



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

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Special Action No.:	3-KS-05-18	Issued at:	Bethel, Alaska June 7, 2018
Effective Date:	June 16, 2018 10:00 AM		
Expiration Date:	June 16, 2018 10:00 PM unless superseded by subsequent Special Action		

### EXPLANATION:

This emergency special action opens a 12-hour 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 harvest Chinook Salmon on Federal public waters of the Kuskokwim River main stem on June 16, 2018. During this opportunity, Federally qualified subsistence users may fish on June 16, 2018 from 10:00 AM until 10:00 PM in Federal public waters of the Kuskokwim River main stem, except 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).

The following salmon tributaries of the Kuskokwim within the boundaries of the Refuge, will remain closed to the harvest of Chinook Salmon by federally-qualified users:

- The Eek River;
- the Kwethluk River drainage including its confluence with Kuskokuak Slough and downstream to ADF&G regulatory markers located at the downstream mouth of the 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; and

- the Aniak River drainage to ADF&G regulatory markers at its confluence with the Kuskokwim River.

Non salmon tributaries within 100 yards of their confluence with the Kuskokwim River main stem will open to the harvest of Chinook Salmon.

All drift or set gillnets are limited to 6-inch or less mesh and may not exceed 45 meshes in depth. Nets from the Yukon Delta National Wildlife Refuge (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 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.

Once this emergency special action expires on June 16, 2018 at 10:00 PM, Federal public waters of the Kuskokwim River, identified in Federal Special Action 3-KS-03-18, which was issued on June 6, 2018, will remain closed to the harvest of Chinook Salmon by Federally qualified subsistence users.

This action was made after consultation with the 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 of the Kuskokwim River main stem, including the following salmon bearing tributaries within and adjacent to the exterior boundaries of the Yukon Delta National Wildlife Refuge:*

- *The Eek River;*
- *The Kwethluk River drainage including its confluence with Kuskokuak Slough and downstream to ADF&G regulatory markers located at the downstream mouth of the slough;*
- *The Kasigliuk 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; and*
- *The Aniak River drainage to ADF&G regulatory markers at its confluence with the Kuskokwim River;*

*are closed to the harvest of Chinook Salmon by Federally qualified subsistence users. Based on observed run strength and in consideration of conservation concerns and escapement goals, the Yukon Delta National Wildlife Refuge Manager may open Federal public waters of the*

*Kuskokwim River to the harvest of Chinook Salmon by Federally qualified subsistence users identified under a ANILCA Section 804 analysis, which includes residents of the Kuskokwim River drainage and the villages of Cheforak, 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 and non-salmon tributaries within 100 yards of their confluence with the Kuskokwim River main stem from June 16, 2018 at 10:00 AM until June 16, 2018 at 10:00 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 including its confluence with Kuskokuak Slough and downstream to ADF&G regulatory markers located at the downstream mouth of the slough;*
- *The Kasigliuk 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; and*
- *The Aniak River drainage to ADF&G regulatory markers at its confluence with the Kuskokwim River;*
- *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. The subsistence gillnet fishery within refuge waters was completely closed on the Kuskokwim River main stem and salmon bearing tributaries by May 30, 2018 through Alaska Department of Fish and Game (ADF&G) Emergency Order. Two fishing opportunities with 4" or less set nets to target non-salmon species were provided on May 30 and June 6, 2018 by ADF&G. On June 12, the Federal in-season manager provided one 12-hour fishing opportunity with 6-inch mesh drift gillnets. 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. Many of the KRITFC members have expressed subsistence shortfalls for their families and way of life. The need for a Chinook Salmon harvest opportunity on June 16th has been discussed with the KRITFC and ADF&G during the weekly planning meetings. The recommendation of the KRITFC In-season Management Committee to conserve the run and provide for some subsistence harvest is to have a second 12-hour opening on the main stem of the Kuskokwim River within the Refuge starting at 10:00 AM, Saturday, June 16, 2018 while minimizing the risk of overharvesting. The 12-hour opening also allows for fishing on the tides and for federally qualified users to have an opportunity to harvest Chinook Salmon.

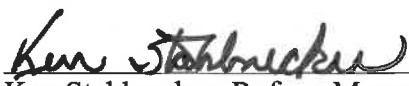
### Biological

The Federal in-season manager supports managing the fishery based on a forecast and a conservative escapement objective for 2018. For planning purposes, managers are using the mid-point of the forecast range, which is 133,000, for the expected run size. Given the poor returns in recent years, corresponding fisheries restrictions, and an interest in facilitating stock rebuilding, the KRITFC has expressed an interest in establishing an escapement target of 110,000 Chinook Salmon with the probability of falling below that target (P-star) of 47%. Based on the best assessment information currently available (preseason forecast), this results in a 4% chance of falling below the lower bound of the escapement goal of 65,000, the probability of escapement within the lower and upper (120,000) bounds of the escapement goal of 55%, and the probability of the escapement exceeding the upper bound of the escapement goal of 41%. This risk assessment implies a season- and drainage-wide harvest objective of 16,000 Chinook Salmon.

This fishing opportunity will be the first directed opportunity to take this harvest objective. Based on harvest estimates (Staton and Coggins 2016 and 2017; [https://www.fws.gov/refuge/Yukon\\_Delta/what\\_we\\_do/fish.html](https://www.fws.gov/refuge/Yukon_Delta/what_we_do/fish.html)) generated from nearly identical fishing opportunities during 2016 and 2017, it is extremely unlikely that the total Chinook Salmon harvest from the June 12<sup>th</sup> and June 16<sup>th</sup> openers will be larger than 16,000. Because the harvest during this opportunity is unlikely to exceed the harvest objective, will be allowed for only 12 hours, and will be using Chinook Salmon conservation gear (6-inch or less stretched mesh gillnets), it is inherently a conservative management action that protects the viability of the Chinook Salmon population while allowing the continuation of subsistence uses.

### FEDERAL SUBSISTENCE BOARD

By delegation to:

  
 Ken Stahlnecker, Refuge Manager  
 Yukon Delta National Wildlife Refuge

DISTRIBUTION:

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