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Please Note

New regulatory text in this book is highlighted in **yellow**.

Summary of Changes:

Yukon-Northern Fishery Management Area

- ◆ Limited the size of gillnet stretch mesh used to harvest salmon in the Yukon River drainage and matches a phase-in period adopted by the Alaska Board of Fisheries.

Chignik Fishery Management Area

- ◆ Expanded the areas for subsistence fishing using existing gear types, except gillnets.

Kodiak Fishery Management Area

- ◆ Eliminated harvest limits associated with subsistence permits issued to Federally qualified subsistence users who fish for salmon in Federal public waters of the Kodiak Area that cannot be accessed from the Kodiak road system, except the mainland district, and changed the recording requirements from “immediately upon landing a fish” to “prior to leaving the fishing site”.
- ◆ Reduced the harvest limit of king crab from six to three per household.

Cook Inlet Fishery Management Area

- ◆ Revises the customary and traditional use determination for residents of Ninilchik for all fish in the Kenai Peninsula District waters north of and including the Kenai River drainage.

Southeast Alaska Fishery Management Area

- ◆ Eliminated the defined sockeye salmon season and fishing schedule in the Klawock River drainage and Klawock Lake.

Federal Subsistence Management

The Federal government has regulated subsistence trapping, hunting, and limited fishing on Federal public lands and waters since July 1, 1990. On October 1, 1999, the Secretaries of the Interior and Agriculture published regulations (36 CFR 242 and 50 CFR 100) to provide for Federal management of subsistence fisheries on Alaska rivers and lakes and limited marine waters within and adjacent to Federal public lands. This was directed by the 9th Circuit Court in the Katie John case, and meets the requirements of the rural subsistence priority in Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA).

The subsistence fishing and shellfish regulations published in this book are effective April 1, 2011–March 31, 2013 and are published separately from Federal subsistence hunting and trapping regulations.

The Alaska Department of Fish & Game regulations continue to apply statewide to all commercial fisheries, sport fisheries, personal use fisheries, and subsistence fisheries, unless otherwise superseded by Federal regulations.

State and Federal Fishing Regulations

Often Federal subsistence fisheries occur in the same area as State of Alaska fisheries. Federal regulations apply only on Federal public lands and waters. You may not add a harvest limit from a Federal subsistence fishery with a State harvest limit, unless specifically authorized by these regulations.

Only rural Alaska residents may fish under the Federal subsistence regulations in this book. Unless specifically closed to them, nonrural residents and nonresidents may fish on Federal public lands and waters under State of Alaska fishing regulations.

Federal Subsistence Board

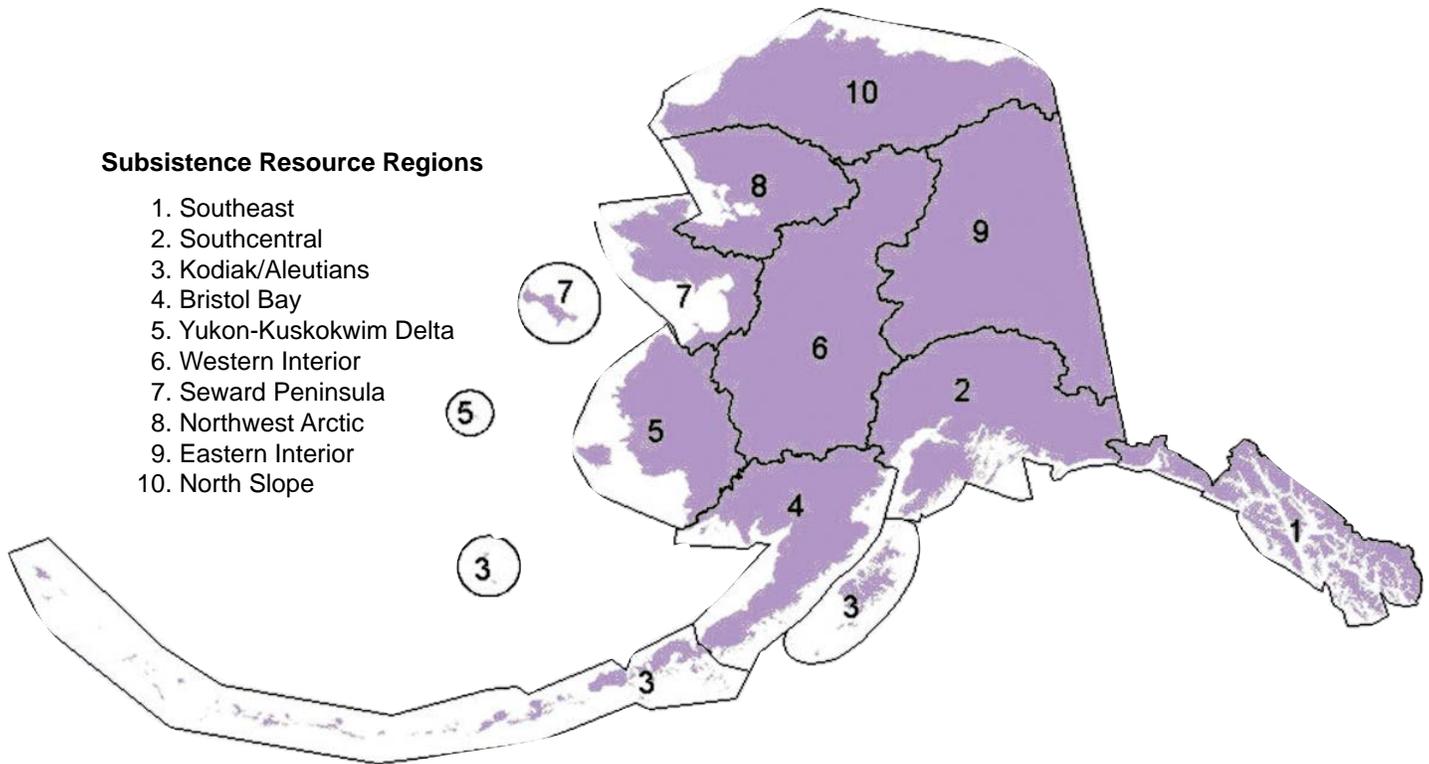
The Federal Subsistence Board oversees the Federal Subsistence Management Program. The Board members include the agency heads for Alaska of the U.S. Fish & Wildlife Service, National Park Service, Bureau of Land Management, Bureau of Indian Affairs, and U.S. Forest Service. The Board's chair is appointed by the Secretary of the Interior with concurrence of the Secretary of Agriculture.

Federal Subsistence Regional Advisory Councils, State of Alaska representatives, and the public play an active role in the regulatory process.

You can find information on the Federal Subsistence Board online at <http://alaska.fws.gov/asm/index.cfml>, or by contacting the Office of Subsistence Management at 800-478-1456 or (907) 786-3888.



