

August 28, 2023

To:
The Wyoming Game and Fish Department
Elk Feedgrounds Stakeholders Group Steering Committee
Submitted at: wgf-elkfeedgroundinfo@wyo.gov

From:
Lloyd Dorsey
Jackson, Wyoming
lloydjdorsey@gmail.com
307-690-1967

Please accept these comments on your Wyoming Elk Feedgrounds Management Plan, Proposed DRAFT Plan (6/2023).

1. Introduction:

" We cannot solve our problems with the same thinking we used when we created them."

Albert Einstein

I have lived in Teton County, Wyoming, for 48 years since 1975, I'm an elk and deer hunter, a wildlife enthusiast, and I'm knowledgeable about elk feedgrounds and associated issues. I've been a General Public stakeholder on the Elk Feedgrounds Public Collaborative for the Wyoming Elk Feedgrounds Management Plan. After carefully reviewing this Draft I see no assurances that benefit wildlife in this Draft Plan and I do not support it. With infectious and deadly CWD making its way across the state and into the elk and deer herds in western Wyoming recently, in addition to all the other infectious diseases afflicting elk on feedgrounds, and virtually all science and wildlife professionals counseling *not* to concentrate and feed vulnerable cervids by the hundreds and thousands in the face of diseases, the Wyoming Game and Fish Department clearly intends to continue that awful practice long into the future. The Director's insistence that this Draft Plan, "is not a feedground closure plan," (Draft:3) will unnecessarily and inevitably doom Wyoming's wildlife to decades of misery and death confined on filthy disease ridden winter feedgrounds as the Department caters to politically powerful special interests. The wildlife and the people of Wyoming, and the visitors who value our wildlife, will be the losers.

Initially there seemed to be a few glimmers of hope mentioned in the beginning of the Draft, such as: "The goals of the FMAPs are to maintain cervid health by limiting disease transmission while providing supplemental feed and reduce or eliminate reliance of elk on supplemental feed over the long term." (Draft:7) But how can the health of elk be improved

and the pathogens be neutralized or eliminated or even held at bay as the years drag on with high levels of infectivity proliferating where elk are confined? Feedgrounds are clearly disease superspreader locales that, by their very nature (they consist of dozens of acres of open land, elk come and go seasonally, etc.) cannot be sanitized. The public was misled for several decades (from 1985 to roughly 2017) that the S-19 brucellosis vaccinations for elk conducted on the feedgrounds were effective at mitigating brucellosis in elk and protecting the cattle industry and yet it turns out that the old cattle vaccine used in elk was essentially worthless in elk (Maichak, et al 2017) and, over time, seroprevalence in adult cow elk actually *increased* (Thuermer, 2014.). And western Wyoming cattle kept getting brucellosis and still do. (Draft:24)

The public was told the same thing for Test and Slaughter for elk in the Pinedale Elk Herd, an idea promulgated by the Wyoming Governor's Brucellosis Coordination Team (BCT). But Test and Slaughter of elk lasted for five years and the results were nil despite paying for, building, and operating "The Mother of All Capture Facilities" (as the Department repeatedly termed it at the BCT meetings) at Muddy Creek, Scab Creek, and Fall Creek at great public expense and killing nearly 200 of the public's elk. (Scurlock, et al: 2010) This Draft reveals one of the most telling definitions of the Department's biggest problem when it admits, "Feedgrounds remain the primary tools for maintaining elk-cattle separation and preventing disease spillover." (Draft:22). Long ago the Department should have settled on the obvious way to accomplish "elk-cattle separation and preventing disease spillover," by fencing in the cattle during winter and effectively vaccinating cattle against brucellosis. That's what Idaho does. It works and thousands of Idaho's elk aren't confined to feedground disease factories for months every winter enabling even more lethal diseases to ravage the elk herds. A very practical solution nearby that Wyoming refuses to learn from.

A sentence near the beginning of the Draft hints at a bit of self-awareness from the Department: "The practice of controlling elk distributions in western Wyoming utilizing supplemental feeding is likely not sustainable." (Draft:8). But after reading the entirety of the Draft Plan it's obvious this is just another platitude and the Department fully intends to continue to operate elk feedgrounds, apparently- according to the public meeting held in Jackson on July 23- even the feedground that was once "operationally () phased out" (PineyEH BMAP 2016:5) at North Piney. The intent to continue the status quo is likely because feedgrounds are in the Department's view perfect facilities for testing and slaughtering elk every winter for years without end and because politically powerful special interests want them. This Draft Plan is similar to rearranging the deck chairs on the Titanic; claiming and appearing to do purposeful things but accomplishing nothing other than duping the public while enabling a very bad situation to get even worse.

The Draft Plan admits that elk feedgrounds are extremely expensive, costing sportspersons some \$3.1 million per year. (Draft:13) This plan purports to be able to somehow sanitize feedgrounds so's the Department can keep them. Countless millions of public dollars have been spent over the decades to maintain elk feedgrounds, and more will be wasted for decades. As a result of this Plan, many elk will needlessly get sick and die or be killed behind a curtain of misleading messaging to the public.

Despite the Wyoming Governor convening a large Brucellosis Coordination Team in early 2004 comprised of a couple dozen citizens and agency staff meeting multiple times each year, and despite spending millions of dollars on bogus S-19 vaccinations for elk, capturing and killing elk on three feedgrounds, (aka, Test and Slaughter), constructing a one-mile drift adjacent to Muddy Creek feedground (and maintaining nearly 30 miles of high fence near Soda Lake feedground), crafting Brucellosis Management Action Plans (BMAPs) for each of seven elk feedground herds and the Jackson Bison herd, and herding elk back onto feedgrounds every winter with snowmobiles, helicopters, etc., “occurrences of brucellosis in cattle herds of Sublette and Teton Counties were linked to elk from nearby feedgrounds Debate continues among stakeholders over appropriate management for both species.” (elk and cattle). (Draft:24) “Essentially, little change in elk brucellosis management occurred as a result of BMAP development.” (Id.). Unfortunately the public can expect little more from the proposed FMAPs (Feedground Management Action Plans) because the management of feedgrounds and of CWD, brucellosis, and other diseases of elk are stuck in a politically enforced pattern of failure.

While the plan offers a few bromides it contains no real evidence that the health of wildlife is a genuine concern or goal for the Wyoming Game and Fish Department. Wildlife health is not achievable via winter feedgrounds. The Department will not abandon its culture of gauging elk herds and the Department’s success at managing them primarily by numbers and not by actual health of the wildlife and habitat. This Plan is very obviously a continuation of elk feedgrounds which for decades have made elk sicker and even more vulnerable to deadly diseases.

Outside of 3 counties in western Wyoming, winter elk feedgrounds are not the normal or common way to manage elk herds. They are an archaic aberration whose time should end. No other state has feedgrounds to such an extent as does Wyoming and, again, Wyoming only has elk feedgrounds in 3 of its 23 counties. Winter after winter the Department sends out public service messages not to feed wintering big game yet it does exactly that for some 14,000 elk on 20 (or is it 21?) elk feedgrounds in Lincoln, Sublette, and Teton counties.

The mission of the Game and Fish Department is to *Conserve Wildlife and Serve People*. In the director’s message in the Draft Plan it pledges that the Department “is acting in good faith to carry out its mission and statutory mandates to meet the expectations of Wyoming’s citizens. It would be irresponsible for us to do otherwise or to ignore the facts before us.” The Department, it is further claimed, acts “in an inclusive manner informed by science.” (Draft:4). While the Department may *claim* it is informed by science, maintaining elk feedgrounds is the exact opposite what *all* scientists and professional wildlife managers counsel which is *not* to bait or feed wildlife. Indeed the science is incontrovertible that clustering vulnerable elk together for months during winter and feeding them hay or pellets, allows infectious diseases and parasites to run rampant. For the Department to indicate otherwise, to claim that they follow the science, is the opposite of “good faith” and is hypocritical at best.

Probably the most confining sideboard that the Department assigned itself is that this Plan is to maintain “publicly supported elk population objectives.” (Draft:7). I have attended public meetings and reviewed Department reports for over four decades and know that the Department plainly defers to the will of special interests about how many big game animals to maintain; the objectives for elk herds in western Wyoming are artificial constructs not based on the carrying capacity of the habitats.

This Draft claims (without having done a carrying capacity analysis) that without feedgrounds, “the elk populations would have to be decreased to levels that could be supported by limited native range forage.” (Draft:12) Yet Idaho (and all other Rocky Mountain states) recognizes that “big game populations *should* be maintained under natural conditions and by naturally available forage. Winter forage is the major limiting factor that determines the size of the big game populations.” (Wise 2021:10 emphasis added) If the Wyoming Game and Fish Department actually adhered to modern professional science-based wildlife management standards in the general public’s interest there would be no disease ridden elk feedgrounds, predators would be allowed to play their role in helping prey species be healthy, and the hunter success rate for elk licenses wouldn’t be expected to be 44% compared to all adjacent states’ success rates around 22%. All other states have bountiful elk populations, most have more elk than Wyoming, and they all have ranching and outfitting industries without the need for feedgrounds. Where brucellosis in free-ranging elk has been detected in Montana and Idaho, separation between elk and livestock is maintained by using high fences around livestock and haystacks, shipping cattle elsewhere for the winter, and adjusting elk hunting seasons to haze elk. Idaho makes it mandatory for livestock operators to take steps not to enable potential brucellosis cross species transmission. Given the dire circumstances we find ourselves in in this third decade of the 21st Century with multiple diseases assaulting our elk and deer and more to come, the Department finds itself trussed up with a Gordian Knot of its own making while the solutions are apparent in adjacent states and via the counsel of wildlife scientists and professionals.

