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February 1, 2022

Re: Comments in Support of HB1175 and HB1176 to Restrict the Circumference of Snares and the Use of Snares to Trap or Kill Game Animals

Dear Members of the House Natural Resources Subcommittee and House Agriculture, Chesapeake and Natural Resources Committee:

The Animal Welfare Institute, on behalf of our members in Virginia, submits these comments in support of HB1175 and HB1176, which would restrict the circumference of snares and the use of snares to trap or kill game animals. We respectfully request that you vote in favor of this legislation.

The Animal Welfare Institute, established in 1951, is a nonprofit charitable organization dedicated to reducing animal suffering caused by people. It seeks better treatment of animals in the wild, in the laboratory, on the farm, at home, and in commerce. This is accomplished through public education, research, collaboration, media relations, outreach to agencies, litigation, engaging its members and supporters, and advocating for stronger laws both domestically and internationally.

HB1175 would amend section 29.1-528.3 of the Code of Virginia to make it illegal to kill or trap or attempt to kill or trap any game animal using a snare trap with a circumference greater than 12 inches.[1] HB1176 would amend section 29.1-528.3 of the Code of Virginia to make it illegal to kill or trap or attempt to kill or trap any game animal using a snare trap.[2] "Game animals" means "deer (including all Cervidae), bear, rabbit, fox, squirrel, bobcat and raccoon."[3]

Virginia should enact this legislation because: (1) neck snares are inherently inhumane; (2) the risk of capturing non-target animals, including wildlife, dogs, and cats, is unacceptably high; and (3) there are less cruel alternative types of traps that cause significantly less trauma, as well as non-trap alternatives to mitigate human-wildlife conflict.

[1] House Bill No. 1175 (Jan. 17, 2022). Available at: https://lis.virginia.gov/cgi-bin/legp604.exe?221+ful+HB1175.
[2] House Bill No. 1176 (Jan. 17, 2022). Available at: https://lis.virginia.gov/cgi-bin/legp604.exe?221+ful+HB1176.
[3] Code of Virginia, § 29.1-100. Available at: https://law.lis.virginia.gov/vacode/29.1-100/.

1. Neck snares are inherently inhumane.

There are two categories of neck snares: snares that are designed to kill the captured animal, and snares that are designed to restrain the animal until the trapper returns. Regardless of the intention of the snare set (i.e., killing or restraining) or the type of snarke in use, the cruelty associated with neck snares is extreme. In kill sets, the snare continues to tighten as the animal struggles until strangulation occurs. In sets intended to restrain the snared animal, the captured animal is held by his or her neck until the trapper arrives to kill the animal, which in Virginia could be greater than 24 hours of neck restraint and exposure to predators, as snares are required to be checked daily. For example, a trapper could check a snare Monday morning at 7am and again Tuesday evening at 9pm, which would leave a snare unattended for over 30 hours, and still meet the daily trap check requirement.

Using neck snares to capture canids, such as fox, which Virginia classifies as a game animal, is a method of particular concern. In their analysis of manual and powered neck snares for use in trapping canid species (including both fox and coyote), Proulx et al. (2015) documented significant welfare concerns associated with the use of neck snares.[4] They found that manual and powered killing neck snares did not consistently and quickly render canids unconscious, were non-selective, and did not routinely capture animals by the neck. Proulx et al. also found the following:

1. Laboratory researchers failed to achieve exact and ideal positioning of neck snares behind the jaw of the target animal suggesting that, in the field, such exact placement would be far more difficult;[5]

2. In another study of various manual killing neck snares, between 5 and 32 percent of the snared animals were still alive when found 12 or more hours after capture;[6]

3. The amount of disturbance at a capture site is not indicative of time to death of the captured animal as "captured animals may remain conscious but physically inactive due to distress, shock, injury or pain;"

4. In a thorough evaluation of power killing neck snares, three models rendered 4 of 5 anaesthetized red foxes irreversibly unconscious within 10 minutes but when used on non-anaesthetized animals in a semi-natural environment it was difficult to capture foxes behind the jaw with the snares and to cause irreversible loss of consciousness within 300 seconds.

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[4] Proulx, G., Rodtka, D., Barrett, M.W., Cattet, M., Dekkers, D., Moffatt, E., and Powell, R. 2015. Humaneness and Selectivity of Killing Neck Snares Used to Capture Canids in Canada: A Review. Canadian Wildlife Biology and Management, 4(1): 55-65.

[5] Guthery, F. S., and S. L. Beasom. 1978. Effectiveness and selectivity of neck snares in predator control. Journal of Wildlife Management 42: 457-459.

[6] Phillips, R. L. 1996. Evaluation of 3 types of snares for capturing coyotes. Wildlife Society Bulletin 24: 107-110.

