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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

Akiak Native Community herein submits a Temporary Special Action Request (SAR) requesting that the Federal Subsistence Board (FSB) 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 possessing a community harvest permit between June 1, 2020 and July 1, 2020;
- 2) Reduce the pool of eligible harvesters within the Kuskokwim River drainage based on the Alaska National Interest Lands Conservation Act (ANILCA) Section 804 Subsistence User Prioritization that was implemented in 2017;
- 3) Consult with 33 federally recognized Kuskokwim River Tribes named in the 2014 Office of Subsistence Management 804 analysis to 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" (ANILCA §803). Section 802(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" (ANILCA §802(2)).

Chinook salmon subsistence harvest within the Kuskokwim River drainage has declined precipitously within the past decade. The last time Amount Necessary for Subsistence was achieved for Chinook salmon 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).

We request that the FSB take action to manage the waters within the Yukon Delta National Wildlife Refuge for subsistence harvest of Chinook salmon in order to fulfill the duties and responsibilities set forth in ANILCA.

Akiak Native Community believes an allocation model similar to the one employed in 2015 will work to ensure the viability of Chinook populations as well as continued opportunities for federally qualified subsistence uses of Chinook salmon. Allocation of Chinook salmon harvest to federally qualified subsistence users beginning June 1, 2020, will not preclude meeting Chinook salmon escapement goals within the Kuskokwim River drainage. Additionally, allocation will ensure the continued opportunity for subsistence uses by Alaska Natives, which includes subsistence uses of Chinook salmon. As Congress recognizes, subsistence is "essential to Native physical, economic, traditional, and cultural existence" (ANILCA §801(1)).

We are committed to working together towards a sustainable future for our Salmon and Peoples.

Respectfully submitted,



Michael Williams, Sr., Chief

Cc:

David Bernhardt, Secretary of the Interior

Todd Willens, Assistant Secretary of the Interior

Lynn Polacca, Acting Area Director, Alaska Regional BIA Director

Greg Siekaniec, Alaska Regional Director, USFWS

Ray Born, Acting Refuge Manager, YDNWR

Charlene Erik, Chairperson, KRITFC

Mary Peltola, Executive Director, KRITFC

33 Kuskokwim River Federally Recognized Tribes