DECISION RECORD

Environmental Assessment (EA) Number: OR 050-06-067
Title of Action: Removal, Replacement and Reconstruction of Existing Fences
BLM Office: Prineville

I. Decision

In consideration of comments received on this EA, and to meet the Purpose and Need stated on pages 1 and 2 of the EA, it is my decision to implement the Proposed Action. The management actions associated with the Proposed Action are shown in Paragraph II which follows. These actions will apply on BLM-administered lands within the boundary of the Prineville District, except for those public lands located within designated Wilderness Study Areas.

II. Management Actions

Prior to initiating work on a given existing fence, a determination will be made concerning whether or not the fence is needed for future management purposes. The following will govern subsequent project actions.

A. Removal of Existing Fences

When an existing fence is no longer needed for management purposes, it will be removed in its entirety, and any appropriate fence corridor rehabilitation (such as seeding, waterbarring, or slash spreading) completed.

Unserviceable, non-bio-degradable materials and other debris resulting from this activity will be hauled to a public landfill site or be re-cycled. Serviceable materials will be transported to other sites for re-use.

B. Reconstruction of Existing Fences

Fences proposed for reconstruction will be evaluated, and a determination made concerning the adequacy of the existing fence design for the current management environment. Such an evaluation could include one or more of the following of the following factors:

- Human Risks. (For example, a campground's existing steel-post/barbed-wire fence design might be inappropriate around heavy public use areas)
- Livestock Grazing Management Requirements. (For example, an existing 3-wire, barbless-wire fence design might be insufficient to hold livestock in a given pasture area)
- Wildlife. (For example, an existing fence's top wire height of 48 inches might pose risks for animal entanglements and mortality).

Fence specifications will be designed accordingly.

Unless otherwise precluded, the following specifications will normally apply to wire fence reconstruction projects:

1. Where wire is to be replaced, and where barbed wire was not otherwise required, barbless or high-tensile wire will be preferred.

2. Where fence posts or wire are to be replaced, the following wire spacing specifications will normally be used:
- 3-wire fences: 18, 26 and 38 inches above soil surface
- 4-wire fences: 16, 22, 28, and 40 inches above the soil surface (deer/elk habitat requirements a priority); 18, 24, 28 and 38 inches above the soil surface (antelope habitat requirements a priority)

3. The minimum amount of vegetation will be cut or cleared. Normally, only small trees (less than 6 inches diameter at breast height) and larger shrubs within 5 feet of the fence line will be pruned or removed; larger trees will be pruned but not felled. Forbs, graminoids and smaller shrubs will not be removed - but could be subject to trampling during fence reconstruction activities.

Selected, unserviceable components of the existing fence, and any debris or trash will be removed from the site, and hauled to a landfill site or be re-cycled.

New components will be installed on the existing fence according to design specifications developed for that fence.

C. Replacement of Existing Fences

Existing fences targeted for replacement will be removed in their entirety. Unserviceable materials from these fences will be hauled to a public landfill site or be re-cycled. Serviceable materials will either be used in the replacement fence, or transported to other sites for re-use.

The construction of the replacement fence will be subject to the same site evaluation and design considerations described in Paragraph II.B above.

Normally, replacement fences will be built in the exact location as the removed (old) fence. However, situations might arise where natural resources, cost, efficacy, human safety or other factors might benefit from locating the replacement fence in a different location than the existing fence. Examples of this include the following:

- An old fence crosses a drainage used by sage-grouse as a flyway. Constructing the new fence outside this drainage might reduce risks for bird collisions with the new fence.
- A streambank under an old exclosure fence has eroded away, thereby eliminating support for the replacement fence. Building the fence further away from the stream channel might reduce risks for erosion damage to the new fence.
- An old fence is located along a circuitous route. Building the new fence on a more direct route could reduce the net fence mileage (and cost).
- Use in a fenced recreation site has increased. Building the replacement fence further from the core use area could improve human accommodation and safety.
- An existing fence is located on a ridgeline in a visually sensitive area. Visuals management objectives might be better met by setting the replacement fence back off the ridgeline.
- An existing fence does not follow land ownership or allotment boundaries. By building the replacement fence consistent with recognized boundaries, potential land tenure issues could be resolved.