As the environmental groups (NGOs) have advocated for decades, ending elk winter feedgrounds and fencing in winter cattle feeding pastures and haystacks and vaccinating cattle against brucellosis would achieve healthier free-ranging elk herds and protect healthy livestock. But in the WGFD Brucellosis Management Action Plans (BMAPs) in effect since 2006, where fencing in livestock was touted as a possibility to maintain separation between elk and livestock, it never came to fruition. The new Feedground Management Action Plans (FMAPs) for elk feedgrounds slated for some time in the future under this Plan are likely destined to continue that trend or even worse.

It was never more apparent how intimidated the Department is by the livestock industry as during the July 23 public meeting when 2 cattle ranchers (including one who said he no longer owns cows) took over the meeting, time and again browbeating the Department for their “stupid” plan. They claimed that elk can’t or won’t migrate, “don’t go to the mountains anymore”, and are only “in the river bottom.” One rancher said this plan would destroy cattle ranching. The Department Regional Supervisors apologized repeatedly to the ranchers and said

they didn't intend the plan to harm livestock interests and told them, "we'll fix it." Embarrassing. Regarding phasing out elk feedgrounds, I asked about the Department's own Piney Elk Herd 2016 Brucellosis Management Action Plan (BMAP), which states that the North Piney feedground was operationally phased out, the Regional Supervisors denied that the North Piney feedground was ever phased out and shrugged their shoulders when I pointed out their own Piney Elk Herd BMAP says it was. (2016 PineyBMAP:5) Another Department employee said they do feed elk in December at North Piney. The very fact that the Department resurrects a phased out elk feedground says a lot of how the culture of maintaining elk feedgrounds is not likely to change under the current leadership.

Proposals in this Draft to have a moving feedground ("diverging from static to moving feedgrounds" Draft Plan:43), and scraping up the future CWD prion-contaminated dirt in feedgrounds and replacing with gravel ("feedground substrate conversions" Id:50), testing and slaughtering elk (Id: 47) are nothing more than outlandish Hail Mary passes that have no basis in reality. How in this world can the Wyoming Game and Fish Department be contemplating such awful actions and call that wildlife management? Waiting until CWD infects the herds and contaminates the environment to such a great degree is irresponsible at the very least. The solution to achieve and ensure healthier elk herds for the future is to phase out feedgrounds *before* CWD or bovine TB contaminates the herds and the environment to a great degree. That time is now but time is running out. The Piney Elk Herd 2007 BMAP actually offers a good step by step description how a feedground can be phased out. As does the 2005 Gros Ventre Feedground Phase-out Proposal presented to the Governor's Brucellosis Coordination Team (BCT) by some NGOs. More about those examples and others below.

It will take strong leadership to break the cycle of horrific circumstances that the Department has inflicted on the elk herds by condemning them to diseased feedlots each winter, and testing and slaughtering some elk. Leadership that lives up to the professional standards expressed in Association of Fish and Wildlife Agencies, The Wildlife Society, and other wildlife management professional associations, leadership that does not put special interests before those of wildlife and the public.

As I have for decades I will continue to advocate for fencing in livestock, effectively vaccinating cattle against brucellosis, and phasing out elk feedgrounds expeditiously to ethically manage our big game and achieve healthier free-ranging elk herds in western Wyoming. Under these practices the livestock and outfitting industries can still thrive as they do in every other Rocky Mountain state, and in 20 of 23 Wyoming counties, without elk feedgrounds. This plan sacrifices the health of elk and other cervids to cater to special interests. I do not support this Draft Plan.

2. Feedgrounds do not serve the long term common interest:

Despite the strong majority of public comments on feedground NEPA processes over time being *against* the perpetuation of winter feedgrounds, the Game and Fish Department

actually claims that, “The current social and economic benefits of feedgrounds are of value to all wildlife interests.” (Draft:16). The Draft Plan then lists the millions of dollars annually spent by hunters in the Jackson and Pinedale Regions during hunting season. But the Draft doesn’t list comparable tables of spending in regions *without* elk feedgrounds. However the Draft does note the \$3.1 million spent *every year* to prop up the elk feedgrounds. (Draft:13) The Draft also notes that, “Department personnel dedicate a significant amount of time to reducing and/or preventing damage caused by elk and co-mingling of elk and cattle. . . . When elk damage does occur, significant resources, including manpower, equipment, and associated costs, can be directed at mitigating the situation.” (Draft:17) The Draft goes on to list the *types* of costly actions taken by the Department but, with the exception of damage claims, doesn’t account for the *costs*. It would benefit the public to know if such actions and costs are higher in the Jackson/Pinedale Region or comparable to other regions.

The economic benefits for the region compared to the costs incurred by the Department in the Cody Region would probably be a good comparison to the Jackson/Pinedale Regions since there are also large elk herds, deer, bighorn sheep, and antelope, and many hunting outfitters around Cody. Such a comparison would benefit anyone reading the Draft Plan as it would show whether winter elk feedgrounds are necessary to have a robust regional wildlife-based economy. Of course they’re not. The Cody Region and many regions in Montana and Colorado that harbor thousands of free ranging elk (Montana has 170,000 elk, Colorado 287,000 elk [Wise:2021]) and thousands of other big game animals, prove that feedgrounds are not a requirement for abundant elk populations and concomitant outfitting and other wildlife focused industries. It’s disingenuous for the Department to imply otherwise. The long term public good including regional and state economies, i.e., benefits to “wildlife interests,” would be far better served by having *healthy* wildlife.

The Department is gambling with the future of that valuable wildlife resource by maintaining elk feedgrounds at all costs. Hoof rot kills a significant percent of elk calves on feedgrounds when it erupts, as it did in the spring of 2014 on Camp Creek, Soda Lake and other elk feedgrounds. (WGFD 2014) Other lethal diseases such as pasteurella and RSV periodically kill scores of elk on feedgrounds. CWD is having negative population impacts to some mule and white-tailed deer herds in the state, and some elk herds are exhibiting increasing prevalence of CWD. That is how CWD affects cervids as it progresses across a broad landscape; deer herds are the vanguards of the disease and elk herds lag somewhat behind; moose sporadically. CWD will more rapidly increase in elk in western Wyoming when it appears in elk or the environment on feedgrounds. It has been known that brucellosis suppresses the reproductive rate of feedground elk herds since Chester Anderson wrote his book, “The Elk of Jackson Hole: A Review of Jackson Hole Elk Studies”, in 1958. As the NGO community has said time and again, elk feedgrounds are disease factories. In a candid statement this Draft briefly admits the problem: “(T)he prolonged congregation of wildlife, repeated over time, increases the likelihood and risk of infectious disease transmission and potentially increases stress.” (Draft:20). And, “Conditions encountered on feedgrounds are different than those found in native winter range settings(.) (Id.). Yet the Draft falls short here from saying elk on native winter range in Wyoming tend to be healthier

than those on feedgrounds; brucellosis seroprevalence tends to be less, hoof rot is virtually nonexistent, scabies and lice are less, and so on. Instead of contrasting a healthier paradigm (elk herds on native range) compared to the disease infested feedground model, the Draft falls short by counseling, “(A)ny changes that are made on feedgrounds need to be done in a thoughtful and consistent manner, factoring in other large-scale environmental changes.” (Id.). The Draft goes on to list the environmental issues as being “Toxins, Climate/Weather, Population Density, Predation/competition, and Habitat condition.” (Draft:21). In a gross understatement, the Draft admits, “Feedgrounds present a unique and daunting disease control challenge given the current logistical design (i.e., animal densities).” (Id.) Given the decades of knowledge and experience we have about elk winter feedgrounds in western Wyoming they may indeed seem “daunting” unless of course they’re done away with. Perhaps it’s like a human patient in the hospital ICU and the medical professionals have diagnosed what’s ailing him but are wasting precious time lamenting how sick this person is and not treating the person promptly. This Draft Feedground Plan focuses on mechanical, animal husbandry, and veterinary tweaks to feedgrounds but doesn’t seem to capitalize on and showcase successful phaseouts of feedgrounds and some transitions of elk herds to native ranges in Utah, Idaho, and some places in Wyoming. It also ignores the historical record that elk were wiped out in North America throughout most of their range during Anglo-European settlement in the late 1800s into the first decades of the 1900s before elk herds were restored. Nowadays, the predominant management of elk herds throughout their range, for some 97% of elk, is to allow them to use native winter ranges (Smith, 2001), where they have amazingly learned to migrate between seasonal ranges. Unfortunately, just as with the Department’s BMAPs that persisted since 2006, this Draft appears to set up myriad excuses *not* to really change the status quo of feedgrounds. The Department Director insists that this Draft Plan, “is not a feedground closure plan,” (Draft:3) In reality, the Department knows what the problem is and should phase them out carefully and promptly.

