



United States Department of the Interior
BUREAU OF LAND MANAGEMENT

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In Reply Refer To:
4160 (ID-130)

January 28, 2013

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Petan Company of Nevada, Inc.
c/o John Jackson
HC 32 P.O. Box 450
Tuscarora, NV 89834

Notice of Field Manager's Proposed Decision

Dear Mr. Jackson:

Thank you for your application for permit renewal on the Garat allotment. Thank you also for working with the BLM during the permit renewal process. I appreciate your interest in grazing the allotment in a sustainable fashion and am confident that this proposed decision achieves that objective.

As you know, the BLM evaluated current grazing practices and current conditions in the Garat allotment in 2011 and 2012. The BLM undertook this effort to ensure that any renewed grazing permit on the allotment comports with the BLM's legal and land management obligations. As part of the BLM's evaluation process, a Rangeland Health Assessment/Evaluation and a Determination were completed according to our established procedures. This proposed decision incorporates by reference the analysis contained in those documents.

The BLM also engaged in public scoping and met with members of the public interested in grazing issues in the Garat allotment. A scoping package was sent to permittees and other known individuals, groups, and organizations recognized as the interested public for the Garat, Castlehead-Lambert, Swisher Springs, and Swisher FFR allotments (also known as the Owyhee Group or Group 1 allotments). The scoping package solicited comments to better identify issues associated with renewing livestock grazing permits on these allotments.

After evaluating conditions on the land and meeting with the public, it became clear that the Garat allotment contains resource issues that require improvement. It was also clear that some of those issues could be addressed by adjusting the livestock grazing management practices.

With an eye toward addressing livestock impacts to public land resources, my office prepared and issued an environmental assessment¹ (EA) in which we considered a number of options and approaches to improving resource conditions. Specifically, the BLM considered and analyzed in detail your application for grazing permit renewal and four additional alternatives. We also considered other alternatives that we did not analyze in detail. Our overarching goal in developing alternatives was to consider options that were important to you as the permittee, and to consider options that, if selected, would ensure that the Garat allotment's natural resources conform to the goals and objectives of the Owyhee Resource Management Plan (ORMP) and the Idaho Standards for Rangeland Health and Guidelines for Livestock Grazing Management (Idaho S&Gs). This proposed decision incorporates by reference the analysis contained in the EA.

We have now completed the most difficult part of the permit renewal process and I am now prepared to issue a proposed decision to renew your permit to graze livestock within the Garat allotment. Upon implementation of the decision, your permit to graze livestock in the Garat allotment will be fully processed for the first time since the revisions to the grazing regulations² in 1995, adoption of the Idaho S&Gs in 1997, and implementation of the ORMP in 1999.

This proposed decision will:

- Describe current conditions and issues on the allotment;
- Briefly discuss the alternative grazing management schemes that the BLM considered in the EA;
- Respond to the application for grazing permit renewal for use in the Garat allotment;
- Outline my proposed decision to select Alternative 4 with the riparian performance terms and conditions of Alternative 3 (Alternative 4, as supplemented); and
- State the reasons why I made that selection.

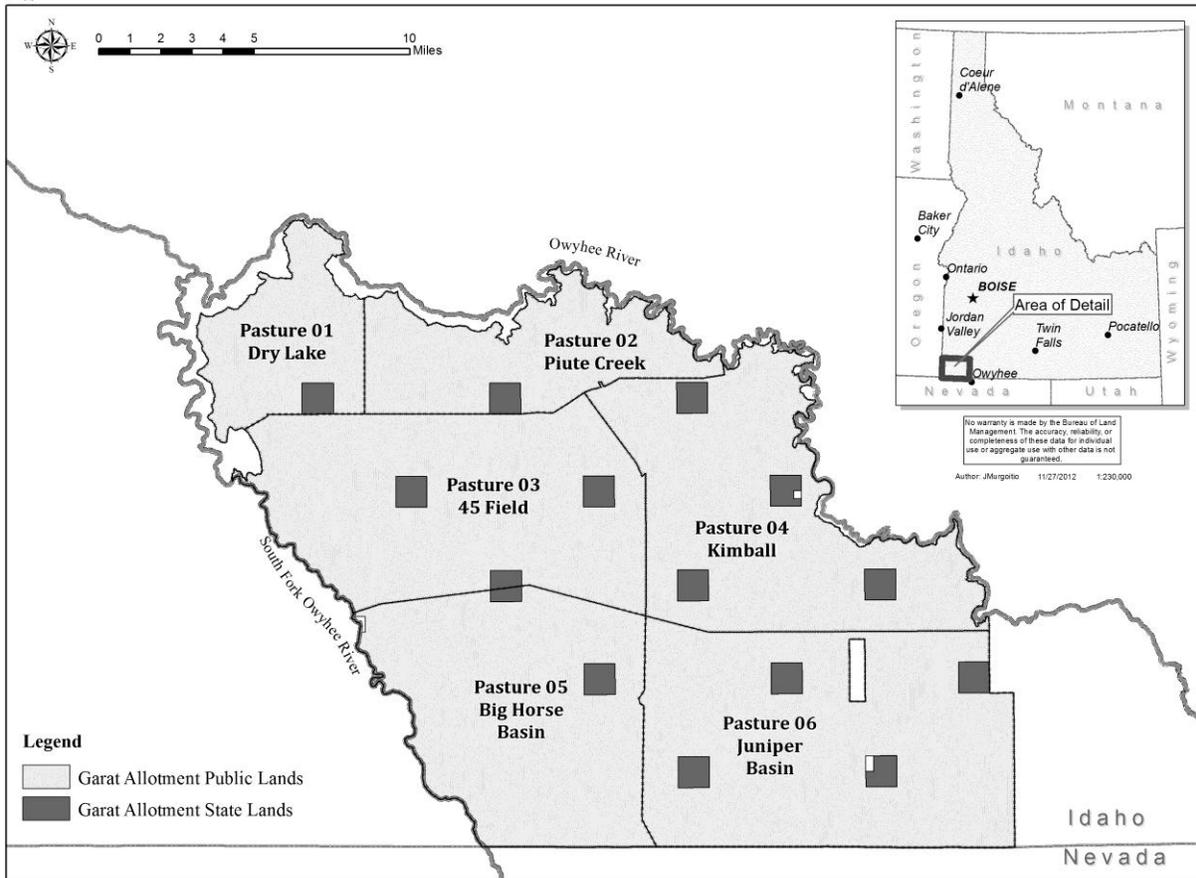
Background

Allotment Setting

The Garat allotment is located in Owyhee County, Idaho, and is bordered by the East Fork of the Owyhee River on the north, the South Fork of the Owyhee River on the west, the Nevada state line on the south, and the Duck Valley Indian Reservation on the east. The Garat allotment includes 202,618 acres of public land, 8,836 acres of state land, and 207 acres of private land in six pastures (*see map*).

¹ EA number DOI-BLM-ID-B030-2012-0012-EA analyzed 5 alternatives for livestock grazing management practices to fully process permits within the Owyhee Group allotments (Group 1), including the Garat allotment.

² 43 CFR Subpart 4100 is the federal regulations that govern public land grazing administration.



The allotment is situated within the Owyhee Uplands, a sagebrush steppe semi-arid landscape of shrubs and widely spaced bunchgrasses where native vegetation communities are variable. Limited precipitation with cold winters and dry summers constrain plants and animals. Where deeper soils exist (approximately 65 percent of the allotment), the native vegetation is primarily Wyoming big sagebrush with an understory of native perennial bunchgrasses. In areas of shallow soils (approximately 33 percent of the allotment) there exists mostly low sagebrush with the same native perennial bunchgrass understory. The effective average annual precipitation for these vegetation communities is eight inches for the drier sites and thirteen inches for the more moist sites. Precipitation occurs primarily during the winter.³

Current Grazing Authorization

You currently graze livestock within the Garat allotment pursuant to a grazing permit issued by the BLM. The terms and conditions of that grazing permit are as follows:

³ For more detailed discussion, please refer to the affected environment sections of EA number DOI-BLM-ID-B030-2012-0012-EA .

Allotment	Livestock		Grazing Period		% PL ¹	Type Use	AUMs ¹
	Number	Kind	Begin	End			
00584	3,150	Cattle	03/15	09/30	94	Active	19,470
Garat	250	Cattle	10/1	10/15	94	Active	116
	15	Horse	03/15	09/30	100	Active	99

Other terms and conditions:

1. Turnout is subject to Boise District range readiness criteria.
2. Your completed actual use report is due within 15 days of completing your authorized annual grazing use.
3. Salt and/or supplements shall not be placed within one quarter (1/4) mile of springs, streams, meadows, aspen stands, playas, or water developments.
4. Changes to the scheduled use require prior approval.
5. Trailing activities must be coordinated with the BLM prior to initiation. A trailing permit or similar authorization may be required prior to crossing public lands.
6. Livestock exclosures located within your grazing allotment are closed to all domestic grazing use.
7. Range improvements must be maintained in accordance with the cooperative agreement and range improvement permits in which you are a signature of assignee. All maintenance of range improvements within a wilderness study area requires prior consultation with the authorized officer.
8. All appropriate documentation regarding base property leases, lands offered for exchange-of-use, and livestock control agreements must be approved prior to turn out. Leases of land and/or livestock must be notarized prior to submission and be in compliance with Boise District Policy.
9. Failure to pay the grazing bill within 15 days of the due date specified shall result in a late fee assessment of \$25.00 or 10 percent of the grazing bill, whichever is greater, not to exceed \$250.00. Payment made later than 15 days after the due date shall include the appropriate late fee assessment. Failure to make payment within 30 days may be a violation of 43 CFR 4140.1(b)(1) and shall result in action by the authorized officer under 43 CFR 4150.1 and 4160.1.
10. Livestock grazing will be in accordance with your allotment grazing schematic(s). Changes in scheduled pasture use dates will require prior authorization.
11. Utilization may not exceed 50 percent of the current year's growth.

