

**From:** [s\\_querze@everyactioncustom.com](mailto:s_querze@everyactioncustom.com) on behalf of [Susan Querze](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Saturday, August 31, 2024 8:40:56 AM

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Dear DNR Water Regulation,

I am writing in response to your request for scoping comments from Alaskans in relation to Alaska's system of reserving waters in streams and water bodies for fish, wildlife and public use. According to Alaska's constitution "Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use." In order to bring DNR's regulations inline with the constitution DNR should update the regulations to implement a system that reserves a baseline amount of water necessary for fish, wildlife and common public uses by the people of Alaska consistent with the requirements of Article VIII of the Alaska Constitution. A standard baseline reservation system will eliminate the backlog of reservations of water needing to be adjudicated and guard against the over appropriation of water. Given the fact that ADF&G is responsible for the protection of Fish and Wildlife resources, this baseline system should be implemented by both agencies and applications to appropriate water out of Alaskan water bodies for large-scale industrial use should also be adjudicated by both ADF&G and DNR. Thank you for working to improve this system and working to bring it in line with Alaska's constitution.

Sincerely,  
Susan Querze  
Lawrence, MA 01843-2727  
**Private Information**

**From:** [crkat14@everyactioncustom.com](mailto:crkat14@everyactioncustom.com) on behalf of [Chris R Regulation, DNR Water \(DNR sponsored\)](#)  
**To:** [Chris R Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Saturday, August 31, 2024 10:55:21 AM

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Sincerely,  
Chris R  
Dallas, TX 75231

**Private Information**

**From:** [crkat14@everyactioncustom.com](mailto:crkat14@everyactioncustom.com) on behalf of [Chris R Regulation, DNR Water \(DNR sponsored\)](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Sunday, September 8, 2024 8:48:26 AM

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Chris R  
Dallas, TX 75231

**Private Information**

**From:** [crkat14@everyactioncustom.com](mailto:crkat14@everyactioncustom.com) on behalf of [Chris R Regulation, DNR Water \(DNR sponsored\)](#)  
**To:** [Chris R Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Saturday, November 2, 2024 10:13:59 AM

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Sincerely,  
Chris R  
Dallas, TX 75231

**Private Information**

**From:** [Rabbit Creek Community Council](#)  
**To:** [Barrett, Tom R \(DNR\); Regulation, DNR Water \(DNR sponsored\)](#)  
**Cc:** [Barbara Carlson; awc@anchoragecreeks.org; cherie@anchoragecreeks.org; Stantorf, Cory J \(DFG\); Klein, Joseph P \(DFG\); Ann Rappoport; JOHN RILEY](#)  
**Subject:** Comments on DNR  
**Date:** Friday, November 29, 2024 3:33:46 PM  
**Attachments:** [2024-14 DNR Water Regulations.pdf](#)

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Dear Mr. Barrett -

Please accept the attached comments from the Rabbit Creek Community Council regarding the Alaska Department of Natural Resources proposed updating of the regulations implementing AS 46.15.145 Reservations of water: 11 AAC 93.141-147.

Sincerely,  
Ann Rappoport, Co-chair

[Rabbit Creek Community Council](#)  
1057 W. Fireweed Lane, Ste. 100  
Anchorage, AK 99503

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## Correspondence



**RABBIT CREEK COMMUNITY COUNCIL (RCCC)**  
A Forum for Respectful Communication & Community Relations



**1057 West Fireweed Lane, Suite 100 / Anchorage, AK 99503**

Alaska Department of Natural Resources (DNR)  
Division of Mining, Land & Water  
Program Support Section  
550 W 7<sup>th</sup> Avenue Suite 1070  
Anchorage AK 99501-3579

November 29, 2024

Regarding: Scoping for potential changes to 11 AAC 93.142 – 147, Regulations implementing AS 46.15.145, Reservation of Water

Dear Mr. Barrett:

Thank you for the opportunity to comment on the Department of Natural Resources (DNR) potential updating of regulations 11 AAC 93.142-147, implementing AS 46.15.145 Reservation of Water.

Rabbit Creek Community Council (RCCC) is a community organization representing residents and property owners in a delineated geographic area of [southeast Anchorage](#). RCCC is an advisory group within Anchorage's Community Council system established in the Anchorage Municipal Charter. RCCC, through its Land Use and Transportation Committee, reviewed the issues surrounding water reservations, particularly as they pertain to Potter Marsh. At a General Meeting of the membership on November 14, 2024, RCCC voted to submit comments and questions, detailed in the attachment, by a vote of 26 yeas, 0 nays, and 1 abstention.

In summary, RCCC advocates for:

- a reservation system that prioritizes protecting the natural hydrologic function (including water quality and quantity) of waterbodies.
- DNR to provide a clear context, with associated data and analyses, from which we, and the general public, can provide meaningful, detailed comments on the 11 AAC 43 regulations.
- Prompt extension of the Alaska Department of Fish & Game water reservations on Rabbit Creek, Little Rabbit Creek, and Little Survival Creek, the three streams that feed Potter Marsh, based on our local knowledge of Potter Marsh and creeks within our Council area.
- Periodic review of all water appropriations so that DNR does not grant permanent allocations that may not be sustainable.

- Pro-active DNR management, including baseline data collection, analyses of hydrologic systems, and the means to enforce water rights, especially in areas of water resource competition, such as our Anchorage Hillside.
- Improved public outreach and public education related to any appropriations of water. Public notices are needed that more clearly define the purposes and processes for proposed actions regarding all types of DNR appropriation of water similar to that previously provided by the former Alaska Water Resources Board. This includes convening public meetings related to scoping and proposed regulation changes.

Again, thank you for the opportunity to submit comments on DNR's regulations for water reservations.

Sincerely,



Ann Rappoport, Co-chair



John Riley, Co-chair

Attachment

cc: Sue Rodman, ADF&G  
Joseph Klein, ADF&G  
Cory Stantorf, ADF&G  
Barbara Carlson, Friends of the Anchorage Coastal Wildlife Refuge  
Cherie Northon, Anchorage Waterways Council

## ATTACHMENT

The Rabbit Creek Community Council (RCCC) has reviewed issues, and the limited information provided for the proposed updating of regulations 11 AAC 93.142-147, implementing AS 46.15.145 Reservation of Water. This review gives us serious concerns about the proposal and leads us to comment on one specific action and three general concerns, as follows, and as approved at our General Membership Meeting on November 14, 2024, by a vote of 26 yeas, 0 nays, and 1 abstention.

### **1. Lack of public outreach regarding water rights for Potter Marsh and the potential regulation revisions.**

Regarding Potter Marsh, RCCC is very concerned that our Council—and presumably the affected public—have been ignorant of the issue of water reservations on three tributary creeks to Potter Marsh. The Alaska Department of Natural Resources (DNR) should provide direct notice to affected parties and, at a minimum, groups such as the RCCC and Friends of the Anchorage Coastal Wildlife Refuge, as part of its adjudicatory review of those water reservations and any proposed actions. We suggest that you add interested organizations and groups representing geographic areas where water reservations exist for proposed actions affecting them including options for public meetings. For future decisions affecting the Potter Marsh watershed please contact us in advance in a timely manner via email at [rabbithcreekcc@gmail.com](mailto:rabbithcreekcc@gmail.com); our mailing address is c/o Federation of Community Councils, 1057 West Fireweed Lane, Suite 100, Anchorage, AK 99503.

Regarding the DNR public notice for potential changes to 11 AAC 93, the outreach seems vague and obfuscating. How can the public evaluate potential changes without any knowledge of why changes might be warranted; or what those changes might be, especially as they relate to earlier public suggestions on scoping exercises such as in 2016? By comparison, when RCCC is given an opportunity to comment on a municipal regulatory change, we typically receive a written staff analysis that includes background, data, an objective analysis of current regulations, and a range of recommended changes. We believe a similar analysis of the outcomes from this exercise should also include DNR's proposed implementation timeline. The public should also be provided an opportunity to comment on proposed future actions so DNR can weigh that input as part of their final determinations.

### **2. Extend the water reservations acquired by Alaska Department of Fish & Game for three creeks to ensure recharge of Potter Marsh.**

RCCC just became aware that, since the 1980s, the Alaska Department of Fish and Game (ADF&G) has held in-stream reservations on three creeks that replenish Potter Marsh: Rabbit Creek, Little Rabbit Creek, and Little Survival Creek. Similarly, RCCC recently became aware that these water reservations are long-overdue for extension and is herein requesting prompt extension of these water reservations for the following reasons:



- The incalculable value of Potter Marsh to the entire Anchorage community and visitors. Potter Marsh is the jewel of the Alaska Coastal Wildlife Refuge, allowing urban residents effortless access to view and enjoy a myriad species of iconic Alaskan wildlife, including trumpeter swans, spawning salmon, Arctic terns, and concentrations of moose in early spring.
- The three creeks with ADF&G reservations are anadromous despite their fairly small sizes. Instream reservations are important to maintain seasonal flows and habitat conditions that sustain fish populations.
- As a State Critical Habitat and Wildlife Refuge, Potter Marsh has significant habitat values for countless bird species that use it as an important spring and fall migratory stop and others that nest and raise their young here. Those habitat values are directly related to the water flows, and thus instream reservations.
- Potter Marsh clearly serves the public interest. Over 150,000 visitors annually spend time at the north-end boardwalk in all seasons. The middle and south parts of the Marsh host diverse recreation uses, including birdwatching, photography, skiing and skating. In addition, drive-through viewers on the Seward Highway number at least 10,000 vehicles per day on average.
- The reservations pose no diminishment of other uses. In fact, healthy creeks enhance the surrounding residential setting and add to property values.
- RCCC has a decades-long history of advocating for Potter Marsh as a thriving ecosystem that provides recreation and passive enjoyment.
- Public and private investment in the marsh are hard evidence of the public value of Potter Marsh and its watershed:
  - ADF&G and partnership funding for a paved pull-out at South Potter Marsh.
  - RCCC's successful grant application to the Municipality in 2020-2021 for additional amenities at the South Potter Marsh Pull-out.
  - The collaboration of the Municipality, the Great Land Trust, and citizen donors to create the nascent 300-acre Potter Marsh Watershed Park immediately uphill of Potter Marsh to protect a network of small tributaries that recharge the south end of Potter Marsh.

We are disappointed there is no public signage in Potter Marsh discussing the existing reservations of water, their purposes and values, and urge DNR to work with ADF&G to provide this information. Regarding the ADF&G water reservations for Rabbit Creek, Little Rabbit Creek and Little Survival Creek, the public value of these reservations is incontrovertible. We respectfully request the prompt extension of these water reservations.

### **3. General concerns and questions regarding potential revisions to the water reservation regulations**

In general, RCCC opposes changes to the 11 AAC 93 regulations that would diminish the maintenance of water quality and quantity in freshwater streams, lakes, estuaries, and groundwaters. RCCC asks DNR to place high value on the cultural and socioeconomic

importance and benefits of reserving water in rivers and streams for fisheries, tourism and recreation. Regarding water resources in our locality:

- Our local [Hillside District Plan](#) (Municipality of Anchorage, 2010) has environmental quality goals and associated policies that explicitly or implicitly favor maintaining our natural hydrologic systems, including:
  - “. . . protecting natural systems such as aquifer recharge areas and stream corridors” (Goal 5).
  - “. . . maintain and protect environmental quality at ...[the] watershed [scale] (Goal 5, Policy 5-A).
  - Create a Riparian Greenbelt Acquisition Program (Goal 5, Policy 5-C).
  - Protect existing stream and wetland functions by maintaining the natural quantity, quality, and periodicity of recharge to natural waterbodies and wetlands (Goal 8).

RCCC’s research on the issue of water allocations revealed the problem of insufficient baseline data and analyses for Anchorage waterbodies, and indeed statewide waterbodies. We were alarmed to learn that neither DNR nor apparently any other agency systematically collects baseline water resource data in Anchorage. Similarly, we are unaware of any local regional and statewide water availability and use plans that project the amounts of water available and the potential demands of water over time to ensure water is managed in the best public interest under AS 46,15.080. This seems to be a serious shortcoming for both current and future management of such a critical resource as water and to identify if future water delivery infrastructure will be required to cost-effectively meet all competing water demands

We understand that while reservations of water are subject to a 10-year review and extension, water appropriations for withdrawals, diversions, and impoundments are not. This seems out-of-balance. Appropriations (withdrawals of water) should be regarded as the ‘harvestable surplus’ from water bodies, and subject to periodic review. DNR should not grant de facto permanent withdrawals of water. As our climate is changing, water flows and timing are changing, affecting fish and wildlife habitats. What may have been a reasonable appropriation at one time, may no longer be sustainable.

#### **4. General concerns regarding the lack of public education and outreach on water resources issues**

Our Community Council has long-been concerned about cyclic and long-term water scarcity at our local level. Much of our area uses on-site systems for water and septic. Some homeowners have wells that have gone dry or been compromised as additional homes have been built without data or understanding of the water resource capacity for current and future development in specific areas. New zoning policies from local leaders call for infill development and higher density on the Anchorage Hillside, without regard for water availability. Given that RCCC homeowner water resources are all uphill of Potter Marsh, continuing housing developments in our area have the potential to affect the waters flowing into and supporting Potter Marsh. But there is no program to collect data and determine how to avoid potential impacts. This is another reminder that inventorying existing water resources and projecting

long-term water use and needs demands (all types of beneficial uses of water) are essential to cost-effective water management and serving the best public interest.

RCCC residents are also frustrated by the apparent unenforceability of our DNR water rights for residential wells.

- Before revising regulations for water allocations, we urge DNR to address the overall lack of data and management capability of water resources.
- Specifically, we wonder whether the former Alaska Water Resources Board might be funded and reactivated to address these issues regionally and statewide, with local advisory boards from localities with water quantity or quality issues or competing uses for their water resources.

Here's the background:

Most of our RCCC residents rely on groundwater, through private residential wells or community wells. Some homes consistently experience water shortages—either chronically low flow wells or intermittently dry wells. These residents face expensive and inadequate remedies such as, holding tanks, pump truck deliveries, and fracking.

Some residents have obtained DNR water rights, but these seem to be entirely unenforceable because we lack scientific hydrologic data and models of how the groundwater system functions. There is no DNR or Municipality of Anchorage process to establish when existing water rights are, or could be, diminished by new development or climatic changes. New development impedes recharge of groundwater by increasing impervious surfaces and diverting water into the AWWU sanitary system. Wells for new development do not consider the effects on surrounding wells, except for very rarely required drawdown testing, as in the case of a large church expansion. Climate change, clearly, has impacts on recharge, such as more frequent winter run-off events instead of a slowly melting spring snowpack.

As inferred above we recommend and would appreciate DNR generating a public report on the results, analyses, recommendations, timelines, and conclusions for additional comment within the next 60 days or less. Thank you for the opportunity to submit comments on DNR's water regulations.

**From:** [racecarol@everyactioncustom.com](mailto:racecarol@everyactioncustom.com) on behalf of [Carol Race](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Saturday, October 26, 2024 8:48:45 AM

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Sincerely,  
Carol Race  
Juneau, AK 99801-1114  
**Private Information**

**From:** [Peter1rano@everyactioncustom.com](mailto:Peter1rano@everyactioncustom.com) on behalf of [Peter Rano](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Saturday, October 26, 2024 10:35:10 PM

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Sincerely,  
Peter Rano  
Anchorage, AK 99503-2371  
**Private Information**

**From:** [Peter1rano@everyactioncustom.com](mailto:Peter1rano@everyactioncustom.com) on behalf of [Peter Rano](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Saturday, October 26, 2024 10:35:37 PM

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Sincerely,  
Peter Rano  
Anchorage, AK 99503-2371  
**Private Information**

**From:** [Denis Ransy](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Scoping Comments Instream Flow Reservation  
**Date:** Friday, November 29, 2024 11:03:46 AM

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November 28, 2024

To the Water Resources Section, DLWM, ADNR

Scoping public comments for potential changes to Instream Flow Reservations

Via: [dnr.water.regulation@alaska.gov](mailto:dnr.water.regulation@alaska.gov)

1. I support the following concept: to consider establishment of a more specific baseline reservation for all waterbodies containing fish. Such a reservation could identify through a public process in consultation with tribes and other public entities. This would be to provide for sufficient minimum flows to support viable harvestable populations of important fish species.  
The current application approach is an onerous burden.
2. I support keeping the current regulation that allows individuals, tribes, NGOs to hold the reservation certificates.
3. Two things are going on here. The 500 or so back log of certificate application adjudications are due to a lack of funding for state staff. There is a lack of political will. And because of the backlog, out-of-stream water rights and temporary water use authorizations get priority. I know that ADNR denies this. That if an reservation application is made, that is enough of a priority. But I am not convinced that is legally true. I am talking about the real world because this is what ends up happening.
4. Instream flow reservation is an important public policy management tool. And ADNR has disenfranchised the federal agencies such as the US FWS by not adjudicating their certificate applications the last 30 years.

Please consider such.

Denis Ransy  
Talkeetna

**From:** [tfr22@everyactioncustom.com](mailto:tfr22@everyactioncustom.com) on behalf of [Thomas Ray](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Sunday, August 25, 2024 2:23:11 PM

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Sincerely,  
Thomas Ray  
Novato, CA 94945-1662  
**Private Information**



**From:** [tfr22@everyactioncustom.com](mailto:tfr22@everyactioncustom.com) on behalf of [Thomas Ray Regulation, DNR Water \(DNR sponsored\)](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Saturday, August 31, 2024 2:08:44 PM

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Sincerely,  
Thomas Ray  
Novato, CA 94945-1662  
**Private Information**

**From:** [tfr22@everyactioncustom.com](mailto:tfr22@everyactioncustom.com) on behalf of [Thomas Ray](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Sunday, September 8, 2024 1:40:12 PM

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Dear DNR Water Regulation,

I am writing in response to your request for scoping comments from Alaskans in relation to Alaska's system of reserving waters in streams and water bodies for fish, wildlife and public use. According to Alaska's constitution "Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use." In order to bring DNR's regulations inline with the constitution DNR should update the regulations to implement a system that reserves a baseline amount of water necessary for fish, wildlife and common public uses by the people of Alaska consistent with the requirements of Article VIII of the Alaska Constitution. A standard baseline reservation system will eliminate the backlog of reservations of water needing to be adjudicated and guard against the over appropriation of water. Given the fact that ADF&G is responsible for the protection of Fish and Wildlife resources, this baseline system should be implemented by both agencies and applications to appropriate water out of Alaskan water bodies for large-scale industrial use should also be adjudicated by both ADF&G and DNR. Thank you for working to improve this system and working to bring it in line with Alaska's constitution.

Sincerely,  
Thomas Ray  
Novato, CA 94945-1662  
**Private Information**

**From:** [dnr.dmlwweb@alaska.gov](mailto:dnr.dmlwweb@alaska.gov)  
**To:** Private Information  
**Cc:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Public Comment Receipt  
**Date:** Thursday, November 14, 2024 12:53:14 PM

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Martha Reynolds submitted a public comment online to the Alaska Division of Mining, Land, and Water on 11/14/2024. Thank you for your input!

**Comment:**

Revisiting and revising regulations is a good thing to do. Alaska's water regulations should be clearly laid out and reasonable in terms of time and cost for permitting. All uses, including reserving, impounding, diverting and removing. Entities that want to use the water should pay for the studies necessary to evaluate the permitting. The public, and particularly Alaska Natives should be informed and consulted regarding water uses that will impact them.

**From:** [marleydaniel95@everyactioncustom.com](mailto:marleydaniel95@everyactioncustom.com) on behalf of [Mars Renner](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Thursday, November 28, 2024 4:49:44 PM

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Sincerely,  
Mars Renner  
Fairbanks, AK 99707-3562

Private Information

**From:** [tidaltery@everyactioncustom.com](mailto:tidaltery@everyactioncustom.com) on behalf of [Terry Rice](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Saturday, November 2, 2024 11:19:52 AM

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Dear DNR Water Regulation,

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I was an Alaska resident for over 8 years as a member of the U.S. Coast Guard. Although I am currently not an Alaska resident I spent a great deal of time addressing fishery, environmental and navigational issues through out Alaska from SE, the interior, and coastal Bering and Arctic seas, as well as All National Parks, and many of the Alaska major waterways, including the Yukon, Koyukuk, Susitna Rivers among others throughout Alaska. That being the case, and my love of Alaska I request you include my comments as you move ahead.

Thankyou, Captain Terry Rice USCG, Ret.

Sincerely,  
Terry Rice  
Vashon, WA 98070-8529  
**Private Information**

**From:** [hobo17pollie@everyactioncustom.com](mailto:hobo17pollie@everyactioncustom.com) on behalf of [les roberts](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Saturday, August 17, 2024 2:07:31 PM

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Sincerely,  
les roberts  
Raton, NM 87740-3759

**Private Information**

**From:** [hobo17pollie@everyactioncustom.com](mailto:hobo17pollie@everyactioncustom.com) on behalf of [les roberts](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Saturday, August 31, 2024 1:34:41 PM

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Sincerely,  
les roberts  
Raton, NM 87740-3759

**Private Information**

**From:** [steve.robey@everyactioncustom.com](mailto:steve.robey@everyactioncustom.com) on behalf of [Steve Robey](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Saturday, September 7, 2024 9:09:15 AM

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Sincerely,  
Steve Robey  
Berkeley, CA 94708-1229

**Private Information**



**From:** [robinson6013@everyactioncustom.com](mailto:robinson6013@everyactioncustom.com) on behalf of [Connor Robinson](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** why would you do this?  
**Date:** Thursday, August 29, 2024 7:08:45 PM

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Sincerely,  
Connor Robinson  
Anchorage, AK 99517-2407

**Private Information**

**From:** [jroche597@everyactioncustom.com](mailto:jroche597@everyactioncustom.com) on behalf of [John Roche](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Saturday, August 31, 2024 12:00:52 PM

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Sincerely,  
John Roche  
Front Royal, VA 22630-5907  
**Private Information**

**From:** [cmstudio@everyactioncustom.com](mailto:cmstudio@everyactioncustom.com) on behalf of [Colleen Rodger](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Saturday, August 31, 2024 10:24:16 AM

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Sincerely,  
Colleen Rodger  
El Sobrante, CA 94803-3548  
**Private Information**

**From:** [ithinkillbeagoodghost@everyactioncustom.com](mailto:ithinkillbeagoodghost@everyactioncustom.com) on behalf of [MEGAN RODRIGUEZ](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Sunday, September 1, 2024 9:58:29 PM

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Sincerely,  
MEGAN RODRIGUEZ  
San Diego, CA 92116-4626

Private Information

**From:** [skye@everyactioncustom.com](mailto:skye@everyactioncustom.com) on behalf of [Barbara Rosenkotter](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Saturday, August 31, 2024 2:49:18 PM

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Sincerely,  
Barbara Rosenkotter  
Deer Harbor, WA 98243-0149

**Private Information**

**From:** [skye@everyactioncustom.com](mailto:skye@everyactioncustom.com) on behalf of [Barbara Rosenkotter](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Saturday, September 7, 2024 2:26:01 PM

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Sincerely,  
Barbara Rosenkotter  
Deer Harbor, WA 98243-0149

**Private Information**

**From:** [jfross@everyactioncustom.com](mailto:jfross@everyactioncustom.com) on behalf of [Jean Ross](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Saturday, October 26, 2024 6:52:13 PM

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Sincerely,  
Jean Ross  
Minneapolis, MN 55409-1018  
**Private Information**

**From:** [jsroth10@everyactioncustom.com](mailto:jsroth10@everyactioncustom.com) on behalf of [Jessica Roth](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Protection of various water sources pertinent to Alaska  
**Date:** Tuesday, September 24, 2024 11:17:32 AM

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Dear DNR Water Regulation,

The rivers, streams and bodies of water need appropriate and adequate reserves to maintain fish and wildlife habits. People have a right to bodies of water. Water outside of Alaska affecting the state are protected by the Alaska Constitution. A standard baseline reservation would eliminate backlog different entities wanting use. Thank you for your support and time.

Sincerely,  
Jessica Roth  
Sitka, AK 99835-7459  
**Private Information**



**From:** [slowe@everyactioncustom.com](mailto:slowe@everyactioncustom.com) on behalf of [Shayna Rowe](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Thursday, November 28, 2024 4:35:26 AM

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Sincerely,  
Shayna Rowe  
Gakona, AK 99586  
**Private Information**

**From:** [roys.anna@everyactioncustom.com](mailto:roys.anna@everyactioncustom.com) on behalf of [Anna Roys](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Saturday, August 17, 2024 8:44:38 PM

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Sincerely,  
Anna Roys  
Wasilla, AK 99623-9300  
**Private Information**

**From:** [jacktruf@everyactioncustom.com](mailto:jacktruf@everyactioncustom.com) on behalf of [Jack Ruf](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Sunday, August 25, 2024 8:49:08 AM

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Sincerely,  
Jack Ruf  
Downers Grove, IL 60515-2804  
**Private Information**

**From:** [jacktruf@everyactioncustom.com](mailto:jacktruf@everyactioncustom.com) on behalf of [Jack Ruf](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Saturday, August 31, 2024 8:33:54 AM

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Dear DNR Water Regulation,

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Sincerely,  
Jack Ruf  
Downers Grove, IL 60515-2804  
**Private Information**

**From:** [akrundquist@everyactioncustom.com](mailto:akrundquist@everyactioncustom.com) on behalf of [Larry Rundquist](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Tuesday, September 10, 2024 8:17:44 PM

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Sincerely,  
Larry Rundquist  
Anchorage, AK 99508-3200

**Private Information**

**From:** [afesales@everyactioncustom.com](mailto:afesales@everyactioncustom.com) on behalf of [Vincent Rusch](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Saturday, August 17, 2024 9:01:57 AM

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Sincerely,  
Vincent Rusch  
Schenectady, NY 12303-2409  
**Private Information**

**From:** [afesales@everyactioncustom.com](mailto:afesales@everyactioncustom.com) on behalf of [Vincent Rusch](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Saturday, August 31, 2024 8:38:16 AM

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Sincerely,  
Vincent Rusch  
Schenectady, NY 12303-2409  
**Private Information**

**From:** [carolynmryan@everyactioncustom.com](mailto:carolynmryan@everyactioncustom.com) on behalf of [Carolyn Ryan](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Saturday, August 17, 2024 11:38:25 AM

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Sincerely,  
Carolyn Ryan  
Saint Louis, MO 63146-4415  
**Private Information**



**From:** [carolynmryan@everyactioncustom.com](mailto:carolynmryan@everyactioncustom.com) on behalf of [Carolyn Ryan](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Saturday, August 24, 2024 10:04:38 AM

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Sincerely,  
Carolyn Ryan  
Saint Louis, MO 63146-4415  
**Private Information**

**From:** [carolynmryan@everyactioncustom.com](mailto:carolynmryan@everyactioncustom.com) on behalf of [Carolyn Ryan Regulation, DNR Water \(DNR sponsored\)](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Saturday, August 31, 2024 2:56:14 PM

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Sincerely,  
Carolyn Ryan Mrs  
Saint Louis, MO 63146-4415  
**Private Information**

**From:** [carolynmryan@everyactioncustom.com](mailto:carolynmryan@everyactioncustom.com) on behalf of [Carolyn Ryan](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Saturday, September 7, 2024 12:48:34 PM

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Sincerely,  
Carolyn Ryan  
Saint Louis, MO 63146-4415  
**Private Information**

**From:** [carolynmryan@everyactioncustom.com](mailto:carolynmryan@everyactioncustom.com) on behalf of [Carolyn Ryan](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Saturday, October 26, 2024 11:57:33 AM

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Sincerely,  
Carolyn Ryan  
Saint Louis, MO 63146-4415  
**Private Information**

**From:** [carolynmryan@everyactioncustom.com](mailto:carolynmryan@everyactioncustom.com) on behalf of [Carolyn Ryan](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Saturday, November 2, 2024 10:01:05 AM

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Dear DNR Water Regulation,

I am writing in response to your request for scoping comments from Alaskans in relation to Alaska's system of reserving waters in streams and water bodies for fish, wildlife and public use. According to Alaska's constitution "Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use." In order to bring DNR's regulations inline with the constitution DNR should update the regulations to implement a system that reserves a baseline amount of water necessary for fish, wildlife and common public uses by the people of Alaska consistent with the requirements of Article VIII of the Alaska Constitution. A standard baseline reservation system will eliminate the backlog of reservations of water needing to be adjudicated and guard against the over appropriation of water. Given the fact that ADF&G is responsible for the protection of Fish and Wildlife resources, this baseline system should be implemented by both agencies and applications to appropriate water out of Alaskan water bodies for large-scale industrial use should also be adjudicated by both ADF&G and DNR. Thank you for working to improve this system and working to bring it in line with Alaska's constitution.

Sincerely,  
Carolyn Ryan  
Saint Louis, MO 63146-4415  
**Private Information**

**From:** [discubs697@everyactioncustom.com](mailto:discubs697@everyactioncustom.com) on behalf of [Michael Rynes](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Saturday, August 31, 2024 9:54:04 AM

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Sincerely,  
Michael Rynes  
Naperville, IL 60565-2006  
**Private Information**

**From:** [discubs697@everyactioncustom.com](mailto:discubs697@everyactioncustom.com) on behalf of [Michael Rynes](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Sunday, September 8, 2024 1:48:07 AM

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Sincerely,  
Michael Rynes  
Naperville, IL 60565-2006  
**Private Information**

**From:** [Shoo Salasky](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Water rights for Alaskan residents, NOT corporations  
**Date:** Friday, November 29, 2024 10:55:47 AM

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**I do not support a regulatory process that allows a private corporation to take water out of our waters, and yet does not allow an Alaskan resident or Tribal member to hold the right to keep water in a waterbody for our fish and other aquatic life.**

**Giving our waters away to corporate over-use at the cost of damaging an intact ecosystem, is senseless and unconscionable.**

**Please, do NOT allow this atrocity to happen.**

**Sheryl Salasky  
Talkeetna, Alaska**

Sent from my iPhone



**From:** [Loretta Brown](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Cc:** [Tim Bristol](#)  
**Subject:** Request for extension of comment period  
**Date:** Wednesday, August 14, 2024 8:07:43 AM  
**Attachments:** [DNR\\_waterManagement\\_Comment Extention\\_08\\_14\\_2024.pdf](#)

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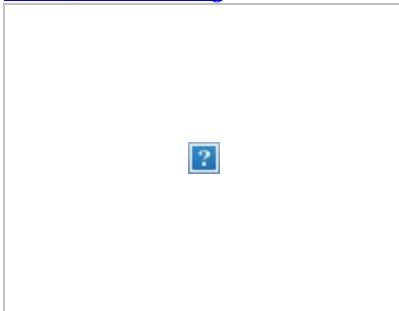
Dear Mr. Barrett and Ms. Sager,

Please see the attached letter requesting an extension of the open comment period regarding DNR's water management regulations.

