

Nevada Board of Wildlife Commissioners
Bear Regulation Committee

Approved Minutes

Nevada Department of Wildlife
1100 Valley Road
Reno, NV
Friday, January 17, 2014

Committee Members Present

Chairman - Commissioner David McNinch
Commissioner Jack Robb
Commissioner Jeremy Drew
Kathryn Bricker
Bob Cook - Absent

Department Personnel Present

Mike Dobel, Western region Game Supervisor
Carl Lackey, Western Region Game Biologist
Pete Bradley, Wildlife Staff Specialist
Larry Gilbertson, Game Division Chief
Chris Healy, Conservation Education Public Information Supervisor
Jody Wilkinson, Recording Secretary
Kim Jolly
Mike McCusker, Western Region Law Enforcement Supervisor
Rich Haskins, Deputy Director

Others in Attendance

Stan Zuber	John Reed
Fred Voltz	Don Molde
Elaine Carrick	Jered McDonald
Ann Bryant	Bob Brunner
Daryl Harwell	Mel Belding
Margaret Martini	Larry Johnson
Constance Howard	Carolyn Stark
Catherine Smith	Mike Smith
K. Kielhofer	

1. **Call to Order - Chairman McNinch**

Meeting was called to order at 8:30 a.m. with the Pledge of Allegiance. Chairman McNinch, Commissioner Robb and Commissioner Drew and Kathryn Bricker present. Committee Member Bob Cook is not here right now. He had an obligation that he had to attend to. He does intend to be here late morning.

Chairman McNinch noted that the intent of our meeting today is to begin a process of a comprehensive review. Through this process we do recognize as a committee that it is a complex issue. There are a lot of factors and issues. There are a lot of varying viewpoints. As we proceed through the meeting I would ask that our comments remain respectful and understand that people have passion while they might be differing in their opinions.

2. Approval of Agenda - For Possible Action

The Committee will review the agenda and may take action to approve the agenda. The Committee may remove items from the agenda, combine items for consideration or take items out of order.

Kathryn Bricker: Noted questions regarding agenda. Last meeting you tasked Commissioner Drew and me with getting together and coming up with agenda items. People from my perspective, which are probably the reason we have SB82, felt there were 3 agenda items that were foundational to the discussion and asked that they be included. They were 1) what was the premise for conducting the hunt. We were interested in the original reason the hunt was instituted and we wanted to start with a general discussion as to why the bear hunt was instituted in the first place after 80 years, whether any or all of these reasons hold up to scrutiny. Those that do should be confirmed with data. Those that don't should be debunked in the three year report to remove any and all misunderstandings that may currently exist or not. I think there was, in the original minutes even Chairman Raine and Commissioner McBeath admitted that they openly disagreed as to what the reason for coming forward with the hunt was. I think for the sake of the public we need to clarify that. 2) Include human dimensions and public opinion data. I think that is simply because of the three years review as required by SB82 was a direct result of the public attitude and controversy or the human dimensions aspect. We feel that we want to review what the documents of public records were. We want to consider if moving forward the Commission and the Department sanction a new public attitude survey. 3) We ask that there be a review or a presentation of the gross receipts and expenditures from the hunt. To show transparency and accountability as a public agency. Where on the agenda are those to be included?

Chairman McNinch: The agenda has been set up, originally the intent was to have a 2 day meeting and in discussions with the Department it was not feasible. The timeframes that we are dealing with are tight. They did expedite the development of the report that generally comes out in April so we could have some discussions. In developing the agenda I considered the information that was provided by you and Commissioner Drew. I had a rather lengthy list of items that were brought up at the last meeting. The primary decision that I made was we have a commission meeting coming up at the end of January and the timeframe to provide input and to have this meeting was very short to get information out to the CAB's. If there were anything that needed to be changed during that meeting. During that meeting, we are dealing with Commission Regulations. I didn't want to sacrifice opportunities to address issues that this committee felt needed to be addressed at that Commission meeting with items that are relevant to the hunt. I didn't want to miss an opportunity, if this Committee felt strongly that they needed to make a recommendation to the Commission to change this Commission General Regulation. It boils down to a time issue. There is only so much time we have to get these done by next week before some of the County Advisory Boards start to meet, so that they can vet out any recommendations that we might make to the full Commission. To be honest, the premise of the hunt, there may be components of that that could be built in to some of the Commission Regulation. As we talk about hunt seasons.

Kathryn Bricker: I don't follow that at all, how they would be comparable.

Chairman McNinch: You are right; it is probably not going to be covered under general regulations. The premise for the hunt might be more of a philosophical discussion.

Kathryn Bricker: I do not intend it to be philosophical. I am intending it to look at our record as to how the hunt came to be. We have a lot of transcripts of that and there is great confusion as to that. I think I have clarity about it but to have a thorough 3 year review of the bear hunt we at least need to be going forward if there are future bear hunts with a clear understanding between the Department and public as to the reason for the hunt. There is a lack of clarity. I think that is a basic premise we need to establish going forward.

Chairman McNinch: The intent is to have more meetings. I have some dates that I would like to throw out to the Committee, which we haven't done in the past. I want to establish more specific dates and timelines. I don't want it to be left up to me and the Department. This Committee is going to help set forth dates to review other things. When I say comprehensive review, the intent was not to address every last item.

Kathryn Bricker: This is not the last part of fulfilling SB82?

Chairman McNinch: Not in my opinion. We are going to have more of a discussion on that in future Committee meetings but this agenda was not designed to handle every last aspect of the hunt.

Kathryn Bricker: Then may I ask both Chairman Robb and Commissioner Drew is your inclination that we will be having more discussions and more meetings regarding the thorough review.

Commissioner Robb: Without a doubt. As a result of the discussion today we may determine that we need to work on some things. This is a starting point, but I wanted to make sure we could get as much as we could as a starting point.

Kathryn Bricker: We perfectly understand the need to cover what you need to do for the upcoming Commission meeting and that is just how it is. Our concern is that we did feel it was foundational and needed to be. We understand the time constraints have made you decide otherwise but I am hearing from both of you assurance that you do agree that there will be future meetings in order to have a comprehensive review. The lack of these items being on the agenda today does not mean that we won't have the opportunity in the future.

Commissioner Drew: Just to follow up on that. I think what the agenda does and what Chairman McNinch has done is gives us the latitude to address the regulatory aspects that we need to address today. We can have a whole variety of discussions under each of those items. I don't think there is any way that we will get to all of it today. I think that is why you see future agenda items on the agenda and we can discuss the merits of each of these when we get to that point.

Kathryn Bricker: The first request we made for going over the premise for having the hunt in the first place and clarifying all of that is probably not on today's agenda and would I be correct in assuming that the second item we asked for regarding human dimensions and public opinion is not as well. As well as gross receipts and expenditures.

Chairman McNinch: That is correct. I have what looks like close to a dozen bullet points from the last meeting, you mentioned three of them. A couple of these are included in the

agenda. Part of it is a timeframe issue. The discussion originally was how we are going to move forward with this comprehensive review. Are we going to smash it all into a couple of days? Which originally we had decided we could do. I am not sure that 2 days was going to be enough to do what might need to be done. We attempted to do it; I discussed it with the Department. It wasn't going to work for a number of reasons. The information that we would have needed to have the Department put together, it was reasonable to expect them to get it together in the timeframes that we were asking. The bear hunt did just end on December 31st. Had we had the foresight to direct the staff to put a whole bunch of different reports together and start pulling stuff together, but some of it would have been a little bit premature since the hunt wasn't over yet. I can't provide clear direction to the Department when we are not to the end of the hunt yet. Things can change clear up to the last day of that hunt. If you remember at the last Committee meeting we did not have a future Committee meetings and potential agenda items on the agenda. It will provide us an opportunity to have these discussions and get ourselves lined out in the future.

Kathryn Bricker: That clarifies it for me. I just want you to know that I have great respect for all of you and your commitment to this process. I feel comfortable that the fact that you did not include on today's agenda what we consider the three foundational issues that would be covered in a thorough review of the bear hunt. I am assured that we will most likely be coming forward. I am okay with where we are now.

Public Comment:

Elaine Carrick: Respectfully regret cannot approve of the agenda today. For the following reasons: I understand that administratively the regulations need to be discussed because of a certain timeframe, however, I think it would have been entirely appropriate for it to be put in the agenda that the only reasons that these regulations are being discussed is because of that timeframe. It looks like you are putting the cart before the horse as far as talking about all these things when basically we haven't even discussed the most important item, which is the review of the three year hunt. The other thing that I think was really inappropriate that puts a whole pale on this meeting today is the fact that it has been said and put in the paper today about the bear hunt that the Department is already thinking that the bear hunt should proceed. There was a member of the Commission that has also said that he thinks that the bear hunt should continue. That simply is making a farce of this whole meeting. I think it is a slap in the face to the legislators who basically in SB82 asked that there be a thorough review before any decision was made on continuing this bear hunt. When you have Departments and people saying that they have already made up their decision to have the bear hunt, I think this is inappropriate and puts a real damper on this whole meeting.

Don Molde: Agrees.

Fred Voltz: One other issue that I would like to bring up. At the last meeting it was mentioned that the Tahoe Regional Planning Authority (TRPA) was going to be contacted about a region wide approach to the bear proof containers for trash. I didn't see anything on the agenda that that is going to be discussed even as an informational item, not necessarily an action item today. That is something else that needs to be done. Also agree with Elaine Carrick and Don Molde, you are getting way ahead of yourself just to promote a 2014 hunt. You have it as a CR today on the agenda. It is totally inappropriate.

Mel Belding: Pertaining to comment of the thorough review, I am involved pretty heavily with wildlife and I don't know of another big game animal in this state that is as thoroughly reviewed as the black bear. I think Carl Lackey does a fantastic job along with the rest of the

Department and I think that more hours are spent on black bear than there is any other animal.

Margaret Martini: Disturbed about press. It seems like we have been here for several years now and all the outcomes seem predetermined. I have been on several issues, especially with the bear trash container issues up at Incline Village and I think coming into this with a predetermined is just like Elaine said. This is an exercise in futility. For the general public who want to see more statistics and more this and that to just be disheartened by the fact that it is already predetermined. I feel that it is. I feel that having the Committee and everything is a great thing and I am sure that you look at stats and etc. that supposedly are science from Mr. Carl Lackey and I think you need to take a step back and look at the Department of Wildlife, not the Committee, but the Commission. Let them know that this predeterminedness is just not acceptable until all the facts are out and until the Committee has a chance to disseminate them.

Daryl Harwell (Washoe County): If you look at Carl Lackey's report at the number of bears that are killed every single year by Incline cars, hunters haven't taken as many as have been hit by cars a year. I don't see what the issue is.

**MOTION: COMMISSIONER ROBB MOVED TO APPROVE THE AGENDA AS PRESENTED.
SECOND BY COMMISSIONER DREW.**

Kathryn Bricker: The only comment I would like to make because of some of the comments to which I am sympathetic. I am probably going to abstain from voting and my reason is that I haven't heard from Mr. Ward. It is not clear to me until I do whether or not SB82 requirements explicitly state that a 2014 hunt should not go forward or be considered until a review has been given.

VOTE: 3-0 with 1 abstention. The agenda is approved.

3. Member Items/Announcements

Committee may present emergent items. No action may be taken by the Committee. Any item requiring Committee action will be scheduled on a future Committee agenda.

