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BUREAU OF LAND MANAGEMENT
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In Reply Refer To:
4160 (ID-130)

January 16, 2015

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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 August 21, 2014, revised 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 2014. 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 that process, BLM completed a Rangeland Health Assessment/Evaluation Report and a Determination in 2014. As we have discussed, the Determination found that current livestock management practices on the Garat allotment were significant causal factors in the allotment's failure to meet or make significant progress toward meeting 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 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. The Owyhee River Group

(Group 1) Allotments Livestock Grazing Permit Renewal Environmental Assessment (DOI-BLM-ID-BO30_2012_0012_EA) was completed in January 2013, supporting the March 29, 2013, Notice of Field Manager's Final Decision for the Garat allotment. Upon appeal to the Office of Hearings and Appeals, that final decision was set aside and remanded so that the BLM could supplement the environmental assessment (EA) and issue another decision. The BLM completed the July 2014 Rangeland Health Assessment and Evaluation Report for the Garat allotment, as well as the July 5, 2014, Determination for the Garat allotment as part of the effort to supplement the EA.

After evaluating conditions on the land and meeting with the public, it became clear to me and my staff that resource issues requiring improvement currently exist on the Garat allotment. It was also clear that some of those issues could be addressed by adjusting the livestock grazing.

The BLM prepared and issued an environmental assessment[1] (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. The BLM considered, but did not analyze in detail, the utilization of range improvements as an alternative to resolve resource issues to correct NEPA deficiencies identified. 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 S&Gs. This proposed decision incorporates by reference the analysis contained in the Garat Final EA.

We have 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 regulations[2] 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 4A; and
- State the reasons why I made that selection.

Although the application for permit renewal received from you included the request for use of motorized access or mechanized equipment within the Owyhee River Wilderness, this proposed decision will not address the authorization of prohibited uses identified in section 4(c) of the

[1] EA number DOI-BLM-ID-B030-2014-0015-EA analyzed five alternatives for livestock grazing management practices to fully process renewal of the grazing permit within the Garat allotment.
[2] 43 CFR Subpart 4100 is the federal regulations that govern public land grazing administration.

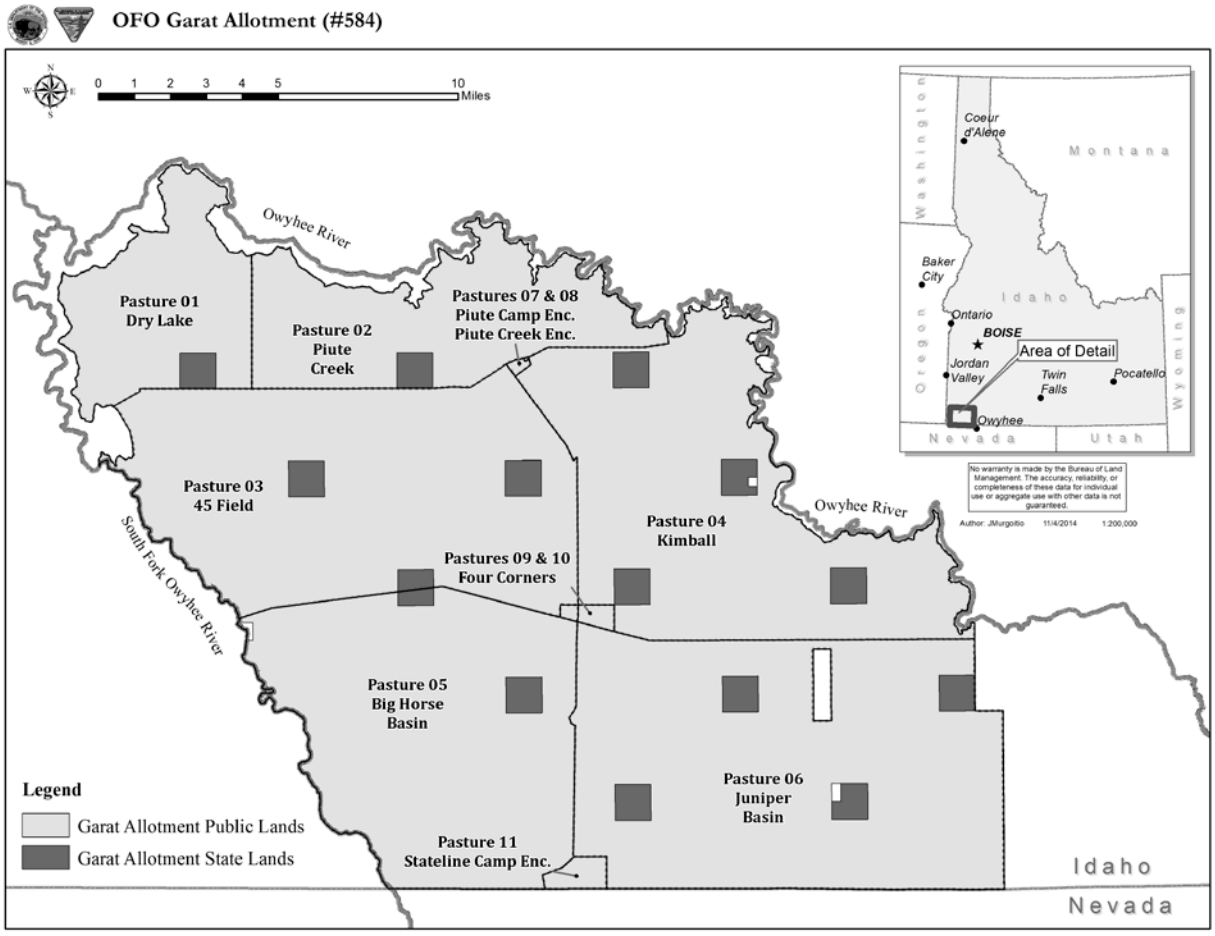
Wilderness Act of 1964. Authorization of motorized access and mechanized equipment in accordance with the Wilderness Act of 1964 and the Omnibus Public Lands Management Act of 2009 will be addressed in a separate decision because regulations pertaining to the administrative appeals process for grazing decisions and wilderness decisions differ.

