

MEETING SUMMARY

ALASKA WATER RESOURCES BOARD MEETING

December 11 - 12, 1978

The Alaska Water Resources Board met in Soldotna on December 11-12, 1978 in the Kenai Peninsula Borough Assembly Room. The Board members were in complete attendance with the exception of Dr. Charles Behlke who was forced to miss the December 11 session.

The members of the Board were:

Dr. Charles Behlke, Fairbanks
Charles Johnson, Nome
LeVake Renshaw, Anchorage
Ernst Mueller (ex-officio) Commissioner of DEC
Peg Tileston, Anchorage
Richard Sims, (Chairman) Kodiak
Wayne Westberg, Anchorage
David Vanderbrink, Homer
Robert LeResche, (Executive Secretary) Commissioner, DNR

DNR Commissioner LeResche was represented by Theodore G. Smith, Director, Division of Forest, Land and Water Management and Brent Petrie, Chief, Water Management Section.

DEC Commissioner Ernst Mueller was represented by Glenn Akins, Director, Planning and Program Coordination.

Monday, December 11

In the morning a field trip to the North Kenai area was conducted. The Board received a briefing on the USGS ground-water monitoring program from Gordon Nelson of USGS in the conference room of the Union Chemicals Division ammonia and urea plant and visited a well level recorder site and a well drilling site. Upon returning to the conference room, the Board received a briefing on the operations of the ammonia and urea plant from Charles Ross, assisted by William Switzer. Mr. Ross and Mr. Switzer then conducted the Board on a tour of the plant.

LUNCH

At 2:30 p.m. the Board meeting was opened in the Kenai Peninsula Borough Assembly Room by Chairman Richard Sims. Chairman Sims first apologized for the late start and commended staff for an excellent job of preparing the minutes of the previous meeting. He announced that the Governor's preliminary budget included \$10,000 for further operations and stated that this was positive feedback that the Board was accomplishing something. Chairman Sims suggested two agenda changes - that discussion of the Water Quality Standards be postponed until Tuesday, December 12 and that adjournment for the first session be at 5:30 p.m. Chairman Sims entertained a motion to accept the minutes. It was so moved, seconded and unanimously passed.

The next item on the agenda was a presentation by the Department of Natural Resources on water rights backlog reduction, pending litigation and effect of publicity on water use permits applications. Theodore G. Smith, representing the Department of Natural Resources, asked Brent Petrie to speak for the Department on these topics.

Brent Petrie gave a review of backlog activity.

Major Points:

- * During 1977, 381 water rights case files were processed, while in August, September and October of 1978, 400 case files were processed, more than all of 1977.
- * Total case load remaining is approximately 2,200.
- * As backlog staff is becoming oriented, more cases are being processed and a better job is being done on each case.
- * On June 30, funding for backlog positions runs out. After that, we will only be able to do our best with the regular staff.

Questions and comments:

Q. LeVake Renshaw: Can you project future backlog?

A Ted Smith: No, because we cannot regulate intake of applications. Advertising will compound the problem.

Effect of advertising on water appropriation permit applications.

Brent Petrie discussed advertising efforts by the Department.

Major Points:

- * Distributed were copies of public service announcements that appeared in the Kodiak newspaper and on the Kodiak radio stations for a period of 3 weeks.
- * On Kodiak, there were 30 water appropriation permit applications from January 1967 to August 1978. After the advertising began on September 7, 1978 until December 7, 1978, 34 applications were received. Therefore, three weeks of advertising doubled the cases from the previous eleven years.
- * In Fairbanks there are half hour radio shows sponsored by the Division of Lands that every three months discuss some aspect of water resources. The program results in a surge in applications after the shows, especially during dry periods.

