

**MINUTES OF THE
SENATE COMMITTEE ON NATURAL RESOURCES**

**Seventy-Seventh Session
March 7, 2013**

The Senate Committee on Natural Resources was called to order by Chair Aaron D. Ford at 1:34 p.m. on Thursday, March 7, 2013, in Room 1214 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412E of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada and to Great Basin College Chilton Circle Modular Conference Room, 1500 College Parkway, Elko, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator Aaron D. Ford, Chair
Senator Mark A. Manendo, Vice Chair
Senator Tick Segerblom
Senator James A. Settelmeyer
Senator Pete Goicoechea

STAFF MEMBERS PRESENT:

Michael J. Stewart, Policy Analyst
Brenda Erdoes, Counsel
Lynn Berry, Committee Secretary

OTHERS PRESENT:

Christine Schwamberger, Nevada Political Action for Animals
Buck Sampson, Spiritual Advisor
Geoffrey B. Ellis, Woodfords Community Chairman, Washoe Tribe of Nevada and California
Johanna Emm, American Indian Movement
Raquel Arthur, President, American Indian Movement of Northern Nevada
Lloyd Peake, NoBearHuntNV
Kathryn Bricker, Executive Director, NoBearHuntNV
Catherine Smith, NoBearHuntNV
Pamela Gartin, NoBearHuntNV
Elaine Carrick, NoBearHuntNV

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Beverlee McGrath, American Society for the Prevention of Cruelty to Animals;
Best Friends Animal Society; Nevada Humane Society; Northern Nevada
Society for the Prevention of Cruelty to Animals; Nevada Political Action
for Animals; Lake Tahoe Humane Society & Society for the Prevention of
Cruelty to Animals; Pet Network of Lake Tahoe; Wylie Animal Rescue
Foundation; PawPac; Lake Tahoe Wolf Rescue

Margaret Martini

Daniel Carrick

Trish Swain, TrailSafe Nevada

Mike Smith

Fred Voltz

Sandra Noffsinger

Stacia Newman, President, Nevada Political Action for Animals

Stephanie Myers

Ernest E. Adler, Reno-Sparks Indian Colony

Kristin Corral, Nevada Political Action for Animals

Karen Layne, President, Las Vegas Valley Humane Society

Mike Stremmer

Clay Stremmer

Gary Coleman, Nevada High Ridge Outfitters

Vikki Werner

Michael Reese, President, Southern Nevada Coalition for Wildlife

Ryan Werner

Robert Gaudet, President, Nevada Wildlife Federation, Inc.

Riley Manzonie

Drew Edwards

Payton Bryant

Joel Blakeslee, Coalition for Nevada's Wildlife, Inc., Southern Nevada Coalition
for Wildlife

Larry Johnson, Coalition for Nevada's Wildlife, Inc.

Bob Brunner, Coalition for Nevada's Wildlife, Inc.

Les Smith, Coalition for Nevada's Wildlife, Inc.

Kelly Strain

Randall Stillboro

Jason James

Kyle Davis, Nevada Conservation League and Education Fund

Kelly Dean, Nevada Bow Hunters Association

Tom Smith, Coalition for Nevada's Wildlife, Inc.

Lee Rankin

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Shane Evans, Nevada Outfitters and Guides Association

Karen Boeger

Doug Busselman, Nevada Farm Bureau Federation

Darrell Pursel, Pursel Farms

Greg Smith, Nevada Bighorns Unlimited

Al Harris

Marcial Evertson

Tina Nappe

Jack Robb, Chair, Board of Wildlife Commissioners, Department of Wildlife

Jeremy Drew, Vice Chair, Board of Wildlife Commissioners, Department of Wildlife

George Tsukamoto, Interim Director, Department of Wildlife

Larry Gilbertson, Game Division Chief, Department of Wildlife

Carl Lackey, Wildlife Biologist, Department of Wildlife

Richard L. Haskins II, Deputy Director, Department of Wildlife

Rob Buonamici, Chief Game Warden, Department of Wildlife

Chair Ford:

We will begin with the work session and open the hearing on Senate Bill (S.B.) 11.

