

## ALASKA WATER RESOURCES BOARD

### A BRIEF HISTORICAL SUMMARY AND REVIEW OF RESOLUTIONS

AUGUST 1983

The Alaska Water Resources Board was created by Article 3 of AS 46.15, the Water Use Act of 1966. The Board serves as an advisory group to the Governor on all matters relating to the use and appropriation of water in the State of Alaska.

The Board is charged by AS 46.15.220 to hold at least two meetings per year with one of these meetings being held in the State capital. The Water Resources Board functioned as an active group from the Water Use Act's passage until 1975. The Board did not meet in 1976 and 1977. In late 1977, a concerted effort was made to re-establish the Board as a citizen advisory group to provide input on an increasingly complex array of water resources issues facing the State. Governor Hammond made appointments to fill existing vacancies and the Board began meeting again in May 1978.

The Water Resources Board covers a wide range of topics at its meetings. In general, a presentation on a topic is given by an agency, industry or interest group representative, or member of the public followed by a discussion of the topic by the Board members. Action taken by the Board is usually in the form of a resolution to the governor, but the Board may also send a letter to the appropriate agency or informally discuss problems with agency representatives.

Since reactivation, the Board has met three times per year. The required annual Juneau meeting has been held in the spring when a principal activity of the Board has been to review pending or proposed legislation affecting water resources. The Board attempts to hold the other meetings at different parts of the state in order to be better in touch with the regional water problems and to afford residents of all areas of the state an opportunity to voice their water resources concerns to the Board.

The following is a partial list of the resolutions passed since reactivation.

**Permit Clearinghouse:** One of the earlier resolutions, 78-5, requested establishment of a permits clearinghouse. This has been done under the lead of the Department of Environmental Conservation.

**Water Rights Advertising:** The Board has passed two resolutions, 78-6 and 78-7, and at least two letters, one dated April 6, 1979 to the Commissioner and the other dated March 19, 1980 to Ted Smith in support of advertising the need for water rights. In December 1980, the Division undertook an advertising campaign.

**Legislation Review:** Fourteen of the 28 resolutions passed since reactivation either supported or opposed legislation that was reviewed at the Spring '81 Juneau Board meetings. Less frequently, letters have been sent to the appropriate legislative committees. The impact of the Board positions is difficult to judge, but of note is the passage of the Instream

Flow Bill and the Geothermal Bill with housekeeping amendments to the Water Use Act, all of which the Board supported. In the last session the Board supported introductions and passage of legislation on basin-wide adjudications; better definition of enforcement authority for water rights; creation of a state forest system; and creation of a state historical, recreational and wilderness trails, waterways, and campsite systems (SB 189). Of these, the basin-wide adjudication and enforcement authority legislation was not introduced, the forest system proposal was introduced and was in the Senate Resources Committee as SB 582 and SB 189 was also in Committee. Unfortunately, according to the State Forester, neither bill survived.

**Resolution 79-8** requested that standard water quality testing include hazardous inorganics and in March 1981, a letter was sent to former Commissioner Mueller requesting that the Department of Environmental Conservation undertake an advertising program to inform the public on how, why and where to have their water tested. No response to either of these requests are in our files.

**Western States Water Council:** In August 1980, the Board sent a letter to the Governor requesting support for membership in the Western States Water Council and in March 1980, letters were sent to the finance committees of the Legislature requesting support. As a result, Alaska has since gained associate membership status.

**Resolution 79-10** requested discussions be undertaken between DNR, the Department of Law, and the Alaska Federation of Natives to encourage Natives to apply for water rights while currently contested rights are being litigated. A letter sent to the Governor was in the same vein and requested an opinion from the Department of Law on whether and how Natives could apply through the State's administrative system without prejudicing any litigation. An opinion was given by the Department of Law outlining an acceptable procedure and talks were initiated but not followed up.

**Resolution 79-11** involved action on Ship Creek adjudication. The Board sent two letters; one dated March 24, 1980 to Ted Smith and the other March 12, 1981 to the Commissioner requesting action. Since the March 1981 meeting, work preliminary to introducing a pleading in Superior Court has been done and as a result, because of ground-water consideration, the adjudication is being expanded to the entire Anchorage Bowl area. A basin-wide adjudication of Indian River near Sitka is also being investigated.

**Resolution 80-1** supported passage of HB 118, legislation which would include reservations of instream flow and lake levels under the provisions of the Water Use Act, with minor changes.

**Resolution 80-2** supported passage of HB 186 housekeeping amendments to the Water Use Act.

**Resolution 80-3** supported the Geothermal Bill which passed later in the session. In July 1980, letters were sent to the Commissioner and Clarissa Quinlan, Director of the Division of Power and Energy Development's geothermal programs. No specific low temperature geothermal programs have been developed (to my knowledge).

**Resolution 80-4** supported passage of SB 395, which would repeal AS 44.80.020-.060, a statute that provided for automatic State acceptance, without review, of federally-funded flood control projects.

**Chena River Lakes Project:** No resolutions were passed on this, but the Board did send a letter to former Governor Hammond explaining the controversy surrounding the project. The Governor requested a review of the project which resulted in modifications in the groin design and change in the State law regarding assumption of liability (a change which the Board also supported in Resolution 80-4 ).

**Resolution 80-5** recommended that a licensing procedure be established for the operation of suction dredges on other than established claims.

**Resolution 80-6** requested that job series for hydrologists and water resources specialists be created. This was followed up with a letter to then Commissioner Hudson requesting a presentation on the State personnel system. Action was initiated on the job series and, in the case of the hydrologist series has been implemented. The water resource manager series is part of a revamping of the entire land management officer series and has since been accomplished.

**Resolution 81-1** recommended introduction of proposed amendments to the Water Use Act to provide for basin-wide adjudications and improved enforcement authority.

**Resolution 81-2** supported passage of SB 189 (HB 205) which would establish a State trails, waterways and campsite system.

**Resolution 81-3** supported introduction and passage of legislation establishing a State forest resource management system.

**Resolution 81-4** recommended creation of a Division of Water within the Department of Natural Resources.

**Resolution 81-5** recommended adequately funding a forest fire presuppression program to prevent water rights adjudicators from being drafted to fight fires that got out of hand. This practice disrupts the work in progress and limits the time available for field inspections during the short field season.

Most recently, the Board has addressed itself to matters relating to administrative efficiency on the part of agencies dealing with the public and to policy matters that may cut across agency lines. At the March 1980 meeting, the Board assumed the responsibility of the State Water Quality (208) Planning Advisory Committee.

The last meeting of the Alaska Water Resources Board convened in April 1982. No resolutions were drafted at the meeting and no letters were sent out based on the findings of that meeting. Since funding was no longer available, staffing support was shifted to other priorities. Funding continues to be a problem as no funds were allocated to the Board for FY 83 or FY 84. The next meeting of the Water Board is scheduled for August 11, 1983. Funding for FY 85 will be discussed.