- Q Peg Tileston: From March to June on the graph there is a jump in applications. What is the significance? It was before advertising?
- A Brent Petrie: During June internal accounting procedures were changed. This is reflected in the large jump.
- C Ted Smith: Advertising was not statewide, it occurred only on Kodiak.
- Q Charles Johnson: Do you see any activity because of the Beirne Initiative?
- A Ted Smith: Activity of all sorts. In regards to water - the disposal activity underway by the Department the Beirne Initiative or other programs underway, create possibilities of more water rights applications. Current programs call for 6,000 - 7,000 new parcels. This will create new workload for the water staff.
- C Dick Sims: What you are saying is, based on your experience in Kodiak, with advertising you can expect the backlog to double.
- A Brent Petrie: There is no doubt about it. We hesitate to go forward in full scale advertising programs because we do not have the staff to handle it.
- C LeVake Renshaw: The duty to publicly encourage people to file for water rights is above budgeting problems. I detect a reluctance to proceed with advertising because it would encourage more backlog.
- C Ted Smith: I don't think that's intentional but there are budgeting problems. Land disposal has priority now.
- C Chairman Sims: Earlier resolution recognized the budgeting problems. Even if applications get filed with no processing, just setting a priority date, the public will be served.
- C LeVake Renshaw: Perhaps applicants should bear more of the cost of processing.
- A Ted Smith: Applicants pay for advertising now. It is difficult to show cost of processing to applicants.
- C Brent Petrie: Public service announcements would be a low cost way of getting the word out. We hesitate to start any advertising campaign until new regulations are in effect.

Pending Litigation - Brent Petrie

Major Points:

- * Two new proceedings, both Paug-Vik v. LeResche, which are similar to Paug-Vik v. Martin.
- * Main claim of the plaintiffs is that state does not have authority to manage water bodies completely contained on native lands.
- * Next hearing of Paug-Vik v. Martin will be in March in Superior Court in Anchorage. ~~In April 1990~~
- * We may have litigation on federal reserved water rights for lands withdrawn for national parks, national monuments, etc.
 - * DNR has received a request to quantify federal reserved rights for Alaska but no reply has been given.
- Q LeVake Renshaw: Federal reserved rights doctrine seems to be contrary to Statehood Act. Does the state recognize this?
- A Brent Petrie: A considerable body of law and court decisions support the federal reserved rights doctrine.
- Q Chairman Sims: Has there been any quantification yet?
- A Brent Petrie: The Moose Range has served notice of their water rights and Fort Richardson has filed. We encourage federal reservations to file for water rights.
- Q Charles Johnson: Is there any way we can push the quantification effort?
- A Brent Petrie: We can try to hold Interior and other agencies to the President's directive to cooperate in any quantification efforts. We also might be able to get help from other western states.
- Q Charles Johnson: Will use of the Antiquities Act effect federal reserved rights?
- A Brent Petrie: We haven't had time to look at it.
- C Brent Petrie: The real question in Paug-Vik is whether the state has the authority to allocate that water. If it does not, uncertainty will be created. Making more detailed comments now is second guessing the court.

The next item on the agenda was an agency presentation by the Department of Environmental Conservation on sewage disposal systems, EPA proposal on placer mining, status of one stop permit process and proposed legislation.

Sewage Disposal Systems - Kyle Cherry

- * DEC performs on-site sewage disposal systems under authority of AS 46, AAC 18.72 and AAC 18.80. This information is required by lending institutions for financing.
 - * DEC maintains handouts for distribution, lists of approved system plants certified by National Sanitation Foundation, and allows non-certified plants on an experimental basis.
 - * 500 - 600 systems, new and used, are done each month. There's not always a field check.
 - * In Southcentral region, DEC trains septic tank installers. Trained installers can get approval on the basis of their photos.
 - * In regards to non-conventional systems, in special circumstances, package plants are approved. They must be site designed and properly maintained.
- Q Chairman Sims: If septic tank is polluting a well, do you have authority to stop the use of the well?
- A Kyle Cherry: No, we can stop the use of septic tanks or public water supplies but not the use of a well for a private individual's water supply.
- Q Peg Tileston: In regards to lending institutions, they should be as interested in having a good water supply as they are in a working sewage system, yet there is no requirement on a safe water supply.
- A Kyle Cherry: If we write a negative letter on a water system, the loan will not go through.
- Q Peg Tileston: This seems to be taking valuable time from DEC for a job that could be done by boroughs and municipalities.
- A Kyle Cherry: In the Anchorage area it is done by municipality. DEC will support any municipality working under proper guidelines.
- Q Peg Tileston: Does DEC get reimbursement for services?
- A Kyle Cherry: No, however after January 1, 1979 water quality testing done by Health and Social Services will have a fee. This is a service that could be contracted out to the private sector by lending institutions.
- Q Chairman Sims: Would it be possible that the inspection be done by the appraiser in the appraisal process?
- A Kyle Cherry: Yes, and it would probably speed up the process.

