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Continuing supplemental feeding on the National Elk Refuge undermines conservation, court finds.

JACKSON, Wyo. — A federal appeals court confirmed yesterday the U.S. Fish and Wildlife Service's obligation to phase out artificial winter feeding of elk and bison at the National Elk Refuge in Jackson Hole, Wyoming.

The court's ruling responds to a lawsuit brought by the Greater Yellowstone Coalition, Jackson Hole Conservation Alliance, Wyoming Outdoor Council, National Wildlife Refuge Association and Defenders of Wildlife challenging a 2007 refuge management plan that allowed the indefinite continuation of winter feeding on the refuge despite overcrowding and the threat of diseases.

Although the court did not order the Fish and Wildlife Service to set a firm deadline for ending the feeding program as the conservationists had requested, the ruling made it clear that the harmful practice must stop to protect the refuge and the elk.

"With this decision, the courts have confirmed that ending feedlots on the National Elk Refuge is critical to protect the long-term health and viability of elk and bison populations," said Evan Hirsche, President of the National Wildlife Refuge Association. "The U.S. Fish and Wildlife Service should quickly develop a timeline for elimination of supplemental feeding."

"The management of the Elk Refuge must now move forward in accordance with their legal mandates, the panel of three judges said, "all the while preparing the animals for the eventual cessation of supplemental feeding..." (page 6)

"The science is clear: Artificial feeding on the Elk Refuge creates a breeding ground for disease. The court confirmed the serious danger this well-intentioned but harmful practice poses to the health of elk throughout the Greater Yellowstone region," said Mike Leahy, Northern Rockies program director for Defenders of Wildlife. "While we were hoping the court would ask the Fish and Wildlife Service to set a firm timeline for phasing out supplemental feeding, the important thing about the ruling is that it reaffirms Fish and Wildlife Service's jurisdiction over managing the refuge and its obligation to end the feeding."

The decision further states, "The whole point of a National Elk *Refuge* is to provide a sanctuary in which populations of healthy, reproducing elk can be sustained. . . . The Refuge can hardly provide such a sanctuary if, every winter, elk and bison are drawn by the siren song of human-provided food to what becomes, through the act of gathering, a miasmic zone of life-threatening diseases." (page 9) "There is

no doubt that unmitigated continuation of supplemental feeding would undermine the conservation purpose of the National Wildlife Refuge System.” (page 10)

The panel of three appellate judges also said, “Wyoming has no veto over the Secretary’s duty to end a practice that is concededly at odds with the long-term health of the elk and bison in the Refuge.” (page 12)

“Science and the law are clear that ending feeding at the earliest opportunity will best protect wildlife. The leadership of the Fish and Wildlife Service should now act expeditiously to avoid the catastrophic effects of Chronic Wasting Disease, which has been detected as close as 45 miles from the Refuge,” said Lloyd Dorsey of the Greater Yellowstone Coalition. “The sooner supplemental feeding is phased out, the better for all wildlife and for all those who treasure wildlife.”

The conservationists were represented in the lawsuit by the public-interest environmental law firm Earthjustice.

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