



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

## SPECIAL ACTION

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

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Special Action No.:	3-KS-04-16	Issued at:	Bethel, Alaska June 15, 2016
Effective Date:	June 16, 2016 12:01 p.m., noon.		
Expiration Date:	June 17, 2016 11:59 a.m., noon, unless superseded by subsequent Federal Special Action		

### EXPLANATION:

This emergency special action opens a 24-hour opportunity for Federally qualified subsistence users to harvest Chinook and chum salmon on Federal public waters of the Kuskokwim River and tributaries, except those tributaries previously closed including the Eek, Kwethluk, Kasigluk, Kisaralik, Tuluksak, and Aniak Rivers (SA 3-KS-03-16). During this opportunity, Federally qualified subsistence users may fish from 12:01p.m. (noon) June 16, 2016, until 11:59 a.m. (noon) June 17, 2016 using gillnets with **6-inch** or less stretched mesh and not exceeding **45 meshes** in depth. From the Yukon Delta National Wildlife Refuge (Refuge) boundary at Kuskokwim River mouth upstream to Johnson River mouth, nets must be no longer than **300 feet (50 fathoms)** in length. From Johnson River mouth upstream to the Refuge boundary at Aniak nets must be no longer than **150 feet (25 fathoms)** in length. During this opening, all fish caught in all legal gear types may be retained. All legal gear types include gill nets, hook and line, fish wheels, dip nets, beach seines and all other legal gear types identified in federal subsistence regulations.

This action was made after consultation with the Kuskokwim River Inter-Tribal Fish Commission (KRITFC) and the Alaska Department of Fish and Game (ADF&G).

Once this special action expires on June 17, 2016 at noon, Federal public waters of the Kuskokwim River will remain closed to the harvest of Chinook and chum salmon by Federally qualified subsistence users using all gear types based on Federal Special Action 3-KS-01a-16, which was issued on June 1, 2016. In addition, Federal public waters will remain closed to

harvest of Chinook and Chum salmon except by Federally qualified subsistence users identified under an ANILCA Section 804 analysis, including residents of the Kuskokwim River drainage and the villages of Chefornek, Kipnuk, Kwigillingok, and Kongiganek. Subsequent fishing openings, closings, and fishing methods for Federally qualified subsistence users will be announced by emergency special action, after consultation and coordination with the KRITFC and the ADF&G.

## REGULATION

50 CFR 100.27(i)(4) is amended to add:

*Unless re-opened by the Yukon Delta National Refuge Manager, Federal public waters in that portion of the Kuskokwim River drainage within and adjacent to the exterior boundaries of the Yukon Delta National Wildlife Refuge are closed to the harvest of Chinook and chum salmon by Federally qualified subsistence users. Based on observed run strength and in consideration of conservation concerns and escapement goals, the Federal In Season Manager may open Federal public waters of the Kuskokwim River to the harvest of Chinook and chum salmon by Federally qualified subsistence users identified under a ANILCA Section 804 analysis: residents of the Kuskokwim River drainage and the villages of Chefornek, Kipnuk, Kwigillingok, and Kongiganek.*

*Federally qualified subsistence users can use drift and set gillnets to harvest Chinook and chum salmon in Federal public waters of the Kuskokwim River from June 16, 2016 at 12:01 p.m. (noon) until June 17, 2016 at 11:59 a.m. (noon). Gillnets are restricted to be 6-inch or less stretched mesh and may not exceed 45 meshes in depth and 300-feet in length (50 fathoms) below the Johnson river and 150 feet in length (25 fathoms) above the Johnson River. All fish caught using legal gear types during this opening are legal and may be retained.*

## JUSTIFICATION

### *Biological*

The Kuskokwim River has experienced several consecutive years of low Chinook salmon returns and escapement goals were not met at two of three weir projects in 2014. While escapement was met at the three weir projects in 2015, conservation measures are warranted in 2016 to aid in the recovery of the population. The 2015 Chinook salmon drainage-wide return was estimated at 176,000 fish, well below the annual average of 243,000 fish over the last 25 years.

