



**GREATERYELLOWSTONE.ORG**  
LOCATIONS IN MONTANA, IDAHO & WYOMING

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August 31, 2023

Frank Durbian, Project Manager  
National Elk Refuge  
P.O. Box 510  
675 East Broadway  
Jackson, WY 83001  
*(Delivered Electronically)*

RE: Docket: FWS-R6-NWRS-2023-0062  
Scoping – 2023 Bison & Elk Management Plan Revision

Dear Mr. Durbian:

The Greater Yellowstone Coalition (GYC) is a regional conservation organization based in Bozeman, Montana. Its five field offices, strategically placed in Idaho, Wyoming, and on the Wind River Indian Reservation, create opportunities to work with all people to protect the lands, waters, and wildlife of the Greater Yellowstone Ecosystem now, and for future generations. For more than 40 years, GYC and our 100,000 supporters from across the country have advocated for a science-driven, collaboration-focused, and forward-thinking approach to keeping lands wild, rivers free-flowing, and iconic wildlife moving throughout a connected and vibrant landscape. Many of our supporters enjoy visiting the National Elk Refuge.

Bison and elk are iconic species of the Greater Yellowstone Ecosystem (GYE). Their ecological and social roles are only as robust as the habitat and landscapes that sustain them. GYC supports sound science-based management of these species and the public and private lands they utilize. GYC offers our comments understanding the complexities posed by the varied jurisdictions of state and federal agencies. The far and free ranging nature of bison and elk across those jurisdictions makes management challenging. The NER provides crucial habitat for a wide array of species on its relatively small acreage (~24,700 acres) with respect to the immense scale of the GYE (~22,000,000 acres). GYC encourages the NER to consider the Plan's impacts and connections with other cooperating management agencies and actions in the southern portion of the GYE.

Please accept the following comments on behalf of GYC. For ease, GYC is only providing comments on topics that need new, updated, and/or deeper consideration in five categories:

1. **Habitat conservation**
2. **Sustainable populations**
3. **Numbers of elk and bison**
4. **Disease management**
5. **Tribal Interests**

1. **Habitat Conservation:** The relative availability and abundance of high-quality winter habitat is often the best predictor of big game population stability and resiliency. The establishment of the National Elk Refuge and its associated feeding of big game was a direct result of human population expansion and habitat conversion. Today, continued habitat conversion and the impacts of residents and visitors add additional stressors to the elk and bison populations. GYC encourages the analysis of actions that restore and/or enhance native habitat for the benefit of all native species on NER managed lands and the coordination of management on adjacent public and private lands that may support wintering elk and bison.

- **Irrigation Improvements on Historic Agriculture Meadows:** The 2007 Plan identified approximately 4500 acres of historically irrigated and cultivated grasslands on the NER. Since 2008, the NER has made significant investment in systemic irrigation improvements. These improvements have increased the production of forage for both bison and elk. According to the Step-Down Plan, 1,235 acres have been restored to native forage for the benefit of elk and bison. The NER should consider whether it has or can secure adequate financial resources to complete further habitat restoration and irrigation infrastructure improvements. The NER should address whether additional habitat improvements adequately provide for furthering the supplemental feed step-down plan for both bison and elk.

Consider how habitat improvements and alterations on the following land management agencies and private ownerships may influence management actions on the NER.

- **Bridger-Teton National Forest (BTNF):** GYC requests that NER confer and collaborate with the BTNF to analyze the availability of and opportunity to enhance elk and bison winter range on BTNF lands. GYC encourages coordination with the BTNF to support habitat treatments and alternations on NER and BTNF managed

lands that ultimately restore and/or enhance winter range for both bison and elk. The BTNF is currently reviewing and revising its 1990 Forest Plan. Through the Forest Plan revision process the NER should actively engage with the BTNF to enhance elk and bison winter range directly adjacent and further afield from the NER.

