

WP24-01 Executive Summary	
General Description	Proposal WP24-01 is a request to allow the sale of brown bear hides. <i>Submitted by: Kaleb Rowland</i>
Proposed Regulation	<p>§ __.25 Subsistence taking of fish, wildlife, and shellfish: general regulations</p> <p><i>(j) Utilization of fish, wildlife, or shellfish</i></p> <p>...</p> <p><i>(13) You may sell the raw/untanned and tanned hide or cape from a legally harvested <b>brown bear</b>, caribou, deer, elk, goat, moose, musk ox, and sheep.</i></p>
OSM Conclusion (April 2024)	<b>Support</b> Proposal WP24-01 <b>with modification</b> to allow the sale of brown bear hides with claws attached in areas where the Federal harvest limit is two bears every regulatory year and after first obtaining a permit available at the time of sealing from an ADF&G sealing officer.
OSM Conclusion (February 2025)	<p><b>Support</b> Proposal WP25-01 with <b>modification</b> that the hides of brown bears, with or without claws attached, may be purchased within the United States for personal use and not to be resold. The hunter must request an OSM Customary Trade Permit and must return the permit to OSM. Additionally, the modified regulation will align Federal sealing regulations with ADF&amp;G sealing regulations.</p> <p>Please see <b>Pages 20-21</b> for draft regulatory language</p>
Southeast Alaska Subsistence Regional Advisory Council Recommendation	<b>Support</b> as modified by OSM in February 2025
Southcentral Alaska Subsistence Regional Advisory Council Recommendation	<b>Support</b> as modified by OSM in February 2025
Kodiak/Aleutians Subsistence Regional Advisory Council Recommendation	<b>Oppose</b>

<b>Bristol Bay Subsistence Regional Advisory Council Recommendation</b>	<b>Support as modified by OSM in February 2025</b>
<b>Yukon-Kuskokwim Delta Subsistence Regional Advisory Council Recommendation</b>	<b>Support as modified by OSM in February 2025</b>
<b>Western Interior Alaska Subsistence Regional Advisory Council Recommendation</b>	<b>Support as modified by OSM in February 2025</b>
<b>Seward Peninsula Subsistence Regional Advisory Council Recommendation</b>	<b>Support as modified by OSM in February 2025</b>
<b>Northwest Arctic Subsistence Regional Advisory Council Recommendation</b>	<b>Support as modified by OSM in February 2025</b>
<b>Eastern Interior Alaska Subsistence Regional Advisory Council Recommendation</b>	<b>Support as modified by OSM in February 2025</b>
<b>North Slope Subsistence Regional Advisory Council Recommendation</b>	<b>Support as modified by OSM in February 2025</b>
<b>Interagency Staff Committee Comments</b>	[The ISC may add comments after it has met to review the analysis with added Council recommendations on the revised OSM Conclusion in the Addendum]
<b>ADF&amp;G Comments</b>	<b>Support as modified by OSM in April 2024.</b>
<b>Written Public Comments</b>	<b>None</b>

## **STAFF ANALYSIS PROPOSAL WP24-01**

### **ISSUE**

Proposal WP24-01, submitted by Kaleb Rowland of McCarthy, Alaska, is a request to allow the sale of brown bear hides.

### **DISCUSSION**

The proponent states subsistence users in many areas of Alaska must salvage the hides of brown bears, however, the hides must not be sold. The proponent continues that the hides of many other legally harvested big game species may be sold, and brown bears should be added to this regulation.

The Federal Subsistence Board (Board) initially deferred action on Proposal WP24-01 at its April 2024 meeting due to concerns that adopting the proposed regulation as submitted might conflict with the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), an international treaty. The Board had two reasons for deferring the proposal: (1) to allow time to explore options for a federally qualified subsistence user to obtain a permit allowing the sale of a hide from a Federal agency and (2) to potentially establish a workgroup to negotiate with the Alaska Department of Fish and Game (ADF&G) concerning the use of its “Permit to Sell a Brown/Grizzly Bear Hide and/or Skull” (FSB 2024).

OSM has added an Addendum to the end of this analysis, which adds new information in response to the Board’s requests, as well as a revised OSM Conclusion. The purpose of the Addendum is to identify information that Regional Advisory Councils and the Board had not seen when they made their initial recommendations in fall 2023 and April 2024, respectively.

The Board again deferred action on Proposal WP24-01 at its February 2025 meeting to provide an opportunity for all 10 Regional Advisory Councils to review the new information and revised OSM Conclusion in the Addendum at their winter 2025 meetings and make updated recommendations to the Board. The Board will take final action on this proposal at its July 2025 meeting.

### **Existing Federal Regulation**

**§ \_\_.25 Subsistence taking of fish, wildlife, and shellfish: general regulations**

...

*(j) Utilization of fish, wildlife, or shellfish*

...

*(13) You may sell the raw/untanned and tanned hide or cape from a legally harvested caribou, deer, elk, goat, moose, musk ox, and sheep.*

### **Proposed Federal Regulation**

#### **§ \_\_.25 Subsistence taking of fish, wildlife, and shellfish: general regulations**

...

*(j) Utilization of fish, wildlife, or shellfish*

...

*(13) You may sell the raw/untanned and tanned hide or cape from a legally harvested **brown bear**, caribou, deer, elk, goat, moose, musk ox, and sheep.*

### **Existing State Regulation**

#### **5 AAC 92.200—Purchase and sale of game**

...

*(b) Except as provided in 5 AAC 92.031, a person may not purchase, sell, advertise, or otherwise offer for sale:*

*(1) any part of a brown bear, except an article of handicraft made from the fur of a brown bear, and except skulls and hides with claws attached of brown bears harvested in areas where the bag limit is two bears per regulatory year\* by permit issued under 5 AAC 92.031;*

**\*Note:** The harvest limit for a resident hunting in Units 12, 16, 17, 19, 20E, 21, 22A, 22B, 22D, 22E, 23, 24B, 24C, 25D, and 26A is two brown bears per regulatory year. A person may not take more than one brown bear, statewide, in any regulatory year, except that in these units, a person may take two brown bears per regulatory year (5 AAC 92.132 *Bag limit for brown bears*).

Additionally, at its meeting January 26–29, 2024, the Alaska Board of Game increased the harvest limit in Unit 18 to 2 brown bears per year (Proposal 17) (ADF&G 2024a).

#### **5 AAC 92.031 - Permit for selling skins, skulls, and trophies**

...

*(g) A person may sell, advertise, or otherwise offer for sale a skull or hide with claws attached of a brown bear harvested in an area where the bag limit is two brown bears per regulatory year only after first obtaining a permit\* from the department. Any advertisement must include the permit number assigned by the department, and the department will permanently mark all*

*hides and skulls intended for sale. All bears sold under this permit must be reported to the department within the time frame specified on the permit.*

**\*Note:** A “Permit to Sell a Brown/Grizzly Bear Hide and/or Skull” is available at the time of sealing from the sealing officer.

## **Extent of Federal Public Lands**

Federal public lands comprise approximately 54% of Alaska and consist of 20% U.S. Fish and Wildlife Service managed lands, 15% Bureau of Land Management managed lands, 14% National Park Service managed lands, and 6% U.S. Forest Service managed lands.

## **Customary and Traditional Use Determinations**

This is a statewide proposal. For more information refer to the customary and traditional use determinations at §\_\_\_\_.24 *Customary and traditional use determinations*.

## **Background**

### Convention on International Trade in Endangered Species of Wild Fauna and Flora

We classify all Alaskan brown/grizzly bears as the same species, *Ursus arctos*, but refer to them differently depending on where they are found and their diet. In general, the common name “brown bear” refers to those *Ursus arctos* found in the coastal regions, and the common name “grizzly bear” refers to those brown bears found in the interior.

Abundant brown bear populations still exist in Alaska. Brown bears once ranged from northern Alaska and western Canada south to Mexico, and from the west coast east across the great plains of the United States. Over the last 200 years, the number and range of brown bears south of Canada has declined by more than 95% largely as a result of excessive human caused mortality and habitat loss. In 1990, fewer than 1,000 brown bears remained in the United States south of the Canadian border. Today, Alaska is home to more than 98% of the brown bear population in the United States and 70% of the brown bears in North America. With the demise of brown bears in other areas, Alaska has become a preferred place for hunters seeking brown bear trophies (ADF&G 2000, Schoen 1990).

The United States has signed onto the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). CITES is an international treaty between the United States and other countries. Since 1975 through this treaty, North American brown bears have been considered likely to be in danger of becoming threatened by extinction if sales of brown bear parts are not strictly regulated and monitored. CITES is designed to protect threatened populations of brown bears elsewhere in North America, outside of Alaska, but selling the hide of a brown bear legally harvested in Alaska is allowed only if the State of Alaska issues a permit reporting that the sale will not be detrimental to the survival of brown bears in the wild. Additionally, a person then must get a CITES export permit to export a brown bear hide out of the United States. In Alaska, almost all sales of brown bear parts,

especially gall bladders and paws, is illegal. The State of Alaska allows some sales of brown bear hides with claws attached and skulls (USFWS 2023).

