

STATE OF ALASKA
DEPARTMENT OF NATURAL RESOURCES
Division of Mining, Land and Water

"Putting Alaska's resources to work - now and in the future!"

MEMORANDUM

DATE: August 10, 2026
TO: John Crowther, DNR Commissioner
THROUGH: Christy Colles, DMLW Director
FROM: Jon Tucker, DMLW Water Section, Natural Resource Specialist
SUBJECT: Proposed Final Changes to Water Regulations

The purpose of this memo is to request your approval, and the Governor's Office approval as well via the Commissioner's Office, to send proposed changes to water regulations to the Department of Law for final review.

The proposed changes that were published for public comment are provided in Attachment A. During the public comment period, the Department received 523 public comments, a summary of which is provided in Attachment B.

PROPOSED UPDATES TO THE DRAFT REGULATIONS

After review and consideration of all public comments, additional proposed updates to the regulations are provided in tracked-changes in Attachment C, and are summarized as follows:

- 93.142(b)(6) will be updated from "to be used" to "used."
- 93.142(d) and (e) will be deleted as there will now be no need for an extension period to supply additional data.

SUMMARY OF ALL PROPOSED CHANGES

11 AAC 93.142 Content of application

- 93.142(b)(3) now states that the applicant must "state the reason the proposed reservation is needed," not the "why."
- 93.142(b)(4) now requires "a minimum of five years of monthly data to quantify the reservation" at time of application instead of allowing additional supporting data to be submitted up to 2 years after an application is accepted.
- 93.142(b)(6) will be updated from "to be used" to "used."
- 93.142(b)(8) now requires "applicable" physical, biological, water chemistry, and socio-economic data to substantiate the need for the reservation.
- 93.142(b)(9) now requires additional data for reservations intended to protect fish habitat, migration, and propagation.

- 93.142(b)(10) has been added to include what had been the old (b)(9) statement.
- 93.142(d) and (e) will be deleted as there will now be no need for an extension period to supply additional data.

11 AAC 93.146 Issuance of a certificate of reservation of water

- 93.146(b) now states that if the applicant is not a state or federal resource management agency, authorized certificates will be issued to DNR.
- 93.146(d)(1) now states that monitoring equipment must be installed and maintained “by the applicant” and data must be reported “at intervals approved by the commissioner” instead of “in the commissioner’s discretion.”

11 AAC 93.147 Review of reservation of water

- 93.147(c) replaces “will, in his or her discretion” with “may” and replaces “these costs will be borne by the state. If the certificate holder desires expedited review, the commissioner will, in his or her discretion, require the certificate holder to bear the costs” with “the commissioner may apportion the costs among the department, the applicant, or the certificate holder, as the commissioner determines to be equitable.”

NEXT STEPS

We look forward to discussing these proposed regulation changes.

Upon your approval, and then the approval of the Governor’s Office via the Commissioner’s Office, the Division of Mining, Land and Water will send the final regulations package to the Department of Law for legal review and approval. The Department of Law will provide a final version of the regulations and ask DNR to prepare an adoption order for your signature. The Department of Law will then forward a legal opinion, the signed adoption order, and final adopted regulations to the Lieutenant Governor’s office for filing.

ATTACHMENTS

Attachment A – Proposed Changes (Public Notice Version)

Attachment B – Comment Review Summary Memo

Attachment C – Draft Final Regulations