



August 31, 2023

Via [www.regulations.gov](http://www.regulations.gov)

Attn: FWS-R6-NWRS-2023-0062  
U.S. Fish and Wildlife Service  
MS: PRB/3W  
5275 Leesburg Pike,  
Falls Church, VA 22041–3803

**Re: Safari Club International Comments on the Intent to Prepare an Updated  
Bison and Elk Management Plan for the National Elk Refuge and  
Environmental Impact Statement, 88 Fed. Reg. 50168 (Aug. 1, 2023).**

Dear Regional Director Hogan,

Safari Club International (SCI) appreciates the opportunity to provide comments during the scoping phase for the updated Bison and Elk Management Plan (BEMP) for the National Elk Refuge (Refuge) and the associated Environmental Impact Statement (EIS). Ultimately, SCI recommends that the U.S. Fish and Wildlife Service (Service) adopt an updated BEMP under which the Service will manage for robust Jackson elk and bison herds and which is aligned as closely as possible with the State of Wyoming's management objectives and methods.

### **Safari Club International**

Safari Club International, a nonprofit IRC § 501(c)(4) corporation, has approximately 70,000 members and advocates worldwide, many of whom hunt on lands throughout the National Wildlife Refuge System, including the Refuge. SCI's missions include the conservation of wildlife, protection of the hunter, and education of the public concerning hunting and its use as a conservation tool. SCI has long been an active supporter of hunting opportunities on National Wildlife Refuges. For example, SCI intervened to defend the Service's actions, along with Wyoming Outfitters and Guides Association and Jackson Hole Outfitters and Guides Association, in a lawsuit challenging the 2019 Step-Down Plan for bison and elk management on the Refuge. As documented in that case, SCI members hunt and view elk that winter on the Refuge, outfit and guide hunts that rely on a robust Jackson elk herd, and own property near the Refuge that may be impacted by elk and bison that travel off the Refuge. SCI has also previously submitted comments related to the Refuge and supplemental winter feeding of elk in Wyoming.

## **Updated BEMP and EIS Scoping**

SCI agrees that the Service should address the issues noted in the Federal Register notice: supplemental winter feeding, hunting, disease management, and habitat conservation, among others. For all issues addressed, the Service must work towards a goal of maintaining robust bison and elk winter populations on the Refuge and surrounding areas in coordination with the State and local stakeholders.

### *Impacts on the Human Environment*

When considering EIS alternatives and management objectives for a National Wildlife Refuge, the Service's decision-making must be driven by the purposes for which the refuge was established. 16 U.S.C. § 668dd(a)(3)(A). The Refuge was established in response to severe elk starvation in the Jackson Hole Valley, and Congress explicitly directed the Service to feed and protect the Jackson elk herd. 2019 Step-Down Plan EA, p. 2. In accordance with this purpose and because of starvation concerns, supplemental winter feeding has occurred on the Refuge nearly every year since 1912. Due to the 100-plus years of winter feeding, the elk rely on the Service to continue feeding in the Refuge. The Service cannot abandon or reduce the feeding program to the detriment of the elk, both as a matter of law, local economics, and humane treatment of these animals.<sup>1</sup> Regardless of stated population objectives, disease concerns, planned phase-out of winter feeding, etc., the public, especially in the Jackson area, will not accept management actions that result in elk or bison dying off.

### *Preservation of Hunting Opportunity*

The National Wildlife Refuge System Improvement Act of 1997 (Improvement Act) directs the Service to administer National Wildlife Refuges to facilitate wildlife dependent recreational uses, including hunting and wildlife viewing, and to align Service regulations with State hunting regulations where practicable. 16 U.S.C. § 668dd. Hunting and wildlife viewing are traditional activities on the Refuge and in the surrounding Jackson area. It is the Service's legal obligation (as well as its moral obligation to prevent animal starvation) to preserve these hunting and viewing opportunities on the Refuge, particularly as they are compatible with State law and management goals.

