

Nancy Dahlstrom
Lieutenant Governor
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**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

M E M O R A N D U M

TO: Molly Benson, Natural Resource Specialist
Department of Natural Resources

FROM: April Simpson, Alaska Administrative Code Coordinator 
Office of the Lieutenant Governor

DATE: October 7, 2026

RE: Filed Permanent Regulations: Department of Natural Resources

Department of Natural Resources regulations re: Water Reservations – IFR (11 AAC 93.142, .146, .147)

Attorney General File:	2025200515
Regulation Filed:	10/7/2026
Effective Date:	11/6/2026
Print:	260, January 2027

cc with enclosures: Legislation, Regulations, and Legislative Research Section
Department of Law

Lisa Gorman, Alaska Legal Analyst
LexisNexis



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Law

CIVIL DIVISION

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October 7, 2026

The Honorable Nancy Dahlstrom
Lieutenant Governor
State of Alaska
P.O. Box 110015
Juneau, AK 99811-0015

Re: Approval and Submission of Regulations for Filing
11 AAC 93.142, .146, .147: DNR - Water Reservations - IFR

Our file: 2025200515

Dear Lieutenant Governor Dahlstrom:

Pursuant to AS 44.62.060, the Department of Law has reviewed the enclosed regulations adopted by Department of Natural Resources, concerning reservations of water.

Our review examined each regulation for legality, existence of statutory authority, clarity, compliance with the *Drafting Manual for Administrative Regulations*, and conformance with the procedural requirements of AS 44.62.010 - 44.62.290.

Based upon this review, the Department of Law approves each regulation as to form and legality. This letter constitutes the written statement of approval under AS 44.62.060(b) and (c) that authorizes your office to accept the regulations for filing.

In the course of review, the regulations attorney made technical and conforming changes under AS 44.62.125. These changes are incorporated into the enclosed copy and do not alter the substantive effect or meaning of the regulations.

We hereby submit the regulations to you for filing under AS 44.62.040 on behalf of Department of Natural Resources.

Sincerely,

CORI MILLS
ACTING ATTORNEY GENERAL

By: Rebecca C Polizzotto
Rebecca C. Polizzotto
Chief Assistant Attorney General
Legislation, Regulations, and
Legislative Research Section

Digitally signed by
Rebecca C Polizzotto
Date: 2026.10.07
13:11:34 -08'00'

RCP/REF/bhp

CC w/enclosure: John Crowther, Commissioner
Department of Natural Resources

Molly Benson, Regulations Contact
Department of Natural Resources

Dana Burke, Assistant Attorney General
Department of Law

Ryan Farnsworth, Assistant Attorney General
Department of Law

ORDER ADOPTING CHANGES TO REGULATIONS
OF DEPARTMENT OF NATURAL RESOURCES

The attached regulations, dealing with the reservations of water are adopted and certified to be a correct copy of the regulation changes that the Department Natural Resources adopts under the authority of AS 46.15.020 and after compliance with the Administrative Procedure Act (AS 44.62), specifically including notice under AS 44.62.190 and 44.62.200 and opportunity for public comment under AS 44.62.210.

This action is not expected to require an increased appropriation.

In considering public comments, the Department of Natural Resources paid special attention to the cost to private persons of the regulatory action being taken.

The regulation changes adopted under this order take effect on the 30th day after they have been filed by the lieutenant governor as provided in AS 44.62.180.

Date: 10 / 1 / 2026



John Crowther
Commissioner, Department of Natural Resources

FILING CERTIFICATION

^{April Simpson for}
I, Nancy Dahlstrom, Lieutenant Governor for the State of Alaska, certify that on October 7, 2026, at 2:50 p.m., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.


Nancy Dahlstrom, Lieutenant Governor

Effective: November 6, 2026

Register: 260, January 2027

FOR DELEGATION OF THE LIEUTENANT GOVERNOR'S AUTHORITY

I, NANCY DAHLSTROM, LIEUTENANT GOVERNOR OF THE STATE OF ALASKA, designate the following state employees to perform the Administrative Procedures Act filing functions of the Office of the Lieutenant Governor:

April Simpson, Regulations and Initiatives Specialist

**IN TESTIMONY WHEREOF, I have
signed and affixed the Seal of the State of
Alaska, in Juneau, on May 15th, 2023.**



A handwritten signature in blue ink, reading "Nancy Dahlstrom", is written over a horizontal dotted line.

