

Yukon-Kuskokwim Delta Subsistence Regional Advisory Council

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In Reply Refer To:
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APR 25 2023

Anthony Christianson, Chair
Federal Subsistence Board
c/o Office of Subsistence Management
1011 E. Tudor Road, MS 121
Anchorage, Alaska 99503-6199

Dear Chairman Christianson:

The Yukon-Kuskokwim Delta Subsistence Regional Advisory Council (Council) appreciates the opportunity to submit its FY2022 Annual Report to the Federal Subsistence Board (Board) under the provisions of Section 805(a)(3)(D) of the Alaska National Interest Lands Conservation Act (ANILCA). At its public meeting on October 5-6, 2022, the Council identified concerns and recommendations for this report. The Council approved this Annual Report at its March 1-2, 2023 meeting. The Council wishes to share information and raise a number of concerns dealing with implementation of Title VIII of ANILCA and the continuation of subsistence uses in the Yukon-Kuskokwim Delta Region.

1. Kuskokwim River salmon management

The Council is concerned with disagreements between the State of Alaska and the U.S. Fish and Wildlife Service over salmon management in the Kuskokwim Region in recent years. The Council feels strongly that all salmon management parties need to work together and strive for consensus on management decisions, especially in times like the present when there are threats to conservation. However, the Council also feels that the rural subsistence priority in ANILCA must be upheld and that Federally qualified subsistence users should have the priority to harvest salmon for subsistence over other users.

2. Typhoon Merbok impacts to communities and subsistence

The Council wants to inform the Board of the impacts that Typhoon Merbok had to communities and subsistence in our region. The storm surge generated by Merbok caused severe flooding and erosion damage in our region and resulted in a loss of infrastructure in many of its communities. Damaged infrastructure included many fish camps used for subsistence. The Council is worried

that strong storms may become more common as the climate continues to change. There is a need for research projects that monitor the impacts of such storms to subsistence in our region, and we would appreciate being briefed on any such on-going projects at our next Council meeting.

3. Interception and bycatch of AYK Salmon in the Alaska Peninsula Region (Area M) and Bering Sea commercial fisheries

The Council continues to be extremely concerned about the interception of Yukon and Kuskokwim River salmon in other fisheries. We have experienced low returns of Chinook and Chum salmon at unprecedented levels in recent years. It is appalling that other fisheries have been allowed to harvest Arctic-Yukon-Kuskokwim (AYK) salmon stocks while subsistence fisheries have been closed.

We are particularly concerned about the interception of salmon in the Area M commercial fishery, especially Chum Salmon. Previous studies have shown that in this mixed stock fishery a large proportion of Chum Salmon harvested during the month of June is of AYK origin. The Council supported an Alaska Board of Fisheries proposal seeking to limit commercial harvest time in this region in an effort to reduce interception. We are anxious to hear if that proposal passed. We also support on-going genetic monitoring of the commercial salmon harvest in the Alaska Peninsula region and request that results of such research efforts be presented to the Council as they become available.

The Council also continues to be concerned about bycatch of salmon in the Bering Sea trawl fisheries. Although we understand that bycatch may not be the primary driver of declining salmon in our rivers, we feel that more strict bycatch caps are warranted during times of conservation. The burden of conservation has primarily fallen to subsistence users: we have had heavy restrictions and closures to salmon fishing in our rivers while salmon bycatch continues in the high seas.

The Council feels that salmon management must take place on an ecosystem scale and that cross-region management planning efforts between the State of Alaska, Departments of the Interior and Agriculture, and the Department of Commerce need to be implemented immediately to save our salmon. The Council requests to be briefed on any such efforts. We also request to be briefed on whether the Secretaries of the Interior or Agriculture liaised with the Secretary of Commerce about salmon bycatch and management following the joint letter from the four Councils within the Yukon drainage sent to the Board last year that was then forwarded by the Board to the Secretaries.

4. Declines in Tom Cod and halibut, especially near Hooper Bay

The Council is concerned about a decline in the number of Tom Cod in the coastal areas of our region, especially near Hooper Bay and Chevak. Tom Cod are an important subsistence fish and user observations indicate that populations levels are in decline. We request any information about Tom Cod monitoring efforts in Coastal Western Alaska. If there is no on-going monitoring, we request that agencies represented on the Board make it a priority.

In addition to Tom Cod, the Council is also concerned about the declining number and size of Halibut in Western Alaska. Halibut are an important subsistence resource, even more so in times of salmon decline. Commercial Halibut fishing has also provided a source of income for coastal residents in our region in the past. The Council requests to be briefed about trends in Halibut population and size in Western Alaska and encourages on-going monitoring of Halibut.

