

**NOTICE OF PROPOSED REGULATION CHANGES ON FEES
IN THE REGULATIONS OF THE
DEPARTMENT OF NATURAL RESOURCES**

BRIEF DESCRIPTION

The Department of Natural Resources (DNR) proposes to adopt a new organization of its fee regulations and to revise how the department's fees for services, products, facilities, equipment, and use of state-owned land are determined and applied. DNR also proposes to make conforming changes to other department regulations that reference fee regulations.

The Department of Natural Resources proposes to adopt regulation changes in Title 11 of the Alaska Administrative Code, dealing with fees for services, products, facilities, equipment, and land use authorizations provided by the department. Specifically, the Department of Natural Resources is proposing to repeal the existing single section of regulations under 11 AAC 05.010 and replace it through the adoption of 26 new sections under that chapter that provide increased clarity and a more logical order for the fees required for a large variety of topics, including the applicability of regulations under the chapter, the department's ability to require higher fees higher than those otherwise proposed in the chapter, and fees and fee setting requirements for:

- miscellaneous products,
- services,
- publications and filings,
- agriculture,
- computer-related electronic products and services,
- concessions,
- easements and rights-of-way,
- forestry,
- the Alaska Geologic Materials Center,
- land disposals,
- leasable minerals,
- locatable minerals,
- sales of material,
- mineral regulatory authorities,
- non-timber forest products,
- other or general land management authorizations,
- services or products obtained from the department,
- state parks and outdoor recreation,

- land use permits and cabin use authorizations,
- public use areas,
- the State of Alaska Recorder's Office,
- land use permits within the Recreation Rivers System,
- special use areas,
- land leasing,
- surveys and platting,
- Uniform Commercial Code,
- water management and dam safety.

The proposed regulations include the following:

- (1) revise, eliminate existing fee amounts, or establish new fees for services, products, facilities, equipment and land use authorizations provided by the department in 11 AAC 05,
- (2) 11 AAC 05.900 is proposed to be amended to add new definitions,
- (3) 11 AAC 96.020(d) is proposed to be amended to address generally allowed commercial use of state land, and
- (4) make conforming changes to Title 11 regulations to cite to the appropriate proposed new fee regulations addressed above.

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 to the Division of Mining, Land and Water, 550 W. 7th Avenue, Suite 1070, Anchorage, AK 99501-3579 or by e-mail to dnr.fees.regulation@alaska.gov or by fax to 907-269-8904. The comments must be received by the department no later than **5:00 p.m. on Friday, on July 28, 2017.**

Oral or written comments on proposed 11 AAC 05.090, fees for Geological and Geophysical Services also may be submitted at public hearings held under AS 41.08.045, by the Division of Geological and Geophysical Services. These hearings will be held on:

-Wednesday June 21, 2017, from 4:00 P.M. to 5:00 P.M., in the Alaska Division of Geological & Geophysical Surveys Large Conference Rm., 3354 College Rd, Fairbanks, AK., and

-Wednesday June 28, 2017, from 4:00 P.M. to 5:00 P.M., in the large conference room at the Alaska Geologic Materials Center, located at 3651 Penland Pkwy, Anchorage, AK.

Call-in information for both public hearings: 1-800-315-6338. Access Code: 50077

Oral or written comments on proposed 11 AAC 05.170 under AS 41.21.026, by the Division of Parks and Outdoor Recreation. These hearings will be held on:

-Monday July 10, 2017, from 5:30 P.M. to 7 P.M., in Room 104, Atwood Building, 550 West 7th Avenue, Anchorage, AK., and

-Thursday, July 13, 2017, from 5:30 P.M. to 7 P.M., in the Kenai River Center, 514 Funny River Road, Soldotna, AK.

Call-in information for both public hearings: 1-877-226-9607. Access Code: 7547916061#

You may submit written questions relevant to the proposed action to: Joseph Joyner, Division of Mining, Land and Water, 550 W 7th Ave., Suite 1070, Anchorage, Alaska 99501-3579
Fax: (907) 269-8904, E-Mail: dnr.fees.regulation@alaska.gov. Questions must be received at least 10 days before the end of the public comment period (**July 18, 2017**). 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 <https://aws.state.ak.us/OnlinePublicNotices/Login.aspx> and at <http://www.dnr.state.ak.us/mlw/hottopics>.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Joseph Joyner at joe.joyner@alaska.gov and 269-8511 no later than July 7, 2017, 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 at the following websites: <http://www.dnr.state.ak.us/mlw/hottopics>, <http://dggg.alaska.gov/gmc>, <http://dog.dnr.alaska.gov/>, <http://dnr.alaska.gov/parks/asp/curevnts.htm>, <http://dnr.alaska.gov/ssd/recoff/closuresnotices.cfm>, http://dnr.alaska.gov/ssd/recoff/noticespage_UCC.cfm, or by contacting the Director's Office, Division of Mining, Land and Water, Department of Natural Resources, Attention Joseph Joyner, 550 W. 7th Avenue, Suite 1070, Anchorage, Alaska 99501-3579; or call 907-269-8511.

After the public comment period ends, the Department of Natural Resources will either adopt these or other provisions dealing with the same subject, without further notice, or decide to take no action on them. The language of the final regulations may be different from that of the proposed regulations. YOU SHOULD COMMENT DURING THE TIME ALLOWED IF YOUR INTERESTS COULD BE AFFECTED.

