



ALASKA DEPARTMENT OF FISH AND GAME

POLICY AND REQUIREMENTS FOR FISH RESOURCE PERMITS

GENERAL

The Alaska Department of Fish and Game (ADF&G) is the custodian of the fish resources of the state. Permits are required for all collections of fish, shellfish, and aquatic plants not covered by existing regulations. This requirement includes methods and means (gear), numbers, locations, seasons, or the possession and/or transportation of live fish in any life-stage outside of existing sport, personal use, aquatic farm, and commercial regulations. Fish resource permits are a privilege and will be issued only to those organizations and individuals who meet the departmental requirements specified in this policy, and who are engaged in scientific, educational, propagative, or exhibition activities.

The provisions of this policy govern the permits required for collecting, holding, and propagating fish, shellfish, or aquatic plants. They do not apply to the cultivation of ornamental fish.

Possession of a permit issued under this policy does not relieve the permittee of the responsibility for securing any other local, state, or federal permits required for the project.

Permits issued under this policy are nontransferable. Falsification of any information on an application, affidavit, permit, or report required by the permit or by this policy will be grounds for permit revocation or denial of future permit applications.

PERMIT REQUIRED

No organization or individual may collect or hold alive any live fish, shellfish, or aquatic plants, or their gametes for purposes of science, education, propagation, or exhibition unless that organization or individual holds a fish resource permit issued by the commissioner. Unless otherwise specified or revoked, a permit shall expire no later than December 31 of the year in which it was issued.

A fish resource permit authorizes only the activities specified in the permit. Any change in the permit or terms of the permit requires an amendment to the permit.

UNIFORM APPLICATION PROCEDURES

Each applicant for a fish resource permit shall submit the following information to the department on a form approved by the commissioner:

- (1) The name of the applicant and the name of the primary employer, or instructor, sponsor or contractor of the study.
- (2) A written operational plan that identifies the purpose and the need for the desired collection, research objectives, procedures, and an explanation of benefits that may accrue from the requested activities.
- (3) Dates and specific locations where collections are to be made.
- (4) Specific numbers of specimens, by species and life stage, required to meet the objectives of the project, including both common and scientific names.
- (5) Plans for final disposition, manner of disposition, and anticipated date when disposition of specimens will occur.
- (6) Specific methods and/or gear to be used in the collection of specimens.
- (7) The names of all persons, in addition to the applicant or chief investigator, who will be participating in field activities; or the number of people expected to participate with an agreement to furnish the names when they are identified.

A completed application must be submitted to the department headquarters office at P.O. Box 25526, Juneau, AK 99802 as follows:

- (1) applications for capture, collection, and holding of fish and aquatic plants for non-propagative purposes from freshwater are to be sent to the attention of the Division of Sport Fish;
- (2) applications for capture, collection, and holding of fish and aquatic plants for non-propagative purposes from saltwater are to be sent to the attention of the Commercial Fisheries Management and Development Division;
- (3) applications for finfish propagation are to be sent to the attention of the Commercial Fisheries Management and Development Division;

- (4) applications for activities related to shellfish and aquatic plant propagation, and shellfish and aquatic plant farm and hatchery operations are to be sent to the attention of the Mariculture Coordinator, Commercial Fisheries Management and Development Division.

If the commissioner determines that an application is incomplete and that further information is necessary, the department will return the application to the applicant with a description of the deficient information.

PERMIT CLASSIFICATIONS

The commissioner may issue a fish resource permit for the following activities:

- I. **Collection**: Applicants must be involved in legitimate research or educational activities. Permit applications are reviewed and processed by the Commercial Fisheries Management and Development Division (salt water) and the Sport Fish Division (fresh water) to collect specimens of fish, shellfish and aquatic plants from salt and freshwater. The specimens will be killed at the collection site, or caught and released unharmed at the collection site.

The reasons for capturing and/or collecting fish are diverse; however, most requests for scientific collections stem from a need to: (1) properly conduct impact analysis from proposed activities; (2) manipulate aquatic habitat features for improving fish productivity; and/or (3) obtain fish resource data that will support legitimate academic inquires (research). Moreover, the capture, collection, and disposition of fish, if done in the proper manner, can have considerable educational value. Examples of educational uses include the preparation of voucher specimens of fish from a specific location, fish dissection, field ecology investigations, and aquatic education programs.

