



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:

4710 (NV-015)

AUG 2 1993

Dear Reader:

Enclosed is a copy of the Draft Spruce-Pequop Area Wild Horse Gather Plan and the associated Preliminary Environmental Assessment (EA) (BLM/EK/PL-93/037) for your review. The Gather Plan and associated Preliminary EA is a rewrite of the 1991 Spruce-Pequop Gather Plan and associated EA (EA-NV-010-90-007). This rewrite was necessary due to the implementation of the Wild Horse Amendment to the Wells Resource Management Plan and changes in BLM policy.

This letter also serves as the 28 Days Notice of Intent to Gather Wild Horses from Public Land. No sooner than 28 days from the date of this letter, the BLM proposes to gather wild horses from public lands in the State of Nevada.

The proposed gather will be conducted in the Elko District as shown on the enclosed Draft Gather Plan/Preliminary EA maps and as described below.

AREA
Spruce-Pequop

EA#
BLM/EK/PL-93/037

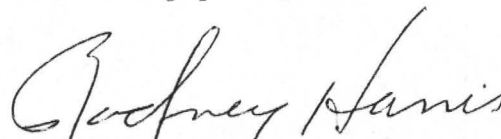
REASON FOR GATHER
Implement Wild Horse Amendment

APPROXIMATE # TO BE REMOVED
150

TO REMAIN
82

Please review the documents and provide comments in writing to the Elko District Office, Wells Resource Area, at the above address, within 30 days from the date of this letter. All comments will be considered for inclusion in the final Gather Plan and associated EA. If you have questions, please call Kathy McKinstry, Wild Horse Specialist at (702) 753-0200.

Sincerely yours,


RODNEY HARRIS
District Manager

- 2 Enclosures
1. Draft Gather Plan
 2. Preliminary EA

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U.S. DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

Spruce-Pequop Area Wild Horse Gather Plan

Elko District Office
Wells Resource Area
1993

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I. INTRODUCTION

A. Purpose

The proposed action is to implement the Wild Horse Amendment to the Wells Resource Management Plan (RMP). The Wild Horse Amendment (from now on referred to as the Amendment) was signed and approved in July 1993. The Spruce-Pequop Area Gather Plan and associated Preliminary Environmental Assessment (BLM\EK\PL-93\037) begins the implementation of the Amendment by proposing to gather wild horses occupying portions of checkerboard land patterns, blocked areas of private land, and areas outside the designated Spruce-Pequop Herd Management Area (HMA). The Amendment determined that the initial herd size in the Spruce-Pequop HMA is to begin at 82 horses, thus this draft gather plan and associated Preliminary Environmental Assessment (EA) also addresses the gathering of horses within the Spruce-Pequop HMA to achieve initial herd size.

This document outlines the reasons for the gather and the process that will be involved in the gather. Included are approximate numbers of horses to be gathered, the number of horses to remain in the Spruce-Pequop HMA, the time and method of the gather and the handling and disposition of gathered horses.

B. Area of Concern

The proposed gather area covers the Spruce-Pequop HMA, the Toano Herd Area (HA) and portions of the checkerboard areas in the Big Springs, Chase Springs, Moor Summit, Pilot, and Wood Hills Allotments. Also included are areas associated with the Spruce-Pequop HMA but which are outside the designated HMA boundary in the Spruce Allotment. The area is located in the Wells Resource Area of the Elko District, and is in eastern Elko County (refer to Map 1 and 2).

C. Reasons for Gather

- 1.) Reference to Land Use Plan/ Implementation of the Wild Horse Amendment to the Wells RMP

The removal is necessitated by the implementation of the Amendment which states:

All areas of checkerboard land ownership, including all of the Toano Herd Area and portions of the Goshute and Spruce-Pequop Herd Area, will be managed as horse free areas. The management of wild horses begins at initial herd size and will be maintained in designated HMAs.

The initial herd size in the Spruce-Pequop HMA was established at 82 horses. The initial herd size was determined through monitoring and data evaluation. Should continued monitoring and evaluation show the need for an adjustment in horse numbers, either upward or downward, an adjustment will be made. The Amendment redefines the HMA boundary so that it is entirely contained within the Spruce Allotment, refer to Map 2 for the Spruce-Pequop HMA boundary.

- 2.) Reference to the Wild Horse and Burro Act

The portion of the removal to take place outside the HMA on private land is necessitated by numerous requests to remove wild horses from a large block of private land in the proposed gather area and the fact that many horses have established permanent residence outside the HMA.

This portion of the removal action is driven by the Wild Horse and Burro Act of 1971 (Public Law 92-195, Sec. 4) as amended which states:

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If wild free-roaming horses or burros stray from public lands onto privately owned land, the owners of such land may inform the nearest Federal marshall or agent of the Secretary, who shall arrange to have the animals removed...

Wild horses have not been documented to occupy the Wood Hills prior to 1987 (BLM census data, Elko District Office). According to Departmental Regulation 43 CFR 4710.4:

Wild horse management is to be undertaken with the objective of limiting the animals' distribution to herd areas which are defined as "the geographic area identified as having been used by a herd as its habitat in 1971" (43 CFR 4700.0-5(d)).

The Wood Hills received no documented wild horse use from 1971 to 1985 therefore, the Wells RMP and Record of Decision (ROD) did not identify the Wood Hills area as a herd area. It would not be feasible to now create a Wood Hills HMA because in promulgating 43 CFR 4710.4 and 43 CFR 4700.05(d) the Department stated:

"This provision has been amended... to clarify that herd management areas shall be established only where herds existed in 1971" 51 FR 7411 (3/3/86).

The amended Spruce-Pequop HMA boundary deletes the checkerboard land pattern and will leave the Spruce-Pequop herd south of the Western Pacific Railroad tunnel. This is a well blocked public land area.

D. Reference to Environmental Planning

This gather plan is a rewrite of a plan and associated EA (EA-NV-010-90-007) which was prepared for a wild horse gather which was to take place in the formerly designated Spruce-Pequop HA. These documents were made available for public review. During the public review process it was determined that the action could not be implemented until a wild horse amendment was completed for the Wells RMP. In the interim, BLM policy regarding wild horse removals had changed; one such change being that only adoptable horses will be removed from the range using a selective removal strategy. Another policy change is that water trapping is to be given preference over helicopter trapping during certain times of the year.

In reviewing environmental assessment EA-NV-010-90-007, it was determined that a new EA should be prepared to cover the policy changes regarding horse gathers and removals. The new EA is BLM\EK\PL-93\037 and is being made available to the public for review with this gather plan.

II. OBJECTIVES

A. Approximate Number of Horses to be Gathered

The approximate number of horses to be gathered is 150. The numbers to be gathered by area is shown as follows:

<u>Area</u>	<u>No. to be Gathered</u>
Spruce-Pequop Checkerboard	75
Wood Hills Allotment	15
Big Springs Allotment Private Land	15
Spruce Allotment (outside HMA)	15
Toano Herd Area (checkerboard)	30
Total	<u>150</u>

It is difficult to determine an exact number of horses to be gathered until a census

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flight is conducted just prior to the start of the gather. The number of animals to remain in the Spruce-Pequop HMA is 82.

