

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

**Seventy-Seventh Session
May 7, 2013**

The Committee on Natural Resources, Agriculture, and Mining was called to order by Chair Skip Daly at 1:08 p.m. on Tuesday, May 7, 2013, in Room 3161 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4401 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada, and Great Basin College, McMullen Hall, Room 125, 1500 College Parkway, Elko, 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 nelis.leg.state.nv.us/77th2013. 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).

COMMITTEE MEMBERS PRESENT:

Assemblyman Skip Daly, Chair
Assemblyman Paul Aizley, Vice Chair
Assemblyman Paul Anderson
Assemblyman Richard Carrillo
Assemblywoman Lesley E. Cohen
Assemblyman John Ellison
Assemblyman Ira Hansen
Assemblyman James W. Healey
Assemblyman Pete Livermore
Assemblywoman Heidi Swank
Assemblyman Tyrone Thompson
Assemblyman Jim Wheeler

COMMITTEE MEMBERS ABSENT:

None



GUEST LEGISLATORS PRESENT:

Senator David R. Parks, Clark County Senatorial District No. 7

STAFF MEMBERS PRESENT:

Amelie Welden, Committee Policy Analyst
Randy Stephenson, Committee Counsel
Cheryl Williams, Recording Secretary
Ashlynd Baker, Committee Assistant

OTHERS PRESENT:

Patricia Swain, representing TrailSafe Nevada
Beverlee McGrath, representing The American Society for the Prevention of Cruelty to Animals; Best Friends Animal Society; Nevada Humane Society; Northern Nevada Society for the Prevention of Cruelty to Animals; Nevada Political Action for Animals; Lake Tahoe Humane Society and Society for the Prevention of Cruelty to Animals; Compassion Charity for Animals; Pet Network of Lake Tahoe; Wylie Animal Rescue Foundation; PawPac; and Lake Tahoe Wolf Rescue
Margaret Flint, representing Nevada Humane Society; and Canine Rehabilitation Center and Sanctuary
Elaine Carrick, Private Citizen, Reno, Nevada; and representing NoBearHuntNV.org
Jana Wright, Private Citizen, Las Vegas, Nevada
Stephanie Myers, Private Citizen, Mount Charleston, Nevada
Karen Layne, President, Las Vegas Valley Humane Society
Donald A. Molde, Private Citizen, Reno, Nevada
Kim Henrick, Private Citizen, Reno, Nevada
Robert Jones, Private Citizen, Carson City, Nevada
Stacia Newman, President, Nevada Political Action for Animals
Jean Perry-Jones, Private Citizen, Las Vegas, Nevada
Holly Haley, representing Humane Society of the United States
Rob Buonamici, Chief Game Warden, Division of Law Enforcement, Department of Wildlife
Joel Blakeslee, representing Nevada Trappers Association
Randall Stoeberl, Private Citizen, Elko, Nevada
Peter Shepherd, Private Citizen, Elko, Nevada
Jason James, Private Citizen, Elko, Nevada
Riley Manzonie, Private Citizen, Elko, Nevada
Marcial Evertsen, Private Citizen, Eureka, Nevada
John Sullivan, Private Citizen, Las Vegas, Nevada

Dave Stowater, Private Citizen, Las Vegas, Nevada
Larry Johnson, representing Coalition for Nevada's Wildlife
Jack Robb, Chair, Board of Wildlife Commissioners
Jeremy Drew, Vice Chair, Board of Wildlife Commissioners
Christine Schwamberger, representing NoBearHuntNV.org
Geoffrey Ellis, Private Citizen, Markleeville, California
Ernest E. Adler, representing Reno/Sparks Indian Colony
Kristen Corral, Private Citizen, Las Vegas, Nevada
Cal Bryant, President, Nevada Houndsmen Association
Larry Gilbertson, Chief, Game Division, Department of Wildlife

Chair Daly:

We have two bills today. I see Senator Parks is here. I will open the hearing on Senate Bill 213 (1st Reprint). Senator Parks, I know you have another meeting and want to give your presentation first. Welcome to the Assembly.

**Senate Bill 213 (1st Reprint): Revises certain provisions relating to trapping.
(BDR 45-450)**

Senator David R. Parks, Clark County Senatorial District No. 7:

Thank you for hearing Senate Bill 213 (1st Reprint). I will give you a quick summary of the bill, and I believe we have a PowerPoint presentation as well ([Exhibit D](#)). There will also be several other comments. I believe there are also several proposed amendments.

In summary, S.B. 213 (R1) requires each trap, snare, or similar device used in the taking of wild animals to be registered and bear a number assigned by the Department of Wildlife (NDOW). Traps sold after July 31, 2013, must not bear the seller's trap registration number unless the trap was permanently marked prior to that date. That is one of the areas that is being offered in an amendment. The bill specifies that any trap registration information maintained by NDOW is deemed confidential, unless required to be disclosed by law or a court order. The bill provides that a person who intentionally steals one or more traps, or who knowingly buys, receives, or possesses stolen traps with a total value of less than \$650 is guilty of a gross misdemeanor. Stolen traps must be reported by the owner to NDOW as soon as possible.

Senate Bill 213 (1st Reprint) also makes an exception to the unlawful removal of a trap, snare, or similar device if the device creates an immediate and obvious risk of injury or death to any person, pet, or service animal. That is another area where you will see a requested amendment. Finally, the measure deletes from Nevada law the minimum nonlethal trap visitation time of once every 96 hours and instead requires the Board of Wildlife Commissioners to set the

visitation times by regulation. The regulation must require the visitation of certain traps at least once every 96 hours. When setting these trap visitation requirements, the board must consider the proximity of the trap to populated or heavily used areas. Provisions relating to trap registration and visitation of traps are effective upon passage and approval of proposed adopted regulations, and performing other preparatory tasks by July 31, 2013, for all other purposes. The remaining portions of the bill are effective upon passage and approval.

As I indicated, there are several requested amendments; one coming from NDOW and the others coming from citizen advocates.

With me is Patricia Swain, who has a brief PowerPoint presentation she would like to present.

Patricia Swain, representing TrailSafe Nevada:

I want to thank you, Senator Parks, for your sponsorship, guidance, and compassion for Nevada's animals, and for taking on a cause that is indeed controversial in some quarters. [Provided prepared testimony ([Exhibit C](#)).]

As we are discussing trapping, I have a short PowerPoint presentation ([Exhibit D](#)) to illustrate aspects of the issue. Those unfamiliar with trapping dread seeing pictures. I assure you, these are not the most horrifying pictures out there, just middle of the road. This presentation is not entirely shock value. I hope to give you some informative background on trapping in Nevada because not everyone is familiar with this issue. In fact, many people do not know that trapping goes on in this day and age, but indeed, it does.

For an indication of the numbers of accidental companion and service animal trappings, please see the document entitled *TrailSafe Collected Incident Reports* ([Exhibit E](#)), which gives you an idea of the number of incidental trappings. This data is from emails and personal interviews with persons throughout Nevada. For information on species killed for pelts, prices of pelts, and numbers killed, please see the document entitled *Fallon Fur Sale Results* ([Exhibit F](#)).

We are TrailSafe Nevada, a citizen's network that has been around since 2007 [([Exhibit D](#)), page 1]. Our statement about traps is that they are indiscriminate, unmarked, and hidden. This causes immense animal suffering for any animal that happens to step into a trap. There are several different types of traps, which I will demonstrate to you. We believe tighter regulation would enhance public safety and ease the job of law enforcement: game wardens who are tasked with determining what is a legally set and what is an illegally set trap [([Exhibit D](#)), page 2].

Here are our supporters [([Exhibit D](#)), page 3]. You can see that they are local, as well as from all over the region and the country.

The problem is this, and it is what drew our attention to this issue: people's companion animals do get trapped [([Exhibit D](#)), page 4]. It is a terrible dilemma if you are out there hiking and you do not know what to do.

Here is a story from a group of hikers who took this picture of a live fox in a trap [([Exhibit D](#)), page 5]. They were hiking in Spanish Springs. For people who do not know this goes on, who are not familiar with it, do not know the law, do not know if they should release the animal that is suffering, and do not know the legal ramifications, this is a very difficult situation. The person who gave me this photograph told me this is where many people hike. How could anyone call this acceptable? That is a very common reaction.

Again, the same group came upon a dead fox in a trap a little farther on their hike [([Exhibit D](#)), page 6]. Again, they were shocked and bewildered.

There is a state trapping report card. I did not provide that, but I can give it to you if you are interested. It ranks states in terms of their trapping regulations. I am sorry to tell you, we get a D- here in Nevada [([Exhibit D](#)), page 7] because of several different factors, which I will speak about here.

The first type of trap, which is probably the most familiar to people, is called the steel jaw leghold trap [([Exhibit D](#)), page 8]. This is how you open it under ideal circumstances [([Exhibit D](#)), page 9]. If you are on a floor, if you have sturdy boots, and you know what you are doing, you can do this and it will open. However, if you are out in the field on ground that could be marshy and you have an animal struggling and flopping around in the trap, you have a real challenge on your hands. This is the result for an animal that is trapped [([Exhibit D](#)), page 10].

The next type of trap is a snare trap, which is another type that is frequently used [([Exhibit D](#)), page 11]. The snares are made of cable steel. As the animal struggles, the noose tightens and, therefore, the animal will strangle, which is a long struggle and a grotesque sight because they swell and it is very painful [([Exhibit D](#)), page 12].

The third type of trap is used mostly in water, as I understand it. Of course, there are plenty of experts here who can fill you in. It is called a Conibear™ trap, which is the trade name, but it is also called a body-crushing or body-gripping trap [([Exhibit D](#)), page 13]. This type of trap is impossible for the untrained to open [([Exhibit D](#)), page 16]. It is set in water for the purpose of

trapping beavers, muskrats, and other aquatic mammals. This is what it looks like in relation to a dog [([Exhibit D](#)), page 14]. There are several different styles of this trap. This picture shows you what it does [([Exhibit D](#)), page 15]. I received an email from a woman in Wisconsin who watched her dog die in one of these traps. One year later, she is still in therapy for post-traumatic stress disorder [([Exhibit D](#)), page 17]. She could not help her dog and she watched it struggle in that manner. It was devastating for her. She is now an animal activist. Here is the suggestion for opening this trap [([Exhibit D](#)), page 16]. You use a strap in a complicated way. If you have an animal caught in the trap and you are dealing with water, I do not think you would be able to do it.

Here is another device, which we are not going to discuss today [([Exhibit D](#)), page 18]. We did have this in the bill originally, but we will not deal with it today. It is a whole different story, actually. They are called M-44 poison devices. They are something you have to look out for if you are enjoying outdoor recreation with a pet. The nozzle is above the ground, but all the rest is buried in the ground. It delivers a shot of sodium cyanide to an unsuspecting animal. These are set by the U.S. Fish and Wildlife Service. I will not go into detail here, but it is something you have to be aware of and look out for.

The next slide is Carol and Duke [([Exhibit D](#)), page 19]. This is the first case that got us started in February 2007. Believe me, there are many more cases than what hit the media, but this case hit the media. If you look at our incident report index ([Exhibit E](#)), you will see how many cases there are. Nevertheless, Duke was trapped right off Whites Creek Trail. They were hiking just a tiny bit off the trail. Fortunately, Duke was not badly injured. The loose skin on his neck was caught, so he was okay. It was very alarming to Carol. She and I and a number of other people got together and started TrailSafe [([Exhibit D](#)), page 20].

Here is Cottonwood Park [([Exhibit D](#)), page 21]. This was the big case in the media. Believe me, there are many other cases besides Cottonwood Park. Some traps were set right near this park. This is a park for water recreation, such as kayaking and is a developed park within the boundaries of the City of Sparks. This skunk, Li'l Stinker, got caught [([Exhibit D](#)), page 22]. He had friends who knew about him and liked him, people who followed his activities. It was very heartbreaking to see him endure a night like this. He was shot because he was an unprotected animal. When the game wardens came, that is the law. All animals are not created equal. Some animals are game animals, some animals are unprotected animals, some animals are companion animals, and they each have a different legal status. Li'l Stinker was unprotected.