- HB172
- Q There were several questions regarding the sewage system installation training program.
- A Kyle Cherry: It is a program that has been going on for two years in the Southcentral region only. The program does not give a license.
- Q Dave Vanderbrink: Questions on the use of on-site systems in areas with unsuitable soils (specifically Homer).
- A Kyle Cherry: These places should not be developed with on-site systems. One solution is a sewer system.
- C Dave Vanderbrink: That is not possible in low density areas. In Homer, lots with unsuitable soils are being developed with on-site sewage.
- C Kyle Cherry: This is the first it has been brought to our attention and we will look into it. Public health has precedence over right to develop land.
- C LeVake Renshaw: Apparently lending institutions are very sensitive to sewage disposal but not to water rights. Perhaps DNR should get together with lending institutions on this? I recommend that a program to do this is set up now.
- Q Wayne Westberg: For a public water supply do you look at wells strictly from a public health viewpoint or do you consider other features of construction?
- A Kyle Cherry: No, we also look at adequate quantity and sizing of system.

At this time the Water Quality Standards were distributed and Chairman Sims read a letter from DEC, thanking the Board for its participation in the review process.

EPA Proposals on Placer Mining.

Glenn Akins summarized the Regional Administrator's decision on placer mining. Briefly, it is that settling ponds are a practical method of achieving water quality but not the best practical technology required by regulations. Recycling is best practical technology but may not be economically feasible. The decision is being appealed to Washington, D.C.

Status of One-Stop Permit Process - Glenn Akins

Major Points:

- * Draft program outline was distributed. This has been sent to state and federal agencies.
- * Programs can be divided into intensive and extensive services.

Most people will need only one permit - they will be directed to the appropriate agency. A few will need many - the program will give help and coordination to try to shorten and simplify the approval process.

- * Permit information center will be established. Alaska Permit Directory is a basic reference.
- * Federal agencies will probably be biggest coordination problem.
- * System goes on line after January 1, 1979.

Q Charles Johnson: One hearing could cover more than one permit?

A Glenn Akins: Yes, but each agency will have to be involved. For instance, DEC will not grant DNR permit.

C Peg Tileston and LeVake Renshaw: Encourage consolidation of hearing. Too many hearings are going on. People are "hearinged" out.

Q Dean Brown: What if, through the advice of the state, a person lacks a permit and has to start over, is the state liable for lost time?

A Glenn Akins: A caveat is given in the directory. Once notice is sent out, the burden is on agencies to respond within a time limit. The procedure of the one stop permit process is in lieu of other procedures except for the acquisition of title to land and water. The most value of program may be that of informing people and getting them started in the right direction.

Proposed Legislation:

Glenn Akins stated that a proposal to take over the NPDES system from EPA will be submitted to the legislature.

The Board adjourned at approximately 5:30 p.m.

At 7:00 p.m. the Board attended a public hearing on a one year extension of the water appropriation permit at Union Chemicals Division. Ted Smith was the hearing officer and two individuals gave testimony. Because of the late notice, a two week extension was given for the acceptance of testimony.

Tuesday, December 12

The first agenda item Tuesday morning was Coastal Zone Management from a borough perspective - Ike Waits, Principal Planner, Kenai Peninsula Borough.

Major Points:

- * Water resources and their development are important to Coastal Management Program. Little has been done in a comprehensive manner in land and water management.

*208/MAUS
Important that
when 2 or more
agencies combine
hearing that
the purpose &
scope of each are
clearly defined.*

- * The Coastal Management Program for the Kenai Peninsula Borough has been broken down into three phases, each one year long.
1. Prepare a Coastal Management Program plan based on current information.
 2. Extensive local government review.
 3. Put it all together into one document.
- * Two constraints are the extent and quality of existing information and decisions or lack thereof by other agencies.
- * Phase I was summarized.
- * The success of the Coastal Management Program is dependent on many unknowns. One of these is whether other governing bodies will cooperate.
- Q Chairman Sims: Does the borough do a sanitary sewer inspection as part of building inspection?
- A Ike Waits: There is no borough building permit system.
- Q When will Phase I be done? Who will do it? Will there be data collection in Phase I? Concerns were expressed that this is just another broad guideline.
- A Ike Waits: Phase I should be completed by October 1979. It is being done by Environmental Services, Ltd. Phase I will not do detailed hydrologic data collection, it will only examine existing data. The borough is working with USGS. This is being funded by CEIP. It is possible that the Borough may not proceed with Coastal Management Program because of lack of data or because the program is not meaningful.
- Q Peg Tileston: To what extent are people from outlying areas involved?
- A Ike Waits: To get people from outlying areas involved is the reason for the one year length of Phase II.
- Q LeVake Renshaw: Will the program address hydropower and non-renewable resources?
- A Ike Waits: Yes, nonrenewable resources will come under the commercial and industrial heading.
- Q Glenn Akins: Could you characterize the relationship of the Coastal Management program with your regular planning program?
- A Ike Waits: It is part of our regular program as it is evolving right now.

