

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 HOUSE BILL NO. 255

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the protection of  
7 anadromous fish; and providing for an  
8 effective date."

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

10 \* Section 1. AS 16.05.870(a) is amended to read:

11 (a) The commissioner shall, in accordance with the  
12 Administrative Procedure Act (AS 44.62) specify the various  
13 rivers, lakes, and streams or parts of them that are impor-  
14 tant for the spawning or migration of anadromous fish. Any  
15 person giving notice as required under sec. 870(b) of this  
16 chapter may request the commissioner to specify individually  
17 by name or number the various rivers, lakes and streams or  
18 parts of them that are important for the spawning or migra-  
19 tion of anadromous fish in the area of his operations  
20 described in such notice. Upon receipt of the request the  
21 commissioner shall promptly make such designation.

22 \* Sec. 2. AS 16.05.870(b) is amended to read:

23 (b) If a person or governmental agency desires to con-  
24 struct a hydraulic project, or use, divert, obstruct, pollute,  
25 or change the natural flow or bed of a specified river, lake,  
26 or stream, or to use wheeled, tracked, or excavating equip-  
27 ment or log-dragging equipment in the bed of a specified  
28 river, lake, or stream, the person or governmental agency  
29 shall notify the commissioner of this intention before the

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beginning of the construction or use if the construction or use will cause appreciable damage to the natural flow or bed of a specified river, lake or stream.

\* Sec. 3. AS 16.05.880 is amended to read:

Sec. 16.05.880. VIOLATION OF SECS. 870 - 895 OF THIS CHAPTER. If a person or governmental agency begins construction on a work or project or use for which notice is required by [DESCRIBED IN] sec. 870 of this chapter without first providing plans and specifications subject to the approval of the commissioner for the proper protection of fish and game, and without first having obtained written approval of the commissioner as to the adequacy of the plans and specifications submitted for the protection of fish and game, he is guilty of a misdemeanor. If a person or governmental agency is convicted of violating secs. 870 - 895 of this chapter or continues a use, work or project without fully complying with secs. 870 - 895 of this chapter, the use, work, or project is a public nuisance and is subject to abatement. The cost of restoring a specified river, lake, or stream to its original condition shall be borne by the violator and shall be in addition to the penalty imposed by the court.

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

