October 25, 2019

U.S. Fish and Wildlife Service
National Elk Refuge
Acting Refuge Manager Ketti Spomer
P.O. Box 510
Jackson WY 83001

Dear Acting Refuge Manager Ketti Spomer:

Introduction

On behalf of Wyoming Wildlife Advocates and our members in Wyoming and across the United States, please accept these comments on the Environmental Assessment (EA) for the Bison and Elk Management Step-down Plan for the National Elk Refuge (NER). The proposed action is for the NER "to begin to reduce supplemental feeding on the [NER] under a dynamic, structured framework as decided in the 2007 Bison and Elk Management Plan (BEMP) and associated Environmental Impact Statement (EIS)" (USFWS, 2019a). The goals of habitat conservation, sustainable populations, numbers of elk and bison, and disease management as stated by the BEMP are not met by the proposed action alternative. The current proposed action alternative does little to provide progress toward these goals and certainly maintains the status quo which endangers the health and perpetuity of the Jackson Hole Elk Herd.

1. Step-down actions need to be on a speedier timeline.

Considering that the original BEMP was released in 2007 with specific guidelines for reducing reliance on supplemental feed and we are now in 2019 with little to no progress, we suggest a quicker and more focused step-down plan that will immediately reduce densities of elk, not just lower the population. In light of chronic wasting disease (CWD) being found in mule deer directly adjacent to the NER to the north and south (Appendix A), the window of time until the disease reaches the NER is closing fast. Already brucellosis, septicemic pasteurellosis, psoroptic mange, necrotic stomatitis, necrotizing pododermatitis (foot rot), and helminth and lungworm parasitism are found at high levels of prevalence on the NER (USFWS, 2019a). These diseases kill scores of elk each year but are just a small factor of mortality compared to what the effects of CWD will be if allowed to reach high levels of prevalence (>5%).

2. Densities must be lowered in order to sufficiently lower disease transmission risk.

The EA states "Considerable evidence suggests that Chronic Wasting Disease transmission and prevalence are density dependent (Peters et al. 2000, Williams et al. 2002). Monello et al. (2014) found that elk densities of 15-10/km2 (0.06 to 0.45/ac) in Rocky Mountain National Park were associated with 13% CWD prevalence, and they predicted elk population declines when CWD prevalence exceeded 13%. NER elk densities range from 77-16,850/km2 (0.31-68/ac; NER unpublished data), which suggests that the introduction of CWD to NER elk would have significant negative population effects over time." Further it states, "when current cow elk harvest levels are included as a source of mortality in the population, the model predicts that the Jackson elk population will decline at any level of CWD prevalence" (USFWS, 2019a). Considering that any level of CWD prevalence will have an impact on the population of the Jackson Hole Elk Herd, the above data suggests that CWD will likely have extremely significant impacts on the herd.

Chronic wasting disease is a density-dependent disease. Therefore, densities must be greatly reduced in order for the disease to stay at low prevalence levels. Simply reducing reliance on supplemental feed and continuing to feed up to 5,000 elk for fewer days each year for years to come as the plan calls for will not have the desired effects of one of the main goals of the plan which is to "Contribute to elk and bison populations that are healthy and able to adapt to changing conditions in the environment and that are at reduced risk from the adverse effects of non-endemic diseases" (USFWS, 2019b). Reducing the total population of elk will not lead to reduction in densities of animals congregated throughout the winter, especially if they are still being fed. The BEMP states that the strategy is "not to reduce the overall elk populations, but rather redistribute elk to native winter range" (USFWS, 2019b). This would seem impossible considering the current proposed action. Continuing to feed elk at levels of up to 5,000 individuals for the coming years (no timeline of how long it will take to have all elk off of supplemental feed) will definitely reduce the overall elk populations as disease sets in, prevalence rates increase, and elk continue to perish.

3. Irrigation of NER land still contributes to higher densities of elk similar to feedlines.

Irrigation of the NER for natural forage reserves sets up a similar problem as supplemental feed provides: attractants for elk which leads to unnatural congregations and high densities. Irrigation should also be scaled back to leave the NER in a natural state with a much more reasonable carrying capacity. This will provide for natural dispersal of elk throughout the Jackson valley and the Gros Ventre Mountains which will lead to lower risk of disease transmission by reducing densities. The current proposed action alternative in the EA does not provide for low enough densities in order to lower the risk of disease transmission.

