

**ALASKA STATE LEGISLATURE**  
**HOUSE RESOURCES STANDING COMMITTEE**

February 21, 2014

1:05 p.m.

**MEMBERS PRESENT**

Representative Eric Feige, Co-Chair  
Representative Mike Hawker  
Representative Kurt Olson  
Representative Paul Seaton  
Representative Geran Tarr

**MEMBERS ABSENT**

Representative Dan Saddler, Co-Chair  
Representative Peggy Wilson, Vice Chair  
Representative Craig Johnson  
Representative Scott Kawasaki

**COMMITTEE CALENDAR**

HOUSE BILL NO. 202

"An Act raising the application fee for a drawing permit for the hunting of bison to \$20; requiring the game management plan for bison in the Delta Junction Bison Range Area to include mitigation of bison damage to farm crops and farm and personal property; and authorizing the commissioner of natural resources to make grants to mitigate or prevent damage caused by bison."

- HEARD & HELD

**PREVIOUS COMMITTEE ACTION**

BILL: HB 202

SHORT TITLE: BISON DRAWING PERMIT FEES

SPONSOR(S): REPRESENTATIVE(S) FEIGE

04/10/13	(H)	READ THE FIRST TIME - REFERRALS
04/10/13	(H)	RES, FIN
02/21/14	(H)	RES AT 1:00 PM BARNES 124

**WITNESS REGISTER**

MICHAEL PASCHALL, Staff  
Representative Eric Feige  
Alaska State Legislature

Juneau, Alaska

**POSITION STATEMENT:** Introduced HB 202 on behalf of the bill sponsor, Representative Feige.

DOUG VINCENT-LANG, Acting Director  
Division of Wildlife Conservation  
Alaska Department of Fish & Game (ADF&G)  
Anchorage, Alaska

**POSITION STATEMENT:** Answered questions during discussion of HB 202.

EDMUND FOGELS, Deputy Commissioner  
Office of the Commissioner  
Department of Natural Resources (DNR)  
Anchorage, Alaska

**POSITION STATEMENT:** Answered questions during the discussion of HB 202.

BRYCE WRIGLEY, President  
Alaska Farm Bureau  
Delta Junction, Alaska

**POSITION STATEMENT:** Testified in support of HB 202.

LYALL BRASIER, Vice President  
Delta Chapter  
Alaska Farm Bureau  
Delta Junction, Alaska

**POSITION STATEMENT:** Testified in support of HB 202.

STEPHEN SORENSEN  
Delta Junction, Alaska

**POSITION STATEMENT:** Testified in support of HB 202.

DONALD QUARBERG  
Delta Junction, Alaska

**POSITION STATEMENT:** Testified during discussion of HB 202.

MIKE SCHULTZ  
Delta Junction, Alaska

**POSITION STATEMENT:** Testified in support of HB 202.

## **ACTION NARRATIVE**

[1:05:31 PM](#)

**CO-CHAIR ERIC FEIGE** called the House Resources Standing Committee meeting to order at 1:05 p.m. Representatives Olson, Tarr, Hawker, Seaton, and Feige were present at the call to order.

**HB 202-BISON DRAWING PERMIT FEES**

[1:05:48 PM](#)

CO-CHAIR FEIGE announced that the only order of business is HOUSE BILL NO. 202, "An Act raising the application fee for a drawing permit for the hunting of bison to \$20; requiring the game management plan for bison in the Delta Junction Bison Range Area to include mitigation of bison damage to farm crops and farm and personal property; and authorizing the commissioner of natural resources to make grants to mitigate or prevent damage caused by bison."

[1:06:00 PM](#)

MICHAEL PASCHALL, Staff, Representative Eric Feige, Alaska State Legislature, introduced HB 202 on behalf of Representative Feige, the sponsor of the bill. He paraphrased from the following written statement [original punctuation provided]:

In 1928 a group of hunters brought a small number of bison from the National Bison Range in Montana to what is now known as Delta Junction Alaska and released the animals to hopefully one day provide additional hunting opportunities in the state. This magnificent animal is large, elusive, and a prized hunting trophy, as well as a source of excellent meat.

