



United States Department of the Interior



BUREAU OF LAND MANAGEMENT

Caliente Field Office

P.O. Box 237 (1400 South Front St.)

Caliente, Nevada 89008-0237

http://www.blm.gov/nv/st/en/fo/ely_field_office.html

In Reply Refer To:
4700 (NVL03000)

July 18, 2013

Dear Reader:

The Bureau of Land Management (BLM) Ely District, Caliente Field Office has signed a Decision Record to conduct an emergency gather within the Seaman HA. The emergency gather operations would gather and remove 50 wild horses from the Seaman Herd Area (HA) in Eastern Nevada, about 35 miles south of Lund, Nevada, that are at-risk of death if they remain on the range. The emergency helicopter gather is necessary to prevent a further decline in animal condition caused by minimal forage and reduced water availability due to severe drought conditions.

Under the 2008 Ely District RMP, the Seaman HA is to be managed for zero (0) wild horses based on analysis of habitat suitability and monitoring data; which indicate insufficient forage, water, cover, and reproductive viability to maintain healthy wild horses and rangelands over the long-term. The current estimated population is approximately 53 wild horses. BLM has been monitoring the condition of the wild horses due to the on-going drought conditions and animals in the Seaman HA. Horses are currently in moderately thin to poor in body condition and the BLM anticipates further declines beyond the point of recovery if actions are not immediately taken. The affected part of the HA is around Oreana Spring.

For more information, please consult the Nevada State Office Web page <http://www.blm.gov/nv/st/en.html> or contact Chris Hanefeld, BLM Ely District public affairs specialist, at (775) 289-1842 or chanefel@blm.gov

Sincerely,

/s/Victoria Barr

Victoria Barr
Field Manager
Caliente Field Office



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Caliente, Nevada 89008-0237

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In Reply Refer To:

4720/4710.4 (NVL03000)

July 18, 2013

Decision Record (DR)

For

Emergency Wild Horse Gather

For the Seaman Herd Area

Caliente Field Office

Ely District Office

Introduction

Severe drought conditions in eastern Nevada have resulted in emergency conditions within the Seaman Herd Area (HA) that threaten wild horse health and well-being. Wild horses within the Seaman HA range in Henneke body condition score (BCS) from poor (BCS 1.5) to moderately thin (BCS 4). Wild horses with a BCS of 2 or less are at risk of death if they remain on the range given the current drought conditions. If a sufficient number of excess wild horses are not promptly removed from the area where drought conditions have rapidly become most severe, the Bureau of Land Management (BLM) anticipates that individual wild horse body condition will continue to decline and that the most vulnerable horses – mares and foals in particular – will die.

To alleviate the competition for the limited forage and water resources during the extended drought conditions and prevent continued body condition decline and/or death of the most vulnerable horses, the Bureau of Land Management's (BLM) Caliente Field Office proposes to conduct an emergency operation to gather and remove 50 excess wild horses from the affected area within Seaman HA. We have determined that the situation in the Seaman HA is an emergency situation because the area is in a severe drought as indicated by the extremely limited amounts of forage and water available. These conditions threaten the health and welfare of the wild horses in the area. The situation is too extreme to be addressed through the normal gather cycle (BLM Handbook 4.7.2). Given the weakened state of the horses in the Seaman HA, a veterinarian will be onsite to provide recommendations regarding care, treatment and, if necessary euthanasia. [per BLM Manual 4720.23]

Although some rainfall has occurred, the moisture has been insufficient to address the lack of water. No action other than the gather and removal of those excess wild horses would be implemented during this gather operation.

Due to drought conditions and limited forage and water availability, BLM staff has been actively monitoring the drought conditions since the early summer, but conditions have quickly deteriorated in the past two weeks into severe drought conditions and many horses are in low body condition such that any further delay would likely result in suffering and/or mortality of

individual horses. During our monitoring, the BLM observed summer water resources rapidly declining resulting in water becoming extremely limited and available at only a few very small seeps and springs. BLM completed maintenance on the Oreana spring water development in an attempt to provide additional water holding capacity for wild horses. Even with the maintenance repairs completed, the majority of the at-risk wild horse herd continues to drink out of the seeps; which is producing inadequate water to maintain a healthy wild horse population.

