

ALASKA LEGISLATURE COMMITTEE FILES 1950-1952

1954 SRES HB 47 - HB 83

1954

TABLE 1
Arrests for Waste of Moose, Caribou, Sheep, Goat and Deer
By Disposition of Case
1975 - 1980

	1975	1976	1977	1978	1979	1980*	All Years
Arrests	7	29	27	27	16	6	112
Resident	7	20	23	21	9	5	85
N-Resident		9	4	6	7	1	27
Convictions	6	21	18	20	13	4	82
No Penalty	1	2	1	2			6
Fine Only		5	8	12	4	2	31
Jail Sentence Only**	1	5					6
Revocation of License Only							
Fine & Jail**	4	4	5	1	4	1	19
Fine, Jail** & Revocation of License		5	2	2	3		12
Fine & Revo- cation of License			2	3	2	1	8

* Data for 1980 is incomplete.

** Includes suspended jail sentences.

Source: Department of Public Safety, 2/10/81.

TABLE 2
Arrests for Waste of Caribou by Disposition of Case
1975 - 1980

	1975	1976	1977	1978	1979	1980*	All Years
Arrests		10	10	5	5		30
Resident		10	9	3	2		24
N-Resident			1	2	3		6
Convictions		7	7	5	4		23
No Penalty			1				1
Fine Only			3	5	1		9
Jail Sentence Only**		2					2
Revocation of License Only							
Fine & Jail**		2	3		2		7
Fine, Jail** & Revocation of License		3			1		4
Fine & Revocation of License							

* Data for 1980 is incomplete.

** Includes suspended jail sentences.

Source: Department of Public Safety, 2/10/81.

TABLE 3
 Arrests for Waste of Caribou By Year
 1975 - 1980
 (Net penalty equals the amount actually paid
 or length of time actually served.)

1975	Verdict	Fine Total Net	Jail Total Net	Revocation of License # Months
None				

1976	Verdict	Fine Total Net	Jail Total Net	Revocation License # Months
1	Resident Dismissed			
2	Resident Guilty	\$ 500 \$ 500	Suspended	12
3	Resident Guilty	500 500	Suspended	12
4	Resident Guilty	500 500	Suspended	12
5	Resident Dismissed			
6	Resident Dismissed			
7	Resident Guilty		10 days 10 days	
8	Resident Guilty	500 500	2 ?	
9	Resident Guilty		10 10	
10	Resident Guilty	500 300	60	

Arrests for Waste of Caribou
Continued

1977		Verdict	Fine		Jail		Revocation of License # Month
			Total	Net	Total	Net	
1	Resident	Guilty					
2	Resident	Guilty	\$ 500	\$500			
3	Resident	Guilty	500	500			
4	N-Resident	Guilty	500	500			
5	Resident	Guilty	500	500			
6	Resident	Dismissed					
7	Resident	Guilty	1000	400	10 days	2 days	
8	Resident	Dismissed					
9	Resident	Dismissed					
10	Resident	Guilty	1000	400	10		

1978		Verdict	Fine		Jail		Revocation of License # Months
			Total	Net	Total	Net	
1	N-Resident	Guilty	\$ 750		Suspended		
2	N-Resident	Guilty	750	750			
3	Resident	Guilty	250				
4	Resident	Guilty	250				
5	Resident	Guilty	250				

Arrests for Waste of Caribou
Continued

1979		Verdict	Fine Total Net		Jail Total Net		Revocation of License # Months
1	Resident	Guilty	\$ 600	\$ 600	45 days	3 days	12
2	N-Resident	Guilty	750	500			
3	N-Resident	Guilty	500	500	Suspended		
4	N-Resident	Guilty	1000		5		
5	Resident	Dismissed					

1980		Verdict	Fine Total Net		Jail Total Net		Revocation of License # Months
None							

TABLE 4
Arrests for Waste of Sheep By Disposition of Case
1975 - 1980

	1975	1976	1977	1978	1979	1980*	All Years
Arrests	3	2	5	5	2		17
Residents	3		4	4	2		13
N-Residents		2	1	1			4
Con. ictions	2	1	1	1	2		7
No Penalty	1						1
Fine Only			1	1			2
Jail Sentence Only**							
Revocation of License Only							
Fine & Jail**	1						1
Fine, Jail** & Revocation of License		1					1
Fine and Revo- cation of License					2		2

* Data for 1980 is incomplete.

** Includes suspended jail sentences.

Source: Department of Public Safety, 2/10/81.

TABLE 5
 Arrests for Waste of Sheep By Year
 1975 - 1980
 (Net penalty equals the amount actually paid
 or length of time actually served.)

1975		Verdict	Fine Total Net	Jail Total Net	Revocation of License # Months
1	Resident	Dismissed			
2	Resident	Guilty	\$ 300	5	
3	Resident	Guilty			

1976		Verdict	Fine Total Net	Jail Total Net	Revocation of License # Months
1	N-Resident	Guilty	\$1500 \$1500	30 days	24
2	N-Resident	Dismissed			

1977		Verdict	Fine Total Net	Jail Total Net	Revocation of License # Months
1	N-Resident	Guilty	\$ 500 \$ 500		
2	Resident	N-Guilty			
3	Resident	N-Guilty			
4	Resident	Dismissed			
5	Resident	Dismissed			

1978		Verdict	Fine Total Net	Jail Total Net	Revocation of License # Months
1	Resident	N-Guilty			
2	Resident	N-Guilty			
3	Resident	N-Guilty			
4	N-Resident	Guilty	\$ 500 \$ 500		
5	Resident	N-Guilty			

Arrests for Waste of Sheep By Year
Continued

1979		Verdict	Fine Total Net		Jail Total Net		Revocation of License # Months
1	Resident	Guilty	\$ 200	\$ 200			12
2	Resident	Guilty	200	200			12

1980		Verdict	Fine Total Net		Jail Total Net		Revocation of License # Months
None							

TABLE 6
Arrests for Waste of Goats by Disposition of Case
1975 - 1980

	1975	1976	1977	1978	1979	1980*	All Years
Arrests			5	3			8
Resident			5	3			8
N-Resident							
Convictions			3	3			6
No Penalty							
Fine Only			3	3			6
Jail Sentence Only**							
Revocation of License Only							
Fine and Jail**							
Fine, Jail** & Revocation of License							
Fine and Revo- cation of License							

* Data for 1980 is incomplete.

** Includes suspended jail sentences.

Source: Department of Public Safety, 2/10/31.

TABLE 7
 Arrests for Waste of Goats By Year
 1975 - 1980
 (Net penalty equals the amount actually paid
 or the length of time actually served.)

1975	Verdict	Fine Total Net	Jail Total Net	Revocation of License # Months
None				

1976	Verdict	Fine Total Net	Jail Total Net	Revocation of License # Months
None				

1977	Verdict	Fine Total Net	Jail Total Net	Revocation of License # Months
1	Resident Guilty	\$1000 \$ 500		
2	Resident Guilty	1000 500		
3	Resident Guilty	500 500		
4	Resident N-Guilty			
5	Resident N-Guilty			

1978	Verdict	Fine Total Net	Jail Total Net	Revocation of License # Months
1	Resident Guilty	\$ 150 \$ 150		
2	Resident Guilty	250 200		
3	Resident Guilty	250 200		

1979	Verdict	Fine Total Net	Jail Total Net	Revocation of License # Months
None				

Arrests for Waste of Goats
Continued

1980	Verdict	Fine Total Net	Jail Total Net	Revocation of License # Months
	None			

TABLE 8
Arrests for Waste of Deer By Disposition of Case
1975 - 1980

	1975	1976	1977	1978	1979	1980*	All Years
Arrests			2		1		3
Resident			1		1		2
N-Resident			1				1
Convictions			2		1		3
No Penalty							
Fine Only			1				1
Jail Sentence Only**							
Revocation of License Only							
Fine & Jail**					1		1
Fine, Jail** & Revocation of License			1				1
Fine & Revocation of License							

* Data for 1980 is incomplete.

** Includes suspended jail sentences.

Source: Department of Public Safety, 2/10/81.

TABLE 9
 Arrests for Waste of Deer By Year
 1975 - 1980
 (Net penalty equals the amount actually paid
 or the length of time actually served.)

1975	Verdict	Fine Total Net	Jail Total Net	Revocation of License # Months
None				

1976	Verdict	Fine Total Net	Jail Total Net	Revocation of License # Months
None				

1977	Verdict	Fine Total Net	Jail Total Net	Revocation of License # Months
1	N-Resident	Guilty	\$ 500 \$ 50	
2	Resident	Guilty	300 150	5 days 2

1978	Verdict	Fine Total Net	Jail Total Net	Revocation of License # Months
None				

1979	Verdict	Fine Total Net	Jail Total Net	Revocation of License # Months
1	Resident	Guilty	\$ 250 \$ 250	Suspended

1980	Verdict	Fine Total Net	Jail Total Net	Revocation of License # Months
None				

FEB 12 1981



ALASKA STATE LEGISLATURE
HOUSE OF REPRESENTATIVES
RESEARCH AGENCY

Pouch Y, State Capitol
Juneau, Alaska 99811
(907) 465-3991

February 12, 1981

TO: Representative Ken Fanning

FROM: Christine Johnson
Research Staff

SUBJECT: Game Violations
Research Request No. 81-20

You recently requested information regarding wanton waste of moose meat. The Department of Public Safety keeps track of the number of arrests which are made for waste of wild food animals; however, no one appears to record instances where an animal is found wasted but no citation is issued. According to the statistics which are currently available (data for 1980 is not yet complete), a total of 121 arrests have been made since 1975 for failure to salvage wild food animals; there were 54 arrests during this period for failure to salvage moose specifically. This information is shown on Table 1.

As Table 2 shows, 43 of the 54 arrests for waste of moose resulted in a conviction. Fines were the most common penalty. Over the five year period, there were 18 fines of \$500 or less, 14 between \$500 and \$1000, 2 for \$2000 and 1 for \$5000. The average fine for these years was approximately \$825. In most instances, a portion of the fine was suspended. Jail sentences were ordered in 19 cases; 13 of these sentences were actually served. Table 3 lists all the arrests for waste of moose by year, and shows the fine or sentence awarded and the amount actually paid or the length of time actually served in each case. We have only provided this information for moose; however, we can easily generate a similar listing for other animals as well if this would be useful to you.

If you need any further information, please don't hesitate to contact us.

cc:f
Attachments

TABLE 1
Arrests for Waste of Wild Food Animal By Type of Animal
1975 - 1980

	1975	1976	1977	1978	1979	1980*	All Years
Moose	4	17	5	14	8	6	54
Caribou		10	10	5	5		30
Sheep	3	2	5	5	2		17
Goat			5	3			8
Deer			2		1		3
Bear		3	1	1	3		8
Elk					1		1
All Animals	7	32	28	28	20	6	121

*Data for 1980 is incomplete.

Source: Department of Public Safety, 2/10/81.

TABLE 2
Arrests for Waste of Moose By Disposition of Case
1975 - 1980

	1975	1976	1977	1978	1979	1980*	All Years
<u>Arrests</u>	4	17	5	14	8	6	54
Resident	4	10	4	11	4	5	38
N-Resident		7	1	3	4	1	16
<u>Convictions</u>	4	13	5	11	6	4	43
No Penalty		2		2			4
Fine Only		5		3	3	2	13
Jail Sentence Only**	1	3					4
Revocation of Licence Only							0
Fine & Jail**	3	2	2	1	1	1	10
Fine, Jail & Revocation of License		1	1	2	2		6
Fine & Revo- cation of License			2	3		1	6

* Data for 1980 is incomplete.

** Includes suspended jail sentences.

Source: Department of Public Safety, 2/10/81.

TABLE 3
 Arrests for Waste of Moose By Year
 1975 - 1980
 (Net penalty equals the amount actually paid
 or length of time actually served.)

1975		Verdict	Fine		Jail		Revocation of License # Months
			Total	Net	Total	Net	
1	Resident	Guilty	\$1000	\$500	5 days		
2	Resident	Guilty			15	15	
3	Resident	Guilty	500	300	5		
4	Resident	Guilty	500	350	60		

1976		Verdict	Fine		Jail		Revocation of License # Months
			Total	Net	Total	Net	
1	N-Resident	Guilty	\$ 400	\$ 400			
2	Resident	Guilty					
3	N-Resident	Guilty	300	300			
4	N-Resident	Guilty	300	300			
5	Resident	Guilty	2000	500	30	30	13
6	N-Resident	Guilty	300	300			
7	Resident	Guilty	500	250	30	2	
8	Resident	Guilty	300	150			
9	Resident	Guilty	300	150			
10	Resident	Guilty			90	30	
11	N-Resident	N-Guilty					
12	Resident	Dismissed					
13	N-Resident	Dismissed					
14	N-Resident	Dismissed					
15	Resident	Guilty			10	10	
16	Resident	Guilty			10	10	
17	Resident	Guilty					

TABLE 3 Continued

1977		Verdict	Fine		Jail		Revocation of License # Months
			Total	Net	Total	Net	
1	Resident	Guilty	\$ 500	\$ 200	30	10	12
2	Resident	Guilty	1000	500			6
3	Resident	Guilty	1000	500			6
4	Resident	Guilty	1000		10	10	
5	N-Resident	Guilty	1000.		10	10	

1978		Verdict	Fine		Jail		Revocation of License # Months
			Total	Net	Total	Net	
1	Resident	Guilty	\$2000	\$1000	180	90	12
2	N-Resident	Guilty	750	750			
3	N-Resident	Guilty	750				
4	Resident	Guilty					
5	Resident	N-Guilty					
6	Resident	Guilty					
7	Resident	Guilty	1000	500			6
8	Resident	Guilty	1000	500			6
9	Resident	Guilty	5000	3500			30
10	Resident	Guilty	200	200			
11	N-Resident	Guilty	1000	750	30	10	12
12	Resident	Guilty	250	250			
13	Resident	Dismissed					
14	Resident	Dismissed					

TABLE 3 Continued

1979		Verdict	Fine		Jail		Revocation of License # Months
			Total	Net	Total	Net	
1	N-Resident	Guilty	\$ 750	\$ 500			
2	N-Resident	Guilty	150	150	5		12
3	N-Resident	Guilty	500				
4	Resident	Dismissed					
5	Resident	Guilty	1000		90		12
6	N-Resident	Dismissed					
7	Resident	Guilty	500	500	30		
8	Resident	Guilty	500	500			

1980*		Verdict	Fine		Jail		Revocation of License # Months
			Total	Net	Total	Net	
1	Resident	Dismissed					
2	Resident	Guilty	\$ 750		30		
3	N-Resident	Guilty	500	250			
4	Resident	Guilty	500	500			
5	Resident	Dismissed					
6	Resident	Guilty	1000	500	30	1	6

*Data for 1980 is incomplete.

