



## Federal Subsistence Board

1011 East Tudor Road, MS 121  
Anchorage, Alaska 99503 - 6199



FISH and WILDLIFE SERVICE  
BUREAU of LAND MANAGEMENT  
NATIONAL PARK SERVICE  
BUREAU of INDIAN AFFAIRS

FOREST SERVICE

In Reply Refer To:  
OSM 23141

November 29, 2023

### Memorandum

**To:** Debra Haaland, Secretary of the Interior

**From:** Anthony Christianson, Chair, Federal Subsistence Board

**Subject:** Federal Subsistence Management Program Needs

This document follows up on the Federal Subsistence Board (Board) members' 10/20/2023 meeting with the Secretary of the Interior, the Assistant Secretary for Indian Affairs, and the Secretary's Senior Advisor for Alaskan Affairs and Strategic Priorities. The Board requested a meeting with the Secretary upon review of the Subsistence Regional Advisory Councils' (Councils) annual reports during the Board's August 2023 work session. Numerous topics related to the Federal Subsistence Management Program (Program) were raised and shared with the Board, some of which are outside the administration and jurisdiction of the Program and cannot be addressed singularly by the Board. This document lists the identified issues, as well as resources and other assistance the Secretary's office could provide to help resolve these issues. The Federal Subsistence Management Program is a comprehensive program administered by the Office of Subsistence Management (OSM) and implemented jointly by the Departments of Interior and Agriculture Agencies and Bureaus. This list of policy, programmatic, and funding needs is not exhaustive. It includes the need for adequate provision for subsistence uses by fish and wildlife decisionmakers who are beyond the purview of the Federal Subsistence Management Program. It also includes needs of rural and Tribal partners to facilitate their engagement in the program, research needs to address salmon and wildlife declines, and the need for improved staff support for the non-agency public members on the Board. Additional needs not fully discussed herein are significant programmatic, staffing and funding needs of the Federal Agencies and Bureaus with responsibility for implementing the Federal Subsistence Management Program.

**Advocate for ecosystem scale collaborative salmon management in Arctic/Yukon/Kuskokwim and Southeast Alaska regions that ensures continuation of subsistence uses**

- **Issue:** Catastrophic declines in salmon abundance have caused severe reductions and complete closures of subsistence fishing in many areas. Salmon are a mainstay of subsistence in Alaska. The loss of harvestable runs in recent years is having disastrous consequences on Alaska Natives' and rural users' ability to maintain the cultural, social nutritional, and economic fabric necessary for their survival not only today but also for the survival of the generations to come. Management decisions made by Federal and State agencies and Canada are fragmented. Allocative decisions favor commercial and sport harvests early in the salmon harvest cycle and disfavor subsistence users at the end of the harvest cycle. Subsistence interests are not adequately accounted for in decision-making processes. The Board and Subsistence Regional Advisory Councils have repeatedly requested the North Pacific Fisheries Management Council (NPFMC) and the State of Alaska Board of Fisheries take actions such as reducing bycatch and intercept fisheries to provide for subsistence uses, but these requests have not been adequately addressed to ensure salmon return to their natal rivers.
- **Support needed:**
  - Work with Administration counterparts to drive a comprehensive, collaborative, ecosystem scale approach that ensures a subsistence priority across all salmon fisheries management frameworks.
  - Science collaboration: engage with Department of Commerce (NOAA/NMFS and NWS) to spur enhanced scientific collaboration around the causes of salmon decline.
  - Tribal consultation: encourage joint Tribal consultations between the Federal Subsistence Board and NPFMC on salmon fisheries in State and Federal jurisdictions.

**Advocate for Federal and State engagement in resolving the issue of Canadian mines impact on the Southeast Alaska Transboundary River watersheds.**

- **Issue:** The Canadian large-scale mining operations that are currently running or are planned for transboundary rivers watersheds in Southeast Alaska (Taku, Stikine, and Unuk rivers) are having or potentially will have an adverse effect on water quality and fishery production in these rivers. The Board's and the Southeast Alaska Subsistence Regional Advisory Council's efforts to bring this issue to the attention of the State government have not been successful.
- **Support needed:**
  - Work with the Secretary of State and Alaska Congressional Delegation to request Federal engagement in the issue regarding the large-scale mining operations in Canada.
  - Engage the International Joint Commission to safeguard water quality and fishery production.

### **Provide compensation for Regional Advisory Council members**

- **Issue:** Council members receive no compensation for the time they spend attending Council meetings or the expertise and Indigenous knowledge they provide to the Federal Subsistence Management Program. The cost of living in rural Alaska is very high, and the time Council members take away from their jobs and families to participate in Council meetings are big sacrifices that often result in losses of income. Many Councils have ongoing vacancies and are struggling to recruit applicants. This is not because rural Alaskans do not care about subsistence uses or lack the desire to share their expertise; it is because many rural Alaskans cannot afford the financial consequences of donating their time to Council meetings and the Program.
- **Support needed:**
  - Receiving compensation while attending the Council meetings twice a year through stipends or honoraria is a common best practice. According to FACA, the agency head may establish rates of compensation. There are 10 Regional Advisory Councils, each with 10-13 members, totaling 109 volunteers. A daily stipend at a GS-12 level would cost approximately \$175,000/year. The total amount would be supporting the work of over 100 rural subsistence representatives and traditional knowledge holders. The current OSM budget could not absorb this cost; additional funding would be needed to cover Council compensation.

### **Provide Information on proposed move of Office of Subsistence Management**

- **Issue:** Council members were surprised to learn of the President's FY-24 budget proposal to move OSM from the U.S. Fish and Wildlife Service to the Office of the Assistant Secretary for Indian Affairs. Council members want to know what effects the move will have on administration of the Federal Subsistence Management Program.
- **Support needed:**
  - Provide Board and Council members with regular updates on status of the proposal.
  - Provide Council members with information on the intent of the proposal.
  - Provide Council members with information on any additional proposals to make changes to the structure, administration, and operations of the Federal Subsistence Management Program inclusive of OSM and the Federal Agencies/Bureaus as a best practice.

### **Provide Staff support for Board Chair and Public Board members**

- **Issue:** The public Board members don't have adequate staff support. OSM has one Native Liaison (NL) who serves as the Interagency Staff Committee (ISC) member supporting all three public Board members in addition to his other responsibilities as NL for OSM. The agency Board members each have at least one ISC member to support them. The agency Board members have the option (as described in 50 CFR 100.10(b)(1) and 36 CFR 242(b)(1)) to appoint agency staff to act when they are unable to be present.

The public Board members do not have the authority to appoint staff to act on their behalf if they're unable to be present.

- **Support needed:**
  - Provide capacity for a designated FTE to serve solely as ISC support for the Board Chair and public members. GS-13, \$200k/year (salary, benefits, travel).
  - Regulatory change to authorize public board members to appoint a designee.

