

PROPOSAL 261 - 5 AAC 41.070. Prohibitions on importation and release of live fish.
Modify prohibitions on importation and release of live fish to specifically address amphibians in Alaska, as follows:

Our organization prefers the following action:

Modification of the language in 5 AAC 41.070(a) to read: Except as provided in (b) - (d) and (f) of this section, no person may import any live fish into the state for purposes of stocking or rearing in the waters **or lands** of the state.

Modification of the language in 5 AAC 41.070(c) to read: 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 onto the land** of the state. Fish wastes and waste water from ornamental fish may not be released directly into the waters of the state.

Addition of language in 5 AAC 41.070 to read:

(f) Live amphibians originating from wild stocks or cultured stocks may be imported for captive rearing purposes providing that the animals:

(1) Are not capable of surviving in the wild in Alaska;

(2) Are not capable of causing genetic alteration of a species that is indigenous to Alaska;

(3) Are not capable of causing significant reduction in the population of a species that is indigenous to Alaska;

(4) Are not capable of transmitting a disease to species that are indigenous to Alaska;

(5) Do not otherwise present a threat to the health or population of a species that is indigenous to Alaska;

(6) Are not captured from the wild for use as a pet;

(7) Do not present a conservation concern in the species' native habitat outside of the state;

(8) Can be reasonably maintained in good health in private ownership and;

(9) Do not present a likelihood that concerns about, or threats to human health and safety will lead to adverse consequences to captive animals

What is the issue you would like the board to address and why? Six native species of amphibians occur in the state of Alaska, and several non-native species of amphibians have established viable populations. We know very little about the basic population parameters for Alaska's amphibians, and to date there has been no regulatory action directly pertaining to the conservation of this taxonomic group in the state. To begin to rectify the situation, we are asking that several regulations be modified or created to address pressing conservation concerns.

The above language mimics that which is applied to "game" under the "clean list" regulations in 5 AAC 92.029(h). We also recommend that a "clean list" of amphibian species be established to limit the import of non-native species that pose substantial threats to the state's native amphibians. In addition, we believe that the state should consider joining 19 other states by

hiring a full-time dedicated herpetologist to expand our knowledge of Alaska's amphibian populations and to address conservation issues pertaining to this taxonomic group.

The term “ornamental fish” in 5 AAC 41.070(c) does not adequately define the inclusion of “amphibians,” which are defined as “fish” as per AS 16.05.940, nor does it address amphibians that exhibit terrestrial life stages. The statute reads:

“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 of the state. Fish wastes and waste water from ornamental fish may not be released directly into the waters of the state.”

As written, the statute fails to distinguish which amphibians would qualify as “ornamental species.” The statute does prevent release “into the waters of the state,” but fails to restrict release on land.

In addition to the above concerns, Alaska’s native amphibians are not protected from imported species in the same manner as “game” under the clean list established in 5 AAC 92.029(h).

Without clarification, potentially invasive amphibian species may be brought to the state and released, consequently harming native amphibian species through competition, predation, genetic modification and disease transmission. Invasive amphibian species also have the potential to impact other native taxa, including fish. A verified account of a non-native species, the blue-spotted salamander, being introduced onto state “land” near Chugiak and subsequently surviving the winter was documented in 2013. Several other examples are available.

Bullfrogs in particular are considered a major threat to native amphibian species where they do not occur naturally. They are a voracious and aggressive predator that frequently consume other amphibians. In addition, they are known to frequently carry diseases that could significantly impact native amphibian populations. Many states have taken action to prevent the import and release of this species.

It does not make sense to our organization that amphibians are defined as fish in the state. Most management and regulatory decisions made for fish do not apply to amphibians. More information on Alaska’s amphibians and the threats facing them can be obtained from the Alaska Herpetological Society’s (AHS) website: www.akherpsociety.org. AHS is recognized by the State of Alaska as a non-profit organization and its IRS 501(c)3 application is pending.

PROPOSED BY: Alaska Herpetological Society (EF-C14-047)

PROPOSAL 262 - 5 AAC 41.005. Permit required. Modify permitting requirements to specifically address the collection, transport, and possession of amphibians in Alaska, as follows:

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

A) they originated in the wild and are being returned to the exact same location that they were collected from

(B) they have not been held in captivity with any other reptile or amphibian

(C) they have not been in captivity more than 30 days

(D) 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.

What is the issue you would like the board to address and why? 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.

An alternative would be to 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 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.

No statute or regulation 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).

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.

PROPOSED BY: Alaska Herpetological Society

(EF-C14-048)
