

WP26–70 Executive Summary	
General Description	Wildlife Proposal WP26-70 requests allowing the sale of handicrafts that incorporate any nonedible parts of black bear, except gall bladders, from black bears harvested in Units 20E, 25A, and 25B. <i>Submitted by: Eastern Interior Alaska Subsistence Regional Advisory Council</i>
Proposed Regulation	<p>§__.25 Subsistence taking of fish, wildlife, and shellfish: general regulations</p> <p>...</p> <p><i>(j) Utilization of fish, wildlife, or shellfish</i></p> <p>...</p> <p><i>(6) If you are a Federally qualified subsistence user, you may sell handicraft articles from the skin, hide, pelt, or fur, including claws, of a black bear.</i></p> <p><i>(i) In Units 1, 2, 3, 4, and 5, 20E, 25A, and 25B, you may sell handicraft articles made from the skin, hide, pelt, fur, claws, bones, teeth, sinew, or skulls of a black bear taken from Units 1, 2, 3, or 5, 20E, 25A, or 25B.</i></p>
OSM Conclusion	Support
Eastern Interior Alaska Subsistence Regional Advisory Council Recommendation	Support
Interagency Staff Committee Comments	The Interagency Staff Committee found the analysis to be a thorough and accurate evaluation of the proposal and that it provides sufficient basis for the Regional Advisory Council recommendation and the Federal Subsistence Board action on this proposal.
ADF&G Comments	Support
Written Public Comments	None

Wildlife Analysis WP26-70

ISSUE

Wildlife Proposal WP26-70, submitted by the Eastern Interior Alaska Subsistence Regional Advisory Council (Council), requests allowing the sale of handicrafts that incorporate any nonedible parts of black bear, except gall bladders, from black bears harvested in Units 20E, 25A, and 25B.

Proponent Statement

The proponent states that allowing the sale of handicrafts that incorporate nonedible parts of black bear harvested in Units 20E, 25A, and 25B will create additional opportunities for federally qualified subsistence users to utilize nonedible parts of subsistence harvested black bear and allow them to sell value added products on a small scale. The proponent states that black bear parts have been incorporated into handicrafts for thousands of years and that adopting this proposed change will allow for the continuation of cultural traditions. The proponent also states that there are currently no conservation concerns for black bears in these units.

Current Federal Regulations

§__.25 Subsistence taking of fish, wildlife, and shellfish: general regulations

(a) 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.

...

(j) Utilization of fish, wildlife, or shellfish

...

(6) If you are a Federally qualified subsistence user, you may sell handicraft articles from the skin, hide, pelt, or fur, including claws, of a black bear.

(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 black bear taken from Units 1, 2, 3, or 5.

...

(11) The sale of handicrafts made from the nonedible products of wildlife, when authorized in this part, may not constitute a significant commercial enterprise.

Proposed Federal Regulations

§__.25 Subsistence taking of fish, wildlife, and shellfish: general regulations

...

(j) Utilization of fish, wildlife, or shellfish

...

(6) If you are a Federally qualified subsistence user, you may sell handicraft articles from the skin, hide, pelt, or fur, including claws, of a black bear.

*(i) In Units 1, 2, 3, 4, ~~and~~ 5, **20E, 25A, and 25B**, you may sell handicraft articles made from the skin, hide, pelt, fur, claws, bones, teeth, sinew, or skulls of a black bear taken from Units 1, 2, 3, ~~or~~ 5, **20E, 25A, or 25B**.*

Current State Regulations

5 AAC 92.200. Purchase and sale of game

(a) In accordance with AS 16.05.920(a) and 16.05.930(e), the purchase, sale, or barter of game or any part of game is permitted except as provided in this section.

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

...

(2) A big game trophy, or a black bear trophy of any kind;

(3) A big game animal skull, except the skull of a black bear, wolf, or wolverine, or a horn or antler that is still attached to any part of the skull;

...

(8) *the meat of big game and small game, except hares and rabbits;*

(9) *the gallbladder of a bear.*

(c) *A person may not barter, advertise for barter, or otherwise offer for barter*

(1) *a big game trophy, or a black bear trophy of any kind;*

...

(4) *The gallbladder of a bear.*

5 AAC 92.990. Definitions.

(a) *In addition to the definitions in AS 16.05.940, in 5 AAC 84 – 5 AAC 92, unless the context requires otherwise,*

...

(32) *“furbearer” means a beaver, black bear, coyote, arctic fox, red fox, lynx, fisher, marten, mink, least weasel, short-tailed weasel, muskrat, land otter, red squirrel, flying squirrel, ground squirrel, Alaskan marmot, hoary marmot, woodchuck, wolf, or wolverine; “furbearer” is a classification of animals subject to taking with a trapping license*

(33) *“handicraft” means a finished product in which the shape or appearance of the natural material has been substantially changed by skillful use of the hands, such as by sewing, carving, etching, scrimshawing, painting, or other means, and which has substantially greater monetary and aesthetic value than the unaltered natural material alone;*

...

(36) *“hide” means any untanned external covering of any game animal’s body, but does not include a handicraft or other finished product; “hide” of a bear means the entire external covering with claws attached;*

...

