

**SENATE CS FOR CS FOR HOUSE BILL NO. 216(RES)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-NINTH LEGISLATURE - SECOND SESSION

BY THE SENATE RESOURCES COMMITTEE

Offered: 4/15/16

Referred: Rules

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

**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 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, whether in**  
8 **a frozen or liquid state, and** for any useful public purpose, including [BUT NOT  
9 LIMITED TO] water suitable for commercial navigation, floating of logs, landing and  
10 takeoff of aircraft, and public boating, trapping, hunting waterfowl and aquatic  
11 animals, fishing, or other public recreational purposes;