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## MEMORANDUM

**To:** Craig Burkett, Senior Deputy Attorney General

**From:** Caitlin Pagni, Legal Researcher

**Date:** April 28, 2023

**Subject:** Edible Portions of Black Bears and Mountain Lions; Black Bear and Mountain Lion Wildlife Classification in Nevada and the Western U.S.

### **Introduction.**

This memo discusses the classification of black bears (*Ursus americanus*) and whether Nevada requires hunters harvest edible portions of a black bear. The memo will also discuss how other western states treat the issue. Additionally, we have been asked to conduct a similar summary as to the consumption of mountain lions in other western states.

Black bears are the most common bears found in North America. They are the only species of bear that live in Nevada.

### **Summary of Issues and Answers.**

(1) Does Nevada require edible portions of a bear be consumed upon harvest? No.

Nevada regulations provide an exception for black bears and mountain lions as big game mammals in NAC 503.0047.<sup>1</sup> They are exempt from the requirement they be consumed upon harvest.<sup>2</sup> Commission discussion reflects

<sup>1</sup> NEV. ADMIN. CODE § 503.0047 (2009)

<sup>2</sup> We use the word consume here to discuss these issues. However, statute requires the edible portion not “go to waste needlessly.” It is highly unlikely NDOW wardens would have any ability to follow any game mammal from field to table and require consumption. Thus, we simply use the word consumption as shorthand for the prohibition of wanton waste of the edible portions.

the exemption was based on concern that consumption of bear meat could cause posed food-borne illnesses to humans.

(2) Why is a bear identified as both big game mammal and game mammal under Nevada statute and regulation?

“Big game mammal” is a refined definition of “game mammal,” under Nevada regulation. A “big game mammal” is provided stronger protections, including prohibitions on illegal take and baiting, and stronger restrictions for transportation.

(3) If edible portions of bears and mountain lions are required to be consumed, what would be the easiest way to achieve that goal?

Replace the specific exception for carnivores with the words “gray wolf” in NRS 503.050<sup>3</sup> and strike the words black bear and mountain lion in NAC 503.0047(1)(a). The proposed changes are attached hereto as **Exhibit 1**.

(4) What do other western states require as it relates to the potential consumption of harvested bears and mountain lions?

A table depicting the statutes and regulations surrounding black bears for eleven other western states has been compiled as **Exhibit 2** to this memo. Seven of the eleven states we reviewed require edible portions to be removed from the field. Few states provide specific exceptions for bear meat. The requirements for other western states regarding the consumption of mountain lions can be found in **Exhibit 3**, attached hereto. Edible portions of mountain lions are required to be removed from the field in four of the eleven states reviewed.

### **Applicable Nevada Law for Bears.**

#### **NRS 503.050(1) Discussion.**

Nevada established hunting regulations for black bears in 2011. They are currently classified as both a “game mammal” and “big game mammal” by sections 503 and 502 of the Nevada Administrative Code, respectively.<sup>4</sup> The inclusion in both definitions creates confusion when interpreting the statute and regulations regarding harvesting edible portions. The statute declaring the waste of game to be unlawful is NRS 503.050, which provides in relevant part:

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<sup>3</sup> NEV. REV. STAT. § 503.050 (1991)

<sup>4</sup> NEV. ADMIN. CODE § 503.020 (2008) and NEV. ADMIN. CODE § 502.020 (2017)

1. It is unlawful for any person to cause through carelessness, neglect or otherwise any edible portion of any game bird, **game mammal**, game fish or game amphibian to go to waste needlessly.
2. It is unlawful for any person to capture or destroy any game mammal, **except a carnivore**, and detach or remove from the carcass the head, hide, antlers, horns or tusks only and leave the carcass to waste.  
[. . .]<sup>5</sup>

Nevada regulation defines how the term “edible portion” is applied to both big game mammals and game mammals.<sup>6</sup> In the regulation, portions of big game mammals are defined, with an exception for mountain lions and black bears. However, the question exists whether, under the very same regulation, the “edible portion” definition is intended to apply to bears, as a bear is a game mammal, and the next section of the regulation does not make the same exception for bears.<sup>7</sup> Here is the final version of the regulation found at NAC 503.0047, in relevant part:

1. As used in NRS 503.050, the Commission will interpret “edible portion” to mean, with respect to:
    - (a) A big game mammal, **except mountain lions and black bears**:
      - (1) The meat of the front quarters to the knee;
      - (2) The meat of the hind quarters to the hock; and
      - (3) The meat along the backbone between the front quarters and hind quarters;
    - (b) A game mammal:
      - (1) The meat of the front quarters to the elbow;
      - (2) The meat of the hind quarters to the hock; and
      - (3) The meat along the backbone between the front quarters and hind quarters;
- [. . .]

The regulation was added to the Nevada Administrative Code by the Board of Wildlife Commissioners through Proposed Regulation LCB File No. R041-09, effective 10-27-2009. Some clarity can be gained by examining the wording in the Agency Draft of Proposed Regulation R041-09 (**Exhibit 4**),

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<sup>5</sup> NEV. REV. STAT. § 503.050 (1991)

<sup>6</sup> NEV. ADMIN. CODE § 503.0047 (2009)

<sup>7</sup> NEV. ADMIN. CODE § 503.0047(1)(b) (2009)

which states that the amendment adds section 2 defining edible portion to read, in relevant part, as follows:

“Edible portion” means:

(a) In the case of a big game mammal, except mountain lion and black bear, the meat of the front quarters as far as the knee...

