

ALASKA STATE LEGISLATURE

REPRESENTATIVE ALAN DICK

HOUSE DISTRICT 6

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"STRONG VALUES IN UNCERTAIN TIMES"

MEMORANDUM

To: Senator Paskvan, Co-Chair
Senator Wagoner, Co-Chair
Senate Resources Committee

From: Representative Alan Dick, Sponsor

Date: March 29, 2012

RE: HJR 32 - REMOVE WOOD BISON FROM ENDANGERED LIST

I respectfully request that HJR 32 be scheduled for hearing before the Senate Resources Committee at the earliest possible convenience.

The resolution asks Congress to remove wood bison from protected status under the Endangered Species Act.

Removing them from the list would be the single most important action that could be taken to facilitate their reintroduction and recovery – as it would remove the obstacles that have prevented their reintroduction. It is their status as protected, and the onerous restrictions that accompany them, that have kept them from being released into the wild in Alaska.

For questions related to this bill, please contact my legislative aide, Paul Verhagen at 465-2847.

Alatna
Allakaker
Alcan
Aniak
Anvik
Arctic Village
Beaver
Beluga
Bettles
Birch Creek
Boundary
Central
Chalkyitsik
Chandalar
Chandalar Lake
Chicken
Chistochina
Chitina
Chuathbaluk
Circle
Coldfoot Camp
Copper Center
Crooked Creek
Deltana
Dot Lake
Dry Creek
Eagle
Eagle Village
Evansville
Flat
Fort Greely
Fort Yukon
Fortuna Ledge
Gakona
Galena
Georgetown
Grayling
Gulkana
Healy Lake
Holy Cross
Hughes

Huslia
Kaltag
Kennicott
Kenny Lake
Koyukuk
Lake Minchumina
Lime Village
Livengood
Manley Hot Springs
Marshall
McCarthy
McGrath
Medfra
Mentasta Lake
Minto
Nabesna
Nenana
Nikolai
Northway
Nulato
Ophir
Rampart
Red Devil
Ruby
Russian Mission
Shageluk
Slana
Sleetmute
Stevens Village
Stony River
Takotna
Tanacross
Tanana
Tazlina
Telida
Tetlin
Tok
Tonsina
Tyonek
Venetie
Wiseman

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Juneau

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Representative Alan Dick

House District 6

Sponsor Statement

HJR 32: Wood Bison

A Resolution urging The United States Congress to remove wood bison from protection under the Endangered Species Act of 1973 and to grant control of wood bison in Alaska to the state.

The Alaska Department of Fish and Game (ADF&G) has been working to re-introduce wood bison into Alaska for many years. Wood bison are listed as an endangered species under the Endangered Species Act. The introduction of an endangered species into the wild brings with it significant restrictions on resource development and felony charges if they are harmed or hunted.

Under certain circumstances waivers of some of these restrictions are available and ADF&G has worked hard to negotiate such waivers. Last year they successfully concluded negotiations with the United States Fish and Wildlife Service (FWS) and were preparing to release them into the wild when FWS notified them that a lawsuit had been filed challenging whether or not a protected species could ever be hunted.

At that time FWS notified ADF&G that it was willing to proceed with the rest of the negotiated agreement but not the hunting provision. ADF&G wisely elected not to proceed until such assurances are guaranteed. Although the hunting issue has since been resolved, in recent years numerous lawsuits, and petitions for injunctive relief, have been filed seeking to overturn already negotiated agreements or prevent new waivers from being approved.

An ever increasing number of these petitions or suits have been successful, thus the certainty of the negotiated rules cannot be guaranteed by the United States Fish and Wildlife Service - which removes the assurance that the waivers are intended to provide. If wood bison are reintroduced into the wild while they remain on the protected list hundreds of thousands of acres (if not more) of interior Alaska could be

added to the over 200 million acres of coastal Alaska that have recently been locked-up by the addition to the list of polar bears and beluga whales alone.

As a result there are only three reasonable responses to the current situation.

1. Work to facilitate their removal from the ESA by asking congress to intervene and remove them from the list as they did recently with the grey wolves in the Lower 48 states.
2. Release them onto an island and allow them to proliferate there until they are removed from protection at which time they could safely be reintroduced onto previously occupied lands.
3. Do not reintroduce wood bison into the wild in Alaska, even with negotiated agreements, as long as they remain on the ESA's threatened or endangered list.

