

STATE OF ALASKA

JAY S. HAMMOND, Governor

WATER RESOURCES BOARD

MEETING SUMMARY

ALASKA WATER RESOURCES BOARD MEETING

May 1 - 3, 1978

The Alaska Water Resources Board met in Juneau May 1 - 3, 1978 in Courtroom "A" of the State Court Building. This was the first meeting of the Board following a two and one-half year delay. The Board members were in complete attendance for the three days with the exception of Charles Johnson, who was forced to miss the third meeting day because of a scheduled court appearance. The members of the Board were:

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

Commissioner Ernst Mueller was represented by Glenn Akins at the meetings. Commissioner Robert LeResche was represented by Fred Boness, Theodore G. Smith, and Brent Petrie.

May 1 - All members in attendance

The meeting was opened by Fred Boness, ADNR Deputy Commissioner, acting as Executive Secretary. Mr. Boness gave a brief presentation wherein he pointed out the Board's potential role as a review body for state water resources programs. Mr. Boness stated he felt there were many opportunities for the Board, however the Board should assess its commitment and effectiveness to insure that it filled a valuable role in Alaska water resources management. He also said that water resources issues have been low priority in Alaska for many years and that the Board might assist in making water resources a higher priority for Alaska policy makers.

After a brief break, the Board reconvened and the following motions were made:

Richard Sims - Moved that a temporary chairman be selected

Second - David Vanderbrink

No discussion

Motion passed unanimously

David Vanderbrink - nominated Richard Sims for temporary chairman

Second - LeVake Renshaw

No discussion

Motion passed unanimously

Wayne Westberg - moved that nominations be closed

Second - LeVake Renshaw

No discussion

Motion passed unanimously

The remainder of the day consisted of presentations by state and federal agencies describing their programs and interests in water resources. A brief point summary of these presentations follows. Major points made by each speaker are listed along with selected questions and comments made by the Board.

Murray Walsh - Office of the Governor, Division of Policy Development and Planning, (DPDP) Coastal Zone Management

Major points:

- * DPDP not extremely involved with water from program stand-point, but does provide some policy assistance to state agencies
- * Biggest water-related program is coastal zone management, where DPDP acts as staff to the Alaska Coastal Policy Council (ACPC)
- * Described state coastal management programs, described Coastal Energy Impact Program funds (CEIP funds)
- * ACPC guidelines currently before the legislature for approval

Questions and comments:

- Q Charles Behlke: Do the Feds call the shots on the guidelines?
- A Minimum standards must be met, however these are not restrictive and do not present a problem
- Q LeVake Renshaw: How much of DPDP's Coastal Zone Management funding is federal?
- A Approximately 40%

- Q Wayne Westberg: Is there a priority list for coastal projects?
A None at the current time, but could be developed by DPDP and DC & RA if it was felt necessary
- Q LeVake Renshaw: Are any other programs dependent on coastal zone management?
A No, with the exception of CEIP funding which requires state progress on overall coastal management programs

John Clark - Alaska Department of Fish and Game (ADF&G)

Major Points:

- * ADF & G interests are in clean water and habitat
- * ADF & G authorities are designation of critical habitat areas and game sanctuaries, Title 16 authorities in anadromous streams to insure adequate protection for anadromous fish species
- * ADF & G programs, fisheries management: baseline studies and inventories, salmon enhancement including public hatcheries, evaluation of fish populations and habitats. Habitat management: designation of critical areas. Water and land use planning: participation in Southcentral Level B and Susitna Basin studies, instream flow requirements study, placer mining study, regional salmon plans
- * Suggested topics for Board consideration: instream flow bill, floodplain management, wetlands management, definition of Water Resources Board jurisdiction, review of major state water resources programs

Questions and comments:

- Q Charles Johnson: Should there be a relationship between ADF & G Boards and Water Resources Board?
A ADF & G boards are regulatory rather than advisory, therefore relationship would be best as WRB advisory to ADF&G boards if necessary
- Q LeVake Renshaw: How much federal funding does ADF & G receive?
A They receive federal funds but no estimate on how much
- C Charles Johnson: Concerned about subsistence uses of fisheries and the competition between subsistence and commercial fisheries use

Glenn Akins - Alaska Department of Environmental Conservation (ADEC)

Major Points:

- * Did not know how much federal funding however EPA funding is very important to ADEC programs
- * Alaska Water Quality Management Plan identifies ADEC plans for permitting, water pollution control, annual water quality assessments, and enforcement actions. Plan available June 1
- * 208 program: special program focusing on non-point water pollution, five statewide issue areas; timber, mining, transportation, waste oil, and village safe water
- * Statewide environmental plan, "Issues and Choices," available by the end of May
- * Administer Village Safe Water Program
- * Regulatory responsibilities for water quality, subdivision review authority, water treatment and sewage plant plan review
- * Water quality regulations being revised
- * SB 227: Master permit application procedures to be administered by ADEC
- * Feels the Board can be important body to review state agency programs, offered ADEC staff support to the Board

Questions and comments:

- C LeVake Renshaw: Questioned why DEC was changing their regulations prior to completion of the 208 study. Concerned about consistency of regulations
- Q Wayne Westberg: What is the status of drinking water regulations?
- A House annulled one section on chlorination, but the rest of the regulations stand
- Q Richard Sims: What is the directory of permits and how is it used?
- A Directory of permits lists, by agency, all permits required by the State of Alaska. Anticipated that use pamphlets will be prepared to guide users to the correct permits in the Directory.

LUNCH

Peter Froelich - Department of Law, Attorney General's Office (AG)

Major points:

- * AG functions: prepare attorney general's opinions, draft and review regulations, legislative drafting and testimony, litigation action involving appeals and enforcement

- * Reviewed Paugvik vs. Martin case involving Native water rights in Naknek area. Presented state's position which is that Native water rights are not different from other uses and that water management authorities are vested in the state
- * Discussed federal reservation doctrine and anticipated involvement in federal quantification of water rights for Ship Creek near Anchorage

Questions and comments:

- Q Charles Behlke: Do federal water rights run with the land when part of the reservation is sold?
- A Unsure as reserved federal land is not generally sold, however would anticipate that the selling of the land extinguished all federal interest and buyer would then be responsible for acquiring own water rights from the state.

Ross Schaff and Bill Long, Department of Natural Resources, Division of Geological and Geophysical Surveys (DGGS)

Major points:

- * DGGS has no management or regulatory functions, tries to prepare unbiased data and analysis for use by other agencies
- * State has no overall policy for data storage
- * DGGS authorized to collect well logs but going slowly on program for two reasons. 1) wanted to insure cooperation of drillers, and 2) no place to store documents
- * DGGS is reviewing data storage programs for computer storage of hydrological data
- * DGGS will be doing hydrological investigation of Wasilla quadrangle during the upcoming summer
- * DGGS participating in North Kenai hydrological study
- * Surface Mine Reclamation Act requires guidelines for reclamation, including water, of mined areas by early May

Questions and comments:

- C Wayne Westberg: concerned about the slow rate at which DGGS has implemented well log program. Suggested the state acquire the use of a gamma logger to gather information from unlogged wells
- C Wayne Westberg: some concern exists as to ownership of the well log, whether it is property of driller or well owner

- C Glen Akins: In anticipation of DGGs program ADEC has begun requiring well log information from owners of public water supply wells

Ray Maketa, Department of Transportation and Public Facilities (DOT&PF)

Major points:

- * ADOT & PF is primarily a construction agency and a water user, newly created Planning and Research section within ADOT & PF
- * Four transportation studies currently under way
- * State agency designated to review dam safety, currently no dam safety program at state level
- * Suggested topics for Board consideration: river navigation, floodplain identification and management, dam safety, erosion control, boating safety and regulation, port development authority

Questions and comments:

- C LeVake Renshaw: Is there no port development program in the state because there are no federal monies for it?
- Q LeVake Renshaw: DOT&PF is a user of water, not a manager of water?
- A Yes, ADOT&PF looks at water as a problem rather than as a resource
- Q Wayne Westberg: Who inspects dams in Alaska?
- A Some federal dams are inspected by federal agencies but many dams receive no inspection

Linda Dwight, Arctic Environmental Information and Data Center (AEIDC) and Institute of Water Resources (IWR)

Major points:

- * AEIDC: Information referral service, prepared regional profile series, does research work as contractor, currently contractor for BLM navigability study on historic usage of Alaska water resources, prepares research profiles
- * IWR: Research, education, information dissemination
- * Interagency Hydrology Committee for Alaska - committee of water data collecting entities, does limited hydrologic research, informal mechanism for agencies to interact
- * Legislation for Board to consider: 1) HB722 creating a council for science and technology, and 2) HB842 to allow the state library to distribute abstracts of file information

Questions and comments:

- Q LeVake Renshaw: Is there a charge for AEIDC's services?
A No, unless it is an extensive request which requires a contract
- Q Wayne Westberg: What kind of research is done?
A AEIDC researches in response to contractor's need. IWR research is more traditional basic hydrologic research.

