

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

**Seventy-Fifth Session
May 15, 2009**

The Committee on Natural Resources, Agriculture, and Mining Subcommittee was called to order by Chair David P. Bobzien at 3:13 p.m. on Friday, May 15, 2009, 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/75th2009/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; telephone: 775-684-6835).

SUBCOMMITTEE MEMBERS PRESENT:

Assemblyman David P. Bobzien, Chair
Assemblyman Don Gustavson
Assemblyman Tick Segerblom

SUBCOMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

None

STAFF MEMBERS PRESENT:

J. Randall Stephenson, Committee Counsel
Jennifer Ruedy, Committee Policy Analyst
Judith Coolbaugh, Committee Secretary
Cheryl McClellan, Committee Assistant

OTHERS PRESENT:

Ira Hansen, Private Citizen, Sparks, Nevada
Rob Buonamici, Chief Game Warden, Division of Law Enforcement,
Department of Wildlife
Joel Blakeslee, President, Nevada Trappers Association, Reno, Nevada
Larry Johnson, representing Coalition for Nevada's Wildlife, Inc., Reno,
Nevada
Jeremy Drew, representing Coalition for Nevada's Wildlife, Inc., Reno,
Nevada
Tom Smith, representing Coalition for Nevada's Wildlife, Inc., Reno,
Nevada
Jim Curran, Conservation Director, National Trappers Association, Fallon,
Nevada
Caleb McAdoo, Private Citizen, Elko, Nevada
Jacob Hansen, Private Citizen, Sparks, Nevada
Daniel Hansen, Private Citizen, Sparks, Nevada
Alexis Hansen, Private Citizen, Sparks, Nevada

Chair Bobzien:

[Roll called.] The full Committee heard Senate Bill 411 on Wednesday, May 13. This Subcommittee was established to give the bill and proposed amendments further consideration. Mr. Hansen will begin with his testimony and an explanation of his proposed amendment.

Senate Bill 411: Revises provisions governing the issuance of hunting, fishing and trapping licenses. (BDR 45-1177)

Ira Hansen, Private Citizen, Sparks, Nevada:

As per your request, I reviewed the other states. If you look at the testimony on your desk ([Exhibit C](#)), you will see that I highlighted some of the language used by other states to handle this situation. There are about two dozen of them, and I picked out the top five to highlight.

The proposed amendment, which Mr. Stephenson developed, should address the concerns raised by Mr. Goicoechea and others about certain words used in the bill. The purpose of this amendment is to create an equal opportunity for a person to harvest a resource without unnecessary and intentional interference or impediment from competitors. Right now we have several laws that deal with distances in the trapping regulations. For example, I believe the State Wildlife Commission just passed a law requiring a 1,000 foot barrier on any Forest Service or Bureau of Land Management (BLM) land before any trapping is

allowed. The Commission gave a complete monopoly to hikers and pet owners, and excluded trapping from that area. The Nevada Trapping Association agreed to it. A 1,000 foot barrier is an arbitrary number. I checked some other states for their restricted zones. New Mexico, for example, has a 75 foot barrier. Another rule we have in Nevada is the 200 foot barrier that exists from roads. We are not dealing with something that is new in the law.

[Read from prepared testimony in ([Exhibit C](#)).]

The proposed amendment, which Mr. Stephenson will present, will establish a reasonable regulatory law that will permit the Board of Wildlife Commissioners (Commission) to establish policies to define a trap disturbance. There is no intent to create a monopoly for any individual to have an exclusive right to harvest a resource. It is, in fact, making sure that everyone has an equal opportunity to access the land without interference or any impediment from anyone else. Most other states have something similar in their statutes. We have a similar statute, but it only deals with persons, not property. The law as drafted would simply add an opportunity for the Commission to address the question of when it is improper for someone to set a trap too close to another person's trap. That is not an unreasonable request.

The Department of Wildlife (DOW) is going to say this is unenforceable, but in fact, they already have a law in place to enforce it. I went through all the wildlife related laws, and I can give you several dozen where it is clear that the intent of the law is for reasonable judgment to be exercised by the warden in the field. It is not black and white. There are very few laws that are 100 percent black and white.

I would like to address the question of law enforcement and read into the record a letter ([Exhibit D](#)) from the Chairman of the Board of Wildlife Commissioners. Enforcement of these provisions does not require a number of new laws. If somebody wants to have numbers on his traps, it is not mandatory, but it is still in the law if he voluntarily chooses to do it. What typically happens with a law like this is the game warden will issue a warning. He leaves a card indicating a possible a violation of the law and warns the trapper of the possibility of receiving a citation. Once this law is in place and the word spreads that there are limitations on how close one can set traps to another trapper, the problem will probably self-correct. The idea that this amending language will mean an increase in citations is nonsense. It is also nonsense to assume that we will need new rules, laws, regulations, and wildlife enforcement powers. It does not add up to the facts.

Assemblyman Segerblom:

Did you give a scenario at the hearing on this bill about a person having a trap set and another trapper comes along and sets his traps beside the original person's trap?

Ira Hansen:

Yes, I did. The other trappers are placing their traps so close that it is unlikely the original trapper has a reasonable opportunity to harvest the animal he intended to. They block his opportunities by doing that. The other trappers eliminate his ability to compete.

Assemblyman Segerblom:

If you come across three traps, how do you know which one was there first?

