



Categorical Exclusion Documentation Form (CE Form)

Project: East Elk Ranch Pasture Grazing Allotment Fence Replacement Update

PEPC Project Number: 118650

Description of Action (Project Description):

On April 24, 2022, the National Park Service (NPS) signed a CE for the replacement of the fence associated with the 690-acre East Elk Ranch pasture within Grand Teton National Park. See PEP 104200. The existing fence is being replaced due to its deteriorating condition and inability to exclude bison. The fenced and irrigated East Elk Ranch pasture has been used for grazing since the early 1900s. This grazing privilege is entitled under Section 4(c) of the 1950 Grand Teton National Park Act (64 Stat. 849) and its authorization is valid under a special use permit.

Construction of the fence began spring 2022 on the west and south side of the pasture with a wildlife friendly 42" fence. Meanwhile, fence design was further evaluated, and it was determined a 54" fence would be more effective at deterring bison and would still permit other wildlife continued access the fenced pasture year-round. The east side was constructed at 54" later that year.

Mycoplasma bovis (*M. bovis*) is a widespread, bacterial pathogen commonly found in cattle herds in North America that can result in disease and mortality events in wildlife. Rapid expansion of the disease and significant mortality events in wild pronghorn and privately managed bison herds due to *M. bovis* have been recently observed. While the disease is not new, spillover to privately managed bison herds and other wildlife in the region is relatively recent considering the long history of commingling. Overlap between domestic cattle, wild bison and pronghorn likely presents an added risk of pathogen transmission. The probability of transmission from contact is not known, but the consequences could be significant. The NPS determined the most important mitigation is to separate bison and cattle providing a reasonable level of mitigation given the uncertainty about transmission risk. This new information led park resource managers to reevaluate the fence design to determine its effectiveness in preventing commingling of cattle and bison to reduce the potential for disease transmission.

In spring 2023, GRTE's Science and Resource Management (SRM) staff compared three fence designs as well as considering options for gate management, disease testing, and potential management response to commingling. The primary objective of bison exclusion was expanded to include a rigorous evaluation of mitigation measures to reduce risk of transmission of *M. bovis* to wild bison, while also considering permeability to other wildlife. Objectives included minimizing the chance of cattle-bison nose-to-nose contact through fencing and considering actions that may be necessary in the event of commingling during the authorized grazing period. After further discussions with the NPS Biological Resources Division (BRD) and Wyoming Game and Fish Department and incorporating considerations for wildlife permeability, the park will implement an improved fence design and will require additional mitigation measures to facilitate wildlife permeability while mitigating risk of *M. bovis* transmission. This proposal incorporates adaptive management related to fence design, commingling, testing, and other options in the future to incorporate new information about disease transmission risk.

New Fence Design

- All four sides of the fence would be improved to 54" high with top rail, smooth bottomwire 18" off the ground, 2 smooth middle strands (3 strands total), and cantilevered hotwire (electric wire) inside and outside at offset heights to deter and minimize potential for cattle-bison nose-to-nose contact (see diagram A).
- Gates secured open within two weeks after cattle are taken off in fall (depending on conditions and operations to allow dry out and shut down), and gates closed in spring prior to cattle being turned out to the pasture (up to 1 month depending on conditions for forage and dry out).
- Fence to be adaptively managed and modified where needed to address new information or deficiencies.

Environmental Consequences

- General Wildlife - Although the fence is designed to exclude bison, other wildlife may also be excluded or temporarily stressed when encountering the fence. In addition, as with all fencing with wire, there is a chance for entanglement.
- Cultural Resources - The March 2, 2022 SHPO concurrence of no historic properties, as defined in 36 CFR §800.16(l)(1), will be affected, remains valid.
- Vegetation- Vegetation impacts remain consistent with the April 2022 CE.
- Threatened and Endangered Species - the park's Science and Resource Management staff determined the non-historic properties BA covered the Section 7 compliance for this project. The USFWS concurred with the non-historic properties BA for routine maintenance and repairs on July 10, 2019. Details regarding this consultation can be found under PEPC 17483.

Mitigations

General mitigations for the construction listed under the April 2022, remain valid (see attached).

Mitigations carried out by the permittee will be codified in the special use permit and may include: M. bovis cattle testing and criteria, and associated response measures; adaptive management of fence and modification of the special use permit in the future to incorporate new information about disease transmission risk; and a NPS approved response in the event of commingling.