(b) In the case of **other** game mammals the meat of the front quarters as far as the elbow...

[ . . . ]

The addition of the word “other” in section (b) creates a strong inference the Board sought to differentiate the definition for portions of big game mammals from other game mammals. This language leads us to believe the Commission intended that edible portions of bear would not be required to be consumed upon harvest in Nevada, because “other” effectively isolates black bears to the exclusion in the first section as they are defined as big game mammals.

#### **NRS 503.050(2) Discussion.**

The phrase in section 2 excluding carnivores was added in 1969 and is not defined elsewhere in Nevada statute. There are no committee minutes available from the 1969 Legislative session which added the carnivore exception. In 1971, the statute was amended through A.B. 396 to add the phrase “any edible portion” and a new section regarding amphibians. Black bears are classified taxonomically in the order carnivora. Although they are generally understood to be omnivores, according to Carl Lackey, NDOW biologist, the use of the term “omnivore” focuses on behavioral characteristics. Thus, although black bears consume mostly a plant diet, their biological classification is carnivore, and are considered a carnivore under NRS 503.050.

Mountain lions are also in the order carnivora. They are a meat obligate. They are also exempted from the second section of NRS 503.050.

#### **Amending Nevada Law.**

If the Commission seeks to change the law to require edible portions of bear and mountain lion to be consumed, we offer two suggestions. The carnivore exception from NRS 503.050 must be changed to an exception for gray wolves. Gray wolves are the sole remaining game mammals, as defined in NRS 503.020, which we conclude the Commission would want to exempt from the wanton waste statute found in NRS 503.050.

Secondly, NAC 503.0047(1)(a) should be amended to strike the words “except mountain lions and black bears.” Since a bear is defined as a big game mammal within Nevada regulations, and NAC 503.0047 requires edible portions of big game mammals be consumed, the change in the definition of edible portion would achieve that goal. (See **Exhibit 1**.)

### **Dual Classification.**

Nevada creates a subset of “game mammals,” defined as “big game mammals,” due to the need for stronger regulation over such animals, often referred to as charismatic mega-fauna, with all the potential for abuse that attends their existence and the public’s desire to engage in the harvest of these animals. In Nevada, statutes and regulations prohibit the feeding<sup>8</sup> and baiting<sup>9</sup> of big game mammals, but not game mammals. Nevada also attached stronger restrictions to transportation of big game mammals and additional demerit points for unlawful take of big game mammals.<sup>10</sup> This is evidenced by the dual classification of other mammals in addition to mountain lions and black bears, such as pronghorn antelope, bighorn sheep, mountain goats, and Rocky Mountain elk, to name a few. The portion of the Nevada Administrative Code originally defining game mammals was introduced in 1969. The term “big game mammals” was added and defined in 1979.

### **Laws in Other Western States Regarding Bears.**

We analyzed eleven western states to determine whether they require edible portions of bear meat to be consumed. Seven states: Montana, Arizona, Washington, Alaska, Colorado, California, and Oregon require edible portions to be taken. Four states: Utah, Wyoming, New Mexico, Idaho did not.

The dual classification of black bear as both big game mammal and game mammal can also be found in Arizona and Washington law.<sup>11</sup> Arizona regulation defines edible portions of game meat and specifically lists the animals and portions thereof that are declared edible.<sup>12</sup> The definition section in Arizona regulation provides more clarity than Nevada regarding what edible portions are required to be consumed for all game mammals. It is a model for handling of these issues; as such, it has been included in **Exhibit 5** for ease of reference.

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<sup>8</sup> NEV. REV. STAT. § 501.382, (2013)

<sup>9</sup> NEV. ADMIN. CODE § 503.149 (2011)

<sup>10</sup> NEV. ADMIN. CODE § 501.200 (2017)

<sup>11</sup> In Arizona under ARIZ. REV. STAT. ANN. § 17-101(B)(2) (2019), Washington State at WASH. REV. CODE ANN. § 77.08.030 (West 1980).

<sup>12</sup> ARIZ. ADMIN. CODE § R12-4-301 (2022)

Some western states either do not include bear meat in the definition of edible portions of wildlife or provide exclusions for consumption of black bear meat. Idaho, New Mexico, Utah, and Wyoming each have different mechanisms for accomplishing this. Idaho statute defines black bears as a big game mammal but contains a specific exclusion clause for black bears.<sup>13</sup> In New Mexico, the law generally defines black bears as a game mammal<sup>14</sup> but exempts this paragraph from the waste of game statute.<sup>15</sup> Wyoming is the only western state to statutorily define black bears as trophy animals<sup>16</sup> and contain an exception for such within the waste statute and defining regulations.<sup>17</sup> Alaska statute defines edible portions of bear meat,<sup>18</sup> and regulation provides specific guidelines for harvesting edible portions of bears.<sup>19</sup> Colorado, Montana, and Utah have defined bears as either game mammals or big game mammals and enacted prohibited waste provisions for portions of game mammals. The state of Utah offers different permits for hunting bears and defines them as a predator.<sup>20</sup> Utah regulation states in plain language “the skinned carcass of a bear may be left in the field and does not constitute waste of wildlife.”<sup>21</sup> (See **Exhibit 2**.)

