

WP26–50 Executive Summary

General Description	Wildlife Proposal WP26-50 requests to reduce the size of the Upper Kuskokwim Controlled Use Area to match the current extent under State regulations. <i>Submitted by the Western Interior Alaska Subsistence Regional Advisory Council.</i>
Proposed Regulation	<p>§ 100.26 (n) (19) (ii)</p> <p><i>(B) In the Upper Kuskokwim Controlled Use Area, which consists of that portion of Unit 19D upstream from the mouth of the Selatna River, but excluding the Selatna and Black River drainages, to a line extending from Dyckman Mountain on the northern Unit 19D boundary southeast to the 1,610-foot crest of Munsatli Ridge, then south along Munsatli Ridge to the 2,981-foot peak of Telida Mountain, then northeast to the intersection of the western boundary of Denali National Preserve with the Minchumina-Telida winter trail, then south along the western boundary of Denali National Preserve to the southern boundary of Unit 19D; extending two miles on either side of, and including the Kuskokwim River, upstream from the mouth of the Black River to the mouth of the Swift Fork, extending two miles on either side of, and including, the Takotna River, upstream from the mouth of the Takotna River to Takotna, and extending two miles on either side of, and including, the South Fork River, upstream from the mouth of the South Fork to Nikolai, you may not use aircraft for hunting moose, including transportation of any moose hunter or moose part; however, this does not apply to transportation of a moose hunter or moose part by aircraft between publicly owned airports in the Controlled Use Area, or between a publicly owned airport within the area and points outside the area.</i></p>
OSM Preliminary Conclusion	Support Proposal WP26-50 with modification to eliminate the Upper Kuskokwim CUA and modify the hunt area descriptors for moose in Unit 19D, including eliminating the North Fork hunt area.
Western Interior Alaska Subsistence Regional Advisory Council Recommendation	
Interagency Staff Committee Comments	
ADF&G Comments	

WP26–50 Executive Summary

Written Public Comments	None.
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Draft Wildlife Analysis WP26-50

ISSUE

Wildlife Proposal WP26-50, submitted by the Western Interior Alaska Subsistence Regional Advisory Council, requests to reduce the size of the Upper Kuskokwim Controlled Use Area (CUA) to match the current extent under State regulations (**Figure 1**).

The Upper Kuskokwim CUA is closed to the use of aircraft for hunting moose, including transportation of any moose hunter or moose part under State and Federal regulations. However, this does not apply to the transportation of a moose hunter or moose part by aircraft between publicly owned airports in the CUA, or between a publicly owned airport within the area and points outside the area.

