

MEMORANDUM
DEPARTMENT OF NATURAL RESOURCES

STATE OF ALASKA
DIVISION OF WATER

TO: Harry Noah
Commissioner

DATE: August 5, 1993

TELEPHONE NO.: 762-2294

FROM: Ric Davidge
Director

SUBJECT: Water Permit Backlog
Options/Recommendation

In response to your articulation of some of your priorities the other day, we have closely reviewed our options in addressing the growing water permit action backlog.

Option I

Transfer two hydrologists to the Water Management Section, retrain them to do adjudications (especially those requiring hydrologic analysis) and have them begin processing permits.

This option was rejected for the following reasons:

1. All hydrologists are funded at 50% general funds and 50% program receipts. There is no way that we could identify to recover the loss of the 50% program receipts from hydrologic work with this transfer and thus no way to pay them as adjudicators.
2. All hydrologists are currently over committed to hydrologic work which is necessary and consistent with the Governor's priorities. Reassignment would mean a number of hydrologic projects would not be done or delayed.
3. Most hydrologists are already committed to contracts for soft money (program receipts). To reassign them to adjudication may mean some contracts could not be honored.
4. The Chief of the Hydrologic Survey and the hydrologists who would be potentially reassigned strongly objected to this option.

Option II

Amend Title 46 to increase the water use threshold for permits from 500 gallons a day to 5000 gallons per day.

This option is still being evaluated, however the following problems have been identified:

1. A permit to use water ensures the user has the legal right to protect his use from other, potentially competitive uses. Without a permit/certificate the user could loose the use of the water if another applicant secured the right.
2. Many large projects desire water rights as part of their permitting package to ensure against disruptive litigation by persons or groups wishing to stop a project.
3. Should this threshold apply only to domestic uses?
4. The exemption could only be used for groundwater sources as ADF&G has consistently objected to any further exemption for surface water use.

Option III

Reallocate general funds within the division allowing all adjudicators to work an additional five (5) hours a week. This additional overtime would be dedicated to uninterrupted adjudication work.

This option is partly being implemented effective August 9, 1993.

Problems with this option are:

1. Those not eligible for overtime are unwilling to make this commitment as those few who are eligible will be compensated on an hourly basis for this additional work.

2. Due to the small number of adjudicators (7) other than the Section Chief, those not eligible for overtime (3) do the same work as those that are, and have other responsibilities. We have one adjudicator in Juneau and one in Fairbanks, both are not eligible for overtime. Out of the seven adjudicators only three are overtime eligible.

We have requested the assistance of Ellen Clothier in getting approval for overtime for the three adjudicators so that we can have them commit to the same level of extra work. We are hopeful this will occur soon. Ellen advises that a reclassification now in process may make the three overtime eligible eventually, however we need to take this action as soon as possible.

ACTION TAKEN:

Three adjudicators will begin working an extra 5 hours per week (Saturday mornings) on priority permits. As soon as the vacant SE position is hired and trained and the other 3 are cleared for overtime, they will also begin this effort. We are hoping to have 400 permits processed by January 1, 1994 as a result of this effort. All adjudicators are willing to make this commitment.

We will pursue potential changes to Title 46 raising the threshold of water use requiring a permit. This will only be partially effective as most users will still request a permit, but with this statutory change they will be able to use the groundwater (without violating the law) while the permit is being processed. This of course does not change the current backlog of 1800 files as very few of these would fall under the proposed exemption.

Program Receipts and General Funds will be gathered from other sections within the Division to pay for this additional cost.

REQUEST:

Once Ellen is ready, any help you can give in persuading the Department of Administration to approve overtime eligibility for these adjudicators for a limited time will accelerate our effort in decreasing the water permitting action backlog.

cc: Gary Prokosch
Bill Long
Ellen Clothier
Marty Rutherford
Jules Tileston