Montana’s statute is a model of clarity regarding the handling of edible portions of black bears and is included in **Exhibit 5** for your reference.

### **Laws in Other Western States Regarding Mountain Lions.**

There are no specific laws regarding classification of mountain lions or their harvest in Alaska as mountain lions do not live there. In California, they are considered specially protected mammals and are precluded from being classified as game mammals. Dual classification exists in Arizona, New Mexico, and Washington. Utah regulations have created a separate class for mountain lions.<sup>22</sup> In Wyoming, mountain lions are classified as a trophy animal, exempting them from edible portions requirements. The four states that require edible portions to be removed from the field are Arizona, Colorado, Montana, and Oregon. (See **Exhibit 3**.)

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<sup>13</sup> IDAHO CODE ANN. § 36-1202(a) (West 2017)

<sup>14</sup> N.M. STAT. ANN. § 17-2-3(A)(9) (West 1978)

<sup>15</sup> N.M. STAT. ANN. § 17-2-8 (West 1978)

<sup>16</sup> WYO. STAT. ANN. § 23-1-101(a)(xii)(A) (West 1977), WYO. STAT. ANN. § 11-6-302(a)(x)(A) (West 1977)

<sup>17</sup> WYO. STAT. ANN. § 23-3-303 (West 1977), WY Rules & Regulations 040.0001.2 § 2

<sup>18</sup> ALASKA STAT. ANN. § 16.30.030 (West 2022)

<sup>19</sup> ALASKA ADMIN. CODE tit. 5 § 92.990(a)(26) (2022)

<sup>20</sup> UTAH CODE ANN. § 23-16-10(2)(d) (West 2020)

<sup>21</sup> UTAH ADMIN. CODE R657-33-22(2) (2022)

<sup>22</sup> UTAH ADMIN. CODE R657-10-1 et seq.

### **Risk of Food-borne Illness.**

In some states there are concerns about the retention of edible portions of bears and mountain lions leading to foodborne illnesses such as trichinosis, a parasitic disease caused by roundworms of the *Trichinella* genus.<sup>23</sup> Studies have indicated larger percentages of bear meat being associated with trichinosis outbreaks. “During the period 1997-2012, bear meat was implicated in 12 of 20 outbreaks of human trichinosis reported in U.S. involving 91 individuals...”<sup>24</sup> This concern has been addressed in at least one other western state. Montana statutory law contains a provision which declares: “For the purposes of this section, the meat of a grizzly bear or black bear that is found to be infected with trichinosis is not considered to be suitable for food.”<sup>25</sup> The 2023 Montana Fish, Wildlife and Parks Hunting Regulations publication has a section on *Trichinella* in black bears informing the public of the following:

Trichinella is a parasite of mammals and some birds. Immature parasites develop cysts in the muscle of the host animal and are transmitted to a new host when infected meat is eaten raw or undercooked. Wild animals rarely show signs of infection. Humans and domestic dogs or cats can become infected with *Trichinella* by consuming raw or undercooked meat from an infected animal. Symptoms of infection vary and may be severe. All bear and mountain lion meat should be treated as if it were infected. Freezing will not kill the organism; however, cooking at temperatures above 165 degrees Fahrenheit will kill the parasite. Many processing techniques (jerky and smoked meats) may not reach the proper temperature. FWP recommends that all mountain lion and bear meat be well cooked to an internal temperature of 165 degrees before consumption by humans or pets.

[...]

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<sup>23</sup> Hall, Rebecca L.; Jones, Jeffrey L.; Kennedy, Erin D.; Montgomery, Susan P.; Pyburn, David G.; National Center for Zoonotic, Vector-Borne, and Enteric Diseases (U.S.). Division of Parasitic Diseases. *Trichinellosis surveillance -- United States, 2002-2007*, December 4, 2009. MMWR. CDC surveillance summaries: Morbidity and mortality weekly report. CDC surveillance summaries; v. 58, no. SS-09 <https://stacks.cdc.gov/view/cdc/5457>.

<sup>24</sup> Ali Rostami, H. Ray Gamble, Jean Dupouy-Camet, Hooshang Khazan, Fabrizio Bruschi, *Meat sources of infection for outbreaks of human trichinellosis*, Food Microbiology, Volume 64, 2017, Pages 65-71, <https://doi.org/10.1016/j.fm.2016.12.012>.

<sup>25</sup> MONT. CODE ANN. § 87-6-205(5) (West 2021)

Due to this concern, it seems reasonably prudent for wildlife agencies that require consumption of bear meat to provide the public information in hunting publications regarding the risk of Trichinosis and how to avoid it.

**Conclusion.**

Legislative and Commission intent within Nevada law demonstrates black bear meat is not required to be consumed. Bears are excepted from the edible portions requirements as big game mammals.

Both NRS 503.050 and NAC 503.0047 may be amended as described to require a hunter to remove from the field edible portions of black bears in Nevada. Other western states have plain language prohibiting the waste of edible portions of bears in statute. If the Commission seeks to change NRS 503.050, it may want to consider adopting the language of Montana statute and Arizona regulation as referenced in **Exhibit 5**.



EXHIBIT 1

EXHIBIT 1

**NRS 503.050 Unlawful to waste game bird, mammal, fish or amphibian.**

1. It is unlawful for any person to cause through carelessness, neglect or otherwise any edible portion of any game bird, game mammal, game fish or game amphibian to go to waste needlessly.

2. It is unlawful for any person to capture or destroy any game mammal, except a ~~carnivore~~ *gray wolf*, and detach or remove from the carcass the head, hide, antlers, horns or tusks only and leave the carcass to waste.

3. For the purposes of subsection 1, “game bird” does not include a raven, crow or magpie even if classified as a game bird pursuant to [NRS 501.110](#).

[Part 87 1/2:101:1947; 1943 NCL § 3035.87a]—(NRS A [1969](#), [1358](#); [1971](#), [1541](#); [1991](#), [266](#), [334](#))

**NAC 503.0047 “Edible portion” interpreted. ([NRS 501.105](#), [501.181](#), [503.050](#))**

1. As used in [NRS 503.050](#), the Commission will interpret “edible portion” to mean, with respect to:

(a) A big game mammal, ~~except mountain lions and black bears:~~

- (1) The meat of the front quarters to the knee;
- (2) The meat of the hind quarters to the hock; and
- (3) The meat along the backbone between the front quarters and hind quarters;

(b) A game mammal:

- (1) The meat of the front quarters to the elbow;
- (2) The meat of the hind quarters to the hock; and
- (3) The meat along the backbone between the front quarters and hind quarters;

(c) A game bird, the meat of the breast; and

(d) A game fish, the fillet meat from the gill plate to the tail fin.

2. The term does not include:

- (a) Meat from the head or neck;
- (b) Meat that has been damaged and rendered inedible by the method of taking;
- (c) Meat that is reasonably lost as a result of boning or close trimming of bones;
- (d) Bones;
- (e) Sinew; or
- (f) Viscera.

3. As used in this section:

- (a) “Elbow” means the distal joint of the humerus.
- (b) “Gill plate” means the operculum.
- (c) “Hock” means the distal joint of the tibia-fibula.
- (d) “Knee” means the distal joint of the radius-ulna.
- (e) “Tail fin” means the caudal fin.

(Added to NAC by Bd. of Wildlife Comm’rs by R041-09, eff. 10-27-2009)

EXHIBIT 2

EXHIBIT 2

## Black Bear Classification and Edible Portions Requirement in Western US States

	<i>Game Mammal</i>	<i>Big Game Mammal</i>	<i>Trophy Game Animal</i>	<i>Edible Portion Harvest Requirement</i>	<i>Per Statute</i>	<i>Rule Cite</i>	<i>Additional Provisions</i>
<b>AK</b>		<b>X</b> (ALASKA STAT. ANN. § 08.54.790) (West 2022) and ALASKA ADMIN. CODE tit. 5 § 92.990(a)(26) (2022))		YES - ALASKA STAT. ANN. § 16.30.030 (West 2022) defines edible portion and ALASKA ADMIN. CODE tit. 5 § 92.990(a)(26) defines edible portions of a bear	Wanton Waste Statute: ALASKA STAT. ANN. § 16.30.010 (2022)	ALASKA ADMIN. CODE tit. 5 § 92.990(a)(26)	ALASKA ADMIN. CODE tit. 5 § 92.220 (2022) sets forth requirements for harvesting edible meat from black bears per Game Management Unit
<b>AZ</b>	<b>X</b>	<b>X</b> (ARIZ. REV. STAT. ANN. § 17-101 (2019))		YES - Unlawful to take game mammal and knowingly permit edible portion to go to waste (except taken in defense of property ARIZ. REV. STAT. ANN. § 17-302 (2019))	ARIZ. REV. STAT. ANN. § 17-309 (2015)	ARIZ. ADMIN. CODE § R12-4-301 (2022)	
<b>CA</b>		<b>X</b> (CAL. CODE REGS. tit. 14, § 350 (2019))		YES - "...nor shall any person at any time leave through carelessness or neglect any game mammal...or any portion of the flesh usually eaten by humans, to go needlessly to waste"	Waste Prohibited per FISH & GAME § 4304	CAL. CODE REGS. tit. 14, § 350 (2019)	Sale of Bear Meat/Other Parts Prohibited per FISH & GAME § 4758
<b>CO</b>		<b>X</b> (COLO. REV. STAT. ANN. § 33-1-102 (West 2022))		YES - Unlawful for person to fail to reasonably attempt to dress or care for and provide for human consumption the edible portions of "game wildlife"	COLO. REV. STAT. ANN. § 33-1-102(2) (West 2022); COLO. REV. STAT. ANN. § 33-6-119(2) (West 2022)		Special Game Damage Licenses for Bear and Mountain Lion 2 COLO. CODE REGS. § 406-2:271(C)
<b>ID</b>		<b>X</b> (IDAHO ADMIN. CODE r. 13.01.06.100 (2022))		NO - Unlawful to waste, through carelessness, neglect or otherwise, allow or cause the waste of edible portions of any game animal, <i>except for</i> ...black bear	IDAHO CODE ANN. § 36-1202(a) (West 2017)		
<b>MT</b>	<b>X</b> (MONT. CODE ANN. § 87-2-101 (West 2021))			YES - Prohibited to waste portions "Suitable for food"	MONT. CODE ANN. § 87-6-205 (West 2021)		
<b>NV</b>	<b>X</b> (NEV. ADMIN. CODE § 503.020 (2008))	<b>X</b> (NEV. ADMIN. CODE § 502.020 (2017))		[CLARIFYING] "Prohibited to waste edible portion of any game mammal"	NEV. REV. STAT. § 503.050 (1991)	NEV. ADMIN. CODE § 503.0047 (2009)	
<b>NM</b>	<b>X</b> (N.M. STAT. ANN. § 17-2-3(A)(9) (West 1978))			NO - Bear is not designated as game mammal in Paragraphs 2, 3, or 4 of Subsection A of N.M. STAT. ANN. § 17-2-3(A)(9) (West 1978) and therefore is <i>not covered in the waste of game statute</i> N.M. STAT. ANN. § 17-2-8 (West 1978)	N.M. STAT. ANN. § 17-2-3(A)(9) (West 1978) and N.M. STAT. ANN. § 17-2-8 (West 1978)		