In addition, the Service must give considerable weight to the socioeconomic impact that any changes in elk and bison management will have, especially to individuals and local businesses who rely on robust herds of elk and bison for their livelihoods. In particular, SCI and its members do not support a reduced management objective for the number of elk that winter

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<sup>1</sup> The EIS should analyze potential legal obligations the Service's owes to local landowners and the State of Wyoming because of the dependency created by a 100-plus years of feeding elk and how Service actions that lead to significant reductions in elk populations would violate those obligations and create potential legal liability.

within the Refuge. And the Service should reject any management options that would reduce hunting and wildlife viewing opportunities within the Refuge or on surrounding and nearby lands.

### *Disease Management*

Although SCI recognizes the importance of efforts to control transmission of disease, SCI opposes disease management efforts that would unnecessarily reduce the elk or bison herds in the Jackson area, including those that winter on the Refuge. SCI acknowledges that Chronic Wasting Disease (CWD) is a concern for wildlife managers. CWD has emerged as a disease that requires significant management around the country. But it has emerged as just that—a disease that can and must be managed as ungulate populations have become CWD positive. The State of Wyoming already does this, in the Laramie Peak herd in Southeastern Wyoming. The updated BEMP should use the State of Wyoming’s management as a guide for the management of CWD on the Refuge. The current BEMP and 2019 Step-Down Plan looked to the management of CWD-positive elk in Colorado, but that is not an appropriate frame of comparison for the Refuge. Further, SCI requests that the BEMP and EIS scoping focus on managing elk on the Refuge with the realistic understanding that CWD is present, but it can be managed within populations, without employing drastic measures that could result in the starvation of thousands of elk and hundreds of bison.

### *Alignment with the State*

The Improvement Act recognizes that the State has the legal authority, jurisdiction, and responsibility to manage, control, and regulate resident wildlife on National Wildlife Refuges. For this reason, the Act directs the Service to align its regulations to be consistent with State wildlife laws, regulations, and management plans, to the extent practicable. 16 U.S.C. § 668dd(m). Under the Improvement Act, the Service must adopt a BEMP that aligns as closely as possible with the State of Wyoming’s management objectives, regulations, and plans. More than simply agreeing to the same herd population objectives, the Service should ensure its actions are consistent with the State regarding disease management, winter feeding programs, hunting regulations, and other relevant management issues. Notably, the State is currently in the process of developing and adopting a “Wyoming Elk Feedgrounds Management Plan.”<sup>2</sup> The Service should coordinate with the State and ensure that the updated BEMP and State Feedgrounds Plan work together and do not cross purposes.

The updated BEMP must maintain the existing commitment to manage elk on the Refuge to meet the State’s population objectives for the Jackson elk herd. Existing herd management calls for 5,000 elk to winter on the Refuge, with the expectation that 2,500 elk will winter on native range and 3,500 elk in the Gros Ventre. However, since the reintroduction of wolves into Yellowstone National Park under the Service’s recovery plan for gray wolves and the subsequent growth in Wyoming’s wolf population, few elk winter on native range. The elk understand that

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<sup>2</sup> <https://wgfd.wyo.gov/Get-Involved/elk-feedgrounds>.

there is safety in numbers and have abandoned native range, choosing feedgrounds instead. This holds true for the Pinedale and Big Piney areas as well. The Gros Ventre hosts only approximately 1,900 elk during the winter. As a result, the Refuge has seen an increase in elk numbers caused by wolf abundance and distribution, not elk population increases. The Service should consider the issue of elk abundance in certain areas, caused by wolf predation, and ensure that overall herd objectives for the Refuge are adaptive to compensate accordingly.

Thank you again for the opportunity to comment on this important planning process. If you have any questions or need anything further, please contact Jeremy Clare, SCI Litigation Counsel, at [jclare@safariclub.org](mailto:jclare@safariclub.org).

Sincerely,

A handwritten signature in black ink, appearing to read "John McLaurin". The signature is fluid and cursive, with a large initial "J" and "M".

John McLaurin  
President, Safari Club International