

COOPERATIVE AGREEMENT
BETWEEN
THE BUREAU OF LAND MANAGEMENT, NEVADA STATE OFFICE
AND
UNITED STATES AIR FORCE, NELLIS AIR FORCE BASE

An agreement between the respective agencies to establish a WILD HORSE MANAGEMENT AREA was signed by the BLM Nevada State Director and the Commander, Nellis Air Force Base in June 1962. An additional agreement containing the same provisions but modifying the location of the wild horse management area was signed by the BLM Nevada State Director on June 2, 1964 and the Commander, Nellis Air Force Base, on June 18, 1965. The Act of December 15, 1971 (16 U.S.C. 1331-1340), hereafter referred to as the Act, and the regulations of the Secretary of the Interior (43 CFR Part 4700), hereafter referred to as the regulations, places the responsibility for protection, management, and control of wild free-roaming horses and burros with the Bureau of Land Management when such animals use public lands administered by the Bureau as all or part of their habitat.

This Cooperative Agreement cancels and supersedes the agreements identified above and is for the purpose of establishing responsibilities relative to wild free-roaming horses and burros on the area described below in accordance with the Act. This agreement applies to the following described lands under the administration of Nellis Air Force Base:

The area described by townships and ranges with references to the Mount Diablo Base Line is as follows:

T. 1 S., R. 49 E., E-1/2; T. 1 S., R. 50 E., All;
T. 2 S., R. 50 E., All;
T. 2 S., R. 51 E., All; T. 3 S., R. 50 E., All;
T. 3 S., R. 51 E., All;
T. 3 S., R. 51-1/2 E., All; T. 3 S., R. 52 E., All;
T. 4 S., R. 50 E., All;
T. 4 S., R. 51 E., All; T. 4 S., R. 51-1/2 E., All;
T. 4 S., R. 52 E., All;
T. 5 S., R. 50 E., E-1/2; T. 5 S., R. 51 E., All;
T. 5 S., R. 52 E., All;
T. 5 S., R. 53 E., W-1/2; T. 6 S., R. 50 E., E-1/2;
T. 6 S., R. 51 E., All;
T. 6 S., R. 52 E., All; T. 6 S., R. 53 E., NW-1/4;
T. 7 S., R. 50 E., NE-1/4;
T. 7 S., R. 51 E., N-1/2; T. 7 S., R. 52 E., NW-1/4.

The area as described by longitude and latitude is as follows:

Beginning at the longitude of $116^{\circ}04'$ and a latitude of $37^{\circ}43'$ thence west on the same latitude to a longitude of $116^{\circ}13'$; thence north on the same longitude to a latitude of $37^{\circ}49'$; thence west on the same latitude to a longitude of $116^{\circ}20'$; thence north on the same longitude to a latitude of $37^{\circ}54'$; thence west on the same latitude to a longitude of $116^{\circ}30'$; thence south on the same longitude to a latitude of $37^{\circ}49'$; thence east on the same latitude to a longitude of $116^{\circ}26'$; thence south on the same longitude to a latitude of $37^{\circ}33'$; thence east on the same latitude to a longitude of $116^{\circ}23'$; thence south on the same longitude to a latitude of $37^{\circ}19'$; thence east on the same latitude to a longitude of $116^{\circ}11'$; thence north on the same longitude to a latitude of $37^{\circ}21'$; thence east on the same latitude to a longitude of $116^{\circ}07'$; thence north on the same longitude to a latitude of $37^{\circ}23'$; thence east on the same latitude to a longitude of $116^{\circ}04'$; thence north on the same longitude to the point of beginning.

It is jointly recognized that the horses and burros utilizing the area described above also utilize the adjacent public lands administered by the Bureau; therefore, the wild free-roaming horses and burros utilizing these areas are under the jurisdiction and responsibility of the Bureau in accordance with the provisions of the Act and the regulations. It is also jointly recognized that some of the horses and burros utilizing these areas may be privately owned and subject to recovery by the owners in accordance with Section 5 of the Act or estray animals subject to impoundment and removal under Nevada statutes.

Therefore, in the interest of carrying out the purposes of the Act and the regulations, the undersigned hereby agree as follows:

1. That the wild, free-roaming horses and burros that use the above described lands or other lands under the jurisdiction of Nellis Air Force Base and the national resource lands under the jurisdiction of the Bureau of Land Management, will be considered under the jurisdiction of the Bureau. The BLM Nevada State Director has delegated direct responsibility for the wild horses and burros to the Bureau's Las Vegas and Battle Mountain District Managers.
2. Nellis Air Force Base will cooperate with the Bureau in the recovery and removal of privately owned horses and burros in accordance with the Act and the regulations and the removal of estray animals in accordance with the State statutes.