What or who has enforcement capabilities in unorganized Boroughs after the "Planning" process is completed?

The next item on the agenda was water problems in the Kenai Peninsula Borough - Phil Waring, Planning Department Director, Kenai Peninsula Borough.

Major Points:

- * Work funded by the Coastal Energy Impact Program (CEIP) discussed.
 - 1. USGS studies on surface and ground water in lower Kenai Peninsula, Nikiski, and North Kenai area potential for water development, 4th of July Creek at Seward, Seldovia area water supply, Soldotna ground water potential for water supply.
 - 2. North Kenai water supply study.
 - 3. Reservoir sites in Homer area.
- * CEIP is being used specifically to expand data base
- C There were several comments on the relative amounts of money used for planning vs. that used for data collection.
- A Phil Waring: The figures used for planning were the total amount while the CEIP funds given to USGS are matched, so comparison is a bit misleading. The Kenai Peninsula Borough is a large and diverse area with many issues needing resolution. Planning for all this requires money.
- Q Charles Johnson: Appears to be indecision on whether Coastal Management Program should be used. Is anything being done to justify past decisions? Are data being collected after the decisions have been made?
- A Phil Waring: Nothing is knowingly being done to justify past decisions. Much of planning is done after the crisis hits.
- C There were many comments and questions on the state's relationship with the borough on the Coastal Management Program. It was brought out that there is a perceived lack of coordination among state agencies on coastal management, that the borough is not sure what the state agency concerns and plans are, that perhaps state agencies are interfacing in local business. *interfering?*
- Q Dave Vanderbrink: Is there something the Board can do to help?
- A Phil Waring: Let me put something in writing and send it to you.

The next item on the agenda was a Corps of Engineers presentation on the Metropolitan Anchorage Urban Study (MAUS), Kenai River Review, Dam Safety Inspections and Susitna Dam Study.

Colonel George R. Robertson spoke for the Corps.

Information on MAUS, Kenai River Review, and Dam Safety Inspections was given with the help of a slide presentation. The Susitna Dam Study was a 22 minute videotape.

Metropolitan Anchorage Urban Study:

Major Points:

- * Purpose was to define and attempt to resolve such issues as water supply, sanitary sewage facility plant, water quality in Upper Knik Arm, snow disposal and storm water quality management.
- * The water supply study identified 13 alternatives to meet the water needs of Anchorage's future population, recommending alternative 13 which includes a dam on Eagle River. Conservation will be helpful but not enough to meet future needs.
- * How much treatment is necessary to maintain water quality and federal treatment standards were the major points discussed in relation to sanitary sewage facility plan.
- * Upper Cook Inlet and Knik Arm are very sterile. No species would be benefitted by secondary or advanced treatment.
- * Discussion of the Corps study of municipalities efforts at snow removal and ice control and the impacts on water quality.
- * The Corps urban runoff study is looking at storm water runoff effects on surface water quality in Chester and Ship Creeks.
- C There was some discussion of zero discharge. This means no discharge of pollutants into Cook Inlet and could be effected by recharge, recycling or land disposal. There was some concern that land disposal would work in Alaska's extreme climate. Discharge into Cook Inlet would be most economical and environmentally sound but that would require a relaxation of EPA national standards for Anchorage.
- C Peg Tileston: It doesn't appear that conservation was given full consideration in these proposals.
- C Colonel Robertson: Conservation won't be the total solution but should be used more. Education programs on conservation are needed.
- C Ground water production and ground water levels were discussed.

*Anchorage Valley -
shallow lenses -
with some all winter*

Wells developed by utilities for public water supplies don't have desired yields but it's enough for individual homes. Production of 22 mgd is a conservative number that should not drop water levels.

