

September 8, 2025

To:

Objection Reviewing Officer Christopher Carlton, Deputy Regional Forester  
Dell Creek and Forest Park Elk Feedgrounds Project  
US Forest Service Intermountain Regional Office, Room 4403  
324 25<sup>th</sup> Street  
Ogden, UT 84401

From:

Lloyd Dorsey

Re: An Objection to the August 2025 Draft Record of Decision Dell Creek & Forest Park Elk Feedgrounds: Long-Term Special Use Permits in Big Piney and Greys River Ranger Districts of the Bridger-Teton National Forest in Sublette and Lincoln Counties, Wyoming.  
Responsible Official Chad Hudson. Publication Number 60949

Submitted electronically to objections-intermtn-regional-office (at) usda.gov and mailed via US Post Office.

To Objection Reviewing Officer:

I submitted timely, extensive, specific, written scoping comments for this proposed project dated February 9, 2022, and I submitted timely, extensive, specific, written comments dated January 15, 2024, on the Draft EIS; hereinafter referred to as Dorsey 2022 and Dorsey 2024 respectively. I also participated in the Wyoming Game and Fish Department (WGFD) Elk Feedgrounds Stakeholders Group from approximately 2021 to 2023, and submitted timely, extensive, specific written critical comments to the WGFD on the Wyoming Elk Feedgrounds Management Plan, Proposed DRAFT Plan (6/2023). In past years I have submitted to the US Forest Service (USFS), Bureau of Land Management (BLM), WGFD, and US Fish and Wildlife Service (USFWS) extensive comments when I was employed by various conservation organizations and as a private person advocating for healthy wildlife and habitat, and the expeditious end of winter elk feedgrounds. I am retired, have lived in Teton County for fifty years, and I'm an elk and deer hunter.

I object to the selected alternative in the Draft Record of Decision that would authorize the proposed action for a short-term, through September 30, 2028, and entails the Wyoming Game and Fish Commission's continued use of the Dell Creek and Forest Park feedgrounds for their elk management activities and facilities.

If Special Use Permits are issued to operate winter feedgrounds on any USFS land, most notably at Dell Creek where several elk were found dead and infected with CWD just months ago, the Responsible Official would be enabling inevitable harm to the health of elk and the environment on USFS jurisdiction. Given that virtually all scientists and biologists and epidemiologists the world over

counsel *against* continuing to bait and feed vulnerable densely concentrated elk for months on a site known to be contaminated with deadly infectious CWD prions and/or *Fusobacterium necrophorum*, especially on public lands, such a blatant act by a USFS official should be unthinkable. It is my hope that the Supervisor of the Bridger-Teton, what might be considered one of the premier Forests of the US National Forest system, would instead end such practice and focus on a healthier paradigm for wildlife and habitat in the Greater Yellowstone Ecosystem.

Please consider my following objections and remedies to this Draft Record of Decision (DROD):

**Objection #1:** The DROD errs (at pp. 3, 9, and elsewhere) when it assigns the risk of free-ranging elk (i.e., elk not on winter feedgrounds) potentially infecting cattle onto *all* private lands in proximity to elk feedgrounds. This intentional action during the formulation of the model in Cook et al. 2023, is key to an incorrect assumption of elevated risk of disease (i.e., brucellosis) transmission from elk to livestock and elevated risk of depredation by elk on hay and crops upon which the DROD relies. This is arbitrary, and not in accordance with the facts.

From my thorough reading of the Cook et al. 2023 paper and pertinent sections in the DEIS, I submitted comprehensive comments (Dorsey 2024: pp5-7) on this very issue including specific guidance how to correct the error. Here are some excerpts from my comments describing how the assumptions in the Cook et al. 2023 report are insufficient for an accurate risk assessment and how to rectify the insufficiency:

“The USGS Evaluation states later in the report: “For brucellosis risk to cattle, we calculated the predicted number of elk abortions that occur on private property. . . . We assumed all private properties are areas of potential cattle exposure over the next 20 years. Ideally, we would use the actual cattle distribution rather than all private properties; however, cattle distribution is private information. In addition, cattle distribution changes during the year and is expected to change over the next 20 years.” (USGS 2023:27 emphasis added).” (Dorsey 2024:6)

“This DEIS estimates the level of risk and thus the potential impacts to the livestock industry mostly considering the proximity of potentially brucellosis infected elk to private land and aborting on private land, not proximity of potentially infected elk aborting near vulnerable livestock (e.g., mother cows). By their own admission that’s not an accurate risk assessment. Land does not contract brucellosis, mammals do. The US Forest Service is likely very aware that all private lands in the elk feedground region do not pasture and feed cattle during winter and spring.” (Id.)

“Many private lands in the counties at issue, even open ranch and farm lands, do not harbor wintering livestock. Arbitrarily assuming all private lands have livestock at risk during those months and incorporating such assumption into the model would inevitably elevate the estimation of risk of potential brucellosis transmission between free-ranging elk and livestock above the actual risk.” (Id.)

“Actually, the sister USDA agency to the US Forest Service, the Animal and Plant Health Inspection Service (APHIS) indicates that they and cooperating agencies in this DEIS may indeed have more accurate information than the blanket assumption. The large area of the Jackson, Upper Green River, Pinedale, Piney, and Afton Elk Herds are entirely within the Wyoming Brucellosis DSA

(Designated Surveillance Area) as shown on the map on page 6 of the 2017 USDA-APHIS-VS Review of Wyoming's Brucellosis Management Plan (APHIS 2017). In that Review of Wyoming's Brucellosis Management Plan, one of APHIS' Key Recommendations is:

"4. Classify DSA-herds out into high-, medium-, or low-risk categories and document where risk occurs and which herds are on herd plans, and include medium- and low-risk herds when possible. Define what constitutes high-, medium-, and low-risk to create these categories. Conduct risk assessments with individual herds, which will take additional time and resources." (APHIS 2017:4 emphasis added) According to the Wyoming Livestock Board Response to the 2017 APHIS Brucellosis Review Recommendations (WLSB 2017: available at the [aphis.usda.gov](http://aphis.usda.gov) URL noted in the Reference section of these comments) the WGFD, as a result of working with WLSB staff, may already have "risk maps that can be used to identify higher risk herds" (WLSB 2017:7). Additionally, "Global positioning system (GPS) collars and vaginal implant transmitters (VITs) deployed on elk captured on and around the feedgrounds in western Wyoming have enabled managers to identify areas of high risk for inter-specific brucellosis transmission. Maps of these zones have been shared with federal and state livestock regulatory officials." (WLSB 2017:10 emphasis added). Some of the expulsion of the VITs were the result of elk abortions (Id). Confidentiality and rules should be respected and followed, but the USFS should use data acquired through this and related processes and be able to exclude those private lands within the elk herd units at issue from the DEIS risk assessment that either don't have cattle during the high brucellosis transmission risk months or are not within the risk zone." (Id.:6-7)

Other sources for the location of cattle in the area of elk feedgrounds are the USDA National Agricultural Statistics Service (NASS) and even the WGFD. In the 2016 "Risk assessment and management of brucellosis in the southern greater Yellowstone area: A citizen-based risk model for bovine brucellosis transmission from elk to cattle," by M. Kauffman, et al. Published by Elsevier, it explains on page 8, "Cattle location data are not readily available to the public, so we asked producers to provide information on their livestock herds locations throughout the year and whether or not elk are observed overlapping them at these locations. Surveys and reminder postcards were mailed out to cattle producers in the study area during spring 2012 via the National Agriculture Statistics Service (NASS). In winter 2013-2014, a follow-up effort was conducted to elicit additional responses. WGFD provided a list of potential cattle producers, identified by land ownership size/type and cross-referenced by brand ownership. Individuals who had not already provided a useable response to the mail survey were contacted by phone up to three times and asked to complete a shortened version of the mail survey via phone or an in-person interview by a technician."

Contrary to what the FEIS and the Responsible Official claim, it is obvious from the above and my previous comments on this point, that the actual locations of cattle on private land *can* be found in the elk feedground geography, which would enable the USFS and the public to make informed decisions and comments. Merely concluding that all private land in the proximity of elk feedgrounds or where nonfed elk may roam results in risk of livestock contracting brucellosis is nothing more than arbitrary speculation and does not use the best available information as required by the National Environmental Policy Act and the Administrative Procedures Act. And it's just plain wrong.

The FEIS:A-37, merely repeats the assertion in the DEIS: "Response: As stated in the Cook et al. 2023 paper, all private properties were assumed to be areas of potential cattle exposure over the next 20 years because cattle distribution is private information and is expected to change over

that time period. See the Cook et al. 2023 paper for more detail.” The many submitters of comments quoted in the FEIS:36-37 *did* read Cook et al. 2023, and pointed out this insufficiency and the likely erroneous conclusion therefrom in the model and DEIS. The FEIS merely repeats the insipid rationale, and does not recognize or address the suggestions in the DEIS comments how to rectify the error. This obviously does not make the risk assessment in the model correct.