NPS Participation

Recognizing that no fence is 100% effective, and GRTE will be prepared with management options in the event of bison commingling with cattle. Options for future consideration include:

- Stress-free hazing of bison out of the pasture depending on circumstances of proximity, time in pasture, status of M. bovis.
- Quarantine (may be possible but is complex and labor and cost intensive).
- Lethal removal (used to a limited extent) if circumstances suggest nose-to-nose or other transmission was likely.
- Adaptive changes to grazing and fence in response to pasture or fence conditions that could exacerbate potential commingling or fence breeches.
- Adopting a watch program or incorporating fence-riders.

Project Locations:

Location

County:	Teton	State:	WY
		Other:	East Elk Ranch pasture

Mitigation(s):

- Follow all relevant requirements provided in the Grand Teton National Park (GRTE) and John D. Rockefeller, Jr. Memorial Parkway (JODR) Standard Mitigations and Stipulations. Any updates to the standard mitigation measures and stipulations would immediately become effective for all current and future projects at that time.
- All vehicles and equipment shall arrive at the job site in a condition free of mud, dirt, and plant material. A method such as pressure washing prior to transport will be needed to comply with this requirement. Prior to offloading of any equipment, inspection and verbal approval must be obtained from the park resource management representative. The spread of non-native, invasive plant species in the park is a serious concern, and no equipment will be allowed to offload or remain within the park if dirt or other contaminants with the potential to harbor seeds or other plant material is apparent.
- All human-bear conflicts must be reported to Teton Interagency Dispatch Center immediately (307-739-3301). All bear sightings must be reported to the park's Bear Management Office (307-739-3673) within 24 hours.
- Outdoor/exterior work activities will be limited between 30 minutes after sunrise and 30 minutes prior to sunset in order to avoid possible dawn/dusk, nighttime, and light-related disturbances to wildlife.

- If previously unknown archeological resources and/or human remains are discovered during construction, all work in the immediate vicinity (600 feet) of the discovery shall be halted until the resources are identified and documented and an appropriate mitigation strategy developed. Contact the Branch Chief of Cultural Resources (307-739-3671).
- Limit ground disturbance to the smallest area possible to reduce disturbance to soil and native plants and reduce the potential for the introduction and/or spread of non-native, invasive plant species.
- All project/work personnel will be required to attend a bear safety briefing provided by qualified park staff. The briefing must be scheduled at least two weeks prior to the anticipated start date. Contact the park's Bear Management Office (307-739-3673} to schedule a briefing. Additional guidance regarding these mitigations are included within the Grand Teton National Park and John D. Rockefeller, Jr. Memorial Parkway Standard Mitigations and Stipulations for projects.
- Work activities must comply with the Superintendent's Compendium regulations related to food storage. Additional guidance regarding these mitigations are included within the Grand Teton National Park and John D. Rockefeller, Jr. Memorial Parkway Standard Mitigations and Stipulations for projects.

CE Citation: 3.3.C.8 Replacement in kind of minor structures and facilities with little or no change in location, capacity or appearance.

CE Justification:

This project is replacing an existing fence in the same location as was previously. It will continue to be wildlife friendly, except exclude bison for the protection of the herd from diseases passed on from contact with infected cattle.

Decision: I find that the action fits within the categorical exclusion above. Therefore, I am categorically excluding the described project from further NEPA analysis. No extraordinary circumstances apply.

Signature

Superintendent: _____ **Date:** _____

For Palmer Jenkins

Extraordinary Circumstances:

If implemented, would the proposal...	Yes/No	Explanation
A. Have significant impacts on public health or safety?	No	This project will only have potential positive impacts on public health and safety as a sound fence will keep cattle from wandering on the road.
B. Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation, or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds; and other ecologically significant or critical areas?	No	
C. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources (NEPA section 102(2)(E))?	No	
D. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks?	No	
E. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects?	No	
F. Have a direct relationship to other actions with individually insignificant, but cumulatively significant, environmental effects?	No	
G. Have significant impacts on properties listed or eligible for listing on the National Register of Historic Places, as determined by either the bureau or office?	No	
H. Have significant impacts on species listed or proposed to be listed on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species?	No	
I. Violate a federal, state, local or tribal law or requirement imposed for the protection of the environment?	No	
J. Have a disproportionately high and adverse effect on low income or minority populations (EO 12898)?	No	
K. Limit access to and ceremonial use of Indian sacred sites on federal lands by Indian religious practitioners or adversely affect the physical integrity of such sacred sites (EO 13007)?	No	
L. Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112)	No	Invasive plant management will continue.