



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

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In Reply Refer to:
4110.2 (NV-040)

OCT 25 2007

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DEPARTMENT OF ADMINISTRATION
OFFICE OF THE DIRECTOR
BUDGET AND PLANNING DIVISION

Dear Interested Public:

The application to transfer the sheep grazing privileges on the Duckwater Allotment from Vince Ferreira to Tom and Ellen Gardner was initiated in March, 2007. The signed and dated *Acceptance of Terms and Conditions* form was received by BLM on October 9, 2007. A copy of this form is enclosed with this letter. In accordance with Sec. 325, Title III, H.R. 2691, Department of the Interior and Related Agencies Appropriations Act, 2004 (P.L. 108-108), which was enacted on November 10, 2003, the grazing permit can now be issued under Section 402 of the Federal Land Policy and Management Act of 1976, as amended (43 U.S.C. 1752), title III of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1010 et seq.), or, if applicable, section 510 of the California Desert Protection Act (16 U.S.C. 410aaa-50).

In accordance with Public Law 108-108 the terms and conditions contained in the expired or transferred permit have been incorporated into the new permit and shall continue in effect under the renewed permit until such time as the Secretary of the Interior completes processing of this permit in compliance with all applicable laws and regulations, at which time this permit may be canceled, suspended, or modified, in whole or in part, to meet the requirements of such applicable laws and regulations.

The active permitted use associated with this transfer authorizes 2,814 AUMs of sheep grazing in 4 pastures of the Duckwater Allotment, with a season of use from 11/01 through 04/15. This authorization is summarized as follows:

Allotment Number	Name	Livestock		Grazing Period		% PL	Type Use	AUMs
		Number	Kind	Begin	End			
0701	Duckwater	2241	Sheep	11/01	02/28	100	Active	1,768
		2241	Sheep	03/01	04/15	100	Active	678
		622	Sheep	01/01	02/28	100	Active	241
		622	Sheep	03/01	03/31	100	Active	127

Total AUMs = 2,814

This permit authorizes sheep use in the following 4 pastures of the Duckwater Allotment:

1. Bull Corner/Poison Patch
2. Pogues Station
3. Little Smoky Valley
4. Pancake East Bench/Duckwater Valley

The term permit will be issued for the period 03/01/2007 to 02/28/2017. The terms and conditions contained in the transferred term permit shall continue in effect until a new term permit is reissued following completion of the Ely District Resource Management Plan (RMP) and watershed assessments.

The new grazing regulations require the authorized officer to consult, cooperate, and coordinate (CCC) with affected permittees, the State agencies responsible for managing resources within the area, and the interested public prior to the issuance of grazing permits (43 CFR 4130.2(b)). Therefore, individuals, groups or organizations that have expressed an interest in the management of livestock grazing on the Duckwater Allotment for the 2007 grazing year will be notified of this grazing permit transfer (list at end of this letter).

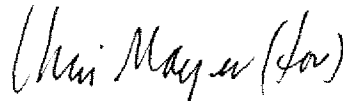
Tom and Ellen Gardner meet all of the qualifications for a grazing permittee outlined in 43 CFR 4110.1, and this offering and issuance of a permit complies with the regulations governing issuance of permits outlined in 43 CFR 4110.2-1 and 4110.2-2.

The terms and conditions outlined in the signed and dated acceptance form are those that have historically appeared on previous annual licenses and permits authorizing grazing use on the Duckwater Allotment. The terms and conditions of livestock grazing outlined for the Duckwater Allotment were developed through consultation, cooperation and coordination with the interested public during the allotment evaluation process. The terms and conditions outlined are also consistent with the Egan Resource Management Plan (RMP), Final Environmental Impact Statement (FEIS), and subsequent Record of Decision (ROD).

The geographic area of this permit transfer occurs within the Sand Springs East Wild Horse Herd Management Area (HMA). This area does not occur within a wilderness. This area is adjacent to the Park Range Wilderness Study Area (WSA – NV-04-154).

If you have any questions please contact *Mark Lowrie*, Rangeland Management Specialist, at (775) 289-1888.

