



STATE OF NEVADA

DEPARTMENT OF WILDLIFE Wildlife Diversity Division

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MEMORANDUM

July 21, 2017

To: Nevada Board of Wildlife Commissioners, County Advisory Boards to Manage Wildlife, and Interested Publics

From: Jennifer Newmark, Administrator, Wildlife Diversity Division

Title: Commercial Reptile Collection

Description: The Department will present the Commission with background information regarding commercial collection of reptiles in Nevada along with numerous potential alternatives for consideration. The Commission may choose to provide direction to the Department regarding commercial collection of reptiles.

Summary:

The Department is bringing to the attention of the Commission the topic of Commercial Reptile Collections, including applicable legal authorities, the history of commercial collection in Nevada, biological considerations of reptiles, and possible alternatives for Commission consideration.

Pertinent Legal Authorities as specified in NRS and NAC:

- Nevada Revised Statutes (NRS) 503.380 provides that, in part, “the Department may take or permit the commercial taking of unprotected wildlife in any manner approved by the Commission. The Commission may fix a price to be paid for wildlife so taken. Unprotected wildlife taken under this authorization may be sold.”
- The Nevada Board of Wildlife Commissioners (Board) took action in April of 1986 to legalize commercial collection of wildlife classified as unprotected by changing Nevada Administrative Code (NAC) 503.095. NAC 503.095 states, in part, that “the Department will issue a permit authorizing a natural person to collect unprotected wildlife for commercial purposes... if, after an investigation is conducted, it is proved to the Department that the collecting will not be detrimental to wildlife or the habitat of the wildlife...”
- Also included in NAC 503.095, “Such a permit is not transferable and may be cancelled by the Department for a violation of its conditions or if operation of the permit is found to be detrimental to wildlife.”
- Furthermore, the permit stipulates the following restrictions:

- Methods of collection – “only the following methods are authorized for collecting reptiles: hand, noose, snake-hook, tongs, and nets. The collection of reptiles from pit, can, or fall type traps or containers is prohibited. It is prohibited for the permittee to use any crowbar, tire iron, jackhammer, winch, explosive device, chemical substance or any other method or means of collection that involves the removal or breaking apart of rocks, a natural shelter, or the habitat in or around which a reptile may be found.
- Only the permittee named on the permit is authorized to collect – “Field collecting may be conducted only by the “sole authorized collector”.
- Pursuant to the provisions of NRS 501.1814 – NRS 501.1816, NAC 501.200 – NAC 501.210 and the Administrative Procedures Act, the Commission may revoke a permit and may refuse to issue another such permit.

Brief Commission History on Commercial Reptile Collections:

- In 1989, the Department expressed concern to the Commission that available harvest information and biological information were insufficient to show that commercial collection was not harming Nevada reptile populations. As per NAC 503.095, it is the collector’s responsibility to demonstrate that collecting will not be detrimental to wildlife or the habitat of the wildlife and the Department did not feel that there was adequate demonstration of no harm to reptile species. The Commission agreed with the Department and adopted temporary Commission General Regulation 173 (CGR) which prohibited collecting reptiles for commercial purposes.
- After adoption, collectors initiated legal action that resulted in an injunction by the Eighth District Court preventing the Department from enforcing CGR 173. The case was appealed to the Supreme Court who reversed the lower court’s decision in May of 1990, ruling that the “Commission did not have a duty to conduct an investigation which proved that the selling of reptiles would not harm the state’s wildlife. Under Nev. Admin. Code ch 503.095, the burden was on the collectors not the Commission. The Regulation was not contrary to Nev. Rev Stat 501.110 because it did not confer protected status on unprotected reptiles. The trial court erred in failing to consider that there are economic benefits in preserving, protecting, and managing wildlife for aesthetic, recreational, and scientific reasons.”
- During this legal process, the temporary CGR expired. In late 1990, the Commission directed the Department to again issue permits for commercial collection of reptiles.
- The issue was considered again in 1998 when the Commission held two workshops. The Commission decided to continue to allow commercial collection of reptiles. Collecting is allowed during all seasons and there are no limits to the number of reptiles that a permittee is allowed to collect. In addition to other stipulations, the permit requires a monthly collection report listing the days and numbers of reptiles collected to be submitted to the Department by the 10th of each month, and that a transaction log be maintained for each sale, barter, trade, or other transfer of a reptile.

Biological Considerations of Reptiles:

Reptiles are a unique group of animals that warrant special consideration with regards to collecting:

- Reptiles are often habitat specialists that are patchily distributed across the landscape, making recruitment of individuals difficult once the local populations are depleted.
- Home range sizes of most terrestrial reptile species in Nevada are relatively small as compared to mammals, thus limiting their ability to disperse and recolonize over wider areas.
- Reptiles are ectothermic (“cold-blooded”) animals that behaviorally thermoregulate their body temperature, which often results in limited activity, smaller home ranges, and less dispersal when compared to mammals (endotherms). Due to habitat and temperature constraints, reptiles are less able to migrate across elevational ranges and habitat patches, which further limit their dispersal ability.
- Very little is known about the ecology (distribution and abundance) of the majority of reptile species in Nevada. Therefore the long-term effects of unlimited take remain unknown until populations experience dramatic declines or local extinctions.
- Reptiles are generally long-lived and can have surprisingly low reproductive rates, meaning recruitment of young and/or immigration from surrounding populations is low, resulting in slow population recovery.
- Collection is allowed year-round, and many of the months of the largest collections coincide with reproductive seasons for reptile species. This results in decreased reproductive output and can lead to population declines.
- Because reptiles can be relatively long-lived and commercial collection is based on self-reporting, many specifics are lacking on the age class structure of populations undergoing harvest. Although permittees are required to report individuals as “adult” or “juvenile”, the vast majority of species are reported as “adults”. Without specimens submitted to the Department for verification (as, for example, jaw bones that are required for fur-bearers), it is impossible to understand the effects of collection on juvenile recruitment and the sustainability of high volume collection on populations.
- The commercial take of reptiles is an additive source of mortality to other known threats such as habitat loss and degradation, urbanization, invasive species introductions, disease, and drought/climate changes. In addition, there is significant mortality of reptiles due to large numbers (700+) of unpermitted pitfall traps distributed throughout Nevada. Cumulatively, these sources of mortality leave the Department concerned that population declines may be hastened and species may not be able to recover from such declines.

Other Considerations:

- All surrounding states prohibit commercial collection of reptiles except Idaho which allows one collector to continue collecting one species on private land (C. Justus *pers. comm.*). This collector was “grandfathered” in when Idaho took action to prohibit commercial collecting.

- In Nevada, we allow unlimited numbers of take under a commercial collection permit, but we limit non-commercial take (hobby collecting) by possession limits and species limits in Commission Regulation 17-02.
- More than 450,000 reptiles are self-reported to have been removed from the landscape since 1986. Approximately 14,000 reptiles are annually removed.

Potential Actions for Commission Consideration - These actions could be taken independently or in combination:

- Direct the Department to cease permitting commercial reptile collecting.
- Direct the Department to draft a permanent regulation prohibiting commercial reptile collecting.
- Direct the Department to develop recommendations that limit commercial collection based on species, season, year, and/or collection area in the state.
- Direct the Department to take no further action and continue to allow unlimited commercial reptile collecting.