

11 AAC 34.020 (a) is amended to read:

(a) The following are prohibited noxious weeds:

- (1) Bindweed, field (*Convolvulus arvensis*);
- (2) Fieldcress, Austrian (*Rorippa austriaca*);
- (3) **Galinsoga** [GALENSOGA] (**Galinsoga parviflora** [GALENSOGA PARVIFLORA]);
- (4) Hempnettle (*Galeopsis tetrahit*);
- (5) Horsenettle (*Solanum carolinense*);
- (6) Knapweed, Russian (**Acroptilon repens** [CENTAUREA REPENS]);
- (7) Lettuce, blue-flowering (**Lactuca tatarica** [LACTUCA PUICHELLA]);
- (8) Orange Hawkweed (*Hieracium aurantiacum*);
- [9] PURPLE LOOSESTRIFE (*LYTHRUM SALICARIA*);]
- (9) [10] Quackgrass (**Elymus repens** [AGROPYRON REPENS]);
- (10) [11] Sowthistle, perennial (*Sonchus arvensis*);
- (11) [12] Spurge, leafy (*Euphorbia esula*);
- (12) [13] Thistle, Canada (*Cirsium arvense*);
- (14) [15] Whitetops and its varieties (**Cardaria draba** [CARDARIA DRABE], *C. pubescens*, *Lepidium latifolium*);

**(15) Any plant added to a Quarantine or Tier one plants and pests list published by the director in accordance with 11 AAC 34.130 (c), 34.140 (b) and (d).**

(Eff. Before 7/28/59; am 3/2/78, Register 65; am 10/28/83, Register 88; am 7/28/2007, Register 183; am \_\_/\_\_/\_\_, Register \_\_)

Authority AS 03.05.010      AS 03.05.027      AS 03.05.030      AS 44.37.030

11 AAC 34.045 (f) is amended to read:

(f) A copy of the results of any seed test from a sample taken under this section may be mailed to any person or [HIS] authorized representative, known to own, possess, or hold the seed from which the sample was taken.

(Eff. 10/28/83, Register 88; am \_\_/\_\_/\_\_, Register \_\_)

Authority      AS 03.05.010      AS 03.05.030      AS 03.05.040      AS 03.05.050  
AS 44.37.030

11 AAC 34.075 (a) (5) (A) is amended to read:

(A) The director will, in his or her discretion, allow a shorter period for kinds of seed which the director [HE] finds, under ordinary conditions of handling, will not maintain a germination within the established limits of tolerance during the prescribed time period, or a longer period for kinds of seed which are packaged in a container and under conditions the director determines will, during the longer period, maintain the viability of the seed under ordinary conditions of handling.

(Eff. 10/28/83, Register 88; am 10/28/87, Register 104; am \_\_/\_\_/\_\_, Register \_\_)

11 AAC 34.075 (d) is amended to read:

(d) No person may hinder or obstruct in any way, any authorized person in the performance of his or her duties under this chapter.

(Eff. 10/28/83, Register 88; am 10/28/87, Register 104; am \_\_/\_\_/\_\_, Register \_\_)

Authority AS 03.05.010 AS 03.05.030 AS 44.37.030

11 AAC 34.077 is amended to read:

11 AAC 34.077 Weed seeds **or propagative materials** in shipment

Whenever anything brought into a part of the state from another part of the state or from any other state or foreign country is found to be infested with the seed **or propagative materials** of any prohibited noxious weed, the director will notify the owner or bailee of the shipment to return it to the point of shipment within 48 hours, and the owner or bailee of the shipment shall return it. If the director determines that the seeds **or propagative materials** can be destroyed by treatment, the shipment may, at the option and expense of the owner or bailee, be treated under the supervision of the director, and may be released after treatment.

(Eff. 10/28/83, Register 88; am \_\_/\_\_/\_\_, Register \_\_)

Authority AS 03.05.010 **AS 03.05.027** AS 03.05.030 AS 44.37.030

11 AAC 34.090 is amended to read:

Each person whose name appears on the label as handling agricultural or vegetable seed subject to this chapter shall keep for two years a complete record of each lot of agricultural or vegetable seed handled, and shall keep for two years a file sample of each lot of seed after final disposition of the lot. All records and samples pertaining to the shipment or shipments involved must be accessible for inspections by the director or **the director's** [HIS] designated agent during customary business hours.