As explained by the Responsible Official, the issuing of SUPs for the 2 feedgrounds in the DROD, and the dismissal of the No Feeding and Phase-Out Alternatives, are heavily based on the alleged risk of brucellosis transmission from elk to livestock because the USGS and USFS accept the premise that is incorporated into the USGS computer model that vulnerable livestock are on *all* private lands in the feedground areas, (DROD:3, 9, and elsewhere). The DROD is new information for the public to consider, and thus it merits more recommendations from this writer how to collect accurate information as to *actual* locations of wintering livestock in the proximity of elk feedgrounds: Besides consulting with the sister agency USDA-APHIS staff as to locations of wintering livestock and locations of high-fencing to mitigate comingling with free ranging elk, (in Dorsey 2022 and Dorsey 2024), the USGS and USFS staff could easily drive their agency SUVs or pick-up trucks on the open county and state roads during winter throughout much of the feedground geography, observe where livestock are being kept for the winter, and make note of the locations and incorporate *that* data into a more accurate risk assessment. Those agencies might also fly drones or piloted aircraft over some areas during winter and do the same. The agencies would find that it's actually a small portion of private lands in the feedground region that have livestock during those winter months. It is required by the Service to make an informed decision and enable informed participation by the public in this significant federal action. Given that the RO confesses repeatedly that his decision hinges on that risk assessment, which is faulty, and his misplaced concern for the welfare of livestock on private lands, the intransigence of the Service to acquire readily available more accurate information as to the locations of livestock on private lands, and the RO's unexplainable refusal to make a decision to protect USFS resources (“I decided it would be inappropriate to act unilaterally on this issue . . .” (DROD:3), it is incumbent on the USFS to incorporate accurate data in the decision making.

**Remedy:** This DROD appears to violate the Administrative Procedure Act 5 U.S. Code Section 706(2)(A), is arbitrary and not in accordance with the facts. The USDA-USFS must consult with their sister agency, USDA-APHIS-VS, and any other source, and use methods to obtain accurate information to inform the USGS computer model output regarding risk of transmission of brucellosis from elk to livestock in the elk feedground geography during the late winter and spring months in a revised Cook et al. report or revised EIS. Withdraw the DROD pending that revision and an adequate period for public review and comment. Do not permit elk feedgrounds on USFS lands.

**Objection #2:** The Responsible Official fails to protect natural resources (e.g., elk and habitat) on USFS land when he defers to the WGFD Feedground Management Plan and “more detailed analysis and management direction” in potential future WGFD Feedground Management Action Plans (FMAPs).

The DROD describes “a modified PA (Proposed Action) to authorize short-term continued use of the Dell Creek elk feedground (35 acres) and the Forest park elk feedground (100 acres), and the existing facilities at each feedground, for the WGFC winter elk-management program as described in the Final EIS through September 30, 2028.” (DROD:2) “By authorizing the PA (Proposed Alternative) for a short-term, the WGFD would be allowed sufficient time to implement the FMAPs (Feedground

Management Action Plans) for each individual elk herd and associated feedgrounds which would **provide the Forest Service with better management considerations** when the new Environmental Analysis begins for all seven Forest Service feedgrounds.” (DROD:9 emphasis added) “This decision **provides more time for more detailed analysis and management direction** through the WGFD’s FMAP process through the 2027-2028 feeding season: after which, all feedgrounds on the BTNF will be evaluated through the NEPA process.” (DROD:10 emphasis added)

Relying on the WGFD Feedground Management Plan and potential Feedground Management Action Plans is nothing more than a Hail Mary pass. The science, solutions, and practical opportunities have been made apparent to the USFS for many years, and are at hand today. (see Dorsey 2022 and Dorsey 2024 both submitted to the USFS for this EIS) To delay years more is malfeasance of the highest order and will result in harm to elk and habitat on USFS lands and other jurisdictions. As stated similarly in Objection #8, relying on unenforceable promises or indications from the WGFD in their Feedground Management Plan (which then promises the many FMAPs in the future), as this DROD clearly intends, (DROD:3) effectively transfers the authority to make decisions for the protection and conservation of resources on USFS land. The USFS abdicates its responsibilities to protect elk and habitat and transfers the responsibility to the WGFD. Instead of taking timely action to protect USFS resources, the Responsible Official gives veto power to the State of Wyoming Game and Fish Commission and Department to postpone at best, or prevent in perpetuity, the USFS from taking the actions necessary to protect elk and habitat, wildlife and the environment, on and around USFS elk feedgrounds and close them down and allow elk to free range.

So, this Responsible Official expects the public to accept that *after* the USFS conducted several EISs on USFS elk feedgrounds (approximately 2008, 2015, and 2025), *after* the WGFD completed approximately 21 Brucellosis Management Action Plans (circa 2006, 2011, and 2016) as a result of the Wyoming Governor’s Brucellosis Coordination Team impaneled in 2004, *and* after lawsuits against the USFS for permitting harmful elk feedgrounds on USFS lands; *after* analysis and reports including counsel by professional wildlife organizations *not* to operate wildlife feedgrounds because of diseases and other harmful impacts (e.g., WAFWA, TWS, WMI, etc., in Dorsey 2024:13 and elsewhere), after years of science-based comments submitted by environmental organizations and individuals including this writer carefully and fully explaining the best path forward to ensure healthier wildlife and habitat on USFS and other jurisdictions, all the while protecting the outfitting and livestock industries, *this* Decision for Dell Creek and Forest Park feedgrounds in 2025 permits the status quo and awaits “more detailed analysis”, “better management considerations”, to further “evaluate() through the NEPA process”?! It boggles the mind that the USFS expects the public to believe and accept this.

It’s has been 3 ½ years since this EIS was scoped in January-February 2022, and it has obviously been the pattern of the USFS to issue any number of one-year SUPs to continue operation of elk feedgrounds long after the “original” SUP has expired, and, again, there is no enforceable deadline for the WGFD to come forth with their unilaterally concocted Feedground Management Action Plans (which the WGFD Director said are *not* plans to close feedgrounds). It would be foolish for the public to believe that a rescue plan is coming in the form of the FMAPs from the very agency, the WGFD, that so obviously promotes elk feedgrounds. In reality, the public should probably not even expect a Decision from the next EIS until 5 or more years hence. There is no rational reason that serves the public good for the USFS to wait any longer to close elk feedgrounds nor to transfer the responsibility to conserve healthy wildlife and habitat on USFS land to the Wyoming Game and Fish Department.

There is no need to wait for feedground closure prototypes and solutions that protect the hunting, outfitting, and livestock industries in western Wyoming and also protect elk and habitat on USFS lands.

NGOs have described successful feedground phaseouts in the Greater Yellowstone region where the benefits are shared all around. Some examples, which have been submitted to the BTNF repeatedly, where feedgrounds and/or winter feeding of elk have ended or been reduced are:

“Idaho has also decommissioned four winter feeding operations in Northeast Idaho (Rainey Creek, Victor, Teepee Creek, and Conant Creek) at the recommendation of the Idaho Governor’s Wildlife Brucellosis Taskforce in an effort to reduce disease transmission risk.” (Wise 2021, parentheses in original; see also Idaho Fish & Game Fall 2016 report).” (In Dorsey 2022:13)

“On the Deseret Ranch in northern Utah and western Wyoming, the managers fed elk during winter for more than 20 years. Due to concerns over diseases and potential predation they undertook a program to decrease or eliminate winter feeding of elk and still maintain viable livestock and hunting programs on the ranch.” (In Dorsey 2022:13)

“Historically, the Blackrock feedground, located in the Buffalo Valley, was used on an annual basis beginning in the early 1930s. It was moved several times and was finally terminated in 1971 (North 1990, WGFD 1991).” (WGFD 2015 Jackson Elk JCR:79)

“In 1995, elk were relocated from North Piney feedground to Bench Corral feedground after WGFD personnel baited hay from North Piney to Bench Corral.” (WGFD Piney 2007 BMAP:8). “Since about 2001, the majority of elk from North Piney have migrated to Bench Corral (citations omitted).” (Id:87). “The WGFD will continue to not feed elk at North Piney feedground as elk no longer attend the site, there have been no increases in elk-cattle/human conflicts, and there have been no affects (sic) on elk mortality of population size.” (WGFD 2016 Piney Elk BMAP:13) No elk were counted on North Piney elk feedground from 2015 to 2020. (WGFD Pinedale Elk JCR 2020: Appendix A)

“Alkali Creek on the BTNF in the Gros Ventre River Valley is apparently no longer being used as a feedground but the WGFD may have an emergency feeding only Special Use Permit for that site. As far back as the winter of 2017-2018, no elk were observed at Alkali Creek. (WGFD 2017 Jackson Elk JCR:15) The last feeding season at Alkali Creek was the winter of 2015-2016. (USFS 2022: statement by R. Griebel) No hay is being stocked at Alkali Creek feedground haybarns. (L. Dorsey personal observation October 2021)” (In Dorsey 2022:14) Note: Alkali Creek elk feedground on USFS land was actually closed in 2024. (DROD:2)

As the above examples prove, there is no excuse for the USFS to claim they don't know how to end elk feedgrounds. But over the past few decades the WGFD has shown little inclination whatsoever to change anything substantive about elk feedgrounds nor end elk feedgrounds short of ending one (Alkali Creek) years after clear direction from a Wyoming court when the Alkali Creek feedground decision and SUP by the BTNF was litigated by conservation groups. It appears the WGFD has teamed up with the Wyoming Governor's office and the State Livestock Board to make it virtually impossible to, of their own volition, close a feedground because of the Gordian Knot entanglements they've imposed on themselves. (*WyoFile* March 30, 2021: Legislature strips Game and Fish of elk feedground closure power) However, the state cannot operate a feedground on USFS land without a permit from the USFS. The DROD acknowledges this to be a “federal action” and “an authorization is required for this use of NFS lands.” (DROD:1) Therefore, on USFS land it’s the responsibility of the USFS to end them.