Data from removals throughout Nevada indicate that approximately 88% of the horses to be gathered in the area slated for a completed removal (refer to Map 2) will be in the target age group of 0-9 years of age. This means that possibly 132 of the 150 horses to be gathered will fit into the targeted age group for removal thus only 18 animals will have to be relocated to the Spruce-Pequop HMA.

The Amendment determined that 82 horses is the initial herd size for the Spruce-Pequop HMA. Prior to the completion of the gather contract, it will be necessary to conduct a census to ensure that 82 horses are in the Spruce-Pequop HMA. If it does not appear that 82 horses will remain in the HMA after relocating the older horses from the checkerboard land areas into the HMA, some of the younger horses (0-9) from the checkerboard land areas will have to be released into the Spruce-Pequop HMA until an initial herd size of 82 horses is reached.

Conversely, if the relocation of older horses from the checkerboard land areas into the Spruce-Pequop HMA causes the herd to increase above 82, it will be necessary to remove younger horses from within the HMA to make room for the older horses.

B. Time of Gather Operations

The gather contract is expected to be awarded in Fiscal Year (FY) 93 with the work being done prior to September 30, 1993. The gather could last approximately 30 days.

III. METHODS

A. Animal Management Methods to Achieve Initial Herd Size

1. Selective Removals

The Strategic Plan for Management of Wild Horses and Burros on Public Lands (U.S. Department of the Interior, Bureau of Land Management June, 1992) directs the BLM to develop a policy of removing only adoptable animals (ages 0-3) after appropriate management level (AML) is reached in an HMA. When conducting complete removals in cases of private land ownership or when an area is no longer going to be managed for horses, other alternatives are available.

Instruction Memorandum #NV-92-201 states:

"When conducting removals from private lands, animals age four (4) to nine (9) may be brought into Palomino Valley Center."

The selected method of achieving initial herd size in the Spruce-Pequop HMA and to conduct a complete removal in the checkerboard land patterns is to conduct an age-specific removal which will target animals in the 0-9 age group. Those animals over the age of 9 will be returned to the Spruce-Pequop HMA well south of the checkerboard land pattern. The released horses will be placed in an area that poses no danger of the horses becoming trapped by a fence or unable to find food or water.

2. Selecting Animals for Removal

The following criteria shall be used to determine which animals will be returned to the range or sent to Palomino Valley Center (PVC):

1. Mares older than the age group to be removed (9+) shall be paired with their foals and returned/relocated to the Spruce-Pequop HMA.
2. When mares older than the age group to be removed (9+) will not pair with their foals, the foals shall be sent to PVC and the mares shall

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be returned/relocated to the Spruce-Pequop HMA.

3. When mares older than the targeted age group to be removed (9+) will accept their foals, but either the mare or the foal or both are in poor physical condition and their survival on the range is questionable, the animals shall be held on site until either sufficiently healthy to survive on the range or the completion of the gather. If at the termination of the gather it still appears that the animal's survival is questionable, they shall then be sent to PVC.
4. When mares within the targeted age group to be removed (0-9) are captured and will accept their foals, pairs shall be sent to PVC.
5. When mares within the age group to be removed (0-9) are captured and will not accept the foals, both the mare and the foal shall be sent to PVC.

Priority shall be placed on removing males in the target age group, mares without foals in the target age group and mares with weanable foals in the target age group.

B. Gather Methods

The gather will be conducted through the FY 93 Nevada Wild Horse/Burro Removal Requirements Contract and supervised by a Contracting Officer's Representative (COR) and a Project Inspector (PI). Sorting and aging operations will be conducted by the contractor and supervised by the COR/PI.

1. Helicopter Trapping

Depending on the time of year and the availability of water, the main method of capture to be used will be a helicopter to bring the horses to trap sites. A parada horse will be released as horses enter the trap wings to lead horses into the trap. Roping will be allowed at the discretion 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. Barbed wire or other harmful materials will not be allowed for wing construction. A temporary holding facility will be constructed in the area to hold horses after capture.

Trap sites will be selected by the COR after determining the habits of the animals and the topography of the area. Specific sites may be selected by the contractor with the COR's approval within this general preselected area. Trap sites will receive cultural and threatened and endangered plant and animal clearance prior to use.

At least four 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 trap locations at this time. They will be determined at the time of the gather.

Common to both water and helicopter trapping is the need for a temporary holding

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facility where animals can be sorted by sex and age. Animals that are to be released back into Spruce-Pequop HMA will need to be held separately from those animals being shipped to PVC. A separate pen for mares and foals will be necessary to allow pairing.

Animals determined to be in excess of initial herd size and in the target age group should be shipped as soon as possible to avoid stress and the possibility of contracting diseases associated with confinement.

2. Water Trapping

Under most gather situations, water trapping is not feasible due to time of year (most occur during winter months when water is readily available), increased time and costs incurred, or the gather is taking place in an HMA which is well watered. In this case, however, the proposed gather would take place during a month when it is expected that many water sources may have dried up.

According to Instruction Memorandum No. NV-93-097 water trapping should be given preference over helicopter trapping when conditions such as described above exist. Water trapping may be given preference over helicopter trapping, if during the pre-work conference, it is decided that the conditions are right for water trapping. It is proposed that one water trap be located outside the Spruce-Pequop HMA on private land on the west side of Independence Valley. Other locations may be considered depending on the availability of water at the time of the gather.

The temporary traps and corrals will be constructed from portable pipe panels. A loading chute at the holding corral should be equipped with plywood sides or similar material to prevent injury to the horses' legs. Trap wings will be constructed of portable panels, jute netting, or other non-harmful material. All trap locations will be approved by the COR/PI prior to construction. The water trap will be manned by the contractor. As a band of horses comes into the trap for water, the gate will be shut behind them. The horses will then be moved into an adjoining holding pen and the gate of the water trap opened to await the next band. The animals in the holding pen will have access to water.

If this method is used, it will take place for a period of at least two-weeks after which time the effectiveness of the trap will be evaluated. If the water trapping proves to be ineffective, a change to helicopter trapping will be made. Water trapping will be conducted in accordance with accepted Nevada BLM procedures.

C. Monitoring of Released Animals

For animals which are to be released back to the HMA, minimum standards will be to monitor the horses' condition by ground and/or air within 24 hours of their release. A flight will be scheduled within 72 hours after release to assure no animals are trapped behind a fence or other obstacle which would keep them from food or water. Subsequent flights will be conducted with ground checks following up the aerial observations, if needed.

D. 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 times when brand inspections will be needed.

When horses are captured, the COR/PI and the District Brand Inspector will

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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.

