

HOUSE BILL NO. 328

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FOURTH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVES SEATON, OLSON, GATTO, AND LEDOUX, Kerttula, Gara

Introduced: 1/9/06

Referred: House Special Committee on Fisheries, Resources

A BILL

FOR AN ACT ENTITLED

1 **"An Act prohibiting mixing zones in freshwater spawning waters."**

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

3 * **Section 1.** AS 46.03 is amended by adding a new section to read:

4 **Sec. 46.03.065. Prohibition of mixing zones in spawning waters.** (a) The
5 department may not authorize a mixing zone for lakes, streams, rivers, or other
6 flowing fresh water in an area of

7 (1) anadromous fish spawning; or

8 (2) resident fish redds for

9 (A) Arctic char;

10 (B) Arctic grayling;

11 (C) brook trout;

12 (D) burbot;

13 (E) cutthroat trout;

14 (F) Dolly Varden;

15 (G) lake trout;

- 1 (H) landlocked coho, king, and sockeye salmon;
2 (I) northern pike;
3 (J) rainbow trout;
4 (K) sheefish; or
5 (L) whitefish.

6 (b) In this section,

7 (1) "lakes, streams, rivers, or other flowing fresh water" includes lakes,
8 streams, rivers, or other flowing fresh water that have been altered by remediation or
9 construction activities; the term does not include an artificially constructed facility for
10 water, wastewater, holding, or channeling, unless the artificial facility is constructed
11 for the purpose of facilitating fish spawning.

12 (2) "mixing zone" means an area in a water body surrounding or
13 downstream of a discharge where the effluent plume is diluted by the receiving water,
14 within which water quality standards specified by the department under AS 46.03.050
15 - 46.03.120 may be exceeded.