



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-04-17      Issued at:      Bethel, Alaska  
June 23, 2016

Effective Date: June 24, 2017 12:01 p.m. (noon)

Expiration Date: June 24, 2017 11:59 p.m. (midnight), unless superseded by subsequent  
Special Action

### EXPLANATION:

This emergency special action announces a 12-hour gillnet opportunity for Federally qualified subsistence users to harvest fish other than Chinook Salmon on Federal public waters of the mainstem of the Kuskokwim River. During this opportunity, Federally qualified subsistence users may fish from 12:01 p.m. (noon) June 24, 2017, until 11:59 p.m. (midnight) June 24, 2017 using set or drift gillnets with 6 inch or less stretched mesh and not exceeding 45 mesh in depth. Nets cannot exceed 25 fathoms (150 feet) in length. Federally qualified subsistence users identified in the ANILCA Section 804 subsistence user prioritization may retain Chinook Salmon incidentally harvested in gillnets.

The waters of the Kuskokwim River 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) are closed to subsistence gillnet fishing.

Subsistence fishing 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. All authorized gear types, except gillnets, must return Chinook Salmon to the water alive.

REGULATION

In accordance with 50 CFR 100.19, 50 CFR 100.27(e)(4) is temporarily modified to include:

*Unless re-opened by the Yukon Delta National Wildlife Refuge Manager, Federal public waters in that portion of the Kuskokwim River drainage and its salmon tributaries, within and adjacent to the exterior boundaries of the Yukon Delta National Wildlife Refuge, are closed to the harvest of Chinook salmon by Federally qualified subsistence users. Salmon tributaries are the Eek, Kwethluk, Kasigluk, Kisaralik, Tuluksak and Aniak and their tributaries. 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 Kongiganek.*

*Federally qualified subsistence users can use set or drift gillnets to harvest fish other than Chinook Salmon in Federal public waters of the main-stem of the Kuskokwim River from June 24, 2017 at 12:01 pm (noon) until 11:59 p.m. (midnight) June 24, 2017. Gillnets are restricted to 6 inches or less stretched mesh and may not exceed 45 mesh in depth and 150 feet in length (25 fathoms).*

*The waters of the Kuskokwim River 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) are closed to subsistence gillnet fishing.*

*Federally qualified subsistence users identified in the ANILCA Section 804 subsistence user prioritization may retain Chinook Salmon incidentally harvested in gillnets. Additional authorized gear for use by Federally qualified subsistence users are rod and reel, dip net, beach seines, and fish wheel. All authorized gear types, except gillnets, must return Chinook Salmon to the water alive.*

JUSTIFICATION

The prohibition of gillnets for subsistence fishing has severely restricted Federally qualified subsistence users from harvesting fish other than Chinook Salmon. State actions between May 20 and June 12 closed the river and salmon producing tributaries to the use of gillnets, and only dipnets, beach seines, fish wheels, and rod and reel have been allowed so that Chinook Salmon

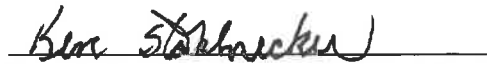
could be live released. Additionally, the State of Alaska provided a few short periods of opportunity for the use of 4 inch or less mesh size gillnets between May 20 and June 12. On June 12, the Federal in-season manager provided one 12-hour fishing opportunity with 6-inch mesh drift gillnets where approximately 5,500 salmon were harvested. However, the river and salmon producing tributaries have been closed to the use of gillnets since that time.

The limited opportunities have prevented Federally qualified subsistence users from harvesting Chum and Sockeye Salmon in large enough numbers to fill smokehouses in June when good drying weather is most likely to occur, as is their custom, or using gillnets to harvest non-salmon fishes such as whitefish, that have been traditionally harvested during summer and in large quantities. Currently there are no conservation concerns for fish other than Chinook Salmon, however, the continuation of subsistence uses of fish other than Chinook Salmon has been severely restricted. Additional opportunity to harvest Chum and Sockeye Salmon and non-salmon fish species is warranted to protect the continuation of subsistence uses of these fish species and ensures the Federal subsistence priority as required by ANILCA Title VIII, Section 804. The Federal manager is maintaining authority on Federal public waters for Chinook Salmon until it is clear that Federal management is no longer necessary for conservation purposes. Allowing limited use of this gear type will provide subsistence opportunity for Chum Salmon, Sockeye salmon and other fish species. While Federally qualified subsistence users will be allowed to retain Chinook Salmon caught in gillnets during this period, time and gear restrictions are being implemented in order to minimize the number of Chinook Salmon incidentally harvested on Federal public waters.

Currently, the Chum and Sockeye Salmon CPUE at the BTF are at or slightly above average for this date, indicating that increased harvest of these species will not negatively affect their escapement. Provided the Chum/Sockeye to Chinook ratio remains favorable, the Federal in-season manager may be able to provide additional opportunity to harvest these species, after consulting with the Kuskokwim River Inter-Tribal Fish Commission and the Alaska Department of Fish and Game, while minimizing the harvest of Chinook Salmon.

#### FEDERAL SUBSISTENCE BOARD

By delegation to:

  
Ken Stalnecker, Acting Refuge Manager  
Yukon Delta National Wildlife Refuge

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Executive Director, Kuskokwim River Inter-Tribal Fish Commission  
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