

To: Tyler Sinclair, Town and County Planning Director
Teton County Board of Commissioners
Jackson Town Council

From: Jackson Hole Conservation Alliance on behalf of the Safer for Wildlife Fence
Expert Working Group

Re: Safer for Wildlife Fence Standards for Implementation of the Comprehensive Plan
through the Natural Resources Regulations

Background

In the fall of 2014, the Jackson Hole Conservation Alliance (Alliance) convened a group of wildlife and land development code writing experts with particular expertise in the life and health safety issues wildlife endure due to the fencing of open space and wildlife habitat.

The purpose of this group was to recommend improvements to the Town and County fence regulations to improve wildlife safety. The pamphlet “A Landowner’s Guide to Fences and Wildlife” for Wyoming had recently been updated with new information and serves as the gold standard for property owners who care enough to consider wildlife in their fence design. This update, and the fact that our existing Land Development Regulations (LDRs) are 20 years old and being updated to implement the Jackson/Teton County 2012 Comprehensive Plan, prompted the effort to bring together experts to craft a set of updated recommendations, expertise which we happen to enjoy locally. These people care deeply about the safety of wildlife, are very knowledgeable on the details of how to make fences safer for wildlife, and were willing to give generously of their time to prepare this specific set of recommended revisions to the land development regulations for safer fencing for wildlife.

Wildlife Fence Mortality

While it’s challenging to know the exact number of birds and wildlife killed in Teton County each year due to unsafe fences, as we lack a fence inventory, we can use a proxy from another region to illustrate the scale of the potential problem where it has been quantified.

A study in Colorado and Utah (Harrington/Conover 2006*) found there is one mortality per year for elk, antelope, and mule deer combined per 2.5 miles of fence. One antelope is killed each year every 5.6 miles of fence, one mule deer every 7.8 miles of fence, and one elk every 10.3 miles of fence. Moose, Trumpeter Swans, Sage Grouse and all manner of waterfowl, birds, and wildlife are killed each year by fences. In addition to animals found dead and tangled in a fence, this study showed there was also one dead animal next to a fence every 1.2 miles both years of this study, of which 90% were fawns, presumably who got separated from their mother. Fawns and calves

are eight times more likely to die in a fence than adults. In this study of 1,274 miles of fence, 1,900 animal deaths were attributed to the fences in a two-year period.

As “Wildlife and open space protection is the most important value in the community,” as stated in the community vision adopted in the 2012 Jackson / Teton County Comprehensive Plan, the *Safer for Wildlife Fence Expert Working Group* knows how keen our community is when it comes to ensuring healthy populations of wildlife.

The Problem

Fences are a danger to wildlife when they are too high to jump; when the bottom is too low to crawl under; when spacing of rails or wires are too close to get through; when wires become loose and entangle hooves; when the fence is not marked and is invisible; when the top rail is unforgiving and won't release when hit by a jumping animal; and when the fence doesn't have frequent openings, crossings, or dropped rails, especially when not in use.

Getting caught in a fence results in maiming or killing of wildlife and birds. Getting separated from a parent by a fence often kills the youngster. Having to jump over or go way around a fence in winter burns calories that can lead to mortality. Downed fences, poorly maintained fences, and abandoned fences are also a danger. Please see the attached pamphlet, “*A Wyoming Landowners Handbook to Fences and Wildlife*,” for examples and photos of these issues.

Recommended Solutions

The *Safer for Wildlife Fence Expert Working Group* developed very detailed, specific, and field informed model code fence standards to reduce wildlife mortality by addressing all these risk factors. The full set of [Safer for Wildlife Fence Standards](#) and recommendations, including drafted code language, is attached for your consideration.

1. Our first recommendation is to **adopt all these provisions**, as crafted.
2. **Require a building permit for all fence construction, repair, and replacement.** Right now we don't have any way to track compliance, enforce our standards, or inform those putting in fences what is safer for wildlife. The opportunity to inform, track, and ensure compliance does not arise under the current lack of a program, and a permit requirement would create just such an opportunity. Right now, those putting up a buck rail fence likely don't even know they are doing wildlife a disservice.
3. **Require compliance with these fence standards for all repair, replacement, and new construction.** Currently you can get around compliance by replacing less than a certain percentage of a fence in a year.

