

Proposed Revisions to Wildlife Delegation of Authority Letters
April 2018

In 2015, administrative revisions were applied to all of the wildlife delegation of authority letters to make them as consistent as possible in terms of verbiage. All of the revised letters went through internal Office of Subsistence Management (OSM) review and were also reviewed by the Interagency Staff Committee. Since that time, and as new letters have been developed in association with more recent wildlife regulatory cycles, some discrepancies and questions of scope have come to light. The following are “Scope of Delegation” revisions/additions OSM requests that the Federal Subsistence Board consider and take action on during the April public meeting:

1. Restrictions/Closures to Nonsubsistence Uses: The following verbiage was included in the Scope of Delegation section in all wildlife delegation of authority letters during the 2015 administrative revision process: “All other proposed changes to codified regulations, such as customary and traditional use determinations, adjustments to methods and means of take, ***or closures and restriction for take by only non-Federally qualified users shall be directed to the Federal Subsistence Board.***”
 - This language specifically prohibits Federal Managers with delegated authority from the Federal Subsistence Board from issuing closures that affect only non-Federally qualified subsistence users. With this language in place, all such actions must be deferred to the Federal Subsistence Board.
 - Currently, Federal fisheries inseason managers with delegated authority from the Federal Subsistence Board may “...close and re-open Federal public waters to nonsubsistence fishing...” but may not “...specify methods and means, permit requirements, or harvest and possession limits for State-managed fisheries.”
 - OSM proposes to remove the bolded language above and add the following: “This delegation also permits you to close and re-open Federal public lands to nonsubsistence hunting, but does not permit you to specify methods and means, permit requirements, or harvest and possession limits for State-managed hunts.” (see attached letter).
 - This revision would facilitate Federal managers’ efforts to implement a stepped approach to the Federal subsistence prioritization process and would increase consistency between wildlife and fisheries delegation of authority from the Federal Subsistence Board.

2. Delegation of authority to the Assistant Regional Director (ARD) of OSM: Currently, the ARD of OSM has delegated authority from the FSB to issue emergency wildlife special actions. The original letter of delegated authority included language stipulating that this ability to issue emergency special actions was contingent upon a staff analysis of the potential action and with unanimous consent of the Interagency Staff Committee. However, this language was omitted in subsequent revisions.
 - OSM proposes adding the following verbiage to the **Scope of Delegation**: “...and only after staff analysis of the potential action and unanimous consent of the Interagency Staff Committee” (see attached letter). This added verbiage makes clear that the ARD for

OSM can issue emergency special actions for wildlife on Federal lands only if these criteria are met.

3. The Scope of Delegation section in the delegation of authority letter to the Arctic Refuge Manager for moose in Units 26B remainder and 26C currently allows the federal manager to “set or adjust quotas, determine the number of permits to be issued, and set season opening and closing dates.”
 - For the past two years, the Federal subsistence hunt has taken place with a harvest quota of two bull moose set by the Federal manager via delegated authority from the Board.
 - OSM proposes adding “set any needed sex restrictions” to the **Scope of Delegation** to clarify the delegated authority from the Federal Subsistence Board. The suggested revision would add this phrase into the Scope of Delegation for the letter (see attached letter).



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

Federal Subsistence Board

1011 East Tudor Road, MS121
Anchorage, Alaska 99503



FOREST SERVICE

Superintendent
Western Arctic National Parklands
P.O. Box 1029
Kotzebue, Alaska 99752

Dear Superintendent:

This letter delegates specific regulatory authority from the Federal Subsistence Board (Board) to the Superintendent of the Western Arctic National Parklands to issue emergency or temporary special actions if necessary to ensure the conservation of a healthy wildlife population, to continue subsistence uses of wildlife, for reasons of public safety, or to assure the continued viability of the population. This delegation only applies to the Federal public lands subject to Alaska National Interest Lands Conservation Act (ANILCA) Title VIII jurisdiction within Unit 23 south of Kotzebue Sound and west of and including the Buckland River drainage for the management of muskox on these lands.

It is the intent of the Board that actions related to management of muskox by Federal officials be coordinated, prior to implementation, with the Alaska Department of Fish and Game (ADF&G), and the Chair of the Northwest Arctic Subsistence Regional Advisory Council (Council) to the extent possible. Federal managers are expected to work with State managers, the Council Chair, and applicable Council members to minimize disruption to subsistence resource users and existing agency programs, consistent with the need for special action.

DELEGATION OF AUTHORITY

1. Delegation: The Superintendent of the Western Arctic National Parklands is hereby delegated authority to issue emergency or temporary special actions affecting muskox on Federal lands as outlined under **Scope of Delegation** below. Any action greater than 60 days in length (temporary special action) requires a public hearing before implementation. 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 following authorities within the limits set by regulation at 36 CFR 242.26 and 50 CFR 100.26:

- To set closing dates for the muskox season on Federal public lands in Unit 23 south of Kotzebue Sound and west of and including the Buckland River drainage as it applies to muskox on these lands.
- As needed, set or adjust annual harvest quotas and the number of Federal registration permits to be issued annually for muskox on Federal public lands in Unit 23 south of Koztebue Sound and west of and including the Buckland River drainage.

