

Alaska Department of Environmental Conservation (ADEC)
Division of Water

Outstanding National Resource Water (Tier 3 water)

Fact Sheet

What is an Outstanding National Resource Water (ONRW), or Tier 3 water?

ONRWs or Tier 3 waters are provided the highest level of protection under the antidegradation policy of the State of Alaska. The purpose of a Tier 3 designation is to offer special protection for waters of "exceptional recreational or ecological significance."¹ Tier 3 waters are often regarded as the highest quality waters of a State. In some instances, however, these waters may not be of particularly high quality for traditional parameters such as dissolved oxygen, temperature, or pH as compared to state water quality criteria, because of the waterbody's unique characteristics (e.g., wetlands, hot springs). The key criteria for Tier 3 designation is that the water must be exceptional, important, unique, or sensitive ecologically or offer unique or important recreational uses.

Are discharges permitted to Tier 3 waters?

The federal and state antidegradation policies require water quality to be maintained and protected in a Tier 3 water. The interpretation of this provision typically is that new or increased discharges to a Tier 3 water or its tributaries are not permitted if the discharges would result in a lowering of water quality (i.e., cause degradation). The only exception to this prohibition is to allow activities that result only in a temporary, short-term and limited change in the water quality of a Tier 3 water; for example, construction activities that only impact water quality during construction. Such activities must not permanently degrade water quality.

It is difficult to give an exact definition of "temporary" or "short-term" because of the variety of activities that might be considered. In broad terms, the definition of temporary is often considered to be weeks and months rather than years, although in Alaska "temporary" might span more than one year due to the short construction season. If a construction activity is involved, for example, temporary is defined as the length of time necessary to construct the facility and make it operational. During any period of time when the State would allow temporary degradation of a Tier 3 water, all practical means of minimizing such degradation should be implemented. Any proposed permit would have opportunity for public participation prior to ADEC issuing the final permit.

¹ 18 AAC 70.015(a)(3)

STATE
OF
ALASKA



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Fact Sheet

Can water quality degradation ever be allowed in a Tier 3 water?

See above. Degradation of Tier 3 water quality is only allowable in cases where the lowering is determined to be temporary, short term, and limited.

Who can nominate or propose a Tier 3 water?

Anyone may nominate a water for Tier 3 designation.

What Alaska waters are currently designated as Tier 3?

Currently, the State of Alaska has not designated any Tier 3 waters.

What are the criteria that makes water eligible for Tier 3 designation?

Unlike other states, a vast majority of Alaska's more than 3 million waterbodies have had little or no impact from direct human development. In a state with so many high quality waters it makes it difficult to establish criteria for Tier 3 designation that apply statewide. Currently, no criteria or process has been established in Alaska. Some examples from other states include waters that are part of national or state parks, wildlife refuge or wilderness areas, special trout waters, federal Wild and Scenic Rivers or other high quality waters that have not been significantly modified by human activities.

What should be included as part of a Tier 3 nomination?

The department recommends a nomination include all available information to support the Tier 3 criteria that the water has "exceptional recreational or ecological significance." This may include, for example:

- A detailed description of the water
- Water quality data to the extent that it is available. Where applicable, this would include rationale to suggest water quality is equal to or better than the water quality standards
- A detailed description of the recreational and/or ecological values that make the water exceptional, including economic, subsistence, cultural factors, etc.
- Any land use designations in the watershed such as national and state park, wilderness area, state or national wildlife refuge, etc.
- A description of stakeholder and community outreach and support for the nomination
- Any other supporting information

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Fact Sheet

Who is responsible for designating Tier 3 water?

Federal regulations state that “The State shall develop and adopt a statewide antidegradation policy and identify the methods for implementing such policy.” This includes the identification and designation of Tier 3 waters. The State’s antidegradation policy is in regulation at 18 AAC 70.015. The State is in the process of developing implementation methods, and these methods once developed, will specify who will designate Tier 3 waters.

What water quality standards apply to a Tier 3 water?

No degradation is allowed in Tier 3 waters and the applicable water quality standards are the baseline water quality levels at the time of Tier 3 designation. A temporary discharge can exceed those levels for a short period as long as the water quality returns to the original baseline levels once the discharge ceases.

How are land-use activities affected by a Tier 3 designation?

Land use projects that result in a long term lowering of Tier 3 water quality, through a discharge or other activity, would not be allowable.