#### **Increase funding for Fisheries Resource Monitoring Program (FRMP)**

- **Issue:** The FRMP provides crucial information needed for federal subsistence fisheries management and to support capacity building for Alaska Native and rural organizations for subsistence fisheries management, but there is not enough funding available to support demand and information needs.
- **Support needed:**
  - Add \$2 million to federal subsistence budget to support FRMP. Existing annual FRMP budget is typically \$2.5 million, but information is needed statewide due to low salmon returns, reliance on alternative species, and the opening of closed waters for subsistence opportunities. A portion of this increase could be used in the Partners program, which provides grants to Alaska Native and rural organizations to develop their staff capacity for managing fisheries resources. Each year the program is only able to fund a portion of the funding proposals received.
  - Assessment projects and qualified staff are needed in many regions to support in-season Federal subsistence fisheries management decisions. These could be provided through agency activities.

#### **Provide funding for Wildlife Resource Monitoring Program (WRMP)**

- **Issue:** Similar to FRMP, information needs for federal subsistence wildlife management are great but there is no similar research funding program. The Board must make decisions on wildlife issues without adequate information related to harvest monitoring, Indigenous knowledge, and stock status and trends.
- **Support needed:**
  - \$5 million to establish a WRMP program and begin funding projects similar to FRMP.

Attachments

Attachment 1

**Yukon-Kuskokwim Delta Subsistence Regional Advisory Council**

c/o Office of Subsistence Management  
1011 East Tudor Road, MS 121  
Anchorage, Alaska 99503-6199  
Phone: (907) 786-3888, Fax: (907) 786-3898  
Toll-Free: 1-800-478-1456

In Reply Refer To:  
OSM.23102

AUG 16 2023

Anthony Christianson, Chair  
Federal Subsistence Board  
1011 East Tudor Road, MS 121  
Anchorage, Alaska 99503-6199

Dear Mr. Christianson,

I write to you on behalf of the Yukon-Kuskokwim Delta Subsistence Regional Advisory Council (Council) to request that the Federal Subsistence Board (Board) elevate the enclosed Arctic-Yukon-Kuskokwim salmon management issues to the Secretaries of the Interior and Agriculture (Secretaries). These issues severely impact Federal subsistence users but fall beyond the jurisdiction of the Board and therefore engagement of the Secretaries is warranted.

The Council held a public meeting on April 4–6, 2023, in Bethel, Alaska. Among the items discussed was the on-going salmon crisis in the Yukon and Kuskokwim River drainages.

**Background**

Subsistence needs for salmon by residents of the Arctic-Yukon-Kuskokwim areas are not being met. Subsistence salmon fisheries in our region have experienced complete closures or severe restrictions in recent years due to poor salmon returns. The inability to harvest, process, share, and eat salmon has had significant and negative impacts to the nutritional and cultural well-being of the people of our region who have relied on salmon since time immemorial.

*Yukon River*

Since 2008, Chinook Salmon fishing restrictions have been in place most years in order to meet the U.S.-Canada border escapement goals established by the Pacific Salmon Treaty. Because of these restrictions, subsistence salmon harvests have been below historical averages most years since then. Then in 2021 and 2022, the Yukon Area saw the lowest harvests ever recorded with

an estimated 1,995 and 1,827 Chinook Salmon harvested respectively each year.<sup>1,2</sup> Targeted Chinook Salmon fishing was closed, and the small harvests came only from agency-operated test fisheries and incidental catch. Chinook Salmon fishing is once again closed on the Yukon River for 2023 due to poor returns. The State of Alaska by regulation uses a harvest range called amounts reasonably necessary for subsistence (ANS) as a metric for determining if subsistence needs are being met. Although the Federal Subsistence Management Program does not use this metric, the Council considers ANS to be a useful tool that highlights when subsistence needs are not being met and when food security issues exist and want to share this information with the Board. For the Yukon Management Area the ANS range is 45,000–66,704 Chinook Salmon<sup>3</sup>. Chinook Salmon harvests on the Yukon River have only fallen within this range during one out of the past ten years (2019). They have been below the ANS range in 16 out of 20 years (2001–2022).

These record low Chinook Salmon harvests were compounded by record low summer and fall Chum salmon harvests during the same years. Only 1,266 and 6,724 summer Chum Salmon were estimated to be harvested in 2021 and 2022 respectively, compared to an ANS range of 83,500–142,192 fish. Similarly, only 705 and 2,778 fall Chum Salmon were harvested in 2021 and 2022, respectively, compared to an ANS of 89,500–167,00 fish. Subsistence harvests have fallen within the ANS range for summer Chum Salmon in 5 of the past 10 years, and only 2 of the last 10 years for fall Chum Salmon.

#### *Kuskokwim River*

Subsistence salmon fisheries in the Kuskokwim Management Area have also been heavily restricted in recent years because of poor run sizes. The ANS for Chinook Salmon in the Kuskokwim Area is 67,200–109,800 fish<sup>4</sup>. Subsistence harvests have never fallen within this range since it was established in 2013<sup>2</sup>. In 2021, the Chinook Salmon subsistence harvest estimate was 31,487 fish<sup>5</sup> and the preliminary estimate for 2022 is 39,316 fish<sup>6</sup>.

Similar to the Yukon Area, the Kuskokwim Area saw record low returns of Chum Salmon in 2021 and 2022. The ANS for Chum Salmon in this area is 41,200–116,400 fish. Subsistence harvests have not fallen within the ANS range since. In 2021, there were only 10,514 Chum Salmon harvested for subsistence. For 2022, the preliminary estimate is 12,883 Chum Salmon.

### **The subsistence priority needs to be reviewed for compliance with Title VIII of ANILCA;**

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<sup>1</sup> Yukon River Panel Joint Technical Committee. 2023. Yukon River Salmon 2022 Season Summary and 2023 Season Outlook. <https://www.yukonriverpanel.com/download/13/joint-technical-committee-reports/3775/yukon-jtc-23-01-2022-season-review-2023-outlook.pdf>

<sup>2</sup> Summary of Subsistence Harvests in the Yukon and Kuskokwim Management Areas. Prepared for the NPFMC Salmon Bycatch Committee. [https://meetings.npfmc.org/CommentReview/DownloadFile?p=b4c2eb40-2c3a-4cd5-b2b1-c7bd6f7798e4.pdf&fileName=4.%20Yukon%20Kuskokwim%20Subsistence%20Harvest%20Overview\\_SBC\\_Marc h2023.pdf](https://meetings.npfmc.org/CommentReview/DownloadFile?p=b4c2eb40-2c3a-4cd5-b2b1-c7bd6f7798e4.pdf&fileName=4.%20Yukon%20Kuskokwim%20Subsistence%20Harvest%20Overview_SBC_Marc h2023.pdf)

<sup>3</sup> 5 AAC 01.236

<sup>4</sup> 5 ACC 01.286

<sup>5</sup> Smith, N., and B. P. Gray. 2022. 2021 Kuskokwim management area annual management report. Alaska Department of Fish and Game, Fishery Management Report No. 22-26, Anchorage.

