

CS FOR HOUSE BILL NO. 216(RES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-NINTH LEGISLATURE - SECOND SESSION

BY THE HOUSE RESOURCES COMMITTEE

Offered: 3/21/16

Referred: Rules

Sponsor(s): REPRESENTATIVES TALERICO, Hughes, Tilton, Keller, Colver, Johnson, Saddler

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to obstruction or interference with a person's free passage on or use of**
2 **navigable water; and amending the definition of 'navigable water' under the Alaska**
3 **Land Act."**

4 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 *** Section 1.** AS 38.05.128(a) is amended to read:

6 (a) A person may not obstruct or interfere with the free passage or use by a
7 person of any navigable water unless the obstruction or interference is

8 (1) authorized by law or regulation or by a permit issued by a
9 federal or [AGENCY AND A] state agency;

10 (2) [AUTHORIZED UNDER A FEDERAL OR STATE LAW OR
11 PERMIT;

12 (3)] exempt under 33 U.S.C. 1344(f) (Clean Water Act);

13 (3) [(4)] caused by the normal operation of freight barging that is
14 otherwise consistent with law; or

1 (4) [(5)] authorized by the commissioner after reasonable public
2 notice.

3 * **Sec. 2.** AS 38.05.965(14) is amended to read:

4 (14) "navigable water" means any water of the state forming a river,
5 stream, lake, pond, slough, creek, bay, sound, estuary, inlet, strait, passage, canal, sea
6 or ocean, or any other body of water or waterway within the territorial limits of the
7 state or subject to its jurisdiction [,] that is navigable in fact **in any season and** for any
8 useful public purpose, including [BUT NOT LIMITED TO] water suitable for
9 commercial navigation, floating of logs, **harvesting of ice, state or federal military**
10 **training,** landing and takeoff of aircraft, **operation of boats or other watercraft,**
11 **hovercraft, snow machines, all-terrain vehicles, and other motorized or**
12 **nonmotorized vehicles, storage of vehicles,** and [PUBLIC BOATING,] trapping,
13 hunting [WATERFOWL AND AQUATIC ANIMALS], fishing, or other public
14 recreational purposes;