Source: Department of Public Safety, 2/10/81.

HB

64

SENATE AMENDMENT - TECHNICAL

By Senate Resources Committee

To: _____ SENATE BILL No. _____

To: _____ HOUSE BILL No. CSHB 64(SA)

PAGE: LINE:

TECHNICAL AMENDMENTS:

Page 1, line 23:

Delete "44" and insert "46" in its place

Page 2, line 3:

Delete "44" and insert "46" in its place

Page 2, line 4:

Delete "44" and insert "46" in its place

Page 2, line 7:

Delete "44" and insert "46" in its place

Alaska State Legislature

BETTYE FAHRENKAMP, CHAIRMAN
VIC FISCHER, VICE-CHAIRMAN
BRAD BRADLEY
DICK ELIASON
DON GILMAN
BOB MULCAHY
ARLIS STURGULEWSKI



POUCH V
STATE CAPITOL
JUNEAU, ALASKA 99811
(907) 465-3834
(907) 465-3835

Senate

Committee on Resources

April 22, 1981
1:30 p.m.

Beltz Room
211 - Capitol

MEMBERS PRESENT

Senator Fahrenkamp
Senator Eliason
Senator Sturgulewski
Senator Mulcahy
Senator Gilman

HEARING:

CSHB 64 An Act relating to the Alaska Energy Center

CSSSSB 111 An Act relating to fishing and hunting license fees and fishing permits.

SCS CSHB 237 An Act amending the Alaska Agricultural Loan Act.

Rod Pegues, Assistant Attorney General, stated that HB 64 amends the statute to remove some technical and constitutional problems.

Senator Sturgulewski put forth the motion to move CSHB 64 with individual recommendations.

Senator Eliason, stated that the purpose of CSSSSB 111 is to repeal the salmon stamp program and increase non-resident fishing fees.

Senator Mulcahy put forth the motion to move CSSSSB 111 with individual recommendations.

Bob Palmer, Coordinator, Special Project, Office of the Governor, discussed the purpose of CSHB 237. First, it raises the interest rate from 6% to 8% on loans for farm development, irrigation systems and farm product processing, and, secondly raises the revolving loan fund ceiling from \$20 million to \$75 million.

Senator Kerttula, stated that he supports CSHB 237.

Senator Mulcahy put forth the motion to move SCS CSHB 237 with individual recommendations.

The Committee adjourned at 2:15 p.m.

Alaska State Legislature

BETTYE FAHRENKAMP, CHAIRMAN
VIC FISCHER, VICE-CHAIRMAN
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Senate

Committee on Resources

TO: Bettye Fahrenkamp,
Chairman

FROM: Senate Resources Committee Staff

DATE: April 22, 1981

RE: HB 64

In the background packet on HB 64 there is a 6/30/80 Attorney General's opinion which states in part "the appointment of the center's board members be confirmed by the legislature . . . clearly in violation of the constitution."

The question arose, among staff, the legislature confirms various board and commission members - why not board members of the Alaska Energy Center?

Per Billy Berrier the only board and commission members the legislature has the authority to confirm are those specifically listed in the constitution. This is under Article III, Sections 25 and 26:

"The head of each principal department . . . subject to confirmation by a majority of the members of the legislature in joint session . . ."

"When a board or commission is at the head of a principal department or a regulatory or quasi-judicial agency, its members shall be . . . subject to confirmation by a majority of the members of the legislature in joint session. . ."

In Mr. Berrier's opinion the board members of the Alaska Energy Center do not come under these provisions of the constitution. Therefore, they are not subject to confirmation by the legislature.

rk

Alaska State Legislature

BETTYE FAHRENKAMP, CHAIRMAN
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Senate

Committee on Resources

TO: SENATE RESOURCES COMMITTEE
FROM: BETTYE FAHRENKAMP, CHAIRMAN
DATE: April 22, 1981
RE: Technical Amendments to CSHB 64 (SA)
An Act relating to the Alaska Energy Center

Attached are technical amendments to CSHB 64 (SA), on Page 1, line 23 and page 2, lines 3, 4, and 7.

AS 44.12 references State Holidays while AS 46.12 references the Alaska Energy Center.

Attachments

BF:rk

SENATE AMENDMENT - TECHNICAL

BY Senate Resources Committee

To: _____ SENATE BILL No. _____

To: _____ HOUSE BILL No. CSHB 64(SA)

PAGE: LINE:

TECHNICAL AMENDMENTS:

Page 1, line 23:

Delete "44" and insert "46" in its place

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Page 2, line 7:

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Sec. 46.12.020. Purpose. The primary purpose of the center is to create employment opportunities and other benefits in the state through the development and use of more efficient technologies. The center shall

- (1) promote the most efficient and appropriate technologies for the use and conservation of the state's energy resources;
- (2) provide economic benefits to state citizens;
- (3) promote the efficient use of the state's resources;
- (4) promote diversification of employment opportunities;
- (5) reduce state energy imports; and
- (6) bring existing and new technologies to a stage of commercial feasibility. (§ 3 ch 148 SLA 1980)

Sec. 46.12.030. Board of directors. (a) A board of directors of the center is established as its governing body.

(b) The board consists of nine members as follows:

- (1) seven members appointed by the governor and confirmed by a majority of the members of the legislature in joint session;
- (2) two members of the legislature jointly appointed by the president of the senate and the speaker of the house of representatives at the beginning of each legislature.

(c) The board shall elect a chairman and other necessary officers from among its members. (§ 3 ch 148 SLA 1980)

Editor's note. — Section 8, ch. 148, SLA 1980, provides: "APPOINTMENT OF FIRST BOARD OF DIRECTORS OF ALASKA ENERGY CENTER. The governor shall designate the terms of the members of the Board of Directors of the Alaska Energy Center first appointed

under AS 46.89.930(b)(1) of the seven members first appointed

- (1) three shall serve a term of one year;
- (2) two shall serve a term of two years;

and
(3) two shall serve a term of three years."

Sec. 46.12.040. Term of office. (a) The members of the legislature appointed to the board serve ex officio as nonvoting members of the board for the duration of the legislature during which they were appointed.

(b) The members of the board appointed by the governor serve three-year terms and may be reappointed. Terms shall be staggered.

(c) The officers of the board elected under AS 46.12.030(c) serve a term of three years. (§ 3 ch 148 SLA 1980)

Sec. 46.12.050. Removal and vacancies. (a) The governor may remove from office a board member appointed under AS 46.12.030(b)(1) with the consent of a majority of the members of the legislature in joint session. A removal by the governor shall be in writing and state the reason for removal. If the legislature is not in session, the governor may suspend a member of the board. After suspension, a board member may not participate in board business and may not be counted for the purpose of establishing a quorum. The joint session shall be held within

10 days from the date of removal, if the removal occurs while the legislature is in session, or within 30 days of convening of the next regular session of the legislature, if the legislature is not in session. If the legislature refuses to consent to removal, the suspension of the board member is terminated and the member shall be reinstated to the office by the governor.

(b) A vacancy on the board among the members appointed under AS 46.12.030(b)(1) shall be filled by appointment by the governor and confirmation by a majority of members of the legislature in joint session. An appointee to fill a vacancy shall hold office for the balance of the term for which his predecessor on the board was appointed. If a vacancy arises on the board while the legislature is not in session, the governor may appoint an interim member, until the legislature has the opportunity to confirm the appointment.

(c) A vacancy on the board among the members appointed under AS 46.12.030(b)(2) shall be filled by appointment by the presiding officer of the house of the legislature to which the vacating board member belonged.

(d) A vacancy on the board does not impair the authority of a quorum of the board to exercise all the powers and perform all the duties of the board. (§ 3 ch 148 SLA 1980)

Sec. 46.12.060. Qualifications of board members. (a) At least four of the board members appointed under AS 46.12.030(b)(1) shall be residents of the state.

(b) At least three of the board members appointed under AS 46.12.030(b)(1) shall have professional recognition, based on experience and achievement in their profession and in the society, in energy technology or development; business formation and management; or development and marketing of resources or products. (§ 3 ch 148 SLA 1980)

Sec. 46.12.070. Quorum. Four members of the board appointed under AS 46.12.030(b)(1) constitute a quorum for the transaction of business and the exercise of the powers and duties of the board. (§ 3 ch 148 SLA 1980)

Sec. 46.12.080. Compensation of board members. (a) Board members appointed under AS 46.12.030(b)(1) receive \$350 per day while in attendance at and traveling to and from meetings of the board.

(b) Board members may receive a per diem allowance and transportation expenses in carrying out the duties under this chapter. (§ 3 ch 148 SLA 1980)

Sec. 46.12.090. Conflicts of interest. Members of the board are subject to AS 39.50. (§ 3 ch 148 SLA 1980)

Sec. 46.12.100. Employment of personnel. The board shall employ and determine the salary of an executive director. The

Chapter 12. Holidays.

Section

10. Legal holidays
20. Holiday falling on Sunday
25. Holiday falling on Saturday

Section

30. Wickersham Day
40. Anthony J. Dimond Day

Sec. 44.12.010. Legal holidays. The following days are legal holidays: (1) the first of January, known as New Year's Day; (2) the 12th of February, known as Lincoln's Birthday; (3) the third Monday in February, known as Washington's Birthday; (4) the last Monday of March, known as Seward's Day; (5) the last Monday in May, known as Memorial Day; (6) the fourth of July, known as Independence Day; (7) the first Monday in September, known as Labor Day; (8) the eighteenth of October, known as Alaska Day; (9) the 11th of November, known as Veterans' Day; (10) the fourth Thursday in November, known as Thanksgiving Day; (11) the 25th of December, known as Christmas Day; (12) every Sunday; (13) every day designated by public proclamation by the President of the United States or the governor of the state as a legal holiday. (§ 1-1-6 ACLA 1949; am § 1 ch 183 SLA 1959; am § 1 ch 37 SLA 1969; am § 1 ch 5 SLA 1973; am § 1 ch 38 SLA 1973)

Cross reference. — As to Arbor Day, see AS 41.15.400.
Applied in *In re Dalton*, 8 Alaska 338 (1932).

Cited in *Jefferson v. Moore*, Sup. Ct. Op. No. 9 (File No. 44), 354 P.2d 373 (1960).
Am. Jur. 2d reference. — 73 Am. Jur. 2d, Sundays and Holidays, § 1 et seq.

Sec. 44.12.020. Holiday falling on Sunday. If a holiday listed in AS 44.12.010, except AS 44.12.010(12), falls on a Sunday, Sunday and the following Monday are both legal holidays. (§ 1-1-6 ACLA 1949; am § 1 ch 183 SLA 1959; am § 2 ch 37 SLA 1969)

Sec. 44.12.025. Holiday falling on Saturday. If a holiday listed in AS 44.12.010 falls on a Saturday, the Saturday and the preceding Friday are both legal holidays for officers and employees of the state. (§ 1 ch 40 SLA 1966)

Sec. 44.12.030. Wickersham Day. August 24 is designated Wickersham Day in honor of James Wickersham, and is the occasion for school assemblies with appropriate programs, and other suitable observances and exercises by civic groups and the public in general. (§ 2 ch 63 SLA 1949)

Sec. 44.12.040. Anthony J. Dimond Day. November 30 is designated Anthony J. Dimond Day in honor of "Tony" Dimond, and shall be observed by appropriate school assemblies and programs, and other suitable observances and exercises by civic groups and the public at large. (§ 2 ch 133 SLA 1955)

Part 2. Executive Branch.

Chapter

- 17. Organization and Administration of Departments (§§ 44.17.005 — 44.17.080)
- 19. Office of the Governor (§§ 44.19.010 — 44.19.188)
- 21. Department of Administration (§§ 44.21.010 — 44.21.170)
- 23. Department of Law (§§ 44.23.010 — 44.23.060)
- 25. Department of Revenue (§§ 44.25.010 — 44.25.038)
- 27. Department of Education (§§ 44.27.010 — 44.27.076)
- 29. Department of Health and Social Services (§§ 44.29.010 — 44.29.150)
- 31. Department of Labor (§§ 44.31.010 — 44.31.200)
- 33. Department of Commerce and Economic Development (§§ 44.33.010 — 44.33.512)
- 35. Department of Military Affairs (§§ 44.35.010 — 44.35.020)
- 37. Department of Natural Resources (§§ 44.37.010 — 44.37.190)
- 39. Department of Fish and Game (§§ 44.39.010 — 44.39.050)
- 41. Department of Public Safety (§§ 44.41.010 — 44.41.020)
- 42. Department of Transportation and Public Facilities (§§ 44.42.010 — 44.42.900)
- 46. Department of Environmental Conservation (§§ 44.46.010 — 44.46.110)
- 47. Department of Community and Regional Affairs (§§ 44.47.010 — 44.47.998)

Chapter 17. Organization and Administration of Departments.