- II. **Holding**: Applicants must be involved in legitimate research or educational activities. Permit applications are reviewed and processed by Commercial Fisheries Management and Development Division (salt water) and Division of Sport Fish (fresh water) to allow individuals or organizations to exhibit live saltwater or fresh water specimens, to export live specimens from the state, or for non-propagative research that requires maintaining live specimens for some amount of time after capture. Exportation of live specimens from Alaska requires an importation permit issued by the appropriate resource agency of the importing state or country.

A permit in this category will allow the transport and live holding of specimens to be contained in aquaria. Specimens are not to be released. The permit number must be displayed on the aquaria. This permit will fulfill the requirements of 5 AAC 41, for transportation and possession of live fish. Carcasses must be disposed in a manner approved by the department. All aquarium systems (open and closed) may be inspected and will require approval by an ADF&G Fish Health Services Pathologist.

- III. **Propagation**: Permit applications are reviewed and processed by the Commercial Fisheries Management and Development Division (all species) for educational, vocational, research, or site suitability purposes. Applications will also be reviewed by the Sport Fish Division. Applicants must be involved in legitimate activities for a scientific, educational, or aquaculture organization. If the applicant is an Alaska public school, the school will be

considered the primary employer, not the school district, and the classroom instructor who has daily supervision will be considered the applicant.

- A. Mariculture site suitability. Approval by an ADF&G Fish Health Services Pathologist is required. The permit will fulfill fish transport permit (FTP) requirements as specified under 5 AAC 41.
 - 1. Limited to one year, no renewal;
 - 2. Limited to 10,000 organisms with no release;
 - 3. No commercial use;
 - 4. Does not establish any proprietary interest in the site.

- B. Scientific/Educational. This permit will serve to transport and hold alive species and will fulfill FTP requirements as specified under 5 AAC 41. Approval by an ADF&G Fish Health Services Pathologist may be required. Only wild coho, pink, and chum salmon or any species obtained from a hatchery in the state (other than sockeye salmon) will be allowed for classroom projects. In this category, the following conditions apply:
 - 1. No releases (of fish or effluent into waters of the state).
 - (a) Less than or equal to 500 eggs or one spawning pair;
 - (b) Wild stock or hatchery eggs;
 - (c) Shellfish and aquatic plant projects related to aquatic farming.

 - 2. Small number releases
 - (a) Progeny from less than or equal to 500 eggs or one spawning pair;
 - (b) Fish release only at place of origin or in a departmentally approved landlocked lake; effluent release either disinfected or discharged into a sewage treatment facility;
 - (c) Cumulative impacts from multiple projects in an area or drainage will be carefully assessed;
 - (d) The project must be for educational purposes only and any adult returns from the project may not be claimed as exclusive property of the project. The returns are considered common property and no special harvest rights may be claimed for cost recovery or any other reason;
 - (e) Release must be timed as nearly as possible to the natural timing of the donor stock, the plankton bloom, or at a time appropriate to maximize the survival.

 - 3. If an event occurs that results in substantial egg mortalities, a report is required to explain the nature of the incident, the cause of the incident, the date of the incident, and any corrective action taken. This report must be received in the headquarters office before any further live fish or egg transport is made. The classroom may be allowed one additional transport of less than or equal to 500 eggs or one spawning pair from the original source.

- C. Vocational. Up to 50,000 eggs or equivalent in spawning pairs (sockeye salmon should not be used).