**NANCY DAHLSTROM
LIEUTENANT GOVERNOR**

11 AAC 93.142(b) is amended to read:

(b) Each application must

(1) identify the purposes of the proposed reservation;

(2) identify the name of the stream or water body in which water is proposed to be reserved, and locate the proposed reservation on the most detailed United States Geological Survey map for the area, identified by section, township, range, meridian, and river mile index if available, showing either the point on a water body at which, or two points on a stream between which, the proposed reservation is being requested;

(3) **state the reason the proposed reservation is needed** [EXPLAIN WHAT NEED EXISTS FOR THE PROPOSED RESERVATION, INCLUDING REASONS WHY THE RESERVATION IS BEING REQUESTED];

(4) **include a minimum of five years of monthly data to quantify the proposed reservation** [SPECIFY THE TIME PERIOD REQUIRED TO FULLY QUANTIFY THE PROPOSED RESERVATION, WHICH MAY BE NO LONGER THAN THREE YEARS AFTER THE DATE THE APPLICATION IS ACCEPTED BY THE DEPARTMENT FOR FILING];

(5) specify the times of the year and purposes for which the reservation is proposed;

(6) identify and explain the methodology [TO BE] used to quantify the proposed reservation, including

(A) existing data to be used, if available;

(B) the method of any new data collection;

(C) the type of new data to be collected; and

(D) a description of how the data will be analyzed;

(7) state the estimated quantity of water, stage, or elevation proposed to be reserved, measured in cubic feet per second for an instream flow rate or measured in cubic feet, acre feet, or an elevation relative to a permanent bench mark for a surface elevation, with documentation and calculations justifying the request;

(8) identify **applicable** physical, biological, water chemistry, and socio-economic data substantiating the need for and the quantity of water requested for the proposed reservation;

(9) **for reservations of water intended to protect fish habitat, migration, and propagation,**

(A) identify the population and species of fish using the proposed reservation of water reach for spawning, rearing, or migration;

(B) estimate the population of fish from the proposed reservation of water reach that supplies sport, commercial, and subsistence use;

(C) estimate how differing water levels or flows in the proposed reservation of water reach would affect the amount or quantity of habitat available for rearing, spawning, or migration; and

(D) include downstream and upstream land use and property ownership data at the proposed reach that may be affected by the proposed reservation of water;

(10) be accompanied by the application fee prescribed by 11 AAC 05.260.

11 AAC 93.142(d) is repealed:

(d) Repealed 11 / 6 / 2026.

11 AAC 93.142(e) is repealed:

(e) Repealed 11 / 6 / 2026. (Eff. 9/11/83, Register 87; am 1/1/86, Register 96; am 11/7/90, Register 116; am 7/1/2018, Register 227; am 11 / 6 / 2026, Register 260)

Authority: AS 46.15.020 AS 46.15.080 AS 46.15.145
AS 46.15.040

11 AAC 93.146(b) is amended to read:

(b) [THE CERTIFICATE OF RESERVATION WILL BE ISSUED TO THE APPLICANT.] The applicant is responsible for compliance with the conditions of the certificate of reservation. **The commissioner will issue a certificate of reservation to the applicant if the applicant is a state or federal resource management agency. If the applicant is not a state or federal resource management agency, the commissioner will issue the certificate to the department.**

11 AAC 93.146(d) is amended to read:

(d) The certificate of reservation will state any additional terms or conditions the commissioner considers necessary to protect the prior valid rights of other appropriators and the public interest, **including** [THE CONDITIONS WILL, IN THE COMMISSIONER'S DISCRETION, INCLUDE THE FOLLOWING]:

(1) measuring devices of a type and at a location approved by the commissioner must be installed and maintained **by the applicant** to monitor and report on the reserved instream flow or level of water **at intervals approved by the commissioner**; and

(2) the reservation will be reviewed by the commissioner within a specified period of time, if sooner than the 10-year review under 11 AAC 93.147.

(Eff. 9/11/83, Register 87; am 11/7/90, Register 116; am 11 / 6 / 2026, Register 260)

Authority: AS 46.15.010 AS 46.15.080 AS 46.15.145
AS 46.15.020 AS 46.15.120

11 AAC 93.147(c) is amended to read:

(c) The commissioner may [WILL, IN HIS OR HER DISCRETION,] require that additional research, data collection, and analysis be conducted or different methods used for reviewing the reservation of water. Costs of conducting additional research, data collection, and analysis, and of using a different methodology will be borne by the protestant if a protest regarding the reservation has been filed with the department. In other cases, the commissioner may apportion the costs among the department, the applicant, or the certificate holder, as the commissioner determines to be equitable [THESE COSTS WILL BE BORNE BY THE STATE. IF THE CERTIFICATE HOLDER DESIRES EXPEDITED REVIEW, THE COMMISSIONER WILL, IN HIS OR HER DISCRETION, REQUIRE THE CERTIFICATE HOLDER TO BEAR THE COSTS].

(Eff. 9/11/83, Register 87; am 11/7/90, Register 116; am 2/15/2006, Register 177; am 7/1/2018, Register 227; am 11 / 6 / 2026, Register 260)

Authority: AS 46.15.020 AS 46.15.140 AS 46.15.145