4. **Undertake a countywide fence inventory by property** in order to know what currently exists and whether it complies. This way we will know how many miles of safe and unsafe fencing we have, be able to estimate the toll on wildlife, set goals for replacement and removal, and seek funding for these items.

5. **Establish a fence permitting and compliance program with routine inspections of fences.** The largest issue with making fences safer for wildlife is enforcement. Without requiring permits for fences, we have no way of tracking compliance as compliance is voluntary. Without a dedicated staff person for fence standard enforcement, we have no mechanism to ensure fences are constructed as they should be or to get unsafe, poorly maintained, downed, and non-compliant fences addressed.

Policy Basis

As a community located in the heart of the most intact ecosystem in the lower 48 states, the Greater Yellowstone Ecosystem, with healthy and abundant wildlife populations, we highly value wildlife. Therefore the Jackson/Teton County fence standards should be state of the art and incorporate the highest standards and practices for wildlife safety while respecting private property rights. Our community should serve as a model of how to protect wildlife from our need to have borders and boundaries around some of our lands, nearly all of which serve as wildlife habitat.

Every word and every measurement of the recommended code language is carefully calculated. If these standards were incorporated as is, we would have the best “safer for wildlife fence standards” of any community and would likely serve as a national model. The regulatory language is meant to replace the existing code language on “wildlife friendly fencing.” We suggest changing the name, as no fencing is wildlife friendly; thus, these standards are Safer for Wildlife Fence Standards.

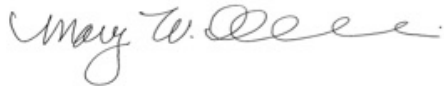
This information is being recommended to Teton County and the Town of Jackson for consideration during the update of the Natural Resources Regulations (NRR), though they fall in a different chapter than the rest of the NRR. This is because County Planning Staff agreed in 2014 and 2015 to deal with the fence standards at the time we dealt with the NRR. These suggested regulations and standards would apply, as all Town and County land development regulations do, to only the 3% of private lands that make up Teton County, Wyoming. Some of this land is very important for wildlife as it serves:

“...to provide protection to the most important and sensitive natural areas throughout the Town and County that provide critical winter habitat and migration routes that are essential for survival of the elk, mule deer, moose, and trumpeter swans; nesting habitat that is essential to the survival of the bald eagle and trumpeter swan; spawning areas that are essential to the cutthroat trout; and the natural resources and biodiversity that support wildlife populations.” –
The purpose of the Natural Resource Overlay standards

These recommended standards *would not apply to public lands, and thus, should not require review of the public lands agencies.*

Thank you for considering the attached recommendations and for your service to our community.

Sincerely,



Mary Gibson

From:

The *Safer for Wildlife Fence Expert Working Group*, including: (jobs and titles are those people had at the time of their participation in this group):

Christine Paige, an Ecologist and owner of Ravenworks Ecology, Jackson, WY, and author of "A Landowner's guide to Fences and Wildlife, Wyoming", and the Montana's guide.

Greg Griffith, wildlife advocate and Field Leader for the Fence Removal Program for the Jackson Hole Wildlife Foundation.

Cory Hatch, Executive Director for the Jackson Hole Wildlife Foundation.

Siva Sundaresan, Wildlands Director for the Jackson Hole Conservation Alliance.

Lloyd Dorsey, Wyoming Representative for the Greater Yellowstone Coalition.

Lorna Miller, wildlife advocate.

Mary Gibson, Community Planning Director for the Jackson Hole Conservation Alliance.

*Characteristics of Ungulate Behavior and Mortality Associated with Wire Fences
www.backcountrychronicles.com/how-bad-are-fences-for-wildlife/
Justin L. Harrington and Michael R. Conover
Wildlife Society Bulletin (1973-2006)
Vol. 34, No. 5 (Dec., 2006), pp. 1295-1305