

WP26–72a Executive Summary	
General Description	Wildlife Proposal WP26-72a requests recognition of the customary and traditional use of brown bear in Unit 20E by residents of Unit 20E. <i>Submitted by: Eastern Interior Alaska Subsistence Regional Advisory Council</i>
Proposed Regulation	Customary and Traditional Use Determination—Brown Bear <i>Unit 20E Residents of 12, 20E and Dot Lake</i>
OSM Conclusion	Support
Eastern Interior Alaska Subsistence Regional Advisory Council Recommendation	Support
Interagency Staff Committee Comments	The Board makes customary and traditional use determinations for the sole purpose of recognizing the pool of users who generally exhibit some or all of the eight factors. The Board does not use such determinations for resource management or restricting harvest. 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	Oppose
Written Public Comments	None

Customary and Traditional Use Analysis WP26-72a

ISSUE

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

Proponent Statement

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

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

Current Federal Regulations

Customary and Traditional Use Determination—Brown Bear

Unit 20E

Residents of Unit 12 and Dot Lake

Proposed Federal Regulations

Customary and Traditional Use Determination—Brown Bear

Unit 20E

Residents of 12, 20E and Dot Lake

Extent of Federal Public Lands

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

Background

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

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

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

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

Regulatory History

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

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

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

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

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

Current Events

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

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

Community Characteristics

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

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

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

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

Eight Factors for Determining Customary and Traditional Use

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

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

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

When considering customary and traditional use determinations, it is important to keep in mind that fish and wildlife populations fluctuate and rural Alaskans harvest what is available to them. Reliance on species changes over time. Harvest numbers reflect the size of animals, availability and taste preferences. Currently, Eagle and Eagle Village are adapting to decreased populations of salmon and caribou. This situation, like many across the state, show the importance of considering the entire subsistence harvest and the status of all resources when reviewing proposals to recognize customary and traditional use and/or increase or decrease access to just one species. This is especially critical when the two/three major species depended upon by a community are decreasing at the same time (EIRAC 2025a: 18, 26, 31, 34, 75-76, 91; Marcotte and Haynes 1985; Nelson et al. 1978).

The limited consumption of brown bear was explained by Western Interior Council member, Ray Collins, during the April 1997 Board meeting when the current customary and traditional use determination for Unit 20E was made:

Mr. Chairman, this is outside of our area in Western Interior, but there's a general question that comes to mind when you're doing these C&T findings on an animal like brown bear that it is now very limited use. It seems to me that it's self-regulating, the people are choosing not to use it very often. Is that sufficient reason to find that there was not C&T when it was there, because in many of our area -- I've lived in Nikolai for many years, brown bear was used regularly in potlatches and the use has declined but it was never the whole community that hunted those, only a few individuals. And it was very prized by some of the older men and it was just eaten by the men not by the others. But it seems to me that if you made a C&T finding based on that fact that the subsistence user themselves (sic) determine whether they want to hunt it or not. And just because use is declining is that sufficient reason to say that there wasn't C&T? You see what I mean? Because it's going to come up in many areas of the state where people are choosing not to use it now but they historically did, so we say now, okay, there'll be no more. That's my question that I think we have to look at (FSB 1997: 37-38).

As noted in the community section, the subsistence practices of the residents of Eagle and Eagle Village are a blend of Han Hwech'in Athabascan traditions and those of Euro-American miners, settlers and homesteaders. Subsistence culture is adaptive, opportunistic, and highly "flexible" (Nelson et al. 1978). It is based on broad knowledge of and dependence upon all available resources, which are affected by fluctuations of human and wildlife populations, migrations, and continuous environmental change (Nelson et al. 1978). The populations of salmon and caribou, the primary staples of Eagle and Eagle Village subsistence harvests, have decreased dramatically during living memory (EIRAC 2025a: 18, 26, 31, 34, 75-76, 91; EIRAC 2022: 19-21, 24-29, 41, 45-46, 51, 67, Trainor 2020: 121-239, Caulfield 1979: 30). This is noteworthy for an area that has been inhabited by humans for millennia. Archaeological studies in Yukon-Charley Rivers National Preserve show evidence of human occupation of the area 27,000, 11,000 and 5,000 years ago (Caulfield 1979: 4). In the Charley River Basin, there are many sites that indicate heavy harvest and use of caribou (Caulfield 1979:4). Twentieth century anthropologists have disagreed as to whether salmon or caribou were and are the primary resources depended upon by the Han and other rural residents of Eagle (Caulfield 1979: 7, 27-29, 32-33), which likely reflects the fluctuations of salmon and caribou populations over time. Many contemporary Eagle residents use fall Chum salmon for dog food but with Chinook salmon closures, some residents have begun to depend on fall Chum salmon for their own food (Trainor 2020: 153). Two quotations about Chinook salmon and fall Chum salmon recorded during ADF&G Division of Subsistence 2018 research reflect Eagle resident's perceptions of subsistence identity, preferred species, change and adaptation:

King salmon give people personal, human consumption food. And that's obviously a very important thing, as you know. Up and down the Yukon River and everywhere in Alaska it's the preferred food. Doesn't mean it's absolutely necessary in our community to keep the lifestyle, the subsistence lifestyle, the identity of Eagle is fall Chum [Salmon] (Trainor 2020: 154).