(57) *“pelt” has the same meaning as “hide”;*

...

(73) *“skin” has the same meaning as “hide”;*

Extent of Federal Public Lands

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

Unit 25A is comprised of approximately 77% Federal public lands that consist of 2% BLM managed lands and 75% U.S. Fish and Wildlife Service (USFWS) managed lands.

Unit 25B is comprised of approximately 81% Federal public lands that consist of 38% BLM managed lands, 8% NPS managed lands, and 36% USFWS managed lands.

Customary and Traditional Use Determination

The Federal Subsistence Board (Board) has not made a customary and traditional use determination for black bear in Units 20E, 25A, or 25B. Therefore, all rural residents of Alaska may harvest this species in these subunits.

Regulatory History

The regulatory history of black bear handicrafts is lengthy and can be found in **Appendix 1**.

Section 803 of the Alaska National Interest Lands Conservation Act (ANILCA) specifically acknowledges and allows for the creation and sale of handicrafts by federally qualified subsistence users. Initially, in 2002, the Board adopted the State of Alaska's (State) definition of handicraft as well as the State regulation that legalized the sale of handicrafts made from black bear fur. However, the Federal definition of "skin, hide, pelt or fur" specified that this included "the entire external covering [of a furbearer] with claws attached". Under Federal regulations, this means that black bear claws can be detached from the fur and used in handicrafts. As of 2025, the Federal and State definitions for skin, hide and pelt are the same and include claws attached for bears. "Claws attached" means that federally qualified subsistence users and people who harvest black bear under State regulations are allowed to detach the claws and sell them separately.

The sale of handicrafts made from bear fur and parts, both black and brown bears, is highly sensitive for many reasons. These include a wide range of cultural perspectives on bears across the state, the 1991 inclusion of the North American black bear (*Ursus americanus*) on Appendix II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), which regulates the trade in endangered and threatened species (Hemley 1994), the high demand for bear gall bladders from the traditional Asian medicine trade, and concerns about commercialization of wild animal parts. Inclusion on Appendix II indicates that a species may become threatened with extinction if trade of that species is not regulated and monitored. For species included on this list, commercial trade is strictly regulated through a permit system and only allowed if the state of export issues permits reporting that the trade will not be detrimental to the survival of the species in the wild (Servheen 1999). It is of note, however, that the inclusion of black bear on Appendix II of CITES was in response to declining

populations in the continental United States, not in Alaska (FSB 2005: 150).

In January 2010, the Alaska Board of Game (BOG) adopted a statewide regulation change (ADF&G 2009:45) designating black bears as a furbearer under State regulations, which meant that black bears may be harvested under a trapping license. This change affected the use of nonedible black bear parts by allowing most parts of a legally harvested black bear to be sold (as of July 1, 2010); however, the sale of black bear trophies and gall bladders is still illegal.

The January 2010 BOG action allowing the sale of black bear parts (except black bear trophies and gall bladders) applies to black bears legally harvested on Federal public lands, except for National Parks where State hunting regulations do not apply. In National Parks, Federal subsistence regulations require that the hide and meat of black bear is salvaged for human use and cannot be sold.

The following is a summary of two key proposals that led to current Federal subsistence black bear handicraft regulations.

WP02-01: The Board rejected a request to classify black and brown bears as furbearers but supported aligning State and Federal regulations and adopted the State's definition of handicraft and adopted regulations that allowed for the sale of handicrafts made from black bear fur. As noted above, the State and Federal definitions of furbearer differed and the sale of non-edible parts of black bears became legal under Federal subsistence regulations with the adoption of this proposal.

WP05-01: The Board adopted a more detailed definition of handicraft (in Federal regulation section) and provided a specific list of bear parts that could be used in handicrafts: skin, hide, pelt and fur including claws. Each Council provided recommendations specific to their region. The Southeast Council requested the inclusion of more bear parts for the creation of handicrafts in their region; they added bones, teeth, sinew and skulls to the existing list of skin, hide, pelt and fur. This is why the current list is specific to this region. As the Board discussion on WP05-01 concluded, the U.S. Forest Service Board member made it clear that other regions could request inclusion to the list that allowed for the sale of black bear handicrafts:

I move to adopt the language proposed by the Southeast Alaska Regional Advisory Council on page 200 in WP05-03. This is one of these areas where I think if we want to regionalize the regulations, we should do it. The language provides a special exception for Units 1–5 as recommended by the Southeast Advisory Council and does not affect the other areas where the Councils did not request a change (FSB 2005: 201)

The Board discussion with Council chairs indicates that, in 2005, none of the other Councils wanted to be included in the provision made for Units 1–5. The use of bear claws and other bear parts in Clan regalia, jewelry and other forms of art and handicraft is well documented for southeast Alaska (FSB 2005, OSM 2005). These traditions prompted the Southeast Council to submit WP05-03 which described the unique past and contemporary use of the skin, hide, pelt, fur, claws, bones, teeth, sinew,

and skulls of black bear. Proposal WP05-03 was incorporated into the statewide bear handicraft proposal, WP05-01, for Board consideration.

