

Water

Resources

Brd. Mtg.

2.26.92

ALASKA WATER RESOURCES BOARD

Agenda

**February 25-27
Centennial Hall
Hammond Room**

Tuesday February 25

- 1:00 Call to order, introduction of New Board Member
- 1:10 Election of new Chairperson

Department of Natural Resources Report

- 1:30 Harold C. Heinze, Commissioner, Department of Natural Resources

Department of Environmental Conservation

- 2:00 John A. Sandor, Commissioner, Department of Environmental Conservation
- 2:30 Break

Hazardous Waste

- 2:45 Carl Reller, Alaska Health Project

Department of Natural Resources, Division of Water

- 3:30 Ric Davidge, Director, Division of Water
Water Summit
Water Management Council
Western States Water Council
Amendments to Water Management Regulations
Water Rights Application Fees

Public Comment Session

- 7:00 Centennial Hall, Hammond Room

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To: Terry Otness	From: Don Allison
Co: Ken's Resources	Co: Water
Dept.:	Phone #
Fax # 465-3922	Fax #

Wednesday February 26

8:30 Coffee

Alaska Power Authority

9:00 Video on Bradley Lake

Drinking Water

9:20 Bill Gissell, EPA, Juneau

Glaciers

9:45 Advancement of the Taku Glacier
Roman Motyka, Division of Geological and Geophysical Surveys

Wetlands Update

10:15 Ira Winograd DEC

10:25 Ric Davidge - WET FORCE

10:40 Break

Reauthorization of the Clean Water Act

11:00 Mike Menge, Department of Environmental Conservation

11:30 Gary Prokosch - DNR, Division of Water

12:00 Lunch

Meet with the Senate Resources Committee

1:30 Senate Resources Committee Room

Meet with the House Resources Committee

3:00 Current Water Issues and pending legislation

Thursday February 27

DNR Conference Room

8:30 Meet

Meeting with the Governor

9:00 Walter J Hickel, Governor

Legislation Review

10:00 Ric Davidge, Director, Division of Water

Consolidation of Boards

11:00 Tuckerman Babcock, Director, Boards and Commissions

Board Work Session

1:00

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES

DIVISION OF WATER

WALTER J. HICKEL, GOVERNOR

3601 C. Street
P.O. Box 107005
Anchorage, Alaska 99510-7005
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February 14, 1992

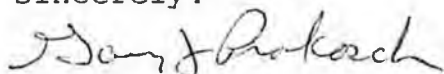
Senator Lloyd Jones
Senate Standing Committee
Resources
Room 30, Capitol
Juneau, Alaska 99811

Dear Senator Jones:

The Department of Natural Resources, under the authority of AS 46.15.020, proposes to adopt, amend or repeal regulations in Title 11 and 93 of the Alaska Administrative Code. Enclosed is a copy of the proposed regulations for your review.

Comments on the proposed regulations may be sent to Ric Davidge, Director, Division of Water, P.O. Box 107005, Anchorage, Alaska, 99510-7005 and must be received by March 20, 1992.

Sincerely:



Gary J. Prokosch
Chief, Water Management

TITLE 11. NATURAL RESOURCES

Part 1. Office of the Commissioner (11 AAC 03--11 AAC 06)

PART 1. OFFICE OF THE COMMISSIONER.

Chapter

05. Fees for Department Services (11 AAC 05.010--11 AAC 05.900)

CHAPTER 05. FEES FOR DEPARTMENT SERVICES.

Section

010. Fees

11 AAC 05.010(a)(8)(A) and (a)(8)(C)--(D) are amended and are adopted, to read:

11 AAC 05.010. FEES. (a) Non-refundable fees to apply for authorizations, and fees to obtain publications or services from the department, are as follows:

(8) water management

(A) water rights application,

(i) \$50 for proposed use of 5,000 gallons a day or less;

(ii) \$100 for proposed use of more than 5,000 gallons a day, but less than 30,000 gallons a day; [OR]

(iii) \$200 for proposed use of 30,000 gallons a day or more, but less than 100,000 gallons a day;

(iv) \$300 for proposed use of 100,000 gallons a days or more, but less than 500,000 gallons a day;

(v) \$500 for proposed use of 500,000 gallons a day or more, but less than 1 million gallons per day;

(vi) \$1000 for proposed use of 1 million gallons of water per day or more;

(vii) \$1500 for proposed use of 1 million gallons of water per day or more, where the water will be used outside of the hydrologic unit from which it was removed. A hydrologic unit is based on the USGS Hydrologic Unit Map of Alaska-1974.

