

1 IN THE Senate

BY Edward M. Fisher & James

Senate BILL NO. 69

2
3 IN THE LEGISLATURE OF THE TERRITORY OF ALASKA

4 TWENTY-FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act to require that all dams in streams
7 frequented by food and game fish be pro-
8 vided with suitable fishways; in event a
9 fishway on any dam is impractical, to
10 require the owner thereof to compensate the
11 Territory for damages by the construction
12 of a hatchery or hatcheries and related
13 installations or by payments in cash; to
14 provide a penalty for violations; and to
15 amend Section 39-2-32 ACLA 1949, as amended
16 by Chapter 117, Session Laws of Alaska 1949."

17 BE IT ENACTED BY THE LEGISLATURE OF THE TERRITORY OF ALASKA:

18
19 Section 1. Every dam or other obstruction across or in any
20 stream frequented by salmon or other food or game fish shall be
21 provided with a durable and efficient fishway, which shall be
22 maintained in a practical and effective condition in such place,
23 form and capacity as the Alaska Fisheries Board may approve, for
24 which plans and specifications shall be furnished by the Alaska
25 Fisheries Board upon application to it, and which shall be kept
26 open, unobstructed and supplied with a sufficient quantity of
27 water to freely admit the passage of fish through the same.

28 Section 2. In the event that a fishway over any dam or
29 obstruction is considered impractical in the opinion of the Alaska
30 Fisheries Board, then the owner of such dam or obstruction shall

1 at the option of the Alaska Fisheries Board (1) convey to the
2 Territory a site or sites of a size and dimensions satisfactory
3 to the Alaska Fisheries Board, at such place or places as may be
4 selected by the Alaska Fisheries Board, and erect thereon a fish
5 hatchery or fish hatcheries, rearing ponds and other buildings
6 according to plans and specifications to be furnished by the
7 Alaska Fisheries Board, and enter into an agreement with the
8 Alaska Fisheries Board, secured by good and sufficient bond, to
9 furnish all water and lights and necessary sums of money to
10 operate and maintain said hatchery or hatcheries and rearing
11 ponds; or (2) enter into an agreement with the Alaska Fisheries
12 Board secured by good and sufficient bond to pay to the Territory
13 such initial money and make such annual payments of additional
14 money to the Territory as the Alaska Fisheries Board may determine
15 are necessary to expand, maintain and operate additional facilities
16 at existing hatcheries within a reasonable distance of such dam
17 or obstruction, in order to compensate for the damages sustained
18 by the erection of any such dam or obstruction. Any decision of
19 the Alaska Fisheries Board hereunder shall be subject to review
20 by the District Court for the Territory of Alaska.

21 Section 3. The owner of any dam or obstruction who shall
22 fail to comply with the provisions of this Act within a
23 reasonable time as specified by written notice from the Alaska
24 Fisheries Board shall be guilty of a misdemeanor, punishable by
25 a fine not to exceed \$1,000.00, and each day that the owner
26 fails to comply shall constitute a separate offense.

27 Section 4. Section 39-2-32 ACLA 1949, as amended by Chapter
28 117, Session Laws of Alaska 1949, is amended to read as
29 follows:

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Section 39-2-32. If in the judgment of the Water Pollution Control Board, the purpose of the applicant for the permit or license, is to develop power, obtain water for civic, domestic, irrigation, manufacturing, mining or other purposes tending toward the development of the natural resources of the Territory, such permit or license may be granted (AND THE WATER POLLUTION CONTROL BOARD MAY REQUIRE THE APPLICANT TO CONSTRUCT AND MAINTAIN ADEQUATE FISH LADDERS, FISHWAYS OR OTHER MEANS BY WHICH FISH MAY PASS OVER, AROUND OR THROUGH SUCH DAMS, OBSTRUCTIONS OR DIVERSIONS IN THE PURSUIT OF THE PROPAGATION OR SPAWNING PROCESS).

Senate Bill No. 69. Add new section

Section 5. This act shall not apply to any dam which
has been completed and in use prior to the
effective date of this act.