

**STAFF ANALYSIS**  
**TEMPORARY SPECIAL ACTION**  
**WSA 22-01b**

**ISSUES**

Temporary Wildlife Special Action WSA22-01b, submitted by the National Park Service (NPS) and the Bureau of Land Management (BLM), requests changing the Federal muskox permit system in Unit 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**). 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). WSA22-01a requests changing muskox hunts in Units 22 and 23 from a registration to a drawing permit hunt, standardizing language in the delegation of authority letters, and changing the in-season manager for the Unit 23 muskox hunt in the southwest portion of Unit 23 from the Western Arctic National Parklands (WEAR) superintendent to the BLM Anchorage Field Office manager 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. This change will allow the continuation of subsistence use and further conservation of healthy muskox populations in Unit 23. This housekeeping change will affect five muskoxen hunts in Unit 22 and three muskoxen 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**). 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 the 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 23—Muskox

*Unit 23—Cape Krusenstern National Monument—I bull by Federal permit. Aug. 1-Mar. 15*

*Cape Krusenstern National Monument is closed to the taking of musk oxen except by federally qualified subsistence users but not residents of Point Hope.*

*Unit 23—that portion north and west of the Kobuk River drainage—I bull by State or Federal registration permit. Aug. 1-Mar. 15*

## Proposed Federal Regulation

### Unit 23—Muskox

*Unit 23—Cape Krusenstern National Monument—I bull by Federal **drawing** permit. Aug. 1-Mar. 15*

*Cape Krusenstern National Monument is closed to the taking of musk oxen except by federally qualified subsistence users but not residents of Point Hope.*

*Unit 23—that portion north and west of the Kobuk River drainage—I bull by State **permit** or Federal **drawing** ~~registration~~ permit. Aug. 1-Mar. 15*

## Existing State Regulation

### Unit 23—Muskox

*Unit 23, that portion north and west of the Kobuk River drainage--One bull by permit (TX107) Aug. 1-Mar. 15*

## Extent of Federal Public Lands

Federal public lands comprise approximately 71% of Unit 23 and consist of 40% NPS managed lands, 22% BLM managed lands, and 9% U.S. Fish and Wildlife Service (USFWS) managed lands.

## **Customary and Traditional Use Determinations**

Residents of Unit 23 east and north of the Buckland River drainage have a customary and traditional use determination for muskox in Unit 23, remainder.

Residents of the NANA region are considered resident zone communities of Cape Krusenstern National Monument (CAKR). These communities include Kotzebue, Selawik, Noorvik, Kiana, Shungnak, Ambler, Kobuk, Noatak, Kivalina, Buckland, and Deering.

## **Regulatory History**

In regulatory year (RY) 2000-2001, the Alaska Department of Fish and Game (ADF&G) started the muskox Tier II permit in Unit 23, that portion North and west of the Noatak River. In RY 2014/15, the boundary was changed to be Unit 23, that portion north and west of the Kobuk River (Unit 23 NW).

In 2003, the NPS prepared an Environmental Assessment under the National Environmental Policy Act, and its Regional Director signed a Finding of No Significant Impact, designating all lands within the Northwest Alaska Native Association (NANA) Region as the resident zone for Cape Krusenstern National Monument (36 C.F.R. § 13.802 [2015]). With this 2003 decision, the current resident zone communities are Kotzebue, Selawik, Noorvik, Kiana, Shungnak, Ambler, Kobuk, Noatak, Kivalina, Buckland, and Deering.

In 2005, Proposal WP05-19, requested the establishment of a season and allocation of muskoxen within CAKR to provide opportunity for families with “permanent subsistence camps” within CAKR. The Federal Subsistence Board (Board) adopted Proposal WP05-19 with modification, limiting the hunt to resident zone community members with permanent residence within CAKR or the immediately adjacent Napaktuktuk Mountain area, south of latitude 67°05’ N and west of longitude 162°30’ W and delegating authority to the Western Arctic National Parklands (WEAR) superintendent to set the season closing date and annual harvest quotas. This action included a Section 804 prioritization, resulting in closure of the muskox hunt to some Federally qualified subsistence users.

In 2011, The Northwest Arctic Subsistence Regional Advisory Council (Northwest Arctic Council) supported maintaining the CAKR muskox closure to non-Federally qualified users based on population concerns at its March 2011 meeting (WCR10-27). The Northwest Arctic Council agreed to revisit the closure when further data regarding the population became available.

