

AMENDMENT #2

Josephson

OFFERED IN THE HOUSE
TO: HB 95

1 Page 1, line 7:

2 Delete "only"

3 Insert "by the department or"

4

5 Page 1, line 9, following "by":

6 Insert "the department or by"

7

8 Page 1, following line 10:

9 Insert new material to read:

10 "(c) A person may request that the department designate certain water of the
11 state as outstanding national resource water by submitting a nomination to the
12 department. The nomination must include

13 (1) a detailed description of the water;

14 (2) relevant water quality data to the extent that it is available;

15 (3) the reason the water is being nominated, including information on
16 the water's archaeological, cultural, scientific, or recreational significance;

17 (4) whether the water is in or adjacent to a park, monument, refuge,
18 fish and game critical habitat area, or other protected area;

19 (5) a summary of stakeholder and community support for designation
20 of the water as outstanding national resource water; and

21 (6) other information supporting the nomination.

22 (d) Within 60 days after receiving a nomination under (c) of this section, the
23 department shall determine whether the nomination contains the required information.

1 If the department determines that a nomination is incomplete, the department shall
2 notify the person who submitted the nomination in writing and identify the
3 information still required by the department. A person notified under this subsection
4 may resubmit the nomination with the information required by the department.

5 (e) If the department determines that a nomination includes all information
6 required under (c) of this section, the department shall consider the nomination
7 complete. Once the department determines that a nomination is complete, the
8 department shall

9 (1) provide public notice of the nomination within 60 days by

10 (A) posting notice of the determination on the Alaska Online
11 Public Notice System (AS 44.62.175);

12 (B) making a copy of the nomination available on the
13 department's Internet website; and

14 (C) providing a copy of the nomination and the notice to
15 adjacent landowners and the Department of Natural Resources;

16 (2) provide at least 60, but not more than 120, days for public
17 comment;

18 (3) hold at least one public hearing during the public comment period;
19 the department shall give reasonable public notice of the time, date, and place of each
20 public hearing at least 30 days before the hearing; and

21 (4) consult with the Department of Fish and Game, federally
22 recognized tribes in the area where the water is located, and relevant federal land
23 managers.

24 (f) The department shall make a final decision in writing of whether to
25 designate water as outstanding national resource water within 180 days after the end of
26 the public comment period under (e) of this section. The department shall provide
27 public notice of the decision.

28 (g) When considering whether water shall be designated as outstanding
29 national resource water under (f) of this section, the department shall consider whether

30 (1) the water is habitat for fish or other wildlife;

31 (2) the water has recreational value;

- 1 (3) endangered fish or other wildlife are present in the water;
- 2 (4) the water or a portion of the water is in or adjacent to a park,
- 3 monument, refuge, fish and game critical habitat area, or another protected area;
- 4 (5) the water is of exceptional quality;
- 5 (6) the water is of significant archaeological, cultural, or scientific
- 6 importance;
- 7 (7) the water provides special educational opportunities;
- 8 (8) the water contains unique aquatic habitat.

9 (h) A person aggrieved by a final decision of the department under (f) of this
10 section may, within 90 days after notice of the final decision, request an adjudicatory
11 hearing under AS 44.62.330 - 44.62.630.

12 * **Sec. 2.** AS 46.03.880(b) is amended to read:

13 (b) Notwithstanding AS 44.62.330(a)(25), except for a hearing under
14 AS 46.03.085(h), adjudicatory hearing procedures to review permit decisions under
15 this chapter need not conform to AS 44.62.330 - 44.62.630 (Administrative Procedure
16 Act)."

17
18 Renumber the following bill section accordingly.