

Nevada Board of Wildlife Commissioners  
Bear Committee

Draft Minutes

Nevada Department of Wildlife  
1100 Valley Road  
Reno, NV  
Friday, February 21, 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  
Rob Buonamici, Law Enforcement Chief

Public in Attendance

Stan Zuber	John Reed
Fred Voltz	Don Molde
Elaine Carrick	Rex Flowers
Ann Bryant	Fred Voltz
Carol-Anne Weed	Lloyd Peake
Madonna Dunbar	David Colley
John Reed	Carolyn Stark
Catherine Smith	Jacque Chandler

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

Meeting called to order at 8:31 a.m. For the record, Bob Cook is not present. All other committee members present.

**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.

Public Comment: None

Commissioner Robb moved to approve.

Second by Commissioner Drew

Vote: 4-0

### 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.

None.

### 4. \*Approval of Minutes - For Possible Action

The Committee may take action to approve Committee minutes from the January 17, 2014 meeting.

Kathryn Bricker: Noted corrections to be made to the January 17, 2014 meeting.

Commissioner Drew moved to approve with recommended changes.

Second by Commissioner Robb.

Vote: 4-0

### 5. Cost/Revenue Associated with Nevada Black Bear Hunt - Department Staff - For Possible Action

The Department will provide the Committee with a report on the costs/revenues associated with the first three years of managing the Nevada black bear hunt. The Committee may take action to provide direction to staff or establish findings or recommendations to present to the Nevada Board of Wildlife Commissioners.

Patrick Cates, Deputy Director: Provided a handout. The revenue generated from the last two seasons is about \$50,000. It was about \$25,000 the first year and about \$30,000 for the second year. The issue of the amount of money that is generated from the hunt, I know Carl Lackey has made some comments in the press that it was generating about \$200,000 as a result of the hunt. There have been a lot of questions around that and I think I can explain that. I think what Carl said, in its essence from his perspective is correct. I think the answer is a little more nuanced than that. What he is referring to there is the match of the Pittman Roberts (PR) dollars with sportsman revenue and that is a 75-25 match. If we generate \$50,000 in sportsman revenue then we theoretically generate \$150,000 of PR revenue. I would say it is a little more complicated than that. In the Game Division, that is generally a true statement because most everything the Game Division does uses PR funds. A couple things to keep in mind are that our Pittman Roberts (PR) and Wildlife Restoration grants, those are all determined by formulas by the trust fund. It is allocated to states based on the number of license holders. It is a very complex formula they have to decide the allocation to each state. The amount of money that is available is totally dependent on the amount of federal excise taxes they collect. All of that money is made available to states except for what they take out for administration out of that fund. It is not as if there is an unlimited amount of PR funds available. It is not as if you spend this money it is going to generate new money. Other programs aren't like that. Most entitlement programs don't have a fixed cap of money that is available. If you spend a dollar in Medicaid in State Funds, you are going to get a dollar in Federal funds back to infinity. Our grants don't work that way. I don't like to talk in terms of a certain amount of State dollars generating more federal dollars because it doesn't necessarily generate it. However, those funds could be used as match for wildlife restoration. From that perspective, what Carl said was correct. However, when we collect sportsman dollars, we don't distinguish between the bear hunt, selling licenses or other kinds of tags. It all gets lumped into the pot of sportsman's reserves. That all goes into the wildlife account. It isn't spent until it is needed. It may not be spent in a program that uses Pittman Robertson funds. It may go to fund law enforcement. Our law enforcement, wildlife enforcement is paid 100% with state sportsman dollars. There is no federal match. The Wildlife Restoration Act doesn't include enforcement as an allowable expense. It could go to the Diversity Division. The Wildlife Diversity

Division with general fund cuts went down to less than \$500,000 after being \$1.7 million six or seven years ago, doesn't have enough general fund for the match for the work they do. Work that is non-game species related work. We pulled in over \$100,000 of sportsman revenue into that account, which was then used to be matched for non-game species work. There are a lot of ways the money could be used. I think what Carl said from the Game Division standpoint is reasonably accurate but as always it is a little more complicated than that.

Chairman McNinch: What do you estimate the 2013 numbers at roughly?

Patrick Cates: I assume they are pretty close to 2012.

Commissioner Robb: Were there any additional expenses? Did Rob have any additional expenses as a result of the bear hunt? Or is it just that his guys are in the field already? You can't really break out Rob's time for looking at the bear hunt because he could be checking a fisherman in Desert Creek. He could be checking deer hunters, upland game hunters or multiple issues at that same time.

Patrick Cates: Yes, that is absolutely correct. That is another question that has been asked quite a bit, is what did the bear hunt cost us? We have a very complex cost accounting system. We differentiate activities based on what the requirements are to figure out if it is a Pittman Robertson activity, Dingell Johnson activity. We do break it into cost centers depending on grant source. We do not get so granulated in our cost accounting that we have individual cost accounting codes for individual hunts. It is impractical, it would be highly inaccurate. There is no way to differentiate into individual hunts. There is a tremendous amount of activity our biologists do that could be all over the state. It could be in different zones, may or may not relate to a hunt the following year, just doing habitat work, surveys. According to our federal sources all we do is lump all of that work into our Big Game Management grant. So, whether they are doing it for antelope, bear or deer, it is all coded to one code and we don't differentiate those activities. For law enforcement it is the same thing and that gets even more complex. Law enforcement doesn't have federal funds. They basically only have a couple of cost accounting codes. They have a code for boating enforcement and they have a code for wildlife enforcement. Any patrols they do for wildlife enforcement is all coded to one code and it is paid for 100% with sportsman dollars.

We do not look at whether each hunt turns a profit, which is something that people have asked about. We are not a business. Our job is not to make a profit. Our job is to enhance wildlife opportunities for sportsman and non-sportsman. If we looked at profit motive for all of our activities, there are a lot of things we wouldn't do. We don't turn a profit on any of the non-game species work we do. There are hunts that we have never costed out but I am sure they don't turn a profit. Goat hunting, we sell very few goat tags and we don't generate very much revenue from that but we spend an awful lot of time dealing with the issues with those species. It doesn't mean that we shouldn't do it. Profit motive is not something we look at on a hunt by hunt basis. It is not a meaningful way to look at it.

Kathryn Bricker: Our interest in having this agenda item was that we felt the Department is selling the hunt to the public in terms of there being a perceived benefit from an economic point of view. As a State agency spending tax payer money we feel transparency and accountability are not only important and everything you said satisfies me in that way, my concern is that I think that the way it is being depicted can be misleading and perhaps we need to question the messaging that is going out. My question is prior to having a bear hunt you state that the PR funds that there is a fixed cap that Nevada has received based on that formula, prior to the bear hunt was Nevada able

to collect through their grant writing process the full amount that could be allocated to Nevada or was some money left at the table that could have been collected.

Patrick Cates: The short answer is no. There is money left on the table. We have 2 years to spend our grant money. So the grant money that we are spending now is a couple years old. We now have back to back bumps in the PR grant. It went from a baseline of \$6 million to \$8 million last year and we expect to get \$9 million this year.

Kathryn Bricker: Did the bear hunt create the difference? Without that bear hunt is there a difference in those moneys collected by PR?

Patrick Cates: No, because how we generate our sportsman revenue is not directly connected to when we spend PR money. It just all goes into the pot. We are faced with a challenge over the next 3 years of how we are going to put that \$3 million in additional federal funds to good use and whether or not we are going to have enough match. I don't know how we will end up using all of that money. Some of it will go to PR related projects and it is conceivable, probably even likely, that that \$50,000 will end up being used as match for those funds. If we don't spend it we will lose it. There is a possibility. You could say theoretically, that we could lose federal money if we didn't have this bear hunt.

Kathryn Bricker: I am not saying theoretically. I am saying to date has the bear hunt revenue been necessary for you to get the fixed cap of PR funds available to you.

Patrick Cates: I cannot answer that because it all went into one big pot of license revenue. I have a \$3 million dollar reserve of that. I don't parse apart \$50,000 of it and say this is a bear dollar and this is a deer dollar.

Kathryn Bricker: Let's look at one component of that. Has there been any tracking of whether or not the people who receive tags for bears, if it generated any new sales of licenses versus just they got another opportunity as an existing licensed hunter?

Patrick Cates: I don't know the answer to that.

Kathryn Bricker: Since the Department has limited funds would you agree that any choice to subsidize one program is also a choice to defund something else? Would you agree that is a value judgment that is being made by whoever makes those decisions?

Patrick Cates: In the aggregate, we have a fixed amount of money and we have to make judgments about how we spend our time every day. It is not based on a perspective, are we subsidizing something and not something else? We have a fixed pot of money and fixed resources. We make value judgments all of the time but we don't make it on whether something is profitable.

Kathryn Bricker: Is there any point at which the public has access to those value judgments or does it just happen behind closed doors? I know the sportsmen in the past have had access because in the last 10 years archival materials on the issue of the bear hunt, some felt that the money used towards a bear hunt would be wasted and should be more rightfully going to other game programs for which their value would be to support. There is certainly discussion within the records of the Commission meetings regarding certain sportsmen being disgruntled over that idea. I am saying whether it is a member of the general public or a licensed hunter and a sportsmen these value

judgments that are made as to how funds will be allocated is there any point at which there is access to those decisions by the public?

Patrick Cates: Certainly, that is why we have Commission meetings, CAB meetings. The overall mission of what we do and sort of at a high level of the different activities we do, the activities of the Diversity Division, and the Law Enforcement, those are all expressed where the public touches it most directly is through the executive budget process and the Legislature reviewing our budgets. We have a large statement of activities, performance measures for each one of those divisions as part of the Governor's budget. Those are all public documents. It defines those activities and how they are to be funded. The Governor puts that forward and says he supports these activities and wants them funded in this manner, it is debated by the Legislature and they take public comment. I think that is where the public most directly touches our values and what we do and how we make those decisions.

Kathryn Bricker: Do I understand you then, had there not been a bear hunt you would not have been able to collect the amount of PR funds that you have in the last 3 years since it has been instituted.

Patrick Cates: I didn't say that. I cannot directly tie them because I cannot tell you with any assurance whether the bear dollar is going to go match some of that PR money or not. I can make a general statement that we are in need of more state sportsmen revenue to be able to spend that \$3 million in PR. I can't tell you whether that is going to be matched with a bear dollar or not.

Commissioner Drew: So Patrick what you are saying is that any decrease in the state revenue because of the bump in PR is going to result in a companion decrease in federal revenue, now that we are basically maxed out and that there is the potential to leave money on the table?

Patrick Cates: In the aggregate, yes. We pull reserves, it may not even be spent in the same year, and it is just mixed in the pot. We will reach a point in the course of the next four years as we try to spend down these two PR; we are not going to be able to spend it unless we find the ways to match it. We are looking at sportsmen revenue and we still have some Question 1 money left. We do have some of the specialty sportsmen funds like Habitat Conservation Fee. That is our biggest challenge, not only match but also spending it in a prudent way. We know it is not going to last forever and we don't want to just throw good money after bad. We are looking at enhancing and doing habitat projects, one time investments and infrastructure things of that nature.

Commissioner Drew: Out of curiosity, how much money does enforcement bring into the agency?

Patrick Cates: Some of that is intangible. Tangible there is a \$1 million of federal Coast Guard grant that comes in from the boating enforcement activities.

Commissioner Drew: And that has to be used for boating?

Patrick Cates: That is all just the boating program. There are three sources of funding for that, boat titling fees that we charge, state and motor fuel tax from DMV and we get the Coast Guard funds. That makes it about \$3 million of our budget. If we didn't have a boating enforcement program we wouldn't see any of that money. It also funds our license office and some of our operations. There are not specific fees that are charged for law enforcement. They certainly do bring in some fines and forfeitures. It is not very much money, but I will say without

them I am certain that we would not generate the license sales that we have because there would be no incentive for people to spend that money if there is nobody out there checking them to make sure that they have them. It is intangible. I cannot tell you directly that they are bringing in X amount of revenue but without them I am certain we wouldn't have the revenue we have.

Chairman McNinch: On the dollars for the PR. Are there opportunities for in-kind?

Patrick Cates: Absolutely. Our volunteer database is used as match for PR. Our hunter ed instructor volunteers' time is always used as match. Volunteers for trap and transplant are also used. Also, when we partner with people sometimes they will have in kind match, local government or something of that nature.

Chairman McNinch: We have spent a lot of time obviously talking about the bear hunt, and outside of dealing with trash management issues we haven't had an opportunity to talk, the Department deals with it to some extent, but we really haven't with the actual management of the bears, their habitat and things of that nature. Maybe at some point there is opportunity to talk in that arena. It is not a discussion point necessarily for today that might allow at least from collecting money from bear activities that might contribute to helping with that PR match, maximizing what we can take there.

Patrick Cates: That is a good point and there is one thing that I want to clarify for everybody because I know there is a lot of interest in this. The issues, the time that is spent not on bear habitat or the hunt particularly, but the times spent on dealing with urban bear management, particularly in the Tahoe Basin and dealing with issues with human-wildlife conflict, those are not covered by our federal grants. Those moneys are 100% sportsmen dollars at this point. It used to be paid for with the general fund. So, for those kinds of activities, there is no connection or nexus to get anymore PR dollars. So, if you sent a bunch of volunteers to educate people about bears we couldn't count that as match for PR.

Chairman McNinch: There are certain things, lethal activities aren't matchable either, predator control type stuff.

Kathryn Bricker: I would like to have that discussion in the future with Mr. Cates here at one of our committee meetings, how we might develop new revenue streams and create financing for many of these uncovered areas.

Chairman McNinch: That might be a discussion even outside of this committee, in a different setting from the review process on the hunt.

Public Comment:

Carolyn Stark: Part of the job of the Department is also to be fiscally responsible with dollars, whether it is sportsmen dollars or coming from the general fund. I think the amount of time this bear hunt is costing the Department is clearly understated. If you look at it, just last month's meetings there were 9 employees here that spent all day long here for 9 hours. There are 8 employees today. There was somebody from the Attorney General's office. There are the calls that are coming in and going to the Governor. The open records requests. All of these things came about because of the bear hunt. It is costing NDOW and its employees time and money, from Carl Lackey's reports and the preparation and looking at it. That is all taking away from other areas for the sportsmen. There is the hunter education for the bear stuff. And also the hunting revenue as you know is going down from 63,000 hunters in 2006 to 43,000 hunters in 2011. Kathryn is correct

that there does need to be more funding streams aside from the hunter dollars but I think the Department should be fiscally responsible and look at this. I am sure that the law enforcement division could estimate how much more time they are spending because of the bear hunt etc. I am sure Carl Lackey's time has gone up as he is preparing for all of the reports coming up. Some people have put it out there that it has cost the Department about \$200,000 a year based on this and there hasn't been any rebuttal to that.

