



ANIMAL WELFARE INSTITUTE

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September 18, 2007

BY ELECTRONIC AND REGULAR MAIL

Mr. Steve Kallin, Refuge Manager
National Elk Refuge
U.S. Fish and Wildlife Service
P.O. Box 510
Jackson, WY 83002

Mr. Terry Cleveland, Director
Wyoming Game and Fish Department
5400 Bishop Boulevard
Cheyenne, WY 82006

Dear Mr. Kallin and Mr. Cleveland:

On behalf of the Animal Welfare Institute (AWI), Buffalo Field Campaign (BFC), and Walt Farmer, a Jackson area resident, I am writing to request the immediate suspension of the planned bison hunt on the National Elk Refuge (NER). This hunt, the announcement of which was made on August 30, 2007, is scheduled to begin on Saturday, September 15, 2007. AWI, BFC, and Mr. Farmer have endeavored to obtain additional information about the hunt over the past two weeks, and based on a review of that information and the Final Bison and Elk Management Plan and Environmental Impact Statement and associated Record of Decision (FEIS/RoD), it is clear that the hunt, if initiated, will violate Wyoming state law, federal law, and specific terms of the FEIS/RoD. Though the hunt suspension is sought only a day before the hunt is set to begin, since the Wyoming Game and Fish Department (WGFD) has issued only 40 permits for the first two week hunting segment, it is well within the ability of the WGFD and U.S. Fish and Wildlife Service (FWS) to contact each hunter by telephone or in the field to inform him/her of the suspension.

As a preface to our specific concerns regarding the legality of the hunt, it should be noted that this letter is not intended to address the legality of the agencies' decision to select Alternative 4 as their preferred alternative. There is no question, however, that the agencies erred in making this selection which clearly was the result of a capitulation by the FWS and National Park Service (NPS) to the political interests of the WGFD while ignoring their own legal obligations relevant to the management of the NER and Grand Teton National Park (GTNP). The decision to "adaptively manage habitat and populations" and to develop a "structured framework" with WGFD to assess feeding frequency -- none of which is explicitly defined or described in the FEIS/RoD -- provides absolutely no concrete evidence that the agencies will do anything, with the exception of authorizing the killing of approximately 700 bison, to address the primary threat to the short and

long-term health of the bison and elk who inhabit the NER and GTNP – viz., the supplemental feeding program.

Considering that the agencies' own evidence and the scientific literature indisputably prove the value of phasing out the NER feeding program, the decision to continue feeding without any explicit plan to reduce or phase out this activity is clearly arbitrary and capricious and in violation of federal law. It is solely a political decision intended to placate the WGFD, which strongly supports this and other feeding programs throughout the state largely to maintain artificially enhanced elk populations for the benefit of hunters. Moreover, the reliance on the undefined concept of "adaptive management" does not provide the agencies with a blank slate to implement or modify any management action that they choose. Instead, any management action must fall within the parameters defined in the FEIS/RoD.

Also, in the agencies' haste to establish a bison hunt on the NER, they have violated both state and federal law and have authorized a hunt that is entirely inconsistent with the plain language of the FEIS/RoD. Specifically, the planned hunt violates the law and should be suspended for the following reasons.

1. The hunt structure is inconsistent with the explicit terms of Alternative 4.

In the analysis of the environmental consequences of Alternative 4, the preferred alternative, in the FEIS, the agencies specify that 140-150 bison would need to be "harvested" annually (in addition to the estimated 40-50 bison killed on the Bridger-Teton National Forest (BTNF) each year) to achieve the target number of about 500 bison within 10-15 years. FEIS at 339. This is consistent with the analysis of Alternative 4 in the Draft EIS or DEIS. This hunter-kill objective for the NER would be in addition to any bison killed on the Bridger-Teton National Forest (BTNF), private lands, or state lands in the Jackson area. Alternative 4 does not include any provision, which allows the FWS, WGFD, or any other agencies to substantially expand the bison hunt on the NER. Though the RoD does not specify how many bison can be killed by hunters on the NER per year, it also does not provide any authorization for the agencies to arbitrarily increase the bison kill rate beyond that disclosed and evaluated in the FEIS. The RoD simply states that the agencies "select to implement Alternative 4 ... as described in the Final Plan/EIS." Rod at 4.

