

TERM GRAZING PERMIT - Parts 1 and 2

(Reference FSM 2230)

Page 1 of 7

Permittee: **AUBERT LAND & LIVESTOCK LLC**

Permit Number: **THR004**

PART 1

AUBERT LAND & LIVESTOCK LLC of [REDACTED] hereinafter called the permittee is hereby authorized to graze livestock owned by the permittee upon designated lands and is administered by the Forest Service within the Colville National Forest.

1. Description of range. The livestock shall be grazed only upon the area described as follows: described on attached page and/or delineated on the attached maps, date 04/28/2010, which is part of this permit (Strike out item or items not applicable).

2. The number, kind, and class of livestock, period of use, and grazing allotment on which the livestock are permitted to graze are as follows, unless modified by the Forest Service in the Bill for Collection:

LIVESTOCK			PERIOD OF USE		GRAZING ALLOTMENT
Number	Kind	Class	From	To	
147	CATTLE	MATURE COW W/NURSING CALF	6/1	10/15	SNOWCAP
55	CATTLE	MATURE COW W/NURSING CALF	6/1	9/30	LITTLE BOULDER

3. It is fully understood and agreed that this permit may be suspended or cancelled, in whole or in part, after written notice, for failure to comply with any of the terms and conditions specified in Parts 1, 2, and 3 hereof, or any of the regulations of the Secretary of Agriculture on which this permit is based, or the instructions of the Forest officers issued thereunder; or for knowledge and willingly making a false statement or representation in the permittees grazing application, and amendments thereto; or for conviction for failure to comply with Federal laws or regulations or State and local laws relating to livestock control and to protection of air, water, soils and vegetation, fish and wildlife, and other environment values when exercising the grazing use authorized by the permit. This permit can also be cancelled, in whole or in part, or otherwise modified, at any time during the term to conform with the needed changes brought about by law, regulation, Executive order, allotment management plans, land management planning, numbers permitted or seasons of use necessary because of resource conditions, or the lands described otherwise being unavailable for grazing. Any suspension or cancellation action may be appealed pursuant to 36 CFR 251, Subpart C.

4. This permit supersedes permit no. 00174D-KET, issued on 09/03/2002, to AUBERT, MICHAEL OR TERRIE

I have reviewed and accepted the terms of this permit.

Signature of Permittee or His Authorized Agent

Date

4/28/10

Signature of Forest Officer

Name (Print)

Title

Date

Way, Fred L.

DISTRICT RANGER

5/14/10

PART 2 - GENERAL TERMS AND CONDITIONS

1. Validation of Permit. The issuance of a Bill for Collection, payment of fees and actual turning on at least 90 percent of livestock the first grazing season after the permit is issued will validate this permit for the number, kind, and class of livestock, grazing allotment, and period of use for the particular year.

2. Bill for Collection. Each year, after validation and prior to the beginning of the grazing season, the Forest Service will send the permittee a Bill for Collection specifying for the current year the kind, number, and class of livestock allowed to graze, the period of use, the grazing allotment, and the grazing fees. This bill, when paid, authorizes use for that year and becomes part of this permit.

3. Payment of Fees. The permittee will not allow owned or controlled livestock to be on Forest Service-administered lands unless the fees specified in the Bill for Collection are paid.

4. Administrative Offset and Credit Reporting. Pursuant to 31 USC 3716 and CFR Part 3, Subpart B, any monies that are payable or may become payable from the United States, under this permit, to any person or legal entity not an agency or subdivision of a State or local government may be subject to administrative offset for the collection of a delinquent debt the person or legal entity owes to the United States. Information on the person's or legal entity's responsibility for a commercial debt or delinquent consumer debt owned the United States shall be disclosed to consumer or credit reporting agencies.

5. Interest, Penalty, and Administrative Costs. Pursuant to 31 USC 3717 and 7 CFR Part 3, Subpart B, interest shall be charged on any payment or fee amount not paid within 30 days from the date the payment was due. Interest shall be charged using the most current rate prescribed by the United States Department of the Treasury Fiscal Requirements Manual (TFRM-6-8020.20). Interest shall accrue from the date the payment was due. In addition, in the event the account becomes delinquent, administrative costs may be assessed. A penalty of 6 percent per year shall be assessed on any payment or fee amount overdue in excess of 90 days from the date the first billing was due. Payments will be credited on the date received by the designated collection officer or deposit location. If the due date(s) for any of the above payments falls on a non-workday, the charges shall not apply until the close of business on the next workday.