5. Competition between hatchery and wild salmon in the Bering Sea

The Council is concerned about competition between hatchery salmon released by other countries and wild AYK salmon in the Bering Sea. We would like to be briefed on any research and monitoring efforts regarding the competition between wild and hatchery salmon in the Bering Sea, including the numbers of hatchery salmon released by Russia and other Asian countries. The Council would also like to be presented information about any treaties or collaborative management agreements among the U.S., Russia, and other Asian countries regarding salmon in the Bering Sea.

6. Fukushima radiation effects on salmon and other marine life

The Council is continually concerned about the lingering effects of the Fukushima nuclear disaster. We would like to have on-going updates about radiation monitoring and testing of marine animals and fish included in the fisheries updates provided to us at every Council meeting. We ask the Board to direct the appropriate agency staff to include this information in their reports moving forward.

7. Arctic Lamprey declines and needed monitoring on the Yukon River

Residents of the lower Yukon River have observed declines in the number of Arctic Lamprey, locally referred to as eels, returning over the past few years. Eels are an important subsistence resource in the region. The Council is concerned that commercial harvest of eels has been allowed without adequate population assessments or understanding of the impacts of commercial harvest on the resource. We request to be briefed on any Arctic Lamprey monitoring efforts completed or underway and encourage the agencies represented on the Board to fund on-going monitoring and research of this species.

8. Salmon fishing should be allowed in non-spawning streams of Yukon Region like it is in the Kuskokwim Region

The Council is concerned about a discrepancy in subsistence fishing regulations between the Kuskokwim River and the Yukon River. In the Kuskokwim River region, salmon fishing is allowed in non-spawning tributaries when subsistence salmon fishing is otherwise closed. Fishing in non-spawning tributaries provides a limited subsistence harvest opportunity that has become increasingly important in recent years of continued low returns and restricted fishing. The Council asks that the Board request USFWS to identify non-spawning streams in the coastal and lower Yukon River region and to evaluate opportunities for subsistence harvest in those systems. USFWS should utilize the expertise of Council members and other area residents to

identify these streams. The Council would like to be briefed on this topic at an upcoming Council meeting.

9. Increase in bears raiding fish camps in the Kuskokwim Region

The Council wants to inform the Board of the recent increase in the number of problem bears in the Kuskokwim region. An increased number of bears have been raiding fish camps and cabins and causing destruction to personal property and subsistence infrastructure. Residents speculate the cause for the increase in problem bears may be two-fold. First, there are less bear hunters than there were in the past. Second, declines in salmon have led to less available food for the bears in the headwaters, causing them to move around more and seek food elsewhere.

10. Increased harvest pressure on whitefish during times of salmon conservation and concerns about four-inch mesh size impacts

The Council is concerned about the increased harvest pressure on whitefish and other non-salmon species during salmon fishing restrictions and closures. Subsistence users are seeing lower numbers of many non-salmon fish. Additionally, we are concerned about the impacts that 4-inch mesh gillnets are having on whitefish and Sheefish. The Council does not want the populations of these other species to decline like salmon populations and requests the Board to urge USFWS to develop on-going assessment projects for non-salmon populations like they have for salmon.

11. Increasing Northern Pike and declining trout near Quinhagak

The Council wants to inform the Board of increasing numbers of Northern Pike near Quinhagak in lakes and in the Kanektok River. These predatory fish are decimating the local trout population. The Council would like to receive information on what is being done to control Pike in other areas of the State where this is also an issue and learn more about what actions might be taken in our region to control Pike numbers.

12. Regional Advisory Council member compensation

The Council requests the compensation policy for Subsistence Regional Advisory Council members be reviewed and revised. Currently, Council members receive no compensation for the time they spend attending Council meetings or the expertise they provide to the Federal Subsistence Management Program. The Federal Advisory Committee Act (FACA) states that agency heads may establish rates of compensation for council members and that pay may be on an hourly or daily rate basis (see Enclosed). The Council is writing a separate letter to the Board on this issue asking the Board to forward this request to the Secretary of the Interior.

The local and indigenous knowledge provided by Council members is fundamental to the Program. The Federal Subsistence Board relies on this knowledge to make informed decisions about resource management issues across Alaska. Federal staff are paid for attending Council meetings, but Council members are not compensated in the same manner despite their unique qualifications.