Section

- 5. Offices and departments
- 10. Delegation of functions
- 20. Divisions
- 30. Regulations
- 40. Department staffs

Section

- 50. Continuation of functions
- 60. Unassigned functions
- 70. Reorganization by department heads
- 80. Appearance before the legislature

Sec. 44.17.005. Offices and departments. There are in the state government the following principal offices and departments:

- (1) Office of the Governor
- (2) Department of Administration
- (3) Department of Law
- (4) Department of Revenue
- (5) Department of Education
- (6) Department of Health and Social Services
- (7) Department of Labor
- (8) Department of Commerce and Economic Development
- (9) Department of Military Affairs

HB 64

STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

POUCH K-STATE CAPITOL
JUNEAU, ALASKA 99811

465-3600

February 25, 1981

Hon. Mike Miller, Chairman
House State Affairs Committee
Alaska State Legislature
Pouch V
Juneau, AK 99811

Re: HB 64, Alaska Energy Center

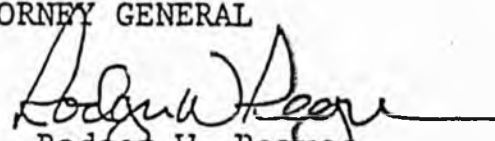
Dear Mr. Chairman:

You have asked whether the proposed repeal of the provisions of AS 46.12.050 in their entirety will impair either the power of the governor to fill vacancies or the authority of a quorum of the center's board to conduct business when there is a vacancy on the board.

The answer to both questions is no. In the absence of statutory or constitutional provisions to the contrary, the appointing authority -- in this case, the governor -- always has the power to fill a vacancy in an office for the remainder of the term of office. Likewise, absent some provision to the contrary, a quorum of a committee always has the authority to conduct business notwithstanding a vacancy on the committee. Including express authority in a statute is, therefore, unnecessary. Indeed, it tends to create confusion: If express authority to do either is not included in another statute, is one to infer that the authority does not exist? For that reason, we generally recommend that these provisions be omitted.

Sincerely yours,

WILSON L. CONDON
ATTORNEY GENERAL

By: 
Rodger W. Pegues
Assistant Attorney General

RWP/pjg

#B64

465-3600

June 30, 1980

Honorable Jay S. Hammond
Governor
State of Alaska
Pouch A
Juneau, Alaska 99811

Re: CSHB 687 am S (the Alaska Energy Center)
Our file: J-88-173-80

Dear Governor Hammond:

At your request, we have reviewed CSHB 687 am S which establishes the Alaska Energy Center. Its objects are benign, but its make-up is not.

First, the bill requires that the appointment of the center's board members be confirmed by the legislature. This is so clearly in violation of the constitution that it can be ignored. Bradner v. Hammond, 553 P.2d 1 (Alaska 1976). Nevertheless, it is extremely bad precedent and a sample of a continuing and expanding legislative practice which needs to be checked.

Second, the bill provides for the presiding officers to appoint two legislators to the board at the beginning of each legislature. This violates the appointments provisions of the constitution (the governor is the appointing authority), the separation-of-powers doctrine, the rule against dual office holding, and -- for the first legislative appointees probably -- the rule against holding an office created during one's term.

It will be argued that the non-voting status of the legislative appointments takes them out of these prohibitions. The argument is without merit. Voting is but the tip of the iceberg of power. The governor is the most powerful of all the lawmakers, and he does not have a single vote. At any event, the rule against dual office holding is concerned with conflicts of interest and self-aggrandizement to which the members' voting status is irrelevant. Unlike the

The Honorable Jay S. Hammond
Governor

HB 64
June 30, 1980
Page #2

provisions for legislative confirmation, these provisions cannot simply be ignored, i.e., if this bill becomes law, the presiding officers will appoint the members and they will serve.

Third, the board members do not serve at the governor's pleasure but for terms of years. This gives the center an independence within government which is not cognizable under our state constitution and which is inconsistent with art. III, secs. 22 and 26, of the constitution. Cf., Walker v. Alaska State Mtg. Assn., 416 P.2d 245, 250 (Alaska 1966). (members serve at governor's pleasure); DeArmond v. Alaska State Devel. Corp., 376 P.2d 717 (Alaska 1962) (same effect). This makes the entire center an unconstitutional entity.

Fourth, the bill makes the board members removable from office only with the consent of the legislature. This is identical to the provision which Bob Breeze relied upon in fighting his dismissal from the Pipeline Commission. It also violates the separation-of-powers doctrine. Like the provisions for the membership of legislators, it cannot be ignored.

We seem to be in a never ending spiral of legislative stratagems for usurping executive powers, balkanizing the unified executive branch called for by the constitution, and overthrowing the prohibition against dual office holding. It is as though Bradner v. Hammond, 553 P.2d 1 (Alaska 1976) (confirmation of appointments), and Begich v. Jefferson, 441 P.2d 27 (Alaska 1968) (dual office holding), had never been decided.

It is possible that, if some of these bills were vetoed, our ratio of success in getting the legislature to conform to the constitution might go up. We urge a veto here. We are sure that, if the concept of the center is sound, the legislature will establish one which is constitutional. A proposed veto letter is attached.

Sincerely yours,

Wilson L. Condon
Attorney General

WLC:pjg:RWP

HB 64

D R A F T

I have vetoed CSHB 687 am S because of its unconstitutional features. During the interim, we will consider whether to propose new legislation for an energy center such as that proposed by the bill or to recommend that the functions which were to be performed by the center be undertaken by the Department of Commerce and Economic Development.

It is quite clear that the bill's provisions for confirming appointments to the center's board, for members of the legislature to serve on the board, and for requiring legislative approval to remove members from the board violate the constitution. There is, I know, legislation on the books which is equally defective. That is unfortunate, but it is not a good reason for providing for still another violation of the constitution.

The separation-of-powers doctrine and the rule against dual office holding are there for good reasons. We should observe them. In vetoing this bill, that is what I am doing.

Sincerely,

Jay S. Hammond
Governor

HB 69

D R A F T

I have vetoed CSHB 687 am S because of its unconstitutional features. During the interim, we will consider whether to propose new legislation for an energy center such as that proposed by the bill or to recommend that the functions which were to be performed by the center be undertaken by the Department of Commerce and Economic Development.

It is quite clear that the bill's provisions for confirming appointments to the center's board, for members of the legislature to serve on the board, and for requiring legislative approval to remove members from the board violate the constitution. There is, I know, legislation on the books which is equally defective. That is unfortunate, but it is not a good reason for providing for still another violation of the constitution.

The separation-of-powers doctrine and the rule against dual office holding are there for good reasons. We should observe them. In vetoing this bill, that is what I am doing.

Sincerely,

Jay S. Hammond
Governor

NR64

January 12, 1981

Speaker of the House
Alaska State Legislature
Pouch V
Juneau, AK 99811

Dear Mr. Speaker:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to the Alaska Energy Center

Because of my support for the purposes of the Energy Center, I allowed the bill creating the center, CSHB 687 am S, to become law (ch. 148 SLA 1980) last year notwithstanding certain provisions of the bill which the attorney general advised were manifestly in violation of the constitution. They provide for the membership of legislators on the center's board of directors, for the legislative confirmation of appointments to the board, and for the legislative approval of removal of members of the board. The bill I am transmitting today amends the law creating the center to delete those unconstitutional provisions.

I know that you join me in my concern that the work of the center not be jeopardized by any constitutional infirmities, and I trust that this bill will receive prompt and favorable consideration.

Sincerely,

S/JSH

Jay S. Hammond
Governor

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HOUSE BILL NO. 64
 Title An act relating to the Alaska Energy Center
 Requested by The Governor Date 12/31/80

II. FISCAL DETAIL

Agency Affected Office of the Governor
 Program Category Affected General Government
 BRU, Program, or Subprogram(s) Affected Policy Development & Planning, Statewide Planning
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	Ø	Ø				

FUNDING (Thousands of Dollars)

GENERAL FUND	Ø	Ø				
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME	Ø	Ø				
PART TIME	Ø	Ø				
TEMPORARY	Ø	Ø				

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

This bill will have no fiscal impact on any existing program.

IV. DATE 12/31/80 PREPARED BY Rod Mourant
 AGENCY Office of the Governor
 PHONE 465-3500
 Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Name)

H B

8 3

COMMITTEE REPORT
SENATE

FURTHER: Finance

5/22/81

Date: _____

Mr. President:

The Committee on RESOURCES has had CSHB 83(Res)
making special appropriations to Dept. of Fish & Game for bison management

under consideration and (a majority of the committee) (the committee)
reports it back with the following recommendations:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for _____ same title
 new title
- and recommends _____
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS:

CHAIRMAN

Alaska State Legislature

BETTYE FAHRENKAMP, CHAIRMAN
VIC FISCHER, VICE-CHAIRMAN
BRAD BRADLEY
DICK ELIASON
DON GILMAN
BOB MULCAHY
ARLISS STURGULEWSKI



POUCH V
STATE CAPITOL
JUNEAU, ALASKA 99811
(907) 465-3834
(907) 465-3838

Senate

Committee on Resources

June 5, 1981
1:30 p.m.

Beltz Room
211 - Capitol

MEMBERS PRESENT

Senator Fahrenkamp
Senator Fischer
Senator Bradley
Senator Sturgulewski
Senator Mulcahy
Senator Eliason
Senator Gilman

HEARING:

- CSHB 535 An Act relating to the Alaska Agricultural Action Council.
- HCR 29 Relating to the development of a plan for Alaska agricultural development.
- SB 588 An Act relating to mineral leasing.
- HB 456 An Act relating to agriculture.
- HB 88 An Act relating to the qualifications for the farm or agricultural lands tax exemption.
- HB 83 An Act making special appropriations to the Department of Fish and Game for bison management.
- HB 538 An Act relating to a small-scale agriculture grant program.

Representative Gardiner, stated that HCR 29 and HB 535 outline the state's policies and goals for agricultural development. HB 535 increases the membership on the Agricultural Action Council from 5 to 7 members.

Senator Sturgulewski put forth the motion to move SCS CSHB 535 individual recommendations.

Senator Sturgulewski put forth the motion to move HCR 29 and a letter of intent with individual recommendations.

Representative Gardiner stated that the purpose of HB 456 is to promote small scale agriculture.

Representative Rogers suggested an amendment to HB 456 on page 1, line 16, place a period after "state" and delete line 17.

Senator Fischer put forth the motion to accept the amendment. He put forth several technical and grammatical amendments which were accepted.

Senator Fischer put forth the motion to move HB 456 as a Senate Committee Substitute with individual recommendations.

Dick Bishop, Regional Supervisor, Fairbanks, Department of Fish and Game, stated that HB 83 provides funding to develop the Delta Bison range and improve the bison summer range to delay their movement.

Representative Gardiner stated that he had looked at other alternatives and HB 83 was the least expensive to help ease the conflict between bison and agriculture.

Senator Mulcahy put forth the motion to move HB 83 with individual recommendations.

Representative Gardiner stated that HB 538 is designed to help small scale and village agricultural programs. He suggested that the Committee consider a letter of intent stating that the funds should be dispersed throughout the state and that no single geographical region receive an abnormal amount of the funds.

Senator Mulcahy put forth the motion to move CS HB 538 with individual recommendations and the letter of intent.

Senator Fahrenkamp put forth the motion to defer consideration of HB 88.

SB 588 was held until the Committee meeting June 8, 1981.

The Committee adjourned at 3:05 p.m.



Alaska State Legislature

House of Representatives

Committee on Resources

Terry Gardiner, Co-Chairman
Fred F. Zharoff, Co-Chairman
465-3715

Pouch V
State Capitol
Juneau, Alaska 99811

MEMORANDUM

TO: Co-Chairmen, Rep. Gardiner,
Rep. Zharoff

FROM: Mary Hakala

DATE: March 25, 1981

RE: Bison

There are 4 bison-related bills before the committee today:

HB 79 authorizes the Agricultural Action Council to reimburse farmers for losses due to bison damage.

HB 80 appropriates \$150,000 to the Agricultural Action Council for the reimbursements authorized in HB 79.

HB 82 appropriates \$250,000 to Alaska Dept. of Fish and Game for clearing and planting the Delta Bison Range. This is in order to provide alternative winter range and diversionary forage for Delta bison.

CS 416 83 {
HB 83 appropriates \$25,000 to Alaska Dept. of Fish and Game to 1) divert bison from farm crops. 2) encourage bison migration to Delta Bison Range, and 3) study fall bison migration patterns to develop methods of reducing bison damage to crops.

ISSUE: STATE LIABILITY FOR BISON DAMAGE TO CROPS

A question of State liability has arisen over the damage done to crops by the free roaming Delta Junction bison herd. Bill Mellow, Assistant Attorney General, has provided the Committee with a brief legal opinion and accompanying memo by Ann Prezyna. Mellow concludes that "it is probable that there is State liability exposure for buffalo depredation." This is based upon AS 16.20.300 which established the Delta Junction Bison Range and the legislative purpose behind that action. Section 1, Chap. 39, SLA 79 provided: "It is the purpose of bison on the land described in this Act by management of the habitat to provide an adequate winter range for the bison. It is also the purpose of AS 16.20.300-320 to alter seasonal movements of bison herds on the land in order to

diminish the damage caused by the herds to agriculturally developed land. (underlining mine)

The issue of State liability is not a clear yes or no, but rather, a question which Mellow favors the position of a litigant farmer. If ADF & G has carried out to the best of its abilities its bison management program to deter bison from damaging farmer's fields, it may be that the state is not liable. However, that is a question of fact which a jury would have to decide upon.

Also attached is a legal memorandum which concludes that "Alaska probably would not be held liable for damages to private property done by wild animals." This, Mellow feels is not necessarily true since the memo draws from the general issue of liability from damage by wild vs. domestic animals.

STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

POUCH K-STATE CAPITOL
JUNEAU, ALASKA 99811

(907) 465-3603

March 19, 1981

Honorable Terry Gardiner
Co-Chairman
House Resources Committee
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Re: Buffalo Depredation

Dear Mr. Gardiner:

The Department of Law was asked to present testimony concerning state liability exposure for buffalo depredations in the Delta Junction area. A memorandum of advice written by Ann Prezyna, dated August 17, 1979, concerning this subject has been submitted to the committee for consideration. That memorandum hypothecates a suit in which the issue of liability is a toss-up and partially relies upon the probability that "Farmer Smith" has not detrimentally relied upon state action. Upon reconsideration, it is doubtful that detrimental reliance would be involved, and thus, more probable that there is state liability exposure for buffalo depredations. Otherwise, Ms. Prezyna's memorandum is a currently accurate statement of the law in Alaska.

