

Wood Bison Proposed Rule to Downlist Questions and Answers

What action is the U.S. Fish and Wildlife Service taking?

The U.S. Fish and Wildlife Service (Service) has prepared a status review of the wood bison (*Bison bison athabasca*) and is proposing to downlist the species under the Endangered Species Act (ESA). After evaluating the best scientific and commercial data available, the Service has determined that reclassifying the species from endangered to threatened is warranted.

Why is the wood bison being downlisted?

Because of recovery efforts, the wood bison is no longer in danger of extinction. Therefore, it is no longer appropriate the species be listed as endangered. However, because of continuing threats, the Service has determined the wood bison should remain listed under the ESA as threatened.

What are the main differences between wood and plains bison?

There are two closely related subspecies of bison: the wood bison and plains bison. Physical and genetic differences distinguish the two subspecies. The wood bison is the largest living, native terrestrial mammal in North America. The average weight of mature males is approximately 1 ton (2,000 pounds). A wood bison has a large triangular head, a thin beard and rudimentary throat mane, and a poorly-demarcated cape. The highest point of the hump of these animals is forward of their front legs; they have reduced chaps on their front legs, and their horns usually extend above the hair on their head. In contrast, the plains bison, the wood bison's closest relative, has a thick beard and full throat mane and well-developed chaps. The highest point of the hump is over the front legs and horns rarely extend above their bonnet of dense, curly hair. Plains bison are smaller and lighter in color than wood bison.

Where were wood bison found historically, and what is their range today?

Historically, the range of the wood bison was generally north of that occupied by the plains bison and included most boreal regions of northern Alberta; northeastern British Columbia; a small portion of northwestern Saskatchewan; the western Northwest Territories south and west of Great Slave Lake; the Mackenzie River Valley; most of The Yukon Territory; and much of interior Alaska. In Canada today herds are found in British Columbia, Alberta, Manitoba, and the Yukon and Northwest Territories. There has not been a wild population in the United States for the last few hundred years.

What kind of habitat do wood bison require and what do they eat?

The foraging habitats most favored by wood bison are grass and sedge meadows occurring on alkaline soils. These meadows are typically interspersed among tracts of coniferous forest, stands of poplar or aspen, bogs, fens, and shrublands. Wet meadows are rarely used in the summer, probably because of the energy required to maneuver through the mud, but they are used in late summer when they become drier, and in the winter when they freeze. In the summer, daily access to water is also important.

During late summer and fall, wood bison disperse into small groups for breeding. Forests are used as travel corridors between meadows, for summer shade, and for shelter in winter storms. Little foraging occurs in the forest.

What are the primary threats to wood bison populations?

Loss of wood bison habitat has occurred due to agricultural development, including commercial production of plains bison. In addition, there was likely loss of suitable meadow foraging habitat for wood bison from fire suppression in the 20th century, which led to forest encroachment into meadows. Although the level of human influence in the range of wood bison currently is low, the Service anticipates human population growth will continue, and loss of suitable habitat from agricultural development is expected in the foreseeable future. The presence of disease (bovine brucellosis and bovine tuberculosis) and diseased herds in and around Wood Buffalo National Park is recognized as a factor limiting recovery.

How large was the population historically? How large is it today?

During the early 1800s, wood bison numbers were estimated at 168,000, but by the late 1800s, the subspecies was nearly eliminated with only a few hundred remaining. Overharvest was the primary cause of the population decline. By 2000, when the last Canadian status review was conducted, the number of disease-free herds had grown to 6, with 2,800 individuals. Since 2000, an additional herd has been established bringing the total number to 7, and the number of disease-free, free-ranging wood bison has increased to approximately 4,400.

When was the wood bison listed under the Endangered Species Act?

Wood bison was listed in the United States as endangered under the 1969 Endangered Species Conservation Act when it was included on the first List of Endangered Foreign Fish and Wildlife, which was published in the Federal Register in 1970. In 1978, the Committee on the Status of Endangered Wildlife in Canada designated wood bison as endangered based primarily on the fact there were only about 400 disease-free wood bison; 100 in a captive herd and 300 in a free-ranging herd. In 1988, the wood bison was reclassified from endangered to threatened in Canada; however, it remains listed as endangered in the United States. In 2003, the Canadian Species at Risk Act (SARA) passed and the wood bison was listed as threatened under Schedule 1 of the Act. For more information about SARA and the wood bison listing and recovery in Canada visit

http://www.sararegistry.gc.ca/species/speciesDetails_e.cfm?sid=143#protection.

What has Canada done to recover the wood bison population?