Cultural Knowledge and Traditional Practices

Rural Alaskans who practice a subsistence lifestyle prioritize using as much of their subsistence harvest as possible (FSB 2004c: 348). In the mixed cash-subsistence economy of rural Alaska, people need cash for gas and equipment to harvest fish and wildlife for food (Wolfe 2010). The creation and sale of handicrafts from the nonedible parts of subsistence harvests provide some of this necessary cash. This proposal reflects this aspect of the subsistence economy in rural Alaska. This is clear in the rationale a member of the Eastern Interior Council described for this proposal:

We've talked a lot in the past, many, many years, over the sale of handicrafts made from various types of animals. And when this was brought up and put into regulations, we had actually requested this. I don't think we went through the formal process, but again, like the previous discussion on brown bear, more and more subsistence harvesters are turning towards black bear, where its culturally appropriate, for their subsistence meat. And I think that the addition of, in these Units of subsistence users, to be able to make value added products from black bear hides, claws, skulls, whatever... would be very beneficial to what I call bush economics. And what I mean by that is when you live out in the bush, there are two functions. One, do things as efficiently as you can and two, do things as economically feasible as you can. And so, any economic gain through their normal subsistence economy is very beneficial to people living a subsistence lifestyle (EIRAC 2025: 89).

Handicrafts and subsistence

The production of handicrafts in Alaska is a cultural practice that engages artists in natural resource use and management (Woldstad 2020). In some regions of Alaska handicrafts are produced primarily in winter months, and much of the sale of handicrafts occurs at informal markets such as regional and statewide craft fairs (Lincoln 2019). While many of the handicrafts produced were made traditionally, others have emerged since European contact and were produced explicitly for sale, such as the Yup'ik *mingqaaq* (coiled baskets made from dried sea grass) produced in the Yukon-Kuskokwim Delta region (Lee 2004). Although some handicrafts emerged as a part of market economies, their production is intertwined with and shaped by subsistence practices (Lee 2004).

The sale of handicrafts is a critical economic activity for many rural Alaskans that supports, in part, financing subsistence fishing and hunting activities (Hollowell 2004, Lincoln 2019). As Lincon (2019: 27), describes, “selling Alaska Native art is a strategy people use to maintain harvesting perspectives and practices amid place-based hunting laws and their financial restrictions.” The production and sale of handicrafts is not just a byproduct of subsistence resource use but is itself an important activity that supports the continuation of subsistence practices (Hollowell 2004, Lee 2004, Lincoln 2019, Woldstad 2020).

Use of black bear in handicrafts

Alaska Natives have harvested bears for at least 14,000 years (Birkedal 2001). Black bears were and are an important source of food for many people throughout Alaska. Furs were used for clothing, handicrafts and bedding. They were also a commodity for trade between Athabascans and neighboring Inupiat and Yup'ik groups. Russians and later Euroamericans established fur trading posts in the Interior before 1850. By about 1885, selling furs was a distinguishing characteristic of the cash economy for Interior Alaska Athabaskan culture. When the economic shift to gold occurred, many fur trading posts were abandoned and centers of trade shifted to mining communities, such as Circle and Fairbanks (Andersen 1993, based on ethnographic work conducted by Clark 1974, Janes 1975, Morlan 1973, Tanner 1966; VanStone 1974; and Webb 1985).

Fur trapping continued to be an important activity in rural Alaska, with records documenting that rural Alaskans sold black bear hides and other furs taken on their trap lines throughout the 1940s (Alaska Game Commission 1942, 1948, 1954, BIA 1949, USFWS 1950). Between 1946 and 1949, fur shipments across all of Alaska included an average of 131 black bear hides/year. During those same years, rough estimates of the annual black bear harvest by Alaska Natives averaged 431/year (USFWS 1950). The estimated average harvest from 1945–1959 was 1,526 black bears/year (Courtright 1968).

Throughout interior Alaska, black bear skins are considered more waterproof than other skins and may be used for ruffs, mukluks, mittens, or bedding. Furs may also be used for insulation around doors (Simon 2008a, 2008b). Bear claw necklaces are important aspects of traditional storytelling and teaching hunting traditions, and act as symbol of both a bear's strength and a hunter's bravery (Alexander 2000). Claws may also be used to make necklaces for sale (Nelson et al. 1982) and to make fishhooks (Anderson et al. 1998, Pederson et al. 2004) as well as useful and purely aesthetic handicrafts.

Regional perspectives on black bear use

The black bear is a significant subsistence food species in rural Alaskan and Alaska Native subsistence culture. There are strongly held cultural concerns by some Athabaskan people that it is inappropriate to acknowledge either bear hunting plans or the results from a bear hunt (Nelson 1982). The black bear's meat is a regionally important food, and its fat is considered a delicacy in some areas. The fat, rendered into lard, is eaten with dried fish and meat, may be mixed with berries and fish to make *aqutak* or *nemaje*, Alaska Native ice cream and makes a flaky pie crust. There are differences from village to village concerning the use of various parts of black bear for food.