3. Examples of phased out or significantly reduced elk feedgrounds:

In their 2018 *amici curiae* brief filed by five scientists in addition to scientist and professor Dr. Perry Barboza, who filed for himself and the Conservation Committee of the American Society of Mammologists, in a case concerning Alkali Creek elk feedgrounds (Western Watersheds Project, et al., vs Vicki Christiansen (Chief, U.S. Forest Service) 2:17-cv-202-NDF), the scientists stated, “The scientific evidence clearly shows that the supplemental feeding of elk can be eliminated, or at least phased out over a reasonable period of time, in a manner that will benefit regional wildlife populations without causing any long-term harm to the Jackson elk herd or other wildlife species.” (Brief of *Amici Curiae* Scientists In Support of Petitioners 2018:5).

Further,

“Although the practice was initiated with good intentions, the research carried out by several of the *Amici* and other scientists now demonstrates that the continuation of supplemental feeding has significant health consequences for elk. The practice contributes to “[t]runcated migrations, habitat degradation, loss of biodiversity, the de-wilding of wildlife, and the perception that hay can be substituted for habitat.” () Most concerning today- and the primary reason the National Park Service (NPS) and the Fish and Wildlife Service (FWS) jointly decided to phase out supplemental feeding on the NER- is the serious threat it presents for a widespread epidemic of CWD and other diseases.” (*Amici Curiae* 2018:10). “If CWD arrives at Alkali Creek or other supplemental feedgrounds in Wyoming, the disease could devastate elk herds and damage the Greater Yellowstone Ecosystem. The feedgrounds could become continuous sources of CWD transmission from animal to environment and back to animal, quickly making it extremely, if not impossible, to remove the disease from infected herds and contaminated environments.” (Id:14).

First off, the Department needs to showcase examples and be forthright with the public about where private and/or government winter elk feeding grounds in the Rocky Mountain region have been significantly reduced or phased out and offer empirical evidence that the status quo of feedgrounds can be changed significantly. This Draft does not do that. There are several examples that are close to or within the elk feedground region in western Wyoming.

“Idaho has also decommissioned four winter feeding operations in Northeast Idaho (Rainey Creek, Victor, Teepee Creek, and Conant Creek) at the recommendation of the Idaho Governor’s Wildlife Brucellosis Taskforce in an effort to reduce disease transmission risk.” (Wise 2021, parentheses in original; see also Idaho Fish & Game Fall 2016 report).

On the Deseret Ranch on the Utah/Wyoming border, the managers fed elk during winter for more than 20 years. Due to concerns over diseases and potential predation they undertook a program to decrease or eliminate winter feeding of elk and still maintain viable livestock and hunting programs on the ranch. “In 2 mild winters we completely eliminated elk feeding without incident and were able to reduce the quantity and duration of feeding during the 1 severe winter. Since the conclusion of my study, DLL (Deseret Land and Livestock) has further reduced quantity and duration of feeding during severe winters, and has completely eliminated feeding in light winters.” (Mangus 2011)

Western Wyoming:

“Historically, the Blackrock feedground, located in the Buffalo Valley, was used on an annual basis beginning in the early 1930s. It was moved several times and was finally terminated in 1971 ().” (WGFD 2015 Jackson Elk JCR:79, citations omitted here)

“In 1995, elk were relocated from North Piney feedground to Bench Corral feedground after WGFD personnel baited hay from North Piney to Bench Corral.” (WGFD Piney 2007 BMAP:8). “Since about 2001, the majority of elk from North Piney have migrated to Bench Corral (citations omitted).” (Id:87). “*The North Piney Feedground has operationally been*

phased out and elk that once attended North Piney are now fed at Bench Corral feedground.” (PineyEH BMAP2016:5, emphasis added). “The WGFD will continue to not feed elk at North Piney feedground as elk no longer attend the site, there have been no increases in elk-cattle/human conflicts, and there have been no affects (sic) on elk mortality of (sic) population size.” (WGFD 2016 Piney Elk BMAP:13) No elk were counted on North Piney elk feedground from 2015 to 2020. (WGFD Pinedale Elk JCR 2020: Appendix A)

Alkali Creek on the BTNF in the Gros Ventre River Valley is no longer being used as a feedground. As far back as the winter of 2017-2018, no elk were observed at Alkali Creek. (WGFD 2017 Jackson Elk JCR:15) The last feeding season at Alkali Creek was the winter of 2015-2016. (USFS 2022: statement by R. Griebel in online presentation to this Stakeholder Group) No hay is being stocked at Alkali Creek feedground haybarns. (L. Dorsey personal observation October 2022) In the Draft Plan it states that Alkali Creek feedground “was the most recently terminated feedground” (Draft Plan:9). So, elk feedgrounds can be ended.

The Draft Plan errs at page 9 where it states, “The Department now operates 22 winter elk feedgrounds in Teton, Lincoln, and Sublette counties on state, federal, and private lands.” (Draft Plan:9) Since Alkali Creek is no longer operational, and North Piney is either not operational or is an occasional temporary “staging area to gather animals in December” (Draft:9), the Department needs to correct their arithmetic to read, “The Department now operates 20 winter elk feedgrounds . . . “

There are currently 2 other elk feedgrounds operated by the WGFD in the Gros Ventre Valley, Fish Creek and Patrol Cabin. There are several hundred thousand acres of USFS land in the Gros Ventre River watershed east of Grand Teton National Park, including at least 100,000 acres of designated elk winter range. There’s additional protected designated winter range in the Buffalo Valley and winter range on and around the National Elk Refuge. These winter ranges are connected in that there are no anthropogenic impediments to elk or other big game to travel from area to area. Elk can free range. There are some private lands in the Gros Ventre watershed east of GTNP but with very few wintering livestock. Conservation organizations crafted a feedground phase out proposal for the 3 feedgrounds in the Gros Ventre and presented it to the Wyoming Governor’s Brucellosis Coordination Team in 2005 and 2012 (Wy Dept of AG 2022). Attending those presentations were staff of the Wyoming Game and Fish Department, the Bridger-Teton National Forest, and several other agency personnel and interested parties. In response to the 2005 presentation, the WGFD crafted the “Evaluation of a Proposal from the Wyoming Outdoor Council, Greater Yellowstone Coalition and Jackson Hole Conservation Alliance for a Phase Out of Elk Feeding in the Gros Ventre, April 28, 2006. (at wgfd.wyo.gov/Hunting/Job-Completion-Reports). In that response, the WGFD concluded, in part, “(B)ased on all the data reviewed, it appears the only way a trial phase out of feeding could be attempted is if the current population of elk wintering in the Gros Ventre is reduced by 1,000-1,500 animals, mitigation measures to prevent livestock and elk comingling are implemented by landowners in areas of highest potential for damage and comingling, and the NER agrees to accommodate any additional elk that could move from the Gros Ventre winter range to the NER.” (WGFD 2006) The risk of conflict with private property and livestock has

declined over the years in the Gros Ventre Valley since the Red Rock Ranch high fenced in their wintering horses and recently the ranch at Lower Slide Lake no longer owns cattle. The wintering population of elk has been reduced over time since 2006 and now numbers less than the 3,000 the WGFD determined there was sufficient winter forage for during “most winters”; “There were a total of 1,486 elk counted in the Gros Ventre drainage during the trend count, including 1,087 elk on the Patrol Cabin feedground and 399 on native winter range.” (WGFD 2020 Jackson Elk JCR:21) The Elk Refuge has not refused any elk coming into the Wildlife Refuge during winter. Unfortunately, the WGFD “does not support a phase-out trial and firmly believes continuation of feeding is necessary to maintain elk management objectives and current elk hunting opportunities,” (WGFD 2006).

Neither the public nor the federal agencies should be bound by the decisions year after year by the WGFD to automatically maintain elk feedgrounds. As the Court in the 2018 Alkali Creek case noted, regardless of the WGFD deciding whether or not to feed elk in the winter, “this does not excuse the (Forest) Service from taking a hard look at the consequences of *its* action to allow the long-term use of NFS lands at Alkali Creek as a feedground.” (WWP vs Christiansen: 25; emphasis in original; parenthesis added) The Court continued: “Relevant to the Service (and not simply within WGFD jurisdiction) are the problems that artificial feeding increases the risk of disease transmission, increases the risk that the site will be contaminated with prions for a very long time, and also appears to blindly support WGFD’s goal of managing elk movements to prevent commingling with livestock and danger to agricultural land, notwithstanding the BTNF Land and Resource Management Plan that includes a stated goal, “[h]elp re-establish historic elk migration routes to provide increased viewing and hunting opportunities for outfitters and clients.” AR119. Based on the record, feedgrounds seem to undermine this goal. For all the reasons, the 2015 FSEIS is inadequate in that it fails NEPA’s hard look requirement.” (Id.)