<sup>6</sup> Simon, J. 2023. Consultant. Personal communication. Kuskokwim River Inter-Tribal Fish Commission. Bethel, AK.

### **Subsistence users have more restrictions placed on them than other user groups**

The Council requests that the Board ask the Secretaries for guidance on how to ensure that subsistence priorities are upheld across political and salmon management boundaries, and what the Board's role in this might be. Additionally, the Council requests that the Board ask the Secretaries to ensure that the Pacific Salmon Treaty is being applied fairly to all users, and that they liaise with the Department of State, Department of Commerce, and State of Alaska to do so.

While Yukon and Kuskokwim Area subsistence fishers have been denied the right to harvest the food they need for their families, commercial fisheries managed by the North Pacific Fishery Management Council and National Marine Fisheries Service in the Bering Sea and by the State of Alaska in the Alaska Peninsula region have been allowed to continue intercepting Arctic-Yukon-Kuskokwim salmon stocks. This is unjust and is in opposition to the subsistence priorities spelled out in Title VIII of ANILCA. When fishing restrictions are necessary for conservation, they should first be applied to commercial fisheries and then to subsistence fisheries.

The Council is additionally concerned about how the Pacific Salmon Treaty is being applied to only restrict subsistence fishers in the Yukon Area in order to meet border passage goals into Canada. Commercial fisheries outside of the Yukon Area that intercept or bycatch Yukon River salmon stocks also need to be restricted and equally share in the burden of conservation. Limiting restrictions to only subsistence users is not only unjust, but often it is not enough to meet U.S.-Canada border passage escapement goals which were set to ensure enough salmon make it to spawning grounds for the future sustainability of Canadian-origin Chinook and fall Chum salmon. Minimum escapement goals were not met for Chinook Salmon during 2019–2022 and 2020–2022 for fall Chum Salmon.

### **Bycatch of Arctic-Yukon-Kuskokwim salmon in Federal commercial groundfish fisheries**

The Council requests that the Board once again elevate the issue of salmon bycatch in the Bering Sea to the Secretaries. At our Winter 2023 meeting, the Council stated on the record that we must continue to elevate this topic until meaningful action is taken to reduce bycatch of Chinook and Chum salmon. Arctic-Yukon-Kuskokwim Chinook and Chum salmon are bycaught in commercial groundfish fisheries in the Bering Sea-Aleutian Islands Area and are required to be discarded or in some cases may be donated. Although not every bycaught Arctic-Yukon-Kuskokwim salmon would return to Western Alaska rivers and successfully spawn, in years of very poor returns like we have experienced recently, every salmon counts. The Council commends the North Pacific Fishery Management Council and commercial fishermen for their efforts to try and reduce Chinook Salmon bycatch over the years; however, equal efforts need to be applied to reducing Chum Salmon bycatch. In 2021 and 2022, an estimated 48,656 and 51,092 Coastal-Western Alaska Chum Salmon were respectively bycaught in Bering Sea-Aleutian Islands trawl fisheries<sup>7,8</sup>. There were also an estimated 2,854 and 4,616 Upper-Middle

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<sup>7</sup> Barry, P. D. et al. 2022. Genetic stock composition analysis of chum salmon from the prohibited species catch of the 2021 Bering Sea walleye pollock trawl fishery. <https://doi.org/10.25923/2vz5-dk56>

<sup>8</sup> Barry, P. D. et al. 2023. Genetic stock composition analysis of Chum Salmon from the prohibited species catch of

Yukon Chum Salmon bycaught those same years. This bycatch occurred in years when subsistence fishing for Chum Salmon was closed in the Yukon Area and heavily restricted in the Kuskokwim Area.

Our Council and other Subsistence Regional Advisory Councils have advocated for many years for reductions in Chinook Salmon bycatch hard caps and for implementation of Chum Salmon bycatch hard caps through the North Pacific Fishery Management Council regulatory process. The Councils' efforts have not resulted in meaningful changes to regulations or management. Last year, four Subsistence Regional Advisory Councils with customary and traditional use determinations for Yukon River salmon sent a letter to the Board asking the Board to elevate bycatch and hard caps issues to the Secretaries (see Enclosure). Although the Board forwarded our request, the Councils have not received a response from the Secretaries.

### **Interception of Arctic-Yukon-Kuskokwim salmon in State of Alaska commercial mixed-stock salmon fisheries**

The Council requests the Board to work with the State of Alaska to reduce interception of Arctic-Yukon-Kuskokwim Chum Salmon. Commercial salmon fisheries in the Alaska Peninsula region harvest mixed stocks of salmon, a proportion of which are AYK salmon. The genetic composition of the commercial Chum Salmon harvests in this region was studied in 2007–2009, and another four-year study is currently underway for 2022–2026 with the first year of data available<sup>9</sup>. The estimated Coastal Western Alaska Chum Salmon harvests by year in the South Alaska Peninsula were: 177,867 fish in 2007, 214,464 in 2008, 420,739 in 2009, and 103,798 in 2022. These high levels of interception were allowed to occur in years like 2021 and 2022 when there were record low Chum Salmon returns to the Yukon and Kuskokwim areas and subsistence salmon fishing was closed or heavily restricted. Commercial fishers harvested Arctic-Yukon-Kuskokwim Chum Salmon for profit while families in our region could not fish to feed our families.

During the 2023 Arctic-Yukon-Kuskokwim Region Alaska Board of Fisheries meeting cycle, there were significant efforts made by Arctic-Yukon-Kuskokwim subsistence stakeholders, including this Council, to try to reduce commercial fishing time within the Alaska Peninsula region. Proposals to reduce Chum Salmon fishing time were submitted with the hope of reducing interception of Arctic-Yukon-Kuskokwim Chum Salmon and increasing returns to Arctic-Yukon-Kuskokwim drainages. Despite near record amounts of public testimony given at the 2023 State of Alaska Arctic-Yukon-Kuskokwim Board of Fisheries meeting, substantial reductions were not made to commercial fishing periods. The Council understands that State of Alaska managed commercial fisheries are outside of the jurisdiction of the Board; nevertheless, these fisheries significantly impact subsistence users within Federal Subsistence Management Program's jurisdiction.

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the 2022 Bering Sea walleye pollock trawl fishery, preliminary report.