	<i>Game Mammal</i>	<i>Big Game Mammal</i>	<i>Trophy Game Animal</i>	<i>Edible Portion Harvest Requirement</i>	<i>Per Statute</i>	<i>Rule Cite</i>	<i>Additional Provisions</i>
<b>OR</b>	X (OR. ADMIN. R. 635-045-0002(34) (2021))			YES - Prohibited to waste any edible portion of any game mammal	OR. REV. STAT. ANN. § 498.042 (West 2017)	OR. ADMIN. R. 635-045-0002(77) (2021)	Donations required for Disposal of Edible Wildlife <i>except</i> black bear carcasses per OR. ADMIN. R. 635-002-0005 (2019) (Seized); Removal of certain wildlife parts prohibited per OR. REV. STAT. ANN. § 498.042 (West 2017) Disposal of Black Bear Carcasses, see OR. ADMIN. R. 635-002-0007 (2002) and OR. ADMIN. R. 635-002-0009 (2002)
<b>UT</b>	Classified as " <b>Predator</b> " (UTAH CODE ANN. § 23-16-10(2)(d) (West 2020))			NO - The skinned carcass of a bear may be left in the field and does not constitute waste of wildlife		UTAH ADMIN. CODE r. R657-33-22 (2022)	<b>"Predator"</b> harvest allowed with appropriate permit during big game hunting season - Harvest authorized by conservation permit UTAH ADMIN. CODE r. R657-41-2 (2021) or restricted bear pursuit permit UTAH ADMIN. CODE r. R657-62-19 (2019)
<b>WA</b>	X	X (per WASH. REV. CODE ANN. § 77.08.030 (West 1980))		YES - Reckless waste of big game wildlife prosecuted as Gross M/D	WASH. REV. CODE ANN. § 77.15.170 (West 2018)	WASH. ADMIN. CODE WASH. REV. CODE ANN. § 220-400-020 (2017)	
<b>WY</b>			X (WYO. STAT. ANN. § 23-1-101(a)(xii)(A) (West 1977) ) and WYO. STAT. ANN. § 11-6-302(a)(x)(A) (West 1977))	NO - Waste of edible portion of game bird, fish or animal, <i>except trophy game animal</i> , prohibited	WYO. STAT. ANN. § 23-3-303 (West 1977)	040.0001.2 Wyo. Code R. § 2(eee) (2022)	

EXHIBIT 3

EXHIBIT 3

## Mountain Lion Classification and Edible Portions Requirement in Western US States

	<i>Game Mammal</i>	<i>Big Game Mammal</i>	<i>Trophy Game Animal</i>	<i>Edible Portion Harvest Requirement</i>	<i>Per Statute</i>	<i>Rule Cite</i>	<i>Additional Provisions</i>
<b>AK</b>	<i>Mountain lions do not live in Alaska</i>						
<b>AZ</b>	X	X (ARIZ. REV. STAT. ANN. § 17-101 (2019))		YES - Unlawful to take game mammal and knowingly permit edible portion thereof to go to waste (except as provided in ARIZ. REV. STAT. ANN. § 17-302 (2019))	ARIZ. REV. STAT. ANN. § 17-309 (2015)	ARIZ. ADMIN. CODE § R12-4-301 (2022)	Waste allowed if taken for protection of property ARIZ. REV. STAT. ANN. § 17-302 (2019)
<b>CA</b>	<i>Specially Protected Mammal per FISH &amp; GAME § 4800</i>			NO - Protected and must turn over carcass per FISH & GAME § 4806; Shall not be listed as or considered to be a game mammal by department or commission per FISH & GAME § 3950.1			
<b>CO</b>		X (COLO. REV. STAT. ANN. § 33-1-102 (West 2022))		YES - Unlawful to fail to reasonable attempt to dress/care for and provide for human consumption the edible portions of game wildlife	COLO. REV. STAT. ANN. § 33-6-119 (West 2022)		Donation of Edible Portions of Wildlife: 2 COLO. CODE REGS. § 406-0:016
<b>ID</b>		X (IDAHO ADMIN. CODE r. 13.01.06.100 (2022))		NO - Unlawful to waste, through carelessness, neglect or otherwise, to allow or cause the waste of edible portions of any game animal <i>except for mountain lion</i>	IDAHO CODE ANN. § 36-1202(b) (West 2017)		
<b>MT</b>	X (MONT. CODE ANN. § 87-6-101 (West 2021))			YES - may not purposely or knowingly waste the game; may not abandon head or hide of mountain lion in field	MONT. CODE ANN. § 87-6-205 (West 2021)		
<b>NV</b>		X (NEV. ADMIN. CODE § 502.020 (2017))		Same confusion exists as with edible portions of black bears - <i>see</i> NEV. ADMIN. CODE § 503.0047 (2009)	NEV. REV. STAT. § 503.050 (1991)	NEV. ADMIN. CODE § 502.020 (2017)	
<b>NM</b>	X (N.M. STAT. ANN. § 17-2-3(A)(10) (West 1978))	X (NM CODE R. § 19.34.3.7 (West 2016))		NO - N.M. STAT. ANN. § 17-2-8 (West 1978) refers to Paragraphs 2, 3, & 4 of Subsection A of N.M. STAT. ANN. § 17-2-3(A) (West 1978) where mountain lion is not included	N.M. STAT. ANN. § 17-2-8 (West 1978)		
<b>OR</b>	X (OR. ADMIN. R. 635-045-0002(34) (2021))			YES - "No person shall waste any edible portion of any game mammal..."	OR. REV. STAT. ANN. § 498.042(3) (West 2017)		
<b>UT</b>	Cougar own class regulated under UTAH ADMIN. CODE r. R657-10-1 et seq.			NO - clearly states "the skinned carcass of a cougar may be left in the field and does not constitute waste of wildlife"		UTAH ADMIN. CODE r. R657-10-20 (2018)	





EXHIBIT 4

EXHIBIT 4

**LCB File No. R041-09**

**PROPOSED REGULATION OF THE  
BOARD OF WILDLIFE COMMISSIONERS**

(This regulation was previously adopted as T027-09)

**COMMISSION GENERAL REGULATION 369**

EXPLANATION – Matter in *italics* is new; matter in brackets ~~omitted material~~ is material to be omitted.

AUTHORITY: §1, NRS 501.105, 501.181, 503.030, 503.050.

A REGULATION relating to wildlife; establishes provisions pertaining to defining edible portion in the case of big game mammal, other game mammals, game birds and game fish.

**Section 1.** *Chapter 503 of NAC is hereby amended by adding thereto section 2 inclusive of this regulation, to read as follows.*

**Section 2.** *“Edible portion” means:*

*(a) In the case of a big game mammal, except mountain lion and black bear, the meat of the front quarters as far as the knee, hindquarters as far as hock, and the meat along the backbone between the front and hindquarters. For purposes of this paragraph;*

- (1) “Knee” means the distal joint of the radius-ulna.*
- (2) “Hock” means the distal joint of the tibia-fibula.*

*(b) In the case of other game mammals the meat of the front quarters as far as the elbow, the hindquarters as far as the hock and the meat along the backbone between the front and hindquarters. For purposes of this paragraph;*

- (1) “Elbow” means the distal joint of the humerus.*
- (2) “Hock” means the distal joint of the tibia-fibula.*

*(c) In the case of game birds the meat of the breast.*

*(d) In the case of game fish, the fillet meat from the gill plate to the tail fin. For purposes of this paragraph;*

*(1) “Gill plate” means the operculum.*

*(2) “Tail fin” means the caudal fin.*

*(e) Edible portion of a big game mammal, game bird or game fish does not include meat from the head, meat that has been damaged and rendered inedible by the method of taking, bones, sinew, incidental meat reasonably lost as a result of boning or a close trimming of the bones, or viscera.*

EXHIBIT 5

EXHIBIT 5

**NRS 503.050 Unlawful to waste game bird, mammal, fish or amphibian.**

1. It is unlawful for any person to cause through carelessness, neglect or otherwise any edible portion of any game bird, game mammal, game fish or game amphibian to go to waste needlessly.

2. It is unlawful for any person to capture or destroy any game mammal, except a carnivore, and detach or remove from the carcass the head, hide, antlers, horns or tusks only and leave the carcass to waste.

3. For the purposes of subsection 1, “game bird” does not include a raven, crow or magpie even if classified as a game bird pursuant to [NRS 501.110](#).

[Part 87 1/2:101:1947; 1943 NCL § 3035.87a]—(NRS A [1969, 1358; 1971, 1541; 1991, 266, 334](#))

**NAC 503.020 Game mammals. ([NRS 501.105, 501.110, 501.181](#))** The following wild mammals are further classified as game mammals:

	<b>Common Name</b>	<b>Scientific Name</b>
1.	Antelope	Pronghorn..... <i>Antilocapra americana</i>
2.	Bear	Black..... <i>Ursus americanus</i>
3.	Deer	Mule..... <i>Odocoileus hemionus</i>
4.	Goat	Mountain..... <i>Oreamnos americanus</i>
5.	Lion	Mountain (Cougar)..... <i>Felis concolor</i>
6.	Moose	<i>Alces alces</i>
7.	Peccary	<i>Pecari angulatus</i>
8.	Rabbit	Cottontail (Audubon)..... <i>Sylvilagus audubonii</i> Cottontail (Nuttall)..... <i>Sylvilagus nuttallii</i> Pygmy..... <i>Sylvilagus idahoensis</i> Snowshoe..... <i>Lepus americanus</i> White-tailed Jack..... <i>Lepus townsendii</i>
9.	Sheep	Bighorn..... <i>Ovis canadensis canadensis</i> <i>Ovis canadensis nelsoni</i> <i>Ovis canadensis californiana</i>
10.	Elk	Rocky Mountain..... <i>Cervus elaphus nelsoni</i>
11.	Wolf	Gray..... <i>Canis lupus</i>

