

| WP26–72a Executive Summary  |  |
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| <b>General Description</b>  | Wildlife Proposal WP26-72a requests recognition of the customary and traditional use of brown bear in Unit 20E by residents of Unit 20E.<br><i>Submitted by: Eastern Interior Alaska Subsistence Regional Advisory Council</i> |
| <b>Proposed Regulation</b>  | <b>Customary and Traditional Use Determination—Brown Bear</b><br><i>Unit 20E      Residents of 12, 20E and Dot Lake</i>  |
| <b>OSM Preliminary Conclusion</b>   | <b>Support</b>   |
| <b>Eastern Interior Alaska Subsistence Regional Advisory Council Recommendation</b> |  |
| <b>Interagency Staff Committee Comments</b>   |  |
| <b>ADF&amp;G Comments</b>   |  |
| <b>Written Public Comments</b>  | <b>None</b>  |

## **Draft Customary and Traditional Use Analysis WP26-72a**

### **ISSUE**

Wildlife Proposal, WP26-72a, submitted by the Eastern Interior Alaska Subsistence Regional Advisory Council (Council), requests recognition of the customary and traditional (C&T) use of brown bear in Unit 20E by residents of Unit 20E.

### **Proponent Statement**

The Council stated that residents of Unit 20E have long harvested brown/grizzly bear for subsistence and recognition of this customary and traditional use would provide additional opportunity for federally qualified subsistence users. Now that there is little to no salmon fishing, the harvest of both black and brown bear has become increasingly important for local residents to meet their subsistence needs.

Companion proposal WP26-72b requests to increase the harvest limit of brown bear in Unit 20E from one to two bears.

### **Current Federal Regulations**

#### **Customary and Traditional Use Determination—Brown Bear**

*Unit 20E*

*Residents of Unit 12 and Dot Lake*

### **Proposed Federal Regulations**

#### **Customary and Traditional Use Determination—Brown Bear**

*Unit 20E*

*Residents of 12, 20E and Dot Lake*

### **Extent of Federal Public Lands**

Unit 20E is comprised of approximately 28% Federal public lands that consist of 21% National Park Service (NPS) and 7% Bureau of Land Management (BLM) managed lands.

### **Background**

The rural residents of Unit 20E, primarily people who live in Eagle and Eagle Village, have customary and traditional use determinations for most ungulates in Unit 20E including caribou, moose and sheep. Other wildlife species in Unit 20E are open to all rural residents; these include black bear, beaver,

coyote, fox, hare, lynx, muskrat, wolf, wolverine, grouse and ptarmigan. Currently, only residents of Unit 12 and Dot Lake have a customary and traditional use determination for brown bear in Unit 20E because they are the only ones who have requested recognition.

Under State regulations, residents and nonresidents of Alaska may take two brown bears every regulatory year between August 10 and June 30.

Unit 20E is situated in the Yukon Northern, Upper Yukon River area and residents of Unit 20E have customary and traditional use determinations for salmon and non-salmon freshwater fish.

### **Regulatory History**

In 1990, when the Federal Subsistence Management Program (Program) began management of subsistence hunting on Federal public lands, it adopted State regulations as temporary regulations. The 1990 State regulations classified Unit 20E brown bear as “no subsistence” and this finding was incorporated into the permanent Federal subsistence regulations in 1992. This changed in the 1997/98 regulatory year with Proposal P97-23, which requested recognition of the C&T use of brown bear for rural residents of Units 12, 20D east of Johnson River, and Healy Lake in Units 11, 12, 13, and 20E, (OSM 1997: 217-238).

Proposal P97-23 was one of many backlogged proposals submitted to the Office of Subsistence Management (OSM) to recognize C&T uses in the Upper Tanana region that had not been recognized by the State (OSM 1997). These included proposals from rural residents of Units 11, 12, 13 and 20D to have their C&T uses of moose, caribou, sheep, black/brown bear and ptarmigan and grouse recognized by the Federal Subsistence Board (Board) (FSB 1997: 21; OSM 1997: 159-512).

