

**United States Department of the Interior
Bureau of Land Management
HiLine District**

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Sheep Fence Construction Proposal



Project Area Photo

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TABLE OF CONTENTS

TABLE OF CONTENTS..... 2

CHAPTER 1: PURPOSE AND NEED FOR THE PROPOSED ACTION 3

 1.1 Introduction 3

 1.2 Purpose and Need..... 3

 1.3 Background 3

 1.4 Decision to be Made..... 3

 1.5 Scoping..... 3

 1.6 Issues Identified for Analysis (Resource Issues)..... 4

 1.7 Issues Considered but Eliminated from Further Analysis..... 4

2 CHAPTER 2: THE PROPOSED ACTION AND ALTERNATIVES 6

 2.1 Introduction 6

 2.2 Alternative A – No Action 6

 2.3 Alternative B – Proposed Action 6

 2.4 Conformance with Land Use Plan 6

 2.5 Relationship to Statutes, Regulations, other Plans, or other NEPA documents 6

3 CHAPTER 3: AFFECTED ENVIRONMENT 7

 3.1 Introduction 7

 3.2 General Setting..... 7

 3.3 Relevant Past and Ongoing Actions..... 7

 3.4 Resource Issues 7

4 CHAPTER 4: ENVIRONMENTAL EFFECTS 9

 4.1 Introduction 9

 4.2 Methodology and Analytical Assumptions 9

 4.3 Wildlife..... 9

 4.4 Oil and Gas Activity..... 10

 4.5 Livestock Grazing and Vegetation..... 11

5 CHAPTER 5: CONSULTATION AND COORDINATION 13

 5.1 Introduction 13

 5.2 Persons, Groups, and Agencies Consulted..... 13

 5.3 List of Preparers 13

6 REFERENCES 14

7 APPENDICES 15

CHAPTER 1: PURPOSE AND NEED FOR THE PROPOSED ACTION

1.1 Introduction

The Bureau of Land Management (BLM) – Havre Field Office is considering authorizing the construction of approximately 6.5 miles of new fence and the modification of approximately 1.7 miles of existing fence on or adjacent to BLM administered land. The fence would be located in Toole County on the Sheep-#06360 grazing allotment in T35N R2W Sec(s) 07, 08, 17, 18, and 20 (Appendix A).

1.2 Purpose and Need

The purpose of the proposed action is to provide additional options for controlling livestock use and distribution on the #06360-Sheep grazing allotment.

The need for the action is to respond to a request to construct a range improvement on BLM administered land as provided for in 43 CFR §4120.3.

1.3 Background

The #06360 Sheep allotment is located in Toole County T35N R2W Sec(s) 07,08,17,18, and 20. The majority of public land lies in section 08. The current lessee has controlled the base property through a farm lease with the base property owner since 2000. Records show sheep have been permitted to graze on the allotment since, at least, 1969. The grazing lessee requests permission to build a fence to control sheep around public and privately leased lands. The proposed fence would divide the allotment into 2 pastures of mixed land ownership and be completed in 2 stages. The total project would be approximately 6.5 miles of constructed fence in addition to the modification of approximately 1.7 miles of existing fence. Approximately 4.5 miles of fence would be constructed on or adjacent to BLM managed public land.

1.4 Decision to be Made

The BLM Havre Field Manager must decide whether or not to authorize the construction and modification of new and existing fence on the Sheep-#06349 allotment with identified specifications and design features.

1.5 Scoping

Internal scoping

An internal scoping notice was sent out to resource specialists on February 2, 2016. Resource specialists have responded as indicated in the administrative record. Resources that could potentially be affected by constructing the proposed fence were identified from the scoping responses and are discussed in Chapter 3.

External scoping

One site visit was conducted on February 9, 2016 with a representative of Somont Oil Co. who own and operate some of the wells, oil and gas leases, and several right-of-ways in the project area. BLM Range, Oil and Gas, and Wildlife Leads were in attendance.