Ira Hansen:

That is a law enforcement question that will have to be addressed. What I intend to do is take photographs with a digital camera, and if someone is intentionally placing his traps too close to mine, I will have some evidence. I will then contact the warden and explain the situation. I suspect the warden would leave a card or something else near the trap in question. The other trapper can challenge the warden, but what you will find with most citations issued by the DOW is not a long detailed investigation but rather a voluntary confession. The Department will come and ask you if that is your set. They will typically issue a warning, especially with a newer law like this, because there may be some ambiguity or questions in the minds of the participants. It is not something that is going to be extremely difficult to enforce. Once it is in place, I think you will find a great deal of voluntary compliance, which is the case with most wildlife statutes.

Assemblyman Segerblom:

I know with trapping there are seasons for different animals. I assume there are seasons where you cannot trap anything. Do you move your traps or leave them all year round?

Ira Hansen:

It depends. The most popular animal to trap in Nevada is bobcats. The average number of animals caught by weekend or holiday trappers is six or seven per trap. For the serious trappers who harvest a high percentage of the animals, they will typically move their traps every 30 days. The bobcat season runs from November 1 to February 28.

Assemblyman Segerblom:

Would a trapper leave his trap there for 12 months a year and stake that out as his territory?

Ira Hansen:

That is an interesting question. I do not know. I have never seen anyone do that, but they could. If I came across a situation like that, I would take pictures of the traps not being set and report that to the warden, or I would stay away from them and move whatever the distance is that the Commission has determined. As far as leaving the trap year-round, that is unlikely. A trap is worth \$20 to \$30 on average, and they will get stolen. I have seen people leave them in trees, but that is not very common.

Assemblyman Segerblom:

Are you aware of any criminal or civil charges that have been brought against trappers for obstructing other traps?

Ira Hansen:

Yes, but not for obstructing. There are some legitimate questions on enforcement. That is something that could be handled through policy quite easily. Wardens have reasonable ways to determine these types of issues.

Chair Bobzien:

As we are going through these scenarios and thinking about how this would actually take place on the ground, I appreciate your willingness of helping law enforcement by taking photos with a digital camera, but I have to think that there are not a lot of people who will do that. At some point we will have to go back to the discussion of which trap was set first. When and how to certify that? Are we talking about going back to actually having to identify and tag traps? Can you talk about the history of how all of this has played out in recent years?

Ira Hansen:

Trappers requested this law in the 1970s to protect other trappers and recover traps that were stolen. By the time it was removed in 1995, we had discovered that it was used almost exclusively to prosecute trappers who did not have numbers on their sets. In my own case, I was issued two citations the same day, and they used that to try to revoke my license. That was the real catalyst for the changes in the law where the demerit system came into play. When the Legislature heard that in 1995, they made it non-mandatory. That is the why that law is no longer mandatory.

As far as identifying who was there first, that is going to be an issue and is something that will have to be worked out. I do not think it will be a black and white situation. What a warden will usually do is talk to the trappers involved and use his reasonable judgment. There are ways to determine who was in an area first. It may begin with a "he said, she said" situation. Until recently, this was not a big issue. I have been trapping for 30 to 35 years, and for the first 20 years of trapping, I did not have any problems with trap crowding. Then, a group of trappers who specialized in trap crowding realized there was a loophole in the law. Setting traps very close to others is highly intimidating and aggressive. They intentionally sought out their competitors traps, and by doing so, they were able to almost exclusively trap large areas because the original trapper did not know what to do. This is a highly intimidating practice. If the original trapper snapped their traps, he would get the citation because the law currently states there has to be a physical disturbance of a trap.

For further background, *Nevada Revised Statutes* (NRS) 503.015 does not allow a person to interfere with another person involved in trapping or hunting. I pointed that statute out to the Commission. Their interpretation of the law is a violation only exists if there is person-to-person contact. Property is not covered. Other states have addressed this situation. For example, if an animal rights activist went into the field and found a trap and surrounded it with a sagebrush barrier to prevent an animal from being trapped he could not be cited because there was no physical contact with the trap. However, that individual denied that trapper the opportunity to harvest an animal by interfering. If another trapper sets traps around that original trap, he will defend his right to do so. The purpose of the law involving interference with the person should equally apply to the person's opportunity to participate in the activity. That is what is clear when you read through the other states' laws, and that is why I supplied that information. I do not know if someone wants to change my wording because I know the word "crowd" was the one word that bothered some people. "Interfere," "impede," or taking a sentence from another state to replace "crowd" is acceptable to me as long as it supports the same intent, which is to allow everyone a reasonable opportunity to trap without interference.

Chair Bobzien:

That is a good jumping off point to hear from Mr. Stephenson. Do you have anything further that you need to address?

Ira Hansen:

I would like to hear him.

Chair Bobzien:

You have not seen this latest version of the amendment that Mr. Stephenson has developed. Is that correct?

Ira Hansen:

You are correct. I have not seen it.

Chair Bobzien:

I have complete confidence in Mr. Stephenson, and we will ask him to present the amendment.

J. Randall Stephenson, Committee Counsel:

Mr. Hansen presented a fairly good rundown of the existing language used by other states, and how they have handled this situation. One thing I would note is that with all of the examples provided, these more closely mirror our current provision in NRS 503.015 concerning interference with persons who are lawfully engaged in hunting or trapping. If we did do anything, we would have to borrow from those provisions and put them into this current provision for interfering with somebody's use of traps.