1. Inspection by an ADF&G Fish Health Services Pathologist and genetic sampling may be required, and additional restrictions may be required for fisheries management and conservation needs;
 2. Regional planning team (RPT) review at a regularly scheduled meeting is required. Based on the recommendation of the RPT, additional restrictions may be required for fisheries management and conservation needs, and cumulative impacts from multiple projects in an area or drainage may be carefully assessed;
 3. If an RPT does not exist for the area, the department's two fisheries divisions will formally review the application. As part of the review, public comment will be solicited through a newspaper advertisement paid for by applicant. The public will be invited to submit written comment for a 30-day period to the Commercial Fisheries Management and Development Division Juneau headquarters office;
 4. An FTP for brood stock selection is required.
 5. The project must be for educational purposes only and any adult returns from this project may not be claimed as exclusive property of the project. The returns are considered common property and no special harvest rights may be claimed for cost recovery or any other reason.
- D. Propagative. Eggs in the amounts intended to result in less than or equal to 5,000 returning adults. No more than 500,000 eggs of non-smolt species (e.g. pink or chum salmon) or 100,000 eggs of smolt species (e.g. coho, sockeye, or chinook) or the equivalent in spawning pairs may be used.
1. Research and Bioenhancement. Accredited institutions of higher learning and cooperative governmental projects.
 - (a) Inspection by an ADF&G Fish Health Services Pathologist and genetic sampling may be required;
 - (b) Facility plans/diagrams and water source information must be furnished;
 - (c) An FTP for brood stock selection is required.
 2. Site Suitability. This permit may be issued for two consecutive years. It leads into the application process for a private nonprofit (PNP) hatchery permit.
 - (a) Inspection by an ADF&G Fish Health Services Pathologist and genetic sampling may be required;
 - (b) Facility plans/diagrams and water source information must be furnished;
 - (c) A management feasibility analysis is required;
 - (d) RPT review at a regularly scheduled meeting is required. Based on the recommendation of the RPT, additional restrictions may be added for fisheries management and conservation needs;
 - (e) If an RPT or fisheries management plan does not exist for the area, the department's two fisheries divisions will formally review the application. As part of the review, public comment will be solicited through a

newspaper advertisement paid for by applicant. The public will be invited to submit written comment for a 30-day period to the Commercial Fisheries Management and Development Division Juneau headquarters office;

- (f) An FTP for brood stock selection is required;
- (g) Release must be timed as nearly as possible to the natural timing of the donor stock, plankton bloom, or at a time appropriate to maximize the survival;
- (h) If an event occurs that results in substantial egg mortalities, a report is required to explain the nature of the incident, the cause of the incident, the date of the incident, and any corrective action taken. This report must be received in the headquarters office before any further live fish or egg transport is made;
- (i) Any adult returns from the project may not be claimed as exclusive property of the project. All returns are considered common property and no special harvest rights may be claimed for cost recovery or any other reason.

3. Incubation of more than the number of eggs in category D.2, above, requires a PNP hatchery permit (regulated under 5 AAC 40).

PERMIT ISSUANCE, DENIAL, OR REVOCATION

The commissioner will approve, condition, or deny a permit within 30 days after a complete application containing all of the applicable information listed in this section has been received in the headquarters office of the respective division. However, this time frame does not apply to shellfish and aquatic plant farm or vocational activities, which are addressed as follows:

- (1) the commissioner shall approve, condition, or deny a mariculture site suitability permit application or a fish resource permit related to aquatic farming within five days after a determination of project consistency with the Alaska Coastal Management Program has been determined under 6 AAC 50.
- (2) the commissioner shall approve, condition, or deny a vocational/research propagation application within 10 days after the review by the appropriate RPT, if that review is necessary.
- (3) the commissioner may extend the review period for complex or large projects.

The commissioner will deny a fish resource permit if it is determined that the proposed activities will adversely affect the continued health and perpetuation of native, wild, or propagated stocks of fish, shellfish, aquatic plants, or their habitat. The commissioner will also deny a fish resource permit if the proposed activities will adversely disrupt traditional common property fisheries.

The commissioner will deny a fish resource permit or permit amendment if the applicant's proposed study plan specifications are inadequate. This decision will be based on the study plan's purpose, need, procedures, research or educational objectives; or other specifications that do not adequately

address the issues of disease, genetics, competition, predation, or perpetuation of native, wild, or propagated fish stocks; or on specifications that are deemed inadequate because of the lack of other information required in this policy.

Approval of a continuing or multi-year fish resource project, such as a classroom incubation or research project, will be based upon past performance.

Written notice of denial will be given to the applicant, including the reasons for denial.

The commissioner will revoke a fish resource permit or particular provisions of that permit, including amendments, if he or she finds:

- (1) on the basis of new information or changed circumstances that the permitted activity will adversely affect the continued health or perpetuation of native, wild, or propagated stocks of game, fish, shellfish, aquatic plants or their habitat; or
- (2) the permittee fails to comply with terms and conditions of the permit, or the provisions of this policy.

