

# Proposed Department of Natural Resources Water Management Regulations

## NOTICE OF PROPOSED CHANGES REGARDING WATER MANAGEMENT IN THE REGULATIONS OF THE DEPARTMENT OF NATURAL RESOURCES

The Department of Natural Resources (DNR) proposes to revise regulations in Title 11 of the Alaska Administrative Code, 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. Proposed revisions include the following:

1. 11 AAC 93.115 (Closure of an application for a water right) is revised to remove the appeal process from the timeline for closure of an application.
2. 11 AAC 93.142 (Content of application) is revised to clarify the contents of applications for water reservation.
3. 11 AAC 93.146 (Issuance of a certificate of water reservation) is revised clarify the issuance of certificates to individuals versus agencies, the priority of issuance, and standing for applicants and certificate holders.
4. 11 AAC 93.147 (Review of reservation of water) is revised to clarify procedures for reviews.
5. 11 AAC 93.210 (Temporary water use) is revised to clarify the issuance of authorizations for temporary water uses.
6. 11 AAC 93.220 (Procedure for temporary water use) is revised regarding the content of applications.
7. 11 AAC 93.510 (Public notice and hearing) revisions remove the requirement for newspaper publication and certified mailing of public notices regarding critical water management areas. Notices are proposed to be provided via the Alaska Online Public Notice System, and by mail, e-mail, or other means to affected parties. Revisions also remove the requirement for a hearing and replace it with Commissioner discretion to hold a public meeting and to extend the public comment period.
8. 11 AAC 93.970 (Definitions) the terms 'division' and 'appropriators of record' are added to the list of definitions.

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 Brandon McCutcheon at the Division of Mining, Land and Water, 550 W. 7th Avenue, Suite 1070, Anchorage, AK 99501-3579. Additionally, the division will accept comments by e-mail to [dnr.water.regulation@alaska.gov](mailto:dnr.water.regulation@alaska.gov), or by fax at 907-269-8904. The comments must be received not later than **5:00 p.m. on February 26, 2021**. All comments received become public records that are subject to public inspection.

You may submit written questions relevant to the proposed action by email at [dnr.water.regulation@alaska.gov](mailto:dnr.water.regulation@alaska.gov) or by mail to Brandon McCutcheon at the Division of Mining, Land and Water, 550 W. 7<sup>th</sup> Ave., Ste. 1070, Anchorage, AK 99501. 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**). DNR 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/>.

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 email 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.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System, by contacting Brandon McCutcheon by e-mail at [dnr.water.regulation@alaska.gov](mailto:dnr.water.regulation@alaska.gov), by phone at 269-8511, or on the agency website at <http://https://dnr.alaska.gov/mlw/news/>.

After the public comment period ends, DNR will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulation may be different from that of the proposed regulation. You should comment during the time allowed if your interests could be affected.

**Statutory Authority:** AS 46.15.010; AS 46.15.020; AS 46.15.040; AS 46.15.050; AS 46.15.080; AS 46.15.120; AS 46.15.133; AS 46.15.140; AS 46.15.145; AS 46.15.155.

**Statutes Being Implemented, Interpreted, or Made Specific:** AS 46.15.010; AS 46.15.020; AS 46.15.040; AS 46.15.050; AS 46.15.080; AS 46.15.120; AS 46.15.133; AS 46.15.140; AS 46.15.145; AS 46.15.155.

**Fiscal information:** The proposed regulation changes are not expected to require an increased appropriation.

## Attachments, History, Details

### Attachments

[2021-02-25 Supplemental Notice Extending Public Comment Period.pdf](#)

[Dear Alaskan Letter Regarding Proposed Water Regulations.pdf](#)

[Notice of Proposed Water Management Regulations.pdf](#)

[Proposed Department of Natural Resources Water Management Regulations.pdf](#)

### Revision History

Created 1/14/2021 11:46:32 AM by jaboer  
Modified 1/14/2021 11:48:19 AM by jaboer  
Modified 1/14/2021 3:54:49 PM by jaboer  
Modified 2/25/2021 8:58:55 AM by jaboer  
Modified 2/26/2021 6:27:47 AM by jaboer

### Details

Department:	Natural Resources
Category:	Regulations
Sub-Category:	Notice of Proposed Regulations
Location(s):	Statewide
Project/Regulation #:	2020200431
Publish Date:	1/15/2021
Archive Date:	2/27/2021

Events/Deadlines: