



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 A24073

Honorable Deb Haaland
Secretary of the Interior
U.S. Department of the Interior
Office of the Secretary
1849 C Street, Northwest
Washington, DC 20240

Honorable Thomas J. Vilsack
Secretary of Agriculture
U.S. Department of Agriculture
Office of the Secretary
1400 Independence Avenue, Southwest
Washington, DC 20250

Dear Secretaries Haaland and Vilsack:

The Federal Subsistence Board (Board) is writing to inform you of requests from your appointees on all ten Subsistence Regional Advisory Councils (Councils) to establish uniform fair rates of compensation for the Subsistence Regional Advisory Council members time, traditional ecological knowledge, and expertise while attending Council meetings.

The Board has previously brought this issue to your attention in a letter sent to the Secretaries on February 9, 2024. This topic was also discussed during an in-person meeting between the Secretary of the Interior and the Board during her October 2023 visit to Alaska and was further detailed in a follow-up memo from the Board to the Secretary of the Interior dated November 29, 2023.

Pursuant to Section 805 of the Alaska National Interest Lands Conservation Act (ANILCA), Councils are authorized to be a forum for the expression of opinions and recommendations about management of subsistence fish and wildlife resources in their regions. The ten Councils met during the All-Council Meeting March 5-8, 2024, in Anchorage, Alaska. They discussed the issue of Council member compensation and their need to receive a daily, uniform fair rate of

compensation for the time, local and Indigenous knowledge, and expertise they provide to the Federal Subsistence Management Program (Program) during their semiannual Council meetings. The Councils wrote to the Board and requested that the Board forward their letter to you because, pursuant to the Federal Advisory Committee Act (FACA), the agency head has the authority to establish uniform fair rates of compensation for comparable services of advisory committee members. All Councils are statutory advisory committees established by the authority of ANILCA and chartered under FACA.

Council members receive no compensation for the time they spend attending Council meetings or the expertise and knowledge they provide to the Program. The cost of living in rural Alaska is very high. Council members sacrifice time away from their jobs and families to participate in Council and Board meetings and to develop recommendations on proposals to change Federal fish and wildlife subsistence regulations on Federal public lands. These sacrifices result in loss of income and subsistence harvest opportunities. Many Councils have ongoing vacancies and are struggling to recruit applicants, not because there is a lack of interest, but because many rural Alaskans cannot afford the financial consequences of donating their time to Council meetings and the Program.

Providing compensation in the form of a stipend or honoraria for attending meetings is a common best practice across Alaska and a way of acknowledging the important knowledge and expertise provided during the meetings. There are 10 Federal Subsistence Regional Advisory Councils, each with 10 to 13 members, totaling 109 volunteers. Each Council meets twice a year for 2-3 days. A daily stipend during the meeting days at a GS-12 level would cost approximately \$175,000/year. The total amount would support the essential recommendations and contributions of subsistence and commercial/sport user group representatives and traditional knowledge holders. The current Office of Subsistence Management budget could not absorb this cost; additional funding would be needed to cover Council member compensation.

Enclosed you will find two letters from the Councils containing their requests and justification for a review of the current Council member compensation policy. Also enclosed is previous correspondence from the Board on this topic as well as an excerpt from 41 CFR Subpart C regarding Advisory Committee Compensation.

The Board thanks you for your consideration and requests that you respond with a point of contact from your office for follow up on this important topic. If you have any questions regarding this letter, please direct them to the Office of Subsistence Management Policy Coordinator Robbin La Vine, robbin_lavine@ios.doi.gov or 907-206-0900. We look forward to hearing from you and working with you on this issue.