(Eff. 10/28/83, Register 88; am \_\_/\_\_/\_\_, Register \_\_)

Authority AS 03.05.010 AS 03.05.030 AS 44.37.030

11 AAC 34.105 (a) is amended to read:

(a) The director is an enforcing officer of all laws, rules and regulations relative to the prevention of introduction into, or the spread within the state of pests **and invasive plants.**

(Eff. Before 7/28/59; am \_\_/\_\_/\_\_, Register \_\_)

11 AAC 34.105 (b) is amended to read:

(b) The director and such inspectors as **the director** [HE] may appoint, holding valid certificates of eligibility for the office to which they have been appointed, are hereby designated State Plant Quarantine officers for the purpose of certifying to the pest condition or pest treatment of shipments, when certification as a condition of movement is officially required, and for the purpose of enforcing of laws, rules and regulations, relative to plant quarantine.

(Eff. Before 7/28/59; am \_\_/\_\_/\_\_, Register \_\_)

Authority AS 03.05.010 **AS 03.05.027** AS 03.05.030 AS 44.37.030

11 AAC 34.110 is amended to read:

11 AAC 34.110 Pest **and invasive plant** certificate fees

The director may establish a schedule of fees for any or all classes of certificates to be paid by shippers requesting such certificates. Upon receipt of such scheduled fee, or in the event no schedule has been established, then upon request of the shipper it is the duty of the director to make such inspection as may be necessary to determine the facts required by the state or country of intended destination and to issue a certificate stating the facts determined; provided, that no

fee shall be charged for certification required by any law, regulation, or requirement of the United States or of this state. The schedule of fees established for such certificates shall be based upon the approximate cost of the inspection **thereof** [THEREFOR].

(Eff. Before 7/28/59; am \_\_/\_\_/\_\_, Register \_\_)

Authority AS 03.05.010 AS 03.05.027 AS 03.05.030 AS 44.37.030

11 AAC 34.115 (a) is amended to read:

(a) In cases relative to the prevention of, the introduction into, or dissemination within the state of pests **and invasive plants**, any interested person aggrieved by any action or order of the director may appeal in writing to the office of the director within five days after notice of action or order where there is no time limit upon such action or order, and in cases where a time limit is fixed, within such time limit. In cases where the director is empowered to, and does take summary action, no appeal may be taken.

(Eff. Before 7/28/59; am \_\_/\_\_/\_\_, Register \_\_)

11 AAC 34.115 (b) is amended to read:

(b) Appeals will be heard by the director within 10 days after receipt thereof upon notice to all interested parties and **the director's** [HIS] decision shall be final.

(Eff. Before 7/28/59; am \_\_/\_\_/\_\_, Register \_\_)

Authority AS 03.050.010 AS 03.05.027 AS 03.05.030 AS 44.37.030

11 AAC 34.125 is amended to read:

To prevent the introduction into, or the spread within this state, of pests **and invasive plants**, the director may maintain at such places within this state, as **the director** [HE] deems necessary quarantine inspection stations for the purpose of inspecting all conveyances which might carry plants or other things which are or are liable to be infested or infected with pests **or invasive plants**.

(Eff. Before 7/28/59; am \_\_/\_\_/\_\_, Register \_\_)

Authority AS 03.05.010 **AS 03.05.027** AS 03.05.030 AS 44.37.030

11 AAC 34.130 (a) is amended to read:

(a) The director may establish, maintain and enforce such quarantine regulations as **the director** [HE] deems necessary to protect the agricultural industry **and natural resources** of this state from pests **and invasive plants**, by establishing quarantine at the boundaries of this state or elsewhere with the state. **The director** [HE] may make and enforce such rules and regulations as are necessary to prevent any plant or thing which is or is liable to be infested or infected by or which might act as a carrier of any pest **or invasive plant**, from passing over any quarantine line established and proclaimed pursuant to this chapter. The person conducting the inspection shall not permit any such plant or thing to pass over the quarantine line during quarantine, except upon a certificate or inspection and release signed by **the director** [HIM].

(Eff. Before 7/28/59; am \_\_/\_\_/\_\_, Register \_\_)

11 AAC 34.130 (b) is amended to read:

(b) No person shall conceal from plant quarantine officers any **item that may be contaminated** [PLANT] or fail to present the same or any quarantined article for inspection at the request of such officer.