This delegation also permits you to close and re-open Federal public lands to nonsubsistence hunting, but does not permit you to specify methods and means, permit requirements, or harvest and possession limits for State-managed hunts. This delegation may be exercised only when it is necessary to conserve muskox populations, to continue subsistence uses, for reasons of public safety, or to assure the continued viability of the population.

All other proposed changes to codified regulations, such as customary and traditional use determinations, adjustments to methods and means of take, ~~or closures and restrictions for take for only non-Federally qualified users~~ shall be directed to the Federal Subsistence Board.

The Federal public lands subject to this delegated authority are those within Unit 23 south of Kotzebue Sound and west of and including the Buckland River drainage.

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

5. Guidelines for Delegation: You will become familiar with the management history of the wildlife species relevant to this delegation in the region, with current State and Federal regulations and management plans, and be up-to-date on population and harvest status information. 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, (2) if the request/situation falls within the scope of 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 users and non-subsistence users. Requests not within your delegated authority will be forwarded to the Federal Subsistence Board for consideration. You will maintain a record of all special action requests and rationale for your decision. A copy of this record will be provided to the Administrative Records Specialist in the Office of Subsistence Management (OSM) no later than sixty days after development of the document.

You will notify OSM and coordinate with local ADF&G managers, the Bureau of Land Management (Central Yukon Field Office) and the Chair of the Northwest Arctic Subsistence Regional Advisory Council regarding special actions under consideration. You will issue decisions in a timely manner. Before the effective date of any decision, reasonable efforts will

be made to notify the public, OSM, affected State and Federal managers, law enforcement personnel, and Council members. If an action is to supersede a State action not yet in effect, the

decision will be communicated to the public, the OSM, affected State and Federal Managers, and the local Council representatives at least 24 hours before the State action would be effective. If a decision to take no action is made, you will notify the proponent of the request immediately. A summary of special action requests and your resultant actions must be provided to the coordinator of the appropriate Subsistence Regional Advisory Council(s) at the end of each calendar year for presentation to the Council(s).

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

6. Support Services: Administrative support for regulatory actions will be provided by the Office of Subsistence Management, U.S. Fish & Wildlife Service, Department of the Interior.



FISH and WILDLIFE SERVICE
BUREAU of LAND MANAGEMENT
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Federal Subsistence Board

1011 East Tudor Road, MS121
Anchorage, Alaska 99503



FOREST SERVICE

Assistant Regional Director
Office of Subsistence Management
U.S. Fish and Wildlife Service
1011 E. Tudor Road, MS 121
Anchorage, Alaska 99503

Dear Assistant Regional Director:

This letter delegates specific regulatory authority from the Federal Subsistence Board (Board) to the Assistant Regional Director of the U.S. Fish and Wildlife Service, Office of Subsistence Management, to issue emergency special actions if necessary to ensure the conservation of a healthy wildlife population, to continue subsistence uses of wildlife, for reasons of public safety, or to assure the continued viability of the population. This delegation only applies to subsistence uses of wildlife on Federal public lands subject to Alaska National Interest Lands Conservation Act (ANILCA) Title VIII jurisdiction.

It is the intent of the Board that actions related to management of wildlife by Federal officials be coordinated, prior to implementation, with the Alaska Department of Fish and Game (ADF&G), and the Chairs of the affected Regional Advisory Councils to the extent possible. Federal managers are expected to work with managers from the State and other Federal agencies, the Council Chairs, and applicable Council members to minimize disruption to subsistence resource users and existing agency programs, consistent with the need for special action.

DELEGATION OF AUTHORITY

1. Delegation: The Assistant Regional Director – Office of Subsistence Management is hereby delegated authority to issue emergency special actions affecting wildlife on Federal lands as

outlined under the **Scope of Delegation** below. 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 following authorities within the limits set by regulation at 36 CFR 242.26 and 50 CFR 100.26:

To open, close or adjust harvest seasons, and to set harvest and possession limits. This delegation may be exercised only when it is necessary to conserve wildlife populations, to continue subsistence uses, for reasons of public safety, or to assure the continued viability of the population, and only after staff analysis of the potential action and unanimous consent of the Interagency Staff Committee.

All other proposed changes to codified regulations, such as customary and traditional use determinations, Section 804 determinations, or adjustments to methods and means of take, shall be directed to the Federal Subsistence Board.

The Federal public lands subject to this delegated authority are those described in the Subsistence Management Regulations for Public Lands in Alaska at 36 CFR 242.3 and 50 CFR 100.3.