Chairman McNinch: In defense of the Department, I suspect that they wouldn't want to be here discussing these things today. This is something that was asked of us from the Legislature and the Commission is taking the action. I understand the time concept, and I understand all of that but I am not sure they had a lot of control over some of these financial issues with regards to fiscal responsibility that they have to deal with. It is a function of decisions that have been made outside of the Department largely.

Jacque Chandler - Executive Director, Sustainable Tahoe - I would also like to speak to the revenue and a model for how we could generate even more money to manage the urban bear problem by providing wildlife bear sanctuaries, maybe up by Marlette Lake where bears are active and feeding. There is not an urban core there but it is close enough. There could be a way to create a program where the bears could be moved up there through, maybe we could do a GPS on a tail or something so we know where they are and provide more food opportunities further back so they would move further back. Then the revenue generated by having watchable wildlife to bring the bears up there because we would know where they are. We would have opportunities to take photos and they would be guided by the Bear League that understand bears and could educate people. That money could go to support and pay for the sanctuaries and pay for the protection of the bears and pay to educate the people in the urban core. Just to show you what kind of money I am talking about just the state of New York alone, their watchable wildlife program generates \$1.6 billion annually. In 2006 \$45 billion was spent on wildlife trips and the total output was \$22.6 billion, a million in jobs, federal tax revenue \$9.3 and local tax \$8.9 and this is from National Trails Training Partnership. There are also some stats on watchable wildlife. This is also a memorandum of understanding signed by National Geographic and five Departments of the Interior and I have been in touch with these because clearly in 2008 when they signed it a lot of those people aren't there. I have been talking to Bureau of Land Management in the Wildlife. I am going to give them an update on what we have been doing here in Tahoe, which is demonstrating the opportunity for watchable wildlife for 3 years running by having bear hikes hosted by the Bear League, which sell out every year. This is eco-tourism, which is the endorsement that all U.S. destinations on U.S. Forest Land and Indian Lands, which Tahoe region is, embrace eco-tourism and the principles that define it, which are around conservation and enhancing the assets that we have. On the second year we had the bears and the birds together, again it sold out. We had 3 hikes and so clearly this is a small taste of what is possible. Last year we were demonstrating the power of stewardship with Washoe Paiute - Shoshone ceremonies at the lake and we had the wild mustangs, which again was a big hit. So, the wildlife we have especially the wild mustangs, because we have the biggest population in the whole world here in Nevada, it is very special and our black bears. Which, as you know people spend millions of dollars going to Alaska to see. On top of that this is another person you can talk to that they found that the hunting revenue in British Columbia, while it might be 2.5 million, the ability to view the bears generates \$70 million, because the guide services alone, which creates jobs is \$7 million times 10 because people eat, sleep and shop when they come up to stay longer to see bears versus a hunting license. It is not the most revenue generating for an area. The National Science Foundation confirmed that biodiversity has a bearing effect on the water we drink and that the Convention on Biodiversity in 2010 published the biodiversity outlook and it said that the world's governments have mobilized billions of dollars to prevent the collapse of the

market place, now we have warnings of the breaking points of our own ecosystem that will break if we don't maintain our biodiversity. We do not need to hunt these bears. There is more money and revenue that we won't even need matching federal or state funds, there is so much revenue in watchable wildlife. Unfortunately, the only watchable wildlife programs that are happening are through Sustainable Tahoe's - Tahoe Expo. It is a drop in what is potential. If British Columbia can do \$70 million off of watchable wildlife, imagine what we can do not to mention Alaska. This is the revenue opportunity that we are missing. There are more dollars in protecting bears, loading cameras instead of guns.

Rex Flowers: If you reviewed the cost revenue analysis as far as the bear hunt goes you should see what your source of your finances are. I believe Mr. Cates talked about that today. It is not coming from general fund. They are a fee based department basically or almost 90 something percent. Sportsmen aren't complaining about the money that is being spent. They actually to a point invite it through NGOs and such. There is always a willingness on their part to spend this money. They don't spend this money based on the fact that they get to go hunting. They spend their money on behalf of wildlife. I think that needs to be taken into consideration. If you are going to review exactly what each of the Departments spend as a cost or request that of the Department you need to find out where is that money being generated from and you won't find it coming from the general public.

Chairman McNinch: Jacquie, I do appreciate what you brought to the table and there are examples, not necessarily related to bears, but there are examples in Nevada of the ecotourism concept. Local businesses do benefit from it and they do start to rely on it.

**MOTION BY KATHRYN BRICKER: Move that the committee recommend that the Department not state that the bear hunt is generating a set amount of PR funds.**

**SECOND: Chairman McNinch for purposes of discussion.**

Chairman McNinch: You are trying to address the messaging that is going out to the public.

Kathryn Bricker: That is correct. I feel that the statements that have been made are misleading and so that negatively impacts the public perception of the Department of Wildlife. I think it is creating a rift that we would be better off without.

Commissioner Robb: I think the Department recognizes that whether we take a vote on this or not. We can sit here and argue money all afternoon or morning. Ms. Stark got up and said that she heard it cost the Department \$300,000. That is out there also, which I believe is misleading and false. I think no matter what side you are sitting on there are things being thrown out there that are accurate in ways and inaccurate in as many ways. I think Patrick did a good job on the record of explaining his cost accounting methods and how we break that out and his inability to break some stuff out and why he does that. I believe the record reflects the Department's viewpoints and what is going to be the staff that you are directing your motion to are sitting in this room and have heard Patrick's presentation and I believe they will accurately portray what Patrick presented today, motion or no motion. With what Patrick presented it is on the record and I believe that we are covered at this point.

Commissioner Drew: Just from a procedural standpoint, the purpose of the Commission is to set broad policy not dictate to the Department how they enact that policy. I think this would overstep our bounds and it is micromanaging the Department in my mind. I think the discussion of what is

on record adequately addresses the concerns you brought up last meeting. From a procedural standpoint this would be overstepping our bounds as a committee and as a larger commission.

Kathryn Bricker: My reason for bringing it up was simply the messaging. I understand what you are saying that that might not be within the scope of what we do. If that is the case I would withdraw the motion.

Chairman McNinch: Withdraws the second.

Patrick Cates: Noted that he had an updated report. It shows about \$35,000 for the last hunt and I also wanted to note the numbers for the two prior years were revised by Maureen. These numbers are a little bit lower, \$25,000 for the first year and \$30,000 for the second year. The explanation that she provided me is that she was counting the number of successful hunters and that included alternates, so somebody who didn't accept the bear tag and then it went to another person who then purchased it, that was only one sale but she counted them as two different successful hunters and overstated the sale of the tags.

Commissioner Robb: If there was somebody that returned a tag and somebody else chose to get that tag, it was my assumption that when somebody returns a tag none of those fees are refunded unless it is death or medical. So, she wasn't double counting at that point.

Patrick Cates: Understood. I don't know the specific circumstances but I assume it must have been death or medical. It was something where they didn't get charged for those.

#### **6. Premise for Establishing the Nevada Black Bear Hunt - Department Staff - For Possible Action**

The Department will provide the Committee with an overview of how the Nevada black bear hunt was established. The Committee will discuss the premise and goals for conducting the hunt and may take action to provide direction to staff or establish findings or recommendations to present to the Nevada Board of Wildlife Commissioners.

Larry Gilbertson: I will reiterate what I presented at the last bear committee meeting that the Commissioners in the spring of 2010 simply asked the question what it would take to have a bear hunt, indicating that they were interested in having a bear hunt. They asked us if all the regulations were in place to go ahead and hold a bear hunt. They directed us to bring forward the regulations that would need to be modified or changed or enacted to hold a bear hunt along with biological data that would tell them if they could biologically hold a bear hunt. So, that began in late summer at the August and September meetings of 2010. Law enforcement reviewed the regulations and NACs and brought forth the necessary changes that needed to be done to those regulations to make it possible to have a bear hunt. The Game Division brought forth the biological data to tell them whether or not they could have a bear hunt. Then what ensued was some members of the Commission along with both sides of the issue from the public brought forth all kinds of other reasons and ideas of why they thought there should be a bear hunt. Basically, it started out simply with the question of can we have a bear hunt and we brought that forth. The bear hunt, as you know, was from a biological standpoint. It was started with the analysis in 2010 and we were using a 2008 and older population estimate. The bear hunt from a biological standpoint was never set up to address conflict issues in the Tahoe Basin. In fact, I remember Carl Lackey being asked that question early on in the process and he flat out said that he didn't have any expectations that it was going to solve conflict issues up in the basin. Subsequently, the basin was even taken out of the hunt furthermore compromising any chance of the bear hunt having anything to do with conflict management up in the basin. The bear hunt biologically was designed

with that old population estimate. It essentially was not designed to reduce the number of bears or the entire bear population. In fact, as we collected more data and by 2011 came up with a refined population estimate based on the additional data we had collected on bears, that we collect every year, including the bear hunt data, we revised that population estimate and found out that indeed it was higher. We didn't use that data to increase our recommendation for bear harvest, again showing that there was no intent to reduce the overall bear population. It was a conservative recommendation to start with. We cut in half our recommendation of what the data said we could harvest. It essentially provided for an additional consumptive recreation on top of the non-consumptive recreation that is already occurring in our bear management units.

Commissioner Robb: I know at the time you were out in Elko when I served on the Commission prior. Everybody thinks that the question about the bear hunt came up around 2010. Being in Commission meetings for the past 15 years this was not something new in 2010 by any stretch of the imagination. When I was on the Commission, Jerry Lawry would ask us pretty much every Commission meeting. We had multiple sportsmen and multiple interested parties ask us routinely about the bear hunt. This is nothing that had just sprung up in 2010. It has been in existence for quite a while.

Larry Gilbertson: That is exactly correct. I did attend meetings because I was brought over from Elko because of elk issues quite often. I do recall people asking about having a bear hunt. But, in 2010 that was the first time the Commission actually directed us to bring forward the regulation changes that would be required. They just never asked until then and that is when they said bring forth the changes that would be required to legally hold a bear hunt and also the biological data to see if it is possible biologically. It was brought up for years and it would just be discussed and never went beyond that.

Commissioner Robb: Looking back now prior to 2010, do you think the Department had biological data that we could have had a hunt of black bears in the state of Nevada prior to 2010.

Larry Gilbertson: Certainly, you could hunt a population. The population numbers we started with was 2008. There were some previous population estimates that were robust enough to support a bear hunt but the devil's in the details, the smaller the population, the smaller the quota. We hunt some fairly small populations of other big games animals. Patrick Cates mentioned goats and we will have quotas of 1 or 2 on some really small populations. The level of hunting that you recommend is directly proportional to the population size. Our goal is maintaining and enhancing wildlife populations rather than trying to reduce populations through a hunt. The only time we try to reduce populations with a hunt is if we we're addressing, for instance, a depredation problem maybe on agriculture or in the case of elk, we actually have population objectives that we are required to try to keep elk populations down to that level. Otherwise, our hunting in Nevada is not designed to reduce populations.

Commissioner Robb: I am looking at some information that was provided by the public for this meeting, Live Oak Associates, in the executive summary the first paragraph says "While sport-hunting of predators is often touted as a management tool, it rarely is; in essence we manage for the sport hunt, not by it." We manage for sport hunts on pretty much every species we have of big game. We are trying to manage elk numbers now because we recognize there is too many. If you look at our deer hunts, sheep hunts, or antelope hunts we manage for sport hunting and that is a common practice by the Department of Wildlife.

Kathryn Bricker: Wanted to add what she had learned by checking the archival material. She went to the State Archives and looked at what NDOW had there with regards to the bear hunt. The records point out 3 areas because I think they fall into why were the bear hunts voted not to be held then and why then did that change in 2010 and I think that will feed into some future issues on the agenda. There is record that in 1948 in Hawthorne, Nevada a meeting between the Department of Wildlife, some representatives for California Fish and Game and sportsmen and women was held. They were told by the Department of Wildlife that they could have a bear hunt in the near future. Then the Commission in 1998 based on the gentleman you mentioned and his petition, the Commission voted on having a bear hunt in 1998 and they were told by the Department that they could produce the biological data to support doing so within 2 years. That Commission voted down moving forward with a bear hunt with an 8-1 vote. In 2008 when it was brought up again with the same response, the Department said that they could provide them the needed biological data to justify the hunt from a sustainability point of view within 2 years (2010). At that point the Commission voted 8-1 not to move forward with proposing a bear hunt. I think the question on the premise for holding the bear hunt, Mr. Gilbertson has been very clear, I certainly don't see it differently that it was done differently than past Commissions by the Commission who voted it in to offer consumptive recreation for sportsmen. I am not hearing anyone say otherwise even though there was much misunderstanding at the time. That is one of the reasons I asked for this to be an agenda item. I think that those misunderstandings and the misinformation still exist.

My understanding was that we can do it from a biological perspective, which is the Department's position, and that we then do so as you do with most big game species when you get them to that point, you offer that recreational opportunity for sportsmen and that that is the premise for the hunt. I think it is clear that Commissioner Raine sold the hunt based on it helping the urban bear problem and even when the final vote was taken he continued to hold his ground on that issue. I think we will have to treat that as an individual situation.

Larry Gilbertson: I would like to agree with Kathryn that there is a lot of confusion. I was given a book yesterday, I think it is called "The Bear Story" or something like that and it is a picture story from Tahoe Basin with a lot of pictures of bears and there is a lot of interesting information for people about bear biology and stuff and then when you get to the very last page it talks about all of the things that bears eat and that they get into trouble and they get into garbage. The last page shows "Don't let us get into trouble" or something about eating your garbage and right next to it is a guy standing there holding a sign that says "No Bear Hunt". Somehow they are associating bear problems and bear garbage issues with the hunt and that is from the other side of the issue. So there is confusion on both sides.

Commissioner Robb: From the time I have been back on the Commission, I don't remember us as a Commission addressing a bear conflict issue and the hunt having any impact on a bear conflict issue. To this day, there is the likelihood that a bear hunter could take a bear that was an urban bear problem. I don't know if any tagged bears came in the past season that were prior problems. Would that bear have gotten in trouble again possibly not but he had been handled prior.

Kathryn Bricker: It is not a premise for proposing the hunt. I would like to put this out. What we have established is that no science exists to say that we should have a hunt. If the hunt goes forward now, the premise for having the hunt is a value decision basically to offer recreational opportunity to Nevada sportsmen and women.

Public Comment:

Bear Woman - In English, Joanne Spotted Bear - Spoke about treaties.