Sincerely,



Anthony Christensen
Board Chair

- Enclosures:
1. Nine RAC Letter – Council Compensation (April 2024)
 2. SERAC Letter – Council Compensation (May 2024)
 3. FSB Letter to Secretaries re Council Compensation (Feb. 2024)
 4. YKDRAC Letter – Council Compensation (May 2023)
 5. FSB Memo to Secretary of Interior – FSMP Needs (Nov. 2023)
 6. 41 CFR Subpart C Excerpt – Advisory Committee Compensation
 7. WIRAC Letter – Council Compensation (July 2024)

cc: Federal Subsistence Board
Interagency Staff Committee
Office of Subsistence Management
Southeast Alaska Regional Advisory Council
Southcentral Alaska Regional Advisory Council
Kodiak/Aleutians Regional Advisory Council
Bristol Bay Regional Advisory Council
Yukon-Kuskokwim Delta Regional Advisory Council
Western Interior Alaska Regional Advisory Council
Seward Peninsula Regional Advisory Council
Northwest Arctic Regional Advisory Council
Eastern Interior Alaska Regional Advisory Council
North Slope Regional Advisory Council
Administrative Record

Southcentral Alaska, Kodiak/Aleutians, Bristol Bay, Yukon-Kuskokwim Delta, Western Interior Alaska, Seward Peninsula, Northwest Arctic, Eastern Interior Alaska, and North Slope Subsistence Regional Advisory Councils

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.24047

APRIL 3 2024

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

Dear Chair Christianson,

We write to you on behalf of Southcentral Alaska, Kodiak/Aleutians, Bristol Bay, Yukon-Kuskokwim Delta, Western Interior Alaska, Seward Peninsula, Northwest Arctic, Eastern Interior Alaska, and North Slope Subsistence Regional Advisory Councils (Councils) to ask that the Federal Subsistence Board (Board) elevate to the Secretaries of Agriculture and the Interior a request from the Councils for fair Council member compensation.

The ten Subsistence Regional Advisory Councils met during the All-Council Meeting March 5-8, 2024, in Anchorage Alaska. Among the items discussed was the issue of Council member compensation. Currently, Council members receive no compensation for the time they spend participating in Council meetings or the knowledge and expertise they provide to the Federal Subsistence Management Program (FSMP) during such meetings. The Councils request that a compensation policy and rates of compensation for Subsistence Regional Advisory Council members be established.

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".

At least 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 knowledge and expertise to the FSMP. Additionally, Council Chairs or their representatives attend Board meetings at least once a year and may periodically attend other Federal and State regulatory meetings or participate in other planning or advisory groups on behalf of their Councils. 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 and Board 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 and sharing 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. Per diem is not compensation; it merely provides some reimbursement for meals, incidentals, and lodging 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 the FSMP 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 Councils respectfully ask 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 regardless of how far they have to travel to such meetings.

The Councils would like to thank you in advance for forwarding our request for Council member compensation to the Secretaries and requesting they reply to the Councils. If you have questions or would like to discuss this further, please contact Katerina Wessels, Council Coordination Division Supervisor, Office of Subsistence Management, at 1-800-478-1456 or (907) 786-3885 or katerina_wessels@fws.gov.

Sincerely,



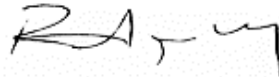
Richard Encelewski, Chair
Southcentral Alaska
Regional Advisory Council



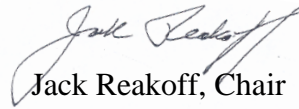
Rebecca Skinner, Chair
Kodiak/Aleutians
Regional Advisory Council



