

From: [Sarah Saunders](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Cc: [Jeremy Lieb](#)
Subject: Questions regarding notice of proposed changes on DNR reservations of water regulations
Date: Thursday, June 18, 2026 3:35:43 PM
Attachments: [Earthjustice Questions on Water Management Regulations 6-18-2026.pdf](#)

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Dear Mr. McCutcheon,

Attached are questions submitted by Earthjustice on the notice of proposed changes on DNR's reservations of water regulations.

Please contact Jeremy Lieb, cc'd above or at 907.792.7104, with any questions or concerns.

Thank you.

Sarah Saunders
(she/her/hers)
Legal Practice Manager / Paralegal
Earthjustice Alaska Office
T: 907.792.7101
F: 907.277.1390
earthjustice.org



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June 18, 2026

SUBMITTED VIA ELECTRONIC MAIL

Brandon McCutcheon
Alaska Department of Natural Resources
Division of Mining, Land, & Water
550 West Seventh Avenue, Suite 1070
Anchorage, AK 99501
E: dnr.water.regulation@alaska.gov

RE: Questions regarding Notice of Proposed Changes on Reservations of Water in the Regulations of the Department of Natural Resources

Dear Mr. McCutcheon:

Thank you for the opportunity to submit questions regarding the Department of Natural Resources' (DNR) proposed changes to reservation of water regulations at 11 AAC 93.142, 93.146, & 93.147. Please provide responses to the following questions:

1. The Alaska Constitution and Water Use Act provide that all water is "reserved to the people for common use," Alaska Const. art. VIII, § 3; AS 46.15.030, and the Water Use Act states that "[t]he 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 in stream flow," AS 46.15.145 (emphasis added). How is the proposed change to issue certificates of reservation only to state or federal resource management agencies consistent with these provisions?
2. The proposed changes would limit issuance of certificates of reservation to state and federal resource management agencies on the basis that it is the mission of those agencies to work in the best interests of the public. Why does the proposal not allow for issuance of certificates of reservation to Tribal governments or Tribal resource management agencies?

3. The Alaska Constitution and Water Use Act prioritize in-stream and out-of-stream water use equally. Alaska Const. art. VIII, § 3; AS 46.15.030. Both in-stream reservations and out-of-stream appropriations must be in the public interest. AS 46.15.080; AS 46.15.145(c)(4). What is DNR's justification for issuing permits and certificates for out-of-stream water use to any "person" who has met the requirements for obtaining such permit or certificate, 11 AAC 93.040(a), while proposing to issue certificates of reservation only to state or federal resource management agencies?
4. The Alaska Constitution and Water Use Act prioritize in-stream and out-of-stream water use equally. Alaska Const. art. VIII § 3; AS 46.15.030. Both in-stream reservations and out-of-stream appropriations must be in the public interest and may not impair prior appropriations. AS 46.15.080(a)(1) & (4); AS 46.15.145(c)(1) & (4). What is DNR's justification for proposing to require applicants for reservations of water to provide extensive stream flow data and information regarding fish and fish habitat not required for applicants for an out-of-stream water use? *See* 11 AAC 93.040(c).
5. DNR has not been timely processing applications for reservations of water and there are many pending applications, some for more than a decade. Will these proposed new rules apply to existing applications?
6. How many applications for reservations of water are currently pending and what is the average processing time?
7. Why has DNR not been processing applications for reservations of water?

Please contact Jeremy Lieb, Senior Attorney, Earthjustice, jl Lieb@earthjustice.org or (907) 792.7104, with any questions or concerns.

Respectfully,



Jeremy Lieb
EARTHJUSTICE

From: [Sarah Saunders](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Cc: [Jeremy Lieb](#)
Subject: Comments on notice of proposed changes on DNR reservations of water regulations
Date: Tuesday, June 30, 2026 4:36:01 PM
Attachments: [Chilkat Indian Village \(Klukwan\) et al. Comments on Water Management Regulations 6-30-26.pdf](#)

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Dear Mr. McCutcheon,

Attached are comments submitted on behalf of Chilkat Indian Village (Klukwan) on the notice of proposed changes on DNR's reservations of water regulations.

Please contact Jeremy Lieb, cc'd above, with any questions or concerns.

Thank you.

Sarah Saunders
(she/her/hers)
Legal Practice Manager / Paralegal
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EARTHJUSTICE * LYNN CANAL CONSERVATION *
NORTHERN ALASKA ENVIRONMENTAL CENTER *
TAKSHANUK WATERSHED COUNCIL * THE ALASKA CENTER**

June 30, 2026

SUBMITTED VIA ELECTRONIC MAIL

Brandon McCutcheon
Alaska Department of Natural Resources
Division of Mining, Land, & Water
550 W. 7th Avenue, Suite 1070
Anchorage, AK 99501-3579
E: dnr.water.regulation@alaska.gov

**RE: Public Comments on Notice of Proposed Changes on Reservations of Water in the
Regulations of the Department of Natural Resources**

Dear Mr. McCutcheon:

Thank you for this opportunity to comment on the Alaska Department of Natural Resources's (DNR) proposed changes to the State of Alaska's certificate of reservation regulations. The undersigned groups strongly oppose the proposed changes. DNR proposes to limit issuance of certificates of reservation of water to only state and federal agencies and to impose substantial additional data and information requirements, and costs, on applicants. These changes would make it harder for Tribes, communities, organizations, and individuals to protect instream water for subsistence, fish and wildlife, recreation, water quality, and other beneficial uses. Alaska law, and good policy, demand the opposite.

As discussed in further detail below, DNR's proposed changes would be contrary to the Alaska Constitution and Water Use Act, will not advance DNR's stated goal of providing an efficient, consistent, and cost-effective water reservation process, and would impose unreasonable burdens on applicants. We urge DNR to not implement these regulatory changes that would undermine Alaskans' rights. Instead, we urge DNR to adjudicate pending applications for certificates of reservation in compliance with current law.¹

I. DNR's proposed regulatory change is premised on a misunderstanding of Alaska water law.

DNR's proposed changes appear to reflect a judgment that reservations of water for instream are inferior to out-of-stream water uses. That view is not consistent with Alaska law,

¹ See Center for Biological Diversity *et al.*, Public Comments on Notice of Scoping for Possible Updates and Revisions to Water Management Regulations at 5-6 (Oct. 29, 2024) (CBD *et al.* scoping comment letter).

which reserves water for common use, prioritizes instream water reservations, and establishes priority of rights based on date of appropriation, not DNR’s policy preferences.

Article VIII of the Alaska Constitution is directed to the responsible use and stewardship of Alaska’s natural resources. The Constitution reserves all water “to the people for common use.”² It enshrines the prior appropriation doctrine, for both instream reservations and out-of-stream uses, specifying that prior appropriators of water for beneficial uses shall hold superior water rights over subsequent appropriators.³ Article VIII also provides “a general reservation [of water for] fish and wildlife.”⁴

The state Water Use Act further provides that water use is subject “to reservation of instream flows,”⁵ and it provides adjudication procedures for reserving specific waters for instream use.⁶ Instream flow reservations enable applicants to retain sufficient water within rivers and lakes for purposes related to the protection of fish and wildlife, recreation, navigation and transportation, and water quality.⁷ This program of water reservations is consistent with Alaska’s unique cultural and geographic conditions and are an important mechanism by which the public can participate in natural resource management and stewardship.

DNR’s description of the purpose of its proposed changes points to a fundamental misunderstanding of the law it is charged with implementing. DNR asserts that its proposal will “provide an efficient, consistent, and cost-effective water reservation process to encourage development of state water.”⁸ But as discussed, Alaska law does not prioritize *development* of water and does not prioritize, or permit DNR to prioritize, out-of-stream over instream uses. In fact, the Constitution specifically requires a reservation of instream flows to protect fish and wildlife.⁹ Thus, the premise of DNR’s action, to prioritize development of state water through out-of-stream appropriations, is incompatible with state law.

Flowing from this unlawful prioritization of water for development of the law, DNR’s specific proposed changes impermissibly attempt to discourage applications for reservations of water and to impose barriers to approving any applications that are submitted. As discussed below, these proposals to limit who may be issued reservations of water and to impose additional burdens and costs on applicants for reservations of water, which are not applicable to applicants for out-of-stream appropriations, are contrary to state law, and they will make the system for processing reservations of water less efficient, consistent, and cost effective, not more.

² Alaska Const. art. VIII, § 3

³ See *id.* art. VIII, § 13 (“Priority of appropriation shall give prior right.”).

⁴ *Id.*

⁵ AS 46.15.030

⁶ See AS 46.15.145; AS 46.15.133.

⁷ See AS 46.15.145(a).

⁸ DNR, Notice of Proposed Changes on Reservations of Water in the Regulations of the Department of Natural Resources at 1 (May 29, 2026) (Notice).

⁹ *Tulkisarmute Native Cmty. Council v. Heinze*, 898 P.2d 935, 940-41 (Alaska 1995) (citing Alaska Const. art. VIII, § 13; AS 46.15.010-270).

II. Limiting issuance of certificates of reservation to only state and federal agencies would be unlawful.

DNR proposes that “[t]he commissioner will issue a certificate of reservation to the applicant if the applicant is a state or federal resource management agency. If the applicant is not a state or federal resource management agency, the commissioner will issue the certificate to [DNR].”¹⁰ This provision would violate the Water Use Act and would unlawfully treat reservations of water differently than out-of-stream appropriations.

The Water Use Act plainly establishes who may apply for and be issued a certificate of reservation and does not authorize DNR to impose additional limitations. The commissioner must issue a certificate of reservation to an applicant if the commissioner concludes that the applicable requirements for a certificate have been met.¹¹ An applicant may be any “person.”¹² A “‘person’ includes an individual, partnership, association, public or private corporation, state agency, political subdivision of the state, and the United States.”¹³ The Act does not provide for different processes for different types of applicants or provide authority to issue the certificate to anyone other than the applicant that meets the requirements. Indeed, any attempt to differentiate among applicants would be contrary to Article VIII, section 17 of the Alaska Constitution, which provides that “[l]aws and regulations governing the use or disposal of natural resources shall apply equally to all persons similarly situated.”¹⁴ DNR may not therefore limit issuance of certificates of reservation only to state or federal agencies.

Treating reservations of water differently than other water rights also would violate the Alaska Constitution and the interests of the public. The Alaska Constitution and Water Use Act do not prioritize out-of-stream water use over instream reservations.¹⁵ And both instream reservations and out-of-stream appropriations must be in the public interest.¹⁶ Yet DNR’s proposal regulatory change would only limit issuance of reservations of water to federal and state agencies, not out-of-stream water right permits and certificates which may be issued to any person who has met the requirements for obtaining such permit or certificate.¹⁷ There is no lawful basis for differentiating between instream and out-of-stream appropriations in this manner.¹⁸

That DNR may not limit who may be issued certificates of water is further demonstrated by the fact that the Alaska Legislature considered, but did not pass, a bill that would have made the change DNR now proposes to make by rule. In 2013, the Alaska Legislature considered House Bill 77/Senate Bill 26 (“H.B. 77”). It included a provision that would have omitted “a person” from the list of entities that can currently apply for an instream flow reservation, leaving

¹⁰ Proposed 11 AAC 93.146(b).

¹¹ AS 46.15.145(c).

¹² AS 46.15.145(a).

¹³ AS 46.15.260(7).

¹⁴ Alaska Const. art. VIII, § 17.

¹⁵ *Id.* art. VIII, § 3; AS 46.15.030.

¹⁶ AS 46.15.080(a)(4); AS 46.15.145(c)(4).

¹⁷ 11 AAC 93.040(a).

¹⁸ Alaska Const. art. VIII, § 17.

only “[t]he state, an agency or a political subdivision of the state, or an agency of the United States” eligible to apply for and hold reservations, and depriving individuals, non-profits, and Tribes of this right.¹⁹ Outcry from the public was immediate, and the bill died in committee due to the number of letters, resolutions, and petitions submitted in opposition to it.²⁰

As discussed in comments submitted on DNR’s notice of scoping for this regulatory change,²¹ DNR cannot use the rulemaking process to attempt to achieve what could not be accomplished in the legislature. DNR’s proposed regulations, like H.B. 77, would create an indefensible state of the law where anyone, including foreign corporations, could acquire the right to take water from a stream for industrial use, but the public would not have the right to hold a certificate of reservation for water in a stream for subsistence purposes. Alaskans have been clear that they value their right to reserve instream water flows in the name of subsistence, fish, wildlife, habitat, and recreation. We urge DNR to not limit who can hold a certificate of reservation of water to state and federal agencies.

III. Requiring additional information to justify the need for a reservation of water and imposing additional costs on applicants is unlawful and inefficient.

The additional requirements DNR proposes for applications for reservations of water similarly improperly prioritize out-of-stream water development over reservations of instream water. These changes would also only serve to make the application process more burdensome and further slow DNR’s review.

Adding additional requirements for instream only appears designed to add hoops for applicants to jump through that do not exist for out-of-stream appropriations to further slow the process and discourage applications for reservations of water. DNR is proposing to require applicants to “provide five years of data to quantify the reservation; information to support the specific improvement to fish habitat; the estimated number and species of fish affected; the area and quality of fish habitat improved; and information on property ownership upstream and downstream of the proposed reservation.”²² But it has not articulated what purpose is served by requiring this information in all instances of instream reservations but not for out-of-stream. While some of this information may be important for a particular application, it is likely not necessary in all cases to demonstrate that an application meets the requirements of AS 46.15.145(c). And in some, or possibly many, cases some of this required information may be unavailable or infeasible to obtain. Based on its lack of rationale, these proposed changes appear to be designed only to make the application process more challenging for instream applicants only.

¹⁹ H.B. 77, 28th Leg. (Alaska April 8, 2013), § 42.

²⁰ H. Shepherd, *Democracy is not dead in Alaska, but HB 77 is – for now*, ANCHORAGE DAILY NEWS (Apr. 16, 2014), <https://www.adn.com/commentary/article/democracy-not-dead-alaska-hb-77-now/2014/04/17/> (last visited June 26, 2026).

²¹ CBD *et al.* scoping comment letter at 2-3.

²² Notice at 1.

Similarly, DNR's proposal to shift costs to applicants for additional research or data collection the agency determines is needed,²³ does not appear to serve any purpose except to make the application process for reservations more challenging. It also would unfairly punish applicants whose applications have been pending for many years through no fault of their own. DNR asserts that this change is needed because "[m]any existing applications for reservations of water are outdated and rely on old data" and DNR should not be required to pay for additional data collection for these outdated applications.²⁴ But the reason many applications may rely on old data is that DNR has been refusing to process applications.

These proposed additional requirements would require much more from applicants for reservations of water than applicants for out of stream appropriations. Both instream reservations and out-of-stream appropriations must be in the public interest and may not impair prior appropriations.²⁵ And there is no basis for requiring substantially more of applicants for reservations of water than is required of applicants for out-of-stream appropriations.²⁶

IV. DNR's proposed regulatory changes would make it harder for Tribal governments, organizations, and citizens to protect resources they have relied upon for millennia.

Alaska Native peoples have stewarded and relied upon the natural resources of this state for millennia. We also strongly oppose prohibiting Tribes from being able to hold certificates of reservation under 11 AAC 93.146. Even if DNR's reasons for limiting issuance to state and federal agencies were valid and that change was lawful, there is no apparent rationale for allowing state and federal agencies to hold certificates of reservation but not Tribal governments. We also strongly oppose adding burdensome requirements to the application process. Neither of these actions helps DNR more efficiently or fairly carry out its mandate to manage the waters of the state for the common use of the people.²⁷ These actions would, however, dramatically and detrimentally impact the ability of Tribal governments and their members to protect and advocate for areas essential to the preservation of their cultures and ways of life.

If it nonetheless proceeds with developing these regulations, DNR must engage in a robust Tribal consultation before enacting any changes to these regulations. DNR should provide all Alaska Native Tribes notice of the proposed changes, facilitate tribal consultation where Tribes can call in at an allotted time and provide testimony to DNR, and provide additional time for comment. We also encourage DNR to hold a public hearing to provide an additional opportunity for comment and participation from Tribes and their citizens.

²³ *Id.* at 2; Proposed 11 AAC 93.147(c).

²⁴ Notice at 2.

²⁵ AS 46.15.080(a)(1) & (4); AS 46.15.145(c)(1) & (4).

²⁶ Alaska Const. art. VIII, § 17.

²⁷ *See* AS 46.15.010; AS 46.15.030.

For the reasons discussed, we urge DNR not to move forward with its proposed regulatory changes. Please contact Jeremy Lieb, Senior Attorney, Earthjustice, jl Lieb@earthjustice.org or (907) 792.7104, with any questions or concerns.

Respectfully,

Kimberly Strong
President
CHILKAT INDIAN VILLAGE
(KLUKWAN)

Maddie Halloran
State Director
ALASKA WILDERNESS LEAGUE

Cooper Freeman
Alaska Director
CENTER FOR BIOLOGICAL DIVERSITY

Satchel Pondolfino
Clean Water Lead
COOK INLETKEEPER

Jeremy Lieb
Senior Attorney
EARTHJUSTICE

Torrey Larson
Interim Executive Director
LYNN CANAL CONSERVATION

Krystal Lapp
Interim Executive Director
NORTHERN ALASKA ENVIRONMENTAL
CENTER

Derek Poinsette
Executive Director
TAKSHANUK WATERSHED COUNCIL

Chantal de Alcuaz
Co-Executive Director
THE ALASKA CENTER

From: fvcharlest@everyactioncustom.com on behalf of [Jim Eastwood](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Proposed changes to Alaska's water reservation regulations under 11 AAC 93
Date: Friday, June 19, 2026 6:07:44 AM

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Dear Division of Mining, Land & Water, Program Support Section Brandon McCutcheon,

I am writing to express my deep concern about the proposed changes to water reservations in the State of Alaska. The changes proposed do not live up to our constitutional obligation, which states "Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use." Instead, these changes favor water appropriation to private users over reservations for the common use of Alaskans. Instead of making it harder for Alaskans to protect our waters, I request that the department strengthen protections for instream flows by making them automatic for all anadromous streams rather than creating additional barriers for those seeking to protect fish habitat.

Sincerely,
Mr. Jim Eastwood
Petersburg, AK 99833-1185
Private Information

From: jennifer.ce@everyactioncustom.com on behalf of [Jennifer Edwards-Fahl](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Proposed changes to Alaska's water reservation regulations under 11 AAC 93
Date: Thursday, June 18, 2026 12:31:11 PM

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Dear Division of Mining, Land & Water, Program Support Section Brandon McCutcheon,

I am writing to express my deep concern about the proposed changes to water reservations in the State of Alaska. The changes proposed do not live up to our constitutional obligation, which states "Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use." Instead, these changes favor water appropriation to private users over reservations for the common use of Alaskans. Instead of making it harder for Alaskans to protect our waters, I request that the department strengthen protections for instream flows by making them automatic for all anadromous streams rather than creating additional barriers for those seeking to protect fish habitat.

Sincerely,
Mrs. Jennifer Edwards-Fahl
Anchorage, AK 99515-4311
Private Information

From: chantaleldridge@everyactioncustom.com on behalf of [Chantal Eldridge](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Proposed changes to Alaska's water reservation regulations under 11 AAC 93
Date: Saturday, June 20, 2026 9:01:25 AM

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Dear Division of Mining, Land & Water, Program Support Section Brandon McCutcheon,

I am writing to express my deep concern about the proposed changes to water reservations in the State of Alaska. The changes proposed do not live up to our constitutional obligation, which states "Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use." Instead, these changes favor water appropriation to private users over reservations for the common use of Alaskans. Instead of making it harder for Alaskans to protect our waters, I request that the department strengthen protections for instream flows by making them automatic for all anadromous streams rather than creating additional barriers for those seeking to protect fish habitat.

Sincerely,
Ms. Chantal Eldridge
Austin, TX 78739-1512

Private Information

From: wolfclan444@everyactioncustom.com on behalf of [Audrey Elicerio](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Proposed changes to Alaska's water reservation regulations under 11 AAC 93
Date: Thursday, June 18, 2026 1:11:49 PM

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Dear Division of Mining, Land & Water, Program Support Section Brandon McCutcheon,

I am writing to express my deep concern about the proposed changes to water reservations in the State of Alaska. The changes proposed do not live up to our constitutional obligation, which states "Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use." Instead, these changes favor water appropriation to private users over reservations for the common use of Alaskans. Instead of making it harder for Alaskans to protect our waters, I request that the department strengthen protections for instream flows by making them automatic for all anadromous streams rather than creating additional barriers for those seeking to protect fish habitat.

Sincerely,
Ms Audrey Elicerio
Fairbanks, AK 99710-0528

Private Information

From: honalee@everyactioncustom.com on behalf of [Honalee Elkan](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Proposed changes to Alaska's water reservation regulations under 11 AAC 93
Date: Friday, June 26, 2026 5:51:45 PM

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Dear Division of Mining, Land & Water, Program Support Section Brandon McCutcheon,

I want to share my deep concern about the proposed changes to water reservations in the State of Alaska; Instead of making it harder for Alaskans to protect our waters and fish habitat, we need to strengthen protections for instream flows by making them automatic for all anadromous streams rather than creating additional barriers to comprehensive management and preservation of our people's resources. Water is power, food and life. Our watersheds are our greatest asset as a state and protecting clean water means meeting our constitutional obligation, which states "Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use." Instead, these changes favor water appropriation to private users over reservations for the common use of Alaskans. The sanctity of common use is an Alaskan value that makes us a more powerful state, do not hasten to give away our strength.

Sincerely,
Mz Honalee Elkan
Juneau, AK 99801-8221
Private Information

From: [Leah M. Ellis](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Comment on proposed changes to Reservations of Water regulations
Date: Tuesday, June 30, 2026 10:56:09 AM
Attachments: [Ellis-ROW-Comment Letter_063026.pdf](#)

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Hello,

Please find my attached comments on DNR's proposed changes to the regulations of Reservations of Water.

Thank you,
Leah

June 30, 2026

Submitted via email to dnr.water.regulation@alaska.gov

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

Re: Comments on the Notice of Proposed Changes on Reservations of Water in the regulations of the Department of Natural Resources

To Alaska Department of Natural Resources:

I am writing to express opposition to many of the proposed revisions and provide suggested modifications and supporting information to accomplish the purpose of the proposed action. Additionally, I conclude that the proposed action is not consistent with the Alaska constitutional mandate that the State manage water resources for the long-term benefit of all Alaskans (Article VIII), while additionally contradicting Administrative Orders No. 358 and 360.

This comment letter will be addressing:

- Importance of the Water Use Act and Reservations of Water
- The proposed regulatory revisions
- Recommendations to achieve the purpose of this proposed action, and
- Constitutional and Administrative infringement of the proposed action

Background

In my career as a biologist and hydrologist in Alaska, I have spent 10 years working directly in the field of instream flow research and policy. I know firsthand the effort and experience that goes into reserving water rights for fish habitat protection. This program in Alaska is incredibly foresighted and one that provides long-term protection for the fish we love and depend on. Alaska Department of Natural Resources' (DNR) Reservations of Water program and Alaska Department of Fish & Game's (ADF&G) Instream Flow Program provides a true service to the State and Alaskans. Hydrological data in Alaska is scarce, and the collection of streamgage records and discharge measurements provides value not only for the fish, but for potential development activities. Reservations of Water (ROW) create a record of how much water is available throughout a year, reserving a sufficient amount of water for fish, and allowing out-of-stream water users to know how much water is available without having to build costly and time-consuming hydrological records themselves.

I am grateful for Alaska's foresight in amending the Alaska Water Use Act (AS 46.15) in 1980 by implementing the instream flow law (AS 46.15.145) that this proposed action is attempting to change. In 1980, the Alaska Legislature recognized the myriad benefits of retaining a proportion of water to remain within rivers and lakes. Since its enactment, Alaska's instream

flow law has become increasingly more relevant as evidenced by variable environmental effects due to climate change and other factors, and through the experience in the Lower 48 where stream restoration and the buying/selling of water rights is substantially more expensive than simply keeping some water in the river.

Proposed Regulatory Changes

Here I will be addressing each of the proposed regulatory amendments to 11 AAC 93. Where one of the amendments is not discussed, there were no comments.

11 AAC 93.142(b)(3)

This amendment revises the language regarding stating a need for the proposed reservation. I agree that the language presented is an improvement over the previous language and clarifies the requirement. However, the explanation for a need remains redundant with 11 AAC 93.142(b)(1) where the applicant must state the purpose, particularly when the purpose is to “protect fish habitat, migration and propagation.” Water is an inherent need for fish and wildlife, and identifying a proportion of water to remain in the river is both the purpose and need of applying for a ROW.

11 AAC 93.142(b)(4)

Providing five years of streamflow or water level data has long been an established standard when applying for a ROW, and TTCD supports this revision. Water levels and streamflows fluctuate from year to year due to annual variations in the amount, timing, and form of precipitation, so requiring five years of data helps to produce a robust and reliable record.

At this time, DNR accepts the initial filing of ROW applications once three years of data has been collected. This practice is beneficial to the applicant and DNR in multiple ways and should be retained. It demonstrates the applicant’s commitment, establishes a priority date to determine seniority in water rights, and allows DNR to evaluate the applicant’s hydrological methods prior to the complete set of streamflow or water level data being collected.

11 AAC 93.142(b)(9)

This revision adds supplementary information required when applying for the purpose of protecting fish habitat, migration, and propagation. TTCD proposes removing 11 AAC 93.142(b)(9)(b), 11 AAC 93.142(b)(9)(c), 11 AAC 93.142(b)(9)(d), and amending 11 AAC 93.142(b)(9)(a) to read “identify the fish species using the proposed reservation of water reach and their periodicity by lifestage for spawning, rearing, and/or migration.”

The proposed revisions request information that is outside of the authority of DNR. While DNR manages all state-owned land, water, and natural resources on behalf of the people of Alaska, the authority to manage the state’s fish, game, and aquatic plant resources lies with ADF&G. 11 AAC 93.142(b)(9)(a) and 11 AAC 93.142(b)(9)(b) demands that the applicant supply fish population data both within the proposed reach and as an estimated proportion of sport,

commercial, and subsistence uses. 11 AAC 93.142(b)(9)(c) requires the applicant to estimate how differing water levels would affect the amount of available fish habitat. DNR does not have the experience or expertise to advise on, review, or evaluate population estimates of fish or their habitat requirements. If the intent of this proposed regulation is for DNR to consult with ADF&G on fish populations and habitat requirements, then a “cost of implementation to the state agency and available funding” for ADF&G’s involvement in the review of ROW applications will need to be provided in a new public notice. If an applicant does have access to fish population or habitat data, then providing this data in an application is already covered under 11 AAC 93.142(b)(8).

Regardless, the requirement to perform population estimates and proportionment of fish is excessively burdensome on the applicant. Streamgaging is a mostly passive data collection method, whereas fish population assessments require a substantial investment in fish sampling equipment (which varies based on the size of the river and the cost of transportation to the field location) and a significant amount of labor throughout the summer season to capture fish. The number of fish in a given reach of river is, furthermore, extraneous data to prove that a fish species at a given lifestage need a certain amount of water. What will DNR’s threshold be for a fish population to be significant enough to warrant a sufficient amount of water? Even in reaches where fish population may be small, the population could grow if this stream continues to have adequate water to support a fish’s lifestage.

For a fish population to succeed in a particular environment, it requires a balanced ecosystem. Having a sufficient amount of water in a stream helps ensure there will be enough habitat for fish, but also suitable water quality, food sources, and Ill-functioning ecological processes. The purpose provision in 11 AAC 93.141(1) directly applies to this concept of a balanced ecosystem and does not differentiate between fish habitat or wildlife habitat. In fact, if applying for the purpose of “protection of fish and wildlife habitat, migration and propagation,” the regulation additionally clarifies that that this “means the quantity or level of water necessary to maintain suitable habitat conditions for the various life stages of fish, other aquatic organisms, and wildlife, including waterfowl and mammals, and their habitat, including water quality, depth, velocity and temperature, substrate, or streamside vegetation.” Within this language alone, a ROW for this purpose sustains habitat conditions for not only fish, but **other aquatic organisms, wildlife, including waterfowl and mammals**, and even for **streamside vegetation**. Again, quantifying fish population is irrelevant to the purpose of a ROW application as a suitable amount of water supports the ecosystem as a whole.

11 AAC 93.146(b)

This proposed regulatory revision presents the largest change to the instream flow law as was originally intended by establishing that only a state or federal agency could hold a Certificate of Reservation. Water is arguably Alaska’s most valuable resource. As such, the Water Use Act established that water is owned by the public (AS 46.15.030, “Wherever 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 reservation of instream flows and levels of water.”) Under AS 46.15.260, a reservation of water is defined as an appropriation. The general structure of the Water Use Act provides that appropriation rights, including the certificates that evidence them, belong to the appropriator. Revising the regulations as proposed in 11 AAC 93.146 establishes an unprecedented change to the Water Use Act that fundamentally reshapes the established right for Tribes, local governments, conservation organizations, and individuals in Alaska to hold water rights. If these entities can lawfully obtain water rights for out-of-stream uses, then the Water Use Act asserts their right to appropriate water to remain in the stream.

The practical consequence if this proposed change is implemented is that ROWs held by DNR can be enforced only if the current administration chooses to enforce them. Reservations held by Tribes, local governments, conservation organizations, and individuals can be enforced by those parties in court, independent of the political environment. Alaska's public trust doctrine does not mean that only the executive branch may take legal action to protect the public's resources. It means the opposite: that all Alaskans, including rural residents, Tribes, conservation organizations - and development-oriented organizations - have a stake in those resources and a right to participate in their protection. Concentrating enforcement in DNR does not democratize the process; it narrows it.

11 AAC 93.146(d)(1) and 11 AAC 93.147(c)

The existing regulatory framework reflects the principle that the State's review of an application for a water reservation, a determination that touches constitutional obligations regarding public resources, is a governmental function, funded by the State. These proposed revisions indicate an unpredictable future potential for the applicant to bear the cost of additional “terms or conditions the commissioner considers necessary” or the commissioner may “require that additional research, data collection, and analysis be conducted.” If these proposed revisions become codified, then the applicant (who may not be allowed to hold the certificate) will regardless be responsible for paying for additional research at the commission’s discretion. This provision places undue burden on the applicant that extends into an unknown future and additionally shifts costs to the parties with the least ability to absorb open-ended research expenses: Tribes, rural watershed organizations, and individuals. The predictable effect is that these parties will be deterred from participating in the process at all.

The cost-shifting rule inverts the public interest premise of the ROW statute. It most heavily burdens the communities with the most direct, longstanding, and legally recognized stake in Alaska's instream resources.

Recommendations to improve the process

DNR’s effort to improve upon the ROW application process is appreciated. I strongly support the appropriation of Alaska’s natural resources being made through robust data collection, sound analytical methods, and close examination by natural resource scientists and

managers. There are many methodologies in which to perform hydrologic and flow duration analyses for the purpose of reserving adequate water for fish habitat, and additional clarity for both the applicant and DNR's ROW adjudicators will benefit from a clear process.

The Public Notice states that these regulatory "revisions will provide an efficient, consistent, and cost-effective water reservation process." In order to achieve these objectives, I recommend providing applicants with expected analytical standards and data requirements. The ability of current reservations to be reviewed and future reservations to be adjudicated will become more "efficient, consistent, and cost-effective" if DNR's ROW program can easily comprehend the methodologies being presented. With both DNR and the applicant having knowledge of the hydrologic analyses, flow duration analyses, and mean flow statistics necessary to determine sufficient instream flow appropriations, the ROW applications can proceed with greater clarity and time-effectiveness.

I recommend beginning the process of formalizing the acceptable analytical methods by endorsing the methodologies used by ADF&G's recent ROW applications. Since ADF&G currently holds the vast majority of ROW certificates (approximately 95% of certificates issued), it is evident that the methods used by ADF&G are robust and coherent to the ROW adjudicators. The State of Alaska has already invested substantial time and resources into defining effective methods for ROW applications, particularly those applications for the "protection of fish and wildlife habitat, migration and propagation." ADF&G has a publication titled "Surface-Water Data Manual for the Statewide Aquatic Resources Coordination Unit" which outlines methods used for collecting and analyzing streamflow data, specifically for the purpose of "providing scientifically sound and defensible instream flow recommendations" (Klein 2013). DNR also published the "State of Alaska instream flow handbook: a guide to reserving water for instream use" (DNR 1985). By providing these public resources, including examples of ADF&G's ROW applications, applicants will have a guide to follow that has already been approved by DNR.

Constitutional and Administrative infringement of the proposed action

TTCD appreciates the time invested by DNR in continuing to improve upon the current ROW process. However, the currently proposed regulatory changes fail to uphold the Alaska Constitution and the Governor's active Administrative Orders.

Article VIII, Alaska Constitution

Prior to Statehood, the federal government was managing Alaska's fisheries with an emphasis of harvest over conservation, resulting in numerous collapses of salmon runs. Thus, one of the strongest arguments to support Alaska statehood was that the federal government had failed to protect one of Alaska's most valuable renewable resources. When the Alaska Constitution was drafted, strong public ownership of natural resources and the protection of fish, wildlife, and public lands was at the forefront of the conversation. Notably, Article VIII of the Constitution requires the State to manage water resources "consistent with the public interest" (§1), "for the

maximum benefit of its people” (§2), for the sustained yield of replenishable resources (§4) and for the common use of all Alaskans, subject to preferences among beneficial uses (§13). The Common Use doctrine in §3 supplies that “Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use.”

During the 2024 scoping process asking the public for input on updating water regulations, there were roughly 648 public comment letters submitted. Most of these letters, approximately 559, are form comment letters supporting a baseline amount of water to be reserved in all Alaska waters, which would eliminate the current DNR backlog of ROW applications and would provide safeguards against the over-appropriation of water. The other 89 comment letters are submitted by individuals and organizations, most of which generally opposed changes to the current ROW process and supported the need for instream flow reservations. There were only two comment letters that supported changing and adding to the current regulations. Of these two letters, one was submitted by the Alaska Miners Association (AMA), in collaboration with other resource development and industry groups, where they provided suggested text for the repeal and reenactment of regulations. AMA’s comment letter has apparently served as a blueprint for the currently proposed regulatory revisions, including the verbatim addition of 11 AAC 93.142(b)(9), which requires fish population data and more.

Two comment letters out of 648 had the influence to provoke changing the regulatory language. Two out of 648 (0.3%) does not constitute a decision that is Constitutionally “consistent with the public interest.” However, suggestions made by the 99.7% of the engaged public are unarguably the majority and clearly assert the interest of the public. These waters do belong to the people, after all.

Administrative Order No. 358

Governor Dunleavy issued Administrative Order (AO) No. 358 on May 9, 2025, and it remains currently active. This AO was enacted because of fiscal concerns so that State agencies could “focus their attention on the State’s core mission of providing essential services to Alaskans and maximize operational efficiency.” The AO goes on to enact “a freeze on the promulgation of new regulations by all agencies.” Agency heads could submit a waiver if they believed that “a new regulations package is necessary to protect the safety of the public or to meet other essential State responsibilities.”