Cathy Smith: Happy to hear Mr. Gilbertson discuss the hunting with the urban bear issue and that we agree on it. I did find it disappointing that the Department wanted Hristienko paper included in the support material. This is where liberal hunting regimens correlated with manageable urban bear activity. There is still some attempt to try to correlate those two issues. Unfortunately, in the article they didn't consider trash ordinances, public education efforts or bear densities. It is difficult to correlate two separate issues and determine if one causes changes in the other one, there are so many variables, especially when most studies done in specific locations have not supported it. According to the fourth international human bear conflicts workshop there is still no convincing evidence that reducing the bear population through hunting reduces conflict. This was said after specifically citing the Hristienko study. Extensive studies in Ontario, Pennsylvania and Wisconsin have demonstrated more liberal hunting seasons did get more bears killed but did not decrease human bear conflict complaints. Even when you are killing conflict bears it doesn't reduce complaints because more bears move in. There is data demonstrating that hunting of predators can be additive.

Don Molde: This is an important agenda item because it seems to me that it is likely the next Legislative Session if a bear hunt continues that some legislator or another is going to ask why we are doing it. It seems that when you come down to it that the only reason that you could give would be that of "hunter opportunity". If you look at what you have already talked about, the bear hunt doesn't pay its way and it doesn't raise any money for non-lethal urban bear conflict issues. It doesn't control the bear populations. It doesn't produce any better public relations or improved image for the Department. It won't generate any usable science for years if then. There are a whole bunch of things it won't do. What it does do is provide "hunter opportunity". Hunter opportunity is a creation of sportsmen. There is no legal definition of hunter opportunity in the law. There is an NRS reference to the virtues of hunting as some people see them, NRS 501.108 (?). Hunter opportunity sounds like something different from that and what I object to about that concept, which has no science behind it and is purely a value judgment and that it is used by this Agency to trump all other considerations. Including for example the virtues of not harassing bears in December when they are trying to get ready for denning. I would remind you of your last Commission meeting where hunter opportunity shot down the idea that this Committee came up with about dumping December off the hunt schedule. Something has not been said before should be said now, which is from our point of view, people on my side of the aisle the bear is an iconic animal equal in our eyes to the way in which you view bighorn sheep. Clearly, the bighorn sheep are the iconic animal of all iconic animals for this Department.

Commissioner Drew: The only thing I would say is that I think we went through the history pretty thoroughly last Legislative session and I don't think Commissioner Robb or I ever conveyed anything different than what was discussed today. I think the record is pretty clear of where we are at. I don't know that we need a whole lot more.

Chairman McNinch: It can be difficult for the Committee making recommendations, do we need to establish findings, does the record speak for itself, is there a position that the Commission needs to take, does the committee believe the Commission needs to take a position. Those are the types of questions we need to answer. If anybody believes that the Commission should come out and take a stance and that is part of what this is all about is recommendations from the Committee. The last two items outline the thought that messaging has been an issue for sure. Regardless, of where the fault lies it has been inconsistent from individuals/organizations and clear up to today we are dealing with that. Anything we need to do it seems to me would need to be from the standpoint of

the Commission making it clear where they stand or to provide a recommendation to the Department or to recognize that things are where they need to be.

Commissioner Robb: Read NRS 501.102 -Legislative declaration regarding hunting.

## **7. Effect of Nevada Black Bear Hunt on Management of Urban Interface Bear Population - Department Staff - For Possible Action**

The Committee will discuss potential impacts the Nevada black bear hunt may have on the management of urban interface bear populations. The Committee may take action to provide direction to staff or establish findings or recommendations to present to the Nevada Board of Wildlife Commissioners.

Chairman McNinch: The Department is here to help with the conversation but I know Kathryn this was an item that you had asked for. I might ask you to throw out things that concerned you or were on your mind to get the conversation started.

Kathryn Bricker: It seems like that we may have addressed much of this already. The Department and Carl continue to say and the current Commission to support the idea that the bear hunt is not being thought of as a management tool for urban bears and that they remain separate issues. If we are all in agreement with that I think that for myself anyway I am down to one aspect of this, which has nothing to do with the data on hunting impact on urban bears. If there is still that discussion that we would want to have then I would want to refer to about 7 different studies that we could submit that would support the viewpoint that I think we all share, which is not probably the preferred management tool for urban bear situations and that they are being regarded separately.

Chairman McNinch: From my standpoint I never have thought of the hunt as a mechanism for managing urban interface bears. To me they are two separate issues, understanding that there might be some crossover here and there. But from the standpoint of the bear hunt its intent was never to manage urban interface bear population or issues.

Commissioner Drew: I think the distinction you need to make too is the way the hunt is currently structured. There is the potential that the structure going into the future, if the hunt remains, could change and that there could be some different management outcomes from that.

Kathryn Bricker: Those were suggested when the hunt was proposed as well. I see this as a 3 year hunt review and also reflective of would the outcome of the review be that the Committee recommends to the Commission that there be a 2014 hunt and hunts thereafter. I am looking more at what has occurred and where we are now not things that could be considered in the future.

Commissioner Drew: So you would agree that the distinction is that at this point the way the hunt is structured.

Kathryn Bricker: Yes, I would. I think Larry pointed out last time and I was here during all the proceedings as well, so I remember the various proposals such as having a bow and arrow hunt targeting specific urban bears etc. Many of the studies that we have, different states have tried a lot of different things. But, based on where we are now I agree with you. Unless we were starting to propose that as differently I think it is outside the scope of what we need to discuss unless there are active proposals for changing that.

Chairman McNinch: At one point at the last meeting there was some discussion that the fact that there is a hunt could damage or impact the Department's ability to manage urban interface bears outside of the hunt just from the standpoint of going in and doing things.

Kathryn Bricker: That was the only point that I still wanted to make. I would like to refer back to the minutes of last meeting and some things that Larry Gilbertson said that I think really exemplify my point better than I could. It was in discussion about whether or not there is interest from the public in expanding the bear population into some of its historical ranges in Nevada and all of those issues. What Larry said was that basically the reason other big game species they have been able to do that is because they have gotten "public buy-in". He said that is what we would be lacking for the bears. My feeling is that we do need public buy in for bear management in a bigger way. I think the gentleman have said here today that the sportsmen are more than willing to step in and contribute their money and they do but I think that everything we see in terms of the future of wildlife management indicates that bears are expensive and there is a lot going into the management. There is so much that could be done in terms of research and expanding upon the current bear program with proper funding and interest. I think the impact of the hunt on getting public buy in from the public who really consider the bear their iconic species. Noted that after receiving the urban bear management budget realized that the Bear League's budget, through private donations, far exceeded what the Department of Wildlife has needed for their urban bear management program. That is an example of why the decisions that are made as to whether to have a bear hunt or not need to be considered in the light of it preventing getting the public buy in we need for the larger bear conservation issue, which at this point and time seems to be more of the urban bear issue. The position of the public who isn't buying in is, on the one hand the Department is counting loss and then at the same time is promoting the hunt. It seems that in the mind of the public that these two values cannot coexist relative to bears and they question doesn't conducting the bear hunt create a mission conflict resulting in the loss of credibility with the public for how the bears are being managed. Kathryn's opinion is that the hunt harms the public buy in that we need and could have for bear conservation in general. Pointed out a correspondence from the Fall of 2010, Tina Nappe wrote a letter to Commissioner Drew and she was questioning who was behind the hunt and her concern that she expressed is that she said that she was 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 urban bear management when they lost the support of the public in that manner. She also noted that she felt that that was going to really create a tumble for what Carl Lackey had, to his credit, created at the Lake. It is a serious consideration, are we really getting that much out of the hunt for what it is costing us in terms of public buy in.

Commissioner Drew: We talk about the bear as an iconic animal and I understand that perspective. But, we talk about it as if the sportsmen can't also hold the bear as an iconic animal. Maybe their values and the values of the folks that you are talking to are different but there is no reason that they can't still be iconic in their minds. I think the struggle we are going to have is you are stating that we can't get public buy in because the species is hunted. What do we do if we take that away from the people that also value that side of it, the intrinsic value of the hunt? So, I think what you have seen is since the hunt has started for better or worse is much higher visibility in terms of bear management issues, whether it is the hunt, urban interface, or a whole lot of things. I think in some ways that has actually created more buy in because there is a higher visibility.

Kathryn Bricker: First of all I would like to be clear that I agree with you in terms that whether the bear is hunted or not it can be considered iconic by a certain number of people. I am looking at this from a more pragmatic point of view and I think the person that said it the best was a sportsman in Douglas County, he was a sportsman who consistently voted against the hunt and in the last vote against the bear hunt he said, "I have been through this whole issue, there are a whole lot more reasons to not have the bear hunt then there are to have the bear hunt, so I vote that we do not have the bear hunt."

Commissioner Drew: That is one person's opinion. I think in SB 82 the direction was clear that we make sure as a Committee in our review that we review all people's values and all people's opinions. I think that is what is making this a challenge and that we have two very desperately different value judgments and opinions and we are trying to balance those things. I don't know that if the bear hunt goes away completely removes everything that happens. We need to look at what happens going forward and how we balance all of those values not just one side of the equation. The start of last meeting you asked what rights do sportsmen have and in my mind, all Nevadans whether they are sportsmen or not have a right to enjoy those animals and the sportsmen's values and non-consumptive values are two totally different things but they have equal weight in my mind.

Kathryn Bricker: It is a public trust and the bears belong to all of the people of Nevada so that encompasses every value that exists.

Commissioner Drew: If we were conducting the hunt in a manner that was going to exterminate the population, we would have a major issue. But, at this point we have heard it stated that the hunt is not reducing the population. So, there are still bears for everyone to enjoy whether they do it from a consumptive standpoint or whether they do it from a non-consumptive standpoint. My ultimate goal in all of this, it is not for me, my hope is that my unborn children will one day have the ability to see a black bear in the state of Nevada whether they decide to hunt or not hunt. This can't be an us versus them thing anymore. The way we are going I think that is where we want it to be. I think the best thing that we could do is try to balance all those values and all of the opinions and move forward in lock step. The longer we fight, us versus them, the longer we put off doing that. We need to figure out how we move forward collectively.

Kathryn Bricker: I think you are asking for people to put down their values and I don't think that is going to happen.

Commissioner Drew: I am not. I am asking for equal value of values on both sides of the spectrum.

Kathryn Bricker: First of all, I am hesitant to respond to you because it is going to get outside the scope of this agenda item. I am not feeling like I should respond. I would say I don't agree with you and I have a lot more to say. I think most of the people who oppose the hunt would argue the statement (goal) by Larry Gilbertson that we have a population that is ongoing. Most people that oppose this hunt would argue that goal. I wouldn't want my children or other people's children to have the opportunity to see bears in the future whether they chose to hunt them or not if in fact the condition of those bears was objectionable to me. I would rather there not be bears than have bears subjected to some of the conditions. The number of bears in a state isn't as indicative of their health as other parameters based on interest in showing the social structure of predators. How many of our supposed bear population in Nevada, how many bears are reaching their natural life cycle and how many are

dying. Is that what we call a healthy population when most of our bears don't even reach half of their life expectancy if there weren't human impacts? There are a lot that could be discussed outside of this.

Carl Lackey: As Jeremy put it; most hunts including ours are not designed to address conflict problems. This hunt was never designed for that purpose. There are some hunts in the eastern states where they actually addressed conflict bears with archery urban type seasons. Even if we opened up the Tahoe Basin and we had archery hunts in the Tahoe Basin addressing conflict bears that is not to say it is going to reduce conflicts. The other thing that was mentioned that I just want to reiterate, if nothing else, the bear hunt has brought all of these people into the game with addressing conflict problems in the state, especially Tahoe. I think it has been a great thing for opening discussion and talking about all of these issues.

Kathryn Bricker: Most of the people here today were here prior to the bear hunt and working bears. I think our faces being known to all of you is a result of the bear hunt. Our commitment to doing things in the community relative to helping bears, there is a long history of.

Public Comment:

Cathie Smith: There is still a misunderstanding, like Carl said, even if you target conflict bears most of the studies have shown that it does not decrease the complaints. Intuitively you think that if you decrease the population you are going to decrease complaints. That does come out in the science. Changing a hunt to target urban bears has not been shown scientifically to decrease the number of complaints unless you seriously depopulate the population.

Jacque Chandler: If your goal is to reduce the urban conflict you are killing the wrong species. Clearly the human problem in this is the one that has not been addressed. The rights to the bears are not being addressed. The inability to work on the human behavior problem is the reason we have urban bear conflict in the beginning.

Madonna Dunbar: I see we are trying to balance the rights of the non-hunting public with the rights of the hunters. I would like to throw out an idea of a potential mitigation as this moves forward, what about scheduling a bear hunt every other year. You are addressing the needs of both constituencies at least on an experimental level moving forward. As a resident of Incline Village I support keeping the bear hunt out of the Tahoe Basin to support the economic non-hunting recreation that happens so much on our trails. Gave an update on solid waste management in Incline Village, provided a fact sheet with details.

John Reed: I would like to let Ms. Bricker know since I have not seen you at our meetings these guys have had bear with us but a period before 60 was the rule that we have a representative on each County CAB that represents the general public. In this county that is me. I see a completely different public than the one I think you are talking about. Obviously, these issues are largely concentrated around the Tahoe Basin. When I ran on that position I explained it in great detail of why I think I can represent the general public and still hold a hunting license. To my knowledge, nobody on the Commission anyway, has been upset or disappointed with the way I have represented the general public. I agree with Commissioner Bill Young, one of the things that he said at a Commission meeting, we spend way too much time talking about hunting. We do that I think at the expense of a lot of animals that don't make money for the Department that need the Department's attention none the less and also have a lot of value to the rest of us. The way I see it, you have a minority people that hunt, you have a smaller minority on the

other end of that spectrum that are anti-hunting and then you have the large group of people in between. I see them as both complacent and ignorant or they are satisfied with status quo or happy with status quo. So far at least that is what I have seen. I invite anybody in the room. We will be holding a meeting on March 13, 2014 at 6:00. The Diversity of the Department is going to come and give us a lecture on bats. We also had a lecture from them about the things that the Diversity Division does. To get away from hunting a little bit and remind us that there are a lot of other creatures out there that need our support and attention.

Discussion took place between John Reed and Kathryn Bricker.

#### **8. Evaluation of aspects of the Nevada Black Bear Hunt Using Human Dimensions - Committee Member Bricker - For Possible Action**

Committee Member Bricker will present the concept of using human dimensions to evaluate aspects of the Nevada black bear hunt. The Committee will discuss the concept of applying human dimensions and may take action to establish findings or recommendations to present to the Nevada Board of Wildlife Commissioners.