The Responsible Official chooses to ignore *his* duties to conserve and protect USFS resources when he states, “I decided it would be inappropriate to act unilaterally on this issue, for example, by

selecting the NF alternative, there is potential to displace impacts, conflicts, and unintended consequences to other state, private, and federal jurisdictions.” (DROD:4) If it is not solely a USFS decision, why does the DROD state, “The Responsible Official for this Draft Record of Decision is the Forest Supervisor of the Bridger-Teton National Forest.” (DROD:2) If there is latitude to share the decision making with others included in the position of “Responsible Official”, wouldn't the term be, “*One of the Responsible Officials*”? The responsibility to conserve and protect USFS wildlife and habitat cannot be offloaded from the USFS on to the State for them to complete and implement WGFD Feedground Management Action Plans.

See the following (from Dorsey 2024:22 and Dorsey 2022: Section 19:pp 18-19) that explains the USFS' responsibilities under some federal laws that this DROD may be in violation of:

“Under the 1960 Multiple Use Sustained Yield Act (MUSYA) the US Forest Service must balance the various uses for outdoor recreation, range, timber, watershed, and wildlife purposes to provide for the multiple use and sustained yield of the various products and services provided by the National Forest System lands. The National Forest Management Act (NFMA) of 1976 affirms the US Forest Service’s responsibility as “leader in assuring the Nation maintains a natural resource conservation posture that will meet the requirements of our people in perpetuity.” (16 U.S.C. Section 1600(6)) The Forest Service has a duty to ensure the protection of Forest System resources including the wildlife that resides thereon. The Service must take into account its statutory obligations to: provide for healthy and diverse forest ecosystems; ensure the sustained yield of forest resources, including wildlife; and balance environmental and commercial considerations. 16 U.S.C. Sections 528, 529, 1604(g)(B). The Service must also provide for a “diversity of plant and animal communities” based on the suitability and capability of the specific forest to enable the agency to meet its multiple-use objectives. (16 U.S.C. Section 1604(g)(3)(B)) Under this authority, the Forest Service’s regulations require it to provide ecosystem components including ecosystem integrity, ecosystem diversity, and maintain viable populations of species of conservation concern. (36 CFR Part 219.9) Elk feedgrounds are the opposite of healthy ecosystems, they prevent healthy wildlife populations and, thus, do not comply with NFMA.”

The USFS shirks its responsibilities, and the USFS resources and the public are harmed as the elk are confined to a disease infested feedground, all the while the USFS waits for the state to act in some manner that is not even known at this time. How does it serve the public good that at an as-yet-unknown future date a USFS Responsible Official again worries it would be “inappropriate” and doesn’t “act unilaterally” to conserve and protect resources on USFS land, and other as-yet-unknown party(-ies) to the decision also refuse to act? Do any and all future co-Responsible Officials have veto or blocking power? Forever?

There is no reason to expect that the WGFD Feedground Management Plan is any different than the Wyoming Governor's Brucellosis Coordination Team's Final Report of 2005 and the Brucellosis Management Action Plans (BMAPs) for the feedground elk herds that arose from that effort. There were 3 generations of 7 BMAPs each, approximately 2006, 2011, and 2016; so after 21 BMAPs and 20 years passing, nothing much changed despite conservationists and virtually all other wildlife scientists and biologists- and the Wyoming District Court- warning of the consequences when CWD gets to the feedgrounds and clearly counseling that feedgrounds are harmful.

From Dorsey 2024:

“While rendering a decision in yet another example of the USFS piecemealing the analysis and decision about an elk feedground a Wyoming court found: “There is no question that Alkali Creek feedground could become a reservoir for CWD infection if it becomes established in elk populations in northwest Wyoming. That potential is increased with the concentration of elk at feedgrounds. If infected animals congregate, the environment will eventually be contaminated.” (WWP 2018:24) For this very reason, the virtually unanimous counsel of wildlife scientists and professional societies has for decades advised agencies, including the US Forest Service, not to artificially feed cervids. (WMI 1999, TWS, AFWA, WAFWA, American Society of Mammologists, and more) Not only did the US Forest Service and other agencies in western Wyoming ignore that advice for decades, they segmented and repeatedly approved through a succession of poor NEPA processes each of the elk feedgrounds or completely ignored doing the appropriate level of analysis of significant federal actions such as for the elk feedgrounds on BLM lands. Whereas, as noted by the National Academies of Sciences, Engineering, and Medicine, “(s)everal non-governmental organizations have argued for the complete phasing out of supplemental feedgrounds for a number of reasons, including CWD.” (NAS 2017:113).

“Indeed, for decades that’s been the case again and again; the US Forest Service received and is well aware of several of those submissions cited in this Reference section: GYC et al. 2005, 2007; GYC 2013; Dorsey 2022, and so many other resounding and fact-based calls to phase out winter elk feeding in western Wyoming. Yet here we are, January 2024, as predicted CWD has reached the feedground area, and the largest land manager in the Greater Yellowstone Ecosystem that permits the most elk feedgrounds is shockingly considering reauthorizing two of them for 20 more years.” (In Dorsey 2024:13-14)

When the Wyoming Game and Fish Commission approved the Feedground Management Plan in early March 2024, then WGFD Director Brian Nesvik said, “This is not a plan to shut down elk feedgrounds.” (WGFD online news release, March 18, 2024) It is obvious as the years have gone by that, “allowing sufficient time to implement the FMAPs” is nothing more than the familiar ruse from the state perpetuated by the USFS Responsible Official. The USFS may not shirk its responsibility to protect wildlife and habitat on USFS lands by waiting on the state to adopt and effect a healthier paradigm for elk management. See, again, above citations regarding NFMA and MUSYA violations in previous comments. As my and others' comments have made clear time after time after time, the USFS has for many years possessed more than enough compelling information to end elk feedgrounds on USFS jurisdiction.

Curiously, the Responsible Official states, “I make this decision (to continue permitting elk feedgrounds) knowing that there is concerted effort among local, state, and federal agencies, and the public they serve, to restore historic migration routes, ensure the production and availability of natural winter range, protect private land from elk damage, and to address current and emerging wildlife diseases.” (DROD:2 parenthesis added) Even though in the DROD the Responsible Official indicates multiple times that he actually doesn't know where private lands are being “protected from elk damage” since he chooses to sacrifice the health of elk by keeping them on disease-ridden feedgrounds and away from any and all private lands whether those locations have hay or livestock or not; it would be valuable if the Responsible Official offers examples where those efforts are in place. He could confer with the USDA-APHIS-VS to get that information.

There is no enforceable timeline for the WGFD Feedground Management Plan to produce Feedground Management Action Plans that comply with federal requirements; regardless whether the

DROD anticipates they'll be competed on or around September 30, 2028 or not. Basing this Decision to continue SUPs for Dell Creek and Forest Park on Wyoming's process and whims is **a clear attempt to transfer the responsibility for protection of USFS lands and resources from the USFS to Wyoming**. Through this Decision the USFS commits to the status quo operation of elk feedgrounds until such time as the WGFD crafts and implements action plans that do not yet exist and are not bound by the legal requirements that constrain and guide the USFS. While the USFS admits that feedgrounds on USFS land need a special use permit, the record is more than clear that the USFS allows the WGFD to operate elk feedgrounds in USFS years after a long-term SUP permit expires. "Permitted special use authorizations for Dell Creek and Forest Park expired in 2022 and 2017, respectively, but the (WGFD) has been allowed to continue feeding . . . through the use of one-year special use permits (SUPs) . . ." (DROD:1)

A Wyoming judge agreed:

"(T)he Service must not be bound by the decisions year after year by the WGFD to maintain elk feedgrounds on USFS land. As the Court notes, regardless of the WGFD deciding whether or not to feed elk in the winter, "this does not excuse the Service from taking a hard look at the consequences of *its* action to allow the long-term use of NFS lands at Alkali Creek as a feedground." (WWP v Christiansen 2018: 25 emphasis in original) The Court continues: "Relevant to the Service (and not simply within WGFD jurisdiction) are the problems that artificial feeding increases the risk of disease transmission, increases the risk that the site will be contaminated with prions for a very long time, and also appears to blindly support WGFD's goal of managing elk movements to prevent commingling with livestock and danger to agricultural land, notwithstanding the BTNF Land and Resource Management Plan that includes a stated goal, "[h]elp re-establish historic elk migration routes to provide increased viewing and hunting opportunities for outfitters and clients." AR119. Based on the record, feedgrounds seem to undermine this goal. For all the reasons, the 2015 FSEIS is inadequate in that it fails NEPA's hard look requirement." (Id.)" (in Dorsey 2022:15)

**Remedy:** As stated above, this DROD appears to violate NEPA, the Multiple Use Sustained Yield Act, and the National Forest Management Act, and should be withdrawn for a Decision that is truthful about practical and enforceable actions by the USFS whose responsibilities include conserving and protecting wildlife and habitat on USFS land and ends harmful elk feedgrounds on USFS land.