Hunters in Canada, our closest neighboring country, also follow these CITES requirements. Hunters can legally hunt for brown bears in four provinces and territories in Canada (Yukon, Northwest Territories, Nunavut, and British Columbia). A hunter needs a provincial or territorial permit to legally possess, sell, and export brown bear parts. A person must possess a CITES export permit to export a brown bear hide out of Canada. Canada prohibits almost all trade in brown bear parts, including gall bladders and paws (some exceptions apply to Aboriginal groups for personal or ceremonial use). Canada allows some manufactured, non-food items, such as tanned hides, to be sold, but such trade in brown bear parts is low. In Canada, people who sell brown bear parts are mainly selling hunting trophies (skins, rugs, or taxidermy mounts) (Government of Canada 2012, 2014).

### Sales of Brown Bear Hides

People have sold and exported brown bear hides from Alaska for centuries. During the Russian Period in Alaska, the Russian American Company exported large numbers of brown bear hides to St. Petersburg and Asia (Bockstoce 2009).

The United State began efforts to keep brown bear populations in Alaska healthy with the passage of the Game Law of 1908 that implemented hunting seasons and a licensing system for brown bear parts being shipped out of Alaska. The new law limited exports to three brown bear hides annually per person and implemented a \$5 dollar fee on each hide. The primary deterrent to the sale and export of brown bear hides from Alaska was the export limit and fee (Holzworth 1930).

The United States eliminated sales of big game, including brown bears and their parts, in the game law of 1925 and established the Alaska Game Commission, the predecessor to the Alaska Department of Fish and Game (ADF&G). The Commission was responsible for imposing and revising brown bear seasons and harvest limits in Alaska. However, lack of enforcement of the law and increases in sport and trophy hunting, especially for big coastal bears, continued to threaten brown bear populations in some areas of Alaska. The law exempted Alaska Natives who were still permitted to hunt game, including brown bears, at any time of year for food and to sell game hides within Alaska unless otherwise restricted (Dufresne 1965).

Beginning in 1961, after Alaska became a state, the government of the State of Alaska began restricting the harvest and use of brown bears in Alaska even more. The State prohibited the purchase, sale, or barter of brown bears or their parts (State of Alaska 1961). In 1961, the State introduced brown bear salvage and sealing requiring a hunter to retrieve the hide with claws attached and skull so that scientific information regarding the sex, age, and hide quality of harvested bears could be obtained by biologists. In 1968, the State introduced a harvest limit of one brown bear every four years in all areas of Alaska open to brown bear hunting. Beginning in 1977, the State required all hunters to purchase a tag before hunting a brown bear. However, in much of rural Alaska, participation by

subsistence users was very limited, and few subsistence harvests were reported through this system (Thornton 1992).

### Brown Bear Sealing

Sealing requirements imposed by the State of Alaska help to track the sale of wildlife parts, to validate that an animal is legally harvested, and to provide documentation to allow people traveling to another country to obtain a CITES permit for the item to be legally taken across international borders (OSM 2010). For example, during Alaska Board of Game deliberations on Proposal 57 (sale of brown bear hides with claws attached and/or skulls, see Regulatory History, below) in March 2016, Alaska Wildlife Troopers testified that law enforcement tracks internet activity and attempts to verify permit and sealing records when bear products are encountered. Very few brown bear hides had been encountered. At the time of the testimony, all bear hides sold by Alaska residents were appropriately harvested under an intensive management permit. These permits are for the purpose of removing predators, such as brown bears, to recover depleted populations of moose and caribou (ADF&G 2023a).

For brown bears, sealing means taking the skull and hide (with claws and evidence of sex attached) of the bear you killed to an officially designated “sealing officer.” The skull must be skinned from the hide (5 AAC 92.165 - *Sealing of bear skins and skulls*). Hides and skulls are permanently marked by ADF&G (5 AAC 92.990 – *Definitions*).

### State of Alaska Western/Northwestern Alaska Brown Bear Management Areas

In 1992, the Alaska Board of Game adopted the Western Alaska and Northwestern Alaska brown bear management areas and more liberal subsistence harvesting regulations. The Board of Game lengthened brown bear subsistence harvest seasons in most of these areas to September 1–May 31 and increased harvest limits to one brown bear every year. Under subsistence regulations, Alaska residents did not have to seal brown bears unless the hide or skull was being removed from the wildlife management unit or presented for commercial tanning. An Alaska resident hunting in these management areas needed to have a State subsistence registration permit and to salvage the meat, but the hide and skull need not be salvaged.

Over time the Alaska Board of Game has further modified these regulations. Currently, State subsistence registration hunts in which the hide and skull need not be sealed, unless removed from the management unit or presented for commercial tanning, occur in Unit 9B, all drainages in Unit 9E that drain into the Pacific Ocean between Cape Kumliun and the border of Unit 9D and Unit 9E, Unit 17, Unit 18, that portion of Units 19A and 19B downstream of and including the Aniak River drainage, Unit 21D, Unit 22, Unit 23, Unit 24, and Unit 26A (5 AAC 92.165 *Sealing of bear skins and skulls*).

## Regulatory History

### Customary Trade

In 1992, the Federal Subsistence Board adopted final Federal subsistence regulations in which it defined customary trade to be the following: “*Customary trade means cash sale of fish and wildlife resources regulated herein, not otherwise prohibited by Federal law or regulation, to support personal and family needs; and does not include trade which constitutes a significant commercial enterprise*” (§\_\_\_\_.4 Definitions). The Board said it would continue to refine the definition of customary trade (57 Fed. Reg. 104, 22941 [May 29, 1992]). Customary trade is part of the definition of subsistence uses in Federal regulations.<sup>1</sup>

The Board’s customary trade focus has been refining regulations to address two issues on a region-by-region basis. One is the sale of salmon and the second is the sale of handicrafts that incorporate brown bear claws. The Board appointed working groups to propose regulations with input from the Subsistence Regional Advisory Councils. In 2003, the Board adopted regulations defining a significant commercial enterprise of salmon in some regions of the state and requiring a permit and reporting of customary trades of salmon in other regions of the state (§\_\_\_\_.27(b)(11)(i) and (ii); §\_\_\_\_.27(b)(12)). In 2012, the Board adopted regulations allowing the sale of handicrafts that incorporate brown bear claws (§\_\_\_\_.25(j)(7)(ii)). To allow the sale of handicrafts incorporating brown bear claws, a modification to the sealing certificate, which is managed by the State of Alaska, was required to include a place on the certificate indicating that the bear was harvested by a Federally qualified subsistence user (§\_\_\_\_.25(j) Utilization of fish, wildlife, or shellfish, see regulations in the **Appendix 1**) (68 Fed. Reg. 81, 22309, [April 28, 2003]; 77 Fed. Reg. 114, 35498 [June 13, 2012]).

### Sales of Brown Bear Hides

In 2002, Proposal WP02-01, submitted by a resident of Fort Yukon, requested the Federal Subsistence Board to classify black bears and brown bears as furbearers, which opened up the possibility that bear hides could be sold: “*If you are a Federally qualified subsistence user, you may sell the raw fur or tanned pelt with or without claws attached from legally harvested furbearers*” (§\_\_\_\_25(j)(8)).

Regional Advisory Councils differed in their recommendations. The Southeast Alaska Council was the only one that supported legalizing the sale of brown bear and black bear hides. The Southeast Alaska Council justification read,

The Council was in favor of full use of subsistence resources and did not believe that allowing sale of bear parts would increase bear harvests, promote illegal trade, or cause

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<sup>1</sup> Subsistence means 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** (§\_\_\_\_.4 Definitions)



conservations concerns. The Council noted that hunting regulations for bear limit the number of bears that can be taken and that sale of parts of legally taken bears would provide only a minor financial return to the harvester. There were no conservation concerns for the brown bear population under existing management; the southeast population is healthy, and fewer bears are taken than the harvest guideline would allow. This change in classification would not affect other users and could be positive for subsistence users (OSM 2002: 23).

One Council supported the sale of black bear pelts only, and five other Councils supported allowing the sale of only handicrafts that incorporate black bear fur (thereby aligning Federal and State regulations). One Council said the sale of bear parts could threaten bear populations and was not a customary and traditional use in the region. A Western Interior Alaska Council member abstained from voting on the proposal because of a cultural taboo that women do not talk about bears. Two Councils said that such decisions should be made on a region-by-region basis and not statewide (OSM 2002). The Board adopted a motion to only allow the sale of handicrafts incorporating black bear fur: *“If you are a Federally qualified subsistence user, you may sell handicraft articles made from the skin, hide, pelt, or fur, including claws, of a black bear”* (§\_\_\_\_.25(j)(6)) (67 Fed. Reg. 125, 43711 [June 28, 2002]).

In 2006, the Alaska Board of Game adopted regulations to allow the sale of raw brown bear hides, with claws attached, harvested in specific predator control management areas under a State permit: *“After the skin and skull is sealed as required under 5 AAC 92.165(a), a person may sell the untanned skin, with claws attached, and skull of a brown bear taken in an active brown bear predator control area listed in 5 AAC 92.125 only under a permit issued by the department”* (5 AAC 92.031(d)). The purpose of predation control is to recover depleted prey populations such as moose and caribou (ADF&G 2006a, 2006b:5, 2023a).