Kenai River Review:

Colonel Robertson discussed the background, development and end products of the Kenai River Review. He stated the ultimate solution would be a development plan where more important wetlands are identified.

- State does not have a wetlands policy!*
- C There was a general discussion of the lack of state policy on wetlands. With the Kenai River Review the Corps has presented its criteria to a person wanting to do something in the area, but there is no similar state document. The local Coastal Management Program could be coordinating mechanism.
- Q Peg Tileston: What does Corps do when activity proceeds without permission?
- A Colonel Robertson: 1) Investigate or send cease and desist letter. 2) Determination by U.S. Attorney on whether or not to prosecute. Alaskans tend to abide by cease and desist order.
- Q LeVake Renshaw: Is it a fair statement to say that all floodplains are wetlands?
- A Colonel Robertson: No, all floodplains are not wetlands and vice versa. It is important to note that just because land is designated wetlands does not mean it cannot be developed. Development of these areas must be evaluated in the public interest.
- Q Charles Johnson: Is the Corps involved in any way with small hydropower projects?
- A Colonel Robertson: Traditionally, the Corps has been involved solely in large hydropower projects. Recently, the Corps was funded for a small (5 megawatt or less) hydropower feasibility study in Alaska. A need will be for quick and easy funding for the projects without the extensive permitting required by large hydropower projects. Once completed, they could be turned over to an REA type utility.

Dam Safety Program:

Major Points:

- * In December 1977, the President called for completion of the dam inspection program authorized by Congress and update of the dam inventory.

- * The 1975 inventory located only 35 structures. The update shows 64 which will be listed in national inventory, 14 in high hazard category. In addition, 46 other structures which are not large enough to be included in the national inventory were located.
- * Recent inspections were described.
- * The Corps will do inspections for 3 more years, after which the state must take over.
- * By discovering the Bettinger Lake problem, the inspection program has already paid for itself.
- C Colonel Robertson and Brent Petrie: Discussion of relationships of Corps program to state program. By having consulting firms do actual inspections, administration of the program would require 1½ man years. It makes sense that DNR do both permitting and inspection. A concern of the state is its possible liability for the failure of an inspected dam, but the Colonel did not think it was a real problem. The state would be liable only through negligence.
- C Brent Petrie: Some communities have expressed an interest that in conjunction with the dam safety program the state have available low interest funds for recommended repairs.

Susitna Dam Study:

Filmed documentation of Corps' efforts at Watana to find better methods to operate a feasibility study in a wilderness area.

- Q Charles Johnson: Why was there an effort to keep to Native selected land.
- A Colonel Robertson: Other lands may be declared wilderness, while natives expressed interest in having access developed.
- Q Peg Tileston: Is this being done at Devil's Canyon site also?
- A Colonel Robertson: No, earlier work had been done there. At Watana there had been no earlier work and this study was deemed necessary.

Lunch

The next item on the agenda was the well log collection program. Bill Long, Division of Geological and Geophysical Surveys

Major Points:

- * Review of the water well log program. Letters have been sent to drillers but there has been positive response from only two drillers and much negative response in the form of refusals.

*It is my understanding
at the last DPA
meeting it was said that
drilling had not been
done at the
Devil Canyon
site.*

- * Ground water information is taken to USGS to be fed into WATSTORE. Well logs are put in standard files under township and range.
- * Ground water resources data collection responsibilities of DGGs, hydrologic investigations for special cases and coordination of state programs with USGS were described.
- C There was a general discussion of computer needs. Charles Johnson wondered if it would be worthwhile for the state to have its own system to avoid going through USGS. Brent Petrie reported that the state is presently considering upgrading its hardware. Bill Long reported that a consultant's study for DGGs recommended that they acquire their own system. Brent Petrie stated that agencies must accommodate future needs as well as present use. Chairman Sims was concerned about the talk of a need for new state computer systems. It doesn't seem to be useful nor necessary.

There was much discussion of the failure of the well log program to produce results.