<https://meetings.npfmc.org/CommentReview/DownloadFile?p=7d5076b0-1a7f-4faa-92ba-d67a0fb28c22.pdf&fileName=C2a%20BS%20Chum%20Salmon%20Genetics%20Report%202022.pdf>.

<sup>9</sup> Dann, T. H. et al. 2023. Genetic stock composition of chum salmon harvested in commercial salmon fisheries of the South Alaska Peninsula, 2022. Alaska Department of Fish and Game, Special Publication No. 23-07, Anchorage.



**Need for ecosystem scale collaborative salmon management**

The Council requests that the Board ask the Secretaries for guidance on how to initiate ecosystem scale salmon management planning for the Arctic-Yukon-Kuskokwim region. The Council strongly believes that salmon management must take place on an ecosystem scale and that cross-region conservation and management planning efforts between the and Departments of Agriculture, Commerce, and Interior and the State of Alaska need to be implemented immediately to save our salmon. Federal-State and inter-Department collaboration at this level will require the attention and engagement of the Secretaries.

The Council has consistently asserted, on the record, that Arctic-Yukon-Kuskokwim salmon management issues must be elevated. The Council has exhausted all options to try to protect our salmon and subsistence livelihoods through the regulatory processes of the Board, North Pacific Fishery Management Council, and Alaska Board of Fisheries. None of our efforts have resulted in meaningful changes to regulations or increased protections for our salmon and subsistence users. Urgent action is necessary as our salmon and our subsistence lifeways are becoming endangered. Although the Council understands that bycatch and interception are not the only factors impacting salmon returns to our rivers, the burden of conservation must be shared equally among user groups and that reductions in commercial fishing bycatch and interception are warranted during times of conservation when every salmon counts.

In summary, the Council wants to ensure that the subsistence priority in Title VIII of ANILCA is upheld and that salmon are co-managed across their entire ecosystem so that subsistence lifeways and salmon populations may flourish into the future. The Council would like to thank the Board in advance for discussing these important issues and elevating them to the Secretaries. If you have any questions or would like to follow up, please contact me through our Subsistence Council Coordinator Brooke McDavid at (907) 891-9181 or [brooke\\_mcdavid@fws.gov](mailto:brooke_mcdavid@fws.gov).

Sincerely,



Raymond Oney  
Chair

Enclosure

cc: Federal Subsistence Board  
Interagency Staff Committee  
Office of Subsistence Management  
Yukon-Kuskokwim Delta Subsistence Regional Advisory Council Members  
Seward Peninsula Subsistence Regional Advisory Council Members  
Western Interior Alaska Subsistence Regional Advisory Council Members  
Eastern Interior Alaska Subsistence Regional Advisory Council Members  
Yukon River Panel

Benjamin Mulligan, Deputy Commissioner, Alaska Department of Fish and Game  
Mark Burch, Special Project Coordinator, Alaska Department of Fish and Game  
Administrative Record

Attachment 2

Yukon-Kuskokwim Delta, Western Interior Alaska, Eastern Interior Alaska, and  
Seward Peninsula Subsistence Regional Advisory Councils  
c/o United States Fish and Wildlife Service  
Office of Subsistence Management  
1011 East Tudor Road, MS 121  
Anchorage, Alaska 99503-6199

In Reply Refer To:  
RAC.22043.EP

JUN 07 2022

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, Western Interior Alaska, Eastern Interior Alaska, and Seward Peninsula Subsistence Regional Advisory Councils (Councils) write to request the Federal Subsistence Board elevate our subsistence concerns to the Secretary of Interior Haaland and Secretary of Commerce Raimondo regarding Bering Sea commercial fishery bycatch of Chinook and Chum salmon addressed in the enclosed letter to the North Pacific Fishery Management Council.

In the enclosed letter to the North Pacific Fishery Management Council (NPFMC), we request significant reduction in Chinook and Chum salmon bycatch in the Bering Sea/Aleutian Islands (BSAI) commercial fishery and subsistence representation on the North Pacific Fishery Management Council (NPFMC). The four Councils writing this letter collectively represent 137 subsistence communities along the Yukon, Kuskokwim, and Unalakleet rivers and tributaries and across the Northern Norton Sound and west coast of Alaska that all depend on salmon for food, livelihood, and spiritual and cultural identity. The Councils each met in February and March 2022 and elected to write this joint letter to address the ongoing concerns about the impact of salmon bycatch on our subsistence communities and lack of representation on the NPFMC.

The Councils request the Federal Subsistence Board to officially petition the National Marine Fisheries Service to use its emergency rule authority and set a hard cap on the amount of salmon bycatch by the BSAI commercial fishery. The Councils recommend that the Chinook Salmon bycatch cap in the BSAI commercial fishery be immediately reduced to at most 16,000 fish. Non-Chinook (Chum) salmon bycatch should also be immediately reduced at least by half the recent levels to no more than 250,000 fish. The Councils believe that these reduced Chinook and Chum salmon bycatch caps are reasonably attainable and should be implemented right away. Even lower salmon bycatch caps should be implemented for the longer term in order to support Western Alaska Chinook and Chum salmon recovery. The Councils recommend that within a

year the bycatch should be further reduced to a 10,000 Chinook Salmon hard cap limit and a 150,000 Chum Salmon hard cap limit.

The Councils request the Board recommend the Secretary of the Interior to urge the Secretary of Commerce and the National Marine Fisheries Service (NMFS) to implement these hard caps immediately using their emergency regulation authority at 62 FR 44421-44422 (enclosed). The catastrophically low Chinook and Chum salmon returns in the Arctic, Yukon, and Kuskokwim rivers, the failure of all salmon escapement goals on all western Alaska rivers, the failure to meet Yukon River Salmon Treaty obligations, and subsequent severe restrictions and complete closure to subsistence harvest of salmon warrant these requested emergency authority actions.

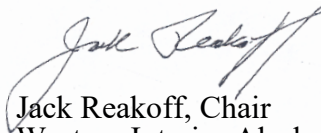
Secretary Raimondo recently announced Fisheries Disaster Declarations for the Yukon, Kuskokwim, and Norton Sound Fisheries. This acknowledgement is very important. However, even if subsistence communities were to receive some economic relief for the loss of food and livelihood we have suffered, no amount of money can possibly replace the millions of pounds of healthy subsistence salmon we rely on to survive. Nothing can replace the devastating loss of our salmon culture and way of life. All conservation measures and eliminating all sources of mortality to Western Alaska salmon stocks are necessary to help rebuild and sustain the salmon populations for future generations.

Thank you for the support with providing these recommendations to the Secretary of Interior and Secretary of Commerce. We look forward to continuing discussions about the issues and concerns of subsistence users of the Yukon-Kuskokwim Delta, Western Interior Alaska, Eastern Interior Alaska, and Seward Peninsula subsistence regions. If you have questions about this letter, please contact Sue Detwiler, Assistant Regional Director, Office of Subsistence Management, at 1-800-478-1456 or (907) 786-3567 or [sue\\_detwiler@fws.gov](mailto:sue_detwiler@fws.gov).