- **Grand Teton National Park (GRTE):** GYC requests that NER consider the impact of the Kelly Hayfields restoration projects in GRTE on the total availability of winter range for bison and elk. GYC requests that NER and GRTE pursue habitat restoration opportunities along the NER/GRTE boundary to expand suitable winter range for bison and elk.
  - **Private Lands:** Private lands in Teton County, Wyoming provide both opportunities and challenges for wintering elk and bison. Since the 2007 Plan, there has been a documented shift in the habitat use of a significant portion of the Jackson Hole elk herd segment to the private lands south of GRTE, primarily in the Snake & Gros Ventre River corridors. This private land herd segment presents opportunities for the NER to pursue management actions that build tolerance for elk moving between private lands and the NER. The 2007 Plan and the 2019 Step-Down Plan call for identifying and pursuing opportunities for actions including, but not limited to, habitat leasing, conservation easements, landowner/livestock producer compensation, simple fee-purchase agreements, closure of nearby grazing allotments, and other activities. GYC encourages the NER to work with other agencies, NGO partners, and landowners to thoughtfully identify and explore funding opportunities (public and private) to expand tolerance for bison and elk on adjacent historic winter range in this Plan.
2. **Sustainable Populations:** The diversity of land management jurisdictions (NER, BTNF, GRTE, State of Wyoming, Bureau of Land Management, and private land interests) complicates the consistency of elk and bison management in Jackson Hole. Wyoming's elk and bison populations fall under the jurisdiction of the Wyoming Game and Fish Department (WYGF). Each agency or entity has its own mission and vision for their respective geography, more often those missions don't align perfectly with each other. This complexity directly impacts the effectiveness of each agency's management actions.

GYC encourages the NER to develop a plan that is based on current best-available science. We understand that all plans adopted by land and wildlife agencies be fluid and adaptable. The science that guided the policy directives of the 2007 Plan may be outdated in today's

context of biological and social conditions, particularly as we better understand the impacts of climate change.

As of this Scoping timeframe, there are numerous public management processes unfolding that have direct and/or in-direct implications on how the NER will manage bison and elk while they reside on the NER. These public processes include the BTNF's – 1990 Forest Plan Revision, the WYGF's Elk Feedground Management Plan(s), WYGF's annual hunting season setting and rulemaking, Teton County's update of Land Development Regulations, and GRTE's Visitor Use Plans. Each of these management plans may have implications for determining what are sustainable elk and bison populations in the future. The NER should consider how the pending management plans will influence and/or alter the NER's Plan and associated management directions.

### **3. Numbers of Elk and Bison:**

**Elk:** The updated Plan should continue to build upon the best available science to support a healthy and huntable population of the Jackson Hole elk herd. Management actions on the NER have biological, social, and economic implications that reach far beyond the Refuge's boundaries.

- The NER should consider management actions and alternatives that address the WYGF current Jackson Hole elk herd objective of 11,000 animals.
- The NER should evaluate how the segments (GRTE/Yellowstone, Gros Ventre, Snake River/private lands) of the Jackson Hole elk herd population have changed over time and space. The NER should address how the distribution of the Jackson Hole elk herd has changed and where and when elk arrive or depart the refuge. WYGF and other stakeholders need to be collaborators on Plan alternatives that address different segments of the elk herd.
- The NER should provide clear unbiased guidance on the carrying capacity of the refuge for naturally wintering elk and bison populations. The Plan alternatives should carry specific thresholds for when and how much feed is needed to meet herd objectives in that timeframe (next hunting season).

**Bison:** The updated Plan needs to consider a range of alternatives that allow for an increased Jackson Hole bison population to support the herds genetic diversity and to provide sporting opportunities, general viewing for the public, cultural connection opportunities for Tribes.