1.6 Issues Identified for Analysis (Resource Issues)

Internal and external scoping identified the issues that are considered in this analysis. For each resource issue identified, one or more impact indicators are described. These indicators are used to describe the affected environment and to evaluate the environmental effects on each resource issue from implementing the various alternatives.

1.6.1 How would the proposed action and the alternatives affect Wildlife?

Resource Impact Indicator(s):

- Pronghorn Antelope Movement.
 - Number of miles of new fence on BLM surface.
 - Number of miles of existing fence that will require modification.
- Sensitive Status Grassland Birds.
 - Species observed in the area of the proposed action.

1.6.2 How would the proposed action and the alternatives affect Oil and Gas Activity?

Resource Impact Indicator(s):

- Security of existing oil and gas facilities.
- Safety of livestock.
- Access to existing facilities.

1.6.3 How would the proposed action and the alternatives affect Grazing and Vegetation?

Resource Impact Indicator(s):

- Livestock distribution.
- Control of livestock.

1.7 Issues Considered but Eliminated from Further Analysis

The following issues were identified during scoping, but they were eliminated from further study for the reasons outlined below.

1.7.1 How would the proposed action and the alternatives affect Cultural and Paleontological Resources or Native American Concerns?

The proposed alignment was inventoried to Class III standards in 2012 and 2015 (BLM report # 12-MT-066-009 & 16-MT-066-004) for all alignments identified for construction. Numerous cultural resources were recorded or re-visited and the fence lines were adjusted to avoid all site boundaries by a minimum of 50 feet.

Through previous consultation no Native American community or tribe has identified any issues or concerns in this area.

The project is not located w/n a PFYC Class IV or V area , the likelihood of discovering significant vertebrate fossils is extremely low.

1.7.2 How would the proposed action and the alternatives affect Right of Way holders?

Though there are several right-of-ways in the project area, there are no or minimal anticipated impacts to the facilities/infrastructure/right-of-way holders. There should be no impact to road right-of-way holders because there are gates proposed in the fences at the road right-of-way crossing points. No impacts are expected to pipelines or pipeline right-of-way holders by adhering to the specified mitigations.

1.7.3 How would the proposed action and the alternatives affect Recreation, Visual Resources, Special Designations, and Wilderness Characteristics?

Recreation: the proposed action is within the Havre ERMA. Public use is low and dispersed. There are no developed recreation sites in the area; therefore the stated proposed action is not expected to impact recreation access in the area

Visual Resources: the proposed project is within VRM Class IV and conforms to the goals and objectives of this classification.

Special Designations and Wilderness Characteristics: these resources are not present within the proposed project area.

1.7.4 How would the proposed action and the alternatives affect Surface Water, Wetlands, and Riparian Areas?

Wetland and water resources will not be affected to an extent that warrants detailed analysis. The proposed fenceline would cross intermittent lakebeds and wetland that exist in Buffalo Coulee. These lakebeds are highly alkaline and occupy elongate surface depressions which lack wetland hydrology over much of their inventoried extent. Existing alterations and land disturbances are proximate to and within the intermittent and ephemeral lakebeds.

No riparian zones are associated with the proposed action.

The hydrologic regime will not be noticeably impacted by the proposed action.

2 CHAPTER 2: THE PROPOSED ACTION AND ALTERNATIVES

2.1 Introduction

Alternatives were developed based upon National and State BLM direction and policy, existing conditions and resource issues. Resource issues are discussed in Chapter 1. Other factors that influenced alternative development are discussed in Chapter 3.

2.2 Alternative A – No Action

Under this alternative the BLM would not authorize any fence construction activities on BLM public land within the #06360-Sheep allotment. Impacts associated with the fence and fence construction would not occur.

2.3 Alternative B – Proposed Action

Under this alternative the Sheep allotment grazing lessee would be authorized to construct a combination woven or welded wire and barbed wire fence adjacent to and across approximately 4.5 miles of BLM public land in T35N R3W Sec(s) 07, 08, 17, 18, and 20. Construction would take place in two stages beginning in the Summer of 2016. The BLM would enter into a cooperative range improvement agreement with the grazing lessee for the installation and maintenance of the fence. The sections of the fence located on BLM public land would be built to BLM fencing standards as outlined in BLM Fencing Manual H-1741-1 for sheep and as illustrated in Appendix B, Figure 1 of this document. Construction of the Sheep Fence would adhere to design features outlined in Appendix B of this document.

