

**MINUTES OF THE
SENATE COMMITTEE ON NATURAL RESOURCES**

**Seventy-sixth Session
March 30, 2011**

The Senate Committee on Natural Resources was called to order by Chair Mark A. Manendo at 3:40 p.m. on Wednesday, March 30, 2011, in Room 2144 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to the Grant Sawyer State Office Building, Room 4412E, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator Mark A. Manendo, Chair
Senator David R. Parks, Vice Chair
Senator John J. Lee
Senator Dean A. Rhoads
Senator Michael Roberson

GUEST LEGISLATORS PRESENT:

Senator Sheila Leslie, Washoe County Senatorial District No. 1
Assemblyman Ira Hansen, Assembly District No. 32

STAFF MEMBERS PRESENT:

Michelle Van Geel, Policy Analyst
Charity Fowler, Counsel
Sandra Hudgens, Committee Secretary

OTHERS PRESENT:

James R. Lawrence, Administrator and State Land Registrar, Division of State Lands, State Department of Conservation and Natural Resources

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Dotty Merrill, Ed.D., Executive Director, Nevada Association of School Boards
Janine Hansen, Nevada Committee for Full Statehood
Kitty Jung, Board of Commissioners, District 3, Washoe County
Trish Swain, Director, TrailSafe Nevada
Patrick J. Colletti, M.D.

Diane Blankenburg, Director, Community Programs, Nevada Humane Society
Beverlee McGrath, ASPCA; Best Friends, Nevada Group

Monica Engebretson, Senior Program Associate, Born Free USA

Nancy McLane, Las Vegas Valley Humane Society

Karen Layne, President, Las Vegas Valley Humane Society

Stephanie Myers

Linda Faso

Stacia Newman, The Compassion Charity of America; People Against Cruelty to
Animals

Christine Schwamberger

Elaine Carrick, Vice Chair, Washoe County Animal Control Board

Kathy Rogers

Joel Blakeslee, President, Nevada Trappers Association

Tracy Truman, Vice President, Nevada Trappers Association

Ryan Anderson

Rodney Smith

Dave Stowater, District Director, Nevada Trappers Association

John Sullivan, Clark County Advisory Board to Manage Wildlife; Fraternity of the
Desert Bighorn; Nevada Trappers Association

Bob Brunner

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

Victoria Werner, Werner Family Taxidermy

James Werner

Wilford Allen

Ken Mayer, Acting Director, Department of Wildlife

Rob Buonamici, Chief Game Warden, Department of Wildlife

Ariella Holton

Doug Busselman, Executive Vice President, Nevada Farm Bureau Federation

Heather Lackey, Nuisance Wildlife Control; Carson Creature Catchers

Mike Meizel

Louie Burgarello

Maureen Adams, D.V.M., TrailSafe Nevada

Lee Lawrence, TrailSafe Nevada

Bill Chamberlain

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CHAIR MANENDO:

I will open the hearing on Senate Joint Resolution (S.J.R.) 3.

SENATE JOINT RESOLUTION 3: Urges Congress to enact legislation to require the Secretary of the Interior to convey ownership of certain land to the State of Nevada to help fund education. (BDR R-90)

SENATOR LEE:

I have written remarks from ex-Senator Joyce Woodhouse ([Exhibit C](#)). She was the chair of the 2009/2010 Legislative Committee on Education.

MICHELLE VAN GEEL (Policy Analyst):

Just to remind everybody, our office is not able to oppose or support any legislation to this. I'm just reading the remarks into the record on behalf of Senator Woodhouse ([Exhibit C](#)). Attached to Senator Woodhouse's remarks is a brief history of Nevada School Trust Lands ([Exhibit D](#)).

JAMES R. LAWRENCE (Administrator and State Land Registrar, Division of State Lands, State Department of Conservation and Natural Resources):

I am here to support the passage of S.J.R. 3. I will read my written testimony ([Exhibit E](#)).

DOTTY MERRILL, Ed.D. (Executive Director, Nevada Association of School Boards):

The Nevada Association of School Boards (NASB) unanimously supports S.J.R. 3. In April 2007, the National School Boards Association passed a resolution urging Congress to support public schools by ensuring the historic school trust lands are allowed to fulfill the purpose for which they were originally created. In June 2006, the National Parent Teacher Association (PTA) adopted a similar resolution, sponsored by the Alaska PTA, and supported by the Nevada PTA. In 2008, the Nevada State Education Association sponsored a position on school trust lands that was adopted in July 2008, at the National Education Association's annual meeting. There is strong support among all education advocacy groups for S.J.R. 3.

JANINE HANSEN (Nevada Committee for Full Statehood):

We support this resolution. We have worked many years on the Action Plan for Public Lands and Education, initiated in 2002 ([Exhibit F](#)). The Council of State

Governments-West has taken an interest in it. Fifty-two percent of the land, within the boundaries of the western states, is federally controlled, and it is only four percent federally controlled in other states. We did not come into statehood on an equal footing, and we are still not on an equal footing. A conservative estimate says the western states, including Alaska and Hawaii, lose \$14 billion on the land, not counting the lost revenue on property taxes. In 2010, the federal government gave the western states about \$300 million Payment in Lieu of Taxes (PILT) money. The western states could have collected \$4.2 billion in property tax revenue. This is a significant financial issue for our State during this hard economic time. We support this resolution.

CHAIR MANENDO:

I will close the hearing on S.J.R. 3. I will open the hearing on Senate Bill (S.B.) 226.