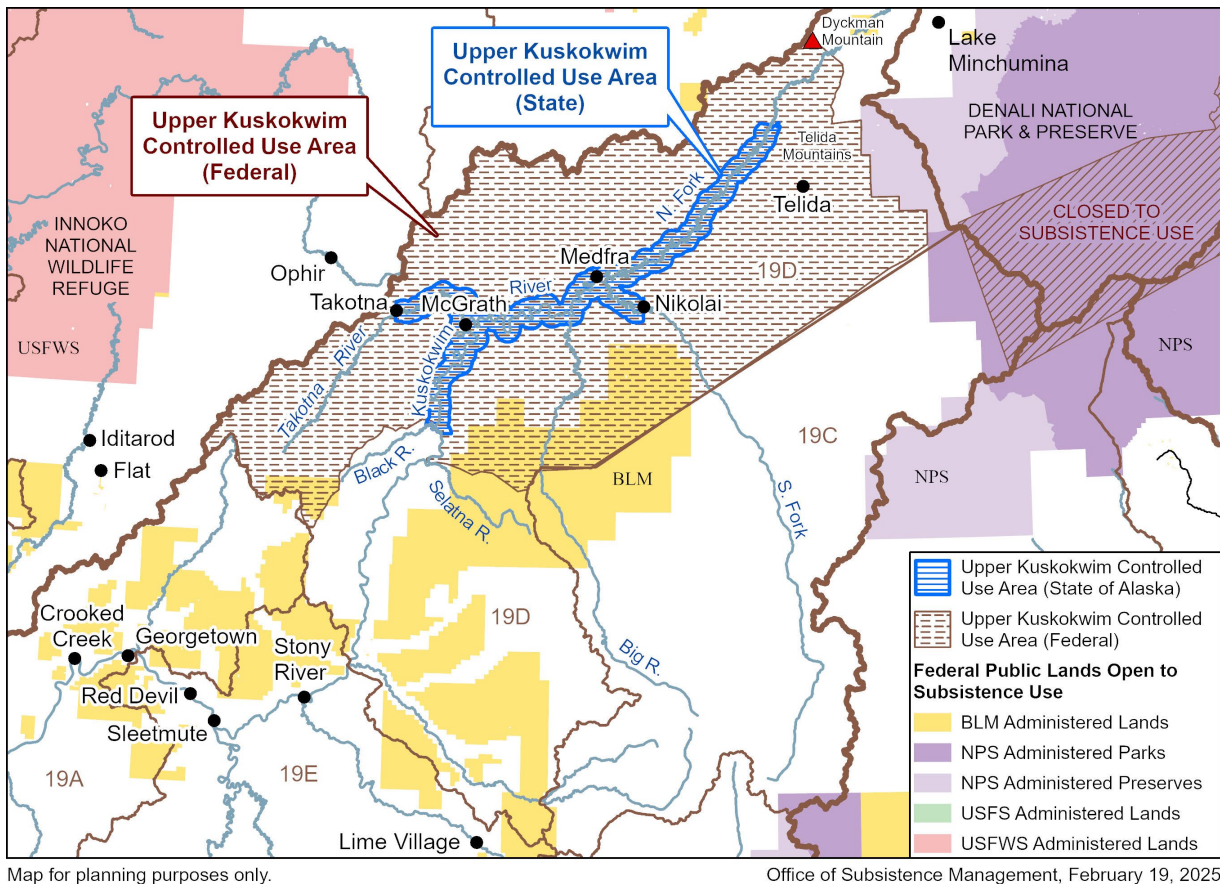


Figure 1. Extent of the Upper Kuskokwim Controlled Use Area under State and Federal regulations in Unit 19D.

Proponent statement

The proponent states that adopting this proposal would align Federal and State regulations. This proposal would reduce the size of the Upper Kuskokwim CUA under Federal regulations, which is currently much larger than the one that exists under State regulations. The area of the Upper Kuskokwim CUA under Federal regulations that is outside of the State CUA boundary only applies to federally qualified subsistence users, making Federal regulations more restrictive than State regulations.

Current Federal Regulations

§ 100.26 (n) (19) (ii)

(B) In the Upper Kuskokwim Controlled Use Area, which consists of that portion of Unit 19D upstream from the mouth of the Selatna River, but excluding the Selatna and Black River drainages, to a line extending from Dyckman Mountain on the northern Unit 19D boundary southeast to the 1,610-foot crest of Munsatli Ridge, then south along Munsatli Ridge to the 2,981-foot peak of Telida Mountain, then northeast to the intersection of the western boundary of Denali National Preserve with the Minchumina-Telida winter trail, then south along the western boundary of Denali National Preserve to the southern boundary of Unit 19D, you may not use aircraft for hunting moose, including transportation of any moose hunter or moose part; however, this does not apply to transportation of a moose hunter or moose part by aircraft between publicly owned airports in the Controlled Use Area, or between a publicly owned airport within the area and points outside the area.

Proposed Federal Regulations

§ 100.26 (n) (19) (ii)

(B) In the Upper Kuskokwim Controlled Use Area, which consists of that portion of Unit 19D upstream from the mouth of the Selatna River, but excluding the Selatna and Black River drainages, to a line extending from Dyckman Mountain on the northern Unit 19D boundary southeast to the 1,610-foot crest of Munsatli Ridge, then south along Munsatli Ridge to the 2,981-foot peak of Telida Mountain, then northeast to the intersection of the western boundary of Denali National Preserve with the Minchumina-Telida winter trail, then south along the western boundary of Denali National Preserve to the southern boundary of Unit 19D, extending two miles on either side of, and including the Kuskokwim River, upstream from the mouth of the Black River to the mouth of the Swift Fork, extending two miles on either side of, and including, the Takotna River, upstream from the mouth of the Takotna River to Takotna, and extending two miles on either side of, and including, the South Fork River, upstream from the mouth of the South Fork to Nikolai,

you may not use aircraft for hunting moose, including transportation of any moose hunter or moose part; however, this does not apply to transportation of a moose hunter or moose part by aircraft between publicly owned airports in the Controlled Use Area, or between a publicly owned airport within the area and points outside the area.

