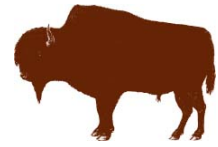




Wood Bison and the Endangered Species Act:

How ADF&G is Addressing Concerns About Possible Restrictions on Resource Development



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Wood bison are currently included on the list of endangered species under the U.S. Endangered Species Act (ESA). If not properly addressed, provisions of the ESA that are designed to protect endangered species could slow or stop other natural resource development and limit future wood bison management options. The U.S. Fish and Wildlife Service (FWS) is now evaluating a proposal to change the status of wood bison to “threatened,” a category that allows more flexibility in how a listed species can be managed and protected.

The Alaska Department of Fish and Game (ADF&G) recognizes the need to make sure that wood bison restoration does not cause significant restrictions to other natural resource development projects. ADF&G has been working with the Department of Law to evaluate different options available under the ESA to ensure the project does not restrict oil and gas or other natural resource development and that harvest can be allowed in the future. The state, in cooperation with FWS, has determined that the best way to address concerns about the ESA is to establish a *special federal rule* to designate wood bison in Alaska as a “nonessential experimental population.” The special rule will remove many of the regulatory requirements that normally apply to endangered species.

Designating wood bison in Alaska as a nonessential experimental population under section 10(j) of the ESA allows them to be treated as “threatened” rather than “endangered.” The special rule can allow state management of wood bison, and after the number of wood bison has increased enough, can allow harvest according to cooperative management plans. It can also reduce or eliminate regulatory requirements that normally apply to an endangered species as follows:

- ◆ The requirement to consult with the FWS over resource development activities that might affect wood bison will apply only on national park and national wildlife refuge lands. No consultation would be required on BLM, state, and private lands.

- ◆ Designation of critical habitat, a classification that can restrict land use activities that might adversely affect an endangered species, is prohibited with a special rule developed under section 10(j).
- ◆ The special rule will protect industry from state or federal legal action if wood bison are harmed or killed during oil or gas exploration or other specified activities. At the same time, the special rule cannot eliminate enforcement for “intentional” harm to wood bison. Until the wood bison population grows and regulations are adopted to allow harvest, penalties for intentionally killing an endangered species can be severe.
- ◆ Wood bison in Alaska would still be considered a “nonessential experimental population” even if their populations later declined or disappeared due to unforeseen events. This means the wood bison could not be treated as an endangered species with more strict regulatory requirements if they do not grow and prosper, as we believe they will.

ADF&G is presently working with the FWS to create a special rule under the ESA for wood bison in Alaska. The special rule must be developed through the federal rulemaking process. This will include publishing a proposed rule for public review and comment. In addition, an Environmental Assessment is required and will include opportunities for public comment.

ADF&G will not release wood bison into the wild until the final special rule is in place, and provides sufficient protection for other existing and future land uses.

A more complete description of how ADF&G is addressing concerns about wood bison and the ESA is available on request or on our web site at:

<http://www.wildlife.alaska.gov/index.cfm?adfg=game.restoration>



Drawing courtesy of Wes Olson

By working together we can ensure that wood bison and oil and gas and other resource development activities can prosper side by side.