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**		
Special Action No.:	3-KS-07-16	Issued at:	Bethel, Alaska June 28, 2016
Effective Date:	June 29, 2016 12:01 p.m., noon.		
Expiration Date:	July 2, 2016 11:59 a.m., noon, below Kalskag line, unless superseded by subsequent Federal Special Action		

EXPLANATION:

This emergency special action opens a 72-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 (**3-KS-03-16**). During this opportunity, Federally qualified subsistence users may fish from 12:01p.m. (noon) June 29, 2016, until 11:59 a.m. (noon) July 2, 2016 using set and drift 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 a line downstream of Kalskag at the south edge of Uknavik slough and then due east to the edge of the bluff line, nets must be no longer than **150 feet (25 fathoms)** in length.

Federal public waters upstream of the line near Kalskag remain open the harvest of Chinook and chum salmon by Federally qualified subsistence users based on Special Action 3-KS-05-16, issued on June 20, 2016.

Federal public waters 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 Chefornak, Kipnuk, Kwigillingok, and Kongiganek.

During this opportunity, all fish caught with all legal gear types may be retained. 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 July 2, 2016 at 12:01 p.m. (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. Subsequent fishing openings, closings, and fishing methods for Federally qualified subsistence users will be announced by Federal 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 Chefornak, 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 29, 2016 at 12:01 p.m. (noon) until July 2, 2016 at 11:59 a.m. (noon) below a line downstream of Kalskag at the south edge of Uknavik slough and then due east to the edge of the bluff line. 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 172,000 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-averse 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 (172,000 fish) and an estimate based on a mark-recapture project (124,000 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 averse 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 16,000 Chinook salmon and resulted in a drainage-wide escapement of an estimated 155,000 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.

During three directed subsistence harvest opportunities, an estimated 28,000 Chinook Salmon have been harvested on the refuge. The initial fishing opportunity on June 12, 2016 consisted of a 12-hour opportunity 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 opportunity, an estimated 4,600 – 6,500 Chinook salmon were harvested. The second opportunity on June 16-17, 2016 consisted of a 24-hour opening opportunity 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 24-hour opportunity, an estimated 6,700 - 9,300 Chinook salmon were harvested. The third opportunity on June 21-24, 2016 consisted of a 72-hour opportunity 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 72-hour opportunity, an estimated 11,400 – 17,600 Chinook salmon were harvested. Consistent with the subsistence harvest target of 40,000 Chinook Salmon, this emergency special action will provide a second, 72-hour opening to provide additional harvest opportunity for Federally qualified subsistence users within the lower portions of the river. 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 Chinook and Chum salmon that are critical to cultural and traditional needs. This emergency special action will provide for a subsistence harvest opportunity in this time of conservation.

The subsistence harvest of salmon has been restricted for several years with varying success to conserve Chinook salmon. The estimated harvest from June 12, June 16-17, and June 21-24 were discussed with the KRITFC In-season Management Committee, and options for this opportunity were discussed with the KRITFC on June 27, 2016. The consensus from the meeting with the KRITFC In-season Management Committee and the Federal in-season manager was to provide different harvest opportunities above and below Kalskag. Below Kalskag, a conservative, 72-hour subsistence harvest opportunity would be provided starting at 12:01 p.m. (noon), Wednesday, June 29 through 11:59 a.m. (noon), on Saturday, July 2, 2016 below Kalskag. Above Kalskag, the harvest opportunity will remain open to Federally qualified subsistence users until closed. Discussions with KRITFC In-Season Management Committee about the different harvest opportunities above and below Kalskag were to provide harvest opportunity for Federally qualified subsistence users and minimize the risk of overharvesting. The 72-hour opening also allows for fishing on the tides and for 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

DISTRIBUTION:

Tim Towarak, Chair, Federal Subsistence Board
Members, Yukon-Kuskokwim Delta Subsistence Regional Advisory Council
Members, Kuskokwim River Inter-Tribal Fish Commission Executive Council
Eugene R. Peltola, Jr., Assistant Regional Director, Office of Subsistence Management, USFWS
Ryan Noel, Special Agent in Charge, LE Division, USFWS
Mike Hoffman, Acting President, Association of Village Council Presidents
Sam Cotten, Commissioner, Alaska Department of Fish & Game
Sgt. Mark Cloward, Alaska Bureau of Wildlife Investigation
Delta Discovery
Tundra Drums
KYUK Radio