At the May 2004 Federal Board meeting, the Eastern Interior Council Chair from Fort Yukon stated, "... yes, we have a practice of, one good example is bear claw necklaces. That was one I was going to point out where they're bought by people within at least where I live in the Eastern Interior (FSB 2004b: 260)." The Council chair also stated that "... the barter and use and the sale of handicrafts items from bears has occurred for a very long time (FSB 2004c: 348)."

During Board deliberations of WP05-01/03, the Eastern Interior Council chair from the Mentasta Lake area stated that the Council supported the proposal and wanted

...to protect the skin sewer, both Native and non-Native, that would be making things out of bear and bear parts, and we had no problem dealing with the claws. We felt the claws should be allowed to be sold but not to be a commercial enterprise. And allow the skin sewer to make some things, a necklace or whatever, to add to what they're doing. Not just skin sewers but people who are making handicrafts (FSB 2005: 167).

Harvest History

Harvest Reports ADF&G Division of Wildlife Conservation

Harvest information for black bears in Units 20E, 25A, and 25B is limited. Harvest tickets are required for black bears in Unit 20E, but harvest tickets do not have a strict reporting requirement and apply to general black bear hunts statewide. Units 25A and 25B do not have any harvest reporting requirements. Additionally, sealing is only required in these units if intended for sale.

In Unit 20E, most black bear harvest occurs in areas accessible from the highway and trail systems (Wells 2021). Since the 1989/90 regulatory year, the State bag limit has been 3 bears (excluding cubs and sows with cubs-statewide), the season has been open year-round, and spring baiting has been permitted from April 15–June 30 (Wells 2021). Federal regulations are also 3 bears/year with a year-round season. Preliminary analyses indicate that black bear harvest in Units 12 and 20E increase when berry abundance is low, perhaps because during low-production years, bears range further to find alternative food sources and as a result encounter more hunters (Wells 2021).

Wells (2021) reports that even with a liberal hunting season and bag limits, harvest of black bears in Unit 20E has historically been low relative to the unit-wide population. From 1987–2017 the number of black bears harvested in Unit 20E ranged from 6 to 35 bears, with an average of 16.3 bears harvested per regulatory year (**Figure 1**). During these years, an average of 15.8 people successfully hunted black bears each regulatory year; an average of 94% of these hunters were Alaska residents (**Figure 2**). From 1988–2012, an average of 39% of successful hunters were Unit 20E residents, 55.5% were other Alaska residents, and 5.4% were nonresidents (**Figure 2**). Based on limited data from 2009–2012, 60–78% of people hunting black bear in Unit 20E were unsuccessful; an average of 25.8% of these hunters were Unit 20E residents, 67.8% were other Alaska residents, and 6.4% were nonresidents (Harper and McCarthy 2014).

Harvest reports dating to 1987 do not provide information on black bear harvest in Units 25A and 25B, and harvest tickets are not required for black bear in Unit 25. In Unit 25A and 25B, the general hunt is open year-round to both residents and nonresidents; and the harvest limit is 3 bears per regulatory year in Unit 25A and 5 bears per regulatory year in Unit 25B. There are no road systems in Units 25A or 25B providing access to bear hunting areas. Federal regulations for black bear in Units 25A and 25B are three bears/year with a year-round season.

Subsistence Household Surveys ADF&G Division of Subsistence

The communities of Eagle, Eagle Village, Boundary, and Chicken are located along the road system in Unit 20E; the communities of Chandalar and Arctic Village are located in Unit 25A, and the community of Canyon Village is located in Unit 25B. Household subsistence surveys indicate that an average of 15% of households in Eagle used black bear in 2004 and this rose to 21% in 2017 (Trainor et al 2020: 147, 208). An average of 8% of households in Eagle Village used black bear in 2017 (**Table 1**) (Trainor et al 2020: 147, 208). No subsistence household harvest data are available from the communities of Boundary or Chicken. Black bears are not generally used by Arctic Village residents because they do not occur locally (Simon 2008b). No data is available on black bear use in Canyon Village because past subsistence household surveys focused on harvest of birds.

