



U.S. Fish and Wildlife Service
Bureau of Land Management
National Park Service
Bureau of Indian Affairs

Federal Subsistence Board

1101 E Tudor Rd, MS 121
Anchorage Alaska 99503



Forest Service

SUBSISTENCE FISHING

EMERGENCY SPECIAL ACTION

Under Authority of **50 CFR Part 100.10 and .19**
36 CFR Part 242.10 and .19

Emergency Special Action No.: 3-KS-03-20
June 5, 2020

Issued at: Bethel, Alaska

Opportunity	Effective Date	Expiration Date
1	June 12, 2020 06:00 AM	June 12, 2020, 06:00 PM
2	June 15, 2020, 06:00 AM	June 15, 2020 06:00 PM
3	June 18, 2020, 06:00 AM	June 18, 2020, 06:00 PM,

unless superseded by subsequent Special
Action

EXPLANATION:

This emergency special action announces three 12-hour harvest opportunities for Federally qualified subsistence users identified in the Section 804 subsistence user prioritization analysis, which includes residents of the Kuskokwim River drainage and the villages of Chefornak, Kipnuk, Kwigillingok, and Kongiganak, to the use of gillnets for the harvest of Chinook Salmon on Federal public waters of the Kuskokwim River main stem, except for the section referred to as the Aniak Box (see **3-KS-01-20** or regulatory language below for description), on June 12, June 15, and June 18, 2020. The start time and end time for each of these three opportunities are from 6:00 AM to 6:00 PM.

The following waters of the Kuskokwim River Drainage within the boundaries of the Yukon Delta National Wildlife Refuge (Refuge) will remain closed to the harvest of Chinook Salmon to all federally qualified users:

- Eek River;
- Kwethluk River drainage starting at its confluence with Kuskokuak Slough;

- The Kasigluk and Kisaralik river drainages including Old Kuskokuak Slough to ADF&G regulatory markers at the confluence of Old Kuskokuak Slough with Kuskokuak Slough;
- The Tuluksak River drainage including its confluence with the Kuskokwim River and downstream approximately 1-mile to ADF&G regulatory markers;
- The Aniak River drainage to ADF&G regulatory markers at its confluence with the Kuskokwim River; and
- Aniak Box defined as: waters of the Kuskokwim River main stem from the Yukon Delta NWR boundary at Aniak downstream to a line formed from the northwest corner of the runway (latitude 61° 35' 16" N, longitude 159° 33' 28" W), due north to a point on the southeast corner of the sandbar (latitude 61° 35' 37" N, longitude 159° 33' 16" W).

All drift or set gillnets are limited to 6-inch or less mesh size and may not exceed 45 meshes in depth. Nets from the Refuge boundary at the Kuskokwim River mouth to the Johnson River cannot exceed 50 fathoms (300 feet) in length. Nets up river from the Johnson River to the Refuge boundary at Aniak cannot exceed 25 fathoms (150 feet) in length.

Subsistence fishing for Chinook Salmon with dip nets, beach seines, fish wheels, and rod and reel may also be used. Fish wheels are required to have a live box with no less than 45 cubic feet of water and must be checked at least every 6 hours. Fish wheels must be equipped with a chute and be closely attended while in operation.

When each of these 12-hour harvest opportunities expire, Federal public waters of the Kuskokwim River, identified in Federal Special Action **3-KS-01-20** and issued on May 15, 2020, will remain closed to the harvest of Chinook Salmon with gillnets by Federally qualified subsistence users.

This action was made after coordination with the Kuskokwim River Inter-Tribal Fish Commission (KRITFC), Western Interior Alaska Regional Advisory Council (RAC), Yukon Kuskokwim Delta RAC, Kuskokwim River Salmon Management Working Group (KRSMWG), and the Alaska Department of Fish and Game (ADF&G). All parties agreed to openings starting on June 12, 15, and 18. KRITFC recommended 12-hour openers from 6 AM to 6 PM (36 hours of total opportunity). KRSMWG recommended and ADF&G accepted three 24-hour openers with times to be identified (72 hours of total opportunity). KWSMWG will be meeting June 8, 2020 to solidify the times and dates for the opportunities. The perspectives of the Chairs of the Western Interior RAC and Yukon Kuskokwim RAC have been considered on these discussions.