6. Term of Permit. This permit is effective until **12/31/2019**, unless waived, cancelled, or otherwise terminated as provided herein. The permittee has first priority for receipt of a new permit at the end of the term subject to modification deemed necessary by the Forest Service.

In order to update terms and conditions, this permit may be cancelled at any time provided a new permit is issued to the existing permit holder for a new term of 10 years following this update.

7. Ownership Requirement

(a) Only livestock owned by the permittee are authorized to graze under this permit. To exercise use of the permit, the permittee will furnish all evidence of ownership requested by the Forest Service. Livestock purchased and subsequently sold back to the original owner, or to an agent, assignee, or anyone representing or acting in concert with the original owner, within a 24-month period without prior written approval by the Forest officer in charge will not be considered valid ownership of the livestock.

(b) Base property owned and used by the permittee to qualify for a term grazing permit must meet minimum base property requirements approved by the officer in charge.

8. Range and Livestock Management

(a) The allotment management plan for the land described on page 1, Part 1 is part of the permit, and the permittee will carry out its provisions, other instructions, or both as issued by the Forest officer in charge for the area under permit and will require employees, agents, and contractors and subcontractors do likewise.

(b) The number, kind, and class of livestock, period of use, and grazing allotment specified in the permit may be modified when determined by the Forest Officer in charge to be needed for resource protection. Except in extreme emergencies where resource conditions are being seriously affected by livestock use or other factors, such as fire, drought, or insect damage, notice of a scheduled reduction of numbers of livestock or period of use under a term permit will be given one (1) full year before a modification in permitted numbers or period of use becomes effective. This does not apply to annual adjustment in grazing as provided for in Section 8(c).

(c) When, in the judgment of the Forest Officer in charge, the forage is not ready to be grazed at the beginning of the designated grazing season, the permittee, upon request of the Forest Officer, will defer placing livestock on the grazing allotment to avoid damage to the resources. The permittee will remove livestock from Forest Service-administered lands before the expiration of the designated grazing season upon request of the Forest officer when it is apparent that further grazing will damage the resources.

(d) The permittee will allow only the numbers, kind, and class of livestock on the allotment during the period specified in Part 1 hereof or the annual Bill for Collection, including any modifications made as provided for in Section 8(c). If livestock owned by the permittee are found to be grazing on the allotment in greater numbers, or at times or places other than permitted in Part 1 hereof, or specified on the annual Bill for Collection, the permittee shall be billed for excess use at the unauthorized use rate and may face suspension or cancellation of this permit.

(e) The permittee will not allow owned or controlled livestock to be upon any area of Forest Service-administered lands not described in either Part 1 hereof or the annual Bill for Collection.

(f) The Forest officer in charge may, at any time, place or fasten or require the permittee to place or fasten upon livestock covered by this permit appropriate marks or tags that will identify them as livestock permitted to graze on lands administered by the Forest Service. When requested by the Forest officer, the permittee will, at any time during the permitted period of use, including entry and removal dates, gather permitted livestock to enable an accurate count to be made thereof. The Forest Service may, at its option, gather and hold for counting all livestock grazing on the allotment.

(g) Only livestock marked, tagged, or branded as shown in the application upon which this permit is based, and as may be required under Section 8(f), will be allowed to graze under this permit unless the permittee has advance written approval from the Forest officer in charge to do otherwise.

(h) The permittee will pay the costs of, perform, otherwise provide for the proportionate share of cooperative improvements and management practices on the permitted area when determined by the Forest officer in charge that such improvements and practices are essential to proper protection and management of the resources administered by the Forest Service.

(i) This permit is issued and accepted with the provision that the permittee will maintain all range improvements, whether private or Government-owned, that are assigned for maintenance to standards of repair, orderliness, and safety acceptable to the Forest Service. Improvements to be maintained and acceptable to maintenance are specified in Part 3 of this permit. The Government may maintain or otherwise improve said improvements when, in its opinion, such action will be to its advantage.

9. Nonuse. At least 90 percent of the livestock permitted must be grazed each year, unless the Forest officer in charge approves nonuse. Failure to place livestock on the allotted range/pasture without approved nonuse may result in cancellation of the term grazing permit in whole or in part.