Sincerely,



William E. Dunn
Assistant Field Manager
Renewable Resources

1 Enclosure

1. Signed Acceptance of Terms and Conditions Form

**ACCEPTANCE OF TERMS & CONDITIONS
and
REQUEST FOR GRAZING PERMIT**

Bureau of Land Management
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I, Tom Gardner, agree to accept the Terms & Conditions listed below and request that I be offered a Grazing Permit to graze the allotment in which I have active permitted use. *FLV NV*

Allotment Number	Allotment Name	Livestock Number/Kind	Grazing Period		% Public Land	Type Use	AUMs
			Begin	End			
0701	Duckwater	2241 Sheep	11/01	02/28	100	Active	1,768
		2241 Sheep	03/01	04/15		Active	678
		622 Sheep	01/01	02/28		Active	241
		622 Sheep	03/01	03/31		Active	127

* Total active sheep AUMs for this permit are 2, 814 AUMs

Terms and Conditions:

In accordance with 43 CFR 4130.3-2, the following terms and conditions will be included in the grazing permit for Tom Gardner in the Duckwater Allotment:

Stipulations Common To All Allotments:

1. Livestock numbers identified in the term grazing permit are a function of seasons of use and permitted use for each allotment. Deviations from those livestock numbers and seasons of use may be authorized on an annual basis where such deviations would not prevent attainment of the Multiple-Use Objectives for the allotment.
2. Deviations from specified grazing use dates will be allowed when consistent with Multiple-Use Objectives. Such deviations will require an application and written authorization from the authorized officer prior to grazing use.
3. Pursuant to 43 CFR 10.4 (G) the holder of this authorization must notify the authorized officer by telephone, with written confirmation, immediately upon discovery of human remains, funerary objects, sacred objects, or objects of cultural patrimony (as defined at 43 CFR 10.2). Further, pursuant to 43 CFR 10.4 (C) and (D), you must stop activities in the immediate vicinity of the discovery and protect it from your activities for 30 days or until notified to proceed by the authorized officer.
4. The authorized officer is requiring that an actual use report (Form 4130-5) be submitted within 15 days after completing your annual grazing use.

5. The payment of your grazing fees is due on or before the date specified in the grazing bill. This date is generally the opening date of your allotment. If payment is not received within 15 days of the due date, you will be charged a late fee assessment of \$25 or 10 percent of the grazing bill, whichever is greater, not to exceed \$250. Payment with Visa, MasterCard or American Express is accepted. Failure to make payment within 30 days of the due date may result in trespass action.

6. Grazing use will be in accordance with the Mojave Southern Area Standards and Guidelines for Grazing Administration as developed by the Mojave Southern Resource Advisory Council and approved by the Secretary of the Interior on February 12, 1997. Grazing use will also be in accordance with 43 CFR Sub-part 4180 - Fundamentals of Rangeland Health and Standards and Guidelines for Grazing Administration.

7. If future monitoring data indicates that grazing use is not in conformance with the Standards and Guidelines for Rangeland Health, the grazing permit will be reissued subject to revised terms and conditions.

Additional Terms and Conditions:

In accordance with 43 CFR 4130.3-2, the following terms and conditions will be included in the grazing permit for the Duckwater Allotment:

1. The permittee is required to perform normal maintenance on the range improvements that have been issued through approved cooperative agreements or section 4 permits.
2. Grazing use will be in accordance with the Full Force and Effect Final Multiple Use Decision for the Duckwater Allotment dated June 9, 1995.

Bull Creek Corner/Poison Patch Use Area

3. In this use area, sheep grazing will occur in lands along the main Poison Wash and west of the wash (Road 4006). Sheep herding will not be concentrated in the main Poison Wash but will be distributed throughout the use area.

Pogues Station Use Area

4. Sheep camp locations in this use area will be determined by the authorized officer on an annual basis.

Little Smoky Valley Use Area

5. Sheep camp locations in this area will be determined by the authorized officer on an annual basis. Sheep herding will not be concentrated in the winterfat flats or benches to the northwest of the Moody Mountains nor in Big Fault Wash, Snowball Creek Wash, Willow Creek Wash, Cockalorum Wash, or other major drainages running west to east, in order to allow proper rest for severely degraded winterfat areas.

Pancake East Bench/Duckwater Valley Use Area

6. Sheep herding will not be concentrated east of the Big Louie Road so as not to conflict with cattle grazing.
7. Sheep will not be trailed in winterfat flats or bottoms. Sheep bedding grounds will be located a minimum of 1/4 mile from winterfat flats or bottoms. Sheep camps will be moved at least every seven days. No two sheep camps will be located in the same area in a grazing season. Sheep camps and bedding grounds will be located a minimum of 1/4 mile from springs. If sheep must water at springs, they must move to and from the area in a timely manner.

Thomas/Emdner
Signature of Permittee

Oct 5 '07
Date