

**STAFF ANALYSIS  
TEMPORARY SPECIAL ACTION  
WSA22-01a**

**ISSUES**

Temporary Wildlife Special Action WSA22-01a, submitted by the Bureau of Land Management (BLM) and the National Park Service (NPS), requests changing the Federal muskox permit system in Units 22 and 23 from a Federal registration permit to a Federal drawing permit. Additionally, BLM and NPS request standardizing language in the delegation of authority letters (**Appendix 1**) and changing the in-season manager for the muskox hunt in Unit 23, south of Kotzebue Sound and west of and including the Buckland River drainage (Unit 23 SW) from the Western Arctic National Parklands (WEAR) superintendent to the BLM Anchorage Field Office manager. All changes are requested for the 2022-2024 regulatory cycle.

**Note:** Temporary Wildlife Special Action WSA22-01 has been separated into two analyses: WSA22-01a (Seward Peninsula muskox population) and WSA22-01b (Cape Thompson muskox population). WSA22-01b requests changing muskox hunts in Unit 23 from a registration to a drawing permit hunt and standardizing language in the delegation of authority letters for the 2022-2024 regulatory cycle.

**DISCUSSION**

The proponents state changes to permit distribution language are necessary to reflect how permits have been issued in recent history (via drawing system). This change will allow the continuation of subsistence use and further conservation of healthy muskox populations on the Seward Peninsula. This housekeeping change will affect five muskox hunts in Unit 22 and three muskox hunts in Unit 23 for a total of eight hunts. Updating the Delegation of Authority letters will standardize and clarify language between all eight of these hunts. Specifically, the scope of delegation language for all eight muskox hunts should read: Close the season, set any needed permit conditions, determine annual quotas, the number of permits to be issued, and the method of permit allocation between State and Federal permits (**Appendix 1**). Changing the in-season manager from the WEAR superintendent to the BLM Anchorage Field Office manager will better reflect land status in the hunt areas. The proponents indicated they plan to submit a proposal in 2023 to codify these requested regulation changes.

**Note:** While the proponents did not explicitly request setting permit conditions in their submitted special action request, they clarified that they wanted to include that authority in all delegation of authority letters.

The applicable Federal regulations are found in 36 CFR 242.19(b) and 50 CFR 100.19(b) (Temporary Special Actions) and state that:

*... After adequate notice and public hearing, the Board may temporarily close or open public lands for the taking of fish and wildlife for subsistence uses, or modify the requirements for subsistence take, or close public lands for the taking of fish and wildlife for nonsubsistence uses, or restrict take for nonsubsistence uses.*

## Existing Federal Regulation

### Unit 22–Muskox

*Unit 22B - 1 bull by Federal permit or State permit. Federal public lands are closed to the taking of musk ox except by federally qualified subsistence users hunting under these regulations* Aug. 1-Mar. 15.

*Unit 22D, that portion west of the Tisuk River drainage and Canyon Creek - 1 bull by Federal permit or State permit. Federal public lands are closed to the harvest of musk ox except by residents of Nome and Teller hunting under these regulations* Sep. 1-Mar. 15.

*Unit 22D, that portion within the Kuzitrin River drainages - 1 bull by Federal permit or State permit. Federal public lands are closed to the taking of musk ox except for residents of Council, Golovin, White Mountain, Nome, Teller, and Brevig Mission hunting under these regulations* Aug. 1-Mar. 15.

*Unit 22D, remainder - 1 bull by Federal permit or State permit. Federal public lands are closed to the taking of musk ox except by residents of Elim, White Mountain, Nome, Teller, and Brevig Mission hunting under these regulations* Aug. 1-Mar. 15.

*Unit 22E - 1 bull by Federal permit or State permit. Federal public lands are closed to the harvest of musk ox except by federally qualified subsistence users hunting under these regulations* Aug. 1-Mar. 15.

*Unit 22, remainder* No open season.

### Unit 23–Muskox

*Unit 23, south of Kotzebue Sound and west of and including the Buckland River drainage - 1 bull by Federal permit or State permit* Aug. 1-Mar. 15.

## Proposed Federal Regulation

### Unit 22–Muskox

- Unit 22B - 1 bull by Federal **drawing** permit or State permit. Aug. 1-Mar. 15.  
Federal public lands are closed to the taking of musk ox except by  
federally qualified subsistence users hunting under these regulations*
- Unit 22D, that portion west of the Tisuk River drainage and Canyon Sep. 1-Mar. 15.  
Creek - 1 bull by Federal **drawing** permit or State permit. Federal  
public lands are closed to the harvest of musk ox except by residents  
of Nome and Teller hunting under these regulations*
- Unit 22D, that portion within the Kuzitrin River drainages - 1 bull Aug. 1-Mar. 15.  
by Federal **drawing** permit or State permit. Federal public lands  
are closed to the taking of musk ox except for residents of Council,  
Golovin, White Mountain, Nome, Teller, and Brevig Mission hunting  
under these regulations*
- Unit 22D, remainder - 1 bull by Federal **drawing** permit or State Aug. 1-Mar. 15.  
permit. Federal public lands are closed to the taking of musk ox  
except by residents of Elim, White Mountain, Nome, Teller, and  
Brevig Mission hunting under these regulations*
- Unit 22E - 1 bull by Federal **drawing** permit or State permit. Aug. 1-Mar. 15.  
Federal public lands are closed to the harvest of musk ox except by  
federally qualified subsistence users hunting under these regulations*
- Unit 22, remainder No open season.*

### Unit 23–Muskox

- Unit 23, south of Kotzebue Sound and west of and including the Aug. 1-Mar. 15.  
Buckland River drainage - 1 bull by Federal **drawing** permit or State  
permit*

**Existing State Regulation****Unit 22–Muskox**

22A		One bull by permit	TX090	Aug 1- Mar 15
22B	east of the Darby Mtns., including drainages of Kwiniuk, Tubutulik, Koyuk and Inglutalik rivers	One bull by permit	TX105	Aug 1- Mar 15
22B	remainder	One bull by permit	TX095	Jan 1- Mar 15
22C	that portion of the Snake River drainage downstream of the Glacier Creek confluence and including the Glacier Creek drainage, that portion of the Nome River drainage downstream of and including the Basin Creek and Shepard Creek drainages, and all drainages flowing directly to Norton Sound between the mouths of the Nome River and the Snake River	One bull, by bow and arrow, muzzleloader, or shotgun only, by permit	TX096	Aug 1- Mar 15
22C	that portion of drainages flowing to Norton Sound 1) between the east bank of the Penny River and the Snake River drainage, 2) the Snake River drainage upstream of the Glacier Creek confluence and excluding the Glacier Creek drainage, 3) the Nome River drainage upstream of and excluding the Basin Creek and Shepard Creek drainages, and 4) between the Nome River drainage and the west bank of the Flambeau River extended along Safety Sound to the Safety Bridge	One bull by permit	TX096	Aug 1- Mar 15
22C	Remainder			No open season
22D	that portion west of the Tisuk River drainage, west of the west bank of the unnamed creek originating at the unit boundary opposite the headwaters of McAdam's Creek and west of the west bank of Canyon Creek to its confluence with Tuksuk Channel	One bull by permit	TX103	Jan 1- Mar 15
22D	Kuzitrin River drainage (Includes Kougarok and Pilgrim rivers)	One bull by permit	TX102	Jan 1- Mar 15

**Unit 22–Musko**

22D	<i>Remainder</i>	<i>One bull by permit</i>	<i>TX102</i>	<i>Aug 1- Mar 15</i>
22E		<i>One bull by permit</i>	<i>TX104</i>	<i>Aug 1- Mar 15</i>

**Unit 23–Musko**

23	<i>Seward Peninsula west of and including the Buckland River drainage</i>	<i>One bull by permit</i>	<i>TX106</i>	<i>Aug 1- Mar 15</i>
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**Extent of Federal Public Lands**

Unit 22 is comprised of 43% Federal public lands and consists of 28% BLM, 12% NPS and 3% U.S. Fish and Wildlife Service (USFWS) managed lands.