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

5. Guidelines for Delegation: You will become familiar with the management history of the wildlife species relevant to this delegation, with current State and Federal regulations and management plans, and be up-to-date on population and harvest status information. 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, (2) if the request/situation falls within the scope of 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 users and non-Federally qualified users. Requests not within your delegated authority will be forwarded to the Federal Subsistence Board for consideration. You will maintain a record of all special action requests and rationale for your decision. A copy

of this record will be provided to the Administrative Records Specialist in the Office of Subsistence Management (OSM) no later than sixty days after development of the document.

You will notify the Federal Subsistence Board and the Interagency Staff Committee, and notify/consult with local ADF&G managers, the U.S. Department of Agriculture, U.S. Forest Service and the appropriate Federal Subsistence Regional Advisory Council(s) regarding special actions under consideration. You will issue decisions in a timely manner. Before the effective date of any decision, reasonable efforts will be made to notify the public, affected State and Federal managers, law enforcement personnel, and Council representatives. If an action is to supersede a State action not yet in effect, the decision will be communicated to the public, OSM, affected State and Federal Managers, and the local Council representatives at least 24 hours before the State action would be effective. If a decision to take no action is made, you will notify the proponent of the request immediately. A summary of special action requests and your resultant actions must be provided to the coordinator of the appropriate Subsistence Regional Advisory Council(s) at the end of each calendar year for presentation to the Council(s).

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

6. Support Services: Administrative support for regulatory actions will be provided by the Office of Subsistence Management, U.S. Fish and Wildlife Service, and Department of the Interior.



Federal Subsistence Board

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FISH and WILDLIFE SERVICE
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FOREST SERVICE

Refuge Manager
Arctic National Wildlife Refuge
101 12th Ave, Room 236
Fairbanks, Alaska 99701

Dear Refuge Manager:

This letter delegates specific regulatory authority from the Federal Subsistence Board (Board) to the Arctic National Wildlife Refuge Manager to issue emergency or temporary special actions if necessary to ensure the conservation of a healthy wildlife population, to continue subsistence uses of wildlife, for reasons of public safety, or to assure the continued viability of the population. This delegation only applies to the Federal public lands subject to Alaska National Interest Lands Conservation Act (ANILCA) Title VIII jurisdiction within Units 26B remainder and 26C for the management of moose on these lands.

It is the intent of the Board that actions related to management of moose by Federal officials be coordinated, prior to implementation, with the Alaska Department of Fish and Game (ADF&G), the Bureau of Land Management Arctic Field Office, and the Chair of the North Slope Subsistence Regional Advisory Council to the extent possible. Federal managers are expected to work with managers from the State and other Federal agencies, the Council Chair, and applicable Council members, to minimize disruption to subsistence resource users and existing agency programs, consistent with the need for special action.

DELEGATION OF AUTHORITY

1. Delegation: The Arctic National Wildlife Refuge Manager is hereby delegated authority to issue emergency or temporary special actions affecting moose on Federal lands as outlined under the **Scope of Delegation** below. Any action greater than 60 days in length (temporary special

action) requires a public hearing before implementation. 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 following authorities within the limits set by regulation at 36 CFR 242.26 and 50 CFR 100.26:

To set or adjust annual harvest quotas, [set any needed sex restrictions](#), determine the number of Federal registration permits to be issued, and season opening and closing dates for moose on Federal public lands in Units 26B remainder and 26C.

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

All other proposed changes to codified regulations, such as customary and traditional use determinations, adjustments to methods and means of take, or closures and restrictions for take for only non-Federally qualified subsistence users shall be directed to the Federal Subsistence Board.

The Federal public lands subject to this delegated authority are those within Units 26B remainder and 26C.

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

5. Guidelines for Delegation: You will become familiar with the management history of the wildlife species relevant to this delegation in the region, with current State and Federal regulations and management plans, and be up-to-date on population and harvest status information. 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, (2) if the request/situation falls within the scope of 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 users and non-Federally qualified users.

Requests not within your delegated authority will be forwarded to the Federal Subsistence Board for consideration. You will maintain a record of all special action requests and rationale for your decision. A copy of this record will be provided to the Administrative Records Specialist in the Office of Subsistence Management (OSM) no later than sixty days after development of the document.

You will notify OSM and coordinate with local ADF&G managers, the National Park Service (Superintendent, Gates of the Arctic National Park and Preserve, the BLM Arctic Field Office, and the Chair of the North Slope Subsistence Regional Advisory Council regarding special actions under consideration. You will issue decisions in a timely manner. Before the effective date of any decision, reasonable efforts will be made to notify the public, OSM, affected State and Federal managers, law enforcement personnel, and Council representatives. If an action is to supersede a State action not yet in effect, the decision will be communicated to the public, OSM, affected State and Federal Managers, and the local Council representatives at least 24 hours before the State action would be effective. If a decision to take no action is made, you will notify the proponent of the request immediately. A summary of special action requests and your resultant actions must be provided to the coordinator of the appropriate Subsistence Regional Advisory Council(s) at the end of each calendar year for presentation to the Council(s).

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

6. Support Services: Administrative support for regulatory actions will be provided by the Office of Subsistence Management, U.S. Fish & Wildlife Service, and Department of the Interior.

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