Kathryn Bricker: It has been my contention and the reason of asking for this agenda item that we need to determine the answer to 3 questions; 1) was the public's view on whether there should be a Nevada bear hunt adequately assessed and considered before passing the regulation, 2) If we determine that it was not then shouldn't some effort be made to assess that dimension of the hunt in a more definitive way before any renewal or moving forward, 3) if we determine we should do that then how do we want to go about it.

When making decisions about whether or not we should have a bear hunt in NV, we are talking about a resource that belongs to the people of the state of NV. The bears belong to all of the people, not some of the people. Therefore it is important to clearly ascertain the public's view about whether there should be a black bear hunt.

Human dimensions research can determine public views and otherwise. These findings can then inform policy setting and management decisions regarding administration of this public trust.

Both the precedent and expectation for measuring public opinion clearly exists, as we saw recently when the Commission approved an allocation to fund a hunter survey on big game issues. At a Bear Committee meeting last year, I asked Dr. Jon Beckmann "should we have a bear hunt?" He responded that he, as a biologist, could not make that decision, as it was a decision based upon values.

In an April, 2013 article in the publication Live Science regarding whether NV bears should be managed to expand into historical habitat, Dr. Beckmann stated:

"As we begin to recover a population of large carnivores, then it becomes a decision that the public has to make about how they're going to interact with them and where they're going to tolerate this species,"

Clearly past wildlife commissions have had an interest in and reviewed human dimensions research relative to the public's view on whether we should have a bear hunt. At the February, 2008 NV Board of Wildlife Commission meeting, staff specialist Kelly Clark made a presentation entitled "Black Bears and Public Opinion: A Summary of Other States' Lessons Learned." The Commission was told that recreational hunting of black bears is not supported by NV residents. Within that report (show the packet) she cited information contained in a study conducted by Colorado State University in 2005, which revealed that a majority of Nevada residents did not support a recreational hunt, even when respondents were misled by omission into believing that hunting would reduce conflicts with black bears. In the study it is noted that "the fact that a bear hunt would minimally affect Nevada's nuisance bear population was not taken into account" nor was

there mention that non-lethal alternatives such as trash containment, aversive conditioning and public education existed. Despite respondents in the study being given the impression that killing black bears would reduce conflicts, a majority of Nevadans still did not support recreational hunting, instead preferring "the agency remove bears using trained staff or sharp shooters."

We know that NV bears have been protected from hunting since 1929. Archival materials from NDOW housed at the state library show that NDOW was discussing having a bear hunt "in the near future" with NV sportsmen as early as 1948 at a meeting in Hawthorne, NV. In answer to a 1998 petition for a bear hunt, news articles of that meeting indicate NDOW staff telling the Wildlife Commission that the needed biological justification could be available in the year 2000.

Given the long history in Nevada of not hunting bears, the question becomes were the public's views regarding whether we should institute a bear hunt adequately assessed and considered by the Wildlife Commission prior to passing the regulation in 2010? This question should be answered and included in a 3 year hunt review.

If it is determined the views of the public were not adequately assessed and considered, should they be?

If so, how?

In the publication "NV's Black Bear: Ecology and Conservation of a Charismatic Omnivore" NDOW states that it will "appraise public support for a limited hunt season and weigh this support with the needs and status of the bear population." (p.5) To date, NDOW has not demonstrated a "need" for a hunt from a biological perspective, meaning all that would be weighed with the opinion of the public who oppose the bear hunt against interests of the bear hunting community.

The requirement of the NV legislature via SB 82 that this hunt review be conducted is a direct result of members of the public arguing that the public's view regarding whether we should have a bear hunt was not only inadequately considered, but actually misrepresented. As one example of that, in certified transcripts of the December, 2010 Commission meeting, Chairman Raine claimed the Commission had been "spammed" and characterized the input as being balanced between "a lot of them being pro and a lot of them being con."

Analysis of the communications received by NDOW from the public showed instead that:

1. Of 3,090 written communications from the public, 56 supported the bear hunt unconditionally; 6 supported the hunt with extreme modifications not contained in the proposed regulation; 3028 opposed the bear hunt; 11 were administrative in nature.

The communications in support of the bear hunt equaled less than one fifth of 1% of the 3,090 received opposing the hunt.

2. Written communications opposing the bear hunt came from at least 30 towns and cities across Nevada: Boulder City, Crystal Bay, Dayton, Elko, Ely, Fernley, Gardnerville, Glenbrook, Hawthorne, Henderson, Incline Village, Indian Springs, Las Vegas, Laughlin, Mesquite, Minden, Stateline, North Las Vegas, Pahrump, Reno, Sandy Valley, Silver Springs, Sparks, Spring Creek, Stagecoach, Sun Valley, Verdi, Washoe Valley, Zephyr Cove, and Virginia City.

A statewide scientific survey conducted by Mason-Dixon Polling & Research of 625 Nevadans in December, 2010 showed that Nevadans were about evenly split on whether to have a bear hunt, but a majority of 57% opposed the regulation being proposed that allowed hunting bears with dogs, while 29% supported that and 14% were undecided.

Polls were conducted in most Northern NV newspapers, all of which ranged from 83-92% opposed to the bear hunt. The largest by the NV Appeal in Carson City published March 5, 2013 showed of 12,491 votes, 11,256 or 90.11% opposed the bear hunt.

NoBearHuntNV presented to Governor Sandoval in August, 2011 a petition containing 15,000 signatures opposing the bear hunt.

The Nevada Inter-Tribal Council, which represents all 27 Native American tribes in NV, presented Governor Sandoval a resolution opposing the bear hunt in Sept., 2012.

So the issues for discussion today include:

1. Was the public's view on whether there should be a NV bear hunt adequately assessed and considered before passing the regulation?
2. If it was not, then shouldn't some effort be made to assess that dimension of the hunt in a more definitive way before any renewal?
3. If we should do so, then how do we want to do it?

Public Comment:

Elaine Carrick: Refer back to item #6, interesting on the premise and the goals for having the bear hunt. Mr. Gilbertson was fairly clear about saying that. He said, "The only thing that they looked at in order to have the hunt was biological data." I think there are a lot of other things that should have been looked at and could be looked at now. Getting back to just biological data, there also should be data on what the public's viewpoint of hunting Nevada black bears was. The public had an input when it was first discussed back in 2010. As Kathryn said there were 3,000 emails that were originally dismissed but we went over them and brought them to light that yes, the people were opposed to it. Within 6 months we got over 19,000 signatures saying no to the question do you want to have the bear hunt in Nevada? Bringing this back to why we are all here. I think there is a lot of frustration that possibly the Department and the Commissioners don't see. The frustration from the public comes down to the fact that we come here to give comments but we don't have any real say in the final outcome of decisions and that is because when you look at the composition of the Commission. If you look at 5 of them are required to have a hunting license, a rancher and a farmer (usually have hunting licenses). Up until last year the public representative also had a hunting license, now we have Karen Layne. Elaine feels that there is frustration of the public due to the fact of not being listened to in the way that the public should be. Public has never been given the opportunity to give money for wildlife preservations. A lot more could be done and should be done before the hunt is continued. I think the public input has to be considered.

John Reed: Concern with the issue is calling human dimensions a science. Basically, I think this represents an opinion. If you Google human dimension it is everything under the sun. It is every possibly opinion that could be put out there under the guise of science.

Fred Voltz: Because we can do something doesn't mean we should do something. Nothing has been done to engage the public opinion in an objective way toward this subject. Until you engage everybody in this state on an objective basis you can't claim you have the moral authority to go forward with the hunt.

Don Molde: I don't think there is any science involved in this agenda item. It is a values judgment discussion and one that is long overdue.

Commissioner Drew: In regards to your first question, that is water under the bridge. I wasn't on the Commission at that time and didn't attend those meetings. Senator Ford asked me in one of the hearings this very question in regards to the previous Commission and I will tell you what I told him, I am not here to discuss the merits of what they did or did not do. That was their decision and I am not here to try to support or accuse them of something. In my mind, the focus needs to be looking at what we do going forward.

Kathryn Bricker: A 3 year hunt review would not include factual information of what occurred?

Commissioner Drew: I am not going to call previous commissioners up here and depose them as to why they made that decision.

Discussion took place back and forth between Committee members regarding human dimensions.

Public Comment:

David Colley: I think there is a general awareness that the discussion you are having now about the public opinion applies to science as well. It is historically proven that the majority of scientific facts are eventually proven wrong. To ignore public opinion in its relation to what science has presented is not as accurate as we would like it to be.

Ann Bryant: We hear all the time about anti-hunters and I am automatically thrown into that category, but I want to be perfectly clear that is the absolute opposite of what I believe in. In fact, with all the people in this room I can guarantee that if hunter's rights were ever threatened I would be the first person up to defend those rights. Have a problem with the blatant human arrogance that is pervading almost every comment that I am hearing in here. When people say the wildlife of the state of Nevada belongs to the residence of that state I take real exception to that. Who says those animals belong to the people that live in that state. Does that make it true? Do you think these animals believe that they belong to us any more than the stars in the sky belong to us simply because we maybe think they do? Our arrogance makes us look at everything from how it benefits us or how it possibly impedes us. It doesn't mean it is true. Spoke about a bear den close to her house with two bear cubs and lack of snow. Consider the rights of the bears.

**9. \*Nevada Administrative Code (NAC) 502.373 Black Bears; tags; fees; miscellaneous requirements; unlawful acts; open season - Chairman McNinch - For Possible Action**

The Committee will discuss the provisions of NAC 502.373 and may take action to provide direction to staff or establish findings or recommendations to present to the Nevada Board of Wildlife Commissioners.

Rob Buonamici gave a description of NAC 502.373.

Kathryn Bricker: Questioned 5 (b) of NAC 502.373 regarding description of black bear cub.

Rob Buonamici: It is an "or" so if it is less than one year or less than 50 pounds it would be considered a cub.

Kathryn Bricker: Discussed a 2012 Facebook post with a mother bear and a cub in a tree stating why it was good to use dogs because you can tell if a mother bear has cubs so you can kill the biggest cub. I feel he may have meant that in jest except for the previous year he was one of the hunting parties who killed a 120 female that year and received grief from others. Only brings it up to bring her concerns into context of why this might be something to discuss in terms of the three year review.

Commissioner Drew: Is your concern with the way the regulation was written or was it something that somebody put on a Facebook post?

Kathryn Bricker: I want to discuss the regulation. Questioning if it is an effective regulation for its intent based upon the experience of the previous three years.

Commissioner Drew: Would you suggest some sort of change to this?

Kathryn Bricker: Read from different studies that have been noted at previous meetings regarding mothers and cubs.

Commissioner Drew questioned if Kathryn had a recommendation in terms of changing or strengthening.

Kathryn Bricker: Feels it would be better to come from somebody other than herself.

Commissioner Robb: We have looked at the 3 year data and have asked the question multiple times of has there been a lactating sow checked into NDOW. To date I have not heard of a lactating sow checked into NDOW.

Kathryn Bricker: Noted a Colorado study. Doesn't know if it is protective of them or if we have just gotten lucky.

Commissioner Robb: I think by the regulations we have and most hunters are conscientious and considerate of the regulations that are in place and after going to the indoctrination class and everything I think there is a heightened sense to avoid the situations you are speaking of that are in your studies. Your studies probably occur in states that don't have a mandatory bear indoctrination that we do have here in Nevada. You are saying it doesn't, that you don't think it affords protection of cubs, but our regulation is presented in a way that I think affords protection by having an age class and a size class. I think we are affording adequate protection and that has been shown over the past 3 years to have worked. Will it work in every case, nothing is 100% foolproof. You do the best you can and if there is a mistake made I don't think it is going to be made by a dishonest person. If there is a mistake made that person is going to come and tell Mr. Buonamici what occurred and the Department will take actions at that point will take actions to protect a cub if there is one orphaned. I think the Department and the regulation is affording a lot of protection to cubs.

Kathryn Bricker: The age and the weight are irrelevant if you don't know that there was a cub. It wasn't that sportsmen were being dishonest they were with good intention thinking they were doing the right thing. The data shows that they just don't know what they were doing. That

was one of the bases for discontinuing the spring hunt when every cub at that point is completely dependent. You see this as when the body is checked. The fact that it is lactating or not is going to be the deciding factor?

Commissioner Robb: I am talking about 2 protections; the protection of the cub that is dependent on the mother and the protection of the cub from being harvested by the hunter. Both of those are spelled out in the regulation.

Kathryn Bricker: Issue is being orphaned unknowingly. I think what we would get into and I would have to refer that to the experts, what are you defining as dependency? A cub suckling may be a definition of a dependency but when you consider that they don't disperse from their mothers until 18 months at what point and criteria are you going to define dependence and survivability of that cub as a result of hunting methods that could be improved. I don't see that being the factor in dependence whether you have a lactating female.

Commissioner Robb: Asked Kathryn what she would change in the regulation.

Kathryn Bricker: I don't think it is my decision, or that I'm qualified to call those shots. Noting that this is a problem and it needs to be addressed and would want to hear from multiple experts on this issue. There is a lot of expert opinion in studies that could be looked at.

Chairman McNinch: A thought might be to not hunt females. The other thought might be the provision that you present the full body of a female to see if they are lactating and the Department would make that determination so you would know if there might be cubs out there that you could go get and deal with. That does not resolve the concern you have about orphaning cubs that are dependent. Those are things that I had noted down that had come up previously. If there has to be suggestions for how to fix something those are some things I jotted down during the last meeting.

Kathryn Bricker: I think the issue on hunting sows is what I would come up with but I don't think it is my place to come up with it.

Chairman McNinch: Noted that as a member of the committee this is the opportunity to provide those recommendations to the Commission. You do play an important role in that. You are not establishing policy as part of this Committee but you certainly are an important component to suggesting and making recommendations for fixing perceived problems and making recommendation back to the Commission.

Kathryn Bricker: Noted that we have about twice as many males as females anyway and it seems like hunters prefer that as a trophy animal. It seems that we could certainly entertain that and it seems to me of the things that I would come up with to be the most effective solution other than not hunting.

Commissioner Robb: We have multiple species that there could be some struggles with identifying characteristics to determine male or female by a hunter in the field. We have antelope seasons that are specifically horns longer than the ears, horns shorter than the ears. Could you have a male antelope that is young that has horns shorter than the ears? We don't have a doe antelope hunt. If there is an antelope out there that has horns longer than ears and it is a female, she is still legal at that time. I don't know if they occur or not. We have goats and you can take either sex of goats because of identification issues in the field. But if that

goat is accompanied by kids you know it is a female and you determine at that point that you are not going to take a nanny. This is an issue that we have with other species. In each one of those cases we try to minimize female harvest but the regulations have been adopted that way recognizing that female harvest may occur. It is not an unacceptable practice.

