

United States Department of the Interior



BUREAU OF LAND MANAGEMENT

Ely Field Office
HC 33 Box 33500 (702 No. Industrial Way)
Ely, Nevada 89301-9408
<http://www.nv.blm.gov/Ely>

In Reply Refer To:
4130 (NV-042)

Alan & Edna Forsgren
Duckwater Cattle Company
Duckwater, Nevada 89301

RECEIVED

AUG 30 2005

SEP 06 2005

Dear Alan and Edna:

DEPARTMENT OF ADMINISTRATION
OFFICE OF THE DIRECTOR
BUDGET AND PLANNING DIVISION

Your grazing term permit expired on June 9, 2005. 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, this grazing permit or lease is renewed 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 (16 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 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 the permit may be canceled, suspended, or modified, in whole or in part, to meet the requirements of such applicable laws and regulations.

The issuance of your new grazing permit will be for a period of ten years beginning June 10, 2005 and ending June 9, 2015. The permitted use for the Duckwater Allotment for cattle authorizes 4,309 AUMs active use and 736 AUMs Exchange-of-Use. The season of use is 03/15 through 01/31 for active use and 02/15 through 03/14 for Exchange-of-Use. The permitted use for sheep on the Duckwater Allotment authorizes 66 AUMs with a season of use from 06/01 through 11/30. The permitted use for cattle on the Monte Cristo Allotment authorizes 725 AUMs (rounded) active use with 400 AUMs placed in Voluntary Non Use, for a permitted use of 1,129 AUMs. The season of use for the Monte Cristo Allotment is 06/21 through 09/18.

The signed "Acceptance of Terms and Conditions" form for your permit was received by you the week of August 15, 2005.

The Ely Field Office is initiating a comprehensive Resource Management Plan (RMP) and subsequent watershed assessments on a district-wide basis. Term permits expiring prior to completion of the RMP will be issued under the authority of the Grazing Rider portion of BLM's annual appropriation bill until completion of the RMP and watershed assessments. These term permits will be issued for a period not to exceed ten years. The terms and conditions contained in the expiring term permit shall continue in effect until a new term permit is reissued

following completion of the RMP and the watershed assessments.

Upon completion of the RMP and watershed assessments, term permits previously issued under the Grazing Rider will be reissued and will be processed in compliance with all applicable laws and regulations.

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, a copy of this letter and a copy of the acceptance form will be sent to individuals, groups or organizations that have expressed an interest in the management of livestock grazing on the Duckwater and Monte Cristo Allotments.

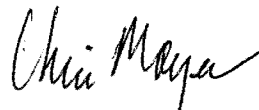
You meet all of the qualifications for a grazing permittee outlined in 43 CFR 4110.1, and this offering and issuance of a permit complies with the regulations governing issuance of permits outlined in 43 CFR 4110.2-1 and 4110.2-2.

The terms and conditions outlined in the enclosed acceptance form are those that have historically appeared on previous annual licenses and permits authorizing grazing use on the Duckwater and Monte Cristo Allotments. The terms and conditions outlined for the Duckwater and Monte Cristo Allotments 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).

Portions of three Wild Horse Herd Management Areas (HMAs) occur within the Duckwater Allotment. These are the Sand Springs East, Monte Cristo, and White River HMAs. The Monte Cristo Allotment is located entirely within the Monte Cristo HMA. Portions of two Wilderness Study Areas (WSAs) also occur within the Duckwater Allotment. These are the Park Mountain and Blue Eagle WSAs.

If you have any questions please contact Mark Lowrie, Rangeland Management Specialist, at (775) 289-1888. If you would prefer to discuss this matter in person, please call to set up an appointment with us so that we may respond to any questions you may have.

Sincerely,



Chris Mayer
Supervisory Range Management Specialist
Renewable Resources

Enclosure

1. Signed Acceptance of Terms and Conditions form

CC:

Jim Baumann
Curtis A. Baughman, NDOW
Randy Buffington
Steven Carter, Carter Cattle Co.
Ken Conley
Eureka Co. Natural Res. Dept.
Dave Woolfolk, Fish Creek Cattle Co.
Katie Fite, Western Watersheds Project
Steve Foree, NDOW
Friends of Nevada Wilderness
Brad Hardenbrook, NDOW
Jerry McGuire
Betsy Macfarlan, ENLC
Nevada State Clearinghouse
Russel Peacock
Virginia Lani, PLUAC
Carl Slagowski
USFWS, Southern Nevada Field Office
Coalition for Nevada's Wildlife

SEP 06 2005

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

DEPARTMENT OF ADMINISTRATION
OFFICE OF THE DIRECTOR
BUDGET AND PLANNING DIVISION

I, Alan Forsgren of Duckwater Cattle Company, Duckwater, Nevada, agree to accept the Terms & Conditions listed below and request that I be offered a Grazing Permit to graze the allotments in which I have a grazing preference.

