

**APPENDIX F: RECORD OF DECISION FOR THE BISON AND ELK  
MANAGEMENT PLAN**

**Record of Decision**

*National Elk Refuge  
Grand Teton National Park*

**Final Bison and Elk Management Plan and  
Environmental Impact Statement**

**April 2007**

**Prepared by**

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# Contents

<b>Introduction</b> .....	1
Background.....	1
Purpose and Need for the Plan.....	2
Desired Conditions .....	3
Management Goals.....	3
Stakeholder Issues.....	4
<b>Decision (Alternative 4)</b> .....	4
<b>Other Alternatives Considered</b> .....	7
Alternative 1: No Action .....	7
Alternative 2: Minimal Management of Habitat and Population, with Support For Migrations .....	8
Alternative 3: Restore Habitat, Support Migrations, and Phase Back Supplemental Feeding .....	8
Alternative 5: Restore Habitat, Improve Forage, and Continue Supplemental Feeding .....	9
Alternative 6: Restore Habitat, Adaptively Manage Populations, and Phase Out Supplemental Feeding .....	10
<b>Public Involvement</b> .....	10
Project Scoping.....	10
Interagency Working Group Meetings.....	11
Tribal Involvement and Consultation.....	11
Other Meetings and Discussions .....	11
Alternative Development Meetings.....	11
Comments on the Draft Plan/EIS .....	11
Comments on the Final Plan/EIS.....	11
Summary of FEIS Comments .....	12
Discussion of FEIS Comments .....	12
<b>Environmentally Preferred Alternative</b> .....	14
<b>Measures to Minimize Environmental Harm</b> .....	15
<b>Consultation Requirements</b> .....	15
Section 7 of the Endangered Species Act.....	15
Section 106 of the National Historic Preservation Act .....	16
Impairment .....	16
<b>Finding and Basis for Decision</b> .....	16

## Introduction

This Record of Decision (ROD) for the Final Bison and Elk Management Plan (Plan) for the National Elk Refuge and Grand Teton National Park/John D. Rockefeller, Jr., Memorial Parkway provides the basis for management decisions made by the U.S. Fish and Wildlife Service and the National Park Service (FWS and NPS). The plan was prepared along with an Environmental Impact Statement (EIS) in compliance with the National Environmental Policy Act (NEPA), and relevant planning policies. We (FWS and NPS) propose to adopt and implement the plan which provides guidance on managing the Jackson bison and elk herds within our jurisdictions for a 15-year period.

The Final Plan/EIS described our proposal for management of the Jackson bison and elk populations within their respective jurisdictions and disclosed the effects of six management alternatives. The significant issues addressed in the Final Plan/EIS include: bison and elk populations and their ecology, restoration of habitat and management of other species of wildlife, supplemental winter feeding operations of bison and elk, disease prevalence and transmission, recreational opportunities, cultural opportunities and western traditions and lifestyles, commercial operations, and the local and regional economy.

In preparing the Final Plan/EIS, we worked closely with several cooperative agencies and partners including the Wyoming Game and Fish Department (WGFD), the U.S. Forest Service which administers the Bridger-Teton National Forest, the Bureau of Land Management (BLM) which administers BLM resource areas in Jackson Hole, and the U.S. Department of Agriculture's (USDA) Animal and Plant Health Inspection

Service, which is in part responsible for preventing the introduction and spread of significant livestock diseases.

## Background

The planning area is located in Teton County, Wyoming near the town of Jackson and in the valley commonly known as Jackson Hole. The National Elk Refuge is a 24,700-acre unit of the National Wildlife Refuge System administered by the U.S. Fish and Wildlife Service. Grand Teton National Park is 309,995 acres, and John D. Rockefeller, Jr., Memorial Parkway is 23,777 acres, for a total of 333,772 acres administered by the National Park Service.

The Jackson elk and bison herds comprise one of the largest concentrations of elk and bison in North America, with an estimated 13,000 elk and over 1,000 bison. The elk migrate across several jurisdictional boundaries in northwestern Wyoming, including the National Elk Refuge and Grand Teton National Park/John D. Rockefeller, Jr., Memorial Parkway. The bison range largely within Grand Teton National Park and the National Elk Refuge, with some crossing into Bridger-Teton National Forest and onto state and private lands in the Jackson Hole area.

Before Euro-American settlement of the Jackson Hole area, the elk generally wintered in the southern portion of Jackson Hole and are believed by some to have migrated to the Green River, Wind River, and Snake River basins. Due to changes in land use and development in the late 1800s, the winter range area became less accessible resulting in an increasing number of elk wintering in Jackson Hole.

After substantial numbers of elk died during severe winters, local citizens,

along with state and federal officials, began feeding in the winter of 1910-1911. In 1912, Congress set aside land that would become the National Elk Refuge as a "winter game (elk) reserve" (37Stat. 293, 16 USC 673). Supplemental feeding has continued during most winters since then although this was not legislatively mandated.

While there have been many benefits associated with wintering large numbers of elk (and bison) on the refuge, high animal concentrations have created an unnatural situation that has contributed to the following problems: an increased risk for potentially major outbreaks of exotic diseases; damage to and loss of habitat due to browsing of willow, cottonwood, and aspen stands, thereby reducing other wildlife associated with woody vegetation; unusually low winter mortality which affects predators and other species and requires intensive hunting programs; and a high level of brucellosis in the elk and bison herds.

After having been extirpated from Jackson Hole in the 1880s, a small herd of bison was re-introduced to the Jackson Hole Wildlife Park near Moran in 1948 (approximately 20). Twenty years later, the herd escaped the park and began to range freely. In 1975, the small bison herd began wintering on the National Elk Refuge, and by 1980, began eating supplemental feed that was being provided for elk. Since discovering this supplemental food source, the Jackson bison herd has grown at a rate of about 13% each year to its 2007 level of about 1,100 animals. Concerns about the rapidly increasing bison herd include escalating damage to habitats, competition with elk, high prevalence of brucellosis, human safety concerns, damage to private property, and additional costs of providing supplemental feed for bison.

