

HB

186

<TARGET><BILL>HB 186</BILL><SUBJECT>HB
186</SUBJECT><COMM>HRES27</COMM></TARGET>

ALASKA STATE LEGISLATURE
REPRESENTATIVE ALAN DICK

HOUSE DISTRICT 6

Alaska State Capitol
Juneau, Alaska 99801
Representative_Alan_Dick@legis.state.ak.us



(907) 465-4527
1-800-491-4527
(907) 465-2197 Fax

"STRONG VALUES IN UNCERTAIN TIMES"

MEMORANDUM

Alatna
Allakaket
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

To: Representative Eric Feige, Co-Chair
Representative Paul Seaton, Co-Chair
House Resources Committee

From: Representative Alan Dick, District 6

Date: March 11, 2011

RE: Hearing Request for HB 186 – WOOD BISON

Dear Sirs,

I respectfully request you schedule House Bill 186 – *Wood Bison* – for hearing before the House Resources Committee for the earliest possible convenience. In furtherance of this request, please find attached:

Sponsor Statement
HB 186 – Version I

Electronic copies of the above are available on BASIS and will be transmitted to House Resource Committee staff.

Thank you for your Consideration,

Representative Alan Dick, House District 6

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

SPONSOR STATEMENT

House Bill 186
Wood Bison

Wood bison are an endangered species. The only herd of Wood bison in the whole United States resides in the Wildlife Conservation Center in Portage, AK awaiting release. They have been promised a 10-J exemption to the Endangered Species Act.

Alaska Department of Fish and Game has planned for years to introduce those bison into the Innoko River drainage, close to the villages of Shageluk, Anvik, Holy Cross and Grayling.

The people of that area have cooperated with ADF&G, unaware of the potential long-term, irreversible impact of introducing an endangered species.

The Federal Government has never passed up on an opportunity to lock up Alaskan lands. Environmental groups are not likely to wait long before filing litigation against the 10-J exemption.

The history of Federal and State governments, combined with the unwavering assault against development in Alaska by environmental groups makes the introduction of an endangered species an extremely risky venture that should not be undertaken without serious deliberation. This is not a scientific issue, nor a food issue. It is a totally political issue with grave long-term consequences for any region of the state.

This bill does not prohibit the introduction of the Wood Bison. It simply requires that the introduction occur with permission of the Alaska State Legislature. This safeguards people of any area of Alaska from the introduction of Trojan Bison without fully informed counsel.

In 40 years of conflict in the Delta Junction area the State of Alaska has done very little to resolve the unintended consequences that occurred from the introduction of Plains bison into the region in the 1920's. The unintended consequences that will result from the introduction of Wood bison into the Innoko area will be much more significant than those in the Delta area. Those who think they will be eating Wood bison in ten years will more likely become embroiled in a lawsuit within two.

Wood Bison and Polar Bears

The following thoughts are intended to show a correlation between what is happening with polar bears in Northern Alaska and what may happen on the middle Yukon if wood bison, which are an endangered species, are released into the wilderness. It is not a commentary on the wood bison themselves or on the various groups who have worked long and hard to help bring about what might have been a great idea if it weren't for wood bison having been listing as an endangered species.

“In the early 1970s, the polar bear numbers were estimated at about 5000, dwindled down significantly due to over-hunting. Today the bear population is five times higher at about 25,000 thanks to efforts made by the Marine Mammal Protection Act of 1972”[\[1\]](#).

It's funny how people are: Environmentalists believe what environmentalists believe and capitalist believe what capitalists believe. To a hard core environmentalist everything is evidence of the need for greater environmental activism. For example, even after acknowledging that there is disagreement in the field and that some groups claim bear populations to be as much as 5 times greater than in the 70's they still see the need to call for them to be listed as endangered (threatened is just not strong enough).

On the other hand capitalist believe what capitalists believe. They see the same evidence (of increasing numbers) and therefore see no need to even consider the polar bear as an issue. They want to proceed ahead with no concern.

The truth lies somewhere in the middle.

When Canada listed polar bears as nothing more than a “special concern” they were being realistic to the situation: Polar bears were not at risk of going extinct. Nunavut polar bear biologist, Mitchell Taylor, who was formerly responsible for polar bear conservation in the territory, insists that bear numbers are being sustained under current hunting limits[\[2\]](#).

But here in the US decisions were made based more on political than scientific evidence.

When the US listed them as threatened they turned it into more of a political than scientific decision. According to Cato Institute's Patrick Michaels they were basing their decision on “obsolete science”.

Every reasonable American should consider himself or herself as an environmentalist, meaning someone who is rightly concerned with properly protecting the environment that we must all live in. But no reasonable American should base such important issues on either extreme environmentalism or on unfettered Capitalism. There needs to be a balance. Balance does not preclude responsible development of resources at the same time as protecting our environment.

Because of the polar bear being listed as “threatened” “Two environmental groups filed a notice that they plan to sue the federal government for not imposing new regulations concerning oil and gas development in Alaskan waters...”[1]. The Center of Biological Diversity and Pacific Environment are claiming that the Interior Department is in violation of the Endangered Species Act by allowing oil companies to continue their operations unchecked”.

“On the other side of the pendulum swing comes a lawsuit that will sue the U.S. government for listing the polar bear as a threatened species, arguing that it’ll slow development activities in Alaska. Any development requiring federal permits or funds would have to go through a time-consuming but required consultation, mandated by the Endangered Species Act making certain the polar bear was not being jeopardized”.

This is what is happening in northern Alaska as a result of polar bears being listed with the lower designation of being a “threatened” but not “endangered” species.

Under the Endangered Species Act the government severely restricts one’s ability to hunt, kill or eat an animal on either the threatened or endangered list, so that their population will increase, and the government restricts the use of the land for development in the area where such animals live (120 million acres in the case of polar bears) so that their population will increase.

The government has granted some exemptions for the wood bison that were previously imported into Alaska that have not yet been released into the wild. These exemptions remove many of the restrictions that normally apply to an endangered species. But we see from the above described situation with polar bears that regardless of the government’s position regarding an exemption for these particular bison – special interest groups **do** sue the government about their decisions.

The same may happen to us here once the wood bison are introduced into the Lower Yukon. Some group, or groups, are likely to sue the government challenging the exemptions that have been given and if they prevail it doesn’t matter at all that we have assurances in writing that they will not treat them as an endangered species.

No matter how much we might want to encourage the importation of large-game meat animals into our back yard for the advantage that it will be to us in the way of food – do we want them to be animals that **have already been labeled** as an Endangered Species and then hope against experience that the courts won’t force the federal government to rescind their exceptions to the Endangered Species Act and restrict our rights to our own land while the bison population enlarges and the animals roam free?

Why not look into bringing in the same number of plains bison from the 4 existing herds that have been successfully living in the state for many years? The Delta Junction task force has asked the state to reduce the number of the herd in the area of Delta. Moving some of these bison might benefit both groups. The same benefits could accrue to the Innoko river area residents by importing plains bison but without the concern of them being an endangered species that exist with wood bison.

And why not consider importing moose (or even musk ox) from elsewhere in the state?

[1] <http://www.thegreenrocket.com/2008/06/23/the-polar-bear-controversy-compiled/>

[2] [a](#) [b](#) Taylor, Mitchell K. (6 April 2006) (PDF). [Review of CBD Petition](#). Letter to the U.S. Fish and Wildlife Service. http://www.ff.org/centers/csspp/pdf/200701_taylor.pdf. Retrieved 8 September 2007.

BISON IN THE INNOKO

Posted on [March UTCbSun, 06 Mar 2011 10:35:18 +0000](#) [000000000amSun, 06 Mar 2011 10:35:18 +0000](#) [11_21_2011](#) by [Representative Alan Dick](#)

I'm really concerned about the Department of Fish and Game trying to introduce wood bison in the mouth of the Innoko, near Shageluk, Holy Cross, Anvik and Grayling. Wood bison are an endangered species. The ADF&G says they can get a 10J exemption for the Endangered Species Act and the Federal Government has never repealed a 10J exemption yet.

Right! And when did the Feds pass up a chance to lock up Alaska. I trust the governor, and trust the commissioner, but have absolutely NO trust for the Federal Government. They could introduce the bison, and two weeks later lift the 10J exemption and lock up the whole middle Yukon.

Look at what the Feds did with the polar bears. There are more polar bears than ever, and the Feds used their issues to lock up Northwestern Alaska.

ADF&G claims that the wood bison were in that area 500 years ago, but cultural historians have no record that I've been able to find.

Don't kid yourself. The Feds violated the Statehood act and locked up land with ANILCA. President Obama is trying to violate ANILCA to lock up more of Alaska – hundreds of thousands of acres.

I don't know what their plan is, but it doesn't include your best interest or mine.

At the same time, ADF&G has allowed the conflict to continue in Delta where the bison, introduced 80 years ago, are doing crop damage to farmers' crops. The community is divided, working groups have met again and again, but there is still NO solution to the bison problem in Delta Junction.

I'm working on a bill that will forbid ADF&G from introducing the bison without Legislative approval. The intent is that the bison could be introduced, but not without meaningful input from locals and those who represent them.

I have freely roamed Western Alaska, and would love to see the bison roam free too, but as things are their freedom may end up with our bondage. We cannot give the Feds yet another chance to lock up more of our land.

FISCAL NOTE

STATE OF ALASKA
2011 LEGISLATIVE SESSION

Fiscal Note Number _____
 Bill Version HB 186 V
 () Publish Date _____

Identifier (file name) HB186-DFG-WC-04-01-11 Dept. Affected ADF&G
 Title Wood Bison Appropriation Wildlife Conservation
 Allocation Wildlife Conservation
 Sponsor Representative Dick, Feige
 Requester House Resources Committee OMB Component Number 473

Expenditures/Revenues (Thousands of Dollars)

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

	Appropriation Required	Information						
		FY 2012	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017
OPERATING EXPENDITURES								
Personal Services								
Travel								
Services								
Commodities								
Capital Outlay								
Grants								
Miscellaneous								
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES								
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CHANGE IN REVENUES								
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts								
1003 GF Match								
1004 GF								
1005 GF/Program Receipts								
1037 GF/Mental Health								
Other (please identify)								
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2011) cost _____

POSITIONS

Full-time								
Part-time								
Temporary								

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

Initial version of bill.

Prepared by David Thomson, Administrative Operations Manager
 Division Wildlife Conservation
 Approved by Kevin Brooks, Administrative Services Director
Department of Fish and Game

Phone 465-6194
 Date/Time 4/1/11 4:00 PM
 Date 4/1/2011

FISCAL NOTE

**STATE OF ALASKA
2011 LEGISLATIVE SESSION**

BILL NO. HB 186 V

Analysis

House Bill 186 requires DF&G to receive legislative approval in order to import wood bison into the state or relocate them to a new area. DF&G will incur no costs associated with seeking legislative approval to import or relocate wood bison.

Dick

Information regarding backup materials provided in conjunction with HB186 – Wood Bison

Wood Bison – Proposed Rule to Downlist

Contains valuable information about Wood bison and notice that status might change to threatened.

Federal Register/Vol. 76, No. 26/Tuesday February 8, 2001/Proposed Rules

Substantiates the possible downlisting from Endangered to Threatened.

Quote from ADFG Wood Bison News – Issue Number 4, Winter 2008-09, p.6

Shows that it is not likely that Wood bison will be removed from the ESA list. Hopefully they will be downlisted to “Threatened” but may even remain listed as “Endangered”. The article makes clear that a few years ago a similar situation existed where their status was being reviewed and it was hoped that they might be removed from the list completely, or be listed as “Threatened” rather than “Endangered” but the end result was the opposite of what was hoped for. Rather than being removed from the list completely, OR being downlisted, they were instead confirmed as “Endangered”.

Blog to Constituents – Wood Bison and Polar Bears

This blog points out the similarity between Wood bison and Polar Bears. Polar bears are not listed as “Endangered”. They have the lower designation of “Threatened”. But, even with that lower listing FWS has taken the dramatic step of locking up 120,000,000 acres. This is what could happen in Interior Alaska if the Wood bison were in the wild and a federal judge somewhere was to strike down the anticipated 10J ruling.

ESA Blawg

- 1.) Shows how emotional this issue is. Here sensationalism is employed to entice readers to the blog by headlining what people hope to read.
- 2.) RE: Five Factor Analysis – Shows that threats to Wood bison are still present in factors A,C,D, and E. Also to note that tougher regulations may be employed against existing businesses in areas near threatened species.

Endangered Species Law & Policy

This document indicates that no 4(f) recovery plan has been issued yet because no wild population of Wood bison currently exist in the United States. Once they are introduced it is presumed that a 4(f) recovery plan will be written. How restrictive it will be remains to be seen but as seen from the previous supporting document it could have significant impact on existing businesses within the region.

Delta Bison Working Group Recommendations

Although this document pertains to an entirely different type of bison, that are NOT listed as threatened or endangered, this report of the Delta Bison Working Group is included because it shows the extent of efforts that have been ongoing for many years in an effort to resolve a conflict that has existed for over 30 years with STILL no resolution by the state. There ARE unintended consequences that could be avoided by fully considering such things BEFORE the animals are released into the wild.

Estimated Bison Damage to Delta Agricultural Fields – 2010

Shows the amount of damage in dollars that has continued unabated each year for many years in Delta while the state has done nothing about it. If similarly unintended consequences occur from release of Wood bison - should we expect the state to act differently towards us?

Bison on the Innoko – from my blog www.alandistrict6.org

Provides commentary to my constituents about this issue.

Intentional of Unintended Consequences – from my blog www.alandistrict6.org

Provides more commentary to my constituents about this issue.

Wood Bison – from my blog www.alandistrict6.org

Provides additional commentary to my constituents about this issue. I used this commentary as the basis for my video.

Wood Bison News

Provides valuable information about Wood bison and the effort to have them introduced into the wild in Alaska. The introduction of Wood bison into the wild in Alaska is an exciting project as evidenced in these publications. I am supportive of the effort if they are removed from the ESA list but not just downlisted to “threatened”.

ERIC TWELKER

ATTORNEY AT LAW

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Fax: (907) 789-3742
E-mail: twelker@alaska.net

April 11, 2011

Alaska House of Representatives
Resources Committee
Representative Eric Feige, Co-Chair
State Capitol Room 126
Juneau, AK 99811

Re: HB 186, An Act relating to the authority of the commissioner of fish and game with regard to the importation or relocation of wood bison in the state.

Hon. Rep. Feige and Committee Members:

I submit this written testimony in opposition to HB 186 as an individual on my own behalf. I am an attorney with experience working to defend against environmental laws suits brought by groups seeking to stop development of public and private lands. I am a mining exploration geologist who, in years past, has worked in almost every part of Alaska. In addition to my knowledge and interest in the law and resource development, I have followed the wood bison issue for some years.

I am moved to submit this letter after reading a letter opposing wood bison reintroduction sent to the governor by the Alaska Miners Association. The AMA and other opponents of the reintroduction base their argument on an imagined worst-case scenario where the federal government and NGOs use Endangered Species Act status of the wood bison as a tool to block development. The Department of Fish and Game and the Department of Law have spent considerable time and effort attempting to rationally evaluate the application of the ESA and have conditioned the release on an ESA section 10(j) non-essential experimental population exemption. Despite this work, their analysis has been largely ignored or waived aside. In the case of some opponents, it has been wholly ignored to the point of making me wonder if they even know of it.

I submit that as a state we cannot base our decision on the sort of fear that is driving this issue. The ESA is a seriously flawed statute that contains countless avenues for third party litigation and bureaucratic interference. Its application by both the government and environmental groups has been opportunistic in the extreme. That is not going to go away. The ESA is a reality, and until we can change it, we just have to live with it. Because there are so many opportunities for ESA litigation, stopping wood bison introduction doesn't appreciably diminish the harmful effect of the ESA. Stopping the wood bison only hurts Alaska—and rural Alaska in particular.

Rural Alaska faces huge problems. It can't go without notice that people are leaving. Outside the cities, Alaska is being depopulated. People find it harder and harder to live in the bush. The state needs to help where it can. One of the ways to do this is to create resources that make it easier to live in the bush. Introduction of a Wood bison resource is something that can be done now.

So, do we give up this here and now resource development opportunity because we fear that there will be some unknown attack on some unknown project to develop some unknown other resource at some unknown time in the future? This is nonsense.

The section 10(j) exemption appears to be workable on its face. While there has been litigation of some aspects of it in Wyoming, the efficacy of the rule has not been challenged there by any party. There is simply no reason to believe that it will not work here. And there is not any basis to believe that there would even be any increased litigation risk on the straightforward case that the wood bison introduction presents.

At base, this matter is the sort of technical and legal issue that is best left to experts in agencies accountable to the executive branch. A legislative forum for expression of fears does nothing to help evaluate legal risk under the ESA. It only confuses the matter while preventing Alaska from moving ahead with a worthwhile project.

I urge you to reject this bill.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric Twelker", written in a cursive style.

Eric Twelker

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 226

[Docket No. 090224232-0457-04]

RIN 0648-AX50

Endangered and Threatened Species: Designation of Critical Habitat for Cook Inlet Beluga
Whale

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric
Administration (NOAA), Commerce.

ACTION: Final rule.

SUMMARY: We, the National Marine Fisheries Service (NMFS), designate critical habitat for
the Cook Inlet beluga whale (Delphinapterus leucas) distinct population segment (DPS) under
the Endangered Species Act (ESA). Two areas are designated, comprising 7,800 square
kilometers (3,013 square miles) of marine habitat. In developing this final rule we considered
public and peer review comments, as well as economic impacts and impacts to national security.
We have decided in the final rule to exclude the Port of Anchorage (POA) in consideration of
national security interest. Additionally, consistent with the proposed rule, portions of military
lands were determined to be ineligible for designation as critical habitat. We solicited comments
from the public on all aspects of the proposed rule, and conducted four public hearings on the
action. Along with the proposed rule, we published a draft economic impacts analysis, entitled
“Draft RIR/4(b)(2) Preparatory Assessment/IFRA for the Critical Habitat Designation of Cook

Inlet Beluga Whale.” This economic analysis has been completed to support the final designation. See “Final RIR/4(b)(2) Preparatory Assessment/FRFA for the Critical Habitat Designation of Cook Inlet Beluga Whale” for a discussion of these topics.

DATES: This rule will become effective on [insert date 30 days after date of publication in the FEDERAL REGISTER].

ADDRESSES: The final rule, maps, status reviews, and other materials supporting this final rule can be found on our Web site at: <http://www.fakr.noaa.gov/>.

FOR FURTHER INFORMATION CONTACT: Brad Smith (907-271-3023), Kaja Brix (907-586-7235), or Marta Nammack (301-713-1401).

SUPPLEMENTARY INFORMATION:

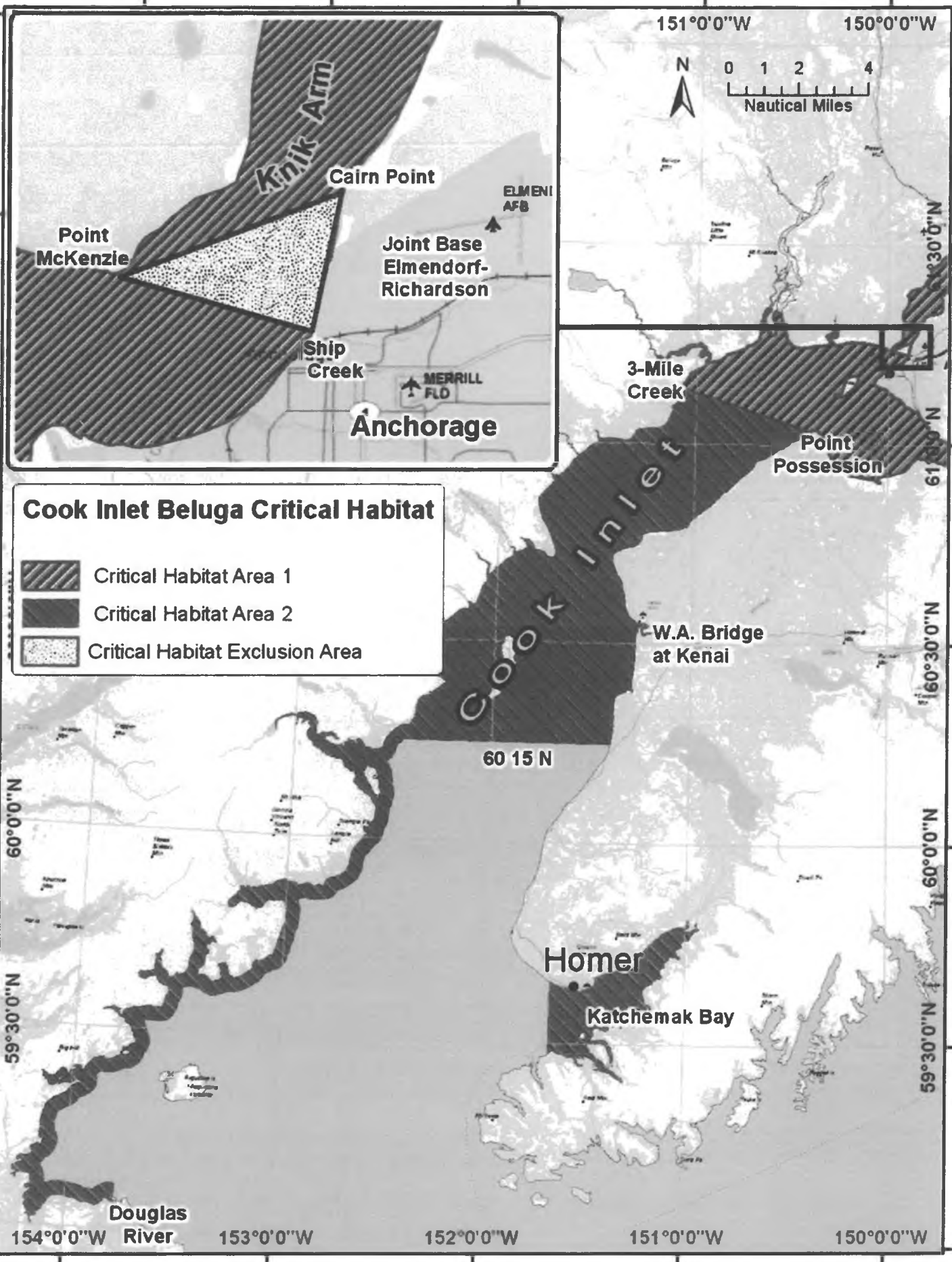
Rulemaking Background

We are responsible for determining whether species, subspecies, or distinct population segments (DPSs) are threatened or endangered and for designating critical habitat for these species under the Endangered Species Act (ESA) (16 U.S.C. 1531 *et seq.*). On October 22, 2008, we published a Final Rule to list the Cook Inlet beluga whale as an endangered species (73 FR 62919). At the time of listing, we announced our intent to propose critical habitat for the Cook Inlet beluga whales. This critical habitat was subsequently proposed on December 2, 2009 (74 FR 63080). The proposed rule’s critical habitat for the Cook Inlet beluga whale was determined by considering information received in response to our Advance Notice of Proposed Rulemaking, sighting reports, satellite telemetry data, The Traditional and Ecological Knowledge of Alaska Natives (TEK), scientific papers and other research, the biology and ecology of the Cook Inlet DPS of beluga whales, and information indicating the presence of one or more of the identified primary constituent elements (PCEs) within certain areas of their range.

The proposed rule identified “specific areas” within the geographical area occupied by the Cook Inlet beluga whale to be proposed as critical habitat.

We considered various alternatives to the critical habitat designation for the Cook Inlet beluga whale. The alternative of not designating critical habitat for the Cook Inlet beluga whale would impose no economic, national security, or other relevant impacts, but would not provide any conservation benefit to the species. This alternative was rejected because such an approach does not meet the legal requirements of the ESA and would not provide for the conservation of Cook Inlet beluga whale. The alternative of designating all eligible occupied habitat areas also was considered and rejected, because some areas within the occupied range were not considered to be critical habitat, and did not contain the identified physical or biological features that are essential to the conservation of the Cook Inlet beluga.

An alternative to designating critical habitat within all eligible occupied areas is the designation of critical habitat within a subset of these areas. Under section 4(b)(2) of the ESA, we must consider the economic impacts, impacts to national security, and other relevant impacts of designating any particular area as critical habitat. We have the discretion to exclude any particular area from designation as critical habitat if the benefits of exclusion (i.e., the impacts that would be avoided if an area were excluded from the designation) outweigh the benefits of designation (i.e., the benefits to the Cook Inlet beluga whale if an area were designated), so long as exclusion of the area will not result in extinction of the species. Exclusion under section 4(b)(2) of the ESA of one or more of the areas considered for designation would reduce the total impacts of designation. The determination to exclude any particular areas depends on our ESA 4(b)(2) analysis, which is described in detail in the ESA 4(b)(2) analysis report.



Linda Hay

From: Heather Rabinovitch [heatherr@msialaska.com]
Sent: Friday, April 08, 2011 9:23 AM
To: Rep. Eric Feige
Subject: AWCC position on wood bison release
Attachments: 2011.4 wood bison letter.docx

Categories: Linda, Mike

Representative Feige,

Attached please find the Alaska Wildlife Conservation Center's comments on HB 186. We believe that the rhetoric has outpaced reason on the subject of wood bison release, and that we should be working together on a mutually beneficial solution. Thank you for your consideration. If you have questions or need additional information, please do not hesitate to give me a call.

Mike Miller
Executive Director

ALASKA
WILDLIFE



CONSERVATION CENTER

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.

Board of Directors:

Chris Von Imhof
President

Bruce Bustamante
Vice-President

Bruce Bustamante

Sharon Anderson

Toni Walker

Lana Johnson

Staff:

Mike Miller
Executive Director

Eve Dickmann
Director of Retail Operations

Kelly Miller
Director of Education

Ethan Tyler
Director of Business
Development

Steve Mendive
Projects & Development

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. 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

Alaska Wildlife Conservation Center
PO Box 949 • Mile 79 Seward Highway • Portage, Alaska 99587
www.alaskawildlife.org



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.

A handwritten signature in black ink, appearing to read "Mike Miller". The signature is written in a cursive, somewhat stylized script.

Mike Miller
AWCC Founder/Executive Director
907-301-7942 cell

http://www.youtube.com/watch?v=Td1a3VWWXZk&feature=player_embedded#at=15

Alaska Chapter SCI
PO Box 770511
Eagle River, AK 99577
(907) 980-9018



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 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).

LEGISLATIVE INFORMATION OFFICE
PO Box 1189
Suite 204, Colombo Building
Delta Junction, AK 99737

FACSIMILE TRANSMITTAL SHEET

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

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

APR 05 2011

April 5, 2011

**To: House Resource Committee members
FAX: 465-3799**

**From: Jack Reakoff
Wiseman, Alaska ...House District 6**

Regarding: HB 186- Wood Bison

APR 05 2011

1

Jack Reakoff
114 Newhouse Street
Wiseman, Alaska 99790

April 6, 2011

Dear Alaska Legislators,

HB 186 would hamstring the public State and Federal process regarding Wood Bison re-introduction in Alaska. The current public process has worked with landowners and all interested to discuss where Wood Bison would be appropriate. A special Legislative approval would be very cumbersome for sought every time Wood Bison were to be re-introduced after all parties had come to agreement. The Commissioner would be limited if a few additional Wood Bison were needed for genetic strengthening. This bill seeks to add another encumbrance to helping recover Wood Bison for Alaska's benefit. The micro management of Alaska's fish and wildlife is not necessary by the Alaska Legislature. **I am apposed to this bill** and supportive of re-establishment of Wood Bison where they are appropriate and non-conflict with other species and uses. There are safeguards in place and the public involvement is well adhered to by the Commissioner of Fish and Games office. The Delta Plains Bison conflicts with agriculture are not addressed in this bill.

The State of Alaska currently holds captive about 90 Wood Bison awaiting regulatory changes necessary for this species to again roam Alaska's wild lands. It is best for the species as a whole to be re-established into dispersed populations where they have occurred. It is best for the States captive Wood Bison population to be moved to natural habitat expeditiously. The people of the Western Interior of Alaska would like to see this species re-introduced in to Alaska's Western Interior Region, in Game Management Unit 21E.