As part of a settlement agreement, the following additional terms and conditions were added to the permit in March of 2000:

- Key herbaceous riparian vegetation, where stream bank stability is dependent upon it, will have a minimum stubble height of 4 inches on the stream bank, along the greenline, after the growing season;
- Key riparian browse vegetation will not be used more than 50 percent of the current annual twig growth that is within reach of the animals;

- Key herbaceous riparian vegetation on riparian areas, other than the stream banks, will not be grazed more than 50 percent during the growing season, or 60 percent during the dormant season; and
- Stream bank damage attributable to grazing livestock will be less than 10 percent on a stream segment.

As you know, the current permit authorizes annual use of 19,500 animal unit months (AUMs⁴) of forage and a season of use between March 15 and October 15. However, based on actual use reports submitted over the 10-year period between 2002 and 2011, it is clear that in most years you have used fewer AUMs than authorized. Specifically, over the 10-year period identified above, your actual use has averaged 14,763 AUMs per year, with a high of 18,870 AUMs and a low of 10,719 AUMs⁵. Actual use reports show that grazing over the past 10 years consistently stayed within the scheduled season of use for the allotment.

Actual use is important when considering the renewal of a grazing permit because it was actual use and not authorized levels of use that resulted in current conditions on the allotment. In other words, the current condition of the allotment is not the result of 19,500 AUMs being removed every year (as authorized under the current permit), but rather is the result of the removal of a varied number of AUMs that averaged approximately 14,763 AUMs per year over the past 10 years.

Resource Conditions

The BLM completed a land health assessment, evaluation, and a determination for the Garat allotment in 2012. Those documents concluded that some of the resources on the Garat allotment were not meeting the Idaho S&Gs. Specifically, the BLM determined that the allotment did not meet Standards 1 (Watersheds), 4 (Native Plant Communities), and 8 (Threatened and Endangered Plants and Animals). In addition, the BLM's evaluation concluded that current resource conditions were not conforming to all of the objectives set out in the ORMP. Finally, the determination for the Garat allotment determined that current livestock management practices were significant causal factors in not meeting Standards 4 and 8, and were inconsistent with the BLM's Guidelines for Grazing Management.⁶

Vegetation - uplands

The BLM's 2012 Rangeland Health Assessment and Evaluation for the Garat allotment showed that the allotment is not meeting the ORMP management objective to improve unsatisfactory and maintain satisfactory vegetation health/condition on all areas. The allotment is not meeting the ORMP vegetation management objective because plant communities in many areas have shifted from co-dominance of desirable deep-rooted perennial bunchgrasses (e.g., bluebunch wheatgrass, Idaho fescue, Thurber's needlegrass) and sagebrush, to greater dominance of sagebrush species and lessdesirable shallow-rooted bunchgrasses (e.g., Sandberg bluegrass and squirreltail). This shift is evident when comparing the reference site conditions in state-and-transition models to current

⁴ Animal unit month (AUM) means the amount of forage necessary for the sustenance of one cow or its equivalent for a period of one month.

⁵ Actual use reported in 2012 totaled 6,856 AUMs due to limited livestock water available in the allotment.

⁶ For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2012-0012-EA Appendix J.

vegetation composition on the allotment. The shift in vegetation composition is particularly evident in pastures 3, 4 and 5, although this shift has occurred to some degree in all pastures. Portions of pastures 5 and 6 also exhibit an increase in exotic annual grasses (such as cheatgrass).

Land health Standard 4 (Native Plant Communities) is not being met within pastures 3, 4, 5, and 6 due to departure of biotic integrity indicators from site potential. In addition, portions of pastures 5 and 6 are dominated by annual species and are not meeting Standard 4. Healthy, productive, and diverse populations of native plants are maintained at an adequate level within pastures 1 and 2 such that taken individually, those pastures would be considered meeting Standard 4, even with existing departures from reference site conditions. Failure to meet Standard 4 in pastures 3, 5, and 6 is attributed to historic grazing management practices and fire history, while failure to meet the standard in pasture 4 is attributed to current livestock grazing management practices.⁷

Watersheds

The BLM's 2012 analysis of the Garat allotment concluded that Standard 1 (Watersheds) is not being met in pastures 1, 3, and 6, as well as in other localized areas of the allotment. Disturbance from altered natural fire regimes and historic grazing management were identified as the primary causes for not meeting Standard 1 and have resulted in departures from expected conditions in the plant community. As a result, the Garat allotment has experienced a change in vegetative cover that has led to unfavorable changes in infiltration and caused increased runoff and erosion. These departures adversely affect upland soil and hydrologic function and influence proper nutrient cycling, hydrologic cycling, and energy flow at various levels.⁸

Water Resources and Riparian/Wetland Areas

The BLM's 2012 Rangeland Health Assessment and Evaluation for the Garat allotment concluded that Standards 2 (Riparian Areas and Wetlands) and 3 (Stream Channel/Floodplain) are being met. Nevertheless, the few riparian areas found in the allotment are subject to the ORMP's objective to maintain or improve these areas to attain proper functioning condition. Riparian areas in need of improved management to reach these objectives include sections of Piute Creek in pastures 2, 3, and 4, and springs located in pasture 4.⁹ In other words, despite meeting the Standard as a whole, there are areas on Piute Creek that BLM believes would benefit from improved conditions.

The Garat allotment has numerous ephemeral channels that flow only in direct response to precipitation during normal water years, and for this reason, these areas often do not support riparian plant communities. Although important, these areas are not assessed for riparian proper functioning condition. However, the watershed section of the EA and Standard 1 evaluates and assesses the soils and hydrologic function of these areas.

⁷ For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2012-0012-EA Section 3.5.1.1

⁸ For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2012-0012-EA Section 3.5.2.1

⁹ For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2012-0012-EA Section 3.5.4.1

Special Status Plants

The BLM's 2012 Rangeland Health Assessment and Evaluation for the Garat allotment concluded that the allotment is not meeting Standard 8 for Davis' peppergrass, a special status plant species found in playas in pasture 5. Threats to Davis' peppergrass are associated with livestock concentration, trampling, and soil disturbance. The playa habitat is easily damaged due to the types of soils—specifically, hard clay bottoms on volcanic plains that get inundated with water and are vulnerable to degradation during spring seasons.¹⁰

Wildlife/Wildlife Habitats and Special Status Animals

The BLM's 2012 Rangeland Health Assessment and Evaluation for the Garat allotment concluded that the allotment is not meeting Standard 8 for special status wildlife species. The allotment is not meeting Standard 8 because upland habitats and riparian habitats (where present) are not providing the composition, structure, and function necessary for many obligate, dependent, and associated migratory birds and special status wildlife species.

Suitability of upland and riparian wildlife habitat is closely related to the health and vigor of vegetation community conditions discussed in Standard 4 (Native Plant Communities) and Standard 2 (Riparian Areas and Wetlands). Shrub steppe habitats dominated by several species of sagebrush and perennial bunchgrasses that would be expected to occur across the vast majority of the allotment, based on ecological site descriptions, have the potential to provide vital nesting and foraging habitat for many special status wildlife species. Currently, however, upland habitats throughout the allotment are generally characterized by relatively tall, dense stands of sagebrush composed of columnar individuals with many broken, dead, and dying branches. In addition, healthy, productive, and diverse populations of native perennial grasses (especially tall-statured, deep-rooted bunchgrasses) and forbs are not being maintained within these decadent big sagebrush stands. These conditions are particularly evident in pastures 3, 4, 5, and 6, although these issues exist to some degree in all pastures. The absence of shrub structure at various heights affects nesting habitat by reducing nesting substrate and increasing the likelihood of predation. In addition, the absence of tall native grasses and forbs affects species that are adapted to foraging on seeds and insects in native habitats. Of primary concern is the ability of these sagebrush communities to provide habitat structure (diverse and intersecting overstory/understory interface) and function (nesting, security, and foraging cover) for effective habitat for shrub-obligate and -dependent species such as greater sage-grouse, pygmy rabbits, Brewer's sparrows, loggerhead shrikes, sage sparrows, and Wyoming ground squirrels.