SENATE BILL 11: Prohibits the possession in Nevada of wildlife that was acquired, hunted, taken or transported in violation of a law or regulation of another state or country. (BDR 45-347)

Michael J. Stewart (Policy Analyst):

Senate Bill 11 was presented by the Department of Wildlife (NDOW), as shown in the work session document ([Exhibit C](#)). A person who violates the new prohibition is guilty of a misdemeanor, may be required to pay a civil penalty and may be required to surrender any issued licenses. No amendments were offered. This legislation parallels the federal Lacey Act. This bill is related to wildlife only.

SENATOR GOICOECHEA MOVED TO DO PASS S.B. 11.

SENATOR SEGERBLOM SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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Chair Ford:

I will open the hearing on Senate Bill 65.

SENATE BILL 65: Revises provisions relating to public water systems and certain laboratories. (BDR 40-349)

Mr. Stewart:

This bill expands the authority of the Division of Environmental Protection (NDEP), State Department of Conservation and Natural Resources, to issue orders, other than emergency orders, to correct violations by public water system operators and laboratories for the analysis of water. This would apply if NDEP has reason to believe a person is engaged in a practice which violates various provisions related to public water systems. I will refer to the work documents ([Exhibit D](#)).

A person who owns, controls or operates a public water system is liable for penalties and fines for certain violations. These fines may also be levied on a laboratory for water analysis if violations occur.

A proposed amendment clarifies language that NDEP may issue corrective orders in circumstances when a person is about to engage in a violation. Testimony indicated this language is utilized in other NDEP enforcement provisions related to water pollution control.

A technical correction was proposed in section 2, subsection 1, from *Nevada Revised Statutes* (NRS) 445A.885 to NRS 445A.860. This statute sets forth the regulatory authority to issue a permit for a public water system.

Section 2, subsection 2, proposes to change the word "served" to "issued." This reflects the practice of issuing orders via certified mail. Additionally, there

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is language to ensure consistency in the appeals process involving other environmental programs and NDEP.

Section 3, subsection 1, paragraph (a), of the amendment proposes to remove language relating to violations by laboratories of regulations that address drinking water standards. Laboratories usually provide an analytical service and would not be in a position to violate drinking water standards.

SENATOR SETTELMAYER MOVED TO AMEND AND DO PASS S.B. 65.

SENATOR SEGERBLOM SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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Chair Ford:

I will open the hearing on Senate Bill 73.

SENATE BILL 73: Revises provisions relating to cruelty to animals. (BDR 50-55)

Mr. Stewart:

This bill is an effort to clarify S.B. No. 223 of the 76th Session. This bill proposes to protect the identity of the person making a report of animal cruelty but still allows the report itself to be viewed for purposes of enforcement, as shown in the work document ([Exhibit E](#)).

SENATOR SEGERBLOM MOVED TO DO PASS S.B. 73.

SENATOR MANENDO SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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Chair Ford:

I will open the hearing on Senate Bill 83.

SENATE BILL 83: Revises provisions relating to animal fighting. (BDR 50-148)

Mr. Stewart:

This bill proposes to increase penalties for violating various provisions as noted in the work document ([Exhibit F](#)). These provisions include: prohibition against willfully procuring or permitting a place for animal fighting; owning, possessing or training an animal with the intent to fight another animal; and selling an animal knowing it will be used to fight another animal.

Penalties would also be increased for knowingly witnessing a fight between animals in exhibition or for amusement or gain.

Penalties would be applied to new provisions in which a person is prohibited from manufacturing, owning, possessing, bartering, selling, exchanging or advertising for sale sharp instruments designed to be attached to certain fighting birds.

One amendment has requested to add the word "live" to the "knowingly witness any fight between animals" to distinguish between viewing on the Internet or video versus attending a live fight.

There was discussion regarding section 1, subsection 1, relating to the owner of a rental property. The owner may not know how the property is being used. Further discussion said the existing language "willfully procures or permits" should be sufficient protection for property owners.

Senator Goicoechea:

If this did occur on your property, and even if you did not know how it was being used, you could still be taken to court and have to defend yourself.

Chair Ford:

The Legislative Counsel Bureau has advised us that the words "willfully procuring" will provide protection and does not require an amendment.

Senator Settelmeyer:

Has there been any research as to how many fights there actually were in Nevada?

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Chair Ford:

Not to my knowledge.

Senator Segerblom:

Is it illegal to watch a live fight on television?

Mr. Stewart:

Existing law says a person shall not knowingly witness any fight between animals in an exhibition or for amusement or gain. If the word "live" was added, it would imply you were there in person, not watching it on television or the Internet.