Yet, according to multiple media reports and personal communications with WGFD and FWS officials, the agencies desire to allow hunters to kill 300 bison on the NER this year.¹ In other

¹ See, "Bison hunt gets green light," Casper Star Tribune, September 2, 2007 ("Doug Brimeyer, Jackson wildlife biologist with the Wyoming Game and Fish Department, said Friday that the state plans to allow hunters to kill about 300 bison this fall."). See also, "State, feds target bison," Jackson Hole News & Guide, August 15, 2007 ("I would be happier if we could harvest up to 300, said Kallin.") and "Bison hunt to proceed on National Elk Refuge," Jackson

words, the agencies have doubled the number of bison that they will allow to be killed on the NER from the numbers disclosed and evaluated in the DEIS and FEIS. Remarkably, the agencies have not established a limit on the number of bison who could be killed this year on the NER and, therefore, far more than 300 bison could theoretically be killed. Since the analysis of the environmental impacts of this alternative on the bison population was based on the killing of 140-150 bison on the NER during the initial years of the bison/elk management plan, the agencies cannot arbitrarily double that number without engaging in additional analysis. The agencies recognize this obligation in the RoD which states that “any significant deviation from implementing Alternative 4 will require further public review and analysis.” RoD at 12. Surely, doubling the number of bison allowed to be killed on the refuge by hunters constitutes a “significant deviation” from implementing Alternative 4 as described in the FEIS and RoD.

The AWI, BFC, and Mr. Farmer oppose the sport hunting of any bison on the NER. However, if the agencies deem a reduction in population size necessary, they should be mindful that there are less cruel alternatives available for meeting this goal. At a minimum, the agencies are obligated to restructure this year’s hunt to terminate bison hunting on the NER if or when 150 bison have been killed. Allowing the killing of 300 or more bison on the NER was not subject to analysis in the DEIS or FEIS and, therefore, pending a supplemental analysis, is in violation of federal law.

2. The agencies have failed to establish a bison herd population objective prior to initiating a hunt.

One of the primary differences between the DEIS and FEIS is the decision by the FWS/NPS to emphasize their cooperative relationship with the WGFD in managing elk and bison on the NER. While the FWS and NPS have the legal authority to manage wildlife on the NER and GTNP, respectively, the FEIS inappropriately delegates some of this authority to the WGFD. Consequently, in regard to the management of the Jackson bison population, there are repeated references in the FEIS that FWS and NPS will recommend a population objective of 500 bison but that the WGFD will engage in a public process in order to establish a bison population herd objective for the Jackson herd. To date, no such process has been initiated and, according to information recently obtained by AWI, the herd objective will not be subject to Wyoming Game and Fish Commission decision until February 2008 – two months after the hunting season on the NER has ended.

The clear intent of the agencies in specifying that the WGFD would engage in a public process to establish the Jackson bison herd objective was that this process would be completed before a hunt was initiated. Since the process employed to determine the population objective could include the

submission of new data or information that may influence the decision, it is, at best, premature to initiate the hunt before the objective is set with full public involvement. To initiate a hunt – as is the case here – prior to establishing the population objective is akin to placing the cart before the horse. Not only is such a scenario inconsistent with modern wildlife management practices, but it is grossly irresponsible given that the population could be reduced to a number far below a scientifically justified objective. Indeed, it is inconceivable that the WGFD or any other state wildlife management agency would initiate a hunt for any big game species without first establishing the desired population objective. Consequently, there is no legitimate reason why Jackson bison should be treated any differently. In this case, however, the agencies are so desperate to kill bison that they have purposefully elected to ignore standard practice and traditional wildlife management procedures in order to initiate a hunt as soon as possible.

By failing to determine the Jackson bison population objective before initiating a hunt, the WGFD is compromising the integrity of the public's involvement in its decision-making process by effectively predetermining the outcome of the process. Though the FWS and NPS have recommended that the population objective be set at 500, this is not and must not be interpreted as a scientifically defensible objective. Indeed, compelling evidence was presented during the public participation phase of this decision-making process that demonstrates that the Jackson bison population objective should be set at a much higher number. For example, Gross and Wang (2005) report that when "allelic diversity was used as the key criterion for evaluating management alternatives, a population size of about 1000 animals was needed to achieve a 90% probability of retaining 90% of alleles."² Clearly, if a greater percentage of allelic diversity was to be protected, managing for an even larger bison population would be required. Other evidence from the literature may also be presented to demonstrate that the recommended objective of 500 is far too low to protect the genetic variability and integrity of this herd.