10. Protection. The permittee, or the permittee's agents and employees, when acting within the scope of their employment, and contractors and subcontractors will protect the land and property of the United States and other land under jurisdiction of the Forest Service covered by and used in conjunction with this permit. Protection will include taking all reasonable precautions to prevent, make diligent efforts to suppress, and report promptly all fires on or endangering such land and property. The permittee will pay the United States for any damage to its land or property, including range improvements, resulting from negligence or from violation of the provisions and requirements of this permit or any law or regulation applicable to the National Forest System.

11. General.

(a) The Forest officer in charge may at any time require the permittee to give good and sufficient bond to insure payment for all damage or costs to prevent or mitigate damages sustained by the United States through the permittee's failure to comply with the provisions and requirements of this permit or the regulations of the Secretary on which it is based.

(b) This permit will be cancelled, in whole or in part, whenever the area described in this permit is withdrawn from the National Forest System by land exchange, modification of boundaries, or otherwise, or whenever the area described in this permit is to be devoted to a public purpose that precludes grazing.

(c) The permittee will immediately notify the Forest officer in charge of any change in control of base property, ownership of livestock, or other qualifications to hold this grazing permit.

(d) The permanent improvements constructed or existing for use in conjunction with this permit are the property of the United States Government unless specifically designated otherwise or covered by a cooperative agreement. They will not be removed nor compensated for upon cancellation of this permit, except in the National Forests in the 16 contiguous Western States when cancelled, in whole or in part, to devote land to another public purpose including disposal. In the event of such cancellation on the National Forests in the 16 Contiguous Western States, the permittee will be compensated for the adjusted value of approved range improvements installed or placed by him.

(e) The permittee may not transfer, assign, lease, or sublet this permit in whole or part.

(f) This permit includes the terms and conditions of Part 3 hereof, consisting of page 3 through 7 which follow.

GRAZING PERMIT - PART 3

Page 3 of 7

Permittee: **AUBERT LAND & LIVESTOCK LLC**Permit Number: **THR004**

(Reference FSM 2230)

Special Terms and Conditions**Responsibilities for Construction and Maintenance of Structural Improvements or for Range Rehabilitation.**

(List the specific responsibilities of the permittee; or incorporate into the permit the cooperative agreement, management plan or other document which sets forth these responsibilities in detail. Fully identify the particular document or documents.)

Objective: Maintenance keeps all range structural improvements, as near as possible, at the standard to which they were constructed. It is the responsibility of the permittee to ensure improvement maintenance is done. Failure to perform maintenance at levels described below could result in suspension or cancellation of all or a portion of the permit.

Improvement maintenance will be done during periods of nonuse.

Salt will not be placed closer than ¼ mile from ANY water source without the permission of the Forest Service.

Any hay or straw used in association with this permit, will be certified weed free by the North American Weed Free Forage Program standards or a similar certification process. Noxious weed free feed is required by prevention standard 4 contained in the Pacific Northwest Region Invasive Plants Program EIS and Record of Decision, 2005.

The permittee is responsible for the maintenance of the following fences on the permitted allotment. (This may not be a complete list of the improvements on the allotment, only those that the permittee is personally responsible for maintaining).

FENCE on LITTLE BOULDER 03300

Number	Name	Location	Units
330001	INDEPENDENT FENCE #1	Section , T, R	.06

FENCE on SNOWCAP 03700

Number	Name	Location	Units
220004	BULLDOG/SNOWCAP	Section , T, R	.3
370002	WEST DEER CREEK #2	Section , T, R	.25
370003	EAST DEER CREEK #3	Section , T, R	.5
370018	LOWER BOULDER FENCE #18	Section , T, R	.3

All limbs and trees which have fallen on fences will be cut and removed at least yearly and the wires stretched tight again after removal of the tree.

Staples and Nails

Missing staples or nails will be replaced. Staples will be tight against wire on solid posts but must provide for movement of the wire (1-1/2" staples should be used). Loose or replaced staples should be driven to desired depth. Do not kink the wire by driving staples too deep.

Steel Posts

Steel posts will be straightened and, as needed, redriven to a depth that leaves the anchor spade fully covered. Upward pressure will be relieved by the use of a rock suspended from the fence. Wires will be securely fastened to the posts.

GRAZING PERMIT - PART 3

Page 4 of 7

Permittee: **AUBERT LAND & LIVESTOCK LLC**

Permit Number: **THR004**

(Reference FSM 2230)

Special Terms and Conditions

Responsibilities for Construction and Maintenance of Structural Improvements or for Range Rehabilitation.

(List the specific responsibilities of the permittee; or incorporate into the permit the cooperative agreement, management plan or other document which sets forth these responsibilities in detail. Fully identify the particular document or documents.)