Senator Segerblom:

That would mean you were actually there in person.

Senator Settelmeyer:

Should we add the words "in person?"

Senator Segerblom:

I think live means in person.

Chair Ford:

More discussion is needed on this bill. I will retract this from the work session today.

I will open the hearing on Senate Bill 82.

SENATE BILL 82: Prohibits the Board of Wildlife Commissioners from authorizing the hunting of black bears. (BDR 45-409)

Christine Schwamberger (Nevada Political Action for Animals):

I support S.B. 82. I will read my prepared testimony ([Exhibit G](#)).

Buck Sampson (Spiritual Advisor):

I am recognized by the Reno-Sparks Indian Colony, the Inter-Tribal Council of Nevada and the Nevada Indian Commission, Department of Tourism and Cultural Affairs. I support S.B. 82. I visited several tribes and obtained resolutions in support of S.B. 82. We have stories, songs and dances about the bear. The bear is sacred to all the tribes.

Geoffrey B. Ellis (Woodfords Community Chairman, Washoe Tribe of Nevada and California):

I am a member of the Inter-Tribal Council of Nevada that represents 27 tribes across Nevada. I support S.B. 82. Native Americans oppose the bear hunt because it offends our culture. I will read my prepared testimony ([Exhibit H](#)).

Johanna Emm (American Indian Movement):

I am a member of the Yerington Paiute Tribe. I support S.B. 82 and the reclassification of bears as a protected species. The bears are considered our relatives. When a bear appears at a bear dance, it means we have a good relationship, balance and harmony with each other and with Mother Earth.

Bears are being sport-hunted by using starved and abused hound dogs. The dogs chase the bears up a tree, and the sport hunter shoots the bear for a trophy. Bear parts are sold on the black market.

I ask you to support S.B. 82 under the American Indian Religious Freedom Act, and respect our land.

Raquel Arthur (President, American Indian Movement of Northern Nevada):

I oppose the bear hunt because the bear is sacred. I am aware of the stereotypes of the American Indian. We are labeled second-class citizens in our own motherland. We have a deep connection with spirituality and Mother Earth. I want our ceremonies preserved and not have bears be trophies for hunters. Bear hunts destroy the bear population in Nevada. Some hunts are located where we harvest pine nuts. Safety of the families in these hunting areas is a concern. We ask you to protect our families and the sacred bear. We ask you to preserve our ceremonies, religious rights, constitutional rights and our human rights. I am submitting you written testimony ([Exhibit I](#)).

Chair Ford:

We appreciate the history and culture of the Native American. We are working hard to be fair and hear all sides of the issue. Whatever decision we make, someone will not be pleased. It will not be because we do not have appreciation and respect for the issues. We have real deliberation and consideration for all that has been said relative to history.

Lloyd Peake (NoBearHuntNV):

We are not against hunting in general. Our concern is the continued viability of the black bears in Nevada and the impact hunting has on them. There are two issues: science and cultural values of Nevada's Native Americans.

There is a flaw in the statutory framework and operation of the Board of Wildlife Commissioners. It is the lack of adherence to the public trust doctrine. I have prepared a summary document depicting this flaw and its impact ([Exhibit J](#)).

Kathryn Bricker (Executive Director, NoBearHuntNV):

Our organization has submitted evidence ([Exhibit K](#)) that supports there is no management reason to hunt bears. It puts the bear population at risk, and the public in Nevada overwhelmingly opposes bear hunts. Due to the degree of special interest domination within its members, the Wildlife Commissioners cannot make substantive or scientifically-based decisions with regard to the protection and conservation of Nevada black bears. Additional information is in my written testimony, [Exhibit K](#).

Until 2 years ago, Nevada bears were protected from hunting—for 82 consecutive years.

Chair Ford:

What do you mean by protected?

Ms. Bricker:

They were classified as game species but had never been hunted. The term was NDOW's language that the bears were "protected from hunting."

Catherine Smith (NoBearHuntNV):

I support S.B. 82. I will read my prepared testimony ([Exhibit L](#)). In addition to the material in my prepared testimony, we have been given several hypotheses for the recent increase in bear population without supporting evidence. Why would NDOW not freely give us the article submitted for publication regarding the population status? Is NDOW that uncertain of its methodology and accuracy that it cannot release it or even tell us the journal where it will be published?

Chair Ford:

Could you repeat what you said about what was not released?