When the animals were brought to Alaska, there was most likely little discussion on the negative impact of interaction between these animals and humans. Nor was there likely any discussion on these animals not being native to Alaska and thus an invasive species being introduced into the state.

As the animals adapted to their new home, they quickly looked for the most available sources of food. Unfortunately, some of this food was located at existing settlements in the area along the Tanana River. Documented history shows the bison interacting with humans shortly after their arrival at Rika's

roadhouse, consuming food planted for travelers using the roadhouse.

By the 1950s, the herd had grown to several hundred animals and plans were made to realize the dream of hunting bison in Alaska. Since the first hunts, the desire to hunt bison has resulted in the development of the most popular draw permit for hunting in Alaska. In 2013, 19,605 applications were received with less than 100 permits issued.

The hunt is not easy. Most of the hunt takes place during the winter when it is cold, dark, and windy in Delta Junction. Fish & Game refers to the hunt as a "challenging endeavor" and requires those that receive a permit to study a package of material and pass a test before being allowed to hunt. The success rate for the hunt averages around 80 percent, depending upon the specific hunt.

Hunting Delta Bison is one of the premier hunts in Alaska.

As mentioned previously, depredation of crops has been a problem since shortly after the bison were released along the Delta River.

Traditionally the largest herds were found along the Delta and Tanana Rivers and animals were often found in Delta Junction. Stories abound of children not being able to go to school because they could not get out of the house because bison were in their yard.

Once the herd discovered the presence of grains being grown east of the community center, the herd adjusted its annual migratory route, traveling further from the Delta River to the farm area east of Delta Junction. On page 17 of the "Delta Bison Interim Management Plan," you can see that the bison travel over military land from the spring calving area west of the Delta River to the Bison Range and agricultural areas to the east. Today bison are rarely seen in the more heavily developed areas or around Rika's Roadhouse. Two smaller animals were reported within a couple of miles of the city limits a few years ago.

Work to determine the damage to crops and other property has only been casually reviewed in the past few years. Up to that point, no [known] surveys of damage have been done. Most recent surveys have put the damage near \$100,000 annually. Unfortunately, damage isn't spread equally across all producers and can have a significant negative impact on a single producer. Also, loss of opportunity income from higher dollar crops, that are not planted due to the potential for loss, is not included in the damage estimates.

In addition to the problems the bison cause for farmers and the occasional vehicle/bison collisions is the problems the animals cause for the military. The military operates under strict rules pertaining to interference with local wildlife. The "Integrated Natural Resources Management Plan" places restrictions on interaction between military training operations and wildlife, including bison.

To help address both the problems with interaction between the military and bison and between farmers and bison, along with improving the condition of the herd, the state has developed the Delta Bison Range and the military has done work to improve the conditions near the calving areas.

The military contracted with the local soil and water district in 2012 to make improvements to food for the bison on land along the Delta River in an attempt to control the location and movement of the bison by keeping the herd nearer the river and on inactive ranges for a longer period of time, thus keeping the bison off agricultural land.

The bison range, created and funded by the state, has cleared fields where grains and other crops are planted in an attempt to provide the bison with sufficient food and to attempt to keep the bison south of the Alaska Highway until after harvest. The bison range also has wells where water is provided for the bison. The herd is intensely managed, fed, and watered by the state for the benefit of hunters. Similar to how farmers manage other livestock.

During discussion on the management plan for the bison range, the state's wildlife biologist indicated there is no definitive evidence that the natural habitat is sufficient to supply food and water to the herd and, absent the food on the bison range and in farmer's fields, the herd may not be sustainable at its current size.

Questions also arose surrounding the current activities on the bison range as to whether they are having the desired effect of keeping bison south of the highway until later in the farming season or does the feed on the range move up the arrival of the bison in the area. Also, does the feed on the bison range allow a herd to exist that is larger than could exist naturally.

Reducing the herd size was recommended by the state's biologist to determine if such a reduction would reduce damage. The experimental plan that was introduced was not accepted by the hunters on the working group.