Per this AO, the DNR Commissioner has deemed that revising the ROW regulations is a necessary and essential responsibility of the State during this time of substantial fiscal concern. The Chief of Staff, the Deputy Chief of Staff, and, it can be assumed, Governor Dunleavy, agreed that despite the AO’s action “to reduce the impact on available funds, streamline processes, and focus operations and the State’s workforce on the fulfillment of the State’s core mission and services,” ROWs are indeed a core mission of DNR and that adding *additional* regulations under 11 AAC 93 is *necessary*. In reality, there are over 500 ROW applications that have been waiting for decades to be adjudicated and only one DNR employee that is responsible for performing the reviews. This historical precedence makes it evident that

ROWs are not considered a necessary service by DNR leadership. With this AO in place, it suggests that DNR and the Office of Governor are pushing regulatory revisions prior to the Governor's impending end of term. This is additionally supported by a comment period on natural resource issues occurring in the month of June, which is notoriously the busiest time of year for all Alaskans, especially those, like me, who work in natural resources fields.

Administrative Order No. 360

On August 4, 2025, under AO No. 360, the Dunleavy Administration prioritized regulatory reform for the purpose of "improv[ing] the quality, transparency, and efficiency of the State's regulatory environment." One of the goals of AO No. 360 is to "reduce the regulatory burden on all Alaskans." This reform calls for the State's resource agencies to "review and revise permitting procedures to eliminate unnecessary steps...simplify application requirements...and clarify interagency roles to reduce inefficiencies and delays." The AO aims to "reduce the number of regulatory requirements by 15 percent by December 31, 2026, and 25 percent (cumulative) by December 31, 2027."

These proposed regulatory changes directly contradict AO No. 360, which seeks to simplify regulatory processes and eliminate unnecessary steps. Most of the proposed changes, in fact, add a great deal of complexity to all applicants seeking to file a ROW and to the DNR staff reviewing ROWs. Substantial additional burden is added to DNR under the proposed 11 AAC 93.142(b)(9) which would require DNR to evaluate material outside its statutory mandate.

Closing

Reservations of water are one of the most important tools available to ensure that Alaska's rivers and streams continue to sustain healthy fisheries and functioning ecosystems. The decisions made through this proposed action will influence the resilience of our watersheds far into the future in the face of increasing development pressures and a changing climate. I am concerned about the magnitude of impact these regulatory changes would have on protecting waterbodies that impact economies, community health, and ways of life. I urge DNR to reject the adoption of the proposed regulations and to preserve the accessibility and effectiveness of the ROW program and uphold the sustained-yield and public trust principles embodied in the Alaska Constitution. Protecting instream flows is an investment in the long-term health of Alaska's fisheries, the communities that depend upon them, and the natural heritage held in trust for all Alaskans.

Sincerely,

Leah Ellis, Aquatic Biologist

From: erpeldinggarratt@everyactioncustom.com on behalf of [Elizabeth Erpelding-Garratt](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Proposed changes to Alaska's water reservation regulations under 11 AAC 93
Date: Saturday, June 20, 2026 10:22:06 AM

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Dear Division of Mining, Land & Water, Program Support Section Brandon McCutcheon,

I am writing to express my deep concern about the proposed changes to water reservations in the State of Alaska. The changes proposed do not live up to our constitutional obligation, which states "Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use." Instead, these changes favor water appropriation to private users over reservations for the common use of Alaskans. Instead of making it harder for Alaskans to protect our waters, I request that the department strengthen protections for instream flows by making them automatic for all anadromous streams rather than creating additional barriers for those seeking to protect fish habitat.

Sincerely,
Mrs. Elizabeth Erpelding-Garratt
Indianapolis, IN 46205-3562

Private Information

From: christopher@chalkboardllc.com
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: 11 aac 93 deadline extension request
Date: Saturday, June 20, 2026 5:27:26 PM
Attachments: [dnr 11aac93 questions 20 June 2026.pdf](#)

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Attached, please find my request to extend the June 30 deadline an additional 90 days to submit public comments regarding the proposed 11 aac 93 regulation revisions noticed on May 29, 2026.

Thank you

Christopher Estes

Attn: Brandon McCutcheon
Division of Mining, Land and Water
Alaska Department of Natural Resources
550 W 7th Ave., Suite 1070
Anchorage, Alaska 99501-3579

June 20, 2026

Re: Department of Natural Resources proposed changes regulations in 11 aac 93 of the Alaska Administrative Code relating to reservations of water, public notice May 29, 2026.

•Public Comment Period Extension Request

Dear Mr. McCutcheon:

Thank you for the opportunity to participate in the May 29, 2026 public notice review and comments process regarding proposals to significantly revise 11 aac 93 requirements specific to reservations of water per AS 46.15.145.

I have been involved in the development of AS 46.15.145 and its companion regulations and other related revisions and their collective implementation both professionally and personally since 1977.

However, this round of proposed revisions was poorly timed and is too limited per a coarse interim review of its content if the maximum amount of public input is desired to ensure meaningful constructive comments will be provided to your agency and used to ensure the state is able to serve the best public interest.

I currently have many other significant pre-existing commitments and am unable to perform what I consider the necessary assessment of these proposed revisions and be able provide meaningful deliberative feedback without a 90 days extension of this deadline to Sept. 30. I assume other members of the public and other water stakeholders with the same or less knowledge and background than I may be in the same situation, and will not be provide a thorough review and constructive useful input based on the present June 30 deadline.

I therefore formally request you to please extend the comment public comment period deadline to September 30, 2026

Please inform me when and if you will make your determination if you will provide the supplemental time requested required to complete the type of assessment and public input I assume the state prefers to achieve to ensure that if any modifications to these regulations are adopted they will improve the implementation of AS 46.15.145, its cost effectiveness, and best

serve the public interest to meet the intended purposes of AS 46.15.145. Please also provide the rationale for not approving this request if not approved.

Respectfully,

Christopher Estes

From: christopher@chalkboardllc.com
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: corrected 11 aac 93 deadline extension request
Date: Saturday, June 20, 2026 6:13:35 PM
Attachments: [dnr 11aac93 question request corrected 20 June 2026.pdf](#)
Importance: High

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Corrected 11 aac 93 deadline extension request

From: christopher@chalkboardllc.com <christopher@chalkboardllc.com>
Sent: Saturday, June 20, 2026 5:27 PM
To: dnr.water.regulation@alaska.gov <dnr.water.regulation@alaska.gov>
Subject: 11 aac 93 deadline extension request

Attached, please find my request to extend the June 30 deadline an additional 90 days to submit public comments regarding the proposed 11 aac 93 regulation revisions noticed on May 29, 2026.

Thank you

Christopher Estes

Attn: Brandon McCutcheon
Division of Mining, Land and Water
Alaska Department of Natural Resources
550 W 7th Ave., Suite 1070
Anchorage, Alaska 99501-3579

June 20, 2026

Re: Department of Natural Resources proposed changes regulations in 11 aac 93 of the Alaska Administrative Code relating to reservations of water, public notice May 29, 2026.

- Public Comment Period Extension Request-corrected

Dear Mr. McCutcheon:

Thank you for the opportunity to participate in the May 29, 2026 public notice review and comments process regarding proposals to significantly revise 11 aac 93 requirements specific to reservations of water per AS 46.15.145.

I have been involved in the development of AS 46.15.145 and its companion regulations and other related revisions and their collective implementation both professionally and personally since 1977.

However, this round of proposed revisions was poorly timed and is too limited per a coarse interim review of its content if the maximum amount of public input is desired to ensure meaningful constructive comments will be provided to your agency and used to ensure the state is able to serve the best public interest.

I currently have many other significant pre-existing commitments and am unable to perform what I consider the necessary assessment of these proposed revisions and be able to provide meaningful deliberative feedback without a 90 days extension of this deadline to Sept. 30. I assume other members of the public and other water stakeholders with the same or less knowledge and background may also be in the same situation and will not be able to provide a thorough review and constructive useful input based on the present June 30 deadline.

I therefore formally request you to please extend the comment public comment period deadline to September 30, 2026

Please inform me when and if you will make your determination if you will provide the supplemental time requested required to complete the type of assessment and public input I assume the state prefers to achieve to ensure that if any modifications to these regulations are adopted they will improve the implementation of AS 46.15.145, its cost effectiveness, and best

serve the public interest to meet the intended purposes of AS 46.15.145. Please also provide the rationale for not approving this request if not approved.

Respectfully,

Christopher Estes

From: christopher@chalkboardllc.com
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: 11aac 93 comments Estes
Date: Tuesday, June 30, 2026 5:00:45 PM
Importance: High

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Attn: Brandon McCutcheon
Division of Mining, Land and
Water Alaska Department of
Natural Resources 550 W 7th Ave.,
Suite 1070
Anchorage, Alaska 99501-3579

June 30, 2026

Re: Department of Natural Resources proposed changes regulations in 11 aac 93 of the Alaska Administrative Code relating to reservations of water, public notice May 29, 2026.

•Public Comment Period Extension Request-corrected

Dear Mr. McCutcheon:

Thank you for the opportunity to participate in the May 29, 2026 public notice review and comments process regarding proposals to significantly revise 11 aac 93 requirements specific to reservations of water per AS 46.15.145. I sent a separate email to Henry Brooks and to you by email with screenprints documenting there are 2 deadlines on your public web sites for these comments. 1 is June 30 and the other July 1, 2026. Apparently DNR isn't concerned and that saddens me that there isn't concern for the public interest.

In fact this whole process despite my many years of positive collaboration with your agency is the most unusual expressing little or no consideration of its interactions and input from the public based on this particular regulatory review in progress.

As previously noted I have been involved in the development of AS 46.15.145 and its companion regulations and other related revisions and their collective implementation both professionally and personally since 1977.

However, this round of proposed revisions was poorly timed and is too limited per a coarse interim and other more limited reviews of its content if the maximum amount of public input is desired to ensure meaningful constructive comments will be provided to your agency and used to ensure the state is able to serve the best public interest.

As also noted previously I currently have many other significant pre-existing commitments

and am unable to perform what I consider the necessary assessment of these proposed revisions and be able to provide meaningful deliberative feedback without a 90 days extension of this deadline to Sept. 30. As also previously noted I continue to assume other members of the public and other water stakeholders with the same or less knowledge and background may also be in the same situation and will not be able to provide a thorough review and constructive useful input based on the present June 30 deadline.

You also never responded to my earlier question to provide me the rationale why you wouldn't grant an extension.

To at least meet what I am no longer certain per your web site today as noted above I have the following points to make:

1. Your public notice and all the rationale have no justification and proof that these regulations are needed and will actually provide cost benefits
2. It proposes to impose a 1 size fits all solution without taking into account existing and projected long term water competition and needs
3. It does not take into account hydrologic data variability and provide the flexibility to achieve the most cost effective collaborative mechanisms to collect data actually needed on a case by case basis on a collaborative basis..
4. The current regulations have never impeded a development that wasn't in the best public interest as is.

Respectfully,

Christopher

Estes

Christopher C. Estes
Aquatic Resources and Habitat Scientist
Chalk Board Enterprises, LLC
P.O. Box 221322
Anchorage, AK 99522-1322
907-227-9549 - Cell
Christopher@ChalkBoardLLC.com
www.chalkboardllc.com

Director at Large - Instream Flow Council
www.instreamflowcouncil.org

National Center for Ecologically Sustainable Water Conservation & Management (Center)

<https://www.instreamflowcouncil.org/training-center/>

AK Land & Water Law Webinar

<https://www.halfmoonseminars.org/product/webinars/ak-land-and-water-law/?variation=158631>

National Fish Habitat Partnership Orientation: NFHP Back to the Future - PL 116-188, Title II

https://youtu.be/tEJWB0qf_Ig

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From: christyeverett.personal@everyactioncustom.com on behalf of [Christine Everett](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Proposed changes to Alaska's water reservation regulations under 11 AAC 93
Date: Saturday, June 20, 2026 11:27:45 AM

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Dear Division of Mining, Land & Water, Program Support Section Brandon McCutcheon,

As a 38 year resident of Alaska and a retired wetland ecologist I am writing to express my deep concern about the proposed changes to water reservations in the State of Alaska. Instead of making it harder for Alaskans to protect our waters, I request that the department strengthen protections for instream flows by making them automatic for all anadromous streams rather than creating additional barriers for those seeking to protect fish habitat. The changes proposed do not live up to our constitutional obligation, which states "Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use." Instead, these changes favor water appropriation to private users over reservations for the common use of Alaskans. Our Alaskan salmon are a treasure we must protect!

Sincerely,
Ms. Christine Everett
North Pole, AK 99705-6269

Private Information

From: abbiesroad@everyactioncustom.com on behalf of [Abigail Fanestil](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Proposed changes to Alaska's water reservation regulations under 11 AAC 93
Date: Saturday, June 20, 2026 11:49:18 AM

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Sincerely,
Ms. Abigail Fanestil
Wood Dale, IL 60191-2075
Private Information

From: jefarv@everyactioncustom.com on behalf of [Jeff Farvour](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Proposed changes to Alaska's water reservation regulations under 11 AAC 93
Date: Tuesday, June 30, 2026 4:43:48 PM

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Sincerely,
Sr Jeff Farvour
Sitka, AK 99835-7223
Private Information

From: cfxena888@everyactioncustom.com on behalf of [Cheryl Fergeson](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Proposed changes to Alaska's water reservation regulations under 11 AAC 93
Date: Saturday, June 20, 2026 10:03:14 AM

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Dear Division of Mining, Land & Water, Program Support Section Brandon McCutcheon,

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Sincerely,
Ms Cheryl Fergeson
West Haven, UT 84401-6957
Private Information

From: ferrsiangela@everyactioncustom.com on behalf of [Angela Ferrari](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Proposed changes to Alaska's water reservation regulations under 11 AAC 93
Date: Saturday, June 20, 2026 3:56:25 PM

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Sincerely,
Ms Angela Ferrari
Anchorage, AK 99517-1549

Private Information

From: ferrariangela@everyactioncustom.com on behalf of [Angela Ferrari](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Proposed changes to Alaska's water reservation regulations under 11 AAC 93
Date: Sunday, June 28, 2026 10:37:38 AM

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Dear Division of Mining, Land & Water, Program Support Section Brandon McCutcheon,

I am writing to express my deep concern about the proposed changes to water reservations in the State of Alaska. The changes proposed do not live up to our constitutional obligation, which states "Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use." Instead, these changes favor water appropriation to private users over reservations for the common use of Alaskans. Instead of making it harder for Alaskans to protect our waters, I request that the department strengthen protections for instream flows by making them automatic for all anadromous streams rather than creating additional barriers for those seeking to protect fish habitat.

Sincerely,
Ms. Angela Ferrari
Anchorage, AK 99517-1549

Private Information

From: ferrariangela@everyactioncustom.com on behalf of [Angela Ferrari](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Proposed changes to Alaska's water reservation regulations under 11 AAC 93
Date: Thursday, June 18, 2026 8:40:16 AM

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Dear Division of Mining, Land & Water, Program Support Section Brandon McCutcheon,

I am writing to express my deep concern about the proposed changes to water reservations in the State of Alaska. The changes proposed do not live up to our constitutional obligation, which states "Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use." Instead, these changes favor water appropriation to private users over reservations for the common use of Alaskans. Instead of making it harder for Alaskans to protect our waters, I request that the department strengthen protections for instream flows by making them automatic for all anadromous streams rather than creating additional barriers for those seeking to protect fish habitat.

Sincerely,
Ms Angela Ferrari
Anchorage, AK 99517-1549

Private Information

From: corinnestelle77@everyactioncustom.com on behalf of [Corinne Ferre](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Proposed changes to Alaska's water reservation regulations under 11 AAC 93
Date: Saturday, June 20, 2026 12:34:39 PM

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Sincerely,
Miss Corinne Ferre
Kodiak, AK 99615-7218

Private Information

From: shirley.fields@everyactioncustom.com on behalf of [Shirley fFelds](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Proposed changes to Alaska's water reservation regulations under 11 AAC 93
Date: Monday, June 22, 2026 12:14:14 PM

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Sincerely,
Ms. Shirley fFelds
Fort Yukon, AK 99740-0147

Private Information

From: sparkplug2525@everyactioncustom.com on behalf of [Ed Fiedler](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Proposed changes to Alaska's water reservation regulations under 11 AAC 93
Date: Saturday, June 20, 2026 2:02:46 PM

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Sincerely,
Mr Ed Fiedler
Austin, TX 78753-2928

Private Information

From: malankad@everyactioncustom.com on behalf of [Linda Fielder](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Proposed changes to Alaska's water reservation regulations under 11 AAC 93
Date: Saturday, June 20, 2026 9:09:22 PM

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Dear Division of Mining, Land & Water, Program Support Section Brandon McCutcheon,

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Sincerely,
Dr. Linda Fielder
Carrollton, TX 75006-2801

Private Information

From: [Shirley Fields](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Letter
Date: Thursday, June 4, 2026 9:26:16 AM
Attachments: [2026_06_04_09_24_49.pdf](#)

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See attached.

Thanks.

Shirley Fields
P.O. Box 147, husky Ave.
Fort Yukon, Alaska 99740
Sfields147@hotmail.com

June 4, 2026

State Department of Natural Resources
3700 Airport Way
Fairbanks, Alaska 99709

Re: Comment letter.

Dear Department of Natural Resources,

Thank you for the opportunity to comment on the proposed changes to Alaska's water reservation regulations.

I am concerned that the proposed changes could make it harder for Alaskans to protect water for salmon, wildlife, recreation, and public use. Water reservations are one of the only legal tools available to keep water in rivers, streams, and lakes for fish habitat, migration, and propagation.

Please ensure that any changes to 11 AAC 93 strengthen, rather than weaken, Alaska's ability to protect instream flows. Requirements such as five years of monthly data, monitoring devices, reporting obligations, and possible cost-shifting should not create barriers for Tribes, communities, nonprofits, or public-interest applicants working to protect water for fish and wildlife.

Alaska's water is a public resource. The reservation process should remain accessible, transparent, and protective of salmon, healthy watersheds, and the people who depend on them. Thank you for your consideration.

Sincerely,


Shirley Fields

From: kfink64@everyactioncustom.com on behalf of [Kevin Fink](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Proposed changes to Alaska's water reservation regulations under 11 AAC 93
Date: Saturday, June 20, 2026 9:35:39 AM

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Dear Division of Mining, Land & Water, Program Support Section Brandon McCutcheon,

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Sincerely,
Mr. Kevin Fink
Lacey, WA 98503-3474
Private Information

From: annalouisefontaine@everyactioncustom.com on behalf of [Anna Louise Fontaine](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Proposed changes to Alaska's water reservation regulations under 11 AAC 93
Date: Monday, June 22, 2026 12:55:00 PM

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Sincerely,
Mrs. Anna Louise Fontaine
Young America, AK 55555

Private Information

From: forqhoak@everyactioncustom.com on behalf of [Shirley Forquer](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Proposed changes to Alaska's water reservation regulations under 11 AAC 93
Date: Saturday, June 20, 2026 9:18:20 AM

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Please do not take the waters from our streams to give to corporations, domestic or foreign.

Thank you,
Shirley Forquer

Sincerely,
Ms. Shirley Forquer
Homer, AK 99603
Private Information

From: jwfossa@everyactioncustom.com on behalf of [Wendy Fossa](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Proposed changes to Alaska's water reservation regulations under 11 AAC 93
Date: Monday, June 22, 2026 6:15:45 AM

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Sincerely,
Ms. Wendy Fossa
Essex, MA 01929-1055
Private Information

From: krheagfournier@everyactioncustom.com on behalf of [Gary Fournier](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Proposed changes to Alaska's water reservation regulations under 11 AAC 93
Date: Saturday, June 20, 2026 9:49:34 AM

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Sincerely,
Mr Gary Fournier
Juneau, AK 99801-8597

Private Information

From: krheagfournier@everyactioncustom.com on behalf of [Gary Fournier](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Proposed changes to Alaska's water reservation regulations under 11 AAC 93
Date: Thursday, June 18, 2026 12:09:35 PM

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Sincerely,
Mr. Gary Fournier
Juneau, AK 99801-8597

Private Information

From: krheagfournier@everyactioncustom.com on behalf of [Gary Fournier](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Proposed changes to Alaska's water reservation regulations under 11 AAC 93
Date: Thursday, June 18, 2026 12:11:25 PM

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Sincerely,
Mr. Gary Fournier
Juneau, AK 99801-8597

Private Information

From: allisonfradkin@everyactioncustom.com on behalf of [Allison Fradkin](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Proposed changes to Alaska's water reservation regulations under 11 AAC 93
Date: Saturday, June 20, 2026 3:43:06 PM

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Sincerely,
Ms. Allison Fradkin
Northbrook, IL 60062-3104
Private Information

From: labradoritesky@everyactioncustom.com on behalf of [Anne Franklin](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Proposed changes to Alaska's water reservation regulations under 11 AAC 93
Date: Tuesday, June 30, 2026 4:25:53 PM

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Sincerely,
Ms. Anne Franklin
Bloomington, MN 55431-2914

Private Information

From: labradoritesky@everyactioncustom.com on behalf of [Anne Franklin](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Proposed changes to Alaska's water reservation regulations under 11 AAC 93
Date: Saturday, June 20, 2026 11:24:09 AM

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Sincerely,
Ms. Anne Franklin
Bloomington, MN 55431-2914

Private Information

From: joanbf Franz@everyactioncustom.com on behalf of [Joan Franz](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Proposed changes to Alaska's water reservation regulations under 11 AAC 93
Date: Saturday, June 20, 2026 11:56:40 AM

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Dear Division of Mining, Land & Water, Program Support Section Brandon McCutcheon,

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Sincerely,
Ms Joan Franz
Fairbanks, AK 99709-6014
Private Information

From: dnr.dmlweb@alaska.gov
To: Private Information
Cc: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Public Comment Receipt
Date: Saturday, June 13, 2026 7:46:00 AM

Constance Fredenberg submitted a public comment online to the Alaska Division of Mining, Land, and Water on 6/13/2026. Thank you for your input!

Comment:

Dear Department of Natural Resources, Thank you for the opportunity to comment on the proposed changes to Alaska's water reservation regulations under 11 AAC 93. I am concerned that some of the proposed changes could make it harder for Alaskans to protect water for salmon, wildlife, recreation, and public use. While I do not personally fish the Susitna River, I have many friends who do - and they share their fish with me. I trade chicken eggs and vegetables I grow for the fish. It's an important part of my family's diet. Specifically, I want to raise these points: - Water reservations are one of the only legal mechanisms that keep water in a stream for fish habitat, migration, and spawning. Salmon need water left in rivers, not only the water allocated after industrial and other consumptive uses are considered. - DNR should engage in meaningful government-to-government consultation with Alaska Native Tribes before adopting changes that could affect salmon, traditional waters, and the protection of water. - Any changes to 11 AAC 93 should strengthen Alaska's ability to protect instream flows for salmon, wildlife, recreation, and public use. The process should not become easier for industrial appropriation while becoming harder for public-interest reservations. Alaska's water is a public resource. The reservation process should remain accessible, transparent, and protective of salmon, healthy watersheds, and the people who depend on them. Thank you for your consideration. Sincerely, Constance Fredenberg Palmer, AK

From: fredrocksalaska@everyactioncustom.com on behalf of [Fred - C Freer](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Proposed changes to Alaska's water reservation regulations under 11 AAC 93
Date: Tuesday, June 30, 2026 3:55:51 PM

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Dear Division of Mining, Land & Water, Program Support Section Brandon McCutcheon,

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Sincerely,
Mr. Fred - C Freer
Fairbanks, AK 99709

Private Information

From: jeffrohn@everyactioncustom.com on behalf of [Joyce Frohn](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Proposed changes to Alaska's water reservation regulations under 11 AAC 93
Date: Sunday, June 21, 2026 12:52:50 PM

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Dear Division of Mining, Land & Water, Program Support Section Brandon McCutcheon,

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Sincerely,
Ms. Joyce Frohn
Oshkosh, WI 54901-2967
Private Information

From: mjgalbraith@everyactioncustom.com on behalf of [Mark Galbraith](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Proposed changes to Alaska's water reservation regulations under 11 AAC 93
Date: Saturday, June 20, 2026 10:24:30 AM

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Sincerely,
Mr. Mark Galbraith
West Linn, OR 97068-2542

Private Information

From: mfgan@everyactioncustom.com on behalf of [Michael Gan](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Proposed changes to Alaska's water reservation regulations under 11 AAC 93
Date: Saturday, June 20, 2026 8:53:55 AM

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Dear Division of Mining, Land & Water, Program Support Section Brandon McCutcheon,

I am writing to express my strong concern about the proposed changes to Alaska's water reservation regulations.

Alaska's Constitution recognizes that, "Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use." That commitment should guide the Department's approach to instream flow protections. Water left in streams to support fish, wildlife, subsistence, recreation, and healthy ecosystems is not wasted water. It is a public resource serving public purposes.

The proposed changes appear to move in the wrong direction by making it more difficult, more costly, and less secure for Alaskans, Tribes, watershed groups, conservation organizations, and other members of the public to protect instream flows. In practice, that would favor private water appropriation over the public's long-term interest in healthy rivers, fish habitat, and sustainable fisheries.

This is especially concerning for anadromous streams. Salmon and other anadromous fish depend on adequate streamflow for migration, spawning, egg incubation, juvenile rearing, water temperature, and overall habitat function. If instream flows are not protected until after competing water withdrawals or development pressures arise, the State may be acting too late to prevent harm. Protecting flow before damage occurs is more practical, less expensive, and more consistent with Alaska's constitutional duties than trying to restore degraded habitat later.

I understand that Alaska must manage water for multiple beneficial uses, including public water supply, responsible development, and local economic needs. But the State should not create unnecessary procedural barriers for those seeking to protect fish habitat and common-use waters. A fair water management system should recognize that instream flows are themselves a beneficial public use, not a lesser use to be subordinated by default to private withdrawals.

Rather than weakening or complicating the water reservation process, I urge the Department to strengthen protections for instream flows. At minimum, the Department should preserve meaningful access for public applicants, avoid changes that make reservations less durable or less enforceable, and ensure that public-interest water reservations are not placed at a disadvantage compared with private appropriations.

I also urge the Department to adopt stronger automatic protections for all anadromous streams. Establishing baseline instream flow protections for these waters would better reflect the importance of salmon habitat, reduce conflict, provide clearer expectations for water users, and help fulfill Alaska's constitutional obligations to manage fish, wildlife, and waters for common use and sustained yield.

Alaska's waters belong to the people, and the rules governing water reservations should reflect that principle. I respectfully request that the Department reject changes that would make it harder to protect instream flows and instead advance regulations that better protect fish habitat, public waters, and the long-term interests of Alaskans.

Sincerely,
Mr. Michael Gan

Pueblo West, CO 81007-3902

Private Information

From: [Marcus Geist](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Public Comment: Proposed Changes to Reservation of Water
Date: Tuesday, June 30, 2026 4:12:40 AM
Attachments: [Geist ADNR Comments June 2026.pdf](#)

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Dear Alaska Department of Natural Resources,

I am attaching my comments to the Department's proposed changes to Reservations of Water.

--

Marcus Geist

Private Information

I am writing to comment on the proposed changes to the reservations of water regulations of the Alaska Department of Natural Resources (ADNR) - <https://aws.state.ak.us/OnlinePublicNotices/Notices/View.aspx?id=224040>.

My name is Marcus Geist, I have been an Alaska resident since 2001 working as a geographer for the US Army, The Nature Conservancy, and the University of Alaska Anchorage. I have assisted federal, state, non-profit groups, and Alaska Native Tribal organizations in filing over a dozen reservation of water applications. Additionally, I currently serve as the Alaska Geospatial Council's Hydrography working group's co-chair (<https://agc-hydrography-soa-dnr.hub.arcgis.com/>), and I have partnered with the Interagency Hydrologic Committee for Alaska (IHCA) to create the AKFlow web mapping application (<https://accscatalog.uaa.alaska.edu/dataset/web-map-inventory-alaskas-stream-gages-akflow>) inventorying stream gages across Alaska. These comments are fully mine and only based upon my previous work, they are not official statements of any of these organizations.

The "Additional Regulation Notice Information" form (<https://aws.state.ak.us/OnlinePublicNotices/Notices/View.aspx?id=224040>) lists the reasons for the proposed action to be: "Revisions to improve efficiency, consistency, and cost-effectiveness". My comments will address these three reasons referencing specific proposed changes and existing data regarding the reservation of water in Alaska.

1) ADNR's Reason for Proposed Action: "Improve Efficiency"

The Alaska Office of Management and Budget (OMB) publishes departmental performance metrics similar to a report card for each group's progress toward specific goals. One such goal for ADNR is to "Process a minimum of 90% of new water use applications received." (https://omb.alaska.gov/html/performance/ABS/index_C3002.html#td12328). The OMB webpage lists processing rates well over 100%. OMB also states "Of the 463 total water authorizations issued in FY2025, DMLW issued 195 water appropriations and 268 temporary water use authorizations." Only

extractive water rights applications were processed, and 0% of the reservations of water applications were processed despite over 250 completed applications for reservations of water awaiting processing, including 188 completed applications that are over ten years old. If ADNR processes just one reservation of water in the coming year, it will improve its current efficiency, however, its past processing history and proposed new changes do not provide any evidence or documentation how they will improve efficiency.

Proposed changes in 11 AAC.93142(b)(9) requires reservation of water applicants to provide additional data to identify fish populations, estimate their populations, estimate how differing water levels would affect habitat, and identify downstream and upstream land use and property ownership data. If these changes are enacted, then ADNR would add even more information to be analyzed and evaluated by its staff who have had a growing backlog of reservation of water applications. The proposed changes nor any of ADNR responses to the fall 2024 public comment questions offer any substantive details on how the Department will improve efficiency. There are no descriptions of additional staff, no mention of improvements to hardware or software, nor are there any process changes listed.

ADNR's "Summary of Proposed Changes"

(<https://aws.state.ak.us/OnlinePublicNotices/Notices/View.aspx?id=224040>)

states "Many existing applications for reservations of water are outdated and rely on old data. The department would not be required to pay for additional data collection for outdated applications or in cases where significant changes to flow have occurred." The proposed changes do not define how an application would be determined to be "outdated". As previously stated, over 180 completed applications for reservations of water are over ten years old, and of these 138 are pending applications from the Alaska Department of Fish and Game (ADF&G). So will ADNR's proposed changes burden ADF&G and the people of Alaska with new hurdles collecting data to insure that its rivers, streams, lakes, and ponds maintain its fish and wildlife?

2) ADNR's Reason for Proposed Action "Consistency"

The proposed action under 11 AAC.93.146 states that the Department of Natural Resources will hold a certificate for reservation of water. The action does not propose that ADNR will hold all extractive water rights. This is a glaring inconsistency that private interests whether they are domestic or foreign entities can hold extractive water rights that are permanent; yet Alaskans applying as a Tribe or other organization are no longer permitted to hold a reservation of water. Unlike the granting of extractive water rights, the reservation of water is temporary with ADNR requiring updated hydrologic data be collected at unspecified intervals and it is conditional on a far greater information threshold (fish populations, upstream and downstream landowners, five years of hydrologic data) in the application process.

These proposed regulation changes codify the de facto two tier system of how Alaska's waters have been administered by ADNR for years in which extractive water rights applications are prioritized, processed, granted, and then tracked by OMB. Meanwhile, applications for reservations of water that were submitted by the Alaska Native Tribal groups, regional fish habitat, the Alaska Department of Fish and Game, and the US Fish and Wildlife Service have languished without adjudication. These reservations of water applications have had to meet far greater data requirements costing the applicants millions of dollars to install and operate stream gages across the state for the simple requests of keeping sufficient water in Alaska's rivers, streams, and lakes to sustain our salmon and resident fish.

The proposed changes require reservation of water applicants to relinquish their right to hold a certificate to the custodianship of the Department of Natural Resources yet ADNR's public facing data tools do not provide Alaskans with adequate means to monitor and protect their interests and their substantial investments of time and money to complete and submit a reservation application. ADNR maintains an online web mapping application, the Alaska Water Rights Mapper <https://dnr.alaska.gov/mlw/water/data/map/>.

The ADNR website states “*There are some areas of the state for which we have NO digital water right location data. Water rights exist in these areas, but their location cannot be depicted on the map until they have been added to the digital database.*” Information about all current water rights (even those that cannot be displayed on the map) can be viewed in tabular reports. This current ADNR system is insufficient for reservation of water applicants/certificate holders to ensure that their rights are not violated.

For example:, If an Alaska Native Tribe or other entity whose reservation of water is held by ADNR would like to see what other water rights (extractive or reservations) exist within the upstream watershed, that group could check the Water Rights Mapper, but then would be forced to also check the tabular reports (mentioned above). These “tabular reports” are the state’s Land Administration System (LAS) which is organized by the Meridian, Township, Range, and Section (MTRS) system. Water on our landscapes does not flow along one square mile Sections, its flow is governed by topography and watersheds. So a reservation of water applicant must search each individual Section within the watershed which could be hundreds of specific queries, rather than use a system that employs latitude and longitude allowing the applicant and ADNR to summarize the total volume of water withdrawals and reservations within a watershed. Essentially, the current public facing tools allow a user to count the total number of “straws” drawing water from Alaska’s rivers and lakes, yet it doesn’t tell us whether those “straws” (withdrawals) are small, medium, or large. We have over a 150 year history of water rights problems in the American West from which we can learn and pave a better way forward that is informed, modern, and transparent. Alaska is vast, but its water resources are not unlimited.

3) ADNR’s Reason for Proposed Action: “Cost Effectiveness”

The ADNR notice includes a statement of “cost of implementation”. It lists projected costs for the initial year of \$0 and \$0 for the subsequent years to implement the proposed changes. As stated previously in these

comments, there are no details of how ADNR will address the reservations of water backlog of unprocessed applications that are complete while also reviewing additional information for incoming, new applications and possibly have to review older reservations for which ADNR determines it needs updated data. All of this will occur without any changes to staffing levels, or improvements to existing systems which as detailed in point #2 are currently inadequate to evaluate cumulative water use at the watershed scale in a modern, digital, and geographic method.

The cost of implementation does not address the potential costs to the Alaska Department of Fish and Game who holds the overwhelming majority of reservations of water which could be subject to costly additional data collection efforts. The State of Alaska should not put forth actions to unduly burden other Departments of its government without a proper acknowledgement of such transfers. This appears to be disingenuous accounting.

As a relative newcomer to this great State of Alaska, I like so many others upon arrival marveled at its natural wonders and sustainable resources that provide for so many. This is no accident, this is the result of the deliberate efforts of generations of Alaska Native stewards of the land and water to whom I am so grateful.

Thank you for the opportunity to provide my comments on these proposed actions.

Marcus Geist

Anchorage, Alaska

From: bgmcb75@everyactioncustom.com on behalf of [Bob Gendron](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Proposed changes to Alaska's water reservation regulations under 11 AAC 93
Date: Saturday, June 20, 2026 8:44:20 AM

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Dear Division of Mining, Land & Water, Program Support Section Brandon McCutcheon,

I am writing to express my deep concern about the proposed changes to water reservations in the State of Alaska. The changes proposed do not live up to our constitutional obligation, which states "Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use." Instead, these changes favor water appropriation to private users over reservations for the common use of Alaskans. Instead of making it harder for Alaskans to protect our waters, I request that the department strengthen protections for instream flows by making them automatic for all anadromous streams rather than creating additional barriers for those seeking to protect fish habitat.