Kathryn Bricker: Since we are not going to be covering the human dimensions item today, I would like everyone to know because there was some confusion even from things I said last meeting when I realized when I discussed the upcoming agenda with Commissioner Drew. I had mentioned a human dimensions researcher Kathryn Mazaika who has done some very extensive research on urban bear issues and could be a great resource for this Committee, which I hope we would use going forward. Her specialty is conflict resolution analysis and I think all of us will agree that there is a lot of conflict and someone who is an expert in that and has the research to back it up, specifically to our Northern Nevada area would be a great asset to us. However, another thing that has come up that I would like to bring up is that we also contacted; I think most people who follow human dimensions research are aware Tara Teel from Colorado State, she has done a lot of research on western public attitudes towards wildlife. One of her associates, both he and his wife are both human dimensions researchers, PhD's at the University of Nevada in Las Vegas. We contacted them because we felt that there needed to be scientifically verifiable, something that is accepted by all stakeholders more recent information regarding the bear hunt. I have their names and contact information but I did want everybody know that they have agreed, should the Department ask them, there is the requirement that any data considered be generated or collected by the Department and

we think they would be the appropriate, although we would certainly be enthusiastic about helping out with financing. I just want to put it out there that we do have 2 Nevada researchers, a husband and wife team. He is an associate of Tara Teel and has spoken to her regarding this. She had important comments to make that it should involve or come from the Department so that they would accept whatever the outcome was as we would as well because it is science. They are not only willing to do this they are willing to do it pro bono for us with just coverage of the hard costs. I wouldn't want to hold them to anything at this point, but they thought it would probably be around \$12,000.00. I know when I have talked in the past to Director Wasley about different surveys that he quoted me a figure that they kind of start at about \$45,000.00. Based on what my conversation with him I thought this was a really good deal and something that I am hoping that this Committee will seriously consider when we do get to that agenda item moving forward.

4. *Approval of Minutes - For Possible Action

The Committee may take action to approve Committee minutes from the December 5, 2013 meeting.

Kathryn Bricker: There is a typo with the word intention on first comment should be intention versus intension. There was reference to the fact that I made a statement or quote from the USFWS paper and I would like that that quote is included in the minutes. She read the quote again and supplied a copy of the quote to have the December minutes reflect the quote as she believes that it sets the frame. "Science provides a basis for measuring changes in the environment, for understanding how ecosystems operate, and for predicting how a change in environmental conditions might affect ecosystem operation. However, science cannot provide a basis for choosing human goals with respect to the management of these systems. Goal setting, an integral part of policymaking, is a value-based process. A common misconception of nonscientists is that science can provide objective answers to the thorny question, "How should we manage this ecosystem or resource?" Such questions can be answered only by reconciling the socially constructed values and expectations of the stakeholders at the policymaking table."

Public Comment:

Bob Brunner: If you would like to involve the human element go ahead and get involved and organize and pay for that and bring that to the table. Part of this is all about funding and money and everything else. If we are going to go ahead and pay for the boys in blue so we make sure that all of our bears aren't in China with gallbladders and stuff we have to make sure that we are paying for that. With hunting licenses and fishing licenses and receipts for guns you want to determine that my payment is going 30% or 70% or whatever....

Chairman McNinch: Interrupted noting that Bob was off topic.

MOTION: COMMISSIONER DREW MOVED TO APPROVE WITH THE ONE NOTED ADDITION.

SECOND: COMMISSIONER ROBB

VOTE: 4-0 - MINUTES ARE APPROVED

5. Overview of Senate Bill 82 - DAG Harry Ward - Informational

The Committee will be provided with a brief overview of Senate Bill 82 enacted during the 2013 Legislative session.

Harry Ward, Deputy Attorney General put the website www.leg.state.nv.us/Session/77th2013/Reports/history.cfm on the white board in the room, which is the history of SB 82 from the legislative website. He read through some of the

history that can be found on the website for this Bill. He read through the Bill noting that the reason we are here and the most questions will be from section 11.7 (which urges the Commission to thoroughly conduct a 3-year comprehensive review of the hunting of black bears).

Kathryn Bricker: On item #1 on 11.7 there is the clause "and which recognize and protect the rights of sportsmen and sportswomen". I know there have been states where the right to hunt has been successfully and in others unsuccessfully to be part of the state constitution. In Nevada what are we referring to when we say the right to hunt?

Harry Ward, Deputy Attorney General: You could start off as going far back as 1) does the person have the proper requirements of our state (licensing, going to the proper bear indoctrinations). There are certain requirements and hoops that one must jump through.

Kathryn Bricker: And those are considered rights?

Harry Ward, Deputy Attorney General: Those would be considered requirements by the Department to obtain the right to hunt.

Kathryn Bricker: Do you think this is the intent of this language, is it referring to just following the rules or is it something more profound than that?

Harry Ward, Deputy Attorney General: Unfortunately as the Deputy Attorney General I really can't give you in depth thoughts as to what this is because then you are asking for an AG's opinion, which I am not standing up here to give you a formal AG's opinion. When you read the legislative intent the legislative intent basically says that there is a right of sportsmen. You have to look at the laws of the State of Nevada. You have to look to Regulations. You have to look to Statutes. That is all I can tell you. Evidently, I think from reading this there was a legislative intent that there is a right of a sportsmen and sportswomen to do something.

Kathryn Bricker: There was an attempt to have the Nevada Constitution changed at the 2013 Legislature to ensure that Nevada's sportsmen and women had the right to hunt. I would assume that the fact that the Nevada sportsmen and women made that effort would indicate that there is not currently on the books a right to hunt. Can you confirm or deny that?

Harry Ward, Deputy Attorney General: I don't know, but just let me give you an input. A lot of people may think that there are certain rights, a constitutional right. You don't have a constitutional right to for example drive a car. A right is a privilege and I suspect there is an analogy, yes hunting or fishing license privilege can be revoked for a number of things. One thing comes to mind that if you don't pay child support your license can be revoked. That is why we have boards and commissions to revoke licenses. I would say any license under the generic term is a privilege and that privilege is granted usually by the authority of the State, municipality or a commission and can only be revoked with due process of the law by going through some sort of a committee or a hearing to have your license revoked. Without getting into the legislative intent, I cannot answer that.

Kathryn Bricker: I would like to note for the record, "Protect the rights of sportsmen and sportswomen"; I hope anyone in future discussion of that issue will keep in mind what Mr. Ward has told us. Perhaps privilege is what we have currently versus a right at this point.

Harry Ward, Deputy Attorney General: I am not going to tell them or suggest language. I am here as an informative Deputy Attorney General to try to respond to your questions without giving you a formal AG's opinion. I think if you look at any license it is considered a privilege and that is the language you would see by the courts as opposed to a right.

Chairman McNinch: There has been comment regarding timeframes that this review has to be done. There was an attempt to do this review in a short period of time. It just wasn't going to work out. There are not enough days for compliance with meeting schedules. The statute that SB82 does not set a deadline for conducting the review. It is not mandated but urges it. It is in the best interest of this Commission and sportsmen and folks that are advocates for not hunting bears to go through this process. It is urging people to get together and have these discussions. I thought it was important to bring this to the table so everybody had an idea of one of the primary driving force behind this. Legislature didn't want to endorse a hunt and they didn't want to not endorse a hunt. They wanted us to start having these discussions and finding the starting points are always difficult. The bottom line is that to conduct a comprehensive review doesn't happen overnight. There is no expectation, certainly by the legislature, that this be done prior to another hunt being conducted. We are making attempts to address some of the issues that are coming up with the upcoming hunt. But I thought it was important to try to put people's expectations in a reasonable place.

Harry Ward, Deputy Attorney General: In going back to Section 11.7 of which we are here for. The Board of Wildlife Commissioners to thoroughly conduct its 3 year comprehensive review of the black bear hunt following the 2013 bear hunting season. We just ended the 2013 hunt and unfortunately we don't have all of the stuff yet. To answer your question earlier, we cannot do everything today but it is a starting point to get the ball rolling. I see no deadlines but you would have to say from SB82 that as soon as practicable and that would be recommendation.

Kathryn Bricker: On item 2 of Section 11.7, it says, "to continue management of black bears of Nevada by the Department of Wildlife in a way that conserves, sustains and protects the black bear population in a healthy and productive condition". That is obviously something that Carl Lackey is going to be addressing today here. But then it says "and minimizes threats to public safety and damage to personal property". So it suggests to me that that is a separate arena all together from the hunt, which is the urban bear issue but it is a part of SB82. What is our intention there in order to fulfill that aspect of the requirement? It seems that the comprehensive review includes that.

Harry Ward, Deputy Attorney General: I know from reviewing your past minutes that has been discussed. While I don't see anything concerning Waste Management and containers up at Incline Village. I think the intent of the legislature was yes we realize that is a problem or does happen and that you guys need to have an open discussion concerning these other issues.

Kathryn Bricker: I am confused by this and how a bear hunt bill includes this and what that dictates to those of us who are doing this thorough review.

Harry Ward, Deputy Attorney General: I don't know what the intent was but I know when they get into the comprehensive review they want to include statistically where the bears are, what they are doing, how they are killed whether it is automobile or hunting, etc. I think that was their thought to encompass a comprehensive review. Once again, I am just suggesting this.

Chairman McNinch: We can bring this as part of the discussion. There are things that are going on outside of this comprehensive review with trash issues. Maybe that is a discussion that we do have to have as part of this. This is why we have to get our basis and where are we going in our future meetings. We do have to deal with what has been urged by the legislature and minimize threats to public safety and damage to personal property. Maybe it warrants a further discussion and a further review by the AG's office.

Kathryn Bricker: In the premise of the hunt discussion, which we have requested that there will become clarity that the hunt and urban bear management are probably handled separately rather than hunt as a management tool to deal with urban bears.

Harry Ward, Deputy Attorney General: I am not up here suggesting that this Commission or the Commissioners of Wildlife have the authority to tell Waste Management or municipality what to do. I am just saying that from reading this there seems to be some sort of cooperative agreement that we are going to participate and maybe make suggestions and maybe aid in something that can make everyone comfortable with.

Kathryn Bricker: I think a legitimate aspect of that is if we agree as a premise of the hunt that it is not to address urban bear problems. Is the fact that the hunt is occurring benign to our ability to minimize threats to public safety. What impact has the hunt had upon the conditions that might improve urban bear management?

Chairman McNinch: Read Section 11.7 #2 - They are making the statement that that is an important component of managing bears in Nevada is the public safety and the damage to property is of concern. We deal with that with other wildlife. We can incorporate it in some discussion. We will have to frame up where it applies.

Kathryn Bricker: There is on public record a communication between former Conservation Commissioner Tina Nappe and Commissioner Drew (before he was on it); it was in the fall of 2010 prior to the hunt. She made the comment there that she expressed concern. She said that she thought that because of Carl Lackey's work at the lake that at that point and time the Department of Wildlife's reputation with the people who live in the primary bear habitat had been greatly enhanced by his work and relationship with the community there. She felt quite sure that the hunt would be opposed strongly by the public and she was concerned about the ability of the Department to be successful in the urban bear management when they lost the support of the public in that manner. I think the fact that we have this language here, I think the fact that people as informed about this whole process as former Commissioner, Tina Nappe, brought this up and I think we have a pretty good record of things going on. I think we do need to suggest that on a future agenda.

6. Overview of Commission Regulations, Nevada Administrative Code, and Nevada Revised Statutes - DAG Harry Ward - Informational

The Committee will be briefed on the processes associated with adopting or amending Commission Regulations, Nevada Administrative Code, and Nevada Revised Statutes.

Harry Ward, Deputy Attorney General briefly discussed regulations. The Nevada legislative branch grants almost every Department, board and commission the authority to adopt administrative regulations. Administrative regulations take into consideration complex and technical issues that are not addressed in State statutes. The process of adopting administrative regulations allows the public to provide input into the how the laws passed by the legislature should be implemented.