Both the Southcentral and Eastern Interior Councils made recommendations to the Board that resulted in the current brown bear C&T use determination for Unit 20E as residents of Unit 12, 20E and Dot Lake (FSB 1997: 30-41).

When this decision was made at the 1997 Board meeting, the OSM policy coordinator stated,

The Staff Committee would like to note that these findings are not intended to suggest that other communities within those units are not eligible and nor does it foreclose the opportunity for those communities to come forward with additional information at some point in the future (FSB 1997: 33).

### **Current Events**

In July 2025, the Board adopted deferred Wildlife Proposal WP24-01 as modified by OSM in its revised conclusion (February 2025). Proposal WP24-01 requested to allow the sale of brown bear hides. The OSM modification was that the hides of brown bears, with or without claws attached, may be purchased within the United States for personal use only and may not be resold. The hunter must request an OSM Customary Trade Permit and must return the permit to OSM. The modification also eliminated regulations requiring the skin of the skull and claws of brown bear hides to be retained at the

time of sealing in certain areas. The Board adopted the proposal as modified in deference to nine Councils. However, this regulation cannot be implemented until the Office of Management and Budget (OMB) approves the creation and use of the new OSM Customary Trade Permit.

### **Community Characteristics**

The three communities located in Unit 20E are Eagle, Eagle Village and Chicken. The subsistence practices of Eagle and Eagle Village are a blend of Han Hwech'in Athabascan traditions and those of Euro-american miners, settlers and homesteaders (Trainor et al: 2020). All three communities are located on the Taylor Highway which is open only in summer. They are situated in the traditional homelands of the Han Hwech'in Athabascans also known as the Han Gwich'in (Mishler and Simeone 2004 in Trainor et al 2020:121) or the Han. The Han homelands extend into western Canada and families continue relationships across the border (Trainor et al 2020: 129.) Eagle and Eagle Village are two separate communities with an "important relationship" because of "shared history, proximity, and through resident's cooperation in subsistence activities and sharing of subsistence resources" (Trainor et al 2020: 129). For these reasons, the two communities are frequently referred to as "Eagle" (Trainor et al 2020: 129). Eagle and Chicken were briefly mining "boom" communities during the late 19<sup>th</sup> century. In 1899, the U.S. Army built Fort Egbert to monitor border crossings and mining activity in Eagle. This led to a delineation between the Han and the Euro-American communities at Eagle:

Oral history accounts from Han Hwech'in elders recall that the building of Fort Egbert forcibly displaces them from their traditional land at the mouth of Mission Creek and base of Eagle Bluff (Mishler and Simeone 2004) One elder respondent from Eagle Village recalled that some Natives used to live near Eagle Bluff, but they relocated after Fort Egbert was established. The building of Fort Egbert resulted in the emergence of two distinct communities that were segregated ethnically and geographically. Even after Fort Egbert was decommissioned in 1911, Eagle and Eagle Village continued to exist as two separate communities (Trainor: 2020: 125-26).

In the early 1950's, construction of the Taylor Highway linked Eagle to the Alaska highway system and increased access for people from outside of the area. In the 1970's, homesteaders following the "back to the land" movement moved in and some apprenticed with Han subsistence practitioners to learn how to subsist. Shortly after, in 1980, the creation of Yukon-Charley Rivers National Preserve led to increased regulation on hunting and other land uses for these communities (Caulfield 1979; Trainor 2020: 127). In 2025, these communities face subsistence resource scarcity and food insecurity due to crashing salmon populations and declines in caribou and moose populations (EIRAC 2025 18, 26, 31, 34, 75-76, 91; EIRAC 2022: 19-21, 24-29, 41, 45-46, 51, 67).

There are no ADF&G Division of Subsistence data for the community of Chicken which, in 2024, had an estimated population of 13 people.