Many of the management issues surrounding the bison and elk herds are controversial. In 1996, a bison management plan (Jackson Bison Herd Long Term Management Plan and Environmental Assessment) was finalized by the NPS and the FWS, in cooperation with the WGFD and the Bridger-Teton National Forest. In 1998, a lawsuit was brought by the Fund for Animals enjoining most federal management actions proposed in the 1996 plan. The court ruled that the destruction of bison on federal lands for population control purposes could not be carried out until additional NEPA compliance was completed that considered the effects of supplemental winter feeding of elk on the National Elk Refuge on the Jackson bison population.

## **Purpose and Need for the Plan**

The purpose of the Bison and Elk Management Plan is to provide managers with goals, objectives, and strategies for managing bison and elk on the National Elk Refuge and in Grand Teton National Park. The plan will contribute to the missions and management policies of the FWS and the NPS. Given the substantial role that the refuge and the park play in the overall habitat of the Jackson bison and elk herds and the effects that the herds can have on surrounding habitats, the plan will also contribute to the herd objectives set by the WGFD, as well as to several goals and objectives established by the U.S. Forest Service related to elk, bison, and their habitat in the Bridger-Teton National Forest.

This planning effort considered changes in how the bison and elk herds could be managed on the National Elk Refuge and in Grand Teton National Park in order to meet legal obligations and to address problems related to high animal concentrations in winter and effects on

habitat. Other factors that were considered in developing the plan included FWS and NPS policies, wildlife management principles, scientific information, and stakeholder issues and concerns.

### **Desired Conditions**

By the end of the 15-year implementation period, the National Elk Refuge and Grand Teton National Park will provide winter, summer, and transitional range for large portions of the Jackson bison and elk herds. The environment will support a full complement of native plant, wildlife, and breeding bird species. Refuge and park staffs, working with others, will adaptively manage bison and elk in a manner that contributes to the state's herd objectives yet allows for the biotic integrity and environmental health of the resources to be sustained. As a result, the public enjoys a variety of compatible, wildlife-dependent recreational opportunities.

### **Management Goals**

Four goals for the plan were developed based on the purposes of the National Elk Refuge and Grand Teton National Park/John D. Rockefeller, Jr., Memorial Parkway, the missions of the National Wildlife Refuge System and the National Park System, and other legal and policy directives. The goals also considered input from stakeholders. The alternatives developed and considered in the Final EIS respond to these four goals.

#### **Goal 1. Habitat Conservation**

*National Elk Refuge* – Provide secure, sustainable ungulate grazing habitat that is characterized primarily by native composition and structure within and among plant communities and that also provides for the needs of other native species.

#### *Grand Teton National Park/John D. Rockefeller, Jr., Memorial Parkway* –

In concert with restoring and perpetuating the natural ecosystem functioning in the park, restore and maintain the full range of natural, structural, and compositional characteristics of native habitats used by bison and elk, emphasizing the plant species diversity that native habitats would support.

#### **Goal 2. Sustainable Populations**

*National Elk Refuge* – Contribute to elk and bison populations that are healthy and able to adapt to changing conditions in the environment and that are at reduced risk from the adverse effect of non-endemic diseases.

#### *Grand Teton National Park/John D. Rockefeller, Jr., Memorial Parkway* –

Perpetuate to the greatest extent possible, natural processes and the interactions of bison and elk with natural environmental fluctuations influenced by fire, vegetation succession, weather, predation, and competition. At the same time support public elk reductions in Grand Teton National Park, when necessary, to achieve elk population objectives that have been jointly developed by the WGF, the park, and the refuge. Support elk hunting in the John D. Rockefeller, Jr., Memorial Parkway that is consistent with its establishing legislation.

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

Contribute to the WGF herd objectives for the Jackson elk and bison herds to the extent compatible with Goals 1 and 2, and to the legal directives governing the management of the National Elk Refuge and Grand Teton National Park/John D. Rockefeller, Jr., Memorial Parkway.

## Goal 4. Disease Management

Work cooperatively with the state of Wyoming and others to reduce the prevalence of brucellosis in the bison and elk populations in order to protect the economic interest and viability of the livestock industry, and reduce the risk of adverse effects of or from other non-endemic diseases not currently found in the Jackson bison and elk populations.

## Stakeholder Issues

Seven significant stakeholder issues were identified during the planning process. These issues were considered in the formulation of alternative sets of objectives and strategies. The significant stakeholder issues are:

1. *Bison and Elk Populations and their Ecology* - Most members of the public generally want healthy bison and elk herds, whether for the abundance of recreational opportunities or for the benefit of the animals themselves and the ecosystem. There was no agreement about how many animals should be in each herd, or how to reach those numbers.
2. *Restoration of Habitat and Management of Other Species of Wildlife* - Some people want to see habitat restored and improved, but opinions differ on the specifics of this goal.
3. *Winter Feeding Operations for Bison and Elk* - Some stakeholders disagree with the concept of providing supplemental feed to elk and bison, while others believe supplemental feed should be provided every year.
4. *Disease Prevalence and Transmission* - Brucellosis and the high rates of infection in both the bison and elk herds is of concern because of the economic effect it could have on livestock producers if cattle contract the disease.

Some stakeholders are concerned about the potential of more serious non-endemic diseases, such as bovine tuberculosis or chronic wasting disease, getting into the herds.

5. *Recreational Opportunities* - Many people are concerned that changes in the management of elk and bison on the National Elk Refuge and in Grand Teton National Park would impact hunting and wildlife viewing opportunities.