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 used to implement livestock management practices. In addition, the allotment includes a number of enclosures used for temporary livestock holding or other purposes (*see* map).

Map 1: Location of the Garat allotment and the pastures within the allotment



The allotment is situated within the Owyhee Uplands, a sagebrush steppe semi-arid landscape of shrubs and 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:

Table 1: Livestock grazing currently permitted on the Garat allotment

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

Other terms and conditions:
As per your 1989 grazing agreement for the Garat allotment 19,500 AUMs will be considered active preference and 3,250 AUMs will be considered voluntary nonuse.
All grazing use within the Garat allotment (#0584) will be in accordance with your existing 1989 grazing agreement.
Terms and conditions #1 and #11 (listed below) are specifically addressed in the 1989 grazing agreement for the Garat allotment.

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 signator or 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

[3] For more detailed discussion, please refer to the affected environment sections of EA number DOI-BLM-ID-B030-2014-0015-EA.

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 (AUMs[4]) 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 AUMs[5]. 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 between 2002 and 2011, and even fewer AUMs in 2012 and 2013.

[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. Similarly, actual use reported in 2013 totaled 8,985 AUMs.

Resource Conditions

The BLM completed a rangeland health assessment, evaluation, and determination for the Garat allotment in 2014. In those documents, BLM concluded that resources on the Garat allotment were not meeting the Idaho S&Gs. Specifically, the BLM concluded in the July 2014 Garat Allotment Rangeland Health Assessment and Evaluation Report that the allotment did not meet Standards 1 (Watersheds), 2 (Riparian Areas and Wetlands), 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 July 8, 2014, Determination for the Garat allotment determined that current livestock management practices were significant causal factors in not meeting Standards 2, 4 and 8, and do not conform with the BLM's Guidelines for Grazing Management.[6]

Vegetation - uplands

The BLM's 2014 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 less-desirable 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 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).

