

**MINUTES OF THE MEETING  
OF THE  
ASSEMBLY COMMITTEE ON NATURAL RESOURCES, AGRICULTURE, AND  
MINING**

**Seventy-Fourth Session  
March 28, 2007**

The Committee on Natural Resources, Agriculture, and Mining was called to order by Chair Jerry D. Claborn at 1:36 p.m., on Wednesday, March 28, 2007, in Room 3161 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at [www.leg.state.nv.us/74th/committees/](http://www.leg.state.nv.us/74th/committees/). In addition, copies of the audio record may be purchased through the Legislative Counsel Bureau's Publications Office (email: [publications@lcb.state.nv.us](mailto:publications@lcb.state.nv.us); telephone: 775-684-6835).

**COMMITTEE MEMBERS PRESENT:**

Assemblyman Jerry D. Claborn, Chair  
Assemblyman Joseph M. Hogan, Vice Chair  
Assemblyman Kelvin Atkinson  
Assemblyman David Bobzien  
Assemblyman John C. Carpenter  
Assemblyman Pete Goicoechea  
Assemblyman Tom Grady  
Assemblyman Ruben Kihuen  
Assemblyman John W. Marvel  
Assemblyman James Ohrenschall  
Assemblywoman Debbie Smith

**STAFF MEMBERS PRESENT:**

Jennifer Ruedy, Committee Policy Analyst  
Randy Stephenson, Committee Counsel  
Sherrada Fielder, Committee Secretary  
Matt Mowbray, Committee Assistant



**OTHERS PRESENT:**

Jacob Sonnentag, Friends of the Nevada Deer Herd  
Charles E. Kay, Adjunct Associate Professor, Department of Political  
Science; Senior Research Scientist, Institute of Political Economy,  
Utah State University  
Clarence Burr, Heise Land and Livestock Company  
Gary Wolff, Business Agent, Nevada State Law Enforcement Officers'  
Association  
Cecil Fredi, Private Citizen, Las Vegas, Nevada  
Kenneth E. Mayer, Director, Department of Wildlife  
Doug Hunt, Deputy Director, Department of Wildlife  
Chris MacKenzie, Chairman, Nevada Wildlife Commission  
Mark Jensen, State Director, United States Department of Agriculture,  
APHIS-Wildlife Services; Administrator, Division of Resource  
Protection, Nevada Department of Agriculture  
Gerald A. Lent, Private Citizen, Reno, Nevada  
Larry Johnson, President, Coalition for Nevada's Wildlife, Inc.  
Michael J. Hornbarger, Owner/Operator, Black Rock Outfitters  
Bob Brunner, Coalition for Nevada's Wildlife, Inc.  
Jeremy Drew, Director, Coalition for Nevada's Wildlife, Inc.; President,  
Northern Nevada Chapter, Safari Club International  
Chuck Garbinski, Private Citizen, Gardnerville, Nevada  
John Patton, Private Citizen

**Chair Claborn:**

[Meeting called meeting to order.] I will open the hearing on Assembly Bill 259.

[Assemblyman Hogan assumed the position as Chair during Assemblyman Claborn's presentation.]

**Assembly Bill 259: Revises provisions governing wildlife. (BDR 45-100)**

**Assemblyman Jerry D. Claborn, Assembly District, No. 19:**

This could be the most important bill heard by the Legislature in over 40 years. I am presenting facts documented in State data. I bring A.B. 259 in response to the requests of many hunters and anglers in the State. It will bring controversy, but this is a matter of survival for some of our most valuable animals such as mule deer, mountain sheep, desert sheep, elk, and other species.

The people who oppose the bill do not understand the problems that we face regarding the disappearance of our big game animals. The Nevada Department of Wildlife (NDOW) was established to ensure the preservation and maintenance

of these animals. There are now fewer mule deer and mountain sheep. Hunting and fishing is one of Nevada's top industries, generating revenue of over \$600 million annually. We are losing millions of dollars on tag and license sales every year because of the decline in the animal populations.

The high points of the bill include: taking the mountain lion off big game status; changing the name of the Nevada Department of Wildlife to the Department of Fish and Game; deleting the language that places the Department under the control of the Board of Wildlife Commissioners; placing the Director of the Department as administrator of wildlife for the State; and appropriating \$200,000 for predator control. A few more changes are outlined in the Summary of Amendments to A.B. 259. [Read from prepared text ([Exhibit C](#)).]

The only provision yet to be determined is the removal of the mountain lion from big game status and listing it as a predator.

[Assemblyman Claborn resumed the Chair.]

**Jacob Sonnentag, Friends of the Nevada Deer Herd:**

[Read from prepared text ([Exhibit D](#)).] Several issues are at stake concerning wildlife in Nevada. Your thoughtful and careful deliberations today will have far-reaching effects not only in this state, but in other states as well. I am in support of the issues addressed in A.B. 259.

**Chair Claborn:**

You have testimony from various individuals included in your packet, would you like to enter the letters for the record?

**Jacob Sonnentag:**

Yes, I would.

**Chair Claborn:**

What is your position on contract hunting?

**Jacob Sonnentag:**

It is a necessity. It is difficult, if not impossible to rely on the hunters and sportsmen to control the mountain lion population. Contract hunting is a very effective method.

**Chair Claborn:**

Why do you feel NDOW has been in predator denial for 40 years?

