

# TLD FENCING CONDITIONS AND BACKGROUND

## **News Release April 28, 2010**

### **Lease compliance – fence condition –**

Tribal agriculture leases include specific and quantifiable criteria for fence condition, from poor (class 4) to new (class 1). Lessees are required upgrade the fences to the next higher class during the lease term, except to class 1 because that's a new fence. For example, if the fence is class 4 it must be upgraded to class 3, and a class 3 fence condition to class 2. Agriculture fences are Tribal assets, or allottee assets for leased allotments, and with thousands of miles of fences they represent a significant value. The intent of this policy is to protect these assets. Compliance with the policy has not been rigorously enforced in recent years. The Tribal Lands Department intends to reinitiate compliance enforcement to assure fences meet policy standards. However, immediate implementation of strict compliance is not realistic or fair. The Department will phase-in stricter compliance. Beginning with those leases expiring at the end of 2012, which means the new lease term will begin January 1, 2013, fence condition must meet the lease requirements or the current lessee will be unable to hold preference for the upcoming lease term. The phased-in enforcement affords current lessees over 2½ years to reach full compliance and opportunity to avoid noncompliance issues.

**Class 4** Line post spacing exceeds 20 feet. Wood line posts are broken-off, loose, rotted and/or less than 4 inches top diameter. Steel line posts are bent or lying on the ground or not serving the intended purpose. Brace panels are absent or in disrepair so they do not serve the intended purpose. Wire is loose, broken, or on the ground. The fence will not prevent straying of livestock. Sixty-five percent (65%) or more of the line posts need to be replaced.



### Class 3

Line post spacing is adequate. Wood line posts are loose and/or less than 4 inches top diameter. Steel line posts are upright and serve the intended purpose. Fifty percent (50%) or more of the brace panels are inadequate or in disrepair so they do not serve the intended purpose. More the twenty-five percent (25%) of the brace posts need to be replaced. Brace posts are less then 5½ inches top diameter. The fence is constructed of less than four wires. Wires are generally good but need tightening, splicing or replacement. The fence will generally turn livestock. Sixty-five percent to twenty-five percent (65% to 25%) of the line posts need to be replaced.



Class 3 Fence

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## Class 2

Line posts are tight and adequately spaced. Wood line posts are 4 inches or greater top diameter. Steel line posts are upright and serve the intended purpose. Brace panels are spaced every one eighth ( $\frac{1}{8}$ ) mile or less and serve the intended purpose. Brace posts are 5½ inches or greater top diameter and twenty-five percent (25%) or less of the brace posts need to be replaced. The fence is constructed of four wires. Wire is in place and very few staples or clips are needed. Wire is tight, revealing few splices and minor rusting. There is no concern that this fence will turn livestock. Twenty-five percent (25%) or less of the line posts need to be replaced.



## Class 1

Line post spacing is 16½ feet or less. Wood line posts are tight and the post top diameter is 4 inches or greater. Steel line posts are upright and serve the intended purpose. Brace panels are spaced every one eighth (⅛) mile or less. Brace posts are 5½ inches or greater top diameter and none need to be replaced. The fence is constructed of four wires that are tight and wholly in tact. The bottom wire is 14 inches from the ground and the top wire is a minimum of 40 inches from the ground with two wires spaced evenly between them. There is not concern that this fence will turn livestock. No new posts are needed.



The determination of fence condition may be due to a single feature and is most generally a combination of features.

The concepts are:

For Class 4 – the fence does not serve its intended purpose and curative action must be done.

For Class 3 – the fence is somewhat adequate to serve its intended purpose. Curative action is needed. The fence must be upgraded.

For Class 2 – the fence is adequate to serve its intended purpose and maintenance is needed to preserve this condition class. Fence condition must not deteriorate.

For Class 1 – the fence represents the highest quality fence condition.