2.4 Conformance with Land Use Plan

The public lands in the project area are managed according to decisions in the HiLine Resource Management Plan (HiLine RMP) approved in 2015. The HiLine RMP can be accessed using the internet at <http://www.blm.gov/8qkd>.

The proposed fence is not specifically addressed in the HiLine RMP; however, the construction, maintenance and modification of range improvement projects are in conformance with the Approved HiLine RMP and its guidance for vegetation management and administration of livestock grazing section 3.2.8 on page 3-24.

2.5 Relationship to Statutes, Regulations, other Plans, or other NEPA documents

This action would be in compliance with Federal grazing regulations 43 CFR §4120.3-1 (a):

Range improvements shall be installed, used, maintained, and/or modified on the public lands, or removed from these lands, in a manner consistent with multiple-use management,

and by authority of the Taylor Grazing Act of June 28, 1934, as amended; the Federal Land Policy and Management Act of 1976; and, the Public Rangelands Improvement Act of 1978.

3 CHAPTER 3: AFFECTED ENVIRONMENT

3.1 Introduction

The affected environment section describes the existing conditions and trends of resource issues and environmental elements that may be affected by implementing an alternative. This discussion is organized by the resource issues that were identified in Chapter 1 and provides the baseline for comparison of potential impacts and consequences described in Chapter 4.

3.2 General Setting

The proposed fence is within the #06360 Sheep allotment, T35N R3W Sec(s) 07, 08, 17, 18, and 20, near Kevin, MT. (Exhibit A) Average annual precipitation for this area is 13 inches with an average temperature of 43 degrees F. The average growing season is 115 days. Native vegetation consists of prairie junegrass, Sandberg's bluegrass, Needle-and-Thread, blue grama, winterfat, and fringed sagewort. There are no known infestations of noxious weeds within the project area.

3.3 Relevant Past and Ongoing Actions

Sheep grazing has been permitted historically, and control of sheep while grazing on the allotment would have been accomplished by direct herding.

Oil and gas leases MTGF052136A, MTM46237, MTM48770, MTGF052136D, MTGF086692, MTM046238, MTM 046239 and MTGF086693 are included in the proposed area. These leases hold a total of 840 acres, 17 producing wells and 3 facilities. The Operators for the leases include Somont Oil Company, Seymour Oil and Gas, and Montana Oil Field Acquisitions. As the BLM administers Oil and Gas Operations for Federal Minerals, operators are required to maintain safety standards in the oil field to protect the wellbeing and safety of livestock. These safety standards are determined by requirements developed through the relationships between the oil and gas operator and the grazing lessee, and they can be enforced by BLM personnel.

3.4 Resource Issues

3.4.1 Wildlife

Big Game

The area of the proposed action is not within big game winter range or seasonally critical habitat. Mule deer and pronghorn, while not common, are observed in the area of the proposed action throughout the year.

Although pronghorn have the physical ability to jump fences, they do so infrequently (Rouse 1954; Harrington and Conover 2006). Typically they crawl through or under barbed-wire fences. They have been observed to experience difficulty in crossing fences (Fig. 15.5), and may suffer injuries or become entangled in strand wire and die (Spillett 1965; Bear 1969; Oakley 1973; Kie et al. 1994; Sheldon 2005; Harrington and Conover

2006). Pronghorn are unable to pass under woven-wire fences and barbed-wire fences with low bottom wires (Yoakum 2004). On western rangelands, three or four strand barbed-wire fences with ~25 cm high bottom wires are common and represent a significant barrier to pronghorn movements.

Mule deer are less impacted by sheep fence since the top wire height is only permitted to 36” rather than traditional 40” height for traditional cow fencing.