Harry Ward, Deputy Attorney General: Some of the benefits to rule making is public participation and that is why we have these types of meetings. In general the following rule making procedures are and must be completed when you are adopting a regulation.

1. Discuss the content or the purpose of the proposed regulation with the board or commission or agency that is the agency with the rulemaking authority. In cases like this where you do have commissions and such the proposed regulation should be discussed in a public meeting conducted in compliance with the open meeting law. That is another reason why you will have your Deputy Attorney General here because when you do have these types of meetings you have to comply with the open meeting law.

2. There are three types of regulations - permanent, temporary and emergency, we are dealing with a permanent regulation. A draft is sent to the legislative counsel and the State Library & Archives administrator. This draft is kept and available for public inspection.

3. If there is an impact or consideration of impact of the regulation on small businesses. There are certain forms that you have to fill out. If necessary consult with small business owners and prepare a small business impact statement, which is a requirement. Then draft a statement explaining the method used to determine the impact on all small businesses.

4. Conduct at least one workshop with interested people to discuss the general topics addressed in the regulation. This workshop must be conducted according to the requirements of the open meeting law.

5. Set a hearing for public comment. You draft a notice of the hearing and post it.

With respect to proposed permanent regulations such notice must not be provided until the agency has received the approval or revised text of the proposed regulation from the Legislative Counsel. You draft your proposed regulation, have had public comment, you send it to the Legislative Bureau and then you have to get it back from them. Once you get it back from LCB you conduct a public hearing according to the open meeting law. Then you evaluate and consider written and oral public comments on the proposed regulations. A lot of times you will send your proposed regulations to LCB. You have to review it because they will make changes. Draft an informational statement describing the regulation rulemaking proceeding. Pair the form for filing of administrative regulations. Then you file the form and informative statement together with the final regulation back to the LCB. It goes back and forth to the LCB. If you decide to make a change then you have to determine if the change is "significant". If it is significant, which is almost hard to define then once again it has to go back to LCB for their approval. Examples of significant is if you change the language from mandatory (shall) to permissive (must) or vice versa.

In the case of a temporary regulation you file a copy of the regulation as adopted in the informational statement with the Secretary of State, Legislative Bureau and the State Library. Temporary regulation is basically dealing with timing. When the Legislature is getting ready to be in session LCB has to dedicate all of their time. The difference between temporary and permanent is just timing as to when you file your proposal regulation with LCB. They have to dedicate most of their time to legislature.

In case of an emergency regulation after endorsement by the Governor, file a copy of the regulation with the Secretary of State and the Legislative Counsel.

There will be a lot of meetings where you can get input as to where you guys want to go with this. You also have the prerogative to make suggestions to the Commission in regards to your open meetings. You are almost an extension of the Commissioners in this regard with SB82.

Chairman McNinch: The idea of having this on the agenda was to create awareness that there are some things that we can handle through CR, NAC or NRS. They all go through separate

processes and take time. NRS is a legislative process and it is not anything that would happen for a year down the road. That process will start in earnest later this summer. NAC require involvement of the Legislative Counsel Bureau and it is a different process than we would use to change Commission General Regulations.

Discussions took place back and forth between Kathryn Bricker and Harry Ward, DAG.

7. Three Year Hunt Analysis - Carl Lackey - Informational

The Committee will hear a report on three years of the Nevada Black Bear hunt.

Chairman McNinch: Noted that the report he referenced earlier in the meeting is typically done in April. Carl put the information into the report from the third year.

Carl went through the report noting that there isn't anything surprising or remarkable. Try to stay to facts and science and summarize some of the year's events in regards to the bear hunt and human bear conflict management. As stated in the report, we have been collecting extensive data on black bears since 1997. This year we hit our 1000th bear in the database, we are well over a 1000 bears in the database now. For a population the size of ours I think that speaks for itself. We have marked and released almost 400 bears in that time and dealt with 660 individual bears.

As far as the harvest analysis goes the first hunt commenced on August 20, 2011. Since that time in the 3 years we have issued 135 black bear tags. For those tags, to show the interest in the black bear hunt, there has been over 4900 applications for the 135 tags.

We had been working on the Black Bear Management Plan for a number of years with many reviews and finally approved it in 2010. In that Plan we instituted the criteria analysis for evaluating the impact on the population by the hunt. That is in Table 2. This is criteria that are used by several states. I canvassed several states management plans to come up with those criteria.

Prior to every year's hunt, the bear tag holders are required to attend a mandatory indoctrination. They did not receive their tag until completing that indoctrination course. It is a 3 hour course we offered here. One year we offered it in Las Vegas as well. We go over a number of different things including identifying the size and sex of bears, basic bear behavior, methods of hunting. We spend a considerable amount of time on the legal aspects of the bear hunt, paying specific attention to the Tahoe Basin and the private Indian lands primarily down in the south end of the Pine Nuts in Douglas County. For 2 years we had representatives from the Bureau of Indian Affairs (BIA). They are the ones that have jurisdiction and management over those private Indian lands. They are not tribal lands, they are private Indian lands. They provided maps as well. We addressed proper care and proper care of the hide once the bears were harvested.

Carl went through what was in the report. Carl noted that as far as public education goes that despite no general funding for the past several years, the Karelian aversive conditioning program continued without any state funding. We are doing a fairly good job of educating the public. In the five month period from the end of July to the end of December we had 35 press releases from the local and multi-state media.

Kathryn Bricker: In addition to the 39 bears killed in the bear hunt, are there other bears in the database that are in that database as a result of there having been a bear hunt?

Carl Lackey: When a bear hunter checks in that bear that is pretty much it. They don't check in multiple bears. They give me information on tagged bears that they saw while they were hunting. They treed a female or whatever else that will go into the database. Especially if it is a bear that I haven't seen in a while I will look up that bear and if that is information that is valuable I will absolutely put that information in the database.

Kathryn Bricker: It would be fair to say that you are not dependent as you were not the 14 years previous on a bear hunt in order to have data collection.

Carl Lackey: We collect data on every single bear we handle.

Kathryn Bricker: A point of conversation has been that you all have been estimating the population by calculating an average increase of 16% a year since 2008. Do you think that given the drought that that population increased at that rate the last two years?

Carl Lackey: I would suspect no. Again, statistical comparisons between now and then, I don't have them because we didn't run a Program Mark this year. I would anticipate because of the time involved with that I would anticipate doing that about every 5 years or so. When I looked at my spreadsheet population model, I lowered the survival rates for the last 3 or 4 years specifically for that purpose.

Kathryn: Do you agree that the 16% increase is a robust increase compared to other states?

Carl: It is pretty comparable. In our peer review paper that was published in the Journal last May, I give specific publications and literature sites for other estimates so you can refer to that.

Kathryn Bricker: Dr. Jon Beckmann, who is a critical part of generating this science, when the cougar study came out from UNR he said in every paper that I read on the subject, was that this is opposite of my theory of and what I expected. The theory on cougars was similar to our theory on bears is that we should be getting immigration of cougars from California and that will continue to supplement our population as territory becomes available and a bear disappears for whatever reason. How have you all responded to that in still holding that theory for bears and it kind of being important to how we are thinking about the bear population in Nevada?

Carl Lackey: I am not worried about it and I probably won't give it a whole lot of thought until we get the results back from our DNA study. You are talking about two totally different species. Mountain lions are spread throughout the state of Nevada and a lot of the data that was documented in that lion publication involved lions that were hunted in the central part of the state. Something we don't have with bears. They tend to follow the deer migrations quite a bit. There are lots of different reasons why you can look at that and you can draw a comparison and then you can shut down those comparisons at the same time.

Commissioner Robb: You mentioned during your presentation a number of marked bears harvested within the Nevada hunt. Have any of your marked bears been harvested on the California side? How much marking goes on in California of their bears and during our bear hunt have we taken any marked bears that were marked someplace else?

Carl Lackey: Compared to what we are doing California marks very few bears. There is one guy that is working for California that is tagging, releasing and collaring a few bears on the

California side of the Tahoe Basin. His exact number I can't really say. It is very few. He only started really marking and collaring about 2 or 3 years as part of a PhD project that he is doing at Berkley. No, we have not killed any California marked bears in Nevada. We have had marked bears that we have marked killed in California and Oregon. We have had 2 killed in Oregon by Lakeview and several killed both in the sport hunt and for other reasons in California.

Commissioner Robb: One of my biggest concerns with the hunt and the hunt in the Pine Nuts was, we have had some heavy swings in pine nut harvest or production down in the Pine Nut Range and I thought during our heavy pine nut year a couple of years ago maybe it was an attractant and that is why we had the number of bears that we did in the Pine Nuts and Sweetwaters and that area of the hunt. We didn't have any pine nuts last year to speak of but we still had the bears, so they found other things to forage on. I was concerned that the Pine Nuts were an attractant to bring the bears over because it was a good food source. But when you didn't have pine nuts we didn't seem much of a swing in the number of bears and the number of harvest in those areas that didn't push them back and forth as I thought it may.

Carl Lackey: That is correct. They find other things to eat. Bears are constantly moving around. So a bear that is in the Pine Nuts one year may be a pine nut bear or he may be a southern Mono county bear. They do a lot of moving around because that is what bears do and in search of food.

Commissioner Robb: The other thing I found interesting in your report was that there was a bear harvested on private Indian lands in Douglas County. During the bear indoctrination it is told that those areas are off limits but it is just like any other hunt that there is a ranch or something. If it is within the unit and you are invited onto that property, it is of legal take in that area. It is just closed to the hunter unless he is invited on. But, then hunters in Nevada are routinely on private land and they don't know it because it is not marked. With the tribal lands we go the extra extent, they are not marked in a manner that is legally posting requirements by the State of Nevada but we do insure that the hunters don't go in there.

Carl Lackey: My understanding that private Indian lands, the vast majority of that down there is private land that belongs to Indians. It is not tribal. There is very little tribal land down there. Those private lands, my understanding in talking to the BIA people is that they are not required to mark their lands. People are required to know if they are on them or not.

Commissioner Drew: Anything that surprises you or concern to distribution of the animals that have been harvested? We have had a lot of animals coming out the Pine Nuts.

Carl Lackey: No, 70% of the bears taken have been with the use of dogs. That is the most efficient way to get a bear, I think that is why we see the hunter distribution the way we do. There is nothing that stands out. We still see a variety of age cohorts, nothing outstanding by any means.

Kathryn Bricker: This year how many were killed by vehicle this year?

Carl Lackey: It is in the report. There were 12.

Kathryn Bricker: So right about now they are kind of even (14-12).

Carl Lackey: It varies considerably.

Kathryn Bricker: I just feel that statement that is made by a Department spokesman, it is accurate but at the same time it can be misleading because we would expect that to be a leading cause when we have had so much less time hunting a bear than just hitting them with cars.

Public Comment:

Don Molde: Just clarification on table 1 which shows bears handled since 2004. The lower right hand far distant corner shows 1075 contacts but below that you speak about 663 individual bears. I am assuming that the 1075 contacts refer to some bears that have been handled more than once and that the individual number is actually 663 as you say.

Carl Lackey: If you look just below that table it says that it includes recaptured bears previously handled. Because we get important data off of a bear every single time we handle it, whether it is in the same year or subsequent years. The 1075 includes all of those data. We follow some bears for several years and get data on them each time we handle them.

Margaret Martini: How many of the bears that you capture and release are released in the hunt zone and are there not any other zones for releasing of bears?