Sincerely,
Mr. Bob Gendron
Chicago, IL 60630-1507
Private Information

From: dgendvil@everyactioncustom.com on behalf of [Derek Gendvil](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Proposed changes to Alaska's water reservation regulations under 11 AAC 93
Date: Saturday, June 20, 2026 8:50:00 AM

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Sincerely,
Mr. Derek Gendvil
Las Vegas, NV 89117-5744
Private Information

From: monicagilman@everyactioncustom.com on behalf of [Monica Gilman](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Proposed changes to Alaska's water reservation regulations under 11 AAC 93
Date: Saturday, June 20, 2026 9:40:56 AM

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Dear Division of Mining, Land & Water, Program Support Section Brandon McCutcheon,

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Sincerely,
Ms. Monica Gilman
Estacada, OR 97023-9417

Private Information

From: jg888999@everyactioncustom.com on behalf of [Constance Glenn](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Proposed changes to Alaska's water reservation regulations under 11 AAC 93
Date: Saturday, June 20, 2026 10:16:41 AM

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Dear Division of Mining, Land & Water, Program Support Section Brandon McCutcheon,

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Sincerely,
Ms. Constance Glenn
Sebastopol, CA 95472-3684
Private Information

From: [Gm](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: No drilling or mining in ANWR
Date: Monday, June 8, 2026 9:47:16 AM

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With all the drilling and huge drilling equipments the animals will not want to return to the birthing grounds of caribou, migratory birds and all other animals that give birth in Alaska Arctic National Wildlife Refuge. Once the water, streams, river or lakes get contaminated the animals will not return. With all the oil revenues we have drilling all over Alaska and no future for the PFD. State and the PFD department capped it at \$1,000 while the State collects its share they are also robbing the citizens of Alaska from the permanent fund dividend. For over 16 years they have stolen from the PFD to support the wasteful spending of the State's budget.

Sent from [Mail](#) for Windows

From: pilibone@everyactioncustom.com on behalf of [AP Goddard-Vaughan](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Proposed changes to Alaska's water reservation regulations under 11 AAC 93
Date: Tuesday, June 30, 2026 6:24:58 PM

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Dear Division of Mining, Land & Water, Program Support Section Brandon McCutcheon,

I am writing to express my deep concern about the proposed changes to water reservations in the State of Alaska. The changes proposed do not live up to our constitutional obligation, which states "Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use." Instead, these changes favor water appropriation to private users over reservations for the common use of Alaskans. Instead of making it harder for Alaskans to protect our waters, I request that the department strengthen protections for instream flows by making them automatic for all anadromous streams rather than creating additional barriers for those seeking to protect fish habitat.

Sincerely,
Ms. AP Goddard-Vaughan
Anchorage, AK 99507-1016
Private Information

From: gag888@everyactioncustom.com on behalf of [Gary Goetz](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Proposed changes to Alaska's water reservation regulations under 11 AAC 93
Date: Saturday, June 20, 2026 4:11:47 PM

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Dear Division of Mining, Land & Water, Program Support Section Brandon McCutcheon,

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Sincerely,
Mr. Gary Goetz
Pacific Grove, CA 93950-2450
Private Information

From: susanrgoldstein@everyactioncustom.com on behalf of [Susan Goldstein](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Proposed changes to Alaska's water reservation regulations under 11 AAC 93
Date: Saturday, June 20, 2026 9:10:08 AM

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Dear Division of Mining, Land & Water, Program Support Section Brandon McCutcheon,

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Sincerely,
Ms. Susan Goldstein
West Hartford, CT 06119-1508

Private Information

From: martha2503@everyactioncustom.com on behalf of [Martha Gorak](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Proposed changes to Alaska's water reservation regulations under 11 AAC 93
Date: Saturday, June 20, 2026 12:05:14 PM

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Dear Division of Mining, Land & Water, Program Support Section Brandon McCutcheon,

I am writing to express my deep concern about the proposed changes to water reservations in the State of Alaska. The changes proposed do not live up to our constitutional obligation, which states "Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use." Instead, these changes favor water appropriation to private users over reservations for the common use of Alaskans. Instead of making it harder for Alaskans to protect our waters, I request that the department strengthen protections for instream flows by making them automatic for all anadromous streams rather than creating additional barriers for those seeking to protect fish habitat.

Sincerely,
Mrs. Martha Gorak
Bellaire, TX 77401-2814
Private Information

From: clackim@everyactioncustom.com on behalf of [Carol Goslant](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Proposed changes to Alaska's water reservation regulations under 11 AAC 93
Date: Monday, June 22, 2026 6:37:38 AM

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Dear Division of Mining, Land & Water, Program Support Section Brandon McCutcheon,

I am writing to express my deep concern about the proposed changes to water reservations in the State of Alaska. The changes proposed do not live up to our constitutional obligation, which states "Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use." Instead, these changes favor water appropriation to private users over reservations for the common use of Alaskans. Instead of making it harder for Alaskans to protect our waters, I request that the department strengthen protections for instream flows by making them automatic for all anadromous streams rather than creating additional barriers for those seeking to protect fish habitat.

Sincerely,
Mrs. Carol Goslant
Cambridge, MA 02138-1969
Private Information

From: marketing@everyactioncustom.com on behalf of [Jennifer Gracey](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Proposed changes to Alaska's water reservation regulations under 11 AAC 93
Date: Tuesday, June 30, 2026 5:25:57 PM

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Dear Division of Mining, Land & Water, Program Support Section Brandon McCutcheon,

To Whom It May Concern:

We are writing to express our deep concern about the proposed changes to water reservations in the State of Alaska. The changes proposed do not live up to our constitutional obligation, which states, "Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use." Instead, these changes favor water appropriation to private users over reservations for the common use of Alaskans.

Instead of making it harder for Alaskans to protect our waters, we respectfully request that the department strengthen protections for instream flows by making them automatic for all anadromous streams rather than creating additional barriers for those seeking to protect fish habitat.

As Alaska's largest dedicated fishing tackle retailer, B&J Sporting Goods has proudly served Alaska's fishing community for more than 70 years. Every season, we work with resident anglers filling their freezers, fishing guides, charter operators, commercial fishermen, military families discovering Alaska for the first time, and visitors from around the world who come here because of Alaska's extraordinary fisheries.

Healthy fisheries are not simply an environmental issue—they are an economic one. They support thousands of Alaska jobs, small businesses, tourism, outdoor recreation, food security, and a way of life that has defined our state for generations. None of those benefits exist without healthy rivers and adequate streamflows.

While we understand the Department's desire to modernize the reservation process and improve scientific standards, we are concerned that requiring significantly more data, monitoring, and expense will make it substantially more difficult for Alaska communities, nonprofit organizations, watershed groups, and Tribal organizations to establish instream flow reservations that protect fish habitat before competing demands for water arise.

Our customers do not come to us because Alaska has the biggest mines, the largest industrial projects, or the greatest volume of water appropriated for development. They come because Alaska is home to some of the finest wild fisheries on Earth. Those fisheries are the foundation of countless Alaska businesses—including ours—and deserve to remain a priority when decisions affecting Alaska's waters are made.

Water is the foundation of Alaska's fisheries. Once streamflows are diminished, restoring salmon runs and the economies that depend upon them can take decades—or may never be fully possible.

As Alaska continues to consider new industrial development, mining projects, energy infrastructure, data centers, and other large water users, it is more important than ever that our fisheries remain a priority. Alaska's salmon, trout, char, grayling, and countless other species cannot simply relocate when streamflows are reduced. They depend upon healthy rivers with adequate water throughout every stage of their life cycle.

We respectfully urge the Department to revise these proposed regulations so they strengthen—not weaken—the ability of Alaskans to protect instream flows. Alaska's fisheries are among our state's greatest renewable resources. Protecting the water they depend upon is an investment in Alaska's economy, Alaska's food security, Alaska's outdoor heritage, and future generations of Alaskans.

As a business that exists because people fish Alaska, we believe safeguarding fish habitat and the water our fisheries depend upon is not only good conservation—it is sound economic policy.

Thank you for your consideration.

Sincerely,

B&J Sporting Goods
Alaska's Premier Fishing Store
Anchorage, Alaska

Sincerely,
Ms. Jennifer Gracey
Anchorage, AK 99503-2600

Private Information

From: geezerdog67@everyactioncustom.com on behalf of [Donovan Granger](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Proposed changes to Alaska's water reservation regulations under 11 AAC 93
Date: Thursday, June 18, 2026 9:36:45 PM

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Dear Division of Mining, Land & Water, Program Support Section Brandon McCutcheon,

I am writing to express my deep concern about the proposed changes to water reservations in the State of Alaska. The changes proposed do not live up to our constitutional obligation, which states "Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use." Instead, these changes favor water appropriation to private users over reservations for the common use of Alaskans. Instead of making it harder for Alaskans to protect our waters, I request that the department strengthen protections for instream flows by making them automatic for all anadromous streams rather than creating additional barriers for those seeking to protect fish habitat.

Sincerely,
Mx. Donovan Granger
Fairbanks, AK 99712-2930

Private Information

From: rmg13@everyactioncustom.com on behalf of [Rochelle Gravance](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Proposed changes to Alaska's water reservation regulations under 11 AAC 93
Date: Saturday, June 20, 2026 8:33:55 AM

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Sincerely,
Miss Rochelle Gravance
Columbus, MT 59019-1205
Private Information

From: kennkay@everyactioncustom.com on behalf of [Ken S Green](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Proposed changes to Alaska's water reservation regulations under 11 AAC 93
Date: Friday, June 19, 2026 11:38:32 AM

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Sincerely,
Mr. Ken S Green
Cooper Landing, AK 99572-0776
Private Information

From: myinnerstrength@everyactioncustom.com on behalf of [Jamie Greer](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Proposed changes to Alaska's water reservation regulations under 11 AAC 93
Date: Saturday, June 20, 2026 10:19:57 AM

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Sincerely,
Mrs. Jamie Greer
Lake Hill, NY 12448

Private Information

From: greskoscience@everyactioncustom.com on behalf of [Andrew A Gresko](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Proposed changes to Alaska's water reservation regulations under 11 AAC 93
Date: Saturday, June 20, 2026 9:21:47 AM

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Sincerely,
Mr. Andrew A Gresko
Highland Mills, NY 10930-6011

Private Information

From: nckittenbird@everyactioncustom.com on behalf of [Cindy Grimes](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Proposed changes to Alaska's water reservation regulations under 11 AAC 93
Date: Saturday, June 20, 2026 1:31:42 PM

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Dear Division of Mining, Land & Water, Program Support Section Brandon McCutcheon,

I am writing to express my deep concern about the proposed changes to water reservations in the State of Alaska. The changes proposed do not live up to our constitutional obligation, which states "Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use." Instead, these changes favor water appropriation to private users over reservations for the common use of Alaskans. Instead of making it harder for Alaskans to protect our waters, I request that the department strengthen protections for instream flows by making them automatic for all anadromous streams rather than creating additional barriers for those seeking to protect fish habitat.

Sincerely,
Ms Cindy Grimes
Websterville, VT 05678-4108
Private Information

From: gurdin@everyactioncustom.com on behalf of [J. Barry Gurdin](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Proposed changes to Alaska's water reservation regulations under 11 AAC 93
Date: Sunday, June 21, 2026 12:00:08 AM

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Dear Division of Mining, Land & Water, Program Support Section Brandon McCutcheon,

I am writing to express my deep concern about the proposed changes to water reservations in the State of Alaska. The changes proposed do not live up to our constitutional obligation, which states “Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use.” Instead, these changes favor water appropriation to private users over reservations for the common use of Alaskans. Instead of making it harder for Alaskans to protect our waters, I request that the department strengthen protections for instream flows by making them automatic for all anadromous streams rather than creating additional barriers for those seeking to protect fish habitat.

Sincerely,
Dr. J. Barry Gurdin
San Francisco, CA 94122-4617
Private Information

From: rlgust71ak@everyactioncustom.com on behalf of [Richard Gustafson](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Proposed changes to Alaska's water reservation regulations under 11 AAC 93
Date: Tuesday, June 30, 2026 5:48:54 PM

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Dear Division of Mining, Land & Water, Program Support Section Brandon McCutcheon,

I appose changes to water reservations in the State of Alaska. These proposed changes do not live up to our constitutional obligation, which states "Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use." Instead, these changes favor water appropriation to private users over reservations for the common use of Alaskans. Instead of making it harder for Alaskans to protect our waters, I request that the department strengthen protections for instream flows by making them automatic for all anadromous streams rather than creating additional barriers for those seeking to protect fish habitat.

Sincerely,
Mr. Richard Gustafson
Homer, AK 99603-4144
Private Information

From: dmbuttad@everyactioncustom.com on behalf of [Chung Ha](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Proposed changes to Alaska's water reservation regulations under 11 AAC 93
Date: Tuesday, June 30, 2026 4:42:45 PM

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Dear Division of Mining, Land & Water, Program Support Section Brandon McCutcheon,

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Sincerely,
Ms. Chung Ha
Anchorage, AK 99507-3717
Private Information

From: robert.haan@everyactioncustom.com on behalf of [Robert Haan](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Proposed changes to Alaska's water reservation regulations under 11 AAC 93
Date: Monday, June 22, 2026 1:23:02 PM

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Dear Division of Mining, Land & Water, Program Support Section Brandon McCutcheon,

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Sincerely,
Mr. Robert Haan
Anchorage, AK 99504-4358

Private Information

From: otterone77@everyactioncustom.com on behalf of [Sue Hall](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Proposed changes to Alaska's water reservation regulations under 11 AAC 93
Date: Saturday, June 20, 2026 2:13:18 PM

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Dear Division of Mining, Land & Water, Program Support Section Brandon McCutcheon,

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Sincerely,
Ms. Sue Hall
Castro Valley, CA 94546-1350
Private Information

From: halloran.madison@everyactioncustom.com on behalf of [Madison Halloran](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Proposed changes to Alaska's water reservation regulations under 11 AAC 93
Date: Monday, June 22, 2026 12:20:26 PM

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Dear Division of Mining, Land & Water, Program Support Section Brandon McCutcheon,

I am writing to express my deep concern about the proposed changes to water reservations in the State of Alaska. The changes proposed do not live up to our constitutional obligation, which states "Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use." Instead, these changes favor water appropriation to private users over reservations for the common use of Alaskans. Instead of making it harder for Alaskans to protect our waters, I request that the department strengthen protections for instream flows by making them automatic for all anadromous streams rather than creating additional barriers for those seeking to protect fish habitat.

Sincerely,
Ms. Madison Halloran
Anchorage, AK 99508-3063

Private Information

From: dnr.dmlwweb@alaska.gov
To: Private Information
Cc: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Public Comment Receipt
Date: Friday, June 12, 2026 7:36:54 PM

Annalise Hangartner submitted a public comment online to the Alaska Division of Mining, Land, and Water on 6/12/2026. Thank you for your input!

Comment:

Dear Department of Natural Resources, Thank you for the opportunity to comment on the proposed changes to Alaska's water reservation regulations under 11 AAC 93. I am concerned that some of the proposed changes could make it harder for Alaskans to protect water for salmon, wildlife, recreation, and public use. A healthy river supports a healthy ecosystem which supports healthy people. I want myself, my family, and my fellow Alaskans to be healthy. Specifically, I want to raise these points: - Alaska's water belongs to the public and should be managed for the maximum benefit of all Alaskans, including for fish and wildlife habitat, subsistence, recreation, navigation, and community use. - Requiring at least five years of monthly data could make it harder for communities, Tribes, nonprofits, and other public-interest applicants to pursue reservations, especially in remote areas where data collection is expensive and difficult. - DNR should engage in meaningful government-to-government consultation with Alaska Native Tribes before adopting changes that could affect salmon, traditional waters, and the protection of water. Alaska's water is a public resource. The reservation process should remain accessible, transparent, and protective of salmon, healthy watersheds, and the people who depend on them. Thank you for your consideration. Sincerely, Annalise H Wasilla

From: landrovie@everyactioncustom.com on behalf of [warwick hansell](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Proposed changes to Alaska's water reservation regulations under 11 AAC 93
Date: Monday, June 22, 2026 8:36:34 AM

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Dear Division of Mining, Land & Water, Program Support Section Brandon McCutcheon,

Hello and thank you for your time. I am writing to express my deep concern about the proposed changes to water reservations in the State of Alaska. The changes proposed do not live up to our constitutional obligation, which states "Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use." Instead, these changes favor water appropriation to private users over reservations for the common use of Alaskans. Instead of making it harder for Alaskans to protect our waters, I request that the department strengthen protections for instream flows by making them automatic for all anadromous streams rather than creating additional barriers for those seeking to protect fish habitat.

Sincerely,
Mr. warwick hansell
Cottonwood Heights, UT 84121-2728
Private Information

From: timhans@everyactioncustom.com on behalf of [Tim Hanson](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Proposed changes to Alaska's water reservation regulations under 11 AAC 93
Date: Sunday, June 21, 2026 6:30:47 AM

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Dear Division of Mining, Land & Water, Program Support Section Brandon McCutcheon,

I am writing to express my deep concern about the proposed changes to water reservations in the State of Alaska. The changes proposed do not live up to our constitutional obligation, which states "Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use." Instead, these changes favor water appropriation to private users over reservations for the common use of Alaskans. Instead of making it harder for Alaskans to protect our waters, I request that the department strengthen protections for instream flows by making them automatic for all anadromous streams rather than creating additional barriers for those seeking to protect fish habitat.

Sincerely,
Mr. Tim Hanson
Santa Monica, CA 90405-3428
Private Information

From: hanuske@everyactioncustom.com on behalf of [Sarah Hanuske](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Proposed changes to Alaska's water reservation regulations under 11 AAC 93
Date: Tuesday, June 30, 2026 6:12:49 PM

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Dear Division of Mining, Land & Water, Program Support Section Brandon McCutcheon,

I support strengthening protections for instream flows that sustain fish habitat. I am opposed to any private users having access for the "common use of Alaskans." Do not sell our natural resources to private companies.

Sincerely, Sarah Hanuske

Sincerely,
Ms. Sarah Hanuske
Anchorage, AK 99517-3005
Private Information

From: [James Hasbrouck](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Hasbrouck comment on proposed changes on reservations of water regulations
Date: Tuesday, June 30, 2026 2:26:23 PM
Attachments: [WaterResRegsDNR 2026.06 HasbrouckComments.pdf](#)

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Dear DNR Water Regulations,

Attached please find my comments to DNR proposed changes on reservations of water regulations. Please contact me if you have questions or desire additional information on these comments.

Thank you for the opportunity to provide comment.

James J. Hasbrouck, PhD

30 June 2026

To: Brandon McCutcheon
Natural Resource Manager 3
Alaska Department of Natural Resources

From: James J. Hasbrouck
Chief Fisheries Scientist – Retired
Alaska Department of Fish and Game
Division of Sport Fish

Re: Notice of Proposed Changes on Reservations of Water

Dear Mr. McCutcheon,

I appreciate the opportunity to comment on the Alaska Department of Natural Resources (DNR) proposed changes on reservations of water regulations 11 AAC 93. DNR asserts these “Revisions will provide an efficient, consistent, and cost-effective water reservation process to encourage development of state water for its highest and best use consistent with the public interest.” Many of proposed revisions do just the opposite. DNR provided no rationale for any of the specific revisions to justify their inclusion or deletion. DNR took nearly 1.5 years since their scoping effort on regulation revisions in 2024 to public notice these proposed changes and now allow public comment for only 30 days when many Alaskans are busy pursuing fishing and related outdoor aquatic recreational activities. Thus, it is unclear why a water reservation application and adjudication process functioning for decades as a proactive measure to conserve water for fish and wildlife habitat and public use activities is now being revised in a manner that minimizes public interest of Alaskans in the process.

Below are comments on proposed revisions of specific regulations.

1. 11 AAC 93.142 (b) (4) is amended to read:
include a minimum of five years of monthly data to quantify the proposed reservation
[SPECIFY THE TIME PERIOD REQUIRED TO FULLY QUANTIFY THE PROPOSED
RESERVATION, WHICH MAY BE NO LONGER THAN THREE YEARS AFTER THE
DATE THE APPLICATION IS ACCEPTED BY THE DEPARTMENT FOR FILING];

An application for water reservation needs more than 1 year of data but a minimum of 3 years of monthly data should suffice. More data provides a better understanding of the hydraulic dynamics of the water body, but a minimum of 5 years does not seem cost effective at significantly improving knowledge of the dynamics relative to 3 years.

2. 11 AAC 93.142 (b) (8) is amended to read:
identify **applicable** physical, biological, water chemistry, and socio-economic data substantiating the need for and the quantity of water requested for the proposed reservation;

Addition of “applicable” is unnecessary and confusing; applicable is in the eye of the beholder which will reduce consistency in applications for water reservations. If DNR is receiving applications for a water reservation with physical, biological, water chemistry, and socio-economic data not pertinent to the application, then revised regulation language must be clearer and more specific.

3. 11 AAC 93.142 (b) (9) is amended to read:
for reservations of water intended to protect fish habitat, migration, and propagation, (A) identify the population and species of fish using the proposed reservation of water reach for spawning, rearing, or migration; (B) estimate the population of fish from the proposed reservation of water reach(es) that supplies sport, commercial, and subsistence use; (C) estimate how differing water levels or flows in the proposed reservation of water reach would affect the amount or quantity of habitat available for rearing, spawning, or migration; and (D) include downstream and upstream land use and property ownership data at the proposed reach that may be affected by the proposed reservation of water;

This entire new added subsection should be deleted. None of the information specified in this new subsection improves knowledge of the instream flow desired to sustain fish and wildlife habitat. Little if any of the information would be available by water reach which will be very costly to collect – tens if not hundreds of thousands of dollars and technical expertise in addition to costs and expertise to collect information already specified in regulation.

For part (A), the species of fish using the water body would be specified as part of the biological data required in subsection (8) if the reservation of water is intended to protect fish habitat, migration, and propagation. Identifying both a population and species is confusing. These two issues reduce efficiency and consistency of the water reservation process. For part (B), estimating the population of fish is a highly technical, costly endeavor, especially when required for each species. Sampling to estimate abundance by species will involve more than using fish capture or observation gear for a short time period as would occur to detect presence/absence. It is not clear why DNR believes estimating abundance of fish by species provides meaningful data to evaluate and adjudicate the application for a water reservation. Fish abundance can vary greatly over time for a variety of reasons not related to freshwater instream flow. For example, abundance of Chinook salmon in many areas of Alaska is low now relative to abundance a decade ago, but the decline is largely attributed to changes in the marine environment, not freshwater habitats. It makes no sense an estimate of Chinook salmon abundance in recent years vs. a decade ago would alter the result or timeliness of DNR’s decision on a water reservation application or make the adjudication process more efficient and consistent. This section also requires fish in the water reach(es) supply sport, commercial, and subsistence use. Few fish species in the water body may supply use to all three fisheries: chum salmon may supply commercial and subsistence but not sport use, northern pike may supply subsistence and sport but not commercial use. Addition of (B) also requires DNR to hire personnel or contractors to evaluate the methods, analyses and results

of each population estimation project, a skill set DNR lacks. This will make the water reservation process less efficient and cost-effective for DNR with no obvious improvement to the process. For part (C), there is no specific or clear statement of difference(s) in water levels or flows to consider to estimate how the difference(s) would affect the amount or quantity of habitat available for rearing, spawning, or migration. It is unclear how an applicant and DNR would evaluate rearing, spawning, or migration habitat used by each species of fish altered by differing water levels or flows and estimating how the differences affected habitat availability. This further reduces efficiency and consistency in the water reservation process, increasing costs. For part (D), the lack of any specific or clear directions on distance downstream and upstream of the proposed reservation of water the applicant must consider in identifying land use and property ownership will make the process less efficient and consistent. According to DNR's "Revisions to Water Management Regulations" webpage, there is currently a backlog of nearly 500 pending water reservation applications to adjudicate. Given the exceedingly long time required for DNR to adjudicate a water reservation application, it is likely some land use and property ownership will change between when the reservation application is submitted and then reviewed by DNR, making the applicant providing such information meaningless and making the process less efficient and consistent.

4. 11 AAC 93.146(b) is amended to read:
(b) [THE CERTIFICATE OF RESERVATION WILL BE ISSUED TO THE APPLICANT.]
The applicant is responsible for compliance with the conditions of the certificate of reservation. **The commissioner will issue a certificate of reservation to the applicant if the applicant is a state or federal resource management agency. If the applicant is not a state or federal resource management agency, the commissioner will issue the certificate to the department.**

This revision creates a disincentive for Alaskans to apply for a water reservation for fish and wildlife habitat. The public will be less willing to spend money and time collecting data for a water reservation application if DNR ultimately holds the certificate for the water reservation. DNR should bear costs of collecting data to apply for a reservation of water if DNR will hold the certificate. It is not consistent for individuals and private companies to obtain a water right, but a water reservation be granted exclusively to a state or federal resource management agency.

5. 11 AAC 93.146(d) is amended to read:
(d) The certificate of reservation will state any additional terms or conditions the commissioner considers necessary to protect the prior valid rights of other appropriators and the public interest, **including** [. THE CONDITIONS WILL, IN THE COMMISSIONER'S DISCRETION, INCLUDE THE FOLLOWING]:
(1) measuring devices of a type and at a location approved by the commissioner must be installed and maintained **by the applicant** to monitor and report on the reserved instream flow or level of water **at intervals approved by the commissioner**; and

This revision also creates a disincentive for Alaskans to apply for a water reservation for fish and wildlife habitat. The public will be less willing to spend money and time to continue collecting data for a certificate of water reservation if DNR holds the certificate, especially when there is no clear justification for the need to continue collecting the data. DNR request for additional instream

James Hasbrouck Public Comment
Notice of Proposed Changes on Reservations of Water

flow and hydrology data is justified when a certificate of reservation will be under review but continued monitoring in perpetuity with no clear, objective purpose makes the water reservation process more costly and less efficient.

6. Cost of implementation to the state agency and available funding (in thousands of dollars): \$0

The fiscal note on the public notice for these proposed changes shows DNR anticipates no additional costs to implement the revisions. This is incorrect. As stated before, DNR currently has a backlog of nearly 500 pending water reservation applications to adjudicate. DNR has provided no information this backlog is created by inconsistencies in water reservation applications or lack of appropriate data and analyses. The proposed changes to the regulations will require additional funding, time, and technical expertise by DNR to review each water reservation application.

In conclusion, DNR should reconsider changing regulations on reservations of water. This does not mean revisions are unnecessary, but the current regulation revisions and DNR process for changing them is inadequate. The proposed changes make the reservation application and review processes less efficient with no improvement in consistency to the processes, will be much more costly to both the applicant and DNR, do little if anything to encourage development of state water for its highest and best use, and disenfranchise public engagement and interest relative to fish and wildlife habitat. Water reservations are not an impediment to resource development and economic growth in Alaska; they are a proactive and wise tool in promoting responsible development and opportunities.

Please contact me if you have questions regarding comments provided here. Thank you for this opportunity.

Sincerely,

James J. Hasbrouck, PhD

From: [Mary Hausler](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Water reservation regulations
Date: Monday, June 29, 2026 2:34:02 PM

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Dear Department of Natural Resources,

Thank you for the opportunity to comment on the proposed changes to Alaska's water reservation regulations.

I am concerned that the proposed changes could make it harder for Alaskans to protect water for salmon, wildlife, recreation, subsistence, navigation, and public use. Water reservations are one of the only legal tools available to keep water in rivers, streams, and lakes for fish habitat, migration, and propagation.

Please ensure that any changes to 11 AAC 93 strengthen, rather than weaken, Alaska's ability to protect instream flows. Requirements such as five years of monthly data, monitoring devices, reporting obligations, and possible cost-shifting should not create barriers for Tribes, communities, nonprofits, or public-interest applicants working to protect water for fish and wildlife.

Alaska's water is a public resource. The reservation process should remain accessible, transparent, and protective of salmon, healthy watersheds, and the people who depend on them. We should not be making it easier for corporations to degrade our resources.

Thank you for your consideration.

Mary Hausler
3240 Nowell Ave
Juneau, AK 99801

From: hayworth.michelle@everyactioncustom.com on behalf of [Michelle Hayworth](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Proposed changes to Alaska's water reservation regulations under 11 AAC 93
Date: Thursday, June 18, 2026 8:51:40 AM

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Dear Division of Mining, Land & Water, Program Support Section Brandon McCutcheon,

I am writing to express my deep concern about the proposed changes to water reservations in the State of Alaska. The changes proposed do not live up to our constitutional obligation, which states "Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use." Instead, these changes favor water appropriation to private users over reservations for the common use of Alaskans. Instead of making it harder for Alaskans to protect our waters, I request that the department strengthen protections for instream flows by making them automatic for all anadromous streams rather than creating additional barriers for those seeking to protect fish habitat.

Sincerely,
Ms Michelle Hayworth
Anchorage, AK 99504-3155

Private Information

From: cbhazeltine@everyactioncustom.com on behalf of [Carol Hazeltine](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Proposed changes to Alaska's water reservation regulations under 11 AAC 93
Date: Tuesday, June 30, 2026 4:11:29 PM

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The fish populations in Alaska are an integral part of our environmental health, culture and livelihoods. Protecting fish habitat is vital and should remain the number one priority.

Sincerely, Carol Hazeltine

Sincerely,
Mrs. Carol Hazeltine
Anchorage, AK 99516-3521

Private Information

From: azearthwalker@everyactioncustom.com on behalf of [Dan Heffernan](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Proposed changes to Alaska's water reservation regulations under 11 AAC 93
Date: Saturday, June 20, 2026 9:56:10 AM

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Dear Division of Mining, Land & Water, Program Support Section Brandon McCutcheon,

I am writing to express my deep concern about the proposed changes to water reservations in the State of Alaska. The changes proposed do not live up to our constitutional obligation, which states "Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use." Instead, these changes favor water appropriation to private users over reservations for the common use of Alaskans. Instead of making it harder for Alaskans to protect our waters, I request that the department strengthen protections for instream flows by making them automatic for all anadromous streams rather than creating additional barriers for those seeking to protect fish habitat.

Sincerely,
Mr Dan Heffernan
Glendale, AZ 85304-3920

Private Information

From: cindy.hicks519@everyactioncustom.com on behalf of [Cynthia Hicks](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Proposed changes to Alaska's water reservation regulations under 11 AAC 93
Date: Saturday, June 20, 2026 10:15:59 AM

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Dear Division of Mining, Land & Water, Program Support Section Brandon McCutcheon,

I am writing to express my deep concern about the proposed changes to water reservations in the State of Alaska. The changes proposed do not live up to our constitutional obligation, which states "Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use." Instead, these changes favor water appropriation to private users over reservations for the common use of Alaskans. Instead of making it harder for Alaskans to protect our waters, I request that the department strengthen protections for instream flows by making them automatic for all anadromous streams rather than creating additional barriers for those seeking to protect fish habitat.

Sincerely,
Ms Cynthia Hicks
Portland, OR 97230-8292

Private Information

From: [N.J. Hillstrand](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Fwd: OPPOSE Regulatory change on 11 AAC 93 water reservations
Date: Tuesday, June 30, 2026 5:02:38 PM
Attachments: [Pioneer Alaskan Fisheries 11AAC 93proposed changes.docx](#)

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From: **N.J. Hillstrand** <halibuts@gmail.com>
Date: Tue, Jun 30, 2026 at 4:56 PM
Subject: OPPOSE Regulatory change on 11 AAC 93 water reservations
To: <dnr.water.regulaton@alaska.gov>

Thank you for the opportunity to submit my comments with my attached document.
Pioneer Alaskan Fisheries Inc
Homer, Alaska
Nancy Hillstrand

Nancy Hillstrand
Pioneer Alaskan Fisheries Inc.
4306 Homer Spit
Homer, Alaska 99603

RE: We oppose proposed changes on reservations of water in 11 AAC 93. Intent is not clear

Our 60-year-old Alaskan corporation has many regulations to follow from many different departments. Regulations are needed to guide and prevent degradation of the public trust. It has become clear that many regulations are not followed through on. Not just in word but in deed and in man power which the state departments are short on. There is no more critical public trust than our water.

ADNRs words stating the proposed revisions to 11 AAC 93 will "provide an efficient, consistent, and cost-effective water reservation process". This statement sounds logical yet does not identify to whom this efficiency will be granted or how. There are ways to streamline regulations without giving the water resources away only to those wealthy enough to afford them and under the political whim of the pleasure of the governor. The cost to rectify damage to our water resources far outweighs obscure laws without needed detail of intent.

Alaskans have learned that our state, like the Feds before statehood, is still prioritizing wealthy nonresident and foreign corporations that in the long run places added burden, restoration cost and reduced rights of the public onto the public trust who owns these resources.

The intent of these proposed regulation changes affecting the Public Trust, does not adequately relay clear intent. Public resistance comes from our experience knowing our best interest is often forgotten for short term gain from wealthy actors.

Clear justification to the public is required, before any changes are introduced to the regulations protecting our valuable water reservations.

"wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use."

How do these proposed changes provide for the public trust, for the benefit of the people as a whole? Is there intent for these changes to serve the benefit of the government, to serve corporations, or private persons?

Fortunately, the constitution prohibits the state from granting to any person or group privileged or monopolistic access to the waters of the state of Alaska. However, we see over and over access given to our resources that do not serve our benefit as a whole.

These are major regulatory changes that cause difficulty and expense for the people to reserve waters raising serious doubt of the intent, but why is this being done. ADNR must reveal this intent with clear examples of how this will affect the public trust into the future. Water is our most precious resource. It melds the Departments of Natural Resources, Environmental Conservation and Fish and Game together in a common unity. We, the people bequeathed with this public trust need clear understanding when chronic changes are promoted.

Monitoring is a most critical aspect of working with natural resources this is understood especially with water to calculate more accurately if the adequate water resource can meet the reservation. But again we can see there is no money for the state to be able to adequately perform this monitoring analysis or even adequacy of the monitoring protocol. This allows the façade of a monitoring protocol that does not protect the public trust especially from nonresident or alien players treating Alaska as a third world country as Alaska grasps for money.

Here is where the public gets uncomfortable. We need examples of this administrations intent of how they are planning to utilize water in the future. Clarify how the equations of percentage of water utilization are calculated while incorporating the critical tenet of conservation, during development projects. Conservation, Utilization, Development, the rare mandate triplets found in Alaska's constitution. Unfortunately, the public has seen the lack of regard for conservation, the third leg of the stool that topples development from lack of prevention of harm.

How are our "fish and wildlife in their natural state" reserved in their watery world to prosper in this equation? Show us clearly how the Department of Natural Resources provides clear balanced safeguards to ensure the balance of conservation is equal or superior to development projects that can and often have jeopardized our fish and wildlife costing millions in recovery.

When a state gets desperate as ours with revenue shortfalls...opportunity and need sets in to weaken law, just like a needy person with an open cash register. Revenue shortfalls is where serious costly mistakes can be made. Like drought in river systems, this must be built into regulation. Incremental regulatory changes create the death by a thousand cuts resulting in damage to the public trust. Do these changes serve the benefit of the government, corporations, or private persons or do these protect the public trust from privileged or monopolistic access to the waters of the state of Alaska?