Nanci Morris Lyon, Chair
Bristol Bay
Regional Advisory Council



Raymond Oney, Chair
Yukon-Kuskokwim Delta
Regional Advisory Council



Jack Reakoff, Chair
Western Interior Alaska
Regional Advisory Council



Louis Green, Chair
Seward Peninsula
Regional Advisory Council



Thomas Baker, Chair
Northwest Arctic
Regional Advisory Council



Robert Wright Sr., Chair
Eastern Interior Alaska
Regional Advisory Council

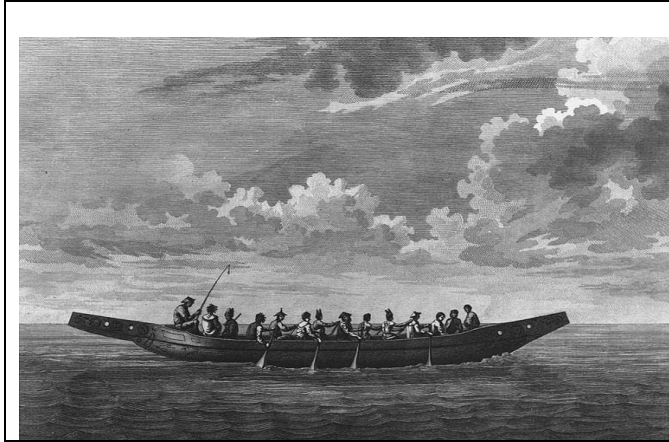


Brower Frantz, Chair
North Slope
Regional Advisory Council

Enclosures:

1. FACA Excerpt 41 CFR 102-3.130
2. Federal Subsistence Board Letter to the Secretaries re: Council Compensation
3. Yukon-Kuskokwim Delta Council Letter to the Board re: Compensation
4. 41 CFR Subpart C

cc: Federal Subsistence Board
Southcentral Alaska Regional Advisory Council
Kodiak/Aleutians Regional Advisory Council
Bristol Bay Regional Advisory Council
Yukon-Kuskokwim Delta Regional Advisory Council
Western Interior Alaska Regional Advisory Council
Seward Peninsula Regional Advisory Council
Northwest Arctic Regional Advisory Council
Eastern Interior Alaska Regional Advisory Council
North Slope Regional Advisory Council
Office of Subsistence Management
Interagency Staff Committee
Administrative Record



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

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

**In Reply Refer To:
OSM.24056**

MAY 21 2024

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

Dear Chair Christianson:

I am writing to you on behalf of the Southeast Alaska Subsistence Regional Advisory Council (SE Council) to add our voice to recent requests made for the monetary compensation for Regional Advisory Council members' time. The SE Council requests that you forward this letter to the Secretaries of the Interior and Agriculture (Secretaries) for consideration.

During the All-Council Meeting held March 5–8, 2024, the SE Council was reminded that in May 2023, the Yukon-Kuskokwim Delta Subsistence Regional Advisory Council submitted a letter regarding compensation for Council members' time to the Federal Subsistence Board (Board) to be elevated to Secretary of the Interior. Nine Regional Advisory Councils then voted to send a follow-up joint Council letter on this subject. The SE Council decided that, in addition to supporting the request for Council member's time compensation, it would also provide additional details for the Board and Secretaries to contemplate.

Pursuant to 41 C.F.R. § 102-3.130(f), compensation considerations should include the significance, scope, and technical complexity of the matters being addressed and the qualifications required for the work involved. This section also states that "the agency should take into account the rates of pay applicable to Federal employees who have duties that are similar in terms of difficulty and responsibility."

The SE Council members often work on an equal basis with various Federal staff on the tasks essential implementation of the Federal Subsistence Management Program (Program) mission in Alaska. For example, the SE Council members meet with Federal biologists or anthropologists

to share information, develop proposals, and explore policies and regulations in considering management strategies.

Discussions throughout all 10 of the Regional Advisory Council meetings highlight how the exchange of western science information and traditional ecological knowledge is integral to the Program's work. Sound management decisions for subsistence resources cannot be made solely based on western science and data. When it comes to the fish and wildlife that Alaska rural residents depend upon, there is no substitute for the depth of understanding, historical knowledge, first-hand experiences, traditional practices, and cultural wisdom that the members who serve on the Regional Advisory Councils bring. Thus, the contributions of Council members are comparable to those of Federal employees and, therefore, the Secretaries should establish rates of pay for Council members' time based on the pay these members would receive if they were employed by the Federal government for this type of work.