Here is a protected animal [([Exhibit D](#)), pages 23 and 24] because he is a cat. His name is Trapper John and he was rescued by the Nevada Humane Society. When he dried out, he looked pretty good [([Exhibit D](#)), page 25]. A reporter, Mark Robison, adopted him.

Here is my cat, Trapper Jane [([Exhibit D](#)), page 26]. She was not my cat at the time she was trapped. I do not know how she got out or who her owners were, but she was trapped. The Nevada Humane Society, again, stepped into the picture and gave her surgery. She lost two toes, but she now has total agility and is the best little pet you could ever ask for. Numerous cats are trapped, if you look at the index ([Exhibit E](#)).

There are many other cases. What we do, when these cases come to us, if we are out tabling at an event, or if people email us, call us, or if we meet people, we have to have a story that can be verified. We take their name and know who the story comes from. We do not take hearsay stories, but we do have numerous stories of this nature [([Exhibit D](#)), page 27].

This is Luna [([Exhibit D](#)), page 28]. She was in Clark County and is owned by a fire service employee. As you can see, they could not get the trap off her, so they had to cut the trap loose at the chain and took her to the veterinarian. She did survive, but she lost a lot of blood.

This is McGee [([Exhibit D](#)), page 29]. This is a particularly sad story to me because he was just a little puppy. He got out of his yard, which happens because we do not all have perfect yards. Once in a while, a board gets loose and a puppy gets out. His telephone number was on his collar and the owners looked all over for him. A couple of days later, someone put him back in their yard. His leg was severely mangled. He survived, but he will always walk with a limp.

This is Dice [([Exhibit D](#)), page 30]. This is a story from rural Nevada. I do not know if rural Nevada is 100 percent in favor of trapping. Although that is often claimed, I question it. Dice was in rural Nevada near Ely. He was on a leash, walking on a road with his owners. There was a trap right by the road [([Exhibit D](#)), page 31] and Dice stepped into it. Fortunately, his owner was there and he was able to open that humungous trap to release Dice.

This next picture was taken in Oregon [([Exhibit D](#)), page 32]. The next question people ask me is if trapping is really happening in Nevada. When I tell them yes, they ask why people do that. People do it for the pelts because pelts bring big money. Here is a sample, and I believe there are probably comparable pictures in Nevada of the numbers that are taken. It is just astonishing.

This is a picture of a typical fur auction [([Exhibit D](#)), page 33] in Oregon. I would imagine ours look similar to this and, again, there are plenty of people in this room who could tell you. You see all the very different species that are trapped for their pelts and put up for sale and purchased by buyers. This can be explained by other people in the room, but my understanding is these buyers come in and buy huge amounts of these pelts in a wholesale situation. They are sold mostly overseas.

These are the species that are trapped for their fur [([Exhibit D](#)), pages 34 and page 35], which is also available on the Nevada Electronic Legislative Information System (NELIS) ([Exhibit F](#)). It shows the amount of money each species brought in. You can see all the species listed. The bobcat is the most profitable, and 1,680 were slain in the 2013 season. The best bobcat pelt brought in \$1,688.19. You can see all the species that are involved in the fur trade.

I will not go into our history in too much detail, except to tell you that we did meet with the Board of Wildlife Commissioners (NBWC) for a year and a half after Senate Bill No. 226 of the 76th Session was passed in 2011 [([Exhibit D](#)), pages 36 through 43]. We negotiated terms of a regulation, which was approved by the wildlife commission as LCB File No. R062-12 that stipulates trapping cannot take place within a half-mile of a residence within a congested area. That is because there was no regulation, until we did all of this, stipulating that in a neighborhood, where you are likely to have your pet or go walking yourself, there cannot be traps. We did get R-062 passed in June 2012. We are very grateful to the wildlife commissioners, who put in a lot of time and effort on this regulation.

Our Clark County colleagues got R-158, a trapping regulation, passed after long negotiations with the wildlife commission, who formed a subcommittee for trapping regulations. The wildlife commission passed the regulations regarding the Mount Charleston area and the Spring Mountain area.

What we are asking for in S.B. 213 (R1) is that mandatory registration of every Nevada trap must be reinstated. In 1995, registration was rendered optional. What we would do at this time is change one word, making registration of traps mandatory once again. This would be a tremendous help to NDOW. You can see here [([Exhibit D](#)), page 44], which is also available on NELIS ([Exhibit G](#)), where they had a 130-hour stakeout to figure out who set traps in a place where they should not have been. Those traps were near Thomas Creek and Whites Creek. [Ms. Swain also provided a post from reporter Mark Robison ([Exhibit H](#)).

I think this will be helpful to NDOW as a starting place for their investigations. It would also certainly be helpful to the public. It will give the public an avenue by which they can determine if they want to bring suit for damages if they have a \$1,000 veterinarian bill as a result of an accidental trapping. It will be very helpful and we are very grateful that this measure still exists in S.B. 213 (R1).

We initially asked for traps to be visited every 24 hours and not the current, brutal 96 hours [([Exhibit D](#)), page 45]. This is mostly motivated by humane considerations when you consider what an animal goes through for four days in a trap. Ninety-six hours is the longest mandated trap visitation time in the United States. Thirty-three states have 24-hour visitation. Of those states, five are comparable to Nevada, in that they are large and trappers have to cover large geographical areas, and yet they have 24-hour visitation. That has been amended and we are okay with that. We are grateful that we still have the opportunity to bring about a shorter visitation time. The amendment that was put on this measure enables the wildlife commission to set such regulations. We might talk a little bit about the language or how to best express that so we have some language that gives clear guidance to the wildlife commission on this issue. We are very grateful that we have the opportunity to shorten visitation time.

This is a group of us who used to go hiking with our dogs in the outback all the time [([Exhibit D](#)), page 48]. It was great fun and we did not worry about anything because we did not know anything about all of this and thought everything was fine. The animals stuck with us and we never lost a dog. We had some pretty big hikes back in the day. We want to have carefree outdoor recreation again.

This is a picture of Zeldara [([Exhibit D](#)), page 49], which I just had to share with you. Llamas, burros, and guard dogs can protect herds. Therefore, the need for traps could just about be eliminated. This has been proven by Project Coyote, which is a side issue. Another reason for traps is to protect herds, and we certainly appreciate that motivation, but we think it can be accomplished in a nonlethal, painless manner.

That is our presentation. We are here because the wildlife commission determined that the measures we are asking for, the trap registration and the shorter visitation time, were statutory matters and do exist in statute. They sent us here because they said they could not enact regulations themselves. We have asked many times for these measures at the wildlife commission, we did not just come here first. We came here after being told by the wildlife commission that this is the appropriate body to approach.

We have talked about the humane issue of the shorter visitation time when you consider that hunger, thirst, the elements, fear, pain, and predators threaten an animal who is sitting in a trap for four days. I think you can understand the motivation from animal activists. I have included some of the language of the amendment from Nevada Political Action for Animals ([Exhibit I](#)) in my prepared testimony [([Exhibit C](#)), page 3].

TrailSafe supports any measure that opens the door to shorter visitation times and, therefore, we are in support of the measure as it is in S.B. 213 (R1). I urge you, on behalf of Nevada's wildlife, companion and service animals, and the vast public who enjoy outdoor recreation, to pass S.B. 213 (R1) as you see it here before you today.

Chair Daly:

You did go through that quickly and I appreciate that. At this time, do we have any questions from the Committee?

Assemblyman Ellison:

Senator Parks, there is a \$2 million fiscal note on this bill. How are you going to address that? Should it not have gone to the Senate Committee on Finance? Is there any trap that you could accept that does not have the restriction with it?

Senator Parks:

It was my understanding that the fiscal note was dismissed and that is why it did not go to Senate Finance. With regard to your second question, I would like to defer that to Ms. Swain.

Patricia Swain:

Are you asking if there is any kind of trap that would be exempt from these regulations?

Assemblyman Ellison:

Yes.

Patricia Swain:

TrailSafe is happy with the wording of the bill now. Traps are defined in the amendment from NDOW ([Exhibit J](#)) regarding the registration measure. The reference in section 3 of that amendment is trap, snare or similar device. It is not specific in that regard. It does not talk about the size or style of trap.

Assemblyman Ellison:

I am looking at the fiscal note we just received. Maybe this has been erased, but it is still on my computer. I looked back at the Senate version of the bill and also at the current bill, which still shows the \$2 million fiscal note. I do not know if that is erased or not.

My follow-up question is whether you have ever seen mountain lions come into residential neighborhoods.

Patricia Swain:

No, I have not.

Assemblyman Ellison:

I have seen it a lot. Unless you are out there with a weapon to try to get them back, the only thing you can do is set traps. Be cautious of what you create, because I guarantee those lions will come back. That is what happens in residential neighborhoods with predatory animals.

Patricia Swain:

First of all, regarding the fiscal note, I believe the Chair has a letter from the State Department of Agriculture in which they state there is no longer any fiscal impact in this bill for the Department of Agriculture. Therefore, they are not pursuing this.

Chair Daly:

We should stick to the bill and let other people worry about the money. Is there anything else, Assemblyman Ellison?

Assemblyman Ellison:

We have had many bills killed because of fiscal notes, so that is why I want to make sure.

Chair Daly:

We are not the fiscal committee, so we will stick to policy.

Assemblyman Livermore:

My question goes to your definition of a "trap" in section 1.3. It states, "'Trap' means a device that is designed, built or made to close upon or hold fast any portion of an animal." We had a bill here a couple of weeks ago, dealing with crawfish traps in Lake Tahoe. Does this bill fit that? The reason they were here looking for relief is because their traps were being stolen. There was a huge cost involved, not only the traps themselves, but the material inside the trap.

I am curious if you intended this bill to address that issue or will it just happen bilaterally?

Patricia Swain:

No. This has nothing to do with the crawfish traps. Again, a commonly asked question is it has nothing to do with mousetraps or rat traps. The statute is vast. Public health deals with vermin. Aquatic life is a whole separate issue. This deals strictly with traps that are set for wild mammals.

Assemblyman Livermore:

I see representatives from NDOW here. It might be worthwhile to see how they would interpret this. I am not sure how I feel about that. However, when you enact something, you do not always know what comes along with the measure.

Chair Daly:

The Department of Wildlife will have a chance to speak and we can ask that question then. I do not know if Ms. Swain could answer it.

Assemblyman Wheeler:

In section 4, subsection 2, regarding the removal of a trap, the new language states, "unless the trap, snare or similar device creates an immediate and obvious risk of injury or death to any person, pet or service animal." I am wondering who can actually remove it. Do you have to call NDOW or can you remove it yourself?

Patricia Swain:

I believe it would very helpful to talk to NDOW. They are here. I do have notes from them on that question. They are very compassionate in these situations. No one is going to tell you to leave your dog in a trap.

Chair Daly:

Maybe I can answer that question. The language is supposed to be amended and deleted in the NDOW amendment ([Exhibit J](#)). It was supposed to be done on the Senate side. The proposal for the language you just cited is to be deleted.

Assemblyman Thompson:

I have a question on section 5, subsection 3, starting at line 17. It talks about the 96 hours, but then it goes on further to describe a snare, trap, or similar device in close proximity to a populated or heavily used area. I would like to know your definition of that so we do not assume. It also states the trap must be visited more frequently. I know you said in an ideal world you would want the 24 hours, but what would your definition be of "more frequently"?