**Jacob Sonnentag:**

The United States Department of Agriculture has the Wildlife Services Animal and Plant Health Inspection Services (APHIS) Program which is included in *Nevada Revised Statutes* (NRS) Chapter 567. We have a Department that has no explicit direction from statute to control predators. They have been using Wildlife Services, but not effectively. Much of the funding gets lost in administrative costs and fees.

**Chair Claborn:**

Can you give us information on the individuals whose testimony you have provided?

**Jacob Sonnentag:**

The information is included in your packets. Dr. Valerius Geist is a world renowned specialist on predators and other animals.

**Chair Claborn:**

Any questions from the Committee?

**Assemblyman Hogan:**

In a state like Nevada, bighorn sheep appear in relatively well-known areas and in numbers that have been measured and counted. Would it be more practical to rely on contract hunting of mountain lions in specific areas in which we have determined big game need protection, and only in the numbers that are necessary to restore balance? Would that be a reasonable, quicker, and more surgical alternative?

**Jacob Sonnentag:**

I think you are on the right track, but mountain lions having an unprotected status allows everybody to have a chance at them. The advantage of contract hunting is that if you know you have a problem, you can react immediately. You do not need a plan to get something done.

**Assemblyman Goicoechea:**

What is your background?

**Jacob Sonnentag:**

I am a concrete specialist.

**Assemblywoman Smith:**

Did you say that no other states have put the mountain lion in an unprotected status?

**Jacob Sonnentag:**

Texas has never offered protection for the mountain lion.

**Assemblyman Ohrenschall:**

Do you come across the mountain lion very often?

**Jacob Sonnentag:**

There is no place I have not been within 75 miles of Gabbs. I know what the mountain lion is doing, but I have never seen one; that is how elusive this animal is.

**Charles E. Kay, Adjunct Associate Professor, Department of Political Science;  
Senior Research Scientist, Institute of Political Economy, Utah State  
University:**

I am testifying today as an expert witness on behalf of the Friends of the Nevada Deer Herd. As part of my testimony, I would like to submit three articles ([Exhibit E](#)) which I have written on predation. All three articles have been printed in *Mule Deer Foundation* magazine. The articles include: *Predation: Lies, Myths, and Scientific Fraud*; *The High Cost of Predation*; and *Are Predators Killing Your Hunting Opportunities?*

I have reviewed NDOW's Mule Deer Management Plan for the State and other documents. I am an expert on long-term ecosystems-based processes throughout western North America. I have worked extensively on research projects in Yellowstone National Park and other areas.

I would like to begin by looking at the Nevada Mule Deer creation myth. In their recent and older publications, NDOW acknowledges that mule deer were virtually absent from Nevada when Europeans arrived. The agency attributes that to habitat conditions, not the combined effect of native hunting and carnivore predation. According to NDOW, Nevada historically lacks sufficient sagebrush and other shrubs to adequately support wintering mule deer. Sagebrush-enhanced mule deer only became abundant after excessive livestock grazing destroyed Nevada's original grass-dominated rangelands.

In fairness to NDOW, they are simply repeating the prevailing view among some wildlife biologists. It is my opinion that NDOW should have consulted with the pollen record for the last 9,000 years as well as fossil packrat middens. Both of these sources demonstrate that there has always been enough shrub and sagebrush in Nevada, and throughout the Great Basin, to support large numbers of mule deer.

If grass had historically dominated Nevada ranges, why then were elk and bison, both predominantly grazers, absent at historic European contact? Elk has since been reintroduced, and today there are more elk on Nevada rangeland than at any time in the last 12,000 years. I am one of the world's experts on historic and prehistoric distribution and abundance of not only elk, but all other ungulates in western North America. I have done systematic analysis of all the archaeological records and all first person historical journals. By fixating on habitat, NDOW and others have misrepresented the past, thereby setting the stage for mismanagement. Instead, it turns out that habitat is largely irrelevant if predation is intense.

Has drought caused a decline in mule deer numbers? To answer this question, we look at a long-term experiment being conducted in Arizona. They have 36 years of data from a place called Three Bar Experimental Station which is northeast of Phoenix, near Roosevelt Reservoir. It has an area of vegetation called Arizona Chaparral where mule deer are resident. They do not migrate. They built an enclosure that was predator-proof to exclude coyotes and mountain lions. Based on tree-ring analysis, in the last few years Arizona has experienced the worst drought in the last 700 to 1000 years. Outside the enclosure area, they have recorded 18 fawns per 100 does. In the area where mountain lions and coyotes were excluded, there were 100 fawns per 100 does. It was the same habitat, and the same drought, but 5 times more fawns lived to recruitment age. The only difference was the lack of predators. The deer density inside the enclosure was 10 times higher than outside. Long-term studies in Canada and Alaska have shown that predators routinely keep prey populations at only 10 percent or less than what the habitat would otherwise support.

In addition to working on mountain lions in North America, I work on wolves and grizzly bears all the way up through Alaska. Predators reduce hunting opportunities by 90 percent or more. The best set of data has to do with moose. In the 1990s, there were 240,000 moose in British Columbia. The hunter-harvest each fall was 12,000 animals, which is an off-take rate of 5 percent. In Sweden and Finland, during that same time period, they killed 240,000 animals each fall, which is an off-take rate of 55 percent. What is the difference between the areas? British Columbia has an uncontrolled population of wolves, grizzly bears, black bears, mountain lions, and coyotes. In Finland and Sweden they have controlled predator populations. In fact, they routinely kill wolves that cross the border from Russia.