**Objection #3:** The Responsible Official sacrifices the welfare of wildlife and habitat on USFS lands in favor of his misplaced emphasis that unknown domestic livestock on unknown private lands *might* be placed in disease transmission jeopardy, and hay may suffer depredation, if elk are not kept on feedgrounds. This appears to be a violation of NFMA as cited above in Objection #2, and noted in Dorsey 2022 and 2024.

The supervisor of the Bridger-Teton National Forest, the Responsible Official in this matter, is apparently very concerned about the potential brucellosis transmission risk from free-ranging elk to privately owned livestock on private lands, but the FEIS makes clear that the USGS and USFS never even found out *where* vulnerable livestock are. See Objection #1 above and my DEIS comments (Dorsey 2024: pp. 5-7) pointing out the astonishing omission of the USGS Cook et al. 2023 model that included *all* private lands in the feedground region to have vulnerable livestock during the brucellosis transmission months of February through May. Which is, of course, not true. The USGS and USFS refused to consult with USDA-APHIS-VS and the WGFD about where livestock are and whether high fences had been erected at those locations to achieve separation between elk and livestock. So, again,

the RO has no idea if livestock exist on a particular tract of private land or not. Which isn't the land status he needs to be concerned with. The land and resources and wildlife the RO needs to protect are *on the USFS land*. The resources are the elk and the habitat, the land. And he knows exactly *where* the elk are in jeopardy, on the very USFS feedgrounds that the USFS has permitted the WGFD to operate feedgrounds which subject the elk and habitat to deadly prions and bacteria. That's his jurisdiction. Fortunately, the jurisdiction of a sister USDA agency is, indeed, the privately owned livestock on private lands. But, again, those valuable communications and information exchanges among the sister USDA agencies were apparently never made.

The circumstances for elk on feedgrounds on USFS-BTNF lands are dire, caused by the USFS. Diseased and dead elk have recently been discovered on and around the Dell Creek elk feedground and other feedgrounds in western Wyoming. "During winter/spring 2025, a total of six elk were found dead on or near Dell Creek feedground (hunt area 87) that subsequently tested positive for CWD (WGFD 2025b; Bruce 2025)" Three other feedgrounds also recently had dead elk testing positive for CWD; Scab Creek, Black Butte, and Horse Creek. (DROD:1)

Candidly, in the DEIS, the Service states, "It is worth reiterating a few salient facts about CWD: 1. CWD is always fatal, there is no vaccine, and there is unlikely to be one any time in the relevant future. 2. Environmental contamination: Chronic wasting disease is an infectious disease that can spread directly through contact from individual to individual or indirectly through the environment via ingestion of contaminated vegetation or soil. Prions can persist in the environment and continue to be infectious for years by binding to soil elements or plants, making it difficult to manage the disease once it is established in a population. a. CWD is more infectious in some soil types and over long periods. b. There is evidence for plant uptake of infectious CWD prions." (DEIS:49 in Dorsey 2024:2)

The Responsible Official even claims, "I clearly understand and acknowledge that the WGFC's action of feeding elk in feedgrounds results in artificially high concentrations of elk during winter and early spring, which increases risk of disease transmission. (DROD:3) This statement, and others, appear to be attempts to somehow absolve himself of the ongoing and inevitable outcomes from the operation of deadly elk feedgrounds in USFS land.

Regardless of the facts showing that feedgrounds by their very nature are undeniably locations of extreme jeopardy for habitat and wildlife, the Responsible Official writes: "I have decided to implement a modified PA (Proposed Action) to authorize short-term continued use of the Dell Creek elk feedground (35 acres) and the Forest Park elk feedground (100 acres) . . . through September 30, 2028." (DROD:2) Despite the diseased elk discovered on Dell Creek and other feedgrounds, thus proving the anticipated negative outcomes of maintaining winter elk feedgrounds long warned about by conservationists and scientists, the Responsible Official astonishingly argues that the harmful impacts from continuing these two elk feedgrounds are negligible. "There are not large differences in CWD prevalence rates, deaths from CWD, or deaths over time across entire herd units among the alternatives all (sic) considered in the Final EIS." (DROD:4) "Although the NF (No Feeding) alternative resulted in the lowest numbers of CWD prevalence and CWD deaths, along with the highest elk population number at year 20, since only an estimated 20 and 12 percent of the of the elk herds in the Afton and Upper Green River herd units, respectively, are fed at the Forest Park and Dell Creek elk feedgrounds, the differences between the alternatives are relatively small." (DROD:9)

This decision is arbitrary and not in accordance with previous determinations by the United States District Court of Wyoming, nor supported by the facts. This appears to violate the Administrative Procedure Act 5 U.S. Code, Section 706(2)(A) and the decision should be withdrawn.

The US District Court of Wyoming reminded the Forest Service that “(r)elephant to the Service (and not simply within WGFD jurisdiction) are the problems that artificial feeding increases the risk of disease transmission, increases the risk that the site will be contaminated with prions for a very long time” and cautions against appearing to “blindly support WGFD’s goal of managing elk movements to prevent commingling with livestock and danger to agricultural land” (WWP vs. Christiansen 2018:25).

The Responsible Official rationalizes his decision to select the modified (aka, 3-year SUP) PA as somehow positive because including Dell Creek and Forest Park feedgrounds *in yet another EIS* years away when the SUPs for Dog Creek, Fall Creek, Fish Creek, Muddy Creek, and Green River Lakes expire in October 2028, “improv(es) management efficiency.” (DROD:4) Such implied or alleged administrative inconveniences are the result of *intentional* actions by the Bridger-Teton National Forest leadership to conduct a hodgepodge of EISs over the decades and should *not* be considered valid excuses to continue to issue SUPs for feedgrounds no matter for how many years. To help the USFS with convenient paperwork, more elk will die, more habitat will be contaminated.

Again, candidly, but with an additional *mea culpa*, the Responsible Official admits, “I clearly understand and acknowledge that the WGFC’s action of feeding elk in feedgrounds results in artificially high concentrations of elk during winter and early spring, which increases the risk of disease transmission. . . . *With CWD now established on the BTNF, there is a likelihood that the population-limiting effects of this disease to elk, mule deer, and moose will be hastened by supplemental feeding.*” (DROD:3 emphasis added) Astonishingly, the Responsible Official then confesses, “I decided it would be inappropriate to act unilaterally on this issue; for example, by selecting the NF (No Feeding) alternative, there is potential to displace conflicts and unintended consequences to other state, private, and federal jurisdictions.” (DROD:3-4)

Yet, the action at issue is, without any doubt, a USFS matter, i.e., the Special Use Permits for the WGF Commission and Department to operate feedgrounds at Dell Creek and Forest Park on USFS land. The DROD refers to this as “*the federal action . . . (and) an authorization is required for this use of NFS lands.*” (DROD:1 emphasis added) The public has engaged in good faith for years in this NEPA process all the while believing that, indeed, it was a USFS decision to make, only now to learn that the Responsible Official, the Supervisor of a 3.4-million acre National Forest, refuses to take the action to reduce the jeopardy to wildlife and habitat *on* USFS lands for fear of potential impacts to unknown private livestock on unknown private lands allegedly caused by subsequently free-ranging elk; impacts that, as facts have shown, are easily remedied where they may even exist. The location(s) of disease transmission risk aren’t even known by the RO. The public and the wildlife deserve better. Fortunately, the USDA-APHIS-VS can and will help those livestock and landowners with mitigations wherever beneficial. *That’s their job.*

In the September 2018 decision, the Wyoming Court noted, “There is no question Alkali Creek could become a reservoir for CWD infection if it becomes established in elk populations in northwest Wyoming. That potential is increased with the concentration of elk at feedgrounds. If infected animals congregate, the environment will eventually be contaminated. This will significantly affect vegetation and soils, thus productivity, over a very long term (if not indefinitely) and may result in an irreversible and irretrievable loss of wildlife and habitat.” (WWP v. Christiansen 2018:24 parentheses in original). The BTNF must be aware that this also applies to Dell Creek, Forest Park and all other feedgrounds singularly and combined; especially now that dead CWD-infected elk carcasses were found on and around Dell Creek feedground in recent months. “Managing the disease may become extremely difficult if the environment becomes too saturated with prions, and feedgrounds could become reservoirs of these

infectious agents.” (Maloney 2018). The Service must consider the effects of such long term harm to the environment from infectious prions. (in Dorsey 2022:12) As the court reminded the US Forest Service about the Alkali Creek feedground, “Whether Alkali Creek Feedground poses a small or somewhat larger risk is immaterial, as the risk is not speculative.” (WWP 2018:15) (in Dorsey 2024:18)

By dismissing the potential incidence of CWD among the elk because it's “only” two feedgrounds the Responsible Official also ignores the potential for potentially higher death rates among those same feedground elk from foot rot. (See Objection #7) To adapt the court's reminder from 2018, that risk and those deaths from foot rot, as well, are not speculative.

