

**United States Department of the Interior  
Bureau of Land Management  
Tres Rios Field Office**

**NOTICE OF PROPOSED DECISION**

**INTRODUCTION**

The following proposed decision is in response to your request to construct a short section of drift fence between the Indian Valley Allotment (#17046) and the Disappointment Creek Allotment (#17036) in order to control livestock from crossing between allotments.

**BACKGROUND**

Due to a wildfire occurring in this area of the allotments a few years ago, forage became more usable and the existing natural topographic boundary was no longer serving as an adequate barrier to control permitted livestock from crossing back and forth between allotments. As a result, this lack of livestock control is preventing the proper management of livestock for both allotments.

**PROPOSED DECISION**

Therefore, it is my proposed decision to authorize the construction of the Indian Valley Allotment Drift Fence located in T42N R17W Section 42 within the Indian Valley Allotment (#17046). Please refer to the attached map for the fence location. The drift fence will be constructed to meet wildlife requirements. Please refer to the attached fence specifications.

Construction of the fence by the permittee will be authorized under a Cooperative Range Improvement Agreement. This cooperative agreement will identify the required fence specifications and will assign maintenance responsibilities to the Slickrock Grazing, LLC.

In the absence of a protest, this proposed decision shall constitute my final decision without further notice in accordance with 43 CFR 4160.3(a). Should a timely protest be filed I will consider the points of protest and other pertinent information and issue my final decision to all persons named in this decision in accordance with 43 CFR 4160.3(b).

**RATIONALE**

The objective of this drift fence is to maintain the allotment boundary between the Indian Valley Allotment (#17046) and the Disappointment Creek Allotment (#17036). Due to a wildfire passing through the area a few years ago, forage became more usable and the existing natural topographic boundary was no longer serving as an adequate barrier to control permitted livestock from crossing back and forth between allotments.

The proposed fence is approximately 800 feet in length and will tie into existing natural topographic barriers. The grazing permittee will provide labor for construction while the fence materials will be provided by the Tres Rios Field Office, BLM. All necessary cultural, vegetation, and wildlife clearances have been completed.

**AUTHORITY**

Authority for the action described above in the proposed decision is found in 43 CFR Parts 4100.0-8; 4120.3; 4120.3-1; 4120.3-2; 4120.3-4; 4120.3-7; 4160.1 and 4160.3.

## RIGHTS OF PROTEST AND/OR APPEAL

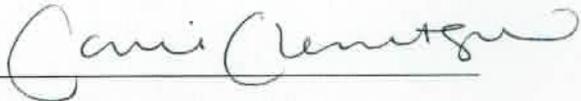
Any applicant, permittee, lessee, or other interested public may protest this proposed decision within 15 days following its receipt in accordance with 43 CFR 4160.2. The protest may be submitted in person or in writing to the Tres Rios Field Office Manager, Bureau of Land Management, Tres Rios Field Office, 29211 Highway 184, Dolores, CO, 81323.

In the event that this proposed decision becomes the final decision without further notice, any applicant, permittee, lessee, or other person whose interest is adversely affected by the final BLM grazing decision may file an appeal for the purpose of a hearing before an administrative law judge in accordance with 43 CFR 4160.3(c), 4160.4, 4.21, and 4.470. The appeal must be filed within 30 days following receipt of the final decision or 30 days after the date the proposed decision becomes final. The appeal should state the reasons, clearly and concisely, why the appellant thinks the final BLM grazing decision is in error. A petition for a stay of the decision pending final determination of the appeal by the administrative law judge may also be submitted during this same 30 day time period. The appeal, or the appeal and petition for stay, must be in writing and delivered in person, via the United States Postal Service mail system, or other common carrier, to the Tres Rios Field Office as noted above. The person/party must also serve a copy of the appeal on any person named [43 CFR 4.421(h)] in the decision and the Office of the Solicitor, 755 Parfet St., Suite 151, Lakewood, CO 80215. The BLM does not accept appeals by facsimile or email.

Should you wish to file a petition for a stay in accordance with 43 CFR Section 4.471(c), the appellant shall show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is not granted or denied;
2. The likelihood of the appellant's success on the merits;
3. The likelihood of immediate and irreparable harm if the stay is not granted; and
4. Whether the public interest favors granting the stay.

Within 15 days of filing the appeal, or the appeal and petition for stay, with the BLM officer named above, the appellant must serve copies to any other person named in this decision and on the Office of the Regional Solicitor located at 755 Parfet St., Suite 151, Lakewood, CO 80215, in accordance with 43 CFR 4.470(a) and 4.471(b).



CONNIE CLEMENTSON

8.13.13

DATE

*Enclosures:*

Fence Specifications  
Project Location Map

cc:

Colorado Parks and Wildlife

## Appendix B

### Recommended Fence Specifications for Big Game Movement<sup>1</sup>

KIND OF <sup>2</sup> LIVESTOCK	BIG GAME SPECIES	NUMBER OF WIRES	MAXIMUM HEIGHT(in.)	WIRE SPACING (from ground up) WIRE TYPE <sup>3</sup>
Cattle Only	Deer Elk Pronghorn	3	38	16,10,12 Bottom = smooth
Cattle and	Deer Elk Pronghorn	4	40	16,6,6,12 Bottom = smooth
Sheep Only	Deer Elk Pronghorn	4	32	12,6,6,8 Bottom = smooth
Cattle Only	Bighorn Sheep	3	39	20,15,4 Barbed

<sup>1</sup> These recommendations are designed for facilitating movement of both young and adult big game animals during all seasons including winter and spring when snow drifting can be expected. Specifications required by states for right-of-way fences along major transportation corridors may vary from the above recommendations.