Wood Posts

Broken or rotten fence posts or brace posts will be replaced with treated wood posts. Broken braces assemblies will be replaced with treated wood posts or Metal Easyfence panels where and when needed to maintain the fence.

Trees may be used as fence posts only when they are: 1) within 2 feet of the fence alignment; 2) at least 8 inches in diameter 4.5 feet above the ground and; 3) protected from the wire by scabs that are at least 1.5 inches thick, which are attached by spikes nailed into the tree.

Stays

Broken or missing stays will be replaced where needed.

Gates

Solid gate posts which are properly braced are necessary for proper gate function. Stays of a reasonable weight must be secured to the wire gate to prevent the wires from twisting or tangling together when the gate is opened.

Wire

All broken wires will be spliced with #12-1/2 barbed or barbless wire or #10, or larger, galvanized tie wire. Slack wires will be tightened by splicing. Use wire stretchers to tighten wires. Twisted or kinking of wires to take up slack is not permitted.

Corrals

Corrals will be kept clean of litter, in good repair and in usable condition. Damaged gates will be repaired or replaced. Broken or rotten posts, poles and boards will be replaced as needed.

HANDLING FACILITY on SNOWCAP 03700

Number	Name	Location	Units
370015	SNOWCAP CORRAL #15	Section , T, R	1
370016	THIRD CREEK CORRAL #16	Section , T, R	1

The permittee is responsible for the maintenance of the following water systems on the permitted allotment. (This may not be a complete list of the improvements on the allotment, only those that the permittee is personally responsible for maintaining).

WATER_SYSTEM_RANGE on LITTLE BOULDER 03300

Number	Name	Location	Units
330006T	TABLE CAMP SPRING #6	Section , T, R	1

WATER_SYSTEM_RANGE on SNOWCAP 03700

Number	Name	Location	Units
370008T	GRANITE SPRING #8	Section , T, R	1
370009T	DEER CREEK SPRING #9	Section , T, R	1

GRAZING PERMIT - PART 3

Page 5 of 7

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(Reference FSM 2230)

Permit Number: **THR004****Special Terms and Conditions****Responsibilities for Construction and Maintenance of Structural Improvements or for Range Rehabilitation.**

(List the specific responsibilities of the permittee; or incorporate into the permit the cooperative agreement, management plan or other document which sets forth these responsibilities in detail. Fully identify the particular document or documents.)

WATER_SYSTEM_RANGE on SNOWCAP 03700

Number	Name	Location	Units
370010T	PATTEN SPRING #10	Section , T, R	1
370011T	SWITCHBACK SPRING #11	Section , T, R	1
370012T	TAMARACK SPRING #12	Section , T, R	1
370013T	DIRTY SHIRT SPRING #13	Section , T, R	1
370014T	BESAND SPRING #14	Section , T, R	1
370017T	UNKNOWN NAME SPRING #17	Section , T, R	1

Spring source enclosures devices must be maintained in a high quality state. All wires must be tight and braced corners should be adequate to maintain a tight and effective fence. Enclosures should be maintained so that livestock can not access the enclosed area. Special attention should be given to locations where water channels enter and exit the enclosed area so that livestock can not go under or over the fencing.

Water troughs must be kept level and stable so that water does not spill over the edge of the trough before reaching the height of the overflow. Water inlets and overflows must function as intended to deliver water to the trough and carry excess water away from the trough location in order to keep the water trough location dry. Water troughs need to be accessible by livestock and will need to be filled in around if eroding soil does not allow access to the trough. Poles, posts, and trough framing materials used in the construction of the water development will be maintained, repaired, or replaced as needed.

Pipeline leaks will be repaired or the damaged section replaced with material similar to the original construction material. Water delivery pipelines may be above ground or burried. Above ground pipelines will be protected from livestock with line poles and/or posts. All above ground pipeline support structures will be maintained to keep the pipes at gradient and prevent sagging. Burried pipelines or burried portions of pipelines must have enough cover to protect the pipeline from damage. Headbox lids or covers shall be in place to prevent dirt, rodents, or other refuse from getting into the headbox.

