



**Review of Public Comment
and
Notice of Decision
on the Report:**



**“Wood Bison Restoration in Alaska: A Review of
Environmental and Regulatory Issues and Proposed Decisions
for Project Implementation”**

December 12, 2007

INTRODUCTION

The report “Wood Bison Restoration in Alaska: A Review of Environmental and Regulatory Issues and Proposed Decisions for Project Implementation” (Environmental Review or “ER”) was released for public review and comment on April 17, 2007. The public review process for the ER also provided an opportunity for public review and comment on the draft findings of the Alaska Department of Fish and Game (ADF&G or Department) Wood Bison Restoration Wildlife Transplant Policy Review Committee (WTP Review Committee). ADF&G staff compiled all public comments received through September 30, 2007 and conducted a detailed review and analysis of the comments. This decision notice reviews the general results of the public comment, highlights a few of the main issues raised and provides ADF&G’s response to those issues. An outline summarizing the key points about how ADF&G intends to proceed with wood bison restoration in Alaska based on the public comment on the ER and other considerations is provided at the end of this decision notice.

NUMERICAL SUMMARY OF THE PUBLIC COMMENTS

A total of 94 written responses were received during the ER public review process. Of these responses, 57 were provided on the Public Comment Response Forms enclosed in the spring 2007 issue of the Wood Bison News, 21 were e-mails, 14 were letters and 2 were resolutions. The numerical totals of the responses to the three questions included in the Public Comment Response Form provide an indication of the overall public sentiment on a few fundamental questions involving the wood bison restoration program.

Of the 94 comments received 92.5% (87) expressed support for the project and 2% (2) indicated opposition. A few responses that did not clearly express support or opposition to the project, or that placed conditions on their support for the project to an extent that their viewpoint was unclear, were categorized as “other” (5 comments). Most comments received (60%) expressed agreement with ADF&G’s proposal to start site-specific planning on both Yukon Flats and Minto Flats, and continue discussing possible wood bison restoration with residents of the lower Innoko/Yukon River area. Among those

comments that addressed the proposed findings of the WTP Review Committee, 95% agreed that wood bison are not likely to adversely affect other species of wildlife or existing human uses of wildlife.

Overall, public comment on the ER demonstrates that there continues to be strong public support for wood bison restoration in Alaska from local, statewide and national interests.

REVIEW AND RESPONSE TO THE MAIN ISSUES RAISED IN PUBLIC COMMENTS

A. Conservation benefits and public support for wood bison restoration in Alaska

Review of Comments: Numerous comments indicated a belief that wood bison restoration is an important wildlife conservation initiative and that wood bison restoration will enhance Alaska's natural and cultural heritage and ecosystem biodiversity. Several international wildlife conservation organizations including the Safari Club International, Wildlife Conservation Society (WCS) and World Wildlife Fund endorsed wood bison restoration in Alaska as a significant wildlife conservation initiative. Comments from the WCS emphasized the importance of wood bison restoration in Alaska as part of the effort to restore the ecological role of bison in their historic range in North America. The Alaska Outdoor Council stated "The concept of restoring wood bison to their former range is a conservation goal of the highest order in terms of ecosystem and human values." Two respondents expressed strong disagreement with the concept of regarding wood bison as part of the natural ecological diversity of wildlife in Alaska. These comments also questioned whether extirpation of wood bison in Alaska was the result of habitat change or human interference and whether it is appropriate for humans to return wood bison to Alaska.

Response: Comments received indicate that the vast majority of the interested public believes that wood bison restoration will enhance the Alaska's wildlife diversity and will not result in adverse ecological effects. During the more than ten years since wood bison restoration in Alaska was first considered there has been extensive review of the history of wood bison in Alaska and the potential biological and ecological effects of wood bison restoration. Despite whatever uncertainty may exist regarding the cause of wood bison extirpation in Alaska, there is no indication that there was ever a point in time when substantial suitable wood bison habitat did not exist, and there is no way to explain the disappearance of wood bison in Alaska in the absence of significant human influence. The conclusion that humans played a role in the extirpation of wood bison in Alaska is consistent with published historical information and is generally accepted by the scientific community. ADF&G finds that existing scientific information supports the conclusion that wood bison should be considered an extirpated indigenous species in Alaska and that restoration of wood bison will not result in adverse ecological impacts. The Department will continue efforts to restore wood bison in Alaska to enhance the wildlife and ecological diversity of our state and provide new opportunities for human use and enjoyment of wildlife.

