

*Organized Village of Kwethluk
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March 11, 2020

To: Anthony Christianson, Chairman
Federal Subsistence Board
1011 E Tudor Road
Anchorage, Alaska 99503

Office of Subsistence Management
Attn: Subsistence Policy Coordinator
1011 East Tudor Road
Anchorage, Alaska 99503



From: Evan P. Nicolai, President
Organized Village of Kwethluk, Kwethluk IRA Council

Re: Amended Special Action Request

Organized Village of Kwethluk herein submits an amended Temporary Special Action Request (SAR) requesting that the Federal Subsistence Board take the following actions:

- 1) 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;
- 2) Reduce the pool of eligible harvesters including closure of Commercial Operations (Sports fishing and Rafting) within the Kuskokwim River drainage based on the Alaska National Interest Lands Conservation Act (ANILCA) Section 804 Subsistence User Prioritization;
- 3) Consult with the 33 federally recognized tribes and establish an appropriate harvest allocation of Chinook Salmon to be distributed among named Tribes within the Kuskokwim River drainage.

Section 803 of ANILCA defines the term "subsistence uses" to mean "customary and traditional uses by rural Alaska residents".

Section 802 (1) provides the "opportunity to for federally qualified users to engage in a subsistence way of life", (2) requires that "non-wasteful subsistence uses of fish and wildlife... shall be the priority of consumptive uses...when it is necessary to restrict taking in order to assure the continued viability of a fish and wildlife population or the continuation of subsistence uses of such population".

Chinook salmon subsistence harvest within the Kuskokwim River drainage has declined precipitously within the past decade. The last time the Amount Necessary for Subsistence was achieved for Chinook on the Kuskokwim River was in 2009. The harvest outlook for Chinook salmon for 2020 should trigger the responsibility of the Board to restrict the taking of Chinook salmon for subsistence uses on public lands of Alaska per the responsibilities specified in Section 802 of ANILCA. Failing to *first* restrict Chinook salmon harvest to federally-qualified subsistence users forgoes the Board's additional responsibility to restrict within subsistence users when necessary (ANILCA §804).

Organized Village of Kwethluk request that the Federal Subsistence Board take action to manage the waters within the Yukon Delta National Wildlife Refuge for subsistence harvest of Chinook and other salmon species, including closure of Commercial Operations in order to fulfill the duties and responsibilities set forth in ANILCA. Such action will also uphold the Federal Subsistence Board to give priority preference to federally qualified subsistence users by allowing fishing period openers of at least four (4) 12 hour openers once per week in June using 6" or greater mesh drift or set nets with gear length restrictions in consultations with Tribes.

It is Organized Village of Kwethluk's opinion that the USFWS is capable of co-managing the whole Kuskokwim River subsistence fishery. Allowing harvest of Chinook and other salmon species by federally-qualified subsistence users beginning June 1 to July 1, 2020, will not preclude meeting Chinook escapement goals within the Kuskokwim River drainage. Additionally, it will ensure the continued opportunity for subsistence uses by Alaska Natives, which includes subsistence uses of Chinook and other salmon species. As Congress recognizes, subsistence is "essential to Native physical, economic, traditional, and cultural existence" (ANILCA §801(1)).

Cc: David Bernhardt, Secretary of the Interior
Todd Willens, Assistant Secretary of the Interior
Eugene Peltola Jr., Regional Director, Alaska Region BIA
Greg Siekaniec, Alaska Regional Director, USFWS
Ray Born, Yukon Delta National Wildlife Refuge, Acting Manager
Mary Peltola, Executive Director, KRITFC