

SENATE BILL NO. 238

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FIFTH LEGISLATURE - SECOND SESSION

BY SENATOR STEVENS

Introduced: 1/18/08

Referred: Resources, Finance

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) and (c) of this section, the department may not authorize a mixing
6 zone for lakes, streams, rivers, or other flowing fresh water at any time in an area
7 where

- 8 (1) anadromous fish spawn; or
9 (2) resident fish redds are located for
10 (A) Arctic char;
11 (B) Arctic grayling;
12 (C) brook trout;
13 (D) burbot;
14 (E) cutthroat trout;
15 (F) Dolly Varden;

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

7 (b) The prohibition in (a) of this section does not apply to the renewal of a
8 municipal or village wastewater facility's mixing zone authorization during the useful
9 life of the wastewater facility for an area where spawning was not ongoing at the time
10 of the initial authorization and the mixing zone became a spawning area after the date
11 of the initial authorization.

12 (c) The prohibition in (a) of this section does not apply to a turbidity mixing
13 zone for a suction dredge placer mine or a mechanical placer mine.

14 (d) In this section,

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

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

21 (3) "mixing zone" means an area in a water body surrounding or
22 downstream of a discharge where the effluent plume is diluted by the receiving water,
23 within which water quality standards specified by the department under AS 46.03.050
24 - 46.03.120 may be exceeded;

25 (4) "village" has the meaning given in AS 46.07.080.