Unit 23 is comprised of 71% Federal public lands and consist of 40% NPS, 22% BLM and 9% USFWS managed lands.

**Customary and Traditional Use Determinations**

Residents of Units 22B and 22C have a customary and traditional use determination (C&T) for muskoxen in Unit 22B, west of the Darby Mountains.

Residents of Unit 22B have a C&T for muskoxen in Unit 22B, remainder.

Residents of Unit 22C have a C&T for muskoxen in Unit 22C.

Residents of Units 22B, 22C, 22D, and 22E (excluding St. Lawrence Island) have a C&T for muskoxen in Unit 22D.

Residents of Unit 22E (excluding Little Diomed Island) have a C&T for muskoxen in Unit 22E.

Residents of Unit 23, south of Kotzebue Sound and west of and including the Buckland River drainage have a C&T for muskoxen in Unit 23, south of Kotzebue Sound and west of and including the Buckland River drainage.

**Regulatory History**

In 1995, Proposal P95-44 requested to establish the first Federal muskox hunts and closed all Federal public lands to non-Federally qualified subsistence users in Units 22D and 22E. This proposal was submitted because the muskox population was robust enough to withstand a harvest of 15 bulls as recommended by the Seward Peninsula Cooperative Muskox Management Plan (OSM 1995). The Federal Subsistence Board (Board) adopted Proposal P95-44 with modification to also establish a Federal muskox season in Unit 23 SW to provide additional subsistence opportunity. The Board added Unit 23 SW

because muskox from the Seward Peninsula population occurred in the area. The harvest limit was one bull by Federal registration permit. The season was Sept. 1-Jan. 31 or until 7 muskoxen were harvested.

In 1997, Wildlife Special Action 97-14 established a shared Federal and State permit system for muskox on the Seward Peninsula that was supported by both the Seward Peninsula and Northwest Arctic Subsistence Regional Advisory Councils (Councils) and adopted by the Board (FSB 1998). Village recommendations were summarized in a resolution written and passed by the Seward Peninsula Council in 1998 and subsequently presented to the Alaska Board of Game (BOG), which approved a Tier II subsistence muskox hunt for the Seward Peninsula with the assumption that this would be part of a combined Federal/State harvest program.

In 1998, the Seward Peninsula Council also submitted Proposal WP98-89 to extend the muskox season by three months to close on Mar. 31 (rather than Jan. 31) for Units 22D, 22E, and 23 SW. However, as part of the consensus agenda, the Board adopted Proposal 89 with modification to change the season to Aug. 1 – Mar. 15. This modification was made due to biological concerns that hunting in late March could stress cows shortly before the calving season.

In 2000, the Board adopted Proposal WP00-56 to combine two Federal permit areas in Unit 22D, one on NPS land and the other on BLM land, as designated in 1997. Six of the Federal permits were then transferred into the State Tier II system.

In 2001, the Board adopted Proposal WP01-35, which established a muskox season in Unit 22B and changed the harvest limit from one bull to one muskox in Units 22B, 22D, 22E and 23 SW. However, cows could only be taken from Jan. 1-Mar. 15 and no more than 8 cows could be harvested. Total harvest could not exceed 13 muskoxen. The Seward Peninsula Muskox Cooperators Group (Cooperators) unanimously supported submitting the proposal to provide more subsistence opportunity, to better coordinate between State and Federal hunts and because there were no conservation concerns (OSM 2001). The BOG adopted similar regulations.

In 2002, the Board adopted Proposal WP02-37, delegating authority to the superintendent of the WEAR to set annual harvest quotas and close the season for muskox in Unit 23 SW.

In 2005, the BOG established a Tier I subsistence registration hunt, previously a Tier II hunt, in Unit 22E as proposed by the Cooperators. This was expected to help users reach the harvest quota in an area where the harvestable surplus was greater than the number of permit applicants.

In 2006, the Board adopted Proposals WP06-41 and WP06-55, establishing a designated hunter permit for muskox in Units 22 and 23 SW, respectively. Special provisions allowed a Federally qualified subsistence user to designate another Federally qualified subsistence user to take muskoxen on their behalf, unless the recipient is a member of a community operating under a community harvest system.

In 2008, the BOG adopted Proposal 77 with modification. This changed the framework of the Seward Peninsula muskoxen hunts in all Seward Peninsula hunt areas by adopting a combination of Tier I Subsistence registration hunts and drawing permit hunts. This ended the original Tier II permit hunts that had been in place since 1998 (Gorn 2011, Hughes 2018, pers. comm.)

In 2010, several proposals regarding muskoxen were submitted to the Board. The Board adopted Proposal WP10-74 which requested rescinding the closure of Federal public lands to the harvest of muskoxen in

Unit 22E, except by Federally qualified subsistence users. Harvest quotas were rarely met in Unit 22E, indicating harvest should be allowed on Federal public lands under both Federal and State regulations, and because conservation concerns were minimal due to the harvest quotas. The Board also adopted WP10-75, which requested the harvest of cow muskoxen be allowed for the entire season in Unit 22E, rather than restricting it to the Jan. 1–Mar. 15 portion. Proposal WP10-77 requested the Federal hunt areas for muskoxen within Unit 22D remainder be aligned with State regulations by establishing hunts in the Kougarok, Kuzitrin, and Pilgrim river drainages. The Board adopted WP10-77 with modification to establish the current Unit 22D Kuzitrin hunt area, which encompasses the Kougarok and Pilgrim river drainages. They also adopted Proposal WP10-84 with modification, clarifying the regulatory language and requiring a Federal permit or State Tier I Registration permit (instead of Tier II) to harvest muskox in Unit 23 SW. The Board revised permit requirements to maintain consistency with recent changes under State regulations.

In 2011, the BOG adopted regulations to allow flexibility in managing muskox hunts outside of the normal regulatory cycle. This enabled Alaska Department of Fish and Game (ADF&G) to manage their permits as either Tier I or Tier II and to set harvest thresholds from year to year based on current biological data and the relationship between the harvestable surplus and amount necessary for subsistence (Gorn and Dunker 2015).

In 2014, Proposals WP14-33, -35, -36, -38 and -41 were adopted with modification by the Board in response to a decline in the muskox population and resulting conservation concern. These commonly eliminated the cow hunt, delegated authority to the Superintendent of the Bering Land Bridge National Preserve and the BLM Anchorage Field Office manager to restrict the number of Federal registration permits to be issued in the different hunt areas and further closed Federal public lands in Units 22D, 22E and 23SW to the harvest of muskox except by Federally qualified subsistence users.

In 2018, using the flexibility that was adopted into regulations in 2011, the BOG began administering the Unit 22E muskox harvest as a Tier II hunt (TX104). This modification resulted from population surveys suggesting that the current harvest strategy yielded a harvestable portion below the lower end of the ADF&G's goals for the amount necessary for subsistence (Dunker 2018, pers. comm.).

In 2020, the Board reviewed Wildlife closure reviews, WCR20-10, -19, -28, -29, -30 and -44 for these six muskox hunts in Units 22 and 23SW and voted to maintain status quo for all of them. Muskox populations had been at low levels since the 2015 decline, and mature bull:cow ratios and rate of recruitment were lower than historical averages. Given the State still managed under a Tier II permit and the current conservative harvest strategy, these closures were deemed necessary to protect the muskox population.