4. Other species are suffering because of the severe degradation of the NER land.

The EA focuses on the impacts of the proposed action to other species and the BEMP specifically states, "(H)igh animal concentrations have…resulted in damage to and loss of habitat due to browsing of willow, cottonwood, and aspen stands and thereby reducing availability of these habitats to other wildlife" (USFWS 2019a&b). The overgrazing of both elk and bison on the refuge have left little in the way of habitat for other species such as song birds, beavers, fish, and small mammals. Streambanks have been denuded of vegetation leaving no cover for birds or fish and deteriorating the water quality by heightened erosion. In order to provide for all wildlife species, not just large mammals like elk and bison, the reduction of densities of elk must be expedited to begin the process of revegetation along Flat

Creek and in other part of the NER. Congregations of elk on natural forage does not lead to reductions in threats to other species and/or an increase in overall habitat quality.

5. Private landowner conflicts should not take precedence over the "wildlife first" mandate of the National Refuge System.

While we are not unsympathetic to surrounding ranchers who may see some conflicts with elk, we have at stake here the future of an iconic elk herd that has existed for hundreds of thousands of years and is a key component of the Greater Yellowstone Ecosystem: one of the largest intact ecosystems left in the world. The very few ranchers that continue to operate in or near Jackson Hole should be required to protect their forage reserves and haystacks from elk similar to what is required in other states. The Wyoming Game and Fish Department (WGFD) has money set aside for depredation of hay by elk and continues to help ranchers statewide. As of yet, the NER and the WGFD have done little to educate and prepare private landowners to implement mitigation measures to protect private forage reserves and haystacks. We'd like to see both of these agencies (with the potential help of NGOs) engage with landowners in order to proactively provide assistance to prepare landowners to be empowered to protect their own resources. This will be an integral part of the step-down process, especially if the NER follows our recommendations and institutes a quicker phase-out of feeding for the health of both the bison and elk herds and the habitat of the NER.

The EA states, "One of the main reasons for taking a slow, conservative approach to reducing reliance on supplemental feeding is the ability to monitor the response of elk and bison to the reduction, and implement sufficient mitigation measures to offset any impacts to local landowners and the local cattle industry." With all due respect to the local cattle industry (a very small subset of citizens in the valley) and the NER, the NER is not responsible for continuing to endanger the health of native wildlife to support private industry. The National Wildlife Refuge System Improvement Act of 1997 (NWRSIA) mandates that "each refuge shall be managed to fulfill both the mission of the Refuge System and the individual refuge purposes." This serves to underscore that the fundamental mission of the Refuge System is wildlife conservation." Further it states, "each national wildlife refuge…must be managed to…consider the needs of fish and wildlife first." We ask that you put the needs of elk first and discontinue the feeding of this species within two to three years at most.

The BMEP provides for "several strategies [to] be employed to mitigate likely changes in bison and elk distribution, including providing incentives for non-breeding cattle operations, increased fencing in limited areas to separate elk and bison from livestock feed lines, hazing elk and bison away from livestock feed lines, and purchasing private lands easements or leases to prevent co-mingling" (USFWS, 2019b). These strategies can be effective but need to be implemented immediately and should have already begun when the original plan was produced in 2008.

6. Predators should be an integral part of a reduction in disease prevalence of prey species both inside the boundaries of the NER and outside considering that wildlife have large home ranges that overlap with both U.S. Forest Service land, National Park land, Bureau of Land Management land, private land, and the NER.