Although riparian and wetland habitats are minimal in the Garat allotment, some stream courses have the potential to support limited woody and herbaceous hydric species. Piute Creek in pastures 3 and 4 was assessed as functional-at-risk, and several springs in pasture 4 were assessed as non-functional; the riparian and wetland habitats that would be expected at these sites are nearly absent, as is the diversity of expected riparian-associated wildlife species. The reduced amount of woody and herbaceous hydric vegetation is limiting the amount of nesting structure and cover and foraging habitat that many obligate, dependent, and associated wildlife species require.

¹⁰ For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2012-0012-EA Section 3.5.3.1

Overall, the proper composition, structure, and function of native upland and riparian vegetation communities needed to meet the habitat requirements for special status wildlife species are generally lacking to varying degrees within the allotment. The results of historic grazing and wildfire (in pastures 3, 5, and 6 in particular), and current livestock management (in pasture 4) in upland habitats have variously resulted in a shrub canopy layer with undesirable structural and functional characteristics. These features contribute to inhibited herbaceous vigor and reduced annual production of larger bunchgrasses in the understory and thereby favor an increased occurrence of smaller bunchgrasses and annuals. In addition, current livestock grazing within the small amount of riparian and wetland areas is limiting the necessary habitat components critical to the welfare of many wildlife species in the allotment. In summary, Standard 8 is not being met because the current habitat conditions in pasture 3, 4, 5, and 6 in particular are inadequate to meet the minimum requirements for many special status wildlife species within the allotment.¹¹

Guidelines for Livestock Grazing Management

In addition to a discussion of land health standards, the BLM's 2012 Determination for the Garat allotment identified grazing management practices that did not conform to the BLM's Guidelines for Livestock Grazing Management for Idaho. Specifically, the determination concluded that grazing management did not conform to the following guidelines:

Guideline 4: Implement grazing management practices that provide periodic rest or deferment during critical growth stages to allow sufficient regrowth to achieve and maintain healthy, properly functioning conditions, including good plant vigor and adequate cover appropriate to site potential.

Guideline 8: Apply grazing management practices that maintain or promote the interaction of the hydrologic cycle, nutrient cycle, and energy flow that will support the appropriate types and amounts of soil organisms, plants, and animals appropriate to soil type, climate, and landform.

Guideline 9: Apply grazing management practices to maintain adequate plant vigor for seed production, seed dispersal, and seedling survival of desired species relative to soil type, climate, and landform.

Guideline 12: Apply grazing management practices and/or facilities that maintain or promote the physical and biological conditions necessary to sustain native plant populations and wildlife habitats in native plant communities.

Guideline 20: Design management fences to minimize adverse impacts, such as habitat fragmentation, to maintain habitat integrity and connectivity for native plants and animals.

¹¹ For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2012-0012-EA Section 3.5.5.1

Since the Garat allotment is not meeting one or more of the Idaho S&Gs because of current livestock management practices, the BLM used these guidelines as a starting point for developing grazing schemes to bring the authorized actions within the allotment into compliance with resource objectives.

Issues

Based on the BLM's evaluation of the current grazing scheme, the current conditions on the Garat allotment, public response to scoping, and the BLM's obligations to meet the Idaho S&Gs and move toward meeting the ORMP management objectives, the BLM identified the following resource issues applicable to the grazing permit renewal for the Garat allotment:

Issue 1: Improve upland vegetation plant communities, and in particular, reverse the shift from desirable to undesirable native plant communities.

Issue 2: Improve riparian vegetation and stream-bank stability in the limited areas where riparian areas exist.

Issue 3: Protect special status plants and improve the habitats supporting special status plants;

Issue 4: Improve wildlife habitats, and habitats necessary to meet objectives for sagebrush steppe and riparian dependent species, including sage-grouse.

Issue 5: Prevent further introduction and spread of noxious and invasive annual species (e.g., cheatgrass), particularly in pastures 5 and 6.

Analysis of Alternative Actions

Based on the current condition of the Garat allotment and the issues identified above, the BLM considered a number of alternative livestock management schemes in the EA to ensure that any renewed grazing permit would result in improved conditions on the allotment. Specifically, the BLM analyzed five alternatives in detail, identified a number of actions common to all alternatives, and considered but did not analyze in detail a number of other possible actions.¹² The BLM considered the following alternatives in detail:

- **Alternative 1 - Current Situation:** Alternative 1 considered continuation of current livestock management practices as they occurred over the past 10 years. The BLM defined the Current Situation alternative for the purposes of analysis in the EA as that grazing which occurred under the current permit and which led to current conditions on the allotment. In this way Alternative 1 is linked to the BLM's description of current conditions on the allotment as outlined in the Affected Environment sections of the EA.
- **Alternative 2 - Permittee's Application for Permit Renewal:** Alternative 2 analyzed the application for permit renewal received from you and includes the permit terms and conditions requested in that application. This alternative includes a 3-year rest-rotation grazing system for four of the six pastures, flexibility for periodic deferment or rest in the

¹² For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2012-0012-EA sections 2.

other two pastures, and 22,750 authorized AUMs (an increase of 3,250 AUMs from the current permit, and an increase of 3,880 AUMs when compared to Alternative 1). This alternative captured your belief that there are additional AUMs available for use on the allotment. Additionally, consistent with the application received, Alternative 2 included starting the grazing season 2 days earlier to allow time to cross pastures within the Garat allotment and arrive at turn-out pastures on the traditional turn-out date, a change in the billing process to allow payment based on actual-use after completing the grazing season, and authorization to graze horses used for livestock management in the allotment at three camp locations. Although within your application for grazing permit renewal you requested that two wells be re-drilled and modification be made to one fence, those actions were considered but not analyzed in detail within the EA.

- **Alternative 3 –Performance-Based Alternative:** Alternative 3 starts with the current grazing permit and adds new terms and conditions that constrain the intensity of grazing use in specific ways to improve specific resource conditions. The new terms and conditions are implemented to improve and maintain the health and vigor of upland perennial herbaceous species, maintain hydrologic function and soil/site stability, meet riparian management objectives, and provide suitable habitats for special status wildlife species, including sage-grouse. Alternative 3 does not change livestock numbers, scheduled beginning and end dates for use of the allotments, pasture rotations, pasture seasons of use, active use AUMs, or other terms and conditions from those in the current permit. Instead, the alternative allows the permittee to work within the established dates and livestock numbers that currently exist so long as the permittee can ensure that specific targets are met.
- **Alternative 4 –Season-Based Alternative:** Alternative 4 seeks to address resource issues on the allotment by changing when livestock can graze within each pasture of the allotment. Specifically, Alternative 4 establishes new seasons of grazing use that limit adverse impacts from livestock grazing on specific identified resource values present within each pasture. The seasons of use developed by the BLM attempt to do the following: 1) provide more frequent year-long rest or deferment of livestock grazing use to a period outside the active growing season for native perennial bunchgrass species, 2) limit the frequency of disruption and livestock use within sage-grouse breeding habitats, and 3) limit mid-summer grazing use of riparian areas. Application of appropriate seasons of grazing use, resource-specific to each pasture, limits the timing and duration of available grazing in some pastures and results in the overall reduction in the level of authorized grazing use by 47 percent as compared to the current permit.
- **Alternative 5 – No Grazing:** Alternative 5 removes livestock grazing from the Garat allotment for 10 years, equivalent to the term of a grazing permit. This alternative would allow resources to recover by removing livestock grazing use on the allotment.

The preliminary EA detailing the above alternatives was made available for public review and comment for a 45-day period ending October 23, 2012. In addition to timely comments received from you, a number of government entities and agencies, interest groups, and members of the public also provided comments. Comments received identified and clarified issues that are addressed in the completed EA, including the following:

Issue 6: Consider whether grazing on the Garat allotment can be used to limit wildfire.

Issue 7: Consider impacts to regional socio-economic activity generated by livestock production.

Timely comments that were received are summarized and responses provided as an appendix to the completed EA available on the web at:

http://www.blm.gov/id/st/en/prog/nepa_register/owyhee_grazing_group/grazing_permit_renewal.html

Proposed Decision

After considering the current grazing practices, the current conditions of the natural resources, and the alternatives and analysis in the EA, as well as other information, it is my proposed decision to renew your grazing permit for 10 years with modified terms and conditions consistent with Alternative 4 (Season-Based alternative) in the EA. The riparian performance terms and conditions from Alternative 3 will also be implemented. Implementation of Alternative 4, as supplemented, over the next 10 years will allow the Garat allotment to make significant progress toward meeting the Idaho S&Gs while also moving toward achieving the resource objectives outlined in the ORMP.

