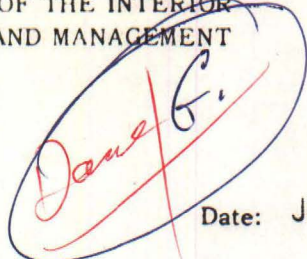


Memorandum

DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT7/24/80
IN REPLY REFER TO:
4700

Date: JUL 24 1980

To : State Director, Nevada

FROM : District Manager, Las Vegas

SUBJECT: Management of the Nevada Wild Horse Range

The following information was requested by Edward Evatz, of your office.

1. History and present situation Nevada Wild Horse Range

An AMS map showing the Nevada Wild Horse Range is attached.

The Nellis AFB Bombing and Gunnery Range was withdrawn by Executive Order 8578 dated October 29, 1940, and modified by Executive Order 9014, dated January 12, 1942 and Executive Order 9527, dated February 28, 1945, all of which were signed by President Franklin D. Roosevelt.

The Nevada Wild Horse Range was established in 1962 and modified in 1965 by a cooperative agreement between Bureau of Land Management and U.S. Air Force. The cooperative agreement was signed by then Nevada State Director, J.R. Penny, and the Commander of Nellis Air Force Base.

The boundaries of Nevada Wild Horse Range have changed since the original cooperative agreement. The changes are shown on the attached map.

Prior to 1962, grazing leases were issued to the livestock operators by the Army Corps of Engineers. In 1964, the permittees sold the water rights and range improvements on which grazing was based to the U.S. Government. Also in 1964, permanent court injunctions against the permittees allowing livestock to graze on the Nellis AFB Bombing and Gunnery Range were obtained by the Air Force. These injunctions, however, were never enforced.

Former permittees continued to graze livestock in trespass until 1979 when the north and east boundaries of Nellis AFB Bombing and Gunnery Range were fenced. Livestock were removed in May of 1979 from Kawich Valley, which was the last area to be grazed.

Until the Bombing Range and Nevada Test Site boundaries were fenced on the north side, horses drifted back and forth from public lands to the north onto the withdrawn areas. This drift was effectively stopped in 1979. Horses and livestock drifted onto the west side of the Nevada Test Site until 1979. The area between U.S. 95 and the west boundary of the test site containing about, 148,000 acres was closed to livestock grazing by District Managers decision dated March 14, 1978 and affirmed by Interior Board of Land Appeals, on January 30, 1979. Horses continue to drift back and forth since the west boundary is unfenced.

In 1965, 200 horses were estimated to graze on the Nevada Wild Horse Range (NWHR). The numbers were evidently kept at a low level by "mustangers" outside the bombing range.

No inventory of the horse range was made until 1973, when USAF furnished a helicopter to aid in the count. About 800 horses and 1000 cattle were counted.

The horse numbers increased to 1064 (counted) in 1976, 1384 in 1977 and to 3122 (counted) with an estimate of 4800 head in April of 1980.

Livestock numbers remained approximately the same until 1979, when the boundary was fenced and all livestock were removed. The dramatic increase in horse numbers in 1980 is not only the result of increased reproduction but is also due to a larger area inventoried. We estimate 80% accuracy of count during the April 1980 inventory.

2. Access

Access, or rather lack of access, to the N.W.H.R. has an adverse impact on both management of the vegetation and animals of the area and public enjoyment. USAF exercises occur yearlong on weekdays and clearance is needed for even BLM employees to go onto N.W.H.R. on weekends. When entering N.W.H.R. from Tonopah, it is necessary to cross the Sandia Testing Laboratories area. Even "cleared" personnel must wait for up to an hour for clearance to be checked. Non-government personnel generally are refused admittance. The exception to this is that the National Wild Horse Association people are usually authorized to enter the range on weekends to maintain water development. USAF can close the range or roads at any time without clearance or even notification of BLM. During the last year the bombing range and N.W.H.R. has been closed to entry by all but USAF personnel during "Operation Red Flag". Other exercises of a similar nature will be conducted in the future.