By not engaging in this review before initiating a hunt, the WGFD is clearly predetermining the outcome of the process and making a mockery of the public participation phase inherent to the decision-making exercise. It is, effectively, proclaiming that it has already determined that the current population size is above objective without the benefit of public input and potential evidence, genetic or otherwise that may provide justification for setting the objective at a size far greater than that recommended by the federal agencies.

To rectify this mistake and to ensure that the process used to establish the Jackson bison herd objective is scientifically-based and fair, the agencies must suspend the hunt until that process is completed. To complete the process, the WGFD, presumably in cooperation with the FWS and NPS, must complete a review of all relevant scientific evidence, evaluate the basis for a range of

² Gross and Wang (2005) has the same title as Gross et al. (2006) which is cited extensively in the FEIS suggesting that the content of each report is similar if not identical.

potential herd objectives, provide the public with an opportunity to comment on their analysis, and then seek approval for the objective by the Wyoming Game and Fish Commission. Until that process is completed, if the agencies initiate a hunt they do so in violation of the clear intent of the FEIS and Wyoming administrative law.

3. The Emergency Rule Allowing a Bison Hunt on the NER is Illegal.

The Commission promulgated regulations authorizing the establishment of a wild bison recreation hunting season. These regulations, contained in Chapter 15, provide the general framework for the establishment of a bison hunting season. These regulations were amended through an emergency rule signed on August 14, 2007, to facilitate the initiation of a bison hunt on the NER. Specifically, the emergency rule amended the regulations by removing the NER from those areas where bison hunting is not permitted in Wyoming (See Section 17(a)) and by incorporating a specific section, Section 11, pertaining to the need to acquire an NER permit before hunting bison on the refuge. No other changes were made to the regulation.

As an initial matter, the emergency rule was signed on August 14, 2007, nearly two weeks before the stipulated dismissal in The Fund for Animals v. Clark was signed by Federal District Court Judge Ricardo Urbina on August 27. While this may not represent an illegal act, it clearly demonstrates that the agencies desired to initiate a hunt as rapidly as possible assuming the stipulated dismissal would be agreed to by the plaintiffs and signed by Judge Urbina. In addition, as indicated on the emergency rule, it is only valid for 120 days or until approximately mid-December, which is, conveniently and purposefully, precisely when the NER bison hunt is scheduled to end.

By promulgating an emergency rule, the WGFD and its Commission effectively precluded the opportunity for public notice and comment on its proposed amendments to Chapter 15. The Wyoming Administrative Procedures Act (APA) requires state agencies to provide the public with “at least forty-five (45) days notice of its intended action,” W.S. §16-3-103 (a)(i), and to designate the time, place, and manner “in which interested persons may present their view on the intended action.” Id. at §16-3-103(a)(i)(A). Conversely, “when an agency finds that an emergency requires the agency to proceed without notice or opportunity for hearing required by subsection (a) ..., it may adopt emergency rules.” Id. at §16-3-103(b). Though the WY APA provides no additional guidance on what is considered an “emergency” it is clear that an actual “emergency” must exist if an agency intends to promulgate a rule without public notice and comment.

In this case, there is no justification for the use of this emergency rulemaking authority given that opening the NER to bison hunting cannot possibly be deemed an “emergency.” Clearly, the intent of the emergency rulemaking authority is to rapidly adopt rules without public notice to address actual emergencies such as situations posing an immediate threat to public health and safety.

Providing an opportunity for hunters to kill bison on the NER cannot possibly be considered an emergency since there is no serious threat to public health or safety, the bison pose no national security risk, and since the WGFD already has the authority to remove bison determined to be a public nuisance or posing a risk of disease transmission to livestock.

Moreover, since bison hunting has not been permitted on the NER for well over a decade, there is no compelling need to initiate a bison hunt in 2007 versus engaging in the required rulemaking process including public notice and comment to prepare for a bison hunt in 2008. Furthermore, the RoD which authorized bison hunting on the NER was signed on April 26, 2007 providing the WGFD and Commission nearly 140 days during which it could have amended Chapter 15 through the standard rulemaking process and still, depending on the outcome of the process, to allow a bison hunt on the NER beginning in September 2007. Considering that the WGFD and Commission failed to wait for Judge Urbina to sign the stipulated dismissal before promulgating the emergency rule, it cannot claim that it was somehow barred from initiating a rulemaking process to amend Chapter 15 in May of 2007 after the RoD was issued.

Considering that there is no factual evidence to demonstrate that the initiation of the NER bison hunt constitutes an emergency, the emergency rule is invalid. As a consequence, until and unless the WGFD and Commission engage in the standard rulemaking process, including public notice and comment, to amend Chapter 15 to permit bison hunting on the NER, state law pursuant to the previous version of Chapter 15 signed on July 15, 2004 prohibits bison hunting on the NER.