Since our meeting, I have had an opportunity to go through and consider some of the concerns that have been raised regarding the language in the first mock-up amendment. I have distributed a copy of the new mock-up ([Exhibit E](#)) to each member of the Subcommittee. If you look at section 6, lines 38 through 41, I have taken out a lot of the language about crowding or hindering, physically or otherwise. I made it more in line with our provisions concerning interfering with a person who is lawfully hunting or trapping. With the changes it now reads, "It is unlawful intentionally to remove, disturb, interfere with or obstruct the use of the trap of any holder of a trapping license while the trap is being legally used by him on public land or on land where he has permission to trap." I think that should take care of a lot of vagueness problems with people wondering what would ultimately be prohibited contact. Of course, we do not want to get into the area which also leads to constitutional issues. With that, I would certainly present that as an option for the Subcommittee to consider when reporting back to the Committee.

We have to be very careful in this area concerning how we are going to regulate this sort of activity. We are all aware of anti-hunting groups, and anti-hunting groups are quite litigious. They have constantly raised issues regarding these types of anti-interference statutes. I think this is where the physical aspect of the enforcement has come about. As to constitutionally protected activity under the First Amendment, for example speech and expressive conduct like

anti-hunting speech and conduct, many of the courts have upheld those challenges on the First Amendment basis saying people do have the right to be out there. If those people want to say "I do not believe in hunting," that is their right. We get into areas where we are stretching the law into non-physical activities in the sense of regulating speech and expressive conduct that could be protected under the First Amendment as it is upheld by certain courts in the country. We might have a problem with that. I raise this concern as an area where this Committee and Legislature should be very careful with what we are doing.

Chair Bobzien:

I would like to go through this again with Mr. Stephenson.

[Recessed at 3:37 p.m. and reconvened at 3:50 p.m.]

Assemblyman Segerblom:

I had asked a question and never got to hear the answer. I think it is important to put it on the record. You or someone in your family has a criminal issue with respect to this statute?

Ira Hansen:

My son received a citation for this very situation. It was dismissed by the Nye County District Attorney. It was reviewed and never went to trial, but that is the catalyst for me being here today in addition to watching this problem develop over the last 10 years. You are basically out in the middle of nowhere by yourself, and when somebody starts doing this kind of stuff to you, you simply need to pull up and move somewhere else. The problem is that some of these guys are very aggressive, and they will seek you out and try to drive you out of entire canyons, mountain ranges, et cetera.

Chair Bobzien:

Mr. Stephenson, so I am clear, your mock-up amendment is a result of your discomfort with particular words such as "physically or otherwise" and "hinder" or "crowd." So, this amendment will add in the words "intentionally" and "interfere or obstruct." It is your belief that these words are different enough in definition from the word "disturb." Is that correct? I need to know how this goes beyond the existing statute that says it is unlawful to remove or disturb.

J. Randall Stephenson:

We are getting into wordsmithing and what words mean or do not mean. As we all know, words, when they are used in constitutional statutes, have to be given their plain meaning. Quite frankly, if you look up the word "disturb" in

the dictionary, the second or third definition does include an aspect of interfering with. "Obstruct" is certainly different from disturbing. If you put up a tent over somebody's trap, you are obstructing the use of it, but you may not be physically disturbing the trap in any way. We are adding terms that are going to be broader than the existing language.

Chair Bobzien:

The words "the use of" are a critically important aspect of this because now the law says "remove or disturb the trap." Once we start talking about the "use of," it broadens the range of activities. The trap itself is no longer the physical object of concern, but now it is disturbing the place, setting, retrieval, et cetera.

J. Randall Stephenson:

That is certainly what I am trying to get at.

Assemblyman Segerblom:

Could I add the idea of a prima facie if a trap is within 7 to 10 feet or 100 feet of another trap, or if it is farther away than that, then that would be prima facie proof that it is not disturbing another trap?

J. Randall Stephenson:

Are you asking if we can put provisions in like that?

Assemblyman Segerblom:

Down the road we could ask that question. Rather than saying you have to be 10 feet away, we can say if you are more than 10 feet away, by law you are okay. It would be a question of whether you are disturbing another trap if you are closer than 10 feet away.

Assemblyman Gustavson:

That is something that would be left up to the discretion of the officer who is out there investigating this because every situation is going to be different. We can put distances in there if we want, but I do not think we need to do that.

Chair Bobzien:

I appreciate Mr. Hansen bringing up the 1,000 foot buffer between the roads, trails, and such, but I think with this we are actually talking about the trap, and this is a buffer around the trap. If we start talking about distances, are we starting to creep back to the constitutional concerns about how that plays out?

J. Randall Stephenson:

It could lead to a constitutional issue by using terms that are not only overly broad but also vague. If a person of ordinary intelligence cannot tell what is prohibited or allowed under the statute, then we run into problems of vagueness.

Chair Bobzien:

Before we go to opposition, I would like to hear from Mr. Buonamici. Would you provide us with some perspectives from Nevada's Department of Wildlife (NDOW) enforcement world both on Mr. Hansen's original amendment as well as this new mock-up? In terms of law enforcement, where have we gone with the trapping statutes and where we are now?

Rob Buonamici, Chief Game Warden, Division of Law Enforcement, Department of Wildlife:

To bring you up to date with the latest information, there is a Commission meeting underway as we speak. At approximately 1:00 p.m., prior to my leaving the meeting to come here, the Commission unanimously voted to oppose Mr. Hansen's amendment. Mr. Lent said the letter ([Exhibit D](#)) was in no way, shape, or form support for Mr. Hansen. It was just for clarification.

