

1 IN THE SENATE

BY HOUSE JUDICIARY COMMITTEE

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HOUSE CS FOR CS FOR SENATE BILL NO. 249

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IN THE LEGISLATURE OF THE STATE OF ALASKA

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FIRST LEGISLATURE - SECOND SESSION

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A BILL

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For an Act entitled: "An Act amending the Fish and Game Code of
7 Alaska, particularly Sec. 31, Art. I, Ch. 94,
8 SLA 1959, dealing with use of streams,
9 rivers and lakes; and providing for an
10 effective date."

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

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Section 1. Sec. 31, Art. I, Ch. 94, SLA 1959, is amended to

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read as follows:

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Sec. 31. PROTECTION OF FISH AND GAME. In the event

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that any person or governmental agency desires to construct

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any form of hydraulic project or to use any equipment that

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will use, divert, obstruct, pollute or change the natural

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flow or bed of any river, lake or stream or to use, except

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for the purpose of crossing a river or stream at an established

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crossing, any wheeled, tracked or excavating equipment or

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log dragging equipment in the bed of any river, lake or stream

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containing anadromous fish or that will utilize any of the

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waters of the State or materials from any river, lake or

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stream beds, such person or governmental agency shall notify

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the Commissioner of such intention prior to the commencement

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of construction, and the Commissioner shall acknowledge

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receipt of such notice by return mail. If the Commissioner

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so determines, he shall, in said letter of acknowledgment,

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require such person or governmental agency or submit to him

1 full plans and specifications of the proposed construction
2 or work, complete plans and specifications for the proper
3 protection of fish and game in connection therewith, and
4 the approximate date when such construction or work is to
5 commence, and shall require such person or governmental
6 agency to obtain the written approval of the Commissioner
7 as to the sufficiency of such plans or specifications before
8 construction is commenced. If any person or governmental
9 agency commences construction on any such works or projects
10 without first providing plans and specifications subject to
11 the approval of the Commissioner for the proper protection
12 of fish and game in connection therewith and without first
13 having obtained written approval of the Commissioner as to
14 the adequacy of such plans and specifications submitted
15 for the protection of fish and game, he is guilty of a mis-
16 demeanor. If any such person or government agency be con-
17 victed of violating any of the provisions of this section and
18 continues construction on any such work or projects without
19 fully complying with the provisions hereof, such works or
20 projects are hereby declared a public nuisance and shall be
21 subject to abatement as such. The cost of restoring any
22 river, lake or stream to its original condition shall be
23 borne by the violator and shall be in addition to any penalty
24 imposed by the court.

25 Provided, that in case of an emergency arising from
26 weather or stream flow conditions, the Department, through its
27 authorized representatives, shall issue oral permits to a
28 riparian owner for removing any obstructions or for repairing
29 existing structures without the necessity of submitting

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prepared plans and specifications.