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Comments: Objection to the FEIS and Draft ROD for Dell Creek and Forest Park

(See attached pdf for original formatting and all attachments.)

September 15, 2025

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Re: Objection to the FEIS and Draft ROD for Dell Creek and Forest Park

This objection is filed on behalf of Yellowstone to Uintas Connection. We are a 501c3 organization working to protect and restore wildlife habitat, migration corridors and populations. This proposed decision is a threat to those values. Feeding should be discontinued at Dell Creek and Forest Park as well as the five additional feed grounds delineated in the DROD.

We submitted scoping comments for the EIS dated February 11, 2022. These are attached. Some of the major points addressed in those comments include:

- * Most FGs occurred within or adjacent to BTNF. Twenty FGs occur within or adjacent to elk crucial range, while 18 occur within or adjacent to elk parturition range. Thirteen FGs occur within or adjacent to active grazing allotments.

- * Illegal roads must be closed in relation to elk security habitat as that is additional stress on the population.

- * Page 8-9 of the comments summarized with bullet points the results of our literature review. Points of particular interest include:

- * FGs increase spread of disease with brucellosis positive rates of 26%, 2% and 0% on, adjacent to, and independent of FGs.

- * Scavengers and predators reduce the residence time of aborted fetuses in half and act as a biological control of brucellosis and CWD related to FGs.

- * Brucellosis seroprevalence around the FGs has risen from 3% in the 1995 - 2000 period to 14.4% in the 2016 - 2020 period.

- * No effective strategy has been implemented to limit spread of CWD.

- * FGs are high cost and interrupt migration.

- * The Big Piney Elk Herd Unit Brucellosis Management Action Plan (BMAP) pointed out that the Wyoming Livestock Board defined the exposure period for brucellosis as January 1 to May 1.

- * Public grazing allotments where cattle and FG elk are present during May and June may lead to interspecific transmission. Commingling has been documented on 1 of 12 grazing allotments that turn-on prior to June 15 and overlap with WGFD delineated parturition areas. Methods to minimize intraspecific transmission include feeding on clean snow, vaccination, and reducing the feeding season.

- * Eight proposed solutions from the BMAP were summarized.

- * Economics were reviewed showing the minimal contribution to Wyoming's economy by grazing livestock on public lands.

- * Forage used by livestock on public lands in Wyoming would support over 900,000 elk. On the three allotments surrounding Dell Creek, livestock consume forage that would support nearly 4,300 elk.

- * We analyzed snow depths for sites relevant to Dell Creek relative to the 20-inch limitation for elk movement. This analysis showed a wide variation in the onset and end of the depth limit. Most end in March and April and begin in Dec [ndash] Jan.

- * We addressed the phaseout of these FGs and providing native forage.

- * Review of the WEST report

- * The long term average of feeding at Dell Creek and Forest Park were 148 and 135 days, respectively, far exceeding the ranges we found by analyzing snow depth.

- * Potential native range within 5 miles of Dell Creek was 22,612 acres and Forest Park 2,728 acres.

- * Would need to include McNeel in the analysis due to proximity to Dell Creek.

- * EIS should include all FGs on the BTNF.

- * We recommended:

- * Closing both FGs and relying on native forage.

- * Reduce the feeding period based on snow depth, not the calendar.

- * Assess current state of forage capacity.

- * Analyze outcome of past habitat treatments.

- * Reduce livestock forage allocations in allotments with parturition and crucial range based on actual forage production and a reduced percentage for livestock.

- * Permanently close vacant allotments.

- * Protect predators and scavengers.

- * Ensure migration corridors and security habitat are functional.

- * Barricade, reclaim and reseed all unauthorized motorized routes.

We submitted scoping comments on the Dell Creek Special Use Permit on October 22, 2021. These are attached. Major points are summarized below:

- * We expressed our concern that BTNF will continue to perpetuate FGs by avoiding deciding to phase them out.

- * A brucellosis study gave residence times for the contamination in soil, vegetation and tissue that remained viable for 43 days in April, and 26 days in May.

- * The percent of elk testing positive for brucellosis antibodies was 22% for FG elk vs 0.7% in free-ranging elk.

- * BTNF should use its 36CFR251 Prohibition Authority to ban FGs on the BTNF and to ban trapping and killing of wolves, coyotes, foxes, and other predators and scavengers that reduce diseased wildlife populations, disperse

animals, and consume or reduce contaminated birth or abortion offal.