I feel strongly that this species was indigenous in Alaska and would like to see the State of Alaska's plan proceed for reintroduction. The wood Bison population in Canada has recovered to the point that it is even questionable whether this species need even to be listed under threatened status. But at a minimum, Wood Bison need to be viewed as successfully recovering to no longer endangered status.

The Alaskan population would be considered non-essential to the main Wood Bison of North America. The people of Alaska would benefit from seeing them in the wild, and eventually having a population that can support some harvest by local people and other users. Alaskan Wood Bison listed as **threatened, and 10(j) non-essential population**, would have extreme benefit to Alaska and all Americans. Alaska holds some of the only habitat on US soil where Wood Bison were indigenous. With out regulatory changes, Wood Bison will not be allowed to free range their natural habitats.

This is what the 10(j) designation means, as taken from the Federal Register: *In 1982, Congress amended the Endangered Species Act by adding section 10(j), to provide for designation of "experimental populations." Prior to 1982, local citizens*

often opposed reintroductions of listed species into unoccupied portions of their historical range because they were concerned about potential restrictions to Federal, State, and private activities. Under section 10(j), and our regulations at 50 CFR 17.81, the Service can designate reintroduced populations established outside the species' current range, but within its historical range, as "experimental". Our regulations at 50 CFR 17.80(b) state that a reintroduced population can be considered a "nonessential experimental Population" (NEP) if the loss of that population would not appreciably reduce the likelihood of survival of the species in the wild. Regulatory requirements of sections 7 and 9 of the Act are considerably reduced under a NEP designation. The Act further prohibits designating critical habitat for any NEP, and through section 4(d) of the Act, the Service may develop regulations and management options specific to the species' needs that are necessary to promote the species' conservation. In order to establish a NEP, we must first issue a proposed regulation pursuant to section 10(j) of the Act and consider public comments prior to publishing a final regulation. Our regulations at 50 CFR 17.81 (d) require that, to the extent practicable, a regulation issued under section 10(j) of the Act represents an agreement between the Service, the affected State and Federal agencies, and persons holding any interest in land that may be affected by the establishment of the NEP.

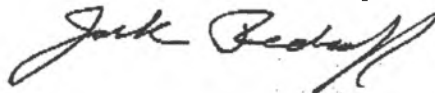
The Alaska Legislature should be supportive of the Federal regulatory changes of the Endangered Species Act (ESA) need to re-introduce Wood Bison back to their natural habitat. If any legislator is uncertain about the ESA 10(j) regulations the State AG's office will comment on their affect.

It would behoove the people of Alaska, if the Legislature were to send a resolution to the US Fish and Wildlife stating:

- 1) Support for Wood Bison (*Bison bison athabasca*) being at least down listed to threatened under the Endangered Species Act.
- 2) Request that Wood Bison in Alaska be listed as an experimental, and Non Essential Population (NEP) of section 10(j) of the ESA .
- 3) Requesting expeditious resolution to the 10(j) language agreement with all landowners.

The sooner the Wood Bison are re-introduced in the wild the sooner Alaskans will benefit from them. Our Wood Bison in captivity in Girdwood is not productive for current Alaskans or future Alaskans who will enjoy them. Establishing this population in GMU 21E will not conflict with agriculture or other uses.

Thank you for your consideration of this important issue,
Jack Reakoff



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:grewinak@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,

*Non essential experimental pop.
because of Canada
Does bill stop you from
~~developing~~ negotiating exemptions
or special rule ~~for~~ take*

Jan Flora
Rainwater Ranch
Homer, Alaska



ALASKA MINERS ASSOCIATION, INC.

3305 Arctic Blvd., #105, Anchorage, Alaska 99503 • 907) 563-9229 • FAX: (907) 563-9225 • www.alaskaminers.org

April 4, 2011

Honorable Alan Dick
Alaska House of Representatives
Capitol Building
Juneau, AK 99811

RE: HB-186 Regarding Reintroduction of Wood Bison

Dear Representative Dick,

Thank you for sponsoring House Bill 186 regarding management of Wood Bison. We agree that it is crucial that, at a minimum, the Wood Bison not be reintroduced anywhere in Alaska until it has been authorized by the Alaska State Legislature.

However, we suggest that the bill be amended to state that **reintroduction of Wood Bison not be allowed until the U.S. Congress passes legislation that makes it certain that the Wood Bison cannot be listed as “endangered” or “threatened” under the Endangered Species Act, and that such reintroduction must then subsequently be authorized by passage of an act by the Alaska State Legislature.**

The plan to reintroduce Wood Bison has been a concern for the Alaska Miners Association from the time we first learned of the proposal and our concern continues to increase following the actions of the current Administration in Washington, D.C.

We are aware that some officials within the US Fish & Wildlife Service have stated that the Wood Bison would not be listed as “endangered”, but as “threatened” and that they can provide a promise that nothing will be affected by such listed Bison. However we cannot allow the future of Interior Alaska to be based on only a promise. They must not be released if they are listed or can be listed in any way. This is the same agency that listed the Beluga Whale based on bad science and the Polar Bear based on political science. The USF&WS can no longer be considered a credible independent science-based voice. That agency is being driven by a political agenda and we have no confidence in any promise they could make.

If Wood Bison are released and remain listed as “threatened” activities and access in the area, and potentially throughout much of Interior Alaska, could be impacted. Once released Wood Bison will travel all through the area. Their presence or possibility of their presence would impact: roads between villages; mineral exploration of State, Federal and private Native-owned lands; development on State and private Native-owned lands; the road to Nome; roads between the Yukon and Kuskokwim rivers; etc.

There are more than 20 different species listed as endangered, threatened or candidates under the Endangered Species Act that already affect the coastal areas of Alaska. We must not allow Interior Alaska to be placed at any level of risk by of the Wood Bison.

The recent "Wild Lands" order 3310 by Secretary Salazar is the latest example of why some agencies cannot be trusted. The Wild Lands initiative is in clear violation of ANILCA. Yet this Administration has ordered the Bureau of Land Management to proceed with this illegal activity. It will now require court action to stop this attempt to subvert the law.

We recommend HB-168 be amended to read with new underlined and [removed bracketed]:

Sec. 16.05.054. Limitation on authority of commissioner in relation to wood bison.

The commissioner may not import wood bison into the state or relocate or otherwise allow wood bison into the wild anywhere in [to a new area of] the state until the U.S. Congress passes legislation that makes it certain that the wood bison cannot be listed as "endangered" or "threatened" under the Endangered Species Act and without subsequent [prior] authorization by an act of the Alaska State Legislature [legislative approval]. Before giving authorization [approval] under this section, the legislature may take into consideration other statutes and regulations related to bison in other areas of the state, the management plans for those bison, and the mitigation of property damaged caused by those bison.

As the herd of Wood Bison now in Alaska continues to grow they add to the State's financial burden. We propose that until such time as the Congress passes the necessary legislation, and the legislature subsequently authorizes release, the excess animals be donated to homeless shelters and places like Beans Café and the Anchorage Gospel Rescue Mission for their use. This would be a tremendous benefit to those organizations.

Thank you for introducing this bill and for your consideration of our proposed amendment.

Sincerely,



Steven C. Borell, P.E.
Executive Director

Cc: Members of House Resources



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Senator Lisa Murkowski
Congressman Don Young
Governor Sean Parnell

March 29, 2010

Fisheries and Ecological Services Office
U.S. Fish and Wildlife Service
1011 East Tudor Road
Anchorage, AK 99503

Fax: 907-786-3575

Email: woodbison-ak@fws.gov

Re: Request for Scoping Comments and Intent to Prepare an Environmental Assessment for the Proposed Designation of a Non-Essential Experimental Population of Wood Bison in Alaska

To Whom It May Concern:

Thank you for the opportunity to submit comments on the U.S. Fish and Wildlife Service's (USFWS) proposal to reintroduce a non-essential experimental population of wood bison (*Bison bison athabascaae*) in Alaska pursuant to the Endangered Species Act (ESA). See 75 Fed. Reg. 8,736 (Feb. 25, 2010). Members of the Resource Development Council (RDC) who live, recreate and work in and around the areas proposed for wood bison reintroduction generally support the goal of recovering wild populations of wood bison, but are concerned that reintroduction may have significant impacts on economic and recreational activities.

RDC is a statewide business association comprised of individuals and companies from Alaska's oil and gas, mining, forest products, tourism, and fisheries industries. RDC's membership includes Alaska Native corporations, local municipal governments, organized labor and industry support firms. The industries represented within RDC constitute the great majority of private sector economic activity and employment within Alaska. RDC's purpose is to encourage a strong, diversified private sector in Alaska and expand the state's economic base through the responsible development of our natural resources.

It is RDC's position that the reintroduction of wood bison currently being considered is not appropriate at this time given the uncertainty surrounding the status of the species and the lack of detailed information concerning potential impacts. As discussed in the comments below, prior to proceeding with any proposed rule, USFWS should: (1) clarify the status of wood bison under the ESA; (2) consult with landowners that will be potentially impacted by the reintroduction; (3) assess alternative locations for any reintroduction; and (4) prepare an

environmental impact statement that thoroughly examines the impacts of the proposed reintroduction.

1. USFWS Needs to Clarify the ESA Status of Wood Bison Prior to Reintroduction

Based on the unusual listing history of the wood bison under the ESA, and the current uncertainty regarding the protection afforded the species in the United States, USFWS should clarify the ESA status of wood bison prior to proceeding with the reintroduction of an experimental population. Wood bison were originally listed under the Endangered Species Convention Act of 1969 as an endangered species located in Canada.¹ At the time, the geographic location of the species was intended to provide “a general guide to the native countries or regions where the named animals are found. It is not intended to be definitive.”² In 1973, pursuant to the current ESA, the species listed under the predecessor act were republished as the current list of threatened and endangered species. As a result, only the Canadian population of wood bison received protection under the ESA.

While USFWS has since stated that its intent was to list wood bison in its entirety, and recognized that the failure to do so was an oversight, the agency has declined to take the necessary procedural steps to list the species in the United States. In 1979, USFWS published a notice recognizing that, through an oversight, the United States populations of seven species, including wood bison, are not covered by the endangered classification given to the foreign populations of the species.³ Specifically, due to the oversight, USFWS stated that “the native populations of these species are not listed as endangered, although foreign populations are listed and receive all the protection of the Act. . . . Until final action is taken on [a proposal to list the species], U.S. populations of the above species have no official standing under the Act.”⁴ In 1980, USFWS proposed to remedy the oversight regarding the seven foreign-listed species; however, USFWS declined to propose listing wood bison as endangered domestically because “no pure bred individuals of this subspecies are known to occur in the United States.”⁵ As a result, the ESA protections and prohibitions only apply to the wood bison in Canada.⁶

Further, the relevant regulations clearly demonstrate that any domestic wood bison do not have protection under the ESA. Specifically, in its list of threatened and endangered species, USFWS identifies only the vertebrate population of wood bison in Canada as endangered under the ESA.⁷ While, like its processor statute, the relevant regulations caution that some of the data contained in the list are “nonregulatory in nature and are provided for the information of the reader,”⁸ it is clear that other information in the list delineates the species and geographic areas to which ESA protection applies. Specifically, “[t]he columns entitled ‘Common Name,’

¹ See 35 Fed. Reg. 8,491 (June 2, 1970).

² *Id.* at 8,495.

³ 44 Fed. Reg. 43,705 (July 25, 1979). USFWS noted that “[i]t has always been the intent of the Service that all populations of the above seven species deserve to be listed as endangered whether they occur in the United States or in foreign countries.”

⁴ *Id.* (emphasis added).

⁵ 45 Fed. Reg. 49,844, 49,844 (July 25, 1980).

⁶ Because the ESA does not apply extraterritorially, the primary effect of the listing status is a restriction on the importation of wood bison.

⁷ 50 C.F.R. § 17.11(h).

⁸ 50 C.F.R. § 17.11(d).

‘Scientific Name,’ and ‘Vertebrate Population Where Endangered or Threatened’ define the species of wildlife within the meaning of the Act. Thus, differently classified geographic populations of the same vertebrate subspecies or species shall be identified by their differing geographic boundaries. . . .”⁹ As a result, the regulatory distinction between designating wood bison as listed in Canada versus their entire range is significant because it establishes the geographic scope of ESA protections for the species.¹⁰

Until recently, USFWS and the Alaska Department of Fish and Game (ADF&G) concurred with this assessment of the wood bison’s status under the ESA. In 2004, in response to request from ADF&G, USFWS provided written confirmation that any wood bison imported into Alaska would not need to be listed under the ESA at that time and that USFWS did not “intend” to list the species in the future.¹¹ ADF&G interpreted this “policy determination” to mean that, following a reintroduction, “wood bison would not have any special legal status that could affect other land use activities.”¹² However, in 2008, the USFWS “clarified” the legal status of wood bison and provided recommendations on how to address wood bison in Alaska under the ESA.¹³ Specifically, the USFWS stated that “[t]he wood bison is listed as endangered wherever found and, as such, would retain its endangered status if introduced into the United States.”¹⁴ This latest guidance from the USFWS contradicts the previous information from the agency regarding the status of wood bison under the ESA and creates significant legal uncertainty regarding the implications of wood bison reintroduction in Alaska. As such, based on the USFWS’s correspondence, it is unclear if wood bison would be automatically treated as listed domestically under the ESA and what ESA protections would apply to wood bison in Alaska. Such uncertainty over a matter of introducing a listed species in the wild is unacceptable and the reintroduction should not proceed until it is resolved.

We strongly urge USFWS to definitively resolve the uncertainty regarding the listing status of the wood bison prior to proceeding with any reintroduction. Until this issue is settled, there will remain questions regarding the appropriate reintroduction procedures, the legality of establishing an experimental population, the impacts associated with any reintroduction, and the protections provided to affected landowners.

2. USFWS Should Delay Decision on Reintroduction until after a Determination on Whether Downlisting Wood Bison is Warranted

We note that USFWS is currently considering a petition to reclassify the wood bison from endangered to threatened under the ESA.¹⁵ USFWS recently announced that the petition

⁹ 50 C.F.R. § 17.11(b) (emphasis added).

¹⁰ Courts have recognized the importance of the geographic distinction because protections afforded by the ESA for reintroductions may vary depending upon where the species is located. *E.g., Wyoming Farm Bureau Fed’n v. Babbitt*, 199 F.3d 1224, 1235 (10th Cir. 2000) (it is a “well-established fact [that] individual animals can and do lose [ESA] protection simply by moving about the landscape.”).

¹¹ Specifically, the USFWS stated that they “intend to treat any wood bison imported into Alaska as a foreign listed species and have no intention of revising the [ESA] list so that they are listed domestically.” Letter from USFWS to Kevin Duffy, Commissioner, Alaska Department of Fish and Game (Oct. 26, 2004).

¹² ADF&G, *Wood Bison Restoration in Alaska: A Review of Environmental and Regulatory Issues and Proposed Decisions for Project Implementation* at 15 (April 2007) (Environmental Review).

¹³ Letter from USFWS to Denby Lloyd, Commissioner, Alaska Department of Fish and Game (Nov. 28, 2008).

¹⁴ *Id.* (emphasis added).

¹⁵ 74 Fed. Reg. 5,908 (Feb. 3, 2009).

presented substantial scientific and commercial information indicating that the reclassification of wood bison to threatened may be warranted and that it has commenced a status review of the species.¹⁶ In its Request for Scoping Comments, USFWS also indicated that the status review may determine whether it would be appropriate to completely de-list the wood bison.¹⁷ Given the uncertainty now associated with the future status of the wood bison, we request that USFWS complete its status review and establish the listing status of the species prior to making a determination on whether to establish an experimental population and/or proceed with reintroduction.

Notwithstanding the uncertainty regarding the current ESA status of the wood bison, a downlisting or de-listing could have significant implications for any reintroduction of the species into Alaska. If the species is downlisted to threatened, USFWS could reintroduce the species without establishing an experimental population and use its authority under section 4(d) to provide regulatory assurances similar to those provided pursuant to a section 10(j) reintroduction. However, we do not believe that this approach would be desirable, either for USFWS or affected landowners, because experimental populations provide greater assurances to landowners and reduce the statutory requirements and administrative burdens on USFWS. Notably, if the species is de-listed, there would arguably be no need, or legal justification, to establish an experimental population. However, as detailed below, this approach may impose significant risks for neighboring landowners should the reintroduced population falter in the future.

Assuming that the species is de-listed and the reintroduction successfully establishes a population of pure-bred wood bison in the United States, the USFWS could, either on its own initiative or pursuant to a petition by a third party, subsequently list the domestic wood bison population under the ESA.¹⁸ We are aware of at least two examples where reintroduction projects resulted in the subsequent listing of the species under the ESA. First, in 1999 and 2000, the Colorado Division of Wildlife conducted a Canada lynx reintroduction program when the species was not listed under the ESA. However, on March 24, 2000, following litigation brought by environmental groups, the species was listed as threatened throughout the contiguous United States.¹⁹ The USFWS classified all lynx, including the introduced individuals, as resident species and included them within the threatened species designation under the ESA. Second, from 1979 to 1988, a reintroduction program helped expand the Sierra Nevada segment of the California bighorn sheep from two to five subpopulations. In 1999, following a subsequent decline in numbers and a petition to list submitted by several environmental groups, USFWS listed the subpopulations as endangered.²⁰ These are cautionary examples to show that reintroduction of a species can result in an ESA listing which would (among other things) impact land use activity where the species has been reintroduced.

As a result of the uncertainty regarding the future listing status of wood bison under the ESA, we request that USFWS delay any decision on the proposed reintroduction program until after the status review is completed and any changes to the listing status are finalized. This

¹⁶ *Id.*

¹⁷ 75 Fed. Reg. at 8,738.

¹⁸ In response to a listing petition, USFWS would have to determine that any one of the five ESA section 4 listing factors was applicable. 16 U.S.C. § 1533(a)(1).

¹⁹ 65 Fed. Reg. 16,051 (March 24, 2000).

²⁰ 64 Fed. Reg. 19,300 (Apr. 20, 1999) (emergency rule); 65 Fed. Reg. 20 (Jan. 3, 2000) (final rule).

would allow potentially affected landowners to more adequately assess the risks and impacts associated with the proposed reintroduction.

3. USFWS Should Clarify Its Policy on Revising the ESA Status of Experimental Populations Following a Reintroduction

As an important component to its proposal to reintroduce wood bison as an experimental population, USFWS should clarify its policy regarding whether the ESA status of an experimental population can be revised in the future. Specifically, we note that on September 8, 2009, several environmental groups filed a petition with USFWS to reclassify three non-essential experimental populations of black-footed ferret as endangered under the ESA. The petitioners asserted that this redesignation is necessary, among other reasons, to guarantee the continued survival of the populations, satisfy the goals of USFWS's recovery plan, and ensure that viable ferret populations exist in the wild. To date, it does not appear that USFWS has responded to the petition.

As you are aware, Congress amended the ESA in 1982 to authorize the release of experimental populations. In creating section 10(j), Congress hoped to "[relax] certain restrictions otherwise applicable to listed species and [to authorize] the Secretary to relax others."²¹ The goal was to ease the concerns of impacted landowners and industries that reintroduced species would adversely impact their activities. To that end, and to provide some degree of regulatory stability, any regulation promulgated for a reintroduced experimental population "shall, to the maximum extent practicable, represent an agreement between the [USFWS] . . . and persons holding any interest in land which may be affected by the establishment of an experimental population."²² We are concerned that Congress's intent will be undermined if USFWS determines that it has authority to reclassify experimental populations to restore the typical protections afforded threatened and endangered species following a reintroduction. Until USFWS addresses the black-footed ferret petition, or provides policy guidance regarding this issue, the uncertainty associated with the future status of experimental populations will have a significant chilling effect on affected landowner's acquiescence to such programs.

4. USFWS is Required to Consult with Impacted Landowners Prior to Reintroduction

Pursuant to its regulations, USFWS is required to "consult" with, among others, affected private landowners in "developing and implementing experimental population rules."²³ While the scope of the consultation is unclear, the regulations appear to require more than merely requesting comments on the reintroduction. For example, a court has found that public hearings, meetings with private groups, and exchanging correspondence constituted acceptable consultation.²⁴ Several of our members own land in or near one or more of the areas currently proposed for wood bison reintroduction. To date, federal consultation with these property owners has been minimal or, in most cases, non-existent. Assuming that USFWS proceeds with

²¹ H.R. Rep. No. 97-567, at 33 (1982).

²² 50 C.F.R. § 17.81(d).

²³ 50 C.F.R. § 17.81(d).

²⁴ *Wyoming Farm Bureau Fed'n v. Babbitt*, 987 F. Supp. 1349, 1365 (D. Wyo. 1997), *rev'd on other grounds*, 199 F.3d 1224 (10th Cir. 2000).

the establishment of an experimental population under section 10(j), we request that USFWS contact each landowner to begin the consultation process necessary to develop the appropriate regulations regarding the protections that will apply to any reintroduced wood bison.

5. USFWS Should Include Regulatory Measures to Provide Assurances to Landowners that their Activities will not be Impacted by any Reintroduction

If USFWS decides to proceed with the reintroduction of a nonessential experimental population of wood bison, USFWS should specify what regulatory measures will be included to minimize the impact of the reintroduction on neighboring landowners. As various groups have expressed opposition to ADF&G's reintroduction proposal over the years, these measures are necessary to reduce local opposition to the program by providing assurances that activities currently conducted, and planned for the future, will be able to continue unaffected by the reintroduction. Also, USFWS should provide this information as early as possible during the development of any proposed reintroduction to provide landowners with a better opportunity to assess the potential impacts of the proposal.²⁵

A nonessential experimental population is treated as a threatened species for most purposes under the ESA.²⁶ As a result, USFWS can promulgate regulations to relieve certain management restrictions.²⁷ Based on past practices, when compared to typical threatened species, it appears that USFWS has greater flexibility to exempt a broader range of activities impacting experimental populations from the section 9 prohibitions. For example, for most experimental populations, USFWS has stated that there is no liability for the take of an individual when it is accidental and incidental to an otherwise lawful activity.²⁸ In some cases, for predator species, USFWS has authorized direct taking in self-defense, harassment, or following a depredation.²⁹ USFWS should develop, with input from affected landowners, similar and appropriate measures prior to reintroducing an experimental population of wood bison.

6. Reintroduction Should Not Occur without Clarification of Appropriateness of Sport/Subsistence Hunting of the Species

One of the goals of the proposed reintroduction project is to reestablish wood bison populations that can be harvested on a sustained yield basis.³⁰ Given the ESA's mandate to conserve threatened and endangered species and the ecosystems upon which they depend, and section 10(j)'s requirement that an experimental population be established only when it will further the conservation of the species, it is not apparent that USFWS could authorize sport/subsistence hunting of any reintroduced experimental population of wood bison. USFWS

²⁵ Note that USFWS is also required to consult with affected landowners in developing and implementing experimental population rules. 50 C.F.R. § 17.81(d).

²⁶ 16 U.S.C. § 1539(j)(2)(C). The primary differences are that nonessential experimental populations are treated as a proposed species for purposes of section 7 consultation, unless the population occurs in a National Wildlife Refuge or National Park, and USFWS cannot designate critical habitat. *Id.*

²⁷ 16 U.S.C. § 1533(d); 50 C.F.R. § 17.81(c) ("Any regulation . . . shall provide: . . . (3) Management restrictions, protective measures, or other special management concerns of that population. . .").

²⁸ *See, e.g.*, 50 C.F.R. §§ 17.84 (special rules for vertebrates); 17.85 (special rules for invertebrates).

²⁹ *E.g.*, 50 C.F.R. §§ 17.84(c)(4) (red wolf); 17.84(k)(3) (Mexican gray wolf); 17.84(i)(3) & 18.84(n)(4) (gray wolf).

³⁰ 75 Fed. Reg. at 8,737.

should clarify its intentions and the legal justification supporting such a policy prior to proceeding with the reintroduction program.

As stated in sections 4(d) and 10(j), both the release of an experimental population and the applicable regulatory measures must provide for the conservation of the species. The ESA defines “conservation” as:

To use and the use of all methods and procedures which are necessary to bring any endangered species or threatened species to the point at which the measures provided pursuant to this Act are no longer necessary. Such methods and procedures include, but are not limited to, all activities associated with scientific resources management such as research, census, law enforcement, habitat acquisition and maintenance, propagation, live trapping, and transplantation, and, in the extraordinary case where population pressures within a given ecosystem cannot otherwise be relieved, may include regulated taking.³¹

While, at this time, courts have not examined whether the phrase “conservation of such species” would prevent the USFWS from authorizing the hunting of a reintroduced experimental population, courts have prevented USFWS from authorizing the hunting of threatened species.³²

The relevant legislative history indicates that, once determined, experimental populations are to be treated as separately listed threatened species.³³ Congress stated that “[t]his provision obliges the Secretary to issue such regulations as he deems necessary and advisable to provide for the conservation of the experimental population, just as he now does under subsection 4(d) for any other threatened species.”³⁴ However, Congress also recognized a need to reduce conflicts with local landowners regarding the reintroduction of experimental populations. As a result, Congress stated that

[w]here appropriate, the regulations may allow for the direct taking of experimental populations. For example, regulations pertaining to the release of experimental populations of predators, such as red wolves, will probably allow for

³¹ 16 U.S.C. § 1532(3) (emphasis added).

³² In *Sierra Club v. Clark*, the Eighth Circuit examined the validity of USFWS regulations that would allow the limited sport trapping of gray wolves, then listed as a threatened species in Minnesota. 755 F.2d 608, 611 (8th Cir. 1985). The court concluded that the definition of conservation “limits the discretion of the Secretary to allow public sport hunting of threatened species.” *Id.* at 615. As a result, the Eighth Circuit found that the Secretary could only authorize the regulated taking of a threatened species after a finding that population pressures within the species’ ecosystem cannot otherwise be relieved, as specified in the statutory definition of “conservation.” *Id.* at 613. Other courts have subsequently agreed that population pressure is the only circumstance that will justify authorizing the sport hunting of a threatened species. *E.g., Christy v. Hodel*, 857 F.2d 1324, 1337-38 (9th Cir. 1988) (In upholding regulations allowing limited and controlled sport hunting of threatened grizzly bears in designated geographic region, the court concluded that “the Secretary is authorized to permit ‘regulated taking,’ *e.g.* limited sport hunting, but he must first find that ‘population pressures within a given ecosystem cannot be otherwise relieved.’”); *Fund for Animals, Inc. v. Turner*, No. 91-2201, 1991 WL 206232, at *7 (D.D.C. Sept. 27, 1991) (“[T]he statute, as currently interpreted, does not authorize hunting whenever it would be a sound conservation tool. Congress has specifically limited the hunting of a threatened or endangered species to extraordinary cases of population pressures, and the Court is constrained to enforce that legislative restriction.”).

³³ S. Rep. 418, 97th cong., 2d Sess. 8 (1982).

³⁴ *Id.*

the taking of these animals if depredations occur or if the release of these populations will continue to be frustrated by public opposition.³⁵

As a result, based on the ESA's statutory directives and Congressional intent, USFWS's ability to authorize directed taking is limited to relieving population pressures in extraordinary cases and, for predator species, if depredations occur or to alleviate public opposition.

On its face, it appears that reintroducing wood bison for the purpose of allowing hunting is contrary to the conservation requirements of the ESA and the need to recover the species. While we are not opposed to the authorization of sport/subsistence hunting in the future, should the species and experimental populations ever be de-listed, USFWS should clarify its intent regarding hunting of wood bison and identify the management measures and milestones that must be achieved before such an activity could be authorized.

7. USFWS Should Expand the Locations Being Considered for Reintroduction Beyond the Three Sites Currently Identified

In its scoping notice, USFWS indicates that it is only considering the reintroduction of wood bison in one or more of three sites: Yukon Flats, Minto Flats, and/or the lower Innoko-Yukon River area.³⁶ While we presume that the selection of these three sites was based upon prior analysis conducted by ADF&G, given the controversial nature of this proposal, USFWS should conduct its own, independent analysis to determine which locations in Alaska may be suitable for wood bison reintroduction.