4. The Wyoming Game and Fish Commission has not Approved the Planned Bison Hunt on the NER.

Though the FWS, and not the WGFD, has primary authority for wildlife management on the NER, the FWS has apparently elected to cede some of its authority to the WGFD through a cooperative arrangement as a political compromise with the state. However, even assuming that the emergency rule were valid, the NER bison hunt would still be illegal because the Commission has not discussed or approved the structure of the bison hunt on the NER, nor has it subjected the hunt details to notice and comment as required under the Wyoming APA. Chapter 15 provides general guidance on the establishment of a bison hunting season. Wyoming law specifies that the Commission is directed and empowered to “fix seasons and bag limits, open, shorten or close seasons on any species or sex of wildlife.” W.S. §23-1-1-2(a)(i). In this case the structure of the proposed bison hunt, which reportedly was cooperatively developed by the WGFD and FWS, was never subject to Commission review or approval, nor was it subject to public notice and comment as required by the WY APA.

Though the specific details of the three-month long NER hunt remain sketchy, it is known that the hunt has been broken down into six two-week hunting seasons, with 40 or more bison hunting licenses/permit issued for each season, and with the option of issuing additional licenses/permits during one or more two-week season. In addition, the number of bison bull and cow tags will be variable during each two-week season though the preponderance of the tags will be for female bison. Such details are precisely within the legal purview of the Commission and should have been subject to public notice and comment, and subsequently, Commission review and approval.

The Commission provides such analysis for other species hunted in Wyoming, so it is not clear why the Commission ignored its duty in regard to the establishment of the NER bison hunt. Indeed, as recently as its July 2007 meeting the Commission discussed, debated, and ultimately approved new mountain lion hunting regulations that increased, albeit with no legitimate scientific justification, the number of lions that hunters could kill in most hunting units or districts in the state. If the Commission engages in such decisions relevant to mountain lions, it is required to engage the same level of review of the NER bison hunt.³ Indeed, the agencies concede this requirement in its response to a public comment questioning the authority of the FWS to manage state wildlife populations. Specifically, the agencies report that the WGFD was a “major partner in the planning process” and that “in Wyoming wildlife management goals and objectives (e.g., bull-to-cow ratios, herd objectives, and hunting seasons) are set through a public review process that requires public input and a final recommendation to be approved by the Wyoming Game and Fish Commission.” FEIS, Response to Public Comments at 206.

Based on a careful examination of the agenda and minutes of previous Commission meetings, it is clear that the Commission has never discussed or approved the structure of the NER bison hunt in violation of both W.S. §23-1-302 and the WY APA. Given the great haste of the agencies in establishing this hunt, this required review was likely perceived to be an inconvenience by the WGFD. As a result, both the WGFD and Commission have violated state law, and until and unless the Commission approves the structure of the NER bison hunt through the proper rulemaking process, the bison hunt is illegal and must be suspended.

5. The Duration of the Hunt May Violate Wyoming’s Bison Hunting Regulations:

In its bison hunting regulation (Chapter 15), as amended, the WGFD authorizes bison hunting in Hunt Area 2 (which includes the NER). The FWS and WGFD have elected to allow bison hunting

³ Unlike Wyoming’s bison hunting regulation (Chapter 15) which does not indicate the dates of each two-week bison hunting season on the NER, the number of licenses to be issued for bison hunting during each season, or the number of male and female bison to be targeted, Wyoming’s other big game hunting regulations provide such detailed information which is subject to approval by the Commission. See, for example, Wyoming’s hunting regulations for antelope (Chapter 5), elk (Chapter 7), and moose (Chapter 8).

on the NER until the middle of December. Yet the bison hunting regulation sets two conflicting closing dates for the bison hunting season. For Type 1 and 2 licenses the season closes on January 31. For Type 3 and 4 licenses the season closes on November 30. The license “type” refers to a “limitation on a license in a particular hunt area for the sex of animal, the species of animal, the length of the season, and the type of weapon or a portion of the hunt area in which the license shall be valid.” WGFD Hunting Regulation, Chapter 2. The bison hunting regulation fails to provide any distinction between Type 1 and 3 licenses (which are applicable to male bison) or Type 2 and 4 licenses (which are applicable to female bison and calves). Since there is no distinction between these license types and since the type of license to be issued for the NER hunt is unknown, the agencies’ decision to permit bison hunting through mid-December may violate the state regulation.