Rangeland 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 to be 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 2014 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

[6] For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2014-0015-EA Appendix F.
[7] For more detailed discussion regarding vegetation resources in the Garat allotment, please refer to EA number DOI-BLM-ID-B030-2014-0015-EA Section 3.3.1

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 2014 Rangeland Health Assessment and Evaluation for the Garat allotment concluded that Standard 2 is not being met in pastures 2, 3, and 4 in the Garat allotment. The most recent proper functioning condition (PFC) assessments (2014) identify that the riparian reaches of Piute Creek that occur within these pastures are functional at-risk (FAR). A stock reservoir at the headwaters, a well, and prolonged drought have influenced the system, and impacts to the hydric segments of stream from the mechanical damage from livestock have compounded these effects. The water table is being lowered, which affects the presence and composition of riparian plant species. The system has transitioned to species that are more tolerant of drier conditions, and the reach primarily contains one hydric species of Juncus, with upland species occurring in the riparian zone. The creek occurs in a low-gradient valley bottom, and over the long term, the extent of the wetland area is diminishing. In the short term, the wet meadow areas appear stable, but they are not at their full potential. Scouring, bare ground, and erosion are occurring as a result of discontinuous cover of essential deep-rooted riparian plants, which would dissipate energy and protect against vulnerabilities.

Current livestock grazing management practices are significant causal factors for not meeting Standard 2. Residual vegetation has not been sufficient to maintain or improve riparian-wetland function, and the recent grazing schedule has not allowed for rest or deferment years. Recent actual use data indicate that pastures 2-4 have been used primarily during the spring and summer months, with sporadic rest occurring in pastures 2 and 3 since 2005. Many of the short- and long-term impacts identified in the PFC assessments are attributable to livestock. In particular, mechanical damage and removal of hydric vegetation are directly linked to current livestock use.[9]

Special Status Plants

The BLM's 2014 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 are inundated with water and are vulnerable to degradation during spring seasons.[10]

Wildlife/Wildlife Habitats and Special Status Animals

The BLM's 2014 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

[8] For more detailed discussion regarding upland watershed and soil resources in the Garat allotment, please refer to EA number DOI-BLM-ID-B030-2014-0015-EA Section 3.4.1

[9] For more detailed discussion regarding water resources and riparian/wetland areas in the Garat allotment, please refer to EA number DOI-BLM-ID-B030-2014-0015-EA Section 3.6.2

[10] For more detailed discussion regarding special status plant species in the Garat allotment, please refer to EA number DOI-BLM-ID-B030-2014-0015-EA Section 3.5.1

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 are 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 2, 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.

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]

Wilderness

Approximately 49,653 acres of the Garat allotment are located within the 267,000-acre Owyhee River Wilderness, which was designated in 2009 by the Omnibus Public Land Management Act (OPLMA). Prohibited actions defined by the Wilderness Act of 1964, as further defined by the Congressional Grazing Guidelines (Appendix A of House Report 101-405), limit actions that would result in impacts to wilderness character. Prohibited actions include commercial enterprises, permanent roads, temporary roads, use of motor vehicles, motorized equipment or motorboats, landing of aircraft, mechanical transport, and structures or installations, except as specifically provided for in legislation. The maintenance of facilities supporting authorized grazing, existing in an area prior to its classification as wilderness is permissible in wilderness. Where practical alternatives do not exist, maintenance or other activities may be accomplished through the occasional use of motorized equipment. The grazing permit renewal application received included the request for authorization of the use of motorized equipment within designated wilderness in the performance of maintenance of facilities that support livestock grazing.

The East Fork and South Fork Owyhee Rivers are two of 16 river segments designated as Wild and Scenic Rivers in the OPLMA. The canyon rims along the East Fork and South Fork Owyhee Rivers make up the northern and western borders of the allotment, and as such, livestock grazing is not authorized within the river canyons. Livestock access to the river corridors is restricted by natural barriers and fencing.[12]

Guidelines for Livestock Grazing Management

In addition to a discussion of rangeland health standards, the BLM's 2014 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 5: Maintain or promote grazing management practices that provide sufficient residual vegetation to improve, restore, or maintain healthy riparian-wetland functions and structure for energy dissipation, sediment capture, ground water recharge, streambank stability, and wildlife habitat appropriate to site potential.*

[11] For more detailed discussion regarding wildlife habitats and special status wildlife in the Garat allotment, please refer to EA number DOI-BLM-ID-B030-2014-0015-EA Section 3.7.1

[12] For more detailed discussion regarding wilderness and wild and scenic rivers in the Garat allotment, please refer to EA number DOI-BLM-ID-B030-2014-0015-EA Section 3.7.1

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.

