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### Public Comment Form

#### Draft Elk and Vegetation Management Plan and Environmental Impact Statement

**DRAFT PLAN / EIS**

The Draft Plan / EIS identifies and evaluates a range of alternatives for managing elk and vegetation within Rocky Mountain National Park and provides an assessment of environmental effects. The goal of the comment period is to obtain your thoughts and input on whether the Draft Plan / EIS adequately addresses environmental issues and concerns and if the overall analysis of impacts is accurate and thorough. Comments may be submitted in writing to the address on this mailer, on the internet at <http://parkplanning.nps.gov/romo>, faxed to (970) 586-1397, emailed to [romo\\_superintendent@nps.gov](mailto:romo_superintendent@nps.gov), or hand delivered to the park headquarters.

Comments on the Draft Plan / EIS must be received by July, 4 2006.

I attended your meeting on 5/25/06 at the Holiday Inn and reviewed the Alternatives you presented.

It is not my choice to have Alternative 2 enforced. That level of killing is an abomination. If I had to choose, of course, it would be none of the Alternatives. However, Alternative #4 would be closest. I just wish you had had the foresight years ago to initiate this proposal.

I would beg you to take another ~~census~~ census of the elk present now in the park. If it is below your population level of 1,600 to 2,100 elk, I would hope you could start Alternative #4 without killing other elk.

My restaurant business is enhanced greatly by the elk viewing and is the main focus of most tourists.

Please be cautious in your decision.

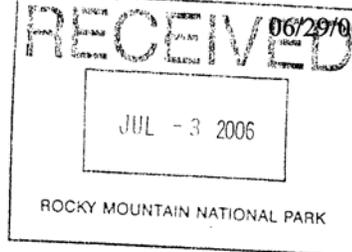


Wayne Drew Corcoran  
Mountain Home Cafe, Estes Park  
15 year resident



**Tank's**  
**CAPTURE and**  
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Rocky Mountain National Park  
Von Baker, Superintendent  
1000 Highway 36  
Estes Park, CO 80517-8397  
970-586-1206



To Whom It May Concern:

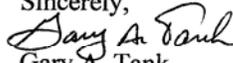
As you can see by our brochure we are in the business of animal capture, transportation and quarantine of a wide variety of animals from tiger and snakes to axis deer and elk, and would like to offer our services to help you find a solution to your ever growing elk population. We have a portable handling facility that consist of 8' by 16' panels that can be placed in any configuration to trap, hold, and load the animals on to trailers.

I am a third generation elk and deer rancher located in central Minnesota with a life time of experience handling elk and deer at my place and hundreds of other elk and deer farms across the country.

In my experience dealing with municipalities with urban deer and geese problems, contraception and or introduction of other species to control another are not only ineffective but extremely expensive and it can also create an entirely new set of unwanted problems that may be worse than the original. Sharp shooting and or hunting will likely mean changes in either the National Parks rules or federal laws. Capture and relocate, or capture and sterilization, or capture and slaughter may be very viable options for the Rocky Mountain National Park.

Because of things like elevation, terrain, migration routes and areas, accessibility to these areas, time frame, politics and a whole host of other unknowns we would like the opportunity to meet with the decision makers. We would make a formal proposal to help curb the elk overpopulation in the Rocky Mountain National Park now and in the future.

If you or your board members have any questions feel free to call anytime.

Sincerely,  
  
Gary A. Tank

*Lions, tigers and bears...oh my!*

ROMO-0003

Page 1 of 2

Yellow Wood Guiding  
Jared Gricoskie  
4990 Osage Dr. Apt D8  
Boulder, CO 80303

National Park Service  
Rocky Mountain National Park  
Estes Park, CO 80517

#### Elk and Vegetation Management Plan

As a weekly visitor to the park, and also an entrepreneur that will make a career due to the wonders of Rocky Mountain National Park I view this issue to be a milestone for Colorado and Rocky Mountain National Park. As a naturalist I can see the impact of the elk herd on each and every willow in the various meadow parks in the park and in town. I could also list a number of specific examples of the need for some sort of active management regarding the bloated elk herd.

I avidly support Alternative # 5 for various reasons in respect for my own personal and business goals, but also from the goals and ideology of the National Park Service and the state of Colorado. Above all the reestablishment of wolves in the park would help to restore the natural balance of the predator-prey relationship. Below is my justification for this option.

- Yellowstone National Park has shown the amazing restoration of habitats due to the presence of wolves, wildflower populations alone have seen a wonderful rebound. Yellowstone has much more ranching land close to the park, so the negative impact of the wolves has been seen by ranchers there. Rocky Mountain National Park being surrounded by National Forests provides an excellent buffer to the Colorado ranching community. The economic impact of wolves must also be viewed with the charismatic megafauna impact on tourism. The general view of the public view towards the wolf is as an asset, and people want to see these amazing social animals. The impact to the Estes Park and greater Rocky Mountain National Park economy will see a growth due solely to the possibility of seeing wolves within this park. Yellowstone has also experienced this effect, nature-based tourism has grown solely due to the reintroduction of wolves to that park. The impact of the national media will be minor if other options are used, but like with Yellowstone the introduction of wolves will be a heralded event with the national media drawing attention to the national parks in a time when gas prices are high, and vacations to Rocky Mountain National Park could offer new experiences and adventures not seen in 100 years.
- The next advantage of wolves in the park is of course their biologic and ecologic benefit to the greater ecosystem. Time and time you can see the negative impact of removing climax predators from an ecosystem. I need not give specific details of the reintroduction of various predators and the impact of their presence in an ecosystem. The National Park ideal of preservation denotes the moral obligation to preserve not only what is in the park now, but what animals should be present in the park. The precedent of the Greenback Cutthroat Trout shows that this indeed fits with the policy of the national park.
- The fewer acres of fenced willow and aspen habitat will lessen the negative impacts to the aesthetic values of Rocky Mountain National

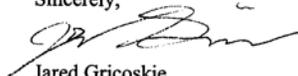
Park. Including wolves to the management equation offer both the reduced fences as well as the aesthetic values of wolves.

- Multiuse impacts due to closers for yearly elk reduction will have a negative impact on visitors throughout the year. Visitors do not want to watch en mass as elk are killed. On the contrary it will be hard keeping people away during the introduction of wolves. Also as a birder the more fenced in willow and aspen habitat may restrict access to habitats that house bird species found nowhere else in the park.
- The interpretation value of wolves provides yet another asset to share with visitors to the national park. From bus loads of school children to the weekend hiker, they will have the chance to experience and learn about an animal that is more often seen in children's fairy tails than in the natural landscape. The cultural stigma of wolves provides an excellent catalyst for education to all visitors.
- The need for wildlife biologists for the active management of the wolves and elk will provide a few jobs to a field full of highly educated and passionate people that struggle to find employment. These positions are much more socially glamorous then someone pounding in fence posts. The experience of coming across a biologist in the park will only enrich a visitor's experience.

One final piece of advice may be to add initiatives to increase the beaver population within the park. The beaver provides and creates willow habitats. With park populations at lows it may be wise to transplant beavers from surrounding valleys into the park to supplement the other management options. Many ranchers that use flood irrigation in the surrounding valleys have an overabundance of beavers that hinder their fields and against regulation kill these industrious beavers. Providing a trade off of transplanting beavers out of ranchers irrigation ditches will help offset the long standing intolerance of wolves in the rancher's ranges.

So in conclusion it is evident that some action must be taken to protect the willow and aspen habitats within the park and town. Every action will have its supporters and detractors but we must look at the overall long term effects of our actions in order to not make the same mistakes we have made before.

Sincerely,



Jared Gricoskie  
Yellow Wood Guiding

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ROMO-0854

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**Comment submitted electronically via NPS Planning, Environment, and Public  
Comment website (PEPC)**

Alpine Anglers a Trout Unlimited Chapter feel that the reduction plan would be of great benefit to the Beaver population as well as all fisheries effected by the out of control Elk population. The re-establishment of the beavers with the all the various benefits to the ecosystem would be great. No action would be the worst alternative.

Dallas Maurer

  
Drake, CO 80515



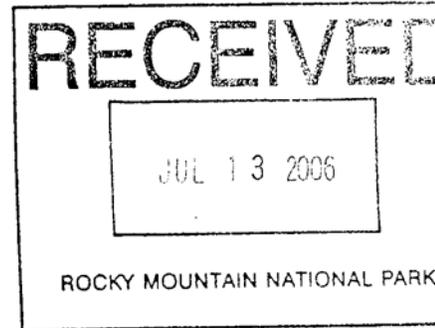
# ANIMAL WELFARE INSTITUTE

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July 5, 2006

BY E-MAIL AND REGULAR MAIL

Mr. Vaughn L. Baker, Superintendent  
Rocky Mountain National Park  
Estes Park, CO 80517



Superintendent:

On behalf of the over 25,000 members of the Animal Welfare Institute (AWI), I submit the following comments on the Draft Environmental Impact Statement on the Elk and Vegetation Management Plan for Rocky Mountain National Park (hereafter Draft EIS).<sup>1</sup>

The proposal to engage in a long-term strategy to reduce the elk population in Rocky Mountain National Park (RMNP) using lethal control techniques represents a step back in time for the National Park Service (NPS). The slaughter of wildlife residing in national parks was practiced in the past when the NPS blatantly ignored its own legal mandates preferring to intensively manage and manipulate park wildlife based on inadequate science. Remarkably, though the Leopold Report from the late 1960s compelled the NPS to rediscover its natural regulation mandate, the elk slaughter plan under consideration by the RMNP is entirely antithetical to this mandate.

The Draft EIS attempts to justify the proposed 20-year lethal elk control program by claiming that it is consistent with the NPS natural regulation mandate and that elk reduction is needed to restore the park to a more natural condition and to aid in the recovery of particular species that have allegedly been harmed by excessive elk herbivory primarily on the core elk winter range within RMNP. The NPS claim that its natural regulation mandate justifies the intentional manipulation of park wildlife and the park ecosystem to achieve a desired condition for the park is entirely inconsistent with the proper interpretation of the natural regulation mandate. It also sets an enormously dangerous precedent for the future management of all national parks.

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<sup>1</sup> Since the deadline for public comments on the Draft EIS fell on a federal holiday, we ask that the National Park Service, as is a common practice within all federal agencies, accept these comments on July 5, 2006. Also, in the event that the National Park Service elects to reopen the comment period to receive additional input on the Draft EIS, AWI reserves the right to submit supplementary comments.

The natural regulation mandate is the principal standard that separates the NPS from other federal land management agencies. The management of national parks must allow nature to dictate ecological conditions. Wildlife population dynamics, movements, distribution and habitat use patterns must be dictated by natural conditions. While wolves and grizzly bears may have once been part of the ecology of RMNP and may have aided in suppressing elk population growth, they were not present when RMNP was established. Indeed, other than Yellowstone and parks in Alaska, there are few national parks that have a full assemblage of native vertebrates. As a consequence, the proposal put forth by the RMNP, if approved, would set a precedent that would allow any national park to engage in the slaughter of park wildlife claiming that its actions are essential to replace the depredation and other impacts of predators who no longer exist and whose restoration may be biologically, ecologically, or socially unacceptable.

Had the natural regulation mandate been intended to be interpreted as it is by the RMNP, surely other national parks would have already attempted to propose lethal control in place of depredation to restore "natural" conditions. If this were the case, there would be no need for the Organic Act to explicitly allow for the "destruction of such animals and of such plant life as may be detrimental to the use of any .... parks..." 16 U.S.C. 3. This statute exists because it was the intent of Congress in promulgating the Organic Act to ensure that the destruction of wildlife within national parks, unless explicitly allowed for in a park's enabling legislation, would only occur when the animal or animals were demonstrated to be detrimental to the use of any park. Such a determination requires absolute and irrefutable proof of a significant adverse impact to the park, park wildlife, or other park resources that is detrimental to the park's use. The RMNP is not attempting to justify its elk slaughter program under this statute and, in fact, considering its lack of conclusive evidence of long-term and permanent elk herbivory impacts on vegetation in throughout the park, it could not meet the standard required to justify the proposed slaughter. Instead, the RMNP is relying on a "lethal control = predation = restoration of particular species" argument that, when subject to even minimal scrutiny, can be easily rejected. Even if such a slaughter could be justified, it must be considered an option of last resort. In this case, not only does RMNP's own data justify the termination or rejection of this proposal but it is clear that there are a variety of other non-lethal management options that RMNP should attempt first before even considering lethal control.

The RMNP's strict interpretation of its natural regulation mandate is perplexing considering that few, if any, national parks actually adhere to this legal mandate. In Yellowstone, for example, while there may be debate over the impact of snow-packed roads on bison ecology, there is no question that bison (and other wildlife) use the roads as energy efficient travel corridors, that bison movement and distribution patterns have changed as a result of the roads, and that the roads introduce a level of artificiality into the Yellowstone ecosystem. Yet the NPS has been consistently opposed to terminating oversnow winter use activities and its road packing program to restore more natural conditions and processes to Yellowstone's winter ecology. Similarly, though RMNP clearly desires to restore "naturalness" to the park, it is not proposing to remove roads, buildings, or other infrastructure to achieve this objective. While admittedly, the NPS

has a secondary mandate to allow public use of the parks, there is no law requiring the NPS to construct roads, restaurants, hotels, or other infrastructure to facilitate such use.

Ultimately, the restoration of natural conditions should be the goal of all national parks. Achieving this goal, however, must be done in an ecologically holistic manner that does not rely on lethal control of existing native wildlife or intensive management of token predators to obtain, temporarily or permanently, some perceived notion of what was or is "natural." Admittedly, the reintroduction of wolves – and grizzly bears -- to RMNP is a proposal worth significant study, but it is not appropriate or biologically advisable to limit such an effort to a single national park that is not large enough to sustain a viable population of either species. In this case, the RMNP is only proposing to introduce gray wolves (see Alternative 5) not for the purpose of reestablishing gray wolves, a federally protected species, as a viable population and critical component of the ecosystem but rather as a tool, subject to intensive management, to predate upon and disburse elk who have become sedentary and/or are found in high concentrations on winter range. Such a project, considering the proposed intensive management strategies – including sterilization of males wolves, intensive manipulation of wolves to maintain them within the park's boundary, immediate removal of any wolf killing livestock, removal of wolves who do not hunt or harass elk, euthanasia of removed wolves if sanctuary space is unavailable, and lethal control of adults wolves and wolf pups -- would blatantly violate both the Endangered Species Act and the NPS Organic Act and implementing regulations that provide the basis for the NPS natural regulation mandate.

AWI opposes the reintroduction of gray whales as proposed in Alternative 5, the environmentally preferred alternative, because of the anticipated intensive management requirements, because RMNP is not large enough to sustain a viable wolf population, and due to concerns over the acceptance of wolves by local residents and communities. AWI would only support wolf restoration if: 1) restored wolves were provided complete protection (not designated as a non-essential, experimental population) under the Endangered Species Act as a species or as a Distinct Population Segment should wolves in Montana, Idaho, and Wyoming be delisted; 2) the recreational hunting of wolves is not allowed; 3) restoration efforts are ecosystem wide and not limited to only RMNP; 4) restoration efforts are endorsed by all relevant state and federal agencies; and 5) restoration efforts are endorsed by an overwhelming majority of the public. In time, if socially acceptable, grizzly reintroduction should also be considered but only if subject to the same criteria as indicated above.

Beyond the issues associated with the NPS interpretation of its natural regulation mandate and the feasibility or advisability of predator reintroduction in RMNP, the Draft EIS provides ample evidence demonstrating that the proposed slaughter of elk is not necessary or consistent with NPS statutory and regulatory mandates. This evidence demonstrates that the elk population has declined since 2002, that aspen may not be a natural component of RMNP, that RMNP does not have adequate baseline vegetation monitoring data, and that there are an abundance of non-lethal strategies that RMNP should attempt to address alleged elk herbivory impacts on particular species before it embarks on it proposed elk slaughter. In addition, the Draft EIS fails to disclose critical

information relevant to the issues and impacts under review. For example, the Draft EIS contains no information on long-term precipitation patterns or anthropogenic impacts to surface waters, groundwater tables, or underground aquifers despite its focus on restoring beavers to improve hydrological conditions in the park. In addition, despite the precedent setting impact of the underlying argument being used by RMNP to justify its proposed elk slaughter, the Draft EIS provides no analysis of how this effort, if successful, will affect wildlife management throughout the national park system.

Because of the lack of evidence to justify the lethal control of elk in RMNP and given the serious problems associated with wolf reintroduction to the park, AWI supports Alternative 1 – the no action alternative. In the event that the NPS believes that it must provide some protection for willow or other vegetative communities allegedly adversely impacted by the elk, it should consider employing fences – as proposed Alternatives 2, 3, 4, and 5 – to eliminate large ungulate impacts to particular species. As the NPS understands, it is not obligated to pick any one of the five alternatives subject to review in the Draft EIS, rather it can create new alternatives based on strategies subject to analysis. In this case, AWI suggests that the NPS select Alternative 1 as modified to allow for the use of fencing to provide protection, as necessary, to vegetative communities subject to browsing by elk.

The remainder of this comment letter will further elaborate on many of the concerns associated with the proposed elk slaughter and other actions contemplated in the Draft EIS while also identifying deficiencies in the analysis.

The purpose and need for the proposed action cannot be justified based on the existing evidence. In this case, since RMNP only identified Alternative 5 as the environmentally preferred alternatives, it is not clear if Alternative 5 is the preferred alternative or if RMNP and the NPS may select another alternative as its preferred alternative or proposed action as the National Environmental Policy Act process is completed. For this reason, reference to a proposed action in the context of these comments includes all of the components of Alternative 5 – elk slaughter, fencing, elk redistribution, and wolf reintroduction. Elk slaughter, fencing, and elk redistribution are also included in Alternatives 2 (maximum lethal control), 3 (less intense but longer term lethal control), and 4 (less intense lethal control). Alternative 4 also provides for fertility control of the elk population. Alternative 1 is the no-action or status quo alternative.

The actions of primary concern are lethal elk control and wolf reintroduction as both are highly controversial and, as proposed, illegal. The use of fencing to protect vegetative communities, while not natural and though potentially disruptive of the visitor experience, is acceptable as a means of providing short term or long-term protection to species subject to intensive elk or other ungulate herbivory. Similarly, the use of personnel on foot or horseback, noise makers, rubber bullets or similar devices, and trained dogs to harass and disburse sedentary elk or elk found in unnatural concentrations on their winter feeding areas, while not an ideal management strategy for use in a national park, is far preferable to lethal elk control.

The NPS attempts to justify its proposed actions using a variety of arguments. Many of those arguments are identified below along with a discussion of the deficiencies associated with each argument.

- A. RMNP argument: NPS management policies direct managers to strive to maintain the components and processes of naturally evolving park ecosystems. If biological or physical processes were altered in the past by human activities, they may need to be actively managed to restore them to a natural condition or to maintain the closest possible approximation of the natural condition. Natural conditions reflect the condition of resources that would occur in the absence of human dominance over the landscape and occur when components and processes of the natural systems are intact. Change in natural conditions, however, are expected and recognized as an integral part of the functioning of natural systems. Draft EIS at iii.

RMNP relies primarily on these policies and other similar standards imposed by the Organic Act to claim that its proposed slaughter of zero to 5,200 elk (depending upon the alternative selected) inside of the park over 20 years is consistent with NPS policies intended to restore natural conditions or processes. While RMNP should be commended for its desire to restore natural conditions to the park, its proposed strategies to achieve this objective are not consistent with NPS laws or policies.

First, RMNP is not an intact natural system not just because it does not comprise a complete ecosystem but also because of a variety of anthropogenic impacts that affect the park each day. Whether it is the diversion of water for local cities or agriculture, pollution impacts from external sources, the lack of a complete assemblage of native ungulates (e.g. bison), anthropogenic barriers to natural elk immigration and emigration, and the very existence of roads, building, and other infrastructure within the park, the true restoration of natural processes and conditions would require far more than killing elk or reintroducing a token and intensively managed wolf population.

Second, wolves and grizzly bears were extirpated from RMNP long before it was established in 1915. While humans were responsible for the extirpation of these predators, the NPS is proposing to kill elk to ostensibly repair the damage done by past human actions despite the fact that the current elk population is within the range of natural variation as determined by modeling efforts and despite the fact that non-lethal strategies are available to harass elk and redistribute elk across the landscape.

Third, since NPS policies provide discretion as to when or how the NPS should engage in restoration efforts (e.g., direct managers to “strive” to maintain the components and processes of naturally evolving park ecosystems; if biological or physical processes were altered by human activities they “may” need to be actively managed), RMNP has the discretion

and, indeed, the obligation to choose a more humane and non-lethal approach. In this case, choosing the lethal approach, particularly given the lack of evidence to justify such a slaughter and the existence of a number of alternative strategies to address NPS concerns without resorting to lethal control, is entirely inconsistent with NPS statutes, regulations, and policies. Even if the NPS did nothing, the Draft EIS contains no evidence that such a scenario would lead to permanent and long-term damage to the elk, other wildlife, or the majority of the vegetative communities in the park. Indeed, the only impact of such a scenario would be localized effects on specific vegetative species on core elk winter range within the park. Not only is such an impact entirely natural but it could ultimately aid RMNP by causing the continued decline in the elk population due to density dependent food limitations.

Fourth, RMNP claims that natural regulation of the elk population in the park has always relied on some of the park elk being killed by hunters using lands adjacent to the park. Draft EIS at 16. RMNP then claims that its elk have never been greatly influenced by the public hunt as its population growth rates have been primarily limited by the lack of food, yet hunter-killed elk numbers for lands outside of the park are at their highest historic levels. *Id.* While it is unclear what impact public hunting has on park elk and though AWI takes no position on the hunt itself, the NPS should engage in negotiations with the Colorado Division of Wildlife to allow only elk cows to be killed in area open to hunting on lands adjacent to the park. The Draft EIS suggests that the bulk of the elk hunted at present are males, Draft EIS at 19, yet, as the NPS concedes in its own analysis of its proposed lethal control plan, if elk are to be hunted, removing female elk of reproductive age is the most effective means of generating a population level effect.

- B. RMNP argument: The RMNP elk population is in excess of what would exist under more natural conditions. Such conditions include predation by grizzly bears and wolves and competition with bison.