With regard to the bill in general, we have NRS 503.015 that addresses interference with lawful hunting or trapping. It has been mentioned that law enforcement game wardens have discretion, and that is indeed the case. We try to exercise our discretion in a reasonable fashion. If a trapper came to us and said "so and so was interfering with my trapping activities," we would look at the elements of the case. What did that person do to interfere? Did he take the trap and throw it in the bushes, snap the trap, or block the road? We try to find out what exactly occurred. There are so many variables in the real world that to try to delineate every variable in legislation is an impossibility. We have used this statute before for hunting and so forth. It is a good statute, and when you look at both Mr. Hansen's amendment and the new proposed amendment, the concept of "interfere" is already covered. We must prove somehow that the trapper was interfered with and not the trap. We cite the trapper, not the traps. We address the trapper, or the person interfering with the trap because NRS 503.015 is specific to people, and they are whom we deal with.

Assemblyman Segerblom:

Is it your interpretation that NRS 503.454, subsection 2 includes the term "interfere" or the concept of "interfere?"

Rob Buonamici:

Correct because we can fall back on NRS 503.015.

Chair Bobzien:

Mr. Segerblom, you referenced subsection 2; could you read that so Mr. Buonamici knows what you are talking about?

Assemblyman Segerblom:

The current law says "it is unlawful to remove or disturb the trap of any holder of a trapping license."

Rob Buonamici:

Correct.

Assemblyman Segerblom:

It does not have the word "interfere," but you are saying that you interpret that to include interfere.

Rob Buonamici:

Correct. That is because we have two options to deal with the situation of somebody messing, interfering, obstructing, or disturbing another person's trap. We have two companion statutes to deal with that.

Assemblyman Segerblom:

Could you give us the citation for the one where it does use the word "interfere?"

Chair Bobzien:

It is NRS 503.015. Mr. Stephenson, could you read it for more clarity?

J. Randall Stephenson:

Nevada Revised Statutes 503.015, subsection 1 states, "It is unlawful for a person, or a group of people acting together, to intentionally interfere with another person who is lawfully hunting or trapping." That is the relevant sentence.

Assemblyman Gustavson:

That is dealing with trappers and other trappers, but I see what Mr. Hansen is trying to do here. The law is clear now as far as stating trappers cannot interfere with other trappers, but if somebody is trying to interfere with the trap itself, that person is indirectly interfering with the trapper. I think Mr. Hansen is

trying to tighten this up a little bit so they can be found guilty if they are interfering with a trap.

Rob Buonamici:

With all due respect, there has to be a victim for a criminal prosecution. The victim is not the trap; the victim is the trapper. When the trapper is at home watching television in the evening, and his traps are out, he is still trapping. He is not actively on scene watching his trap, but he is still trapping. Disturbing the trap needs to be tied back to a victim, which the existing laws already allows for.

Chair Bobzien:

You feel that for the situations that have been described, and the enforcement tools necessary to deal with them are already in statute. Is that correct?

Rob Buonamici:

Correct.

Chair Bobzien:

You mentioned the different factors you have to take into the consideration. The first thing that comes to mind is the time issue and whose trap was there first. Could you talk a little bit about some situations you have had with the "he said, she said" aspect?

Rob Buonamici:

We get very few of those complaints. Last year we had a rash of those complaints involving an individual that was out laying snares, but not setting them prior to the season, and claiming he was there first. It got quite ugly between some of the trappers. It got to the point where traps were being pulled by other trappers and being destroyed and thrown into bushes. This became a major "he said, she said" type issue. We must sift through all of that. Changing this does not change the fact that we still have to gather the facts.

Irregardless of how it reads, the bottom line is that we have to ascertain all the facts before we can do anything. If this amendment is passed, it would create a greater "he said, she said" scenario. For us to enforce this would require trappers to keep a log book, Global Positioning System (GPS) coordinates, times and dates of putting traps in the ground, and when they visited their traps. There are a lot of honest trappers out there. This is for a unique situation that rarely pops up.

Chair Bobzien:

You are saying "disturb" already includes the words "interfere or obstruct the use." It strikes me that the other potentially problematic word in this amendment from an enforcement standpoint is "intentionally." Does that provide you with an additional barrier you would have to get across with the collection of evidence to demonstrate intent?

Rob Buonamici:

The answer to that is a vague yes and no. The reason I say no it does not affect anything is if somebody is disturbing a trap, even though misdemeanors are a strict liability crime and do not require intent, we feel that it is right to prove intent. If somebody accidentally stepped on a trap, we are not going to issue him a citation because there was no intent. Could you interpret the law that way? Yes. That is not the purpose. If somebody's dog got caught in a trap, that person did not intentionally disturb the trap. We have situations where chukar hunters get their dogs caught in traps. Most responsible trappers move their traps when chukar season comes along. We are trying to regulate ethics to some extent. It is easy for us to prove who was there first: the road or the trap. It is not easy for us to prove which trapper was there first.

Chair Bobzien:

Unless we went back to mandatory tags.

Rob Buonamici:

Correct.

Assemblyman Segerblom:

I appreciate the fact that you could not necessarily prove it, but if you had a 10 foot or 20 foot radius, you could at least know someone was doing something wrong, correct?