One [consensus] that the working group did reach was that fencing was the option that would have the most impact on reducing the amount of damage that occurs. Four major options were considered; fencing the herd in, creating an enclosure to [temporarily] restrain the herd, placing some type of barrier along the south side of the highway to restrain the herd, and finally, fence the farms. All of which have positive and negative aspects.

#### **Fence the herd**

Fencing the herd is the most effective way to control the herd. A determination by [Legislative Legal and Research Services] that the intent language for creating the bison range prohibits the permanent containment of the herd, has led to no discussion on this option. The intent language contained a provision that one of the purposes of the bison range was to promote a free ranging herd, although this and future legislatures are not bound to that intent.

#### **Temporary Fence**

A temporary fence might be useful if the animals could be funneled into an area and then enclosed until harvest is complete. Questions exist as to whether this type of enclosure will work.

### **Barrier Fence**

Creating a barrier fence would result in reducing the movement of existing wildlife and would require gates to prevent bison from using existing roadways and driveways to move beyond the barrier. It would also limit access to recreational and hunting areas in the Granite Mountains.

### **Fencing Farms**

Fencing farms solves the immediate problem of keeping bison out of fields while, at the same time, proposes to cause the animals to relocate in search of winter feed. Having a fence installed on individual farmer's property, shifts the maintenance burden to the farmer, but also provides a better mechanism to execute maintenance.

The idea of having farmers fence in their own fields was mostly supported by hunters. Unfortunately, fencing crops is not normally part of the business plan for farming. Yes, farmers often fence fields to keep animals in and it is a realized cost of raising livestock, it is generally not viable to fence wildlife out.

As a compromise by farmers to facilitate a resolution to the bison crop damage problem, HB 202 was introduced to help facilitate farmers fencing their fields.

HB 202 increases the application fee for a Delta Bison Draw Permit from \$10 to \$20. It also allows funds to be expended to mitigate crop damage through methods determined by the Commissioner of the Department of Natural Resources. Fencing is specifically allowed, but other avenues of mitigation of damage would also be allowed.

HB 202 also requires Fish and Game to include in its game management plan information for "mitigation [of] bison damage to farm crops and personal property."

This issue is not solely a local issue. With the creation of the Alaska Food Policy Council, the passage of HJR1 last year by this legislature and the creation of the State Food Resource Development Group, and the emphasis on increasing food production in Alaska, this is a problem that impacts the entire state.

Although the Bison Management Plan is supposed to be updated every five years, the current "Interim" plan is the first plan since 2000 and, since the completion of the last meeting of the working group in 2011, nothing has been done to further address the damage problem.

Four recommendations, shown on page 3 of the plan, were made:

1. Reduce herd size.
2. Continued evaluation of crop damage.
3. Increase permit draw application fee to \$20.
4. Establish a state cost-sharing program to assist farms with construction [of] bison-proof fences to keep bison out of private agricultural land.

As a general summary, I call your attention to the Executive Summary of the 2012 plan:

"This updated plan for management of the Delta bison herd is interim pending resolution of the issue of fencing. Although the Delta Bison Working Group (a citizens' stakeholder group that provided recommendations on management of Delta bison to the Alaska Department of Fish and Game) agreed that fencing was the best solution for keeping bison out of agriculture fields, and that agriculture lands should be fenced into three large compounds, the farming community and others indicated fencing three large compounds was not a solution they could support. Furthermore, it did not appear likely that the Working Group would be able in the near future to agree on a specific fencing solution supported by key interest

groups. Also, the farming community's preference is to explore management alternatives that current ADF&G funding cannot support, or are outside the scope of authority for ADF&G. However, the interim plan will provide the basis for carrying out all other aspects of management of the Delta bison herd. Therefore, to avoid impasse in implementing management actions, [ADF&G] decided to suspend efforts at this time to resolve the fencing debate through the Working Group. Instead, ADF&G will continue to work at the regional level and through Headquarters to collaborate with the Department of Natural Resources to explore various fencing construction and maintenance alternatives as well as other means to mitigate or prevent bison damage to agriculture fields. Leadership in both departments will seek agreement on recommendations to forward to the Legislature, and to the Governor's office if appropriate. If the ultimate resolution of this issue includes a cost-share agreement for fencing, it may be possible to take advantage of a joint funding offer from the Salcha-Delta Soil and Water Conservation District of \$320,000. Further delay, however, in reaching a resolution may result in the expiration of this opportunity."