### **Current Events**

A public hearing for WSA22-01 was held via teleconference on March 15, 2022. No public comments were received during this hearing.

Both the Seward Peninsula and the Northwest Arctic Councils acted on WSA22-01a at their winter 2022 meetings. The Seward Peninsula Council considered this to be a housekeeping request and felt administering the permit by random drawing to be the most equitable manner for distribution (SPRAC 2022). They recognized how easily the muskox population could be overharvested and felt the drawing

permit would help protect muskox numbers. The Northwest Arctic Council agreed that this housekeeping request would allow the hunt to be managed in the same way it has been in the past (NWARAC 2022). They also noted that muskox is very good eating.

### **Biological Background**

Muskoxen are adapted for survival in arctic habitats. Their large body size, thick undercoat and long guard hairs allow muskoxen to stay warm in arctic climates and conserve energy (Klein 1992). However, their thick fur does not allow them to regulate their body temperature, especially following high exertion activities, such as running. Their lower chest height and smaller hooves make travelling through deep snow difficult (Klein 1992; Ihl and Klein 2001); therefore, they tend towards wind swept areas with reduced snow depth (Dau 2005). These adaptations limit suitable habitat and lead muskox groups to remain localized during winter months (Klein 1992). Therefore, disturbance to muskox groups during the winter by hunters or predators could decrease survival through increased energetic requirements and movement to unsuitable habitat (Nelson 1994; Hughes 2018).

Muskoxen were extirpated in Alaska by the late 1800s, and perhaps hundreds of years earlier on the Seward Peninsula (Gorn and Dunker 2015). Muskoxen were reintroduced to Units 22C and 22D in 1970 and have since expanded their range to the north and east (Gorn and Dunker 2015). Currently, muskoxen from the Seward Peninsula population occupy suitable habitat in Units 22A and 23 SW.

Muskox management on the Seward Peninsula has been guided by recommendations from the Cooperators. The group is composed of staff from NPS, BLM, USFWS, ADF&G, Bering Straits Native Corporation, Kawerak Inc., Reindeer Herders Association, Northwest Alaska Native Association, residents of Seward Peninsula communities and representatives from other interested groups or organizations. The Cooperators Group has not met since January of 2008, but information has been regularly provided to the Chair since that time (ADF&G 2016). The following management goals form the basis of the cooperative interagency management plan for Seward Peninsula muskoxen developed from 1992 through 1994 (Nelson 1994) and follow the guidelines of ADF&G Muskox Management Policies (ADF&G 1980):

- Manage population to allow for continued growth and range expansion of the Seward Peninsula Muskox.
- Provide for a limited harvest in a manner consistent with existing State and Federal laws by following the goals/objectives endorsed by the Cooperators and the Seward Peninsula Cooperative Muskox Management Plan.
- Manage muskoxen along the Nome road systems of Units 22B and 22C for viewing, education, and other nonconsumptive uses.
- Work with local reindeer herding interests to minimize conflicts between reindeer and muskoxen.
- Protect and maintain the habitats and other components of the ecosystem upon which muskoxen depend.
- Encourage cooperation and sharing of information among agencies and users of the resource in developing and executing management and research programs.

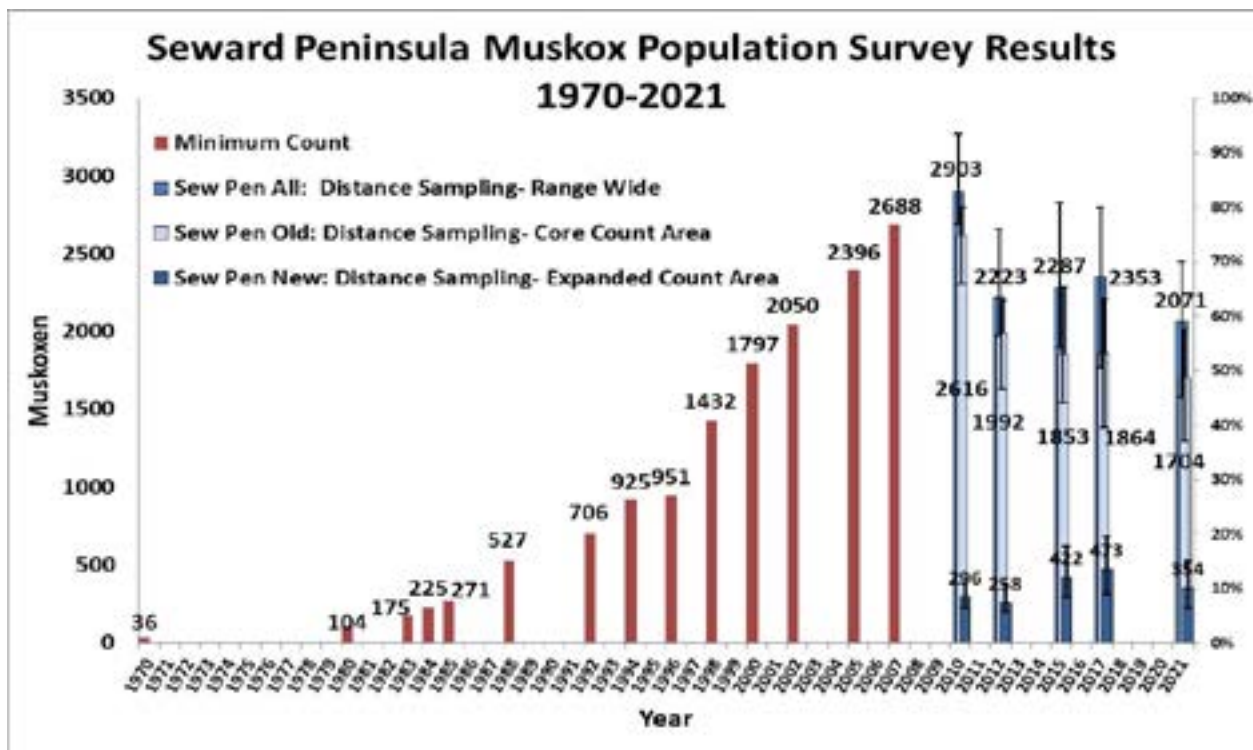
After reintroduction in 1970, the Seward Peninsula muskox population experienced periods of growth until 2010 (Figure 1) (Gorn 2011; Dunker 2017a, 2022 pers. comm.). However, between 2010 and 2012 the muskox population declined by 23.4% throughout the Seward Peninsula (Gorn 2012). Aspects of the