SENATE BILL 226: Makes it unlawful for a person to trap a fur-bearing mammal within a certain distance of an occupied dwelling under certain circumstances. (BDR 45-975)

SENATOR SHEILA LESLIE (Washoe County Senatorial District No 1):

This is a bill that came to me in a special way, and I have Commissioner Jung here with me from Washoe County, from the Washoe County Commission [Board of Commissioners], and I want to turn it over to her in a minute to describe why it came to me in this way. I know you all have received hundreds of e-mails from people from all over this State as I have, and I had no idea the passions that this bill would engender with our citizens in the State. However, I do know, as somebody who spends a lot of time hiking with my dogs, that I've always been concerned about this issue, just from the point of view of a dog owner. I don't trap or hunt, or fish, even. I don't like to kill things. You know, I respect that other people do, but I don't. However, when I'm out with my dogs, I've always been concerned about one of my dogs getting caught in a trap. And, so, when this bill, when some of the proponents of this bill came to me, I was very interested in their story. I know we have a lot of people here, and I know we have a lot of people in Las Vegas. Since this bill came out, I've received just lots and lots of calls. There's going to be some amendments suggested today for your consideration. And I just want to say for

the record, I'm willing to work with all parties to see if we can come up with a resolution. The Nevada Department of Wildlife [DOW] has been really good to work with, too, and they have an amendment today that I have reviewed. ... I certainly understand their position as well. At this point, Mr. Chair, what I would like to do, perhaps, is have Commissioner Jung explain her role in the bill, then I would make a few more remarks, turn it over to the citizen group that asked me to put this bill in. Also, on a note for the record, ... my daughter's pediatrician is here who I have not seen in years. I was delighted to see him, and he would like to testify on this bill in regard to children. Most of us are here for the animals. He's actually here for kids, and he's had a lot of experience with traps and curious kids that we all like to hear about, as well. And perhaps the folks in Las Vegas, I don't know if they are an organized group, but, while we're talking, since I know you are limited, you have another big bill this afternoon, perhaps they could talk among themselves and figure out who could present their amendment.

KITTY JUNG (Board of Commissioners, District 3, Washoe County):

This was borne out of an incident in Sparks when a kitten was caught in a leg-hold trap. It made the news, and it was the most public-commented item that has ever come before me in my three and a half years as a county commissioner. I received over 300 phone calls and e-mails from concerned citizens over this issue. They wanted something to be done to prevent this from ever happening again to an unwitting animal. The attorney for Washoe County said we have no jurisdiction to regulate any wild game activity. Regulation on wild animals belongs to the DOW. We put an item on the agenda to educate the public on where to turn next, since we could not handle it at the local government level. The whole commission unanimously voted to accept a report encouraging the opposing parties to work together to come up with some legislation everyone could agree on, so the DOW could make this a reality. This never happened, so I advised the advocates to approach Senator Sheila Leslie.

SENATOR LESLIE:

The opponents were asked to work with the advocates to put something together to bring to the Board of Wildlife Commissioners (BWC). The BWC is the responsible party to regulate wildlife. When they went to the BWC, they did not have a good experience. The Nevada Trappers Association was willing to work

with the citizens' groups and they came up with a compromise, but the BWC sent them away. I respect that this issue belongs to the BWC, but citizens need to be heard.

TRISH SWAIN (Director, TrailSafe Nevada):

The proposed amendment to S.B. 226 ([Exhibit G](#)) is a limited proposal to require only box-style traps as outlined in my handout ([Exhibit H](#)). This amendment will not affect rural counties, only the populated areas of Washoe and Clark Counties. The proposed amendment will exempt pest control operators and wildlife services in the line of their duties or any federal government agents in their duties. I have provided copies of e-mails and letters from supporters of our proposed amendment ([Exhibit I](#)). Forty-one incidents of trapped animals are posted on the Website, and we have had over 500 e-mails since this bill has been proposed. We are not attempting to change the 96-hour trapper inspection rule. We are only attempting to require identification on all traps. We have attempted to secure change on the local city/county level to no avail. That is why we are here today.

CHAIR MANENDO:

Is this the amendment, [Exhibit G](#), you are requesting?

MS. SWAIN:

Yes, the *Nevada Revised Statutes* (NRS) say only the Legislature can make the change we are requesting.

CHAIR MANENDO:

In Clark County, we had an ordinance that dogs had to be on a leash. Leashes seem to be a mile long, but even if a dog were on a short leash, it does not mean you will notice a trap.

MS. SWAIN:

I have pictures of a dog in a trap, on a leash. The leash measured five feet to the road.

SENATOR LEE:

Do domestic animals not wander from their homes more than a quarter mile? On a trail, if you travel more than a thousand feet, then this would not apply. How do you come up with a quarter-mile range?

MS. SWAIN:

It was an arbitrary figure to please all the parties.

SENATOR LEE:

On your proposed amendment, "Commercial nuisance wildlife control or pest management service providers in the course of the work for which they are licensed" In Las Vegas, people trap pigeons; since you took out the fur-bearing mammal, it should solve their problem.

MS. SWAIN:

The pigeons are caught in a net; therefore they would be exempt.

CHAIR MANENDO:

Is this the picture of the trapped dog to which you are referring ([Exhibit J](#))?

MS. SWAIN:

Yes, that is it.

CHAIR MANENDO:

Do you know where this picture was taken?

MS. SWAIN:

I have the e-mail from Michelle and Jade Gelskey, [Exhibit J](#), indicating the picture was taken on the terraces of Ward Mountain near the town of Ely.

PATRICK J. COLLETTI, M.D.

I am a pediatrician from Reno in support of some control on leg-hold traps. I am past president of the Nevada Chapter of the Academy of Pediatrics (NCAP). During the last couple decades, I have served on the NCAP Committee on Prevention of Injuries in Childhood. While growing up in Virginia City, I had experienced leg-holding traps and their control. During my high school years, there was an epidemic of three-legged dogs running around Virginia City. The community assembled and decided to move traps farther away from the city. It is disappointing the problem has to go before the Legislature. Urban sprawl is going into places we did not dream about years ago. There are people exploring wild Nevada who are not familiar with the problems, and we are concerned about the risk to kids. There is no consensus on how many of these injuries happen every year in this Country. In the 1990s, the board I was on in the NCAP was not able to get a national registry for trap injuries. We still do not

have a record of the number and places of trap injuries. The exploration group of 5- to 12-year-old children, who jump on their mountain bikes to go fishing are the ones who are at risk for injuries.

I have only seen a couple of trap injuries to children during my practice. The worst injury was to a teenager who was alone and trapped for a long time. He experienced vascular compromise from the trap. It is traumatic for kids to be hurt in this situation. After going through the emergency room (ER) at the hospital, then going through orthopedics, we get them months later, not knowing what they have been through. Developing the registry would be important. Pediatricians agree the traps are dangerous for the following: they are hidden; they are not discriminatory; the action, once triggered, is unavoidable; the biomechanical stress across the growing bones of children is significant, and they can cause fractures on the growth plates which can lead to permanent disfigurement and deformity; children would not know how to remove the leg-hold trap; and it can lead to vascular compromise and complications later. A leg-hold trap in an urban area is like a roadside bomb.

CHAIR MANENDO:

Where at Lake Tahoe did the teenager get hurt?

DR. COLLETTI:

He was just south of the park. It was undeveloped in the 1960s. Incline Village was just starting to develop. He might have been on private property.

CHAIR MANENDO:

Do you know on what part of the private property the incident occurred?

DR. COLLETTI:

No, I saw him after he was released from ER, then he went back to his family doctor.

CHAIR MANENDO:

If he was on private property, the trap might have belonged to the residents.

DR. COLLETTI:

I have no idea to whom the trap belonged.

DIANE BLANKENBURG (Director, Community Programs, Nevada Humane Society):
I am speaking on behalf of the Humane Society, and we have over 35,000 supporters. I have provided an outline of my testimony ([Exhibit K](#)). The Humane Society is a separate organization, and we are in support of S.B. 226. We believe the use of leg-hold, body-crushing or snare traps is cruel and inhumane, and their use in congested areas poses a serious threat to the safety of pets and children. There are precedents for restricting the use of these traps in northern Nevada. It is banned in Carson City, and in congested areas of Storey County. Eight states in the Country have trap-banning legislation. It has been banned in Arizona since 1994. If we can have laws to control firearms in congested areas, why can we not have laws to control traps?

There were a couple of incidents we dealt with at our animal shelter that I have provided to you ([Exhibit L](#)). A cat we named "Trapper John" was found in a trap in Cottonwood Park, in Sparks, page 1. He was submerged in water and struggling when he was found. He was frightened, his leg was injured and he had hypothermia. We cared for him until he was fully recovered and was living in a home. "Trapper Jane" was trapped in Golden Valley and had to have her toes amputated. She has recovered and is being cared for by Trish Swain. We covered the medical costs for both of the cats. There is no monetary value put on the lives that have been lost because of this type of trapping.

These traps can inflict great suffering through direct injury or self injury from panicking and struggling to get free. There have been documented cases of animals chewing off their leg to get free. An animal can suffer up to four days, because the law states the traps only have to be checked every four days. A study showed 67 percent of animals trapped are unintended. I have provided a handout supporting S.B. 226 ([Exhibit M](#)).

BEVERLEE MCGRATH (ASPCA; Best Friends, Nevada Group):
I represent the American Society for the Prevention of Cruelty to Animals, Best Friends Animal Society, Action for Animals, Paw PAC and Nevada Political Action Plan for Animals. This bill does not regulate or restrict trapping. We encourage the use of box and cage traps, but we want to prohibit the specific traps in question. There is no law in Nevada giving trappers the right to use any particular type of trap. This is a safety issue. We do not know how many animals are regularly caught in traps, but it is a significant number. According to the American Veterinary Medical Association, up to 67 percent of animals caught in traps are nontarget animals as outlined in my handout ([Exhibit N](#)).

When animals are caught in traps, they are subject to predators and often freeze to death. Animals seldom survive a trap.

A list of the cost of pelts are as follows: a muskrat will bring \$2.51; a coyote, \$9.62; a mink, \$4.07; a raccoon, \$3.68; and a striped skunk, \$6.21. This does not justify all the pets that are caught in these traps. The traps have not improved since they were first created in the 1870s.

MONICA ENGBRETSON (Senior Program Associate, Born Free USA):

Born Free USA has 320 members residing in Nevada. Many members reside in areas affected by this bill. Born Free USA received hundreds of reports of animals being trapped every year. I encourage your favorable vote as outlined in my handout ([Exhibit O](#)). We maintain a database to keep track of nontarget incidences, because no State agency keeps track of this information. Having traps impacts the ability of people to participate in their activities.

Last month, an undercover investigation of trapping in Pennsylvania and New Mexico revealed traps caught nontargeted animals. This bill reflects changes being made nationwide. Many incidents are not registered. I was caught in a trap when I was 13, and I never went to a doctor.

SENATOR LEE:

Is the goal of the national organization of Born Free USA to stop trapping entirely?

MS. ENGBRETSON:

We do not support any type of body-gripping traps; we prefer box-type traps. This is not what this legislation does. We frequently work on ordinances and legislation across the country to protect public safety and companion animals.

CHAIR MANENDO:

A constituent called me about a coyote problem within the city. Staff from the DOW came out and set box traps. Does the State have a certain way of trapping? We should be consistent.

NANCY MCLANE (Las Vegas Valley Humane Society):

On behalf of the Las Vegas Valley Humane Society, we support S.B. 226. I will read my written testimony ([Exhibit P](#)).

KAREN LAYNE (President, Las Vegas Valley Humane Society):

I want to just add that we talked to TrailSafe some time ago when they were proposing this particular piece of legislation. We watched their progress as they went through talking to the county, and then going to the Nevada Wildlife Commission. And we're very disappointed in the actions that were taken by the Commission. I have attended several meetings of the Commission in the last six months, and I've also, I attended some of the county advisory committee meetings on wildlife, and I will have to say that it is a disappointment in terms of trying to look at some of these issues. We have trappers within our organization. We've always used box traps, so we're certainly familiar with trapping issues, and a lot of times, we are trapping animals that need to be rescued or we deal with feral cats in terms of spaying and neutering. But again, I would point out that we use box traps for this purpose. And I don't want to repeat any of the other testimony that has been given here, but we certainly do believe this is a very important issue, and we hope you will support this legislation.

STEPHANIE MYERS:

I reside in Lee Canyon on Mt. Charleston. I am in favor of S.B. 226. I do not think the bill goes far enough. I also represent Greta Wiest and Steve Brittingham. Many residents and visitors have had their pets trapped. Mt. Charleston hosts over 2 million visitors a year. Pets have died or have had serious injuries. There are no signs within the Spring Mountains recreation area warning people that trapping is occurring. Leashes are not required in rural Clark County. My own dog, Sunshine, was caught in a trap for several hours while I looked for her on Max Canyon Road in Lee Canyon. After I called the DOW, I was told trapping is allowed within 100 feet of a road, and that Max Canyon was not considered a road. I was forced to return the bloodied, steel-jawed trap to them. There was no identification on it. Sunshine had to have emergency surgery leading to her early death. Traps must have an identification mark on them. U.S. Senator Harry Reid has said that trapping is the most barbaric practice still alive in Nevada. We would like to see prohibition of trapping around roads, buildings and trails around Mt. Charleston.