- The new plan alternatives should support bison as valued native wildlife and a highly desired revenue-generating game species. More free-ranging bison on the landscape has the potential to be a significant asset to the people and economy of Wyoming. Any Plan alternative that explores a reduction in elk population should analyze a correlated increase in bison population without a reliance on supplemental feed.
  - The current bison herd objective of 500 animals is far lower than the recommended minimum of 3,250 bison to maintain long-term genetic viability and health.
  - Bison are valued by many Tribes. The NER should consider the value of an increased bison population and distribution on Tribes including the impact of tribal hunting opportunities, the culture and nutrition of Tribes, and the ecological role bison play on the larger GYE landscape.
4. **Disease Management:** Disease management needs to be the highest priority driver for selection of any preferred alternative of the upcoming Bison & Elk Management Plan. The 2007 Plan and 2019 Step-Down Plan address many of the concerns related to Brucellosis. However, both plans fail to address the immediate and looming concern of Chronic Wasting Disease (CWD) spreading throughout the Jackson Hole elk herd. The 2018 CWD positive road-killed mule deer and the 2020 CWD positive hunter harvest elk in Grand Teton National Park are scientific proof that this CWD is present and likely spreading throughout the regions cervid populations. Management actions are needed immediately to address all avenues for reducing the spread of CWD through feeding.
- **Brucellosis:** GYC is willing and ready to work cooperatively with landowners and livestock producers to provide support towards implementing actions that reduce the chances of brucellosis transmission such as strategic fencing, elk occupancy agreements, shifts in class, or other innovative solutions. The NER should develop alternatives that consider the incorporation of innovative tools and actions that may minimize the risk of brucellosis transmission to cattle. Additionally, in coordination with the State of Wyoming (since they feed too) the NER should consider alternatives that may help offset the financial impacts to livestock producers if brucellosis transmission does occur (e.g., through the development and implementation of a brucellosis compensation fund). Management alternatives that reduce supplemental feeding should direct financial resources toward the support of innovative policies and practices.
  - **Chronic Wasting Disease (CWD):** Chronic Wasting Disease transmission and prevalence is density dependent. Chronic Wasting Disease is fatal disease. As of

2020, we can no longer challenge the existence of CWD in the Jackson Hole elk herd with the CWD positive elk harvested in GRTE. The upcoming Bison & Elk Management Plan must provide a range of alternatives that actively suppress the spread of CWD. Actions must be swift and deliberate.

5. **Tribal Interests:** GYC does not speak for any Tribe. GYC works with Tribal partners to elevate Indigenous voices and protect the cultural, spiritual, and ecological integrity of Greater Yellowstone.
  - GYC supports the spirit and intent of Joint Secretarial Order 3403 – Fulfilling the Trust Responsibility to Indian Tribes in the Stewardship of Federal Lands and Waters. GYC expects that NER will actively pursue the intent of Joint Secretarial Order 3403 with direct, deliberate, and meaningful consultation with the Tribes who have ancestral connections and affiliations to the Greater Yellowstone region, not just the NER since its inception in 1912. The NER should initiate a process to develop a cooperative plan with interested Tribes with the goal of fulfilling Joint Secretarial Order No. 3403. This should include the exploration and consideration of creative new ways to expand hunting opportunities for treaty Tribes, as well as the development of agreed upon goals, expectations, steps, and timelines for Tribal consultation and supporting treaty rights and tribal access to bison and other wildlife.
  - Additionally, GYC supports the implementation of Secretarial Order No. 3410 – Restoration of American Bison and the Prairie Grasslands which provides direction, guidance and opportunities to fully restore healthy bison populations and the ability to engage with Tribes on management and cultural connections. Plan alternatives need to fully embrace Secretarial Order No. 3410.
  - The NER should analyze and provide management guidance to fulfill the Tribe’s reserved treaty rights with the federal government to hunt on unoccupied lands of the United States so long as game is found thereon. The word “unoccupied” denotes an area free of residence or settlement by non-Indians. These rights have been affirmed through the *Herrera v. Wyoming*, 139 S. Ct. 1686 (2019) decision.

The development of the National Elk Refuge’s Bison & Elk Management Plan will have major implications on the Jackson Hole elk and bison populations, which results in impacts to the rate of CWD spread throughout the region, far reaching economic implications, social and cultural implications for Tribes and non-Tribal communities, and management implications on adjacent and cooperating agencies. Flexibility and fluidity need to be part of the future Bison & Elk Management

Plans with management directives moving toward the goal of naturally wintering wildlife populations. Adaptive management is essential, but establishing clear guidelines and thresholds for action are imperative for the health of our herds and to build public support for the Plan.

The Greater Yellowstone Coalition looks forward to discussing and developing a range of alternatives that support healthy and free-ranging wildlife populations in perpetuity.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Jared Baecker', with a stylized, cursive script.

Jared Baecker  
Wyoming Conservation Coordinator  
Greater Yellowstone Coalition  
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Jackson, WY 83001