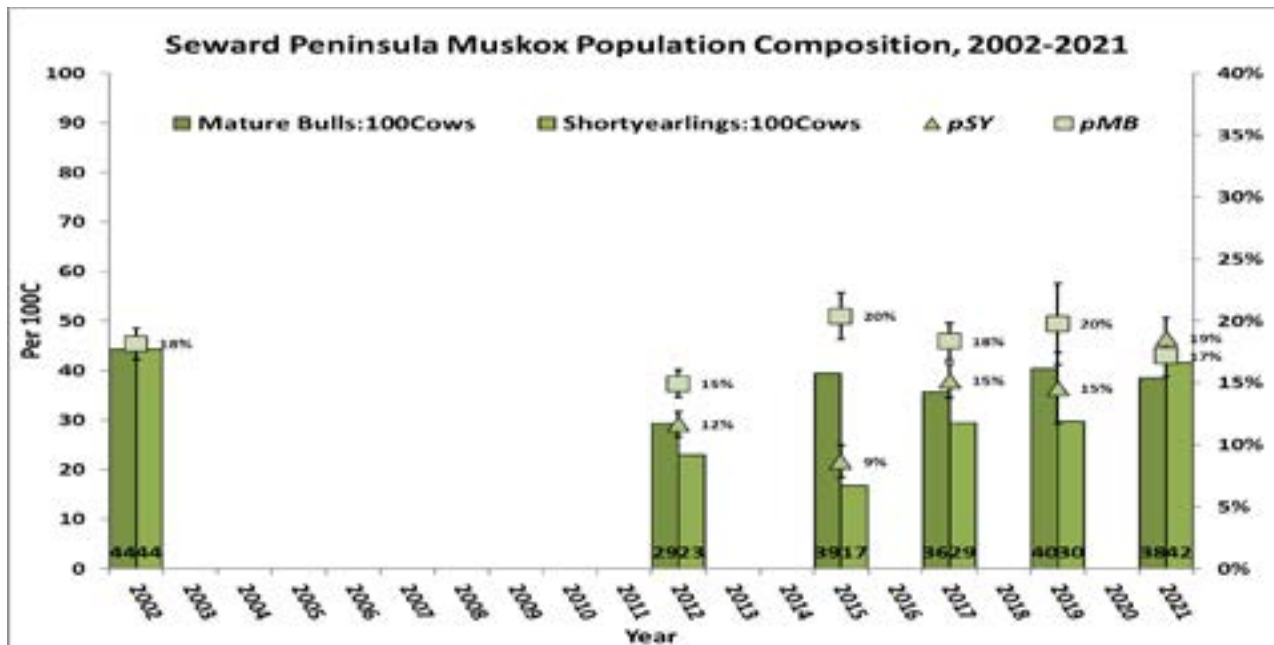
decline were likely related to the high mortality rates of adult cows and declines in recruitment (Gorn 2012); however, some caution should be used when interpreting these mortality rates as they are based on a small sample of the population (Gorn 2011). The 2021 range-wide population estimate, including portions of Units 22A and 21D, was 2,071 muskoxen, which is a decline from the 2017 estimate of 2,353 muskoxen (Gorn and Dunker 2015; Dunker 2017a, 2022, pers. comm.).

Composition surveys indicated declines in mature bulls between 2002 and 2011 (Figure 2), which prompted changes to the method of determining sustainable harvest rates (Gorn 2011). Research suggested that selective harvest of mature bulls on the Seward Peninsula could be a driver of reduced population growth and that annual harvest be restricted to less than 10% of the estimated number of mature bulls (Schmidt and Gorn 2013). Following this change in methodology, the mature bull:cow ratio of Seward Peninsula muskoxen has increased over the 2011 low of 29:100 and remained stable through 2021 at an average of 38.25:100 (Dunker 2017a, 2022 pers. comm.).

Short yearlings (SY) are muskox between 10 and 15 months old and provide a measure of recruitment and population growth. Composition surveys indicate a decrease in short yearlings between 2002 and 2015, from 44:100 to 23:100, with low recruitment rates of particular concern (Gorn and Dunker 2015; Dunker 2022, pers. comm.). Between 2002 and 2021, SY:cow ratios for the entire Seward Peninsula muskox population ranged from 17-44 SY:100 cows (Figure 2). Ratios have been increasing since 2015 to almost as high as 2002 levels, peaking in 2021 at 42:100.



**Figure 1.** Population estimates for Seward Peninsula muskox. The core count area includes Units 22B, 22C, 22D, 22E, and 23SW. The expanded count area includes the core count area, northern Unit 22A, southeastern Unit 23, and Unit 21D (Gorn and Dunker 2015, Dunker 2017a, 2022).



**Figure 2.** Population composition for Seward Peninsula muskox. Ratios are the number of mature bulls:100 cows and short yearlings:100 cows. Mature bulls are  $\geq 4$  years old. Short yearling are muskoxen between 10 and 15 months old. (Gorn and Dunker 2015, Dunker 2017b, 2022).

## Harvest History

Prior to 2012, muskox harvest rates on the Seward Peninsula were calculated as a proportion of total population size. However, following declines in recruitment, bull:cow ratios, and overall population size, managers reassessed this strategy. Consequently, a new harvest management strategy was implemented in 2012. Since then, Unit 22 muskox harvest rates have been based primarily on the number of mature bulls in the population. Specifically, harvest quotas are calculated as 10% of the estimated number of mature bulls within the hunt area, and range-wide harvest targets are set at 2% of the estimated population size (Gorn and Dunker 2013; Gorn and Dunker 2015).

This shift in harvest management was accompanied by a significant reduction in harvest. Range-wide, harvest declined from 111 muskox in 2011 (5.5% of the total population) to 24 muskoxen in 2012 (1.2% of the total population). Total reported harvest has remained below 2% of the total population, which has likely been influential in the subsequent increase in mature bulls (Gorn and Dunker 2015). Between 1995 and 2011, the realized harvest rate for Seward Peninsula muskox ranged from .7%-5.8%, peaking in 2009 (**Figure 3**) (Gorn and Dunker 2015; Dunker 2022, pers. comm.). After the population decline in 2012 and Schmidt and Gorn (2013) reported on the importance of mature bull muskoxen in a population, the realized harvest has remained below 2% of the population estimate (Dunker 2022, pers. comm.).

Federal harvest of muskoxen on the Seward peninsula has remained low since the change in harvest management strategy (**Table 1**). From 2001 to 2012 Federal harvest averaged 4.3 muskoxen per year. From 2013- 2020, Federal harvest averaged 3.4 muskoxen per year. The Federal harvest of muskox has ranged from a low of 0 to a high of 12 muskoxen harvested per year, with an average success rate of 26% from 2001- 2020. Since 2012 Federal harvest has ranged from 3.4%- 25% of overall muskox harvest on the Seward Peninsula (**Table 2**), with an average of 18% (OSM 2022).