LINDA FASO:

Every day, animals suffer agonizing deaths from steel-jawed traps. Estimates of animals trapped total four million, including those trapped for fur, dogs, cats,

owls, deer, eagles and others. Unwanted animals are callously discarded. Ninety countries and eight states in the United States have already banned the use of traps: Rhode Island, Massachusetts, Arizona, California, Colorado, Florida, New Jersey and Washington. Nevada has some of the weakest trapping laws in the Country. This bill only restricts the use of steel-jawed snares and body-crushing traps in urban areas. I would like to see a complete ban of traps in Nevada. I support S.B. 226.

STACIA NEWMAN: (The Compassion Charity of America; People Against Cruelty to Animals):

We support S.B. 226. We would like the identification requirement on traps be added to the bill. If one child is injured, it would be one child too many.

CHRISTINE SCHWAMBERGER:

I am an attorney who does pro bono lobbying on behalf of animal issues. The use of steel-jawed traps in urban, congested areas is a public safety issue that must be addressed to protect pets and people. I have provided an outline of my testimony ([Exhibit Q](#)). This is a health, safety and welfare issue. The Washoe County Commission was given bad legal advice. There is no reason they could not have passed a health, safety and welfare ordinance. This has nothing to do with trapping or management of wildlife. This is banning a dangerous device. Without identification on traps, there is no regulation of trapping.

ELAINE CARRICK: (Vice Chair, Washoe County Animal Control Board):

I am here to speak for myself in support of S.B. 226. I will read my written testimony ([Exhibit R](#)).

KATHY ROGERS:

I am a Reno resident. I brought some pictures of illegally baited traps ([Exhibit S](#)). My cat, Trapper John, and my skunk, Little Stinker, were both trapped at the same time. Little Stinker was trapped upstream near the riverbank where children play. These were my pets. Trapper John had been neutered, vaccinated and was well cared for. Little Stinker would come and visit me everyday for his meal. I found Little Stinker trapped. I took pictures in hopes that his death would not be in vain. The DOW officer said he smelled the skunk earlier that morning. Little Stinker was in agony until after 4 p.m. Traps do not belong in public parks and residential areas. These two traps were ten feet from a pathway, in a local park, where hundreds of people visit, [Exhibit S](#).

JOEL BLAKESLEE (President, Nevada Trappers Association):

I have a prepared testimony ([Exhibit T](#)). I have heard a lot about trapping that I did not know, and I have been doing this for about 50 years. A lot of things I have read on Websites I have not experienced. In the thousands of animals I have seen, I have never seen an animal chew off its leg. It is an urban legend repeated all the time. I have not found anything in the Internet where a child has been maimed in a trap. The device we use has a four- to five-inch jaw spread, almost any child's foot would span that in a trap that just popped off underneath his foot. There is a two to two and a half inch vertical rise, half the diameter of the trap. Trappers get a license from the State and are permitted to set traps. I have never seen an unintended animal caught in a trap. There are a lot of improvements on the traps we use. It is illegal to use bait within 30 feet of the trap. You cannot catch a coyote in a box trap. The pelt prices previously quoted were not correct. There are two seats on the BWC for the general public. I will read my testimony, [Exhibit T](#). It should have been Robert Laxalt in my written testimony, [Exhibit T](#), not Paul Laxalt.

CHAIR MANENDO:

There are 154 pages of statements from people in favor of the bill, and some pages have more than one signature ([Exhibit U](#)). I have a letter from Clark County Commissioner Chris Giunchigliani in support of S.B. 226 ([Exhibit V](#)).

TRACY TRUMAN (Vice President, Nevada Trappers Association):

I started trapping when I was eight years old. I put myself through college trapping fur in the winter. I worked in the summer trapping coyotes and other predators for sheep and cattle ranchers. I wrote the book, *Modern Gray Fox Trapping*, and I produced two DVDs on bobcat and gray fox trapping. I have spoken across the country on trapping and trapper education. I have given presentations for the National Trapping Association. I have owned over 50 dogs during my life. I created a video on how to train a retriever to pass American Kennel Club tests. I am the vice chairman of the Clark County Advisory Board to Manage Wildlife (CCABMW). I am opposed to S.B. 226 for three main reasons.

This bill is an affront to those involved in the process used by Nevadans over decades to address and resolve wildlife-related issues. I researched this issue, and this issue belongs in front of the county wildlife advisory boards and in front of the BWC. It allows those who are interested in, or have expertise in, wildlife issues to gather information from the public and provide recommendations to the BWC. TrailSafe Nevada rejected that process. When

TrailSafe Nevada presented a prior and more limited version of this bill to the BWC, several industries and agencies complained they were not given a chance to provide input in TrailSafe Nevada's petition. When the BWC denied the petition, they sent both sides away to negotiate further, and to bring something back to the BWC. TrailSafe Nevada did not comply. Instead it revised its petition to exclude trappers from an area three times the restricted area identified in the original petition, by including the Clark County no-shooting area. The revised bill requires every trapper, regardless of their residence, to mark permanently every trap with the registration information. TrailSafe did not disclose their intentions to the CCABMW. This bill is different from the bill presented in December and sets a horrible precedent for the way we manage wildlife in Nevada. The CCABMW process has been in effect for many years, because it works. We solicit input monthly from the public and the DOW and provide the information to the BWC. What is the purpose of having the BWC if the Legislature is going to "backseat drive" every decision made by the advisory boards or commissions? What is the purpose of having them?

CHAIR MANENDO:
Are you advocating abolishing the CCABMW?

MR. TRUMAN:
If we are going to ignore it, why have it?

CHAIR MANENDO:
Maybe we should take that into consideration.

MR. TRUMAN:
This is a watershed event for all sportsmen and sportswomen. If TrailSafe succeeds with S.B. 226, regulations can vary from county to county, resulting in a patchwork of conflicting and contrary regulations. It would be impossible to enforce regulations across county lines.