Though RMNP concedes that modeling efforts are not always accurate predictors of real life conditions, Draft EIS at 42, it claims that under more natural conditions its elk population would fluctuate between 1,200 and 2,100 elk and that elk would be less sedentary, more wary, and less likely to concentrate on winter range. Draft EIS at iv. Though the RMNP elk population allegedly reached its peak between 1997 and 2001 when the population ranged from 2,800 to 3,500 animals, since 2002, the elk population (both park and town subpopulation combined) has declined to 1,700 to 2,200 animals. Draft EIS at v. The present population size, therefore, is within the estimated natural range of fluctuation as predicted by modeling efforts. While modeling exercises suggest that the elk population, with no management, would fluctuate between 2,200 and 3,100 animals, Draft EIS at xi, the Draft EIS also claims that the park subpopulation is estimated to be at its food-

limited carrying capacity and that the town subpopulation may be at or below carrying capacity. Id. Thus, while population numbers may increase they may also decrease depending on primary production, amounts and timing of precipitation, habitat destruction or fragmentation outside of the park, and other anthropogenic factors.

While these facts may or may not be consistent with what would be found if RMNP was fully intact, the NPS cannot engage in a massive elk slaughter operation – primarily to be conducted under the cover of darkness, using both standard firearms and firearms equipped with silencers, mainly in the fall but potentially year round -- when there is absolutely no evidence to suggest that the current elk population is at an excessively high number or causing long-term and permanent damage to park ecology without violating the NPS Organic Act, its implementing regulations, and NPS policies. Indeed, considering that the existing population is within natural variability (as determined through a modeling exercise) and that both subpopulations are at or below carrying capacity due to food limitations or other reasons, there is simply no factual basis for any further evaluation of the proposed elk slaughter plan.

Perhaps more important than overall elk numbers in RMNP, is elk density or concentration in its core winter range within RMNP and the sedentary behavior demonstrated by 25 percent or less of the total elk population. Lethal control, however, is not necessary to disperse elk and, in fact, may not be particularly efficacious since a dead elk is unable to teach other elk to be fearful or wary of humans. Non-lethal strategies, such as fencing to keep elk out of areas requiring protection, or harassment strategies (on horseback, using cracker shells or rubber bullets, or with trained dogs) is likely to be more effective since these activities can be continued without interruption (versus lethal control which would require disease sampling of the body, removal or other disposition of the carcass) and because they are based on the use of aversive stimuli which, in time, the elk will learn to fear. At a minimum, the NPS should attempt the use of these non-lethal strategies before embarking on its proposed slaughter.

- C. RMNP argument: High concentrations of elk and excessive levels of elk herbivory have degraded the vegetative communities that support large numbers of bird, butterfly, and plant species.

The impact of elk on plant species will be dealt with below though it is important to note that the Draft EIS is focused only on certain vegetation types located primarily within the elk's core winter range inside of the park and that, except for the alleged impacts in this localized area where wintering elk tend to concentrate, there is no evidence that RMNP elk are negatively affecting native biodiversity on a landscape scale. Draft EIS at 21.

In regard to elk impacts to bird and butterfly species, it is one thing to theorize about such impacts based on the assumption that elk herbivory destroys bird and butterfly habitat and that, therefore, bird and butterfly populations must be in decline, versus proving that such impacts are real. As revealed in the Draft EIS, there is no evidence that bird and butterfly population have been adversely impacted by elk herbivory or elk concentrations in the park. For example, the alleged decline in the ptarmigan on RMNP was determined to be more strongly influenced by local weather than the size of the elk population. Draft EIS at 155 citing Wang et al. 2002a and 2002b. For songbirds, though the Draft EIS contains information about species richness in different habitat types, there was not a shred of evidence to demonstrate that songbird populations have declined or otherwise have been affected by the elk. Draft EIS at 156. Similarly, for butterflies, while evidence may exist suggesting that they prefer certain habitats, no evidence was offered, beyond pure speculation, that RMNP elk were adversely impacting butterflies. Until such direct evidence is available, the NPS should not rely on simple assumptions to justify its proposed elk slaughter.

- D. RMNP argument: An increase in elk calving near areas where the public recreates in the Estes Valley and increased concentrations of elk in developed areas inside and outside the park increase the potential for human-elk conflict. Draft EIS at vi.

While wildlife and humans can conflict, there is no evidence provided in the Draft EIS that the elk population has or is causing an increase in and/or unacceptable conflicts with humans who live or recreate in the area. Indeed, the Draft EIS reports that elk damage to landscaping (which costs the city of Estes Park some \$12,000 to \$14,000 a year to repair) may actually be generating over \$300,000 for local landscaping companies, that one automobile per month strikes an elk despite a significant increase in traffic volume due to increased development, that 70 percent of residents interviewed reported that elk are an important part of the quality of life in the Estes Valley, and that elk interactions with visitors have resulted in no injuries to date. Considering that this data suggests that there is no conflict between residents of the Estes Valley and elk, the RMNP should not be relying on elk-human conflicts to attempt to justify its proposed elk slaughter.

- E. RMNP argument: Increased concentrations of elk could increase the risk of spreading chronic wasting disease in the elk population. Draft EIS at vi.

Chronic wasting disease is a legitimate concern for the future of elk in RMNP. Even the NPS, however, concedes that it is unknown whether chronic wasting disease is a naturally occurring pathogen in wildlife populations. Draft EIS at 20. If it is naturally occurring, the NPS natural regulation mandate should allow the disease to persist regardless of its potential impact on elk or other species. Disease is known to be a natural factor that can exert control on

wildlife populations. The NPS needs to make a determination as to whether chronic wasting disease is a naturally occurring pathogen and, if it determines it is naturally present in the elk population, it cannot use chronic wasting disease as justification for its elk slaughter plan.

- F. RMNP argument: Elk browsing stunts the growth and kills all young aspen trees on the core elk winter range and in some parts of the Kawuneeche Valley. Draft EIS at vi.

There is little dispute that elk eat aspen in RMNP and that elk herbivory impacts, though natural, is an issue of concern to park officials. What is in dispute, however, is whether aspen is a naturally occurring species in RMNP. Even the NPS concedes in the Draft EIS that “it is uncertain when aspen established in the area that is now RMNP, how its distribution fluctuated, and whether aspen found in the grassland areas of the primary winter range was present prior to elk extirpation by 1880.” Draft EIS at 42 citing Mondello et al. 2005. The Draft EIS goes on to claim, citing Coughenour 2002, that “other modeling has indicated that almost any population size of elk in the park can prevent aspen cohort establishment, and that current stands are primarily a result of aspen expansion while elk were extirpated from the area.” Draft EIS at 47. Though this evidence suggests that aspen only appeared in RMNP after elk had been extirpated from the area and that, conversely, had elk not been extirpated aspen may not have ever become established in the park, the NPS claims that “until further research can refute the hypothesis that the presence of aspen is not a result of elk extirpation, the park would manage aspen on the elk range as a natural component in those areas.” Id. Since this position is inconsistent with the bulk of the evidence about aspen existence in the park, the NPS could have – and should have – taken the opposite position that it would not seek to restore or recover aspen habitat until and unless it was demonstrated that aspen were native to the park.

Alternatively, whether the NPS determined that aspen naturally occur in the park or that aspen only appeared in the park as a result of elk extirpation, it could have elected to protect and recover aspen and its habitat through the use of fencing, habitat enhancement, and other potential strategies instead of resorting to a massive slaughter of elk to restore a species that may not have ever been a natural component of the park. The Draft EIS does not provide a rational explanation as to why the use of fencing is not an acceptable non-lethal alternative to address alleged elk herbivory impacts on aspen. Moreover, even if elk herbivory is impacting aspen regeneration, the Draft EIS fails to identify other factors (i.e. climatic patterns, reduction in soil quality, erosion, disease) that may also be affecting aspen.

- G. RMNP argument: Elk are severely inhibiting the ability of montane riparian willow to reproduce, as few willow plants on the primary winter range produce seed, and seedling survival is almost non-existent. Draft EIS at vi.

Willow is described as the dominant woody shrub on almost all wet meadow or riparian areas in RMNP. Id. Elk are a dominant ungulate in RMNP. Elk herbivory impacts on willow, therefore, are to be expected, are entirely natural, and are limited to the core winter range within RMNP. The NPS claims that elk herbivory on willow is severe and excessive and is affecting wildlife habitat for a large number of bird, butterfly, and plant species, id., yet it offers no direct evidence of such impacts beyond comparing willow production between grazed sites and fenced experimental plots. It does concede, however, that there are conflicting results on studies of the impact of elk herbivory on new biomass production and that the average annual offtake of willows attributable to elk is less than the level at which willow are “negatively affected.” Draft EIS at 137.

The problem with comparing vegetation productivity, composition, and abundance data from area open to grazing to areas where grazing is completely eliminated is, as the NPS concedes, that such comparisons do not consider the multitude of variables that affect vegetation growth and diversity, including herbivory itself. The legitimacy of such comparisons is similar to studying a caged tiger and arguing that the behaviors observed in captivity are mimetic of those in a wild tiger. In this case, though the Draft EIS makes it clear that RMNP has one or more fenced experimental plots, it doesn’t identify the location of all of the plots, does not indicate how many plots are in areas representative of elk core winter range, does not identify how many plots exist or their size, does not indicate whether the plots are inaccessible to all grazers and browser or just large ungulates, fails to disclose the soil type within each plot, fails to provide precipitation data for the plot or its surrounding area, fails to disclose how many years the plots have been in place and how many years the plots have been monitored, fails to disclose the production, composition, abundance, and trend data for each plot over time, and fails to delineate the topography and drainage patterns on each plot. Each of these factors, and other factors, would have to be monitored or measured to even begin to have a chance to predict the causes of changes in vegetation abundance, composition, and productivity estimates inside of each plot. In addition, though the RMNP is eager to disclose its data documenting alleged elk herbivory impacts to willows and other species, it fails to disclose any information about its monitoring methodology and practices for those specific sites in question. Much of the information identified above for the experimental plots would also be needed for the grazed/browsed areas in order to more accurately compare and contrast result between and among grazed sites and experimental plots. Yet, even the NPS concedes that it has not engaged in routine monitoring of the status of vegetative conditions, beaver populations, or visitor attitudes over the past decade, Draft EIS at 45, and admits that it must collect baseline data at sites not previously evaluated while collecting new data at previously evaluated sites. Draft EIS at 51. Until such

data and information are disclosed, elk herbivory impacts to willow or other species cannot be fully understood.

In regard to willows, the Draft EIS, though conceding that montane riparian willow has been declining over the past 50 to 60 years due to a variety of factors, Draft EIS at vi, fails to disclose what factors may have caused or contributed to this decline and whether those factors have been addressed. While the current condition of riparian willow habitats may be due to elk herbivory, the fact that the decline in willows began long before there were any concerns about elk herbivory, provides conclusive evidence that the elk had nothing to do with the willow's decline. Similarly, if the factors that caused the willow's decline are still in play, then elk herbivory may not be a limiting factor at all. The NPS is legally required to disclose such information and to provide evidence as to whether such factors are still of concern and/or what has been done to address such factors over time. It can't ignore these factors to achieve its self-serving justification for its proposed elk slaughter. Similarly, the RMNP should not even be considering the lethal control of elk until and unless all other non-lethal strategies (i.e. fencing, non-lethal harassment) are attempted.

One of these factors is, according to the Draft EIS, the decline in beavers on the primary winter range. The RMNP claims that a 90 percent decline in beavers on the primary winter range starting in 1939 has led to a 70 percent decline in surface water. Draft EIS at vii. The beaver decline was due to extensive beaver trapping throughout the park in the 1940s. Draft EIS at 18. The reduction in surface water has accelerated montane riparian willow declines by inhibiting the development of appropriate sites for willow seedling establishment and limiting recharge of shallow aquifers. Draft EIS at vii. The RMNP believes that lethal control of the elk population will allow for natural recolonization of the winter range with beaver or, if natural recolonization does not occur, purposeful reintroduction will occur to restore beaver population which, theoretically, will create habitat conditions to allow for the expansion of riparian willow habitat.

The proposal to slaughter elk in RMNP will do nothing to restore beaver populations within the primary winter range. Elk did not cause the decline of the beaver. Rather, humans were responsible as a result of extensive trapping in the park, trapping which clearly was inconsistent with the NPS Organic Act. Beavers won't return to the primary winter range until the habitat, primarily the amount of standing water, is sufficient to support beavers. Killing elk will not increase standing water. The construction of temporary dams to create potential beaver habitat along with some strategic fencing of willows to encourage their growth and maturation would be a far more effective strategy to restore beavers to the primary winter range. Of course, standing water can only be increased assuming precipitation amounts are high enough and that anthropogenic uses of the water or drawdown on the water

table are limited to ensure there is sufficient water available for the beavers. The NPS failed to disclose in the Draft EIS the full range of activities inside and external to the park and the park service that may be adversely affecting the amount of water available to facilitate beaver restoration.

Conclusion:

There are many additional deficiencies, both legal and scientific, contained in the Draft EIS. Such deficiencies include: 1) the NPS misinterpretation of its natural regulation mandate; 2) the NPS failure to collect or disclose additional information needed by the public and agency decision-makers to make an informed decisions; 3) the lack of factual support for the proposed lethal control program since the impact of elk on vegetative communities, if it is even a problem, is extremely limited in its geographic area (and well within what would be considered natural in an un hunted population), since there is no documented adverse impact on birds or butterflies, and since the elk population itself is within the natural range of fluctuation and potentially will decline further as a result of density dependent based food limitations; and 4) the NPS failure to consider the use of a variety of non-lethal strategies (fencing, hazing or herding of concentrated elk, creation of artificial dams) that could and should be used before lethal elk control is even contemplated. These deficiencies are reason enough to abandon the current proposal.

In addition, the NPS has failed to consider a reasonable range of alternatives by neglecting to consider at least one or two alternatives, in addition to Alternative 1, that emphasized non-lethal management strategies. Nor has it evaluated the precedent that could be set by this proposal and how it may affect wildlife management practices throughout the national park system.

To address these concerns, AWI proposes that the NPS consider the following options:

1. Suspend any further work on the Draft EIS;
2. Organize a coalition of federal, state, and local agency officials along with park stakeholder groups to engage in a comprehensive analysis of the existing data, to identify data gaps, and to develop alternative, non-lethal, strategies to address the alleged elk herbivory and other concerns of RMNP officials;
3. Coordinate a workshop of federal, state, university and other scientists engaged in the study of immunocontraceptive and other reproduction suppression techniques to collect the most up to date information on the safety, efficacy, behavioral impacts, and feasibility of all potential reproduction suppression agents and to develop a potential plan to implement a fertility control program if deemed appropriate and necessary;
4. Prepare a new Draft EIS to reflect the conclusions and recommendations made by both the agency/stakeholders and scientist groups referenced above.

Thank you in advance for considering these comments.

Sincerely,

A handwritten signature in black ink, appearing to read "D.J. Schubert". The signature is written in a cursive style with a large initial "D" and "J".

D.J. Schubert  
Wildlife Biologist

JUL-03-2006 13:19 From:

To: 9705861397

P. 2/2



Post Office Box 471 • Boulder, Colorado 80306

## Parks and Open Space Department

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Fairgrounds: 9595 Nelson Road • Longmont, Colorado 80501 • (303) 678-6235/441-3927

June 27, 2006

Vaughn L. Baker, Superintendent  
Rocky Mountain National Park  
Estes Park, CO 80517

RE: Elk and Vegetation Management Plan DEIS for Rocky Mountain National Park

Dear Superintendent Baker,

As a neighboring land and resource management agency, we appreciate the opportunity to comment on the Elk and Vegetation Management Plan DEIS for Rocky Mountain National Park (RMNP). The Boulder County Parks and Open Space Department supports actions that sustain a natural range of variability in the elk population and also address the critical need to revive important vegetation communities in the elk range. It is with this understanding that we support implementing Alternative 2, the Preferred Alternative, to meet the RMNP elk and vegetation management objectives.

Alternative 2 would provide the most effective strategy to reduce the elk population, considering the absence of natural predators. Alternative 2 would aim to manage elk at the lower end of the natural range within the first four years, thereby promoting regeneration of essential at-risk vegetation communities within the elk range. Boulder County Parks and Open Space supports the emphasis on adaptive management in Alternative 2 and expects RMNP to monitor the effectiveness of the Elk and Vegetation Management Plan, as stated in the DEIS. We also believe it is essential to prioritize the at-risk vegetation communities when implementing the regeneration strategy, given the uncertainty of funding for federal resource management projects.

We appreciate the thought and consideration put into the resource management alternatives.

Sincerely,

Ron Stewart, Director  
Boulder County Parks and Open Space Department

CC:

Ben Pearlman, Boulder County Commissioner  
Will Toor, Boulder County Commissioner

Thomas A. Mayer, Boulder County Commissioner  
Therese Glowacki, BCPOS Natural Resource Manager

G:\Public Agency Contacts\BCPOS letter to NPS\_Elk DEIS.doc

Tom Mayer  
County Commissioner

Ben Pearlman  
County Commissioner

Will Toor  
County Commissioner

Superintendent, Rocky Mountain National Park  
Subject: Proposed elk culling  
Date: July 4, 2006  
From: Colorado Bowhunting Association

The CBA, Colorado Bowhunting Association, is made up of 2700 memberships and has been in existence for over 35 years. Our main mission is to protect, improve and enhance our bowhunting opportunities in Colorado. As much as our CBA members would like to increase our hunting opportunities and be part of the culling process in the RMNP, using bow and arrow as a method of take, we acknowledge that the best strategy in the RMNP may be to use high powered rifles to remove the excess elk in the most efficient/timely manner as this culling process is not a hunt.

As hunters, we surely understand the problem when big game animal numbers exceed their carrying capacity and it is unfortunate that a program was not developed years ago that would address the over population of elk in the RMNP. The elk in the RMNP have been studied and restudied for the past 30 years. The Colorado Division of Wildlife recently recommended to the RMNP, the utilization of hunters as part of the culling process but their recommendations were not accepted. We support the CDOW recommendations.

Our members respect these big game animals called elk, and work hard while ethically hunting to harvest one, but only 14% of archers and 20-30% of rifle hunters will be successful in "bagging" an elk. These statistics show that the vast majority of hunters return home without any elk meat but they return year after year to hunt again. I am sure you can realize the frustration in the hunting community when we are notified that government sharpshooters may be used to cull 1,500 to 2,000 RMNP elk over the next 16 years, and then, and maybe even harder to understand, is that the vast majority of the animals will be buried and the meat unused.

We understand the problem of CWD in the elk herd and that all of the animals would have to be tested but the RMNP should try to develop a volunteer network that would process, store, test and then utilize the meat. If the RMNP is willing to spend 18 million dollars during the next 20 years to cull elk, hunters and the general public are sure that a percentage of this money could be earmarked to develop a program so the meat can be utilized. Where can the meat be utilized? Some options are the hunting and non-

ROMO-1414

Page 2 of 2

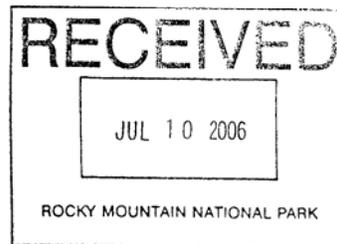
hunting public, Feed The Hungry programs, raptor programs, private wildlife centers that cater to meat eating animals.

The CBA recommends that a process be developed that addresses this issue of meat waste and that the RMNP develop a special task force to examine this issue. I would volunteer to be on that task force.

Don't "cut to the chase" and shortcut the process by shooting the elk and just burying them. Develop an ethical process that respects these grand big game animals while at the same time utilizes their meat. Also demonstrate to the citizens of Colorado and of the United States, that the National Park Service values public input and is also willing to value the elk of the Rocky Mountain National Park.

With respect, Paul Navarre, CBA/CDOW Liaison and CBA Board of Directors.

████████████████████  
Phone: 970 416 1791





**COLORADO OUTFITTERS ASSOCIATION, INC.**

PO Box 849 \* Craig, CO 81626



June 28 2006

Park Superintendent  
Rocky Mountain National Park  
1000 Highway 36  
Estes Park, CO 80517-8397

Dear Park Superintendent:

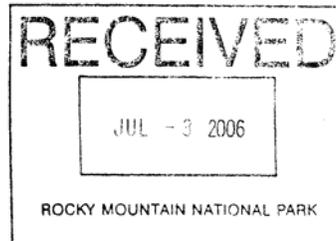
The Colorado Outfitters Association (COA) would like to request that the National Park Service work with the Colorado Division of Wildlife and the US Fish and Wildlife agency to consider sport hunting as a viable wildlife management tool to control the overpopulation of elk in Rocky Mountain National Park.

The benefits of having a limited hunt in RMNP are many: license sales, hunting tourism, herd dispersal, and the positive economic impact to the state of Colorado are just a few that come to mind.

The other options that the Park Service is considering are a huge waste of the taxpayers' dollars and will have no positive impact on our state.

Sincerely,

Larry Bishop  
COA President





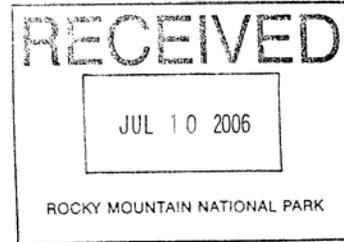
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Printed on Recycled Paper

June 30, 2006

Vaughn Baker, Superintendent  
Rocky Mountain National Park  
1000 Highway 36  
Estes Park, CO 80517-8397



**RE: Elk and Vegetation Management Plan Draft EIS**

Dear Superintendent Baker,

Thank you for the opportunity to comment on the Elk and Vegetation Management Plan Draft EIS. Please accept these comments on behalf of the 490,000 members and supporters of Defenders of Wildlife.

The objectives of this Draft EIS as listed in the Purpose and Need section are to:

1. Restore and/or maintain the elk population to what would be expected under natural conditions to the extent possible.
2. Restore and/or maintain the natural range of variation in vegetation conditions on the elk range, to the extent possible.
3. Opportunistically collect information to understand chronic wasting disease prevalence in the park within the framework of the alternative.
4. Ensure that strategies and objectives of this plan/EIS do not conflict with those of chronic wasting disease management.
5. Continue to provide elk viewing opportunities.
6. Recognize the natural, social, cultural, and economic significance of the elk population.

