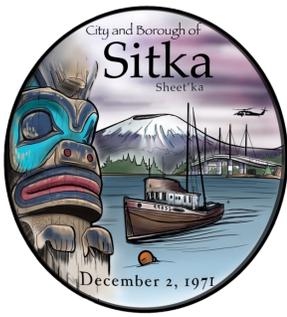


Sponsors: Riley / Eisenbeisz / Saline

POSSIBLE MOTION

I MOVE TO approve Resolution 2026-03 on first and final reading regarding the Federal Subsistence Management Program (FSMP) under Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA).



CITY AND BOROUGH OF SITKA

A COAST GUARD CITY

MEMORANDUM

To: Assembly Members

From: Mayor Eisenbeisz and Assembly Members Katie Riley and Scott Saline

Date: February 4, 2026

Subject: Resolution regarding the Federal Subsistence Management Program Review under Title VIII of ANILCA

Background

Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA) was enacted to protect the opportunity for subsistence uses by rural residents of Alaska, which is defined as “The customary and traditional uses by **rural** Alaska residents of wild, renewable resources for direct personal or family consumption as food, shelter, fuel, clothing, tools or transportation; for the making and selling of handicraft articles out of nonedible byproducts of fish and wildlife resources taken for personal or family consumption; for barter or sharing for personal or family consumption; and for customary trade.” The Department of Interior and Department of Agriculture created the Federal Subsistence Management Program (FSMP) in 1990 to implement a rural subsistence priority on federal lands after *McDowell vs. State* determined that granting a subsistence priority based solely on residency was unconstitutional under the Alaska State Constitution. Since 1990, the FSM has regulated the harvest of fish and game by “federally qualified subsistence users” (rural residents) and the State of Alaska has regulated harvest of fish and game by all Alaska residents and non-residents.

In May 2025, the Secretaries of Agriculture and Interior received a petition from Safari Club International to amend the Federal Subsistence Management Program. The petition asked for the following changes to the Program:

- Removal of all 6 public seats from the Federal Subsistence Board, reducing membership to the 5 heads of federal land management agencies in Alaska
- Revise criteria for membership to the regional advisory councils (RACS)
 - These criteria currently include requirements of residency, subsistence knowledge, and a 70/30 split in interest representation between subsistence and commercial/sport interests)

- Require deference to the Alaska Department of Fish and Game (currently deference required to RACs)
- Eliminate duplicative federal and state regulations
- Ensure special actions are only for true emergency situations

On December 15, 2025, the Departments initiated a review of the program. The focus of this review is on the regulatory and organizational changes to the subsistence management program that have occurred since 2009, along with other areas of interest that align with the requests of the Petition. During this 60 day scoping period, the Secretaries have asked interested parties to contribute comments on the following topics:

- Interior Department move of the Office of Subsistence Management to the Office of the Assistant Secretary for Policy, Management and Budget;
- Criteria for regional advisory council membership;
- Membership of the Federal Subsistence Board;
- Federal regulations and State regulations for duplication and inconsistency;
- Regulations governing special actions;
- Role of the State and the Alaska Department of Fish and Game in the Federal Subsistence Management Program; and
- Board's process for rural determinations.

Analysis

As a rural community, the vast majority of Sitka residents harvest large quantities of traditional, personal, and subsistence use fish and game year-round both for themselves and for others, as well-documented by studies, surveys, and personal testimony. Sitkans place a high value on our community's rural designation for subsistence purposes and our ability to live subsistence lifestyles. This value has been consistently reflected through resolutions passed by the City and Borough of Sitka on subsistence issues, including the following examples:

- Resolution 2006-24: Recognizing Sitka as a rural community for subsistence purposes
- Resolution 2011-13: Opposing proposed federal legislation related to Sealaska Corporation ANCSA land selection to the extent the bills privatize valuable and popular public lands with outstanding subsistence, recreation and economic value located in or near City and Borough of Sitka, and render those lands inaccessible to a vast majority of Sitka's citizenry.
- Resolution 2013-07: Requesting that the State and Federal authorities work with impacted Southeast Alaska communities to develop a sound management plan for the sea otter population in Southeast Alaska and further request that they research ways to revive lost fisheries, lost economies, and subsistence lifestyles which has resulted from allowing the relocation and re-colonization of sea otter in Southeast Alaska without a management plan.
- Resolution 2013-16: Commenting on the Federal Subsistence Management