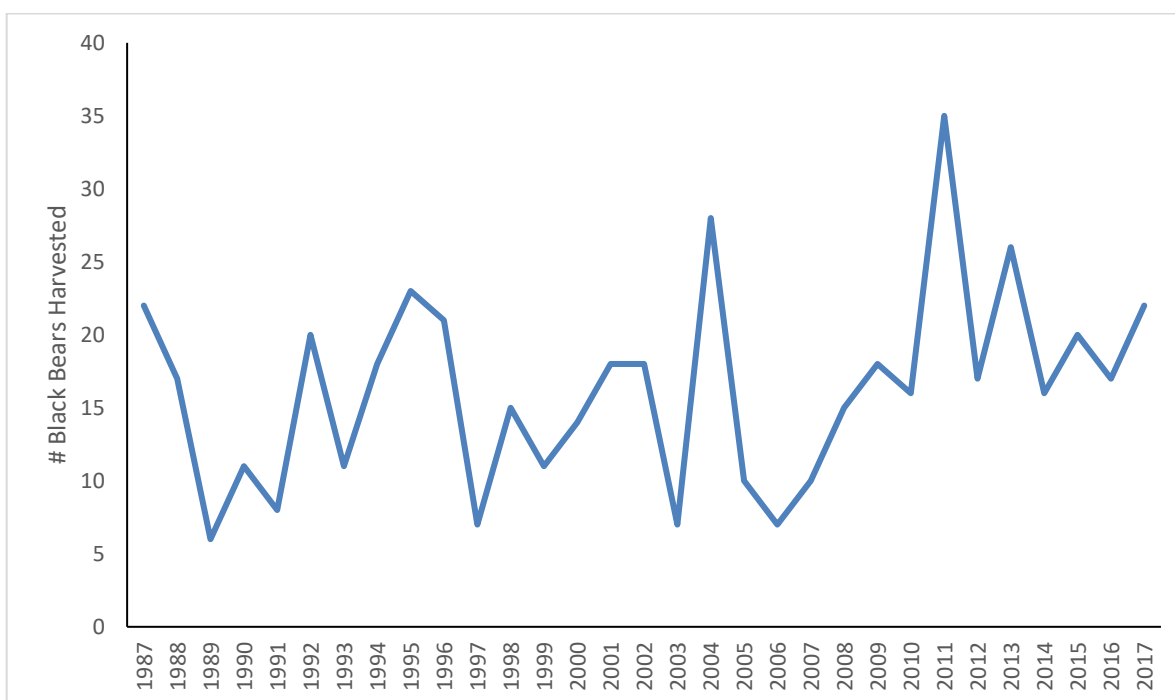


Figure 1. Number of black bears harvested in Unit 20E by Alaska residents and non-residents, 1987–2017, ADF&G Division of Wildlife Conservation (Harper and McCarthy 2014, Healy 2002, Hicks 1996, Wells 2021).

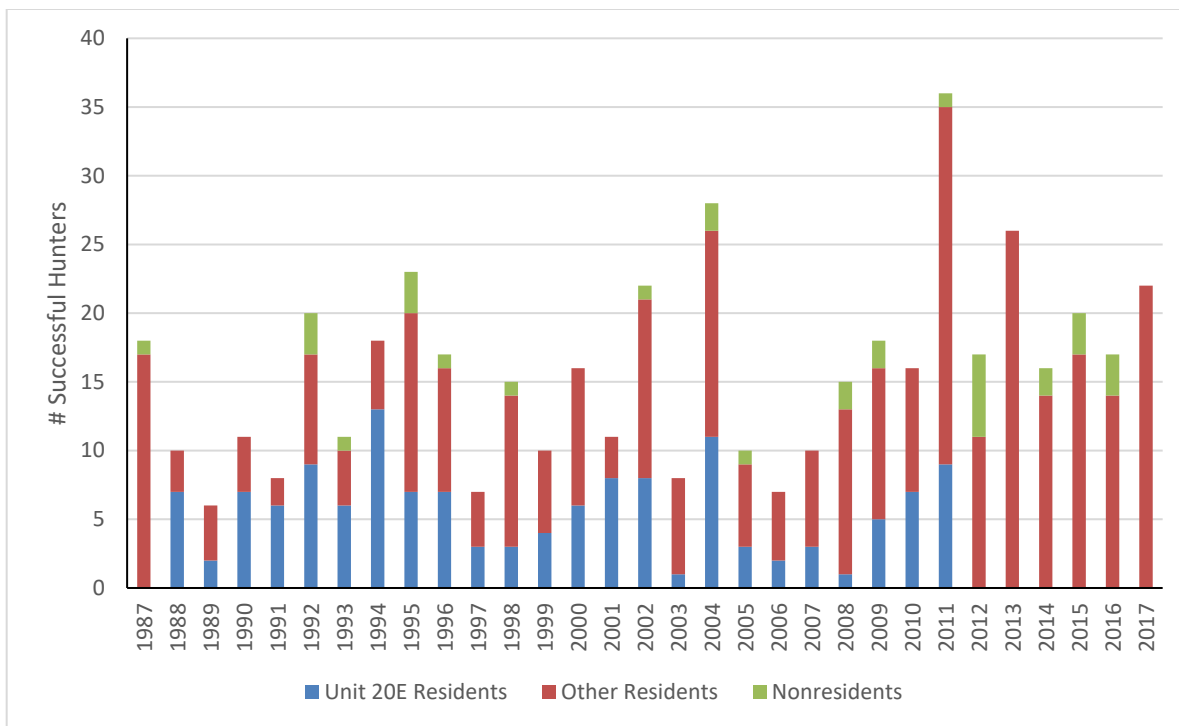


Figure 2. Number of people successfully hunting black bears in Unit 20E, by residency. Data differentiating Unit 20E residents from other Alaska residents are only available from 1988–2012. No data are available to differentiate between rural and nonrural residents, ADF&G Division of Wildlife Conservation (Wells 2021, Harper and McCarthy 2014, Healy 2002, Hicks 1996).

Table 1. Available data from household subsistence harvest surveys on black bear harvest by communities in Unit 20E (Trainor et al 2020: 147, 208). No subsistence household survey data on black bear harvest are available for other communities in Unit 20E or for communities in Units 25A or 25B.