There is a telling phrase on page 11 in the Draft Plan that indicates how set in concrete the culture of the Department is in favor of elk feedgrounds: “Most recently a tracked tractor and 3-point attached hay bale processor was purchased and has demonstrated the ability to negotiate deep snow, allowing for increased hay distribution across the landscape.” (Draft:11). Wild elk typically do not choose to spend winter months in deep snow. Elk in western Wyoming migrated from summer ranges to more windswept open slopes and exhibited nomadic behavior during the winter months to respond to weather, predation, and forage availability. “The majority of the Big Piney elk herd historically wintered out on native winter range in the Little Colorado Desert area between Big Piney and Farson during normal to severe winters.” (PineyEH BMAP 2007:32). Sadly, for decades the Department’s emphasis has been to keep elk in deep snow areas in western Wyoming with a few exceptions, which is exactly why and where elk are sick and vulnerable to even more deadly infectious diseases and increased predation. The Department’s history is replete with failed and tortuous manipulations (in Department speak, “alterations”) of elk feedgrounds: see the descriptions of “creep feeders” and “hay bunks” on page 11 in this Draft and the descriptions above of the failed S-19 brucellosis vaccinations and the Test and Slaughter project. Elsewhere the Draft contains such surprising proposed “alterations” of feedgrounds as removal and replacement of substrate,

removal of built up manure, *fencing elk away from feedgrounds* once the area becomes contaminated with infectious agents, a “moving” feedground, and so forth (Draft:34, 43, etc.). One wonders how many decades must pass for the Department to conjure up and implement all the fantastic winter elk feeding models they can think up while the rest of western states, and indeed all other counties in Wyoming, allow elk to free range? The Department should manage elk and their habitats in accordance with the natural and healthier ecology of *wild* elk. And the Department should inform and educate the public likewise. See the Department’s own Habitat Extension Bulletin No.27, “Rocky Mountain Elk” from the Habitat Extension Services for a very good publication that does exactly that. (See below in Section 4) Unfortunately, in the western 3 counties, the Department maintains feedgrounds instead.

Merely reducing the duration of elk feeding in a given year, or reducing the numbers of seasons fed per decade, is not sufficient to assure healthy elk for the future. However, significantly reducing winter feeding may be an appropriate step in the direction of phase out if indeed feeding ends completely in a few years. It is incumbent on the Game and Fish Department to consider the steps taken to phase out or significantly reduce the winter elk feeding in the examples above and in other cases, and consider the consequences on the health of elk and other big game, livestock and private property, hunting opportunities, regional economics and other values. I’ve noticed that the Department acts as if the very idea of phasing out elk feedgrounds is foreign to them. As previously pointed out, there are several examples of phased out or significantly reduced winter elk feedgrounds the Department can use as prototypes; e.g., the Deseret example, North Piney example, the Idaho examples and, most recently, Alkali Creek.

Why should Wyoming citizens and Wyoming’s wildlife suffer from archaic special interest domination of wildlife management? It’s long past time to bring wildlife management in western Wyoming into the 21st Century and not leave it languishing in dark times absent modern science and methods.

4. Applying Ethics and Professional Standards to manage elk in western Wyoming:

The Department claims that this Draft Plan was “developed under the North American Model of Wildlife Conservation tenant that scientific management is the proper means for wildlife conservation.” (Draft:7). Further, it claims, “The best available science relevant to the topic is voluminous and *generally corroborative with existing management.*” (Id.) Assuming that “corroborate” is synonymous with “validate, support, agree, and confirm”, this may be the most preposterous statement in the entire Draft. It is disingenuous to tell the public or even to imply that Wyoming’s elk feedgrounds are in any way an example of the North American Model of Wildlife Conservation or a good example of “scientific management”. A look at the December 2012 Technical Review of “The North American Model of Wildlife Conservation,” at the sections titled, “Review of Model Components”, then, “6. Science Is The Proper Tool To Discharge Wildlife Policy,” (Technical Review:20-23), *nothing* is described that could be construed as supportive of Wyoming’s longstanding diseased winter elk feedgrounds. What is

explained on page 20 is that science should be, “a base for informed decision making in wildlife management,” and laments “*a trend toward greater political influence in decision making threatens this principal.*” It cites two additional reviews by the Wildlife Management Institute, 1987, and 1997. Given the drastic political usurpation of the Wyoming Game and Fish Department authorities over time by the Wyoming Legislature in predator management, elk feedgrounds, and wildlife depredation compensation, and the Department’s blatant deference to politically influential special interests, it would appear that the second sentence about political interference is where the Wyoming Game and Fish Department may indeed find agreement between their management of elk feedgrounds and the “scientific management tenant” of the North American Model and not the actual application of using science for the “proper” management of wildlife.

“The scientific mandate has been followed since (the 1930s), reinforced by the writings of Aldo Leopold and embedded within The Wildlife Society’s code of ethics in that TWS members “recognize research and scientific management of wildlife and its environments as primary goals . . . When Leopold emphasized the importance of maintaining habitat for wildlife, the idea was relatively new. ” (Technical Review:21). Today, in this third decade of the 21st Century, nearly a century after Leopold wrote the 1930 Game Management policy, the Wyoming Game and Fish Department still dismisses the value of habitat, and ignores TWS’ code of ethics, as evidenced by their feeding thousands of elk amidst a hundred thousand acres of natural USFS designated elk winter range in the Gros Ventre River Valley. Further, the Department feeds thousands of elk on their 20 winter feedgrounds in three counties where more than 80% of the land base is federal lands and amidst a human population that is among the sparsest in the Lower 48 States.

Again, the Technical Review of the North American Model is co-authored by The Wildlife Society. “Examples of the lack of rigor in surveys and analyses, advocacy, and misuse of science have prompted The Wildlife Society to publish a position statement of the use of science in wildlife management (2010).” (Technical Review:23). In the TWS Code of Ethics, among the Standards For Professional Conduct it describes members’ “prime responsibility to the public interest, conservation of the wildlife resource, and the environment. They shall exercise professional judgement, and avoid actions or omissions that may compromise these broad responsibilities. They shall cooperate fully with other professionals in the best interest of the wildlife resource.” Since many employees of the Wyoming Game and Fish Department are, presumably, members of Wyoming Chapter of The Wildlife Society, they and their leadership would do well to review both the Code of Ethics and the Use of Science in Wildlife Management policy papers by TWS. (at wildlife.org)

While one could assert it’s *scientifically accurate* if vulnerable cervids are densely confined for months in fetid conditions amid infectious pathogens, and fed hay or pellets, some cervids may bring pathogens to those feedgrounds further infecting that environment, and some cervids will become infected either through environmental contamination or by close contact with other infected cervids, and that some cervids will become disabled by the disease(s), and some will die. Absent a long-term break in the regimen causing that disease

cycle it will continue. All scientifically accurate. But to cloak elk feedgrounds under the banner of modern advances in wildlife management science and the success of the North American Model of Wildlife Conservation that define the unique values of publicly owned, healthy and *wild* wildlife is not correct. The Wildlife Society actually has a position on The Baiting and Supplemental Feeding of Game Wildlife Species wherein it states: “Encourage fish and wildlife agencies, wherever possible, to phase-out supplemental feeding of wild ungulate populations, both in-house and by the general public, and *to manage populations at levels that are compatible with the long-term carrying capacity of the habitat.*” (wildlife.org, emphasis added) No wildlife professional organization “corroborates” Wyoming’s elk feedgrounds, and it is hard to imagine any proponent of the North American Model or any member of The Wildlife Society endorsing Wyoming’s elk feedgrounds.

“A number of biologists, ecologists, and epidemiologists have expressed concerns about the consequences of continuing supplementary feeding of elk in the GYE, especially given the impending introduction of CWD.” (Maloney 2020) Since deadly CWD is expanding throughout Wyoming at an alarming pace, expanding on average 2.3 million acres per year (Wyoming Wildlife Advocates and Sierra Club 2018. Map) time is of the essence to manage elk and habitat in western Wyoming in a more holistic and effective way. Indeed, CWD has already stricken some deer, elk, and moose in western Wyoming. The very nature of elk feedgrounds, crowding elk in dense concentrations for months every winter, makes it more likely the elk herds will experience high prevalence of CWD and probable decline in populations if such conditions are perpetuated. (Galloway, 2017) Rather than manage elk according to artificial numerical objectives as determined by the Wyoming Game and Fish Commission regardless of the elk’s health or the health of the habitat, agencies that collaboratively manage elk and their habitats must strive for a healthier ecosystem and more sustainable objectives to manage the public’s wildlife and better serve the long term public interest. Protecting extensive, connected habitats, managing free-ranging elk herds, and conserving predators can improve the health of the elk herds that are currently sick, at high risk, and confined on small feedgrounds months at a time. Predators can, if conserved in abundance, steward the game herds, remove infected individuals, and help ensure healthy wildlife over the long term. Elk feedgrounds are an error of wildlife management whose time has passed. The threats from feedgrounds to the world renowned Greater Yellowstone Ecosystem are dire and in this third decade of the 21st Century it’s time that the agencies stop being complicit in this extremely harmful and outdated wildlife management program promulgated by the Wyoming Game and Fish Department to appease special interests. Wyoming needs a leader in wildlife and habitat conservation to steer the effort to phase out elk feedgrounds. This Draft Plan does not do that.