Sincerely,




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



Jack Reakoff, Chair  
Western Interior Alaska Subsistence  
Regional Advisory Council

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Robert Wright, Vice Chair for  
Sue Entsminger, Chair  
Eastern Interior Alaska Subsistence  
Regional Advisory Council



Louis Green, Jr., Chair  
Seward Peninsula Subsistence  
Regional Advisory Council

Enclosures

cc: Federal Subsistence Board  
Yukon-Kuskokwim Delta Subsistence Regional Advisory Council  
Western Interior Alaska Subsistence Regional Advisory Council  
Eastern Interior Alaska Subsistence Regional Advisory Council  
Seward Peninsula 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

Attachment 3

Yukon-Kuskokwim Delta, Western Interior Alaska, Eastern Interior Alaska, and  
Seward Peninsula Subsistence Regional Advisory Councils  
c/o United States Fish and Wildlife Service  
Office of Subsistence Management  
1011 East Tudor Road, MS 121  
Anchorage, Alaska 99503-6199

In Reply Refer To  
RAC.22032.EP

APR 12 2022

Simon Kinneen, Chair  
North Pacific Fishery Management Council  
1007 West Third, Suite 400  
Anchorage, Alaska 99501

Dear Chairman Kinneen:

The Yukon-Kuskokwim Delta, Western Interior Alaska, Eastern Interior Alaska, and Seward Peninsula Subsistence Regional Advisory Councils (Councils) write to you to request a significant reduction in Chinook and Chum salmon bycatch in the Bering Sea/Aleutian Islands (BSAI) commercial fishery *and* to request subsistence representation on the North Pacific Fishery Management Council (NPFMC). The Councils will further request the Federal Subsistence Board elevate the concerns expressed in this letter to the Secretary of Commerce.

The four Federal Subsistence Regional Advisory Councils writing this letter collectively represent 137 subsistence communities along the Yukon, Kuskokwim, and Unalakleet rivers and tributaries and across the west coast of Alaska that all depend on salmon for food, livelihood, and cultural significance. The Councils were established by the authority in Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA) and are chartered under the Federal Advisory Committee Act. Section 805 of ANILCA and the Councils' charters establish their authority to initiate, review, and evaluate proposals for regulations, policies, management plans, and other matters related to subsistence uses of fish and wildlife within each Council region. Each Council also reviews resource management actions occurring outside its region that may impact subsistence resources critical to communities served by the Council. The Council provides a forum for the expression of opinions and recommendations regarding any matter related to the subsistence uses of fish and wildlife across each region.

The Councils each met in February and March 2022, and elected to write this joint letter to address the ongoing concerns about the impact of salmon bycatch on our subsistence communities and lack of representation on the NPFMC.

**Subsistence salmon fishing on the Yukon and Kuskokwim rivers was catastrophic this year**

The Chinook and Chum salmon run failures in 2021 resulted in the complete closure or severe restriction of subsistence salmon fishing for all communities along the Yukon, Kuskokwim, and Unalakleet Rivers, tributaries, and Yukon coastal communities. For the second year in a row, the Yukon River Chum and Coho salmon returns were the lowest on record. The crash of the Chinook and Chum salmon populations will likely result in severe restrictions or complete closure to subsistence fishing across western Alaska again this year. Subsistence salmon needs are not being met across Alaska. Pacific Salmon Treaty Chinook and Chum salmon escapement goals with Canada have not been met. Subsistence communities are bearing the burden of conservation. Subsistence salmon fishing has been increasingly restricted over the past ten years due to diminishing Chinook Salmon returns. These concerning low returns, along with the catastrophic decline of Chum Salmon, caused complete closures to the harvest of salmon for subsistence. Fish camps and freezers went empty, and there is no salmon to sustain all our many communities through the winter. This is truly a crisis of such magnitude that requires immediate and meaningful action to reduce all unnecessary mortality to western Alaska salmon stocks.

Meanwhile, the Bering Sea trawl fisheries continue unabated. BSAI fisheries catch Chinook and Chum salmon by the tens to hundreds of thousands. NPFMC reports recent BSAI Chum Salmon bycatch upwards of over 500,000 fish, and the current Chinook Salmon bycatch limit is set at 45,000. We are aware that not all the salmon bycatch is bound for western Alaska rivers; however, in these dire times every salmon of every age class counts. The Bering Sea is essential salmon rearing grounds, and it may take four to five years or more to rebuild Chinook and Chum runs and see returns of healthy adult salmon to spawn in western Alaska rivers again. If subsistence fishers cannot harvest a single salmon, then the billion-dollar commercial fisheries should also enact stricter salmon conservation measures, if not be closed altogether to protect the resources for those who truly need these fish for basic sustenance.

The Councils request that salmon bycatch in the Bering Sea trawl fisheries be significantly reduced below the levels currently authorized by the NPFMC in order to protect this important subsistence food that is critical for our survival and the continuation of our traditional lifestyle. The Councils recommend that the Chinook Salmon bycatch cap in the BSAI commercial fishery be immediately reduced to at most 16,000 fish. Non-Chinook (Chum) bycatch should also be immediately reduced at least by half the recent bycatch levels to no more than 250,000. The Councils believe that these reduced Chinook and Chum salmon bycatch caps are reasonably attainable and should be implemented right away. Even lower salmon bycatch caps should be implemented for the longer term in order to support Western Alaska Chinook and Chum salmon recovery. The Councils recommend that within a year that bycatch should be further reduced to a 10,000 Chinook Salmon hard cap limit and a 150,000 Chum Salmon hard cap limit. The Councils recommend that video monitoring be implemented on all trawl fishing vessels with 24/7 coverage to ensure salmon bycatch does not exceed these hard cap limits. These lower limits should remain in place until such time that the Western Alaska salmon fishery rebounds enough to support a healthy salmon population that meets both the needs of subsistence users and escapement goals for future returns. The current authorized levels of salmon bycatch are not low enough to ensure there is enough salmon for subsistence users. Subsistence

communities depend on these shared resources and have been adversely affected by sweeping in-river restrictions and complete closures to subsistence salmon harvest this past year.

It is imperative to the people of these regions that immediate action be taken to the reduce Bering Sea trawl fisheries the bycatch of Chinook and Chum salmon. Over many years, subsistence communities with extremely limited resources have been making many conservation efforts to protect the future viability of the fishery. Despite these efforts, access to this critical food source is now being severely restricted. Our subsistence salmon harvest in recent years is the lowest harvest levels has been recorded for Western Alaska communities. It is reasonable that the billion-dollar commercial trawl fisheries should take responsibility to further reduce salmon bycatch. Every salmon that makes it to the spawning grounds counts in this time of diminished returns, and every salmon is needed for there to be any chance of a subsistence harvest opportunity.