A single digit off-take rate indicates that predators are having a major impact on prey populations. If I understand NDOW's report, the mule deer off-take rate in Nevada for the last few years has been 5 percent to 7 percent. On an official

state-by-state estimate, there are now 36,000 cats that occupy mule deer habitat in the west. On average, 50 deer-sized ungulates must die to feed one cat per year. Based on those figures, I would estimate that 1.8 million ungulates are killed by mountain lions each year, of which, I estimate that 1.2 million are mule deer. By comparison, hunters in the western states only killed 287,000 deer during the same time period. The Utah Division of Wildlife Resources estimates that there are between 2,000 and 3,000 mountain lions in that state. Using the low estimate, lions would be killing 100,000 mule deer per year in Utah. By comparison, hunters in Utah only harvested 20,000 deer last year.

To quote a recent book on deer in the southwest, "Multiplying the statewide lion population estimate by the number of deer eaten annually by a single lion can be an alarming experience." This may explain why none of this information has been presented to the public. As explained in my publication, *The High Cost of Predation*, the loss of 1.2 million mule deer every year equates to a \$1.2 billion loss of economic activity and approximately 60,000 jobs. In addition, millions of dollars are lost each year to state fish and game agencies through declining license sales.

Dr. Tom Bergerud is a leading expert on predator-prey relationships in North America. Dr. Bergerud has completed a 30-year study on caribou and wolves in eastern Canada. The only place where caribou survive wolf predation in eastern Canada is on islands in Lake Superior. In this experiment, they put caribou on islands that did not previously have any predators and the population increased exponentially. When they added wolves to those islands, the caribou were exterminated. According to the findings, wolf predation was the most important factor, while habitat was found to be relatively important.

Throughout Canada, wolves, bears, and mountain lions are in the process of exterminating woodland and mountain caribou. This does not apply to migratory, barren-ground caribou. There has always been a question in ecological literature as to why migratory species are more abundant than their non-migratory counterparts. Several studies have shown that the reason why these animals migrate is to avoid predation pressure. They go to places where the predators are not to give birth while the non-migratory populations are limited by predation. The predators are tied to territories. This helps to explain why the migratory species are often more abundant.

Dr. Bergerud has focused on the adult female populations as a way to explain the process of predation. Adult female mortality rate is the number of adult females that will die or be killed every year. This is how predators limit wildlife

populations; they increase adult female mortality rates and decrease recruitment rates.

Why have NDOW and other wildlife agencies ignored the obvious? According to Public Choice Theory, it is because these agencies seek to minimize risk or responsibility while at the same time work to maximize their budget. Wildlife managers usually blame the habitat, ranchers who graze the habitat, the Bureau of Land Management (BLM) or the United States Forest Service who manage the habitat, hard winters, or not enough rain—all things outside of their control—rather than predators which they should or do control.

One final example: in Yellowstone National Park over the last 15 years, the Rocky Mountain Elk Foundation and other sportsmen groups have spent over \$20 million buying and protecting winter range for the two elk herds that migrate north out of the park. Before wolves were introduced, they were rewarded with 4,000 late-season elk permits every year. With the reintroduction of wolves to a system that already included mountain lions, black bears, and grizzly bears, Montana only issued 400 late-season elk permits. As indicated, the quota for 2007 will be even lower. The habitat that the hunters paid for is now returning no benefit.

Dr. Valerius Geist is one of the world's experts on ungulate evolution and behavior and predator-prey ungulate relationships. To finish with a quote from Dr. Geist, "As matters now stand, the uncontrolled growth of all predatory species spells doom to the most successful system of wildlife conservation ever." This is in reference to the North American Wildlife Conservation System that has been promoted and paid for by hunters over the years.

**Chair Claborn:**

Any questions for Dr. Kay? [There were none.] Is there anyone who wants to testify in support of A.B. 259?

**Clarence Burr, Heise Land and Livestock Company:**

We are primarily a California outfit with about 1,100 cows and 12,000 acres. Our property is in Alpine County, California, far from human population where many cats are. On average, a big lion will eat one mature deer every five to seven days, and they will take out a population. The cats can also cause significant damage to a flock of sheep and they will run and stalk cattle. I do not believe you can outrun them with a horse. I support A.B. 259 because it takes the lion off the big game status and the gives \$200,000 in predator control funding. According to local law enforcement we have coyotes that are a problem in addition to the dozen cats in the area. In California, we have had a hard time dealing with both the Department of Wildlife and the Department of



Fish and Game because you have to have a detailed report on what was happening. If we could get rid of the cats, we could get rid of the problem.

**Gary Wolff, Business Agent, Nevada State Law Enforcement Officers' Association:**

The cats and coyotes come down into our neighborhoods. As a former law enforcement officer, I believe it is a good idea to have conservation safety and hire hunters to do the proper conservation to keep predators under control.

**Cecil Fredi, Private Citizen, Las Vegas, Nevada:**

[Read from written testimony ([Exhibit F](#)).] I have lived in Las Vegas for 64 years. For many of those years I hunted deer and everyone in the hunting group took home a nice big buck.

**Assemblyman Hogan:**

In the packet you provided is a table showing big game estimates for the last 30 years. I was surprised to see that it documents, over the last eight years, a substantial decrease in the mule deer population. When I look across to the other columns in all the years since 2000, we have a higher population of antelope, all three species of bighorn sheep, elk, and mountain goat. Are the mule deer the only animal suffering from this particular predation?