- C Bill Long: The well log program is mainly in the Anchorage and Matsu Borough areas. Mailing list came from Water Well Association membership and Anchorage phone book. Wells logs have not been acquired from the Municipality of Anchorage, but he can and will get them.
- C Wayne Westberg: This is a hardship for drillers. It's extra work at a busy time of year. There's an informal agreement among drillers not to hand in logs.
- C Three methods to improve sending in logs were discussed: linking submission of logs with DEC inspection or a financial package, developing regulations and applying legal pressure, and requiring submission as a requirement for retaining business or contractor's license.
- C Wayne Westberg: Drillers do not understand that the well log program is law and drillers do not understand water law.
- C Brent Petrie: Under proposed regs, failure to submit well logs or fraudulent submittal is a misdemeanor but no one wants to see a driller thrown in jail over this.
- Q For which state agencies is DGGs coordinating with USGS?
- A Bill Long: DEC, ADF & G, DNR, DOT & PF.

- C Ray George: There would be advantages in more efficiency and easier coordination if USGS could deal with one agency that set state priorities. However, USGS does not want to get too far from the agencies that need the information.
- C Chairman Sims: I wonder how one chooses which projects are most important? Also, I fear coordination may be just piling on another level of government. I am disturbed by the well log program because I was on the board when the program was recommended. The well log program is not a shining example and a progress report should be sent to the Governor.

The next item on the agenda was the Southcentral Water Resources Study (Level B) - Dan Wilkerson, State Coordinator for Level B Study:

Major Points:

- * Reviewed progress of major work plan elements.
 - * The next step is to get into single purpose solutions.
 - * Perhaps most useful function of the study has been getting the many (28-30) agencies involved talking to each other.
- Q Peg Tileston: Have you evaluated the usefulness of Level B for other parts of the state? Is this the time to discuss this?
- A Dan Wilkerson: It's been discussed both in-house and by other agencies. Interior Alaska is the place most mentioned.
- C Glenn Akins: At the Alaska Water Study Committee meeting in June, a decision was made to give no recommendation until the present program can be evaluated.
- Q LeVake Renshaw: When do the needs of private industry enter into this study? Who speaks for private industries interests?
- A Dan Wilkerson: The only private member is AFN. The director of the Level B Study is a member of OMAR and keeps them informed. Industries' needs have been taken into consideration from the beginning.
- C LeVake Renshaw: Mining has been disregarded by the Matsu Borough in the work done for Level B. The placer mining industry is the largest user of fresh water in the state. I'm concerned that 30 agencies have gathered together to make decisions for the benefit of the agencies without input from private industry.
- Q Charles Johnson: What is the relationship of MAUS and Level B?

- A Dan Wilkerson: In project terminology MAUS would be a Level C Study, something that usually comes after a Level B Study. Anchorage, because of its size, is ahead of the rest of the state.
- C Dave Vanderbrink: It appears the only purpose of the study is to give the taxpayer's revolt impetus.
- C Dan Wilkerson: If nothing else, this type of program gets agencies talking to each other.

The next item on the agenda was the Water Management Section's program on dam safety - Brent Petrie, Chief, Water Management Section:

Major Points:

- * The section has participated in the field on several Corps inspections.
- * The proposed regulations must go into effect before starting up any program.
- C Chairman Sims: Last session you asked for our support for this program. Evidently, the program is starting without the Board doing anything.
- A Brent Petrie: There is still an outstanding Governor's directive giving inspection duties to DOT & PF. DOT & PF would just as soon be relieved of duty. The Commissioner of DNR is still concerned about liability.
- Q Charles Behlke: Wouldn't it be better if DOT & PF do the inspections since they already have engineers on staff?
- A Brent Petrie: We propose to hire someone with dam experience. DOT & PF has engineers, but none with dam experience.
- C LeVake Renshaw: It doesn't matter which agency has the program as long as competent people are running it. In the safety program the burden should be on the builder and design engineer to provide adequate design and construction. Design standards should not be in regulations.
- C Charles Behlke: The intent of regulations can be met by a requirement that a professional engineer design the dam. The Water Management Section will need another engineer to review design.
- C LeVake Renshaw: The designer should be required to oversee construction.
- C Brent Petrie: Mr. Renshaw and Professor Behlke are invited to discuss their concerns with the Water Management staff.

- C Chairman Sims: I move that the regulations be changed as outlined in the discussion.

So moved by LeVake Renshaw, seconded by Charles Behlke.

The motion passed unanimously.

