

WP26–01 Executive Summary

General Description	Wildlife Proposal WP26-01 requests to move authority to manage Federal hunts currently delegated to Federal in-season managers through Delegation of Authority Letters into unit-specific regulations for many hunts across Alaska and rescind the associated Delegation of Authority Letters. <i>Submitted by the Office of Subsistence Management</i>
Proposed Regulation	Please see subparts WP26-01a–WP26-01j
OSM Preliminary Conclusion	<p>Support Proposal WP26-01 with modification to replace the term “coordination with” with “seeking input and considering feedback from”.</p> <p>OSM also recommends modifications to WP26-01a – Southeast and WP26-01b – Southcentral. See the WP26-01a and WP26-01b analyses for the specific, regional modifications.</p>
Southeast Alaska Subsistence Regional Advisory Council Recommendation	
Southcentral Alaska Subsistence Regional Advisory Council Recommendation	
Kodiak/Aleutians Subsistence Regional Advisory Council Recommendation	
Bristol Bay Subsistence Regional Advisory Council Recommendation	

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Yukon- Kuskokwim Delta Subsistence Regional Advisory Council Recommendation	
Western Interior Alaska Subsistence Regional Advisory Council	
Seward Peninsula Subsistence Regional Advisory Council Recommendation	
Northwest Arctic Subsistence Regional Advisory Council	
Eastern Interior Alaska Subsistence Regional Advisory Council Recommendation	
North Slope Subsistence Regional Advisory Council Recommendation	

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Interagency Staff Committee Comments	
ADF&G Comments	
Written Public Comments	One support See Written Public Comments on Wildlife Proposals and Closure Reviews section of the meeting book or www.doi.gov/subsistence/wildlife/public_comments for full comments.

DRAFT STAFF ANALYSIS

WP26-01

ISSUES

Wildlife Proposal WP26-01, submitted by the Office of Subsistence Management (OSM), requests to move authority to manage Federal hunts currently delegated to Federal in-season managers through Delegation of Authority Letters (DALs) into unit-specific regulations for many hunts across Alaska and rescind the associated DALs.

This analysis serves as the “master analysis” and contains information consistent and relevant across all regions. Specific proposed regulations are grouped by region in separate analyses as follows: WP26-01a – Southeast; WP26-01b – Southcentral; WP26-01c – Kodiak/Aleutians; WP26-01d – Bristol Bay; WP26-01e – Yukon-Kuskokwim Delta; WP26-01f – Western Interior; WP26-01g – Seward Peninsula; WP26-01h – Northwest Arctic; WP26-01i – Eastern Interior; WP26-01j – North Slope.

While OSM transferred most authority verbatim from the DALs into the unit-specific regulations, some modifications were necessary for clarity or accuracy. These modifications are noted in the region-specific regulations contained in the separate, regional analyses.

The land management units (e.g. National Wildlife Refuges or National Parks and Preserves) required for coordination of management actions are specified, but not the specific position at each unit. Also, the Federal manager administering a Federal permit already has authority to set permit conditions, such as reporting periods. Therefore, specific authority to set permit conditions in a DAL was not transferred into unit-specific regulations. Permit conditions must be approved by OSM, which occurs annually as permits are updated, and in accordance with the current Office of Management and Budget (OMB) information collection authorization.

Additionally, every DAL contains boilerplate language permitting Federal in-season managers “to close and reopen Federal public lands to nonsubsistence hunting.” This authority was not transferred into the unit specific regulations as it is more appropriately retained by the Federal Subsistence Board (Board). A few DALs contain authority to close Federal public lands to all users. This authority is specific to those hunts and therefore was transferred into the unit-specific regulations.

Finally, Federal regulations for delegated authority (§ __.10(d)(6)) specify the Board may delegate authority “within frameworks established by the Board.” To clarify this in the unit-specific regulations, the phrase “within the regulatory parameters set by the Board” was added, meaning that in-season managers may not announce seasons or harvest limits that are outside the bounds of the seasons or harvest limits established in codified Federal regulation.

