

29-LS0995\E
Bullard
3/14/16

CS FOR HOUSE BILL NO. 216()

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-NINTH LEGISLATURE - SECOND SESSION

BY

**Offered:
Referred:**

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

A BILL

FOR AN ACT ENTITLED

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

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

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

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

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

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

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

(3) [(4)] caused by the normal operation of freight barging that is
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;