Based on the best available science as well as on experience from Yellowstone National Park, restoring wolves is the most successful way to achieve these objectives. It is a winning strategy supported by the majority of U.S. citizens. It may even help control Chronic Wasting Disease. Unfortunately, the National Park Service's (NPS) Alternative 2 – the Preferred Alternative – does not rely on wolf restoration but rather relies on the band-aid approach of lethal elk control through shooting. Fewer elk through shooting may reduce elk impacts on vegetation, but it will not change elk behavior and therefore is not comparable to the success that would follow wolf restoration.

Defenders of Wildlife urges you to issue a new Draft Plan that fully considers restoration of a self-regulating population of wolves within Rocky Mountain National Park (RMNP). Given that RMNP is not large enough to contain a self-regulating population of wolves in isolation, we recommend that this scenario be developed within the context of a regional-scale wolf restoration plan involving the U.S. Fish & Wildlife Service, the U.S. Forest Service, the Colorado Division of Wildlife and the NPS. This is the process that NPS followed with the

overwhelmingly successful restoration of wolves to Yellowstone National Park, even though Yellowstone is not large enough to contain a self-regulating population of wolves and even though state agencies initially opposed that effort.

This Draft EIS clearly identifies the need for wolves and for wolf predation. In many places throughout the document it notes the mounting scientific evidence that the restoration of wolf predation has near-term and sustained benefits for vegetation. This need for wolves is also an opportunity to further the recovery of a species still listed as endangered under the Endangered Species Act while meeting the needs of the Park's resources and implementing the wishes of most Americans.

Defenders of Wildlife stands ready to help. We are committed to our promise to reimburse ranchers and farmers in the southern Rockies for verified livestock losses caused by wolves, and to help pay for proactive measures that prevent wolf/livestock conflicts in the first place. Further, we commit to both programs at least until such time as wolves no longer require federal protection. For a summary of this program to date, please see Appendix A.

The general views of wolf proponents and opponents are listed succinctly on Page 24 of the Draft EIS.

- Proponents of wolf release maintain that wolves would control elk populations and return a missing predator to the ecosystem.
- Opponents posit that the region is too developed and that the wolf no longer has a suitable niche within this human-dominated system. Others question whether a plan to release wolves in the park could occur without cooperation from other agencies or if it would be consistent with the Colorado Wildlife Commission draft Wolf Management Plan. There is also concern that release of wolves in the park would result in depredation of livestock and/or domestic animals.

The proponent viewpoint is supported by science. In Yellowstone National Park, scientists are documenting the important role reintroduced wolves are playing in rebuilding greater biodiversity within the ecosystem. Since the reintroductions in 1995 and 1996, studies have demonstrated the wolf's ability to cull weak and old ungulates (hooved animals such as elk and deer) (Smith, Peterson and Houston 2003) and to reduce long-term concentration of elk herds and the damage they do to sensitive meadows and wetlands (Ripple and Beshta 2004). In what is known as the cascade effect, wolves are exerting influence over a multitude of species within the park's ecosystem. Elk, wary of the reintroduced top predator, have altered their grazing behavior. With less grazing pressure from elk, streambed vegetation such as willow and aspen is regenerating after decades of overbrowsing. As the trees are restored, they create better habitat for native birds and fish, beaver and other species. In addition, wolves have reduced Yellowstone's coyote population by as much as 50 percent in some areas, which in turn has increased populations of pronghorn antelope and red fox (Crabtree and Sheldon 1999).

According to a recent scientific review of the ecological importance of top predators such as the wolf, the presence of these predators is essential to the long-term maintenance of biodiversity. In the interest of maintaining overall biodiversity, high priority should be given to the re-

establishment of such predators wherever they have been extirpated and where viable habitat remains to support their re-establishment (Terborgh et al. 1999; Soule et al. 2003).

The stated views of opponents, however, are clearly not reason enough to remove consideration of wolf restoration. This is for several reasons.

- Success for wolf restoration relies more on human tolerance than on proximity to human development. European countries contain wolf populations within short distances of millions of humans.
- Wolf restoration in Yellowstone shows that this can occur even if it is not in line with state plans. Endangered species recovery and National Park Service mandates should not take a back seat to the wishes of a handful of state wildlife commissioners.
- Depredation of livestock and/or domestic animals will certainly occur, but the numbers will be relatively minimal and the economic impact almost immeasurable. In addition, as stated above, Defenders of Wildlife stands ready to compensate for these losses. Finally, as in Yellowstone, the economic gains of wolf restoration will far outweigh the minor economic losses.

Scientists have verified what wolf supporters have long-suspected: wolves are good for the bottom line. Merchants in Yellowstone National Park's gateway communities have attributed an economic upturn to the return of the wolf (Milstein 1995, Brooke 1996). According to a 2006 study by John Duffield of the University of Montana, more than 150,000 people visit Yellowstone annually specifically because of wolves, bringing \$35 million to Montana, Idaho and Wyoming each year. Duffield determined that nearly 4 percent of the park's 2.8 million annual visitors say they would not have visited the nation's oldest national park if wolves were not there. In addition, those dollars turn over in local communities, pushing the regional economic impact to about \$70 million a year (Duffield, Patterson and Neher 2006). In Minnesota—a state from which the wolf never disappeared—the International Wolf Center in Ely added \$3 million to the local economy in 1995 and created, directly or indirectly, the equivalent of 66 full-time jobs (Schaller 1996). A 2005 study of ecotourism and red wolves in northeastern North Carolina demonstrated that tourists vacationing at the popular Outer Banks beaches would take day trips and spend money to visit nearby red wolf territory. While the chances of seeing a red wolf in the wild are slim, visitors are interested in attending wolf "howlings" and viewing other wildlife—such as black bears, river otters and waterfowl—that share red wolf habitat. The study also revealed that 100 percent of the local residents surveyed in the rural areas where red wolves reside would be interested in building tourism businesses based on red wolves and other wildlife (Lash and Black 2005). In the southwest, wolf-related tourism is growing and economic analyses show that Mexican wolf reintroduction has generated substantial regional economic benefits (Kroeger, Casey and Haney 2006).

Implementing the flawed Alternative 2 will prove a waste of money. It would cost \$16-18 million over a 20 year period for a less-than-adequate solution. Alternative 2 notes that if monitoring shows that management objectives are not being met, wolf restoration will be considered. In other words, there is a strong likelihood that millions will be spent on non-wolf efforts only to fall back on wolf reintroduction once those efforts fail. Instead of spending such a large sum of money on a first attempt that will not result in a permanent solution, why not spend that money on wolf restoration planning and implementation right from the beginning?

Once monitoring shows that management objectives are not being met, Alternative 2 would then consider wolf reintroduction only according to the process described in Alternative 5. But the process described in Alternative 5 does not equal wolf recovery but rather limits the population to a maximum of 14 heavily-manipulated wolves. In addition, Alternative 5 acknowledges that the proposed use of wolves may not be compatible with the provisions of the Endangered Species Act, as it does not promote recovery of the listed species and it is uncertain whether approval would be granted.

National Park Service management policies clearly underscore the strong conservation focus that should prevail in the management of the Parks. From the Draft Plan at p. 31:

Management Policies 2001 (NPS 2000b) establishes service-wide policies for the preservation, management, and use of park resources and facilities. These policies provide guidelines and direction for management of elk and vegetation within the park.

Section 4.4.1.1 requires that the National Park Service “adopt park resource preservation, development, and use management strategies that are intended to maintain the natural population fluctuation and processes that influence the dynamics of individual plant and animal populations, groups of plant and animal populations, and migratory animal populations in parks” (NPS 2000b).

Section 4.1.5 also directs the National Park Service to reestablish natural functions and processes in human-disturbed components of natural systems in parks (unless otherwise directed by Congress). Impacts on natural systems resulting from human disturbances include the disruption of natural processes. The National Park Service will seek to return human-disturbed areas to the natural conditions and processes characteristic of the ecological zone in which the damaged resources are situated. The National Park Service is to use the best available technology, within available resources, to restore the biological and physical components of these systems, accelerating both their recovery and the recovery of landscape and biological- community structure and function. This includes the restoration of native plants and animals, which Section 4.4.1.3 defines as “all species that have occurred or now occur as a result of natural processes on lands designated as units of the national park system” (NPS 2000b).

Given these policies, it seems logical that the NPS would fully explore the opportunity to develop a management plan based upon the best available scientific information. In light of overwhelming scientific evidence pointing to the absence of wolves as the root of RMNP’s problem with elk herbivory, it is puzzling that the Preferred Alternative does not include wolf restoration.

Wolves have restored balance in the Greater Yellowstone Ecosystem. In Yellowstone, we’ve seen that wolves do indeed balance prey populations and thereby alter vegetative communities.

We are hopeful that the same benefits will occur in Rocky Mountain National Park and across the southern Rockies.

Thank you for sincerely considering our comments.

Sincerely,



Jonathan Proctor  
Southern Rockies Representative

*Defenders of Wildlife* is recognized as one of the nation's most progressive advocates for wildlife and its habitat. With more than 490,000 members and supporters, *Defenders of Wildlife* is an effective leader on endangered species issues. For more information, go to [www.defenders.org](http://www.defenders.org).

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## Appendix A

### History of Defenders of Wildlife's Compensation and Proactive Programs

In 1987 Defenders initiated a livestock compensation program to cover wolf-caused livestock losses in the northern Rockies. We have since extended the program to cover grizzly losses in the northern Rockies as well as wolf losses in the Yellowstone, Idaho, Arizona and New Mexico, and more recently, to cover lynx losses in Colorado. Now known as the Bailey Wildlife Foundation Wolf and Grizzly compensation trust, this dedicated trust helps to shift the economic burden of threatened and endangered species recovery from livestock producers to those who support reintroduction efforts. To date we have paid approximately \$665,805 to 492 ranchers impacted by these recovery programs.

Here's how our compensation program works: if a rancher suspects he or she has lost stock to wolves or grizzly bears, they contact either the local state wildlife agency, U.S. Fish and Wildlife Service or U.S.D.A. Wildlife Services. A wildlife biologist then visits the ranch to inspect the dead or injured livestock and verify cause of death or injury. Once the cause is verified, the agency or rancher notifies Defenders. Defenders pays 100% of the Fall market value for confirmed depredations by wolves or grizzly bears, and 50% of the value for probable depredations.

We hope that wolves one day reclaim parts of their former range in the southern Rockies. Occasionally, these carnivores prey on livestock or cause other problems. When depredations occur in the Southern Rockies, Defenders will strive to help resolve these conflicts associated with the recovery of these animals.

In this spirit Defenders has also created the Bailey Wildlife Foundation Proactive Carnivore Fund, which is intended to prevent conflict between imperiled predators and humans before it occurs. If ranchers or landowners have repeated predator problems, we ask them to think about what could be done to reduce conflict. If the concept is practical and within our means, we share the cost of the project. Projects can also be proposed by government agencies or by Defenders. Projects which we have supported include herding dogs, predator fencing, radio-collar activated alarm systems, and range riders.

Our proactive fund has three objectives: 1) to reduce conflicts between predators and humans; 2) to keep predators from being unnecessarily killed by agencies in response to human conflicts; and 3) to increase general tolerance for carnivores across the landscape.

Although the number of livestock lost to wolves is low overall, these losses can have a significant economic impact on those few ranchers who do experience chronic wolf predation. By taking responsibility for the occasional problems that wolves cause, Defenders of Wildlife hopes to increase landowner tolerance for wolves, reduce mortality and improve recovery prospects.

**Appendix B**Wolf Ecotourism: Conserving Wildlife and Boosting Local Economies

Ecotourism: “responsible travel to natural areas that conserves the environment and improves the well being of local people” (The International Ecotourism Society, [www.ecotourism.org](http://www.ecotourism.org))

Ecotourism is quickly coming to the forefront of family recreational activities. In recent years, more tourists have sought vacations where they can enjoy wilderness areas. According to the 2001 National Survey of Fishing, Hunting, and Wildlife-Associated Recreation, 39% of all American adults participate in some form of wildlife-related recreation. Wildlife watchers alone spent \$38 billion in the United States in 2001. Wolf-oriented ecotourism, part of this larger social trend, is evident by the fact that many Americans are willing to travel long distances to see wolves. Wolf-related activities have generated economic benefits throughout North America.

Red Wolves in North Carolina

Since the first red wolves were reintroduced to northeastern North Carolina in 1987, an estimated 100 red wolves now roam in the wild. A 2005 study (<http://www.biodiversitypartners.org/econ/report/redwolf.shtml>) found that the red wolf and wildlife may increase tourism throughout the “Inner” Banks region. Alligator River National Wildlife Refuge holds weekly howling tours in the summer as part of this tourism.

- Red wolf activities are forecast to attract over 25,000 households and bring in about \$37.5 million to Eastern North Carolina, boosting tourism by up to 19% in the region.
- A Red Wolf Center could potentially bring more than \$1 million in gate receipts and food or gift purchases over a summer season.
- About 900 local residents and visitors from across the United States participated in howling safaris in the summer of 2005.

Gray Wolves in Yellowstone National Park

Since wolves returned to Yellowstone National Park in 1995, the charismatic predators have stimulated significant economic activity, indicating that wolves are clearly having a positive impact on the economy of the greater Yellowstone area. Visitors to the park now rank the wolf as one of the primary animals they come to see, thereby creating new demand for lodging, guided wolf-watching tours and a variety of wolf-related merchandise.

- In Cooke City, Montana, by the northeast entrance to Yellowstone, 22% more tourists passed through the town in the summer of 1995 than just one year prior, and 71% of business owners thought wolf recovery was responsible for the increased tourist travel.
- Safari Yellowstone is one of many guides and outfitters that offer wolf viewing opportunities in the park. Each year, about 200 people pay \$1,700 a week to come to Yellowstone to watch wolves.
- Merchants in the Lamar Valley report that stuffed wolves, books on wolves, wolf T-shirts and wolf stationary have been selling rapidly since the reintroductions.
- Each year, visitors to Yellowstone spend about \$35 million in Montana, Idaho and Wyoming, culminating in a regional economic impact of \$70 million a year.

The International Wolf Center in Ely, Minnesota

The International Wolf Center (IWC) is a wolf educational facility and a tourist destination for visitors to Ely, Minnesota. Along with outdoor recreational activities in the nearby lakes and forests, the IWC's educational programs and exhibit wolf pack are a main reason that tourists visit Ely. Visitors to the center have a major economic impact in St. Louis and Lake Counties.

- A third of all tourists to Ely visit the IWC, and about half of IWC visitors state that the center influenced their decision to visit Ely and that they might return on a future vacation.
- A recent survey shows that the IWC brings as much as \$3 million per year to Ely and creates as many as 66 jobs in tourism-related businesses and other industries.
- In 2004, the retail department at the IWC generated \$120,000 in net revenues.

Mexican Wolves in the Southwest

In 1998, the Mexican gray wolf was reintroduced in east-central Arizona and west-central New Mexico, including the Gila and Apache National Forests. Anecdotal evidence indicates that wolf reintroduction has triggered tourist visitation.

- The Arizona Heritage Alliance organizes wolf-related tours to the wolf reintroduction area during which participants lodge at local inns.
- Many private citizens lead hiking trips in the wolf reintroduction area for visitors to see wolves.
- The Grand Canyon Chapter of the Sierra Club organizes trips to the area to volunteer with wolf recovery. Participants stay at local lodges and generate benefits for the local economy.

Eastern Wolves in Algonquin Provincial Park

Algonquin Provincial Park in Ontario, Canada is the largest protected area for the wolf and has been successful in using wolves to attract visitors. Since 1963, the park's public wolf howls have been one of the most popular events in Algonquin. At these events, park naturalists imitate wolf howls in the hopes that a nearby pack will return the call, making an unforgettable thrilling experience.

- By 2005, more than 126,500 people had participated in the public wolf howl program.
- More than 2,000 people participate in the howling expedition each summer.
- Visitors to Algonquin contribute almost \$1.9 million to Ontario's economy.



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P.O. Box 597

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June 20, 2006

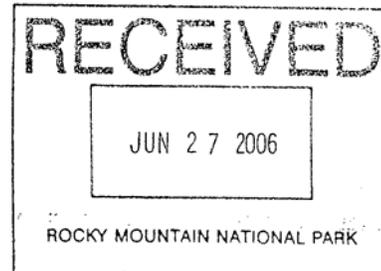
Mr. Vaughan Baker  
Rocky Mountain National Park  
Estes Park, CO 80517

Here is our choice for your Elk and Vegetation Management Plan for Rocky Mountain National Park.

EVIA recommends Alternative #2 with Alternative #5. We would also like as much fencing of aspen as possible.

Thank you,

Alice Gray  
EVIA President





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RE: Elk and Vegetation Management Plan Draft EIS

Dear Superintendent Baker,

On behalf of the Humane Society of the United States and our over 9.5 million members and constituents, over 140,000 of which reside in Colorado, we submit the following comments on the Draft environmental Impact Statement for the Elk and Vegetation Management Plan for Rocky Mountain National Park (EIS). We understand all of the research and associated efforts that have gone into the creation of this plan, and we feel that a number of your proposed actions are feasible and garner considerable merit. However, many of the other proposed actions are not only impractical but could also compromise the very purpose of Rocky Mountain National Park (RMNP) which is stated to be "...primarily aimed at the freest use of the said park for recreation purposes by the public and for the preservation of the natural conditions and scenic beauties thereof." (EIS pg ix).

The HSUS does not believe that any of the proposed alternatives provides a long - term solution to the current elk and vegetation situation. Therefore, the HSUS proposes an alternative 6 which includes broad - scale immunocontraception of the elk, temporary fencing of vulnerable vegetation, aversive conditioning of elk to aid dispersion, and a possible introduction of free - ranging wolves.

Are comments on this draft EIS are as follows:

**I. Purpose of the Proposed Action**

First and foremost, the outcome of the draft EIS is a foregone conclusion. The purpose described in the draft EIS predetermines the outcome of the analysis: the draft EIS describes the purpose of the proposed action in terms of varying degrees of lethal control of the Park's elk. The singularly-focused means to achieve the protection of the forage and fauna of the area are listed in ways that are antithetical to the language and spirit of NEPA, which seeks the consideration of the broadest range of alternatives that can reasonably be implemented. Not surprisingly, under the narrow confines of the statement of purpose which is predicated on the killing of elk, the range of alternatives is severely limited and completely biased toward the lethal control of elk. Since all alternatives contain the option of killing elk (beside the "no action"

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alternative) this unreasonably narrows the scope and realistically allows for only those alternatives that incorporate some form of lethal cull. The final EIS must evaluate whether other alternatives can achieve the underlying goals of the Park without resorting to the destruction of the Park's wildlife.

Agency decision makers and the courts have long recognized the importance of defining the stated purpose of an Environmental Impact Statement in broad terms to elicit the greatest amount of relevant information possible and to meet the requirements of the National Environmental Policy Act. The Council on Environmental Quality, in correspondence with the Department of Transportation, cautioned agencies against defining the purpose of an EIS "so narrowly as to define competing 'reasonable alternatives' out of consideration (and even out of existence)."<sup>i</sup>

The consideration of only five similar alternatives, with one being the no-action or status quo alternative, is wholly insufficient to examine fully the broad spectrum of alternative actions that is contemplated by NEPA. The limited alternatives do not enable the agency to take a "hard look" at the environmental consequences of the proposed action as required by NEPA. See *Robertson v. Methow Valley Citizens Council*, 490 US 332, 350 (1989). Meaningful alternatives must be considered if the proposed action will have "some impact" on the environment. *Village of Palatine v. United States Postal Service*, 742 F. Supp. 1372, 1380 (N.D. Ill. 1990); see also, *Lower Alloways Creek Township v. Public Serv. Elec. & Gas Co.*, 687 F.2d 732, 739-40, n.14 (3<sup>rd</sup> Cir. 1982).

"The 'detailed statement' of 'alternatives to the proposed action' called for by § 102(2)(C) of NEPA, 42 U.S.C. § 4332(2)(C), has been aptly characterized as the 'linchpin of the entire impact statement.'" *Alaska v. Andrus*, 580 F.2d 465 (D.C. Cir. 1978), *vacated in part as moot*, 439 U.S. 922 (1978). The discussion of the validity and benefits of each proposed alternative, including associated costs and risks, should be detailed enough to reveal the agency's thought processes and analysis.<sup>ii</sup>

The narrow range of alternatives presented in the draft EIS is insufficient to allow the agency to consider options that would achieve the protection of the Park without resorting to killing the Park's elk. Although there are a variety of non-lethal methods that could be used to protect the area, the draft EIS does not explain why a combination of non-lethal methodologies is deemed insufficient to address the current elk situation.

## II. Elk, Vegetation and the "Natural State" of RMNP

The EIS states the primary purpose of this plan is to "restore and / or maintain the elk population to what would be expected under natural conditions to the extent possible." (EIS pg. vii). However, the "natural", pre – European, conditions of both the elk and vegetation in the area now encompassed in RMNP are virtually unknown. In fact, the EIS clearly states that elk were completely extirpated from the area by 1880 and did not return until reintroduction efforts in 1913 – 1914 (EIS pg 14). From that reintroduction forward, elk population regulation has not been "natural" by any stretch of the imagination. Elk hunting was permitted in the park intermittently in the 1940' – 1960's. Since 1969, elk have been subject to "natural regulation" i.e. not hunted in the park. As with all of the past elk management plans that include a lethal

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component, the justification for this cull is the condition of vegetation, especially aspen clones and riparian willow.

Ironically, the EIS itself states that "...there is not direct evidence to support that elk in Rocky Mountain National park are negatively affecting native biodiversity on a landscape scale..." (EIS pg 21). However, we do recognize that the current state of elk in RMNP is not entirely "natural". While the actual population numbers of elk in the park may be within the range of "natural" variation by the parks own reckoning, their non-migratory behavior is not (EIS pg 7). This tendency towards non- migratory behavior is directly attributable to the lack of natural predators in the park (EIS pg iv and elsewhere).