Patricia Swain:

As far as the proximity to a populated area, that is very unspecific. I think the intention is that through a process of meetings with the wildlife commission and their trapping regulation committee, we will hash out that question. That could be a rather time-consuming process. That is the process we followed to get R-062 passed. My guess is that would be what would happen.

As for the 96 hours, it would certainly be desirable, from my point of view, if we could say 24 hours is the minimum to be observed closer to population and 96 hours would still be the maximum in the outback. We do not have language that specifically says that, but it might be helpful for clarifying this issue to the wildlife commission.

Assemblyman Carrillo:

This question is in reference to the registration of traps. Currently, trappers are not required to register them, correct?

Patricia Swain:

No, they are not required to register the traps. It is optional, as the law is written.

Assemblyman Carrillo:

How does that come into play where they register a one-time fee of \$10? The traps probably never wear out, but they are stolen. Is the registration transferable to their new traps? If they were stolen, do they have to register the traps again? What is on the traps to show who it belongs to? Do they have to get them engraved with their name and address? Is there a tag on the trap that can be easily removed and someone else can claim it as theirs? I am sure people have a certain mutual respect when they are trapping, but could you elaborate on the registration procedure?

Patricia Swain:

I think some of your questions are addressed in the amendment from NDOW ([Exhibit J](#)). I think we are lucky enough to have someone from NDOW here who can clarify some of those questions. It is my understanding that you pay \$10 and you get a number, which is your number, and that number goes on all your traps. As far as the question of someone stealing a trap and the owner's number turns up on a violator's trap, that is complicated. I believe the amendment does deal with those questions. I am hoping NDOW can clarify that for us.

Assemblyman Carrillo:

I am trying to find it in the bill. This is the first reprint. Perhaps NDOW can address that when they come up.

Chair Daly:

The mock-up was finished very late. Take a look at that and we will get NDOW up here to answer some of these questions.

Assemblyman Carrillo:

I know on the PowerPoint presentation you showed animals that were getting into traps. Is there any type of notification stating there may potentially be traps in the area so you should not let your animals run free? Obviously, cats are roaming animals and there is no way you would be able to keep an eye on them 24/7. I am an urban guy and I do not know the whole trapping procedure. With my luck, I would step on one myself.

Patricia Swain:

That was one of the measures in our original bill, but it was deleted. Trappers commonly have flags or something shiny that they put out to attract bobcats. We were hoping these flags would be noticeable to the public. When there is a situation where you have hiking trails and there is a kiosk with general information, we were hoping there could be a notification of traps in the area. As a matter of fact, in Clark County they are negotiating with the fire service over that question. It is not in the bill as you see it today.

Chair Daly:

Are there any further questions from the Committee? [There were none.] Senator Parks, I know we went a little over your time. Do you need to leave?

Senator Parks:

Yes. Thank you for extending a hearing on this bill. I appreciate it.

Chair Daly:

At this time, I will open the microphones for testimony in support of S.B. 213 (R1). We do hope to hear new information. We know this bill had an extensive hearing in the Senate. We do want to hear the necessary information, but we hope not to repeat too much. We will start in Carson City, then we will go to Clark County, and then we will go to Elko.

Beverlee McGrath, representing The American Society for the Prevention of Cruelty to Animals; Best Friends Animal Society; Nevada Humane Society; Northern Nevada Society for the Prevention of Cruelty to Animals; Nevada Political Action for Animals; Lake Tahoe Humane Society and Society for the Prevention of Cruelty to Animals; Compassion Charity for Animals; Pet Network of Lake Tahoe; Wylie Animal Rescue Foundation; PawPac; and Lake Tahoe Wolf Rescue:

We are in strong support of this bill. To address what Assemblyman Ellison was saying earlier about the mountain lions coming into the residential areas, this bill has nothing to do with the State Department of Agriculture or the U.S. Department of Agriculture and depredation permits.

There are currently 1,000 licensed trappers in the state of Nevada. When you consider the population of Nevada, that is really not a high percentage. The number of hikers, photographers, and people who enjoy the outdoors, including campers and Boy Scouts, who are subjected to these traps, we feel they should have a 24-hour check and public notification. All of that was amended out of the bill. You currently have two simple amendments before you regarding the visitation period for traps. One was proposed by myself on behalf of Nevada Political Action for Animals ([Exhibit I](#)), which has incorrect grammar, and the other one was proposed by Patricia Swain [([Exhibit C](#)), page 3], which has correct grammar. Hopefully, you will consider Ms. Swain's amendment. It only proposes to NDOW and the wildlife commission that they consider the 24-hour check as opposed to the four-day check, which is very inhumane and inconsiderate.

Chair Daly:

Are there any questions from Committee members? [There were none.]

Margaret Flint, representing Nevada Humane Society; and Canine Rehabilitation Center and Sanctuary:

We are here in support of the bill in concept. I do want to touch on a couple of things that Assemblyman Carrillo mentioned. It is unfortunate and sad that they removed the two sections of the bill that actually do address public safety. There is absolutely nothing in this bill now that protects us when we take our dogs for a walk. I am a northern Nevada gal; I grew up here. I like to hit the dirt trails in the summertime in my four-wheel-drive. I go through Jumbo Grade, Dog Valley, and all of those areas. I like to take my dogs and know I can let them off a leash to run. Unfortunately, there is absolutely nothing, not one thing in this bill, that protects us. We asked for a couple of simple, little things, like a flag to warn people the traps are there. Also, not being able to tamper with the traps, if my dog is caught in a trap, what am I supposed to do? Do I hope my cell phone picks up a signal so I might be able to get ahold of

someone at NDOW who might be able to come and get my dog, or my child, or myself out of that trap before it is too late? I am not going to drag on about this, but I think it is really sad and unfortunate that we cannot address that issue. However, we do support the bill.

Elaine Carrick, Private Citizen, Reno, Nevada:

I am in support of S.B. 213 (R1), which will require traps to be registered. I think it is going to make it a lot easier for game wardens to identify the owners of illegally set traps. Currently, if a trap is set illegally, the wardens have to do a stakeout and wait for the trapper to come in order to know who that person is. I think this is more efficient. It could save NDOW money.

I was disappointed that the bill does not directly address how often the trap should be checked, which is currently 96 hours or four days. First of all, we do have domestic animal cruelty laws. If a dog or a cat were left in a similar situation deliberately, that would be considered animal cruelty. Wild animals do not fall into animal cruelty laws. Wild animals do feel pain, just as domestic animals. Pain is pain. If an animal feels pain, it should be minimized, if at all possible, and this could be done by shortening the time between trap visitations. I do think this is a step in the right direction and I would ask you to support this bill.

Chair Daly:

Are there any questions from Committee members? [There were none.] We do have three chairs at the witness table in Carson City, so please come up if you are in support of the bill. We will move to Clark County for testimony in support.

Jana Wright, Private Citizen, Las Vegas, Nevada:

I am testifying in support of S.B. 213 (R1). I submitted my testimony to NELIS ([Exhibit K](#)), so I would hope that you and the rest of the Committee might look at it. For the essence of time, I would just ask that you do support the bill.

Stephanie Myers, Private Citizen, Mount Charleston, Nevada:

With only about 1,000 trappers in a state whose population may exceed 2.7 million people, why is it that the trappers can block legislation with a whimper? [Ms. Myers continued to read from written testimony ([Exhibit L](#)).

Karen Layne, President, Las Vegas Valley Humane Society:

Chair Daly, I will simply say to you and the other Committee members that we hope you will support S.B. 213 (R1). We certainly think it is a step in the right direction. There has been a lot of discussion, and while we realize you have

other issues as well and the session is becoming very short, we do hope that you will support this bill.

Chair Daly:

Are there any questions from the Committee members for the witnesses in Clark County? [There were none.] Is there anyone in Elko who wishes to testify in support of the bill? [There was no one.] We will come back to Carson City for anyone wishing to testify in support.

Donald A. Molde, Private Citizen, Reno, Nevada:

Briefly, I support the provisions in the bill, which I regard as fairly modest steps forward. I would like to add just a little bit of historical perspective on the 96-hour visitation requirement. That item has been a matter of public controversy for decades. It was one of the first things that got me involved in wildlife management issues back in the late 1970s.

The wildlife commission has always been able to dodge that issue because the 96-hour element has been in statute for a long time. I think this bill would put the authority for determining visitation back with the wildlife commission, which seems to me to be the proper place to have it, although we will probably lose on it. Nonetheless, I think the concept is correct. I endorse the bill with those comments. [Provided a written statement ([Exhibit M](#)).]

Kim Henrick, Private Citizen, Reno, Nevada:

I live in Reno, Nevada with my husband, Phil Henrick. I am testifying today on our behalf only. [Ms. Henrick continued to read from written testimony ([Exhibit N](#)).]

Chair Daly:

Are there any questions from Committee members? [There were none.]

Robert Jones, Private Citizen, Carson City, Nevada:

I live about a mile west of here at the end of King Street. About two years ago, I hiked up the hill about a quarter-mile. It was January and it was snowing. My dog was caught in a trap. It took me two hours to find my dog and it took me, with the help of other people, about two and a half hours to get someone up there to release the trap. The trap was a quarter-mile from my house. I would like to put my experience on the record. Obviously, my dog would not have lived if I had not found it.

Chair Daly:

Are there any questions from Committee members? [There were none.] We will go back to Clark County for testimony in support.

Stacia Newman, President, Nevada Political Action for Animals:

We are here to support the passage of S.B. 213 (R1) and we echo the testimonies of those who spoke in favor of the bill in Carson City. In the interest of time, I would like to say there are nine people, by a show of hands, who will not be speaking today, but are in favor of the bill.

I would like to comment that when it comes to animal suffering, we have to have some commonsense requirements. This holds true in every other industry that is doing business in the state of Nevada, all of which have professional standards, a code of ethics, and responsible practices.

Jean Perry-Jones, Private Citizen, Las Vegas, Nevada:

I am in support of S.B. 213 (R1). What you have in front of you now is a compromise from the original bill. However, this is the very minimum that I urge you to pass and put in our statutes.

As a retired probation officer and an American living in this age of terrorism, public health, safety, and accountability are mandatory considerations. This is a basic mandatory registration of the traps. The information is not available to the public; it is only available under a court order to find out if it can be released. It is just basic accountability. As a probation officer, there is basic accountability on anything that involves any type of health and public safety issue. Identifying a trap with a mandatory registration is basic accountability.

The second component of the bill is for shorter visitation times, decided by NDOW commissioners. It seems they should be able to decide that traps should be visited earlier. I know conscientious trappers who are looking to sell their pelts would also like to visit traps in at least 24 hours. The longer they leave an animal out there, it would be in the elements and the weather, predators will approach them and may tear or damage the animal's pelt. We all know that stress causes loss of hair, so if you have an animal suffering for four days, hormones and enzymes that are released will diminish that pelt. I know a true, conscientious trapper would want a shorter visitation, as well. It kind of clears up the name of all the trappers. I urge you to support S.B. 213 (R1).

Chair Daly:

Are there any questions from the Committee? [There were none.] I am assuming everyone who wants to speak in Las Vegas has come up in support. If there is anyone else in Las Vegas who wants to speak, please come up. [There was no one.] We have one person left here in Carson City for support.

Holly Haley, representing Humane Society of the United States:

I would like to go on the record to say we do support this bill.

Chair Daly:

At this point, I know we have a friendly amendment from NDOW ([Exhibit J](#)). I would like to have NDOW come up before we go in to opposition to run us through the amendment. I am sure the Committee is going to have some questions.

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

The proposed amendment to S.B. 213 (R1) ([Exhibit J](#)) is posted on NELIS. Section 3, subsection 3, is technical clean-up. It makes it clear that each trap utilized may only bear the trap registration number of the owner and cannot have multiple trap registration numbers on the trap. The proposed language reads, "Each trap, snare or similar device registered pursuant to subsection 1 must bear only the registration number of the current owner of the trap, snare or similar device. A trap, snare or similar device which is sold or for which ownership is otherwise transferred must not bear the registration number of the seller or transferor."

