# Closing file on Gilpin Creek complaint investigation #110983

## Board Internal-Email

**Sent:** Monday, November 05, 2012 3:56 PM
**Subject:** closing recommendation from Gilpin slide investigation

In its investigation report, the Board recommended that government have wildlife staff assess the barbed wire fence around the water trough to determine if any modifications were necessary to make it wildlife friendly. We requested a response by October 31, 2012. MFLNRO responded in June 2012 saying that they had assessed the fence and determined it was acceptable under the circumstances. They also suggested that visibility ribbon or tape could be added to make the fence more visible. I initially thanked them for the response and waited for an update. On August 22, 2012 I asked by email if the visibility tape had been added to the fence. The answer was no. On August 27 FLNRO replied again saying they had now added visibility tabs to the fence and sent me a photo of the fence.

I recommend that we close the recommendation.

## Response from MFLNRO

**Sent:** Monday, June 11, 2012 3:21 PM
**Subject:** FW: Forest Practices Board Report - Gilpin Creek slide

Rob, as I understand, you are the lead investigator for FPB Complaint Investigation file #110983.

As such, please find below:
(Registered Professional Biologist) findings (based on field review), with respect to recommendations on Page 5 of the attached report.

The Report asks for MOE to respond. However, Ministry of Forests, Lands and Natural Resources now has the responsibility (and expert staffing) to manage Fish, Wildlife and Habitat operational matters. Thus, I'm trusting that Aaron Reid's information will satisfy the Board's request, regarding wildlife (per Page 5).

Can you please confirm that the information contained below is sufficient for the Board's purposes?

Thank you.

Sincerely,

Paul M Rasmussen
Director Resource Management
Kootenay Boundary Region
Ministry of Forests, Lands and Natural Resource Operations
250 354 6947

On Monday May 28th, I visited the Gilpin Creek debris slide area to assess whether a cattle fence, installed to protect the banks of Gilpin Creek from cattle damage, may be harmful to wildlife. Several concerns were identified in the Forest Practice Board's Complaint Investigation by the local guide outfitter about potential risk to wildlife from the fencing in the area. The concerns focused on the fencing specifications and included:

**1.** barb wire used as the top strand(s);

**2.** distance between top strands;

**3.** fence height;

**4.** location of the fence (i.e. that it was too close the slope break); and

**5.** length of the gate was too short to allow wildlife unhindered access to the creek.

**1 & 2.** The total length of the fence line is relatively short (~250m) and the area of primary contention is even shorter (~50m). Range staff justified the use of barb wire instead of smooth wire for top strand(s) as well as the distance between strands because it was felt that this system was required to prevent cattle from pushing down and damaging the fence to get access to the stream bank. I support this decision and feel that the risk to wildlife from the current fence design is minimal and is outweighed by the need to protect the stream bank from further damage.

**3.** The fence runs along an area of varied topography which results in points where the fence height is slightly under and over 42 inches tall. Overall, I found the fence height to be acceptable and certainly not a vertical barrier to deer or mountain sheep.

**4.** A short portion of the fence, the portion that runs parallel with the road, runs along the top of the slope break. This is not an ideal situation for fencing but considering the circumstance, I believe this location is acceptable. Alternate locations for the fence were not available because of the narrow road shoulder (i.e. it was necessary to provide room for road maintenance). In addition, the section of fence in question is relatively short (~50m) and there is a gate located centrally within the likely wildlife travel corridor. Furthermore, the gate is open 11 months of year.

**5.** Finally, there was concern that the gate in the area of question was not large enough. This concern is no longer relevant since the gate has been lengthened by someone removing a fence post on the detachable end of the gate. It should be noted that there was remnants of a dead ungulate in the middle of the gate opening during the time of the visit. I am doubtful that this animal died as a result of the fence since the gate would have been open at the time of death and we can't be certain that the animal actually died at this site or was placed there by a person or animal.

**Conclusion and Recommendation**

The guidelines provided by MOE were from Montana and are meant to be guidelines to help build wildlife friendly fence lines. In this situation there were reasons for deviating from the guidelines; as a result, there may be a slightly higher risk to wildlife. However, the risk is minimal and does not outweigh the need to adequately protect the riparian slopes from cattle damage. I can only suggest one additional low-risk/low-effort method to reduce risk to wildlife: to place ribbon or tape on the fence line to make the fence more visible in the area near the gate. The Montana fencing document recommends using small pieces of vinyl siding tabs which clip on the top wire.