Proponent statement

The proponent states that currently, many Federal in-season managers have been delegated authority by the Federal Subsistence Board to manage hunts through DALs. These DALs are administrative tools that the Board may issue or rescind at any time. Actions taken by Federal in-season managers under a DAL are classified as special actions and are therefore subject to regulatory requirements, including the obligation to hold a public hearing for any management action extending beyond 60 days, as outlined in §51.19. Special actions are intended to address temporary, emergency, or unforeseen circumstances. However, many of the in-season management actions currently implemented through wildlife DALs are routine and recurring, such as closing hunting seasons when harvest quotas are reached.

Including delegated authority for routine in-season decisions within unit-specific regulations is a more efficient approach than issuing special actions on an annual recurring basis. This method establishes a transparent public process for modifying delegated authority through the standard regulatory proposal system. This change in regulations will add approximately 10 pages of regulatory language. However, it reduces the administrative burden on Federal managers by eliminating the procedural requirements associated with special actions. Overall, this proposal enhances government efficiency by streamlining in-season management, promoting consistency across the State, and strengthening coordination and engagement with the State of Alaska.

The current approach to in-season management through DALs presents several operational inefficiencies:

- **Public Hearing Requirements:**
 - In-season managers must hold public hearings for actions lasting more than 60 days.
 - Even for routine actions like closing a season when a harvest quota is met, these hearings require time to coordinate, advertise, and conduct.
 - Attendance at these hearings is often low, making the effort disproportionate to the outcome.
- **Tribal Consultation Requirements:**
 - DALs require Tribal consultations “to the extent practicable.”
 - For routine matters, consultations are rarely practicable due to the time and effort needed to coordinate them.
- **Subsistence Regional Advisory Council (Council) Involvement:**
 - DALs require seeking Council recommendations when time allows and without causing undue delay.
 - This process can delay timely implementation and consumes both staff and Council resources for otherwise straightforward decisions.
- **Confusing Language in DALs:**
 - DALs include unclear guidance about “notifying proponents,” since these routine actions are treated as special actions under the current framework.

- This adds unnecessary complexity to what should be simple, recurring management tasks.
- Challenges with Consistency and Enforcement:
 - High staff turnover makes it difficult to consistently follow and enforce all DAL-related requirements.
 - The administrative burden and complexity hinder effective and timely management.

Efficiencies and improved coordination could be gained by moving the delegations to regulations:

- Streamlined Regulatory Language:
 - Condenses approximately four pages of DAL requirements into a single paragraph within unit-specific regulations.
- Reduced Administrative Burden:
 - Eliminates the need for:
 - Public hearings
 - Tribal consultations
 - Regional Advisory Council (RAC) recommendations
 - Proponent notifications
 - Significantly reduces the time, effort, and resources required to implement routine in-season management actions.
- Improved Coordination and Consistency:
 - Establishes a clear, standardized process for routine in-season actions across Alaska.
 - Clarifies expectations for Federal in-season managers, Councils, and the State of Alaska regarding:
 - Coordination responsibilities
 - Communication protocols with rural subsistence users
- Simplified Oversight and Maintenance:
 - Reduces the Office of Subsistence Management's (OSM) workload by eliminating the need to maintain and update 61 DALs.
 - Prevents outdated guidance due to changes in hunt areas or other regulatory parameters.

Existing Federal Regulations

Note: Please see the “Proposed Federal Regulations” sections in each of the 10 separate, regional analyses. For brevity, the existing Federal regulations are not included in this analysis.

Relevant Federal Regulation

§ 51.10(d) Powers and Duties of the Board

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(6) 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.

Proposed Federal Regulations

See the separate, regional analyses WP26-01a – WP26-01j.

Existing State Regulations

None.

Note: As delegated authority exists only under Federal regulations, there are no corresponding State regulations. While there are corresponding State hunts for the Federal hunts affected by the delegated authority changes, for brevity, those regulations are not included in this analysis.

Regulatory History

Per regulation, the Board may delegate authority to agency field officials to manage hunts (see Relevant Federal Regulations section above). Delegating authority to local Federal land managers for in- or pre-season hunt management decisions is beneficial because they have a greater connection to and knowledge of affected wildlife resources, local subsistence users, and current on-the-ground situations, such as adverse weather affecting the resource and hunting opportunity, than the Board. They can also make decisions more expeditiously, such as closing a season when a harvest quota is approached to avoid overharvest.

