

1-19-90



United States Department of the Interior



BUREAU OF LAND MANAGEMENT

NEVADA STATE OFFICE
850 Harvard Way
P.O. Box 12000
Reno, Nevada 89520-0006

IN REPLY REFER TO:

1120
(NV-912)

JAN 19 1990

Mrs. Dawn Lappin
Commission for the Preservation
of Wild Horses
15640 Sylvester Road
Reno, Nevada 89511

Dear Mrs. Lappin:

As background information for the Commission's January 25 meeting in Las Vegas, enclosed is a copy of the 1977 five-party cooperative agreement which governs the Nellis Range. You will notice that the names of some of the parties have changed since the signing of the memorandum, e.g., the Nevada Department of Fish and Game is now called the Nevada Department of Wildlife and the Energy Research and Development Administration is now the Department of Energy.

The Nevada Wild Horse Range was established in 1962 through a cooperative agreement between the Commander of the Nellis Air Force Base and the Nevada State Director of the BLM. It was the first wild horse herd area established in the United States and was brought about by the concern of both agencies for the proper management of wildlife and wild horses in an area used for weapons development and flight training. At the time of the wild horse range establishment there were about 200 head of horses in the home range which covers about 1,780,000 acres.

In 1977, the five-party agreement was developed with the purpose of protecting, developing and managing the natural resources of fish and wildlife, vegetation, watershed and wild horses. In 1985 a herd management area plan was developed by the five agencies, assisted by others who have a concern for the wild horses and wildlife. Interest groups working on the plan included representatives from the National Wild Horse Association, Wild Horse Organized Assistance, the Humane Society of Southern Nevada, the Fraternity of Desert Bighorn, the Sierra Club and the Clark County Game Board.

In a 1985 news release, the BLM's Las Vegas District Manager said he approved the herd management plan for his agency. The plan recommended an initial adjustment of the wild horse population to a management level of 2,000 animals. Future herd sizes were to be determined through analysis of monitoring data.

We hope this information will give you some additional insights into the management of the wild horse range.

Curtis Tucker, our Caliente Area Manager, will be at your meeting and is looking forward to working with you with the goal of better management of the wild horse range. Bob Stewart, Chief of Public Affairs, will also attend.

Sincerely,



For

Edward F. Spang
State Director, Nevada

Enclosure: 1
1. 1977 agreement

COOPERATIVE AGREEMENT

PURPOSE AND AUTHORITY:

This five-party cooperative agreement by and between the Department of Defense functioning through the Installation Commander, Nellis Air Force Base (NAFB), under the authority contained in 16 USC 670a-670f, 10 USC 2671, hereinafter referred to as the Air Force, the Department of Interior, functioning through the Regional Director of the U. S. Fish and Wildlife Service under the authority contained in 16 USC 661-667e, 668aa-668cc-6, hereinafter referred to as the Service and the Bureau of Land Management (BLM) functioning through the District Manager Las Vegas District of BLM under the authority contained in the Taylor Grazing Act of June 28, 1934; Wild Free-Roaming Horse and Burro Act, Pub. L. 92-195, 43 USC 1331 et seq and Public Land Administration Act, Pub. L. 86-649, 43 USC 1363, PLO2613 hereinafter referred to as the Bureau, the State of Nevada functioning through the Director, Nevada Department of Fish and Game under the authority contained in Nevada Revised Stat. and Nevada State Board Commission Regulations hereinafter referred to as the Department; and the Energy Research and Development Administration (ERDA) functioning through the Nevada Operations office of ERDA, hereinafter referred to as ERDA is entered into for the purpose of protecting, developing and managing the Natural Resources of fish and wildlife, vegetation, watershed and wild horses and burros on the Nellis AFR, the Nevada Test Site and Tonopah Test Range, within the purview of Public Law 91-190, National Environmental Policy Act 42 USC 4321, 4331-4335 and 4341-4347, Public Law 93-105, the Endangered Species Act of 1973, the Wild Free-Roaming Horse and Burro Act, Public Law 92-195, Taylor Grazing Act, 16 USC 131 et seq, the Public Land Administration Act, Public Law 86-649 (43 USC 1363) PLO2613, and under the principles of multiple use sustained yield as defined in Public Law 86-517 (16 USC 528-531).

RESPONSIBILITIES

Whereas, the Air Force commander at Nellis AFB has jurisdiction over Nellis AF Range with the exception of the mineral, vegetative and wildlife resources thereon and those portions of Nellis AFR which are within the Desert National Wildlife Range and are used by the Air Force under the existing memorandum of understanding between USDI and USAF, and

Whereas, the Service is the agency of the Federal Government primarily responsible for the welfare of wildlife resources and research thereon with Federal responsibility for the management of migratory birds and protection of threatened and endangered species, and

Whereas, the Bureau is the agency of the Federal Government primarily responsible for habitat and the welfare and management of wild horses and burros, and retains jurisdiction over the mineral and vegetative resources of the land contained on the Nellis AFR, and

Whereas, the Department was created under the laws of the State of Nevada to provide an adequate and flexible system of control, propagation, protection and regulation of all fish and wildlife in Nevada, and

Whereas, the ERDA has jurisdiction over the Nevada Test Site and the Tonopah Test Range and is the agency of the Federal Government primarily responsible for research on atomic energy and other new energy forms, and has trusteeship responsibility to restore, conserve and protect the wildlife habitat thereon, and

Whereas, it is the mutual desire of the Air Force, the Service, the Bureau, the Department and ERDA to work in harmony for the common purpose of developing, maintaining and managing the wildlife and wild horse and burro resources for the best interest of the people of Nevada and the United States. Therefore, it is mutually agreed that:

SECTION I. Joint Activities of Air Force, Service, Bureau, Department, and ERDA.

1. All parties shall cooperate in conducting resource inventory(s) of the area and developing resource management plan(s) for wild horses and burros and fish and wildlife based on the inventory data.

2. No exotic plant or animal species will be introduced on Air Force and/or ERDA controlled lands without the prior written approval of the Air Force and/or ERDA, the Service, Bureau and the Department.

3. All parties shall cooperate in carrying out management decisions and studies as required in the implementation of the resource management plan. Copies of all study data and other reports will be furnished each of the cooperators and one copy each to HQTAC/DEM and HQ USAF/PREV, Washington, D. C. 20330.

4. All parties will meet jointly at least annually to discuss matters relating to the management plans. The Base Commander Nellis AFB, will be responsible for calling the meeting.

5. All hunting, and trapping at the Nellis AF Range will be conducted with the concurrence of the Nellis AFB Commander or his designee; will be in accordance with existing Federal safety and security standards; and will be in accordance with Federal and State game laws, the Federal laws taking precedence in the event of a conflict.

6. In addition to State and Federal hunting licenses and stamps, a user fee for on-range hunting may be charged under the authority contained in Public Law 86-797 (16 USC 670f) at a rate determined by the installation commander and concurred in by the undersigned. These shall be accounted for by the Air Force and used exclusively for the purposes of carrying out fish and wildlife conservation aspects of the approved resource management plan which is to be developed for the Nellis AF Range.

7. The use of chemical toxicants for the control of nuisance wildlife species on Air Force and ERDA controlled lands will be in accordance with current State and Federal laws, regulations and policies.

8. Nothing in this cooperative agreement is intended to modify in any manner the present cooperative program with other public agencies, conservation groups or educational institutions, or modify any rights granted by treaty or otherwise to any Indian tribe or member thereof. All parties shall cooperate to develop a technically sound management plan for wildlife and the wild horses and burros on AF and ERDA controlled lands.

9. This agreement may be modified or amended by mutual agreement by the authorized representatives of the five agencies. This agreement may be terminated in whole or in part upon provision of written notice of same by one of the signatories to the other signatories.

10. Supplemental agreements may be developed as required by any or all of the cooperators to cover other programs. This agreement does not supersede any other agreements involving the cooperators that are now in force.