The NER "cooperatively monitors wolf populations with WGFD and Grand Teton National Park" (USFWS, 2015). Wolves are known to prey upon the sickest and weakest prey in order to reduce their risk of injury during hunting and secure resources for their continued survival. According to Dr. Doug Smith, lead wolf biologist with Yellowstone National Park, wolves key in on infirm animals and are

"predisposed, by instinct and learned behavior, to focus first on animals that are easier to kill rather than those living at the height of their physical strength" (Wilkinson, 2017). Krumm et al. (2010) found that mountain lions selectively sought out adult mule deer and could detect signs and symptoms of CWD in mule deer long before they showed any outwardly noticeable symptoms. In order to further reduce the prevalence of diseases in elk on the NER, wildlife biologists should be urging the WGFD to conserve native populations of carnivores like wolves and mountain lions. The liberal hunting seasons of wolves during both 2017-2018 and 2018-2019 in hunting areas adjacent to the NER have nearly eradicated wolves from the Gros Ventre mountains and the Teton Wilderness where a large number of elk that winter on the NER spend the summers. Wolf packs have been disrupted and are split resulting in less efficient hunting and fewer prey species consumed. The NER can take the lead on allowing native carnivores to inhabit the refuge and let natural predator/prey interactions occur. Communicating with the WGFD on the importance of predator species to disease mitigation in prey should be of utmost importance.

The BEMP states that wolves could be one of the "other factors outside of the scope of this plan" that "could reduce the effectiveness of the strategy" to have feeding delays extended to encourage a redistribution of elk and bison to native winter range" (USFWS, 2019b). Wolves increase the fitness of herds and should be properly recognized and managed as a benefit to the ecosystem instead of a potential hindrance to achieving the goals of the BEMP and the vision of the NER.

7. The NER should stop deferring to the WGFD when the Department is clearly not interested in fostering healthy herds by continuing to feed elk and set the population objectives for the Jackson Elk Herd too high.

An objective of 11,000 elk for the Jackson Elk Herd (JEH) is not sustainable given the carrying capacity of the land the herd currently inhabits, especially during the winter. According to the BEMP, "based on current elk distribution it is no longer possible to winter 5,000 elk on [the Refuge] and maintain 11,000 elk in the overall Jackson Elk Herd." Why then is the NER agreeing to help achieve the herd population objective of 11,000 elk for the JEH when it contradicts the management directives for the plan? The JEH cannot be sustained at 11,000 animals without supplemental feeding. Therefore, as soon as possible the population objective for the herd should be lowered to accommodate for more natural dispersal and fewer elk overall wintering on the NER. Because "the proportion of the JEH that winters on the NER has increased in the past 2 decades" (USFWS, 2019b), the NER has great interest in lowering the JEH population objectives and should be working with the WGFD to do so. This could be achieved through increases in hunting licenses and allowing natural mortality to occur including from predation by native carnivores.

8. Natural elk mortality rates should be allowed to occur on the NER just as they are within the National Parks and other public lands in Wyoming.

All wildlife experiences natural mortality due to winter severity, forage availability, habitat quality, predation, and disease. The BEMP points out that "Yellowstone National Park suggested an average elk calf winter mortality of 28%, with the majority of cases caused by malnutrition (Singer et al. 1997). Similarly, Smith and Anderson (1998) found unfed winter elk calf mortality of 29% compared to 11% for elk calves using feeding grounds." However, the plan states that any mortality that exceeds 3% may trigger "adaptive management." If Yellowstone is considered an ecosystem with elk dispersing naturally and mortality rates are around 28% for calves, why wouldn't that same level be allowed to exist on the NER with naturally dispersing elk? In the outreach topics (Appendix C) (USFWS 2019b), it is stated that a

communication goal is to explain the goal of "[c]hang[ing] elk behavior and distribution while avoiding increased mortality." However, above that in Appendix A it is stated that "Average winter mortality on the refuge would increase from 1%–2% annually to an estimated 1%– 5%." This seems to be conflicting information that is still ecologically incorrect as naturally occurring elk herds without supplemental feed have mortality rates of up to 28%. In the above statement, even elk on feedgrounds have up to 11% mortality rates. What is the true level of mortality that is acceptable for elk calves wintering on the NER? Anything less than 10% seems to be highly unreasonable and unrealistic based on the observed natural mortality rates in other elk herds.