In conclusion, it is probable that there is state liability exposure for buffalo depredations. This should not, however, be interpreted to mean that the state would always be liable for damage to crops in the Delta area but rather, that the state could probably not obtain dismissal upon the basis of sovereign immunity; liability would depend upon whether, in light of the facts, the state failed to take action under AS 16.20.300 to diminish damages to agricultural lands -- a decision for the jury.

Sincerely,

WILSON L. CONDON
ATTORNEY GENERAL

By: *William G. Mellow*
William G. Mellow
Assistant Attorney General

03-C6LH

cc: Wil Condon

Dave Hardy, Game Biologist
Dept. of Fish and Game

August 17, 1979

J-66-383-79

465-3680

Ann E. Prezyna
Assistant Attorney General

Depredation reparations

You have asked whether the state may be found liable for damages to crops by Delta bison, whether the state has any legal responsibility to help citizens exclude the bison or mitigate their damages, and whether the state may incur liability for the actions of a transplanted bear. The short answers, respectively, are maybe, yes, and maybe.

First, the state may be held liable for damages to crops by Delta bison. Although the state has not been sued for damages for animal depredations in the past, and although case law in other jurisdictions supports the finding of nonliability at common law for damage inflicted upon property by wild animals protected by the state's game laws, the trend in recent years is to hold the state liable whenever there is any basis for doing so. In the eventuality of a suit for crop damage by bison, a peek at the ensuing exchange between attorneys might reveal something along the following lines of argument. Let us call the state's attorney Buffalo Bill, the plaintiff's attorney Sooba Bustards, and the judge Spitting Bull. The case is Ole Sping Smith v. The People of the State of Alaska.

Bill: ". . . Your Honor, there is no case law in Alaska which speaks directly to the issue of the state's liability for crop damages caused by wild bison. However, there is case law in other jurisdictions which amply supports the finding of nonliability for damage inflicted upon property by wild animals protected by the state's game laws, absent a specific statutory provision imposing liability. Annot., 93 A.L.R.2d 252 (1958). Alaska has no statutory provision that provides that a farmer may look to the state for a recovery of damages inflicted upon his crops by wild bison.

"Specifically, AS 16.20.300, ch. 39, SLA 1979 creates the Delta Junction Bison Range Area. It is the purpose of this act to perpetuate free-ranging bison on the land described in the act and to alter seasonal movements of bison herds on the land in order to diminish the damage caused by the herds to agriculturally developed land. However, it is the state's position that the establishment of a game refuge, by itself, is insufficient to establish state liability for incidental damages done by the protected animals.

"This conclusion results even though the act specifically recognizes that the herds do damage agriculturally developed lands. That is, the legislature has chosen to attempt to alter the seasonal movements of the bison herds rather than compensate farmers for damages.

"This result is supported by the case law in other jurisdictions. As I have mentioned, those cases impose or deny liability on behalf of the state for damages inflicted by wild animals based upon the presence or absence of statutory authority rendering the state liable.

"For example, an early New York case held that the protection of game was a proper function of the government and was in the public interest, and that the state was therefore not liable for incidental damages done by the protected animals. Barrett v. State, 116 N.E. 99 (N.Y. 1917). This holding was followed in a later case denying a recovery from the state for damages to fruit trees inflicted by cotton tail rabbits. Corron v. State, 10 N.Y.S.2d 960 (1939). More directly on point is the seminal case of Commonwealth v. Masden, 175 S.W.2d 1004 (Ky. 1943), which found the state not liable for damages to crops by wild deer although the state had stocked a neighboring game sanctuary with them, since in so doing the state was discharging a governmental function.

"Thus it appears that there is neither common law nor statutory liability on behalf of the state for damages to crops inflicted by wild bison."

Sootha: ". . . The argument of opposing counsel relies primarily on the case law of other jurisdictions for the proposition that the state is not liable at common law for damage inflicted upon property by wild animals protected by the state's game laws. However, for the following reasons, it is my position that the state should be found liable for the damages inflicted by its bison to my client's crops.

"First, even if the proposition that the state may not be held liable under common law principles for damages to property by wild animals is generally true, I would argue that the Delta bison are in a special class because they have been "planted" in the area by the state. Cases along the line of Commonwealth v. Masden are not available to refute this argument because there the holding was based on a sovereign immunity type theory. That is, the state was discharging a "governmental function" in stocking the game sanctuary and, therefore, was not liable for the ensuing damages.

"The doctrine of sovereign immunity, which is the common law doctrine shielding the state from liability when the state is engaged in a governmental function, has been largely abrogated by statute, as is true in this state. AS 09.50.250 et seq. In particular, the proprietary--governmental distinction has been abandoned by the supreme court with respect to suits involving the state or its agencies. University of Alaska v. National Aircraft Leasing, Ltd., 536 P.2d 121 (1975). Therefore, it is my position that the State of Alaska cannot use the doctrine of sovereign immunity to shield it from liability for damages caused by bison which have been planted by the state. This proposition is true although in stocking the game refuge with bison the state was traditionally performing a governmental function and therefore was immune from suit.

"Second, current case law in this state supports a finding of liability under the terms of recently enacted legislation. Specifically, Adams v. State, 555 P.2d 235 (1976), held that the state, by its affirmative conduct in undertaking to inspect a hotel for fire hazards, assumed a common-law duty to proceed further with regard to hazards that were discovered. Similarly, under the terms of AS 16.20.300, ch. 39, SLA 1979, it is arguable that the state has assumed the duty of altering the seasonal movements of bison herds in order to diminish the damages caused by the herds to agriculturally developed land. Since my client is among those persons to whom the duty assumed by the state is owed, the state may be liable to him for negligent failure to alleviate the damages caused by the bison . . ."

Judge: "Gentlemen, it is clear from the facts of this case that Farmer Smith suffered crop damage due to the actions of wild bison from the adjacent state-managed game refuge. The basic policy of the law should be that when there is negligence, the rule is liability; immunity is the exception. State v. Abbott, 498 P.2d 712 (1972). Arguably, the state may be found to have a common law duty to keep the bison from Farmer Smith's field, especially since it has undertaken to maintain a herd of wild bison in the vicinity of the Delta barley project. Alternatively, it may be argued that the state has assumed the duty to exclude the bison by virtue of the passage of an act obligating the state to undertake the responsibility of altering the seasonal movements of the herds to mitigate the damages to agriculturally developed land.

"In sum, when the state has a duty to take some affirmative action, when it has negligently failed to act as required, and when damages result, it may be held liable. Consequently, I rule that. . . [flips coin behind the bench]."

To recapitulate, the answer to your first question is that the state may be found liable for damage by Delta bison if a court were to find that it has negligently performed or failed to perform a duty to keep the critters away from farmers' crops. That is, a farmer might recover in a tort action against the state if he were to show that (1) the state has a duty (either at common law or by statute) to keep bison away from his crops, (2) the state negligently failed to perform this duty, and (3) he suffered damage as a result of the state's action (misfeasance) or lack of action (nonfeasance). For example, the state may be liable for crop damages if it were shown that the state did not make reasonable efforts to follow through on its self-imposed responsibility of attempting to mitigate crop damages by undertaking to alter the seasonal movements of the bison herds. This is the "good samaritan" liability theory of Adams v. State, discussed above. The strongest argument against application of the Adams rationale, it seems to me, is the lack of detrimental reliance by Farmer Smith; that is, Farmer Smith probably has not relied, to his detriment, on the state's representations (that the state would keep bison away from Farmer Smith's fields) in making his decision to plant barley. Thus we end up with the "toss of the coin" decision alluded to above.

This brings us to your second question--whether the state has any legal responsibility to help citizens exclude the bison or otherwise mitigate their damages. As discussed above, a court could find that a common law duty exists by virtue of the fact that these are not strictly wild but rather state managed animals. More likely, however, the court may find that the state has assumed a limited duty to do so by virtue of the passage of the Buffalo Bill, ch. 39, SLA 1979. I think it is reasonably certain that the state must now make reasonable efforts to follow through on its legislative commitment to alter the seasonal movements of bison to mitigate crop damages to persons like Farmer Smith.

The answer to your third question, whether the state may incur liability for the actions of a transplanted

bear, follows a line of analysis similar to that used in response to your first question. That is, once the state has undertaken the responsibility of conducting bear-transplanting operations, it must do so in a non-negligent manner. This means that the state must use reasonable care when transplanting bears, "reasonable care" being whatever standard of conduct is reasonable under the circumstances, whatever that means. So don't do anything outrageous, like transplanting a bear that is a known troublemaker with a history of transgressions and probably little fear of man to the vicinity of a known recreational site.

By the way, if you'd like something more specific with regard to governmental liability for bear incidents, there are some federal cases on the subject which were brought under the Federal Tort Claims Act, substantially similar to our own AS 09.50.250. See, for example, Claypool v. United States, 98 F. Supp. 702 (S.D. Cal. 1951) (liability) or Ashley v. United States, 215 F. Supp. 39 (D. Neb. 1963), aff'd, 326 F.2d 499 (8th Cir. 1964) (no liability).

AEP:chw

cc: Bob Larson, Game
Rod Mills, Protection

STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY


POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3500

M E M O R A N D U M

February 26, 1981

SUBJECT: Attached memorandum
(Work Order Number 12-0825)

TO: Representative H. Pappy Moss

FROM: Joseph A. Guthrie
Legislative Counsel 

This memorandum has been prepared by Bernie M. Tuggle, a legal extern serving with the Division of Legal Services. I have reviewed the memorandum and agree with the conclusions and advice given in it.

JAG:ljb

Enclosure

STATE OF ALASKA
THE LEGISLATURE

POUCH Y . STATE CAPITOL
BUREAU, ALASKA 99811
907-465-3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

February 26, 1981

SUBJECT: State liability for damage to private property
done by wild animals (Work Order No. 12-0825)

TO: Representative H. Pappy Moss

FROM: Bernie M. Tuggle 07
Legislative Legal Extern

You have asked me if the state is liable for damage to private property done by either indigenous wild animals or non-indigenous wild animals such as buffalo and musk ox which have been brought into the state.

It is generally the rule, except where the doctrine of governmental immunity has been abrogated by judicial decision, that in the absence of constitutional or statutory provision therefor, a state exercising governmental functions cannot be made to respond in damages for tort. State v. Morris, 555 P.2d 1216 (Alaska 1976); Vater v. Glenn County, 323 P.2d (Ca. 1958); Faber v. State, 353 P.2d 609 (Colo. 1960).

Since protection of the wildlife of a state is peculiarly within the police powers of the state, Lacoste v. Department of Conservation, 263 U.S. 545, 552 (1924), compensation for injuries to property caused by wild animals may be recovered from a state, where provided by statute. Van Horn v. Wyoming Game and Fish Comm'n, 92 P.2d 560 (Wyo. 1939) (damage by deer to lettuce fields); People ex rel Kimball v. Crystall River Corp., 280 P.2d 429 (Colo. 1955) (damage to sheep by bears). However immunity from liability in tort may not be waived or abrogated except by an express statutory enactment or by necessary inference from a statute. Orser v. State, 582 P.2d 1227 (Mont. 1978); Jarrett v. Wills, 383 P.2d 995 (Ore. 1963). Since no Alaska statute exists to waive her immunity in regards to damage to property caused by wildlife and since the doctrine of governmental immunity has not been abrogated by the Alaska Supreme Court, Alaska

February 26, 1981

probably would not be held liable for damages to private property done by wild animals. See, AS 09.50.250; Carlson v. State, 598 P.2d 969 (Alaska 1979).

Leger v. Louisiana Dept. of Wildlife and Fisheries, 306 So.2d 391 (La. 1975) is illustrative of the above argument. In Leger, an action was brought against the Wildlife Commission to recover damages for the loss of a sweet potato crop ruined by wild deer. The Louisiana Court found that the wild animals found in the state were owned by the State of Louisiana in its sovereign capacity, as distinguished from its proprietary capacity, and that it owned them solely as trustee for the use and common benefit of the people of the state. Id., at 394. However the Court could find nothing in Louisiana law to indicate

That the state has a duty to harbor wild birds or wild quadrupeds, to control their movements or to prevent them from damaging privately owned property. If such a duty should be imposed on the state, then it would mean in many instances that the state would have to impound or confine some birds and animals, and they thus would cease to be wild creatures, but instead would be birds or animals which had been taken, possessed or harbored. . . . [If the plaintiff's argument were correct], it would follow logically that the state has the impossible duty of preventing damage to private property by all wild birds and wild animals, including such things as crows, sparrows, squirrels, rats and fox. We do not think these laws were intended to have such an effect.

Id., at 394 - 395.

The Louisiana Court concluded that the state was not liable to the farmer for damage to his sweet potato crop. Id. The Alaska Supreme Court probably would rule likewise in a similar factual situation.

The result would be the same for damage by non-indigenous animals which have been brought into the state. Barrett v. State, 116 N.E. 99 (N.Y. 1917), a frequently cited case, United States v. Long Cole Seafood Co., 582 F.2d 165 (2d Cir. 1978); State v. State Fish and Game Comm'n, 438 P.2d 667 (Mont. 1968), is on point. In Barrett, the legislature appropriated funds for the purchase of wild beavers to re-

February 26, 1981

stock the Adirondacks. Barrett owned a valuable track of woodland whose attractiveness depended upon the trees on it, which were destroyed by the introduced beavers. The New York Court held that Barrett could not recover from the state, since the introduction of beavers was within the police powers of the state in its attempt to protect beavers.

Whenever protection is accorded, harm may be done to the individual. Deer or moose may browse on his crops; mink or skunks kill his chickens; robins eat his cherries. In certain cases the Legislature may be mistaken in its belief that more good than harm is occasioned. But this is clearly a matter which is confided to its discretion. It exercises a governmental function for the benefit of the public at large, and no one can complain of the incidental injuries that may result.

Id., at 100.