The next item on the agenda was proposed legislation on reservation of instream flow - Brent Petrie, Chief, Water Management Section:

Major Points:

- * A bill sent to the legislature in 1977 on instream flow reservation failed to pass.
- * Different ways to reserve instream flow were discussed. Presently it is done by attaching to a permit or certificate stipulations that flow must maintain a certain level but this would be very expensive to do properly. An alternative would be to classify waters similarly to land classification.
- * Legislative approach would be to change definition of appropriation in the law to include reservation for instream flow. Reservations would then be protected by a certificate that would be within priority system. It would require less staff over the long term to do properly than the present system.
- Q LeVake Renshaw: Might the classification method be a good way to take care of quantification problem?
- A Brent Petrie: Startup of a classification system would require targeting of problem areas. The details of this system have not been thoroughly thought out.
- Q Charles Johnson: Could ground water withdrawals have an effect on streamflow?
- A Brent Petrie: Yes, it could. It would be especially noticeable in winter.
- Q Charles Johnson: Would an instream flow bill solve problems or compound them?
- A Brent Petrie: In some ways it will solve problems. The legislative approach will be a better way to preserve flow and make it administratively easier to accomplish than the present system.
- Q Chairman Sims: What can we do?
- A Brent Petrie: When the draft legislation comes from the Department of Law, we will send copies to the Board members.

- C Mrs. Ruby Coyle of Kenai: I regret that I will not be able to attend this evenings' meeting. I feel that the Board should get testimony from the first public hearing on the permit for Collier Carbon and Chemical to find out the problems and concerns of the residents of North Kenai. Land held for investment can not be assured of future water rights. I think domestic use of water should have preference over industrial uses.

DINNER

The Board reconvened at 8:00 p.m. to hear from the public - Dick Turnbull, Box 8252 NRP, Kenai 99611:

Major Points:

- * He is a property owner on Cabin Lake which he feels is experiencing a dropping water level due to ground water withdrawals by Union Chemicals.
 - * He has had his well deepened and no longer has lakefront property due to the drop in the lake water level.
 - * He would like to see Union Chemicals pump water in the Moose Range away from residential development.
- Q Charles Johnson: How much credibility does DNR give to testimony by private individuals?
- A Brent Petrie: We rely on information from the public to find out when and where problems exist, but we need to try to quantify what has happened and what will happen. Actual measurements are needed.

There was general discussion on the USGS ground water model. It was brought out that the model will show what will happen with difficult levels of pumping and whether anything irreversible will happen at present levels. Dick Turnbull stated that he was most concerned with what happens after model shows what he already knows - that Cabin Lake is going dry.

- Q There were several questions on what management options the Water Management Section has. Can the quantity on Union Chemical's permit be reduced? Can a water right be revoked in the public interest? Can Union Chemical be ordered to change place of diversion?
- A Brent Petrie: Reduction of quantity is not possible as long as the water is beneficially used. A water right is a property right and can not be revoked except for abandonment or forfeiture. We might issue an order to Union Chemical to move the place of diversion but it's unknown what Union Chemical's reaction would be.

The next item on the agenda was a review of the Water Management regulations. LeVake Renshaw moved for the approval of the regulations exclusive of section 150-200.

The motion was seconded.

Discussion:

- 93.040 Consensus was that on third line "permit" should be changed to "permit(s)".
- 93.100 Chairman Sims suggested that "if no decision is reached within 30 days prior decision stands" be added to make this section more clear to the average citizen.
- 93.140 Water Well Standards. Wayne Westberg questioned the need for information on pump capacity. Consensus was that the last sentence in (a) should be changed to "within 45 days after installation, pump installer shall inform owner of pump and the Commissioner the depth of pump intake and the pump capacity.
- 93.140(d) Wayne Westberg thought Anchorage Borough regulation was better. Brent Petrie replied that there had been a deliberate attempt to be consistent with Anchorage regulations and that he would recheck this.
- 93.250 There was discussion on preferred use. Brent Petrie replied that it only applied to public water suppliers. Any taking of a prior water right would require compensation.

Question called. Motion passed unanimously.

Chairman Sims proposed a resolution on the backlog. (see Resolution 78-7)

Motion to approve, seconded, passed unanimously.

The next item on the agenda was review of the water quality standards.