In 2016, the Alaska Board of Game adopted Proposal 57 to allow the sale of brown bear hides and/or skulls by Alaska residents in units where the harvest limit is two bears annually: *“A person may sell, advertise, or otherwise offer for sale a skull or hide with claws attached of a brown bear harvested in an area where the bag limit is two brown bears per regulatory year. . . .”* (5 AAC 92.031(g)). Currently, these units with two-bear harvest limits in State regulations are 16B, 17, 18, 19A, 19D, 20E, 21, 22A, 22B, 22D, 22E, 23, 24B, 25D, and 26A (5 AAC 92.132 *Bag limit for brown bears*) (ADF&G 2016a, 2016b:32, 2016c:5, 2024).

In 2018, the Federal Subsistence Board rejected the recommendations of affected Councils on Proposal WP18-44 to allow the sale of brown bear hides with claws attached and/or skulls harvested in Unit 23. The Board said black markets for illegally acquired brown bear parts were known to encourage poaching and increasing market availability for brown bear parts may intensify illegal harvest. The Board also noted there was insufficient evidence that residents of Unit 23 had an established pattern of customary trade involving brown bear hides and skulls, and few residents of Unit 23 harvested brown bears under the Federal subsistence regulation due to meat salvage and sealing requirements. The lack

of a component to the proposal that would require a permit for sale in line with State regulations was also a factor in the Board's justification for rejecting the proposal (OSM 2018).

### Current Federal General Regulations

Federal subsistence regulations prohibit the sale of wildlife or their parts unless specifically allowed under Federal subsistence regulations: “*You may not exchange in customary trade or sell fish or wildlife or their parts, taken pursuant to the regulations in this part, unless provided for in this part*” (§\_\_\_\_.7(b) *Restriction on use*).

One specific authorization in Federal subsistence regulations for the sale of the non-edible byproducts of brown bears harvested for subsistence is for handicrafts: “*If you are a Federally qualified subsistence user, you may sell handicraft articles made from the skin, hide, pelt, or fur, including claws, of a brown bear taken from Units 1–5, 9A–C, 9E, 12, 17, 20, 22, 23, 24B (only that portion within Gates of the Arctic National Park), 25, or 26*” (§\_\_\_\_.23(j) *Utilization of fish, wildlife, or shellfish*).

Federal subsistence regulations define a brown bear hide as having claws attached: “. . . *skin, hide, or pelt of a bear shall mean the entire external covering with claws attached*” (§\_\_\_\_.23(a) *Definitions*).

Additionally, customary trade shall not constitute a significant commercial enterprise: *Customary trade means exchange for cash of fish and wildlife resources regulated in this part, not otherwise prohibited by Federal law or regulation, to support personal and family needs; and does not include trade which constitutes a significant commercial enterprise* (§\_\_\_\_.4 *Definitions*). Sales that rise to the level of a significant commercial enterprise are not defined on a statewide basis and instead may be defined on a region-by-region basis by placing monetary caps on sales and/or requiring permits for and reporting of customary trades (see examples of these regulations in **Appendix 1** at §\_\_\_\_.27 *Subsistence taking of fish*).

### **Biological Background**

Brown bears on Kodiak Island are the only distinct subspecies (*Ursus arctos middendorffi*) because they are genetically and physically isolated from other *Ursus arctos*. However, all “grizzly bears” and “brown bears” are considered “brown bears” for purposes of harvest in Alaska.

Alaska has an estimated 30,000 brown bears statewide (ADF&G 2023b). Brown bears range throughout most of Alaska, except the islands of the Aleutian Chain west of Unimak and in Southeast Alaska south of Frederick Sound. High densities of brown bears occur on Kodiak Island, the Alaska Peninsula, and on Admiralty, Baranof, and Chichagof Islands of Southeast Alaska. The density of brown bears in Alaska varies considerably with habitat and ranges anywhere from 2.6 bears/1,000 km<sup>2</sup> on the North Slope (Lenart 2021) to 275 bears/1,000 km<sup>2</sup> in Southeast Alaska (Bethune 2021), although these estimates are extrapolated from an estimate derived from a reanalysis of 20-year-old

data. Except for breeding pairs and females with offspring, brown bears are typically solitary creatures and avoid the company of other bears.

Brown bear populations are extremely sensitive to disruption. This is because brown bears exhibit the lowest reproduction rate of any North American mammal. In some areas with low population densities, such as in northern Alaska, brown bear populations are often managed conservatively for several reasons, including the following: (1) large home ranges are required to meet resource needs (McLoughlin et al. 2002); (2) female brown bears generally do not successfully reproduce until they are more than five years old and have low reproductive rates, small litters, and long intervals between litters; (3) sows exhibit high fidelity to home ranges with little out-migration or in-migration; and (4) monitoring methods are imprecise and expensive (USFWS 1982, Reynolds 1989, Miller et al. 2011)

Brown bears are difficult to survey precisely due to their solitary nature and their sensitivity to disturbance, as is evident from the lack of current population data. Statewide, population estimates are sometimes based on surveys conducted in the 1990s or early 2000s and extrapolated to arrive at a current estimate. For example, in Unit 4 in Southeast Alaska, there has not been a population estimate for brown bears for almost two decades (Bethune 2021). Historically, ADF&G estimated densities of between 227 and 275 bears/1000 km<sup>2</sup>, with a population estimate of 4,303 bears in Unit 4. In Unit 13, there is currently no population monitoring (Hatcher 2023). The last population estimate was in 1998 and it estimated 1,260 bears in the wildlife management unit, with a density of 21.3 bears/1,000 km<sup>2</sup>. In Units 25 and 26 current population estimates are based on models using population data from 1999. These calculations give an estimated density of 2.6 bears/1,000 km<sup>2</sup>, with a non-statistically derived estimate of 333 bears for Unit 26B (Lenart 2021).

Most population data collected is from sealing records of harvested brown bears. In some areas, brown bears harvested under Federal or State subsistence regulations are not required to be sealed except under certain conditions. Where sealing is not required, a Federal or a State hunting permit is required that sometimes allows for the collection of similar data to sealing records. The data collected from each is used to assess trends in harvest and to inform in-season management actions (Bethune 2021).

## **Harvest History**

Harvest levels of brown bears have generally increased over the last 40 years, with harvest peaking in the early 2010s followed by a downward trend to the current year (ADF&G 2022).

ADF&G has not detected increased harvest in wildlife management units with a two-bear harvest limit since the sale of the hides with claws attached was legalized under State regulations in 2016. Although brown bear harvests increased slightly (then decreased right back to “normal” levels) when brown bears were first allowed to be taken over bait, hunting seasons were also being lengthened, which might have contributed to this slight increase in harvest around the same time. ADF&G staff have been instructed to issue sale permits to anyone that harvests a brown bear in a two-bear harvest limit area that might be interested in selling it in the future (Bogle 2023, pers. comm.; Weber 2023, pers.

comm.). As of August 2022, ADF&G had distributed 38 sale permits for hunts across 10 subunits and had received seven sale notifications from permit holders (Paragi 2023, pers. comm.).

In addition to a State tag or permit, a Federal subsistence permit has been available in some areas of Alaska to harvest brown bears since 1995. In the 20 years from 2002 to 2021, 158 subsistence hunters have reported harvesting a total of 40 brown bears by Federal permit cumulatively from Units 5, 8, 9, and in the Southcentral Alaska Region (OSM 2023). Subsistence hunters use these Federal permits because it allows them to hunt in areas where there is competition in the State system to obtain permits (for example draw hunts in Unit 8), where there formerly was competition in the State system to obtain permits (for example in Unit 15), where the hunt area is on National Park or Monument lands (such as in Unit 9), in areas that are closed to the harvest of brown bears except by subsistence users, or in areas with more liberal Federal harvest limits (in Unit 5 for example).

### **Cultural Knowledge and Traditional Practices**

Alaska Natives have harvested bears and competed with them for subsistence resources for at least 14,000 years (Birkedal 2001). Brown bears have traditionally been a very important part of Alaska Native cultures. Because of their powerful senses and ability to hear through the ground, brown bears are usually referred to indirectly and respectfully so that they will continue to give themselves to hunters. For this reason, the Yup'ik call them *ungungssiq* (land animal, quadruped), *naparnkali* (one who stands upright) or *kavirluq* (red thing, as opposed to *tan'gerliq*, black bear)" (Fienup-Riordan 2007:164). Athabaskans call the brown bear *ghonoy*, *ghonoy tlaaga* or *dlil ta bahoolaanee*. Tlingits call it *yats'inEt* or *ya'Et'gu tutw'adi'at*. The Iñupiat call it *aklaq*.

Brown bears have been hunted for their meat and hides, and other parts of the bear have been used for traditional medicine or fashioned into tools, amulets, ceremonial regalia, and art (Thornton 1992, Nelson 1983, Fall and Hutchinson-Scarborough 1996, Loon and Georgette 1989, Behnke 1981, ADF&G 1990).

Nelson (1983) reports that the brown bears are the most powerful among Koyukon Athabaskan spirits of the natural world, perhaps second only to the wolverine. People's behavior toward the brown bear is subject to a number of culturally based requirements. Nelson (1983) reports that disregard or violation of these cultural requirements is sharply punished. Traditionally, when Koyukon men hunted brown bears, they followed prescribed rituals. For example, a man is not to openly discuss the brown bear hunt before or after it occurs, and care must be taken to prevent the hide from coming in contact with women. The Koyukon Athabascans have a taboo against women eating brown bear meat or young men eating meat from a brown bear's head (Nelson 1983).