Transparency on this intent is needed to ensure the state is not giving an inch that allows monopolistic actors to take a mile. Until this intent is revealed, the public remains wary as we understand departments are at the pleasure of the governor, so changes by administration. In the equation used for water reservations, making water reservations more difficult and expensive to provide for by the "people" will then be made easier for bigger corporations with money and political pressure. We cannot let this happen in the last frontier with some of the last pure waters, last wild fish species and last wetlands.

Water reservations that are the public trust require a closer alignment with the public to hold these certificates, with state cost sharing in monitoring and analysis that the people can clearly understand to ensure large buffers of capacity in our water reservations with the oversight of the people themselves.

I oppose these proposed regulations.

Sincerely,

Nancy Hillstrand

Nancy J. Hillstrand

From: angelfishhinson@everyactioncustom.com on behalf of [Katherine Hinson](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Proposed changes to Alaska's water reservation regulations under 11 AAC 93
Date: Saturday, June 20, 2026 9:48:42 AM

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Dear Division of Mining, Land & Water, Program Support Section Brandon McCutcheon,

I am writing to express my deep concern about the proposed changes to water reservations in the State of Alaska. The changes proposed do not live up to our constitutional obligation, which states "Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use." Instead, these changes favor water appropriation to private users over reservations for the common use of Alaskans. Instead of making it harder for Alaskans to protect our waters, I request that the department strengthen protections for instream flows by making them automatic for all anadromous streams rather than creating additional barriers for those seeking to protect fish habitat.

Sincerely,
Miss Katherine Hinson
Gilbert, AZ 85295-7212

Private Information

From: Licy75@everyactioncustom.com on behalf of [Felicity Hohenshelt](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Proposed changes to Alaska's water reservation regulations under 11 AAC 93
Date: Saturday, June 20, 2026 1:19:10 PM

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Sincerely,
Ms. Felicity Hohenshelt
Jacksonville, FL 32257-8118

Private Information

From: debihojda@everyactioncustom.com on behalf of [Debora Hojda](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Proposed changes to Alaska's water reservation regulations under 11 AAC 93
Date: Saturday, June 20, 2026 5:12:52 PM

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Dear Division of Mining, Land & Water, Program Support Section Brandon McCutcheon,

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Sincerely,
Mrs. Debora Hojda
Miami, FL 33179-6413
Private Information

From: angelharpny@everyactioncustom.com on behalf of [Carla Holder](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Proposed changes to Alaska's water reservation regulations under 11 AAC 93
Date: Saturday, June 20, 2026 1:24:27 PM

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Dear Division of Mining, Land & Water, Program Support Section Brandon McCutcheon,

I am deeply concerned about the proposed changes to water reservations in the State of Alaska. The changes proposed do not live up to your constitutional obligation, which states "Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use." Instead, these changes favor water appropriation to private users over reservations for the common use of Alaskans and the fish and wildlife they depend on. Instead of making it harder for Alaskans to protect the waters, I request that the department strengthen protections for instream flows by making them automatic for all anadromous streams rather than creating additional barriers for those seeking to protect fish habitat. It's not rocket science to say that fish need water. Alaskans need fish and other wildlife that thrive on the streams and rivers.

Sincerely,
Ms. Carla Holder
Harvest, AL 35749-7801
Private Information

From: markhollinrake1993@everyactioncustom.com on behalf of [Mark Hollinrake](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Proposed changes to Alaska's water reservation regulations under 11 AAC 93
Date: Saturday, June 20, 2026 10:41:11 AM

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Dear Division of Mining, Land & Water, Program Support Section Brandon McCutcheon,

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Sincerely,
Mr. Mark Hollinrake
New York, NY 10026-1539

Private Information

From: aniaksdh@everyactioncustom.com on behalf of [Darlene Holmberg](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Proposed changes to Alaska's water reservation regulations under 11 AAC 93
Date: Friday, June 26, 2026 10:13:43 AM

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Dear Division of Mining, Land & Water, Program Support Section Brandon McCutcheon,

I am writing to express my deep concern about the proposed changes to water reservations in the State of Alaska. The changes proposed do not align with our constitutional obligation, which states "Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use." Instead, these changes favor private and profiteering over safe and healthy water for the common use of Alaskans, which rules should be specifically benefitting those who live along and subsist upon the rivers and other bodies of water. Instead of making it harder for Alaskans to protect waters, the department should strengthen protections for in-stream flows for all streams, anadromous and otherwise, rather than creating barriers for protecting healthy people and fish habitat.

Sincerely,
Mrs Darlene Holmberg
Aniak, AK 99557-0171
Private Information

From: edwardhoppas@everyactioncustom.com on behalf of [Norman Hoppas](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Proposed changes to Alaska's water reservation regulations under 11 AAC 93
Date: Thursday, June 18, 2026 10:55:37 AM

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Dear Division of Mining, Land & Water, Program Support Section Brandon McCutcheon,

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Sincerely,
Mr. Norman Hoppas
Anchorage, AK 99507-6231

Private Information

From: edwardhoppas@everyactioncustom.com on behalf of [Norman Hoppas](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Proposed changes to Alaska's water reservation regulations under 11 AAC 93
Date: Thursday, June 18, 2026 10:59:30 AM

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Dear Division of Mining, Land & Water, Program Support Section Brandon McCutcheon,

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Sincerely,
Mr Norman Hoppas
Anchorage, AK 99507-6231

Private Information

From: evergreen5201@everyactioncustom.com on behalf of [Ron Howard](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Proposed changes to Alaska's water reservation regulations under 11 AAC 93
Date: Saturday, June 20, 2026 1:41:10 PM

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Dear Division of Mining, Land & Water, Program Support Section Brandon McCutcheon,

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Sincerely,
Mr. Ron Howard
Delton, MI 49046-9664
Private Information

From: lisahowell100@everyactioncustom.com on behalf of [Lisa Howell](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Proposed changes to Alaska's water reservation regulations under 11 AAC 93
Date: Saturday, June 20, 2026 8:44:21 AM

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Dear Division of Mining, Land & Water, Program Support Section Brandon McCutcheon,

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Sincerely,
Ms. Lisa Howell
Holden, MA 01520

Private Information

From: lhowie890@everyactioncustom.com on behalf of [Linda Howie](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Proposed changes to Alaska's water reservation regulations under 11 AAC 93
Date: Monday, June 22, 2026 5:23:35 PM

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Dear Division of Mining, Land & Water, Program Support Section Brandon McCutcheon,

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Sincerely,
Ms. Linda Howie
West Hills, CA 91307-3638
Private Information

From: vdh2810@everyactioncustom.com on behalf of [vicki hughes](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Proposed changes to Alaska's water reservation regulations under 11 AAC 93
Date: Saturday, June 20, 2026 9:53:50 AM

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Sincerely,
Mrs. vicki hughes
Huntington Beach, CA 92648-2861
Private Information

From: blue1jay@everyactioncustom.com on behalf of [Jay Humphrey](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Proposed changes to Alaska's water reservation regulations under 11 AAC 93
Date: Saturday, June 20, 2026 9:41:18 AM

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Sincerely,
Mr. Jay Humphrey
Estacada, OR 97023-9417
Private Information

From: larryandanne@everyactioncustom.com on behalf of [Anne Hurley](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Proposed changes to Alaska's water reservation regulations under 11 AAC 93
Date: Thursday, June 18, 2026 10:22:27 PM

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Sincerely,
Ms. Anne Hurley
Anchorage, AK 99508-5134
Private Information



IGIUGIG VILLAGE COUNCIL

P.O. Box 4008

Igiugig, AK 99613

Phone: (907) 533-3211 Fax: (907) 533-3217

www.igiugig.com

Email: admin@igiugig.gov

June 30, 2026

Brandon McCutcheon
Alaska Department of Natural Resources
Division of Mining, Land and Water
550 W. 7th Avenue, Suite 1070, Anchorage, AK 99501

Dear Mr. McCutcheon:

This letter is in response to the proposed changes to the water reservation regulations in the Alaska Administrative Code.

- 1) 11 AAC 93.142 (Content of application): The changes proposed to require “more robust” information provided by applicants stands as a disincentive for Tribes like Igiugig Village to apply. When taken with the proposal for DNR to hold all certificates of reservations beyond the State of Alaska and federal resource management agencies, this is a particular disincentive for participation from public interest organizations and Alaska Native organizations.
- 2) 11 AAC 93.146 (Issuance of a certificate of reservation of water): The proposal that DNR will hold all certificates of reservations has not been shown to be supportable by a sufficient DNR staff or budget. The current program stands with close to 300 applications still waiting for a decision. Furthermore, the State’s own resource management agency, Alaska Department of Fish and Game, has many pending certificates. If this proposal is to be supported, DNR will need to show that the program can function before any proposal to take on more can be passed. We have not seen any evidence of budget or staffing increases to support this proposal.
- 3) 11 AAC 93.147 (Review of reservation of water): This proposal further disincentivizes participation in this program.

Lastly, we will need to understand if federally recognized Tribes, such as Igiugig Village, would be able to hold certificates of reservations as a “federal resource management agency” under the proposed regulations.

Thank you.

Alayna DuPont, Conservation Program Coordinator
Igiugig Village Council
PO Box 4008
Igiugig, AK 99613

From: wildmarcimlay@everyactioncustom.com on behalf of [Marc Imlay](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Proposed changes to Alaska's water reservation regulations under 11 AAC 93
Date: Saturday, June 20, 2026 9:44:23 AM

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Sincerely,
Dr. Marc Imlay
Bryans Road, MD 20616-3256

Private Information

From: ros100@everyactioncustom.com on behalf of [Rosalind Ivens](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Proposed changes to Alaska's water reservation regulations under 11 AAC 93
Date: Tuesday, June 23, 2026 5:31:36 AM

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Sincerely,
Ms Rosalind Ivens
Bucksport, ME 04416-4821
Private Information

From: marshallteam@everyactioncustom.com on behalf of [J. M.](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Proposed changes to Alaska's water reservation regulations under 11 AAC 93
Date: Saturday, June 20, 2026 12:16:12 PM

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Dear Division of Mining, Land & Water, Program Support Section Brandon McCutcheon,

I am writing to express my deep concern about the proposed changes to water reservations in the State of Alaska. The changes proposed do not live up to our constitutional obligation, which states "Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use." Instead, these changes favor water appropriation to private users over reservations for the common use of Alaskans. Instead of making it harder for Alaskans to protect our waters, I request that the department strengthen protections for instream flows by making them automatic for all anadromous streams rather than creating additional barriers for those seeking to protect fish habitat.

Sincerely,
Mr. J. M.
Cypress, TX 77433-3386

Private Information

From: Banklady65@everyactioncustom.com on behalf of [Claudia Jacobson](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Proposed changes to Alaska's water reservation regulations under 11 AAC 93
Date: Saturday, June 20, 2026 7:22:29 PM

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Dear Division of Mining, Land & Water, Program Support Section Brandon McCutcheon,

I am writing to express my deep concern about the proposed changes to water reservations in the State of Alaska. The changes proposed do not live up to our constitutional obligation, which states "Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use." Instead, these changes favor water appropriation to private users over reservations for the common use of Alaskans. Instead of making it harder for Alaskans to protect our waters, I request that the department strengthen protections for instream flows by making them automatic for all anadromous streams rather than creating additional barriers for those seeking to protect fish habitat.

Sincerely,
Mrs. Claudia Jacobson
Soldotna, AK 99669-1710

Private Information

From: Banklady65@everyactioncustom.com on behalf of [Claudia Jacobson](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Proposed changes to Alaska's water reservation regulations under 11 AAC 93
Date: Thursday, June 18, 2026 9:06:57 AM

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Dear Division of Mining, Land & Water, Program Support Section Brandon McCutcheon,

I am writing to express my deep concern about the proposed changes to water reservations in the State of Alaska. The changes proposed do not live up to our constitutional obligation, which states "Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use." Instead, these changes favor water appropriation to private users over reservations for the common use of Alaskans. Instead of making it harder for Alaskans to protect our waters, I request that the department strengthen protections for instream flows by making them automatic for all anadromous streams rather than creating additional barriers for those seeking to protect fish habitat.

Sincerely,
Mrs. Claudia Jacobson
Soldotna, AK 99669-1710

Private Information

From: dnr.dmlwweb@alaska.gov
To: Private Information
Cc: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Public Comment Receipt
Date: Saturday, June 13, 2026 9:27:13 AM

Claudia Jacobson submitted a public comment online to the Alaska Division of Mining, Land, and Water on 6/13/2026. Thank you for your input!

Comment:

We need to protect our salmon, wildlife and land.

From: banklady65@everyactioncustom.com on behalf of [Mark Jacobson](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Proposed changes to Alaska's water reservation regulations under 11 AAC 93
Date: Saturday, June 20, 2026 7:22:58 PM

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Dear Division of Mining, Land & Water, Program Support Section Brandon McCutcheon,

I am writing to express my deep concern about the proposed changes to water reservations in the State of Alaska. The changes proposed do not live up to our constitutional obligation, which states "Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use." Instead, these changes favor water appropriation to private users over reservations for the common use of Alaskans. Instead of making it harder for Alaskans to protect our waters, I request that the department strengthen protections for instream flows by making them automatic for all anadromous streams rather than creating additional barriers for those seeking to protect fish habitat.

Sincerely,
Mr. Mark Jacobson
Soldotna, AK 99669-0297

Private Information

From: banklady65@everyactioncustom.com on behalf of [Mark Jacobson](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Proposed changes to Alaska's water reservation regulations under 11 AAC 93
Date: Thursday, June 18, 2026 9:07:33 AM

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Dear Division of Mining, Land & Water, Program Support Section Brandon McCutcheon,

I am writing to express my deep concern about the proposed changes to water reservations in the State of Alaska. The changes proposed do not live up to our constitutional obligation, which states "Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use." Instead, these changes favor water appropriation to private users over reservations for the common use of Alaskans. Instead of making it harder for Alaskans to protect our waters, I request that the department strengthen protections for instream flows by making them automatic for all anadromous streams rather than creating additional barriers for those seeking to protect fish habitat.

Sincerely,
Mr. Mark Jacobson
Soldotna, AK 99669-0297

Private Information

From: dnr.dmlwweb@alaska.gov
To: Private Information
Cc: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Public Comment Receipt
Date: Saturday, June 13, 2026 9:29:42 AM

Mark Jacobson submitted a public comment online to the Alaska Division of Mining, Land, and Water on 6/13/2026. Thank you for your input!

Comment:

Protect our water, wildlife and land,

From: johnson.adelaide@everyactioncustom.com on behalf of [Adelaide Johnson](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Proposed changes to Alaska's water reservation regulations under 11 AAC 93
Date: Thursday, June 18, 2026 9:23:51 AM

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Sincerely,
Dr. Adelaide Johnson
Juneau, AK 99801-1206

Private Information

From: bljinalaska@everyactioncustom.com on behalf of [Brenda Johnson](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Proposed changes to Alaska's water reservation regulations under 11 AAC 93
Date: Tuesday, June 23, 2026 3:56:13 PM

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Sincerely,
Ms. Brenda Johnson
Juneau, AK 99801-7219
Private Information

From: bljinalaska@everyactioncustom.com on behalf of [Brenda Johnson](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Proposed changes to Alaska's water reservation regulations under 11 AAC 93
Date: Thursday, June 18, 2026 4:01:10 PM

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Sincerely,
Ms. Brenda Johnson
Juneau, AK 99801-7219
Private Information

From: rdtgjohnson@everyactioncustom.com on behalf of [Rhonda Johnson](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Proposed changes to Alaska's water reservation regulations under 11 AAC 93
Date: Monday, June 22, 2026 8:34:42 AM

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Sincerely,
Mrs. Rhonda Johnson
Aylett, VA 23009-3320

Private Information

From: bjumper97@everyactioncustom.com on behalf of [Betsy Jumper](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Proposed changes to Alaska's water reservation regulations under 11 AAC 93
Date: Saturday, June 20, 2026 9:25:46 AM

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Sincerely,
Ms Betsy Jumper
Bethel, AK 99559-4121
Private Information

From: sekiu02@everyactioncustom.com on behalf of [Mel Kadake](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Proposed changes to Alaska's water reservation regulations under 11 AAC 93
Date: Tuesday, June 30, 2026 10:11:26 PM

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Sincerely,
Ms Mel Kadake
Kake, AK 99830-0554
Private Information

From: haydenkaden@everyactioncustom.com on behalf of [Hayden Kaden](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Proposed changes to Alaska's water reservation regulations under 11 AAC 93
Date: Saturday, June 20, 2026 2:19:03 PM

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Dear Division of Mining, Land & Water, Program Support Section Brandon McCutcheon,

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Sincerely,
Mr. Hayden Kaden
Gustavus, AK 99826

Private Information

From: dnr.dmlwweb@alaska.gov
To: Private Information
Cc: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Public Comment Receipt
Date: Friday, June 12, 2026 5:35:54 PM

Father Peter Kamilos submitted a public comment online to the Alaska Division of Mining, Land, and Water on 6/12/2026. Thank you for your input!

Comment:

Dear Department of Natural Resources, Thank you for the opportunity to comment on the proposed changes to Alaska's water reservation regulations under 11 AAC 93. I am concerned that some of the proposed changes could make it harder for Alaskans to protect water for salmon, wildlife, recreation, and public use. I have fished, played, and prayed in Susitna waters for 25 years. As a priest I see these waters as holy and important to my ministry. I am tired of people trying to streamline corporate theft and destruction of our waters! If they want water: they must do the research and prove they won't harm the fish or the people that use it. Corporate money funds it and we keep veto power if we just don't like their corporate behavior! Stop this privatization and giveaway of our resources without compensation or public input. STOP IT! Specifically, I want to raise these points: - Alaska's water belongs to the public and should be managed for the maximum benefit of all Alaskans, including for fish and wildlife habitat, subsistence, recreation, navigation, and community use. - DNR should engage in meaningful government-to-government consultation with Alaska Native Tribes before adopting changes that could affect salmon, traditional waters, and the protection of water. - Any changes to 11 AAC 93 should strengthen Alaska's ability to protect instream flows for salmon, wildlife, recreation, and public use. The process should not become easier for industrial appropriation while becoming harder for public-interest reservations. Alaska's water is a public resource. The reservation process should remain accessible, transparent, and protective of salmon, healthy watersheds, and the people who depend on them. Thank you for your consideration. Sincerely, Father Peter Kamilos Wasilla

From: kkawszan@everyactioncustom.com on behalf of [Karen Kawszan](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Proposed changes to Alaska's water reservation regulations under 11 AAC 93
Date: Sunday, June 21, 2026 4:13:09 PM

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Dear Division of Mining, Land & Water, Program Support Section Brandon McCutcheon,

I am writing to express my deep concern about the proposed changes to water reservations in the State of Alaska. The changes proposed do not live up to our constitutional obligation, which states "Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use." Instead, these changes favor water appropriation to private users over reservations for the common use of Alaskans. Instead of making it harder for Alaskans to protect our waters, I request that the department strengthen protections for instream flows by making them automatic for all anadromous streams rather than creating additional barriers for those seeking to protect fish habitat.

Sincerely,
Mrs. Karen Kawszan
Klein, TX 77379-8027
Private Information

From: dnr.dmlweb@alaska.gov
To: Private Information
Cc: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Public Comment Receipt
Date: Tuesday, June 16, 2026 6:12:57 AM

Colin Keating submitted a public comment online to the Alaska Division of Mining, Land, and Water on 6/16/2026. Thank you for your input!

Comment:

Dear Department of Natural Resources, Thank you for the opportunity to comment on the proposed changes to Alaska's water reservation regulations under 11 AAC 93. I am concerned that some of the proposed changes could make it harder for Alaskans to protect water for salmon, wildlife, recreation, and public use. Specifically, I want to raise these points: - Alaska's water belongs to the public and should be managed for the maximum benefit of all Alaskans, including for fish and wildlife habitat, subsistence, recreation, navigation, and community use. - DNR should engage in meaningful government-to-government consultation with Alaska Native Tribes before adopting changes that could affect salmon, traditional waters, and the protection of water. Alaska's water is a public resource. The reservation process should remain accessible, transparent, and protective of salmon, healthy watersheds, and the people who depend on them. Thank you for your consideration. Sincerely, Colin Keating Folsom, CA

From: [Benjamin Meyer](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Cc: [executivedirector](#)
Subject: Comments on proposed changes to Alaska statute on Instream Flow Reservations
Date: Monday, June 29, 2026 6:49:11 PM
Attachments: [Instream Flow Comments - Kenai Watershed forum - June 2026.pdf](#)

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Hello,

Attached are comments from Kenai Watershed Forum regarding the proposed changes to Alaska statute on instream flow reservations. We look forward to your feedback and further discussion.

Thank you,

Benjamin Meyer

--



Benjamin Meyer *(he/him)*
Research Coordinator
(907) 232-0280 | kenaiwatershed.org
Ben@kenaiwatershed.org





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June 29, 2026

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

Email: dnr.water.regulation@alaska.gov

Dear AKDNR Staff,

Kenai Watershed Forum (KWF) is a 501(c)(3) nonprofit organization based in Soldotna, Alaska, founded in 1997. KWF's mission centers on research, restoration, and education related to the rivers, lakes, and wildlife of the Kenai Peninsula Borough. For nearly three decades, KWF has collaborated with state and federal agencies to map, monitor, and protect freshwater systems across the Kenai Peninsula.

Included in this letter are our comments and feedback on the currently proposed changes to Alaska statute regarding instream flow reservations. We welcome further discussion and look forward to your feedback.

I. Introduction and Standing

KWF has direct standing in this proceeding. We maintain pending IFR applications for two tributaries of the Kenai River: [Beaver Creek, filed in 2012](#), and [Slikok Creek, filed in 2018](#). Both applications remain unadjudicated. DNR's public GIS dataset confirms the Slikok Creek application (LAS 32400) carries a status of "Additional Information Requested," meaning DNR has an open information request on file. The Beaver Creek application, now in its fourteenth year, does not yet appear in DNR's spatial records, suggesting it has not advanced to the reach-mapping stage of adjudication. We are also currently partnered with Alaska Department of Fish and Game staff to collect hydrological baseline data for Soldotna Creek. KWF represents a broad constituency of property owners, commercial and subsistence fishermen, and community institutions whose livelihoods and way of life depend on healthy instream flows.

The proposed regulatory changes would directly and materially affect KWF's ability to participate in the IFR process. The proposed 93.142(b)(9) amendments would impose fish population assessments, sport/commercial/subsistence proportioning estimates, and detailed habitat analysis as conditions of filing. These requirements exceed DNR's statutory authority over fish management and would substantially burden organizations like KWF that lack ADF&G's fish survey infrastructure. Under the proposed 93.146 amendment, if our pending



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applications are ultimately approved, the resulting certificates would belong to DNR, not KWF, stripping this organization of the instream flow reservations it spent years and significant resources to file. Under the proposed 93.147 amendment, KWF would face open-ended research cost liability as an applicant whenever the commissioner orders additional research, even if no party has protested the reservation.

These comments build on KWF's prior submissions to this proceeding: our [October 2024 scoping comments](#) and our [June 2026 request for a 90-day comment period extension](#). We submit these comments in opposition or with requested modifications to the proposed amendments to 11 AAC 93.142, 93.146, and 93.147.

II. The proposed regulations were drafted by private interests and should be evaluated accordingly.

The proposed regulatory text mirrors, in several provisions nearly verbatim, recommendations submitted in October 2024 by a coalition of eight Alaska resource and business associations, including the Alaska Miners Association, Alaska Oil and Gas Association, and the Resource Development Council for Alaska. The Department adopted these recommendations following a scoping process; it did not independently propose the changes. This history is relevant context for the public interest analysis that AS 46.15.145(c) requires DNR to perform.

The 2024 scoping process itself warrants attention. DNR's scoping period ran from August through November 2024 and was extended twice in response to public requests. DNR received a substantial volume of comments, which it posted publicly in three redacted PDFs organized alphabetically by commenter name.¹ No formal summary analysis of those comments was prepared or published, despite requests from multiple commenters during the current comment period. DNR confirmed in its June 2026 Q&A responses that the scoping comments are publicly available on its project webpage but that no summary report would be produced.

Based on our review of the available record, the large majority of individual and organizational comments during the scoping period opposed changes to the existing reservation framework. KWF has identified only two scoping letters supporting the proposed regulatory changes, one of which was the AMA coalition letter, which supplied the draft regulatory language that DNR has now adopted. *We do not suggest that industry participation in regulatory scoping is improper.* It is not. We do suggest that when the proposed regulations proceed from the recommendations of a tiny minority of scoping participants whose central interest is in reducing the number and enforceability of instream flow reservations, the resulting proposals warrant careful evaluation

¹ Alaska Department of Natural Resources, 2024 scoping record for proposed amendments to 11 AAC 93, available at <https://dnr.alaska.gov/mlw/water/regrevision/> (scoping comments posted as three redacted PDFs). KWF's characterization of the scoping record is based on our review of the available materials. DNR should confirm and publish the full comment tally, with a breakdown by position, as part of the rulemaking record before finalizing these changes.



against the statutory purpose the regulations are meant to implement. The procedural context carries additional weight because of the Governor’s administrative orders. In May 2025, Governor Dunleavy issued Administrative Order No. 358, which froze the promulgation of new regulations across state agencies due to fiscal concerns. Agency heads could seek a waiver only by certifying that a rulemaking was necessary to protect public safety or fulfill essential state responsibilities. DNR obtained such a waiver for this rulemaking. If instream flow reservations are essential enough to the state’s core mission to warrant exemption from a regulation freeze, it is difficult to explain why more than 500 applications have gone unadjudicated. The proposed changes add filing burdens while allocating no additional resources to adjudication, a contradiction of the rationale cited to justify the waiver.²

Alaska State Administrative Order No. 360, issued August 4, 2025, set explicit regulatory reduction targets: a 15 percent reduction in regulatory requirements by the end of 2026 and 25 percent by the end of 2027, with a stated goal to “reduce the regulatory burden on all Alaskans.”³ The proposed amendments add requirements: new data obligations, fish population surveys, expanded cost responsibilities, and new conditions on certificate ownership. They increase regulatory burden. They do not reduce it.

III. Proposed changes to 11 AAC 93.142 (Content of Application)

A. The proposed 93.142(b)(9) requirements exceed DNR’s statutory authority and impose disproportionate burdens on applicants.

The proposed 93.142(b)(9) amendment requires applicants seeking a reservation for fish habitat purposes to supply fish population data within the proposed reach, estimated proportions of sport, commercial, and subsistence harvest, and an analysis of how differing water levels would affect available fish habitat. We oppose these requirements on three grounds.

First, authority to manage Alaska’s fish populations belongs to ADF&G, not DNR. Requiring applicants to produce population estimates and proportioning data places DNR in the position of evaluating material outside its statutory mandate. If ADF&G review is contemplated, the costs of that involvement belong in the rulemaking record, and are absent from the current notice.

Second, fish population assessments are disproportionately burdensome compared to hydrological monitoring. Streamgaging is largely a passive data collection method. Fish population work requires substantial seasonal fieldwork, specialized sampling equipment scaled to river size, and significant labor investment. These costs fall hardest on Tribal organizations, rural watershed groups, and nonprofits without existing fish survey programs: the parties most dependent on healthy instream flows and least likely to have dedicated science budgets.

² Governor Dunleavy, Administrative Order No. 358 (May 9, 2025).

³ Governor Dunleavy, Administrative Order No. 360 (August 4, 2025).



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Third, fish population data is not relevant to the legal standard for a reservation. The purpose of a ROW for fish habitat is to maintain the quantity of water necessary to support fish life stages, not to count the fish currently present. The existing definition in 11 AAC 93.141(1) already captures the ecological basis without requiring population surveys: the reservation exists to maintain “suitable habitat conditions for the various life stages of fish, other aquatic organisms, and wildlife, including waterfowl and mammals, and their habitat, including water quality, depth, velocity and temperature, substrate, or streamside vegetation.” Population estimates answer a different question and do not improve the defensibility of a flow recommendation.

B. The proposed changes address the wrong bottleneck.

KWF’s [Beaver Creek application](#) was filed in 2012. As of the date of these comments, more than thirteen years later, it has not been adjudicated. The [Slikok Creek application](#) was filed in 2018 and remains similarly pending. In our [October 2024 scoping comments](#) to this same proceeding, KWF specifically requested that DNR establish a maximum time limit between the filing and adjudication of an IFR application. That request is unaddressed in the proposed rules.

The actual constraint on the IFR program is not a surplus of weak applications. By the industry coalition’s own accounting, the number of applications filed by private parties is small. The constraint is adjudication capacity: DNR does not have sufficient staff resources dedicated to reviewing and deciding applications in a reasonable time. The proposed changes make it harder to file while allocating no additional resources to adjudication.

A regulatory framework designed to improve the IFR process would set and enforce timelines for adjudication. Applicants who spend years and significant resources building an application record deserve a decision. DNR has not proposed steps to address that problem.

IV. Proposed changes to 11 AAC 93.146 (Certificate Ownership)

A. The proposed change is in tension with the structure of Alaska water law.

The coalition argues that the statute is “silent” on who holds a certificate of reservation, and therefore DNR may redirect it to the department by regulation. However under AS 46.15.260, a reservation of water is defined as an appropriation. The general structure of the Water Use Act provides that appropriation rights, including the certificates that evidence them, belong to the appropriator. The proposed change would effectively sever this relationship: the party who applied for, funded, and built the scientific record supporting a reservation would hold no certificate and no enforcement right at the conclusion of the process.

The Alaska Constitution and the Water Use Act establish that water is publicly owned, but that individuals and organizations may hold water rights, both instream and out-of-



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stream, through the prior appropriation doctrine. Barring non-governmental entities from holding instream water rights while leaving out-of-stream private rights untouched is not a neutral public-interest position; it structurally favors consumptive uses over conservation. KWF is not aware of any legal basis for that asymmetry in Alaska law.

We read the statutory structure as placing the certificate with the appropriator, and we believe the proposed regulatory change is in tension with that structure. To our knowledge DNR has not published a legal analysis supporting its authority to make this change by regulation. That analysis belongs in the rulemaking record, and its absence is itself a deficiency in the notice.

Workable alternatives exist. One approach would issue certificates jointly to the applicant and the Department as co-applicants, preserving some private-party accountability while addressing any concern about organizational continuity over time. KWF's formal request is withdrawal of this provision; we raise the alternative to demonstrate that less restrictive options are available if DNR's stated concern is institutional durability rather than consolidation of enforcement discretion.

B. The certificate transfer eliminates independent enforcement.

Whatever one believes about the merits of private certificate ownership in the abstract, the practical consequence of the proposed change is clear: instream flow reservations held by DNR can be enforced only if the current administration chooses to enforce them. Reservations held by Tribes, local governments, and conservation organizations can be enforced by those parties in court, independent of the political environment. In a regulatory landscape where these proposed changes originated with the development community, the importance of that independence is not abstract.

C. The program's actual record does not support the stated concern driving this change.

The industry coalition's argument for stripping private certificate standing rests on the specter of outside organizations weaponizing IFRs against development. DNR's own data does not support that concern. Of 178 certificates issued across the program's history, 171 went to state agencies, 3 to federal agencies, and 4 to private persons. Of 498 pending applications, 38 are from private persons. KWF reviewed the non-governmental applicants appearing in DNR's public GIS dataset: every one is an organization with deep Alaska ties. The list includes The Nature Conservancy, Southwest Alaska Salmon Habitat Partnership, Trout Unlimited, Bristol Bay Heritage Land Trust, Kenai Watershed Forum, and several Alaska Tribal governments. No organization without deep Alaska ties has ever held or applied for an IFR certificate in this program.

Alaska's public trust doctrine does not mean that only the executive branch may take legal action to protect the public's resources. It means the opposite: that all Alaskans, including rural residents, Tribes, and nonprofit organizations, have a stake in those



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resources and a right to participate in their protection. Concentrating enforcement in DNR does not democratize the process; it narrows it.

V. Proposed changes to 11 AAC 93.147 (Cost-Shifting)

A. Removing the state as default funder inverts the public interest premise of the IFR process.

Under the existing regulation, when the commissioner orders additional research, data collection, or analysis in connection with a water reservation, costs are borne by the protestant if a protest has been filed, and by the state in all other cases. The existing rule thus treats uncontested IFR review as a governmental function, funded by the state, which is consistent with the premise that reviewing an application for a public water resource serves the public interest.

The proposed change removes the state's obligation to fund that review in uncontested cases. Applicants and certificate holders would now bear those costs regardless of whether a protest has been filed. The predictable effect is that Tribes, rural watershed organizations, and nonprofits considering whether to file an IFR application face open-ended, commissioner-controlled research costs with no cap and no procedural ceiling. This exposure did not previously attach in uncontested cases. It will deter filings by parties with limited budgets, which are precisely the parties most dependent on healthy instream flows.

B. The cost-shifting rule particularly burdens subsistence communities.

Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA), 16 U.S.C. §§ 3111-3126, establishes a priority for rural subsistence uses of fish and wildlife on federal public lands and waters in Alaska, requiring that rural residents engaged in subsistence uses have reasonable access to subsistence resources on those lands. 16 U.S.C. § 3120. In August 2025, the Ninth Circuit reaffirmed in *United States v. Alaska* (No. 24-2251) that ANILCA's subsistence priority applies to navigable waters in which the United States holds reserved water rights, covering a substantial portion of Alaska's interior river system. Alaska's own subsistence statutes, AS 16.05.258, recognize subsistence fishing as a priority use of the state's fishery resources.

These frameworks do not directly regulate state water permitting. But they provide essential context: the communities most dependent on healthy instream flows, rural subsistence fishing villages, Tribes, and Native corporations, are precisely the parties the proposed cost-shifting rule would price out of the IFR process as applicants. If rural communities cannot afford the open-ended research costs now attached to filing a reservation, the flows sustaining the fish they depend on for subsistence are left without independent advocates in the process. DNR has not addressed in the notice of proposed rulemaking whether the proposed changes are consistent with the state's obligations to subsistence users.



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The cost-shifting rule inverts the public interest premise of the IFR statute. It falls hardest on rural communities and Tribes whose stake in Alaska’s instream resources is not theoretical.

VI. Comparative Context: What Peer Jurisdictions Have Learned

The proposed changes draw implicitly on the experience of other states with instream flow programs. The record from those states points in a different direction.

A. Certificate ownership and private standing (93.146)

Colorado is the only western prior appropriation state where a single state agency holds exclusive authority over instream flow rights. Under Colorado’s Instream Flow Program, created by the legislature in 1973, the Colorado Water Conservation Board (CWCB) is the sole entity authorized to hold instream flow water rights; courts have held that a private instream flow right would be a “forbidden right” under Colorado’s prior appropriation doctrine.

This is superficially similar to what the proposed 93.146 amendment would accomplish, but the similarity does not survive scrutiny.

The CWCB is a *dedicated water conservation board* created specifically to protect and develop Colorado’s water for present and future generations, with a statutory mandate for instream flow protection and the institutional infrastructure to carry it out. Colorado’s legislature explicitly vested CWCB with exclusive authority “on behalf of the people of the state of Colorado” to appropriate instream flow rights. The Board maintains a dedicated program staff, an annual public workshop to solicit stream recommendations from any member of the public, and regular county-level outreach. Private organizations, cities, and nonprofits participate as essential partners: recommending reaches, donating water rights, and partnering on flow augmentation, within a framework built around an agency whose central purpose is instream flow protection.