In 1922, Wood Buffalo National Park (WBNP), Canada, was set aside for the protection of the last remnant population of wood bison which was estimated at 1,500-2,000 individuals. Between 1925 and 1928, over 6,600 plains bison were translocated to WBNP. These plains bison hybridized with the wood bison and introduced tuberculosis and brucellosis to the herd.

In 1959, an isolated northern population of relatively pure wood bison within WBNP was found. Two herds were established from these animals: the Mackenzie herd and the Elk Island National Park herd.

Most of the world population of wood bison is derived from the original 37 animals captured and relocated from the isolated northern population. Recovery actions, guided by the Canadian National Recovery Plan, have led to the establishment of seven free-ranging disease-free herds with a total of approximately 4,400 animals in Canada. In addition, regulations are in place to protect the animals and two captive populations, one in Alaska and one in Russia have been established. The United States has not conducted recovery actions.

Is there any connection between this proposed rule to reclassify the wood bison under the Endangered Species Act and the draft rule to establish a “Nonessential Experimental Population” under section 10(j) of the Endangered Species Act?

No. These two actions are independent of one another and are proceeding on different timelines.

What information is being requested during the 60-day public comment period?

The Service requests information from the public on the following topics:

- Information on taxonomy, distribution, habitat selection and use, food habits, population density and trends, habitat trends, disease, and effects of management on wood bison;
- Information on captive herds, including efficacy of breeding and reintroduction programs, origin of parental stock, stock supplementation for genetic purposes, growth rates, birth and mortality rates in captivity, location of captive herds in comparison to wild populations, effects of captive breeding on the species, and any other factors from captive breeding that might affect wild populations or natural habitat;
- Information on the adequacy of existing regulatory mechanisms; trends in domestic and international trade of live specimens, sport-hunted trophies, or other parts and products; poaching of wild wood bison; illegal trade and enforcement efforts and solutions; and oversight of reintroduction or introduction programs;
- Information on the effects of other potential threat factors, including contaminants, changes of the distribution and abundance of wild populations, disease episodes within wild and captive populations, large mortality events, the effects of climate change, or negative effects resulting from the presence of invasive species;
- Information on management programs for wood bison conservation in the wild, including private, tribal, or governmental conservation programs that benefit wood bison; and
- Current or planned activities within the geographic range of the wood bison that may impact or benefit the species; including any planned developments, roads, or expansion of agricultural enterprises.

Written comments and information concerning this proposal can be submitted by one of the following methods:

- Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.
- U.S. mail or hand-delivery: Public Comments Processing, Attn: FWS-R9-IA-2008-0123; Division of Policy and Directives Management; U.S. Fish and Wildlife Service; 4401 N. Fairfax Drive, Suite 222; Arlington, VA 22203.

Comments must be received within 60 days, on or before April 11, 2011. The Service will post all comments on <http://www.regulations.gov>. This generally means the agency will post any personal information provided through the process. Requests for public hearings must be submitted within 45 days to the Service, in writing, at the address shown below by April 11, 2011.

Where can I find more information on the proposal?

The public may obtain a copy of the proposal at the Anchorage Regional Office, 1011 E. Tudor Road, Anchorage, Alaska, or by calling the Regional Office, 907-786-3309, and requesting a copy.

To learn more about the Endangered Species program, visit <http://www.fws.gov/endangered/>.

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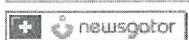


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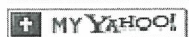
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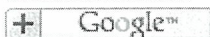
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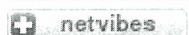
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Essential ESA

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[U.S. Fish & Wildlife Service Endangered Species Program](#)
[NOAA Fisheries Policies](#)
[NOAA Fisheries Office of Protected Resources](#)
[U.S. Fish & Wildlife Service ESA Document Library](#)
[U.S. Fish & Wildlife Service listed species search](#)
[§10 No Surprises Rule](#)
[§4 Listing Regs](#)
[5 Year Review Guidance](#)
[§7 Consultation Regs](#)

Notable ESA Summaries

[Earthjustice on ESA](#)
[Endangered Species Bibliography](#)
[Hunton & Williams on ESA](#)
[National Wildlife Federation on ESA](#)
[Pathfinder to ESA Information](#)
[Federal Wildlife Laws Handbook](#)
[Perkins Coie LLP on ESA](#)
[U.S. Forest Service on ESA](#)

LAWYERLY LINKS

Administrative Law Sources

[U.S. Code](#)

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FWS RECLASSIFIES WOOD BISON AS THREATENED, NOT ENDANGERED, SPECIES *Sensational but untrue headline.*

Category Federal Register

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(see article below)