(Eff. Before 7/28/59; am \_\_/\_\_/\_\_, Register \_\_)

11 AAC 34.130 is amended by adding a new subsection to read:

(c) **The director will coordinate with the University of Alaska Fairbanks Cooperative Extension Service, Alaska Association of Conservation Districts, Alaska Department of Fish and Game, other state and federal agencies, state land users, public groups and private organizations to biannually or more often if necessary publish a list of pests and invasive plants for which quarantine regulations will apply.**

(Eff. Before 7/28/59; am \_\_/\_\_/\_\_, Register \_\_)

11 AAC 34.130 is amended by adding a new subsection to read:

(d) **Publication of a list of pests and invasive plants by the director in accordance with (c) of this section will be subject to public comment.**

(Eff. Before 7/28/59; am \_\_/\_\_/\_\_, Register \_\_)

Authority AS 03.05.010 **AS 03.05.027** AS 03.05.030 AS 44.37.030

11 AAC 34.140 is amended to read:

11 AAC 34.140 New pests **and invasive plants**

(a) Upon information received by the director of the existence of any pest **or invasive plants** not generally distributed within the state **the director** [HE] shall thoroughly investigate the existence and probability of the spread thereof. **The director** [HE] may also establish, maintain and enforce quarantine and such other regulations as are in **the director's** [His] opinion necessary to circumscribe and exterminate or prevent the spread of such **pests** [PESTS] **or invasive plants**. The director may disinfect, or take such other action with reference to, any plants, **places**, or things infested or infected with, or which in **the director's** [HIS] opinion may have been exposed to infection or infestation by, any such **pests** [PEST] **or invasive plants**, as in **the director's** [HIS] discretion shall seem necessary.

(Eff. Before 7/28/59; am \_\_/\_\_/\_\_, Register \_\_)

11 AAC 34.140 is amended by adding a new subsection to read:

**(b) The director will coordinate with the University of Alaska Fairbanks Cooperative Extension Service, Soil and Water Conservation Districts, Alaska Department of Fish and Game, other state and federal agencies, state land users, public groups and private organizations to biannually, or more often if necessary, publish a list of pests and invasive plants and designate the appropriate treatment of such pests and invasive plants as Tier one, Tier two, Tier three, and watch.**

(Eff. Before 7/28/59; am \_\_/\_\_/\_\_, Register \_\_)

11 AAC 34.140 is amended by adding a new subsection to read:

**(c) In 11 AAC 34.140 and this chapter, unless the context requires otherwise,**



(1) **“Tier one” means a species of pest or invasive plant in largely un-infested regions where the management goal is to eliminate the pest or invasive plant or population of pests or invasive plants through reduction of the reproductive success to zero and killing individuals through direct action or attrition.**

(2) **“Tier two” means a species of pest or invasive plant whose eradication from infested areas is unlikely, and the management goal is to prevent the species, pest or invasive plant from spreading to uninfested areas of the state.**

(3) **“Tier three” means a species of pest or invasive plant that is generally widespread in Alaska, and whose management goal is to relieve pressure on resources of the public interest, reduce vigor of the established populations and reduce or eliminate anthropogenic aid of pest movement to surrounding lands.**

(4) **“Watch” means monitoring a species that appears to be acting as a pest or invasive plant, but has unknown impacts to agriculture, natural resources or the public interest.**

(Eff. Before 7/28/59; am \_\_/\_\_/\_\_, Register \_\_)

11 AAC 34.140 is amended by adding a new subsection to read:

**(d) Publication of a list of pests and invasive plants by the director in accordance with (b) of this section will include designation of Tier one, Tier two, Tier three and watch that are appropriate for the management need within the boundaries of each of the established Soil and Water Conservation Districts.**

11 AAC 34.140 is amended by adding a new subsection to read:

**(e) Publication of a list of pests and invasive plants by the director in accordance with (b) and (d) of this section will be subject to public comment.**

(Eff. Before 7/28/59; am \_\_/\_\_/\_\_, Register \_\_)

(Eff. Before 7/28/59; am \_\_/\_\_/\_\_, Register \_\_)

Authority AS 03.05.010 **AS 03.05.027** AS 03.05.030 AS 44.37.030

11 AAC 34.145 is amended to read:

No pest, **invasive plant**, live insect or disease **listed under Quarantine, or Tier 1 in accordance with 11 AAC 34.130 (d) or 11 AAC 34.140 sections (b) or (d)** may be imported into or shipped or transported within the state except for the purpose of identification, unless such shipment or transportation is authorized under written permit and the regulations of the director or the United States Department of Agriculture. Any unauthorized shipment shall be returned to the point **of** [OR] origin, shipped out of the state, or destroyed within 48 hours at the expense of the owner or bailee.