Allotment	Livestock		Grazing Period ¹		% PL ¹	Type Use	AUMs ¹
	Number	Kind	Begin	End			
00584 Garat	1,604	Cattle	03/15	09/30	96	Active	10,126
	250	Cattle	10/1	10/15	96	Active	118
	25	Horse	03/15	10/15	100	Active	177

1. Grazing use will be in accordance with the grazing schedule identified in the final decision of the Owyhee Field Office Manager dated *January 28, 2013*. Flexibility is provided to allow seven days to complete moves between pastures, so long as scheduled deferment is implemented to avoid grazing use prior to 7/1 in two of each three year cycle. Changes to the scheduled use outside the flexibility provided in the final decision require prior approval.
2. Line 2 of the schedule above provides management flexibility for strays at the close of the grazing season; not to exceed 250 head from 10/1 to 10/15.
3. Line 3 of the schedule above provides management flexibility for an average of 25 head of horses through the grazing season within the horse fields located near Stateline Camp and Four Corners Camp. Approximately 15 saddle horses may be kept at one or both of these locations season-long, but not to exceed 75 horses during periods when cattle are being moved between pastures or during branding; not to exceed 177 AUMs.
4. Turnout is subject to Boise District range readiness criteria.
5. Your completed actual use report is due within 15 days of completing your authorized annual grazing use.
6. Salt and/or supplements shall not be placed within one quarter (1/4) mile of springs, streams, meadows, aspen stands, playas, or water developments.
7. Trailing activities must be coordinated with the BLM prior to initiation. A trailing permit or similar authorization may be required prior to crossing public lands.
8. Livestock exclosures located within your grazing allotment are closed to all domestic grazing use.
9. Range improvements must be maintained in accordance with the cooperative agreement and range improvement permits in which you are a signatory or assignee. All maintenance of range improvements within designated Wilderness requires prior consultation with the authorized officer.
10. All appropriate documentation regarding base property leases, lands offered for exchange-of-use, and livestock control agreements must be approved prior to turn out. Leases of land and/or livestock must be notarized prior to submission and be in compliance with Boise District Policy.
11. Failure to pay the grazing bill within 15 days of the due date specified shall result in a late fee assessment of \$25.00 or 10 percent of the grazing bill, whichever is greater, not to exceed \$250.00. Payment made later than 15 days after the due date shall include the appropriate late fee assessment. Failure to make payment within 30 days may be a violation of 43 CFR § 4140.1(b)(1) and shall result in action by the authorized officer under 43 CFR § 4150.1 and § 4160.1.
12. Pursuant to 43 CFR § 10.4(b), you must notify the BLM Field Manager, by telephone with written confirmation, immediately upon the discovery of human remains, funerary objects, sacred objects, or objects of cultural patrimony (as defined in 43 CFR § 10.2) on federal lands. Pursuant to 43 CFR § 10.4(c), you must immediately stop any ongoing activities connected with such discovery and make a reasonable effort to protect the discovered remains or objects.
13. Utilization may not exceed 50 percent of the current year's growth.
14. Performance-based terms and conditions require the permittee to implement livestock management practices to limit impacts to resource attributes. These terms and conditions are included in this permit to meet riparian attributes of the Idaho Standards for Rangeland Health and Guidelines for Livestock Grazing Management and ORMP objectives. Upon failure to meet any 1 performance-based term and condition in the allotment in 2 years of any consecutive 5-year period, the livestock grazing permit will be modified and reoffered to further restrict riparian grazing.
 - Riparian stubble height of hydric species may not be equal to or less than 6 inches within lotic and lentic riparian areas at the end of the grazing season.
 - Woody browse utilization within the reach of livestock may not be greater than 30 percent within lotic and lentic riparian areas at the end of the grazing season.
 - Stream bank alteration within lotic riparian areas may not be greater than 10 percent at the end of scheduled livestock grazing.
 - Edge shear within lentic riparian areas may not be greater than 20 percent at the end of scheduled livestock grazing.

As noted in term and condition # 1, the grazing schedule for the Garat allotment (identified below) must be followed:

Pasture	Pasture Name	Year 1	Year 2	Year 3
1	*Dry Lake	3/15-4/15	3/15-4/15	3/15-4/15
2	*Piute Creek			
3	Forty-Five	**7/1 to 10/15	**7/1 to 10/15	**4/16 to 10/15
4	Kimball	**7/1 to 10/15	**4/16 to 10/15	**7/1 to 10/15
5	***Big Horse	**4/16 to 10/15	**7/1 to 10/15	**7/1 to 10/15
6	Juniper Basin	**4/16 to 10/15	**7/1 to 10/15	**7/1 to 10/15

* Dry Lake and Piute Creek will be managed as one unit as a result of a lack of a barrier to livestock movement between the pastures.

** Although dates of use overlap between pastures, the intent of the grazing schedule is to provide flexibility while maintaining orderly administration of grazing use within each pasture. Pastures will be maintained as separate livestock management units without open gates allowing drift between pastures (eg. More than one pasture may be used at one time, although livestock will not be allowed to drift between pastures). Flexibility is provided to adjust the livestock move dates between pastures based on climatic conditions and water availability, as long as scheduled dates of periodic non-use to provide sage-grouse breeding habitat and upland vegetation growing season deferment are complied with.

*** The grazing schedule for the Big Horse pasture recognizes the limited water available to support livestock use, especially as the grazing season progresses, and does not define a period when the Big Horse pasture is the only pasture available for use. In years when livestock water is available, flexibility for grazing use is provided. Although Big Horse pasture is identified in the grazing schedule with use between 4/16 and 7/1 consistent with use of Juniper Basin pasture, flexibility is provided for concurrent use with either Forty-Five or Kimball pastures, so long as the scheduled deferment occurs for maintenance of upland vegetation and for providing sage-grouse breeding habitat.

Notes on the Grazing Schedule

The grazing schedule ensures that those portions of the allotment that contain sage-grouse preliminary priority habitat will not be grazed more than once every 3 years during the sage-grouse breeding season (April 15 through June 15). In other words, if you graze pasture 6 between April 15 and June 16 in 2013, you may not graze pasture 3 again between April 15 and June 16 until 2016. Further, the grazing schedule ensures that no pastures will be grazed during the active growing seasons for native perennial bunchgrasses (May 1 to June 30) more than once in any 3-year period, a constraint that is concurrent and in combination with sage-grouse habitat protection in the grazing schedule.

Notes on the Terms and Conditions

The stocking rate for the Garat allotment that results from the terms and conditions outlined above constrains the intensity of livestock use to 10 acres or more per AUM on any pasture. The 10 acres per AUM stocking rate is a conservative stocking rate when considering potential forage production and availability due to ecological site potential of vegetation communities within the allotment, as limited by inventoried condition, water availability, and topography¹³.

Flexibility is provided within the schedule above for grazing use of pastures 3, 4, 5, and 6 after 7/1, outside the active growing season for native perennial herbaceous species and outside the lekking,

¹³ For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2012-0012-EA section 2.8.2.4

nesting, and early brood-rearing season for sage-grouse. Additional flexibility would be provided to allow 7 days to complete moves between pastures, as long as scheduled deferment of grazing use outside the lekking, nesting, and early brood-rearing season for sage-grouse (4/15 to 6/15) is implemented in 2 of each 3-year period and scheduled deferment of grazing use outside the upland vegetation active growing season (5/1 to 6/30) is implemented in 2 years of each 3-year cycle.

You will be offered a grazing permit for a term of 10 years with 10,421 active AUMs and 10,896 suspension AUMs. Adoption of Alternative 4, as supplemented, will result in a reduction in AUMs from your current permit; however, the affected 9,157 active use AUMs and 3,250 voluntary nonuse AUMs will not be transferred to suspension, in conformance with regulatory direction at 43 CFR § 4110.3-2. Permitted use within the Garat allotment will be as follows:

Active Use	Suspension	Permitted Use
10,421 AUMs	10,896	21,317 AUMs

Other Notes on the Proposed Decision

In response to requests in the November 21, 2011, application for grazing permit renewal received from you, it is my proposed decision to authorize an increase in the number of saddle horses authorized to be kept on public land within the Garat allotment for cattle management purposes, as defined in line 3 of the schedule above and Term and Condition number 3. My proposed decision is to deny the application to annually begin the grazing season on March 13, an authorization that would allow 2 days to cross other pastures of the Garat allotment so as to arrive at pastures 1 and 2 on March 15, the traditional date that grazing use in the Garat allotment has begun. In addition, my proposed decision is to deny billing after the grazing season based on actual use.

Finally, it is my proposed decision to not authorize additional projects. Specifically, this proposed decision does not authorize the modification of the cross-fence layout in the Piute Creek/Piute Basin area or re-drilling the well of either Middle Windmill or 45 Windmill identified in the application, nor does it authorize the construction of gravity fed pipelines to lower elevation portions of Big Horse or other spring use pastures. The existing coordinated process to identify, analyze, and authorize as appropriate the restoration, improvement, or development of livestock water sources and other projects is retained for project-specific consideration outside the permit renewal process. Project maintenance obligations identified in current range improvement permits and cooperative agreements for range improvements are unchanged by this proposed decision. Implementation of this proposed decision is contingent upon maintenance of projects in a functioning condition (i.e., boundary and internal fences are in such good and functioning condition as to assure their ability to accomplish the purposes for which they were constructed, barriers to livestock movement).

