



**Alaska Wildlife
Conservation Center**

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April 6, 2011

Re: Opposition to House Bill 186

Alaska has the unique opportunity to return to the wilds an extirpated species – the wood bison. We can release these magnificent animals into their traditional habitat in a way that protects the interests of our state, our residents, our nation and the animals themselves. This is truly a win-win situation for everyone – and an opportunity to correct a mistake mankind made almost a century ago.

Wood bison disappeared from Alaska about 100 years ago, probably as a result of over-hunting. Canada found a small herd of the animals in the 1960s, moved them to a protected area and let them multiply to the point they could be reintroduced into their historical range. Canada presently has six large, wild herds of wood bison that coexist with the nation's aboriginal inhabitants, its mining interests, its tourism business and its large oil and gas industry.

The project to reintroduce wood bison in Alaska dates back more than a decade. After extensive consultations and planning, the Alaska Department of Fish and Game (ADF&G) asked the Alaska Wildlife Conservation Center (AWCC) to support the animals until they could be released. The first bison arrived in 2006 from the Yukon Territory and another 50 arrived in 2008. Today, the herd numbers 86.

It has been our privilege to care for the bison at our nonprofit facility near Portage. AWCC does not charge the state for the care of the bison, or for the use of the land and our facilities. This has been our contribution to this project. But now it is time to begin returning the bison to their traditional home.

Wood bison are listed as an endangered species under the U.S. Endangered Species Act (ESA). The state, in cooperation with the Fish and Wildlife Service, has determined that the best way to address concerns is to establish a special federal rule to designate the bison as a "nonessential experimental population." The special rule – called 10(j) – removes many of the regulatory requirements that normally apply to endangered species and allows state management of the animals.

These 10(j) rules have proven to be highly effective in about two dozen cases and Alaska's wood bison meet the legal requirements for such a designation perfectly.

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ADF&G has repeatedly said it will not release wood bison into the wild until the final rule is in place and provides sufficient protection for other existing and future land uses. We support this approach.

Alaskans throughout the state want the bison released. The people of the lower Yukon and Innoko area support restoration. The GASH Fish and Game Advisory Committee, the Western Interior Regional Subsistence Advisory Council, the Mid Yukon Kuskokwim Soil and Water Conservation District and the Tanana Chiefs Conference Lower Yukon Sub-region have adopted letters or resolutions of support.

Public meetings to discuss the project have attracted advocates from sport hunting groups, Native subsistence groups and watchable wildlife groups. It is rare that these diverse groups work so harmoniously on a mutually beneficial project.

Financial support has been as broad-based and has included the Safari Club, the Rasmuson Foundation, Teck-Cominco Ltd., UAF School of Natural Resources and Agricultural Sciences, Pope & Young Club, Wildlife Conservation Society, Ted Turner Foundation, the Natural Resource Conservation Service, UA Local 367, Greer Tank, Carlile Transportation Systems, the Anchorage Soil and Water Conservation District and Alyeska Resort.

The AWCC strongly opposes HB186 and instead encourages the Legislature to seek ways to help ADF&G move as expeditiously as possible to restore wood bison in the lower Yukon and Innoko areas.

We also would like you to stop by our facility and see these amazing animals up close.

Thank you for your consideration.

Mike Miller

AWCC Founder/Executive Director

907-301-7942 cell

LEGISLATIVE INFORMATION OFFICE

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FACSIMILE TRANSMITTAL SHEET

TO: Linda Hay	FROM: Delta L10
COMPANY:	DATE: April 1 st 2011
FAX NUMBER: 465-3799	TOTAL NO. OF PAGES INCLUDING COVER: 2 pages
PHONE NUMBER:	SENDER'S REFERENCE NUMBER: (907) 895-4236
RE:	YOUR REFERENCE NUMBER: (907) 895-5017 fax

NOTES/COMMENTS:

Please give copies to
the committee (HRES)

Thanks

TESTIMONY ON HB 186
House Resources Committee 4/6/11
from Don Quarberg

Clarify comments by Rep Alan Dick that ADFG has done nothing to control bison damage to the Delta Agricultural Producers.

