



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

Federal Subsistence Board

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



FOREST SERVICE

In Reply Refer To:
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APR 26 2023

Fisheries and Aquatic Resources Branch Manager
U. S. Fish and Wildlife Service
Northern Alaska Fish and Wildlife Field Office
101 12th Avenue, Room 222
Fairbanks, Alaska 99701

Dear Fisheries and Aquatic Resources Branch Manager:

This letter delegates specific regulatory authority from the Federal Subsistence Board (Board) to the Northern Alaska Fish and Wildlife Field Office's Branch Manager for Fisheries and Aquatic Resources (Fisheries and Aquatic Branch Manager) to issue emergency and temporary special actions (special actions) if necessary to ensure the conservation of a healthy fish population, to continue subsistence uses of fish, for the continued viability of a fish population, or for public safety reasons. This delegation only applies to Federal public waters subject to the Alaska National Interest Lands Conservation Act (ANILCA) Title VIII jurisdiction in the Yukon River Drainage, including the Arctic National Wildlife Refuge.

It is the intent of the Board that Federal subsistence fisheries management by designated Federal officials be coordinated, prior to implementation, with the representatives from Regional Advisory Councils (Councils), the Office of Subsistence Management (OSM), and the Alaska Department of Fish and Game (ADF&G), to the extent possible. Managers will use OSM to ensure proposed actions are technically and administratively aligned with legal mandates and policies and to facilitate communication of actions. Federal managers are expected to work with managers from the State and other Federal agencies, Council Chair(s) and applicable Council members, local tribes, and Alaska Native Corporations to minimize disruption to subsistence resource users and existing agency programs, consistent with the need for special action.

DELEGATION OF AUTHORITY

1. Delegation: The Fisheries and Aquatic Branch Manager is hereby delegated authority to issue special actions affecting fisheries in Federal public waters as outlined under the **Scope of Delegation** below. A public hearing is required before implementing a temporary special action. A public hearing is recommended for an emergency special action, but it is not required. Special actions are governed by regulation at 36 CFR 242.19 and 50 CFR 100.19.

2. Authority: This delegation of authority is established pursuant to 36 CFR 242.10(d)(6) and 50 CFR 100.10(d)(6), which state: “The Board may delegate to agency field officials the authority to set harvest and possession limits, define harvest areas, specify methods or means of harvest, specify permit requirements, and open or close specific fish or wildlife harvest seasons within frameworks established by the Board.”

3. Scope of Delegation: The regulatory authority hereby delegated is limited to the issuance of special actions as defined by 36 CFR 242.19 and 50 CFR 100.19. An emergency action may not exceed 60 days and may not be extended through another emergency special action. A temporary special action may exceed 60 days but may not extend beyond the end of the current fisheries regulatory cycle.

This delegation permits you to issue special actions to open or close Federal subsistence fishing periods or areas provided under codified regulations, to specify methods and means, and to set harvest and possession limits for Federal subsistence fisheries.

This delegation also permits you to issue special actions to close and re-open Federal public waters to non-subsistence fishing, but it does not permit you to specify methods and means, permit requirements, or harvest and possession limits for State-managed fisheries.

This delegation may be exercised only when it is necessary to conserve healthy fish populations, to continue subsistence uses, for reasons of public safety, or to ensure the continued viability of populations.

In addition, you may issue special actions to open or close Federal public waters on transboundary rivers to the taking of fish for subsistence or non-subsistence uses to comply with the terms of the Pacific Salmon Treaty.

You are also permitted to specify permit conditions outside of the special action process, provided those permit conditions do not already appear in regulation, are not related to the take of fish, and are not related to areas or periods open to fishing. Permit conditions are not a substitute for the public process to generate regulations regarding take. You may not collect additional information from the public that has not been approved by the Office of Management and Budget (OMB).

All other proposed changes to codified regulations, such as customary and traditional use determinations, shall be directed to the Board.

The Federal public waters subject to this delegated authority are those within the Yukon River Drainage, including the Arctic National Wildlife Refuge (as described in the Subsistence

Management Regulations for the Harvest of Fish and Shellfish on Federal Public Lands and Waters in Alaska). You will coordinate all local fishery decisions with all affected Federal land managers.

4. Effective Period: This delegation of authority is effective from the date of this letter and continues until superseded or rescinded.

5. Guidelines for Review of Proposed Special Actions: You will use the following guidelines to determine the appropriate course of action when reviewing proposed special actions.

- a) Does the proposed special action fall within the geographic and regulatory scope of delegation?
- b) Have you communicated with OSM to ensure the special action is aligned with ANILCA Title VIII, Federal subsistence regulations, and policy?
- c) Does the proposed action need to be implemented immediately as a special action, or can the desired conservation or subsistence use goal be addressed by deferring the issue to the next regulatory cycle?
- d) Does the supporting information in the proposed special action substantiate the need for the action?
- e) Are the assertions in the proposed special action confirmed by available current biological information and/or by affected subsistence users?
- f) Is the proposed special action supported in the context of available historical information on stock status and harvests by affected users?
- g) Is the proposed special action likely to achieve the expected results?
- h) Have the perspectives of the Chair or alternate of the affected Council(s), OSM, and affected State and Federal managers been fully considered in the review of the proposed special action?
- i) Have the potential impacts of the proposed special action on all affected federally qualified subsistence users and non-federally qualified users within the drainage been considered?
- j) Can public announcement of the proposed special action be made in a timely manner to accomplish the management objective?

k) After evaluating all information and weighing the merits of the special action against other actions, including no action, is the proposed special action reasonable, rational, and responsible?

