

**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.**

On March 1, 2020, the Department of Natural Resources (DNR) issued public notice regarding its proposed 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). The original comment deadline was April 10, 2020.

Specifically, DNR proposed to amend 11 AAC 51.045(d)(2), 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.

In response to comments and concerns received by the department regarding these proposed regulations, DNR has decided to suspend the public comment period and withdraw these proposed regulations for further consideration and possible revision. If after further consideration of proposed revisions to these regulations, DNR decides to continue with its efforts to revise 11 AAC 51.045(d)(2), it will initiate a new full public notice and comment opportunity under the Administrative Procedures Act.

If you wish to be notified of any proposals regarding revisions to this regulation, you may submit your contact information to: Molly Benson, Division of Mining, Land and Water, 550 W 7<sup>th</sup> Ave., Suite 1070, Anchorage, Alaska 99501-3579, E-Mail: [dnr.easements.regulation@alaska.gov](mailto:dnr.easements.regulation@alaska.gov).

Date: April 9, 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 \_\_\_\_\_  
    (X) 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. 7<sup>th</sup> 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: \_\_\_\_\_

Name (typed) Joseph Joyner  
Title (typed) Natural Resource Manager  
Telephone 907-269-8511