(Eff. Before 7/28/59; am \_\_/\_\_/\_\_, Register \_\_)

Authority AS 03.05.010 **AS 03.05.027** AS 03.05.030 AS 44.37.030

11 AAC 34.155 is amended to read:

The director may designate certain plants, **appliances and potential vectors of pests and invasive plants**, arriving from certain areas not for planting, propagation or ornamental purposes within this State which may be released without inspection, if **the director** [HE] finds upon

investigation that such plants, **appliances and potential vectors of pests and invasive plants** from such areas are not liable to cause the introduction of pests **or invasive plants** into the state.

(Eff. Before 7/28/59; am \_\_/\_\_/\_\_, Register \_\_)

Authority AS 03.05.010 **AS 03.05.027** AS 03.05.030 AS 44.37.030

11AAC 34.160 is amended to read:

The officer making the inspection may enter at any time into any conveyance or place within the state where the said plants or things are located, to ascertain whether they are or are liable to be infested or infected with any pest **or invasive plant**.

(Eff. Before 7/28/59; am \_\_/\_\_/\_\_, Register \_\_)

Authority AS 03.05.010 **AS 03.05.027** AS 03.05.030 AS 44.37.030

11 AAC 34.165 is amended to read:

Each shipment of plants, brought into this state, shall have **legibly** [LEGIBLE] marked thereon in a conspicuous manner and place the name and address of the shipper or owner, the name of the person to whom the same is forwarded or shipped, or **the person's** [HIS] agents, the name of the country or state where the contents were grown, and a statement of the contents therein. Also each shipment of plants, grown in a country or state which maintains inspection of plants, shall be accompanied by a copy of a current inspection certificate from such a country or state.

(Eff. Before 7/28/59; am \_\_/\_\_/\_\_, Register \_\_)

Authority: AS 03.05.010 AS 03.05.030 AS 44.37.030

11 AAC 34.170 is amended to read:

11 AAC 34.170 Destruction or treatment of pests **and invasive plants**

**(a)** When any shipment [OF PLANTS] brought into this state is found infested or infected or there is reasonable cause to presume that it may be so infested or infected with any pest, **or invasive plant, listed by the director as Quarantine, or Tier 1 in accordance with 11 AAC 34.130 (d) or 11 AAC 34.140 (b) or (d)**, the shipment shall be immediately destroyed [BY], **or treated by a treatment or processing prescribed by the director at the expense of the owner or bailee. When such pests or invasive plants which contaminate a shipment may be treated or processed as prescribed by the director, and if it is determined by the inspecting officer that the infested shipment can be properly safeguarded during the treatment process it may be treated at the expense of the owner or bailee in the manner, and within the time specified, under the enforcing officer's supervision. If the inspecting officer determines that the shipment has been treated appropriately and the pests or invasive plants are exterminated the shipment may be released.** [BY, OR UNDER THE SUCH PEST MAY BE EXTERMINATED BY TREATMENT OR PROCESSING PRESCRIBED BY THE DIRECTOR, AND IT IS DETERMINED BY THE INSPECTING OFFICER THAT THE NATURE OF THE PEST IS SUCH THAT NO DAMAGE CAN BE CAUSED TO AGRICULTURE IN THIS STATE THROUGH SUCH TREATMENT OR PROCESSING, OR PROCEDURE INCIDENTAL THERETO. IN SUCH CASE, THE SHIPMENT MAY BE SO TREATED OR PROCESSED AT THE EXPENSE OF THE OWNER OR BAILEE IN THE MANNER, AND WITHIN THE TIME SPECIFIED BY THE INSPECTING OFFICER, UNDER HIS SUPERVISION, AND IF SO TREATED OR PROCESSED, UPON

DETERMINATION BY THE ENFORCING OFFICER THAT THE PEST HAS BEEN EXTERMINATED THE SHIPMENT MAY BE RELEASED.]

(Eff. Before 7/28/59; am \_\_/\_\_/\_\_, Register \_\_)

11 AAC 34.170 is amended by adding a new subsection to read:

**(b) When any land within the state is found infested or infected with any pest or invasive plant listed by the director as Quarantine, Tier 1, Tier 2 or Tier 3 in accordance with 11 AAC 34.130 (d) or 11 AAC 34.140 (b) or (d), the pests or invasive plants may be immediately destroyed or contained by a treatment prescribed by the director. The approved treatment may be carried out by the state or by the owner under the supervision of an enforcing officer. The enforcing officer shall determine the timeline for treatment and when the treatment has sufficiently protected agriculture and natural resources of the state from infestation by the pest or invasive plant.**

(Eff. Before 7/28/59; am \_\_/\_\_/\_\_, Register \_\_)

Authority AS 03.05.010 **AS 03.05.027** AS 03.05.030 AS 44.37.030

11 AAC 34.180 (a) is amended to read:

(a) To prevent the dissemination of pests **and invasive plants** through the agency of appliances **and other potential carriers**, the director will, in his **or her** discretion, publish a list of pests **and invasive plants** that can be carried that way and designating the appropriate treatment for appliances **and other potential carriers**.