The word "natural" is not applicable to any current or proposed action or aspect of elk ecology in RMNP. Even the actual elk in question are human reintroductions. Therefore, the aim of this plan should be an attempt to restore elk population numbers and environmental impacts to levels that are thought to reflect the historical condition in the park. Being that the "natural" condition of the park is purely subjective a diverse, self – sustaining ecosystem is a more realistic goal.

### III. Historic and Current Population Regulation of Elk in RMNP

The EIS states that "[u]nder natural conditions, the elk population size and distribution would be controlled by a number of factors, including predators such as wolves and grizzly bears and hunting by Native Americans." (EIS pg 7). While this is true, the current elk population of 1700 - 2200 is well within the range of the historic elk population for the area which was said to fluctuate between 1500 – 3500 (EIS pg 8+13). The park has also recorded major population fluctuations within the past decade. Obviously, something is currently regulating these populations in the absence of natural predators and hunting pressure. Data from Yellowstone National Park and Banff National Park in Canada reveal that climatic variation may have a major effect on elk populations. <sup>iii</sup>

Disease is another factor that likely influences elk populations in the park. The EIS mentions the incidence of chronic wasting disease (CDW) in both free – ranging and captive elk but does not discuss its possible effects on the population density of animals in the park (EIS pg 20 and elsewhere).

The EIS notes that CWD occurs in 0.3% – 2.1% of the elk in region, based upon hunter harvest surveys just outside the park (EIS pg 125). While the current levels of CWD are not likely to result in large - scale population declines, an epidemic model revealed that CDW will have an effect on a protracted time scale and that population declines would occur once infection rates exceeded 5%. <sup>iv</sup> So while currently there may not be a discernible effect of CWD on elk populations in RMNP, these effects may become apparent in the coming decades.

Elk are also host to a wide variety of others diseases and parasites that may impact their population numbers. Of the 190 diseases and parasites that have been reported in elk and their European counterpart the red deer, six are considered as high risk agents that may impact elk and possible other animal populations. <sup>v</sup> These pathogens and parasites include the bacteria that cause brucellosis (*Brucella abortus*) and bovine tuberculosis (*Mycobacterium bovis*); the tick

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*Dermacentor andersoni* that transmits Colorado tick fever, Rocky Mountain spotted fever, and may cause tick paralysis; *Ixodes pacificus* a tick that transmits Lyme's disease; and mites of the genus *Psoroptes*, the agent of psoroptic mange. The EIS makes no mention of these pathogens, their occurrence in RMNP, nor their possible impact on the elk or other species, including humans.

#### IV. The Aspen, Elk, Wolf Trophic Cascade

It has been known since the 1970's that ungulates will avoid areas of high wolf density to evade predation.<sup>vi</sup> Further study has shown that elk will actually alter their patterns of habitat selection, especially in the summer, to avoid centers of wolf activity when wolves are reintroduced to an area.<sup>vii</sup> Not only that, these changes in movement patterns and habitat use result from a shift in preference from aspen stands in the absence of wolves, to conifer forests in the presence of wolves to avoid wolf travel routes.<sup>viii</sup>

The top down trophic cascade involving aspen, elk, and wolves has been examined primarily in Yellowstone National Park (YNP) since their wolf reintroduction in 1995. The basic synopsis of this interaction is as follows: wolves cause changes in elk movements and foraging behavior that result in a reduction in the utilization of aspen clone habitat. Subsequently, there is an increase in aspen regeneration and recruitment.<sup>ix</sup> In fact, historical aspen recruitment, as indicated by incremental core samples, actually ceased in YNP during the same years that wolves were absent from the park.<sup>x</sup> This cascade also has broader ecosystem effects, including the creation of improved beaver habitat that can result in increased beaver populations, even in the face of occasional predation on these rodents by wolves.<sup>xi</sup>

A similar relationship has been observed between wolves, elk, and willow recruitment in Montana.<sup>xii</sup> Similar to the aspen in YNP, the willow in the Gallatin Range on Montana experienced a decrease in browsing by elk and an increase in average height when wolves were present. Preliminary data also suggest that willow recovering due to the top down control of wolf predation pressure may also act as a buffer for recovering aspen, further fueling the regeneration of clones.<sup>xiii</sup>

From these studies and many others, it is apparent that predation pressure by wolves alone can change the movements and foraging patterns of elk. Considering that wolves were just reintroduced to YNP in 1995 and returned to southwestern Montana in 1996, it is obvious that the effect on the elk population and their aspen and willow food sources was rapid and drastic enough to be measurable in less than a decade. If the park truly wishes to return to a state that mimics the historical situation found in the area, a wolf introduction may be all that is required.

#### V. The Impracticality of a Cull

One of the proposed activities that is part of all action alternatives is the lethal take of elk. Along with this planned cull is the arduous task of dealing with the resulting corpses. The HSUS does not believe that it is advisable nor feasible to remove and / or disperse at least 50 and up to 700 elk corpses annually. Elk are not small animals and RMNP has many remote areas. The prospect

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of removing large numbers of these animals from this montane habitat presents a logistical nightmare.

For those carcasses that are not removed, the idea of leaving headless corpses around the park in numbers that "...reflect a natural state to the greatest extent possible" is flawed (EIS pg 54). Once again, the use of the concept of "natural" is to be interpreted loosely. There is no indication of how many carcasses will be removed and how many will be left in the field. We believe that seeing the carcasses that are left behind will compromise the experience of visitors to the park.

If corpses are to be removed, either motorized vehicles or large pack animals must be brought in to haul each animal one by one. This will probably be done during the day, even though the shooting will actually occur at night simply due to logistical issues. As for the animals left headless in the field, one can only imagine the reactions of hikers and campers to the sights (and smells) of such grisly spectacles.

## VI. Stipulations for a Wolf Reintroduction

We applaud the RMNP for proposing the reintroduction of wolves. However, the micromanaged, draconian guidelines and stipulations attached to this action make it not only counterproductive but downright detrimental to the reintroduced animals.

The idea of sterilizing only the male wolves to prevent initial reproduction while leaving the females intact is ill-advised. The study cited to justify this action clearly states that both members of a pair must be sterilized in order for the wolves to maintain normal social and territorial behaviors.<sup>xiv</sup> Leaving females intact will only lead to hybridization with coyotes or dogs. While wolf – coyote hybridization did not commonly occur in this region historically<sup>xv</sup>, hybridization between wolves and other canids is more likely to occur in small or inbred populations.<sup>xvi</sup> Such hybridizations could easily occur, only to result in the destruction of the hapless hybrid pups.

Regardless of the hybridization issue, the huge amount of monitoring and handling proposed in the EIS for the reintroduced wolves would be incredibly stressful for these animals. The purpose and need to handle wolves involved in research has been questioned in the recent past.<sup>xvii</sup> Blood work conducted on coyotes captured and handled for radiotelemetry studies revealed elevated blood levels of glucose and leukocyte counts which can be indicative of a stress response.<sup>xviii</sup> Behavioral symptoms of traumatic stress disorder have also been recorded for a wild wolf that was repeatedly subjected to human handling in the form of helicopter darting, repeated translocations, and temporary captivity.<sup>xix</sup> This is the type of treatment that the proposed reintroductions would face in RMNP.

Based upon these lines of evidence, the HSUS does not condone the proposed reintroduction of wolves into RMNP as it is presented in the EIS. However, we do believe that reintroducing wolves into the park that are permitted to reproduce and roam freely would serve to change elk movement patterns and result in vegetation recovery. We believe that a wolf reintroduction is the

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most ecologically and ethically sound option available to the park to resolve the current elk dilemma. Yet, the reintroduced wolves cannot be handled and treated as proposed in the DEIS to insure that the reintroduced wolves will exhibit normal social and foraging behaviors.

### **VII. Proposed Alternative 6**

In light of the issues presented above, the HSUS proposes alternative 6. In this alternative, elk populations would be directly controlled solely through immunocontraception, following protocols discussed in Alternative 4 of the EIS (pg 63 – 67). Vegetation should be temporarily protected by specially designed fences that will keep elk out but allow other species to move freely into and out of the enclosure as detailed in the EIS (pg 46 – 47). Long - term vegetative management, including the possibility of beaver reintroductions, should follow the protocols outlined in the EIS.

In order to disperse the elk, we condone the use of aversive conditioning and herding tactics. Such activities may include the use of dogs, rubber bullets, and people on horseback to disrupt and move the elk herds from areas of concentrated browsing (see EIS pg 58 – 59).

Finally, as discussed in the last section, we conditionally approve the reintroduction of wolves into RMNP provided that the wolves are not intensively monitored and repeatedly handled, as currently proposed in the EIS.

### **VIII. Conclusions**

As stated above, the current elk and vegetation management situation can be remedied through the use of non – lethal controls and a possible reintroduced wolf population. The proposed lethal culling of elk, as outlined in the EIS, is unnecessary and would present a host of logistical and aesthetic issues for the staff and visitors of RMNP. Additionally, the reintroduction of wolves as outlined in the EIS would not result in a wolf population that would exhibit natural social and foraging behaviors. In fact, such an introduction would only cause undue stress to the wolves and would most likely result in the untimely death of these overexamined individuals.

Based upon the shortcomings of the five alternatives presented in the EIS, the HSUS proposes its own alternative 6. This alternative calls for only non – lethal management of the elk herd, temporary vegetation exclosures, and the reintroduction of wolves without the sterilization and repeated human handling proposed in the EIS.

Although the Notice for the DEIS announced that comments would be accepted on July 4<sup>th</sup>, these comments are being submitted on July 5<sup>th</sup> as that is the first legal business day after the national holiday. If the normally-accepted, court-approved practice of accepting filings on the first business day after a prescribed filing date is not used in this case, we ask that these comments be accepted nonetheless.

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We look forward to reviewing the revised version of this plan when it becomes available.

Sincerely,

Lauren E. Nolfo-Clements, PhD  
Wildlife Scientist  
Wildlife and Habitat Protection

### Endnotes

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<sup>xiv</sup> Spence, C.E. et al 1999. Surgical sterilization of free – ranging wolves. *Canadian Veterinary Journal* 40: 118 – 121.

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<sup>xvii</sup> Oelfke, J.G. et al. 2000. Wolf research in the Isle Royale wilderness: do the ends justify the means? *USDA Forest Service Proceedings* 15(3): 246 - 251

<sup>xviii</sup> Smith, G.J. and O.J. Ronstad. 1980. Serologic and hematologic values of wild coyotes in Wisconsin. *Journal of Wildlife Diseases* 16(4): 491 - 497.

<sup>xix</sup> Mallonee, J.S. and P. Joslin. 2004. Traumatic stress disorder observed in an adult wild captive wolf (*Canis lupus*). *Journal of Applied Animal Welfare Science* 7(2): 107 - 126.

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BOARD OF COUNTY COMMISSIONERS

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Fort Collins, Colorado 80522-1190  
(970) 498-7004  
Fax (970) 498-7006

June 27, 2006

Vaughn Baker, Superintendent  
Rocky Mountain National Park  
Attn: Elk and Vegetation Management Plan  
Estes Park CO 80517

Dear Mr. Baker:

The Larimer County Commissioners asked our Environmental Advisory Board to review the draft EIS for the Elk and Vegetation Management Plan. They have completed their review, and provided the attached memo dated June 27, 2006.

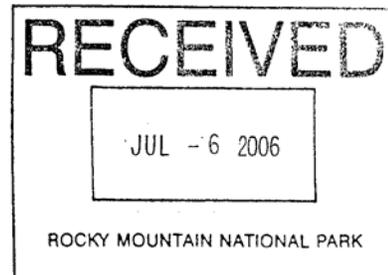
We were able to discuss the Advisory Board's findings at our Administrative Matters meeting today. The Board concurs with the conclusions offered by Mr. Lockwood, and adopted a resolution to forward these comments to the Park Service.

As always, Larimer County appreciates the opportunity to participate with the Park Service on important public policy issues. The goal of restoring the natural balance between elk and their environment has positive long-term implications for the Park.

Sincerely,

A handwritten signature in black ink that reads "Glenn W. Gibson". The signature is fluid and cursive.

Glenn Gibson, Chair  
Larimer County Board of Commissioners



ENVIRONMENTAL ADVISORY BOARD

Post Office Box 1190  
Fort Collins, Colorado 80522-1190

To: Larimer County Board County Commissioners

From: Dale Lockwood, Chair *Dale Lockwood*

Date: June 27, 2006

Subject: RMNP Elk & Vegetation Management Plan

The Environmental Advisory Board has reviewed the draft Environmental Impact Statement for the Rocky Mountain National Park Elk and Vegetation Management Plan. The main objectives of the plan are to restore and maintain the elk population to that expected under natural conditions and to restore the aspen and mountain riparian willow vegetation that has been heavily damaged by elk overgrazing. The EIS analyzes five alternatives, including no change in current management practices. The four action alternatives involve the consideration of management techniques including lethal reduction of the elk population, redistribution techniques to prevent elk from overgrazing in concentrated areas, fertility control, wolf introduction and fencing of aspen or willow habitat.

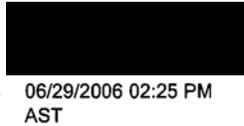
The Park Service is proposing to proceed with Alternative 2 – which relies on rapid initial lethal removal followed by more moderate culling, limited aspen fencing, redistribution techniques such as herding, and possible use of wolves – as the preferred alternative. This decision was made even though the analysis in the draft EIS indicates that Alternative 5 – which relies on wolf introduction as a major component – is the *environmentally preferred* alternative because it best protects the biological and physical environment by reducing the densities and abundance of elk to levels that would allow recovery of vegetation on the elk range most reflective of natural conditions. Alternative 5 would appear to meet the Park Service obligation to maintain and restore the natural conditions and processes in the park. The Park Service chose Alternative 2 due to its higher degree of technical certainty for achieving the objectives, and fewer significant obstacles for implementation as compared to the use of wolves in Alternative 5.

The Environmental Advisory Board shared some the Park Service's consternation over selecting the practical over what might otherwise be the best alternative. Both alternatives involve lethal reduction and some fencing of aspen. However, the use of wolves in Alternative 5 has the added benefit of restoring a natural predator of elk, which should help to select a healthier, fitter and wilder elk population.

The current impacts to aspen and willow habitat are very serious and impact a number of ecological processes in the Park. We concur that the faster rate of culling in Alternative 2 would more rapidly reduce intensive browsing by elk, so that the vegetation may recover to a better state of health. This alternative also limits the amount of fencing that would be needed, and therefore can be considered a more natural condition than the extensive fencing involved in Alternatives 3 and 4.

Given the acknowledged hurdles for wolf introduction in the context of this Elk and Vegetation Management Plan, the Park Service has made a reasonable decision in choosing Alternative 2. This should not preclude consideration of wolf re-introduction as a restoration option for the park regardless of the current elk status. The EAB also considers it likely that wolf recolonization will occur in the future as wolves naturally migrate into Colorado. That event would be very positive in terms of restoring the ecological balance to the Park's ecosystem. In this light implementation of Alternative 2 may produce the greatest short-term benefits and result in an environment that can more naturally accommodate the wolves when they do arrive.

We appreciate this opportunity to comment on the Elk and Vegetation Plan.



06/29/2006 02:25 PM  
AST

To: <romo\_superintendent@nps.gov>  
cc:  
Subject: comments on DEIS

Dear Superintendent,  
Attached is a comment letter from the National Rifle Association on the Elk and Vegetation Management Plan DEIS. A hard copy is in the mail.

Thank you,  
Susan Recce

June 28, 2006

Superintendent  
Rocky Mountain National Park  
Estes Park, CO 80517

Dear Superintendent:

The NRA wishes to comment on the draft environmental impact statement (DEIS) entitled "Elk and Vegetation Management Plan" that evaluates five alternatives for managing elk and vegetation in the Rocky Mountain National Park.

The NRA opposes all five alternatives, including the preferred alternative, because they are not truly viable and/or not cost effective. Alternative 1 would continue the existing management program which essentially is non-management of the elk population inside the Park. It would not solve the problems of overpopulation and herd concentrations.

Alternatives 2 and 3 would employ Park staff or contractors to reduce the elk population by varying degrees over time. It is an alternative that would likely achieve the goal of population reduction, but at a high cost to the taxpayer. The cost estimates range from \$1.1 to \$1.3 million annually for a total cost between \$16.5 to \$18.2 million. This is a sizeable sum of money for an agency that is burdened with a huge operations and maintenance backlog.

The use of single-year, multi-year, or life-time fertility control agents proposed in Alternative 4 will not solve the immediate issue of overpopulation, it will be difficult to implement and its success in reducing elk herds over time is questionable. It recognizes this by including "lethal reduction methods" because of the "logistical constraints on using fertility control agents to reduce the population size to within management objectives."

Introducing wolves as proposed in Alternative 5 will give rise to a whole new set of management issues. We believe the Park is not prepared to address these issues, including the containment of wolves within the boundaries of the Park and the impact of wolves on species other than elk.

The true failure of the DEIS is that it did not include the most viable and cost effective alternative and that is to allow licensed hunters, under the supervision of Park staff, to act as the “contractors” to cull the elk herds.

According to Park biologist Mary Kay Watry, as quoted in The New Gun Week of June 20th, “hunting was actually considered early in the process as an option, but due to the CWD presence, it has been rejected.” Nowhere in the DEIS could information be found regarding a discussion about hunting as an option. Furthermore, it is puzzling how the presence of CWD would have caused hunting as an option to be rejected when the presence of CWD has not put a halt to ungulate hunts anywhere in the country.

What appears likely to be the real reason is contained in the additional statement made by Ms. Watry and reported by The New Gun Week as follows: “Besides, the law does not allow for hunting in national parks, and it would take an act of Congress to change that. So, Warty explained, the park service is working within existing law to solve the problem.”

The National Park Service does not have authority to allow hunting in the absence of Congressional direction because it created that as policy through rulemaking. The Service boxed itself into a corner on wildlife management options in 1983 when it implemented its General Regulations for areas it administers. One element of those regulations stated that unless Congress specifically authorizes hunting in a unit of the National Park System, hunting will not be allowed. It does not take an act of Congress to change that, simply the will of the National Park Service, through new rulemaking, to correct a mistake made two decades ago.

There have been numerous situations where a hunt would have been the most cost effective and efficient means of addressing an overpopulation of indigenous or exotic wildlife. Three examples are the white tailed deer overpopulation in Gettysburg National Military Park and in Cuyohoga Valley National Recreation Area, and the mountain goat population in Olympic National Park. The National Park Service, long before facing this latest wildlife management issue, could have amended its rulemaking to address the conundrum it created for itself.

The above statement notwithstanding, a population reduction goal attained by culling does not, by law, prohibit hunters from participating. The DEIS should have examined the alternative of having licensed hunters participate in the culling process in lieu of park personnel or contractors. In explaining the lethal method (culling), the DEIS states that it is “distinct from hunting in a national park because the lethal resolution would be done under controlled circumstances by agency or contracted personnel and would not allow for the ‘fair chase’ ethic associated with hunting.”

It goes without saying that a culling action does not utilize “fair chase” methods of hunting and

waives the restrictions imposed by state wildlife agencies in setting the means and methods of taking game by the public. However, to call an action a cull and not a hunt in no way precludes members of the general public, that is licensed hunters, from assisting the Park in its objectives under "controlled circumstances." The Park and its DEIS have arbitrarily eliminated this option from the set of alternatives. Thus, the NRA believes that the DEIS is a flawed document.

The authority to allow hunters to engage in a culling program, not a "recreational hunt", exists. The Secretary of the Interior has broad powers to "...provide in his discretion for the destruction of such animals and of such plant life as may be detrimental to the use of any of said parks, monuments or reservations." (16 U.S.C. Sec.3). The National Park Service's Management Policies of 1988 specify that these powers include the ability to designate agents to act as "authorized representatives" to achieve management goals under the direction and supervision of park employees.

Although some segments of the public would oppose the use of this authority by claiming that it would open the park to recreational hunting in violation of the National Park Service's regulations, such is not the case. Authorizing representatives of the public to assist the Park does not constitute recreational hunting when there is a specific management goal to be achieved, hunters are under the direct supervision of government employees, the rules of fair chase are waived, and the culling is not conducted as part of a regular hunting season as established by the state wildlife agency.

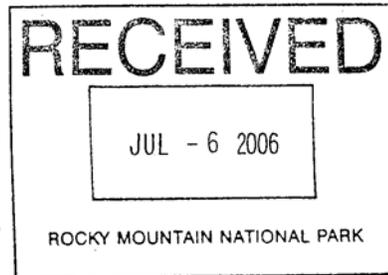
A supervised hunt would not have the practical and fiscal shortcomings of the other alternatives. In fact, the Park could charge a fee for participating in the controlled, supervised hunt and the proceeds could be returned to the Park to offset the cost of the supervised, culling program. The elk killed can still be tested for CWD and if the animal is not infected, the hunter can keep the meat for consumption. The Park would not incur the expense of setting up a meat donation program, as it proposes to do.

To dismiss utilizing hunters for a preferred alternative that will cost upwards of \$18 million is fiscally irresponsible. To deny a licensed hunter to participate in the culling operation is discriminatory. There is no evidence to suggest that hunters would not be as safe, humane and efficient, if not more so, than park employees or contractors.

In summary, the DEIS has failed the public by not proposing that hunters be incorporated in Alternatives 2 or 3 and therefore it should be withdrawn, amended and reopened for further public comment.

Sincerely,

Susan Recce  
Director  
Conservation, Wildlife and Natural Resources  
National Rifle Association



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*People and Nature: Our Future Is in the Balance*

Rocky Mountain Natural Resource Center

June 30, 2006

Vaughn L. Baker, Superintendent  
Rocky Mountain National Park  
Estes Park, CO 80517

Subject: Draft Environmental Impact Statement - Elk and Vegetation Management Plan

Dear Superintendent Baker:

The National Wildlife Federation respectfully submits the following comments on the Draft Environmental Impact Statement - Elk and Vegetation Management Plan (DIES). As the nation's largest member-supported conservation education organization, the National Wildlife Federation (NWF) unites people from all walks of life to protect nature, wildlife, and the world we all share. NWF has educated and inspired families to uphold America's conservation tradition since 1936. Our common sense approach to environmental protection brings individuals, organizations, and governmental agencies together to ensure a brighter future for people and wildlife.