Council members must sacrifice time away from their families and jobs to participate in meetings, whether in-person or virtually. This often results in loss of income. Many Subsistence Regional Advisory Councils are struggling to recruit applicants to serve on Councils. This is not because rural Alaskans do not care about subsistence issues or lack the desire to share their expertise; it is because many rural Alaskans cannot afford to take a loss by donating their time to attend meetings.

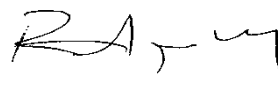
Compensation of local and indigenous knowledge holders through stipends or honoraria is a common best practice carried out in academic, non-governmental, and Tribal organization arenas. The Council respectfully asks that the Federal Government similarly value the expertise provided by Council members to the Federal Subsistence Management Program by paying a fair, daily rate of compensation to Council members when attending Council meetings or other meetings as Council representatives.

13. Unit 18 Mainland Muskoxen

The Council wants to make the Board aware that muskoxen have migrated from the Nelson Island and Nunivak Island herds to various parts of the Unit 18 mainland over the past twenty years. Local residents have observed muskoxen in various parts of the region and report that they are increasing in numbers and expanding their range. The Council has submitted two Federal wildlife proposals seeking to recognize the customary and traditional use of Unit 18 mainland muskox and to open a Federal subsistence hunt for muskox in the mainland portion of the Unit. Muskox were re-introduced to Alaska with the intention that one day the population would grow enough that they could be hunted and provide food for subsistence. Residents of Unit 18 desire the opportunity to harvest muskox for subsistence whenever a harvestable surplus is identified and believe the additional opportunity could help alleviate food security concerns. The Council requests that the Board encourage the U.S. Fish and Wildlife Service to work with the Alaska Department of Fish and Game to determine the harvestable surplus of muskoxen for the various mainland herds in Unit 18.

The Yukon-Kuskokwim Delta Regional Advisory Council appreciates the Board's attention to these matters and the opportunity to assist the Federal Subsistence Management Program in meeting its charge of protecting subsistence resources and uses of these resources on Federal public lands and waters. The Council looks forward to continuing discussions about the issues and concerns of subsistence users in the Yukon-Kuskokwim Delta Region. If you have any questions regarding this report, please contact me via Brooke McDavid, Council Coordinator, Office of Subsistence Management, at brooke_mcdavid@fws.gov or 907-891-9181.

Sincerely,



Raymond Oney
Chair, Regional Advisory Council
Yukon-Kuskokwim Delta Region

Enclosure

cc: Federal Subsistence Board
Yukon-Kuskokwim Delta Subsistence Regional Advisory Council
Office of Subsistence Management
Interagency Staff Committee
Benjamin Mulligan, Deputy Commissioner, Alaska Department of Fish and Game
Mark Burch, Special Projects Coordinator, Alaska Department of Fish and Game
Administrative Record

This content is from the eCFR and is authoritative but unofficial.

Title 41 - Public Contracts and Property Management
Subtitle C - Federal Property Management Regulations System
Chapter 102 - Federal Management Regulation
Subchapter A - General
Part 102-3 - Federal Advisory Committee Management
Subpart C - How Are Advisory Committees Managed?

Authority: Sec. 205(c), 63 Stat. 390 (40 U.S.C. 486(c)); sec. 7, 5 U.S.C., App.; and E.O. 12024, 3 CFR, 1977 Comp., p. 158.

Source: At 66 FR 37733, July 19, 2001, unless otherwise noted.

§ 102-3.130 What policies apply to the appointment, and compensation or reimbursement of advisory committee members, staff, and experts and consultants?

In developing guidelines to implement the Act and this Federal Advisory Committee Management part at the agency level, agency heads must address the following issues concerning advisory committee member and staff appointments, and considerations with respect to uniform fair rates of compensation for comparable services, or expense reimbursement of members, staff, and experts and consultants:

- (a) **Appointment and terms of advisory committee members.** Unless otherwise provided by statute, Presidential directive, or other establishment authority, advisory committee members serve at the pleasure of the appointing or inviting authority. Membership terms are at the sole discretion of the appointing or inviting authority.
- (b) **Compensation guidelines.** Each agency head must establish uniform compensation guidelines for members and staff of, and experts and consultants to an advisory committee.
- (c) **Compensation of advisory committee members not required.** Nothing in this subpart requires an agency head to provide compensation to any member of an advisory committee, unless otherwise required by a specific statute.
- (d) **Compensation of advisory committee members.** When an agency has authority to set pay administratively for advisory committee members, it may establish appropriate rates of pay (including any applicable locality pay authorized by the President's Pay Agent under 5 U.S.C. 5304(h)), not to exceed the rate for level IV of the Executive Schedule under 5 U.S.C. 5315, unless a higher rate expressly is allowed by another statute. However, the agency head personally must authorize a rate of basic pay in excess of the maximum rate of basic pay established for the General Schedule under 5 U.S.C. 5332, or alternative similar agency compensation system. This maximum rate includes any applicable locality payment under 5 U.S.C. 5304. The agency may pay advisory committee members on either an hourly or a daily rate basis. The agency may not provide additional compensation in any form, such as bonuses or premium pay.
- (e) **Compensation of staff.** When an agency has authority to set pay administratively for advisory committee staff, it may establish appropriate rates of pay (including any applicable locality pay authorized by the President's Pay Agent under 5 U.S.C. 5304(h)), not to exceed the rate for level IV of the Executive Schedule under 5 U.S.C. 5315, unless a higher rate expressly is allowed by another statute. However, the agency head personally must authorize a rate of basic pay in excess of the maximum rate of basic pay established for the General Schedule under 5 U.S.C. 5332, or alternative similar agency compensation system. This maximum rate includes any applicable locality payment under 5 U.S.C. 5304. The agency

must pay advisory committee staff on an hourly rate basis. The agency may provide additional compensation, such as bonuses or premium pay, so long as aggregate compensation paid in a calendar year does not exceed the rate for level IV of the Executive Schedule, with appropriate proration for a partial calendar year.

- (f) **Other compensation considerations.** In establishing rates of pay for advisory committee members and staff, the agency must comply with any applicable statutes, Executive orders, regulations, or administrative guidelines. In determining an appropriate rate of basic pay for advisory committee members and staff, an agency must give consideration to the significance, scope, and technical complexity of the matters with which the advisory committee is concerned, and the qualifications required for the work involved. The agency also should take into account the rates of pay applicable to Federal employees who have duties that are similar in terms of difficulty and responsibility. An agency may establish rates of pay for advisory committee staff based on the pay these persons would receive if they were covered by the General Schedule in 5 U.S.C. Chapter 51 and Chapter 53, subchapter III, or by an alternative similar agency compensation system.
- (g) **Compensation of experts and consultants.** Whether or not an agency has other authority to appoint and compensate advisory committee members or staff, it also may employ experts and consultants under 5 U.S.C. 3109 to perform work for an advisory committee. Compensation of experts and consultants may not exceed the maximum rate of basic pay established for the General Schedule under 5 U.S.C. 5332 (that is, the GS-15, step 10 rate, excluding locality pay or any other supplement), unless a higher rate expressly is allowed by another statute. The appointment and compensation of experts and consultants by an agency must be in conformance with applicable regulations issued by the U. S. Office of Personnel Management (OPM) (See 5 CFR part 304.).
- (h) **Federal employees assigned to an advisory committee.** Any advisory committee member or staff person who is a Federal employee when assigned duties to an advisory committee remains covered during the assignment by the compensation system that currently applies to that employee, unless that person's current Federal appointment is terminated. Any staff person who is a Federal employee must serve with the knowledge of the Designated Federal Officer (DFO) for the advisory committee to which that person is assigned duties, and the approval of the employee's direct supervisor.
- (i) **Other appointment considerations.** An individual who is appointed as an advisory committee member or staff person immediately following termination of another Federal appointment with a full-time work schedule may receive compensation at the rate applicable to the former appointment, if otherwise allowed by applicable law (without regard to the limitations on pay established in paragraphs (d) and (e) of this section). Any advisory committee staff person who is not a current Federal employee serving under an assignment must be appointed in accordance with applicable agency procedures, and in consultation with the DFO and the members of the advisory committee involved.
- (j) **Gratuitous services.** In the absence of any special limitations applicable to a specific agency, nothing in this subpart prevents an agency from accepting the gratuitous services of an advisory committee member or staff person who is not a Federal employee, or expert or consultant, who agrees in advance and in writing to serve without compensation.
- (k) **Travel expenses.** Advisory committee members and staff, while engaged in the performance of their duties away from their homes or regular places of business, may be allowed reimbursement for travel expenses, including per diem in lieu of subsistence, as authorized by 5 U.S.C. 5703, for persons employed intermittently in the Government service.

- (l) *Services for advisory committee members with disabilities.* While performing advisory committee duties, an advisory committee member with disabilities may be provided services by a personal assistant for employees with disabilities, if the member qualifies as an individual with disabilities as provided in section 501 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 791, and does not otherwise qualify for assistance under 5 U.S.C. 3102 by reason of being a Federal employee.