GRAZING PERMIT - PART 3

Page 6 of 7

Permittee: **AUBERT LAND & LIVESTOCK LLC**Permit Number: **THR004**

(Reference FSM 2230)

Special Terms and Conditions**Management Practices.**

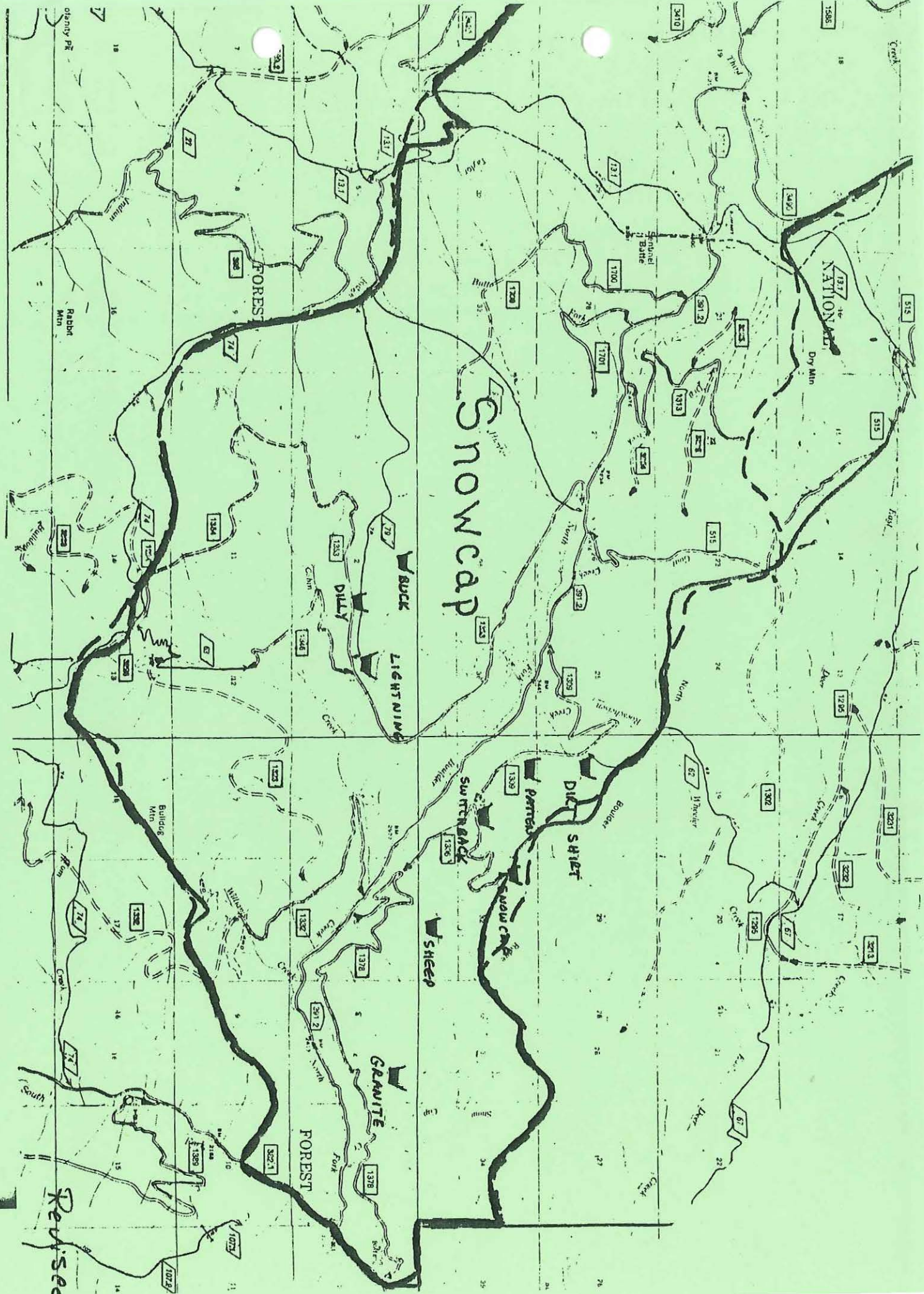
(List the specific management practices required of the permittee, such as salting, riding and movement of cattle, herding or bedding of sheep; or incorporate into the permit the specific allotment management plan or other document which outlines these practices in detail. If you need additional space, use next page.)

The Allotment Management Plan for the **SNOWCAP** allotment (03700), approved by the Forest Supervisor on **JULY 9, 1984**, is hereby made a part of this permit.

The Allotment Management Plan for the **LITTLE BOULDER** allotment (03300), approved by the Forest Supervisor on **OCTOBER 18, 1982**, is hereby made a part of this permit.