An application for a fish resource permit that has been denied or a permit that has been revoked by the commissioner will, in the commissioner's discretion, be reconsidered if the applicant provides new or additional written information that may have altered the original decision.

AMENDMENTS TO THE PERMIT

A permittee may request an amendment to a fish resource permit by writing to the department's headquarters office. The permittee must submit an amended plan, and a written explanation of why the amendment is being requested. The commissioner may approve or deny an amendment to the permit. The commissioner may alter, amend, or revoke a permit if additional information or changed circumstances affect the adequacy of its terms and conditions.

Amendments become effective on approval by the commissioner, receipt of the amendment by the permittee, or at a later date specified in the amendment. Unless otherwise specified, amendments remain valid for the duration of the permit and must be attached to the original permit.

PERMIT CONDITIONS

The commissioner may prescribe conditions in a permit to control or prevent the occurrence of disease, genetic change, or other disturbances of a biological nature that may affect native, wild, or propagated fish, shellfish or aquatic plants. The commissioner may prescribe conditions in a permit to minimize disturbances or alterations to traditional fisheries or other uses of fish and wildlife resources. These conditions may include limitations on the number of a stock or a species to be taken, release locations, methods of transport or release, quarantine, effluent control, disease inspection, or other measures, such as the requirement for an FTP, as specified under 5 AAC 41, that are necessary to achieve the purposes of this policy.

The commissioner may prescribe special permit requirements, depending upon the complexity of the overall project for which the specific application is being made. Each project component will be evaluated independently and modified as appropriate.

RETENTION OF PERMIT FOR INSPECTION

A copy of the permit, including any amendments, must be retained by the permittee and made available for inspection upon request by a representative of the department or a law enforcement officer. The permit or a copy of the permit must be available at all field collection sites and at the project site.

Each permittee must give authorized representatives of the department and law enforcement officers free and unobstructed access at all times to permit sites. Each permittee must give such assistance and furnish information that the representative or law enforcement officer may reasonably require for monitoring and inspection purposes.

REPORTING

A collection report is required and must be submitted to the divisional headquarters office that issued the permit within 30 days after the expiration date of the permit, unless an earlier date is specified. The report shall include: numbers of each species collected, date and place taken, disposition of the specimens, and, if applicable, sex, life stage, age, lengths and weights of fish, or any other information required in the permit.

A completion report detailing the results and findings of any data analysis for the project, if not submitted with the collection report described above, must be submitted to the department within six months of the expiration of the permit. Data from such reports are considered public information.

The commissioner will not re-issue a permit to the permittee or agency until the above reporting requirements are met.

DELEGATION OF AUTHORITY

No authorities or activities granted under terms of a fish resource permit may be delegated by the permittee to another person. Permits to agencies will be made to the highest practical level or individual in each agency. Additional personnel may engage in approved collection activities only after written notification by the permittee and approval by the department. If the applicant is an Alaskan public school, the school will be considered the primary employer, not the school district, and the classroom instructor who has daily supervision will be considered the applicant.

RESTRICTIONS

- (a) Collected fish, shellfish, or aquatic plant specimens may not be sold, bartered, or used as food, and may be used only for the purposes specified in the permit.
- (b) If species to be taken or possessed are those under primary jurisdiction of the federal government, the applicant must first obtain a federal permit and submit a copy of it along with the application when applying for the state permit. The state permit may be more restrictive, but not more liberal than the federal permit.