As part of their consideration, the Secretaries should also recognize the obligations that Council members have in their daily lives and the sacrifices they make to serve on the Regional Advisory Councils. Council members unselfishly serve because they believe they can provide the perspective and direct experience necessary to help the Program manage subsistence fish and wildlife resources; however, it is becoming more difficult for these dedicated members to make the commitments necessary to perform their duties due to the economic and personal strain it puts on their families.

Council members surrender financial income and irreplaceable time away from their families to work on Council business, and this is a credit to their devotion and commitment to service. To help understand these considerable impacts made on a Council member's life, the SE Council would like to provide specific information based on our own regional experiences. However, we are confident that all 10 Regional Advisory Councils, made up of such committed subsistence users, are making similar sacrifices:

- **Time to attend 2- or 3-day Council meetings twice a year:** Meetings are often held in remote rural communities requiring bookend days of travel for each meeting, making meeting attendance a 4 –5-day commitment. Rural Alaska poses real travel challenges and trips by small planes and ferries are often required. At times, a 2-day meeting would take a week because there are only 1-2 flights a week available from many communities. Weather delays often strand travelers. Inadequate road systems and the need for some travelers to make part of their journey by boat or snowmachine adds even more time to meeting attendance commitments. The time needed for travel and the complex travel logistics for a meeting can be a significant challenge to a Council member's attendance.
- **Time to Prepare for Council meetings:** The volume of materials that Council members are expected to review prior to meetings can result in the commitment of several hours/days of time. The information is detailed and extensive with meeting books ranging from 100 – 300 pages. It takes a significant amount of time to read and digest that amount of material to be prepared to discuss the issues at the meeting. In many

cases, Council members also take time to reach out to their community members after reading analyses, to gain additional perspective to bring with them to the meeting.

- **Time away from family and household obligations:** As noted above, Council members are away from their families/homes on average 4 – 5 days, twice a year, to attend the Council meetings, as well as the time spent in preparation. This often results in an extra burden on the partner/family when the Council member is engaged in Council business. Most Council members are rural residents, and many live the subsistence way of life. Time away from home can literally affect the amount of food on the table and of supplies prepared to heat the home. In addition, Council members may have to decline invitations to noteworthy events (birthdays/children’s school programs, house/barn raising events, dedicated hunting for elders, and preparing/preserving activities) within the family, neighbor, and village units.
- **Time away from community:** Many of our Council members are the most active citizens in their communities. For the Southeast Alaska, we have had two individuals serve as mayors of their respective communities, another has served on the school board, and several currently serve in various capacities within their Tribal organizations. Numerous Council members also serve on their local Alaska Department of Fish and Game Advisory Committees. These are additional personal obligations for community and overall resource management benefit that Council members must prioritize in order to serve on a Regional Advisory Council.
- **Time spent participating as Council representatives for subsistence-related meetings:** Council members engage in related tasks as representatives of the Council. Below are a few SE Council examples that have occurred over just the past year or so:
 - **Board meetings:** The Council Chair or Vice-Chair attends the regulatory Federal Subsistence Board meeting each year. Time away from family, loss of income, and substantial preparatory time is required for him/her to be prepared to engage in the meeting, provide a regional report to the Board, present the Council’s recommendations on pending proposals, and answer questions as necessary. Earlier this month, the Board meeting materials devoted solely to Southeast proposals was over 500 pages!
 - **Species Workshop:** A Council member attended last year’s four-day Caribou Workshop/Arctic Ungulate Conference. The Council representative spent a total of six days traveling to/from and attending this conference. From his engagement, he was able to provide input at the session and then bring back educational information to the Council.
 - **North Pacific Fishery Management Council (NPFMC):** A Council member was voted to represent the Council’s position on unguided fishermen at two NPFMC meetings. He worked closely with the Council Coordinator, reviewed several documents regarding past Council actions, and then provided virtual

testimony during the NPFMC Advisory Panel work. This Council member continues with his representation and will contribute to future NPFMC meetings.

