

DECISION/RATIONALE
EA # OR-030-04-005

DECISION

I have determined that implementation of the proposed action to construct approximately 5 miles of temporary electric fence as outlined in Environmental Assessment OR-030-04-005 is in conformance with the Southeast Oregon Resource Management Plan (SEORMP) and Record of Decision (ROD) dated September 2002. There are no significant impacts to the human environment and the temporary fence meets non-impairment standard for Wilderness Study Areas (WSA). My decision is to implement the proposed action and construct the temporary fence.

TERMS AND MITIGATION MEASURES

The Bureau of Land Management (BLM) will supply materials for the fence and the affected permittees will construct and maintain the fence to BLM specifications. No threatened or endangered plants are known to exist in the immediate area. However, prior to authorization to construct the temporary fence, the Resource Area Botanist will conduct a field search along the proposed fence route to ensure that the fence will not contribute to the need for listing a plant species under Endangered Species Act (ESA). If the Botanist finds any special status plants, the location of the fence will be modified to avoid negative impacts before the authorization to construct is issued, via a signed cooperative agreement. The final location of the proposed fence may therefore be adjusted slightly to avoid conflicts with botanical resources. The corners, braces and end panels of the temporary fence will be constructed with green Easy Panels. Steel fence posts will also be green and spaced at 18 feet intervals. This color has been chosen to reduce visual impacts. The fence will be configured with a smooth, bottom wire located 20 inches from the ground and a second smooth, electrified top strand located at 35 inches above the ground. The height, at 35 inches will not preclude wildlife from jumping over the fence and the bottom wire will allow passage underneath. Each strand will be flagged with colored tape initially to make it obvious to animals in the area and reduce the potential for collisions with the fence. No mechanical clearing of vegetation or other soil disturbing methods will be allowed. However, the use of a chainsaw will be acceptable for removing brush in the immediate path of the fence to preclude shorting the electrified fence. No off-road vehicle travel will be allowed in the WSA and vehicle travel outside the WSA would be restricted to times when the soil is dry and firm enough to be driven on without creating ruts. Materials will be dispersed by hand or with the aid of pack animals within the WSA. Work inside the WSA will be done without the benefit of mechanical equipment other than a chainsaw to clear brush in the immediate fence path. Livestock rotations and numbers would remain within the bounds of existing grazing permits.

The proposed temporary fence will remain in place until the completion of the Trout Creek Geographic Management Area (GMA) evaluation. Once the utility and impact of the fence has been considered thoroughly in relation to Trout Creek GMA grazing systems and other rangeland resources, a final determination will be made about whether to keep the fence permanently or remove the fence. Also, the portion within the WSA would be subject to removal if the WSA is subsequently designated Wilderness.

RATIONALE

My rationale for this decision is as follows. The construction of the fence will not cause permanent negative changes to plant community composition, structure or productivity. No scalping or blading will be allowed to clear vegetation in order to install the temporary fence. The use of a chainsaw is acceptable for removing individual shrubs during construction and maintenance of the fence. Cutting individual shrubs with a chainsaw will not threaten the vegetation population or the visual character of the area. Impacts resulting from livestock walking the fence and trampling vegetation will be localized and reversible. This should only occur on the stretch of fence that begins on Twelve Mile Summit and ends at Blue Mountain Basin Reservoir #2. Once the cattle learn the location of the fence, trailing along the fence should diminish.

Orderly administration of livestock management will be facilitated as a result of the proposed action because the fence will help hold cattle in the desired locations. The fence eliminates mixing of cattle from the two operations, holds each permittee's cattle in their own area of use, allows each permittee to be accountable for their own management, and provides opportunities for deferment or rest within the Blue Mountain Pasture.

The proposed fence location and design will have impacts consistent with those that have already been analyzed in the SEORMP FEIS. Big game migration corridors will not be disrupted and the design will minimize the potential for wildlife injury or mortality. Direct harassment impacts to wildlife due to fence construction would be avoided because construction activities would occur after severe winter weather and for a short duration during the onset of most land bird nesting activity.

There could be an increase in raptor predation of sage grouse from the creation of hunting perches, however this potential is expected to be minimal because the fence will not be located in high sage grouse areas, such as near leks (breeding grounds) or wet meadows. Thus, conformance with 2000 Oregon/Washington interim management guidelines for fencing in sage grouse habitat would be attained.

The 2200 feet of temporary fence in the Twelvemile Creek WSA, will have minimal effect because of other pre-existing visual impacts from nearby range improvements and man made structures. Also, the materials and color chosen for the fence will mitigate visual intrusions. Due to the temporary nature of fences and the negligible cumulative effects it will have on the Twelvemile Creek WSA's suitability for wilderness designation, the proposed fence meets non-impairment standards for WSAs under the BLM's Interim Management Policy for Lands Under Wilderness Review (IMP). The fence will be reviewed again through the Trout Creek GMA evaluation and subsequent National Environmental Policy Act (NEPA) before it becomes permanent or is removed.

Potential adverse impacts related to soils, water resources, air quality, noxious weeds, recreation, visual resources, and cultural resources are expected to be short term or have minimal effects.

The Resource Area Archeologist has conducted a field search and Class III cultural resource inventory and found one historic site, the Ft. Harney to Ft. McDermitt Wagon Road, during the

inventory. The wagon road is currently used as a ranch access two-track road. It will have a gate installed to allow vehicle access to drive the road. Our archeologist has determined that the construction of the fence and installation of the gate will have no adverse effect on cultural resources.

Environmental Assessment OR-030-04-005 was posted on the Vale District website and a Notice of Proposed Action was published in the Argus Observer and the Humboldt Sun. A notification letter describing the proposed action was mailed to over 30 interested publics, which had a 30 day comment period ending on April 23, 2004 to comment on the environmental assessment (EA) and Finding of No Significant Impacts (FONSI). Two comments were received on the EA and FONSI. Both comments were in support of the proposed fence. However, one comment stated that the allotment contains excellent sage grouse nesting habitat and that it is extremely important to closely watch livestock utilization levels and ensure they are not exceeded. The other comment stated that the fence is an excellent range management tool but the individual did not want the fence to become a permanent boundary between the two affected permittees until an AUM analysis was complete, which would proportionally divide the Blue Mountain Pasture between the affected permittees.

The construction of the temporary fence is a reasonable action and will benefit orderly administration of livestock management. No impacts were identified that will significantly affect any aspect of the human environment.

s/Jack Wenderoth, Acting

Jerry Taylor, Field Manager, Jordan Resource Area

April 30, 2004

Date