**Cecil Fredi:**

The number one food for the mountain lion is mule deer. We have more areas to hunt desert bighorn sheep. We also have more manmade water projects. In essence, there are not more desert bighorn sheep. Because elk are a much larger animal, they are not the cat's natural prey.

**Assemblyman Hogan:**

I asked one of the witnesses if it might be a practical solution to rely on determining the cat population as close as we can by each area and address those problem areas through contract hunters, thus not setting up the mountain lion species for open and continuous hunting.

**Cecil Fredi:**

Mountain lions will move into an area and obliterate wildlife populations. That is what they did to the Sheep Mountain range in Clark County. There has been documentation of 700 to 800 miles of distance that radio-collared mountain lions have traveled. To take it area by area would be difficult because they move so much.

**Assemblyman Goicoechea:**

I also challenge that our deer herds peaked in 1988.

**Cecil Fredi:**

All I am doing is presenting NDOW's numbers.

**Chair Claborn:**

I think it is only fair to hear from the opposition. I would like to hear from the new Director of NDOW, Kenneth Mayer, and Deputy Director, Doug Hunt.

**Kenneth E. Mayer, Director, Department of Wildlife:**

Included in the handout is a map that shows where lions have been killed in the State. [Read from prepared text ([Exhibit G](#)).]

The data we collect on lions being killed is important for our management program. We need to look at the population and number of kills to be able to develop better management controls, but I feel that we have the tools in place to be more successful.

**Assemblywoman Smith:**

So anyone can hunt now, anyplace and anytime, with the purchase of a tag?

**Kenneth Mayer:**

Yes.

**Assemblywoman Smith:**

Can your Department respond to the data we heard from New Mexico and how it might equate to Nevada?

**Kenneth Mayer:**

We are talking about targeted predator management. That is the program we have crafted out, whether or not we have been successful remains to be seen. They are taking a unit or a herd and targeting predators to reduce them to a number which will enable the prey species to do better. That is exactly what you want to do as a wildlife manager.

**Assemblywoman Smith:**

Do you currently use contract hunters?

**Kenneth Mayer:**

We currently use Wildlife Services. They are a professional organization and are recognized nationally. They are a group of highly trained and skilled hunters who are also trusted by private land owners in the livestock industry.

**Assemblywoman Smith:**

I do not see a fiscal note, and I am assuming there would have to be one if we go through the name change.

**Kenneth Mayer:**

There will be a cost to the program to change the name on all the buildings, uniforms, vehicles, and stationery. We do not have a fiscal note at this point but will provide it, if necessary.

**Assemblyman Goicoechea:**

Why the change of name from NDOW to the Department of Fish and Game? Is there a reason for the change?

**Chair Claborn:**

In the old days, Fish and Game had their own hunters and trappers. The Department has become entangled with biodiversity and money was commingled. As we know, the audit did not come out well and we need to separate out the biodiversity issue.

There is also the Wildlife Action Fund for public lands that required us to develop a program by December 2005. The Wildlife Action Plan was created in order to comply. I want to separate biodiversity and the Wildlife Action Plan because biodiversity has nothing to do with big game. I want to separate the two so we can work one-on-one with Nevada Fish and Game. Wildlife Services is only responsible for protecting domestic stock.

**Assemblyman Goicoechea:**

I am not sure the name change will accomplish what you want. Regardless of the name, I think they will function the same way. Where most of the sport hunters are taking lions used to be the best deer habitat in the state. That is probably where the deer still are. I would like to see this bill address the incidental taking of a lion. For instance, if a trapper has a lion in a trap I think he should be able to shoot that lion. I would also like to see that in the event of an incidental take, someone could get a tag after the fact from a game warden to make it legal in order to prevent people from shooting and dumping the cats. What was your quota number again?

**Kenneth Mayer:**

About 300.

**Assemblyman Goicoechea:**

You can fill a quota in an area. At one time, if the quota was filled in an area, you would have to stop hunting and move to another area. What is the status on that?

**Doug Hunt, Deputy Director, Department of Wildlife:**

It is still the same.

**Assemblyman Goicoechea:**

In that case, because there are some prime areas, according to the map, maybe we need to open it up to a statewide quota and allow for incidental takes.

**Kenneth Mayer:**

I am very interested in working with the cattlemen and sheep growers to identify specific areas. Their field knowledge can help us determine where we need to concentrate our focus and efforts.

**Assemblyman Goicoechea:**

We appreciate Animal Damage Control and the money provided. Livestock and wildlife benefit from it.

**Assemblyman Bobzien:**

I did a brief survey on the names of the different agencies in the western states and it is close to an even split between Department of Fish and Game and Department of Wildlife. I am not sure if the name change will get us to where Mr. Claborn wants us to go. We need to know when the fiscal note will be submitted. I have a lot of constituents who are concerned about how the license dollars are spent and I would hate to see a large fiscal note for changing the name on all of the trucks and placards.

**Kenneth Mayer:**

Now that we have the amended bill, we can work on that.

About the name change and the Wildlife Grant Program, Congress actually heard your concern, and has established a system where the money available from the federal government to do non-game work relative to the Wildlife Action Plan has to be matched with non-hunter money. That is the reason for the request to the Legislature for General Fund money to bring those dollars in at a rate of 50/50. Other things the Wildlife Action Plan includes are various game animals and sagebrush-obligate species so we can do a multi-species approach and fund non-game and biodiversity work without costing the sportsmen.