Relevant Federal Regulations

Unit 19D—Moose

Unit 19D, that portion of the Upper Kuskokwim Controlled Use Area within the North Fork drainage upstream from the confluence of the South Fork to the mouth of the Swift Fork—1 antlered bull *Sep. 1-30.*

Unit 19D, remainder of the Upper Kuskokwim Controlled Use Area—1 bull *Sep. 1-30.*
Dec. 1-Feb. 28.

Unit 19D, remainder—1 antlered bull *Sep. 1-30.*
Dec. 1-15.

Current State Regulations

5 AAC 92.540(7)(A) Upper Kuskokwim Controlled Use Area

- (i) *the area consists of that portion of Unit 19(D) extending two miles on either side of, and including the Kuskokwim River, upstream from the mouth of the Black River to the mouth of the Swift Fork, extending two miles on either side of, and including, the Takotna River, upstream from the mouth of the Takotna River to Takotna, and extending two miles on either side of, and including, the South Fork River, upstream from the mouth of the South Fork to Nikola;*
- (ii) *the area is closed to the use of aircraft for hunting moose, including the transportation of moose hunters, their hunting gear, or parts of moose from September 1 through September 25; however, this provision does not apply to the transportation of moose hunters, their hunting gear, or parts of moose by aircraft between publicly owned airports including McGrath, Medfra, Nikolai, and Takotna, or the transportation into the area of game meat that has been processed for human consumption;*

Relevant State Regulations

Unit 19D–Moose

Upstream from Selatna River Residents: One antlered bull by permit available RM650 Sept 1–
in person in McGrath, Nikolai, and Takotna July Sept 25
22–Aug16

Upstream from Selatna River, excluding 2 miles on either side from the mouth of the Selatna River upstream to the confluence of the South Fork and the North Fork of the Kuskokwim River, and 2 miles either side from the mouth of the South Fork to Nikolai, and 2 miles either side of the Takotna River from the mouth to the bridge at Takotna One antlered bull HT Sept 1–
Sept 25

Upstream from the Selatna River excluding Black River drainage and Selatna River drainage One bull by permit available in person in RM660 Feb1–
McGrath, Nikolai, and Takotna Jan 15. Feb 28

Downstream from and including Selatna River, excluding Cheeneetnuk and Gagaryah river drainages and 2 miles of the Swift River One antlered bull by permit available in person RM650 Sept 1–
in McGrath, Nikolai, and Takotna July 22–Aug Sept 25
16

One antlered bull HT Sept 1–
Sept 25

<i>19D remainder</i>	<i>One antlered bull by permit available in person in McGrath, Nikolai, and Takotna July 22–Aug 16</i>	<i>RM650</i>	<i>Sept 1– Sept 25</i>
	<i>OR</i>		
	<i>One antlered bull</i>	<i>HT</i>	<i>Sept 1– Sept 20</i>
	<i>One bull with 50-inch antlers or antlers with 4 or more brow times on at least one side</i>	<i>HT</i>	<i>Sept 1– Sept 20</i>

Extent of Federal Public Lands

Unit 19D is comprised of approximately 23% Federal public lands that consist of 21% Bureau of Land Management (BLM) and 2% National Park Service (NPS) managed lands.

The Upper Kuskokwim CUA under Federal regulations is comprised of approximately 11% Federal public lands that consist of all BLM managed lands (**Figure 1**).

The Upper Kuskokwim CUA under State regulations is comprised of approximately .01% (0.05 mi²) Federal public lands that consist of all BLM managed lands.

Customary and Traditional Use Determination

Rural residents of Unit 19 and Lake Minchumina have a customary and traditional use determination (C&T) for moose in Unit 19D.