On July 2, 2013, BLM began hauling water to troughs placed just below the seeps. Based on BLM staff observations, the wild horses are avoiding the water troughs and continue to attempt to drink only from the seeps. On July 5, 2013, BLM began supplementing the seeps with water because the wild horses were avoiding the troughs. Wild horse conditions continue to decline even after BLM began supplementing the seeps with water. The wild horses are not traveling to areas where feed is available because they are waiting for water to become available at the seeps. BLM has provided hay to horses near the seeps in attempt to increase their condition but the animals are not consuming the hay. Wild horses within the Seaman HA have become increasingly timid with all of the human activity resulting from attempts to provide water and feed where drought conditions are most severe. BLM installed wildlife cameras in the Seaman HA that have recorded steadily declining horse condition, as well as a continued decline in water resources.

The Seaman HA is located in Lincoln and Nye Counties approximately 35 miles south of Lund, Nevada. The Seaman HA is approximately 358,834 acres in size and with a current estimated population of 53 wild horses (including the 2013 foal crop). Under the 2008 Ely District RMP the Seaman HA is to be managed for zero (0) wild horses based on analysis of habitat suitability and monitoring data; which indicate insufficient forage, water, cover, and reproductive viability to maintain healthy wild horses and rangelands over the long-term. The current area of concern is around Oreana Spring. Wildlife cameras and on-the-ground observations reveal approximately 35-40 wild horses are utilizing this area. Based upon current observations, the BLM has concluded: 1) that an overpopulation of wild horses currently exists on the public lands in the Seaman HA due to the non-availability of habitat resources, 2) that an emergency situation exists whereby individual wild horses will suffer and die, and 3) that action is necessary to remove these excess animals on an emergency basis to prevent wild horse suffering and death. Additionally, BLM must protect the range during severe drought conditions, and to manage for a thriving natural ecological balance on the range.

Decision

It is my decision to implement a helicopter gather in the Seaman HA which is the best method for conducting this emergency gather. The use of a helicopter will provide for a more efficient means of handling the horses in their current condition and would allow for a shorter period of time to get the horses the resources they are lacking. Water and bait trapping are sometimes an effective method for gathering wild horses, but are not suited to the current conditions for several reasons. First, water and bait trapping take a period of time up to several weeks for wild horses to adjust to the corrals and associated water or bait trapping activities. If the adjustment period is too long, it is likely that the area will experience significant horse mortality and many of the remaining horses will be too weak to gather and remove from the range. Second, wild horses within the Seaman HA have become increasingly more timid with all of the human activity and water and bait trapping would be ineffective way to gather wild horses for this area. This decision is effective immediately pursuant to 43 CFR 4770.3(c) and NHPA Section 106.

The emergency gather operations would gather and remove 50 excess wild horses from the affected area within the Seaman HA, Lincoln and Nye County (See Map in Appendix I). A sufficient number of wild horses would be gathered due to the continued decline in animals' condition resulting from on-going severe drought conditions which have resulted in reduced water and forage supplies. Due to the declining condition of the animals, the BLM Euthanasia Policy outlined in WO-IM-2009-041 and as per BLM Manual 4720.23 would be used as a guide to determine if any of the gathered animals meet the criteria and should be euthanized.

No population control measures would be implemented during this gather operation, which would be limited to removal of a targeted number of excess horses only.

Rationale

The emergency action is in conformance with the Ely District Record of Decision and Approved Resource Management Plan signed in August 2008. The emergency action is consistent with all other federal, state, local, and tribal policies and plans to the maximum extent possible. The emergency removal of excess wild horses from the Seaman HA will alleviate wild horse suffering and death, protect the range, and decrease competition for limited resources during severe drought conditions.

Authority

The authority for this Decision is contained in Section 1333(a) of the 1971 Free-Roaming Wild Horses and Burros Act, Section 302(b) of the Federal Land Policy and Management Act (FLPMA) of 1976, and Code of Federal Regulations (CFR) at 43 CFR §4700.

