

CS FOR HOUSE BILL NO. 328(FSH)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FOURTH LEGISLATURE - SECOND SESSION

BY THE HOUSE SPECIAL COMMITTEE ON FISHERIES

Offered: 1/30/06

Referred: Resources

Sponsor(s): REPRESENTATIVES SEATON, OLSON, GATTO AND LEDOUX, Kerttula, Gara

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) Except
5 as provided in (b) of this section, the department may not authorize a mixing zone for
6 lakes, streams, rivers, or other 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) The prohibition in (a) of this section does not apply to the renewal of a
7 municipal wastewater facility's mixing zone authorization during the useful life of the
8 wastewater facility for an area where spawning was not ongoing at the time of the
9 initial authorization and the mixing zone became a spawning area after the date of the
10 initial authorization.

11 (c) In this section,

12 (1) "area" means the physical location where spawning occurs;

13 (2) "lakes, streams, rivers, or other flowing fresh water" includes lakes,
14 streams, rivers, or other flowing fresh water that have been altered by remediation or
15 construction activities; the term does not include an artificially constructed facility for
16 water, wastewater, holding, or channeling, unless the artificial facility is constructed
17 for the purpose of facilitating fish spawning;

18 (3) "mixing zone" means an area in a water body surrounding or
19 downstream of a discharge where the effluent plume is diluted by the receiving water,
20 within which water quality standards specified by the department under AS 46.03.050
21 - 46.03.120 may be exceeded.