The National Wildlife Federation has a long history of working on wildlife issues throughout the West. Throughout our involvement in the region, NWF has advocated for science driven decision-making and management of wildlife. This plan presents alternatives for the management of elk and vegetation in the park for the next 20 years.

Having reviewed the plan we have the following comments concerning the alternatives proposed for the park:

The situation at Rocky Mountain National Park (Park) serves as an important example that National Parks do not exist either in isolation or as complete ecosystems. The National Park Service (NPS) has long recognized the problems of minimal big game winter range within the Park and has taken steps to address this issue by adding lands to the Park and developing cooperative management and research agreements with the Colorado Division of Wildlife (CDOW). However, the opportunities to add lands to the Park have virtually disappeared in the last 30 years and the development of private lands outside of the Park has greatly complicated cooperative management activities with CDOW. Rocky Mountain National Park should be used

2260 Baseline Road, Suite 100, Boulder, CO 80302 Tel: 303-786-8001

Rocky Mountain National Park  
Elk and Vegetation Management Plan  
June 30, 2006  
Page 2

by the NPS as an example to the public of the value of undeveloped buffer areas around national parks. The NPS should not end its public education processes with this DEIS. Rather the NPS should continue to showcase the story of the Park to the surrounding communities and nationally, as appropriate, to ensure the management dilemma that has developed at Rocky Mountain National Park is neither forgotten nor repeated.

The National Park Service is not solely responsible for the impacts caused by the burgeoning elk population in Rocky Mountain. As Larimer County and the town of Estes Park have continued to encourage and allow development on the edges of the Park, management opportunities have been constrained. First, these new developments remove some habitat values for wildlife species, for elk, they become *de facto* refuges where hunting is not allowed or possible. Rather than experiencing hunting pressure, these elk are able to hold up on these developed lands and continue to add new members to the population. Additionally, elk occupancy of developed lands increases human/elk conflicts decreasing support for all wildlife and increasing management costs for the CDOW. We urge the NPS and the state of Colorado to engage in a public dialogue with Larimer County and the town of Estes Park to ensure the full costs of additional development are not borne by the wildlife and wildlife agencies alone. It is imperative that those external governmental agencies minimize further impacts to Park resources through more responsible planning and development efforts.

Although the opportunity to provide hunting access to these elk on public and private winter ranges east of the Park are declining, we urge the NPS and CDOW to continue to propose new and sweeping new proposals to provide extended hunting access to this herd. Decreased license costs, extended seasons and primitive weapon seasons (increased safety in developed areas) should be among the considered alternatives.

We support the National Park Service's preferred alternative to reduce the elk population in this area of Colorado. However, we are concerned the preferred alternative is designed to "hide" the dramatic impacts of reducing the elk population from the public. How can NPS hope to avoid future human-caused wildlife conflicts if it refuses to "daylight" its management action to the public? NWF is adamant in supporting maximum human safety during elk reduction actions, but we do not believe the public interest is served by only conducting elk reductions at night and by using silencers to reduce the noise from high caliber weapons. Park visitors and neighbors need to understand the consequences of human actions outside of the Park and that those consequences result in the destruction of native wildlife. Perhaps, if the public does experience restricted access and the noise of high power weapons, it will be more thoughtful and responsible in its future decisions. We do not advocate a cavalier or insensitive approach to the reduction, but rather consider it a "teachable" moment for the public and the impact of their decisions on wildlife and their habitats.

NWF appreciates the creative proposals found in the DEIS. For example, an Alternative considering the possible introduction of wolves and the ensuing experiment regarding the impact on the elk population and the prevalence of Chronic Wasting Disease (CWD). Regardless of this alternative not be the preferred alternative, NWF appreciates the thought provoking nature of this

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Rocky Mountain National Park  
Elk and Vegetation Management Plan  
June 30, 2006  
Page 3

idea, it certainly is an example of how the NEPA process can be used to elucidate ecological concepts and assess public reaction.

Thank you for your consideration of our comments. If you have any questions about this letter, please feel free to Dyanne Singler at 303/441-5163 or [singler@nwf.org](mailto:singler@nwf.org).

Sincerely,



Stephen C. Torbit, Ph.D., Director  
Rocky Mountain Natural Resource Center  
National Wildlife Federation



July 3, 2006

Via e-mail: romo\_superintendent@nps.gov and facsimile (970-586-1397)

Vaughn Baker, Superintendent  
Rocky Mountain National Park  
Attn: Elk and Vegetation Management Plan  
Estes Park, CO 80517

Re: Comments of Safari Club International and Safari Club International  
Foundation on the Rocky Mountain National Park Draft Elk and  
Vegetation Management Plan and Environmental Impact Statement

Dear Superintendent Baker:

Safari Club International and Safari Club International Foundation (collectively "SCI") appreciate the opportunity to comment on the Draft Elk and Vegetation Management Plan and Environmental Impact Statement ("Elk Plan"). SCI and its members have long been active in hunting and wildlife management issues related to the Rocky Mountain National Park ("RMNP") and surrounding areas. The staff of the RMNP has obviously put a great deal of thought and effort into developing the Elk Plan. SCI generally supports wildlife management efforts aimed at wildlife population control. It is unfortunate, however, that legal and policy constraints apparently prevent the NPS from considering the use of recreational sport hunting as part of the solution in RMNP.

Safari Club International, a nonprofit IRC § 501(c)(4) corporation, has approximately 50,000 members worldwide, including many who hunt near the RMNP and, in doing so, contribute to the sustainable use of the wildlife in the area. Its missions include the conservation of wildlife, protection of the hunter, and education of the public concerning hunting and its use as a conservation tool. Safari Club International Foundation is a nonprofit IRC § 501(c)(3) corporation. Its missions include the conservation of wildlife, education of the public concerning hunting and its use as a conservation tool, and humanitarian services. More specifically, the conservation mission of SCIF is: (a) to support the conservation of the various species and populations of game animals and other wildlife and the habitats on which they depend, and (b) to demonstrate the importance of hunting as a conservation and management tool in the development, funding and operation of wildlife conservation programs.

The NPS has well documented the need to manage the Elk population in RMNP. Several of the reasons the NPS has identified suggest that the use of recreational sport

**Safari Club International - Washington DC Office**  
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hunters could be part of the solution to the problem. The Elk Plan notes that “[t]he prohibition of hunting inside the park and the town of Estes Park while adjacent areas outside the park are open to hunting has created a ‘sanctuary’ that has contributed to the high elk concentration and more sedentary behavior.” Elk Plan at iv-v. “In addition, increased concentrations of elk in developed areas inside and outside the park also increase the potential for human-elk conflict as elk become more habituated and less fearful of humans.” Elk Plan at vi. The carefully regulated use of recreational sport hunters would help address both of these problems.

An added advantage of using sport hunters is that sport hunting generates revenue that could be used for conservation efforts related to game and nongame species within the park and surrounding areas. It is well established that sport hunting can generate funds, for example, through the sale of tags and licenses, that can be used to benefit wildlife and the ecosystem. In contrast, the use of park employees or contractors to manage wildlife through lethal means is often a costly undertaking. Although SCI understands that the NPS believes that statutory prohibitions prevent recreational hunting within the park from being considered as a viable option at this time, SCI encourages the NPS to consider any measures that might enhance the opportunities to sport hunt elk outside the RMNP as a means to manage elk populations within the park. See Elk Plan at 24.

SCI supports efforts by the NPS to donate as much as the harvested meat as possible for humanitarian purposes. Elk Plan at 54-55. SCI has long supported such humanitarian efforts, for example through its “Sportsmen Against Hunger” program. See information at <http://www.safariclubfoundation.org/humanitarian/#sah>. Using hunters for wildlife management in National Parks would facilitate the NPS’s ability to use harvested meat for such purposes, including through programs such as the one SCI runs.

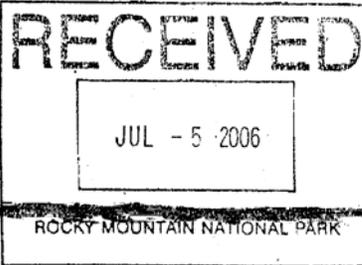
SCI is not here advocating the wholesale opening of RMNP or all National Parks to sport hunting. But for all the reasons discussed above, sport hunting should be a tool available to the NPS to use for wildlife management in limited situations, for example to control wildlife overpopulations and/or the presence of harmful invasive species. SCI encourages the NPS to consider actions that might be necessary to allow sport hunting to be a cost-effective and efficient option for dealing with wildlife overpopulation and related problems in National Parks.

SCI appreciates the opportunity to comment on this important issue. We look forward to working with the NPS on this issue. If we can provide any further information, please let us know.

Sincerely,

s/

Ralph Cunningham  
President,  
Safari Club International  
Safari Club International Foundation



Rep Control Director  
Colorado Restoration Program  
1911 1/2 Street Suite 103  
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Phone (303) 447-8055 ext 2#  
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Advisory Board

- Vaughn Baker, PhD  
Boulder, CO
- Stefan Amman, PhD  
Arcata, CA
- John Turner  
Arcata, CA
- William Smith, PhD  
Boulder, CO
- Michael Jones, PhD  
Boulder, CO
- Charles Williams, PhD  
Boulder, CO

July 3, 2006

Vaughn Baker, Superintendent  
Rocky Mountain National Park  
Attn: Elk and Vegetation Management Plan  
Estes Park, Colorado 80517

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RE: Federal Register Notice: April 20, 2006 (Volume 71, Number 76)  
Department of the Interior  
National Park Service  
Elk and Vegetation Management Plan  
Draft EIS  
Rocky Mountain National Park, CO

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Our Mission

Sinapu, named after the Ute word for wolves, is dedicated to the restoration and protection of native carnivores and their wild habitat in the Southern Rockies, and connected high plains and deserts.

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Dear Superintendent Baker,

On behalf of the members of Sinapu, the Center for Native Ecosystems, Forest Guardians, and the 1,013 citizens of the United States and other countries that signed the attached petition (Attachment A), please accept the following comments regarding the Elk & Vegetation Management Plan Draft Environmental Impact Statement (hereafter "the Draft Plan"). We appreciate the time and effort the National Park Service ("NPS") has put into this plan, and understand the complexity of the issues addressed in the plan. Given Sinapu's specific niche, we are limiting the scope of these comments to those aspects of the plan that relate to a potential nexus with the restoration of wolves to Rocky Mountain National Park ("RMNP") and surrounding habitat.

**Overview**

As discussed in Sinapu's original comments during the scoping phase of this plan (letter dated August 9th, 2003), the confluence of previous failed attempts to control the elk population within RMNP and the ecological success of restoring wolves to Yellowstone National Park (i.e. wolves have had a remarkable and well-documented positive effect on aspen and willow communities there) clearly point the way to rescue RMNP's native plant communities. Unfortunately, because the Plan does not take a "hard look" at the opportunity to restore a self-regulating wolf population to the Park and

surrounding national forest lands, the Draft Plan violates the Park Service Organic Act ("Organic Act") 16 U.S.C § 1-20g, the National Environmental Protection Act ("NEPA"), 42 U.S.C § 4321, 4331-4332, and the Endangered Species Act ("ESA") 16 U.S.C § 1531.

### **I. The Draft Plan Violates the Organic Act and NPS Policies.**

#### A. The Preferred Alternative violates the Organic Act because it is not consistent with the intent of the Act.

Congress, under the Organic Act, created the National Park Service—and the overarching management paradigm for all National Parks flows from there. Unlike any other land management agency, the NPS has as its primary mission to protect and preserve park resources. The Act's purpose is to:

"...conserve the scenery and the natural and historic objects and the wildlife and to provide for the enjoyment of the same in such manner and by such means will leave them unimpaired for the enjoyment of future generations. The authorization of activities shall be construed and the protection, management, and administration of these areas shall be conducted in light of the high public value and integrity of the National Park System and shall not be exercised in derogation of the values and purposes for which these various areas have been established, except as may have been or shall be directly and specifically provided by Congress." (16 U.S.C § 1).

Since the original enactment of the 1916 Organic Act, Congress and the courts have repeatedly affirmed that original intent and, in fact, fortified it as it applies specifically to the parks.

Case law, such as: *Michigan United Conservation Clubs v. Lujan*, 949 F.2d 202, 206 (6th Cir. 1991), *National Rifle Association of America v. Potter*, 628 F. Supp. 903, 909 (D.D.C. 1986). *Fund for Animals v. Norton*, 294 F. Supp. 2d 92; *Southern Utah Wilderness Alliance v. Nat'l Park Serv*, 387 F. Supp.2d 1178, all of which have interpreted the Organic Act, consistently held that conservation is required under NPS policies—and that conservation have primacy above all other values.

Under this line of cases, the proposed plan is unlawful under the Organic Act because lethal control methods and artificial fencing (when compared to the restoration of a primary natural ecological process such as wolf predation) do not promote the NPS duty of preservation, nor were these types of uses in the park considered by Congress when the Organic Act was enacted.

One scholarly article, as reported on the NPS.gov website, also gives an accounting of the trend of preservation:

"Congress went some distance toward functional definitions in two park-specific acts in 1970 and 1978. In an amendment to national park legislation, Congress declared that national parks "derive increased national dignity and recognition of their superb environmental quality through their inclusion . . . in one national park system preserved and managed for the benefit and inspiration of all the people." Clearly here Congress was holding national parks to an "increased" or higher standard of protection, this higher standard was based on the maintenance or achieving of superb "environmental quality," and each park benefited by being included in a system that benefited all:

that is, a threat to one was a threat to all. Further, Congress now called for preservation and management that would benefit and inspire "all the people," thus by implication ruling out management decisions that would redound to the benefit of only "some of the people": interest groups, local parties, one might argue even historically vested bodies that lacked clear national significance.

In 1978, Congress reaffirmed the Organic Act and declared that parks must be protected "in light of the high public value and integrity" of the park system in a way to avoid "derogation of the values and purposes" for which the parks, collectively and individually, were created. "High public value" is somewhat subjective and clearly changes over time; by the use of this criterion, Congress appears to have instructed the National Park Service to manage parks in relation to public sentiment and, in effect, sociological jurisprudence. By this standard in 1978 Congress gave a powerful mandate to the Park Service, a mandate which would prohibit actions that could have the effect of "derogation" of park values. Virtually all commentators at the time and since have concluded that the 1978 provision added to the Park Service's mandate to protect ecological values.<sup>1</sup>

The NPS policies also clearly underscore the strong conservation focus that should prevail in the management of the Parks. From the Draft Plan at p. 31:

Management Policies 2001 (NPS 2000b) establishes service-wide policies for the preservation, management, and use of park resources and facilities. These policies provide guidelines and direction for management of elk and vegetation within the park.

Section 4.4.1.1 requires that the National Park Service "adopt park resource preservation, development, and use management strategies that are intended to maintain the natural population fluctuation and processes that influence the dynamics of individual plant and animal populations, groups of plant and animal populations, and migratory animal populations in parks" (NPS 2000b).

Section 4.1.5 also directs the National Park Service to reestablish natural functions and processes in human-disturbed components of natural systems in parks (unless otherwise directed by Congress). Impacts on natural systems resulting from human disturbances include the disruption of natural processes. The National Park Service will seek to return human-disturbed areas to the natural conditions and processes characteristic of the ecological zone in which the damaged resources are situated. The National Park Service is to use the best available technology, within available resources, to restore the biological and physical components of these systems, accelerating both their recovery and the recovery of landscape and biological- community structure and function. This includes the restoration of native plants and animals, which Section 4.4.1.3 defines as "all species that have occurred or now occur as a result of natural processes on lands designated as units of the national park system" (NPS 2000b).

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<sup>1</sup> Robin W. Winks, *The National Park Service Act of 1916: "A Contradictory Mandate"?*, 74 *Denver U. L. Rev.* 575 (1997).

Therefore, based on the express mandate of preservation embodied in the Organic Act, Park Service policies and existing case law, the preferred alternative the Park Service selected is not a reasonable interpretation of the Organic Act and is thus arbitrary and capricious, falling outside the Park Service's statutory authority.

B. The National Park Service has unlawfully rejected Alternatives that are more consistent with the Organic Act and Park Service policies.

There is at-least one other alternative that the NPS could have chosen that would have been more consistent with the Organic Act: The restoration of a self-regulating population of wolves. The Plan's Executive Summary p. xii, recognizes Alternative 5 as the environmentally preferred Alternative because it "best protects the biological and physical environment by effectively reducing the densities and abundance of the elk population to levels that would allow fore recovery of vegetation on the elk range most reflective of natural conditions."

If the Plan recognizes that the release of a tiny number of wolves (relegated to not leave the boundary of RMNP and barred from reproduction (by sterilizing the males)) as biologically the best (of the alternatives considered), then a self-regulating population of wolves (an alternative not considered by the Draft Plan) would clearly be even better for the biology and ecological health for RMNP. By failing to take a "hard look" at an alternative that included restoring a self-regulating wolf population, the NPS expressly ignored overwhelming scientific evidence, along with the mandate of the Organic Act and existing case law.

Given the direction of Congress through the Organic Act of 1916, and given present Park Service policy, it seems logical that the Park Service would fully explore the opportunity to develop a management plan based upon the best available scientific information. Unfortunately, the Draft Plan takes a different tack.

As we first outlined in our comments (letter dated August 9th, 2003) during the scoping phase for the Draft Plan, mounting scientific evidence from Yellowstone National Park and elsewhere indicates that the restoration of wolf predation has near-term and sustained benefits for vegetation, specifically aspen, willow and other riparian dependent species.<sup>2</sup> Notably, the Draft Plan acknowledges this ecological research (Draft Plan at p. 222), but then turns a blind eye to the clear implications of such research as it relates to the Park Service's obligation, "to conserve the scenery and the natural and historic objects and the wild life therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations." 16 U.S.C § 1.

In light of such overwhelming scientific evidence pointing to the absence of wolves as the root of RMNP's problem with elk herbivory, it is puzzling that the Draft Plan baldly downplays the implications of these

<sup>2</sup> See for example: <sup>2</sup> Smith D.W., Peterson R.O. and D.B. Houston. 2003. Yellowstone After Wolves. *Bioscience*. 53(4): 330-340.

findings, choosing instead to implement a draconian plan to cull hundreds of elk under the cover of darkness—hardly a stab at restoring “all species that have occurred or now occur as a result of natural processes on lands designated as units of the national park system.” NPS 2000b. 4.4.1.3.

**Given the above, the NPS’s decision to eliminate from further consideration the restoration of a self-regulating population of wolves represents a violation of the Organic Act of 1916 and contravenes existing Park Service management policy.**

The Park Service has the legal authority and public obligation to make management decisions that maintain and/or restore the ecological fabric of our National Parks. Yet, in attempting to resolve the ecological consequences of wolf extermination, the NPS has decided to kill the messenger (sedentary elk).

**In order to remedy the above shortcomings, we urge the NPS to issue a new Draft Plan that fully considers a new alternative scenario involving the restoration of a self-regulating population of wolves within RMNP.** Given the RMNP is not large enough to reasonably contain a self-regulating population of wolves in isolation, we recommend that this scenario be developed within the context of a regional-scale wolf restoration plan involving the U.S. Fish & Wildlife Service, the U.S. Forest Service, the Colorado Division of Wildlife and the NPS.

## **II. NPS Plan Violates the Legal Requirements of NEPA.**

### **A. NPS has unlawfully Rejected a Reasonable Alternative ( i.e. self-sustaining wolf population).**

NEPA requires that agencies consider alternatives to the proposed action. These requirements are set forth in section 102(2) (c) (iii) which states the responsible official of the agency must prepare “a detailed statement...on...alternatives to the proposed action”, and the 102(2)(E) requirement that that agencies “must study, develop, and describe appropriate alternatives to recommended courses of action which involves unresolved conflicts concerning alternative uses of available resources.”

The Draft Plan fails to fully comply with NEPA procedural requirements by failing to consider all reasonable alternatives. Further, the NPS decision disregards existing case law on how NEPA must be applied. Although NEPA does not require that the EIS discuss an infinite range of alternatives to the proposed action, the “rule of reason” guides both the choice of alternatives as well as the extent to which the EIS must discuss each alternative. *Defenders of Wildlife v. Andrus*, 627 F.2d 1238, 1246. Further, reasonable alternatives warrant an extended discussion. Under *Davis v. Mineta*, 302 F.3d 1104, 1119 (10th Cir. 2002) the 10th Circuit observed: “While it is true that defendants could reject alternatives that did not meet the purpose and need of the project, they could not define the project so narrowly that it foreclosed a reasonable consideration of alternatives.” *Davis*, 302 F.3d at 1119 (quotations omitted)(emphasis supplied) \_quoting\_ \_Colo.\_ Env’tl. *Coalition v. Dombeck*, 185 F.3d 1162, 1174-75 (10th Cir.1999); “Alternatives were dismissed in a conclusory and perfunctory manner that do not support a conclusion that it was unreasonable to consider them as viable alternatives in the EA. As a

result, only two alternatives were studied in detail: the no build alternative, and the preferred alternative. FHWA acted arbitrarily and capriciously..." Davis 302 F.3d at 1122.

Based on the scientific evidence presented in the Draft Plan, NEPA requires the Draft Plan to include a full and extended discussion of a sustaining wolf population in RMNP. Dismissing this alternative does not comply with NEPA to the "fullest extent possible", as required by Section 102, making the Draft Plan fatally defective.

The purpose of NEPA is to insure a fully informed and well-considered decision; having failed to consider the restoration of a self-regulating wolf population, the Draft Plan does not promote the purpose and policy for which NEPA was created. As stated in NEPA Section 101, is necessary for all federal agencies to use "all practicable means" to administer federal programs in the most environmentally sound fashion. The purpose of NEPA is clearly not fulfilled when the NPS does not consider alternatives that the Draft Plan recognizes would be more environmentally sound.