As I mentioned above, the Department needs to consider their own Habitat Extension Bulletin No.27, “Rocky Mountain Elk” from the Habitat Extension Services, Wyoming Game and Fish Department, unknown year, by Evin Oneale. In part it reads:

“The supplemental feeding of elk, or any big game species, is not recommended. Concentrating animals in such a manner increases the potential for disease transmission (including brucellosis and scabies), as well as dependence upon unnatural food sources.

This may result in less healthy populations and reduced reproduction. . . . Keep in mind that elk populations are neither stagnant nor constant. They fluctuate annually, higher in years of mild weather and/or plentiful forage and lower in years of severe weather and/or poor forage production. Big game herds do not, nor should they be expected to, remain at a constant level year after year. . . Only through the involvement of knowledgeable, concerned citizens can we assure that the Rocky Mountain elk will remain a free-ranging part of our state's wildlife heritage."

The Department must acknowledge and consider that in this 21st century reality of chronic wasting disease spreading throughout North America (USGS CWD in North America map August 2023) it's virtually impossible outside the Department to find a contemporary endorsement from any professional wildlife managers or scientists of elk feedgrounds. For good reason; see the above Baiting and Feeding policy from The Wildlife Society. The clear standard of modern wildlife management using sound scientific principals as expressed by virtually all wildlife scientists and professional organizations is to NOT feed wildlife, and to manage wildlife and habitat according to science-based evidence that informs best practices for the health of the species, other species affected, and their habitats. The Wildlife Management Institute of Washington, D.C., even has a pamphlet titled, "Feeding Wildlife . . . Just Say No!" (WMI, 1999). "The Idaho Fish and Game Commission recognizes that big game populations should be maintained under natural conditions and by naturally available forage." (Wise 2021) There is unanimity among wildlife professionals that management of wildlife and habitat must serve the long term public interest. For example, the Western Association of Fish and Wildlife Agencies (WAFWA) promotes high standards of science-based wildlife management, and has as its goal, *"Since 1922, WAFWA's goal has been to support sound resource management and build partnerships at all levels to conserve wildlife for the use and benefit of all citizens, now and in the future."* WAFWA's Mission is *"To advance collaborative, proactive, science-based fish and wildlife conservation and management across the West."* It's Core Values, are, *"Leadership, Integrity, Excellence, Support, Respect, and Accountability."* Scientists agree that elk feedgrounds are not sound resource management, they are not an example of excellent wildlife management, and there's nothing respectable about disease infested elk feedgrounds. They're archaic relics of a darker past and are shameful. Again, the larger Association of Fish and Wildlife Agencies explicitly counsels that states, *" should eliminate the baiting and feeding of all wild cervids using regulatory mechanisms such as jurisdictional bans."* (AFWA 2018:33) Most shockingly, this Draft Plan continues the winter feeding of thousands of wild cervids seemingly in perpetuity.

The Department needs also to consider the text and sentiment of its own article, "Feeding wildlife: A recipe for disaster", in the March-April 2000 Wyoming Game and Fish Department's *Wyoming Wildlife News*. Here are two paragraphs near the end of the article:

"Finally, it can be questioned whether feeding wildlife is even ethical. Wildlife have evolved and adapted over millions of years to exist on natural forage. A given amount of habitat can only support a given number of animals. Often, we destroy habitat, which then leads to wildlife dying of starvation. Feeding allows us to think we are

compensating for habitat destruction when, in fact, it makes a bad situation worse. We need to face the fact that the only way to offset habitat destruction is via habitat improvement.

“The evidence is undeniable. Wildlife are adapted to survive winter without supplemental feeding. Feeding causes many more problems to wildlife than it solves. Additionally, it can be harmful to humans and domestic animals.”

Little of the above are represented in the Draft Plan. It is not sound resource management nor science-based because contemporary wildlife management science and direction has shown that winter feedgrounds cause elk to remain unhealthy. Rather than exemplifying “excellence” in wildlife management it is irrefutable that densely concentrating elk for months each winter keeps them sick with brucellosis and exposes them to even worse diseases such as CWD and Bovine TB and this will continue under this Plan. This is the lowest possible quality and level of wildlife management harkening back to very dark times. Rather than displaying leadership the Wyoming Game and Fish Department bends in whatever direction the political winds push them. This Plan goes nowhere to further the Game and Fish Department mission of Conserving Wildlife and Serving People. No professional wildlife manager who commits to the standards of these professional organizations should support or implement this Plan.

5. Diseases and feedground management:

This Draft admits that, “There is no cure or treatment for CWD or other prion diseases(.)” (Draft:25). “Prions can persist for years in the environment (.)” (Id.) “(E)ndemic CWD will likely depress some cervid populations at an unknown but potentially significant level. As such, management efforts designed to reduce the spread and prevalence of CWD are warranted.” (Id.). In some elk game farm or high-fenced shooter facilities in North America, which are considered to be analogous to Wyoming’s elk feedgrounds, CWD in elk has achieved a high percentage of prevalence prior to depopulation efforts and it is generally accepted that the disease would over time infect virtually all the elk on an infected confined facility if live elk were kept on those grounds. Even this Draft admits as such: “(I)t is likely that CWD prevalence among feedground elk will likely exceed that of unfed elk. The prevalence of CWD in captive elk and deer has been found to be much higher (59-100%) than for free-ranging animals. This is thought to be due to an increased opportunity for animal-to-animal transmission and/or exposure to an increasingly contaminated environment.” (Draft:27)

Under the heading of “Preventative measures” the Draft Plan states, “The Department will continue to survey for CWD on feedgrounds.” (Draft:34). But surveying (i.e., sampling) cervid populations does little to prevent CWD from infecting elk feedgrounds or infecting the herds that attend feedgrounds. And cervids can be infected and infectious for months or years prior to being visibly symptomatic. Given that CWD is now known to be in elk and deer in both

the Jackson and Pinedale areas experts agree it is not a matter of *if* CWD will be found in elk on feedgrounds but *when*.

Maintaining dense concentrations of elk, as *all* wildlife scientists have counseled for decades, will only amplify the incidence of that fatal disease among elk. One of the most ominous sentences in the entire Draft Plan is, "If detected, the Department's strategy would change to attempting to manage the disease *on the feedground* to limit incidence and spread of CWD off of the feedgrounds." (Draft:34; emphasis added) Feedgrounds are not secure Biosafety Labs where pathogens can be contained within a secure airlocked building. The only way that prototypes of elk feedgrounds, known as private game farms or private hunting ranches, etc., have addressed CWD found in cervids on those facilities is to forcibly keep the cervids on that site, depopulate them, erect exclusionary fencing around the perimeter, and not allow cervids to occupy those lands for years. Establishing Feedground Management Action Plans for feedgrounds as this Draft Plan recommends, implementing "substrate conversions", "removal of manure," and fencing elk away from contaminated areas while constantly testing the soils "until prions can no longer (sic) detected in the soil" *but all the while retaining the feedgrounds throughout western Wyoming that are the actual problem* is merely whistling past the graveyard. A fool's errand. The Department apparently believes they can act as if they're busy doing important things to protect wildlife, and the public won't detect the ruse.

Among many deceptive things proposed in this plan is the admission that once CWD is established in wildlife populations the Department recognizes the "seriousness of this disease and the difficulty of eradication once established in wildlife populations." The Department promises "swift and deliberate actions" "to limit CWD to the full extent possible." (Draft:35). Again, the Department plans to "increase CWD sampling and testing" in part through hunter harvest and the Department will "target and remove elk (and other cervids) that appear to be infected with CWD on the feedgrounds." Unbelievably, the Department will continue the dense concentrations inherent on elk feedgrounds but employ "low density feeding" but only within the "usable feedground area." Since many feedgrounds have only tens of acres of accessible areas during winter, the dense concentrations will inevitably continue as will the amplified transmission of infectious diseases such as brucellosis and CWD compared to free ranging herds. When the prevalence of CWD reaches 7% in the herd unit, the Department "shall evaluate options" the first of which will be "population reductions" to "reduce feedground densities". In other words, more killing of elk regardless of the Department's overriding commitment (aka, the all-important sideboard) to maintain herd objective numbers and despite the longstanding knowledge among wildlife professionals that slight reductions of densities of vulnerable cervids, from say the many hundreds of elk per acre to slightly less, will not alleviate the threat of transmission of infectious diseases. Unbelievably, despite promising "swift and deliberate actions" in the face of alarming prevalence of CWD, the Department explains that they won't "consider and evaluate the need to begin the process of closing the feedground as soon as possible" until CWD prevalence in the herd "reaches or exceeds 10% for three consecutive years(.)" (Ibid.). The Department evidently refuses to see that so many qualifiers to *actually take action* is the antithesis of "swift and deliberate". When asked at the public meeting on this Draft Plan in Jackson, Wyoming, on July 23 what science or prototypes or

recommendations this proposed scenario was based on, the reply was it's a combination of the available science. The additional qualifier that "prevalence thresholds shall remain adaptive" is an admission that *there is no consensus among wildlife professionals* on how or even whether to tweak and maintain cervid feedgrounds when CWD or other infectious diseases are endemic. In fact, as the sources referred to in these comments show, *wildlife professionals outside the Wyoming Game and Fish Department recommend closing winter feedgrounds*, not tweaking or adapting them. As stated elsewhere but bearing repeating, despite the Association of Fish and Wildlife Agencies' counsel that states, "*should eliminate the baiting and feeding of all wild cervids using regulatory mechanisms such as jurisdictional bans.*" (AFWA 2018:33) the Department plans to continue the winter feeding of thousands of wild cervids in perpetuity.

