



Federal Subsistence Board Fact Sheet



U.S. Fish and Wildlife Service
Bureau of Land Management
National Park Service
Bureau of Indian Affairs

Forest Service

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Fisheries Temporary Special Action Request FSA20-01, 02, and 03: Kuskokwim River Chinook Salmon Fishery

Background: The Kuskokwim River drainage is the second largest in the state of Alaska and has historically provided residents from 40 communities an abundance of fishery resources, including Chinook Salmon, for subsistence purposes. Since 2010, however, Chinook Salmon returns to the Kuskokwim River have been some of the lowest on record. Over the last several years, moderate to severe restrictions have been put in place to limit subsistence harvest and conserve Chinook Salmon. These restrictions have impacted the subsistence way of life throughout the Kuskokwim River drainage.

Question 1: What is a temporary special action and how long will it last?

Answer: Special actions are temporary changes that affect specific Federal subsistence regulations. A temporary special action is a special action that is in effect for more than 60 days or is received well in advance of the proposed action. A temporary special action may not exceed one regulatory cycle but is often implemented for a single regulatory year. If Special Action Request FSA20-01, 02, or 03 were approved by the Federal Subsistence Board, it would only affect the Chinook Salmon fisheries on Federal public waters of the Kuskokwim River drainage for the upcoming 2020 season. Permanent changes to Chinook Salmon fishery regulations would require Federal rulemaking, which would include public notice and multiple opportunities for public comment.

Question 2: What is included in the request?

Answer: Temporary Special Action Request FSA20-01, submitted by the Akiak Native Community, a Federally-recognized tribe, requests that the Federal Subsistence Board:

- Close Federal public waters of the Kuskokwim River drainage to the harvest of Chinook Salmon except by Federally qualified subsistence users possessing a community harvest permit between June 1, 2020 and July 1, 2020;
- Further reduce the pool of eligible harvesters based on the Alaska National Interest Lands Conservation Act (ANILCA) Section 804 Subsistence User Prioritization analysis that was implemented in 2017;
 - This would reduce the pool of eligible users to rural residents of the Kuskokwim River drainage and four coastal communities of Chefornek, Kipnuk, Kongiganek, and Kwigillingok; and
- Consult with 33 Federally recognized Kuskokwim River Tribes named in the 2014 Office of Subsistence Management Section 804 analysis to establish an appropriate harvest allocation of Chinook Salmon to be distributed among communities within the Kuskokwim River drainage.

Temporary Special Action Request FSA20-02, submitted by the Organized Village of Kwethluk, a Federally-recognized tribe, requests that the Federal Subsistence Board:

- Close Federal public waters of the Kuskokwim River drainage to the harvest of Chinook Salmon except by Federally qualified subsistence users between June 1, 2020 and July 1, 2020; and
- Further reduce the pool of eligible harvesters based on the Alaska National Interest Lands Conservation Act (ANILCA) Section 804 Subsistence User Prioritization analysis that was implemented in 2017;
 - This would reduce the pool of eligible users to rural residents of the Kuskokwim River drainage and four coastal communities of Chefornak, Kipnuk, Kongiganek, and Kwigillingok.

Temporary Special Action Request FSA20-03, submitted by the LaMont Albertson of Anchorage, Alaska, requests that the Federal Subsistence Board:

- Close Federal public waters of the Kuskokwim River drainage to the harvest of Chinook Salmon except by Federally qualified subsistence users at the beginning of the 2020 Chinook Salmon run;
- Further reduce the pool of eligible harvesters based on an Alaska National Interest Lands Conservation Act (ANILCA) Section 804 Subsistence User Prioritization analysis; and
- Authorize the Federal in-season manager to implement emergency special actions during the entire 2020 Chinook Salmon season.

Question 3: How can the public comment on these specific special action requests (FSA20-01, 02, and 03)?

Answer: A public hearing was held by teleconference on March 16. The purpose of this hearing was to receive public testimony on these special action requests.

The public was asked to comment on the following issues at the public hearing:

- a) Should Yukon Delta National Wildlife Refuge waters be closed to the harvest of Chinook Salmon except by Federally qualified subsistence users? [See Questions 4 and 5, below]
- b) Should Federally qualified subsistence users be prioritized to include only the residents of the drainage and four coastal communities of Chefornak, Kipnuk, Kongiganek, Kwigillingok as implemented in 2017? (Only residents of these communities would be allowed to harvest salmon during Federal fishing opportunities.) [See Questions 6 and 7, below]
- c) Should the remaining eligible users be allocated a portion of the Chinook Salmon harvest? [See Question 8, below]
- d) Are the start and end dates for the closure (June 1 through July 1, 2020) appropriate dates for these special actions?