Colonel George Robertson and Mr. Weldon Opp, U.S. Corps of Engineers (COE)

Major points:

- * Described major Corps projects and authorities in Alaska with prepared slide presentation
- * Responsible for certain flood control, navigation, water diversion and certain hydroelectric projects
- * Inspect dams which fall under Corps jurisdiction
- * Describe procedures and methods whereby projects are funded
- * Responsible for dredge and fill permits in navigable waters, the Corps only issues fill permits in wetlands
- * Conducting Metropolitan Anchorage Urban Study (MAUS) to address water problems in Anchorage

Questions and comments:

- Q Wayne Westberg: What limits Corps jurisdiction on wetlands?
A Wetlands are lands which exhibit a saturated soil condition. A decision on permafrost has not been made.
- Q Wayne Westberg: What is the status of the MAUS?
A Was to have been done this year, however currently requesting extension into FY79.
- Q LeVake Renshaw: Is the MAUS holding up funds for city projects?
A Not to Corps knowledge, however city could be delaying projects awaiting formal presentation of report, water supply portion of the report could be done this year.

Robert Cross, Alaska Power Administration (APA)

Major points:

- * APA is involved with planning for hydroelectric projects throughout the state

- * Sees expanding interest in both large and small scale hydropower projects
- * Foresees permits for Green Lake and Solomon Gulch hydroelectric projects, feels Susitna dams project is very important to Alaska

Questions and comments:

- Q Peg Tileston: How closely does APA work with the Alaska Power Authority?
- A Very closely.
- Q Charles Johnson: Does coal production require a lot of water?
- A Generally, yes.
- Q Charles Johnson: How would the Susitna project lower energy costs to Bush communities?
- A Susitna power would be used to even disparity between bush community and city costs by averaging costs statewide.

Dick Thiel, U.S. Environmental Protection Agency (EPA)

Major points:

- * EPA administers many grant monies, particularly those used by ADEC
- * \$93 million authorized in next three years for Alaska village facilities program (201)
- * Currently administer NPDES permits
- * EPA Fairbanks laboratory to be closed
- * Water quality monitoring: only small fixed station monitoring
- * Placer mining permits are being challenged in court
- * Fish processors may be a water quality problem where they are concentrated in one area

Questions and comments:

- Q LeVake Renshaw: Does EPA control state regulations?
- A No, EPA reviews and assists in the preparation. Only disapproval would be in drastic situations or where state regulations did not meet federal requirements.
- Q Glenn Akins: Does EPA prefer to do the work or to have contractor complete tasks?
- A Favor cooperative approach.

Brent Petrie, Department of Natural Resources, Division of Land and Water Management (DLWM)

Major points:

- * DLWM is responsible for state administration of water rights, current backlog of 2,700 water rights cases
- * DLWM revising regulations: first draft to be out for internal review by mid-May, streamlining procedures
- * DLWM involved with analysis of state floodplain management structure
- * Participate in Level B and Susitna River Basin studies
- * State administering agency for Title III monies, to be used for watershed management, water planning, analysis of the federal reservation doctrine in Alaska
- * Involved in two primary data collection efforts: North Kenai and Delta Barley project
- * DNR issues permits for dams but does not insure their safety and requires a liability waiver
- * Problem area is watercourse alterations and glaciating
- * Suggested Board review state programs and suggest ways for agencies to improve

Questions and comments:

- Q Charles Johnson: Can the state avoid the problems encountered in the other states?
- A Hopefully, but unfortunately water is not a statewide priority issue at this time.

The Board adjourned at 5:35 p.m.

