

## **Alaska AIS Regulations**

### **Alaska Admin. Code Title 5, Part 1, Ch. 1, Art. 1 (Statewide Provisions)**

#### **Alaska Admin. Code tit. 5, § 01.010. Methods, means, and general provisions.**

*\* AIS-relevant provision: 5 Alaska Admin. Code tit. 5, § 01.010(n).*

(a) Unless otherwise provided in this chapter, the following are legal types of gear for subsistence fishing:

(1) gear specified in 5 AAC 39.105;

(2) jigging gear, which consists of a line or lines with lures or baited hooks that are operated during periods of ice cover from holes cut in the ice, or from shore ice referred to in 5 AAC 01.220(l), and which are drawn through the water by hand;

(3) a spear which is a shaft with a sharp point or fork-like implement attached to one end, used to thrust through the water to impale or retrieve fish and which is operated by hand;

(4) a lead which is a length of net employed for guiding fish into a seine or a length of net or fencing employed for guiding fish into a fish wheel, fyke net or dip net.

(b) Finfish may be taken for subsistence purposes only by Alaskan residents.

(c) Gillnets used for subsistence fishing for salmon may not exceed 50 fathoms in length, unless otherwise specified by the regulations in particular areas set forth in this chapter.

(d) Unless otherwise specified in this chapter, it is unlawful to buy or sell subsistence-taken fish, their parts, or their eggs, except that it is lawful to buy or sell a handicraft made out of the skin or nonedible by-products of fish taken for personal or family consumption.

(e) Fishing for, taking or molesting any fish by any means, or for any purpose, is prohibited within 300 feet of any dam, fish ladder, weir, culvert or other artificial obstruction.

(f) The use of explosives and chemicals is prohibited.

(g) Subsistence fishing by the use of a hook and line attached to a rod or pole is prohibited, unless otherwise provided in this chapter.

(h) Each subsistence fisherman shall plainly and legibly inscribe his first initial, last name, and address on his fish wheel, or on a keg or buoy attached to gillnets and other unattended subsistence fishing gear.

(i) All pots used for subsistence fishing must comply with the escape mechanism requirements in 5 AAC 39.145.

(j) Persons licensed under AS 43.75.011 to engage in a fisheries business may not receive for commercial purposes or barter or solicit to barter for subsistence taken salmon or their parts. Further restrictions on the bartering of subsistence taken salmon or their parts may be implemented by emergency order for a specific time or area if circumvention of management programs is occurring because of illegal bartering activities.

(k) The gillnet web in a gillnet used for subsistence fishing for salmon must contain

(1) at least 30 filaments, each of which must be of equal diameter; or

(2) at least six filaments, each of which must be at least 0.20 millimeters in diameter.

(l) Repealed 5/15/93.

(m) Salmon taken for subsistence use or under subsistence fishing regulations may not be subsequently used as bait for commercial fishing purposes.

(n) The use of live nonindigenous fish as bait is prohibited.

(o) Fish taken and retained for subsistence shall be salvaged for subsistence uses;

(1) in this section, “salvage” means to transport fish to a location where the fish will be processed or preserved for subsistence uses before the fish become spoiled or otherwise unusable for subsistence;

(2) it is a defense to a charge that the failure to salvage the fish was due to circumstances beyond the control of the person charged, including:

(A) theft of the fish;

(B) unanticipated weather conditions or other acts of God;

(C) unavoidable loss in the field to a wild animal.

### **Alaska Admin. Code Title 5, Part 1, Ch. 41, Article 3 (General Provisions)**

#### **Alaska Admin. Code tit. 5, 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 purposes of stocking or rearing in the waters of the state.

(b) Live oysters native to and originating from the Pacific Coast of North America may be imported for aquaculture purposes, under a permit required by this chapter, and may be released into the waters of the state only if the

(1) broodstock is derived from oysters commercially cultured on the Pacific Coast of North America through three or more generations; and

- (2) disease history or an inspection indicates no incidence of disease that is not indigenous to the state or is not considered to be a risk to indigenous stocks, and oyster health or marketability.
- (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 of the state. Fish wastes and waste water from ornamental fish may not be released directly into the waters of the state.
- (d) Weathervane scallops originating from wild stocks or cultured stocks in the Southeastern Alaska and Yakutat Areas may be imported for aquaculture purposes and may be released only into the waters of the Southeastern Alaska and Yakutat Areas under a permit required by this chapter only if the
  - (1) broodstock was taken under the provisions of a permit issued by the department;
  - (2) broodstock was certified by the department's fish pathology section before transport out of the state;
  - (3) broodstock was held continuously in a department-approved isolation facility;
  - (4) weathervane scallops proposed for import have been held continuously in a department-approved isolation facility before import into the state;
  - (5) disease history, or an inspection, of the weathervane scallops proposed for import indicates no incidence of a disease of transport significance.
- (e) A person may not import, own, possess, propagate, transport, distribute, release, purchase, or sell within this state.
  - (1) any species listed under 50 C.F.R. 16.13, as revised as of October 31, 2016, as an injurious live, or dead fish, mollusk, crustacean, or their eggs; and
  - (2) any species listed under 50 C.F.R. 16.14, as revised as of January 28, 2016, as injurious live or dead amphibians or their eggs.
- (f) Except as otherwise provided in this chapter, a person may not possess, import, propagate, transport, release, purchase, or sell within this state a banned invasive species classified under 5 AAC 41.075.

**Alaska Admin. Code tit. 5, 41.075. Classification of banned invasive species.**

- (a) In consultation with the department, the board will classify certain normative 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:

<b>Common Name</b>	<b>Scientific Name</b>
Amphibians	
American bull frog	<i>Lithobates catesbeianus</i>
Pacific chorus frog	<i>Pseudacris regilla</i> or <i>Hyla regilla</i>
Red-legged frog	<i>Rana aurora</i>
Crustaceans	
Signal crayfish	<i>Pacifastacus leniusculus</i>
Red swamp crayfish	<i>Procambarus clarkii</i>
Rusty crayfish	<i>Orconectes rusticus</i>
European green crab	<i>Carcinus maenas</i>
Fish	
Asian Carp	<i>Hypophthalmichthys</i> Genus
Yellow perch	<i>Perca flavescens</i>
Mollusks	
New Zealand mudsnail	<i>Potamopyrgus antipodarum</i>
Dreissenid mussels	<i>Dreissenidae</i> Family
Quagga mussel	<i>Dreissenia bugensis</i>
Zebra mussel	<i>Dreissenia polymorpha</i>

Conrad's or dark false mussel *Mytilopsis leucophaeta*

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