

1 IN THE HOUSE

BY MESSRS. CHAPADOS,  
TAYLOR AND STRANDBERG

2 HOUSE BILL NO. 405

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SECOND LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act amending the Fish and Game Code re-  
7 garding use of streams, rivers, and lakes;  
8 and providing for an effective date."

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

10 Section 1. Sec. 31, Art. I, Ch. 94, SLA 1959, as amended by  
11 Sec. 1, Ch. 180, SLA 1960, is amended to read:

12 Sec. 31. PROTECTION OF FISH AND GAME. In the event that  
13 any person or governmental agency desires to construct any  
14 form of hydraulic project or [TO USE ANY EQUIPMENT THAT WILL]  
15 use, divert, obstruct, pollute or change the natural flow or  
16 bed of any river, lake or stream or to use [, EXCEPT FOR THE  
17 PURPOSE OF CROSSING A RIVER OR STREAM AT AN ESTABLISHED  
18 CROSSING,] any wheeled, tracked or excavating equipment or  
19 log dragging equipment in the bed of any river, lake or stream  
20 [CONTAINING ANADROMOUS FISH] at a location or in the manner  
21 that will damage the spawning beds of anadromous fish or pre-  
22 vent or interfere with the migration of such fish for spawn-  
23 ing purposes [OR THAT WILL UTILIZE ANY OF THE WATERS OF THE  
24 STATE OR MATERIALS FROM ANY RIVER, LAKE OR STREAM BEDS], such  
25 person or governmental agency shall notify the Commissioner  
26 of such intention prior to the commencement of construction  
27 or act, and the Commissioner shall acknowledge receipt of  
28 such notice by return mail. If the Commissioner so determines,  
29 he shall, in said letter of acknowledgement, require such

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

27 Provided, that in case of an emergency arising from  
28 weather or stream flow conditions, the Department, through its  
29 authorized representatives, shall issue oral permits to a

1 riparian owner for removing any obstructions or for repairing  
2 existing structures without the necessity of submitting pre-  
3 pared plans and specifications.

4 Sec. 2. This Act takes effect on the day after its passage  
5 and approval or on the day it becomes law without such approval.  
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