The USFS Responsible Official appears to conveniently rationalize and even inflate the risk to livestock on private lands as the dispositive factor for his decision to keep elk on disease-ridden feedgrounds while at the same time willingly sacrificing the elk actually dying- and inevitably dying in the future- of diseases found on USFS-permitted feedgrounds *on* USFS lands. These positions are conflicting. The livestock residing on private land are *not* the responsibility of the USFS. The elk on- and the actual land of- USFS feedgrounds *are* the responsibility of the USFS. And, despite the refusal of the EIS to consider such remedies (e.g., “The implementation of other tools under the NF or PO alternatives is beyond the scope of this analysis.” (FEIS:A-27)) there are obvious remedies to retain the brucellosis-free condition of livestock on private lands, and protecting hay from elk, including but not limited to vaccinating the livestock against brucellosis and installing elk-proof fences described at length in Dorsey 2022 and Dorsey 2024. (See Objection #5) Again, the USFS Responsible Official and the EIS should not be ignorant of- nor averse to- endorsing elk-proof fences on USFS and other jurisdictions to enforce separation between free-ranging elk and livestock where such may be beneficial. Indeed, see Section 4.C. Fencing: beginning on page 8 in Dorsey 2024 for descriptions of existing elk-proof fences on mixed jurisdiction lands in the elk feedground area, as well as the USDA-USFS General Technical Report about techniques to construct such elk-proof fence (described in Objection #5).

As the EIS made clear, keeping elk on feedgrounds has a high potential to result in many of those elk contracting CWD, brucellosis, and, as included in public comments to the USFS on the DEIS, also deadly foot rot (aka, necrobacillosis); ironically while the Responsible Officer wants to ensure that cattle are safe on the private lands he knowingly amplifies the harm to elk and habitat on USFS lands. The very wildlife and habitat he is bound by law to protect. The USFS Responsible Official appears to be acting in the capacity of the USDA-APHIS-VS by focusing on the welfare of domestic livestock to the detriment of wildlife. The misplaced allegiance of the Responsible Official from elk and habitat on USFS land to private livestock on private land is glaringly obvious and must not stand.

**Remedy:** This decision appears to violate the National Forest Management Act and the Administrative Procedure Act as explained above. Withdraw this decision and do not issue permits for elk feedgrounds on USFS land.

**Objection #4:** This DROD fails to comply with the Vision and Mission Statements of the BTNF.

Under Environmental Consequences, the FEIS states in part: “To help inform this decision, the USGS and partners (WGFD, USFWS, and NPS) worked with the Forest Service to identify fundamental objectives and associated performance metrics that support the mission of the BTNF.” (FEIS:47)

However, the DROD for this EIS, to re-issue an SUP for both elk feedgrounds in no way supports the Mission or Vision of the BTNF.

From Dorsey 2022 Section 3 pp.3-4:

**“Vision and Mission of the Bridger-Teton National Forest**

“The BTNF should remember and incorporate into its analyses and decisions the excellent Vision Statement of the Bridger-Teton National Forest as once prominently displayed in the Supervisor’s Office in Jackson, Wyoming:

“The Bridger-Teton National Forest is home to world-class headwaters, wildlife, wilderness and wildlands. Conserving these values, in concert with providing for sustainable uses, is our legacy. We are leaders committed to service, action and excellence.”

“It is clear from a review of the disease and wildlife management science and professional wildlife managers’ and scientists’ associations’ policies that the perpetuation of elk feedgrounds on USFS lands in no way rises to the level of “excellence” in BTNF’s Vision Statement. Elk feedgrounds are substandard- even horrific- treatments of habitat and wildlife which are done almost nowhere else in North America other than in western Wyoming, several on the BTNF. The BTNF is not living up to its Vision Statement by permitting elk feedgrounds which, by their influence on other habitats and wildlife populations, are harmful to a broad swath of the BTNF and adjacent lands and wildlife. Definitely not the treatment of “world-class wildlife” in the Vision Statement the public expects and deserves.

“The Mission Statement for the Bridger-Teton National Forest reads thus:

“The employees of the Bridger-Teton National Forest are dedicated to sound natural resource management. We care for the land by improving and maintaining healthy Forests and rangelands, clean air and water, and diverse habitat for fish and wildlife populations. We serve the people by encouraging responsible use of the resources our Forest provides.

“We aim to be progressive leaders in natural resource management. We work effectively as a team, committed to timely completion of projects to meet resource and public needs. We value public comment, we foster partnerships and we are active in our communities.

Above all else, Bridger-Teton National Forest employees respect each other and the public we serve.”

“While this is an excellent Mission Statement, the existence and perpetuation of any elk feedgrounds on USFS land does not exemplify the Mission Statement. The science, law, and all readily available information regarding elk feedgrounds are in no way “sound natural resource management.” Feedgrounds are a mistaken and archaic practice that do not even come close to modern wildlife management standards. Perpetuating unhealthy disease ridden feedgrounds that cause elk to be sick are the opposite of “maintaining healthy Forests.” How else can any agency or the public reasonably interpret the reality of sick elk confined en masse on small tracts of land, eating baled hay atop layers of feces built up over decades amidst overbrowsed, stunted woody shrubs and dead aspen? Virtually all other wildlife managers throughout North America- with the apparent exception of the leadership of the WGFD- acknowledge the inherent and unavoidable unhealthy character of elk feedgrounds and, thus, wisely counsel to abolish artificial feeding of big

game.”

**Remedy:** Withdraw the DROD, end elk feedgrounds on USFS lands, and live up to the Vision and Mission of the Bridger-Teton National Forest.

**Objection #5:** The FEIS and DROD fails to consider and reject out of hand elk-proof fences and vaccinations of livestock against brucellosis to mitigate risk of free-ranging elk infecting livestock with brucellosis on private land and depredating hay and crops. The FEIS and DROD also fail to acknowledge that the sister agency of the USDA-USFS, the USDA-APHIS, is charged with the welfare of privately owned livestock on private lands and works on those issues in the elk feedground geography to the benefit of livestock, *not* the USFS. Thus this DROD appears to violate the National Environmental Policy Act and implementing regulations; additionally this DROD is arbitrary and not in accordance with the facts and appears to violate the Administrative Procedure Act 5 U.S. Code Section 706(2)(A).

Since the concern for risk of brucellosis transmission from elk to private cattle and hay depredation obviously weighs heavy in the mind of the Responsible Official, the BTNF Forest Supervisor, (DROD :3-4, 10) the right thing to do is to employ readily available tools known to effectively mitigate that risk. Those tools are ending elk feedgrounds, vaccinating cattle against brucellosis, and constructing fences to keep cattle on private lands separate from free-ranging elk among other mitigations.

Furthermore, the risk of transmission of brucellosis from elk to cattle should *not* be a significant concern of the USDA-USFS, because it *is* a significant concern of and is handled by their sister agency, the USDA-APHIS-VS. (see Objection #1) Also charged to mitigate conflicts between wildlife and livestock and stored or open crops is the WGFD as alluded to at DROD:10. Those two agencies, one federal and one state, perhaps other agencies, and the owners of the livestock and private land are already on the job doing that work. The welfare of privately owned livestock on private land is not the responsibility of the USFS.

Specifically, the Responsible Official for the DROD repeatedly states his concern for protecting privately owned livestock from brucellosis infections on private lands as significantly influencing his decision to issue a SUP for both elk feedgrounds. “Even a small increase in brucellosis transmissions to nearby cattle operations could result in significant financial hardship or force an operator out of business.” (DROD:4) “Because the NF (No Feeding alternative) resulted in the highest number of elk on private land, it would increase the risk of brucellosis transmission from elk to livestock.” (DROD:10) “Because the PO (Phase Out alternative) resulted in the second highest number of elk on private land (after the NF alternative), it would increase the risk of brucellosis transmission from elk to livestock.” (DROD:10) “If a cow becomes infected (with brucellosis), the USDA requires that the entire cattle herd and all contact herds be quarantined or culled. Brucellosis outbreaks would occur more frequently with increased interaction between cattle and elk during high transmission risk period.” (DROD:10)

“If depredation (on agricultural products) were to increase under an alternative with less elk feeding . . . then efforts to prevent depredation, either by WGFD or by individual producer investment, may need to be implemented.” (DROD:10)

The Responsible Official uses the phrase “efforts to prevent depredation” as a possible

reference or catch all that could include elk-proof fences surrounding haystacks and livestock winter feeding areas; which fences would also prevent commingling and reduce to virtually zero the risk of brucellosis transmission from elk to livestock at that location as well as preventing crop and hay depredation. But the RO evidently takes no solace in such efforts that already take place, opting instead to keep elk on diseased feedgrounds for all the winter months, thereby sacrificing wildlife and habitat for, in his mind, the unaddressed welfare of domestic livestock on private lands. Livestock and private lands that the RO doesn't even know the locations of. (See Objection #1) Female cattle are already vaccinated against brucellosis in the Designated Surveillance Area. (APHIS 2017:9) Elk-proof fences are commonly used throughout Wyoming and other Rocky Mountain states where there are free-ranging elk in the proximity of livestock operations. In both Dorsey 2022 and Dorsey 2024 I submitted more detailed comments about the benefits of strategically placed elk-proof fences to help mitigate, even eliminate, the risk of disease transmission from elk to cattle in order to expedite the end of elk feedgrounds. The USDA-USFS even has a General Technical Report, PNW-GTR-313, "Techniques to Construct New Zealand Elk-Proof Fence", by Larry D. Bryant, Jack W. Thomas, and Mary M. Rowland, August 1993. The USFS should be well aware of the utility of elk-proof fences.