2010 Student Art Contest Honorable Mention: Brianna Ballot, 11, Buckland



Subsistence Resource Regions

1. Southeast
2. Southcentral
3. Kodiak/Aleutians
4. Bristol Bay
5. Yukon-Kuskokwim Delta
6. Western Interior
7. Seward Peninsula
8. Northwest Arctic
9. Eastern Interior
10. North Slope

Federal Subsistence Regional Advisory Councils

The Federal Subsistence Management Program divides Alaska into ten subsistence resource regions, each represented by a Subsistence Regional Advisory Council. These ten Councils provide an opportunity for rural Alaskans to participate in the management of subsistence resources. Resource users have the opportunity to comment and offer input on subsistence issues at Council meetings. Each Council meets at least twice a year. The Councils develop proposals to change Federal subsistence regulations and review proposals submitted by others.

Regional Council Membership

The Secretaries of the Interior and Agriculture appoint Council members. Members must reside in the region they represent and have knowledge of subsistence uses in that area. Each year the Office of Subsistence Management accepts applications and nominations for membership. If you are interested in applying for membership, please contact Ann Wilkinson or the regional coordinator for your region.

Criteria for Council membership

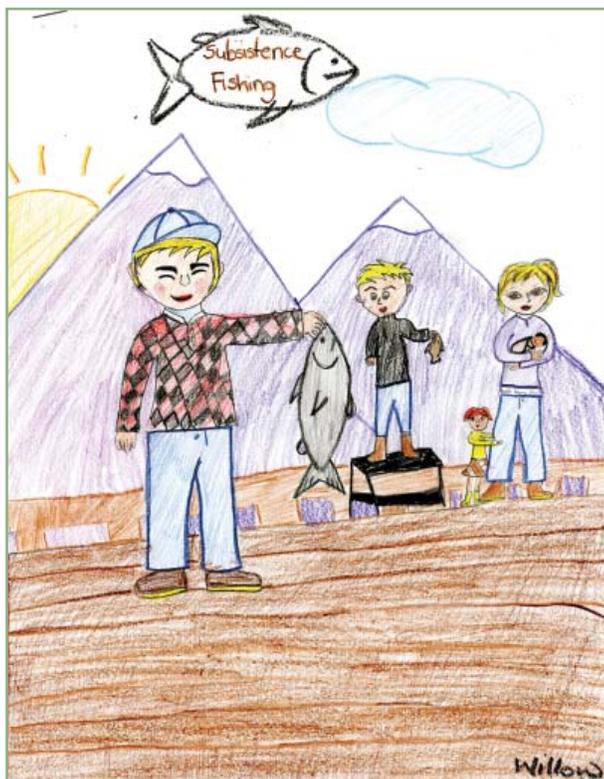
Applicants and nominees must be residents of the region they wish to represent and have:

- ◆ Knowledge of fish and wildlife resources in the region;
- ◆ Knowledge of subsistence uses, customs, and traditions in the region;
- ◆ Knowledge of recreational, commercial, and other uses in the region;
- ◆ Leadership skills and experience with local and/or regional organizations;
- ◆ The ability to communicate effectively;
- ◆ A willingness to travel to and attend Council meetings at least two times each year, usually in October and February. Although Council members are volunteers, members' official travel expenses for meetings are paid through the Office of Subsistence Management.
- ◆ A willingness to occasionally attend Federal Subsistence Board meetings.

Council members' responsibilities

- ◆ Review and make recommendations to the Federal Subsistence Board on proposals for regulations, policies, management plans, and other subsistence-related issues on Federal public lands within the region;
- ◆ Develop proposals pertaining to the subsistence harvest of fish and wildlife, and review proposals submitted by others;
- ◆ Encourage and promote local participation in the decision-making process affecting subsistence harvests on Federal public lands and waters;
- ◆ Make recommendations on customary and traditional use determinations of subsistence resources;
- ◆ Appoint members for National Park Service Subsistence Resource Commissions.

For more information on Council membership, contact Ann Wilkinson at (800) 478-1456 or (907) 786-3676 Fax: (907) 786-3898 E-mail: ann_wilkinson@fws.gov



2010 Student Art Contest Honorable Mention: Willow Morrow, 10, Craig

Federal Subsistence Regional Advisory Council Coordinators

Council coordinators facilitate communication between the Councils and the Federal Subsistence Board. Each coordinator is responsible for one or more regions and serves as a contact for the Councils, Federal agency staff, and the public. Contact a coordinator for more information on the activities of each Council.

Southeast Region

Robert Larson
PETERSBURG
(907) 772-5930
Fax: (907) 772-5995
robertlarson@fs.fed.us

Bristol Bay and Western Interior Regions

Donald Mike
ANCHORAGE
800-478-1456
or (907) 786-3629
Fax: (907) 786-3898
donald_mike@fws.gov

Kodiak/Aleutians Region

Ann Wilkinson
ANCHORAGE
800-478-1456
or (907) 786-3676
Fax: (907) 786-3898
ann_wilkinson@fws.gov

Yukon-Kuskokwim Delta and Seward Peninsula Regions

Alex Nick
BETHEL
800-621-5804
or (907) 543-1037
Fax: (907) 543-4413
alex_nick@fws.gov

Southcentral and Eastern Interior Regions

KJ Mushovic
ANCHORAGE
800-478-1456
or (907) 786-3953
Fax: (907) 786-3898
kathleen_mushovic@fws.gov

North Slope and Northwest Arctic Regions

Barbara Atoruk
ANCHORAGE
800-478-1456
or (907) 786-3885
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barbara_atoruk@fws.gov

Applicability and Scope

These regulations implement the provisions of Title VIII of ANILCA relevant to the taking of fish and shellfish on Federal public lands and waters in the State of Alaska. The regulations in this part do not permit subsistence uses in Glacier Bay National Park, Kenai Fjords National Park, Katmai National Park, and that portion of Denali National Park established as Mt. McKinley National Park prior to passage of ANILCA, where subsistence taking and uses are prohibited. The regulations in this part do not supersede agency-specific regulations. These regulations apply on all Federal public lands including all inland waters, both navigable and non-navigable, within or adjacent to the exterior boundaries of the following areas and on the marine waters as identified in the followings areas:

- ◆ **Alaska Maritime National Wildlife Refuge**—Including these subunits:
 - Karluk**—All submerged lands and Pacific Ocean waters of Shelikof Strait extending 3,000 feet from the shoreline between a point on the spit at the meander corner common to Sections 35 and 36 of Township 30 South, Range 33 West, and a point approx. 1¼ miles east of Rocky Point within Section 14 of Township 29 South, Range 31, West, Seward Meridian (*as described in Public Land Order #128, June 19, 1943*);
 - Womens Bay**—Including Womens Bay, Gibson Cove, portions of St. Paul Harbor and Chiniak Bay—All submerged lands and waters (*as described in Public Land Order #1182, July 7, 1955, U.S. Survey #21539*);
 - Afognak Island**—All submerged lands and waters of the Pacific Ocean lying within 3 miles of the shoreline (*as described in Proclamation #39, Dec. 24, 1892*);
 - Simeonof**—All submerged lands and waters of Simeonof Island together with the adjacent waters of the Pacific Ocean extending one mile from the shoreline (*as described in Public Land Order #1749, Oct. 30, 1958*); and,
 - Semidi**—All submerged lands and waters of the Semidi Islands together with the adjacent waters of the Pacific Ocean lying between parallels 55°57'57"–56°15'57" N. Lat. and 156°30'00"–157°00'00" W. Long. (*as described in Exec. Order #5858, June 17, 1932*).
- ◆ **Arctic National Wildlife Refuge**—Including those waters shoreward of the line of extreme low water starting in the vicinity of Monument 1 at the intersection of the International Boundary line between the State of Alaska and the Yukon Territory, Canada, and extending westerly, along the line of extreme low water across the entrances of lagoons, and all offshore bars, reefs and islands, and lagoons that separate them from the mainland to Brownlow Point, at approx. 70°10' N. Lat. and 145°51' W. Long.
- ◆ **National Petroleum Reserve in Alaska**—Including those waters shoreward of a line beginning at the western bank of the Colville River following the highest highwater mark westerly, extending across the entrances of small lagoons, including Peard Bay, Wainwright Inlet, the Kuk River, Kugrua Bay and River, and other small bays and river estuaries, and following the ocean side of barrier islands and sandspits within three miles of shore and the ocean side of the Plover Islands, to the northwestern extremity of Icy Cape, at approx. 70°21' N. Lat. and 161°46' W. Long.
- ◆ **Yukon Delta National Wildlife Refuge**—Including Nunivak Island—The submerged lands and waters of Nunivak Island together with the adjacent waters of the Bering Sea and extending (for Federal Subsistence Management purposes) three miles from the shoreline of Nunivak Island (*as described in Exec. Order #5059, April 15, 1929*).
- ◆ **Southeastern Alaska**—Makhnati Island Area: Land and waters beginning at the southern point of Fruit Island, 57°02'35" north latitude, 135°21'07" west longitude as shown on United States Coast and Geodetic Survey Chart No. 8244, May 21, 1941; from the point of beginning, by metes and bounds; S. 58° W., 2500 feet, to the southern point of Nepovorotni Rocks; S. 83° W., 5600 feet, on a line passing through the southern point of a small island lying about 150 feet south of Makhnati Island; N. 6° W., 4200 feet, on a line passing through the western point of a small island lying about 150 feet west of Makhnati Island, to the northwestern point of Signal Island; N. 24° E., 3000 feet, to a point, 57°03'15" north latitude, 134°23'07" west longitude; East, 2900 feet, to a point in course No. 45 in meanders of U.S. Survey No. 1496, on west side of Japonski Island; southeasterly, with the meanders of Japonski Island, U.S. Survey No. 1496 to angle point No. 35, on the southwestern point of Japonski Island; S. 60° E., 3300 feet, along the boundary line of Naval reservation described in Executive Order No. 8216, July 25, 1939, to the point beginning, and that part of Sitka Bay lying south of

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Japonski Island and west of the main channel, but not including Aleutski Island as revoked in Public Land Order 925, October 27, 1953, described by metes and bounds as follows: Beginning at the southeast point of Japonski Island at angle point No. 7 of the meanders of U.S. Survey No. 1496; thence east approximately 12.00 chains to the center of the main channel; thence S. 45° E. along the main channel approximately 20.00 chains; thence S. 45° W. approximately 9.00 chains to the southeastern point of Aleutski Island; thence S. 79° W. approximately 40.00 chains to the southern point of Fruit Island; thence N. 60° W. approximately 50.00 chains to the southwestern point of Japonski Island at angle point No. 35 of U.S. Survey No 1496; thence easterly with the meanders of Japonski Island to the point of beginning including Charcoal, Harbor, Alice, Love, Fruit islands and a number of smaller unnamed islands.

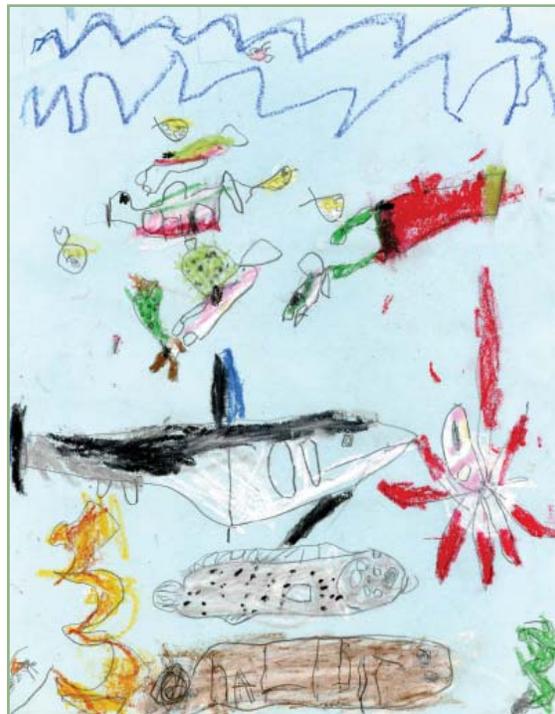
These regulations also apply on all Federal public lands and navigable/non-navigable inland waters, except marine waters, within and adjacent to the exterior boundaries of:

- ◆ **Alaska Peninsula National Wildlife Refuge**
- ◆ **Aniakchak National Monument and Preserve**
- ◆ **Becharof National Wildlife Refuge**
- ◆ **Bering Land Bridge National Preserve**
- ◆ **Cape Krusenstern National Monument**
- ◆ **Chugach National Forest**
- ◆ **Denali National Preserve/1980 additions to Denali National Park**
- ◆ **Gates of the Arctic National Park and Preserve**
- ◆ **Glacier Bay National Preserve**
- ◆ **Innoko National Wildlife Refuge**
- ◆ **Izembek National Wildlife Refuge**
- ◆ **Kanut National Wildlife Refuge**
- ◆ **Katmai National Preserve**
- ◆ **Kenai National Wildlife Refuge**
- ◆ **Kobuk Valley National Park**
- ◆ **Kodiak National Wildlife Refuge**
- ◆ **Koyukuk National Wildlife Refuge**
- ◆ **Lake Clark National Park and Preserve**
- ◆ **Noatak National Preserve**
- ◆ **Nowitna National Wildlife Refuge**
- ◆ **Selawik National Wildlife Refuge**
- ◆ **Steese National Conservation Area**
- ◆ **Tetlin National Wildlife Refuge**
- ◆ **Togiak National Wildlife Refuge**
- ◆ **Tongass National Forest, including Admiralty Island National Monument and Misty Fjords National Monument**
- ◆ **White Mountains National Recreation Area**
- ◆ **Wrangell-St. Elias National Park and Preserve**
- ◆ **Yukon-Charley Rivers National Preserve**
- ◆ **Yukon Flats National Wildlife Refuge**
- ◆ All components of the **Wild and Scenic River System** located outside the boundaries of National Parks, National Preserves, or National Wildlife Refuges. This includes segments of the Alagnak River, Beaver Creek, Birch Creek, Delta River, Fortymile River, Gulkana River, and Unalakleet River.

These regulations also apply to all other Federal public lands, except for military (including the U.S. Coast Guard) and Federal Aviation Administration lands that are closed to general public access. This exception includes all non-navigable waters on these lands.

On general domain lands managed by the Bureau of Land Management, these regulations apply only on non-navigable waters.

The public land status described in this book may change pending a Department of the Interior review of title and jurisdictional issues.



2010 Student Art Contest Honorable Mention: Ardel Wilkinson, 5, Sitka

Federal Subsistence Regulations Apply Only to Rural Alaska Residents

Are you a rural Alaska resident?