Rob Buonamici:

If you had a distance on it, we are then back to the example of someone accidentally stepping on a trap. Oftentimes by their nature, traps are hidden and concealed pretty well. If you know what you are looking for, you can see them. Mr. Hansen testified during the hearing a few days ago that most of the trappers are amateurs. When we get amateur trappers out there, they do not know what to look for, and they may unintentionally set traps next to someone else's trap. Do we want to be citing those people and putting those people in that situation as opposed to the two trappers working it out? We get into that with waterfowl hunting. We have had issues with goose hunting and management areas over blinds. In these cases, we have gone to a draw system

where the hunters draw for a blind. There are about 964 trappers in the state. Do we want to divide the state into 964 pieces and do a lottery with the trappers? I do not think we need to go there, and I do not think it is fair to the honest trappers.

Joel Blakeslee, President, Nevada Trappers Association, Reno, Nevada:

As it has been said before, this concept has gone through the county game boards in this state, through the Commission twice, and also our Board of Directors. I am not aware of one county game board in this state that wanted anything to do with this. The Commission has voted against it at one point, and just three hours ago, they unanimously voted against it again. I think that speaks volumes because there have been hundreds of people who have heard this at this point, and I am aware of very few who have any interest in it.

It was mentioned a minute ago that a reasonably intelligent person could understand what this means, and I would like to think that I am reasonably intelligent. I have had as much experience as anybody in this room with this subject, and I do not understand what it means. I think that what we have now is adequate, and there is no good reason to pass this. As far as the barriers in the other states' bill language, I do not think because another state has that language it means their wording is superior to what we have.

As far as the pictures, log books, trap tags, et cetera, who is to say that if I take a picture that I did not manufacture that situation to benefit my agenda? That is easy to do. I can do a log book right now and do another one in five minutes. This is not a big problem. This is a problem involving very few individuals, and I have heard both sides of it. There have been things done that are not exemplary on both sides, and I have discussed this with some of the other trappers that have been involved in acts of retaliation with Mr. Hansen and his son.

I think it is unfortunate that we have to come and spend our time here doing this when it has been done by the game wardens, Wildlife Commission, and others. I ask you to do what the Wildlife Commission did this afternoon and leave the statute the way it is. Do not change it.

Assemblyman Segerblom:

Given the hypothetical situation that Mr. Hansen brought us about a trap being set and someone comes along and sets traps on either side close enough to that original trap, preventing that trap from being effective. In your opinion, is that some type of ethical, legal, or moral violation of trapping regulations?

Joel Blakeslee:

Depending on the situation, yes, but how do you regulate that? I had that happen to me this winter where traps were set on the trails around my set. It upset me, but what is to be done. I cannot prove that mine was there first. I do not have to prove that because I can move somewhere else. There are aggressive trappers in this state. How can you legislate aggression?

As far as the distance issue, you can cover a trap up and make it so it is virtually invisible. As an example, I had buried a trap and a friend of mine set a trap exactly on top of mine because it was so well buried. He did not realize that I had set a trap there.

Assemblyman Gustavson:

It seems to me that something needs to be done about these aggressive trappers to stop this kind of activity that is going on. You do not sound like you have any suggestions on how to do that. I would hate to see some of these problems occur that I have been hearing about. Is there something that we can do? I am not talking about unintentionally setting traps close to other traps. There must be something we can do to stop people from putting up sagebrush around the traps or stopping the animals from going into that trap. It seems that what we are trying to do here could be helpful.

Joel Blakeslee:

Again, we would get into a "he said, she said" situation. If there is sagebrush in the trail, how can it be proven that a person put it there? The language that is there right now is as good as it gets. I understand that you have the want and need to try to make it better, but I do not think this is better.

Larry Johnson, representing Coalition for Nevada's Wildlife, Inc., Reno, Nevada:

I am in opposition to the amendment. We have county game boards that have sportsman input from all over the state that cannot accept this change. The state Wildlife Commission has reviewed this and is in opposition. This is America, and everybody has the right to access their Legislature, but we do have a wonderful system in place to handle policies and regulations.

I think the need to prove intent is extremely difficult, and there are many things that are difficult to enforce. As much as anything, it is impossible to legislate ethics, and that is what this amendment is trying to do. As an example, there may be two guys shooting at the same deer, or two guys crowding each other in a fishing hole—where does it end?

I have my own example of unintentionally disturbing a trap. Two chukar seasons ago, my friend Joel Blakeslee caught my Brittany Spaniel in his trap. I did disturb his trap, and I would not have been cited. There is ample language in existing statute to handle this.

Jeremy Drew, representing Coalition for Nevada's Wildlife, Inc., Reno, Nevada:

I wanted to reiterate Mr. Johnson's point. At the Commission meeting on February 6 and 7, the same exact discussion that we are having today took place. I have distributed a copy of that Commission meeting's minutes for the Subcommittee to review ([Exhibit F](#)). Mr. Hansen had presented a petition to the Commission for clarification of the definition of the word "disturb."

[Read from minutes.]

If they would have approved the petition, it would have gone to a committee who would have deliberated more and brought something back to the Commission. If all the county wildlife advisory boards did not feel this needed action, and the Commission did not feel that this needed to be explored further, I do not think we should be making any changes here.

Tom Smith, representing Coalition for Nevada's Wildlife, Inc., Reno, Nevada:

Here in Nevada, most of us are aware with the problem we have out at Pyramid Lake. There are fish "hogs," game "hogs," and probably trapping "hogs." At Pyramid Lake, people will set up their ladder, and have been doing it for many years, two weeks prior to the season opener, so they could reserve the best spot for themselves. It got to the point where the Native Americans finally, through tribal legislation, mandated that a person—who is not legally using a particular spot at a given moment—must remove his ladder or platform and fishing equipment from the water in order to give someone else an opportunity at that same spot. To me, it seems that some of the same things are happening here. I only have one question. If a person sets his traps out one to three weeks before the trapping season to reserve a spot, is that fair to the other sportsmen in the State of Nevada?

At present, there are plenty of laws on the books to handle the problems that are out there already. There are existing law enforcement statutes. For example, it is unlawful to remove someone's traps. That is against the law. There are laws in the State of Nevada to address these things without having to write more laws to address ethics. It is unfortunate the Native Americans had to write a law to address ethics because there are fish "hogs" out there. I would hate to see us doing the same thing in our State Legislature.

Chair Bobzien:

Could one of you acknowledge the existence of the two amendments, so we have some specific testimony addressing your potential concerns with them?

Larry Johnson:

Our comments are directed towards the proposed amendments originally presented as well as those amendments presented by Mr. Stephenson.

Jim Curran, Conservation Director, National Trappers Association, Fallon, Nevada:

I have been retired from NDOW for 12 years after working for them for 34 years. In that position, part of my responsibilities before I became a division chief was enforcement of Title 45 of the NRS. One fact that I can state regarding Title 45 is that there are probably more gray areas in interpretation of the wildlife laws than in any other title in the NRS, which makes enforcement by wardens and compliance by sportsmen very difficult. However, NRS 503.454, which is what we have been discussing today, happens to be, in my opinion, one of the few statutes in Title 45 that clearly defines what is illegal to do. No one can remove or disturb a trap that is legally being used. I do not believe there is one in a thousand individuals that cannot clearly understand these two terms: "remove" and "disturb."

The proposed amendment would add five new terms to this statute that would make it far more confusing and add to the gray areas in the existing title. The new proposed additions "interfere with" and "hinder" are basically the same as "disturb." I am not sure what "crowding" or "obstructing" means. I believe the current term "disturb" that is in existing law covers all illegal activities that have been brought up today.

In summary, NRS 503.454 has existed for decades in its present, clear, and understandable form. I cannot see any justification for amending this statute, which would add more confusion to the sportsmen in this state who are trying to do the right thing and follow the laws and regulations.

Assemblyman Gustavson:

Mr. Curran, I agree with you on this proposed amendment. "Crowding" was not clear to me. I personally like the amendment that Mr. Stephenson came up with because it does help clarify by stating what "disturb" means. I know the Native Americans at Pyramid Lake were having problems with their chairs. They changed their regulation and solved their problem. That is all we are trying to do here; we are trying to clarify, so we can solve this problem.

Jim Curran:

The only disagreement I have with the last proposed amendment is "obstruct the use of." That is indefinable. How is the average sportsman going to know if he is obstructing the use of somebody else? Is it being somewhere in the same canyon? I trap a lot in a marsh, so am I "obstructing the use of" somebody in the adjacent pond or 100 feet from me? I think it takes a very clear statute and adds a gray area that no one, including the wardens, knows if they are breaking the law unintentionally. Even if the word says "intentionally," if they set that trap, that is an intentional act. The words "interfere with or obstruct the use of" changes the use of the original intent of the regulations to keep someone from disturbing, stealing, or destroying a trap. We are now talking about the use of the trap, and that is a different subject, and I do not know if the Board of Wildlife Commissioners should look at a Commission regulation to address that. I do not believe it fits into this intent of what NRS 503.454 is, and that is to keep someone from destroying, removing, or stealing a trap. To me, there are so many wildlife laws that I was involved in over the past 34 years where we have added these small amendments, and it changed the meaning of the original intent of the regulation. This is one step in that direction that should not be addressed at this time.

Assemblyman Gustavson:

Would the language "interfere with or obstruct the use of" fall back into the interpretation of Nevada law by a reasonable person? We are referring to a reasonable person interpreting this as to what "obstruct" means. I think law enforcement could do that.

Jim Curran:

We are talking about an issue or activity that is far greater than one trapper putting a trap by another trapper. We are talking about the general public and other sportsmen "obstructing the use of." For example, if I have a trap set up under a ridge in chukar country with chukar hunters shooting their guns, they are obstructing the use of my trap because a bobcat will not walk that rim while those guns are going off. That is a far-fetched example. Right now, we have an issue of one trapper putting a trap too close to another one, but there are a lot of other possibilities this law could apply to if it is passed as written. I know there are numerous situations of someone obstructing a trapper. A duck hunter 50 yards from one of my muskrat traps is another example.

Assemblyman Segerblom:

From the previous testimony, it sounds like NDOW considers the words "interfere with" as being in the statute. I think we could add those to this section, and it would not change anything, but it might make it clearer.

Jim Curran:

We could use the term "interfere with" and remove "the use of." You are interfering with the trap. Is that what your motive is?

Assemblyman Segerblom:

Correct, that seems to be the interpretation. Inserting those words would be understandable.

Chair Bobzien:

Mr. Stephenson, would you like to comment? *Nevada Revised Statutes* (NRS) 503.015 is specific to the person engaged in the act rather than the object of the trap itself.