D. General

Each of the above activities will include foot, vehicle, equipment, livestock, and in some cases, boat or helicopter use. Such use would be related to the following activities:

- Pick up and transportation of old and new fence materials from and to project sites
- Post hole digging, wire running and stretching
- Clearing of vegetation

The above fencing activities will also include (as necessary) the relocation of signs or other facilities (such as around campgrounds or trails), in order to ensure that signing and facilities objectives will continue to be met. Local livestock use durations, frequencies, and/or stocking levels will be adjusted as required to reflect changes in pasture/allotment use patterns, carrying capacities, or other situations resulting from fence removals or related actions. Such actions will proceed only upon the approval of a Field Manager.

No work in a given area will proceed without approval of a Field Manager, who will determine the level and scope of interdisciplinary review required for a given project.

Wildlife, Botanical, Fisheries and Cultural Resource clearances will be required prior to any work in a given area being initiated. Seasons and kinds of human activity within a given area will conform to that specified in the applicable RMP. .

In visually sensitive or recreation-intensive areas, similar clearances by Recreation/Visuals Management specialists will be required. Measures specified in individual clearance reports will be adhered to.

All fence-related actions will include those monitoring actions specified in the applicable RMP's.

Public and other agency/governmental entities interested in BLM fence programs in a particular project area will be invited to participate in project design and implementation activities.

III. Alternatives Considered

I considered a No Action alternative. Since it did not meet the Purpose and Need, I chose not to implement it.

IV. Rationale for Decision

In making the above decision, I have determined that the above actions:

- Meet the project purpose and need, as described on pages 1 and 2 of the EA
- Conform with the following RMP's and their accompanying records of decision: John Day (1985), Two Rivers (1986), Baker (1989), Brothers/LaPine (1989) and Upper Deschutes (2005)
- Are feasible and can be accomplished

V. Need for the Action

Existing fences are necessary to facilitate and support recreation, riparian, fish and wildlife habitat, livestock grazing, rights-of-way, facility and related BLM management programs. As these fences age, they will require replacement or reconstruction. Or, based upon a change in the environment, they may no longer be necessary for management and therefore need to be removed.

VI. Terms and Conditions

The following will be adhered to during the course of the above described activities:

Soil/Vegetation/Watershed

1. Contractors or other project entities will be given a noxious weed information pamphlet; be required to ensure their vehicle and equipment are checked for weed matter prior to entering the project area; and be requested to report any weed discoveries in their work areas. Any weed sighting information will be forwarded to the District Noxious Weed Coordinator for follow-up action.
2. Surface disturbance will be held to a minimum and be rehabilitated to blend with surrounding soil surfaces. Emphasis will be placed on avoiding repeated entry of vehicles or equipment on sites where this activity previously occurred.
3. Work activities will be scheduled to minimize compaction and rutting to road surfaces.
4. Neither old growth juniper trees nor any other species of tree showing obvious signs of wildlife occupation will be felled.
6. Natural materials (such as vegetative matter from fence line clearing work) will be applied to new vehicle tracks and other vehicle/equipment activity areas.
7. Neither bulldozer nor other heavy equipment use will be allowed.

Fish and Wildlife

1. Unless otherwise approved by a Field Manager, fencing activities within 4 miles of sage-grouse leks during the sage-grouse nesting period will be avoided.