Public testimony on these temporary special action requests will be forwarded to the Federal Subsistence Board for consideration.

Question 4: If adopted by the Federal Subsistence Board, what Federal public waters would be affected by these special action requests?

Answer: For the purposes of these special action requests, Federal public waters are those waters within and adjacent to the exterior boundaries of the Yukon Delta National Wildlife Refuge. These waters are

generally described as the lower Kuskokwim River drainage from the mouth upriver to and including about 30 miles of the Aniak River.

Question 5: Who are Federally qualified subsistence users?

Answer: All permanent residents of the Kuskokwim Management Area are Federally qualified subsistence users. See attached map for management area boundaries.

Question 6: What is an ANILCA Section 804 Subsistence User Prioritization?

Answer: The Section 804 Subsistence User Prioritization is implemented based on the application of the following three criteria: (1) customary and direct dependence upon the populations as the mainstay of livelihood, (2) local residency, and (3) the availability of alternative resources.

The Federal Subsistence Management Program, under Section 804 of ANILCA, uses a phased approach to opening and closing subsistence fisheries. When necessary for the conservation of healthy populations of fish and wildlife, or to continue subsistence uses of such populations, or to ensure the continued viability of a particular fish or wildlife population, the Federal Subsistence Board uses closures to all except Federally qualified subsistence users, prioritization among Federally qualified subsistence users (via a Section 804 Subsistence Users Prioritization), and/or full closures to maintain and conserve the resource and provide subsistence opportunity to the maximum extent possible. As conservation concerns for a fish stock or a wildlife population subside, or threats to the continuation of subsistence uses are resolved, the Federal Subsistence Board is also able to incrementally remove the restrictions imposed by these management tools, including a Section 804 Subsistence User Prioritization, so that harvest opportunities are available for the maximum number of users and uses.

Question 7: Who was included in the ANILCA Section 804 Subsistence User Prioritization adopted by the Federal Subsistence Board in 2017?

Answer: In the 2017 ANILCA Section 804 Subsistence User Prioritization, the Federal Subsistence Board determined that residents of the Kuskokwim River drainage and four coastal communities had the highest customary dependence on Chinook Salmon from the Kuskokwim River drainage. This included 32 of 40 communities in the customary and traditional use determination. Presented from south to north, this included the villages of Kipnuk, Kongiganek, Kwigillingok, Chefornek, Tuntutuliak, Eek, Napakiak, Napaskiak, Kasigluk, Nunapitchuk, Atmaultluak, Oscarville, Bethel, Kwethluk, Akiachak, Akiak, Tuluskak, Lower Kalskag, Kalskag, Aniak, Chuathbaluk, Napaimute, Crooked Creek, Georgetown, Red Devil, Sleetmute, Stoney River, Lime Village, Takotna, Nikolai, Telida, and McGrath.

Question 8: What community allocation strategy has been implemented in previous years?

Answer: In 2015, after closing the Kuskokwim River drainage to the harvest of Chinook Salmon, the Federal in-season manager opened portions of the drainage to the harvest of Chinook Salmon to only Federally qualified subsistence users in possession of a Federal Community Harvest Permit. Specific community allocations were based on each community's share of the average total subsistence harvest of Kuskokwim River Chinook Salmon over 20 years (1990–2009). Designated fishermen were assigned to harvest salmon for each participating community. Salmon were then distributed to Federally qualified subsistence users. In Bethel, the Natural Resource Department of Orutsararmiut Native Council, the Federally recognized Tribe in Bethel, organized allocations of Chinook Salmon to over 100 summer fish camps used by Bethel residents that had been identified in the Section 804 Subsistence User Prioritization analysis. Designated fishermen harvested salmon for Federally qualified subsistence users without access to fish camps that requested an allocation.

Question 9: What is the remaining process for these special action requests after the Public Hearing?

Answer: The Office of Subsistence Management is currently analyzing the potential effects of these requests on Chinook Salmon populations and Federal subsistence opportunity. It is anticipated that the Board will consider these special action requests in early May. The Board will consider all information provided in the analysis, including public testimony and tribal and Native corporation consultation, when making its decision. The Board could approve, approve with modification, or reject each special action request, or alternatively, defer the requests until the next regulatory cycle.

Q.10. How can I get more information on these special action requests?

Answer: Please contact Greg Risdahl, Fisheries Division Leader at the Office of Subsistence Management, at (907) 786-3824 or (800) 478-1456 with questions about Special Action Requests FSA20-01, 02 or 03, or visit the Federal Subsistence Management Program website (www.doi.gov/subsistence/) for more information about subsistence on Federal public lands and waters.

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