The public generally is not aware of N.W.H.R. Concerned organizations, such as National Wild Horse Association, Humane Society, National Mustang Association and Wild Horse Organized Assistance are aware of it and interested in its management. Although N.W.H.R. is shown on the Las Vegas District maps, no signs indicating direction or distance to N.W.H.R. have been placed on Nevada State Route 25/U.S. Highway 378.

Entrance into the N.W.H.R. can be gained from the east; by driving along a maintained gravel road for approximately 20 miles. However, clearance to enter the horse range must be obtained from USAF at Nellis AFB.

Management of both the animals and forage resource is difficult under present conditions. However, USAF is extremely helpful in conducting inventories on the bombing range by furnishing helicopters and pilots, during "breaks" in training operations.

Range resource data is needed to determine the size of the "base herd" to manage for. Because of Air Force's heavy use of the area it will be necessary to schedule range studies about one year in advance. Construction and repair of water facilities is also extremely difficult to schedule in a short time.

3. Management Alternatives

A suggestion has been made that the wild horse range be managed similar to the Sheldon National Game Range and not be subject to management under the Wildhorse & Burro Act. As you are aware excess animals on the Sheldon are rounded up and sold at auction.

We believe there are some important differences between the Charles Sheldon Game Range and the Wild Horse Range that need to be considered in making such a decision. These areas are as follows:

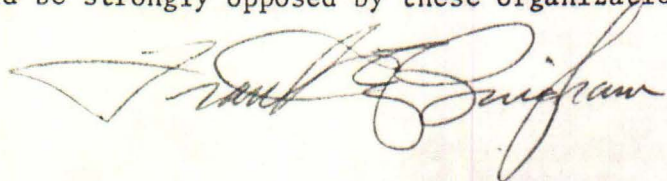
- a. The U.S. Fish & Wildlife Service has no management authority under the Wildhorse & Burro Act.
- b. The Sheldon Game Range was established in 1931 and added to in 1936 and was jointly managed by FWS and BLM until October 21, 1976, when FWS assumed full management responsibility. Although the Sheldon is not completely fenced, the horses on Sheldon were totally confined within the range at the time the Wildhorse & Burro Act was passed; December 15, 1971 and there has been no mixing with horses on public lands since that time.
- c. The Bureau of Land Management has management authority under the Wildhorse & Burro Act.

- d. Wildhorses on the horse range drifted back and forth from the bordering range to public lands in Battle Mountain District at the time of passage of the Act and this continued until 1979. At other locations on the Nevada Test Site there continues to be drift of horses from the site to public lands in Las Vegas District. These horses probably intermingle with horses on the Wild Horse Range. According to 43 CFR 4700.05(b), we believe these horses qualify under the Act.
- e. BLM has management authority for the vegetation resource on the bombing range through the withdrawal order. The 1962 Cooperative Agreement with U.S. Air Force provides for BLM management of wild horses on the Wild Horse Range. The 1976 five-party cooperative agreement recognizes the management of wildhorses on the Nevada Test Site also. These agreements are in conformance with 43 CFR 4710.3 which states: (The authorized officer may enter into cooperative agreements with other landowners, private citizens, non-profit organizations, and with Federal, State, and local governmental agencies as he deems necessary for purposes of protecting, managing and controlling wild free-roaming horses and burros. Where the grazing patterns of the animals require utilization of lands in other ownerships or administration, the authorized officer shall seek cooperative agreements to insure continuance of such use).

Recommendations

Because of BLM management responsibility under the Wildhorse and Burro Act and also because the bombing range was not fenced until 1979, we believe that the Wild Horse Range should be managed under the Wildhorse and Burro Act. There has been considerable interest and involvement in this area by outside groups (National Mustang Association, National Wildhorse Association, Wildhorse Association, Wildhorse Organized Assistance, etc.).

We believe that a decision to manage the horse range outside the Wild Horse and Burro Act would be strongly opposed by these organizations.



Attachments

1. Five Party Cooperative Agreement
2. Horse Managment Area Cooperative Agreement
3. Map
4. Public Land Orders