2. When possible, treatment activities will occur outside of the reproductive period for neotropical migratory birds (April 15 through July 30), especially in areas near springs or other high-quality nesting areas.
3. Should the fish or wildlife situation change (such as new species found to be present or the status of a species changes), additional operational restrictions might be applied.
4. A BLM Wildlife Biologist would be notified if ferruginous hawks, or goshawk nests or individual birds, are discovered prior to or during fencing project. The biologist will determine appropriate protection measures; and treatment activities adjusted accordingly.
5. For activities within one mile of eagle nests (during critical reproductive periods), seasonal operating restrictions will be in place between February 1 and August 31.

Cultural Resources

1. Cultural resource inventory methods will be in accordance with OR BLM/SHPO standards and protocols.
2. All observed and recorded cultural resources determined to be at risk from project activities will be protected from damage or disturbance.
3. Trees having historical significance (survey trees, blaze trees, juniper structures, etc.) will be retained.

Recreation/Visuals Management

1. In visually sensitive areas, efforts will be made to blend the fence in with the surrounding environment. Examples of potential actions include the following:
   - Use of gray or brown fence posts
   - Routing fences behind visual obstacles (such as trees or shrubs)
   - Placement of braces or other fence components away from topographic crests (such as ridgelines and/or rimrocks).
2. Gates and stiles will be located and installed in a manner that facilitates ease of visitor passage.

/S/ Gary D. Cooper 2/01/07
District Manager Date
Prineville District
Bureau of Land Management
Prineville, OR 97754

Appendix: BLM Responses to Public Comments and Questions

Appendix

BLM Responses to Public Comments and Questions

Comments concerning this EA and its accompanying Finding of No Significant Impact (FONSI) were received from one private organization. The following summarizes these comments, and BLM responses to those comments.

Comment: *We support the No Action Alternative. This project will have a significant impact on public lands.*

BLM Response: Based on the context and intensity of this project, the FONSI documents the BLM determination that this project would have no significant impacts on the environment.

Comment: *The BLM needs to needs to work closely with the public to ensure that fences on public lands are kept to a minimum. Replacing, repairing and building fences on any public land needs to have public involvement and review in the future.*

BLM Response: In Paragraph II.D, the Decision Record (DR) directs that public and other agency/governmental entities interested in BLM fence programs in a particular project area will be invited to participate in project design and implementation activities.

Comment*: Building fences generally only benefits a few ranchers in each area.*

BLM Response: Existing fences on public land within the Prineville District serve multiple functions. These include access management (such as in off-highway vehicle management areas); human safety (such as in campgrounds); livestock grazing management; wildlife and/or livestock exclusion; and protection of key facilities. With respect to livestock grazing management, the EA (Paragraph 4.8) discloses the accomplishment of RMP programs as an effect of the Proposed Action.

Comment: *The BLM needs to realize that any fence placed on public land needs to have sufficient gates to accommodate public land users and to prevent vandalism. Any fence is an inconvenience to the public land user and a fence without gates obstructs transit across public lands. In our area, a fence was recently constructed on public lands, leaving no gates for the general public to cross through. Also, it was poorly placed in the middle of public land, and cost the taxpayers thousands of dollars. What purpose does this new fence serve the public and could this money have been spent in a more beneficial way?*

BLM Response: The DR (in Paragraph VI) specifies that gates and stiles will be located and installed in a manner that facilitates ease of visitor passage. An analysis or critique of previously constructed fences is beyond the scope of this analysis.

Comment: *Building fences across public lands has a tendency to waste other public resources. Every fence that we have observed that has been installed in a forested area has caused healthy trees to be damaged, cut down, or wasted. Every fence is line is littered with trash left from the operation.*

BLM Response: The EA (Paragraph 4.1.B) documents a reduction of tree and tall shrub vegetation as a typical result of fence reconstruction or replacement activities. The DR (Paragraph II.B) specifies that the minimum amount of vegetation will be cut or cleared; normally, only small trees will be removed; and larger trees pruned but not removed. It also specifies (in Paragraph II) that all debris resulting from these activities will be removed or recycled.

