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January 12, 2024

**VIA U.S. MAIL**

Chad E. Hudson, Forest Supervisor  
Bridger-Teton National Forest  
United States Forest Service  
Post Office Box 1888  
Jackson, Wyoming 83001

RE: Dell Creek and Forest Park Elk Feedgrounds: Long-Term Special  
Use Permits; Draft Environmental Impact Statement.

Dear Mr. Hudson,

The Wyoming Outfitters & Guides Association (“WYOGA”) and Safari Club International (“SCI”) provide the following comments on the Draft Environmental Impact Statement (“EIS”) in support of the proposed action of issuing a Long-Term Special Use Permit to enable the Wyoming Game and Fish Commission to continue elk feeding operations on the Dell Creek and Forest Park Feedgrounds. WYOGA is a Wyoming based association that represents avid outdoorsmen who hold the state’s land and wildlife in the highest esteem. WYOGA members promote and practice responsible wildland ethics and exercise good stewardship of our natural resources. SCI is a nonprofit organization with approximately 45,000 members worldwide. Its missions are the conservation of wildlife, protection of the hunter, and education of the public concerning hunting and its use as a conservation tool. The ability of elk to thrive in Wyoming is of utmost importance to WYOGA and SCI members, so they realize the concerns regarding essential feedgrounds such as Dell Creek and Forest Park as well as the problems associated with discontinuing their use.

The federal government first provided winter feed to elk in northwest Wyoming in 1912. Ten years later, Wyoming legislation made the State liable for damage to hay crops caused by elk, which resulted in a State-run winter-feeding program to prevent this damage. Today, almost 20,000 elk are fed on the National Elk Refuge and State-operated feedgrounds. Dell Creek and Forest Park are two of these important feedgrounds, hosting about 900 elk each

winter. Dell Creek has been in operation since 1975 and Forest Park since 1979. Elk feedgrounds maintained by the Wyoming Game and Fish Commission (“WGFC”) have provided much needed winter feed for Wyoming’s elk population. Without this feed source, elk in the area would be forced to migrate further from their summer range and onto private lands – overburdening feed sources on local ranches, raising the risk of disease transmission between livestock and wildlife, and increasing the danger to both elk and humans on public roadways. These harmful interactions would all result in a decline in the local elk population. Continuing the Dell Creek and Forest Park Feedgrounds prevent these negative outcomes and support the proliferation of Wyoming’s elk population.

The Draft Environmental Impact Statement analyzed four alternatives: (1) the Proposed Action which continues current feeding operations; (2) a No Special Use Authorization alternative; (3) a Phase-Out alternative; and (4) an Emergency Feeding Only alternative.

WYOGA and SCI support the Proposed Action, which will continue current feeding operations on the Dell Creek and Forest Park Feedgrounds. Modeling results disclosed in the Draft EIS predict that elk population numbers will decline and chronic wasting disease prevalence will increase during the next twenty years under all alternatives. Because relatively small proportions of the respective elk herds are fed at Dell Creek (12%) and Forest Park (20%), relatively small differences among alternatives are predicted. The average differences in chronic wasting disease prevalence and population size were smaller than the projected standard deviations, meaning that any purported increase in chronic wasting disease prevalence from continued feeding is statistically insignificant when compared to the no-feeding alternative. The number of chronic wasting disease deaths over time show relatively small differences under the Proposed Action and each of the alternatives for the Afton and Upper Green River herd units. Because only an estimated 20 and 12 percent of the elk herds in the Afton and Upper Green River herd units, respectively, are fed at the Forest Park and Dell Creek feedgrounds, the alternatives did not drive large differences in chronic wasting disease prevalence rates, deaths from chronic wasting disease, or deaths over time across entire herd units.

However, the Proposed Action alternative had better predicted outcomes than the no-feeding alternative on brucellosis-related costs, private hay sale revenue, and elk-depredation payment costs. The predicted number of elk abortions on private land, as a proxy for brucellosis risk to cattle, may increase by as much as twenty-one percent (21%) in the absence of feeding at Dell Creek

and Forest Park. If feedground closures result in more use of private land, then this may affect hunting regulations and elk population size in ways that are hard to predict.

In summary, the Proposed Action represents a balanced approach between elk population numbers, chronic wasting disease prevalence, brucellosis-related costs, and impacts to private landowners. The USGS report concludes that “winter-associated declines in elk populations would be most severe on these two feedgrounds under a no feeding alternative.” See Jonathan D. Cook, *Evaluating Management Alternatives for Wyoming Elk Feedgrounds in Consideration of Chronic Wasting Disease* 42 (Nov. 2023). Consequently, continued feeding is the most desirable approach because it will achieve all objectives: increased elk population numbers and less brucellosis-related costs and impacts to private landowners.

Alternative 2, on the other hand, proposes an immediate end to the Dell Creek and Forest Park feedgrounds. But such an alternative will not change the fact that elk have been migrating to these places for almost fifty years. These feedgrounds have become a central point in elk migration routes and they will continue to go to the feedgrounds whether anyone intends to feed them or not. Many elk may starve to death or become malnourished to the point that severe pregnancy loss occurs before they are able to find another reliable feed source. The 950 head of elk that rely on these feedgrounds will be forced to compete for limited vegetation with other wildlife, such as deer, moose, and bighorn sheep. They will also move in on the most reliable feed source in the area, which is not grass and vegetation on public lands, but the haystacks and feedlines on private ranches.