DNR is a general-purpose resource management agency with multiple competing mandates and no equivalent dedicated instream flow program. Transferring Alaska IFR certificates to DNR replicates the form of Colorado’s model without its resources. Colorado’s program works because of that institutional design, not despite the absence of private standing. The proposed change to 93.146 accomplishes the transfer without the institutional design.

Oregon’s experience points the other direction. Oregon’s Instream Water Right Act, adopted in 1987, built its flow protection program around active partnerships with private organizations, including watershed councils, conservation districts, and nonprofits such as the Freshwater Trust and the Deschutes River Conservancy. The result is more than 1,100 individual instream leases, transfers, and allocations of conserved water. Oregon demonstrates that involving private organizations as full



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participants, rather than excluding them from certificate ownership, produces a more active and better-resourced program.

Montana offers a further data point. While Montana Fish, Wildlife and Parks holds reservations on more than 700 stream reaches, the Montana Supreme Court held in *Trout Unlimited v. Beaverhead Water Co.* (2011) that private organizations, not only the agency, could represent public recreational and conservation interests in water adjudications. Montana has not found that institutional diversity in water proceedings is inconsistent with public resource management.

Alaska is currently the only state in the country where citizens and Tribes hold the right, alongside federal and state agencies, to apply for and hold instream flow reservations. That is a deliberate statutory choice by Alaska's legislature. The proposed change to 93.146 would end it without replacing it with the institutional infrastructure that makes the other models function.

B. Cost-shifting (93.147)

The proposed shift of commissioner-ordered research costs onto applicants is similarly without clear precedent in peer jurisdictions. Most western state IFR programs treat the review of applications for public water resources as a public function, funded through agency budgets and applicant filing fees. Requiring applicants to fund open-ended, discretionary research ordered by the same agency reviewing their application inverts this framework, and does so in a way that is particularly punishing for rural communities and Tribal organizations with the most direct stake in instream flow protection.

VII. Constitutional Background

The constitutional backdrop to Alaska's instream flow law is not incidental. When Alaska's Constitution was drafted, the failure of the federal government to prevent repeated salmon run collapses was among the strongest arguments for statehood: the premise that Alaskans, managing their own resources, would do better. Article VIII of the Constitution reflects that history directly. Section 1 declares that it is state policy to encourage "the development of its resources by making them available for maximum use consistent with the public interest." Section 2 directs the legislature to manage all natural resources "for the maximum benefit of its people." Section 3 provides that "wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use."

Read together, these provisions establish that Alaska's water resources, and the fish that depend on them, belong to the public, to be managed for the public's collective benefit. They do not reserve that management exclusively to the executive branch. The IFR statute, enacted in 1980, extends the prior appropriation framework to instream



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uses to give Alaskans, not just agencies, the same legal instrument available for out-of-stream uses.

The proposed regulations, taken together, systematically reduce the number of parties who can seek instream flow protections, strip those parties of enforcement rights when they succeed, and impose prohibitive costs on those who participate. The sustained yield clause (Article VIII, §4) requires the State to manage replenishable resources for the long-term benefit of all Alaskans, and the preservation clause (Article VIII, §13) reserves water for public use. Regulations that raise barriers to obtaining instream flow protections, strip enforcement rights from those who do, and impose costs on participation are not consistent with the constitutional framework the IFR statute is designed to implement.

VIII. Request

We respectfully request that the Department:

1. Withdraw or substantially revise the proposed 93.142(b)(9) requirements. DNR lacks statutory authority to require fish population assessments, harvest proportioning data, and habitat availability analyses from applicants. If additional biological documentation is warranted, DNR should develop clear standards in consultation with ADF&G, account for ADF&G's participation costs in the rulemaking record, and implement those standards as criteria for adjudication rather than conditions of filing.
2. Withdraw the proposed amendment to 11 AAC 93.146(b) transferring certificate ownership from applicants to the Department, and publish in the rulemaking record the Department's legal analysis supporting its authority to make this change by regulation.
3. Withdraw the proposed amendment to 11 AAC 93.147(c) that removes the state as the default funder of commissioner-ordered research in uncontested cases. At minimum, restore the existing provision that the state bears these costs when no protest has been filed, and clarify a ceiling on applicant cost exposure so that small organizations, Tribal governments, and individuals are not subject to open-ended, discretionary research obligations.
4. Conduct additional public hearings in rural communities and provide the [comment period extension requested by Kenai Watershed Forum and others](#).



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Thank you for time and consideration. We look forward to further discussion.

Respectfully,

A handwritten signature in black ink, appearing to read "Ben Meyer", with a stylized flourish at the end.

Benjamin Meyer
Research Director
ben@kenaiwatershed.org
(907) 232-0280

A handwritten signature in black ink, appearing to read "Trent Dodson", with a stylized flourish at the end.

Trent Dodson
Executive Director
executivedirector@kenaiwatershed.org
(907) 260 - 5449

Bibliography

Alaska Statutes and Constitutional Provisions

- Alaska Constitution Article VIII, §1 (development of resources for maximum use consistent with public interest)
- Alaska Constitution Article VIII, §2 (management of natural resources for maximum benefit of the people)
- Alaska Constitution Article VIII, §3 (common use; fish, wildlife, and waters reserved to the people)
- Alaska Constitution Article VIII, §4 (sustained yield)
- Alaska Constitution Article VIII, §13 (preservation of water for public use)
- AS 16.05.258 (subsistence fishing priority)
- AS 46.15.080(b) (public interest criteria for water appropriations)
- AS 46.15.120 (certificates of appropriation)



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-
- AS 46.15.145 (reservations of water)
 - AS 46.15.260 (definitions)

Federal Law

- Alaska National Interest Lands Conservation Act (ANILCA), Title VIII, 16 U.S.C. §§ 3111–3126 (rural subsistence priority)
- 16 U.S.C. § 3120 (reasonable access to subsistence resources)

Alaska Regulations

- 11 AAC 93.142 (content of application for reservation of water)
- 11 AAC 93.146 (issuance of certificate of reservation of water)
- 11 AAC 93.147 (review of a reservation of water)

Cases

- *Trout Unlimited v. Beaverhead Water Co.*, 2011 MT 151, 255 P.3d 179 (Mont. 2011)
- *United States v. Alaska*, No. 24-2251 (9th Cir. Aug. 20, 2025)
- *St. Jude Co. v. Roaring Fork Club, LLC*, 351 P.3d 442 (Colo. 2015)

Agency Documents and Public Comments

- Alaska Miners Association et al., comment letter to Alaska Department of Natural Resources, October 29, 2024 (scoping comments on proposed amendments to 11 AAC 93); available in [DNR Combined Scoping Comments \(A–H\)](#)
- Alaska Miners Association, comment letter to Alaska Department of Natural Resources, December 11, 2017 (on file with DNR; copy available from AMA upon request)
- Alaska Department of Natural Resources, Division of Mining, Land and Water, [Notice of Proposed Regulations, 11 AAC 93.142, 93.146, 93.147, May 29, 2026](#)
- Alaska Department of Natural Resources, Division of Mining, Land and Water, [Questions and Answers Regarding Proposed Water Reservation Regulations, June 18, 2026](#)
- Alaska Department of Natural Resources, Division of Mining, Land and Water, [Questions and Answers Regarding Proposed Water Reservation Regulations, June 26, 2026](#)
- Alaska Department of Natural Resources, Division of Mining, Land and Water, [Revisions to Water Management Regulations project webpage](#) (includes 2024 scoping comments, Q&A documents, and certificate holder summary table)
- Alaska Department of Natural Resources, [Reservation of Water GIS Feature Service](#) (queried June 29, 2026; applicant-type breakdown derived from feature attributes)
- Kenai Watershed Forum, [comment letter to Alaska DNR, October 2024](#)



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-
- Kenai Watershed Forum, [request for 90-day comment period extension, June 2026](#)
 - Kenai Watershed Forum, [Beaver Creek IFR application, 2012](#)
 - Kenai Watershed Forum, [Slikok Creek IFR application, 2018](#)

Alaska Administrative Orders

- Governor Michael J. Dunleavy, [Administrative Order No. 358](#) (May 9, 2025) (regulation freeze)
- Governor Michael J. Dunleavy, [Administrative Order No. 360](#) (August 4, 2025) (regulatory burden reduction)

Technical Guidance and Methodology References

- Alaska Department of Fish and Game, Klein, A. (2013). *Surface-Water Data Manual for the Statewide Aquatic Resources Coordination Unit*. ADF&G.
- Alaska Department of Natural Resources (1985). *State of Alaska Instream Flow Handbook: A Guide to Reserving Water for Instream Use*. DNR, Division of Land and Water Management.

Comparative State Law

- Colo. Rev. Stat. § 37-92-102 (Colorado Water Conservation Board instream flow authority)
- Mont. Code Ann. § 85-2-316 (Montana water reservations)
- Or. Rev. Stat. §§ 537.332–537.360 (Oregon Instream Water Right Act, enacted 1987)

Scientific and Technical Literature

- Annear, T., et al. (2004). *Instream flows for riverine resource stewardship*, revised edition. Instream Flow Council, Cheyenne, Wyoming.
- Bovee, K.D. (1982). *A guide to stream habitat analysis using the Instream Flow Incremental Methodology*. FWS/OBS-82/26. U.S. Fish and Wildlife Service.
- Jowett, I.G. (1997). Instream flow methods: a comparison of approaches. *Regulated Rivers: Research and Management* 13(2):115–127.
- Tennant, D.L. (1976). Instream flow regimens for fish, wildlife, recreation and related environmental resources. *Fisheries* 1(4):6–10.

From: tykieh@everyactioncustom.com on behalf of [Scott Kennedy](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Proposed changes to Alaska's water reservation regulations under 11 AAC 93
Date: Saturday, June 20, 2026 11:06:43 AM

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Dear Division of Mining, Land & Water, Program Support Section Brandon McCutcheon,

I am writing to express my deep concern about the proposed changes to water reservations in the State of Alaska. The changes proposed do not live up to our constitutional obligation, which states "Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use." Instead, these changes favor water appropriation to private users over reservations for the common use of Alaskans. Instead of making it harder for Alaskans to protect our waters, I request that the department strengthen protections for instream flows by making them automatic for all anadromous streams rather than creating additional barriers for those seeking to protect fish habitat.

Sincerely,
Mr. Scott Kennedy
Keizer, OR 97303-3564
Private Information

From: ddkern@everyactioncustom.com on behalf of [Debra Kern](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Proposed changes to Alaska's water reservation regulations under 11 AAC 93
Date: Saturday, June 20, 2026 8:57:08 AM

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Sincerely,
Ms Debra Kern
Cary, IL 60013-1862
Private Information

From: rlkessler@everyactioncustom.com on behalf of [Roberta Kessler](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Proposed changes to Alaska's water reservation regulations under 11 AAC 93
Date: Saturday, June 20, 2026 11:49:18 AM

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Dear Division of Mining, Land & Water, Program Support Section Brandon McCutcheon,

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Sincerely,
Mrs. Roberta Kessler
Crest Hill, IL 60403-1858
Private Information

From: aktrout2@everyactioncustom.com on behalf of [Molly Keyse](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Proposed changes to Alaska's water reservation regulations under 11 AAC 93
Date: Tuesday, June 30, 2026 4:47:56 PM

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Dear Division of Mining, Land & Water, Program Support Section Brandon McCutcheon,

I am writing to express my deep concern about the proposed changes to water reservations in the State of Alaska. The changes proposed do not live up to our constitutional obligation, which states "Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use." Instead, these changes favor water appropriation to private users over reservations for the common use of Alaskans. Instead of making it harder for Alaskans to protect our waters, I request that the department strengthen protections for instream flows by making them automatic for all anadromous streams rather than creating additional barriers for those seeking to protect fish habitat.

Sincerely,
Ms. Molly Keyse
Kodiak, AK 99615-6334
Private Information

From: jeannerk@everyactioncustom.com on behalf of [Jeanne Kitayama](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Proposed changes to Alaska's water reservation regulations under 11 AAC 93
Date: Thursday, June 18, 2026 8:34:17 AM

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Dear Division of Mining, Land & Water, Program Support Section Brandon McCutcheon,

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Sincerely,
Ms. Jeanne Kitayama
Haines, AK 99827-0911

Private Information

From: kitchenkeils433@everyactioncustom.com on behalf of [Keils Kitchen](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Proposed changes to Alaska's water reservation regulations under 11 AAC 93
Date: Tuesday, June 30, 2026 4:49:27 PM

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Dear Division of Mining, Land & Water, Program Support Section Brandon McCutcheon,

I am writing to express my deep concern about the proposed changes to water reservations in the State of Alaska. The changes proposed do not live up to our constitutional obligation, which states "Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use." Instead, these changes favor water appropriation to private users over reservations for the common use of Alaskans. This would undoubtedly open the door for some of the water use atrocities we have read about involving AI Data centers in the lower 48. Instead of making it harder for Alaskans to protect our waters, I request that the department strengthen protections for instream flows by making them automatic for all anadromous streams rather than creating additional barriers for those seeking to protect fish habitat.

Sincerely,
Mr. Keils Kitchen
Anchorage, AK 99518-1238

Private Information

From: [Nancy S. Wainwright](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Comments on Proposed Water Regulations to DNR
Date: Tuesday, June 30, 2026 3:22:12 PM
Attachments: [2026 06 30 Kivalina IRA Council Comments- DNR Regulations.pdf](#)

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Please find attached the comments of the Native Village of Kivalina IRA Council on the proposed water regulations 11 AAC 93.

Please confirm receipt of these comments.

--

Wainwright Legal Services, LLC
2459 Sprucewood Street
Anchorage, Alaska 99508
907-205-1975
nswalaska@gmail.com

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KIVALINA IRA COUNCIL

P.O. Box 50051 Kivalina, AK 99750 Ph: (907)645-2153 Fax: (907)645-2193

e-mail: tribeadmin@kivaliniq.org

“Advocating for our people, land, waters and subsistence way of life”

Attn: Brandon McCutcheon
Division of Mining, Land and Water
Alaska Department of Natural Resources
550 W 7th Ave., Suite 1070
Anchorage, Alaska 99501-3579

June 30, 2026

Re: Department of Natural Resources proposed changes regulations in 11 AAC 93
proposed in the public notice May 29, 2026. Comment Deadline June 30, 2026

Dear Mr. McCutcheon:

Please accept, and respond to, the following are comments regarding the Department's proposed changes to 11 AAC 93. We would appreciate a confirmation of receipt of these comments and a timely response to these comments.

Introduction

The Native Village of Kivalina IRA Council has standing to raise these comments because it is the beneficiary of a Certificate of Reservation on the Wulik River and tributaries (LAS 20067) that are part of the Kivalina's Traditional Cultural Landscape that has been recognized by the Advisory Council on Historic Preservation, the National Park Service and federal and the State Historic Preservation Officer. The Wulik and its tributaries are the lifeblood to our Tribal subsistence, travel, and cultural uses in the region.

The Department's response to comments dated June 26, 2026, regarding the proposed amendments to the regulations does not resolve the fundamental legal issue raised by the proposed regulations and fails to adequately address critical issues. The process the Department has used to propose these regulations did not follow proper administrative procedures and was confusing. The Department acknowledged that it “conducted extensive public scoping in 2024.”¹ The two-year gap between “scoping” and the public notice of these regulations does not comply with the Department of Law requirements for due process.² The Department improperly circulated a draft of the regulations to a limited group of stakeholders. The Department failed to answer, in writing, questions submitted, claiming questions were “outside the scope of the current regulation process” even though the regulation “process” involved both the 2024 scoping portion and the recent public notice and questions portion of the process. The Department failed to identify applicable state law or court decisions that provide a basis for the regulations, particularly when the legislature has twice rejected the Department’s proposed changes. The proposed regulations violate the Alaska Constitution Art. VIII, §1, §3, §4, §10, §13, §16 and §17, and AS 46.15.020 (b)(2), AS 46.15.130 AS 46.15.160, AS 46.15.080, AS 46.15.145, AS 46.15.260 and are inconsistent with, 11 AAC 93.035 (c), 11 AAC 93.141, 11 AAC 93.260 and 11 AAC 93.270.

I. DNR's Proposed Regulations Exceeds Its Statutory Authority and Is Contrary to Legislative Intent

DNR contends that the proposed regulations merely change the “holdership” (a term found nowhere in Alaska statutes or regulations) of certificates while leaving intact the statutory right of non-governmental applicants to apply under AS 46.15.145. This distinction is unsupported by the statute, inconsistent with the Alaska Constitution, contrary to nearly forty-five years of legislative and administrative history and exceeds the Department's delegated rulemaking authority.

The proposed regulation would fundamentally alter Alaska's reservation program by stripping successful non-government applicants of the legal interest that the Legislature expressly authorized them to obtain. In effect, DNR seeks to accomplish through regulation what the Legislature has repeatedly declined to enact.

II. The Proposed Regulations Conflict with the Plain Language of AS 46.15.145

AS 46.15.145 expressly provides that “the state, an agency or political subdivision of the state, an agency of the United States, or a person may apply to the commissioner to

¹ DNR Response to Comment #121, June 26, 2026.

² State of Alaska Department of Law (2025) Drafting Manual for Administrative Regulations.

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.” The statute does not distinguish between who may apply and who may ultimately hold a reservation. By requiring DNR to become the certificate holder whenever a non-government applicant succeeds, the regulation inserts a substantive limitation the Legislature never enacted.

The right to apply necessarily includes the opportunity to obtain the legal benefit sought. Otherwise, the statute could authorize any person to apply while allowing the State to issue the certificate to someone else. Such an interpretation would render the Legislature's inclusion of 'person' largely meaningless.

III. The Regulation Rewrites Rather Than Implements the Statute

AS 44.62.030 provides that regulations must be consistent with the statutes they implement and reasonably necessary to carry out those statutes. The Alaska Supreme Court has similarly held that regulations must be consistent with legislative intent and reasonably necessary to implement statutory purposes. The Department's revision to the term “person” who may hold a reservation of water is inconsistent with the AS 46.15.050 and AS 46.15.145. *See, e.g., Kelly v. Zamarello*, 486 P.2d 906,916 (Alaska 1971). DNR has identified no statutory language authorizing the Department to substitute itself as the holder of a reservation obtained by another applicant, or obtain a priority on that basis. The proposal therefore changes the statutory allocation of legal rights rather than implementing the statute.

IV. The Right to Apply Necessarily Includes the Right to Obtain the Statutory Benefit

DNR repeatedly asserts that the proposed regulations do not affect the statutory right of “a person” to apply for a reservation of water because non-government applicants may still submit applications. This argument elevates form over substance and is contrary to Constitutional and legislative intent. The Legislature did not authorize persons merely to file paperwork. It authorized them to obtain a reservation of water if the statutory requirements are met. AS 46.15.145 provides that “the state, an agency or 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.” The purpose of the application is to obtain the legal interest authorized by the statute.

Under DNR's proposal, a private applicant may devote years to developing scientific evidence, funding hydrologic studies, conducting biological analyses, participating in public proceedings, and ultimately proving that the statutory standards have been satisfied. Yet, upon approval, the Department—not the successful applicant—would

receive the certificate. That result fundamentally alters the statutory bargain established by the Legislature, and divests persons with priority dates, involuntarily, of their reservation and use of waters without just compensation. The right to apply necessarily includes the opportunity to receive the legal interest sought. Otherwise, the statute could equally authorize a person to apply for a water right, mining claim, lease, permit, or certificate while allowing the Department to issue the permit to someone else. No reasonable reading of Alaska law permits such a result.

If the Legislature had intended that private parties merely nominate reservations of water for DNR's consideration, it easily could have written the statute that way. Instead, it authorized persons themselves to apply for reservations, placing them on equal footing with governmental applicants. The proposed regulation therefore does not merely alter administrative procedure. It substantially diminishes the rights conferred by AS 46.15.145 and exceeds DNR's authority to adopt regulations implementing—not rewriting—statutes.

V. Article VIII Does Not Support DNR's Interpretation

Article VIII, section 3 provides that waters are reserved to the people for common use. The Legislature implemented that constitutional principle by authorizing governmental entities and persons alike to seek reservations for instream flow or level of water at a specified point on a stream or body of water. The Department cannot invoke Article VIII to narrow statutory rights enacted by the Legislature to implement Article VIII. No provision of AS 46.15 authorizes DNR to become the holder of every reservation approved for a non-government applicant. Administrative agencies possess only those powers delegated by statute. If the Legislature intended only governmental agencies to hold reservations, it could have said so. It did not.

VI. The Proposed Regulations are contrary to Forty-Five Years of Administrative Practice

These issues have existed since enactment of AS 46.15.145 in 1980 and adoption of 11 AAC 93. During much of that period, the Alaska Water Resources Board provided a transparent process through which diverse stakeholders participated in water allocation decisions. The Board reflected legislative intent that water resource decisions involve broad public participation. The collaborative resolution of Alaska's water issues was previously undertaken by the Alaska Water Resources Board comprised of members "having general knowledge of the use and requirements for the use of the water of the state and the conservation and protection of it." AS 46.15.190. The Board was authorized to hold public meetings "at any time or any place in the state in order to obtain public

opinion on a water use problem or proposal." AS 46.15.230. The Department, in defunding the Board and in assuming Water Resources Board functions, must conduct its review of proposed regulatory revisions in accordance with those same collaborative principles. It has failed to do so with these regulations.

Despite significant funding provided by the Alaska Department of Fish and Game pursuant to a 2000 Memorandum of Understanding, together with numerous application fee assessments, DNR has failed to adjudicate hundreds of pending reservations of water applications. The Department has also failed to provide the public with reasonable access to the status of the pending reservation applications and failed to do so in the proposed regulations.

The Legislature established that the Department has a mandatory requirement to "make the record of applications, including temporary water use applications under AS46.15.155 that have been accepted as complete, authorizations, permits, certificates, amendments, and orders affecting them available to the public on the Internet." (As 46.15.020(b)(2). The Department has adhered to this Legislative directive with respect to temporary water use authorizations³ and permits to appropriate (divert, impound or withdraw, AS 46.15.260)⁴ with readily available links to records on the internet.

However, the Department has failed to do so with respect to meet this statutory mandate with respect to the Department records on reservations of water. Applications, certificates or amendments for reservations of water are not readily available on the internet and, without special knowledge, locating them is virtually impossible. That is because the Department employs a different Department website (ARCGIS Open Data Portal) that is confusing and impenetrable.⁵ Moreover, the records on the portal are incomplete and outdated (having ceased being updated in January 15, 2025) (see attached screen shot). In previous years, the Department provided Excel records of reservations of water that contain lists of applications and certificate that are more extensive than what appears on the ARCGIS site. There is apparently no cross checking, updating or coordination of these Department records. The decades of the Department's delay in processing the reservations of water have hindered the public access to this information. Changing certificate ownership does nothing to address this longstanding and insufficiently maintained administrative backlog and is contrary to statute.

³ <https://dnr.alaska.gov/mlw/water/twua/>

⁴ <https://dnr.alaska.gov/mlw/water/data/rights/>

⁵ <https://data-soa-dnr.opendata.arcgis.com/maps/a8805e11f95a4d2a9d59dee953a37f2c/about>

VII. The Legislature has Previously Rejected DNR's Approach

Water reservations were debated and considered during HB 210 (1989). After extensive hearings the Legislature retained the existing reservation program and later strengthened Alaska's water appropriation statutes in 2001 by improving certainty for temporary water uses rather than restricting reservations of water.⁶

Alaska statutes require annual reporting by the Division of Mining Land and Water to the Legislature concerning significant aspects of the Division's responsibilities. Yet DNR's 2019-2026 legislative reports did not disclose this significant proposal.⁷ At a minimum, DNR should have informed the Legislature that it intended to fundamentally change ownership of reservation certificates. Given the significant public interest in this subject, and the existing Constitutional and statutory provisions, the Legislature would likely have held hearings and addressed these issues. The Department's evasion of Legislative review is troubling.

VIII . Inadequate Explanation – violation of the Administrative Procedure Act

The Department has offered only vague and inconsistent explanations for the proposed language. It has not demonstrated why existing certificate holders have failed, why DNR ownership is necessary, why less restrictive alternatives were rejected, or why this proposal is reasonably necessary to implement AS 46.15.145. The proposal is an attempt to accomplish through regulation what could not be achieved legislatively.

The proposed regulation conflicts with the plain language of AS 46.15.145, exceeds DNR's delegated rulemaking authority, is inconsistent with Article VIII of the Alaska Constitution, departs from more than four decades of legislative and administrative practice, seeks to accomplish through regulation what the Legislature has repeatedly declined to enact, and was advanced without adequately informing the Legislature. For these reasons, the proposal should be withdrawn or submitted to the Legislature for express statutory authorization.

⁶ HB 185, 22d Leg. 1st. Sess. (Alaska 2001); Ch. 100, SLA 2001.

⁷ <https://www.legfin.akleg.gov/BudgetBackupDocuments/FY2027/LegReports/Report162.pdf>.
See also DNR Reports to the Alaska Legislature 2019-2025.

Throughout this rulemaking, including the scoping processes in 2021 and 2024, commenters have raised fundamental legal questions concerning DNR's statutory authority, legislative intent, constitutional consistency, historical administration of the Water Use Act, and the legal consequences of changing certificate ownership. Rather than directly answering many of these questions, the Department responded to that the questions are "outside the scope of the regulation" or otherwise declined to address them. DNR's response is inadequate under the Alaska Administrative Procedure Act and the Department of Law Drafting Manual for Administrative Regulations.

When an agency proposes a regulation that fundamentally alters the legal rights created by statute, questions concerning statutory authority, legislative intent, constitutional consistency, historical practice, and legal effect are not collateral issues—they are the central issues that must be addressed before the regulation may lawfully be adopted. An agency cannot avoid demonstrating statutory authority by declaring objections to be beyond the scope of the regulation. The scope of the regulation is precisely what commenters are challenging. Indeed, many of the Department's responses merely repeat the conclusion that DNR believes the proposal is lawful without addressing why the governing statutes authorize the proposed change. Such circular reasoning does not satisfy the agency's obligation to engage in reasoned decision-making or to meaningfully respond to significant comments submitted during the rulemaking process. The failure to answer these questions further demonstrates that DNR has not identified any statutory provision expressly authorizing the proposed transfer of certificate ownership from successful applicants to the Department itself.

IX Tribal Governments Should Be Eligible Certificate Holders⁸

When asked why Tribal governments and Tribal resource management agencies would not be eligible to hold certificates of reservation, DNR responded only that "[t]ribes are not classified as state or federal resource management agencies under the proposed regulations," and therefore DNR would hold certificates issued on behalf of Tribal applicants to ensure "consistent, long-term stewardship of reservations of water." This response is circular. The question was not whether Tribes are presently classified as state or federal agencies. Rather, the question was why DNR chose to exclude federally recognized Tribal governments from the category of governmental certificate holders in the first instance. DNR's answer merely restates the classification it created without identifying any statutory, constitutional, or factual basis for that distinction. DNR's proposed regulation improperly treats federally recognized Tribal governments as

⁸ Cohen, Lily, Protecting Tribal Waters in Alaska, 9/22/2025
<https://narf.org/protecting-tribal-waters-in-alaska/>

if they are merely private applicants rather than sovereign governments with legally recognized authority over natural resources and the protection of their citizens.

Federally recognized Tribes are sovereign governments.⁹ They possess inherent sovereign authority, exercise governmental powers over their members and territory, enact and enforce environmental and natural resource laws, administer federal environmental programs, and routinely serve as governmental partners with federal and state agencies. Alaska itself formally recognizes federally recognized Tribes as sovereign governments for purposes of government-to-government relations.

Excluding Tribal governments from holding reservation certificates while allowing state agencies, political subdivisions, and federal agencies to do so irrationally discriminates against one class of governmental entities that has a unique and substantial interest in protecting fisheries, subsistence resources, cultural values, and public health.

Tribal governments are often the governmental entities with the greatest long-term commitment to maintaining stream flows and lake levels necessary for salmon, drinking water, subsistence harvests, and culturally significant waterways. Unlike many nonprofit organizations or temporary private applicants, Tribes possess perpetual governmental existence and are accountable to their citizens through established governmental institutions.

DNR has offered no evidence that Tribal governments are less capable than state or federal agencies of administering water reservations. Nor has DNR identified any statutory language excluding Tribal governments from serving as certificate holders. If DNR believes only governmental entities should hold reservations because of long-term stewardship responsibilities, that rationale supports including Tribal governments—not excluding them. Excluding Tribal governments undermines DNR's own stated rationale.

If the purpose of the regulation is to ensure stable governmental stewardship, federally recognized Tribes are among the most appropriate governmental entities to fulfill that role. They possess governmental continuity, institutional accountability, long-term management responsibilities, and direct interests in protecting the very aquatic resources the water reservation program was enacted to preserve.

⁹ *AGOJU20172010 Attorney General Opinion October 19, 2017* (Alaska Tribes are sovereign governments.) See also, *John v. Baker*, 982 P. 2d. 759-761 (Alaska 1999) quoting *United States v. Wheeler*, 435 U.S. 313 322-33 (1978); (Indian tribes still possess those aspects of sovereignty not withdrawn by treaty or statute). F. Cohen, *Handbook of Federal Indian Law* 132-134, 206-11 (2012 ed.).

Alaska agencies routinely consult with Tribes regarding fish, wildlife, water quality, subsistence, cultural resources, and land management because Tribes possess governmental expertise and responsibilities in these areas. It is therefore arbitrary to recognize Tribal governments as governmental partners throughout Alaska's natural resource management system while denying them the ability to hold the very water reservations they may lawfully apply for under AS 46.15.145.

If DNR concludes that the existing statute does not expressly authorize Tribal governments to hold certificates, that question should be presented to the Legislature rather than resolved through regulation. Conversely, if DNR concludes that "persons" may apply under AS 46.15.145, it cannot justify treating Tribal governments less favorably than other governmental applicants absent express statutory authority.

X. Incorporation by Reference

We have reviewed the comments of the following organizations, and we incorporate them by reference as they raise excellent points that we support: Thomas Meacham, Trout Unlimited, Gillian O'Doherty, Bristol Bay Heritage Land Trust.

We urge DNR to suspend this process and provide the Alaska Legislature with the opportunity to review these proposed regulations that will fundamentally alter the laws the Legislature has enacted.

Respectfully Submitted,



Enoch Adams
President, Kivalina IRA Council

From: [Joe](#)
To: [Regulation, DNR Water \(DNR sponsored\); McCutcheon, Brandon J \(DNR\)](#)
Subject: Comment Letter Re Proposed Changes On Reservations of Water
Date: Tuesday, June 30, 2026 10:42:36 AM
Attachments: [DNR Proposed Reg Changes on Reservations-Klein 063026.pdf](#)

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Please find attached my comments in response to DNR's Notice of Proposed Changes on Reservations of Water.

Regards,

Joe Klein, P.E.

June 30, 2026

To: Brandon McCutcheon
Alaska Department of Natural Resources

From: Joe Klein, P.E.
Former ADF&G Instream Flow Program Supervisor

Re: Notice of Proposed Changes on Reservations of Water

The current regulations governing reservations of water have worked well for nearly 50 years providing instream flow protection for all Alaskans. I do not believe the proposed changes or the process used to develop these changes will provide a more efficient, consistent, or cost-effective process that is in the best interest of Alaskans.

General Comments

The proposed changes are vague, do contain enough details or rationale, and will likely lead to greater confusion and uncertainty among agency staff, applicants and interested stakeholders. This could result in delays to reservation adjudications and reducing the backlog, as well as to other agency actions, such as permitting and possible legal actions.

For a reservation to be most meaningful, it is important to file an application as a senior water right holder to ensure the streamflows are available for the requested purpose. Other Western states have failed to adequately protect salmon populations and are paying the price and consequences for those decisions; many of these fish populations have been listed as threatened or endangered and have management oversight by federal agencies. Alaskans have the opportunity to avoid these pitfalls, but we are just as susceptible to these challenges and must ensure we are providing sufficient instream flows and lake level protections.

Reservations benefit all instream flow purposes or lake activities and can be changed if new information shows too much (or too little) water has been granted. Not so with diversionary water rights¹. There is one opportunity to collect information for Alaska Department of Natural Resources (DNR) to make a determination. Hence, the greater need and scrutiny for diversionary water rights which cannot be changed versus reservations that can be modified with new information. Because of this, there is much less pressure on DNR “to get it right” for reservations

¹ Diversionary water rights allow an individual or entity to divert, impound, or withdraw a quantity of water from a water source for a beneficial use.

and require highly intensive “Cadillac-version” studies or monitoring when lower intensive studies will provide the necessary information.

Importance of Instream Flows

The importance of instreams flow and lake levels to sustain fish populations cannot be understated. Sufficient flows are needed to support riverine and lake habitats used by fish and to provide fluvial processes that maintain these habitats. It is recommended to maintain a flow regime that mimics the magnitude, timing, and duration of the natural flow regime to maintain seasonal uses of fish habitat².

The State of Alaska’s Policy for the Management of Sustainable Salmon Fisheries and the Policy for the Management of Sustainable Wild Trout Fisheries recognize that fisheries management must protect the full range of spawning, rearing, and migratory habitats (5 AAC 39.222 and 5 AAC 75.222). The policies also state that salmon and wild trout habitats should not be perturbed beyond natural boundaries of variation and that salmon habitat in fresh water should be protected on a watershed basis, including appropriate management of riparian zones, water quality, and water quantity (instream flows).

There is a growing body of research on the science of instream flows and the need to prescribe a natural flow regime, as noted by the State of Washington’s Independent Science Panel (Washington Science Panel, 2002)³:

Scientific understanding of instream flows has improved in the last 40 years. Ascertaining how much water should be left in streams has been an ongoing effort since the late 1960s when resource managers were faced with questions of resource protection in the face of an ever-dwindling water supply. In general, most early efforts in western United States were focused on defining instream flow minima – or the absolute lowest amount of water that should remain in the stream to protect existing aquatic resources – with the rest of the water available for out-of-stream use. A minimum flow regime assumes that a single flow is sufficient for the whole life history of the fish, which is not necessarily the case. An analogy would be for humans to be subjected to the minimum environmental conditions (e.g., air quality, water quality and quantity, space) that could keep us alive. Current understanding is that aquatic ecosystems and fish populations require more than just a chronic minimum flow condition. Flow needs will vary by life

² Annear, T., I. Chisholm, H. Beecher, A. Locke, P. Aarrestad, C. Coomer, C. Estes, J. Hunt, R. Jacobson, G. Jöbsis, J. Kauffman, J. Marshall, K. Mayes, G. Smith, R. Wentworth, and C. Stalnaker. 2004. *Instream Flows for Riverine Resource Stewardship, Revised Edition*. Instream Flow Council, Cheyenne, WY. 268 pp.

³ Independent Science Panel. 2002. Instream flows for salmon. State of Washington. Technical Memorandum 2002-1. February 15, 2002.

stage. For example, flow conditions needed to provide spawning habitat and egg incubation may differ from conditions needed for adult migration and juvenile rearing.