1. Branded animals with offspring, including yearlings.
2. Unbranded or claimed animals with offspring, including yearlings with obvious evidence of existing or former private ownership (e.g. photo documentation, saddle marks, etc.).
3. 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 provisions 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.

E. 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 Instruction Memorandum No. NV-83-84.

F. Administration of the Contract

The BLM will be responsible, through a contract, for all capture, care and temporary holding until release. The COR will be the lead Elko District Wild Horse Specialist.

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The COR will be directly responsible for conducting the gather and will be assisted by the Wells Resource Area Wild Horse Specialist as a PI.

The COR and/or PI will constantly, through observation, evaluate the contractor's ability to perform the required work in accordance with the contract stipulations. Compliance with the contract stipulations will be through issuance of written instructions to the contractor, stop work orders and default procedures should the contractor not perform work according to the stipulations.

To assist the COR in administering the contract, BLM may have a second helicopter available at the gather 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 bands 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. At least one authorized BLM employee (COR or PI) will be present at the site of capture at all times.

The District Manager is responsible for maintaining and protecting the health and welfare of the horses. To ensure the contractor's compliance to the contract stipulations, the COR and/or PI will be on site. However, the Wells Resource Area Manager and the Elko District Manager are very involved with guidance and input in to this gather plan and with contract monitoring. The health and welfare of the animals is the overriding concern of the District Manager, Area Manager, COR and PI.

1. 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.

2. 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. 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.

IV. DETAILED SPECIFICATIONS

A. Further Helicopter Restrictions

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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.

B. 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.

C. Trapping and Care

1. All capture attempts shall be accomplished by the utilization of water traps or a helicopter to herd the animals to the traps. A minimum of one

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- 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, when used, 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 at least four 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 stray 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.

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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.

D. 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.

E. Contractor-furnished Property

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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.

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Prepared by:

Kathy McKinstry
Wells RA Wild Horse Specialist
Elko District Office

Date

Reviewed by:

Bill Baker, Manager
Wells Resource Area
Elko District Office

Date

Approved By:

Rodney Harris
District Manager
Elko District Office

Date

MAP 11

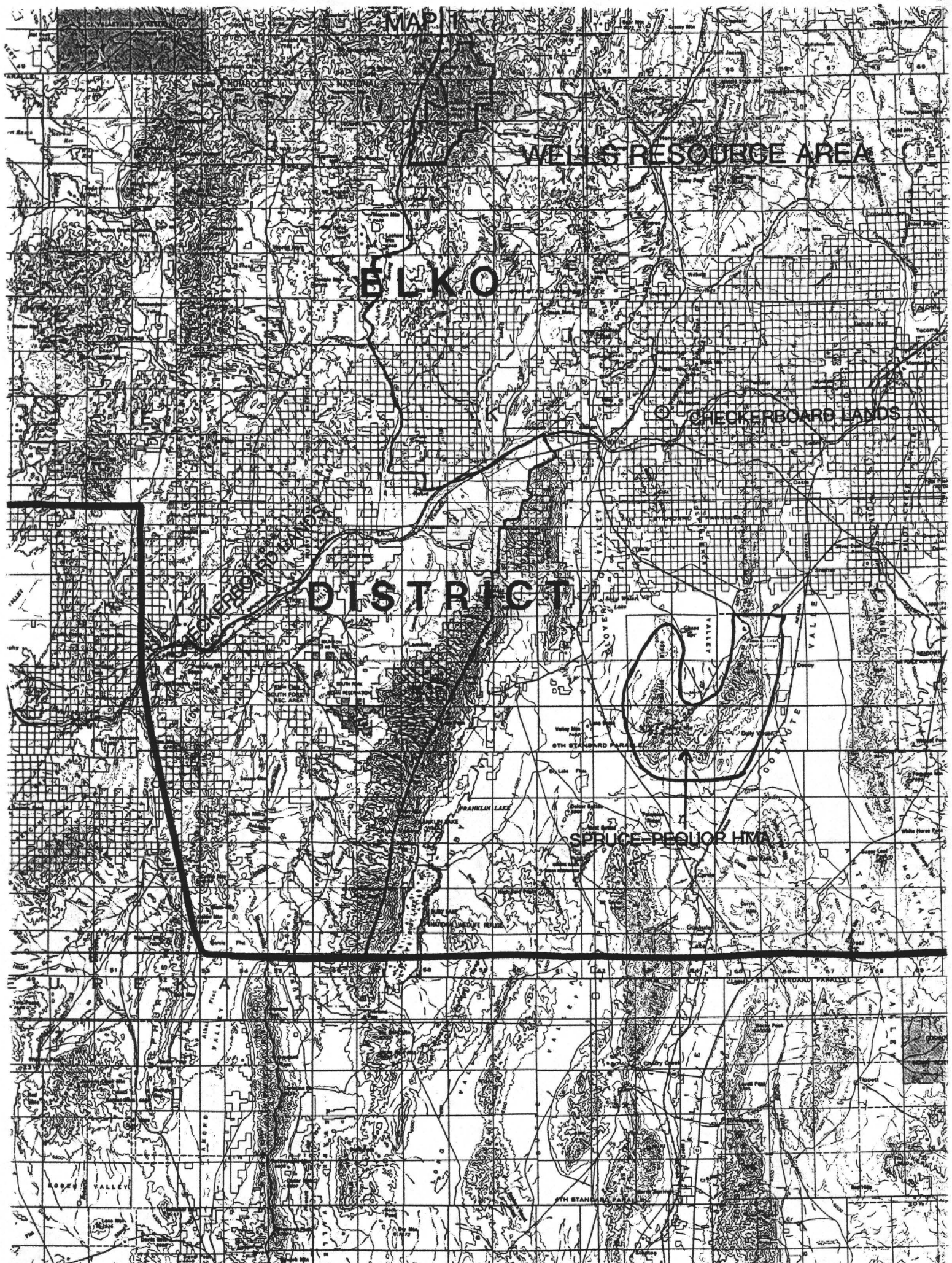
WELL'S RESOURCE AREA

BLKO

CHECKERBOARD LANDS

DISTRICT

SPRUCE-PEQUOP HMA



MAP 2



- GATHER AREA BOUNDARY



- SPRUCE-PEQUOP HMA



- CHECKERBOARD LAND PATTERN

GATHER AREA

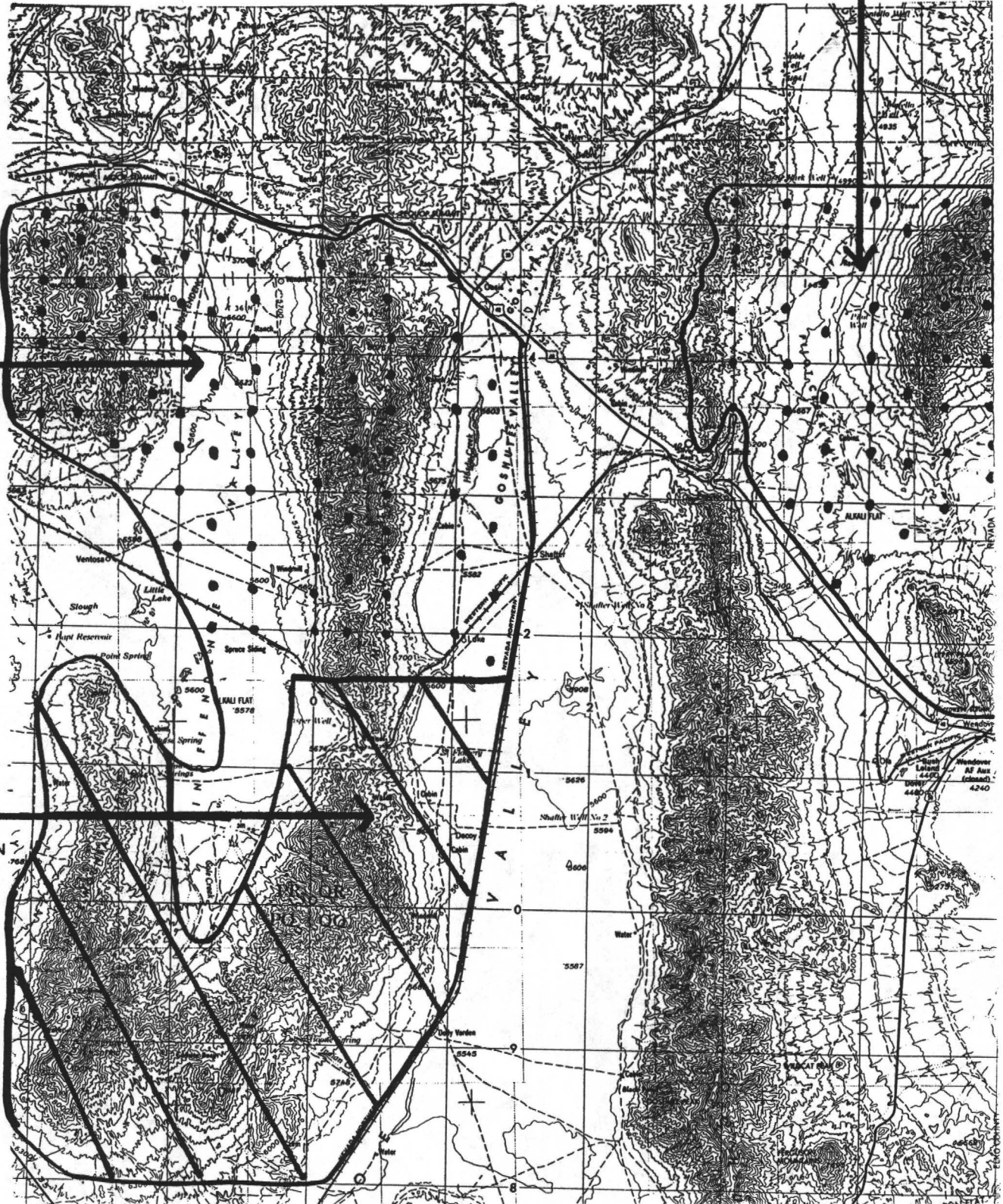
COMPLETE REMOVAL

GATHER AREA

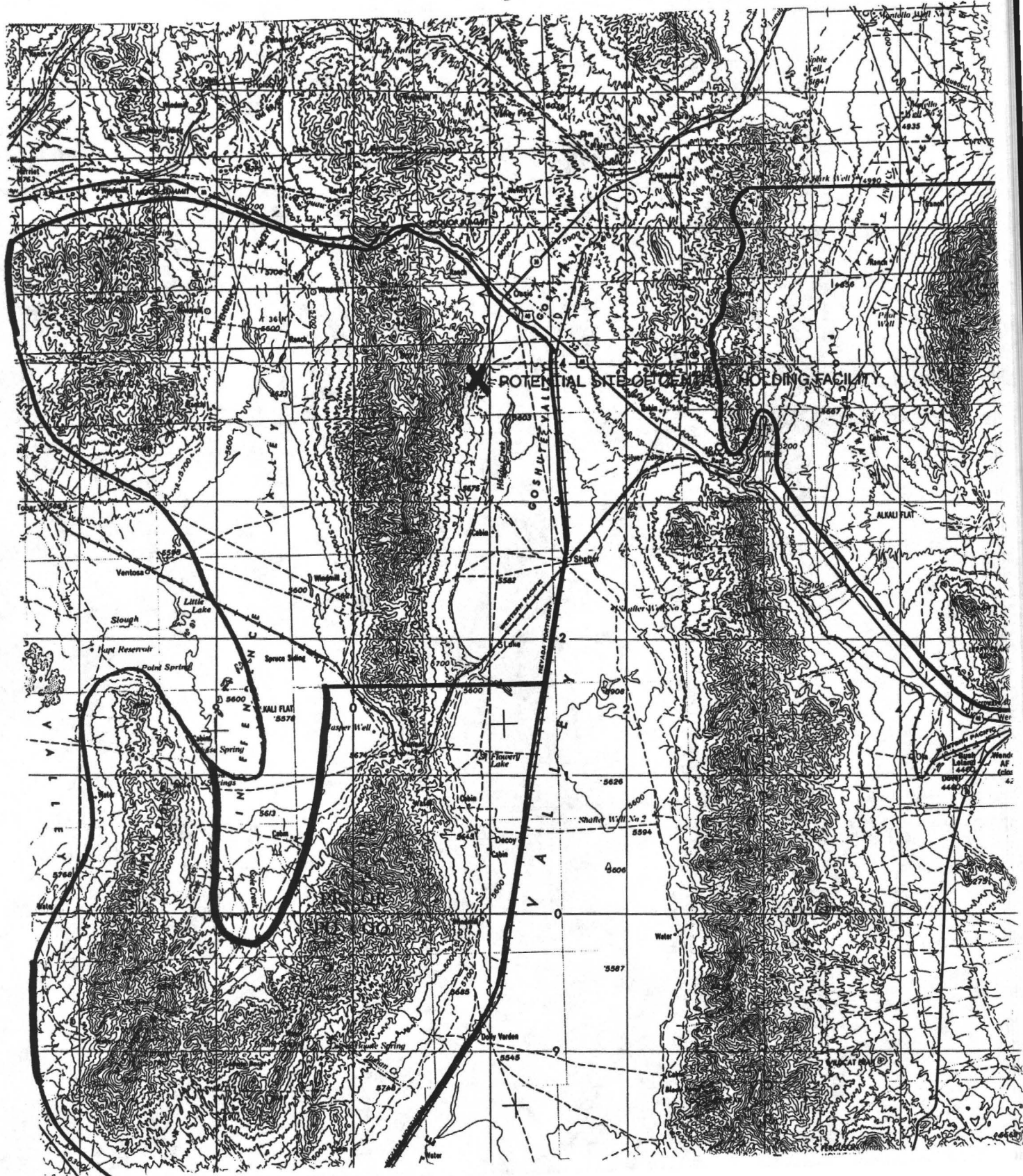
COMPLETE REMOVAL

GATHER AREA

82 HORSES TO REMAIN



MAP 3



SPRUCE-PEQUOP AREA WILD HORSE GATHER
BLM\EK\PL-93\037
4710

PRELIMINARY

I. INTRODUCTION/PURPOSE AND NEED

Introduction

In 1991, a gather plan and associated Environmental Assessment (EA-NV-010-90-007) was prepared for a wild horse gather which was to take place in the formerly designated Spruce-Pequop Herd Area. These documents were made available for public review. During the public review process it was determined that the action could not be implemented until a wild horse amendment was completed for the Wells Resource Management Plan.

The Wild Horse Amendment to the Wells Resource Management Plan (EA-NV-010-92-063) was completed and approved in July, 1993 in order to establish Wild Horse Herd Management Areas (HMAs). The establishment of the HMAs was necessary in order to solve management problems with checkerboard land pattern conflicts, to identify habitat requirements and management practices, to establish initial herd size, to develop factors for adjustments in herd size, to identify constraints on other resources, and combine herd areas for the purpose of improving management of wild horses in the Wells Resource Area of the Elko District. Refer to Map 1 for the location of the Wells Resource Area depicting land pattern ownership, and the general location of the Spruce-Pequop HMA.

Horses that are currently in the checkerboard land pattern north of the Spruce-Pequop HMA have historically created management problems for private land owners as well as for the Bureau of Land Management (BLM). As a result of the decision to implement the Wild Horse Amendment to the Wells Resource Management Plan, the horses occupying this area can now be gathered and placed elsewhere.

In June 1992, the BLM completed the Strategic Plan for Management of Wild Horses and Burros on Public Lands. The Strategic Plan directs the BLM to remove only adoptable animals from the range; therefore a selective removal policy must be used when removing wild horses from public lands. The updated attached gather plan and this associated EA will address this new policy.

Purpose and Need

The purpose of the proposed action is to gather wild horses in and adjacent to the Spruce-Pequop HMA, mainly from the checkerboard land patterns and large blocked areas of private land. The need for this action is to implement the Wild Horse Amendment to the Wells Resource Management Plan (the Amendment).

Land Use Plan Conformance Statement

The proposed action and alternatives described below are in conformance with the Wells Resource Management Plan and the Wild Horse Amendment to the Wells Resource Management Plan, and are consistent with Federal, State and local laws, regulations, and plans to the maximum extent possible.

II. PROPOSED ACTION AND ALTERNATIVES

Proposed Actions

The proposed action is a Bureau initiated action which would be carried out by a contractor. The proposed action is to remove

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excess horses in order to meet initial herd size in the Spruce-Pequop HMA. The initial herd size of 82 horses was established in the Amendment. The proposed action is also to conduct a complete removal of horses in the checkerboard land areas and adjacent areas outside the designated Spruce-Pequop HMA boundary (See Map 2). The actions would be accomplished through water trapping, helicopter trapping and by utilizing an age selective removal strategy. Water trapping would be given preference over helicopter trapping if conditions allow. If water trapping proves to be unsuccessful or unfeasible, the situation would be analyzed and a change to helicopter trapping would be made.

1. Water Trapping

Water trapping would be conducted according to Bureau standards. Water traps would be placed in areas of previous disturbance around heavily used water sources. In the checkerboard lands, it is estimated that two water trap sites would be necessary to complete the water trapping, encompassing less than two acres. These water traps would be constructed around springs located on private lands. In the Spruce-Pequop HMA and adjacent areas, it is estimated that one water trap may be constructed, if necessary, and would encompass less than one acre. Exact locations of the water traps cannot be determined until just prior to commencement of the gather due to the horses' free roaming nature and availability of water at the time of the proposed gather.

2. Helicopter Trapping

A helicopter would be used to locate bands of wild horses and herd them into traps. The gather would continue until all horses occupying checkerboard lands and areas outside the designated HMA boundary have been removed. In addition, excess horses from the HMA may be gathered using this method, if necessary. Hazards such as cliffs and fences would be located in advance and avoided. Existing roads and trails would be used to facilitate the herding process.

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 in coordination with 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 would be needed encompassing less than three acres. Every effort would be made to set the traps in previously disturbed areas such as gravel pits or halogeton flats.

3. Age Selective Removal

In the checkerboard areas and those areas adjacent to the HMA, where a complete removal would be conducted, all horses would be caught, sorted and aged at a temporary central holding facility located on private land (See Map #3). This facility would be constructed with the same materials as discussed above. Horses that are gathered within the target age group (0-9) would be transported to Palomino Valley Center (PVC). Horses over the age of 9 would be transported into the Spruce-Pequop HMA and released. Animals would be released in an area free of fences and near reliable water sources.

The release of older horses into the Spruce-Pequop HMA (gathered from the checkerboard land pattern and areas adjacent to the HMA) may cause the population to exceed the established initial herd size of 82 horses. If this is determined to be the case, horses in the

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target age group (0-9) would be gathered by one or both of the methods described above and removed from the HMA to make room for the incoming older animals.

Horses that are gathered and released in the HMA or are gathered and relocated would be monitored according to the following standards:

- a. Check horses' condition by ground and/or air within 24 hours of their release.
- b. A flight would be scheduled within 72 hours of their release to assure no animals are trapped behind a fence or other obstacle which would keep them from food or water.
- c. Subsequent flights would be conducted with ground checks following up the aerial observations, if needed.
- d. After a period of three weeks, monitoring would return to the normal schedule with added emphasis on the release area.
- e. All monitoring would be conducted by qualified BLM personnel.

All gather methods would be subject to the following Special Project Requirements:

- a. Horse handling would be kept to a minimum. Capture and transporting operations are sometimes traumatic to the animals. Minimizing the handling would increase the safety of the animals, as well as the handlers.
- b. No helicopter trapping would be allowed between March 1, 1993 and June 1, 1993 because of the potential stress to pregnant and lactating mares and the possibility of induced abortions. Water trapping is permitted at any time as it allows bands of horses to come in to the trap on their own and is much less stressful to the animals. Helicopter trapping would be delayed until after the foaling period for the area and after foals are grown enough to withstand the stress of gathering operations.
- c. Horses would not be run more than 10 miles during the gathering operations.
- d. A veterinarian would be on call during gathering operations.
- e. Helicopters would be used with caution. A qualified district BLM representative would be present during the gathering attempts to insure strict compliance with the above mileage limitations and 43 CFR 4700 regulations.
- f. Captured horses that are determined by qualified personnel to be obviously aged, lame, deformed, or sick would be humanely disposed of at the trap site.