Sensitive Status Grassland Birds

The Montana Natural Heritage Program has identified several species of sensitive status grassland birds in the area of the proposed project and includes; Brewers sparrow, Chestnut-collared longspur and McCown’s longspur.

3.4.2 Oil and Gas Activity

Oil and Gas Activity will not be affected by the proposed action as long as all access to all Oil and Gas leases remain open and accessible. The security of existing Oil and Gas Facilities will not be compromised as long as the agreed upon safety measures, between the oil and gas operator and grazing lessee, are in place and are functioning. The safety and wellbeing of livestock will be achieved as long as the agreed upon safety measures, between the oil and gas operator and grazing lessee, are in place and are functioning.

3.4.3 Livestock Grazing and Vegetation

There are approximately 720 acres of public land within allotment. The grazing period is May 1 to September 01 and there are a total of 150 Animal Unit Months (AUMs) allocated to livestock grazing within this allotment. The Sheep allotment is currently not fenced, and grazing of the allotment is infrequent and based upon the availability of a herder and/or other methods.

4 CHAPTER 4: ENVIRONMENTAL EFFECTS

4.1 Introduction

Potential effects include direct, indirect and cumulative effects. Direct effects are those which are caused by the action and occur at the same time and place. Indirect effects are reasonably predictable and caused later in time or farther removed in distance from the action. Cumulative effects to a resource result from the addition of the action's impacts to the accumulated effects from other past, present, and reasonably foreseeable future actions within a geographic and temporal scope specific to the resource or resource use.

4.2 Methodology and Analytical Assumptions

The effects analysis is based on scientific literature, professional judgment, experience, and field measurements. This analysis is organized by resource issues where the estimated effects from implementing alternatives are described. The analysis focuses on the resource impact indicator(s) identified for each resource issue in Chapter 1.

4.3 Wildlife

The geographic scope of the proposed action will include 720 acres of BLM land within the allotment and the proposed 4.5 miles of new sheep fence constructed on BLM surface and along BLM and private land boundaries.

4.3.1 Alternative A – No Action

Big Game

If the proposed action is denied and no fence will be constructed, there will be no new impacts to mule deer or pronghorn since potential fence barriers will not be permitted on the BLM land.

Sensitive Status Grassland Birds

Nesting activities of grassland birds can be impacted by fence construction activities and may include destruction of nesting or impacting breeding/nesting activities. If the "No Action" alternative is selected, there will be no new impacts to grassland birds or nesting activities.

4.3.2 Alternative B – Proposed Action

Big Game

If the proposed action is selected, 4.5 miles of new sheep fence will be constructed on BLM surface and along BLM and private boundaries. Sheep fence is recognized to restrict pronghorn movements even though they are physically able to jump 36" fences.

Mitigation: When domestic sheep are not in the allotment pastures, gates will be opened to facilitate pronghorn movement.

Sensitive Status Grassland Birds

Activities associated with fence construction can directly impact grassland bird nesting by crushing nests and may indirectly impact nesting and breeding activities by associated noise and presence in the area of these activities.

Mitigation: Fence construction activities will not be permitted April 15 – July 15 to protect nesting activities of sensitive status species such as Brewer’s sparrow, Chestnut collared longspur and McCowan’s longspur.

4.3.3 *Cumulative Impact Analysis*

Wildlife

Cumulative impacts to wildlife in the allotment include a high level of non-renewable energy development and associated road and powerlines. Some of these roads may be unauthorized and will be closed in the future.

4.3.4 *Mitigation*

Big Game

When domestic sheep are not in the allotment pastures, gates will be opened to facilitate pronghorn movement.

Sensitive Status Grassland Birds

Fence construction activities will not be permitted April 15 – July 15 to protect nesting activities of sensitive status species such as Brewer’s sparrow, Chestnut collared longspur and McCowan’s longspur.

4.3.5 *Residual Impacts*

Although required mitigation in the form of design features will reduce impacts to sensitive status grassland birds and big game; residual impacts will include 4.5 miles of new sheep fence on public land or public land boundaries associated with the allotment.