Ms. Smith:

The department would not give us an article that was submitted last May. We requested documents under the open records act, and NDOW would not give it to us or tell us where it was going to be published.

Chair Ford:

What did this article relate to?

Ms. Smith:

The bear population. There has not been a publication on the bear population since 2008.

There is no need to hunt our small bear population. The science is not settled. Killing bears in the Pine Nut Mountain Range will not accomplish anything with regard to the human bear conflict. If the bear conflict increases, money and time should be focused on bear awareness and trash ordinances. It is inaccurate to assume that more urban bears means there are more bears. This is not necessarily true, given the wildland bear data we have.

Chair Ford:

Do you have an estimate of how many black bears are in Nevada?

Ms. Smith:

We had a bear biologist look at the data, but some of it was corrupted, so I do not have an accurate estimate. The bear population changes drastically based upon droughts, and there is no immigration information about bears traveling between Nevada and California.

Pamela Gartin (NoBearHuntNV):

I support S.B. 82. The bear hunt in Nevada should be repealed. Nevada's wildlife institution suffers from regulatory capture. This means a regulatory agency created to act in the public interest advances the special concerns of interest groups that dominate the sector it is charged with regulating.

In Nevada, county advisory boards and commissions were created to ensure public concerns and interests are incorporated in the decision making process. These boards are predominately composed of sportsmen and -women.

When the bear hunt was introduced as a recreational opportunity for sportsmen and -women, no bear management or conservation goal was identified. The science presented claimed Nevada's tiny population of bears could sustain a limited hunt. This is not the same as requiring a hunt to control overpopulation or human-bear conflict.

Hunting does not solve human-bear conflict, nor are bears overpopulated in Nevada. Viable bear habitat is limited in Nevada because of fires, droughts and habitat fragmentation. Nevada's bears deserve the protection they enjoyed until 2010.

From the beginning of the hunt, concerned citizens have been treated as adversaries by NDOW and the Commission. Native American tribes signed a resolution opposed to the hunt. The bear hunt should be repealed on the grounds that the regulations benefit the minority special interest group at the expense of the values and concerns of the general public and the natural resource itself. Additional information is in my written testimony ([Exhibit M](#)).

Chair Ford:

I keep hearing the word protected. The bear has never been a protected mammal in the past. Is that correct?

Ms. Gartin:

That is correct. It was described as protected by NDOW.

Ms. Schwamberger:

Protection is listed in the statutory duties of the Commission in NRS 501.181, subsection 1, paragraph (a).

Chair Ford:

In general, could you accept that someone could disagree with you but still be considerate of your concern?

Ms. Schwamberger:

Yes, I could.

Ms. Gartin:

We have a discrepancy in values. Decisions are dominated by certain value systems within the institution.

Chair Ford:

I do not want to get into the composition of the Commission. But would you say the composition has changed over the last few years?

Ms. Gartin:

It changed just recently.

Chair Ford:

It includes new members from the conservation arena, is that correct?

Ms. Gartin:

One member was appointed who was a sportsperson and is also an animal welfare advocate.

Chair Ford:

I am interested as to why the bear should be a protected mammal and why we should discontinue the bear hunt.

Elaine Carrick (NoBearHuntNV):

I support S.B. 82. The question of why are we hunting bears came up repeatedly during the Commission meetings with the public. No sound scientific or management reason could be given. One commissioner finally said "because we can."

The management of an urban bear population requires a solution to eliminate human garbage. Our wildland bears are not part of this problem. Additional information is in my written testimony ([Exhibit N](#)).

Chair Ford:

This does not seem to be a management issue with regard to too many bears. The statutory and regulatory scheme currently available allows the Commission to set up a hunt because they can. It does not have to be management-related, does it?

Ms. Carrick:

Historically, management policies enacted by NDOW have been related to predator control. Hunting was a management tool. If the bear population is so small, why are we managing them?

Chair Ford:

Do we know what the bear population is?

Ms. Carrick:

The bear population has been estimated as a few hundred.

Chair Ford:

The regulatory scheme allows the Commission to institute hunts simply because they can. Would you agree with that?

Ms. Carrick:

Yes, they have used that management language. But it does not take into consideration the public who now wants to get involved in wildlife management.

Ms. Schwamberger:

The statutes allow for hunting but do not compel hunting.