Dena'ina Athabascans in the Lake Clark and Katmai areas competed directly with brown bears for subsistence resources; it is thought that the Dena'ina likely displaced brown bears from the very best salmon fishing sites on certain rivers (Birkedal 2001). The Dena'ina reserved some secondary stream drainages for the exclusive use of bears and for bear hunting.

Alutiiq residents of the Alaska Peninsula believed that bears are human ancestors that must be shown respect (Sherwonit 1998). In the Chignik Bay, Chignik Lagoon, Chignik Lake, Ivanof Bay and Perryville areas, brown bear hunting is governed by a system of traditional Alutiiq beliefs that emphasize respectful treatment of the bear and protection of hunters (Fall and Hutchinson-Scarborough 1996). According to these traditions, the skull and hide of the bear are left at the kill site; the skull is placed facing in a southern or southeastern direction.

Traditional brown bear hunting in Southeast Alaska was surrounded by numerous behavioral prescriptions that were considered vital to the success of the hunt. Brown bears are an important symbol of Tlingit social and ceremonial life, and there is emphasis on the close relationship between humans and bears (Thornton 1992). Bear hides were used for ceremonial robes, clothing, rugs and bedding. Thornton (1992) reported that the Tlingit traditionally preferred brown bear hides for children's bedding, as the hides provided not only warmth, but also were thought to prevent illnesses.

Loon and Georgette (1989) and Georgette (2001) described the widespread respect of the Iñupiat of Northwest Alaska for bears and the belief that the bears must be treated appropriately. An Iñupiat man is not to openly discuss the bear hunt before or after it occurs. Traditionally, the bear's head is given to the eldest member of the community or hung on a tree or pole in camp. The Iñupiat give the bear hide to an elder or use it for bedding and clothing.

It has been customary practice of some Yup'ik villagers to use bear hides for mattresses, trimming on clothing and skin for boats and to bury the bear's skull facing east at the kill site. Brown bear harvesting is a specialized pursuit that is concentrated in certain villages and certain families (Coffing 1991).

### **Effects of the Proposal**

If Proposal WP24-01 is adopted, the sale of the hide of a brown bear legally harvested from Federal public lands under Federal regulations will be legal as long as the edible meat is salvaged for human consumption, claws are attached to the hide, and the hide is sealed by a representative of ADF&G.

However, this outcome might conflict with CITES and State regulations implementing CITES. CITES provides for the commercial trade of hides of legally harvested brown bears only if the country of export issues permits reporting that the trade will not be detrimental to the survival of the species in the wild. The State of Alaska currently issues these permits for the sale of the hides of brown bears only if legally harvested in areas with a two-brown bear harvest limit under State regulations (in Units 16B, 17, 18, 19A, 19D, 20E, 21, 22A, 22B, 22D, 22E, 23, 24B, 25D, and 26A).

It is already legal under State regulations to sell the hide of brown bears legally harvested in areas of Alaska where the harvest limit is two brown bears per year except for lands designated as National Park or Monument, which are only open to hunting under Federal subsistence regulations. Effects on nonsubsistence users are not anticipated. Effects on the resource, specifically whether, or how much,

the harvest of brown bears will increase is anticipated to be minimal due to permit and salvage requirements.

If Proposal WP24-01 is not adopted, the sale of brown bear hides will not be legal under Federal regulations but will remain legal in areas of Alaska under State regulations where the harvest limit is two brown bears per year including on most Federal public lands, except for lands designated as National Park or Monument. No effects on nonsubsistence users or the resource are anticipated.

## **OSM CONCLUSION (APRIL 2024)**

**Support** Proposal WP24-01 **with modification** to allow the sale of brown bear hides with claws attached in areas where the Federal harvest limit is two bears every regulatory year and after first obtaining a permit available at the time of sealing from an ADF&G sealing officer.

The modified regulation should read:

### **§\_\_\_\_.25 Subsistence taking of fish, wildlife, and shellfish: general regulations**

#### *(j) Utilization of fish, wildlife, or shellfish*

...

*(13) You may sell the raw/untanned and tanned hide or cape from a legally harvested caribou, deer, elk, goat, moose, musk ox, sheep, and brown bear with claws attached harvested in an area with a two brown bear limit per regulatory year in Federal regulations only after first obtaining a permit at the time of sealing from the Alaska Department of Fish and Game.\**

**\*Note:** Harvest limits of two brown bears per regulatory year in 2022–2024 Federal regulations include all or portions of Units 22B, 22D, 23, 24B, 25D, and 26A. A “Permit to Sell a Brown/Grizzly Bear Hide and/or Skull” is available at the time of sealing from the sealing officer.

## **Justification**

Conservation is a concern regarding brown bear populations in Alaska for several reasons including their low productivity rates, their solitary nature, difficulty obtaining population estimates, and high sport use in some areas. The OSM modification to the proposal puts limits on sales of brown bear hides. The sale of brown bear hides could only occur for brown bears shown to be legally harvested from Federal public lands under Federal regulations, and only if taken in areas where there is a two-brown bear harvest limit in Federal regulations. Currently, such areas are all or portions of Units 22B, 22D, 23, 24B, 25D, and 26A. Further, the edible meat must be salvaged (§\_\_\_\_.25(j)(2)(ii)), the hide must have the claws attached (§\_\_\_\_.25(a)), and the hide must be sealed by ADF&G before it can be removed from the wildlife management unit (§\_\_\_\_.26(j)).

The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) provides for the commercial trade of hides of legally harvested brown bears only if the country of export issues permits reporting that the trade will not be detrimental to the survival of the species in the wild. Therefore, a permit from ADF&G is required. The Alaska Department of Fish and Game issues this type of permit before selling the hide of a brown bear legally harvested under State regulations but only if taken in areas with a two-brown bear harvest limit. Allowing the sale of the hide of a brown bear harvested from other areas would require negotiation with the State over the use of its permitting system.

Limiting legal sales to only brown bears taken from areas with two-bear harvest limits would be a protection from over harvest because there is likely to be fewer conservation concerns. Other tools exist for the Board to use if harvests were to rise above sustainable yields in an area. These tools include reducing seasons and harvest limits, placing monetary caps on sales on a region-by-region bases, and requiring permits for and reporting of customary trades.

This is a statewide proposal that was reviewed by all 10 Regional Advisory Councils. Each Council informed the Board whether the regulation was culturally appropriate for their region.

## **ANALYSIS ADDENDUM**

### **ISSUE**

The Federal Subsistence Board initially deferred action on Proposal WP24-01 at its April 2024 meeting because adopting the proposed regulation as submitted might conflict with the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), an international treaty. The Board had two reasons for deferring the proposal: (1) to allow time to explore options for a federally qualified subsistence user to obtain a permit allowing the sale of a hide from a Federal agency and (2) to potentially establish a workgroup to negotiate with the Alaska Department of Fish and Game (ADF&G) concerning the use of its “Permit to Sell a Brown/Grizzly Bear Hide and/or Skull” (FSB 2024).

OSM added this Addendum to the end of the analysis, which adds new information in response to the Board’s requests, as well as a revised OSM Conclusion. The purpose of the Addendum is to identify information that Regional Advisory Councils and the Board did not consider when they made their initial recommendations in fall 2023 and April 2024, respectively.

The Board again deferred action on Proposal WP24-01 at its February 2025 meeting to provide an opportunity for all 10 Regional Advisory Councils to review the new information and revised OSM Conclusion in the Addendum at their winter 2025 meetings and make updated recommendations to the Board. The Board will take final action on the proposal at its July 2025 meeting.

## DISCUSSION

As directed by the Board, OSM asked Alaska Department of Fish and Game (ADF&G) representatives if ADF&G would be willing to consider issuing a permit to sell the hide of a brown bear harvested under Federal subsistence regulations in an area with a one-brown bear harvest limit. They responded that ADF&G supports aligning Federal regulations with State regulations and adopting the State's strategy when it comes to the sale of brown bear hides in places where it's a two-bear limit. ADF&G allows the sale of the hide of a brown bear only if taken in an area with a two-brown bear harvest limit (5 AAC 92.200(b)(1)). At the February 2025 Federal Subsistence Board meeting, ADF&G also noted that since the first analysis of this proposal, five areas of the state have been added to the list of two bear harvest limits under State regulations (FSB 2025).

As directed by the Board, OSM investigated the possibility of using a Federal permit to allow the sale of a brown bear hide legally harvested under Federal subsistence regulations, even in an area with a one-brown bear harvest limit. If adopted by the Board, the regulation will not be effective until the Office of Management and Budget (OMB) approves for the development of new Federal permit allowing for the sale of brown bear hides under Federal regulations.

### Existing State Regulations

Since the initial analysis was written, the Alaska Board of Game has approved two-brown bear harvest limits in six more areas of Alaska, which are the following: Units 12,<sup>2</sup> 13,<sup>3</sup> 16A,<sup>4</sup> 18,<sup>5</sup> 24C,<sup>6</sup> and 24D.<sup>6</sup>

#### **5 AAC 92.200—Purchase and sale of game**

...

