

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

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 by a permit issued by a federal or
9 [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

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

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

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