Kathryn Bricker: The question is what does the Nevada sportsmen want to be known for. When you have panels of bear experts all saying the biggest ethical issue in bear hunting is the killing of female black bears with dependent cubs. People of this stature feel it is. The Nevada sportsmen, I would think, would want buy in and respect from the public. What I am saying is an astute group who are expert in this field of black bear hunting say this is a major problem and our current regulations are no more than window dressing and don't address the problem. If you feel as you do and it is not a problem for you and you want the Nevada sportsmen to be viewed as not caring about this issue then why not do what a few states do and just say that you can kill anything. Take all the stops off and be known for what is really happening rather than window dressing.

Commissioner Robb: That is what I am saying, it is not really happening in my mind at all.

Kathryn Bricker: The studies are saying you wouldn't know if it was.

Commissioner Robb: I am not talking about studies; I am talking about actual facts in the field of Nevada on a 3 year review. Actual facts in Nevada on a 3 year review do not support anything that you just mentioned.

Carl Lackey: Was asked by Commissioner Robb how many females have been killed in 3 years of the hunt. His answer was 10 out of 39.

Kathryn Bricker: So ¼ of them are females. I can't speak for the field but according to studies it shows that it wouldn't be known if those females had dependent cubs because lactation is not the only factor creating dependency. I guess this is the point to be argued. When cubs do not disperse from their mother up to 18 months they are dependent upon that mother's care. Just because you wean and you are not dependent upon suckling for the milk for sustenance doesn't mean that you are not equally dependent to learn behavioral issues from the mother.

Commissioner Drew: Carl, have you seen anything to suggest we have seen a spike in terms of orphaned cubs that you have handled in the last 3 years compared to what you have handled prior to that? Is there anything to suggest that we are having an issue by harvesting sows that we are creating more dependent cubs that don't have a mother?

Carl Lackey: No, absolutely nothing in the harvest statistics or in our number of orphaned bear cubs. We had one orphaned bear cub this year not related to the hunt. It is at Animal Ark and regarding the issue on dependency, she will disperse them after they emerge from the den in the spring. What I have seen and for that reason I would consider dependency when they enter the den as almost yearlings whenever that time is, when they enter the winter den with the mom her education of those cubs is pretty much over. If something happens to mom at that point those cubs are in the den and when they emerge they are going to be pretty much on their own pretty quickly anyway. Dependency pretty much ends with that entry into the winter den when they are anywhere from 9 months to almost a year old.

Commissioner Drew: That is what you used to base this regulation on more or less.

Carl Lackey: The regulation followed other states' regulations. We mirrored regulations from a lot of the other states. The 50 pound regulation on a cub, which is seen as a guideline looking at a bear. If it is 50 pounds or more, chances are if it is by itself it is going to be a yearling. We get cubs of the year that weigh 60-80 pounds. It depends on what they are eating.

Chairman McNinch: Is there any definitive way to say that it is not happening?

Carl Lackey: We put as many regulations in place that we can. We inspect the nipples on the females when they come in and you can tell by the nipple dimensions whether she has given birth in the past and nursed cubs in the past. Not necessarily for that year. The only way to really do that is if you were to examine the placental scars from every female that was harvested. You can determine from that whether she had cubs that year. They would have to bring in the whole carcass for the most part. Our vet would have to remove the placenta. If they didn't have cubs that year the placenta is the size of a small water balloon and almost impossible to find.

Chairman McNinch: So it is a post kill issue evaluation.

Carl Lackey: Yes, we examine the nipples and look at nipple dimensions. Cubs on the average will nurse for 285 days. We look at the female's condition and whether or not she is nursing at that time or not.

Chairman McNinch: It is a pre-take issue. One option is to not hunt females. If the hunt were to continue are there other options for determining if the potential exists for orphaning cubs?

Carl Lackey: We have the regulations in place with mandatory check in of those bears. We inspect the females. We ask the hunters if they saw tracks of cubs when they started hunting, whether it was spot and stalk or use of hounds, how many tracks with sows and cubs that they saw in the area. If you tree a sow with cubs they let us know and all that goes into the database. When we had the separate female quota we actually saw more females killed that year than any other year. By removing that female quota we reduced the number of females killed. If you totally took out females in the harvest by regulation, I don't know how you would ever enforce that. You are almost forcing somebody if they shoot a female, even if it is a dry female, you are forcing that person to be illegal at that point. Unless you have dogs and you push them up a tree chances of identifying sex on the ground is very difficult.

Commissioner Robb: At 300 yards and a 300 pound bear can you tell sex yourself.

Carl Lackey: Replied no. If she has cubs and at 300 yards they are going to be right there with her if she is not spooked and scared. The very first female that was killed in 2013, it was a guided hunt and they thought it was a male because she was very large.

Kathryn Bricker: The first 2 bears killed this year were both females and both by the same guide. One of the mortality reports reported of tracks with cubs so how do we know one of those two females killed were not responsible for the tracks that were also seen with dependent cubs based on what the studies show on bear behavior? Question #2 - I don't see how you can make the assumption that just because more female bears were killed in the first hunt that the lifting of the female quota was responsible for there being not as many female bears killed in the 2 subsequent hunts. Question #3 - It seems to be how are we going to do

that without stepping on the toes of hunter opportunity. When I bring this up not caring about hunter opportunity, I care about the welfare of the animals. The regulation does not do what it is intended to do.

Commissioner Robb: I am not talking about hunter opportunity. I am talking about a 3 year review. In a 3 review, which we are doing today, do you see any of the red flags that have been noted by Ms. Bricker?

Carl Lackey: No. There is a lot of information that is gleamed just from interviewing hunters. The females with tracks for instance.

Kathryn Bricker: Noted that the 2 female bears killed this year were killed in the area where the tracks were seen.

Carl Lackey: Who said that? The mortality report only says how many sows with cub tracks you saw during the hunt. Some of these guys are hunting for a week and they are hunting 2-3 different units. There is nothing to say that that female with tracks was in the same area where they killed the female.

Kathryn Bricker: Do you know in fact that he did not observe them in the unit of kill?

Carl Lackey: I don't know where he saw them.

Chairman McNinch: Where do we want to go with this? I understand what Jack is saying, is there any evidence that it happened and the answer is no. There is no evidence that cubs are being orphaned. But, likewise there is an argument to be made that you can't say for sure that there hasn't been. We can't stand by either one because we don't really have any data to support it. We have anecdotal information that has been provided to us. Is it important or necessary to gather that information? Sportsmen are not required to bring the full bodies in. In trying to move the discussion - maybe the need is that if a female is taken to identify to gather some more biological information on those females to determine if there is a problem. We have a gap that you can make the argument one way or the other because there is nothing to dispute it one way or the other.

Kathryn Bricker: I think there is a body of scientific information that does dispute it and that is why I brought it up.

Commissioner Robb: I am not going to dispute your scientific facts. But those scientific facts are gathered under a different situation, which could make them invalid in our situation.

Chairman McNinch: That is what my point is. May be there is opportunities here to fill gaps.

Kathryn Bricker: Carl, in the last 3 years hunt what harm would have come to the hunt if there had been a regulation to not kill sows. What impact would that have had on the hunt if that regulation were in place in the past 3 years? We heard mention of the concern of a hunter being honest and unintentionally killing a sow, of course that could happen. Had we had a regulation in place over the past 3 years that sows could not be killed what negative impact would that have had on the hunt?

Commissioner Robb: Where I am at is, Carl mentioned that the first one was huge female and the outfitter thought it was a male when they took it. You could make criminals out of very honest people.

Kathryn Bricker: She was only over 200 pounds a little. This isn't the intention of criminalizing people, this is the intention of doing what I think is the objective of this agency which is to protect wildlife. This is not adequately protective based on scientific data.

Commissioner Drew: Yet, we have observed nothing in the field that suggests that it is. Suppose we had done that are we encouraging more hounding, which you clearly don't support?

Public Comment:

Caroline Stark: For people to say that the cubs are always going to be with their mothers is not true. Going on what they call bear sitting, last year in Kings Beach sat near a tree with 2 tiny cubs in a tree. The mother eventually came by. Goal was to make sure people were not stalking them. The bear hunt has only been going on for 3 years and say that you want to exclude studies from other states that have been doing this for a long time and have come across this for a long time is irresponsible. They have a long history of it and to discount and dismiss those findings is irresponsible.

Don Molde: Because of the smallness of the sample size it can't be concluded one way or the other as to what is actually happening. Should not be killing females. We have far fewer black bears in this state.

Jacque Chandler: Given this discussion right now wanted to add 3 things, 1) that given this is looking at the 3 year study of whether or not the bear hunt has been successful. I would like to see the Committee recommend to the Commission that they would publish a 3 year finding based on the assumptions that were made going into this hunt and how those assumptions have been realized. Discussed watchable wildlife again. The ideal would be the revenue from watchable wildlife is a 100 times greater and I think we are more mature as a country and we don't need to hunt species that are challenging biodiversity. There are only a few people that hunt for the food. Mostly it is a trophy thing. What if the hunt was just some kind of tranquilizing gun? You can tranquilize the bear, get the picture with the bear and leave the bear. There has to be a more mature way to look at it. Would like to see a public study that shows the assumptions going in, how they were met and prove that this was not hunter opportunity and prove that hunting and killing bears really does solve these problems.

Commissioner Robb: When it comes to watchable wildlife, I am a hunter and proud to say that I am a hunter, I watch a lot of wildlife, I probably watch as much wildlife as anybody in this room in areas that I don't hunt, don't hold tags and outside of seasons. I am a wildlife watcher. I believe a lot of your wildlife watching and days in the field count as wildlife watching is also done by the consumptive users like me. I think we have a common goal, a healthy wildlife population and I think that is the goal of the Commission and the Department. I think we can have both watchable wildlife and consumptive use of wildlife in harmony and they both can thrive because we see that occurring now. We see it with species everywhere. We have two user groups using the same species and they are both thriving and the species are increasing. I understand what you are saying with watchable wildlife and I encourage that because that is the business we are in, which is creating wildlife for the citizens of the state of Nevada. I do not believe the hunt has one bit of impact on watchable wildlife.

Jacque Chandler: We don't have a formal program so we don't know but if there could be a public report on the 3 year study to show how it has met its objectives.

Commissioner Robb: We are talking about 39 bears being harvested in the past 3 years, when if we work together to increase your watchable wildlife opportunities and I increase my hunting opportunities we are not talking 39 bears we could be talking 500 hundred bears. We went from 3,000 sheep in the state of Nevada to 11,000 sheep that the citizens of the state of Nevada get to enjoy. It is watchable wildlife that is enjoyed by a ton of non-hunters. Instead of arguing about the 39 bears I think your side and my side should be talking about, not the 39 harvested bears, we should be talking about the 500 that we don't have. That is where we are missing the boat and these discussions are taking us off target.

Jacque Chandler: So you are saying the goal to increase the bear population from 200 to 500 and formalize a program so we could have sanctuaries.

Commissioner Robb: We have that on all of our wildlife. We have done it with every species except for mule deer in the state of Nevada that is an ungulate. We have a track record of being able to do this. There is a ton of wildlife viewing taking place because sportsmen have put hard earned money into making watchable wildlife. It is a resource we use and enjoy but it is for the benefit for every citizen in the state of Nevada. Instead of arguing over the 39 bears maybe you and I should be talking about how we can increase and do something better for all bears instead of arguing about 39. I really think we are missing the target on bear management and wildlife management. Since I have been back on the Commission my biggest frustration is the discussion over the 39 bears and animals being trapped. I wish we were sitting in here today talking about how we can increase populations not how we can stop a hunt.

Jacque Chandler: How we can showcase the wildlife we have in a way that would protect it.

Commissioner Robb: Hunters are the biggest protectors of wildlife and that is proven in Nevada with our elk numbers, antelope numbers and our bighorn sheep numbers. NBU alone has thousands of volunteer hours every year on guzzler projects, sage grouse lek projects, for the betterment of wildlife. We are arguing over 39 bears when I could get you more watchable wildlife if we could stop arguing about 39 bears and we could start talking about increasing bear populations, habitat and doing the right thing not just for bears. If we do the right thing for bears and habitat we are probably doing the right thing for sage grouse, mule deer and a host of other species. Instead we are devoting a ton of time to 39 bears. I am frustrated as a wildlife commissioner because I don't think I have been able to enhance wildlife the past 3 years like I did the first 3 years I was on the Commission. It is a huge issue and I don't want to diminish it at all but in the scheme of wildlife management this is a little issue that we are dealing with in the state of Nevada that has really taken our eye off the ball of things that we could be benefiting from.

Jacque Chandler: As Kathryn mentioned I have been trying to get with Director Wasley and the tourism commission and work together and formalize a program for watchable wildlife and realize some of that revenue that we are missing. I am trying to bring watchable wildlife into one of the top things on the menu for tourism and I would love to have that discussion on how to do it. At the same time I am seeing the trends that California did get hounds out of the hunt because the trend was that the majority of the people said no. If the last 3 years have been less productive for you to move opportunities for wildlife forward and if a lot of that has been derailed because of these 39 bears of the hunt, I would then argue that clearly this is such a

hassle maybe it was the wrong time to bring in the hunt. Maybe just drop it and look at other ways to increase the population aside from bear hunting. Maybe pruning isn't the right opportunity for this particular species.

Rex Flowers: I can't see a reason to have a change of this. We have studies saying these things are happening but they are happening in other states maybe. What are the regulations in those states compared to the regulations here? We pretty well fine tuned this hunt going into it as everything else is within the Department and the Commission. Fine tuning is an ongoing thing. Is it worthy of review, yes, but is it worthy of making a change, nobody has shown there has been any violation, orphaned cubs or killing of sows with cubs. I think the program has worked to this point and I don't think it is by luck, it is by design because we designed a hunt that had the proper regulations in place going into it. I keep hearing that we need to change the regulation because do Nevada sportsmen want to be known as this or that. Don't think of us as unethical or immoral just because we kill a bear. We shouldn't be looked down on for taking advantage of a recreational opportunity that was afforded to us. We have a right to it.

Elaine Carrick: On the topic #9, I have heard enough concern with the sows and the cub issue that there is a possibility out there that cubs could be orphaned. I think the issue can be a concern. I heard what Commissioner Robb said we haven't seen anything in the last 3 years. That has been a very short time and at this point we do not know if the hunt is going to go forward or not, that hasn't been voted on. However, I would like to see the Committee today seriously put something forward to the Commission that if the hunt goes forward they do not include hunting females. Doesn't understand how hunting of bears will increase the population.