Conclusion

In light of the imminent threat of CWD infecting the JEH and being found on the NER, the USFWS needs to act expediently to phase out all supplemental feeding of elk and bison. It's been longer than 10 years since the BEMP was produced with little progress toward the stated goal of reducing reliance on supplement feed for bison and elk. Reduced reliance on feed is not going to be enough to sufficiently mitigate the effects of diseases on the JEH. The population objective of 11,000 animals is too many to begin with and will be completely unrealistic if prevalence rates of CWD increase to 10-20% in elk on the refuge. The NER and all National Wildlife Refuges have a mandate to "ensure that the biological integrity, diversity, and environmental health of the System are maintained for the benefit of present and future generations of Americans" as per the National Wildlife Refuge System Improvement Act. Continuing the current paradigm of artificially feeding elk populations that are much too high for the carrying capacity of the land does not meet this mandate. If the JEH is infected with CWD at rates of up to 20% or more, what kind of legacy is this leaving behind for future generations of Americans, or future generations of elk? The USFWS has a responsibility for the National Elk Refuge to make sure that it is fostered in perpetuity in a healthy state for current and future generations. The USFWS must comply with legal directives and implement changes in current management in short order to ensure this national treasure is properly stewarded.

Sincerely,

Kristin Combs
Executive Director

References:

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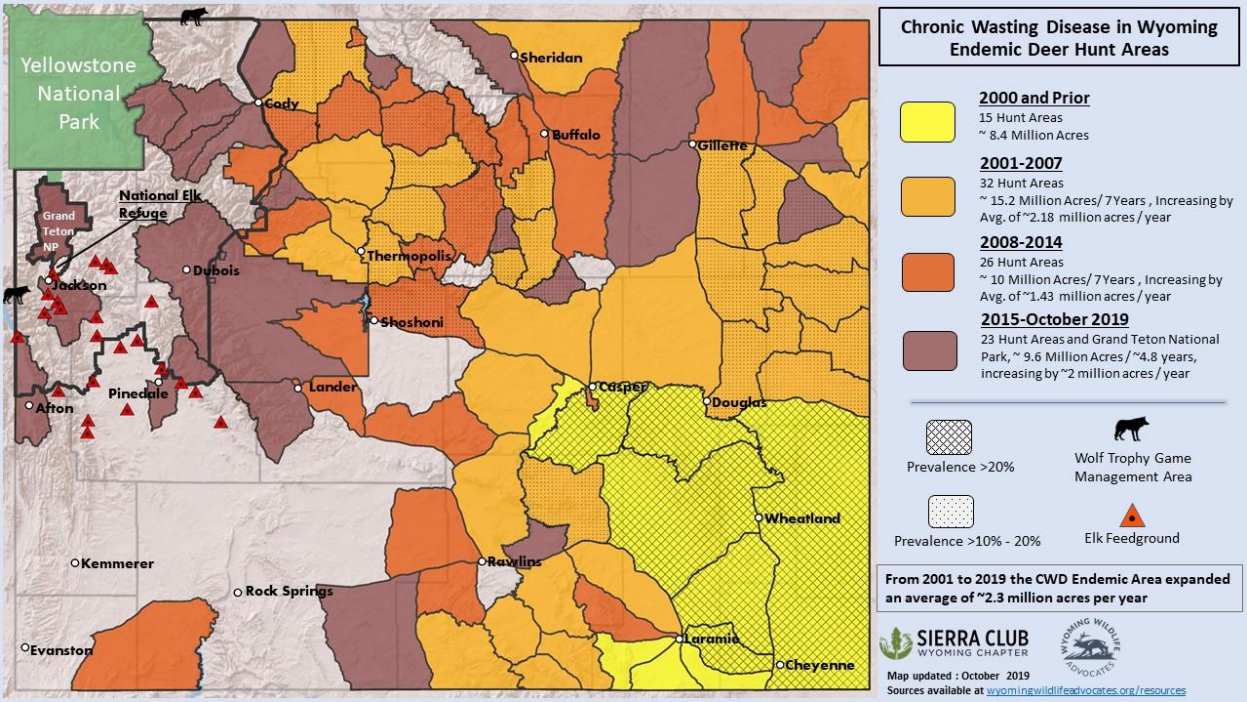
Appendix A



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