



August 18, 2026

Honorable Doug Burgum
Secretary, Department of the Interior
1849 C Street, NW
Washington, DC 20240 via exsec@ios.doi.gov

Honorable Brooke Rollins
Secretary, Department of Agriculture
1400 Independence Ave, SW
Washington, DC 20250 via agsec@usda.gov

RE: Impacts multiply while waiting 19 months for fulfillment of EO 14153

Dear Secretaries Burgum and Rollins:

In EO 14153, the President directed on January 20, 2025, (90 FR 8347):

*[T]he Secretary of the Interior shall exercise all lawful authority and discretion available to him and take all necessary steps to . . . consider the Alaskan cultural significance of hunting and fishing and the statutory priority of subsistence management required by the ANILCA . . .*¹ [Emphasis added]

The Secretaries have the legal authority and the President's direction to stop the hurt Alaskans have suffered for many generations due to federal hunting and fishing closures and other actions that exceed the limited authority Congress granted the Secretaries in ANILCA. The Secretaries created and delegated some of those authorities to a Federal Subsistence Board (FSB). As the current Secretaries, you are responsible for assuring the FSB exercises those authorities consistent with ANILCA or replace it with another process. **Please end the decades of your predecessors' failure to conform the federal subsistence program to the law**, which impedes our abilities to feed ourselves and interferes with State sustainable management that benefits subsistence and other uses by hunters and non-hunters alike across the world.

It's been 19 months—another hunting season is about to be lost since the EO was issued. Unnecessary closures and other FSB actions in excess of ANILCA provisions severely impact Alaskan cultures, traditions, and subsistence activities. Unnecessary closures to nonlocal hunters reduce economic, cultural, and social opportunities for rural and urban Alaskans. Many of our Alaskan and nationwide members are unable to hunt in areas traditionally used despite sufficient wildlife populations to sustain all uses. **These FSB actions result in an unnecessary loss of subsistence and nonsubsistence uses by Native and non-Natives alike,² contrary to ANILCA's explicit directions.** In June the FSB Chair touted having just adopted closures whether "legal or not legal". Environmental organizations recently began supporting these closures—just as they opposed provisions to protect hunting during passage of ANILCA 50 years ago—so the **closures play right into their anti-hunting goals of reducing the number of hunters.**

¹ Alaska National Interest Lands Conservation Act, P.L. 96-487, December 2, 1980, 94 Stat. 2371

² Sec 801: "provide the opportunity for continued subsistence uses on the public lands **by Native and non-Native rural residents.**" Congress considered and rejected a race-based subsistence preference in enacting ANILCA.

Please act to prevent further FSB actions that exceed your ANILCA-based authority. Do not wait for career bureaucrats and solicitors and self-serving participants to initiate changes. The following **highlights the status** of Court directions and examples³ of attempts by Alaskans over 30 years to seek relief from closures and other actions inconsistent with ANILCA's requirements, which impact our subsistence and other fish and wildlife uses and impede State sustainable management of fish and wildlife for all uses:

TWENTY-SIX YEARS AGO - The 9th Circuit Appeals Court (*Ninilchik Trad. Council v. US*, 227 F.3d 1186, 1192, 2000) recognized ANILCA's protection of subsistence lifestyles is not a super priority but must be balanced with other ANILCA goals; i.e., opportunities for recreational hunting – **no evaluation occurs in the FSB decision process.**

TWENTY-ONE YEARS AGO - Oct 27, 2005, the Secretaries responded to our Governor's documentation of closures inconsistent with ANILCA by instructing the FSB to "*insure such closures are **necessary** for the conservation of healthy populations of fish and wildlife or to continue subsistence uses of such populations*", as the only two reasons Congress explicitly authorized the Secretary to preempt the state – no follow-up to codify ANILCA's closure criteria.

TWENTY YEARS AGO - Sept 26, 2006, the State filed Petitions for Rulemaking to realign closures and other actions consistent with ANILCA; the Petitions were rejected but the Solicitor directed the Federal Program to adopt closure criteria in regulations – still not done.

EIGHTEEN YEARS AGO - Sept 23, 2008, the 9th Circuit Appeals Court (*Alaska v. FSB, 'Chistochina case'*, No. 07-35723) found FSB decisions must demonstrably rely on and be supported by facts as "substantial evidence" (ANILCA Sec 805(c)) – FSB process still does not require facts.

SIXTEEN YEARS AGO – Jan 5 and Jan 10, 2010, the State provided letters documenting actions impeding State management and exceeding ANILCA's delegated authorities – **no change**

SIX YEARS AGO - Aug 31, 2020, a dozen organizations representing impacted Alaskans provided the Secretary examples of FSB closures and other actions inconsistent with ANILCA and administrative improvements to decision processes consistent with the law – no response.

FIFTEEN MONTHS AGO - May 5, 2025, SCI filed a Petition for Revisions to Federal Subsistence Board Regulations to improve consistency with ANILCA – **no rulemaking or response.**

OVER A YEAR AGO you initiated a subsistence program review; prior Secretaries' reviews failed to address ANILCA's limited closure criteria and evidence requirements – nothing to date.

FOUR MONTHS AGO - April 29 several Alaska legislators asked for "*an administrative pause on implementation of federal land closures to non-federally qualified users until a full legal and policy review can be completed*" to assure closures comply with ANILCA, claiming more federal land is closed than open to state-authorized hunting for subsistence and other uses – no response.