(Eff. Before 7/28/59; am 10/28/83, Register 88; am \_\_/\_\_/\_\_, Register \_\_)

11 AAC 34.180 (b) is amended to read:

(b) No person may ship or move any used appliances **or other potential carriers of pests or invasive plants** unless **the person** [HE] furnishes to the director proof satisfactory to the director that the appliances have not been exposed to infestation or infection by any pests **or invasive plants**, or that the appliance **or other potential carriers of pests or invasive plants** have been treated immediately before shipping or movement in the manner designated by the director.

(Eff. Before 7/28/59; am 10/28/83, Register 88; am \_\_\_/\_\_\_/\_\_\_, Register \_\_\_)

Authority AS 03.05.010 **AS 03.05.027** AS 03.05.030 AS 44.37.030

11 AAC 34.400 (3) is amended to read

(3) “Appliance” means box, tray, container, ladder, tent, vehicle, implement or any other article **that may contain or transport a pest or invasive plant** [WHICH IS OR MAY BE USED IN CONNECTION WITH THE PLANTING, GROWING, HARVESTING, HANDLING, OR TRANSPORTATION OF AN AGRICULTURAL COMMODITY];

11 AAC 34.400 (5) is amended to read:

(5) “Certified,” as applied to bulbets, tuber, or horticultural plants or to agricultural, vegetable, tree, shrub, flower, or cereal grain seed, **or other things identified as potential carriers of pests or invasive plants** means inspected and labeled by and in accordance with the standards and rules and regulations of the official certification agency or in accordance with similar standards established by a similar authority in another state, county, or territory;

11 AAC 34.400 (13) is amended to read:

(13) “Noxious weed” means any species of plants, either annual, biennial, or perennial,

reproduced by seed, root, underground stem, or bulblet, which when established is or may become destructive and difficult to control by ordinary means of cultivation or other farm practices; or seed of such weeds that is considered commercially inseparable from agricultural or vegetable seed; **or seed and other propagative material of such weeds that are considered a threat to natural resources of the state; or seed and propagative material of such weeds that are considered a threat to human health;**

11 AAC 34.400 (20) is amended to read:

(20) “Pest” means a form of animal life, plant life, or infectious, transmissible, or contagious disease of plants **and animal life** that is or is liable to be dangerous or detrimental to the agricultural industry, **or natural resources** of the state; **or is liable to be a threat to human health;**

11 AAC 34.400 (21) is amended to read:

(21) “Restricted noxious weed seed” means the seed of weeds which are very objectionable in **public lands**, fields, lawns, and gardens of this state, but which can be controlled by good cultural practices.

11 AAC 34.400 is amended by adding the following definition:

**(27) “Carrier” means any article or living thing that may contain or transport a pest or invasive plant;**

11 AAC 34.400 is amended by adding the following definition:

**(28) “Invasive plants” means an introduced plant species whose introduction does or is likely to cause economic or environmental harm or harm to human health;**

11 AAC 34.400 is amended by adding the following definition:

**(29) “Quarantine” a restriction imposed by duly constituted authorities, whereby the production, movement or existence of plants, plant products or any other article or material of the normal activity of persons is brought under regulation, in order that the introduction or spread of a pest or invasive plant may be prevented or limited, or in order that a pest or invasive plant already introduced may be controlled or eradicated, thereby reducing or avoiding losses that would otherwise occur through damage done by the pest or invasive plant or through the continuing cost;**

11 AAC 34.400 is amended by adding the following definition:

**(30) “Safeguard” process for handling, maintaining, or disposing of shipments or lands contaminated with invasive plants or agricultural pests, to eliminate the risk of invasive plants or agricultural pests dissemination from the contaminated shipments or lands.**

11 AAC 34.400 is amended by adding the following definition:

**(33) “Vector” means anything that can serve as a carrier of a pest or invasive plant species from one place to another;**

(Eff. Before 7/28/59; am 3/2/78, register 65; am 10/28/83, Register 88; am \_\_/\_\_/\_\_, Register \_\_)

Authority AS 03.05.010 **AS 03.05.027** AS 03.05.030 AS 44.37.030