## **Eight Factors for Determining Customary and Traditional Use**

A community or area's customary and traditional use is generally exemplified through these eight factors: (1) a long-term, consistent pattern of use, excluding interruptions beyond the control of the community or area; (2) a pattern of use recurring in specific seasons for many years; (3) a pattern of use consisting of methods and means of harvest which are characterized by efficiency and economy of effort and cost, conditioned by local characteristics; (4) the consistent harvest and use of fish or wildlife as related to past methods and means of taking: near, or reasonably accessible from the community or area; (5) a means of handling, preparing, preserving, and storing fish or wildlife which has been traditionally used by past generations, including consideration of alteration of past practices due to recent technological advances, where appropriate; (6) a pattern of use which includes the handing down of knowledge of fishing and hunting skills, values, and lore from generation to generation; (7) a pattern of use in which the harvest is shared or distributed within a definable community of persons; and (8) a pattern of use which relates to reliance upon a wide diversity of fish and wildlife resources of the area and which provides substantial cultural, economic, social, and nutritional elements to the community or area.

The Board makes customary and traditional use determinations based on a holistic application of these eight factors (50 CFR 100.16(b) and 36 CFR 242.16(b)). In addition, the Board takes into consideration the reports and recommendations of any appropriate Regional Advisory Council regarding customary and traditional use of subsistence resources (50 CFR 100.16(b) and 36 CFR 242.16(b)). The Board makes customary and traditional use determinations for the sole purpose of recognizing the pool of users who generally exhibit some or all of the eight factors. The Board does not use such determinations for resource management or restricting harvest. If a conservation concern exists for a particular population, the Board addresses that concern through the imposition of harvest limits or season restrictions rather than by limiting the customary and traditional use finding.

In 2010, the Secretary of the Interior asked the Board to review, with Regional Advisory Council input, the customary and traditional use determination process, and present recommendations for regulatory changes. In June 2016, the Board clarified that the eight-factor analysis applied when considering customary and traditional use determinations is intended to protect subsistence use, rather than limit it. The Board stated that the goal of the customary and traditional use determination analysis process is to recognize customary and traditional uses in the most inclusive manner possible.

## **Discussion and Effects**

If this proposal is adopted, it would provide the residents of Unit 20E, including residents of Eagle and Eagle Village the opportunity to harvest brown bears under Federal subsistence regulations in Unit 20E. If it is opposed, residents of Unit 20E may continue to harvest two brown bear per year under State regulations, including on all Federal public lands in Unit 20E.

## **OSM PRELIMINARY CONCLUSION**

**Support Proposal WP26-72a**

## Justification

The residents of Unit 20E, Eagle and Eagle Village have relied on a wide variety of subsistence resources for generations. There is clear ethnographic data which shows that brown/grizzly bear has been a part of the subsistence harvest of the Han and rural residents of Eagle and Eagle Village. Historic accounts indicate that the harvest of brown bear was a specialization which required unique traditional knowledge and skill for a successful hunt. Brown bear may not have been used as a staple food in an area that was rich with caribou and salmon. It is and was, however, one of many food sources in the area. As former Western Interior Council member Ray Collins stated, contemporary “limited use” of a resource does not indicate there is no customary and traditional pattern of use. Instead, when considering customary and traditional use determinations, it is important to remember that reliance on various species changes over time. Fish and wildlife populations fluctuate and rural Alaskans harvest what is available to them. Harvest numbers reflect a wide array of factors. Currently, Eagle and Eagle Village are adapting to decreased populations of salmon and caribou. This situation, like many across the state, shows the importance of considering the entire subsistence harvest and the status of all resources when reviewing proposals to recognize customary and traditional use and/or increase or decrease access to one species. This is especially critical when the two/three major species depended upon by a community are decreasing at the same time (EIRAC 2025: 18, 26, 31, 34, 75-76, 91; Marcotte and Haynes 1985; Nelson et al. 1978). The residents of Eagle and Eagle Village already have customary and traditional use determinations for most land mammals and fish in Unit 20E which shows their recognized pattern of harvest and use of wild resources consistent with the eight factors. At the fall 2025 meeting of the Eastern Interior Council, residents will have the opportunity to share more information about their subsistence harvest of brown bears in Unit 20E and this information will be included in the next version of this analysis.