Inexplicably, despite obvious expertise in this tool, the FEIS dismisses the importance of considering the known longstanding use and potential for expansion of elk-proof high fencing and vaccinations of cattle against brucellosis to mitigate conflicts between livestock, highway traffic, private property, and free ranging elk: "The implementation of other tools under the NF or PO alternatives is beyond the scope of this analysis." (FEIS:A-27) Yet the Responsible Official repeatedly claims to be very concerned about preventing depredation of hay and infection of livestock on private lands but somehow doesn't recognize the existing tools that would solve those concerns? As stated above he even hints that "efforts to prevent depredation" may be needed (DROD:10); thus it's not reasonable that the EIS and subsequent Decision ignore the obvious tools to solve such concerns. In numerous EISs for elk feedgrounds, the Bridger-Teton National Forest appears to constantly be in denial that highfencing (provided by WGFD and APHIS) and vaccinations of livestock have been used for decades to mitigate wildlife-livestock conflicts. Indeed one of the USFS' USDA sister agencies, APHIS, is well aware of the importance of high fencing to mitigate disease and crop depredation risks: "WGFD provides, through cooperative agreement with APHIS, fencing to livestock producers for decreased elk damage and comingling." (APHIS 2017:17)

Here it is worthwhile to insert a section of my scoping comments to remind the USFS about the ongoing use of fencing and where the USFS actually *is* involved in high-fencing areas to mitigate conflicts (Dorsey 2022:15-16). Contrary to what the DEIS dismissively implies (DEIS:20) this is not a suggestion for the USFS to unilaterally erect fences on private lands. However high fences have been cooperatively installed on a mix of federal (USFS and BLM), state, and private lands (see citations below), indeed along highway rights-of-ways, too (DEIS:183), for decades to mitigate conflicts. While the USFS has expertise in building elk-proof fencing as shown in the 1993 USDA-USFS General Technical Report, "Techniques to Construct New Zealand Elk-Proof Fence," (USDA-USFS 1993) and exemplified by actual high fences on USFS lands near elk feedgrounds, the USFS must further consult with APHIS, the BLM, stakeholders, and WGFD on fencing, and must consider these widely used tools in their analyses of impacts and recognize and support the use of appropriately constructed fences where needed.

From my Scoping Comments (Dorsey 2022:15-16 and in Dorsey 2024:9-10):

“The BTNF must consider better solutions such as elk-proof fencing at or near the hay storage and livestock feeding locations to maintain separation of elk from livestock where appropriate, or producers shipping livestock to winter elsewhere, that can solve many of these conflicts. And, then, allow elk to range freely as they do everywhere else. These are solutions that have been used throughout the Rocky Mountain states, including in Wyoming. Indeed, in the Gros Ventre Valley east of Jackson Hole, the WGFD admits that, “some of the private lands have erected fencing to protect stored crops and livestock from elk.” (WGFD 2016 JEHBMAP:5) The WGFD gives fencing materials to some livestock owners to keep wildlife out of haystacks, (WGFD 2007 Hoback Elk BMAP:36) but fencing livestock winter feeding areas is also necessary to achieve separation of elk and livestock and reduce the risk of disease transmission. In eastern Idaho, if there’s risk of elk to livestock disease transmission, it’s required. (Sierra Club et al 2017:4) The BTNF must be an active partner in seeking and implementing such solutions.

“Besides the Soda Lake elk fence near Pinedale, Wyoming (WGFD 2006 Upper Green BMAP:37 ), other examples of elk-proof fencing partially on the BTNF include the Muddy Creek elk fence southeast of Boulder, Wyoming, (WGFD 2006 Pinedale BMAP:40) and the elk fence extending southeast and south from the Greys River (aka, Alpine) feedground in Star Valley, Wyoming (WGFD 2006 Afton Elk BMAP:17). Even though these fences need to be elk-proof, they may be of a kind that is entirely or partially removable or otherwise adjusted during the summer months to allow passage of wildlife, livestock, and people. Fences that enforce separation of elk from livestock should, of course, be constructed to as minimal length as possible, and affect as little of the landscape as possible. The Soda Lake elk fence is far too expansive and should be shortened and adapted to facilitate elk movements to native winter ranges. The USFS undeniably has expertise in building elk proof fences. (USDA-FS 1993)

“The BTNF should consider elk proof fences can also be used to keep elk off busy highways to mitigate the risk of traffic/wildlife collisions. See the existing examples of such fences miles in each direction along US Highway 191 around Daniel, Wyoming. Such fencing is also being erected south of Jackson, Wyoming, along Highway 89/191; such fences have existed north of Jackson along the same highway for decades. Now common, fencing along highways can be accompanied by electronic signs warning drivers to beware of migrating wildlife, also reduced speeds and wildlife underpasses or overpasses to allow wildlife to cross safely and thus use broad landscapes and important seasonal habitats.”

Yet, again, at FEIS:A-27 *after the FEIS actually quotes some of my comments* describing the value and need for elk-proof fences to mitigate consequences of ending feedgrounds, the USFS claims, “The implementation of other tools under the NF (No Feeding) or PO (Phase Out) alternatives is beyond the scope of this analysis.” I submitted those comments (Dorsey 2022:Section 14) *before* the analysis was begun, so it should have been a part of the analysis and, frankly, recognized and promoted in the Decision. And I submitted similar but expanded comments on the DEIS (Dorsey 2024:Section 4C Fencing). The USFS themselves refer to “USDA” as requiring cattle herds to be quarantined or culled “if a cow becomes infected.” (DROD:10) Assuming the reference is to USDA-APHIS-VS, the USFS must then be aware that their sister agency

promotes the use of elk-proof fences, vaccinations against brucellosis, funds these and more (APHIS 2017), and indeed sees the value of “discontinuing () elk feedgrounds”. (Aphis 2012 Review of Wyoming's Brucellosis Management Plan, September 10 & 11, 2012, under Recommendations at page 17: “Continue research and specific herd management actions that could lead to the eventual discontinuation of elk feedgrounds and elimination of brucellosis from elk.”)

Since the Responsible Official in the DROD repeatedly emphasizes *his* concern over elk infecting cattle with brucellosis, even claiming that his own federal Department would impose onerous penalties should that ever occur (DROD:10), thus overriding the environmental benefits of ending elk feedgrounds by selecting a modified Proposed Alternative instead which continues elk feedgrounds well into the future with no end date certain, it is inexplicable that such well known and used remedies such as elk-proof fencing - some of which exist today on USFS land in the feedground areas (see examples above from Dorsey 2022 and 2024)- and vaccinations of livestock against brucellosis effects wouldn't enter into his analysis and deliberations that he claims to have “not taken lightly”. (DROD:2)

**Remedy:** The DROD appears to ignore facts, appears to be arbitrary, and not based on available facts; as such, the DROD appears to violate NEPA and the APA. Withdraw the DROD. Promote the benefits of vaccinations of livestock against brucellosis and elk-proof fencing around livestock pastures, haystacks, livestock winter feedlots, highways, and other conflict areas and end elk feedgrounds on USFS lands now.

**Objection #6:** Reissuing Special Use Permits (SUPs) for elk feedgrounds on USFS lands does not comply with the Forest Plan Goal to re-establish historic elk migration routes.

Astonishingly, the Responsible Official claims his decision to continue elk feedgrounds somehow complies with the Forest Plan goal “to help communities continue or gain prosperity by helping to re-establish historic elk migration routes to provide increased viewing and hunting opportunities for outfitters and clients (page 140, goal 1.1(g), Forest Plan 1990, USFS 2015).” (DROD:3) The DROD goes on to list some of the “ongoing efforts” the BTNF is, has, or will undertake to accomplish this Forest Plan goal. Somehow, in the mind of the RO, this includes closing the Alkali Creek elk feedground that the BTNF decided multiple times- contrary to the advice of wildlife professional organizations, wildlife experts, and conservationists- *to continue permitting* until they were sued by conservation organizations and eventually closed it. Note, too, the Forest Plan dates to 1990. No one should believe the Responsible Official when he claims the Forest is actually conducting “ongoing efforts” to re-establishing historic elk migration routes when some thirty-five years have passed and the Forest clearly intends to continue to permit elk feedgrounds well into the future and possibly in perpetuity despite the widely acknowledged harm feedgrounds inflict, and will inflict, on USFS land and elk; *one* of the many harms is not allowing elk to migrate to and utilize natural winter ranges as nonfed elk do. As a matter of fact, the Wyoming District Court expressed its skepticism in 2018 that the continuation of elk feedgrounds accomplishes this important Goal, in a decision regarding Alkali Creek elk feedground: “Based on the record, feedgrounds seem to undermine this goal.” (WWP vs Christiansen 2018:25) Note that the court didn't indicate that feedgrounds simply fell short of accomplishing the goal; the court actually felt that feedgrounds “undermined” the goal. Some synonyms for undermine are sabotage, subvert, counteract, and weaken.

