



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



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-07-19 Issued at: Bethel, Alaska
June 17, 2019

Effective Date: June 19, 2019 6:00 PM

Expiration Date: Open until superseded by subsequent Emergency Special Action

EXPLANATION:

This emergency special action reopens 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 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 beginning June 19, 2019 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 Cheforak, 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 federally-qualified users:

- the Aniak River drainage to 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 be still 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.

This action was made after consultation with the Kuskokwim River Inter-Tribal Fish Commission (KRITFC), Regional Advisory Councils, and Alaska Department of Fish and Game 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 KRITFC.

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 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 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).***

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 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. Set net opportunities were provided on June 1 and 8 resulting in an estimated harvest of 1,000 Chinook Salmon. The Federal in-season manager then announced three 12 hour fishing opportunities with 6 inch mesh drift gillnets, estimating that a maximum of 21,000 would be harvested. On June 12, 2019 the estimated Chinook Salmon harvest was 8,040. On June 15th the estimated Chinook Salmon harvest was 7,500. If the estimated Chinook Salmon harvest for the June 19th opportunity is similar to June 15th, the total Chinook Salmon harvested during these three opportunities is 23,000 Chinook Salmon. We do not expect Chinook Salmon harvest from this area of the river (Kalskag to headwaters) to be any more than 2,000+ fish based on historical harvest estimates during times of restrictions. Harvest for the season is not expected to exceed the Refuge's threshold of 32,000 by taking this action.

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 up stream. 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

The Federal in-season manager supports managing the fishery based on a forecast and a conservative escapement objective to seek a balance of escapement and harvest for 2019. For planning purposes, managers are using the mid-point of the forecast range, which is 132,000, for the expected run size. Given the poor returns in recent years, corresponding fisheries restrictions, and an interest in facilitating stock rebuilding, the Federal In-Season Manager and KRITFC have established an escapement target of 110,000 Chinook Salmon. Nevertheless, the Federal in-season manager and KRITFC recognizes and accepts that this opportunity may exceed the escapement target of 110,000, as well as the harvest objective of 22,000 Chinook Salmon. Based on the best assessment information currently available (preseason forecast, in-season run assessment, and in-season harvest estimates to date), our analysis of the likely harvest outcome from this opportunity will not increase the chances of falling below the 100,000 fish escapement target. The Federal and KRITFC In-Season Managers recognize and accept that this opportunity may reduce the likelihood of meeting the mutually acceptable defined escapement target of 110,000 and exceeding the implied harvest goal of 22,000 Chinook Salmon. The Federal In-Season Manager is comfortable providing this opportunity because his risk tolerance is for escapement not to fall below 100,000 with an implied harvest of 32,000 Chinook Salmon. The analysis further suggests a very low likelihood that the resulting expected escapement would be less than 65,000 Chinook Salmon (lower bound of ADF&G sustainable escapement goal).

This fishing opportunity will provide opportunity for the section of the Kuskokwim River which includes Kalskag and Aniak to receive an equitable opportunity for the harvest objective. It is unlikely that the total Chinook Salmon harvest from an opportunity beginning June 19th 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. The action is inherently a conservative management action that protects the viability of the Chinook Salmon population while allowing the continuation of subsistence uses.

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By delegation to:


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Yukon Delta National Wildlife Refuge

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