6. Guidelines for Delegation: You will become familiar with the management history of the fisheries in the region and be up to date with the current State and Federal regulations, management plans, and stock status, and harvest information.

You will provide subsistence users in the region a local point of contact about Federal subsistence fishery issues and regulations and facilitate a local liaison with State managers and other user groups. Consultation is not always possible for in-season management decisions and special actions; however, to the extent practicable, communication with stakeholders will take place before decisions are implemented. You will also establish meaningful and timely opportunities for government-to-government consultation related to pre-season and post-season management actions as established in the Board's Government to Government Tribal Consultation Policy (Federal Subsistence Board Government to Government Tribal Consultation Policy 2012 and Federal Subsistence Board Policy on Consultation with Alaska Native Claims Settlement Act Corporations 2015).

You will review special action requests or situations that may require a special action and all supporting information to determine (1) consistency with 36 CFR 242.19 and 50 CFR 100.19, (2) if the request/situation falls within the scope of your delegated authority, (3) if significant conservation problems or subsistence harvest concerns are indicated, and (4) what the consequences of taking an action or no action may be on potentially affected subsistence uses and non-subsistence uses. Requests not within your delegated authority will be forwarded to the Board for consideration.

You will maintain a record of all special action requests and justification of your decisions. A copy of this record will be provided to the Administrative Records Specialist at OSM no later than 60 days after development of the document.

You will immediately notify the Board through the Assistant Regional Director for OSM, and coordinate with the Chair or alternate of the affected Council(s), local ADF&G managers, and other affected Federal conservation unit managers concerning special actions being considered.

If the timing of a regularly scheduled meeting of the affected Council(s) permits without incurring undue delay, you may seek Council recommendations on the proposed special action. If the affected Council(s) provided a recommendation, and your action differs from that recommendation, you will provide an explanation in writing in accordance with 50 CFR 100.10(e)(1) and 36 CFR 242.10(e)(1).

You will issue decisions in a timely manner. Before the effective date of any decision, reasonable efforts will be made to notify Council representatives, the public, OSM, affected State and Federal managers, and law enforcement personnel. If an action is to supersede a State action not yet in effect, the decision will be communicated to Council representatives, the public, OSM, and State and Federal managers at least 24 hours before the State action would be effective. If a decision to take no action is made, you will notify the proponents of the request immediately.

You may defer a special action request, otherwise covered by this delegation of authority, to the Board when the proposed management action will significantly impact a large number of Federal subsistence users or is particularly controversial. These options should be exercised judiciously and only when sufficient time allows. Such deferrals should not be considered when immediate management actions are necessary for conservation purposes. The Board may determine that a special action request may best be handled by the Board, subsequently rescinding the delegated authority for the specific action only.

7. Reporting: You must provide to the Board, through the Assistant Regional Director for OSM, a report describing the pre-season coordination efforts, local fisheries management decisions, and post-season evaluation activities for the previous fishing season by November 15. A summary of special action requests and your resultant actions must be provided to the coordinator of the appropriate Council(s) at the end of the calendar year for presentation during regularly scheduled Council meetings.

Should you have any questions about this delegation of authority, please feel free to contact the Assistant Regional Director for OSM at toll-free 1-800-478-1456 or (907) 786-3888.

Sincerely,



Anthony Christianson
Chair Federal Subsistence Board

Enclosures: Maps of the Yukon River Drainage, including the Arctic National Wildlife Refuge

cc: Federal Subsistence Board
Office of Subsistence Management
Yukon-Kuskokwim Delta Subsistence Regional Advisory Council
Western Interior Subsistence Regional Advisory Council
Eastern Interior Subsistence Regional Advisory Council
Superintendent, Gates of the Arctic National Park and Preserve and
Yukon-Charley Rivers National Preserve
Manager, Yukon Delta National Wildlife Refuge
Superintendent, Denali National Park and Preserve
Manager, Alaska Maritime National Wildlife Refuge
Manager, Arctic National Wildlife Refuge
Manager, Kanuti National Wildlife Refuge
Manager, Koyukuk/Nowitna/Innoko National Wildlife Refuge Complex
Manager, Tetlin National Wildlife Refuge
Manager, Yukon Flats National Wildlife Refuge
Field Manager, Bureau of Land Management, Northern District Office
Steese National Conservation Areas and White Mountain National Recreation Area
Assistant Regional Director, Law Enforcement U.S. Fish and Wildlife Service (Region 7)

Fisheries and Aquatic Branch Manager

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Deputy Commissioner, Alaska Department of Fish and Game
Interagency Staff Committee
Administrative Record