6. *Cultural Opportunities and Western Traditions and Lifestyles* - Tribal representatives and other members of the public have stated that American Indian tribes should be actively involved in decisions regarding bison. Some Native Americans have traditions and spiritual values that are closely associated with both elk and bison and would like the plan to include ceremonial take or hunting of bison by tribal members. Local residents are also concerned about how changes in elk and bison management would affect their own traditions and lifestyles, which are in part dependent on wide-open spaces and plentiful wildlife.

7. *Commercial Operations and the Local and Regional Economy* - Wildlife viewing and hunting opportunities contribute to the local economy, and many businesses, including outfitters and dude ranchers, depend on abundant wildlife.

## Decision (Alternative 4)

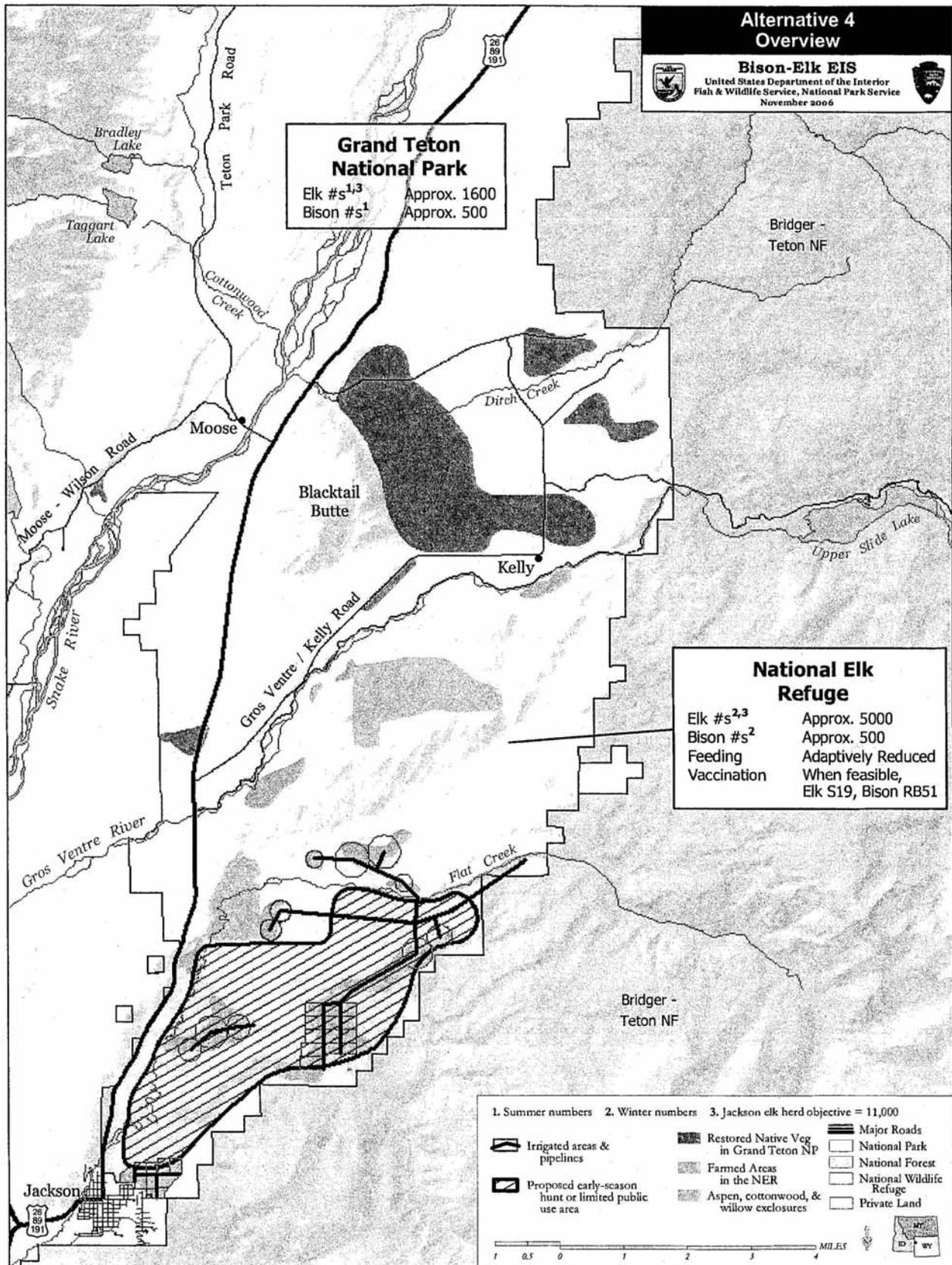
We select to implement Alternative 4 – Adaptively Manage Habitat and Populations as described in the Final Plan/EIS. Alternative 4 is selected for bison and elk management because it will adaptively manage habitat and populations to achieve desired conditions over 15 years. This alternative will balance the significant management

issues with the purposes, missions, and management policies of the FWS and NPS, as well as with the interests and perspectives of other agencies and stakeholders.

Under the proposed plan, the Jackson bison and elk herds and their habitat will be managed with an emphasis on improving winter, summer, and transitional range on the park and refuge and ensuring that the biotic integrity and environmental health of the resources are sustained over the long term. Working in close cooperation with WGFD, existing conditions, trends, new research findings, and other changing circumstances will provide the basis for developing and implementing a dynamic framework for decreasing the need for supplemental food on the refuge. Population management, vegetation restoration, ongoing monitoring, and public education will be integral components of this framework (See Alternative 4 map below and FEIS pages 48-49 and 54-74 for complete description and objectives and strategies).