Beverlee McGrath (American Society for the Prevention of Cruelty to Animals; Best Friends Animal Society; Nevada Humane Society; Northern Nevada Society for the Prevention of Cruelty to Animals; Nevada Political Action for Animals; Lake Tahoe Humane Society & Society for the Prevention of Cruelty to Animals; Pet Network of Lake Tahoe; Wylie Animal Rescue Foundation; PawPac; Lake Tahoe Wolf Rescue):

I support S.B. 82. We received thousands of emails and days of public comment opposing the bear hunt when it was proposed by the Commission. Concerns were expressed over public safety, bear population, ethics of hunting bears, cost of the bear hunt and nonlethal management of bears.

A reason has never been given for the bear hunt nor for ignoring the citizens opposed to the hunt. Additional information is in my written testimony ([Exhibit O](#)).

Margaret Martini:

I concur with previous testifiers. The general public and Native Americans are against the hunt. I support S.B. 82.

Daniel Carrick:

I was previously a hunter. I now feel hunting is not necessary, nor is it sustainable. I have witnessed the reduction in habitats. It has been said the bear population is a few hundred, but the growth is 16 percent. That does not make mathematical sense. Management by shooting is not a viable option in the 21st century. Additional information is in my written testimony ([Exhibit P](#)). I support S.B. 82.

Trish Swain (TrailSafe Nevada):

TrailSafe Nevada is a citizen network seeking humane treatment of domestic and wild animals. I support the NoBearHuntNV research, and I support S.B. 82. Additional information is in my written testimony ([Exhibit Q](#)).

Mike Smith:

I support S.B. 82. I would like to seek a compromise on the bear hunt issues. Last March, we were successful in removing the hunt from the Lake Tahoe Basin. I heard testimony at the meetings that this was done to look good at the Legislature. The bears belong to everyone in the State, and everyone has been ignored except for hunting lobbies.

Fred Voltz:

I am in favor of S.B. 82. There are multiple nonlethal methods to minimize bear-human interactions that pose threats to farming and ranching activities. Wildlife officials refuse to employ or encourage any of these proven solutions. Additional information is in my written testimony ([Exhibit R](#)).

Senator Settlemeyer:

You indicated NDOW has not used nonlethal forms for bear management. I have seen NDOW use pepper spray and bean bags. Wildlife managers trap and move bears found on my property.

Mr. Voltz:

There still is a hunt. The Commission said since the hunt had been done for the past 2 years, it will continue this year.

Sandra Noffsinger:

I support S.B. 82. I support making the black bear a protected mammal due to limited numbers.

Stacia Newman (President, Nevada Political Action for Animals):

We support S.B. 82. I am in full agreement with the previous testifiers. I have attended NDOW's meetings, including special committee meetings, for the last 2 years. I have observed that public opinion has been ignored by NDOW. Nevada citizens have opposed the black bear hunt. Ms. McGrath is correct regarding the thousands of emails and calls that have been ignored.

The black bear population is small. To sacrifice these bears for a trophy hunt is unnecessary and irresponsible.

Stephanie Myers:

The bear hunt is a grotesque trophy hunt. A 2011 poll by the Mason-Dixon Polling and Research company resulted in 74 percent of State respondents favoring nondeadly methods to solve conflicts between people and bears. In February 2012, a poll in the *Nevada Appeal* reported 89 percent were opposed to bear hunting. A July 2012 *Reno-Gazette Journal* poll also reported an 89 percent opposition to bear hunting. The Commission ignored these studies. No real rationale has been given for the hunt. Bear hunting is unwise and gratuitous. I am in favor of S.B. 82.

Ernest E. Adler (Reno-Sparks Indian Colony):

In 1887, 65,000 acres were given to the Washoe Tribe in the Pine Nut Mountain Range. It is impossible to hunt in that area without trespassing on Indian land.

Chair Ford:

The proponents are looking to classify the black bear as a protected mammal. I find that problematic based on the definitions listed in the *Nevada Administrative Code* (NAC) 503.103. Which provision would be used to allow the black bear to become protected?

Ms. Schwamberger:

The primary purpose of requesting protected status for the bear is that protected mammals cannot be hunted. The NAC 503.103, subsection 4 and subsection 7, could apply. Subsection 4 states wildlife has ecological, scientific, educational or other value that justifies its classification as protected, and subsection 7 states other evidence exists to justify classifying the wildlife as protected.

Chair Ford:

What other evidence have you presented that is outside of subsection 4?