Thank you,  
Loretta

--

LORETTA BROWN  
**SalmonState**  
Cell:(575) 574-8102  
[loretta@salmonstate.org](mailto:loretta@salmonstate.org)



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*Submitted via electronic mail*

August 14, 2024

Tom Barrett  
Natural Resource Manager  
550 W. 7th Avenue, Suite 1070  
Anchorage, AK 99501-3579  
907-269-8645  
Email: [dnr.water.regulation@alaska.gov](mailto:dnr.water.regulation@alaska.gov)

Kim Sager  
Natural Resource Specialist  
550 W. 7th Avenue, Suite 1070  
Anchorage, AK 99501-3579  
907-269-2033  
Email: [dnr.water.regulation@alaska.gov](mailto:dnr.water.regulation@alaska.gov)

**Re: Request for Extension of Public Comment Period for DNR's Scoping for Possible Updates and Revisions to Water Management Regulations**

Dear Ms. Sager and Mr. Barrett,

SalmonState appreciates the opportunity to comment on DNR's proposed Updates and Revisions to Water Management Regulations (A.S. 46.15.145, 11 AAC 93141-147). SalmonState respectfully requests that DNR extend the open comment period for these proposed regulations by 60 days. The Alaska water management regulations are highly technical and complex and would have considerable implications to Alaska's waterbodies, wetlands, natural resources, and communities and residents. We request an extension of the public comment period to allow the public to review DNR's proposal and prepare comprehensive comments in response.

SalmonState is an Alaska based conservation effort, works to protect salmon habitat, and promote policies that will guarantee Alaska remains the SalmonState; the home of the world's largest, healthiest and most abundant wild salmon resource, which provides culture, food, income, employment and recreation to Alaskans, Americans and the rest of the world.

Alaska is known for its wild landscapes and abundant fish and wildlife. All these iconic characteristics hinge on clean and healthy waterbodies. As such, SalmonState is gravely concerned that significant changes to the water management regulations by DNR could jeopardize the water of the State, adversely impacting the fish, wildlife, and people of Alaska.

Alaskans are closely tied to the land and waters, and the summer and fall months are spent working, harvesting, and preparing for winter. The current public comment period provided by the DNR runs at a time when Alaskans are occupied with activities only available in the summer months, including offering ecotourism ventures, commercial fishing operations, harvesting flora and fauna to fill personal freezers, and conducting house, property, vehicle, and boat repairs and maintenance to name a few. Therefore, SalmonState requests that DNR respect and accommodate the limited time and resources available to Alaskans with interest in the health of the state's and nation's waters and wetlands during the busy Alaska summer and fall months by extending this public comment period by 60 days.

Granting an extension of the public comment period would not prejudice DNR or the other members of the public in commenting or significantly delay the review of the public comments or the publication and implementation of final regulations. Rather, it would allow DNR to educate the public on the proposed regulations and the permitting process, engage Tribes in Tribal consultation in the process, and gather meaningful and comprehensive public input to inform the agency's final decision.

Thank you for the opportunity to comment. Please contact Loretta Brown at [loretta@salmonstate.org](mailto:loretta@salmonstate.org) with any questions regarding this letter.

Sincerely,

A handwritten signature in black ink, appearing to read "Tim Bristol", written in a cursive style.

Tim Bristol  
Executive Director  
SalmonState

**From:** [kenssailtime@everyactioncustom.com](mailto:kenssailtime@everyactioncustom.com) on behalf of [Ken Sanford](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Monday, September 2, 2024 9:29:57 PM

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Dear DNR Water Regulation,

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Sincerely,  
Ken Sanford  
Escondido, CA 92029-4307  
**Private Information**

**From:** [kenssailtime@everyactioncustom.com](mailto:kenssailtime@everyactioncustom.com) on behalf of [Ken Sanford](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Saturday, September 7, 2024 3:38:14 PM

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Sincerely,  
Ken Sanford  
Escondido, CA 92029-4307

**Private Information**

**From:** [bwsantana@everyactioncustom.com](mailto:bwsantana@everyactioncustom.com) on behalf of [Barry Santana](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Sunday, September 1, 2024 8:46:32 AM

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Dear DNR Water Regulation,

I am writing in response to your request for scoping comments from Alaskans in relation to Alaska's system of reserving waters in streams and water bodies for fish, wildlife and public use. According to Alaska's constitution "Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use." In order to bring DNR's regulations inline with the constitution DNR should update the regulations to implement a system that reserves a baseline amount of water necessary for fish, wildlife and common public uses by the people of Alaska consistent with the requirements of Article VIII of the Alaska Constitution. A standard baseline reservation system will eliminate the backlog of reservations of water needing to be adjudicated and guard against the over appropriation of water. Given the fact that ADF&G is responsible for the protection of Fish and Wildlife resources, this baseline system should be implemented by both agencies and applications to appropriate water out of Alaskan water bodies for large-scale industrial use should also be adjudicated by both ADF&G and DNR. Thank you for working to improve this system and working to bring it in line with Alaska's constitution.

As an outdoorsman and long-time resident of Alaska, I implore you to not allow industry to destroy our water resources and associated habitat supporting the diminishing fish and game resources in our state. The Alaska Constitution is in agreement.

Sincerely,  
Barry Santana  
Wasilla, AK 99623-9259

**Private Information**

**From:** [acynk@everyactioncustom.com](mailto:acynk@everyactioncustom.com) on behalf of [AnnMarie Sardineer](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Saturday, August 31, 2024 11:26:20 AM

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Sincerely,  
AnnMarie Sardineer  
Trafford, PA 15085-1232  
**Private Information**

**From:** [karen@everyactioncustom.com](mailto:karen@everyactioncustom.com) on behalf of [Karen Scanlon](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Saturday, August 31, 2024 8:41:01 AM

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Sincerely,  
Karen Scanlon  
Fayetteville, NY 13066-2173

**Private Information**



**From:** [coreyschade@everyactioncustom.com](mailto:coreyschade@everyactioncustom.com) on behalf of [Corey Schade](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Tuesday, September 3, 2024 3:20:13 PM

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Sincerely,  
Corey Schade  
Loch Arbour, NJ 07711-1201

**Private Information**

**From:** [dshifdy@everyactioncustom.com](mailto:dshifdy@everyactioncustom.com) on behalf of [Dennis Schaeff](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Saturday, October 26, 2024 6:41:58 PM

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Sincerely,  
Dennis Schaeff  
Meadville, PA 16335-8070  
**Private Information**

**From:** [leschnick@everyactioncustom.com](mailto:leschnick@everyactioncustom.com) on behalf of [Leslie Schnick](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Tuesday, September 3, 2024 6:59:53 AM

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Sincerely,  
Leslie Schnick mr.  
Port Townsend, WA 98368-9286

**Private Information**

**From:** [bschrier@everyactioncustom.com](mailto:bschrier@everyactioncustom.com) on behalf of [Barbara Schrier](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Sunday, October 27, 2024 9:11:53 AM

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Sincerely,  
Barbara Schrier  
Nichols, NY 13812-3201  
**Private Information**

**From:** [vallabha@everyactioncustom.com](mailto:vallabha@everyactioncustom.com) on behalf of [Barbara Schwartz](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Saturday, August 31, 2024 9:32:02 AM

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Sincerely,  
Barbara Schwartz  
Ocala, FL 34470-4938  
**Private Information**

**From:** [vallabha@everyactioncustom.com](mailto:vallabha@everyactioncustom.com) on behalf of [Barbara Schwartz](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Saturday, September 7, 2024 8:46:35 AM

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Sincerely,  
Barbara Schwartz  
Ocala, FL 34470-4938  
**Private Information**

**From:** [jjscott9@everyactioncustom.com](mailto:jjscott9@everyactioncustom.com) on behalf of [Jennifer Scott](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Monday, August 19, 2024 11:30:08 AM

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Sincerely,  
Jennifer Scott  
Fort Myers, FL 33966-1530  
**Private Information**

**From:** [jjscott9@everyactioncustom.com](mailto:jjscott9@everyactioncustom.com) on behalf of [Jennifer Scott](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Friday, September 6, 2024 12:56:06 PM

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Sincerely,  
Jennifer Scott  
Fort Myers, FL 33966-1530  
**Private Information**



**From:** [jjscott9@everyactioncustom.com](mailto:jjscott9@everyactioncustom.com) on behalf of [Jennifer Scott](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Monday, September 9, 2024 8:00:03 AM

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Sincerely,  
Jennifer Scott  
Fort Myers, FL 33966-1530  
**Private Information**

**From:** [michael\\_seager@everyactioncustom.com](mailto:michael_seager@everyactioncustom.com) on behalf of [Michael Seager](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Wednesday, September 11, 2024 7:22:44 PM

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Sincerely,  
Michael Seager  
Mentor, OH 44060-7535  
**Private Information**

**From:** [ecotopian@everyactioncustom.com](mailto:ecotopian@everyactioncustom.com) on behalf of [Dave Searles](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Saturday, August 17, 2024 8:33:40 AM

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Sincerely,  
Dave Searles  
Brodhead, WI 53520-1760  
**Private Information**

**From:** [ecotopian@everyactioncustom.com](mailto:ecotopian@everyactioncustom.com) on behalf of [Dave Searles](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Saturday, August 31, 2024 8:33:15 AM

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Sincerely,  
Dave Searles  
Brodhead, WI 53520-1760  
**Private Information**

**From:** [segura2112@everyactioncustom.com](mailto:segura2112@everyactioncustom.com) on behalf of [Tony Segura](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Saturday, October 26, 2024 6:18:42 PM

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Sincerely,  
Tony Segura  
Las Vegas, NV 89106-4148

**Private Information**

**From:** [dselquist@everyactioncustom.com](mailto:dselquist@everyactioncustom.com) on behalf of [Donna Selquist](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Saturday, August 17, 2024 1:22:35 PM

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Sincerely,  
Donna Selquist  
Argyle, TX 76226-3381  
**Private Information**

**From:** [dselquist@everyactioncustom.com](mailto:dselquist@everyactioncustom.com) on behalf of [Donna Selquist](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Saturday, August 31, 2024 1:23:41 PM

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Sincerely,  
Donna Selquist  
Argyle, TX 76226-3381  
**Private Information**

**From:** [dselquist@everyactioncustom.com](mailto:dselquist@everyactioncustom.com) on behalf of [Donna Selquist](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Saturday, August 31, 2024 1:26:07 PM

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Dear DNR Water Regulation,

I am writing in response to your request for scoping comments from Alaskans in relation to Alaska's system of reserving waters in streams and water bodies for fish, wildlife and public use. According to Alaska's constitution "Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use." In order to bring DNR's regulations inline with the constitution DNR should update the regulations to implement a system that reserves a baseline amount of water necessary for fish, wildlife and common public uses by the people of Alaska consistent with the requirements of Article VIII of the Alaska Constitution. A standard baseline reservation system will eliminate the backlog of reservations of water needing to be adjudicated and guard against the over appropriation of water. Given the fact that ADF&G is responsible for the protection of Fish and Wildlife resources, this baseline system should be implemented by both agencies and applications to appropriate water out of Alaskan water bodies for large-scale industrial use should also be adjudicated by both ADF&G and DNR. Thank you for working to improve this system and working to bring it in line with Alaska's constitution.

Sincerely,  
Donna Selquist  
Argyle, TX 76226-3381  
**Private Information**



**From:** [ees01@everyactioncustom.com](mailto:ees01@everyactioncustom.com) on behalf of [Elizabeth Seltzer](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Saturday, August 31, 2024 9:19:13 AM

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Dear DNR Water Regulation,

I am writing in response to your request for scoping comments from Alaskans in relation to Alaska's system of reserving waters in streams and water bodies for fish, wildlife and public use. According to Alaska's constitution "Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use." In order to bring DNR's regulations inline with the constitution DNR should update the regulations to implement a system that reserves a baseline amount of water necessary for fish, wildlife and common public uses by the people of Alaska consistent with the requirements of Article VIII of the Alaska Constitution. A standard baseline reservation system will eliminate the backlog of reservations of water needing to be adjudicated and guard against the over appropriation of water. Given the fact that ADF&G is responsible for the protection of Fish and Wildlife resources, this baseline system should be implemented by both agencies and applications to appropriate water out of Alaskan water bodies for large-scale industrial use should also be adjudicated by both ADF&G and DNR. Thank you for working to improve this system and working to bring it in line with Alaska's constitution.

Sincerely,  
Elizabeth Seltzer  
Media, PA 19063-2542  
**Private Information**

**From:** [ees01@everyactioncustom.com](mailto:ees01@everyactioncustom.com) on behalf of [Elizabeth Seltzer](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Saturday, October 26, 2024 9:04:28 AM

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Dear DNR Water Regulation,

I am writing in response to your request for scoping comments from Alaskans in relation to Alaska's system of reserving waters in streams and water bodies for fish, wildlife and public use. According to Alaska's constitution "Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use." In order to bring DNR's regulations inline with the constitution DNR should update the regulations to implement a system that reserves a baseline amount of water necessary for fish, wildlife and common public uses by the people of Alaska consistent with the requirements of Article VIII of the Alaska Constitution. A standard baseline reservation system will eliminate the backlog of reservations of water needing to be adjudicated and guard against the over appropriation of water. Given the fact that ADF&G is responsible for the protection of Fish and Wildlife resources, this baseline system should be implemented by both agencies and applications to appropriate water out of Alaskan water bodies for large-scale industrial use should also be adjudicated by both ADF&G and DNR. Thank you for working to improve this system and working to bring it in line with Alaska's constitution.  
STOP DESTROYING OUR PLANET

Sincerely,  
Elizabeth Seltzer  
Media, PA 19063-2542  
**Private Information**

**From:** [smtbear@everyactioncustom.com](mailto:smtbear@everyactioncustom.com) on behalf of [Vince Sereno](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Saturday, October 26, 2024 6:53:46 PM

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Dear DNR Water Regulation,

I am writing in response to your request for scoping comments from Alaskans in relation to Alaska's system of reserving waters in streams and water bodies for fish, wildlife and public use. According to Alaska's constitution "Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use." In order to bring DNR's regulations inline with the constitution DNR should update the regulations to implement a system that reserves a baseline amount of water necessary for fish, wildlife and common public uses by the people of Alaska consistent with the requirements of Article VIII of the Alaska Constitution. A standard baseline reservation system will eliminate the backlog of reservations of water needing to be adjudicated and guard against the over appropriation of water. Given the fact that ADF&G is responsible for the protection of Fish and Wildlife resources, this baseline system should be implemented by both agencies and applications to appropriate water out of Alaskan water bodies for large-scale industrial use should also be adjudicated by both ADF&G and DNR. Thank you for working to improve this system and working to bring it in line with Alaska's constitution.

Sincerely,  
Vince Sereno  
Arnold, CA 95223-7762  
**Private Information**

**From:** [serodybl@everyactioncustom.com](mailto:serodybl@everyactioncustom.com) on behalf of [Lucille Serody](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Saturday, August 31, 2024 8:38:56 AM

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Dear DNR Water Regulation,

I am writing in response to your request for scoping comments from Alaskans in relation to Alaska's system of reserving waters in streams and water bodies for fish, wildlife and public use. According to Alaska's constitution "Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use." In order to bring DNR's regulations inline with the constitution DNR should update the regulations to implement a system that reserves a baseline amount of water necessary for fish, wildlife and common public uses by the people of Alaska consistent with the requirements of Article VIII of the Alaska Constitution. A standard baseline reservation system will eliminate the backlog of reservations of water needing to be adjudicated and guard against the over appropriation of water. Given the fact that ADF&G is responsible for the protection of Fish and Wildlife resources, this baseline system should be implemented by both agencies and applications to appropriate water out of Alaskan water bodies for large-scale industrial use should also be adjudicated by both ADF&G and DNR. Thank you for working to improve this system and working to bring it in line with Alaska's constitution.

Sincerely,  
Lucille Serody  
Melbourne, FL 32901-8239  
**Private Information**

**From:** [bruce328@everyactioncustom.com](mailto:bruce328@everyactioncustom.com) on behalf of [Bruce Service Regulation, DNR Water \(DNR sponsored\)](#)  
**To:** [Bruce Service Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Water in Alaska rivers and lakes is for fish and other wildlife  
**Date:** Sunday, August 25, 2024 8:23:03 AM

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Dear DNR Water Regulation,

I am responding to your request for scoping comments from Alaskans regarding Alaska's system of reserving waters in streams and water bodies for fish, wildlife and public use.

Alaska's constitution states: "Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use." In order to bring DNR's regulations inline with the constitution DNR should update the regulations to implement a system that reserves a baseline amount of water necessary for fish, wildlife and common public uses by the people of Alaska consistent with the requirements of Article VIII of the Alaska Constitution.

A standard baseline reservation system will eliminate the backlog of reservations of water needing to be adjudicated and guard against the over appropriation of water for other uses.

Because ADF&G is responsible for the protection of fish and wildlife resources, this baseline system should, at the very least, be implemented and coordinated by both agencies and applications to appropriate water out of Alaskan water bodies for large-scale industrial use should also be adjudicated by both ADF&G and DNR. This is the most sensible and practical approach.

Thank you for working to improve this system and working to bring it in line with Alaska's constitution.

Sincerely,  
Bruce Service  
Anchorage, AK 99507-6107  
**Private Information**

**From:** [bruce328@everyactioncustom.com](mailto:bruce328@everyactioncustom.com) on behalf of [Bruce Service Regulation, DNR Water \(DNR sponsored\)](#)  
**To:** [Bruce Service Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Sunday, September 8, 2024 6:28:15 AM

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Dear DNR Water Regulation,

I am writing in response to your request for scoping comments from Alaskans in relation to Alaska's system of reserving waters in streams and water bodies for fish, wildlife and public use. Alaska's constitution states, "Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use." In order to bring DNR's regulations inline with the constitution DNR should update the regulations to implement a system that reserves a baseline amount of water necessary for fish, wildlife and common public uses by the people of Alaska consistent with the requirements of Article VIII of the Alaska Constitution. A standard baseline reservation system will eliminate the backlog of reservations of water needing to be adjudicated and guard against the over appropriation of water.

Given the fact that ADF&G is responsible for the protection of Fish and Wildlife resources, this baseline system should be implemented by both agencies and applications to appropriate water out of Alaskan water bodies for large-scale industrial use should also be adjudicated by both ADF&G and DNR.

Thank you for working to improve this system and working to bring it in line with Alaska's constitution.

Sincerely,  
Bruce Service  
Anchorage, AK 99507-6107  
**Private Information**

**From:** [masewald@everyactioncustom.com](mailto:masewald@everyactioncustom.com) on behalf of [Michelle Sewald](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Saturday, August 24, 2024 7:03:32 PM

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Dear DNR Water Regulation,

I am writing in response to your request for scoping comments from Alaskans in relation to Alaska's system of reserving waters in streams and water bodies for fish, wildlife and public use. According to Alaska's constitution "Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use." In order to bring DNR's regulations inline with the constitution DNR should update the regulations to implement a system that reserves a baseline amount of water necessary for fish, wildlife and common public uses by the people of Alaska consistent with the requirements of Article VIII of the Alaska Constitution. A standard baseline reservation system will eliminate the backlog of reservations of water needing to be adjudicated and guard against the over appropriation of water. Given the fact that ADF&G is responsible for the protection of Fish and Wildlife resources, this baseline system should be implemented by both agencies and applications to appropriate water out of Alaskan water bodies for large-scale industrial use should also be adjudicated by both ADF&G and DNR. Thank you for working to improve this system and working to bring it in line with Alaska's constitution.

Sincerely,  
Michelle Sewald  
Denver, CO 80202-1257  
**Private Information**

**From:** [pshafransky@everyactioncustom.com](mailto:pshafransky@everyactioncustom.com) on behalf of [Paula Shafransky](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Please leave water in Alaska rivers and lakes for fish  
**Date:** Sunday, September 1, 2024 9:01:04 AM

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Dear DNR Water Regulation,

Thank you for accepting scoping comments from Alaskans in relation to Alaska's system of reserving waters in streams and water bodies for fish, wildlife and public use. According to Alaska's constitution "Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use." In order to bring DNR's regulations inline with the constitution DNR should update the regulations to implement a system that reserves a baseline amount of water necessary for fish, wildlife and common public uses by the people of Alaska consistent with the requirements of Article VIII of the Alaska Constitution. A standard baseline reservation system will eliminate the backlog of reservations of water needing to be adjudicated and guard against the over appropriation of water. Given the fact that ADF&G is responsible for the protection of Fish and Wildlife resources, this baseline system should be implemented by both agencies and applications to appropriate water out of Alaskan water bodies for large-scale industrial use should also be adjudicated by both ADF&G and DNR. Thank you for working to improve this system and working to bring it in line with Alaska's constitution.

Sincerely,  
Paula Shafransky  
Sedro Woolley, WA 98284-8586

**Private Information**



**From:** [pshafransky@everyactioncustom.com](mailto:pshafransky@everyactioncustom.com) on behalf of [Paula Shafransky](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Monday, October 28, 2024 12:03:03 PM

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Dear DNR Water Regulation,

I am writing in response to your request for scoping comments from Alaskans in relation to Alaska's system of reserving waters in streams and water bodies for fish, wildlife and public use. According to Alaska's constitution "Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use." In order to bring DNR's regulations inline with the constitution DNR should update the regulations to implement a system that reserves a baseline amount of water necessary for fish, wildlife and common public uses by the people of Alaska consistent with the requirements of Article VIII of the Alaska Constitution. A standard baseline reservation system will eliminate the backlog of reservations of water needing to be adjudicated and guard against the over appropriation of water. Given the fact that ADF&G is responsible for the protection of Fish and Wildlife resources, this baseline system should be implemented by both agencies and applications to appropriate water out of Alaskan water bodies for large-scale industrial use should also be adjudicated by both ADF&G and DNR. Thank you for working to improve this system and working to bring it in line with Alaska's constitution.

Sincerely,  
Paula Shafransky  
Sedro Woolley, WA 98284-8586  
**Private Information**

**From:** [georgia.shankel@everyactioncustom.com](mailto:georgia.shankel@everyactioncustom.com) on behalf of [Georgia Shankel](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Saturday, August 17, 2024 8:34:40 AM

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Dear DNR Water Regulation,

I am writing in response to your request for scoping comments from Alaskans in relation to Alaska's system of reserving waters in streams and water bodies for fish, wildlife and public use. According to Alaska's constitution "Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use." In order to bring DNR's regulations inline with the constitution DNR should update the regulations to implement a system that reserves a baseline amount of water necessary for fish, wildlife and common public uses by the people of Alaska consistent with the requirements of Article VIII of the Alaska Constitution. A standard baseline reservation system will eliminate the backlog of reservations of water needing to be adjudicated and guard against the over appropriation of water. Given the fact that ADF&G is responsible for the protection of Fish and Wildlife resources, this baseline system should be implemented by both agencies and applications to appropriate water out of Alaskan water bodies for large-scale industrial use should also be adjudicated by both ADF&G and DNR. Thank you for working to improve this system and working to bring it in line with Alaska's constitution.

Sincerely,  
Georgia Shankel  
Chicago, IL 60624-2953

Private Information

**From:** [georgia.shankel@everyactioncustom.com](mailto:georgia.shankel@everyactioncustom.com) on behalf of [Georgia Shankel](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Saturday, September 7, 2024 9:13:10 AM

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Dear DNR Water Regulation,

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Sincerely,  
Georgia Shankel  
Chicago, IL 60624-2949

Private Information

**From:** [christopherjts@everyactioncustom.com](mailto:christopherjts@everyactioncustom.com) on behalf of [Christopher sherry](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Friday, November 29, 2024 7:31:22 AM

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Dear DNR Water Regulation,

I am writing in response to your request for scoping comments from Alaskans in relation to Alaska's system of reserving waters in streams and water bodies for fish, wildlife and public use. According to Alaska's constitution "Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use." In order to bring DNR's regulations inline with the constitution DNR should update the regulations to implement a system that reserves a baseline amount of water necessary for fish, wildlife and common public uses by the people of Alaska consistent with the requirements of Article VIII of the Alaska Constitution. A standard baseline reservation system will eliminate the backlog of reservations of water needing to be adjudicated and guard against the over appropriation of water. Given the fact that ADF&G is responsible for the protection of Fish and Wildlife resources, this baseline system should be implemented by both agencies and applications to appropriate water out of Alaskan water bodies for large-scale industrial use should also be adjudicated by both ADF&G and DNR. Thank you for working to improve this system and working to bring it in line with Alaska's constitution.

Sincerely,  
Christopher sherry  
Clear, AK 99704-5360

**Private Information**

**From:** [bsherwin02@everyactioncustom.com](mailto:bsherwin02@everyactioncustom.com) on behalf of [Boyce Sherwin](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Saturday, November 2, 2024 9:48:58 AM

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Dear DNR Water Regulation,

I am writing in response to your request for scoping comments from Alaskans in relation to Alaska's system of reserving waters in streams and water bodies for fish, wildlife and public use. According to Alaska's constitution "Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use." In order to bring DNR's regulations inline with the constitution DNR should update the regulations to implement a system that reserves a baseline amount of water necessary for fish, wildlife and common public uses by the people of Alaska consistent with the requirements of Article VIII of the Alaska Constitution. A standard baseline reservation system will eliminate the backlog of reservations of water needing to be adjudicated and guard against the over appropriation of water. Given the fact that ADF&G is responsible for the protection of Fish and Wildlife resources, this baseline system should be implemented by both agencies and applications to appropriate water out of Alaskan water bodies for large-scale industrial use should also be adjudicated by both ADF&G and DNR. Thank you for working to improve this system and working to bring it in line with Alaska's constitution.

Sincerely,  
Boyce Sherwin  
Malone, NY 12953-2404  
**Private Information**

**From:** [shifrin\\_d@everyactioncustom.com](mailto:shifrin_d@everyactioncustom.com) on behalf of [Diane Shifrin](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Monday, August 19, 2024 11:40:14 AM

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Dear DNR Water Regulation,

I am writing in response to your request for scoping comments from Alaskans in relation to Alaska's system of reserving waters in streams and water bodies for fish, wildlife and public use. According to Alaska's constitution "Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use." In order to bring DNR's regulations inline with the constitution DNR should update the regulations to implement a system that reserves a baseline amount of water necessary for fish, wildlife and common public uses by the people of Alaska consistent with the requirements of Article VIII of the Alaska Constitution. A standard baseline reservation system will eliminate the backlog of reservations of water needing to be adjudicated and guard against the over appropriation of water. Given the fact that ADF&G is responsible for the protection of Fish and Wildlife resources, this baseline system should be implemented by both agencies and applications to appropriate water out of Alaskan water bodies for large-scale industrial use should also be adjudicated by both ADF&G and DNR. Thank you for working to improve this system and working to bring it in line with Alaska's constitution.

Sincerely,  
Diane Shifrin  
Liberty, TN 37095-3564  
**Private Information**

**From:** [shifrin\\_d@everyactioncustom.com](mailto:shifrin_d@everyactioncustom.com) on behalf of [Diane Shifrin](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Wednesday, September 4, 2024 12:44:45 PM

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Dear DNR Water Regulation,

I am writing in response to your request for scoping comments from Alaskans in relation to Alaska's system of reserving waters in streams and water bodies for fish, wildlife and public use. According to Alaska's constitution "Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use." In order to bring DNR's regulations inline with the constitution DNR should update the regulations to implement a system that reserves a baseline amount of water necessary for fish, wildlife and common public uses by the people of Alaska consistent with the requirements of Article VIII of the Alaska Constitution. A standard baseline reservation system will eliminate the backlog of reservations of water needing to be adjudicated and guard against the over appropriation of water. Given the fact that ADF&G is responsible for the protection of Fish and Wildlife resources, this baseline system should be implemented by both agencies and applications to appropriate water out of Alaskan water bodies for large-scale industrial use should also be adjudicated by both ADF&G and DNR. Thank you for working to improve this system and working to bring it in line with Alaska's constitution.

Sincerely,  
Diane Shifrin  
Liberty, TN 37095  
**Private Information**

**From:** [palupalu\\_makani@everyactioncustom.com](mailto:palupalu_makani@everyactioncustom.com) on behalf of [Jacquelyn Sidor](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Saturday, September 7, 2024 10:00:25 AM

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Dear DNR Water Regulation,

I am writing in response to your request for scoping comments from Alaskans in relation to Alaska's system of reserving waters in streams and water bodies for fish, wildlife and public use. According to Alaska's constitution "Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use." In order to bring DNR's regulations inline with the constitution DNR should update the regulations to implement a system that reserves a baseline amount of water necessary for fish, wildlife and common public uses by the people of Alaska consistent with the requirements of Article VIII of the Alaska Constitution. A standard baseline reservation system will eliminate the backlog of reservations of water needing to be adjudicated and guard against the over appropriation of water. Given the fact that ADF&G is responsible for the protection of Fish and Wildlife resources, this baseline system should be implemented by both agencies and applications to appropriate water out of Alaskan water bodies for large-scale industrial use should also be adjudicated by both ADF&G and DNR. Thank you for working to improve this system and working to bring it in line with Alaska's constitution.

Sincerely,  
Jacquelyn Sidor  
Aberdeen, WA 98520-9652

Private Information



**From:** [lisaesimms1@everyactioncustom.com](mailto:lisaesimms1@everyactioncustom.com) on behalf of [Lisa Simms](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Thursday, September 5, 2024 7:54:48 AM

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Dear DNR Water Regulation,

I am writing in response to your request for scoping comments from Alaskans in relation to Alaska's system of reserving waters in streams and water bodies for fish, wildlife and public use. According to Alaska's constitution "Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use." In order to bring DNR's regulations inline with the constitution DNR should update the regulations to implement a system that reserves a baseline amount of water necessary for fish, wildlife and common public uses by the people of Alaska consistent with the requirements of Article VIII of the Alaska Constitution. A standard baseline reservation system will eliminate the backlog of reservations of water needing to be adjudicated and guard against the over appropriation of water. Given the fact that ADF&G is responsible for the protection of Fish and Wildlife resources, this baseline system should be implemented by both agencies and applications to appropriate water out of Alaskan water bodies for large-scale industrial use should also be adjudicated by both ADF&G and DNR. Thank you for working to improve this system and working to bring it in line with Alaska's constitution.