HJR 32 addresses the first response.

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"STRONG VALUES IN UNCERTAIN TIMES"

HJR 32 Summary of Changes Version B to Version X (3.2.12)

- Removed unnecessary "whereas" statements.
Ver. B, p.1, lines 8-10,
Ver. B, p.2, lines 9-16.
- Distinguished between the State of Alaska and Department of Fish and Game in a few locations.
Ver. X, p1, line 10;
Ver. X, p3, line 5.
- Changed repeated references to the Endangered Species Act of 1973 to "The Act".
Ver. X, p1, lines 6, 14;
Ver. X, p.2, lines 13, 17, 21;
Ver. X, p.3, line 4.
- Noted that the Alaska Department of Fish and Game has successfully managed Plains bison in Alaska for more than 70 years.
Ver. X, p. 2, line 31.
- Added clarifying statements.
Ver. X, p.1, lines 11-12, 15;
Ver. X, p.2, lines 1, 6-7, 31.

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Evansville
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Fort Yukon
Fortuna Ledge
Gakona
Galena
Georgetown
Grayling
Gulkana
Healy Lake
Holy Cross
Hughes

Huslia
Kaltag
Kennicott
Kenny Lake
Koyukuk
Lake Minchumina
Lime Village
Livengood
Manley Hot Springs
Marshall
McCarthy
McGrath
Medfra
Mentasta Lake
Minto
Nabesna
Nenana
Nikolai
Northway
Nulato
Ophir
Rampart
Red Devil
Ruby
Russian Mission
Shageluk
Slana
Sleetmute
Stevens Village
Stony River
Takotna
Tanacross
Tanana
Tazlina
Telida
Tetlin
Tok
Tonsina
Tyonek
Venetie
Wiseman

FISCAL NOTE

STATE OF ALASKA
2012 LEGISLATIVE SESSION

Bill Version CSHJR 32(RES)
Fiscal Note Number 1
(H) Publish Date 3/2/12

Identifier (file name) HJR32-LEG-COU-2-23-12 Dept. Affected Legislature
Title "Urging the United States Congress to remove wood bison from protection under the Endangered Species Act..." Appropriation Legislative Council
Allocation Session Expenses
Sponsor Representatives Dick, Austerman
Requester House Resources OMB Component Number 782

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	FY13 Appropriation Requested	Included in Governor's FY13 Request	Out-Year Cost Estimates				
OPERATING EXPENDITURES	FY13	FY13	FY14	FY15	FY16	FY17	FY18
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants, Benefits							
Miscellaneous							
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE (Thousands of Dollars)							
1002	Federal Receipts						
1003	GF Match						
1004	GF						
1005	GF/Prgm (DGF)						
1037	GF/MH (UGF)						
1178	temp code (UGF)						
TOTAL		0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS							
Full-time							
Part-time							
Temporary							

CHANGE IN REVENUES							
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Estimated SUPPLEMENTAL (FY12) operating costs _____ (separate supplemental appropriation required)
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY13) costs _____ (separate capital appropriation required)
(discuss reasons and fund source(s) in analysis section)

Why this fiscal note differs from previous version (if initial version, please note as such)

Initial Version

Prepared by Jessica Geary, Finance Manager
Division Legislative Affairs Agency
Approved by Pamela Varni, Executive Director
Legislative Affairs Agency

Phone 465-6626
Date/Time 2/23/12 4:20pm
Date 2/23/2012

FISCAL NOTE #1

**STATE OF ALASKA
2012 LEGISLATIVE SESSION**

BILL NO. CSHJR 32(RES)

Analysis

This Legislation has zero fiscal impact on the Legislative Affairs Agency.