The Board has delegated authority to Federal in-season managers in unit-specific regulations since at least 2000. For example, in the 2000-01 Federal subsistence regulations booklet, the Koyukuk/Nowitna National Wildlife Refuge manager had authority to announce a winter moose hunt in Unit 21D, Koyukuk Controlled Use Area. This delegated authority, as well as numerous other delegated authorities, are still in unit-specific regulations.

In the early 2000s, the Board began using DALs to allow more flexible management, since these letters can be quickly changed or withdrawn administratively without going through the full regulatory process. Since 2010, a table of DALs have been included at the end of the Federal subsistence wildlife regulations booklet. In 2010, all DALs were for the Southeast Region. Since then, the number of DALs has proliferated to 61 wildlife DALs across all 10 subsistence resource regions by 2024. While administrative actions, most existing DALs were created through Board action on regulatory proposals. Many DALs were created opportunistically as proposals were analyzed and authority was transferred out of existing regulations and into DALs as a housekeeping modification. Other DALs were created to manage new or modified hunts through regulatory proposals.

While the initial intent of issuing DALs was to increase flexibility and efficiency, an unforeseen consequence was increasing the administrative burden on Federal in-season managers and OSM. As mentioned in the proposal and in the proponent statement section of this analysis, any management

action taken through a DAL must be considered a special action subject to associated regulatory requirements such as holding public hearings and seeking Council recommendation if timing allows. The DALs also contain additional requirements for conducting tribal consultations, record keeping, and proponent notification. As these letters became more common over the past 15 years, they have been implemented inconsistently.

The administrative burden on OSM of maintaining 61 DALs has also become unwieldy. In preparation for submitting this proposal, WP26-01, OSM identified areas of overlap or inconsistency that will be resolved in the unit-specific regulations. For example, two DALs for the same area and species, Unit 9C caribou, had been issued to two different Federal managers. Unit 5B moose and Unit 6C moose have authority delegated in unit-specific regulations as well as in a DAL. Additionally, the boundary for a Unit 18 moose hunt was modified through Proposal WP24-19, but the corresponding DAL was not updated to reflect the hunt area boundary change.

In February 2025, the Board adopted WP25-01 with modification to change Nelchina caribou herd hunts in Units 11, 12 remainder, and 13. One of the changes was to move authority from DALs into unit-specific regulations. The analysis justified this change as, “rescinding the existing DALs and moving the delegated authority into unit-specific regulations is a programmatic initiative because it is more appropriate than issuing special actions for routine, annual management actions.” This “testcase” was also supported by both the Eastern Interior and Southcentral Councils (OSM 2025).

Alternative(s) Considered

One alternative considered was replacing the term “coordination with” with either “consultation with” or “seeking input and considering feedback from.” This replacement may provide more clarity on intended requirements, reduce confusion, and improve consistency in implementing delegated authority across the State as people may interpret “coordination with” differently.

Currently, all DALs contain the word “coordinate,” while delegated authority currently in unit-specific regulations contain the word “consult.” As government-to-government Tribal consultations are required when practicable in the DALs, the word “coordinate” was likely used to reduce potential conflation. Federal regulations establishing that the Board may delegate authority to Federal in-season managers (see Relevant Federal Regulations section) do not contain any requirements or guidance for managers to coordinate or consult with anyone. While Federal regulations regarding special actions in §51.19(b)(1)(i) stipulate, “*Prior to implementing a temporary special action, the Board will consult with the State of Alaska and the Chairs of the Regional Councils of the affected regions,*” delegated authority in regulation are not special actions.

Regardless of the term used, OSM intends for in-season managers to do their due diligence in communicating their proposed in-season management actions and rationale to the required entities and to consider all feedback received in making any adjustment to the in-season action/rationale. However, OSM welcomes input from the Councils and the Board on further defining this requirement.