<sup>2</sup> No standards are available for rights-of-way and interior pasture fences for bison, but provisions for big game movement should be considered when building bison fences.

<sup>3</sup> Woven (net) wire fences are not recommended.

#### REFERENCES CONSULTED

Bear, G.D. 1969. Antelope and net-wire fences. Colorado Division of Game, Fish and Parks, Game Information Leaflet No. 71. 3pp.

Kie, J.G., V.C. Bleich, A.L. Medina, J.D. Yoakum, and J.W. Thomas. 1994. Managing rangelands for wildlife. Pages 663-688 in T.A. Bookout, ed. Research and management techniques for wildlife and habitats. Fifth ed. The Wildlife Society, Bethesda, Md.

Lee, R.M., J.D. Yoakum, B.W. O'Gara, T.M. Pojar, and R.A. Ockenfels, eds. 1998. Pronghorn management guides. Pronghorn Antelope Workshop, Arizona Game and Fish Dept. and Arizona Antelope Foundation, Inc.

Spillet, J.J., J.B. Low and D. Sill. 1967. Livestock fences - how they influence pronghorn antelope movements. Utah State Univ. Bull. No. 470. 79pp.

USDI, Bureau of Land Management. 1989. BLM fence standards for livestock and wildlife. BLM Manual 1-1572.

**Wildlife Friendly Fence –  
Deer, Elk and Antelope  
Consideration**

Min 16 feet to a Max 20  
feet without stays or 30'  
with two stays

12 inches Smooth or  
Barbed

6 inches  
Barbed

6 inches  
Barbed

40 inches preferred

42 inches Maximum

Two strands 12.5 gauge wire

Min 3 wire fence

Standard T post, Min 5.5ft long

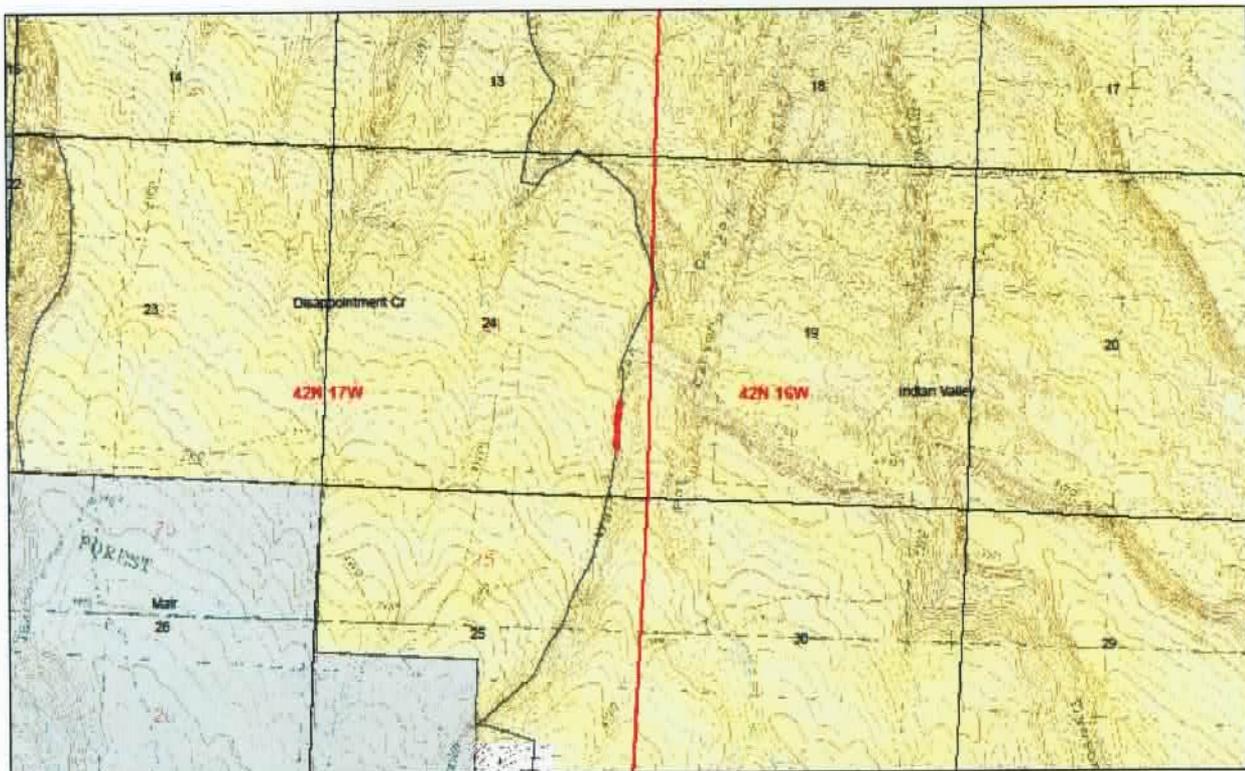
and set into the ground a  
minimum of 1.5 feet or top of  
anchor plate

12 inches minimum to 18  
inches maximum  
Smooth or Barbed max

Where antelope are a  
concern - 15 inches min  
- 18 max



# Planned Indian Valley Drift Fence



No Warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of these data for individual use or aggregate use with other data.

### Legend

- Proposed Fence\_5\_13\_12
- Allotments
- Township & Range
- Sections
- Bureau of Land Management
- National Park Service
- Other Federal
- Private
- State
- State, County, City, Areas
- US Forest Service

0 0.25 0.5 Miles

Tres Rios Field Office  
 User Name: rwest  
 Date Saved: 7/1/2013