4.4 Oil and Gas Activity

4.4.1 *Alternative A – No Action*

If the ‘No Action’ alternative is selected, there will be no effect on Oil and Gas development on leases MTGF052136A, MTM46237, MTM48770, MTGF052136D, MTGF086692, MTM046238, MTM 046239 and MTGF086693.

4.4.2 *Alternative B – Proposed Action*

If the proposed action is selected, there will be no effect on Oil and Gas development on leases MTGF052136A, MTM46237, MTM48770, MTGF052136D, MTGF086692, MTM046238, MTM 046239 and MTGF086693 as long as current access to all leases remain open and accessible. The wellbeing of livestock and the security of existing Oil and Gas Facilities will not be compromised as long as the agreed upon safety measures, between the oil and gas operator and grazing lessee, are in place and functioning.

4.4.3 Cumulative Impact Analysis

There are no cumulative impacts to Oil and Gas operations with the development of this allotment.

4.4.4 Mitigation

Access

All current permitted routes and access to leases MTGF052136A, MTM46237, MTM48770, MTGF052136D, MTGF086692, MTM046238, MTM 046239 and MTGF086693 must remain open.

Site Security

The security of existing Oil and Gas Facilities will not be compromised as long as the agreed upon safety measures, between the oil and gas operator and grazing lessee, are in place and functioning.

Safety of livestock

The safety and wellbeing of livestock will be achieved as long as the agreed upon safety measures, between the oil and gas operator and grazing lessee, are in place and functioning.

4.4.5 Residual Impacts

There are no residual impacts to Oil and Gas operations from the development of this allotment.

4.5 Livestock Grazing and Vegetation

4.5.1 Alternative A – No Action

Under this alternative livestock grazing would not be altered. Livestock grazing use of the allotment would remain infrequent and rely upon the availability of a herder and/or other control methods. No impacts to vegetation associated with construction activities would occur.

4.5.2 Alternative B – Proposed Action

Under this alternative the #06360 Sheep allotment would be entirely fenced in with other privately controlled lands adjacent to each parcel of public land. Two grazing pastures would be created which would benefit allotment utilization by providing the operator more options for the control and distribution of livestock as well as the timing of use.

Short-term impacts associated with the fence would occur mostly during construction activities and would include crushing or flattening of vegetation by vehicles and equipment. Power washing all vehicles and heavy equipment prior to entering or crossing public land would reduce the risk of introducing noxious weeds to the project area.

4.5.3 Cumulative Impact Analysis

Impacts to livestock grazing and vegetation as a result of constructing the proposed action are expected to be minor. New livestock trails may be created parallel to the newly constructed fence due to natural behaviors of livestock. Soil compaction and loss of vegetation over time could be expected within the created trails. However, this natural exploratory behavior is considered beneficial to vegetation as a result of increased distribution and utilization of the pasture and allotment.

4.5.4 Mitigation

Mitigation of anticipated impacts has been incorporated into the proposed action as design features.

4.5.5 Residual Impacts

Project design features incorporated into the proposed action are expected to minimize or remove the potential for residual impacts to livestock grazing and vegetation.

5 CHAPTER 5: CONSULTATION AND COORDINATION

5.1 Introduction

A notice of availability regarding this EA was posted in the NEPA Register on the BLM’s ePlanning website: https://eplanning.blm.gov/epl-front-office/eplanning/lup/lup_register.do on [date] and the completed EA was posted on the ePlanning website on [date].

5.2 Persons, Groups, and Agencies Consulted

The following tribes, grazing lessees, individuals, organizations and agencies were consulted during the preparation of this document and were provided a copy of this environmental assessment.