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 watershed conditions within upland sites.
- Issue 3: Prevent introduction and spread of noxious and invasive annual species (e.g., cheatgrass).
- Issue 4: Improve riparian vegetation and stream-bank stability associated with streams and springs/seeps.
- Issue 5: Protect special status plants and improve the habitats supporting special status plants.
- Issue 6: Improve wildlife habitats, and habitats necessary to meet objectives for sagebrush-dependent species, including sage-grouse and other special status wildlife species.
- Issue 7: Consider whether grazing within the Garat allotment can be used to limit wildfire.
- Issue 8: Consider impacts to regional socioeconomic activity generated by livestock production.
- Issue 9: Consider the need for occasional use of motorized equipment for the maintenance of facilities supporting livestock grazing within designated wilderness, where practical alternatives do not exist.

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.[13] 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.

  Livestock grazing within the Garat allotment would be authorized in accordance with the 1989 Management Agreement between Petan Company of Nevada, Inc., (Petan) and the BLM. Active grazing use of 18,870 AUMs would be authorized, consistent with the maximum actual use that was recently reported.

- Alternative 2 – Permittee's Application for Permit Renewal: Alternative 2 analyzed the application for permit renewal received from you on August 21, 2014, and includes the permit terms and conditions requested in that application.[14] This alternative includes a deferred-rotation grazing strategy and 20,264 authorized AUMs during years 1 through 3 of the permit (an increase of 764 AUMs from the current permit, and an increase of 1,394 AUMs when compared to Alternative 1). This alternative further increases active use during years 4 through 10 of the permit to 22,750 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 captures your belief that there are no resource issues and additional AUMs are available for use on the allotment. Additionally, consistent with the application received, Alternative 2 includes range -rediness criteria specific to the Garat allotment, a change in the billing process to allow payment based on actual use after completing the grazing season, authorization to graze horses used for livestock management in the allotment at two camp locations, and authorization to place salt and to access and maintain range projects within the Owyhee River Wilderness with motorized vehicles and equipment consistent with the management practices in such areas prior to wilderness designation. Within your application for grazing permit renewal, you requested several range improvement projects (RIPs). Specifically, your request for two wells to be redrilled; these wells are existing infrastructure, were previously approved by the BLM, and are likely considered maintenance and thus need no additional approval through this Proposed

[13] For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2014-0015-EA sections 2.
[14] The August 21, 2014 application for renewal of a permit to graze livestock within the Garat allotment that was received from Petan Company of Nevada identified two options. The first option requested additional AUMs for use on the allotmen and was analyzed as Alternative 2 in the EA. The second option was considered, but not analyzed in detail, in the EA.

Decision. As such, the BLM will coordinate with you on this request, as well as other maintenance needs and requests separate from this decision. Other RIPs requests were considered but not analyzed in detail within the EA (Section 2.6.3), as these requests are outside of the scope of the EA and need to be considered separately, requiring BLM to evaluate them in meeting multiple use management objectives as outlined in the ORMP [43 CFR 4120.3-1 (a) and (b)].

- 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, as 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. When compared to average actual use over the 10-year period between 2002 and 2011, Alternative 4 would reduce the level of active use by 30 percent.

  Three sub-alternatives of Alternative 4 were considered and analyzed. The sub-alternatives differed in the method that would be utilized in implementing limitations to the frequency of mid-summer grazing use of riparian areas adjacent to Piute Creek. Under Alternative 4A, the total acreage of pastures containing riparian resources associated with Piute Creek would be managed with a grazing schedule developed to limit the frequency of mid-summer use. Under Alternative 4B, livestock management practices (e.g., herding, salt and supplement placement, livestock movement) would constrain access to riparian areas associated with Piute Creek, while allowing the remainder of the affected pastures to be available for grazing use unlimited by the riparian constraint. Under Alternative 4C, the total acreage of pastures containing riparian resources adjacent to Piute Creek would be managed with a grazing schedule the same as under sub-alternative 4A, except the 0.3-mile

portion of Piute Creek in Kimball pasture (pasture 4) would be managed as a livestock water-gap and would not have limitations applied to avoid mid-summer use.