BMT:ljb

MEMORANDUM

State of Alaska

TO: All Council Members
Alaska Agricultural Action Council

DATE: December 24, 1980

FILE NO:

TELEPHONE NO:

FROM: Mike Gilleland *MG*
Planning Coordinator
Alaska Agricultural Action Council

SUBJECT: Buffalo Damage

Below is estimated dollar losses incurred by farmers from
Bison damage in 1980 on the Delta Agricultural Project.

Tract I	Dick Karr	\$75,492.00
Tract H	Greg Engellant	5,000
Tract N	Gerald Brehmer	33,533.74
Tract F	Dennis Green	20,000.00
Tract R	Glen Helkens	15,000.00

TO: All Members
Alaska Agricultural Action Council

DATE: December 15, 1980

FILE NO:

TELEPHONE NO:

FROM: Robert C. Pollock *R.C.P.*
Executive Director
Alaska Agricultural Action Council

SUBJECT: Buffalo

At the last Ag. Council meeting (12-8-80), Richard Karr (tract I Delta Ag. Project) summarized the damage to his barley crop inflicted by the State's buffalo herd this past season. His estimate of financial loss was \$60,000, over 1,200 acres of grain. Based on the negative economies of this situation, Mr. Karr stated he would not plant in 1981 and would urge his neighbors to consider the guaranteed loss that bison cause.

Following Mr. Karr's presentation, six possible solutions were discussed:

1. transfer to private ownership
2. transport to other areas in State
3. investigate legal rights and help farmers sue State
4. fence the entire buffalo reserve or financially help farmers to fence
5. State reimburse farmers for damage
6. eliminate bison.

I would like to suggest another potential solution to this problem. It is not one solution but a combination of several alternatives that should be implemented simultaneously.

1. At the traditional calving grounds supply salt, and possibly hay or grain, only when bison appear ready to migrate east of the river and not earlier in season.
2. Under the supervision of Department of Fish and Game and the Alaska Agricultural Action Council, encourage the military to complete the 500 plus acre clearing immediately. Following the clearing, under the supervision of the Agricultural Experiment Station, Department of Fish and Game, and the Alaska Agricultural Action Council, the clearing will be planted to various crops in rotation.

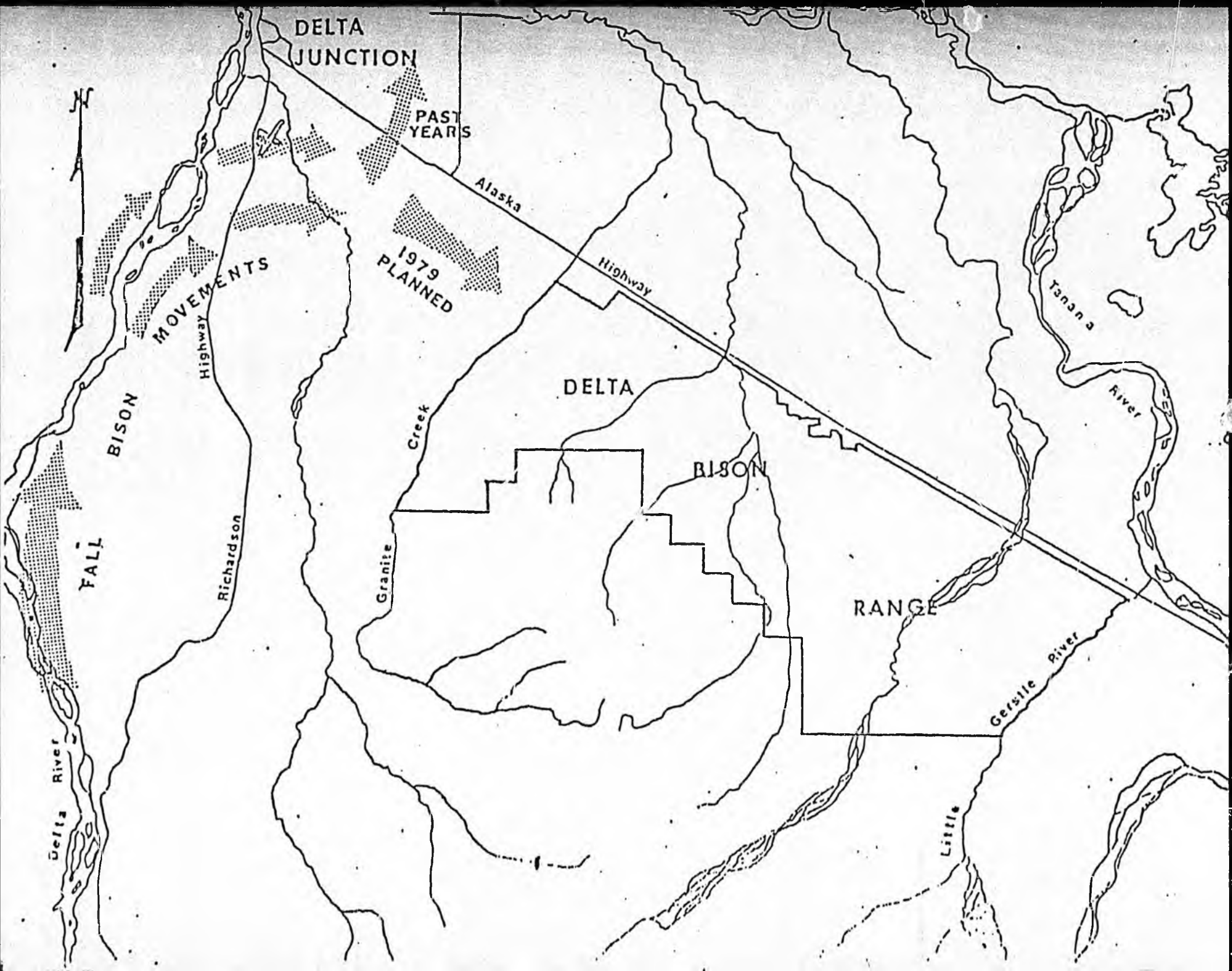
3. A minimum of 1,000 acres (the military clearing plus cover) should be fenced. During the first weeks of the bison migration as many animals as possible (hopefully 40 to 60 percent) would be retained within this fenced area. In addition to feed, sufficient water must be present. At some preannounced date (October 15th - November 1st) all bison will be released. The maximum time of entrapment would be 90 to 120 days.
4. The Department of Fish and Game will be encouraged to continue their work with the bison, both within and outside the fenced areas (propane sound guns, etc.)
5. A higher hunting permit fee should be charged. After the \$5.00 application fee, \$500 to \$1,000 should be charged for the 50 actual permits. The value of the animal, in terms of meat only, exceeds this amount.
6. With the income from hunting permits, an insurance policy should be purchased for the farmers either thru the State (self insured) or private industry if possible. This insurance would make direct reimbursement to the farmers for their losses. These losses would be determined by professional adjustors similar to hail losses. Reimbursement for losses only occurs after a minimum amount of damage such as 2 or 3 percent of the damaged area.

The estimated cost to implement these solutions is as follows:

1. Salt delivered to calving grounds	\$ 5,000
2. Military clearing	-0-
3. Fence 1,000 acres and water	75,000
4. Plant 500 acres	40,000
5. Hunting Permits	-0-
6. Insurance Payments	-0-
	<hr/>
Total	120,000

Council Members
December 15, 1980
Page. III

Only a combination of all solutions implemented at one time will solve this problem. If agriculture in Alaska is to continue developing, we must be able to assure farmers that they will not be subject to financial losses from buffalo damage.



Ronald J. Somerville
Director
Division of Game

March 17, 1981

Richard H. Bishop
Regional Supervisor

895-4484

David M. Johnson
Area Biologist
Division of Game
Department of Fish and Game
Delta

Bison Range Appropriation Bill

The \$250,000 appropriation proposed by H.B. 82 would allow the Game Division to make a real start in implementing the Delta Junction Bison Range. I urge that we favor its passage before the Legislature. I propose that the money, if appropriated, be used as follow.

CLEARING

- A. Clear 1,000 acres in a series of three, 600-foot wide by approximately 3-1/2 mile long fields oriented northwest/southeast and separated by 1/2 mile. The fields would be connected by shorter 600-foot wide fields running northeast/southwest at the ends and middle of the long fields (see map).
- B. Stands of commercially valuable timber would be left for later harvesting.
- C. The pattern selected is intended to optimize cover and edge effect and provide wind scour of snow to make winter foraging easy for bison, especially in years of deep snowfall.
- D. See Delta Bison Management Plan: Habitat Management Program, action number one (winter range planting).

PLANTING

- A. The chief objective of bison range habitat manipulation should be maximum usable alteration of the forest cover. Planting food crops is an important second. In order to maximize alteration of cover--in this case, clearing--I propose that approximately 500 acres of the 1,000 cleared be planted by the State. More planting would require that less acreage be cleared. For example, to plant all the acres that are cleared would allow about 800 acres to be cleared (\$249,500, see budget section). There are at least two ways to handle the 500 acres that I propose we do not plant: first, establish 2- or 3-year cooperative farming agreements with local farmers to plant and harvest oats and leave a percentage of the crop for the bison as rent for use of the land; and second, leave the land untilled to naturally revegetate. This could perhaps be aided by inexpensive cultivation methods we could use later.

RONALD J. COBLENZ
-2-
March 17, 1981

I favor the former as it will protect the soil, provide stubble and some oats, provide us with a perennial crop that we can keep going on a maintenance basis after the farmers pull out, increase local interest in the Bison Range, and be most cost effective in putting a crop on the entire cleared acreage.

B. Tentative plans for the acres to be planted by the State are that a variety of crops be planted to determine which provides the best fall attraction and winter forage. Potential combinations include: oats/barley, oats/vetch, barley, fescue/bluegrass/oats, timothy, and others. We would establish exclosures to determine the extent of use.

C. Maintenance plantings would be that mix or combination of mixes that provides the best results. Whichever route we choose on uncleared acreage, we could gradually change the entire 1,000 acres to the chosen mix. We would continue experimentation, as appropriate, on a small scale as new information suggests other mixes.

D. See Delta Bison Management Plan: Habitat Management Program, action number one (winter range planting); Habitat Assessment Program, action number two (test plantings), and action number five (range utilization measurements).

WATER DEVELOPMENT

A. Water is available at both ends and in the middle of the Bison Range, but water in the center of the complex of fields may provide the best attraction for bison. Additionally, water in Sawmill Creek appears to be only irregularly available in the fall. With water in the center of the fields, the three basic needs of food, water, and cover will be met.

B. A windmill and stock tank or lagoon with a bentonite layer would be used. The windmill would be disconnected from a submerged pump after snowfall to prevent freezing problems. Bison are able to use snow for water.

C. See Delta Bison Management Plan: Habitat Assessment Program, action number three (habitat technique development).

SALT

A. Salt would be provided on a regular basis after the bison arrive at the Range, and to the end of the harvest period. Salt use would be discontinued overwinter to leave intact any desire for it that may accumulate overwinter and be used to hold the bison on the summer range with salt placed there.

B. See Delta Bison Management Plan: Population Management Program, action number three (depredation abatement).

BURNING

A. Burning on the Bison Range will benefit both bison and moose. It is one of the least expensive habitat improvement techniques. It should

also provide the best results in areas of poor soils. The first two burns would be small demonstration burns to show the feasibility and to learn the techniques appropriate for this use of fire.

B. Two fires are proposed: (1) a fall burn on the Bison Range in the area of existing fields and adjacent to the "1408 road" (see map). Firebreaks were cleared here for a fire in the early 1970's but it was never burned; and (2) a fall or winter burn on the summer bison range. This would occur pending approval of the appropriate Federal landowner (Army or BLM). The fire would be for the benefit of bison and should add to available bison summer range, which should help hold bison longer in the fall.

C. See Delta Bison Management Plan: Habitat Assessment Program, action number three (habitat techniques development).

SUMMER RANGE REHABILITATION

A. For 1981 a 50-acre fertilization test is proposed. The test would demonstrate whether additional forage could be produced, and if it would be used by bison. Previously conducted small-scale tests indicate the method may have promise.

B. Pending approval by the Army, we would also experiment with herbicide treatment of one or two acres on the summer range to determine whether this method, perhaps in combination with fertilization, would set back succession to the grass stage.

C. Assuming the success of the above, we would fertilize an additional 50-100 acres in 1982. There is a residual effect that lasts for an additional growing season beyond application.

D. See Delta Bison Management Plan: Habitat Assessment Program, action number three (habitat techniques development); and Habitat Management Program, action number three (summer range rehabilitation).

SOIL SURVEYS

A. Soil surveys would be carried out throughout the Bison Range on a priority basis. The western section would have the highest priority. An agreement with the USDA Soil Conservation Service is presently being renewed (see soil survey priority map).

B. See Delta Bison Management Plan: Habitat Assessment Program, action number one (soil surveys).

TRAILS

A. Trails would be cut to link the Bison Range with trails and habitat improvements on military land. On the Bison Range, trails would be developed to facilitate bison movements, to improve recreational use of the land, and to improve access to timber resources.

B. See Delta Bison Management Plan: Habitat Management Plan, action number one (winter range planting).

MAINTENANCE

A. Maintenance of the fields cleared with H.B. 82 dollars could most efficiently be accomplished with our own equipment and personnel. With a tractor and the necessary implements we would burn the fields in spring and renovate the fields as necessary with new seed, fertilize in alternate years, and continue small-scale experimentation with new crops for bison and other species.

B. Make periodic applications of herbicide and fertilizer on the Delta River.

C. Berms left from clearing would gradually be burned and leveled.

DISCUSSION

H.B. 82 is a good beginning. However, we should be prepared to ask for more bison habitat improvement money later because \$250,000 will not go far, as demonstrated above and below. If we were assured of additional funds later, a better clearing and planting strategy would be to immediately plant all the acres we clear. Habitat manipulation for other species is also important, but \$250,000 does not allow much flexibility, given the pressure to provide "decoy" crops and bison winter range.