Allotment Number	Name	Livestock Number/Kind	Grazing Period		% Public Land	Type Use	AUMs
			Begin	End			
0701	Duckwater						
	Bull Creek/Duckwater Use Area	800 Cattle	03/15	05/15	100	Active	1631
	Green Springs Use Area	800 Cattle	05/23	06/20	100	Active	763
	Pancake East Bench Use Area	54 Sheep	06/01	11/30	100	Active	65
	Green Springs Use Area	335 Cattle	09/19	09/30	100	Active	132
	Bull Creek/Duckwater Use Area	330 Cattle	11/15	01/31	100	Active	846
	Bull Corner/Poison Patch Area	322 Cattle	11/15	01/31	100	Active	826
	Pancake East Bench	43 Cattle	11/15	01/31	100	Active	110
	Unfenced private lands/East Area	400 Cattle	02/15	03/14	0	Exchange	368
	Unfenced private lands/West Area	400 Cattle	02/15	03/14	0	Exchange	368
0614	Monte Cristo	582 Cattle	06/21	09/18	100	Active	1,129

A summary of the above grazing permit follows, that includes more specific information on the voluntary non-use grazing agreement for the Monte Cristo Allotment:

Allotment	Total AUMs	Suspended Non-Use	Active Preference	Exchange Of Use	Season Of Use
Duckwater	10,565(C)*	6,256	4,309	736	03/01 - 02/28
	66(S)*	0	66	0	03/16 - 09/30

Allotment	Total AUMs	Suspended Non-Use	Permitted Use	Voluntary Non-Use	Active Use	Season Of Use
Monte Cristo*	1,129(C)	0	1,129	400	725	06/21 - 09/18

* Up to 350 cattle may be placed in the allotment, provided, however, that actual use will not exceed 725 AUMs without prior authorization from BLM.

Terms and Conditions:

In accordance with 43 CFR 4130.3-2, the following terms and conditions will be included in the grazing permit for Duckwater Cattle Company in the Duckwater and Monte Cristo Allotments:

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 in White Pine County will be in accordance with the Northeastern Great Basin Area Standards and Guidelines for Grazing Administration. Grazing use in Nye County will be in accordance with the Mojave-Southern Great Basin Area Standards and Guidelines for Grazing Administration. The Standards and Guidelines have been developed by the respective 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 Standards and Guidelines for Grazing Administration are not being met, the permit will be reissued subject to revised terms and conditions.
8. 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, this grazing permit or lease is renewed 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 or lease have been incorporated into this permit or lease and shall continue in effect under the renewed permit or lease until such time as the Secretary of the Interior completes processing of this permit or lease in compliance with all applicable laws and regulations, at which time this permit or lease may be canceled, suspended, or modified, in whole or in part, to meet the requirements of such applicable laws and regulations.

9. The permittee is required to perform normal maintenance on the range improvements that have been issued through approved cooperative agreements or section 4 permits.

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 Duckwater Cattle Company:

Grazing use in the Duckwater Allotment will be in accordance with the Final Decision for the Duckwater Allotment dated June 9, 1995 and as modified by the stipulation dated April 4, 5, 10 1996. The terms and conditions listed below are a brief synopsis of major points of the stipulation. Please refer to the stipulation for the complete and accurate wording of terms and conditions.

The exchange of use grazing authorization will be in accordance with the stipulation for dismissal of appeals dated April 1996. There is no fee for the 736 AUMs in exchange of use. During the exchange of use period 02/15 – 03/14 cattle will be fed full daily forage requirements of hay and supplement on unfenced private lands. If full daily forage requirements are not fed during this period this authorization will be cancelled.

Cattle will be widely distributed throughout the Bull Creek/Duckwater Hills Pasture, including to agreed upon water haul sites. During the spring use period, cattle will not be permitted to use within one mile of the unfenced private lands which are under exchange of use. Water haul locations in the northern and northeastern portion of this use area will be used to help distribute livestock during the spring period. Riding to keep cattle distributed will be accomplished every two to three days.

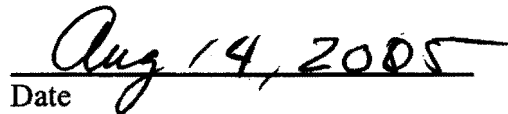
Water hauling will occur at agreed upon locations in the Bull Corner Use Area from 11/15 – 12/31. Water hauling will also occur in the Green Springs Use Area from 5/15 – 6/20 to sites within two miles of the northern boundary with the Monte Cristo Allotment.

Desired utilization on a use area wide basis is 50% for winterfat and 50% for key perennial grasses in any use period between March 1 and June 20, and 60% for key perennial grasses between June 20 and the start of the next growing season, except that desired utilization for key perennial bunchgrasses in the Duckwater Hills/Bull Creek Use Area is 40% by May 15, and 60% after that time.

In the Green Springs Use Area, if water is available to pump, the stock well located in T. 15N., R. 57E., Section 17, SE $\frac{1}{4}$ will be used by Duckwater Cattle Company to improve livestock distribution. Salt and supplements will not be allowed within $\frac{1}{2}$ mile of stock waters, nor in winterfat vegetation.

Grazing use in the Monte Cristo Allotment will be in accordance with the Final Multiple Use Grazing Decision dated July 25, 1995 as modified by the Stipulation For Dismissal Of Appeals NV-04-95-07 and NV-04-95-08 dated August, 1999. Up to 350 head of cattle may be placed in the allotment, provided that actual use will not exceed 725 AUMs without prior authorization from BLM. Please refer to the stipulation for complete and detailed terms and conditions of grazing use.


Signature of Permittee


Date