Program's rural determination process

- Resolution 2018-02: Supporting the Sitka Tribe of Alaska and the 2018 Board of Fisheries discussion on subsistence herring egg harvest in Sitka Sound

This resolution provides comment on the topics identified by the Secretaries of Interior and Agriculture and reflects Sitka's longstanding priority to maintain our community's rural designation and protect the subsistence rights of our rural residents. It also supports recent changes to the Federal Subsistence Management Program that increased meaningful rural and Alaska Native Tribal representation to ensure that management decisions around fish and game integrate local knowledge of subsistence users with scientific expertise and data. If this rulemaking process proceeds, the Department of Interior and Agriculture could take steps to erode the subsistence protections that Sitkans rely on to fill their freezers.

Sitka's strategic plan identifies food security as a priority, and the ability of Sitkans to engage in subsistence harvesting is an essential component of meeting local food security needs.

This resolution ensures that Sitka's priorities will be documented and reflected in the scoping process.

Fiscal Note

This resolution does not have a fiscal cost to the City and Borough of Sitka.

Recommendation

Pass the resolution and submit to the Department of Interior and Agriculture ahead of the February 13, 2026 deadline at 7:59 PM AKST.

Encl:

- Draft Resolution regarding the Federal Subsistence Management Program Review under Title VIII of ANILCA
- Safari Club Petition
- Petersburg Pilot Article on January 15, 2026: Safari Club Petition seeks removal of all public seats on Federal Subsistence Board

CITY AND BOROUGH OF SITKA

RESOLUTION NO. 2026-03

A RESOLUTION OF THE CITY AND BOROUGH OF SITKA REGARDING THE FEDERAL SUBSISTENCE MANAGEMENT PROGRAM REVIEW UNDER TITLE VIII OF ANILCA

WHEREAS, this Resolution is submitted as both a formal statement of position and a public scoping comment in response to the Secretary of Interior and Secretary of Agriculture's (Secretaries) noticed limited review of the Federal Subsistence Management Program (FSMP) under Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA) that was announced on December 15, 2025; and

WHEREAS, Sitka is an isolated rural subsistence community unconnected to any road system, and the vast majority of Sitka residents harvest large quantities of traditional, personal, and subsistence use fish and game year-round for both themselves and for others, in a manner consistent with a rural community, as well documented by studies, surveys, and personal testimony community-wide; and

WHEREAS, the cost of living and the cost of groceries are higher than the national average and higher than major Alaskan cities including Anchorage and Juneau, exceeding these averages by over 30%, largely due to costs associated with transporting to the remote outer coast of Baranof Island. Between 2001 and 2017, food costs in Sitka rose 231% due to shipping cost increases, as well as labor and operational costs; and

WHEREAS, the City and Borough of Sitka Assembly have declared food security to be a priority in Sitka's strategic plan, and the ability of Sitkans to engage in subsistence harvesting is an essential component of meeting local food security needs; and

WHEREAS, Sitka has long advocated to retain its rural designation, which Sitka residents consider part of their basic cultural, social, and economic identities. Sitka has consistently submitted resolutions to support the retention of rural subsistence harvesting rights for the community, including recommendations to modify the rural determination process to allow communities to identify their rural characteristics as the basis for retaining Sitka's continued rural designation, such as the widespread use of fish, wildlife, and other wild resources, through Alaska Department of Fish and Game Subsistence studies, Coastal Management Subsistence research, and other information sources; geographic isolation; lack of connection to a regional road system; and importance of fish and other wild resources to the economic base; and

WHEREAS, the subsistence rights for rural Alaskans guaranteed under the Alaska National Interest Lands Conservation Act (ANILCA) are necessary for Sitkans to meet their cultural, economic, and social needs in vast, isolated rural Alaska, which within Southeast Alaska includes more than 17 million acres of the Tongass National Forest; and

WHEREAS, Title VIII of ANILCA, 16 U.S.C. §§ 3111–3126, was enacted to protect the opportunity for subsistence uses by rural residents of Alaska, recognizing that

52 subsistence is essential to the physical, cultural, economic, and social existence of
53 Alaska Native and rural communities; and

54
55 **WHEREAS**, Congress expressly found in ANILCA Section 801(5) that the national interest in
56 conservation and regulation of fish and wildlife requires an administrative structure
57 that enables rural residents with personal knowledge of local conditions to
58 participate meaningfully in subsistence management; and

59
60 **WHEREAS**, the Alaska Supreme Court's 1989 decision held that a rural subsistence preference
61 violates Alaska's Constitution, resulting in the Federal Subsistence Management
62 Program authority on federal public lands and waters; and

63
64 **WHEREAS**, the FSMP was enacted to fulfill this federal responsibility and has evolved into an
65 effective mechanism for incorporating local knowledge, traditional ecological
66 knowledge, and science into decision-making processes through Regional
67 Advisory Councils (RAC), Tribal participation, and co-management partnerships;
68 and

69
70 **WHEREAS**, the Secretaries have announced a limited review of the FSMP to evaluate whether
71 it is meeting the needs of subsistence users and the obligations of ANILCA Title
72 VIII, including review of specific regulatory and procedural topics.