In 2016, the Board adopted Proposal WP16-50 as modified by OSM as part of the consensus agenda. Proposal WP16-50 removed the 804 restriction for the CAKR hunt area, expanding the pool of users eligible to hunt muskox within CAKR to all resident zone community members who are also Federally qualified subsistence users. This regulatory change provided more opportunity for Federally qualified subsistence users, while maintaining the permit and harvest quota, resulting in no biological effects to the muskox population.

Additionally in 2016, the Board adopted Proposal WP16-51 as modified by OSM to establish a muskox hunt in the portion of Unit 23 north and west of the Kobuk River drainage with a harvest limit of 1 bull

muskox and season of Aug. 1-Mar. 15. The modification specified that harvest would be by State or Federal registration permit and to delegate authority to The WEAR Superintendent to close the season, determine annual harvest quotas, and determine the number of Federal permits to be issued, by delegation of authority letter only.

### **Current Events**

Wildlife closure review (WCR22-27), regarding muskox in CAKR, is currently being reviewed. OSM is recommending an administrative modification of this closure to remove unnecessary language in the regulation regarding the closure to Federally qualified subsistence users.

Wildlife proposal WP22-55 proposes to establish a muskox hunt in Unit 26A. OSM initially recommended a Federal registration permit for this proposed hunt, but changed its recommendation to a drawing permit hunt based on feedback from Federal in-season managers, which prompted the submission of this special action request. The changes to the OSM conclusion for this proposal, to include the drawing permit, was presented before the North Slope Subsistence Regional Advisory Council (North Slope Council) in March of 2022. The North Slope Council agreed to support this modification.

Both WCR22-27 and WP22-55 will be presented to the Board for action in April 2022.

A public hearing regarding both WSA22-01a and WSA22-01b was held on March 15, 2022 via teleconference. There were no public comments received at this hearing.

Both the Northwest Arctic and North Slope Councils acted on WSA22-01b at their winter 2022 meetings. The Northwest Arctic Council stated 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. The North Slope Council considered distributing permits through a random drawing to be more inclusive and fair than a registration permit hunt, which favors those living closer to the permitting office (NSRAC 2022).

### **Biological Background**

ADF&G translocated 36 muskoxen near Cape Thompson in 1970, with an additional 34 animals released in the same area in 1977 (Westing 2011). Muskox have occupied CAKR since at least 1979 and occupy habitat from the mouth of the Noatak River north to Cape Lisburne (NPS 2014). Muskox in the Cape Thompson area appear to occupy relatively discrete, “core areas” separate from the muskox population on the Seward Peninsula, although muskox are also widely scattered throughout the remainder of Unit 23 in groups of 1-4 individuals (Westing 2011).

NPS has the following management objectives for muskoxen within their lands (NPS 2014):

1. Maintain a viable population of muskoxen in Cape Krusenstern National Monument and Noatak National Preserve in perpetuity.
2. Provide subsistence opportunity for harvesting muskoxen when sustainable.
3. Defer to state harvest regulations when sustainable and not in conflict with NPS regulations.

Arctic Network Inventory and Monitoring Program (ARCN NPS) Muskox vital sign objectives include (Schmidt, Robinson, and Miller 2018):

- Determine late winter muskoxen sex composition in the Cape Thompson populations.
- Determine late winter muskoxen age composition in the Cape Thompson populations.
- Estimate late winter muskoxen abundance in the Cape Thompson populations.
- Determine late winter muskoxen distribution in the Cape Thompson populations.

Additionally, ADF&G management objectives for muskoxen within Unit 23 (Hughes 2016) include:

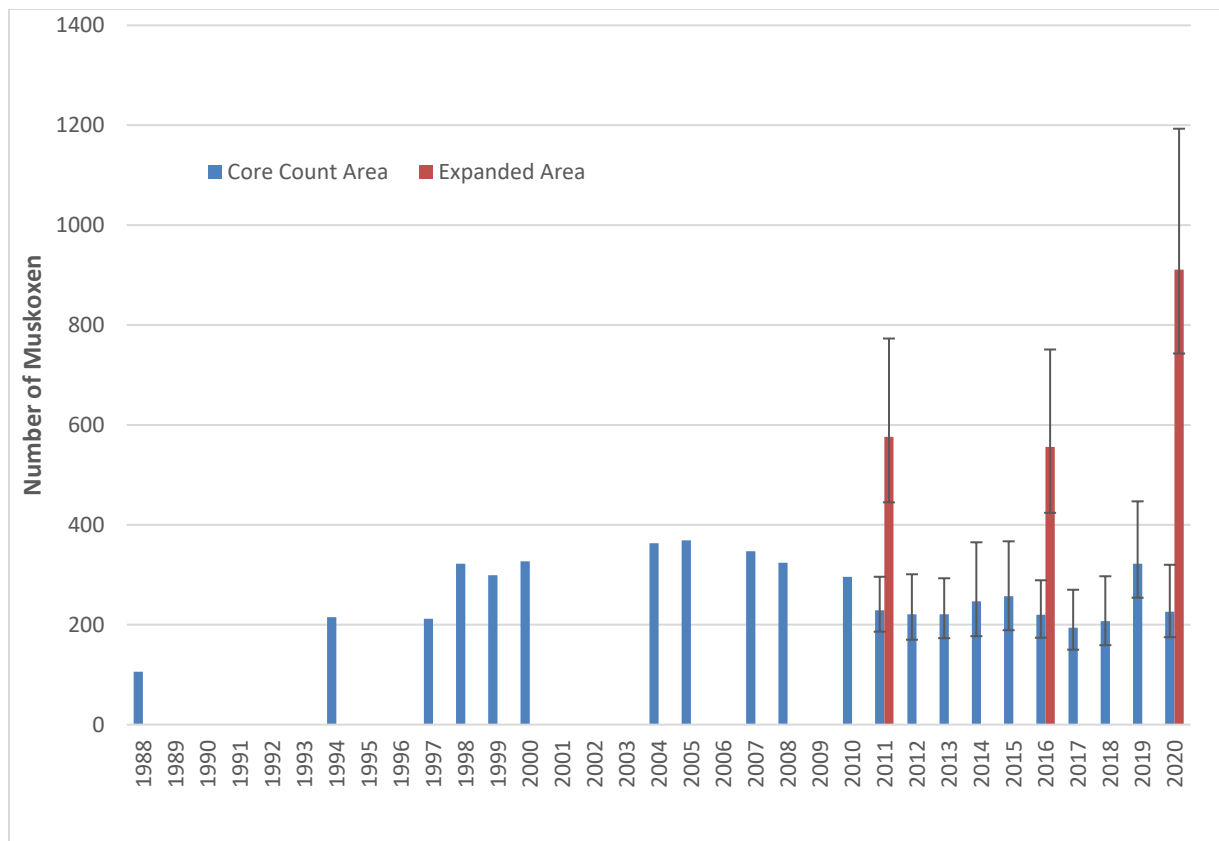
1. Survey the Cape Thompson population at least once every 3 years.
2. Assess population level range expansion.
3. Monitor the sex and age composition of the Cape Thompson muskoxen population.
4. Minimize the effects of development (e.g., mines and roads), hunting, and tourism on muskoxen and their habitat.

Since 1987, aerial population surveys of the Cape Thompson herd have occurred in the “core count area” which extends from the mouth of the Noatak River to Cape Lisburne within about 20 miles of the Chukchi Sea coast. However, muskox have expanded their range since reintroduction and have increasingly been observed outside of the core count area. In 2011, 2016, and 2020, ADF&G and NPS completed a population-wide survey that included the core count areas as well as potential habitat in Unit 26A and Unit 23 north of the Kobuk River (Hughes 2016, 2020 pers. comm., NPS 2017) (**Figure 1**).

From 1970-1998, the Cape Thompson muskox population grew 8% annually, while between 1998 and 2005, the population grew 2% annually. Since 2005, the population within the core count area has declined, although this is likely due to range expansion into other areas (Hughes 2016, NPS 2017). Between 2011 and 2020, the population within the core count area stabilized, averaging 234 muskoxen. In 2020, the population estimate was 226 muskoxen (**Figure 1**).

The recruitment rate (measured as the proportion of short yearlings in the population) and proportion of mature bulls in the core count area has been stable since 2015 further indicating no population growth. In spring 2019, short yearlings and mature bulls comprised 13% and 16% of the population, respectively. No spring composition survey occurred in 2020 due to constraints from weather, time, and the COVID-19 pandemic (Hughes 2020, pers. comm.).

Muskox reduce movements during the winter to conserve energy. Muskox depend on areas with low snow cover as they cannot forage in deep, hard-packed snow, using body-fat reserves and conservative behavior to survive winters. 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 2016).



**Figure 1.** Number of Cape Thompson muskoxen counted in the core count area and expanded survey area (Hughes 2016, 2020 pers. comm., NPS 2017). Prior to 2011, minimum count methods were used. In 2011 minimum counts were replaced with distance sampling methods and error bars represent the 95% credible intervals surrounding those estimates.

### Harvest History

Harvest within CAKR occurs only by Federal registration permit (FX2303). No more than two permits have been issued per year since the hunt was established in 2005. Harvest has ranged from 0-2 muskox per year between 2005 and 2019 (**Table 1**).