- 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 35-day period ending November 11, 2014. In addition to timely comments received from you, comments were also received from the State of Idaho Department of Environmental Quality, Western Watersheds Project, and one collective submission of comments from the Idaho Cattle Association, Public Lands Council, Owyhee Cattleman's Association, National Beef Association, and Idaho Farm Bureau Federation. 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/grazing/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 terms and conditions consistent with Alternative 4A (Season-based alternative) in the EA. Implementation of Alternative 4A 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.

You will be offered a grazing permit for a term of 10 years with 10,350 active AUMs and 10,896 suspension AUMs. Adoption of Alternative 4A will result in a reduction in AUMs from your current 33,646 AUMs of permitted use[15] to 21,246 AUMs of permitted use. The affected 9,150 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:

Table 2: Proposed permitted use on the Garat allotment under Alternative 4A

Active Use	Suspension	Permitted Use
10,350 AUMs	10,896	21,246 AUMs

The terms and conditions of the grazing permit will be as follows:

Table 3: Terms and conditions of the grazing permit for the Garat allotment

Allotment	Livestock		Grazing Period[1]		% PL[1]	Type Use	AUMs[1]
	Number	Kind	Begin	End			
00584	1,604	Cattle	03/15	09/30	96	Active	10,126

[15] Permitteed use is the combination of active use and suspension as the three terms are defined in regulation (43 CFR § 4100.0-5)

Garat	250	Cattle	10/1	10/15	96	Active	118
	15	Horse	03/15	10/15	100	Active	106

Terms and conditions:

1. Grazing use of the Garat allotment (00584) will be in accordance with the grazing schedule identified in the final decision of the Owyhee Field Office Manager dated January 16, 2015. Flexibility in dates of livestock moves between pastures is provided to meet resource management and livestock management objectives, so long as move dates adhere to seasons of use constraints identified in the decision. Changes to the scheduled use require prior approval by the authorized officer, consistent with standard terms and conditions.
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 15 head of horses through the grazing season within the horse fields located near Stateline Camp and Four Corners Camp. Approximately 10 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 106 AUMs.
4. Livestock turnout is subject to Boise District range readiness criteria.
5. You are required to submit a signed and dated Actual Grazing Use Report Form (BLM Form 4130-5) for the allotment you graze. The completed form(s) must be submitted to this office within 15 days from the last day of your authorized annual grazing use.
6. Supplemental feeding is limited to salt, mineral, and/or protein, in block or granular form. If used, supplements must be placed at least one-quarter (1/4) mile away from any riparian area, springs, streams, meadow, aspen stand, playa, special status plant populations, or water development. Use of other supplements on public land requires annual authorization by the authorized officer.
7. Trailing activities must be coordinated with the BLM prior to initiation. A crossing permit may be required prior to trailing livestock across public lands. You must notify any/all affected permittees or landowners in advance of crossing.
8. Livestock exclosures located within your grazing allotment [e.g., Piute Camp Enclosure (Pasture 7) and Piute Creek Enclosure (Pasture 8)] 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 and mechanized access within designated wilderness will be in accordance with the final decision of the Owyhee Field Office Manager and incorporated into the permit terms and conditions when it is completed.
10. Bird ladders that meet BLM standards must be installed and functioning on all water troughs on public lands. It is your responsibility to install and maintain all bird ladders. On permanent troughs, you are required to inform the BLM when bird ladders are needed, and the BLM will supply bird ladders. On temporary troughs, you are responsible for providing bird ladders.
11. 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.
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, in accordance with the Owyhee Resource Management Plan.
14. You shall provide administrative access across private and leased lands to the BLM for the orderly management and protection of the public lands.
15. Grazing use will be billed after the fact, based upon Actual Grazing Use report form(s).