Dan Roark, Grazing Lessee and Applicant
Ben Dalimata Somont Oil Co. Representative
Joe Alborano, Somont Oil Co. Representative

5.3 List of Preparers

Jeremy McKellar, Range Management Specialist/Project Lead
Craig Miller, Wildlife Biologist
Tessa Wallace, Natural Resource Specialist

Table 5-1: The BLM Resource Specialists Who Contributed to This EA

Name	Title	Resource Area
Josh Chase	Archeologist	Cultural and Paleontological Resources Native American Concerns
Kirsten Boyle	Natural Resource Specialist	Right of Ways
Jason Snellman	Outdoor Recreation Specialist	Recreation, Visual Resources, Special Designations, Wilderness Characteristics
Thomas Probert	Hydrologist	Surface Water, Wetlands, Riparian Areas
Craig Miler	Wildlife Biologist	Wildlife, Threatened & Endangered Species, Migratory Birds
Tessa Wallace	Natural Resource Specialist	Oil and Gas
Jeremy McKellar	Range Management Specialist	Livestock Grazing, Rangeland Vegetation

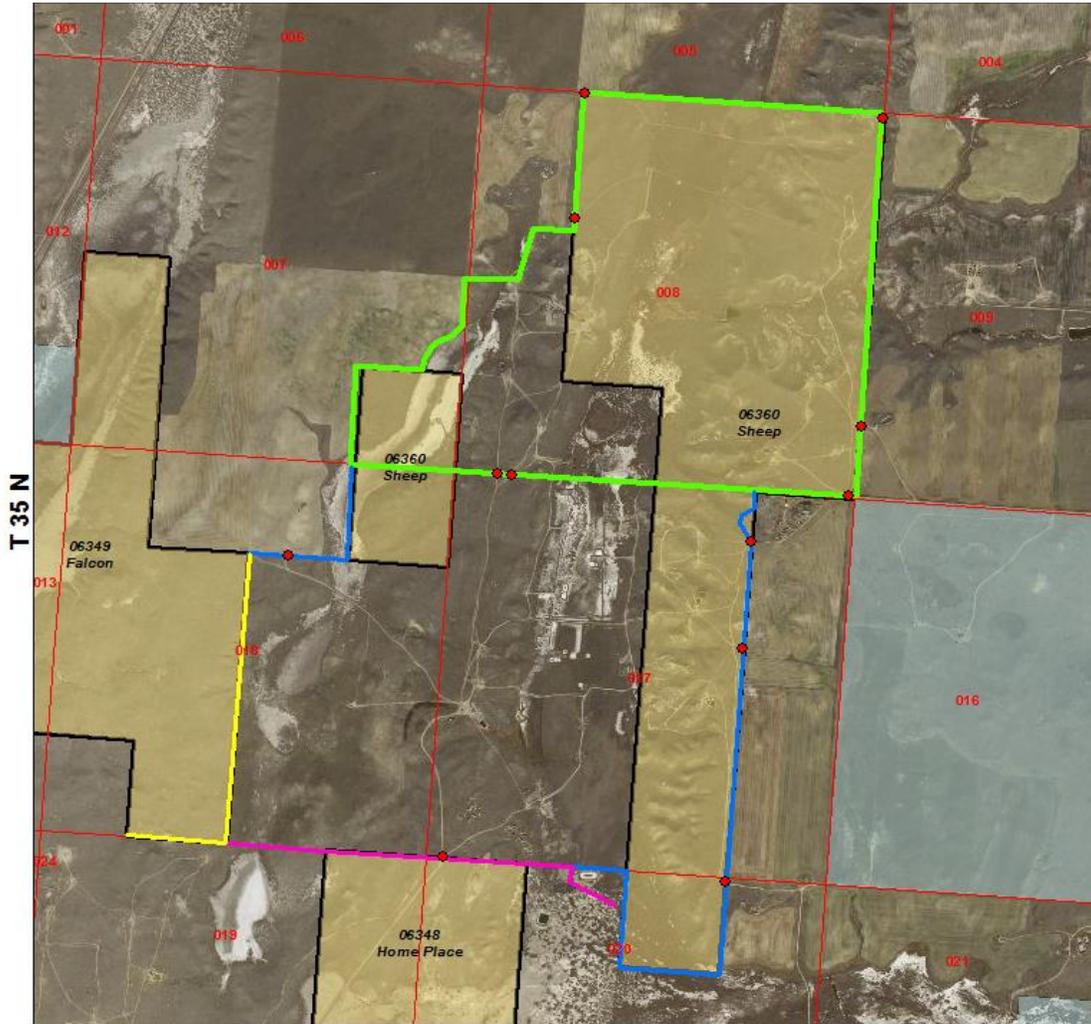
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7 APPENDICES