Pursuant to the National Environmental Policy Act (NEPA), USFWS is required to consider a range of alternatives to the proposed action. In addition to a no action alternative, the relevant regulations require that USFWS "[r]igorously explore and objectively evaluate all reasonable alternatives, and for alternatives which were eliminated from detailed study, briefly discuss the reasons for their having been eliminated."³⁷ The sufficiency of alternatives considered depends upon whether the "selection and discussion of alternatives fosters informed decision-making and informed public participation."³⁸

In identifying potential sites for wood bison reintroduction, ADF&G has not considered all reasonably appropriate sites in Alaska that may support such populations. In addition to the three sites identified in the scoping notice, ADF&G considered, but rejected, three other locations: Hogatza River, North Fork Kuskokwim River, and Aniak River.³⁹ The rationale for this decision was provided by an evaluation of potential wood bison habitat in Interior Alaska conducted during 2002-2005.⁴⁰ However, this study excluded large areas of potential wood

³⁵ *Id.*

³⁶ 75 Fed. Reg. at 8,737.

³⁷ 40 C.F.R. § 1502.14(a) (emphasis added). Similarly, an EA must also include an examination of alternatives to the proposed action. 40 C.F.R. § 1508.9(b) (an EA "[s]hall include brief discussions of the need for the proposal, alternatives as required by section 102(2)(E), of the environmental impacts of the proposed action and alternatives, and a listing of agencies and persons consulted.").

³⁸ *Morongo Band of Mission Indians v. F.A.A.*, 161 F.3d 569, 575 (9th Cir. 1998).

³⁹ *Id.* at 26.

⁴⁰ Gardner, C. L., M. Berger, and M. E. Taras, *Habitat Assessment of Potential Wood Bison Relocation Sites in Alaska*. ADF&G. Final Research Technical Report, Project 9.10 (2007).

bison habitat, notably areas that already support plains bison, occur within boroughs and national parks, and include large agricultural areas.⁴¹ While we recognize the need to prevent conflicts between reintroduced populations and existing herds of native species and agricultural activities, there is no explanation for why borough or national park lands were omitted from consideration. This is particularly troubling when other private and federal lands have been identified as potential reintroduction sites and national park lands have served as successful reintroduction sites for other species, such as the gray wolf in Yellowstone National Park. Of the 365.5 million acres that make up Alaska, federal agencies currently claim 222 million acres, or 61% of the state. Further, Alaska is home to 147.9 million acres of conservation system units, of which 58 million acres are federally-designated Wilderness. Pursuant to its obligations under NEPA, USFWS should, at a minimum, examine these excluded federally owned lands to determine if areas suitable for wood bison reintroduction exist. Only after this analysis is conducted will USFWS be able to make a fully informed decision based on all the alternatives that may be reasonable and appropriate.

In addition, we note that USFWS has expressed reservations about the proposed reintroduction of wood bison into Yukon Flats. In 1997, and continuing to the present, USFWS has informed ADF&G that it could not support the proposal to reintroduce wood bison on Yukon Flats due to concerns about compatibility with the purposes of the Yukon Flats National Wildlife Refuge (YFNWR) and with USFWS policy on maintaining the biological integrity of refuges.⁴² Recently, USFWS has indicated that it would prefer that the initial wood bison reintroduction occur in the Minto Flats or Innoko locations, but that its “concerns are not sufficient to object to [ADF&G’s] proposal to pursue reintroduction of wood bison onto private lands in the Yukon Flats. . .”⁴³ Similarly, the lower Innoko-Yukon River recommended area is adjacent to the Innoko National Wildlife Refuge. Recognizing that, if wood bison are reintroduced on private lands near the YFNWR, or private and State of Alaska lands near the Innoko NWR, animals will eventually occur on refuge lands. USFWS should clarify and further explain its position on whether reintroduction in these areas would be compatible with the purposes of each refuge. Presumably, if reintroduction directly to refuge lands is incompatible, arguably, reintroduction to neighboring lands would also be incompatible because the wood bison would eventually migrate into the refuges.

8. USFWS Needs to Consider the Impacts of Reintroduction on the Ecosystem

Any time the reintroduction of a species is contemplated, it is important to consider the increased risks associated with impacts to the native ecosystem. This is true even if the species was once a part of the native ecosystem and was extirpated.

Wood bison have not been present in Alaska for at least 100 years. Arguably, in that time, the ecosystem has changed such that any reintroduction will disrupt existing ecological processes. USFWS must conduct a detailed and thorough examination of these impacts prior to authorizing any reintroduction. For example, and as discussed further below, USFWS needs to consider the effects of wood bison, and account for the magnitude of impacts associated with the number of species at carrying capacity, on native vegetation, water and soil quality, and native

⁴¹ *Id.* at 3.

⁴² Environmental Review at 70.

⁴³ *Id.* at 71 (citing letter by USFWS dated Nov. 2, 2006) (emphasis in original).

and domestic wildlife. While ADF&G provided an overview of these impacts in its Environmental Review, the level of detail and depth of analysis is not sufficient to support the proposed reintroduction, especially considering the large geographic areas that may be affected.⁴⁴

The reintroduction of wood bison may also increase the risk of transmitting diseases to domestic livestock and current native species, such as moose, caribou, and plains bison. ADF&G has acknowledged that there are disease and health risks associated with the importation of wood bison. For example, wood bison are susceptible to bovine spongiform encephalopathy (BSE or mad cow disease), tuberculosis and brucellosis. Indeed, the importation of wood bison from Canada was precluded until recently by the threat of an outbreak of BSE.⁴⁵ While ADF&G intends to take every precaution possible to ensure that released wood bison are healthy and not a threat to other native species, there is no guarantee that the introduction of disease will be prevented. Even in controlled conditions, wood bison may develop serious illnesses that could pose threats to other wood bison, native species, and humans.⁴⁶ As such, USFWS should explain why this increased risk of disease introduction and proliferation is justified.

9. USFWS Needs to Consider the Impacts of Reintroduction on Neighboring Landowners

When considering appropriate sites for wood bison reintroduction, USFWS should also take into account the impacts any reintroduction program will have on neighboring landowners. Specifically, we are concerned that all three locations currently identified as potential reintroduction sites are also being considered for significant natural resource development projects. For example, various entities are currently considering: (1) natural gas exploration in the Nenana basin/Minto Flats; (2) natural gas and oil exploration in the Yukon Flats; (3) construction of a natural gas “bullet line” from North Slope Foothills to Anchorage which would cross a portion of the Minto Flats; and (4) the construction of the Donlin Creek gold project near the lower Innoko-Yukon River.

ADF&G has stated that it will first work to implement wood bison restoration in Minto Flats. This area is being strongly considered for a key in-state natural gas pipeline and where a group holding a State of Alaska Oil and Gas Exploration License and other leases has gathered over 200 miles of seismic data, recently drilled a well in 2009, and additional exploration for conventional natural gas is expected. ADF&G has also indicated that it will continue to pursue opportunities to restore wood bison in the Yukon Flats, which is also under serious consideration for major new economic developments. Recently, Doyon, Limited began conducting seismic testing in the Yukon Flats area to assess whether there are economic concentrations of oil and gas deposits. Finally, NovaGold Resources and Barrick Gold Corporation are proposing to develop the Donlin Creek gold mine on Calista land in the lower Innoko-Yukon River area approximately 30-40 miles east of potential wood bison habitat.

⁴⁴ *Id.* at 33-45.

⁴⁵ *See* 72 Fed. Reg. 53,314 (Sept. 18, 2007).

⁴⁶ *See* 73 Fed. Reg. 50,834 (Aug. 28, 2008) (issuance of emergency permit to euthanize one adult wood bison held at the AWCC due to positive test for Cryptosporidium).

Each of these projects could provide an unprecedented economic boost to the respective regions and supply a steady source of jobs in areas that traditionally have high levels of unemployment. In addition, the projects will provide new business opportunities for companies to provide equipment, supplies, and other expertise in support of the resource exploration and extraction activities. Assuming that the projects proceed, there will be improved community sustainability and new tax and royalty revenue sources for the State of Alaska, the Alaska Mental Health Trust, the University of Alaska, the City of Nenana, Native corporations and others. Specific to Native Corporations, Congress enacted the Alaska Native Claims Settlement Act (ANCSA) to provide a means by which Alaska Natives could derive economic benefits from the resources around them. Native Corporations are the largest private landowners in Alaska, with title to tens of millions of acres of selected land throughout the state. ANCSA Section 7(i) ensures that 70% of all revenues received by each Regional Corporation from timber and subsurface estate resources must be divided among all 12 Regional Corporations in proportion to the number of Natives enrolled in each region. At least 50% of the revenues so received must be redistributed among the Village Corporations. It is therefore fair to assume that decisions made with respect to reintroduction of wood bison on Native Corporation lands will be felt statewide.

Regardless of the procedures used to reintroduce wood bison, by selecting one of the currently proposed sites, USFWS will create uncertainty and additional liability risks that may impact whether these valuable natural resource projects proceed. If USFWS authorizes reintroduction, the agency will be establishing a small number of animals in an ecologically-sensitive area. There is no guarantee that an interested party would not then petition USFWS to list the reintroduced species as threatened or endangered under the ESA, thereby triggering the section 9 take prohibitions, the designation of critical habitat, and section 7 consultation requirements. Even if, as USFWS recently stated, domestic wood bison are currently listed as endangered, a reintroduction without using the section 10(j) experimental population procedures would also impose the same ESA obligations. Likewise, even if the reintroduction proceeds pursuant to section 10(j), there are no assurances regarding how incidental take will be authorized and that, if circumstances change in the future, the experimental population or associated regulations will not be revised to provide greater protection to the species. Further, there is no means to provide assurances against third party litigation challenging any of these decisions.

It is well-established that the presence of a threatened or endangered species, even if designated as an experimental population, can have a chilling effect on any pending natural resource development project. This is caused by the additional administrative and regulatory burdens placed on the project proponent, the threat of potential liability for taking a listed species, and the possibility of litigation regarding the validity of the reintroduction or impacts of the proposed project on the species. USFWS should thoroughly consider these impacts on neighboring landowners, and the currently proposed projects, prior to authorizing any reintroduction of wood bison. Further, when considering a location for the reintroduction, USFWS should select an area with the least potential for future impacts with natural resource development activities. This will benefit both the economic viability of the proposed projects detailed above and reduce future anthropogenic impacts to the wood bison.

10. Because the Impacts of Any Wood Bison Reintroduction Are Likely to be Significant, USFWS Should Prepare an Environmental Impact Statement

An Environmental Impact Statement (EIS) must be prepared for “major federal actions significantly affecting the quality of the human environment.”⁴⁷ The EIS provides a detailed and comprehensive analysis of the potential environmental impacts of the proposed action and must include an analysis of the environmental impact of alternatives to the proposed action.⁴⁸ In determining whether an action will have a significant impact, an agency may consider up to ten factors, including the degree to which the possible effects on the human environment are “highly uncertain or involve unique or unknown risks” and the “unique characteristics of the geographic area.”⁴⁹ While we recognize that USFWS may first prepare an environmental assessment (EA) to examine the significance of any effects associated with a proposed project, we strongly urge USFWS to develop an EIS as, in our opinion, the effects of any wood bison reintroduction will be significant, particularly in the Yukon Flats area.

Reintroducing a species into its historic habitat is fraught with unique and uncertain risks. The sheer size of the land areas proposed for reintroduction indicates that impacts are likely to be significant. For example, the Yukon Flats restoration site is approximately 3,800 square miles, an area significantly larger than the State of Delaware, and the lower Innoko–Yukon River site is approximately 1,348 square miles, almost the size of the State of Rhode Island. As wood bison would be permitted to range freely, impacts associated with the reintroduction would be felt throughout these large geographic areas. While it is unclear if, at this point, comprehensive assessments have been conducted to catalogue the biota and aquatic and terrestrial resources existing in each reintroduction site, USFWS should engage in a detailed examination prior to authorizing any reintroduction to determine the native species present (and their densities), the quality of land and water resources, and the nature and extent of human activities (both present, proposed, and culturally significant) in the areas, and analyze the impacts associated with any reintroduction. Further, based on expected population growth and the carrying capacity of the location, the number of wood bison could range from approximately 500 to over 2,000 animals. It seems that, as wood bison numbers approach these levels, there would be significant environmental impacts to water quality, terrestrial resources, native species, and human activities, not to mention an increased risk of disease transmission.

When examining impacts, the USFWS must also consider the “unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.”⁵⁰ We note that the Yukon Flats area contains large amounts of wetlands and two rivers, Beaver Creek and Birch Creek, that are designated as National Wild and Scenic Rivers. Pursuant to the NEPA requirements, USFWS should carefully examine any reintroduction-related impacts in this area given their heightened ecological sensitivity and intrinsic value.

⁴⁷ 42 U.S.C. § 4332(2)(c).

⁴⁸ 42 U.S.C. §§ 4332(2)(C) & (E).

⁴⁹ 40 C.F.R. §§ 1508.27(b)(3)-(5). The human environment is defined to “include the natural and physical environment and the relationship of people with that environment.” 40 C.F.R. § 1508.14. The NEPA regulations state that “economic or social effects are not intended by themselves to require preparation of an [EIS].” *Id.* However, if there are economic or social effects that are interrelated with natural or physical environmental effects, then the EIS must discuss the impacts of all of those effects.

⁵⁰ 40 C.F.R. § 1508.27(b)(3).

CONCLUSION

We believe that there are significant regulatory risks and environmental impacts associated with the proposal to reintroduce wood bison into Alaska. As we noted, at this time, there is uncertainty regarding the current listing status of wood bison under the ESA, and how the listing status may change in the future as USFWS determines whether to downlist or de-list the species. Further, it is unclear what assurances will be provided to impacted landowners through the section 10(j) process and what types of takings, sport/subsistence hunting or natural resource development, will be allowed in the future. These issues need to be resolved, through the clarification of relevant USFWS policies and consultations with impacted landowners, prior to the issuance of any proposed rule.

Further, we are concerned that ADF&G and USFWS have not sufficiently examined the potential environmental impacts associated with the currently proposed reintroduction. It is clear that the agencies have not properly considered other alternative sites that may provide suitable wood bison habitat. Further, the environmental effects analyses conducted to date are not comprehensive or detailed enough to provide sufficient information upon which to base a decision. Notably, ADF&G's Environmental Review only provided a cursory overview of the reintroduction areas, the potential habitat available, and the potential impacts that could be anticipated. This is particularly troubling given the huge geographic areas that may be affected should the reintroduction proceed. USFWS should take the requisite "hard look" at the environmental impacts associated with this proposal before authorizing any reintroduction of wood bison into Alaska.

Thank you for considering these comments.

Sincerely,



Jason W. Brune
Executive Director

Alaska Chapter SCI
PO Box 770511
Eagle River, AK 99577
(907) 980-9018



April 11, 2011

The Honorable Craig Johnson, Chair
House Rules Committee
Alaska State House
Juneau, AK 99801

Dear Representative Johnson:

The Alaska Chapter of SCI is a major sportsman's conservation group here in Alaska and as such plays a major role in that community. We respectfully submit that HB 186 is a somewhat flawed bill and as such we oppose the passage of this legislation.

The wood bison restoration project has been, and remains a high priority for the hunting community. The proponents of this legislation would have us believe that their intent is not to kill the wood bison restoration project, but to simply require legislative approval before any proposed relocation can move forward. If that was true, why is the last sentence in the bill, and where is the fiscal note necessary to allow for any remediation of the problems in Big Delta? We respectfully submit that the way this bill is written, there can be no doubt that this legislation is intended to kill the project.

Over twenty years ago, the State of Alaska approached the hunting community, including Safari Club International and the Alaska Outdoor Council to support the restoration of wood bison into Alaska. We agreed and have spent hundreds of thousands of dollars supporting the project. The proponents of this legislation place a significant amount of importance on not trusting the federal government. Where is the remuneration clause in this legislation that would lead the hunting conservation community to believe the State of Alaska intended to deal with them in good faith by restoring those expended funds to them if the Legislature decides not to allow a relocation to take place?

There isn't any urgency to pass this poorly crafted solution to a non-problem. At this point, no release is being contemplated any earlier than the summer of 2013. Furthermore, the bill is based on misconceptions of the federal Endangered Species Act (ESA). Comparing the proposed release of wood bison under the 10 J rule to the listing of polar bears and belugas is akin to comparing apples and oranges.

SCI's Top Gun Chapter

Polar bears and Belugas were listed as existing species under a wholly different provision of the ESA, and not under a 10 J ruling. We don't disagree that those listings were questionable at best, if not downright fabricated. In fact SCI was one of the first groups to file suit on the polar bear listing. However, the 10 J rulemaking process is far different and involves more than just the United States Fish and Wildlife Service (USFWS). The reason the release date has been delayed is because the State and USFWS have not been able to come to agreement on the language.

There has been much made of the fact that this Legislature doesn't trust the federal government on this issue and that they will unilaterally rescind any rule to which the State may agree. If you read the law, that can't happen. The only method available to them to rescind a 10 J rule would be to reengage in another rulemaking process with the same principals at the table in which case we are actually stating we don't trust our own state government to block any detrimental changes. The fact is the State has much more say under a 10 J rule than under the rules within ESA used to list polar bears and belugas. The 10 J rule has never been overturned or rescinded. It can only be changed by the process outlined above.

We understand the concern of some Legislators; however, we believe that a legitimate review of the facts preclude the necessity for HB 186. However, if it is the perception of the Legislature that they would like to have some oversight in this matter, then we suggest the bill be amended accordingly. Strike the entire paragraph in the existing bill and replace with the following language:

“Sec. 16.05.054. Limitation on authority of commissioner in relation to wood bison. The commissioner may not import wood bison into the state or relocate wood bison to a new area of the state without submitting the relocation plan to the legislature for approval. The legislature must vote in the affirmative to prohibit the plan.”

We are resolute in our opposition to HB 186 as it is currently written and respectfully request that the bill either be held in committee to allow legislators time to ascertain the facts presented in this letter, or that the committee adopts the above proposed language before moving HB 186 to the floor.

Sincerely,



Eddie Grasser
SCI Region 33 Representative
Alaska & Hawaii

cc: Members of the House Rules Committee

Linda Hay

From: Heather Rabinovitch [heatherr@msialaska.com]
Sent: Friday, April 08, 2011 9:23 AM
To: Rep. Eric Feige
Subject: AWCC position on wood bison release
Attachments: 2011.4 wood bison letter.docx

Categories: Linda, Mike

Representative Feige,

Attached please find the Alaska Wildlife Conservation Center's comments on HB 186. We believe that the rhetoric has outpaced reason on the subject of wood bison release, and that we should be working together on a mutually beneficial solution. Thank you for your consideration. If you have questions or need additional information, please do not hesitate to give me a call.

Mike Miller
Executive Director

ALASKA
WILDLIFE



CONSERVATION CENTER

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.

Board of Directors:

Chris Von Imhof
President

Bruce Bustamante
Vice-President

Bruce Bustamante

Sharon Anderson

Toni Walker

Lana Johnson

Staff:

Mike Miller
Executive Director

Eve Dickmann
Director of Retail Operations

Kelly Miller
Director of Education

Ethan Tyler
Director of Business
Development

Steve Mendive
Projects & Development

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. 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

Alaska Wildlife Conservation Center

PO Box 949 • Mile 79 Seward Highway • Portage, Alaska 99587

www.alaskawildlife.org



Mid Yukon Kuskokwim Soil and Water Conservation District and the Tanana Chiefs Conference Lower Yukon Sub-region have adopted letters or resolutions of support.

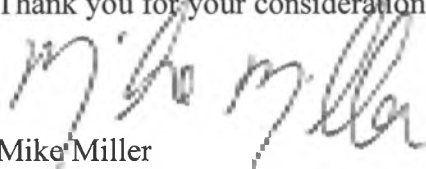
Public meetings to discuss the project have attracted advocates from sport hunting groups, Native subsistence groups and watchable wildlife groups. It is rare that these diverse groups work so harmoniously on a mutually beneficial project.

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.

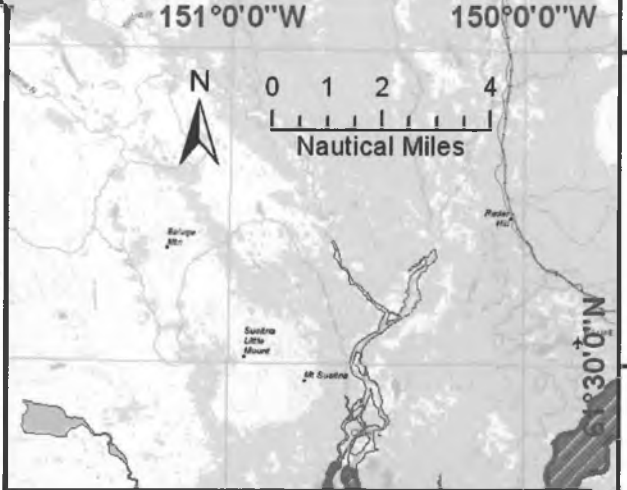
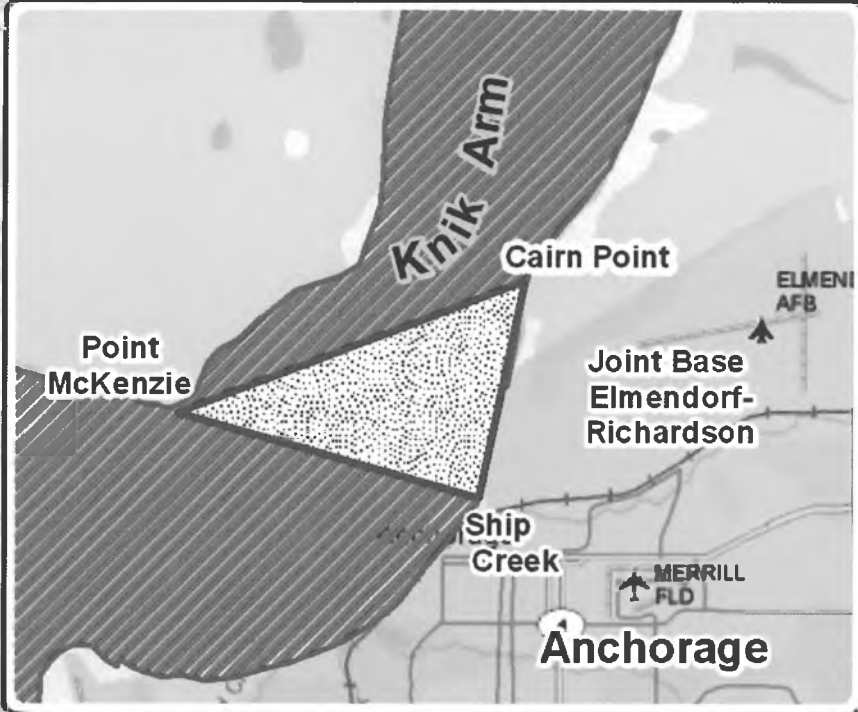
The AWCC strongly opposes HB186 and instead encourages the Legislature to seek ways to help ADF&G move as expeditiously as possible to restore wood bison in the lower Yukon and Innoko areas.

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




Thank you for your consideration.

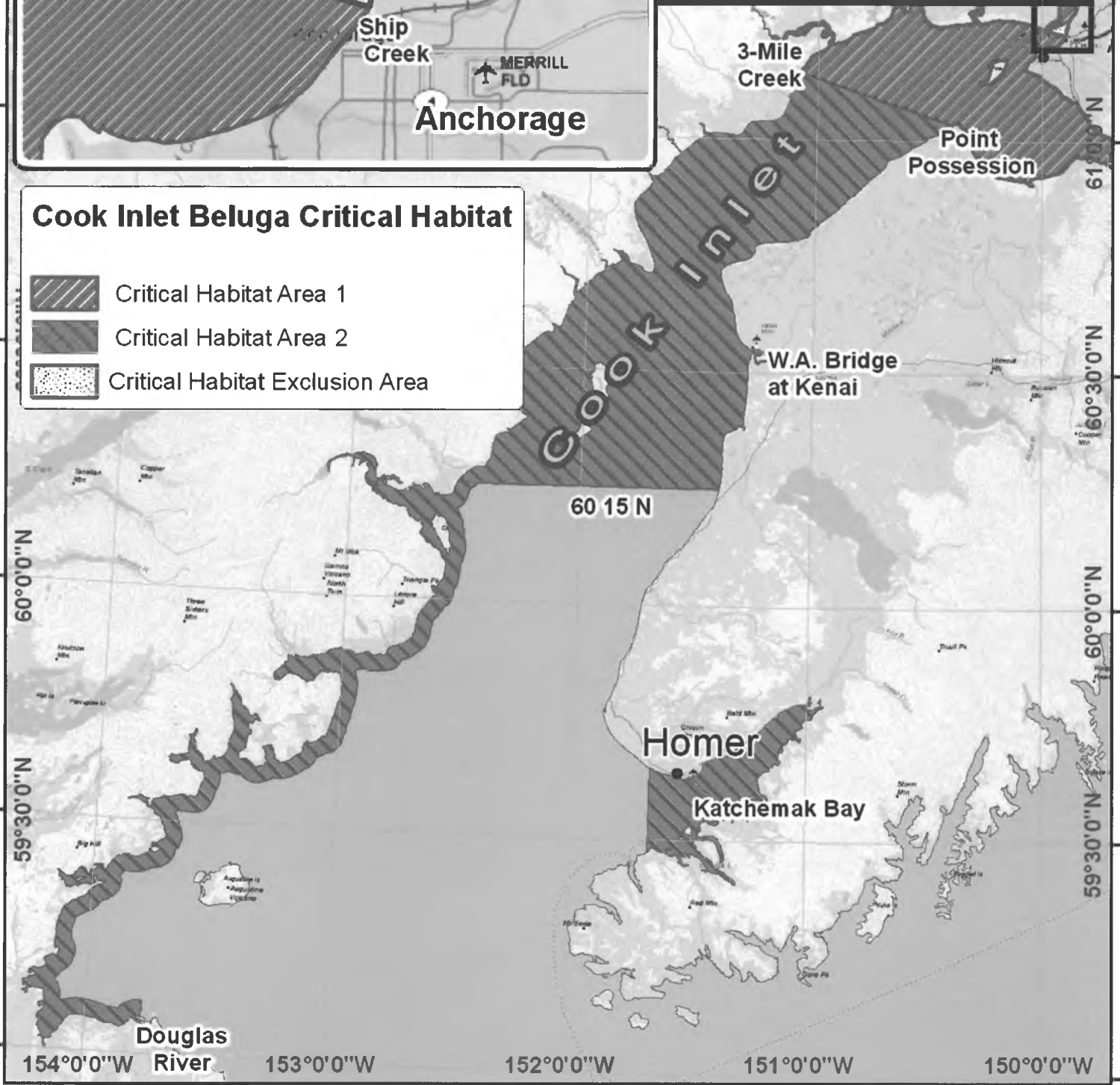

Mike Miller
AWCC Founder/Executive Director
907-301-7942 cell

http://www.youtube.com/watch?v=Td1a3VWWXZk&feature=player_embedded#at=15



Cook Inlet Beluga Critical Habitat

-  Critical Habitat Area 1
-  Critical Habitat Area 2
-  Critical Habitat Exclusion Area



DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 226

[Docket No. 090224232-0457-04]

RIN 0648-AX50

Endangered and Threatened Species: Designation of Critical Habitat for Cook Inlet Beluga
Whale

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric
Administration (NOAA), Commerce.

ACTION: Final rule.

SUMMARY: We, the National Marine Fisheries Service (NMFS), designate critical habitat for the Cook Inlet beluga whale (Delphinapterus leucas) distinct population segment (DPS) under the Endangered Species Act (ESA). Two areas are designated, comprising 7,800 square kilometers (3,013 square miles) of marine habitat. In developing this final rule we considered public and peer review comments, as well as economic impacts and impacts to national security. We have decided in the final rule to exclude the Port of Anchorage (POA) in consideration of national security interest. Additionally, consistent with the proposed rule, portions of military lands were determined to be ineligible for designation as critical habitat. We solicited comments from the public on all aspects of the proposed rule, and conducted four public hearings on the action. Along with the proposed rule, we published a draft economic impacts analysis, entitled “Draft RIR/4(b)(2) Preparatory Assessment/IFRA for the Critical Habitat Designation of Cook

Inlet Beluga Whale.” This economic analysis has been completed to support the final designation. See “Final RIR/4(b)(2) Preparatory Assessment/FRFA for the Critical Habitat Designation of Cook Inlet Beluga Whale” for a discussion of these topics.