Key habitat conservation and population management elements of Alternative 4 are:

- Initiate habitat restoration projects to improve native and cultivated forage on the refuge and achieve desired conditions and goals.
- Initiate restoration of previously cultivated areas in the park to native plant communities.
- Work with private and agency partners to minimize bison and elk conflicts with adjacent land owners (e.g., by providing human and/or financial resources to manage co-mingling and reduce crop depredation by elk and/or bison on private lands).
- Initiate a public education effort to build understanding of natural elk and bison behavior, ecology, distribution, disease implications, and effects to other species.
- Identify criteria for beginning and ending feeding each year in consultation with WGFD.
- Develop a structured framework, in collaboration with WGFD, of adaptive management actions that include triggers for progressively transitioning from intensive supplemental winter feeding to greater reliance on free-standing forage, based on these considerations:
  1. Level of forage production and availability on the National Elk Refuge
  2. Desired herd size and ratios
  3. Effective mitigation of bison-elk-cattle mingling on private lands
  4. Winter distribution patterns of elk and bison
  5. Prevalence of brucellosis, chronic wasting disease, and other wildlife diseases
  6. Public support
- Working in collaboration with WGFD to maintain the Jackson elk herd objective of 11,000, following the initial implementation of a phased approach, about 5,000 elk will be expected to winter on the refuge. As herd sizes and habitat objectives are achieved, further reductions in feeding or elk numbers could occur based on established triggers and changing social, political, or biological conditions. Hunting (bison and elk on the refuge) and, when necessary, a herd reduction program in the park will be used to assist the state in managing herd sizes, sex and age ratios, and summer distributions.



- Work collaboratively with WGFD to maintain and ensure a genetically viable population of about 500 bison (currently bison number about 1,100). A public bison hunt will be initiated on the refuge and managed in accordance with the State of Wyoming's licensing regulations and an approved refuge hunting plan.
- Potentially allow for a small ceremonial taking of bison (approximately 5 each year) by the tribes traditionally associated with Jackson Hole. If implemented, this would be administered and managed by FWS.
- Permit WGFD to vaccinate elk and bison for brucellosis on the refuge as long as it is logistically feasible and vaccines are determined to be safe.

Alternative 4 was revised from the proposed action in the Draft Plan/EIS after consideration of many comments received from agencies, tribes, other organizations, and the public during the comment period.

## Other Alternatives Considered

The Final Plan/EIS evaluated five other alternatives for the management of bison and elk in the refuge and park. These alternatives are summarized below, along with an explanation of why the alternative was not selected.

### Alternative 1: No Action

In the No Action Alternative, few changes would occur in managing the elk and bison herds and their habitat on the National Elk Refuge and in Grand Teton National Park / John D. Rockefeller, Jr., Memorial Parkway. About half of the Jackson elk herd (5,600–7,500), and the entire bison herd (1,000+) would continue to winter on the refuge. Cultivated fields

would continue to provide additional forage to existing native habitat, but a primary source of winter food would be imported feed. A limited elk hunt on the refuge and, when necessary, the elk reduction program in the park would continue. No bison hunting would be allowed on refuge or park lands.

The high prevalence of brucellosis in the elk and bison herds would continue because no new strategies would be used to reduce transmission between animals. No further measures would be taken to protect woody riparian habitat for the benefit of other species.

Alternative 1 was not selected for implementation. High numbers of elk and bison concentrated on the refuge during nearly annual winter supplemental feeding would continue to contribute to high brucellosis levels, cause the highest risk of potentially serious impacts from non-endemic diseases among all alternatives, and result in continued decline of woody vegetation. The lack of an established population objective for bison and limited population control outside the refuge and the park would allow essentially uncontrolled growth in bison numbers and exacerbate these negative effects. Habitat damage would also negatively impact other wildlife species, ranging from Neotropical birds to mule deer, moose, and bighorn sheep in localized areas. Efforts to cultivate additional refuge forage for ungulates would continue although less efficiently than under other alternatives, and former agricultural lands in the park would not be restored to native plant communities (native grasslands and sagebrush shrubland) which would likely surpass non-native species in palatability.

Finally, there was almost no public support expressed for Alternative 1

during the public comment period on the Draft Plan/EIS.

### **Alternative 2: Minimal Management of Habitat and Populations, with Support for Migrations**

Efforts to actively manage the elk and bison herds and their habitat would be greatly reduced over time on the refuge and in the park. The Jackson elk and bison populations would fluctuate more naturally, with 1,200–6,000 elk and 250–500 bison estimated to winter on the refuge and 600–3,000 elk summering in the park at levels that could be supported by available habitat. Additionally, the FWS and NPS would support stakeholder efforts to establish elk migration out of Jackson Hole to other wintering areas. Cultivated areas would be restored with native grasses, and irrigation practices would be phased out. The use of imported supplemental feed during winter months would be phased out over 10–15 years. Eliminating hunting on the refuge and the elk reduction program in the park would allow elk to increase their use of transitional winter habitats. Over time, natural densities and concentrations would reduce the prevalence of brucellosis found in the elk and bison herds.

Alternative 2 was not selected for implementation. It would likely generate negative public reaction to increased elk and bison winter mortality and lower herd numbers in some years, increase competition for forage with other ungulates in some areas, increase the likelihood of higher depredation on stored hay and damage to crops and landscaping, and result in the immediate elimination of hunting opportunities on the refuge and the herd reduction in the park. Because Alternative 2's minimal management foundation would cause Jackson elk and

bison numbers to fluctuate widely and mortality to rise in severe winters without supplemental feeding on the refuge, total Jackson elk and bison numbers could fall below established WGFD objectives in some years. There could also be impacts on grizzly bears due to lower elk numbers, especially in the park, and higher competition for forage in the Green River basin due to increased distribution. Fewer refuge elk could reduce sleigh ride viewing opportunities along with associated personal income and jobs.

While some stakeholders are opposed to hunting of any kind, overall most stakeholder groups and local, state and federal agencies did not support this alternative.