In order to protect other resources, the proposed action would be subject to these additional Special Project Requirements:

- a. A cultural resources investigation by an archaeologist or district archaeological technician (DAT) would be made prior to any trap or holding facility construction. If significant cultural resources are discovered, the Wells Resource Area archaeologist would be notified and the trap would be moved to an area void of cultural resources.
- b. Trap sites or holding corrals would not be placed on sites where threatened, endangered, or candidate plant or animal species are present. Known roosting sites of both the Peregrine Falcon and Bald Eagle would be avoided when conducting low-level flights with the helicopter.
- c. The horses may be kept within temporary traps for no longer than three days unless approved by the authorized officer.
- d. If dust becomes excessive the contractor would be required to implement dust control, either in the form of water or spreading pea sized gravel. If the trap is within a Wilderness Study Area (WSA) only water would be utilized for dust abatement.
- e. Every effort would be made to reduce visual impacts by locating traps and holding facilities well off commonly traveled roads. The nature of capturing wild horses, itself, requires that the traps be well hidden.
- f. All temporary trap sites within the South Pequop Wilderness WSA would be placed on existing roads and ways, not to exceed 50' either side of the access route. Cross-country travel would be allowed so long as it does not cause impacts inconsistent with the requirements of the non-impairment criteria outlined in the Interim Management Policy and Guidelines for Lands Under Wilderness Review.
- g. Trap sites which may overlap authorized land uses such as right-of-ways would require consultation with grant holders, and may result in trap relocation.

Alternatives

No Action

Under this alternative, the horse gather would not be implemented.

Alternatives Considered but Eliminated from Detailed Analysis

Gathering Using Wranglers on Horseback

The gathering of wild horses by wranglers on horseback as an alternative has been considered. This alternative involves wranglers on horseback locating the horses and trying to drive them into portable traps. Wild horses are usually able to outrun the wranglers and scatter, prior to reaching the trap. There is an increased risk of injury to the wild horses as well as the wranglers and their saddle horses since hazards cannot be seen in advance.

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This method takes longer and is not cost effective. For these reasons, this alternative is not feasible and will not be considered further.

III. AFFECTED ENVIRONMENT

Proposed Action

The proposed project area is composed of topography typical of the Great Basin. The proposed gather area consists of rugged steep mountains which are covered with Pinon-Juniper woodlands. The gather area also consists of valleys which are composed of large alkaline playas dominated by greasewood and rabbitbrush. The mid-elevation benches are dominated by sagebrush-grassland vegetation. The terrain varies in elevation and is interspersed with minor drainages.

The following critical elements of the human environment are not present or are not affected by the proposed action or alternatives in this EA:

- Air Quality
- Areas of Critical Environmental Concerns
- Farm Lands (prime or unique)
- Flood Plains
- Native American Religious Concerns
- Paleontological Resources
- Threatened, Endangered or Candidate Species
- Wastes (hazardous or solid)
- Water Quality (drinking/ground)
- Wetlands/Riparian Zones
- Wild and Scenic Rivers

Bureau specialists have further determined that the following resources, although present in the project area, are not affected by the proposed action: Range (livestock operations), Lands (realty actions), Recreation, Geologic Resources, Forestry, and Soils/Watershed.

The following resources are present in the project area and are subject to analysis:

Vegetation: The Wells Resource Area supports vegetation typical of the Great Basin region. The extremes of climate, elevation, exposure, and soil type all combine to produce a diverse environment for a variety of vegetation types. The major vegetation type found in the project area is Sagebrush with various understories including Rabbitbrush and grasses. Other prevalent vegetation types include Pinon-Juniper, Saltbush, and Greasewood.

Wildlife: There are numerous species of wildlife occurring in the project area. Mule deer, pronghorn antelope, mountain lions, coyotes, bobcats and kit foxes are the main game and furbearer species present. Sage grouse, chukar, mourning doves, and cottontail rabbits constitute the major upland game species. In addition, a variety of non-game mammals, birds, and reptiles occur in the project area.

Cultural: Archaeological sites have been recorded throughout the proposed project area. Because we do not know exact location of trap sites at this time, site specific cultural inventories have not been completed, however prior to trap construction, an archeological inventory would be completed. The central holding facility would be on private land at the Big Springs Ranch and a cultural inventory

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has been conducted.

Wild Horses: Approximately 60 wild horses occur in the checkerboard land ownership pattern area in the Pequop Range, approximately 30 horses occur in the Toano HA, approximately 15 occur outside the HMA boundary in the Wood Hills Allotment, approximately 15 occur outside the HMA boundary in the Spruce Allotment and approximately 30 horses occur outside the HMA boundary in the Big Springs Allotment. The Spruce-Pequop HMA, during the last census count, had 47 found horses within its newly amended boundary.

The horses found in the checkerboard land patterns in the northern portion of the formerly designated Spruce-Pequop HA traditionally utilize the high elevations of the Pequop Mountains during the summer months. The only source of water in the Pequops for the horses is in the form of two livestock reservoirs. These reservoirs typically run dry in mid to late summer and the horses must move outside the formerly designated HA into the valley to get water from springs located on private land in the Wood Hills area. By eliminating the checkerboard land patterns from the HA and relocating the horses to the newly designated Spruce-Pequop HMA (which contains numerous water sources), the issue of horses moving onto private lands for water would be resolved.

Yearly census data indicates that the herd increases 15-20% per year. The small herd which inhabits the Toano HA has been increasing steadily. The horses often encounter conflicts with humans occupying Pilot valley and horses have been found shot in recent years. In addition, the high degree of development in the area results in horses dying in cattleguards and fences.

Visual Resources: The proposed project would be occurring on lands designated as Visual Resource Management (VRM) Class II, III, and IV areas. The northern end of the Pequops, near I-80 is within a designated low visibility corridor that is managed as a Class II VRM area. The Spruce Mountain area along Hwy. 93 is a Class II and Class III VRM area.

The management the Classes are as follows:

Class II

Changes caused by management activity should not be evident in the landscape. A contrast may be seen but should not attract attention.

Class III

Contrasts caused by management activity may be evident and begin to attract attention. However, changes should remain subordinate to the existing landscape.

Class IV

Contrast may attract attention and be a dominate feature of the landscape.

Low Visibility Corridor

A three mile wide (where possible) passage on which existing utility transmission or transportation facilities are located for which a future need may be accommodated if the facility is not evident in the characteristic landscape.

Wilderness: The proposed project area encompasses the South Pequop WSA. There are sometimes large numbers of wild horses within the

WSA and the potential exists for either low-level helicopter flights over the area or the placement of a temporary trap in the WSA.

Alternatives

The description of the affected environment for the No Action alternative would be the same as that for the proposed action.

IV. ENVIRONMENTAL CONSEQUENCES

Proposed Action

Vegetation: Vegetation may be disturbed as a result of erection of the portable traps and/or corrals. Some vegetation trampling may occur due to the concentration of horses within the one acre trap areas. Maximum disturbance for the proposed action would be less than five acres.