Chair Daly:

Are there any questions from Committee members regarding section 3, subsection 3 of the proposed amendment? [There were none.]

I have a question. I think this amendment makes sense. I believe we may have had a situation where you had old traps or traps that were permanently marked. This will alleviate that, so regardless of the old permanent mark, everyone will have to get some type of new registration number. Is that going to be done by regulation? If you had an old trap or a trap that had someone else's number that was permanently marked, are those going to be disregarded and there will be just one new marking?

Rob Buonamici:

We are looking at just one registration number on the trap: that of the owner. As far as obtaining a new registration number, those trappers who have voluntarily obtained registration numbers or had registration numbers that were mandatory prior to the change in 1995 can retain those same numbers. They do not have to obtain a new number. If they have existing traps from the '80s or early '90s with the original number from NDOW on them, and that is the only number on them, that would suffice.

Chair Daly:

If they had a permanent mark on a trap that was registered voluntarily or due to the prior law, those permanent markings will suffice. If you have new traps, you are not going to require the permanent number and they are going to get

some type of marking on the chain or band. If they sell an old trap with the permanent number, the buyer will have it marked, but it is not necessarily going to be a permanent marking. Is that correct?

Rob Buonamici:

The language reads the trap must bear the registration number. From our perspective, we are neutral on how that is put on the trap: whether it is permanently stamped into the pan, on a metal tag, or somehow permanently affixed to the chain. We would leave that up to the trapper. The fact of the matter is, if the trap is legally set, we do not have a reason to pop the trap or look for a number. We are going to assume it is legitimately registered.

Assemblyman Carrillo:

If you have a certain number of traps in an area and something happens to take the registration number off, will that person be cited for that? I am not sure how the registration number is going to be affixed, whether it is a heat tag or something of that nature. Someone may decide to be malicious and take the registration number off the trap. I am sure there is a lot of respect among trappers in the industry, and I would like to think that people are not going to play those kinds of games. If this bill goes forward and NDOW comes across a trap that is not marked, would the owner be cited?

Rob Buonamici:

Each situation will be different. That is just the nature of the beast. However, if we run across a trap that is not registered, it will require some discretion. Are there ten other traps up the canyon? If so, are they registered? If they are registered, it would lead us to believe something happened to the registration number on that trap. We would not be looking at issuing citations in those types of situations. It would be like a license plate falling off a vehicle, or someone stealing a license plate off a vehicle unbeknownst to the owner. I would doubt, in those situations, law enforcement would issue citations. We will investigate it. It will depend on what the trapper says, as well. If the trapper said he did not have time to mark all his traps, in that case a citation would likely be issued. If the trapper's information is consistent with the physical evidence and he indicated there was a number on that trap at one point in time, but it disappeared, we are going to err on the side of the trapper.

Assemblyman Livermore:

We live in the city. The city has animals such as squirrels, raccoons, and skunks. In my case, I am sitting at my kitchen table on April 25. There was a coyote running down the street. My neighbors had already left a voicemail on my phone warning me to take care of my animals because the coyote is back. When you call Carson City Animal Services, they say they will rent you a trap

for you to catch him. What happens in that case? Do I need a license for that trap?

Rob Buonamici:

In that case, if animal control is authorizing the trap, and I am assuming it is probably a box trap or live trap, as opposed to a steel leghold trap, those situations will not require a trapping license. We will verify with animal control that you rented the trap to handle a depredation issue.

Assemblyman Livermore:

Once I catch the coyote, will animal control call you to release him? What do I do with the coyote?

Rob Buonamici:

It is all yours.

Assemblyman Livermore:

I am on my own. Thank you.

Assemblywoman Cohen:

Mr. Ellison mentioned trapping for protecting people and livestock. Can you tell me, generally, how many trappers are trapping to protect areas and how many are trapping for pelts?

Rob Buonamici:

It would be a wild guess, quite honestly. In general, the trappers are trapping, most of the time, for personal reasons, whether it is recreational or financial. Many times in that process, depending on where they are trapping, just their activity of trapping helps alleviate some of the depredation issues, depending on what they are trapping and if that species is causing the predation problem. There are times when landowners will apply for a predation permit and then they will hire a licensed trapper or invite a licensed trapper to trap on their property to trap the animal that is causing the predation problem. I really cannot give you any figures.

Assemblyman Wheeler:

I have a question concerning the amendment. Are you taking the 24-hour period out in the amendment and putting it back to 96 hours?

Rob Buonamici:

This applies to registration of the traps only and nothing to do with visitation.

Assemblyman Ellison:

How many of these traps are in residential neighborhoods or cities? Are they not many miles away from towns?

Rob Buonomici:

It varies. The trappers are like fishermen or hunters. They are going to go to places closer to town. There are trappers who do not want any part of being close to any type of city and want to be out in the middle of nowhere. You have some that are in between. There is a variety. I cannot say they all trap in the middle of nowhere. Do we have some trapping close to town? Yes, we do. That is why pets sometimes get caught and where it usually occurs. They trap where there is an opportunity to trap.

Assemblyman Ellison:

How many coyotes or badgers have you trapped in box traps?

Rob Buonomici:

It is very difficult, quite honestly, to catch a coyote in a box trap.

Assemblyman Ellison:

It is almost impossible.

Rob Buonomici:

It is tough to do.

Chair Daly:

Are there any further questions from the Committee? [There were none.] Before you move to the next piece of the amendment, could you give us a rundown on when the season is to trap? It is not 12 months a year. There is a certain time. In addition, what are the existing rules on how close to a trail or residential area you can set the traps? I know there are some rules already, but could you remind us?

Rob Buonomici:

The general rules of where you can trap are in *Nevada Revised Statutes* (NRS) 503.580. You cannot trap within 200 feet of a roadway, unless it is private property and fenced. There are regulations regarding trapping within 1,000 feet of designated trails, and a half-mile from a residence and populated residential areas. Those residential areas have been defined by the utilization of congested area firearms maps and so forth. They are identified in some fashion for the trappers and the nontrappers.

With regard to the trapping season, the bobcat is probably the biggest draw for trappers. Those seasons vary, but they are in the winter months and for a short period of time; three or four months. We have very few trapping conflicts in the summer. They do occur. There are some trappers who are trapping for coyotes, badgers, et cetera. Those are pretty minimal. In general, the winter months are when the primary trapping occurs.

Chair Daly:

Are there different rules for waterways when trapping for beaver or muskrat?

Rob Buonamici:

If they are trapping for muskrats, they are using fairly small traps. For beaver and so forth, you will occasionally see the Conibear™ traps. Most trappers will submerge those.

Chair Daly:

Please proceed to the second part of the amendment.

Rob Buonamici:

The second portion of the amendment stems from what was believed to be an oversight by the Senate Committee on Natural Resources. We have confirmed that with Senator Ford, Chair of Senate Natural Resources. Section 4, subsection 2, states, "It is unlawful to remove or disturb the trap, snare or similar device of any holder of a trapping license while the trap, snare or similar device is being legally used by the holder on public land or on land where the holder has permission to trap." It was intended to end there. The portion that has been deleted states, "unless the trap, snare or similar device creates an immediate and obvious risk of injury or death to any person, pet or service animal." Subsection 3 of section 4 is also deleted and stated, "As used in this section, "service animal" has the meaning ascribed to it in NRS 426.097." That portion was to be deleted.

Chair Daly:

Are there any questions from the Committee on that portion of the amendment?

Assemblywoman Cohen:

In that part of the amendment, it is saying if a trap is legally placed. If you have a trap that is out of season or in the wrong place, can it be moved?

Rob Buonamici:

Yes, if it is illegal.

Chair Daly:

I did speak with Senator Ford and he confirmed that was an oversight. Do we have any further questions for Mr. Buonamici? [There were none.] Please stick around because we may have another question before the end.

At this time, we will take testimony in opposition to S.B. 213 (R1), both here in Carson City, Las Vegas, and Elko. We will start in Carson City.

Joel Blakeslee, representing Nevada Trappers Association:

I have a brief PowerPoint presentation ([Exhibit O](#)). When I first signed in today, I was going to be neutral on this bill. Since we have an amendment, I will oppose the amendment. Would you like me to address that after the PowerPoint presentation? I can address it now, whichever you prefer.

Chair Daly:

We will see your presentation first and then you can address the NDOW amendment and the other amendment.

Joel Blakeslee:

There are a couple of things I need to say in rebuttal. In most of the incidents that were portrayed today, there is a law against virtually every one of those unfortunate things. Obviously, trappers should not be on private land trapping. On the other hand, people should not allow their dogs to run loose either. There are ordinances on both sides of that issue.

As far as traps being indiscriminate, there was over \$10 million spent on trap testing with the International Standards Organization and the Best Management Programs. This is not something that is being heard for the first time. It has gone on for decades and decades.

Regarding the pictures of the Conibear™ traps, that is something that does not happen in Nevada very often because we do not have much water, and those are water traps. I will leave it at that and move on to the PowerPoint presentation.

Trapping has a rich history in Nevada. In fact, this city is named after a trapper. There is a statue about 40 yards north of this building of Kit Carson sitting on a horse. Trapping is part of our heritage [([Exhibit O](#)), page 1].

There was some talk about the mountain men. They explored not only northern Nevada, but also southern Nevada. They were in the Mojave [([Exhibit O](#)), page 2].

Sage-grouse are a big thing on everyone's mind right now. Randall Stoeberl from Elko will discuss a project he did in Utah. Bobcats, coyotes, foxes, and badgers are all predators of ground nesting birds. In this day and age, this is something we need to think about [([Exhibit O](#)), page 3].

Obviously, predators take livestock, which is people's property and worthy of consideration. Trapping is one way to alleviate that [([Exhibit O](#)), page 4].

This is a picture of a deer fawn next to a coyote den. You can see the den hole on the left side of the picture. Predators take a lot of game. In fact, there are hundreds of thousands of dollars spent by the state every year to alleviate game management. Private trappers do a lot of this stuff for free [([Exhibit O](#)), page 5].

As long as we are on that, I would speak to the amendment to this bill in the Senate. That amendment discussed the 24-hour visitation and the cost to the state in the event the state trappers would have to check their traps more frequently. That would cost \$2 million for 28 employees. I would say that what trappers do saves the state a lot of money.

Seeing as we are showing uncomfortable pictures, this is just one of a predation sequence [([Exhibit O](#)), page 6]. As far as I know, this happened north of Elko. This shows a bobcat taking down a deer.

These next two slides should have been more in the back of my presentation [([Exhibit O](#)), page 7], where I talk about what we have already done as far as creating setbacks from trails and roads and populated areas in the state. I am not saying this is a result of that, but it could be.

Here, again, we have animals moving into towns [([Exhibit O](#)), page 8]. We do not trap around towns anymore.

There was one subdivision north of Sparks where there were over 60 pets that were reported taken out of people's backyards last year [([Exhibit O](#)), page 9]. Those were just the reported animals. This picture was not taken in Spanish Springs, but it illustrates what goes on. If you look at this picture, it is a different kind of trap a pet can get into. If we are going to start balancing the equation, we can talk about the occasional pet that gets caught in a trap, but there is more than an occasional pet that gets caught in a coyote's mouth, too.

Just to show you some of what we have done in the past couple of years [([Exhibit O](#)), page 10], this is an overview of Mount Charleston. The Nevada Trappers Association actually came up with the majority of this map.

We took the popular hiking trails, roads, and campgrounds on Mount Charleston and recommended a setback, which we eventually came up with. There were a couple of places we did not agree with, but for the most part, that was a regulation that was proposed by the Nevada Trappers Association.

