



SUPPLEMENTAL NOTICE OF PUBLIC SCOPING FOR POSSIBLE UPDATES AND REVISIONS TO WATER MANAGEMENT REGULATIONS – EXTENSION OF COMMENT PERIOD

Alaska Department of Natural Resources

August 26, 2024

On August 1, 2024, the Department of Natural Resources (DNR, Department) began a scoping process to ask the public for input on updating certain water management regulations in 11 AAC 93. The purpose of this supplemental notice is to extend the public comment period for an additional 60 days. The original public comment period was scheduled to run from August 1 to August 30, 2024. The new deadline for public comments is now 5:00 p.m. on October 29, 2024. As explained below, the Division of Mining, Land and Water (DMLW) has also added supplemental background materials to the scoping project website at <https://dnr.alaska.gov/mlw/water/regrevision/>.

The Department is considering updating the regulations implementing AS 46.15.145 Reservations of water: 11 AAC 93.141, 11 AAC 93.142 (Content of application), 11 AAC 93.143, 11 AAC 93.144, 11 AAC 93.145, Adjudication of applications 11 AAC 93.146 (Issuance of a certificate of reservation of water), and 11 AAC 93.147 (Review of a reservation of water).

The Department is undertaking this scoping process to ask the public for their ideas and suggestions before the Department undertakes the task of drafting any specific proposed regulations for public review. Written input must be received no later than 5:00 p.m. on October 29, 2024. At such time DNR undertakes revisions to these regulations, there will be an additional timeframe to provide public comments on the proposed regulations.

Background Information

In January 2021, the Department publicly noticed proposed changes to a variety of water management regulations in 11 AAC 93. The Department received numerous comments on regulations concerning reservations of water and decided to advance only the administrative changes (adopted in June 2024). The public can view these newly adopted regulations at: <https://aws.state.ak.us/OnlinePublicNotices/Notices/View.aspx?id=215679>.

This scoping notice picks up where the Department left off and looks specifically at reservations of water. The current reservation of water regulations are available here: <https://www.akleg.gov/basis/aac.asp#11.93>

What information is DNR requesting?

The purpose of this notice is to ask the public for their input before the Department undertakes the task of revising the reservation of water regulations. Specifically, the Department is interested in ideas that will provide an efficient, consistent, and cost-effective water reservation process to encourage the development of state water for its highest and best use consistent with the public interest.

The public is encouraged to provide specific wording to be changed, added, or removed from the current reservation of water regulations. When providing information, please be as specific as possible. For example, if the information is from a published study, please provide a copy of the study or a complete reference citation so DNR staff can obtain a copy for consideration. Specifically, we invite the public to respond to the following prompts:

11 AAC 93.142 (Content of application)

- Should additional information be required to justify the need for a reservation of water?
- What types of data and methodology?

11 AAC 93.146 (Issuance of a certificate of reservation of water)

- Should only State resource agencies, such as DNR or Alaska Department of Fish and Game, hold the certificate of a reservation of water?
- Who should hold a certificate of a reservation of water?

11 AAC 93.147 (Review of a reservation of water)

- Are the review requirements clear and adequate?

How will DNR use the information I provide?

The Department will carefully review all input, including responses to the above prompts, received during this scoping period. Information provided to the Department will be subject to inspection, copying, and distribution as public records under Alaska Statute 40.25.110 – 40.25.220. Do not include information that is not appropriate for public consumption.

At such time DNR undertakes revisions to these regulations, there will be an additional timeframe during which the public may provide comments on the proposed regulations.

How do I submit information or feedback to DNR?

Send information to:

By mail: Alaska Department of Natural Resources
Division of Mining, Land & Water
Program Support Section
550 W. 7th Avenue, Suite 1070
Anchorage, AK 99501-3579

By DMLW Comment Portal: [Public Comment Topics – Division of Mining, Land, and Water \(alaska.gov\)](#)

By email: dnr.water.regulation@alaska.gov

Please note that information provided will be subject to inspection, copying, and distribution as public records under Alaska Statute 40.25.110 – 40.25.220.

Submit written comments by 5:00 pm on October 29, 2024.

The State of Alaska, Department of Natural Resources, complies with Title II of the Americans with Disabilities Act of 1990. If you are a person with a disability who needs special accommodation to participate in this process, please contact the Division of Mining, Land and Water at 907-334-2683 no later than October 19, 2024, to ensure that any necessary accommodations can be provided.

How can I find more information?

Website

Visit the DNR website for background information and links to current statutes and regulations:

<https://dnr.alaska.gov/mlw/water/regrevision/>

Public Meeting

DNR hosted a public meeting on August 12, 2024, from 4:30-6:30 p.m. at the Atwood Conference Center Room 102/104 in Anchorage (Robert B. Atwood Building, 550 West 7th Avenue, Anchorage, AK 99501).

The meeting included a brief presentation by DNR followed by a question-and-response session and an opportunity for participants to submit feedback. The meeting recording and presentation are posted here:

<https://dnr.alaska.gov/mlw/water/regrevision/>

Additional Materials for Review

The Department has posted supplemental materials relating to past phases of this regulations project at the project website:

<https://dnr.alaska.gov/mlw/water/regrevision/>