All communities and areas of Alaska are considered rural, with the exception of the areas shown on the following maps as nonrural areas. To qualify to hunt, trap or fish under Federal subsistence regulations you must have your primary, permanent place of residence in a rural area and you must have lived in Alaska for the previous 12 months. Having a seasonal residence does not qualify you as a rural resident. For more information, see the definition of “resident” in the definitions section at the back of this book.

Nonrural Communities

The listing below identifies nonrural communities and areas, some of which will be effective in May 2012, as shown on the maps.

- ◆ **Anchorage**, *Municipality of*
- ◆ **Fairbanks North Star Borough**
- ◆ **Homer area** (*including Homer, Anchor Point, North Fork Road area, Kachemak City, and Fritz Creek (not including Voznesenka)*)
- ◆ **Juneau area** (*including Juneau, West Juneau, and Douglas*)
- ◆ **Kenai area** (*including Kenai, Soldotna, Sterling, Nikiski, Salamatof, Kalifornsky, Kasilof, and Clam Gulch*)
- ◆ **Ketchikan area** (*including all parts of the road system connected to the City of Ketchikan (including Saxman), Pennock Island, and parts of Gravina Island*)
- ◆ **Prudhoe Bay**
- ◆ **Seward area** (*including Seward and Moose Pass*)
- ◆ **Valdez**, and
- ◆ **Wasilla/Palmer area** (*including Wasilla, Palmer, Sutton, Big Lake, Houston, Point MacKenzie, and Bodenburg Butte*)

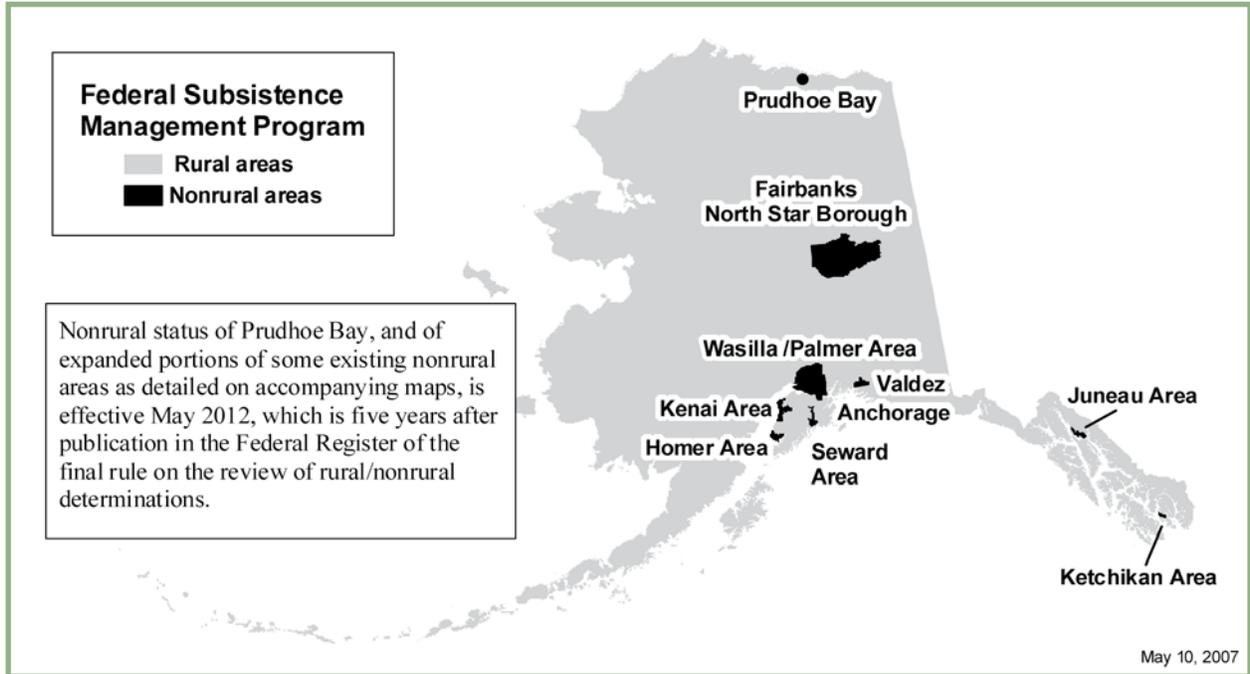
The Federal Subsistence Board adopted a final rule on changes to the rural or nonrural status of several Alaska communities and areas after conducting its 10-year status review required by Federal Subsistence Management Regulations. The rule was published in the Federal Register in May 2007.

The status of most Alaska communities remains unchanged after the review. Exceptions are as follows: **Adak**'s status changed to rural. **Prudhoe Bay** was reclassified to nonrural. Several communities or areas will change to nonrural status due to being included in existing nonrural groupings. The nonrural status of Prudhoe Bay and of the places added to nonrural groupings will be effective in May 2012, after a five-year waiting period.

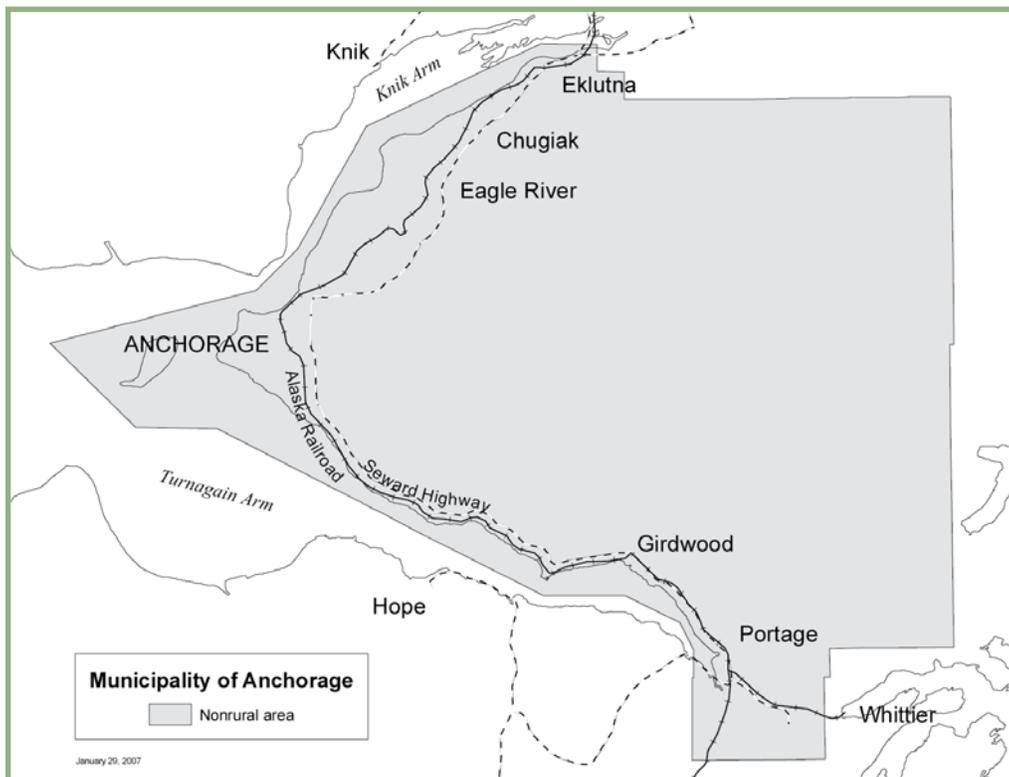
General Information

The following maps identify current nonrural communities and areas. Those places for which nonrural status will be effective beginning in May 2012 are shown on the maps.