Sincerely,  
Lisa Simms  
Colorado Springs, CO 80921-6401

**Private Information**

**From:** [msivulich@everyactioncustom.com](mailto:msivulich@everyactioncustom.com) on behalf of [Lenore Sivulich](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Sunday, September 1, 2024 4:37:16 AM

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Sincerely,  
Lenore Sivulich  
New Gloucester, ME 04260-3854

**Private Information**

**From:** [sandrat56@everyactioncustom.com](mailto:sandrat56@everyactioncustom.com) on behalf of [D Sizemore](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Saturday, August 24, 2024 2:37:08 PM

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Sincerely,  
D Sizemore  
Muscle Shoals, AL 35661-1249  
**Private Information**

**From:** [sandrat56@everyactioncustom.com](mailto:sandrat56@everyactioncustom.com) on behalf of [D Sizemore](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Saturday, October 26, 2024 8:44:23 AM

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Sincerely,  
D Sizemore  
Muscle Shoals, AL 35661-1249  
**Private Information**

**From:** [mariansmall111@everyactioncustom.com](mailto:mariansmall111@everyactioncustom.com) on behalf of [Marian Small](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Saturday, October 26, 2024 7:50:54 AM

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Sincerely,  
Marian Small  
Dillingham, AK 99576

Private Information

**From:** [richard.smith49@everyactioncustom.com](mailto:richard.smith49@everyactioncustom.com) on behalf of [Richard Smith](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Saturday, August 31, 2024 8:52:57 AM

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Sincerely,  
Richard Smith  
Melvindale, MI 48122-1010  
**Private Information**

**From:** [krsmith@everyactioncustom.com](mailto:krsmith@everyactioncustom.com) on behalf of [Kim Smith](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Saturday, August 31, 2024 11:27:21 AM

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Sincerely,  
Kim Smith  
Homer, AK 99603-3235  
**Private Information**

**From:** [smithjj3@everyactioncustom.com](mailto:smithjj3@everyactioncustom.com) on behalf of [Jennifer Smith](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Saturday, September 7, 2024 8:44:09 PM

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Sincerely,  
Jennifer Smith  
Chicago, IL 60660-4917  
**Private Information**



**From:** [Allegory Smith](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Water rights comments  
**Date:** Monday, October 28, 2024 10:00:37 PM

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Hey folks,

Thanks for doing what you do, and for opening this comment period.

I want to add my voice in support of the inherent rights of (fresh) water. In regulatory parlance, I suppose I need to frame my argument as an appeal for greater scrutiny of the various agencies that want to use water in industrial processes, and for more robust protections of the rights of humans and fish and other peoples whose lives are made possible by water [yes, nonhuman personhood — feel about it for a moment]. Without healthy water we all suffer generationally, while a minority of capitalists are made temporarily richer. Please break up with them already: they need us to learn better boundaries from, as painful as their complaining is.

Water, not business interests, is life. Collectively we need to make it easier to sustain ourselves and each other, if not written as the rights of water then legally codified in an unambiguous commitment to protect human and nonhuman subsistence access to water, principally as a matter of deepening government-to-government relations with Alaska Native Tribal Governments. We have the power, and now is the time.

Cheers,

A

[they/them](#)

<https://fireweedcollective.wordpress.com/>

Of Danish, English, Gwich'in, Irish, and Swedish ancestry, I live and work in the traditional and unceded territories of the Lower Tanana Dene Peoples, whose ancestors have [lived here for millennia](#). I support their continued stewardship and defense of these [sacred](#) lands, the dismantling of [white supremacy culture](#), the healing and [rematriation of land](#), and a regenerative economy.

**From:** [charitygoddard@everyactioncustom.com](mailto:charitygoddard@everyactioncustom.com) on behalf of [Charity Goddard Smith](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Sunday, November 3, 2024 7:45:24 PM

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STOP TRAWLING ALASKA WATERS PERMANENTLY  
STOP RAPING THE MOUTH OF THE RIVERS  
RETURN THE TROLL QUOTA BACK TO THE TROLLERS

Sincerely,  
Charity Goddard Smith  
Gustavus, AK 99826-0082

**Private Information**

**From:** [soleildiana@everyactioncustom.com](mailto:soleildiana@everyactioncustom.com) on behalf of [Diana Soleil](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Saturday, August 24, 2024 9:37:32 AM

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Sincerely,  
Diana Soleil  
Grand Junction, CO 81501-6348

**Private Information**

**From:** [soleildiana@everyactioncustom.com](mailto:soleildiana@everyactioncustom.com) on behalf of [Diana Soleil](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Saturday, September 7, 2024 11:06:53 AM

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Sincerely,  
Diana Soleil  
Grand Junction, CO 81501-6348

**Private Information**

**From:** [dmsong93@everyactioncustom.com](mailto:dmsong93@everyactioncustom.com) on behalf of [David Song](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Thursday, November 28, 2024 1:45:01 PM

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Sincerely,  
David Song  
Juneau, AK 99801-1124

**Private Information**

**From:** [dnr.dmlwweb@alaska.gov](mailto:dnr.dmlwweb@alaska.gov)  
**To:** Private Information  
**Cc:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Public Comment Receipt  
**Date:** Thursday, August 29, 2024 11:28:25 PM

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John Sonin submitted a public comment online to the Alaska Division of Mining, Land, and Water on 8/29/2024. Thank you for your input!

**Comment:**

Over 100 homes have been either washed-away or damaged by the surge of glacial run-off here in Juneau, while a true 'public servant' clearing street drains to assure the run-off of torrential rains in Ketchikan ended-up martyring his life for the insane capitalist's, mindless seeking of profit, in our culture's business law scheme, which ill-considers its depopulating disposal availed in the public Commons. This fossil fuel emollition causing greenhouse gas clouded skies and acidified oceans of public waste not factored into the profit scheme, is throwing the Planet's ecological system into schizophrenia and scientifically J-curving humanity (and all higher-order organics mandatory to the civilized human organization we enjoy) to a specie genocide, all from our mischaracterization of resource consumption. The warlord ensuing mindset promotes the demigods of Dunleavy, Trump, et.al. viciously seeking self-preservation at any cost, all because of poor planning or governance of our resources. Stop the insanity first here in Alaska, than devote yourselves to others of relevance that they must STOP raping OUR Planet?

**From:** [dnr.dmlwweb@alaska.gov](mailto:dnr.dmlwweb@alaska.gov)  
**To:** Private Information  
**Cc:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Public Comment Receipt  
**Date:** Friday, November 29, 2024 9:57:14 AM

---

John Sonin submitted a public comment online to the Alaska Division of Mining, Land, and Water on 11/29/2024. Thank you for your input!

**Comment:**

Under the current regulatory scheme, an applicant for a water reservation must provide much more information to demonstrate that water should be left in a waterbody to protect fish and wildlife habitat than is required for a company to take water out. The Alaska Department of Natural Resources (DNR) requires rigorous data to support a reservation request, which may take years to collect. In contrast, applications for both a water right and temporary water use permit need only provide minimal information and descriptions about the water use and neither process requires data to demonstrate that the water withdrawal requested will not harm fish and wildlife habitat.

**From:** [devorah.zealot@everyactioncustom.com](mailto:devorah.zealot@everyactioncustom.com) on behalf of [Devorah Soodak](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Saturday, August 31, 2024 1:40:42 PM

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Sincerely,  
Devorah Soodak  
Philadelphia, PA 19134-3502  
**Private Information**



**From:** [devorah.zealot@everyactioncustom.com](mailto:devorah.zealot@everyactioncustom.com) on behalf of [Devorah Soodak](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Saturday, September 7, 2024 8:33:07 AM

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Sincerely,  
Devorah Soodak  
Philadelphia, PA 19134-3502  
**Private Information**

**From:** [elspeed@everyactioncustom.com](mailto:elspeed@everyactioncustom.com) on behalf of [Eric Speed](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Saturday, August 31, 2024 8:34:53 AM

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Sincerely,  
Eric Speed  
Strafford, NH 03884-6123  
**Private Information**

**From:** [jessica speed](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Water Regulations Public Comment  
**Date:** Monday, October 28, 2024 10:43:08 PM  
**Attachments:** [DNR Water Regulations Public Scoping.pdf](#)

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October 28, 2024

Alaska Department of Natural Resources

Division of Mining, Land and Water

Program Support Section

550 W. 7th Ave, Suite 1070

Anchorage, AK 99501

Re: Public Comment Scoping for Proposed Water Regulations Updates

Dear DNR reviewer,

I have committed my life to living in Alaska because of its abundant fish and wildlife resources and the healthy wild lands and waters that support them. Alaskan culture, economy and ecology are also inextricably connected to fish and wildlife resources – including salmon. Salmon need water. **I am writing to let DNR know that I strongly oppose any changes to current water regulation that would weaken or reduce the current ability to acquire reservations of water for fish and wildlife.**

I would however support changes that would reduce the current backlog of applications for reservations of water for fish and wildlife awaiting DNR review. I would support a system change where the burden of protection is on developers who would be required to collect five years of stream flow data needed to apply for a reservation of water – or one where a precautionary approach is applied, and water is reserved for fish as a standard baseline practice. I would support changes that put reservations of water on equal footing with other appropriation of water categories to withdraw, divert and impound.

Thank you,

A handwritten signature in black ink, appearing to read "Jessica Speed". The signature is fluid and cursive, with the first name being more prominent.

Jessica Speed

**From:** [richncatz@everyactioncustom.com](mailto:richncatz@everyactioncustom.com) on behalf of [Rich Speer](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Saturday, August 31, 2024 9:31:15 AM

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Dear DNR Water Regulation,

I am writing in response to your request for scoping comments from Alaskans in relation to Alaska's system of reserving waters in streams and water bodies for fish, wildlife and public use. According to Alaska's constitution "Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use." In order to bring DNR's regulations inline with the constitution DNR should update the regulations to implement a system that reserves a baseline amount of water necessary for fish, wildlife and common public uses by the people of Alaska consistent with the requirements of Article VIII of the Alaska Constitution. A standard baseline reservation system will eliminate the backlog of reservations of water needing to be adjudicated and guard against the over appropriation of water. Given the fact that ADF&G is responsible for the protection of Fish and Wildlife resources, this baseline system should be implemented by both agencies and applications to appropriate water out of Alaskan water bodies for large-scale industrial use should also be adjudicated by both ADF&G and DNR. Thank you for working to improve this system and working to bring it in line with Alaska's constitution.

Sincerely,  
Rich Speer  
Wexford, PA 15090  
**Private Information**

**From:** [richncatz@everyactioncustom.com](mailto:richncatz@everyactioncustom.com) on behalf of [Rich Speer](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Saturday, November 2, 2024 9:34:54 AM

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Sincerely,  
Rich Speer  
Wexford, PA 15090-7992  
**Private Information**

**From:** [Rachel Sperry](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Public comment: Water regulations  
**Date:** Tuesday, October 29, 2024 4:45:55 PM

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Hello Alaska DNR,

Thank you for the opportunity to provide input on Alaska's water management regulations. This issue directly impacts me because it has the potential to decrease the amount of water available for salmon. This is especially pressing for the First Nation people. This year the salmon population were a haunting example of what our rivers future may look like without the looming changes. Each year, much of our people subsists off salmon from Alaskan waters. Any changes to the regulations that make it harder to reserve water for fish and wildlife must be rejected. Much of the ecosystem revolves around the salmon cycle. We choose to live in a place where salmon is life and we can either hurt their sensitive cycles or try to coexist within their habitats. Thank you for your time and consideration.

Rachel Sperry  
Proud Talkeetnan Resident

Sent from my iPhone

**From:** [Rachel Sperry](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Re: Public comment: Water regulations  
**Date:** Tuesday, October 29, 2024 4:48:30 PM

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In favor of the fish! keep the regulations strong.

Sent from my iPhone

On Oct 29, 2024, at 4:45 PM, Rachel Sperry <[rmsperry@mtu.edu](mailto:rmsperry@mtu.edu)> wrote:

Hello Alaska DNR,

Thank you for the opportunity to provide input on Alaska's water management regulations. This issue directly impacts me because it has the potential to decrease the amount of water available for salmon. This is especially pressing for the First Nation people. This year the salmon population were a haunting example of what our rivers future may look like without the looming changes. Each year, much of our people subsists off salmon from Alaskan waters. Any changes to the regulations that make it harder to reserve water for fish and wildlife must be rejected. Much of the ecosystem revolves around the salmon cycle. We choose to live in a place where salmon is life and we can either hurt their sensitive cycles or try to coexist within their habitats. Thank you for your time and consideration.

Rachel Sperry  
Proud Talkeetnan Resident



**From:** [49thadventure@everyactioncustom.com](mailto:49thadventure@everyactioncustom.com) on behalf of [Jocelyn Stanley](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** We NEED Clean water for humans and fish PROTECT OUR LAKES AND RIVERS  
**Date:** Saturday, October 26, 2024 7:19:47 AM

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Sincerely,  
Jocelyn Stanley  
Anchorage, AK 99518-2918

**Private Information**

**From:** [akholic511@everyactioncustom.com](mailto:akholic511@everyactioncustom.com) on behalf of [Sarah Stanton](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish!  
**Date:** Friday, November 15, 2024 3:03:29 PM

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Sincerely,  
Sarah Stanton  
Anchorage, AK 99508-3834

**Private Information**

**From:** [wystaplers@everyactioncustom.com](mailto:wystaplers@everyactioncustom.com) on behalf of [Carl Stapler](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Saturday, August 31, 2024 8:36:46 AM

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Sincerely,  
Carl Stapler

Evanston, WY 82930

**Private Information**

**From:** [asteinerny@everyactioncustom.com](mailto:asteinerny@everyactioncustom.com) on behalf of [A.L. Steiner](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish!  
**Date:** Wednesday, September 4, 2024 5:14:44 PM

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Sincerely,  
A.L. Steiner  
Los Angeles, CA 90063-2604  
**Private Information**

**From:** [cleanecaffeine@everyactioncustom.com](mailto:cleanecaffeine@everyactioncustom.com) on behalf of [Lori Stephenson](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Saturday, August 31, 2024 2:46:44 PM

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Sincerely,  
Lori Stephenson  
Homer, AK 99603-7755

Private Information

**From:** [madeline7898@everyactioncustom.com](mailto:madeline7898@everyactioncustom.com) on behalf of [Madeline Stetser Regulation, DNR Water \(DNR sponsored\)](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Saturday, August 31, 2024 11:13:56 AM

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Sincerely,  
Madeline Stetser  
Cape May Court House, NJ 08210-2091

**Private Information**

**From:** [ssteward1@everyactioncustom.com](mailto:ssteward1@everyactioncustom.com) on behalf of [shane steward](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Wednesday, November 27, 2024 4:49:22 PM

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Sincerely,  
shane steward  
Palmer, AK 99645-3382  
**Private Information**

**From:** [adi1del@everyactioncustom.com](mailto:adi1del@everyactioncustom.com) on behalf of [Del Stiewert](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Sunday, August 18, 2024 11:51:35 AM

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Sincerely,  
Del Stiewert  
Colorado Springs, CO 80918-4769  
**Private Information**



**From:** [adi1del@everyactioncustom.com](mailto:adi1del@everyactioncustom.com) on behalf of [Del Stiewert](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Saturday, August 31, 2024 9:44:24 AM

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Sincerely,  
Del Stiewert  
Colorado Springs, CO 80918-4769  
**Private Information**

**From:** [adi1del@everyactioncustom.com](mailto:adi1del@everyactioncustom.com) on behalf of [Del Stiewert](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Saturday, September 7, 2024 9:42:18 AM

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Sincerely,  
Del Stiewert  
Colorado Springs, CO 80918-4769  
**Private Information**

**From:** [jacqueline4sight@everyactioncustom.com](mailto:jacqueline4sight@everyactioncustom.com) on behalf of [Jackie Stolfi](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Saturday, August 31, 2024 9:12:55 AM

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Sincerely,  
Jackie Stolfi  
Massapequa Park, NY 11762-4012

**Private Information**

**From:** [jacqueline4sight@everyactioncustom.com](mailto:jacqueline4sight@everyactioncustom.com) on behalf of [Jackie Stolfi](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Saturday, October 26, 2024 8:32:11 AM

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Sincerely,  
Jackie Stolfi  
Massapequa Park, NY 11762-4012

**Private Information**

**From:** [jacqueline4sight@everyactioncustom.com](mailto:jacqueline4sight@everyactioncustom.com) on behalf of [Jackie Stolfi](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Saturday, October 26, 2024 2:17:56 PM

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Sincerely,  
Jackie Stolfi  
Massapequa Park, NY 11762-4012

**Private Information**

**From:** [jacqueline4sight@everyactioncustom.com](mailto:jacqueline4sight@everyactioncustom.com) on behalf of [Jackie Stolfi](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Sunday, October 27, 2024 10:28:39 AM

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Dear DNR Water Regulation,

I am writing in response to your request for scoping comments from Alaskans in relation to Alaska's system of reserving waters in streams and water bodies for fish, wildlife and public use. According to Alaska's constitution "Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use." In order to bring DNR's regulations inline with the constitution DNR should update the regulations to implement a system that reserves a baseline amount of water necessary for fish, wildlife and common public uses by the people of Alaska consistent with the requirements of Article VIII of the Alaska Constitution. A standard baseline reservation system will eliminate the backlog of reservations of water needing to be adjudicated and guard against the over appropriation of water. Given the fact that ADF&G is responsible for the protection of Fish and Wildlife resources, this baseline system should be implemented by both agencies and applications to appropriate water out of Alaskan water bodies for large-scale industrial use should also be adjudicated by both ADF&G and DNR. Thank you for working to improve this system and working to bring it in line with Alaska's constitution.

Sincerely,  
Jackie Stolfi  
Massapequa Park, NY 11762-4012

**Private Information**

**From:** [steph@everyactioncustom.com](mailto:steph@everyactioncustom.com) on behalf of [Stephanie Stout](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Monday, October 28, 2024 5:50:46 PM

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Sincerely,  
Stephanie Stout  
Big Lake, AK 99652-0952  
**Private Information**

**From:** [J Stras](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** scoping comments Water Management Regulation  
**Date:** Sunday, October 13, 2024 9:53:41 AM

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Note to DNR: please let me know that you received my comments in good order. Thank you. John Strassenburgh  
October 13, 2024

Alaska Department of Natural Resources  
Division of Mining, Land & Water  
Program Support Section  
550 W. 7th Avenue, Suite 1070  
Anchorage, AK 99501-3579  
To Whom it May Concern:

These are my Public Scoping Comments in regards to potential changes to Water Management Regulations, as follows:

**First**, I respond to two questions set forth in the "Supplemental Notice of Public Scoping for Possible Updates and Revisions to Water Management Regulations," dated August 26, 2024. The two questions have to do with 11 AAC 93.146.

My response is NO to the first bullet, State Resource Agencies such as DNR or ADF&G should **NOT** be the only entities to hold a certificate of reservation of water.

My response is **NO CHANGE** to the second bullet. The entities that may apply for and hold a reservation of water should remain as it is today, i.e., a state, agency or a political subdivision of the state, an agency of the United States, or a person (AS 46.15.145(a). "Person" is defined at AS 46.14.990 (21) and AS 01.10.060(8), and includes individuals (i.e., natural person), businesses, non-profit organizations, nongovernmental organizations (i.e., NGOs), municipalities, University of Alaska, Alaska Railroad Corporation, etc..

All of these entities potentially have a legitimate and compelling interest in our public water and each should continue to have the right to apply for and hold a reservation of water.

**Second**, I respond to the third bullet of the Supplemental Notice, (i.e., 11 AAC 93.147) regarding reservation of water. My response is **YES**, review requirements are clear and adequate. The existing water reservations review process should **NOT BE CHANGED**.

The water environment is changing rapidly due largely to a changing climate. For example, drastic and even catastrophic changes are happening to our salmon, the causes of which are not fully understood. The existing regulation provides for a review of reservation in the event of change in the water resource. The regulation has a structure to analyze and reevaluate and make necessary changes to a reservation to ensure adequate availability of water. This flexibility is an absolute necessity in our world of climate change.

**Third**, salmon are a critical, keystone species. We humans depend on salmon in many ways... to feed ourselves and our families, to support sport fishing and related businesses such as guiding services, lodges, and to support those who choose a subsistence lifestyle. Water Management Regulations, above all, should support salmon, by ensuring sufficient water levels and maintaining sufficient instream flow to prevent undue warming of the water or imbalance in water chemistry. Water Management Regulation should also ensure water quality and adequate quantity so as to support a well functioning ecosystem and healthy terrestrial habitat.

**Fourth**, if DNR decides to move forward with proposed changes to water management regulations, it should have a robust public process. This means, among other things, reaching out to remote and rural towns and villages. Public meetings should not be an "Open House" format where the public wanders from agency person to agency person. It is difficult to get a coherent picture that way. Rather, a public meeting should provide for a formal public hearing



and be structured such that all attendees can hear what others have to say and listen to the testimony. Meeting transcripts and/or audio recordings should be posted and made publically available on the DNR or project website at least one week (preferably two weeks) in advance of the comment deadline date.

Thank you for this opportunity to comment.

Sincerely,

John Strassenburgh

PO Box 766

Talkeetna, AK 99676

**From:** [klslla@everyactioncustom.com](mailto:klslla@everyactioncustom.com) on behalf of [Kris Strate](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Saturday, August 31, 2024 8:52:00 AM

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Dear DNR Water Regulation,

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Sincerely,  
Kris Strate  
Fairview, UT 84629-5532  
**Private Information**

**From:** [gahstrong@everyactioncustom.com](mailto:gahstrong@everyactioncustom.com) on behalf of [Grace Strong](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Sunday, August 18, 2024 7:16:28 AM

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Sincerely,  
Grace Strong  
Ironwood, MI 49938-9746  
**Private Information**

**From:** [gahstrong@everyactioncustom.com](mailto:gahstrong@everyactioncustom.com) on behalf of [Grace Strong](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Sunday, August 25, 2024 6:42:56 AM

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Sincerely,  
Grace Strong  
Ironwood, MI 49938-9746  
**Private Information**

**From:** [gahstrong@everyactioncustom.com](mailto:gahstrong@everyactioncustom.com) on behalf of [Grace Strong](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Saturday, October 26, 2024 12:25:51 PM

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Sincerely,  
Grace Strong  
Ironwood, MI 49938-9746  
**Private Information**

**From:** [petersfisherman@everyactioncustom.com](mailto:petersfisherman@everyactioncustom.com) on behalf of [Pete Sullivan](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Saturday, October 26, 2024 11:24:27 AM

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Sincerely,  
Pete Sullivan  
Stamford, CT 06902-0603

**Private Information**

**From:** [Melissa Heuer](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** 60- Day Public Comment Extension Request for Revisions to Water Management Regulations  
**Date:** Sunday, August 18, 2024 6:09:27 PM  
**Attachments:** [Water Reservations Extension Request.pdf](#)

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Good Afternoon,

Please find attached a request for a 60-day extension to the "Notice of Public Scoping for Possible Updates and Revisions to Water Management Regulations." The current comment period needs to allow adequate time for public engagement.

I can be reached at [melissa@susitnarivercoalition.org](mailto:melissa@susitnarivercoalition.org) or 907-733-5400 with any questions.

Cheers,  
Melissa

---

August 18, 2024

Alaska Department of Natural Resources  
Division of Mining, Land & Water  
Program Support Section  
550 W. 7th Avenue, Suite 1070  
Anchorage, AK 99501-3579

Sent via email to: [dnr.water.regulation@alaska.gov](mailto:dnr.water.regulation@alaska.gov)

Mr. Barrett and Ms. Sager,

Thank you for the opportunity to provide public input on the potential changes to Alaska's water management regulations and for hosting the public meeting on Monday, August 12th. We greatly appreciate the information shared and the platform provided to ask questions and provide public comments.

As underscored during the meeting, Alaska's water management system plays a crucial role in reserving water for the benefit of Alaskans. Ensuring that adequate water is available to sustain healthy habitats, recreation, parks, navigation, transportation, sanitation, and water quality is vital.

Any amendments to the management regulations, particularly regarding future water rights holders, must allow ample time for meaningful public participation. Over the past decade, we have been involved in numerous water reservation projects, and it is essential that our partners and the public have sufficient time to engage with this critical issue. The Susitna River Coalition requests an additional 60 days for the comment period to ensure adequate

participation from statewide stakeholders. This extension will also help address questions regarding the potential impacts on current water reservations, pending applications, and Alaska's invaluable fresh water resources.

We strongly encourage the department to reassess the necessity and allocation of funding for revisions at this time, redirecting resources to more urgent priorities. The current backlog of 100s of water rights applications represents a significant need as does updating our statewide water gage data. While public support for Alaska's water reservation system remains strong, it is important that the interests of a few resource development executives do not overshadow the constitutional rights of Alaskans to protected water resources.

Thank you for your consideration of our request for a 60-day extension of the public comment period.

Kindly,

Melissa Heuer  
Executive Director  
Susitna River Coalition  
907-733-5400





Supporting Salmon, Wildlife, and Community

August 18, 2024

Alaska Department of Natural Resources  
Division of Mining, Land & Water  
Program Support Section  
550 W. 7th Avenue, Suite 1070  
Anchorage, AK 99501-3579

Sent via email to: [dnr.water.regulation@alaska.gov](mailto:dnr.water.regulation@alaska.gov)

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Thank you for your consideration of our request for a 60-day extension of the public comment period.

Kindly,

*Melissa Heuer*

Melissa Heuer  
Executive Director  
Susitna River Coalition  
907-733-5400

**From:** [Margaret Stern](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** DNR Water Regulation: SRC Official Scoping Comments  
**Date:** Tuesday, October 29, 2024 1:03:26 PM  
**Attachments:** [SRCWaterReservationComment.pdf](#)

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To the Department of Natural Resources

Attached are the Susitna River Coalition's comments regarding the Department of Natural Resources public scoping period for possible updates and revisions to water management regulations.

Please let me know if you have any questions or require any additional information.

--

Margaret Stern  
Program & Communications Director, [Susitna River Coalition](#)  
[margaret@susitnarivercoalition.org](mailto:margaret@susitnarivercoalition.org)

*[PICK.CLICK.GIVE.](#) to SRC! Your donation and support directly benefit the free-flowing Susitna River and Susitna River Watershed. You can also donate directly [HERE!](#)*

October 23, 2024

Alaska Department of Natural Resources  
Division of Mining, Land & Water  
Program Support Section  
550 W. 7th Avenue, Suite 1070  
Anchorage, AK 99501-3579



DNR Officials,

On behalf of the Susitna River Coalition (SRC), a grassroots nonprofit based in Talkeetna, Alaska, representing over 14,000 individuals, businesses, and organizations dedicated to protecting the Susitna River Watershed, I submit this comment urging the preservation and strengthening of Alaska's instream water reservation system. This critical process safeguards the fish, wildlife, and communities that rely on the health of the Susitna River. As we consider regulatory changes, it is essential that Alaska continues to prioritize public interests, not just commercial or industrial uses, to protect our shared resources.

Across the Lower 48, we've witnessed firsthand the consequences of prioritizing industry over healthy ecosystems. Decisions made decades ago to maximize water extraction—often driven by the false assumption that unused water was wasted—have left rivers, lakes, and wells completely dry, leading to significant long-term harm. Competition for water, combined with the failure to fully account for ecological services and future demands, has decimated natural fish runs and disrupted essential ecological functions across much of the western United States. Many states now face the irreversible consequences of these decisions and, in many cases, are unable to implement corrective actions due to restrictive state laws or prohibitive costs. Alaska cannot afford to repeat these mistakes, especially considering our socioeconomic dependence on fish and wildlife.

In Alaska, we have a unique opportunity to protect our rivers and lakes before they reach such a critical state. However, our ability to do so is hampered by a lack of adequate hydrological and biological data. With only one stream gage per 6,000 to 7,000 square miles—compared to one gage per 400 square miles in the Lower 48—our understanding of water availability and the potential impacts of withdrawals on fish and wildlife is severely limited. This data deficiency makes it challenging for water users and managers alike to project the reliability and quantity of available water, even in the absence of competition. Accurate flow data is also crucial for managing and enforcing existing water rights, which further underscores the importance of maintaining strong protections for instream flows.

The Susitna River, a critical artery for Southcentral Alaska, has been the subject of numerous studies on flow changes, particularly during discussions of the proposed Watana Dam. These studies revealed the potentially devastating effects of altering natural flows, not just for fish species like salmon—keystone to Alaska's ecosystem and economy—but for the entire riverine ecosystem. The lessons we learned from these studies reaffirm the need to protect natural river

flows and ensure that water use decisions in Alaska prioritize long-term ecological sustainability over short-term industrial gains.

The current process for obtaining instream water reservations is already rigorous, with applicants required to provide scientific data to support the need for protection. Further complicating this process by imposing additional barriers or restricting public participation would deter individuals, communities, and organizations—like SRC—from safeguarding the waters they depend on. This would directly undermine Alaska’s Constitution, which prioritizes water use for fish, wildlife, and public purposes. Any changes that limit public access to the water reservation process or add undue burdens to applicants would weaken protections that are critical to maintaining healthy ecosystems and thriving communities.

Instead of creating new obstacles, the Department of Natural Resources (DNR) should focus on improving the efficiency of the water reservation process and prioritizing the adjudication of existing applications. The backlog of unprocessed applications highlights the need for timely action, particularly as pressures from industrial development and water-intensive industries continue to grow. At the same time, increased funding for hydrological and biological data collection is crucial to ensure that decisions are made with accurate, up-to-date information about Alaska’s water resources.

In conclusion, the Susitna River Coalition urges DNR to preserve and strengthen protections for instream water reservations. To improve Alaska's water reservation system and ensure the continued protection of our vital waterways, we recommend the following actions:

1. **Increase funding for hydrological and biological data collection** to better understand water availability and the potential impacts of withdrawals on fish and wildlife.
2. **Streamline the administrative process for obtaining a water reservation**, making it more accessible and efficient for communities and organizations to protect their water resources.
3. **Increase public education about the importance of water reservations**, ensuring Alaskans are aware of how these protections safeguard our ecosystems and water-dependent livelihoods.
4. **Develop a comprehensive water use plan for the state**, prioritizing sustainable management of water resources to meet the needs of ecosystems, communities, and industries alike.

By adopting these measures, Alaska can maintain its constitutional commitment to protecting fish, wildlife, and the public interest while ensuring a more resilient and effective water management system. We believe Alaska has the opportunity to set a national example in responsible water stewardship, ensuring that our rivers continue to support healthy communities, thriving economies, and vibrant ecosystems for generations to come.

Thank you for considering our comments, and we look forward to seeing continued protections for Alaska's waterways.

Please reach out if you have any additional questions.

Sincerely,

Margaret Stern

*Margaret Stern*

Program and Communications Director

[margaret@susitnarivercoalition.org](mailto:margaret@susitnarivercoalition.org)

**From:** [Christin Swearingen](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Retain water for salmon  
**Date:** Tuesday, November 26, 2024 5:52:41 PM

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Hello,

I would like to comment on DNR's reservation of water regulations.