§4700.0-6 Policy

- (a) Wild horses and burros shall be managed as self-sustaining populations of healthy animals in balance with other uses and the productive capacity of their habitat;
- (b) Wild horses and burros shall be considered comparably with other resource values in the formulation of land use plans;
- (c) Management activities affecting wild horses and burros shall be undertaken with the goal of maintaining free-roaming behavior;
- (d) In administering these regulations, the authorized officer shall consult with Federal and State wildlife agencies and all other affected interests, to involve them in planning for and management of wild horses and burros on the public lands.

§4710.4 Constraints on Management

Management of wild horses and burros shall be undertaken with the objective of limiting the animals' distribution to herd areas. Management shall be at the minimum level necessary to attain the objectives identified in approved land use plans and herd management area plans.

§4720.1 Removal of excess animals from public lands

Upon examination of current information and a determination by the authorized officer that an excess of wild horses or burros exists, the authorized officer shall remove the excess animals immediately ...

§4740.1 Use of Motor Vehicles or Air-Craft

- (a) Motor vehicles and aircraft may be used by the authorized officer in all phases of the administration of the Act, except that no motor vehicle or aircraft, other than helicopters, shall be used for the purpose of herding or chasing wild horses or burros for capture or destruction. All such use shall be conducted in a humane manner.
- (b) Before using helicopters or motor vehicles in the management of wild horses or burros, the authorized officer shall conduct a public hearing in the area where such use is to be made.

§4770.3 Administrative Remedies

- (a) Any person who is adversely affected by a decision of the authorized officer in the administration of these regulations may file an appeal. Appeals and petitions for stay of a decision of the authorized officer must be filed within 30 days of receipt of the decision in accordance with 43 CFR part 4.
- (b) Notwithstanding the provisions of paragraph (a) of §4.21 of this title, the authorized officer may provide that decisions to remove wild horses or burros from public or private lands in situations where removal is required by applicable law or is necessary to preserve or maintain a thriving natural ecological balance and multiple use relationship shall be effective upon issuance or on a date established in the decision.

APPROVAL

This decision is effective upon issuance in accordance with 43 C.F.R. § 4770.3 (c) because the immediate removal of excess wild horses is necessary to protect animal health and rangeland resources. This decision may be appealed to the Interior Board of Land Appeals, Office of Hearings and Appeals, in accordance with provisions found at 43 CFR Part 4 (see attachment).

Sincerely,

/s/ Victoria Barr

Victoria Barr
Field Manager
Caliente Field Office

Attachment
Wild Horse Gather Plan
For the Seaman Emergency Gather Plan
Decision Record

Appeal Procedures

If you wish to appeal this decision, it may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with 43 CFR part 4. If you appeal, your appeal must **also** be filed with the Bureau of Land Management at the following address:

Victoria Barr, Caliente Field Manager
BLM, Caliente Field Office
P.O. BOX 237
1400 South Front St
Caliente, NV 89008-0237

Your appeal must be filed within thirty (30) days from receipt or issuance of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition pursuant to regulation 43 CFR 4.21 (58 FR 4942, January 19, 1993) for a stay (suspension) of the decision during the time that your appeal is being reviewed by the Board, the petition for stay must accompany your notice of appeal. Copies of the notice of appeal and petition for a stay must also be submitted to:

Board of Land Appeals
Dockets Attorney
801 N. Quincy Street, Suite 300
Arlington, VA 22203

A copy must also be sent to the appropriate office of the Solicitor at the same time the original documents are filed with the above office.

US Department of the Interior
Office of the Regional Solicitor
Pacific Southwest Region
2800 Cottage Way, Room E-1712
Sacramento, California 95825

If you request a stay, you have the burden of proof to demonstrate that a stay should be granted. A petition for a stay is required to show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied.
2. The likelihood of the appellants success on the merits.
3. The likelihood of immediate and irreparable harm if the stay is not granted.
4. Whether the public interest favors granting the stay.