With no action by the department, it is now time for the legislature to move forward on a solution to this long term problem.

[1:19:56 PM](#)

CO-CHAIR FEIGE asked about the size of a typical bison in the Delta bison herd.

MR. PASCHALL replied that a bison calf in the "couple hundred pound range" would grow to a ton.

CO-CHAIR FEIGE asked how high this 2000 pound animal could jump.

MR. PASCHALL replied that the enclosures for domestic bison were usually 10 feet in height, and that bison could easily jump a 4 foot fence.

CO-CHAIR FEIGE asked how long this problem had existed in the Delta Junction region.

MR. PASCHALL replied that the problem began shortly after the animals were released in 1940.

REPRESENTATIVE SEATON asked about the current size of the herd.

MR. PASCHALL replied that the herd had not been effectively reduced to the suggested 275-325 bison. He deferred to the Alaska Department of Fish & Game for exact numbers.

[1:22:09 PM](#)

DOUG VINCENT-LANG, Acting Director, Division of Wildlife Conservation, Alaska Department of Fish & Game (ADF&G), reported that the bison herd had not been decreased in size, as there had not been any proposals submitted to the Board of Game with this request. He relayed that it had been discussed at the board meeting, however no decision had been made as there was not a proposal.

REPRESENTATIVE SEATON inquired whether this objective was dependent on the number of permits issued by the department, or would it need to be a separate proposal through the Board of Game.

MR. VINCENT-LANG replied that ADF&G would work to reduce the herd size through the permit process, although it would seek guidance to the process through the Alaska Board of Game.

REPRESENTATIVE SEATON asked for clarification whether the issue was in front of the board, and whether the board had not yet decided or had chosen not to reduce the herd size.

MR. VINCENT-LANG, in response, explained that ADF&G had presented an interim management plan with a variety of options, although there was not a proposal to the board to discuss a reduction to the herd size.

REPRESENTATIVE SEATON asked whether ADF&G had a recommendation on herd size.

MR. VINCENT-LANG replied that the the herd size was an allocative decision, and that ADF&G was neutral on it. He shared that there had been a lot of community discussion for whether a reduction in herd size would lead to a proportional reduction in field damage, as the herd reduction may not include those bison feeding in the fields.

REPRESENTATIVE SEATON inquired whether ADF&G had the ability to specify locations for the bison permits.

MR. VINCENT-LANG reported that the hunt was in the winter time and was dictated by private property interests, as many of the bison were killed on private land. He pointed out that hunting on private property was determined by each land owner.

REPRESENTATIVE SEATON pointed out that the winter hunt was a different hunting season than for most other animals, and he asked for the reason of the winter hunt.

MR. VINCENT-LANG replied that he would get back to the committee with an answer.

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REPRESENTATIVE FEIGE asked when the damage occurred and what the nature of the damage was.

MR. PASCHALL explained that most of the damage occurred late in the growing season, during September. He relayed that the herd moved to military land, much of which was not open to hunting, for calving, and then back to the bison range in mid-summer. This was too early to hunt accompanied cows, although there could be a bull hunt. He pointed out that the most available land was the private farm land, where the bison moved in late summer. He noted that there had also been property damage from hunters, which discouraged land owners from allowing hunting. He reported that some small portions of the herd would break off and remain in the farming area all year.

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REPRESENTATIVE SEATON calculated that there would be a \$150,000 revenue increase to the state by increasing the permit fee. He asked for clarification to the use of the money.

MR. PASCHALL replied that the intention of the proposed bill was to develop a long term solution to the problem. He directed attention to the Alaska Department of Fish & Game fiscal note [Included in members' packets] which explained the calculations and the estimates based on past history for fee increases. He stated that any distribution of grant money would need to be made through an appropriation bill and submitted through the budget process.