May 2 All members in attendance

Temporary Chairman Richard Sims called the meeting to order at 8:30 a.m. The first item on the agenda was selection of a permanent chairman. The following motions were made:

Charles Johnson - nominated Richard Sims

Second - Wayne Westberg

LeVake Renshaw - moved the nominations be closed

Second - Wayne Westberg

No discussion

Motion passed unanimously

Chairman Sims asked each Board member if they wished to add agenda items. LeVake Renshaw wished to add Parks and Recreation input and wanted to hear from Level B. Peg Tileston wished to talk about erosion control. Charles Behlke wanted to discuss tidal power at a later time. Charles Johnson wanted to discuss overall water management planning and the Water Board.

Each member then addressed their feelings regarding the Board.

Wayne Westberg - questioned what the Board can really accomplish; feels there may be duplication in government the Board could help eradicate; expressed concern over whether the Board's actions would be listened to and, if not, is the Board worth the cost of maintaining it.

LeVake Renshaw - can the Board effectively guide the multitude of studies; if so how can the Board help private citizens and industry use water study information; sees conflicts between various uses of water particularly industry use vs. preservation of natural stream uses; need definition of use impact on water.

Peg Tileston - sees a role of the Board as information dissemination and public participation; the Board can raise public awareness on water issues; the Board members can represent their various constituencies to focus on water conflicts; would like to provide the ADNR with a set of priorities; like to see another meeting in the not-too-distant future.

Charles Behlke - not optimistic of Board's effectiveness; concerned about federal funding and the doing of research for research sake; focus on best interest of the State of Alaska rather than on research, planning and regulations may be leading development too far.

Charles Johnson - what are the authorities of the Board and what authorities can be developed; concerned about subsistence use of water; concerned about state taking anti-Native stand on natural resources; concerned that the Board might be used to legitimize predetermined course of action.

Dave Vanderbrink - need to find a way for the Board to function in a realistic manner; if the Board is not worthwhile, the Board should engineer its own demise.

Glenn Akins - sees a role for the Board in evaluating programs and budget review; sees a need to insure that budget and staffing is available for the Board to be effective; role in looking at long term water management in Alaska.

Peg Tileston - the Board will have access to the press to bring water issues to the forefront.

Chairman Sims - hopes that the meeting is not a one-shot deal; unlimited boundaries so the Board can act where the need is; suggested that the Board report at least annually on how the Board feels DNR is being run; concerned about too many permits that may be required of the public.

LeVake Renshaw - moved the Board spend a substantial part of their remaining time reviewing proposed regulation changes

Second - Charles Behlke

Discussion: Wayne Westberg questioned if this would be a valuable use of the available time as the regulations have been discussed at public hearings before. Chairman Sims suggested regulation review be delayed until a summer meeting. Charles Johnson felt time was needed to digest information before making recommendations on regulations

Motion failed 4-2 Voting yes were LeVake Renshaw and Charles Behlke, voting no were Wayne Westberg, Peg Tileston, Dave Vanderbrink, and Charles Johnson.

Discussion continued on the topics of how the Board might be effective. It was generally felt that the Board should meet again relatively soon. The following motion was made:

LeVake Renshaw - moved that a meeting be tentatively set for one month from this date

Second - Peg Tileston

Discussion: Charles Johnson felt that this might not be long enough to assimilate the information. It was questioned if money could be found for a meeting at that time.

Motion tabled

Discussion continued on procedures of the Board and the Board's potential effectiveness. LeVake Renshaw felt that regulation review might be the best function of the Board. There was some fear on the Board of getting too involved with minutiae, but it was also felt that the bits and pieces might be the only place to grab hold of an issue.

Peg Tileston suggested the Board try to identify the most pressing issues facing the state and then deal with these. Dave Vanderbrink suggested the Board might wish to write to municipalities and local entities to determine what types of water resources problems they might be facing.

The Board next heard presentations from persons not heard on the prior day.

John Mosesso of the U.S. Water Resources Council (WRC)

Major points:

- * WRC is a council of federal agencies in Washington D.C. which attempts to coordinate water resources programs nationwide
- * WRC faces many problems in communication between agencies
- * Feels the Board might help coordinate Alaska water programs much like WRC does at a national level

Questions and comments:

- Q Richard Sims: Are there any trends in federal funding for water resources programs?
- A Trend is to review very closely all new projects before committing funds.
- Q Glenn Akins: Is there flexibility in water resources programs funded by WRC?
- A The council attempts to allow as much flexibility as possible to meet local needs for water resources.
- Q Wayne Westberg: Does the WRC tell the states how and what to plan?
- A The council does not mandate how the planning is done or what is planned, however they support certain programs.
- C LeVake Renshaw: Feels that the Alaska Water Assessment did not treat small industry, particularly placer mining, fairly.
- Q Brent Petrie: Can Level B collect basic data?
- A Level B is not intended to collect basic data. If there is not enough data, there should not be a Level B study but rather a special study funded by the WRC to gather the necessary data.
- C Richard Sims: concerned about the Level B study making management recommendations for the state.

