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1 IN THE SENATE

2 SENATE BILL NO. 215

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH EGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to navigable and public water."

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

8 * Section 1. INTENT. It is the intent of this Act to implement the
9 provisions of art. VIII, sec. 14, Alaska State Constitution, relating to
10 access to navigable water by assuring the availability of water in a manner
11 consistent with the public interest.

12 * Sec. 2. AS 38.05 is amended by adding a new section to read:

13 Sec. 38.05.127. ACCESS TO NAVIGABLE AND PUBLIC WATER. (a) Each
14 contract for the sale, lease, grant, or other disposal of state land,
15 and each deed to state land, made under this chapter shall include the
16 reservation to the state of an easement for public access to and along
17 all navigable and public water. The Department of Natural Resources
18 shall adopt regulations implementing this section, including but not
19 limited to a method of determining the appropriate width of easement
20 reservations depending on the type of land and contemplated uses it is
21 suitable for.

22 (b) Nothing in this section changes the ownership status of the
23 subsurface beds or surrounding or overlying lands of navigable and
24 public water.

25 * Sec. 3. AS 38.05.365 is amended by adding new paragraphs to read:

26 (22) "navigable water" means any water of the state forming a
27 river, stream, lake, pond, slough, creek, bay, sound, estuary, inlet,
28 strait, passage, canal, sea or ocean within the territorial limits of
29 the state or subject to its jurisdiction, that is navigable in fact for

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1 any useful purpose, including but not limited to water suitable for
2 commercial navigation, floating of logs, landing and takeoff of air-
3 craft, and boat travel for hunting, fishing, or recreational purposes;

4 (23) "public water" means navigable water and all water on the
5 surface or underground, whether inland or coastal, fresh or salt, that
6 is reasonably capable of public use and utility, suitable as fish and
7 wildlife habitat, or used for migration and spawning of fish.