B. Priority location for initial wood bison restoration efforts

Review of Comments: Most comments received (60%) agreed with ADF&G's proposal to start site-specific planning on both Yukon Flats and Minto Flats, and continue discussing possible wood bison restoration with residents of the lower Innoko/Yukon River area. Only 3 responses indicated disagreement with the proposed course of action. A significant number of responses (37%) were categorized as "other" because they recommended different priorities for moving forward, did not express a preference for which site should be pursued first or did not address that topic.

Of those comments that recommended a preference or priority for a particular site other than the proposed action, support was fairly even between Minto Flats (16 comments) and Yukon Flats (14) with fewer responses recommending the lower Innoko/Yukon River area (5) as the preferred location. There were a significant number of comments that recommended putting wood bison on state lands at Minto Flats where implementation costs would be lower because of road access and which is largely under the control of state land managers and the Alaska Board of Game.

Doyon, Ltd. and some residents of Yukon Flats expressed concerns that wood bison restoration might cause complications in developing oil and gas resources on the Yukon Flats if there was a change in the status of wood bison populations in Alaska under the Endangered Species Act (ESA, see additional discussion under topic G below). Doyon also has concerns about wood bison restoration affecting possible oil and gas development on Minto Flats however, the main area being considered for oil and gas development is south of the Tanana River, outside of the Minto Flats State Game Refuge.

Response: Based on the number of comments that advocated placing wood bison on state lands in the Minto Flats area and other considerations, ADF&G will shift the priorities described in the proposed action in the ER and work first to initiate site-specific planning for wood bison restoration on Minto Flats. Additional reasons for working to restore wood bison Minto Flats first include:

1. The majority of lands in the Minto Flats area are within the Minto Flats State Game Refuge which was established to ensure protection and enhancement of habitat, conservation of fish and wildlife, and continuation of hunting, fishing, trapping and other compatible uses.
2. The Minto-Nenana, Tanana-Manley-Rampart and Fairbanks State Fish and Game Advisory Committees (AC) have all expressed support for wood bison restoration on Minto Flats.
3. Availability of road access to Minto Flats will help to reduce logistical complications and costs.
4. Because there is little to no federal land in the Minto Flats area the Alaska Board of Game will have responsibility for decisions about subsistence use and future harvest allocation.

5. The ADF&G Wildlife Transplant Policy Review Committee recommended pursuing wood bison restoration on Minto Flats first.
6. Working to restore wood bison on Minto Flats first will allow more time to address concerns about the possible impacts of wood bison restoration on oil and gas development on Yukon Flats. This will allow residents of the area and others an opportunity to more fully discuss these two proposals and resolve concerns before a decision is made to proceed with site-specific planning for wood bison restoration on Yukon Flats.

While the above factors provide strong reasoning to work towards establishing wood bison on Minto Flats as the initial site, the size of the area and proximity to other development limit the potential size of the herd to about 500 animals. Habitat assessments indicate that Yukon Flats can easily support a herd of 2,000 or more bison and ADF&G remains committed to the objective of establishing one or more larger herds of wood bison to help maintain the genetic diversity of the subspecies.

The Grayling-Anvik-Shageluk-Holy Cross Advisory Committee and residents of the lower Innoko/Yukon River have expressed strong support for wood bison restoration in the lower Innoko/Yukon River area. In November 2007 the Yukon Flats Advisory Committee passed a motion supporting continuing efforts to resolve issues involving wood bison restoration on Yukon Flats and requesting that ADF&G continue discussions about possible wood bison restoration ADF&G with residents of Yukon Flats. The ADF&G will proceed with wood bison restoration in one or both areas based on the level of support from local residents and others and as opportunities arise in the future. If substantial concerns remain about the possibility that wood bison will adversely affect oil development on the Yukon Flats because of the potential future application of the ESA or other issues, the lower Innoko/Yukon River area may become the second priority site for wood bison restoration.

The ADF&G wood bison restoration program is not intended to continue indefinitely. The Department must work with local residents and others to implement restoration programs in suitable locations as efficiently and expeditiously as possible, while wood bison stock and other resources are available. We hope that concerns about wood bison restoration and oil development on Yukon Flats can be adequately resolved in the near future so that wood bison can be restored on Yukon Flats while the opportunity exists.

C. Hunting and future allocation of wood bison harvest

Review of Comments: Many people submitted comments emphasizing the importance of both local and non-local hunters having opportunities to share in future harvest of wood bison. Several comments stated that wood bison have been absent from Alaska for many years and that state or federal subsistence laws should not apply to wood bison. Some comments expressed concern that if wood bison are placed on federal lands, the Federal Subsistence Board (FSB) could allocate the entire harvestable surplus to rural residents and that others will not have an opportunity to hunt wood bison. Some comments that opposed subsistence use of wood bison also acknowledged that local residents have some proprietary interest in the use of local resources, and that there does need to be

mechanisms to ensure that local residents have adequate opportunities to harvest wood bison.