Carl Lackey: Other than urban areas in the Tahoe Basin if I release a bear anywhere it is in the hunt zone. I am not going to take a bear out to Austin and release a bear out of a hunt zone out there. I don't have the capabilities of doing that right now. Everywhere I release a bear is in the hunt zone, unless we release it onsite within the Tahoe Basin. Our aversion conditioning program, KBD program, release protocol, sometimes we remove bears and release them. If there is a need to get them out of an area, such as an urban area in the Tahoe Basin, we will remove it; release it out of the area. Other than that we try to release onsite or as close to onsite and have been doing that since 1997.

Commissioner Robb: You just mentioned that you couldn't take it to Austin because you don't have the means. But do we have the clearances through Forest Service, BLM, private landowners? We would have to go through a whole host of processes to be able to release them into an area that they currently aren't populated. So, it is not just your ability to drive out there.

Carl Lackey: No, by capabilities I meant all of that stuff.

Commissioner Robb: It is not that Carl is choosing not to drive to Austin. It is a major undertaking to take an animal that does not exist in an area and repopulate that area. It takes a long time.

Margaret Martini: Per Carl, the bears are migratory and found bears in Oregon. In looking at relocating bears I think that the bears cross over these different areas that they could choose to populate if they wanted to. It is not like you are reintroducing a virgin area that has never had a bear. In looking at where the tagged bears have gone I don't think that is a valid analysis. I think if the bears were more territorial like big cats where you have your territory then that could be an issue. When he is stating that the bears migrate I think in the relocation process that it really needs to be relooked at and reconsidered and instead of having a bear that has been trapped and designated as a problem bear when he has been released in the same area. That doesn't change the behavior even with aversion tactics per say. If you have someone in a neighborhood feeding a bear and release the bear in close proximity then of course they are going to come back to where they have been fed.

Carolyn Stark: Could it actually be that it isn't Incline Village residents' reacting that is causing the spike in bear deaths since it is 3 years before, that it actually is because NDOW didn't have the funding to deal with urban bears.

Carl Lackey: The question and answer is difficult because it involves a lot of different issues. Regardless of why bears are killed in Incline, I think it is important to state that we have a policy and we follow that policy to the letter when we consider euthanizing a bear. The bear is doing considerable damage, breaking into homes or breaking into cars that bear is killed regardless of where we find that bear. It is just ironic and I point it out in this report that most of those bears, at least in recent years, that reach that level of conflict behavior have been in Incline. It is only in Incline where these advocacy groups tamper with our traps or promote keeping bears out of our traps.

Commissioner Robb: So what you are saying if you could have trapped it earlier, you could have conditioned them and they might not have been likely to get in as much trouble later on.

Carl Lackey: In generality, yes, because we deal with same issues and the same types of bears in other places of the state and always have. We seem to have more success with the aversive conditioning elsewhere because we are able to trap those bears a lot of times in those earlier stages of conflict behavior. We have published papers on aversive conditioning. There have been 2 or 3 other people in California that have published papers on that. It is really hard, quantitatively, to look at aversive conditioning and say it works or it doesn't. We look at age cohorts that we are dealing with, the level of food conditioning of these bears, the level of human habituation of these bears and try to come up with some sort of result of the aversive conditioning.

Commissioner Robb: When dealing with individual bears it is not your goal to euthanize a bear. Your goal is to condition that bear and get it back into the wild.

Carl Lackey: Absolutely. If we get a bear that is inside a home and we know it is the right bear, it doesn't matter how many times it has been caught and the history on that bear. Black bears do not belong inside people's homes and that is our policy. If a bear is caught inside a home, breaking into a home and we know it is the right bear that bear is killed. Believe me we do everything we can to give the benefit of the doubt to the bear. There has been many times where we suspect a bear in damage or breaking into homes but we can't say for sure that is the right one, we tag it and release it. Those are usually the cases where we relocate those bears and try to get them 2 or 3 weeks away so we can see if the damage or breaking an entry continues. If it does, then we know that that bear probably wasn't the right bear. All that information goes into that dataset.

Kathryn Bricker: To what degree is it the role of the NDOW respondent to the bear call to educate or advise the person who called regarding what they may change in their behavior in order to have that not reoccur?

Carl Lackey: It begins with dispatch. Many of these calls before they even refer them to myself or one of the game wardens they refer them to the website, which has all the information on it. We have downloadable brochures. Once they give the call to us, especially a year like this where we are dealing with several bears a week, the last thing we want to do is go move a trap or set another trap if we don't need to. We educate those people. A lot of times we grill those people and address it from that standpoint. Now that

we have some teeth in some of our ordinances, I have been calling the code enforcement people and noting this person at this address noted a bear in their trash please address it. We look at that and we address the public education from several different standpoints.

Carolyn Stark: Of the 6 or 9 bears that you have collared are any of those urban bears? The report talks about a Bear Smart community in Incline Village starting in the spring of 2014. Is that an endorsement of that company? Again, the concern is that 80% of the bears that have gotten into homes and cars this year are up in the Jupiter neighborhood.

Carl Lackey: I am not going to endorse anything, per say. I am a fan of Bear Smart; I made that statement at one of our Incline meetings when Madonna Dunbar was talking about starting a Bear Smart program. Absolutely a fan of Bear Smart because it is a citizen based great grassroots type movement that targets public education.

Cathy Smith: As recently as 2008 there was a published article stating the wild bear population had been depopulated secondary to the urban areas. My question is was that incorrect based on earlier data, that you have now been able to see differences? If that was a true statement why did it change so recently from 2008 to the current time and what data do you have to support this? Would it be correct to assume that there is potential during the last couple of years of draft given the fact that we are an edge population that we might actually see more bears moving around because there is a lack of food so they broaden their home bases and when actually we have a good year we might actually see those bears start contracting more into the better habitat of California? The only reason I am saying this is because the overwhelming majority of other states do bear kill quotas by unit or by county. We are one of the very few that does not.

Chairman McNinch: Before I ask Carl to do what he can to respond. In all fairness to Carl he is getting caught very cold with these questions. He hasn't had an opportunity to look into these things and look at all of the reports. I want everybody to be realistic about his ability to answer in depth. We are asking him to clarify questions in his report. If he is able to answer a question that is great and if not, I want everybody to understand that he was not provided with a list of questions before he came in today.

Carl Lackey: If I understand the question correctly she is referring to the paper that appeared in the Human Wildlife Conflicts Journal in 2008. We looked at life tables for wild land and urban bears. In that paper we estimated lambda of wild land females at one but we made a specific note that we truncated that dataset to match age cohorts in the urban bear population and that indeed lambda of wild land bears we knew was going to be higher than one we just didn't know how far above one. That kind of negates the argument that we were saying the bears were being depopulated in these wild areas back then. We made the statement that we knew it was at least one and higher but we couldn't say exactly how much higher. We addressed that in the 2011 paper when we looked at lambda overall for the overall population for females and it was 14% (1.14).

Chairman McNinch: How does this information in your report tie into that is the question? I want to keep everything tied into the report provided.

Carl noted that the question was deviating from what was in the report but didn't mind answering and trying to explain.

Larry Johnson: Are there long range plans, have we considered reintroducing bears into areas of their original habitat around the state? Of course it takes revision of range management plans, coordination of BLM and Forest Service. We had a sprinkling of bears in the Toiyabes, the Monitor's and others around the state. I would like to know if we have a long range plan for potentially reintroducing those animals. There is obviously going to be resistance to that simply because bears do have adverse interaction with humans. I would just like to know if that is in the wings possibly. Secondly, a general comment. I had the distinct pleasure of trapping and collaring black bears this year with Carl Lackey. I would like to tell this Committee and this audience that I have never met anyone who has such a true love for the animal. He eats, breathes, and bleeds black bears. My hat is off to him. A truly fine professional.

Chairman McNinch: The question that you asked is a little bit off of the agenda item and is very complex. I don't know if the Department has a quick answer for you.

Larry Gilbertson: I think Commissioner Robb pointed out that there are a lot of considerations when we want to move animals around the state. In the species management plan Carl has identified historic ranges and other suitable habitat for bears in the state. But I think actually what we are missing with bears right now is what we have in bighorn, elk and other species, we have support groups and demand out in the public. People asked for increased and enhanced bighorn and elk populations in the past. With that support we have gotten public buy in. We have been able to go through all the public processes that Commissioner Robb pointed out with the federal agencies to get approval to move animals around the state. That is currently what we would be lacking with bears. There isn't a Nevada Bear Unlimited raising money to try to get bears put everywhere. I would say the public support to put bears in additional places is lacking right now.

Connie Howard: I had a question about the overall data, I believe you said that you are estimating populations around 600 black bears in Nevada and then on Table 6 on page 6 we see a total known mortality in the last 9 years of 400. I am not sure of how long bears live but this says to me that in a 9 year period we can see that 66% of a known population would have died. Does that seem to be high? Of which on top of it we know 10% of that total is approximately from the new bear hunt, if you say 39 of 400. My reaction was if we have a population that is estimated at 600 and threatened by drought and then we see in a 9 year period that we are aware of a 66% mortality.

Carl Lackey: I don't think she has fully read or understands table 6. It is not a 9 year dataset that I show there. It is a 17 year dataset. It goes back to 1997. The 400 documented mortalities are not in the last 9 years it is from 1997. Lastly, bears are born into the population every year and die every year with emigration and immigration. There is constant influx of bears in and out of the population. The mortality that we are seeing on a yearly basis again raises no alarms regarding the bear population as a whole.

Break: return 11:15

8. Review of All Commission Regulations Pertinent to the Nevada Black Bear Hunt - Larry Gilbertson/Rob Buonamici - Informational

The Committee will hear a report on all aspects of the Nevada Black Bear hunt regulated through Commission Regulation.

Commissioner Drew: When talk about a comprehensive review and what we have authorities over. When you look at it you really need to take a look at everything that we can have some influence on, whether it is a Commission Regulation, NAC whatever the case may be and all the aspects that govern the hunt itself. I think what this item will provide us is the sense of which areas of the hunt are dictated by CR, NAC or NRS. That will set a framework for us in terms of where we discuss the various items that have been brought up through the course of our meetings and through the course of the legislature. If we have something that we need to look at or discuss we know the proper venue to look at in terms of the regulations that we are dealing with.

Chairman McNinch: There have been a lot of questions about why we can't talk about this now or can we talk about this now. There are certain aspects of the hunt that I don't know what our authority is to deal with them. We have had conversations and in some of these cases it is required to review by the DAG's office to give us an indication of where that consideration or what process we would have to use if changes were necessary. It is part of the comprehensive review but we also need to understand what it is that we are talking about. I want peoples' expectations to be realistic. We can't change NRS in here. There might be aspects of the hunt that we can discuss but if people want answers to why can't you change it they need to understand how that process might move forward if that is something that the Committee and the Commission felt were important.

Mike McCusker: This agenda item is for the CR portion. The information that is covered under CR is hunting hours, season dates, open units, the quotas, the indoctrination those types of things. I can comment that the CR 14-08 for next year's proposed time is identical to last year's proposal with the exception of the indoctrination, which is the only change.

Larry Gilbertson: My understanding was that everybody wanted to have a feel for what regulates the hunt. When they said Commission Regulations they meant CRs and CGRs that regulate the hunt that the Commission has the authority over.

Chairman McNinch: This committee needs to know what this Committee can do and in which arena. As a Committee, you heard the comments early on that we are delaying things. It is not a delay tactic for purposes of delaying the hunt. Things are delayed because I don't think we fully understand what process things would be considered under.

Mike McCusker: I think DAG Ward explained the process and different processes between changing NRS and NAC as opposed to Commission Regulation. The Commission Regulation portion of it is something that we can alter based on quota, season dates etc at the Commission level at a meeting. Anything to do with NAC is going to take a 4-6 month process after it is decided by the Commission to look into it before it can even be addressed and enacted if that was the course of action. NRS takes years legislatively. We should deal with specific questions to see where it would fall instead of a broad overview.