Rationale

Record of Performance

Pursuant to 43 CFR § 4110.1(b)(1), a grazing permit may not be renewed if the permittee seeking renewal has an unsatisfactory record of performance with respect to its last grazing permit. Accordingly, I have reviewed your record as a grazing permit holder for the Garat allotment, and

have determined that you have a satisfactory record of performance and are a qualified applicant for the purposes of a permit renewal.

Justification for the Proposed Decision

Based on my review of EA number DOI-BLM-ID-B030-2012-0012-EA, the Rangeland Health Assessment/Evaluation, Determination, and other documents in the grazing files, it is my decision to select Alternative 4, as supplemented by the riparian performance based terms and conditions from Alternative 3, as my proposed decision. I have made this selection for a variety of reasons, but most importantly because of my understanding that implementation of this decision will best fulfill the BLM's obligation to manage the public lands under the Federal Land Policy and Management Act's multiple use and sustained yield mandate, and will result in the Garat allotment making significant progress towards meeting the resource objectives of the ORMP and the Idaho S&Gs.

Issues Addressed

Earlier in this decision I outlined the major issues that drove the analysis and decision making process for the Garat allotment. I want you to know that I considered the issues through the lens of each alternative before I made my decision. My selection of Alternative 4, as supplemented, was in large part because of my understanding that this selection best addressed those issues, given the BLM's legal and land management obligations.

Issue 1: Improve upland vegetation plant communities, and in particular reverse the shift from desirable to undesirable native plant communities.

As mentioned above and explained in detail in the EA, the Garat allotment has upland vegetation issues, including a loss of plant vigor, shift in plant composition, and an increase in annual grasses. Alternative 4 will address these issues in a number of ways. The vegetation issues on the Garat allotment are due less to utilization levels, which have been generally light to moderate in recent years, and more to the near-total absence of rest and continued active growing season use experienced by the upland plant communities.

Alternative 4 implements more frequent periodic deferment of grazing use to periods outside the active growing season than would occur under Alternatives 1 through 3. More importantly, however, this reduced frequency of growing season use allows native perennial species to complete the annual growth cycle at a rate that will allow recovery of plant health and vigor. With conservative or no grazing occurring during the critical growing season, Alternative 4 allows for proper nutrient cycling, hydrologic cycling and energy flow, and provides the opportunity for enhanced ecological function and progress toward ecological site potential and vegetation reference site communities. Alternative 4 also decreases active grazing use by 47 percent when compared to active use authorized in the current permit, or by 29 percent compared to average actual use over the past 10 years¹⁴. Alternative 4 achieves its decrease in active use by reducing livestock numbers on the grazing permit. By reducing active growing season grazing use, AUMs, and livestock

¹⁴ Petan's actual use has varied with an annual actual use report through the ten-year period between 2002 and 2011 ranging from 10,719 to 18,870 AUMs. Reported actual use in 2012 was 6,856 AUMs, which when factored into a 10-year average results in the decision implementing a 24 percent reduction in use as compared to the recent average actual use of 13,625 AUMs between 2003 and 2012.

numbers, implementation of Alternative 4 will improve rangeland health and plant composition, ensure significant progress is made toward meeting Standard 4 of the Idaho S&Gs, and move the native plant communities in the Garat allotment toward the long-term objectives laid out in the ORMP.

Alternative 4 is also expected to positively affect soil stability, productivity, and hydrologic function over the short and long term. These improvements are the collateral effect of the BLM's intention with implementation of Alternative 4 to reverse the change in plant composition and improve native plant communities. Alternative 4 implements livestock management practices that maintain or improve upland vegetation and watershed conditions consistent with Idaho Rangeland Health Guidelines 4, 8, 9, and 12¹⁵.

I want you to know that I have reviewed in detail the data collected by Western Range Service that you submitted. Although collected using different techniques, those data largely tracked the data that the BLM collected showing a mostly static trend of native plant communities on the allotment. That is, while informative, the data you submitted did not paint a significantly different picture of the allotment's condition. In your comments to the EA you stated that the data show that the native plant communities in the Garat allotment are in good condition and are meeting or making significant progress toward meeting standards and the Owyhee RMP objectives. My staff considered your conclusions, but ultimately we disagreed with the conclusion that native plant communities are in good condition in the allotment. In addition, we disagree that the vegetation objectives of the Owyhee RMP have been achieved.

Moreover, I am convinced that additional and sometimes substantial improvement to the native plant communities can be made by instituting changes to grazing management. In other words, even if I believed (as you do) that some minimum degree of progress was currently being made on the allotment, that would not change the fact that progress at a faster rate is achievable and more desirable given the long-term potential benefits to native plant communities and the greater sage-grouse. While you may disagree, it is within my discretion and responsibility to strive for such improvement based on FLPMA, the objectives described in the Owyhee RMP, and the BLM's 2010 National Sage-grouse Policy with its attendant goal to maintain and enhance sage-grouse populations in the western United States.

Issue 2: Improve riparian vegetation and stream-bank stability in the limited areas where riparian areas exist.

Limited riparian areas can be found on the Garat allotment, and those areas occur primarily associated with Piute Creek in pastures 2, 3, and 4. The grazing schedule of Alternative 4 prohibits grazing in pasture 2 every year during mid-summer, the riparian area growing season. In so doing, Alternative 4 reduces the impacts on the riparian and water resources associated with Piute Creek in pasture 2, which will lead to improvement.

¹⁵ For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2012-0012-EA section 3.5.1.2 and 3.5.2.2.

In addition to changing the season of use to benefit riparian areas in pasture 2, my decision supplements Alternative 4 by implementing the riparian related performance-based terms and conditions from Alternative 3, specifically:

- riparian stubble height of hydric species may not be equal to or less than 6 inches within lotic and lentic riparian areas at the end of the grazing season;
- woody browse utilization within the reach of livestock may not be greater than 30 percent within lotic and lentic riparian areas at the end of the grazing season;
- stream bank alternation within lotic riparian areas may not be greater than 10 percent at the end of scheduled livestock grazing;
- edge shear within lentic riparian areas may not be greater than 20 percent at the end of scheduled livestock grazing.

Meeting these measures for riparian areas associated with Piute Creek and springs/seeps (incorporated as terms and conditions on the renewed permit) on a yearly basis will ensure that riparian areas improve to the extent practicable. Upon failure to meet any one performance-based term and condition in 2 years of any consecutive 5-year period, the livestock grazing permit would be modified and a new permit offered with appropriate terms and conditions so that the allotment will make significant progress toward meeting the ORMP objectives and the Idaho S&Gs. Riparian resources have resilience to recover following infrequent disturbance, including the intensity of grazing use and stream-bank alteration that exceeds the riparian performance-based terms and conditions. That resilience does not extend to recovery from repeated disturbance. Objectively, in the absence of frequent compliance with the riparian performance-based terms and conditions, progress toward meeting riparian related standards and objectives would not occur at a desired rate and management actions would need to be changed.

Riparian areas on the allotment are limited to 2.5 miles associated with Piute Creek, many reaches of which have interrupted or intermittent flow. Riparian areas are also present and associated with a few springs. Many of these riparian areas have been impacted by past authorizations to construct reservoirs and other water developments, and their capacity for recovery may be reduced. It is not clear that the riparian areas (primarily along Piute Creek) have potential to support woody vegetation or a full complement of hydric species. Additionally, a number of reaches of Piute Creek may never have potential for perennial flow. Therefore, the BLM determined that the allotment was meeting the riparian related Idaho S&Gs—essentially, the BLM determined that many of the interrupted and intermittent reaches of Piute Creek did not have high potential to support riparian vegetation. Nevertheless, it remains within the agency’s discretion in managing these lands to put in place terms and conditions that provide a conservative approach to riparian protection in these areas (e.g., along Piute Creek) over the next 10 years. This approach will provide information about the riparian potential of the allotment for future years as the BLM continues to make management decisions.

Implementation of Alternative 4, as supplemented, will allow the Garat allotment to continue meeting Standards 2, 3, and 7 and the ORMP objective to maintain or improve riparian areas to attain proper functioning and satisfactory conditions into the future.¹⁶

¹⁶ For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2012-0012-EA Section 3.5.4.3.4

Issue 3: Protect special status plants and improve the habitats supporting special status plants.

While Alternative 4 allows a grazing frequency of 1 in 3 years during the spring period when saturated soils are vulnerable to impacts associated with livestock concentration, the reduced number of cattle grazing, combined with the 2 years of spring rest, will lessen the potential impacts. Implementation of Alternative 4 will reduce livestock trampling impacts to soils in these playas and allow progress to be made toward meeting Standard 8 for special status plant species.

Issue 4: Improve wildlife habitats, and habitats necessary to meet objectives for sagebrush steppe and riparian dependent species, including sage-grouse.

Wildlife habitat in upland and riparian areas would improve throughout the allotment under Alternative 4, due to this alternative's focus on improving the health and vigor of plant communities. Improvement will be accomplished primarily by limiting the frequency of livestock grazing use during the active growing season for upland native perennial species, decreasing the stocking rate for the allotment as whole, and reducing authorized AUMs.¹⁷ Further reductions in already slight to low utilization levels will result in greater forage and cover for wildlife in the short term and healthier plant communities in the long term.

