



LAWS OF ALASKA

2016

Source

SCS CSHB 216(RES)

Chapter No.

AN ACT

Relating to obstruction or interference with a person's free passage on or use of navigable water; and amending the definition of "navigable water" under the Alaska Land Act.

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

THE ACT FOLLOWS ON PAGE 1

AN ACT

1 Relating to obstruction or interference with a person's free passage on or use of navigable
2 water; and amending the definition of "navigable water" under the Alaska Land Act.

3
4 * **Section 1.** AS 38.05.128(a) is amended to read:

5 (a) A person may not obstruct or interfere with the free passage or use by a
6 person of any navigable water unless the obstruction or interference is

7 (1) authorized by law or regulation or by a permit issued by a
8 [FEDERAL AGENCY AND A] state agency;

9 (2) [AUTHORIZED UNDER A FEDERAL OR STATE LAW OR
10 PERMIT;

11 (3)] exempt under 33 U.S.C. 1344(f) (Clean Water Act);

12 **(3)** [(4)] caused by the normal operation of freight barging that is
13 otherwise consistent with law; or

1 (4) [(5)] authorized by the commissioner after reasonable public
2 notice.

3 * **Sec. 2.** AS 38.05.965(14) is amended to read:

4 (14) "navigable water" means any water of the state forming a river,
5 stream, lake, pond, slough, creek, bay, sound, estuary, inlet, strait, passage, canal, sea
6 or ocean, or any other body of water or waterway within the territorial limits of the
7 state or subject to its jurisdiction [,] that is navigable in fact **in any season, whether in**
8 **a frozen or liquid state, and** for any useful public purpose, including [BUT NOT
9 LIMITED TO] water suitable for commercial navigation, floating of logs, landing and
10 takeoff of aircraft, and public boating, trapping, hunting waterfowl and aquatic
11 animals, fishing, or other public recreational purposes;