Regulatory History

The Upper Kuskokwim CUA is located in the upper portion of the North Fork of the Kuskokwim River drainage in the north central portion of Unit 19D and was established to reduce the participation of non-local hunters during moose season by prohibiting the use of aircraft, reducing competition between local and nonlocal hunters. It was established in State regulations in 1981 when healthy moose populations were attracting an increasing number of hunters (ADF&G 2001) and is closed during all open moose hunting seasons to the use of aircraft in any manner for hunting moose, including transportation of moose hunters into or within the CUA, and the transportation of moose parts to or from the CUA. However, this restriction did not apply to transportation of moose hunters or moose parts by regulatory scheduled flights to and between villages by carriers that normally provide scheduled service to the area. In 1992, this CUA was adopted into codified Federal regulations from State regulations when the Federal Subsistence Program began.

The CUA was initially defined as, *“That portion of Unit 19(D) which lies upstream from the mouth of Big River and includes the drainages of the Big River, Middle Fork, South Fork, East Fork, Tonzona River and bounded by a line following the west bank of the Swift Fork (McKinley Fork) Kuskokwim River from the Kuskokwim River to west Longitude 152.50" north on that longitude line to the boundary of Denali National Preserve, following the western boundary of Denali National Preserve north to its intersection with the Minchumina-Telida winter trail, west to the crest of Telida Mountain, north along the crest of Munsatli Ridge to elevation 1,610, northwest to Dyckman Mountain and following the crest of the divide between the Kuskokwim River and the Nowitna drainage, and the divide between the Kuskokwim River and the Nixon Fork River to Loaf benchmark on Halfway Mountain, then south connecting to the west side of the Big River drainage at the point of beginning.”*

During a May 2001 special meeting in Fairbanks, the Alaska Board of Game (BOG) made several changes to the moose season in Unit 19D. By adopting Proposal 9 as amended, they expanded the size of the Upper Kuskokwim CUA to include all of the Takotna River drainage and the Kuskokwim drainage south of the Big River to the Selatna River and Black River drainages (current extent of the CUA under Federal regulations). This expansion of the CUA was to expire March 31, 2006 (ADF&G 2001). ADF&G submitted the proposal to further reduce competition between user groups and decrease harvest from a declining moose population (ADF&G 2001). The BOG added the sunset clause to clarify their intent that the expansion was for a specific purpose (BOG 2001).

However, in March 2006, the BOG adopted Proposal 68 as amended during the Interior Region meeting to extend the expanded Upper Kuskokwim CUA boundaries for another two years, with another clause for the expanded area to sunset in March 2008. They stated that extending the sunset clause for two years would allow more opportunity to monitor moose populations in Unit 19D (ADF&G 2006).

In May 2006, the Federal Subsistence Board (Board) adopted Proposal WP06-33 to align the boundary of the Upper Kuskokwim CUA in Federal regulations with existing State regulations. This change also expanded Federal opportunity for moose as the winter season in the CUA area was longer than in 19D remainder. This change simplified regulations and reduced user confusion (OSM 2006).

In 2008, the BOG adopted Proposal 88 as amended, which modified the Upper Kuskokwim CUA boundary to its current extent. The original proposal requested 5-mile corridors along the Kuskokwim, Takotna, and the South Fork Rivers. The BOG amended the corridor to 2 miles on either side of the rivers, stating the distance would still protect local users from competition with hunters using aircraft (ADF&G 2008).

In 2017, the BOG considered Proposal 81, which requested to specify airports that were allowed to transport moose hunters within the CUA. They adopted the proposal as amended so the CUA was only in effect during the State moose hunting season of Sep. 1-25 (ADF&G 2017).

Customary Knowledge and Traditional Practices

The core traditional territory of the Upper Kuskokwim Dichinanek' Hwt'ana Athabascan people include Units 19C and Unit 19D (Runfola et al. 2019, Ikuta et al. 2014, Holen et al. 2006, Collins 2004, Stokes 1985). Moose are an important resource in Unit 19 (Ikuta et al. 2014). Of the communities that are eligible to harvest moose under Federal subsistence regulations in Unit 19, Nikolai, McGrath, Takotna, and the historic community of Medfra are closest to the Federal lands within the CUA (Figure 1). Household subsistence surveys conducted in 1984, 2002, and 2011 indicate that 91-100% of households in these communities used moose and 46-74% of households harvested moose (Table 1). In 2011, moose accounted for 45% of all wild food harvest by McGrath residents, 47% by Nikolai residents, and 77% by Takotna residents (Ikuta et al. 2014).