DATES: This rule will become effective on [insert date 30 days after date of publication in the FEDERAL REGISTER].

ADDRESSES: The final rule, maps, status reviews, and other materials supporting this final rule can be found on our Web site at: <http://www.fakr.noaa.gov/>.

FOR FURTHER INFORMATION CONTACT: Brad Smith (907-271-3023), Kaja Brix (907-586-7235), or Marta Nammack (301-713-1401).

SUPPLEMENTARY INFORMATION:

Rulemaking Background

We are responsible for determining whether species, subspecies, or distinct population segments (DPSs) are threatened or endangered and for designating critical habitat for these species under the Endangered Species Act (ESA) (16 U.S.C. 1531 *et seq.*). On October 22, 2008, we published a Final Rule to list the Cook Inlet beluga whale as an endangered species (73 FR 62919). At the time of listing, we announced our intent to propose critical habitat for the Cook Inlet beluga whales. This critical habitat was subsequently proposed on December 2, 2009 (74 FR 63080). The proposed rule’s critical habitat for the Cook Inlet beluga whale was determined by considering information received in response to our Advance Notice of Proposed Rulemaking, sighting reports, satellite telemetry data, The Traditional and Ecological Knowledge of Alaska Natives (TEK), scientific papers and other research, the biology and ecology of the Cook Inlet DPS of beluga whales, and information indicating the presence of one or more of the identified primary constituent elements (PCEs) within certain areas of their range.

The proposed rule identified “specific areas” within the geographical area occupied by the Cook Inlet beluga whale to be proposed as critical habitat.

We considered various alternatives to the critical habitat designation for the Cook Inlet beluga whale. The alternative of not designating critical habitat for the Cook Inlet beluga whale would impose no economic, national security, or other relevant impacts, but would not provide any conservation benefit to the species. This alternative was rejected because such an approach does not meet the legal requirements of the ESA and would not provide for the conservation of Cook Inlet beluga whale. The alternative of designating all eligible occupied habitat areas also was considered and rejected, because some areas within the occupied range were not considered to be critical habitat, and did not contain the identified physical or biological features that are essential to the conservation of the Cook Inlet beluga.

An alternative to designating critical habitat within all eligible occupied areas is the designation of critical habitat within a subset of these areas. Under section 4(b)(2) of the ESA, we must consider the economic impacts, impacts to national security, and other relevant impacts of designating any particular area as critical habitat. We have the discretion to exclude any particular area from designation as critical habitat if the benefits of exclusion (i.e., the impacts that would be avoided if an area were excluded from the designation) outweigh the benefits of designation (i.e., the benefits to the Cook Inlet beluga whale if an area were designated), so long as exclusion of the area will not result in extinction of the species. Exclusion under section 4(b)(2) of the ESA of one or more of the areas considered for designation would reduce the total impacts of designation. The determination to exclude any particular areas depends on our ESA 4(b)(2) analysis, which is described in detail in the ESA 4(b)(2) analysis report.

Legal Status

Clarified by Bob Stephenson

Wood bison quietly graze amongst the autumn birches in the Northwest Territories, Canada.



Photo by Bob Stephenson, ADF&G

The future legal status of wood bison in Alaska was recently clarified following a review by the U.S. Fish and Wildlife Service (FWS). The Alaska Department of Fish and Game also reviewed the issues surrounding the legal status of wood bison and agrees with the conclusions reached by FWS. Wood bison are listed as a threatened species by Canada and as a foreign listed species in Canada under the U.S. Endangered Species Act (ESA). Because the species is listed in Canada, certain permits are required to import or export wood bison. In October 2004, the FWS determined

that should wood bison be restored to Alaska, the ESA would not need to be modified to add the imported population as endangered or threatened, and that it does not intend to revise the list to include domestic wood bison populations. This means that wood bison in Alaska would have the same legal status as other resident wildlife, and would not be listed as threatened or endangered in the U.S.

Inside:

- Wood Bison Restoration Planning Set to Begin Page 1
- History and Conservation of Wood Bison Page 1
- Looking for Wood Bison Habitat in Alaska Page 2
- Legal Status Clarified Page 4

Wood Bison News - Number 1, Spring 2005

News of the Wood Bison restoration project. To subscribe, visit our wood bison web site at http://wildlife.alaska.gov/management/game/wood_bison1.cfm.

Alaska Department of
Fish & Game
1300 College Road
Fairbanks, Alaska
99701-1599



Contact:
Craig Gardner, 459-7329
Bob Stephenson, 459-7336
Fax: 907-452-6410
E-mail: woodbison@fishgame.state.ak.us

Page 1

First public meeting: April 27& 28 at the Wedgewood Resort in Fairbanks. 9:00 a.m. in the Gazebo Room.

Wood Bison News



Number 1, Winter 2005

Photo by C. Gates

Drawing courtesy W. Olsen



Mature wood bison bull. Wood bison currently live in northwestern Canada, but were once present in much of Alaska.

For more information or to subscribe to this newsletter visit our wood bison web site at:

http://wildlife.alaska.gov/management/game/wood_bison1.cfm

Wood bison public planning set to begin

by Margo Matthews

The Alaska Department of Fish & Game (ADF&G) is preparing to involve the public in decision-making and planning for wood bison restoration in

Alaska. The public, landowners and natural resource managers will have an opportunity to formally consider the proposal.

ADF&G is about to establish a "Wood Bison Restoration Advisory Group" representing a variety of local, statewide and national interests, including people representing wildlife conservation, hunting,

Native Alaskan, viewing, and environmental interests. ADF&G plans to conduct two or more meetings of the Advisory Group this spring and summer to help determine whether wood bison should be restored, and if so, to recommend locations for restoration.

If the decision is made to move forward with restoring wood bison to Alaska, the next step (continued on page 2)

ADF&G has been exploring the possibility of restoring wood bison since 1991, in cooperation with various U.S. and Canadian agencies, tribal governments, and public groups. Scientific studies have been conducted, and preliminary talks with many segments of the public have helped identify potential issues and concerns and gauge the level of support for the idea. Now

"Returning wood bison to Alaska would help secure their future."

History and Conservation of Wood Bison

by Bob Stephenson



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Bison were one of the most common large mammals in Alaska for a few hundred thousand years or more. Skeletal remains and historical accounts show that wood bison persisted in a large part of their original range in Alaska and Canada during the last 10,000 years, and played a role in the economies of Athabaskan people in central and eastern Alaska during this period. Radiocarbon dates for bison skeletal remains range from over 40,000 to 170 years old. Wood bison were the

last subspecies of bison to live in Alaska, occupying the state for most of the last 5,000 to 10,000 years. Wood bison and plains bison are the two subspecies of North American bison, but wood bison are better adapted than plains bison to northern environments.

Archaeological evidence and oral accounts from Native Alaskan elders show that (Continued on pg. 3)

Page 1

Looking for wood bison habitat in all the right places

by Craig Gardner

For thousands of years, bison roamed meadow habitats across most of Alaska. Bison are grazers, meaning they primarily eat grasses and sedges. Bison were once the most numerous and perhaps the most important large grazer in Alaska.



Photo by C. Gardner, ADF&G

Mike Taras up to his elbows in sedges, examining habitat quality in July 2004. These sedge meadows could provide wood bison with summer or winter habitat.

Since their extirpation within the last few hundred years, no other animal has filled that role in Alaska's meadow ecosystems. Without bison, some characteristics of these meadow systems have probably changed. They are probably lower in species diversity and biological productivity and richness compared to when bison were present. One of the objectives of restoring wood bison to Alaska would be to reestablish a large grazer to help maintain these meadow ecosystems.

Before wood bison restoration could be seriously considered, we had to determine if there is still suitable habitat in Alaska that could support viable wood bison populations. To answer that question, ADF&G biologists began evaluating the large expanses of sedge and grass meadow systems in Interior Alaska in the early 1990s. Once potential areas were

located, we evaluated habitat quality by measuring plant species composition and abundance, snow characteristics, and soil and water conditions, and compared the results with known wood bison ranges in Canada.

Studies conducted in Canada show that wood bison are dietary generalists, meaning they can use a variety of forage to meet their nutritional requirements for maintenance and growth. Wood bison do display preferences or certain types of meadows during different times of the year, and also prefer certain sedge and grass species because of their nutritional quality. However, if the most preferred sedge species are not present, wood bison have been found to thrive on lower quality forage, because of their ability to efficiently utilize nutrients.

Research has shown that wood bison do not occupy areas in which meadows are absent. In Canada, meadow habitats represent 5-20% of most ranges. Wood bison are well adapted to northern habitats and can handle relatively deep snow and extremely cold temperatures (less than -40° F). The foraging activities of adult bison are not restricted by snow depths of up to 30 inches, and calves are not restricted in up to 24 inches of snow. Wood bison can withstand deeper snow without affecting mortality or productivity, as long as wind or icing does not increase snow density. (continued on next page)

Wood Bison Planning Set to Begin (continued from Page 1)

will be to establish a planning group for a specific area. This team would include representatives of local communities, wildlife conservation interests, wildlife viewing and habitat conservation interests, private landowners, ADF&G, and appropriate state and/or federal land management agencies. This group would address issues in greater detail, including those that apply to the local area, and develop implementation and management plans that would ensure that all

wildlife users would share in the benefits of wood bison restoration.

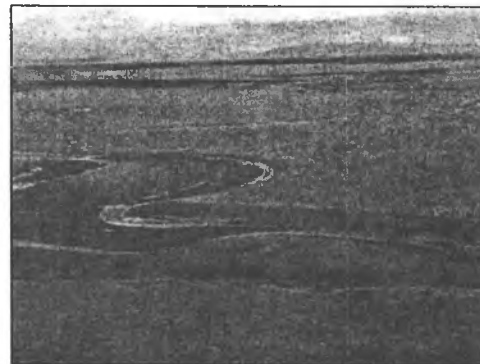
ADF&G believes it is important for the public to play a major role in the decision-making and planning for this wildlife conservation initiative. If you are interested in participating or being informed of progress, call, e-mail, visit our web site, or visit our office. Our contact information is on Page One and Page Four of this newsletter. 🐾



Habitat (Continued from pg. 1)

Based on our studies, there are several areas in Alaska that could support populations of wood bison and that can be considered as possible release sites. The Yukon Flats north of Fairbanks offers abundant high quality habitat and favorable snow conditions, and could support at least 2,000 wood bison. The Minto Flats area west of Fairbanks also contains suitable habitat, and could support over 400 wood bison. Other areas that show promise are the lower Innoko River valley near Shageluk and Holy Cross, the Hogatza River valley near Huslia and Hughes, and the North Fork of the Kuskokwim River valley near Lake

Photo by M. Taras, ADF&G



Vast expanses of wet sedge meadows in southwestern Alaska could provide wood bison with winter habitat.

History and Conservation (Continued from pg. 1)

wood bison were hunted by humans until they disappeared from Alaska during the last few hundred years. The most likely reason for the extirpation of bison was the combined effects of hunting by humans and changes in habitat distribution. By 1900 only a few hundred wood bison remained in Canada, but as a result of conservation efforts there are now over 3,000 wood bison in healthy, free-ranging herds. Restoring one or more wood

Minchumina. These areas offer an abundance of the sedge and grass species favored by wood bison. Before these areas can be considered for wood bison restoration, though, additional snow surveys and spring access evaluations need to be completed. There are also a number of other areas in the Interior that appear to be suitable for wood bison. Hopefully, they will be evaluated sometime in the future. 🐾



Wood Bison News

Photo by W. Olsen

Cow wood bison with calf.

Prior to their disappearance, bison were an important source of food for the Gwich'in on the Yukon Flats. Reverend David Salmon emphasized that "they lived on it" before moose became more common....Bison were said to be a "good animal," providing valuable food and material for the people. In discussing the history of bison in the region, Rev. Salmon often commented that the Yukon Flats "is their country ...they belong to it".



Rev. David Salmon

bison populations in Alaska is a high priority in wood bison conservation, and would help secure the long-term survival of this historically important northern mammal. Alaska, Canada, and a variety of public and private organizations have cooperated in developing the opportunity to restore wood bison in Alaska. These efforts will continue during the upcoming wood bison planning process. 🐾

For more information or to subscribe to this newsletter, visit our wood bison web site at:

http://wildlife.alaska.gov/management/game/wood_bison1.cfm



WOOD BISON NEWS



Drawing courtesy of Wes Olson

Issue Number 5, Fall 2010

Target Date for First Wood Bison Release Set for Spring 2012

By Randy R. Rogers, Wildlife Planner

Nearly two years have passed since the winter 2008-2009 issue of the *Wood Bison News* was published, where we highlighted the successful import of wood bison from Canada. To people interested in the wood bison restoration project, but not involved in the details, it might seem like progress is slow or nonexistent. However, this is not the case. The Alaska Department of Fish and Game (ADF&G), the Alaska Wildlife Conservation Center and many others have been working diligently to move the project forward. We are carefully addressing the many issues involved and the pieces of the wood bison puzzle are beginning to fit together.



Photo by Doug Lindstrand

This issue of the *Wood Bison News* details the progress we are making on several fronts. The wood bison health testing program is nearly complete and the herd is healthy and growing. A major effort is underway to establish regulations that will change the status of wood bison in Alaska under the Endangered Species Act. The U.S. Fish and Wildlife Service will complete the proposed regulations in the near future. These regulations will be available

for public comment and should address concerns about potential impacts on other resource development activities and help clear the way for the initial release of wood bison.

Funding for the initial release is fairly well set with the award of a grant from the Wildlife Conservation Society and additional funding through the State Wildlife Grant program. This winter we will initiate planning and prepare for the first release of wood bison in the lower Innoko River area in spring 2012. We hope that success in the Innoko area will help clear the way to restore wood bison in other areas. A release in 2012 depends on completion of several important tasks. However, as noted by Division of Wildlife Conservation Director Corey Rossi, "*we are beginning to see the light at the end of the tunnel.*"

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Lower Innoko River Area Wood Bison Planning to Begin

ADF&G will begin a cooperative planning effort for wood bison restoration in the lower Innoko and Yukon River area in spring 2011 (see map on page 3). According to a habitat study conducted in 2003-2004, the lower Innoko/Yukon River area offers abundant forage and could support a minimum of 400 wood bison. The study also identified a large amount of potential habitat outside the intensively studied area which could support many more bison. The report noted concerns about extensive spring flooding in the area and the sometimes deep, late winter snowpack. These conditions could pose extra challenges for wood bison restoration, but overall the area's habitat makes it one of the three best sites in the state, along with Yukon Flats and Minto Flats.

The Grayling, Anvik, Shageluk and Holy Cross (GASH) Fish and Game Advisory Committee and the Western Interior Regional Subsistence Advisory Council have supported wood bison restora-

tion in the lower Innoko area for several years. In October 2009 the GASH villages which comprise the Tanana Chiefs Conference Lower Yukon Subregion passed a joint resolution stating the subregion *"supports the Wood Bison Restoration in the Lower Yukon/Innoko River area and supports ADF&G to proceed to involve the tribes, local residents, Doyon, Ltd., and Tanana Chiefs Conference to develop a plan for reintroducing wood bison in our homelands."*

During the 2009 Alaska Federation of Natives meeting in Anchorage, members of the GASH village councils visited the Alaska Wildlife Conservation Center (AWCC) to get a first-hand look at the wood bison that might be set free in their area. Mike Miller and AWCC provided a great tour that was enjoyed by all. It is great to have the enthusiastic support of local residents to restore wood bison in this area!

Another important factor involved in the decision



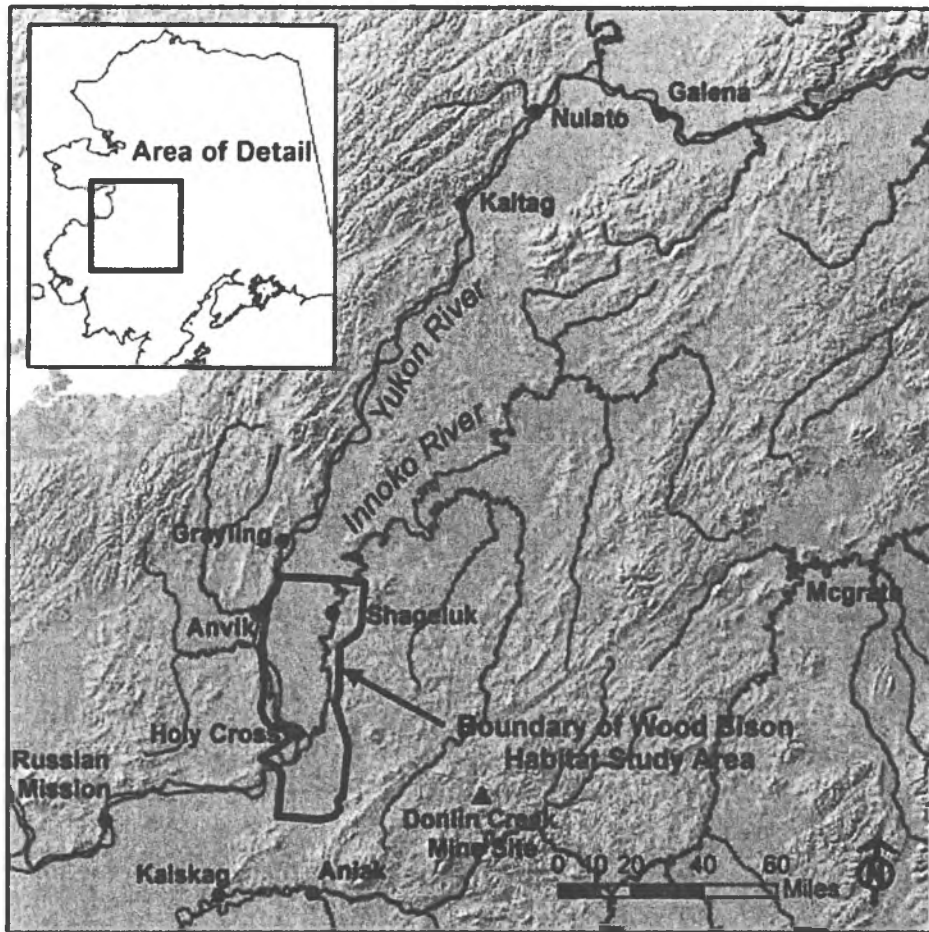
People from the lower Yukon/Innoko communities and friends visited the wood bison at AWCC in October 2009.

to start planning for the Innoko site first is concern about possible impacts on other resource development activities due to the Endangered Species Act (ESA). As people who have been following the wood bison project may recall, in 2007 ADF&G proposed to begin planning for the Minto Flats site first. In January 2009 Doyon, Ltd., the regional Native corporation for interior Alaska, distributed a report that outlined their concerns that wood bison reintroduction could result in restrictions on oil and gas or other resource development.

The state is also concerned about potential effects on resource development due to the ESA and wants to proceed with wood bison reintroduction in the most cautious and prudent manner possible to ensure that other resource development activities are not impeded. As a result, the Governor's Office asked ADF&G to work with the Alaska Department of Natural Resources (DNR) to evaluate the potential for other resource development at the three sites being considered for wood bison restoration and other areas to determine where wood bison could be reintroduced with the least risk to other resource development proposals.

Doyon is actively exploring for oil and gas on Yukon Flats and Minto Flats. There is also a proposal to construct a natural gas pipeline from

the North Slope to Anchorage and one possible route would cross the eastern edge of Minto Flats. DNR is proposing to move forward with the Nenana-Totchaket agricultural project west of Nenana and is concerned that if wood bison are reintroduced on Minto Flats it might result in conflicts with agriculture similar to those involving the Delta plains bison herd. There is less potential for oil and gas or mineral deposits and no major resource developments proposed at the present time within the lower Innoko wood bison area. The proposed Donlin Creek mine is located about 30 miles southeast of potential wood bison habitat; however the prospect is located in hilly terrain where wood bison are not likely to go.



Map showing the location of the lower Innoko River wood bison habitat study area

(Continued from page 3)

Overall, the evaluation indicated that the lower Innoko area has the least potential for conflicts with other resource development and is therefore the most feasible place for the first release of wood bison into the wild.



Extensive meadow systems mixed with forest along the Innoko River can provide high quality wood bison habitat.

ADF&G is working with the U.S. Fish and Wildlife Service, The Alaska Department of Law and DNR to develop special regulations designed to ensure that wood bison reintroduction does not restrict other resource development or land uses (see *New ESA Regulations* page 9). Once federal regulations are in place and have been evaluated by interested parties, we hope to proceed with planning efforts for the other areas. An important consideration is that Yukon Flats has the largest amount of high quality wood bison habitat in Alaska. Reestablishing a population in this area has the potential to provide the greatest benefits for people and for bison conservation over the long term.

ADF&G will conduct a cooperative planning proc-

ess for each site where wood bison restoration is pursued. These planning efforts will involve all stakeholders including local and non-local residents, conservation groups including sportsmen's, environmental and Native organizations, resource development interests and affected state and federal agencies. Through these plan-

ning efforts we will determine the best location for each release site, establish initial herd size objectives, develop information and education programs to promote wood bison conservation and establish plans for monitoring each herd and other biological resources. We will also look to the future, to a time when each herd has grown enough to allow hunting, and work to develop strategies to ensure that local, non-local and, eventually, non-resident hunters have opportunities to harvest wood bison.

Later this winter ADF&G will send out an announcement to begin the planning process for the lower Yukon-Innoko River Area. We will seek nominations for people who can represent various interests on a planning committee. Please let us know if you have time and interest in working with us to develop plans for the first reintroduction of wood bison into the wild in Alaska.



Wood Bison News



Drawing by Wes Olson

Issue Number 4, Winter 2008-09

Wood Bison Imported From Canada!

Last June Alaska's wood bison restoration effort moved closer to the goal of reestablishing wild populations when 53 young wood bison were transported by truck from Elk Island National Park (EINP) near Edmonton over 2,000 miles and released at their temporary home at the Alaska Wildlife Conservation Center (AWCC). This was the culmination of several months of planning and preparation involving various state, provincial and federal agencies and organizations in the U.S. and Canada.

The bison were separated from a herd of about 350 animals last January and held in a quarantine facility as we arranged to obtain the remaining import and export permits. Initially the plan had been to conduct the import in March, during cool weather conditions. However, the final import permit required by the U.S. Department of Agriculture (USDA) could not be issued until early June. EINP staff was concerned about transporting the bison in hot summer weather, but fortunately it was cloudy and cool during most of the trip from Edmonton to Portage. Parks Canada staff separated the bison into groups of animals of similar size, and Pat Hoffman Trucking provided two trailers equipped with air shocks, which gave the bison



Wood bison from Elk Island National Park in Canada arrived at their temporary new home at the Alaska Wildlife Conservation Center on June 19, 2008.

a smooth ride, even over rough sections of the Alaska Highway. EINP Conservation Biologist Norm Cool and chief bison handler Archie Handel, as well as Bruce Chisholm with the Canadian Food Inspection Agency accompanied the two trucks on their non-stop, two day trip to AWCC. The bison traveled well, and were given water at Watson Lake and in Tok, where the volunteer fire department provided a pump truck to quickly fill the numerous water troughs.



Tok Fire Department volunteer Bryan Thompson helps Bruce Chisholm water the bison.

On arrival at AWCC Bob Gerlach, the Alaska State Veterinarian, and Mike Philo the USDA veterinarian for Alaska, checked the identification of each animal before the bison bounded quickly out of the trailers and into their new pasture. Unfortunately, one of the bulls was injured by another bison during the transport and died a few days after arrival. All things considered, the transport of wood bison from Canada to Alaska went very well and the 52 bison have settled in and are doing fine at their new home at AWCC.

The successful transport is an important milestone in the restoration effort, which had its beginnings in the early 1990s, when Athabaskan elders in the Fort Yukon area shared historical accounts describing how bison were an important resource for interior

Alaska Natives as recently as a few hundred years ago. It is not often that we have an opportunity to restore an indigenous species to large expanses of high quality habitat in its original range. There is a lot of work left to do, but we are now a big step closer to seeing wood bison, one Athabaskan name for which translates as "*big, hefty one on the land,*" roaming free again in interior Alaska.

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Wood bison bull in the transport trailer.

Public Comment Shows Strong Support for Wood Bison Restoration

by Randy Rogers, Wildlife Planner

In April 2007 the report "Wood Bison Restoration in Alaska: A Review of Environmental and Regulatory Issues and Proposed Decisions for Project Implementation" (Environmental Review or "ER") was released for public review and comment. A 12 page summary of the ER and a public comment response form were included in the spring 2007 issue of the Wood Bison News. The Alaska Department of Fish and Game (ADF&G) accepted comments on the ER through September 30, 2007 and received nearly 100 written responses. In addition, the ER was discussed at several state fish and game advisory committee meetings and presentations to other organizations were provided on request. Over 90% of the comments on the ER expressed support for ADF&G's efforts to restore wood bison in Alaska.

In the Environmental Review ADF&G concluded that wood bison restoration in Alaska can be accomplished with minimal or no negative environmental impacts, and that wood bison restoration can enhance the diversity of Alaska's wildlife resources and could provide significant benefits to people. The three sites evaluated for possible wood

Over 90% of the comments received expressed support for the effort to restore wood bison in Alaska.

bison restoration are the Yukon Flats, Minto Flats and the lower Innoko-Yukon River area. ADF&G concluded that all three sites are suitable for wood bison restoration. The Department proposed to proceed with efforts to restore wood bison in Alaska and initiate site-specific planning efforts for both the Yukon Flats and Minto Flats locations, while also increasing efforts to discuss possible wood bison restoration in the lower Innoko-Yukon River area.

Numerous comments indicated a belief that wood bison restoration is an important wildlife conservation initiative and that it will enhance Alaska's natural and cultural heritage and ecosystem biodiversity. Several international wildlife conservation organizations including Safari Club International, Wildlife Conservation Society (WCS) and World Wildlife Fund endorsed wood bison restoration in

Alaska as a significant wildlife conservation initiative. The Alaska Outdoor Council stated "The concept of restoring wood bison to their former range is a conservation goal of the highest order in terms of ecosystem and human values."

Many people submitted comments emphasizing the importance of both local and non-local hunters having opportunities to share in future harvest of wood bison. Some comments opposed establishing a subsistence priority for use of wood bison. Several also acknowledged that local residents have some proprietary interest in the use of local resources, and that there does need to be mechanisms to ensure that local residents have adequate opportunities to harvest wood bison. Several comments from local residents highlighted the importance of having opportunities to benefit from the harvest of wood bison near local villages, and the need to protect wood bison from illegal harvest, especially while the herds are growing.

ADF&G remains committed to ensuring that the benefits of wood bison restoration are shared among local and non-local residents of Alaska and others. Future harvest management will be an important topic during site-specific planning efforts in which both local and non-local interests will be involved.

Several respondents agreed that predation should not be a significant threat to wood bison restoration in Alaska, while others expressed concern that wolf predation on wood bison could be significant and limit success of the restoration effort. Based on experience in Canada, ADF&G continues to believe that predator control is not likely to be required to ensure that wood bison restoration is successful.

Several comments addressed the status of wood bison under the Endangered Species Act (ESA). Most of these comments emphasized the need for ADF&G to continue to work with the U.S. Fish and Wildlife Service (USFWS) and others to ensure that any risk of wood bison restoration interfering with other resource development is minimized.

(Continued on page 3)





Wood bison cow and calf at AWCC.
Photo by Doug Lindstrand

(Continued from page 2)

Most comments received agreed with the ADF&G proposed action to start site-specific planning on both Yukon Flats and Minto Flats, and continue discussing possible wood bison restoration with residents of the lower Innoko/Yukon River area. There were a significant number of comments that recommended put-

ting wood bison on state lands at Minto Flats where implementation costs would be lower because of road access and which is largely under the control of state land managers and the Alaska Board of Game.

Based on public comment and other considerations, Minto Flats will be the first priority for wood bison planning and restoration.

Some of the reasons for restoring wood bison on the Minto Flats first include:

- ◆ The majority of lands in the Minto Flats area are within the Minto Flats State Game Refuge, which was established to ensure protection and enhancement of habitat, conservation of fish and wildlife, and continuation of hunting, fishing, trapping and other compatible uses.
- ◆ The Minto-Nenana, Tanana-Manley-Rampart and Fairbanks State Fish and Game Advisory Committees (AC) have all expressed support for

wood bison restoration on Minto Flats.