3. That a joint management plan will be developed to provide for the management of these wild horses and burros and their habitat in a manner consistent with the purposes of the Act. As a minimum, this management plan will include the following:
 - A. An annual inventory of the wild horse and burro populations in the area of joint concern.
 - B. A continuing review of the habits of the wild horses and burros in terms of grazing and watering patterns, seasonal migrations, and the availability of water and forage. This would include a determination of the condition of the horses and burros and their habitat and if any excess animals must be removed to protect the soil, vegetation, watershed or other resource values in the area.
 - C. A determination of the necessary management-facilitation projects--water, fencing, etc.-- to provide for the welfare of the animals.
4. Implementation of the management plan shall be carried out as agency funds and priorities permit. Management-facilitation projects may be constructed in accordance with the management plan by either agency or as a joint project. All projects shall be carried out as a coordinated program and minimizing conflicts with the basic mission of Nellis Air Force Base.
5. That the following procedures will be used, and controls recognized in carrying out this joint effort:
 - A. The inventory of the horses and burros and their habitat will be conducted jointly in accordance with plans or techniques jointly agreed upon and may include aerial or on-the-ground surveys and photography. In no case will Bureau of Land Management officials engage in these activities without clearance from the Commanding Officer, and then only in accordance with the provisions of paragraph 6 of this agreement.
 - B. The Commanding Officer shall assure that responsible officials under his command shall be aware of the terms and conditions of this agreement, and, in carrying out their maneuvers and operations, shall

exercise controls and assure compliance therewith. The Commanding Officer and officials under his command shall also be aware of acts which are in violation of the Act and the regulations and immediately report any known or suspected violations to the Las Vegas District Manager. Violations and penalties as set forth under the Act and the regulations are listed below:

Any person who-

- (1) Willfully removes or attempts to remove a wild free-roaming horse or burro from the public lands, without authority from the authorized officer - BLM or
- (2) Converts a wild free-roaming horse or burro to private use, without authority from the authorized officer - BLM, or
- (3) Maliciously causes the death or harassment of any wild free-roaming horse or burro, or
- (4) Processes or permits to be processed into commercial products the remains of a wild free-roaming horse or burro, or
- (5) Sells, directly or indirectly, a wild free-roaming horse or burro maintained on private or leased land pursuant to Section 4 of the Act, or the remains thereof, or
- (6) Willfully violates any provisions of the regulations under Group 4700, shall be subject to a fine of not more than \$2,000 or imprisonment for not more than 1 year, or both. Any person so charged with such violation by the authorized officer - BLM may be tried and sentenced by a U.S. commissioner or magistrate, designated for that purpose by the court by which he was appointed, in the same manner and subject to the same conditions as provided in Section 3401, Title 18, U.S.C.

- C. If it is determined by the Commanding Officer that the presence of wild horses and burros interferes with military programs and operations, such problems shall promptly be referred to the District Managers, who shall be responsible for correcting the problem in accordance with access and related constraints or directives imposed by the Commanding Officer.
 - D. The Las Vegas and Battle Mountain District Managers, Bureau of Land Management, herein referred to as the District Managers, shall represent the State Director of the Bureau of Land Management in implementation of this agreement.
6. Bureau personnel will not enter the area covered by this agreement without clearance from Nellis Air Force Base. Nellis Air Force Base will grant the Bureau access to the area to carry out its responsibilities under the Act and the regulations for any period or periods of time when such access does not interfere with the operations and missions of Nellis Air Force Base.
 7. Requests for access to the area covered by this agreement by individuals or representatives of associations for any purpose related to the protection, management, and control of wild free-roaming horses and burros will be transmitted to and reviewed by the Bureau for a determination of the need and/or desirability of authorizing the access. If it is determined that access should be granted, the Bureau will contact Nellis Air Force Base and recommend that the access be granted. Generally, access to the area will be restricted to time periods when the individuals or representatives can be accompanied by either Bureau or Nellis Air Force Base personnel.
 8. There shall be at least annual joint reviews of this wild horse and burro management program by the Commanding Officer or his representative and the District Managers of the Bureau of Land Management. The management plan may be updated on the basis of information gathered in these reviews.
 9. No wild, free-roaming horses and burros shall be removed from the area, or harassed, captured, branded, or killed by either military or Bureau of Land Management personnel except as provided for in the Act and the regulations. In the event horses or burros are accidentally injured or killed by normal military operations, such instances shall be promptly reported to the Las Vegas District Manager.

10. There shall be open channels of communication between the District Managers and Commanding Officer to provide for prompt reporting of problems associated with wild horse and burro management and to promptly and efficiently carry out the programs here jointly agreed to. Any problems that cannot be reconciled at the District Manager-Commanding Officer level shall be referred through channels to higher authority of each agency for resolution.
11. The liability of the parties under this agreement is contingent upon the necessary appropriation and reservation of funds being made therefor.
12. No member or delegate of Congress, or Resident Commissioner, shall be admitted to any share or part of this agreement, or to any benefit which may arise therefrom.
13. All cooperative work under the provisions of this agreement or supplemental agreements or memorandums of understanding will be accomplished without discrimination against any person because of race, creed, color, sex, or national origin.
14. This agreement shall become effective when signed by the designated representatives of the parties hereto and shall remain in force until terminated by mutual agreement, or by either party upon thirty days' notice in writing to the other of its intention to terminate upon a date indicated. Amendments to this agreement may be proposed by either party and shall become effective upon approval by both parties.

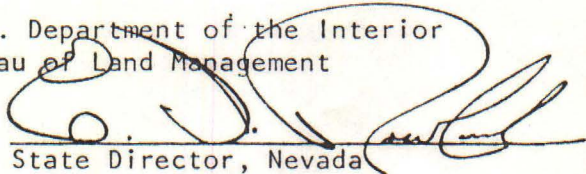
Approved:

U. S. Department of the Interior
Bureau of Land Management

Date:

Nov 12, 1973

By:

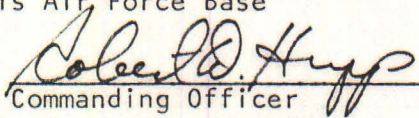

State Director, Nevada

U. S. Department of Defense
Nellis Air Force Base

Date:

8 Feb 1974

By:


Commanding Officer