



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
ELKO DISTRICT OFFICE
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ELKO, NEVADA 89801

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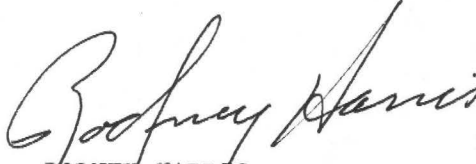
Commission for the Preservation
of Wild Horses and Burros
Stewart Facility
5500 Snider Avenue, Bldg. 6, Room 137
Carson City, NV 89710

Dear Interested Party:

Attached is a gathering plan and associated Environmental Analysis covering the gathering of wild horses from private land and from areas outside of designated herd areas.

Please review and return any comments you have by November 15, 1989.

Sincerely yours,


RODNEY HARRIS
District Manager

Enclosures

WILD HORSE CAPTURE PLAN

SEE Little Humboldt - Rock Creek - Bullhead - Little Owyhee
Spruce/Pequop Herd Use Areas

INTRODUCTION

The proposed gathering area covers five wild horse herd use areas and portions of four adjoining allotments outside designated horse use areas. The majority of the area is located in the Elko Resource Area of the Elko District and the Paradise/Denio Resource Area of the Winnemucca District. This area straddles the north end of the boundary between Elko and Humboldt Counties. The gathering area also covers a herd management area in the Wells Resource Area of the Elko District. This area is in eastern Elko County (see Figs. 1 & 2).

This document outlines the process that will be involved in the wild horse gather for the Little Humboldt, Rock Creek, Bullhead, Little Owyhee, and Spruce/Pequop wild horse herd areas and portions of Jakes Creek, Tall Corral, Big Springs and Chase Spring Allotments. Included are the number of horses to be captured, the time and method of capture and the handling and disposition of captured horses.

None of the herd use areas are presently covered by a herd management plan (Little Owyhee Desert/Snowstorm Mountain Herd Area Activity Plan in draft), however RMP/EIS's have been developed for all three Resource Areas involved. There is also a CRMP for the Bullhead and Little Owyhee areas which recommended authorized management levels of horses. The RMP/EIS's established management numbers for horses in the respective herd areas. The Elko and Paradise/Denio RMP/EIS's were coordinated for horse management numbers in the Little Owyhee and Bullhead herd areas. The proposed gather is to reduce horse numbers to conform to the authorized management levels within herd use areas and to gather horses which are outside of designated herd use areas. This action is therefore considered a part of long-term management.

Number of Horses to be Gathered

The proposed number of horses to be gathered is shown by herd area as follows:

<u>Herd Area</u>	<u>Nos. to be Managed</u>	<u>No. Inventoried</u>	<u>Nos. to be Gathered</u>
Little Humboldt	107	168	61
Rock Creek	119	190	71
Bullhead	50 (adults)	133	67
Little Owyhee*	200 (adults)	409	159
Spruce/Pequop	64 to 80	116	52
TOTAL	540 to 556	1016	410

Horses from the above herd areas are expanding their range into allotments outside herd area boundaries specifically Jakes Creek, Tall Corral, Big Springs, and Chase Spring Allotments. Gathering efforts will be concentrated to remove all horses from these allotments and to leave the authorized management level within the herd area boundaries. This is based on census and 1987 estimated populations.

* Gathering efforts will be concentrated in the Lake Creek Field of the Little Owyhee Herd Area.

WILD HORSE CAPTURE PLAN

Outside of Designated Herd Area and Spruce-Pequop Checkerboard Horse Roundup

INTRODUCTION

The proposed gathering area covers a portion of one wild horse herd management (HMA) area and a portion of Big Springs Allotment outside the designated herd management area. It also covers an area outside a designated herd management area adjacent to the Little Humboldt HMA.

The proposed gathering area is located in the Wells and Elko Resource areas of the Elko District. The Spruce-Pequop area is in eastern Elko County and the area adjacent to the Little Humboldt herd area is in Eastern Humboldt County (see attached maps).

This document outlines the process that will be involved in the wild horse gather for a portion of the Spruce/Pequop wild horse herd management area and a portion of Big Springs Allotment as well as the Jakes Creek and Tall Corral Allotments in Humboldt County. Included are the numbers of horses to be captured, the time and method of capture and the handling and disposition of captured horses.

The proposed gather is to remove horses from the checkerboard area of the Spruce-Pequop herd management area and from areas outside designated herd

management areas. The removal is necessitated by a request to remove horses from private land within and outside the designated herd area. There is no way to permanently keep the horses off of private land except through gathering and removal. Also the horses on Jakes Creek and Tall Corral Allotment outside the herd area are causing problems with a private landowner by breaking down fences and injuring domestic horses.

Number of Horses to be Gathered

The proposed number of horses to be gathered is 151. The numbers to be gathered by area is shown as follows:

<u>Area</u>	<u>No. to be Gathered</u>
Spruce-Pequop Checkerboard	43
Wood Hills-Big Springs Allotment	8
Jakes Creek-Tall Corral	<u>100</u>
Total	151

Time and Method of Capture

The gather contract is expected to be awarded in FY1990 with the work being done prior to February 28, 1990. The gather should last approximately 15 days.

The method of capture to be used will be a helicopter to bring the horses to trap sites. Horseback riders at the wings of portable traps may be used if

necessary. Roping will be done only when necessary with prior approval of the COR. Under no circumstances shall animals be tied down for more than one hour. The temporary traps and corrals will be constructed from portable pipe panels. Trap wings will be constructed of panels, netting or other material not harmful to horses. Traps will need a holding area for horses prior to transport to the temporary holding facility.

Trap sites will be selected by the COR after determining the habits of the animals and the topography of the area. Specific siting may be selected by the Contractor with the COR's approval within this general preselected area. Trap sites will receive cultural and T&E plant and animal clearance prior to use.

At least three trap sites will be required to complete the gather. Trap sites will be located to cause as little injury to horses and as little damage to the natural resources of the area as possible. Additional trap sites may be required, as determined by the COR, to relieve stress to horses caused by conditions at the time of the gather (i.e., dust, rocky terrain, temperatures, etc.).

Due to the many variables such as weather, time of year, location of horses, and suitable trap sites, it is not possible to identify specific locations at this time. They will be determined at the time of the gather.

Branded and Claimed Animals

A notice of intent to impound and a 28 day notice to gather wild horses will

be issued concurrently by the BLM prior to any gathering operations in this area.

The Nevada Department of Agriculture and the District Brand Inspector will receive copies of these notices, as well as the Notice of Public Sale if issued.

The COR/PI will contact the District Brand Inspector and make arrangements for dates and time when brand inspections will be needed.

When horses are captured, the COR/PI and the District Brand Inspector will jointly inspect all animals at the holding facility in the gathering area. If determined necessary at that time by all parties involved, horses will be sorted into three categories.

- a. Branded animals with offspring, including yearlings.
- b. Unbranded or claimed animals with offspring, including yearlings with obvious evidence of existing or former private ownership (e.g. photo documentation, saddle marks, etc.).
- c. Unbranded animals and offspring without obvious evidence of former private ownership.

The COR/PI, after consultation with the District Brand Inspector, will determine if unbranded animals are wild and free-roaming horses. The District

Brand Inspector will determine ownership of branded animals and their offspring and if possible the ownership of unbranded animals determined not to be wild and free-roaming horses.

Branded horses with offspring and claimed unbranded horses with offspring for which the owners have been identified by the District Brand Inspector will be retained in the custody of the BLM pending notification of the owner or claimant.

A separate holding corral will be set up near the temporary holding corral to house these horses until the owner or claimant can pick them up.

The animals will remain in the custody of the BLM until settlement in full is made for impoundment and trespass charges as determined appropriate by the Elko Area Manager or Wells Area Manager in accordance with provision in 43 CFR Subpart 4150. In the event settlement is not made the horses will be sold at public auction by the BLM.

Branded horses with offspring whose owners cannot be determined and unclaimed, unbranded horses with offspring having evidence of existing or former private ownership will be released to the Nevada Department of Agriculture (District Brand Inspector) as estrays.

The District Brand Inspector will provide the COR/PI a brand inspection certificate for the immediate shipment of wild horses to Palomino Valley (Reno) and for the branded or claimed horses where impoundment and trespass

charges have not been offered or received for shipment to public auction or another holding facility.

Destruction of Injured or Sick Animals

Any severely injured or seriously sick animal shall be destroyed in accordance with 43 CFR 4730.1. Animals shall be destroyed only when a definite act of mercy is needed to alleviate pain and suffering. The COR will make this determination, with advice from a veterinarian, when unsure of the severity of the illness or injury. Destruction will be done in the most humane method available. A veterinarian can be called from Elko if necessary to care for any injured horses.

Disposal of the carcass will be in accordance with I.M. No. NV-83-84.

Administration of the Contract

The COR will be the Elko District Wild Horse Specialist. The COR will be directly responsible for conducting the roundup and can appoint other BLM personnel to assist with the roundup as necessary.

To assist the COR in administering the contract, BLM will have a second helicopter available at the round up site. This helicopter will be used to assure compliance and to assure that horses are not run too far too fast or in a manner that will cause horses to split up. It will be used as needed to assure that the contractor is complying with the specifications of the

contract. If the contractor fails to perform in an appropriate manner at any time, the contract will not be allowed to continue until problems encountered are corrected to the satisfaction of the COR.

The COR is directly responsible for the conduct of the gathering operation, and is responsible for keeping the Elko District Manager and the Nevada State Office informed on the progress of the gathering operation.

Contractors Briefing

The contractor, after award of the contract, will be briefed on his duties and responsibilities before the notice to proceed is issued. There will also be an inspection of the Contractors equipment at this time to assure that it meets specifications and is adequate for the job. Any equipment that does not meet specifications must be replaced within 36 hours.

The contractor will also be informed of the terrain involved, the condition of the animals, the condition of the roads, potential trap locations, and the presence of fences and other dangerous barriers.

Temporary Holding Facility

The holding facility shall be on public land unless an agreement is made between the contractor and a private landowner for use of private facilities. When private land is used, the contractor must guarantee BLM, and the public, access to the facility and accept all liability for use of such facilities.

Use of private facilities is subject to approval by the COR.

The contractor shall provide all feed, water, labor and equipment to care for captured horses at the holding facility, and transportation of captured horses from the temporary holding facility to the Nevada Distribution Center, Palomino Valley (Reno), Nevada. All work will be done according to the following specifications and attached work location map. All labor, vehicles, helicopters, traps, troughs, feed, temporary holding facilities and other equipment, including but not limited to the aforementioned, shall be furnished by the contractor. BLM will furnish contract supervision.

Detailed Specifications

A. Roundup procedures within contract area:

1. The COR/PI will determine specific roundup areas and number of horses within each herd area as animal concentration and weather conditions dictate. Numbers of horses to be gathered by herd area are as follows:

<u>Herd Area</u>	<u>Numbers</u>
Spruce-Pequop Checkerboard	43
Wood Hills-Big Springs Allotment	8
Jakes Creek-Tall Corral outside designated hard area	<u>100</u>
TOTAL	151

2. The COR will determine specific roundup areas and numbers of animals within general contract areas as animal concentration and weather conditions dictate.

B. In addition to the provisions of 43 CFR Part 4700 the use of the helicopter shall be further regulated to the extent that:

1. The helicopter shall be used in such a manner that bands or herds will tend to remain together.
2. The rate of movement shall not exceed limitations set by the COR who shall consider terrain, weather, distance to be traveled, and condition of the animals.
3. When refueling, the helicopter must remain a distance of at least 1,000 feet or more from the temporary holding facility, vehicles (other than fuel truck), and personnel not involved in refueling.

C. Motorized Equipment

1. All motorized equipment employed in the transportation of captured animals shall be in compliance with appropriate State and Federal laws and regulations applicable to the humane transportation of animals.
2. Vehicles shall be in good repair, of adequate rated capacity, and

operated so as to insure that captured animals are transported without undue risk or injury.

3. Only stocktrailers shall be allowed for transporting animals from traps to temporary holding facilities. Only Bobtail trucks, stocktrailers, or single deck trucks shall be used to haul animals from temporary holding facilities to final destination. Sides or stockracks of transporting vehicles shall be a minimum height of 6 feet 6 inches from vehicle floor. Single deck trucks with trailers 40 feet or longer shall have two partition gates to separate animals. Trailers less than 40 feet shall have at least one partition gate to separate the animals. Each partition shall be a minimum of 6 feet high and shall have a minimum 5 foot wide swinging gate. The use of double deck trailers is unacceptable and shall not be allowed.
4. All vehicles used to transport animals to final destination shall be equipped with doors at the rear end of the vehicle. At least one of these rear doors shall be capable of sliding either horizontally or vertically.
5. Floors of vehicles shall be covered and maintained with a non-skid surface such as sand, mineral soil or wood shavings, to prevent the animals from slipping.
6. The number of animals to be loaded and transported in any vehicle

shall be as directed by the COR and may include limitations on numbers according to age, size, sex, temperament and animal condition. A minimum of 1.4 linear feet per adult animal and .75 linear feet per foal shall be allowed per standard 8 foot wide stocktrailer/truck.

7. The COR shall consider the condition of the animals, weather conditions, type of vehicles, distance to be transported, or other factors when planning for the movement of captured animals. The COR shall provide for any brand and/or inspection services required for the captured animals.
8. If the COR determines that dust conditions are such that the animals could be endangered during transportation, the contractor will be instructed to adjust speed. The maximum distance over which animals may have to be transported on dirt road is approximately twenty miles per load.

D. Trapping and Care

1. All capture attempts shall be accomplished by the utilization of a helicopter. A minimum of one saddle horse shall be available to accomplish roping if necessary. Roping will be done only when necessary, with prior approval by the COR. Under no circumstances shall animals be tied down for more than one hour.
2. The helicopter shall be used in such a manner that bands or herds

will tend to remain together. Foals shall not be left behind.

3. The rate of movement and distance the animals travel shall not exceed limitations set by the COR who will consider terrain, physical barriers, weather, condition of the animals and other factors.
4. It is estimated that three trap locations will be required to accomplish the work. All trap locations and holding facilities must be approved by the COR prior to construction. The contractor may also be required to change or move trap locations as determined by the COR. All traps and holding facilities not located on public land must have prior written approval of the landowner.
5. All traps, wings, and holding facilities shall be constructed, maintained and operated to handle the animals in a safe and humane manner and be in accordance with the following:
 - a. Traps and holding facilities shall be constructed of portable panels, the top of which shall not be less than 72 inches high, and the bottom rail of which shall not be more than 12 inches from ground level. All traps and holding facilities shall be oval or round in design.
 - b. All loading chute sides shall be fully covered with plywood or like material. The loading chute shall also be a minimum of 6

feet high.

- c. All runways shall be a minimum of 20 feet long and a minimum of 6 feet high and shall be covered with plywood or like material a minimum of 1 foot to 5 feet above ground level.
 - d. Wings shall not be constructed out of barbed wire or other materials injurious to animals and must be approved by the COR.
 - e. All crowding pens including the gates leading to the runways shall be covered with a material which prevents the animals from seeing out (plywood, burlap, etc.) and shall be covered a minimum of 1 foot to 5 feet above ground level. Eight linear feet of this material shall be capable of being removed or letdown to provide a viewing window.
 - f. All pens and runways used for the movement and handling of animals shall be connected with hinged self-locking gates.
6. No fence modification will be made without authorization from the COR. The contractor shall be responsible for restoration of any fence modification or damage which he has made.
7. When excessive dust conditions occur within or adjacent to the trap or holding facility, the contractor shall be required to wet down the ground with water at such location as directed by the COR.

8. Alternate pens, within the holding facility shall be furnished by the contractor to separate mares with small foals, sick and injured animals, and estray animals from the other horses. Where required by the COR, animals shall be sorted as to age, number, size, temperament, sex, and condition when in the holding facility so as to minimize, to the extent possible, injury due to fighting and trampling.

9. Animals shall be transported to final destination from temporary holding facilities within 24 hours after capture unless prior approval is granted by the COR for unusual circumstances. Animals shall not be held in traps and/or temporary holding facilities on days when there is no work being conducted except as specified by the COR. The contractor shall schedule shipments of animals to arrive at final destination between 6:00 a.m. and 4: p.m. No shipments shall be scheduled to arrive at final destination on Sunday.

10. The contractor shall provide animals held in the traps and/or holding facilities with a continuous supply of fresh clean water at a minimum rate of 10 gallons per animal per day. Animals held for 10 hours or more in the traps or holding facilities shall be provided good quality hay at the rate of not less than two pounds of hay per 100 pounds of estimated body weight per day.

11. It is the responsibility of the contractor to provide security to prevent loss, injury or death of captured animals until delivery to final destination.
12. The contractor shall restrain sick or injured animals so that they may be provided treatment by the COR. The COR will determine if injured animals must be destroyed and provide for destruction of such animals. The contractor may be required to dispose of the carcasses as directed by the COR.

E. Helicopter, Pilot and Communications

1. The contractor must operate in compliance with Federal Aviation Regulations, Part 91. Pilots provided by the contractor shall comply with the Contractors Federal Aviation Certificates, applicable regulations of the State of Nevada and shall follow what are recognized as safe flying practices.
2. When refueling, the helicopter shall remain a distance of at least 1,000 feet or more from animals, vehicles (other than fuel truck), and personnel not involved in refueling.
3. The COR shall have the means to communicate with the pilot and be able to direct the use of the gather helicopter at all times. The frequency(s) used for this contract will be assigned by the COR when

the radio is used. When a VHF/AM radio is used, the frequency will be 122.925 MHz.

4. The contractor shall obtain the necessary FCC licenses for the radio system.
5. The proper operation, service and maintenance of all contractor furnished helicopters is the responsibility of the contractor. The BLM reserves the right to remove from service pilots and helicopters which, in the opinion of the contracting officer or COR violate contract rules, are unsafe or otherwise unsatisfactory. In this event, the contractor will be notified in writing to furnish replacement pilots or helicopters within 48 hours of notification. All such replacements must be approved in advance of operation by the contracting officer or his/her representatives.
6. At time of contract completion the contractor shall provide the COR the total flight time (in hours/tenths), including ferry time to and from the contractors home base spent in performance of the contract.

F. Contractor-furnished Property

1. All hay, water, vehicles, saddle horses, helicopters and other equipment shall be provided by the contractor. Other equipment includes, but is not limited to, a minimum of 1,500 linear feet of 72-inch high (minimum height) panels for traps and holding

facilities and enough water troughs for each pen where animals are being held. Water troughs shall be constructed of such material (e.g. rubber, rubber over metal) as to avoid injury to the animals.

2. The contractor shall furnish an avionics system that will allow communications between the contractor's helicopter and his fuel truck.
3. The contractor shall furnish a VHF/AM radio transceiver in the contractor's helicopter which has the capability to operate on a frequency of 122.925 MHz.
4. The contractor shall provide a programmable VHF/FM radio transceiver in accordance with the following and illustration 1.

VHF-FM Transceiver. One VHF-FM (AUX-FM) Transceiver shall be installed, operating in the 150.000 to 174.000 MHz band on five kHz channel increments, with 32 channel CTCSS sub-audible tone encoder capabilities, and no less than five watts and no more than 10 watts carrier power output.

In lieu of the VHF-FM Transceiver, the contractor may furnish the following portable radio, provisions for an auxiliary VHF-FM portable radio and adapter.

VHF-FM Portable Radio. One VHF-FM Two-Way Portable Radio, operating

in the 150 MHz to 174 MHz frequency band, frequency synthesized, CTCSS 32 sub-audible tone capable, operator programmable, 5 kHz channel spacing, minimum 5 watts carrier power (King Model No. LPH Series).

Provisions for Auxiliary VHF-FM Portable Radio.

The Contractor shall provide the necessary interface for installing and properly operating an Auxiliary VHF-FM Portable Radio through the aircraft's Audio Control Systems. The interface shall consist of the appropriate wiring from the Audio Control Systems which is terminated in a MS 3112E-12-10S type connector, mounted in a location convenient to the observer, and utilizing the following contact assignments:

Contact

Designation Interface Functions

A	Airframe Ground
B	Push-to-talk (isolated contact closure)
C	Push-to-talk (isolated contact closure)
D	Receiver audio low
E	Receiver audio high

(Variable typically from 10 mW to 500 mW,
8 ohms to 75 ohms)

- F Transmitter Microphone Low
- G Transmitter Microphone High
- H +14 VDC from aircraft to avionics bus,
5 amp Type A circuit breaker.
For 14V aircraft only!
- J +24 VDC from aircraft to avionics bus,
5 amp Type A circuit breaker.
For 28V aircraft only!
- K Spare contact.

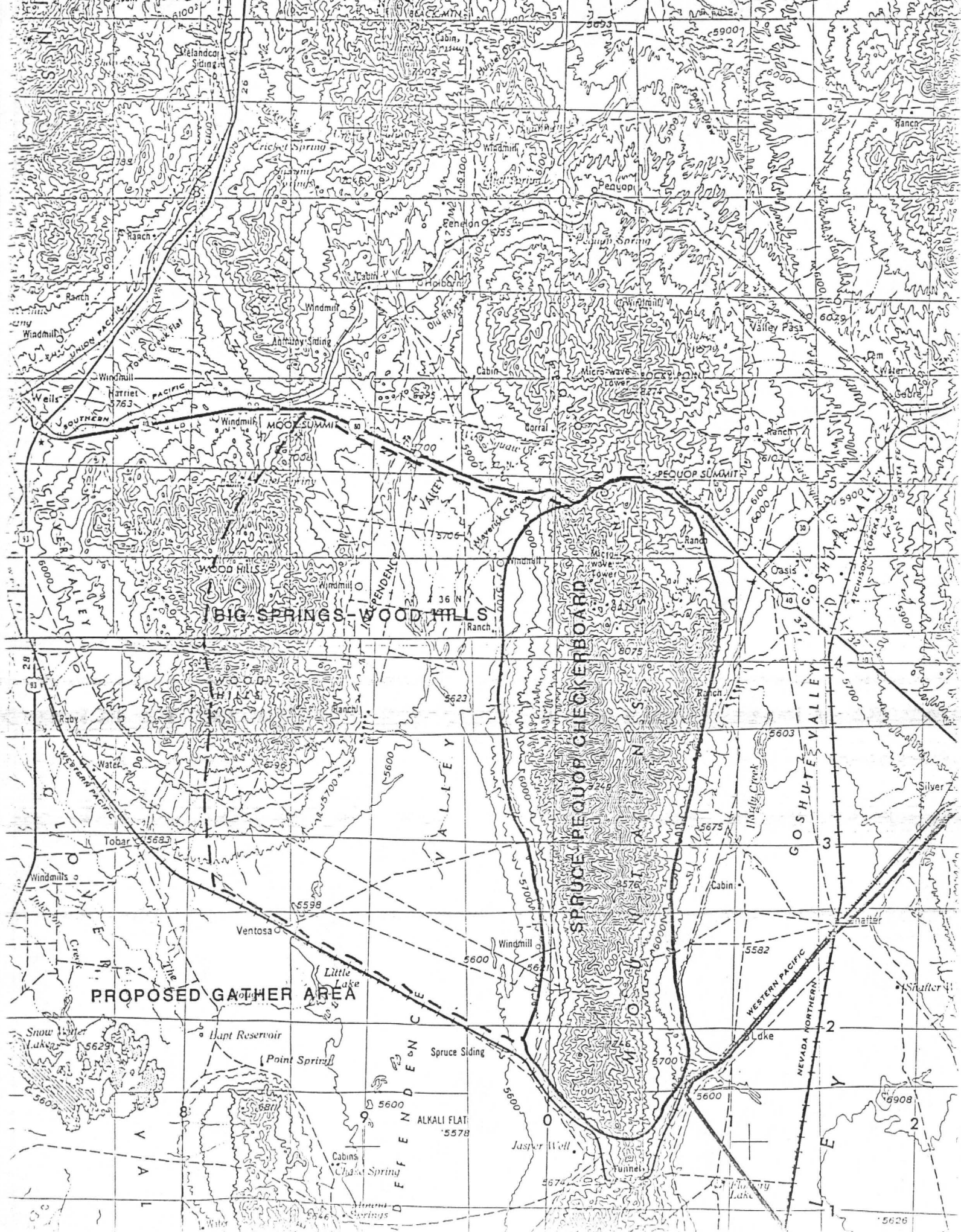
One weatherproof external broadband antenna covering the 150-174 MHz band, with associated RG-58A/U coaxial cable and connector, terminated in a bulkhead mounted BNC connector convenient to the observer (Comant type CI-177 or equal).

Radio mounting facilities that comply with AC 43.13-2A, Chapters 1 and 2, shall be provided for the auxiliary radio for installation in the cockpit, with controls convenient to the pilot and observer. The auxiliary radio connector and antenna

connector shall be so located that an 18 inch interconnecting cable may be utilized by the radio.

The selector panel shall supply positive polarity microphone excitation voltage, from the aircraft DC power system through a suitable resistor network, to the aircraft microphone. A blocking capacitor shall be provided in the selector panel to prevent the portable microphone excitation voltage from entering the system.

An auxiliary FM adapter shall be provided to interface the connectors and circuits necessary to operate the King, Model No. LPH Series, radio through the MS3112E-12-10S connector in the aircraft (FS/OAS Drawing A-15-1 is provided as a possible interface).



PROPOSED GATHER AREA

BIG SPRINGS-WOOD HILLS

SPRUCE PEQUOP CHECKERBOARD

GOSHUTE VALLEY

DEFENDER

WESTERN PACIFIC

NEVADA NORTHERN

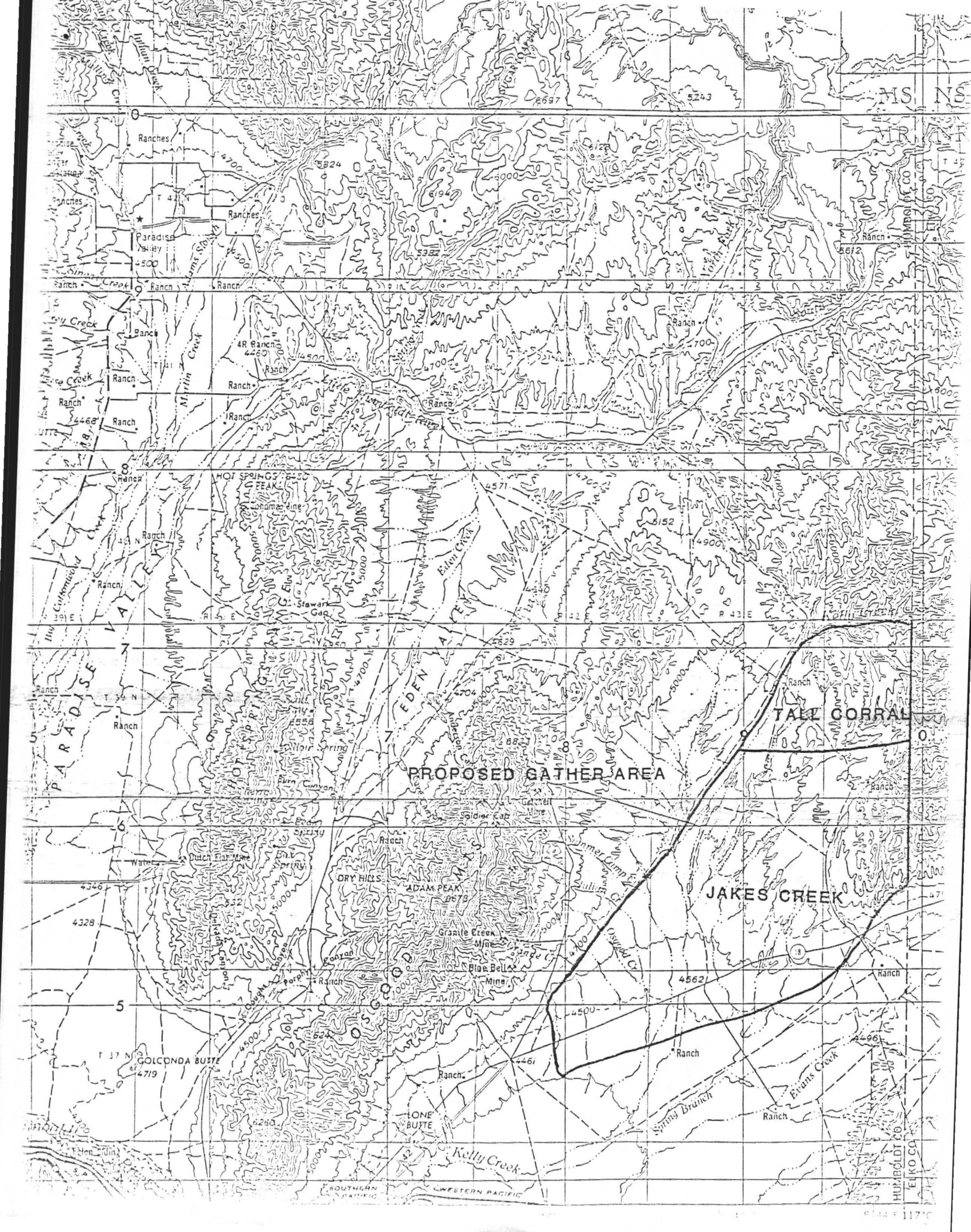
VALLEY

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MS. NS

HUMBOLDT CO

Ranch

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HUMBOLDT CO
ELKO CO

PROPOSED GATHER AREA

TALL CORRAL

JAKES CREEK

PARADISE VALLEY

EDEN AVENUE

DRY HILLS

GOLCONDA BUTTE

LONE BUTTE

KELLY CREEK

SOUTHERN PACIFIC
WESTERN PACIFIC

Outside of Designated Herd Areas and
Spruce-Pequop Checkerboard Horse Roundup

I. DESCRIPTION OF THE PROPOSED ACTION AND ALTERNATIVES

The Wells and Elko Resource Areas are proposing the use of a helicopter, construction of traps and holding corrals to gather wild horses. The action has been necessitated by a request to remove wild horses from private land and also because wild horses cannot be maintained in areas where they did not occur prior to 1971 (outside of designated herd areas).

A. Introduction

As a result of a request to remove wild horses from private lands and to remove horses from areas outside of designated herd areas (see attached gathering plan), it is necessary to determine the most cost efficient, effective and safest (to horses as well as people involved in the gather) method of gathering excess animals.

B. Proposed Action

The proposed action consists of using a helicopter to gather wild horses. The helicopter would locate the bands of wild horses and drive them into the traps using riders (Wranglers on horseback)

where desired and necessary. The gathering would continue until all the horses occupying private land and outside designated herd areas have been removed. Hazards such as cliffs and fences would be scouted in advance and existing roads and trails would be used.

Several temporary traps with deflector wings encompassing less than one acre would be erected. Temporary trap and corral sites would be selected by the contractor from potential sites selected by the BLM. Each facility would be constructed from portable panels. These traps and corrals would be moved from place to place during the gathering operation and completely removed from the area after the contract is completed. It is estimated that three trap sites will be needed encompassing less than three acres of surface disturbance.

C. Stipulations

1. Horse handling will be kept to a minimum. Capture and transporting operations are exceedingly traumatic to the animals. Minimizing the handling would increase the safety of the animals, as well as the handlers.
2. No gathering will be allowed after March 1, 1990 because of the potential stress to pregnant and lactating mares and the possibility of induced abortions. Gathering may be resumed after the foaling period and after foals are grown enough to

withstand the stress of gathering operations.

3. Horses will not be run more than 10 miles during the gathering operations.
4. A veterinarian will be on call during gathering operations.
5. Helicopters will be used with caution. A qualified district BLM representative will be present during the gathering attempts to insure strict compliance with the above mileage limitations and CFR 4700 regulations.
6. Captured horses that are obviously aged, lame, deformed, or sick will be humanely disposed of at the trap site.
7. A cultural resources investigation by an archaeologist or D.A.T. will be made prior to any trap construction. If a significant find was discovered, an alternative trap site will be selected.
8. Trap sites or holding corrals will not be placed on any sites with any threatened or endangered plant species present.

D. Alternatives

1. Water trapping as an alternative has been considered. This

involves placing temporary corrals with one way gates at water sources.

Due to the time element and the necessity to gather the horses as soon as possible off private lands, it would not be possible to use this method and will no longer be considered.

2. Gathering of wild horses by wranglers on horse back as an alternative has been considered. This involves people on horse back locating the horses and trying to drive the wild horses into the portable traps.

Often times, the wild horses will out run the wranglers and scatter prior to reaching the trap. There is also an increased risk of injury to the wild horses as well as the wranglers and their horses since hazards cannot be seen in advance. This method takes longer and is not cost effective. For these reasons, this alternative is not feasible and will not be considered further.

3. No Action - the no action alternative would result in no wild horses being gathered, and horses would remain on private lands and outside the herd areas which would not be according to law. Therefore, this alternative is not considered further.

II. DESCRIPTION OF THE EXISTING ENVIRONMENT

The proposed gathering area covers the Spruce-Pequop herd management checkerboard area and portions of three allotments outside designated horse use areas. Part of the area is located in the Elko Resource Area of the Elko District. The gathering area also covers part of the Spruce-Pequop herd management area in the Wells Resource Area of the Elko District.

The following table shows the herd/allotments (non herd areas) that will be affected as well as the number of wild horses to be gathered:

<u>Area</u>	<u>No. to be Gathered</u>
Spruce-Pequop Checkerboard	43
Big Springs-Wood Hills	8
Jakes Creek-Tall Corral	<u>100</u>
Total	151

This is based on August 1989 census.

For discussion purposes, the subject area will be divided into 2 major geographic locations, the first being that portion of the subject area lying within Elko (A) Resource Area and the second being that portion lying within the Wells Resource Area (B).

A. Elko Resource Areas

1. Topography

Topography of the subject area consists of a flat desert in the northern part and mountains, canyons, alluvial fans, basins and valley floors in the southern part. Annual precipitation varies from 20 inches in the Snowstorm Mountains to 8 inches on the Owyhee Desert. Precipitation occurrences are highest from November through January, occurring mostly as snow. Average temperatures range from 95° F. in summer to -10° F. in winter.

2. Air, Soils and Water

Prevailing winds are usually out of the west and are common from April through October.

Air quality is good and does not appear to exceed the State of Nevada Ambient Air Quality Standards. Air inversion layers may occur in some areas but are generally of short duration. There is no knowledge of air pollution occurring due to these inversions.

Soils are predominately Aridosols and Mollisols and are shallow to moderately deep. The following table depicts soil characteristics.

GENERAL		EROSION	
<u>DISTRIBUTION</u>	<u>PRODUCTIVITY</u>	<u>SUSCEPTIBILITY</u>	<u>TEXTURES</u>
Alluvial plains, bottoms	Moderate-High	Moderate	Mod. fine-medium
Benches, fans, terraces	Moderate	Moderate	Fine-Mod. fine
Mountain uplands	Moderate-High	Slight	Fine-Mod. fine

The majority of the streams flow intermittently and contribute most runoff during the spring. Reservoirs, springs and wells provide additional water.

3. Vegetation

Major plant associations are characterized as big sagebrush-grass, low sagebrush-grass, shadscale and riparian.

The big sagebrush-grass and low sagebrush-grass types are dominated by big sagebrush and low sagebrush respectively. Other shrubs include currant, rabbitbrush, snowberry, and antelope bitterbrush. Major grass species include bluebunch wheatgrass, Indian ricegrass, Idaho fescue, Sandberg bluegrass, and bottlebrush squirreltail. Forbs include arrowleaf balsamroot, lupine, phlox and aster.

The shadscale type is found in the northern portion of the Owyhee Desert. Major plant species include shadscale, bud sagebrush and big sagebrush. Smaller amounts of winterfat grow in this type. Major grass species include squirreltail, Sandberg bluegrass, and cheatgrass.

The only major riparian areas are along the South and North Forks of the Little Humboldt River. The major tree species is willow. Major shrub species include big sagebrush, currant, Wood's rose and rabbitbrush. Various rushes, sedges and grasses comprise stringer meadows along portions of the streams. Forbs are typical of those found in wet meadows and include dandelion, yarrow and iris.

4. Animals

Wildlife in the subject area include deer, pronghorn antelope, chukar, dove, and sage grouse as game species and coyote, bobcat, small mammals and birds as nongame species.

Domestic livestock include horses, sheep and cattle.

5. Mining Claims

Mining claims exist in the area however, will not be affected

as a result of the proposed activities and will not be discussed further.

6. Threatened and Endangered Plant Species

The following species, located within 10 miles of the subject area, have been given a 3C status in the Federal Register (Volume 50, Number 188, Friday, September 27, 1985). A status of 3C are "taxa that are no longer being considered for listing as threatened or endangered species".

Hackelia ophiobia - has been located in shaded areas at the base of cliffs along Milligan Creek and extending up the cliff.

Eriogonum ammophilum - apparently associated with low sage plant community where soils are usually shallow.

The following species located within 10 miles of the herd area(s) have been given a 2 status in the same Federal Register. The information now available indicates it may be appropriate to list these plants as either threatened or endangered. The plants in this status need further research to determine their vulnerability, taxonomy and/or threats to these taxa.

Ivesia rhypara - found on tuffs and volcanic ash soils.

Mentzelia pachardiae - associated with loose slopes high in volcanic ash devoid of woody vegetation.

Astragalus yoderwilliamsii - found in association with low sage.

Leptodactylon glabrum - is not listed in the Federal Register.

Though it is not federally listed, it is on a "watch list". It is found on steep canyon walls and vertical cliffs.

7. Visual Resource Management

Visual resources will not be affected by the proposed action since all structures are temporary.

8. Archaeology

Numerous archaeological sites occur within the subject area. To ensure no impact to this resource, an archaeologist or a district archaeological technician will be required to clear selected areas prior to any ground disturbing activity, including erection of the traps or corrals. Only areas with existing roads or trails will be used.

B. Wells Resource Area

1. Topography

Topography of the subject area is valley bottom in the western

part and mountains, canyons and alluvial fans to the east. Annual precipitation varies from 4 to 8 inches in the valley bottoms to 8 to 16 inches on the upper benches and mountains. Precipitation is received primarily during the winter in the form of snow.

2. Air, Soils, Water

See II.A.2 for Air, Soils, and Water information.

3. Vegetation

The major plant associations are very similar to those mentioned in II.B.1.a except for the domination of juniper on the uplands and the larger percentage of shadscale and winter fat vegetation types within the Wells Resource Area.

4. Animals - Refer to II.A.4.

5. Mining Claims - Refer to II.A.5.

6. Threatened and Endangered Species - The following species are located within 10 miles of herd area(s) have been given a 3C status in the Federal Register (Volume 50, Number 188, Friday, September 27, 1985). Status of 3C are "taxa that are no longer being considered for listing as threatened or endangered

species".

Lepidium nanum - has been found on dry gravelly knolls, rocky hillsides, and chalky areas associated with black sagebrush plant community.

Cryptantha interrupta - associated with rocky hillsides on sandy or clayey soils with a big sagebrush plant community.

7. Visual Resource Management - Refer to II.A.8.

8. Archaeology - Refer to II.A.9

III. ENVIRONMENTAL IMPACTS

A. Proposed Action

The use of helicopters to capture excess wild horses may result in leppy foals and split bands, as well as injured horses. Incidents like these tend to be increased if the animals are pushed too hard. However, a Bureau official will be present at the gathering site to ensure minimum injury occurs to the horses and that the stipulations in I.B.3. are adhered to. The authorized officer will also have a helicopter on site to use in monitoring and supervising the contract. This helicopter will be used with discretion to minimize disturbance of horses that would make gathering more difficult.

However it will be used as needed to assure that the Contractor is complying with the specifications in the contract.

Vegetation may be disturbed as a result of erection of the portable traps and/or corrals. Some soil compaction and vegetation trampling may occur due to the concentration of horses within a 1 acre area. The horses may be kept within these facilities for no longer than 3 days unless approved by the authorized officer. Numbers of horses may vary depending on how many are caught in any one area.

Any areas having a threatened or endangered species occurring within the area or archaeological artifacts will not be used for trap sites or corral sites. If either of these resources are discovered at any proposed sites, location will be recorded and turned into the appropriate specialists or area manager.

Since the helicopter will not result in any ground disturbing activity, and trap and corral sites are temporary (5 days or less), no significant impacts to any other resources are anticipated.

B. Alternatives

The alternatives have been discussed and determined not to be feasible for the reasons mentioned in I.C.1-3.

IV. APPENDICES

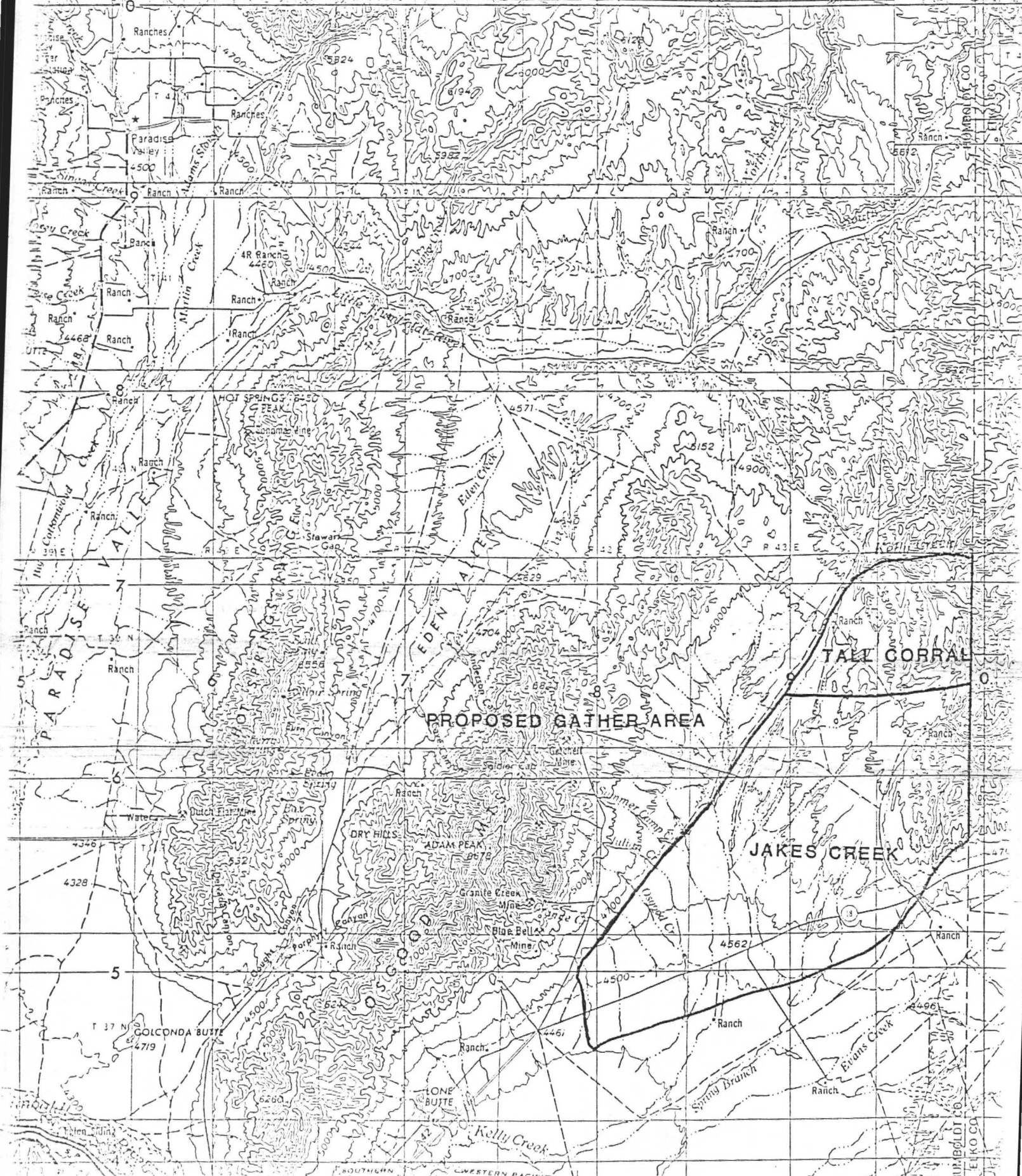
- A. Location Map, Elko RA
- B. Location Map, Wells RA

V. PERSONS, GROUPS AND AGENCIES CONSULTED

- A. American Horse Protection Association
- B. National Mustang Association
- C. International Society for the Protection of Wild Horses and Burros
- D. Fund for Animals
- E. U.S. Humane Society
- F. Nevada State Department of Agriculture
- G. Animal Protection Institute
- H. American Humane Association
- I. National Wild Horse Association
- J. Wild Horse Organized Assistance
- K. Deborah Allard
- L. Save the Mustangs
- M. American Bashkir Curley Register
- N. Humane Society of Southern Nevada
- O. Nevada Humane Society
- P. Mr. Donalds Molde
- Q. U.S. Fish and Wildlife Service
- R. Nevada Federation of Animal Protection Organization
- S. Craig C. Downer
- T. Commission for the Preservation of Wild Horses

- U. Elko District Office
- V. Winnemucca District Office
- W. Nevada Department of Wildlife

MS. NS



PROPOSED GATHER AREA

JAKES CREEK

TALL CORRAL

GOLCONDA BUTTE
4719

DRY HILLS

ADAM PEAK
4678

GRANITE CREEK
MINE

BLUE BELL
MINE

LONE BUTTE

Kelly Creek

Spring Branch

Eriens Creek

SOUTHERN PACIFIC WESTERN PACIFIC

HUMBOLDT CO. ELKO CO.

RECORD OF DECISION/FONSI
Outside of Designated Herd Areas and
Spruce-Pequop Checkerboard Horse Roundup
EA-NV-010-90-007

DECISION

The proposed action is accepted.

RATIONALE

The environmental assessment has indicated that implementation of the proposed action would result in beneficial impacts to the environment. Use of helicopters for the gathering of wild horses, as well as erection of temporary traps and holding corrals is in compliance with the Elko Resource Management Plan/Environmental Statement (RMP/EIS), Wells RMP/EIS, as well as applicable laws and regulations. This project will remove wild horses from private lands and from areas where they did not occur in 1971 in compliance with PL92-195.

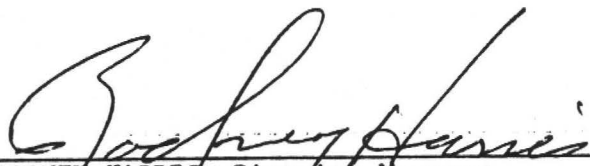
FINDING OF NO SIGNIFICANT IMPACTS (FONSI)

The EA has shown that implementation of the proposed action will not significantly affect the quality of the human environment. Therefore an Environmental Impact Statement is not required.

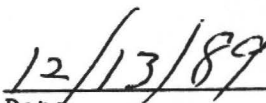
Stipulations

1. Horse handling will be kept to a minimum. Capture and transporting operations are exceedingly traumatic to the animals. Minimizing the handling would increase the safety of the animals, as well as the handlers.
2. No gathering will be allowed after March 1, 1990 because of the potential stress to pregnant and lactating mares and the possibility of induced abortions. Gathering may be resumed after the foaling period and after foals are grown enough to withstand the stress of gathering operations.
3. Horses will not be run more than 10 miles during gathering operations.
4. A veterinarian will be on call during gathering operations.
5. Helicopters will be used with caution. A qualified district BLM representative will be present during gathering attempts to insure strict compliance with the above mileage limitations and CFR 4700 regulations.
6. Captured horses that are obviously aged, lame, deformed, or sick will be humanely disposed of at the trap site.

7. A cultural resources investigation by an archaeologist or D.A.T. will be made prior to any trap construction. If a significant find is discovered, an alternative trap site will be selected.
8. Trap sites or holding corrals will not be placed on any sites with any threatened or endangered plant species present.



RODNEY HARRIS, District Manager
Elko District Office



Date

WILD HORSE CAPTURE PLAN

Spruce-Pequop Checkerboard and Outside Herd Area Wild Horse Roundup

INTRODUCTION

The proposed gathering area covers a portion of one wild horse herd area and a portion of Big Springs Allotment outside the designated herd area. The area is located in the Wells Resource Area of the Elko District, and is in eastern Elko County (see attached map).

This document outlines the process that will be involved in the wild horse gather for a portion of the Spruce-Pequop wild horse herd area and a portion of the Big Springs and Wood Hills Allotments. Included are the numbers of horses to be captured, the time and method of capture and the handling and disposition of captured horses.

Justification for Gather

The removal is necessitated by a request to remove wild horses from private land within and outside the designated herd area. Attempts have been made to drive horses off private land but because of the amount of private land involved this has been unsuccessful (see land status map).

An attempt was also made to drive the horses to the south end of the herd area which is well blocked public land. This was also unsuccessful as the horses scattered into the trees on each side of the Pequop Mountains and would not travel in the desired direction. There is no way to keep the horses off of private land except through gathering and removal.

In addition to the above, the water in this area is limited and the few water sources on public land dry up in the summer. When these sources dry up, the horses move to the west side of the Pequops and travel across Independence Valley to private land and water outside the herd area (see map of horse movements). There are also a few head of horses that have established themselves in the Wood Hills and remain there year round. This is also outside the herd area boundary.

The south end of the herd area south of the Railroad tunnel will still have 60 horses. This is a well blocked public land area.

Number of Horses to be Gathered

The proposed number of horses to be gathered is 100. The numbers to be gathered by area is shown as follows:

<u>Area</u>	<u>No. to be Gathered</u>
Spruce-Pequop Checkerboard	85
Wood Hills-Big Springs Allotment	15
Total	<u>100</u>

Sixty horses will remain in the south end of the herd area.

Time and Method of Capture

The gather contract is expected to be awarded in FY1991 with the work being done prior to September 30, 1991. The gather should last approximately 10 days.

The primary method of capture to be used will be a helicopter to bring the horses to trap and corral sites. Horseback riders at the wings of portable traps may be used if necessary. Roping will be done only when necessary with prior approval of the Contracting Officer's Representative (COR). Under no circumstances shall animals be tied down for more than one hour. The temporary traps and corrals will be constructed from portable pipe panels. Trap wings will be constructed of panels, netting or other material not harmful to horses. Traps will need a holding area for horses prior to transport to the temporary holding facility. Water trapping will be used to gather any remaining horses that cannot be gathered by the helicopter.

Trap sites will be selected by the COR after determining the habits of the animals and the topography of the area. Specific siting may be selected by the Contractor with the COR's approval within this general preselected area. Trap sites will receive cultural and T&E plant and animal clearance prior to use.

At least two trap sites will be required to complete the gather. Trap sites will be located to cause as little injury to horses and as little damage to the natural resources of the area as possible. Additional trap sites may be required, as determined by the COR, to relieve stress to horses caused by conditions at the time of the gather (i.e., dust, rocky terrain, temperatures, numbers of horses being gathered, distance to horses, and the need to water trap, etc.).

Due to the many variables such as weather, time of year, location of horses, and suitable trap sites, it is not possible to identify specific locations at this time. They will be determined at the time of the gather.

Branded and Claimed Animals

A notice of intent to impound and a 28 day notice to gather wild horses will be issued concurrently by the BLM prior to any gathering operations in this area.

The Nevada Department of Agriculture and the District Brand Inspector will receive copies of these notices, as well as the Notice of Public Sale if issued.

The COR/PI will contact the District Brand Inspector and make arrangements for dates and time when brand inspections will be needed.

When horses are captured, the COR/PI and the District Brand Inspector will jointly inspect all animals at the holding facility in the gathering area. If determined necessary at that time by all parties involved, horses will be sorted into three categories.

- a. Branded animals with offspring, including yearlings.
- b. Unbranded or claimed animals with offspring, including yearlings with obvious evidence of existing or former private ownership (e.g. photo documentation, saddle marks, etc.).
- c. Unbranded animals and offspring without obvious evidence of former private ownership.

The COR/PI, after consultation with the District Brand Inspector, will determine if unbranded animals are wild and free-roaming horses. The District Brand Inspector will determine ownership of branded animals and their offspring and if possible the ownership of unbranded animals determined not to be wild and free-roaming horses.

Branded horses with offspring and claimed unbranded horses with offspring for which the owners have been identified by the District Brand Inspector will be retained in the custody of the BLM pending notification of the owner or claimant.

A separate holding corral will be set up near the temporary holding corral to house these horses until the owner or claimant can pick them up.

The animals will remain in the custody of the BLM until settlement in full is made for impoundment and trespass charges as determined appropriate by the Wells Area Manager in accordance with provision in 43 CFR Subpart 4150. In the event settlement is not made, the horses will be sold at public auction by the BLM.

Branded horses with offspring whose owners cannot be determined and unbranded horses with offspring having evidence of existing or former private ownership will be released to the Nevada Department of Agriculture (District Brand Inspector) as estrays.

The District Brand Inspector will provide the COR/PI a brand inspection certificate for the immediate shipment of wild horses to Palomino Valley (Reno) and for the branded or claimed horses where impoundment and trespass charges have not been offered or received for shipment to public auction or another holding facility.

Destruction of Injured or Sick Animals

Any severely injured or seriously sick animal shall be destroyed in accordance with 43 CFR 4730.1. Animals shall be destroyed only when a definite act of mercy is needed to alleviate pain and suffering. The COR will make this determination, with advice from a veterinarian, when unsure of the severity of the illness or injury. Destruction will be done in the most humane method available. A veterinarian can be called from Elko if necessary to care for any injured horses.

Disposal of the carcass will be in accordance with I.M. No. NV-83-84.

Administration of the Contract

The COR will be the Elko District Wild Horse Specialist. The COR will be directly responsible for conducting the roundup and can appoint other BLM personnel to assist with the roundup as necessary.

To assist the COR in administering the contract, BLM will have a second helicopter available at the round up site. This helicopter will be used to assure compliance and to assure that horses are not run too far too fast or in a manner that will cause horses to split up. It will be used as needed to assure that the contractor is complying with the specifications of the contract. If the contractor fails to perform in an appropriate manner at any time, the contract will not be allowed to continue until problems encountered are corrected to the satisfaction of the COR.

The COR is directly responsible for the conduct of the gathering operation, and is responsible for keeping the Elko District Manager and the Nevada State Office informed on the progress of the gathering operation.

Contractors Briefing

The contractor, after award of the contract, will be briefed on his duties and responsibilities before the notice to proceed is issued. There will also be an inspection of the Contractors equipment at this time to assure that it meets specifications and is adequate for the job. Any equipment that does not meet specifications must be replaced within 36 hours.

The contractor will also be informed of the terrain involved, the condition of the animals, the condition of the roads, potential trap locations, and the presence of fences and other dangerous barriers..

Temporary Holding Facility

The holding facility shall be on public land unless an agreement is made between the contractor and a private landowner for use of private facilities. When private land is used, the contractor must guarantee BLM, and the public, access to the facility and accept all liability for use of such facilities. Use of private facilities is subject to approval by the COR.

The contractor shall provide all feed, water, labor and equipment to care for captured horses at the holding facility, and transportation of captured horses from the temporary holding facility to the Nevada Distribution Center, Palomino Valley (Reno), Nevada. All work will be done according to the following specifications and attached work location map. All labor, vehicles, helicopters, traps, troughs, feed, temporary holding facilities and other equipment, including but not limited to the aforementioned, shall be furnished by the contractor. BLM will furnish contract supervision.

Detailed Specifications

A. Roundup procedures within contract area:

1. The COR/PI will determine specific roundup areas and number of horses within each herd area as animal concentration and weather conditions dictate. Numbers of horses to be gathered by herd area are as follows:

<u>Herd Area</u>	<u>Numbers</u>
Spruce-Pequop Checkerboard	85
Wood Hills-Big Springs Allotment	15
TOTAL	<u>100</u>

2. The COR will determine specific roundup areas and numbers of animals within general contract areas as animal concentration and weather conditions dictate.

B. In addition to the provisions of 43 CFR Part 4700 the use of the helicopter shall be further regulated to the extent that:

1. The helicopter shall be used in such a manner that bands or herds will tend to remain together.
2. The rate of horse movement shall not exceed limitations set by the COR who shall consider terrain, weather, distance to be traveled, and condition of the animals.
3. When refueling, the helicopter must remain a distance of at least 1,000 feet or more from the temporary holding facility, vehicles (other than fuel truck), and personnel not involved in refueling.

C. Motorized Equipment

1. All motorized equipment employed in the transportation of captured animals shall be in compliance with appropriate State and Federal laws and regulations applicable to the humane transportation of animals.
2. Vehicles shall be in good repair, of adequate rated capacity, and operated so as to insure that captured animals are transported without undue risk or injury.
3. Only stocktrailers shall be allowed for transporting animals from traps to temporary holding facilities. Only Bobtail trucks, stocktrailers, or single deck trucks shall be used to haul animals from temporary holding facilities to final destination. Sides or stockracks of transporting vehicles shall be a minimum height of 6 feet 6 inches from vehicle floor. Single deck trucks with trailers 40 feet or longer shall have two partition gates to separate animals. Trailers less than 40 feet shall have at least one partition gate to separate the animals. Each partition shall be a minimum of 6 feet high and shall have a minimum 5 foot wide swinging gate. The use of double deck trailers is unacceptable and shall not be allowed.

4. All vehicles used to transport animals to final destination shall be equipped with doors at the rear end of the vehicle. At least one of these rear doors shall be capable of sliding either horizontally or vertically.
5. Floors of vehicles shall be covered and maintained with a non-skid surface such as sand, mineral soil or wood shavings, to prevent the animals from slipping.
6. The number of animals to be loaded and transported in any vehicle shall be as directed by the COR and may include limitations on numbers according to age, size, sex, temperament and animal condition. A minimum of 1.4 linear feet per adult animal and .75 linear feet per foal shall be allowed per standard 8 foot wide stocktrailer/truck.
7. The COR shall consider the condition of the animals, weather conditions, type of vehicles, distance to be transported, or other factors when planning for the movement of captured animals. The COR shall provide for any brand and/or inspection services required for the captured animals.
8. If the COR determines that dust conditions are such that the animals could be endangered during transportation, the contractor will be instructed to adjust speed. The maximum distance over which animals may have to be transported on dirt road is approximately twenty miles per load.

D. Trapping and Care

1. All capture attempts shall be accomplished by the utilization of a helicopter. A minimum of one saddle horse shall be available to accomplish roping if necessary. Roping will be done only when necessary, with prior approval by the COR. Under no circumstances shall animals be tied down for more than one hour.
2. The helicopter shall be used in such a manner that bands or herds will tend to remain together. Foals shall not be left behind.
3. The rate of movement and distance the animals travel shall not exceed limitations set by the COR who will consider terrain, physical barriers, weather, condition of the animals and other factors.
4. It is estimated that one trap location will be required to accomplish the work. All trap locations and holding facilities must be approved by the COR prior to construction. The contractor may also be required to change or move trap locations as determined by the COR. All traps and holding facilities not located on public land must have prior written approval of the landowner.

5. All traps, wings, and holding facilities shall be constructed, maintained and operated to handle the animals in a safe and humane manner and be in accordance with the following:
 - a. Traps and holding facilities shall be constructed of portable panels, the top of which shall not be less than 72 inches high, and the bottom rail of which shall not be more than 12 inches from ground level. All traps and holding facilities shall be oval or round in design.
 - b. All loading chute sides shall be fully covered with plywood or like material. The loading chute shall also be a minimum of 6 feet high.
 - c. All runways shall be a minimum of 20 feet long and a minimum of 6 feet high and shall be covered with plywood or like material a minimum of 1 foot to 5 feet above ground level.
 - d. Wings shall not be constructed out of barbed wire or other materials injurious to animals and must be approved by the COR.
 - e. All crowding pens including the gates leading to the runways shall be covered with a material which prevents the animals from seeing out (plywood, burlap, etc.) and shall be covered a minimum of 1 foot to 5 feet above ground level. Eight linear feet of this material shall be capable of being removed or letdown to provide a viewing window.
 - f. All pens and runways used for the movement and handling of animals shall be connected with hinged self-locking gates.
6. No fence modification will be made without authorization from the COR. The contractor shall be responsible for restoration of any fence modification or damage which he has made.
7. When excessive dust conditions occur within or adjacent to the trap or holding facility, the contractor shall be required to wet down the ground with water at such location as directed by the COR.
8. Alternate pens, within the holding facility shall be furnished by the contractor to separate mares with small foals, sick and injured animals, and estray animals from the other horses. Where required by the COR, animals shall be sorted as to age, number, size, temperament, sex, and condition when in the holding facility so as to minimize, to the extent possible, injury due to fighting and trampling.

9. Animals shall be transported to final destination from temporary holding facilities within 24 hours after capture unless prior approval is granted by the COR for unusual circumstances. Animals shall not be held in traps and/or temporary holding facilities on days when there is no work being conducted except as specified by the COR. The contractor shall schedule shipments of animals to arrive at final destination between 6:00 a.m. and 4:00 p.m. No shipments shall be scheduled to arrive at final destination on Sunday.
10. The contractor shall provide animals held in the traps and/or holding facilities with a continuous supply of fresh clean water at a minimum rate of 10 gallons per animal per day. Animals held for 10 hours or more in the traps or holding facilities shall be provided good quality hay at the rate of not less than two pounds of hay per 100 pounds of estimated body weight per day.
11. It is the responsibility of the contractor to provide security to prevent loss, injury or death of captured animals until delivery to final destination.
12. The contractor shall restrain sick or injured animals so that they may be provided treatment by the COR. The COR will determine if injured animals must be destroyed and provide for destruction of such animals. The contractor may be required to dispose of the carcasses as directed by the COR.

E. Helicopter, Pilot and Communications

1. The contractor must operate in compliance with Federal Aviation Regulations, Part 91. Pilots provided by the contractor shall comply with the Contractors Federal Aviation Certificates, applicable regulations of the State of Nevada and shall follow what are recognized as safe flying practices.
2. When refueling, the helicopter shall remain a distance of at least 1,000 feet or more from animals, vehicles (other than fuel truck), and personnel not involved in refueling.
3. The COR shall have the means to communicate with the pilot and be able to direct the use of the gather helicopter at all times. The frequency(s) used for this contract will be assigned by the COR when the radio is used. When a VHF/AM radio is used, the frequency will be 122.925 MHz.
4. The contractor shall obtain the necessary FCC licenses for the radio system.

5. The proper operation, service and maintenance of all contractor furnished helicopters is the responsibility of the contractor. The BLM reserves the right to remove from service pilots and helicopters which, in the opinion of the contracting officer or COR violate contract rules, are unsafe or otherwise unsatisfactory. In this event, the contractor will be notified in writing to furnish replacement pilots or helicopters within 48 hours of notification. All such replacements must be approved in advance of operation by the contracting officer or his/her representatives.
6. At time of contract completion the contractor shall provide the COR the total flight time (in hours/tenths), including ferry time to and from the contractors home base spent in performance of the contract.

F. Contractor-furnished Property

1. All hay, water, vehicles, saddle horses, helicopters and other equipment shall be provided by the contractor. Other equipment includes, but is not limited to, a minimum of 1,500 linear feet of 72-inch high (minimum height) panels for traps and holding facilities and enough water troughs for each pen where animals are being held. Water troughs shall be constructed of such material (e.g. rubber, rubber over metal) as to avoid injury to the animals.
2. The contractor shall furnish an avionics system that will allow communications between the contractor's helicopter and his fuel truck.
3. The contractor shall furnish a VHF/AM radio transceiver in the contractor's helicopter which has the capability to operate on a frequency of 122.925 MHz.
4. The contractor shall provide a programmable VHF/FM radio transceiver in accordance with the following and illustration 1.

VHF-FM Transceiver. One VHF-FM (AUX-FM) Transceiver shall be installed, operating in the 150.000 to 174.000 MHz band on five kHz channel increments, with 32 channel CTCSS sub-audible tone encoder capabilities, and no less than five watts and no more than 10 watts carrier power output.

In lieu of the VHF-FM Transceiver, the contractor may furnish the following portable radio, provisions for an auxiliary VHF-FM portable radio and adapter.

VHF-FM Portable Radio. One VHF-FM Two-Way Portable Radio, operating in the 150 MHz to 174 MHz frequency band, frequency synthesized, CTCSS 32 sub-audible tone capable, operator programmable, 5 kHz channel spacing, minimum 5 watts carrier power (King Model No. LPH Series).

Provisions for Auxiliary VHF-FM Portable Radio.

The Contractor shall provide the necessary interface for installing and properly operating an Auxiliary VHF-FM Portable Radio through the aircraft's Audio Control Systems. The interface shall consist of the appropriate wiring from the Audio Control Systems which is terminated in a MS 3112E-12-10S type connector, mounted in a location convenient to the observer, and utilizing the following contact assignments:

<u>Contact Designation</u>	<u>Interface Functions</u>
A	Airframe Ground
B	Push-to-talk (isolated contact closure)
C	Push-to-talk (isolated contact closure)
D	Receiver audio low
E	Receiver audio high (Variable typically from 10 mW to 500 mW, 8 ohms to 75 ohms)
F	Transmitter Microphone Low
G	Transmitter Microphone High
H	+14 VDC from aircraft to avionics bus, 5 amp Type A circuit breaker. For 14V aircraft-only!
J	+24 VDC from aircraft to avionics bus, 5 amp Type A circuit breaker. For 28V aircraft only!
K	Spare contact.

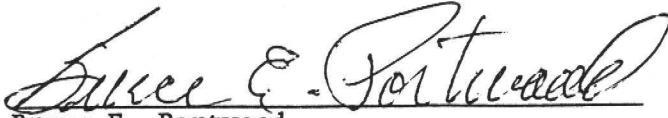
One weatherproof external broadband antenna covering the 150-174 MHz band, with associated RG-58A/U coaxial cable and connector, terminated in a bulkhead mounted BNC connector convenient to the observer (Comant type CI-177 or equal).

Radio mounting facilities that comply with AC 43.13-2A, Chapters 1 and 2, shall be provided for the auxiliary radio for installation in the cockpit, with controls convenient to the pilot and observer. The auxiliary radio connector and antenna connector shall be so located that an 18 inch interconnecting cable may be utilized by the radio.

The selector panel shall supply positive polarity microphone excitation voltage, from the aircraft DC power system through a suitable resistor network, to the aircraft microphone. A blocking capacitor shall be provided in the selector panel to prevent the portable microphone excitation voltage from entering the system.

An auxiliary FM adapter shall be provided to interface the connectors and circuits necessary to operate the King, Model No. LPH Series, radio through the MS3112E-12-10S connector in the aircraft (FS/OAS Drawing A-15-1 is provided as a possible interface).

Prepared by:



Bruce E. Portwood
Wild Horse Specialist
Elko District Office

4/12/91
Date

Reviewed by:



Bill Baker, Manager
Wells Resource Area
Elko District Office

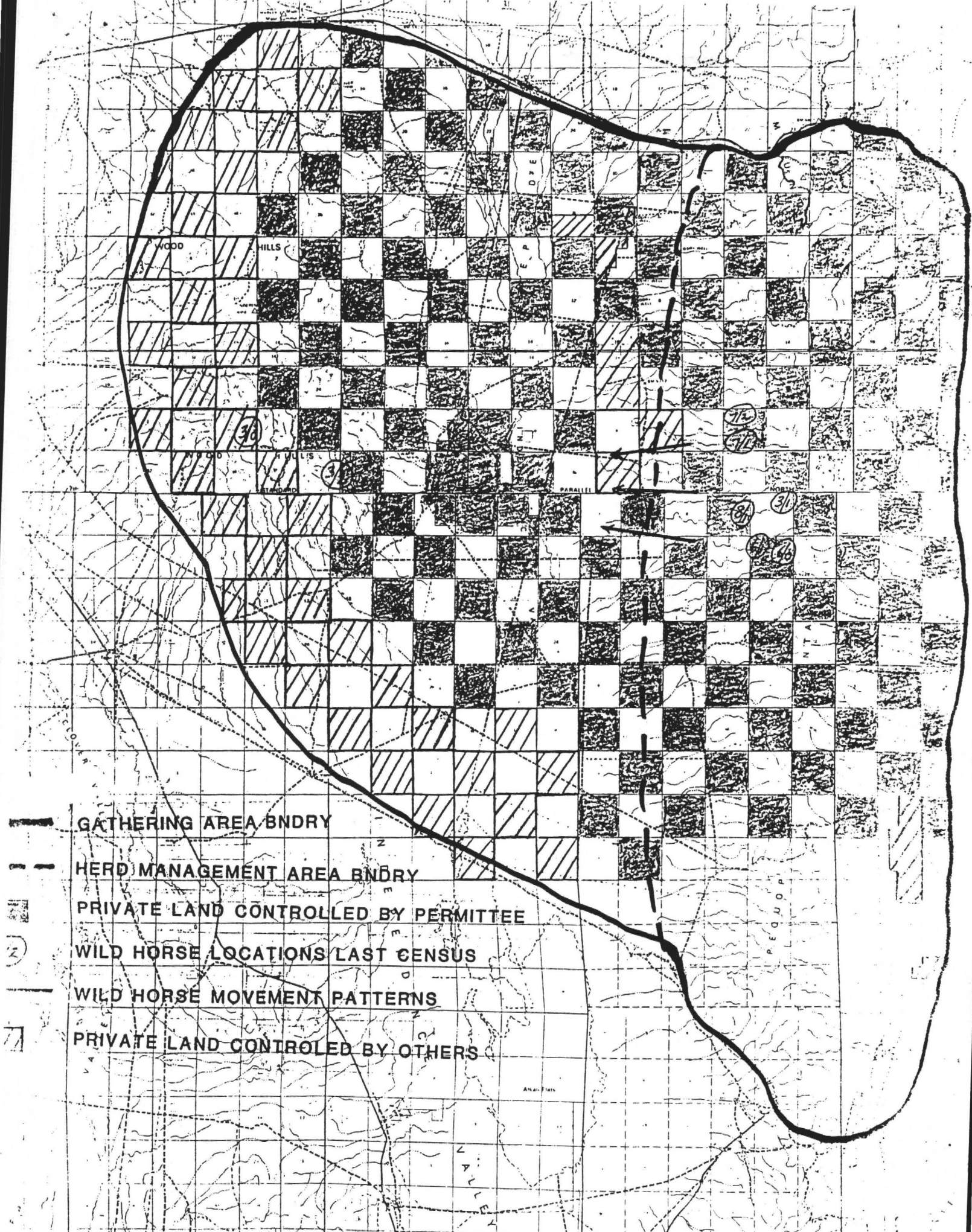
4/15/91
Date

Approved By:



Rodney Harris
District Manager
Elko District Office

4/15/91
Date



GATHERING AREA BNDRY

HERD MANAGEMENT AREA BNDRY

PRIVATE LAND CONTROLLED BY PERMITTEE

WILD HORSE LOCATIONS LAST CENSUS

WILD HORSE MOVEMENT PATTERNS

PRIVATE LAND CONTROLLED BY OTHERS

WOOD

HILLS

DRE

PARALLEL

NORTH

P.E.C.U.O.P.

ANALYSIS

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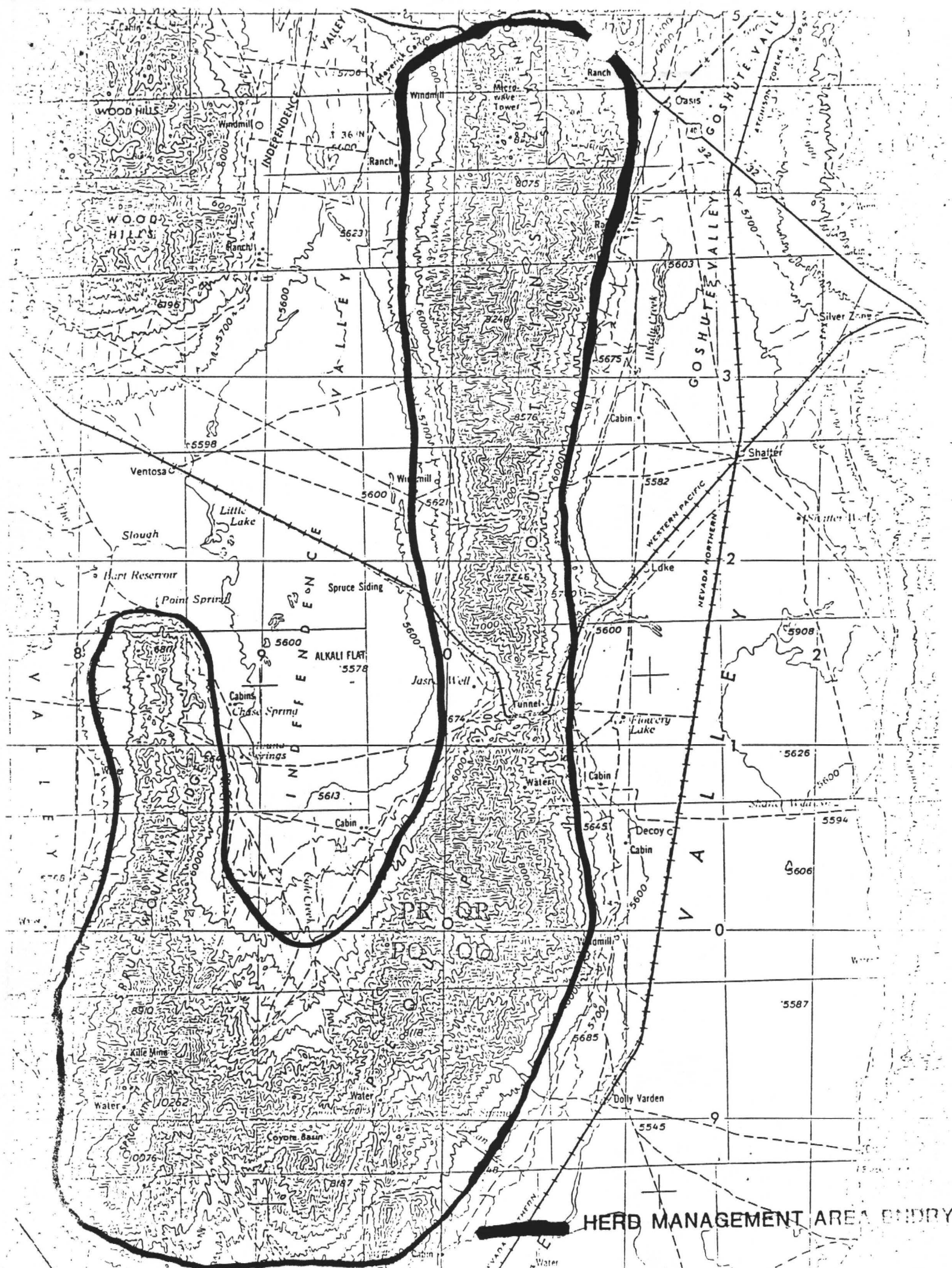
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HERB MANAGEMENT AREA BNDRY

12/10/89

December 10, 1989

Mr. Rodney Harris, District Manager
Bureau of Land Management
Elko District Office
P.O. Box 831
Elko, Nevada 89801

Dear Mr. Harris:

Thank you very much for your letter (4700-NV 013), not dated, capture plan and environmental assessment NV 010-90-007.

I checked the Final Elko EIS (1986), and Elko RMP (1987), and nowhere can I find where there was an amendment to those documents that allows for the removal of wild horses from their herd area. It was my understanding the 1971 herd areas as described in the Land Use Plan the Bureau would manage wild horses in those areas. Nothing was said about checkerboard lands as being part of their herd area in the LUP, nor do we find any place where the "checkerboard" Spruce/Pequop horses are delineated out from the entire herd. I believe that the removal on this basis constitutes an "amendment" to the LUP which must go out for public comment in the form of an amendment, not a capture plan.

Our records show a draft Spruce/Pequop EA and capture plan dated April 1987, our response comments of May 1987, a final EA and capture plan in August 1987, a 28 day notice in September of 1987. None of those documents refer to the "checkerboard" Spruce/Pequop horses. Some questioning ascertained that roundup was cancelled due to weather and then later perhaps because of IBLA.

In the case of Big Spring-Wood Hills, formally Big Spring and Chase Spring Allotment, we cannot ascertain by the EA whether the use is incidental, migration, or a permanent establishment outside their herd area. Are all the horses there all the time?

The current "checkerboard" Spruce/Pequop 1989 EA (pg. 13, III B) states, "The alternatives have been discussed and determined not to be feasible for the reasons mentioned in I.C. 1-3 (pg.2). Upon checking I.C. 1-3 (pg 3) we find "stipulations." "Alternatives" are I.D. 1-3 (pg.3) of which none are actual alternatives to capture, but rather, alternative "methods" of capture. Despite what BLM may believe, there are alternatives to capture 1) relocation, 2) driving the horses back to their normal ranges, simple removal of offending animals, elimination of the attractions to the area, or even fencing.

12/26/89



United States Department of the Interior



BUREAU OF LAND MANAGEMENT
ELKO DISTRICT OFFICE
3900 E. IDAHO STREET
P.O. BOX 831
ELKO, NEVADA 89801

IN REPLY REFER TO:
4700 (NV-013)

DEC 26 1989

Dawn Y. Lappin
Wild Horse Organized Assistance
P.O. Box 555
Reno, Nevada 89504

Dear Mrs. Lappin:

The time for commenting on the Spruce-Pequop outside designated herd area wild horse removal plan expired November 15, 1989. However after further review of comments and discussion with the Nevada State Office, it was decided not to proceed with the proposed gathering plan at this time.

We intend to prepare a proposal that more clearly delineates the problems within the Spruce-Pequop Checkerboard and areas outside herd areas. The proposal will address such issues as efforts to move horses back to HMA boundaries, the use of private land year round and the fact that most of the water is private.

You will have the opportunity to comment on any proposal we make.

Sincerely yours,

Rodney Harris
RODNEY HARRIS
District Manager