- **Aquaculture Workshop:** Another Council member was voted to represent the Council's interest regarding local subsistence areas in the identification of Aquaculture Opportunity Areas in Southeast Alaska. This member spent four days traveling to and attending the workshop to provide input, which may be vital to secure the protection of key subsistence resource areas in the region.
- **Alaska Boards of Fisheries and Game:** In the last two years, SE Council members presented the Council's extensive comments on the proposed changes to the State's management of resources. One Council member spent four days in 2022 traveling and testifying to the Alaska Board of Fisheries on 19 fish proposals. In 2023, another Council member spent five days traveling and testifying to the Alaska Board of Game on 24 wildlife proposals. It is widely known that one must appear in person at the state meetings to adequately have your voice heard. The Council's in-person engagement is critical at these meetings in a state where there is dual management (federal/state) of so many subsistence assets.

In addition to the commitment and service these Council members give during their regular Council work, the Secretaries should consider compensating Council members for **all** events where they represent the Council and spend time sharing their exceptional expertise and vast knowledge regarding subsistence-related matters.

Finally, the Council also echoes the concerns of other Regional Advisory Councils that the current travel regulations prohibit any compensation to a local member for travel if the meeting is within a 50-mile radius of a member's residence. Local council members expend costs for fuel and food-on-the-go when attending these meetings but receive no reimbursement. The costs for both are extremely high in Alaska, especially in remote communities. On average, gas prices across Alaska can be \$.80 to \$3.00+ over the national average, depending on the remoteness of the community. Food costs overall in a village where milk is over \$10 a gallon can have a significant impact on a council member's finances.

Local Council members should receive the same consideration extended to USDA federal employees under the Local Travel Policy memorandum dated March 8, 2024, which states "As indicated in DR 2300-005, the Agricultural Travel Regulation, local travel expenses that are normally incurred are reimbursed. Per diem expenses are not normally paid in the local travel area; however, there may be extenuating circumstances whereby these expenses may be allowable." Similarly, in a U.S. Government Accountability Office Decision, U.S. Department of Interior-Reimbursement of Transportation Expenses, B-329479 (December 22, 2020), it was found that an Interior federal employee could be reimbursed for certain local travel costs because the employee's travel primarily benefitted the Interior. Likewise, a Council members' engagement at meetings is clearly to the benefit of our Federal program and to the subsistence users they represent. Why wouldn't the same courtesy that is extended to federal employees be

extended to our Council members? It seems unfair to diminish their dedication and commitment to serve Alaska's federally qualified subsistence users in this way.

The Council appreciates your time in reviewing its concerns about how our Council members are de-valued through the current 'volunteer' system and hopes that the Board will also lend its support in these Councils' requests for a reasonable compensation system. One that will help keep the quality people we currently have serving on the Regional Advisory Councils and one that will fix the error of not paying exceptionally competent individuals to serve on these essential Federal Advisory Committee Act committees. Further, the Council asks that you forward this letter and attachments to the Secretaries for their serious attention, and we request that you encourage them to take action. The Council looks forward to hearing from you and the Secretaries regarding compensation options available for all Regional Advisory Council members.

If you have any questions regarding this letter, please contact me via DeAnna Perry, Subsistence Council Coordinator, USDA – Forest Service, at deanna.perry@usda.gov, or 1-800-478-1456 or 907-209-7817.

Sincerely,



Don Hernandez,
Chair

Enclosures: Joint Council letter re: compensation with 4 enclosures (*April 3, 2024*)
USDA Local Travel Policy Memorandum (*March 8, 2024*)
U.S. GAO Decision, B-329479 (*December 22, 2020*)

cc: Federal Subsistence Board
All Subsistence Regional Advisory Councils
Office of Subsistence Management
Interagency Staff Committee
Administrative Record



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 23145

FEB 09 2024

Honorable Deb Haaland
Secretary of the Interior
U.S. Department of the Interior
Office of the Secretary
1849 C Street, Northwest
Washington, DC 20240

Honorable Thomas J. Vilsack
Secretary of Agriculture
U.S. Department of Agriculture
Office of the Secretary
1400 Independence Avenue, Southwest
Washington, DC 20250

Dear Secretaries Haaland and Vilsack:

The Federal Subsistence Board (Board) is writing to inform you of a request from your appointees on the Yukon-Kuskokwim Delta Subsistence Regional Advisory Council (Council) to establish uniform fair rates of compensation for the Subsistence Regional Advisory Council members while attending Council meetings.