DEPARTMENT OF THE INTERIOR Fish and Wildlife Service

50 CFR Part 17 / Docket No. FWS-R9-IA-2008-0123; MO 92210-1113FWDB B6 / RIN 1018-A183

Endangered and Threatened Wildlife and Plants; Reclassifying the Wood Bison (*Bison bison athabasca*) Under the Endangered Species Act as Threatened Throughout Its Range

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule and notice of 12-month petition finding.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), propose to reclassify the wood bison (*Bison bison athabasca*) from endangered to threatened under the Endangered Species Act of 1973, as amended (Act). This proposed action is amended based on a review of the best available scientific and commercial data, which indicate that the endangered designation no longer correctly reflects the status of the wood bison. This proposal also constitutes our 12-month finding on the petition to reclassify this subspecies. We are seeking data and comments from the public on this proposed rule.

EXCERPT RE: HISTORY: During the early 1800s, wood bison numbers were estimated at 168,000, but by the late 1800s, the subspecies was nearly eliminated with only a few hundred remaining. In the words of Soper, wood "bison appear to have been practically exterminated," and based on the fate of plains bison, in which 40 to 60 million animals were reduced to just over 1,000 animals in less than 100 years overharvest may have been the cause for the decline. The fact that populations began to rebound once protection was in place and enforced supports this idea. In 1922, Wood Buffalo National Park (WBNP) was set aside for the protection of the last remnant population of wood bison. Since that time several additional herds have been established.

EXCERPT RE: PROGRESS TOWARDS RECOVERY: since 1978, the number of free-ranging, disease-free herds has increased from 1 to 7, and the number of wood bison has increased from approximately 400 to over 4,000. The first recovery goal of establishing 4 free-ranging, disease-free herds with 400 or more animals has been met, and planning is underway to create one or more herds in Alaska. Although the number of herds needed to meet recovery goal 2 was not specified, progress has been made on the second goal with the establishment of disease-free herds in Russia; Manitoba, Canada; and Alaska. The Hook Lake Bison Recovery Project was a well-planned, science-based attempt to conserve the genetic diversity of a diseased herd and would have contributed greatly to recovery goal 3. Although ultimately the project was unsuccessful, a great deal of knowledge was gained (Wilson et al. 2003, pp. 62–67). The wood bison recovery team is very aware of the need to maintain genetic diversity in the herds and establishes new herds with the goal of maintaining genetic diversity through multiple introductions (i.e., the Aishihik herd and Hook Lake herd). The establishment of six additional herds on the landscape since 1978 contributes to recovery goal 4. In addition, the captive population at Elk Island National Park has provided disease-free stock for those six additional herds and two captive herds. It is clear that there is active management of the herds, and multiple avenues of research are being funded and pursued regarding the biology and management of wood bison. Progress towards the recovery goals outlined in the national recovery plan, published by the National Wood Bison Recovery Team, is moving forward steadily.

U.S. Code of Federal Regulations

U.S. Federal Register

Federal APA & other administrative laws

FOIA

Data Quality Act

Data Quality Act OMB Regs

NEPA (via Council on Env'tl. Quality)

NOAA on Data Quality Act

Regulatory Flexibility Act



EXCERPT RE: FIVE FACTOR ANALYSIS: The wood bison status review found that threats to wood bison are still present in factors A, C, D, and E. Habitat loss has occurred from agricultural development, and we expect losses will continue in concert with human growth and expansion of agriculture, including commercial bison production. The presence of bovine brucellosis and bovine tuberculosis constrains herd growth as managers attempt to maintain physical separation between diseased and disease-free wood bison and cattle herds, the diseased herds are occupying habitat that could be restored with disease-free herds, and disease in the largest potential donor population (WBNP herd) prevents those animals from being used in reintroduction projects. Plains bison are commercially produced in historical wood bison habitat. These operations remove potential habitat from wood bison recovery efforts and the escape of plains bison poses a threat to wood bison because of hybridization and the loss of genetic integrity. Finally, we found that regulatory mechanisms are inadequate to prevent disease transmission within Canada, and to prevent hybridization. Image above by FWS available online at IHEA Guide to Wildlife Identification.

POSTED BY KEITH RIZZARDI ON 02/08/2011

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Courts & case law

Federal courts


Cornell Legal Information Institute (case law)

Federal courts ECF links

Fed. Rules Civ. Pro.

State ESA Resources

California ESA

 : Florida imperiled species info

Quick resource chart on state ESA's

Wildlife Laws

Animal Welfare Act

Bald Eagle Protection Act

Fish & Wildlife Coordination Act

Magnuson-Stevens Fishery Conservation & Management Act

Marine Mammal Protection Act

Wild Free-Roaming Horses & Burros Act

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ESA BIOLOGY

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