Harvest from the Cape Thompson muskox population within the Unit 23 NW hunt area occurs under State (TX107) and Federal (FX2312) regulations. Between 2005 and 2019, the State Tier II (TX107) muskox harvest averaged 3.7 muskoxen with an annual harvest quota of six bull muskoxen (ADF&G 2020, Hughes 2016). In 2016, one muskox was harvested by Federal permit FX2312 (OSM 2020). ADF&G considers a 2-3% harvest rate to be sustainable for the Cape Thompson muskox population (Hughes 2016). A request for the number of permits issued and harvest numbers under TX107 was made, with no response.

Illegal harvest likely occurs, although the magnitude is not known. Between 2003 and 2014, ADF&G received reports of at least 16 muskoxen that were illegally killed in the northern portion of Unit 23. In 2013, five cow muskoxen from the Cape Thompson population were illegally shot and not salvaged.

Because of this, ADF&G issued an emergency order in June of 2013, closing the State Tier II hunt prior to the 2013/14 season opening date (Hughes 2016).

**Table 1.** Federal permits issued and muskox harvested for the CAKR muskox hunt (FX2303) and Unit 23 NW hunt (FX2312). Annual reported harvest of muskoxen in Unit 23 north and west of the Kobuk, under State (Tier II, TX207). Only years with data are shown. Harvest in other years is presumed to be zero. The FX2312 hunt began in 2016 (Westing 2013; ADF&G 2015 and 2022; Adkisson 2015, pers. comm.; OSM 2015, 2020, and 2022).

Year	FX2303 Permits Issued	FX2303 Harvest	FX2312 Permits Issued	FX2312 Harvest	TX107 Permits Issued	TX107 Harvest
2000						1
2002						5
2004						5
2005	1	1				
2006	1	0				4
2007	2	1				6
2008						5
2009						4
2010	2	1			6	4
2011					7	5
2012					6	5
2013					7	
2014					6	4
2015					6	5
2016	1	1	3	1	6	5
2017	1	1	3	0	3	3
2018	2	2	0	0	3	3
2019	2	1	0	0	4	3
2020					3	3
2021			1	0		

### 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 special action is approved there will be no change to how permits are distributed in Units 22 and 23 Southwest. 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 hunt, 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 State and Federal permits (**Appendix 1**). 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** Temporary Wildlife Special Action WSA22-01b

## **Justification**

Approving WSA22-01b will not change subsistence uses of muskoxen or affect the Cape Thompson muskox population as it is an administrative change only. However, codifying the Federal drawing permit hunt (rather than registration permit hunt) for muskoxen in Unit 23 ensures harvest remains within sustainable levels and responds to both changing hunt and herd conditions. A drawing permit also randomize

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 (**Appendix 1**).

## LITERATURE CITED

ADF&G. 2015. General harvest report database. Internet: <<https://secure.wildlife.alaska.gov/index.cfm>>. Retrieved 11/27/2015.

ADF&G. 2020. General Harvest Reports. <https://secure.wildlife.alaska.gov/index.cfm?fuseaction=harvestreports.main>. Accessed December 15, 2020.

ADF&G. 2022. General harvest report database. Internet: <<https://www.adfg.alaska.gov/index.cfm?adfg=muskoxhunting.harvest>>. Retrieved 04/01/2022.

Adkisson, K. 2015. Subsistence Program Manager. Personal communication: phone. National Park Service. Nome, AK.

Hughes, L.J. 2016. Units 23 and 26A muskox. Chapter 3, Pages 3-1 through 3-19 [*In*] Harper, P., and L.A. McCarthy, editors. 2015. Muskox management report of survey-inventory activities 1 July 2012-30 June 2014. Alaska Department of Fish and Game. Species Management Report ADF&G/DWC/SMR-2015-2, Juneau, AK.

Hughes, L.J. 2020. Wildlife biologist. Personal communication: e-mail. Arctic Inventory and Monitoring Network. National Park Service. Nome, AK.

Kutz, S., J. Rowell, J. Adamczewski, A. Gunn, C. Cuyler, et al. 2017. Muskox Health Ecology Symposium 2016: Gathering to Share Knowledge on “Umingmak” in a Time of Rapid Change. *Arctic* 70(2): 225-236.

Lent, Peter C. 1998. Alaska’s indigenous muskoxen: a history. *Rangifer* 18 (5): 133.

Lent, Peter C. 1999. Muskoxen and their hunters. University of Oklahoma Press. Norman, OK.

Mason, R. 2015. Managing muskoxen in Northwest Alaska: from ice age relic to subsistence species, source of cash, and nuisance animal. Paper given at the 75<sup>th</sup> Society for Applied Anthropology Meeting: Continuity and Change. March 24-28, 2015. Pittsburgh, PA.