- ◆ Availability of road access to Minto Flats will help to reduce logistical complications and costs.
- ◆ Because there is little to no federal land in the Minto Flats area the Alaska Board of Game will have responsibility for decisions about subsistence use and future harvest allocation.

While the above factors are reasons to initially work towards establishing wood bison on Minto Flats, the size of the area limits the potential size of the herd to about 500 animals. Habitat assessments indicate that Yukon Flats can easily support a herd of 2,000 or more bison, and ADF&G remains committed to the objective of reestablishing one or more larger herds of wood bison to help maintain the genetic diversity of the subspecies and provide additional hunting and viewing opportunities.

The Yukon Flats and Grayling-Anvik-Shageluk-Holy Cross Advisory Committees have passed resolutions of support for wood bison restoration on the Yukon Flats and in the lower Innoko/Yukon River area. The Department hopes to proceed with wood bison restoration in one or both areas at the earliest opportunity.

Wood Bison Celebration Held at the Alaska Wildlife Conservation Center by Cathie Harms, Master of Ceremonies

On July 8 nearly 100 people attended a welcoming ceremony at the Alaska Wildlife Conservation Center (AWCC) in Portage for the wood bison that arrived at the facility in late June. AWCC Board of Director's President Chris Von Imhoff and Executive Director Mike Miller welcomed representatives from conservation organizations, state and federal agencies, Native groups and the government of Canada. Mike noted that he is honored to have the opportunity to be involved in the effort to restore a species back to its former range in Alaska.

The ceremony was held in a field of lupine on a point of land overlooking

Turnigan Arm and the Chugach Mountains between two of AWCC's wood bison pastures. Teck Cominco Alaska generously sponsored the event. Karl Hanne-man, the company's Manager for Public and Environmental Affairs noted how it is fitting that a company with mining interests in both Canada and Alaska would support the international wood bison restoration project.

ADF&G Commissioner Denby Lloyd called wood bison restoration in Alaska "one of the most significant conservation initiatives in decades," and thanked Elk Island National Park in Alberta for their support and cooperation.

Elk Island National Park Super-

intendent Marilyn Peckett highlighted the international cooperation involved. John Morrison of the Alaska chapter of Safari Club and Bill Moritz of the Safari Club International Foundation pledged continuing assistance for the project. Kaush Arha,

(Continued on page 5)



AWCC Executive Director Mike Miller speaking at the wood bison welcoming ceremony.

Elk Island National Park of Canada: A Proud Partner in Alaska' Wood Bison Restoration Project

By Marilyn Peckett, Superintendent Elk Island National Park

It was my great pleasure to be present for the wood bison celebration at the Alaska Wildlife Conservation Center last July. It was an exciting day for Alaska and an exciting day for Canada. The United States and Canada have so much in common. Shared histories; shared experiences; and shared successes. The wood bison restoration project is one of those shared successes as we get one stop closer to the reintroduction of wood bison to Alaska.

We officially welcomed 53 wood bison from Elk Island National Park of Canada to the Alaska Wildlife Conservation Center. Historically, hundreds of thousands of bison roamed in North America. In the early part of the 20th century, the numbers of wood bison dwindled to a few hundred.

In 1978, the Committee on the Status of Endangered Wildlife in Canada initially assessed wood bison as endangered. This status was improved to threatened in 1988, thanks to successful recovery actions under the Canada National Wood Bison Recovery Program.

Through the efforts of that program, there are currently in excess of 4,000 wood bison in Canada. Canada is committed to the recovery of species at risk – such as the wood bison – not just in our country, but throughout its historic range.

As the Superintendent for Elk Island National Park, I am particularly proud of our contribution to the recovery of species. Elk Island, located near Edmonton in Alberta, has a long and successful history of relocating disease-free ungulates.

Dating as far back as 1937, Elk Island's herd of elk has been used as a source herd for re-establishing elk population throughout North America. Over the years, more than four thousand elk have been relocated in Canada in such places as Alberta, Saskatchewan, Ontario and Yukon.

This is a fine example of international cooperation for the protection and recovery of a species at risk.

In addition, we have assisted Kentucky, Tennessee and North Carolina in the United States to re-establish viable elk populations. Since 1967, Elk Island has provided disease-free bison for reintroduction throughout North America – and in 2006, we transferred 30 wood bison to the Republic of Sakha of the Russian Federation. And now we can add Alaska.

The transfer of wood bison from Elk Island to Alaska is a major milestone in the Alaskan wood bison restoration project. The bison transfer is also an important part of Canada's plan to ensure that several disease-free herds exist, not only in Canada, but also in other parts of their historic range.



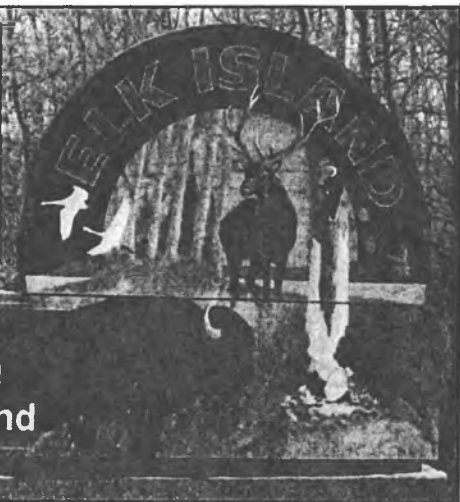
Marilyn Peckett, Superintendent, Elk Island National Park, Canada.

This is a fine example of international cooperation for the protection and recovery of a species at risk. The great State of Alaska, Parks Canada, and Canada's Wood Bison Recovery team have been working on this international conservation project for over ten years with the assistance of other supporting departments in the United States and the Canadian Food Inspection Agency.

I would like to acknowledge the dedication and contribution that all parties have made in order for this project to move forward. We should all be proud of our efforts.

Established as Canada's first wildlife sanctuary in 1906, then declared a national park in 1913, Elk Island is Canada's only entirely-fenced national park. Located less than an hour away from Edmonton, Elk Island National Park protects the wilderness of the aspen parkland, one of the most endangered habitats in Canada. This beautiful oasis is home to herds of free roaming plains bison, wood bison, moose, deer, and elk. Also boasting over 250 species of birds, the park is a bird watcher's paradise.

Elk Island National Park **Parc national Elk Island**



input in person, by mail, e-mail, or phone at any time during the rulemaking process.

Executive Order 13211

This Executive Order requires agencies to prepare Statements of Energy Effects when undertaking certain actions. However, this proposed rule is not a significant regulatory action under E.O. 13211, affecting energy supply, distribution, or use, and no Statement of Energy Effects is required.

Drafting Information

Theo Matuskowitz drafted these regulations under the guidance of Peter J. Probasco of the Office of Subsistence Management, Alaska Regional Office, U.S. Fish and Wildlife Service, Anchorage, Alaska. Additional assistance was provided by:

- Daniel Sharp, Alaska State Office, Bureau of Land Management;
- Sandy Rabinowitch and Nancy Swanton, Alaska Regional Office, National Park Service;
- Dr. Glenn Chen, Alaska Regional Office, Bureau of Indian Affairs;
- Jerry Berg, Alaska Regional Office, U.S. Fish and Wildlife Service; and
- Steve Kessler, Alaska Regional Office, U.S. Forest Service.

List of Subjects

36 CFR Part 242

Administrative practice and procedure, Alaska, Fish, National forests, Public lands, Reporting and recordkeeping requirements, Wildlife.

50 CFR Part 100

Administrative practice and procedure, Alaska, Fish, National forests, Public lands, Reporting and recordkeeping requirements, Wildlife.

Proposed Regulation Promulgation

For the reasons set out in the preamble, the Federal Subsistence Board proposes to amend 36 CFR part 242 and 50 CFR part 100 for the 2012–13 and 2013–14 regulatory years. The text of the proposed amendments to 36 CFR 242.24, 242.25, and 242.26 and 50 CFR 100.24, 100.25, and 100.26 is the final rule for the 2010–12 regulatory period (75 FR 37918; June 30, 2010), as modified by any subsequent Federal Subsistence Board action.

January 13, 2011.

Peter J. Probasco,
Acting Chair, Federal Subsistence Board.

January 13, 2011.

Steve Kessler,
Subsistence Program Leader, USDA–Forest Service.

[FR Doc. 2011–2679 Filed 2–7–11; 8:45 am]

BILLING CODE 3410–11–P; 4310–55–P

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–AI83

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.

DATES: We must receive your written comments on this proposed rule by April 11, 2011 in order to consider them. We must receive your written request for a public hearing by March 25, 2011.

ADDRESSES: You may submit written comments and other information by either 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.

We will post all comments on <http://www.regulations.gov>. This

generally means that we will post any personal information you provide us (see the Public Comments section below for more information).

FOR FURTHER INFORMATION CONTACT: Marilyn Myers at U.S. Fish and Wildlife Service, Fisheries and Ecological Services, 1011 E. Tudor Road, Anchorage, Alaska 99503, or telephone 907–786–3559 or by facsimile at (907) 786–3848. If you use a telecommunications device for the deaf (TDD), please call the Federal Information Relay Service (FIRS) at 800–877–8339.

SUPPLEMENTARY INFORMATION:

Public Comments

We intend that any final action resulting from this proposed rule will be based on the best scientific and commercial data available and be as accurate and as effective as possible. Therefore, we request comments or information from the public, other concerned governmental agencies, the scientific community, industry, or any other interested party concerning this proposed rule to reclassify the wood bison as threatened. The comments that will be most useful and likely to influence our decisions are those that are supported by data or peer-reviewed studies and those that include citations to, and analyses of, applicable laws and regulations. Please make your comments as specific as possible and explain the basis for them. In addition, please include sufficient information with your comments (such as scientific journal articles or other publications) to allow us to authenticate any scientific or commercial information you include. We particularly seek comments concerning:

(1) Information on taxonomy, distribution, habitat selection and use, food habits, population density and trends, habitat trends, disease, and effects of management on wood bison;

(2) 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;

(3) 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

Special Thanks to AWCC: Our Key Partner in Wood Bison Restoration

The wood bison restoration project would be somewhere between very difficult to downright impossible to continue if it were not for the commitment from the people and the facility at the Alaska Wildlife Conservation Center (AWCC) near Portage, Alaska. Encompassing 175 acres at the head of Turnagain Arm, AWCC is a non-profit organization dedicated to wildlife viewing and education in a natural setting. AWCC provides for the daily care and feeding of Alaska's wood bison herd through a cooperative agreement with ADF&G. That's only the beginning of AWCC's vital role in the Alaska wood bison restoration project.

The driving forces behind the day to day maintenance and care of these magnificent animals are Mike and Kelly Miller who serve as AWCC's Executive Director and Director of Education. Last year Ethan Tyler was hired as AWCC's Development Director. In addition to these director positions AWCC has a dedicated staff, Board of Directors, and several enthusiastic college interns. All of these people



Bison eating hay that Mike and his crew spread every day

work as a team to support AWCC's wildlife viewing and education programs. Over 100,000 people visit AWCC each year. The Millers' contribution to the wood bison project is even more notable when one realizes these tasks are all in addition to the other operations at AWCC.



Mike and Kelly Miller with their children Owen, and Abigail

There are now 80-some wood bison at AWCC and Mike tends to them every day. At the very least the bison must be fed. Hay, approximately 250 pounds per day, must be taken to the various pastures and spread out so that the bigger bison are not chasing smaller ones away and all of the bison have a chance to eat. Even during the summer when the animals are grazing, Mike must rotate them from pasture to pasture. This summer AWCC put forth an extraordinary effort to clear brush, fertilize and plant grass to maximize natural forage production in the wood bison pastures. The Millers and their staff repair fences, maintain the handling

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facilities, take care of numerous requests from those of us from ADF&G, and in general provide support beyond what we really know but can only imagine.

Beyond feeding, the Millers accomplish a full spectrum of other tasks involved with care of the wood bison herd. They are the first to notice health problems; then Mike works with ADF&G Wildlife Veterinarian Dr. Kimberlee Beckmen and others to determine how to best address any health issues. As an example, when a parasite problem was identified through fecal tests, Mike had to devise and implement the right feeding strategy to ensure that each bison received the necessary amount of grain with the de-worming supplement. The Millers are the first to see and provide care for newborn calves. At times Mike has had to report bison mortalities and work with Dr. Beckmen and State Veterinarian Dr. Bob Gerlach who conduct necropsies to ensure there are no health problems that could affect the entire



AWCC hosted a meeting and tour for U.S. Fish and Wildlife Service Alaska Regional Director Geoff Haskett.

herd or other animals.

When the wood bison are run through the handling facility for health testing, AWCC has stepped forward to provide extensive support. During these handling events 20 to 40 people including veterinarians, biologists, and other handlers, converge on AWCC for a full week. Several AWCC staff and board members play vital roles such as squeeze chute operator Rick Henry and Steve Mendive. Mike and Kelly feed all of us, lodge some of us, provide facilities for the veterinary crew to work, and in general give extraordinary efforts to make the events go as smoothly as possible. The Millers have a wonderful way of making all of us welcomed as though we were family. In fact, they include their own family of two little children, Abigail and Owen at most of the gatherings.

The people at AWCC play a large role in educating the public about the wood bison restoration project. Wood bison are a regular feature in the AWCC newsletter *The Animal Ambassador*. AWCC hosted the Wood Bison Welcoming Ceremony held in July 2008 to celebrate the import of bison from Canada. They helped arrange a wood bison project display in the Sears Mall in Anchorage and have conducted presentations at the Alaska Travel Industry Association and other forums. AWCC is always willing to provide tours and detailed explanations of the wood bison project. For example, AWCC provided a tour for members of the Anvik, Shageluk, Grayling and Holy Cross Village Councils during the October 2009 Alaska Federation of Natives conference. They also hosted a meeting and tour for U.S. Fish and Wildlife Service Alaska Regional Director Geoff Haskett, ADF&G Director Corey Rossi and other agency staff last June. The Millers added their special brand of welcome to all of these events.

AWCC does not charge ADF&G for the daily care of the bison. Instead, the value of their services is credited as an in-kind donation for the ADF&G's State Wildlife Grant (SWG) Wood Bison Restoration Project. This in-kind donation has enabled ADF&G to obtain matching federal funds to support other wood bison project activities. In addition to their own substantial in-kind contributions, AWCC has taken a lead role in obtaining other partners for in-kind contributions. Even before it was possible to match funds through the SWG program, AWCC obtained the support of the Anchorage and Kenai Chapters of Safari Club International to provide funding for the health handling corral, squeeze chute and other facilities and equipment.

The complete list of in-kind partners is a long one, but the main message is that AWCC has been front and center in developing these partnerships. As a prime example, AWCC obtained the support

of Carlile Transportation to haul hay and other feed to AWCC for the wood bison as an in-kind contribution (see back cover photo). Mike, Kelly and all of AWCC cheerfully take on any task necessary to help advance the wood bison project. When the red tape and bureaucracy involved in the project begin to seem overwhelming it is reassuring to know that people such as the Millers and organizations such as AWCC are working tirelessly to see the vision of free-ranging wood bison in Alaska become a reality.

In addition to wood bison AWCC has other animals such as moose, elk, musk ox, bears, eagles, and coyotes. At one time they had a herd of plains bison, but those were sold to make room for the growing wood bison herd. Visit the web site www.alaskawildlife.org to learn more about AWCC.

New ESA Regulations for Wood Bison in Process

The U.S. Fish and Wildlife Service (FWS) is cooperating with the State of Alaska to develop special regulations for wood bison in Alaska under the Endangered Species Act (ESA). These regulations are intended to address concerns of development interests about potential restrictions on other resource development related to the provisions of the ESA.

Wood bison are currently listed as "endangered" under the ESA, but the two regulations that will be proposed later this year would change this status. One is a special rule that will designate wood bison in Alaska as a "nonessential experimental population," or NEP, under section 10(j) of the ESA, and then specify how they will be

managed. The special rule is designed to promote the conservation of wood bison and ensure that other land uses and natural resource development projects are not impeded by complications related to the ESA. Critical habitat cannot be designated with a NEP designation in place. The special rule will also allow "incidental take" so that if wood bison are harmed or killed during resource development or other lawful activities, enforcement actions will not be taken.

FWS is also reevaluating the current ESA listing as endangered and may change the status of wood bison to "threatened" throughout their range, or possibly remove wood bison from the list of endangered species. The proposed rules

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are likely to be published in late 2010. Once public comments have been evaluated, final rules will be published, and FWS hopes to finalize the NEP designation late next summer. Bison cannot be released until the NEP designation is in place, and an Environmental Assessment (EA) has been completed according to the requirements of the National Environmental Policy Act. The EA will be available for public comment at the same time as the proposal to designate wood bison in Alaska as a NEP. The State of Alaska will not reintroduce wood bison until regulations are in

place that will prevent adverse effects on other resource development activities that are important to Alaska's economy.

When the Fish and Wildlife Service publishes the proposed regulations in the Federal Register, ADF&G will inform people of the opportunity for public comment. This will be an important milestone in the wood bison restoration effort, and we encourage interested people and organizations to review and comment on proposed regulations.

Wood Bison Project Awarded Grant From the Wildlife Conservation Society

Recently the Wildlife Conservation Society (WCS) announced that Alaska's wood bison project had been awarded a grant of \$152,350 to help complete the initial reintroduction of wood bison to the wild. This was one of 17 grants awarded to conservation projects around the country with funds provided by the Doris Duke Charitable Foundation and managed by the WCS through its Wildlife Action Opportunities Fund. This program provides grants to conservation organizations, state fish and wildlife agencies, and tribal governments for innovative conservation projects that involve strong working partnerships and focus on implementing priority conservation actions identified in strategic habitat conservation plans. The wood bison project has so far been supported mainly with private donations and federal funds provided through the State Wildlife Grant (SWG) program. Funding from the Turner Foundation enabled ADF&G to import wood bison from Canada in 2008. The new WCS funds will also be used to match federal funds obtained through the SWG program.

The **Wildlife Conservation Society** was founded in 1895 with the goal of conserving wildlife and wild places. In addition to supporting worldwide conservation programs around the world, the WCS manages several wildlife parks in New York including the Bronx Zoo and Central Park Zoo. In the late 1800s and early 1900s the Bronx Zoo helped conserve some of the last remaining plains bison in North America. In 1905, Theodore Roosevelt and other conservationists formed the American Bison Society to save plains bison from extinction. Plains bison numbers have increased, and they are no longer in danger of extinction, but most are privately owned. In 2007, the Wildlife Conservation Society reestablished the American Bison Society to help increase the number of free-ranging bison. The WCS Institute has supported Alaska's wood bison restoration program on a national level for several years. ***ADF&G appreciates the opportunity to work in partnership with WCS and the American Bison Society to advance bison conservation in North America!***

Wood Bison Health Certification Nears Completion

For the last several years the wood bison at AWCC have undergone a comprehensive health testing and certification program with the ultimate goal of ensuring they are disease-free. Nearly all the required tests have been completed and the wood bison are well on their way to achieving the necessary health certification so they can be released to the wild.

The health testing program in Alaska is being conducted under the terms of a cooperative agreement between ADF&G, and the Office of the Alaska State Veterinarian within the Alaska Department of Environmental Conservation. The testing program includes the bison imported from Elk Island National Park (EINP) Canada in June 2008 ("2008 group"), the bison which had been transferred to AWCC by the U.S. Fish and Wildlife Service in 2003 ("2003 group"), as well as all offspring that have been born at AWCC. Like the imported group, the 2003 group also originated from stock from the EINP wood bison herd. Initially each group was kept in separate quaran-

ted pastures to ensure that if one group had a disease problem it would not affect the other.

The two diseases of greatest concern with national and international significance are bovine tuberculosis (TB) and brucellosis. For example, the plains bison herd in Yellowstone National Park is infected with brucellosis. Some herds of wood bison in Canada have TB, brucellosis, or both. From an agricultural standpoint it is critical that each state, including Alaska, maintains its certification by the U.S. Department of Agriculture (USDA) as "TB and brucellosis free." We also must ensure that other Alaskan wildlife species are not exposed to these diseases. For those reasons we are taking extensive measures to be sure that wood bison herds established in Alaska do not have TB or brucellosis.

The wood bison herd at EINP has undergone surveillance for TB and brucellosis on a regular basis for over 30 years and is considered free of

(Continued on page 12)

***Thanks to the many people who have helped to make
the wood bison health testing program a success.***

ADF&G Wildlife Veterinarian, Dr. Kimberlee Beckmen, and Alaska State Veterinarian, Dr. Robert Gerlach, led the effort to establish the necessary health testing protocols included in the herd health management plan. They have collaborated with other veterinary and wildlife professionals and overseen the veterinary procedures during the handlings and necropsies as well as interpreted test results. USDA Area Epidemiologist, Dr. Tom Brignole, provided assistance with TB testing. The USDA contributed funding to evaluate a new TB test procedure. Stephanie Crawford played a key role in processing and shipping samples to various laboratories and tracking results. Numerous biologists and other staff from ADF&G, Office of the State Veterinarian, and AWCC assisted with the handlings, as did people from the U.S. Fish and Wildlife Service, Bureau of Land Management and students from the University of Alaska Fairbanks and Anchorage. People from AWCC, and in particular Mike and Kelly Miller, played a crucial role in all phases of the operation by ensuring the handling facilities were operational and that food, lodging and logistical support were provided for the handling crew.

(Continued from page 11)

these diseases. Before the USDA issued a permit to allow wood bison from EINP to be imported to Alaska, they conducted an assessment which showed there is negligible risk that wood bison in



Bison in corral before being separated into smaller groups in the wooden chutes

EINP have TB or brucellosis (see the winter 2008-2009 issue of the *Wood Bison News*). The wood bison selected for possible import to Alaska were individually tested for TB, brucellosis and a variety of other diseases. Finally, based on the USDA risk assessment and negative disease test results the bison were cleared for import to Alaska by the Canadian Food Inspection Agency, the USDA, and the Alaska State Veterinarian. Before the bison were loaded into trucks to be transported to AWCC, each bison was inspected to ensure no winter ticks were present and then treated with an anti-parasite medication. The bison were even fed weed seed free hay before the trip to ensure that no exotic weed species were transported to Alaska.

Each health testing operation, or "handling," requires a crew of 20 to 30 people including bison handlers, veterinarians,

biologists, and equipment operators. A handling involves bringing the bison into a large circular corral, and then separating them into small groups and directing them through a series of small wooden pens, and into metal chutes where each animal is held separately, then onto a scale

to be weighed, and finally into a "squeeze chute." The squeeze chute is a hydraulic apparatus that holds a bison tightly so it cannot move about and be injured, and so it cannot injure the people who are working on it.

While in the squeeze chute, several things happen. If it does not

already have an ear tag, numbered ear tags are attached for permanent identification. The veterinarians and their assistants take samples of blood and feces to be tested for diseases, and samples of blood and hair for genetic testing. Veterinarians evaluate the general health of each animal, review the herd health management plan, administer any treatment necessary

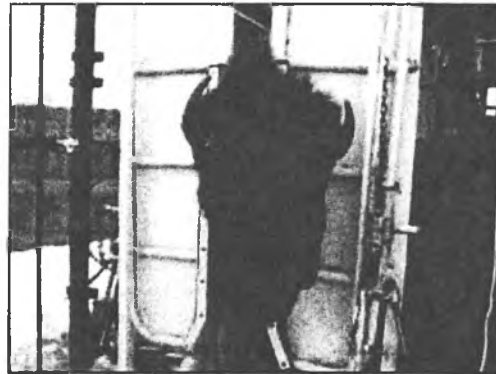


A good crew is essential to a successful handling. Participants have included people from AWCC, ADF&G, the Office of the Alaska State Veterinarian, University of Alaska, U.S. Fish and Wildlife Service, USDA, and the Bureau of Land Management.

and make adjustments to the herd health plan as needed. All bison receive an anti-parasite medication to control internal and external parasites. The samples collected are sent to various laboratories for analysis. Some results are available within days, while others can take several weeks.

The first handling in Alaska was conducted in November 2008 and involved only the 32 bison in the 2003 group. A second handling event in March 2009 included the 2003 and 2008 groups of wood bison; however the two herds were kept separate for quarantine purposes. Once the results from the March 2009 tests showed there were no differences in disease or parasite exposure in the two herds, the quarantine was lifted and the two groups were allowed to mix. Since then they have been treated as one large herd.

In February 2010 we conducted the third health testing operation. This handling was more challenging. The entire herd of about 80 bison had to be handled twice in less than a week to conduct the USDA certified "caudal fold" test for TB. Veterinarians administered a TB injection on the caudal fold at the base of the tail, and then checked for a reaction to the tuberculin 72 hours later.



Bison is held safely in the hydraulic squeeze chute while veterinarian injects deworming treatment.

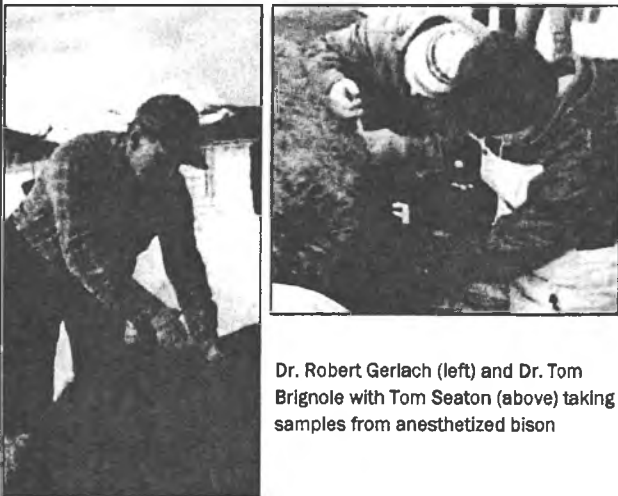
During each of the handlings a few adult bison refused to enter the chutes and had to be anesthetized so that the necessary samples could be obtained. During the March 2009 handling a large bull refused to enter the chute system and charged one of the handlers in the corral. Fortunately, he was not seriously injured. Because of this incident the handling procedures were modified to improve animal and personnel safety. For the most recent handling last February the five largest bulls were separated from the herd and anesthetized so they did not have to be moved through the handling facility. Even then, there were two other bison that would not enter the chutes and were anesthetized so their testing could be accomplished.

Test Results

As expected, repeated testing has shown that the wood bison at AWCC are free of TB and brucellosis. Nearly all the test results for a wide variety of other diseases being monitored have also been negative. The few disease issues we have encountered are described below.

In November 2008, a genetic test of fecal samples showed that one bull was potentially positive

(Continued on page 14)



Dr. Robert Gerlach (left) and Dr. Tom Brignole with Tom Seaton (above) taking samples from anesthetized bison

(Continued from page 13)

for Johne's disease, a bacterium which already occurs in some livestock in Alaska. Johne's disease can cause chronic diarrhea and result in health problems in domestic herds of bison and other livestock. It is not known to cause significant health problems in wild herds. Two follow-up fecal tests on this bison were negative. However, to be certain the animal was not capable of spreading the disease the bull was euthanized so that more laboratory testing could be conducted to determine whether the animal was infected.

Johne's disease bacterium could not be identified, even with special stains and cultures, in any of the tissues taken during the necropsy and no abnormalities consistent with Johne's disease were found.

Subsequent repeated testing and examinations have shown no signs consistent with Johne's disease. All other fecal and serum tests in the wood bison herd at AWCC have been negative.

Like any animal herd, the wood bison do have internal parasites that cannot be completely eliminated. However, the parasite loads are reduced and effects minimized by routine deworming treatments. Injections of antiparasitic drugs were given at handlings. The entire herd is being treated every spring and fall with an anti-parasite medication mixed in grain. In addition, the herd is rotated into new pastures to help reduce re-infection from parasite eggs that are shed in the manure and build up in contaminated pastures.

Repeated testing has shown that the wood bison are free of TB and brucellosis, the two primary diseases of concern.