REGULATION

50 CFR 100.27(e)(4)(ii) is temporarily amended to read:

Unless re-opened by the Yukon Delta National Wildlife Refuge Manager, Federal public waters within and adjacent to the exterior boundaries of the Yukon Delta National Wildlife Refuge for the following areas are closed to the harvest of Chinook Salmon to all users June 1, 2020:

- *The Eek River;*
- *The Kwethluk River drainage beginning at its confluence with Kuskokuak Slough;*
- *The Kasigluk and Kisaralik river drainages including Old Kuskokuak Slough to ADF&G regulatory markers at the confluence of Old Kuskokuak Slough with Kuskokuak Slough;*

- *The Tuluksak River drainage including its confluence with the Kuskokwim River and downstream approximately 1-mile to ADF&G regulatory markers;*
- *The Aniak River drainage to ADF&G regulatory markers at its confluence with the Kuskokwim River; and*
- *The Aniak Box defined as waters of the Kuskokwim River main stem from the Yukon Delta NWR boundary at Aniak downstream to a line formed from the northwest corner of the runway (latitude 61° 35' 16" N, longitude 159° 33' 28" W), due north to a point on the southeast corner of the sandbar (latitude 61° 35' 37" N, longitude 159° 33' 16" W).*

Based on observed run strength and in consideration of conservation concerns and subsistence needs, the Yukon Delta National Wildlife Refuge Manager may open Federal public waters of the Kuskokwim River to the harvest of Chinook Salmon for Federally qualified subsistence users identified under a ANILCA Section 804 analysis, which includes residents of the Kuskokwim River drainage and the villages of Chefnak, Kipnuk, Kwigillingok, and Kongiganak.

Unless closed by the Federal in-season manager, Federally qualified subsistence users, as identified under the ANILCA Section 804 analysis, can use gillnets to harvest Chinook Salmon in Federal public waters of the main stem of the Kuskokwim River during the following dates and times:

- ***June 12, 2020 06:00 AM to 06:00 PM***
- ***June 15, 2020 06:00 AM to 06:00 PM***
- ***June 18, 2020 06:00 AM to 06:00 PM***

Gillnets are restricted to 6-inch or less mesh and may not exceed 45 meshes in depth and 50 fathoms (300-feet) in length below the Johnson River and 25 fathoms (150 feet) in length above the Johnson River. Subsistence fishing for Chinook Salmon with dip nets, beach seines, fish wheels, and rod and reel may also be used during this opportunity. Fish wheels are required to have a live box with no less than 45 cubic feet of water and must be checked at least every 6 hours. Fish wheels must be equipped with a chute and must be closely attended while in operation. The following waters will remain closed to all users:

- ***The Eek River;***
- ***The Kwethluk River drainage beginning at its confluence with Kuskokuak Slough***
- ***The Kasigluk and Kisaralik river drainages including Old Kuskokuak Slough to ADF&G regulatory markers at the confluence of Old Kuskokuak Slough with Kuskokuak Slough;***
- ***The Tuluksak River drainage including its confluence with the Kuskokwim River and downstream approximately 1-mile to ADF&G regulatory markers;***
- ***The Aniak River drainage to ADF&G regulatory markers at its confluence with the Kuskokwim River; and***
- ***Aniak Box defined as: The waters of the Kuskokwim River main stem from the Yukon Delta NWR boundary at Aniak downstream to a line formed from the northwest corner of the runway (latitude 61° 35' 16" N, longitude 159° 33' 28" W), due north to a point on the southeast corner of the sandbar (latitude 61° 35' 37" N, longitude 159° 33' 16" W).***

JUSTIFICATION

Subsistence

Salmon, particularly Chinook, are critical to the cultural and traditional needs of people residing in the Kuskokwim River drainage. Harvest by local residents has been severely restricted in recent years in an effort to provide stock conservation. This targeted, but limited, subsistence

fishing opportunity will provide residents identified through the ANILCA 804 Subsistence User Prioritization Analysis with an opportunity to continue subsistence uses of Chinook Salmon.

The subsistence harvest of salmon has been restricted for several years to conserve Chinook Salmon and for the continuation of subsistence uses of Chinook Salmon for future generations. Federally qualified subsistence users anticipate fishing opportunities for Chinook Salmon to continue their traditional way of life and provide for their families. Many of the KRITFC members have expressed subsistence shortfalls for their families and way of life, but also the need for conservation to provide Chinook Salmon for future generations of subsistence users. Although the forecast is more optimistic than in previous years, KRITFC is concerned about large uncertainties in the forecast, thus wanting to have a more conservative approach while still allowing for the continuation of subsistence uses.

