



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

Federal Subsistence Board

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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-04-20

Issued at: Bethel, Alaska
June 15, 2020

Effective Date: June 18, 2020 6:00 PM

Expiration Date: Open until superseded by subsequent Emergency Special Action

EXPLANATION:

This emergency special action extends the opportunity for the harvest of Chinook Salmon by all legal means on Federal public waters of the Kuskokwim River main stem 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 beginning June 18, 2020 at 6:00 PM. This opportunity is limited to 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. This opportunity, does not apply to the waters of the Kuskokwim River main stem described as the Aniak Box, as listed below. This opportunity is subject to change through subsequent special action.

The following areas within this section of the Kuskokwim River, within the boundaries of the Refuge, will remain closed to the harvest of Chinook Salmon by all users:

- The Aniak River drainage to the ADF&G regulatory markers at its confluence with the Kuskokwim River.
- 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, may not exceed 45 meshes in depth and 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 still be used during this opportunity. Fish wheels must be equipped with a chute and must be closely attended while in operation.

This action was made after coordination 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) to the extent possible. 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:

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, 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 Cheforanak, 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 18, 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 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).*

JUSTIFICATION

Subsistence

Salmon, particularly Chinook Salmon, are critical to the cultural and traditional needs of people residing in the Kuskokwim River drainage. Harvest by local residents has been 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. Set net opportunities were provided on June 3, 6, and 9 resulting in an estimated harvest of 1500 Chinook Salmon. The Federal in-season manager has announced three 12-hour drift gill net fishing opportunities with 6-inch mesh, estimating that a maximum of 42,000 Chinook Salmon would be harvested. We do not expect Chinook Salmon harvest from Kalskag to the headwaters to be any more than 2,000 fish based on historical harvest estimates during times of restrictions.

Given the limited fishing opportunities, people are hungry for Chinook Salmon and are highly anticipating fishing opportunities for Chinook Salmon to continue their traditional way of life and provide for their families. While users from Kalskag to Aniak have been provided the same amount of opportunity as users below Kalskag, when the lower river subsistence fishery is in operation the passage of Chinook Salmon to the Kalskag to Aniak area is reduced, which makes fishing more difficult and less efficient. Opening the Kuskokwim River between Kalskag to Aniak, while the lower river subsistence fishery is closed, increases the possibility that more fish would be available for harvest upstream. The need for additional Chinook Salmon harvest opportunity for this upper section of the Kuskokwim River has been discussed with the KRITFC

and ADF&G during weekly planning meetings and at the Kuskokwim Salmon Management Working Group (KSMWG). ADF&G has already opened the area from Aniak and above to the harvest of Chinook Salmon with gillnets effective June 12 at 10 am. KRITFC in-season managers also supported the opening of this section of Federal public waters.

Biological

For the 2020 season, the Federal in-season manager wants to limit the possibility of going below the lower bound of ADF&G's drainage wide sustainable escapement goal of 65,000 Chinook Salmon to a 20% chance. Based on the results generated from the Pstar portion of the Bayes Tool and centered on the lower limit (65,000) and risk tolerance (20%), this implies a potential harvest of 106,000 Chinook Salmon, with an expected escapement of 121,000 Chinook Salmon (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). This initial implied potential harvest and expected escapement may change once enough in-season information is available from the Bethel Test Fishery and Kuskokwim Sonar (typically around June 17).

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 in the early part of the season. This fishing opportunity will provide opportunity for the section of the Kuskokwim River, which includes Kalskag and Aniak to receive an equitable opportunity as part of the harvest objective. It is unlikely that the total Chinook Salmon harvest from an opportunity beginning June 18th at 6 PM, until superseded by subsequent emergency special action in this section of the Kuskokwim River, when added to the previous openers, will substantially compromise the attainment of the established escapement goal range.

Six-inch mesh size nets are being allowed during this opportunity in order to protect the larger, older, female Chinook Salmon, while allowing for the harvest of smaller, younger, male Chinook Salmon. Protections for escapement quality have been recommended by user groups, which is supported by recent published science. The duration of this opportunity will allow for the continuation of subsistence uses, while aligning with the conservatively constructed opportunities recommended by the KRITFC. The selection of this date for this opportunity is based on the recommendations from coordination with users and user groups identified in the Kuskokwim Area Delegation of Authority Letter.

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By delegation to:



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Yukon Delta National Wildlife Refuge

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