(viii) \$20 for proposed use of 1000 gallons per day or less for single family domestic water use;

(ix) \$500 for proposed use of any quantity of glacier ice;

(B) application for reservation of water, \$500;

(C) extension of permit to appropriate water, \$50 for 5,000 gallons a day or less, or \$100 for more than 5,000 gallons a day, but less than 30,000 gallons per day, \$200 for 30,000 gallons per day or more;

(D) application for a temporary water use permit and the extension of a temporary water use permit, the same fee as for a water rights application and permit extension apply;

[(I) \$50 FOR PROPOSED USE OF 5,000 GALLONS A DAY OR LESS;]

[(II) \$100 FOR PROPOSED USE OF MORE THAN 5,000 GALLONS A DAY BUT LESS THAN 30,000 GALLONS A DAY; OR]

[(III) \$200 FOR PROPOSED USE OF 30,000 GALLONS A DAY OR MORE;]

Authority: AS 46.15.020
AS 44.37.025

CHAPTER 93. WATER MANAGEMENT.

Article

1. State Water Policy (11 AAC 93.010.)
2. Appropriation of Water (11 AAC 93.040--11 AAC 93.174)

4. Temporary Water Use (11 AAC 93.210--11 AAC 93.220)

8. General Provisions (11 AAC 93.910--11 AAC 93.970)

ARTICLE 1. STATE WATER POLICY

Section

10. STATE WATER POLICY

11 AAC 93.15.010 is adopted to read:

11 AAC 93.010. State Water Policy. It is the policy of the State of Alaska to efficiently manage and conserve its water resources for the maximum use and benefit of its citizens, consistent with the public's interest. In so doing, the state's goal is to maximize public benefits by improving the quality of life of its residents; conserving the natural environment; facilitating and encouraging economic development; and protecting life and property. To further this policy, the following principles will guide the management of Alaska's water resources:

(1) The state is the conservator of the public's water resources;

(2) The state will permit the broadest possible access to and common use of state waters, consistent with the public's best interests, except that the legislature may by general law regulate and limit such access for other beneficial uses or public purposes (Constitution of Alaska, Article VIII, Sections 3 and 14);

(3) Whenever occurring in a natural state the state shall reserve all surface and ground water resources to the people for common use. Such use and priority for use is subject to prior appropriation rights; except for public water supply, an appropriation of water shall be limited to stated purposes and subject to preferences among beneficial uses, concurrent or otherwise, as prescribed by law; and subject to the general reservation of fish and wildlife (Constitution of Alaska, Article VIII, Sections 3 and 13) and (AS 46.15.030);

(4) No person shall be involuntarily divested of his right to the use of waters, or improvements affecting that use, except for a superior beneficial use or public purpose and then only with just compensation and by operation of law (Constitution of Alaska, Article VIII, Section 16);

(5) The state shall manage its water resources to ensure that adequate supplies of water are available for public water supplies; the protection of fish and wildlife habitat, migration, and propagation; recreation and park purposes; navigation and transportation purposes; and sanitary and water quality purposes, if found to be in the public interest (AS 46.15.080(b));

(6) State water quality standards shall be judiciously and uniformly enforced among all users;

(7) The state shall maintain, or improved to minimum water quality standards the quality of its water resources when feasible and prudent, so that current and future generations will have access to good quality water with which to meet their basic needs;

(8) Water resources planning is integral to wise water management. The state shall conduct the necessary water resources planning to ensure wise use and management of its waters. The state shall also solicit public participation in the planning and management of its water resources;

(9) The state will encourage water conservation and public education in its management of water resources;

(10) The state shall provide for the regulation, supervision, and periodic inspection of privately owned and state-owned dams, reservoirs, and appurtenant works in order to ensure that the design, construction, and removal of dams and reservoirs is consistent with the protection of life and property (AS 46.17.010);

(11) The state shall work cooperatively with the public and other state, local, and federal agencies to administer water rights, to conduct navigability determinations, to collect water resources data, to assure water quality standards are upheld, and to provide scientific and technical assistance as requested;

(12) The state shall systematically collect, record, store, evaluate, and distribute water resources data to determine the quality, quantity, location, and use of the state's water resources. Such activities are in the public's interest and are necessary for the orderly domestic and industrial development of the state (AS 41.08.017); and

(13) State agencies shall ensure that regulatory processes involving the state's water resources are efficient and that, to the extent feasible, regulatory or jurisdictional duplication among state agencies is avoided or eliminated wherever found. (Eff. / /92, Register ;)

Authority: AS 46.15.020.