## LITERATURE CITED

ADF&G. 2025a

[https://www.adfg.alaska.gov/static/home/news/hottopics/pdfs/yukon\\_river\\_chinook\\_salmon\\_7\\_year\\_management\\_2024\\_2030.pdf](https://www.adfg.alaska.gov/static/home/news/hottopics/pdfs/yukon_river_chinook_salmon_7_year_management_2024_2030.pdf) Retrieved April 11, 2025.

ADF&Gb. 2025b <https://www.adfg.alaska.gov/static/applications/dfnewsrelease/1652059774.pdf> Retrieved April 10, 2025.

ADF&G. 2025c. Community Subsistence Information System (CSIS), Alaska Department of Fish and Game, Div. of Subsistence. <https://www.adfg.alaska.gov/sb/CSIS/>. Retrieved: April 9, 2025.

ADLWD. 2025. Alaska population estimates: Cities and census designated places (CDPs), 2020 to 2024. <https://live.laborstats.alaska.gov/data-pages/alaska-population-estimates>. Retrieved April 9, 2025.

Caulfield, Richard A. 1979. Subsistence use in and around the proposed Yukon-Charley rivers. Occasional Paper No. 20. Anthropology and Historic Preservation, Cooperative Park Studies Unit. University of Alaska. Fairbanks. 120 pp.

Crow, J.R. and P.R. Obley 1981. Han. Pages 506-513 in J. Helm ed. Handbook of North American Indians, Volume 6: Subarctic. Smithsonian Institution. Washington, D.C.

DCRA. 2024. State of Alaska Department of Community and Regional Affairs (DCRA) Information Portal. Retrieved September 18, 2024. <https://dcra-cdo-dcced.opendata.arcgis.com/>

EIRAC 2025. Transcripts of the Eastern Interior Regional Subsistence Advisory Council proceedings. September 19, 2025. Fairbanks, AK. Office of Subsistence Management, USFWS. Fairbanks, AK.

EIRAC 2022. Transcripts of the Eastern Interior Regional Subsistence Advisory Council proceedings. October 5, 2022. Fairbanks, AK. Office of Subsistence Management, DOI IOS. Fairbanks, AK.

FSB. 1997. Transcripts of Federal Subsistence Board proceedings, April 7, 1995. Office of Subsistence Management, USFWS. Anchorage, AK.

Marcotte, J.R. and T.L. Haynes. 1985. Contemporary Resource Use Patterns in the Upper Koyukuk Region, Alaska. ADF&G, Div. of Subsistence Tech. Paper No. 93. Fairbanks, AK.

Mishler, C. and W.E. Simeone. 2004. Han-People of the River. University of Alaska Press. Fairbanks, AK. 298 pp.

Nelson, Richard K., Kathleen H. Mautner, and G. Ray Bane. 1978. Tracks in the Wildland: A Portrayal of Koyukon and Nunamiut Subsistence. Occasional Paper No. 9, Anthropology and Historic Preservation, Cooperative Park Studies Unit, University of Alaska, Fairbanks, Alaska.

Osgood, Cornelius. 1971. The Han Indians, a compilation of ethnographic and historical data on the Alaska-Yukon boundary area. Department of Anthropology, Yale University. New Haven. 110 pp.

OSM. 1997. Staff Analysis P97-33. Pages 217-238 in Federal Subsistence Board Meeting Materials. April 7-11, 1997. Office of Subsistence Management, FWS. Anchorage, AK.

Trainor, A. B.M. Trainor, J. Park, H.S. Cold and D. Koster. 2020. The harvest and use of wild foods by four communities bordering the Yukon-Charley Rivers National Preserve: Central, Circle, Eagle, and Eagle Village, 2016 and 2017. ADF&G, Div. of Subsistence Tech Paper No.469. Fairbanks, AK. 380 pp.