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REPRESENTATIVE DAVE TALERICO

Sponsor Statement for CS House Bill 216()

“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.”

The “Submerged Lands Act of 1953” recognized each state as holding the title for any submerged land under a navigable waterway within the boundaries of each state. Under Alaska law, this term is defined in AS 38.05.965(14) and specifies a number of activities that can be conducted in a body of water in order to deem the body as navigable. While the list of activities in statute is lengthy, there are a few omissions that House Bill 216 will address.

The first change that HB 216 will make is to insert additional activities to the definition of “navigable water” in order to ensure that there is no ambiguity. The bill includes the activities of harvesting of ice, military training, and operation of watercraft, hovercraft, snow machines and other vehicles, and hunting of any type of game. The second change is to allow all activities under this definition to be conducted “in any season” to ensure that these activities may be conducted whether the navigable body of water is thawed or frozen.

The final change in HB 216 is to combine AS 38.05.128(a)(1) and (2), to eliminate redundancy in this section regarding a government official blocking access to navigable waters.

Though these two changes to the definition of “navigable water” are minor, HB 216 will be a step towards protecting Alaska’s sovereignty and the rights of individual Alaskans.

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