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RENO, NV – On Thursday, November 3, 2016, plaintiffs in a lawsuit were handed a victory when the district court refused to dismiss their two-year-old lawsuit against the Nevada Board of Wildlife Commissioners and the Nevada Department of Wildlife (NDOW).

Mark Smith and Donald Molde, the plaintiffs in the lawsuit, are long-time wildlife advocates. “This is a big win for wildlife,” said Molde.

The lawsuit, filed on August 29, 2014, seeks to require fur trappers in Nevada to check their traps more frequently than under current Commission regulations.

The plaintiffs assert that the current 96-hour trap visitation interval is the result of improper rule making by the Commission, and that the Nevada Legislature improperly dodged the issue by delegating law-making authority to the Commission. The plaintiffs advocate for a 24-hour interval.

Also of interest to the plaintiffs is to seek additional trapping reforms to better protect ‘non-target species’, those animals and birds inadvertently caught in traps and snares, with many suffering injury and/or death. NDOW records show these victims number in the thousands over a decade.

Per the plaintiffs, those records show that inadvertent trapping of mountain lions is common.... numbering in the 100’s over a decade. These animals suffer, showing paw injuries, lost toes and teeth and combinations of injuries. Veterinary testimony has substantiated such injuries, including a few cases of death from starvation due to said injuries.

In refusing to grant the State’s Motion to Dismiss, the court found that plaintiffs “have a constitutionally protected interest in public lands and wildlife, because the desire to use or observe an animal species, even for purely esthetic purposes, is undeniably a cognizable interest for purposes of standing.”

The case will now move forward to determine whether the court should order the rule-making by the Commission to be redone. No trial date has been set.

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