*(b) Except as provided in 5 AAC 92.031, a person may not purchase, sell, advertise, or otherwise offer for sale:*

*(1) any part of a brown bear, except an article of handicraft made from the fur of a brown bear, and except skulls and hides with claws attached of brown bears harvested in areas where the bag limit is two bears per regulatory year\* by permit issued under 5 AAC 92.031;*

#### **5 AAC 92.132 - Bag limit for brown bears**

*A person may not take more than one brown bear every four regulatory years, except that*

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<sup>2</sup> Proposal 120 adopted as amended for Unit 12 by the Alaska Board of Game (BOG) in March 2024 (ADF&G 2024c: 7);

<sup>3</sup> Proposal 57 adopted for Unit 13 by the BOG in January 2025 (ADF&G 2025: 5);

<sup>4</sup> Unit 16A is in the Alaska hunting regulations booklet provided to the public (ADF&G 2024b: 91) but is not in regulation. When this regulation was passed by the BOG is not readily available.

<sup>5</sup> Proposal 17 adopted for Unit 18 by the BOG in January 2024 (ADF&G 2024a: 2).

<sup>6</sup> Proposal 152 adopted as amended for Units 24C, 24D by the BOG in March 2024 (ADF&G 2024c: 10).



*(1) . . . in Units 16(B), 19(A), 19(D), 20(E), 21, 22(A), 22(B), 22(D), 22(E), 23, 24(B), 24(D) a person may take two brown bears per regulatory year; a bear taken in these units does not count against the one bear every four regulatory years' bag limit established for brown bears in other units;*

. . . .

*(4) . . . the bag limit for a resident hunting in Units 19(A) downstream of and including the Aniak River drainage, 21, 22(A), 22(B), 22(D), 22(E), 24(B) and 26(A) with a subsistence brown bear registration permit is two bears per regulatory year; a bear taken under a registration permit in any of these areas will not count against the one bear every four regulatory years bag limit established for brown bears taken under a resident tag;*

. . .

*(6) . . . . in Units 16(B), 17, 19(A), 19(D), 20(E), 21, 22(A), 22(B), 23, 24(B) and 25(D) and 26(A) a person may take two brown bears per regulatory year.*

## **Background**

### ADF&G and CITES

To better understand the proposal and its effects, it is necessary to further explain how the State regulates international purchases of brown bear hides. The U.S. Fish and Wildlife Service, the management and scientific authority in the United States under CITES, assigned ADF&G the authority to regulate the international export of brown bear hides harvested in Alaska (CITES 2024a).<sup>7</sup> CITES is not concerned about the purchase of hides within the United States. CITES is concerned with “international trade,” defined as import or export, regardless of whether money is exchanged.

Pursuant to its responsibilities under CITES, ADF&G prepares every hide for international *export* by attaching a seal to the hide (**Figure 1**).<sup>8</sup>

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<sup>7</sup> A Tribe may provide information to the Service demonstrating it has the means to implement an export program. If such a CITES Export Program is approved by the Service, a tag or certificate issued by the Tribe can be used for export (FWS 2024).

<sup>8</sup>Anyone can apply to ADF&G for training to become a sealing official.



**Figure 1.** An example of three brown bear seals, which are attached to hides by an ADF&G-authorized sealing official. Each seal has a unique number (obscured in this photograph) for tracking the hide.

Pursuant to its responsibilities under CITES, ADF&G also prepares every hide that it seals for international *purchase* by requiring that you obtain a “Permit to Sell a Brown/Grizzly Bear Hide and/or Skull” from ADF&G at the time of sealing. The permit authorizes the sale of the hide and its purchase by a person for that person’s own use and not to be resold, claws must be attached to the hide, and claws cannot be sold separately (Paragi 2023, pers. comm.). Additionally, the hide must have a seal attached (5 AAC 92.165), and the seal number must be included in any advertisement of sale (5 AAC 92.031(g)).

ADF&G restricts the sale of hides to brown bears harvested in areas with a two-brown bear harvest limit (5 AAC 92.200(b)(1)).

Hundreds of brown bears are harvested each year in Alaska, most under ADF&G sport or general hunting regulations in which the edible meat need not be salvaged (5 AAC 92.220(2)). Brown bears in the rest of North America exist in much smaller populations than in Alaska (Miller and Schoen 1999). ADF&G limits sales of hides because unlimited sales might incentivize legal and illegal harvesting in Alaska and elsewhere in North America. For this reason, ADF&G’s purpose is to prevent hides from entering domestic and international commercial markets (Miller and Schoen 1999; CITES 2024b, 2024c).

While limiting the sale of brown bear hides (to bears harvested in areas with a two-bear harvest limit) is necessary for the hundreds of brown bears harvested in sport and general hunts each year in Alaska, the much lower number of brown bears harvested for subsistence and for which the edible meat must be salvaged<sup>9</sup> might not need the same level of restrictions on the sale of hides, as stated by Board Member Creachbaum of the National Park Service during the April 2024 Board meeting: “Federal regulations require that the edible meat be salvaged for human consumption, so the bear must be hunted for food. Allowing for the sale [of a hide harvested in an area with a one-brown bear harvest limit] is not expected to cause an increased harvest or conservation concern but will allow for

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<sup>9</sup> § \_\_.25(j)(2)(ii) in **Appendix 1**.

subsistence hunters to benefit from the sale of the hide under customary trade provisions” (FSB 2024:164).

To this end, Proposal WP24-01 is a request to allow a federally qualified subsistence user to sell a brown bear hide taken under Federal subsistence regulations, even if the bear is taken in an area with a one-brown bear harvest limit. The purpose of the proposal is also to allow the sale of a hide harvested on National Park or National Monument lands, where ADF&G regulations allowing for the sale of a brown bear hide are not in effect (36 CFR 2.2(b)).

#### Current ADF&G Subsistence Registration Hunts

In order to be sold, the hides of brown bears harvested in Alaska must be sealed by an ADF&G-authorized sealing official, which is described on the ADF&G permit allowing the sale (Paragi 2023, pers. comm.). Additionally, the sealing official must remove the front claws of hides harvested in ADF&G subsistence registration hunts at the time of sealing, described in the Alaska hunting regulations booklet provided to the public: “. . . *at the time of sealing, the . . . front claws are removed and kept by ADF&G*” (ADF&G 2024b: 25).<sup>10</sup> State subsistence hunts occur in areas where subsistence users are more likely to salvage the edible meat and eliminates the burden of sealing unless the hide or skull is removed from the unit. However, this provision prevents State subsistence hunters from selling the hides because the front claws are removed. Only hides with all claws attached may be sold under State regulations (5 AAC 92.031(g)) to prevent the sale of individual brown bear claws, which might incentivize legal and illegal harvests.

ADF&G subsistence registration hunts occur in Unit 9B, all drainages in Unit 9E that drain into the Pacific Ocean between Cape Kumliun and the border of Unit 9D and Unit 9E, Unit 17, Unit 18, that portion of Units 19A and 19B downstream of and including the Aniak River drainage, and Units 21D, 22, 23, 24, and 26A (5 AAC 92.165 *Sealing of bear skins and skulls*).

#### Current Federal Subsistence Hunts

Current Federal subsistence regulations require that the ADF&G-authorized sealing official remove the front claws and keep them at the time of sealing in the same areas where there is an ADF&G subsistence registration hunt, described above (§\_\_\_\_.26(j)(3) in **Appendix 1**). The Federal Subsistence Board adopted these regulations in 1992 (57 Fed. Reg. 203, 22538 [May 28, 1992]).

Additionally, a subsistence user who removes a claw to incorporate it into a handicraft<sup>11</sup> cannot then sell the hide for the same reason described above, that claws must remain attached to legally sell the hide (5 AAC 92.031(g)).

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<sup>10</sup> “. . . *the trophy value of an animal taken under a subsistence permit may be nullified by the department* (5 AAC 92.052(5)).

<sup>11</sup> §\_\_\_\_.25(j)(7) in **Appendix 1**

### Brown Bears Taken in Defense of Life or Property

The hide of a brown bear taken in defense of life or property is the property of the State of Alaska and cannot be sold, described below.

Under Federal subsistence regulations, “*Wildlife taken in defense of life or property is not a subsistence use; wildlife so taken is subject to State regulations*” (§\_\_\_\_.26(c)).

Under State regulations, “*Game taken in defense of life or property is the property of the state. A person taking game under this subsection shall immediately (1) salvage and surrender to the department the (A) hide and skull of a bear, completely removed from the carcass, and including all attached claws. . .*” (5 AAC 92.410(b)).

### Hides of Brown Bears Previously Taken

If the Board adopts this proposal, the hides of brown bears that were previously harvested under Federal regulations cannot be exchanged for cash in customary trade under Federal regulations. These brown bears were taken when selling the hide was not allowed: “*You may not use<sup>12</sup> fish or wildlife or their parts, taken pursuant to the regulations in this part, unless provided for in this part*” (§\_\_\_\_.7(a) *Restriction on use*).

### **OSM CONCLUSION (FEBRUARY 2025)**

**Support** Proposal WP25-01 with **modification** that the hides of brown bears, with or without claws attached, may be purchased within the United States for personal use and not to be resold. The hunter must request an Office of Subsistence Management (OSM) Customary Trade Permit and must return the permit to OSM. Additionally, this modification eliminates 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 regulation should read:

#### **§\_\_\_\_.25 Subsistence taking of fish, wildlife, and shellfish: general regulations**

...

#### *(j) Utilization of fish, wildlife, or shellfish*

...

