

You may take fish for subsistence uses at any time by any method, unless restricted by subsistence fishing regulations. You may not intentionally waste or destroy any subsistence-caught fish or shellfish. If you have taken the subsistence season's harvest limit for a particular species in a particular area, you may not take any additional fish of that same species under any other State season harvest limit unless specifically authorized. You may not take fish for subsistence uses within 300 feet of any dam, fish ladder, weir, culvert or other artificial obstruction, unless specifically authorized.

Licenses, Permits, Harvest Tickets, and Reports

You must be a rural Alaska resident, as defined in the definitions section of this book. No licenses are required to take fish or shellfish for subsistence uses. However, check the area you wish to fish to see if there are any required State or Federal subsistence fishing permits or permit calendars for that fishery management area.

If you have questions about permits in your area, contact the local Federal land management agency. Contact information is in the directory at the back of this book.

You are responsible for complying with all permit requirements and the regulations for methods and means, possession and transportation, and use. If a State or Federal law enforcement agent requests it, you must produce any permits, harvest tickets, or other required documents. The agents can also inspect any gear designed for taking fish or shellfish, or any fish in your possession.

You must complete and validate any harvest tickets, permits, or other required documents before removing your fish from the harvest site. If you take fish under a community harvest system, you must report the harvest activity.

You must get the permit before fishing. Keep it in your possession and available for inspection while fishing or transporting subsistence-caught fish. Read your fishing permit carefully. It may list the species and number of fish you can take for subsistence uses.

The permit may require you to keep accurate daily catch records (such as the number of fish taken by species, location and date of catch). The permit may also require you to return this information to the issuing agency for management and conservation purposes. If you fail to return the record, you may be ineligible to get a subsistence permit for that activity during the following regulatory year, unless you can demonstrate that your failure to report was

due to unavoidable circumstances such as loss in the mail, accident, or sickness.

If you have a State (ADF&G) subsistence fishing permit and find its provisions are more restrictive or conflict with these Federal subsistence regulations and provisions, then the ADF&G provisions do not apply to Federal subsistence users.

Methods and Means of Taking Fish

You may use the following legal types of gear for subsistence fishing, unless otherwise restricted in specific fisheries management areas.

Gear

- Beach seine
- Cast net
- Drift gillnet
- Dip net
- Fish wheel
- Fyke net
- Hand purse seine
- Handline
- Herring pound
- Jigging gear
- Lead
- Longline
- Mechanical jigging machine
- Pot
- Purse seine
- Rod and reel
- Set gillnet
- Spear
- Trawl
- Troll gear

General Restrictions

Bait

You may not use live, non-indigenous (fish not native to the waters you are fishing in), or subsistence-taken fish as bait for subsistence, commercial, or sport fishing purposes. However, you may use species such as whitefish, herring, and blackfish for bait where these species occur naturally. You may also use the head, tail, fins, and viscera of legally-taken subsistence fish for bait.

Explosives, chemicals

You may not use explosives or chemicals to take fish for subsistence uses.

Escape mechanisms

All pots used to take fish or shellfish must have an escape mechanism as follows:

All shellfish/bottomfish pots, sidewalls (and the tunnel if included) must contain an opening at least 18 inches long

and within 6 inches of the pot's bottom and parallel with it (*except* shrimp pots, where the opening must be at least 6 inches long). These openings must be laced, sewn, and secured together by a single length of untreated, 100% cotton twine (no larger than 30 thread; 36 thread for king or tanner crab pots). The cotton twine may only be knotted at each end, not tied or looped around the web bars.

All pots may also use a galvanic timed-release device that must release after no more than 30 days in salt water. This device must be attached in a way that when the device releases, the twine will no longer secure or obstruct the pot's opening. The twine may be knotted only at each end and at the attachment points on the galvanic timed-release device.

Dungeness crab pot lids' tie-down straps must be secured to the pot at one end by a single loop of untreated, 100% cotton twine (no larger than 60 thread). The pot lid must be secured so that, when the twine degrades, the lid will no longer be securely closed.

Gillnet restrictions

You may not use a gillnet over 50 fathoms long to take salmon unless otherwise noted under the specific fishery management area's regulations. The gillnet web must contain 30 filaments (or more) of equal diameter or at least 6 filaments, each at least 0.20 millimeter in diameter.

Stream obstructions

You may not obstruct a stream by more than one-half of its width with any subsistence fishing gear or stationary fishing device unless otherwise provided for in an area's fishery management regulations. You may not take fish for subsistence uses within 300 feet of any dam, fish ladder, weir, culvert, or other artificial obstruction, unless specifically allowed in fishery management area regulations.

Gear identification

Fish wheels—Your first initial, last name, and address (unless otherwise specified), must be plainly and legibly inscribed on the side of your fish wheel facing midstream of the river.

Kegs, buoys, stakes, unattended gear—You may use kegs or buoys of any color but red on any permitted gear, unless otherwise provided for in fishery management area regulations. Your first initial, last name, and address must be plainly and legibly inscribed on each keg, buoy, gillnet

stakes, on stakes for ice fishing gear, and any other unattended fishing gear you use to take fish for subsistence uses.