Ms. Schwamberger:

The bear population is limited. There is no reason to hunt the bears, and the hunt presents public safety issues for Native Americans and people who are recreating in the area.

Chair Ford:

This is in the *Nevada Administrative Code*. It is an administrative duty, not a statute. Why would the Legislature want to put one animal into statute, tying the hands of regulators who are charged with duties to manage and take care of wildlife?

Ms. Schwamberger:

This Legislature delegated broad authority to the Commission and NDOW to manage wildlife. What this Legislature gives, it can take away. We hope we have made the case that the Commission and NDOW are not performing that duty. They are unaccountable to the public. We are trying to prevent lethal management.

Chair Ford:

Is there any other animal that has been placed into statute as a protected mammal?

Ms. Schwamberger:

Not to my knowledge.

Chair Ford:

What would stop this from becoming the slippery slope about which most hunters are concerned?

Ms. Schwamberger:

Hunters talk about a slippery slope because they do not have any other arguments to counter the multitude of arguments we have presented against the bear hunts. Hopefully, we have presented enough evidence that the Commission and NDOW have been captured by hunters.

Chair Ford:

I am not convinced.

Ms. Schwamberger:

The way the bear hunt has been handled is an extraordinary case. The Commission is not a democracy; majority does not rule. Up to 90 percent of Nevadans oppose the bear hunt. This has not been taken into account by the Commission.

Chair Ford:

Where did you get that figure?

Ms. Schwamberger:

From newspaper polls. They vary from 70 percent to 90 percent. Even with overwhelming opposition, the Commission approved the bear hunt. There must be a compelling reason for this approval. There has not been any reason given.

Chair Ford:

Is it listed anywhere in the NAC or NRS that the Commission is required to give a reason?

Ms. Schwamberger:

I am speaking of fundamental functional policies.

Chair Ford:

Are you saying the Commission is obligated by law to give a reason?

Ms. Schwamberger:

No. I am speaking about public bodies entrusted with handling wildlife of the whole State.

Senator Segerblom:

I agree it is an issue that after 150 years, the Commission decides to have a bear hunt. It may indicate the Commission has gone off track.

Chair Ford:

Assume the Committee agrees to ban the bear hunt. What about exceptions such as bears attacking humans who are in their habitats?

Senator Settlemeyer:

Problem bears are killing animals. My horse was killed by a bear.

Ms. Schwamberger:

This provision is only against the trophy hunt. We would agree to any amendments to protect property and life.

Senator Settlemeyer:

How can we do that if they become a protected mammal and cannot be killed?

Ms. Schwamberger:

We could create an express exception.

Senator Manendo:

A bear attacked your sheep, and you hunt it. You find three bears. How do you know which bear was the attacker?

Senator Settlemeyer:

According to industry experts, bears tend to be territorial. It is rare that more than one bear would come back to the same spot. Within a definitive time frame, you should be able to protect your livestock. For example, a horse was killed on Friday night. You check Saturday night, and a bear is there. The odds are good it is the bear in question. It is not 100 percent. That is the reality: when you kill a predator that is endangering your animals, it does not return.

My horse was killed. I wanted to obey the law. I applied for a depredation permit and was refused.

Kristin Corral (Nevada Political Action for Animals):

I support S.B. 82. Female bears give birth every other year. The mortality rate is 50 percent. This does not seem like a population that needs to be managed. The Commission is almost entirely comprised of hunters pushing their own agendas instead of doing what is best for the wildlife. A biased board should not make decisions regarding hunting the black bear.

Karen Layne (President, Las Vegas Valley Humane Society):

I am speaking today as the president of the Las Vegas Valley Humane Society, not as a member of the Commission.

Dogs are used to track and tree the bear, and then the bear is shot. The membership of the Las Vegas Valley Humane Society is concerned by these methods of bear hunting. We support S.B. 82.

Mike Stremmer:

I oppose S.B. 82. I do not bear hunt in Nevada. I am a lion hunter with hounds. My concern is if you make the black bear a protected mammal, the list will increase. It not only targets hunting with hounds, but also animal agriculture. It will not be just bear hunting.

Chair Ford:

I am looking at the bill as only a bear hunt. Are you opposed to the bear hunt only?

Mr. Stremmer:

I oppose the bill because of the precedent it sets. Idaho still has liberal bear hunting. I am originally from Washington State. I was hired to do depredation hunting for the Washington Department of Fish and Wildlife after hunting was outlawed.