Commissioner Robb: Wanted to make a suggestion before going too much further into the discussion. It seems like we are trying to get on the same page and by not being on the same page our best course of action would be to take a lunch break and let Mike McCusker, Larry

Gilbertson, DAG Ward, Mike Dobel try to understand what we are trying to accomplish with this agenda item so we are on the same page so we can have a fruitful discussion.

Larry Gilbertson: Items 8 and 10 are a mix of what Mike has prepared here as a handout. He has NRS, NAC and CGRs as a mix in the handout. Number 10 agenda item refers to NAC; number 8 refers to Commission Regulations. Commission Regulations are CRs and CGRs. They are split in the middle by what we are presenting this year with agenda item 9, which is the current Commission Regulation that we are proposing but maybe we need to talk about everything in 8 because it is all kind of mixed together.

Chairman McNinch: The intent of 8 and 9 were to provide the Committee whether any action is taken. So, we are doing a comprehensive review and as part of the discussions on the issues that we can discuss would fall under Commission Regulation to provide the Committee an opportunity to make recommendation to the Commission if it felt necessary.

Commissioner Drew: I don't think we were too far off. Mr. McCusker had started on the road. He said that CRs are things we can address immediately and things that we are going to have to address as a Commission at our next meeting and that included, hunt hours, dates, units and the indoctrination class. That is one category. Then we have CGRs, which we can have some better definition on. NAC I think is probably pretty well spelled out in the handout. Our timeframe on that is going to be 4-6 months simply because of the process we have to go through. We will probably need a better definition when we come back from lunch as to which aspects of the hunt need to be addressed through CR vs. CGR vs. NAC. I think everyone understands NRS is a legislative thing and is not necessarily going to be within this body's control. I think if we can frame that up it will help us going forward into 9, 10 and 11.

Rich Haskins: CGR initiates an NAC. So, once the Commission acts on a CGR it becomes NAC. Once it is codified and goes through all the steps. It is really two items a CR and NAC. I wouldn't focus on the CGR because that is just part of the process of making NACs. Unique to the bear hunt and some of our other hunts there is a lot of that which is in CR and not in NAC like some of the other hunts are.

Lunch break until 1:00.

Chairman McNinch: I have asked Commissioner Drew and Mike McCusker to explain some of the statutory constraints that we are operating under.

Commissioner Drew: What we are going to attempt to do under item 8 is to make everybody understand the timeframes and maybe adjust their expectations a little bit in terms of timeframes for how we can address things. Mike mentioned that CR is a Commission Regulation and can be addressed immediately. Support material for number 9 lists out everything we can address under a CR. A CGR is a draft NAC before it gets adopted. It takes a longer process because that has to go through the Legislative Counsel. We are trying to identify if there are parts of the hunt we want to review and look at potential changes. We are trying to identify where that needs to happen within the process. The process of the review is happening in conjunction with the process that NDOW uses to set seasons and everything else. When someone comes in and says this is predetermined, they are already proposing a season. The Department is simply doing their job per the timeframes that are expected of them for every big game animal, as far as whether you can have a hunt or not is

clearly defined in NRS. I have asked DAG Ward to address the NRS that talks about what we need to consider as a larger Commission in regards to whether or not we have a hunt.

Harry Ward, Deputy Attorney General: Read from NRS 501.181. This will give guidance as to the authority of the Commission and what the Commission is required to do. The word "shall" is mandatory language. The word "may" is a permissive word. He read NRS 501.181 then jumped down to #4.

Commissioner Drew: The way you read that, without some sort of biological justification, there is no way we can cancel or eliminate a hunt?

Harry Ward, Deputy Attorney General: Correct. I mentioned on agenda item 6 when I mentioned that there is sometimes emergency regulations. You are bound by NRS as far as what the duties are of the Commission.

Kathryn Bricker: Commissioner Drew, I have read that regulation and it said that there had to be science collected or generated in some way. Science is not just biological science. It is also human dimensions research. We had extensive discussions regarding this in SB82 with Chairman Ford. I am confused by your question and his answer because that is not my understanding.

Harry Ward, Deputy Attorney General: You are going to consider other scientific conditions that are going to have to be looked at when making a conclusion. It would encompass a scientific background as far as determination. It is not just biological. If you are saying what is the difference between biological and scientific. In my example of a drying up reservoir, we do not have to wait for a fish kill to have an emergency regulation.

Kathryn Bricker: I am saying that we discussed with Senator Ford, who was the Chair of the Senate and Natural Resources Committee, this issue extensively. His opinion that we walked away with was the interpretation of the NRS was that what NDOW is bound by was the scientific data needed to be either collected or created by the Department and decisions regarding management and policy needed to be based upon science. He assured us that science could include and does include more than the biological sciences. We were told in no uncertain terms that that was the case here.

Commissioner Robb: Asked DAG Ward to read NRS 501.181 4a.

Harry Ward, Deputy Attorney General: NRS 501.181 4-4a - Establish regulations necessary to carry out the provisions of this title and of [chapter 488](#) of NRS, including:

(a) Seasons for hunting game mammals and game birds, for hunting or trapping fur-bearing mammals and for fishing, the daily and possession limits, the manner and means of taking wildlife, including, but not limited to, the sex, size or other physical differentiation for each species, and, when necessary for management purposes, the emergency closing or extending of a season, reducing or increasing of the bag or possession limits on a species, or the closing of any area to hunting, fishing or trapping. The regulations must be established after first considering the recommendations of the Department, the county advisory boards to manage wildlife and others who wish to present their views at an open meeting. Any regulations relating to the closure of a season must be based upon scientific data concerning the management of wildlife. The data upon which the regulations are based must be collected or developed by the Department.

Chairman McNinch: I don't think this point was being made to try to limit the discussion. The intent was to explain why the timing of this may be problematic for us shutting down a hunting season. There are parallel paths. The Department is following a path that has been set for years. There are timeframes during the year. We just happen to jump in on that pathway after the bear hunt. It puts us right here in this process. We could have landed anywhere in there based on the urging of the Legislature. It just happened to be right here, which really compressed that timeframe for us. The discussion on the science is significant. It is not likely we were going to get this done. This is after I had talked to the Department and I had to sit down and evaluate things while making up the agenda. That is one the reasons why we have steered away from the big science discussion and the premise for hunt, because it wasn't going to happen between now and the time.

Kathryn Bricker: I am accepting of that but Commissioner Drew did I misunderstand you because I felt that you and your question to him were in fact narrowing what the NRS says regarding it being biological science.

Commissioner Drew: No, what I was trying to get a sense of is what we are bound to do. Consideration of the seasons and everything else is one of those things. I know the discussion about science was added at the legislature and I am not so sure we got a clear resolution. I think that was part of the Bill and I don't know that it ever got resolved. I am not sure if we got clarification from them in a formal manner. Discussions that may have occurred, I do not doubt that that happened but I don't think we got any clarification one way or the other on what is and is not included as science. To me that is not part of the discussion today. What I think part of the discussion today is why we are trying to address our review at the same time as what we are looking at as mandatory from the Department in terms of them trying to promulgate their regulations and things that revolve around the hunt. And why the timeframes on some of this may not line up the way certain people want them to line up. We are bound by NRS, NACs and CRs. We are trying to take them in order of priority of most immediate need as we conduct the review going along on two parallel tracks.

Kathryn Bricker: There is no suggestion or challenge on your part that as it is in the NRS that the word science is used that science is encompassing not just the biological sciences but could also include all of those other sciences, which are part of the study of wildlife management.

Commissioner Drew: I think the term science is going to be defined differently by every person you ask.

Chairman McNinch: It is an issue that we can ask for further clarification as part of our future agenda items. If it is something we want to talk about or seek guidance from our DAG to make further clarification that is something we can do as a Committee.

Mike McCusker: The CR aspect concerning the bear hunt that can be handled in a sense immediately is the season dates, open units, the quotas, the number of tags, the hunting hours and indoctrination times and locations.

9. Commission Regulation 14-08, Black Bear Seasons - Larry Gilbertson/Carl Lackey - For Possible Action

The Committee will consider all Commission Regulations pertinent to the Nevada Black Bear hunt and may take action to identify specific Commission Regulations relative thereto to discuss further. The Committee may also take action to provide recommendations to the Nevada Board of Wildlife Commissioners relative to any Commission Regulation associated with the Nevada Black Bear hunt.

Larry Gilbertson: To start out our presentation of this year's CR we just had a great explanation of the processes that are already in place. I heard a couple of comments earlier and it almost made me think that some people in the room might be thinking that we are treating or handling bears differently than other species. Just to clarify that, we are in the Commission process right now and this is a Committee meeting, which quite often Committee meetings are the day before the Commission meeting and this one just happens to be earlier. In that process for the Game Division we have at least 150 different populations that we are setting seasons for species from deer, elk, pronghorn antelope, bighorn sheep, goats, lions and bears. That is just to let people in the room know that we are not just doing a bear season, we have a lot of things we are working on right now. In this process one of the CRs is the 2014 black bear season. The recommendations for this year aren't really any different than last year. We have resident and nonresident hunts identified with the hunt unit groups that are open. The only place that we did make a change is under the special regulations. This year we changed the sentence about mandatory black bear hunter indoctrinations. Last year we said that we were to have at least 2 because we decided to have one also in Las Vegas. This year we changed that wording to say at least one mandatory because the majority of the people do come to the one in Reno. A handful of people went to the Las Vegas one. This provides the opportunity that if we identify a need somewhere in the state that we could actually schedule one to another part of the state.

Chairman McNinch: Do we want to take each item on the CR?

Commissioner Robb: Just start at the top and work our way through. It is a review.

Kathryn Bricker: Given that the Department has made the statement that bears typically den sometime after Thanksgiving and into the first week of December. Why do we extend it through the month of December given the average hibernation dates? Would we lose anything by changing that?

Carl Lackey: Originally we extended the hunt date to the end of December to coincide with California's bear hunt season, which lasted about the same time and the issue of dogs running back and forth across the state line those types of things. It was to alleviate problems. If people decided to close the hunt at the end of November rather than the end of December I have no biological reason to say that we shouldn't or couldn't do that. Bears start hibernating as early as October. It depends on the year. Some years they don't hibernate until January. Sometimes they do it in December. It depends on the location and the individual bear. As far as running dogs during the bear hibernation season the only way to get around or get rid of that would be to have a spring hunt.

Kathryn Bricker: A Spring hunt is out of the question because of the number of cubs it kills and I think that has no appeal to the Nevada sportsmen based on what they and others in the country have expressed in the past. Wouldn't it minimize the impact of that?

Carl Lackey: Most of our bears hibernate after Thanksgiving roughly. I wouldn't have a biological reason to say close it in November. There is absolutely no data that I am aware of

that addresses the impacts of hounding bears that are active on hibernating bears. The only literature I am aware of and everyone has had it the last couple of years at least that addresses hounding and bear hunting implies that there is no impact to bear physiology, denning chronology or anything else.

Chairman McNinch: When bears are denning and preparing for cubs, how does hunting impact bears? Is it any different than any other big game species that we have?

Carl Lackey: No literature to support that.

Kathryn Bricker: If a female black bear can't obtain enough food due to drought and also gets chased once or several times by dogs do you think it is plausible for a female bear to abort her cub or cubs and if not why?

Carl Lackey: I am not equipped to answer a question like that without reviewing the literature. Bears don't abort pregnancies. Most of our bears aren't even going to implant until about the time they are hibernating late November early December.