- * Do not renew the Dell Creek FG special use permit. This is consistent with Wyoming's CWD Plan.
- * Begin resting pastures within the affected five allotments surrounding Dell Creek FG so that plant communities can recover their vigor. Rest can be rotated annually between the pastures, or those pastures containing the preferred elk habitats can be rested multiple years to restore plant community production.
- * Reduce livestock stocking rates by updating capability and stocking rate analysis to current forage production and livestock consumption rates, and to provide rested pastures, thus reducing the overall area grazed by livestock each year.
- * Require herding of livestock to manage them around areas preferred by elk.
- * Prohibit trapping and killing of predators and scavengers in these five allotments as well as the BTNF.
- * Barricade, reclaim and reseed all the unauthorized motorized routes in the five allotments surrounding Dell Creek FG and provide signage and enforcement to that effect. This will greatly improve the habitat for elk. This should be part of an overall program to close and reclaim these routes throughout the BTNF.
- * Permanently close vacant allotments to livestock grazing. This would include the adjacent Elk Ridge allotment complex.
- * On private lands, fence haystacks, manage livestock away from elk, including hazing elk, leaving forage for wildlife, and being tolerant of scavengers.

Additional scoping comments were submitted on the DEIS dated February 14, 2022. These are attached and reflect our role as stakeholder in the WGFD feed ground management plan development.

Also attached are our September 9, 2023 comments on the WGFD Draft Wyoming Elk Feedgrounds Management Plan. We provided recommendations including:

- * Phase out FGs over five years.
- * Protect carnivores and scavengers for their role in maintaining healthy big game herds.
- * Protect migration corridors and restoration of migratory behavior.
- * Improve the quality and productivity of elk winter range.
- * Reserve forage on public lands for wildlife, de-emphasize vegetation treatments, and adjust livestock grazing and intensity to leave adequate forage to support elk herd objectives.

We summarized elements of a phase out plan to include:

- * Evaluate summer and winter forage on elk parturition and winter range for the period of occupancy to determine the population size that can be supported.
- * Evaluate integrity and habitat capability of migration corridors to allow movement and provide adequate forage during migrations.
- * Adjust elk objectives to maintain elk herds within the capacity of natural habitats that can sustain them on a long-term basis.
- * Identify funding sources for regulation fencing around winter livestock feeding areas and haystacks.
- * Adjust livestock grazing (stocking rates, timing and duration of grazing, pasture rest and rotation plans) in parturition and wintering areas on public land to ensure sufficient forage is present to support elk herds at objective numbers.
- * Identify funding for voluntary retirement of public lands grazing permits in important habitat areas for elk, mule deer, and moose.
- * Controlled hunting is used to reduce elk numbers to meet herd objectives that are aligned with available habitat and forage.
- * Commitment to reduce elk feeding seasons to zero over five years.
- * Identify strategies to encourage elk to resume natural migratory patterns.

We expressed concerns about the inherent bias of the process and its dominance by the livestock and outfitter

interests, the lack of provision of forage on private lands, while collecting depredation fees, and the most probable outcome to suit these interests. The draft plan did not include the forage capacity analysis we requested. The process was a top-down driven process in which hard decisions are delayed indefinitely as disease increases. We could not support the plan without the requested analysis and a phase out plan. We then cited the guidance of the WEST report which would be part of an analysis for each FG to determine capacity and set objectives such as the average number of elk at each feed ground, the duration of feeding, and the amount of potential native range on public land within 5 miles.

We submitted comments on the Draft EIS dated January 15, 2024. These are attached. Some major points included:

- * The Purpose and Need was designed to accommodate WGFD preference to continue feeding rather than to maintain healthy elk and other wildlife populations or healthy ecosystems.
 - * The Proposed Action was stated as a WGFD proposed action, thereby deflecting responsibility for upholding the public trust duty of the Forest Service.
 - * We supported immediate closure of the FGs.
 - * The Cumulative Effects Analysis was inadequate because it did not address the five-mile radius around FGs recommended in the WEST report.
 - * Livestock are removing up to 75% of the forage indicating overstocking is an issue.
 - * Only 12 [ndash] 20% of elk are using the two FGs, therefore most are not, thereby the FGs are increasing infection rates.
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- * The CEA should have included analysis of the acres of habitat on the BTNF within five miles of each FG or the HA containing the FG, the current and potential capacity of that habitat to support elk, and address livestock management to provide for elk forage during parturition and winter.
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- * The DEIS only considered a couple of DFCs relative to Dell Creek and Forest Park FGs, the CEA should also be analyzed for the effects on DFCs within the five-mile radius of all FGs.
 - * The USGS model and DEIS do not consider the dynamics of predator and prey. The model used median values of transmission of CWD in fed and unfed elk populations but did not incorporate consideration of the role of predators and scavengers in reducing portions of the population with disease. Research was cited showing the role of wolves and humans in elk population dynamics with wolves removing old animals and hunters removing the reproductive members of the population. Wolves harvested much lower numbers than hunters did.
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- * We cited and analyzed Forest Plan provisions and the lack of Forest Service monitoring and analysis. This analysis is incorporated here in its entirety.