When I think of Alaska, I think of the foods that connect us with the seasons. Fireweed shoots, moose, caribou, and salmon. Salmon is a critical part of Alaskan culture, and literally sustains us. According to the Dept of Fish and Game about 17% of the population of Alaska live a subsistence lifestyle. It should be the role of Alaska's Department of Natural Resources to preserve this resource for current and future generations. The way water is regulated now does not do that. I'm asking for reservations of water to be on equal footing with other appropriation of water categories to withdraw, divert and impound. Do not make any changes that would weaken the current ability to reserve adequate water for fish. It would also make sense for companies who want to take water out of a fish stream to prove that they won't take so much that the fish won't be able to travel, spawn, and incubate their young. Also, Alaska Native Tribes must be consulted on any management action that could impact their traditional lands and their citizens.

Thank you for taking my comment.  
Christin Swearingen  
Fairbanks, AK

**From:** [jessrose213@everyactioncustom.com](mailto:jessrose213@everyactioncustom.com) on behalf of [Jessica Taliaferro](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Tuesday, September 3, 2024 10:30:36 AM

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Dear DNR Water Regulation,

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Sincerely,  
Jessica Taliaferro  
Palm Bay, FL 32909-6892

**Private Information**

**From:** [bugdoc012000@everyactioncustom.com](mailto:bugdoc012000@everyactioncustom.com) on behalf of [Hiedi Tan](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Tuesday, September 3, 2024 4:18:58 AM

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Sincerely,  
Hiedi Tan MD  
Knoxville, TN 37934-1530

**Private Information**



**From:** [tangianna@everyactioncustom.com](mailto:tangianna@everyactioncustom.com) on behalf of [Anna Tangi](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Sunday, August 25, 2024 10:15:52 AM

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Dear DNR Water Regulation,

I am writing in response to your request for scoping comments from Alaskans in relation to Alaska's system of reserving waters in streams and water bodies for fish, wildlife and public use. According to Alaska's constitution "Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use." In order to bring DNR's regulations inline with the constitution DNR should update the regulations to implement a system that reserves a baseline amount of water necessary for fish, wildlife and common public uses by the people of Alaska consistent with the requirements of Article VIII of the Alaska Constitution. A standard baseline reservation system will eliminate the backlog of reservations of water needing to be adjudicated and guard against the over appropriation of water. Given the fact that ADF&G is responsible for the protection of Fish and Wildlife resources, this baseline system should be implemented by both agencies and applications to appropriate water out of Alaskan water bodies for large-scale industrial use should also be adjudicated by both ADF&G and DNR. Thank you for working to improve this system and working to bring it in line with Alaska's constitution.

Sincerely,  
Anna Tangi  
Philadelphia, PA 19148-4410  
**Private Information**

**From:** [caramello51@everyactioncustom.com](mailto:caramello51@everyactioncustom.com) on behalf of [Charlotte Tanner](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish, don't pollute with mining waste!  
**Date:** Friday, October 25, 2024 10:05:14 AM

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Sincerely,  
Charlotte Tanner  
Ward Cove, AK 99928-0886  
**Private Information**

**From:** [caramello51@everyactioncustom.com](mailto:caramello51@everyactioncustom.com) on behalf of [Charlotte Tanner](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Friday, November 15, 2024 7:49:16 PM

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Alaskans depend on fish, please ensure their survival. Charlotte Tanner. PO Box 886, Ward Cove, AK 99928

Sincerely,  
Charlotte Tanner  
Ward Cove, AK 99928-0886

**Private Information**

**From:** [billtarbox@everyactioncustom.com](mailto:billtarbox@everyactioncustom.com) on behalf of [William Tarbox](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Saturday, September 7, 2024 2:48:39 PM

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Sincerely,  
William Tarbox  
Magnolia, TX 77355-3335  
**Private Information**

**From:** [billtarbox@everyactioncustom.com](mailto:billtarbox@everyactioncustom.com) on behalf of [William Tarbox](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Saturday, October 26, 2024 12:30:50 PM

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Dear DNR Water Regulation,

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Sincerely,  
William Tarbox  
Magnolia, TX 77355-3335  
**Private Information**

**From:** [whaddaluckyguy@everyactioncustom.com](mailto:whaddaluckyguy@everyactioncustom.com) on behalf of [Guy Taylor](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Saturday, August 31, 2024 8:45:56 AM

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Dear DNR Water Regulation,

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Sincerely,  
Guy Taylor  
Livonia, MI 48152-2501

**Private Information**

**From:** [robteugenek@everyactioncustom.com](mailto:robteugenek@everyactioncustom.com) on behalf of [Wanda Thompson](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Saturday, August 31, 2024 5:50:59 PM

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Dear DNR Water Regulation,

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Sincerely,  
Wanda Thompson  
Chicago, IL 60611-1129

Private Information

**From:** [lgtprof@everyactioncustom.com](mailto:lgtprof@everyactioncustom.com) on behalf of [Linda Thompson](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave Water in Alaska Rivers and Lakes for Fish and Wildlife  
**Date:** Saturday, August 31, 2024 8:52:55 AM

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Dear DNR Water Regulation,

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Sincerely,  
Linda Thompson  
Houston, TX 77074-2705  
**Private Information**



**From:** [lgtprof@everyactioncustom.com](mailto:lgtprof@everyactioncustom.com) on behalf of [Linda Thompson](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave Water in Alaska Rivers and Lakes for Fish and Wildlife  
**Date:** Sunday, September 8, 2024 7:39:00 PM

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Dear DNR Water Regulation,

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Sincerely,  
Linda Thompson  
Houston, TX 77074-2705  
**Private Information**

**From:** [lgtprof@everyactioncustom.com](mailto:lgtprof@everyactioncustom.com) on behalf of [Linda Thompson](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Protect Alaskan Fish and Wildlife  
**Date:** Saturday, November 2, 2024 4:21:43 PM

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Dear DNR Water Regulation,

Thank you for extending the comment period on whether or not to roll back water protections in relation to Alaska's system of reserving water in streams and water bodies for fish, wildlife and public use. According to Alaska's constitution "Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use." In order to bring Alaska Department of Natural Resources ("DNR") regulations in line with the constitution, DNR should update the regulations to implement a system that reserves a baseline amount of water necessary for fish, wildlife and common public uses by the people of Alaska consistent with the requirements of Article VIII of the Alaska Constitution. A standard baseline reservation system will eliminate the backlog of reservations of water needing to be adjudicated and guard against the over appropriation of water. Since ADF&G is responsible for the protection of Fish and Wildlife resources, this baseline system should be implemented by both agencies and applications to appropriate water out of Alaskan water bodies for large-scale industrial use should also be adjudicated by both ADF&G and DNR.

Thank you for working to improve this system and working to bring it in line with Alaska's constitution. It is imperative that current and future generations of Alaskans, Tribal governments, and municipalities be able to rely upon and ensure cold, clean flowing waters for generations.

Sincerely,  
Linda Thompson  
Houston, TX 77074-2705  
**Private Information**

**From:** [dnr.dmlwweb@alaska.gov](mailto:dnr.dmlwweb@alaska.gov)  
**To:** [Tobin, Loki G \(LEG\)](#)  
**Cc:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Public Comment Receipt  
**Date:** Friday, November 29, 2024 11:44:30 AM

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Löki Tobin submitted a public comment online to the Alaska Division of Mining, Land, and Water on 11/29/2024. Thank you for your input!

**Comment:**

Alaska Department of Natural Resources Division of Mining, Land & Water Program Support  
Section 550 W. 7th Avenue, Suite 1070 Anchorage, AK 99501-3579 November 26, 2024  
Thank you for the opportunity to provide public comment on the Department of Natural Resources (DNR) water management regulation scoping period. Thank you also for extending the public comment period on this important issue. Water management is a specifically important function of state government considering what are often numerous competing uses for our waterbodies. Our world class fisheries rely on adequate water supply, which has led to numerous applications for instream flow applications across the state. This is a critical tool to protect and perpetuate our commercial, sport and subsistence fisheries, and DNR should consider ways to streamline the process for groups and individuals to secure instream flow reservations. Alaska statute and regulation clearly allows for citizens, groups, and Tribes to apply for an instream flow reservation to protect fish in a geographically limited area from depletion of water by large industrial, agricultural or other projects. Any changes that DNR proposes to the water use regulation regarding instream flow must comply with AS 46.15.145 “The state, an agency or a political subdivision of the state, an agency of the United States or a person may apply to the commissioner to reserve sufficient water to maintain a specified instream flow or level of water at a specified point on a stream or body of water, or in a specified part of a stream, throughout a year or for specified times...” Any regulatory change should closely track the intent of the statute. These applications are expensive for a non-governmental entity to pursue, hence very few have ultimately been approved by DNR. Hydrologic gauge sites are upward of \$100,000 per year to maintain and are often in remote locations. DNR requires a minimum of five years of data in a water reservation application. The cost element, as well as the amount of time it takes to record all the data required for a successful application has proven to be a deterrent to those groups, individuals and Tribes that might otherwise seek to protect critical water resources. On the other hand, a Temporary Water Use Authorization is a system that allows applicants to pay a minimal fee and provide relatively little information on the habitat impacts of the intended water use. These water use authorizations can be applied for a period of up to five consecutive years, and a single application is sufficient to apply to five separate water sources for water withdrawals, diversions, impoundments and other uses presumably some of which would have a direct or indirect impact on fish habitat. The current backlog of instream flow reservation applications at DNR indicates a need for a more efficient process. Instead of moving forward on any regulation that makes it harder for Alaskans to protect fish, the state should mandate the reservation of sufficient instream water levels for the protection of fish and have a permitting process that puts the onus on applicants for competing water uses to design projects that protect our state’s fish populations. It appears from the prompts provided by DNR in this regulation scoping review project that the primary focus of any regulation change will be to modify the water reservation regulation. Please use caution on any regulation change that further restricts Alaskans from making and holding instream flow reservation protections and

instead consider reviewing the benefits of a system that creates greater parity between the rigors of an instream flow application and the speed of a temporary water use application.  
Sincerely, Senator Löki Gale Tobin Alaska State Senate

**From:** [troch345@everyactioncustom.com](mailto:troch345@everyactioncustom.com) on behalf of [Kathy Trochlell](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Saturday, August 31, 2024 8:34:53 AM

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Dear DNR Water Regulation,

I am writing in response to your request for scoping comments from Alaskans in relation to Alaska's system of reserving waters in streams and water bodies for fish, wildlife and public use. According to Alaska's constitution "Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use." In order to bring DNR's regulations inline with the constitution DNR should update the regulations to implement a system that reserves a baseline amount of water necessary for fish, wildlife and common public uses by the people of Alaska consistent with the requirements of Article VIII of the Alaska Constitution. A standard baseline reservation system will eliminate the backlog of reservations of water needing to be adjudicated and guard against the over appropriation of water. Given the fact that ADF&G is responsible for the protection of Fish and Wildlife resources, this baseline system should be implemented by both agencies and applications to appropriate water out of Alaskan water bodies for large-scale industrial use should also be adjudicated by both ADF&G and DNR. Thank you for working to improve this system and working to bring it in line with Alaska's constitution.

Sincerely,  
Kathy Trochlell  
Mercer, WI 54547-9109  
**Private Information**

**From:** [Nelli Williams](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Monday mtg & public input extension  
**Date:** Friday, August 9, 2024 3:52:15 PM

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Dear Mr. Barrett and Ms. Sager,

Thank you for the opportunity to provide public input on possible updates and revisions to Alaska's water management regulations. As you know from previous public input opportunities this is an issue that many Alaskans care about. Our state's unique water resources underpin Alaska's economy, culture, ways of travel, recreational opportunities, fish, wildlife and so much more. There are many Alaskans who are interested in providing input on how we can improve our water reservation system and we hope you'll consider two requests to facilitate strong and specific input from Alaskans.

First, we appreciate you are hosting a public meeting on Monday, August 12th for Alaskans to learn more about the process, background and rationale and ask questions. It's particularly helpful that it's virtual as this allows people from all over the state to participate. We respectfully request that you also record this meeting and make it publicly available so that Alaskans unable to make the meeting can benefit from the information too.

Second, we are concerned the August 30<sup>th</sup> deadline for public input does not provide adequate time to gather the detailed information you are requesting from the public. As you know, it is an extremely busy time of year for Alaskans and this process was not expected. We are picking berries, ensuring our freezers are full with salmon, preparing for hunting season and generally enjoying one of the finest times of year in Alaska. Additionally, this is the time of year when many small businesses in the fishing and tourism industries, are the most busy and unable to step away without serious impacts to their business operations. Lastly, school starts this month, so it's an extremely busy time for many Alaskan families as they transition from summer to fall schedules. To facilitate the most detailed and helpful input during your scoping process from important stakeholders, we respectfully request a 60-day extension to the current public comment period.

We hope you will grant these requests to help facilitate better public understanding and high-quality input on ways to improve Alaska's unique and valued water reservation system. Please let me know if you have questions or would like to discuss more.

Sincerely,

Nelli

**Nelli Williams**

Alaska Director, Trout Unlimited

Anchorage, Alaska | 907-230-7121

Dena'inaq elnen'aq' gheshtnu ch'q'u yeshdu

I live and work on the land of the Dena'ina.

Learn about [our work in Alaska](#).

**From:** [Nelli Williams](#)  
**To:** [dnr.water.regulations@alaska.gov](mailto:dnr.water.regulations@alaska.gov); [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Fw: Monday mtg & public input extension  
**Date:** Monday, August 12, 2024 9:31:16 AM

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Hi again,

I am seeing two email addresses on your website for scoping:

one is with regulation an "s"

[https://dnr.alaska.gov/mlw/comment/subscribe/?topic=waterregs\\_scope](https://dnr.alaska.gov/mlw/comment/subscribe/?topic=waterregs_scope)

one is regulation with no "s"

<https://dnr.alaska.gov/mlw/water/regrevision/>

Resending this to both as I am not sure if the email I sent on Friday was received. Could you please confirm that you received this?

Thanks,

Nelli

---

**From:** Nelli Williams  
**Sent:** Friday, August 9, 2024 3:51 PM  
**To:** [dnr.water.regulation@alaska.gov](mailto:dnr.water.regulation@alaska.gov) <[dnr.water.regulation@alaska.gov](mailto:dnr.water.regulation@alaska.gov)>  
**Subject:** Monday mtg & public input extension

Dear Mr. Barrett and Ms. Sager,

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publicly available so that Alaskans unable to make the meeting can benefit from the information too.

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We hope you will grant these requests to help facilitate better public understanding and high-quality input on ways to improve Alaska's unique and valued water reservation system. Please let me know if you have questions or would like to discuss more.

Sincerely,

Nelli

**Nelli Williams**

Alaska Director, Trout Unlimited

Anchorage, Alaska | 907-230-7121

Dena'inaq elnen'aq' gheshtnu ch'q'u yeshdu

I live and work on the land of the Dena'ina.

**From:** [Jen Leahy](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Revisions to Water Management comment period - issue with comment portal  
**Date:** Friday, October 25, 2024 3:15:03 PM  
**Attachments:** [image001.png](#)

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You don't often get email from [jennifer.leahy@tu.org](mailto:jennifer.leahy@tu.org). [Learn why this is important](#)

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Hello Tom and Kim,

In my new role as Trout Unlimited's Alaska policy director, I'm reaching out about an issue our team noticed with the "[public comment topics](#)" [page](#) of DNR's website.

The "Revisions to Water Management Regulations" public scoping is listed under the "comment period [closed](#)" section of the page with a stated deadline of Aug. 30. My understanding is that the comment period was [extended](#) and is slated to close Oct. 29.

A few questions for you:

- Could you please confirm the specific time that the comment period closes on Oct. 29?
- Would it be possible to move this issue to the "open for public comment" section of the page through Oct. 29, along with a "submit public comment" button?
- Do you anticipate any further extensions to the comment deadline?

I look forward to meeting you both and appreciate your support in strengthening public engagement during the final few days of the comment period.

Best,  
Jen

--

**Jen Leahy**

*Alaska Policy Director*

Trout Unlimited

907-422-7635 (cell)

Learn about [our work in Alaska](#).



**From:** [Marian Giannulis](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** comments on water management regulations  
**Date:** Tuesday, October 29, 2024 3:43:44 PM  
**Attachments:** [TU KSP comments on water management regs.pdf](#)  
[TU advocate comments on water management regs.pdf](#)

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Dear Mr. Barrett,

Please accept the attached two documents containing comments on proposed changes to water management regulations.

Thank you,

Marian

**Marian Giannulis**

Alaska Communications & Engagement Director

Trout Unlimited

907-301-1830





October 29, 2024

Mr. Tom Barrett  
 Alaska Department of Natural Resources  
 Division of Mining, Land & Water  
 550 W. 7th Avenue, Suite 1070  
 Anchorage, AK 99501-3579

Via: [dnr.water.regulation@alaska.gov](mailto:dnr.water.regulation@alaska.gov)

**Re: Comments on Proposed Changes to DNR Water Management Regulations**

Dear Mr. Barrett,

On behalf of the undersigned entities, including Trout Unlimited (TU), Katmai Service Providers (KSP), and 15 additional Alaska businesses and organizations, please accept these comments on possible updates and revisions to the Alaska Department of Natural Resources (DNR) water management regulations, 11 AAC 93.

This public scoping is the latest in a long string of proposed or enacted regulatory changes that improperly tip the scales in favor of industrial water uses at the expense of existing and future reservations of water. We have serious concerns about potential changes the DNR may be considering and what these changes could mean for Alaska’s rivers, streams and lakes, our fisheries, and the many businesses and individuals that rely on our waters for their livelihoods, for recreation, and for their cultural and subsistence values.

Trout Unlimited is the nation’s largest sporting organization dedicated to coldwater conservation, with 20,000 Alaskan supporters that are passionate anglers, lodge and outfitting business owners, fishing and hunting guides, subsistence users, commercial fishers, and Alaskans from a variety of walks of life. In addition to our members in more remote parts of the state, TU has active chapters in Fairbanks, Anchorage and the Mat-Su, on the Kenai

Peninsula, and in Southeast Alaska. Trout Unlimited members rely on Alaska's waters—and the fish and wildlife that inhabit them—for fishing, hunting, subsistence, outdoor recreation, and for employment in related industries. On behalf of its members and to help ensure its members' instream uses of water can continue into the future, TU has submitted numerous applications to the DNR for instream flow reservations, participated in various adjudications, engaged in numerous 10-year reviews of instream flow reservations, and incurred significant costs associated with those activities and applications.

Katmai Service Providers is an association of 60 recreation and tourism businesses that operate in and around Katmai National Park. The organization is dedicated to resource stewardship, promoting public access, and fostering cooperation and communication among users of the Katmai National Park and government agencies. Its members include fishing and hunting lodges, bear viewing outfitters, flying services, and tour operators. All members of Katmai Service Providers have deep and personal economic ties to the waters of Katmai National Park and the many rivers, streams and lakes in the broader Bristol Bay region. They are committed to conserving the region's unique fish, wildlife and water resources, which are essential to the region's long-term economic health. Katmai Service Providers' members regularly operate their businesses on and around waters subject to instream flow reservations and rely on reservations to provide assurance that adequate instream flow will remain in those waters to support the fish and game, recreation, and navigation necessary for their businesses to prosper.

Collectively, the undersigned entities represent more than 100 Alaska-based businesses, including fishing and outfitting guides, lodges and air taxi services, and seafood businesses. Each of these businesses relies on instream flow and instream uses of water. Some of these businesses operate where reservations of water already exist, such as on the Kenai River. However, because the State of Alaska's efforts to secure reservations have lagged behind demand, many others operate where no reservation exists. Because of the significant cost and time required to secure a reservation of water, many of these businesses look to organizations like Trout Unlimited to represent their interests and seek reservations on their behalf. Just as a person can appropriate water for their own diversionary or other out-of-stream beneficial use, these businesses need the ability to appropriate water through a reservation for their own instream use.

## **I. Background**

Alaska's waters, and the iconic fish and wildlife populations supported by them, are essential to the Alaskan way of life and Alaskans' economic well-being. Our collective business members and supporters live or operate in Alaska because of the many benefits afforded to them from healthy fish and wildlife populations, abundant outdoor recreation opportunity, and because of Alaska's relatively clean water and healthy environment—all of which is made possible by natural instream flow. Our members enjoy fishing, hunting and recreating on their time off, many earn their living from those same resources, and we work with our children and

younger members to help ensure this lifestyle continues into the future. This lifestyle, which is available to all Alaskans, depends on healthy and intact watersheds, unaltered streamflow, and natural water quality and quantity.

As increased population and development has taken place over the past decades, maintaining natural stream flow and water quality in our public waters has become increasingly important, and will only become more important in the future. Establishing and maintaining instream flow reservations for these important waterways helps serve the critical public interest by providing a guarantee for our important fish, wildlife and water resources, ensuring a foundation for our fish and water-based businesses, and by helping to ensure the Alaskan way of life remains available into the future.

By observing the plight of salmon in the Pacific Northwest, with many salmon stocks already extinct and many more a mere fraction of their historic abundance, it is important to understand the risks to Alaska's salmon from a "death by a thousand cuts." This risk, regrettably, is already manifesting itself in Alaska where nearly all our Chinook salmon populations and many coho salmon stocks are well below historic abundance, and no longer support once thriving commercial, sport or subsistence fishing opportunity. While any individual water body may seem inconsequential at first blush, a deeper inspection reveals the exceptional value of our salmon habitat and that every stream and river can have an impact on our important fisheries. Alaskans often tout, and rightly so, how our fisheries are sustainable and how they can continue to produce jobs, income and a healthy source of food indefinitely. However, this claim remains true only so long as we take care of our fisheries and fish habitat, and take measures to ensure adequate stream flow remains in our important rivers and streams.

Allowing and encouraging instream flow reservations has overwhelmingly positive benefits for Alaskans. Instream flow reservations help ensure natural stream flow, protect water quality and water quantity, and provide security for local sport and commercial fisheries, while also protecting the immeasurably important subsistence fisheries for local communities. Recreation, public health, our Alaskan way of life, and our economic wellbeing are all best served by encouraging instream flow reservations and allowing non-governmental entities like TU, KSP and others to pursue, obtain, and hold certificates for reservations of water. Maintaining the natural stream flow regime and water quality of Alaska's many rivers, streams and lakes often is their highest and most beneficial use.

From the Bristol Bay region to the Arctic and to Southeast Alaska, and in all parts in between, Alaska's world-class fisheries are the foundation for our communities, cultures and economy. Commercial salmon fishing accounts for roughly 38,000 jobs and \$5 billion in annual economic contribution. When sport fishing is included, total employment tops 43,000. In the Bristol Bay region, where KSP's members operate and where most of TU's applications for reservations of water for instream flow are located, more than 50 million sockeye salmon can return annually thanks to the region's diverse and numerous free-flowing waterways, with

recent years accounting for the largest runs in decades. Southcentral Alaska’s numerous rivers, streams and lakes—including the world-famous Kenai River—produce some of the state’s best and most accessible recreational, personal-use and subsistence fisheries. Southeast Alaska’s waters, which include hundreds of individual salmon streams, support rural communities and tourism opportunities unlike anywhere else in the world. Other regions of Alaska support rural communities, remote tourism businesses, and unique instream uses that exist seemingly nowhere else in the world. Together, Alaska’s many waterways produce huge annual salmon returns and exceptional recreation and commercial opportunity that contribute to the entire state’s economy.

Anglers, hunters, and outdoor recreationists travel from across the globe to visit Alaska’s free-flowing waters for their trophy fish and game, their remote scenery, and their wild character. Native Alaskans have relied on the bounty of Alaska’s waters for many thousands of years to sustain their traditional and customary way of life. Generations of families have fished commercially in Alaska, and numerous businesses, both large and small, have carved out niches capitalizing on Alaska’s rivers and streams.

Maintaining instream flow is essential to Alaska, its people, and its economy. Our robust fish-based economy and unique fish-based cultures would not exist but for Alaska’s many clean, naturally-flowing rivers and streams that provide some of the best spawning, rearing and migration habitat for wild salmon and resident fishes in the world. Decisions about how public waters are allocated, reserved, or otherwise appropriated are of utmost importance—and priority should be given to those beneficial uses that utilize instream flow.

## **II. Alaska’s Constitution Guarantees the Right to the Common Use and Appropriation of Public Waters.**

Multiple provisions of our Alaska Constitution and state law make clear that individuals and other non-government entities can apply for and receive certificates for reservations of instream flow. “Whenever occurring in their natural state, fish, wildlife and waters are reserved to the people for common use.” Art. VIII § 3.

All surface and subsurface waters reserved to the people for common use, except mineral and medicinal waters, are subject to appropriation. Priority of appropriation shall give prior right. Except for public water supply, an appropriation of water shall be limited to stated purposes and subject to preferences among beneficial uses, concurrent or otherwise, as prescribed by law, and to the general reservation of fish and wildlife.

Art. VIII § 13.

State law elaborates on these rights by defining “appropriate” to mean “to divert, impound, or withdraw a quantity of water from a source of water, for a beneficial use *or to reserve water* under AS 46.15.145.” AS 46.15.260(1) (emphasis added). Similarly,

“appropriation” is defined to mean “the diversion, impounding, or withdrawal of a quantity of water from a source of water for a beneficial use *or the reservation of water* under AS 46.15.145.” AS 46.15.260(2) (emphasis added). While competing appropriations are differentiated by priority date and by preferences among beneficial uses, no distinction or hierarchy is made among the various types of appropriations—whether a diversion, impoundment, withdrawal or reservation. Any person, which is broadly defined in law to include individuals and organizations like TU and KSP, “may apply to the commissioner to reserve sufficient water to maintain a specified instream flow or level of water” for “(1) protection of fish and wildlife habitat, migration, and propagation; (2) recreation and park purposes; (3) navigation and transportation purposes; and (4) sanitary and water quality purposes.” AS 46.15.145(a); *see* AS 46.15.260(7).

The only reasonable interpretation of these constitutional provisions and statutes is that, subject to prior rights and preferences among beneficial uses, individuals and non-governmental entities have the right to appropriate water, which includes the right to reserve water. Individuals and non-governmental entities don’t just have the right to apply for an appropriation; they have the constitutionally-guaranteed right to actually appropriate the water themselves.

State law provides that the commissioner shall issue a certificate if the commissioner finds the rights of any prior appropriators will not be affected, the applicant has demonstrated a need, there is unappropriated water sufficient for the reservation, and the reservation is in the public interest. AS 46.15.145(b). In evaluating the public interest, the Commissioner must consider:

- (1) the benefit to the applicant . . . ;
- (2) the effect of the economic activity . . . ;
- (3) the effect on fish and game resources and on public recreation opportunities;
- (4) the effect on public health;
- (5) the effect of loss of alternate uses of water that might be made within a reasonable time if not precluded or hindered by the proposed appropriation;
- (6) harm to other persons resulting from the proposed appropriation;
- (7) the intent and ability of the applicant to complete the appropriation; and
- (8) the effect upon access to navigable or public water.

AS 46.15.080(b); 11 AAC 93.970(13).

Although the DNR has not specified what changes it is considering to the water management regulations, if the changes are anything like what the DNR proposed in the past, the changes would be a significant departure from the DNR’s past practice and conflict with the Alaska Constitution and Statutes. These changes, in combination with the DNR’s long-standing failure to adjudicate applications for reservations and other instream uses, improperly elevates out-of-stream beneficial uses above instream beneficial uses when no such distinction exists in state law. While the constitution and statutes allow for preference among beneficial uses, that preference must be formed when there are competing uses, considering the priority of the



competing uses, the comparative benefit from each competing use, impacts to affected waters, and the public interest:

When there are competing applications for water from the same source, and the source is insufficient to supply all applicants, the commissioner shall give preference first to the public water supply and then to the use that alone or in combination with other foreseeable uses will constitute the most beneficial use.”

AS 46.15.090. Additionally, Alaska law defines “beneficial use” as:

a use of water for the benefit of the appropriator, other persons or the public, that is reasonable and consistent with the public interest, including, but not limited to, domestic, agricultural, irrigation, industrial, manufacturing, fish and shellfish processing, navigation and transportation, mining, power, public, sanitary, fish and wildlife, recreational uses, and maintenance of water quality.

AS 46.15.260(3). Instream and out-of-stream beneficial uses are scattered throughout this definition and in no particular order. Some of the specified beneficial uses—such as fish and shellfish processing, power, maintenance of water quality, and possibly others—can utilize reservations for instream flow *or* withdrawals out of the water body. Similarly, the definitions for the terms “appropriate” and “appropriation” include instream flow reservations along with diversions, impoundments, or withdrawals—without elevating any particular category of use above another. Yet, the DNR often takes many, many years to review and adjudicate applications for instream flow reservations. Trout Unlimited, for example, has numerous complete applications for instream flow reservations it submitted to the DNR nearly 20 years ago that the DNR has yet to review or adjudicate. Relegating reservations of instream flow to be a second-class beneficial use—whether through overt regulatory changes or through unnecessary delays in adjudication—contravenes the Alaska Constitution and statutes, and has no basis in law. Just as any person can apply for and obtain a certificate for a beneficial use that relies on diverting, impounding, or withdrawing water, the DNR’s regulations must allow a person to apply for, obtain and hold a certificate for a reservation of instream flow.

### **III. Regulatory Changes Threaten to Strain Agency Budgets to the Breaking Point.**

Various individuals and non-governmental entities, including TU, have invested significant financial and technical resources toward instream flow reservations. Trout Unlimited alone has spent hundreds of thousands of dollars collecting stream flow data, fisheries and wildlife data, and other information about the public’s use of Alaska waters to support its applications for instream flow reservations. While much of this data and expense is beyond what should be necessary for the DNR to review TU’s individual applications, the data and expenses improve our understanding of the benefits of instream flow and could be important if the DNR receives a competing application for water from the same water body.

When faced with competing uses and insufficient water quantity to supply those competing uses, data on stream flow, fish and wildlife, water quality, and hydrology become helpful to evaluating the comparative benefits from, and public interest in, competing potential uses. Under the current regulations, applicants like TU frequently bear that financial burden. If these regulations change and non-governmental entities are no longer allowed to pursue or hold reservations of water, the change will disincentivize applications for instream flow reservations, the DNR and Alaska Department of Fish and Game's (ADFG) will bear significant increased responsibility for instream flow reservations—and our already strained state budgets will be stretched even thinner with the additional costs of stream gauging, fish and wildlife studies, hydrologic analysis, and countless other studies.

#### **IV. Additional Specific Comments:**

- 11 AAC 93.141: The DNR should not change any provision of this regulation. However, if the DNR proposes any change, the change should expand and encourage the ability of the public to apply for, obtain, and hold a certificate for reservation of water.
- 11 AAC 93.142: The DNR previously proposed adding “purported” to this regulation, which would make it inconsistent with regulations for other types of water rights, which merely require the applicant to provide “a statement of beneficial use.” See 11 AAC 93.040. The Alaska Constitution and state law make clear that any person can appropriate water for a variety of beneficial uses, several of which rely on reservations for instream flow. The previously proposed change introduces bias against beneficial uses that rely on instream flow that has no basis in state law or our Alaska Constitution. The DNR also previously proposed adding “applicable” to this regulation, which would introduce ambiguity where none previously existed. This change is unnecessary, will invite unneeded litigation, and serves no valid purpose.

