

COMPLETION OF DECISION RECORD FOR KIGER GORGE FENCE
(EA # OR-027-01-27)

Change Date: October 2, 2003

Original Decision Date: July 24, 2003; First Change Date: August 22, 2003

On this date I hereby complete the Decision Record which allows for completing that portion of the Kiger Gorge No-Livestock Grazing Fence to be constructed and maintained within the Steens Mountain Wilderness Area. The previous decision recognized access and use easements on private lands and on non-Wilderness public lands as well as fence construction on private and public lands, including Wilderness Study Area lands. Interested parties had a chance to negotiate a fence design and construction and maintenance details for the Wilderness portion of the fence beginning with discussion at the September 16, 2003 Steens Mountain Advisory Council meeting in Bend, Oregon.

The deferral of the Wilderness portion of the fence decision had been requested by representatives of the Alvord Coalition, Sierra Club, Oregon Natural Desert Association and Wilderness Watch, and others. On September 16, 2003 the Steens Mountain Advisory Council declined to make a specific recommendation to BLM. No site specific recommendations for an alternate fence design or construction activities, that would meet the primary objective of the fence within known time constraints, were provided by any other parties in the intervening period, since announcement of the initial decision on July 24, 2003.

Therefore, my Decision is to complete the Wilderness portion of the fence using the same design and construction techniques outlined in the July 24, 2003 Decision Record and Finding of No Significant Impact, including the minimum tool analysis approved on August 15, 2003.

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and Form 1842-1. If an appeal is filed, your notice of appeal must be filed in the Burns District Office, 28910 Hwy 20 West, Hines, OR 97738 by November 3, 2003. The appellant has the burden of showing that the decision appealed is in error.

If you wish to file a petition, pursuant to regulation 43 CFR 4.21, for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for stay must accompany your notice of appeal. A petition for stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is 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.
- (4) Whether or not the public interest favors granting the stay.

/S/ Karla Bird

October 2, 2003

Karla Bird, Field Manager
Andrews Resource Area

Date