The Upper Kuskokwim CUA and adjacent lands in Unit 19C are regularly used by Nikolai residents for moose hunting and harvest, and for subsistence fishing, harvest of caribou and small mammals, and trapping (Runfola et al. 2019, Stokes 1985). Over half of the Nikolai residents surveyed in 2014 reported hunting moose in a one square mile area between the Windy Fork and eastern edge of the Middle Fork drainage, in an area known locally as Silvertip (Runfola et al. 2019). This camp is located south of the CUA on BLM lands in Unit 19C and is an important site for local subsistence harvests and guided hunting (Blanchard 2025, pers. comm, Runfola et al. 2019).

Intensive user conflict surrounding moose hunting in Unit 19 emerged in the 1990s when the moose population began declining (Ikuta et al. 2014). Some local residents attributed the decline of moose in the CUA to guided hunting activities in the adjacent areas of Unit 19C (Stokes and Andrews 1982). However, the establishment of the CUA and practice of distributing meat to McGrath households by non-local hunter guiding operations helped to reduce this conflict (Ikuta et al. 2014). Subsistence household surveys in 2011 indicated that at least some Upper Kuskokwim communities considered moose to be abundant (Ikuta et al. 2014). However, more recent data indicates that Upper Kuskokwim residents are concerned about wild food sources and the impacts of nonlocal hunters, climate change, and pipeline development on harvest activities in areas traditionally used for fishing, trapping, and gathering (Runfola et al. 2019).

Table 1. Household subsistence use of moose by communities located near Federal lands within the Upper Kuskokwim CUA (CSIS 2025).

Community	Year	Used (%)	Attempted harvest (%)	Harvested (%)	Per capita harvest (lbs)	HH sampled (%)
Nikolai	1984	-	-	-	304	100
	2002	100	82	74	198	84
	2011	100	92	58	233	67
McGrath	1984	-	-	-	70	100
	2011	91	76	46	107	76
Takotna	2011	93	71	57	124	64

Alternative(s) Considered

One alternative considered was to limit aircraft restrictions to moose hunting within the CUA to Sep. 1-25 to align with the dates currently in State regulations. Currently, the Federal CUA limits moose hunters during the entire moose season, regardless of season dates. The State CUA only limits moose hunters from Sep. 1-25, which matches the current State moose season in Unit 19D. The Federal moose season in Unit 19D, within the Upper Kuskokwim CUA has a season of Sep. 1-30 as well as, in a portion of the CUA, a winter season of Dec. 1-Feb. 28. Aligning the Federal date restrictions with the State's dates would allow federally qualified subsistence users to use aircraft for moose hunting on Federal public lands within the CUA from Sep. 26-30 and, in a portion of the CUA, from Dec. 1-Feb. 28, increasing opportunity for federally qualified subsistence users.

Another alternative considered is to eliminate the Upper Kuskokwim CUA from Federal regulations completely. The current extent of the CUA under State regulations only contains 0.01% Federal public lands, making the CUA functionally meaningless under Federal regulations. Additionally, the intent of the CUA was to limit use by and competition from nonlocal moose hunters. Federal regulations only apply to federally qualified subsistence users who are all local residents. Maintaining the CUA under Federal regulations adds unnecessary regulatory complexity by placing a restriction on local users in an area with no Federal lands.

A housekeeping alternative considered was to modify the hunt area descriptors for the Unit 19D moose hunts as they currently use the Upper Kuskokwim CUA in their descriptor. If the Upper Kuskokwim CUA is modified or eliminated under Federal regulations, those hunt area descriptors also need to be modified to remain relevant.

However, the hunt area, “Upper Kuskokwim CUA within the North Fork drainage upstream from the confluence of the South Fork to the mouth of the Swift Fork” (North Fork hunt area) does not contain any Federal public lands open to subsistence hunting. Therefore, another alternative considered was to eliminate this hunt area and just combine this area with the “Upper Kuskokwim remainder” hunt area. The Upper Kuskokwim CUA hunt area has a winter moose season, while the North Fork hunt area does not. However, since there are no Federal public lands open to subsistence in the North Fork hunt area, combining these hunt areas simplifies regulations without changing subsistence opportunity. However, the North Fork hunt area does contain some encumbered BLM selected lands that could become open to Federal subsistence hunting if the selections are lifted in the future.

