

Honorable Members of the House Resources Committee;

Submitted Via Email

RE: HB 95 National Resource Water Nomination/Designation

Dear Chairs McKay and Rouscher and Members of the Resources Committee,

SalmonState is an Alaskan based effort dedicated to ensuring Alaska remains the world's most productive wild salmon landscape for now and future generations. We write to you today to express our opposition to **HB 95**.

The Department of Environmental Conservation (DEC) has the authority to protect Alaska's water quality through the state's water quality standards. Under the Clean Water Act, DEC is tasked with classifying waters into Tiers and creating implementation methods to protect the water quality from degradation. Tier 3 waters or Outstanding National Resource Waters- represents the highest level of water quality protection. However, while DEC has created methods to identify and classify Tier 1 and Tier 2 waters, it has failed to create the standards and the processes necessary to approve or reject ONRW nominations. This is due to lack of leadership at DEC since they possess the statutory authority to create and implement a process, yet it has refused to do so now for many years.

Simply put, this legislation is unnecessary and unwarranted and unduly politicizes a process that should be left to regulators and members of the public who know their waterways best.

Rather than waste the legislature's valuable and limited time, DEC should immediately lay the groundwork for a process that will lead to fair, transparent and scientifically sound decision-making. We suggest this committee reject this legislation and instruct DEC to do its job and fulfill its legal responsibilities.

The DEC's foot dragging is real and is failing the public. For example, in 2016 the United Tribes of Bristol Bay, a consortium of 17 tribal governments from the Bristol Bay region, rolled up its sleeves and prepared a thoughtful, open, transparent and science based proposed process for the State to consider. Among its components were:

Adding cultural significance to the existing regulatory definition of an ONRW;

Allowing the Commissioner of DEC to designate ONRWs, which ensures that the decision is made by the agency with water quality and Clean Water Act expertise;

Identifying a holistic and inclusive list of factors to consider when determining if a water should be designated as an ONRW, including ecological, recreational, economic, and cultural and subsistence uses;

Designating waters in National and State Parks, Wildlife Refuges, and Wilderness areas as ONRWs, consistent with the definition on an ONRW;

Allowing Alaskans to nominate a waterbody for ONRW designation;

Identifying fair informational requirements that must be included in a nomination; and

Outlining a robust agency and public review process for processing a nomination and making a final decision.

UTBB's proposal, which could have served as a road map, was ignored by DEC and deliberations about how to implement an ONRW process have been unnecessarily politicized by the agency.

In summary SalmonState opposes this legislation. It is unnecessary, undemocratic, and politicizes a process best left in the hands of the nominating public and agency experts who are qualified to make these determinations. Please do not rush this bill out of committee. Alaskans have waited over a decade to see some of Alaska's most important waters designated Tier 3 and afforded the water quality protections they deserve. We can wait a little longer and your committee has the responsibility to ensure Alaska remains a leader in sustainable management of our prolific world-class fresh water salmon habitat.

Thank you,



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