This year when I tracked how many [fall Chum Salmon] were good to eat, because they were much later, it was probably one in every 15. There's some years when I have seen three in ten are really good fish to eat. So, a lot depends on the run timing and the temperatures of the water and those variables, yeah. But in every year you can always find enough Chum to eat. Cause even the lesser quality ones you can smoke 'em and you can do other things, you can grind 'em up...It's like anything, when you live the subsistence lifestyle, you figure out how to use the resource in a way that works for you. And if the resource is there, you maximize it. If it's not there, you find something to fill that gap for the year (Trainor 2020: 154).

Brown bear has been a part of the subsistence harvest of the Han and the rural residents of Eagle for generations and may be used to "fill the gap" when there are declines in salmon and caribou (Osgood 1971: 110, Caulfield 1979: 28, 34). A 1932 account of Han subsistence harvests noted that people in Eagle focused mostly on subsistence activities regarding salmon and caribou (Crow and Obley 1981: 506). The account also noted that, "Other animals utilized through the year included black and grizzly bears, which were occasionally taken in the fall and spring by impaling them on a stout lance" (Osgood 1971 in Caulfield 1979: 5-7).

There are additional accounts of Eagle residents taking bears, although the species of bear is not identified (Osgood 1971: 66, 101, 118; Caulfield 1979: 6, 28, 34). For example, Caulfield noted that large numbers of bears were taken by elderly men in the early twentieth century (1979: 34). There are specific references, however, to the harvest of brown bear. Although Caulfield noted that brown bear are rarely used, Osgood cited a 1910 account from Ferdinand Schmitter, an army officer who spent time with the Han:

Black bears, their brown variation, and grizzlies are reported to have been killed and eaten in the Han area. Schmitter (1910:8) proved a clear account of the classic Athabascan technique of killing bears with a lance. "A pike or spear is nearly always used in killing bears. The hunter attracts the bear by making a raven-like noise, causing the bear, as the Indians say, to think the raven has discovered a dead moose. They also further explain that the big bears only would come, as the little bears would not know what the croaking meant. As the bear approaches, the Indian holds the spear in position, facing the bear as it draws near to him, and as the bear springs the Indian sticks the spear into its throat at the top of the breast-bone, at the same time shoving the handle of the pole into the ground, thus causing the bear to spear himself with his own weight. Sometimes three men hunt in this manner, two of them attacking the bear

on either side as it rushed forward. The meat of the young bear when killed in the fall, when they feed on huckleberries is considered a great luxury” (Osgood 1971: xx).

This description shows not only that the Han harvested and ate brown bear, but also, detailed Indigenous Knowledge of bear behavior and a highly specialized hunt.

Harvest methods have changed but the Han and rural residents of Eagle and Eagle Village continue to harvest bear and other species available to them. In 2017, ADF&G Division of Subsistence conducted household harvest surveys in Eagle and Eagle Village (Trainor 2020: xviii). The results of these surveys show that Eagle residents continue to use the same resources listed in 1939 (Osgood 1971). In this one-year snapshot, there is one report of a household in Eagle using, but not harvesting, brown bear meat (Trainor 2020: 166). With increasing concerns about decreased populations of and more regulatory limits on salmon and caribou, subsistence users in the area have described the need to harvest more bears (EIRAC 2025a: 18, 26, 31, 34, 75-76, 91).

At their December 2025 meeting, Council members followed presentation of this analysis with a discussion of the opportunistic nature of brown bear harvests, the use of brown bear fur for clothing and the importance of the brown bear diet on the quality of the meat. They stated that the flesh and fat of brown bears taken in fall is excellent if the bears have eaten berries and no fish (EIRAC 2025b: 60-62). During a meeting break, George Yaska, Native American Liaison at the U.S. Fish and Wildlife Service in Anchorage, described his experience participating in opportunistic brown bear hunts in interior Alaska (Yaska 2025, pers. comm).

