



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

Federal Subsistence Board

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 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-05-20 Issued at: Bethel, Alaska
 June 23, 2020

Opportunity	Effective Date	Expiration Date
7	June 24, 2020, 6:00 AM	June 24, 2020, 6:00 PM, unless superseded by subsequent Special Action

EXPLANATION:

This emergency special action announces one 12-hour harvest opportunity for Kuskokwim River residents identified as Federally qualified subsistence users in the Section 804 subsistence user prioritization analysis, which includes residents of the Kuskokwim River drainage and the villages of Cheforak, 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 from the mouth to a line downstream of Kalskag at the south edge of Uknavig Slough and then due east to the edge of the bluff line (see regulatory language below), except for the section referred to as the Aniak Box (see **3-KS-01-20** or regulatory language below for description), on June 24, 2020. The start time and end time for this opportunity is from 06:00 AM to 06:00 PM.

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 all fish, including Chinook Salmon, with dip nets, beach seines, fish wheels, and rod and reel may also be used.

Once this opportunity expires, Federal public waters of the Kuskokwim River will be closed to gill nets from the Yukon Delta National Wildlife Refuge boundary at the mouth of the Kuskokwim to the Kalskag bluff described as a line downstream of Kalskag at the south edge of Uknavig Slough and then due east to the edge of the bluff line, identified in Emergency Special Action **3-KS-01-20** and updated on **3-KS-04-20**.

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 with all means and methods by all 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).

This action was made after coordination to the extent possible with the Kuskokwim River Inter-Tribal Fish Commission (KRITFC), Regional Advisory Councils (RACs), Kuskokwim River Salmon Management Working Group (KRSMWG), Office of Subsistence Management (OSM), and 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 emergency special action, after consultation and coordination with the partners listed above.

REGULATION

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

Current Regulation

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 all users effective 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 Chefornek, Kipnuk, Kwigillingok, and Kongiganak.

Federally qualified subsistence users as identified under the ANILCA Section 804 analysis can harvest Chinook Salmon in Federal public waters of the main stem of the Kuskokwim River from a line downstream of Kalskag at the south edge of Uknavig Slough (Latitude 61° 20' 20" N, Longitude 160° 34' 52") and then due east to the edge of the bluff line (Latitude 61° 20' 20" N, Longitude 160° 41' 13") to the Yukon Delta National Wildlife Refuge (Refuge) boundary at Aniak from June 19, 2019 at 6:00 PM until superseded by subsequent emergency special action. Gillnets are restricted to 6-inch or less mesh and may not exceed 45 meshes in depth and 25 fathoms (150 feet) in length. 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 the use of all methods and means for the harvest of Chinook Salmon:

- 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).*

Amended Regulation

Unless closed by the Federal in-season manager, Kuskokwim River residents identified as Federally qualified subsistence users 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 from the mouth to the Kalskag bluff, described as a line downstream of Kalskag at the south edge of Uknavig Slough at (latitude 61° 20' 20" N, longitude 160° 41' 13" W) and then due east to the edge of the bluff line at (latitude 61° 20' 20" N, longitude 160° 34' 52" W) during the following dates and times:

From June 24, 2020 at 06:00 AM until June 24, 2020 at 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.

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.

On June 3rd, 6th and 9th 2020, the Federal in-season manager provided three 24-hour set gillnet (6" or less mesh) opportunities for Chinook Salmon, of which around 1,420 Chinook Salmon were harvested. On June 12th, 15th, and 18th 2020, the Federal in-season manager provided three 12-hour fishing opportunity with 6-inch mesh drift gillnets where an estimated 16,330 Chinook Salmon were harvested. Total harvest across all these provided opportunities is approximately 17,590 Chinook Salmon.

Given these fishing opportunities, people are still highly anticipating more fishing opportunities for Chinook Salmon to continue their traditional way of life and provide for their families. Many of the KRITFC members and the public have continued to express subsistence shortfalls for their families and way of life, as well. The harvest to date has not met the unrestricted historical subsistence harvest levels of 67,000 -109,000 Chinook Salmon.

The need for a Chinook Salmon harvest opportunity on June 24 was discussed with the In-Season Management Committee comprised of the KRITFC and a representative from the KRSMWG during manager meetings on June 19th and 22nd, The WIRAC and the YKDRAC were invited and were unable to attend these manager meetings. After consultation with the In-season Management Committee, the decision was made to provide for some additional subsistence harvest. This opportunity was based on the recommendation of KRITFC in-season managers,

Biological

For the 2020 season, the Federal in-season manager wants to limit the possibility of going below the lower bound of the drainage wide sustainable escapement goal of 65,000 Chinook Salmon to a 20% chance. Based on the updated results generated from the Pstar portion of the Bayes Decision Tool and centered on the lower limit (65,000) and risk tolerance (20%), this implies that 45,000 more Chinook Salmon could be harvested by the subsistence fishery without the Federal in season manager's risk tolerance being exceeded (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). Expected escapement under this scenario is 94,000 Chinook Salmon.

Based on the current assessment of the Chinook Salmon run and the performance of the subsistence fishery in first six opportunities, the Federal in season manager believes it is highly unlikely that 45,000 Chinook Salmon harvest is possible given the likelihood of increasing Chum/Sockeye to Chinook Salmon ratios, the increased likelihood of late run-timing, and the previously announced conservatively structured harvest opportunities recommended by the KRITFC and enacted by the Federal in season manager. Additionally, in terms of escapement, if 45,000 Chinook Salmon harvest is not obtained, the expected escapement will be more than 94,000 Chinook Salmon.

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 are uncertain.

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By delegation to:



Ray Born, Acting Refuge Manager
Yukon Delta National Wildlife Refuge

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