Most of the bison are also fed grain that has been mixed with diatomaceous earth, which may also reduce gastrointestinal parasites. Recently ADF&G Wildlife Veterinarian, Dr. Kimberlee Beckmen, reported that the results from fecal parasite screens conducted in summer 2010 "***are all acceptable and indicate the herd health plan and deworming treatments are effective.***"

Births and Deaths

Thirty nine calves have been born since wood bison first arrived at AWCC in 2003. We have not encountered any infectious disease issues other than parasites, but there have been 16 mortalities,

with 11 of those since March 2009. While we can determine the cause of some deaths (e.g., traumatic injuries such as fighting or goring from other bison), in other cases the cause of death is not entirely clear. Most involved young bison, and a few

cases probably resulted from competition at feeding sites. Others may be related to stress and injuries that occurred during handling. Bison are known to harass one another more when they are stressed, or if they detect illness or injuries in other bison. Injuries that have occurred during competition for feed or in handling operations could have triggered attacks by other bison.

As part of the management plan, the wood bison are provided with supplemental hay and other feed at AWCC. Mike Miller and his staff distribute hay in several locations to reduce competition and allow all animals to feed. The Wood Bison Health Care Committee continues monitor the nutritional status of bison at AWCC and consult

with bison experts in both Canada and the United States to ensure the bison are getting the best care possible. We continue to learn about wood bison. For example, because bison will lose weight during winter no matter how much they are fed, AWCC focuses on providing rich summer pasture and some grain supplements so the animals have adequate fat reserves in the fall and to help assure successful breeding and healthy calves each spring.



Photo by Bob Sutherland
A newborn calf at AWCC with mother and curious on lookers. Cows are very attentive and protective of their newborns.

Alaska and the Wood Bison Project Lose a Great Friend

Alaska's wildlife and the wood bison project recently lost a great friend and supporter when Anchorage resident John A. Morrison, 85, passed away on Sept. 19, 2010. John had a lifelong passion for the outdoors and the environment. He began his career as wildlife biologist and researcher in Montana and Idaho, and received a Ph.D. in zoology from Washington State University in 1965. John conducted biological research in Puerto Rico, Oklahoma and Colorado from 1965 to 1977. His studies included animal behavior and environmental impact assessments for energy development projects.



John Morrison talking at the wood bison welcoming ceremony at AWCC

In 1978 John moved to Anchorage to head the U.S. Fish and Wildlife Service's Information Management System. After retirement in 1985, he was an adjunct professor at University of Alaska

Anchorage and Alaska Pacific University. He worked for ADF&G from 1989 to 1995, and also volunteered extensively as a Boy Scout assistant leader, firearms training instructor, life coach for his grandchildren, and in supporting the Wood Bison Restoration Project. John received many awards for outstanding conservation work, and along with SCI, was an active supporter of wood bison since the early 1990s. John will be deeply missed by his many friends in Alaska and elsewhere.



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[http://www.wildlife.alaska.gov/index.cfm?
adfg=planning.main](http://www.wildlife.alaska.gov/index.cfm?adfg=planning.main)



Several organizations contributed funds to purchase a new John Deere tractor for the wood bison project. The banner above was printed as a sticker and posted in the back window of the new tractor, below right.



Once again, this fall Carlile Transportation is delivering hay to the Alaska Wildlife Conservation Center to support the wood bison project. Carlile's co-founder and CEO, Harry McDonald, stated:

***"We make this contribution because we really like the facility at AWCC
and we believe in what they do there."***



Wood Bison News



Drawing courtesy of Wes Olson

Issue Number 3, Spring 2007

ADF&G Seeks Public Comment on Environmental Review of Wood Bison Restoration in Alaska

by David D. James, Division of Wildlife Conservation Regional Supervisor

On behalf of the Alaska Department of Fish and Game, Division of Wildlife Conservation (ADF&G/DWC), I am happy to announce completion of the report Wood Bison Restoration in Alaska: A Review of Environmental and Regulatory Issues and Proposed Decisions for Project Implementation

(Environmental Review). This Environmental Review represents a significant milestone in the department's efforts to evaluate wood bison restoration in Alaska. Public comment on this report will have a major influence in determining whether the department continues to pursue wood bison restoration in Alaska and, if so, where we attempt to restore this historically important species.

Up to this point the proposal to restore wood bison has received support from a wide variety of organizations and individuals interested in Alaska wildlife management and wood bison conservation. In spring 2005 the department established a Wood Bison Restoration Advisory Group that included representatives of several state

Fish and Game advisory committees, Native organizations, conservation groups, including both environmental and sports-

returning wood bison to the wild in Alaska. Continuing this spirit of cooperation will be a key factor in the success of any restoration

asts. It is clear that wood bison are compatible with other wildlife species in the state and can play an important role in restoring and maintaining natural processes. The wood bison restoration project also has significance beyond Alaska.



Members of the Wood Bison Restoration Advisory Group after the June 2005 meeting. From left to right: Arnold Hamilton, Ben Stevens, Nancy Fresco, Ron Silas, Ronnie Rosenberg, Bud Burris, and Bob Byrne (back).

man's organizations, and animal welfare interests. After thoroughly reviewing and discussing available information on wood bison, the group unanimously recommended that the department continue to pursue wood bison restoration. The members of this diverse advisory group showed a willingness to work together to achieve the common objective of

efforts that are pursued in the future.

Based on public input and thorough biological evaluation, ADF&G believes that wood bison restoration in Alaska represents an outstanding wildlife conservation opportunity and that wood bison restoration will ultimately provide benefits for local and non-local hunters and wildlife viewing enthusi-

The Wood Bison Advisory Group supported moving forward with wood bison restoration in Alaska and continuing to consider all three potential release sites.

Wood bison restoration in Alaska would help to achieve several goals in Canada's Wood Bison Recovery Plan and will contribute to international efforts to re-

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Alaska Wildlife Conservation Center Prepares to Play a Key Role in Wood Bison Restoration

The Alaska Wildlife Conservation Center (AWCC) continues to make preparations to play a key role in restoring wood bison in Alaska. Located at Portage, Alaska, AWCC is a nonprofit organization that provides wildlife viewing and education opportunities in a natural setting. For many years visitors have enjoyed seeing moose, muskoxen, plains bison, elk, black bears, grizzly bears, black-tailed deer and other animals. AWCC has worked closely with ADF&G for several years to develop the capacity to serve as a temporary holding facility for wood bison stock for restoration efforts.

In 2003, the U.S. Fish and Wildlife Service transferred 13 wood bison to AWCC. There are now 22 animals in the wood bison herd, and additional calves are expected this spring. About 65 acres in three separate enclosures have been set aside for wood bison.



Paul Williams, from the Yukon Flats community of Beaver, and AWCC Executive Director Mike Miller visit the wood bison at AWCC

The grazing enclosures for wood bison at AWCC have been created and maintained in part with support from the Natural Resource Conservation Service.

AWCC recently completed construction of a bison handling facility and hay barn with support from Safari Club International. If there is sufficient public support for wood bison restoration and a decision is made to move ahead with the effort, AWCC

should be ready to support additional wood bison that could be imported from Canada in early 2008.

ADF&G and AWCC are completing a Memorandum of Agreement which will help guide future cooperative efforts, and also establish an Alaska wood bison restoration fund, which will provide a way for interested individuals and organizations to support the effort.

On April 20 AWCC received the Alaska Convention and Visitors Bureau award for "2007 Member of the Year." The award was given to AWCC for outstanding contributions to wildlife conservation and the visitor industry.



Wood bison corral at AWCC

ADF&G Seeks Public Comment

(Continued from page 1)

store the ecological role of bison throughout North America.

There are some remaining challenges described in the Environmental Review that must be addressed in a cooperative manner in order for the project to move forward. While the department has been preparing this Environmental Review we have also been pursuing several other actions that are necessary to restore wood bison in Alaska. If these actions resolve some regulatory and permitting

issues in time, and sufficient public support is evident, we hope to import wood bison stock from Canada in winter 2007-08, and complete preparations to release wood bison into the wild by spring 2010 or 2011.

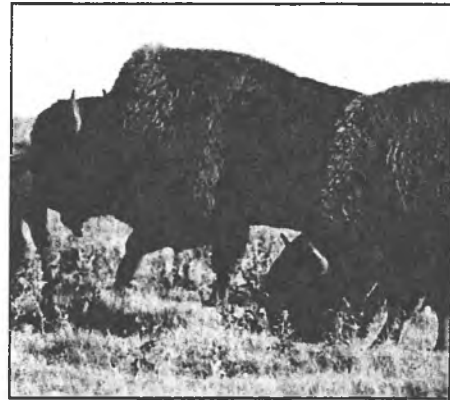
At present it appears that the issues related to importing bison can be resolved in the coming months, and that there is substantial public interest in working to prepare cooperative management plans to guide wood bison reintroduction and management in specific areas. Continued public support and advocacy from diverse wildlife users will be essen-

tial to achieving the wildlife conservation objective of restoring wood bison in Alaska and creating opportunities for diverse users to share in the benefits. ADF&G is pleased to provide the public with an additional opportunity to comment on this proposal to restore a historically important species to Alaska. If the public continues to support the project, we are eager to work with various wildlife users, landowners, local governments and managing agencies to evaluate and plan for wood bison restoration at specific locations in Alaska.

Chugach National Forest Proposes to Make Land Available for Wood Bison Pasture

The Chugach National Forest (CNF) is poised to make an important contribution to the wood bison restoration effort by providing additional land where wood bison can be held until they are released in the wild. CNF has prepared an Environmental Assessment (EA) for a proposal to allow ADF&G to use 27 acres of National Forest land adjacent to A WCC

as a temporary pasture to help support wood bison. Public comment on the EA has strongly favored the proposal. If the EA is approved, ADF&G, AWCC, the USDA Natural Resource Conservation Service (NRCS) and CNF will complete a Memorandum of Understanding to guide use and care of the land.



Wildlife Transplant Policy Review Underway

ADF&G has initiated the process to evaluate possible wood bison restoration according to the DWC Wildlife Transplant Policy. DWC Director Matt Robus approved a scoping report, made a finding on the status of wood bison according to the classifications in the policy and established a Wildlife Transplant Policy Review Committee. The committee is chaired by Dr. Kris Hundertmark, Assistant Professor of Wildlife and Ecology at the University of Alaska-Fairbanks and includes ADF&G biologists responsible for the areas where wood bison restoration is being considered or who are involved in managing plains bison herds in Alaska.

information on wood bison ecology and environmental effects, the committee unanimously agreed that wood bison restoration is not likely to effect a significant reduction in the range, distribution, habitat, or pre-existing human use of other species. They also emphasized the need to plan for adequate public access to bison and let herds grow to at least 400-500 animals, and to achieve higher levels wherever possible to help maintain genetic diversity. The findings of the committee are available for public review and comment and can be found in Appendix F in the Wood Bison Environmental Review. The committee will finalize its findings after considering public comment.

After reviewing all of the available

The Wood Bison Wildlife Transplant Policy Review Committee unanimously agreed that wood bison restoration is not likely to effect a significant reduction in the range, distribution, habitat, or pre-existing human use of other wildlife species.



Photo by Gary Lackie

Update on Wood Bison Import Efforts

USDA May Allow Import of Breeding Bovines: In January 2007 the USDA proposed new regulations that would again allow the import of bison and other bovines from Canada for breeding and other the purposes. Under the existing regulations, which were established in connection with concerns about "Mad Cow" disease, an exemption would be required to import wood bison. It is hoped that the new regulation will be finalized in time to allow Alaska to obtain additional stock without the need to obtain a special permit.

Importing Wood Bison from Canada: ADF&G is making plans to import an additional 40-50 wood bison from Elk Island National Park in Alberta in early 2008. The Department is working with the Alaska State Veterinarian and veterinarians in Canada to finalize health monitoring protocols for wood bison both before and after they are imported. An application for an import permit was submitted to the U.S. Fish and Wildlife Service in March 2007. This permit is required because wood bison in Canada are listed as endangered under the US Endangered Species Act. The application will be noticed in the federal register so that the public has an opportunity to comment, and a few months will probably be required for the process to be completed. While ADF&G is making preparations to proceed with wood bison restoration, actually doing so depends on public comment on the Environmental Review and other factors.



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Wood bison were the last subspecies of bison to naturally occur in Alaska. They were present for most of the last 5,000 to 10,000 years until they disappeared in the last few hundred years. Please take a moment to let us know what you think of the proposal to return wood bison to suitable habitat in interior Alaska.

A summary of the Environmental Review of Wood Bison Restoration in Alaska is enclosed. The complete report can be found at:
<http://www.wildlife.alaska.gov/index.cfm?adfg=game.restoration>

Comments are welcome through June 30, 2007.

Wood Bison Restoration in Alaska



Painting by Randall Compton

A Wildlife Conservation Opportunity for the 21st Century

Fairbanks artist Randall Compton produced the above wood bison painting for Dr. Stephen Sutley. They have generously offered to allow ADF&G to use the artwork to help promote the wood bison restoration project. An image of the painting is on the cover of the wood bison Environmental Review. If the project continues to move forward, ADF&G may cooperate with other organizations to produce posters similar to the one shown above.

ADF&G would like to thank the following people who served on the Wood Bison Restoration Advisory Group:

- Bud Burris, Fairbanks Advisory Committee (AC) and Alaska Outdoors Council
- Bob Byrne, Safari Club International, Washington, D.C.
- Paul Edwin, Chalkyitsik Village Council
- Nancy Fresco, Northern Alaska Environmental Center
- Arnold Hamilton, Grayling-Anvik-Shageluk - Holy Cross AC, Shageluk
- Ronnie Rosenberg, Animal Welfare considerations, Fairbanks
- Ron Silas, Minto Village Council
- Bruce Thomas and Ben Stevens, Council of Athabascan Tribal Governments, Fort Yukon
- Nicole Whittington-Evans, The Wilderness Society, Anchorage

Thanks also to the Safari Club International Foundation and the Pope and Young Club for financial support to prepare the wood bison Environmental Review!

(Continued from page 3)

Deputy Assistant Secretary for Fish, Wildlife and Parks, U.S. Department of Interior, also endorsed restoring wood bison in Alaska.

Congratulatory remarks from Ted Turner of the Turner Foundation and the Turner Endangered Species Fund were read. Remarks contributed by Kent H. Redford of the Wildlife Conservation Society and American Bison Society ac-

knowledged that Alaska's wood bison restoration project is particularly significant because there are few other places where the large-scale restoration of bison will be possible. He congratulated Alaska on moving toward the ecological restoration of North American bison, and concluded by saying, "We salute you and we salute wood bison as they make a major step in returning home to Alaska."

DWC Director Doug Larsen focused on how far we've

come, and thanked the many cooperators and collaborators. Both Commissioner Lloyd and Larsen specifically thanked Bob Stephenson for conceiving the concept, working with Athabascan elders to document the presence and use of bison, and continuing efforts to restore the species in Alaska over the past 15 years. They also recognized the teamwork of Bob, Randy Rogers, David James and others which has enabled the Department to achieve significant progress in recent years.



Arnold Hamilton from the village of Shageluk voices his support at the wood bison ceremony.

Safari Club Provides Key Support for the Wood Bison Project

By John Morrison (adapted from comments made at the wood bison welcoming ceremony)

The Safari Club International (SCI) and its Foundation have actively supported the Alaska wood bison restoration project for many years. The Kenai Peninsula and Alaska chapters of SCI have also been closely involved. SCI has provided both political and financial support.

SCI became interested in supporting the project when we first heard about it in the mid 1990's. Soon afterward we learned of the importance of the Alaska Wildlife Conservation Center in its role for holding the bison and we saw the need to actively support the effort and take some responsibility.

Bob Stephenson and Mike Miller deserve credit for their determined efforts, patience and leadership in getting the project to success. Former SCI officer J. Y. Jones and I encouraged top officials in the Department of Interior in Washington, D.C. to expedite advancement of the project.

The chapter's commitment to support the project has not been based solely on the value of establishing another species to hunt. We already have three populations of plains bison that provide hunting by permits. We have been motivated by:

- ◆ Appreciation of the opportunity to re-establish a native species and restore a valuable member of the state's indigenous fauna.



John Morrison speaking on behalf of the Alaska and Kenai Chapters of SCI at the wood bison welcoming ceremony.

- ◆ The value of broadening the distribution of the wood bison and its genetic base to help insure its survival in North America.
- ◆ Provide the opportunity for research in the field and support the management of wood bison at AWCC.
- ◆ Give the public an opportunity to enjoy seeing the bison and learn about them.

Our foundation and chapters' support has included about one hundred thousand dollars obtained in our annual fund-raising programs and provided mainly for these activities:

- ◆ Providing funding to the ADF&G to contract with an environmental consultant to help with the necessary environmental review and analysis.

- ◆ Purchasing the squeeze chute and much of the handling facility at AWCC.
- ◆ Constructing a new hay barn at AWCC for storing food for wood bison and other animals.
- ◆ Purchasing hay
- ◆ Purchasing a stock trailer for moving wood bison and supplies and equipment.
- ◆ Helping to produce interpretive signs posted at the various enclosures at AWCC to inform visitors about wood bison and other animals.

Future possibilities for additional chapter support include:

- ◆ Providing funds for both the release of the animals and AWCC needs.
- ◆ Participating in planning with land owners and managers, and other public interest groups to develop recommendations to ADF&G for the management of the free-ranging populations of wood bison
- ◆ Once herds have grown sufficiently, support the harvest of animals under sustained yield principles, and with a system that allocates harvest fairly among local and other resident hunters as well as nonresidents.
- ◆ Supporting viewing and educational programs associated with free-ranging wood bison populations.

Congratulations Everyone!

By David James, ADF&G Regional Supervisor

It took many, many years for the wood bison project to accomplish the all-important first step: Import wood bison into Alaska in preparation for release into the wild. Seems obvious, huh? Should be simple enough you might think? Guess again.

Close to 15 years were required to reach this first step. On June 19th, 53 wood bison bolted out of the livestock vans in which they had spent the previous 50 hours into an enclosed area at the Alaska Wildlife Conservation Center at Portage, Alaska. *Finally, the wood bison project was REAL!*

Although there are many more hurdles to clear before the most important goal is reached – releasing the wood bison into the wild – just getting them into Alaska was an event worth celebrating. And celebrate we did on July 8th; it was a fun and memorable event!

Many years ago we realized that the wood bison project would not succeed without broad public support. It took a

great deal of time and effort to develop that

support. However, without it there is no doubt in my mind we would have failed to get this far. There were times during the past decade and a half when the project was “half a bison hair” from being stopped. It is only through the growing and unflinching support of many organizations, agencies, and members of the public that we now have wood bison stock to use in restoring these animals in the wildlands of Alaska.

The essence of my message is a simple “thank you.” There are too many individuals and organizations for me to name them in this short piece. But, as they say, you know who you are. Each and every contribution in time, money, or moral support was absolutely critical for the all-important first step of getting wood bison from Canada to Alaska.



Randy Rogers, Dr. Bob Gerlach, Bob Stephenson and David James celebrate the arrival of wood bison from Canada.

Your continued support will be necessary in the coming years as we develop specific site release plans and, in the interim, shepherd the captive wood bison through the quarantine period.

The ultimate reward for your support will be a living, wildlife legacy that future generations of Alaskans and others will look back on with gratitude to those who fought and worked so hard to make happen.

Many of the primary wood bison project contributors and supporters are listed on the back cover of this newsletter.

Status of Wood Bison Under the Endangered Species Act Revised

By Bob Stephenson

As was explained in the wood bison Environmental Review, the U.S. Fish and Wildlife Service (FWS) made a determination in 2003 that although wood bison are listed as “endangered in Canada” under the Endangered Species Act (ESA), wood bison brought into Alaska would not need to be listed as endangered. In December 2007, during the process of reviewing ADF&G’s application for an import permit, the FWS revised this determination. A November 2008 letter from the Director of the FWS states, “The wood bison is listed as endangered wherever found and, as such, would retain its endangered status if introduced into the United States.” In this letter the FWS also expressed support for the state’s effort to reestablish free-ranging wood bison in Alaska.

Because at times in the past there

had been public opposition to proposed reintroductions of endangered species due to concerns about restrictions on other land uses and activities, in 1982 Congress added a provision to the ESA to designate specific reintroduced populations of endangered species as “nonessential experimental populations” (NEPs). This is the provision of the ESA has been used for the reintroduction of wolves into Yellowstone National Park, black-footed ferrets, condors and other species. Under an NEP designation regulatory restrictions can be considerably reduced to make the reintroduction more compatible with other land uses.

ADF&G is working with FWS to designate wood bison in Alaska as an NEP. This will help ensure conservation of wood bison, minimize the potential for regulatory conflicts with other land uses

and developments and allow regulated harvests at the appropriate time in the future. While this change in the status of wood bison under the ESA adds to the complexity of the project, in the long run this approach will prevent legal challenges that could be more disruptive to the project and other land uses.



Graphic by Teal Rogers

USDA Risk Assessment and Disease Testing Update By Randy Rogers

As noted in the last issue of the Wood Bison News, for the last several years U.S. Department of Agriculture (USDA) regulations had prohibited all imports of bovines (cattle and bison) into the U.S. from Canada because of concerns about mad cow disease. In November 2007 the USDA adopted new regulations to once again allow bison imports and ADF&G submitted an application for a USDA import permit for wood bison soon thereafter. Because the Elk Island National Park (EINP) wood bison herd has been free of bovine tuberculosis (TB) and brucellosis for over 30 years and the wood bison to be imported to Alaska would be tested at least twice for TB and brucellosis before import, ADF&G anticipated little delay in obtaining the USDA permit. The situation didn't turn out to be quite that simple.

To make a long story short, USDA regulations are designed more for

importing domestic livestock than wild animals. In March 2008 the USDA determined that a Risk Assessment (RA) would need to be completed. Dr. Bob Gerlach, the Alaska State Veterinarian, worked closely with USDA staff to discuss disease testing procedures and approaches that might be used to expedite the import permit.

Through an effort led by Dr. Freeda Isaac the USDA completed the RA in less than three months and the import permit was issued in June 2008. The USDA Risk Assessment concluded there is greater than 99.99 percent confidence that the wood bison herd at EINP is free of TB and brucellosis.

In addition, all the wood bison that were imported to Alaska, were tested for TB, brucellosis, respiratory viruses and other diseases and showed no sign of problems. They were also treated twice with medicine to eliminate parasites and

The USDA Risk Assessment concluded there is greater than 99.99% confidence that the wood bison from Elk Island National Park do not have TB or brucellosis.

were individually inspected by Dr. Bill Samuel from the University of Alberta to ensure that no winter ticks were present.

The wood bison will be maintained in a double-fenced enclosure at AWCC for about two years, where additional tests, including at least two more TB and brucellosis tests, will be done before bison are released in the wild. This fall ADF&G Regional Supervisor David James established a Wood Bison Quarantine and Disease Testing Working Group to coordinate bison management and disease testing protocols at AWCC. The group includes Dr. Gerlach, ADF&G Wildlife Veterinarian Dr. Kimberlee Beckmen, Mike Miller, Director of AWCC, Bob Stephenson and Randy Rogers.

Wood Bison Round-Up!

by Bob Stephenson

On November 4 and 5 about 18 people participated in a successful effort to move 32 wood bison through the recently completed bison handling facility at AWCC. The handling involved the bison transferred to AWCC in 2003 as well as their offspring. The goal of the handling was to replace missing ear tags and obtain blood, hair and fecal samples for disease monitoring purposes and genetic analysis. Archie Handel, Chief Warder from EINP and Dr. Todd Shury, a veterinarian with Parks Canada travelled to Alaska to assist with this first round-up.



Bison wranglers split the herd into smaller groups for handling.



Bison groups were separated in the chutes.

The round-up was a success due to the efforts of the two experienced bison handlers from Parks Canada, biologists and veterinarians from the Alaska Department of Fish and Game and Office of the Alaska State Veterinarian, volunteers from the UAF student chapter of The Wildlife Society and several members of the AWCC staff, as well as some cooperation from the bison.

The bison were accustomed to entering the circular corral to feed, and had walked through the system of corrals and chutes in the past, but this time they were separated into smaller and smaller groups until each bison could be moved through a series of chutes ending in a hy-

draulically controlled squeeze chute, where it was restrained so it could be handled. The squeeze chute and metal holding corrals were donated by Safari Club International several years ago to help prepare for Alaska's wood bison restoration effort. AWCC then assembled the equipment and built a circular holding corral and an alley way to complete the facility. It was heartening to see the system work so well during the first attempt at handling bison.



The squeeze chute held the bison safely in place for their check-ups!

Thank you to all the staff and volunteers who made the first bison round-up a success!



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ADF&G gives thanks to the many wood bison project supporters!

- ◆ Alaska Outdoor Council
- ◆ Council of Athabaskan Tribal Governments
- ◆ Wildlife Conservation Society
- ◆ American Bison Society
- ◆ Deloycheet, Inc.
- ◆ World Wildlife Fund
- ◆ Pope & Young Club
- ◆ World Conservation Union
- ◆ University of Alaska-Fairbanks
- ◆ Teck Cominco Alaska
- ◆ Home Depot
- ◆ GCI
- ◆ Chugach National Forest
- ◆ Carlile Transportation Systems
- ◆ U.S. Fish and Wildlife Service
- ◆ Natural Resource Conservation Service
- ◆ Anchorage Soil and Water Conservation District
- ◆ Canada's Wood Bison Recovery Team
- ◆ Parks Canada/Elk Island National Park
- ◆ Canadian Wildlife Service
- ◆ Canadian Food Inspection Agency
- ◆ U.S. Department of Agriculture
- ◆ Office of the Alaska State Veterinarian
- ◆ Alaska Board of Game
- ◆ Fish and Game Advisory committees and councils, tribal councils and local communities
- ◆and many other individuals and organizations!

Special thanks to:

- ◆ **The Turner Foundation for providing the essential grant that enabled ADF&G to acquire wood bison from Elk Island National Park, transport them to Alaska and more.**
- ◆ **Safari Club International and the Alaska and Kenai Chapters of SCI for extensive support (see article on p. 5).**
- ◆ **The Alaska Wildlife Conservation Center for its partnership in the project and dedication to quality care of the wood bison.**

Many of the contributions from private organizations and non-federal agencies have been used to receive matching federal funds through the State Wildlife Grant program. This has effectively doubled the value of the contributions to the project.



In two of the most recent donations to the wood bison project the UAF School of Natural Resources and Agricultural Sciences gave a discounted rate on bales of hay and Carlile Transportation donated the cost of trucking the hay from Palmer to AWCC.

Thank you UAF and Carlile!

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/>.

ESA BLAWG A THOUGHTFUL AND INDEPENDENT ENDANGERED SPECIES ACT LAW BLOG

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FWS RECLASSIFIES WOOD BISON AS THREATENED, NOT ENDANGERED, SPECIES

Sensational but untrue headline.

(see article below)

Category Federal Register

Bookmark :

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 freeranging, 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.

CORE ESA LINKS

Essential ESA

- ESA Statutory Text
- 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

- 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'l. 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.

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

CITES

POSTED BY KEITH RIZZARDI ON 02/08/2011

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Educational sources

- Animal Planet

Endangered Species Law and Policy

Posted at 10:12 AM on February 17, 2011 by David Miller

Fish and Wildlife Service Issues Proposed Rule to Reclassify Wood Bison From Endangered to Threatened



The Fish and Wildlife Service (“Service”) recently announced (pdf) a proposed rule to reclassify the wood bison (*Bison bison athabascae*) from endangered to threatened under the Endangered Species Act (“ESA”). After completing a 12-month status review, the Service found that threats still affect the wood bison, with the largest threat being the loss of habitat caused by agricultural development, the presence of diseased wood bison and cattle herds on habitat that could be restored with disease-free herds, and the commercial production of plains bison in historical wood bison habitat. However, the Service found that these threats were not of sufficient imminence, intensity, or magnitude to indicate that the wood bison is presently in danger of extinction given the increase in the

number of herds and population sizes, the ongoing management of the species, and protections provided by law. They therefore found that the wood bison is not endangered. Because threats to the wood bison still exist, however, the Service determined that the reclassification of the wood bison from endangered to threatened was warranted.

The wood bison is a relative of the American plains bison. Historically, the wood bison occupied Canadian ranges north of the plains bison. All wild wood bison presently are found in northwestern Canada. While woods bison populations were once estimated at about 168,000, the subspecies was nearly eliminated by the late 1800s. Like the plains bison, overharvest is estimated to be the major cause for the wood bison’s decline.

