



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-08-19 Issued at: Bethel, Alaska
June 19, 2019

Opportunity	Effective Date	Expiration Date
6	June 22, 2019, 6:00 AM	June 22, 2019, 6:00 PM, unless superseded by subsequent Special Action

EXPLANATION:

This emergency special action announces one 12-hour harvest 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 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-03-19** or regulatory language below for description), on June 22, 2019. The start time and end time for this opportunity is 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 with all means and methods 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 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 from the mouth to a line downstream of Kalskag at the south edge of Uknavik Slough and then due east to the edge of the bluff line, identified in Emergency Special Action **3-KS-03-19** and updated in **3-KS-07-19**, which were issued on May 26, 2019 and June 18, 2019, respectively, will remain closed to the harvest of Chinook Salmon by Federally qualified subsistence users.

This action was made after consultation with the Kuskokwim River Inter-Tribal Fish Commission (KRITFC); Yukon Kuskokwim and Western Interior Regional Advisory Councils (RACs); Office of Subsistence Management (OSM); and the Alaska Department of Fish and Game (ADF&G) with notification to the Kuskokwim River Salmon Management Group (KRSMWG) to the extent possible. 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, RACs, OSM and ADF&G to the extent possible.

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 Chefornak, 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 Uknavik 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).*

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 from the mouth to a line downstream of Kalskag at the south edge of Uknavik 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 22, 2019 at 06:00 AM until June 22, 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. 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.

On June 1 and June 8, the Federal in-season manager provided 12-hour set gillnet (6" or less mesh) opportunities for Chinook Salmon, of which around 1,000 Chinook Salmon were harvested. On June 12, the Federal in-season manager provided one 12-hour fishing opportunity with 6-inch mesh drift gillnets where an estimated 8,040 Chinook Salmon were harvested. On June 15, the Federal in-season manager provided a second 12-hour fishing opportunity with 6-inch mesh drift gillnets where an estimated 7,500 Chinook Salmon were harvested. On June 19, the Federal in-season manager provided a third 12-hour opportunity with an expected harvest of 5,000 -7,000 Chinook Salmon. Total harvest across all these provided opportunities is approximately 21,000 – 23,000 Chinook Salmon.

Given these fishing opportunities, people are still hungry for Chinook Salmon and are 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 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 22 was discussed with the In-Season Management Committee comprised of the KRITFC, representatives from the KRSMWG, the WIRAC, and the YKDRAC during the weekly planning meetings. After consultation with the In-season Management Committee, the decision was made to provide for some additional subsistence harvest. There was not unanimous consent from KRITFC in-season managers, but the consensus recommendation made by the group is to proceed with this opportunity. Most in-season managers felt that this would be a good opportunity for folks who have day jobs and started fishing late this season.

Biological

The Federal in-season manager supports managing the fishery based on a forecast and a conservative escapement objective for 2019. For planning purposes, managers are using the mid-point of the forecast range, which is 132,000, for the expected run size. Based on in-season assessment data (i.e. sonar, Bethel Test Fishery), there is no concern that the resulting Chinook

Salmon run-size for this year will be different than what the preseason forecast had projected (115,000 – 150,000 Chinook Salmon).

Through the consultation process, the Federal in-season manager agreed to establish an escapement target of 110,000 Chinook Salmon, which implies a harvest target of 22,000 Chinook Salmon. However, the Federal in-season manager has been supportive of establishing an escapement target of 100,000 Chinook Salmon (based on preseason forecast and other modeling tools), which implies a larger harvest target of 32,000 Chinook Salmon.

Based on the best assessment information currently available (preseason forecast, in-season run assessment, and in-season harvest estimates), our analysis of the likely harvest outcome from this opportunity will give an increased chance of falling below the 110,000 fish escapement target mutually agreed upon by KRITFC and the Federal in-season manager. However, the likelihood of falling below the Federal in-season manager's escapement objective of 100,000 Chinook Salmon (based on preseason forecast and other modeling tools) is not likely. The KRITFC recognizes and accepts that this opportunity will further reduce the likelihood of meeting their defined escapement target of 110,000 fish.

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By delegation to:



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Yukon Delta National Wildlife Refuge

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