In Alternative 5, the wolf alternative, the Plan discusses how this alternative would result in improvement in the "montane riparian willow and aspen habitat quality and quantity, the benefits would mostly accrue for the greenback cutthroat, Colorado River Cutthroat trout, boreal toad, wood toad, greater sandhill crane, lynx, and river otter." Elk Management Plan pp.270. The restoration of wolf predation would also benefit special status species that feed on carrion. In addition, because the species mentioned above as "special status species" are listed or are proposed to be listed under the ESA, the restoration of wolf predation as an ecological force would help to further the recovery goals of the ESA. These benefits were determined based on Alternative 5, which would only release a tiny number of highly managed wolves. These benefits have the potential to be far greater with a self-sustaining wolf population (in contrast to the scenario described under Alternative 5) because there would be a greater number of wolves acting in a more natural manner on the landscape (i.e. as part of a natural ecological process).

#### B. NPS Actions Fail to Mitigate Impacts of Overbrowsing

40 C.F.R. §1502.16(h) requires discussions in any EA/EIS include "[m]eans to mitigate adverse environmental impacts...". The Draft Plan fails this requirement (as it applies to the mitigation of the effects of elk herbivory) because it fails to fully consider the restoration of a self-regulating wolf population as a benchmark by which to measure other alternatives. **The Plan even recognizes that "the absence of an intact predator base is a key reason the elk population size, density and behavior is considered to be outside the natural range of variation."** (Elk Management plan p. 7) And, "empirical evidence from areas with intact wolf populations, such as Yellowstone and Baniff National Parks, indicates that elk would be more wary and less sedentary, resulting in lower densities." *Id.* Strangely, the NPS fails to take a "hard look" this evidence when considering alternatives.

Additionally, the NPS plan fails to mitigate other adverse impacts, as proposed by the Draft Plan. First, the Draft Plan insufficiently attempts to mitigate ethical concerns implicated by the proposed lethal control methods (under Alternative 2), which could potentially be very high in RMNP because lethal

control is inconsistent with the concept of wilderness. Second, the Draft Plan fails to mitigate the adverse impacts that the fencing would have. The fencing will be aesthetically unpleasing to park visitors and could interfere with movement and activities of wildlife other than elk. The restoration of a self-regulating wolf population would avoid these adverse impacts while upholding the conservation mandate of the Park Service and furthering the recovery of at-least one endangered species (the Gray Wolf).

C. NPS Failed to Cooperate With Other Federal and State Agencies in Developing an Alternative That is Consistent With the Organic Act.

Although the DEIS, Chap.1 page 13, illustrates that the NPS, acting as the lead agency, signed a Memorandum of Understanding with several agencies regarding cooperative planning, for the reasons explained above, the preferred alternative fails to comply with NEPA in regard to such cooperative agency status. The Plan does not take into account "natural and social sciences...in planning..." as required by Section 101. This claim is based on the fact that if a "systematic" and "interdisciplinary approach" were used, the restoration of a self-regulating wolf population would have been fully considered, and perhaps chosen as the preferred alternative.

**III. The NPS Has Violated the Endangered Species Act ("ESA").**

A. The NPS violated Section 7(a) (1) of the ESA by rejecting alternatives that would conserve an endangered species

Under the ESA, all federal agencies are under a duty to conserve listed species. The ESA, under 16 U.S.C § 1531(c), declares that federal agencies "shall utilize their authorities in furtherance of this chapter." Because of the gray wolf's status as an endangered species, the NPS is under a duty to "conserve" the species. 16 U.S.C § 1531(b). The ESA at 16 U.S.C § 1532(3) defines "conserve" as an affirmative obligation for agencies to recover listed species "to use all methods and procedures which are necessary to bring any endangered species or threatened species to the point at which the measures provided pursuant to this act are no longer necessary."

In this instance, the NPS has clearly identified the need for wolves (and wolf predation), and has thus elicited the opportunity to further the recovery of a species still listed as endangered under the Endangered Species Act while meeting the needs of the Park's resources. Yet, the NPS chose not to "conserve" the endangered species:

Thus, at a minimum the NPS has a duty to consider the alternative of a self-sustaining wolf population. Instead the NPS has unlawfully rejected an alternative that would carry out the conservation mandate of the ESA.

B. Alternative 5 violates the ESA and existing Park Service policies.

The following section examines Alternative 5, as well as Alternative 2 inasmuch as Alternative 2 incorporates Alternative 5 by reference. As described in the Draft Plan, Alternative 5 calls for the reintroduction of a small number of highly manipulated/managed—and reproductively sterile—wolves into the core of RMNP. These wolves would be relegated to living inside the boundaries of RMNP, despite the fact that neither wolves nor their prey recognize lines on a map. Such a scenario does not constitute a “natural” ecological situation, and therefore has little likelihood of restoring “natural population fluctuation and processes that influence the dynamics of individual plant and animal populations, groups of plant and animal populations, and migratory animal populations in parks” as required under Management Policies 2001 Section 4.4.1.1.

Further, the scenario described under Alternative 5 fails to recognize that wolves are presently listed as an endangered species under the Endangered Species Act, and as such any actions involving individual members of the species are constrained by the take provisions of the law, as well as the affirmative duty to recover the species. Even if the NPS were to imagine Alternative 5 taking place within the context of an Experimental/Non-Essential designation under section 10(j) of the Endangered Species Act, actions by the NPS must further the recovery/conservation of the species. Section 10(j) allows the release of listed species as a means to implement the goals and policy of the ESA. 16 U.S.C. § 1539. Section 10(j) provides strict and unambiguous guidelines for using experimental populations (the species would thus be treated as a “threatened” species within RMNP). Section 10(j) allows the release of listed animals outside of the current range of that species if the release will further the conservation of the species. 16 U.S.C. § 1539 (2)(B). Based on the ESA guidelines for releasing experimental populations, Alternative 5 is unlawful. **Nothing within Alternative 5 leaves the impression that the recovery mandate of the ESA would be advanced as it relates to wolves; to the contrary, Alternative 5 invites only conflict with the recovery and protection goals of the ESA.**

Considering the above, we urge the NPS to replace Alternative 5 with a scenario that advanced the goals of the Draft Plan while concurrently advancing the recovery of gray wolves. Further, we urge the NPS to include a full consideration of the socioeconomic aspects of having wolves restored to RMNP, as required under NEPA. Ongoing socioeconomic research regarding wolf restoration in the Northern Rockies indicates that the net annual benefit to the local economies of Wyoming Idaho and Montana is approximately \$70 million.<sup>3</sup>

### **Conclusion**

Given the fact that the Draft Plan, considered as a whole, violates the Organic Act, NEPA, and the ESA, we believe that the NPS should take a step back to further consider the clear implications of potentially restoring wolves to the landscape, and then reissue a draft management plan that reconciles the deficiencies of the first draft with the ecological, scientific and legal realities that clearly point to the

<sup>3</sup> See BliingsGazette.com, April 7, 2006. *UM economist: Wolves a big moneymaker. Yellowstone Park survey finds animals have \$70M effect.*

restoration of a self-regulating wolf population to RMNP and surrounding national forest lands as a significant part of the solution to the problem of elk herbivory in RMNP.

We appreciate your consideration.

For the Wild,



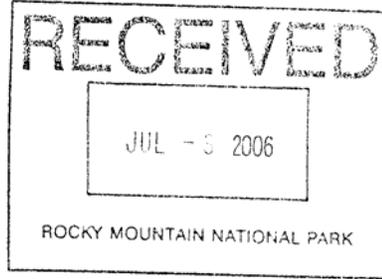
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Cc: Congressman Mark Udall



July 1, 2006

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Vaughn Baker, Superintendent  
Rocky Mountain National Park  
Attn: Elk and Vegetation Management Plan  
Estes Park, Colorado 80517

Federal Register Notice: April 20, 2006 (Volume 71, Number 76)  
Department of the Interior  
National Park Service  
Elk and Vegetation Management Plan  
Draft EIS  
Rocky Mountain National Park, CO

Dear Superintendent Baker,

Wilderness Workshop (WW) represents the conservation interests of our 600+ members. We are providing comment herein concerning the Rocky Mountain National Park (RMNP) Elk and Vegetation Management Plan (The Plan) and associated Draft Environmental Impact Statement (DEIS). WW would like to thank RMNP for this opportunity to participate in the public lands management process. WW would also like to acknowledge the better working relationships between managers and stakeholders, and the more-informed decisions that result from this and other NEPA (National Environmental Policy Act, 42 U.S.C. 4321 et seq.) processes.

The Wilderness Workshop's mission is to protect and conserve the wilderness and natural resources of the Roaring Fork watershed, the White River National Forest (WRNF), and adjacent public lands. WW is a local, community-based non-profit organization that uses the best available science to forward its mission through research, policy work, administrative processes, education, legal advocacy, and grassroots organizing to protect the ecological integrity of Colorado's public lands. WW focuses on the monitoring and conservation of air and water quality, wildlife species and habitat, natural communities, roadless areas, and lands of wilderness quality.

Rocky Mountain National Park and its ecological and socio-economic well-being are of great importance to WW and its members. From a landscape ecology perspective, maintaining the integrity of RMNP as a preserve, refuge, and source for organisms, native biota, and genetic diversity is critical to the conservation of ecological integrity on other proximate public and private lands in the Southern Rockies region, including the Arapaho-Roosevelt and White River National Forests.

Rocky Mountain National Park is among the United States' most cherished national parks. While the issues and proposed actions this DEIS addresses are certainly controversial, RMNP managers must also remain cognizant of the many opportunities now at hand. These include invaluable opportunities for scientific inquiry and practical research; opportunities for public-private-NGO partnerships toward conservation and science-related ends; opportunities to learn from Yellowstone NP's experiences with similar ecological, social, and economic issues; opportunities to educate the various publics as to ecological realities and to dispel misperceptions and stereotypes about carnivores and elk; as well as opportunities to implement progressive, new science-based policy and wildlife management solutions.

### **Project Purpose and Need**

The Rocky Mountain National Park Elk (*Cervus elaphus*) and Vegetation Management Plan states as its objectives:

1. Restore and/or maintain the elk population to what would be expected under natural conditions to the extent possible.
  - Maintain a free-roaming elk population.
  - Decrease the level of habituation to humans exhibited by elk.
  - Restore the elk population size to a level allowing it to fluctuate within the natural range of variation, between 1,200 and 2,100 elk.
  - Redistribute elk to disperse high densities of elk.
2. Restore and/or maintain the natural range of variation in vegetation conditions on the elk range, to the extent possible.
  - Prevent loss of aspen clones within high elk use areas.
  - Restore and maintain sustainable montane riparian willow.
  - Increase montane riparian willow cover within suitable willow habitat on the primary winter range.
  - Maintain or improve the condition of riparian and upland willow on the primary summer range.
  - Reduce the level of elk grazing on herbaceous vegetation.
3. Opportunistically collect information to understand chronic wasting disease prevalence in the park within the framework of the alternative.
4. Ensure that strategies and objectives of this plan/EIS do not conflict with those of chronic wasting disease management.

5. Continue to provide elk viewing opportunities.

6. Recognize the natural, social, cultural, and economic significance of the elk population.

In the DEIS, RMNP prudently acknowledges that un-naturally high concentrations of elk and elevated levels of herbivory have degraded and simplified various ecological communities upon which many species depend (DEIS at 2). WW applauds RMNP resource managers and staff for their holistic, ecosystem-based objective of bringing the Park's elk herd back to a more natural level—one that does not exceed the ecological carrying capacity of the land. It is a sign of effective leadership and progressive stewardship that RMNP managers now acknowledge the unnaturally large, imbalanced, and ecologically-deleterious size of today's RMNP/Estes Valley elk herd. WW suggests that RMNP explicitly incorporate management for multiple top-level predators as salient objectives within this Plan. To this end, WW recommends RMNP and its partners re-establish a population of wolves (*Canis lupus*) in the greater RMNP ecosystem—much as YNP managers re-established wolves and restored ecosystem balance in the Greater Yellowstone Ecosystem. Further, WW advocates that such ecologically-focused policies take precedent over recreational values in the near term. While there may be short-term economic costs associated with interference in park visitation/tourism, it is important to acknowledge that every day that the unnatural herd size persists equates to greater ecological harm. This ecological harm is long-term and intergenerational in scope, and may contribute to species extirpation and/or extinction.

Many public stakeholders are unfamiliar with ecological relationships, trophic cascade effects, roles of top-level carnivores and keystone species, predation risks, optimal foraging, and other ecological concepts. As evidenced by letters to the editor and discussions in the Rocky Mountain Elk Foundation's magazine, *Bugle*, during the past few years, some regard elk solely as game to be hunted, while others understand that elk and other species are critical pieces to a complex, often-ineffable ecological puzzle—of which carnivores are also a critical piece. Still others neither understand the culture or conservation role of modern hunting, nor the nuances of various ecological relationships in RMNP, Yellowstone NP, and/or elsewhere. Both hunter and non-hunter alike fall within each of the three aforementioned categories. Importantly, all citizens have the capacity to learn from public management actions and resulting case histories. Speaking to some of the very same ecological and social issues with which RMNP now copes, luminary forester, conservationist, wildlife scientist, and teacher Aldo Leopold (1949) wrote in his essay *Thinking Like a Mountain*,

In those days we had never heard of passing up a chance to kill a wolf. In a second, we were pumping lead into the pack, but with more excitement than accuracy: how to aim a steep downhill shot is always confusing. When our rifles were empty, the old wolf was down, and a pup was dragging a leg into impassable slide rocks.

We reached the old wolf in time to watch a fierce green fire dying in her eyes. I realized then and have known ever since, that there was something new to me in those eyes—something known only to her and to the mountain. I was young then, and full of trigger itch; I thought that because fewer wolves meant more deer, that no wolves would mean hunters' paradise. But after seeing the green fire die, I sensed that neither wolf nor mountain agreed with such a view...

Since then, I have seen state after state extirpate its wolves. I have watched the face of many a newly wolfless mountain, and seen the south-facing slopes wrinkle with a maze of new deer trails. I have seen every edible bush and seedling browsed, first to anaemic desuetude, and then to death. I have seen every edible tree defoliated to the height of a saddle horn. Such a mountain looks as if someone had given God a new pruning shears, and forbidden him all other exercise. In the end, the starved bones of the hoped-for deer herd, dead of its own too-much, bleach with the bones of the dead sage or molder under the high-lined junipers.

As Leopold eloquently described in *Thinking Like a Mountain* and elsewhere, human-land relationships often elude our ken until much damage has occurred—both to the ecological community as well as to the human community. Many citizens see elk (*Cervus elaphus*) as an emblem of our parks—the quintessential charismatic megafauna. Elk are indeed majestic creatures. Many of these same citizens, however, remain ignorant of ecological realities, and react adversely to ecologically-ambiguous Park management goals, such as that of bringing RMNP's elk herd and related ecosystem components closer to a natural balance. RMNP's accomplishing this goal will prove difficult, and the devil, as they say, is in the details. Nonetheless, RMNP can and will be successful in achieving this goal and WW and the undersigned groups offer our support to this end.

Despite present challenges, RMNP leadership must retain the integrity it has already exhibited by acknowledging the profound purpose and need for the proposed action/management plan. While the DEIS (at 1-3) notes that the RMNP/Estes Valley herd has tripled in size since 1969, such realities are exacerbated by the extensive development and habitat loss that has occurred on adjacent private lands during this same period.

Some RMNP visitors and full/part-time local residents have, perhaps, grown attached to the notion of *wild* elk browsing the ornamental shrubs that adorn their summer cabins or primary residences. Others, however, correctly see in these suburb-habituated elk a diminution of the region's ecological integrity. While arguments over such issues and their inherent ironies and complexities are intimately tied to one's personal values and *modus vivendi*, RMNP must affirmatively stand behind the extensive body of ecological and biological science which speaks to the unnatural state of the existing herd. RMNP must affirmatively promulgate the reality that ecological imbalances now ripple through RMNP's ecosystems and human communities as a result of the unnaturally large elk herd. That is to say, RMNP managers should not mince their words for political reasons

when speaking in public fora, but rather, stand behind the sound science, purpose, and need for action as presented in the DEIS.

RMNP must take action in order to bring the RNNP/Estes Valley elk herd to more sustainable levels. RMNP must do so not merely to avoid the herd's dying of "its own too-much", but also for the sake of the whole of RMNP's ecological communities. RMNP's success as a national park is inextricably linked to the holistic well being of RMNP's ecological communities.

#### **Public Sentiment**

The Federal Register's notice of the DEIS on April 20, 2006 has prompted a broad public discussion, reaching academic institutions; national, regional, and local newspapers and magazines; internet *blogs*; websites; and list-serves. Such broad policy discussions can generate much food for thought. It behooves public lands managers to consider such public discussions in addition to that information which is generated under the more formal processes associated with the NEPA (16 U.S.C. § 4332 et seq.).

In researching RMNP's management options, WW uncovered a multitude of opinions and suggestions as published in the aforementioned media fora. Some citizens proposed allowing various forms of elk hunts—allowing recreational hunters to harvest an elk, while also helping to accomplish RMNP's wildlife management goals. Other citizens proposed immediate re-introduction of a sizable wolf population to help accomplish such goals. Others seemed opposed to certain iterations, formats, or mixtures of these policy solutions. For example, one citizen noted that if public hunts manifest in "firing line" scenarios comparable to those that have occurred in Wyoming and Idaho and near Jackson, Wyoming's Elk Refuge, then the ecological benefits of the thinned herd would be outweighed by the public relations/image harm to the hunting community. Others stated that firing line scenarios did not constitute hunting in any real sense, and that managers could achieve the most desirable outcomes through appropriate wildlife management design, planning, preparation, and education.

One Idaho outfitter working to eliminate wolves from his home state recently noted that wolf reintroduction has "decimated elk herds" in Idaho, hurting hunters and small businesses like his (*Twin Falls Times-News* May 2, 2006)—this, in spite of record state harvest figures over recent years. While each has a right to her own opinion, sentiments such as that of the Idaho outfitter evince a lack of concern for holistic ecological integrity and land health, as well as an ignorance of ecological realities.

Striking the proper balance as between competing interests is, of course, complicated. Nonetheless, where America's national parks are concerned, ecological integrity and restoration and maintenance thereof should be a primary consideration. Secretary of Interior Dirk Kempthorne confirmed as much in the George W. Bush Administration's recent national parks policy statement. Secretary Kempthorne noted that "[conservation] is the heart of these policies and the lifeblood of our nation's commitment to care for

these special places and provide for their enjoyment."<sup>1</sup> Secretary Kempthorne noted further, "When there is a conflict between conserving resources unimpaired for future generations and the use of those resources, conservation will be predominant."<sup>2</sup>

In short, concerned citizens have fleshed out many nuances of RMNP's "elk problem" in various public fora. The Yellowstone NP experience, as well as wolf reintroduction in other states, are frequent references within the broad discussion over RMNP's management of its ecosystems. It would behoove RMNP managers to explore available databases of mainstream magazines and newspapers, as well as internet sources such as [www.newwest.net](http://www.newwest.net); [www.headwatersnews.org](http://www.headwatersnews.org); and others for management suggestions and policy ideas—but also to gauge the varying degrees of understanding and ignorance of applicable issues and concepts. Importantly, per Secretary Kempthorne's mandate that conservation values trump other values (including recreation-based values), RMNP officials should restore wolves to the Park's ecosystems as well as make a good faith effort to restore the broad suite of keystone predators to the Park.

### **Ecological Importance of Healthy Aspen Stands**

Quaking aspen (*Populus tremuloides*) is the most widely distributed tree in North America (Larsen and Ripple 2005). Aspen stands support a variety of plant associations, avian species, and are used for browse by several ungulate species (Gullion 1977, St. John 1995, Dieni and Anderson 1997, Larsen and Ripple 2005). Aspen is essential to the viability of certain wildlife species (DeByle 1985). A wide variety of songbirds, cavity-nesters, birds of prey, game birds, as well as large and small mammals depend on aspen communities (DeByle 1985). Aspen stands exhibit both species richness and species diversity (DeByle 1985). Because of the abundance of diverse habitat niches, species diversity is probably greater in mixed aspen-conifer stands as compared to pure aspen stands (DeByle 1985).

At least 85 North American avian species nest in tree cavities. 34 of these 85 species utilize tree cavities in the West's aspen ecosystems (DeByle 1985). These species include the American kestrel (*Falco sparverius*) and Merlin (*F. columbarius*); the flammulated (*Otus flammeolus*), western screech (*O. kennicottii*), northern pygmy (*Glaucidium gnoma*), and northern saw-whet owls (*Aegolius acadicus*); many species of sapsuckers (*Sphyrapicus spp.*) and woodpeckers (*Picoides spp.*); the western (*Empidonax difficilis*) and the great crested (*Myiarchus crinitus*) flycatchers; the purple martin (*Progne subis*); the tree (*Trachycineta bicolor*) and violet green (*T. thalassina*) swallows; many species of chickadee (*Poecile atricapilla*) and nuthatch (*Sitta spp.*); the brown creeper (*Certhia americana*); the house wren (*Troglodytes aedon*); western (*Sialia mexicana*) and mountain bluebirds (*S. currucoides*); and the starling (*Starnus vulgaris*) (Harrison, 1979, Scott et al. 1977, DeByle 1985). Winternitz (1980) found that 38% of breeding avian species in Colorado's aspen forests were cavity nesters. Scott et al. (1980) noted that over a variety of sites, between 17% and 60% of avian species in aspen stands were cavity nesters. Most cavity nesting species are insectivorous and are thus

<sup>1</sup> Web publication available at: <<http://cnn.netscape.cnn.com/news/story.jsp?floc=ne-politics-more&idq=/ff/story/0001%2F20060619%2F1708645415.htm&sc=1152>>

<sup>2</sup> Web publication available at: <<http://deseretnews.com/dn/view/0,1249,640188384,00.html>>

considered to be mostly beneficial to human-centered interests (Thomas 1979, DeByle 1985).

Because aspen trees of all sizes are subject to competition, disease, and decay, aspen stands permit significant opportunities for cavity excavation (DeByle 1985). Opportunities in aspen stands for cavity nesting species, thus, increase over time (DeByle 1985). This is the case, in part, because aspen is readily susceptible to heart rot, and is thus conducive to cavity excavation (DeByle 1985). Live aspen may stand for many years after fungi (e.g. *Fomes igniarius*) and decay (leading to a “punk” consistency) permit excavation (DeByle 1985). The volume of holes drilled in large, infected aspens indicates that birds prefer such trees for nesting (Scott et al. 1980, Winternitz 1980, DeByle 1985). Once completely dead however, aspen snags rarely remain standing for more than a few years (DeByle 1985). This being the case, aspen stands that fail to recruit new suckers or clones (i.e., younger age classes) will, over time, displace many of those species dependent upon a dynamic, healthy, self-renewing aspen stand.