The proposed legislation is an affront to the licensed trappers of Nevada. They negotiated in good faith with TrailSafe for a limited restriction in Washoe County, but they did not disclose this to the 17 county advisory boards that they intended to triple the size of the trapping restricted area in S.B. 226. They excluded the wildlife service agencies and pest control agencies from the requirements of the bill. Over 250 people have voiced their opposition to the bill

on the Internet, while 30 or 40 claim to support it. This bill discriminates against trappers by excluding them from vast areas of real estate, even though trapping season is only a few months long. The bill favors dogs over trappers. "I've never been able to find an incident of a child being caught or injured in a trap. I've looked. It simply isn't there."

My son did an Eagle Scout project on Mt. Charleston where he trapped gray fox and sampled them for disease. We found 13 out of 23 foxes were exposed to plague. We shared that information with the Southern Nevada Health District. The Vector Control Supervisor, Vivek Raman, responded ([Exhibit W](#)). Trappers started collecting more samples, and some samples were in the no-trapping zone.

The trap I am showing has no teeth. The jaws of the trap are smooth and they have a wide surface. This is the trap that is used for the bobcat and gray fox. I have five sons I taught to trap from the time they were three. One son paid for a mission with the church with the money he made from trapping, and he also paid for three years of college. I have never been afraid of my sons being exposed to trapping. I was afraid of them being ignorant about trapping. The traps have many safety features. I am showing you my thumb in this trap, and it is about the size of a gray fox's foot. I have never seen an animal chew its foot off. It is not difficult to release the trap, as I have demonstrated.

RYAN ANDERSON:

I am a police officer with the Las Vegas Metropolitan Police Department, and I am speaking on behalf of myself in opposition to S.B. 226. I am not a trapper, but I have concerns ([Exhibit X](#)). I want to point out that previous testimony appealed to emotion and not to fact. The following quote is from the TrailSafe Nevada Website. "Another individual discusses his six-month old puppy slipped away from his or her backyard and was returned later." Many of the testimonies on that Website discuss how a dog left his own property, was outside of voice control, which is a law in an incorporated county, and/or entered into somebody else's private property where traps are set. Another one, "Although I hunt, I don't like traps, and I will smash them whenever I find them, this is because my dog was caught a few years ago." What he did is illegal. This is a person on the Website saying he will commit a misdemeanor if he finds a trap. I will quote another e-mail:

My neighbor's dog got loose and went to another neighbor's yard.
That neighbor complained, so my neighbor tried to confine the dog.

But the dog got out a second time, and went there again. This time the complaining neighbor had set seven traps. The dog was gone for a day, and the owner was frantic. Finally, they sent another dog to seek out the last dog. She was found in one of the traps with her leg broken. We then sprang all the other traps.

This dog got loose once, the neighbor was warned, the neighbor took insufficient measures to contain the dog, even after being warned, and the dog got out again. The dog entered private property and was trapped. Then these people illegally entered the private property and sprung all the remaining traps. Finally, I will read my written testimony, [Exhibit X](#).

SENATOR LEE:

Is TrailSafe Nevada circumventing the normal flow of oversight? They contend they were involved with an ineffective BWC. Something has gone amiss. Did the CCABMW act properly, or was TrailSafe Nevada dealt with ineffectively?

MR. TRUMAN:

The BWC denied the petition, but instructed TrailSafe to meet with representatives of the pest control industry and wildlife services because they had not been heard. They were to meet and return to the BWC. It is a two-stage process, you bring the matter to the BWC, it is read, and it goes through the process again to be acted upon. The BWC and the DOW are waiting for it to come back.

SENATOR LEE:

Do you think they did not return because they do not think they will get what they want? Are they bypassing the BWC to come here?

MR. TRUMAN:

Yes.

CHAIR MANENDO:

The hearing on S.B. 146 will be moved to April 8, 2011.

[SENATE BILL 146](#): Makes various changes relating to biodiesel. (BDR 32-218)

RODNEY SMITH:

I am a resident of Clark County, and I am not a trapper. I own bird dogs, and I take them out in the desert every day. I have never had any problem with traps. The rural areas around Clark County are inundated with dirt roads. It is unfair to the trappers. This bill should indicate 1,000 feet from a paved road.

DAVE STOWATER (District Director, Nevada Trappers Association):

I am the district director of Nevada Trappers Association for Clark County and east Nye County. I have lived in Las Vegas and trapped there for over 25 years. My daughter and I have given trapping demonstrations and taught young trappers and members of the Boy Scouts of America, and we have a youth day. In our classes, we do more than show how to set traps and how to handle fur; it is an education. We teach the value of trapping, the dangers, the safety measures, and most importantly, the common sense of being in the wilderness. It took many years to learn what we now teach future trappers. We teach trapping to preserve wildlife, pets, humans and their safety. Trapping is helping manage wildlife by thinning predators that eat quail, chukkar, deer, elk and bighorn sheep. By trapping beaver, we can save trees. We save dogs and cats from predators. Predators come to town when food is scarce. Trapping predators saves humans from being bitten. We teach survival. I know my daughter, I and others have helped preserve wildlife through trapping. A trap becomes illegal when food is planted nearby. The identification number only shows to whom the trap belongs and not who manipulated the trap. I have always notified the DOW when my trap has been tampered with or stolen. I am opposed to this bill.

JOHN SULLIVAN (Clark County Advisory Board to Manage Wildlife; Fraternity of the Desert Bighorn; Nevada Trappers Association):

I am a resident of Clark County. I have lived in Nevada for over 20 years, and I am a trapper. I am active in several conservation groups, including the Fraternity of the Desert Bighorn and the Nevada Trappers Association. I am against S.B. 226. It circumvents the wildlife regulatory process. The testimony against trapping is misleading and untrue. I am opposed to this bill because trapping provides a valuable service. The CCABMW was circumvented in this issue. Our chairman, Dr. Paul Dixon, is a reasonable man, and he is not a trapper. TrailSafe Nevada and any other organizations of that kind would get a fair and public hearing. If the issue had merit, it would go forward, and we would make recommendations to the BWC. That is how it is supposed to work, and it did not happen in this case. The CCABMW did not hear about this. We

were not approached to put this on our agenda. We did not hear about this until it became a proposal for legislation, and that is not how it is supposed to work in this State. It was set up years ago to hear complex issues at the county level, and then the State level. The DOW sends biologists and game wardens to all of our meetings to help us wrestle with these issues. We spent three hours in Overton, Nevada, discussing a minor change in duck-hunting rules. If the Legislators tackle each of these issues, you will have no time to do anything else. The process in this case has been circumvented.