Discussion and Effects

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

OSM CONCLUSION

Support Proposal WP26-72a

Justification

The residents of Unit 20E, Eagle and Eagle Village have relied on a wide variety of subsistence resources for generations. There is clear ethnographic data which shows that brown/grizzly bear has been a part of the subsistence harvest of the Han and rural residents of Eagle and Eagle Village. Historic accounts indicate that the harvest of brown bear was a specialization which required unique traditional knowledge and skill for a successful hunt. Brown bear may not have been used as a staple food in an area that was rich with caribou and salmon. It is and was, however, one of many food sources in the area. As former Western Interior Council member Ray Collins stated, contemporary “limited use” of a resource does not indicate there is no customary and traditional pattern of use. Instead, when

considering customary and traditional use determinations, it is important to remember that reliance on various species changes over time. Fish and wildlife populations fluctuate and rural Alaskans harvest what is available to them. Harvest numbers reflect a wide array of factors. Currently, Eagle and Eagle Village are adapting to decreased populations of salmon and caribou. This situation, like many across the state, shows the importance of considering the entire subsistence harvest and the status of all resources when reviewing proposals to recognize customary and traditional use and/or increase or decrease access to one species. This is especially critical when the two/three major species depended upon by a community are decreasing at the same time (EIRAC 2025a: 18, 26, 31, 34, 75-76, 91; Marcotte and Haynes 1985; Nelson et al. 1978). The residents of Eagle and Eagle Village already have customary and traditional use determinations for most land mammals and fish in Unit 20E which shows their recognized pattern of harvest and use of wild resources consistent with the eight factors.

LITERATURE CITED

ADF&G. 2025a

https://www.adfg.alaska.gov/static/home/news/hottopics/pdfs/yukon_river_chinook_salmon_7_year_management_2024_2030.pdf Retrieved April 11, 2025.

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

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

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

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

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

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

EIRAC 2025b. Transcripts of the Eastern Interior Regional Subsistence Advisory Council proceedings. December 16, 2025. Fairbanks, AK. Office of Subsistence Management, DOI IOS. Anchorage, AK.

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

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

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

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

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

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

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

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

Yaska, G. 2025. Native American Liaison, USFWS, Alaska. Personal communication: (in-person). USFWS. Anchorage, AK.

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

SUBSISTENCE REGIONAL ADVISORY COUNCIL RECOMMENDATION

Eastern Interior Subsistence Regional Advisory Council

The Council voted to **support** WP26-72a, which they submitted. They noted that this is somewhat of a housekeeping proposal and will correct a previous oversight where the C&T of residents of other units was recognized for Unit 20E but not of the people who live in Unit 20E. Council members from Unit 20E noted that although brown bear may not be frequently targeted, they are harvested opportunistically and help contribute to food security, especially as salmon, moose, caribou, and sheep populations decline. Local observations suggest brown bear populations are increasing, and the berry-fed bears are really good eating in fall. Bear fat can last all winter and is great for making pie crusts, cookies, and salve. Hides can also be used to make moccasins, hats, and ruffs among other items.

INTERAGENCY STAFF COMMITTEE COMMENT

The Board makes customary and traditional use determinations for the sole purpose of recognizing the pool of users who generally exhibit some or all of the eight factors. The Board does not use such determinations for resource management or restricting harvest. 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

Oppose. The Alaska Department of Fish & Game (ADF&G) **OPPOSES** this proposal as it sees its passage as an unnecessary deviation from state regulations and therefore contrary to Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA) and recent directives from the President and Secretary of the Interior. The Alaska Board of Game has designated a negative C&T determination for brown bears in GMU 20E.

ANILCA §1314(a) explicitly states: "Nothing in this Act is intended to enlarge or diminish the responsibility and authority of the State of Alaska for management of fish and wildlife on the public lands except as may be provided in Title VIII..." Title VIII provides only a narrow exception allowing the Secretary to restrict State-authorized harvest when necessary to meet the needs of federally qualified rural residents. Section 802(2) establishes the policy that "nonwasteful subsistence uses of fish and wildlife and other renewable resources shall be the priority consumptive use of all such resources on the public lands of Alaska **when it is necessary to restrict taking in order to assure the continued viability of a fish or wildlife population or the continuation of subsistence uses of such population...**" [emphasis added]. Section 804 reiterates this policy and establishes criteria to implement a priority when the above conditions are met. It does not authorize wholesale replacement of State management. Per §815(3) of ANILCA, "...restriction on nonsubsistence uses are only authorized when necessary for the conservation of healthy wildlife populations or to continue subsistence uses."

Executive Order 15153, Sec. 3(b)(xxii) directs the Department of the Interior to conduct meaningful consultation with State fish and wildlife agencies prior to enacting land management plans or regulations affecting hunting and fishing opportunities on public lands. This directive was reinforced by Secretarial Order 3447, which calls for removing unnecessary barriers to hunting and fishing, expanding access where compatible, improving coordination with State agencies, and ensuring transparent review of any proposed restrictions.