Frank Urabeck - Southcentral Level B Study

Major points:

- * Discussed the Level B procedure, seven functional work plans, 5 and 25 year planning horizon, also looking at 50 year horizon based on federal guidelines
- * Level B intended to bring agencies together, abstracts of agency projects in Southcentral Alaska have been published
- * Trying to get input from all groups and agencies
- * Contracts being signed and approved, work is already underway by some agencies

Questions and comments:

- Q LeVake Renshaw: Does the Level B study view issues from a government-management viewpoint or from an industry-jobs viewpoint?
- A Level B tries to bring both viewpoints together to reach a middle ground and to avoid a governmental bias.
- C LeVake Renshaw: Private industry should be involved with studies and programs but the necessary time cannot be afforded by industry. Perhaps representatives of interest groups should be paid for their involvement in studies and programs.
- Q Dave Vanderbrink: Is Level B projecting too far away - 25 and 50 years? Twenty-five years ago you could not have predicted what is happening today.
- A You have to try to get ahead of the game so that you are not always playing "catch up" to the problems. Also important to anticipate problems so that you are not caught unaware.

The Board broke for lunch and returned at 1:30. Prior to hearing the next presentation, Glenn Akins explained the Comprehensive Coordinated Joint Plan funded by WRC and pointed out that no activity on this program is currently underway in Alaska.

Ed Busch - Department of Community and Regional Affairs (DC&RA)

Major points:

- * Community planning division administers grant monies and provides technical assistance to communities in the state
- * Develop OCS policies for the state
- * Administer floodplain insurance program
- * Erosion control legislation would give administration authority to DC & RA
- * Administer CEIP planning monies

Questions and comments:

- Q Charles Johnson: Does DC & RA become involved with water appropriations?
- A Not generally, except where it involves a community which has requested DC & RA assistance.
- Q Charles Johnson: What type of technical assistance is provided by DC & RA?
- A Generally, planning assistance. On more technical questions DC & RA generally goes to other state agencies with the necessary expertise.

Vern Berwick - U.S. Geological Survey (USGS)

Major points:

- * Alaska has need for a better, more comprehensive, data collection system
- * USGS maintains a network of water quality and quantity data stations across Alaska
- * USGS does water research with the state and local governments through 50-50 cost sharing cooperative programs
- * USGS prepares special water supply papers
- * Computer stored information is available at no cost to requester unless large amounts of data are requested. If this is the case a charge for computer time is made

Questions and comments:

- Q LeVake Renshaw: Who does the actual work and publishes the data for projects funded under the cooperative program?
- A The actual work may be done by either party, although it is traditionally done by USGS. The data may be published by either party.
- Q Richard Sims: Does USGS do interpretations of water data or just collect it?
- A Generally USGS collects the data as an unbiased agency and gives it to other agencies for their use and interpretation.
- Q Charles Johnson: The statement has been that Alaska might be able to learn from the mistakes made in the Lower 48. What areas should the Water Resources Board be addressing?
- A One thing the Board might do is to help establish a system of state response and input into the USGS data collection program. Another concern is over-allocation of water. The Board might help guide agencies to avoid this problem.

At this point, the Board began consideration of water related legislation currently before the Alaska Legislature. The first bills considered were HB 425 and HB 426 dealing with erosion control. Nancy Knoohuizen and Ed Busch of DC & RA spoke in favor of the legislation while Ray Maketa of DOT & PF spoke against the bill. The Board was very concerned that the limited money available for this program would only allow for "band-aid" corrections to erosion problems rather than any substantive solutions.

The following motions were made:

Charles Johnson - moved that the Board support HB 425 with a change that the word "and" between "labor" and "material" in 44.47.450(3) be changed to "or"

Second - Charles Behlke

Discussion: some concern that it still represents a "band-aid" approach

Motion passed unanimously

LeVake Renshaw - moved that the Board support HB 426 with the addition of the word "permanent" before the word "erosion" in line 15

Second - Charles Behlke

Discussion: should also change 426 so that it is compatible with changes in 425. It was decided this wasn't necessary as this would automatically be done.

