



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)

White River Ranch, LC
Charles M. Brown
801 Colton
North Las Vegas, NV 89030

RECEIVED

OCT 24 2005

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DEPARTMENT OF ADMINISTRATION
OFFICE OF THE DIRECTOR
BUDGET AND PLANNING DIVISION

Dear Charles:

Your grazing term permit will expire on October 31, 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 November 1, 2005 and ending October 31, 2015. The permitted use for the Tom Plain Allotment for cattle authorizes 6,036 AUMs active use. The season of use is 03/1 through 02/28.

The signed "Acceptance of Terms and Conditions" form for your permit was received by you on October 12, 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 Tom Plain Allotment.

Portions of Jakes Wash Wild Horse Herd Management Areas (HMAs) occur within the Tom Plain Allotment.

If you have any questions please contact Ryan Pitts, Rangeland Management Specialist, at (775) 289-1800. 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:

Curtis A. Baughman, NDOW
Steven Carter, Carter Cattle Co.
Katie Fite, Western Watersheds Project
Steve Foree, NDOW
Brad Hardenbrook, NDOW
Pat Irwin
Jerry McGuire
Betsy Macfarlan, ENLC
Nevada State Clearinghouse

Russel Peacock
Virginia Lani, PLUAC
USFWS, Southern Nevada Field Office

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

I (we), Charles M. Brown, White River Ranch LC, agree to accept the Terms & Conditions listed below and request that I (we) be offered a Grazing Permit to graze the allotment(s) in which I (we) have a grazing preference.

ALLOTMENT Number	Name	LIVESTOCK Number & Kind		GRAZING PERIOD		% PL	Typ e Use	AUMs	
				Begin	End			Susp	Actv
00803	Tom Plain	503	C	03/01	02/28	100	A		6039

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 Tom Plain Allotment:

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.

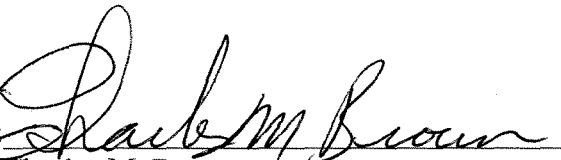
6. Grazing use will be in accordance with the Northeastern Great Basin Area Standards and Guidelines for grazing administration as developed by the Northeastern Great Basin Resource Advisory Council and approved by the Secretary of the Interior on February 12, 1997. Grazing use will also be in accordance 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 management are not being met, the 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 Tom Plain Allotment(s):

1. Signed actual statements for the period 3/1 to 2/28 are due yearly by 3/31. Issuance of grazing licenses is dependent upon receipt of actual use.
2. 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.

Signed:


Charles M. Brown

Date:

10-12-05