

**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, 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 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;