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

Table 5: Grazing schedule for the Garat allotment under Alternative 4A

Pasture	Pasture Name	Year 1	Year 2	Year 3
1	Dry Lake[1]	3/15-6/30[2]	3/15-4/15	3/15-4/15
2	Piute Creek[1]			
3	Forty-Five	7/1 to 10/15[2]	Rest	4/16 to 6/30
4	Kimball	Rest	4/16 to 6/30	7/1 to 10/15[2]
5	Big Horse[3]	3/15 to 10/15[2]	7/1 to 10/15[2]	7/1 to 10/15[2]
6	Juniper Basin	3/15 to 10/15[2]	7/1 to 10/15[2]	7/1 to 10/15[2]
7 8	Piute Camp Enclosure Piute Creek Enclosure	Livestock Exclusion		
9 10 11	Four Corners West Four Corners East Stateline	3/15 to 10/15 Horses and Short-term cattle holding		

[1] 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. Grazing use of these pastures in any year after 7/1 is not scheduled due to limited water available to support livestock use and increasing risk of livestock moving into the Owyhee River Canyon.

[2] 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. Flexibility is provided to adjust the livestock move dates based on climatic conditions and water availability as long as scheduled dates of periodic non-use to provide sage-grouse breeding habitat, upland vegetation growing season deferment, and riparian deferment are provided.

[3] 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 applies season of use constraints referenced in the terms and conditions #1 above. The schedule ensures that those portions of the allotment that contain sage-grouse

preliminary priority habitat will not be grazed more than 1 year 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 2015, you may not graze pasture 6 again between April 15 and June 16 until 2018. 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 1 year in any 3-year period, a constraint that is concurrent and in combination with sage-grouse habitat protection in the grazing schedule for all pastures. Finally, the grazing schedule ensures that pastures 2, 3, and 4 that contain reaches of Piute Creek and the associated riparian resources will not be grazed more than 1 year every 3 years during mid-summer (July 1 to September 15). Flexibility is provided within the schedule above for grazing use of each pasture to meet resource management and livestock management objectives, so long as move dates adhere to these seasons of use constraints.

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 stocking rate of 10 acres per AUM 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 topography[16].

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, 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.

Other Notes on the Proposed Decision

In response to requests in the August 21, 2014, application for grazing permit renewal received from you, it is my proposed decision to authorize an increase in the number of AUMs for use by saddle horses authorized to be kept on public land within the Garat allotment for cattle management purposes, as defined in line 3 of the permit terms and conditions table above and Term and Condition number 3 following that table. In addition, my proposed decision is to deny your request for billing privileges after the grazing season based on actual use.

Finally, it is my proposed decision to not authorize additional projects in this decision. Specifically, this proposed decision does not authorize the modification of the 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

[16] For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2014-0015-EA section 2.4

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, and water developments are functioning as designed to provide livestock water).

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 the EA, the Rangeland Health Assessment/Evaluation, Determination, other documents in the grazing files, and documentation provided by you, it is my decision to select Alternative 4A as my proposed decision. I am convinced that the combination of reduced stocking and the implementation of this deferred/rest-rotation grazing system provides the greatest certainty in making significant progress toward addressing the rangeland health issues and meeting the resource management objectives of the ORMP and Idaho S&Gs within the Garat allotment. Implementation of Alternative 4A, compared to the other alternatives analyzed in the EA, best fulfills the BLM's obligation to establish a grazing regime during the next 10 years that will promote the desired ecological status of plant communities. This will result in improving and maintaining healthy wildlife habitat and forage for livestock and wildlife while promoting restoration of important riparian areas associated with Piute Creek and protecting other sensitive areas identified in the analysis. My decision fulfills the Federal Land Policy and Management Act's multiple use and sustained yield mandate.

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 4A 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 4A implements more frequent periodic deferment of grazing use to periods outside the active growing season than would occur under Alternatives 1 through 3. In addition, periodic rest of pastures 3 and 4 to benefit riparian resources will also allow recovery and maintenance of upland vegetation resources. 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 compared to active use authorized in the current permit, or by 30 percent compared to average actual use over the 10-year period between 2002 and 2011[17]. 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 numbers, implementation of Alternative 4A 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 4A 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 4A to reverse the change in plant composition and improve native plant communities. Alternative 4A implements livestock management practices that maintain or improve upland vegetation and watershed conditions consistent with Idaho Rangeland Health Guidelines 4, 8, 9, and 12[18].

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,

[17] 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. Similarly, actual use reported in 2013 was 8,985 AUMs.
[18] For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2014-0015-EA section 3.3.2.4 and 3.4.2.4.