The next picture [([Exhibit O](#)), page 11] shows a buffer zone around a community near where the road comes off the highway. As mentioned before, we created a half-mile buffer zone around the congested areas of both Washoe County and Clark County for trapping. We have addressed many of the concerns that have been talked about already.

As far as the signing of traps in Washoe County, we created a 1,000-foot setback on each side of the trail at some popular hiking areas. Those kiosks, as far as I know, have signs saying traps could be in the area. We tried to concentrate on the highest human use areas. The next slide [([Exhibit O](#)), page 12] is another example of the buffer zone.

This is the Washoe County congested area [([Exhibit O](#), page 13]. We cannot trap within a half-mile of that area. The same is true in Clark County, although I do not have that map.

We have seen some distasteful pictures today [([Exhibit O](#)), page 14]. I think this is distasteful. If you look at the tail on that coyote, it is devoid of hair. Its coat is obviously infected with sarcoptic mange. This is something that happens when animals overpopulate. It is nature's way of curing overpopulation. When you harvest animals, you tend to modulate that type of response.

There was a huge rabies epidemic in this state between 1915 and 1930. In fact, there is a book in the Legislative Gift Shop entitled *The Time of the Rabies*, written by Robert Laxalt. The amount of money that was spent trying to get that under control is phenomenal. It bankrupted counties and they had to create a state rabies commission. If we keep these animals under control, which we have done since then, we do not have that happening.

One of my members in Las Vegas did an Eagle Scout project with his son. They found that the bubonic plague titer level in the gray fox on Mount Charleston is just under the boiling point. We do provide things to society that most people do not see on the surface.

Since that is basically the end of my slide show, I would like to talk about the registration issue. The Nevada Trappers Association agreed to that on the Senate side. We do not necessarily agree with it, but we agreed to it. The

problem we have with the amendment is we not only have to mark our traps, but we have to unmark our traps. We are talking about a device that has a piece of metal on the base plate as thin as one-sixteenth of an inch. All of these traps from years ago were permanently marked because that is what the law said. These traps are manufactured with close tolerances because metal costs money, and they build them with the least amount of metal possible. How are we going to unmark those traps? Do we grind it down to the point where a device that is operated under spring pressure is going to snap because we ground it to one-sixty-fourth of an inch? That indentation can be x-rayed even if you grind it almost paper thin. We agreed to registration, but this does pose a physical problem to us on how to do that. I suppose we could weld them out, but on some of the smaller traps, the metal is even less. Plus, you are dealing with spring steel, which heat is notoriously bad for. I am asking you from a practical standpoint, how are we going to address that?

As far as doing visitation through National Animal Control Association (NACA), I think that is a good move. Registration probably would have been better over there, as well.

I will finish up with a quick story we heard in the Senate. I was talking to one of the ladies in the room after the meeting. We were being congenial and a fellow came over and said, "You guys get along." I said, "Absolutely. I do not carry malice toward these people." She said, "Yeah, let's keep it fun."

This is not fun for us. This is our culture and our heritage. It is not recreation. We take it seriously. That is basically my testimony. Thank you.

Chair Daly:

Are there any questions from the Committee? [There were none.] If there is any further testimony in opposition in Carson City, please come up to the witness table. If there is any testimony in opposition in Elko, we will start there. We are going to lose our feed in about 50 minutes. We want to make sure those in Elko have time.

Randall Stoeberl, Private Citizen, Elko, Nevada:

You should have a copy of my testimony, as I mailed it yesterday. I am going to read verbatim from the page. I am a geologist in the gold mining industry. I am also a hunter, a fisherman, and a trapper. [Mr. Stoeberl continued to read from written testimony ([Exhibit P](#)).]

The carrying capacity defined, if you do not know, is a specific area of habitat that will support so many numbers of animals, regardless of what they are. In this case, it is the red fox. When that number exceeds the carrying capacity

and the fox are in close proximity, they are subject to disease. [Mr. Stoeberl continued to read from written testimony ([Exhibit P](#)).]

[Mr. Stoeberl read a letter from Sergeant Dan Barnhurt, Utah Department of Natural Resources ([Exhibit Q](#)).]

With that, I am done. I thank you Mr. Chair and Committee. I will answer any questions, if you have any.

Chair Daly:

Are there any questions from the Committee? [There were none.] Is there anyone else in Elko who wishes to testify?

Peter Shepherd, Private Citizen, Elko, Nevada:

I am a retired wildlife biologist with 35 years' experience in big game and fur management. Senate Bill 213 (1st Reprint) is in direct opposition to good fur management. The restrictive nature of this bill, especially the 24-hour check, would essentially reduce trapping efforts in Nevada, especially in rural areas, and concentrate trapping near population centers. In addition, predation on deer and other game animals and game birds would increase by predators that are normally targeted by trappers. Furthermore, present trap check requirements allow for variable weather conditions common in Nevada in the winter, plus the vast travel needed to reach trapping sites in rural areas.

Trapping is essential to the ranching industry in Nevada. Sage-grouse have been declining statewide and may be listed as endangered. A ruling would result in grazing range closures that would be designated as critical habitat. Many fur animals normally harvested by trappers will destroy sage-grouse and eggs. Control of predators is critical to the survival of the sage-grouse.

Irrigation by waterfowl is important to many ranchers. Damming of streams and irrigation channels by beaver restricts water flow. Removal of dams is often an overnight and futile effort. Therefore, the beaver must be trapped. In urban areas, beaver damage shade and fruit trees and block culverts, requiring the removal of beaver.

Many fur animals that are actively trapped, such as raccoons, foxes, and coyotes, are known to carry rabies and other diseases. Thus, trapping aids in creating conditions for healthy fur populations. Restricting urban areas with closures would create problems for capture of nuisance animals common to many urban areas.

In conclusion, I suggest changes to trap laws, such as trap tags, trap location signs, and the ability to tamper and remove traps, are unrealistic, proven ineffective, and an invitation to break current law, as well as providing trap thieves with an increased motivation to get away with larceny.

Jason James, Private Citizen, Elko, Nevada:

A couple of things that keep being brought up are against the 96-hour trap check. All of these people keep saying the animals in the traps are in the traps for 96 hours. Most trappers would tell you, if we knew an animal was in that trap, there is no way we would leave that animal in the trap to begin with. The thing is, animals run a circle. They have a certain area and they will make a circuit every so many days. That is why we have this. We are trying to help the ranchers and forest service. In Elko County, we are dealing with driving 100 miles one way just to get in the area before we start trying to help keep the roads open and prevent damage. I do a lot of damage control for beavers and muskrats. You might remember the flood in Fernley that was caused by rodents tearing up the dams. The same thing happened at Boyd Reservoir in Elko. The rodents get in there and destroy the dams. We are trying to do everything the best we can. It is great if we can make a few dollars a year, but there are very few, honestly, who make the big numbers spoken about. Most of us are out there because we love the outdoors and we do not want to see it go away.

I was unable to bring my boys here, but I wish they could be here. They are teenagers and they love the outdoors. There is more to this. The lady who started the presentation showed traps that have been outlawed for years, such as the cyanide trap. These sorts of things that keep being brought up have been dealt with. I do not think it is fair to my children, or my children's children, to have to go through this when there are already laws in place.

I am greatly opposed to this law changing and I would like to see things left alone. If anyone ever has any questions about how things are done up here, I would invite any one of you to get ahold of me and I will take you around and show you some of the damage. I have pictures on my computer of millions of dollars' worth of damage done by animals. You are going to end up spending millions of dollars every year for federal, state, and county agencies to pay someone to do what we are doing for free. Last I checked, the United States was in sequester. Every agency is short of funds. Why not let someone who is willing to do it without a paycheck go do it?

Chair Daly:

Are there any questions from Committee members? [There were none.] If you have something new from Elko, we would be happy to hear it. If not, you can just say "Me, too."

Riley Manzonie, Private Citizen, Elko, Nevada:

I do have a couple of things that have not been touched on. I am a lifetime Nevadan. I have an animal biology degree from the University of Nevada, Reno. I appreciate the opportunity to speak in opposition to S.B. 213 (R1).

I have been running hounds in Nevada since 1988. Any of you who are aware of what takes place when you are using hounds to hunt, you are basically turning your dogs loose and letting them run. You can figure at least 20 or 30 days out of the year I am out there doing this, and some years probably more like 50 days a year, not counting the days I take them out to exercise them. These are in the peak winter months, when trapping is probably at its highest. In all of those years, 25 years, of running hounds, I have had one instance where one of my hounds was caught in a trap. I do not have special dogs. They do not know what a trap is. They are just like everyone else's dogs. I would like to point out that in that one instance, I let my dog out of the trap and it was not that big of a deal. I am not sure what all the crying is about from people whose dogs are getting caught in traps and people having to call someone else to come and get the dog out.

Regarding the 24-hour check law, Nevada's landscape is very vast, unlike some states where there is currently a 24-hour check. Most Nevada trappers drive anywhere from 60 to 100 miles, clear up to 200 or 300 miles from home to set these traps. Doing so on a daily basis would make running a trap line extremely expensive and time consuming and would make trapping a thing of the past. The supporters of the bill know this and that is why they threw that in there.

Nevada Houndsmen Association is also opposed to S.B. 213 (R1).

Chair Daly:

We apparently only have a few more minutes with the feed. If there is anyone else in Elko, you need to hurry.

Marcial Evertsen, Private Citizen, Eureka, Nevada:

I am opposed.

Chair Daly:

If we lose you, I would like to thank you for sitting with us and for your patience. We are going to move to Las Vegas for testimony in opposition.

John Sullivan, Private Citizen, Las Vegas, Nevada:

I have lived in this state for more than 20 years. I would like to talk about two things and I believe both of them are new. I attended the Senate Committee on this issue and I do not think they have come up in this hearing.

A very important report from NDOW entitled *Furbearer Management in Nevada* ([Exhibit R](#)) was published in January 2013, so it is very current. As far as I can tell, this is the official policy of NDOW regarding trapping and furbearer management. It is a nine-page report and I will take a minute to summarize a couple of things I think are important and pertinent to S.B. 213 (R1).

The professional wildlife conservation community universally endorses traps and trapping as critical and essential wildlife management tools.

The topic of trapping, and more specifically the use of leghold (foothold) traps, is filled with controversy and pervasive misinformation.

I have heard a lot of pervasive information in my life and a little bit here today.

Governmental wildlife agencies, universities, conservation organizations, international species recovery groups, and public health officials routinely use, or prescribe the use of traps and trapping for a variety of projects.

There are several excerpts from these organizations and agencies in support. I will not read them right now.

While box traps, snares and kill traps work for some species in some applications, for many species and in many circumstances, leghold (foothold) traps are the safest, most ecologically sound, efficient, and humane trap currently available.

Trapping and leghold (foothold) traps are the pivotal management tools for modifying population trends in furbearers. Alternative control and/or live capture techniques, including cage traps, hunting, and poisons tend to be more injurious, less effective, and often pose secondary environmental hazards. Leghold (foothold) traps are routinely used to address the following management concerns:

- Threatened and Endangered (T&E) Species Protection and/or Restoration
- Habitat and Ecosystem Management
- Wildlife Disease Control
- Animal Damage Control

In summary, the importance of tracking and furbearer management strategies:

Without this highly trained community, fiscal and manpower constraints could prohibit NDOW from fulfilling other natural resources stewardship mandates.

Based on a survey conducted by Utah State University's Jack H. Berryman Institute, wildlife management experts predict that without hunting and trapping, government budgets would have to increase phenomenally to provide the same level of service received today.

I would encourage members of the Committee to read this report and I think the Nevada Trappers Association can readily supply it to each individual here.