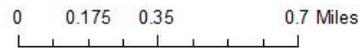
Appendix A

Project Area Map



2015 Proposed Sheep Fence

- Gate
- Roark_Fence_Stage1
- Roark_Fence_Stage2
- Falcon_Existing
- HomePlace_Existing
- BLM - Land Utilization
- Private
- Division of State Lands
- WATER
- BLM - Public Domain



CAUTION:
 Land ownership data is derived from less accurate data than the 1:24000 scale base map. Therefore, land ownership may not be shown for parcels smaller than 40 acres, and land ownership lines may have plotting errors due to source data.

No warranty is made by the Bureau of Land Management for the use of the data for purposes not intended by the BLM.

Appendix B

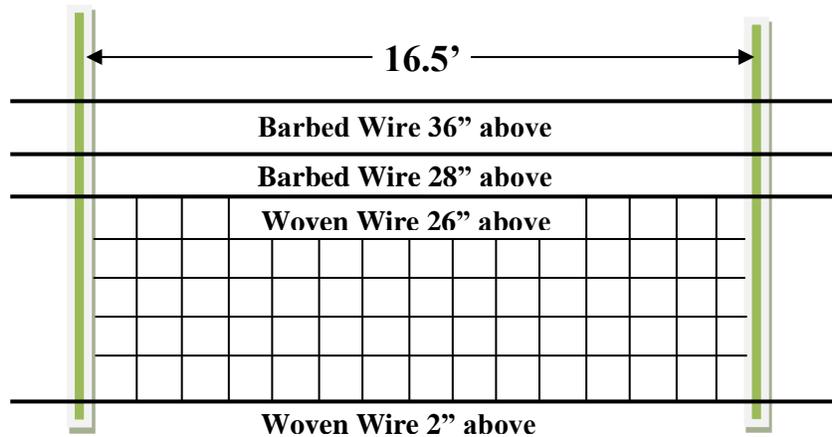


Figure 1

Design Features:

- Prior to any construction activities, the BLM will enter into a cooperative agreement with the lessee for the installation and maintenance of the proposed fence.
- The sections of the fence located on BLM public land would be built to BLM fencing standards as outlined in BLM Fencing Manual H-1741-1 for sheep.
- All existing sections of fence within the project area built to control cattle may be modified by adding additional strands of barbed wire. After modifications, existing portions of the fence will be 5 or 6 strand barbed wire to control both cattle and sheep.
- Any changes to the fence alignment and location agreed upon under the cooperative agreement must be approved by the authorized officer.
- The BLM will survey and stake the fence alignment prior to any fence construction in the Northwest quarter of section 17.
- Construction and maintenance activities shall not be performed during periods when the soil is too wet to adequately support equipment/vehicles. If equipment/vehicles create ruts in excess of 3 inches deep, operations must cease as the soil will be deemed too wet to adequately support equipment/vehicles.
- When domestic sheep are not in the allotment pastures, gates will be opened to facilitate pronghorn movement.
- Fence construction activities will not be permitted April 15 – July 15 to protect nesting activities of sensitive status species such as Brewer's sparrow, Chestnut collared longspur and McCowan's longspur.

- Vehicles and equipment used during fence construction would be power washed prior to traveling to the job site to prevent potential spread noxious weed seed. Off-road travel would be kept to a minimum along the fence corridor to avoid establishing trails that may be used by recreationists.
- The grazing lessee would be responsible for contacting utilities (Call Before You Dig 811) to mark all utilities within the project area prior to any construction activities.
- The grazing lessee is responsible for coordinating with the oil and gas operator to resolve any livestock safety concerns or issues regarding oil and gas facility site security.
- A grazing strategy for the newly created 2-pasture system will be discussed with the BLM after completion of both phases of the project.
- The grazing lessee will notify the BLM after the completion of each phase of the project.