Since a reservation of water does not require a diversion or withdrawal and, instead, remains in the stream for the benefit of fish and wildlife, the DNR's regulations should allow applications for instream flow reservations that are based on the best available information even if that information does not fully quantify the total volume of water available throughout the year. Additionally, if there are no competing applications for water use, the DNR should allow for a streamlined process for approving applications for reservations of water.

- 11 AAC 93.145: The DNR should adjudicate applications for water rights, regardless of whether the proposed beneficial use is for diversionary use or a reservation for instream use, in the order the applications are received.
- 11 AAC 93.146(b): In the DNR's March 16, 2021, response to questions regarding previously-proposed regulatory changes, the DNR seems to argue that withholding certificates for reservations from individuals and non-governmental entities will “avoid any potential interference that a private interest holds a private, exclusive management

authority over public water” and that reservations can only serve public purpose and not any individual applicant’s purpose. Both arguments are flawed and unlawful. As discussed above, the Alaska Constitution and state law make clear that any person, which is defined to include non-governmental entities like TU and KSP, may appropriate public waters, which is defined to include reservations of water. See Art. VIII § 13; AS 46.15.260(1) and (7). Like all appropriations, reservations are subject to prior rights and preferences among beneficial uses—and under no circumstance does an appropriator gain “a private, exclusive management authority over public water.” The State of Alaska always has management authority over water use, regardless of what type of beneficial use is served by the certificate. Additionally, reservations serve public *and* private interests. Trout Unlimited’s and KSP’s members all use public waters for their own individual purposes, which when combined with the use by other Alaskans is a public interest. All appropriations—regardless of whether the appropriation is a reservation for fish and wildlife, a withdrawal for a mining operation, an impoundment for a power generation facility, or any other use—must serve a beneficial use that is in the public interest. An outfitter that guides clients down a river, a commercial fishermen that harvests salmon, a barge or water taxi operator that delivers goods along a river, and countless other Alaska businesses all rely on instream flow for their individual economic livelihood, in addition to the broader public interests served by instream flow reservations.

In the DNR’s April 1, 2021, response to questions regarding previously-proposed regulatory changes, the DNR indicated that it will require federally recognized Tribes to waive sovereign immunity to obtain a reservation of water. No provision of Alaska statutes or regulations impose such a requirement. Such a requirement is unlawful and the State of Alaska has no authority to require a sovereign immunity waiver in this context.

- 11 AAC 93.146(e): The DNR previously proposed changes that would have stripped pending applications for reservations of their priority, regardless of how long ago they were filed. Such a change would violate the Alaska Constitution and state law. More than a decade has passed since TU submitted several of its applications for reservations of water. Despite this, the DNR has failed to adjudicate any of TU’s applications, has not granted a single certificate for any reservation sought by TU, and has shown no sign it is about to act. Unless the DNR adjudicates and certifies *all* applications in the order they are received, regardless of whether the application is for a reservation or other beneficial use, the DNR must give priority according to the date the application was received, regardless of whether the DNR has issued a certificate for the application.
- 11 AAC 93.147(b) and (e): The DNR previously proposed changes to this section that would be unlawful. Alaska law makes clear that only a single purpose is needed for a reservation of instream flow. Additionally, because reservations are subject to periodic review and possibly modification on 10-year intervals, see AS 46.15.145(f), Alaska law makes clear that the need justifying the reservation may change over time.

## V. Specific Comments on Other Sections:

In order for the DNR to make informed decisions regarding the public interest and manage our state's waters in a way that protects our valuable fisheries, any changes to Alaska's water management regulations should require public notice and the opportunity for public input, along with consultation with the ADFG, even in instances where the proposed water use is temporary. Ensuring adequate water quality and quantity in our state's fish-producing waters to maintain our thriving fisheries is of utmost importance to Alaskans. We urge the DNR to end its opaque decision making and, if it adopts any changes to its water management regulations, to adopt changes that provide for public notice and participation, and that require the DNR to consult with the ADFG to ensure water-use decisions do not threaten the productivity and viability of our world-class fisheries:

- 11 AAC 93.040: Any application for an out-of-stream water right must require review by the ADFG to ensure minimum water quantity and quality remains in-stream to support fish and wildlife spawning, rearing and migration.
- 11 AAC 93.120: If the DNR undertakes any changes to its water use regulations, the DNR should adopt regulations that require it to review applications in the order they are received and to issue a decision rejecting or approving any application within three years in order to ensure the application is processed in a timely manner and not, in effect, stayed indefinitely. Additionally, temporary uses of water should apply only where there also is no prior unadjudicated application for appropriation, including a prior unadjudicated application to reserve water. Because it is impossible for the DNR to evaluate whether a temporary use of water may adversely affect a prior unadjudicated application for that same water, and the Alaska Constitution give priority to prior right, the DNR cannot lawfully authorize the temporary use of water where a prior unadjudicated application, including for instream uses, exists.
- 11 AAC 93.220: The DNR should additionally change its regulations to require public notice and opportunity for comment before authorizing any temporary water use. If a proposed temporary water use may affect water subject to a prior application for appropriation, including for instream uses, and DNR should provide notice to that prior applicant, an opportunity for comment, and an opportunity for a hearing. The DNR should also consult with the ADFG to ensure sufficient water quality and quantity remains to support fish and wildlife spawning, rearing and migration. The Alaska Constitution guarantees the right to appropriate water for beneficial uses, including instream uses, and it would violate the Alaska Constitution for the DNR to authorize a temporary water use that uses water reserved for instream flow.
- 11 AAC 93.510: The DNR should seek more transparent and open decision making, allow more public input, and avail itself of outside expertise that may allow the DNR to arrive at a more informed decision that better meets the public's need. Any holder of a

certificate for an instream flow reservation and any applicant for an instream flow reservation should have the same rights and responsibilities as a certificate holder or applicant for a withdrawal, impoundment, or diversion.

- 11 AAC 93.530: Regulations should encourage broad public notice and participation by continuing to require the DNR to publish notice in a newspaper of general circulation. Additionally, notice should be mailed to applicants and not just appropriators since the DNR often takes many, many years to adjudicate applications.
- 11 AAC 93.970(25): Because the DNR often takes many years to adjudicate applications and does not adjudicate applications according to the date they are received, the DNR must afford applicants of instream flow reservations the same priority and rights as certificate holders.

## **VI. Conclusion.**

Most challenges related to reservations of water in Alaska are the result of the DNR's administration of existing laws and regulations—not because the existing regulations or laws need to be changed. We strongly encourage the DNR to reject changing its regulations for reservations of water. We urge the DNR to reconsider, to help preserve our Alaskan way of life, protect our economic interests in fish and wildlife, and help safeguard the irreplaceable cultural values of fish, wildlife and water resources by encouraging, rather than eroding, public participation in the pursuit of instream flow reservations. Fish and wildlife, and the habitat they rely on, are central to Alaskans' way of life and our economic, cultural and spiritual wellbeing. Non-governmental organizations, Tribes, individuals, and businesses all play a key role in ensuring adequate water and instream flow to keep these important resources thriving. It is critical that the DNR manage public waters in a way that ensures the continued productivity of important fish and wildlife habitat.

On behalf of the more than 100 Alaska-based businesses represented by the undersigned entities, thank you for your careful consideration of these issues. For questions regarding these comments, please contact Nelli Williams, Trout Unlimited's Alaska Program Director, at [nelly.williams@tu.org](mailto:nelly.williams@tu.org).

Sincerely,

Trout Unlimited – Alaska Program  
Anchorage, AK

Katmai Service Providers  
Kodiak, AK

Alaska Fly Fishing Goods  
Juneau, AK

Alaska Packraft School  
Anchorage, AK

Alaska Wildland Adventures  
Cooper Landing, AK

Backcountry Hunters & Anglers –  
Alaska Chapter  
Juneau, AK

Bear Creek Outfitters  
Juneau, AK

Coal Point Seafood Company  
Homer, AK

Crystal Creek Lodge  
King Salmon, AK

Equinox Alaska  
Sitka, AK

Expedition Brokers  
Haines, AK

Fishhound Expeditions  
Willow, AK

Fly Guys  
Haines, AK

Frontier River Guides  
Anchorage, AK

Pioneer Alaskan Fisheries, Inc  
Homer, AK

The Lodge at 58° North  
King Salmon, AK

Tongass on the Fly  
Petersburg, AK



October 29, 2024

Mr. Tom Barrett  
Alaska Department of Natural Resources  
Division of Mining, Land & Water  
550 W. 7th Avenue, Suite 1070  
Anchorage, AK 99501-3579

Via: [dnr.water.regulation@alaska.gov](mailto:dnr.water.regulation@alaska.gov)

**Re: Comments on Proposed Changes to DNR Water Management Regulations**

Dear Mr. Barrett,

Thank you for the opportunity to provide public input on the proposed changes to the Department of Natural Resources water management regulations. While we are a national organization, our staff and members are locally based. We have 14 staff here in Alaska – they are avid anglers, hunters, parents, pilots, and active members of their communities. Additionally, we have more than 20,000 Alaskan supporters that are passionate anglers, hunters, lodge and outfitting business owners, fishing and hunting guides, subsistence users, commercial fishermen, and Alaskans from a variety of walks of life. Trout Unlimited has active volunteer chapters in Fairbanks, in Anchorage and the Mat-Su, on the Kenai Peninsula, and in Southeast Alaska. Our members rely on Alaska rivers, streams and surrounding landscapes, and the fish and wildlife that inhabit them, for fishing, hunting, subsistence, outdoor recreation, and for employment in related industries. Our supporters join TU because TU works to care for the waters that so many Alaskans rely on for fishing, recreation, and supporting their businesses and ways of life.

On behalf of Trout Unlimited’s Alaska based members and supporters, please accept the following comments:

“As Alaskans who fish, hunt, and recreate on rivers, lakes, and streams throughout the state, we urge you to maintain the current reservation of water program. The current laws and

regulations balance the needs of our fish and wildlife with other industrial uses that withdraw water from our waterways, but new changes being considered tip the scale too far in favor of industrial and commercial uses. It is not in the best interests of Alaskan families and businesses to remove water out of our rivers, streams, and lakes at the expense of our fish and wildlife.

We ask you to reject any efforts or changes to this program that would weaken the current ability to maintain water in freshwater rivers, streams, and lakes. Keeping water in rivers, streams, and lakes is beneficial and important to Alaskans, and our economy, culture, fishing and hunting, and way of life.”

Achille Capelli  
Fairbanks, AK

Adam Cuthriell  
Girdwood, AK

Alfred DeCicco  
Fairbanks, AK

Anna-Maria Mueller  
Soldotna, AK

Anthony Jordan  
Anchorage, AK

Ben Hughey  
Sitka, AK

Betty Bonin  
Naknek, AK

Bill Crumrine  
Soldotna, AK

Brad Elfers  
Juneau, AK

Brandon McGuire  
Anchor Point, AK

Brenda Wright  
Juneau, AK

Brenda Johnson  
Juneau, AK

Bridget Maryott  
Homer, AK

Britney Aloysius  
Anchorage, AK

Bruce Conant  
Juneau, AK

Bruce Service  
Anchorage, AK

Cameo Padilla  
Sitka, AK

Charles Livers  
Anchorage, AK

Cy Sneed  
Soldotna, AK

Dagen Walton  
Sterling, AK

Dan Nagorski  
Wasilla, AK

David Vought  
Soldotna, AK

David Wartinbee  
Soldotna, AK

Ed Tompkins  
Palmer, AK

Emily Baker  
Anchorage, AK

Emily Donaldson  
Fairbanks, AK

Emma Moore  
Seward, AK

Eric Booton  
Anchorage, AK

Francis Adams  
Fairbanks, AK

George Schaffer  
Anchorage, AK



George Geiges  
Eagle River, AK

Greg Andrew  
Levelock, AK

Ian Brown  
Eagle River, AK

Ingrid Jensen  
Willow, AK

Isaac Pacor  
Anchorage, AK

Jack Brothers  
Anchorage, AK

James Miller  
Fairbanks, AK

James Scott  
Anchorage, AK

Jamie Dittmar  
Fairbanks, AK

Jane Miles  
Homer, AK

Jared Becker  
Eagle River, AK

Jenny Weis  
Anchorage, AK

Jim Plymire  
Homer, AK

Jo Ann Nelson  
Anchorage, AK

John Hyde  
Juneau, AK

Jonas Banta  
Anchorage, AK

Josh Sprague  
Fairbanks, AK

Joshua Grieser  
Anchorage, AK

Jozeph Krompacky  
Talkeetna, AK

Jule Harle  
Girdwood, AK

Julian Ramirez  
Anchorage, AK

Kathy Johnson  
Koliganek, AK

Kevin Main  
Petersburg, AK

Kevin Miller  
Juneau, AK

Lindsey Wilson  
Anchorage, AK

Mackenzie Smith  
Wasilla, AK

Marian Giannulis  
Anchorage, AK

Mark Arkens  
Soldotna, AK

Mark Madden  
Anchorage, AK

Mark Newman  
Eagle River, AK

Martin Lindeke  
Chugiak, AK

Mary Jordan  
Anchorage, AK

Mary Glaves  
Juneau, AK

Marykate Swenarton  
Eagle River, AK

Matt Boline  
Juneau, AK

Maureen Knutsen  
Naknek, AK

Megan McV  
Cooper Landing, AK

Megan Peterson  
Anchorage, AK

Meghan Barker  
Anchorage, AK

Melvin Rush  
Anchorage, AK

Michael Davis  
North Pole, AK

Michael Adams  
Cooper Landing, AK

Mike Reidell  
Anchorage, AK

Molly Dischner  
Sterling, AK

Nels Ure  
Naknek, AK

Nicholas Dalessio  
Girdwood, AK

Norman Hoppas  
Anchorage, AK

Peter Chan  
Anchorage, AK

Peter Melde  
Anchorage, AK

Phillip D. Gathings  
Wasilla, AK

Rachel Meitler  
Anchorage, AK

Renee Blake  
Wasilla, AK

Reuben Gerber  
Anchorage, AK

Sarah Hestand  
Anchorage, AK

Sarah Anderson  
Kenai, AK

Schuyler Deeney  
Anchorage, AK

Shane Andrews  
Cooper Landing, AK

Sylve Montalbo  
Anchorage, AK

Theresa Miller  
Juneau, AK

Victoria Flint  
Palmer, AK

Thank you, again, for the opportunity to submit comments on this issue so important to Alaskans.

Sincerely,



Nelli Williams  
Alaska Director  
Trout Unlimited

**From:** [knoxtucker@everyactioncustom.com](mailto:knoxtucker@everyactioncustom.com) on behalf of [James Tucker](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Saturday, August 31, 2024 11:51:39 AM

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Dear DNR Water Regulation,

I am writing in response to your request for scoping comments from Alaskans in relation to Alaska's system of reserving waters in streams and water bodies for fish, wildlife and public use. According to Alaska's constitution "Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use." In order to bring DNR's regulations inline with the constitution DNR should update the regulations to implement a system that reserves a baseline amount of water necessary for fish, wildlife and common public uses by the people of Alaska consistent with the requirements of Article VIII of the Alaska Constitution. A standard baseline reservation system will eliminate the backlog of reservations of water needing to be adjudicated and guard against the over appropriation of water. Given the fact that ADF&G is responsible for the protection of Fish and Wildlife resources, this baseline system should be implemented by both agencies and applications to appropriate water out of Alaskan water bodies for large-scale industrial use should also be adjudicated by both ADF&G and DNR. Thank you for working to improve this system and working to bring it in line with Alaska's constitution.

Sincerely,  
James Tucker  
Tuscaloosa, AL 35405-5424  
**Private Information**

**From:** [tuoheym16@everyactioncustom.com](mailto:tuoheym16@everyactioncustom.com) on behalf of [MICHAEL TUOHEY](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Monday, September 9, 2024 12:24:13 PM

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Sincerely,  
MICHAEL TUOHEY  
Anchorage, AK 99516-2238  
**Private Information**

**From:** [mmguilfoy@everyactioncustom.com](mailto:mmguilfoy@everyactioncustom.com) on behalf of [Margaret Guilfoy Tyler](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Saturday, August 17, 2024 8:48:51 AM

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Sincerely,  
Margaret Guilfoy Tyler  
Saint Louis, MO 63122-3211

**Private Information**

**From:** [mmguilfoy@everyactioncustom.com](mailto:mmguilfoy@everyactioncustom.com) on behalf of [Margaret Guilfoy Tyler](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Saturday, August 24, 2024 9:02:57 AM

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Sincerely,  
Margaret Guilfoy Tyler  
Saint Louis, MO 63122-3211

**Private Information**

**From:** [mmguilfoy@everyactioncustom.com](mailto:mmguilfoy@everyactioncustom.com) on behalf of [Margaret Guilfoy Tyler](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Saturday, August 31, 2024 9:36:10 AM

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Sincerely,  
Margaret Guilfoy Tyler  
Saint Louis, MO 63122-3211

**Private Information**

**From:** [mmguilfoy@everyactioncustom.com](mailto:mmguilfoy@everyactioncustom.com) on behalf of [Margaret Guilfoy Tyler](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Saturday, September 7, 2024 9:23:14 AM

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Sincerely,  
Margaret Guilfoy Tyler  
Saint Louis, MO 63122-3211

**Private Information**



**From:** [mmguilfoy@everyactioncustom.com](mailto:mmguilfoy@everyactioncustom.com) on behalf of [Margaret Guilfoy Tyler](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Saturday, October 26, 2024 8:58:38 AM

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Sincerely,  
Margaret Guilfoy Tyler Ph.D.  
Saint Louis, MO 63122-3211

**Private Information**

**From:** [kulvi@everyactioncustom.com](mailto:kulvi@everyactioncustom.com) on behalf of [Karma Ulvi Regulation, DNR Water \(DNR sponsored\)](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Friday, October 25, 2024 9:16:50 AM

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Sincerely,  
Karma Ulvi  
Eagle, AK 99738-0108

**Private Information**

**From:** [Winfree, Michael M](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Cc:** [Trawicki, John JT](#); [Barrett, Tom R \(DNR\)](#); [Sager, Kimberly R \(DNR\)](#)  
**Subject:** USFWS interim comment on ADNR Public Scoping of possible changes to Water Management Regulations  
**Date:** Monday, August 19, 2024 3:25:38 PM

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This interim comment is regarding the Alaska Department of Natural Resources (ADNR) scoping process for considering potential revisions to regulations implementing AS 46.15.145 Reservations of Water.

The U.S. Fish and Wildlife Service (Service) **requests a 60-day extension** of the period of comment currently set to end on 30 August 2024. The 60-day extension would end the day of 29 October 2024. **Please provide a response to this request for an extension one week prior to the closure of the comment period, i.e. by 23 August 2024.**

The Service has a vested interest in AS 46.15.145 Reservations of Water. The extension will provide the necessary time for the Service to thoroughly research and review possible changes to the regulations.

The Service intends to formally submit written comments before the scoping comment deadline. Please consider this interim comment in addition to the multiple public comments requesting an extension made at the [public meeting](#) on 12 August 2024.

Best regards,

Michael Winfree

Michael Winfree  
Regional Water Rights Coordinator/ Hydrologist  
Water Resources Branch - National Wildlife Refuge System  
U.S. Fish and Wildlife Service  
Juneau, AK 99801  
phone: 907-209-2664

**From:** [Winfree, Michael M](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Cc:** [Trawicki, John JT](#); [Mollnow, Ryan](#); [Itchoak, Karlin J](#)  
**Subject:** USFWS Comments to Alaska DNR Scoping Process for Possible Changes to Water Reservation Regulations  
**Date:** Tuesday, October 29, 2024 3:55:39 PM  
**Attachments:** [image.png](#)  
[USFWS Comments to DNR Water Res scoping signed.pdf](#)  
[2024-08-26 Supplemental Notice Extending Scoping Period.pdf](#)

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Alaska Department of Natural Resources,

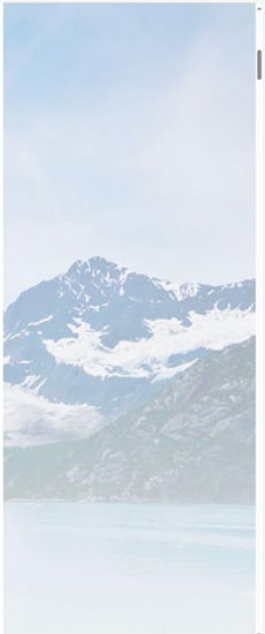

The U.S. Fish and Wildlife Service (Service) thanks the Alaska Department of Natural Resources (ADNR) for the opportunity to provide comments in the [1 August 2024 Notice for Public Scoping](#) for possible regulation changes to Alaska's Reservations of Water program. Please see the attached comments from the Service. Please confirm the receipt of the Service's comments.

The Service also informs ADNR that we observed, as of 12:52pm on 29 October 2024 (see screen shot image below) that ADNR's Division of Mining, Land and Water [comment portal website](#) indicated the comment period for the scoping process closed on 30 August 2024 and the comment portal was not accessible for comment submission. ADNR extended the comment period deadline to 29 October 2024 (see ADNR's extension supplemental notice that is attached). Stakeholders are directed to comment to ADNR through the comment portal, through mail, or by email. On 29 October 2024, the comment portal was not accessible for submitting comments prior to the Service notifying ADNR about the problem through direct email. The Service commends ADNR for quickly resolving the issue. However, since this issue was resolved on the final day of the comment period, ADNR should consider determining how much of the comment period the comment portal was not available and displayed incorrect deadline information. If this has been an ongoing issue since 30 August 2024, ADNR should be aware that stakeholder involvement in this scoping process may have been deterred.

Sincerely,

Michael Winfree

Public Comment Topics - Details | <https://dnr.alaska.gov/mhc/comment/>



**Information and Resources**

- About Us
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- Propose Changes to Current Regulations
- COVID Update
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- Forms
- News
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## Comment Period Closed

### Northeast Alaska Area Plan

Area Plan Scope

Dates: Jul 17, 2024 12:00:00 AM to Sep 6, 2024 12:00:00 AM

Contact: Rob Earl

Email: [neaap.comments@alaska.gov](mailto:neaap.comments@alaska.gov)

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### Revisions to Water Management Regulations

Public Scoping

Dates: Aug 1, 2024 12:00:00 AM to Aug 30, 2024 5:00:00 PM

Contact: Tom Barrett

Email: [dnr.water.regulation@alaska.gov](mailto:dnr.water.regulation@alaska.gov)

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### Susitna Basin Recreation Rivers

Comments related to the Revision to the Susitna Basin Recreation Rivers Management Plan

Dates: Jan 4, 2024 12:00:00 AM to Mar 6, 2024 12:00:00 AM

Type here to search | 1:52 PM



# United States Department of the Interior



U.S. FISH AND WILDLIFE SERVICE  
1011 East Tudor Road  
Anchorage, Alaska 99503-6199

IN REPLY REFER TO:  
FWS/R7/NWRS/NR/WRB.MW

Alaska Department of Natural Resources  
Division of Mining, Land, & Water  
Program Support Section  
550 W. 7th Avenue, Suite 1070  
Anchorage, Alaska 99501-3579

This letter provides input requested in the [1 August 2024 Notice for Public Scoping](#) for possible regulation changes to Title 11 AAC 93 implementing Reservations of Water ([AS 46.15.145](#)). The U.S. Fish and Wildlife Service (Service) thanks the Alaska Department of Natural Resources (ADNR) for the opportunity to provide comments during this scoping process.

The United States Congress reserved new or expanded existing National Wildlife Refuges (Refuges) when it passed the Alaska National Interest Lands Conservation Act ([ANILCA](#)) of 1980. Title III of ANILCA mandates that the Service ensure water of sufficient quality and quantity for populations and habitats of fish and wildlife as a purpose of every Refuge in Alaska [P.L. 96-487, 94 Stat. 2371 (1980)]. All Refuges in Alaska maintain unquantified federal reserved water rights to meet these mandates. The Service's policy ([403 FW1](#)) regarding protection of its water rights is as follows:

*“It is the Service's policy to comply with State laws, regulations, and procedures in obtaining and protecting water rights, both for Service facilities and for trust fish and wildlife resources on lands not owned by the United States, except where application of State statutes and regulations does not permit Federal purposes to be achieved. Federal reserved water rights will be quantified and asserted when necessary to accomplish the primary purpose of the reservation. Water rights shall be purchased if essential to Service activities and not otherwise available. . . . The Service shall cooperate with the States on all matters related to water use and water rights and will seek to resolve conflicts through negotiation, in coordination with the Solicitor's Office, as appropriate.”*

Consistent with this policy, the Service has worked within the State's water regulations to apply for reservations of water for instream flow purposes. The water reservation applications the Service has submitted to Alaska DNR are not a waiver of the rights of the United States under the Supremacy Clause of the United States Constitution, or of any other rights under Federal Law and in no way are intended to quantify, diminish, or otherwise affect any federal reserved water right claim.

The Service and the State of Alaska share a common interest in conserving and protecting fish and wildlife and their habitats. When properly administered, the unique characteristics of instream flow reservations in Title 11 of the Alaska Administrative Code enhances these common conservation and protection interests. The current regulations in Title 11 of the Alaska Administrative Code implementing AS 46.15.145 Reservations of Water are clear, comprehensive, and effective. Any revisions to Title 11 AAC 93 should support the continued protection of water for fish and wildlife habitats and populations.

The Service has invested significant resources on the collection, analysis, and maintenance of data that support State based reservations of water for instream flows. Changes to Title 11 AAC 93 implementing Reservations of Water ([AS 46.15.145](#)) are of interest and potentially concern to the Service. Collaboration with ADNR in the water reservation system is critical in fulfilling the purposes of Alaska’s Refuges. The Service emphasizes our good-faith partnership with ADNR built on working within Alaska’s water reservation system for decades. The Service has filed 203 applications for water reservations, with only one application being granted a “certificate of reservation” through ADNR’s adjudication process. We currently maintain 202 unadjudicated applications with priority standing ranging back to 1994.

In the 1 August 2024 Notice of Public Scoping, ADNR specifically requested input for several sections of Title 11 AAC 93. The guiding questions ADNR asked in the public notice are listed below and followed by the Service’s response.

***“11 AAC 93.142 (Content of application)***

- ***Should additional information be required to justify the need for a reservation of water?***
- ***What types of data and methodology?”***

Service response:

No changes are necessary to [11 AAC 93.142](#). The Alaska Water Use Act [[AS 46.15.145\(a\)](#)] clearly defines the purposes for a water reservation. Existing regulations require applicants to identify the purpose and “*explain what need exists for the proposed reservation, including reasons why the reservation is being requested*” [[11 AAC 93.142\(b\)\(3\)](#)]. The water reservation applications are highly rigorous, and requiring additional information is not necessary for applicants to justify the need for the purposes stated in a reservation of water application.

No changes are necessary to [11 AAC 93.142](#) regarding data and methodology. Existing regulations already require applicants to “*identify and explain the methodology to be used to quantify the proposed reservation*” [[11 AAC 93.142 \(6\)](#)]. The hydrological processes that drive surface water flow can be different across Alaska, and methods for data collection and analysis will vary to meet those conditions. Methodology may also vary based on the purpose of the reservation.

***“11 AAC 93.146 (Issuance of a certificate of reservation of water)***

- ***Should only State resource agencies, such as DNR or Alaska Department of Fish and Game, hold the certificate of a reservation of water?***
- ***Who should hold a certificate of a reservation of water?”***

Service response:

No changes are necessary to [11 AAC 93.146](#). The Water Use Act [[AS 46.15.145 \(a\)](#)] clearly defines “*the state, an agency or a political subdivision of the state, an agency of the United States or a person may apply...*” for an instream flow reservation. Current regulations state “*The certificate of reservation will be issued to the applicant*” [[11 AAC 93.146 \(b\)](#)], and honor the legislative intent of the Water Use Act. Certificate of reservations should continue to be granted to the applicant, similarly to consumptive water right certificates.

**“11 AAC 93.147 (Review of a reservation of water)**

- **Are the review requirements clear and adequate?”**

Service response:

The review requirements are clear and adequate; no changes are necessary to [11 AAC 93.147](#). Existing regulations clearly describe the criteria that must be met when reviewing existing reservations and are consistent with the Water Use Act [[AS 46.15.145 \(f\)](#)].

**Additional Scoping Comments and Questions:**

- The Service has one overriding concern that ADNR should address during this scoping process: ADNR should ensure that if regulations implementing the water reservation program are changed, that ADNR will administer existing water reservations and unadjudicated applications by applying the regulations at the time the applications was filed.
- The Service’s primary concern with the water reservation program is ADNR’s failure to adjudicate water reservation applications in a timely manner. To date, ADNR has processed [178 out of 498 applications](#) for reservations of water. One challenge in providing comments during this scoping process is that ADNR has not clearly conveyed how current water management regulations have resulted in the backlog of pending applications and other inefficiencies in administering Alaska’s water reservation system.
- ADNR has not communicated a clear purpose or need for revisions to water reservation regulations.
- ADNR should first prioritize its limited resources to improving its capacity to properly apply the current regulations and adjudicate all pending water reservation applications before expending any more resources on possible regulatory changes.
- ADNR should hold the water reservation system on equal footing with consumptive water rights. The Water Use Act defines appropriation ([AS 46.15.260](#)) as “*the diversion, impounding, or withdrawal of a quantity of water from a source of water for a beneficial use or the reservation of water under AS 46.15.145.*” Treating all water appropriations similarly will bring consistency and efficiency to ADNR’s administration of water rights and benefit all stakeholders.
- ADNR should advocate for the re-establishment of the Alaska Water Resources Board. The Alaska Water Use Act created the [Water Resources Board](#) consisting of seven appointed members having “*knowledge of the use and requirements for use of the water of the state and the conservation and protection of it.*” The responsibility of the Water Resources Board is to “*advise the Governor on all matters relating to the use and appropriation of water in the state, including, but not limited to; (1) the effect and adequacy of state laws and regulations governing the establishment of water rights; (2) the multi-purpose uses of water; (3) the prevention of pollution and the protection of fish and game...*”. A Water Resource Board consisting of diverse stakeholders will inform ADNR of the adequacy of current water management regulations, and identify opportunities for *efficient, consistent, and cost-effective*” approaches in ADNR’s water management administration.



If you have any questions or desire further information, please contact the Service's Regional Water Rights Coordinator Michael Winfree by phone at (907) 209-2664 or by electronic mail at Michael\_Winfree@fws.gov.