Sage-grouse habitat in upland and riparian areas in all pastures would improve. As stated in the EA, "A native vegetation community of healthy, productive, and diverse populations of native plants typically provides proper habitat composition, structure, and function for effective sage-grouse habitat conditions. As an indicator species for the sagebrush ecosystem, the conditions that specify healthy habitat for sage-grouse are indicative of the health of the system in general. Effective sage-grouse habitat is closely related to vegetation community conditions discussed in Standard 4 (Native Plant Communities)."¹⁸

Alternative 4 limits growing season use in all pastures, and thus this alternative will result in fewer disturbances to sage-grouse breeding activities in uplands and riparian areas in comparison to Alternatives 1, 2, and 3. Deferment of grazing use until after the active growing season in 2 of each 3-year period in pastures 3, 4, 5, and 6, and early spring use prior to the active growing season in pastures 1 and 2, would lead to improvements in the condition of shrub steppe vegetation community composition, structure, and overall health. The subsequent increase in cover and forage for wildlife in upland and riparian areas is expected to occur over the short term (3 to 5 years), because of the reduction in the frequency of grazing use during the active growing season. Even greater increase in cover and forage will occur over the long term as consistent progress is made toward attainment of reference site shrub steppe vegetation.

¹⁷ Such improvement is consistent with the BLM's Interim Management Policy to "maintain and/or improve GSG and its habitat" by incorporating management practices that provide for adequate residual plant cover and diversity in the understories of sagebrush plant communities and "promote the growth and persistence of native shrubs, grasses and forbs" and balance grazing between riparian and upland habitat to promote the production and availability of beneficial forbs to GSG in 'meadows, mesic habitats, and riparian pastures while maintaining upland conditions and functions". IM 2012-043.

¹⁸ Please refer to EA number DOI-BLM-ID-B030-2012-0012-EA Section 3.5.5.1

Potential conflicts between livestock grazing and sage-grouse nesting activities have been reduced in Alternative 4 by the deferred season of use and/or early spring grazing. In 2 of every 3 years, grazing would not occur in pastures 3, 4, 5, and 6 during the lekking and nesting season, eliminating direct effects of livestock to sage-grouse nests and eggs such as displacement from leks, trampling of eggs and nests, and the possibility of nest desertion. Spring grazing is allowed on an annual basis in pastures 1 and 2, but is scheduled to occur prior to the active growing season, thus providing ample opportunity for understory grass growth during the middle and late parts of the nesting and early-brood rearing periods.

I am implementing these seasonal grazing restrictions in part as a precaution that recognizes the extent of PPH preliminary priority habitat (87 percent of the acreage) and PGH preliminary general habitat (13 percent of the acreage) in the allotment. While it is not altogether certain that direct impacts from grazing on nesting sage-grouse is a major problem on the allotment, I do expect that the potential for such conflicts will be largely avoided under my decision. Wildlife habitats are expected to recover and improve and significant progress toward meeting Standard 8 (Threatened and Endangered Plants and Animals) will occur under the proposed decision. Implementation of Alternative 4, with its attendant reduction of AUMs and change in season of use, will improve sage-grouse habitat in particular, and is consistent with objectives of the BLM special status species policy and the BLM's Interim Management IM, *see* IM-2010-043.

As noted above, my decision to include the riparian-related performance-based terms and conditions from Alternative 3 as part of the new permit will allow the limited riparian areas on the allotment to improve to some degree, and will allow BLM to gauge the potential of those areas over the next 10 years. Because sage-grouse use riparian areas during the brood-rearing period, the riparian improvement should further benefit sage-grouse on the allotment.

Although Alternative 5 would have further reduce the potential impacts to special status species habitats with removal of livestock grazing from the allotment, proper livestock management practices that implement appropriate seasons, intensities, and duration of use have been identified as consistent with providing habitats for sagebrush-obligate and shrub-dependent special status species. Alternative 4, as supplemented, implements proper livestock management by establishing seasons and the duration of grazing use in pastures that provide seasonal habitats for sage-grouse and limits the intensity of impacts to upland and riparian resources.

Finally, my selection of Alternative 4, as supplemented, implements livestock management practices that will maintain or improve wildlife habitats consistent with the BLM's Idaho Rangeland Guidelines for Livestock Management 4, 8, 9, and 12¹⁹.

Issue 5: Prevent further introduction and spread of noxious and invasive annual species (e.g., cheatgrass).

Although any grazing has the potential to introduce and spread invasive weeds and non-native annual grasses, the reduction in livestock numbers and active use inherent in Alternative 4 will result in proportionally less soil surface disturbance and fewer animals that could carry seed to and

¹⁹ For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2012-0012-EA Section 3.5.5.2.

from the allotment in fur, on hooves, and in their digestive system. As compared to Alternatives 1 through 3, the risk of invasive species spreading is lower under Alternative 4, as native perennial species health and vigor is improved and progress is made toward the ORMP vegetation management objective. Available sites for invasive species establishment will be reduced through competition with healthy native perennial species.

Although Alternative 5 would further reduce the potential for livestock to introduce and spread invasive and non-native annual species as compared to all alternatives that would continue to authorize grazing within the Garat allotment, livestock remain only one of a large number of vectors for seed dispersal and soil surface disturbance. BLM's coordinated and ongoing weed control program would still be required in the absence of livestock grazing in the allotment.²⁰

Issue 6: Consider whether grazing on the Garat allotment can be used to limit wildfire.

During the NEPA process, some asked the BLM to consider using grazing on the Garat allotment to limit wildfire. The BLM has considered the issue and determined that it would be theoretically possible to use targeted grazing to create fuel breaks on the Garat allotment with the hope that those fuel breaks would help control the spread of large wildfires in the area. However, the resource costs associated with this strategy are such that I have decided against it. Ultimately, implementation of Alternative 4 will not significantly alter the BLM's ability to fight wildfire in the area.

Although a number of sources identify the potential to use grazing to reduce fine fuels on a landscape scale, identified benefits are greatest with targeted grazing that strategically maintains fuel-breaks to aid fire suppression actions. Landscape-scale fuels reduction with livestock grazing has its greatest application in grass-dominated vegetation types and specifically within seedings of grazing tolerant introduced grasses and annual grasses. Such conditions do not exist on the Garat allotment at a pasture-wide scale. In addition, the levels of livestock grazing and the season of yearly use necessary to reduce fine fuels prior to the fire season are not conducive to sustaining native perennial herbaceous species. This is one of the main reasons a targeted grazing system to control fire is not viable on the Garat allotment at this time and with existing infrastructure. The BLM's current permit renewal is focused on improving native plant communities on the Garat allotment, and targeted grazing to create fuel breaks would not support that improvement.

Alternative 4 retains a level of grazing use that reduces the accumulation of fine fuels, and thus will lessen the spread of large wildfires when fire weather conditions are less extreme. More importantly, it is designed to benefit and promote the health and vigor of native perennial species on the allotment, thereby limiting the dominance of annual species and so limiting the accumulation of continuous fine fuels and extreme fire behavior, while enhancing post-fire recovery²¹.

Issue 7: Limit impacts to regional socioeconomic activity generated by livestock production.

²⁰ For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2012-0012-EA Section 3.5.1.2.

²¹ For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2012-0012-EA Section 2.6.

During the NEPA and public comment process, some raised the concern that selection of certain alternatives considered in the EA could impact regional socioeconomic activity. I share this concern, and have taken these concerns into consideration in making my decision; however, my primary obligation is to ensure that the new grazing permit protects resources in a manner consistent with the BLM's obligations under the Idaho S&Gs and the ORMP. As noted above, I have selected Alternative 4, as supplemented, in large part because that selection accomplishes those latter goals.

Consideration of Alternatives 1 and 2 disclosed that neither of those alternatives would allow the allotment to meet Idaho S&Gs or the ORMP resource objectives, and therefore I could not select them, despite the lesser economic impacts that they may have. While Alternative 3 was developed to improve resource conditions toward meeting objectives and did not reduce livestock numbers or AUMs initially, that alternative would have required a level of livestock management for you as the permittee and grazing administration for the BLM (including intensive monitoring requirements) which would have been expensive and time-consuming. In addition, implementation of Alternative 3 could have introduced an unnecessary element of uncertainty into your efforts to coordinate with BLM and to your livestock management operations. That uncertainty includes the coordinated understanding of the degree of flexibility available to modify livestock management practices, while remaining within terms and conditions of the grazing permit. An additional consideration of livestock management under Alternative 3 is the potential need for you to reduce livestock numbers and AUMs used to meet performance-based terms and conditions. Such unknown impacts could include an overall reduction in the number of cattle that graze within the Garat allotment and the economic impacts to the region similar to or greater than those of Alternative 4.