I've participated in the Delta Bison Management Advisory Group (DBW) for approx 30 years.

ADFG has: Cleared and developed several thousand acres of bison range
Planted grasses and small grains as forage for the bison
Developed a supply of fresh water
Placed salt blocks to attract bison on to the range
Conducted forage fertilization trails to improve forage quality
Conducted alternative forage trails to identify new and better forages
Altered forage production practices to provide higher quality forage.
Cooperated with Univ. Researchers and others to improved the palatability of native grasses on the range
Cooperated with the US Army to create additional forage on military lands
Developed hunting regulations (accepted by the BOG) to improve the success of bison hunters in meeting the harvest objective.
1: extended the hunting season
2: established an early hunt on private lands to move any bison off private land
3: allowed use of ground-based communications
Have unsuccessfully attempted to work with landowners to allow hunting on all farmland (non-hunttable farms become sanctuaries for bison).
Have unsuccessfully attempted to create a share-cropping program with farmers to increase forage production on the bison range.
It should be noted that the Delta Bison Range was established by the legislature with no input from ADFG on selecting the location of this range.

Comments on HB 186:

Should society not take the opportunity to reestablish a wildlife population that it was involved in extirpating?

The Wood Bison reintroduction would create another wildlife asset for the State of Alaska.

The Commissioner undergoes confirmation by the Legislature for appointment and is mandated by Statute and the Constitution to manage wildlife of Alaska. The Commissioner is on the job for 365 days, the legislature, only 90.

Representative Dick's concern about the courts actions on the 10(J) ruling is valid. However, everything we do is subject to the interpretation of a judge. If this thought process prevailed throughout society, we wouldn't have the energy crisis we currently have as we would still be walking.

HB 186 is unnecessary, oppose this legislation

Linda Hay

From: Louie Flora
Sent: Thursday, April 07, 2011 8:56 AM
To: Linda Hay; House Resources
Cc: Paul Verhagen
Subject: FW: wolves & wood bison

Letter on HB 186

-----Original Message-----

From: Jan Flora [<mailto:grewingk@gmail.com>]
Sent: Wednesday, April 06, 2011 4:23 PM
To: Rep. Bob Herron
Cc: Rep. Paul Seaton
Subject: wolves & wood bison

Dear Rep. Herron:

I'm watching House Resources hear HB 186, Wood Bison. I'm glad Rep. Dick introduced this bill, even though I don't necessarily agree with his conclusions. His warning to be aware of the possible unintended consequences of reintroducing this species into the wild has merit.

To give you one opinion about how the wood bison herd would do against wolves, my SO, a lifelong Alaskan cattle rancher, guesses that up to 30% of the herd could be pulled down by wolves in their first year out in the wild. Pen-raised animals won't have developed the herd instincts to deal with predators - they'll need to learn the hard way, but they *will* learn.

We run beef cattle on a state grazing lease in the summertime where bears (two kinds) and wolves are common. Our cows are pretty tame, but when wolves or coyotes show up, the cows chase them away from their calves. I don't think we've lost an animal to wolves in years.

The cows work as a unit to confront the wolves and run them off. But our wolves show up one or two at a time, not in the big packs that are common out in the Bush. (We've lost ~40 head to brown bears in recent years. That's a whole different story.)

I've watched our cows run dogs off our ranch. The canines are confronted by a wall of cows that move as a unit, clearly intending to surround and stomp on the dogs and put the horns to them, so the dogs flee. Bison are a lot bigger, wilder & woolier than Hereford cows and big packs of wolves work as a team, so the comparison is tenuous, but it still illustrates normal bovine instincts in animals that haven't been raised in a pen. (Cows & bison are kissing cousins.

They can interbreed. So can Woods & Plains Bison, to answer another question that came up in the committee meeting. The best beef cow we've ever owned was 1/8 bison.)

Our next door neighbor used to have a herd of Plains Bison. Bison are weird. They have fascinating herd dynamics. They're cool animals. I support the effort to put that herd of Wood Bison out in the Innoko. Minto Flats isn't an appropriate place for them because of oil & gas potential and the ag-potential land in that area, but I think the Innoko is a good spot for them.