Comment: *It is not a good use of public funds to spend thousands of dollars to fence a grazing allotment when the return on the allotment is generally in the red. Replacing and building more fences will just be a waste of the public's money. Most fences should be removed from public land in the future. Replacing and building fences is not in the best interest of the public. Building fences is very costly and the BLM should spend public money carefully and for more important reasons that will benefit the public at large.*

BLM Response: The DR specifies (in Paragraph II) that prior to initiating work on a given fence, a determination will be made concerning whether or not the fence is needed for future management purposes. One consideration for this determination could be economics, where the low cost-effectiveness of a particular fence might indicate that its removal is appropriate. The EA (Paragraph 1.2) documents a broad range of programs that these fences support, and which provide benefits to the public.

Comment: *Wildlife should also be a major concern. The placement of fences in wildlife habitat is life threatening, an inconvenience and a danger to wildlife. Fences change the free-ranging movement of wildlife. In our area, burned fences were replaced; wildlife were crippled and harassed by all the fences.*

BLM Response: The EA (in Paragraph 4.2) discloses a range of potential effects (including those described above) that would result from implementation of the No Action Alternative or the Proposed Action. The DR (Paragraph II) includes specifications designed to reduce the risks for these effects occurring.

Comment: *Where do resources to build a fence originate and how much public money does the BLM have allocated to build fence? Will other areas of the BLM such as Law Enforcement suffer by spending money on fences? Before the BLM authorizes any more fence building they need to consider other more important places to use public money. The BLM should manage the land for recreation and wildlife habitat.*

BLM Response: Fencing activity funding and other contributions originate from a variety of sources. These can be Federal (such as the BLM), State (such as Oregon State Parks or Oregon Department of Fish and Wildlife), county (such as road departments), or private (such as BLM grazing permittees or other cooperators). Total contributions/appropriations vary annually, and can range from $10,000 to over $50,000 in a given year. These are dedicated funds; they do not affect or limit other program (such as for Law Enforcement, Recreation or Wildlife Habitat) operational funding.

Comment: *Fences are an eyesore and interfere with the natural beauty and scenic quality of the land. The BLM should spend some time and revenue on removing old fences from public land. If a fence is deemed unusable, at least the wire should be removed in a timely manner. Volunteers are ready and willing to help remove old fences and barbed wire from public land; this practice should continue in the future.*

BLM Response: The EA (paragraphs 4.3 and 4.7) discloses the effects of the Proposed Action and the No Action Alternative on scenic values and aesthetics. The DR (Paragraph VI) includes measures designed to avoid or mitigate these effects. The DR (Paragraph II.A) directs that when a fence is no longer needed for management purposes, it will be removed in its entirety.

