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June 25, 2026

Brandon McCutcheon
Department of Natural Resources
Division of Mining, Land and Water
550 West 7th Avenue, Suite 1070
Anchorage, Alaska 99501
Submitted via e-mail: dnr.water.regulation@alaska.gov

Dear Mr. McCutcheon:

Thank you for the opportunity to comment on proposed changes to DNR's water management regulations, 11 AAC 93. The Alaska Miners Association (AMA) has been closely following issues involving DNR's water management program, specifically issues involving the reservation of water under 11 AAC 93.141- 147. With one minor exception described later in this letter, we enthusiastically support the proposed regulation changes.

AMA is a professional membership trade organization established in 1939 to represent the mining industry in Alaska. AMA's more than 1,400 members come from eight statewide branches: Anchorage, Denali, Fairbanks, Haines, Juneau, Kenai, Ketchikan/Prince of Wales, and Nome. Alaska's miners are individual prospectors, geologists, engineers, suction dredge miners, small family mines, junior mining companies, major mining companies, Alaska Native Corporations, and the contracting sector that supports Alaska's mining industry.

Before summarizing our comments on the proposed regulations, we would like to explain the principles that motivate them.

1. **Healthy fish populations and the habitat and water flows that support them are crucial for Alaska.** We understand that fishing is one of the reasons Alaskans live here. For those in rural Alaska, it is a crucial component of their diet and culture.
2. **Healthy fish populations, habitat, and water are important for all users – commercial, sport, and subsistence – and should be managed by an agency whose constituency includes all Alaska users.** Management of Alaska's natural resources should not be delegated to organizations dedicated to a single user, a single viewpoint, or those outside Alaska.
3. **Healthy fish populations and development can coexist.** It is not necessary to choose one over the other. If managed correctly – as Alaska's record demonstrates – fish and development can occur together.

Thank you for the proposed changes to 11 AAC 146(b). The changes will ensure that decisions about Alaska's water resources are made by agencies that represent all of the people of Alaska: the



Departments of Environmental Conservation (DEC), Fish and Game (ADF&G), and Natural Resources (DNR), as well as federal agencies for federal land. This is important. Management of Alaska's natural resources should not be delegated to organizations dedicated to a single user, a single viewpoint, or those outside Alaska. The revision to 11 AAC 146(b) proposed by DNR fixes that problem. It is an important and long-sought improvement. Thank you.

Thank you for the proposed changes to 11 AAC 142(b). The changes proposed for §142(b) bring better data science and socioeconomic analysis to Alaska's decisions on instream flow. The requirement for site-specific information about the specific stream reach in question rather than using solely state-wide data allows DNR to balance the protection of fish populations and habitat with the effects on upstream users, as the law actually requires. That cannot be done solely with statewide data. And the requirement for actual estimates of how different water levels affect the quality of fish habitat available allows for much better science in the protection and management of Alaska's fish. It brings Alaska into conformity with how other states make these decisions. It is better science, more transparency for the public, and ultimately will result in better protection for fish. The proposed changes are a significant improvement, and we applaud DNR for it.

Proposed Changes to 11 AAC 146(d)(1) and 147(c) create issues. We do have a suggestion for improvement. The proposed changes to §146(d)(1), the addition of the words "by the applicant," seem to allow DNR to charge the applicant for maintaining a certificate of water that the applicant does not own. This provision could introduce confusion. The changes described previously make clear that the agencies own the certificate of water. Once the certificate is issued to a state agency (and after any appeal period), an applicant retains no rights not enjoyed by any Alaskan. If an applicant, at the direction of DNR, is paying to maintain the Instream Flow property right, a judge could misinterpret that situation to grant the applicant some procedural or other right based on their payments. While this interpretation would be wrong, it is not in Alaska's interest to introduce this ambiguity. An applicant should have no rights beyond those of the general public to enforce an IFR owned by state agencies. For similar reasons, we oppose the proposal in §147(c) to include the applicant in the list of groups who may pay for new data during the 10-year review.

Thank you for the opportunity to comment. Overall, we applaud the changes proposed by DNR. They have been long awaited.

Sincerely,

A handwritten signature in blue ink, appearing to read "Deantha Skibinski".

Deantha Skibinski
Executive Director
Alaska Miners Association