Our Objection

Going into this feed ground process more than five years ago, we expected that Wyoming Game and Fish and the BTNF would kick the can down the road even if elk were faced with devastating consequences. Public comments are deflected and ignored or explained away, so the public really has no voice, only the livestock industry counts. Sure enough, this is what has happened as is so often the case.

The FEIS and DROD have failed to correct any of the deficiencies we and others have identified in our voluminous comments over several years. They have retained the problematic Purpose and Need and the inadequate Cumulative Effects Analysis. The DROD summarizes the NF alternative as having better outcomes than the PA in terms of minimizing CWD and maximizing elk populations at year 20. It claims that the PA has better outcomes related to cost/benefit. However, a review of the FEIS tables and charts show that this latter claim is untrue. The means and medians of each cost element are nearly the same and the standard errors overlap to a great degree, showing there is no significant difference among the alternatives.

We reviewed the DFCs for the FGs, Dell Creek and Forest Park in ARCGIS Pro to see what DFCs the FGs lie within and those that are adjacent. Dell Creek is in DFC12 and surrounded also by DFC10. These DFCs are managed for [ldquo]high quality wildlife habitat[rdquo] while having [ldquo]no adverse and some beneficial effects on wildlife[rdquo]. Forest Park is within DFC3A and surrounded by DFC1B. DFC3A is to be managed for potential addition to the National Wild and Scenic River system and are protected from activities that could [ldquo]diminish or change [hellip]fish and wildlife values[hellip][rdquo] while DFC1B is to allow commercial activities and provide [ldquo]Sufficient habitat to maintain desired populations and distribution of big game species.[rdquo] The five additional FGs described in the FEIS include Dog Creek, Fall Creek, Fish Creek, Muddy Creek, and Upper Green. These are mostly in DFC 10 and 12. So, maintaining healthy wildlife populations and meeting objectives are key goals. By continuing artificial feeding, the PA does not do that and therefore violates the Forest Plan and NFMA.

Cook et al (2023)¹ (attached) cited in the FEIS determined that:

- * [ldquo]continued feeding will lead to fewer elk by year 20 (mean = 8,300, standard deviation [SD] = 740) compared to no feeding at U.S. Department of Agriculture Forest Service sites (10,700, SD = 890).[rdquo]
- * [ldquo]The closure of all feedgrounds was projected to result in the largest elk populations at year 20 (12,500, SD = 980).[rdquo]
- * [ldquo]No feeding at all sites also resulted in the largest cumulative harvest of 57,700 (SD = 2,600) compared to 51,100 (SD = 3,800) for continued feeding at all current feedground sites on the five HUs.[rdquo]

Thus, we conclude that the only valid alternative is the NF alternative. It supports the healthiest and largest population of elk in a more sustainable fashion than does the PA, which is not sustainable as intended in NFMA. The economics summarized in the FEIS do not show there is any increased benefit of continued feeding.

The Multiple Use and Sustained Yield Act states:

[ldquo]Multiple use[rdquo] means: The management of all the various renewable surface

resources of the national forests so that they are utilized in the combination that will best meet the needs of the American people; making the most judicious use of the land for some or all of these resources or related services over areas large enough to provide sufficient latitude for periodic adjustments in use to conform to changing needs and conditions; that some land will be used for less than all of the resources; and harmonious and coordinated management of the various resources, each with the other, without impairment of the productivity of the land, with consideration being given to the relative values of the various resources, and not necessarily the combination of uses that will give the greatest dollar return or the greatest unit output.

¹ Cook, J.D., Cross, P.C., Tomaszewski, E.M., Cole, E.K., Campbell Grant, E.H., Wilder, J.M., and Runge,

M.C., 2023, Evaluating management alternatives for Wyoming Elk feedgrounds in consideration of

chronic wasting disease (ver. 2.0, November 2023): U.S. Geological Survey Open-File Report 2023[ndash]1015, 50 p., <https://doi.org/10.3133/ofr20231015>.

NFMA incorporates MUSYA. If the Forest Service has not allowed impairment of the productivity of the land in the BTNF, then the maintenance of elk populations should be ongoing without supplemental feeding and thereby mostly disease-free. Indeed, the Cook et al (2023) analysis shows feeding will reduce the population over time, but neither Cook nor the FEIS have analyzed habitat and carrying capacity of the BTNF for its wildlife populations and for elk as the WEST report recommends and NFMA requires.

In our past comments we have raised the issue of carrying capacity and the loss of same by overstocking with livestock. This has not been addressed. NFMA also states, [ldquo]require the identification of the suitability of lands for resource management[rdquo]. We have seen no capability and suitability analysis of habitat for elk or for the use of FGs. Another failure to meet the intent of NFMA.

The Purpose and Need as defined in the FEIS places economic interests and preferences above that of wildlife as does the Preferred Alternative and therefore violates the balancing provision of MUSYA.

Sincerely,

John Carter, President Yellowstone to Uintas Connection PO Box 464

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