

Wildlife and Natural Environment Bill - a response by the Irish Hare Initiative

1. Introduction

The Irish Hare Initiative is a voluntary NGO working to conserve and protect Irish hares since 2002.

As such, we are very concerned that this draft Bill in its present form fails to provide the Irish hare with the increased and robust protection compatible with its priority status.

We believe that current legislation and practice fails to adequately protect Irish hares and other species. In this response, we detail changes which we believe are necessary to make this Wildlife and Natural Environment Bill fit for the purpose of protecting Northern Ireland's wildlife and implementing best practice.

NOTE – All of the information provided in this response is evidence-based. In the interests of clarity of reading, only some sources and references have been included. However, we will be pleased to provide evidence in support of any aspect of this document.

2. Schedule 5 – the Irish hare (*Lepus Timidus hibernicus*)

Many in the environmental sector, along with the majority of Northern Ireland citizens, will be surprised that this bill in its present form has not placed the Irish hare on Schedule 5 (animals which are protected all times).

Whilst we welcome the annual Irish Hare Temporary Protection Orders that have been granted since 2003, temporary measures cannot form any realistic part of a long-term conservation and recovery strategy for the Irish hare.

2.1 Irish hare population decline

There is a growing body of scientific and anecdotal evidence detailing the ongoing Irish hare population decline since the beginning of the 20th century. It is also very evident that the Irish hare has become locally extinct in many areas of Northern Ireland. The hare population in Northern Ireland is fragmented and potentially vulnerable to the cumulative effects of local extinction.

Recent surveys carried out by the Northern Ireland Department of Agriculture and the Northern Ireland Environment Agency clearly point to a contemporary ongoing population decline since 1985 (Figs 1&2). The three year population cycles evident in both surveys are now a feature of Irish hare dynamics. However, notwithstanding these fluctuations, both graphs show a clear downward temporal trend. There is no evidence of recovery, or any evidence that recovery is likely in the foreseeable future unless every tool at our disposal is used to safeguard this species.

Figs. 1&2 - Graphs showing time-series evidence of Irish hare population decline in Northern Ireland during the periods 1986-1995 and 2004-2009

Fig 1 - Northern Ireland Department of Agriculture Survey 1986-1995

Source: Quercus (Data courtesy Alan Bell)

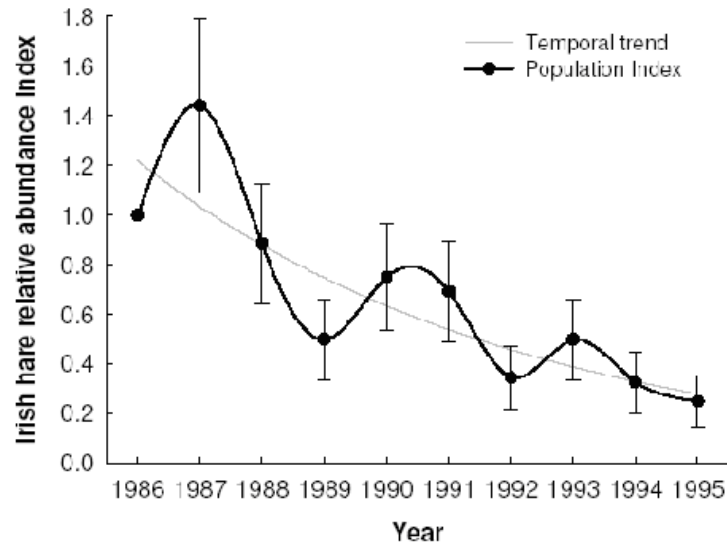
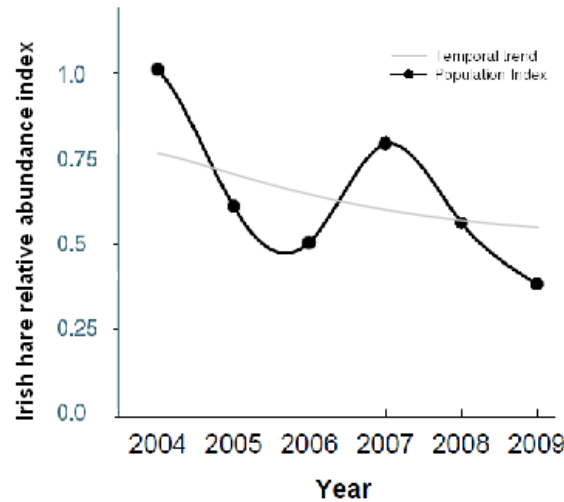


Fig 2 - NIEA Northern Ireland Hare Survey 2004-2009

Source: Quercus



Note: Only valid annual time-series data have been included in these graphs. Both graphs illustrate regular population cycles of three year period now associated with Irish hares. In both cases the underlying temporal trend line — shows an ongoing population decline.

