

NOTICE OF PROPOSED NEW REGULATIONS ON DERELICT VESSELS
IN THE REGULATIONS OF THE DEPARTMENT OF NATURAL RESOURCES

BRIEF DESCRIPTION

The Department of Natural Resources proposes to adopt new regulations on the administration of the Derelict Vessel Prevention Program Fund and the department's related enforcement authorities.

The Department of Natural Resources proposes to adopt regulation changes in Title 11 of the Alaska Administrative Code, dealing with the administration of the Derelict Vessel Prevention Program Fund and the department's related enforcement authorities, including the following:

- (1) 11 AAC Chapter 61 is proposed to be added as follows:
 - Defines appropriate uses of the derelict vessel prevention program fund to include: reimbursement to a municipality or state agency for the removal of a derelict vessel from waters of the state or from state or municipal property; payment for the development and implementation of other derelict vessel prevention program goals; subsidization of projects directly related to the derelict vessel prevention program; payment for administering the fund.
 - Establishes annual percentages of money available for each use of the derelict vessel prevention program. Allows for the exceedance of these percentages, when money from the fund remains available, for situations where removal of a derelict vessel would prevent substantial harm or substantially improve ecological conditions.
 - Establishes the processes by which a state agency or municipality may apply for reimbursement, or a municipality may apply for a guarantee of reimbursement.
 - Establishes enforcement authority.
 - Establishes definitions.

The public 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 Marcella Dent at 550 W. 7th Avenue, Suite 1070, Anchorage, AK 99501-3579. Additionally, the Department of Natural Resources will accept comments through SmartComment at <https://alaskadnr.commentinput.com?id=cfCQx2GVWM> or by electronic mail at dnr.derelictvessels.regulation@alaska.gov. The comments must be received not later than **5:00 pm Alaska Daylight Time on Monday, April 1, 2024**.

The public 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 **Friday, March 22, 2024**. 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 and at <https://dnr.alaska.gov/mlw/news/>.

Persons with a disability who need a special accommodation in order to participate in this process

may contact Marcella Dent, dnr.derelictvessels.regulation@alaska.gov or 907-334-2683 not later than **Friday, March 22, 2024** 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 and by contacting Marcella Dent, dnr.derelictvessels.regulation@alaska.gov or 907-334-2683.

After the public comment period ends, the Department of Natural Resources 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 regulation may be different from that of the proposed regulation. Anyone whose interests could be affected should comment during the time allowed.

Statutory authority: AS 30.30.090; AS 30.30.095; AS 30.30.096; AS 30.30.165; AS 30.30.010

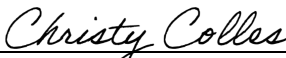
Statutes being implemented, interpreted, or made specific: AS 30.30.090; AS 30.30.095; AS 30.30.096; AS 30.30.165; AS 30.30.010

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 notices of proposed regulation changes. To be added to or removed from the list, send a request to the department at dnr.derelictvessels.regulation@alaska.gov, giving your name, and either your e-mail address or mailing address, as you prefer for receiving notices.

Individuals can also subscribe 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: February 28, 2024



Christy Colles, Director
Alaska Department of Natural Resources
Division of Mining, Land and Water

APPENDIX C-1: Additional Regulation Notice Information

ADDITIONAL REGULATION NOTICE INFORMATION

(AS 44.62.190(d))

1. Adopting agency: Department of Natural Resources
2. General subject of regulation: Derelict vessel prevention program fund and related enforcement authority
3. Citation of regulation (may be grouped): 11 AAC 61.010-61.900
4. Department of Law file number, if any: 2023200268

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
 - (x) Other (identify): New chapter of regulations to interpret and make specific the Derelict Vessels Act, AS 30.30.

6. Appropriation/Allocation: 3002 Department of Natural Resources/Agency Unallocated

7. Estimated annual cost to comply with the proposed action to:
 - A private person: no cost
 - Another state agency: no cost
 - A municipality: no cost

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</u>	\$ <u>0</u>
Capital Cost	\$ <u>0</u>	\$ <u>0</u>
1002 Federal receipts	\$ <u>0</u>	\$ <u>0</u>
1003 General fund match	\$ <u>0</u>	\$ <u>0</u>
1004 General fund	\$ <u>0</u>	\$ <u>0</u>
1005 General fund/ program	\$ <u>0</u>	\$ <u>0</u>

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Other (identify) \$ 0 \$ 0

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

Name: Aaron Timian
Title: Natural Resource Manager 3
Address: 550 W 7th Ave, Ste 1050a, Anchorage, AK 99501-3579
Telephone: (907) 465-3513
E-mail address: aaron.timian@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: February 28, 2024 Prepared by: Marcella Dent

[signature]

Name (printed): Marcella Dent
Title (printed): Natural Resources Specialist
Telephone: 907-334-2683