

**PROPOSAL FORM
INSTRUCTIONS FOR COMPLETING**

Top of form:

- Check the appropriate box (or boxes) for which regulations you wish to change.
- Enter the regulatory area in which the regulation will apply, such as Bristol Bay, GMU 23, or statewide.
 1. If known, enter the series of letter and numbers which identify the regulation to be changed. For example, 5 AAC 72.055. If it will be a new section, then enter 5 AAC 72.XXX. Enter the page in the regulation book containing the regulations on that subject.
 2. Write a short explanation about the problem your proposal addresses, or why you are proposing the regulation.
 3. State why the regulation should be adopted or provide an explanation about what will happen if the regulation is not changed.
 4. Print or type your proposal as you would like to see it appear in the regulation book. If you choose to provide regulatory language, new or amended wording should appear first and be underlined. Wording being deleted should be fully CAPITALIZED and enclosed in [BRACKETS].

EXAMPLES: **5 AAC 27.810. Fishing seasons and periods.**

In the Togiak and Bay districts, herring may
be taken by purse seines and hand purse
seines from April 25 through June 15 [JUNE 1]

AAC 85.025(3). Unit 9(B) Caribou.

NONRESIDENT HUNTERS: Four [FIVE] caribou.

Alternatively, you may state your changes in clear sentences. For example, "Extend the season to June 15 in the Togiak and Bay districts," or "Reduce the bag limit for caribou in Unit 9B to four."

5. If you have information about how the quality of the harvested resource will be affected, include it here.
6. Write a short explanation of which user group[s] will benefit and which will suffer if your proposal is adopted into regulation.

7. Explain other ideas you had or your group discussed for solving the problem and why you did not present those ideas.

Bottom of form:

- Write the name of the group that voted to submit the proposal or your name if you are submitting the proposal. This name will be published in the proposal book. The Boards of Fisheries and Game will not consider anonymous proposals.
- Fill in your address and zip code, and telephone number. These will NOT be published.

Mail or fax the completed form to the address at the top of the form.

Alaska Board of Fisheries/Game
P.O. Box 115526
Juneau, AK 99811-5526
Fax: 907-465-6094

Or you may submit the proposal to one of the four regional Boards Support Section Offices in Anchorage, Dillingham, Fairbanks or Kotzebue.

NOTE: Proposals must be received by the deadline in the call for proposals; there are no exceptions. A fax is considered an original. The form must be physically received by fax or mail; postmark is not adequate.

If you have any questions or need assistance, please consult staff at any Fish and Game office.

**ALASKA BOARD OF FISHERIES AND ALASKA BOARD OF GAME
REGULATION PROPOSAL FORM
PO BOX 115526, JUNEAU, ALASKA 99811-5526**

<p>BOARD OF FISHERIES REGULATIONS</p> <p><input type="checkbox"/> Fishing Area</p> <p><input type="checkbox"/> Subsistence <input type="checkbox"/> Personal Use</p> <p><input checked="" type="checkbox"/> Sport <input type="checkbox"/> Commercial</p> <p>JOINT BOARD REGULATIONS</p> <p><input type="checkbox"/> Advisory Committee <input type="checkbox"/> Regional Council <input type="checkbox"/> Rural</p>	<p>BOARD OF GAME REGULATIONS</p> <p>Game Management Unit (GMU) _____</p> <p><input type="checkbox"/> Hunting <input type="checkbox"/> Trapping</p> <p><input type="checkbox"/> Subsistence <input type="checkbox"/> Other _____</p> <p><input type="checkbox"/> Resident</p> <p><input type="checkbox"/> Nonresident</p>
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Please answer all questions to the best of your ability. All answers will be printed in the proposal packets along with the proposer's name (address and phone numbers will not be published). Use separate forms for each proposal.

1. Alaska Administrative Code Number 5 AAC 5 AAC 41.005 **Regulation Book Page No.** _____

2. What is the problem you would like the Board to address?

No AAC statute currently addresses the collection of live native fish for use as pets. One statute, 5 AAC 41.005(a), does stipulate that:

No person may transport, possess, export from the state, or release into the waters of the state, any live fish unless the person holds a fish transport permit issued by the commissioner or his authorized designee, and the person is in compliance with all conditions of the permit and the provisions of this chapter. A fish transport permit will be issued for a fixed term subject to the provisions of (c) of this section.

To date, the Alaska Department of Fish and Game has not developed a mechanism for obtaining permits for the transport or possession of fish as pets. For amphibians (legally defined as fish as per AS 16.05.940), many people import these species when moving to the state, many residents collect native amphibians for pets or for use in classrooms as educational aids, and pet stores regularly sell several amphibian species. This is apparently in violation of 5 AAC 41.005 (a).

