

FINDING OF NO SIGNIFICANT IMPACT AND DECISION TO IMPLEMENT BISON AND ELK MANAGEMENT STEP-DOWN PLAN

NATIONAL ELK REFUGE

Jackson, Wyoming

The Service is implementing aspects of the Bison and Elk Management Step-down Plan related to reducing reliance on supplemental winter feeding on the National Elk Refuge (NER) in accordance with the Bison and Elk Management Plan (BEMP) completed in 2007, which directed the agencies to: 1) develop a dynamic, structured framework for reducing reliance on NER supplemental feeding; 2) implement a phased reduction of animals on feed; a) Phase 1, to 5,000 elk and 500 bison, and b) Phase 2, elk and bison rely predominantly on native habitat; 3) maintain natural elk bull-to-cow ratios in park summer herd; and 4) enhance public outreach/education.

The Step-down Plan will provide a structured framework for reducing reliance on supplemental winter feeding for the next 5 years, and will focus on accomplishing Phase 1) reduction of animals on feed to 5,000 elk and 500 bison, while maintaining WGFD's current elk herd objective.

Selected Action

Alternative B—Proposed Action Alternative

Under the proposed action alternative, the NER will begin early termination of feeding using an adaptive management planning principles approach based on annual environmental conditions. After two years of the plan, NER will begin to delay the start of feeding if sufficient measures are in place to reduce potential conflicts with elk and bison on private lands. By delaying the start of the supplemental feeding season, the Service believes that it decreases the probability that elk using native winter range or state feeding grounds will discover refuge feeding grounds. Because elk and bison use of feeding grounds is a learned behavior, over time this could increase the proportion of elk that winter on native winter range, reduce the number of elk that move from the Gros Ventre drainage to the NER, and decrease the refuge wintering elk population.

Although supplemental feeding of bison will be delayed to the same degree as supplemental feeding of elk, bison numbers are currently at objective levels, and bison can subsist on less nutritious forage than elk. These factors make changes in bison numbers or winter distribution unlikely, but bison distribution will be monitored by refuge staff to ensure that the proposed action is not causing bison to shift their winter distribution to surrounding private lands.

During the initial two years of the Step-down Plan implementation, emphasis will be placed on terminating feeding early to achieve the goal of reduced elk-fed-days and bison-fed-days. This approach will provide an opportunity to monitor elk and bison behavioral responses to reduced

feeding and identify potential private land conflict areas that may require focused management measures. Hazing and emergency feeding will be used if needed to address potential elk/bison conflict with adjacent landowners.

Under the proposed action alternative, the Service will use its extensive monitoring and data collection (e.g. elk telemetry and elk and bison visual counts), to further refine the variables used (snow cover index, forage availability, and forage greenness) to determine both the delay and termination of feeding.

This alternative was selected over the other alternatives, because the Service, along with its partners in developing the BEMP and Step-down Plan, believes decreasing the reliance on supplemental feeding through a structured and dynamic framework based on principles of adaptive management, as decided in the BEMP, is the only way to continue to meet the purposes of the refuge, the mission of the NWRS, and achieve the goals and objectives of our partners and other stakeholders for management of bison and elk in Jackson Hole. The Service believes this approach is necessary to inform what management actions will ultimately be necessary to achieve the BEMP's longer term goal to adaptively manage bison and elk populations to achieve desired conditions, with animals relying predominantly on available native habitat (on refuge, park and forest lands) and cultivated forage (on the refuge).

Under this alternative, the numbers and density of elk on the refuge would be reduced so that density-dependent diseases would not be as easily transmitted through the elk and bison populations. In the long-term, it could also lead to less habitat damage on the NER.

This alternative helps meet the purpose and needs of the Service as previously discussed because it would support several BEMP objectives including:

- Reducing the number of elk wintering on the refuge to 5,000.
- Supporting WGFD's current objective for the Jackson elk herd.
- Maintaining a bison population objective of 500.
- Managing to reduce bison and elk livestock conflicts.

The Service has determined that the proposed action is compatible with the purposes of the National Elk Refuge and the mission of the NWRS.