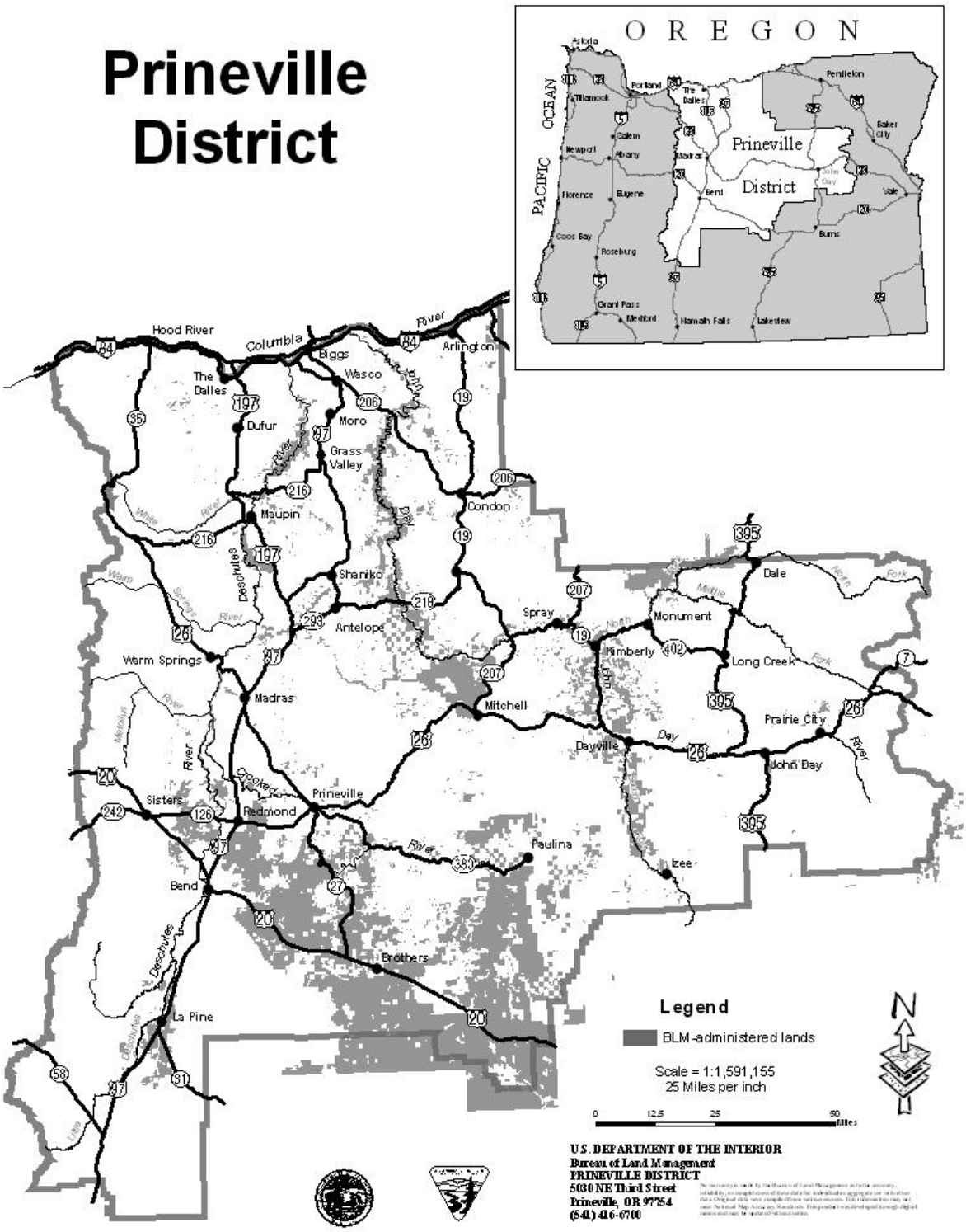
Comment: *The BLM needs to consider that the public at large generally does not accept cattle grazing as an appropriate use of our public lands and as a result cattle grazing may become a minor use of public lands in the near future. It would not be good judgment to waste public money on a practice that is on the way out.*

BLM Response: Changes to existing land uses (including livestock grazing) are beyond the scope of this DR. The DR (Paragraph V) identifies the need for existing fences to facilitate a broad range of programs – including livestock grazing.

Comment: *Some areas of critical concern and along highways may need to be fenced. Those areas should be reviewed on a case-by-case basis.*

BLM Response: Construction of new fences where none currently exist (including along highways) is beyond the scope of this DR.

Comment: *If a fence needs to be replaced in the future, the permit holder could be issued a temporary placement permit that would require the permittee to pay for all materials and labor, in an approved and reasonable location, with the requirement that the permittee is to remove the entire fence at his own cost when the permit is no longer valid.*

BLM Response: BLM authorizations for the placement of temporary fences by non-BLM entities typically include the requirement that these fences be removed after their purpose is served. Permanent fences on interior public lands (regardless of which entity installed or funded them) are considered to be owned by the Federal Government. Therefore, the BLM therefore does not issue permits for their placement. Recreation, livestock grazing, wildlife and other cooperators often pay a portion (or all) of the fencing costs. The DR (Paragraph II.A) does specify that when a fence is no longer needed for management purposes, it will be removed.

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