Three species of accipiters (*Accipitridae spp.*), three species of buteos (*Buteo spp.*), four species of falcons (*Falco spp.*), the golden eagle (*Aquila chrysaetos*), and the turkey vulture (*Cathartes aura*) are all found in western aspen forests (DeByle 1985). Mourning doves (*Zenaidura macroura*) are also found in aspen forest edges (DeByle 1985). Game species found in aspen forests include sharp-tailed grouse (*Tympanuchus phasianellus*), blue grouse (*Dendragapus obscurus*), ruffed grouse (*Bonasa umbellus*), and wild turkey (*Meleagris gallopavo*) (DeByle 1985). Song birds and “smaller” species that make use of aspen stands are too numerous to list. Such species may be divided into various nesting guilds within aspen ecosystems; these include canopy nesters, shrub nesters, hole nesters, and ground nesters (Flack 1976, DeByle 1985). Avian species using aspen stands may also be divided into feeding guilds that include: ground-insect, ground-seed, foliage-insect, air perching, and air soaring (DeByle 1985). Salt (1957) found the aspen type (on a moist site, near Jackson Wyoming), had more than three times the volume of avian biomass than any of the other six vegetation types his study addressed (DeByle 1985).

Notably, ground nesting species including the hermit thrush (*Catharus guttatus*), Townsend’s solitaire (*Myadestes townsendi*), dark-eyed junco (*Junco hyemalis*), white-crowned (*Zonotrichia albicollis*) and Lincoln’s (*Melospiza lincolnii*) sparrows, veery (*Catharus fuscescens*), oven bird (*Seiurus aurocapillus*), night hawk (*Chordeiles minor*), and Connecticut (*Oporornis agilis*) and mourning (*Oporornis philadelphia*) warblers often depend on aspen forests for feeding habitat and on aspen forest understory plants and structure for protective cover and safe nesting sites (DeByle 1985). Such ground-nesters are very susceptible to habitat alteration and trampling by grazing animals (DeByle 1985). Nonetheless, because there are avian species associated with all structural levels and developmental stages of aspen forests, the age, structure, and condition of an aspen stand may select for certain guilds over others at any given time. For instance, Flack (1976) found that the number of birds nesting and/or feeding on the ground was inversely related to the litter cover on the forest floor (DeByle 1985). If maintaining high levels of biodiversity is desirable, then managers should strive to create diverse age classes, structure, function, as well as promote ecological integrity in general.

Most of the aspen communities in the Rocky Mountain states occur on public lands (DeByle 1985). North American aspen ecosystems are home to at least 55 species of wild mammals (DeByle 1985). These may include moose (*Alces alces*), elk (*Cervus elaphus*), mule deer (*Odocoileus hemionus*), white tailed deer (*Odocoileus virginianus*), snowshoe hares (*Lepus americanus*), cottontail rabbits (*Sylvilagus nuttallii*), beavers (*Castor canadensis*), porcupines (*Erethizon dorsatum*), pocket gophers (*Thomomys spp.*), shrews (*Sorex spp.*), mice (*Peromyscus spp.*), voles (*Microtus spp.*), ground squirrels (*Spermophilus spp.*), tree squirrels (*Sciurus spp.*), chipmunks (*Tamias spp.*), and many other species (DeByle 1985).

#### **Ecological Importance of Riparian Ecosystems**

Riparian systems typically occupy a small proportion of most landscapes; yet they serve critical ecological functions, affecting a wide range of aquatic and terrestrial organisms as well as hydrologic and geomorphic processes of riverine systems (Ripple and Beschta 2004). Through their root systems, riparian plant communities stabilize stream banks; create hydraulic roughness during overbank flows; provide hydrologic connectivity between streams and floodplains; sustain carbon and nutrient cycling; moderate instream and riparian zone temperature; create habitat structure and food web support; and more (NRC 2002, Ripple and Beschta 2004).

Beaver (*Castor Canadensis*) play important roles in aquatic and riparian systems by altering hydrology, channel geomorphology, biochemical pathways, and productivity (Naimen et al. 1986, Ripple and Beschta 2004). Beaver dams may flood topographic depressions and floodplains, consequently creating more habitat for aspen (*Populus tremuloides*) and willow (*Salix spp.*) (Naimen et al. 1988, Pollock et al. 1995, Ripple and Beschta 2004). Thus, beaver may influence the availability of surface water. Beaver can also increase plant, vertebrate, and invertebrate diversity and biomass and alter successional dynamics in riparian communities (Naimen et al. 1988, Pollock et al. 1995, Ripple and Beschta 2004). Wolves (*Canis lupus*) have been shown to frequent riparian areas, travel along riparian corridors, and prey on beaver (Allen 1979, Ripple and Beschta 2003).

#### **Overbrowsing by Ungulates, Trophic Cascade Effects, & Predation Risk Effects**

Elk (*Cervus elaphus*) are included among species that prefer aspen stands. Of browse species selected by elk, aspen has the highest percent of digestible dry matter (Hobbes et al. 1981, DeByle 1985). During the 20<sup>th</sup> Century, Yellowstone National Park's northern ungulate winter range saw a decline of overstory aspen (Houston 1982, Despain 1990, Kay 1990, Meagher and Houston 1998, Ripple and Larsen 2000). During the winter, elk browse the leaders off the aspen suckers, preventing their "escapement" to tree height, a process well documented in YNP and elsewhere in the Rocky Mountains (Bartos and Meuggler 1981, Kay 1993, Romme et al. 1995, Ripple and Larsen 2000). Kay (1990) and Wagner et al. (1995) stated that the decline of overstory aspen (in YNP) was due primarily to overbrowsing due to an overabundance of elk (Ripple and Larsen 2000). Although some have hypothesized that aspen decline might be related to an increase in aridity in the 20<sup>th</sup> century (Singer et al. 1988), others have found no evidence of a

relationship between aspen recruitment and climatic fluctuations or fire suppression (Baker et al. 1997). Romme et al. (1995) suggest, however, that an interaction of several variables including fire suppression, climatic variation, elk abundance, and a dearth of mammalian predators have contributed to the failure of aspen escapement to tree height in the last 100 years (Ripple and Larsen 2000). Other factors that have influenced the relative abundance and distribution of aspen (vis-à-vis effects on ungulate herbivory) in the YNP area include Native American predation on elk (Kay 1994), market hunting (Romme et al. 1995), and periods of frequent fire (Warren 1926, Romme et al. 1995, YNP 1997, Meagher and Houston 1998).

YNP officials have stated (1997:56), “There remains no question that ungulate browsing is the immediate cause of the decline of aspen on the northern range...” Until 1968, YNP managers used elk herd thinning as a management tool, carrying such actions out as quickly and efficiently as possible to minimize disruptions to park visitation (Wright 1998). Ripple et al. (2000) state that the 1995 re-establishment of wolves on YNP’s northern range may be of long-term benefit to aspen. “Given YNP’s policy of natural regulation, wolves may help re-establish an ecologically significant and historically important predator/prey relationship in the park.” (Ripple and Larsen 2000).

Ripple and Larsen (2000) proposed a trophic cascade relationship involving wolves (*Canus lupus*), elk (*Cervus elaphus*), and aspen (*Populous tremuloides*). While they reduce elk populations, keystone predators such as wolves may also affect aspen overstory recruitment by influencing ungulate movement and browsing patterns (a.k.a. predation risk effects) (Ripple and Larsen 2000). Predation risk effects are best understood by the notion that the risk introduced by the mere presence of a predator could have widespread effects causing many prey individuals to alter their foraging behavior (Schmitz et al. 1997, Ripple and Larsen 2000). For example, in YNP, when wolves were present, elk were found to use anti-predator strategies entailing avoidance of areas frequented by wolves (Ripple and Larsen 2000). Thus, wolves can affect the spatial organization, and hence the browsing patterns, of ungulates. Consequently, keystone predators and their avoidance by ungulates influences vegetation patterns with regard to both distribution and plant community health/vigor.

Researchers have also observed predation risk effects elsewhere. In Minnesota, for instance, white-tailed deer (*Odocoileus virginianus*)—during a period of declining numbers—were observed to be more numerous in wolf pack buffer zones, which comprised areas avoided by wolves so to minimize the chances of fatal encounters between packs (Mech 1977, Ripple and Larsen 2000). In Canada’s Jasper National Park, Dekker (1985) and Dekker et al. (1996) noted increased aspen overstory recruitment in areas frequented by wolves. White et al. (1998) found higher elk densities in low wolf predation areas, thus supporting Dekker’s conclusions that aspen may be regenerating in areas avoided by elk following a predator avoidance strategy (Ripple and Larsen 2000). Dekker et al. (1996) found that elk cow:calf ratios were 100:18-19 near wolf denning sites, while near roadways and areas inhabited by humans, cow:calf ratios were 100:48. White et al. (1998) found a strong correlation between wolf reintroduction to Jasper NP and recruitment of new cohorts of aspen suckers.

**Short-, Mid-, & Long-Term Management Horizons**

Because RMNP managers must address ecological, social, political, and fiscal realities; it would behoove RMNP to consider policy and management tacks for the *short term*, the *mid-term*, and the *long-term*. That is to say, without managing for top level predators in RMNP's ecosystems, resource managers will face the perpetual tasks of keeping ungulate populations in check, avoiding irruptions of local herds, and struggling to save over-browsed aspen stands and riparian shrub communities. With such perpetual tasks must come perpetual budgetary allocations, perpetual expenditures, and perpetual political will. In short, RMNP should be careful not to undertake ineffective policies that will be negated once political and/or fiscal realities force their abandonment. Culling elk at night with sharpshooters is—at best—a short-term remedy. Importantly, reintroduction of wolves is the most fiscally, ecologically, and economically viable approach in the long run. To this effect, since wolves returned to Yellowstone, the region has seen a \$10 million increase in economic activity (DOW 2006). Moreover, US Fish and Wildlife Service studies project that the wolf reintroduction program will continue to attract more park visitors, eventually bringing \$23 million annually to the Yellowstone region (DOW 2006).

**Leadership, Political Will, Hard Choices**

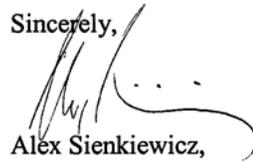
It should be apparent to RMNP managers that there are no silver bullets or quick-fixes to the “elk problem”. There will be real costs and dissatisfied stakeholder groups for any management alternative addressing RMNP's associated issues. As a general rule, candor, transparency, ongoing meaningful public participation, managing primarily for ecological integrity (as Secretary Kempthorne outlines), and promptly correcting misunderstandings and ignorance of ecological realities will do much to make the process go more smoothly.

**Conclusion**

During the 1930s and 1940s Aldo Leopold—known for his revolutionary and poignant essays on man and nature—advocated for the need to maintain wolves and other large carnivores in forest and range ecosystems. Leopold noted that carnivore loss often caused ungulate irruptions and ecosystem damage throughout much of the United States. To this effect, Beschta and Ripple (2005) (and other researchers) have documented the extensive body of research establishing the ecological harm associated with wolf extirpation. The work of Leopold as well as that of current researchers clearly indicates that large carnivores have an inimitable moderating effect on ecosystems vis-à-vis trophic cascades, predator risk effects, and other interactions (Ripple and Beschta 2005). RMNP must stand behind the established science and case studies of its application indicating that wolves and other keystone predators are not reasonably replaced by perpetual wildlife management efforts and quick-fixes such as nocturnal sharp-shooting alone.

While carnivore reintroduction and or management in RMNP presents a complex and confounding policy and management problem, reincorporation of wolves and other keystone predators into RMNP's ecosystems is both the ecologically and fiscally prudent in the mid and long term.

Sincerely,



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**Comment submitted electronically via NPS Planning, Environment, and Public  
Comment website (PEPC)**

2-Jul-06  
Superintendent  
Rocky Mountain National Park  
Estes Park, CO 80517

Re: National Park Service; Comment on Elk and Vegetation Management Plan for Rocky Mountain National Park

To the National Park Service, regarding the Elk and Vegetation Management Plan for Rocky Mountain National Park:

My name is Kirsten Emily Canfield, age 18, from Cheshire, Connecticut. My return address is 255 Nob Hill Road, Cheshire, CT 06410, and my email address is KEC8589@RIT.EDU. I am a student at Rochester Institute of Technology in Rochester, New York. I am an avid wolf-lover and conservationist, and the webmaster of Wolf Advocate ([www.WolfAdvocate.com](http://www.WolfAdvocate.com)). I would like to voice my opinion regarding the possible alternatives listed in the Draft Elk and Vegetation Management Plan/EIS for Rocky Mountain National Park's elk situation.

I strongly favor the reintroduction of wolves to Rocky Mountain National Park (as described in Alternative Five) as the best way to trim down the park's elk population, which has grown too large and destructive due to a lack of natural predators.

**Introduction**

In this comment, I will be comparing and contrasting Alternative Two and Alternative Five, as described in the Draft Elk and Vegetation Management Plan/EIS, and explaining why Alternative Five is the better alternative. Alternative Two, Rocky Mountain National Park's staff's preferred alternative, is an intensive elk-shooting program, and Alternative Five is a reintroduction of gray wolves combined with an elk-shooting program.

Alternatives One, Three, and Four will not be considered in this comment, as I do not believe that any of these three plans would be more effective than Alternative Five. I have chosen Alternative Two to compare and contrast with Alternative Five because Alternative Two is the most seriously-considered plan by officials.

**Yellowstone Example**

The current situation in Rocky Mountain National Park is almost identical to the situation in Yellowstone National Park that led to the highly successful and beneficial reintroduction of gray wolves. The elk in Yellowstone National Park had no natural predators, so their population was allowed to grow unchecked. Their natural alertness decreased, and they had no incentive to migrate throughout the park. They would stay in one spot until they had completely stripped it of its vegetation, and then they would move to another nearby location and do the same. As a result, many places in Yellowstone became completely barren. The elk's stripping of the park's vegetation ruined the habitat of other species in the park, driving the other species away. Among the species that left Yellowstone National Park were the beavers, a species which is given special attention in the Draft Elk and Vegetation Management Plan/EIS because, just as they had in the

Yellowstone National Park situation, Rocky Mountain National Park's elk have driven away the beavers. Due to the increase in the Yellowstone National Park's elk population and its affect on the park's vegetation and habitat, Yellowstone park officials instated an elk-shooting program similar to Alternative Two as described in the Draft Elk and Vegetation Management Plan/EIS. This program had no affect whatsoever because the random shooting of elk only cut the population numbers, and did not encourage them to move from place to place. They still stayed in one area of the park until all the vegetation was gone. When wolves were reintroduced as another way of solving the elk problem, the ecosystem of Yellowstone National Park quickly recovered. Not only did the wolves remove the weak and sick animals of the herd and increase their natural alertness, but they also made the elk move from place to place while feeding. This way, the elk could only eat some of an area's vegetation before being shepherded off to another area, and the park's vegetation flourished once more. The destroyed habitats healed, and the species that had left the park, namely the beaver, returned on their own.

#### Alternative Two

Alternative Two proposes a twenty-year program to cull the Rocky Mountain National Park's elk population by shooting 200 to 700 elk per year for the first four years, and 25 to 150 elk for the next 16 years. This program would not be beneficial to the ecology or economy of the park and surrounding areas. Alternative Two calls for the killing of elk at random, which will not strengthen the herds overall as wolf predation would. Wolves make elk prove their strength and health before killing them, which would remove much of the sick and weak elk from the park's population. Alternative Two will harm the park's public image. The shooting of elk within the borders of Rocky Mountain National Park will trouble visitors much more than the knowledge that the elk's natural predators are keeping the population in check. If Alternative Five is used, much more attention will be given to the reintroduction of wolves than to the accompanying shooting of elk. Alternative Two would teach elk to fear humans as their sole predator, while a wolf-reintroduction program would teach them to fear wolves as their primary predator. Elk will be most wary of wolves if Alternative Five is used, whereas if Alternative Two is used, elk will learn to fear humans as their natural predators, and will make themselves scarce in the presence of humans. Therefore, Alternative Two would be harmful to tourism because tourists enjoy having elk come near them. This will not happen if humans play the solitary role of "natural" predator, because elk will flee from tourists. Alternative Two would cause trouble for the surrounding populated areas. If the park's elk are no longer safer from humans inside the park than outside it, they will move into surrounding towns and cities even more, and cause automobile accidents that are a direct safety hazard to residents. They would also get into residents' garbage and ruin their lawns, gardens, shrubbery, and trees.

#### Alternative Five

Alternative Five proposes a gray wolf-reintroduction program, as well as an accompanying lesser shooting program. Gray wolves are the elk's natural prey, and are the natural way to keep elk populations in check. Alternative Five is economically and environmentally the best alternative to solving the elk problem. The presence of wolves in Rocky Mountain National Park will bring more people to the park from all over the country. In addition, the reintroduction itself will draw many people, including biologists and students, who will want to witness it. Wolves bring millions of dollars in tourist money per year to areas they live in because of their popularity among the general public. For example, Yellowstone National Park tourists that would not be visiting the park if there were no wolves bring about \$35 million per year to the park, which has resulted in a \$70 million yearly economic impact to the Yellowstone region.<sup>(1)</sup> In North Carolina, the reintroduction of wolves brought an impact of more than one million dollars to local

economies.(2) With Yellowstone National Park in the same region as Rocky Mountain National Park, wolf-enthusiastic Yellowstone tourists (which spend roughly \$30 million a year in Yellowstone) will most likely visit Rocky Mountain National Park in the same vacation if Alternative Five is utilized. The presence of Yellowstone's larger and very famous wolf population provides incentive for tourists to visit the region, and a wolf population in Rocky Mountain National Park will encourage them to expand their economic benefits. The public image of Rocky Mountain National Park will be greatly enhanced by wolves' presence there. If Alternative Five is used, the park will be one of the few and first places in the United States where wolves roam freely, and where the ecosystem is naturally in balance once more. The goal of each of the alternatives stated in the Draft Elk and Vegetation Management Plan/EIS is simply to reduce the elk population within the Rocky Mountain National Park with the assumption that population-curb alone will benefit the vegetation in the long run. This is not an accurate assumption. Only Alternative Five offers the long-term success that the National Park Service seeks. As explained above in "Yellowstone Example," reduction of the elk population must be accompanied by constant elk migration. Both Alternative Two and Alternative Five cease human intervention after twenty years, but Alternative Five's effectiveness will continue for as long as wolves are present in the park. Even if, in the utilization of Alternative Two, park officials were to do the shooting in a way that encourages constant migration, that migration will stop at the end of the twenty-year period, and the original problem will present itself once again. As long as wolves are in the park, the elk will be in a continuous state of migration, which will keep the park's vegetation healthy in all areas, well after the twenty-year period is up.

#### Opposition to Wolves

Although the general public throughout the United States supports the wolf-reintroduction in general, the two groups of people that are generally opposed to wolf-reintroduction are ranchers and hunters. Ranchers generally oppose wolf reintroduction because wolves will sometimes learn to prey on livestock, and hunters generally oppose it because wolves kill the same animals that hunters do, leading to competition. A recent survey released by the National Agricultural Statistics Service shows that wolves account for less than one percent of cattle deaths in the United States, and only 2.3 percent of predator-related cattle deaths in the United States.(3) These deaths will be compensated by Defenders of Wildlife, an organization that has been lobbying for the reintroduction of wolves in Colorado for years, through their Bailey Wildlife Foundation Wolf Compensation Trust. This Trust already covers the Northern Rockies and Southwestern regions of the United States, where wolves have already been reintroduced, and its main purpose is to encourage the reintroduction of wolves by eliminating the economic burden that ranchers face in the presence of wolves. Because hunting is not allowed within the Rocky Mountain National Park, wolf rivalry with hunters will not be an issue in this case. The size of the elk population will be decreased no matter which alternative is chosen, which will result in hunters having less elk to kill regardless of wolf reintroduction.

#### Conclusion

Alternative Five is the best alternative listed for consideration in the Draft Elk and Vegetation Management Plan/EIS, for both economic and environmental reasons, and especially to ensure the long-term success of elk-management in Rocky Mountain National Park. The potential inconveniences wolves could cause if they are reintroduced to the Rocky Mountain National Park are less than the potential problems that Alternative Two will cause if elk are unintentionally encouraged to migrate outside of the park (see "Alternative Two"). The economic detriment that the maximum fourteen wolves could potentially cause to the ranching industry is significantly

less than the potential economic gain their presence will bring to local economies through tourism.

I hope that you will take my concerns into consideration, and strongly consider putting Alternative Five into effect to curb the elk population in Rocky Mountain National Park instead of Alternative Two.

Sincerely,

Kirsten Emily Canfield  
255 Nob Hill Road  
Cheshire, CT 06410  
[KEC8589@RIT.EDU](mailto:KEC8589@RIT.EDU)

#### Footnotes

1: Stark, Mike. "UM economist: Wolves a big moneymaker." BillingsGazette.com. 7 April 2006. Billings Gazette. 2 July 2006 < <http://www.billingsgazette.net/articles/2006/04/07/news/state/25-wolves.prt>>.

2: "The Million Dollar Wolves." Defenders of Wildlife. 2006. Defenders of Wildlife. 2 July 2006 < [http://action.defenders.org/site/PageServer?pagename=dow\\_050306news\\_wolves&autologin=true&s\\_Affiliate=gen](http://action.defenders.org/site/PageServer?pagename=dow_050306news_wolves&autologin=true&s_Affiliate=gen)>.

3: Chard, Thomas, and Peggy Stringer. "2005 Montana and United States Cattle Predator Losses." National Agricultural Statistics Service. 5 May 2006. United States Department of Agriculture. 2 July 2006 < [http://www.nass.usda.gov/Statistics\\_by\\_State/Montana/Publications/Press\\_Releases\\_Livestock/catprdl.htm](http://www.nass.usda.gov/Statistics_by_State/Montana/Publications/Press_Releases_Livestock/catprdl.htm)>.

