

1 IN THE SENATE

BY RESOURCES COMMITTEE

2 CS FOR SENATE BILL NO. 249

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIRST LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act to protect fish, fish spawn, and
7 spawning and rearing environment in all
8 streams and rivers which support fish
9 populations in Alaska by prohibiting cer-
10 tain activities; providing penalties; and
11 providing for an effective date."

12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

13 Section 1. FINDINGS OF FACT. The legislature finds and
14 recognizes these facts:

15 (1) Industrial activities and resource development are
16 often carried on near streams and rivers which support fish life.

17 (2) In the conduct of industrial activities and
18 resource development, the use of heavy equipment in the stream
19 or river beds is often convenient.

20 (3) The use or movement of heavy equipment in or upon
21 the bed of any river or stream may result in destruction of spawn
22 in the gravel, disruption of the spawning environment, and pollu-
23 tion problems, all to the detriment or destruction of various
24 classes of fishes.

25 Sec. 2. DEFINITIONS.

26 (1) "Heavy equipment": any device, including but not
27 limited to, tractors, draglines, trucks, and power shovels.

28 (2) "Rivers" or "streams": any water course having
29 a source and terminus, banks, and channel, through which waters

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1 flow at least periodically and which support fish populations.

2 (3) "Person": the singular or the plural, including
3 individuals, associations, partnerships, or corporations unless
4 the context otherwise requires.

5 Sec. 3. CERTAIN ACTS UNLAWFUL. It shall be unlawful,
6 except as otherwise permitted by this Act, for any person to
7 operate, use, move or transport heavy equipment in or upon the
8 bed of any river or stream which supports fish populations;
9 provided, however, that this section shall not apply to any
10 person who has first obtained a permit as provided in section 4
11 of this Act.

12 Sec. 4. PERMIT REQUIRED. As a condition precedent to an
13 operation involving the use or movement of heavy equipment in or
14 upon the bed of any river or stream in Alaska supporting fish
15 populations it is necessary to secure a permit from the Commis-
16 sioner of the Alaska Department of Fish and Game or his designee.
17 Requests for such permits may be forwarded by registered airmail,
18 return receipt requested. If so forwarded the Commissioner or
19 his designee shall, within five days excluding Saturday and
20 Sunday, notify the applicant of his decision by registered air-
21 mail. Should the applicant not receive such notification within
22 eight days (excluding Saturday and Sunday) from the date of
23 receipt by the Commissioner or his designee, he shall not be sub-
24 ject to the penalties of this Act pending receipt of such notifi-
25 cation. Every request for such permit shall be accompanied by
26 a statement defining the general area involved, geographical
27 names of streams or rivers as shown on available U. S. Geological
28 Survey topographic maps of the area where named, the type of
29 operation contemplated and the period for which the proposed

1 activity will be prosecuted. Any permit issued pursuant to
2 this section may, in the discretion of the Commissioner or his
3 authorized designee, contain such limitations and restrictions
4 as necessary to protect the fisheries of the state. Absolute
5 prohibition through refusal to issue a permit is authorized if,
6 in the reasonable opinion of the Commissioner or his designee,
7 the activity sought to be prosecuted cannot be allowed without
8 excessive damage to the fisheries.

9 Sec. 5. PENALTIES. Any person who violates sections 3 or
10 4 of this Act is guilty of a misdemeanor and shall be punished
11 by a fine not to exceed \$5,000.00 or imprisonment for not more
12 than one year or both.

13 Sec. 6. SECTIONS NOT AFFECTED. Nothing in this Act shall
14 be construed to alter or amend any of the provisions of sections
15 30 and 31, Article I, Ch. 94, SLA 1959.

16 Sec. 7. EFFECTIVE DATE. This Act takes effect on the day
17 after its passage and approval or on the day it becomes law
18 without such approval.

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