Other Alternatives Considered and Analyzed

Alternative A—No Action Alternative

Under the No Action alternative, current management direction would continue and the refuge would not begin reducing reliance on supplemental feeding. The initiation of feeding in any given year depends on elk numbers, the timing of migration, winter temperatures, snow depths, and the accessibility of standing forage. Non-feeding years have occurred irregularly and infrequently. The feeding termination date is presently based on a snow cover index, and a

subjective evaluation of available forage and forage greenness. The current average end date is April 2, ranging from March 24-April 20. Since 1912, the period of supplemental feeding has ranged from “no feeding” to a maximum of 147 days. At the present time, elk are fed an average of 70 days annually. Under this alternative, the Service would continue to provide a heavy feed ration for bison to prevent them from mingling with elk and from moving to areas where conflicts with humans are more likely.

This alternative was not selected as it does not meet the purpose and needs of the Service, because it would not begin reducing reliance on supplemental feeding on the NER under a dynamic, structured framework as decided in the 2007 BEMP.

Summary of Effects of Selected Action

An Environmental Assessment (EA) was prepared in compliance with the National Environmental Policy Act (NEPA) to provide a decision-making framework that 1) explored a reasonable range of alternatives to meet project objectives, 2) evaluated potential issues and impacts to the refuge, resources and values, and 3) identified measures to lessen the degree or extent of these impacts. The EA evaluated the effects associated with two alternatives, including the No Action alternative. The EA and Step-down Plan are incorporated as part of this finding.

Implementation of the agency’s decision would be expected to result in the following environmental, social, and economic effects:

- Taking a slow, conservative approach to reducing reliance on supplemental feeding will ensure that there will not be significant impacts to the elk population.
- Broadening the distribution of elk comes with a higher risk of damage to adjacent private land, conflicts with humans, and infected elk interacting with livestock. However, taking a slow, conservative approach to reducing reliance on supplemental feeding, extensively monitoring the response of elk and bison to the reduction, and having the flexibility to adaptively manage and implement sufficient management strategies should minimize adverse impacts to adjacent landowners, public safety, and the local cattle industry.
- By reducing the numbers and density of elk on the refuge, there will be incremental and long-term beneficial impacts to the elk and bison populations due to the lessening of the severity and prevalence of Chronic Wasting Disease (CWD) should it occur, and other density-dependent diseases, as well as reduce the impacts of CWD in the valley on mule deer and moose.
- By reducing the numbers and density of elk on the refuge, there will be incremental and long-term beneficial impacts to habitat on the refuge, including aspen, willow, and cottonwood plant communities.

The Service has incorporated measures to minimize adverse impacts of the selected action including: a slow reduction in supplemental feeding, continued and possibly increased hazing, and extensive monitoring to track elk and bison population health and movements. The selected action takes an adaptive management planning principles approach based on environmental

conditions and extensive monitoring of the impacts of implementation, so that the refuge has the flexibility to ensure that there will not be significant impacts to the environment as a result of this strategy to reduce the reliance of elk and bison on supplemental feed.

While refuges, by their nature, are unique protected areas for the conservation of fish, wildlife and habitat, the proposed action will not have a significant impact on refuge resources and uses for several reasons:

- The action will result in beneficial impacts to the human environment, including biodiversity and ecological integrity of the refuge, as well as the wildlife-dependent recreational opportunities and socioeconomics of the local economy, with only negligible adverse impacts to the human environment as discussed above.
- The adverse direct and indirect effects of the proposed action on water, soil, habitat, wildlife and aesthetic/visual resources are expected to be minor and short-term. The benefits to long-term ecosystem health that these efforts will accomplish far outweigh any of the short-term adverse impacts discussed in this document.
- The refuge will use an adaptive management planning principle approach to bison and elk management, monitoring and re-evaluating bison and elk populations on the refuge on an annual basis to ensure that implementing a framework for reduced reliance on supplemental winter feeding ultimately provides a path for progressively transitioning from winter feeding of elk and bison on the NER to greater reliance on freestanding forage.
- The action will not contribute to any cumulative impacts to habitat for wildlife from climate change, population growth and development, or local, State, or regional wildlife management.
- The action, along with proposed minimization measures, will ensure that there is low danger to the health and safety of refuge staff and visitors.
- The action is not in an ecologically sensitive area.
- The action would have no effect on Canada lynx, because there is no suitable habitat for the Canada lynx on the NER.
- The action would have no effect on yellow-billed cuckoo.
- The effects of the proposed action, supplemental feeding, as described in the Step-down Plan and associated EA were considered in the 2015 Comprehensive Conservation Plan and associated August 25, 2015, biological opinion. Supplemental feeding was considered in the biological opinion to have negligible impacts to grizzly bears (page 21 CCP Appendix G), and since the proposed action tiers from the CCP's covered activities, no further site specific section 7 consultation is necessary at this time.
- The action will not impact whitebark pine (candidate species), because there is no whitebark pine habitat on NER.