6. The Bison Hunt Area Designated by the NER is Inconsistent with the Hunt Area as Designated in the RoD and it is Unknown if the Required Refuge Hunting Step-Down Plan has been Issued.

In selecting Alternative 4 as their preferred alternative, the agencies included a map in the RoD (see page 6) that is labeled “Alternative 4 Overview.” Attachment 1. On page 5 of the RoD this map is referred to as part of the description of Alternative 4 without any additional caveats to suggest that additional maps describing Alternative 4 are available in the FEIS and without any suggestion that the map is applicable only to elk or to bison. This map, which includes information on bison and elk on NER and GTNP, designates an area to the south and west of Flat Creek Road as the “proposed early-season hunt or limited public use area.” Conversely, the 2007 bison/elk hunt area map accessible on the NER website designates an entirely different area as open to bison hunting. Attachment 2. The majority of this area lies to the north of Flat Creek Road. When the two maps are compared there is only minimal overlap of the areas open to bison hunting just to the south of Flat Creek Road.

Since the RoD represents the official decision by the agencies as to what alternative they have selected for implementation and considering that the RoD references a map of the preferred alternative, that map must be used by the agencies in implementing the preferred alternative. Since that map designates the early season hunt area as the area south and west of Flat Creek Road, the agencies cannot arbitrarily change the boundaries of the hunt area as depicted on the map in the RoD. If the agencies choose to open other portions of the refuge to a bison hunt, they can do so only after they publish for public review and comment a new map along with an analysis of the impacts of hunting in the new or larger area. Pending such a supplemental review, the bison hunt must be limited to those areas of the refuge depicted on the map contained in the RoD.

In addition to the conflicting maps, it is unknown if the FWS has published a refuge hunting step-down plan as required by its policies. This plan, as specified in the FEIS, was to be developed

“prior to implementation” of a public hunt for bison on the NER. An inquiry submitted to the NER Refuge Manager on September 15th requesting a copy of the refuge hunting step-down plan has not yet generated a response.

7. The Agencies Have Failed to Establish a Monitoring Program to Determine if the Bison Hunt is Ethical or Constitutes a Fair Chase Hunt.

In planning for the bison hunt, agency officials have declared that they “want to maintain a safe and ethical hunt. . . .”⁴ In addition, in its compatibility determination for bison hunting, the FWS claims the bison hunt will be “based on fair-chase principles.”⁵ FEIS at 553. Despite these assurances, the agencies have established no mechanism by which they can determine if the hunt is ethical or if it represents a “fair chase” hunt.

While this may not be of significant concern to the agencies, it is to the public. Bison, as large bodied animals, can be difficult to kill and, as a result, they can suffer terribly if an unskilled, careless, callous, or incompetent hunter is not able to or fails to achieve a quick kill. Even the best of hunters may occasionally miss their mark resulting in the wounding of an animal who may not die for several minutes or even hours. Evidence from Montana’s bison hunt compiled by the Buffalo Field Campaign conclusively documents that achieving a quick kill of a bison is difficult. Based on two years of videotape monitoring of dozens of bison hunts, far less than half of the hunters have been able to achieve a clean and rapid kill of a bison. More often than not, the bison shot by hunters require 3-4 bullets and over 30 minutes to die. In one case, a bison suffered for three hours before finally being killed by his 12-year old pursuer. As the minimum ammunition grain size in Montana is the same as that authorized in Wyoming, there is reason to suspect that bison on the NER will suffer as much as those in Montana.⁶ Surely, both the FWS and WGFD agree that any hunt that results in an animal suffering, especially for any extended period of time, cannot be considered ethical.

In addition, like their Yellowstone counterparts, Jackson bison also have no significant fear of humans. Indeed, except for occasional hazing by agency personnel to move bison off the NER or to move them away from cultivated fields, the bison inhabiting the NER have been completely

⁴ August 30, 2007 U.S. Fish and Wildlife Service and Wyoming Game & Fish Department interagency news release. See also, FEIS, Response to Public Comments at 202 (“The agencies believe that ethical hunting is a reasonable and useful tool to manage wildlife populations.”).

⁵ See also, FEIS, Response to Public Comments at 153 (“Alternatives 3, 4, 5, and 6 include a fair chase bison hunt on the refuge to manage the herd.”); Casper Star Tribune, “The hunt is on,” September 16, 2007, (“Still, Gocke (spokesman for the WGFD) said the hunt is “fair chase,” as bison are a free ranging animal.”).