*(13) You may sell the raw/untanned and tanned hide or cape from a legally harvested caribou, deer, elk, goat, moose, musk ox, and sheep.*

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<sup>12</sup> The definition of subsistence defines customary trade as a subsistence use: “*Subsistence means the customary and traditional uses by rural Alaska residents of wild, renewable resources for . . . customary trade* (§\_\_\_\_.4 *Definitions*).

*(14) You may request a Customary Trade Permit to sell the hide with or without claws attached of a brown bear legally harvested under Federal subsistence regulations providing the hide is purchased within the United States for personal use and not to be resold. These customary trade sales must be immediately recorded on a Customary Trade Permit and must be returned within the time frame specified on the permit. The hide must be sealed, the seal must remain on the hide, and the seal number must be included in any advertisement of sale.*

...

**§\_\_\_.26 Subsistence taking of wildlife.**

...

*(j) Sealing of bear skins and skulls.*

...

*(3) You must keep a bear skin and skull together until a representative of the ADF&G has removed a rudimentary premolar tooth from the skull and sealed both the skull and the skin; however, this provision does not apply to brown bears taken within Units 5, 9B, 9E, 17, 18, 19A, and 19B downstream of and including the Aniak River drainage, and Units 21D, 22, 23, 24, and 26A and which are not removed from the Unit.*

...

*(ii) If the skin or skull of a bear taken in Units 9B, 17, 18, and 19A and 19B downstream of and including the Aniak River drainage is removed from the area, you must first have it sealed by an AD&G representative in Bethel, Dillingham, or McGrath; ~~at the time of sealing, the ADF&G representative must remove and retain the skin of the skull and front claws of the bear.~~*

*(iii) If you remove the skin or skull of a bear taken in Units 21D, 22, 23, 24, and 26A from the area or present it for commercial tanning within the area, you must first have it sealed by an ADF&G representative in Barrow, Galena, Nome, or Kotzebue; ~~at the time of sealing, the ADF&G representative must remove and retain the skin of the skull and front claws of the bear.~~*

*(iv) If you remove the skin or skull of a bear taken in Unit 5 from the area, you must first have it sealed by an ADF&G representative in Yakutat.*

*(v) If you remove the skin or skull of a bear taken in Unit 9E from Unit 9, you must first have it sealed by an authorized sealing representative. ~~At the time of sealing, the representative must remove and retain the skin of the skull and front claws of the bear.~~*

## Justification

The Federal Subsistence Board initially deferred the proposal in April 2024 because adopting the proposed regulation as submitted might conflict with the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), an international treaty. The Board deferred the proposal again in February 2025 and requested that all 10 Regional Advisory Councils provide recommendations to the Board after considering the new information and revised OSM Conclusion in this Addendum.

In response to the Board's initial deferral in April 2024, the revised OSM modification allows for the sale of a hide of a brown bear taken under Federal subsistence regulations and satisfies the request of the proponent who currently is not allowed under Federal or State regulations to sell the hide of a brown bear harvested in his area, Unit 11.

The focus of the OSM modification is to limit sales to purchases "within the United States." CITES limits only international purchases of brown bear hides. This modification, allowing only domestic purchases, is in compliance with CITES. This was not in the request of the proponent and is necessary to comply with CITES (**Appendix 2**).

These elements of the OSM modification will align Federal regulations with current ADF&G regulations and ADF&G permit requirements: (1) purchase of a hide must be "for personal use and not to be resold," intended to prevent a customary traded hide from entering a commercial market; and (2) "the seal number must be included in any advertisement of sale" allows law enforcement to identify that a brown bear hide advertised for sale on the internet, for example, is from a legally harvested brown bear.

Further, the OSM modification allows a hide to be sold "with or without claws attached" and will allow a subsistence user who removes a claw to incorporate it into a handicraft to then sell the hide.<sup>13</sup>

Finally, the OSM modification removes from Federal regulations the requirements in some areas of Alaska that at the time of sealing the ADF&G-authorized sealing official must remove and retain the skin of the head and the front claws of the bear hide.<sup>14</sup> This allows federally qualified subsistence users who harvest bears under Federal regulations by a State subsistence registration permit to retain the skin of the head and front claws, so they can either incorporate them into handicrafts or sell whole, intact hides.

Current Federal edible meat salvage requirements<sup>15</sup> will likely protect brown bears from over harvest. Edible meat for a brown bear means the meat of the front quarter and hindquarters and meat along the backbone (backstrap).<sup>16</sup> Other tools exist for the Board to use if harvests rise above sustainable yields

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<sup>13</sup> § \_\_.25(j)(7) in **Appendix 1**

<sup>14</sup> § \_\_.26(j)(3)

<sup>15</sup> § \_\_.25(j)(2)(ii)

<sup>16</sup> § \_\_.25(a)

in an area. These tools include reducing hunting seasons and placing monetary caps on sales on a region-by-region bases.

The OSM modification complies with the provisions of CITES and allows federally qualified subsistence users to legally sell the hides of brown bears while balancing customary trade and conservation.

This is a statewide proposal, and the revised OSM Conclusion in this Addendum was reviewed by all 10 Regional Advisory Councils. Each Council informed the Board whether the regulation is culturally appropriate for their region (see Subsistence Regional Advisory Council Recommendations, below).

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## SUBSISTENCE REGIONAL ADVISORY COUNCIL RECOMMENDATIONS

### Southeast Alaska Subsistence Regional Advisory Council

#### Winter 2025

**Support** Proposal WP24-01 **as modified by OSM.** The Council said that brown bears are not a conservation concern in Southeast Alaska, and Federal regulations protect brown bears from overharvest. There is substantial evidence that people do need to be able to sell these hides to provide raw materials for skin sewers to make handicrafts and continue their culture.

#### Fall 2023

**Take no action.** The Council wanted to know more about other regions' traditions and Council recommendations before making a recommendation on this statewide proposal.

### Southcentral Alaska Subsistence Regional Advisory Council

#### Winter 2025

**Support** Proposal WP24-01 **as modified by OSM.** The Council said that allowing the sale of brown bear hides is beneficial to subsistence users and is already allowed in some areas of Alaska. The sale of hides is likely to occur at a low level because of low demand. The Council is aware of cultural sensitivities in some areas of the region to the harvest and use of brown bears and their parts, which may come up at the Federal Subsistence Board meeting.

#### Fall 2023

**Support.** The Council supported the proposal as written for the Southcentral Alaska Region because there is a one-brown bear harvest limit and therefore the OSM modification would not satisfy the proponent. The proposal will be beneficial to residents of smaller communities to help them make a living.

## **Kodiak/Aleutians Subsistence Regional Advisory Council**

### Winter 2025

**Oppose** Proposal WP24-01. The Council said it has always been against selling brown bear parts. Currently, for brown bears harvested in Unit 8, it is not legal to incorporate parts of a brown bear into a handicraft and then sell it because traditional Koniag practices are to share and use all parts of a brown bear but not to exchange them for money. It is likely that elders in villages would not support the sale of brown bear parts.

### Fall 2023

**Support.** The OSM modification would not have allowed the sale of brown bear hides in the Kodiak/Aleutians region because the harvest limits are at most one brown bear per regulatory year. The Council had considerable discussions and concerns about whether residents of the Kodiak/Aleutians Region would consider it culturally appropriate to allow for the sale of brown bear hides or if it would lead to a significant, unsustainable increase in brown bear harvests in their region. However, the Council voted to support the proposal as written by the proponent because they believed that the proposal would allow subsistence users in their region to utilize the resource more fully, while potentially making some additional money off brown bear harvests to offset the high costs of living in rural Alaska.

## **Bristol Bay Alaska Subsistence Regional Advisory Council**

### Winter 2025

**Support** Proposal WP24-01 **as modified by OSM.** The Council supports the ability to sell brown bear hides. The region has a healthy brown bear population, and allowing the sale of hides could encourage harvesting, reduce predation, and provide a way to support the subsistence economy.

### Fall 2023

**Support.** The Council said allowing brown bear hides to be sold without a limit on how many times the hide could be resold would not negatively impact brown bear populations and would create additional economic opportunities for subsistence users.

## **Yukon-Kuskokwim Delta Subsistence Regional Advisory Council**

### Winter 2025

**Support** Proposal WP24-01 **as modified by OSM**. The Council said the proposed regulation will better align Federal with State regulations, making it simpler for users who hunt on both Federal and State-managed lands to understand the regulations. It will also create more opportunity for federally qualified subsistence users. There was discussion about whether it was culturally appropriate to sell brown bear hides, but ultimately the Council felt that individual hunters could make that determination.

### Fall 2023

**Oppose**. The Council opposed the sale of brown bear hides because of a concern for an increase in harvest rates to an unsustainable level if the sale of hides was allowed. The Council noted that it is difficult to obtain accurate population estimates for brown bears and that the bears have a slow reproductive rate. The Council thought this issue might best be dealt with on a region-by-region basis rather than a statewide basis because different areas have different brown bear population sizes and cultural values related to their harvest and use.

## **Western Interior Alaska Subsistence Regional Advisory Council**

### Winter 2025

**Support** Proposal WP24-01 **as modified by OSM**. Brown bear hides must be sealed before they can be sold, so harvest is tracked. The harvest of brown bears is not constraining brown bear populations. If harvest rises above harvestable surplus, regulation changes can reduce the legal harvest of brown bears in a hunt area. Only federally qualified subsistence users will be eligible, a smaller number of hunters than is eligible to harvest brown bears in general.