Discussion and Effects

OSM considers WP26-01 as mostly an administrative proposal. Adoption will not affect wildlife resources or subsistence opportunity. However, operational efficiency will increase as detailed in the proponent statement section. The administrative burden on Federal in-season managers and OSM will decrease, and routine management decisions can be made more expeditiously. This proposal also increases transparency as changes to delegated authority can be requested through the regulatory proposal process and by allowing the public to more easily reference what authority is delegated for particular hunts.

Previously, Councils and the public questioned how DALs could be rescinded or amended (SCRAC 2023a; 2023b). As an administrative function, Councils or the public could request changes verbally during Board meetings or in writing through letters or e-mails to the Board. However, as the delegation of authority is an administrative (not regulatory) action, the Board can still delegate authority to in-season managers if needed at any time through letters, although OSM expects any future DALs issued by the Board to be temporary (i.e. have an expiration date).

OSM anticipates another effect of this proposal going through an extensive review process by the Councils, Tribes and ANSCA corporations, the public, Federal land managers, and the Alaska Department of Fish and Game (ADF&G) will be increased understanding of the delegated authority process and consistency in its implementation across the State. All delegated authority requires coordination with several entities, including OSM. While not specified in regulation, OSM intends coordination to mean that the in-season manager does due diligence in communicating their proposed in-season action and rationale to the required entities and considers all feedback received in making any adjustment to the in-season action/rationale. Specifically, for OSM, in-season management actions should be coordinated, prior to implementation, with the OSM Wildlife Division Supervisor. Once the management action has been decided, notification should be sent to the OSM Wildlife Division Supervisor, the OSM Records Specialist for filing in the administrative record, and the OSM Outreach Specialist for posting on the OSM website and distributing to OSM regional contacts list.

Several other 2026 wildlife proposals propose modifications to delegated authority. The Board's action on those proposals may technically conflict with regulatory changes proposed by this proposal. However, OSM's intent is for action on those proposals to supersede action on this proposal as reconciling potential modifications is untenable and creates unnecessary regulatory complexity.

OSM PRELIMINARY CONCLUSION

Support Proposal WP26-01 **with modification** to replace the term “coordination with” with “seeking input and considering feedback from”.

OSM also recommends modifications to WP26-01a – Southeast and WP26-01b – Southcentral. See the WP26-01a and WP26-01b analyses for the specific, regional modifications.

The draft regulations read:

Note: Only one example is included for brevity. However, the same change would be applied to all the delegated authorities being transferred into unit-specific regulations.

Unit 15—Goat

Unit 15—1 goat by Federal drawing permit. Kids or nannies accompanied by Aug. 10-Nov. 14 kids may not be taken.

The Kenai NWR manager after seeking input and considering feedback from ADF&G, OSM, and the Chair of the affected Council(s) is authorized within the regulatory parameters set by the Board, to close the season; set harvest quotas, number of permits issued, and sex restrictions; and define harvest zones.

Justification

Adopting WP26-01 will improve government efficiency by eliminating many unnecessary steps and requirements for Federal land managers to make routine, annual management decisions; decreasing the administrative burden on OSM of maintaining 61 DALs; and enhancing public transparency by allowing changes to delegated authority through the regulatory process. Moving delegated authority to unit-specific regulations for routine management actions taken every year is more appropriate and expeditious than issuing special actions annually, which are intended for emergency, unforeseen circumstances and have additional regulatory stipulations.

Replacing the term “coordination with” with “seeking input and considering feedback from” clarifies the intended requirements of the in-season manager, reducing confusion and improving consistency in implementation across the State.

LITERATURE CITED

OSM. 2025. Staff analysis WP25-01. Pages 358–481 in Federal Subsistence Board Meeting Materials. Feb 4–7, 2025, in Anchorage. Office of Subsistence Management, DOI. Anchorage, AK.

SCRAC. 2023a. Transcripts of the Southcentral Alaska Subsistence Regional Advisory Council proceedings, Mar 15, 2023. Office of Subsistence Management, DOI. Anchorage, AK.

SCRAC. 2023b. Transcripts of the Southcentral Alaska Subsistence Regional Advisory Council proceedings, Oct. 3–4, 2023. Office of Subsistence Management, DOI. Kenai, AK.

WRITTEN PUBLIC COMMENTS

1. Ahtna Intertribal Resource Commission