

August 9, 1993
ILR 93-N

Senator Alarik Myrin
Members of the Audit Subcommittee
State Capitol Building
Salt Lake City, Utah 84114

Subject: Wildlife Resources Elk Roundup

Dear Senator Myrin:

At your request, we reviewed the situation and events surrounding the elk roundup at Tridell on February 13, 1993. We talked with several individuals who were present during the operation including the game biologist from the Ute tribe, the veterinarian hired by the tribe, and the regional game manager from the Division of Wildlife Resources (DWR). In addition, we reviewed reports from the criminal investigators at the Bureau of Indian Affairs (BIA), the US Attorney's office, and the DWR. We could not find any indication that the DWR acted inappropriately or committed any wrongdoing during the operation. We also found that a number of problems that occurred during the roundup could have been prevented with better communication and planning between the Ute tribe and the DWR.

Background Information

This was a joint operation between the DWR and the Ute Tribe with both parties assuming part of the responsibility for planning and coordinating the activities. According to the DWR, there recently had been up to 400 head of elk in the Tridell area, and discussions had been ongoing for a couple of years with the Ute Tribe regarding a joint elk trapping operation in the area. This past winter Dave Olsen, regional game manager for DWR, said Ute tribal officials approached the DWR with a plan to trade approximately 150 elk for bison with a tribe in North Dakota. The tribal officials favored a joint operation because they were inexperienced and needed assistance from DWR in herding and trapping the animals. The DWR officials also favored a joint operation because the elk had been grazing on private and public lands, then moving onto tribal trust lands where they are protected and hard to

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manage. The elk had been causing depredation problems in the area for several years, and DWR wanted to move them out of the area. DWR already had permits available to transplant elk to the Book Cliffs area.

According to one report, Mr. Olsen met with Alloin Myore, the Ute Fish and Wildlife director on January 7, 1993, to formalize the operation and to coordinate activities with the tribe. They toured the Tridell area and determined that there were approximately 200 head of elk in the immediate area near Tridell. The elk were moving back and forth from tribal trust lands to public lands and private agricultural lands causing depredation to the fields. At this time the DWR requested permission to trespass on tribal lands in order to herd the elk back to public lands and trap them. The DWR also sent to the tribe wildlife director a list of personnel and information on those people that would be assisting with the operation.

The report said that DWR constructed the trap in mid-January and used it briefly as a bait trap to catch and release 23 head of elk in the Book Cliffs area. The tribe also purchased a portable trap and erected it in tandem with the DWR trap. The two traps were connected with a corridor. The plan was to herd the elk into the DWR trap and move them one at a time through the corridor into the tribe's corral for testing. According to the report, Mr. Olsen met with Buzz Cobell, a representative of the United States Fish and Wildlife Service (USF&WS) and wildlife adviser to the tribe, on February 12, one day prior to the scheduled operation. At that time Mr. Cobell reaffirmed that the tribe wanted up to 156 elk for trading purposes. Mr. Olsen said it would be difficult to handle more than 50-70 animals at one time in the traps and he suggested the tribe reconsider the amount to be trapped. However, Mr. Cobell was insistent and confident they could manage that many animals. Mr. Olsen consented to go ahead with the planned amount thinking that DWR would be able to take about 50 head for transport to the Book Cliffs.

According to the report, the roundup began on Saturday morning, February 13, with Mr. Olsen in a helicopter herding the elk toward the trap site. There was a ground crew at the trap site of about 10 men from DWR and five or six men from the tribe. Approximately 200 head of elk were herded into the traps. There were about five animals that wouldn't go into the traps. The DWR personnel shot these animals because they didn't want them to escape and bring more elk back into the area. Mr. Olsen explained that shooting the elk was the only thing to do at the time, and it was authorized by law. The game biologist from the tribe agreed that this was the best thing to do, but it didn't go over well with several members of the tribe and it caused some tempers to flare up.

Ms. Courts, the tribe's game biologist said that when the elk were finally rounded up, the DWR personnel started loading them into the trailers and getting them ready to transport to the Book Cliffs. This caused even more anger and frustration to several tribe members because they thought DWR was taking too many of the animals. Ms. Courts said that at this point the DWR personnel had about 24 elk in the trailers and they left the site. Mr. Olsen said they could have loaded more elk into the trailers but tension was starting to build up and his men were tired and anxious to get going with the trucks. He said his men felt that now the herding and trapping was done, they were finished with their part of the project. He said two of his men stayed at the trap site to help the tribe manage the animals. The tribe then assumed control of the project while the veterinarian began to draw blood and test the animals.