One other thing I would like to address is the amendment Chief Buonamici brought up today concerning registration. I do see a technical problem with it. I do have a great deal of respect for Chief Buonamici, and all the game wardens here. However, I do foresee a technical problem, as Joel Blakeslee addressed briefly, with the removal of current numbers. The way this amendment is now written, I believe it would mandate one number, and only one number, on the traps. There are many traps out there that the trapper legally purchased from someone else. That trapper would have to get rid of those traps, buy new ones, and put the new numbers on them, or attempt to remove the old engraved numbers, which could be very difficult. I also know there are a lot of children, teenagers, and middle school kids who are trapping for the first time, and they inherit their parents' traps, or their grandparents' traps. These kids do not have the budgets to buy a whole slew of new traps. They are trapping muskrats in ditches. I can see them trying to remove these engraved numbers on the old traps. I do see a problem with that. The kids will try to somehow weld over the number, epoxy over the number, or use a grinding tool, which can be very dangerous. I see this as a technical problem and I think the removal of the old numbers somehow needs to be addressed.

That is my testimony today and I thank the Committee for the opportunity to speak today.

Assemblyman Thompson:

What is the lifespan of a trap?

John Sullivan:

A steel trap outlasts us most of the time. It depends upon how much they are used, of course. They can be updated. There are small springs on the trap, so

you can take a very old trap that your grandfather used 70 years ago, buy new coil springs, and that trap is as good as new. The traps last a long time, to answer your question. I cannot say it is 50 years or 100 years, but if you keep them in good condition and modify them as appropriate, these traps can go back 50, 60, or 70 years.

Chair Daly:

Are there any other questions from the Committee? [There were none.] We have one more person in Clark County wanting to testify.

Dave Stowater, Private Citizen, Las Vegas, Nevada:

I am strongly against this bill. Everything has pretty much been said, so I do not want to repeat it. A 24-hour trap check would definitely shut everyone down and cost the state millions of dollars. Basically, I see it as trappers are free labor for the state of Nevada and are proud to do it.

We have dealt with many issues here in Clark County. We have bent over backwards and have done everything in our power to make everyone happy. We will work on it forever, as far as that goes, but how much do we give? We give, give, and give, and all they want to do is take, take, take.

You have heard everything, pretty much, and I do not need to repeat anything else. Please consider what your vote is. Help protect Nevada, the wildlife, and the animals in town. There are a lot of things people do not see.

Chair Daly:

Are there any questions from the Committee? [There were none.] We will come back to Carson City for further testimony in opposition.

Larry Johnson, representing Coalition for Nevada's Wildlife:

I, too, actually signed up as neutral on this bill, but I need to make some statements as far as the proposed amendments, as well.

Almost all of the instances cited were already illegal; on private property, close to roads, and close to parks. Many of these instances were by amateurs. The latest in Spanish Springs was in retaliation for a coyote killing a man's dog in his own backyard, so the man made an illegal set next to the adjacent park. It was the wrong thing for him to do. I live on a large parcel in Washoe County and one of the biggest problems in our rural area is people who do not control their dogs. They chase, harass, and kill our wildlife and our livestock. Anyone who hikes, quite frankly, should have their pets under their immediate control. People who have testified as looking for the dog for hours and hours, did not have that dog under their control. Sixty pets that were precious to their own

families were killed in Spanish Springs Valley and Sparks this last winter. I am particularly grateful to trappers for removing predatory animals.

I have had my dog attacked by coyotes in front of me, within 50 feet of me, on two separate occasions. These are brazen animals when they are not controlled. We had registration for 15 years at one time in this state without a single appropriate case being prosecuted. While I feel trappers can live with this registration and that it can possibly be of assistance for enforcement, you have to recognize that this is merely another step in an attempt to completely eliminate trapping. Bad guys are not going to put their identification on an illegal set.

Trapping seasons are in the winter when furs are prime. Traps encountered in the summer are probably the wildlife services doing some type of depredation control for ranchers. Cyanide traps have been mentioned. The only people who can use those are wildlife services. The private trapper cannot use poisons.

As far as the amendment, it is problematic. You cannot grind off a stamped number from a spring trap that is one-sixteenth of an inch thick without seriously damaging the structural integrity. If this amendment is to be pursued, it should be allowable to use an engraving tool to put a strike through the old registration number, which is typically stamped with a hammer and an anvil into the trap. Thousands of these traps have changed hands. Again, it is a problematic amendment.

Finally, someone said Americans do not wear furs. I wish someone would have told my wife, as it would have saved me tens of thousands of dollars.

Chair Daly:

Are there any questions from the Committee? [There were none.] At this time, we will move to neutral testimony for S.B. 213 (R1).

Jack Robb, Chair, Board of Wildlife Commissioners:

I am a member of the trapping committee that went over the regulations that came out of the last legislative session, and we are prepared to deal with any regulations that come forward in this session. We signed in as neutral today. Because of the timing of our meetings, the amendments, and the changes in these bills, we have not had time to discuss this as a body and come up with formal recommendations.

I have Vice Chairman Jeremy Drew with me today. He is also a member of the trapping committee and he will go into more detail. We will be available for questions.

Jeremy Drew, Vice Chair, Board of Wildlife Commissioners:

I am also a member of the trapping regulation committee. Chair Daly and Committee members, thank you for your time today. I will start my brief remarks by saying welcome to the Board of Wildlife Commissioners. This is pretty standard fare. In fact, we probably have fewer people here today than we have at most of our meetings and this is probably half the time we spend at a trapping committee meeting. You kind of have a sense of the shoes we are trying to fill.

These issues are extremely complex and require consideration of biological, social, and legal considerations. We have worked diligently on trapping issues for the two years I have been on the commission. I can tell you first hand, there are no easy answers. We have repeatedly been told by our deputy attorneys general that registration and trap check times were outside of our purview, as they are in NRS. That is why we have not addressed those two issues. We have a commitment, from both Commissioner Robb and myself, that we will work on any issues, as appropriate, with all parties, depending on the outcome of this bill. I will stand for any questions.

Chair Daly:

Are there any questions from the Committee? [There were none.] With that, I see no further testimony in neutral in the north or south. We have lost our videoconference feed to Elko. I will close the hearing on S.B. 213 (R1). We will take all of these issues into consideration and see what we can come up with to address as many of the concerns as we can.

[Exhibits for Senate Bill 213 (1st Reprint) that were received but not mentioned are: ([Exhibit S](#)), ([Exhibit T](#)), ([Exhibit U](#)), ([Exhibit V](#)), ([Exhibit W](#)), and ([Exhibit X](#)).]

I will open the hearing on Senate Bill 82 (1st Reprint).

Senate Bill 82 (1st Reprint): Urges the Board of Wildlife Commissioners to review the hunting of black bears. (BDR S-409)

Christine Schwamberger, representing NoBearHuntNV.org:

I will be presenting Senate Bill 82 (1st Reprint) for your consideration. Unlike the previous issue, this is pretty simple and pretty clear-cut. The first legal bear hunt in Nevada took place in the summer of 2011. A second bear hunt took place last summer. [Ms. Schwamberger continued reading from written testimony ([Exhibit Y](#)).]

I am not here to debate the bear hunt. All of our objections are in the records of the wildlife commission. It is not for or against the bear hunt; that is not

what this resolution is about. It is about the review. This resolution passed out of the Senate Committee on Natural Resources unanimously. There is no fiscal impact on local government and there is no fiscal impact on the state, which is indicated on the bill itself.

With that, I will take any questions.

Chair Daly:

Thank you for the information and not trying to debate the bear hunt. That is not what the resolution does and that is not the compromise to go forward. Are there any questions from the Committee? [There were none.]

Geoffrey Ellis, Private Citizen, Markleeville, California:

I am a member of the Washoe Tribe and also a member of the Inter-Tribal Council of Nevada. My testimony today is in support of S.B. 82 (R1). I would like to mention a couple of things that are of concern. Once we have the encroachment of the hunters in our allotment territorial areas, there is always trash left behind and new roads cut by all-terrain vehicles. It is an ongoing issue when we are in the pine nut areas.

Another issue is public safety. When hunters are harvesting the bears, the Washoe people are out there gathering the pine nuts. I would hate to see a tragedy happen or the responsibility or accountability of the state of Nevada be burdened by that tragedy if one of the tribal members was mistakenly identified as a black bear or a bear cub in one of those trees.

Chair Daly:

Are there any questions from the Committee? [There were none.] Anyone wishing to testify in support of the bill please come forward in Carson City. There are people in Clark County wishing to testify, also. We will take testimony from three people in Carson City and then we will take testimony from those in Clark County.

Ernest E. Adler, representing Reno/Sparks Indian Colony:

Arlan Melendez, the Chair, wished to be here today, but could not. I am substituting his testimony for him.

Essentially, the Reno/Sparks Indian Colony has members who are ethnic Washoe Tribe members and who have engaged in pine nut harvesting in the Pine Nut Mountains. If you look at a map of the Pine Nut Range, it is checkerboarded with Indian allotments and other federal lands where the hunting occurs. It is not really clear where the separation is between Indian land and land where hunting is permissible. They engage in pine nut

gathering in the fall. Sometimes, families will go out for a week or two and camp to gather pine nuts and engage in other activities. This is the same time the bear hunt is going on.

The Reno/Sparks Indian Colony wants the wildlife commission to be mindful of the fact that there are other mixed uses occurring in the same area and to set their regulations appropriately. That is their concern and we would hope that this resolution does that.

Chair Daly:

Are there any questions from the Committee?

Assemblyman Hansen:

Typically, the pine nut harvest is in September. There is a whole series of different hunting activities going on at that time. There is deer season, bow season, and bird season. Why is this exclusive issue for bear hunting only? Obviously, there has been hunting going on, including by the Indians themselves, for a long time in those areas. Why would this particular resolution single out one specific type of hunting that has a small number of tags?

Ernie Adler:

I think their concern is with the dogs and so forth. The dogs do not know where the Indian land is. There is more of a potential for pursuing game onto their land than there is with a bird hunter, who is usually much more oriented as to where they are on the land.

Assemblyman Hansen:

Mountain lion hunting is normally done with dogs and has been going on forever in those Pine Nut Mountain ranges that we are talking about. It is the same scenario. I am just wondering why the singling out of the bears.

Ernie Adler:

I do not have a further answer.

Elaine Carrick, representing NoBearHuntNV.org:

We are in support of S.B. 82 (R1). This is a compromise bill that acknowledges there are people on both sides of the bear hunting issue. The bill urges the proponents and opponents of the bear hunt to engage in productive and meaningful discussion and to recognize the rights of all Nevadans. There is no fiscal impact on local or state government. I ask you to please vote for this bill. It was passed unanimously in the Senate Committee on Natural Resources.

Assemblyman Livermore:

You made a statement about no fiscal note to this bill. Who is going to pay for this study? There has to be a cost somewhere.

Elaine Carrick:

There is no particular study. The staff at the Department of Wildlife (NDOW) are doing their data reports, so there is no outside study on this issue that is going to cause any additional funds to be paid out.

Assemblyman Livermore:

This resolution calls for a finding after the hunting season closes. Somewhere along the line, someone is going to commit time to this. I do not think it is just going to show up in the mail. Somewhere, someone is going to have to put the numbers together that you are asking for.

Chair Daly:

I see the vice chair of the Board of Wildlife Commissioners is here. It is my understanding that they were planning to do this analysis after three years anyway. It is in the normal course of their duty and it is not an increase or a burden on their existing staff or budget.

Jeremy Drew, Vice Chair, Board of Wildlife Commissioners:

My understanding is the review will likely come through our process at the wildlife commission. The wildlife commission is staffed by NDOW, so the staff time to help support our commission and our committee meetings will come through NDOW's general budget and funding sources, primarily sportsman fees.

Chair Daly:

Is this something you were planning to do anyway and it would have been done through the normal course of your operation?

Jeremy Drew:

Essentially, what we have set up is a bear committee to review matters related to the bear hunt. The commission has been diligent in trying to involve all stakeholders in decisions already. The resolution states what I, as vice chair, and I believe our chair, believe is our duty anyway. This is somewhat within our purview and normal procedures.