[Assemblymen Goicoechea and Grady left the meeting.]

**Chair Claborn:**

Are you talking about the Wildlife Action Plan?

**Kenneth Mayer:**

Correct.

**Chair Claborn:**

I am not afraid of a fiscal note for this. We gave back \$350 million last year to the public and we are only asking \$200,000 for this.

**Assemblyman Carpenter**

We used to have a predator program and thousands of deer, now we have no program and no deer. In the Ruby Mountains, the livestock are practically gone. There are all kinds of forage and plenty of wintering habitat, but very few deer. I do not know if any of the wildlife officers going out and concentrating on certain areas are making any progress. I do not know if they are taking enough mountain lions or not because if you look at this map, few lions were taken in the Ruby Mountains. If you talk to the guides who go up there, they find all kinds of deer kills. If you get some money, I would like to see you concentrate on the Ruby Mountains. There was a time when ranchers complained to the Department of Fish and Wildlife about too many deer eating their feed. That does not happen anymore. In the Elko area, the only place there are deer, is out in Lamoille and Spring Creek where they are protected from predators.

If the program does not change, there will be none left. I have information from the Status Report of Nevada State Upland Game Stamp Program Receipts, Program Expenditures, and Projects Undertaken. It explains how they made some enclosures, fixed up some springs, fixed up a guzzler, and transplanted mountain quail and chucker there. The Upland Game Management Program maintenance and materials costs were \$123,802; salary and mileage costs were \$119,352; agency indirect costs were \$29,224. One of the projects cost \$8,000 and one cost \$3,000. In total, I do not think they added up to \$25,000. From what I see, all the money went to administration or travel. The report was signed by John Gebhard, so maybe he can provide more information on this. If you can get that amount of money and only do 8 to 10 projects per year, something is wrong.

**Doug Hunt:**

I can provide you more detail on the report for that year.

[Assemblyman Kihuen left the meeting.]

**Chair Claborn:**

I would like to call Mr. MacKenzie and Mr. Jensen.

**Chris MacKenzie, Chairman, Nevada Wildlife Commission:**

We had a couple of concerns on the initial bill. My legislative committee was concerned about the name change. We were worried about disenchanting people who have been good partners and have helped with several projects. I have worked to bring in the ranching, conservation, and sportsmen communities. Even though we tend to divide ourselves up, we are still a small minority and any more divisions would be a major concern.

We have taken steps to provide more opportunities for hunting mountain lions, but I am concerned with listing them as a game animal because we do not have a record of their location. You have heard from a lot of educated folks regarding the biological aspects of this. I am concerned with how the money is spent. It is so limited that we do not want to waste it. I look forward to finding something that would work and I think I can deliver some commitment from the Commission if given the opportunity.

[Assemblyman Carpenter left the meeting.]

**Assemblyman Bobzien**

My concern about the bill is taking the mountain lion off the list and making it a declaration in statute. The Wildlife Commission has a good tradition of determining management plans with the help of the agency and biologists for all the species in the state. We have to be careful of unintended consequences.

Over the last 10 years, Nevada has been relatively free of anti-hunting movement ballot initiatives. Having seen efforts in other western states to manage wildlife by ballot initiative, writing the management determination for the mountain lion into statute may open the door for every organization to run their own ballot initiative to take all big game away from us as hunting opportunities. I do not know if you thought that through or can provide comment from the Commission standpoint. Is the system we have a good way to do scientific management of wildlife species? Can we avoid doing this politically?

**Chris MacKenzie:**

I get concerned every time trapping, hunting, or mountain lion management comes before the Legislature. There is frustration when someone feels they are not being heard and that the Nevada Wildlife Commission can do better. We have a game board system that goes statewide and looks for input. We have committees in place to address many of the issues brought in front of you as

legislators, and we have people who care very deeply on all sides. I do not like bringing this up in the statewide realm for fear of awaking a sleeping beast that could make it difficult to do what we all enjoy doing. If there is a problem we need to make improvements within the system.

**Chair Claborn:**

I respect your opinion.

**Assemblyman Ohrenschall:**

Do you think the earlier figures we got on the decline of the mule deer are due to over-predation or other factors?

**Chris MacKenzie:**

I was on the committee that put together the mule deer plan. Predation is definitely a factor along with development, habitat, migration-route reductions, and burning of winter range. There are a myriad of issues. Predation can have a huge impact on isolated areas. That is why we need to diagnose problem areas and take care of them.

**Mark Jensen, State Director, United States Department of Agriculture, APHIS-Wildlife Services; Administrator, Division of Resource Protection, Department of Agriculture:**

Mostly, we protect livestock. The program here in Nevada is a federal and state program to help people who are having problems with wildlife. Because we have the people and infrastructure, we work closely with NDOW to implement their predation management plan.

**Assemblyman Hogan:**

I am not familiar with your services or the working relationship between you and our state agency. How can your agency assist in a particular area where there is a serious lion predation problem?

**Mark Jensen:**

In this case, we would cooperate with NDOW. For example, if they had a project in a specific area approved by the Commission that identified predation as a problem, they would contract with us and we would put people on the ground in order to target specific predators to handle that problem.

**Gerald A. Lent, Private Citizen, Reno, Nevada:**

I would like to testify in favor of A.B. 259. This is a much-needed bill. I know lion hunters who want us to stop taking the small lions so they can grow up to become trophy lions.

