

Original Sponsor:  
Judiciary Committee

Offered: 3/22/66  
Referred: State  
Affairs

1 IN THE HOUSE

BY THE RESOURCES COMMITTEE

2 SENATE CS FOR HOUSE BILL NO. 255

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTH LEGISLATURE - SECOND 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.  
15 Before December 31, 1968, the specification may be made by  
16 designating areas within which all rivers, lakes, and streams  
17 are considered important for the spawning or migration of  
18 anadromous fish. However, all the designated areas shall  
19 lie within 50 miles of the coastline extending from Dixon  
20 Entrance through False Pass to Cape Menshikof, including  
21 all islands east of False Pass. A person giving notice under  
22 (b) of this section before December 31, 1968, may, if the  
23 activity is to take place within a designated area, request  
24 the commissioner to specify individually by name, or number,  
25 the particular rivers, lakes, and streams or parts of them  
26 within the area of operations described in the notice which  
27 are important for the spawning and migration of anadromous  
28 fish. Upon receipt of the request the commissioner shall  
29 promptly make the designation.

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

2 (b) If a person or governmental agency desires to con-  
3 struct a hydraulic project, or use, divert, obstruct, pollute,  
4 or change the natural flow or bed of a specified river, lake,  
5 or stream, or to use wheeled, tracked, or excavating equip-  
6 ment or log-dragging equipment in the bed of a specified  
7 river, lake, or stream, the person or governmental agency  
8 shall notify the commissioner of this intention before the  
9 beginning of the construction or use if the construction or  
10 use will cause damage to the spawning or migration of  
11 anadromous fish or to the natural flow or bed of a specified  
12 river, lake or stream.

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

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

1            addition to the penalty imposed by the court.

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

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