

Horse Capture Regulations Review

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Introduction of Wild Horses of Alberta Society (WHOAS)

WHOAS, as one of the identified stakeholders of the wild horses of Alberta, was asked on behalf of the Department of Sustainable Resource Development to submit our input. Hence we have put together our report stating the opinions expressed by our membership. WHOAS is honoured to be included in the review process of the Horse Capture Regulations. In order to provide the reader with an understanding of our recommendations we first must introduce our society as stated in our Mission Statement and Objectives.

Background and Mission Statement of WHOAS

WHOAS was formed in 2002 after the gruesome discovery of the remains of two wild horses. These horses were found shot, cut in half and gutted. The perpetrator(s) remain at large, as there has been no arrests to date.

THE MISSION STATEMENT AND OBJECTIVES

The following is the mission statement of the Wild Horses of Alberta Society, (W. H. O. A. S.) as voted on and accepted by the membership of the society:

MISSION STATEMENT: Our mission is to ensure the provision of all aspects of the conservation and humane treatment of wild free-roaming horses in Alberta.

SPECIFIC OBJECTIVES

Protection - to clearly define the parameters of humane treatment for wild horses and to ensure that the outlined guidelines are adhered to.

Sanctuary - to achieve or retain a place that will allow the free roaming horses of Alberta to remain in their wild state.

Management - to create systems ensuring sustainable herd sizes and protecting the safety and dignity of captured horses.

Education - to foster an awareness of and appreciation for the essential role that wild free roaming horses have played in settling, sustaining and enriching our Alberta culture and heritage.

Community - to establish a group of individuals connected through their common interest in, appreciation of and compassion for the wild horses of Alberta. To act as a community solely in the best interest of the wild horses of Alberta and to keep all participation in this community separate from any self-interest related to horses or the horse industry.

The problem, as seen by WHOAS, has been, in the definition of the horses; the significance of this horse as a vital part of the eco-system of crown land. enforcement and penalties for contravention of the Horse Capture Regulations.

Problems associated with the wild free-roaming horses as determined by the Department of Sustainable Resources include the following:

Size of the designated area;

Clearly defining roles of Livestock Identification Services and Public Lands and Forests Division;

Limits on number of licenses or number of horses per licence;

Enhancement of enforcement provisions, and

Outright protection of horses

1) Size of designated area

WHOAS recommends that all wild free-roaming horses in the Province of Alberta be covered by the regulations.

This designation would simplify the jurisdiction issue of where the animals originated from. It would allow for Livestock Inspection Services to more readily perform its job without having to determine if the animal came from a certain area or not.

Having regulations protecting all wild free-roaming horses in Alberta would enhance the ability of the governing agency to determine how many wild horses should or would have to be removed from any particular area.

When the protection of wild horses is restricted to a designated area only, the abuse of regulations outside of such designations is still a strong possibility. If protection is allocated to all wild free-roaming rather than a specific territory, it would greatly enhance the probability that any and all of these horses receive humane treatment.

Defining the Boundaries. WHOAS believes that if there must be defined boundaries for a designated area that those boundaries then be as follows; ALL PUBLIC LANDS, The southern boundary - #1 Highway, east boundary #22 Highway, north boundary #16 Highway and the western boundary being the National Parks eastern borders. There would be no mistaking those boundaries, as they would be well defined and recognizable.

2) Clearly defining roles of Livestock Identification Services and Public Lands and Forests Division

WHOAS believes that the wild free-roaming horses should fall under the jurisdiction of the Fish and Wildlife Division. Public Lands and Forest Division would then only have to monitor if a specific group of horses are causing damage to their environment. This Department could then make their recommendations as to whether the horses of the area in question should be removed.

All concerns regarding these horses would have to be monitored to ensure that the concern is legitimate and the course of action is appropriate. Livestock Inspection Services then would only have to concern themselves with the inspection of the wild horses that they deem require investigation.

The Division of Fish and Wildlife is already in place to enforce violations under provincial legislation. Furthermore, they are already out in the field with the proper vehicles and equipment to gain access to the remote areas these horses inhabit.

3) Limits on number of licenses or number of horses/licence

WHOAS believes that, in order to offer the wild free-roaming horses protection, they must be managed. Effective management would ensure that their numbers do not increase to a point where they become a detriment to their environment, other users of the forests and wildlife. Therefore we are not against The Horse Capture Regulation. We do believe however, that at the present, their numbers are such that there is no danger to the ecosystem. Nature itself controls wild horse numbers. By methods which includes harsh Alberta winters, droughts in the summer, forest fires and predators such as cougars and wolves. These factors all play a role in keeping the numbers in check. The foal mortality rate is high because they are the most vulnerable to these conditions and this contributes to control of the population.