Several comments from local residents highlighted the importance of having opportunities to benefit from the harvest of wood bison near local villages, and the need to protect wood bison from illegal harvest, especially while the herds are growing. Some of the comments from Yukon Flats noted the very low moose population in the area and the need for additional subsistence resources. One comment stated that the ER was inadequate in explaining how Native owned lands will be impacted and what use of the bison resource will be available to the local people. Some comments that supported Minto Flats as the initial site also supported eventually restoring wood bison at one or both of the other sites and acknowledged that these areas, which can support larger herds of wood bison, can eventually provide more harvest opportunities for all users, even if federal lands are involved. Finally, several comments recognized that different interest groups must first work together to get wood bison restored in Alaska or there will be no harvest opportunities for anyone.

Response: ADF&G remains committed to ensuring that the benefits of wood bison restoration are shared among local and non-local residents of Alaska and others. Whether or not wood bison are identified by the Board of Game (BOG) and/or FSB as a subsistence species, there are challenges involved in establishing harvest management programs that provide opportunities for various user groups. ADF&G believes that by working with local and non-local hunters and others we can develop recommendations to the BOG and FSB to provide a framework for sharing in the future benefits of wood bison restoration. Future harvest management will be an important topic during site-specific planning efforts in which both local and non-local interests will be involved.

D. Cooperative management of wood bison

Review of Comments: Some comments emphasized the importance of involving tribal councils and Native corporations in management of wood bison. A few comments suggested that wood bison should be managed by tribes and not the state or federal government. Comments from Stevens Village requested the state's cooperation in efforts to establish captive wood bison herds on lands near their village.

Response: ADF&G has always expressed an interest in close cooperation with local residents, Native organizations and others in managing wood bison. We recognize the need for cooperative agreements with local landowners for use of land for temporary wood bison holding facilities which in many cases may be located on Native village and regional corporation lands. When suggestions for tribal management of wood bison have been made ADF&G staff has explained that the state can only pursue wood bison restoration under the existing legal framework of wildlife management in Alaska and the Department has no authority to place wood bison herds under tribal management. Nonetheless, this does not prevent ADF&G from working closely with local and non-local interests in wood bison restoration and management, and cooperative management will be an important part of the restoration program.

E. Predator management in relation to wood bison restoration

Review of Comments: Several respondents agreed that predation should not be a significant threat to wood bison restoration in Alaska, while others expressed concern that wolf predation on wood bison could be significant and limit success of the restoration effort. One comment recommended that the option for predator control should not be categorically eliminated since there is some uncertainty about what will be required to ensure the restoration effort is successful.

Response: Based on experience in Canada ADF&G continues to believe that predator control is not likely to be required to ensure that wood bison restoration is successful. We also agree that we cannot foresee all future circumstances. Predator management to benefit wood bison could be considered at some time in the future if a compelling reason exists. If predator management for the benefit of wood bison were proposed there would be additional opportunity for public review and comment through the BOG process.

F. Wildlife diseases and wood bison genetics

Review of Comments: A few concerns were expressed about possible transmission of disease to wildlife and the regulatory difficulties associated with the closure of the U.S. – Canada border to import of cattle and bison due to concerns about Bovine Spongiform Encephalopathy (BSE or Mad Cow Disease). One comment suggested that based on experience with the Delta Bison Herd that was established with only a small founding herd and has done fine, at least in the short term, it is not necessary to worry about maintaining genetic diversity in wood bison herds.

Response: In November 2007 the U.S. Department of Agriculture (USDA) finalized regulations that now allow import of wood bison from Canada to Alaska. This action removes one of the major obstacles to wood bison restoration in Alaska that has existed for several years.

ADF&G is working closely with the Alaska State Veterinarian, USDA and others to ensure to the greatest extent possible that any wood bison imported or released in Alaska are free of disease. ADF&G and a variety of wildlife and health agencies in Canada have contracted with the Centre for Coastal Health in British Columbia to complete a full evaluation of the risk of wood bison from Elk Island National Park carrying *Mycobacterium avium paratuberculosis* into Alaska. Disease testing procedures will comply with USDA requirements to test for tuberculosis and brucellosis. Wood bison will also be tested for bacterial diseases (*Leptospirosis*, *Anthrax*, and *Mycobacterium avium paratuberculosis*) and treated for ectoparasites according to the requirements of the Alaska State Veterinarian and the DWC Wildlife Veterinarian.