### **Alternative 3: Restore Habitat, Support Migrations, and Phase Back Supplemental Feeding**

The Jackson elk and bison herds and their habitat would be actively managed on the refuge, with an emphasis on restoring habitat by reducing elk numbers. An estimated 1,000–2,000 elk would winter on the refuge, and 500–1,000 would summer on park lands. Bison numbers would be maintained at current levels (about 1,100) on the refuge and in the park.

Supplemental feeding would be reduced over 10 years on the refuge, in coordination with an increased elk harvest program, and eventually feed would only be provided during the severest winters (estimated in roughly 2 of 10 winters and depending on snow conditions). Additionally, the FWS and NPS would support stakeholder efforts to establish elk migration out of Jackson Hole to other wintering areas. Elk hunting on the refuge and, when necessary, the elk herd reduction program in the park would continue, but

some hunt areas would be closed after elk objectives were reached. Also, a bison hunt would be initiated on the refuge. The prevalence of brucellosis in the elk and bison herds could decrease over time as a result of fewer concentrated animals, and vaccines with higher efficacies or other techniques would be used when developed. Willow and cottonwood habitat would be sustained for the benefit of other species.

Alternative 3 was not selected for implementation. It would likely generate negative public reaction due to major decreases in elk numbers on the National Elk Refuge without decreases in bison numbers. The alternative would decrease elk hunting and viewing opportunities, slightly increase elk and bison winter mortality, and would likely lower Jackson elk herd numbers below the Wyoming Game and Fish objective in some years. In the short term, it would likely increase competition for forage with other ungulates in some areas and increase the likelihood of higher depredation on stored hay and damage to crops and landscaping (similar to Alternative 2 effects). There could also be impacts on grizzly bears due to lower elk numbers, especially in the park, and higher competition for forage in the Green River basin due to increased distribution. Fewer refuge elk could reduce contributions from the antler auction and sleigh ride elk viewing opportunities along with associated sleigh ride personal income and jobs.

Finally, there was no public support for Alternative 3.

### **Alternative 5: Restore Habitat, Improve Forage, and Continue Supplemental Feeding**

The Jackson elk and bison herds and their habitat would be heavily managed on the refuge, with an emphasis on

improving forage quality on cultivated lands through improved irrigation methods. About 5,000–7,500 elk and 400 bison would winter on the refuge. During the summer up to 2,500 elk would use habitat in the park. Imported supplemental feed would be used in average and above average winters (estimated to occur roughly 9 of 10 years). The elk hunt on the refuge and, when necessary, the elk reduction program in the park would continue. Also, a bison hunt would be initiated on the refuge. Efforts to minimize disease outbreaks would include spreading out feed and moving feed locations. To reduce the prevalence of brucellosis in the elk and bison herds, WGFD personnel would be permitted to use Strain 19 to vaccinate elk and RB51 to vaccinate bison. Woody vegetation would be restored for the benefit of other species.

Alternative 5 was not selected for implementation. Despite improved refuge forage production and protection of some woody vegetation areas, it remains similar to current management in that high numbers of elk and bison remain concentrated on the refuge during nearly annual winter supplemental feeding. These concentrations would continue to contribute to high brucellosis levels, high risk of potentially serious impacts from non-endemic diseases, and woody vegetation damage and destruction. Habitat damage would also negatively impact other wildlife species, ranging from Neotropical birds to mule deer, moose, and bighorn sheep. Large concentrations of elk and bison on refuge feedlines would continue the potential for mule deer and moose populations to be infected by a non-endemic infectious disease transmitted from elk or bison.

Many stakeholder groups, general public, and other agencies oppose this alternative while some stakeholder groups, general

public, and other agencies supported this alternative.

### **Alternative 6: Restore Habitat, Adaptively Manage Populations, and Phase Out Supplemental Feeding**

The Jackson elk and bison herds and their habitat would be adaptively managed on the refuge to improve available winter grazing habitat and to respond to changing conditions. In the short term, about 2,400–2,700 elk would winter on the refuge, but over time could increase to 2,800–3,200. An estimated 1,200–1,600 elk would summer in the park. Native habitat and cultivated fields on the refuge would provide substantial standing winter forage, and winter feeding would be phased out within five years. Elk hunting would continue on the refuge and, when necessary, the herd reduction program in the park. Also, the FWS would implement a bison hunt on the refuge and eventually the herd would be reduced to about 500 animals. The prevalence of brucellosis in the elk and bison herds as a result of concentrated animals would decrease over time, and vaccines with higher efficacies or other techniques to reduce transmission would be used when developed. Woody vegetation would be initially protected and restored for the benefit of other species.

Alternative 6 was not selected for implementation. Its goal to eliminate refuge supplemental feeding and reduce elk and bison numbers on the refuge within 5 years could be difficult to achieve within the time frame, and it would not be acceptable for some stakeholder groups, many local residents, and the State of Wyoming including WGFD.

Implementation of Alternative 6 would require a substantial expanded harvest where large numbers of elk and bison

would be killed annually. Further adverse winter conditions could prevent or delay eliminating refuge supplemental feeding during such a short time frame. If supplemental feeding was discontinued before herd size objectives were reached, the risk for depredation and disease associated with potentially large numbers of elk and bison would be greater. In the long term, Alternative 6 could decrease elk hunting and viewing opportunities, slightly increase elk and bison annual winter mortality, and would likely lower Jackson elk herd numbers below the WGFD's objective in some years. In the short term, competition for forage with other ungulates in some areas and the likelihood of higher depredation on stored hay and damage to crops and landscaping (similar to Alternative 2 effects) would increase.

Fewer refuge elk could reduce contributions from the antler auction and sleigh ride elk viewing opportunities along with associated sleigh ride personal income.

Many stakeholder groups, general public, and other agencies oppose this alternative while other stakeholder groups, general public, and other agencies supported this alternative.