- The action will not impact any cultural or historical resources.
- The action will not impact any wilderness areas.
- Although all effects cannot be anticipated, the action is limited to a time period of 5-years and includes a slower reduction in feeding than in the September 2019 draft plan. This approach will address and respond to any rapidly changing situations involving elk and bison movements and potential conflict situations. Therefore, with the adaptive and iterative approach outlined in the Step-down Plan and its addendum, impacts will be minimal.
- The action is not expected to have any significant adverse effects on wetlands and floodplains, pursuant to Executive Orders 11990 and 11988, because the action is a scaling back of refuge management actions which will create less disturbance to refuge wetlands and floodplains.

Public Review

The Service has engaged in extensive public outreach, consultation, and coordination with its partners and other stakeholders on this issue including, the nine year planning and NEPA process to develop the 2007 BEMP and associated EIS; public meetings and comment on the 2009 Irrigation Plan and EA; the multi-year planning and NEPA process associated with developing the CCP for the refuge; as well as the comment period on this EA. Issues identified during engagement with the public, partners, and stakeholders, include:

- effect on winter density and dispersal of elk and bison;
- winter access to forage by elk and bison under various snow conditions;
- Chronic Wasting Disease;
- potential harm to plants and wildlife;
- adverse impacts to neighboring landowners.

Staff at the NER have been involved in an ongoing public engagement effort, receiving feedback and sharing information about the BEMP, related accomplishments, and our continued intention to transition from an intensive supplemental feeding program to greater reliance on freestanding forage.

On September 30, 2019 the Service released the Draft EA, FONSI, and Step-down Plan for public review. Members of the public were notified of the availability of the Draft EA, FONSI, and Step-down Plan through a press release posted on the Service website at https://www.fws.gov/refuge/national_elk_refuge/. Following the release of the Draft EA, FONSI, and Step-down Plan, the Service opened a 30-day public comment period that ended on October 30, 2019. The public was encouraged to submit comments regarding the Draft EA, FONSI, and Step-down Plan via email to nationalelkrefuge@fws.gov, in-person, by phone, or by mail.

During the comment period, 329 unique pieces of correspondence were received on the Draft EA, FONSI, and Step-down Plan, including letters from 6 government agencies, 9 organizations and 314 individual commenters. Once all the correspondence was received, Service staff read each one and identified specific comments within each piece of correspondence. Correspondence reviewers derived a total of 40 substantive comments from the correspondence received.

The Service received 424 pieces of correspondence after the close of the comment period. Service staff read each one and identified specific comments within each piece of correspondence. Comments received after the close of the comment period expressed concerns similar to those received during the comment period. No new concerns or substantive comments were identified in the correspondence received after the close of the comment period.

Finding of No Significant Impact

Based upon a review and evaluation of the information contained in the EA as well as other documents and actions of record affiliated with this proposal, the Service has determined that the proposal to implement the Bison and Elk Management Step-down Plan: *A Structured Framework for Reducing Reliance on Supplemental Winter Feeding* on the National Elk Refuge does not constitute a major Federal action significantly affecting the quality of the human environment under the meaning of section 102 (2) (c) of the National Environmental Policy Act of 1969 (as amended). As such, an EIS is not required.

Decision

The Service has decided to implement Alternative B: Phase 1 (reduction of animals on feed to 5,000 elk and 500 bison, while maintaining WGFD's elk herd objective) of the *Bison and Elk Management Step-down Plan: A Structured Framework for Reducing Reliance on Supplemental Winter Feeding*, beginning with enhanced forage monitoring and changes in supplemental feeding protocol starting in January 2020.

The action is consistent with applicable laws and policies as referenced in Appendix A in the EA.



Noreen Walsh
Regional Director, USFWS Interior Regions 5 and 7

Date