Chair Daly:

Would you have been doing an evaluation after a period of time to make sure the tag numbers and the bag limits are at the proper levels?

Jeremy Drew:

Yes.

Assemblyman Hansen:

Section 11.7, subsection 1, states that the Nevada Legislature urges "The proponents and opponents of the black bear hunt in Nevada to engage in productive and meaningful discussions with the goal of achieving a consensus on the proper management of Nevada's black bear population" Have you not been doing that for three years? No offense, but this is totally redundant, it repeats exactly what you have already done, and the reality is, the people who do not like the conclusion that you have come to are pushing the same thing again and again. This is classic feel good stuff in my book. Is there anything in this bill that you guys have not already done?

Jeremy Drew:

I believe in recent years we have done much of what is in the resolution. As far as coming to a consensus, I think you will see two very polarized groups of people and it is very hard to achieve consensus. We have done our best to include all stakeholders and make the decisions we have made based on the duties assigned to us through the *Nevada Revised Statutes* (NRS), which is to consider the biological data provided by NDOW, as well as the county advisory board input, as well as the input of the general public.

Margaret Flint, representing Nevada Humane Society and Canine Rehabilitation Center and Sanctuary:

I just need ten seconds to tell you we support this bill.

Chair Daly:

We will now go to Las Vegas for testimony in support.

Jean Perry-Jones, Private Citizen, Las Vegas, Nevada:

I wish California had had the insight to adopt S.B. 82 (R1), then they would not have an extinct state emblem, the golden bear. I applaud Nevada in its foresight in S.B. 82 (R1). I support S.B. 82 (R1) and the scientific studies and analysis to maintain a healthy black bear population in Nevada.

Karen Layne, President, Las Vegas Valley Humane Society:

I wish to simply say that we do support the passage of S.B. 82 (R1).

Stacia Newman, President, Nevada Political Action for Animals:

We are here today to give our full support to the passage of S.B. 82 (R1). There were several other people who were here who would give testimony in support, as well, but they had to go back to work.

Kristen Corral, Private Citizen, Las Vegas, Nevada:

I will briefly ask you to support S.B. 82 (R1).

Chair Daly:

We will move back to Carson City for testimony in support.

Patricia Swain, representing TrailSafe Nevada:

We are in support of S.B. 82 (R1). I think it is wise to give both sides of this issue an opportunity to review all of the available information. I also speak for Nevada Political Action for Animals and we definitely support this resolution.

Beverlee McGrath, representing The American Society for the Prevention of Cruelty to Animals; Best Friends Animal Society; Nevada Humane Society; Northern Nevada Society for the Prevention of Cruelty to Animals; Nevada Political Action for Animals; Lake Tahoe Humane Society and Society for the Prevention of Cruelty to Animals; Compassion Charity for Animals; Pet Network of Lake Tahoe; Wylie Animal Rescue Foundation; PawPac; and Lake Tahoe Wolf Rescue:

We support the bill.

Assemblyman Hansen:

On the California side of this whole issue, we have stopped bear hunting on the Tahoe Basin. Is it not true that California still allows bear hunting on the California portion of the Tahoe Basin? In California, do they not harvest around 1,500 bears per year?

Beverlee McGrath:

Assemblyman Hansen, I am here to speak on this resolution, S.B. 82 (R1), nothing to do with California.

Assemblyman Hansen:

Fair enough. I will say that your organization represents a bunch of wolf hunts and protections around the California basin. I will help you a little bit on the answer. The answer is yes. California harvests a substantial number of bears on the Tahoe Basin. I believe the total harvest in California is around 1,500 bears per year. They have been doing that for at least a half-century.

Chair Daly:

Is there any further testimony in support of this bill, either in Carson City, Clark County, or Elko? [There were none.] We will move to testimony in opposition to S.B. 82 (R1).

Riley Manzonie, Private Citizen, Elko, Nevada:

I would like to be on the record in opposition to S.B. 82 (R1).

Marcial Evertsen, Private Citizen, Elko, Nevada:

I would like to be on the record in opposition to S.B. 82 (R1).

Cal Bryant, President, Nevada Houndsmen Association:

We are in opposition to S.B. 82 (R1).

Randall Stoeberl, Private Citizen, Elko, Nevada:

I will make it short. All of us here in Elko are opposed to S.B. 82 (R1).

Chair Daly:

I appreciate that. Are there six of you in Elko?

Randall Stoeberl:

Yes. There are six of us here.

Chair Daly:

We have that on the record. I appreciate your taking the time to stay with us. We were able to get the videoconference feed back. Thank you for your patience. We will move back to Carson City for testimony in opposition.

Larry Johnson, representing Coalition for Nevada's Wildlife:

I signed in as neutral to the bill, but I am in between. There were a couple of statements that made me come forward in opposition. I want to make it clear that the bear is already managed by the best science available. Very few states, if any, have the bear data backing up this hunt as the state of Nevada does. We are, again, at the pinnacle of science backup, as we are on all of our seasons, whether that be deer, bighorn sheep, elk, chukar, et cetera. It is already in statute that our wildlife is to be managed on the basis of the best science available, developed by NDOW. That is how all of our wildlife is managed.

I see so much of this bill that is redundant and unnecessary, particularly when it comes to consensus. I define consensus as the absence of leadership. We are going to have two tremendously polarized sides, as we have had ever since this hunt was proposed. The proponents of this resolution have not been able to convince a single county advisory board of their merits. They have not been able to convince the Department of Wildlife of their merits. Now, here we are in the Legislature, and the Legislature punts this back to the wildlife commission. We will see you all in two more years with the same issues, the same discussions, and the same results.

The results of the initial bear hunt have been analyzed and there was a data sheet prepared by NDOW ([Exhibit Z](#)) that conclusively shows this hunt has absolutely no adverse impact on the bear populations. In fact, we continue to run over as many bears as hunters harvest.

There were a couple of statements made questioning public safety. You need to understand, we have greater magnitudes of deer hunters and bird hunters in these same mountain ranges, and have for decades, without a single reported incident of public safety. In fact, I submitted something to put that into perspective ([Exhibit AA](#)). Compared to hunting, a person is 11 times more likely to be injured playing volleyball. A person is 105 times more likely to be injured playing tackle football. A person is 19 times more likely to be injured snowboarding or skiing. A person is 25 times more likely to be injured while cheerleading or bicycle riding. Quite frankly, our life is fraught with risk. Bear hunting is way down the totem pole on those risks.

Chair Daly:

Are there any questions from the Committee?

Assemblyman Hansen:

Mr. Johnson, what kind of Indian are you?

Larry Johnson:

Concow of the Maidu.

Assemblyman Hansen:

The reason I bring it up is, as you know, one issue that has come up repeatedly is that the Indians did not hunt bears. I did a lot of homework on it and got an anthropological study from Stanford University entitled *Two Worlds to Watch*. There is a whole chapter in there of the Washoe Tribe hunting bears with a description of it. In your culture, and as far as you know in Nevada, was there some sort of a magical worship factor, or were there actually Indians who hunted bears traditionally in the Silver State?

Larry Johnson:

First of all, I presented a summary of the Sierra tribes on the Senate side, all of which, of course, hunted bears, ate bears, and used bear hides. Did we worship and hold the bear in high esteem, and oftentimes as a religious totem? You bet we did. Did we eat him? You bet we did. I would suspect the exact same thing occurred in Nevada. Was that a magical animal? Yes. As the elk and the bighorn sheep, they were all held in tremendous esteem by our people. If a bear walked through camp, did he get eaten? You bet he did.

Chair Daly:

In giving Assemblyman Hansen some latitude, that is not what the bill is about. I now feel compelled to let this gentleman respond. We are going to stick to the bill as much as we can, but I do want to allow you some time to respond.

Geoffrey Ellis:

I would like to clarify that Mr. Johnson does not represent any of the native tribes in Nevada. He is only a visitor to Nevada. When he talks about the bear hunt and whatever his tribe does, it does not apply to the tribes in Nevada. I do not know about Assemblyman Hansen's book or where he is getting this information, but I would love to have a copy of that, or at least the author's name. I do not believe Assemblyman Hansen's information is from a Washoe Tribe member. It is only an opinion and has never been documented, as far as I know, in the Washoe Tribe.

Chair Daly:

I know Assemblyman Hansen wants to respond, but I am not going to let him. He did offer for you to see him after the hearing and he would be happy to share that information. He tries to give me books all the time, too.

Assemblyman Thompson:

I have a question on page 4, section 11.7, subsection 1. It talks about the State Legislature urging the proponents and opponents to talk and engage in productive conversation about this. As we have seen, we have opposition and we have support. Do you have an identified facilitator to make this happen? If we do not identify someone or some group, it may not happen.

Christine Schwamberger:

Assemblyman Thompson, I really appreciate the question. There has been no facilitator identified, to my knowledge. I am assuming this process would happen in the same format that it has always happened, which is in a public meeting before the Board of Wildlife Commissioners.

Geoffrey Ellis:

If I may add, Assemblyman Thompson, that is the problem we have. There has not been an open dialogue or communication. As Ms. Schwamberger stated, there has not been any representation on our end. We would love to come to the table and be able to have that dialogue.

Christine Schwamberger:

Just to clarify on behalf of Mr. Ellis, Assemblyman Thompson, he is referring to the fact that no Nevada Native American tribes were consulted by the

wildlife commission on the bear hunt. They have no liaison to represent them to the wildlife commission.

Chair Daly:

Are there any further questions from the Committee? [There were none.] We will move to neutral testimony on the bill.

Jack Robb, Chair, Nevada Board of Wildlife Commissioners:

I am a member of the bear committee. I would like to clarify a couple of statements that were just made. Do we have a facilitator to orchestrate these discussions? Without a doubt, the wildlife commission has formed a bear committee. The Chair of that bear committee is a conservation representative on the wildlife commission, Dave McNinch. We have a member of the Safari Club, who is also a member of the Coalition for Nevada's Wildlife, Inc., Judi Caron, who sits on the committee. Kathryn Bricker, president of NoBearHuntNV.org, also sits on the committee. With that being said, we have had very open dialogue, many hours of testimony, and many hours of open discussion concerning the bear hunt. We have had many members of the Washoe Tribe and other tribes from around the state attend our committee meetings and our commission meetings to express their viewpoints. We have recognized their viewpoints and have specifically had staff place on the maps the allotments in the Pine Nut Range which have been referenced. In the mandatory indoctrination, we have instructed the hunters that these are not well-marked areas and that the hunters are to stay clear of the area and in no way impede upon those grounds.

When it comes to consensus, I do not know if I could ever get to consensus on this issue. I have spent 40 hours trying to get a consensus on this. The only thing that I see as consensus, in my mind, is when I can have Kathryn Bricker, Christine Schwamberger, Larry Johnson, and Joel Blakeslee all mad at me at the same time. Maybe I am coming close to a consensus because I do not believe, with the passionate nature of this hunt, that we will ever get consensus, but as a commission, we are trying to find a middle ground that is the most appropriate for all involved.

Jeremy Drew:

For the record, the commission does not have an official position on S.B. 82 (R1), which is why we are signed in as neutral. As a body, we have not reviewed S.B. 82 (R1) since it has been reformatted in the form of the resolution. I did submit a timeline to the Nevada Electronic Legislative Information System (NELIS) ([Exhibit BB](#)) in terms of some of the regulatory things that have happened in developing the bear hunt. If you have any questions on that, you can ask them today or feel free to contact me off-line.

I would reiterate what Commissioner Robb has said, that all of our meetings are open to the public. We must follow the Open Meeting Law, whether it is a committee meeting or a commission meeting. We invite participation from all parties in those discussions. I will stand for any questions.

Chair Daly:

Are there any questions from the Committee? [There were none.]