## **Public Involvement**

### **Project Scoping**

The scoping process began with eight prescoping meetings between February 10 and May 5, 2001 in Jackson, Riverton, Casper, Cheyenne, and Rock Springs, Wyoming. The formal scoping period began on July 18, 2001, with the publication of a Notice of Intent in the Federal Register (66 FR 37489). The Notice of Intent notified the public of the agencies intent to begin the Plan/EIS process, announce the dates for public scoping meetings, and solicit public

comments. Ten scoping meetings were held throughout the country from July 20 to August 3, 2001; six meetings were held in Wyoming, and meetings were also held in Idaho, Montana, Colorado, and Virginia. The scoping period ended on August 24, 2001.

### **Interagency Working Group Meetings**

Interagency working group meetings have been held as needed since October 2000. Agencies represented have included the U.S. Fish and Wildlife Service, National Park Service, U.S. Forest Service (Bridger-Teton National Forest), USDA-Animal and Plant Health Inspection Service, BLM, and the WGFD.

### **Tribal Involvement and Consultation**

The FWS and NPS consulted with tribes with known traditional association to the project area. Those tribes included the Northern Arapaho, Blackfeet, Crow, Chippewa-Cree, Gros Ventre, Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Nez Perce, Northern Cheyenne, Confederated Salish and Kootenai Tribes, Shoshone-Bannock Tribes, and Eastern Shoshone. Briefings were also provided at meetings of the Montana-Wyoming Tribal Fish and Game Commissioners, Montana-Wyoming Tribal Leaders Council, Intertribal Bison Cooperative, Northern Arapaho Business Council, Shoshone-Bannock Business Council, the Eastern Shoshone Business Council, and the Yellowstone National Park government-to-government consultation and/or information exchange meetings.

### **Other Meetings and Discussions**

Agency representatives have given briefings and status updates to several

interest group meetings, including county commissioners, Jackson Chamber of Commerce, and other organizations. Agency representatives have also met with numerous individuals during the planning process.

### **Alternative Development Meetings**

Two alternative development meetings were held on November 28 and 29, 2001, in Riverton and Jackson, Wyoming. Public input represented a wide variety of opinions on all management issues.

### **Comments on the Draft Plan/EIS**

A Notice of Availability for the Draft Plan/EIS was published in the Federal Register on July 21, 2005 (70 FR 42089). During the Draft Plan/EIS comment period that occurred from July 21, 2005 to November 7, 2005, we received over 11,900 written comments and public testimony from 241 individuals, 37 agencies or organizations, and 1,751 form letters or petitions. Public hearings were held in Bozeman, Montana, Jackson, Wyoming, and Riverton, Wyoming in late August 2005. All substantive issues raised in the comments were addressed in the Final Plan/EIS. Public comments, public hearing testimony, and responses will be available for review at the National Elk Refuge, 675 East Broadway, Jackson, Wyoming 83001 during normal business hours. Responses to comments are included as a companion document to the Final Plan/EIS.

### **Comments on the Final Plan/EIS**

The Final Plan/EIS was published on February 2, 2007 (72 FR 5078) and the 30-day waiting period ended on March 12, 2007 (72 FR 6238). We received 938 emails from individuals and 5 letters from

organizations. The majority of the emails were form petitions in support of Alternative 6 with changes, while two individuals opposed hunting. A total of about 4,738 comments were recorded. In addition, we consulted with the Shoshone-Bannock Tribes on March 9, 2007 at Fort Hall, Idaho to discuss their concerns on the Final Plan/EIS. None of the comments that we received either raised new substantive issues or presented reasonable alternatives other than those presented in the Final Plan/EIS, or provided significant additional information relevant to the analysis.

### **Summary of FEIS Comments**

**Supplemental Feeding** - While the Final Plan/EIS acknowledges that many biological issues on the refuge are related to supplemental feeding, Alternative 4 makes no commitment to phase out supplemental feeding.

**Adaptive Management Framework** - The proposed adaptive management framework to reduce reliance on supplemental feeding is not adequately described and analyzed, and presents no observable benchmarks or standards by which the public can gauge progress.

**Legal Mandates** - Alternative 4 does not conform to the existing laws and policies that govern management of the National Elk Refuge.

**Fencing** - The preferred alternative should include additional fencing and/or partnerships to reduce property damage and commingling of elk and bison with livestock.

**Bison** - Population targets for bison should be higher, and bison should be allowed to distribute over a larger geographic area than what is proposed in Alternative 4. The agencies should consider other habitat modeling data in determining the carrying capacity for bison.

**Vaccination** - Opposition to the use of vaccines (Strain 19 or RB51) in elk or bison

**Tribal Concerns** - A process has not been identified for how the tribes would participate in a ceremonial hunt. Alternative 4 only provides the potential that tribal ceremonial take could occur, and the numbers of bison that could be taken by the tribes (5 or possibly more depending on need) is too low. The importance of traditions and cultural values has not been adequately addressed in the Final Plan/EIS, and the agencies' trust responsibilities including treaty and subsistence rights were not addressed.

**Other** - Opposition to hunting

### **Discussion of FEIS Comments**

Comments raised about opposing supplemental feeding, legal mandates, bison population objectives, habitat modeling assumptions, vaccination and hunting were addressed in Volume 2, Responses to Comments on the Final Plan/EIS and changes made in the Final Plan/EIS. These issues are not discussed further. We believe several topics warrant further clarification.

**Adaptive Management Framework** - The preferred alternative identified in the Final Plan/EIS was modified from the proposed action identified in Draft Plan/EIS as a result of the public comments received. The preferred alternative provides substantial guidance and direction for managing the Jackson bison and elk herds for the next 15 years. Even though this plan does not constitute a commitment for future funding, any significant deviation from implementing Alternative 4 will require further public review and analysis.