Nelson, R. 1994. Seward Peninsula Cooperative Muskox Management Plan. Alaska Department of Fish and Game, Division of Wildlife Conservation, Nome, AK.

NPS. 2014. Cape Krusenstern/Noatak muskoxen management recommendations and synthesis 2014.

NPS. 2017. State of the park report for Cape Krusenstern National Monument. State of the Park Series No. 44. National Park Service, Washington, DC.

NSRAC. 2022. Transcripts of the North Slope Subsistence Regional Advisory Council proceedings, March 8-9, 2022 via teleconference. Office of Subsistence Management, USFWS. Anchorage, AK.

NWARAC. 2022. Transcripts of the Northwest Arctic Subsistence Regional Advisory Council proceedings, February 14-15, 2022 via teleconference. Office of Subsistence Management, USFWS. Anchorage, AK.

OSM. 2020. Harvest management database. U.S. Fish and Wildlife Service, Office of Subsistence Management. Accessed on December 15, 2020.

OSM. 2022. Harvest management database. U.S. Fish and Wildlife Service, Office of Subsistence Management. Accessed on February 23, 2022.

Schmidt, J. H., H. L. Robison, and S. D. Miller. 2018. Protocol implementation plan for monitoring muskox sex-age composition in the Arctic Network. Natural Resource Report NPS/ARC/NRR—2018/1795. National Park Service, Fort Collins, Colorado.

Westing, C. 2011. Unit 23 muskox. Pages 48-62 *in* P. Harper, editor. Muskox management report of survey and inventory activities 1 July 2008-June 2010. Alaska Department of Fish and Game. Project 16.0. Juneau, AK.

Westing, C. 2013. Unit 23 muskox. Pages 52-74 *in* P. Harper, editor. Muskox management report of survey and inventory activities 1 July 2010 – 30 June 2012. Alaska Department of Fish and Game, Species Management Reports ADF&G?DWC?SMR-2013-2, Juneau, AK

## **SUBSISTENCE REGIONAL ADVISORY COUNCIL RECOMMENDATIONS**

### **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.

### **North Slope Subsistence Regional Advisory Council**

**Support** WSA22-01. The Council considered distributing permits through a random drawing to be more inclusive and fair than a registration permit hunt, which favors those living closer to the permitting office.

## Appendix 1

Superintendent  
Western Arctic National Parklands  
National Park Service  
PO Box 1029  
Kotzebue, Alaska 99752

Dear Superintendent:

This letter delegates specific regulatory authority from the Federal Subsistence Board (Board) to the Superintendent of the Western Arctic National Parklands to issue emergency or temporary special actions if necessary to ensure the conservation of a healthy wildlife population, 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 Cape Krusenstern National Monument (CAKR) for the management of muskox on these lands.

It is the intent of the Board that actions related to management of muskox by designated 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 (NPS) Regional 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 Western Arctic National Parklands in Kotzebue is hereby delegated authority to issue emergency or temporary special actions affecting muskox in CAKR 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 regulations 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 regulations 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 in CAKR.~~
- ~~As needed, set or adjust the annual harvest quotas for muskox for the Federal hunt in CAKR.~~

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 Cape Krusenstern National Monument.

**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 immediately notify the proponent of the request. 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. 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.

**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 Regional Advisory Council

Chair, Cape Krusenstern National Monument Subsistence Resource Commission

Subsistence Manager, Cape Krusenstern National Monument

**Deputy** Commissioner, Alaska Department of Fish and Game

Special Projects Coordinator, Alaska Department of Fish and Game

Interagency Staff Committee

Administrative Record

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

Dear Superintendent:

This letter delegates specific regulatory authority from the Federal Subsistence Board (Board) to the Superintendent of the Western Arctic National Parklands to issue emergency or temporary special actions if necessary to ensure the conservation of a healthy wildlife population, to continue subsistence uses of wildlife, for reasons of public safety, or to assure the continued viability of 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 north and west of the Kobuk 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, 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 Western Arctic National Parklands is hereby delegated authority to issue emergency or temporary special actions affecting muskox on Federal lands as outlined under **Scope of Delegation**. 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 north and west of the Kobuk 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 north and west of the Kobuk 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 north and west of the Kobuk 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).

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, Northwest Arctic Subsistence Regional Advisory Council

Field Manager, Bureau of Land Management Anchorage Field Office

**Deputy** Commissioner, Alaska Department of Fish and Game

Special Projects Coordinator, Alaska Department of Fish and Game

Interagency Staff Committee

Administrative Record