Chairman McNinch: When it comes to the bears we keep trying to fit bear management into the same box that we are a lot of other big game species and they are not the same, there are differences. Most other big game we hunt in Nevada they have their young for a year, this one there is an association for 2 years. There are different behaviors and different things.

Kathryn Bricker: I think when we have astute bodies of bear experts citing studies and making the statements that I quoted. We have the scientific basis that we need to know that we wouldn't know what is happening in the field in Nevada. That is the point they are making in the statements that I read. If we are respecting making using the best available science for certain types of decisions I make a motion.

**MOTION: Kathryn Bricker made the motion that we recommend to the Commission that we not hunt sows in order to be protective of cubs.**

**SECOND: For purposes of discussion Chairman McNinch seconds.**

Discussion:

Carl Lackey: Pointed out in the Hristienko paper on page 82 and the second column he discusses orphaning of cubs, survival of orphan cubs etc. On page 85 in the first column they discuss female harvest and how in most jurisdictions they don't feel there is a need to protect the female cohort of the population.

Commissioner Robb: This is a 3 year review and talking about the taken females, do you have a concern?

Carl Lackey: No absolutely not. Somebody asked me before, "How confident are you that of the 10 females that are killed that none of those had dependent cubs?" I said, "I am 100%

confident based on the checkout process, interview of the hunters and inspection of the carcasses.”

Commissioner Robb: Do think that our indoctrination class that is mandatory and the things that we teach our hunters and tell our hunters has been a tribute to that success?

Carl Lackey: Absolutely. We grill them at the indoctrination. We go over all aspects of the hunt and explain to them why it is important that these regulations are followed.

Kathryn Bricker: The studies show that the same was done for these hunters and the studies showed that in spite of all that people are quite expert. Are you saying of the females who were killed in the hunt that you know for a fact that they did not have dependent cubs.

Carl Lackey: I am saying that I was very confident that they didn't have dependent cubs.

Discussion took place between Kathryn Bricker, Carl Lackey and Commissioner Drew.

Commissioner Drew: The heart of the issue is that there is a risk of harvesting a sow with a cub. The solution that you have proposed is to say no harvesting of a sow I agree with Ms. Chandler in the sense that most instances you can't tell. Even if we made that regulation we still have that risk. When I look at the regulation that is in place, we have a 24 hour call in reporting requirement, we have a 72 hour check in requirement, we have the definition of a cub and the accompanying language, we have sow quota if we want to use it. So far we have ultra conservative quotas to help minimize this risk in addition to other risks. We have the ability to close the season if we meet a female quota and we have the indoctrination. We have a lot of different tools to be able to do adaptive management if we see a problem, which we haven't seen to this point from everything our folks in the field have looked at. We have a lot of different ways to minimize that risk and it can't be taken as one piece of this. I don't think that saying no sow quota is going to completely reduce that risk either. When you take it all together there are a lot of tools that went into minimizing that risk.

Kathryn Bricker: You mentioned closing the season because of sow quotas, where did you get that?

Commissioner Robb: We had a sow quota on the first season.

Commissioner Drew: If we meet a quota the season closes. If this Commission had some sort of emergency issue in the middle of the season we have the authority to be able to close that season as well.

Kathryn Bricker: Things are so problematic, should you do something that science shows otherwise and apparently you feel comfortable doing.

Commissioner Drew: The science shows that there is a risk and the regulation shows that we have taken a lot of different steps in an attempt to minimize that risk.

Commissioner Robb: I think hunter observations in Nevada differ from hunter observations in other states. Sight ability and track ability in Nevada is 100% greater than it is in a lot of states. I have had the opportunity to spend a lot of time in Washington and you couldn't find a track, you couldn't see a cub 10 feet away from a mother. Nevada's terrain, forage and trees make it

different for sight ability and track ability, which is part of what Carl is relying on for his hunter observation. Again, I state that I think we have a lot of checks and balances in the process and I am comfortable where we are at. If Carl said that we harvested lactating sows or that we were seeing an abundance of sows being killed or harvested I would have concern. If better than 50% of our harvest was sows I would ask if our quotas need to be looked at. All indications that we are getting right now, what we have on paper with this regulation is working and that is why we have the process we do of yearly reviews.

Kathryn Bricker: Stated that the science shows you won't know and goes with the science. Stands by her motion.

Chairman McNinch: Pulled his second for the motion. I think it is still worthy of discussion and that is why I am pulling my second. I think part of what is happening here is that you have got a lot of information that has been on the record but I don't know that that has necessarily been brought to the table. I think in fairness to Kathryn and what she has brought up that we owe it to have that stuff where we can take a quick look at it. If we end up in the same spots of where we are at right now that is fine.

**MOTION: Commissioner Drew moved to leave NAC 502.373 as is.**

**SECOND: Commissioner Robb seconds.**

**Chairman McNinch not in support of the motion. Doesn't think there is necessarily agreement on where we are at in every respect.**

**VOTE: 2 (Commissioners Drew and Robb) to 2 (Chairman McNinch and Kathryn Bricker). - Motion doesn't move forward as a finding or recommendation to the Commission at this time.**

**10. \*Nevada Administrative Code (NAC) 503.0047 "Edible portions" interpreted - Chairman McNinch - For Possible Action**

The Committee will discuss the provisions of NAC 503.0047 and may take action to provide direction to staff or establish findings or recommendations to present to the Nevada Board of Wildlife Commissioners.

Commissioner Drew: Several people have asked why it isn't a requirement to take the meat from a black bear, including sportsmen. My understanding in talking with Chief Warden Buonamici is that we may not be able to change the NAC because if we did it may conflict with the NRS. Maybe we should have a discussion on that so we understand at least where things sit in that regards. This would be helpful.

Rob Buonamici: Commissioner Drew is absolutely correct. NAC 503.0047 the "edible portion", its authority comes from NRS 503.050 and section 2 in that NRS was read stating, it is unlawful for any person to capture or destroy any game mammal except a carnivore and detach or remove from that carcass the head, hide, antlers, horns or tusk only and leave the carcass to waste. A bear is considered a carnivore; people also argue it is an omnivore. That is where the conflict comes in. We would have to change the NRS.

Commissioner Robb: This is one thing I don't like. I wish they were required to remove the meat, but it is out of our hands. No matter what my own preference is we recognize it is out of our hands and I don't think it looks good. I believe that the vast majority of hunters do retrieve the meat. It is nothing we can change.

Commissioner Drew: I would ask the Department that they stress to the sportsmen during the indoctrination that they do in fact take the meat. At this point, I don't know if there is a whole lot more we can do in regards to the NAC, just based on what Rob is telling us. It is unfortunate but I think those are some of the limitations we deal with as a Commission sometimes.

Kathryn Bricker: It didn't bother her. She figured if the meat was left there and the critters were getting it.

Chairman McNinch: Asked Carl, "Do you have records of the people that take the meat out?"

Carl Lackey: During the interview we ask them whether or not they saved the meat. I believe 4 or 5 out of the 3 years have not saved the meat. Virtually all of them do it, one did not because it was a tagged bear and he couldn't get a hold of anybody and wasn't sure if it had been tranquilized recently or not. Most of the hunters remove the meat.

Public Comment:  
None.

Chairman McNinch: Maybe it is not the right timing today but if we felt strongly enough about it, it seems like something we could recommend to the Commission to pursue as a legislative issue during the next Legislature to clear it up if we felt strongly about it.

Commissioner Robb: If we are going to spend time trying to do something for wildlife legislatively this would be so far down on the list when it comes to true betterment of wildlife in the state. I just don't see this as something I would even contact a senator about to try to carry it forward because we do have some huge issues that if we are going to spend political capital let's spend it where we can get some true betterment for wildlife. This is more of an ethical thing and not a betterment of wildlife.

#### 11. **\*Nevada Administrative Code (NAC) 503.147 Hunting with a dog - Chairman McNinch - For Possible Action**

The Committee will discuss the provisions of NAC 503.147 and may take action to provide direction to staff or establish findings or recommendations to present to the Nevada Board of Wildlife Commissioners.

Rob Buonamici: Gave an overview of NAC 503.147.

Cathy Smith: Made a comment about hounding. Showed a Humane Society video.

Commissioner Drew: Showing this video is unsettling. Putting words in our houndsman's mouths based on accounts from the internet, I don't know how much stock I would put in that. My guess is a lot of houndsman that I do know would be as upset about that video as I am.

Kathryn Bricker: I am going to prove otherwise to you.

Commissioner Robb: I have grown up around a lot of guys that have hounded for a long time. They would have been appalled at that video because they spent an awful lot of time and money training their hounds. That looked like a train wreck to me that they would not want any part of. They would not expect that of their animals and they do not treat their animals like that. You may have something different than that in what you have there but I would say the majority of the people that I know that hound wouldn't like that video for multiple reasons.

Kathryn Bricker: Wanted to back up a few comments that Cathy made. What is more important to me, for the number of states that have through public initiative and legislature and not by the willingness of the wildlife commissions themselves, at least half of the states who now have bear hunting have outlawed the use of dogs for bear hunting. I think in the majority at least it has been because of public perception and objection to the practice. It is obviously not necessary for hunting bears. You can have successful bear hunts without hounding. Was interested by an article; David Petersen, considered one of the oldest and best known bear hunters in Colorado, it is from 2013. "David Petersen doesn't want more hunters, he wants better hunters. As it turns out he is getting both. That is the prevailing trend anyway when it comes to hunting bears in Colorado. Since the 1992 abolition of spring bear hunts along with the banning of hunting bears with dogs and bait, the number of bear hunters has increased as has the percentage success rate among bear hunters, the number of bears killed, the size of the bears killed and the income generated for Colorado parks and wildlife through bear tag sales. In recent years, hunter success has essentially doubled the pre 1992 numbers. With odds improving in a more attractive quarry the hunt has become more inviting, the pursuit more honorable and while hunters themselves should take that to heart, the perception of honorable pursuit among the non-hunting public arguably matters even more. There has to be a realization that hunting is a privilege and not a right and that culture has to go along with it or it is not going to last," Petersen said. Offer that as some of the positive results of eliminating the objectionable practices associated with bear hunting from the public's perspective. The other item that got my attention, when we discussed the length of the season last meeting Carl Lackey said, "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. The point I am trying to make is, if that was the logic in setting the season as we did then it would seem to me that extending that logic we would now for the same reasons consider not having hounding in Nevada. When Commissioner Robb declined the petition that we submitted regarding hounding the Associated Press quoted you as saying, "at this point we don't have anything to support there is wrong doing in Nevada." I can give you multiple examples, it is not internet gossip, and it is written statements by houndsmen themselves with their names. I consider that their written statement as to a report of the hunt. Consider it as valid as the interviews that they give Carl after the hunt. There is a suggestion of wrongdoing just by the fact that NDOW's own game wardens at the Washoe and Clark County CAB meetings raised discussion regarding outlawing night hunting of cougars in the units where there were bears because they were concerned that there was illegal night hunting of bears going on. I think there was an indication of concern. Gave examples of hounding posts from houndsmen.

Commissioner Robb: Asked to look at the picture Kathryn brought in. I am familiar with pictures like that. It is not the first time I have seen a picture like that. I don't believe there is a fight here at all. I am 99.9% sure that that bear is dead when the dogs are around it. Any dog owner I know wouldn't be taking pictures and would begin trying to pull his dogs off. I have seen lion pictures with a lion sitting there with 5 dogs around it. Regarding one of the posts you brought up, on a hot day dogs will give up and owners will pick them up and they might have thrown fresh dogs out. If it was a 6 hour chase it doesn't mean the bear ran for 6 hours. I know of lion chases that take 12 hours but the cat might have had a 10 hour head start on them. Just because they turned out on a scent doesn't mean that they were in pursuit of that bear for six hours.

Kathryn Bricker: Read from another post that mentioned that they would continue running bears. Asked if it was legal to run bears?

Commissioner Drew: Rob will you address that because it seems to me when this particular NAC got adopted it was silent on running outside of a season and when this got put in, by putting black bear in there where you said you couldn't be in an open season without the authority of a hunting license and a tag it eliminated the ability for people to do that. Was there a change that was made there? It seems like when we have had this discussion in the past something changed in terms of what you could and couldn't do outside of the season.

Rob Buonamici: To be hunt bear or chase bear with dogs it has to be during the open season and in an open unit. Prior to that it was illegal because of the NRS the way it is worded it was unlawful to hunt a big game mammal except mountain lion with the use of dogs. So, it was still illegal based on the definition of hunt. Pursuit falls into the definition of hunt.

Commissioner Robb: So, pursuit even without the intent to kill is still pursuit.

Commissioner Drew: So, it was illegal before the NAC got adopted that we have before us and it is still illegal today to pursue a bear outside the season or in the season without a tag and license.

Rob Buonamici: Correct.

Commissioner Robb: Have you encountered any instances where guys are running bears prior to us having a bear season in the Pine Nuts?

Rob Buonamici: I think there was a case years ago down in the Sweetwaters where we had individuals out of California running bears. We told they weren't able to do that in Nevada and that was before we had bear seasons. I think that occurred about 10 years ago or so.

Public Comment:

Loyd Peak: Read a quote regarding fair chase. This definition of fair chase and sportsmanship is not inconsistent with such definitions from other hunting organizations defining sportsmanlike pursuit. Sportsmanship is about fair competition if one seriously and unfairly disadvantages one's opponent it is no longer a sport but simply a one sided game. Urge this Committee to take a look at neighbors to the west and north among other states whose decisions were consistent with these principles and deciding to disallow the use of hounds and related GPS devices in hunting bears. Just because those states have a higher population of bears than Nevada doesn't mean that Nevada should not recognize and apply those same principles. To do otherwise does a serious disservice to the sport of hunting in Nevada. See what the citizens of the state of Nevada have to say by soliciting a fully verifiable public opinion survey on this question.

Caroline Stark: We should join California and Oregon and stop using hounds. There are so many things set up with this hunt that mirror California, so California listened to the majority of the people in the state and stopped hounding and I think we should too.

Rex Flowers: I don't think the portrayal in the video was a atypical portrayal. I am not going to say it doesn't happen. In every group there are bad apples. Yes, California eliminated hunting with hounds; they took a tremendous decline in their hunter success. Everybody knows that in

Nevada hunter success is one of the main points for determining what your quotas are going to be. If this hunt was to continue and you really cut your success rate down you are going to put more hunter opportunity out there in the field. I also think that when you are going over this NAC you need to be mindful that it was based on something that came out of NRS 503.150. It was specific that mountain lions could be hunted with dogs and as mountain lions are classified as carnivores as bears are, if you tried to change this NAC you could be open to a legal challenge based on both animals being classified as carnivores.