The testimony about children being in danger is misleading. I have been a trapper since I was 14 years old. I take my children and my dogs trapping. One of my dogs was caught all night in one of my traps, and there was no injury to my dog. It was a joke when my children were little and one of them got their fingers caught in a trap, because they would snap it off.

Trapping provides a valuable service to people. Trapping controls parvovirus and rabies. Trapping protects the sheep and cattle industries. Trapping is a source of income and a positive outdoor experience for hundreds of Nevadans. Please vote against this bill.

ASSEMBLYMAN IRA HANSEN: (Assembly District No. 32):

I have been a licensed trapper for 36 years. Why would anyone need to trap within 1,000 yards of a home? This bill will take away the right of people to protect their pets. I asked the State Department of Agriculture, "How many times do you guys actually have requests from people to protect pets within urban areas?" They responded with a letter ([Exhibit Y](#)). Private trappers also protect pets. I live on ten acres within the gun-control area, and I have trapped dozens of coyotes with steel-jawed traps in and around my own property to protect my animals. I just lost a cat last week. I do not want to hire wildlife services or some private pest control company; I have the right to continue to use these tools that are being used by the DOW, which are exempt from this bill. There is no way a wildlife control officer or a critter control person, using a steel-jawed trap, can exclude pets, any more than I can. If that is the issue, there should be no exclusions.

I received a response from Dr. Robert A. Cocanour from Klaich Animal Hospital in Reno ([Exhibit Z](#)). This bill will take away the ability to protect our own animals. This bill has no exclusion for private property. There are many examples why the BWC and the Washoe County Advisory Board rejected this

petition from TrailSafe Nevada, and not because it is dominated by trappers protecting the consumptive use of wildlife. I asked Dennis Wilson of the Animal Emergency Center which is the most likely place to take an injured animal with injuries from traps. His written response is in my handout ([Exhibit AA](#)). The proponents of this bill make it sound like everybody's children and pets are getting trapped all the time. It is not true.

The Defenders of Wildlife say the following about box traps, "This trap does not cause pain directly, but animals sometimes injure themselves in attempts to bite, claw or dig out. Frequent checking is necessary to prevent injury." Even with box traps, they are going to cause less damage than a leg-hold trap, but there is no perfect method to trap animals. You are not going to catch a coyote in a box trap. If we want to allow people to protect their pets, we do not want to pass this law.

There was an article in the *Reno Gazette-Journal* about beavers on the Truckee River. We have a problem in downtown Reno with beavers chopping down the cottonwood trees along the Truckee River. There is a plaque honoring John Champion for trapping beavers along the Truckee River in the heart of downtown Reno, which would be illegal if this bill is passed. I am more professional at trapping than most people hired by critter control or wildlife services. The bulk of the fur harvest in the United States comes from within 1,000 yards of occupied homes. I have trapped near all the rivers, swamps and the Truckee River for muskrats since I was in junior high school. I paid for my wedding ring with trapping money. I am a licensed contractor with a stay-at-home wife and eight children, and I supplemented my income those years by being a commercial fur trapper. A lot of the areas where I placed my traps would be against the law if this bill is passed. My son, a medical student, supplemented his income by trapping six bobcats over the Christmas holidays. It is not right to stop a practice because of extreme examples.

I represent 80,000 people in my district, and you received a couple hundred letters supporting this bill. This should be handled on the county level. I was involved with all the hearings with TrailSafe in the BWC and the county advisory boards, and I testified in opposition to this bill. Traps are not perfect, but they are valuable.

BOB BRUNNER:

This bill started with an illegal trapping of an illegally released cat. That does not mean we should do something illegal today. *Nevada Revised Statute* 501.105 says that wildlife needs to be managed in Nevada by the BWC. I was at the hearings with the county and the BWC. There were people at those hearings who said they were not included in the talks with TrailSafe. The BWC told them to go away into a committee, and come back with something that works. TrailSafe decided to ignore what the State told them to do. State law says you have to go to the BWC. We do not need to be here.

LARRY JOHNSON (President, Coalition for Nevada's Wildlife, Inc.):

I oppose this bill. This bill would prevent a private property owner from setting traps on his own land to protect his own pets from coyotes. My Brittany spaniel was attacked near my wife and horses in a congested area. More pets are damaged by coyotes than by traps. Coyotes have become so brazen as to attack in people's yards at will. My dog was caught in two leg-hold traps with no visible injuries.

SENATOR LEE:

Assemblyman Hansen handed out an exhibit that says "Reno's raccoon problem raised by Senator" ([Exhibit BB](#)). Apparently the city was not able to do anything to help Senator Sheila Leslie with her raccoon problem. What is an illegal trap?

ASSEMBLYMAN HANSEN:

It is illegal to put traps too close to bait, and it is illegal to trap within the boundaries of the city. If Senator Sheila Leslie would have contacted a trapper, the raccoon would have been caught. I would have used a box trap, because raccoons are susceptible to them. Trappers can solve a lot of the problems that the government is overwhelmed with.

SENATOR LEE:

Is it illegal to put food too close to the trap, or is it illegal to put the trap too close to the food?

ASSEMBLYMAN HANSEN:

Both are illegal. No one with experience would do something stupid. Even if this bill is passed, it will not prevent someone doing something stupid. Experienced trappers should not be punished because of one person. This person was given two citations.

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VICTORIA WERNER (Werner Family Taxidermy):

I am a trapper and a pet owner, and I am opposed to S.B. 226. When my Chihuahua got caught in my trap, he did not get hurt; no broken bones; nothing. No trapper wants to trap anyone's pet.

JAMES WERNER:

I have trapped since I was eleven years old.

CHAIR MANENDO:

How many years ago was that?