Sincerely,

**MICHAEL**  
**WINFREE**

Digitally signed by  
MICHAEL WINFREE  
Date: 2024.10.29  
15:09:29 -08'00'

Michael Winfree  
Water Rights Coordinator, Water Resources Branch, USFWS

cc: John Trawicki, Chief Water Resources Branch, USFWS  
Ryan Mollnow, Division Lead, Natural Resources, USFWS  
Karlin Itchoak, Assistant Regional Director, NWRS, USFWS



## SUPPLEMENTAL NOTICE OF PUBLIC SCOPING FOR POSSIBLE UPDATES AND REVISIONS TO WATER MANAGEMENT REGULATIONS – EXTENSION OF COMMENT PERIOD

Alaska Department of Natural Resources

August 26, 2024

On August 1, 2024, the Department of Natural Resources (DNR, Department) began a scoping process to ask the public for input on updating certain water management regulations in 11 AAC 93. The purpose of this supplemental notice is to extend the public comment period for an additional 60 days. The original public comment period was scheduled to run from August 1 to August 30, 2024. The new deadline for public comments is now 5:00 p.m. on October 29, 2024. As explained below, the Division of Mining, Land and Water (DMLW) has also added supplemental background materials to the scoping project website at <https://dnr.alaska.gov/mlw/water/regrevision/>.

The Department is considering updating the regulations implementing AS 46.15.145 Reservations of water: 11 AAC 93.141, 11 AAC 93.142 (Content of application), 11 AAC 93.143, 11 AAC 93.144, 11 AAC 93.145, Adjudication of applications 11 AAC 93.146 (Issuance of a certificate of reservation of water), and 11 AAC 93.147 (Review of a reservation of water).

The Department is undertaking this scoping process to ask the public for their ideas and suggestions before the Department undertakes the task of drafting any specific proposed regulations for public review. Written input must be received no later than **5:00 p.m. on October 29, 2024**. At such time DNR undertakes revisions to these regulations, there will be an additional timeframe to provide public comments on the proposed regulations.

### Background Information

In January 2021, the Department publicly noticed proposed changes to a variety of water management regulations in 11 AAC 93. The Department received numerous comments on regulations concerning reservations of water and decided to advance only the administrative changes (adopted in June 2024). The public can view these newly adopted regulations at: <https://aws.state.ak.us/OnlinePublicNotices/Notices/View.aspx?id=215679>.

This scoping notice picks up where the Department left off and looks specifically at reservations of water. The current reservation of water regulations are available here: <https://www.akleg.gov/basis/aac.asp#11.93>

### What information is DNR requesting?

The purpose of this notice is to ask the public for their input before the Department undertakes the task of revising the reservation of water regulations. Specifically, the Department is interested in ideas that will provide an efficient, consistent, and cost-effective water reservation process to encourage the development of state water for its highest and best use consistent with the public interest.

The public is encouraged to provide specific wording to be changed, added, or removed from the current reservation of water regulations. When providing information, please be as specific as possible. For example, if the information is from a published study, please provide a copy of the study or a complete reference citation so DNR staff can obtain a copy for consideration. Specifically, we invite the public to respond to the following prompts:

#### 11 AAC 93.142 (Content of application)

- Should additional information be required to justify the need for a reservation of water?
- What types of data and methodology?

#### 11 AAC 93.146 (Issuance of a certificate of reservation of water)

- Should only State resource agencies, such as DNR or Alaska Department of Fish and Game, hold the certificate of a reservation of water?
- Who should hold a certificate of a reservation of water?

#### 11 AAC 93.147 (Review of a reservation of water)

- Are the review requirements clear and adequate?

## How will DNR use the information I provide?

The Department will carefully review all input, including responses to the above prompts, received during this scoping period. Information provided to the Department will be subject to inspection, copying, and distribution as public records under Alaska Statute 40.25.110 – 40.25.220. Do not include information that is not appropriate for public consumption.

At such time DNR undertakes revisions to these regulations, there will be an additional timeframe during which the public may provide comments on the proposed regulations.

## How do I submit information or feedback to DNR?

Send information to:

By mail: Alaska Department of Natural Resources  
Division of Mining, Land & Water  
Program Support Section  
550 W. 7th Avenue, Suite 1070  
Anchorage, AK 99501-3579

By DMLW Comment Portal: [Public Comment Topics – Division of Mining, Land, and Water \(alaska.gov\)](#)

By email: [dnr.water.regulation@alaska.gov](mailto:dnr.water.regulation@alaska.gov)

Please note that information provided will be subject to inspection, copying, and distribution as public records under Alaska Statute 40.25.110 – 40.25.220.

Submit written comments by 5:00 pm on October 29, 2024.

The State of Alaska, Department of Natural Resources, complies with Title II of the Americans with Disabilities Act of 1990. If you are a person with a disability who needs special accommodation to participate in this process, please contact the Division of Mining, Land and Water at 907-334-2683 no later than October 19, 2024, to ensure that any necessary accommodations can be provided.

## How can I find more information?

### Website

Visit the DNR website for background information and links to current statutes and regulations:

<https://dnr.alaska.gov/mlw/water/regrevision/>

### Public Meeting

DNR hosted a public meeting on August 12, 2024, from 4:30-6:30 p.m. at the Atwood Conference Center Room 102/104 in Anchorage (Robert B. Atwood Building, 550 West 7th Avenue, Anchorage, AK 99501).

The meeting included a brief presentation by DNR followed by a question-and-response session and an opportunity for participants to submit feedback. The meeting recording and presentation are posted here:

<https://dnr.alaska.gov/mlw/water/regrevision/>

### Additional Materials for Review

The Department has posted supplemental materials relating to past phases of this regulations project at the project website:

<https://dnr.alaska.gov/mlw/water/regrevision/>

**From:** [Winfree, Michael M](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Cc:** [Trawicki, John JT](#); [Mollnow, Ryan](#); [Itchoak, Karlin J](#)  
**Subject:** USFWS Additional Comments to Alaska DNR Scoping Process for Possible Changes to Water Reservation Regulations  
**Date:** Friday, November 29, 2024 6:32:12 AM  
**Attachments:** [USFWS Nov 29 2024 Comments to DNR Water Res scoping signed.pdf](#)

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Alaska Department of Natural Resources,

The U.S. Fish and Wildlife Service (Service) thanks the Alaska Department of Natural Resources (ADNR) for the opportunity to provide comments in the [1 August 2024 Notice for Public Scoping](#) for possible regulation changes to Alaska's Reservations of Water program.

The Service previously submitted comments to ADNR during the public scoping process on 29 October 2024. However, with ADNR extending the comment period to 29 November 2024, the Service is submitting additional comments. Please see the attached comments from the Service, and please confirm the receipt of the these comments.

Sincerely,

Michael Winfree

Michael Winfree, Hydrologist  
Water Resources Branch - National Wildlife Refuge System  
U.S. Fish and Wildlife Service  
Juneau, AK 99801  
phone: 907-209-2664



# United States Department of the Interior



U.S. FISH AND WILDLIFE SERVICE  
1011 East Tudor Road  
Anchorage, Alaska 99503-6199

IN REPLY REFER TO:  
FWS/R7/NWRS/NR/WRB.MW

Alaska Department of Natural Resources  
Division of Mining, Land and Water  
Program Support Section  
550 West 7th Avenue, Suite 1070  
Anchorage, Alaska 99501-3579

This letter provides input requested in the [1 August 2024 Notice for Public Scoping](#) for possible regulation changes to Title 11 AAC 93 implementing Reservations of Water ([AS 46.15.145](#)). The U.S. Fish and Wildlife Service (Service) thanks the Alaska Department of Natural Resources (ADNR) for the opportunity to provide comments during this scoping process.

The Service previously submitted comments to ADNR during the public scoping process on 29 October 2024. However, with ADNR extending the comment period to 29 November 2024, the Service is submitting additional comments detailed below.

### **Additional Scoping Comments:**

The Service requests that ADNR provide full transparency during the scoping process, including but not limited to:

- that ADNR publicly post all the comments submitted during the public scoping period.
- ADNR publicly post a written report of its analysis and conclusions of the submitted comments prior to initiating possible regulation changes.
- ADNR publicly post what it proposes to do next related to changes to Title 11 AAC 93, and the associated timeframe for the next steps.

If you have any questions or desire further information, please contact the Service's Regional Water Rights Coordinator Michael Winfree by phone at 907-209-2664 or by electronic mail at [Michael\\_Winfree@fws.gov](mailto:Michael_Winfree@fws.gov).

Sincerely,

**MICHAEL  
WINFREE**

Digitally signed by  
MICHAEL WINFREE  
Date: 2024.11.29  
06:19:15 -09'00'

Water Rights Coordinator  
Water Resources Branch, USFWS

cc: John Trawicki, Chief Water Resources Branch, USFWS  
Ryan Mollnow, Division Lead, Natural Resources, USFWS  
Karlin Itchoak, Assistant Regional Director, NWRS, USFWS

**From:** [Darr, Brie - FS, AK](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Cc:** [Barrett, Tom R \(DNR\)](#); [Sager, Kimberly R \(DNR\)](#); [Parrish, Robert - FS, AK](#)  
**Subject:** Extension Request for Updates and Revisions to Water Management Regulations  
**Date:** Tuesday, August 20, 2024 3:56:54 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)

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The Alaska Region US Forest Service is reviewing the current information regarding potential regulatory changes to Water Management (Reservations of Water). We are aware that this topic was last proposed by the Department of Natural Resources in 2021 and a lengthy public review process ensued. Recognizing the complexity of the topic and the enormous prior interest, we are requesting that the Department extend this initial scoping period another 30 days to allow us to formulate a more thorough response. Issues of this magnitude must be handled at the Alaska Regional Office and the USDA Office of General Counsel, as they were in 2021 and last year during the regulatory change process. However, Regional staff did not receive notification of this proposal directly until after its initial release. This announcement also comes at a very busy time of year with many of our potentially affected resource specialists conducting fieldwork. An additional 30-days would allow us to develop a more comprehensive response across our program areas and to work with our interested partners. Please notify us by Friday, August 23 if the Department intends to grant this extension so that we may plan our response accordingly.

Thank you for your consideration.

Brie Darr



**Bridget "Brie" Darr**  
**Director of Natural Resources**

**Forest Service**  
**Region 10 - Alaska**

**c: 907-738-5767**  
**f: 907-586-7877**  
**[bridget.s.darr@usda.gov](mailto:bridget.s.darr@usda.gov)**

PO Box 21628  
Juneau, AK 99802-1628  
[www.fs.usda.gov](http://www.fs.usda.gov)



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**From:** [Ramos, Kimberly - FS, AK](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Cc:** [Parrish, Robert - FS, AK](#); [Prussian, Katherine - FS, AK](#); [Coleman, Angela - FS, AK](#); [Britton, Ronald -FS](#); [Lockyear, Randall - OGC, AK](#); [Watschke, Darin - FS, AK](#)  
**Subject:** 2000;2530 : USFS Title 11 Scoping Comments 20241024  
**Date:** Tuesday, October 29, 2024 9:34:19 AM  
**Attachments:** [USFS Title 11 Scoping Comments 20241024.pdf](#)

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Link to Work Package FY 2025 - 677830: [https://usdagcc.sharepoint.com/sites/FS-WO-CSA1/Mercury/\\_layouts/15/DocIdRedir.aspx?ID=YNURSQCXHYUA-1762000756-1028339](https://usdagcc.sharepoint.com/sites/FS-WO-CSA1/Mercury/_layouts/15/DocIdRedir.aspx?ID=YNURSQCXHYUA-1762000756-1028339)

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**File Code:** 2000; 2530  
**Date:** October 28, 2024

Alaska Department of Natural Resources  
Division of Mining, Land and Water  
Program Support Section  
550 West 7th Avenue, Suite 1070  
Anchorage, Alaska 99501-3579  
dnr.water.regulation@alaska.gov

To Whom It May Concern;

The US Forest Service Alaska Region (USFS) is pleased to respond to Alaska Department of Natural Resources' (ADNR) solicitation for comments on potential regulatory revisions to 11 AAC 93.141 – 93.147. When the United States reserved National Forest lands, it also implicitly reserved sufficient water to satisfy the purposes for which those reservations were created (*Winters v. United States*, 207 U.S. 564). Reservations made by presidential executive order and those made by an act of Congress have implied federally reserved water rights. Adequate water quantity is critical to ensuring that the purpose of the forest reservation can be achieved and sustained into the future. These implied rights notwithstanding, the USFS has engaged in good faith with the state-based water rights system since the mid-1980s. Under this system, the USFS in the Alaska Region has acquired over 230 consumptive water rights and has approximately 51 pending applications for reservations of water across the Chugach and Tongass National Forests. Many of these have been prepared in collaboration with the Alaska Department of Fish and Game (ADFG) to meet mutual aims and at considerable shared financial expense. It is important for us to continue this positive working relationship with the State of Alaska as this process is well understood and affords adequate resource protection when properly administered.

One challenge that the FS has in offering substantive comments to the proposed changes is that we are unsure what the rationale or impetus is for the proposed changes? Specifically, it is not clear what potential deficiencies in the current regulatory regime ADNR is attempting to address? Regulatory changes to the reservation of water program were first proposed in 2021, at which time many stakeholders—including the Forest Service—made clear our concerns about limiting the purpose and scope of the instream flow program. Alaska has a nationally enviable program whereby federal, state, non-governmental, and even private entities can hold reservations of water to satisfy what are inherently local needs. There are also many social, environmental, and economic benefits which accrue from adequate instream flows and the state should be an enthusiastic supporter of this program to achieve the “triple bottom line.” Informed, local decision-making and economic activity are outcomes we share with the State and hope to see encouraged through any future rule making by ADNR.

One guiding principle should continue to be treating reservations of water similarly to consumptive water rights. The legislative intent of the Alaska Water Use Act was made straightforward whereby any entity could apply and put the water to beneficial use. Instream flow reservations are simply a different type of water right whereby the benefits are still



demonstrated by the landowner (or their designee who shares mutual interest) and put to the highest and best use, consistent with the public interest, using local knowledge and data. Just as an irrigator may consume a quantity of water from a stream crossing their property to grow crops, the Forest Service holds instream water rights to protect fish for later harvest by sport and commercial fisherman or to support public recreation and subsistence.

Overall, we believe that the current regulations governing instream flow reservations are comprehensive and effective at serving the legislative intent for the multiple benefits this program provides. Our principal concern is simply with the slow rate of agency adjudication of these applications. Statewide, it appears that there are 498 applications awaiting adjudication and a paltry 1% of federal applications have been issued certificates. Of these pending applications, five are on the Chugach National Forest and forty-six are on the Tongass National Forest, with some unadjudicated applications going as far back as 1995. Across our lands, nearly all the applications were submitted by ADFG using standard data collection and analysis methodologies sufficient to meet the purpose and documented need. Most are classified as complete but nonetheless remained unadjudicated with no subsequent explanation provided. This is a remarkable delay, particularly in light of how much time, money, and staff investments have been made by or with ADFG as our valuable partner. We believe that ADNR should instead focus on clearing this backlog before future regulatory changes are considered.

*11 AAC 93.142 (Content of application)*

- *Should additional information be required to justify the need for a reservation of water?*

**USFS Response:** The current requirements in 11 AAC 93.142(b) are clear and comprehensive. Since AS § 46.15.145 provides a list of allowable purposes (fish and wildlife habitat, recreation, navigation, and water quality), a related list of acceptable needs could be developed so as to remove any ambiguity in the application. In a period with rapidly fluctuating climate conditions, protection of instream flows for these four purposes satisfies the broadest range of public interests more than narrower claims by industry or other applicants with more limited benefits.

- *What types of data and methodology?*

**USFS Response:** 11 AAC 93.142 does not specify a standard methodology. However, the State of Alaska instream flow handbook (DNR 1985) and Instream flow protection in Alaska (ADFG 2022) provide robust, repeatable, and defensible methodologies that we often follow. If there is a desire to standardize these methods, we could support such an amendment but hope that it also wouldn't be too onerous for applicants with fewer resources to conduct. Collecting continuous or even monthly flow data in remote parts of the state can be time consuming and expensive. A standard should be representative of the key periods of the hydrograph which are closely tied to the beneficial use purpose. For example, only low flows are needed to inform adequate spawning depths for fish whereas high flows are of greatest interest to whitewater recreationalists. By contrast, a full annual hydrograph is needed to quantify total water yield if the beneficial use is for municipal supply or hydropower generation. Tying the timing and intensity of data collection could be streamlined to target the stated purpose of the reservation and minimize unnecessary expense for applicants.

*11 AAC 93.146 (Issuance of a certificate of reservation of water)*

• *Should only State resource agencies, such as DNR or Alaska Department of Fish and Game, hold the certificate of a reservation of water?*

**USFS Response:** A plain language reading of AS § 46.15.145 makes it clear that the state, a state agency, a federal agency, or a person may apply for reservations of water. The language used throughout that section is that of an “applicant” submitting an “application.” The application is for a “certificate” reserving water. The proposed approach would sever the connection between the applicant and the certificate applied for, reducing applicants to mere sponsors or advocates. Such an approach seems unjustified by the statutory language and contrary to legislative intent. Further, the current regulatory approach makes sense by best aligning resources and interests. NGOs, Federal agencies and property owners are committed to the reach of stream from which they personally derive the instream flow benefit and can be expected to continue upholding the water right.

Additionally, the Forest Service as well as other Federal agencies, already hold reserved water rights. See e.g., *Winters v. United States*, 207 U.S. 564. When the National Forests were created, the Supreme Court held that the Federal government also reserved sufficient water to satisfy the purposes for which those reservations were created. Since agencies of the United States already hold reserved water rights, there is no practical or legal reason to preclude such agencies from doing so pursuant to the AS § 46.15.145 process.

However, we can envision valid reasons for a water board or other entity *co-holding* reservations for individuals or NGOs who may not always have the longevity or administrative capacity of an agency. Dual issuances could provide stability and certainty for water users, could reduce conflict when it arises, and facilitate long-term planning in a watershed. A state agency could also help non-governmental certificate holders more easily demonstrate that the beneficial use is still being met using the process defined in AS § 46.15.145(f).

*11 AAC 93.147 (Review of a reservation of water)*

• *Are the review requirements clear and adequate?*

**USFS Response:** The 10-year review (AS § 46.15.145(f)) process seems irrelevant for claims which remain adjudicated. It is unreasonable to require updated data collection when ADNR has not ruled on the sufficiency of the original information. Asking applicants to reinitiate data collection or analysis is an unreasonable burden beyond the standard defined in 11 AAC 93.142. Further, it is unclear whether there is an opportunity for an appeal if a revocation of an adjudicated right occurs.

Thank you for the opportunity to provide comments to the address potential proposed changes in regulation. We value our relationship with ADNR and engagement in reservation of water process with the State of Alaska. If you have any further questions or wish to engage in further discussion, please contact the Service's Watershed Program Manager, Robes Parrish ([robert.parrish@usda.gov](mailto:robert.parrish@usda.gov)). Thank you for your consideration.

Sincerely,

X 

---

Signed by: BRIDGET DARR  
BRIDGET DARR  
Director of Natural Resources

cc: Darin Watschke, Angela Coleman, Ron Britton, Katherine Prussian, Randall Lockyear

**From:** [gas1521@everyactioncustom.com](mailto:gas1521@everyactioncustom.com) on behalf of [Gloria Uribe](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Saturday, August 17, 2024 12:33:13 PM

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Dear DNR Water Regulation,

I am writing in response to your request for scoping comments from Alaskans in relation to Alaska's system of reserving waters in streams and water bodies for fish, wildlife and public use. According to Alaska's constitution "Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use." In order to bring DNR's regulations inline with the constitution DNR should update the regulations to implement a system that reserves a baseline amount of water necessary for fish, wildlife and common public uses by the people of Alaska consistent with the requirements of Article VIII of the Alaska Constitution. A standard baseline reservation system will eliminate the backlog of reservations of water needing to be adjudicated and guard against the over appropriation of water. Given the fact that ADF&G is responsible for the protection of Fish and Wildlife resources, this baseline system should be implemented by both agencies and applications to appropriate water out of Alaskan water bodies for large-scale industrial use should also be adjudicated by both ADF&G and DNR. Thank you for working to improve this system and working to bring it in line with Alaska's constitution.

Sincerely,  
Gloria Uribe  
Glassboro, NJ 08028-3224  
**Private Information**

**From:** [gas1521@everyactioncustom.com](mailto:gas1521@everyactioncustom.com) on behalf of [Gloria Uribe](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Saturday, August 17, 2024 12:33:38 PM

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Sincerely,  
Gloria Uribe  
Glassboro, NJ 08028-3224  
**Private Information**

**From:** [gas1521@everyactioncustom.com](mailto:gas1521@everyactioncustom.com) on behalf of [Gloria Uribe](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Saturday, September 7, 2024 11:58:04 AM

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Sincerely,  
Gloria Uribe  
Glassboro, NJ 08028-3224  
**Private Information**

**From:** [morgan.urquia@everyactioncustom.com](mailto:morgan.urquia@everyactioncustom.com) on behalf of [Morgan Urquia](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Im asking the State to save water  
**Date:** Friday, October 25, 2024 9:23:30 AM

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Dear DNR Water Regulation,

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A standard baseline reservation system will eliminate the backlog of reservations of water needing to be adjudicated and guard against the over appropriation of water. Given the fact that ADF&G is responsible for the protection of Fish and Wildlife resources, this baseline system should be implemented by both agencies and applications to appropriate water out of Alaskan water bodies for large-scale industrial use should also be adjudicated by both ADF&G and DNR. Thank you for working to improve this system and working to bring it in line with Alaska's constitution.

We live in this state for the fish and and wildlife and we work hard to make sure our grandkids have the bounty we have had. Im grateful the folks who wrote AKs constitution had that foresight and I'm asking you to have the same.

Sincerely,  
Morgan Urquia  
Palmer, AK 99645-9423

**Private Information**



**From:** [faboo1028@everyactioncustom.com](mailto:faboo1028@everyactioncustom.com) on behalf of [Jennifer Valentine](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Sunday, August 18, 2024 7:01:56 PM

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Sincerely,  
Jennifer Valentine  
Massapequa Park, NY 11762-1850

**Private Information**

**From:** [faboo1028@everyactioncustom.com](mailto:faboo1028@everyactioncustom.com) on behalf of [Jennifer Valentine](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Saturday, August 24, 2024 2:46:48 PM

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Sincerely,  
Jennifer Valentine  
Massapequa Park, NY 11762-1850

**Private Information**

**From:** [faboo1028@everyactioncustom.com](mailto:faboo1028@everyactioncustom.com) on behalf of [Jennifer Valentine](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Monday, September 2, 2024 2:36:20 PM

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Sincerely,  
Jennifer Valentine  
Massapequa Park, NY 11762-1850

**Private Information**

**From:** [faboo1028@everyactioncustom.com](mailto:faboo1028@everyactioncustom.com) on behalf of [Jennifer Valentine](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Saturday, September 7, 2024 12:32:45 PM

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Dear DNR Water Regulation,

I am writing in response to your request for scoping comments from Alaskans in relation to Alaska's system of reserving waters in streams and water bodies for fish, wildlife and public use. According to Alaska's constitution "Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use." In order to bring DNR's regulations inline with the constitution DNR should update the regulations to implement a system that reserves a baseline amount of water necessary for fish, wildlife and common public uses by the people of Alaska consistent with the requirements of Article VIII of the Alaska Constitution. A standard baseline reservation system will eliminate the backlog of reservations of water needing to be adjudicated and guard against the over appropriation of water. Given the fact that ADF&G is responsible for the protection of Fish and Wildlife resources, this baseline system should be implemented by both agencies and applications to appropriate water out of Alaskan water bodies for large-scale industrial use should also be adjudicated by both ADF&G and DNR. Thank you for working to improve this system and working to bring it in line with Alaska's constitution.

Sincerely,  
Jennifer Valentine  
Massapequa Park, NY 11762-1850

**Private Information**

**From:** [jean\\_pawsforgod@everyactioncustom.com](mailto:jean_pawsforgod@everyactioncustom.com) on behalf of [Jean Marie VanWinkle](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Saturday, September 7, 2024 9:09:14 AM

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Sincerely,  
Jean Marie VanWinkle  
Bedford, VA 24523-1148

Private Information

**From:** [jvaron613@everyactioncustom.com](mailto:jvaron613@everyactioncustom.com) on behalf of [Joseph M. Varon](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Saturday, September 7, 2024 5:36:24 PM

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Sincerely,  
Joseph M. Varon  
West Hempstead, NY 11552-2431  
**Private Information**

**From:** [sandravarvel@everyactioncustom.com](mailto:sandravarvel@everyactioncustom.com) on behalf of [Sandra Varvel](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Saturday, August 31, 2024 9:02:10 PM

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Sincerely,  
Sandra Varvel  
El Paso, TX 79907-2900

**Private Information**

**From:** [Gale K. Vick](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Revisions to Water Management Regulations Public Scoping  
**Date:** Tuesday, October 29, 2024 2:32:54 PM

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DATE: October 29, 2024 2:00pm

TO: Alaska Department of Natural Resources Division of Mining, Land & Water Program Support Section

550 W. 7th Avenue, Suite 1070 Anchorage, AK 99501-3579

RE: Public comment on Revisions to Water Management Regulations

I am writing regarding the proposed regulatory changes to Alaska's water management. My comments are personal although informed by the groups I work with.

I am a 56 year Alaska resident, the matriarch of a large Alaskan family, a former commercial and subsistence fisherman, a former educator and have owned a fisheries consulting business since 1991. Throughout my career I have served on numerous fisheries policy, regulatory and research committees and boards, both federal and state. I have worked specifically on salmon decline issues within the AYK since 2014. I currently chair the Fisheries Subcommittee of the Fairbanks Fish and Game Advisory Committee and I facilitate a weekly coalition meeting of representatives from the entire AYK, Bristol Bay, Chignik and other regions.

Water regulations and monitoring are complicated but fisheries management, across multiple jurisdictions, is far more complicated. **Because of the crisis, not only in the AYK but statewide, in declining abundance and average size in all our wild salmon stocks, it is absolutely critical that we apply the maximum protections for anadromous fish passage and spawning and rearing habitat. This means applying the Sustainable Salmon Policy and Precautionary Measures practices, many of which are specific to water management.**

With increasing mining activity in Alaska, now is the time to make water use regulations more stringent and to work with mining companies to ensure that they are following the most up to date methods for the assurance of water quality standards, fish friendly passage standards, culvert standards and monitoring and so much more. Water temperature and levels are intrinsic to this need.

In the interest of time, I concur with the following comments: "According to Alaska's constitution, "Whenever occurring in their natural state, fish, wildlife and waters are reserved to the people for common use." In order to bring DNR's regulations in line with the Alaska constitution, DNR must update the regulations to implement a system that reserve a baseline amount of water necessary for fish, wildlife, and common public used by the people of Alaska consistent with the requirements of Article VIII of the Alaska Constitution. A standard baseline reservation system will eliminate the backlog of reservations of water needing to be adjudicated and guard against the over appropriation of water. Given the fact that ADF&G is responsible for the protection of Fish and Wildlife resources, this baseline system should be implemented by both agencies and applications to appropriate water out of Alaskan water bodies for large-scale industrial use should also be adjudicated by both ADF&G and DNR. Thank you for working to improve this system and working to bring it in line with Alaska's constitution."



Gale K. Vick  
GKV & Sons LLC  
2075 Becker Ridge Road  
Fairbanks, AK 99709  
907-227-7442

[gkvsons@alaska.net](mailto:gkvsons@alaska.net)

Member: Fairbanks Fish and Game Advisory Committee, Chair FAC Fisheries Sub-Committee

Facilitator: BB/AYK Coalition

**From:** [bias@everyactioncustom.com](mailto:bias@everyactioncustom.com) on behalf of [Susan Vogt](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Saturday, August 17, 2024 8:32:51 AM

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Dear DNR Water Regulation,

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Sincerely,  
Susan Vogt  
Fairbanks, AK 99712-2530  
Private Information

**From:** [ericv63@everyactioncustom.com](mailto:ericv63@everyactioncustom.com) on behalf of [eric voorhies](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Sunday, September 1, 2024 1:32:20 AM

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Dear DNR Water Regulation,

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Sincerely,  
eric voorhies  
Kapaa, HI 96746-8704  
**Private Information**

**From:** [dvalaska@everyactioncustom.com](mailto:dvalaska@everyactioncustom.com) on behalf of [David vought](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Saturday, August 31, 2024 10:50:41 PM

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Dear DNR Water Regulation,

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Salmon runs die one cut at a time. Every stream and lake are important in order to protect natural resources including the abundance of fish and game. The Alaska Constitution requires us to protect our natural resources of water, fish and game. Please protect our natural resources for future generations.

Thank you for working to improve this system and working to bring it in line with Alaska's constitution.

Sincerely,  
David vought  
Soldotna, AK 99669-9055

**Private Information**

**From:** [dvalaska@everyactioncustom.com](mailto:dvalaska@everyactioncustom.com) on behalf of [David vought](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Wednesday, September 11, 2024 9:10:58 PM

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Dear DNR Water Regulation,

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Water quality is a critical issue for the survival of fish and game. Careful and qualified evaluation of issues effecting the water supply must be evaluated by qualified professionals. Considering the collapse of Alaska salmon any deterioration of the environment must be considered serious.

Thank you for working to improve this system and working to bring it in line with Alaska's constitution.

Sincerely,  
David vought  
Soldotna, AK 99669-9055

**Private Information**

**From:** [leeseve@everyactioncustom.com](mailto:leeseve@everyactioncustom.com) on behalf of [Elissa Wagner](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Saturday, August 31, 2024 11:23:42 AM

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Sincerely,  
Elissa Wagner  
Aptos, CA 95003-4860  
**Private Information**

**From:** [wakefieldm\\_2000@everyactioncustom.com](mailto:wakefieldm_2000@everyactioncustom.com) on behalf of [Marie Wakefield](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Saturday, August 31, 2024 12:31:30 PM

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Sincerely,  
Marie Wakefield  
Newport, OR 97365-9519

Private Information

**From:** [joan.walser@everyactioncustom.com](mailto:joan.walser@everyactioncustom.com) on behalf of [Joan Walser](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** water rights for all Alaskans  
**Date:** Tuesday, August 27, 2024 10:48:08 AM

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Dear DNR Water Regulation,

I am writing in response to your request for scoping comments from Alaskans in relation to Alaska's system of reserving waters in streams and water bodies for fish, wildlife and public use.

I oppose alteration of the current state regulations governing instream flow.