- (c) The permittee is responsible for securing any other required state or local permits. The fish resource permit will not be valid without all other permits required by local, state, and federal agencies.
- (d) Permits will indicate the number of specimens that may be taken, by species and life stage. Sampling or collecting activities must stop when the maximum allowable number of specimens is obtained. All live fish, shellfish, and aquatic plants collected in excess of the number specified on the permit must be released immediately and unharmed at the capture location, unless otherwise specified in the permit.
- (e) All fish traps, nets or similar capture devices must be labeled with the collector's name and permit number. A valid sport fishing license must be in the possession of each person collecting fish with a hook and line or clams with a shovel.
- (f) Use of explosives or chemicals, especially poisons other than chemical baits or lures for collecting purposes is prohibited. Any chemical anesthetics used must be approved for human consumption by the Food and Drug Administration if fish treated with such chemicals are susceptible to human consumption within 14 days after exposure.
- (g) Department staff identified in the permit must be notified before collections or sampling.
- (h) Marking or tagging of fish is closely regulated by the state and must not conflict with other programs. Specific approval is required for any marking or tagging project. The number of each species to be marked and the location and type of mark or tag to be used must be specified.
- (i) A Title 16 permit may be required from the department's Habitat Division if a weir is to be used to collect fish, or if the proposed activities include stream alteration, water diversion, or other activities that may put fish resources at risk in waters that contain anadromous fishes.
- (j) Use of electroshocking devices will be closely regulated because such devices can cause substantial injury to fish. In general, electroshocking will not be allowed if large rainbow trout or any species of fish in spawning condition are present.
- (k) The applicant should recognize that an application for an educational project is for educational purposes only. Any adult returns from the project may not be claimed as exclusive property of the project. Returning fish are considered common property and no special harvest rights may be claimed for cost recovery or any other reason.

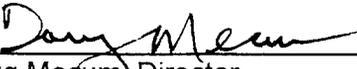
DEFINITIONS

Unless the context indicates otherwise, in this policy

- (1) "aquatic plants" means a plant indigenous to state water or that is authorized to be imported into the state under a permit issued by the commissioner;
- (2) "barter" means the exchange or trade of fish or game, or their parts, taken for subsistence uses;

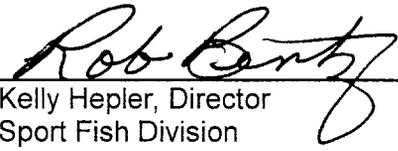
- (3) "commissioner" means the commissioner of the Department of Fish and Game or his or her delegated representative;
- (4) "complete application" means a final application containing required information which has been accepted by the commissioner and which contains a study plan.
- (5) "department" means the Alaska Department of Fish and Game.
- (6) "fish" means any species of aquatic finfish, invertebrate, or amphibian, in any stage of its life cycle, found in or introduced into the state, and includes any part of such aquatic finfish, invertebrate, or amphibian as defined in AS 16.05.940;
- (7) "fish transport permit (FTP)" means a permit issued under the authority of 5 AAC 41.001-41.100 which has not expired, been suspended, or terminated;
- (8) "law enforcement officer" means a person defined in AS 16.05.150.
- (9) "legitimate research" means conforming to recognized scientific principles or recognized rules and standards which will benefit the state or the department;
- (10) "management plan" means a written document which explains the harvest and escapement strategy the department will implement to regulate commercial, sport, and/or subsistence fisheries. The plan may be either a formally adopted Board of Fisheries regulation, an annually revised plan written by ADF&G describing how a specific area's fisheries will be managed, or the regional comprehensive salmon plan for the area.
- (11) "mark" or "marking and tagging" means all forms of skin alterations, fin clipping or other mutilation, or the insertion of foreign materials in live fish or other procedures that permit later identification;
- (12) "ornamental fish" means a fish commonly known as a "tropical fish," "aquarium fish," or "goldfish", which was imported, cultured, or sold in the state, customarily for viewing in aquaria or for raising in closed artificial systems, and not used for sport fishing or human consumption purposes;
- (13) "permittee" means the applicant and holder of the permit who is responsible for the project and activities;
- (14) "propagation" means the breeding and reproduction of fish, shellfish, or aquatic plants for the purpose of achieving scientific, educational, or vocational objectives;
- (15) "shellfish" means any species of crustacean or mollusk, in any stage of its' life cycle that is indigenous to state water or that is authorized to be imported into the state under a permit issued by the commissioner;
- (16) "transport" means to ship, carry, import, export, receive, or deliver for shipment, transportation, carriage, or export.

APPROVED:



Doug Mecum, Director
Commercial Fisheries Division

9/1/04
Date



for Kelly Hepler, Director
Sport Fish Division

8-31-04
Date



Kevin Duffy, Commissioner
Alaska Department of Fish and Game

9/7/04
Date