



THE STATE  
of **ALASKA**  
GOVERNOR MIKE DUNLEAVY

## Department of Natural Resources

DIVISION OF MINING, LAND & WATER  
Director's Office

550 West 7th Avenue, Suite 1070  
Anchorage, Alaska 99501-3579  
Main: 907.269.8600  
TTY: 711 or 800-770-8973  
Fax: 907.269.8904

January 15, 2021

Re: **Department Regulations on Water  
Opportunity to Comment on Proposed Regulation Changes**

Dear Alaskan:

The Department of Natural Resources (DNR) is proposing to revise its water management regulations regarding the appropriation and use of water. I am writing to explain the proposed regulations, why we are proposing this regulation package now, and how this action relates to the ongoing resource management process. I invite you to review and comment on these proposed regulations.

### **Brief Description**

The Division of Mining, Land and Water (DMLW) is proposing to revise water regulations. Specifically, DMLW is proposing to revise regulations in 11 AAC 93 relating to the closure of water right applications, the contents of instream flow reservation applications, the issuance of certificates for instream flow reservations, the review of instream flow reservations, procedures for temporary water use, public notices and hearings on critical water management areas, and definitions.

### **Why Do We Need These Regulations Now?**

The proposed regulations are intended to provide clarity and consistency in DMLW's Water Section processes. Regulations regarding the appropriation and use of water have not been substantially revised since 2004. As a result, some regulations are not consistent with applicable statutes while others need to be updated to address appeals of an administrative closure of a water rights application, clarify and provide a consistent approach to applications for, and adjudications of instream flow reservations of water, update critical water management public notice and meeting procedures, and update definitions.

### **Opportunity for Comment**

Interested parties are encouraged to review the proposed regulations and submit any comments to DMLW. Enclosed is the official "Notice of Proposed Changes on Water in the Regulations of the Department of Natural Resources," which provides details regarding the submission of public comments. You can view the proposed regulations on the Alaska Online Public Notice System and on DMLW's news website at: <https://dnr.alaska.gov/mlw/news/>.

You are invited to comment on these proposed regulation changes to DNR's water regulations. For your comments to be considered, the department must receive them no later than **5:00 p.m.**

**on February 26, 2021.** Comments must be in writing, and may be mailed, faxed, or e-mailed to the address below. Please see the “Notice of Proposed Changes” for additional information.

Attn: Brandon McCutcheon  
Division of Mining, Land and Water  
550 W 7<sup>th</sup> Ave., Suite 1070  
Anchorage, Alaska 99501-3579  
Fax: (907) 269-8904  
E-Mail: [dnr.water.regulation@alaska.gov](mailto:dnr.water.regulation@alaska.gov)

You may submit written questions relevant 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 February 16, 2021**). DMLW will aggregate its response to substantially similar questions and make the questions and responses available on the Alaska Online Public Notice System and on the agency website at <https://dnr.alaska.gov/mlw/news/>.

For a copy of the proposed regulation changes, go to <https://dnr.alaska.gov/mlw/news/> or contact Brandon McCutcheon at the contact information provided above.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Brandon McCutcheon by e-mail at [dnr.water.regulation@alaska.gov](mailto:dnr.water.regulation@alaska.gov) or by phone at 269-8511 **not later than February 16, 2021**, to ensure that any necessary accommodation can be provided.

Thank you for your consideration of these proposed regulations. DNR looks forward to reading your comments and suggestions.

Sincerely,

[Signature on File]

Martin Parsons  
Director, Division of Mining, Land and Water  
State of Alaska, Department of Natural Resources