

CHAPTER 4-14 WILD HORSES

4-14-1 Policy

Wild free roaming horses are under the jurisdiction of the Colville Confederated Tribes and shall be managed as part of the natural resources of the Colville Indian Reservation. They shall be protected from unauthorized capture, branding, undue disturbance and destruction. They and their habitat shall be managed and controlled in a manner designed to achieve and maintain a wild horse herd on the Colville Indian Reservation.

4-14-2 Definitions

(a) "Wild free roaming horses" means all unbranded horses and their progeny that utilized any tribal lands within the Colville Reservation as all or part of their habitat including those horses given an identifying mark upon capture for live disposal by the Authorized Officer. Unbranded, claimed horses where the claim is found to erroneous are also considered as wild and free roaming if they meet the criteria above.

(b) "Authorized Officer" shall mean the Director of the Tribal Fish and Wildlife Department or his or her designee.

(c) "Wild horse range" means all of the lands owned or controlled by the Colville Indian Tribe including any specifically designated areas of land needed to sustain a herd or herds of wild free roaming horses which have been specifically designated as an exclusive habitat for such animals.

(d) "Malicious harassment" means any intentional act which demonstrates a disregard for the well being of wild free roaming horse or which creates the likelihood of injury, or its detrimental to normal behavior patters of wild free roaming horses including feeding, watering, resting, and breeding. Such acts include, but are not limited to, unauthorized chasing, pursuing, herding, roping, or attempting to gather or catch wild free roaming horses. It does not apply to lawfully conducted activities authorized by the Authorized Officer of the Colville Tribes.

(e) "Captured animal" means a wild free roaming horse taken and held in custody by the Authorized Officer, or held in private custody pursuant to an authorized permit issued under this Chapter.

4-14-3 Removal

The gathering or rounding up of wild free roaming horses or the engaging in any activity defined as malicious harassment on any tribally owned or controlled lands within the Colville Indian Reservation is prohibited without written authorization from the Authorized Officer. Also prohibited without written authorization from the Authorized Officer is the gathering or rounding up of branded horses where the branded animals are, or maybe intermingled with wild free roaming horses or where the gathering or roundup is likely to involve or affect wild free roaming horses.

4-14-4 Cooperative Agreements

The Authorized Officer may issue written permits to tribal members that authorize the member to roundup or capture wild horses on the Colville Reservation. In determining whether to issue a written permit the Authorized Officer shall consider the size and physical condition of the wild horse population on the Reservation, the effect of capture of some of those animals, and whether the authorized capture would be consistent with the continued well being and health of the wild horse herd or herds on the Reservation. The Authorized Officer shall also consider the number of wild horses caught by a single individual or family to insure that there is a fair chance for all tribal members to participate to the extent the herd or herds allow.

No roundup shall be authorized or undertaken in an inhumane manner, or where the captured animals are to be slaughtered or used for feed. All wild horses captured pursuant to permit issued by the Authorized Officer shall be used for recreational or professional use in a humane way.

The use of snares, tranquilizer guns, or motorized vehicles for pursuing or capturing wild horses, is absolutely prohibited, and if and when such devices or vehicles are found, they may be seized and forfeited under this Code.

4-14-5 Maintenance of Herd by Authorized Officer

The Authorized Officer is hereby authorized to undertake any activity determined by the Officer to be reasonable and necessary to insure the proper maintenance of the wild horse herd in numbers which will insure the perpetuation of the herd, but at the same time will not unduly interfere with the use of range area for other purposes pursuant to established tribal policy. Authorized activities include but are not limited to conducting surveys of inventories of the wild horse herd or herds on the Reservation, capturing or rounding up those animals which are lame, infirm or otherwise unable to care for themselves, and capturing or authorizing the capture by tribal members of surplus wild horses.

4-14-6 Acts of Mercy

Any severely injured animals will be destroyed in the most humane manner possible as an act of mercy.

4-14-7 Procedure for Capture and Roundup

The Authorized Officer shall establish written procedures for the authorization of tribal member capture and roundup of wild horses on the Reservation. Such guidelines shall establish the manner and method of such capture, the number of animals that each tribal member will be allowed to capture, the time for an authorized roundup and any other condition considered necessary to insure the proper management and maintenance of the wild horse herd or herds on the Reservation. The Authorized Officer is also authorized to enter into custodial arrangements with tribal members or other entities for the temporary care and maintenance of wild horses captured pursuant to this Chapter.

4-14-8 Permitting Conditions

An application to roundup or capture wild free roaming horses on the Reservation shall be made to the Authorized Officer between December 1 and February 28 of each year. The Authorized Officer shall examine the applications received and shall approve all or a part of the application for the roundup to take place. All round-ups and captures authorized shall be conducted between December 1 and February 28 unless specially permitted by the Authorized Officer. In those situations where the Authorized Officer has more than one approved application and where there are insufficient animals to allow a roundup by each applicant, the Authorized Officer shall either pro-rate the available animals among the approved applications, or conduct a lottery as the Authorized Officer deems appropriate.

4-14-9 Claimed Animals

Any person claiming ownership under tribal or state branding and Estray Laws of unbranded or branded horses on tribally owned or controlled lands where such animals are not authorized to be on those lands must present evidence of ownership to justify a roundup before permission will be given to gather such animals. Unauthorized privately owned horses may be claimed by filing an application with the Authorized Officer. After such public notice as the Authorized Officer deems appropriate to inform interested parties, he/she may authorize the gathering or roundup of such horses. The Authorized Officer shall provide in the authorization that the gathering or roundup shall be consistent with these regulations, shall establish in the authorization a reasonable period of time to allow the gathering of the claimed animals, and shall provide such other conditions in the authorization which he/she deems necessary to carry out the purposes of this Chapter.

Unauthorized horses which have been claimed and have been determined to be privately owned in accordance with the provisions of this section shall be considered to have been in trespass and may not be released until a proper trespass charge has been determined by the Authorized Officer. The trespass charge shall reasonably compensate the tribe for the use of the range by the trespassing animal.

4-14-10 **Permitted Horses**

Any person or entity that has a permit to graze horses on tribal land shall manage and control those horses consistent with this Chapter.

4-14-11 **Riding Open Range**

No person shall ride the open range unless he has a range permit in effect to roundup his own branded horses or lawfully permitted cattle or sheep, or unless he has a special permit issued by a range rider to:

(a) Any person who needs to ride open range.

(b) Any person who is hired by or registered by a tribal member or other person with a range permit, unable to ride for himself to roundup branded horses belonging to that other person.

(c) Any person with a range permit in effect who needs to roundup branded horses belonging to him during the period in which the range is closed.

(d) Any person who has a permit to roundup free roaming wild horses.

(e) Such permit shall include the name of the individual, a description of the horses, the location of the roundup, and the signatures of the owner and a range rider or police officer. Such permit shall be valid for a period established in the permit and shall be valid only for the animals and location designated and for such time needed to complete the roundup.

4-14-12 **Violation**

It shall be unlawful and a violation of this Chapter for any tribal member or other person under the jurisdiction and authority of the Colville Confederated Tribes to violate any provision of this Chapter including the capture and roundup of any wild horses without a written permit, or the malicious harassment of any such animals. Any person convicted of violating this Chapter shall be subject to a fine of \$500.00 or imprisonment for a period not to exceed six (6) months or both.

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