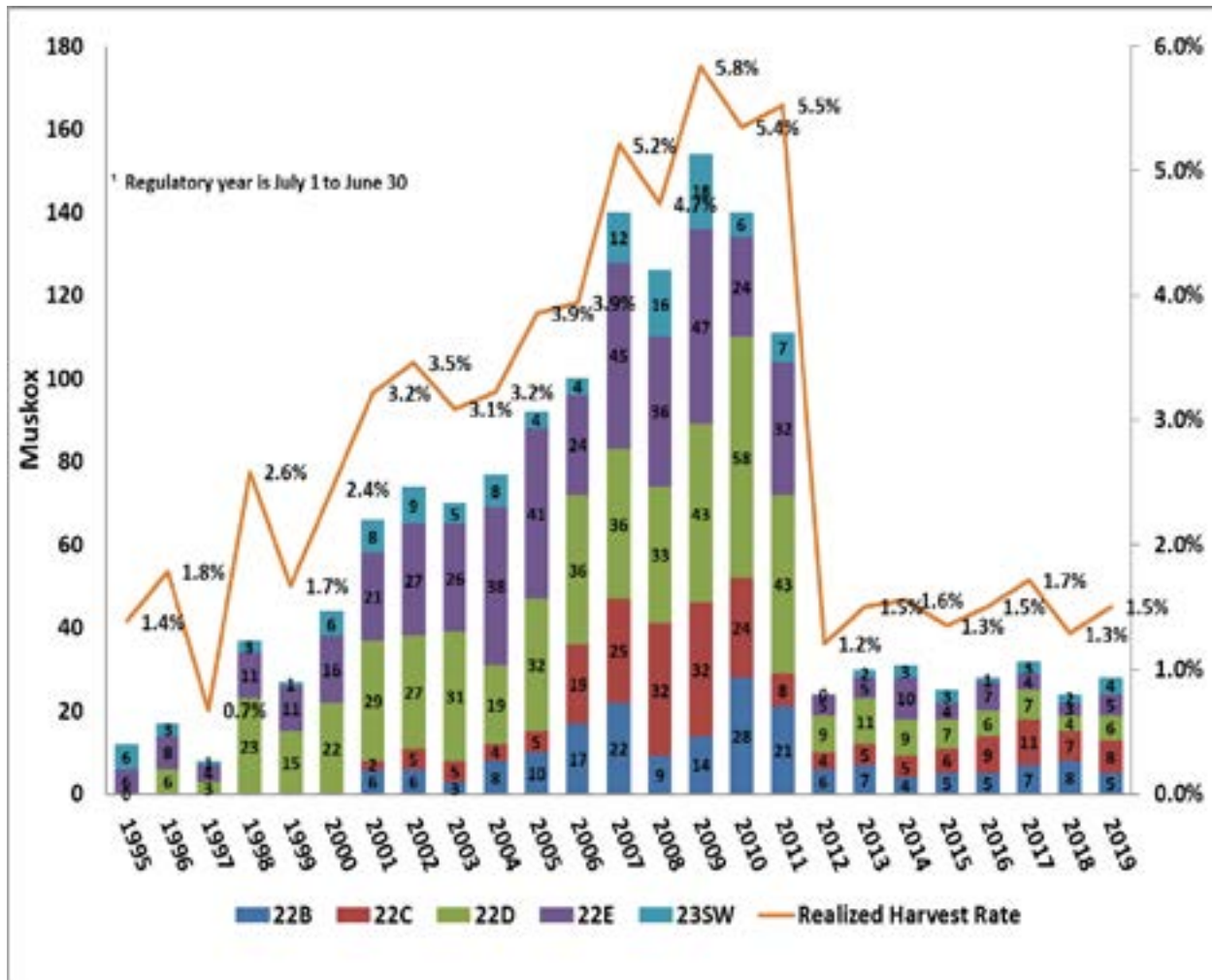


Figure 3. Reported harvest and realized harvest rate as percentage of herd population for Seward Peninsula muskox by subunit (Gorn and Dunker 2015, Dunker 2022).

Table 1. Federal permits issued and reported Federal muskox harvest for Seward Peninsula 2001- 2020 (OSM 2022). Blanks indicate no data present.

Regulatory Year	Unit 22		Unit 23		Total Harvested
	Issued	Harvested	Issued	Harvested	
2020	11	2	3	0	2
2019	12	1	3	0	1
2018	8	2			2
2017	6	3			3
2016	9	2			2
2015	5	3			3
2014	9	4	4	0	4
2013	12	10			10
2012	9	2			2
2011	1	0			0

	Unit 22		Unit 23		Total
2010	2	0			0
2009	13	0	4	0	0
2008	23	1	5	0	1
2007	16	2	6	1	3
2006	20	8	3	1	9
2005	21	7	2	1	8
2004	18	3	5	1	4
2003	31	12	6	2	14
2002	37	7	3	0	7
2001	25	10	6	3	13
<b>Total</b>	<b>288</b>	<b>79</b>	<b>50</b>	<b>9</b>	<b>88</b>
<b>Success</b>	<b>27.4%</b>		<b>18.0%</b>		<b>26.0%</b>

**Table 2.** Percentage of total reported Seward Peninsula muskox harvest by Federal permit (OSM 2022).

Year	State Harvest	Federal Harvest	Total	Federal Harvest %
2012	24	2	26	7.7%
2013	30	10	40	25.0%
2014	31	4	35	11.4%
2015	25	3	28	10.7%
2016	28	2	30	6.7%
2017	32	3	35	8.6%
2018	24	2	26	7.7%
2019	28	1	29	3.4%

### Cultural Knowledge and Traditional Practices

In Iñupiaq, muskoxen are called *umingmak*, “the one with hair like a beard” (Lent 1999). The earliest archaeological evidence for use of muskoxen in arctic Alaska dates to Birnuk culture, beginning in approximately 600 A.D. (Lent 1999). Muskoxen were likely always present at relatively low numbers, and their use was limited but continuous over approximately 1500 years.

Muskoxen provided fat when caribou were lean in late winter and early spring and provided an alternative food source in years when caribou were scarce. Muskoxen were more heavily hunted following the introduction of firearms, and were also intensively harvested by whalers, trappers, and traders in the 1800s. Muskoxen were extirpated from Northwestern Alaska by the 1850s. They persisted in the eastern Brooks Range until the 1890s before being extirpated there as well (Lent 1999).

Muskoxen were reintroduced to the region in the 1970s. While muskox is not a major source of food in relation to other subsistence resources, it has become more important within some families. Muskox

is an uncommon harvest which yields a large amount of meat and, as a result, is shared throughout the community.

A primary characteristic of subsistence hunting is that it is opportunistic. This is particularly true for muskoxen, which have low population densities and are usually encountered in the course of other activities. Muskoxen represent both a valuable subsistence harvest and a potential nuisance or threat to communities and hunters (Lent 1999; Mason 2015). Across their range in northern Alaska, the presence of muskoxen is also reported to deter caribou and prevent successful caribou harvests (Kutz et al. 2017).

Currently, only those who have coincidentally drawn a permit may legally harvest a muskox for subsistence purposes under Federal regulations. These may not be the same individuals who have taken on the role of deterring muskoxen from the village or who are in a position to share muskox meat with those in need in the community, such as elders. For these reasons, residents of Unit 23 have stated that the drawing permit system is not always a good fit with communities' need to harvest muskoxen opportunistically, although the designated hunter system mitigates this shortcoming to an extent.

### **Effects**

If this request is approved there will be no change to how permits are distributed in Units 22 and 23 SW. The Federal in-season managers have distributed permits utilizing a draw system since about 1998. Delegation of Authority letters will be modified to standardize language among the Federal muskox hunts in Units 22 and 23 to clarify the scope of in-season managers' authority, which currently is unclear and has been misinterpreted. Specifically, for all eight hunts, Federal in-season managers will have the authority to close the season, set any needed permit conditions, determine annual harvest quotas, the number of permits issued, and the method of allocation between Federal and State permits (Appendix 1). Authority will be transferred from the WEAR supervisor to the BLM Anchorage Field Office manager for in-season management of the Federal muskox hunts in Unit 23 SW. Approval of this request will allow for effective and flexible hunt management, which will ensure the sustainable harvest of muskoxen and equitable distribution of Federal permits amongst Federally qualified subsistence users.

### **OSM CONCLUSION**

**Support** WSA22-01a.

### **Justification**

Approving WSA22-01a will not change subsistence use of muskoxen by Federally qualified subsistence users or affect the Seward Peninsula muskox population, as it is an administrative change only. However, allowing a Federal drawing permit hunt (rather than registration permit hunt) for muskoxen on the Seward peninsula ensures harvest remains within sustainable levels and responds to both changing hunt and herd conditions. A drawing permit also randomizes the selection of who receives a permit, making permit distribution more equitable among Federally qualified subsistence users. This request provides flexibility in administering the hunt and allows for a limited harvest.

Standardizing the language in the delegation of authority letters to close the season, set any needed permit conditions, determine the annual harvest quota, the number of permits issue, and the method of permit allocation between State and Federal permits provides clarity to the in-season managers on what authority

they have and allows for effective and flexible hunt administration, while the change in the in-season manager better reflects land status in the Unit 23 SW hunt area (**Appendix 1**).

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## **SUBSISTENCE REGIONAL ADVISORY COUNCIL RECOMMENDATIONS**

### **Seward Peninsula Subsistence Regional Advisory Council**

**Support** WSA22-01. The Council considered this a housekeeping request and recognized that the overharvest of muskox population would be really easy. They felt administering the permit by random drawing to be the most equitable manner for distribution and would help protect the muskox population.