Community	Year	% Using	% Attempting harvest	% Harvesting	% Giving	% Receiving	# Harvested
Eagle	2004	15	31.8	12.1	3.0	3.0	11
	2017	21	24.1	8.6	8.6	8.6	6
Eagle Village	2017	8	7.7	7.7	7.7	0.0	3

Discussion and Effects

Adopting this proposal will permit federally qualified subsistence users to make broader use of nonedible parts of black bears harvested under Federal subsistence regulations in Unit 20E, 25A, and 25B, increasing subsistence opportunity and contributing to the continuation of subsistence uses and rural economies.

Adopting this proposal will not create conservation concerns for black bears in these subunits because harvest limits are already liberal, harvest pressure is low, and any nonedible portions of black bears used in handicrafts must come from black bears that are harvested under Federal subsistence regulations, which requires salvage of meat and hide. Additionally, users are already permitted to use and sell nonedible black bear parts other than gallbladders and black bear trophies under State regulations. Furthermore, conservation concerns are addressed through harvest limit and season restrictions, not through use of harvests.

State and Federal black bear harvest regulations are almost identical; both prohibit the sale of black bear gall bladders. Allowing the use of nonedible black bear parts to be used in handicrafts will therefore provide similar opportunity to those that exist under State regulations. However, further discussion during this review process may reveal distinctions not yet identified.

OSM PRELIMINARY CONCLUSION

Support Proposal WP26-70

Justification

This proposal increases subsistence opportunity and utilization of subsistence resources. When the Board began adopting handicraft regulations for the nonedible parts of bears, it deferred to the cultural and regional preferences of each Council. When Proposal WP05-01 was adopted, the Board and the Southeast Council made clear in the record that the general regulations regarding black bear claw handicrafts could be adapted for each region. The only Council that requested region-specific regulations in 2005 was the Southeast Council. The Eastern Interior Council would now like to expand the types of nonedible black bear parts they may use to make handicrafts in Units 20E, 25A, and 25B to maximize their use of the black bears harvested for food.

No conservation concerns are associated with this proposal. Under State regulations, all hunters are already permitted to use and sell nonedible black bear parts other than gallbladders and black bear trophies. Allowing the use of nonedible parts of black bear in handicrafts will therefore provide similar opportunity to those that exist under State regulations.

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SUBSISTENCE REGIONAL ADVISORY COUNCIL RECOMMENDATION

Eastern Interior Subsistence Regional Advisory Council

The Council voted to **support** WP26-70, which they submitted. The Council agreed with the OSM analysis and recommendation. The sale of handicrafts using the nonedible parts of black bears is already allowed in Units 1-5 and this proposal just expands it to units in the Eastern Interior Region. The proposal poses no conservation concerns and provides a way for subsistence users to more fully utilize a resource harvested for food. They noted that utilizing as many parts of the animal as possible is a traditional practice and is respectful to the animal. The sale of handicrafts provides limited but nevertheless important income to rural users living in places with limited economic opportunities.

INTERAGENCY STAFF COMMITTEE COMMENT

The Interagency Staff Committee found the analysis to be a thorough and accurate evaluation of the proposal and that it provides sufficient basis for the Regional Advisory Council recommendation and the Federal Subsistence Board action on this proposal.

ALASKA DEPARTEMENT OF FISH AND GAME COMMENT

Support. No Comment submitted.

APPENDIX 1

Black bears were designated as “land fur bearing animals” in 1925 by the Alaska Game Commission (OSM 2002). In 1935, regulations issued by the Alaska Game Commission established a trapping season for black bears, which were recognized as “fur-bearing animals” whose skins could be freely sold (Alaska Game Commission 1935). In 1938, black bears were reclassified as “game animals,” which meant their hides could not be sold. In 1939, regulations allowed the purchase and sale of “...hides or parts of hides...and articles manufactured therefrom of black bear...and the parka hood trimmings of fur from the hide of grizzly bears into strips not to exceed 4 inches in fur width in districts 5 and 8 (Arctic Coast, Kotzebue, and Y-K Delta areas)” (Alaska Game Commission 1939, Sherwood 1981). In 1949, the sale of black bear hides was again prohibited when black bears were reclassified as a “big game animal.” These regulations remained in place through 1960 (Alaska Game Commission 1959).

In 1960, the State of Alaska (statehood occurred in 1959) listed both black and brown bears as “big game animals” (State of Alaska 1960), but no specific prohibition against purchasing or selling of big game animal hides carried over from Federal to State law. In 1971, the Alaska Board of Game (BOG) prohibited the “purchase, sale, and barter of black bears in various color phases” (State of Alaska 1971). This regulation was clarified in 1985 such that the purchase, sale, or barter of black bear skin or any other parts was prohibited (State of Alaska 1985).

In 1980 the Alaska National Interest Lands Conservation Act (ANILCA) was passed. Title VIII of ANILCA, which addresses subsistence management on public lands in Alaska, defined “subsistence uses” as “the customary and traditional uses by rural Alaska residents of wild renewable resources” for multiple purposes, including “for the making and selling of handicraft articles out of nonedible byproducts of fish and wildlife resources taken for personal or family consumption” (§803).