[Bd. of Fish & Game Comm’rs, part No. 1, eff. 7-1-69; A 10-1-76] — (NAC A by Bd. of Wildlife Comm’rs, 2-28-94; R133-04, 10-28-2004; R059-08, 8-26-2008)

**NAC 502.020 “Big game mammal” defined. ([NRS 501.105, 501.181](#))** “Big game mammal” means any:

1. Pronghorn antelope, black bear, mule deer, mountain goat, mountain lion, moose, Rocky Mountain elk; or

2. Of the following subspecies of bighorn sheep:

(a) Nelson bighorn sheep;

(b) California bighorn sheep; or

(c) Rocky Mountain bighorn sheep.

[Bd. of Fish & Game Comm’rs, No. 26 part § 5, eff. 12-4-79]—(NAC A by Bd. of Wildlife Comm’rs by R168-99, 1-19-2000; R029-17, 12-19-2017)

**NAC 503.0047 “Edible portion” interpreted. ([NRS 501.105](#), [501.181](#), [503.050](#))**

1. As used in [NRS 503.050](#), the Commission will interpret “edible portion” to mean, with respect to:

- (a) A big game mammal, except mountain lions and black bears:
  - (1) The meat of the front quarters to the knee;
  - (2) The meat of the hind quarters to the hock; and
  - (3) The meat along the backbone between the front quarters and hind quarters;
- (b) A game mammal:
  - (1) The meat of the front quarters to the elbow;
  - (2) The meat of the hind quarters to the hock; and
  - (3) The meat along the backbone between the front quarters and hind quarters;
- (c) A game bird, the meat of the breast; and
- (d) A game fish, the fillet meat from the gill plate to the tail fin.

2. The term does not include:

- (a) Meat from the head or neck;
- (b) Meat that has been damaged and rendered inedible by the method of taking;
- (c) Meat that is reasonably lost as a result of boning or close trimming of bones;
- (d) Bones;
- (e) Sinew; or
- (f) Viscera.

3. As used in this section:

- (a) “Elbow” means the distal joint of the humerus.
- (b) “Gill plate” means the operculum.
- (c) “Hock” means the distal joint of the tibia-fibula.
- (d) “Knee” means the distal joint of the radius-ulna.
- (e) “Tail fin” means the caudal fin.

(Added to NAC by Bd. of Wildlife Comm’rs by R041-09, eff. 10-27-2009)

**A.A.C. R12-4-301. Definitions**

In addition to the definitions provided under [A.R.S. § 17-101](#) and R12-4-101, the following definitions apply to this Article unless otherwise specified:

“Administer” means to apply a drug directly to wildlife by injection, inhalation, ingestion, or any other means.

“Aircraft” means any contrivance used for flight in the air or any lighter-than-air contrivance, including unmanned aircraft systems also known as drones.

“Artificial flies and lures” means man-made devices intended as visual attractants to catch fish. Artificial flies and lures does not include living or dead organisms or edible parts of those organisms, natural or prepared food stuffs, chemicals or organic materials intended to create a scent, flavor, or chemical stimulant to the device regardless of whether it is added or applied during or after the manufacturing process.

“Barbless hook” means any fish hook manufactured without barbs or on which the barbs have been completely closed or removed.

“Body-gripping trap” means a device designed to capture an animal by gripping the animal's body.

“Confinement trap” means a device designed to capture wildlife alive and hold it without harm.

“Crayfish net” means a net that does not exceed 36 inches on a side or in diameter and is retrieved by means of a hand-held line.

“Deadly weapon” has the same meaning as provided under [A.R.S. § 13-3101](#).

“Device” has the same meaning as provided under [A.R.S. § 17-101](#).

“Dip net” means any net, excluding the handle, that is no greater than three feet in the greatest dimension, that is hand-held, non-motorized, and the motion of the net is caused by the physical effort of the person.

“Drug” means any chemical substance, other than food or mineral supplements, that affects the structure or biological function of wildlife.

“Edible portions of game meat” means, for:

Upland game birds, migratory game birds and wild turkey: breast.

Bear, bighorn sheep, bison, deer, elk, javelina, mountain lion, and pronghorn antelope: front quarters, hind quarters, loins (backstraps), neck meat, and tenderloins.

Game fish: fillets of the fish.

“Evidence of legality” means the wildlife is accompanied by the applicable license, tag, stamp, or permit required by law and is identifiable as the “legal wildlife” prescribed by Commission Order, which may include evidence of species, gender, antler or horn growth, maturity, and size.

“Foothold trap” means a device designed to capture an animal by the leg or foot.

“Hybrid device” means a device with a combination of components from two or more lawful devices and is used for the take of wildlife, such as but not limited to a firearm, pneumatic weapon, or slingshot that shoots arrows or bolts.