JAMES WERNER:

Two years ago. When we trapped a dog, he was not hurt, he was just dehydrated. The older traps with jaws can hurt pets. The traps we use are safe. I will demonstrate the safety of our traps by putting my hand in my trap. It does not hurt, and I can leave my hand in it all day. I took it off one-handed. This is an older model, so it would have been more likely to hurt me than a newer model. Trappers are helping the ecosystem. Without trappers, the predators would probably come within the city limits. You have a better chance of losing a pet to a coyote than to a trap. I oppose this bill.

WILFORD ALLEN:

I was on the CCABMW. I thought the Legislature was taking over the wildlife business for the State. I lost 25 chickens in one night to a coyote. The next night, I caught the same coyote in the chicken coop with my trap. If you passed this bill, I would not be able to do that. The next day, while riding my horse, I saw a coyote run off with my neighbor's cat. We do not see too many cats or small dogs in my neighborhood. If you pass this bill, it will do more harm than good.

CHAIR MANENDO:

Where do you live?

MR. ALLEN:

I live in Henderson backed up by Bureau of Land Management land. It is 60 miles to the nearest road, which is the Nipton highway.

CHAIR MANENDO:

There is a difference from where you live and where I live. I am on the outskirts.

KEN MAYER (Acting Director, Department of Wildlife):

The DOW cannot support S.B. 226. It should be in a regulatory framework through the *Nevada Administrative Code*. Sixty-five years ago, wildlife management was moved from the county to the State. This issue should continue to be handled as a state purview. This issue was brought before the BWC but did not go forward. It can be petitioned again. There is time between now and the trapping season to get something done at the BWC level. There are some technical issues with the bill that need to be addressed ([Exhibit CC](#)).

ROB BUONAMICI (Chief Game Warden, Department of Wildlife):

This amendment addresses the author's intent, but not all the issues were brought up today, [Exhibit CC](#). We should eliminate the NRSs shown in section 1. To "set a trap," is what the author should say, instead of "use a trap." The prior language of S.B. 226 was not specific to species. When the DOW issues a permit to pest control companies, it is specific to a few animals and not to some species like raccoons or other problem species, according to NRS 555. Based on the language in S.B. 226, our permit would not be valid. We issue permits to wildlife services for trapping depredating wildlife. There were concerns over mousetraps; we have never issued citations for people trapping mice in their homes. We cleaned up the definition of a box trap in section 2. We added a definition of a mousetrap and rattrap. We tried to address the author's intent of the bill. We also provided a definition for a box trap or cage trap, [Exhibit CC](#).

CHAIR MANENDO:

Did you converse with Senator Leslie on this?

MR. BUONAMICI:

Yes.

CHAIR MANENDO:

Is Senator Leslie okay with this?

MR. BUONAMICI:

Yes.

SENATOR PARKS:

I grew up on a farm in the 1950s. We had traps with serrated edges, and they were menacing. Are those outlawed?

MR. BUONAMICI:

There is a spacer requiring a 3/16-inch gap when the jaws are closed. Prior to that regulation, they were allowed to close totally. This space allows for circulation.

SENATOR LEE:

What is the identification system we used to have, and should we go back to it?

MR. BUONAMICI:

It was required of all trappers to obtain a trapper registration number. The trappers were to stamp that number into the traps. Legislation was enacted to make that voluntary. Some trappers place that number on their traps. New trappers do not obtain that number. We believe society establishes laws, and we enforce them. It gives us a starting point. It does not mean an owner's trap was set by that trapper. Traps can be stolen, and someone can throw bait near a trap. We have to investigate to determine what happened. I have made cases by being able to track down registered owners of traps and identify them by blue forensic powder that I placed on their traps.

ARIELLA HOLTON:

My mother and I have worked with the Gilcrease Nature Sanctuary for a year. They have been in Las Vegas for over 50 years. They rescue farm and exotic animals from dangerous situations and abandonment. They have been losing ducks and chickens every night to a coyote. I oppose this bill because we would not be able to trap the coyote.

DOUG BUSSELMAN (Executive Vice President, Nevada Farm Bureau Federation):

Nevada Farm Bureau Federation has a policy which is opposed to the banning of traps. We have livestock operations in Washoe County within the boundaries addressed by this bill. We are concerned about the ability to protect our property. We oppose this bill.

HEATHER LACKEY (Nuisance Wildlife Control; Carson Creature Catchers):

I am a trapper, and I work in congested areas throughout Reno and Carson City. I use multiple types of traps necessary in these areas. People will trap a raccoon in a box trap and drive it someplace else. They are spreading disease and educating animals to avoid these box traps. We have to have all the tools necessary to deal with these animals. Disease is regulated by trapping. When I trap animals, I collect blood, tissue, teeth and hair samples for the DOW and

for the University of Nevada, Reno for biological research. We are being as responsible as we can, and we must continue. Non-target catches are rare. Since 2007, I have not trapped a non-target animal. I am using lethal and box traps. I oppose this bill because we need to continue doing what we do.

CHAIR MANENDO:

Where is the congested area to which you are referring?

MS. LACKEY:

Downtown Reno is where I trap beaver.

CHAIR MANENDO:

Off Virginia Street?

MS. LACKEY:

Yes, I am a nuisance wildlife control operator. If you have a raccoon in your attic, I might not be able to catch him with a box trap, I might have to use a foot-hold trap. I have been trapping every day in congested areas since 2007. I have never had a non-target animal caught, and it does not happen all the time. This is what I do for a living.

MIKE MEIZEL:

I am in opposition to S.B. 226. This bill appears to say it is okay to have feral cats and unleashed dogs. The only things that could get caught in a congested area are feral cats and unleashed dogs. The deadly device is the unleashed, free-roaming dog. I live in a congested area of Reno, in Golden Valley. Two years ago, my grandson lost eight chickens to two dogs that came in the middle of the night while I was hunting with my dog. When my younger daughter went out to chase the dogs away; they chased her away. I was appalled to learn that feral cats were being maintained on a public land in Reno, with taxpayer's dollars. Feral cats are predators of small game and birds.