### **Northwest Arctic Subsistence Regional Advisory Council**

**Support** WSA22-01. The Council considered this a housekeeping request and concurs with administering the hunt in the same way as it has in the past. They also noted that muskox are really good-eating.



## APPENDIX 1

Superintendent  
 Bering Land Bridge National Preserve  
 P.O. Box 220  
 Nome, Alaska 99762

Dear Superintendent:

This letter delegates specific regulatory authority from the Federal Subsistence Board (Board) to the Superintendent of the Bering Land Bridge National Preserve 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 a wildlife population. This delegation only applies to the Federal public lands subject to Alaska National Interest Lands Conservation Act (ANILCA) Title VIII jurisdiction within Unit 22D, that portion within the Kuzitrin 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), representatives of the Office of Subsistence Management (OSM), the Bureau of Land Management (Field Manager of the Anchorage Field Office), and the Chair of the affected Council(s) to the extent possible. The Office of Subsistence Management will be used by managers to facilitate communication of actions and to ensure proposed actions are technically and administratively aligned with legal mandates and policies. Federal managers are expected to work with managers from the State and other Federal agencies, the Council Chair or alternate, 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 Superintendent of the Bering Land Bridge National Preserve is hereby delegated authority to issue emergency or temporary special actions affecting muskox on Federal lands as outlined under the **Scope of Delegation**. 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:

- Close the season, set any needed permit conditions, determine annual harvest quotas, the number of permits to be issued, and the method of permit allocation between State and Federal permits.
- ~~To set closing dates for the muskox season on Federal public lands in Unit 22D within the Kuzitrin River drainage.~~

- ~~As needed, determine harvest quotas and the number of Federal registration permits to be issued annually and determine the method of permit allocation for muskox on Federal public lands in Unit 22D within the Kuzitrin River drainage.~~

This delegation also permits you to close and reopen 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 populations. All other proposed changes to codified regulations, such as customary and traditional use determinations or adjustments to methods and means of take, shall be directed to the Board.

The Federal public lands subject to this delegated authority are those within the Kuzitrin River drainage of Unit 22D.

**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 provide subsistence users in the region a local point of contact about Federal subsistence issues and regulations and facilitate a local liaison with State managers and other user groups.

You will review special action requests or situations that may require a special action and all supporting information to determine (1) consistency with 50 CFR 100.19 and 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 Federally qualified subsistence users and non-Federally qualified users. 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 rationale for your decision. A copy of this record will be provided to the Administrative Records Specialist OSM no later than sixty days after development of the document.

For management decisions on special actions, consultation is not always possible, but to the extent practicable, two-way communication 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 Claim Settlement Act Corporations 2015).

You will immediately notify the Board through the Assistant Regional Director for OSM and coordinate with the Chair(s) or alternate of the affected Council(s), local ADF&G managers, and other affected Federal conservation unit managers concerning emergency and temporary special actions being considered. You will ensure that you have communicated with OSM to ensure the special action is aligned with ANILCA Title VIII, Federal Subsistence regulations and policy, and that the perspectives of the

Chair(s) or alternate of the affected Council(s), OSM, and affected State and Federal managers have been fully considered in the review of the proposed special action.

If the timing of a regularly scheduled meeting of the affected Council(s) permits without incurring undue delay, you will seek Council recommendations on the proposed temporary special action(s). 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 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, OSM, affected State and Federal managers, and the local Council members 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 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 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 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.

Sincerely,

Anthony Christianson  
Chair

Enclosures

cc: Federal Subsistence Board

Assistant Regional Director, Office of Subsistence Management  
Deputy Assistant Regional Director, Office of Subsistence Management  
Subsistence Policy Coordinator, Office of Subsistence Management  
Wildlife Division Supervisor, Office of Subsistence Management  
Subsistence Council Coordinator, Office of Subsistence Management  
Chair, Seward Peninsula Subsistence Regional Advisory Council  
Special Projects Coordinator, Alaska Department of Fish and Game  
**Deputy** Commissioner, Alaska Department of Fish and Game  
Interagency Staff Committee  
Administrative Record

Superintendent  
Bering Land Bridge National Preserve  
P.O. Box 220  
Nome, Alaska 99762

Dear Superintendent:

This letter delegates specific regulatory authority from the Federal Subsistence Board (Board) to the Superintendent of the Bering Land Bridge National Preserve 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 a wildlife population. This delegation only applies to the Federal public lands subject to Alaska National Interest Lands Conservation Act (ANILCA) Title VIII jurisdiction within Unit 22E 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), representatives of the Office of Subsistence Management (OSM), the Bureau of Land Management (Field Manager of the Anchorage Field Office), and the Chair of affected Council(s) to the extent possible. The Office of Subsistence Management will be used by managers to facilitate communication of actions and to ensure proposed actions are technically and administratively aligned with legal mandates and policies. Federal managers are expected to work with managers from the State and other Federal agencies, the Council Chair or alternate, 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 Superintendent of the Bering Land Bridge National Preserve is hereby delegated authority to issue emergency or temporary special actions affecting muskox on Federal lands as outlined under the Scope of Delegation. 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:

- **Close the season, set any needed permit conditions, determine annual harvest quotas, the number of permits to be issued, and the method of permit allocation between State and Federal permits.**
- ~~To set closing dates for the muskox season on Federal public lands in Unit 22E.~~

- ~~As needed, set or adjust annual harvest quotas and the number of Federal registration permits to be issued annually and determine the method of permit allocation for muskox on Federal public lands in Unit 22E.~~

This delegation also permits you to close and reopen 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 populations. All other proposed changes to codified regulations, such as customary and traditional use determinations or adjustments to methods and means of take, shall be directed to the Board.

The Federal public lands subject to this delegated authority are those within Unit 22E.

**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 provide subsistence users in the region a local point of contact about Federal subsistence issues and regulations and facilitate a local liaison with State managers and other user groups.

You will review special action requests or situations that may require a special action and all supporting information to determine (1) consistency with 50 CFR 100.19 and 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 Federally qualified subsistence users and non-Federally qualified users. 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 rationale for your decision. A copy of this record will be provided to the Administrative Records Specialist in OSM no later than sixty days after development of the document.

For management decisions on special actions, consultation is not always possible, but to the extent practicable, two-way communication 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 Claim Settlement Act Corporations 2015).

You will immediately notify the Board through the Assistant Regional Director for OSM and coordinate with the Chair(s) or alternate of the affected Council(s), local ADF&G managers, and other affected Federal conservation unit managers concerning emergency and temporary special actions being considered. You will ensure that you have communicated with OSM to ensure the special action is aligned with ANILCA Title VIII, Federal Subsistence regulations and policy, and that the perspectives of the

Chair(s) or alternate of the affected Council(s), OSM, and affected State and Federal managers have been fully considered in the review of the proposed special action.

If the timing of a regularly scheduled meeting of the affected Council(s) permits without incurring undue delay, you will seek Council recommendations on the proposed temporary special action(s). 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 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, 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 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 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 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.