Overpopulation of a particular area as a consideration. If the department of Public Lands and Forest Division substantiates that an area has become over populated and thus problematic, then licences should be issued with a strict number to be removed per permit holder.

An ear tag system should be implemented for each animal to be removed. Ear tags play two important roles. First, they would make the animal easily identifiable to any enforcement official or researcher; and second it would quickly identify the captured horse and its origin. In light of the current crisis surrounding both our livestock and game farm animals, this system would assure quick identification of the origin of any horse in question.

Adoption instead of slaughter. WHOAS suggests that fit and healthy animals not be sent for slaughter, but rather that they be adopted as in the United States. This in turn would allow the horse capture permit holders to potentially obtain a better financial profit for the horses they capture. It is understood by WHOAS that due to certain circumstances a number of horses may be deemed unsuitable for adoption and therefore have to be sent to slaughter. Such recommendations would be made by an appointed veterinarian. Having these guidelines in place would ensure the humane treatment of all captured horses. Under proper management the horses to be removed would be pre-determined, thus eliminating the potential of both abuse and violations to the act.

Independent legislation for Alberta's Wild Free-Roaming Horses would allow for their preservation. This is paramount and WHOAS is adamant about its implementation. WHOAS biggest concerns are the lack of response to complaints of violations to the current regulations and inhumane treatment of the wild horses. These problems are due to the fact that there is no clear-cut definition of who is, or who should be responsible for these horses. Independent legislation for these horses would alleviate this problem.

Wild Horse and Burro Act, USA could be used as a template for Alberta Legislation. Drawing upon the 50 years of experience that the USA has gained managing their wild horses would benefit the Alberta Government.

4.) Enhancement of Enforcement Provisions

WHOAS was founded because of a perceived lack of investigation and enforcement of laws when complaints of cruelty or slaughter of the horses were made. It appeared that no one wanted to pursue or investigate the matters until the media became involved. Specific legislation to identify the wild horses as natural fauna and therefore governed as such, eliminates this problem. Fish and Wildlife Conservation Officers would have full power to investigate and prosecute violations to the act. Sufficient penalties would also act as a deterrent to those who wished to contravene it.

5.) Outright protection of these horses

WHOAS believes in the need to protect, preserve and manage the wild horses of Alberta. As with all other wildlife, with their own protection act and under proper management, capture would be only allowed to assure that horse populations do not adversely affect them, other wildlife or their range. Under no circumstances would hunting of wild free-roaming horses be allowed.

Wild free-roaming horses of Alberta should be granted their own Legislation

Wild free-roaming horses of Alberta should be granted their own legislation as has been done in both the Canada and the USA. The Sable Island Horses off the coast of Nova Scotia received federal protection in 1960. These horses are definitely of a domestic mix, but nonetheless protected, (see attached information). Independent legislation would offer Alberta's wild free-roaming horses protection which is already provided for other recognized wildlife. Penalties for poaching should be equivalent as well.

The Wild Horse and Burro Act in the USA reads as follows;

“Sec. 1331.- Congressional findings and declaration of policy. Congress finds and declares that the wild free-roaming horses and burros are living symbols of the historic and pioneer spirit of the West; that they contribute to the diversity of life forms within the Nation and enrich the lives of the American people; and that these horses and burros are fast disappearing from the American scene. It is the policy of Congress that the wild free-roaming horses and burros shall be protected from

capture, branding, harassment, or death; and to accomplish this they are to be considered in the area where presently found, as an integral part of the natural system of the public lands.” “Wild free-roaming horses and burros” means all unbranded and unclaimed horses and burros on public lands of the United States.” (See attached Wild Horse and Burro Act, USA document)

The Federal Government of the United States offers protection for all wild horses in the United States, although they inhabit a number of states in a wide diversity of environments. Several states also have their own independent legislation protecting their herds of wild free-roaming horses.

The Federal Government of Canada along with the American Government did not question origins of these animals, the burro certainly is not indigenous to North America.

In General

WHOAS concerns for humane treatment during capture

A primary thrust of the WHOAS initiative is to provide for the humane treatment of wild free-roaming horses. While WHOAS understands that certain conditions require the capture of wild horses, we are, at the same time, strongly in favour of methods which minimize the risk of injury and/or abuse to these horses during the actual capture process.

One recommendation to support this concern is that specific capture methods are more thoroughly examined and those methods which leave horses at a higher risk for injury or abuse be identified and regulated.

A second recommendation is the pens used for capture. Currently catch pens which are typically metal are often constructed for temporary use and could introduce a higher safety risk than would be encountered with more permanent, wood rail fences. A suggestion here is that permanent wood pens be constructed so that wild horses are less likely to be injured by the unforgiving nature of metal and the collapse of pens during capture times.

Since wild animals are highly susceptible to being unable to find their way out of pens when gates are left open, it is recommended that gates are closed at all times when the pens are not in use and that the closing of gates be monitored.