CS FOR HOUSE JOINT RESOLUTION NO. 32(RES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE RESOURCES COMMITTEE

Offered: 3/2/12

Referred: Rules

Sponsor(s): REPRESENTATIVES DICK, Austerman, Chenault

A RESOLUTION

1 **Urging the United States Congress to remove wood bison from protection under the**
2 **Endangered Species Act of 1973 and to grant control of wood bison in Alaska to the**
3 **state.**

4 **BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 **WHEREAS** the purpose of 16 U.S.C. 1531 - 1544 (Endangered Species Act of 1973)
6 ("the Act") is to protect or restore a species to a condition where continued existence of the
7 species is not threatened or endangered; and

8 **WHEREAS** free-ranging wood bison no longer exist in the United States but still
9 exist in healthy numbers in Canada; and

10 **WHEREAS** the State of Alaska would like to reintroduce wood bison in the state to
11 provide alternative hunting opportunities in rural areas, and providing this hunting
12 opportunity would be one of the main purposes for reintroducing wood bison in the state; and

13 **WHEREAS** wood bison are an endangered species and cannot be hunted without
14 federally approved exemptions to the Act; and

15 **WHEREAS**, if wood bison were reintroduced in the state in their current status,

1 resource development on the land they occupy could be significantly affected; and

2 **WHEREAS**, in an effort to avoid the restrictions on hunting and resource
3 development, the Department of Fish and Game negotiated with the United States Fish and
4 Wildlife Service exemptions under 16 U.S.C. 1533(d) and 1539(j) of the Act to allow hunting
5 of wood bison and to allow resource development on land used by wood bison; and

6 **WHEREAS** the certainty of the negotiated rules cannot be guaranteed by the United
7 States Fish and Wildlife Service; and

8 **WHEREAS** the negotiated rules are likely to be challenged; and

9 **WHEREAS**, after 20 years of protecting the gray wolf in other states, during which
10 time all of the original goals were met or exceeded, the United States Fish and Wildlife
11 Service could not remove the gray wolf from the endangered species list and return control to
12 the states because of litigation brought in the federal courts; and

13 **WHEREAS**, because numerous lawsuits have been filed in attempts to use the Act for
14 purposes other than to accomplish the stated goal, repeated requests were made to the United
15 States Congress to intervene; and

16 **WHEREAS**, in an unprecedented act, the United States Congress recently removed
17 the Montana and Idaho populations of the gray wolf from protection under the Act and
18 returned control to the respective states; and

19 **WHEREAS**, under the current situation, if wood bison were released in the state, their
20 habitat and any areas onto which they were to wander could become subject to the restrictive
21 provisions of the Act because of court action; and

22 **WHEREAS** significant resources in the state are at stake; and

23 **WHEREAS** the Donlin Creek mine is located well within wood bison traveling
24 distance, and, if wood bison were to wander to Donlin Creek, that \$70,000,000,000 of
25 resources could easily be locked up, at a cost of \$700,000,000 for each of the approximately
26 100 wood bison released; and

27 **WHEREAS** Canada, under the Species at Risk Act, has declared the wood bison
28 proposed to be sent to Alaska a surplus and has acknowledged that the loss of those wood
29 bison would not have a negative effect on the successful restoration of wood bison in Canada;
30 and

31 **WHEREAS**, for more than 70 years, the Department of Fish and Game has

1 successfully managed plains bison, which are genetically similar to wood bison, and wood
2 bison would prosper under similar management; and

3 **WHEREAS**, if the wood bison proposed to be reintroduced to the state are to be
4 under the protection of the Act and its accompanying restrictions relating to land development
5 and hunting, the State of Alaska has concerns related to the uncertainty of court intervention;
6 and

7 **WHEREAS** these facts serve to demonstrate this point: The wood bison's status on
8 the list of species protected under the Endangered Species Act of 1973 is what most
9 endangers them;

10 **BE IT RESOLVED** that the Alaska State Legislature urges the United States
11 Congress to exempt wood bison from protection under the Endangered Species Act of 1973
12 and to grant control of wood bison in Alaska to the state.

13 **COPIES** of this resolution shall be sent to the Honorable Barack Obama, President of
14 the United States; the Honorable Joseph R. Biden, Jr., Vice-President of the United States and
15 President of the U.S. Senate; the Honorable Harry Reid, Majority Leader of the U.S. Senate;
16 the Honorable Mitch McConnell, Minority Leader of the U.S. Senate; the Honorable John
17 Boehner, Speaker of the U.S. House of Representatives; the Honorable Nancy Pelosi,
18 Minority Leader of the U.S. House of Representatives; the Honorable Ken Salazar, United
19 States Secretary of the Interior; and the Honorable Lisa Murkowski and the Honorable Mark
20 Begich, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the
21 Alaska delegation in Congress.