11. All parties shall cooperate in controlling trespass on Air Force and ERDA controlled lands.

SECTION II. Air Force Responsibilities.

Within the limitations of the assigned military mission and the availability of funds and manpower, the Air Force agrees to:

1. Provide access to authorized agents and employees of the Service, the Bureau, the Department and ERDA in the execution of this cooperative agreement unless security or other military exigency should prevent the granting of such access.

2. Cooperate to maintain favorable habitat for species of fish and wildlife and wild horses and burros through the coordination of other land uses as identified in the approved resource management plan.

3. Cooperate to protect and preserve the habitat of threatened and endangered species.

SECTION III. Service Responsibilities.

Consistent with its primary objectives and responsibilities, the Service agrees within the limitation of funds and personnel to:

1. Provide technical consulting assistance in developing fish and wildlife management programs.

2. Make available as requested the services of a Game Management Agent to aid in enforcing Federal Game Regulations.

3. Provide technical assistance in the control of nuisance species and the resolution of special problems that may arise subsequent to the execution of this working agreement.

4. Confirm the existence and habitat of any threatened or endangered species in coordination with the Department and make recommendations for protecting the same.

5. Participate in fish and wildlife census surveys.

6. Further an understanding of wildlife conservation by cooperating in related research to solve field problems and assisting in related training programs.

SECTION IV. Department Responsibilities.

Consistent with its primary objectives and responsibilities and within the availability of funds and personnel, the Department agrees to:

1. Conduct an annual fish and wildlife census to determine yearly population trends and management recommendations for restoring or maintaining resident species.

2. Adjust resident game species or make recommendations for adjustment as feasible to avoid damage to public health, safety and other resource values, and to furnish each year a statement of current state hunting season dates, and all state hunting laws and revisions.

3. Make available, wardens for the normal enforcement of state game laws on the lands controlled by the Air Force and ERDA.

SECTION V. Bureau Responsibilities.

Consistent with its primary objectives and responsibilities, the Bureau agrees within the limitation of funds and personnel to:

1. Conduct an annual census of the wild horses and burros to determine yearly population trends. Take actions necessary for maintaining the wild horse and burro populations at a level determined by the management plan.

2. Conduct studies to determine the condition of the vegetative resource.

SECTION VI. ERDA Responsibilities.

Consistent with its primary objectives and responsibilities, ERDA agrees within the limitation of funds and personnel to:

1. Provide access to authorized agents and employees of the Air Force, the Bureau, the Service and the Department in execution of the management plan and cooperative agreement unless security or personal safety should prevent the granting of such access.

2. Maintain favorable habitat for species of fish and wildlife and wild horses and burros through the coordination of other land uses and accomplishment of direct habitat management improvement measures in accordance with an approved resource management plan.

3. Protect and preserve the habitat of threatened and endangered species.

Public Access:

General public access to Air Force and ERDA controlled lands is not usually authorized for any purpose due to safety and security requirements necessitated by the missions of the two agencies. However, the Resource Management Plan to be developed under the terms of this cooperative agreement, may allow limited public access. Such public access as established by the Plan will be permitted by the Air Force to the Nellis AFR only to the extent that safety and security considerations are not contravened and only when specifically authorized by local authorities of the Air Force. Public access to ERDA controlled areas is not envisioned.

SIGNATURE PAGE

Date 31 Aug 1976

Department of the Air Force

/s/ John A. Corder
Commander Nellis Air Force Base

Date Oct 6 1976

U. S. Department of the Interior
U. S. Fish and Wildlife Service

/s/ R. Kahler Martinson
R. Kahler Martinson, Regional Director

Date _____

Nevada State Department of Fish & Game

/s/ Glen Griffith
Glen Griffith, Director

Date Jan 21 1977

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

/s/ John S. Boyles
John S. Boyles, District Manager

Date Sept 30 1976

Energy Research & Development Administration

/s/ Mahlon E. Gates
Mahlon E. Gates, Manager
Nevada Operations Office