The best thing the US Forest Service and the Bureau of Land Management could do in the face of this Draft Plan death sentence for elk is not to be complicit in any elk feedgrounds on their jurisdictions. Be the leaders they're supposed to be and bring a prompt end to all of Wyoming's elk feedgrounds on those national public lands.

Over the decades the Department has found that a periodic eruption of necrobacillosis is not unexpected on winter elk feedgrounds. When that happens a large number of elk calves are debilitated enough by hoofrot they die or are killed by predators in short order. The Department again pledges to manage this disease "effectively and quickly" by somehow changing the "drainage" of feeding and loafing areas and the Department pledges to "feed on clean, dry ground/snow." And to "(r)educe elk densities where possible and acceptable." This sounds very similar to the BMAPs. One presumes the Department will either be told by politically powerful special interests whether it's "acceptable" to reduce densities of elk on diseased feedgrounds. The Department will however, "target and remove elk that are unable to rise or appear unable to eat on feedgrounds(,)" for "welfare concerns". (Draft:36) Despite the unanimity of wildlife professionals counseling otherwise, the Department continues to treat the symptoms, even then only when it's "acceptable", and not treat the cause. The Department is like an addict who is determined to continue his addiction and tells everyone that switching from one drug or liquor to another will fix things. Inevitably, when that switch doesn't work, he pledges to switch to another intoxicant, or vary the timing of his fix, or other imaginary ineffective change, and on and on. All the while telling himself and everyone around him, "Don't worry, I'm making changes, I've got this." Meanwhile the addict thinks he's fooling everybody and refuses to admit even after the addiction has damaged everything, that no matter what the mix is it's still deadly. The Department is clearly committed to maintaining elk feedgrounds regardless of the cost in terms of harm to wildlife and habitat or in dollars. In perpetuity. In no way is that conserving wildlife or serving people.

The only admission in the Draft Plan that feedgrounds may need to be closed "as soon as possible" is if bovine tuberculosis (TB) is discovered in elk. The Department promises more "swift and deliberate actions". The Department will "remove and test all elk and other cervids in the determined radius" (which may be as large as 10 miles) (Draft:37). In such circumstances where bovine TB is detected and, presumably after killing a lot of elk, deer, and moose, the Department "shall work to close the feedground as soon as possible." (Draft:37). The

Department may even “cease feeding if possible.” (Draft 37). And “Reduce animal density on the feedground by population reduction with a target elk density of 1-2 animals per km²(.)” This will require quite the reduction effort since the density of elk on feedgrounds is obviously many hundreds of elk per square kilometer. Further, “If the feedground cannot be closed the first year bovine tuberculosis is detected, the Department shall work to close the feedground as soon as possible.” (Ibid.) The Department should explain to the public why such a contrast between bovine TB and CWD that would finally prompt them to end an elk feedground “as soon as possible”.

So, despite the Director claiming there’s no need for “quick large-scale policy changes,” this Draft actually recommends “swift” actions *to kill elk* because the main policy of feeding thousands of elk during the winter months which undeniably amplifies diseases will continue. When discussing options to deal with necrobacillosis the Draft actually includes, “Due to welfare concerns, the department will target and remove elk that are unable to rise or appear unable to eat on feedgrounds(.)” (Draft:36). One must read this Draft in its entirety to understand just how appalling and paradoxical it really is. Wouldn’t *genuine* professional concern for the welfare of any animal truly manifest by NOT forcibly placing thousands of them in such horribly unhealthy circumstances to begin with? Yet, if phasing out elk feedgrounds were ever undertaken because, after all, this Plan “may allow for feedground phase-outs in the future(,)” (Draft:47), there are many prerequisites that need to happen before a feedground may be phased out. Among the required “several management strategies” are enhancing or acquiring suitable winter range for elk, high fencing nearby private land, and, **“elimination of brucellosis seropositive elk on a feedground through test and slaughter immediately prior to feedground termination(.)” (Draft:47)**. “In addition,” of course, “approval of the Governor” is also required. (Id.) While the Draft claims it “may *allow* for feedground phase-outs in the future,” the Director of the Department is clear that this indeed is *not a feedground closure plan*. In fact, the Department plans to allow “If the CWD prevalence in the respective herd unit reaches or exceeds 10% for three consecutive years, the Department shall consider and evaluate the need to begin the process of closing the feedground as soon as possible.” (Draft:35) It’s bizarre that the Department would wait for CWD to reach 10% in an elk herd, all the while perpetuating the elk feedgrounds that exacerbate infectious diseases, *wait an additional two years* for CWD to measure 10% amidst the sick and dying elk herd, then “consider and evaluate” while more time passes before they “shall begin the process of closing the feedground as soon as possible.” (Draft:35). It would seem that with all the lengthy qualifiers and waiting periods, the impossible to achieve preconditions and sideboards embedded in this nonsense, that the time to act expeditiously for the benefit of healthy elk had passed. Evidently the only sure pathway for elk feedgrounds to be closed according to this Draft is if bovine TB arrives on a feedground, and then only after many elk are killed because they may be infected and infectious for bovine TB and possibly for brucellosis. This feedground plan is essentially a plan to keep elk sick and then test and slaughter them.

In the inevitable events when elk die by the scores and hundreds from the very diseases perpetuated by the Department on feedgrounds, or from the Department personnel killing them, whether the cause is necrobacillosis, pasteurella, brucellosis, or CWD, the Department

will then, “develop an emergency carcass disposal/removal plan.” (Draft:36). They apparently want to be ready to dispose of many elk carcasses quickly and efficiently.

6. Modifying feedgrounds is no solution:

The Plan should focus on the health of wildlife, primarily but not exclusively elk. At page 43 in the Draft, the Department’s goal is to “actively implement the latest science and technology to improve management of feedgrounds, decrease disease transmission, and improve animal welfare and health.” By definition feedgrounds are *not* healthy for wildlife; feedgrounds are an animal husbandry method to maintain highly manipulated domestic animals bound for slaughter at a predetermined time. Once again, the Department ignores or runs afoul of the very North American Model of Wildlife Management they profess to operate within, and also contrary to the Use of Science In Wildlife Management policy of The Wildlife Society they should adhere to as their colleagues do. Feedlots for domestic animals by definition require intense management of the fed animals, intense application of veterinary medicine (e.g., antibiotics, vaccinations), intense manipulation of artificial feed (e.g., pellets and hay and supplements), and constant scrutiny and culling (i.e., testing and slaughtering) of less fit individuals. Most of these domestic animal husbandry methods have been practiced on Wyoming’s elk feedgrounds for decades and have resulted in sick elk herds getting sicker. The Department’s Strain 19 brucellosis vaccination for elk calves was implemented for 35 years and sold to the Wyoming public as a great cure all for *Brucella abortus* in elk and a way of protecting nearby cattle and the entire elk vaccination program eventually was revealed to be a failure. (Maichak, et al. 2017) Feedgrounds require elk to be in close quarters which facilitates the transmission of infectious diseases and parasites. By definition elk feedgrounds are the antithesis of healthy conditions for elk.

The farcical “moving feedgrounds” option described on page 43 only serves to highlight the lengths the Department will go to appease the politically powerful pro-feedground interests. Shameful. Modifying winter elk feeding dates, expanding feeding areas, buying more tractors, adding more elk feedgrounds, securing hay supplies for the future (an obvious tell that the Department has no intention of ending elk feedgrounds regardless of the cost), are all excuses to spend years and years tweaking a system that all other Rocky Mountain states’ wildlife agencies spurned decades ago. Feedgrounds require extensive winter work from Department personnel that surrounding states do not have to fund or waste as much time at. For example, “Because feedgrounds are not a fail-safe management tool, elk-cattle segregation must periodically be re-established, requiring substantial personnel hours and the use of trucks, snowmobiles, tracked vehicles, helicopters, etc.. In 2021, aerial drones were introduced for brucellosis management activities and have proven to be an effective and efficient tool for re-distributing elk.” (Draft:22). The Department is merely doing the same thing again and again and expecting different outcomes. Neighboring state Idaho doesn’t need to do these things to this extent because they’ve taken steps to fence in cattle where potentially brucellosis exposed elk free range, and the responsibility is shared by the agencies and livestock owner to prevent co-mingling. (Sierra Club, et al. 2017)

The Department obviously intends to repeat the failed Test and Slaughter of elk program (Scurlock, et al, 2010) in various forms. "Removal of symptomatic elk and carcasses is essential to reducing the spread of disease on feedgrounds(),"(Draft:45); "Elk that are exhibiting signs of serious illness or neurologic disease are to be euthanized immediately by Department personnel," (Id.); "An additional employee in each region is required to monitor and remove sick or dead animals from the feedground areas." (Id.) "An additional laboratory scientist may also be required in the Wildlife Health Laboratory to help cover the increased workload(.)" (Id.); "elimination of brucellosis seropositive elk on a feedground through test and slaughter immediately prior to feedground termination(.)" (Draft:47) All these statements and many more in the Draft Plan strongly indicate the elk feedgrounds are little more than disease factories, ever worsening as the years go by, and will serve as open air slaughter facilities for western Wyoming's elk herds. And the Department knows this full well. The only sane solution for healthier elk is to abandon winter feedgrounds altogether, fence in and vaccinate the livestock and allow elk to free range.