According to Mr. Olsen, he was called on his truck radio late Saturday afternoon, just after he had finished dropping off the helicopter at the airport. He was told to return to the trap site because the tribal members were having trouble testing the animals and quieting them down.

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The veterinarian told us that in three hours he was only able to test 18 animals. He said all of the animals were very stressed and weakened from being crowded into one trap. About 19 animals had already been trampled to death and four died later on. Ms. Courts said she and several of the tribal leaders discussed the situation with Mr. Olsen and they decided to scrap the testing operation because they wouldn't be able to meet their obligation to trade with North Dakota. It was agreed that the best thing to do at this point would be to mix the animals and relieve some stress, then transport and release the animals as quickly as possible in order to prevent any more fatalities. Mr. Olsen said the tribal leaders opened up the corridor between the traps to create more space, and let the animals mingle in order to relieve the stress on them. He said the DWR personnel returned to the trap site the next morning with trucks and trailers. There was a crew of men from the tribe and a crew from DWR, including 14 trucks and trailers. They worked together from 8 a.m. Sunday morning to 2 a.m. Monday morning transporting 157 head of elk to the Book Cliffs area for release. About half of the animals were released on tribal trust lands and half were released on public lands.

Lack of Communication And Planning Caused Problems

We feel that some of the problems that occurred during the elk roundup could have been avoided if there had been better planning and communication between DWR and the Ute tribe. This was also the opinion of several other people involved with the operation and it was the conclusion of other investigations. For example, Paul Warner of the US Attorney's Office said "...while it is clear that perhaps this roundup could have been accomplished with lesser loss of life for the elk had there been better planning and execution, there does not appear to be any basis to believe that criminal intent or behavior was involved." The criminal investigators for the BIA pointed out that there were no written agreements between the departments, and this may have also been a factor in the problems that occurred. The tribe's game biologist said the communication and planning was all verbal, nothing was written down. She said poor communication was one of the reasons the operation went badly. The veterinarian hired by the tribe also commented that there was a lot of confusion

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at the trap site and nobody appeared to be in charge. Finally, Dave Olsen said the main problems with the operation were caused by a lack of communication and inadequate planning.

Although some preliminary planning attempts were made, nothing was placed in writing and the responsibility of each party wasn't exactly clear. In addition, the number of elk to be taken by each party was not completely clear. According to the tribe's game biologist, several tribe members at the trap site were surprised when the DWR people loaded up the trailers with elk and left the operation in their hands. They weren't trained or prepared to handle that many elk on their own. Some tribe members were also upset that DWR was taking too many of the elk to transplant in the Book Cliffs. From DWR's perspective they were finished with their part of the operation. The elk were all corraled and under control. Dave Olsen said that at one time he had offered to assist the tribe with the testing and he even volunteered to bring in a veterinarian. His offer was turned down because the tribe had already contracted with their own veterinarian and they didn't think they would need any more help from the DWR. Consequently, the men from DWR did not plan to stick around and help with the testing once the roundup was complete. The DWR people thought this was an appropriate time for them to leave the operation. They had a number of elk loaded in the trailers and they were ready to get on with the transplant. Besides, some tempers were beginning to flare up and they didn't want any confrontations. Another example of miscommunication was when the elk were initially herded into the trap. The tribe's game biologist told us that there were five or six animals that refused to go in and the DWR personnel shot these elk so that they wouldn't escape and bring more elk back to the area. Although this was within the law and it was the correct thing to do under the circumstances, the biologist said it was never communicated to the tribe members, and it caused a lot of shock and anger among them.

From the viewpoint of the DWR the operation was a success. They were able to transport 157 elk from the Tridell area to the Book Cliffs area with only 23 fatalities. Several DWR officials and the veterinarian told us that a 20% mortality rate is normal for this size of trapping operation. The elk were removed from an area where they were continually causing depredation and problems with the agricultural land users, and they were transplanted to an area that could support a larger amount of elk. From the viewpoint of the tribe, this operation was a failure. Their goal was to capture, test and trade up to 150 elk for bison with a tribe in North Dakota. Although nearly 200 elk were captured, only 18 were tested and this was not enough to make the trade worthwhile. The tribe didn't accomplish their objective.

We feel that both parties could have achieved their goals with better planning and communication between them. It seems that had there been some clearly defined responsibilities and agreements between both parties, or had there been a written plan of action, perhaps these misunderstandings could have been avoided. Should there be any joint operations in game management in the future, better communication and some written agreements would be beneficial.

We realize that this review has been done quickly, but we hope that the information provided in this letter has been helpful. If there are questions or you need additional information, please let us know.

Sincerely,

Wayne L. Welsh

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Auditor General

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