Sincerely,

Anthony Christianson  
Chair

Enclosures

cc: Federal Subsistence Board

Assistant Regional Director, Office of Subsistence Management  
Deputy Assistant Regional Director, Office of Subsistence Management  
Subsistence Policy Coordinator, Office of Subsistence Management  
Wildlife Division Supervisor, Office of Subsistence Management  
Subsistence Council Coordinator, Office of Subsistence Management  
Chair, Seward Peninsula Subsistence Regional Advisory Council  
**Deputy** Commissioner, Alaska Department of Fish and Game  
Special Projects Coordinator, Alaska Department of Fish and Game  
Interagency Staff Committee  
Administrative Record

Anchorage Field Office Manager  
 Bureau of Land Management  
 4700 BLM Road  
 Anchorage, Alaska 99507

Dear Field Office Manager:

This letter delegates specific regulatory authority from the Federal Subsistence Board (Board) to the manager of the Bureau of Land Management (BLM) Anchorage Field Office 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 a wildlife population. This delegation only applies to the Federal public lands subject to Alaska National Interest Lands Conservation Act (ANILCA) Title VIII jurisdiction within Unit 22B 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), representatives of the Office of Subsistence Management (OSM), the National Park

Service (Superintendent of the Bering Land Bridge National Preserve), and the Chair of the affected Council(s) to the extent possible. The Office of Subsistence Management will be used by managers to facilitate communication of actions and to ensure proposed actions are technically and administratively aligned with legal mandates and policies. Federal managers are expected to work with managers from the State and other Federal agencies, the Council Chair or alternate, 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 BLM Anchorage Field Office manager is hereby delegated authority to issue emergency or temporary special actions affecting muskox on Federal lands as outlined under the Scope of Delegation. Any action greater than 60 days in length (temporary special action) requires a public hearing before implementation. Special actions are governed by Federal 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:

- **Close the season, set any needed permit conditions, determine annual harvest quotas, the number of permits to be issued, and the method of permit allocation between State and Federal permits.**
- ~~To set closing dates for the muskox season on Federal public lands in Unit 22B.~~

- ~~As needed, set or adjust the annual harvest quotas and the number of Federal registration permits to be issued annually and determine the method of permit allocation for muskox on Federal public lands in Unit 22B.~~

This delegation also permits you to close and reopen 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 the muskox population, to continue subsistence uses, for reasons of public safety, or to assure the continued viability of the populations. All other proposed changes to codified regulations, such as customary and traditional use determinations or adjustments to methods and means of take, shall be directed to the Board.

The Federal public lands subject to this delegated authority are those within Unit 22B.

**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 provide subsistence users in the region a local point of contact about Federal subsistence issues and regulations and facilitate a local liaison with State managers and other user groups.

You will review special action requests or situations that may require a special action and all supporting information to determine (1) consistency with 50 CFR 100.19 and 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 Federally qualified subsistence users and non-Federally qualified users. 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 rationale for your decision. A copy of this record will be provided to the Administrative Records Specialist in OSM no later than sixty days after development of the document.

For management decisions on special actions, consultation is not always possible, but to the extent practicable, two-way communication 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 Claim Settlement Act Corporations 2015).

You will immediately notify the Board through the Assistant Regional Director for OSM and coordinate with the Chair(s) or alternate of the affected Council(s), local ADF&G managers, and other affected Federal conservation unit managers concerning emergency and temporary special actions being considered. You will ensure that you have communicated with OSM to ensure the special action is aligned with ANILCA Title VIII, Federal Subsistence regulations and policy, and that the perspectives of the



Chair(s) or alternate of the affected Council(s), OSM, and affected State and Federal managers have been fully considered in the review of the proposed special action.

If the timing of a regularly scheduled meeting of the affected Council(s) permits without incurring undue delay, you will seek Council recommendations on the proposed temporary special action(s). 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 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, OSM, affected State and Federal managers, and the local Council members 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 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 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 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.

Sincerely,

Anthony Christianson  
Chair

Enclosures

cc: Federal Subsistence Board

Assistant Regional Director, Office of Subsistence Management  
Deputy Assistant Regional Director, Office of Subsistence Management  
Subsistence Policy Coordinator, Office of Subsistence Management  
Wildlife Division Supervisor, Office of Subsistence Management  
Subsistence Council Coordinator, Office of Subsistence Management  
Chair, Seward Peninsula Subsistence Regional Advisory Council  
Superintendent, Bering Land Bridge National Preserve  
**Deputy** Commissioner, Alaska Department of Fish and Game  
Special Projects Coordinator, Alaska Department of Fish and Game  
Interagency Staff Committee  
Administrative Record

Anchorage Field Office Manager  
Bureau of Land Management  
4700 BLM Road  
Anchorage, Alaska 99507

Dear Field Office Manager:

This letter delegates specific regulatory authority from the Federal Subsistence Board (Board) to the manager of the Bureau of Land Management (BLM) Anchorage Field Office 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 a wildlife population. This delegation only applies to the Federal public lands subject to Alaska National Interest Lands Conservation Act (ANILCA) Title VIII jurisdiction within that portion of Unit 22D west of the Tisuk River drainage and Canyon Creek, 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), representatives of the Office of Subsistence Management (OSM), the National Park

Service (Superintendent of the Bering Land Bridge National Preserve), and the Chair of the affected Council(s) to the extent possible. The Office of Subsistence Management will be used by managers to facilitate communication of actions and to ensure proposed actions are technically and administratively aligned with legal mandates and policies. Federal managers are expected to work with managers from the State and other Federal agencies, the Council Chair or alternate, 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 BLM Anchorage Field Office manager is hereby delegated authority to issue emergency or temporary special actions affecting muskox on Federal lands as outlined under the Scope of Delegation. Any action greater than 60 days in length (temporary special action) requires a public hearing before implementation. Special actions are governed by Federal 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:

- Close the season, set any needed permit conditions, determine annual harvest quotas, the number of permits to be issued, and the method of permit allocation between State and Federal permits.
- ~~To set closing dates for the muskox season on Federal public lands in Unit 22D west of the Tisuk River drainage and Canyon Creek.~~

- ~~As needed, set or adjust the annual harvest quotas and the number of Federal registration permits to be issued annually and determine the method of permit allocation for muskox on Federal public lands in Unit 22D west of the Tisuk River drainage and Canyon Creek.~~

This delegation also permits you to close and reopen 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 populations. All other proposed changes to codified regulations, such as customary and traditional use determinations or adjustments to methods and means of take, shall be directed to the Board.

The Federal public lands subject to this delegated authority are those in Unit 22D west of the Tisuk River drainage and Canyon Creek.

**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 provide subsistence users in the region a local point of contact about Federal subsistence issues and regulations and facilitate a local liaison with State managers and other user groups.

You will review special action requests or situations that may require a special action and all supporting information to determine (1) consistency with 50 CFR 100.19 and 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 Federally qualified subsistence users and non-Federally qualified users. 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 rationale for your decision. A copy of this record will be provided to the Administrative Records Specialist in OSM no later than sixty days after development of the document.

For management decisions on special actions, consultation is not always possible, but to the extent practicable, two-way communication 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 Claim Settlement Act Corporations 2015).

You will immediately notify the Board through the Assistant Regional Director for OSM, and coordinate with the Chair(s) or alternate of the affected Council(s), local ADF&G managers, and other affected Federal conservation unit managers concerning emergency and temporary special actions being considered. You will ensure that you have communicated with OSM to ensure the special action is aligned

with ANILCA Title VIII, Federal Subsistence regulations and policy, and that the perspectives of the Chair(s) or alternate of the affected Council(s), OSM, and affected State and Federal managers have been fully considered in the review of the proposed special action.

If the timing of a regularly scheduled meeting of the affected Council(s) permits without incurring undue delay, you will seek Council recommendations on the proposed temporary special action(s). 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 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, OSM, affected State and Federal managers, and the local Council members 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 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 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 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.

