



Alaska Department of Fish and Game
Board of Fisheries
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ALASKA BOARD OF FISHERIES

DELEGATION OF AUTHORITY UNDER AS 16.05.270 TO THE COMMISSIONER TO ADOPT REGULATIONS FOR AMPHIBIANS 2015-275-FB

The Board of Fisheries ("board") makes the following findings:

1. Whereas proposals 261 and 262 for the 2014-2015 Board of Fisheries meeting cycle deal with amphibians; and
2. Whereas regulatory proposals for amphibians were not included in the call for proposals or the legal public notice for the 2014-2015 meeting cycle, and have not been included on the call for proposals for any recent meeting cycle; and
3. Whereas the board is precluded from adopting proposals 261 and 262 in regulation during the 2014-2015 meeting cycle because of the lack of the legal public notice required by the Alaska Administrative Procedure Act (AS 44.62); and
4. Whereas the board believes that under the circumstances proposals 261 and 262 deserve consideration; and
5. Whereas the Department of Fish & Game proposed the following regulation changes as a substitute for proposals 261 and 262:

5 AAC 41.005(a) is amended to read:

5 AAC 41.005. Permit required. (a) Except as otherwise provided, a person may not transport, possess, export from the state, or release into the waters or the lands of the state, any live fish unless the person holds a fish transport permit issued by the commissioner, and the person is in compliance with all conditions of the permit and the provisions of this chapter.

5 AAC 41.070(a) is amended to read:

5 AAC 41.070. Prohibitions on importation and release of live fish. (a) Except as provided in (b) – (d) of this section, no person may import any live fish into the state for the purpose of stocking or rearing in the waters or the lands of the state.



5 AAC 41.070(c) is amended to read:

(c) Ornamental fish not raised for human consumption or sport fishing purposes may be imported into the state, but may not be reared in or released into the waters or the lands of the state. Fish wastes and waste water from ornamental fish may not be released directly into waters of the state.

5 AAC 41.070 is amended by adding a new subsection to read:

(f) Except as otherwise provided in this chapter, a person may not possess, import, breed, transport, release, purchase, or sell within this state a banned invasive species classified under 5 AAC 41.075, unless that person holds a permit from the commissioner.

5 AAC 41 is amended by adding a new section to read:

5 AAC 41.075. Classification of banned invasive species. (a) In consultation with the department, the board will classify certain nonnative species as banned invasive species under this section.

(b) When considering proposals to classify a certain nonnative species as a banned invasive species, or removing a species from the list of banned invasive species specified in (c) of this section, the board will consider and determine the potential of the species to

- (1) survive, grow, reproduce, and establish reproductive populations in this state;
- (2) cause a genetic alteration of a species indigenous to this state;
- (3) compete for food, habitat, and resources with a species indigenous to this state;
- (4) degrade or make uninhabitable habitats used by species indigenous to this state;
- (5) transmit a disease to a species indigenous to this state or to humans;
- (6) threaten the health or population of a species indigenous to this state or to

humans;

- (7) cause economic or environmental harm.

(c) The following species are classified as banned invasive species:

Common Name

Scientific Name

Amphibians

American bull frog
Pacific Chorus Frog
Red-legged Frog

Lithobates catesbeianus
Pseudacris regilla or *Hyla regilla*
Rana aurora

Crustaceans

Signal crayfish
Red swamp crayfish
Rusty crayfish
European green crab
Conrad's or Dark false mussel

Pacifastacus leniusculus
Procambarus clarkii
Orconectes rusticus
Carcinus maenas
Mytilopsis leucophaeta



Fish

Asian carp
Yellow Perch

Hypophthalmichthys Genus
Perca flavescens

Mollusks

New Zealand mudsnail
Dreissenid mussels
Quagga mussel
Zebra mussel

Potamopyrgus antipodarum
Dreissenidae Family
Dreissenia bugensis
Dreissenia polymorpha

(d) In this section, "banned invasive species" includes any part of an organism, including reproductive material, at any stage of its life cycle.

5 AAC 41.100(4) is amended to read:

5 AAC 41.100. Definitions.

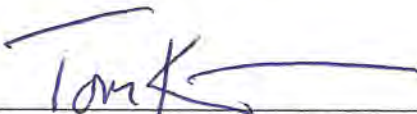
(4) "ornamental fish" **has the meaning given in AS 16.35.210** [MEANS A FISH COMMONLY KNOWN AS "TROPICAL FISH," "AQUARIUM FISH," OR "GOLDFISH," WHICH ARE IMPORTED, CULTURED, OR SOLD IN THE STATE CUSTOMARILY FOR VIEWING IN AQUARIA OR FOR RAISING IN ARTIFICIAL SYSTEMS, AND NOT CUSTOMARILY USED FOR SPORT FISHING OR HUMAN CONSUMPTION PURPOSES];

NOW THEREFORE:

A. Pursuant to AS 16.05.270, the board delegates its authority under AS 16.05.251 to the commissioner to consider and, at the commissioner's discretion, adopt regulatory changes on the subjects in proposals 261 and 262 for the 2014–2015 board meeting cycle, including the proposed regulatory changes outlined above, in accordance with the Administrative Procedure Act (AS 44.62).

B. This delegation of authority shall remain in effect unless revoked by the board.

VOTE: 6-0
Date Adopted: March 20, 2015
Anchorage, AK



Tom Kluberton, Chairman
Alaska Board of Fisheries