

NOTICE OF PROPOSED CHANGES REGARDING FEES IN THE REGULATIONS OF THE
DEPARTMENT OF NATURAL RESOURCES

The Department of Natural Resources (DNR) proposes to amend regulations in Title 11 of the Alaska Administrative Code. Amendments will affect fees for services, products, facilities, equipment, and land use authorizations provided by the **Division of Mining, Land and Water and the Division of Parks and Outdoor Recreation and will change the entities subject to certain fees.** Changes may include increases or reductions in fees, changes to applicability of fees, clarify application of fees, and technical revisions. Specifically, DNR is proposing to revise fee regulations in 11 AAC 05 and 11 AAC 96, including the following:

- (1) 11 AAC 05.020, Applicability;
- (2) 11 AAC 05.030, Miscellaneous fees;
- (3) 11 AAC 05.070, Easements and rights-of way;
- (4) 11 AAC 05.100, Land disposals;
- (5) 11 AAC 05.120, Locatable minerals;
- (6) 11 AAC 05.130, Material sales;
- (7) 11 AAC 05.160, Other, or general, land management not established elsewhere;
- (8) 11 AAC 05.170, Parks and outdoor recreation fees;
- (9) 11 AAC 05.180, Permits, revocable and temporary surface authorizations and cabin use authorizations;
- (10) 11 AAC 05.190, Public use areas;
- (11) 11 AAC 05.210, Recreation rivers system;
- (12) 11 AAC 05.230, Surface land leasing and shore fisheries land leasing;
- (13) 11 AAC 05.240, Survey and platting;
- (14) 11 AAC 05.260, Water management and dam safety;
- (15) 11 AAC 05.270, Higher fees;
- (16) 11 AAC 96.018, Uses requiring registration; and
- (17) Conforming changes to any Title 11 regulations to cite any new regulations as addressed in items 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, February 26, 2021.**

DNR will also conduct a public hearing to collect public comments on its proposed amendments to 11 AAC 05 and 11 AAC 96 relating to fees. This hearing will be conducted primarily for purposes of AS 41.21.026(c) regarding changes to fees for the use of state park system facilities, but comments may

be made on any proposed amendment. You may provide oral comments relevant to the proposed action **via telephone** at the hearing to be held on January 28, 2021, **by calling 907-202-7104, phone conference ID 465 970 785#**. **Due to public health and safety concerns associated with the COVID-19 pandemic, there will not be in-person attendance provided at the hearing site, so please prepare to share your oral comments by telephone only.** The hearing is scheduled from 6 p.m. to 8 p.m. and priority will be given to commenters on the line before the beginning of the hearing. The hearing may be extended to accommodate those on the line before 7:30 p.m., who did not have an opportunity to comment. Before the start of the hearing, DNR may limit the time allotted for each person providing oral testimony, as reasonably necessary to conclude the hearing in the time provided.

You may submit written questions relevant to the proposed action to Brandon McCutcheon by mail at Division of Mining, Land and Water, 550 W 7th Ave., Suite 1070, Anchorage, Alaska 99501-3579; by fax at (907) 269-8904; or by e-mail at dnr.fees.regulation@alaska.gov. Questions must be received at least 10 days before the end of the public comment period (**by February 16, 2021**). DNR will aggregate its response to substantially similar questions and make the questions and responses available on the Alaska Online Public Notice System and at agency websites on <https://dnr.alaska.gov/mlw/news/> and <http://dnr.alaska.gov/parks/asp/curevnts.htm>.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Brandon McCutcheon at dnr.fees.regulation@alaska.gov or 269-8511 no later than **February 16, 2021**, 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: <https://dnr.alaska.gov/mlw/news/> and <http://dnr.alaska.gov/parks/asp/curevnts.htm>, or by contacting Brandon McCutcheon by e-mail at dnr.fees.regulation@alaska.gov or by phone at 907-269-8511.

After the public comment period ends, DNR 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. Written comments received are public records and are subject to public inspection.

Statutory Authority: AS 27.19.040, 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 38.04.058, AS 38.04.065, AS 38.04.200, AS 38.04.900, AS 38.05.020, AS 38.05.035, AS 38.05.057, AS 38.05.065, AS 38.05.070, AS 38.05.073, AS 38.05.075, AS 38.05.082, AS 38.05.083, AS 38.05.095, AS 38.05.102, AS 38.05.112, 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 38.35.140, AS 38.50.160, AS 38.95.230, 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 41.21.020, 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, AS 46.17.050.

Statutes Being Implemented, Interpreted, or Made Specific: AS 27.21.030, AS 38.04.045, AS 38.04.900, AS 38.05.020, AS 38.05.035, 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 38.05.550, 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 38.09.110, AS 38.35.020, AS 38.50.160, AS 40.15.370, AS 40.25.110, AS 40.25.115, AS 41.21.026, 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 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.

1/13/2021
Date

[Signature on File]
Corri Feige,
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 services, products, facilities, equipment, and land use authorizations of the Department of Natural Resources
3. Citation of regulation (may be grouped): 11 AAC 05.020 - .270, 11AAC 96.018
4. Department of law file number (if any): 2020200542
5. Reason for the proposed action:
 - compliance with federal law or action (identify)
 - compliance with new or changed state statute
 - development of program standards
 - other: (identify) Department initiated to update and clarify fees, and align fees with costs to the Department including related fees increases and decreases.
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 | Subsequent |
|----------------|----------------|------------|
| | FY <u>2021</u> | Years |
| Operating Cost | \$0.0 | \$0.0 |
| Capital Cost | \$0.0 | \$0.0 |

| | | |
|-----------------------------------|-------|-------|
| Federal receipts | \$0.0 | \$0.0 |
| General fund match | \$0.0 | \$0.0 |
| General fund | \$0.0 | \$0.0 |
| General fund/ program receipts | \$0.0 | \$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: Brandon McCutcheon
 Title: Chief, Program Support Section, Division of Mining, Land and Water, DNR
 Address: 550 W. 7th Avenue, Suite 1070, Anchorage, AK 99501-3579
 Telephone: (907) 465-8851
 E-mail address: Brandon.McCutcheon@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: 1/13/2021

Prepared by: [Signature on file]
 Brandon McCutcheon
 Chief, Program Support Section
 Division of Mining, Land and Water
 Department of Natural Resources