



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-07-18 Issued at: Bethel, Alaska
June 22, 2018

Effective Date: June 24, 2018 10:00 PM

Expiration Date: Open until superseded by subsequent Emergency Special Action

EXPLANATION:

This emergency special action reopens 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 Chefornek, Kipnuk, Kwigillingok, and Kongiganak, to harvest Chinook Salmon on Federal public waters of the Kuskokwim River main stem from a line downstream of Kalskag at the south edge of Uknavig Slough and then due east to the edge of the bluff line to the Yukon Delta National Wildlife Refuge (Refuge) boundary at Aniak beginning on June 24, 2018. During this opportunity, Federally qualified subsistence users may fish beginning June 24, 2018 at 10:00 PM until superseded by subsequent emergency special action in that portion of the Federal public waters of the Kuskokwim River main stem described above, except the waters of the Kuskokwim River main stem from the Yukon Delta NWR boundary at Aniak starting at (latitude 61° 34' 58" N, longitude 159° 31' 03" W) downstream to a line formed from the point on the southeast corner of the sandbar (latitude 61° 35' 37" N, longitude 159° 33' 16" W) due south to the northwest corner of the runway (latitude 61° 35' 16" N, longitude 159° 33' 28" W), and from the refuge boundary at (latitude 61° 34' 27" N, longitude 159° 31' 02" W) to a line formed across the mouth of Aniak Slough from (latitude 61° 34' 27" N, longitude 159° 31' 18" W) northwest to (latitude 61° 34' 33" N, longitude 159° 31' 29" W).

The following salmon tributaries 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.

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 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 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 emergency 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 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;*

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 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 and then due east to the edge of the bluff line to the Yukon Delta National Wildlife Refuge (Refuge) boundary at Aniak from June 24, 2018 at 10:00 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. 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 Kuskokwim River main stem from a line downstream of Kalskag at the south edge of Uknavik Slough and then due east to the edge of the bluff line to the Yukon Delta National Wildlife Refuge at the mouth of the Kuskokwim River;*
- *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;*
- *the waters of the Kuskokwim River main stem from the Yukon Delta NWR boundary at Aniak starting at (latitude 61° 34' 58" N, longitude 159° 31' 03" W) downstream to a line formed from the point on the southeast corner of the sandbar (latitude 61° 35' 37" N, longitude 159° 33' 16" W) due south to the northwest corner of the runway (latitude 61° 35' 16" N, longitude 159° 33' 28" W), and from the refuge boundary at (latitude 61° 34' 27" N, longitude 159° 31' 02" W) to a line formed across the mouth of Aniak Slough from (latitude 61° 34' 27" N, longitude 159° 31' 18" W) northwest to (latitude 61° 34' 33" N, longitude 159° 31' 29" 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. On June 12, the Federal in-season manager provided one 12-hour fishing opportunity with 6-inch mesh drift gillnets where an estimated 7,360 salmon were harvested, of which 5,340 were Chinook Salmon. An estimated 120 of those Chinook Salmon were harvested in the section of the river from Kalskag to Aniak. On June 16, the Federal in-season manager provided a second 12-hour fishing opportunity with 6-inch mesh drift gillnets where an estimated 8,960 salmon were harvested, of which 5,710 were Chinook Salmon. An estimated 230 of those Chinook Salmon were harvested in the section of the river from Kalskag to Aniak. 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. Having this area open until superseded by subsequent emergency special action while the lower river subsistence fishery is closed increases the possibility that more fish could be available for harvest in this area. Additionally, high water in the area has made it difficult for users to fish in their traditional fishing spots and increased the amount of debris found flowing in the water, which snags in gillnets and requires valuable time to repair. The need for additional Chinook Salmon harvest opportunity for the section of the Kuskokwim River which includes Kalskag and Aniak has been discussed with the KRITFC and ADF&G during the weekly planning meeting. The recommendation of the KRITFC In-season Management Committee to conserve the run and provide for some subsistence harvest is to open the main stem of the Kuskokwim River from a line downstream of Kalskag at the south edge of Uknavik Slough and then due east to the edge of the bluff line to the Refuge boundary at Aniak starting at 10:00 PM, Tuesday, June 26, 2018 until superseded by subsequent emergency special action while minimizing the risk of overharvesting.

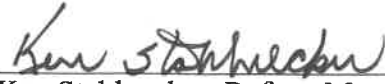
Biological

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 Federal In-Season Manager and KRITFC have established an escapement target of 110,000 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 as compared to the previously-identified level of risk using the pre-season forecast alone. The Federal and KRITFC In-Season Managers recognize and accept that this opportunity will reduce the likelihood of meeting their defined escapement target of 110,000 fish. The Federal In-Season Manager is comfortable providing this opportunity because the analysis further suggests a 92% likelihood of falling within or above the established escapement goal range of 65,000 to 120,000 fish. If this opportunity would not be provided, the same analysis suggests that the probability of falling within or above the established escapement goal range is 94%.

This fishing opportunity will provide opportunity for the section of the Kuskokwim River which includes Kalskag and Aniak to take this harvest objective. It is unlikely that the total Chinook Salmon harvest from an opportunity beginning June 24 at 10 PM until superseded by subsequent emergency special action in this section of the Kuskokwim River, when added to the June 12th and June 16th (350) openers, will substantially compromise the attainment of the established escapement goal range. Because the harvest during this opportunity is unlikely to compromise attaining the established escapement goal range and will be using Chinook Salmon conservation gear (6-inch or less stretched mesh gillnets), the action 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

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