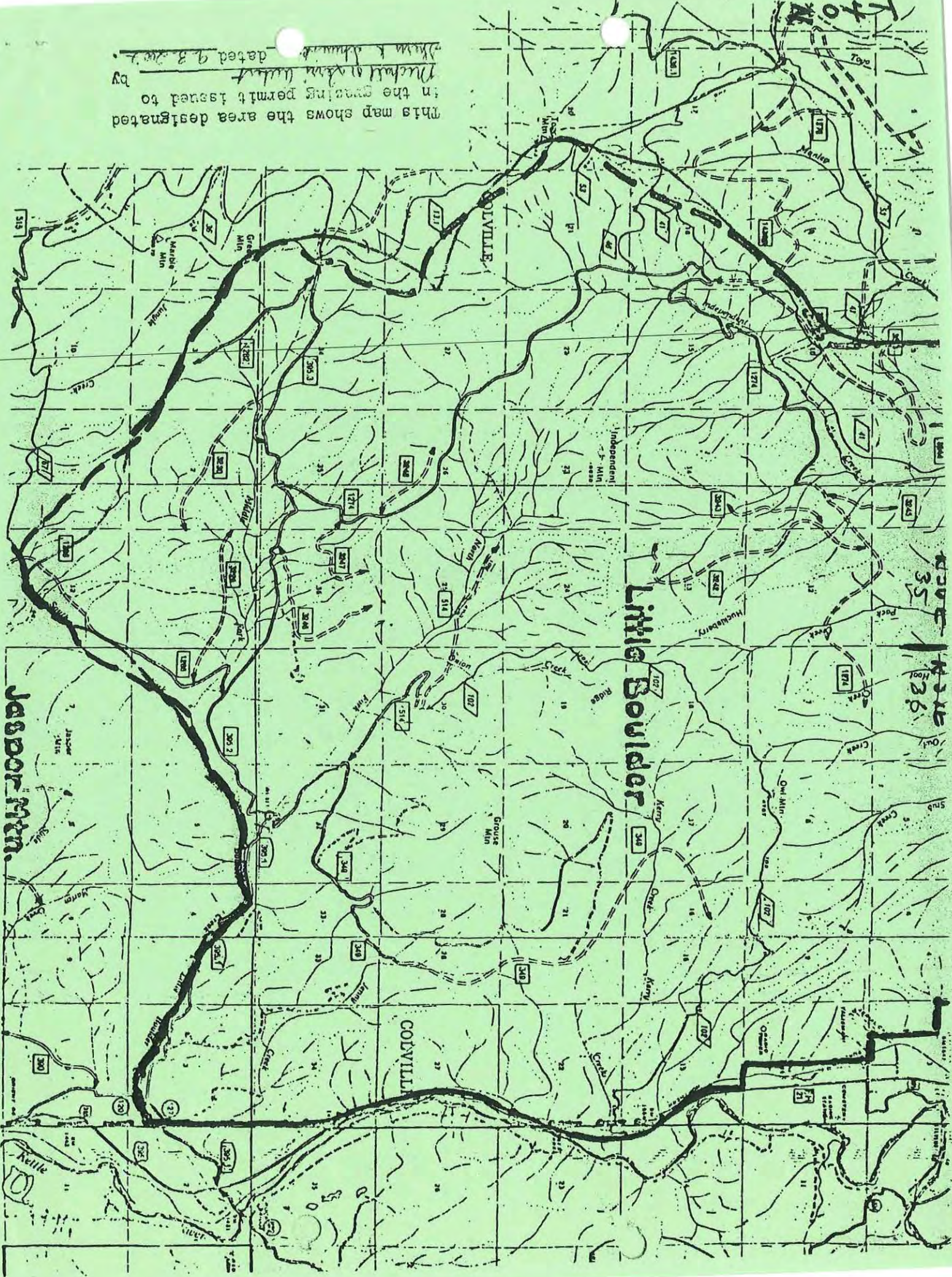
This permit is tiered to the Environmental Impact Statement for the Colville National Forest Land and Resource Management Plan and is subject to the Standards and Guidelines contained therein. Use of available forage by permitted livestock is to occur at or below the allowable use levels displayed in the Standards and Guidelines portion of this plan on page 4-47.

This permit will be modified upon the completion of a new or updated Allotment Management Plan (AMP) to incorporate the new AMP and its specified management practices.



Red Sea

This map shows the area designated
in the grazing permit issued to
Richard A. Smith, dated 9/3/2007,
by



35
36

JASPER Mtn.

Little Boulder

COVILLA

COVILLA

1400