In 1991, the North American black bear (*Ursus americanus*) was included on Appendix II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), which regulates the trade in endangered and threatened species (Hemley 1994). In 1992, the North American brown bear (*Ursus arctos*) as added on Appendix II (CITES 2025). Inclusion on Appendix II indicates that a species may become threatened with extinction if trade of that species is not regulated and monitored. For species included on this list, commercial trade is strictly regulated through a permit system and only allowed if the state of export issues permits reporting that the trade will not be detrimental to the survival of the species in the wild (Servheen 1999).

In 1995, the BOG denied a proposal (#16) requesting that bear gall bladders be sold legally citing concerns over sealing internal organs, enforcement issues, and CITES implications. In 1998, the BOG adopted a proposal allowing the sale handicrafts made from black bear fur. The BOG defined “handicraft” as “a finished product in which the shape or appearance of the natural materials has been substantially changed by skillful use of hands, such as sewing, carving, etching, scrimshawing, painting, or other means and which has substantially greater monetary and aesthetic value than the unaltered natural material alone” (State of Alaska 1998, 5 AAC 92.200(b)(2) and 92.990(57)). In 1999,

the BOG denied a petition from the Native American Rights Fund (NARF) that would have allowed the sale of handicrafts made with black and brown bear claws (Kendall Miller 1999).

In 2002, the Federal Subsistence Board (Board) rejected a request (WP02-01) to reclassify black and brown bears as fur bearers, which would have permitted the legal sale of bear hides under Federal subsistence regulations (FSB 2002, OSM 2002). Regional Advisory Councils differed in their recommendation on this proposal. The Eastern Interior Subsistence Regional Advisory Council (EIRAC) and four other Councils opposed the proposal but supported aligning State and Federal regulations by allowing the sale of handicrafts made with black bear fur. Following these recommendations, the Board adopted the State's definition of "handicraft" into Federal subsistence regulations ((§ __.25(a) (67 Fed. Reg. 125, 43723 [June 28, 2002])) and adopted regulations stating that "You may sell handicraft articles made from the fur of a black bear" ((§ __.25(j)(6)) (67 Fed. Reg. 125, 43726 [June 28, 2002])). Because Federal subsistence regulations defined "skin, hide, pelt, or fur" of a bear as "the entire external covering with claws attached" (59 Fed. Reg. 106, 29037 [June 3, 1994]), it became legal under Federal subsistence regulations to use black bear claws in handicrafts.

In 2004 the Board considered three proposals related to the use of bear parts: WP04-01 requested that the Board allow for the sale of handicrafts made from brown bear fur, which the State had begun allowing in 2003. The second proposal, WP04-53 requested that the Board increase the brown bear harvest limit and allow for the sale of black and brown bear parts in Unit 21E, and WP04-78 requested that the Board allow for the sale of black and brown bear hides, skulls, and claws taken in Unit 25. WP04-53 was rejected as part of the consensus agenda due to conservation concerns and concerns about enforcing unit-specific regulations permitting sale of bear parts (OSM 2004a, FSB2004a: 5). WP04-78 was withdrawn based on the Board's action to adopt WP04-01 with modification (see below) (FSB 2004c: 356).

During the Board's deliberations on WP04-01, there was significant discussion regarding enforcement of CITES and whether claws should be included in the definition of fur under Federal subsistence regulations. OSM staff reported that the Board's intent when allowing the use of black bear fur in handicrafts was to mirror State regulations, which did not permit the use of black bear claws. Staff discussed plans to address this concern by revising this regulation when the Federal subsistence regulations were next revised (FSB 2004b: 211). Discussion amongst Board members and Regional Advisory Council chairs emphasized that subsistence users have a long history of using claws in handicrafts and that changes to regulation should go through the formal regulatory process (FSB 2004c: 335-352).

The Board voted to adopt WP04-01 with modification to permit the use of brown bear fur and claws in handicrafts only in the Southeast, Bristol Bay, and Eastern Interior regions. This decision was based on the recommendation of Regional Advisory Councils for these regions (FSB 2004c: 349-350). The published regulation read: "You may sell handicraft articles made from the fur or claws of a brown bear taken from Units 1-5, 9A-9C, 9E, 12, 17, 20, and 25" ((§ __.25(j)(7)) (69 Fed Reg. 126, 40189 [July 1, 2004])).

As a result of the discussion surrounding the use of claws in handicrafts, Federal subsistence regulations published that year explicitly defined “fur” as excluding claws, hooves, teeth, horns, or antlers (§ ____.25(a)), and revised the regulation regarding black bear handicrafts to state: “You may sell handicraft articles made from the fur or claws of a black bear” (§ ____.25(j)(6)) (69 Fed Reg. 126, 40189 [July 1, 2004]). The State of Alaska appealed the Board’s decision to permit the sale of handicrafts made using bear claws, but the Board determined the decision did not meet the criteria for reconsideration (FSB 2005: 147).