Motion passed unanimously

The Board next considered HB 722 concerning the formation of a council to coordinate and review research efforts in the state. Linda Dwight of AEIDC spoke in favor of the bill. The following motions were made:

Charles Behlke - moved to support HB 722

Motion died for lack of a second

LeVake Renshaw - moved that the Board recommend the bill not be enacted

Motion died for lack of a second

The Board took no action on HB 722 and moved on to HB 842, an act relating to an inventory by the State Library of unpublished data collections. Linda Dwight of AEIDC spoke in favor of this bill. The following motion was made:

LeVake Renshaw - moved that the Board pass a resolution stating that they have considered the bill and concur with its intent

Second - Wayne Westberg

Discussion: There was some question as to legality of gathering some of the information mandated by the bill

Motion passed unanimously

The Board unanimously decided to take no action on the following bills and resolutions:

- HJR 5 Requesting Congress to appropriate funds for Bradley Lake hydroelectric project
- SJR 11 & Requesting the Federal Power Commission to give immediate
HJR 26 favorable consideration for the Solomon Gulch hydroelectric project
- HR 18 That Devil Canyon dam be named Hubert Horatio Humphrey dam
- HB 370 Appropriation for Green Lake hydroelectric project
- HB 669 To require ADF & G to plan for fish hatcheries on Campbell Creek, Rabbit Creek, and Glacier Creek near Girdwood
- HB 736 Appropriation of \$300,000 to Legislative Affairs Agency to study Upper Susitna Dams proposals
- HB 743 Appropriation to Nome for disaster relief
- HB 758 Requiring registration and titling of water craft
- SB 309 Creating erosion control fund
- SB 310 Appropriating money for erosion control fund
- SB 434 Appropriation to Nome for disaster relief
- SB 445 Appropriation for flood control, port, and harbor projects
- SB 449 Appropriation for issuance of general obligation bonds for water supply and sewage systems
- HCR 107 Requesting cost and feasibility study on Knik Arm hydroelectric and transportation facility
- SJR 34 Requesting Secretary of State to enter into talks with Canadian officials regarding joint management of Yukon River salmon runs
- HB 516 Providing for an office of Appropriate Technology

The Board moved no action on HB 836 with Wayne Westberg opposed. The following motions were also made:

LeVake Renshaw - moved that the Board concur with HB 58 relating to adding the word "incorporated" community to the definition of village in The Village Safe Water Act

Second - Charles Behlke

Discussion

Motion passed unanimously

LeVake Renshaw - moved that the Board support a resolution concurring with the intent of HB 442 relating to The Alaska Power Authority

Second - Peg Tileston

Discussion

Motion passed unanimously

The Board adjourned at 5:00 p.m.

May 3 Charles Johnson absent, Glenn Akins absent until afternoon session.

The morning session of the third day was set aside for public input. No member of the public was present to address the Board. Theodore G. Smith, Director of the Division of Land and Water Management was in attendance for the morning session.

The Board began by reviewing legislation held over from the previous day.

The Board unanimously voted to take no action on the following bills:

- HB 176 Relating to instream flow protection.
- SB 39 Relating to fisheries enhancement
- SB 388 Relating to coastal management guidelines
- SB 533 Relating to planning for public facilities of municipalities
- HR 19 That Permanent Fund monies be used to support hydroelectric projects

The Board reconsidered HB 425 and HB 426 as it was learned that the bill was indeed intended to be a "band-aid" approach in emergency situations.

The Board next selected a vice-chairman. Chairman Sims felt that this person should be located in Anchorage to work with Anchorage-based DNR staff. The following motions were made:

LeVake Renshaw - nominated Wayne Westberg

Second - Charles Behlke

Dave Vanderbrink - moved that nominations be closed

Second - LeVake Renshaw

No discussion

Motion passed unanimously

After a short break the Board discussed the revisions of DEC regulations with Jon Scribner from DEC. Although the regulations were not dealt with line-by-line, the regulations were discussed for a period of about three hours. A brief list of some of the Board's discussion and concerns follows:

- * The Board was concerned about how much influence the federal government might have over the development of Alaska water quality standards. It was determined that the federal government generally approves state standards so long as they meet minimum requirements