Hoping to ameliorate any abrupt economic impacts from implementation of Alternative 4, as supplemented, to you as a permittee, I attempted to develop a way to implement Alternative 4 that would have a less severe initial impact. However, given the BLM's regulatory requirement to make significant progress under a new permit following a determination that an allotment is not meeting standards due to current livestock use, I determined that any mediated approach would have only minimal benefit and increased uncertainty for the permittee. In addition, actual use numbers reported over the 10-year period between 2002 and 2011 show that you have varied the number of AUMs used annually from 18,870 to 11,199 and your 2012 reported use was 6,856 AUMs. These numbers show that you are operating with a high degree of flexibility. For these reasons, I have decided to implement Alternative 4, as supplemented.

Additional Rationale

Consideration of other factors contributed to my decision to make Alternative 4 the foundation of future grazing. Alternatives 1 and 2 would not have led the allotment toward meeting or making progress towards meeting the Idaho S&Gs. In deciding between Alternatives 3 and 4, one consideration was the intensity of grazing management practices required from the permittee under each alternative and the workload necessary for the BLM to administer grazing under each alternative. In fact, this was a major consideration in my evaluation of Alternatives 3 and 4.

While Alternative 4 retains appropriate flexibility to adjust livestock use through the grazing season in response to weather conditions and livestock water availability in an arid environment, it does not require the intensity of livestock management that would be necessary to manage livestock

impacts to vegetation and other resource values under full implementation of Alternative 3. Indeed, under Alternative 3, both the BLM and the permittee would have to intensively monitor riparian, upland, and other resources based on use patterns, and react in response to unacceptable intensities of livestock use accordingly.

While implementation of Alternative 3 is theoretically possible, the intensity of monitoring and livestock management required is extremely difficult and expensive on an allotment as remote as the Garat allotment. The intensive monitoring and accompanying strict compliance requirements led me to reject Alternative 3 as too labor-intensive and lacking in long-range certainty for the operator. For these reasons, I determined that it was not in the best interests of the BLM or the permittee to select that alternative in full.

Alternative 4 achieves similar resource ends as Alternative 3, but does so by modifying seasons of use and numbers of livestock rather than requiring yearly intensive management and adjustment. In implementing only the riparian performance terms and conditions from Alternative 3, which will require less management and monitoring from the BLM and you as the permittee when imposed in conjunction with Alternative 4. Flexibility provided under Alternative 4 retains seasons, intensities, and duration of grazing use within parameters that will allow maintenance and improvement of native perennial vegetation health and vigor, riparian, and other resource values.

I did consider selecting Alternative 5 (No Grazing) for the Garat Allotment; however, based on all the information used in developing my decision, I believe that the BLM can meet resource objectives and still allow grazing on the allotment. In selecting Alternative 4 rather than Alternative 5, I especially considered (1) BLM's ability to meet resource objectives using Alternative 4, (2) the impact of implementation of Alternative 5 on the your operation and on regional economic activity, and (3) your past performance under previous permits. The allotment's resource issues are primarily related to the improper seasons and site-specific intensities of grazing use. By implementing Alternative 4, as supplemented, the resource issues identified will be addressed. The suspension of grazing for a 10-year period is not the management decision most appropriate at this time in light of these factors.

Climate change is another factor I considered in building my decision around Alternative 4. Climate change is a stressor that can reduce the long-term competitive advantage of native perennial plant species. Since livestock management practices can also stress sensitive perennial species in arid sagebrush steppe environments, I considered the issues together, albeit based on the limited information available on how they relate in actual range conditions. Although the factors that contribute to climate change are complex, long-term, and not fully understood, the opportunity to provide resistance and resilience within native perennial vegetation communities from livestock grazing induced impacts is within the scope of this decision. Alternative 4's combined seasons, intensities, and durations of livestock use promote long-term plant health and vigor. Assuming that climate change affects the arid landscapes in the long-term, the native plant communities on the Garat allotment will be better armed to survive such changes under Alternative 4 as compared with Alternatives 1 through 3. The native plant health and vigor

protected under Alternative 4 will provide resistance and resilience to additional stressors, including climate change.²²

My decision to allow the increase in the number of saddle horses from 15 to an average of 25 (but not to exceed 75) authorized to be kept on public land within two horse pastures in the Garat allotment for cattle management purposes will provide riders increased tools for the intensity of livestock management necessary to meet the Idaho S&Gs and ORMP resource management objectives. The decision to not authorize horse use in the Piute Creek enclosure of pasture 4 is because riparian resources adjacent to Piute Creek in this vicinity were assessed as functioning-at-risk and concentration of horse use in this area would not be conducive toward recovery to functioning condition and a condition that provides for resource values associated with riparian areas.

I hereby deny your request to extend the season of use which would allow turnout of cattle on March 13, an action desired so that you can cross the allotment and arrive at the first pasture scheduled for use on March 15 (the traditional beginning date for grazing use in the Garat allotment). My decision to deny this request is because authorization to actively cross pastures within the Garat allotment between March 15 and October 15, although at times other than when those pastures are scheduled for grazing use, is part of the permit that will be offered with this proposed decision. Authorization of an additional 2 days outside the traditional annual period of grazing use for the Garat allotment as a whole is unnecessary and would only provide authorization for a portion of your crossing needs within the Garat allotment. The need to cross pastures to move cattle in accordance with the grazing schedule is present throughout the permitted grazing season, including movement of more than one group of cattle to arrive at the first pasture scheduled for use through a period of time following the beginning date of the grazing season in the allotment. Active crossing of pastures in the Garat allotment to complete scheduled moves is authorized by the permit that will be offered.

I hereby deny authorization of billing after the grazing season based on actual use because this opportunity is only provided in the grazing regulations [43 CFR § 4130.8-1(e)] when provided for in an allotment management plan²³. This proposed decision does not fill the definition of an allotment management plan.

My decision to not authorize the modification of the cross-fence layout in the Piute Creek/Piute Basin area, the re-drilling of wells at Middle Windmill and 45 Windmill, or the construction of gravity fed pipelines to lower elevation portions of Big Horse or other spring use pastures in this proposed decision, is because the renewal of your grazing permit with terms and conditions of the permit as identified above is not dependent on these projects. Retention of the existing coordinated process to identify, analyze, and authorize as appropriate the restoration, improvement, or development of additional livestock water sources and other range projects outside the grazing permit renewal process provides for the appropriate analysis, authorization, and implementation of projects while not encumbering the expedited permit renewal process.

²² For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2012-0012-EA Section 3.5.1.2

²³ An allotment management plan is a documented program developed as an activity plan consistent with the definition at 43 U.S.C. 1702(k), that focuses on, and contains the necessary instructions for, the management of livestock grazing on specified public lands to meet resource conditions, sustained yield, multiple use, economic and other objectives.

Finding of No Significant Impact (FONSI)

A finding of no significant impact (FONSI) was signed on January 28, 2013, and concluded that the proposed decision to implement Alternative 4, as supplemented, is not a major federal action that will have a significant effect on the quality of the human environment, individually or cumulatively with other actions in the general area. That finding was based on the context and intensity of impacts organized around the 10 significance criteria described at 40 CFR § 1508.27. Therefore, an environmental impact statement is not required. A copy of the FONSI for EA No. DOI-BLM-ID-B030-2012-0012-EA is available on the web at:

http://www.blm.gov/id/st/en/prog/nepa_register/owyhee_grazing_group/grazing_permit_renewal.html

Conclusion

In conclusion, it is my decision to select Alternative 4, as supplemented, over other alternatives because livestock management practices under this selection best meet the ORMP objectives allotment-wide and the Idaho S&Gs in locations where standards were not met due to current livestock management practices. Alternatives 1 and 2 fail to implement livestock management practices that would meet the objectives and standards. Specifically, both alternatives fail to implement actions that would meet Standard 4 (Native Plant Communities) in pasture 4, and Standard 8 (Threatened and Endangered Plants and Animals) for Davis' peppergrass in pasture 5, and for sage-grouse habitats in pastures 3 and 4. Full implementation of Alternative 3 would likely require intensive livestock management to ensure compliance with performance-based terms and conditions and additional workload to complete monitoring and compliance inspections. The potential benefits under Alternative 3 are equally achieved under Alternative 4, as supplemented. Alternative 5 removes the economic activity of one large livestock operation from Owyhee County and southwest Idaho, a region where livestock production and agriculture is a large portion of the economy. That, in conjunction with current resource conditions and the improvement anticipated by implementation of Alternative 4, as supplemented, lead me to believe elimination of livestock grazing from the Garat allotment is unnecessary at this point.

Authority

The authorities under which this decision is being issued include the Taylor Grazing Act of 1934, as amended, and the Federal Land Policy and Management Act of 1976, as promulgated through Title 43 of the Code of Federal Regulations (CFR) Subpart 4100 Grazing Administration - Exclusive of Alaska. My decision is issued under the following specific regulations:

- 4100.0-8 Land use plans; The ORMP designates the Garat allotment available for livestock grazing;
- 4130.2 Grazing permits or leases. Grazing permits may be issued to qualified applicants on lands designated as available for livestock grazing. Grazing permits shall be issued for a term of 10 years unless the authorized officer determines that a lesser term is in the best interest of sound management;
- 4130.3 Terms and conditions. Grazing permits must specify the term and conditions that are needed to achieve desired resource conditions, including both mandatory and other terms and conditions; and
- 4180 Fundamentals of Rangeland Health and Standards and Guidelines for Grazing Administration. This proposed decision will result in taking appropriate action to

modifying existing grazing management in order to make significant progress toward achieving rangeland health.

