



# Federal Subsistence Board Fact Sheet



U.S. Fish and Wildlife Service  
Bureau of Land Management  
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Forest Service

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## **Fisheries Temporary Special Action Request FSA19-02: 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 the 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, but is limited to one regulatory cycle. Thus, if FSA19-02 is 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 2019 season. Permanent changes to Chinook Salmon fishery regulations 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 FSA19-02, 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;
- Further reduce the pool of eligible harvesters based on Alaska National Interest Lands Conservation Act (ANILCA) Section 804 Subsistence User Prioritization analysis that was implemented in 2017;
- Conduct tribal consultation about developing an appropriate Chinook Salmon harvest allocation strategy with the Federally recognized tribes named in the 2014 OSM Section 804 analysis; and
- Implement a community-based allocation strategy among eligible users similar to the system implemented in 2015.

These requested actions would have an effective starting date of June 1, 2019 and last until July 1, 2019.

### **Question 3: How can the public comment on this specific special action request (FSA19-02)?**

Answer: A public hearing will be held on March 28, 2019 from 6:00 p.m. to 8:00 p.m. at the AVCP Regional Housing Authority Conference Room (411 Ptarmigan Street) in Bethel. The purpose of this hearing is to receive public testimony on the special action request. If you are not able to attend the public hearing in person, a toll free teleconference line will be available: (877) 601-4711, passcode 3344290).

The public is asked to provide testimony 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]
- b) Should Federally qualified subsistence users be prioritized to include only the residents of the drainage and four coastal communities of Chefornek, Kipnuk, Kongiganek, and Kwigillingok, as implemented in 2017? Only residents of these communities would be allowed to harvest Chinook Salmon during Federal fishing openings. [See Questions 6 and 7]
- c) Should eligible Federally qualified subsistence users be allocated Chinook Salmon harvest similar to 2015? [See Question 8]
- d) Are the start and end dates for the closure (June 1 through July 1, 2019) appropriate dates for the three above actions?

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

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

Answer: For the purposes of this special action request, 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 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 partial or full closures and/or prioritization among Federally qualified subsistence users (via a Section 804 Subsistence Users Prioritization) 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 may also incrementally remove the restrictions imposed, including a Section 804 Subsistence User Prioritization, so that harvest opportunities are available for the maximum number of users and uses.

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.

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

Answer: The Federal Subsistence Board determined that residents of the Kuskokwim River drainage and the coastal communities of Kwigillingok, Kongiganek, Kipnuk, and Chefornak had the highest customary dependence on Chinook Salmon from the Kuskokwim River drainage after considering the three criteria in ANILCA Section 804. Presented from south to north, the villages included in the 2017 ANILCA Section 804 Subsistence User Prioritization are the following: Chefornak, Kipnuk, Kongiganek, Kwigillingok, Tuntutuliak, Eek, Napakiak, Napaskiak, Kasigluk, Nunapitchuk, Atmaultuak, Oscarville, Bethel, Kwethluk, Akiachak, Akiak, Tuluksak, Lower Kalskag, Kalskag, Aniak, Chuathbaluk, Napaimute, Crooked Creek, Georgetown, Red Devil, Sleetmute, Stoney River, Lime Village, Takotna, Nikolai, Telida, and McGrath.

**Question 8: What was the community based allocation strategy implemented in 2015?**

Answer: After closing the Kuskokwim River drainage to the harvest of Chinook Salmon in 2015, the Federal in-season manager opened portions of the drainage 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, and salmon were 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 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 this special action request (FSA19-02) after the Public Hearing?**

Answer: This special action request (FSA19-02) has yet to be acted upon by the Federal Subsistence Board. The Office of Subsistence Management is analyzing the potential effects of the request on Chinook Salmon populations and Federal subsistence opportunity. The Federal Subsistence Board will consider all information provided in the analysis, including public testimony, when making its decision. The Federal Subsistence Board could approve, approve with modification, or reject the special action request, or alternatively, defer the request until the next regulatory cycle. It is anticipated that the Federal Subsistence Board will consider this special action request at its scheduled April 15 – 18, 2019 regulatory meeting in Anchorage.

**Q.10. How can I get more information on this special action request?**

Answer: Please contact either Jennifer Hardin, Subsistence Policy Coordinator, Office of Subsistence Management, at (907) 786-3677 or (800) 478-1456, or Greg Risdahl, Fisheries Division Lead, Office of Subsistence Management, at (907) 786-3824 or (800) 478-1456 with questions about special action request FSA19-02 or visit the Federal Subsistence Management Program website ([www.doi.gov/subsistence/](http://www.doi.gov/subsistence/)) for more information about subsistence on Federal public lands and waters.