Pursuant to Section 805 of the Alaska National Interest Lands Conservation Act (ANILCA), Subsistence Regional Advisory Councils are empowered to be a forum for the expression of opinions and recommendations about management of subsistence fish and wildlife resources in their regions. During a public meeting held in April 2023, the Council discussed the issue of Council member compensation and their need to receive a daily, uniform fair rate of compensation for the time, local and indigenous knowledge, and expertise they provide to the Federal Subsistence Management Program (Program) during their semi-annual Council meetings. The Council wrote to the Board and requested that the Board forward their letter to you because, pursuant to the Federal Advisory Committee Act (FACA), the agency head has the authority to establish uniform fair rates of compensation for comparable services of advisory

committee members. All Subsistence Regional Advisory Councils are statutory advisory committees established by the authority of ANILCA and chartered under FACA.

Council members receive no compensation for the time they spend attending Council meetings or the expertise and knowledge they provide to the Program. The cost of living in rural Alaska is very high. Council members sacrifice time away from their jobs and families to participate in Council and Board meetings and to develop recommendations on Federal fish and wildlife subsistence management on Federal public lands. These sacrifices result in loss of income and subsistence harvest opportunities. Many Councils have ongoing vacancies and are struggling to recruit applicants, not because there is a lack of interest, but because many rural Alaskans cannot afford the financial consequences of donating their time to Council meetings and the Program.

Receiving compensation while attending the Council meetings twice a year through stipends or honoraria is a common best practice. There are 10 Federal Subsistence Regional Advisory Councils, each with 10 to 13 members, totaling 109 volunteers. A daily stipend during the meeting days at a GS-12 level would cost approximately \$175,000/year. The total amount would support the essential recommendations and contributions of subsistence and commercial/sport user group representatives and traditional knowledge holders. The current Office of Subsistence Management budget could not absorb this cost; additional funding would be needed to cover Council member compensation.

Enclosed you will find a letter from the Council containing their request and justification for a review of the current Council member compensation policy. Please note a copy of the Council's letter was also enclosed in the Board's memo to Secretary Haaland as it related to Federal Subsistence Management Program Needs dated November 29, 2023.

The Board thanks you for your consideration and requests that you respond with a point of contact from your office for follow up on this important topic. If you have any questions regarding this letter, please direct them to the Office of Subsistence Management Policy Coordinator Robbin La Vine, robbin_lavine@fws.gov, (907) 786-3353. -We look forward to hearing from you and working with you on this issue

Sincerely,



Anthony Christianson
Chair

Attachments: R5 YKDRAC Letter to Board re Compensation
FACA excerpt 41 CFR 102-3.130

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

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



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

41 CFR Subpart C – How Are Advisory Committees Managed? [excerpt]

§ 102–3.105 What are the responsibilities of an agency head?

The head of each agency that establishes or utilizes one or more advisory committees must:

....

(f) Determine that rates of compensation for members (if they are paid for their services) and staff of, and experts and consultants to advisory committees are justified and that levels of agency support are adequate;

§ 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.

Appendix A to Subpart C [excerpt]

Key points and principles	Section	Question(s)	Guidance
III. An agency may compensate advisory committee members and staff, and also employ experts and consultants.	102–3.130(d), 102–3.130(e), 102–3.130(g).	1. May members and staff be compensated for their service or duties on an advisory committee? 2. Are the guidelines the same for compensating both members and staff? 3. May experts and consultants be employed to perform other advisory committee work?	A. The answer to question 1 is yes. (i) However, FACA limits compensation for advisory committee members and staff to the rate for level IV of the Executive Schedule, unless higher rates expressly are allowed by other statutes. (ii) Although FACA provides for compensation guidelines, the Act does not require an agency to compensate its advisory committee members. B. The answer to question 2 is no. The guidelines for compensating members and staff are similar, but not identical. For example, the

			<p>differences are that: (i) An agency “may” pay members on either an hourly or a daily rate basis, and “may not” provide additional compensation in any form, such as bonuses or premium pay; while (ii) An agency “must” pay staff on an hourly rate basis only, and “may” provide additional compensation, 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.</p> <p>C. The answer to question 3 is yes. Other work not part of the duties of advisory committee members or staff may be performed by experts and consultants. For additional guidance on the employment of experts and consultants, agencies should consult the applicable regulations issued by the U. S. Office of Personnel Management (OPM). (See 5 CFR part 304.)</p>
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Western Interior Alaska 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: 1-907-786-3898

Toll Free: 1-800-478-1456

In reply refer to:

OSM.A24091

JULY 12 2024

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

Dear Chair Christianson:

I am writing to you on behalf of the Western Interior Alaska Subsistence Regional Advisory Council (Council) to add additional voices to recent requests made for the monetary compensation for Regional Advisory Council members' time. The Council requests that you forward this letter to the Secretaries of the Interior and Agriculture (Secretaries) for consideration.

During the All-Council Meeting held March 5–8, 2024, the Council was reminded that in May 2023, the Yukon-Kuskokwim Delta Subsistence Regional Advisory Council submitted a letter regarding compensation for Council members' time to the Federal Subsistence Board (Board) to be elevated to Secretary of the Interior. Nine Regional Advisory Councils then voted to send a follow-up joint Council letter on this subject. The Council decided that, in addition to supporting the request for Council member's time compensation, it would also provide additional details for the Board and Secretaries to contemplate.

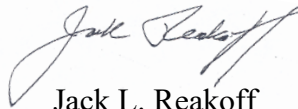
Council members volunteer our time in order to ensure our subsistence way of life continues, but that does not mean that this status quo should continue. Time spent preparing for, traveling to, and attending Council and Board meetings is time spent away from our families, communities, and our jobs. Council members forgo participation in time sensitive subsistence food gathering and preserving activities to attend Council and Board meetings. Council members also suffer lost wages or the loss of earned paid time off to attend these meetings. Additionally, this lack of compensation likely discourages individuals that would bring great value to the Federal Subsistence Management Program (FSMP) from applying to serve on their Regional Advisory Councils.

The Council members believe that their role in the program is not just an advisory role, but also a decision maker role as the Board and the FSMP gives them deference. Therefore, the Councils do not fully fall under the Federal Advisory Committee Act (FACA), which should be taken into consideration when discussions happen about Council compensation. The Board relies upon

recommendations made by the Councils when making decisions on regulatory proposals and closures that affect the ability of hundreds of rural Alaskans to subsist. Board decisions affect our ability to continue to reside in rural Alaska, as well as to continue to pass down our knowledge and our way of life to the next generation. The knowledge and expertise Council members provide is immensely important to both rural Alaskans and the FSMP. Council member input and involvement should not be taken for granted. Financial compensation is needed in order to retain current Council members and recruit new ones as well as to encourage all members to engage in the FSMP in a meaningful way.

The Council would like to thank you in advance for taking the views of the Council into consideration. Any questions or comments regarding this matter can be addressed to me or through our Council Coordinator Nissa Pilcher at (907) 891-9054 or, nissa_pilcher@fws.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Jack Reakoff". The signature is fluid and cursive, with a large initial "J" and "R".

Jack L. Reakoff
Chair

cc: Federal Subsistence Board
Office of Subsistence Management
Western Interior Alaska Subsistence Regional Advisory Council
Interagency Staff Committee
Administrative Record