7. NGO Coordination:

Under the Non-Governmental Organizations (NGO) section, p.42, the Draft claims the Department will "build working relationships with NGOs and coordinate with them to maximize opportunities to increase elk occupancy on native winter ranges." Yet, in 2005 (and many times since) some of the environmental NGOs presented to the Governor's Brucellosis Team and the US Forest Service and the Department to point out the abundance of native winter range in the Gros Ventre River Valley, where the Department maintained 3 elk feedgrounds, as the most reasonable area to try a pilot project to end feedgrounds and transition to a healthier, less expensive, management program for elk and other wildlife. (GYC, et al. 2005) The feedground at Alkali Creek in the Gros Ventre Valley was recently "terminated" (the term used by the Department in this Draft:10 & 13) after litigation by some NGOs against the Forest Service. As for working with the NGOs, the Department evidently wants to, "Encourage active, mutual participation in wildlife conservation activities between the Department and NGOs, and *discourage litigation as the only recourse for NGOs.*" (Draft:42; emphasis added) While litigation is certainly a right of anyone in America in accordance with the First Amendment to the US Constitution, ("to petition the Government for a redress of grievances") for decades the NGOs involved in this issue have done even more to protect wildlife and assist in transitioning elk from feedgrounds to native ranges. Several environmental NGOs have raised and contributed large sums of money for livestock grazing allotment retirements on hundreds of thousands of acres in western Wyoming near elk feedgrounds. NGOs have influenced agency processes that resulted in the USFS restricting motorized and nonmotorized human winter travel in winter ranges so as not to disturb wintering big game. Environmental NGOs have helped accomplish No Lease or No Surface Occupancy Decisions- and a Congressional Act- preventing industrial development on BLM and US Forest Service lands for millions of acres in Teton, Sublette, and Lincoln Counties. NGOs have supported wildlife crossings of highways. NGOs have assisted in the buyback of thousands of acres of oil and gas leases in Sublette

County. Environmental NGOs successfully advocated for reintroduction of gray wolves to the Greater Yellowstone Ecosystem and beyond. Environmental groups participate in good faith and have long advocated to end elk feedgrounds for the common good.

8. Elk on native winter range with other big game species:

One of the sideboards for this Draft is to: “Limit any increase in interspecies competition with other wildlife species.” (Draft:7 & 32) Elk have obviously shared winter ranges with other big game species for centuries; in “Ecological Dynamics on Yellowstone’s Northern Range,” the National Academies of Sciences, Engineering, and Medicine states, “(Yellowstone) still has all the species present there 150 years ago. (NAS 2002:122) It’s also fair to say that Wyoming, in most all counties, and all surrounding states still have populations of other big game species that share habitats with free ranging elk.

During the development of this Draft Plan, the WGFD has implied several times that ceasing feeding elk at any of the feedgrounds including the Elk Refuge (NER) may have detrimental impacts to other big game; somehow the Department continues to deny the obvious fact that these species all used the same or adjacent habitats in the Rocky Mountain region successfully for thousands of years. Feedground proponents also ignore the facts surrounding the decline of populations of bighorn sheep and moose in the very geographic areas in western Wyoming where there have been elk feedgrounds for 50-90 years; in other words, the existence of more than 20 elk feedgrounds aren’t *preventing* the decline or somehow propping up populations of moose or bighorn sheep. Additionally, surrounding states with bighorn sheep, deer, moose and naturally wintering elk have shown no inclination to increase populations of those other big game species by forcing elk onto winter feedgrounds. As the myriad policy statements from wildlife professional organizations plainly state, it is most definitely *not* an acceptable tenet of modern wildlife management to feed or bait big game. Indeed, making elk more vulnerable to diseases such as Bovine TB, brucellosis, and CWD that can infect other large mammals by keeping thousands of elk densely crowded on elk feedgrounds each winter actually places other species at greater risk over a broad geography in the long term.

The Department appears to contradict itself where in the section in the Draft about CWD, it states, “Prevalence estimates vary among herds, although deer herds generally exhibit significantly higher prevalence than *sympatric* elk herds.” (Draft:26) If in this context “sympatric” means “species that not only have overlapping ranges, but that live in the same local community such that they are close enough to interact.” (sciencedirect.com) the Department is apparently aware that deer and elk can and do share the same ranges. It’s unlikely that any other Rocky Mountain state claims *not* to have elk and mule deer sympatric on seasonal ranges including winter ranges. If it is suspected by the Department or anyone that the BLM or USFS winter ranges in western Wyoming *don’t* have enough residual forage for wildlife after the warm season livestock grazing on those allotments, it is not the fault of either the deer or the elk nor should one wild species or the other suffer as a result. The federal agencies are *required* to leave 50% of grown forage *for wildlife* after the livestock graze for the

season. If the agencies did not manage livestock grazing to allow for additional big game such as elk on public lands ranges, they need to do so. The forage calculations on the Bench Corral BLM winter ranges described in the 2007 WGFD Piney Elk Herd Brucellosis Management Action Plan (BMAP) indicate that there should be enough residual forage after livestock use and factoring in current numbers of big game use, that the amount of forage needed for *additional* wintering elk is sufficient: "Utilization data derived from permanently established transects on upland sites from each allotment and all allotments combined suggest no differences before or after elk were relocated from North Piney to Bench Corral ()." (WGFD PineyEH BMAP2007:89). The most important question remaining is whether the other livestock allotments on federal lands are in comparable condition. That data should be easily available as the 2007 Piney BMAP indicates that it is standard procedure for the BLM to monitor and record such data: *"Annually, the BLM assesses livestock utilization on permanently established monitoring transects throughout many allotments within the BPEHU."* (Id.)

9. Authority on federal lands:

The Draft plan states that elk feedgrounds "can only cease operations upon order of the Governor." According to this Draft, recommendations or an opinion from the Game and Fish Commission and the Wyoming Livestock Board are part of that process. (Draft: 12). The Draft Plan also alleges that a theme "emerged from stakeholders" that "decision authority remain() at the local and state level." (Draft:7) All this seems to ignore the fact that more than half, in fact thirteen, of the state run elk feedgrounds are on *federal* land (Draft:15). Whether or not to permit elk feedgrounds on federal jurisdictions is by authority of those respective Secretaries of Interior and Agriculture through the respective federal agencies. Because the Wyoming government may have chosen to usurp some elements of state wildlife management away from their wildlife management agency, and give it to the Governor and the Livestock Board (of all entities), that does not diminish the lawful authorities of the Forest Service or the Bureau of Land Management on those federal lands. Nor should it disenfranchise the nation-wide constituents of the US Forest Service and the US Bureau of Land Management who have an interest in how wildlife and habitat are managed on their national public lands.

10. Funding mitigation projects to phase out feedgrounds:

In order to phase out elk feedgrounds it is reasonable to consider mitigating potential conflicts with private property and livestock. There are several sources of funding for fencing and other projects to mitigate such conflicts. The Natural Resources Conservation Service, local Conservation Districts, the Wyoming Game and Fish Department, the US Fish and Wildlife Service all have funding for such projects. Additionally, the Wyoming Wildlife and Natural Resource Act of 2005 provides funding expressly, "To mitigate conflicts and reduce potential for disease transmission between wildlife and domestic livestock " (Wyoming Statutes 2010 9-15-103 (d) (viii)). Landowners and livestock owners can share the cost of such mitigations, along with other partners such as the US Forest Service, the BLM, the Wyoming Department of

Agriculture, the Livestock Board, USDA-APHIS, private Foundations, individuals, and conservation groups. An example from a neighboring state is where Idaho passed regulations to effectively achieve and maintain spatial separation between wildlife and vulnerable livestock during winter and spring to prevent transmission of disease. (Idaho Administrative Code IDAPA 02.04.25).

Elk-proof fences can be erected around haystacks and around private livestock feeding pastures in the three western Wyoming counties during the winter and spring livestock feeding periods to achieve spatial separation between elk, bison and livestock. As small an area as possible should be fenced in order to enable unhindered landscape movements of wildlife and minimize costs. Other mitigation options that the Department must consider are changing the types of livestock operations (e.g., from cow/calf to steers) and making temporal changes in livestock operations to mitigate conflicts (e.g., shipping vulnerable livestock elsewhere during wildlife-livestock disease transmission periods). It is common throughout the Rocky Mountain states and provinces to mitigate conflicts using these and other methods rather than treating wild elk as domestic livestock and confining them on winter elk feedgrounds. Conservation agreements with and compensation for private landowners can be achieved among landowners, government agencies, and nongovernmental organizations to facilitate elk transitioning from feedgrounds to free ranging.