Sincerely,

Anthony Christianson  
Chair

Enclosures

cc: Federal Subsistence Board

Assistant Regional Director, Office of Subsistence Management  
Deputy Assistant Regional Director, Office of Subsistence Management  
Subsistence Policy Coordinator, Office of Subsistence Management  
Wildlife Division Supervisor, Office of Subsistence Management  
Subsistence Council Coordinator, Office of Subsistence Management  
Chair, Seward Peninsula Subsistence Regional Advisory Council  
Superintendent of the Bering Land Bridge National Preserve  
**Deputy** Commissioner, Alaska Department of Fish and Game  
Special Projects Coordinator, Alaska Department of Fish and Game  
Interagency Staff Committee  
Administrative Record

Anchorage Field Office Manager  
 Bureau of Land Management  
 4700 BLM Road  
 Anchorage, Alaska 99507

Dear Field Office Manager:

This letter delegates specific regulatory authority from the Federal Subsistence Board (Board) to the manager of the Bureau of Land Management (BLM) Anchorage Field Office 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 a wildlife population. This delegation only applies to the Federal public lands subject to Alaska National Interest Lands Conservation Act (ANILCA) Title VIII jurisdiction within Unit 22D remainder 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), representatives of the Office of Subsistence Management (OSM), the National Park

Service (Superintendent, Bering Land Bridge National Preserve), and the Chair of the affected Council(s) to the extent possible. The Office of Subsistence Management will be used by managers to facilitate communication of actions and to ensure proposed actions are technically and administratively aligned with legal mandates and policies. Federal managers are expected to work with managers from the State and other Federal agencies, the Council Chair or alternate, 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 BLM Anchorage Field Office manager is hereby delegated authority to issue emergency or temporary special actions affecting muskox on Federal lands as outlined under the Scope of Delegation. Any action greater than 60 days in length (temporary special action) requires a public hearing before implementation. Special actions are governed by Federal 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 Unit 22D remainder.

As needed, set or adjust the annual harvest quotas and the number of Federal registration permits to be issued annually and determine the method of permit allocation for muskox on Federal public lands in Unit 22D remainder.

This delegation also permits you to close and reopen 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 populations. All other proposed changes to codified regulations, such as customary and traditional use determinations or adjustments to methods and means of take, shall be directed to the Board.

The Federal public lands subject to this delegated authority are those within Unit 22D remainder.

**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 provide subsistence users in the region a local point of contact about Federal subsistence issues and regulations and facilitate a local liaison with State managers and other user groups.

You will review special action requests or situations that may require a special action and all supporting information to determine (1) consistency with 50 CFR 100.19 and 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 Federally qualified subsistence users and non-Federally qualified users. 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 rationale for your decision. A copy of this record will be provided to the Administrative Records Specialist in OSM no later than sixty days after development of the document.

For management decisions on special actions, consultation is not always possible, but to the extent practicable, two-way communication 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 Claim Settlement Act Corporations 2015).

You will immediately notify the Board through the Assistant Regional Director for OSM, and coordinate with the Chair(s) or alternate of the affected Council(s), local ADF&G managers, and other affected Federal conservation unit managers concerning emergency and temporary special actions being considered. You will ensure that you have communicated with OSM to ensure the special action is aligned with ANILCA Title VIII, Federal Subsistence regulations and policy, and that the perspectives of the Chair(s) or alternate of the affected Council(s), OSM, and affected State and Federal managers have been fully considered in the review of the proposed special action.

If the timing of a regularly scheduled meeting of the affected Council(s) permits without incurring undue delay, you will seek Council recommendations on the proposed temporary special action(s). 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 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, OSM, affected State and Federal managers, and the local Council members 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 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 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 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.

Sincerely,

Anthony Christianson  
Chair

Enclosures

cc: Federal Subsistence Board

Assistant Regional Director, Office of Subsistence Management  
Deputy Assistant Regional Director, Office of Subsistence Management  
Subsistence Policy Coordinator, Office of Subsistence Management  
Wildlife Division Supervisor, Office of Subsistence Management  
Subsistence Council Coordinator, Office of Subsistence Management  
Chair, Seward Peninsula Subsistence Regional Advisory Council  
Superintendent, Bering Land Bridge National Preserve  
**Deputy** Commissioner, Alaska Department of Fish and Game  
Special Projects Coordinator, Alaska Department of Fish and Game  
Interagency Staff Committee  
Administrative Record

**Anchorage Field Office Manager**  
**Bureau of Land Management**  
**4700 BLM Road**  
**Anchorage, Alaska 99507**  
Superintendent  
Western Arctic National Parklands  
P.O. Box 1029  
Kotzebue, Alaska 99752

Dear Superintendent **Field Office Manager**:

This letter delegates specific regulatory authority from the Federal Subsistence Board (Board) to the **Bureau of Land Management (BLM) Anchorage Field Office 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 a wildlife 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), representatives of the Office of Subsistence Management (OSM), **the National Park Service (Superintendent, Bering Land Bridge National Preserve)**, and the Chair of the affected Council(s) to the extent possible. The Office of Subsistence Management will be used by managers to facilitate communication of actions and to ensure proposed actions are technically and administratively aligned with legal mandates and policies. Federal managers are expected to work with managers from the State and other Federal agencies, the Council Chair or alternate, 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 BLM Anchorage Field Office manager 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 the Scope of Delegation. Any action greater than 60 days in length (temporary special action) requires a public hearing before implementation. Special actions are governed by Federal 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:

- **Close the season, set any needed permit conditions, determine annual harvest quotas, the number of permits to be issued, and the method of permit allocation between State and Federal permits.**
- ~~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 Kotzebue Sound and west of and including the Buckland River drainage.~~

This delegation also permits you to close and reopen 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 populations. All other proposed changes to codified regulations, such as customary and traditional use determinations or adjustments to methods and means of take, shall be directed to the 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 provide subsistence users in the region a local point of contact about Federal subsistence issues and regulations and facilitate a local liaison with State managers and other user groups.

You will review special action requests or situations that may require a special action and all supporting information to determine (1) consistency with 50 CFR 100.19 and 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 Federally qualified subsistence users and non-Federally qualified users. 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 rationale for your decision. A copy of this record will be provided to the Administrative Records Specialist in OSM no later than sixty days after development of the document.

For management decisions on special actions, consultation is not always possible, but to the extent practicable, two-way communication 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 Claim Settlement Act Corporations 2015).

You will immediately notify the Board through the Assistant Regional Director for OSM and coordinate with the Chair(s) or alternate of the affected Council(s), local ADF&G managers, and other affected Federal conservation unit managers concerning emergency and temporary special actions being considered. You will ensure that you have communicated with OSM to ensure the special action is aligned with ANILCA Title VIII, Federal Subsistence regulations and policy, and that the perspectives of the Chair(s) or alternate of the affected Council(s), OSM, and affected State and Federal managers have been fully considered in the review of the proposed special action.

If the timing of a regularly scheduled meeting of the affected Council(s) permits without incurring undue delay, you will seek Council recommendations on the proposed temporary special action(s). 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 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, OSM, affected State and Federal managers, and the local Council members 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 Council(s) at the end of each calendar year for presentation to the Council(s).

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**6. Support Services:** Administrative support for regulatory actions will be provided by the Office of Subsistence Management.

Sincerely,

Anthony Christianson  
Chair

Enclosures

cc: Federal Subsistence Board  
Assistant Regional Director, Office of Subsistence Management  
Deputy Assistant Regional Director, Office of Subsistence Management  
Subsistence Policy Coordinator, Office of Subsistence Management

Wildlife Division Supervisor, Office of Subsistence Management  
Subsistence Council Coordinator, Office of Subsistence Management  
Chair, Northwest Arctic Subsistence Regional Advisory Council  
**Superintendent, Bering Land Bridge National Preserve**  
**Deputy** Commissioner, Alaska Department of Fish and Game  
Special Projects Coordinator, Alaska Department of Fish and Game  
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