- * The distinction between water quality standards (receiving water) and wastewater discharge (effluent) regulations was made
- * The proposed water quality standards classify the waters of the state by use. The Board was concerned that these classifications be flexible for change. There was also concern that the new regulations may not take into account traditional ongoing uses of water
- * The Board was concerned about what types of background material and research are used to support the regulations and if this background material substantiates the requirements of the regulations
- * The Board was concerned that a water user not have to treat water to a higher level than its natural condition prior to discharge. It was pointed out that the regulations take into account the natural quality conditions of the water
- * There was concern that the regulations might require the applicant to provide information and equipment that is not reasonable within economic constraints. There was support of DEC processing water samples rather than the applicant
- * There was concern that septic tank/water well separation distances may make a subdivided lot unusable unless more expensive holding tanks or treatment facilities are provided

After hearing Jon Scribner, the Board broke for lunch. Upon their return the Board discussed future meeting dates. Richard Sims suggested that either July 10 & 11 or July 13 & 14 would be good dates for a meeting to be held in Anchorage. The following motion was made:

Charles Behlke - moved that the Board meet July 13 & 14 in Anchorage

Second - LeVake Renshaw

Discussion: LeVake Renshaw was concerned that the proposed DEC water quality regulations be available to the Board prior to that date

Motion passed unanimously

Next to be discussed was the agenda for the July meeting. Glenn Akins will request that Jon Scribner and Ron Hanson be present at the meeting. Items suggested for the agenda were:

Water quality standards, review of DNR's backlog procedures, review of DNR and DEC regulations, and a briefing on the progress of the 208 water quality program.

Charles Behlke expressed concern about whether industry and other interest groups are represented adequately in the revision of regulations.

His suggestion was that the Board might recommend that money be appropriated to industry and other interest groups for their input into planning and formulation of regulations.

Charles Behlke next led a discussion on tidal power and its potential use in Cook Inlet. He suggested that the Board at a later time might wish to recommend that a study be done to thoroughly explore the potential for tidal power in Cook Inlet. He feels that though many studies have touched the surface of this idea, a thorough study has not yet been completed.

The Board next discussed projects which they felt the Board might wish to become involved. Richard Sims suggested the following:

Water quality regulation review, a one permit system for water-related permits, organizational chart of water related matters, development of the Board's own internal operating procedures, and methods whereby the Board could assist ADNR. In response to assistance to ADNR, Brent Petrie responded that the Board would best serve ADNR and other agencies as a feedback group on regulations, policies, and programs.

The Board discussed the possibilities of future meetings. It was realized that the Board does not have an adequate operating budget and cannot operate without one. The following motion was made:

LeVake Renshaw - moved that the Board pass a resolution requesting \$10,600 for meetings to be held in Juneau, Anchorage, Fairbanks and Kenai

Second - Wayne Westberg

Discussion: It was determined that such a resolution would have to go to the free conference committee in the legislature as it was too late for normal budgetary channels

Motion passed unanimously

After a short break, the Board heard from Bob Bursiel of ADNR's South-central district office. Bob Bursiel spoke of some of the problems he sees in water management. A short summary of these points follows:

- * Feels that the Paugvik vs. Martin case on Native water rights is important enough that the state should hire a legal consultant full time to assist the attorney general's office
- * Feels that HB 176 (Instream Flow Bill) might have a negative effect on water rights
- * Concerned about federal reserved water rights and the effects on state water management

- * Concerned that water rights might be used as a land management tool which he feels is a wrongful use of water rights under current law
- * Expressed concern with Fish and Game stipulations of water rights concerning fish habitat vs. small industry
- * Pointed out that DNR has difficulty with watercourse alterations and glaciating, and that clear statutory authority is needed in this area

As Bob Bursiel had to leave for a plane, there were few questions. Brent Petrie of ADNR spoke to the Board to clarify some of the statements made by Bob Bursiel.

