

SUPPLEMENTAL NOTICE OF PROPOSED CHANGES RELATING TO
WATER MANAGEMENT IN THE REGULATIONS OF THE DEPARTMENT OF
NATURAL RESOURCES

BRIEF DESCRIPTION

The Department of Natural Resources proposes to amend its water management regulations.

On January 15, 2021, the Department of Natural Resources publicly noticed its proposed changes to water management regulations in 11 AAC 93. The department extended the comment period twice, on February 26, and on March 16, 2021, with a final deadline for comments on April 2, 2021. The department reviewed public comments and is opting to postpone proposed changes relating to applications and certificates for instream flow reservations. The department will move forward with the remaining regulation changes proposed in the January 2021 regulations package:

- 11 AAC 93.115 Closure of an application for a water right
- 11 AAC 93.210 Temporary water use
- 11 AAC 93.220 Procedure for temporary water use
- 11 AAC 93.510 Public notice and meeting (for Critical Water Management Areas)
- 11 AAC 93.530 Effect of the order
- 11 AAC 93.970 Definitions

Some modifications have been made to the January 2021 proposed changes after a thorough review of public comments. A copy of the proposed regulations is available for review on the Alaska Online Public Notice System; on the Division of Mining, Land and Water website at <https://dnr.alaska.gov/mlw/news/>; or by contacting the division by email at dmlwprogramsupport@alaska.gov.

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 on the division's online comment portal at <https://alaskadnr.commentinput.com/?id=FiCphsA95>; by mail to Molly Benson at the Division of Mining, Land and Water, 550 W. 7th Ave., Suite 1070, Anchorage, AK 99501-3579; or by email at dmlwprogramsupport@alaska.gov. The comments must be received no later than **5:00 p.m. on Monday, November 13, 2023**. Please note that all comments become public records subject to public inspection.

You may submit written questions relevant to the proposed action to the contact information provided above. The questions must be received at least 10 days before the end of the public comment period (**by 5:00 p.m. on Friday, November 3, 2023**). The division will aggregate its responses to substantially similar questions and make the questions and responses available on the Alaska Online Public Notice System and on the division's website at <https://dnr.alaska.gov/mlw/news/>.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Molly Benson by email at dmlwprogramsupport@alaska.gov or by phone at 269-8601 no later than Friday, November 3, 2023, to ensure that any necessary accommodation can be provided.

After the public comment period ends, the department will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulations may be different from that of the proposed regulations. You should comment during the time allowed if their interests could be affected.

Statutory Authority: AS 46.15.010; AS 46.15.020; AS 46.15.040; AS 46.15.050; AS 46.15.080; AS 46.15.100; AS 46.15.133; AS 46.15.145; AS 46.15.155, AS 46.15.180; AS 46.15.250; AS 46.15.255; AS 46.15.256.

Statutes Being Implemented, Interpreted, or Made Specific: AS 46.15.010; AS 46.15.020; AS 46.15.040; AS 46.15.050; AS 46.15.080; AS 46.15.100; AS 46.15.133; AS 46.15.145; AS 46.15.155; AS 46.15.180; AS 46.15.250; AS 46.15.255; AS 46.15.256.

Fiscal information: The proposed regulation changes are not expected to require an increased appropriation.

The Department of Natural Resources keeps a list of individuals and organizations interested in its regulations. Those on the list will automatically be sent a copy of all of the department's notices of proposed regulation changes. To be added or removed from the list, send a request to Molly Benson at the contact information provided above, providing your name and either your email or mailing address, as you prefer for receiving notices.

Individuals can also signup to receive automated notifications of all State of Alaska notices, including public notice for regulation changes, by subscribing to the Alaska Online Public Notices System: <https://aws.state.ak.us/OnlinePublicNotices/Default.aspx>

Date: October 6, 2023

Christy Colles

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Director, Division of Mining, Land and Water

Department of Natural Resources

ADDITIONAL REGULATION NOTICE INFORMATION
(AS 44.62.190(d))

1. Adopting agency: Department of Natural Resources
2. General subject of regulation: Water
3. Citation of regulation (may be grouped): 11 AAC 93.115, 11 AAC 93.210, 11 AAC 93.220, 11 AAC 93.510, 11 AAC 93.530, 11 AAC 93.970
4. Department of Law file number, if any: 2020200431

5. Reason for the proposed action:

- Compliance with federal law or action (identify): _____
- Compliance with new or changed state statute
- Compliance with federal or state court decision (identify): _____
- Development of program standards
- Other (identify): Existing regulations are outdated and updates are needed.

6. Appropriation/Allocation: Department of Natural Resources / Agency Unallocated

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>2024</u>	Subsequent Years
Operating Cost	\$ <u>0.0</u>	\$ <u>0.0</u>
Capital Cost	\$ <u>0.0</u>	\$ <u>0.0</u>
1002 Federal receipts	\$ <u>0.0</u>	\$ <u>0.0</u>
1003 General fund match	\$ <u>0.0</u>	\$ <u>0.0</u>
1004 General fund	\$ <u>0.0</u>	\$ <u>0.0</u>
1005 General fund/ program	\$ <u>0.0</u>	\$ <u>0.0</u>
Other (identify)	\$ <u>0.0</u>	\$ <u>0.0</u>

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

Name: Brandon McCutcheon
Title: Chief, Program Support Section, Division of Mining, Land and Water, DNR
Address: 550 W. 7th Ave., Ste. 1070, Anchorage, AK 99501
Telephone: 907-269-8511
E-mail address: brandon.mccutcheon@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: October 6, 2023

Prepared by: Molly Benson
Molly Benson
Natural Resource Specialist
(907) 269-8601