

WHAT ARE TIER 1, 2, 3 WATERS

- Tier 1 – impaired
- Tier 2 – fishable, swimmable, drinkable
- Tier 3 –

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.

DEC Fact
Sheet

- What are the nomination criteria?
- How is each nomination evaluated?
- Who decides?

LEGISLATIVE AUTHORITY

DEC already has tools for protecting water quality: Water quality standards, effluent limits in permits, methods for identifying and cleaning up impaired waters. An ONRW designation bypasses all of those tools. Given the far-reaching consequences of an ONRW designation, DEC believes the final authority should rest with the Legislature. The Legislature already has the authority to make other types of land use designations, including designation of state parks, marine protected areas, or special management areas.

DEC Fact
Sheet

IMPACTS TO EVERYONE

Tier 3 protections go beyond what is needed to protect aquatic resources and would become a barrier to responsible multiple use activities.

What types of discharges would not be allowed in a designated Tier 3 water?

New or expanded discharges that would not be permitted into a designated Tier 3 water include municipal storm water runoff, domestic wastewater (i.e., treated sewage) discharges, and any wastewater discharges from industrial operations such as mining projects.

[DEC Fact Sheet](#)

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.

[DEC Fact Sheet](#)

WILDERNESS PRESERVATION



MISSION STATEMENT

WildEarth Guardians protects and restores the wildlife, wild places and wild rivers of the American West.

Water can provide the strategic and tactical framework to advance roadless protection in a manner that is not dependent on the political whims of state or federal administrations. There is a more powerful, more permanent designation– the Clean Water Act’s Outstanding National Resource Waters (“ONRW”) designation.

This manual will present the concept of Outstanding National Resource Waters and will provide step-by-step directions for citizens and conservation organizations to use this underemployed provision of the Clean Water Act to protect pristine waters and roadless forests in each of 13 western states.

LEGISLATIVE AUTHORITY WITH DEC, DNR AND F&G INVOLVEMENT

WHEREAS, The Southeast Conference recognizes the need to finalize antidegradation regulations and to develop a process so that waterbodies nominated for Tier 3 status can be resolved; and

WHEREAS, During the 2016 Session of the Legislature the Governor introduced SB 163, a bill that gave the Legislature designation authority and resolved other Tier 3/Wilderness Waters problems.

NOW THEREFORE BE IT RESOLVED, that because of the land use and socio-economic implications of prohibiting a discharge into Tier 3/Wilderness Waters, the Southeast Conference urges the Governor to submit and the Legislature to enact legislation that would have the Legislature make the Tier 3/Wilderness Water designation based on a report prepared by the Commissioners of DEC, DNR, and ADF&G.

BE IT FURTHER RESOLVED, that the Southeast Conference urges that such legislation provide that in order to submit a water body to the Legislature for its consideration of Tier 3/Wilderness Water designation, the Commissioners of DEC, DNR, and ADF&G must agree that the water body is a ONWR.