Commissioner Drew: Kathryn mentioned the spring hunt and that is completely off the table for the folks she represents.

Kathryn Bricker: That was not based upon opinion from our side. That was based upon a national conference of the ethics of black bear hunting. It was a statement according to a panel moderated by Tom Beck during the 5th Western Black Bear Workshop in 1994. The biggest issue is killing of nursing female black bears is almost certainly killing cubs as well.

Commissioner Drew: So you were saying if there was a harvest of a female in the spring that would be your concern and why you wouldn't be willing to entertain the possibility of a spring season even if it alleviated some of our social issues or some of the tribal issues that were expressed during the legislature?

Kathryn Bricker: Are we discussing having a spring season? If that is being brought to the table there is quite a lot of data out on that. There are very few states that have bear hunting that still have that. That is probably one of the most controversial. I don't think most bear biologists or most sportsmen want to stand beside the idea of that.

Commissioner Drew: More than anything I am trying to get a feel. I think the Department proposed something that has already been developed and set and we have an understanding of. I am looking at it whether there are some outside the box ideas that we haven't considered or weren't considered originally that we want to look at. I am throwing it out as a discussion item.

Kathryn Bricker: We were discussing season length. It doesn't seem like hunters are utilizing December. It would seem that would be a benefit to a species. It would be more protective.

Commissioner Robb: In the first three seasons, how many December bears have we taken?

Carl Lackey: I believe 3. The spreadsheet will list it.

Commissioner Drew: Do you have any sense on what kind of hunter participation we would be getting and what it might look like in terms of quotas? Does that affect things one way or the other as it relates to other components of the hunt?

Carl Lackey: Not in my mind. Hunting bears, as it is with lions, is more dependent on climatic conditions (precipitation, snow or rain). As dry as it has been this year it really hindered hunters. If the hunt ended at the end of November I cannot argue against that by any means.

Commissioner Drew: Anything on the front end, any reason for September 15th one way or the other?

Carl Lackey: Originally when we started in August we addressed the concerns from hikers and bikers and all of the people up at the Tahoe Basin. So, we pushed it back to mid-September to get it past Labor Day.

Kathryn Bricker: When the hunt date was moved to September 15th it was due to heat stress to dogs. It was stated at the Commission meeting.

Commissioner Drew and Robb: Disagree with that.

Commissioner Robb: I can tell you the primary reason for the change in the season was the user group possible conflict and we wanted to get into the portion of the year that families were not vacationing in Lake Tahoe. That was the reason it was moved. It was no concern of mine whether a guy's dogs were too hot or not. That is an individual choice by the hunter. If he thinks it is too hot he doesn't have to put his hounds out.

Kathryn Bricker: The 3 changes all occurred simultaneously; the Tahoe Basin was removed from the hunt. Still stands by the fact of heat stress to the dogs. Couldn't remember the third reason.

Commissioner Robb: There may have been some testimony that people said that they were concerned about heat stress to dogs but I know as a Commissioner during those time changes that wasn't it.

Chairman McNinch: Kathryn the point you are trying to make is part of our comprehensive review by making that point. The season length is September 15 through the end of December. Is there a point that is relevant to the comprehensive review relative to the September 15 opening part of the season?

Kathryn Bricker: I want on record as to why the season is the way it is. It is one of the longest seasons in the country I have been told in bear hunts. I felt there was a rationale behind and today I wanted to know what that rationale was and if we could be more protective of bears by reconsidering it. My suggestion was at the December end of it because of denning and lack of hunter interest.

Chairman McNinch: I see a couple of components with the hunt season dates. Obviously we have an opening season date. We have a closing season date. We have the concept of a spring hunt that we started to touch on. Are there other aspects of the hunt season dates that we might want to explore a little further and possibly take action on?

Commissioner Drew: I would be interested in the input.

Chairman McNinch: I would like to have discussion now. As we break these down and then as we move forward if we feel at the end of the discussion that we can take action at that point

and move on to the next item. Anybody have an appetite to talk further about spring hunts? Is it something that the Committee feels needs to be on the table?

Commissioner Drew: I have no intention of trying to get a spring hunt implemented for the 2015 season. Just as we are discussing season dates I would be curious to get input as to whether people are completely adverse to even looking at that and considering it down the road or if it is a potential that we want to look at further as part of the comprehensive review. I don't think either way that it is going to fall under CR 14-08. I am more interested in seeing what everyone else has to say one way or the other on season dates in general.

Public Comment:

Elaine Carrick: Preface that being that we don't know at this time if there is going to be a hunt or not because that has not been evaluated my comments are strictly in the event that a hunt is established for this year. It is not my assumption that there is going to be. As far as the season dates, Nevada does have the longest season dates for bear hunts. I feel that those dates should be shortened significantly. The reason for that is Mr. Lackey said they can go into hibernation in October. As soon as they start thinking about hibernation they go into their hyperphagia stage. If they are forced to run or flee from dogs, they are using a tremendous amount of calories. It is much more difficult on their system. For their reasons I feel it would be best to shorten the season, if the hunt were to proceed, so that any hunting would be before they were to go into a denning situation. Opposed to spring hunts.

Bob Brunner: The reason that you lengthen or shorten other seasons for big game is because you have reached your quota or haven't reached your quota. I would like to leave the season the way it is because the reason for that is you are not reaching your quotas. You have a light harvest; you are not reaching your quotas. We do have variable snows and what type of season we are having. Once they go into a den they don't leave tracks anymore so the dogs are not going to follow where there aren't any tracks. They are not going to roust them out of a den because they aren't going to find it because there aren't any tracks. I am not opposed to a spring hunt. I am not suggesting it but as an individual hunter who knows how a spring hunt is conducted I don't have a personal objection to that.

Don Molde: It is my recollection that the reason that the season dates are as they are to this point is that originally the idea was to run everything 3 years and then take a look. Season lengths were part of that 3 year look. As far as I am concerned there is nothing cast in concrete about the length of this current season and never was. Discussed a study for grizzly bears. Season should be shortened. All of December should go and half of November.

Margaret Martini: When is California hunt season? August with bow hunting, guns in September closing in December answered by Ann Bryant. We are following California leadership and we are in Nevada. We have one of the longest seasons and some of the fewest bear counts.

Larry Johnson: Supports the existing season dates 1) over 50 years of bear hunting and cannot recall ever disturbing a bear in a den, 2) extremely light harvest and never met quota. To shorten the season just decreases opportunity. We have had bears checked in at NDOW as late as December 29th.

Cathy Smith: In favor of shortening season. Talked about the length of the season and studies that have been done. Would like to split up hunt units.

Ann Bryant: There are states that have a hunt that is as short as 15 days. Stressing the bears unnecessarily when they are going to den is unreasonable. Opposed to a spring hunt.

Kary Kielhofer: Opposes the bear hunt.

Commissioner Drew: We have deployed some satellite collars in some of the eastern hunt units. I was curious if we had seen anything or monitored once you see denning behavior exhibited if you have seen anything that suggests that they have been disturbed or moved?

Carl Lackey: No evidence whatsoever. When they go into the den they are pretty much there for the winter.

Commissioner Drew: Is there any advantage from an administrative standpoint to move the season earlier so you can finish reports and have everything done in time for Commission meetings?

Carl Lackey: Normally the big game reports are not due until April and extra month won't make a difference.

Chairman McNinch: Out of the 14 bears taken, how many bears are chased and treed but not taken?

Carl Lackey: We ask that question of how many bears pursued or treed that you could have killed and the total was 55 for the 3 years of the hunt. At least one was the same bear. It was a collared female that I was called about and said they had treed her. On 55 occasions they had a bear that they chose not to kill.

Chairman McNinch: One of the things that has been of interest to me is the discussion and it blends in with the season comment that Cathy made and the unit concept. Limiting hunts in certain units or restricting to certain units, breaking it into units so it is not one big area. Part of that thought process was to possibly take heat off of a population that might be getting hit a little extra hard. We do have restrictions so you can't hunt in the Basin. You force the hunters into a smaller area. The concept of pushing the same bears over and over was concerning to me. The fact that we might be taking a number of bears out of one area where they might be a little heavier populated without talking or thinking about what it is doing to the bears in other areas is a concern of mine. Open to the concept of limiting how many bears you can take in an area if the bear hunt continues. Maybe that is handled by limiting how much you can hunt in areas too.

Kathryn Bricker: I think Carl can keep an eye on that sort of thing. In just reviewing what happened without any controls this year that there was an even spread of the areas out of which bears were taken. Can you recall the two previous years to that? It seemed like one of those years it was pretty heavy in the Pine Nuts.

Carl Lackey: If you look at the spreadsheet unit 291 is the Pine Nuts and it had 7, 4 and 5 bears taken.

Commissioner Drew: In looking at the number of bears pursued that folks let go it doesn't necessarily look like there is a rhyme or reason versus when they get spread out. It is not like the guys who are harvesting bears later in the season are generally pursuing more bears. In the first year you had someone who pursued 5 bears that they chose not to harvest. They

ended up actually taking a bear on August 22. Even if we cut a month off the end of the season, I am not so sure that you are going to reduce the number of pursuits just the way these numbers are spread out. It is almost more a function of when people decide to go out in the field.

Carl Lackey: It is all dependent on climatic conditions.

Chairman McNinch: As part of comprehensive review I think it is important for us to come up with some kind of a determination on where we stand on the item.

Harry Ward, Deputy Attorney General: I think what you are doing is what you are required to do, which is to do a comprehensive review. I cannot give you any further suggestions. I think you are doing it properly. You are opening up to the public, which you are supposed to do. I don't see any flaw in the method that you are doing.

Chairman McNinch: Is the committee satisfied that when we are asked if we did a comprehensive review and we are asked why things have stayed the way we are or in the case where we might change something are we satisfied where we are at?

Kathryn Bricker: From the review, is there a recommendation?

Chairman McNinch: I think that is where the legislature hasn't done us any favors. They kept things broad. The broadness of their urging has put us in a very difficult position. Where do we go from here? Nobody has given us specific guidance on where we are supposed to go. Are there thoughts with regards to hunt season dates?

Kathryn Bricker: We have reviewed the fact that Nevada has one of the longest season dates we might ask why. There is not a lot of use of December in the 3 years. There might be great benefit to the bears in terms of reducing stress to them. I haven't heard any good reasons to not take December off the schedule.

A discussion took place on moving forward from this point between committee members including a discussion on open management units.

Larry Gilbertson: The units that we are recommending are the same ones we have had for the past couple of years. They were initially chosen by the bear biologist because that covered pretty much the majority of the bear distribution for this population. We haven't made any changes and we still have the exceptions defined for the Tahoe Basin area.

Commissioner Robb: I am not seeing an overharvest in any of the areas. Are you comfortable with the distribution and keeping one big unit?

Larry Gilbertson: We are looking at this entire unit group and defining it really as one bear population even though we know that it is part of a greater California population. The difference I would see with bears versus the other species is that we end up coming up with population estimates for those individual mountain ranges for bighorn sheep. We manage those pretty much intact and we don't see a lot of movement of bighorn sheep in adjacent units. Most of our data on bears indicates that they do move around quite a bit, which would be expected, much like mountain lions. So, we are managing them on a much bigger unit group basis but still defining one bear population that can interact with each other and fill voids as they occur.

Commissioner Robb: If you saw a heavy harvest in one area it would be something you would consider?