Respectfully submitted,

Jan Flora
Rainwater Ranch
Homer, Alaska

Alaska Chapter SCI
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April 6, 2011

The Honorable Eric Feige, Co-Chair
The Honorable Paul Seaton, Co-Chair
House Resources Committee
State Capitol
Juneau, Ak 99801

Dear Representatives Feige and Seaton:

The following points were assembled by Safari Club International's legal counsel from their Washington D.C. office. SCI's legal team has been a leader in Endangered Species Act (ESA) litigation on listed species and has a solid track record in protecting the freedom to hunt. The members of the Alaska Chapter are strong supporters of the wood bison restoration project and believe the information provided here should arrest the growing paranoia surrounding this project.

We trust that upon careful review of the facts, the Legislature will choose not to support HB 186. We appreciate the concern that you all share regarding access to and development of our natural resources; however, we remain unconvinced that HB 186 is necessary to accomplish that goal. If the State cannot obtain a properly worded 10J ruling that allows development of our resources to move forward, then we would add our voice to those opposing placement of the bison at this time. Dismissing the rule making process now and succumbing to cries of opposition is no different in this instance than opposing Pebble Mine without allowing the permitting process to move forward.

We are confident that when reviewing the facts on the Wood Bison Restoration Project, the Legislature will see the wisdom of proceeding with caution and allow the process to move forward. It is our hope that this Icon of the American Spirit will generate the support to forestall HB 186 and give the principals involved in the current rule making process to resolve those issues of concern to Alaskans; thereby producing an acceptable resolution to this issue.

Sincerely,

A handwritten signature in black ink that reads 'Terry C. Holliday'. The signature is written in a cursive, flowing style.

Terry Holliday
President

SCI's Top Gun Chapter

**The U.S. Fish and Wildlife Service Cannot Unilaterally Revoke or Change
Rules Regarding the Designation or Management of an Experimental
Population**

- The U.S. Fish and Wildlife Service (FWS) can only designate an experimental population through formal rulemaking. Formal rulemaking requires public notice and an opportunity for the public (including the states) to comment. Similarly, special rules that govern the management and conservation of experimental populations can only be promulgated through formal rulemaking.
- The Endangered Species Act (ESA) provision on the designation of experimental populations states:

Before authorizing the release of any population under subparagraph (A), the Secretary ***shall by regulation*** identify the population and determine, on the basis of the best available information, whether or not such population is essential to the continued existence of an endangered species or a threatened species. 16 U.S.C. §1539(j)(2)(B), (emphasis added).

- The ESA provision on regulations applicable to the management of experimental populations states:

Whenever any species is listed as a threatened species pursuant to subsection (c) of this section, the Secretary ***shall issue such regulations*** as he deems necessary and advisable to provide for the conservation of such species. 16 U.S.C. §1533(d), (emphasis added).

- If formal rulemaking is required for the FWS to act, the FWS cannot remove, reverse or change that action without formal rulemaking. 5 U.S.C. §551(5).
- The FWS itself has recently taken the position in court, in the case involving the experimental wolf populations of Wyoming, Idaho and Montana, that a revocation of a wildlife populations' experimental status cannot be done unilaterally and requires formal rulemaking (including public notice and

comment). *Defenders of Wildlife v. Gould*, 08-cv-014 (DWM), Dkt. 110, Federal Defendants' Brief to Show Cause Pursuant to the Court's Order of January 28, 2011 at 5.

- Congress intended that the decisions about the designation of an experimental population and the types of take that will be permitted, by regulation, for that experimental population, are to be decided jointly by the FWS, the pertinent states, and the public. In the legislative history of the experimental population provisions, the drafters stated:

“The Committee believes that involvement of state fish and wildlife agencies in the regulatory process is crucial. The Committee also believes that where experimental populations are released on, or near, private land, the landowners must be fully apprised of the release and the regulations under which the population will be managed.

Regulations should be viewed as an agreement among the federal agencies, the state fish and wildlife agencies and any landowners involved. Changes in the regulations should only be made after close consultation with all of the affected parties.” H.R. Rep. 97-567, September 17, 1982 (emphasis added).