- C Levake Renshaw: The mining industry remains very disappointed with the regulations as they stand. Although some concessions were made to the placer mining industry, we are still concerned with their impact, especially regarding turbidity. The following are proposed changes suggested by LeVake Renshaw:

- 70.055(2) In line 2 "minerals" should be replaced by "mineral claims or mineral leases".
- 70.055(5)(c) Add "9. The local government entity in which the petition originates".
- 70.055(5)(d) In first line change "sooner" to "later" to place a maximum time limit on when public hearing can be held.

70.055(j) The question whether the water quality standards should be applied to federal lands should be submitted to the state Attorney General for an opinion.

Chairman Sims moved to send a letter detailing the proposed changes and recommendations to DEC.

So moved, seconded, passed unanimously.

C Brent Petrie: Proposed housekeeping amendments to the Water Use Act were explained. These are needed to clear up inconsistencies in the law.

A resolution to support the housekeeping amendments was passed unanimously.

C Brent Petrie: Compartmentalization of the DNR budget was explained.

The Board decided to address this at the next meeting.

The next item on the agenda was a resolution on the Coastal Management Program. After some discussion it was moved to write a letter to Phil Waring thanking him for his presentation and asking him to write back addressing the problems that he is encountering with state agencies, and asking him for his recommendations.

Motion passed unanimously.

The Board agreed to have the Coastal Management Program on the agenda for the next meeting, having, perhaps, members of the Coastal Management Council or a representative from DPDP as speakers. Next, what should be done about instream flow was discussed. Brent Petrie agreed to send out the proposed legislation as soon as it was received from the Department of Law.

Wayne Westberg moved that the Board write a letter to the Commissioner of DPDP asking her to outline DPDP's efforts in coordination of priorities for each of the state agencies in regard to water resources. This was agreed to.

Next, Chairman Sims related his concerns with the lack of progress of the well log program. He stated that the Board had recommended the establishment of the program and had an implied duty to report back to the Governor on it.

The Board adjourned into executive session. After the executive session, the Board agreed to discuss personally and in writing, if necessary, some of the deficiencies they find within DGGS with the Commissioner or Deputy Commissioner.

Next was a discussion of a list of USGS projects and state coordination with USGS. The Board again adjourned into executive session. After the executive session, the Board agreed that coordination with USGS and information on water resources programs currently in progress will also be discussed with the Commissioner.

It was decided to have the next meeting in Juneau on April 3 and 4, 1979. Before adjournment, Chairman Sims asked the Board members their reactions and comments on the meeting.

General Comments

There was general agreement that the meeting was fruitful. The Board should solicit more input from private industry, local government, regional corporations, and environmentalists rather than almost solely from state agencies. The Board has the role of ferreting out problems by talking to groups that don't always have a voice. The minutes and agenda should be prepared sooner. Marathon sessions might be avoided by taking care of resolutions and unfinished business of the first day in the evening of that day. The use of field trips during the meetings was endorsed. Meeting outside of Anchorage and Juneau is a good idea. The Board could consider meeting with the Yukon Water Board in Whitehorse. For the Board to retain more impartiality among state agencies, perhaps the executive secretary should reside within DPDP.

Chairman Sims noted that the Governor has to make recommendations for the Board positions that are expiring. He expressed a wish that all members would be reappointed and stated that in case they were not, it had been a pleasure serving with everyone.

The meeting was adjourned at approximately 11:50 p.m.

Resolution 78-7

WHEREAS the Alaska State Water Resources Board passed Resolution 78 - 6 on July 14, 1978 relating to an informational program advising water users of the procedures and opportunities for the establishment of water rights and

WHEREAS the Alaska Department of Natural Resources did conduct a test program of public service announcements and

WHEREAS the results doubled the applications of prior users, thereby increasing the backlog of permit applications and

WHEREAS the Department of Natural Resources has stopped the informational program for fear of the dramatic increase in permit backlog.

NOW THEREFORE be it resolved that the Alaska State Water Resources Board strongly recommends that the Department of Natural Resources actively pursue the public service announcements program throughout the state and

BE IT FURTHER RESOLVED that this Board knows that this program will increase the backlog of water rights, yet

BE IT FURTHER RESOLVED that the establishment of a place and time and a logging of the entire backlog problem is more important than the actual backlog and

BE IT FURTHER RESOLVED that the Board feels that the establishment of water rights to help protect the interests of the individual water users and prior appropriators is of the utmost importance.

Adopted on the 12th day of December, 1978.

Richard H. Sims, Chairman