Proulx et al. noted it is not the placement or operation of the neck snares that can result in suffering, but rather that the anatomy and physiology of canids can exacerbate the suffering associated with the use of neck snares. As reported by Proulx et al., laboratory tests with dogs show that canids have the ability to continue to circulate blood to the brain after bilateral ligation of the common carotid arteries because of the ability of other arteries (e.g., vertebral arteries) situated more deeply within the neck to compensate. Collateral circulation also occurs within the venous blood flow from the brain such that drainage can continue if the internal jugular veins are occluded. Because of collateral blood circulation, it is difficult, if not impossible, to stop blood flow to and from the brain by tightening a snare on the neck.

More recently, in his book Intolerable Cruelty: The Truth Behind Killing Neck Snares and Strychnine,[7] Dr. Proulx reports that when a canid is snared, the thick musculature around the animal's neck allows the carotid artery to continue to supply blood to the brain, but the jugular vein is constricted, cutting off blood back down to the heart. A telltale sign is the grotesquely swollen heads of the snare's victims (which trappers refer to as "jellyheads").

2. **Neck snares create an unacceptably high risk of capturing non-target animals, including wildlife, dogs, and cats.**

Neck snares are used because trappers want a device with a high propensity to capture animals, and this device tightens around any animal that triggers them. Thus, the devices are indiscriminate,[8] which creates an unacceptably high risk that non-target animals—including wild animals, dogs, and cats—will be unintentionally captured. The non-selectivity of neck snares for target and non-target mammal and bird species was clearly reflected in data presented in Table 1 in Proulx et al. (2015):

Species Common Name	Number of Cases		
	Injured by Snare	Killed by Snare	Total Snared
Coyote	2	0	2
Red fox	1	0	1
American black bear	1	0	1
Bobcat	0	1	1
Fisher	0	2	2
Snowshoe hare	0	1	1
White-tailed deer	0	4	4
Bald eagle	4	75	79

[7] Proulx, G. 2018. Intolerable Cruelty: The Truth Behind Killing Neck Snares and Strychnine. Alpha Wildlife Research and Management Limited.

[8] Proulx, G. 2018. Intolerable Cruelty: The Truth Behind Killing Neck Snares and Strychnine. Alpha Wildlife Research and Management Limited. *See also* Virgós, Emilio, et al., A poor international standard for trap selectivity threatens carnivore conservation. Biodivers. Conserv. 25 (2016) 1409-1419. *See also* Shivik, J.A., Gruver, K.S., 2002. Animal attendance at coyote trap sites in Texas. Wildlife Society Bulletin 30, 502-557 (Research conducted by USDA's National Wildlife Research Center showing the large number of non-target species that visit Wildlife Services' trap sites).

Barred owl	0	2	2
Common raven	0	2	2
Golden eagle	2	25	27
Goshawk	0	3	3
Great horned owl	2	2	4
Red-tailed hawk	1	10	11
Rough-legged hawk	0	7	7

In Virginia specifically, the Virginia Department of Wildlife Resources ("Virginia DWR"), which is responsible for regulating trapping within the state, does not require trappers to report incidents of non-target capture to the Department. Therefore, there is no way of knowing how many non-target animals private licensed trappers capture each year, and what the fate of those animals is. The best data available on this issue in Virginia comes from Wildlife Services, a federal program within the U.S. Department of Agriculture's Animal and Plant Health Inspection Service that conducts both lethal and non-lethal wildlife damage management operations on both federal lands and at the state and local level.[9] During the course of conducting wildlife damage management operations in Virginia in 2020, the most recent year for which data is available, Wildlife Services' use of neck snares caused the unintentional take of five white-tailed deer, two free-ranging dogs, one duck, five red foxes, one Canada goose, two opossums, one river otter, one Eastern cottontail rabbit, two raccoons, four striped skunks, two wild turkeys, and two woodchucks, the majority of whom were either killed by the device or euthanized after capture.[10]

Dogs, including those used for hunting, are at risk of being caught in a trap set on private or state lands. In a highly publicized case, two dog strangled to death after being caught in neck snares, and another dog was caught but freed, in Richmond County in late 2020.[11] In Virginia there are no trap setback requirements, unlike in other states. This means that traps may lawfully be placed near roadways (after consulting with the Department of Transportation) and near recreational trails, which increases the likelihood that a dog out hiking with family members may be caught. Hunting dogs, who may frequently cross onto private lands while following a scent, are also at risk.

HB1175 and HB1176 would both address the issue of non-target take by reducing the snare circumference from the current limit of 38 inches down to 12 inches, which decreases the likelihood of capturing larger animals that are not typically targeted, and also by reducing the number of species for which snares are a lawful means of take, which very likely will reduce the total number of snares on the landscape.

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[9] *See, e.g.*, U.S. Dep't of Agriculture, Animal and Plant Health Inspection Service (hereinafter "USDA-APHIS"), "Wildlife Services," (Dec. 16, 2021). Available at: https://www.aphis.usda.gov/aphis/ourfocus/wildlifedamage/sa_program_overview.