⁶ According to an experienced hunter consulted by AWI, the minimum weapon/ammunition requirements allowed under Wyoming law for killing bison may not be sufficient to ensure a rapid or clean kill. While shot placement is critical, he recommended a .30 caliber or higher rifle and at least a 180 grain bullet to hunt bison. Wyoming rules allow bison hunting with a .270 caliber rifles and 150 grain bullets.

protected on the refuge for their entire lives. To make matters worse, because of the supplemental feeding program, the bison have learned that the NER is a safe place where they are fed and not a place where they are subject to persecution. As a consequence, their behavior in response to hunters will be similar to the bison in Yellowstone in that they likely will not flee in response to an approaching hunter, those that are not shot will likely remain with their stricken friend instead of fleeing, making themselves more easily accessible to hunters. Those that do flee won't move far since they perceive the NER as a safe haven. These behaviors ensure that any hunt cannot qualify as a "fair chase" hunt since there will be no challenge in finding or stalking the bison if they are on the NER and because the bison will not attempt to flee from the sight, sound, or smell of approaching humans.

The fact that bison on the NER may be free-ranging is not relevant to whether a hunt is "fair-chase." It is their response to the presence of hunters and their ability to escape from the threat posed by hunters that determines whether a hunt constitutes "fair-chase." While it is possible that bison can become more fearful of people over time, if the behavior of Yellowstone's bison – animals who are subject to both hunting and excessive hazing – is any indication there is little reason to believe that NER bison will become more fearful anytime soon.

If the agencies are serious about conducting an ethical or "fair chase" hunt, they must establish a mechanism by which they can monitor the hunt to assess the behavior of bison in response to hunters and to document times to death. This does not require accompanying individual hunters into the field though this would be the ideal strategy to obtain the highest quality data. It does, however, require that agency personnel be in the field observing both bison and hunters from a distance to gather the relevant data. Though a third party could conduct this monitoring, as BFC does in Montana without disruption of the hunt, the restrictive public use policies in place on the NER prevents such an effort unless a special use permit can be acquired to gain access to refuge lands. Consequently, the obligation to establish such a monitoring effort falls squarely on the agencies, which to date, have not developed such a program.

While the failure of the agencies to implement such a monitoring program may not constitute a violation of law, it is a missed opportunity to assess the quality and ethics of the hunt and to determine if the hunt satisfies the "fair chase" standards.

In conclusion, as the foregoing evidence indicates, the agencies, in their haste to establish and initiate a bison hunt on the NER, have failed to comply with all relevant state and federal laws.

The WGFD and its Commission have improperly used its emergency rulemaking authority to allow the hunt to be conducted on the NER even though there is no legitimate emergency requiring that the hunt begin now. In addition, the Commission violated its own statutes and the WY APA by failing to approve the structure (i.e., seasons, permits) of the NER bison hunt while the WGFD

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violated the WY APA by failing to engage in a public process to establish the objective for the Jackson bison herd before initiating a hunt.

The FWS has plainly violated the RoD by establishing a bison hunt area entirely inconsistent with the early season hunt area delineated on a map of the preferred alternative in the RoD. It has also failed to comply with the specific and indisputable terms of the preferred alternative by permitting 300 or more bison to be killed on the NER despite a limit of only 140-150 as designated in the FEIS. Finally, both the FWS and WGF D have failed to establish a mechanism to monitor the hunt to determine whether it is or can be conducted ethically or in a manner that constitutes a "fair chase" hunt.

For these reasons, the agencies are obligated to suspend the bison hunt until and unless they resolve these legal and logistic deficiencies inherent to the hunt as currently designed and planned. Should the agencies choose to ignore these issues and to avoid their legal obligations, AWI, BFC, and Mr. Farmer will evaluate alternative means of forcing the agencies to address these issues.

Thank you in advance for considering these concerns and for immediately suspending initiation of the NER bison hunt.

Sincerely,



Cathy Liss
President



D.J. Schubert
Wildlife Biologist

cc: The Honorable Dave Freudenthal, Governor, State of Wyoming
Mr. Mitch King, Regional Director, U.S. Fish and Wildlife Service, Region 6
Ms. Mary Gibson Scott, Superintendent, Grand Teton National Park
Mr. Tom Reed, Assistant Manager, National Elk Refuge
Mr. Scott Talbott, Wyoming Game and Fish Department, Casper Regional Office
Mr. Bernie Holz, Wyoming Game and Fish Department, Jackson Regional Office
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