

Original sponsor: Orsini, Bradley,
Colletta, et al

Offered: 3/19/75
Referred: Rules

1 IN THE SENATE

BY THE RESOURCES COMMITTEE

2 CS FOR SENATE BILL NO. 215

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to navigable or public waters."

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 the navigable or public waters of the state.

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

12 Sec. 38.05.127. ACCESS TO NAVIGABLE OR PUBLIC WATERS. (a)

13 Unless public access is otherwise insured, each contract for the sale,
14 lease, grant, or other disposal of any interest in state land, and
15 each deed or patent to state land, made under this chapter shall in-
16 clude the reservation to the state of an easement or right-of-way for
17 public access to and along all navigable or public waters. The Depart-
18 ment of Natural Resources shall adopt regulations implementing this
19 section.

20 (b) Nothing in this section affects valid existing rights.

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

22 (22) "navigable water" means any water of the state forming a
23 river, stream, lake, pond, slough, creek, bay, sound, estuary, inlet,
24 strait, passage, canal, sea or ocean, or any other body of water or
25 waterway within the territorial limits of the state or subject to its
26 jurisdiction, that is navigable in fact for any useful public purpose,
27 including but not limited to water suitable for commercial navigation,
28 floating of logs, landing and takeoff of aircraft, and public boating,
29 trapping, hunting waterfowl and aquatic animals, fishing, or other

1 public recreational purposes;

2 (23) "public waters" means navigable water and all other
3 water, whether inland or coastal, fresh or salt, that is reasonably
4 suitable for public use and utility, habitat for fish and wildlife in
5 which there is a public interest, or migration and spawning of fish
6 in which there is a public interest.