Fish need different kinds of habitat during their life cycles, such as spawning, incubation, and rearing habitats. Fish populations and other aquatic organisms are constrained by physical habitat and biological factors such as food supply, shelter and predation. Fish select specific areas that have conditions meeting their habitat requirements and will move between habitat types seasonally as they progress through life stages (Rundquist and Baldrige 1990)⁴. Several types of habitats may be used during the life cycle of a fish and there is often a “limiting habitat” that controls the size of the population. In Alaska, common limiting factors may include overwintering, spawning or rearing habitat. These are critical habitats and time periods that must be protected to ensure long-term sustainability.

The natural flow regime of rivers is inherently variable, and it is this variability that is critical to fish productivity and ecosystem function. Thus, there will be times when a reservation water right will not be met and other times when the water right will be greatly exceeded. This is the natural variability of streams that fish and other aquatic and water-dependent organisms have adapted to, as described by Washington Science Panel:

In natural systems, fish populations evolved under flow conditions provided by the natural hydrograph, including high flows during spring runoff or winter storms, and lower flows during summer months. These populations were also subjected to flow extremes, including those associated with floods and drought. As a result, the flow regime during one year may be favorable for salmonid production, and the next year it may be unfavorable. Thus, salmonid populations can and often do fluctuate partially in response to varying climatic conditions. It is this interannual variability in flow conditions that helps determine the suitability and productivity of streams for salmonids, and at the same time creates and maintains habitat diversity and connectivity.

Granted reservation streamflow do not guarantee that a certain flow will be present in the river. Actual stream flow (i.e., the water in a stream at any one time) may fall below granted reservation flow or lake levels due to natural variability, as well as use of water by senior water right holders. When actual stream flow or lake level is below the level in a reservation certificate, that does not mean the reservation is failing to protect the river or lake. The flow or lake levels granted represent level that are needed to sustain long-term fish habitat and other instream resources, even if those granted flow or lake levels do not always occur.

⁴ Rundquist, L.A. and J.E. Baldrige. 1990. Fish habitat considerations in W.L. Ryan and R.D. Crissman, editors. Cold regions hydrology and hydraulics. American Society for Civil Engineers, Technical Council on Cold Regions Engineering monograph, pp. 827.

Fiscal Information

It is highly unlikely that the proposed regulations are not expected to require an increased appropriation. DNR does not have the staff to keep up with the existing workload, let alone the additional workload that would be needed with the proposed changes. Nor does DNR have the expertise in instream flow/stream hydraulics, fish habitat suitability, statistics, or fishery science necessary to make scientifically sound and legally defensible determinations. The fiscal note needs to be revised to reflect actual programmatic needs and personnel to fully enact the proposed changes. In addition to the technical expertise described above, these revisions should include the time and resources needed: to prepare Standard Operational Protocols and required forms for applicants to use for streamflow, hydraulic, and fish study designs, data collections, and analyses; quality assurance and control protocols for data collections and analyses to meet DNR standards; model calibrations and simulations procedures and criteria; and cost of required software, computer equipment, and training to needed to perform these tasks and make determinations. Only then can a decision be made whether the proposed changes will be cost effective.

Regulation Change

It would be in Alaskans best interest if DNR were to include a definitive time period for the commissioner to complete the review of an appeal to reservation during adjudication and issue a determination. Several appeals of reservations have been pending before the commissioner for many years – this is not timely, efficient, nor cost-effective.

Summary

Reservations are a tool to protect Alaska's public waters. Forcing applicants to spend thousands of dollars to prove water belongs in a river or lake - while industrial users face fewer hurdles to extract it—is inherently unjust. The burden of proof should be on consumptive, industrial applicants to show that extracting water will not harm fish and wildlife or other instream flow purposes, rather than forcing applicants to pay to defend public rivers and lakes.

Furthermore, Article VIII of the Alaska Constitution dictates that state water is a public resource to be managed for the maximum benefit of the people, subject to a general reservation for fish and wildlife. By actively prioritizing industrial water appropriation over reservations for instream flows or lake levels, these regulations ignore the state's constitutional mandate to support commercial, sport, and subsistence fisheries.

Bottom line, if DNR is serious about protecting fish resources for future generations, then it is imperative DNR keep the reservation process working as it has been for the last nearly 50 years. The water reservation system is not broken; rather, it has suffered from administrative neglect. DNR should fulfill its stewardship responsibilities by rejecting these changes and focus on processing its current backlog to protect Alaska's fish and watersheds.

SPECIFIC COMMENTS

1.) 11 AAC 93.142 (b) (3) is amended to read:

state the reason the proposed reservation is needed [EXPLAIN WHAT NEED EXISTS FOR THE PROPOSED RESERVATION, INCLUDING REASONS WHY THE RESERVATION IS BEING REQUESTED]

Response: This change is apparently attempting to clarify the previous language. However, neither the proposed change nor the existing wording is necessary and should be deleted. Inherent under Section 3 of Alaska's Constitution and AS 46.15.145 as well as common understanding is the fact that fish need water to survive. The other purposes described within AS 46.15.145 similarly, are dependent on continuous instream flows and thus are self-evident that a need/reason inherently exists and therefore this language is not needed and should be deleted.

Instead, DNR's focus and key responsibility should be on determining if the applicant adequately quantified the quantity of water for the purpose requested.

2.) 11 AAC 93.142 (b) (4) is amended to read:

include a minimum of five years of monthly data to quantify the proposed reservation [SPECIFY THE TIME PERIOD REQUIRED TO FULLY QUANTIFY THE PROPOSED RESERVATION, WHICH MAY BE NO LONGER THAN THREE YEARS AFTER THE DATE THE APPLICATION IS ACCEPTED BY THE DEPARTMENT FOR FILING]

Response: The purpose for the current language allowing three years from the filing of a reservation of water applications to complete data collection, with an option to request an additional two years, is to provide equal treatment with diversionary water right applications. This provides time to complete data collection and analyses after filing, similar to provisions allowed for diversionary water right applications to survey, construct, and perfect the water right and prevent water right priority claim jumping.

Reservations and diversionary water right applications should be treated equal for collection of water data. Section 11 AAC 93.040 (c)(14) for diversionary water right applications states:

“for a water use of more than 100,000 gpd (0.15 cfs) from a stream, a description of the mean annual flow, or mean monthly flow if available, using the best available data, or, if data are not available, an estimate of mean annual flow using hydrologic methods that the department determines to be reasonable accurate.”

It is important for DNR to have similar data collection criteria to have scientifically sound hydrologic information to describe seasonally and long-term flow characteristics in order for DNR to make the best water management decisions.

3.) 11 AAC 93.142 (b) (8) is amended to read:

identify **applicable** physical, biological, water chemistry, and socio-economic data substantiating the need for and the quantity of water requested for the proposed reservation

Response: This change is ambiguous and open to interpretation. Until further description on the rationale and intent is provided, it should be removed.

4.) 11 AAC 93.142 (b) (9) is amended to read:

for reservations of water intended to protect fish habitat, migration, and propagation, (A) identify the population and species of fish using the proposed reservation of water reach for spawning, rearing, or migration; (B) estimate the population of fish from the proposed reservation of water reach(es) that supplies sport, commercial, and subsistence use; (C) estimate how differing water levels or flows in the proposed reservation of water reach would affect the amount or quantity of habitat available for rearing, spawning, or migration; and (D) include downstream and upstream land use and property ownership data at the proposed reach that may be affected by the proposed reservation of water;

Response: For proposed changes in section (A), this change is addressed under (b)(8). DNR can request more information if clarification is needed.

Proposed changes in section (B) are unrealistic and should be removed. This is a high-level study requirement that requires a full team of experienced biologists, statisticians, and technicians to successfully conduct and would be very timely and costly. Existing information⁵ along with collaboration and discussions with ADF&G area management biologists knowledgeable about referenced fish populations are readily available.

Proposed changes in section (C) would not work well for the large variability of streams in Alaska. In general, instream flow assessments can be divided into two categories: standard setting or incremental assessments. A standard-setting assessment is typically a low-intensity, low conflict approach problem for decision-making purposes. This is a good approach for reservations where there is little to no competition for water and further assessments can be

⁵ These include but are not limited to: Anadromous Water Catalog, Alaska Freshwater Fish Inventory database, Statewide Harvest survey database, as well as online reports and publications in ADF&G elibrary and Alaska Resource Library & Information Services library.

conducted to refine the determination if needed. This approach has precedents and provides a sound and legally defensible basis for DNR to make determinations.

An incremental assessment typically refers to a high-intensity, high-stakes negotiation commonly over a specific project. This approach is best suited for large development projects with large conflict where decisions made will last for a long time and could have a significant effect on water quality and quantity, fish and wildlife habitat, channel morphology, and other water dependent activities, for a long time.

Since Alaska is large state, with remote areas and few roads, and variable geomorphology, river sizes (widths, depths and velocities), fish species and life stages, and water uses, it would be difficult, costly, and frankly unreasonable if the regulations were to change to a “one size, fits all” approach. The best approach is for the applicant to select and defend which method to use.

For changes in section (D), this information is readily available and used by DNR staff to issue public notices. This change should be removed.

DNR and industry advocates state that these changes are needed because reservations take a large percentage of the streamflow, but this is misleading. During most of the open water periods in Alaska, reservations commonly reserve a small percentage of the available water leaving large amounts of streamflows available for other uses. It is typically during critical habitat limiting periods, such as overwintering periods and during prolong dry periods, that conflict can arise. This is particularly true in cold regions of the state which may be snow and ice covered for up to 6 months of the year. There are options that DNR should explore to reduce water conflicts. For example, water dependent projects have described water management operations that include developing multiple water sources for project operations (e.g. multiple streams, groundwater wells, use of recycled water, and onsite storage). To date, there have been few conflicts with reservations begging the question, why are these changes needed? And if DNR believes updates are needed, why is DNR only working with industry advocates and not meeting with stakeholders and the public who will be responsible for meeting these changes?

5.) 11 AAC 93.146(b) is amended to read:

(b) [THE CERTIFICATE OF RESERVATION WILL BE ISSUED TO THE APPLICANT.] The applicant is responsible for compliance with the conditions of the certificate of reservation. **The commissioner will issue a certificate of reservation to the applicant if the applicant is a state or federal resource management agency. If the applicant is not a state or federal resource management agency, the commissioner will issue the certificate to the department.**

Response: This issue should be addressed through an open workgroup process with all stakeholders to clarify the intent and resolve concerns.

6.) 11 AAC 93.146(d) is amended to read:

(d) The certificate of reservation will state any additional terms or conditions the commissioner considers necessary to protect the prior valid rights of other appropriators and the public interest, **including** [. THE CONDITIONS WILL, IN THE COMMISSIONER'S DISCRETION, INCLUDE THE FOLLOWING]:

(1) measuring devices of a type and at a location approved by the commissioner must be installed and maintained **by the applicant** to monitor and report on the reserved instream flow or level of water **at intervals approved by the commissioner**; and

Response: This change is burdensome and not needed. A reservation does not make alterations to a stream's flow regime or to lake water levels and therefore there is no need to require expensive and unwarranted monitoring. Past costs for a USGS streamgauge on the road system in Alaska was approximately \$35,000-\$50,000 per year; for remote locations the cost can be up to \$100,000 and more per year. These are costs are likely out-of-date given recent inflation and other rising costs. In short, these are unnecessary and pointless costs to require an applicant to pay for simply reserving a portion of the streamflow or lake volume for protection Alaskans inherently assume our state agencies would already provide.

7.) 11 AAC 93.147(c) is amended to read:

(c) The commissioner may [WILL, IN HIS OR HER DISCRETION,] require that additional research, data collection, and analysis be conducted or different methods used for reviewing the reservation of water. Costs of conducting additional research, data collection, and analysis, and of using a different methodology will be borne by the protestant if a protest regarding the reservation has been filed with the department. In other cases, **the commissioner may apportion the costs among the department, the applicant, or the certificate holder, as the commissioner determines to be equitable** [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].

Response: It is unclear what additional research, data collection or analyses may be needed nor what criteria the commissioner may use to apportion the costs. Since these additional requirements may incur additional time and costs, it is imperative DNR provide more detailed

descriptions on the rationale, criteria, types of information, and estimated costs for any additional information that may be requested.

If there have been no significant anthropogenic changes to the water body or if the identified fish species are still present in the reserved reach(es) or lake, then any changes would be from natural conditions and no additional research would be needed.

With a massive backlog of nearly 500 reservation applications currently pending adjudication, adding complex data collection and monitoring mandates nearly guarantees that critical fish habitats will remain unprotected while applications sit in limbo.

From: dnr.dmlwweb@alaska.gov
To: Private Information
Cc: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Public Comment Receipt
Date: Saturday, June 13, 2026 9:43:34 AM

Susan Klock submitted a public comment online to the Alaska Division of Mining, Land, and Water on 6/13/2026. Thank you for your input!

Comment:

Alaska waters are public and should not be reserved by other entities. I fish salmon and other species and boat Alaska rivers and private entities should not be given rights to public waters. Regulations strengthening protection if Alaska waters should be enacted, not weakened.

From: h.knapp@everyactioncustom.com on behalf of [Harry Knapp](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Proposed changes to Alaska's water reservation regulations under 11 AAC 93
Date: Saturday, June 20, 2026 8:54:04 AM

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Dear Division of Mining, Land & Water, Program Support Section Brandon McCutcheon,

I am writing to express my deep concern about the proposed changes to water reservations in the State of Alaska. The changes proposed do not live up to our constitutional obligation, which states "Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use." Instead, these changes favor water appropriation to private users over reservations for the common use of Alaskans. Instead of making it harder for Alaskans to protect our waters, I request that the department strengthen protections for instream flows by making them automatic for all anadromous streams rather than creating additional barriers for those seeking to protect fish habitat.

Sincerely,
Mr. Harry Knapp
Riverside, CA 92507-2744
Private Information

From: knslyj@everyactioncustom.com on behalf of [Jeff Knisley](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Proposed changes to Alaska's water reservation regulations under 11 AAC 93
Date: Thursday, June 18, 2026 11:57:47 AM

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Sincerely,
Mr. Jeff Knisley
Anchorage, AK 99504-3943
Private Information

From: akwachka@everyactioncustom.com on behalf of [Alexus Kwachka](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Proposed changes to Alaska's water reservation regulations under 11 AAC 93
Date: Wednesday, July 1, 2026 8:31:38 AM

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Sincerely,
Mr. Alexus Kwachka
Kodiak, AK 99615-6011
Private Information

From: marshallteam@everyactioncustom.com on behalf of [L M](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Proposed changes to Alaska's water reservation regulations under 11 AAC 93
Date: Saturday, June 20, 2026 12:15:15 PM

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THANK YOU.

Sincerely,
Ms. L M
Cypress, TX 77433-3386
Private Information

From: deborah.lane@everyactioncustom.com on behalf of [Deborah Lane](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Proposed changes to Alaska's water reservation regulations under 11 AAC 93
Date: Saturday, June 20, 2026 9:00:25 AM

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Dear Division of Mining, Land & Water, Program Support Section Brandon McCutcheon,

I am writing to express my deep concern about the proposed changes to water reservations in the State of Alaska. The changes proposed do not live up to our constitutional obligation, which states "Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use." Instead, these changes favor water appropriation to private users over reservations for the common use of Alaskans. Instead of making it harder for Alaskans to protect our waters, I request that the department strengthen protections for instream flows by making them automatic for all anadromous streams rather than creating additional barriers for those seeking to protect fish habitat.

Sincerely,
Ms Deborah Lane
Prescott Valley, AZ 86314-8310

Private Information

From: incredistical@everyactioncustom.com on behalf of [Kenneth Lapointe](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Proposed changes to Alaska's water reservation regulations under 11 AAC 93
Date: Tuesday, June 23, 2026 7:34:17 AM

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Dear Division of Mining, Land & Water, Program Support Section Brandon McCutcheon,

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Sincerely,
Mr Kenneth Lapointe
Los Angeles, CA 90031-3022

Private Information

From: mdl05@everyactioncustom.com on behalf of [Michele LaPorte](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Proposed changes to Alaska's water reservation regulations under 11 AAC 93
Date: Sunday, June 21, 2026 3:37:58 AM

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Dear Division of Mining, Land & Water, Program Support Section Brandon McCutcheon,

I am writing to express my deep concern about the proposed changes to water reservations in the State of Alaska. The changes proposed do not live up to our constitutional obligation, which states "Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use." Instead, these changes favor water appropriation to private users over reservations for the common use of Alaskans. Instead of making it harder for Alaskans to protect our waters, I request that the department strengthen protections for instream flows by making them automatic for all anadromous streams rather than creating additional barriers for those seeking to protect fish habitat.

Sincerely,
Ms. Michele LaPorte
Round Lake Beach, IL 60073-4449
Private Information

From: [Krystal Lapp](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Comments on Proposed Changes to Reservations of Water Regulations
Date: Wednesday, June 17, 2026 2:05:42 PM
Attachments: [Comments on Proposed Changes to Reservations of Water Regulations, 11 AAC 93.142, 11 AAC 93.146, and 11 AAC 93.147.pdf](#)

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Dear Mr. McCutcheon,

Please accept the attached comments from Northern Alaska Environmental Center regarding the Department of Natural Resources' proposed changes to Alaska's reservations of water regulations under 11 AAC 93.142, 11 AAC 93.146, and 11 AAC 93.147.

Northern Alaska Environmental Center urges DNR not to adopt the proposed regulations in their current form. Water reservations are a critical tool for protecting instream flows, salmon habitat, wildlife, subsistence resources, recreation, navigation, water quality, and other public values. The proposed changes would create new barriers for Tribes, communities, nonprofits, and public-interest applicants seeking to protect Alaska's waters.

Please confirm receipt of these comments.

Thank you for your consideration.

Sincerely,

Krystal Lapp
Interim Executive Director
Northern Alaska Environmental Center
830 College Road
Fairbanks Alaska 99701-1535
Main (907) 452-5021
Direct (907) 799-4447
www.northern.org





June 17, 2026

Brandon McCutcheon
Alaska Department of Natural Resources
Division of Mining, Land & Water
550 W. 7th Avenue, Suite 1070
Anchorage, AK 99501-3579
Submitted via email: dnr.water.regulation@alaska.gov

Re: Comments on Proposed Changes to Reservations of Water Regulations, 11 AAC 93.142, 11 AAC 93.146, and 11 AAC 93.147

Dear Mr. McCutcheon:

Thank you for the opportunity to comment on the Department of Natural Resources' proposed changes to Alaska's reservations of water regulations under 11 AAC 93.142, 11 AAC 93.146, and 11 AAC 93.147.

Northern Alaska Environmental Center submits these comments to urge DNR not to adopt the proposed changes in their current form. Water reservations are one of Alaska's most important legal tools for protecting instream flows, fish and wildlife habitat, subsistence resources, recreation, navigation, water quality, and other public values. In a state where healthy rivers and salmon are central to cultures, communities, food security, and local economies, the reservation of water process must remain accessible, transparent, and protective of the public interest.

The proposed regulations would make the reservation process more burdensome for Tribes, communities, nonprofit organizations, local governments, and individual Alaskans seeking to protect water for fish, wildlife, and public use. They would also shift authority and control over certificates of reservation away from many successful applicants and toward DNR itself. These changes would weaken, rather than strengthen, Alaska's ability to protect instream flows. For the reasons below, DNR should withdraw or substantially revise the proposed regulations.



I. Water reservations are essential to protecting Alaska’s public waters and salmon habitat. Alaska’s waters are public resources. The Alaska Constitution and Alaska’s water laws recognize that water must be managed for the maximum benefit of the people, including for fish and wildlife habitat and public uses. Reservations of water are a central part of that framework because they allow water to remain in streams, rivers, and lakes for instream values rather than being allocated only for out-of-stream consumptive or industrial uses.

Water reservations are especially important in Alaska because many watersheds are remote, data-limited, and increasingly stressed by climate change, development pressure, declining salmon runs, and cumulative impacts. Maintaining instream flows is not merely an environmental concern; it is a matter of food security, cultural survival, subsistence, local economies, and public trust responsibility.

Any changes to 11 AAC 93 should therefore improve the ability of Alaskans to protect water for fish, wildlife, and public use. The proposed changes do the opposite by creating new barriers and uncertainty for public-interest applicants.

II. The proposed five-year monthly data requirement would create unreasonable barriers for Tribes, communities, and public-interest applicants.

The proposed amendments to 11 AAC 93.142 would require each application to include a minimum of five years of monthly data to quantify the proposed reservation. DNR has described this change as necessary to make applications more robust, but in practice it would impose a substantial burden on applicants, especially in rural and remote areas where hydrologic data collection is expensive, logistically difficult, and often dependent on specialized equipment and expertise.

Many Alaska watersheds lack long-term streamflow monitoring. Collecting five years of monthly data can require travel, staff time, consultants, stream gauges or other measuring devices, equipment maintenance, and repeated site access in difficult conditions. For Tribal governments, small communities, watershed councils, and nonprofit organizations, this



requirement could make it practically impossible to apply for reservations of water, even where the need to protect fish habitat is clear.

DNR should not impose a rigid five-year data requirement as a threshold for participation in the reservation process. Instead, DNR should retain flexibility to accept the best available information, Indigenous Knowledge, existing agency data, peer-reviewed science, local observations, habitat assessments, and other relevant evidence appropriate to the watershed and the purpose of the reservation. At minimum, any data requirement should be reasonable, site-specific, and scaled to the reservation requested. It should not function as a barrier that prevents communities from even entering the process

III. DNR should not strip non-agency applicants of the ability to hold certificates of reservation. The proposed amendments to 11 AAC 93.146 raise serious concerns because they would provide that state and federal resource management agencies may hold certificates of reservation for applications they submit, while certificates for successful applications submitted by private parties, nonprofits, Tribes, community groups, or other non-agency applicants would be issued to DNR.

This change would fundamentally alter the role of public-interest applicants in Alaska's water reservation system. Under the current structure, applicants who successfully establish the need for a reservation may receive a certificate of reservation. The proposed change would allow Tribes, nonprofits, and citizens to do the difficult work of identifying the need, collecting data, preparing an application, and advocating for protection, but would then deny them the certificate if the application is granted.

That is neither fair nor consistent with a transparent public-interest water management system. If a Tribe, community, nonprofit, or individual applicant successfully demonstrates that a reservation is needed and in the public interest, that applicant should be able to hold the certificate and participate meaningfully in its maintenance, defense, and enforcement.

DNR's proposal also creates accountability concerns. If DNR holds certificates for non-agency applicants, the regulations do not clearly explain how the original applicant, affected communities, or the public would ensure that the reservation is monitored, defended, and



maintained over time. The concern is especially acute because the Department may face competing political, administrative, or development pressures. Public-interest water protections should not depend on whether a future administration chooses to prioritize a particular instream flow reservation.

DNR should retain the existing rule that certificates of reservation are issued to successful applicants. At minimum, DNR must not adopt any change that deprives Tribal governments, nonprofit organizations, local governments, communities, or individual Alaskans of the practical ability to hold and defend water reservations.

IV. Monitoring and reporting requirements must not become barriers to water protection. The proposed amendments to 11 AAC 93.146 would allow or require applicants to install measuring devices, maintain those devices, and monitor and report on reserved instream flows or water levels at intervals approved by the Commissioner.

Monitoring can be useful, and good data can support effective water management. However, monitoring and reporting requirements must be reasonable, affordable, and tailored to the realities of Alaska watersheds. Many waters in need of protection are remote, difficult to access, and expensive to monitor. Requiring installation and maintenance of measuring devices as a condition of a certificate could impose significant costs and logistical burdens on applicants.

DNR should ensure that monitoring requirements do not make public-interest water reservations impossible. The regulations should include clear standards limiting monitoring obligations to those that are necessary, reasonable, proportional to the reservation, and feasible given the applicant's capacity and the location of the waterbody. DNR should also provide technical and financial support for monitoring where reservations protect important public resources such as salmon habitat, subsistence uses, wildlife, and public access.

V. The proposed cost-shifting provisions would discourage public-interest applications and weaken protection of instream flows.



The proposed amendments to 11 AAC 93.147 would allow the Commissioner to require additional research, data collection, analysis, or different methods during review of a reservation and to apportion those costs among DNR, the applicant, or the certificate holder as the Commissioner determines to be equitable.

This provision creates significant uncertainty and could discourage public-interest applicants from seeking or maintaining reservations of water. A Tribe, community, nonprofit, or individual applicant should not have to risk unknown future costs simply to protect water for salmon, wildlife, subsistence, recreation, or public use. The possibility of being assigned substantial research or data collection costs could chill applications before they are filed and could make existing reservations harder to sustain.

The current framework better recognizes that water reservations protect public resources and public values. DNR should not transfer the burden of maintaining those public protections onto communities and organizations least able to absorb open-ended costs.

If DNR believes additional information is needed during review, the Department should first rely on existing agency data, publicly available information, interagency coordination, and reasonable requests tailored to the specific reservation. Any cost apportionment authority must be narrow, clearly defined, and accompanied by protections for Tribal governments, rural communities, nonprofit organizations, and other public-interest applicants.

VI. DNR must meaningfully consult with Alaska Native Tribes before adopting changes that affect water protection. Alaska Native Tribes have stewarded Alaska's waters, fish, wildlife, and lands since time immemorial. Healthy rivers and salmon are central to Tribal cultures, subsistence practices, food security, economies, and intergenerational knowledge. Regulations that affect the ability to protect instream flows directly affect Tribal interests.

DNR should engage in meaningful government-to-government consultation with Alaska Native Tribes before adopting any changes to water reservation regulations. Consultation should occur early enough to influence the outcome, should provide clear information about the proposed changes and their likely effects, and should include accessible opportunities for Tribal leaders and staff to participate.



DNR should not finalize regulations that would make it harder for Tribes to apply for, hold, maintain, or defend water reservations. Any regulatory revision should strengthen Tribal participation and respect Tribal sovereignty, not create new procedural, financial, or administrative barriers.

VII. DNR should prioritize adjudicating pending and future applications rather than creating new barriers. Many Alaskans are concerned that water reservation applications have historically faced long delays and inconsistent prioritization. If DNR's goal is efficiency, consistency, and cost-effectiveness, the Department should focus on timely adjudication, clear guidance, public transparency, and support for applicants.

Adding more front-end data requirements, shifting certificate ownership to DNR, imposing uncertain monitoring obligations, and allowing open-ended cost apportionment will not solve delays in the process. Instead, these changes are likely to discourage applications and reduce public participation in water management.

DNR should strengthen the reservation process by establishing clear timelines, improving applicant guidance, using the best available information, increasing transparency around pending applications, and working collaboratively with Tribes, communities, nonprofits, and agencies to protect water where instream flows are needed.

VIII. Requested changes.

Northern Alaska Environmental Center respectfully requests that DNR:

1. Withdraw the proposed amendments to 11 AAC 93.146 that would prevent non-agency applicants from holding certificates of reservation.
2. Remove or substantially revise the proposed five-year monthly data requirement in 11 AAC 93.142 so that it does not create a rigid barrier to applications from Tribes, communities, nonprofits, local governments, or individual Alaskans.
3. Ensure that monitoring and reporting requirements are reasonable, site-specific, affordable, and proportional to the reservation, especially in remote watersheds.
4. Remove or narrowly limit the proposed cost-shifting language in 11 AAC 93.147 so that public-interest applicants are not discouraged from applying for or maintaining reservations of water.



5. Conduct meaningful government-to-government consultation with Alaska Native Tribes before adopting any changes affecting water reservations.
6. Prioritize timely adjudication of pending and future reservations of water and increase transparency in the process.
7. Ensure that any revisions to 11 AAC 93 strengthen, rather than weaken, protection of instream flows for salmon, wildlife, subsistence, recreation, navigation, water quality, and other public uses.

Water reservations are one of the few tools Alaskans have to keep water in rivers, streams, and lakes for fish, wildlife, subsistence, recreation, navigation, and other public values. The proposed changes to 11 AAC 93.142, 11 AAC 93.146, and 11 AAC 93.147 would make that tool harder to use and less accountable to the Tribes, communities, organizations, and citizens working to protect Alaska's waters.

DNR should not adopt the proposed regulations in their current form. Instead, the Department should work with Tribes, communities, public-interest organizations, agencies, and the public to strengthen Alaska's water reservation process and ensure that it remains accessible, protective, and consistent with the public interest.

Thank you for considering these comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Krystal Lapp". The signature is fluid and cursive, with a prominent loop at the end.

Krystal Lapp
Interim Executive Director
Northern Alaska Environmental Center



June 17, 2026

Brandon McCutcheon
Alaska Department of Natural Resources
Division of Mining, Land & Water
550 W. 7th Avenue, Suite 1070
Anchorage, AK 99501-3579
Submitted via email: dnr.water.regulation@alaska.gov

Re: Comments on Proposed Changes to Reservations of Water Regulations, 11 AAC 93.142, 11 AAC 93.146, and 11 AAC 93.147

Dear Mr. McCutcheon:

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The proposed regulations would make the reservation process more burdensome for Tribes, communities, nonprofit organizations, local governments, and individual Alaskans seeking to protect water for fish, wildlife, and public use. They would also shift authority and control over certificates of reservation away from many successful applicants and toward DNR itself. These changes would weaken, rather than strengthen, Alaska's ability to protect instream flows. For the reasons below, DNR should withdraw or substantially revise the proposed regulations.



I. Water reservations are essential to protecting Alaska’s public waters and salmon habitat. Alaska’s waters are public resources. The Alaska Constitution and Alaska’s water laws recognize that water must be managed for the maximum benefit of the people, including for fish and wildlife habitat and public uses. Reservations of water are a central part of that framework because they allow water to remain in streams, rivers, and lakes for instream values rather than being allocated only for out-of-stream consumptive or industrial uses.

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VIII. Requested changes.

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2. Remove or substantially revise the proposed five-year monthly data requirement in 11 AAC 93.142 so that it does not create a rigid barrier to applications from Tribes, communities, nonprofits, local governments, or individual Alaskans.
3. Ensure that monitoring and reporting requirements are reasonable, site-specific, affordable, and proportional to the reservation, especially in remote watersheds.
4. Remove or narrowly limit the proposed cost-shifting language in 11 AAC 93.147 so that public-interest applicants are not discouraged from applying for or maintaining reservations of water.



5. Conduct meaningful government-to-government consultation with Alaska Native Tribes before adopting any changes affecting water reservations.
6. Prioritize timely adjudication of pending and future reservations of water and increase transparency in the process.
7. Ensure that any revisions to 11 AAC 93 strengthen, rather than weaken, protection of instream flows for salmon, wildlife, subsistence, recreation, navigation, water quality, and other public uses.

Water reservations are one of the few tools Alaskans have to keep water in rivers, streams, and lakes for fish, wildlife, subsistence, recreation, navigation, and other public values. The proposed changes to 11 AAC 93.142, 11 AAC 93.146, and 11 AAC 93.147 would make that tool harder to use and less accountable to the Tribes, communities, organizations, and citizens working to protect Alaska's waters.

DNR should not adopt the proposed regulations in their current form. Instead, the Department should work with Tribes, communities, public-interest organizations, agencies, and the public to strengthen Alaska's water reservation process and ensure that it remains accessible, protective, and consistent with the public interest.

Thank you for considering these comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Krystal Lapp".

Krystal Lapp
Interim Executive Director
Northern Alaska Environmental Center

From: [Michelle](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Public comment for changes to 11 AAC 93
Date: Saturday, June 20, 2026 6:14:57 AM

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With so many special interests and development in and about Alaska of late affecting our state with the largest amount of surface waters, conservative decisions for human influence that affect this resource is important to me. I am convinced we are at a critical turning point that directly will determine the extensive future of Salmon health and habitat just to mention a few riparian creatures that depend on our very sound judgement for their long term survival.

Alaska's water also belongs to the public and should be managed for the benefit of all Alaskans, including but not limited to access of fish and wildlife habitat, subsistence, recreation, navigation, and community resource. Any changes to 11 AAC 93 should strengthen Alaska's ability to protect instream flows for salmon, wildlife, recreation, and public use. These decisions for our future should never favor industrial appropriation over rightful public access.

Proposed reservation changes should remain accessible, transparent, and protective of salmon, healthy watersheds, and the people who depend on them.

Michelle LaRose
Wasilla

From: dnr.dmlwweb@alaska.gov
To: Private Information
Cc: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Public Comment Receipt
Date: Monday, June 29, 2026 11:20:20 PM

Ann Marie Larquier submitted a public comment online to the Alaska Division of Mining, Land, and Water on 6/29/2026. Thank you for your input!

Comment:

This comment is submitted to ensure continued standing in the regulatory process. While the DNR intends for these proposed regulatory updates to provide an "efficient, consistent, and cost-effective water reservation process that encourages the highest and best use of state water in the public interest," the proposed regulations as drafted undermine this intent. Instead of encouraging the optimal use of state water, these updates create unnecessary barriers and fail to achieve the stated objectives.

From: javalena@everyactioncustom.com on behalf of [Donald Lawhead](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Proposed changes to Alaska's water reservation regulations under 11 AAC 93
Date: Tuesday, June 30, 2026 8:46:50 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 Division of Mining, Land & Water, Program Support Section Brandon McCutcheon,

I am writing to express my deep concern about the proposed changes to water reservations in the State of Alaska. The changes proposed do not live up to our constitutional obligation, which states "Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use." Instead, these changes favor water appropriation to private users over reservations for the common use of Alaskans. Instead of making it harder for Alaskans to protect our waters, I request that the department strengthen protections for instream flows by making them automatic for all anadromous streams rather than creating additional barriers for those seeking to protect fish habitat.

Sincerely,
Mr. Donald Lawhead
Wasilla, AK 99654-4544
Private Information

From: mzldiondrajean@everyactioncustom.com on behalf of [Donald Lawhead](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Proposed changes to Alaska's water reservation regulations under 11 AAC 93
Date: Thursday, June 18, 2026 9:08:48 AM

[You don't often get email from mzldiondrajean@everyactioncustom.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

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 Division of Mining, Land & Water, Program Support Section Brandon McCutcheon,

I am writing to express my deep concern about the proposed changes to water reservations in the State of Alaska. The changes proposed do not live up to our constitutional obligation, which states "Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use." Instead, these changes favor water appropriation to private users over reservations for the common use of Alaskans. Instead of making it harder for Alaskans to protect our waters, I request that the department strengthen protections for instream flows by making them automatic for all anadromous streams rather than creating additional barriers for those seeking to protect fish habitat.

