



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 20047.CM

JUN 02 2020

Petersburg District Ranger
Tongass National Forest
P.O. Box 1328
Petersburg, Alaska 99833

Dear Petersburg District Ranger:

This letter delegates specific regulatory authority from the Federal Subsistence Board (Board) to the Petersburg District Ranger to issue emergency special actions *related to food security* and may be exercised only *for reasons of public safety*, and when doing so will not threaten the continued viability of the wildlife resource. This delegation only applies to Federal public lands subject to Alaska National Interest Lands Conservation Act (ANILCA) Title VIII jurisdiction within Petersburg Ranger District of the Tongass National Forest, for the management of moose and deer on these lands.

Ongoing public health concerns have already precipitated Federal and State government-mandated restrictions, which may lead to challenging circumstances for rural residents to provide food and other necessary items for themselves, their families, and their communities. The Board recognizes the resulting risks to public safety and issues this delegation of authority as a proactive means of facilitating timely consideration of all emergency special action requests related to food security that may arise in rural Alaska.

It is the intent of the Board that actions related to management of moose and deer 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), and the Chair of the affected Council(s) to the extent possible. *In addition, you will consult with the State of Alaska Unified Command Mass Care Group prior to implementing any emergency special action under this delegation.* Your point of contact at the State of Alaska Unified Command Mass Care Group will be Bryan J. Fisher, Incident Commander, Alaska State Emergency Operations Center/Unified Command, at: b.fisher@alaska.gov.

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 Chairs or alternates, local Tribes, and Alaska Native Corporations to minimize disruption to subsistence resource users and existing agency programs, consistent with the need for an emergency special action.

DELEGATION OF AUTHORITY

1. Delegation: The Petersburg Ranger District of the Tongass National Forest is hereby delegated authority to issue emergency special actions affecting moose and deer on Federal lands as outlined under the **Scope of Delegation**. Emergency special actions may not exceed 60 days in length. 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:

- Open, close, reopen a season, up to 60 days in duration, for moose and deer on Federal public lands within the Petersburg Ranger District of the Tongass National Forest.
- Establish individual or community harvest limits, including antler and sex restrictions for moose and deer within the Petersburg Ranger District of the Tongass National Forest.
- Specify permitting requirements, determine the number of permits to be issued, and set permit conditions for moose and deer within the Petersburg Ranger District of the Tongass National Forest.
- Set harvest quotas for moose and deer on Federal public lands within the Petersburg Ranger District of the Tongass National Forest.

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 only applies to requests *related to food security* and may be exercised only *for reasons of public safety*, and when doing so will not threaten the continued viability of the wildlife resource. Requests from the public to issue special actions for other purposes should be directed to the Board through OSM.

The Federal public lands subject to this delegated authority are those within the Petersburg Ranger District of the Tongass National Forest.

4. Effective Period: This delegation of authority is effective from the date of this letter and continues until June 1, 2021 unless rescinded by the Board at an earlier date.

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 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 may seek Council recommendations on the proposed emergency 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 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. In the event that the Alaska Unified Command Mass Care Group does not confirm the need for this special action, you will defer this special action to the Board.

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

Sincerely,



Anthony Christianson
Chair

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
Southeast Alaska Subsistence Council Coordinator, Office of Subsistence Management
Chair, Southeast Alaska Subsistence Regional Advisory Council
Commissioner, Alaska Department of Fish and Game
Federal Subsistence Liaison Team Leader, Alaska Department of Fish and Game
Interagency Staff Committee
Administrative Record