Statewide

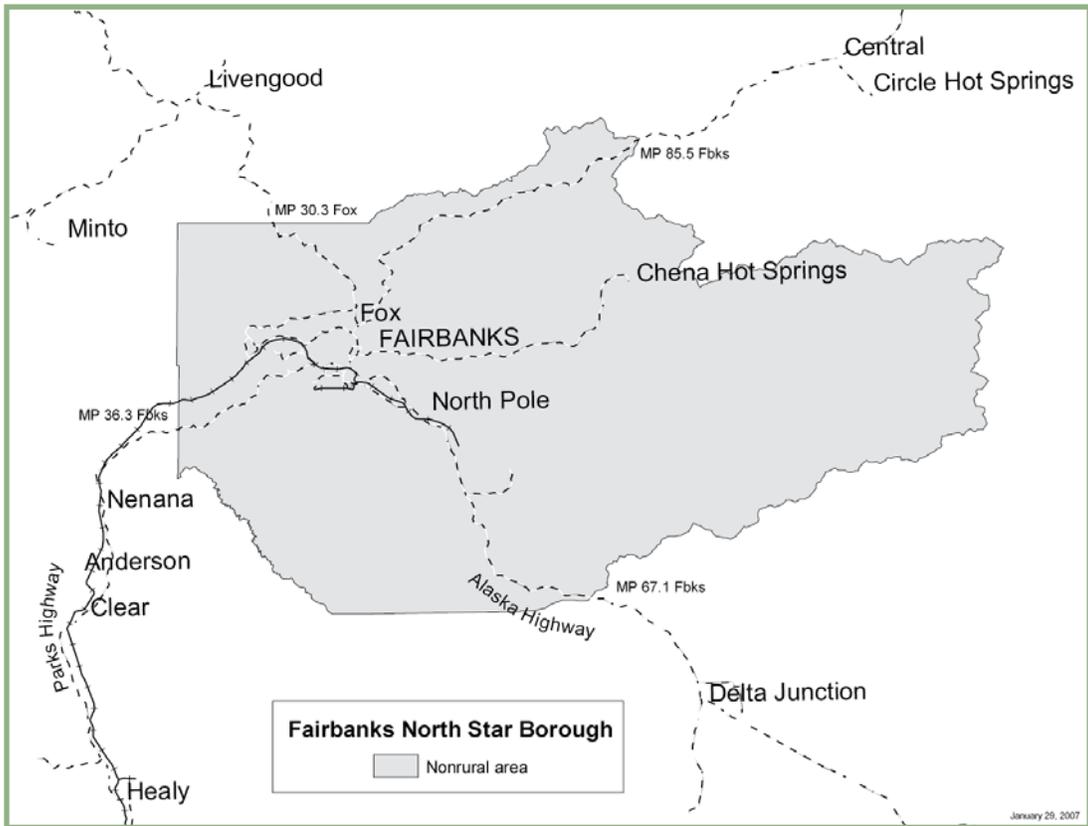


Nonrural Area—Anchorage

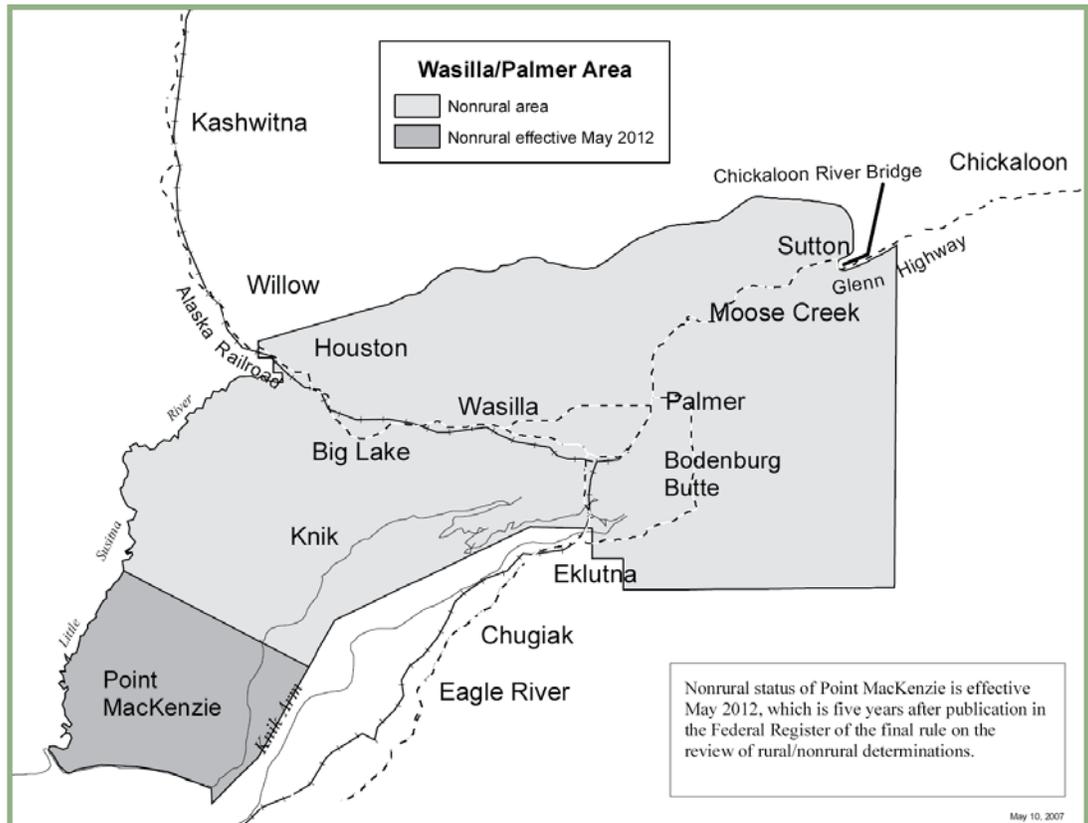


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Nonrural Area–Fairbanks

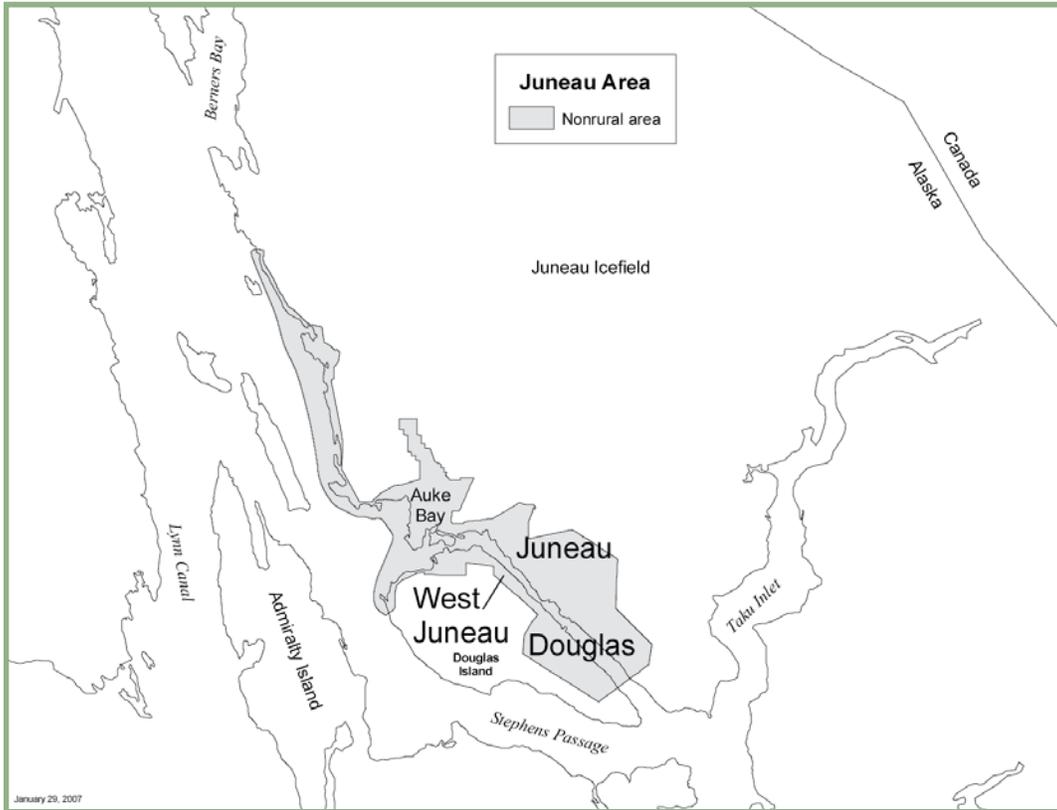


Nonrural Area–Wasilla/Palmer

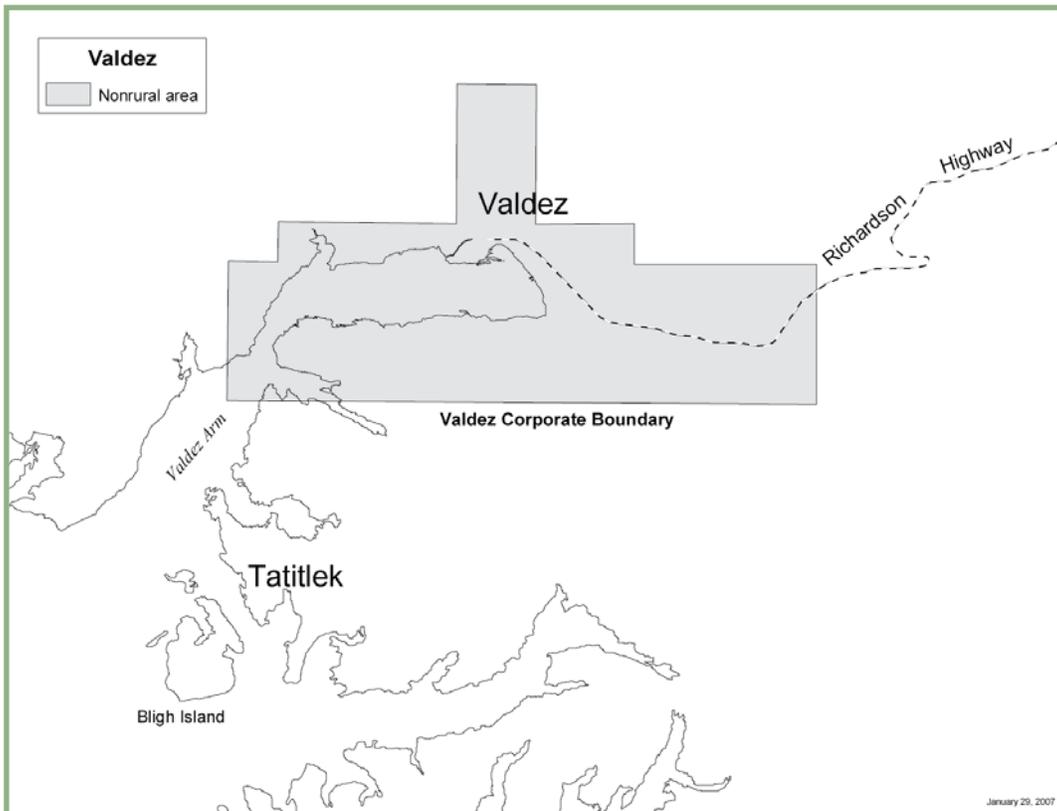


General Information

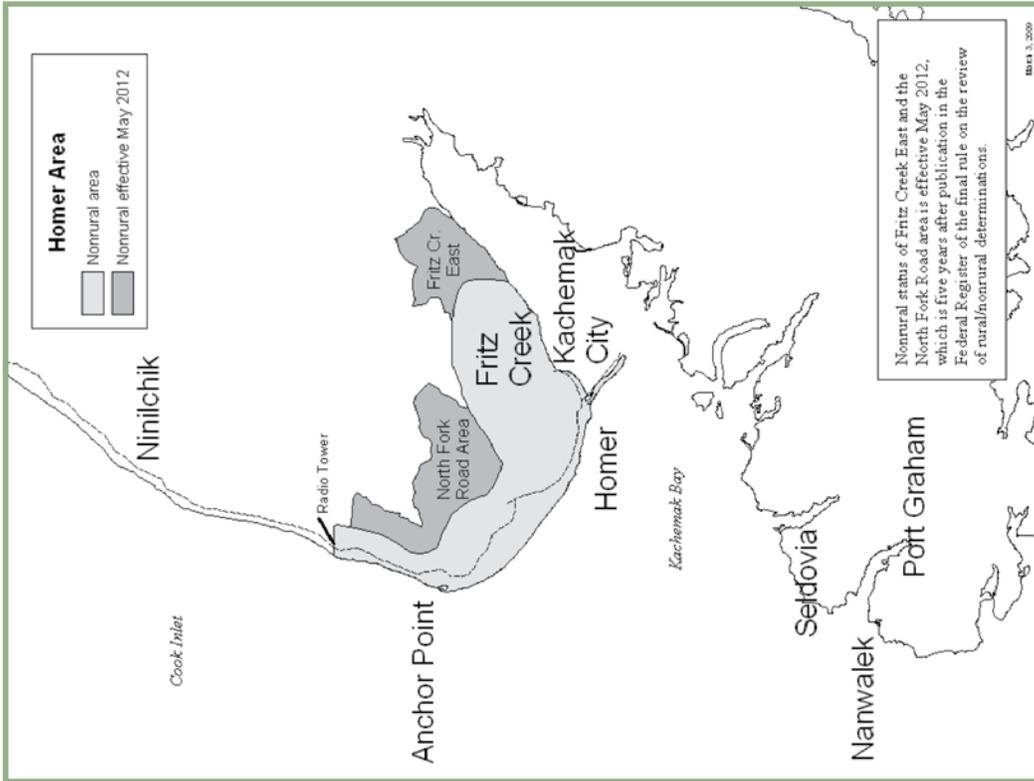
Nonrural Area–Juneau



Nonrural Area–Valdez



Nonrural Area—Homer

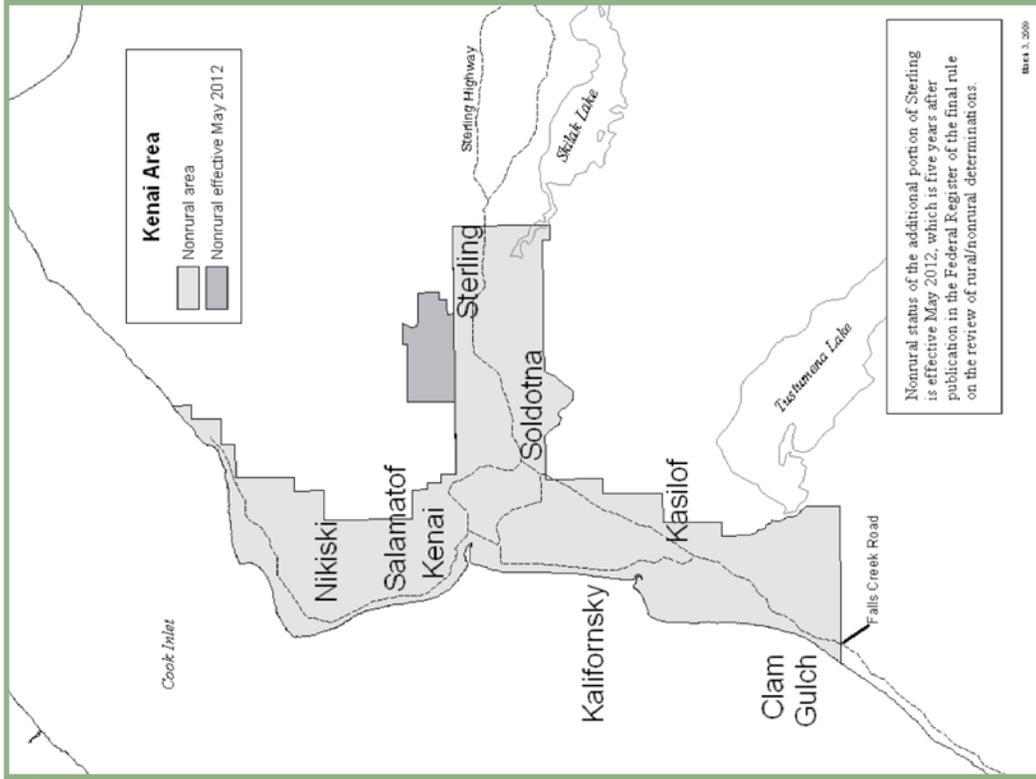


Nonrural Area—Seward

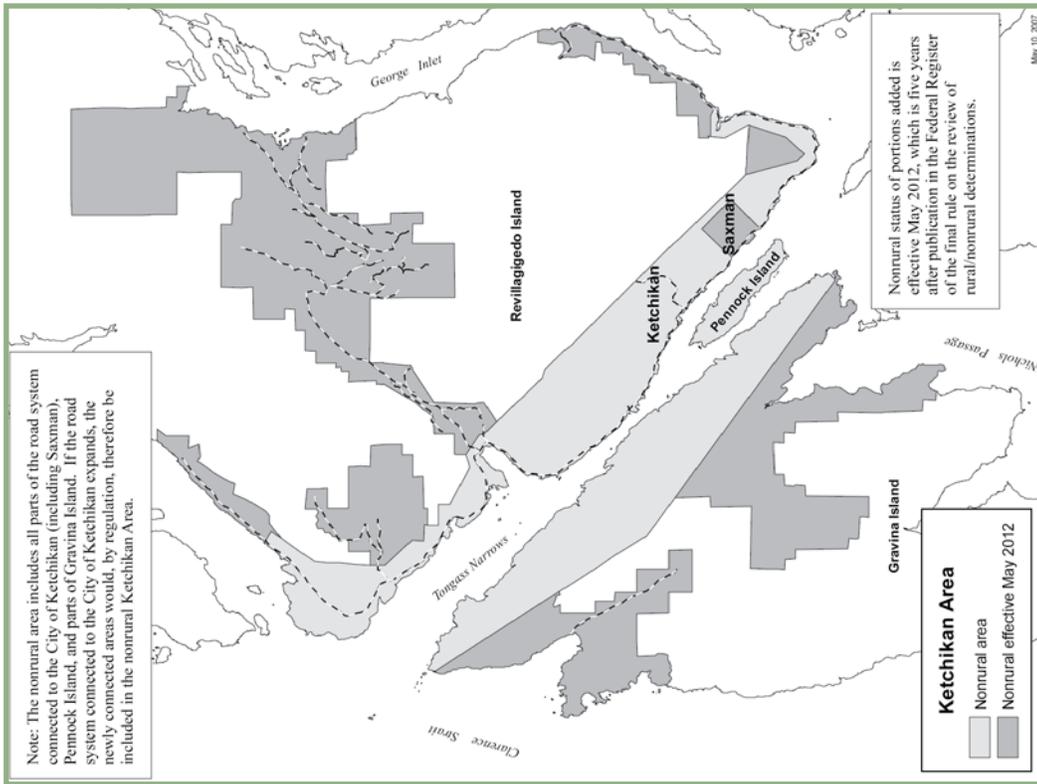


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Nonrural Area—Kenai



Nonrural Area—Ketchikan



Federal Public Waters

The public land status described in this book may change pending a Department of the Interior review of title and jurisdictional issues.

These regulations do not apply to waters on or flowing through State lands, private lands, or Federal public lands selected by the State of Alaska or Native corporations, unless those lands