Sincerely,
Mr. Donald Lawhead
Wasilla, AK 99654-4544

Private Information

From: jledent43@everyactioncustom.com on behalf of [Jamie Le](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Proposed changes to Alaska's water reservation regulations under 11 AAC 93
Date: Saturday, June 20, 2026 5:08:15 PM

[You don't often get email from jledent43@everyactioncustom.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

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 Division of Mining, Land & Water, Program Support Section Brandon McCutcheon,

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Sincerely,
Mr. Jamie Le
Alameda, CA 94501-2341
Private Information

From: wlebich@everyactioncustom.com on behalf of [William Lebich](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Proposed changes to Alaska's water reservation regulations under 11 AAC 93
Date: Saturday, June 20, 2026 5:50:35 PM

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Dear Division of Mining, Land & Water, Program Support Section Brandon McCutcheon,

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Sincerely,
Mr William Lebich
Oxford, MI 48371-3447
Private Information

From: heather288p@everyactioncustom.com on behalf of [Heather LeBlanc](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Proposed changes to Alaska's water reservation regulations under 11 AAC 93
Date: Sunday, June 21, 2026 3:06:56 PM

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Sincerely,
Ms. Heather LeBlanc
East Hartford, CT 06118-2510

Private Information

From: ChocolatePi@everyactioncustom.com on behalf of [Chad Lechner](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Proposed changes to Alaska's water reservation regulations under 11 AAC 93
Date: Tuesday, June 30, 2026 4:51:40 PM

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Sincerely,
Mx. Chad Lechner
Seward, AK 99664-9613

Private Information

From: lickinstck@everyactioncustom.com on behalf of [William LeDoux](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Proposed changes to Alaska's water reservation regulations under 11 AAC 93
Date: Saturday, June 20, 2026 12:56:36 PM

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Sincerely,
Mr William LeDoux
Wasilla, AK 99654-1608
Private Information

From: lickinstck@everyactioncustom.com on behalf of [William LeDoux](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Proposed changes to Alaska's water reservation regulations under 11 AAC 93
Date: Saturday, June 20, 2026 12:51:36 PM

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Sincerely,
Mr William LeDoux
Wasilla, AK 99654-1608
Private Information

From: patricelee3294@everyactioncustom.com on behalf of [Patrice Lee](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Proposed changes to Alaska's water reservation regulations under 11 AAC 93
Date: Tuesday, June 30, 2026 5:53:01 PM

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Sincerely,
Mrs Patrice Lee
Fairbanks, AK 99712-2617
Private Information

From: amileh@everyactioncustom.com on behalf of [Mike LeHew](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Proposed changes to Alaska's water reservation regulations under 11 AAC 93
Date: Saturday, June 20, 2026 8:49:12 AM

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Sincerely,
Mr. Mike LeHew
Port Saint Lucie, FL 34987
Private Information

From: [Devony Lehner](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#); Representative.Sarah.Vance@akleg.gov
Subject: NOTICE OF PROPOSED CHANGES ON RESERVATIONS OF WATER IN THE REGULATIONS OF THE DEPARTMENT OF NATURAL RESOURCES
Date: Saturday, June 20, 2026 3:37:41 PM

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Dear Policy Makers responsible for maintaining the natural resources on which we all depend--both currently and for the ever-changing and dynamic future,

I've lived in Alaska since 1978 and have seen many changes undertaken to sustain the beneficial resources on which Alaskans depend, particularly our fisheries and our water quality and quantity. My comments are about the schedule for reviewing the proposed changes now before the legislature related to regulations for reservations of water.

I have considerable familiarity with water quantity and quality issues--and their profound and complex interconnections--as a result of many years of working with the USDA Natural Resources Conservation Service and the Homer Soil and Water Conservation District. This work has included assessment of the functions and values of Kenai Peninsula wetlands and efforts to improve salmon habitats along the Kenai and Anchor Rivers. Such projects have highlighted the importance of water **quantity** for **maintaining** (a) "**baseflows**" in streams that support salmon, (b) **recharge areas** critical in supplying water wells that serve individuals and communities, and (c) perennial surface and subsurface flows--along with seasonal stormwater runoff--that keep water levels high enough in **reservoirs** to supply community water needs--such as in Bridge Creek Reservoir, which supplies water to the City of Homer and to many water-delivery customers outside city limits.

As I mentioned, the issue I'd like to emphasize is that the **timeframe provided for review** of proposed regulatory changes is **WAY TOO SHORT** and is scheduled during one of the busiest times of the year--that is: **ONE MONTH in JUNE!** That schedule absolutely does not provide the timeframe or timing needed by most interested Alaskans in order for them to review the regulatory changes and comment on them in an informed way.

As you know, June is crazy for Alaskans who have any meaningful involvement with the out-of-doors. For example, I'm currently sampling nearshore marine waters at three recreational beaches in Homer and Anchor Point in order to make sure that recreators and anglers coming in contact with those waters are not exposed to harmful levels of fecal coliform or enterococci bacteria. I'm also working on several outdoor projects related to the benefits of water levels in streams, lakes, and rivers. These include (1) promoting Kenai Peninsula firebreaks created by water bodies (such as lakes, streams, and rivers) and wetlands that contain adequate water levels--including looking at how beavers can be integrated into raising water levels to improve the efficacy of these firebreaks; (2) maintaining water quantity and connectivity between water sources and areas they supply (e.g., as mentioned above, baseflows in salmon streams during warm summer months, well water recharge areas, etc.). These kinds of projects are time and resource intensive and do not allow reviewers such as I to undertake considered review of the regulations. I know that as fellow Alaskans familiar with seasonal variations of work

demands, you will understand the inappropriateness of the current review schedule.

Please extend the time we have to review the regulations proposed for water reservations so that those of us with genuine interests and knowledge can contribute in an informed and meaningful way. An extension to at least the end of September, when field seasons are largely coming to an end, would likely provide the time necessary to make informed and well-considered comments.

Thank you so much for your sensitivity to these concerns. I know you share my commitment to sustaining water levels that offer irreplaceable benefits, such as maintaining salmon habitats in our streams and rivers, supplying our individual and community wells, and providing flows into reservoirs used for community water systems.

Devony Lehner

Natural Resources Specialist at Homer Soil and Water Conservation District

Private Information

From: [Sherry Lewis](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: changes to 11 AAC 93
Date: Monday, June 8, 2026 6:27:43 AM

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To whom it may concern,

Thank you for the opportunity to comment on the proposed changes to Alaska's water reservation regulations 11 AAC 93. Alaska has the chance to keep our rivers clean and healthy as opposed to what's happened in the lower 48.

I am concerned that the proposed changes could make it harder for Alaskans to protect water for salmon, wildlife, recreation, subsistence, navigation, and public use. Water reservations are one of the only legal tools available to keep water in rivers, streams, and lakes for fish habitat, migration, and propagation.

Please ensure that any changes to 11 AAC 93 strengthen, rather than weaken, Alaska's ability to protect River and stream, Waters. Requirements such as five years of monthly data, monitoring devices, reporting obligations, and possible cost-shifting should not create barriers for Tribes, communities, nonprofits, or public-interest applicants working to protect water for fish and wildlife.

Alaska's water is a public resource.

The reservation process should remain accessible, transparent, and protective of salmon, healthy watersheds, and the people who depend on them. I have been enjoying them for over 50 years. They are very important to the state and to the people who live in Alaska. Alaska has the chance to keep our rivers clean and healthy as opposed to what's happened in the lower 48.

Sherry Lewis
Fairbanks, AK 99708

From: imakdog@everyactioncustom.com on behalf of [Jennifer Liepa](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Proposed changes to Alaska's water reservation regulations under 11 AAC 93
Date: Saturday, June 20, 2026 12:05:36 PM

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Sincerely,
Ms Jennifer Liepa
Anchorage, AK 99516-3404
Private Information

From: indigo55@everyactioncustom.com on behalf of [Connie Lippert](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Proposed changes to Alaska's water reservation regulations under 11 AAC 93
Date: Saturday, June 20, 2026 9:50:59 AM

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Protect. Don't destroy

Sincerely,
Mrs Connie Lippert
Seneca, SC 29672-9165
Private Information

From: cynliss88@everyactioncustom.com on behalf of [Cynthia Liss](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Proposed changes to Alaska's water reservation regulations under 11 AAC 93
Date: Saturday, June 20, 2026 1:17:10 PM

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Sincerely,
Ms. Cynthia Liss
Brooklyn, NY 11228-2643
Private Information

From: livingsed@everyactioncustom.com on behalf of [Elaine Livingston](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Proposed changes to Alaska's water reservation regulations under 11 AAC 93
Date: Saturday, June 20, 2026 6:18:19 PM

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Sincerely,
Ms. Elaine Livingston
Vestal, NY 13850-3321
Private Information

From: [Bee Long](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Questions on Notice of Proposed Changes on Reservations of Water
Date: Friday, June 5, 2026 3:34:14 PM
Attachments: [QUESTIONS ON NOTICE OF PROPOSED CHANGES ON RESERVATIONS OF WATER IN THE REGULATIONS OF THE DEPARTMENT OF NATURAL RESOURCES.docx](#)

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Attached are my questions on these changes and I hope the answers come out before the end of the comment period.

Please confirm receipt of my questions.doc. Thanks,
Becky Long

QUESTIONS ON NOTICE OF PROPOSED CHANGES ON RESERVATIONS OF WATER IN THE
REGULATIONS OF THE DEPARTMENT OF NATURAL RESOURCES

June 4, 2026

Via email: dnr.water.regulation@alaska.gov Please confirm comment receipt

1. A public comment extension of a month should happen and be publicly noticed. This is one of the busiest times of the year for the Alaskan public.

- The public is actually enjoying and using the bountiful resources of waterbodies protected by an instream flow reservation. We need more time.
- The public notice came out May 29. The Talkeetna Community Council Inc meets the first Monday of the month. They did not have enough time to get substantive comments together for the current comment deadline.

2. A public hearing similar to the ADNR Water Section public meeting in August 2024 needs to occur. This happened during the scoping process for these regulatory changes.

3. Did ADNR create a scoping document that encapsulated a summary of the scoping comments? This is necessary for the concerned public to be informed what the public concerns are.

4. What is the background behind the proposed changes? Did these proposals come out of the scoping process?

5. How will the currently held Instream Flow Reservations, the Certificates of Reservation, be impacted or changed by the proposed 11 AAC 93.146(b) Issuance of a Certificate of Reservation amendment?

6. Is the Alaska Department of Fish and Game, the US Fish and Wildlife Service considered a resource management agency that could still hold the certificate?

7. Will these proposed regulations help alleviate the unadjudicated reservation applications backlog?

- A backlog of unadjudicated instream flow reservation applications from the past 2 to 3 decades exists on the books.
- In 2018 it was 442 application backlogs so by now could be close to 500.
- The Coastal Plain of the Arctic National Wildlife Refuge has had 152 pending US Fish and Wildlife Service applications since 1994.

8. Why is there a fiscal note of zero for these regulation changes? Does this mean there will be no staff to process the Certificate of Reservation applications? Is the division trying to eliminate this program?

9. Is there currently a staffing of a Reservation of Water Program?

Long Question Doc Reservation Changes

10.The Ten-Year Review of LAS 13228 the Talkeetna River Reservation of Water Priority Date 3/19/1991has happened. It was signed by the Lead Reservation of Water Program staff and the Water Resources Chief on 11/14/2022. Is this process complete and accepted according to the mandate? **Was further review necessary?** This Alaska Legislature-Designated Recreation River is an important LAS in the public interest.

11.These proposed amendments add considerably more application requirements. Water Right Certificates to appropriate water out of a waterbody have considerably less stringent requirements. These certificates are held by non-state agency groups and private people. **Why is there this dichotomy?** This is a political policy decision. The unequal treatment of certificates ignores the importance of keeping water in the waterbody for habitat, recreation, navigation, community water resources purposes.

Submitted by Becky Long

QUESTIONS ON NOTICE OF PROPOSED CHANGES ON RESERVATIONS OF WATER IN THE
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June 4, 2026

Via email: dnr.water.regulation@alaska.gov Please confirm comment receipt

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Long Question Doc Reservation Changes

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Submitted by Becky Long

From: [Bee Long](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Comment Water Reservation Changes
Date: Wednesday, June 24, 2026 1:12:55 PM
Attachments: [ProposedWaterRegChange Comments.docx](#)

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Please confirm receipt.

Thanks.

Becky Long

June 22, 2026

Public Comment on Proposed Changes on Reservations of Water in the Regulations of the Department of Natural Resources

Via email: dnr.water.regulation@alaska.gov

1. This Regulation Amendment Process is not rigorous.

A. An extension of the public comment period is necessary and should be public noticed. Your thirty day comment period in the busiest time of the year for Alaskans is not acceptable. I request an extension of 60 days. Almost two years ago, the ADNRC agency initiated the scoping process in the middle of summer also. This is right when many Alaskans who care about water reservations are busy and unable to give meaningful thought to public comment.

B. A public hearing both virtual and in person is necessary. In my questions document, the agency responded to a public hearing request as unnecessary as the scoping process is complete. But it is necessary. It has been almost 2 years since the scoping process. The ideas put forth by the agency staff covered a myriad of possible regulatory changes. Now the agency has narrowed the changes down to 3 Alaska Administrative Code amendments. This is a different situation.

C. The agency should have created a scoping report that summarizes and analyzes the scoping comment issues. Many scoping commenters requested this report because water reservations are important public policy. This report could be similar to the 2023 report done after the scoping of the update of the Susitna Basin Recreation Rivers Management Plan. It was very helpful to the public. I do thank you for including 3 pdf documents of the actual comments on your website. But that is not a substitute.

2. 11 AAC 93.146(b) Issuance of a Certificate of Reservation of Water should NOT be changed to only resource management federal and state agencies. The Alaska Department of Natural Resources, Division of Mining, Land and Water (DMLW) should NOT hold the certificate of an individual, nongovernmental organization, community, or tribal governments.

- Alaska constitutional provisions and statutes state that subject to prior rights and preferences among beneficial uses, individuals and non-governmental entities have the right to appropriate water which includes the rights to reserve water. A constitutionally guaranteed right.
- There is no legal basis to exclude tribal governments from the list of eligible certificate holders. The State recognizes the sovereign status of Alaskan tribes. No justification to exclude them.
- When a variety of public individuals, tribal entities, non-governmental organizations and communities can hold a certificate, the broader public is incentivized to participate and support the work of the documentation, filing, implementing and maintaining.
- The Alaska Legislature through legislative regulations chose not to limit the certificate holders. It is unreasonable and outside the DMLW authority to create such a limitation through rulemaking.
- An inherent conflict of interest exists with DMLW being both the adjudicator and the certificate holder. Future litigation could ensue.
- To take away certificates being awarded to individuals, NGOs, communities, MEANS A FINANCIAL BURDEN ON THE STATE AGENCY. It would strain an already strained DNR budget. The financial burden can result in no implementation or maintenance of the reservation.

Long Water Reservation Comments

- The belief is that the DMLW will not make any attempt to enforce a reservation certificate if it conflicts with a water appropriation. ADNR has stated publicly in preliminary decisions that legally they can't turn down any extractive permits.
- The Fiscal Note for these regulation changes in the public notice is zero. For FY 2026 and subsequent years the operating and capital costs are zero. That describes a perfect storm of lack of funding to implement the reservation program. This shows the financial burden.

3. 11 AAC 93.142(b) Content of Application amendments proposed are unnecessary and unacceptable.

- All of the 2024 scoping comments, except for an Alaska Miners Association sign on letter and one individual, felt that the current application requirements are adequate and do not need to be changed.
- The federal agencies of BLM, Fish and Wildlife Service, and the Forest Service stated that the current requirements are rigorous and adequate. In general, they felt that the problem was not that these regulations need to be changed. The problem is that the DMLW have NOT staffed and funded adequately the adjudication of the almost 500 pending applications and ten-year reviews during the last 3 decades.
- The enforcement and management of the water reservation system is subject to the political agenda of the administration in power at the time.
- The current application requirements are flexible enough to accommodate an evolution in data methods in hydrology and fish periodicity. The process is not static.

4. 11 AAC 93.147(c) Review of Reservation of Water should NOT be changed. The costs for additional research, data collection, and analysis should be borne by the state with discretionary review by the Commissioner if expedited review is called for.

IN CONCLUSION, these proposed regulation changes in combination with DMLW long standing failure to adjudicate applications, improperly elevates out of stream beneficial uses above the instream flow beneficial uses.

I am against these changes. The problem is ADNR failing to implement the reservation program not with the regulations themselves. DMLW answer to the question of a backlog problem is that it is "unknown whether the proposed regulations will alleviate the backlog."

Respectfully Submitted,
Becky Long,
Talkeetna Alaska

From: lauralynn7@everyactioncustom.com on behalf of [Laura Long](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Proposed changes to Alaska's water reservation regulations under 11 AAC 93
Date: Saturday, June 20, 2026 9:56:54 AM

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Dear Division of Mining, Land & Water, Program Support Section Brandon McCutcheon,

I am writing to express my deep concern about the proposed changes to water reservations in the State of Alaska. The changes proposed do not live up to our constitutional obligation, which states "Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use." Instead, these changes favor water appropriation to private users over reservations for the common use of Alaskans. Instead of making it harder for Alaskans to protect our waters, I request that the department strengthen protections for instream flows by making them automatic for all anadromous streams rather than creating additional barriers for those seeking to protect fish habitat.

Sincerely,
Dr. Laura Long
Cedar Creek, TX 78612-3396
Private Information

From: nikkisylvan@everyactioncustom.com on behalf of [Nikki Love](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Proposed changes to Alaska's water reservation regulations under 11 AAC 93
Date: Tuesday, June 30, 2026 5:51:24 PM

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Sincerely,
Mrs. Nikki Love
Juneau, AK 99801-9430
Private Information

From: ms.marsha-v-l@everyactioncustom.com on behalf of [Marsha Lowry](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Proposed changes to Alaska's water reservation regulations under 11 AAC 93
Date: Saturday, June 20, 2026 2:30:46 PM

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Dear Division of Mining, Land & Water, Program Support Section Brandon McCutcheon,

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Sincerely,
Ms. Marsha Lowry
El Sobrante, CA 94803-1023

Private Information

From: fccsd@everyactioncustom.com on behalf of [Andy Lupenko](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Proposed changes to Alaska's water reservation regulations under 11 AAC 93
Date: Saturday, June 20, 2026 5:20:04 PM

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Dear Division of Mining, Land & Water, Program Support Section Brandon McCutcheon,

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Sincerely,
Mr. Andy Lupenko
Lemon Grove, CA 91945-2615
Private Information

From: dnr.dmlwweb@alaska.gov
To: Private Information
Cc: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Public Comment Receipt
Date: Thursday, June 18, 2026 10:42:18 AM

Noah Mabon submitted a public comment online to the Alaska Division of Mining, Land, and Water on 6/18/2026. Thank you for your input!

Comment:

Dear Department of Natural Resources, Thank you for the opportunity to comment on the proposed changes to Alaska's water reservation regulations under 11 AAC 93. I am concerned that some of the proposed changes could make it harder for Alaskans to protect water for salmon, wildlife, recreation, and public use. It's basic ecology, and you may have noticed the various instances of water disparity throughout the world (Cape Town, South Africa, ran out of water years ago; various municipalities in Mexico are experiencing water shortages; the American southwest is struggling, as well as the Colorado River; etc.). Be ahead of the curve. Don't destroy what we have for short term gains. Specifically, I want to raise these points: - Alaska's water belongs to the public and should be managed for the maximum benefit of all Alaskans, including for fish and wildlife habitat, subsistence, recreation, navigation, and community use. - Water reservations are one of the only legal mechanisms that keep water in a stream for fish habitat, migration, and spawning. Salmon need water left in rivers, not only the water allocated after industrial and other consumptive uses are considered. - If DNR holds certificates for reservations filed by non-agency applicants, the regulations should clearly explain how the original applicant, affected communities, and the public can ensure the reservation is monitored, defended, and maintained over time. Alaska's water is a public resource. The reservation process should remain accessible, transparent, and protective of salmon, healthy watersheds, and the people who depend on them. Thank you for your consideration. Sincerely, Noah Mabon Atwater, CA

From: myke907@everyactioncustom.com on behalf of [Michael Madden](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Proposed changes to Alaska's water reservation regulations under 11 AAC 93
Date: Monday, June 22, 2026 2:17:16 PM

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Sincerely,
Mr. Michael Madden
New City, NY 10956-2846
Private Information

From: sallymaish@everyactioncustom.com on behalf of [Sally Maish](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Proposed changes to Alaska's water reservation regulations under 11 AAC 93
Date: Saturday, June 20, 2026 11:43:38 AM

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Sincerely,
Ms. Sally Maish
Roseburg, OR 97471-9716
Private Information

From: ezabethmanning@everyactioncustom.com on behalf of [Elizabeth Manning](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Proposed changes to Alaska's water reservation regulations under 11 AAC 93
Date: Friday, June 19, 2026 2:27:45 PM

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Sincerely,
Ms. Elizabeth Manning
Anchorage, AK 99501-4907

Private Information

From: emme.sea@everyactioncustom.com on behalf of [Mary Martin](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Proposed changes to Alaska's water reservation regulations under 11 AAC 93
Date: Sunday, June 21, 2026 10:05:12 PM

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Sincerely,
Ms. Mary Martin
Juneau, AK 99801-9137
Private Information

From: [Jessica Speed](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Proposed regulation changes to 11 AAC 93 of the Alaska Administrative Code relating to reservations of water.
Date: Friday, June 26, 2026 1:30:41 PM
Attachments: [image001.png](#)
[Mat-Su Salmon Partnership Proposed Changes to Water Regulations 2026 Final.pdf](#)

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Dear Mr. McCutcheon,

Please find a letter from the Mat-Su Basin Salmon Habitat Partnership regarding proposed regulation changes to 11 AAC 93 of the Alaska Administrative Code relating to reservations of water.

Thank you,
Jessica

Jessica Speed (she/her) / Coordinator, Mat-Su Basin Salmon Habitat Partnership / Mat-Su Basin Project Manager, Trout Unlimited
jessica.speed@tu.org / (907) 575-7818 /AK



**Every River
Needs A Champion**

I live and work on the traditional lands of the Dena'ina and Ahtna people.

Trout Unlimited: www.tu.org/tu-programs/alaska <https://www.facebook.com/TUAlaska/>

Mat-Su Basin Salmon Habitat Partnership:
www.matsusalmon.org www.facebook.com/MatSuSalmon



June 26, 2026

Comments submitted by: Mat-Su Basin Salmon Habitat Partnership

Brandon McCutcheon
Alaska Department of Natural Resources
550 W. 7th Avenue, Suite 1070
Anchorage, AK 99501

Re: Proposed regulation changes to 11 AAC 93 of the Alaska Administrative Code relating to reservations of water.

Dear Mr. McCutcheon,

The Mat-Su Basin Salmon Habitat Partnership (Partnership) has been working to conserve salmon and their habitat in the Mat-Su Basin since 2005. We are a voluntary and non-regulatory coalition that has grown from a handful of founding organizations to over 65 diverse entities today. DNR is a longstanding and valued partner. Partners share a common vision for thriving salmon, healthy habitat, and vibrant communities co-existing in the Mat-Su.

We are part of a broader network of 20 fish habitat partnerships (FHP) across the country, under the National Fish Habitat Partnership (NFHP). The mission of the National Fish Habitat Partnership is to “protect, restore and enhance the Nation’s fish and aquatic communities through partnerships that foster fish habitat conservation and improve the quality of life for the American people.”

Reserving adequate amounts of water to sustain healthy salmon habitat and productivity is a primary conservation strategy for the Partnership (Strategic Plan Objective 9.1 Instream Flow on Anadromous Waters). Ensuring adequate water volume is retained in freshwater and estuarine fish habitats is also a primary national conservation strategy of the overarching NFHP. Maintaining sufficient instream flow is critical to our geographic region due to the ecological and economic importance of sport, commercial, and subsistence fisheries. As continued population growth increases the demand for various water uses, and as climatic conditions change, water reservations serve as a vital tool to ensure baseline flows remain in streams to support healthy fisheries and the communities and economies that rely on them.

Over the past 20 years, the Partnership has provided \$5.1 million in funding for 128 salmon habitat-related projects in the Mat-Su, alongside over \$18 million in other project contributions. Over the last 10 years, this has included eight priority habitat conservation projects specifically dedicated to the collection of hydrological data and the conservation of instream flows.

Matanuska-Susitna Basin Salmon Habitat Partnership
Thriving fish, healthy habitats, & vital communities in the Mat-Su Basin

Given the Partnership's significant long-term investment in instream flow data collection and water reservations as a primary conservation tool, we are writing to highlight this topic as one of significant interest to our network.

We truly appreciate DNR's time and significant effort in preparing these updates, noting that approximately 18 months of internal review took place between the close of the 2024 scoping phase and this new proposal announced on May 29th, 2026. Because these updates represent a highly technical framework that may go directly into effect, we want to ensure our partners have a corresponding opportunity to review them thoroughly. Providing a 30-day comment window during peak field season makes it difficult for our network to match that level of diligence, and an extension would allow our 65+ diverse partners the necessary time to provide thoughtful and comprehensive technical feedback. To ensure a collaborative, thorough, and effective review of this highly technical framework, the Partnership respectfully submits the following four requests:

1. A 60-to-90-Day Public Comment Extension

We acknowledge that DNR recently declined individual requests for an extension to the public comment period and a public hearing in its June 18 Q&A response. However, we respectfully ask the Department to reconsider this stance in light of the scale and structure of interested entities. For instance, this request comes directly from a very diverse 65-organization partnership representing diverse regional interests, which requires a different level of coordination than individual commenters. As one of several regional Fish Habitat Partnerships across Alaska, our structure relies on committees and diverse partner networks that require sufficient runway to thoroughly review, vet, and officially approve technical input.

A 30-day comment window during the summer months presents severe logistical challenges for a coalition of this scale. The summer season represents peak field operations in Alaska—a time when many of our technical practitioners and partners are actively deployed on field research, setting up remote camps, managing fisheries, or taking scheduled family leave. Individual partner situations vary significantly; for instance, the Mat-Su Borough Fish and Wildlife Commission takes a formal recess over the summer months. Without an extended timeline, key regional and local stakeholders with deep expertise and a long-term stake in these water management outcomes will be inadvertently excluded from the process.

2. Share Synthesis of 2024 Scoping Process Comments

Thank you for posting the raw comments on the regulation revision page. An additional summary or synthesis explaining how those 2024 scoping inputs helped shape and inform the current proposal would greatly assist our partners in contextualizing these changes.

3. An Informational Hybrid (In-Person and Virtual) Webinar

Alaska water law is exceptionally complex. To provide the public and stakeholders an opportunity to fully understand the ramifications of these updates, we request that DNR host a hybrid informational meeting. To ensure maximum accessibility, we encourage the meeting to be recorded and posted online.

4. A Revised Deadline for Questions and Answers (Q&A)

We note and thank DNR for posting an initial batch of Q&A responses on June 18th, 2026. This is a very helpful resource for our partners. If a public comment extension is granted, we would appreciate the opportunity for partners to submit further technical questions as they dive deeper into the framework. To ensure all stakeholders have adequate time to integrate DNR's responses into their final inputs, it would be helpful to have the final answers published at minimum, a week prior to the updated public comment deadline.

We appreciate DNR's efforts to balance water use as a key community asset across the state with effective workable regulations. Thank you for considering our request to extend the public comment period to 60 or 90 days that will ensure the Partnership and our diverse partners can provide the thoughtful, data-informed input this important topic requires.



Jessica Speed
Mat-Su Basin Salmon Habitat Partnership Coordinator
jessica.speed@tu.org
www.matsusalmon.org

Mat-Su Basin Salmon Habitat Partnership Steering Committee:

Mike Campfield (Matanuska-Susitna Borough)
Melis Coady/Margaret Stern (Susitna River Coalition)
Theo Garcia/Cody Beus (Knik Tribe)
Natalie Velez (Native Village of Eklutna)
Erin Larson (Alaska Center for Conservation Science, University of Alaska)
Erika Ammann (National Oceanic and Atmospheric Administration)
Grace Fahrney (Alaska Department of Fish and Game)
Trent Liebich (U.S. Fish and Wildlife Service)
Andrea James (Chickaloon Village Traditional Council)
Marykate Swenarton (Trout Unlimited)

From: koykreate@everyactioncustom.com on behalf of [Maureen Mayo](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Proposed changes to Alaska's water reservation regulations under 11 AAC 93
Date: Saturday, June 20, 2026 11:07:04 AM

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Dear Division of Mining, Land & Water, Program Support Section Brandon McCutcheon,

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Sincerely,
Ms. Maureen Mayo
Fairbanks, AK 99701-4809
Private Information

From: mcafee.michelle@everyactioncustom.com on behalf of [Michelle McAfee](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Proposed changes to Alaska's water reservation regulations under 11 AAC 93
Date: Saturday, June 20, 2026 8:12:27 PM

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Sincerely,
Ms. Michelle McAfee
Williams, OR 97544-0345

Private Information

From: smcbeen@everyactioncustom.com on behalf of [Samuel Mcbeen](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Proposed changes to Alaska's water reservation regulations under 11 AAC 93
Date: Thursday, June 18, 2026 2:57:30 PM

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Sincerely,
Mr. Samuel Mcbeen
Tenakee Springs, AK 99841
Private Information

From: bmemmakota@everyactioncustom.com on behalf of [Brendan McCabe](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Proposed changes to Alaska's water reservation regulations under 11 AAC 93
Date: Tuesday, June 30, 2026 4:36:43 PM

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Dear Division of Mining, Land & Water, Program Support Section Brandon McCutcheon,

Alaska's rivers and streams support some of the world's most productive salmon runs, sustaining subsistence users, commercial fisheries, sport fishing, wildlife, and local economies. Given the importance of healthy streamflows to salmon populations and the communities that depend on them, Alaska should ensure that its water-rights system protects fish habitat while maintaining a permitting process that is both scientifically sound and accessible to the public. This proposed legislation does not do that.

Sincerely,
Mr. Brendan McCabe
Anchorage, AK 99508-3823

Private Information

From: [Mary Claire McCarthy](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Comment on Proposed Changes to 11 AAC 93 (Water Reservations)
Date: Monday, June 15, 2026 7:31:25 AM

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Dear Department of Natural Resources,

Thank you for the opportunity to comment on the proposed changes to Alaska's water reservation regulations under 11 AAC 93.

I am concerned that some of the proposed changes could make it harder for Alaskans to protect water for salmon, wildlife, recreation, and public use.

Specifically, I want to raise these points:

- Alaska's water belongs to the public and should be managed for the maximum benefit of all Alaskans, including for fish and wildlife habitat, subsistence, recreation, navigation, and community use.
- Requiring at least five years of monthly data could make it harder for communities, Tribes, nonprofits, and other public-interest applicants to pursue reservations, especially in remote areas where data collection is expensive and difficult.
- Any measuring, monitoring, and reporting requirements should be reasonable, affordable, and appropriate for remote watersheds, and should not make public-interest water protection impossible.

Alaska's water is a public resource. The reservation process should remain accessible, transparent, and protective of salmon, healthy watersheds, and the people who depend on them.

Thank you for your consideration.

Sincerely,
Mary Claire McCarthy
Palmer, AK

Mary Claire McCarthy

Assistant Director of Marketing
mcmccarthy@alaskapacific.edu
843-327-8923

Mary Claire is my first name

I acknowledge the land, the water, the air and all the animals and plants as my relatives

From: amccombs269@everyactioncustom.com on behalf of [Annie McCombs](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Proposed changes to Alaska's water reservation regulations under 11 AAC 93
Date: Saturday, June 20, 2026 5:39:15 PM

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Sincerely,
Ms. Annie McCombs
Kalamazoo, MI 49005-0269

Private Information

From: dalemccrary@everyactioncustom.com on behalf of [Richard McCrary](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Proposed changes to Alaska's water reservation regulations under 11 AAC 93
Date: Tuesday, June 23, 2026 6:10:26 AM

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"The future's uncertain and the end is always near"

The Doors

Sincerely,
Mr. Richard McCrary
Gastonia, NC 28054-1772
Private Information

From: mcgovern@everyactioncustom.com on behalf of [Donlon McGovern](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Proposed changes to Alaska's water reservation regulations under 11 AAC 93
Date: Saturday, June 20, 2026 8:23:02 PM

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Sincerely,
Dr. Donlon McGovern
Portland, OR 97211-6411
Private Information

From: brandon.mcguire921@everyactioncustom.com on behalf of [Brandon McGuire](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Proposed changes to Alaska's water reservation regulations under 11 AAC 93
Date: Friday, June 26, 2026 10:58:18 AM

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Sincerely,
Mr. Brandon McGuire
Anchor Point, AK 99556-9601

Private Information

From: irishlady86@everyactioncustom.com on behalf of [Alexa McMahan](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Proposed changes to Alaska's water reservation regulations under 11 AAC 93
Date: Sunday, June 21, 2026 8:54:40 AM

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Dear Division of Mining, Land & Water, Program Support Section Brandon McCutcheon,

I am writing to express my deep concern about the proposed changes to water reservations in the State of Alaska. The changes proposed do not live up to our constitutional obligation, which states "Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use." Instead, these changes favor water appropriation to private users over reservations for the common use of Alaskans. Instead of making it harder for Alaskans to protect our waters, I request that the department strengthen protections for instream flows by making them automatic for all anadromous streams rather than creating additional barriers for those seeking to protect fish habitat.

Sincerely,
Ms. Alexa McMahan
Huntington Beach, CA 92649-2363

Private Information

From: b.mcmahan@everyactioncustom.com on behalf of [Barbara McMahan](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Proposed changes to Alaska's water reservation regulations under 11 AAC 93
Date: Saturday, June 20, 2026 11:55:50 AM

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Dear Division of Mining, Land & Water, Program Support Section Brandon McCutcheon,

I am writing to express my deep concern about the proposed changes to water reservations in the State of Alaska. The changes proposed do not live up to our constitutional obligation, which states "Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use." Instead, these changes favor water appropriation to private users over reservations for the common use of Alaskans. Instead of making it harder for Alaskans to protect our waters, I request that the department strengthen protections for instream flows by making them automatic for all anadromous streams rather than creating additional barriers for those seeking to protect fish habitat.

Sincerely,
Mrs. Barbara McMahan
Chattanooga, TN 37421-4054
Private Information

From: mcmahan44@everyactioncustom.com on behalf of [Michael McMahan](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Proposed changes to Alaska's water reservation regulations under 11 AAC 93
Date: Sunday, June 21, 2026 8:11:14 AM

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Dear Division of Mining, Land & Water, Program Support Section Brandon McCutcheon,

I am writing to express my deep concern about the proposed changes to water reservations in the State of Alaska. The changes proposed do not live up to our constitutional obligation, which states "Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use." Instead, these changes favor water appropriation to private users over reservations for the common use of Alaskans. Instead of making it harder for Alaskans to protect our waters, I request that the department strengthen protections for instream flows by making them automatic for all anadromous streams rather than creating additional barriers for those seeking to protect fish habitat.

Sincerely,
Mr. Michael McMahan
Huntington Beach, CA 92649-2363

Private Information

From: mcmahon.julia@everyactioncustom.com on behalf of [Julia McMahon](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Proposed changes to Alaska's water reservation regulations under 11 AAC 93
Date: Monday, June 22, 2026 9:59:48 AM

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Dear Division of Mining, Land & Water, Program Support Section Brandon McCutcheon,

The proposed changes to water reservations in the State of Alaska are a terrible idea. Please remember our constitutional obligation, which states "Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use." These changes would favor water appropriation to private users over reservations for the common use of Alaskans. As a fisheries biologist, I know that all streams a fish can swim to are fish streams. Instead of making it harder for fish and Alaskans to protect our waters, I request that the department strengthen protections for instream flows. One way of doing this is to make them automatic for all anadromous streams rather than creating additional barriers for those seeking to protect fish habitat. Fish are the life and blood of Alaska and Alaskan people; that's a priority!