Perhaps I would have a different perspective if I trusted DNR to reliably, swiftly and fairly respond to violations that impact fisheries and shared use interests on Alaskan waterways. While I understand the role of DNR to support and build resource-based industries, I'm extremely frustrated by the agency's reluctance or apparent inability to enforce the restrictions and environmental protections built into existing regulations. A case in point is DNR's failure to address the violations of suction dredgers working the Gastineau tidelands, which is protected by Mineral Closing Order 653. Dredgers initiated activity under the Generally Allowed Use of recreational dredging. That 14 day limit has been exceeded by many months for some and multiple years by several. If DNR cannot respond to gold mining violations five miles from the state capital, then what hope would any Alaskan have for enforcement to protect remote lakes, streams and rivers?

I 100% agree with this passage: According to Alaska's constitution "Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use." In order to bring DNR's regulations inline with the constitution DNR should update the regulations to implement a system that reserves a baseline amount of water necessary for fish, wildlife and common public uses by the people of Alaska consistent with the requirements of Article VIII of the Alaska Constitution. A standard baseline reservation system will eliminate the backlog of reservations of water needing to be adjudicated and guard against the over appropriation of water. Given the fact that ADF&G is responsible for the protection of Fish and Wildlife resources, this baseline system should be implemented by both agencies and applications to appropriate water out of Alaskan water bodies for large-scale industrial use should also be adjudicated by both ADF&G and DNR. Thank you for working to improve this system and working to bring it in line with Alaska's constitution.

With concern,  
Joan Walser

Sincerely,  
Joan Walser  
Juneau, AK 99802-2388  
**Private Information**



**From:** [marcewalsh@everyactioncustom.com](mailto:marcewalsh@everyactioncustom.com) on behalf of [Marce Walsh](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Saturday, August 31, 2024 9:25:16 AM

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Sincerely,  
Marce Walsh  
Houston, TX 77066-2510  
**Private Information**

**From:** [spurrsmom@everyactioncustom.com](mailto:spurrsmom@everyactioncustom.com) on behalf of [Linda Walters](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Saturday, August 31, 2024 11:08:56 AM

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Sincerely,  
Linda Walters  
Virginia Beach, VA 23455-5740

**Private Information**

**From:** [tomwardell@everyactioncustom.com](mailto:tomwardell@everyactioncustom.com) on behalf of [Tom Wardell](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Saturday, September 7, 2024 10:01:05 AM

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Sincerely,  
Tom Wardell  
Philadelphia, PA 19147-5330  
**Private Information**

**From:** [tomwardell@everyactioncustom.com](mailto:tomwardell@everyactioncustom.com) on behalf of [Tom Wardell](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Saturday, October 26, 2024 9:24:29 AM

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Sincerely,  
Tom Wardell  
Philadelphia, PA 19147-5330  
**Private Information**

**From:** [wasgatta@everyactioncustom.com](mailto:wasgatta@everyactioncustom.com) on behalf of [Ann Wasgatt](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Saturday, August 31, 2024 1:02:53 PM

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Dear DNR Water Regulation,

I am writing in response to your request for scoping comments from Alaskans in relation to Alaska's system of reserving waters in streams and water bodies for fish, wildlife and public use. According to Alaska's constitution "Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use." In order to bring DNR's regulations inline with the constitution DNR should update the regulations to implement a system that reserves a baseline amount of water necessary for fish, wildlife and common public uses by the people of Alaska consistent with the requirements of Article VIII of the Alaska Constitution. A standard baseline reservation system will eliminate the backlog of reservations of water needing to be adjudicated and guard against the over appropriation of water. Given the fact that ADF&G is responsible for the protection of Fish and Wildlife resources, this baseline system should be implemented by both agencies and applications to appropriate water out of Alaskan water bodies for large-scale industrial use should also be adjudicated by both ADF&G and DNR. Thank you for working to improve this system and working to bring it in line with Alaska's constitution.

Sincerely,  
Ann Wasgatt  
Roseville, CA 95678-1702  
**Private Information**

**From:** [wleighty@everyactioncustom.com](mailto:wleighty@everyactioncustom.com) on behalf of [Nancy Waterman](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Maintain water in Alaska rivers and lakes for fish  
**Date:** Monday, September 2, 2024 3:19:46 PM

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Dear DNR Water Regulation,

Here are scoping comments from an Alaskan in relation to Alaska's system of reserving waters in streams and water bodies for fish, wildlife and public use. According to Alaska's constitution "Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use." In order to bring DNR's regulations inline with the constitution DNR should update the regulations to implement a system that reserves a baseline amount of water necessary for fish, wildlife and common public uses by the people of Alaska consistent with the requirements of Article VIII of the Alaska Constitution. A standard baseline reservation system will eliminate the backlog of reservations of water needing to be adjudicated and guard against the over appropriation of water. Given the fact that ADF&G is responsible for the protection of Fish and Wildlife resources, this baseline system should be implemented by both agencies and applications to appropriate water out of Alaskan water bodies for large-scale industrial use should also be adjudicated by both ADF&G and DNR. Thank you for working to improve this system and working to bring it in line with Alaska's constitution.

Sincerely,  
Nancy Waterman  
Juneau, AK 99802-0993  
**Private Information**

**From:** [snip-first@everyactioncustom.com](mailto:snip-first@everyactioncustom.com) on behalf of [Laura Waterworth](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Saturday, August 31, 2024 8:53:02 AM

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Dear DNR Water Regulation,

I am writing in response to your request for scoping comments from Alaskans in relation to Alaska's system of reserving waters in streams and water bodies for fish, wildlife and public use. According to Alaska's constitution "Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use." In order to bring DNR's regulations inline with the constitution DNR should update the regulations to implement a system that reserves a baseline amount of water necessary for fish, wildlife and common public uses by the people of Alaska consistent with the requirements of Article VIII of the Alaska Constitution. A standard baseline reservation system will eliminate the backlog of reservations of water needing to be adjudicated and guard against the over appropriation of water. Given the fact that ADF&G is responsible for the protection of Fish and Wildlife resources, this baseline system should be implemented by both agencies and applications to appropriate water out of Alaskan water bodies for large-scale industrial use should also be adjudicated by both ADF&G and DNR. Thank you for working to improve this system and working to bring it in line with Alaska's constitution.

Sincerely,  
Laura Waterworth  
Aurora, CO 80013-7503  
**Private Information**

**From:** [virginiawatson5@everyactioncustom.com](mailto:virginiawatson5@everyactioncustom.com) on behalf of [Virginia Watson](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Saturday, August 31, 2024 12:32:45 PM

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Dear DNR Water Regulation,

I am writing in response to your request for scoping comments from Alaskans in relation to Alaska's system of reserving waters in streams and water bodies for fish, wildlife and public use. According to Alaska's constitution "Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use." In order to bring DNR's regulations inline with the constitution DNR should update the regulations to implement a system that reserves a baseline amount of water necessary for fish, wildlife and common public uses by the people of Alaska consistent with the requirements of Article VIII of the Alaska Constitution. A standard baseline reservation system will eliminate the backlog of reservations of water needing to be adjudicated and guard against the over appropriation of water. Given the fact that ADF&G is responsible for the protection of Fish and Wildlife resources, this baseline system should be implemented by both agencies and applications to appropriate water out of Alaskan water bodies for large-scale industrial use should also be adjudicated by both ADF&G and DNR. Thank you for working to improve this system and working to bring it in line with Alaska's constitution.

Sincerely,  
Virginia Watson  
Los Angeles, CA 90026-4419  
**Private Information**



**From:** [watsonh1956@everyactioncustom.com](mailto:watsonh1956@everyactioncustom.com) on behalf of [Harold Watson](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Saturday, August 31, 2024 7:21:33 PM

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Dear DNR Water Regulation,

I am writing in response to your request for scoping comments from Alaskans in relation to Alaska's system of reserving waters in streams and water bodies for fish, wildlife and public use. According to Alaska's constitution "Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use." In order to bring DNR's regulations inline with the constitution DNR should update the regulations to implement a system that reserves a baseline amount of water necessary for fish, wildlife and common public uses by the people of Alaska consistent with the requirements of Article VIII of the Alaska Constitution. A standard baseline reservation system will eliminate the backlog of reservations of water needing to be adjudicated and guard against the over appropriation of water. Given the fact that ADF&G is responsible for the protection of Fish and Wildlife resources, this baseline system should be implemented by both agencies and applications to appropriate water out of Alaskan water bodies for large-scale industrial use should also be adjudicated by both ADF&G and DNR. Thank you for working to improve this system and working to bring it in line with Alaska's constitution.

Sincerely,  
Harold Watson  
Springfield, MO 65803-7229

**Private Information**

**From:** [cheryl40978@everyactioncustom.com](mailto:cheryl40978@everyactioncustom.com) on behalf of [Cheryl Watters](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Saturday, August 24, 2024 8:59:44 AM

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Dear DNR Water Regulation,

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Sincerely,  
Cheryl Watters  
Daytona Beach, FL 32114-1336

**Private Information**

**From:** [cheryl40978@everyactioncustom.com](mailto:cheryl40978@everyactioncustom.com) on behalf of [Cheryl Watters](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Saturday, August 24, 2024 9:00:00 AM

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Dear DNR Water Regulation,

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Sincerely,  
Cheryl Watters  
Daytona Beach, FL 32114-1336

**Private Information**

**From:** [susanfsweems@everyactioncustom.com](mailto:susanfsweems@everyactioncustom.com) on behalf of [Susan Weems](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Saturday, August 31, 2024 8:46:05 AM

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Dear DNR Water Regulation,

I am writing in response to your request for scoping comments from Alaskans in relation to Alaska's system of reserving waters in streams and water bodies for fish, wildlife and public use. According to Alaska's constitution "Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use." In order to bring DNR's regulations inline with the constitution DNR should update the regulations to implement a system that reserves a baseline amount of water necessary for fish, wildlife and common public uses by the people of Alaska consistent with the requirements of Article VIII of the Alaska Constitution. A standard baseline reservation system will eliminate the backlog of reservations of water needing to be adjudicated and guard against the over appropriation of water. Given the fact that ADF&G is responsible for the protection of Fish and Wildlife resources, this baseline system should be implemented by both agencies and applications to appropriate water out of Alaskan water bodies for large-scale industrial use should also be adjudicated by both ADF&G and DNR. Thank you for working to improve this system and working to bring it in line with Alaska's constitution.

Sincerely,  
Susan Weems  
Brunswick, ME 04011-3026

**Private Information**

**From:** [susanfsweems@everyactioncustom.com](mailto:susanfsweems@everyactioncustom.com) on behalf of [Susan Weems](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Saturday, October 26, 2024 10:30:37 AM

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Dear DNR Water Regulation,

I am writing in response to your request for scoping comments from Alaskans in relation to Alaska's system of reserving waters in streams and water bodies for fish, wildlife and public use. According to Alaska's constitution "Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use." In order to bring DNR's regulations inline with the constitution DNR should update the regulations to implement a system that reserves a baseline amount of water necessary for fish, wildlife and common public uses by the people of Alaska consistent with the requirements of Article VIII of the Alaska Constitution. A standard baseline reservation system will eliminate the backlog of reservations of water needing to be adjudicated and guard against the over appropriation of water. Given the fact that ADF&G is responsible for the protection of Fish and Wildlife resources, this baseline system should be implemented by both agencies and applications to appropriate water out of Alaskan water bodies for large-scale industrial use should also be adjudicated by both ADF&G and DNR. Thank you for working to improve this system and working to bring it in line with Alaska's constitution.

Sincerely,  
Susan Weems  
Brunswick, ME 04011-3026

**Private Information**

**From:** [elyette\\_w@everyactioncustom.com](mailto:elyette_w@everyactioncustom.com) on behalf of [elyette weinstein](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Sunday, September 1, 2024 6:48:19 PM

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Dear DNR Water Regulation,

I am writing in response to your request for scoping comments from Alaskans in relation to Alaska's system of reserving waters in streams and water bodies for fish, wildlife and public use. According to Alaska's constitution "Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use." In order to bring DNR's regulations inline with the constitution DNR should update the regulations to implement a system that reserves a baseline amount of water necessary for fish, wildlife and common public uses by the people of Alaska consistent with the requirements of Article VIII of the Alaska Constitution. A standard baseline reservation system will eliminate the backlog of reservations of water needing to be adjudicated and guard against the over appropriation of water. Given the fact that ADF&G is responsible for the protection of Fish and Wildlife resources, this baseline system should be implemented by both agencies and applications to appropriate water out of Alaskan water bodies for large-scale industrial use should also be adjudicated by both ADF&G and DNR. Thank you for working to improve this system and working to bring it in line with Alaska's constitution.

Sincerely,  
elyette weinstein  
Olympia, WA 98501-4765  
**Private Information**

**From:** [weis@everyactioncustom.com](mailto:weis@everyactioncustom.com) on behalf of [Carolyn Weishahn](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Saturday, September 7, 2024 9:35:20 AM

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Dear DNR Water Regulation,

I am writing in response to your request for scoping comments from Alaskans in relation to Alaska's system of reserving waters in streams and water bodies for fish, wildlife and public use. According to Alaska's constitution "Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use." In order to bring DNR's regulations inline with the constitution DNR should update the regulations to implement a system that reserves a baseline amount of water necessary for fish, wildlife and common public uses by the people of Alaska consistent with the requirements of Article VIII of the Alaska Constitution. A standard baseline reservation system will eliminate the backlog of reservations of water needing to be adjudicated and guard against the over appropriation of water. Given the fact that ADF&G is responsible for the protection of Fish and Wildlife resources, this baseline system should be implemented by both agencies and applications to appropriate water out of Alaskan water bodies for large-scale industrial use should also be adjudicated by both ADF&G and DNR. Thank you for working to improve this system and working to bring it in line with Alaska's constitution.

Sincerely,  
Carolyn Weishahn  
Haines, AK 99827-9504  
**Private Information**

**From:** [weis@everyactioncustom.com](mailto:weis@everyactioncustom.com) on behalf of [Carolyn Weishahn](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Saturday, October 26, 2024 8:59:45 AM

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Dear DNR Water Regulation,

I am writing in response to your request for scoping comments from Alaskans in relation to Alaska's system of reserving waters in streams and water bodies for fish, wildlife and public use. According to Alaska's constitution "Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use." In order to bring DNR's regulations inline with the constitution DNR should update the regulations to implement a system that reserves a baseline amount of water necessary for fish, wildlife and common public uses by the people of Alaska consistent with the requirements of Article VIII of the Alaska Constitution. A standard baseline reservation system will eliminate the backlog of reservations of water needing to be adjudicated and guard against the over appropriation of water. Given the fact that ADF&G is responsible for the protection of Fish and Wildlife resources, this baseline system should be implemented by both agencies and applications to appropriate water out of Alaskan water bodies for large-scale industrial use should also be adjudicated by both ADF&G and DNR. Thank you for working to improve this system and working to bring it in line with Alaska's constitution.

Sincerely,  
Carolyn Weishahn  
Haines, AK 99827-9504  
**Private Information**



**From:** [reweiss38@everyactioncustom.com](mailto:reweiss38@everyactioncustom.com) on behalf of [richard weiss](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Saturday, August 31, 2024 7:36:57 PM

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Dear DNR Water Regulation,

I am writing in response to your request for scoping comments from Alaskans in relation to Alaska's system of reserving waters in streams and water bodies for fish, wildlife and public use. According to Alaska's constitution "Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use." In order to bring DNR's regulations inline with the constitution DNR should update the regulations to implement a system that reserves a baseline amount of water necessary for fish, wildlife and common public uses by the people of Alaska consistent with the requirements of Article VIII of the Alaska Constitution. A standard baseline reservation system will eliminate the backlog of reservations of water needing to be adjudicated and guard against the over appropriation of water. Given the fact that ADF&G is responsible for the protection of Fish and Wildlife resources, this baseline system should be implemented by both agencies and applications to appropriate water out of Alaskan water bodies for large-scale industrial use should also be adjudicated by both ADF&G and DNR. Thank you for working to improve this system and working to bring it in line with Alaska's constitution.

Sincerely,  
richard weiss  
Hamilton, WA 98255-0004  
**Private Information**

**From:** [russweisz1@everyactioncustom.com](mailto:russweisz1@everyactioncustom.com) on behalf of [Russell Weisz](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Saturday, August 31, 2024 12:14:25 PM

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Dear DNR Water Regulation,

I am writing in response to your request for scoping comments from Alaskans in relation to Alaska's system of reserving waters in streams and water bodies for fish, wildlife and public use. According to Alaska's constitution "Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use." In order to bring DNR's regulations inline with the constitution DNR should update the regulations to implement a system that reserves a baseline amount of water necessary for fish, wildlife and common public uses by the people of Alaska consistent with the requirements of Article VIII of the Alaska Constitution. A standard baseline reservation system will eliminate the backlog of reservations of water needing to be adjudicated and guard against the over appropriation of water. Given the fact that ADF&G is responsible for the protection of Fish and Wildlife resources, this baseline system should be implemented by both agencies and applications to appropriate water out of Alaskan water bodies for large-scale industrial use should also be adjudicated by both ADF&G and DNR. Thank you for working to improve this system and working to bring it in line with Alaska's constitution.

Sincerely,  
Russell Weisz  
Santa Cruz, CA 95060-6109

**Private Information**

**From:** [nrgwell@everyactioncustom.com](mailto:nrgwell@everyactioncustom.com) on behalf of [Paul Wellin](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Saturday, August 31, 2024 7:05:40 PM

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Dear DNR Water Regulation,

I am writing in response to your request for scoping comments from Alaskans in relation to Alaska's system of reserving waters in streams and water bodies for fish, wildlife and public use. According to Alaska's constitution "Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use." In order to bring DNR's regulations inline with the constitution DNR should update the regulations to implement a system that reserves a baseline amount of water necessary for fish, wildlife and common public uses by the people of Alaska consistent with the requirements of Article VIII of the Alaska Constitution. A standard baseline reservation system will eliminate the backlog of reservations of water needing to be adjudicated and guard against the over appropriation of water. Given the fact that ADF&G is responsible for the protection of Fish and Wildlife resources, this baseline system should be implemented by both agencies and applications to appropriate water out of Alaskan water bodies for large-scale industrial use should also be adjudicated by both ADF&G and DNR. Thank you for working to improve this system and working to bring it in line with Alaska's constitution.

Sincerely,  
Paul Wellin  
San Diego, CA 92130-2530  
**Private Information**

**From:** [josephwenzel@everyactioncustom.com](mailto:josephwenzel@everyactioncustom.com) on behalf of [Joseph Wenzel](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Thursday, September 5, 2024 3:25:46 AM

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Dear DNR Water Regulation,

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Sincerely,  
Joseph Wenzel  
Lake Elmo, MN 55042-9662

**Private Information**

**From:** [alice.m.west@everyactioncustom.com](mailto:alice.m.west@everyactioncustom.com) on behalf of [Alice West](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Saturday, August 17, 2024 12:48:28 PM

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Dear DNR Water Regulation,

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Sincerely,  
Alice West  
Grand Marais, MN 55604-3109  
**Private Information**

**From:** [osufan\\_59@everyactioncustom.com](mailto:osufan_59@everyactioncustom.com) on behalf of [Vicki Wheeler](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Monday, August 19, 2024 4:35:58 AM

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Dear DNR Water Regulation,

I am writing in response to your request for scoping comments from Alaskans in relation to Alaska's system of reserving waters in streams and water bodies for fish, wildlife and public use. According to Alaska's constitution "Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use." In order to bring DNR's regulations inline with the constitution DNR should update the regulations to implement a system that reserves a baseline amount of water necessary for fish, wildlife and common public uses by the people of Alaska consistent with the requirements of Article VIII of the Alaska Constitution. A standard baseline reservation system will eliminate the backlog of reservations of water needing to be adjudicated and guard against the over appropriation of water. Given the fact that ADF&G is responsible for the protection of Fish and Wildlife resources, this baseline system should be implemented by both agencies and applications to appropriate water out of Alaskan water bodies for large-scale industrial use should also be adjudicated by both ADF&G and DNR. Thank you for working to improve this system and working to bring it in line with Alaska's constitution.

Sincerely,  
Vicki Wheeler  
Deshler, OH 43516-9798  
**Private Information**

**From:** [osufan\\_59@everyactioncustom.com](mailto:osufan_59@everyactioncustom.com) on behalf of [Vicki Wheeler](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Saturday, September 7, 2024 9:01:27 AM

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Vicki Wheeler  
Deshler, OH 43516-9798  
**Private Information**

**From:** [osufan\\_59@everyactioncustom.com](mailto:osufan_59@everyactioncustom.com) on behalf of [Vicki Wheeler](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Sunday, October 27, 2024 1:38:19 AM

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Sincerely,  
Vicki Wheeler  
Deshler, OH 43516-9798  
**Private Information**



**From:** [osufan\\_59@everyactioncustom.com](mailto:osufan_59@everyactioncustom.com) on behalf of [Vicki Wheeler](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Sunday, November 3, 2024 6:30:15 AM

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Sincerely,  
Vicki Wheeler  
Deshler, OH 43516-9798  
**Private Information**

**From:** [wesleywhite406@everyactioncustom.com](mailto:wesleywhite406@everyactioncustom.com) on behalf of [Wes White](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Friday, October 25, 2024 8:21:13 PM

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Sincerely,  
Wes White  
La Grande, OR 97850-0295  
**Private Information**

**From:** [wesleywhite406@everyactioncustom.com](mailto:wesleywhite406@everyactioncustom.com) on behalf of [Wes White](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Tuesday, November 26, 2024 3:36:58 PM

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Sincerely,  
Wes White  
La Grande, OR 97850-0295

Private Information

**From:** [cgwhitneyjr@everyactioncustom.com](mailto:cgwhitneyjr@everyactioncustom.com) on behalf of [Clark Whitney](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Friday, September 20, 2024 1:49:58 PM

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Dear DNR Water Regulation,

Alaska's constitution says that the resources belong to its citizens, not foreign corporations. Save the water for the people and fish.

Sincerely,  
Clark Whitney

Sincerely,  
Clark Whitney Mr  
Soldotna, AK 99669-8585

**Private Information**

**From:** [dougwhitalaska@gmail.com](mailto:dougwhitalaska@gmail.com)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Comments on updating regulations related to Reservations of Water  
**Date:** Monday, October 28, 2024 3:23:06 PM  
**Attachments:** [Comments on DNR water reservation program by Doug Whittaker final Oct 2024.docx](#)

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To whom it may concern –

Please accept these comments as DNR considers a process for updating Reservations of Water programs or regulations...

Doug Whittaker

## **Confluence Research and Consulting**

[Confluenceresearch.com](http://confluenceresearch.com)

### ***Alaska office***

Doug Whittaker, Ph.D.

6324 Red Tree Circle

Anchorage, Alaska 99507 USA

Email: [dougwhitalaska@gmail.com](mailto:dougwhitalaska@gmail.com)

907.602.9660 (cell)

### ***Western Oregon office***

Bo Shelby, Ph.D.

3600 NW Thrush

Corvallis, Oregon 97330 USA

Email: [bo.shelby@oregonstate.edu](mailto:bo.shelby@oregonstate.edu)

541.753.0635 (office)

541.760.1000 (cell)

### ***Central Oregon office***

Dan Shelby, M.S.

21782 Horse Butte Trail

Bend, Oregon 97707 USA

Email: [shelbydotdan@gmail.com](mailto:shelbydotdan@gmail.com)

541.231.4442 (cell)

## **Comments on AK DNR reservation of water program public scoping to identify if changes are needed to 11 AAC 93 of the Alaska Water Use Act (AS 46.145)**

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Doug Whittaker – dougwhitalaska@gmail.com

I've been an Alaska resident since 1987; a recreational boater; a river management professional since 1985; and a long-time contractor to federal, state, local agencies, utilities, and NGOs in Alaska and the Lower 48 focusing on instream flow and water level conservation, including navigability, and recreation planning issues.

I understand the DNR is considering a review of its water reservation program and regulations (hereafter labeled *water reservations*). As an avid boater and river management professional with nearly 40 years of experience conducting studies and assisting agencies with land and water recreation management and access planning, I offer the following comments on Alaska's unique water reservation statute (AS 46.15.145), its companion regulations (11AAC 93), and the corresponding program under review as part of this scoping process. My comments are organized under four topics below.

### **Clear explanations of the reasons for this scoping process and how it will be used**

I'm curious about the timing and purpose of DNR's review of the water reservation program. I have no idea how many reservations have been granted on the out-of-stream side over the years, but I'm aware that instream reservations have been granted at a fairly glacial pace. I've also had concerns about the DNR 10-year review process; I provided previous comments supporting extension of the Talkeetna River water reservation as part of the DNR 10-year review process, but never heard about the outcome.

I suspect that there may be ways to improve the program's efficiencies or considerations for granting water reservations, particularly if those changes apply to both instream and out-of-stream appropriations equitably. There is certainly no cause to speed up industry-based appropriations of water for withdrawals, diversions, and impoundments without due consideration for (or balancing those uses with) protections for instream water.

I hope to learn concise explanations of the problems DNR is having with its current application/review/reservation processes, regardless of whether they are for instream or out-of-stream purposes. Clarity about why DNR has chosen to conduct this scoping review, whether there will be a report on its conclusions, and proposed next steps and timelines could help us understand the problems the agency is trying to solve.

### **Support for water reservation applications from federal, state, local, or NGO organizations**

I have concerns that DNR may be interested in reducing or eliminating opportunities for non-state agencies to file reservation of water applications. My understanding is that few applications from federal or NGO organizations have been processed over the years, and it is probably frustrating for DNR to see the long queue of applications – some of which were filed many years ago and may no longer meet hoped-for standards of evidence that DNR currently requires to grant water reservations. But if that is the problem, then DNR probably shares responsibility for developing clearer guidelines for

applications or being tardy in processing those applications when they were filed (rather than decades later).

My first river project in the state in 1988 was helping BLM assess instream flow needs for a water reservation application on the Gulkana River – and I was in the room when DNR leaders were actively encouraging the federal agencies to apply for reservations under the state law (AS 46.15.145) and program rather than asserting federal reserved water rights for the National Wild and Scenic River. I still think that is the better mechanism – federal and state agencies collaborating within each other’s systems rather than battling in courtrooms with added expenses and deteriorating relationships.

We did our work trying to understand the river’s hydrology and associate flows with different river values (fish, wildlife, recreation, and navigation) so it could be used in either legal venue – and a state water reservation application was submitted. But as my career winds down 35 years later, DNR has still not processed that application, even though BLM has cooperated with the state to collect and refine its data with some updated hydrology or other information to meet current standards. So if the goal is to improve the process for outside agencies to apply and receive reservations, I’m supportive so long as DNR doesn’t penalize earlier applicants because DNR did not process applications in a more timely manner. But if the goal is to just make those applications go away, or not allow them in the future, I’m wondering why?

DNR (and F&G) already has enough on their plates. If you can get other agencies or organizations (with arguably more or at least different funding resources) to do the work of collecting baseline hydrology; identifying river values (e.g., fish and wildlife, habitat, recreation, navigation etc.); associating water reservation needs for them; and completing application documents in sufficient detail to show that such flows or water levels are ordinarily/naturally present – why wouldn’t you want to encourage that work to be done? The statute and the program allows DNR to review applications based on the best public interest. That review can consider whether there is sufficient evidence for the values and flows described in the application, and there is even a mechanism for additional review every decade (after a reservation is granted) to be sure the values are still relevant and should continue to be protected.

The current law and regulations are probably the best in the nation; the DNR program that allows water reservation protection is likewise important. I’d like to see DNR improve its track record on considering and protecting water reservations before they jettison the entire concept that allows other organizations to help DNR identify and provide evidence for reservation protection.

### **Reservation of water protection for recreation and navigation remains important**

Perhaps it goes without saying that I think it is important to protect instream flows in rivers and water levels in lakes for recreation, aesthetics, wildlife, and fishery values. I primarily work on rivers, including over a hundred studies across the country; I’ve seen how out-of-stream diversions, withdrawals, and impoundments have adversely affected boating, fishing, and tourism when state agencies do not adequately protect those instream uses. About a third of my projects are focused on restoring flows (or entire rivers through dam removal) from rivers after too much water was removed or diverted. Even decades later – even if there is broad agency, stakeholder, and community consensus that flows or

water levels need to be restored – it is exceedingly contentious and difficult to “turn back the clock” or “get the river back.”

Alaska has a far better solution through its laws, regulations, and program. It allows DNR to review river and lake values, consider their hydrology, and assess flow and water level needs *before* miners, oil companies, and other consumptive industries take too much. *A priori* identification of instream flow and water level needs also helps those industries recognize better vs. worse water sources that will satisfy their needs in balance with water reservation needs. An orderly consideration of all water needs is the key to identifying appropriate places and times when surplus water may be available.

Alaska has the benefit of being a later-development state and we can avoid the mistakes of others. Everyone recognizes that mining, oil, and industrial development needs some water, but there are also important benefits in keeping the state’s rivers and lakes healthy. Tourism will continue to be one of the state’s biggest economic sectors, and healthy fish, wildlife, and recreation environments are starting points for attracting and keeping it from decline. There is plenty of water in Alaska rivers and lakes for economic development – but the state should be careful not to commit any and all its water for extractive uses or for one source. The water reservation law and its regulations can and should be used to carefully consider where and when out-of-stream water use makes the most sense and in the best public interest.

### **DNR should aim for consistency in its agency endeavors**

For over 12 years I’ve been working with DNR to document boatable river segments as part of its navigability program. The work has successfully identified state rights for hundreds of miles of river and submerged lands, based in part on documenting the boatability and historical use of those river segments. The methods we use in that work are the same used to identify instream flow needs for recreational boating and navigation. But if one arm of DNR is using this information to identify why the state should own and manage specific river segments, a different arm of the same agency should recognize and respect such methods when they are used to identify the flows needed to provide high quality recreation or adequate navigation. This same concept should apply for lake navigability and water levels that can be secured as water reservations.

The water reservation law and accompanying regulations allow DNR to develop guidelines and review the work of other agencies when requesting and applying for an instream flow reservation. DNR should use this scoping process of the existing regulations to provide greater clarity among those guidelines, ensuring that they are consistent with the standards of evidence DNR itself uses when asserting navigability on rivers and no greater than those applied for other types of appropriations of water (withdrawals, diversions, and impoundments).

I hope these comments are helpful. I look forward to a summary report of public comment, your conclusions based upon that input, and an outline of DNR’s next steps implementation strategy.

Doug Whittaker      28 October 2024



**From:** [s.wilber@everyactioncustom.com](mailto:s.wilber@everyactioncustom.com) on behalf of [Stewart Wilber](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Water in Alaska rivers and lakes for fish  
**Date:** Saturday, September 7, 2024 11:01:41 AM

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In order to bring DNR's regulations inline with the constitution DNR should update the regulations to implement a system that reserves a baseline amount of water necessary for fish, wildlife and common public uses by the people of Alaska consistent with the requirements of Article VIII of the Alaska Constitution.

Agencies and applications to appropriate water out of Alaskan water bodies for large-scale industrial use should also be adjudicated by both ADF&G and DNR. Thank you for working to improve this system and working to bring it in line with Alaska's constitution.