2.2 Hunting and coursing

It is unacceptable that the Irish hare, a priority species which is genetically distinct to Ireland, should remain on the quarry list.

There is no valid argument for retaining the Irish hare as a quarry species. Neither is there any reliable evidence that activities such as hunting or coursing make any positive contribution to Irish hare conservation.

Irish hares breed throughout the year and may be pregnant, birthing or nursing in any calendar month. In any recovery strategy, protecting and maximising population recruitment by protecting the breeding period should be a priority objective.

We welcome and applaud the voluntary moratorium on shooting hares adopted by the major shooting organisations in Northern Ireland. It is apparent from our contact with game shooting enthusiasts that they are acutely aware of the absence of hares in the wider countryside.

2.2.1 Coursing

We are very concerned about the potential impact of coursing on the local and wider Irish hare populations. Coursing is not the benign activity that its supporters suggest. We believe there is compelling evidence that coursing has the capacity to damage the wider Irish hare population, especially at the present time when numbers are low.

Hares are caught indiscriminately and, as they breed throughout the year, pregnant females and nursing mothers are taken, compromising population recruitment.

- If a nursing mother is taken from the wild, her leverets will die
- Pregnant females may abort or give birth in captivity
- Leverets born to these captive mothers have no prospect of survival

Coursing targets and depletes fragile local populations of Irish hares, contributing to the cumulative effects of local extinction. Coursing clubs are reporting increasing difficulty in finding and catching hares. Irish Coursing Club records show an overall decline in the number of hares caught annually since 1988.

Keeping a wild animal such as an Irish hare in an unnatural environment for several weeks and allowing it to be pursued by dogs in an enclosed space clearly raises serious welfare issues which have the capacity to reduce a hare's immediate or longer-term survival.

2.2.2 Capture myopathy

Capture myopathy is a life-threatening condition caused by stress and, whether or not the hare is physically injured by the dogs, its welfare is very poor during the chase and for periods afterwards which will be prolonged in some cases. Capture, handling, transport, confinement and coursing are all contributing factors. The onset of this condition can occur from point of capture, and death may occur suddenly or some time after exposure to trauma. The role of capture myopathy in hare mortality is becoming clearer and there is compelling evidence to support the link between enclosed hare coursing and the factors responsible for capture myopathy.

In his book, *The Abbeyfeale Experience*, the Irish Coursing Club's veterinary surgeon, JJ O'Sullivan, states that

'it is impossible to completely avoid stress in hares once you manhandle them, and take them out of their natural environment. Stress can come in many shapes and forms and as long as you have the hare in captivity, he is prone to it - resulting in his disability and even death at times.'

Mr. O'Sullivan goes on to elaborate on causes of stress of netted hares as follows:

'Stress can start from the very minute you get him out of his form until you land him in the net, followed by rough handling, boxing and transporting. Sudden environmental changes such as fluctuating temperatures and varying humidity - being hot and sweating in a bag and later over-crowded in boxes.'

Compelling evidence of the link between capture myopathy and coursing was provided at an Irish Coursing Club event held at Wexford in December 2003. Of the eighty three hares coursed, forty individuals died – almost 50%. The reporting vet, Dr Peter Murphy, stated, *'under the influence of stress, the hare's immune system is compromised'*. He went on to say, *'Hares are significantly stressed when corralled and coursed, and this combination of circumstances has resulted in the deaths in this case'*.

This Bill should provide for the Irish hare to be added to Schedule 5 (animals which are protected all times).

Adding the Irish hare to Schedule 5 is consistent with the first recommendation of the *Northern Ireland Biodiversity Strategy*.