### Fall 2023

**Support** with the **OSM modification (April 2024)**. The Council said the regulation will allow subsistence users in their region to utilize this resource more fully, while potentially making some additional money to subsidize their subsistence way of life. The recommended OSM modification, to allow this in areas where there is a two-brown bear harvest limit, would put this regulation in line with State regulation.

## **Seward Peninsula Subsistence Regional Advisory Council**

### Winter 2025

**Support** Proposal WP24-01 **as modified by OSM**. The Council stated that the sale of brown bear hides harvested for personal use is beneficial for subsistence users. The Council also noted that the proposal with the revised OSM modification, if adopted, is likely to create confusion for the residents of Unit 22C. The Unit is predominantly State-managed lands with a one bear harvest limit.

### Fall 2023

**Support** with the **OSM modification (April 2024)**. The Council was in support of OSM's modification as Unit 22 has a two-brown bear harvest limit. The Council noted that more bears have been seen in this unit in the last few years and that while currently bears are not seen as a food resource, they have been in the past and while facing times of other food shortages, they may become a more common food source again. The Council also noted that this could be a way to help support a subsistence way of life.

## **Northwest Arctic Subsistence Regional Advisory Council**

### Winter 2025

**Support** Proposal WP24-01 **as modified by OSM**. The Council expressed support for allowing hunters to utilize and sell more parts of the brown bear. The proposal gives hunters the option to sell the bear hide with or without claws, helping them sustain their subsistence lifestyle by providing additional income for essentials like fuel, food, and hunting activities.

### Fall 2023

**Support.** The Council supported the proposal as written because the change will better align State and Federal regulations, with the understanding that there will be administrative hurdles. The change will also increase the capacities of subsistence users to sell brown bears from their regions.

## **Eastern Interior Alaska Subsistence Regional Advisory Council**

### Winter 2025

**Support** Proposal WP24-01 **as modified by OSM**. The Council noted that allowing the sale of brown bear hides would not result in conservation concerns because it would only apply to federally qualified users and the salvage of meat would remain a requirement. Brown bear are not widely targeted for

subsistence food, but due to increasing food security issues from declines in other more widely targeted species, their importance for subsistence is will likely to continue to increase. Allowing the sale of brown bear hides would help federally qualified subsistence users obtain some additional value-added benefits from their subsistence harvests. However, the Council noted the importance of tracking brown bear harvests and hide sales, particularly in more easily accessible units to ensure no negative impacts. They also noted the need to prioritize bear population surveys since there are significant data gaps in many areas. Lastly, the Council thought this proposal would be best dealt with on a region by region basis, rather than statewide.

#### Fall 2023

**Support** with the Council **modification** to include black bear hides in the regulation. The Council supported the modification to also allow the sale of black bear hides because there are no conservation concerns for black bear populations in the region and the sale of black bear hides is allowed under State regulations. Currently federally qualified subsistence users are being restricted from fully utilizing brown and black bears by the prohibition on the sale of hides. Some federally qualified subsistence users are harvesting and eating a lot more bears because salmon, moose, and caribou numbers are low. Some users report that they have bear hides piling up because they do not know what to do with them all.

The modification would read:

**§\_\_\_\_.25 Subsistence taking of fish, wildlife, and shellfish: general regulations**

...

*(j) Utilization of fish, wildlife, or shellfish*

...

*(13) You may sell the raw/untanned and tanned hide or cape from a legally harvested **black bear, brown bear**, caribou, deer, elk, goat, moose, musk ox, and sheep.*



## North Slope Subsistence Regional Advisory Council

### Winter 2025

**Support** Proposal WP24-01 **as modified by OSM**. The Council said that brown bears are abundant in the region. They support the proposal as modified by OSM, but also noted that the permitting and sealing requirements to sell brown bears are burdensome to subsistence users.

### Fall 2023

**Support** with the **OSM modification (April 2024)**. The Council said the North Slope Region has a two-bear harvest limit, the proposal will not affect hunting opportunities, and it will allow for the sale of hides.

## INTERAGENCY STAFF COMMITTEE COMMENTS

The ISC may add comments after it has met to review the analysis with added Council recommendations on the revised OSM Conclusion in the Addendum.

## ALASKA DEPARTMENT OF FISH AND GAME COMMENTS

### Alaska Department of Fish and Game Comments

#### Wildlife Proposal WP24-01

Proposal WP24-01 requests to allow the sale of brown bear hides. The proponent states federally qualified subsistence users in many areas of Alaska must salvage the hides of brown bears, however, the hides must not be sold. The hides of many other legally harvested big game species may be sold.

#### Position

The Alaska Department of Fish and Game (ADF&G) **SUPPORTS** the proposal if it is modified to only allow the sale of brown bear hides with claws attached in areas where the federal harvest limit is two bears every regulatory year and after first obtaining a permit available at the time of sealing from an ADF&G sealing officer. The state allows the sale of brown bear hides in certain units where the bag limit is two brown bears per regulatory year. There is a harvest limit of two or more brown bears per regulatory year in 2022/23 State regulations for all or portions of Units 16, 17, 19A, 19D, 19E, 20E, 21, 22A, 22B, 22D, 22E, 23, 24B, 25D, 26A. The Alaska Board of Game (BOG) recently added Unit 18 to the list beginning in regulatory year 2024.

#### Background

Harvest levels of brown bears have generally increased over the last 40 years with harvest peaking in the early 2010s and a downward trend to the current year.

The Federal Subsistence Board (FSB) should note that Effective July 1, 2016, the BOG allowed the sale of raw and tanned brown bear hides (with claws attached) and skulls of legally taken brown bears harvested in areas with a two brown bear bag limit (which at the time was Units 16B, 17, 19A, 19D, 20E, 22A, and 25D). Effective July 1, , the board required a permit for the activity. In between (and since), the board added to the areas that have a two-bear bag limit.

The effect of the sale of hides is difficult to determine since multiple factors may affect harvest levels. For example, harvest of brown bears increased slightly in 2016 when the sale of brown bear hides were permitted from intensive management areas where liberalized hunting bag limits existed but returned to presale levels within a few of years. Season lengths have also been increased in association with intensive management activities. Evaluating the effects of these individual changes on harvest is difficult to assess because of the confounding influence of multiple factors occurring simultaneously. Regardless, harvest levels, following liberalization in methods and means for brown bears in recent decades, have generally returned to pre- liberalization levels relatively quickly.

#### **Impact on Subsistence Users**

Federally Qualified Users (FQUs) can sell handicraft articles made from the hide of brown bear under current federal regulations. If this proposal is adopted, there will be fewer conditions or regulations that come into effect. If, however, this change results in increased brown bear harvest, especially in coastal areas, local bear hunting opportunities could be affected.

#### **Impact on Other Users**

If adopted, there would be little anticipated effect on nonfederally qualified users (NFQUs) if there is no increase in brown bear harvest by FQUs. However, if this change results in an increased brown bear harvest, especially in coastal areas, then guided bear hunting and associated economic impacts could be affected negatively.

#### **Opportunity Provided by State**

**State customary and traditional use findings:** The BOG has made positive customary and traditional use findings for brown bears throughout many areas of Alaska.

#### **Conservation Issues**

There are no conservation issues known to be associated with the sale of brown bear hides. The FSB should note that the sale of brown bear hides has not been broadly allowed in coastal areas where trophy value and potential demand may be higher, and a conservation concern could develop from the selling of bear hides in these areas. The FSB should do its utmost to discuss potential unintended consequences of passing this proposal as written. The BOG sought to address these concerns by limiting sale of hides to areas where they found a two brown bear limit was warranted.

#### **Enforcement Issues**

If the federal regulations match the state, there is unlikely to be any enforcement concerns. The current proposal appears to apply statewide which could result in some confusion among users and law enforcement personnel.

## APPENDIX 1

### Relevant Federal Regulations

#### §\_\_\_.4 Definitions

*The following definitions apply to all regulations contained in this part:*

...

*Customary trade means exchange for cash of fish and wildlife resources regulated in this part, not otherwise prohibited by Federal law or regulation, to support personal and family needs; and does not include trade which constitutes a significant commercial enterprise.*

...

*Subsistence means 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.*

#### §\_\_\_.25 Subsistence taking of fish, wildlife, and shellfish: general regulations

##### *(a) Definitions*

...

*Bear means black bear, or brown or grizzly bear.*

...

*Big game means black bear, brown bear, bison, caribou, Sitka black-tailed deer, elk, mountain goat, moose, musk ox, Dall sheep, wolf, and wolverine.*

...

*Edible meat means . . . For black bear, brown and grizzly bear, “edible meat” means the meat of the front quarter and hindquarters and meat along the backbone (backstrap).*

...

*Handicraft means a finished product made by a rural Alaskan resident from the nonedible byproducts of fish or wildlife and is composed wholly or in some significant respect of natural materials. The shape and appearance of the natural material must be substantially changed by the skillful use of hands, such as sewing, weaving, drilling, lacing, beading, carving,*

*etching, scrimshawing, painting, or other means, and incorporated into a work of art, regalia, clothing, or other creative expression, and can be either traditional or contemporary in design. The handicraft must have substantially greater monetary and aesthetic value than the unaltered natural material alone.*

...