Sincerely,  
Stewart Wilber  
San Francisco, CA 94114-1710

**Private Information**

**From:** [Emily Anderson](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Scoping Comments on DNR's Water Reservation Regulations  
**Date:** Tuesday, October 29, 2024 1:14:00 PM  
**Attachments:** [Water Reservation Scoping Comments \(2024\).pdf](#)

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Dear Mr. Barrett,

Please accept the attached scoping comments on DNR's proposed updates to Alaska's water reservation regulations. Thank you for the opportunity to comment.

Please acknowledge receipt.

Sincerely,

Emily Anderson

--

*Emily Anderson  
Alaska Program Director  
Wild Salmon Center  
P.O. Box 110636  
Anchorage, AK 99511  
Direct: (907) 830-8473*

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**VIA EMAIL**

Tom Barrett, Natural Resource Manager  
Alaska Department of Natural Resources  
Division of Mining, Land and Water  
550 W. 7th Avenue, Suite 1070  
Anchorage, AK 99501-3579  
[dnr.water.regulation@alaska.gov](mailto:dnr.water.regulation@alaska.gov)

**RE: Scoping comments on DNR's water reservation regulations**

Dear Mr. Barrett,

On behalf of Wild Salmon Center and SalmonState, please accept the following scoping comments on the Department of Natural Resources' ("DNR") potential changes to Alaska's water reservation regulations. Water is one of our most precious resources and supports the overall productivity and health of Alaska's fisheries. We support the beneficial use of water across the state and recognize the need to appropriate surplus water for a variety of uses. However, to keep our fisheries strong and to protect vital fish habitat, appropriations must be balanced with the "general reservation of water for fish and wildlife" as required by the Alaska Constitution.<sup>1</sup> Yet, over the years, DNR has established a water management system that is far from equitable. We submit the following comments and recommend that DNR modify the instream flow water reservation system to fix the fundamental problems with the application of the law to make it consistent with the Alaska Constitution.

**I. DNR's current regulations fail to establish a balanced water management system and a fair water reservation application process.**

Under the current regulatory scheme, an applicant for a water reservation must provide much more information to demonstrate that water should be left in a waterbody to protect fish and wildlife habitat than is required for an application to take water out.<sup>2</sup> DNR requires rigorous data and informational requirements to support a reservation application which may take three or more years to collect.<sup>3</sup> In contrast, applications for both a water right and temporary water use permit need only provide minimal

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<sup>1</sup> Alaska Constitution, Article VIII, Section 13.

<sup>2</sup> Contrast 11 AAC 93.142 (water reservation), 11 AAC 93.040 (water right), 11 AAC 93.220 (temporary water use permit)

<sup>3</sup> 11 AAC 93.142.

information and descriptions about the water use and neither process requires data to demonstrate that the water withdrawal requested will not harm fish and wildlife habitat.<sup>4</sup>

Not only is the water reservation application process unnecessarily tedious, it is also very costly. To gather the required information, applicants may spend hundreds of thousands of dollars. And, once submitted, the applications languish in the system.<sup>5</sup> As a result, DNR has a backlog of hundreds of applications for instream flow reservations from the Alaska Department of Fish and Game, federal natural resource agencies, Alaska Native Tribes, and other non-governmental organizations.<sup>6</sup> To create a fair system, DNR should propose regulations that alleviate the financial burden on applicants, create fair informational requirements for instream flow reservations and establish a timeframe to adjudicate perfected applications.

## **II. DNR should not restrict applicants from holding water reservation certificates.**

In 2021, DNR proposed amendments to 11 AAC 94.146 that would have prevented Alaska Native Tribes, businesses, and nongovernmental organizations that depend on fisheries and healthy fish habitat to hold a certificate of water reservation. Consistent with the Alaska Constitution, the legislature determined that “[w]herever occurring in a natural state, the water is reserved to the people for common use and is subject to appropriation and beneficial use and to the reservation of instream flows...”<sup>7</sup> Nothing in this policy directive indicates that water reservations can only be held by a government entity as previously proposed.<sup>8</sup>

DNR should properly allow any applicant of a perfected instream flow application to hold the water reservation certificate. If the legislature intended to restrict the entities that could hold a certificate, then it would have indicated that in statute. The relevant provision allows “[t]he state, an agency or a political subdivision of the state, and agency of the United States, or a person” to apply for a reservation of water.<sup>9</sup> There is no ambiguity in the statutory language and DNR should not propose regulations that create unnecessary restrictions on which applicants can apply for or hold certificates.

In addition, the water reservation certificate only ensures that a necessary baseline amount of water will be kept in a waterway to protect fish habitat. It does not confer the right on the certificate holder to prevent the appropriation of any surplus water. Rather than restrict applicants from holding certificates, DNR can instead specify the terms, conditions and responsibilities of the certificate holder when it issues a water reservation similar to what DNR does with the issuance of a water right.

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<sup>4</sup> 11 AAC 93.040, 11 AAC 93.220.

<sup>5</sup> DNR, Instream Flow Status Report (February 17, 2021); [Revisions to Water Management Regulations – Division of Mining, Land, and Water \(alaska.gov\)](#)

<sup>6</sup> *Id.*

<sup>7</sup> AS 46.15.030.

<sup>8</sup> Proposed Amendment 11 AAC 94.146(b) (2021).

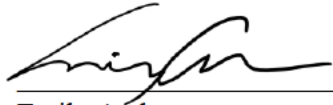
<sup>9</sup> AS 46.15.145(a).

**III. DNR should consider the economic benefits of creating an automatic instream flow reservation.**

We encourage DNR to consider the economic benefits of a water management system that automatically reserves a baseline allocation of water in all of Alaska's rivers, lakes and streams. An automatic reservation of water would create a fair and equitable system to protect our water resources and fisheries for the benefit of all Alaskans. Existing science-based, hydrological metrics can be utilized to identify how much water should be reserved based on the stream-type and geographic location of the water body. This system would establish a fair and balanced system and alleviate the administrative burden on DNR to adjudicate the backlog of instream flow applications.

Thank you for the opportunity to comment.

Sincerely,



---

Emily Anderson  
Alaska Director  
Wild Salmon Center



---

Tim Bristol  
Executive Director  
SalmonState

**From:** [rwb4446@everyactioncustom.com](mailto:rwb4446@everyactioncustom.com) on behalf of [jane wiley](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Saturday, October 26, 2024 4:00:41 PM

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Sincerely,  
jane wiley  
Tampa, FL 33624-1074  
**Private Information**

**From:** [akequinox@everyactioncustom.com](mailto:akequinox@everyactioncustom.com) on behalf of [Paula Williams](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Sunday, August 25, 2024 10:35:32 PM

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Dear DNR Water Regulation,

I am writing in response to your request for scoping comments from Alaskans in relation to Alaska's system of reserving waters in streams and water bodies for fish, wildlife and public use. According to Alaska's constitution "Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use." In order to bring DNR's regulations inline with the constitution DNR should update the regulations to implement a system that reserves a baseline amount of water necessary for fish, wildlife and common public uses by the people of Alaska consistent with the requirements of Article VIII of the Alaska Constitution. A standard baseline reservation system will eliminate the backlog of reservations of water needing to be adjudicated and guard against the over appropriation of water. Given the fact that ADF&G is responsible for the protection of Fish and Wildlife resources, this baseline system should be implemented by both agencies and applications to appropriate water out of Alaskan water bodies for large-scale industrial use should also be adjudicated by both ADF&G and DNR. Thank you for working to improve this system and working to bring it in line with Alaska's constitution.

Sincerely,  
Paula Williams  
Anchorage, AK 99502-4687

**Private Information**

**From:** [sylviajwms@everyactioncustom.com](mailto:sylviajwms@everyactioncustom.com) on behalf of [Sylvia Williams](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Saturday, August 31, 2024 11:19:51 AM

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Sincerely,  
Sylvia Williams  
Bellingham, WA 98229-5500

**Private Information**



**From:** [dairyqueen@everyactioncustom.com](mailto:dairyqueen@everyactioncustom.com) on behalf of [Catherine Williams](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Saturday, August 31, 2024 11:38:24 AM

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Dear DNR Water Regulation,

I am writing in response to your request for scoping comments from Alaskans in relation to Alaska's system of reserving waters in streams and water bodies for fish, wildlife and public use. According to Alaska's constitution "Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use." In order to bring DNR's regulations inline with the constitution DNR should update the regulations to implement a system that reserves a baseline amount of water necessary for fish, wildlife and common public uses by the people of Alaska consistent with the requirements of Article VIII of the Alaska Constitution. A standard baseline reservation system will eliminate the backlog of reservations of water needing to be adjudicated and guard against the over appropriation of water. Given the fact that ADF&G is responsible for the protection of Fish and Wildlife resources, this baseline system should be implemented by both agencies and applications to appropriate water out of Alaskan water bodies for large-scale industrial use should also be adjudicated by both ADF&G and DNR. Thank you for working to improve this system and working to bring it in line with Alaska's constitution.

Sincerely,  
Catherine Williams  
Tucson, AZ 85719-4930

Private Information

**From:** [akequinox@everyactioncustom.com](mailto:akequinox@everyactioncustom.com) on behalf of [Paula Williams](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Saturday, September 7, 2024 10:07:44 AM

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Dear DNR Water Regulation,

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Sincerely,  
Paula Williams  
Anchorage, AK 99502-4687

**Private Information**

**From:** [p0williams@everyactioncustom.com](mailto:p0williams@everyactioncustom.com) on behalf of [Paula Williams](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Saturday, October 26, 2024 5:21:50 PM

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Dear DNR Water Regulation,

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Sincerely,  
Paula Williams  
Anchorage, AK 99502-4687

**Private Information**

**From:** [normw25@everyactioncustom.com](mailto:normw25@everyactioncustom.com) on behalf of [Norm Wilmes](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Saturday, August 31, 2024 12:08:33 PM

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Dear DNR Water Regulation,

I am writing in response to your request for scoping comments from Alaskans in relation to Alaska's system of reserving waters in streams and water bodies for fish, wildlife and public use. According to Alaska's constitution "Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use." In order to bring DNR's regulations inline with the constitution DNR should update the regulations to implement a system that reserves a baseline amount of water necessary for fish, wildlife and common public uses by the people of Alaska consistent with the requirements of Article VIII of the Alaska Constitution. A standard baseline reservation system will eliminate the backlog of reservations of water needing to be adjudicated and guard against the over appropriation of water. Given the fact that ADF&G is responsible for the protection of Fish and Wildlife resources, this baseline system should be implemented by both agencies and applications to appropriate water out of Alaskan water bodies for large-scale industrial use should also be adjudicated by both ADF&G and DNR. Thank you for working to improve this system and working to bring it in line with Alaska's constitution.

Sincerely,  
Norm Wilmes  
Yuba City, CA 95991-6506

**Private Information**

**From:** [kwilson@everyactioncustom.com](mailto:kwilson@everyactioncustom.com) on behalf of [Karen Wilson](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Alaskan rivers and lakes MUST have water for fish  
**Date:** Sunday, September 22, 2024 6:29:06 PM

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Dear DNR Water Regulation,

As an Alaskan concerned about our fragile environment and ecosystems, I am writing in response to your request for scoping comments from Alaskans in relation to Alaska's system of reserving waters in streams and water bodies for fish, wildlife and public use. According to Alaska's constitution "Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use." In order to bring DNR's regulations inline with the constitution DNR should update the regulations to implement a system that reserves a baseline amount of water necessary for fish, wildlife and common public uses by the people of Alaska consistent with the requirements of Article VIII of the Alaska Constitution. A standard baseline reservation system will eliminate the backlog of reservations of water needing to be adjudicated and guard against the over appropriation of water. Given the fact that ADF&G is responsible for the protection of Fish and Wildlife resources, this baseline system should be implemented by both agencies and applications to appropriate water out of Alaskan water bodies for large-scale industrial use should also be adjudicated by both ADF&G and DNR. Thank you for working to improve this system and working to bring it in line with Alaska's constitution.

Sincerely,  
Karen Wilson  
Juneau, AK 99801  
**Private Information**

**From:** [kwilson@everyactioncustom.com](mailto:kwilson@everyactioncustom.com) on behalf of [Karen Wilson](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Tuesday, November 19, 2024 6:22:19 PM

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Dear DNR Water Regulation,

I moved to Alaska 42 years ago because I valued wild, unfettered forests and waters. I was discouraged with clear cut logging and control of wild rivers that was happening in Oregon and Washington states.

I am writing in response to your request for scoping comments from Alaskans in relation to Alaska's system of reserving waters in streams and water bodies for fish, wildlife and public use. According to Alaska's constitution "Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use." In order to bring DNR's regulations inline with the constitution DNR should update the regulations to implement a system that reserves a baseline amount of water necessary for fish, wildlife and common public uses by the people of Alaska consistent with the requirements of Article VIII of the Alaska Constitution. A standard baseline reservation system will eliminate the backlog of reservations of water needing to be adjudicated and guard against the over appropriation of water. Given the fact that ADF&G is responsible for the protection of Fish and Wildlife resources, this baseline system should be implemented by both agencies and applications to appropriate water out of Alaskan water bodies for large-scale industrial use should also be adjudicated by both ADF&G and DNR. Thank you for working to improve this system and working to bring it in line with Alaska's constitution.

Sincerely,  
Karen Wilson  
Juneau, AK 99801  
**Private Information**

**From:** [winholtz@everyactioncustom.com](mailto:winholtz@everyactioncustom.com) on behalf of [Betty Winholtz](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Saturday, August 17, 2024 12:02:41 PM

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Dear DNR Water Regulation,

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Sincerely,  
Betty Winholtz  
Morro Bay, CA 93442-2703

**Private Information**

**From:** [winholtz@everyactioncustom.com](mailto:winholtz@everyactioncustom.com) on behalf of [Betty Winholtz](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Saturday, August 24, 2024 10:38:41 AM

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Dear DNR Water Regulation,

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Sincerely,  
Betty Winholtz  
Morro Bay, CA 93442-2703

**Private Information**



**From:** [winholtz@everyactioncustom.com](mailto:winholtz@everyactioncustom.com) on behalf of [Betty Winholtz](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Saturday, August 31, 2024 8:44:48 AM

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Sincerely,  
Betty Winholtz  
Morro Bay, CA 93442-2703

**Private Information**

**From:** [winholtz@everyactioncustom.com](mailto:winholtz@everyactioncustom.com) on behalf of [Betty Winholtz](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Saturday, September 7, 2024 2:38:04 PM

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Sincerely,  
Betty Winholtz  
Morro Bay, CA 93442-2703  
**Private Information**

**From:** [winholtz@everyactioncustom.com](mailto:winholtz@everyactioncustom.com) on behalf of [Betty Winholtz](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Saturday, October 26, 2024 11:44:18 AM

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Sincerely,  
Betty Winholtz  
Morro Bay, CA 93442-2703

**Private Information**

**From:** [winholtz@everyactioncustom.com](mailto:winholtz@everyactioncustom.com) on behalf of [Betty Winholtz](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Saturday, November 2, 2024 1:08:05 PM

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Dear DNR Water Regulation,

I am writing in response to your request for scoping comments from Alaskans in relation to Alaska's system of reserving waters in streams and water bodies for fish, wildlife and public use. According to Alaska's constitution "Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use." In order to bring DNR's regulations inline with the constitution DNR should update the regulations to implement a system that reserves a baseline amount of water necessary for fish, wildlife and common public uses by the people of Alaska consistent with the requirements of Article VIII of the Alaska Constitution. A standard baseline reservation system will eliminate the backlog of reservations of water needing to be adjudicated and guard against the over appropriation of water. Given the fact that ADF&G is responsible for the protection of Fish and Wildlife resources, this baseline system should be implemented by both agencies and applications to appropriate water out of Alaskan water bodies for large-scale industrial use should also be adjudicated by both ADF&G and DNR. Thank you for working to improve this system and working to bring it in line with Alaska's constitution.

Sincerely,  
Betty Winholtz  
Morro Bay, CA 93442-2703

**Private Information**

**From:** [gswise1962@everyactioncustom.com](mailto:gswise1962@everyactioncustom.com) on behalf of [Sally Wise](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Saturday, August 24, 2024 8:46:42 AM

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Dear DNR Water Regulation,

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Sincerely,  
Sally Wise  
West Bend, WI 53095-3209

**Private Information**

**From:** [blackfoot1@everyactioncustom.com](mailto:blackfoot1@everyactioncustom.com) on behalf of [Darlene Wolf](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Sunday, August 25, 2024 8:20:16 AM

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Dear DNR Water Regulation,

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Sincerely,  
Darlene Wolf  
Naples, FL 34102-7553

Private Information

**From:** [happyguy365@everyactioncustom.com](mailto:happyguy365@everyactioncustom.com) on behalf of [Robert Wolf](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Monday, August 26, 2024 7:35:03 AM

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Sincerely,  
Robert Wolf  
Naples, FL 34102-7553

Private Information

**From:** [blackfoot1@everyactioncustom.com](mailto:blackfoot1@everyactioncustom.com) on behalf of [Darlene Wolf](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Sunday, September 1, 2024 1:11:25 PM

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Dear DNR Water Regulation,

I am writing in response to your request for scoping comments from Alaskans in relation to Alaska's system of reserving waters in streams and water bodies for fish, wildlife and public use. According to Alaska's constitution "Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use." In order to bring DNR's regulations inline with the constitution DNR should update the regulations to implement a system that reserves a baseline amount of water necessary for fish, wildlife and common public uses by the people of Alaska consistent with the requirements of Article VIII of the Alaska Constitution. A standard baseline reservation system will eliminate the backlog of reservations of water needing to be adjudicated and guard against the over appropriation of water. Given the fact that ADF&G is responsible for the protection of Fish and Wildlife resources, this baseline system should be implemented by both agencies and applications to appropriate water out of Alaskan water bodies for large-scale industrial use should also be adjudicated by both ADF&G and DNR. Thank you for working to improve this system and working to bring it in line with Alaska's constitution.

Sincerely,  
Darlene Wolf  
Naples, FL 34102-7553

Private Information



**From:** Private Information  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Do you know, fish need water to survive?  
**Date:** Thursday, August 29, 2024 7:36:55 AM  
**Importance:** High

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I am so sick of my stupid gov't doing wrong by everything, even the fish. You don't seem to know that all fish, even salmon, need water for everything they do, spawn, migrate and survive. The burden to protect water for fish should fall on the company that wants to take water out of a fish stream, not us every day Alaskans who want to ensure healthy salmon runs for years to come, no da. Another big insight, fish habitat is the highest and best use of state waters consistent with Alaskan's interest. Alaska Native Tribes must be consulted on any management action that could impact their traditional lands and their citizens. If DNR has not initiated formal government-to-government consultations with tribes regarding this request for input, the Department must offer such consultations to both allow the state to benefit from traditional knowledge and ensure that concerns from tribal nations are understood and considered. Wake up and stop failing at your job. Protect fish, to hell with money, it is meaningless thanks to our stupid gov't.  
April Woods

**From:** [ms.april.woods@everyactioncustom.com](mailto:ms.april.woods@everyactioncustom.com) on behalf of [April Woods](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** I demand you leave water in Alaska rivers & lakes for fish & ecosystems  
**Date:** Saturday, August 31, 2024 9:23:38 AM

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Dear DNR Water Regulation,

I already can't stand my gov't cuz they do the wrong things way too often. This is a red line, leave Alaska's land, water and air alone. I am writing in response to your request for scoping comments from Alaskans in relation to Alaska's system of reserving waters in streams and water bodies for fish, wildlife and public use. According to Alaska's constitution "Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use." In order to bring DNR's regulations inline with the constitution DNR should update the regulations to implement a system that reserves a baseline amount of water necessary for fish, wildlife and common public uses by the people of Alaska consistent with the requirements of Article VIII of the Alaska Constitution. A standard baseline reservation system will eliminate the backlog of reservations of water needing to be adjudicated and guard against the over appropriation of water. Given the fact that ADF&G is responsible for the protection of Fish and Wildlife resources, this baseline system should be implemented by both agencies and applications to appropriate water out of Alaskan water bodies for large-scale industrial use should also be adjudicated by both ADF&G and DNR. Thank you for working to improve this system and working to bring it in line with Alaska's constitution.

Sincerely,  
April Woods  
Anchorage, AK 99504-3724

**Private Information**

**From:** Private Information  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** AOGA Conference - 2024  
**Date:** Wednesday, September 4, 2024 11:23:30 AM  
**Importance:** High

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Dear Team,

I am reaching out to inquire if there is interest in acquiring the **Attendees list of 'AOGA Conference'** Held On| **August 28<sup>th</sup> – 29<sup>th</sup> – 2024**| **Anchorage, AK, USA**

**The list comprises Contact Name, Title, Phone Number, Fax Number, Address, Company Details, and verified email addresses.**

Let me know if you're interested and I'll share more details

Regards,  
Moir Woods

Email: **Private Information**

**From:** [cocoa.charlot@everyactioncustom.com](mailto:cocoa.charlot@everyactioncustom.com) on behalf of [Susan Worden](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Tuesday, October 8, 2024 11:19:41 AM

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Sincerely,  
Susan Worden  
Rio Vista, CA 94571-2264

**Private Information**

**From:** [daveworl@everyactioncustom.com](mailto:daveworl@everyactioncustom.com) on behalf of [David Worley](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Saturday, October 26, 2024 8:37:56 AM

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Sincerely,  
David Worley  
Reno, NV 89512-4527  
**Private Information**

**From:** [golf-nut24@everyactioncustom.com](mailto:golf-nut24@everyactioncustom.com) on behalf of [Trigg Wright](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Saturday, August 24, 2024 5:57:04 PM

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Sincerely,  
Trigg Wright  
Klein, TX 77379-8027  
**Private Information**

**From:** [golf-nut24@everyactioncustom.com](mailto:golf-nut24@everyactioncustom.com) on behalf of [Trigg Wright](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Sunday, November 3, 2024 9:46:45 AM

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Sincerely,  
Trigg Wright  
Spring, TX 77379-8027  
**Private Information**

**From:** [c-ye@everyactioncustom.com](mailto:c-ye@everyactioncustom.com) on behalf of [C. YEE](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Sunday, August 18, 2024 1:51:35 AM

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Dear DNR Water Regulation,

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Sincerely,

C. YEE

Sacramento, CA 95831-2631

**Private Information**



**From:** [c-ye@everyactioncustom.com](mailto:c-ye@everyactioncustom.com) on behalf of [C. YEE](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Saturday, August 31, 2024 1:24:04 PM

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Sincerely,

C. YEE

Sacramento, CA 95831-2631

**Private Information**

**From:** [c-ye@everyactioncustom.com](mailto:c-ye@everyactioncustom.com) on behalf of [C. YEE](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Saturday, September 7, 2024 8:35:44 AM

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Sincerely,

C. YEE

Sacramento, CA 95831-2631

**Private Information**

**From:** [c-ye@everyactioncustom.com](mailto:c-ye@everyactioncustom.com) on behalf of [C. YEE](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Saturday, October 26, 2024 1:44:46 PM

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Sincerely,  
C. YEE  
Sacramento, CA 95831-2631  
**Private Information**

**From:** [c-yee@everyactioncustom.com](mailto:c-yee@everyactioncustom.com) on behalf of [C. YEE](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Saturday, November 9, 2024 5:21:21 PM

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Sincerely,

C. YEE

Sacramento, CA 95831-2631

**Private Information**

**From:** [teamgoodkarma@everyactioncustom.com](mailto:teamgoodkarma@everyactioncustom.com) on behalf of [Aerie Youn](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Friday, September 6, 2024 1:30:22 PM

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Dear DNR Water Regulation,

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Sincerely,  
Aerie Youn  
Lake Forest, CA 92630-7405  
**Private Information**

**From:** [jeffandlaurettayoung@everyactioncustom.com](mailto:jeffandlaurettayoung@everyactioncustom.com) on behalf of [Jeff Young](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Tuesday, October 8, 2024 5:51:17 PM

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Dear DNR Water Regulation,

I am writing in response to your request for scoping comments from Alaskans in relation to Alaska's system of reserving waters in streams and water bodies for fish, wildlife and public use. While I don't live in Alaska I have visited Alaska 13 times over the years to pursue both stream and ocean fishing.

According to Alaska's constitution "Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use." In order to bring DNR's regulations inline with the constitution DNR should update the regulations to implement a system that reserves a baseline amount of water necessary for fish, wildlife and common public uses by the people of Alaska consistent with the requirements of Article VIII of the Alaska Constitution. A standard baseline reservation system will eliminate the backlog of reservations of water needing to be adjudicated and guard against the over appropriation of water. Given the fact that ADF&G is responsible for the protection of Fish and Wildlife resources, this baseline system should be implemented by both agencies and applications to appropriate water out of Alaskan water bodies for large-scale industrial use should also be adjudicated by both ADF&G and DNR. Thank you for working to improve this system and working to bring it in line with Alaska's constitution.

Sincerely,  
Jeff Young  
Portland, OR 97229-0950

Private Information

**From:** [babzip@everyactioncustom.com](mailto:babzip@everyactioncustom.com) on behalf of [B. Z. Regulation, DNR Water \(DNR sponsored\)](#)  
**To:** [B. Z. Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Saturday, October 26, 2024 2:25:32 PM

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Dear DNR Water Regulation,

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Sincerely,

B. Z.

Mary Esther, FL 32569-2007

Private Information

**From:** [babzip@everyactioncustom.com](mailto:babzip@everyactioncustom.com) on behalf of [B. Z. Regulation, DNR Water \(DNR sponsored\)](#)  
**To:** [B. Z. Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Saturday, November 2, 2024 9:05:51 AM

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Sincerely,

B. Z.

Mary Esther, FL 32569-2007

Private Information



**From:** [Kendra Zamzow](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Comment on DNR Water Reservations  
**Date:** Saturday, October 26, 2024 11:45:43 AM

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To Whom It May Concern:

Thank you for the opportunity to comment, and for extending the comment period. I would like to first make you aware that the comment portal (<https://dnr.alaska.gov/mlw/comment/>) shows the comment period as closed and it is not possible to submit a comment on Water Reservations through the portal. This demonstrates the importance of having multiple mechanisms for submitting comments, and I appreciate that email is one of the options.

In my current position (with Chickaloon Native Village) I collect field meter readings of streams in the Matanuska Valley on a monthly basis. In my previous work (with Center for Science in Public Participation), I became aware of the process for Temporary Water Use Permits and the importance of in-stream flow reservations. As a private citizen, I serve on the Mat-Su Borough Fish & Wildlife Commission (FWC). In these comments, I speak only for myself, and not on behalf of any organization, but wanted to provide DNR with relevant information on my background.

DNR has requested public comment on specific topics.

- 11 AAC 93.142 (Content of application)
  - Should additional information be required to justify the need for a reservation of water?
  - What types of data and methodology?
- 11 AAC 93.146 (Issuance of a certificate of reservation of water)
  - Should only State resource agencies, such as DNR or Alaska Department of Fish and Game, hold the certificate of a reservation of water?
  - Who should hold a certificate of a reservation of water?
- 11 AAC 93.147 (Review of a reservation of water)
  - Are the review requirements clear and adequate?

I support the comments made by the FWC on these topics.

In my personal comment letter here, I want to emphasize funding and science.

### **1. Funding**

In general, the current system for issuing water reservations would work well if it were adequately funded. To my knowledge, there is a single employee that processes applications, and recently reviewing past applications has been added to that workload. **Please provide additional funding for the water reservation program.**

## 2. Science and 11 AAC 93.146

The ability for the general public to provide good science should not be ignored. For example, the national CoCoRAHS effort (<https://www.cocorahs.org>) provides interested parties with a standardized catchment gauge and measuring tube to record precipitation (rain, hail, snow). The data is now being used by weather forecasters ([https://www.cocorahs.org/Content.aspx?page=CoCoRaHS\\_Uses](https://www.cocorahs.org/Content.aspx?page=CoCoRaHS_Uses)). This is possible because of the number of people providing good data, and because many are in locations not covered by agency weather stations.

State (and federal) agencies are chronically underfunded relative to the vast amount of work that could be done to understand streams, rivers, and fisheries in Alaska. This is not going to change. Current law allows agencies, Tribes, non-profit organizations, and individuals to receive in-stream flow reservation certificates. Certificates are only issued after the interested party has gathered at least five years of quality data. The process is not only long, it is expensive. Certificates of water reservation may be the primary impetus that causes interested parties to spend the time and money to conduct the good science required. Allowing not only agencies but other groups to gather stream flow data is an extraordinary opportunity for everyone to benefit from high quality citizen science, and DNR should support that effort as long as the process is standardized and approved by ADFG and USGS. **DNR should continue to allow all individuals or organizations with the ability and capacity to receive an in-stream flow reservation certificate to hold it.**

## 3. Science and 11 AAC 93.142

Although the current requirements are adequate, it could be tremendously useful to require applicants to conduct temperature monitoring at the stream flow gauge. There are inexpensive data loggers that can record temperature every few minutes, hours, or days. Hourly data could contribute to the new AK Temp database (<https://aktemp.uaa.alaska.edu/>) for an even greater understanding of Alaska streams for very little additional cost.

Thank you for the opportunity to comment.

*Kendra Zamzow*

*PO Box 1250*

*Chickaloon, AK 99674*

Private Information

Ts'tonhna' nene' ghestnaa et izdaa.

"I live and work on Matanuska River land"

*"We are drowning in information, while starving for wisdom" - EO Wilson*

*"Data are not neutral" -- Kate Crawford*



**From:** [zeejaz@everyactioncustom.com](mailto:zeejaz@everyactioncustom.com) on behalf of [Ms Zentura](#)  
**To:** [Regulation, DNR Water \(DNR sponsored\)](#)  
**Subject:** Leave water in Alaska rivers and lakes for fish  
**Date:** Saturday, September 7, 2024 1:28:47 PM

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CAUTION: This email originated from outside the State of Alaska mail system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear DNR Water Regulation,

I am writing in response to your request for scoping comments from Alaskans in relation to Alaska's system of reserving waters in streams and water bodies for fish, wildlife and public use. According to Alaska's constitution "Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use." In order to bring DNR's regulations inline with the constitution DNR should update the regulations to implement a system that reserves a baseline amount of water necessary for fish, wildlife and common public uses by the people of Alaska consistent with the requirements of Article VIII of the Alaska Constitution. A standard baseline reservation system will eliminate the backlog of reservations of water needing to be adjudicated and guard against the over appropriation of water. Given the fact that ADF&G is responsible for the protection of Fish and Wildlife resources, this baseline system should be implemented by both agencies and applications to appropriate water out of Alaskan water bodies for large-scale industrial use should also be adjudicated by both ADF&G and DNR. Thank you for working to improve this system and working to bring it in line with Alaska's constitution.

Sincerely,  
Ms Zentura  
Casper, WY 82609-2873  
**Private Information**