The Board next considered legislation deferred earlier. The Board unanimously voted no action on SB 601 appropriating funds for power and water projects. The Board also discussed the resolutions from the previous day. The following motions were made:

LeVake Renshaw - moved that Resolution 78-1 regarding HB 425 and 426 (Erosion Control Bills) be tabled

Second - Peg Tileston

Discussion: Need more information before going forth with approval

Motion passed unanimously

LeVake Renshaw - moved approval of Resolution 78-2

Second - Peg Tileston

No discussion

Motion passed unanimously

Peg Tileston - moved approval of Resolution 78-3

Second - LeVake Renshaw

No discussion

Motion passed unanimously

Wayne Westberg felt that DGGS should be stimulated into moving forward on well log and hydrologic data collection program. Brent Petrie was asked to transmit a memorandum to DGGS on the behalf of the Board asking for a report on their progress at the next meeting. Brent Petrie was also asked to send a memorandum on behalf of the Board to state agencies requesting that they coordinate their data collection activities.

LeVake Renshaw was concerned that a press release of the meeting be issued. Chairman Sims agreed to prepare a press release following the meeting.

The meeting was adjourned at 5:30 p.m.

Copies of the passed resolutions are attached to this summary.

STATE OF ALASKA

JAY S. HAMMOND, Governor

WATER RESOURCES BOARD

RESOLUTION 78-2


WHEREAS, Committee substitute for House Bill No. 842 proposes to amend Title 14, Chapter 56 to add a data center to the State Library Distribution Center; and

WHEREAS, A data collection (catalog) system will be beneficial to the study of the State's Water Resources,

NOW, THEREFORE, BE IT RESOLVED, that the Alaska State Water Resources Board unanimously agrees with the intent of CS for House Bill No. 842.

ADOPTED THIS 2nd day of May, 19 78.

ALASKA WATER RESOURCES BOARD


Richard H. Sims, Chairman

STATE OF ALASKA

JAY S. HAMMOND, Governor

WATER RESOURCES BOARD

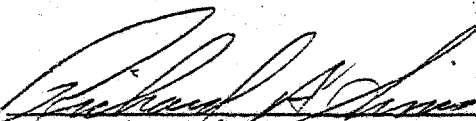
RESOLUTION 78-3

WHEREAS, Committee substitute for House Bill No. 442 proposes to amend Title 44, Chapter 56 to provide definition and operating rules for the Alaska Power Authority,

NOW, THEREFORE, BE IT RESOLVED, that the Alaska State Water Resources Board does unanimously agree with the intent of CS for House Bill No. 442.

ADOPTED THIS 2nd day of May, 1978.

ALASKA WATER RESOURCES BOARD


Richard H. Sims, Chairman

STATE OF ALASKA

JAY S. HAMMOND, Governor

WATER RESOURCES BOARD

RESOLUTION 78-4

WHEREAS, The Alaska State Water Resources Board has recently come back into being; and

WHEREAS, The WRB has just completed three days of public meetings in Juneau; and

WHEREAS, The State Agencies have been most helpful in making appearances and providing information regarding water resources; and

WHEREAS, Increased public awareness is necessary concerning water matters and the Alaska State Water Resources provides this vehicle; and

WHEREAS, Water is the focal point for many activities taking place in the State; and

WHEREAS, The WRB has as a result of these meetings chosen the following matters for immediate appraisal: 1) Review of the Water Quality Standards Amendment; 2) development of a One-Stop Water Resource Permit procedure for recommendation to the Governor; and 3) development of an organization chart of water related matters for presentation to the Governor, consumer aid, and aid to the various State agencies and other matters; and

WHEREAS, The WRB has determined that four public meetings will be required in order to effect the goals of the WRB; and

WHEREAS, The cost of these four meetings will be \$10,600, broken down as follows:

Anchorage	Paid
Juneau	\$4,000
Kenai	3,300
Fairbanks	3,300
	<u>\$10,600; and</u>

WHEREAS, The Department of Natural Resources has no funds available for the functions of the Alaska State Water Resources Board;

STATE OF ALASKA

JAY S. HAMMOND, Governor

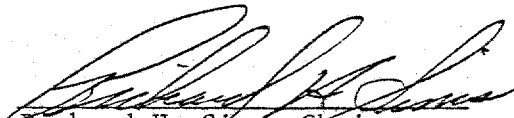
WATER RESOURCES BOARD

RESOLUTION 78-4 (continued)

NOW, THEREFORE, BE IT RESOLVED, that the Alaska State Water Resources Board does hereby respectfully request a budget appropriation in the amount of \$10,600 be approved and added to the Department of Natural Resources FY 1979 budget.

ADOPTED THIS 3RD day of MAY, 1978.

ALASKA WATER RESOURCES BOARD



Richard H. Sims, Chairman