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 4A prohibits grazing in pasture 2 every year during mid-summer, the riparian-area growing season. In addition, the grazing schedule of Alternative 4A limits mid-summer use of pastures 3 and 4 to no more often than 1 year in each 3-year cycle. In so doing, Alternative 4A reduces the impacts on the riparian and water resources associated with Piute Creek in pastures 2, 3, and 4, which will lead to improvement.

Riparian areas on the allotment are limited to 2.5 miles associated with Piute Creek, many reaches which have interrupted or intermittent flow. Riparian areas are also present and associated with a few springs that 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, even though reaches of Piute Creek may never have potential for perennial flow, the BLM determined that the allotment was not meeting the riparian-related Idaho S&Gs. The BLM determined that many of the interrupted and intermittent reaches of Piute Creek have potential to support riparian vegetation and provide functioning systems that meet a state of resiliency that will allow them to hold together during high-flow events with a high degree of reliability, and also provide for additional resource values. 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. Exclusion of livestock from reaches of Piute Creek enclosed within existing fencing of pastures 7 and 8 under Alternative 4A will allow recovery and maintenance of riparian values, while only minimally reducing the availability of livestock water provided along the lentic reaches of Piute Creek, especially later during the grazing season.

Implementation of Alternative 4A will allow the Garat allotment to meeting Standards 2 and 7 and the ORMP objective to maintain or improve riparian areas to attain proper functioning and satisfactory conditions into the future.[19]

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

[19] For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2014-0015-EA Section 3.6.3.4

While Alternative 4A allows a grazing frequency of 1 in 3 years within pasture 5 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 deferment, will lessen the potential impacts. Implementation of Alternative 4A will reduce livestock trampling impacts to soils in the playas that support Davis' peppergrass 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 4A, 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.[20] 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)."[21]

Alternative 4A 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 years of each 3-year period in pastures 3, 4, 5, and 6, early spring use prior to the active growing season in pastures 1 and 2, and rest of pastures 3 and 4 in 1 year of each 3-year cycle will 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.

[20] 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.

[21] Please refer to EA number DOI-BLM-ID-B030-2014-0015-EA Section 3.7.1

Potential conflicts between livestock grazing and sage-grouse nesting activities have been reduced in Alternative 4A 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 preliminary priority habitat (PPH) (87 percent of the acreage) and preliminary general habitat (PGH) (13 percent of the acreage) in the allotment. While it is not altogether certain that direct impact 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 4A, 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, limitations to the frequency of mid-summer grazing use of riparian resources in pastures 2, 3, and 4 under Alternative 4A will allow the limited riparian areas on the allotment to improve toward functioning condition and will provide for additional resource values. 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 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 4A 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 4A 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 12[22].

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 4A will result in proportionally less soil surface disturbance and fewer animals that could carry seed to and

[22] For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2014-0015-EA Section 3.7.2.4.

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 the sub-alternatives of 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. [23]

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 4A 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 landscape-scale or 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 4A 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 both the dominance of annual species and the accumulation of continuous fine fuels and extreme fire behavior, while enhancing post-fire recovery[24].

[23] For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2014-0015-EA Section 3.3.2.4.
[24] For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2014-0015-EA Section 2.6.7.

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

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 4A 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, time-consuming, and likely unachievable. 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 the sub-alternatives of Alternative 4.

Hoping to ameliorate any abrupt economic impacts from implementation of Alternative 4A to you as a permittee, I attempted to develop a way to implement Alternative 4A that would have a less severe initial impact. 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. These data and your 2012 reported use of 6,856 AUMs and 2013 reported use of 8,985 AUMs show that you are operating with a high degree of flexibility. For these reasons, I have decided to implement Alternative 4A.

Additional Rationale

Consideration of other factors contributed to my decision to make Alternative 4A 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 possible, I have chosen not to implement Alternative 3 due to the lack of certainty that, over a 10-year period, the intensive monitoring and accompanying strict herd management compliance requirements are achievable for an allotment as large and remote as the Garat allotment. This leads me to conclude that implementation of Alternative 3 would not provide the same level of certainty in attaining significant progress toward improving rangeland health and addressing resource management objectives compared with implementation of Alternative 4A.

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. 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.

