**  
2 **resource water; and establishing an Advisory Board of Protected Waters."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 **\* Section 1.** AS 46.03 is amended by adding new sections to read:

5 **Sec. 46.03.085. Outstanding state resource water.** (a) Water of the state may  
6 be designated as an outstanding state resource as specified in 40 C.F.R. Part 131.12 by  
7 an act of the legislature.

8 (b) The Advisory Board of Protected Waters established under AS 46.03.087  
9 shall accept nominations of water for designation as outstanding state resource water.

10 (c) Any resident of the state may provide a nomination.

11 **Sec. 46.03.087. Advisory Board of Protected Waters.** (a) The Advisory  
12 Board of Protected Waters is established in the department for the purpose of  
13 accepting and reviewing nominations for an outstanding state resource water.

14 (b) The board shall consist of nine voting members as follows:

1 (1) three permanent members:

2 (A) the commissioner of environmental conservation, who shall  
3 chair the board;

4 (B) one environmental specialist from the Department of  
5 Environmental Conservation, appointed by the commissioner;

6 (C) one biologist from the Department of Natural Resources,  
7 appointed by the commissioner of natural resources; and

8 (2) six rotating members, representing the region or regions in which  
9 the nominated water is located, appointed by the commissioner:

10 (A) two representatives from a regional fishing organization;

11 (B) two representatives from a regional mining organization;

12 (C) two representatives from a regional tribal entity.

13 (c) The commissioner shall appoint rotating members of the board as soon as  
14 practicable after the board receives a nomination that meets the nomination criteria  
15 established under (g) of this section. The term of a rotating board member expires on  
16 the date the board makes a final recommendation on a nomination under (f) of this  
17 section. The applicable commissioner shall fill a vacancy on the board within 30 days.

18 (d) Members of the board do not receive a salary and are not entitled to per  
19 diem and travel expenses authorized for boards and commissions under AS 39.20.180.

20 (e) Five members of the board constitute a quorum for the conduct of  
21 business. A majority of the membership of the board must approve a final  
22 recommendation on a nomination under (f) of this section.

23 (f) Within 60 days of receipt of a nomination, the commissioner shall  
24 determine whether a nomination meets the criteria established under (g) of this section  
25 and appoint the rotating members of the board. The board shall create a report to the  
26 legislature describing the nominated water and providing a final recommendation for  
27 or against designation of the nominated water within four months after the  
28 appointment of a majority of the rotating members of the board. The board shall  
29 consider nominations one at a time in the order that they are received.

30 (g) The department, in consultation with the permanent members of the board,  
31 shall propose and adopt regulations that establish

1 (1) the process for the submittal of a nomination and for the submittal  
2 of additional information related to a nomination;

3 (2) nomination acceptance criteria; regulations adopted under this  
4 paragraph must include a requirement that a nomination demonstrate that the  
5 nominated water is

6 (A) in relatively pristine condition, largely absent of human  
7 sources of degradation, and of exceptional value to the state in its current  
8 condition;

9 (B) of exceptional ecological, economic, or recreational  
10 significance;

11 (C) an exceptional and rare example of its type, regardless of  
12 its water quality; or

13 (D) proximate to, adjacent to, or within existing protected  
14 waters;

15 (3) public notice and public hearings for all nominations meeting  
16 qualifications under (2) of this subsection;

17 (4) a method to provide individual notice to known owners of land  
18 adjacent to the nominated water;

19 (5) scientific and other requirements that must be met before water can  
20 be designated outstanding state resource water; and

21 (6) guidelines and criteria that must be provided in a report to the  
22 legislature under (f) of this section.

23 (h) The department shall provide staff for administrative support for the board.

24 (i) The board shall transmit to the commissioner the final recommendation and  
25 report prepared under (f) of this section for each nomination for which a board was  
26 appointed. Within 10 days after the convening of each regular legislative session, the  
27 commissioner shall deliver each report and final recommendation received before  
28 January 1 by the commissioner under this section to the senate secretary and the chief  
29 clerk of the house of representatives and notify the legislature that the report is  
30 available.

31 \* **Sec. 2.** AS 46.03.900 is amended by adding a new paragraph to read:

1                                   (38) "outstanding state resource water" means water that is designated  
2                   by the commissioner under AS 46.03.085.

3       \* **Sec. 3.** AS 46.03.085, 46.03.087, and 46.03.900(38) are repealed 11 days after the  
4       convening of the Second Regular Session of the Thirtieth Alaska State Legislature.