are within the boundaries of areas identified on pages 6 and 7. **Regional and Village Corporation lands and Native allotments are considered private lands.** Check the maps carefully to know which waters are under Federal jurisdiction. If you have questions, contact any of the Federal offices listed in the back of this book.

Land and Water Access

Federal Subsistence Management harvest regulations apply on Federal public lands and waters, but do not provide for access across private lands.

It is your responsibility to identify ownership of lands you will be using or crossing and to make sure you have permission from the land owner. Some Native village and regional corporation lands require a land use permit and/or fee. Some of these lands are closed to use by non-shareholders.

The use of private lands without the landowner's permission, other than those legally-reserved public access easements, is trespass.

For detailed topographic maps, contact: U.S. Geological Survey, 4210 University Drive, Alaska Pacific University, Room 208, Anchorage, AK 99508. (907) 786-7011 or 888-ASK-USGS.

Customary and Traditional Use

The Federal Subsistence Board decides which communities or areas have customarily and traditionally taken a species. For each fishery management area, customary and traditional use determinations along with seasons and harvest limits and any special provisions are provided. When there is a positive determination for specific communities or areas, only residents of those communities and areas have a Federal subsistence priority for that species in that fishery management area and are eligible to fish under these regulations. If the Board has not made a customary and traditional use determination for a species in a fishery management area, then all rural residents of Alaska may use that species in that area under the regulations. Refer to the summary tables at the beginning of each fishery man-

agement area to identify existing customary and traditional use regulations.