ARTICLE 2. APPROPRIATION OF WATER

Section

100. Exemption to Notice.

11 AAC 93.100., is amended to read:

11 AAC 93.100. Exemption to Notice. An application to appropriate 5,000 gallons of water per day (gpd) or less is exempt from the notice provisions of 11 AAC 93.080 and AS 46.15.133, except that the Department of Fish and Game will be notified of an application for a water right for a quantity of water of more than 1000 gpd from an anadromous fish stream listed in the Alaska Department of Fish and Game Catalog of Water Important for Spawning, Rearing, or Migration of Anadromous Fishes or a stream identified as supporting fish in the ADF&G Habitat Regional Guides. However, in an area where the total amount of water available appears to the department to be limited with respect to the number of potential users of the same source, or upon the request of another state or federal agency or a municipality as defined by AS 29, or to protect the public interest, the commissioner will, in his or her discretion, require public notice as provided by 11 AAC 93.080. (Eff.12/29/79, Register 72; am 11/7/90, Register 116; am / /92, Register)

Authority: AS 46.15.020
AS 46.15.133

ARTICLE 4. TEMPORARY WATER USE.

Section

210. Temporary water use

11 AAC 93.210 (a) is amended, and a new 11 AAC 93.210(c) is adopted to read:

11 AAC 93.210. TEMPORARY WATER USE. (a) Simplified procedures to authorize the temporary use of water, as provided in 11 AAC 93.220, will be followed if the amount of water is [NOT] a significant amount as defined by 11 AAC 93.970(14), the use continues for less than five consecutive years, and the water applied for is not otherwise appropriated.

(c) Upon the commissioner's receipt of a written request from the permittee, a temporary water use permit will, in the commissioner's discretion, be extended for a period of time not to exceed five years. The request for a temporary water use permit extension must be accompanied by the fee prescribed by 11 AAC 05.010. (Eff. 2/8/67, Register 23; am 12/29/79, Register 72; am 11/7/90, Register 116; am / /92, Register)

Authority: AS 46.15.020
AS 46.15.040
AS 46.15.133

ARTICLE 8. GENERAL PROVISIONS.

Section

970. Definitions

11 AAC 93.970(14) is amended, and a new paragraph (38) is added to read:

11 AAC 93.970. DEFINITIONS. Unless the context indicates otherwise, in this chapter

(14) "significant amount of water" means any use of more than 5000 gallons of water in a single day from a single source, or the regular daily or recurring [SEASONAL] use of more than 500 gallons of water per day, for more than 10 days [OR MORE] per calendar year from a single source, or the nonconsumptive use of more than 30,000 gallons of water per day (0.05 cfs) from a single source, [OR ANY USE OF WATER FROM A SOURCE OR SOURCES LISTED IN THE ALASKA DEPARTMENT OF FISH AND GAME " CATALOG OF WATERS IMPORTANT FOR THE SPAWNING, REARING OR MIGRATION OF ANADROMOUS FISHES,"] or any water that might adversely affect the water rights of other appropriators or the public interest;

(38) "unduly affect" means that a prior appropriator loses the ability to reasonably acquire an adequate quantity of water to fulfill the purposes of the appropriation from the water source from which the water right is permitted or certificated, except that a prior appropriator has not been unduly affected if water can reasonably be obtained by installing more efficient diversion works for the withdrawal of water or by performing effective routine repair and maintenance of diversion works or water well equipment in order to allow for the full development of the water resource. (Eff. 2/8/67, Register 23; am 12/29/79, Register 72; am 9/11/83, Register 87; am 11/7/90, Register 116; am / /92, Register)

Authority: AS 46.15.020
AS 46.15.040
AS 46.15.050
AS 46.15.080
AS 46.15.133
AS 46.15.145