J. Randall Stephenson:

That is true. That is the fundamental distinction between the two sections we are talking about. Right now, it is unlawful to remove or disturb the trap of any holder of a trapping license. In NRS 503.015, as Mr. Buonamici pointed out, it applies to a person who is unlawfully interfering with someone who is engaging in hunting or trapping.

Assemblyman Segerblom:

How do you interpret that to say that if you set a trap and you are not there, you are trapping at that time?

J. Randall Stephenson:

I think that is what Mr. Buonamici said. That is how they have been applying it in Nevada. It certainly seems like a reasonable interpretation.

Caleb McAdoo, Private Citizen, Elko, Nevada:

As a trapper, I want to voice my opposition to the proposed amendments. If Mr. Hansen's intent is to provide a better opportunity for trappers, I can appreciate that. However, we have heard testimony today from Mr. Blakeslee and Mr. Buonamici, and Mr. Blakeslee, in my mind, represents the voice of the majority of trappers in Nevada. You heard from them that this is not necessary. As Mr. Buonamici said, I believe as the law is written now, we have enough to go on. As a trapper, as Mr. Hansen pointed out, I do not want to provide a log book and pictures when I make sets just to cover myself just in case someone else comes along. I think it is difficult to prove who was there first. At what point does it become an obstruction if I set a trap in a canyon, and someone else sets a trap 600 feet further up that canyon? They might be running into animals that may have gone into my trap, but since they moved up the canyon, they are not catching those animals.

Jacob Hansen, Private Citizen, Sparks, Nevada:

I am an average trapper and not overly aggressive. I would like to recognize that many of the trappers in this room are aggressive trappers, and they take this very seriously. When they go into a canyon, they have traps and resources that may be able to squeeze out a person like me. As Mr. Blakeslee said, a trapper may just leave. That is what I would do as an average sportsman. I would probably up and leave and find a different spot. However, I have always felt that the roles of committees like this and other legislative bodies is to protect people like me from others who might come after me in ways like this—obstructing my ability to trap.

I also think that we have gone off the point of what we are here to do. We are here to clarify the word "disturb." Many people, even when they are opposed to this, have been stating that they do not want people to interfere with other people's traps or obstructing the use of other people's traps, yet they do not want to explicitly put that in the bill. There were many examples given of unintentional setting of traps, and that is why the word "intentionally" is in the bill. We want to make sure that it is understood that intent must be shown. For example, if someone is chukar hunting, they are not intentionally obstructing the use of my traps as an average trapper. They are hunting birds. That is why "intentionally" is in there. If a trapper were to set a trap right in front of mine or on the other side of my trap that shows intent. If it was shown that my trap was there first, then a course of action will be taken. I am going to take pictures of every trap I have ever put in, but if I start to notice a problem, maybe I will take some pictures of the few. I have done that in the past.

I want to voice my support for this. As an average trapper, this will help protect me and clarify the word "disturb," which is now up for anyone's interpretation. It will also protect me from having other people obstruct my trapping and interfere with the sets I have there.

Assemblyman Gustavson:

I understand and agree with you that we need to interpret the word "disturb," but when we go back to a situation where someone sets a trap next to yours, how is law enforcement going to determine whose trap was there first if you do not have a digital camera with a time and date stamp and GPS? I understand the problem, but how is law enforcement going to decide that?

Jacob Hansen:

I recognize that this is an issue that must be worked out. However, there are many cases in various laws where it can become a "he said, she said" scenario. Does that mean we do not make the law and leave it up for interpretation, or do

we try to be specific and enforce things as they should be? That is the way I see this law. Especially with trapping, there are many laws dealing with areas in the middle of nowhere where there are no witnesses to see what is going on, and it is very easy to get into a "he said, she said" situation. We want to be more specific, so people cannot make up their own interpretation of what "disturb" means.

Daniel Hansen, Private Citizen, Sparks, Nevada:

I am in support of this. I find the opposition quite comical. We are a band of brothers as trappers. It is a small community in the outdoorsy State of Nevada. Knowing some of the behind-the-scenes information, the opposition interests me because it is largely on a personal level. The intention of this amendment is to clarify an already existing statement in law. From the words of the opposition, they interpret the law as it is intended to be clarified now. The intent of "disturb" versus "interfere" versus "obstruct" have slight nuances that Legal can attest to.

As Ira Hansen said, this amendment arose from a specific situation. I was issued a citation for the situation he spoke of earlier. I will say on the record, it was not me who should have received the citation. However, I did acquaint myself with the situation so that I was prepared to potentially go to court to defend myself for something I did not do. It was a loophole in the law. In that situation, there is no recourse for an individual who has been crowded, hindered, obstructed, or interfered with, without any physical violation of the trap, as currently interpreted in the law. Mr. Buonamici mentioned that their current enforcement is using these words already, so I do not understand why they would oppose actually putting them into legislation.

I would like to make it very clear that we are not creating a new problem. Trappers have been trapping for a long time, and this will not change how they trap. There will be people who are dishonest, but I would agree that the vast majority of trappers, and all sportsmen in this state, are honest. The question of enforceability has come up, and in a perfect society, we would not need laws or need to clarify issues. I wish it were that way, but having personally gone through this experience, I would like this statement clarified and made so I have recourse if I am every presented with this type of situation again.