Discussion and Effects

If this proposal is adopted, the Upper Kuskokwim CUA would be reduced in size under Federal regulations. This change would reduce regulatory complexity and confusion by aligning State and Federal regulations as directed by Executive Order 14153 3(b)(xxii) to “ensure to the greatest extent possible that hunting and fishing opportunities on Federal lands are consistent with similar opportunities on State lands.” Subsistence opportunity would increase as regulation restricting the use of aircraft would be eliminated under Federal regulations. This increase would not have a significant impact on subsistence users in practice, as most Federally qualified subsistence users do not use aircraft for harvesting wild resources.

Reducing the size of the CUA will open Federal public lands to aircraft use for moose hunting by federally qualified subsistence users, increasing opportunity. However, federally qualified subsistence users may already use aircraft to hunt moose on those Federal lands under State regulations from Sep. 1-25. However, federally qualified subsistence users would be able to use aircraft to hunt moose on Federal lands during the Federal only seasons of Sep. 26-30 and Dec. 1-Feb. 28, although few local users likely use aircraft to access hunting areas. An increase in harvest is not expected, as only residents of Unit 19 and Lake Minchumina have C&T for moose in Unit 19D. No impact to the Unit 19D moose population is expected from adopting this proposal.

Adopting this proposal would also affect the hunt area descriptors for the Unit 19D moose hunts, which reference the Upper Kuskokwim CUA, resulting in unintentional season or harvest limit changes within Unit 19D.

OSM PRELIMINARY CONCLUSION

Support Proposal WP26-50 **with modification** to eliminate the Upper Kuskokwim CUA and modify the hunt area descriptors for moose in Unit 19D, including eliminating the North Fork hunt area.

The draft regulations read:

§ 100.26 (n) (19) (ii)

~~(B) In the Upper Kuskokwim Controlled Use Area, which consists of that portion of Unit 19D upstream from the mouth of the Selatna River, but excluding the Selatna and Black River drainages, to a line extending from Dyckman Mountain on the northern Unit 19D boundary southeast to the 1,610-foot crest of Munsatli Ridge, then south along Munsatli Ridge to the 2,981-foot peak of Telida Mountain, then northeast to the intersection of the western boundary of Denali National Preserve with the Minchumina-Telida winter trail, then south along the western boundary of Denali National Preserve to the southern boundary of Unit 19D you may not use aircraft for hunting moose, including transportation of any moose hunter or moose part; however, this does not apply to transportation of a moose hunter or moose part by aircraft between publicly owned airports in the Controlled Use Area, or between a publicly owned airport within the area and points outside the area.~~

Unit 19D—Moose

~~Unit 19D, that portion of the Upper Kuskokwim Controlled Use Area within the North Fork drainage upstream from the confluence of the South Fork to the mouth of the Swift Fork—1 antlered bull~~

~~Sep. 1-30.~~

~~Unit 19D, upstream from the mouth of the Selatna River, but excluding the Selatna and Black River drainages, to a line extending from Dyckman Mountain on the northern Unit 19D boundary southeast to the 1,610-foot crest of Munsatli Ridge, then south along Munsatli Ridge to the 2,981-foot peak of Telida Mountain, then northeast to the intersection of the western boundary of Denali National Preserve with the Minchumina-Telida winter trail, then south along the western boundary of Denali National Preserve to the southern boundary of Unit 19D remainder of the Upper Kuskokwim Controlled Use Area—1 bull~~

~~Sep. 1-30.~~

~~Dec. 1-Feb. 28.~~

~~Unit 19D, remainder—1 antlered bull~~

~~Sep. 1-30.~~

~~Dec. 1-15.~~

Justification

A miniscule amount of Federal lands occur within the reduced extent of the Upper Kuskokwim CUA (Figure 1). Therefore, maintaining this CUA in Federal regulations is functionally meaningless and adds unnecessary regulatory complexity.

Modifying the hunt area descriptors for the Unit 19D moose hunts is a necessary housekeeping modification as changing season dates and harvest limits was not the intent of this proposal, and elimination of the CUA in Federal regulations requires these hunt areas descriptors be redefined. As the North Fork hunt area contains no Federal public lands open to subsistence hunting, eliminating that hunt area in regulation and combining it with the Upper Kuskokwim CUA remainder hunt area simplifies regulations and reduces confusion.

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