REPRESENTATIVE SEATON directed attention to page 3, line 10, Subsection 11 of the proposed bill, and asked for the connection to the soil and water conservation district, as this appeared to designate funds to owners of damaged property. He asked about the extent of the grants, and if it would have any impact on the amount of damage.

MR. PASCHALL, in response, explained that the proposed bill tried to provide language broad enough for options to address the concerns expressed in the ADF&G management plan. He shared that it was envisioned for Department of Natural Resources to assist the soil and water district's existing funding program to install fences around farms.

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EDMUND FOGELS, Deputy Commissioner, Office of the Commissioner, Department of Natural Resources (DNR), shared that DNR had been involved with this issue since the 1970s, were active participants in the Delta Bison working group, and had helped create the current management plan. He declared that the department was fully supportive of the management plan and its recommendations, which were the basis for proposed HB 202. He pointed out that DNR had reviewed many mitigation options and crop damage assessments. He expressed agreement that, as the bison were "a significant stressor to the agricultural industry in Delta Junction," this affected crop decisions. He opined that, should proposed HB 202 pass, it was the intent of DNR to pass the money through to an organization that could handle the program in Delta Junction. He stated that DNR did not anticipate having a grant program, as the Delta Soil and Water Conservation District had an existing program.

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REPRESENTATIVE SEATON directed attention to page 3, line 11, describing the parameters of the program, and expressed his concern that this would create a situation where that money would not go through the intended mechanism.

MR. FOGELS replied that it was not DNR's intention to create an individual grant program within the department, but instead to work with an existing organization that would administer the money.

REPRESENTATIVE SEATON asked if the anticipated amount of grant funds would only come from the application fees.

MR. FOGELS replied that the intent was to only use funds appropriated through the increase of fees. He offered his belief that there could be supplemental funding in the future.

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REPRESENTATIVE TARR, offering her belief that the bison herd did not use the land designated as a bison range, asked if there were other options for designating that land.

MR. FOGELS deferred to Mr. Vincent-Lang, although he opined that the herd did "spend a fair bit of time in the range. It's just in the summer they migrate over and then they'll winter in the range."

MR. VINCENT-LANG declared that ADF&G did not want to lose that designation for the Delta Bison range, as it was a critical element for moving forward with this program. He opined that loss of the designation would lose management options for addressing the concerns addressed in the interim management plan.

REPRESENTATIVE TARR asked if there was an opportunity to extend the range into the areas with the problems.

MR. VINCENT-LANG expressed his agreement that land ownership definitely boxed in the range. He emphasized that ADF&G did not support loss of designation, as this was an important piece for long term solutions.

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MR. PASCHALL drew attention to the report in the committee packet entitled "2009 Delta Bison Crop Damage Assessment Report," pages 9 and 10 [included in members' packets], which depicted the damage by the physical presence from the bison. He said that the farmers were not opposed to the bison, only to the damage caused. They would like to have management for that damage. He reported that the portion of the bison range south of the highway was federal land; whereas, the land north of the highway was mostly private land. He said the land was bounded on the east by the river, with two cultivated fields also used by the herd.

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CO-CHAIR FEIGE opened invited testimony.

1:43:55 PM

BRYCE WRIGLEY, President, Alaska Farm Bureau, Delta Junction, Alaska, offered some background to the early visions for bison fields, noting that the Legislature had appropriated money for a drift fence, which had been vetoed by the governor. He reported that the money for the bison field had been kept in place, however. He said that the past focus had been for re-authorization of the drift fence to keep the bison out of the crops. After three years of working with Alaska Department of Fish & Game and having no success for achievement of this goal, the group then worked with the local soil and water district on a cost share program to assist the land owners with bison problems by fencing the land. He shared that the proposed bill would raise the cost of permits for bison, while authorizing a portion of the proceeds to mitigate bison damage. These proceeds could supplement the cost share program for fencing. He stated that farmers did not believe it was their fault that the bison were destroying the crops, and the reluctance from the hunting community to reach a solution had not contributed to a good relationship.