BUDGET

CLEARING 1,000 acres @ \$187/acre*	\$187,000
PLANTING 500 acres @ \$125/acre	<u>62,500</u>
Subtotal	\$249,500
DEVELOPMENT	\$ 10,000
SALT	\$ 500
BURNING AND SUMMER RANGE REHABILITATION	\$ 20,000
SOIL SURVEYS	\$ 5,000
TRAILS	<u>\$ 2,000</u>
Total	\$287,000**

* \$200/acre for 740 acres and \$150/acre for 260 acres (crushed area)

** includes remaining FY'81 dollars (\$37,000)

cc: Burris

TRACT A

field 1

field 2

field 3

field 4

PROPOSED BURN

ALASKA HIGHWAY

CRUSHED
AREA

0.5 MILE

600'

1408 Road

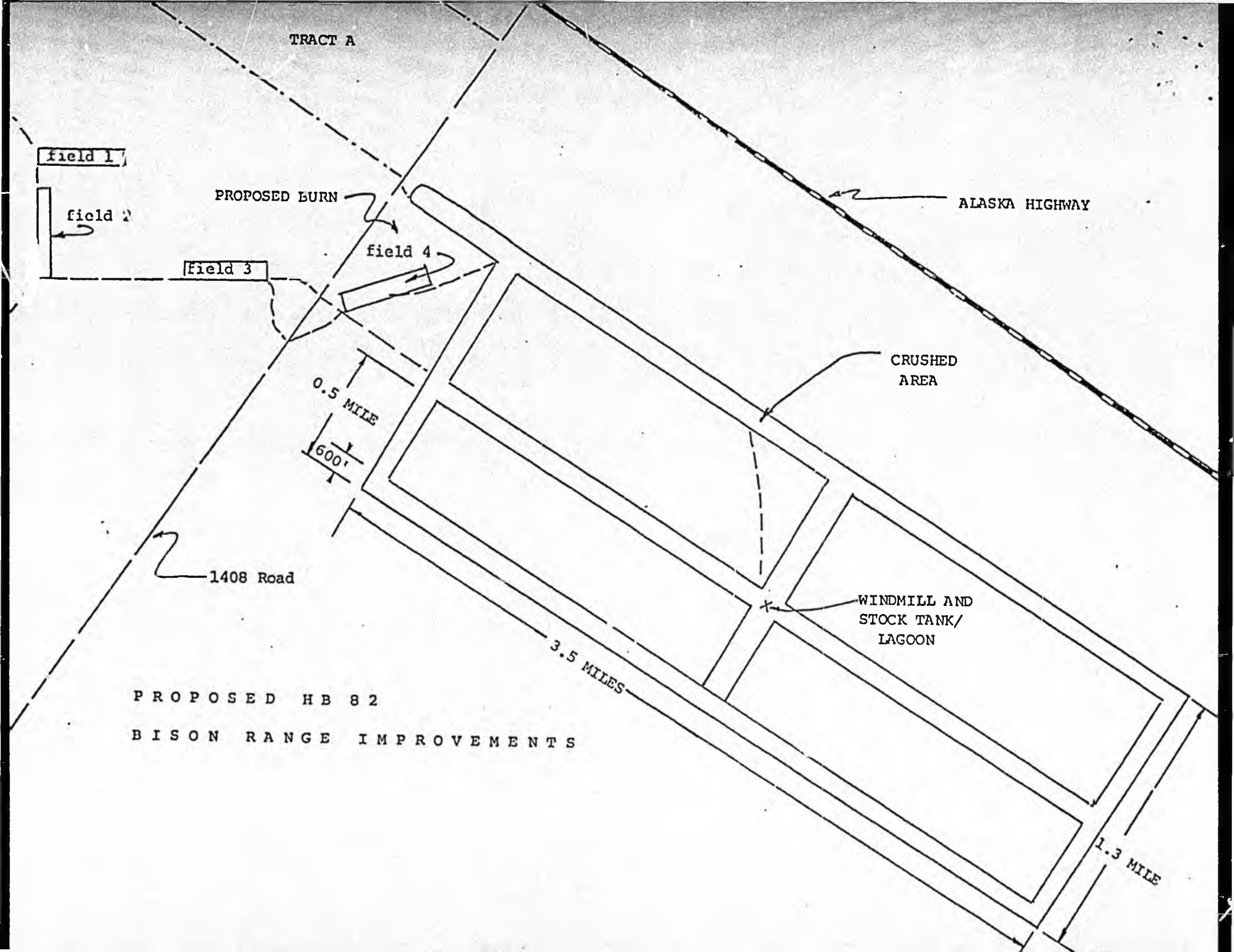
WINDMILL AND
STOCK TANK/
LAGOON

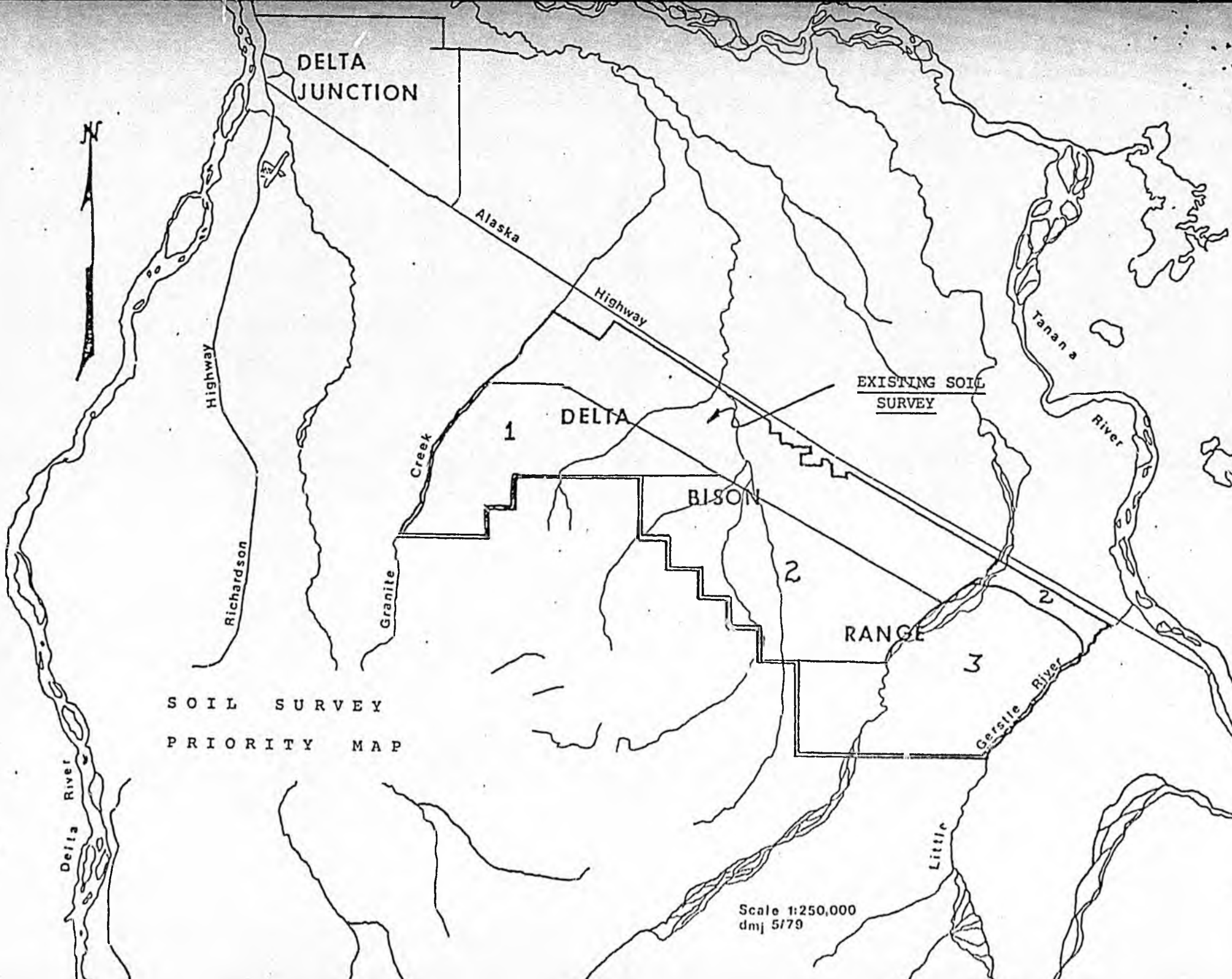
3.5 MILES

1.3 MILE

PROPOSED HB 82

BISON RANGE IMPROVEMENTS





DELTA
JUNCTION

Alaska

Highway

Highway

Richardson

Creek

Granite

DELTA

1

BISON

2

RANGE

3

EXISTING SOIL
SURVEY

Tanana

River

Garstle
River

Little

SOIL SURVEY
PRIORITY MAP

Scale 1:250,000
dmj 5179



LAWS OF ALASKA

1979

Source

CS 2d SSHB 31 am S

Chapter No.

39

AN ACT

Creating the Delta Junction Bison Range Area.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

THE ACT FOLLOWS ON PAGE 1, LINE 8

Approved by the Governor: May 3, 1979
Actual Effective Date: August 1, 1979

AN ACT

Creating the Delta Junction Bison Range Area.

Section 1. It is the purpose of this Act to perpetuate free-ranging bison on the land described in this Act by management of the habitat to provide an adequate winter range for the bison. It is also the purpose of this Act to alter seasonal movements of bison herds on the land in order to diminish the damage caused by the herds to agriculturally developed land.

Sec. 2. AS 16.20 is amended by adding new sections to read:

ARTICLE 6. STATE RANGE AREAS.

Sec. 16.20.300. DELTA JUNCTION BISON RANGE. The following described areas, excluding valid existing rights, are established as the Delta Junction Bison Range Area:

(1) Township 11 South, Range 12 East, Fairbanks Meridian

Section 28: S 1/2 SW 1/4, SW 1/4 SE 1/4 and that portion of the NW 1/4 SW 1/4 east of the west bank of Granite Creek excluding A.S.L.S. 78-93, Tract A, Unit 1

Sections 29, 32: those lands east of the west bank of Granite Creek

Section 33: all, excluding A.S.L.S. 78-93, Tract A, Unit 1

Section 34: S 1/2 NW 1/4, excluding A.S.L.S. 78-93, Tract A, Unit 1, S 1/2

Section 35: S 1/2, S 1/2 NW 1/4, that portion of the NE 1/4 lying south of the Alaska Highway excluding a corridor

extending 1320 feet from the center line of the highway

Section 36: that portion lying south of the Alaska Highway excluding a corridor extending 1320 feet from the centerline of the highway

(2) Township 12 South, Range 11 East, Fairbanks Meridian
Sections 13, 24-26, 35, 36: all

Sections 1, 11, 12, 14, 22, 23, 27, 34: those lands east of the west bank of Granite Creek

(3) Township 12 South, Range 12 East, Fairbanks Meridian
Sections 1-4, 7-25, 30, 36: all
Sections 5, 6: those lands east of the west bank of Granite Creek

(4) Township 12 South, Range 13 East, Fairbanks Meridian
Sections 5, 6, 9: that portion lying south of the Alaska Highway excluding a corridor extending 1320 feet from the centerline of the highway

Section 7: all

Section 8: all, excluding a corridor extending 1320 feet from the centerline of the Alaska Highway

Section 10: that portion of the SW 1/4 lying south of the Alaska Highway excluding a corridor extending 1320 feet from the centerline of the highway

Section 14: S 1/2 S 1/2 SW 1/4

Section 15: S 1/2, NW 1/4, excluding a corridor extending 1320 feet from the centerline of the Alaska Highway

Sections 16-22: all

Section 23: S 1/2, NW 1/4, S 1/2 NE 1/4, S 1/2 N 1/2 NE

1/4

Section 24: SW 1/4, S 1/2 NW 1/4, excluding a corridor

extending 1320 feet from the centerline of the Alaska Highway, S 1/2 S 1/2 SE 1/4

Sections 25-36: all

(5) Township 12 South, Range 14 East, Fairbanks Meridian
Sections 19, 28-30, 33-35: that portion lying south of the Alaska Highway excluding a corridor extending 1320 feet from the centerline of the highway

Sections 31, 32: all

(6) Township 13 South, Range 13 East, Fairbanks Meridian
Sections 1-5, 9-15, 23-25, 36: all

(7) Township 13 South, Range 14 East, Fairbanks Meridian
Section 1: that portion lying south of the Alaska Highway excluding a corridor extending 1320 feet from the centerline of the highway

Sections 2-36: all

(8) Township 13 South, Range 15 East, Fairbanks Meridian
Sections 5, 6, 8-10, 15: that portion lying south of the Alaska Highway excluding a corridor extending 1320 feet from the centerline of the highway

Sections 7, 16-20, 30: all

Sections 21, 22, 28, 29, 31, 32: that portion lying west of the east bank of the Little Gerstle River

(9) Township 14 South, Range 14 East, Fairbanks Meridian

Section 1: that portion lying west of the east bank of the Little Gerstle River

Sections 2-6: all

(10) Township 14 South, Range 13 East, Fairbanks Meridian
Section 1: all

(11) Township 14 South, Range 15 East, Fairbanks Meridian

Chapter 39

Section 6: that portion lying west of the east bank of the Little Gerstle River

Sec. 16.20.310. GAME MANAGEMENT PLAN. (a) The commissioner of fish and game shall develop and may amend a game management plan for bison in the area described in AS 16.20.300. After holding public hearings in accordance with AS 44.62.310 and 44.62.312, the commissioner shall implement the game management plan.

(b) The game management plan shall include, but is not limited to,

(1) planting grains for bison and planting other wildlife forage;

(2) altering existing plant cover to create additional range and year-round habitat for bison and other animal species in the area;

(3) tilling to produce forage.

(c) The commissioner of fish and game shall develop and amend the game management plan to coordinate, as closely as possible, the game management plan with the activities of the Agricultural Development Authority, Department of Natural Resources, relating to the Big Delta agricultural development project.

Sec. 16.20.320. ACTIVITIES ON RANGE AREA. Nothing in AS 16.20.300 - 16.20.320 shall be construed as prohibiting activities on land described in AS 16.20.300 which are otherwise permitted in accordance with the laws and regulations of this state, including, but not limited to, hunting, trapping, engaging in recreational activities, using the land for access to adjacent areas and a 300-foot Alaska Railroad right-of-way.