ESA section 4(f) generally directs the Service to develop and implement recovery plans for endangered and threatened species, but no such plan has been instituted for the woods bison because no wild populations currently exist in the United States. However, in Canada, the National Wood Bison Recovery Team (“NWBRT”) published a national recovery plan. This plan established four primary goals: (1) reestablish at least four discrete, free-ranging, disease-free, and viable populations of 400 or more wood bison in Canada; (2) foster the restoration of wood bison in other parts of their original range and in suitable habitat elsewhere; (3) ensure that the genetic integrity of wood bison is maintained without further loss as a consequence of human intervention; and (4) restore disease-free wood bison herds.

In 1978, there was only one free-ranging, disease-free herd with 300 individuals. However, a status review in 2000 revealed that the number of disease-free herds had increased to six, and the total population had grown to approximately 2,800 individuals. Since 2000, an additional disease-free, free-ranging herd has been established, bringing the total number of herds to seven and the total number of disease-free, free-ranging wood bison to approximately 4,400. Four of the seven existing herds have populations of 400 or more, thus meeting the NWBRT’s first recovery goal. There are also four captive herds that have been established, though only three of those herds are currently viable.

The NWBRT previously petitioned the Service to reclassify the wood bison from endangered to threatened on November 26, 2007. After issuing a 90-day finding (pdf) concluding that the petition presented substantial scientific and commercial information indicating that reclassification may be warranted, the Service initiated a status review. The proposed reclassification of the wood bison constitutes the Service’s 12-month finding on the petition to reclassify. The

input in person, by mail, e-mail, or phone at any time during the rulemaking process.

Executive Order 13211

This Executive Order requires agencies to prepare Statements of Energy Effects when undertaking certain actions. However, this proposed rule is not a significant regulatory action under E.O. 13211, affecting energy supply, distribution, or use, and no Statement of Energy Effects is required.

Drafting Information

Theo Matuskowitz drafted these regulations under the guidance of Peter J. Probasco of the Office of Subsistence Management, Alaska Regional Office, U.S. Fish and Wildlife Service, Anchorage, Alaska. Additional assistance was provided by:

- Daniel Sharp, Alaska State Office, Bureau of Land Management;
- Sandy Rabinowitch and Nancy Swanton, Alaska Regional Office, National Park Service;
- Dr. Glenn Chen, Alaska Regional Office, Bureau of Indian Affairs;
- Jerry Berg, Alaska Regional Office, U.S. Fish and Wildlife Service; and
- Steve Kessler, Alaska Regional Office, U.S. Forest Service.

List of Subjects

36 CFR Part 242

Administrative practice and procedure, Alaska, Fish, National forests, Public lands, Reporting and recordkeeping requirements, Wildlife.

50 CFR Part 100

Administrative practice and procedure, Alaska, Fish, National forests, Public lands, Reporting and recordkeeping requirements, Wildlife.

Proposed Regulation Promulgation

For the reasons set out in the preamble, the Federal Subsistence Board proposes to amend 36 CFR part 242 and 50 CFR part 100 for the 2012–13 and 2013–14 regulatory years. The text of the proposed amendments to 36 CFR 242.24, 242.25, and 242.26 and 50 CFR 100.24, 100.25, and 100.26 is the final rule for the 2010–12 regulatory period (75 FR 37918; June 30, 2010), as modified by any subsequent Federal Subsistence Board action.

January 13, 2011.
Peter J. Probasco,
Acting Chair, Federal Subsistence Board.
 January 13, 2011.

Steve Kessler,
Subsistence Program Leader, USDA–Forest Service.

[FR Doc. 2011–2679 Filed 2–7–11; 8:45 am]

BILLING CODE 3410–11–P; 4310–55–P

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

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DATES: We must receive your written comments on this proposed rule by April 11, 2011 in order to consider them. We must receive your written request for a public hearing by March 25, 2011.

ADDRESSES: You may submit written comments and other information by either 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.

We will post all comments on <http://www.regulations.gov>. This

generally means that we will post any personal information you provide us (see the Public Comments section below for more information).

FOR FURTHER INFORMATION CONTACT: Marilyn Myers at U.S. Fish and Wildlife Service, Fisheries and Ecological Services, 1011 E. Tudor Road, Anchorage, Alaska 99503, or telephone 907–786–3559 or by facsimile at (907) 786–3848. If you use a telecommunications device for the deaf (TDD), please call the Federal Information Relay Service (FIRS) at 800–877–8339.

SUPPLEMENTARY INFORMATION:

Public Comments

We intend that any final action resulting from this proposed rule will be based on the best scientific and commercial data available and be as accurate and as effective as possible. Therefore, we request comments or information from the public, other concerned governmental agencies, the scientific community, industry, or any other interested party concerning this proposed rule to reclassify the wood bison as threatened. The comments that will be most useful and likely to influence our decisions are those that are supported by data or peer-reviewed studies and those that include citations to, and analyses of, applicable laws and regulations. Please make your comments as specific as possible and explain the basis for them. In addition, please include sufficient information with your comments (such as scientific journal articles or other publications) to allow us to authenticate any scientific or commercial information you include. We particularly seek comments concerning:

- (1) Information on taxonomy, distribution, habitat selection and use, food habits, population density and trends, habitat trends, disease, and effects of management on wood bison;
- (2) 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;
- (3) 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

Endangered Species Law and Policy

Posted at 10:12 AM on February 17, 2011 by David Miller

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Estimated Bison Damage to Delta Agricultural Fields – 2010

Charles Knight

In the fall of 2010, I used aerial photos taken by Steve DuBois to indicate where bison damage was occurring in farmers' fields. I also visited the fields three times in August and twice in September and assessed damage by estimating yields and percent loss in damaged areas. I interviewed several farmers and offered an on-line survey to gather additional information on bison damage. Bison damage in 2010 was slightly higher than 2009. The 2010 harvest season was later in the Delta area than in 2009 due to rain which delayed harvest. The potato seed crop was also valued higher in 2010, taking into account the potential China seed potato market. I have summarized bison damage by type and amount.

Types of damage:

Grain down = barley, oat, or canola fields that had been trampled, wallowed, or eaten. Values were determined by field areas and percent losses estimated within each field.

Extra grain desiccation & drying costs = In an attempt to minimize bison damage to their crops, Delta farmers often harvest their grain earlier and at a higher grain moisture level than they would have if the bison threat were not present. In 2010, some grain was sprayed with a crop desiccant to facilitate an early harvest. In most cases, however, harvest time in the Delta area was dictated by the weather conditions rather than the presence of bison. Thus, additional drying costs were less in 2010 than in 2009. However, in 2010, some oats were harvested at moisture levels as high as 33% to avoid further bison damage. Additional costs of grain drying and crop desiccation were estimated following interviews with the farmers affected.

Grass, Hay and Straw = Hay fields along the Sawmill Creek and Gerstle River corridors get quite a bit of bison damage each year. Bison roll and graze in the uncut fields, eat and manure in the cut hay that is drying in the windrows, and ram their horns into the big round bales and rip up the wrapping materials and eat holes in them reducing the quality, storage, and ultimately the value. They also get into stacks of baled hay or straw and break open bales that are being stored. Farmers occasionally don't get their straw all baled in the fall and wait until spring to bale it. Bison eating, bedding down, and spreading manure on the straw during the fall and winter reduces quantity and quality. All of these losses have been lumped together in this category.

Potato Damage = a developing market in the area affected by bison is for virus-free seed potatoes. A large company in China is soliciting seed potato producers in Alaska to grow virus-free seed for export to China. Over 100 tons of potato seed from the 2010 crop in Delta area is being shipped to China this year. If this market develops as planned, as much as 50,000 acres of land in Alaska could be used for potato seed production in the near future. Bison running through potato fields step on and crack some tubers, and kick soil off others making them more susceptible to diseases and damage from the elements. A small amount of physical damage can cause considerable reduction in the value of the

crop. When stored, a few damaged potatoes can affect all the potatoes in the storage shed. Damaged potatoes must be dehydrated or they will cause the whole pile to rot. To dehydrate a small percentage of damaged potatoes, the entire storage unit must be kept warmer with dry air circulating through the pile to get rid of excess moisture. This results in weight loss in all tubers, not just the damaged ones. The dehydration will also contribute to a higher grade-out (flabby tubers) when sorting for marketable tubers. There is also concern that animals running through a field can break potato vines and possibly spread potato diseases from plant to plant.

Fence Damage = bison usually respect fences unless they are being pursued or are really attracted to a crop behind the fence. I had two reports of bison going through fences in 2010 causing more labor than actual materials damage.

Missed Opportunities = many farmers would like to plant higher cash-value crops than hay or barley, such as potatoes, oats, canola, field peas, wheat, or later maturing, higher yielding varieties of barley. However, most of these crops are highly attractive to bison or easily damaged by bison, and the farmers feel that they would be foolish to plant such crops as they would almost certainly be damaged by bison. Several farmers mentioned that these missed opportunities were the source of their greatest losses, however, it is impossible to place a value on something never ventured.

2010 Estimated Cost of Bison Damage:

Grain down (barley, oats & canola)	\$58,238
Extra grain desiccation and drying costs	\$10,650
Grass, grass hay, barley and oat straw	\$38,065
Potato damage	\$48,000
Fence damage (labor and materials)	\$ 3,000
Missed opportunities	\$ _____ ?
Total	\$157,953

Wood Bison
Message to the people of Holy Cross, Anvik, Shageluk and Grayling
By House Representative Alan Dick

My main concern with the introduction of Wood Bison into our area is that the people of Holy Cross, Anvik, Shageluk and Grayling are going to end up a sad "Whereas..." in a sad petition to Washington DC where the government is no longer of by and for the people. Once you know the facts, I don't think you will consider it for a nanosecond.

The wood bison that ADF&G plans to introduce into our district is the ONLY Wood Bison herd in the US.

Should we think for one minute that the Federal Government will uphold their 10-J exemption to the Endangered Species Act?

Should we think that the 10-j exemption will last one weekend before Environmental groups file a law suit against it? We won't be hunters. We will become litigators in lawsuits!

I wanted the bison in the headwaters of the Stony River until I learned the story. They are *Trojan Bison*. Once we allow them through the gates, they will destroy our country from within.

Look at Delta. They have Plains bison to hunt. Over 16,000 people apply for a permit each year and only 130 people get one. What will our chances be ten years from now when bison hunts are opened? (If our lawyers perform a miracle and protect us from the Federal and environmental nonsense.) Do we want all those outsiders hunting in our backyard? Do we really think we will get a permit? Our chances are better at the local bingo hall.

Have you read the 10-J exemption to the Endangered Species Act. Here it is. There's nothing there that makes me feel safe.

The Feds have never rescinded a 10-J exemption yet... yet! When did the Feds pass up a chance to lie to Alaskans and take our land? When did the Feds not lie to Indians?

This is an endangered species we are talking about bringing into our country. These are the ONLY Wood Bison in the whole United States. Look at the polar bears. Reliable sources say there are five times more polar bears now than there were in the 70's, but the Feds recently have taken charge of 120 million acres, from the Canadian border to below Kotzebue. And the polar bears aren't even endangered. I think the Feds are using the bears to lock up the country.

Doyon folks didn't want the bison in the Minto Flats and made sure they stayed in Portage.

Should we trust the Federal government?

Look at the Statehood Act

The Feds knew we didn't have many people to tax in order to run the State government, so the Feds agreed to develop the resources of Alaska. The state was to get 90% of the revenue to run the state. That was the Statehood Agreement act.

With ANILCA, President Carter violated the Statehood Act! The statehood act gave the State of Alaska 104 M acres of land. ANILCA locked up an equal amount, 104 M acres. The Feds promised they would NEVER do that again. Recently, President Obama, in violation of ANILCA, set in motion the process to take another huge chunk of Federal land in Alaska and lock that up too in the name of "wild lands."

They lie. Not once, but always. They lied with the statehood act, they lied with ANILCA, and now they are doing it again. Who in the Federal Government could sign a paper that you would believe?

I passed through Oregon when *one* Federal Judge shut down most of the logging industry in that state because of the spotted owl. Environmental groups said the Endangered spotted owl only nested in old growth trees, so they needed to be protected. Thousands of people were put out of work because of the owl.

But the truth is the spotted owl loves to nest in old pickup trucks and other such places. The environmentalists used the owl to lock up the state and put people out of work.

Recently on the House floor we passed HJR17 urging the Federal Government to reconsider the situation in Unalaska.

Unalaska had an exemption but the EPA revoked the exemption that Unalaska had regarding their water and secondary treatment plants. The EPA requirement is now an unfunded mandate of \$9.5 million for treatment for cryptosporidium and there is NO cryptosporidium in Unalaska! The secondary treatment mandate is between \$20-50 million. That totals over \$6,500 for every man, woman and child in the town of 4,370 folks. When Unalaska appealed, the EPA said "Too bad." The deadline for filing for an exemption had passed. They don't care about the people of Unalaska.

The reason I mention this is that we will be trusting in an exemption the same way Unalaska did.

Look how the Feds locked up the Tongass Forest. Remember, the Statehood Agreement said that Alaskans could develop resources on Federal lands and the state would get 90% of the revenue. Thousands of people were put out of their jobs by the Federal lockup of the Tongass. South East villages are dying now because there is no economy. Do we think the Feds care any more for us?

Should we trust the environmental groups? Do we think they will not immediately file a law suit against the 10-J exemption?

Do you remember how the environmental groups lied to the people of Alaska during the predator control issue? That is why we have few moose in many parts of the state. Environmental groups made big bucks on the wolf issue, bleeding money out of the uninformed people of the lower 48 to "save the wolves" that wiped out our moose population.

They would love to take your case to court... the ONLY wood bison herd in the United States.

This will be a big fund-raiser for them. They will make millions of dollars by challenging the 10-J exemption. We Alaskans have no way to fight back.

Should we trust our own State government? A herd of Plains Bison have been in Delta since the 20's. They are not an endangered species, but the Delta hunt is so popular, the State has ignored the cries of the Delta farmers for decades. The bison trampled \$150,000 worth of barley just last year, but ADF&G hasn't done a thing about it. If the State won't do something for the Delta farmers, what makes us think they will do something for us against the Federal Government when the Trojan Bison have our land locked up?

Concern

The bill I have submitted to the House only requires the Department of Fish & Game to get permission from the Legislature before introducing the Endangered Bison into a location in Alaska. It doesn't prohibit the introduction of bison; it just helps keep folks from being buffalo-ed by the buffalo.

If the land gets locked up, does the State government lose? No. Biologists still get to have their pet project to study the bison.

Do professional hunting groups lose? Well they will lose the money they put into the project, but their country won't be locked up.

Who is the loser? The people who will be hurt the most are the people of Holy Cross, Anvik, Shageluk and Grayling, but the whole state will be negatively affected as well.

What is the best-case scenario?

In ten years we get a one-in-a-hundred chance to hunt a bison, while competing with scores of outsiders in our country.

What is the worst-case scenario? Your corporation land, and all surrounding Federal and State land, will be locked up while the bison roam free. We will spend our lives in court, and some Federal judge no one ever voted for, who could care less whether we live or die, will decide whether we can tip-toe on the tundra.

The effect of the release of the Trojan Bison will be irreversible. Once they are loose, the problems they bring will never go away.

People of Holy Cross, Grayling, Anvik and Shageluk I think introducing the bison into your backyard is a HUGE mistake.

Some of your young guys will go out on a snowy winter night to taste bison meat and will end up in Federal prison for killing an endangered species. The bison will be free roaming and the people will be locked up.

Let me make a suggestion. Tell Fish & Game you want Plains bison like Delta, Fairwell and Copper River. I bet Plains Bison taste just as good as Trojan Bison. You will get all the benefits with none of the risks. Tell Fish and Game to find another place for the Endangered Bison.

The real solution is effective predator control to get our moose back.

I fear that we will become a very sad "Whereas" in a very sad petition to Washington DC that doesn't listen to our Governor or any other entity in this state.

Consider the facts and get back to me. Thanks.

Intentional or Unintended Consequences?

Bills are frequently passed and almost immediately thereafter lawsuits are filed challenging them. I can't imagine that people who understand this process would really believe that releasing an endangered species (Wood bison) into the wild near the Innoko River would be free from significant risk for the people of that area since those Wood Bison would immediately become the ONLY free ranging Wood bison herd in the United States. I can't imagine, given the history of broken treaties and bad dealings between the government and Native American's, that they would put sufficient trust in an exemption to warrant taking such a risk. BUT, assuming for a minute that everyone who is behind this project has nothing but the most noble of intentions I want to point out that even such things as ANILCA (that many people believe had the noblest of intentions) including intent regarding subsistence, ended up in the courts and in the end the intent of congress was replaced by the intent of the court.

Below is a quote about ANILCA that helps make clear that regardless of the intentions, even noble legislation often gets overturned in the courts.

"As with so many pieces of legislation, ANILCA's initial intent regarding subsistence was noble in purpose. Recognizing the uniqueness of life in rural Alaska, the statute promised the opportunity for traditional subsistence lifestyles for rural residents – Native and non-Native alike – and gave the state of Alaska the authority to oversee a unified system of fish and game management on both state and federal lands. In theory, this was supposed to unify wildlife management and ensure that the priorities of species conservation and subsistence harvesting came before sport hunting and commercial uses".

"But what is noble in purpose is frequently litigated in the courts. The state of Alaska's administration of subsistence hunting and fishing with its priorities for rural residents was challenged on the basis of a provision in the state constitution prohibiting exclusion or special privileges to take fish or game. The Alaska State Supreme Court ruled that the same privileges of subsistence for rural residents must be extended to urban residents. This ruling was strange but manageable on state lands; however, it placed the mandated state law squarely at odds with the rural subsistence priorities required by ANILCA for federal lands. The end result was that in 1990 federal agencies began to manage subsistence hunting on federal lands"¹.

Trusting the good will of the people involved in the Wood bison project is not the issue. The issue is: Why risk the lands of the people in this area? Why not ask for Plains bison (a non-endangered species) to be released in the area? Why not ask for improved moose management techniques, including predator control, in order to increase the amount of meat available for their freezers?

Sweden, with a land mass a lot smaller than ours, has a moose population of 500,000 (compared to 100,000 in Alaska), and an annual moose harvest of 120,000 (compared to a harvest of 8,000 in Alaska). Imagine increasing our moose harvest levels by 15! We could do a lot to help the people near the Innoko river without having to resort to importation of any type of bison.

¹ Borneman, Walter R. "Saga of a Bold Land." P. 506, 28 Mar. 2011.
<http://books.google.com/books?id=A9QXxo-MeUEC&pg=PA505&lpg=PA505&dq=104+million+acres+ANILCA?&source=bl&ots=V0ti2GjXB8&sig=dPQEKaFmDIPS-rxfkAWi6G_vIBw&hl=en&ei=G2yOTfWkJpCbtwea65iyDQ&sa=X&oi=book_result&ct=result&resnum=9&ved=0CFAQ6AEwCA#v=onepage&q=104%20million%20acres%20ANILCA%3F&f=false>.



Wood Bison News



Drawing courtesy of Wes Olson

Issue Number 3, Spring 2007

ADF&G Seeks Public Comment on Environmental Review of Wood Bison Restoration in Alaska

by David D. James, Division of Wildlife Conservation Regional Supervisor

On behalf of the Alaska Department of Fish and Game, Division of Wildlife Conservation (ADF&G/DWC), I am happy to announce completion of the report Wood Bison Restoration in Alaska: A Review of Environmental and Regulatory Issues and Proposed Decisions for Project Implementation (Environmental Review). This Environmental Review represents a significant milestone in the department's efforts to evaluate wood bison restoration in Alaska. Public comment on this report will have a major influence in determining whether the department continues to pursue wood bison restoration in Alaska and, if so, where we attempt to restore this historically important species.

Up to this point the proposal to restore wood bison has received support from a wide variety of organizations and individuals interested in Alaska wildlife management and wood bison conservation. In spring 2005 the department established a Wood Bison Restoration Advisory Group that included representatives of several state

Fish and Game advisory committees, Native organizations, conservation groups, including both environmental and sports-

returning wood bison to the wild in Alaska. Continuing this spirit of cooperation will be a key factor in the success of any restoration

asts. It is clear that wood bison are compatible with other wildlife species in the state and can play an important role in restoring and maintaining natural processes. The wood bison restoration project also has significance beyond Alaska.



Members of the Wood Bison Restoration Advisory Group after the June 2005 meeting. From left to right: Arnold Hamilton, Ben Stevens, Nancy Fresco, Ron Silas, Ronnie Rosenberg, Bud Burris, and Bob Byrne (back).

man's organizations, and animal welfare interests. After thoroughly reviewing and discussing available information on wood bison, the group unanimously recommended that the department continue to pursue wood bison restoration. The members of this diverse advisory group showed a willingness to work together to achieve the common objective of

efforts that are pursued in the future.

Based on public input and thorough biological evaluation, ADF&G believes that wood bison restoration in Alaska represents an outstanding wildlife conservation opportunity and that wood bison restoration will ultimately provide benefits for local and non-local hunters and wildlife viewing enthusi-

The Wood Bison Advisory Group supported moving forward with wood bison restoration in Alaska and continuing to consider all three potential release sites.

Wood bison restoration in Alaska would help to achieve several goals in Canada's Wood Bison Recovery Plan and will contribute to international efforts to re-

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Alaska Wildlife Conservation Center Prepares to Play a Key Role in Wood Bison Restoration

The Alaska Wildlife Conservation Center (AWCC) continues to make preparations to play a key role in restoring wood bison in Alaska. Located at Portage, Alaska, AWCC is a nonprofit organization that provides wildlife viewing and education opportunities in a natural setting. For many years visitors have enjoyed seeing moose, muskoxen, plains bison, elk, black bears, grizzly bears, black-tailed deer and other animals. AWCC has worked closely with ADF&G for several years to develop the capacity to serve as a temporary holding facility for wood bison stock for restoration efforts.

In 2003, the U.S. Fish and Wildlife Service transferred 13 wood bison to AWCC. There are now 22 animals in the wood bison herd, and additional calves are expected this spring. About 65 acres in three separate enclosures have been set aside for wood bison.



Paul Williams, from the Yukon Flats community of Beaver, and AWCC Executive Director Mike Miller visit the wood bison at AWCC

The grazing enclosures for wood bison at AWCC have been created and maintained in part with support from the Natural Resource Conservation Service.

AWCC recently completed construction of a bison handling facility and hay barn with support from Safari Club International. If there is sufficient public support for wood bison restoration and a decision is made to move ahead with the effort, AWCC

should be ready to support additional wood bison that could be imported from Canada in early 2008.

ADF&G and AWCC are completing a Memorandum of Agreement which will help guide future cooperative efforts, and also establish an Alaska wood bison restoration fund, which will provide a way for interested individuals and organizations to support the effort.

On April 20 AWCC received the Alaska Convention and Visitors Bureau award for "2007 Member of the Year." The award was given to AWCC for outstanding contributions to wildlife conservation and the visitor industry.



Wood bison corral at AWCC

ADF&G Seeks Public Comment

(Continued from page 1)

store the ecological role of bison throughout North America.

There are some remaining challenges described in the Environmental Review that must be addressed in a cooperative manner in order for the project to move forward. While the department has been preparing this Environmental Review we have also been pursuing several other actions that are necessary to restore wood bison in Alaska. If these actions resolve some regulatory and permitting

issues in time, and sufficient public support is evident, we hope to import wood bison stock from Canada in winter 2007–08, and complete preparations to release wood bison into the wild by spring 2010 or 2011.

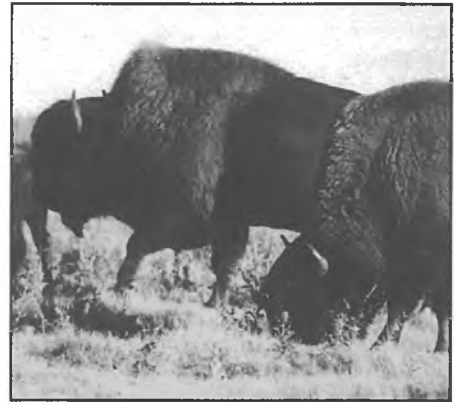
At present it appears that the issues related to importing bison can be resolved in the coming months, and that there is substantial public interest in working to prepare cooperative management plans to guide wood bison reintroduction and management in specific areas. Continued public support and advocacy from diverse wildlife users will be essen-

tial to achieving the wildlife conservation objective of restoring wood bison in Alaska and creating opportunities for diverse users to share in the benefits. ADF&G is pleased to provide the public with an additional opportunity to comment on this proposal to restore a historically important species to Alaska. If the public continues to support the project, we are eager to work with various wildlife users, landowners, local governments and managing agencies to evaluate and plan for wood bison restoration at specific locations in Alaska.

Chugach National Forest Proposes to Make Land Available for Wood Bison Pasture

The Chugach National Forest (CNF) is poised to make an important contribution to the wood bison restoration effort by providing additional land where wood bison can be held until they are released in the wild. CNF has prepared an Environmental Assessment (EA) for a proposal to allow ADF&G to use 27 acres of National Forest land adjacent to AWCC

as a temporary pasture to help support wood bison. Public comment on the EA has strongly favored the proposal. If the EA is approved, ADF&G, AWCC, the USDA Natural Resource Conservation Service (NRCS) and CNF will complete a Memorandum of Understanding to guide use and care of the land.



Wildlife Transplant Policy Review Underway

ADF&G has initiated the process to evaluate possible wood bison restoration according to the DWC Wildlife Transplant Policy. DWC Director Matt Robus approved a scoping report, made a finding on the status of wood bison according to the classifications in the policy and established a Wildlife Transplant Policy Review Committee. The committee is chaired by Dr. Kris Hundertmark, Assistant Professor of Wildlife and Ecology at the University of Alaska-Fairbanks and includes ADF&G biologists responsible for the areas where wood bison restoration is being considered or who are involved in managing plains bison herds in Alaska.

After reviewing all of the available

information on wood bison ecology and environmental effects, the committee unanimously agreed that wood bison restoration is not likely to effect a significant reduction in the range, distribution, habitat, or pre-existing human use of other species. They also emphasized the need to plan for adequate public access to bison and let herds grow to at least 400-500 animals, and to achieve higher levels wherever possible to help maintain genetic diversity. The findings of the committee are available for public review and comment and can be found in Appendix F in the Wood Bison Environmental Review. The committee will finalize its findings after considering public comment.

The Wood Bison Wildlife Transplant Policy Review Committee unanimously agreed that wood bison restoration is not likely to effect a significant reduction in the range, distribution, habitat, or pre-existing human use of other wildlife species.



Photo by Gary Lackie

Update on Wood Bison Import Efforts

USDA May Allow Import of Breeding Bovines: In January 2007 the USDA proposed new regulations that would again allow the import of bison and other bovines from Canada for breeding and other the purposes. Under the existing regulations, which were established in connection with concerns about "Mad Cow" disease, an exemption would be required to import wood bison. It is hoped that the new regulation will be finalized in time to allow Alaska to obtain additional stock without the need to obtain a special permit.

Importing Wood Bison from Canada: ADF&G is making plans to import an additional 40-50 wood bison from Elk Island National Park in Alberta in early 2008. The Department is working with the Alaska State Veterinarian and veterinarians in Canada to finalize health monitoring protocols for wood bison both before and after they are imported. An application for an import permit was submitted to the U.S. Fish and Wildlife Service in March 2007. This permit is required because wood bison in Canada are listed as endangered under the US Endangered Species Act. The application will be noticed in the federal register so that the public has an opportunity to comment, and a few months will probably be required for the process to be completed. While ADF&G is making preparations to proceed with wood bison restoration, actually doing so depends on public comment on the Environmental Review and other factors.



Wood Bison Restoration Project
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Wood bison were the last subspecies of bison to naturally occur in Alaska. They were present for most of the last 5,000 to 10,000 years until they disappeared in the last few hundred years. Please take a moment to let us know what you think of the proposal to return wood bison to suitable habitat in interior Alaska.

A summary of the Environmental Review of Wood Bison Restoration in Alaska is enclosed. The complete report can be found at:
<http://www.wildlife.alaska.gov/index.cfm?adfg=game.restoration>

Comments are welcome through June 30, 2007.

