



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-06-19 Issued at: Bethel, Alaska
June 4, 2019

Opportunity	Effective Date	Expiration Date
1	June 12, 2019, 6:00 AM	June 12, 2019, 6:00 PM
2	June 15, 2019, 6:00 AM	June 15, 2019, 6:00 PM
3	June 19, 2019, 6:00 AM	June 19, 2019, 6:00 PM, unless superseded by subsequent Special Action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-03-19** or regulatory language below for description), on June 12, June 15, and June 19, 2019. The start time and end time for each of these three opportunities are from 06:00 AM to 06:00 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 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).

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-03-19** and issued on May 26, 2019, will remain closed to the harvest of Chinook Salmon with gillnets 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 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.

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:

- *From June 12, 2019 at 06:00 AM until June 12, 2019 at 06:00 PM*
- *From June 15, 2019 at 06:00 AM until June 15, 2019 at 06:00 PM*
- *From June 19, 2019 at 06:00 AM until June 19, 2019 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. 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*
- *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.

The Federal in-season manager acknowledges the need for a balance of conservation and subsistence. 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 time period selected during the day also allows Federally qualified subsistence users to fish both flood and ebb tides.

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 last year. Depending on in-season data, additional opportunities may be announced if the run returns are larger than expected.

Biological

Biological information that supports the 12-hour Chinook Salmon harvest opportunities is based on information from the following sources: (1) pre-season forecast [115,000 – 150,000 Chinook Salmon], (2) Bethel Test Fishery, (3) conservative in-season escapement objective of 110,000 Chinook Salmon (within sustainable escapement goal range of 65,000 – 120,000), and (4) synthesis of in-season subsistence harvest data from 2016 – 2018.

First, the Federal in-season manager is confident in using the ADF&G's pre-season forecast for Kuskokwim River Chinook Salmon in 2019 as an accurate prediction for this year's run abundance. This is also supported by KRITFC in-season managers and the ADF&G manager. The pre-season forecast has done a good job in predicting run abundances since first issued in 2014. However, this is due to the Chinook Salmon population returns, which have consistently returned to the Kuskokwim River in similar, lower abundances since 2010.

Additionally the pre-season forecast has been shown to be more informative about run abundances in the early season based on published research by Ben Staton and Matt Catalano in 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 publication indicates that the pre-season forecast works well in informing managers of expected returns for at least the first couple weeks

in June (i.e. using Bethel Test Fishery index of relative abundance information early in the season does not assist in updating the pre-season forecast to be more accurate/precise). For planning purposes, the Federal in-season manager and the rest of the in-season management team find it acceptable to use the mid-point of the forecasted range, which is 132,000 Chinook Salmon, for the expected run-size.


Second, the Federal in-season manager has agreed to a conservative in-season escapement objective of 110,000 Chinook Salmon (within the sustainable escapement goal range of 65,000 – 120,000). Throughout the pre-season consultation process, the KRITFC has recommended an escapement goal of 110,000 Chinook Salmon because of the poor returns in recent years, corresponding fisheries restrictions, and an interest in facilitating stock rebuilding. ADF&G recommends targeting escapement anywhere within the sustainable escapement goal range

(65,000 – 120,000). The Federal in-season manager is supportive of an escapement objective of at least 100,000 Chinook Salmon because escapement anywhere within this range will maintain stock productivity under most environmental conditions, as well as give the highest chances of meeting tributary escapement goals throughout the drainage.

Given the midpoint of the pre-season forecast (132,000 Chinook Salmon) in relation to the mutually acceptable conservative escapement objective of 110,000 Chinook Salmon, the projected available harvest surplus for the 2019 Chinook Salmon subsistence fishery is 22,000 fish. Based on the synthesis of in-season Chinook Salmon subsistence harvest from 2016 to 2018, the expected harvest per 12-hour opportunity between June 12 and June 19 is 4,000 - 6,000 Chinook Salmon. Thus, the total harvest expected from these three announced opportunities is likely to be between 12,000 and 18,000 Chinook Salmon. The short duration of these opportunities will allow for the continuation of subsistence uses, while aligning with the conservatively constructed harvest objective.

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By delegation to:


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