[10] USDA-APHIS, Program Data Report G-2020, Filtered by State: Virginia (2020).

[11] Michelle Smith, "Snare Traps in Richmond County," News on the Neck (Dec. 23, 2020). Available at: Snare traps in Richmond County | Local News | newsontheneck.com.

3. Alternative types of traps cause significantly less trauma and non-trap alternatives are available to mitigate human-wildlife conflict.

Trappers have ready access to other types of traps that are less cruel and far less deadly to non-target animals than neck snares. A cage or box trap is an enclosure that contains either one or two one-way doors that, when triggered by a treadle or pan, prevent the escape of an animal after the door closes.[12] Most cage traps are made of wire, Nylon mesh, or solid metal, plastic, or wood (or log) walls, floors, ceilings and doors.[13] There are many designs of cage traps that are available, such as box traps, culvert traps, clover traps, and Bailey and Hancock (suitcase style) traps.[14] Cage traps are available in a variety of designs and sizes to live-capture different animals.[15] Wildlife Services states that "[c]age traps have been used for decades, if not centuries in some form or another, and are an effective method for trapping a wide variety of species."[16] Wildlife Services has used cage traps to successfully capture over 200 species of animals.[17] Although it is possible that animals may still be injured by or even die in cage or box traps, they are the least injurious types of traps available. While cage traps are more expensive than neck snares, cage traps are reasonably priced, particularly for smaller game animals such as rabbits, squirrels, and raccoons.[18]

There are also multiple non-trap methods that can be used to humanely mitigate human-wildlife conflict with game animals. To mitigate conflicts with foxes, practicing good animal husbandry and using strategic nonlethal predator control methods to protect farm animals (such as electric fences, fladry, night pens, guard animals, and removing dead livestock) are more effective than lethal control in addressing conflicts.[19] To mitigate conflicts with deer surrounding damage to crops and ornamental plants, fencing, repellants, and scare tactics are effective techniques.[20] To mitigate conflicts with bears that eat garbage, or with raccoons and squirrels that eat garbage or may live under or in homes and outbuildings, purchasing a bear-proof garbage can and securing

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[12] USDA-APHIS, Human Health and Ecological Risk Assessment for the Use of Wildlife Damage Management Methods by USDA-APHIS-Wildlife Services, Chapter II, The Use of Cage Traps in Wildlife Damage Mangement at 1 (May 2017). Available at: https://www.aphis.usda.gov/wildlife_damage/nepa/risk_assessment/2-cage-trap-peer-reviewed.pdf.

[13] *Id.*

[14] *Id.*

[15] *Id.* at 2.

[16] *Id*. at 1.

[17] *Id.* at 2.

[18] The prices for steel-jaw leghold traps typically range from approximately $20.00 USD for a pack of twelve to $33.00 USD, *see, e.g*., Sportsman's Warehouse and IronTrail Trapline Supply. The prices for cage traps typically range from approximately $62.00 USD to $240 USD, *see, e.g*., DoMyOwn. Available at: https://www.domyown.com/animal-traps-c-321_315.html?page=all.

[19] Adrian Treves et al., Forecasting Environmental Hazards and the Application of Risk Maps to Predator Attacks on Livestock, *BioScience* 61, no. 6 (2011); Philip J. Baker et al., Terrestrial Carnivores and Human Food Production: Impact and Management, *Mammal Review* 38, (2008); A. Treves and K. U. Karanth, Human-Carnivore Conflict and Perspectives Protection from Wolves (Canis Lupus), *Wildlife Research* 37, no. 8 (2010); USDA-APHIS Wildlife Services, Nonlethal Management of Wildlife Damage (Oct. 2010). Available at: https://www.aphis.usda.gov/publications/wildlife_damage/content/printable_version/fs_nonlethal_mgmt.pdf.

[20] University of Michigan, How to Prevent/Mitigate Damage Caused by Deer. Available at: https://www.michigan.gov/documents/dnr/Deer_Damage_Prevention_470611_7.pdf.

garbage, pet food, and other food sources in containers inside, as well as building maintenance and construction of proper fencing are effective techniques. Certain landscape modification may also be useful in reducing conflicts.[21]

Conclusion

Neck snares are inherently inhumane devices that pose a high risk of capturing non-target animals, including wildlife, dogs, and cats. There are reliable alternatives to this device. We therefore respectfully request that you vote in favor of this legislation. If you have any questions or if there is any additional information we can provide, please do not hesitate to contact me.

Sincerely,

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[21] *See, e.g.*, University of Georgia, Resolving Human-Nuisance Wildlife Conflicts, Bulletin 1248. Available at: Resolving Human-Nuisance Wildlife Conflicts | UGA Cooperative Extension; USDA-APHIS Wildlife Services, Nonlethal Management of Wildlife Damage (Oct. 2010). Available at: https://www.aphis.usda.gov/publications/wildlife_damage/content/printable_version/fs_nonlethal_mgmt.pdf.