Wood Bison Restoration in Alaska



Painting by Randall Compton

A Wildlife Conservation Opportunity for the 21st Century

Fairbanks artist Randall Compton produced the above wood bison painting for Dr. Stephen Sutley. They have generously offered to allow ADF&G to use the artwork to help promote the wood bison restoration project. An image of the painting is on the cover of the wood bison Environmental Review. If the project continues to move forward, ADF&G may cooperate with other organizations to produce posters similar to the one shown above.

ADF&G would like to thank the following people who served on the Wood Bison Restoration Advisory Group:

- ◆ Bud Burris, Fairbanks Advisory Committee (AC) and Alaska Outdoors Council
- ◆ Bob Byrne, Safari Club International, Washington, D.C.
- ◆ Paul Edwin, Chalkyitsik Village Council
- ◆ Nancy Fresco, Northern Alaska Environmental Center
- ◆ Arnold Hamilton, Grayling-Anvik-Shageluk— Holy Cross AC, Shageluk
- ◆ Ronnie Rosenberg, Animal Welfare considerations, Fairbanks
- ◆ Ron Silas, Minto Village Council
- ◆ Bruce Thomas and Ben Stevens, Council of Athabascan Tribal Governments, Fort Yukon
- ◆ Nicole Whittington-Evans, The Wildemess Society, Anchorage

Thanks also to the Safari Club International Foundation and the Pope and Young Club for financial support to prepare the wood bison Environmental Review!



Wood Bison News



Drawing by Wes Olson

Issue Number 4, Winter 2008-09

Wood Bison Imported From Canada!

Last June Alaska's wood bison restoration effort moved closer to the goal of reestablishing wild populations when 53 young wood bison were transported by truck from Elk Island National Park (EINP) near Edmonton over 2,000 miles and released at their temporary home at the Alaska Wildlife Conservation Center (AWCC). This was the culmination of several months of planning and preparation involving various state, provincial and federal agencies and organizations in the U.S. and Canada.

The bison were separated from a herd of about 350 animals last January and held in a quarantine facility as we arranged to obtain the remaining import and export permits. Initially the plan had been to conduct the import in March, during cool weather conditions. However, the final import permit required by the U.S. Department of Agriculture (USDA) could not be issued until early June. EINP staff was concerned about transporting the bison in hot summer weather, but fortunately it was cloudy and cool during most of the trip from Edmonton to Portage. Parks Canada staff separated the bison into groups of animals of similar size, and Pat Hoffman Trucking provided two trailers equipped with air shocks, which gave the bison



Wood bison from Elk Island National Park in Canada arrived at their temporary new home at the Alaska Wildlife Conservation Center on June 19, 2008.

a smooth ride, even over rough sections of the Alaska Highway. EINP Conservation Biologist Norm Cool and chief bison handler Archie Handel, as well as Bruce Chisholm with the Canadian Food Inspection Agency accompanied the two trucks on their non-stop, two day trip to AWCC. The bison traveled well, and were given water at Watson Lake and in Tok, where the volunteer fire department provided a pump truck to quickly fill the numerous water troughs.



Tok Fire Department volunteer Bryan Thompson helps Bruce Chisholm water the bison.

On arrival at AWCC Bob Gerlach, the Alaska State Veterinarian, and Mike Philo the USDA veterinarian for Alaska, checked the identification of each animal before the bison bounded quickly out of the trailers and into their new pasture. Unfortunately, one of the bulls was injured by another bison during the transport and died a few days after arrival. All things considered, the transport of wood bison from Canada to Alaska went very well and the 52 bison have settled in and are doing fine at their new home at AWCC.

The successful transport is an important milestone in the restoration effort, which had its beginnings in the early 1990s, when Athabaskan elders in the Fort Yukon area shared historical accounts describing how bison were an important resource for interior

Alaska Natives as recently as a few hundred years ago. It is not often that we have an opportunity to restore an indigenous species to large expanses of high quality habitat in its original range. There is a lot of work left to do, but we are now a big step closer to seeing wood bison, one Athabaskan name for which translates as "*big, hefty one on the land*," roaming free again in interior Alaska.

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Wood bison bull in the transport trailer.

Public Comment Shows Strong Support for Wood Bison Restoration

by Randy Rogers, Wildlife Planner

In April 2007 the report "Wood Bison Restoration in Alaska: A Review of Environmental and Regulatory Issues and Proposed Decisions for Project Implementation" (Environmental Review or "ER") was released for public review and comment. A 12 page summary of the ER and a public comment response form were included in the spring 2007 issue of the Wood Bison News. The Alaska Department of Fish and Game (ADF&G) accepted comments on the ER through September 30, 2007 and received nearly 100 written responses. In addition, the ER was discussed at several state fish and game advisory committee meetings and presentations to other organizations were provided on request. Over 90% of the comments on the ER expressed support for ADF&G's efforts to restore wood bison in Alaska.

In the Environmental Review ADF&G concluded that wood bison restoration in Alaska can be accomplished with minimal or no negative environmental impacts, and that wood bison restoration can enhance the diversity of Alaska's wildlife resources and could provide significant benefits to people. The three sites evaluated for possible wood

Over 90% of the comments received expressed support for the effort to restore wood bison in Alaska.

bison restoration are the Yukon Flats, Minto Flats and the lower Innoko-Yukon River area. ADF&G concluded that all three sites are suitable for wood bison restoration. The Department proposed to proceed with efforts to restore wood bison in Alaska and initiate site-specific planning efforts for both the Yukon Flats and Minto Flats locations, while also increasing efforts to discuss possible wood bison restoration in the lower Innoko-Yukon River area.

Numerous comments indicated a belief that wood bison restoration is an important wildlife conservation initiative and that it will enhance Alaska's natural and cultural heritage and ecosystem biodiversity. Several international wildlife conservation organizations including Safari Club International, Wildlife Conservation Society (WCS) and World Wildlife Fund endorsed wood bison restoration in

Alaska as a significant wildlife conservation initiative. The Alaska Outdoor Council stated "The concept of restoring wood bison to their former range is a conservation goal of the highest order in terms of ecosystem and human values."

Many people submitted comments emphasizing the importance of both local and non-local hunters having opportunities to share in future harvest of wood bison. Some comments opposed establishing a subsistence priority for use of wood bison. Several also acknowledged that local residents have some proprietary interest in the use of local resources, and that there does need to be mechanisms to ensure that local residents have adequate opportunities to harvest wood bison. Several comments from local residents highlighted the importance of having opportunities to benefit from the harvest of wood bison near local villages, and the need to protect wood bison from illegal harvest, especially while the herds are growing.

ADF&G remains committed to ensuring that the benefits of wood bison restoration are shared among local and non-local residents of Alaska and others. Future harvest management will be an important topic during site-specific planning efforts in which both local and non-local interests will be involved.

Several respondents agreed that predation should not be a significant threat to wood bison restoration in Alaska, while others expressed concern that wolf predation on wood bison could be significant and limit success of the restoration effort. Based on experience in Canada, ADF&G continues to believe that predator control is not likely to be required to ensure that wood bison restoration is successful.

Several comments addressed the status of wood bison under the Endangered Species Act (ESA). Most of these comments emphasized the need for ADF&G to continue to work with the U.S. Fish and Wildlife Service (USFWS) and others to ensure that any risk of wood bison restoration interfering with other resource development is minimized.

(Continued on page 3)





Wood bison cow and calf at AWCC.
Photo by Doug Lindstrand

(Continued from page 2)

Most comments received agreed with the ADF&G proposed action to start site-specific planning on both Yukon Flats and Minto Flats, and continue discussing possible wood bison restoration with residents of the lower Innoko/Yukon River area. There were a significant number of comments that recommended put-

ting wood bison on state lands at Minto Flats where implementation costs would be lower because of road access and which is largely under the control of state land managers and the Alaska Board of Game.

Based on public comment and other considerations, Minto Flats will be the first priority for wood bison planning and restoration.

Some of the reasons for restoring wood bison on the Minto Flats first include:

- ◆ The majority of lands in the Minto Flats area are within the Minto Flats State Game Refuge, which was established to ensure protection and enhancement of habitat, conservation of fish and wildlife, and continuation of hunting, fishing, trapping and other compatible uses.
- ◆ The Minto-Nenana, Tanana-Manley-Rampart and Fairbanks State Fish and Game Advisory Committees (AC) have all expressed support for

wood bison restoration on Minto Flats.

- ◆ Availability of road access to Minto Flats will help to reduce logistical complications and costs.
- ◆ Because there is little to no federal land in the Minto Flats area the Alaska Board of Game will have responsibility for decisions about subsistence use and future harvest allocation.

While the above factors are reasons to initially work towards establishing wood bison on Minto Flats, the size of the area limits the potential size of the herd to about 500 animals. Habitat assessments indicate that Yukon Flats can easily support a herd of 2,000 or more bison, and ADF&G remains committed to the objective of reestablishing one or more larger herds of wood bison to help maintain the genetic diversity of the subspecies and provide additional hunting and viewing opportunities.

The Yukon Flats and Grayling-Anvik-Shageluk-Holy Cross Advisory Committees have passed resolutions of support for wood bison restoration on the Yukon Flats and in the lower Innoko/Yukon River area. The Department hopes to proceed with wood bison restoration in one or both areas at the earliest opportunity.

Wood Bison Celebration Held at the Alaska Wildlife Conservation Center by Cathie Harms, Master of Ceremonies

On July 8 nearly 100 people attended a welcoming ceremony at the Alaska Wildlife Conservation Center (AWCC) in Portage for the wood bison that arrived at the facility in late June. AWCC Board of Director's President Chris Von Imhoff and Executive Director Mike Miller welcomed representatives from conservation organizations, state and federal agencies, Native groups and the government of Canada. Mike noted that he is honored to have the opportunity to be involved in the effort to restore a species back to its former range in Alaska.

The ceremony was held in a field of lupine on a point of land overlooking

Turnigan Arm and the Chugach Mountains between two of AWCCs' wood bison pastures. Teck Cominco Alaska generously sponsored the event. Karl Hanne-man, the company's Manager for Public and Environmental Affairs noted how it is fitting that a company with mining interests in both Canada and Alaska would support the international wood bison restoration project.

ADF&G Commissioner Denby Lloyd called wood bison restoration in Alaska "one of the most significant conservation initiatives in decades," and thanked Elk Island National Park in Alberta for their support and cooperation.

Elk Island National Park Super-

intendent Marilyn Peckett highlighted the international cooperation involved. John Morrison of the Alaska chapter of Safari Club and Bill Moritz of the Safari Club International Foundation pledged continuing assistance for the project. Kaush Arha,

(Continued on page 5)



AWCC Executive Director Mike Miller speaking at the wood bison welcoming ceremony.

Elk Island National Park of Canada: A Proud Partner in Alaska' Wood Bison Restoration Project

By Marilyn Peckett, Superintendent Elk Island National Park

It was my great pleasure to be present for the wood bison celebration at the Alaska Wildlife Conservation Center last July. It was an exciting day for Alaska and an exciting day for Canada. The United States and Canada have so much in common. Shared histories; shared experiences; and shared successes. The wood bison restoration project is one of those shared successes as we get one stop closer to the reintroduction of wood bison to Alaska.

We officially welcomed 53 wood bison from Elk Island National Park of Canada to the Alaska Wildlife Conservation Center. Historically, hundreds of thousands of bison roamed in North America. In the early part of the 20th century, the numbers of wood bison dwindled to a few hundred.

In 1978, the Committee on the Status of Endangered Wildlife in Canada initially assessed wood bison as endangered. This status was improved to threatened in 1988, thanks to successful recovery actions under the Canada National Wood Bison Recovery Program.

Through the efforts of that program, there are currently in excess of 4,000 wood bison in Canada. Canada is committed to the recovery of species at risk – such as the wood bison – not just in our country, but throughout its historic range.

As the Superintendent for Elk Island National Park, I am particularly proud of our contribution to the recovery of species. Elk Island, located near Edmonton in Alberta, has a long and successful history of relocating disease-free ungulates.

Dating as far back as 1937, Elk Island's herd of elk has been used as a source herd for re-establishing elk population throughout North America. Over the years, more than four thousand elk have been relocated in Canada in such places as Alberta, Saskatchewan, Ontario and Yukon.

This is a fine example of international cooperation for the protection and recovery of a species at risk.

In addition, we have assisted Kentucky, Tennessee and North Carolina in the United States to re-establish viable elk populations. Since 1967, Elk Island has provided disease-free bison for reintroduction throughout North America – and in 2006, we transferred 30 wood bison to the Republic of Sakha of the Russian Federation. And now we can add Alaska.

The transfer of wood bison from Elk Island to Alaska is a major milestone in the Alaskan wood bison restoration project. The bison transfer is also an important part of Canada's plan to ensure that several disease-free herds exist, not only in Canada, but also in other parts of their historic range.



Marilyn Peckett, Superintendent, Elk Island National Park, Canada.

This is a fine example of international cooperation for the protection and recovery of a species at risk. The great State of Alaska, Parks Canada, and Canada's Wood Bison Recovery team have been working on this international conservation project for over ten years with the assistance of other supporting departments in the United States and the Canadian Food Inspection Agency.

I would like to acknowledge the dedication and contribution that all parties have made in order for this project to move forward. We should all be proud of our efforts.

Established as Canada's first wildlife sanctuary in 1906, then declared a national park in 1913, Elk Island is Canada's only entirely-fenced national park. Located less than an hour away from Edmonton, Elk Island National Park protects the wilderness of the aspen parkland, one of the most endangered habitats in Canada. This beautiful oasis is home to herds of free roaming plains bison, wood bison, moose, deer, and elk. Also boasting over 250 species of birds, the park is a bird watcher's paradise.

Elk Island National Park **Parc national Elk Island**

Delta Bison Working Group Recommendations Following the January 11, 2011 Meeting

I. Recommendations and results from the December 9, 2009 Delta Bison Working Group meeting

The recommendations made through the December 9, 2009 meeting were based on the consensus of the full seven-member Delta Bison Working Group (DBWG). Members of the 7-person DBWG and the interests they represent are:

1. Leonard Jewkes- statewide hunting
2. John Sloan- Delta Junction business
3. Mike Schultz- Delta Agriculture
4. John Haddix- U.S. Army
5. Glen Wright- Delta Junction community
6. Don Quarberg- Delta Junction hunting
7. Phil Kaspari- Statewide agriculture and research

A. Recommendations to ADF&G

- Increase funding for bison habitat improvement. In FY 2009 and 2010 the ADF&G, Division of Wildlife Conservation (DWC) allocated increased funding for habitat improvement on the bison range and other Delta bison management activities.
- Allow use of herbicides on the Delta Junction Bison Range (DJBR). This is intended as an additional tool to improve production of bison forage.

Most of the Working Group discussions on herbicide use have focused on the wet blade mower technique that selectively applies a small amount of herbicide and has been undergoing testing the last few years. A potentially extensive permitting process would be involved for ADF&G to obtain approval from the Alaska Department of Environmental Conservation to use herbicides on the DJBR.

B. Board of Game Proposals (primarily intended to ensure the harvest objective is achieved so the herd size can be controlled)

- Extend the authorized length of the Delta bison hunting season to July 1-June 30. This could help to remove animals that might remain in private agriculture lands year-round (adopted by the Board of Game in March 2010)
- Authorize same day airborne hunting (rejected by the Board of Game in March 2010 – the Board did approve a proposal to allow ground-based radio communication to help locate bison; see 5 AAC 92.080(7)(E))

- Prohibit taking of bison with highly visible radio-collars (adopted by the Board of Game in March 2010)

C. Recommendations to ADF&G and DNR, Division of Agriculture

- Establish an on-going crop damage assessment program. This is a cooperative effort between ADF&G and the Division of Agriculture and has now been conducted in the summers of 2009 and 2010.

D. Legislative Recommendations

- Increase the application fee for Delta bison hunting permits from \$10 to \$20. This measure is intended to increase available funding for improving bison habitat on the DJBR and other areas.

This recommendation would require legislative action. As is presently the case, the legislature cannot dedicate funds from application fee revenues to a specific purpose (e.g.; Delta bison management) but the legislation could express this intent and, if additional funds from application fees are forthcoming, they could be directed to Delta bison management in the budgeting process. A draft legislative proposal has been submitted to ADF&G headquarters for consideration by the administration.

E. Other points of agreement

- The Delta Bison Working Group agreed that the long term solution to solving conflicts between bison and agriculture is fencing.

The Working Group did not reach agreement on whether the best approach to fencing is to:

- a) enclose private agricultural lands to prevent bison from entering and damaging crops;
- b) enclose the bison herd into the DJBR or some portion of the range, or;
- c) to construct some type of “drift” or barrier fence to prevent the bison from moving from the DJBR into agricultural lands north of the Alaska Highway.

II. *Recommendations from the January 11, 2011 Delta Bison Working Group meeting*

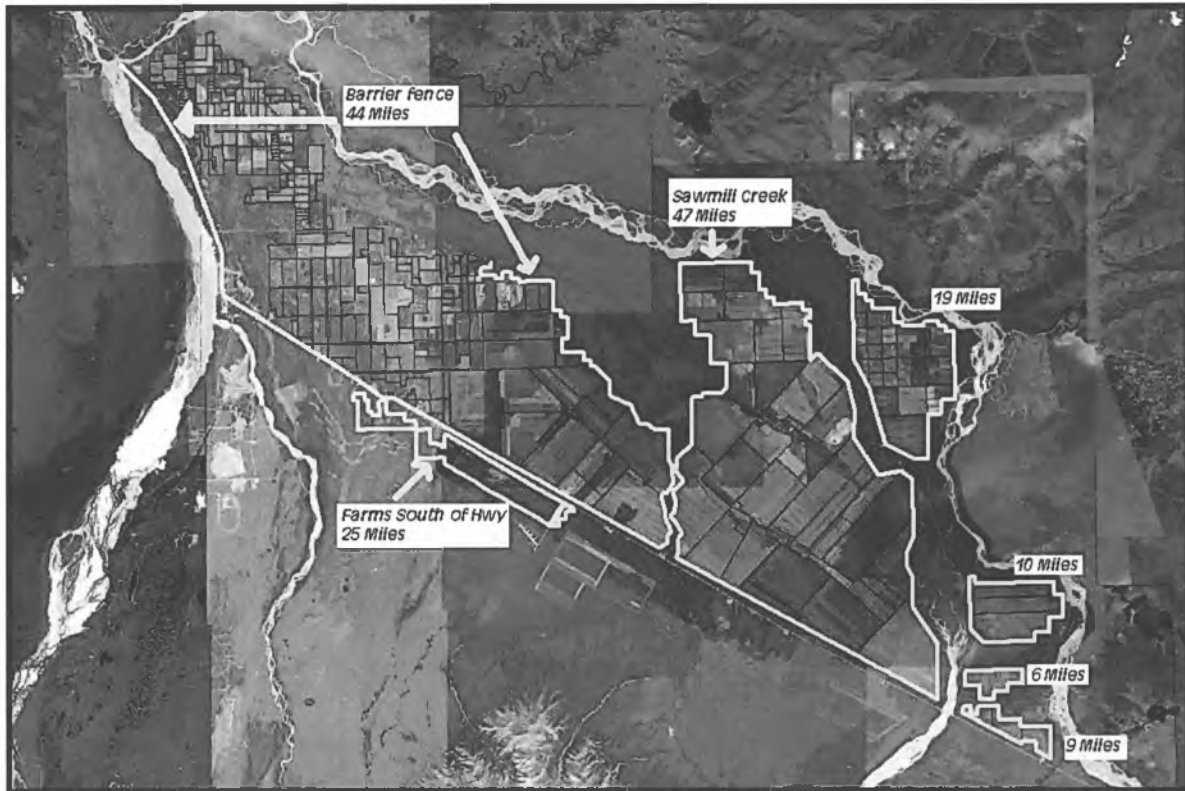
All members of the DBWG were present except for Glen Wright who could not attend due to medical reasons. The group worked to achieve consensus recommendations; however, where consensus was not reached majority rule voting was used and majority and minority recommendations are identified.

A. Fencing Recommendations

- The DBWG reaffirmed by consensus that the long term solution to solving conflicts between bison and agriculture is fencing.
- The DBWG did not achieve consensus on the best approach to fencing but developed majority and minority recommendations. Both proposals are conceptual and have details that must be worked out prior to final decisions and implementation. All fencing alternatives under consideration would involve significant funding which would likely require legislative action.
 - Majority recommendation (5-1 vote): The majority of the DBWG supported a proposal to fence private agricultural lands to keep bison out.

Approximately 160 miles of fencing would be required (Map 1). Provisions of the proposal include:

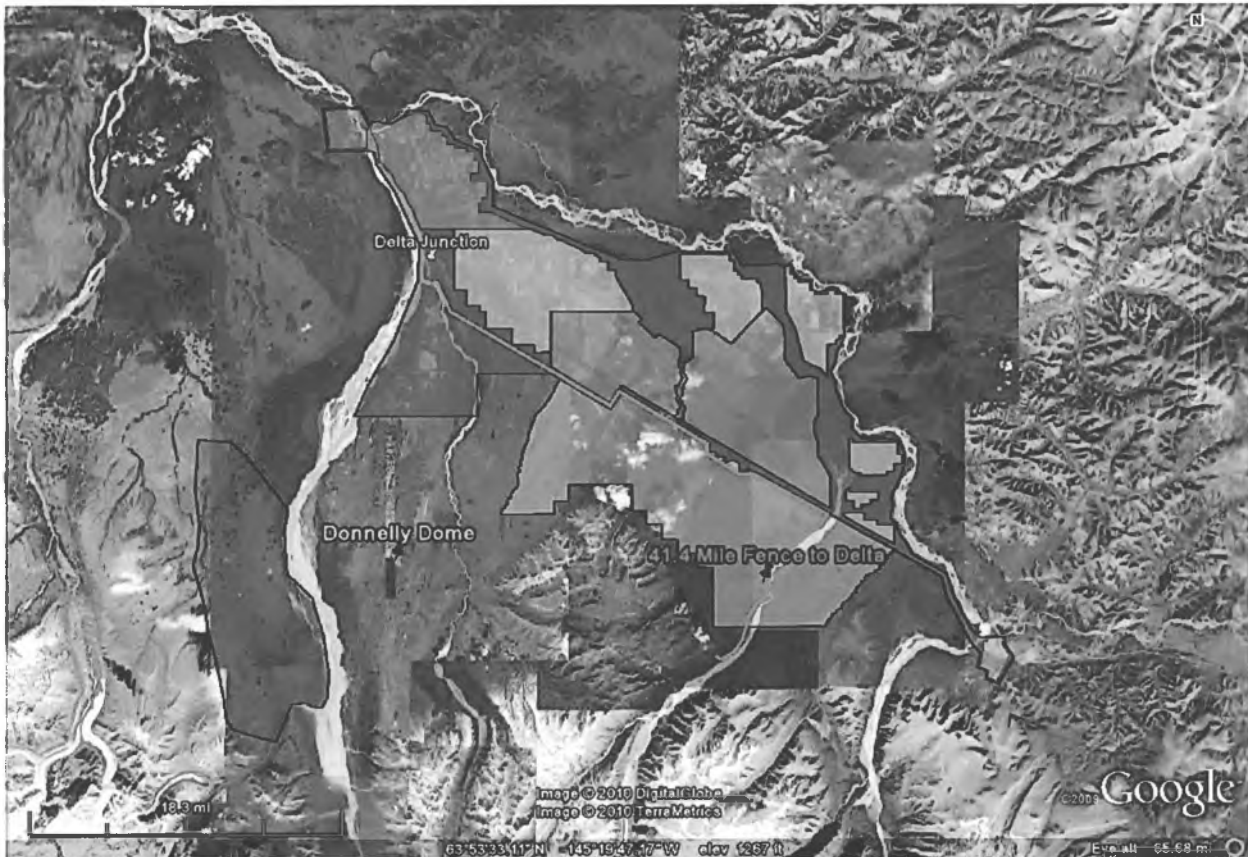
- Enclosing large blocks of contiguous agricultural lands as complete units with boundary fences rather than fencing individual farms. This approach will help reduce the total length of fence required and costs involved.
- Constructing two sections of drift fence to the west of Sawmill Creek to prevent bison from entering agricultural and residential areas in the Delta-Clearwater and Tanana Loop Road areas. One section would run from the northern edge of the Delta I West agricultural block, northwest along the northern boundary of the Delta-Clearwater area, and then north to the edge of the Delta-Clearwater River. The Delta-Clearwater River seldom freezes over and the banks are steep, thus forming a barrier to the bison. The second (southern) section of the drift fence would run from the SW corner of the Delta I West agricultural block, along the Alaska Highway around Delta Junction and extend to the Tanana River by the Alyeska Pipeline Bridge. Because the drift fences would not be enclosed on the western ends there is no guarantee that bison would be prevented from going around the end of the drift fence and accessing private agricultural lands or the city of Delta Junction. Bison have utilized the Delta River as a corridor but have never been seen swimming up the Tanana under the bridge, consequently the drift fence should block their advance into the Tanana Loop area.
- Maintain corridors between large blocks of agricultural land to allow movements of bison and other wildlife species (i.e. the Gerstle River and Sawmill Creek).
- The necessary fencing should be paid for through a combination of legislative funding and cost-sharing by the involved owners of agricultural parcels.



Map 1. Approximate locations of recommended bison-proof fencing around agricultural areas and the Delta community (map prepared by Dan Proulx, Division of Agriculture).

- Minority opinion (1-5 vote): Construct a drift fence south of the Alaska Highway to prevent bison from migrating from the DJBR to private agricultural lands.

The fence would extend from the Richardson Highway near the City of Delta Junction, to the west bank of the Gerstle River, and then up to a point on the Granite Mountains where the bison would be unlikely to travel. Approximately 45-50 miles of fence would be required, depending on where the western end is located. This approach would involve less total miles of fence than the approach of fencing in private agricultural lands but may have significant impacts on movements of other wildlife species in the area such as moose, wolves, and grizzly bears. Gates could be installed to allow movements of bison and other wildlife at times when agricultural operations would not be disrupted. Because the drift fence would not be enclosed on either end there is no guarantee that bison would be prevented from going around the fence and entering onto private agricultural lands. In the recent past, bison have migrated south along the Delta River to the confluence with the Tanana River. If they resumed this movement pattern the drift fence may be ineffective at preventing bison from approaching agricultural lands from the northwest. The western end of this drift fence would tie-in with the existing fencing around Ft. Greely and the Missile Defense compound, or extend to the Delta River. The bison often move down the Delta River, past Delta Junction and could move around the western end of this drift fence and gain access to the Tanana Loop area.



Map 2. Approximate location of the bison-proof drift fence as proposed by the Salcha-Delta Soil and Water Conservation District (map courtesy of Bryce Wrigley and the SWCD).

B. Hunting Recommendations

- Use the year-round hunting season authorized by the Board of Game to allow hunting of bison that remain in agricultural areas north of the Alaska Highway between May and July (DBWG consensus).
 - This hunt would be implemented on an as-needed basis, in cooperation with farmers, to eliminate bison that do not migrate out of agricultural areas and is intended to prevent bison from remaining in agricultural areas year-round.
 - Bison harvested in this hunt would be applied to the annual harvest quota.
 - The DBWG voted 4-2 to recommend the bag limit for this special hunt to be any bison. Those who voted against the any bison bag limit voiced concern for killing cows with very young calves as well as killing the young calves themselves, and preferred a bulls only bag limit.
- Establish an either sex bag limit when the regular Delta bison hunt is opened. Once the quota established by the Department for either cows or bulls is met, only bison of the remaining sex can be taken (DBWG consensus).

This recommendation may require further departmental review to determine its legality.

C. Herd size Objective

- Majority recommendation (5-1 vote): As an interim measure until fencing is achieved, reduce the herd size objective from the present 360 bison pre-calving to a range of 275 – 325 bison pre-calving. Once fencing is completed the herd size should be based on the biological carrying capacity.
- Minority opinion (1-5 vote): Do not change the present herd size objective of 360 bison pre-calving.

D. Delta bison hunting permit application fee increase

- The DBWG reaffirmed their previous recommendation to raise the permit application fee from \$10 to \$20 (consensus).
 - The Working Group also reaffirmed that the intent of the fee increase is to provide additional funding to support habitat improvement on the DJBR and Delta bison management in general.