### **Need for subsistence representation on the North Pacific Fishery Management Council**

The Councils also request that subsistence needs be explicitly considered in the management of Bering Sea commercial fisheries. The Councils believe subsistence representation is critical to this objective and can be accomplished by adding at least two Alaska subsistence representative seats to the NPFMC. Subsistence fishing communities are equal stakeholders in the management of this shared salmon resource and should have a seat at the decision-making Council table, whose decisions directly affects our lives. Local and traditional knowledge of subsistence fishers is critical to the success of salmon conservation management and will be an asset to the NPFMC. We request two designated Alaska Subsistence or Tribal seats be added to the NPFMC. There is precedence and a pathway for this process in place already for the western coast states; namely Federally Recognized Treaty Tribes hold a seat on the Pacific Fishery Management Council. While Alaska Tribes do not have the same fisheries treaty protections, all Federally recognized Tribes have retained government to government authority. Rural subsistence communities do have subsistence priority on Federal lands and waters under Title VIII of ANILCA. That subsistence priority is effectively eliminated when salmon escapement is so low it causes severe restrictions or complete closure to any subsistence harvest. Therefore, we need Alaska Subsistence or Tribal representative seats on the NPFMC to be able to vote on fisheries management actions and conservation measures that impact the continuation of subsistence uses. To maintain objectivity, these subsistence or Tribal representatives should not have any direct personal economic ties to the Commercial Development Quota (CDQ) fisheries. Subsistence or Tribal representative seats must be included on the NPFMC with amendment to the next reauthorization of the Magnuson-Stevens Fishery Conservation and Management Act.

Secretary of Commerce Raimondo recently announced Fisheries Disaster Declarations for the Yukon, Kuskokwim, and Norton Sound Fisheries. This acknowledgement is very important. However, even if subsistence communities were to receive some economic relief for the loss of food and livelihood we have suffered, no amount of money can possibly replace the millions of pounds of healthy subsistence salmon, we rely on to survive. Nothing can replace the devastating loss of our salmon culture and way of life. All conservation measures are necessary to help rebuild and sustain the salmon population for future generations.

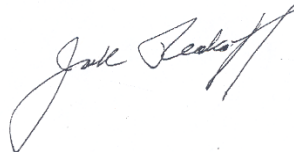


Thank you for the opportunity to provide these recommendations the NPFMC. We look forward to continuing discussions about the issues and concerns of subsistence users of the Yukon-Kuskokwim Delta, Western Interior Alaska, Eastern Interior Alaska, and Seward Peninsula subsistence regions. If you have questions about this letter, please contact Katya Wessels, Council Coordination Division Supervisor, Office of Subsistence Management, at 1-800-478-1456 or (907) 786-3885 or katerina\_wessels@fws.gov.

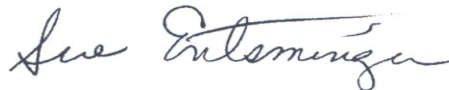
Sincerely,



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



Jack Reakoff, Chair  
Western Interior Alaska Subsistence  
Regional Advisory Council



Sue Entsminger, Chair  
Eastern Interior Alaska Subsistence  
Regional Advisory Council



Louis Green, Jr., Chair  
Seward Peninsula Subsistence  
Regional Advisory Council

cc: Federal Subsistence Board

Yukon-Kuskokwim Delta Subsistence Regional Advisory Council

Western Interior Alaska Subsistence Regional Advisory Council

Eastern Interior Alaska Subsistence Regional Advisory Council

Seward Peninsula 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

THEFT RATES OF MODEL YEAR 1995 PASSENGER MOTOR VEHICLES STOLEN IN CALENDAR YEAR 1995—Continued

Manufacturer	Make/model (line)	Thefts 1995	Production (mfgr's) 1995	1995 (per 1,000 vehicles produced) theft rate
205 ROLLS-ROYCE .....	SIL SPIRIT/SPUR/MULS .....	0	132	0.0000
206 ROLLS-ROYCE .....	TURBO R .....	0	19	0.0000
207 VOLKSWAGEN .....	EUROVAN .....	0	1,814	0.0000
208 VOLVO .....	LIMOUSINE .....	0	6	0.0000

Issued on: August 18, 1997.

**L. Robert Shelton,**

*Associate Administrator for Safety Performance Standards.*

[FR Doc. 97-22263 Filed 8-20-97; 8:45 am]

BILLING CODE 4910-59-P

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Chapter VI**

[Docket No. 970728184-7184-01; I.D. 060997C]

**Policy Guidelines for the Use of Emergency Rules**

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Policy guidelines for the use of emergency rules.

**SUMMARY:** NMFS is issuing revised guidelines for the Regional Fishery Management Councils (Councils) in determining whether the use of an emergency rule is justified under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). The guidelines were also developed to provide the NMFS Regional Administrators guidance in the development and approval of regulations to address events or problems that require immediate action. These revisions make the guidelines consistent with the requirements of section 305(c) of the Magnuson-Stevens Act, as amended by the Sustainable Fisheries Act.

**DATES:** Effective August 21, 1997.

**FOR FURTHER INFORMATION CONTACT:** Paula N. Evans, NMFS, 301/713-2341.

**SUPPLEMENTARY INFORMATION:**

**Background**

On February 5, 1992, NMFS issued policy guidelines for the use of emergency rules that were published in

the **Federal Register** on January 6, 1992 (57 FR 375). These guidelines were consistent with the requirements of section 305(c) of the Magnuson Fishery Conservation and Management Act. On October 11, 1996, President Clinton signed into law the Sustainable Fisheries Act (Public Law 104-297), which made numerous amendments to the Magnuson-Stevens Act. The amendments significantly changed the process under which fishery management plans (FMPs), FMP amendments, and most regulations are reviewed and implemented. Because of these changes, NMFS is revising the policy guidelines for the preparation and approval of emergency regulations. Another change to section 305(c), concerning interim measures to reduce overfishing, will be addressed in revisions to the national standards guidelines.

**Rationale for Emergency Action**

Section 305(c) of the Magnuson-Stevens Act provides for taking emergency action with regard to any fishery, but does not define the circumstances that would justify such emergency action. Section 305(c) provides that:

1. The Secretary of Commerce (Secretary) may promulgate emergency regulations to address an emergency if the Secretary finds that an emergency exists, without regard to whether a fishery management plan exists for that fishery;

2. The Secretary shall promulgate emergency regulations to address the emergency if the Council, by a unanimous vote of the voting members, requests the Secretary to take such action;

3. The Secretary may promulgate emergency regulations to address the emergency if the Council, by less than a unanimous vote of its voting members, requests the Secretary to take such action; and

4. The Secretary may promulgate emergency regulations that respond to a public health emergency or an oil spill. Such emergency regulations may remain in effect until the circumstances that

created the emergency no longer exist, provided that the public has had an opportunity to comment on the regulation after it has been published, and in the case of a public health emergency, the Secretary of Health and Human Services concurs with the Secretary's action.

