



THE STATE  
of ALASKA  
GOVERNOR BILL WALKER

Department of Natural Resources

DIVISION OF MINING, LAND & WATER  
Water Resources Section

550 West 7th Avenue, Suite 1020  
Anchorage, Alaska 99501-3579  
Main: 907.269.8600  
TDD: 907.269.8411  
Fax: 907.269.8947

October 7, 2015

Subject: Response to comments / objections on the Middle Creek/Stream 2003 Applications for Reservation of Water; LAS 27340 (Main), LAS 27436 (Lower), LAS 27437 (Middle)

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Dear Sir or Madam:

The Alaska Department of Natural Resources, Division of Mining, Land and Water, Water Resources Section thanks you for participating in the public/agency notice process regarding the three applications for Reservation of Water on Stream 2003/Middle Creek. Response to the request for comments and/or objections were submitted by many groups and individuals and came in many different forms and covered a large spectrum of concerns and issues. The Water Resources Section used these comments and objections in making the decision on these applications.

Based on the Department's adjudication case file, public/agency notice comments, and August 21, 2015 hearing, the Department has granted a Reservation of Water for Stream 2003/Middle Creek – *Lower Reach* (LAS 27436). However, the Department found that it is not in the public interest to grant a Reservation of Water for Stream 2003/Middle Creek – *Middle Reach* (LAS 27437) and Stream 2003/Middle Creek – *Main Reach* (LAS 27340), and those applications are denied. For further details regarding how these decisions were made, please see the attached document titled "Findings of Fact, Conclusions of Law, and Decisions on Applications by the Chitna Citizens Coalition, Inc. for the Reservation of Water, Under AS 46.15, the Alaska Water Use Act".

A person affected by this decision may appeal it, in accordance with 11 AAC 02. Any appeal must be received within 20 calendar days after the date of issuance of this decision, as defined in 11 AAC 02.040 (c) and (d), and may be mailed or delivered to the Commissioner, Alaska Department of Natural Resources, 550 W. 7<sup>th</sup> Avenue, Suite 1400, Anchorage, Alaska, 99501; faxed to 907-269-8918, or sent by electronic mail to [dnr.appeals@alaska.gov](mailto:dnr.appeals@alaska.gov). If no appeal is filed by the

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appeal deadline, this decision becomes a final administrative order and decision of the department on the 31<sup>st</sup> day after issuance. An eligible person must first appeal this decision in accordance with 11 AAC 02 before appealing this decision to superior court. A copy of 11 AAC 02 may be obtained from any regional information office of the Alaska Department of Natural Resources.

Sincerely,



David W. Schade, MPA  
Chief

Enclosures: Findings of Fact, Conclusions of Law, and Decisions on Applications by the Chuitna Citizens Coalition, Inc. for the Reservation of Water, Under AS 46.15, the Alaska Water Use Act

Cc: Alaska Center for the Environment  
Alaska Chamber  
Alaska Conservation Trust  
Alaska Forest Association  
Alaska Miners Association  
Alaska Oil and Gas Association  
Chuitna Citizens Coalition Inc.  
Cook Inlet Keepers  
Cook Inlet Region Inc.  
Council of Alaska Producers  
Greg Bell, Valley Sawmill  
Howard Grey  
Usibelli Coal Mines  
John McClellan  
Ken Hughes  
Matsu Business Alliance  
PacRim Coal, LLP  
Pebble Partnership  
Resource Development Council  
Southeast Conference  
Teck/Red Dog Mine  
Alaska Mental Health Authority / Trust Land Office  
Trustees for Alaska