From Dorsey 2024:11:

"It is irrefutable that, "feedgrounds help truncate the natural migratory routes of elk(.)". (Maloney, et al. 2020). Dell Creek elk feedground is situated, "in (an) area() considered elk summer range to *stop elk migration* short of lower-elevation private property." (WEST 2004:48 emphasis added) Given that the Court has already noted the contradiction of elk feedgrounds and the BTNF Forest Plan, and in addition to all the other unavoidable harmful impacts of elk feedgrounds, Dell Creek elk feedground must be phased out expeditiously in order not to short stop elk in their natural migrations." (Dorsey 2024:11)

"Mass elk migrations in the late 1800s and early 1900s out of Jackson Hole were documented by Chester Anderson in his 1958 book *The Elk of Jackson Hole: A Review of Jackson Hole Elk Studies*, and by Christina Cromley in 2000, "Historic Elk Migrations Around Jackson Hole, Wyoming". (In Smith 2012:223, endnoted:227) Elk in the mountains south of Jackson Hole migrated out into the sage steppe as well: "The majority of the Big Piney elk herd historically wintered out on native winter range in the Little Colorado Desert area between Big Piney and Farson during normal to severe winters. . . . (E)lk ceased using this winter range with the advent of feedgrounds which short stop elk prior to reaching native winter range." (PineyEH BMAP 2007:31 emphasis added) If when the Forest Plan was developed in 1990 the goal was to "help re-establish historic elk migrations routes", and if all the elk feedgrounds in the five herd units discussed in the DEIS were operational at that time (which they were), then those feedgrounds do not in any way accomplish the goal of reestablishing "historic" migration routes. "(If feedgrounds were terminated) (t)he elk that utilized the Dell Creek and Forest Park feedgrounds would likely revert to movement patterns similar to those of unfed elk and historic migration routes under the No Feeding alternative. This would move the Forest Service toward objective 1.1 (g) of the Forest Plan: to reestablish elk migration routes to increase viewing and hunting opportunities for outfitters and clients on Forest Service lands. Reverting to historic migration movement patterns may result in elk arriving on native ranges during peak nutritional foraging periods. This could improve the spring, summer, and fall body condition of elk compared to the Proposed Action." (DEIS:54 parentheses added) This last is an accurate statement." (Dorsey 2024:11-12)

It's more than unsettling that given all the information provided to the BTNF over the years by the public and Non-Governmental Organizations about historic migrations, the Responsible Official tortuously interprets the Forest Plan Goal, and the phenomena of elk migrations themselves, and claims that the Forest Service's and "interagency partners" actions somehow "contribut(e) to meet() the existing goal as currently defined." (DROD:3) There is no way on this earth that elk feedgrounds as they have for decades and do currently operate in western Wyoming *promote* the historic migrations of elk, particularly when the destination (i.e., feedgrounds) forces thousands of elk to stand for months mired in their own feces and urine, and act as deadly disease factories. As for claiming at DROD:3 that the BTNF's participation in one manner or another in the Elk Refuge's current (2007) Bison and Elk Management Plan or future revision of the Bison and Elk Management Plan, and the BTNF's participation in the WGFD CWD Plan, and being a team member on the WGFD Elk Feedground Management Plan, are evidence of good faith efforts to finally achieve a Goal of the 1990 Forest Plan to facilitate historic elk migrations, the passage of years and dead elk on the many feedgrounds prove otherwise. Those plans have not nor will they likely ever end any feedgrounds or allow elk to free range, migrate, and be healthier. The BTNF has had countless opportunities to decide in favor of healthy elk and habitat by ending elk feedgrounds on USFS lands which, then, would indeed promote

elk migrations to natural winter ranges. Feedgrounds shortstop elk from migrating, and deadly diseases such as CWD and foot rot continue to increase on those feedgrounds; elk continue to die from diseases, and there can be no doubt the future for elk and habitat on USFS land is dire if feedgrounds continue.

**Remedy:** Merely claiming that renewing SUPs for elk feedgrounds somehow complies with the Forest Plan goal of restoring historic elk migrations doesn't make it so. It does not. As with the Alkali Creek feedground decision cited above, feedgrounds would appear to actually undermine the goal of the Forest Plan. Thus this DROD appears again to violate the National Environmental Policy Act, the National Forest Management Act, and the Administrative Procedure Act. Withdraw this decision and do not permit elk feedgrounds on USFS lands.

**Objection #7:** The USFS must make informed decisions about the impacts of elk feedgrounds on elk and habitat. The USGS model, Cook et al. 2023, and the EIS, do not, but must, include elk deaths on and around feedgrounds due to foot rot (aka, hoof rot, aka, necrobacillosis) in their estimation of adverse effects over time to elk from the several diseases promulgated by the unavoidable intrinsic operations of feedgrounds.

The DEIS states at p.42: “There are other diseases to which elk are susceptible, and which supplemental feeding could play a role in transmission, severity, and maintenance in a population. Diseases such as tuberculosis, necrobacillosis, and psoroptic mange (scabies) have been documented in elk both on and off feedgrounds. These diseases are discussed below, but were not included in the analysis performed by Cook et al. (2023) . . . “

It is known that many elk die of foot rot on and around feedgrounds; such data is available information collected by the WGFD and others. Comments from the public on this and other EISs have provided such information and/or sources of such information.

“While necrobacillosis is a bacterial disease, it is also considered a traumatic disease associated with high elk densities. Typically, necrobacillosis begins with damage to the epithelium of the feet or mouth that becomes infected with *F. necrophorum*. The infection often progresses to the bone where it causes lysis and reactive proliferation, the rumen and other areas of the intestinal tract, and to the liver, lungs, and other internal organs via the bloodstream. Necrobacillosis can lead to septicemic necrobacillosis which typically results in liver and lung necrosis and is commonly fatal.” (FEIS:44) “Foot rot occurs when injuries to the epithelium of the feet become infected with *F. necrophorum*. This can take place on feedgrounds where there is a concentration of elk feces, and thus, *F. necrophorum*. Foot rot typically causes lameness and may lead to septicemic necrobacillosis which commonly leads to death. Similar to necrotic stomatitis, foot rot can be managed by frequently moving feedlines and feeding on clean snow (WGFD 2022b).” (FEIS:44) Given that foot rot has erupted and killed elk on feedgrounds for decades, the last sentence is possibly true in theory but not in practice.

From Dorsey 2024:3-4:

“Feedground elk have- and have long been known to have- higher prevalence of diseases than non-fed elk; including scabies, hemorrhagic septicemia, foot rot, and brucellosis (Smith 2001, 2013). . . . (A)larmingly, the only diseases that the USGS report and DEIS focus on are CWD and brucellosis. This is a significant shortcoming of the DEIS because, as noted above and by countless wildlife disease experts for decades, elk on feedgrounds harbor or are threatened by many diseases; one of those diseases extant on elk feedgrounds and the National Elk Refuge is foot

rot, aka hoof rot or necrobacillosis, caused by *Fusobacterium necrophorum* (WGFD 2014, 2023, 2022; Dorsey 2022; WyoFile 2023; USFWS 2023)."

"In the late spring of 2014 several staggering dying elk were seen on USFS lands and reported by the public along Highway 191 near Camp Creek feedground south of Jackson, Wyoming. Soon scores of elk carcasses were discovered by members of the public on and around Camp Creek elk feedground, one of the 4 elk feedgrounds in the Fall Creek Elk Herd. No public notice of such a die-off as it was progressing during the feeding operations had been issued by the WGFD. After being questioned, the WGFD issued a news release and claimed that winter conditions had caused an outbreak of foot rot contributing to "higher than normal calf mortality at a few feedgrounds" of as many as 80 elk on Camp Creek feedground, mostly calves, and another 80 (elk) at Soda Lake feedground." (WGFD 2014 parentheses added) The Department didn't name the other feedgrounds that experienced higher than normal calf elk mortality that winter. The WGFD also blamed some of the mortalities on wolves.

"In November 2023 the online news source, WyoFile, released a lengthy story about another catastrophic die off of elk, mostly calves, due to foot rot at and around Horse Creek and Camp Creek elk feedgrounds. (WyoFile 2023) More than 200 elk were suspected to have died earlier that spring on and around those feedgrounds (which are located between the Elk Refuge and Dell Creek and Forest Park feedgrounds) from the ubiquitous bacteria *F. necrophorum*. The bacteria is ever-present because it resides in and is expelled from the digestive tract of elk and the decades of feces on feedgrounds are perfect conditions for the bacteria to then infect abrasions and cuts in hooves and gums of elk. The WGFD never did a news release about those losses nor on the densely crowded and fetid feedground conditions and methods of operation that are the causes. It is widely accepted that such morbidity and mortality do not affect free ranging elk in Wyoming or anywhere else in the Rocky Mountains. Given the inherent and ongoing conditions on elk feedgrounds, and the magnitude of such lethal outbreaks on and around elk feedgrounds due to concentrating hundreds of elk for months each winter in fetid conditions, and the obvious reluctance of the WGFD to be forthcoming to the public and other agencies about such occurrences, it is reasonable to suspect that foot rot outbreaks on and around elk feedgrounds are common. The causes and impacts of foot rot affecting elk and the resulting impacts to other resources and community values should be considered by the US Forest Service in all environmental analyses, including this one, about proposed Special Use Permits to operate feedgrounds. The US Forest Service should correct this omission in this DEIS and consider the conditions and feedground operations that facilitate deadly outbreaks of foot rot caused by *F. necrophorum* and subsequent impacts therefrom." (Dorsey 2024:4-5)

The claim (quoted above) by the feedgrounds operator, the WGFD, that "foot rot can be managed by frequently moving feedlines and feeding on clean snow (WGFD 2022b)." (at FEIS:44), is not true in the practical sense. The very nature of elk feedgrounds which confines and feeds hundreds of elk in densely packed lines day after day for weeks and months, and the freeze/thaw episodes during winter do not allow for staying ahead of the conditions that promulgate septicemic necrobacillosis in elk, especially, but not exclusively, in calves. The USFS should be well aware when this disease and subsequent high rates of mortality occur on feedgrounds and be forthcoming with the public rather than trying- for unknown reasons- to ignore this disease.