I want to address the name change. Many states call the agency Fish and Game. This clearly reflects the mission of the agency which is 97 percent funded by sportsmen dollars through license stamps. Even the annual federal allocation comes from excise taxes on hunting and fishing equipment paid for by hunters and anglers. All wildlife species, even non-game, benefit from hunting and fishing projects. Stocking fish and managing game species in this state is an expensive proposition. Hunting and fishing cannot fund all of the wildlife programs in the State.

The fiscal note is almost negligible. The Department can use its stationery until it runs out. It only has to change a part of the name on buildings. When it gets the new vehicles, it can put the new name on them. There are ways around this fiscal impact. The audit showed they lost \$1.2 million, so for \$20,000 they should not complain.

This bill should be amended to include requirements that place wildlife diversity into a separate agency. Congress passed the State Wildlife Grants (SWG) program to keep wildlife healthy and off the threatened and endangered species lists. Nevada Department of Wildlife's Wildlife Diversity Bureau successfully implemented a wide variety of wildlife conservation projects across the State. Nevada's Wildlife Action Plan is a blueprint for achieving comprehensive wildlife conservation in the State. The plan targets the places of greatest conservation need. The Department of Conservation and Natural Resources is where this Bureau belongs because all of their funding is for conservation. Nevada's Wildlife Action Plan further says it will build on the wildlife conservation projects underway in the State.

Conservation is very important but it belongs in another agency. The Department cannot use wildlife reserve funds for the state match for the SWG program since the wildlife reserve funds are generated from license fees from hunters and anglers. They risk losing federal funds if they use it. This agency runs on hunting and fishing funds, but cannot use them for the Bureau. The Bureau should go to the Department of Conservation and Natural Resources.

In conclusion, we are not against conservation, but it should be in the correct state agency.

[Assemblyman Atkinson left the meeting.]

**Assemblywoman Smith:**

What made you change your position from neutral to supporting the bill?



**Gerald Lent:**

I was listening to see if there was a better plan to manage our predators. I did not hear anything better and I believe that contract hunting is a viable option to control the predator problem we have.

**Larry Johnson, President, Coalition for Nevada's Wildlife, Inc.:**

I oppose this bill. I do not want to legislate wildlife management. We have an existing system that is well organized to manage wildlife. It consists of a Department headed by a Commission of nine members that establishes policy. Every county in the State has an advisory board to advise the Commission. It is a democratic process and it works well. If you want input from the public and hunters on this bill, I would refer you to the opinion poll on the Legislature's website.

I do not disagree with the scientific testimony presented. We recognize that predators are a major factor in limiting game populations. Whether they are the main factor in why there are no deer in Nevada originally remains to be seen. The early explorers in Nevada had to eat their horses because this was a difficult habitat in which to survive. Our deer herds came in response to what the "white man" did—the exploitation and settlement of the West. I disagree with NDOW's numbers that say the deer herd peaked in 1988. People around my father's age believe the 1950s had higher deer populations. We are never going to bring back the conditions of the 1950s. The number of livestock on the range was tremendous and they ate everything down to the nubs, but it stimulated newer growth and the deer population increased accordingly. At the same time, we had a predator control program in which we poisoned everything that ate meat. We did our best to completely eliminate predators. The combination of those two factors helped our deer herds flourish.

Our modern land management techniques on our public lands are such that we do not allow overgrazing and we have outlawed poisoning. Our deer population has never been as high and is on a steady decline.

Of the big game species in Nevada, mule deer is the only one on the decline. We have more elk than we have ever had. We give more big horn sheep tags than we ever have. More than half of those tags are a result of our relocation policy in which we transplant the sheep herds into their historic habitat in various mountain ranges around the State. Sheep are very prone to predation, yet our herds are growing significantly. A portion of that is due to predator control and management.

The NDOW has lion control programs in various problem areas throughout the state. We are not satisfied with the current status. State agencies are good at

writing plans, but they are also good at putting them on the shelf. State agencies struggle with the implementation of those plans.

As far as the name change is concerned, I do not care what it is called. We will support the agency and will continue to fund it with private dollars and tens of thousands of hours of volunteer time. We are concerned about the fiscal impact, if there is one. Dr. Lent's suggestions are good.

If you want to do mountain lion control, the most effective tool you have is a resolution urging NDOW to lift their ban on trappers keeping lions they have caught. Releasing lions is an extremely dangerous activity. You would double or triple your mountain lion take just by legalizing that practice. You will never see the Trapper's Association making that proposal because it paints a big bull's eye on them and they are afraid of public perception.

There are better ways to effect change. We have an agency and a process in place. I do not like to legislate wildlife management.

[Assemblyman Marvel left the meeting.]

[The meeting is now a subcommittee.]

**Chair Claborn:**

I heard you say that you think that we, as legislators, are not qualified to manage wildlife. Let me remind you, we are elected. The *Constitution of the United States*, in the First Amendment, gives us the right to redress when a system has gone wrong. We have constituents and that is why we bring these bills to you. We do not have to go to any boards because we have a right to take a bill and present it as we are doing today.

[Assemblywoman Smith left the meeting.]

**Larry Johnson:**

With all due respect, I never said you were not qualified. I have tremendous respect for this institution and the *Constitution*, but the existing system works very well.