The WTP Review Committee considered public comments on genetic diversity and in their final recommendations to the Director stated “ADF&G has properly considered the importance of large herds in maintaining genetic diversity in its wood bison restoration plans and should continue to emphasize that objective.” In addition to pursuing wood bison restoration on the Minto Flats, the Department will pursue opportunities to

establish larger herds to maximize the genetic diversity of wood bison and the benefits to people and the environment in Alaska.

G. Status of wood bison under the Endangered Species Act

Review of Comments: Several comments addressed the status of wood bison under the ESA. Most of these comments emphasized the need for ADF&G to continue to work with the U.S. Fish and Wildlife Service (USFWS) and others to ensure that wood bison are properly addressed according to the ESA and that any risk of wood bison restoration interfering with other resource development is minimized. Comments from Doyon, Ltd. expressed concern that wood bison brought into Alaska would eventually be listed under the ESA as an endangered species, and that this could cause significant impacts to other resource development projects.

Response: Since the ER was released ADF&G has continued to consult with the USFWS to obtain clarification of the legal basis for their determination that the status of wood bison under the ESA as “endangered in Canada” does not need to be revised if populations of wood bison are established in Alaska. The Department has also attempted to identify any other options that would provide additional assurance that wood bison will not become listed under the ESA. Because of the on-going concerns of Doyon, Ltd. and others regarding the potential future legal status of wood bison in Alaska under the ESA, ADF&G staff assembled all available information on this topic and requested an informal legal review from the Department of Law (DOL). In their preliminary findings DOL attorneys concluded that the existing correspondence from the USFWS does not provide a solid legal rationale for their policy determination that wood bison brought into Alaska would not be listed under the ESA. DOL concurred with ADF&G staff that a review of the 5 factors listed in Section 4 of the ESA to be taken into consideration in determining if a species should be listed suggests that listing would not likely be warranted. DOL did, however, conclude there remains some legal risk of wood bison in Alaska being listed under the ESA, even though no organization has advocated for that result up to this point.

In November 2007 Canada’s Wood Bison Recovery Team filed a petition with the USFWS to downlist wood bison from “endangered” to “threatened” to match the current status of wood bison under Canadian law. Because the USFWS needs to address a backlog of listing issues first, it is likely to be at least two years before a downlisting petition would be addressed. ADF&G is working in cooperation with DOL and others to consider the possibility of submitting a request to the USFWS to designate wood bison in Alaska as a “non-essential experimental population” under Section 10(j) of the ESA. If this action were to occur, wood bison would be treated as “proposed for listing” on state and private lands and “threatened” on National Park and Wildlife Refuge lands and there would be no requirement to designate “critical habitat.”

ADF&G will continue to work with the USFWS, Doyon and others to evaluate options and develop strategies to minimize the risk that wood bison in Alaska will become listed as an endangered species. The Department will continue to work to cooperatively to minimize impacts to other resource development activities that could result from wood bison restoration due to provisions of the ESA.

H. Wood Bison Project Funding

Review of Comments: The main concern expressed about wood bison project funding is that funds contributed nationally through taxes on firearms and ammunition (Pittman-Robertson Funds) and hunting license sales in Alaska (Alaska Fish and Game Fund) would be used to establish a species that might only be available for subsistence harvest. There was also a request for more specific information on how the project is being funded and a recommendation to pursue funding sources in addition to Pittman-Robertson and the Alaska Fish and Game Fund.

Response: Pittman-Robertson and the Alaska Fish and Game Fund has been used to pay salaries and support some other aspects of the wood bison project but ADF&G does not plan to rely on these funds as the only source of financial support for the project. There has been significant interest among private wildlife conservation organizations and other private entities in contributing funding and other support for the wood bison project. As is acknowledged in the Environmental Review, that report was funded, in part, by contributions from the Safari Club International Club Foundation (SCI), the Pope & Young Club and the federal State Wildlife Grant (SWG) program. SCI has also contributed a substantial amount for the development of temporary wood bison holding facilities at the Alaska Wildlife Conservation Center (AWCC) at Portage.