Larry Gilbertson: I would leave that up to Carl, the biologist to make that recommendation if he had concerns of any kinds in any individual unit. With some of the other big game species we are looking for them to expand into other areas. I think this goes back to that old issue about bears and how many do we want and where do we want them. I think we are kind of limited where we are at right now. We don't have acceptance to put bears or allow bears to move into other areas. Our history has been when bears show up in most of the other places in the state they don't last long. Often if they show up someplace they end up getting into trouble with livestock or something in the rest of the state. We don't see them establishing elsewhere in the state and we don't have support out there to try to get more out there in the state. So, really I think it goes back to the question, how many bears do we want and where do we want them.

Discussion took place between the Committee members and Carl regarding units and harvests.

Public Comment on open management units:

Bob Brunner: Recommend to leave the way it is. I would suggest even though you are running parallel, one is looking back and one looking forward so in your review you could say this is what we did and this is what the results were. Then normally when you move on for suggestions moving forward you can go ahead and move forward. That way you can get everything covered.

Larry Johnson: I would like to see reinstated some of the areas that were taken out of the hunt units for prior hunts. Particularly areas east of the Tahoe Rim trail. Even possibly an area west of the Tahoe Rim Trail, I would recommend to be reconsidered is between Highway 50 and Kingsbury Grade on the west side of the Tahoe Rim Trail as archery only hunt. If that is done I would suggest we revisit making the use of bait legal in those hunt areas.

Cathy Smith: Suggest not reinstate any part of the Basin. When we have an urban bear issue with trash starting baiting would be a bad idea. Ideally if you wanted to close the hunt down to 196 I would be fine with that.

John Reed: If we have 55 bears passed on, 14 bears shot that is 69 bears in 14 weeks means that you are chasing down about 5 bears a week. In an area that is bigger than a lot of states. I hunted unit 075. I had the fortune of having a bull elk tag. It is not a big area, there is a lot of private land in there. I think I saw 2 other hunters out there in the 5 days I was out there. I don't see a reason to change it. You have a big area with a lot of places to go and very few tags. Don't see a reason to change to a split season.

Mike Smith: Larry mentioned the one population, I would like to see some research done on that to see how many California bears are filling back into Nevada. I think if you are going to argue that an animal killed in a hunt is going to be filled in by this bigger population that we have, we ought to have something to hang our hat on other than somebody's thoughts.

Chairman McNinch: Carl mentioned there is work being done on that.

Kathryn Bricker: Regarding reinstating portions of hunt units that have been taken out. First of all the area that he was referring to in terms of density of hiker and tourist usage on the

Tahoe Rim Trail is the greatest. In that unit from Kingsbury north to Spooner south is the shortest leg of the Tahoe Rim Trail. There is data on hiker usage and it shows the greatest density of use. It is also near the area where we had an altercation between a bear hunter and some tourist woman and her children that was reported to the Nevada Legislature and to the Sunset Committee. I have the consequent television reports of that incident and others of how the Tahoe Basin tourism was being affected by the bear hunt. Much of the reason groups like the North Tahoe Lake Tahoe Visitors and Convention Authority passed a resolution opposing the hunt in the Tahoe Basin was because of their concern about the negative impact on tourism. That particular tourist market that saw that entire report spread over the entire bay area is 80% of the tourism market in the Tahoe Basin. 80% comes from a drive to market. The negative impact to those economies dependent upon that is extremely significant. Additionally, in that particular area because at that area of the rim trail cyclists are not allowed, it is hiking only. It forces all of the cycling onto the Forest Service roads connecting those two summits. One example of a major event that pulls from the entire nation that has become popular is called the Tahoe Area Mountain Bike Association, it is one the leading mountain bike associations in the nation. They host an event in the middle of later September that is called the Rose to Toads ride. It pulls over 7,000 riders. They come to the area and train in those roads up there to adapt to the area and altitude the entire time. Realtors also expressed concern about property values associated with bear hunt on adjacent properties.

Commissioner Robb: The decreased tourism and property value is very anecdotal. I don't think you can show any incident that a house in King's Beach of similar size has a different value than a house on the Nevada side. They hunt bears on the California side. We don't have decreased tourism on the California side because they are hunting bears on the California side. The Department gets accused of anecdotal information all of the time and we just took a whole lump of anecdotal information. There are reasons why we took the Tahoe Basin out. I have a hard time accepting that information as truth.

Kathryn Bricker: I know that you voted to have it taken out of the Basin, was your vote based on anecdotal information or what led you to that decision?

Commissioner Robb: I don't think I only voted for it I think I made the motion at the Committee meeting to do that. I said it on the record then, I will say it now. It is where I would feel comfortable hunting myself. It had nothing to do with safety. I would say the public perception of hunting in that area wouldn't be worth the risk. That is what my judgment was made on. It wasn't on safety, tourism or anything. It was my personal judgment of where I would be hunting.

Animal Gender:

Mike McCusker It is a mixture of both NAC and CR. In the CR there is reference in NAC for female quota. It doesn't specify that you had to be NAC to get rid of a female quota. The CR allows you to possibly set a female quota, whatever that number may be.

Commissioner Drew: I think that would be a discussion when we get to quota. CR 14-08 doesn't have anything to do with quota. Maybe that is a discussion for our next meeting when we discuss the quota. The one area we have left in regards to the CR is the special regulations and we touched on that a little bit with the unit closure in 192 and 194. The items that we have currently listed under special regulations are number of animals per tag, hunt hours, harvest hotline number and the mandatory indoctrination. Commissioner Drew stated that he is comfortable of where the special regulations are at right now.

Commissioner Robb: There has been an issue about the sunrise to sunset. If you have a hunter with dogs out how does the Department handle it when a hunter doesn't get his dogs back until after dark?

Mike McCusker: It is something we thoroughly cover in the indoctrination and the way the Department views it. The way we instruct the hunters is the season hours they way they are set right now is ½ hour before sunrise and sunset. You cannot put your dogs out before that time. There is nothing that precludes them from driving roads. They are allowed to drive roads but as soon as they put dogs out, we look at that as an extension of pursuit. If it extends past sunset they cannot harvest and must retrieve their dogs and retreat.

Commissioner Drew: There were concerns expressed when we talked about this last time about wardens running into folks who had issues where a guy had a lion tag on him and he said that he is hunting under the lion tag and not the bear. Is that something that has been prevalent in this last year?

Mike McCusker: It has been seen. We bear the burden of proof to say that they were hunting bears. That is why there was the suggestion to match the seasons due to that conflict.

Commissioner Drew: Would there be any way to address that through a special regulation?

Mike McCusker: I believe you can cover it in CR. The CRs deal with hunting hours and open units. It would be difficult. You are restricting a guy that has a lion tag that doesn't have a bear tag and he is hunting the same area. I don't know how you would allow one group (lion hunter) to do what he wants if you were going to restrict a bear hunter to only hunting lions during the bear hours.

Commissioner Drew: I am not saying all lion hunters. If there is a lion hunter that has a bear tag too that in that case you would marry up the lion hours and the bear hours.

Mike McCusker: The one way that I see is making it 24 hours for bears and you would match the lions.

Commissioner Robb: I hear from some people you want to limit the number of pursuits that a bear would be subject to. If you are having to pull the dogs off and the hunter has a bear in the tree that he would have harvested anyways. It might be subject to a subsequent pursuit even the next day. If he has it up the tree at night, he knows where he left that bear and return in the morning again. I think our conversation before wasn't about extending the bear it was about shortening the lions so we couldn't talk about extending the bear. Now we are in the situation where we can talk about extending the bear to match the lion to accomplish the same thing.

Kathryn Bricker: Strongly opposes 24 hour hunt for multiple reasons.

Commissioner Robb: I think it is worthy of having a discussion.

Kathryn Bricker: Asked about a Game Wardens recommendations that was made to segregate the hunts of lions and bears.

Mike McCusker: The reason it came out that way was because we were discussing lions only. That is what was under purview. There was always the discussion on matching the bear season to the lion hours but that wasn't on the table because it wasn't being discussed at that point.

Public comment on hunt hours:

Elaine Carrick: Opposed to having a 24 hour bear hunt.

Cathy Smith: Opposed to allowing hunting at night.

Bob Brunner: Support the 24 hour bear hunt.

Don Molde: Do we need to address a special regulation on indoctrination to allow attendance by the general public? Opposed to the 24 hour hunting on any species.

Mike Smith: Opposed to 24 hour hunt.

Larry Johnson: Supports the 24 hour hunt.

Karey Kielhofer: Opposed to 24 hour hunting

Commissioner Drew: I have never been supportive of the 24 hour hunt. Questions for Mike - once a hunter harvests an animal where he attaches the tag? Is that something we can clear up through a special regulation? We have had conversations in the past where we talked about the potential for spot and stalk type hunts as well. Is there any means by which we could hold a spot and stalk type hunt through a special regulation with the NAC is or would we have to change the NAC first?

Mike McCusker: The hounding aspect and spot and stalk separation would be in NAC directly. Attachment of tag is covered in NAC but you could get it into CR as a further specification because you wouldn't be going against an NAC necessarily. You could add some special regulation in the CR to cover attachment to bear.

Commissioner Robb: I think Jeremy put it as units set aside for spot and stalk, could we under seasons and bags, not close units to hounding but look at a special spot and stalk for certain dates?

Mike McCusker: The way the NAC reads says you can use a hound in any open season if you have a tag. If a season is open and the unit is open the NAC would suggest that you can use a hound. We would need the DAG's opinion whether you could further break it down in that regard.

Harry Ward, Deputy Attorney General: Cannot give any formal opinion, would have to go back and review it.

Commissioner Robb: If we want to get there we would have to change NAC.

Harry Ward, Deputy Attorney General: Then there would be no gray area. I will provide generic direction regarding this topic to the Chairman for the next meeting.

Chairman McNinch: In favor of reviewing the mountain lion hunt and adjusting it in areas that bears are being hunted. A 24 hour hunt concerns him.

Commissioner Robb: I would say to keep the unit groups the same as they are. I would look at changing the dates from September 15 through December 31 change to Sept 15 through December 1st.

Commissioner Drew: I think it is prudent for this Committee to take a motion and give the Commission some indication on how season settings and everything are going to relate as we do this review. I am inclined to leave things as they are now as we get our review going.

Public comment

Fred Voltz: Read a comment see Attachment 1. Opposed to the bear hunt.

Mike Smith: A common thread is hounding, boundaries, and night hunting. Opposed to the bear hunt and the use of hounds.

MOTION: COMMISSIONER ROBB MOVED TO RECOMMEND TO THE COMMISSION CR 14-08 2014 BLACK BEAR SEASON AS PRESENTED WITH THE ONE CHANGE OF THE 2014 BLACK BEAR SEASON DATE BEING SEPTEMBER 15 - DECEMBER 1.

SECOND BY KATHYRN BRICKER

VOTE: 3-1, NAY=COMMISSIONER DREW, MOTION PASSES

10. Nevada Administrative Codes Pertinent to Nevada Black Bear Hunt - Larry Gilbertson/Rob Buonamici - For Possible Action

The Committee will consider aspects of the Nevada Black Bear hunt regulated through Nevada Administrative Code (NAC) and may take action to identify NACs that may require further review and action.

Mike McCusker: This is the section that we can address the non immediate issues and that list of issues could include anything with bear hunting (handout provided). In that portion the items that I see you can hit on are numerous including baiting, weapon classes or restrictions, classification for bears, costs associated with a tag, edible portions language, hunting with dogs aspect, possession of gall bladder, live possession of bears, killing a sow with a cub, etc. The path for the NACs is 4-6 months on a timeline path that you could take and work through the process.

Chairman McNinch: That process would include the Committee making a recommendation to the full Commission, the Commission asking for some draft language. The draft language being out in time, to the Commission, vetting it out and if anything is approved by the Commission then it goes forward through a Legislative Counsel Bureau process. There are some big gaps in between because as part of that NAC development process, when drafts come to us have they been taken down to LCB yet?