In 2005, the Board considered two overlapping proposals related to handicrafts and the use of bear parts in handicrafts: WP05-01 and WP05-03. The Board did not act directly on WP05-03 because OSM staff incorporated it within WP05-01. This latter proposal was submitted by the U.S. Fish and Wildlife Service to define what qualified as a handicraft, to address concerns about whether handicrafts could be sold in urban giftshops or just by rural residents, to clarify whether handicrafts could be manufactured outside Alaska, and to clarify the difference between skin, hide, pelt, and fur (FSB 2005).

The Board took several actions on WP05-01 (70 Fed. Reg. 119 [June 22, 2005]):

- (1) The Board amended the definition of “handicraft” to mean “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 materials 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” (§ ____.25(a)).
- (2) The Board amended the definition of “skin, hide, pelt, or fur” for bears to mean “the entire external covering with claws attached” (§ ____.25(a)).
- (3) The Board amended regulations on the permitted utilization of black and brown bear parts in handicrafts to specify that only federally qualified subsistence users may make and sell these handicrafts and to specify that handicrafts may be made from the skin, hide, pelt, or fur, including claws, of black or brown bears (§ ____.25(j)(6), § ____.25(j)(7)). For brown bears, this regulation continued to apply only to the Southeast, Bristol Bay, and Eastern interior regions.
- (4) Based on recommendations provided by SERAC, the Board implemented regulations specific to Units 1-5 stating that “you may sell handicrafts made from the skin, hide, pelt, fur, claws, bones, teeth, sinew, or skulls” of black and brown bears taken from Units 1, 2, 3, or 5 (§ ____.25(j)(6)(i) and § ____.25(j)(7)(i)).
- (5) The Board deferred action on implementing regulations that would specify what constitutes commercial sales of handicrafts.

The Southcentral Subsistence Regional Advisory Council supported a modification to WP05-01 to permit statewide the use of all nonedible black bear parts other than gall bladder in handicrafts (OSM

2005). However, multiple Regional Advisory Councils noted that handicraft regulations should be regionally specific to ensure the use of bear parts was culturally appropriate for their region (OSM 2005). The Board also stated that this statewide recommendation would need to be submitted through a separate regulatory proposal (FSB 2005: 202).

In 2006 the Board acted on the deferred elements of WP05-01, which proposed implementing specific regulations that would disallow the commercialization of handicrafts made using bear parts (OSM 2005, 2006). As with earlier handicraft proposals, recommendations from Regional Advisory Councils were diverse and sometimes in conflict (OSM 2005, 2006). The Board adopted the proposal with modification to implement regulations stating that “the sale of handicrafts made from the nonedible byproducts of wildlife, when authorized in this part, may not constitute a significant commercial enterprise” ((§ __.25(j)(11)) (71 Fed. Reg. 126, 37658 [June 30, 2006])). The Alaska Department of Fish and Game (ADF&G) requested this decision be reconsidered (RFR 06-01), but the Board determined the decision did not meet the criteria to reconsider.

This same year, the Board also considered WP06-02, which requested that the Board align Federal and State regulations (5 AAC 92.200) by authorizing the sale of handicrafts made from nonedible byproducts of wildlife, other than bears, harvested for subsistence uses. The Board adopted this proposal and implemented regulations stating that: “If you are a Federally qualified-subsistence user, you may sell handicraft articles made from the nonedible byproducts of wildlife harvested for subsistence uses (excluding bear), to include: skin, hide, pelt, fur, claws, bones (except skulls of moose, caribou, elk, deer, sheep, goat, and muskox), teeth, sinew, antlers and/or horns (if not attached to any part of the skull or made to represent a big game trophy) and hooves” ((§ __.25(j)(10)) (71 Fed. Reg. 126, 37658 [June 30, 2006])).

In 2007, the Board considered WP07-01, submitted by ADF&G, which requested that the definition of “skin, hide, pelt, or fur” exclude claws and that the sale of handicrafts made from claws, bones, teeth, sinew, or skulls of black and brown bears only be allowed to occur between federally qualified subsistence users. The Board rejected this proposal, stating that it would be an unnecessary restriction on subsistence users and that there was no evidence these permitted uses pose conservation concerns (FSB 2007: 17-37). ADF&G requested this decision be reconsidered (RFR07-01), stating that permitting the sale of bear claws created conservation concerns and that the regulations prohibiting significant commercial enterprises from sale of handicrafts was unenforceable. This Board determined the decision did not meet the criteria for reconsideration.

Beginning in the 2007-08 regulatory year, the State of Alaska began permitting the sale of untanned hides (with claws attached) and skulls of black bears if taken in liberalized hunting areas or in predatory control areas, after sealing.

In 2010, the BOG added black bears to the list of furbearers in State wildlife regulations. No trapping season or harvest limit was adopted, so trapping of black bears continued to be illegal under State wildlife regulations other than in predator control areas. However, this change allows the sale of black

bear parts other than trophies and gall bladders (ADF&G 2009, 5AAC 92.100, 5AAC 92.115, 5AAC 92.125). This State regulation applies to black bears legally harvested on Federal public lands, with the exception of National Parks. In National Parks, Federal subsistence wildlife regulations require that the hide and meat of black bear be salvaged for human use and cannot be sold (OSM 2010).