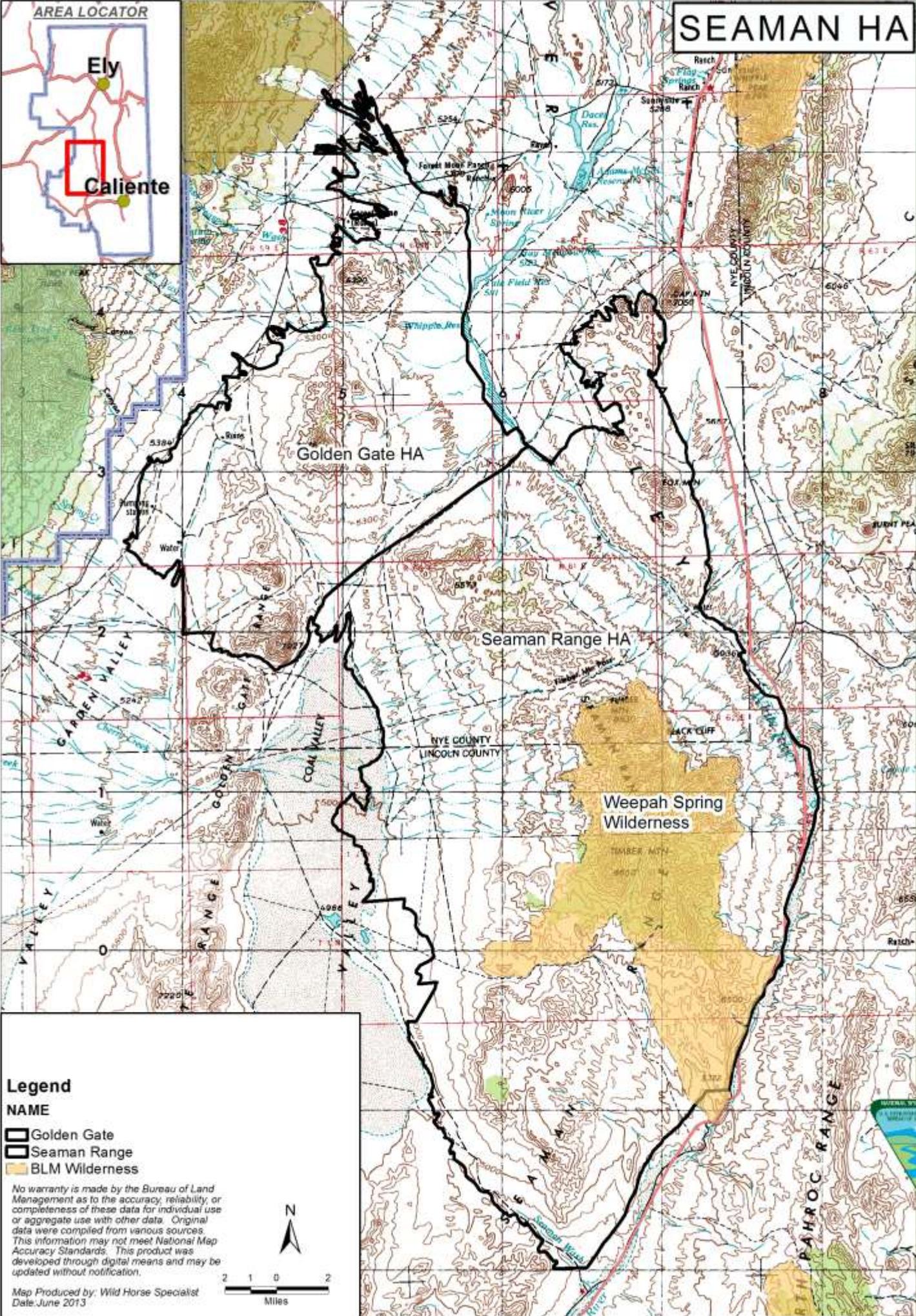
The Office of Hearings and Appeals regulations do not provide for electronic filing of appeals, therefore they will not be accepted.

AREA LOCATOR



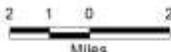
SEAMAN HA

BLM



- Legend**
- NAME**
- Golden Gate
 - Seaman Range
 - BLM Wilderness

No warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of these data for individual use or aggregate use with other data. Original data were compiled from various sources. This information may not meet National Map Accuracy Standards. This product was developed through digital means and may be updated without notification.



Map Produced by: Wild Horse Specialist
Date: June 2013



Ely District Office