**Policy**

The NOAA Office of General Counsel has defined the phrase "unanimous vote," in paragraphs 2 and 3 above, to mean the unanimous vote of a quorum of the voting members of the Council only. An abstention has no effect on the unanimity of the quorum vote. The only legal prerequisite for use of the Secretary's emergency authority is that an emergency must exist. Congress intended that emergency authority be available to address conservation, biological, economic, social, and health emergencies. In addition, emergency regulations may make direct allocations among user groups, if strong justification and the administrative record demonstrate that, absent emergency regulations, substantial harm will occur to one or more segments of the fishing industry. Controversial actions with serious economic effects, except under extraordinary circumstances, should be done through normal notice-and-comment rulemaking.

The preparation or approval of management actions under the emergency provisions of section 305(c) of the Magnuson-Stevens Act should be limited to extremely urgent, special circumstances where substantial harm to or disruption of the resource, fishery, or community would be caused in the time it would take to follow standard rulemaking procedures. An emergency action may not be based on administrative inaction to solve a long-recognized problem. In order to approve an emergency rule, the Secretary must have an administrative record justifying emergency regulatory action and demonstrating its compliance with the national standards. In addition, the preamble to the emergency rule should indicate what measures could be taken

or what alternative measures will be considered to effect a permanent solution to the problem addressed by the emergency rule.

The process of implementing emergency regulations limits substantially the public participation in rulemaking that Congress intended under the Magnuson-Stevens Act and the Administrative Procedure Act. The Councils and the Secretary must, whenever possible, afford the full scope of public participation in rulemaking. In addition, an emergency rule may delay the review of non-emergency rules, because the emergency rule takes precedence. Clearly, an emergency action should not be a routine event.

#### Guidelines

NMFS provides the following guidelines for the Councils to use in determining whether an emergency exists:

#### Emergency Criteria

For the purpose of section 305(c) of the Magnuson-Stevens Act, the phrase "an emergency exists involving any fishery" is defined as a situation that:

- (1) Results from recent, unforeseen events or recently discovered circumstances; and
- (2) Presents serious conservation or management problems in the fishery; and
- (3) Can be addressed through emergency regulations for which the immediate benefits outweigh the value of advance notice, public comment, and deliberative consideration of the impacts on participants to the same extent as would be expected under the normal rulemaking process.

#### Emergency Justification

If the time it would take to complete notice-and-comment rulemaking would result in substantial damage or loss to a living marine resource, habitat, fishery, industry participants or communities, or substantial adverse effect to the public health, emergency action might be justified under one or more of the following situations:

- (1) Ecological—(A) to prevent overfishing as defined in an FMP, or as defined by the Secretary in the absence of an FMP, or (B) to prevent other serious damage to the fishery resource or habitat; or
- (2) Economic—to prevent significant direct economic loss or to preserve a significant economic opportunity that otherwise might be foregone; or
- (3) Social—to prevent significant community impacts or conflict between user groups; or

(4) Public health—to prevent significant adverse effects to health of participants in a fishery or to the consumers of seafood products.

Dated: August 14, 1997.

**Gary C. Matlock,**

*Acting Assistant Administrator for Fisheries,  
National Marine Fisheries Service.*

[FR Doc. 97-22094 Filed 8-20-97; 8:45 am]

BILLING CODE 3510-22-F

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 285

[Docket No. 970702161-7197-02; I.D. 041097C]

RIN 0648-AJ93

#### Atlantic Highly Migratory Species Fisheries; Import Restrictions

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Final rule.

**SUMMARY:** NMFS amends the regulations governing the Atlantic highly migratory species fisheries to prohibit importation of Atlantic bluefin tuna (ABT) and its products in any form harvested by vessels of Panama, Honduras, and Belize. The amendments are necessary to implement International Commission for the Conservation of Atlantic Tunas (ICCAT) recommendations designed to help achieve the conservation and management objectives for ABT fisheries.

**DATES:** Effective August 20, 1997. Restrictions on Honduras and Belize are applicable August 20, 1997; restrictions on Panama are applicable January 1, 1998.

**ADDRESSES:** Copies of the supporting documentation are available from Rebecca Lent, Chief, Highly Migratory Species Management Division, Office of Sustainable Fisheries (F/SF1), NMFS, 1315 East-West Highway, Silver Spring, MD 20910-3282.

**FOR FURTHER INFORMATION CONTACT:** Chris Rogers or Jill Stevenson, 301-713-2347.

**SUPPLEMENTARY INFORMATION:** The Atlantic tuna fisheries are managed under the authority of the Atlantic Tunas Convention Act (ATCA). Section 971d(c)(1) of the ATCA authorizes the Secretary of Commerce (Secretary) to issue regulations as may be necessary to carry out the recommendations of the

ICCAT. The authority to issue regulations has been delegated from the Secretary to the Assistant Administrator for Fisheries, NOAA (AA).

Background information about the need to implement trade restrictions and the related ICCAT recommendation was provided in the preamble to the proposed rule (62 FR 38246, July 17, 1997) and is not repeated here. These regulatory changes will further NMFS' management objectives for the Atlantic tuna fisheries.

#### Proposed Import Restrictions

In order to conserve and manage North Atlantic bluefin tuna, ICCAT adopted two recommendations at its 1996 meeting requiring its Contracting Parties to take the appropriate measures to prohibit the import of ABT and its products in any form from Belize, Honduras, and Panama. The first recommendation was that its Contracting Parties take appropriate steps to prohibit the import of ABT and its products in any form harvested by vessels of Belize and Honduras as soon as possible following the entry into force of the ICCAT recommendation. Accordingly, the prohibition with respect to these countries is effective August 20, 1997. The second recommendation was that the Contracting Parties take appropriate steps to prohibit such imports harvested by vessels of Panama effective January 1, 1998. This would allow Panama an opportunity to present documentary evidence to ICCAT, at its 1997 meeting or before, that Panama has brought its fishing practices for ABT into consistency with ICCAT conservation and management measures. Accordingly, the prohibition with respect to Panama will become effective January 1, 1998.

Under current regulations, all ABT shipments imported into the United States are required to be accompanied by a Bluefin Statistical Document (BSD). Under this final rule, United States Customs officials, using the BSD, will deny entry into the customs territory of the United States of shipments of ABT harvested by vessels of Panama, Honduras, and Belize and exported after the effective dates of the trade restrictions. Entry will not be denied for any shipment in transit prior to the effective date of trade restrictions.