Elaine Carrick: The fact is there are situations all the time where dog abuse goes on. Set up 10 questions regarding fair chase.

Caroline Weed: Does not agree with hunting. What we saw on the video is animal abuse for bears and dogs.

Jacque Chandler: Was at the California Legislature when the vote was going down to remove hounds from the hunt. The thing that was first intimidating and then most revealing were the busloads of hound hunters that were bused in for the vote. At first it was intimidating because it felt very outnumbered with the rest of the public that showed up until I started listening to the testimony and I realized that is really only one voice for those hundreds of people and it was all for their own personal benefit of the money they made by renting out or providing hound hunting. Whereas the other people each represented a distinct contingency in the state. There was no benefit for their personal gain for the bear hunt. I think it is an important consideration for the Committee to take as a recommendation to the Commission that there is a lot of diversity in our ecosystem as well.

Cathy Smith: We need on the record on how hounding benefits the bear. There is no benefit to the bear. You can have this hunt without hounds. Other states have done it. They increased the tag allocation, bring in more money and they bring more honor to their sportsmen.

Ann Bryant: Described a hound hunt that she went on with a reputable hound hunter.

Commissioner Robb: Question to Rob Buonamici regarding the legality of what was seen on the video. If your wardens came across something like that is it perfectly legal in Nevada or would you consider that animal abuse? What would your wardens reaction would be if they saw that occurring.

Rob Buonamici: I think the warden's reaction in general would be the same reaction you folks have. From a legality standpoint I think it would be problematic to pursue charges of animal cruelty because there is an exemption when it comes to hunting for that.

Commissioner Drew: In some states I think there are some more stringent regulations in terms of hounding in regards to some of the practices and things that are allowed and disallowed. I don't know that this NAC would be the place to do that. Is that something you could address via the CR? Is appropriate through a CR or an NAC?

Rob Buonamici: I think the most appropriate spot would be through an NAC as opposed to a CR. Because that is something that you would want to apply across the board to all bear hunting in all units.

Commissioner Drew: You couldn't do it in a CR even if you said here are the conditions?

Rob Buonamici: You probably could, I would have to research it. My initial reaction is I think you could but I am sure it would be cleaner in an NAC.

Chairman McNinch: Most of the conversation has been focused on the hound side but I want to ask about the bears and as they are going through hyperphagia and trying to gain weight. What does chasing a bear, hounding of a bear, do to that individual bear with regards to their preparation for winter or having babies.

Carl Lackey: I am not an expert on it, I have never studied it. I have read a little bit of the literature that is out there. There is very little available. What literature is available basically concludes that it is not detrimental to the bears. Even if there is an energy expenditure, that doesn't necessarily equate to a detriment to the bear's health or physiology.

Kathryn Bricker: Discussed a news article from RGJ of the bear crossing the ski race. Read a quote as saying the problem was the bears weren't hibernating because they didn't have enough calories to do it. Was he incorrect in saying that?

Chris Healy: I am not sure where you are getting the quote from. But, what I consistently told people from throughout the London Daily Mail down to the Reno Gazette Journal was what Carl has told me over the years and what we have said is that when calories are available that bears will wake up periodically up in the Tahoe Basin, consume some calories and go back. I can't account for what was printed and what you are looking for but I can tell you what I told them.

Commissioner Robb: You said when calories are available and not because calories were lacking and that is consistent with bears not hibernating in the Basin because they can eat garbage year round. That is why bears hibernate because they run out of food.

Chris Healy: We are very fortunate to have some great reporters in Nevada. But, I will say that there are times when what you say is not always understood by a reporter who is covering multiple stories, maybe on the same day, and are not experts.

Kathryn Bricker: Everything about a bear's physiology slows down in order that it can hibernate and make it through the season and if a female reproduce and yet we are going to say stress burning of calories doesn't hurt them. Discussed another study from Colorado on forage types and body fat levels of bear.

Chairman McNinch: The hounding issue is definitely one that I struggle with the most. The opportunity is limited. So, if we are talking hunter opportunity I am going to throw that out. It is not something that has been done except for the last 3 years so I don't know what we gain in that respect. There are other opportunities to hunt other game. I do have concerns with the phase of their life cycle that they are in their annual cycle that they go through. Maybe it is a function of not understanding it completely. The argument could be made that not every bear is getting chased every day. It is probably safe to say that very few bears get chased frequently. If there were a bear hunt, I am not convinced that it needs to continue with the added opportunity for hounding. Curious why California did do away with the hounding, was it a values issues, was there biological issues associated with it. I definitely think based on the Utah report that was available, it is pretty clear to me just by that that our neighbor to the west that we base some of our aspects of our hunt on, it is definitely a lightning rod. I don't see where hounding adds a lot of value to the hunt. You can make the argument that it is going

to allow sportsmen to identify male vs females. The only reason that is an issue isn't because of the way our hunt is set up because there is no concern for males or females at this point and time. I see that as an important aspect of the hunt from a hounding standpoint.

Kathryn Bricker: I think there is a point where an unwillingness to recognize any public push back, particularly one that is proven across states and here in Nevada to be a lightning rod and an unwillingness on the part of the decision makers for that to be acted upon shows that agency and regulatory capture are in fact exactly what is going on. There is no need to have hounds in this hunt. There is disapproval of it.

Chairman McNinch: Rex brought up a good point. The success rate could certainly go down, which means that more tags have to be issued to meet quotas. I get the impression that some people would be more willing to see more tags produced and the more likelihood that we get to our quotas. So, going from 10 to 14 bears harvested instead of 20 each year with hounding in the mix to where a total of 20 bears are taken with no hounding. I think that some people would make that choice. There is such a disdain for the hounding aspect of it that they would rather see 6 more bears taken on the average than to have hounding at all.

Kathryn Bricker: No opinion on that. I don't have any control of it so there would be no reason to have an opinion.

**MOTION: Kathryn Bricker moved that we recommend to the Commission to disallow dogs in bear hunting.**

**SECOND: Chairman McNinch seconds.**

Discussion took place between Committee members.

Commissioner Drew: Concern with the way the NAC is written and provides little flexibility in how we conduct the hunt.

Commissioner Robb: Made the suggestion of if the hunt continues what if a hounding season was September and October and November and December was spot and stalk only. That is halfway for both sides.

Kathryn Bricker noted that it is something that could be discussed. We would have to hear from a lot of people on that. Without there being a rewriting of the NAC for greater flexibility that is currently not an option. Stands by her motion.

**VOTE: Yay=2 (Chairman McNinch & Kathryn Bricker) - Nay=2 (Commissioner Robb & Drew) motion fails.**

**MOTION: Commissioner Drew moved to request Rob Buonamici to draft a proposed amendment to NAC 503.147 that would allow some flexibility within the CR specific to black bear.**

**SECOND: Commissioner Robb seconds.**

Discussion:

Rob Buonamici: Clarified that they want a draft regulation presented to this Committee and not go to LCB at this point and time.

Commissioner Drew: Correct. I think even if this Committee were to approve something that we would need Commission approval to go to LCB anyway.

Public Comment:

Rex Flowers: The only problem I have with what you are asking him to do is that you are being specific to bears, but the whole situation is you are concerned with the use of dogs and how dogs are used. This is a hounding issue. Are you going to get to the root of what you feel you want to get to? Or should you just be looking at hounding as a sport? This only allows you to open or close a unit.

Commissioner Drew: I think it allows more than that and that is why I would like to see Rob draft it so we can ask him those questions. In my mind, hounding for lions and hounding for bears is worlds apart, they are two totally different species. This Committee is geared towards looking at the bears. In my mind that is why I made the motion specific.

Cathy Smith: I think we should leave it open for bears and lions. If we are talking about doing things like half seasons and half units we already know that we have lion hunters who are not honorable and do hunt bear at night. I think that would be part of the compromise if there is going to be a compromise, is that we would not hunt lions in those same hunt units or not hunt them with hounds during that time period. Still hasn't heard how hounding helps the bear.

Chairman McNinch asked Commissioner Drew if he thinks his motion gets to address that particular issue. I know that was a concern for me.

Commissioner Drew: I think we could have that discussion in the context of coming back and having that specific discussion.

Chairman McNinch: That was actually something the Department brought to us as an item of concern or issue. We have hit on it a couple times but we have never had the real discussion.

Commissioner Robb: Was it a concern or did we have people hunting at night that had bear tags and lion tags? I have heard it both ways. I heard that it was a concern of the Department but did your wardens make field contact with individuals that had bear tags and said that they were hunting lions.

Rob Buonamici: We did make field contacts under those circumstances where they did have bear tags and lion tags. I believe we had a contact at night and then we had one early in the morning where they were back at camp and said that they were bear hunting but going to stay in camp for the day, which raises some suspicions.

Commissioner Drew: My only point is even if the previous motion were passed where we disallowed the use of hounds for bears altogether; you still have the same potential issue.

Chairman McNinch: We have got an opportunity to clear that up if the hunt continues and hounding continues, does this motion allow for that discussion with the draft that you might bring back?

Rob Buonamici: The motion, from my understanding is specific to using dogs in particular areas with regards to possessing a lion tag and a bear tag in the same unit. If you want to get at that, that is going to take a different approach.

Commissioner Drew: That potentially could be a CR or a different NAC.

Rob Buonamici: I believe we could do that in CR.

Connie Howard: Questioned whether there were enough law enforcement officers if you are encountering this many people. Opposed to hounding.

Rob Buonamici: To clarify, if we did observe actual violations we would have issued citations or dealt with it. What we observed is our professional opinion was of what is happening based on years and years of experience. With regards to the emphasis that we place on the bear hunt, we placed quite a bit of emphasis the first year and the following two years we have placed very little emphasis on the bear hunt. We only have so many people and can spread them so thin and address all of the big game hunts.

Commissioner Robb: With Operation Game Thief and everything you have put together, a good portion of your cases that are turned in are due to hunters ratting on hunters.

Rob Buonamici: The majority of our big game cases come from Operation Game Thief.

Commissioner Robb: I think she is trying to make the point that you don't have adequate officers in the field. But, you have an awful lot of eyes in the field. I know that when I go into the canyon at 4:00 a.m. to start walking into a place before the sun comes up it is awful easy to spot activity in the area, hundreds of times more easy because everyone is using a light. When people are using lights at night it is pretty easy to know if somebody is hunting at night because it is much more visible in the terrain that we have. For you guys it is easier to spot people doing activity at night than it is during the day?

Rob Buonamici: That is correct with the use of spot lights and so forth. Usually with lion hunting and bear hunting they are out on foot with their dogs at night. They are using flashlights and are in the trees. It isn't as easy as one would think.

Chairman McNinch: That is something we can consider as a future agenda item to address if we need to.

**VOTE: Yay=3, Abstention=1 (Kathryn Bricker)**

**12. \*Nevada Administrative Code (NAC) 502.400 Attachment of tag or permit to animal - Chairman McNinch - For Possible Action**

The Committee will discuss the provisions of NAC 502.400 and may take action to provide direction to staff or establish findings or recommendations to present to the Nevada Board of Wildlife Commissioners.

Commissioner Drew: I think this was something that may have been overseen when the hunt was originally set up and there was some grey area and some questions asked, specific to bear, what the appropriate process was for attaching the tag. It seems like there is some language that we could probably be clearer in this NAC with.

Rob Buonamici: In NRS 502.160 it provides the Commission the authority to adopt regulations relative to the manner of qualifying and applying for, using, completing, attaching, filling out, punching, inspecting, validating or reporting such tags. With that being said, we can change

the regulation. It is, however, for clarification the back of the bear tag it does state that the tag must be firmly attached to the carcass of the animal by the hunter at or before the time he first reaches his means of transportation. In the case of mountain lion or bear the tag shall be firmly attached to the hide of the animal and the tag shall remain with the raw hide while transported from the field. We put that on the regulation and I will be the first to admit it is not the cleanest way of doing it. It should probably have been addressed in NAC 502.400 in an amendment there. I think we could also address that in a CR format as well because that CR is in essence a Commission Regulation.

Commissioner Drew: Would it be best to clean up the regulation? Basically the way you describe it is on #2 you would say if the animal killed is a mountain lion, black bear or furbearing species just for clarity sake? So, your recommendation would be to amend this NAC.

Rob Buonamici: Correct.

Public Comment: None

**MOTION: Commissioner Drew moved to direct staff to draft a potential amendment to NAC 502.400 to add black bear under item #2 for a further Committee meeting.**

**SECOND: Chairman McNinch seconds.**

**VOTE: Yay=2, Abstention=1 (Kathryn Bricker abstained, Commissioner Robb not present for the vote).**

**13. \*Nevada Administrative Code (NAC) 503.142 Hunting big game mammal with firearm -  
Chairman McNinch - For Possible Action**

The Committee will discuss the provisions of NAC 503.142 and may take action to provide direction to staff or establish findings or recommendations to present to the Nevada Board of Wildlife Commissioners.

Commissioner Drew: This is similar to the previous one where in a lot of instances a shotgun is probably one of the most effective tools for taking a black bear in Nevada. What we would be looking at specifically would be item #6.

Kathryn Bricker: There was discussion last meeting about one unit that there were bears in but there was not hunting in and it was because of a weapons legality issue. Was it a shotgun? With a shotgun approved would that unit open most likely?

Commissioner Drew: It is a portion of a unit it is not an entire unit.

Rob Buonamici: We do have areas in the Smith Valley / Mason Valley area, particularly our management area where any big game hunting is restricted to shotgun. There is no option here for hunting bears with a shotgun based as the NAC is written now. If we add hunt deer, black bear and mountain lions, similar to what has been proposed for the hunting with dogs that would work.

Kathryn Bricker: Was that an oversight when you were putting in the bear hunt or was it for other reasons and if so what were those?

Rob Buonamici: I don't believe it was an oversight at the time. At the time there was no discussion about using shotguns to hunt bears. It was never an issue when it was initially brought up as I recall.

Chairman McNinch: What brought it up, I believe, is that we have a hunt unit to where the area is restricted to shotgun use and so that is what prompted it.

Kathryn Bricker: When you say restricted to shotgun use, you mean that you can only use shotguns there or you can't?

Chairman McNinch: You can only use shotguns in a portion of the unit.

Kathryn Bricker: Why does that law exist?

Commissioner Drew: I believe it has to do with agricultural areas and the other advantage of a shotgun is the projectile doesn't travel as far as it does with a rifle. So, from that standpoint in a lot of cases it will make more sense.