CO-CHAIR FEIGE asked where the drift fence would be located.

MR. WRIGLEY said that he did not believe a location had ever been determined in the initial proposal. However, when the Alaska Farm Bureau addressed the problem a few years prior, they had proposed to put it 1/4 mile south of the Alaska Highway as this was state land and did not impact any private land. He acknowledged that there were some roads that would require access. He relayed that a drift fence on the north side of the highway would allow the bison to mill around it, creating a traffic hazard. He explained that the original proposal had been to run it to the river, and then proceed south into the range and on to Delta. It had been estimated to cost \$1.2 million to put in the fence. He noted that the soil and water conservation district had already spent about \$100,000 on cost share, with proposed applications for an additional \$220,000.

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CO-CHAIR FEIGE asked for clarification that these were matching grants to farmers for fencing from the cost-share program.

MR. WRIGLEY expressed agreement, noting that there was a 50 percent match up to a limit.

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REPRESENTATIVE SEATON asked how much fencing would be required, and at what cost, in order to estimate the amount of money necessary through the cost - share program.

MR. WRIGLEY asked if this was in reference to the increased funding from the permit receipts.

REPRESENTATIVE SEATON expressed his agreement, and offered his belief that the program was offering fencing around the farms, not the aforementioned drift fence. He pointed out that he wanted an estimate for the amount of fencing and its cost.

MR. WRIGLEY replied that some of the scenarios were complicated by requirements from other state agencies. He offered anecdotal explanations. He estimated the fencing cost to be \$3 per foot noting that the program only allowed for the fencing of a perimeter, about \$100,000 in cost - share for fencing around one of the larger farms.

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LYALL BRASIER, Vice President, Delta Chapter, Alaska Farm Bureau, stated that the Alaska Farm Bureau's Delta Chapter supported the proposed bill.

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STEPHEN SORENSEN stated that he was in support of the proposed bill and the proposed solution by the soil and water conservation district. He reported that he was a farmer, a rancher, a hunter, and a conservationist. He shared that it was important to satisfy all the parties in order to maintain a healthy bison herd and to find an effective management tool to prevent bison damage to the crops. He said that bison were on his property from mid-August through early April. He reported that bison ate grass and oat crops primarily, wallowed in the hay fields, damaged the ground, destroyed cattle fence, and brought in weed seeds. He relayed that there was a growing confrontation between the hunters and the farmers, both feeling they had the priority rights. He offered some anecdotes of hunter actions that had cost the farmers.

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MR. SORENSEN surmised that there were two parts to this issue: create a good bison range with feed for the animals, and prevent the bison from getting onto the farmland. He offered his belief that the proposed bill addressed both of these issues, although he expressed his concern that the increased fee would not be enough to cover the initial costs for sufficient quantities of fencing. He reported that the aforementioned fencing was not robust, and was merely a stop gap measure to get the program started and not a long term solution. He pointed out that the upkeep on a fragile fence was very high. He stated that there was a requirement to put up a game fence, an 8 foot, welded wire fabric fence, in order to raise bison and elk in Alaska; therefore, the same fencing should be required to keep bison out of an area. Although he supported the bill, he expressed his concern that there was not enough revenue to support the solution for a more robust fence to keep down the maintenance costs. Directing attention to page 2, line 3, he recommended a change from "mitigating" to "preventing" as the intent was to keep bison off farm land. Moving on to page 3, line 13, he again suggested changing the wording to "prevent" instead of "mitigate." On line 14, he suggested adding "wild game" in front of "fencing costs" which would meet the fencing standard already established by the state to prevent damage from a game animal and not a livestock animal.

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CO-CHAIR FEIGE acknowledged the agreement with Mr. Sorensen from the committee members.

MR. SORENSEN offered his strong support for HB 202.