I am not a big time trapper, and there are some aggressive trappers. I would clarify "aggressive" as hard working versus malicious. Hard working trappers do have resources that, as a young trapper, I do not have. I do not have 500 traps to put everywhere. If I get bumped out of an area, as Mr. Blakeslee suggested, or if someone is bullying me in a sense, I can go move, but that is

lost time and gas. There should be an outlet for someone like me to turn to law enforcement and say "this person has not physically touched my trap, but they are obviously intentionally trying to disturb my right to trap." That is the ultimate purpose of why we are here. Because it is difficult to enforce, I ask what wildlife issue is not difficult to enforce. The nature of wildlife and sporting is in the wilderness and in isolated pockets of the state where there are no witnesses or video cameras. I do not think that should stop us from trying. We should try to make the law as specific as possible so we do protect our sportsmen and allow them the recourse necessary to defend themselves.

Joel Blakeslee:

I have a question for you. If you change one word in this, does it go back to the full Committee and go back through the Senate and be heard again?

Chair Bobzien:

On process, what we are looking to do here this afternoon is make a recommendation to the full Committee, and based on what that Committee does, it goes to the floor of the Assembly. If the bill was amended, it goes back to the Senate, and they can decide to concur or not concur. If they choose not to concur, we may end up with a conference committee.

Joel Blakeslee:

That is my concern. Is the potential there that if we add one word to this, this can go back through the entire Senate and have other people suggest other language regarding trapping?

Chair Bobzien:

Theoretically, that can happen.

Joel Blakeslee:

That is my concern. I would ask you to not do anything to this because of that concern.

Alexis Hansen, Private Citizen, Sparks, Nevada:

I am a wife of a trapper and mother to four trappers. I am surprised that we are having a debate over clarification. The term "disturb" is not really defined, and I think it does incur a lot of confusion or trouble in the field for trappers. I support the amendment as Mr. Stephenson has written it.

Mr. Curran mentioned he did not like the idea of this coming to this body. As Ira Hansen testified before the full Committee, the Commission's hands are tied

to address or set specifics on the term "disturb" until they get the go ahead from this Committee.

The words "intent" and "disturb" are two of the most important parts of the amendment to be clarified.

Chair Bobzien:

We have a number of options available to us. We should make some sort of recommendation back to the full Committee.

Assemblyman Segerblom:

Since we do have two statutes that do overlap, but the word "interfere" is not in the one dealing with the trap itself, I do not see a problem with adding the words "interfere with" to NRS 503.454, subsection 2. We could possibly add "intentionally" as well.

If you look at the handout that Ira Hansen gave us ([Exhibit C](#)), under California's paragraph (f), "For purposes of this section, 'interfere with' means any action which physically impedes, hinders, or obstructs the lawful pursuit of any of the above-mentioned activities." I think the way the DOW is interpreting it is the way he wants it to be interpreted, but the words, at least in the one statute, seem a little vague with the word "disturb" but not with the word "interfere."

Chair Bobzien:

Mr. Segerblom, are you working off the May 15th mock-up? Are you suggesting a motion that is wordsmithing off that amendment?

Assemblyman Segerblom:

Correct, take out "or obstruct the use of" and put "disturb or interfere with." "Interfere with" seems to be agreed upon language.

Chair Bobzien:

I do not know if we have it agreed upon, but that is your prerogative if you wish to move forward with that.

Assemblyman Segerblom:

Those words come from NRS 503.015.

Chair Bobzien:

Are you making a motion to that effect?

Assemblyman Segerblom:

Mr. Gustavson, do you have any discussion about that?

Assemblyman Gustavson:

I agree with Mr. Segerblom. Since that word is already in NRS 503.015, I cannot see how it will interfere with anything in this statute.

Chair Bobzien:

Mr. Gustavson, you are also signaling some support for the "intentionally" concept as well as the "interfere with" concept?

Assemblyman Gustavson:

Yes I am. Remove "or obstruct the use of" in Mr. Stephenson's amendment dated May 15, 2009.

Assemblyman Segerblom:

I would make a motion that we amend NRS 503.454, subsection 2 to add the word "intentionally" and after the word "disturb" and add "or interfere with" and remove "or obstruct the use of."

Chair Bobzien:

I appreciate Ira Hansen's longtime history with this issue and his dedication to working through this and the case the supporters made, but I think this is one of those situations where I have heard good arguments from both sides. I am not convinced this clears anything up. Without a clear benefit from the language, we should not move forward with it, so I will be voting against the motion.

The Chair will entertain a motion.

ASSEMBLYMAN SEGERBLOM MOVED TO AMEND AND DO PASS
SENATE BILL 411.

ASSEMBLYMAN GUSTAVSON SECONDED THE MOTION.

THE MOTION PASSED. (CHAIR BOBZIEN VOTED NO.)

We will be making a report back to the full Committee.

[The meeting adjourned at 4:59 p.m.]

RESPECTFULLY SUBMITTED:

Judith Coolbaugh
Recording Secretary

Julie Kellen
Transcribing Secretary

APPROVED BY:

Assemblyman David P. Bobzien, Chair

DATE: _____

EXHIBITS

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

Date: May 15, 2009

Time of Meeting: 3:13 p.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda.
	B		Attendance roster.
S.B. 411 (R1)	C	Ira Hansen	Written testimony.
S.B. 411 (R1)	D	Ira Hansen	Letter from Board of Wildlife Commissioners.
S.B. 411 (R1)	E	J. Randall Stephenson	Mock-up of proposed amendment.
S.B. 411 (R1)	F	Jeremy Drew	Minutes from Wildlife Commissioners' meeting.