

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

1 beginning of the construction or use if the construction or  
2 use will cause damage to the spawning or migration of  
3 anadromous fish or to the natural flow or bed of a specified  
4 river, lake or stream.

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

6 Sec. 16.05.880. VIOLATION OF SECS. 870 - 895 OF THIS  
7 CHAPTER. If a person or governmental agency begins construc-  
8 tion on a work or project or use for which notice is required  
9 by [DESCRIBED IN] sec. 870 of this chapter without first pro-  
10 viding plans and specifications subject to the approval of  
11 the commissioner for the proper protection of fish and game,  
12 and without first having obtained written approval of the  
13 commissioner as to the adequacy of the plans and specifica-  
14 tions submitted for the protection of fish and game, he is  
15 guilty of a misdemeanor. If a person or governmental agency  
16 is convicted of violating secs. 870 - 895 of this chapter or  
17 continues a use, work or project without fully complying with  
18 secs. 870 - 895 of this chapter, the use, work, or project  
19 is a public nuisance and is subject to abatement. The cost  
20 of restoring a specified river, lake, or stream to its origi-  
21 nal condition shall be borne by the violator and shall be in  
22 addition to the penalty imposed by the court.

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