

NOTICE OF PROPOSED CHANGES IN THE REGULATIONS OF THE DEPARTMENT OF NATURAL RESOURCES

BRIEF DESCRIPTION

The Department of Natural Resources proposes to change regulations dealing with the conveyance of beds of certain waterbodies determined to be not navigable in fact.

The Department of Natural Resources (DNR) proposes to adopt regulation changes in Title 11 of the Alaska Administrative Code concerning the conveyance of beds of certain waterbodies defined as navigable under AS 38.05.965(14).

Specifically, DNR is proposing to amend 11 AAC 51.045(d), the regulation concerning easements retained by the state for access to and along navigable and public waters, in order to allow the conveyance of certain beds of waterbodies that are not navigable in fact.

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to the Division of Mining, Land and Water, 550 W. 7th Avenue, Suite 1070, Anchorage, AK 99501-3579 or by e-mail to dnr.easements.regulation@alaska.gov or by fax to 907-269-8904. The comments must be received by the department no later than **5:00 p.m. on Friday, April 10, 2020**.

You may submit written questions relevant to the proposed action to: Joe Joyner, Division of Mining, Land and Water, 550 W. 7th Ave., Suite 1070, Anchorage, Alaska 99501-3579, Fax: 907-269-8904, e-mail: dnr.easements.regulation@alaska.gov. Questions must be received at least 10 days before the end of the public comment period (**March 31, 2020**). The Department of Natural Resources will aggregate its response to substantially similar questions and make the questions and responses available on the Alaska Online Public Notice System <https://aws.state.ak.us/OnlinePublicNotices/Login.aspx> and agency website at <http://www.dnr.state.ak.us/mlw/hottopics>.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Joe Joyner at 907-269-8511 no later than March 31, 2020, to ensure that any necessary accommodations can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System at the following website: <http://www.dnr.state.ak.us/mlw/hottopics> or by contacting the Director's Office, Division of Mining, Land and Water, Department of Natural Resources, Attention: Joe Joyner, 550 W. 7th Avenue, Suite 1070, Anchorage, Alaska 99501-3579; or call 907-269-8511.

After the public comment period ends, the Department of Natural Resources will either adopt these or other provisions dealing with the same subject, without further notice, or decide to take no action on them. The language of the final regulations may be different from that of the proposed regulation. YOU SHOULD COMMENT DURING THE TIME ALLOWED IF YOUR INTERESTS COULD BE AFFECTED.

Statutory Authority: AS 38.04.005; AS 38.04.055; AS 38.04.900; AS 38.05.020; AS 38.05.035, AS 38.05.126, AS 38.05.127.

Statutes Being Implemented, Interpreted, or Made Specific: AS 38.04.005; AS 38.04.055; AS 38.05.020; AS 38.05.035, AS 38.05.045, AS 38.05.126, AS 38.05.127, AS 38.05.810, AS 38.05.825.

Fiscal information: The proposed regulation change is not expected to require an increased appropriation.



Date: March 6, 2020

Marty Parsons,
Director, Division of Mining, Land and Water,
Department of Natural Resources

ADDITIONAL REGULATIONS NOTICE INFORMATION
(AS 44.62.190(d))

1. Adopting agency: Department of Natural Resources
2. General subject of regulation: Conveyance of beds of navigable waters; Public Trust Doctrine
3. Citation of regulation (may be grouped): 11 AAC 51.045(d)(2)
4. Department of law file number (if any) _____
5. Reason for the proposed action:
☐ compliance with federal law or action (identify) _____
☐ compliance with new or changed state statute _____
☐ development of program standards _____
☒ other: (identify) Management of public lands
6. Appropriation/Allocation: NONE

7. Estimated annual cost to comply with the proposed action to:

A private person: \$0.00

Another state agency: \$0.00

A municipality: \$0.00

8. Cost of implementation to the state agency and available funding (in thousands of dollars):

	Initial Year FY <u>20</u>	Subsequent Years
Operating Cost	\$ <u>0.0</u>	\$0.0
Capital Cost	\$ <u>0.0</u>	\$0.0
Federal receipts	\$ <u>0.0</u>	\$0.0
General fund match	\$ <u>0.0</u>	\$0.0
General fund	\$ <u>0.0</u>	\$0.0
General fund/ program receipts	\$ <u>0.0</u>	\$0.0
General fund/ mental health	\$ <u>0.0</u>	\$0.0
Other funds (specify)	\$ <u>0.0</u>	\$0.0

9. The name of the contact person for the regulations:

Name Joseph Joyner
Title Natural Resource Manager
Address DNR, DMLW, 550 W. 7th Avenue, Suite 1070
Anchorage, AK 99501-3579
Telephone 907-269-8511
E-mail address: joe.joyner@alaska.gov

10. The origin of the proposed action:

☒ Staff of state agency
☐ Federal government
☐ General public
☐ Petition for regulation change
☐ Other (identify): _____

11. Date: March 6, 2020

Prepared by: Joseph Joyner

Name (typed) Joseph Joyner

Title (typed) Natural Resource Manager

Telephone 907-269-8511