**Michael J. Hornbarger, Owner/Operator, Black Rock Outfitters:**

I have run my own business for 33 years, and have attended the Wildlife Commission meetings and Advisory Board meetings since I was 17 years old. This bill will destroy my business by removing the lion's designation as a big game animal. The non-resident hunters would cease to come here to get their

lions. Now you are going to make us pay a man who works for or contracts with the government to do this.

When a cat loses its status as a big game animal, hunters will no longer qualify for the Boone & Crockett record book, and mountain lions will no longer be a part of the North American 28 big game animals. The non-resident hunters will not come here to kill lions so the fiscal impact of this bill is significant to me.

I do not mean to offend anyone, but people have talked about everything except what the bill really does. A lot of the earlier testimony was about the bigger issue of whether, and how, we do predatory management. None of it addressed the effect of changing whether you need a tag to hunt lions or not. I know the ins and outs of predatory control. I am not here saying do not kill more lions; I am here to say do not have contract hunters kill lions. Do not take away the cat's big game status. It has no benefit.

**Chair Claborn:**

I do not know how this is going to affect your business. The quota has not been met since 1965.

**Michael J. Hornbarger:**

It is how it is designated.

**Chair Claborn:**

Nevada has more cats now than ever because hunters do not meet the state's quota. If you have a quota of 100 and you only kill 50, then they breed another 50, you will have 100 the following year.

**Michael J. Hornbarger:**

Sport hunters pay me to hunt. If mountain lions are not designated big game, they do not qualify for Boone & Crockett and sportsmen will go to other states to kill them. That is how it will affect my business and there will be fewer lions killed in the State. I have caught over 400 in 25 years.

**Chair Claborn:**

Why are people hunting lions now? They are paying you to take them out to hunt. What do they do with the lions?

**Michael J. Hornbarger:**

They have them stuffed and put in their trophy room.

**Chair Claborn:**

Do you think because Nevada will take mountain lions off the big game species hunters are not going to go out and kill these animals for trophies?

**Michael J. Hornbarger:**

Hunters will not because Boone & Crockett and Safari Club International (SCI), the recordkeeping organizations, do not recognize the hunts unless one has a big game tag.

**Chair Claborn:**

I would say that 99 percent of people who kill a lion have no intent of trying to get the biggest lion in Boone & Crockett. What they want to do is kill a lion, mount it, and put it in their den. Are the only people you take out to hunt solely interested in Boone & Crockett?

**Michael J. Hornbarger:**

No. Are you saying that I do not know who my clients are and why they come here?

**Chair Claborn:**

I am asking you a question.

**Michael J. Hornbarger:**

The biggest place to sell lion hunts is this State because it is the only place where one does not have to draw for tags. I sell the bulk of my lion hunts at the SCI Show. Those people are collecting animals from the different continents. The people who are doing the North American 28 will cease to come to Nevada to get their lions. They are a huge part of this business.

**Chair Claborn:**

Anyone else who wants to speak against the bill?

**Bob Brunner, Coalition for Nevada's Wildlife, Inc.:**

I do not support this bill because it does not address how we are going to kill more lions. It does not hold the Department accountable for killing any more lions even though they are not reaching their quotas. They are not suppressing the lion population. Also, this does not bring in any more money for targeting the species. How are we going to increase the predator control of lions? If this passes through the Legislature instead of using the procedure of going around to all the counties to get public input, it will bring us to the forefront. It is going to be reviewed by every county in California. The lobbyist and media blitz that will come down on us because we have allowed this to get away from our own

control will be something that none of us want and we still will not have addressed the problem.

I want to make sure we can keep control of this. Wildlife is dynamic, populations change. When we get these things under control, it can correct the problem. We can eliminate enough lions so we can get our deer back. If we put this into law, we cannot adjust it back. If we use the Wildlife Commission, we can change the regulation and have some flexibility. If it is locked down, we lose our flexibility and control.

I applaud your efforts, but I think if you would have put this type of effort into the Commissions, I would have been with you all the way.

**Jeremy Drew, Director, Coalition for Nevada's Wildlife, Inc.; President, Northern Nevada Chapter, Safari Club International:**

My biggest fear is the perception this bill may create. The SCI did a nationwide poll and on average, only 41 percent of the general public supported hunting lions for any purpose. The public does not understand the impact that lions have, or population controls, and the effects of prey animals and how they affect hunting and fishing.

We need to make sure the politics of this issue do not counteract what is being pursued by the bill. If this gets to the point it did in California, we may lose everything. We may go from a middle ground, where we now stand, to one end of the pendulum. We may swing ourselves back to the opposite end with a backlash from the general public. That is what I ask you to address and consider.

Regarding contract hunting and privatized hunting, how do we determine what the balance is? How does the Department determine what the predator-prey balance is and what the population objective should be if they have people hunting these animals on contract?

The one thing we must not omit, if we remove the lion as a big game species, is the collection of biological data. The way it is now, it is easy to obtain a tag as a sportsman. When I harvest a lion, I have to turn that lion in and that biological data is kept by the Department. That is critical to their job. We cannot omit that process by removing the species as a big game animal.

**Chair Claborn:**

You mentioned a poll with 41 percent of people who do not want to hunt lions. Is that your estimate?

**Jeremy Drew:**

It was a national poll with the general public.

**Chair Claborn:**

Would you be interested in seeing a Nevada poll ([Exhibit H](#))?

**Jeremy Drew:**

I have seen the Nevada poll.

**Chair Claborn:**

You have not seen the results have you?