Rod and reel fishing

You may use a rod and reel to take fish without a subsistence fishing permit, unless an area requires a permit. Unless otherwise specified, Federal harvest and possession limits for subsistence fishing with a rod and reel are the same as those listed on required harvest permits, or by ADF&G subsistence fishing regulations. When there is no subsistence season/harvest limit for that species, the ADF&G sport fishing regulations in those same areas apply. Snagging is prohibited when using rod and reel (unless otherwise specified).

Designating another to fish for you (by harvest permit only)

If you are a Federally qualified subsistence user, you may designate another Federally qualified subsistence user to take fish on your behalf. Any species of fish allowed for subsistence uses in an area may be taken under a designated harvest permit.

You can designate only one person to fish for you at one time, and you cannot fish at the same time as your designated fisher. Your designated fisher must get a designated harvest permit before fishing, have the valid permit when fishing or transporting the fish, and must return a completed harvest report of any fish taken.

A designated fisher may fish for any number of subsistence users, but may not have more than two harvest limits in his/her possession at any one time or fish with more than one legal limit of gear.

Commercial fishing

If you are a Federally qualified subsistence user who also fishes commercially, you may retain fish for subsistence purposes from your lawfully-taken State commercial catch.

When participating in a State commercial and Federal subsistence fishery at the same time, your combined fishing gear may not exceed that allowed under the State commercial fishing regulations.

Use of fish or shellfish

You may not intentionally waste or destroy any subsistence-caught fish or shellfish. However, you may use whitefish, herring, and species for bait for which harvest limits, seasons, or other regulatory methods and means are not provided in these regulations. You may also use the head, tail, fins, and viscera of legally-taken fish as bait.

Failure to salvage edible meat may not be a violation if such failure is caused by circumstances beyond the control of a person. This may include theft of the harvested fish or shellfish, unanticipated weather conditions, or unavoidable loss to another animal.

You may sell handicraft articles made from the non-edible byproducts (including, but not limited to, the skin, shell, fins, and bones) of subsistence-harvested fish or shellfish.

Customary Trade

Customary trade is the name given to the traditional exchange of cash for subsistence-harvested fish and wildlife.

Transactions between rural residents

Rural residents may exchange in customary trade subsistence-harvested fish, their parts, or their eggs, legally taken under these regulations, for cash from other rural residents.

Transactions between a rural resident and others

In customary trade, a rural resident may trade fish, their parts, or their eggs, legally taken under these regulations, for cash from individuals other than rural residents, if the individual who purchases the fish, their parts, or their eggs uses them for personal or family consumption. If you are not a rural resident, you may not sell fish, their parts, or their eggs taken under these regulations.

Regional differences

The Federal Subsistence Board has recognized regional differences and defined customary trade differently for separate regions of Alaska. The Board has recognized and defined customary trade differently for the Bristol Bay Fishery Management Area and the Upper Copper River District (see those management areas in the following section).

No sale to, nor purchase by, fisheries businesses

You may not sell fish, their parts, or their eggs taken under these regulations to any individual, business, or organization required to be licensed as a fisheries business under Alaska Statute 43.75.011 (commercial limited-entry permit or crew license holders excluded) or to any other business as defined under Alaska Statute 43.75.110(1) as part of its business transaction.

If you are required to be licensed as a fisheries business under Alaska Statute 43.75.011 (commercial limited-entry permit or crew license holders excluded) or are a business as defined under Alaska Statute 43.70.110(1), you may not purchase, receive, or sell fish, their parts, or their eggs taken under the regulations in this part as part of your business transaction.

Important points to keep in mind

- ◆ The Federal customary trade regulations do not preempt laws regarding the processing and sale of food for human consumption. All foods sold for human consumption must comply with food safety laws.
- ◆ Processing, under State law, includes all activities which would change the physical condition of the fish. This includes butchering, thermal processing, cooking, dehydrating, freezing, pickling, salting, shucking, or smoking.
- ◆ Only subsistence-harvested fish taken from waters under Federal jurisdiction may be traded for cash under these fisheries regulations.

Cultural and Educational Program Harvest Permits

Organizations that conduct cultural/educational programs or camps may apply for a permit to harvest no more than 25 fish from the Office of Subsistence Management. A qualifying program must have instructors, enrolled students, minimum attendance requirements, and standards for successful completion of the course. Applications must be submitted to the Office of Subsistence Management 60 days before the earliest desired harvest date.

Traditional Funerary Ceremonies and Memorials

You may take fish from Federal public waters outside of published open seasons and harvest limits as outlined below, if you will be using these fish for food in traditional funerary or mortuary ceremonies, including memorial potlatches. Although no permit is required to take fish for these purposes, you must be eligible to harvest the resource under Federal subsistence fishing regulations.

You, your designee, or Tribal government organizing the ceremony, must first contact the appropriate Federal fisheries manager before attempting to take fish for these purposes. Contact information can be found in the directory at the back of this book.

You must inform the Federal fisheries manager of the nature of the ceremony, parties and/or clans involved, species and number of fish to be taken, and specify in which Federal public waters the harvest will occur. The Federal fisheries manager will establish the number, species, date, and places of taking if necessary for conservation purposes. The taking must not violate recognized fisheries conservation principles and must use the methods and means allowable for the particular species published in the applicable Federal regulations.

Each person or organization who harvests fish for traditional funerary or mortuary ceremonial purposes must submit a written report of the harvest as soon as practical (and not more than 15 days after the harvest) to the Federal fisheries manager. The report should specify the harvester's name and address and harvest information including species, number harvested, and date and location of harvest.