Upon determination by ICCAT that Panama, Honduras, and/or Belize has brought its fishing practices into consistency with ICCAT conservation and management measures, NMFS will publish a final rule in the **Federal Register** that will remove import restrictions for the relevant party. In



***Southeast Alaska  
Subsistence Regional  
Advisory Council***

**Don Hernandez, Chairman  
1011 E. Tudor Road, MS121  
Anchorage, Alaska 99503-6199**

In Reply Refer To:  
RAC.SE.DP.23001

MAY 12 2023

Anthony Christianson, Chair  
Federal Subsistence Board  
c/o Office of Subsistence Management  
1011 East Tudor Road, Mail Stop 121  
Anchorage, Alaska 99503

Dear Chairman Christianson:

I am writing to you on behalf of the Southeast Alaska Subsistence Regional Advisory Council (Council), to express our continuing concerns for the protection of subsistence fishery resources in international Transboundary River watersheds of the Taku, Stikine, and Unuk Rivers that originate in British Columbia and flow into Southeast Alaska. In a previous letter, dated January 24, 2017, the Council informed the Federal Subsistence Board (Board) that it was encouraged by reports that there had been communications between former Lt. Governor Byron Mallott and Canadian officials regarding interest in and cooperation towards protecting transboundary river watersheds. The Council asked the Board to forward a letter to Lt. Governor Mallott, sharing the Council's concerns about transboundary mining issues, with a request that the Lt. Governor's office send a letter to the Department of State, expressing his desire to work in conjunction with the Alaska Congressional Delegation to advance this issue at the federal and international levels. The Board forwarded the Council's letter of concern and request to the Lt. Governor in 2017, however we did not receive a response. Since that time there has been a change in administration to Governor Dunleavy and Lt. Governor Dahlstrom.

In its FY2021 Annual Report Reply, the Board requested that the Council resubmit their transboundary mining concerns in the form of a new letter to the Board and committed to elevate Council concerns to Lt. Governor Dahlstrom. The Council wishes to start with State support in its endeavor to protect watersheds and fishery resources that are vital to southeast Alaskans. The Council hopes that the Lt. Governor entertains the request for her to engage with the Department of State and Alaska's current Congressional Delegation to seek preemptive solutions.

Therefore, the Council specifically requests that the Board:

- 1) Write a letter to the Lt. Governor regarding large scale mining development in British Columbia, Canada, requesting support from the State to advocate for the protection of the international watersheds and fishery resources for subsistence uses.
- 2) In this letter, include a request for the Lt. Governor to engage with the Department of State and our Congressional Delegation to effectively address this issue.

The Council hopes that, as a result of engagements at these levels of government, the Department of State will take the lead in collaborating with Canada to openly address the transboundary mining issue and proactively resolve the concerns of subsistence users that depend on the health of transboundary rivers.

For your convenience, the Council has prepared and attached a draft letter from the Board to the Lt. Governor. We have also included two resolutions from the Alaska Congressional Delegation to the Secretary of State that enumerate detailed concerns from constituents and their governmental representatives. Please consider including these documents as enclosures to the letter if the Board deems it appropriate.

The Council continues to receive new information on the impacts that mining is having on resources utilized by subsistence users through testimony (also, see attached resolutions: Sitka Resolution 21-21 and Craig Resolution 21-18), and the Council members believe it is important to again alert those who can take action to protect the rivers that Southeast coastal communities rely on for sustainable resources and subsistence uses.

Thank you for supporting the Council's concern for an issue of vital importance to the subsistence needs of Southeast Alaska.

If you have any questions regarding this letter, they can be addressed through our Council Coordinator DeAnna Perry at 907-209-7817 or [deanna.perry@usda.gov](mailto:deanna.perry@usda.gov).

Sincerely,



Donald Hernandez,  
Chair

Enclosures

cc: Federal Subsistence Board  
Southeast Alaska Subsistence Regional Advisory Council Members  
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

**Yukon-Kuskokwim Delta Subsistence Regional Advisory Council**

c/o Office of Subsistence Management  
1011 East Tudor Road, MS 121  
Anchorage, Alaska 99503-6199  
Phone: (907) 786-3888, Fax: (907) 786-3898  
Toll-Free: 1-800-478-1456

In Reply Refer To:  
OSM.23046

MAY 11 2023

Anthony Christianson, Chair  
Federal Subsistence Board  
1011 East Tudor Road, MS 121  
Anchorage, Alaska 99503-6199

Dear Mr. Christianson,

I write to you on behalf of the Yukon-Kuskokwim Delta Subsistence Regional Advisory Council (Council) to ask that the Federal Subsistence Board (Board) elevate to the Secretary of the Interior a request from the Council for fair Council member compensation.

The Council held a public meeting on April 4-6, 2023, in Bethel, Alaska. Among the items discussed was the issue of Council member compensation. 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 (FSMP). The Council requests that the compensation policy for Subsistence Regional Advisory Council members be reviewed and revised.

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). FACA also notes, "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".

Twice a year Subsistence Regional Advisory Council members take time away from their families, jobs, and lives to participate in Council meetings in which they provide their expertise to the FSMP. The local and indigenous knowledge provided by Council members is fundamental to the FSMP and needed by the Board 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. Although most Council members do not hold scientific degrees, they do hold "PhDs of the land" that have been hard-earned through lifetimes of traveling out on the lands, observing their environments, harvesting subsistence resources, and listening to the stories and knowledge of their elders and predecessors.

Currently, Council members receive per diem for the days that they travel away from their home communities to attend meetings. Council members who live within 50 miles of where the meetings take place or who must attend via teleconference do not even receive per diem due to travel policy guidelines. But per diem is not compensation; it merely provides some reimbursement for meals while traveling. The cost of living in Alaska, and especially rural Alaska, is very high. The time Council members take away from their jobs and families to participate in meetings, whether in-person or virtually, are big sacrifices that often result in losses 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 for 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 FSMP by paying a fair, daily rate of compensation to Council members when attending Council meetings or other meetings as Council representatives.

The Council would like to thank you in advance for forwarding our request for Council member compensation to the Secretary. If you have any questions or would like to follow up, please contact me through our Subsistence Council Coordinator Brooke McDavid at (907) 891-9181 or [brooke\\_mcdavid@fws.gov](mailto:brooke_mcdavid@fws.gov).

Sincerely,



Raymond Oney  
Chair

Enclosure

cc: Federal Subsistence Board  
Yukon-Kuskokwim Delta Subsistence Regional Advisory Council Members  
Office of Subsistence Management  
Interagency Staff Committee  
Administrative Record