LOUIE BURGARELLO:

I have a trapper's license and have trapped since I was young. I trap to protect my property from marmots and ground squirrels. They are within a thousand yards of my home. I can catch as many as 47 a year on my three acres. The box traps work, but they are not effective because as one animal is caught, it will educate the others to stay away from the box. They create damage by ruining trees and landscape. They dig under the patio and the

footings of your home. They are just big rats. In the eight years I have been trapping, I have never had a problem with a pet getting caught. We now have the marmots under control. These laws belong with the DOW. The illegal traps should not have been set where they were.

CHAIR MANENDO:

Do you know what the fine is for illegal trapping?

MR. BURGARELLO:

It is hard to catch people, because there is no identification on the traps.

MR. BUONAMICI:

Unlawful trapping is a misdemeanor penalty from \$50 to \$500 and/or up to 6 months in jail.

MAUREEN ADAMS, D.V.M. (TrailSafe Nevada):

I own All Creatures Veterinary Hospital in Reno. There is no evidence from the American Veterinary Medical Association that trapping animals controls disease in any significant way, especially parvovirus or rabies. A rabid animal is not likely to be caught in a trap. I have had to treat horses from being spooked or from stepping on a trap, and it can be severe to the rider. I am not familiar with the new traps, the traps used on the cases I had caused significant damage. I am familiar with the kind of orthopedic damage to soft tissue that can be done to an animal. An animal trapped for four days can suffer significant damage from dehydration, which can lead to fatality. Trapping is not regulated, and has not stopped domestic animals from being trapped. Trappings have not lessened the attacks from predators on pets. I have never seen an animal chew off its leg from a trap. I have practiced veterinary medicine for over 15 years. Amputation is often the only treatment for a trap injury. You can be exposed to the plague more by camping than from foxes.

LEE LAWRENCE (TrailSafe Nevada):

I am a veterinary technician and a farmer. I run sheep in Washoe County and I have a farm in Oregon in mountain lion country. I have 85 chickens and up to 80 sheep at a time. I have never lost a sheep or a chicken to wildlife. I maintain a pest-proof coop. I am not sure traps are protecting my animals; I think it is my behavior towards my animals and my monitoring of my domestic stock.

BILL CHAMBERLAIN:

I have been in wildlife conservation for over 25 years. This proposition only prohibits trapping in areas with a discharge of firearms. If someone discharges a firearm, and it harms someone, they are to be held accountable. If someone sets a trap and the trap harms someone or an animal, that person should be identified and held accountable. Traps are indiscriminate on what they trap, and cannot be targeted to a specific species, nor can they be targeted for diseased animals. There is no scientific basis that trapping keeps disease in check, as wildlife agencies have alleged. Trapping reduces the number of strong and healthy animals in a given population, leaving the sick and diseased behind to breed and spread disease. Trapping helps spread the diseases that trappers are telling us they will contain. This is confirmed by the United States Department of Agriculture, Centers for Disease Control and Prevention and the World Health Organization. This is a quote from them, "Trapping is not to be used to control rabies and other infectious diseases because it eliminates a healthy buffer population and impedes the spread of the disease." This explains why several states are using vaccination methods to control diseases, and are not trapping. A report titled "Control of Rabies" by the National Academy of Science included a list of recommendations. "Persistent trapping or poisoning campaigns as a means to control rabies should be abolished." For the past 70 years, statistics for the number of trapping licenses sold and the number of cases of wildlife rabies have been recorded. Those statistics mathematically determine a relationship between trapping license sales and the number of cases of wildlife diseases. If what trappers are telling you is true, the number of rabies should decrease when more trapping licenses are sold. The opposite is true. The evidence shows conclusively that trapping continues and spreads rabies.

MS. MYERS:

I would like to read a letter from my neighbor, Greta Weist, who resides in Lee Canyon, Mt. Charleston ([Exhibit DD](#)). Please look into the makeup of these regulatory agencies: DOW, BWC and CCABMW. We cannot get a fair hearing.

CHAIR MANENDO:

I am going to close the hearing on S.B. 226. We will be talking with the sponsor and looking over the amendments. I would recommend both parties open up communications.

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There being no further business, the Senate Committee on Natural Resources is adjourned at 7:01 p.m.

RESPECTFULLY SUBMITTED:

Sandra Hudgens,
Committee Secretary

APPROVED BY:

Senator Mark A. Manendo, Chair

DATE: _____

<u>EXHIBITS</u>			
Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
S.J.R. 3	C	Ex-Senator Joyce Woodhouse	Written Remarks
S.J.R. 3	D	Ex-Senator Joyce Woodhouse	History of School Trust Lands
S.J.R. 3	E	James Lawrence	Written Testimony
S.J.R. 3	F	Janine Hansen	Action Plan for Public Lands in Education (APPLE)
S.B. 226	G	Trish Swain	Proposed Amendment
S.B. 226	H	Trish Swain	Box style traps
S.B. 226	I	Trish Swain	Forty-one incidents of trapped animals
S.B. 226	J	Trish Swain	Michelle Gelskey written testimony and pictures
S.B. 226	K	Diane Blankenburg	Written Testimony
S.B. 226	L	Diane Blankenburg	Incident Reports
S.B. 226	M	Diane Blankenburg	Trapper John
S.B. 226	N	Beverlee McGrath	Leg Hold Traps
S.B. 226	O	Monica Engebretson	Born Free USA
S.B. 226	P	Nancy McLane	Written Testimony
S.B. 226	Q	Christine Schwamberger	Written Testimony
S.B. 226	R	Elaine Carrick	Written Testimony
S.B. 226	S	Kathy Rogers	Pictures of traps
S.B. 226	T	Joel Blakeslee	Written Testimony

S.B. 226	U	Trish Swain	154 pages of support
S.B. 226	V	Commissioner Chris Giunchigliani	Support letter
S.B. 226	W	Tracy Truman	Vivek Raman letter
S.B. 226	X	Ryan Anderson	Written Testimony
S.B. 226	Y	Assemblyman Ira Hansen	Department of Agriculture response
S.B. 226	Z	Assemblyman Ira Hansen	Klaich Animal Hospital response
S.B. 226	AA	Assemblyman Ira Hansen	Dennis Wilson response
S.B. 226	BB	Assemblyman Ira Hansen	Raccoon Problem
S.B. 226	CC	Ken Mayer	Amendment from Department of Wildlife
S.B. 226	DD	Stephanie Myers	Greta Weist letter