* Sec. 3. The provisions of secs. 1 and 2 of this Act terminate three years after the effective date of this Act unless the legislature provides otherwise by law.



LAWS OF ALASKA

1979

Source

HB 119 am (eff. date am)

Chapter No.

40

AN ACT

Making a special appropriation to the Department of Fish and Game for the implementation of a game management plan for bison in Delta Junction; and providing for an effective date.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

THE ACT FOLLOWS ON PAGE 1, LINE 11

Approved by the Governor: May 3, 1979
Actual Effective Date: May 4, 1979

AN ACT

Making a special appropriation to the Department of Fish and Game for the implementation of a game management plan for bison in Delta Junction; and providing for an effective date.

* Section 1. The sum of \$20,000 is appropriated from the general fund to the Department of Fish and Game for the development and implementation of a game management plan for bison in Delta Junction.

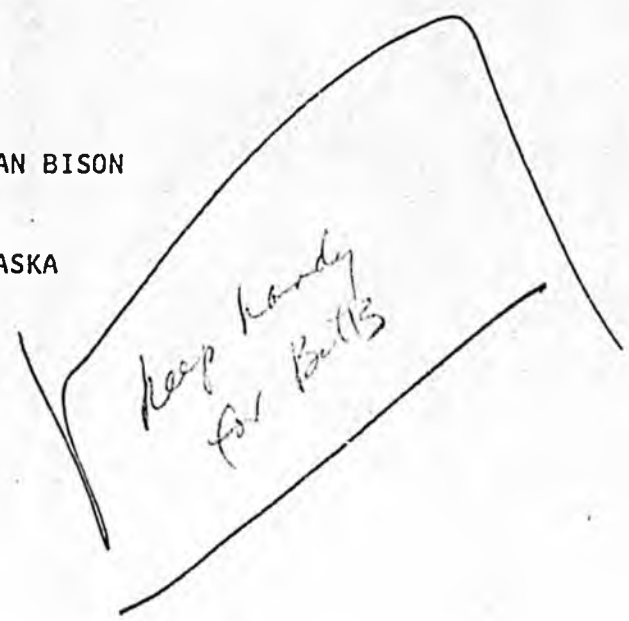
* Sec. 2. The unexpended and unobligated portion of this appropriation lapses into the general fund June 30, 1980.

* Sec. 3. This Act takes effect immediately in accordance with AS 01.10.070(c).

5/24

HB 83

THE AMERICAN BISON
IN ALASKA



Game Division

March 1980

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GENERAL INFORMATION

Description

The American bison (Bison bison) is one of the largest and most distinctive animals found in North America. A full-grown bull stands 5 to 6 feet at the shoulder, is 9 to 9 1/2 feet long and can weigh more than 2,000 pounds. Full-grown cows are smaller, but have been known to weigh over 1,300 pounds. A bison's head and forequarters are so massive that they seem out of proportion to their smaller hind parts. Bison have a hump formed by a gradual lengthening of the back, or dorsal vertebrae, beginning just ahead of the hips and reaching its maximum height above the front shoulder. From above the shoulder the hump drops almost straight down to the neck.

The bison's horns curve upward. The horns of the male are larger and heavier than those of the female. In late fall, the bison's coat is a rich, dark brown; as winter progresses, the coat fades and is much paler by spring. When the weather warms, the hair loosens and hangs in patches until it is completely shed and replaced with new hair by late spring. For a short time, a bison appears to be almost completely devoid of hair except for its head, hump and forelegs.

Life History

Some female bison are sexually mature at 18 months, but most cows give birth to their first calf when 3 or 4 years of age. Incidence of pregnancy in adult cows varies between 57 and 86 percent. Maximum reproductive vigor occurs in 3- to 12-year-old cows, and incidence of pregnancy gradually declines in 13-year-old and older cows.

The peak of bison calving occurs during May and June, although there are reports of calves born throughout the year. Twin births are rare. Calves born in May and June have a light reddish-brown pelage until the latter part of July when the coat starts to darken. The molt to a dark brown coat is largely complete by the first of September in these calves. Calves are weaned when 7 to 8 months old. Calf proportion in the herds increases through June, when calving is still occurring, and reaches a maximum of 20 to 30 percent in July, declining in subsequent months. This decline is due both to calf mortality and to bulls joining the herd during the rut. At other times of the year, the bulls are segregated into bull groups and mixed groups. Mortality of yearlings and older subadults is low during years with mild winters. During its first 10 years in Alaska, the Delta herd had an annual recruitment rate of nearly 20 percent. The herd was then young, and the range was lush. Since that time, recruitment has dropped to about 10 percent annually with a natural mortality of about 7 percent.

Breeding occurs from mid-June through September with the peak of breeding in August. Most breeding is done by 6 to 14-year-old bulls. Bulls are sexually mature at 2 to 3 years of age, but young bulls are prevented from breeding by older bulls. Cows are apparently bred by only one bull, although one bull may breed many cows. The gestation period is 9 to 9-1/2 months.

Movements and Food Habits

Most bison travel periodically, and the timing and destination of each herd's movements generally are predictable. Apparently, the primary objective of seasonal movements is to seek different pasturage. Superimposed on these are seasonal movements to a traditional calving area, seasonal aggregations during the rut, periodic trips to mineral licks or salt deposits, to water, and sheltered areas to avoid high winds.

Bison are predominantly grazing animals, although they do browse shrubs to some extent. Summer range is generally at a higher altitude than winter range, with summer pastures usually located on upland dry meadows, in open aspen or balsam poplar forests, around the margins of wet areas within forests, or on well-drained alluvial soils. Preferred forage of bison is chiefly grasses and legumes on well-drained alluvium; grasses, forbs, and willow twigs on dry meadows; and sedges in wet areas. Bison avoid areas of extensive, boggy ground during the summer. In Alaska, bison summer ranges are created by fire, silt deposition and changes of stream channels, and are lost through successional changes of vegetation. Dense forests are used by bison during periods of high wind and blowing dust but are probably not a requirement of summer range. A source of water within several hours walk of summer pastures is probably a habitat requirement. Areas of natural salt deposition or artificial salt blocks are often visited by bison during the summer and fall. It is not known whether mineral licks are a habitat requirement.

Bison winter ranges in northern latitudes are usually poorly drained bogs, stream banks, and the margins of sloughs and ponds. These areas are characterized by a lush climax growth of sedges and grasses. Bison generally do not move onto their winter ranges until the topsoil is solidly frozen, usually in October. Because the climax vegetation on these ranges changes very little and it is protected from overgrazing by the boggy substrate during the summer, winter pastures of bison are generally stable under natural conditions. Dry meadows with willow shrubs and dense, tall grasses are also utilized by bison from early fall through the winter.

Bison can apparently tolerate 3 feet or more of loose snow in areas where forage is abundant and relatively tall; however, several instances of large-scale winter starvation have been recorded. Factors contributing to these mortalities were snow depths of 4 feet or more, crusting, exceptional cold, and sparse forage. The impact of winter on bison may be predicted by the number and amplitude of these factors. The snow depth in subalpine, windswept areas used by bison seldom exceeds 2-1/2 feet. Snow in these windswept areas drifts and consolidates relatively rapidly, however, and bison stay in timbered areas during very cold and windy days. This may be why windswept, subalpine meadows are not utilized by Delta bison herds until late winter when the coldest days have passed.

HISTORY OF BISON IN ALASKA

A very large species of bison occupied Alaska thousands of years ago in the company of mastodons, sabre-toothed tigers and dire wolves. At some point, modern bison (Bison bison) evolved or arrived in Alaska. For

tens of thousands and perhaps for hundreds of thousands of years, bison were the most common large land mammal in Alaska.

Prehistoric to A.D. 1500

Modern bison occurred in Alaska until about A.D. 1500 or later. It is not yet known exactly why bison died out, but scientists speculate that deeper winter snows and a shifting of moisture from autumn to spring with an accompanying encroachment of forest on to what were once large grasslands over much of Alaska, were responsible.

A.D. 1500 to Present

Alaska's existing bison population stems from a transplant in 1928. The project to transplant bison to Interior Alaska was an alternate proposal to appease Alaska citizens who had voiced an interest in having deer and elk transplanted to the Interior. The U.S. Bureau of Biological Survey, as administrators of the National Bison Range at Moiese, Montana, agreed to ship bison to Alaska, charging only for crating and handling. Twenty-three animals (6 males and 17 females) were shipped about the middle of June and arrived June 27, 1928 at College, Alaska. Nineteen were released near McCarty (now Delta Junction) in June 1928, and three were held at the University of Alaska and released in June 1930. Two bison died after being released at McCarty and another died at the University.

The herd grew rapidly and reached its peak in the early 1940's. It then decreased to an estimated low of 250 animals about 1950. Limited harvests were permitted in 1951, 1952 and 1953 by the U.S. Fish and Wildlife Service. Since statehood, limited harvests have been allowed in 1961, 1963 through 1965 and 1968 through 1979. Interest in hunting bison has been high and in 1979, for example, there were in excess of 4,000 applicants for the 25 permits allowed for the Delta herd.

Sometime in the mid-1940's a few bison from the Delta herd began using the area near Healy Lake, some 29 miles east of Delta. This "herd" now numbers approximately 20-30 animals and apparently is merely a wintering segment of the Delta herd.

Transplants

In 1950, the U.S. Fish and Wildlife Service conducted the first transplant of bison from the Delta area. Procedures used to capture the bison were similar to those employed in other parts of North America. A sturdy corral was constructed and the animals were herded into the enclosure. The bison were then crated, loaded on trucks and transported to the release site at Slana in the Copper River Valley. In this transplant effort, 17 bison (5 males and 12 females) were released in several separate groups. A small number of these became established on the Copper River in the vicinity of Lower Tonsina. This herd slowly increased to a high of about 119 animals in 1970 then declined to about 80 animals in 1971. Limited harvests, by permit only, were conducted in 1964, 1965, 1968, 1969 and 1970. No harvests were allowed in 1971 or 1972 because of reduced herd productivity during this period. It appears that this trend in lowered production, beginning in 1968, is the result of range deterioration and successive severe winters. The herd in-

creased again in the early 1970's but declined somewhat in recent years. The herd now numbers less than 100 animals.

In 1962, the Alaska Department of Fish and Game attempted to extend the range of the Copper River bison herd by planting animals in the Chitina River drainage. Bison were captured at Fort Greely and transported by air to May Creek, an airstrip near the Chitina River. Thirty-nine were shipped; four died en route, and several succumbed during the first winter which was unusually severe. The herd now numbers about 50 animals.

The Farewell Lake bison herd stems from two separate transplants. In August 1965, 18 bison (5 males and 13 females) were trapped on the Fort Greely Army Reservation, crated and flown by C-123 aircraft furnished by the Air National Guard to the Farewell airstrip. The second transplant to the Farewell area was conducted August 1968, and consisted of 12 cows and 8 bulls.

It appears that the Farewell area may be well suited for bison. Counts in 1971 showed that the Farewell bison herd contained 70 to 75 animals, including at least 15 calves. However, only four calves were produced in 1972, apparently because of the severe 1971-72 winter. The first hunt on this herd was conducted in September and October 1972 and resulted in the harvest of 11 animals (10 bulls and 1 cow). Because recent range studies indicate that no more than 100 bison can be sustained in this area, maintenance of the herd at approximately this size is the Department's goal. It is about that size today.

BISON AND AGRICULTURE IN ALASKA

Conflicts at Delta

Shortly after their arrival in the Delta area in 1928, a pattern of annual bison movements began to emerge. During summer, the animals spent their time on the gravel bars along the Delta River, and in fall they gradually moved to the Delta area to take advantage of open forests. Later in the winter, they slowly moved back toward Delta River. This basic movement pattern continues today.

From 1933 until about 1952, early winter range for these bison consisted of a 7-mile long dry creek channel of Jarvis Creek--the "99 mile dry bar"--as well as tall grass and sedge meadows adjacent to and south of Clearwater Creek. When small farms were developed in that area in the early 1950's, this movement pattern was already well established, and the farms were squarely in the the bison's path.

Most of the farming at that time was in response to the requirement of the Federal Homestead Act necessitating that a portion of the homestead be farmed. After the homesteads were "proved up" and farming slowed down in the early 60's, the bison depredation complaints largely ceased.

Some farming continued through the 1960's, but agricultural development did not really expand until the early 1970's. Bison continued to use the area for their early winter range.

The large, unfenced farms which were developed beginning in the early 1970's have continually experienced some problems with crop depredations. Farms that were properly fenced have had fewer problems from the outset.

As crop depredations increased in the 1970's, the Department of Fish and Game began to take steps to minimize losses to farmers. Salt blocks have been placed on their fall range to hold the bison longer; and as the bison begin to move toward the farming area, they are harassed using a variety of techniques including herding by horsemen, aircraft and helicopters, and (beginning in 1979) automatic propane fired noise cannons. Hunting also begins at about this time, and in the fields where landowners permit hunting (most of the farmers cooperate), bison damage is reduced.

In the course of their annual migration, the bison move east from the Delta River at a point approximately east of Fort Greely (see map in appendix) and south of the Alaska Highway until they are south of the farming area. From there they move north across the highway and into the fields.

The Keys to Successful Operation of the Delta Junction Bison Range

There are three keys to the successful operation of the bison range: attractive forage, access and encouragement. Without each of these, chances for success are slim.

Forage is an obvious necessity. Bison annually visit the farming area because they have learned over the past 50 years that fall and winter forage is available there. Even before farms were established in the Clearwater area, bison wintered there--the farms have just made the area more attractive. Bison have to learn that equally attractive forage is available on the bison range, and they will also have to learn that it is to their advantage to use the range rather than the Clearwater farms, at least during September.

Access will be extremely important in the early years of the bison range operation. Bison now use traditional migration corridors that take them over most of the farming country. Until an access corridor is established, bison cannot be expected to find the newly created fields.