Statutory Authority: AS 27.21.030, AS 27.21.940, AS 37.10.050, AS 37.10.052, AS 37.10.058, AS 38.04.045, AS 38.04.900, AS 38.05.020, AS 38.05.035, AS 38.05.057, AS 38.05.082, AS 38.05.083, AS 38.05.102, AS 38.05.133, AS 38.05.177, AS 38.05.180, AS 38.05.250, AS 38.05.255, AS 38.05.295, AS 38.05.550, AS 38.05.555, AS 38.05.560, AS 38.05.565, AS 38.05.600, AS 38.05.810, AS 38.05.850, AS 38.08.110, AS 38.09.020, AS 38.09.110, AS 38.35.020, AS 38.35.050, AS 38.50.160, AS 38.95.240, AS 40.15.370, AS 40.17.030, AS 40.25.110, AS 40.25.115, AS 41.06.020, AS 41.08.045, AS 41.21.020, AS 41.21.026, AS 41.23.440, AS 44.37.011, AS 44.37.020, AS 44.37.025, AS 44.37.027, AS 45.29.525, AS 45.50.315, AS 46.15.020, AS 46.15.035, AS 46.15.037

Statutes Being Implemented, Interpreted, or Made Specific: AS 27.21.030, AS 27.21.940, AS 38.04.045, AS 38.04.900, AS 38.05.020, AS 38.05.035, AS 38.05.057, AS 38.05.082, AS 38.05.083, AS 38.05.102, AS 38.05.133, AS 38.05.177, AS 38.05.180, AS 38.05.250, AS 38.05.255, AS 38.05.295, AS 38.05.550, AS 38.05.555, AS 38.05.560, AS 38.05.565, AS 38.05.600, AS 38.05.810, AS 38.05.850, AS 38.08.110, AS 38.09.020, AS 38.09.110, AS 38.35.020, AS 38.35.050, AS 38.50.160, AS 38.95.240, AS 40.15.370, AS 40.17.030, AS 40.25.110, AS 40.25.115, AS 41.06.020, AS 41.08.045, AS 41.21.020, AS 41.21.026, AS 41.23.440, AS 44.37.011, AS 44.37.020, AS 44.37.025, AS 44.37.027, AS 45.29.525, AS 45.50.315, AS 46.15.020, AS 46.15.035, AS 46.15.037

Fiscal Information: The proposed regulation changes are not expected to require an increased appropriation. The proposed regulation changes are not expected to require an increased appropriation. The proposed regulations provide for user fees for certain elective services or elective uses of state-owned land, but do not establish mandatory permitting or compliance requirements that impose costs on a private person, other state agencies, or municipalities.

Date: June 9, 2017

Andrew T. Mack,

Commissioner, Department of Natural Resources

ADDITIONAL REGULATIONS NOTICE INFORMATION
(AS 44.62.190(d))

1. Adopting agency: Department of Natural Resources
2. General subject of regulation: Fees for the Department of Natural Resources
3. Citation of regulation (may be grouped): 11 AAC 05.010 - .900, 11 AAC 96.020
4. Department of law file number (if any) JU 2016200803 and JU 2017200247
5. Reason for the proposed action:
 - compliance with federal law or action (identify) _____
 - compliance with new or changed state statute AS 41.08.045
 - development of program standards _____
 - other: (identify) Department Initiated
6. Appropriation/Allocation: NONE

7. Estimated annual cost to comply with the proposed action to:

A private person: \$0.00 The proposed regulations provide for user fees for certain elective services or elective uses of state-owned land, but do not establish mandatory permitting or compliance requirements that impose costs on a private person. Therefore, these regulations are not expected generate any annual cost to comply with the proposed action.

Another state agency: \$0.00 The proposed regulations provide for user fees for certain elective services or elective uses of state-owned land, but do not establish mandatory permitting or compliance requirements that impose costs on any state agencies. Therefore, these regulations are not expected generate any annual cost to comply with the proposed action.

A municipality: \$0.00 The proposed regulations provide for user fees for certain elective services or elective uses of state-owned land, but do not establish mandatory permitting or compliance requirements that impose costs on a municipality. Therefore, these regulations are not expected generate any annual cost to comply with the proposed action.

8. Cost of implementation to the state agency and available funding (in thousands of dollars):

	Initial Year FY <u>18</u>	Subsequent Years
Operating Cost	\$ <u>0.0</u>	\$0.0
Capital Cost	\$ <u>0.0</u>	\$0.0
Federal receipts	\$ <u>0.0</u>	\$0.0
General fund match	\$ <u>0.0</u>	\$0.0
General fund	\$ <u>0.0</u>	\$0.0
General fund/ program receipts	\$ <u>0.0</u>	\$0.0

General fund/
mental health \$ 0.0 \$0.0
Other funds (specify) \$ 0.0 \$0.0

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

Name Joseph Joyner
Title Natural Resource Manager
Address DNR, DMLW, 550 W. 7th Avenue, Suite 1070
Anchorage, AK 99501-3579
Telephone 907-269-8511
E-mail address: joe.joyner@alaska.gov

10. The origin of the proposed action:

Staff of state agency
 Federal government
 General public
 Petition for regulation change
 Other (identify): AS 41.08.045

11. Date: June 9, 2017 Prepared by: _____

Name (typed) Joseph Joyner
Title (typed) Natural Resource Manager
Telephone