TWO MONTHS AGO - June 2 our Governor asked you to "*exercise [your] oversight responsibilities and initiate formal review of*" recent closures lacking a lawful basis and "**Ensure that future closures are supported by substantial evidence, reflect the statutory limits imposed by Congress, and incorporate the State's biological expertise as the primary wildlife management authority.**" – no response.

³ We will happily provide copies of any of the referenced and related documents upon request.

A MONTH AGO - July 15 SCI Alaska asked you to “*Clarify Authority Delegated to the Federal Subsistence Board Consistent with ANILCA ASAP*” after the Board closed millions more acres to nonlocals despite adequate wildlife for subsistence and other uses by all users – **no response**.

Subsistence and other uses of fish and wildlife by Alaskans and others are **significantly impacted by thirty years of FSB actions** increasingly deviating from the limited authorities Congress granted to protect a continued subsistence opportunity for rural residents. ANILCA also confirmed **no unnecessary preemption of state management and no unnecessary impact on nonsubsistence uses**. We urge you to instruct the FSB to take no further actions inconsistent with ANILCA’s clear requirements by taking the following steps to initiate a course correction of past administrations in line with ANILCA’s delegated authorities:

1. **Direct the FSB to adhere to its delegated authority to only adopt closures based on ANILCA Sections 804, 805, and 816 criteria, limited to only when necessary “for the conservation of healthy populations of fish and wildlife”** or a declining opportunity “**to continue subsistence uses of such populations.**” ANILCA does not authorize closures for social criteria, such as personal values, to eliminate competition, or to reduce encounters with nonlocals in the field; and ANILCA’s grant of authority does not include preempting state management tools, such as changing limits, opening seasons, or authorizing methods.
2. **Require the FSB to acquire and consider “substantial evidence” per ANILCA Sec 806** and to not adopt closures “*not supported by substantial evidence*”. The Ninth Circuit Court of Appeals in *Chistochina* found the FSB must rely on substantial evidence in making decisions on closures and in determinations of which communities can demonstrate a long term pattern of customary and traditional use so are eligible for a priority to harvest in times of shortage. FSB decisions must follow a fact-based evaluation when considering eligibility criteria and consequences of closures on subsistence and nonsubsistence users and State management.
3. **Direct the FSB to only adopt closures after consideration of a fact-based evaluation to prevent unnecessary impacts to nonsubsistence uses, which ANILCA Section 815 explicitly requires.** The FSB process must limit closures to the minimum time and area needed to provide the required preference for a subsistence opportunity and must consider State evaluation of effects of closures in order to minimize impacts on State management of fish and wildlife. Improve federal enforcement to assure adherence to federal lands and harvest reporting needed by the State in its management of sustainable populations to meet its constitutional obligations to the citizens of Alaska.
4. **Direct the FSB to correct its regulations to require state consultation, as plainly required by ANILCA Sec 816(b).** The FSB changed its rulemaking process beginning in 2010 to authorize closures without state consultation and without public involvement.
5. **Direct the FSB to repeal all regulations that duplicate State regulations; redundant regulations are not “necessary” as required by ANILCA Sec 814 to provide for subsistence.** State law provides a subsistence preference to a larger portion of Alaskan subsistence users than the federal preference on federal lands for “rural” residents, enabling residents to maintain their subsistence uses, cultures, and traditions even when relocating among

communities. **ANILCA Sec 814 limits the federal authority to adopt regulations only when “necessary and appropriate.”** The FSB’s adoption of area-specific regulations for all species statewide fails to meet statutory criteria as “necessary.” Redundant federal regulations inevitably diverge from State regulations as the State revises to improve management of populations and to provide the State subsistence preference, creating adherence issues and confusion on mixed land ownerships in the face of insufficient federal enforcement.

6. **Appoint only locally-selected residents to serve on the Regional Advisory Councils (RAC) to promote meaningful participation in the administrative structure per ANILCA Sec. 801(5) and 805; direct the FSB to disregard RAC recommendations that lack the FACA-balanced membership required by the Court.** Move the current process of RAC members being solicited, screened, and recommended by federal staff in the Office of Subsistence Management to a process directed by the FACA coordinators so as to remove agency and race-based biases in processing applications. Further, *Safari Club International v. Demientieff, et al.*, resulted in adoption of regulations to provide a FACA-balanced RAC membership. Review of the FSB’s closures and other regulations adopted over the past decade reveals the RAC seats designated to represent nonsubsistence uses were rarely filled when the RAC adopted recommendations to the FSB, rendering them legally deficient.

In conclusion, your Secretarial oversight is needed to rein in FSB actions that exceed the limited authority Congress delegated to the Secretaries in ANILCA. These expansions of authority unnecessarily impact all subsistence and other users and interfere with State management of sustainable, healthy, diverse populations of fish and wildlife, which benefit all users. The issues identified above need immediate action to fulfill Congress directions and limit the FSB to actions consistent with ANILCA criteria, as directed **19 months ago by the President.**

If no action is taken by the Secretaries to align the FSB with the law, inevitable and expensive litigation will result along with unnecessary, avoidable impacts to the balance of competing uses, including subsistence uses by rural residents Congress sought to protect in ANILCA. We appreciate your immediate attention to restore implementation of ANILCA as enacted.

Sincerely,

Ted Spraker

President

Alaska’s Kenai Peninsula Chapter SCI

P.O. Box 2988

Soldotna, AK 99669

kenaisci@gmail.com

Tony Hollis

President

Northern Alaska Chapter SCI

PO Box 60202

Fairbanks, AK 99706

scinorthernalaska@gmail.com

Jeremiah Williams

President

Alaska Chapter SCI

PO Box 770511

Eagle River, Alaska 99577

president@aksafariclub.com