Sincerely,
Mrs. Julia McMahon
Fairbanks, AK 99709-2839

Private Information

From: cobaltmcneil@everyactioncustom.com on behalf of [Margaret McNeil](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Proposed changes to Alaska's water reservation regulations under 11 AAC 93
Date: Saturday, June 20, 2026 10:39:06 AM

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Dear Division of Mining, Land & Water, Program Support Section Brandon McCutcheon,

I am writing to express my deep concern about the proposed changes to water reservations in the State of Alaska. The changes proposed do not live up to our constitutional obligation, which states “Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use.” Instead, these changes favor water appropriation to private users over reservations for the common use of Alaskans. Instead of making it harder for Alaskans to protect our waters, I request that the department strengthen protections for instream flows by making them automatic for all anadromous streams rather than creating additional barriers for those seeking to protect fish habitat.

Sincerely,
Ms. Margaret McNeil
Anchorage, AK 99518-2839

Private Information

From: cobaltmcneil@everyactioncustom.com on behalf of [Margaret McNeil](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Proposed changes to Alaska's water reservation regulations under 11 AAC 93
Date: Thursday, June 18, 2026 12:07:30 PM

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Dear Division of Mining, Land & Water, Program Support Section Brandon McCutcheon,

I am writing to express my deep concern about the proposed changes to water reservations in the State of Alaska. The changes proposed do not live up to our constitutional obligation, which states “Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use.” Instead, these changes favor water appropriation to private users over reservations for the common use of Alaskans. Instead of making it harder for Alaskans to protect our waters, I request that the department strengthen protections for instream flows by making them automatic for all anadromous streams rather than creating additional barriers for those seeking to protect fish habitat.

Sincerely,
Ms. Margaret McNeil
Anchorage, AK 99518-2839

Private Information

From: dnr.dmlwweb@alaska.gov
To: **Private Information**
Cc: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Public Comment Receipt
Date: Saturday, June 13, 2026 8:54:14 AM

Sean McPhilamy submitted a public comment online to the Alaska Division of Mining, Land, and Water on 6/13/2026. Thank you for your input!

Comment:

Dear Department of Natural Resources, Thank you for the opportunity to comment on the proposed changes to Alaska's water reservation regulations under 11 AAC 93. I am concerned that some of the proposed changes could make it harder for Alaskans to protect water for salmon, wildlife, recreation, and public use. Specifically, I want to raise these points: - Alaska's water belongs to the public and should be managed for the maximum benefit of all Alaskans, including for fish and wildlife habitat, subsistence, recreation, navigation, and community use. - If DNR holds certificates for reservations filed by non-agency applicants, the regulations should clearly explain how the original applicant, affected communities, and the public can ensure the reservation is monitored, defended, and maintained over time. - Any measuring, monitoring, and reporting requirements should be reasonable, affordable, and appropriate for remote watersheds, and should not make public-interest water protection impossible. Alaska's water is a public resource. The reservation process should remain accessible, transparent, and protective of salmon, healthy watersheds, and the people who depend on them. Thank you for your consideration. Sincerely, Sean McPhilamy Talkeetna, Alaska

From: luannmcvey@everyactioncustom.com on behalf of [Luann McVey](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Proposed changes to Alaska's water reservation regulations under 11 AAC 93
Date: Saturday, June 20, 2026 5:51:35 PM

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Dear Division of Mining, Land & Water, Program Support Section Brandon McCutcheon,

I am writing to express my deep concern about the proposed changes to water reservations in the State of Alaska. The changes proposed do not live up to our constitutional obligation, which states "Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use." Instead, these changes favor water appropriation to private users over reservations for the common use of Alaskans. Instead of making it harder for Alaskans to protect our waters, I request that the department strengthen protections for instream flows by making them automatic for all anadromous streams rather than creating additional barriers for those seeking to protect fish habitat.

Sincerely,
Ms Luann McVey
Douglas, AK 99824-5210
Private Information

From: [Thomas Meacham](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Comments on proposed water regulation changes
Date: Tuesday, June 30, 2026 12:15:20 PM
Attachments: [DNR water regs comments.pdf](#)

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Dear Mr. McCutcheon:

Attached are my comments on the proposed regulatory changes to 11 AAC 93.
Please include my comments in your record of comments received regarding these proposed changes.

Sincerely yours,

Thomas E. Meacham
Anchorage, Alaska

THOMAS E. MEACHAM
ATTORNEY AT LAW

ALASKA BAR NO. 7111032
1971

9500 PROSPECT DRIVE
ANCHORAGE, ALASKA
USA 99507-5924

TELEPHONE: 907/346-1077
CELLPHONE: 907/317-2600
thos.meacham@gmail.com

June 30, 2026

Attn: Brandon McCutcheon
Division of Mining, Land and Water
Alaska Dept. of Natural Resources
550 West 7th Avenue, Suite 1070
Anchorage, Alaska 99501-3579

Re: Comments on DNR proposed changes to regulations in 11 AAC 93 relating to
reservations of water (public notice May 29, 2026)

By U. S. Mail and by email: dnr.water.regulation@alaska.gov

Dear Mr. McCutcheon:

I wish to comment in general on the regulation changes proposed for 11 AAC 93. In addition to my comments here, I want to reflect my complete endorsement of the letter to your office dated June 20, 2026, from attorney Nancy S. Wainwright of Anchorage, Alaska. My comments are intended to amplify and endorse the important issues she has raised concerning a request for the extension of the public comment period, her request for public hearings, and other matters raised in her letter.

I am a former appointed member of the Alaska Water Resources Board (Alaska Statutes 46.15.190. -.240), when that Board was active. I served on that Board from 1982 to 1990. I have practiced natural resources law in Alaska since 1971. In particular, I have been a long-time practitioner in the subject-area of Alaska water law.

My main comment in opposition to the proposed regulation changes is that they assume, without any legal basis, that the Department of Natural Resources has the legal authority to "alter" or "amend," by administrative fiat, the existing statutes (AS 46.15.145) that govern the reservation of water in place in the public interest.

In proposing to enlarge the role of ADNR -- making it the sole owner of certificates of reservation that have been applied for (and paid for) by persons and entities that are not resource management agencies -- ADNR will in effect "amend" the existing statutory framework to apply for and obtain the issuance of certificates of water reservation in place. This the Department may not legally do.

Attn: Brandon McCutcheon
Division of Mining, Land and Water
Alaska Dept. of Natural Resources
June 30, 2026
Page 2

In effect, ADNR unlawfully presumes to have the legal authority, in the absence of supporting statutes, to define and implement the reach and the effects of its own administration of water reservation applications and certificates. ADNR simply lacks such authority.

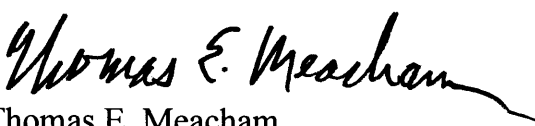
Further, the proposed regulations failed to address a situation in which DNR presently finds itself, and which must be dealt with, in one way or another. The agency presently has an unconscionably large backlog of applications for water reservations that have yet to be adjudicated. Many of these applications been filed, under the statute and the existing instream-flow regulations, by non-governmental applicants. Are their applications to be adjudicated under the regulations in existence when these reservations were applied for, or under the new regulations (assuming the new regulations are placed into effect)?

If the new regulations are implemented as to pending applications, an existing private or non-governmental applicant will have been deprived of the ownership interest it would have earlier obtained upon adjudication of its water right application, by the mandatory forfeiture of its expectation of the issuance to it, in its own name, of the water reservation certificate.

If these proposals are to advance, the proposed regulatory changes pertaining to instream flow reservations must be embodied in proposed legislative amendments, introduced in the Alaska Legislature and subjected to full public examination and debate. These proposed changes are much larger, and more consequential, than any mere regulatory matter lying within the agency's existing scope of authority.

The concept of a regulatory agency possessing lawful power to define the extent of its own property and administrative interests in reserved water quantities, in the absence of enabling legislation, is antithetical to any proper exercise of administrative authority.

Sincerely yours,


Thomas E. Meacham

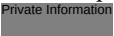
From: erniem821@everyactioncustom.com on behalf of [ernest mellon](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Proposed changes to Alaska's water reservation regulations under 11 AAC 93
Date: Tuesday, June 23, 2026 2:06:02 AM

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Dear Division of Mining, Land & Water, Program Support Section Brandon McCutcheon,

I am writing to express my deep concern about the proposed changes to water reservations in the State of Alaska. The changes proposed do not live up to our constitutional obligation, which states "Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use." Instead, these changes favor water appropriation to private users over reservations for the common use of Alaskans. Instead of making it harder for Alaskans to protect our waters, I request that the department strengthen protections for instream flows by making them automatic for all anadromous streams rather than creating additional barriers for those seeking to protect fish habitat.

Sincerely,
Mr. ernest mellon
Southampton, NJ 08088-8829
@yahoo.com

From: dnr.dmlwweb@alaska.gov
To: Private Information
Cc: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Public Comment Receipt
Date: Thursday, June 4, 2026 12:49:05 PM

Kathleen Menke submitted a public comment online to the Alaska Division of Mining, Land, and Water on 6/4/2026. Thank you for your input!

Comment:

Fisheries should be Alaska's top priority. They need all the clean, clear water they can get. No reduction to their instream flows.

From: ammerino13@everyactioncustom.com on behalf of [Aimee Merino](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Proposed changes to Alaska's water reservation regulations under 11 AAC 93
Date: Sunday, June 21, 2026 8:08:43 AM

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Sincerely,
Dr Aimee Merino
Woodbury, MN 55129-6224

Private Information

From: csmiller24@everyactioncustom.com on behalf of [Christopher Miller](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Proposed changes to Alaska's water reservation regulations under 11 AAC 93
Date: Tuesday, June 30, 2026 8:06:51 PM

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Dear Division of Mining, Land & Water, Program Support Section Brandon McCutcheon,

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Sincerely,
Mr. Christopher Miller
Juneau, AK 99801-2034
Private Information

From: earthlady@everyactioncustom.com on behalf of [Judy Miller-Lyons](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Proposed changes to Alaska's water reservation regulations under 11 AAC 93
Date: Saturday, June 20, 2026 8:26:27 PM

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Dear Division of Mining, Land & Water, Program Support Section Brandon McCutcheon,

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Sincerely,
Ms. Judy Miller-Lyons
Highland Mills, NY 10930-6820

Private Information

From: jon_mishaan@everyactioncustom.com on behalf of [john g mishaan](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Proposed changes to Alaska's water reservation regulations under 11 AAC 93
Date: Tuesday, June 30, 2026 7:06:52 PM

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Dear Division of Mining, Land & Water, Program Support Section Brandon McCutcheon,

Here's a shorter version:

I am writing to express my deep concern about the proposed changes to water reservations in the State of Alaska. These changes fail to meet our constitutional obligation, which states that "wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use." Rather than upholding that mandate, the proposed changes favor private water appropriation over the common-use rights guaranteed to all Alaskans.

The economic stakes reach far beyond any single stream. Alaska's wild salmon fisheries support tens of thousands of jobs and billions in economic activity — from commercial harvesting to the guides, lodges, and communities that depend on healthy runs. Subsistence users rely on these same waters for food security in a state where imported groceries are already costly. Weakening instream flow protections introduces uncertainty that threatens all of it.

Instead of making it harder for Alaskans to protect our waters, I request that the department strengthen protections for instream flows by making them automatic for all anadromous streams, rather than erecting additional barriers for those seeking to utilize our inherent resources.

Sincerely,
Mr john g mishaan
Wasilla, AK 99623-1101

Private Information

From: dnr.dmlwweb@alaska.gov
To: Private Information
Cc: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Public Comment Receipt
Date: Saturday, June 13, 2026 9:33:37 AM

Angela Mollan submitted a public comment online to the Alaska Division of Mining, Land, and Water on 6/13/2026. Thank you for your input!

Comment:

Please protect our natural resources

From: 20daisy09@everyactioncustom.com on behalf of [Robert Moore](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Proposed changes to Alaska's water reservation regulations under 11 AAC 93
Date: Saturday, June 20, 2026 9:25:59 AM

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Dear Division of Mining, Land & Water, Program Support Section Brandon McCutcheon,

I am writing to express my deep concern about the proposed changes to water reservations in the State of Alaska. The changes proposed do not live up to our constitutional obligation, which states "Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use." Instead, these changes favor water appropriation to private users over reservations for the common use of Alaskans. Instead of making it harder for Alaskans to protect our waters, I request that the department strengthen protections for instream flows by making them automatic for all anadromous streams rather than creating additional barriers for those seeking to protect fish habitat.

Sincerely,
Mr. Robert Moore
Wake Forest, NC 27587-9224

Private Information

From: [Robert F Moreland](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Proposed Changes to 11 AAC 93 re reservations of water
Date: Saturday, June 20, 2026 8:05:37 AM

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My name is Robert Moreland. I have only recently become aware of these proposed changes.

- Why are the actual proposed changes to these rules not contained in the public notice? The narrative explanation of the effect of the changes is written from the DNR perspective and is not helpful to anyone who wishes to see the changes to the rules and to draw their own conclusion as to the effect of the changes.
- Why is necessary to go through multiple links to see the actual changes to the language of the rules? The public notice has links relating to submission of comments and questions, with a passing reference to something called the Online Public Notice System, but no link.
- Why is the comment period for changes of this magnitude and the opportunity to submit questions limited to 30 days, particularly during probably the busiest month of the year for Alaskans? I would request a 90 day extension of the comment period, as being in the public interest.
- By what authority can the DNR review public comment, make no public response, hold no public hearing on the comments and then adopt "these proposed changes to this rule or other provisions" without further notice or decide to take no action? Should the adopted changes be different than the proposed changes, without explanation or opportunity for public input, the entire proposal/adoption process may be invalid.
- Is there no requirement or mechanism to inform the public how, if at all, the public comments were considered in formulating the final changes (which the Notice says may be different from the proposed changes published for review)?
- As holder of a current water reservation, does DNR have a conflict of interest if a private party or non-profit NGO applies for and receives a water reservation which is then issued to DNR by the commissioner?

Thank you for the opportunity to review these proposed changes. I look forward to your responses.

From: bkm1223@everyactioncustom.com on behalf of [Barb Morrison](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Proposed changes to Alaska's water reservation regulations under 11 AAC 93
Date: Saturday, June 20, 2026 9:14:34 AM

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Dear Division of Mining, Land & Water, Program Support Section Brandon McCutcheon,

I am writing to express my deep concern about the proposed changes to water reservations in the State of Alaska. The changes proposed do not live up to our constitutional obligation, which states "Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use." Instead, these changes favor water appropriation to private users over reservations for the common use of Alaskans. Instead of making it harder for Alaskans to protect our waters, I request that the department strengthen protections for instream flows by making them automatic for all anadromous streams rather than creating additional barriers for those seeking to protect fish habitat.

Sincerely,
Ms Barb Morrison
Clearwater, FL 33764-4102

Private Information

From: dnr.dmlwweb@alaska.gov
To: Private Information
Cc: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Public Comment Receipt
Date: Monday, June 22, 2026 9:49:47 AM

Daryth Morrissey submitted a public comment online to the Alaska Division of Mining, Land, and Water on 6/22/2026. Thank you for your input!

Comment:

Wild salmon need sufficient water to spawn, rear, and migrate. Rising air and stream temperatures will make healthy instream flows even more important in the future. The current instream flow reservation process is already costly and time-consuming. Regulations should reduce barriers to protecting fish habitat, not create new ones. The burden of demonstrating that water withdrawals will not harm fish habitat should fall on those seeking to remove water from streams, not on members of the public trying to protect salmon.

From: dnr.dmlwweb@alaska.gov
To: Private Information
Cc: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Public Comment Receipt
Date: Friday, June 12, 2026 5:21:00 PM

Jack Mosby submitted a public comment online to the Alaska Division of Mining, Land, and Water on 6/12/2026. Thank you for your input!

Comment:

Dear Department of Natural Resources, Thank you for the opportunity to comment on the proposed changes to Alaska's water reservation regulations under 11 AAC 93. I am concerned that some of the proposed changes could make it harder for Alaskans to protect water for salmon, wildlife, recreation, and public use. Specifically, I want to raise these points: - Alaska's water belongs to the public and should be managed for the maximum benefit of all Alaskans, including for fish and wildlife habitat, subsistence, recreation, navigation, and community use. - Requiring at least five years of monthly data could make it harder for communities, Tribes, nonprofits, and other public-interest applicants to pursue reservations, especially in remote areas where data collection is expensive and difficult. - If DNR holds certificates for reservations filed by non-agency applicants, the regulations should clearly explain how the original applicant, affected communities, and the public can ensure the reservation is monitored, defended, and maintained over time. Alaska's water is a public resource. The reservation process should remain accessible, transparent, and protective of salmon, healthy watersheds, and the people who depend on them. Thank you for your consideration. Sincerely, Jack Mosby Anchorage

From: almower@everyactioncustom.com on behalf of [Amy Mower](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Proposed changes to Alaska's water reservation regulations under 11 AAC 93
Date: Saturday, June 20, 2026 10:03:37 AM

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Dear Division of Mining, Land & Water, Program Support Section Brandon McCutcheon,

I am writing to express my deep concern about the proposed changes to water reservations in the State of Alaska.

The changes proposed do not live up to Alaska's constitutional obligation, which states "Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use."

Instead, these changes favor water appropriation to private users over reservations of the waters for the common use of Alaskans.

Instead of making it harder for Alaskans to protect our waters, I urge that the department strengthen protections for instream flows by making them automatic for all anadromous streams rather than creating additional barriers for those seeking to protect fish habitat.

Thank you for considering my comment. Alaskan waters are important to all Americans.

Sincerely,
Ms Amy Mower
Maple Falls, WA 98266
Private Information

From: jmulcare52@everyactioncustom.com on behalf of [James Mulcare](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Proposed changes to Alaska's water reservation regulations under 11 AAC 93
Date: Saturday, June 20, 2026 8:39:54 AM

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Dear Division of Mining, Land & Water, Program Support Section Brandon McCutcheon,

I am writing to express my deep concern about the proposed changes to water reservations in the State of Alaska. The changes proposed do not live up to our constitutional obligation, which states "Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use." Instead, these changes favor water appropriation to private users over reservations for the common use of Alaskans. Instead of making it harder for Alaskans to protect our waters, I request that the department strengthen protections for instream flows by making them automatic for all anadromous streams rather than creating additional barriers for those seeking to protect fish habitat.

Sincerely,
Mr. James Mulcare
Clarkston, WA 99403-2576

Private Information

From: seasport907@everyactioncustom.com on behalf of [Richard Mullooney](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Proposed changes to Alaska's water reservation regulations under 11 AAC 93
Date: Thursday, June 18, 2026 8:40:22 AM

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Sincerely,
Mr. Richard Mullooney III
Anchorage, AK 99504-4069

Private Information

From: shaniamurphy1203@everyactioncustom.com on behalf of [Shania Murphy](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Proposed changes to Alaska's water reservation regulations under 11 AAC 93
Date: Friday, June 26, 2026 12:35:54 PM

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Sincerely,
Miss Shania Murphy
Ketchikan, AK 99901-6211

Private Information

From: whitewaterotter@everyactioncustom.com on behalf of [Tosh Myers](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Proposed changes to Alaska's water reservation regulations under 11 AAC 93
Date: Sunday, June 21, 2026 4:09:11 AM

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Sincerely,
Mrs. Tosh Myers
Deer Island, OR 97054-9528

Private Information

From: jnaidnur@everyactioncustom.com on behalf of [Joseph Naidnur](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Proposed changes to Alaska's water reservation regulations under 11 AAC 93
Date: Saturday, June 20, 2026 8:46:40 AM

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Sincerely,
Mr. Joseph Naidnur
Peoria, IL 61615-4003
Private Information

From: [Sommers Cole](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Cc: [Kelsey Schober](#); [Ean Tubbs](#); [Caitlin Hedberg](#)
Subject: The Nature Conservancy in Alaska Comment on Proposed Changes to Water Reservation Regulations
Date: Tuesday, June 30, 2026 4:52:40 PM
Attachments: [image001.png](#)
[TNC Alaska Public Comments - DNR Water Reservations.pdf](#)

You don't often get email from sommers.cole@tnc.org. [Learn why this is important](#)

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Good Afternoon,

Please find attached The Nature Conservancy in Alaska's (TNC AK) comment on proposed changes to water reservation regulations. We are submitting today, noting that this is the earlier of the two different deadline dates listed on the DNR website.

Thank you,

Sommers Cole

Alaska Government Affairs Manager

sommers.cole@tnc.org (email)

+1 907 942 4897

[nature.org](https://www.nature.org)

The Nature Conservancy

416 Harris St.

Suite 301

Juneau, AK 99801

United States of America



I live and work on Tlingit Aani.

The Nature Conservancy - Alaska

517 L Street, Suite 100
Anchorage, AK 99501



June 30, 2026

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

Via: dnr.water.regulation@alaska.gov

Re: Comments on Proposed Changes on Reservations of Water in the Regulations of the Department of Natural Resources

Dear Mr. McCutcheon,

The Nature Conservancy in Alaska (TNC AK) thanks you for the opportunity to provide comments on the proposed changes in regulations governing reservations of water in Alaska (11 AAC 93.142, 11 AAC 93.146, and 11 AAC 93.147). We appreciate the Department's interest in soliciting comments to ensure the impacts and implications of proposed changes are well understood.

The Nature Conservancy is a global conservation organization working around the world to protect lands and water for people and nature. Our approach is unique in that we seek to ensure land, water, and resources are protected *for* people – not *from* them. Guided by science and partnerships, we have worked in Alaska for over two decades and employ staff and leadership with strong roots in the state. Throughout this time, our work in Alaska has always been committed to solutions that incorporate community needs and well-being. This commitment ensures Alaskans see their needs reflected in the solutions we work on – and that these solutions respect their livelihoods, ways of life, and the places that sustain them.

Alaska's water reservation system allowing for the reservation of water instream dates back to 1980. By continuing to protect water in streams, the State plays a key role in ensuring the ongoing ability of Alaskans to enjoy the livelihoods, recreation value, and ways of life that are tied to the waters that fish and wildlife depend on in Alaska. As the Department considers proposed changes to water reservation regulations, it should do so with the understanding that waters in Alaska are not just for consumptive use, but should be available for all beneficial uses, including for fish, wildlife and recreation. It is with this in mind that TNC AK comments on the proposed regulation changes.

11 AAC 93.142 – Content of Application

TNC AK recommends the Department review any specific changes in requirements around application information for a reservation of water to ensure changes are scientifically based and do not needlessly raise the already-high barrier to entry for applicants. As written, the proposed regulations require information beyond what was previously required to justify the need for a reservation of water. Specifically, the Department proposes to increase the data collection period

to a minimum of five years of monthly data (see proposed 11 AAC 93.142(b)(4)) and adds additional requirements specifically for reservations of water “intended to protect fish habitat, migration, and propagation” (see proposed addition of 11 AAC 93.142(b)(9a-d)).

Increasing the data collection period to a minimum of five years of monthly data is a substantial change from the existing regulation without a clear scientific basis. Furthermore, requiring monthly data when many of Alaska’s rivers and streams are frozen for many months of the year is not substantiated. By asking for this data on a monthly basis for five years, the Department creates ambiguity in expectations for up to six months of the year, while also further extending the timeline by which water reservations can be adjudicated. We recommend that any data standard be tied to recognized instream flow methodologies and Alaska Department of Fish and Game (ADF&G) technical guidance rather than a fixed monthly count, and that the Department expressly allow existing U.S. Geological Survey (USGS) and agency gage records and modeled estimates to satisfy it.

The proposed changes to data collection requirements also alter the timing of quantification. Under existing rules, an applicant may quantify a reservation within three years after the application is accepted for filing, the point at which the priority date attaches to the reservation. As an incomplete application is not accepted for filing, requiring five years of data before an application is complete pushes the priority date five or more years later, junior to any appropriation filed in the interim.

The Alaska Constitution states: “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” (Article VIII, Section 13). Notwithstanding this, the proposed regulations impose additional requirements on water reservations for the protection of fish habitat, migration, and propagation, thereby placing a disproportionate burden on such rights without requiring comparable treatment of other water reservation uses. The data that the Department is requesting in this newly proposed section of regulations, in many cases, even goes beyond what the State has collected for any individual body of water in Alaska; the Alaska Department of Fish and Game (ADF&G) itself estimated in 2019 that [less than 50%](#) of anadromous habitat in Alaska is currently listed in the Anadromous Waters Catalogue.

Despite the State not having the resources to map all the streams in Alaska with anadromous use, the proposed regulations are requesting that water reservation applicants collect five years of data pertaining not just to stream flow but also a variety of fish-related uses as well as downstream and upstream land use and property ownership impacts. Two of the new fish-specific requirements are not hydrologic data needed to quantify a reservation. The estimate of fish populations supplying sport, commercial, and subsistence harvest under proposed section (b)(9)(B) is properly ADF&G’s analysis. ADF&G already receives notice of every application under 11 AAC 93.145(a), so requiring applicants to reproduce that work is duplicative. The upstream and downstream land use and ownership data under proposed section (b)(9)(D) is administrative rather than scientific and should not be folded into the quantification standard. With the proposed regulations limiting instream flow reservation holders to state and federal

resource management agencies, any additional needs and ambiguity of standards will be reflected back to agencies in the form of higher costs and duplicative work.

11 AAC 93.146 – Issuance of a Certificate of Reservation of Water

TNC AK strongly objects to the proposed regulation limiting the issuance of certificates of reservation to exclusively state and federal resource management agencies. This restriction directly conflicts with the plain language of AS 46.15.145, which explicitly provides that “[t]he 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...” including for the “protection of fish and wildlife habitat, migration, and propagation.” By excluding “a person” from eligibility, the proposed regulation is inconsistent with – and impermissibly narrows – the governing statute.

The proposed regulation also fails to account for existing certificates of reservation for instream flows held by private entities, as well as pending applications submitted by individuals under the existing statutory framework. The Department does not explain how these extant property interests and applications will be treated, nor how its proposal can be reconciled with the statute it is charged with implementing. This omission raises significant legal concerns.

TNC AK currently holds an instream flow reservation on the Lower Talarik Creek ([LAS # 23051](#)). Under Alaska law, a reservation of water is a property right established by statute and common law. The Department’s efforts to advance a regulatory change that disregards or undermines TNC AK’s vested property right –without clear statutory authority or adequate justification – raises serious questions regarding the validity of the rulemaking and its consistency with established principles of administrative and property law.

More broadly, the Department has not provided a legally sufficient justification for eliminating a category of property rights that the Legislature expressly authorized to be held by “a person” under AS 46.15.145(a). By restricting instream flow reservations to governmental entities, the proposed regulation imposes a substantial and unwarranted constraint on private rights across the state, in direct tension with the statutory scheme. To be clear, 11 AAC 93.145 is a proposed regulation within the Alaska Administrative Code that implements statutory authority under AS 46.15.145; it is not, and cannot function as, an amendment to that statute. As such, it must be consistent with and cannot narrow the Legislature’s express authorization.

To the extent that the proposed revision of 11 AAC 93.146 would prevent private applicants from holding certificates of reservation – or require that certificates arising from private applications be held by DNR rather than the applicant – the regulation does more than implement AS 46.15.145. It effectively rewrites the statute by separating the right to apply from the ability to obtain and hold the resulting certificate. That distinction is legally significant. A statutory right to apply is rendered largely illusory if the applicant is categorically barred by regulation from receiving the certificate that is the object of the application. The Department cannot accomplish through regulation what would require legislative amendment. If the State wishes to remove private persons from the class of entities eligible to hold reservations of water, that policy change

must be made by the Legislature through amendment of AS 46.15.145 -- not by agency regulation. Otherwise, the department would be using its implementing regulations to narrow the scope of the statute itself, which exceeds the proper bounds of delegated rulemaking authority.

The proposed revisions raise serious questions as to whether the Department is acting within the scope of its delegated authority. Because 11 AAC 93.146 and related provisions are implementing regulations, they must conform to AS 46.15.145. They cannot revise, narrow, or nullify the Legislature's express authorization for "a person" to participate in the reservation-of-water process. Unless substantially revised to preserve the statutory rights of private applicants and certificate holders, the proposed regulations would be vulnerable to challenge as *ultra vires*, inconsistent with AS 46.15.145, and invalid as an agency action beyond the Department's authority.

Finally, the Department fails to address the significant number of submitted but unadjudicated applications for water reservations. As of November 2016, ISER found that there were 435 pending applications that had not yet been adjudicated, with 9% (or ~39) of these applications submitted by private entities. The proposed regulation provides no indication of how these applications will be evaluated, adjudicated or potentially extinguished. This lack of clarity further underscores the legal deficiencies of the proposal. Absent substantial revision, the proposed regulation appears inconsistent with governing law and vulnerable to legal challenge.

11 AAC 93.147 – Review of Reservation of Water

TNC AK encourages the Department to reconsider their proposed changes to 11 AAC 93.147(c) which enable the Commissioner to redirect costs pertaining to additional research, data collection, and analysis requests across "the department, the applicant, or the certificate holder, as the commissioner determines to be equitable." As drafted, this provision significantly departs from the current regulation by introducing broad, undefined discretion that lacks meaningful standards or safeguards.

Current regulation provides more clarity and certainty to the applicant in terms of how to meet regulatory requirements; the proposed regulation introduces substantial uncertainty. The term "equitable" is undefined, and the regulation does not articulate criteria guiding the Commissioner's determination or provide a mechanism for consistent application. The absence of standards invites arbitrary decision-making and undermines the predictability necessary for applications to assess compliance obligations. Rather than streamlining administration, the proposed approach risks increasing disputes, delaying adjudications, and consuming additional state resources. This uncertainty will cost the State time and resources, which is contrary to the stated goal of these proposed regulations.

Additionally, when taken in tandem with the proposed changes to water reservation holders, changes to cost apportionment are unclear. As drafted, the regulations create a misalignment between eligibility to apply, eligibility to hold a certificate, and exposure to costs. Non-agency entities may be permitted to apply, but under the proposed framework, could be precluded from

holding the resulting property right while still being subject to potentially substantial and discretionary cost allocations. This structure raises legal and practical concerns. It effectively requires private applications to subsidize the development or maintenance of a water reservation that they may not ultimately be allowed to hold, at the sole discretion of the Commissioner and without clear limiting principles. Such a regime would deter participation by non-agency applicants and, in practice, foreclose the exercise of a right that the Legislature expressly preserved for a “person” in AS 46.15.145(a). A regulatory scheme that permits application but imposes unbounded costs while withholding the ability to obtain or retain the underlying property right is difficult to reconcile with the statute and raises significant questions regarding the reasonableness and lawfulness of the proposed rule.

If changes are made to who can hold reservations, the effect of these modifications will significantly change who the Commissioner can apportion costs to. If non-resource management agencies can be applicants but not certificate holders, but then later can be assigned costs for additional research, data collection, and analysis at the discretion of the Commissioner to maintain a right that they do not hold, there is no clear incentive for applicants that are not state or federal resource management agencies to engage in the water reservation process. This would, in effect, discourage non-agency applicants from engaging in the process at all. As Alaska statute makes “a person” eligible to apply for reservations (AS 46.15.145(a)), a regulatory structure that lets non-agency parties apply but neither hold the right nor avoid its costs would undercut that statutory eligibility.

Additional Consideration

TNC AK urges the Department to clearly and specifically establish a timeline under which applicants can expect to be notified of adjudication or non-adjudication for applications for water reservations. Research from [ISER](#) has shown that receiving approvals for water reservations can take a decade or longer. Establishing a clear timeline for the process would benefit both applicants and the Department by providing clear and transparent process, timeline, and expectations, resulting in a more “efficient, consistent, and cost-effective water reservation process” which is clearly stated in both the 2024 scoping period as well as the current comment period on proposed regulations as a priority for the Department in making these regulatory revisions.

TNC AK strongly recommends the Department consider adding language that expands the definition of possible rightsholders (as applicants and reservation holders) to explicitly include federally recognized Tribes and Tribal entities, particularly given the State’s recognition of federally recognized Tribes in Alaska in 2021. Precedent exists for this inclusion in regulation; for example, in the regulations adopted June 18, 2024, for the State’s carbon offset program, the Department included tribal entities and federally recognized Tribes (*see* 11 AAC 78.020).

Finally, TNC AK encourages the Department to weigh the broader public benefits that healthy, well-watered riparian areas provide when it evaluates the public interest in a reservation. Riparian corridors that hold water through drier seasons stay green when surrounding uplands burn, both slowing the spread of fire and providing refuge for fish and wildlife. Research by Dr.

Emily Fairfax and colleagues documenting riparian zones during recent western wildfires, including Colorado's 2020 Cameron Peak Fire, found that well-watered stream corridors remained largely intact, while the adjacent landscape did not. As Alaska's fire seasons lengthen, the instream flows that keep these riparian systems functioning also help protect the surrounding landscape, nearby communities, and the fish habitat a reservation is meant to secure. These knock-on benefits are exactly the kind of value that argues for keeping the reservation process workable and open to the full range of applicants the statute allows.

We appreciate the Department's interest in soliciting public feedback on proposed regulation changes. As the Department formally requested and received feedback on specific scoping questions in 2024, we request transparency and specificity in how the Department incorporated public comments into the development of these proposed regulations, consistent with statute. Similarly, we encourage the Department's transparency in how feedback from this current public comment period is incorporated into final regulations, if published. Lastly, should the State be interested in further conversation with TNC AK as a rightsholder to an instream flow reservation, please do not hesitate to reach out.

Sincerely,



Caitlin Hedberg
Alaska State Director
The Nature Conservancy

From: Rkspooky91@everyactioncustom.com on behalf of [Ryan Nestler](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Proposed changes to Alaska's water reservation regulations under 11 AAC 93
Date: Sunday, June 21, 2026 6:54:37 PM

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Dear Division of Mining, Land & Water, Program Support Section Brandon McCutcheon,

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Sincerely,
Mr. Ryan Nestler
Pecatonica, IL 61063-9768

Private Information

From: jlnicholas@everyactioncustom.com on behalf of [Jill Nicholas](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Proposed changes to Alaska's water reservation regulations under 11 AAC 93
Date: Saturday, June 20, 2026 2:44:47 PM

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Sincerely,
Mrs. Jill Nicholas
Penfield, NY 14526-2312

Private Information

From: markaniver@everyactioncustom.com on behalf of [Mark Niver](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Proposed changes to Alaska's water reservation regulations under 11 AAC 93
Date: Thursday, June 18, 2026 9:05:39 AM

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Sincerely,
Mr Mark Niver
Wasilla, AK 99654-1610
Private Information

From: peakrunmedia@everyactioncustom.com on behalf of [Melissa Norris](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Proposed changes to Alaska's water reservation regulations under 11 AAC 93
Date: Tuesday, June 30, 2026 4:59:03 PM

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I'll add to this by saying that anything that risks our fish habitat, especially with our current state of abundance, is not acceptable.

Sincerely,
Miss Melissa Norris
Eagle River, AK 99577-2424
Private Information

From: mnowicki45@everyactioncustom.com on behalf of [Maria Nowicki](#)
To: [Regulation, DNR Water \(DNR sponsored\)](#)
Subject: Proposed changes to Alaska's water reservation regulations under 11 AAC 93
Date: Saturday, June 20, 2026 8:49:53 AM

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Sincerely,
Ms. Maria Nowicki
San Francisco, CA 94116-2517

Private Information