Additionally, as Bruce Smith counsels in his excellent book, *Where Elk Roam*, agencies could redirect the millions of dollars spent annually propping up the winter elk feeding program “to partner with landowners in resolving conflicts that have fostered animosity towards Wyoming’s wildlife for years. Such an effort could net thousands more acres of habitat where elk are now unwelcome. Fee title purchase of private parcels may be beyond fiscal reach, but acquiring large-tract conservation easements- from those (landowners) open to the precepts of keeping rangelands undeveloped for wildlife’s sake- could conceivably foster a new conservation direction.” (Smith 2012:225, parentheses added)

Wyoming has more elk than the Game and Fish Commission directs it to manage for, and has for many years. Without including seven herds “with landowner/hunter satisfaction objectives” (WGFD 2021: A-3), the 2020 population estimate for elk was 110,200 and the objective (minus those seven herds) was 79,125. Elk in all the Rocky Mountain states including Wyoming were nearly extinct (with a few exceptions) in the late 19th and early 20th centuries due to the massive overkill by market hunters and white settlers. Due to effective modern conservation laws, elk are no longer rare and Rocky Mountain Elk definitely do not need supplemental feeding to survive and flourish in Rocky Mountain winters as they did for thousands of years. Hunter success for elk in Wyoming has been well into the 40 percentile range for years. In surrounding states, it’s in the 20 percentile range. Wyoming has so many elk that the harvest success chance is double that of neighbor states. Wyoming shouldn’t be stockpiling excess elk to appease special interests. The methods are well known, the tools are at hand, in contrast to 120 years ago elk are now abundant, and there is no reason for delaying ending elk feedgrounds. The implementation of this Draft won’t do much other than give the Department more excuses to kill elk, indirectly and directly, on their winter feedgrounds.

11. WGFD Feedgrounds Communication and Outreach:

This Draft states that “the Department has an obligation to provide timely, accurate, and unbiased information about elk feedgrounds to the public.” (Draft:47). They certainly do. But as stated earlier in these comments, this Draft Plan is very biased and focused on harming- not helping- wildlife. While being “timely, accurate, and unbiased,” the Department also has an obligation to manage *healthy* wildlife. It is not in step with modern professional wildlife management standards to double down on feedgrounds despite the obvious impacts to wildlife. The timeliness issue is best addressed by promptly focusing on separating livestock using high fences and other methods, vaccinating the livestock against brucellosis, and allowing elk to roam freely as they do everywhere else. The Department should be honest with the public and abide by the ethics and other principles of wildlife professional organizations.

Sincerely,

Lloyd Dorsey
Jackson, Wyoming
lloydjdorsey@gmail.com
307-690-1967

12. References:

1. American Society of Mammologists. 2018. Brief of Amici Curiae Scientists In Support of Petitioners. For *Western Watersheds Project, et al., Petitioners, v. Vicki Christiansen, Chief, U.S. Forest Service, et al., Respondents, and State of Wyoming, Intervenor-Respondent*. No. 2:17-cv-202-NDF. Archived at Mammology.org/uploads/committee_files/Alkali Creek Amicus Brief
2. Anderson, Chester. 1958. The Elk of Jackson Hole: A Review of Jackson Hole Elk Studies. Cheyenne, WY.
3. Association of Fish and Wildlife Agencies 2018. (AFWA) Technical Report on Best Management Practices for Prevention, Surveillance, and Management of Chronic Wasting Disease. Edited by Gillin, Collin M., et al. Washington, D.C.
4. Galloway, N.L., et al. 2017. Model Forecasting of the Impacts of Chronic Wasting Disease on the Jackson Elk Herd. National Elk Refuge, Jackson, WY.
5. Greater Yellowstone Coalition (GYC), et al. 2005. Phase Out Elk Feedgrounds in the Gros Ventre Valley. A Powerpoint presentation to the Wyoming Governor’s Brucellosis Coordination Team, April 2005.

6. Idaho Department of Fish and Game 2016. Statewide Report Fall 2016 Season. Elk July 1, 2016 to June 30, 2017. Boise, ID.
7. Maichak, Eric. Scurlock, B., Cross, P., Rogerson, J., Edwards, W., Wise, B., Smith, S., Kreeger, T.. 2017. Assessment of a strain 19 brucellosis vaccination program in elk. USGS Publications Warehouse. [usgs.gov/publications](https://pubs.usgs.gov/publications).
8. Maloney, Matthew, J.A. Merkle, D. Aadland, D. Peck, R.D. Horan, K.L. Monteith, T. Winslow, J. Logan, D. Finnoff, C. Sims, and B. Schumaker. 2020. Chronic wasting disease undermines efforts to control the spread of brucellosis in the Greater Yellowstone Ecosystem. *Ecological Applications* 30(6), 2020, e2129.
9. Mangus, Dax L. 2011. Reducing Reliance on Supplemental Winter Feeding in Elk (*Cervus canadensis*): An Applied Management Experiment at Deseret Land and Livestock Ranch, Utah. A Master of Science graduate thesis. Utah State University. Logan, UT.
10. Organ, J.F., et al. Technical Review of the North American Model of Wildlife Management. 2012. The Wildlife Society and The Boone and Crockett Club. The Wildlife Society, Bethesda, MD.
11. ScienceDirect. 2023. [Sciencedirect.com/topics/agricultural-and-biological-sciences/sympatry](https://www.sciencedirect.com/topics/agricultural-and-biological-sciences/sympatry). Viewed August 23, 2023.
12. Scurlock, B.M., et al. 2010. Using Test And Slaughter to Reduce Prevalence of Brucellosis in Elk Attending Feedgrounds in the Pinedale Elk Herd Unit of Wyoming; Results of a %-Year Pilot Project. Pinedale, WY.
13. Sierra Club, et al. 2017. Policy Statement on Managing brucellosis in the Greater Yellowstone Ecosystem & Response to NAS Report “Revisiting Brucellosis in the GYA”.
14. Smith, B.L. 2001. Winter Feeding of Elk in Western North America. Invited paper, *Journal of Wildlife Management* 65(2):173-190.
15. Smith, B.L. 2012. *Where Elk Roam: Conservation and biopolitics of our national elk herd*. Guilford, CT. Lyons Press.
16. Thuermer, A. 2014. Widely used elk vaccine called ineffective. In October 14, 2014. Online *WyoFile*.
17. US Geological Survey August 2023. USGS Map of Distribution of Chronic Wasting Disease in North America. At [www.USGS.gov](https://www.usgs.gov) . Madison, WI.
18. Western Association of Fish and Wildlife Agencies. WAFWA. <https://wafwa.org>.

19. Western Watersheds Project vs. Christiansen. 2018. No. 17-cv-202-NDF (D. Wyo. Sept. 14, 2018). Judge N. Freudenthal.
20. Wildlife Management Institute. Feeding Wildlife- Just Say No!!. Pamphlet. By Scott Williamson. Washington, D.C.
21. Wise, Ben. 2021. Western State Management of Wintering Elk. Document prepared for “Elk Feedgrounds: A Challenge We Can Take On” public collaborative process by Ben Wise, Jackson Region Wildlife Disease Biologist. Wyoming Game and Fish Department. December 2021. Jackson, WY.
22. Wyoming Game and Fish Department. 2000. “Feeding wildlife: A recipe for disaster”, in *Wyoming Wildlife News* March-April 2000, pp10 & 15. Cheyenne, WY.
23. Wyoming Department of Agriculture. 2022. Website: web.archive.org/web/20190303061222/https://wyomingbrucellosis.com/previous_min.asp. Archive of the minutes of the Wyoming Governor’s Brucellosis Coordination Team. Cheyenne, WY. Viewed February 8, 2022.
24. Wyoming Game and Fish Department. 2006. Evaluation of a Proposal from the Wyoming Outdoor Council, Greater Yellowstone Coalition and Jackson Hole Conservation Alliance for a Phase Out of Elk Feeding in the Gros Ventre. April 28, 2006. In response to a proposal to phase out feedgrounds in the Gros Ventre Valley presented to the Wyoming Governor’s Brucellosis Coordination Team April 2005. (available at: wgfd.wyo.gov/Hunting/Job-Completion-Reports)
25. Wyoming Game and Fish Department, unknown year. Habitat Extension Bulletin No.27, “Rocky Mountain Elk” from the Habitat Extension Services, Wyoming Game and Fish Department, by Evin Oneale. Ten unnumbered pages. Cheyenne, WY.
26. Wyoming Game and Fish Department, 2007. Piney Elk Herd Brucellosis Management Action Plan.
27. Wyoming Game and Fish Department, 2014. News Release: Game and Fish Documents Elk Calf Mortalities. 4/28/2014. By Mark Gocke. Jackson, WY.
28. Wyoming Game and Fish Department, 2015. Jackson Elk Job Completion Report.
29. Wyoming Game and Fish Department, 2016. Piney Elk Herd Brucellosis Management Action Plan.
30. Wyoming Game and Fish Department, 2020. Jackson Elk Herd Job Completion Report.

31. Wyoming Game and Fish Department, 2020. Piney Elk Herd Job Completion Report.
32. Wyoming Wildlife Advocates and Sierra Club Wyoming Chapter. 2018. Chronic Wasting Disease in Wyoming Endemic Deer Hunt Areas- March 2018. Map. Jackson, WY.