The Federal in-season manager supports managing the fishery based on a risk-adverse forecast and conservative harvest objective for 2016. Given the uncertainty in the estimated 2015 return, which becomes the 2016 forecast, an alternative is to treat the 2015 drainage-wide return as the average of the midpoints between the run-reconstruction estimate (172,055 fish) and an estimate based on a mark-recapture project (123,900 fish). The average of these two methods is 148,000 Chinook salmon. Given the poor returns in recent years, corresponding fisheries restrictions, and an interest in facilitating stock rebuilding, Kuskokwim River stakeholders have expressed an interest in targeting the top 85% of the drainage-wide escapement goal of 65,000 to 120,000 Chinook salmon for the Kuskokwim River. The top 85% of the established goal represents a target of 102,000 Chinook salmon. The difference between a risk adverse 2016 forecast and the

escapement target suggests a conservative harvestable surplus of approximately 46,000 Chinook salmon.

The estimated harvestable surplus is well below the long-term average subsistence harvest of approximately 87,000 Chinook salmon annually in the Kuskokwim River drainage. Thus, harvest restrictions are necessary for the continued viability of Chinook salmon and the continuation of subsistence uses in the future. In 2015, the subsistence harvest was estimated to be a historically low harvest of 15,000 Chinook salmon and resulted in a drainage-wide escapement of an estimated 120,000 fish. The Federal in-season manager supports providing limited, controlled fishing opportunities to target approximately 40,000 Chinook salmon in 2016.

The chum salmon run has been a concern for Federally qualified subsistence users and conservative harvest management is necessary to protect the continued viability of the population and provide continued subsistence uses. In 2015, the chum salmon run was smaller than anticipated and was a conservation concern. In 2014, based on the most recent available information, Federally qualified subsistence users relied more on chum salmon than in previous years, in response to low Chinook salmon returns and harvest restrictions.

The initial fishing opportunity on June 12, 2015 consisted of a 12-hour opening for Federally qualified subsistence users to target Chinook and chum salmon using drift and set gillnets on Federal public waters of the Kuskokwim River. During that 12-hour opening, an estimated 3,400 – 4,200 Chinook salmon were harvested. Consistent with the subsistence harvest target of 40,000 Chinook salmon, this emergency special action will provide a longer, 24-hour opening to provide more harvest opportunity for Federally qualified subsistence users. This opportunity will also improve assessment of run strength while furthering stock conservation by limiting the duration of the subsistence fishing opportunity.

### *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 or eliminated in recent years in an effort to provide stock conservation. This targeted, but limited, subsistence fishing opportunity will provide local residents with some Chinook and chum salmon that are critical to cultural and traditional needs.

The subsistence harvest of salmon has been restricted for several years with varying success to conserve Chinook salmon. The initial subsistence fishing opportunity on June 12, 2016 provided some harvest opportunity, and the Federal in-season manager supports a longer opening for this special action. The estimated harvest from June 12 and options for this opportunity were discussed with the KRITFC on June 14, 2016. The consensus from the meeting with the KRITFC In-season Management Committee was to provide another conservative subsistence harvest with a longer 24-hour opening starting at noon, 12:01 p.m., Thursday, June 16 through noon, 11:59 a.m., on Friday, June 17, 2016. Allowable gear will be drift and set gillnets with 6-inch or less mesh and may not exceed 45 meshes in depth and 25 fathoms in length above Johnson River or 50 fathoms in length below the Johnson River. During the opening, all fish caught with legal equipment as identified in the federal subsistence regulations may be kept. Discussions with KRITFC In-Season Committee about length of opening resulted in a decision

for a 24-hour opening to get harvest information and minimize the risk of overharvesting. The 24-hour opening also allows for fishing on the tides and everyone to have an opportunity to harvest Chinook and chum salmon.

FEDERAL SUBSISTENCE BOARD

By delegation to:



Vernon Ray Born, Acting Refuge Manager  
Yukon Delta National Wildlife Refuge

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