Right of Protest and/or Appeal

Any applicant, permittee, lessee or other interested public may protest the proposed decision under Sec. 43 CFR § 4160.1 and 4160.2, in person or in writing within 15 days after receipt of such decision to:

Loretta V. Chandler
Owyhee Field Office Manager
20 First Avenue West
Marsing, Idaho 83639

The protest, if filed should clearly and concisely state the reason(s) why the proposed decision is in error.

In accordance with 43 CFR § 4160.3(a), in the absence of a protest, the proposed decision will become the final decision of the authorized officer without further notice unless otherwise provided in the proposed decision.

In accordance with 43 CFR § 4160.3(b), upon a timely filing of a protest, after a review of protest received and other information pertinent to the case, the authorized officer shall issue a final decision.

Any applicant, permittee, lessee or other person whose interest is adversely affected by the final decision may file an appeal in writing in for the purpose of a hearing before an administrative law judge in accordance with 43 CFR § 4160.3(c), 4160.4, 4.21, and 4.470. The appeal must be filed within 30 days following receipt of the final decision or within 30 days after the date the proposed decision becomes final. The appeal may be accompanied by a petition for a stay of the decision in accordance with 43 CFR § 4.471 pending final determination on appeal. The appeal and petition for a stay must be filed in the office of the authorized officer, as noted above. In accordance with 43 CFR § 4.401, the BLM does not accept fax or email filing of a notice of appeal and petition for stay. Any notice of appeal and/or petition for stay must be sent or delivered to the office of the authorized officer by mail or personal delivery.

Within 15 days of filing the appeal, or the appeal and petition for stay, with the BLM officer named above, the appellant must also serve copies on other person named in the copies sent to section of this decision in accordance with 43 CFR 4.421 and on the Office of the Regional Solicitor located at the address below in accordance with 43 CFR § 4.470(a) and 4.471(b).

Boise Field Solicitors Office
University Plaza
960 Broadway Ave., Suite 400
Boise Idaho, 83706

The appeal shall state the reasons, clearly and concisely, why the appellant thinks the final decision is in error and otherwise complies with the provisions of 43 CFR § 4.470.

Should you wish to file a petition for a stay, see 43 CFR § 4.471 (a) and (b). In accordance with 43 CFR § 4.471(c), a petition for a stay must show sufficient justification based on the following standards:

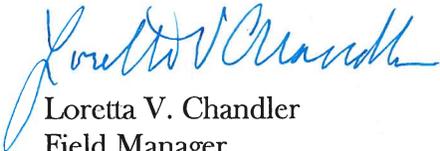
- (1) The relative harm to the parties if the stay is granted or denied.
- (2) The likelihood of the appellant's success on the merits.
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

As noted above, the petition for stay must be filed in the office of the authorized officer and served in accordance with 43 CFR § 4.471.

Any person named in the decision that receives a copy of a petition for a stay and/or an appeal, see 43 CFR § 4.472(b) for procedures to follow if you wish to respond.

If you have any questions, please contact me at 208-896-5913.

Sincerely,



Loretta V. Chandler
Field Manager
Owyhee Field Office

Copies sent to:

06 Livestock, Dennis Stanford, PO Box 167, Jordan Valley, OR 97910	7008 1140 0004 6331 6026
Audubon Society Golden Eagle, PO Box 8261, Boise, ID 83707	7008 1140 0004 6331 7818
Barringer, John, 6016 Pierce Park, Boise, ID 83703	7008 1140 0004 6331 7825
Boise District Grazing Board, Stan Boyd, PO Box 2596, Boise, ID 83701	7008 1140 0004 6331 7832
Bruneau Cattle Co., Eric Davis, 3900 E Idaho St., Bruneau, ID 83604	7008 1140 0004 6331 7849
Bureau of Land Management, Elko Field Office, 3900 E Idaho St., Elko, NV, 89801	7008 1140 0004 6331 7863
Foundation for N. American Sheep, Herb Meyr, 570 E 16th N., Mountain Home, ID 83647	7008 1140 0004 6331 7887
Gibson, Chad, 16770 Agate Ln., Wilder, ID 83676	7008 1140 0004 6331 7894
Goller, Brian., 2722 E. Starcrest, Boise, ID 83712	7008 1140 0004 6331 7900
Heughins, Russ, 10370 W Landmark Ct., Boise, ID 83704	7008 1140 0004 6331 7917

ID Conservation League, John Robison, PO Box 844, Boise, ID 83701	7008 1140 0004 6331 7924
ID Dept. of Agriculture, Ron Kay, PO Box 7249, Boise, ID 83707	7008 1140 0004 6331 7931
ID Dept. of Parks & Recreation, Director, PO Box 83720, Boise, ID 83720	7008 1140 0004 6331 7948
ID Fish & Game, 3101 S Powerline Rd., Nampa, ID 83686	7008 1140 0004 6331 7955
ID Native Plant Society, President, PO Box 9451, Boise, ID 83707	7008 1140 0004 6331 7962
ID Outfitters & Guides Assoc., Grant Simonds, PO Box 95, Boise, ID 83701	7008 1140 0004 6331 7979
ID Rivers United, PO Box 633, Boise, ID 83701	7008 1140 0004 6331 7986
ID Sporting Congress, Ron Mitchell, PO Box 1136, Boise, ID 83701	7008 1140 0004 6331 7993
ID Wildlife Federation, PO Box 6426, Boise, ID 83707	7008 1140 0004 6331 8006
ID Dept. of Lands, PO Box 83720, Boise, ID 83720	7008 1140 0004 6331 8013
ID Dept. Environmental Quality, 1445 N Orchard, Boise, ID 83706	7008 1140 0004 6331 8020
Jaca, Elias, 21275 Upper Reynolds Creek Rd., Murphy, ID 83650	7008 1140 0004 6331 8037
Juniper Mtn. Grazing Assoc., Michael Stanford, 3581 Cliffs Rd., Jordan Valley, OR 97910	7008 1140 0004 6331 8044
Kershner, Vernon, PO Box 38, Jordan Valley, OR 97910	7008 1140 0004 6331 8051
LU Ranching, Tim Lowry, PO Box 132, Jordan Valley, OR 97910	7008 1140 0004 6331 8068
Lyons, Charles, 11408 Hwy 20, Mountain Home, ID 83647	7008 1140 0004 6331 8075
Maestresjuan, Teo & Sara, 26613 Pleasant Valley Rd., Jordan Valley, OR 97910	7008 1140 0004 6331 8082
Moore Smith Buxton & Turcke, Paul Turcke, 950 W. Bannock, Ste 520. Boise, ID 83702	7008 1140 0004 6331 8099
National Wildlife Federation, Rich Day, 240 N Higgins #2, Missoula, MT 59802	7008 1140 0004 6331 8105
Nelson, Brett, 9127 W Preece St., Boise, ID 83704	7008 1140 0004 6331 8112
OR Natural Desert Assoc., Brent Fenty, 50 SW Bond St #4, Bend OR 99702	7008 1140 0004 6331 8129
Oregon Natural Resources Council, 5825 N Greeley, Portland, OR 97217	7008 1140 0004 6331 8136
Owyhee Cattlemen's Assoc. PO Box 400, Marsing, ID 83639	7008 1140 0004 6331 8143
Owyhee County Commissioners, PO Box 128, Murphy, ID 83650	7008 1140 0004 6331 8174
Owyhee County Natural Resources Committee, Jim Desmond, PO Box 38, Murphy, ID 83650	7008 1140 0004 6331 8181
Pascoe, Ramona, PO Box 126, Jordan Valley, OR 97910	7008 1140 0004 6331 8204
Petan Co. of Nevada - YP Ranch, John Jackson, HC 32 Box 450, Tuscarora, NV 89834	7008 1140 0004 6331 8211
Resource Advisory Council, Gene Gray, 2393 Watts Lane, Payette, ID 83661	7008 1140 0004 6331 8228
Rocky Mountain Elk Foundation, Dave Torell, 6199 N Bellecreek Ave, Boise, ID 83713	7008 1140 0004 6331 8242
Shoshone-Bannock Tribes, Nathan Small, PO Box 306, Ft. Hall, ID 83203	7008 1140 0004 6331 8266
Sierra Club, PO Box 552, Boise, ID 83701	7008 1140 0004 6331 8273
The Wilderness Society, 950 W Bannock St., Ste 605, Boise, ID 83702	7008 1140 0004 6331 8297
Vonderheide, Richard, 6036 W Outlook Ave, Boise, ID 83703	7008 1140 0004 6331 8303
Western Range Services, PO Box 1330, Elko, NV 89801	7008 1140 0004 6331 8327
Western Watershed Projects, PO Box 1770, Hailey, ID 83333	7008 1140 0004 6331 8334
Western Watershed Projects- Fite, Katie, PO Box 2863, Boise, ID 83701	7008 1140 0004 6331 8341