



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

Federal Subsistence Board

3601 C Street, Suite 1030
Anchorage, Alaska 99503



FOREST SERVICE

FWS/OSM/C:/CandelariaInSeason

MAY - 8 2002

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

Dear Mr. Candelaria:

This letter delegates specific regulatory authority from the Federal Subsistence Board to you as Superintendent of the Wrangell-St. Elias National Park and Preserve to issue special actions when necessary to assure the conservation of healthy fish stocks and to provide for subsistence uses of fish in Federal waters subject to ANILCA Title VIII (Federal waters) in the Copper River Drainage within the Prince William Sound Area.

Overview

Federal managers are responsible for local management of subsistence fishing by qualified rural residents in Federal waters; this includes the authority to restrict all uses in Federal waters if necessary to conserve healthy fish stocks or to provide for subsistence uses in Federal waters. State managers are responsible for in-season management of State subsistence, commercial, recreational, and personal use fisheries in all waters.

It is the intent of the Federal Subsistence Board that subsistence fisheries management by Federal officials be coordinated with the Alaska Department of Fish and Game and involve Regional Advisory Council representatives to conserve healthy fish stocks while providing for subsistence uses. Federal managers are expected to cooperate with State managers and minimize disruption to resource users and existing agency programs, as agreed to under the Interim Memorandum of Agreement for Coordinated Fisheries and Wildlife Management for Subsistence Uses on Federal Public Lands in Alaska.

FEDERAL FISHERIES MANAGEMENT DELEGATION OF AUTHORITY

1. **Delegation:** The Superintendent of the Wrangell-St. Elias National Park and Preserve is hereby delegated authority to issue emergency regulations (special actions) affecting fisheries in Federal waters as outlined under **3. Scope of Delegation.**

2. **Authority:** This delegation of authority is established pursuant to 36 CFR 242.10(d)(6) and 50 CFR 100.10(d)(6), which states: "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 issuance of emergency special actions as defined by 36 CFR 242.19(d) and 50 CFR 100.19(d). Such an emergency action may not exceed 60 days, and may not be extended. This delegation permits you to open or close Federal subsistence fishing periods or areas provided under codified regulations. It also permits you to specify methods and means; to specify permit requirements; and to set harvest and possession limits for Federal subsistence fisheries. This delegation also permits you to close and re-open Federal waters to non-subsistence fishing, but does not permit you to specify methods and means, permit requirements, or harvest and possession limits for State-managed fisheries. This delegation may be exercised only when it is necessary to conserve fish stocks or to continue subsistence uses.

All other proposed changes to codified regulations, such as customary and traditional use determinations, shall be directed to the Federal Subsistence Board.

The Federal waters subject to this delegated authority are those within the Copper River Drainage within the Prince William Sound Area (as described in the Subsistence Management Regulations for the Harvest of Fish and Shellfish on Federal Public Lands and Waters in Alaska). The Superintendent will coordinate all local fishery decisions with all affected Federal land managers.

4. **Effective Period:** This delegation of authority is effective until superseded or rescinded.

5. **Criteria for Review of Proposed Special Actions:** The Superintendent will use the following considerations to determine the appropriate course of action when reviewing proposed special actions.

1. Does the proposed special action fall within the geographic and regulatory scope of delegation?

2. Does the proposed special action need to be implemented immediately as a special action, or can the desired conservation or subsistence use goal be addressed by deferring the issue to the annual regulatory cycle?
3. Does the supporting information in the proposed special action substantiate the need for the action?
4. Are the assertions in the proposed special action confirmed by available current biological information and/or by other affected subsistence users?
5. Is the proposed special action supported in the context of available historical information on stock status and harvests by affected users?
6. Is the proposed special action likely to achieve the expected results?
7. Have the perspectives of ADF&G managers and Regional Advisory Council representatives been fully considered in the review of the proposed special action?
8. Have the potential impacts of the proposed special action on all affected subsistence users within the drainage been considered?
9. Can public announcement of the proposed special action be made in a timely manner to accomplish the management objective?
10. After evaluating all information and weighing the merits of the special action against other actions, including no action, is the special action reasonable, rational and responsible?

6. Guidelines for Delegation:

1. The Superintendent 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.
2. The Superintendent will review special action requests or situations that may require a special action and all supporting information to determine (1) if the request/situation falls within the scope of authority, (2) if significant conservation problems or subsistence harvest concerns are indicated, and (3) what the consequences of taking an action may be on potentially affected subsistence users and non-subsistence users. Requests not within the delegated authority of the Superintendent will be forwarded to the Federal Subsistence Board for consideration. The Superintendent will keep a record of all special action requests and their disposition.

3. The Superintendent will immediately notify the Federal Subsistence Board through Tom Boyd, Assistant Regional Director for Subsistence, U.S. Fish and Wildlife Service, and notify/consult with local ADF&G managers, Regional Advisory Council members, and other affected Federal conservation unit managers concerning special actions being considered.

4. The Superintendent will issue timely decisions. Users, affected State and Federal managers, law enforcement personnel, and Regional Advisory Council representatives should be notified before the effective date/time of decisions. If an action is to supersede a State action not yet in effect, the decision will be communicated to affected users, State and Federal managers, and Regional Advisory Council representatives at least 6 hours before the State action would be effective. If a decision is to take no action, the requestor will be notified immediately.

5. There may be unusual circumstances under which the Superintendent will determine that he/she should not exercise the authority delegated, but instead request that the Federal Subsistence Board should handle the special action request. In a similar vein, the Federal Subsistence Board may determine that a special action request should not be handled by the delegated official but by the Board itself (i.e. rescind the delegated authority for that specific action only). These options should be exercised judiciously and may only be initiated where sufficient time allows. Such decisions should not be considered where immediate management actions are necessary for fisheries conservation purposes.

7. **Reporting:** The Superintendent must provide to the Federal Subsistence Board 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.

8. **Support Services:** Administrative support for local fisheries management activities of the Superintendent will be provided by the Office of Subsistence Management, U. S. Fish and Wildlife Service, Department of the Interior.

This delegation of authority will provide subsistence users in the region a local point of contact and will facilitate a local liaison with State managers and other user groups. Timely local management decisions optimize the opportunity for users to harvest fish when and where they are available, without jeopardizing spawning escapement goals for specific stocks.

Should you have any questions about this delegation of authority, please feel free to contact Mr. Thomas H. Boyd, Assistant Regional Director for Subsistence, U. S. Fish and Wildlife Service, Office of Subsistence Management at toll-free 1-800-478-1456 or (907) 786-3888.

Sincerely,



Mitch Demientieff, Chair
Federal Subsistence Board

Attachment: Map of the Copper River Drainage within the Prince William Sound Area

cc: Members of the Federal Subsistence Board

Mr. Ralph Lohse, Chair, Southcentral Alaska Subsistence Regional Advisory Council
Council

Mr. Gary Candelaria, Superintendent, Wrangell-St. Elias National Park and Preserve

Mr. Dave Gibbens, Chugach Forest Supervisor

Mr. Jonathan Herrick, Regional Special Agent in Charge, USFS

Mr. Ken Thompson, Regional Subsistence Group Leader, USDA-FS

Mr. Stanley Pruszenski, Assistant Regional Director - Law Enforcement, U.S. Fish
and Wildlife Service

Mr. Jim Fincher, Glacier District Ranger

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

Mr. Frank Rue, Commissioner, Alaska Department of Fish and Game

Mr. Thomas H. Boyd, FWS Office of Subsistence Management