3. What will happen if this problem is not solved?

If this problem is not resolved, people will continue to collect, transport and possess amphibian species as pets without a permit and without proper oversight. This puts pressure on native amphibians by removing individuals from natural breeding populations indiscriminately and by increasing the risk of invasive species introductions and exposure to pathogens through greater demand on the pet trade. It also causes individuals that are engaging in these activities to be knowingly or unknowingly in violation of the law.

4. What solution do you prefer? In other words, if the Board adopted your solution, what would the new regulation say?

Our organization prefers the following:

Modification of the language in 5 AAC 41.005 (a) to read:

No person may transport, possess, export from the state, or release into the waters or onto the lands of the state, any live fish unless the person holds a fish transport permit issued by the commissioner or his authorized designee, and the person is in compliance with all conditions of the permit and the provisions of this chapter, unless otherwise provided in the provisions of (e) and (f) of this section. A fish transport permit will be issued for a fixed term subject to the provisions of (c) of this section.

Addition of language in 5 AAC 41.005 to read: (e) species of native amphibians may be handled, collected, transported, possessed and displayed as pets, educational aids, or research specimens without a permit provided that:

- (1) the individual engaging in these activities holds a valid fishing license and is a resident of Alaska
- (2) no more than 4 adults, and 25 eggs, tadpoles or larvae of each species are handled, collected, transported, possessed or displayed by an individual each calendar year
- (3) reasonable precautions are undertaken to prevent the spread of disease including but not limited to the use of latex gloves and the disinfecting of clothing and gear

- (4) records of collection date, species, number, and location are maintained by the individual
- (5) no wild-caught amphibian is sold, traded, bartered or used as a prize
- (6) no wild-caught amphibian nor its offspring are bred for commercial purposes or exported from the state
- (7) there is no known threat to or decline in the population from which the amphibians are collected as determined and advertised by the Alaska Department of Fish and Game
- (8) individuals not returned under the provisions of (9) of this section are kept in captivity for the entirety of their lives or humanely euthanized
- (9) they only be returned to the wild if
 - (i) they originated in the wild and are being returned to the exact same location that they were collected from
 - (ii) they have not been held in captivity with any other reptile or amphibian
 - (iii) they have not been in captivity more than 30 days
 - (iv) there are no obvious signs or symptoms of disease

The above solution mirrors the regulations of the Maryland Department of Natural Resources, the Ohio Department of Natural Resources and Idaho Fish and Game.

Addition of language in 5 AAC 41.005 to read: (f) a non-native species of "ornamental fish" may be possessed as a pet in Alaska without a permit provided that provisions 5 AAC 41.070 regarding prohibitions on importation and release of live fish, and 18 AAC 36.005 regarding the import of animals are met in their entirety.

5. Does your proposal address improving the quality of the resource harvested or products produced? If so, how?

Yes. By adding the above exemptions for the collection of wild amphibians, there would be less demand for the import of non-native amphibians as pets and educational aids. This could limit the risk of introduced invasive species and pathogens that could harm native amphibian populations. Native amphibians may also benefit from increased educational opportunities provided by legal collections and possessions.

6. Solutions to difficult problems benefit some people and hurt others:

A. Who is likely to benefit if your solution is adopted?

All Alaska residents interested in collecting, transporting, possessing or displaying Alaska's native amphibians would benefit from 5 AAC 41.005 (e). In addition, many residents that are currently in violation of 5 AAC 41.005 (a) will be brought into compliance.

The adoption of 5 AAC 41.005 (f) would bring people and pet stores possessing ornamental fish into compliance by removing the requirement that they obtain a Fish Transport Permit for the possession of these imports. The language offered reiterates the need to comply with stipulations that are already in place but are not customarily adhered to or enforced.

The state may benefit from this solution if easing permitting requirements on the pet trade and for educators limits the burden of permit officers and enforcement officers.

B. Who is likely to suffer if your solution is adopted?

The state of Alaska will be responsible for training wildlife enforcement officers, updating regulation materials, and providing details on the Alaska Department of Fish and Game's website pertaining to the proposed 5 AAC 41.005(e)7.

Residents and pet stores that import and possess ornamental fish may feel increased pressure to comply with 5 AAC 41.070 and 18 AAC 36.005 as a result of the proposed 5 AAC 41.005 (f), despite the fact that these are already law. Compliance will result in increased costs associated with obtaining a permit from the state veterinarian and a health certificate for importation purposes. Increased pressure to enforce these laws may result in added cost to the state.

7. List any other solutions you considered and why you rejected them.

1. Establish an entire chapter in Title 5 pertaining to the management and conservation of amphibians in Alaska. While this would bring the state in line with most other states by explicitly addressing issues related to this taxonomic group, the task would require far more expertise, labor, and resources than are provided here. Still, we recommend that the state begin to formally address and manage

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amphibians separately from fish and that the state hire a professional full-time herpetologist that is vested with the authority to oversee the management and conservation of these species. Nineteen other states have secured at least one dedicated herpetologist for these purposes.

Submitted By: Alaska Herpetological Society
Name / Signature

Individual or Group

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