



Governor Mike Dunleavy
STATE OF ALASKA

June 2, 2026

The Honorable Doug Burgum
Secretary of the Interior
U.S. Department of the Interior
1849 C Street, N.W.
Washington, D.C. 20240

The Honorable Brooke Rollins
Secretary of Agriculture
U.S. Department of Agriculture
1400 Independence Avenue, S.W.
Washington, D.C. 20250

Re: Request for Secretarial Review of Federal Subsistence Board Actions on Wildlife Proposals
WP26-31 and WP26-75

Dear Secretary Burgum and Secretary Rollins:

The State of Alaska respectfully requests that the Departments of the Interior and Agriculture exercise their oversight responsibilities and initiate formal review of two recent actions by the Federal Subsistence Board (FSB): the adoption of Wildlife Proposals WP26-31 and WP26-75. These actions close portions of federal public land in Game Management Units (GMU) 13 and 25D to moose hunting by non-federally qualified users (NFQUs).

Based on the administrative record, biological data, and the governing statutory criteria under Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA), the State finds no lawful basis supporting either closure. The actions conflict with ANILCA's narrow closure authority, disregard both State and federal technical analyses, and impose restrictions that do not meet the conservation, subsistence-continuation, or public safety thresholds required by law.

Statutory Framework Governing Closures Under ANILCA Title VIII

Title VIII of ANILCA establishes a carefully limited framework for restricting hunting on federal public lands. Section 1314(a) affirms that ANILCA does not expand or diminish the State of Alaska's authority for fish and wildlife management except as expressly provided.

Where restrictions are considered, ANILCA requires a clear demonstration that limitations on nonsubsistence uses are necessary to:

1. Conserve a healthy wildlife population;
2. Ensure the continuation of subsistence uses; or
3. Address a legitimate public safety concern.

Sections 802(2), 804, and 815(3) collectively codify these constraints and require that any closure be supported by substantial evidence demonstrating a direct nexus to population viability or subsistence continuation. These statutory standards establish a high threshold that must be met before restricting otherwise lawful hunting.

Executive Order 15153 and Secretarial Order 3447 further emphasize the importance of coordination with State wildlife agencies, removal of unnecessary barriers to hunting access, and reliance on sound biological data. The actions at issue here are inconsistent with these directives.

Proposal WP26-31 (GMU 13)

A. Biological and Subsistence Findings

The Alaska Department of Fish and Game (ADF&G) formally opposed WP26-31, concluding there is no conservation concern for the moose population in GMU 13 and no evidence that a closure is necessary to ensure continuation of subsistence uses.

ADF&G found:

- Moose populations remain within management objectives, including stable bull-to-cow ratios.
- The Amount Reasonably Necessary for Subsistence (ANS), set at 300–600 animals, has been met or exceeded annually since 2006.
- The most recent harvest of 553 moose confirms that subsistence needs are being achieved.

ADF&G evaluated a prior, substantially similar closure (2020–2021) and found that it failed to improve harvest success for federally qualified users (FQUs). In fact, success rates declined compared to the pre-closure period. This history undermines any assertion that restricting NFQUs improves harvest outcomes.

Additionally, FQUs already receive substantial priority through an extended exclusive hunting window and access to all State hunts, including community harvest opportunities.

B. Federal Analysis by OSM

The Office of Subsistence Management (OSM) likewise opposed WP26-31, concluding that a closure is not warranted for conservation or subsistence purposes.

OSM emphasized:

- BLM lands comprise only a small percentage (2–6 percent) of relevant game management units/subunits.
- Few FQUs harvest moose on federal public land proposed for closure.
- Existing population and harvest data do not support a conservation concern.

OSM also identified practical concerns, including enforcement challenges and user confusion, particularly in areas with overlapping State and federal jurisdiction.

