



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

## 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-06-17	Issued at:	Bethel, Alaska June 30, 2017
Effective Date:	July 3, 2017 12:01 p.m. (noon)		
Expiration Date:	July 3, 2017 11:59 p.m. (midnight), unless superseded by subsequent Special Action		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 main-stem of the Kuskokwim River. During this opportunity, Federally qualified subsistence users may fish from 12:01 p.m. (noon) July 3, 2017, until 11:59 p.m. (midnight) July 3, 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.

Salmon tributaries of the Kuskokwim within the boundaries of the Refuge, which include the Eek, Kwethluk, Kasigluk, Kisaralik, Tuluksak, and Aniak rivers, will remain closed to the harvest of Chinook Salmon, as will the Old Kuskokuak Slough where the Kisaralik and Kasigluk drain and the Kuskokuak Slough between the lower confluence with the Kuskokwim River and the upper confluence with the Kwethluk River. This is to protect Chinook Salmon bound for the Kwethluk, Kasigluk, and Kisaralik Rivers. Non salmon tributaries remain open 100 yards upstream of their confluence with the Kuskokwim to gear outlined in permanent regulation.

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.

This action was made after consultation with the Inter-Tribal Fish Commission (KRITFC) and the Alaska Department of Fish and Game (ADFG). Future 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 ADFG.

### 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 Chefornak, 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 July 3, 2017 at 12:01 pm (noon) until 11:59 p.m. (midnight) July 3, 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).*

*Salmon tributaries of the Kuskokwim within the boundaries of the Refuge, which include the Eek, Kwethluk, Kasigluk, Kisaralik, Tuluksak, and Aniak rivers, will remain closed to the harvest of Chinook Salmon, as will the Old Kuskokuak Slough where the Kisaralik and Kasigluk drain and the Kuskokuak Slough between the lower confluence with the Kuskokwim River and the upper confluence with the Kwethluk*

***River. Non salmon tributaries remain open 100 yards upstream of their confluence with the Kuskokwim to gear outlined in permanent regulation.***

***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 lack of continued opportunity for subsistence fishing during a period of Chinook Salmon conservation has severely restricted Federally qualified subsistence users from harvesting fish other than Chinook Salmon in this mixed stock fishery. 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 three 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, of which 2,360 Chinook Salmon were caught. On June 24, the Federal in-season manager provided a second 12-hour fishing opportunity with 6-inch mesh drift gillnets where approximately 33,500 salmon were harvested, of which 4,560 Chinook Salmon were incidentally caught. A 6-hour fishing opportunity will be provided on July 1, during which 22,500 total salmon are predicted to be harvested, 1,100 of which are predicted to be Chinook Salmon. In addition, the Chum and Sockeye to Chinook Salmon ratio is expected to stay high to provide further conservation to Chinook Salmon.


The limited subsistence fishing 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 substantially 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. 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 identified in the ANILCA Section 804 determination 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 Salmon 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 Stahlnecker, Refuge Manager  
 Yukon Delta National Wildlife Refuge

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