“Instant kill trap” means a device designed to render an animal unconscious and insensitive to pain quickly with inevitable subsidence into death without recovery of consciousness.

“Land set” means any trap used on land rather than in water.

“Minnow trap” means a trap with dimensions that do not exceed 12 inches in depth, 12 inches in width, and 24 inches in length.

“Muzzleloading handgun” means a firearm intended to be fired from the hand, incapable of firing fixed ammunition, and loaded with black powder or synthetic black powder and a single projectile.

“Muzzleloading rifle” means a firearm intended to be fired from the shoulder, incapable of firing fixed ammunition, having a single barrel, and loaded through the muzzle with black powder or synthetic black powder and a single projectile.

“Muzzleloading shotgun” means a firearm intended to be fired from the shoulder, incapable of firing fixed ammunition, having a single or double smooth barrel and loaded through the muzzle with black powder or synthetic black powder and using ball shot as a projectile.

“Paste-type bait” means a partially liquefied substance used as a lure for animals.

“Pneumatic weapon” means a device that fires a projectile by means of air pressure or compressed gas. This does not include tools that are common in the construction and art trade such as, but not limited to, nail and rivet guns.

“Pre-charged pneumatic weapon” means an air gun or pneumatic weapon that is charged from a high compression source such as an air compressor, air tank, or internal or external hand pump.

“Prohibited possessor” has the same meaning as provided under [A.R.S. § 13-3101](#).

“Prohibited weapon” has the same meaning as provided under [A.R.S. § 13-3101](#).

“Rifle” means a firearm intended to be fired from the shoulder that uses the energy from an explosive in a fixed cartridge to fire a single projectile through a rifled bore for each single pull of the trigger. This does not include a pre-charged pneumatic weapon.

“Shotgun” means a firearm intended to be fired from the shoulder and that uses the energy from an explosive in a fixed shotgun shell to fire either ball shot or a single projectile through a smooth bore or rifled barrel for each pull of the trigger.

“Sight-exposed bait” means a carcass, or parts of a carcass, lying openly on the ground or suspended in a manner so that it can be seen from above by a bird. This does not include a trap flag, dried or bleached bone with no attached tissue, or less than two ounces of paste-type bait.

“Simultaneous fishing” means taking fish by using only two lines at one time and not more than two hooks or two artificial flies or lures per line.

“Single-point barbless hook” means a fishhook with a single point, manufactured without barbs, or on which the barbs have been completely closed or removed. This does not include a treble fishhook.

“Sinkbox” means a low-floating device with a depression that affords a hunter a means of concealment beneath the surface of the water.

“Smart device” means any device equipped with a target-tracking system or an electronically-controlled, electronically-assisted, or computer-linked trigger or release. This includes but is not limited to smart rifles.

“Trail camera” means any device that is not held or manually operated by a person and is used to capture images, video, or location, time, or date data of wildlife.



“Trap flag” means an attractant made from materials other than animal parts that is suspended at least three feet above the ground.

“Water set” means any trap used and anchored in water rather than on land.

## **MCA 87-6-205**

### **87-6-205. Waste of game animal, game bird, or game fish**

(1) Except as provided in subsection (3), a person responsible for the death of any game animal, game bird, or game fish suitable for food may not purposely or knowingly waste the game by:

(a) detaching or removing only the head, hide, antlers, tusks, or teeth or any or all of these parts from the carcass of a game animal;

(b) transporting, hanging, or storing the carcass in a manner that renders it unfit for human consumption; or

(c) abandoning the carcass of a game animal or any portion of the carcass suitable for food in the field.

(2) A person in possession of a game animal or game animal parts, a game bird, or a game fish suitable for food may not purposely or knowingly waste the game by:

(a) transporting, storing, or hanging the animal, bird, or fish in a manner that renders it unfit for human consumption; or

(b) disposing of or abandoning any portion of the animal, bird, or fish that is suitable for food. For migratory birds, “suitable for food” means the breast meat.

(3) A person responsible for the death of a mountain lion, except as provided in [87-6-106](#), may not abandon the head or hide in the field.

(4) A person responsible for the death of a grizzly bear wastes the game if the person abandons the head or hide or any parts required by department or commission regulation for scientific purposes pursuant to [87-3-131](#).

(5) For the purposes of this section, the meat of a grizzly bear or a black bear that is found to be infected with trichinosis is not considered to be suitable for food.

(6) A person convicted of a violation of this section may be fined not less than \$50 or more than \$1,000 or be imprisoned in the county jail for a term not to exceed 6 months, or both. In addition, the person, upon conviction or forfeiture of bond or bail, shall:

(a) forfeit any current hunting, fishing, or trapping license issued by this state and the privilege to hunt, fish, or trap in this state for 24 months from the date of conviction or forfeiture unless the court imposes a longer period; and

(b) pay restitution pursuant to [87-6-905](#) through [87-6-907](#).

(7) A person convicted of waste of game by abandonment in the field may be subject to the additional penalties provided in [87-6-901](#).

(8) Regulations adopted pursuant to this section for game birds may not be more restrictive than comparable federal regulations, except as provided in subsection (2)(b).

Enacted by [Laws 2011, ch. 258, § 124](#), eff. Oct. 1, 2011. Amended by [Laws 2021, ch. 496, § 1](#), eff. Oct. 1, 2021.