[2:04:29 PM](#)

DONALD QUARBERG reported that he had been a resident of Delta Junction for 38 years, during the time when the first legislation for bison range and drift fences had been introduced. He opined that the drift fence was a "carrot" for the governor to veto, then allowing the proposed bill "to be pared back somewhat and also be passed." He relayed that he had participated on the Delta bison working group since its formation in 1992, and he had worked as an agriculture agent for the University of Alaska agriculture extension service. He reported that he had also worked on the fish and game advisory committee for the past 25 years. He noted his confusion for HB

202, as the district newsletter from Representative Feige had stated that the increase to the fee for the bison drawing permit would be used for management of the Delta Bison herd. He offered his belief that the fee had originally been increased in the 1980s to provide operating money for the planting of crops on the bison range. He reflected that mitigation had never been discussed by the bison working group, and yet, now it was proposed for introduction into the bison management plan without an understanding for the meaning of mitigation. He asked if mitigation was intended to be a financial remuneration for the landowners. He reported that, in the 1970s, the Alaska Department of Fish & Game had never promised the agriculture promoters anything, other than that there would be bison damage. He reported on a test clearing of 5 acres in 1976 at Mile 1408, which quickly showed bison tracks. He said that bison would show up wherever crops were planted. He stated that, although bison were a problem, this was not a surprise problem, as the bison had been in the area for 50 years before the land was even sold. He claimed that the pro-agriculture promoters had failed to heed the advice of the Alaska Department of Fish & Game or the Division of Agriculture. He stated that the agriculture development was supported by the Salcha-Delta Soil and Water Conservation District as the area could raise barley, which had been commanding a high price on the world market at that time. He offered his belief that mitigation should come from those supportive agencies, and not from the Alaska Department of Fish & Game.

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MR. QUARBERG expressed his concern for another issue with the proposed bill, wildlife damage to the crops. He stated that bison took the majority of abuse for crop destruction, although the moose herd had a similar effect on crops. He noted that moose like to eat oats, as did the grizzly bears. He opined that HB 202 opened a Pandora's Box because it only addressed one game species, bison, and one land user. He reflected on an earlier visit by the President of the Alaska State Senate to Delta Junction to discuss bison damage, at which time legislative support had been offered toward a proposed bill for all wildlife damage for all land users. He declared that he still accepted this position. He opined that a prominent discussion point should be for the denial of warranty regarding conditions which were inserted into land purchase contracts in 1982 from the Division of Agriculture. He read:

The seller has advised the purchaser of bison movement which may occur in the Delta 2 East disposal. The seller assumes no liability whatsoever for bison related crop losses or for any other personal or property damage resulting from wildlife on or to the parcel. The purchaser and his heirs in assigns further agree never to sue the state for compensation related to such damages and will indemnify and hold the state harmless against similar claims by others.

MR. QUARBERG offered his belief that this had been a part of all the successive land contracts. He mused that he had suggested peripheral fences around large blocks of land, as opposed to fencing the boundaries of all the small tracts of land. He offered his belief that there was concern for the responsibility to maintenance of each portion of the fence. He pointed out that the section lines in Delta had been vacated, and replaced with boundary easements between each farm, which required fencing on either side of the easement. He reflected that he had not heard any support from hunters for using the permit fee on a grant program for fencing. He suggested moving the mitigation and grant program into a separate bill, and simply pass the proposed bill for the increase in fees for the bison permit.

[2:14:39 PM](#)

CO-CHAIR FEIGE opened public testimony.

[2:14:59 PM](#)

MIKE SCHULTZ said that he was a farmer producing grain and seed who had been affected by the bison. He shared that he had purchased his farm from the state in 1982 and that, although there had been a disclaimer about the bison, the herd was about 250 head at that time and had nearly doubled since then, with a significant increase to the amount of damage. He reported that he had been building fence on his farm for three years, with most of the payment out of his own pocket. He expressed his desire to participate in the soil and water conservation district program to cost share the fence construction. He declared his support for the intent and wording of the proposed bill, as it provided a way for the state to contribute to the program.

[2:18:31 PM](#)

CO-CHAIR FEIGE held over HB 202.

[Public testimony remained open.]

**ADJOURNMENT**

There being no further business before the committee, the House Resources Standing Committee meeting was adjourned at 2:19 p.m.