The Federal in-season manager supports the need for a balance of conservation and subsistence, as well as the KRITFC's concerns about uncertainty in the pre-season forecast. For this reason, multiple 12-hour harvest opportunities on the main stem Kuskokwim River will be provided to Federally qualified subsistence users identified in the ANILCA Section 804 Subsistence User Prioritization Analysis. Data analysis of fishing opportunities for 12-hour periods since 2016 shows that the likelihood of overharvesting Chinook Salmon is minimal. The total harvest expected from these three announced opportunities is likely to be between 15,000 and 42,000 Chinook Salmon. The time period selected during the day also allows Federally qualified subsistence users to fish both flood and ebb tides for second and third opportunities.

The Federal in-season manager, as well as the KRITFC in-season managers, agree that announcing multiple opportunities in advance of the season ensures Federally qualified subsistence users allows them ample time to prepare or make arrangements for fishing during these dates and times. This action continues the practice of announcing multiple opportunities before the season begins, which was started in 2019. Depending on in-season data, additional opportunities may be announced if the run returns are larger than expected.

Biological

For the 2020 season, the Federal in-season manager wants to limit the possibility of going below the lower bound of ADF&G's drainage wide sustainable escapement goal of 65,000 Chinook Salmon to a 20% chance. Based on the results generated from the Pstar portion of the Bayes Tool and centered on the lower limit (65,000) and risk tolerance (20%), this implies a potential harvest of 106,000 Chinook Salmon, with an expected escapement of 121,000 Chinook Salmon (Staton and Catalano 2018; Bayesian information updating procedures for Pacific salmon run-size indicators: Evaluation in the presence and absence of auxiliary migration timing information, Canadian Journal of Fish and Aquaculture Sciences). This initial implied potential harvest and expected escapement will change once enough in-season information is available from the Bethel Test Fishery and Kuskokwim Sonar (typically around June 17).

Additionally, the KRITFC has recommended an escapement objective of 110,000 Chinook Salmon, but has not provided the Federal in-season manager with a harvest objective for the 2020 season. Instead, the KRITFC is recommending that a conservative approach be taken because of the uncertainties in the forecast and returning run abundances in the early part of the season. The KRITFC has recommended three 12 hour opportunities for Chinook Salmon, for which they expect around 20,000 – 30,000 Chinook Salmon to be harvested.

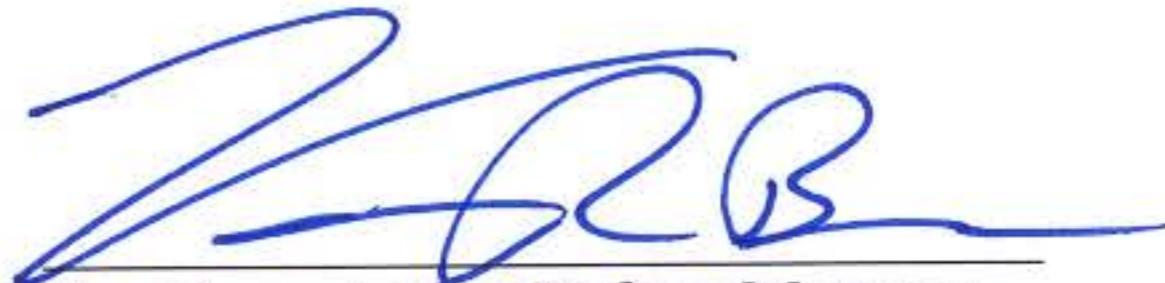
Six inch mesh size nets are being allowed during this drift gillnet opportunity in order to protect the larger, older, female Chinook Salmon, while allowing for the harvest of smaller, younger,

male Chinook Salmon. Protections for escapement quality have been recommended by user groups, which is supported by recent published science. Opportunities are sufficiently spread out across the week in order to allow for updated in-season assessments to inform adaptive decision making for the in-season manager during the 2020 Chinook Salmon run. Additionally, spreading out opportunity provides for protection of sub-stock diversity concerns brought up by users groups (i.e. the Chinook salmon run during the first opportunity will escape upstream of Tuluksak by the second opportunity).

Based on the synthesis of in-season Chinook Salmon subsistence harvest from 2016 to 2019, the expected harvest per 12-hour 6-inch drift gillnet opportunity between June 12 and June 19 is 5,000 - 14,000 Chinook Salmon. Thus, the total harvest expected from these three announced opportunities is likely to be between 15,000 and 42,000 Chinook Salmon. The short duration of these opportunities will allow for the continuation of subsistence uses, while aligning with the conservatively constructed opportunities recommended by the KRITFC. The selection of dates for these opportunities is based on the recommendations from coordination with users and user groups identified in the Kuskokwim Area Delegation of Authority Letter.

FEDERAL SUBSISTENCE BOARD

By delegation to:



Ray Born, Acting Refuge Manager
Yukon Delta National Wildlife Refuge

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