Wildlife: Some mammals, reptiles, and birds would be temporarily displaced from the trap sites and holding facilities. Animals may also be disturbed by the low-flying helicopter; this disturbance would be of very short duration. A slight possibility exists that non-mobile or site specific animals could be trampled.

If water trapping is used, certain animals may be discouraged from utilizing a traditional water source. Because the trap will be well hidden, deer and antelope will probably continue to use the water source, especially after dark. There would also be additional water sources in the immediate vicinity of the main water trap that wildlife could use. This action would cause increased stress to the animals but should be of short duration.

Cultural: The surface disturbance resulting from holding large numbers of horses in a relatively small area could have negative impacts on cultural resources. A cultural resources investigation by an archaeologist or DAT would be conducted prior to any trap construction. If cultural resources are discovered, the Wells RA archaeologist would be notified and an alternate trap site void of cultural resources would be selected. A cultural resources inventory has been completed for the holding facilities to be located on private land on the Big Springs Ranch. One small, nondiagnostic prehistoric site, and one small historic site were encountered during the inventory. As outlined in the Programmatic Agreement concerning cultural resources, small, nondiagnostic sites are ineligible for the National Register of Historic Places. Thus, placing wild horses in the proposed holding facility would have no effect on significant cultural resources.

Wild Horses: The checkerboard land patterns would be horse-free as would the Toano HA and would continued to be managed as horse-free. The Spruce-Pequop HMA horse population would be brought to 82 horses.

Approximately 150 horses could be affected by the proposed project. There would be increased stress and a disruption of their daily lives. The impacts to wild horses are different for each proposed method to be used when gathering. All of the horses could possibly be affected by the proposed action (through the capturing, aging, sorting and relocation process).

Water Trapping

Water trapping may be given priority over helicopter trapping depending on existing conditions prior to the start of the

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gather. Water trapping would relieve some of the stress caused by running the horses with a helicopter. Horses would enter into the water trap by their own will. Usually, bands would stay together. Most of the stress to the horses would begin post-capture, during the transportation, sorting and aging process.

Helicopter Trapping

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. By adhering to the Special Project Stipulations, these impacts would be minimized.

Age Selective Removal

The environmental consequences of an age selective removal are very much the same as those of a non-selective removal. Age selective removal has the added impact of gathering an animal then releasing it back to the range if it does not fall into the target age group. Where all animals are removed from the range in the checkerboard land ownership pattern, the animals older than the target age group would be released into the Spruce-Pequop HMA. Relocation into an unfamiliar area would increase stress to the animal. The horses may make an attempt to return to their former territory or be unable to locate water. Adherence to the monitoring as described in the Proposed Action section would lessen these impacts.

Visual Resources: The proposed project activities would result in minimal, temporary impacts. By adhering to Special Project Requirements e and f, the proposed activity will meet all VRM requirements.

Wilderness: The use of a helicopter to herd wild horses into temporary traps would result in negative visual and audio impacts within the WSA; impacts would be minimal and temporary. Traps in which captured horses might be held longer than 3 days would result in negative impacts to the vegetation.

Alternatives

No Action

Under this alternative the BLM would not be in conformance with the Wild Horse Amendment to the Wells Resource Management Plan and Wells Record of Decision. Horses would continue to roam on private lands after requests have been made by the land owners to remove the horses. This is not in compliance with Public Law 92-195 section 4, as amended. Horses would also continue to inhabit lands outside designated HMA boundaries, which is not in conformance with Departmental Regulation 43 CFR 4710.4.

Under this alternative, horse numbers would continue to grow at an estimated 15-20% per year and would far exceed the appropriate initial herd size determined for the Spruce-Pequop HMA and continued degradation of resources would result.

Cumulative Impact Analysis: All resource values have been evaluated for cumulative impacts. It has been determined that cumulative impacts would be negligible as a result of the proposed action or alternative.

Monitoring Needs: The monitoring described in the Proposed Action is sufficient

for this action.

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V. **CONSULTATION AND COORDINATION**

List of Preparers

Kathy McKinstry - Wild Horses; Lead Preparer
Lauren Mermejo - Environmental Coordinator
Laura Gutzwiller - Wildlife, T&E Animals
Roy Price - Wildlife, T&E Plants
Dave Mermejo - Wilderness, Visual Resources
Bryan Hockett - Cultural Resources
Jeff Baker, Leticia Gallegos, Bruce Thompson - Range, Vegetation
Sarah Schmidt - Geology/Minerals
Carol Marchio - Soils/Watershed
Robert Marchio - Realty
Norman Ritter - Forestry

Persons, Groups or Agencies Consulted

Copies of this document are being sent to the following person, groups or agencies for comments:

American Horse Protection Association
American Mustang and Burro Association
Animal Protection Institute of America
Commission for the Preservation of Wild Horses and Burros
Fund for Animals
Humane Society of Southern Nevada
Humane Equine Rescue & Development Society
Humane Society of the United States
International Society for Protection of Mustangs and Burros
National Mustang Association, Inc.
National Wild Horse Association
Nevada Outdoor Recreation Association
Nevada Farm Bureau Federation
Nevada Humane Society
Nevada State Department of Agriculture
Nevada Department of Wildlife Region II
Save the Mustangs
Simplot Land and Cattle Company
Sierra Club
United States Wild Horse and Burro Foundation
Wild Horse Organized Assistance
Thomas S. Atkinson
Bob Barton
Demar Dahl
Craig C Downer
Scott Egbert
Kenneth Jones
Louise Lear et.al.
Bobbie Royle
Cy Ryan
Larry Schutte
Rick Sorenson
Von L. and Marian Sorenson
Loyd Sorenson