Larry Gilbertson, Chief, Game Division, Department of Wildlife:

We are here to testify as neutral on S.B. 82 (R1). There has been a lot of information provided, so far. I was hoping to provide some background information on the process. It is almost after the fact now, but it started back in June 2010. The wildlife commission asked department biologists to bring forth information for them to be able to consider the possibility of having a bear hunt. They also asked the department to look at the *Nevada Administrative Code* (NAC) to see if those were all in place to allow the bear hunt. We attended four different wildlife commission meetings in 2010, and provided discussion and that type of information to address the questions that the wildlife commission had relative to the bear hunt. In 2011, we continued on and that was the first year of the bear hunt. We had at least five commission processes and five public meeting processes. Those always include all the county wildlife advisory boards, of which there are 17. There was a lot of discussion during those two years, and a lot of input was provided to the department and the commission. The season was set for the first time in 2011. The date of 2008 was used for the population estimate. There were two previous population estimates: one done in 1992 through a master's thesis, and another one in 2002, which was a Ph.D. dissertation. In 2008, our biologist who is in charge of bears in Nevada worked with Dr. Jim Sedinger from the University of Nevada, Reno. They used a computer model program to come up with the population estimate.

Even though the season was set for 2011 and two more years went by, we used the population data from 2008 to set that initial harvest limit for the bears. We wanted to be as conservative as we could, especially since this was the first time bears were going to be hunted. The biologist looked at the population model and, at the time, it indicated the population was between 250 and 260 bears and had an annual rate of increase of about 16 percent. Based on that data, it was determined that we could harvest up to 40 bears. Instead of using that, we cut it in half. As people testified earlier, we would have the same harvest limit and the same quota for three years, which was set on that lower population.

To make it even more conservative, we used a hunter success rate from the state of Utah, which is the highest in the west at 44 percent. Some states have hunter success rates as low as 10 percent. In other words, if your target was to harvest 20 bears at 10 percent success rate, you could have 200 tags. We used the 44 percent success rate to keep it conservative, so we only issued 45 tags.

The results from the two years have shown that it has been quite conservative. With a target of 20 bears, we took 14 bears the first year. With a target of 20 bears the second year, we took 11 bears. The hunting season has been conservative to date.

Another important part for hunters is that we have hunter indoctrination. The wildlife commission made it mandatory for all the hunters to attend this hunter indoctrination. Besides hunter safety, which they normally take to get a hunting license, they also have to attend the hunter indoctrination. It included our biologists and wardens, state park rangers, federal agency personnel, Bureau of Indian Affairs representatives, and others who wanted to provide information, maps, and things to help keep the hunt safe and make it a problem-free hunt.

Finally, the wildlife commission and the Department of Wildlife are both committed to continue monitoring this hunt and all of the bear data that we collect through ongoing research in Nevada, and to make future management recommendations based on all the up-to-date data.

You heard about a three-year commitment, which is in the resolution. That was in our management plan. We wanted to at least look at the data for a three-year period because data from just one hunt would be very small and does not tell you a lot. Our management plan tries to look at the harvest over a three-year period to evaluate the trends and see if it is affecting the population. We do not expect the bear hunt to affect the population at all, but we collect data from a number of bears that we handle every year through the complaint calls we have to address and the research we have ongoing. We will combine all the data when we make future recommendations. [Provided a written statement ([Exhibit CC](#)).] I would be happy to entertain any questions.

Chair Daly:

Are there any questions from the Committee?

Assemblyman Hansen:

You mentioned this is the first time the bears are going to be hunted. In reality, there is an imaginary boundary known as the California-Nevada border. Could

you elaborate a little bit on the harvest on the California side of that line, including the Tahoe Basin and California in general, on the black bear?

Larry Gilbertson:

I actually have some figures for bear harvest, if you want them.

Assemblyman Hansen:

Just off the top of your head, Mr. Gilbertson.

Larry Gilbertson:

We received some preliminary data that California harvested over 1,900 bears in California. Based on their population estimate, it was over 6 percent of their population. Our bear harvest last year, based on our population estimate of 11 bears, represented about 2.5 percent of our population. Between 2005 and 2010, the number of bears killed by California in the counties bordering Nevada was: Sierra County, 218 bears; Nevada County, 142 bears; Placer County, 221 bears; El Dorado County, 369 bears; Alpine County, 84 bears; and Mono County, 129 bears. Obviously, they harvest a lot more bears than we do. Nevada's bear population is considered to be the easternmost extension of the overall Sierra population that exists in California. There are estimates of bear populations in California between 30,000 and 32,000. Nevada is just the eastern edge of that bear population.

Assemblyman Hansen:

Do you know how many years this has been going on in California?

Larry Gilbertson:

I am sorry, I do not.

Chair Daly:

Are there any further questions from the Committee? [There were none.] Is there any other testimony neutral to the bill, either in Carson City, Las Vegas, or Elko?

Donald A. Molde, Private Citizen, Reno, Nevada:

Actually, I am in support of this bill, but I always like to follow Larry Johnson, and he likes to follow me as well, so we sort of rotate on this. You have heard a lot from NDOW about their data and their data collection. I do not dispute what they do with respect to that. It all points to the answer to the question, can we do a bear hunt? Everything they do is pretty much aimed at that question. My question, and the question of the people I associate with, is not can we do it, but should we do it? Is this something that makes sense? Is this something that is proper for the broad public interest? Is this something the

general public thinks is a smart idea or a good idea? Is this something that is in a moral and ethical vein rather than simply pure numbers and biology? It appears that the public has a different answer to those questions. [Provided a written statement ([Exhibit DD](#)).]

By the way, let me congratulate the department and the commission on the amount of time and energy they have put into this. I have great admiration for the hours of committee time and commission time, the dedication of the staff and the commissioners themselves. I commend them for that and I am grateful for it. However, let me highlight something to follow up on one of Mr. Johnson's comments. He was very correct in saying that we have not been successful in convincing the commission of our point of view, and similarly with the county advisory boards.

Here is the problem we have with the commission, and you probably know it as well as I do. The commission, by law, is composed of nine members; five of whom are sportsmen, one is a rancher, and one is a farmer. I can tell you from almost 40 years of going to commission meetings, those people generally vote as a block when it comes to our issue. We are looking at a 7 to 2 vote against us under the best of conditions when we come to the commission with these types of issues. I just wanted to add that postscript to what Mr. Johnson had mentioned about our success in front of the commission.

Chair Daly:

Are there any questions from the Committee? [There were none.] Is there any further neutral testimony? [There was none.] I will allow the sponsor to add a follow-up.

Christine Schwamberger:

I appreciate Dr. Molde's testimony. If this Committee was going to take testimony on pro and con arguments about the bear hunt, we could certainly do that. There are so many arguments I could make to this Committee. As Dr. Molde said, you have seen bills trying to get public representation on the county advisory boards because they are required to be hunters. We have our own studies on bear populations that we could present to this Committee. We could tell this committee about the hours of testimony that we have submitted but do not feel we have been acknowledged by the wildlife commission. We are not paid. We are all volunteers. Eleven tribes have passed resolutions against the bear hunt. The Inter-Tribal Council, representing all 27 tribes of the state, has passed resolutions against the bear hunt. I could go on and on. I just ask this Committee to recognize and please understand, we could submit just as much.

By the way, the California bear hunt has nothing to do with Nevada. Nevada has the smallest bear population in the western United States. California has something like 45,000 bears. To compare the number of bears killed in California has nothing to do with Nevada.

If the Chair would like, we could present our arguments against the bear hunt for this Committee. Just to make the point, we have equal arguments. The commission has heard our testimony and as you can see, we have a bear hunt.

Chair Daly:

We started out so well and now we have digressed.

Christine Schwamberger:

I felt compelled to rebut the testimony by NDOW, because it makes it look like they have done everything. We have equal arguments that could be made. I think that is why the Senate committee passed the resolution.

Chair Daly:

We understand, and despite our best efforts to keep it on the bill, my colleague from District 32 was poking the bear through the fence. We are almost concluded here and I think everyone has had their say. We have a resolution in front of us that we are going to consider. We are not talking about whether or not we are or are not having a bear hunt.

Beverlee McGrath:

Just to reiterate, we purposely withheld any testimony regarding the bear hunt in consideration of the Committee and respect for your time. If you do want to open it up for discussion, we would be more than happy to do so.

Chair Daly:

We do not want to. That concludes the presentation, support, opposition, and neutral testimony. I will close the hearing on S.B. 82 (R1). At this time, I will open the microphones for public comment. [There was none.]

This meeting of the Assembly Committee on Natural Resources, Agriculture and Mining is adjourned [at 3:58 p.m.].

RESPECTFULLY SUBMITTED:

Cheryl Williams
Recording Secretary

Lori McCleary
Transcribing Secretary

APPROVED BY:

Assemblyman Skip Daly, Chair

DATE: _____

EXHIBITS

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

Date: May 7, 2013

Time of Meeting: 1:08 p.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
S.B. 213 (R1)	C	Patricia Swain, TrailSafe Nevada	Written testimony
S.B. 213 (R1)	D	Patricia Swain, TrailSafe Nevada	PowerPoint presentation
S.B. 213 (R1)	E	Patricia Swain, TrailSafe Nevada	TrailSafe Collected Incident Reports
S.B. 213 (R1)	F	Patricia Swain, TrailSafe Nevada	Fallon Fur Sale Results
S.B. 213 (R1)	G	Patricia Swain, TrailSafe Nevada	Reno Gazette Journal article
S.B. 213 (R1)	H	Patricia Swain, TrailSafe Nevada	Post from RGJ Reporter Mark Robison
S.B. 213 (R1)	I	Beverlee McGrath, Nevada Political Action for Animals	Proposed amendment
S.B. 213 (R1)	J	Rob Buonamici, Nevada Department of Wildlife	Proposed amendment
S.B. 213 (R1)	K	Jana Wright, Private Citizen	Written testimony
S.B. 213 (R1)	L	Stephanie Myers, Private Citizen	Written testimony
S.B. 213 (R1)	M	Donald Molde, Private Citizen	Letter of support
S.B. 213 (R1)	N	Kim Henrick, Private Citizen	Written testimony
S.B. 213 (R1)	O	Joel Blakeslee, Nevada Trappers Association	PowerPoint presentation
S.B. 213 (R1)	P	Randall Stoeberl, Private Citizen	Written testimony

S.B. 213 (R1)	Q	Randall Stoeberl, Private Citizen	Letter from Utah Department of Natural Resources
S.B. 213 (R1)	R	John Sullivan, Private Citizen	Furbearer Management Nevada report
S.B. 213 (R1)	S	Kevin O'Neill, ASPCA	Support letter
S.B. 213 (R1)	T	Catherine Smith, M.D.	Support letter
S.B. 213 (R1)	U	Catherine Smith, M.D.	PNAS document
S.B. 213 (R1)	V	Patricia Swain, TrailSafe Nevada	Yellowstone Ecological Research Center Report
S.B. 213 (R1)	W	Catherine Smith, M.D.	Dr. Fox report
S.B. 213 (R1)	X	Catherine Smith, M.D.	New York Academy of Sciences article
S.B. 82 (R1)	Y	Christine Schwamberger, Nevada Political Action for Animals	Written testimony
S.B. 82 (R1)	Z	Larry Johnson, Coalition for Nevada's Wildlife	NDOW Black Bear Informational Report
S.B. 82 (R1)	AA	Larry Johnson, Coalition for Nevada's Wildlife	NDOW Black Bear Hunt Statistics
S.B. 82 (R1)	BB	Jeremy Drew, Nevada Board of Wildlife Commissioners	NDOW Black Bear Hunt Timeline
S.B. 82 (R1)	CC	Larry Gilbertson, Nevada Department of Wildlife	Written statement
S.B. 82 (R1)	DD	Donald Molde, Private Citizen	Written statement