C. Failure to Meet ANILCA Standards

WP26-31 fails to satisfy any of the statutory criteria under ANILCA §815(3). The record demonstrates:

- No conservation necessity.
- No threat to the continuation of subsistence uses.
- No applicable public safety concern.

Accordingly, the closure exceeds the Board's limited statutory authority.

Proposal WP26-75 (GMU 25D Remainder)

A. Biological Conditions and Hunting Opportunities

The Alaska Department of Fish and Game formally opposed WP26-75, concluding that the population of moose in GMU 25D Remainder is stable and that harvest is consistently below the harvestable surplus meaning that the FSB's action lacked the evidence it needed for either a conservation or subsistence-continuation thresholds required by ANILCA.

ADF&G found:

- Moose populations provide an annual harvestable surplus of 110-190 bulls, but with an average of only 27 moose taken per year.
- Current fall federal hunting season length gives FQUs an additional 41 days to hunt compared to NFQUs hunting under state regulations.
- FQUs are the most consistent and successful harvesters of moose in GMU 25D, remainder with an average success rate of 43 percent and a record high of 58 percent in 2024.
- Non-local Alaska residents and non-residents only had an average success rate of 25 percent and 27 percent respectively.

B. OSM Preliminary Conclusion and Record Evidence

The Office of Subsistence Management (OSM) initially concluded that Proposal WP26-75 should be opposed, finding that a closure to non-federally qualified users is not warranted under ANILCA's statutory criteria.

OSM's analysis emphasized several critical points:

- Closure to non-federally qualified users does not appear necessary for conservation or the continuation of subsistence uses, and there is no clear evidence that NFQUs are negatively impacting the moose population.
- The Federal moose season was recently extended through October 15 (WP24-33), and there has not been sufficient time to evaluate the effects of that change.
- Overlap between federally qualified and non-federally qualified users is limited to approximately 11 days (September 10–20).
- Federally qualified users already receive a substantial subsistence priority through extended federal seasons before and after the State hunt.

These findings directly undermine any assertion that a broad closure is necessary to meet ANILCA's requirements.

C. Failure to Meet ANILCA Standards

The administrative record does not demonstrate that the statutory requirements for closure have been met. There is no showing of conservation necessity, no clear evidence that subsistence uses are at risk of discontinuation, and no basis for concluding that a unit-wide restriction on non-federally qualified users is required.

Accordingly, Proposal WP26-75 does not satisfy the requirements of ANILCA §815(3), and the closure is not supported by substantial evidence.

Requested Secretarial Actions

Given the clear deficiencies in the administrative record and the failure of both actions to meet the statutory requirements of ANILCA Title VIII, Secretarial review is warranted.

The State respectfully requests that the Departments:

1. Initiate a formal Secretarial review of FSB actions on WP26-31 and WP26-75 to determine compliance with Title VIII required by ANILCA.
2. 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.

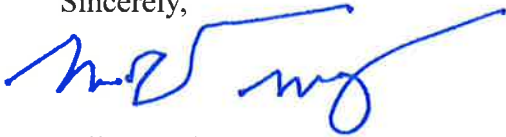
The Honorable Doug Burgum
The Honorable Brooke Rollins
June 2, 2026
Page 5 of 5

The record in both matters demonstrates a lack of the necessary statutory predicates for closure and, in the case of WP26-75, includes federal analysis expressly concluding that such restrictions are not warranted. Absent corrective action, these decisions risk expanding closure authority beyond the limits Congress established in ANILCA and undermining the cooperative federal–State management framework that the statute was designed to preserve.

Timely Secretarial review is therefore necessary to ensure that federal subsistence management actions remain consistent with governing law, supported by substantial evidence, and properly grounded in sound wildlife management principles.

We appreciate your prompt attention to this matter and remain available to provide any additional information or technical assistance.

Sincerely,

A handwritten signature in blue ink, appearing to read "Mike Dunleavy", with a long, sweeping horizontal line extending to the right.

Mike Dunleavy
Governor