**Remedy:** This DROD appears to violate the National Environmental Policy Act and the Administrative Procedure Act by refusing to incorporate readily available information about foot rot deaths on USFS

feedgrounds. Withdraw the decision, and incorporate the harmful effects of foot rot (septicemic necrobacillosis) on feedgrounds in the model by Cook et al. 2023 and the EIS. Recalculate the projected effects of both deadly diseases, CWD and foot rot, on elk on feedgrounds compared to nonfed elk. Do not issue SUPs for elk feedgrounds on USFS lands.

**Objection #8:** The Responsible Official misleads the public by claiming the 3-year Special Use Permits for the two feedgrounds, Dell Creek and Forest Park, are necessary to starting a new EIS soon thereafter on all 7 USFS feedgrounds; and that timeframe is necessary to then incorporate the as yet unknown results of the WGFD Feedground Management Action Plans, all of which somehow results in benefit to elk and habitat on USFS lands. Which is pretty much all nonsense.

See also above at Objection #2: Deference to WGFD Feedground Management Plan and future WGFD Feedground Management Action Plans (FMAPs):

So, after the USFS has conducted several EISs on USFS elk feedgrounds in approximately years 2008, 2015, and 2024-25, and after the WGFD completed and implemented some 21 Brucellosis Management Action Plans (circa 2006, 2011, and 2016) as a result of the Wyoming Governor's Brucellosis Coordination Team impaneled in 2004, and after analyses and reports including counsel by professional wildlife organizations *not* to operate wildlife feedgrounds (e.g., WAFWA, TWS, WMI, etc., in Dorsey 2024:13 and elsewhere), according to the Responsible Official this Decision to issue Dell Creek and Forest Park feedgrounds Special Use Permits for 3 more years (DROD:2) continues the status quo in order to await “more detailed analysis”, “better management considerations” to further “evaluate() through the NEPA process”. (DROD:10) The 3-year SUPs actually contain no realistic commitment nor expectations of relief from the harm inherent in feedgrounds even years in the future. It has been 3 ½ years since this EIS was scoped in January-February 2022, and it has obviously been the pattern of the USFS to issue any number of one-year SUPs to continue operation of elk feedgrounds long after the “original” long-term SUP has expired, and, again, there is no enforceable deadline for the WGFD to produce the Feedground Management Action Plans eagerly anticipated by the Responsible Official, (which the WGFD Director said are *not* plans to close feedgrounds) by March 2027. While the Responsible Official would have the public be patient and await some unspecified relief many years away, there is no commitment to or expectation for relief in the nebulous yet to be written and released WGFD Feedground Management Action Plans from the harm feedgrounds inflict on elk and habitat on USFS lands every day, week, month and year they are allowed to operate on USFS lands.

Apparently the Responsible Official also believes the public is foolish enough to believe that the US Forest Service would decide to manage wildlife and habitat to ensure healthy USFS resources in the future after *only three more years* of status quo given that previously the BTNF has allowed Forest Park's long-term SUP to linger on after expiring in 2017, *eight years ago* (DROD:1). And no EIS was completed for Forest Park feedground nor a decision issued until now, 2025, eight years later. **And the Draft Decision-after CWD was found on 4 elk feedgrounds- is to continue the status quo!** The long-term SUP for Dell Creek elk feedground expired in 2022 (DROD:1), three years ago. Given the penchant for the BTNF to wait for years before getting around to an EIS to consider the impacts of perpetuating elk feedgrounds and consider alternatives, all the while issue 1-year permits year after year after year, and given that the scoping for this EIS was in early 2022, the USFS must level with the public as to the actual number of years these EISs take after the long-term SUPs have expired. The USFS *knows* when the other 5 USFS elk feedgrounds SUPs expire, in 2028, and that deadly CWD and foot rot are already laying waste to elk on and around USFS feedgrounds and time is of the essence to make changes to save elk and habitat from irretrievable losses and impacts; knowing all of the above, the

USFS should already at the very least have begun the next EIS if it intends to deal with those expired SUPs in a timely manner. Of course the elk and habitat, and the long term public interest, would be better served by *not* reissuing them.

The DROD alludes to the promise from the WGFD that the anticipated Feedground Management Action Plans for the seven elk herds with feedgrounds will be completed by March 2027. (DROD:5) The WGFD convened the members of the WGFD Feedground Stakeholders Group in 2021. As explained above in this Objection, given the history of the WGFD completing plan after plan for decades (e.g., the Brucellosis Management Action Plans) with no substantive change to the management of disease-infested feedgrounds other to observe the devastation inflicted on elk by foot rot and, now, the arrival of CWD, the intimation that the WGFD FMAPs of their own good will somehow prompt the agencies to take actions to achieve healthy elk and habitat on USFS lands, actions that the Responsible Official himself is unwilling to take, is naive at best. The Responsible Official may be appeased by promises from the WGFD but the public is not.

Too, relying on unenforceable promises or indications from the WGFD in their Feedground Management Plan (which then promises the many FMAPs), as this DROD clearly intends, (DROD:3) transfers the authority to make decisions for the protection and conservation of resources on USFS land. The USFS abdicates its responsibilities to protect elk and habitat on USFS lands and transfers the responsibility to the WGFD. Instead of taking action to protect USFS resources, the Responsible Official gives veto power to the State of Wyoming Game and Fish Commission and Department to postpone at best, or prevent in perpetuity, the USFS from taking the actions obviously necessary to protect elk and the environment on and around USFS elk feedgrounds and close them down and allow elk to free range.

If the USFS-BTNF intends to do yet another EIS on its elk feedgrounds, it must be honest and forthcoming as to the year the public can reasonably expect it to happen. Elk are dying on USFS feedgrounds every winter, and many more will die of foot rot and CWD on Dell Creek, Forest Park, Muddy Creek, Fall Creek, Green River Lakes, Dog Creek and Fish Creek feedgrounds as the USFS-BTNF does nothing to alleviate the crisis. Merely offering the vague, unspecific, unquantifiable hope of “a tailored management plan . . . at each feedground,” and, “explor(ing) the long-term and short term opportunities to reduce elk reliance on feed,” all of which the Responsible Official claims, “*could* result in changes to WGFD elk management programs at feedgrounds.” (emphasis added) The Responsible Official anticipates that, “Each FMAP will use the best available science, expertise, and local knowledge to uniquely implement the strategies identified in the management plan. Immediate and long-term obstacles, outstanding questions, and solutions will be considered. . . . FMAPs will be developed by working groups and are expected to be completed by March 2027.” (DROD:3) These legally unenforceable, meaningless words and sentences are all that the Responsible Official offers to validate his decision to issue SUPs to the WGFD to continue harmful elk feedgrounds. Mindboggling.

**Remedy:** Withdraw the decision. Be realistic and forthcoming to the public about how many years will actually pass- and the status quo will remain in place- until the USFS completes yet another EIS for elk feedgrounds on USFS lands. Be forthcoming with the public about how many EISs and WGFD Management Action Plans have been done over the decades with no changes from the deadly status quo. Merely promising yet another EIS and state feedground plans appear to violate the USFS responsibilities under the National Forest Management Act whereby:

“The Service must take into account its statutory obligations to: provide for healthy and diverse forest ecosystems; ensure the sustained yield of forest resources, including wildlife; and balance

environmental and commercial considerations. 16 U.S.C. Sections 528, 529, 1604(g)(B). The Service must also provide for a "diversity of plant and animal communities" based on the suitability and capability of the specific forest to enable the agency to meet its multiple-use objectives. (16 U.S.C. Section 1604(g)(3)(B)) Under this authority, the Forest Service's regulations require it to provide ecosystem components including ecosystem integrity, ecosystem diversity, and maintain viable populations of species of conservation concern. (36 CFR Part 219.9) Elk feedgrounds are the opposite of healthy ecosystems, they prevent healthy wildlife populations and, thus, do not comply with NFMA." (from Dorsey 2024:22)

Please do not issue any more SUPs that continue elk feedgrounds on USFS lands.

The above are only some of the harmful elements in the FEIS and Draft Record of Decision and, indeed, in any decision that continues to allow and operate winter elk feedgrounds. As ever my goal is to achieve healthier elk and habitat on USFS and adjacent lands as soon as possible. The USFS should share that goal. Please let me know if you have any questions.

Respectfully submitted,

  
Lloyd Dorsey