*Sealing means placing a mark or tag on a portion of a harvested animal by an authorized representative of the ADF&G; sealing includes collecting and recording information about the conditions under which the animal was harvested, and measurements of the specimen submitted for sealing, or surrendering a specific portion of the animal for biological information.*

...

*Skin, hide, pelt, or fur means any tanned or untanned external covering of an animal's body. However, for bear, the skin, hide, pelt, or fur means the external covering with claws attached.*

...

*Trophy means a mount of a big game animal, including the skin of the head (cape) or the entire skin, in a lifelike representation of the animal, including a lifelike representation made from any part of a big game animal; "trophy" also includes a "European mount" in which the horns or antlers and the skull or a portion of the skull are mounted for display.*

*(j) Utilization of fish, wildlife, or shellfish*

...

*(2) If you take wildlife for subsistence, you must salvage the following parts for human use:*

...

*(ii) The hide and edible meat of a brown bear, except that the hide of brown bears taken in Units 5, 9B, 17, 18, portions of 19A and 19B, 21D, 22, 23, 24, and 26A need not be salvaged;*

...

*(7) If you are a Federally qualified subsistence user, you may sell handicraft articles made from the skin, hide, pelt, or fur, including claws, of a brown bear taken from Units 1–5, 9A–C, 9E, 12, 17, 20, 22, 23, 24B (only that portion within Gates of the Arctic National Park), 25, or 26.*

*(i) In Units 1, 2, 3, 4, and 5, you may sell handicraft articles made from the skin, hide, pelt, fur, claws, bones, teeth, sinew, or skulls of a brown bear taken from Units 1, 4, or 5.*

*(ii) Prior to selling a handicraft incorporating a brown bear claw(s), the hide or claw(s) not attached to a hide must be sealed by an authorized Alaska Department of Fish and Game representative. Old claws may be sealed if an affidavit is signed indicating that the claws came from a brown bear harvested on Federal public lands by a Federally qualified user. A copy of the Alaska Department of Fish and Game sealing certificate must accompany the handicraft when sold.*

...

*(13) You may sell the raw/untanned and tanned hide or cape from a legally harvested caribou, deer, elk, goat, moose, musk ox, and sheep.*

**§ \_\_.26 Subsistence taking of wildlife.**

...

*(j) Sealing of bear skins and skulls.*

*(1) Sealing requirements for brown bear taken apply in all Units, except as specified in this paragraph (j). Sealing requirements for black bears of all color phases taken apply in Units 1–7, 13–17, and 20.*

*(2) You may not possess or transport from Alaska the untanned skin or skull of a bear unless the skin and skull have been sealed by an authorized representative of ADF&G in accordance with State or Federal regulations, except that the skin and skull of a brown bear taken under a registration permit in Units 5, 9B, 9E, 17, 18, 19A, and 19B downstream of and including the Aniak River drainage, and Units 21D, 22, 23, 24, and 26A need not be sealed unless removed from the area.*

*(3) You must keep a bear skin and skull together until a representative of the ADF&G has removed a rudimentary premolar tooth from the skull and sealed both the skull and the skin; however, this provision does not apply to brown bears taken within Units 5, 9B, 9E, 17, 18, 19A, and 19B downstream of and including the Aniak River drainage, and Units 21D, 22, 23, 24, and 26A and which are not removed from the Unit.*

*(i) In areas where sealing is required by Federal regulations, you may not possess or transport the hide of a bear that does not have the penis sheath or vaginal orifice naturally attached to indicate conclusively the sex of the bear.*

*(ii) If the skin or skull of a bear taken in Units 9B, 17, 18, and 19A and 19B downstream of and including the Aniak River drainage is removed from the area, you*

*must first have it sealed by an AD&G representative in Bethel, Dillingham, or McGrath; at the time of sealing, the ADF&G representative must remove and retain the skin of the skull and front claws of the bear.*

*(iii) If you remove the skin or skull of a bear taken in Units 21D, 22, 23, 24, and 26A from the area or present it for commercial tanning within the area, you must first have it sealed by an ADF&G representative in Barrow, Galena, Nome, or Kotzebue; at the time of sealing, the ADF&G representative must remove and retain the skin of the skull and front claws of the bear.*

*(iv) If you remove the skin or skull of a bear taken in Unit 5 from the area, you must first have it sealed by an ADF&G representative in Yakutat.*

*(v) If you remove the skin or skull of a bear taken in Unit 9E from Unit 9, you must first have it sealed by an authorized sealing representative. At the time of sealing, the representative must remove and retain the skin of the skull and front claws of the bear.*

*(4) You may not falsify any information required on the sealing certificate or temporary sealing form provided by the ADF&G in accordance with State regulations.*

#### **§ \_\_.27 Subsistence taking of fish**

...

*(b) Methods, means, and general restrictions.*

...

*(11) Transactions between rural residents. Rural residents may exchange in customary trade subsistence-harvested fish, their parts, or their eggs, legally taken under the regulations in this part, for cash from other rural residents. The Board may recognize regional differences and regulates customary trade differently for separate regions of the State.*

*(i) Bristol Bay Fishery Management Area—The total cash value per household of salmon taken within Federal jurisdiction in the Bristol Bay Fishery Management Area and exchanged in customary trade to rural residents may not exceed \$500.00 annually.*

*(ii) Upper Copper River District—The total number of salmon per household taken within the Upper Copper River District and exchanged in customary trade to rural residents may not exceed 50 percent of the annual harvest of salmon by the household. No more than 50 percent of the annual household limit may be sold under paragraphs (b)(11) and (12) of this section when taken together. These customary trade sales must be immediately recorded on a customary trade recordkeeping form. The*

*recording requirement and the responsibility to ensure the household limit is not exceeded rests with the seller.*

*(iii) Customary trade of Yukon River Chinook salmon may only occur between Federally qualified rural residents with a current customary and traditional use determination for Yukon River Chinook salmon.*

*(12) Transactions between a rural resident and others. In customary trade, a rural resident may exchange fish, their parts, or their eggs, legally taken under the regulations in this part, for cash from individuals other than rural residents if the individual who purchases the fish, their parts, or their eggs uses them for personal or family consumption. If you are not a rural resident, you may not sell fish, their parts, or their eggs taken under the regulations in this part. The Board may recognize regional differences and regulates customary trade differently for separate regions of the State.*

*(i) Bristol Bay Fishery Management Area—The total cash value per household of salmon taken within Federal jurisdiction in the Bristol Bay Fishery Management Area and exchanged in customary trade between rural residents and individuals other than rural residents may not exceed \$400.00 annually. These customary trade sales must be immediately recorded on a customary trade recordkeeping form. The recording requirement and the responsibility to ensure the household limit is not exceeded rest with the seller.*

*(ii) Upper Copper River District—The total cash value of salmon per household taken within the Upper Copper River District and exchanged in customary trade between rural residents and individuals other than rural residents may not exceed \$500.00 annually. No more than 50 percent of the annual household limit may be sold under paragraphs (b)(11) and (12) of this section when taken together. These customary trade sales must be immediately recorded on a customary trade recordkeeping form. The recording requirement and the responsibility to ensure the household limit is not exceeded rest with the seller.*

*(iii) Customary trade of Yukon River Chinook salmon may only occur between Federally qualified rural residents with a current customary and traditional use determination for Yukon River Chinook salmon.*

## APPENDIX 2

### Effects of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) on the Sale of Brown Bear Hides.

**Table 1.** Current ADF&G regulations allowing legal harvest and sale of a brown bear hide, 2025.

<b>HARVEST Requirement</b>	<b>INTERNATIONAL EXPORT Requirement</b>	<b>DOMESTIC PURCHASE Requirement</b>	<b>INTERNATIONAL PURCHASE Requirement</b>
Hide with claws attached must be sealed by ADF&G-authorized sealing official <sup>17</sup>	Hide with claws attached must be sealed by ADF&G-authorized sealing official <i>(required by CITES)</i>	Hide with claws attached must be sealed by ADF&G-authorized sealing official	Hide with claws attached must be sealed by ADF&G-authorized sealing official <i>(required by CITES)</i>
		Bear must be harvested from area with 2-brown bear harvest limit, and hunter must ask ADF&G for a permit to sell a hide	Bear must be harvested from area with 2-brown bear harvest limit, hunter must ask ADF&G for a permit to sell a hide <i>(required by CITES)</i>

**Table 2.** Effect of Proposal WP24-01 with OSM Addendum modification on the legal harvest of a brown bear under Federal subsistence regulations and legal sale of the hide.

<b>HARVEST Requirement</b>	<b>INTERNATIONAL EXPORT Requirement</b>	<b>DOMESTIC PURCHASE Requirement</b>	<b>INTERNATIONAL PURCHASE Requirement</b>
Hide with claws attached must be sealed by ADF&G-authorized sealing official <sup>18</sup>	Hide with claws attached must be sealed by ADF&G-authorized sealing official <i>(required by CITES)</i>	Hide with claws attached must be sealed by ADF&G-authorized sealing officials	Not allowed
		Hunter must request a Federal permit allowing the sale of hide with or without claws attached	

<sup>17</sup> Some exceptions apply at 5 AAC 92.165.

<sup>18</sup> Some exceptions apply at §\_\_\_\_.26 (j)(2) in **Appendix 1**.