Instead of cutting the elk off all at once, Alternative 3 proposes a gradual reduction of feed provided at feedgrounds. However, it still presents the same problems. The elk will still migrate to these feedgrounds expecting to find the feed they have historically relied on, only to discover that their supply has been reduced. The elk will again be forced to find other feed sources which means competing with other wildlife for scarce resources or depleting the stores that private ranchers maintain for their livestock.

Alternative 4 presents similar concerns as well as its own unique problems. Not only would the elk be abruptly cut off from the feed source they have relied on for fifty years and left to starve until they find a new source of feed, but this alternative also suggests providing feed at random times that are deemed “emergencies.” Elk will continue to migrate to the feedgrounds as they have for decades but will spread out to new areas once they discover there is

no longer feed available. Even if the elk are starving due to an “emergency” situation or creating “emergencies” by wreaking havoc on local ranches, they will not know that feed has suddenly become available on an old feedground. No announcement can be made to tell the elk to come back to the feedground, so any feed offered on the feedgrounds will be “too little, too late.” Furthermore, once the elk discover they can get feed on the private ranches, they will have little incentive to go anywhere else. This alternative will also have unique challenges in terms of determining how much feed to stockpile on any given year and employing people to feed elk on a moment’s notice.

All of the alternatives to the Proposed Action seek to eliminate the use of feedgrounds on federal land under the idea that they will lower the risk of chronic wasting disease (“CWD”) to Wyoming’s elk population. While WYOGA and SCI are concerned about the risks associated with CWD, they also recognize that there are many other problems that can result if the WGFC is forced to discontinue the use of feedgrounds. Thus, WYOGA and SCI encourage the USFS to carefully weigh all risks and impacts that would be caused by any of the listed alternatives, not just concerns over CWD.

Due to the long-term use of the Dell Creek and Forest Park Feedgrounds, migration patterns have evolved to lead elk to these reliable feed sources. Whether the feedgrounds are eliminated gradually or all at once, there will be major changes to the elk migration patterns. The elk will initially return to their historic feedgrounds but will then be forced to go elsewhere to find a feed source. Some elk may reach other feedgrounds in their search for feed, which increases the burden placed on these sites and ultimately results in the alternatives failing to address the risks they were intending to reduce. Others will continue to lower elevations where ranchers winter their cattle. Regardless of where the elk end up, they will impact the land they traverse and create a higher burden on the new area in which they choose to forage during the winter. Changes in migration patterns will also result in more vehicle collisions with elk as the elk will likely cross more roads in search of new feed sources.

Furthermore, when population densities increase or resources become limited, big game species may be forced into competing for the same resources or selecting secondary habitat with lower-quality resources. Deer, moose, and bighorn sheep inhabit the same areas as the elk and if they are forced to directly compete with the elk, these other species could suffer greatly. The sheer size and number of elk would provide an advantage for them over other species and could cause a population decline for deer, moose, and bighorn sheep. The increase in movement by the elk will also cause them to have more contacts with other wildlife species or the areas in which these species spend a

great deal of time. This means a heightened risk of contracting diseases from other wildlife such as CWD.

If the elk are forced to search for new sources of winter feed, they will likely discover the feed stores on local ranches. This means severe damage to haystacks and fences, as well as close contact between elk and domestic livestock as the elk pilfer the hay unrolled for cattle and sheep. As a result, the State of Wyoming will be responsible, under Wyoming Statute § 23-1-901, for reimbursing landowners for the damage caused by the elk. These reimbursements can be quite time consuming for state officials and costly for Wyoming. It can also be very difficult to adequately reimburse a ranch for its loss. Wyoming wildlife managers determined long ago that it was more efficient and less expensive for the State to feed elk on feedgrounds than to constantly try to keep the elk out of private winter feed stores.

An additional concern of elk wintering on private ranches is the increased risk of disease transmission between livestock and wildlife. Brucellosis is especially concerning; it is a bacterial infection that causes animals to abort a growing fetus late in pregnancy. Brucellosis impacts cattle, bison, and elk and can be transmitted between species. Today, the disease has been all but eradicated in the United States, but animals in the Greater Yellowstone Area (“GYA”) are still known to be carrying the disease. Cattle in the GYA are frequently tested and any carriers of the disease are destroyed. However, close contact with wildlife populations continues to reintroduce brucellosis into livestock herds. Brucellosis is primarily transmitted through contact with an aborted fetus, generally in early spring. This means that spring is the most important time to keep cattle and elk separate. Brucellosis has a much smaller impact on elk than it does cattle. An elk population can continue to thrive with a small infection level, but if cattle become infected the herd will suffer greatly. Because of this, keeping elk on a feedground does not cause serious problems for the elk population even if it increases brucellosis levels within the herd. However, if the elk winter with a cowherd, the entire herd could be decimated if they contract brucellosis from the elk. Other diseases that commonly infect cattle could also be transmitted to elk through close contact, causing a drastic decline in an elk population.

Based on the foregoing concerns, WYOGA and SCI respectfully request that the USFS adopt the Proposed Action alternative. As set forth above, the Proposed Action alternative represents the most balanced approach between elk population numbers, chronic wasting disease prevalence, brucellosis-related costs, and impacts to private landowners. Adopting any alternative which phases out or eliminates feeding will have significant adverse

consequences for local ranchers, private landowners, and the State's responsibilities for reimbursing landowners for injury or destruction of property by big or trophy game animals.

Please do not hesitate to contact me with any questions or concerns you may have. Thank you for your immediate attention to this matter.

Sincerely,



Brandon L. Jensen  
BUDD-FALEN LAW OFFICES, LLC

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