If there are no Federal subsistence seasons for that species in that fishery management area, fishing for that species may be allowed under State of Alaska fishing regulations.

Special Requirements for National Park Service Managed Lands

Subsistence use of resources in areas managed by the National Park Service is subject to additional rules and is restricted to local residents in national monuments and parks open to subsistence. National Park Service regulations govern which communities or individual residents qualify as local rural residents for specific National Park Service areas. Glacier Bay National Park, Katmai National Park, Kenai Fjords National Park, Klondike Gold Rush National Historic Park, "old" McKinley National Park, and Sitka National Historical Park are closed to subsistence.

Users of National Park Service areas are responsible for complying with these regulations (36 CFR 13, Subparts A, B, and C).

For more information about National Park Service regulations affecting subsistence, contact: National Park Service, Alaska Regional Office, 240 West 5th Avenue, Room 114, Anchorage, Alaska 99501. (907) 644-3509 / Fax: (907) 644-3816

Other Important Information

Read the special provisions for each fishery management area where you wish to harvest fish. If you have questions, contact the Office of Subsistence Management at (907) 786-3888 or 800-478-1456.

Note that "no Federal open season" means that there is no open season under Federal subsistence regulations. If Federal public lands are not closed, then there may be a season under State hunting regulations. If Federal public lands are closed, then there is no harvesting under either Federal or State regulations. In some cases, Federal public lands may be closed to all but a limited group of Federally qualified users; only those users may participate in those fisheries under Federal subsistence management regulations.

How to Change Federal Subsistence Regulations

Alaska residents and subsistence users are an integral part of the Federal regulatory process. Any person or group can submit proposals to change Federal subsistence regula-

tions, comment on proposals, or testify at meetings. The 10 Regional Advisory Councils meet at least twice a year. By becoming involved in the process, subsistence users help to more effectively manage subsistence activities and ensure consideration of traditional and local knowledge in subsistence management decisions. Subsistence users also provide valuable wildlife harvest information. Through cooperative agreements, the U.S. Government and Native organizations are working to more effectively manage subsistence activities. These organizations work in an advisory capacity and provide both technical information and biological data to help address subsistence issues.

How to Submit a Proposal

A call for proposals to change fishing regulations is issued in January of even numbered years. The period during which proposals are accepted is 30 days; proposals must be submitted during this time.

Include the following in your proposal submission:

1. Your name, organization, address, phone, fax, and E-mail address.
2. The regulation you wish to change, including management area and species. Quote the current regulation if known. If you are proposing a new regulation, please state “new regulation.”
3. The regulation as you would like to see it written.
4. An explanation of why the regulatory change should be made.
5. A description of the impact of the change on wildlife populations.
6. A description of the affect on subsistence uses.
7. A description of the affect on other uses, such as sport/recreational and commercial.

Submit proposals:

- ◆ By mail or hand delivery
Federal Subsistence Board
Office of Subsistence Management
Attn: Theo Matuskowitz
1011 E. Tudor Rd., MS-121
Anchorage, AK 99503
- ◆ At any Federal Subsistence Regional Advisory Council meeting
- ◆ On the Web at <http://www.regulations.gov>

Submit a separate proposal for each proposed change. To cite which regulation(s) you want to change, use this book or the proposed regulations published in the Federal Register: <http://www.gpoaccess.gov/fr/index.html>. All proposals and comments, including personal information, are posted on the Web at <http://www.regulations.gov>.

For the proposal processing timeline and additional information contact the Office of Subsistence Management at (800) 478-1456/ (907) 786-3888 or go to <http://alaska.fws.gov/asm/index.cfml>.

You may propose changes to...

- Federal subsistence season dates
- Harvest limits
- Methods and means of harvest
- Customary and traditional use determinations
- For national parks and national monuments—individuals who live in a resident zone community of a National Park Service-managed park or national monument (see 36 CFR 13.43), and those who already hold a Section 13.440 subsistence use permit issued by the Superintendent (see 36 CFR 13.440), may apply for an individual customary and traditional use determination.

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 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 harvest limit unless specifically authorized in these 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 authorized in these regulations.

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 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 fishing 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 requires 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 unavoi-

able 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.

Permitting Systems

In some communities, the Federal Subsistence Board has established community harvest and designated fishing permits and reporting systems. These systems are based on customary and traditional practices. The Federal Subsistence Board continues to work to establish other alternative community harvest and reporting systems where appropriate.

Cultural and Educational Permits

Your organization may apply to the Federal Subsistence Board for a cultural or education permit to harvest fish and shellfish for a qualifying cultural or educational program.

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 Federal Subsistence Board through the Office of Subsistence Management and should be submitted 60 days prior to the earliest desired date of harvest. Harvest must be reported and any fish and shellfish harvested will count against any established Federal harvest quota for the area in which it is harvested.

Requests for follow-up permits must be submitted to the in-season or local manager and should be submitted 60 days prior to the earliest desired date of harvest.

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.

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

A harvest limit may apply to the number of fish or shellfish that can be taken daily, seasonally and/or during a regulatory year or held in possession.

General Restrictions

Bait

You may not use live, non-indigenous fish (fish not native to the waters you are fishing in) as bait.

You may not use fish taken for subsistence use or under subsistence regulations as bait for commercial or sport fishing purposes.

You may use for bait or other purposes whitefish, herring, and species for which harvest limits, seasons, or other regulatory methods and means are not provided for in these regulations, as well as the head, tail, fins and viscera of legally taken subsistence fish.

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 otherwise indicated.

Gear identification

Fish wheels—Your first initial, last name, and address (unless otherwise specified in these regulations), 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) in Federal or State regulations.

Designating another to fish for you (by designated 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.

Fish or shellfish taken by a designated individual for another person counts toward the person's harvest limit for whom the fish/shellfish is taken.

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

Under customary trade, rural residents may exchange subsistence-harvested fish, their parts, or their eggs, legally

General Provisions for the Taking of Fish

taken under these regulations, for cash from other rural residents.

Transactions between a rural resident and others

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 recognizes regional differences and regulates customary trade differently for separate regions of Alaska. To date, the Board has adopted region-specific regulations for customary trade 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

- ◆ Only Federally qualified rural residents are allowed to exchange subsistence-caught fish for cash under Federal regulations.
- ◆ Only fish harvested from Federal waters may be exchanged for cash under Federal subsistence regulations.
- ◆ Federal customary trade regulations do not pre-empt laws regarding the processing and sale of food for human consumption. All foods sold for human consumption must comply with State food safety laws.
- ◆ Under State law, processing 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. Some examples of processed fish include dried fish, salted fish, salmon strips, and canned fish.
- ◆ It is the opinion of the Federal Subsistence Board that Federal regulations governing customary trade of subsistence-harvested fish extend to any customary trade of legally taken subsistence fish, regardless of where the actual cash transaction takes place. However, be aware that the State of Alaska may disagree with this interpretation and could decide to prosecute persons selling subsistence-harvested fish on State or private lands.
- ◆ **In practical terms, the only type of customary trade allowable for those who do not process their fish in accordance with State food safety regulations is the sale of uncut, unprocessed fish.**