Throughout the planning process, the most significant issue identified is that there is not enough winter forage to

support the Jackson bison and elk herd sizes that are desired by many stakeholders groups, the public, and the State of Wyoming. Further complicating this issue is that these populations migrate across several jurisdictional boundaries, necessitating cooperation and coordination among several agencies and jurisdictions with differing legal mandates and constituents.

The preferred alternative clearly states that the FWS intends to progressively reduce the use of supplemental feeding on the National Elk Refuge, and specific objectives and strategies were outlined to address habitat conservation and wildlife management in order to achieve a greater reliance on free-standing forage. We understand that many commenters on the Final Plan/EIS desire a definitive answer about eliminating the use of supplemental feeding. We also recognize that many agencies, stakeholder groups, and the public have divergent opinions about phasing out supplemental feeding. The plan does not identify whether or not feeding will be phased out within 15 years; instead it focuses on achieving the desired conditions (described on page 2) through an adaptive, progressive, and collaborative approach that incorporates different objectives and tools (strategies) for managing these populations. We will not preclude the use of supplemental feeding or other management tool as we work to resolve the bison and elk management issues that have been at play for 100 years, nor will we make predictions about how fast we can implement the phased approach for improving forage, reducing the elk populations to about 5,000, reducing the bison herd to about 500, and reducing the need for supplemental feed as described on pages 4-5. When the biological, social, and political conditions enable us to consider a phase-out of feeding, this

adaptive framework provides us with that flexibility. At the same time, we are committed to working collaboratively with other federal agencies and the State of Wyoming.

The integral components of the management framework described in the Final Plan/EIS— population management, habitat restoration, public education and monitoring— are not linear, separate components. They are dynamic and interwoven and require adaptable and workable solutions to changing biological, social, and political conditions. The primary elements in developing a structured framework are identified on pages 4-5 and in greater detail in the Final Plan/EIS.

Successful implementation of the preferred alternative will require flexibility and additional discussions between the agencies, particularly between the WGFD and the FWS, to address issues such as criteria for feeding, vaccination procedures, management of the bison and elk hunts, and continued coordination and cooperation. The outcome of these discussions will be documented in a new memorandum of understanding or other appropriate agreement document and will be made available to all stakeholders.

**Fencing** – We do not anticipate any need for additional fencing on the refuge other than what was identified in the preferred alternative as suggested by some commenters, and we believe there is flexibility and funding identified within the alternative to work with adjacent landowners, the WGFD and others to identify strategies (including fencing) for reducing conflicts on private lands.

**Tribal Concerns** – The option of potentially allowing the tribes to take a small number of bison for the purposes of a ceremonial

event was included in the preferred alternative. The population objectives for bison and the subsequent analysis presented in the Final Plan/EIS would remain unchanged irrespective of whether a small taking for ceremonial purposes was eventually allowed. We believe this issue can be resolved outside of this decision document, and consultation with the tribes and discussion with the State of Wyoming is ongoing. Other tribal concerns were addressed in the Responses to Comments, Volume 2 in the Final Plan/EIS.

### **Environmentally Preferable Alternative**

The environmentally preferable alternative is defined as the “alternative that will promote the national environmental policy as expressed in NEPA’s Section 101. Typically, this means the alternative that causes the least damage to the biological and physical environment. It also means the alternative that best protects, preserves and enhances historic, cultural and natural resources” (Forty Most Asked Questions Concerning Council of Environmental Quality’s National Environmental Policy Act Regulations, 1981). Alternative 6, Restore Habitat, Adaptively Manage Populations, and Phase Out Supplemental Feeding, is the environmentally preferable alternative.

Alternative 6 would emphasize a more aggressive reduction in elk numbers on the refuge with additional measures to restore and enhance riparian and aspen woodlands. Compared to Alternative 4 (the preferred alternative), Alternative 6 would phase out supplemental feeding within 5 years rather than reduce feeding in an adaptive manner over 15 years. This would result in up to about 3,200 elk on the refuge, compared to 5,000 in the initial

implementation under Alternative 4. With a smaller herd size under Alternative 6, habitat enhancements would be expected to have increased success. Alternative 6 would restore up to 4,540 acres of riparian and aspen woodlands on the refuge compared to 2,710 acres in Alternative 4. These habitat benefits would also benefit other wildlife species. Reduced herd sizes and other measures on the refuge would also be expected to result in greatly reduced risk of brucellosis in Alternative 6, compared to Alternative 4. In some habitat areas, including native grasslands and wet meadow habitat, Alternative 4 results in greater environmental benefits than Alternative 6. The environmental effects of Alternative 4 would be similar to Alternative 6 within Grand Teton National Park and in other areas.

Although Alternative 6 would result in the greatest overall benefit to the biological and physical environment, all of the action alternatives would promote the national environmental policy as expressed in NEPA’s Section 101, and would be preferable to no action. Most of the habitat restoration and conservation objectives of Alternative 6 are also found in Alternative 4 (the preferred alternative), though the specific strategies for their implementation are different. While it is not the environmentally preferable alternative, Alternative 4 has been selected for implementation because it will contribute to significant environmental benefits in a manner that is consistent with regional herd management objectives; it better balances the divergent views and interests and perspectives of other agencies, stakeholders groups and the public; it builds upon success implemented on the ground; and it enables managers to adapt to new information and changing conditions.

## Measures to Minimize Environmental Harm

Throughout the planning process, we took into account all practicable measures to avoid or minimize environmental impacts that could result from the implementation of Alternative 4. These measures include the following:

**Grizzly Bear** - Implementation of Alternative 4 could adversely affect individual grizzly bears in Grand Teton National Park/John D. Rockefeller, Jr., Memorial Parkway due to potential conflicts with hunters. As documented in the Biological Opinion, the NPS will continue to implement measures to reduce bear-human conflicts during elk reduction activities within Grand Teton National Park and hunting on the John D. Rockefeller Memorial Parkway as follows.