The sub-alternatives under Alternative 4 differ only in the manner and degree to which riparian resources associated with Piute Creek would be allowed to recover toward functioning condition and provide for resource values associated with riparian areas. Alternative 4A will achieve those objectives, while not requiring the frequent livestock management practices, primarily herding, that would be necessary to exclude mid-summer use of riparian areas under Alternative 4B. In addition, Alternative 4A will allow all reaches of Piute Creek to recover and maintain riparian resource values, as compared to Alternative 4C that would allow continued livestock access to a 0.3-mile reach in Pasture 4 and the continued failure to meet riparian objectives. In addition, Alternative 4C would provide limited benefit for livestock management by providing limited and poor quality water for livestock use.

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 4A rather than Alternative 5, I especially considered (1) BLM's ability to meet resource objectives using Alternative 4A, (2) the impact of implementation of Alternative 5 on your operation and on regional economic activity, and (3) your past performance under the previous permit. The allotment's resource issues are primarily related to the improper seasons and site-specific intensities of grazing use. By implementing Alternative 4A, 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 4A. 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 4A'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 4A as compared with Alternatives 1 through 3 and other sub-alternatives of Alternative 4. The native plant health and vigor protected under Alternative 4A will provide resistance and resilience to additional stressors, including climate change.[25]

My decision to increase active use authorized for saddle horses, to not exceed 106 AUMs and allow the flexibility in the number of saddle horses to not exceed 75 head authorized to be kept on public land within pastures in the Garat allotment at Stateline Camp and Four Corners 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 exclude horse and cattle use from the Piute Creek and Piute Camp enclosures is because riparian resources adjacent to Piute Creek in this vicinity were assessed as functioning at-risk and concentration of horse or cattle use in these areas would not be conducive toward recovery to functioning condition and a condition that provides for resource values associated with riparian areas.

I hereby approve your request for authorization of billing after the grazing season based on actual use. This proposed decision provides the terms and conditions of the renewed grazing permit that meet the definition of the functional equivalent of an allotment management plan provided in the grazing regulations (43 CFR §4120.2),[26] for after-the-fact billing. Fees will be based upon actual grazing use and will be due upon billing issuance. Repeated delays in payment of actual use billings or noncompliance with the permit terms and conditions shall be cause to revoke provisions for after-the-grazing-season billing [43 CFR § 4130.8-1(e)].

My decision to not authorize the modification of the cross-fence layout in the Piute Creek/Piute Basin area, the division fence proposed for pasture 4, 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 purpose and need for permit renewal did not include the addition of new infrastructure and renewal of your grazing permit with terms and conditions of the permit as identified above is not dependent on these projects. Maintenance of wells at Middle Windmill and 45 Windmill, consistent with the original design and within the original footprint of the projects, remains your responsibility, as identified in cooperative agreements for those projects. Retention of the existing coordinated process to identify, analyze, and authorize as appropriate the restoration, improvement, or development of

[25] For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2014-0015-EA Section 3.3.2.4

[26] 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 (43 CFR 4100.0-5).

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. The BLM will continue to consider applications for range improvement projects that are consistent with meeting resource management objectives, but outside the current permit renewal process.

Finding of No Significant Impact (FONSI)

A finding of no significant impact (FONSI) was signed on January 2, 2015, and concluded that the proposed decision to implement Alternative 4A 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-B030-2014-0015-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 4A 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, Standard 2 (Riparian Areas and Wetlands) in pastures 2, 3, and 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 assumes an uncertainty whether, over a 10-year period, the intensive monitoring and accompanying strict herd management compliance requirements are achievable for an allotment as large and remote as the Garat allotment. The potential benefits under Alternative 3 are equally achieved under Alternative 4A. Alternative 4B would require uncertain implementation of livestock exclusion from riparian areas in two years of each three-year grazing cycle, while Alternative 4C would fail to protect riparian resources along a 0.3 mile reach of Piute Creek in Pasture 4. 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 4A 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 publics 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:

Michelle G. Ryerson
Acting Owyhee Field Office Manager
20 First Avenue West
Marsing, Idaho 83639

Any 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, is directed to 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,

Michelle G. Ryerson
Acting Field Manager
Owyhee Field Office