#### Works Consulted

United States. National Park Service. U.S. Department of the Interior. Draft Elk and Vegetation Management Plan/EIS. Colorado: Rocky Mountain National Park, April 2006 < <http://parkplanning.nps.gov/document.cfm?projectId=11012&documentID=14855>>.

"The Bailey Wildlife Foundation Wolf Compensation Trust." Defenders.org. 2006. Defenders of Wildlife. 2 July 2006 < <http://www.defenders.org/wolfcomp.html>>.

*Divider page for American Indian*

*Back of divider*



ROMO Information  
Sent by: Pete Surney  
05/11/2006 10:38 AM  
MDT

[REDACTED]  
Subject: Re: From ParkNet - Over-populated Elk Solution

Your comments have been forwarded to the appropriate email address. For more information about the DRAFT Elk and Vegetation Management Plan, including alternatives, please refer to the Rocky Mountain National Park website at <http://www.nps.gov/romo/planning/elkvegetation/index.htm>.

Information Office  
Rocky Mountain National Park  
(970) 586-1206

The National Park Service cares for special places saved by the American people so that all may experience our heritage.

-----rstgfp@gwtc.net wrote: -----

To: ROMO-Information@nps.gov

Date: 05/11/2006 10:23AM  
Subject: From ParkNet - Over-populated Elk Solution

This message was sent from <http://www.nps.gov/romo/pphtml/contact.html>

Please respond to the address below.  
This email was sent by: [REDACTED]

The Rosebud Sioux Tribe would like to receive some of the over-populated elk in the Rocky Mountain National Park. We would like to enhance the genetics in our herd located in SD. Chance Wooden Knife Director RST Game, Fish & Parks 605-747-2289

***Divider page for Public Agencies and Congressional  
Representatives***

*Back of divider*

STATE OF COLORADO

Bill Owens, Governor  
DEPARTMENT OF NATURAL RESOURCES  
**DIVISION OF WILDLIFE**  
AN EQUAL OPPORTUNITY EMPLOYER

Bruce McCloskey, Director  
8060 Broadway  
Denver, Colorado 80216  
Telephone: (303) 297-1192



July 4, 2006

Vaughn Baker, Superintendent  
Rocky Mountain National Park  
Estes Park, CO

Dear Vaughn,

The Colorado Division of Wildlife appreciates the opportunity to comment on the Draft Environmental Impact Statement for the Rocky Mountain National Park Elk and Vegetation Management Plan. We commend the National Park Service for undertaking this daunting, but necessary process, and appreciate the opportunity to have been involved as an advisory agency throughout the process. We recognize the need for our two agencies to cooperate in the management of wildlife that are found both inside and outside the boundaries of the National Park.

Of the alternatives listed in the Draft EIS, we agree that the preferred alternative, Alternative 2, offers the most efficient and predictable approach to reach the Plan's stated goals within the National Park while at the same time allowing the best environment for the Division to reach elk management objectives and minimize human-elk conflicts outside the National Park. As you are aware, the Division has begun our Big Game Herd Management Planning Process in Game Management Unit 20 which contains most of the winter range for the elk herd addressed in the Draft EIS. Through this process, the population objective for the unit 20 elk herd will be reevaluated based on habitat carrying capacity and input from interested publics and other agencies. Certainly, the final outcome of the EIS process will affect the Division's ability to meet goals established through our Big Game Herd Management Planning Process.

Again, thank you for the opportunity to comment on this very important process. Please call if you have any questions.

Sincerely,

Scott Hoover  
Regional Manager  
Colorado Division of Wildlife

DEPARTMENT OF NATURAL RESOURCES, Russell George, Executive Director  
WILDLIFE COMMISSION, Jeffrey Crawford, Chair • Tom Burke, Vice Chair • Claire O'Neal, Secretary  
Members, Robert Bray • Brad Coors • Rick Enstrom • Richard Ray • James McAnally • Ken Torres  
Ex Officio Members, Russell George and Don Arment

Jul 4 2006 11:46pm P002/002  
DOW N.E.R.S.C. Fax: 303-291-7114



**COLORADO FARM BUREAU**

9177 East Mineral Circle • Centennial, Colorado 80112 • (303) 749-7500 • FAX (303) 749-7703  
Mailing Address: P.O. Box 5647, Denver, Colorado 80217  
www.colofb.com

June 26, 2006

Vaughn Baker, Superintendent  
Rocky Mountain National Park  
Attn: Elk and Vegetation Management Plan  
Estes Park, Colorado 80517

**RE: Elk and Vegetation Management Plan**

Dear Mr. Baker:

The Colorado Farm Bureau is pleased to offer these comments regarding the Rocky Mountain National Park Elk and Vegetation Management Plan.

The Colorado Farm Bureau has been aware of the escalating elk population in Rocky Mountain National Park (RMNP) and understands the problems associated with the herd size. The over-population of elk within RMNP has been a problem for several years, causing negative impacts to the range.

Colorado Farm Bureau believes the elk management plan should reflect the following:

1. The need for significant population control so that herd numbers will return to manageable levels. Colorado Farm Bureau does not believe culling a few elk at a time will accomplish this goal.
2. Colorado Farm Bureau strongly believes public hunting should be pursued as the primary option. Establishing a wildlife preserve in or on the outskirts of RMNP would allow hunters to control the elk population through controlled hunting. Unlike proposed alternatives to use "sharpshooters," hunters would willingly pay for the opportunity to hunt elk in RMNP. An added benefit to this concept is that the use of public hunters will decrease the loss and waste of elk meat and hides.

In recent years, there has been increased pressure on both public and private lands in Colorado in regards to big-game hunting.

Sterilization and other non-lethal control methods will not accomplish adequate population control. Lethal control of a significant number of animals by public hunters will better achieve this goal.

3. Reintroducing wolves (Alternative 5) should be taken out of consideration for a number of reasons. First, it does not seem to have the approval of the U.S. Fish &

Wildlife Service, which has responsibility over endangered species. The State of Colorado also is opposed to the reintroduction of wolves anywhere in the state. Further, any introduction would have to be done in accordance with section 10j of the Endangered Species Act, which is a detailed, lengthy process and must include stakeholder input. This would make the desired outcome of a smaller elk population several years from coming to fruition; therefore it is not a viable option.

Again, Colorado Farm Bureau is pleased to offer these comments regarding the Rocky Mountain National Park Elk and Vegetation Management Plan and emphasizes that the ultimate goal of a manageable elk population in Rocky Mountain National Park is best reached through public hunting. We encourage you to consider the establishment of a wildlife preserve where public hunting would be allowed as the primary option to reach this goal.

Sincerely,

A handwritten signature in black ink, appearing to read "Troy Bredekamp". The signature is fluid and cursive, with the first name "Troy" being more prominent and the last name "Bredekamp" following in a similar style.

Troy Bredekamp  
Executive Vice President  
Colorado Farm Bureau

PETER A. DeFAZIO  
4TH DISTRICT, OREGON

TRANSPORTATION AND  
INFRASTRUCTURE  
SUBCOMMITTEES:  
HIGHWAYS, TRANSIT AND  
PIPELINES, RANKING  
AVIATION  
RAILROADS

HOMELAND SECURITY  
SUBCOMMITTEE:  
ECONOMIC SECURITY, INFRASTRUCTURE  
PROTECTION AND CYBERSECURITY

RESOURCES  
SUBCOMMITTEE:  
FORESTS AND FOREST HEALTH

Vaughn Baker, Superintendent  
Rocky Mountain National Park  
Attn: Elk and Vegetation Management Plan  
Estes Park, CO 80517

Dear Mr. Baker:

My constituent, Gary Stoneking, has concerns about the draft Elk and Vegetation Management Plan for Rocky Mountain National Park. He is convinced the elk herds could be culled by the public and suggests licensing fees for a controlled hunt would generate needed funding for park projects.

Mr. Stoneking is available at 575 South Wasson Street, Coos Bay, Oregon 97420 if you would like to contact him directly.

Sincerely,



PETER DeFAZIO  
Member of Congress

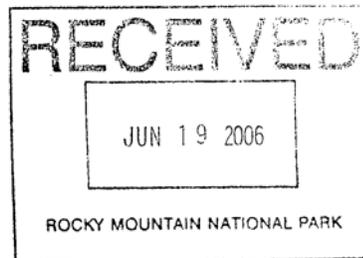
PAD:pjw



**Congress of the United States**  
**House of Representatives**

June 8, 2006

- PLEASE RESPOND TO:
- 2134 RAYBURN HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515-3704  
(202) 225-6416
  - 151 WEST 7TH AVENUE, #400  
EUGENE, OR 97401-2649  
(541) 465-6732  
1-800-944-9603
  - 125 CENTRAL AVENUE, #350  
COOS BAY, OR 97420  
(541) 269-2609
  - 612 SE JACKSON STREET, #9  
ROSEBURG, OR 97470  
(541) 440-3523
  - defazio.house.gov



MARK UDALL  
2ND DISTRICT, COLORADO

240 CANNON HOB  
WASHINGTON, D.C. 20515  
(202) 225-2161  
(202) 226-7840 (FAX)

8601 TURNPIKE DR., #206  
WESTMINSTER, CO 80031  
(303) 650-7820  
(303) 650-7827 (FAX)

291 MAIN ST.  
P.O. BOX 325  
MINTURN, CO 81645  
(970) 827-4154  
(970) 827-4138 (FAX)



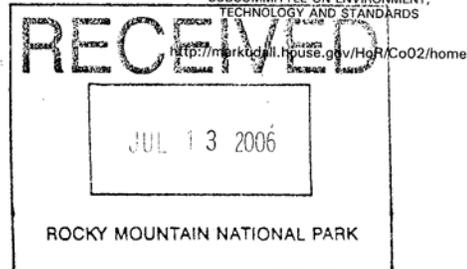
**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515-0602**

COMMITTEE ON ARMED SERVICES  
SUBCOMMITTEE ON READINESS  
SUBCOMMITTEE ON  
MILITARY PERSONNEL

COMMITTEE ON RESOURCES  
SUBCOMMITTEE ON WATER  
AND POWER  
SUBCOMMITTEE ON FORESTS  
AND FOREST HEALTH

COMMITTEE ON SCIENCE  
RANKING MEMBER  
SUBCOMMITTEE ON SPACE  
AND AERONAUTICS  
SUBCOMMITTEE ON ENVIRONMENT,  
TECHNOLOGY AND STANDARDS

July 5, 2006



Vaughn Baker, Superintendent  
Rocky Mountain National Park  
Estes Park, Colorado 80517

Dear Superintendent Baker:

I have reviewed the alternative proposals for future management of elk within Rocky Mountain National Park discussed in the National Park Service's draft environmental impact statement (DEIS) on that subject. I request your consideration of the following comments.

I am not a biologist, but from observation and discussion with local residents and people with some expertise, I think the DEIS rightly identifies the adverse consequences for aspen trees and other vegetation that would be the result of continued high elk densities in the park. So, I support steps to reduce the park's elk numbers to approximate those that would be expected under natural conditions, and I think alternative 1, the "no action" alternative, should not be adopted.

I also think the DEIS is right to identify the absence of effective predators as a main reason for the park's high numbers of elk. Alternatives 2, 3, and 5 most directly respond to that reality while alternative 4 (using fertility control) would be a less direct response.

I lack the expertise to judge the effectiveness of fertility control, how difficult it would be to implement, or what else it might entail. So, I have no reason to question the reasoning that led to its not being identified as the preferred alternative.

Alternative 5, release of a limited number of gray wolves, would return a natural predator. However, as the DEIS notes, it would involve "numerous uncertainties," including "whether park managers could effectively control wolf behavior and movements and keep wolves in the park," which certainly is a source of valid concern for ranchers and other park neighbors. And, in any case, the DEIS indicates that it would still be necessary for there to be "lethal reduction" – meaning shooting of elk – at least for some time because the small number of wolves would not be enough to accomplish the desired reduction in the number of elk in the park. So, I readily understand why this is not identified as the preferred alternative.

Under the other two alternatives, people would do most or all the work of reducing elk numbers. The two alternatives differ mainly in the rate of lethal reduction: 100 to 200 elk annually over 20 years (alternative 3) or 200 to 700 elk annually for four years and after that 25 to 150 elk annually for 15 years (alternative 2). The DEIS says "adaptive use of wolves" could eventually become part of the alternative 2 approach.

The DEIS identifies alternative 2 as the preferred alternative and, in my opinion, does a good job of providing reasons for that choice. However, I think serious consideration should be given to some changes in implementing such a "lethal reduction" approach.

In particular, I think the NPS should consider exploring ways to increase participation by Colorado sportsmen and sportswomen in the "lethal reduction" program.

The DEIS does note that the NPS reviewed two suggestions of how this could be done: 1) a public hunt on a limited-entry (or "lottery") basis; and 2) use of "members of the public who qualified as marksmen ...under strict guidance and direction of NPS staff."

And the DEIS discusses the legal, policy-based, and efficiency reasons for not further considering the first suggestion. But it does not separately address the idea of using qualified non-NPS marksmen who would be under strict guidance and direction by NPS staff.

I think this idea should be given further consideration for several reasons, including cost.

A DEIS appendix estimates that implementing alternative 2 would cost between about \$16.55 million and \$18.26 million over the next 20 years, depending on the numbers of elk to be shot, with "labor" accounting for between \$6.55 million and \$7.37 million of those totals. Evidently, these "labor" costs would be mostly for compensating people doing the shooting (between 3 and 10 FTEs) with a smaller amount for administration (1.5 FTEs).

I urge the NPS to explore the possibility that those costs could be substantially reduced by offering qualified Colorado hunters an opportunity to take part in the program under the strict guidance and direction of NPS staff, either without compensation or for less compensation than the amounts on which the DEIS estimates are based. This could be done on a trial basis during the first four years of the program, when the estimated labor costs would be the greatest, with the NPS then deciding whether to continue or terminate it based on results during the trial.

And if there are other ways to involve sportsmen and sportswomen, those should be considered. I have not discussed this with officials of the Colorado Division of Wildlife, but I am confident that they will be interested assisting the NPS in implementing such a plan.. I also think many Colorado hunters are interested in assisting the NPS to achieve the objectives of the proposed Elk and Vegetation Management Plan.

Thank you for your consideration of these comments and suggestions.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Udall". The signature is written in a cursive, flowing style with a long, sweeping underline.

Mark Udall

Rocky Mountain National Park

National Park Service  
U.S. Department of the Interior



### Public Comment Form

#### Draft Elk and Vegetation Management Plan and Environmental Impact Statement

**DRAFT PLAN / EIS**

The Draft Plan / EIS identifies and evaluates a range of alternatives for managing elk and vegetation within Rocky Mountain National Park and provides an assessment of environmental effects. The goal of the comment period is to obtain your thoughts and input on whether the Draft Plan / EIS adequately addresses environmental issues and concerns and if the overall analysis of impacts is accurate and thorough. Comments may be submitted in writing to the address on this mailer, on the internet at <http://parkplanning.nps.gov/romo>, faxed to (970) 586-1397, emailed to [romo\\_superintendent@nps.gov](mailto:romo_superintendent@nps.gov), or hand delivered to the park headquarters.

Comments on the Draft Plan / EIS must be received by July, 4 2006.

The Larimer County Farm Bureau met in May, 2006 to discuss the Draft Environmental Impact Statement. We had recommended public hunting as our preference and submitted a letter to RMNP with our recommendations.

However, the County Board agreed on Alternative 2, the preferred alternative selected, as appropriate and to be supported by the Larimer County Farm Bureau.

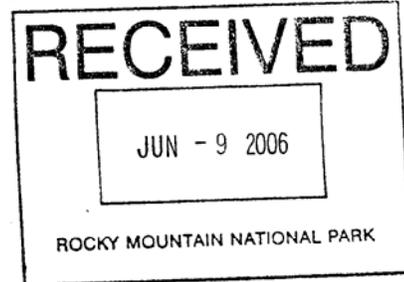
Alternatives 4 and 5 are the least preferred by the Farm Bureau Board of Directors as they conflict with our Farm Bureau policy.

We appreciate the opportunity to participate in the process.

*Thomas G. Bender*  
 THOMAS G. BENDER  
 [Redacted]  
 LARIMER COUNTY FARM BUREAU  
 STATE & LOCAL LEGISLATIVE AFFAIRS  
 CHAIRMAN

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY****REGION 8****999 18<sup>TH</sup> STREET- SUITE 200****DENVER, CO 80202-2466****Phone 800-227-8917****<http://www.epa.gov/region08>**

June 7, 2006



Ref: EPR-N

Mr. Vaughn L. Baker, Superintendent  
U.S. Department of the Interior  
Rocky Mountain National Park  
Estes Park, Colorado 80517

RE: Draft EIS for the Elk and Vegetation  
Management Plan, Rocky Mountain  
National Park (CEQ #2006016)

Dear Mr. Baker:

In accordance with our responsibilities under the National Environmental Policy Act (NEPA), 42 U.S. C Section 4321, et. seq., and Section 309 of the Clean Air Act, the Region 8 Office of the Environmental Protection Agency (EPA) has reviewed the referenced Draft Environmental Impact Statement (DEIS) for the Elk and Vegetation Management Plan, Rocky Mountain National Park.

The purpose and need of the DEIS is to guide management actions in Rocky Mountain National Park to achieve specified desired conditions by reducing the impacts of elk on vegetation and by restoring, to the extent possible, the natural range of variability in the elk population and affected plant communities. Five alternatives were developed and analyzed for potential implementation in the EIS, including a no action alternative.

It is EPA's responsibility to provide an independent review and evaluation of the potential environmental impacts of the project. The DEIS has been rated based on the lead agency's preferred alternative, Alternative 2 which proposes removal of the elk by lethal means to reach a population target range at the lower end of the natural variation. Alternative 2 also incorporates redistribution techniques and limited aspen fencing to meet vegetation objectives. EPA is rating this DEIS as Lack of Objections (LO). Our review has not identified any potential environmental impacts requiring substantive changes to the preferred alternative. A full description of EPA's EIS rating system is enclosed.

EPA commends the National Park Service for its thorough review and analysis of the issues, affected environment, and proposed alternatives. The vegetation restoration resulting from the preferred alternative will improve stream bank stability, water quality and water temperature. Subsequent beaver re-colonization will stabilize summer stream flows, increase habitat diversity, and support wetlands. For these reasons, EPA supports the purpose and need for this project and alternatives that maximize these ecological benefits.

EPA appreciates and recognizes the tremendous efforts by the National Park Service to develop this EIS. If you have any questions regarding the NEPA process or this rating, please contact Joyel Dhieux at 303-312-6647 or me at 303-312-6004.

Sincerely,



Larry Svoboda  
Director, NEPA Program  
Ecosystems Protection and Remediation

Enclosure





## United States Department of the Interior

FISH AND WILDLIFE SERVICE  
 Ecological Services  
 Colorado Field Office  
 P.O. Box 25486, DFC (65412)  
 Denver, Colorado 80225-0486

IN REPLY REFER TO:  
 ES/CO: NPS/RMNP  
 Mail Stop 65412

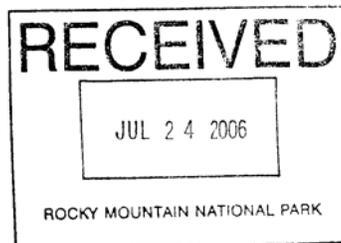
**JUL 2 1 2006**

Mr. Vaughn Baker  
 Superintendent  
 Rocky Mountain National Park  
 Estes Park, Colorado 80517

Dear Mr. Baker:

This responds to your letter and biological assessment dated May 12, 2006, regarding the proposed **Draft Elk and Vegetation Management Plan in Rocky Mountain National Park, Colorado**. You requested concurrence with your determination that the proposed project "may affect, but is not likely to adversely affect" the greenback cutthroat trout (*Oncorhynchus clarki stomias*), bald eagle (*Haliaeetus leucocephalus*), Canada lynx (*Lynx canadensis*), and the gray wolf (*Canis lupus*). You also requested concurrence with your determination that the proposed project will have no effect on the bonytail chub (*Gila elegans*), Colorado pikeminnow (*Ptychocheilus lucius*), humpback chub (*Gila cypha*), pallid sturgeon (*Scaphirhynchus albus*), razorback sucker (*Xyrauchen texanus*), least tern (*Sterna antillarum*), Mexican spotted owl (*Strix occidentalis lucida*), piping plover (*Charadrius melodus*), whooping crane (*Grus americana*), yellow-billed cuckoo (*Coccyzus americanus*), Preble's meadow jumping mouse (*Zapus hudsonius preblei*), Colorado butterfly plant (*Gaura neomexicana* var. *coloradensis*), and the Ute ladies' tresses orchid (*Spiranthes diluvialis*). The United States Fish and Wildlife Service (Service) is concerned about the protection of threatened and endangered species, as well as species that are candidates or proposed for official listing as threatened or endangered (Federal Register, Vol. 69, No. 62, March 31, 2004). These comments have been prepared under the provisions of the Endangered Species Act of 1973 (ESA), as amended (16 U.S.C. 1531 et. seq.).

Based on the information provided in the biological assessment, the Service concurs that the proposed project may affect but is not likely to adversely affect the greenback cutthroat trout, bald eagle, Canada lynx, and the gray wolf. The Service concurs that the proposed project will have no effect on the bonytail chub, Colorado pikeminnow, humpback chub, pallid sturgeon, razorback sucker, least tern, Mexican spotted owl, piping plover, whooping crane, yellow-billed cuckoo, Preble's meadow jumping mouse, Colorado butterfly plant, and the Ute ladies' tresses orchid.



Page 2

The Service understands that the biological assessment does not evaluate the effects of releasing wolves into the park and that if wolves are released inside the park as an adaptive management action in the future, additional section 7 consultation will occur with the Service for that action.

If any additional species that are Federally-listed, proposed for Federal listing, or candidate for Federal listing are found in the project area, if critical habitat is designated in the project area, or if project plans change, this office should be contacted to determine if further consultation will be required. If you require additional information, please contact Leslie Ellwood of this office at (303) 236-4747.

Sincerely,



Susan C. Linner  
Colorado Field Supervisor

Ref: Projects\NPS\RMNP\Eik\MngtPlan\_FW\Concur