73
74 **NOW, THEREFORE, BE IT RESOLVED** that the Assembly of the City and Borough of Sitka
75 affirm that the Federal Subsistence Management Program is essential to fulfilling the intent and
76 requirements of ANILCA by ensuring Alaska Natives and rural residents have a meaningful and
77 effective voice in fish and wildlife management.

78
79 **BE IT FURTHER RESOLVED** that this Resolution is submitted as formal input into the
80 Secretaries' public scoping process and addresses the identified review topics as follows:

- 81
- 82 • The 2024 relocation of the Office of Subsistence Management should be evaluated
83 based on whether it strengthens accountability, accessibility, and responsiveness to
84 rural subsistence users, and that administrative restructuring strengthens the Program's
85 local community engagement.
 - 86
 - 87 • Regional Advisory Council (RAC) membership must continue to prioritize federally
88 qualified subsistence users with direct, lived experience and local traditional ecological
89 knowledge, as the RACs are the mandated mechanism for implementing ANILCA
90 801(5).
 - 91
 - 92 • The Federal Subsistence Board (FSB) must retain meaningful rural and Alaska Native
93 Tribal representation to ensure management decisions reflect subsistence uses and
94 integrate local knowledge with scientific expertise.
 - 95
 - 96 • Efforts to reduce regulatory duplication must not undermine the rural subsistence priority
97 established by Title VIII, and that the FSMP must remain intact due to the State of
98 Alaska's inability to implement a rural preference.
 - 99
 - 100 • Special action authorities are essential for addressing localized conservation concerns,
101 environmental change, and subsistence emergencies, and that these authorities must
102 remain flexible and informed by RACs and community input.

103
104
105
106
107
108
109
110
111
112
113
114
115
116
117
118
119
120
121
122
123
124
125
126
127
128
129
130
131
132
133
134
135
136
137
138
139
140
141
142
143
144
145
146
147
148
149
150
151

- While the State of Alaska and the Alaska Department of Fish and Game provide valuable biological and technical expertise, their role must remain consistent with the federal responsibility to implement Title VIII and must not supplant federal authority to protect rural subsistence users.
- Rural determinations must be based on the cultural, social, and economic realities of Alaska’s rural residents and reflect place-based conditions rather than rigid or abstract criteria.
- The City and Borough of Sitka strongly supports the continuation of the rural status designation for Sitka, Alaska due to the community’s high dependence on subsistence harvest of fish and wildlife for customary and traditional use and to meet local food security needs, the high degree of remoteness and isolation of Sitka’s location on the outer coast of Baranof Island, and the community’s longstanding efforts to protect our rural designation.
- The Secretaries should explicitly evaluate and strengthen Tribal co-management partnerships, such as those occurring at important subsistence sockeye harvesting sites Klag Bay and Redoubt Lake near Sitka, and federally supported subsistence monitoring and research programs, recognizing that traditional ecological knowledge improves conservation outcomes, regulatory compliance, and food security.
- Any changes resulting from this review should strengthen, not weaken, the FSMP’s ability to fulfill the congressional intent of ANILCA Title VIII.
- Alaska Native Tribes and rural residents must remain central to subsistence decision-making through meaningful participation, co-management, and respect for local knowledge.
- Copies will be transmitted to the Secretary of the Interior, Secretary of Agriculture and the Federal Subsistence Board at subsistence@ios.doi.gov, Alaska’s Congressional Delegation, and the Governor of Alaska.

PASSED, APPROVED, AND ADOPTED by the Assembly of the City and Borough of Sitka, Alaska on this 10th day of February, 2026.

Timothy Pike, Deputy Mayor

ATTEST:

Sara Peterson, MMC
Municipal Clerk

1st and final reading: 2/10/2026

Sponsors: Riley / Eisenbeisz / Saline