Public Comment:

Rex Flowers: Before you take any action on this, under paragraph 1 of this NAC, this is at the Commission level right now. We are discussing smokeless powder or substitute smokeless powder. This might be something you can refer back to the Commission to add what you are looking for at the same time while they are doing the other part of the NAC with the smokeless powder substitutes. That way it would only be one action item going through the Commission instead of taking one NAC and having to do multiple tours on it.

**MOTION: Commissioner Drew moved to direct the Department to amend NAC 503.142 sub 6 to include black bear to allow the use of a shotgun with a slug and bring back to the Committee for further consideration.**

**SECOND: Chairman McNinch seconds.**

**VOTE: Yay=2, Abstentions=2 (Commissioner Robb and Kathryn Bricker)**

#### **14. 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 and may take action to provide direction to staff or establish findings or recommendations to present to the Nevada Board of Wildlife Commissioners.

Commissioner Drew: At some point it is going to make sense. I don't know that we are at that point yet. I am not in any position to make a motion one way or the other.

Kathryn Bricker: What I am interested in as part of perhaps getting to where this agenda item would take us, is that we look at a process by which policy is developed. In other words, rather than developing the policy let's first discuss the process by which we develop the policy. I would like to see that there be more public access to the decisions leading to the development of this policy and that there is the ability to incorporate public values in the process, more so than is currently seen. What brought this up were some interesting things that Commissioner Robb and Drew said today that got me thinking. The process has been emphasized to me by Kathryn Mazaika. I really think that we need to talk about a process that can get us unstuck. I think we are going to stay stuck if we think we are going to continue with this process and then develop a policy that does what I feel it should, give the public access to decisions as well. More public access than is currently the case and the ability to incorporate public values or get better public input. If Kathryn Mazaika could come and present the same PowerPoint presentation to us that she did at a human dimensions research convention at Colorado State

that it would be better for her to explain it to you. There are 4 main themes to her research and 2 of them really have to do with process. One of them is how to resolve conflict within a community by the different stakeholders and their attitudes towards bears and how they should be managed. The second is how to do that same thing between the agencies such as NDOW, the Commission and the public. She says it is quite easy to do, you just need professionals. They really are a neutral third party people who come in; they have very clear processes that derive great results and where people get over these humps that they feel they are in being in a stalemate. I would like to see this agenda item incorporate that, that we start talking about the process and maybe get some outside help to advise us on what that might look like. I am hoping that can get us over the hump, such as Commissioner Robb you said that arguing about 39 bears instead of working together for a common goal, our common goal of a healthy wildlife population and then you had an extensive conversation with Jacquie Chandler and I really think that is why we need this process. I think we need to understand that maybe we don't share those goals and where do we really have goals in common and where we don't and what are some processes where maybe we can get to an endpoint that is better than where we are now and that acknowledges those. It showed to me that you really don't understand certain feelings that I have about it. The idea about arguing about 39 bears is such a little issue, that little issue is emblematic of the larger issue. I think we should look at the process and get some outside professional help. I would like us to go that direction and I think that we can hopefully make progress and feel like we are not just a battle of core values.

Commissioner Drew: I think when we had that discussion last meeting about the potential of developing a policy, I viewed it almost as a catch all to address issues that maybe we can't address through Commission Regulations or NACs. I think we are a little premature to talk about ultimately what goes into that but I think keeping it on the front burner and discussing it when the time is right and we will continue have these discussions makes sense to me.

Kathryn Bricker: Do you object to the idea of us moving forward to try to look at a process and having a person such as Kathryn Mazaika give us some sort of presentation. Maybe not apply it to the hunt at this point but urban bear because that is where her expertise is. There is definitely as much conflict there.

Commissioner Drew: I think the policy could be specific to the hunt, urban bear or specific to both. I don't know that we are to that point yet. At this point I am not going to absolutely include what should be in there or exclude it. I am just saying it is a tool that is out there at this point.

Commissioner Robb: I have stated before that I believe management of urban bear problems is a Department issue. Tony has a boss and that is the Governor of the State of Nevada and how we deal with some of the urban issues I think is better left up to wildlife professionals rather than a policy making body like ourselves. There are some things that I think are overstepping the bounds of the Commission and I believe that sometimes public safety of that nature is overstepping our bounds as a Commission. I would rather leave that to the wildlife professionals. I know Kathryn spoke of it too that public sentiment is that those decisions should be made by wildlife professionals.

Kathryn Bricker: The guys that go up there and service when they are in the field, would you like them to get the cooperation? Would you like them to get the acknowledgement and support they deserve for their efforts? You are seeing a very narrow component of what I am seeing on the urban bear issue. To successfully deal with the urban bear issue it is going to take

everybody and those guys are in a bad position of having to go up there and doing the mop up on what is a disaster.

Commissioner Robb: I just don't know if a policy through a body like the Commission is the right way. I think there are other outreaches we can do. There are other avenues we can take to get to the same means.

Commissioner Drew: The thing to realize too is that the policy would be broad. It wouldn't be a prescriptive.

Chairman McNinch: The discussion has to occur. The Department certainly is the front page up there and they have come to us and asked for help with the trash issue. Carl has been coming to us for years asking for help with the trash. We are not disconnected from it. We talk about the management plan, what role does the Commission play in the management plan. Those are heavy duty conversations that we need to have. I think there is a place for it regardless of what decisions are ultimately made, it is a good place to have the discussion.

Kathryn Bricker: We can look to other state departments across the country and it is normal process in many if they have the funding to do many of the things that incorporate public input.

Public Comment:  
None

Chairman McNinch: No action necessary.

#### **15. Report of Three Year comprehensive Review of Nevada Black Bear Hunt - Chairman McNinch - For Possible Action**

The Committee will discuss the development of a report detailing the three year comprehensive review of Nevada's black bear hunt. The Committee may take action to provide direction to staff or establish findings or recommendations to present to the Nevada Board of Wildlife Commissioners.

Chairman McNinch: Wanted to have a discussion on what we see constitutes a comprehensive 3 year review. What finalizes a comprehensive review and how is a report put together? What is the vision on developing a report to the Commission and/or to the Legislature? What is our interpretation or feel for that as a Committee?

Kathryn Bricker: What are the requirements of SB 82?

Chairman McNinch: It says that they urge us to do the review.

Commissioner Drew: There is language on the report but I think it is open ended.

Chairman McNinch: The whole conversation is set up with the comment that they are urging the Commission to do a review.

Commissioner Drew: It basically says submit a review or a report. It doesn't provide a lot of direction on what the report should entail.

Chairman McNinch: Read the resolution of SB 82. Noted to continue to have as an agenda item.

Public Comment: None

## 16. 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.

Chairman McNinch: Tentatively set April 11, 2014 as a possible date for another meeting. We have had requests from the public to have meetings in Las Vegas. I don't see that as a viable option for a number of reasons.

Kathryn Bricker: At what point would we have video conferencing.

Chairman McNinch: There have been some process snags.

Mike Dobel: Noted that April 11, 2014 is the worst time for the Department. We are finishing up spring mule deer flights. We are writing reports, doing population estimates, generating tag quotas and we have lek surveys on top of that. Earlier or later would be a lot better. There is a round of County Advisory Board meetings starting sometime during that timeframe too. Potentially with some of the retirements we have coming up it is going to be difficult. Late March or early May would be better.

Chairman McNinch: Maybe we need to talk about potential agenda items to see what staff could be impacted by the agenda and it might be a function of living without staff if they have other things going.

Agenda items:

Presentation on human dimensions or interaction with human dimension

Kathryn Bricker: We have to clarify that. It seems like what we are asking is that we want a public survey on issues with the bear hunt. So that would involve having perhaps a phone conference on that issue with the 2 researchers at UNLV. Maybe that is what we need to do first. The other things that I am discussing maybe after that.

Commissioner Drew: I think the discussion was to have the folks who offered the pro bono work from UNLV.

Commissioner Robb: I am looking at the sale ability of doing this human dimensions work. If No Bear Hunt Nevada purchases a plane ticket for the individuals who are going to do the survey it will be seen as bias out of the get go. The other part of the discussion is with the amount of Committee meetings and the expense of the Committee meetings that we have had to date, I have a note from Patrick Cates that we are running short of money. We have stretched our Commission budget to the point that we need to figure something out. I know where you want to get to. I want to make sure it doesn't have the perception of being tarnished in any way.

Kathryn Bricker: Can we speak on the phone with them? Will provide contact information to Chairman McNinch for contact.

Chairman McNinch: The Committee is interested on moving forward with further discussion on human dimensions work and that would incorporate a discussion with the UNLV folks. We could ask them some specific questions.

Commissioner Drew: Three NACs coming back: NAC 503.147, NAC 502.400 and NAC 503.142.

Chairman McNinch: No action taken on NAC 502.373 was another one - cubs with sow discussion. At some point we are going to have to generate a finding or a recommendation if that is important to the Committee that we could take to the full Commission or at least notify them or identify to them that it is an item that we did not resolve. Discussed the option of having a facilitator.

Public Comment: None

Kathryn Bricker: It sounds like the issues regarding hounding and cubs we are basically at a stalemate so that is not changing? We should expect that there is going to be no recommendation to look at changes there.

Chairman McNinch: As the chairman of the committee I am not comfortable leaving them unresolved in some fashion. There is going to be something, even if we have to take a position and we are not going to come to an agreement and pass it off to the next level. Whatever we have to do, I want something to come out of this committee that recognizes the conversation that we had, whether it was productive or not. Of course, that will force the Commission to look at it, which I don't know where that is going to go.

Kathryn Bricker: Have we made any progress in an area that you can think of between the differences of opinion, between the public and the sportsmen community.

Chairman McNinch: There are a couple items but they are not specific to the hunt. At one time the urban interface bear issue was really tangled up in the hunt at one point. We have had some success at differentiating those issues from the hunting issues. I do believe we have had some success in that arena because we haven't allowed it to tangle up here. I look at that as something that has been a success regardless of the results to this date I think we are going to make some progress. I think taking the hunt out of the Basin was certainly in recognition of some concerns that were brought to the table with regards to recreation. There isn't a lot but I do see those as a couple of items.

Kathryn Bricker: I cannot think of any changes since 2010 that made me happy with that exception. It sounds like how this report is coming out is that other than clean up and details and things that are important from a sportsman's point of view having to do with the hunt itself or in the perspective of the other side of the aisle who oppose the hunt altogether with the exception of having been given a year to year thing. Have we made any progress besides that?

Chairman McNinch: I can tell you we went to the Legislature. I think the fact that the Legislature spoke and basically said that nobody is going to win down here this go around, I think that was progress.

Kathryn Bricker: Would like the question put on the agenda, "How does hunting benefit bears."

Discussion took place between Committee members.

## 17. 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.

Commissioner Robb: Committee Comment: There has been some mention multiple times today about a tie vote on the Committee. I have struggled with the tie votes. Mr. Cook is not going to be able to participate. I was asked multiple times if I was going to appoint somebody else. This process has gone so long. I struggle with tie votes but I struggle even more trying to pull somebody else in and getting them up to speed. The record will accurately reflect any time we have any impasse and that will go in front of the Commission. We may have to take some action of the Commission to resolve an impasse. Then I am sure that the record that we send to the Legislature will reflect the views of both sides of the Committee. I envision the final report will reflect those stalemates.

Kathryn Bricker: I think we have the most balanced in terms of stakeholder representation. We probably have the most balanced Committee or Commission on wildlife in the State. We are better off than the others in my opinion in terms of balance of representation.

Commissioner Robb: The 2-2 votes will more accurately reflect the discussion than having an off vote because I think it will show that there is impasse and there are two viewpoints that are very strong in the room. I think a 2-2 vote reflects more accurately than a majority vote on a lot of things we have discussed today.

Fred Voltz: Two meetings ago of the Commission a suggestion was made that contact would be appropriate with Tahoe Regional Planning Authority. It was offered that that would occur has there been any movement on the urban interface?

Chairman McNinch: No there hasn't. It has been a time issue. I felt until Madonna made her comments today, I felt like what was occurring with IVGID was tenuous at best. I didn't want to rock that too much. I wanted to let it play out to see if we could establish a playing field up in Incline with regards to the trash issues. They are waiting for the final vote on March 12.

Cathy Smith: I still think it gets lost in the shuffle of compromise. I really don't think in some circumstances that compromise is necessary when we are dealing with wildlife. I think we should do what is best for the wildlife. I think if we use that as a test a lot of these things will come clear. As we have seen there obviously is no benefit to hounding bears. It is bad for them in theory by multiple wildlife agencies. It has been stated and there haven't been any studies to say that it is not except for the two that were done in the 80s that involved less than 20 bears. If we look at that those things then we can guide us to do what is best for the wildlife. To pretend that we are doing what is best for the bear, which is a carnivore, which I know is treated differently then we will know that we should not be hounding these animals. The other thing that I think was interesting, at least right now without mediation; it does look like this was a perfect example of agency capture. We have people who have their core values, even though they are supposed to represent the public from a sportsman's perspective but they cannot move off those core values. That is the whole point about agency capture, when you have a system set up for a majority of votes that is agency capture, when the regulating body is the regulated. We have unlimited data from multiple states including Nevada saying that the public doesn't want hounding and yet we choose to continue with hounding.

Elaine Carrick: We have had some good discussions here. It looks like we are working together and I think on this level here we are but I have to look at the big picture and look at the next level up. It is pretty clear that the next level up the deck is stacked. When you have the Commission with 9 members and you are going to get 7 of them voting pretty much like the two commissioners here did. We are not going to have a split vote. It is pretty obvious because we have the situation here but it doesn't make me feel good for the long term and where we are going with this hunt. No matter what we say here and how many split votes we have here and what your recommendation is to the next level, we know what that next level vote is going to be. It is not going to be in the favor of the bears or the public. It is going to be in favor of the hunters.

Commissioner Robb: You say there are preconceived notions and I believe we have surprised you a couple times in the past, when we took the hunt out of the Basin at tremendous heat to Jeremy and me. I don't think there is a preconceived notion in anything. Do I have core values but do I look at a big picture, yes. Do I look at the future of the sport that I love and is that of utmost importance to me, yes. My decisions are not predetermined; they are based on where I think the future is going to be. I am looking for ways to insure my kids and my grandkids future in what I love. I don't think there are any preconceived notions. I think our record on trapping and bears will more than show that there aren't any preconceived notions.

Discussion between Elaine Carrick and Commissioner Robb took place.

**MOTION: Commissioner Robb moved to adjourn.**

**SECOND: Chairman McNinch seconds.**

**VOTE: 4-0 - meeting adjourned at 6:35 p.m.**