Maureen Hullinger: What is presented at the Commission meetings has already gone through LCB. We are not allowed to agendize it unless we have that copy from LCB. It can vary in length of time. In their procedures they are to respond to our draft within 30 days but if there are issues with intent or if they didn't get it and we have to do a rewrite when we send it back it starts the 30 day clock again. If that happens a few times it extends that time out before we can present it to the Commission. They have their rules in regards to timeframes, they have put a 30 day window to get a response to agencies that submit regulations.

Chairman McNinch: I know NDOW is very skilled at that and very rarely does anything come back for a rewrite. If we have the wrong 30 days it could take up to 2 commission meetings waiting for it to come back. It is a time heavy process even when they go very smoothly. It is not as straight forward as it would seem.

Commissioner Drew: Just a clarification, the way this is agendized I think what we are looking to do is to identify those NACs that we may want to take a look at, but not recommend the actual changes at this point. Then ultimately the Committee would make a recommendation to the Commission as to which NACs the Committee suggests we look at and then Committee would likely look at the content of that change as well.

Discussions between Committee members took place including how the bear became listed as a big game mammal took place between committee members.

Commissioner Drew noted the NAC (NAC 502.020) specific to the definition of black bear as a big game mammal. I don't think it makes sense to reclassify it at this time primarily due to the enhanced penalties that come with being a big game mammal in regards to poaching and things of that nature. NAC 502.373 flagged for discussion.

Maureen Hullinger: Classification of wildlife is addressed in NRS 501.110 where it directs that we need to classify them as wild animals and then further classify it as game animals, furbearing, protected mammals, or unprotected mammals etc. In NAC 503.020, which is in the packet it has the classification of game mammals. It was established in 1969. The statute was established in 1959. To point out how they are tied together, the NRS tells us how to go about doing the classification and then we came back as per statute and identified them.

Mike McCusker: The animals are classified based on intrinsic value in certain categories either for sport, food, protection, sensitive, etc. Those that aren't listed fall into the category of unprotected (coyote, black-tailed jackrabbit, etc). The bear is listed there because of the historic hunting value, food value, etc., it has been classified as a big game mammal. There is nothing that says that you couldn't move.

Commissioner Drew: The other NACs that I had flagged were: NAC 503.0047 (the interpretation of edible portion) and NAC 503.147 (authorization in regards to hounding). We had statutes and regulations that could be updated for bears, the first one NAC 502.400 (Attachment of tag or permit to animal) I am not sure if we would need to change that if we were to change the edible portions. I am not sure whether we should have that on our list or not. Then NAC 503.142 (Hunting big game mammals with firearm) and that is the provision that Mr. Lackey talked about earlier as to why unit 203 wasn't open because of the shotgun only provision. Those are what I had flagged at this point in our packet.

Kathryn Bricker: Noted that NAC 502.373 (unlawful to kill female black bear in the accompaniment of a black bear cub) as well as the hounding issue.

Public comment

Cathy Smith: If the regulations are not going to be put into effect by next year's hunt as far as season dates and things like that why wouldn't we discuss the NAC issues first since they take longer to address?

Chairman McNinch: I am going to go back to SB82, which says after the 2013 hunt we will conduct this. It is a function of getting our feet under us after the 3rd year of the hunt and then starting the process. In fairness to the public we are not going to have a discussion like we did on the other aspects. If there is a particular NAC that this committee has not identified as important, I would like to hear right now.

Ann Bryant: Would like to discuss the female take.

For the record NAC 502.373 section 5 a-b.

Ann Bryant: Gave background on what has happened in California since she has been involved. Would like to see not allow females.

Bob Brunner: Two examples why we need to make sure we don't prevent that. Certainly, females are not wanted to be taken, but you can see what happens if it is against the law to do that, some people may panic and cause problems. The other thing to look at is if you take a look at the data the year that we had a quota on females is the year that we had the most amount taken.

Mike McCusker: I want to note that in your packet there was not the NAC for baiting in case you wanted to discuss that as well. NAC 503.149 (baiting law).

**COMMISSIONER DREW MADE THE MOTION TO RECOMMEND THAT THE COMMITTEE REVIEW THE FOLLOWING NACs AS PART OF ITS COMPREHENSIVE REVIEW GOING FORWARD, NAC 502.373, NAC 503.0047, NAC 503.147, NAC 502.400, AND NAC 503.142.
SECOND BY JACK ROBB.**

More discussion before the vote:

Commissioner Robb: NAC 503.0047 (edible portion) I would like to be able to review but I don't believe we can. Prior conversations with Rob Buonamici have led me to believe that NRS covers the classification of the black bear and the mountain lion as carnivores and NRS precludes us from saying that the edible portion of meat has to be removed from the field because it only accounts for ungulates and other big game, it does not account to carnivores.

Commissioner Drew: My impression is that it is a gray area and if there was any way to make that not so gray I would like to do that as part of this. That has been a big issue for everybody associated with this.

Commissioner Robb: I will still support the motion so we can explore it to have on the public record what NRS may preclude us from going forward with that change.

Public comment

Karey Kielhofer: Opposes hunting with the use of hounds.

Mike McCusker: NRS 503.050 is the basis for the edible portions. It does describe that you don't have to take the meat from a carnivore. They expanded that to the NAC. Carnivore is not defined but in the NAC is when they add on that you don't have to remove the meat. We specifically state carnivore in NRS 503.050 but we never define what that necessarily is. We expand it to include bears when we describe NAC.

VOTE: AYE 4-0 - MOTION PASSES

11. Development of Commission Policy Pertinent to the Nevada Black Bear Hunt - Chairman McNinch - For Possible Action

The Committee will discuss the development of a policy pertinent to the Nevada Black Bear hunt including items or issues that might be addressed in a policy. The Committee may take action to recommend the development of such a policy to the Commission.

Commissioner Drew: The concept on this is that the commission has never really defined, when you are talking about bear management, where we want to see bears, how many bears we want to see and things of that nature. In my view of it development of a potential Commission Policy may serve as a catch all for a couple of things; 1) to address some of the items that maybe we cannot address under a CR or a NAC, 2) to set some of the expectations going forward even after some of us are no longer on the Commission, 3) to address some of those areas that Chief Gilbertson has talked about so the Department has a sense of what the expectation is from the Commission as they grapple with handling the hunt themselves. That is what I saw as a potential utility in developing a policy. It may be something we look at the end of this whole process.

Discussions between committee members took place.

Public comment:

Bob Brunner: Wanted to enhance how this could be clarified and that is a policy that would clarify the hunt and the conflict bears. As we go through this we mix the two together. Having a set policy would help clarify what the Department is doing and have less inappropriate mixing.

Elaine Carrick: Commented regarding the 3 year study and science study.

Connie Howard: Opposed to the bear hunt. Taken back that there was no policy in place before the bear hunt took place.

Commissioner Robb: The commission doesn't have a policy but the Department has bear plans. I can assure you that maybe the Commission didn't have a policy but the Department has a Plan to move forward.

12. Future Committee Meetings and Potential Agenda Items - Chairman McNinch - For Possible Action

The Committee will discuss the date, time and location of the next Committee meeting. The Committee will also review and may take action to set potential agenda items for that meeting.

Discussions regarding the date of the next meeting took place. It was found that February 21, 2014 was the next date. A second meeting was scheduled for April 11, 2014 at NDOW office.

Agenda items:

Kathryn Bricker: Would like what we thought were the foundational issues of the three year hunt bear review. Additionally felt that the question needed to be asked "Does the hunt not affect, help or hurt urban bear issue?" Given the language of SB 82 it needs to be addressed in the comprehensive review.

Commissioner Drew: Noted that getting the NACs accomplished is going to be key and my priority at this point.

Chairman McNinch noted other agenda topics on the table such as premise for conducting the hunt, human dimensions and public opinion information, cost revenue, does the hunt not affect, help or hurt the urban bear issue.

A discussion took place of what they would expect to get out of each topic.

Larry Gilbertson: To address the question regarding the repmise of the bear hunt I would like to add the following to the discussion: In April of 2010 and in either the May or June Commission meeting it was brought up during the meeting and the question asked what would it take to have a bear hunt and can we have a bear hunt? Some thought it might help the urban bear problem, some thought it wouldn't. Carl pointed out that he didn't expect it would. There was talk about having targeted hunts in the Basin, urban hunts (where they have archery hunts trying to reduce bear densities and conflicts). The bottom line was we were directed by the Commission to bring forward what it would take to have a bear hunt. That meant NAC changes to make it legal. We were also directed by them to bring forward the biology. Can the bear population sustain some sort of a harvest? All of our populations are pretty much that way. We have approximately 90 bighorn populations and we only hunt about half of those. When a population gets up to a level that we feel it can sustain harvest then we normally bring it forward as a recommendation. The question about why didn't we hunt bears for 80 years, we hardly had any bears. There were just occasional reports of single bears in the state most of the time. If you look at the records there weren't very many until after 1997. The bear population built up in the 90's. We were starting to see more and more and after 1997 they kept increasing. It just so happened that by the time the Commission got to the point where they were asking if we could have a bear hunt the answer ended up being yes, we had enough bears by then. Maybe if they had asked 15 years prior we would have said that we don't have enough data on bears and there are hardly any out there and we wouldn't have had it. By the time it came to the public through that Commission inquiry we had enough bears. That is really the answer to why we had the bear hunt.

Chairman McNinch made note of the agenda item of premise of the hunt and wasn't sure how he was going to put this on the agenda.

Kathryn Bricker: A cost revenue discussion needs to be in the comprehensive review making it public. A basic report based on cost and revenue/expenditures. The human dimensions aspect would provide recognition and recommendation from this Committee to the Commission to invest in human dimensions research.

Cost revenue report from the Department based on cost, revenue and expenditures.

Commissioner Robb: Asked Rich Haskins regarding the costs etc. Say we did have wardens in the field monitoring bear hunts but they are monitoring other hunts at the same time in the same area. They are monitoring several different things and it is not broke out.

Rich Haskins: They do keep track of their activities in the field, although, I am not sure that translates to time codes. The time codes would generate payroll. What she is asking for, the hunt itself we can tell you how much it costs to run the draw and run that part but I am not sure what costs you think go along with the hunt. We manage bears and we would be doing that whether we had a hunt or not.

A discussion took place between Committee members regarding the revenue and expenditures.

Public comment

Bob Brunner: If you take a look at how much Carl Lackey's funding came out of the general fund, it might be easier to figure out and ease some minds. The way these folks run this Department is why we have bears available. They just need to continue that North American Wildlife Plan in order to continue growing the wildlife and having the wildlife around us. There was no discussion at all about improving bear habitat until after we had a hunt started.

13. Public Comment Period

Persons wishing to speak on items not on the agenda should complete a speaker's card and present it to the recording secretary. Public comment will be limited to three minutes. No action can be taken by the Committee at this time; any item requiring Committee action may be scheduled on a future Committee agenda. In addition to this Public Comment Period, Public Comment limited to three minutes per speaker will also be allowed on each agenda action item, but not, unless otherwise noted, on reports or informational items.

Don Molde: Thanked everybody involved for doing what they are doing.

Fred Voltz: Questioned Mr. Cook's commitment after having missed 2 meetings in a row. He also recommended replacing him because of the potential for a 2-2 tie vote.

Commissioner Robb commented that any tie vote would be dealt with at the Commission level and that a replacement would not be necessary.

COMMISSIONER ROBB MOVED TO ADJOURN AT 6:20 P.M.

SECOND BY KATHRYN BRICKER

VOTE: 4-0