High initial use of bison range fields is important to reduce crop depredation in the agriculture project. From this aspect, a trail is important to reduce the time it will take the bison to learn of the fields. Such a trail is now being cut from existing bison trails across Fort Greely to the Bison Range boundary and will be completed by spring 1980.

Encouragement is the most difficult of the three. Bison have established their fall migration routes over the past 50 years, and it will be difficult to break this habit.

Encouraging the bison to change their movements will require both the "carrot" and the "stick." The bison range fields and the baited trails will be the carrot, while active harassment will be the stick.

The operational plan for fall 1980 includes both elements. Sixty-five acres have already been cleared and planted. More land will be cleared and planted, and bison trails will be baited with salt. Active monitoring of bison movements followed by harassment is being planned.

Implementing the "stick" will require regular observations of key fields. When bison approach these fields, the propane cannons and other harassment techniques will begin. Game Division personnel will monitor herd movements and arrange these harassment activities to always move the herd toward the bison range rather than allow it to go north of the Alaska Highway.

Hunting will also help. Bison don't like being shot at, and hunters actively pursuing bison in the fields (where farmers allow access) will help keep the bison out.

Radio-collaring lead cows to accurately monitor movements, horse and jeep patrols, aircraft surveillance and similar activities are being discussed now as possible additions to the steps outlined above. Such activities will require additional manpower and funding.

DELTA JUNCTION BISON RANGE

Delta Land Management Plan

The Delta Land Management Plan is the result of several years' combined effort by the community of Delta Junction, the State of Alaska, and other interested parties. Although the final version of the Delta Plan is not complete, the Plan's major elements have been agreed upon and published.

One of the major issues resolved in the planning process was how to accommodate both large-scale agriculture and a free-ranging bison herd. The agreed upon action was to establish a bison range south of the Alaska Highway and east of Fort Greely. The intended purpose of the bison range was to provide fall and winter food sources sufficient to support the Delta bison population, and to attract bison away from the Delta agricultural area by planting barley or other crops in a series of small fields. In addition, the range would supply shelter and water requirements for the herd. Range management activities would provide both grasslands and shrublands through careful use of controlled burning or land clearing. These habitat types would benefit bison soon after clearing, and the later shrub stages would benefit moose, sharp-tailed grouse, and other wildlife important to local people.

Although the citizen's council was strongly in favor of retaining as wildlife habitat all of the study lands south of the Alaska Highway and east of Fort Greely, the final recommendation of the planning team was to place the 2,200 acre "Tract A" south of the highway. This agricultural land superimposed upon the bison range complicates bison range management. With "Tract A" in its present position (see map section) bison must not only be kept south of the psychological (to bison) barrier presented by the highway, they must be kept south and east of Tract A. The bison range and Tract A are adjacent.

Another part of the planning process complicating this matter was the fact that the "ad hoc" committee was planning for agricultural development at the same time. The citizen's council endorsed this development, but, because of their concern for the future of their community, the council made it clear that the pace of the development should be slow and the scale should be small. There is considerable concern in Delta that agricultural development interests have ridden roughshod over concerns for wildlife, air and water quality and lifestyle.

The Delta bison herd has responded to past habitat changes mainly by changing its movement patterns to take advantage of new and better feeding areas, most of which have been farms. Bison presently enter the Clearwater farming area early in September in search of high quality feed. Once in the farming area, bison seek out fields of good feed during evening, night and early morning. During the day they may travel several miles to favored watering places and timbered areas. The bison may spend 4 to 5 late fall and winter months on unfenced agricultural lands, and have occasionally broken through less than substantial fences. Crop damage occurs when bison reach the farms before crops have been harvested. Grazing on stubble fields after the harvest causes few, if any, conflicts. By providing new feeding areas on the bison range where human activity is minimal, and by continuing the use of hunting to discourage bison movements into the agricultural areas, fall bison depredations should be largely averted. Herd size would be maintained at 250 adults to insure that the range could adequately support the herd.

In 1979, the Alaska Legislature passed legislation creating the "Delta Junction Bison Range." The Range encompasses some 70,000 acres south of the Alaska Highway and southeast of Delta Junction. The Range generally conforms to the recommendations of the Delta Land Management Plan but has a August 1932 "sunset" provision.

Present Status

In spring 1979, the Department contracted for the clearing of 5 fields totalling 65 acres on the western edge of the range. Weal barley was planted as part of the contract.

Bison probably did not use the fields during 1979, although some did pass near them. Biologists believe they will probably use the fields sometime during the winter. Earlier use of the fields could have been encouraged if a trail from existing bison trails west of the range to the fields could have been constructed prior to the harvest. When the bison "learn" about the clearings, they should use them heavily each year.

Bison Range Development: Plans

The Bison Range legislation requires that development of the range be done in accordance with a management plan drawn up by the Department of Fish and Game following input by citizens. A public meeting for that purpose was held in December 1979, and a management plan was drawn up.

The plan calls for clearing and planting a series of 15- to 30-acre

fields along the east-west axis of the proposed range. These fields will be spaced 1/4 to 1/2 mile apart and will be connected by trails. Plantings of barley and oats will be used initially, but perennials may be used in succeeding years. The east-west pattern of field development is designed to encourage the bison to cease their current movement north across the Alaska Highway to the Clearwater area. Current movement patterns will be further discouraged by hunting and harassment outside of the Range.

If funding is available, the long-term plan is to clear and plant about 500 acres annually, so that an area of 5,000 acres will be under cultivation within 10 years. This would provide the basic fall-winter food supply for bison. Because not all of the crops may be needed to support the bison herd, sharecropping by local farmers is a possibility. Some local farmers have expressed interest in a sharecropping arrangement.

Controlled burning to enhance grassland and shrub habitats could be done on as much as 2,000 to 5,000 acres annually. This would benefit moose and other species as well.

Preliminary soil surveys by the Soil Conservation Service indicate adequate agricultural soils are available to support the planned planting regime.

There are three main sources of water located within the bison range. At no point will any of the bison range fields be more than 4-1/2 miles from one of these sources of water. This distance, in terms of normal bison use, is minimal.

DOMESTICATION OF BISON

Domesticated bison in Alaska come from two sources. Most are purchased outside of Alaska from commercial bison ranches. The other source was a mid-1960's grant of 34 bison to Alaska residents by the Department of Fish and Game under the authority of AS 16.40.010.

Of these 34 bison and their offspring, only three are known to remain alive. Two are hybrids from a cattle/bison cross, one is an old cow.

One grantee, Merle Mercer of Healy, received 3 males and 3 females. Over a period of several years he was able to raise several young bison, and his herd size eventually reached 10 animals. His herd was killed in a single night on the Alaska Railroad after the animals escaped their corral. The corral was damaged by a moose which made a hole large enough for the bison to escape.

Mr. Mercer also bred about a dozen Highlander cattle with the bison bulls, and he sold the pregnant cattle to a Delta resident who raised several "cattalos." These were sold or butchered. None remain in the State.

Mr. Mercer intends to attempt to raise bison again, using stock obtained from outside Alaska.

Lee Fett of Delta owns the only remaining bison from the grant. He

received two cows, which he bred with beef cattle. He now has one bison and two "cattalos."

Domesticated bison are readily available outside of Alaska. Cost is about 20 percent higher than beef cattle. Approximately 35,000 bison are privately owned in the lower 48 states in herds ranging in size from one or two to about 3,500. Average herd size is probably less than 10.

Most domesticated bison are in the western plains states where pasture is available.

There are fewer than 50 domestic bison in Alaska today.

BISON AND OUTDOOR RECREATION

Hunting

Bison were returned to Alaska in the 1920's. Interior residents had heavily hunted moose for red meat for the gold camps, and moose numbers were down. They wanted another species to hunt. White-tailed deer, elk, antelope and other species were proposed, but only bison were available at the time.

Bison thrived in the Delta area and limited harvests began in 1951, 23 years after the original transplant. Other hunts were allowed in 1952 and 1953, and 1961 through the present except for 1962, 1966 and 1967, and 1973. The bison harvest and number of permit applications for the past 10 years are summarized below.

DELTA BISON HUNT

<u>Year</u>	<u>No. of Permits</u>	<u>Total Applications</u>	<u>Application Fee</u>
1979	25	3930	\$5
1978	50	3555	\$5
1977	70	2121	\$5
1976	35	3694	free
1975	35	3662	free
1974	35	3939	free
1973	no hunt held this year		
1972	20	2650	free
1971	20	2650	free
1970	20	3470	free
1969	15	2019	free

Generally, the total number of applications has increased in the past decade. A sharp decline was experienced in the number of applicants after a \$5 application fee was instituted in 1977. Numbers increased again after that to near-record highs in 1979.

Application fees are a small but important source of revenue. In 1979 applications for the Delta bison hunt alone brought nearly \$20,000 to the Fish and Game Fund. Most of these funds are used in administration of permit hunts, drawings and related activities. They are important

because they free other funds that would otherwise be used for those activities.

Traditionally, most of the applicants for the buffalo hunts are Alaska residents (fewer than 5 percent are nonresidents). There are opportunities for bison hunting outside Alaska, but they are generally limited to private bison ranches.

Most hunters are interested in bison for their high quality meat. Taste is excellent, and many hunters prefer bison meat to beef.

Beginning in the 1970's, the Department began allowing permittees to hunt bison without being accompanied by a Fish and Game representative. Previously, due to the difficulty of killing the animals and because of the large amount of private land in the area, some assistance from the department was believed necessary. In 1979, none of the 25 hunters were accompanied. Few problems were reported, so this situation will likely continue.

Farmers are generally cooperative and allow hunters access to their land. Hunting is important in discouraging bison from using farm fields.

Photography and Viewing

Bison are relatively easy to photograph in the late fall, and more and more photographers are taking advantage of this fact. Because of light snowfall and wind, photographers with permission from the landowner can drive across frozen farm fields to get quite close to the animals.

During the summer, the animals are more difficult to photograph because of access problems. They can, however, be seen from a vantage point on the Richardson Highway where the Department of Fish and Game maintains a bison information sign. At that point the bison are about 5 miles away, across the Delta River.

In the fall, the bison move across the Delta toward the farming area, and in the process most Delta residents see them several times. Nearly everyone has a buffalo tale in Delta and, in fact, the town was once named Buffalo Center.

AREAS IN ALASKA SUITABLE FOR BISON TRANSPLANTS

Future bison transplants in Alaska will, necessarily, be limited. With few exceptions, bison range in Alaska is limited to river bars created by glacial streams. Bison summer on such bars almost immediately below the glaciers feeding the streams. In winter, they migrate downstream to the lower reaches of the rivers where wind is essential to prevent excessive snow accumulation.

Limited reconnaissance in the 1960's indicated that there were at least a few areas where small numbers of bison may be able to exist. An exhaustive statewide survey of suitable sites has not been made. However, because of the exacting habitat requirements mentioned above, there are probably few, if any, areas that would support large numbers of these animals.

If transplants are seriously considered in the future, new on-the-ground suitability surveys should be conducted.

SUMMARY

The American bison is one of the two remaining species of bison in the world. Bulls may reach 6 feet at the shoulder and weigh as much as 1 ton. Cows are smaller. Coloration varies with time of year and the sex of the animal. Most cows give birth to their first calf at 3 or 4 years of age. Bison may live up to 35 or more years of age. Breeding is during mid-June through September. Peak of calving is during May and June. Timing and destination of bison movements are generally predictable, and movements are primarily to seek different pasturage. Bison are predominantly grazing animals but they eat some shrubs. Summer range requirements include relatively open forests or meadows containing grasses and legumes on well-drained soils; grasses, forbs and willow twigs on dry meadows; and sedges in wet areas. Bison summer range is created by fire, silt deposition and changes in stream channels. Dense forests are rarely used during summer. Winter range is typically on poorly drained soils. Bison do not move onto this range until after freeze-up. During the winter, bison mortality is caused by snow in excess of about 4 feet, snow crusting, exceptional cold and sparse forage.

Bison were endemic to Alaska until at least A.D. 1500. Alaska's existing bison originated from a 1928 transplant from Montana to near the present day Delta Junction. The herd grew rapidly in the 30's and 40's. Hunting has been permitted since the early 1950's. Bison herds at Copper River, Chitina, and Farewell resulted from transplants from the original herd at Delta.

Shortly after their arrival in the Delta area in 1928, the bison established an annual migration pattern that took them to the present farming area during early winter. Until the early 1950's, there were few, if any, conflicts with agriculture. In the 50's and 60's, small farms grew up in the area to fulfill requirements of the Federal Homestead Act. When the pace of farming slowed down in the 1960's, problems diminished. Agriculture began in earnest in the 1970's in the Delta area, and bison/agriculture conflicts began again to increase.

There are three keys to the successful and early operation of the bison range: attractive forage, access, and encouragement.

Additional clearings will be developed and planted on the bison range in 1980. A trail, now largely complete, will be developed from existing bison trails to the bison range. Various harassment activities are being planned for the 1980 season to exclude bison from private farm fields and keep them moving toward the bison range.

The Delta Land Management Plan was the culmination of several years of efforts by State and Federal agencies and Delta residents. The major issue resolved by the Plan was how to accommodate both large-scale agriculture and free-ranging bison. The agreement was to establish a bison range south of the Alaska Highway and east of Fort Greedy. The 1979 Alaska Legislature established the Delta Junction Bison Range. The

range conforms to the land management plan, but has a 3-year sunset provision. Plans for the development of the range call for clearing 500 acres annually over a 10-year period. Each field would be 15 to 30 acres in size. Development of the range would also benefit moose and other species. Bison did not use the range in 1979, but should find the fields in early 1980. A trail to the range, constructed in January 1980, should lead them to special fields on the range during the 1980 harvest period.

Bison are a popular animal for viewing, photography and hunting. More than 3,000 Alaskans annually apply for the 25-50 permits available. Hunters are primarily interested in bison meat. Department representatives accompanied each hunter in the field until recent years. Most farmers are cooperative, and hunting generally discourages bison use of the fields during the harvest period. Bison can easily be seen and photographed in the Delta area in the summer, fall, and early winter. They are a popular species among Delta residents.