Another major issue WHOAS has is with the running and roping of wild free-roaming horses as a method of capture. No matter how experienced a wrangler is, the danger of injury to the wrangler's horse and especially the wild horse is real. The capture season takes place at a time of year when the conditions are very unfavourable and unsafe. With snow cover, obstacles and ice are hidden. A wild horse fighting the rope, or even just being run hard is in very imminent danger of being injured. This is inhumane and this method of capture should be banned.

Other problems allegedly associated with Alberta's wild free roaming horses.

Horse and Vehicle Collisions

This has been a concern mentioned about the danger to humans posed by wild horses. This danger exists with any and all wildlife currently living in the range of the wild horses. We believe that this is not even a factor. We point out that wild horses generally stay away from major roadways as much as possible, unlike the cattle on the leases that roam and congregate along the roadways. Statistics prove that there are far more incidences involving collisions with other forms of wildlife than with wild horses or even cattle.

Forest Regeneration

There is no evidence to support the claim that the horses are damaging or having any environmental impact on the range and timber regeneration. As previously pointed out in our report, we believe that there must be much more research done in this matter, instead of hearsay or speculation. One only needs to spend time in these areas to witness that the damage done to the range or forest by other factors far exceeds any that the horses may be responsible for. Proper

management of the wild horses under their own act would address this issue properly.

Evidence as Indigenous Wildlife

All animals in Alberta were wiped out during the ice age, and returned in one way or another. In regards to horses in North America, the point is argued that horses are indigenous, having originated in North America. "The main lineage of all horses originated on the North American continent, horses therefore are indisputably native fauna, despite a multiplicity genotypic variations." (Dr. R. Alison, Canada's Last Wild Horses page 4 of his document) There is speculation and on-going research that horses remained in North America longer than previously thought. This is a research fact that WHOAS wishes to pursue, but according to Dr. Alison our free roaming wild horses are extremely vulnerable, due to the fact that the gene pool is already at a critical low and scarcely sufficient to ensure future viability. This highlights the critical need for their own protective act.

Other introduced species

WHOAS would like to point out that several other species have been introduced to Alberta including Hungarian Partridge, Ring Neck Pheasant, Turkeys and Swans. While these species are not part of Alberta's indigenous wildlife from a historic perspective, they all do receive protection under the Provincial Wildlife Act or through Federal Migratory Bird Regulations. It would therefore seem viable that the feral horses deserve with their own protective legislation. WHOAS believes this end is best served by re-designating their categorization to wild free roaming horses protected under the jurisdiction of the Fish and Wild Life Division.

Feral or Free Roaming Wild Horse

As reiterated throughout this paper the fact remains that significantly more research should be done to clarify this issue. WHOAS is initiating blood testing of these horses to help determine their genetic background. Nonetheless, we argue that these horses have been running free for many generations, and have reverted back to their wild state, by their adaptation to this natural environment.

How many horses are too many?

WHOAS believes that the horses numbers have declined to such a level that this is not an issue at present. Again, further research and studies need to be conducted to address this position. We are willing to help in whatever way we can, including obtaining scientific help, ie., range management studies, research grants. If further exploration into actual numbers of horses suggested overpopulation in a particular area, WHOAS would be willing to support the

design and implementation of strategies required for re-location and/or adoption of horses in the identified area.

Unauthorized grazing of domestic horses

Another concern of the WHOAS membership and others is the lack of enforcement of individuals who turn their own horses loose onto public lands for grazing and other purposes. Ranchers that use leases to graze their cattle on public lands are required to follow guidelines and time frames. By far, many of them manage their leases and the cattle that roam on them with excellent stewardship. They are also monitored to assure that they follow the guidelines. It appears that no action is ever taken against those individuals that illegally use public lands for their own private grazing reserves. This not only interferes with the cattle leases, it also has a detrimental effect on the wild free-roaming horses, other wildlife and their habitat. Therefore we suggest that penalties for this type of action be substantial and that the regulation be made enforceable against those that who violate it.

In Conclusion

WHOAS strongly believes that the wild horses in the area being addressed are a viable natural resource. The definition of these horses from feral to wild free-roaming is necessary, along with creation of their own protective act. These changes would assure that current horse capture regulations, future management and thus enforcement would be adequately addressed. All issues raised in this discussion document and WHOAS' concerns need further research. The results of this research would assure that the welfare of the horses and the environment are properly taken into account.

The fact remains that these are living animals that deserve our protection.

As a natural resource the potential for attracting tourist and tourist dollars to this part of the province is substantial. The positive image of Alberta it would create through our concern for our environment and natural resources would be undeniable.

Therefore, we believe that changes as outlined by WHOAS are paramount in order to preserve and protect Alberta's heritage and our wild free roaming horses.