**Jeremy Drew:**

I have not seen the results. I would like to direct the Committee to the website to review the concerns that have been raised on that, as well.

**Chair Claborn:**

I put together a poll asking people's opinion in order to present this bill. I have been fighting with the Department and other people to try to get predator control in order to bring back our mule deer. That has been my main goal. It was not the cats; it was how we are going to bring the deer back. I understand the problems with habitat and drought. I contacted Hunter's Alert and asked them if they had any data or if they would help with a poll. I asked them if I could put the poll in their newsletter and I would build a website.

**Jeremy Drew:**

The website I was referring to was the Legislature's website with the list of bills.

**Chair Claborn:**

I am talking about the website that this poll was taken on. The website is jerrydclaborn.com. I had this poll created so that each person could respond only once. I will go over the results with you.

Question 1: Do you think mountain lions and coyotes are responsible for the decline of the Nevada deer herd? Out of 141 polled, 117 said "yes" (83 percent), and 24 said "no" (17 percent).

Question 2: Currently the mountain lion is a big game animal. Would you favor returning the mountain lion to its previous status as a predator as is the coyote? Out of 143 responses, 124 were "yes" (87 percent) and 19 were "no" (13 percent).

Question 3: Are you pleased with the way the Nevada Department of Wildlife and the Wildlife Commission are managing our deer? Out of 142 surveyed, 7 said "yes" (5 percent) and 135 said "no" (95 percent).

I had a frustrating experience with the Board of Wildlife Commissioners at a local board meeting in Las Vegas. A person there wanted to get a grant for privatized hunting of predators and the board would not listen to him. I thought I could talk to the Commission and get the guy some money but one of the Commissioners said "No, the public does not want that." I reminded him of a piece of legislation that takes \$3 in fees from hunting and fishing tags and generates about \$350,000 a year for predator management and control but he still refused. I referred him to the next question in my poll.

Are you willing to pay a \$3 fee for a viable predator control program? Out of 140 responses 101 were "yes" (72 percent) and 39 were "no" (28 percent). Would you like to comment on that?

**Jeremy Drew:**

How much credence do you put into the State system and the poll that asks opinions on bills as they are proposed?

**Chair Claborn:**

This is the only thing I have put any credence in. I represent my constituents. When they ask me to put a bill in, I will if I feel it will do some good. I have been on the Water and Public Lands Committee of the Council of State Governments since 1999, and I have visited every county and town in the State of Nevada. I have noticed that with everything we do, the discussion ends with wildlife.

We would not be discussing this bill today if I did not think it would do some good. These results are overwhelming. I do this because the people want me to. That is what my job is as an Assemblyman.

**Jeremy Drew:**

I would say that you have a duty to represent your constituents and if I came across as combative, that was not my intent. My only constituents are my children and my grandchildren who I want to provide an opportunity to enjoy hunting and the outdoors the same as I did. I have voiced my concerns on that issue today.

**Chair Claborn:**

Are there any more speakers?

**Chuck Garbinski, Private Citizen, Gardnerville, Nevada:**

Most of my concerns have been addressed. There have been some good points made in favor of the bill. There is definitely a predator problem and something needs to be done about it. My concern is that the text of the bill goes too far. You replied to my email saying this meeting would address my concerns, but it did not. I would like everyone to consider the depth of what this bill would propose. There have been other ideas put forth such as contract hunting but I do not see the need to have no control over killing the mountain lion with no record keeping being done. I consider that to be irresponsible and it is not in the best interest of the State.

[Assemblyman Goicoechea returned to the meeting.]

**Chair Claborn:**

Do we have anyone who would like to speak against the bill or who is neutral?



**John Patton, Private Citizen:**

A couple of sessions ago, it became a felony to shoot a big game animal without a tag. As long as the mountain lion is on the big game animal list, a trapper becomes a felon if he disposes of it. I do not think that is right. Also, NDOW has blamed the decline of the deer herd on poaching, but I believe most of the poachers were four-legged.

**Chair Claborn:**

Any further comments? [There were none.] I will close the hearing on A.B. 259. The meeting is adjourned [at 5:08 p.m.].

RESPECTFULLY SUBMITTED:

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Sherrada Fielder  
Committee Secretary

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Patricia Evans  
Transcribing Secretary

APPROVED BY:

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Assemblyman Jerry D. Claborn, Chair

DATE: \_\_\_\_\_

**EXHIBITS**

**Committee Name:** Committee on Natural Resources, Agriculture, and Mining

**Date:** March 28, 2007

**Time of Meeting:** 1:36 p.m.

<b>Bill</b>	<b>Exhibit</b>	<b>Witness / Agency</b>	<b>Description</b>
	A		Agenda
	B		Attendance Roster
A.B. 259	C	Assemblyman Jerry D. Claborn, Assembly District No. 19	Summary of Amendments
A.B. 259	D	Jacob Sonnentag, Friends of the Nevada Deer Herd	List of Documents
A.B. 259	E	Charles E. Kay, Adjunct Associate Professor, Department of Political Science; Senior Research Scientist, Institute of Political Economy, Utah State University	List of Documents
A.B. 259	F	Cecil Fredi, Private Citizen, Las Vegas, Nevada	List of Documents.
A.B. 259	G	Kenneth E. Mayer, Director, Department of Wildlife	List of Documents
A.B. 259	H	Assemblyman Jerry D. Claborn, Assembly District No. 19	Results of Wildlife Opinion Poll