'RECOMMENDATION 1: Assess all new or revised policies and programmes for their impact on biodiversity and apply the precautionary principle'

The definition of the Precautionary Principle is generally accepted as:

The precautionary principle is a response to uncertainty, in the face of risks to the environment. In general, it involves acting to avoid serious or irreversible potential harm, despite lack of scientific certainty as to the likelihood, magnitude, or causation of that harm.

We contend that the Irish hare's inclusion on Schedule 5 will underpin the wider conservation strategy and copper-fasten the Northern Ireland Assembly's commitment to support a long-term strategy to nurture and protect our oldest surviving native mammal.

3. Duty to review schedules

We welcome the introduction of the Department of the Environment's new duty to review the Schedules to the Wildlife (Northern Ireland) Order 1985 lists every five years.

However, as a number of Northern Ireland's priority species are classed as declining, **there should be provision for more frequent review where there is new information, especially new scientific evidence or data about species of concern.**

4. Snares

Snares pose a serious threat to hares along with other wildlife, pets and livestock. Snares have been outlawed in almost all EU states and have no place in the future of Northern Ireland.

The Irish Hare Initiative believes there is no valid agricultural, environmental or welfare argument for the continued practice of using any form of snare for the purpose of catching or controlling wildlife.

We believe that this practice should be outlawed in this Bill and that possession and use of snares should be an offence.

Current legislation requiring the use of free-running snares along with daily inspection does nothing to prevent great suffering or collateral damage to non-target species.

In spite of a code of practice, the fact is that a great many non-target animals are caught in snares every year. Animals caught in snares include dogs, cats, sheep, horses, deer, and even otters. Many of these animals suffer a terrible fate. Snares are not humane and animal welfare costs are high to both target and non-target species.

There is a substantial body of evidence that physical injury or trauma is not the only threat to a snared animal's survival. Stress-induced *capture myopathy* (please see section 2.2.2) may have immediate or longer term fatal effects, even in animals which appear unharmed to the naked eye.

5. Enforcement

We are concerned that financial cuts may limit the number of enforcement officers in the Department of the Environment.

Wildlife crime should be integrated with all other environmental crime in the NIEA's Environmental Crime Unit.

There appears to be no provision to give the PSNI adequate resources to deal effectively with wildlife crime. The PSNI currently has only one wildlife liaison officer covering the whole of Northern Ireland.

PSNI personnel currently receive little, if any, training concerning wildlife crime. Many officers are unaware of the existence of the PSNI Wildlife Liaison Officer, much less the procedures for recording or investigating wildlife crime. Wildlife crime remains under-recorded because many members of the public believe that reporting incidents to the PSNI is a waste of time.

PSNI personnel must receive adequate training and resources to effectively record and investigate wildlife crime.

6. Penalties

Clause 22 will give the courts powers to impose custodial sentences for serious offences and this is a welcome and necessary change. Penalties for wildlife crime have been completely inadequate and steps are needed to ensure that genuinely punitive fines and custodial sentences will be imposed as appropriate. It is only through this that wildlife crime will become truly unacceptable.

Fines and sentences must be punitive in order to act as a deterrent.

7. Duty to conserve biodiversity

We welcome Clauses 1, 2 and 3 establishing a new duty on government and all public bodies to further the conservation of biodiversity when undertaking their functions. However, it is not clear what guidance will be provided to public bodies and what resources will be available to assist in compliance and to ensure that they will comply. There should be a standard format report that public bodies must complete annually to declare that they have met this Biodiversity Duty and they should be required to submit the completed report to the Department of the Environment.

There should be a requirement for the Department of the Environment to publish a report on the Biodiversity Strategy every three years, as specified in Clause 2.4 in the earlier draft of the Order.

Summary

Whilst the legislative changes currently proposed will have some positive impact on the conservation of biodiversity and the protection of our wildlife, the additional measures that we have specified above are also required to make the Bill fit for purpose. Wildlife crime continues to be a major problem in Northern Ireland and the changes that we suggest are necessary for the effective, practical and timely solution of this problem.

We believe this Bill this is an opportunity for the Northern Ireland Assembly to enact exemplary legislation to indicate its commitment to effective environmental protection for the 21st century and for future generations.

We welcome the opportunity to discuss any aspect of the responses contained in this document or present evidence to support our position.

Submitted by

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