



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



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-05-19
June 4, 2019

Issued at: Bethel, Alaska

| Opportunity | Effective Date | Expiration Date |
|-------------|------------------------|------------------------|
| 2 | June 8, 2019, 10:00 AM | June 8, 2019, 10:00 PM |

, unless superseded by subsequent Special Action

EXPLANATION:

This emergency special action announces one 12-hour set gillnet opportunity 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 harvest Chinook Salmon on Federal public waters of the Kuskokwim River main stem, except for the waters of the Kuskokwim River mainstem referred to as the Aniak Box (see **3-KS-03-19** or regulatory language below for description) on June 8, 2019. The start time and end time for this opportunity is from 10:00 AM to 10:00 PM.

The following waters of the Kuskokwim River Drainage within the boundaries of the Yukon Delta National Wildlife Refuge (Refuge) under Federal subsistence fisheries jurisdiction will remain closed to the harvest of Chinook Salmon by 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).

Set gillnets are limited to 6-inch or less mesh, may not exceed 60 feet in length, and may not exceed 45 meshes in depth. Set gillnets may not be operated more than 100 feet from the ordinary high water mark, must be attached to the bank, and oriented perpendicular to the river.

Subsistence fishing for all fish, including Chinook Salmon with dip nets, beach seines, fish wheels, and rod and reel will remain open (per 3-KS-03-19).

Once this 12-hour opportunity expires, Federal public waters of the Kuskokwim River, identified in Federal Special Action 3-KS-03-19, which was issued on May 26, 2019, will remain closed only to the use of gillnets to harvest Chinook Salmon by Federally qualified subsistence users.

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). Further Chinook Salmon fishing openings, closings, and fishing methods for Federally qualified subsistence users will be announced by subsequent special action, after consultation and coordination with the KRITFC and the ADF&G.

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 by Federally qualified subsistence users effective June 1, 2019:

- *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: 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).*

Additionally, unless re-opened by the Yukon Delta National Wildlife Refuge Manager, the following Federal public waters of the Kuskokwim River within and adjacent to the exterior

boundaries of the Yukon Delta National Wildlife Refuge are closed to the harvest of Chinook Salmon with use of gillnets by Federally qualified users effective June 1, 2019:

- *The Kuskokwim River main stem;*

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 Chefornak, Kipnuk, Kwigillingok, and Kongiganak.

Unless closed by the Yukon Delta National Wildlife Refuge Manager, Federally qualified subsistence users as identified under the ANILCA Section 804 analysis can harvest Chinook Salmon by set gillnets in Federal public waters of the main stem of the Kuskokwim River during the following dates and times:

- *From June 8, 2019 at 10:00 AM until June 8, 2019 at 10:00 PM.*

Gillnets are restricted to set nets with 6-inch or less mesh, 60 feet or less in length, and may not exceed 45 meshes in depth. Additionally, set gillnets must be attached to the bank, oriented perpendicular to the river and may not be operated more than 100 feet from the ordinary high water mark. Subsistence fishing for Chinook Salmon with dip nets, beach seines, fish wheels, and rod and reel will remain open 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:

- *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 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.

More importantly, this opportunity provides qualified users with a “taste of salmon” opportunity during the early portion of the season.

Additionally, through consultation with the KRITFC and independent village visits by Refuge staff, many subsistence users have expressed their dislike for 4” mesh size set gillnets in the river when Chinook Salmon are present, as they are perceived as “salmon” killers. With this in mind, the Federal in-season manager believes this action will help alleviate these concerns heard from a majority of the villages during the pre-season as it will provide Federally qualified subsistence users with the option to use larger size gear. Larger mesh size will also provide qualified users a more efficient pathway to harvest limited numbers of Chinook Salmon when present in the river. It is not expected that qualified users will harvest many Chinook Salmon during these opportunities. Traditionally during this time period, many subsistence users will opportunistically harvest Chinook Salmon while fishing for other non-salmon species like Sheefish. Subsistence users typically are not focusing their efforts on putting away larger numbers of Chinook Salmon during this time period.

This opportunity coincides with the 4” set gillnet opportunity for non-salmon species announced by ADF&G in Emergency Order #3-S-WR-03-19 on June 2, 2019 (<https://www.adfg.alaska.gov/static/applications/dcfnewsrelease/1035722807.pdf>)

Biological

Given the midpoint of the Chinook Salmon pre-season forecast (132,000) in relation to the mutually acceptable conservative escapement objective of 110,000 (within the escapement range of 65,000 – 120,000), the projected available harvest surplus for the 2019 Chinook Salmon subsistence fishery is 22,000 fish.

It is not expected that Federally qualified subsistence users will harvest enough Chinook Salmon during these opportunities to surpass a harvest target of 22,000 fish. The first 6 inch set net opportunity in the mainstem Kuskokwim River had a harvest estimate of 30-120 range (midpoint of 70). In combination with other methods and means including harvest in areas other than the mainstem, the number of Chinook Salmon harvested was less than 250 fish (as compared to 160 – 360 non-salmon species harvest during the same time period). Given this was the first time in recent years that fishing for Chinook Salmon has been allowed before June 12, harvest certainty is still relatively unknown. However, information gathered from this opportunity did not differ drastically from last year’s 12-hour 4 inch set gillnet opportunity on June 6, 2018, which was estimated at 60 – 140 Chinook Salmon (compared to 200 – 400 non-salmon species harvested during that same time period)

(https://www.fws.gov/uploadedFiles/Harvest_Estimates_6_6_18.pdf). The Federal in-season manager still believes the limited Chinook Salmon harvest during this time period is primarily due to net length and operational restrictions, rather than the mesh size restrictions. Restricting net length to 60 feet or less, 45 meshes or less, bank orientation, and cannot be operated more than 100 feet from the ordinary high water mark provides additional conservation measures for Chinook Salmon. This prevents Federally qualified subsistence users from using gillnets to fish in the deeper channels of the river where Chinook Salmon typically swim.

This harvest opportunity is unlikely to exceed the conservative harvest target because it allows fishing for only 12 hours; restricts using Chinook Salmon conservation gear to 6-inch or less

stretched mesh gillnets; restricts net length and operational requirements to 60 feet net length; and may not be operated more than 100 feet from ordinary high water mark. This is a conservative management action that protects the viability of the Chinook Salmon population, while allowing for the continuation of subsistence uses.

FEDERAL SUBSISTENCE BOARD

By delegation to:



Ray Born, Acting Refuge Manager
Yukon Delta National Wildlife Refuge

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