



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 99503-6199



FOREST SERVICE

OSM XXX.XXX

Park Superintendent
Wrangell-St. Elias National Park and Preserve
P.O. Box 439
Copper Center, Alaska 99573

Dear Wrangell-St. Elias National Park and Preserve Superintendent:

This letter delegates specific regulatory authority from the Federal Subsistence Board (Board) to the Superintendent of the Wrangell-St. Elias National Park and Preserve (Superintendent) to issue emergency special actions when necessary to ensure the conservation of a healthy fish population, to continue subsistence uses of fish, for the continued viability of a fish population, or for public safety reasons. This delegation only applies to Federal public waters subject to the Alaska National Interest Lands Conservation Act (ANILCA) Title VIII in the Copper River Drainage within the Prince William Sound Area.

It is the intent of the Board that Federal subsistence fisheries management by Federal officials be coordinated, prior to implementation, with Regional Advisory Council (Council) representatives, the Office of Subsistence Management (OSM), and the Alaska Department of Fish and Game (ADF&G), to the extent possible. The OSM 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 cooperate with managers from the State and other Federal agencies, the Council Chair(s), and applicable Council members to minimize disruption to resource users and existing agency programs, consistent with the need for emergency special action.

DELEGATION OF AUTHORITY

1. Delegation: The Superintendent is hereby delegated authority to issue emergency special actions affecting fisheries in Federal public waters as outlined under the **Scope of Delegation**. Although a public hearing is not required for emergency special actions, if deemed necessary by you, then public hearing on the emergency special action is recommended. 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:

- You may announce a salmon harvest season between June 1 and Sept. 30 in the Federal public waters of the Copper River mainstem within one half mile of the Copper River Highway.
- Methods and means for this fishery are limited to dip net and rod and reel. No dip netting from a boat is allowed.
- The harvest limit for this fishery will be 15 salmon for a household with 1 person, 30 salmon for a household of 2 persons, plus an additional 10 salmon for each additional person in that household over 2 persons. This limit is one combined limit that includes any salmon harvested in the Copper River Delta Federal subsistence fishery. No more than 5 Chinook Salmon per household may be harvested.
- Harvest from this fishery must be reported to managers within 48 hours of harvest.

4. Effective Period: This delegation of authority is effective from the date of this letter and expires on the date the final rule is published in the Federal Register.

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

You will provide subsistence users in the region a local point of contact about Federal subsistence fishery issues and regulations and facilitate a local liaison with State managers and other user groups. For in-season management decisions and 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).

You will review emergency special action requests or situations that may require an emergency special action and all supporting information to determine (1) consistency with 36 CFR 242.19 and 50 CFR 100.19, (2) if the request/situation falls within the scope of your delegated authority, (3) if significant conservation problems or subsistence harvest concerns are indicated, and (4) what the consequences of taking an action may be on potentially affected subsistence uses and nonsubsistence uses. Requests not within your delegated authority will be forwarded to the Board for consideration.

You will maintain a record of all special action requests and justification of your decisions. A

copy of this record will be provided to the Administrative Records Specialist at OSM no later than sixty days after development of the document.

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

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

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

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

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

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

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

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

Fisheries Division Supervisor, Office of Subsistence Management

Chair, Southcentral Alaska Subsistence Regional Advisory Council

Superintendent, Wrangell-St. Elias National Park and Preserve

Forest Supervisor, Chugach National Forest

Regional Special Agent in Charge, USFS

Regional Subsistence Group Leader, USDA-FS

Assistant Regional Director, Law Enforcement, U.S. Fish and Wildlife Service (Region 7)

Glacier District Ranger, Glacier Ranger District

Fishery Biologist, Wrangell- St. Elias National Park and Preserve

Commissioner, Alaska Department of Fish and Game

Interagency Staff Committee

Administrative Record