WELL'S RESOURCE AREA

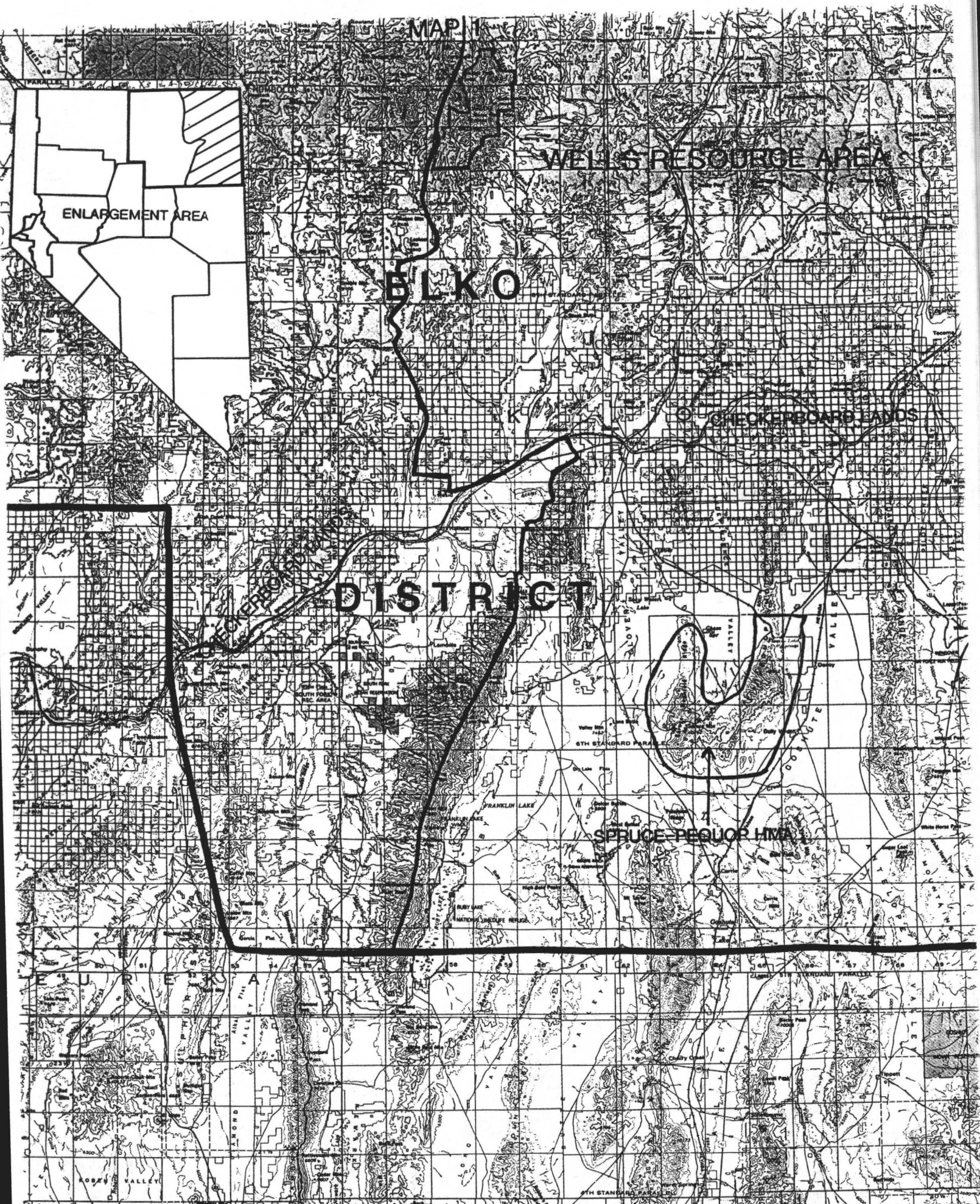
ENLARGEMENT AREA

BLKO

CHECKERBOARD LANDS

DISTRICT

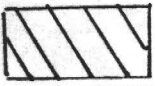
SPRUCE-PEQUOP HMA



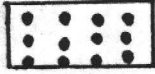
MAP 2



- GATHER AREA BOUNDARY



- SPRUCE-PEQUOT HMA



- CHECKERBOARD LAND PATTERN

GATHER AREA

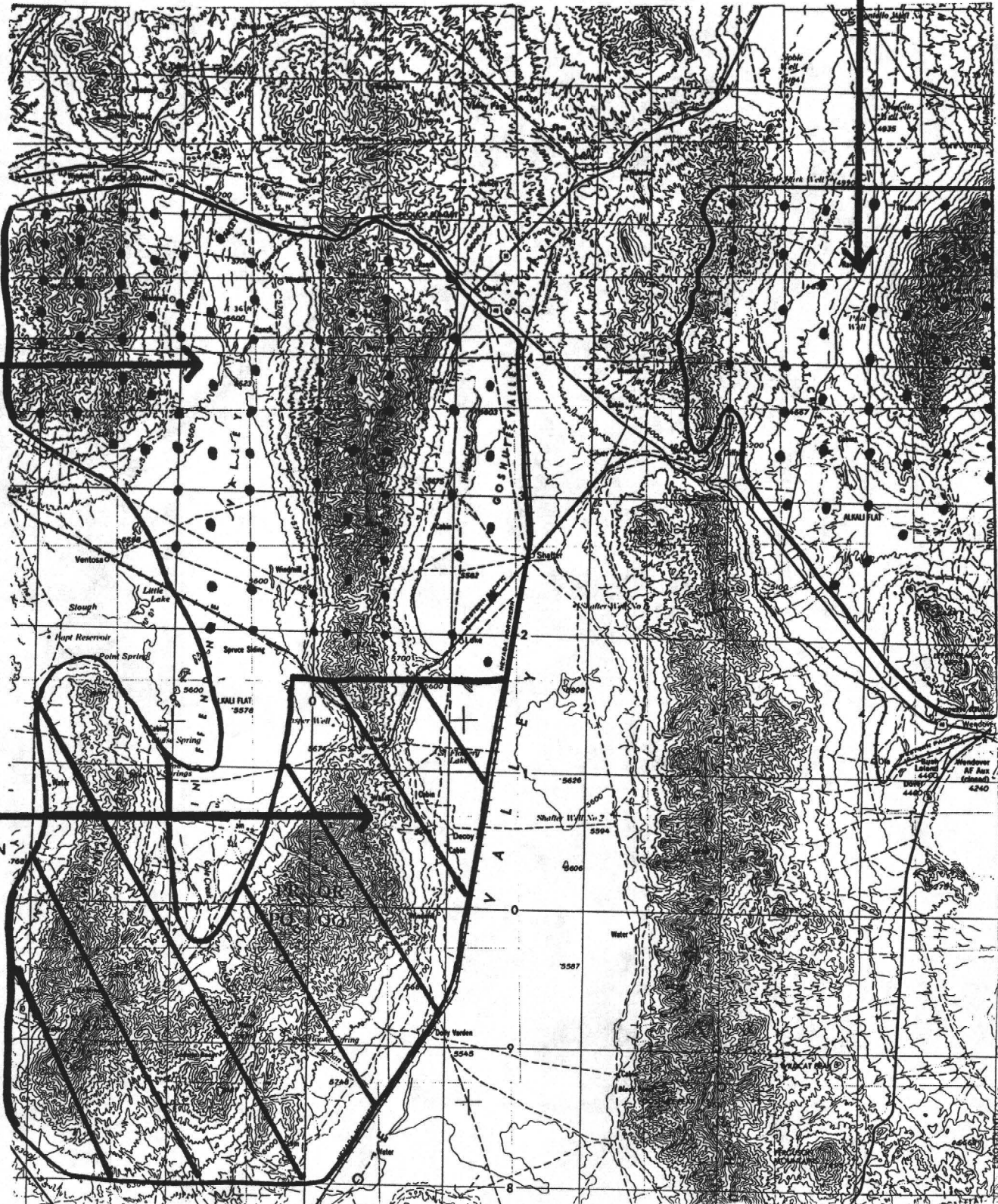
COMPLETE REMOVAL

GATHER AREA

COMPLETE REMOVAL

GATHER AREA

82 HORSES TO REMAIN



MAP 3