The Turner Endangered Species Fund, a private wildlife conservation foundation has pledged a substantial amount of money to help pay the cost of purchasing and transporting wood bison stock from Canada. In addition, ADF&G has completed a Memorandum of Understanding with AWCC that includes a provision to establish an Alaska Wood Bison Conservation Fund. This fund can be used to receive donations and grants from a wide variety of sources to pay for wood bison restoration project costs. The Department is preparing a SWG project proposal for wood bison restoration planning and implementation and can use private funds for the required 50: 50 cost sharing requirement. ADF&G may also submit a legislative proposal for Capital Improvement Project funding for the wood bison restoration project at some time in the future. Any Pittman-Robertson and State Fish and Game Fund dollars used to support wood bison restoration have not and will not detract from the Department's ability to manage other wildlife species. As noted previously, the Department remains committed to ensuring that the benefits of wood bison restoration are shared among local and non-local hunters, regardless of the sources of money that are used to fund the project.

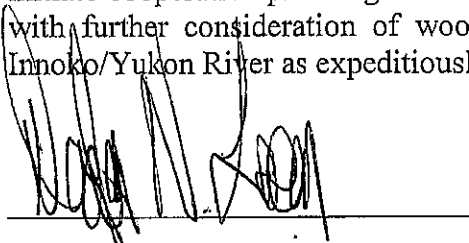
DECISIONS FOR PROCEEDING WITH WOOD BISON RESTORATION IN ALASKA

- ◆ ADF&G will continue efforts to restore wood bison in Alaska to enhance the wildlife and ecological diversity of our state and provide new opportunities for human use and enjoyment of wildlife.
- ◆ Minto Flats will be the first area where the Department will conduct site-specific planning and work to implement wood bison restoration.

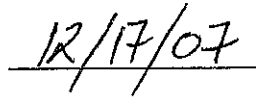
- ◆ While Minto Flats will be the first priority for wood bison planning and restoration, the Department will also pursue opportunities to restore wood bison on Yukon Flats and the lower Innoko/Yukon River areas.
- ◆ ADF&G will consider the level of support from local residents and others in making decisions about proceeding with site-specific planning for wood bison restoration on the Yukon Flats and in the lower Innoko/Yukon River area. The Department hopes to proceed with wood bison restoration in one or both areas at the earliest opportunity.
- ◆ Diverse interests in wildlife and land management, including representatives of state fish and game advisory committees, local and non-local hunters, landowners and conservation organizations will have an opportunity to be involved in site specific wood bison restoration planning efforts.
- ◆ ADF&G remains committed to ensuring that the benefits of wood bison restoration are shared among local and non-local residents of Alaska as well as others. Future harvest management will be an important topic during site-specific planning efforts. In this setting, local and non-local interests can work cooperatively to develop recommendations to the BOG and/or the FSB for principles to guide harvest allocation in the future.
- ◆ ADF&G will seek to develop agreements with landowners and others to provide temporary facilities necessary for wood bison restoration and to involve local residents and other wildlife users in cooperative management of wood bison.
- ◆ Predator control is not likely to be required and is not part of the program necessary to ensure that wood bison restoration Alaska is successful. The Department does, however, recognize that all future circumstances cannot be foreseen. Predator management to benefit wood bison could be considered at some time in the future if a compelling reason exists. If predator management for the benefit of wood bison were proposed there would be additional opportunity for public review and comment through the BOG process.
- ◆ ADF&G will continue to coordinate health monitoring efforts with the Alaska State Veterinarian, U.S. Department of Agriculture and others to ensure that any wood bison imported into Alaska and released into the wild are free of disease.
- ◆ ADF&G will continue to work with the Alaska Department of Law, U.S. Fish and Wildlife Service, Doyon, Ltd. and others to minimize the risk that wood bison in Alaska will become listed as "endangered" under the U.S. Endangered Species Act and, if listing were somehow to occur, work within the provisions of the ESA to prevent or minimize impacts on other resource development activities.
- ◆ ADF&G will continue to seek funding for wood bison restoration from a variety of private and governmental sources, and will not allow allocation of resources to the wood bison restoration project to limit the Department's ability to manage other resident species of wildlife.

**DECISION BY THE DIRECTOR, DIVISION OF WILDLIFE
CONSERVATION**

I have reviewed the summary of public comment on the ER and conclude there is strong public support to continue the effort to restore wood bison in Alaska. I concur with the findings of the WTP Review Committee that wood bison restoration is not likely to effect a significant reduction in the range, distribution, habitat, or pre-existing human use of other species. I direct Division of Wildlife Conservation staff to proceed with efforts to restore wood bison in Alaska according to the decision points listed above, continue efforts to import additional wood bison stock from Elk Island National Park in Canada, initiate cooperative planning for wood bison restoration on the Minto Flats and proceed with further consideration of wood bison restoration on Yukon Flats and the lower Innoko/Yukon River as expeditiously as possible.



Douglas N. Larsen, Director



Date