The NPS will provide "Bearwise" education programs and information for all hunters and personnel involved in hunting and elk management programs.

The NPS will instruct all hunters and personnel to properly store all food and other attractants at all times, and pack out all food materials, garbage, and other attractants on a daily basis if they cannot be stored in bear-resistant containers.

The NPS will train its staff, as well as hunters, in bear safety and standards for sanitation, attractant storage, and encourage them to carry bear pepper spray. In the park, hunters would continue to be required to carry bear spray while hunting.

**Riparian and Aspen Woodlands** - Habitat enhancements, including fencing exclosures and native winter range enhancement on the refuge, would be used to reduce the adverse impacts of excessive elk browsing on woody vegetation. Those enhancements will be

coordinated with the reduction of supplemental feeding on the refuge.

**Prescribed Fire** - Prescribed fire may be used in restored vegetation communities to reduce the effects of excessive sagebrush establishment in formerly cultivated areas where herbaceous vegetation is preferred.

**Other Resources** - Measures to mitigate the potential impacts to other resources, including soils, water quantity/quality, views and marshlands are described individually in the Final Plan/EIS.

## Consultation Requirements

### Section 7 of the Endangered Species Act

All potential effects of Alternative 4 on species listed as threatened or endangered under the Endangered Species Act, along with specific measures to minimize or mitigate those impacts, were documented in an Intra-Service Section 7 Consultation. This consultation concluded that the preferred alternative may adversely affect grizzly bear in Grand Teton National Park/ John D. Rockefeller, Jr., Memorial Parkway due to potential hunter conflicts, and that it may affect but is not likely to adversely affect bald eagles and wolves on either Grand Teton National Park/ John D. Rockefeller, Jr., Memorial Parkway or the National Elk Refuge due to increased availability of elk carcasses. (Alternative 4 will have no effect on Canada lynx and yellow-billed cuckoo).

On April 10, 2007, the U.S. Fish and Wildlife Service (Ecological Services) issued a Biological Opinion stating that the proposed action is not likely to result in jeopardy to the continued existence of the grizzly bear or destruction or adverse

modification of critical habitat. In the Biological Opinion, the U.S. Fish and Wildlife Service (Ecological Services) concluded that the preferred alternative will increase the short-term risk for hunting-related grizzly bear mortality within Grand Teton National Park and the long-term risk for hunting-related grizzly bear mortality in the John D. Rockefeller Jr., Memorial Parkway and the Bridger-Teton National Forest as a result of implementing the plan. Habitat on the National Elk Refuge is relatively open and generally lacks densely forested areas, and it is unlikely that the risk of elk hunters killing grizzly bears will be greater in either the short or long term as a result of the proposed action.

The U.S. Fish and Wildlife Service (Ecological Services) concluded one grizzly bear (adult or juvenile) over the 15-year implementation plan could be incidentally taken as a result of the proposed action in Grand Teton National Park/John D. Rockefeller Jr., Memorial Parkway and two grizzly bears (adult or juvenile) could be incidentally taken as a result of the proposed action in the Bridger-Teton National Forest.

The U.S. Fish and Wildlife Service (Ecological Services) recommended the best reasonable and prudent measure is to minimize the likelihood of hunting-related human/grizzly bear conflicts through education. The NPS will continue its ongoing educational measures related to limiting the risk of human/grizzly conflicts and hunter-caused grizzly bear mortality and will modify measures as changing circumstances and information warrant. Further, if the level of incidental take is reached, such incidental take represents new information requiring re-initiation of consultation and review of the reasonable and prudent measures provided. If incidental take of grizzly bears in the Bridger-Teton National

Forest reaches one grizzly bear, NPS and FWS representatives will meet with representatives from the WGFD and Bridger-Teton National Forest to discuss whether additional education and/or preventative measures or other changes could be implemented within the action area to minimize additional risks within the Bridger-Teton National Forest.

### **Section 106 of the National Historic Preservation Act**

Alternative 4 will have no adverse effects to archaeological or historic resources on the refuge, and would not impair archaeological or historic resources in the park, and does not require consultation under Section 106 of the National Historic Preservation Act. Prior to any soil disturbance from new projects, archaeological resources within the proposed project area will be assessed for potential effects as well as their significance in accordance with Section 106 of the National Historic Preservation Act. Any unavoidable adverse effects will be mitigated in coordination with the Wyoming State Historic Preservation Office.

### **Impairment**

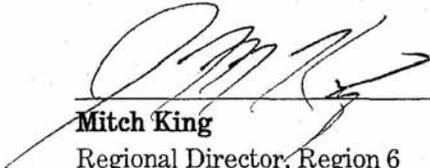
The preferred alternative will not impair resources within Grand Teton National Park/John D. Rockefeller, Jr., Memorial Parkway and will not violate the National Park Service Organic Act.

### **Finding and Basis for Decision**

We have considered the environmental and relevant concerns presented by agencies, tribes, organizations and individuals on the proposed action to develop and implement a Bison and Elk Management Plan for the National Elk Refuge and Grand Teton National Park/John D. Rockefeller, Jr., Memorial Parkway. Alternative 4 was selected for

implementation because it achieves a reasonable balance between significant resource management issues, the purposes, missions, and management policies of the FWS and NPS, and the interests and perspectives of all stakeholders.

All public, tribal, and agency comments received during the environmental process were reviewed. The issues and comments raised have been addressed in the Final Plan/EIS. Comments and responses on the Final Plan/EIS are addressed in this Record of Decision. Based on the above information, the FWS and NPS have selected Alternative 4 for implementation.

  
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**Mitch King**                      4/26/07  
Date  
Regional Director, Region 6  
U.S. Fish and Wildlife Service  
Lakewood, Colorado

  
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**Michael D. Snyder**                      4/26/07  
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