

Tier 3 Water Protections in Alaska

OVERVIEW

The federal Clean Water Act allows Alaskan residents to protect waters critical to their communities, cultures, or economies from pollution under a 'Tier 3' or 'Outstanding National Resource Water' Designation. Having your local waterway designated a Tier 3 Water is an honor. It means that the waterway is so exceptional, so central to the economy and way of life, and so culturally and spiritually significant that everything possible should be done to protect it for all those who depend on it, including fish and wildlife.

ALASKAN WATERWAYS NOMINATED FOR TIER 3

Out of more than 12,000 waterways throughout the state, five have been nominated for Tier 3 designation by Alaskan Tribes and residents.

- **Koktuli River (2009)**
- **Yakutat Forelands (2010)**
- **Chilkat River | Jilkaat Heeni (2016)**
- **Chandalar | Teedriinjik River (2016)**
- **Black | Draanjik River (2017)**



THE RIGHT TO PROTECT WATER IS AT RISK

House Bill 138 (HB 138), sponsored by Representative Kopp, was recently introduced and stalled in hearings. The proposed bill would gut the rights of Alaskans to protect critical waters while making it easier for corporations to pollute them.

HB 138 would require a Tier 3 nomination to be passed as a law through the legislature to exercise this right. The decision would be political rather than science-based and would make the approval process nearly impossible. Meanwhile, corporations only have to fill out a 6-page on-line form to get permission to degrade our waters.

Corporations should not be granted rights denied to residents. **A Tier 3 designation process to protect waters should be no more onerous than the process to degrade our waters.**



GET THE FACTS

The Tier 3 designation was designed by federal regulators who were taking into account a wide variety of needs and uses, in order to be as inclusive as possible. Much time and effort was made to develop a designation protective of our most important national waterbodies, without disrupting people's daily lives, livelihoods, industries, and cultural practices. There is a lot of misinformation out there about what a Tier 3 designation would mean in Alaska. Here are the facts.



TIER 3 DOES:

- ✓ Protect designated waters from pollution and destruction without getting in the way of uses, such as motor boats, septic tanks, and fishing
- ✓ Boost economic development by protecting clear waters so tourism, fishing, recreation, and numerous other businesses flourish
- ✓ Make exceptions for short-term harm such as construction, restoration, river crossings, and emergencies like flood control work
- ✓ Allow water treatment systems that do not discharge directly into the waterbody, such as septic systems
- ✓ Allow activities that do not permanently lower water quality, such as fishing, using motor boats, hunting, swimming, recreating, and fish camps

TIER 3 DOES NOT:

- ✗ Hurt economic development
- ✗ Regulate land use or interfere with or change private property rights
- ✗ Add economic burden to fishers, hunters, farmers, residents, or landowners
- ✗ Affect current existing permitted discharges – they are grandfathered in
- ✗ Permit discharge that results in long-term or permanent pollution or destruction of a waterbody
- ✗ Ban ALL discharges, only those that would permanently pollute or destroy the waterbody

TAKE ACTION



- 1. Most immediate need:** Contact Representatives Geran Tarr and John Lincoln, Co-Chairs of the House Resources Committee (Representative.Geran.Tarr@akleg.gov and Representative.John.Lincoln@akleg.gov) to let them know that you oppose HB138
- 2. Also consider:** Signing our Tier 3 Petition that calls for the Senate Resources Committee to uphold the right of Alaskans to protect our water at: www.seacc.org/tier_3_action
- 3. Learn more:**
 - From SEACC: www.seacc.org/tier_3
 - From the Department of Environmental Conservation: <https://dec.alaska.gov/water/water-quality/standards/antidegradation/>

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