America is a melting pot, and we need to get along and respect each other's cultures. But do not throw my culture under the bus for someone else's.

Clay Stremmer:

I do not support S.B. 82. I am in favor of hunting with hounds and agree with the previous testimony.

Gary Coleman (Nevada High Ridge Outfitters):

I oppose S.B. 82. I am a fifth generation hound hunter. My business is an opportunity for the sportsman and -woman. I want my children to have the same chance to hunt as I do. If we take away management of the bears from NDOW, what will be next? Then it begins to cut into my livelihood. We bring revenue to Nevada with the hunts my company provides.

Vikki Werner:

I oppose S.B. 82. I am a business owner making a living from hunters. I have three boys who hunt. It has been said that the public is against the hunts. I consider that to be fraud. I am also the public, and I am not against hunting. I think this is the start of the slippery slope.

I come from Native American heritage. It is difficult to deal with protected animals and to make exceptions. I spoke with several Native Americans at the International Sportsmen's Exposition, and they did not want the bear to be a protected mammal.

Michael Reese (President, Southern Nevada Coalition for Wildlife):

I appreciate the Native American heritage. Tribes are sovereign nations and do not have to adhere to a lot of the United States rules. They have exploited gaming in Nevada. We are not trying to exploit the bear hunt. The bear has always been a game animal in the State. Once there is a sustainable population, all animals classified as game animals in the State can be hunted. Quotas vary from year to year. The NDOW can regulate opening days, seasons and areas.

When the Pittman-Robertson Wildlife Restoration Act was enacted, sportsmen and -women started paying an excise tax. This money went to habitat, conservation and education. This allowed for wildlife growth.

Three years ago, a pathogen devastated the Rocky Mountain bighorn sheep in the Ruby Mountains. The area was closed by NDOW. This is good management.

We are against S.B. 82.

Ryan Werner:

I am a wildlife conservationist and a sportsman, and I want to protect my heritage and traditions. Facts are studied by NDOW biologists and NDOW workers in the field and are used to make decisions.

I am a member of the public, and I do not support S.B. 82. There have been no facts supporting the sale of bear parts on the black market in Nevada.

The NDOW directs conservation groups in seeding and water projects. The Commission adjusts seasons and quotas. The Commission will close a season if low numbers are recorded, such as it did for the turkey population in Lincoln County this year.

Idaho, California, Utah and Arizona have bear hunts. Even with the droughts, fires and hunts, our bear population has sustained. Hunting helps conservation and can help populations. Nevada has been, and is, a role model for numerous states for our wildlife management.

Robert Gaudet (President, Nevada Wildlife Federation, Inc.):

I am not a bear hunter but I oppose S.B. 82. This bill strips the Commission of its right to have a hunting season on bears. This precedent could be used for any other species in the future. Additional information is available in my written testimony ([Exhibit S](#)).

Riley Manzonie:

I make my living by guiding hunters in Nevada. Hunters come from all over the world to hunt in Nevada. The black bear population has reached a number high enough to sustain a hunt. California has outlawed the use of hounds to hunt bears. This could cause an explosion in our bear population.

There are wolf problems in Idaho, Wyoming and Montana. Nevada has taken action to control its largest predator. Senate Bill 82 would erase the progress our State has made. A recent study stated 78 percent of bear mortalities were auto collisions. I oppose S.B. 82.

Drew Edwards:

I am not a bear hunter, but I hope to be someday. Ten bears a year will not hurt a population of several hundred. Most of these bears are located in western Nevada. No game population has been decimated because NDOW has used sound science. The NDOW has done a great job. I oppose S.B. 82.

Payton Bryant:

I am a hunter, and I hope to hunt bear in the future. I am part of the public, and I have not been asked my opinion. Bears are located in a small area. Taking a few bears from that area will not decimate them. I oppose S.B. 82.

Joel Blakeslee (Coalition for Nevada's Wildlife, Inc., Southern Nevada Coalition for Wildlife):

The same arguments have been made seven times over the last 2 years to the county game boards, courts and the U.S. Fish and Wildlife Service.

Chair Ford:

If these arguments been made seven times, should we give credence to what they are saying? Have they been ignored?

Mr. Blakeslee:

I do not think they have been ignored. They just have not been agreed with. As a member of the Nevada Trappers Association, I have found that the Commission has not agreed with me as well.

Senator Settlemeyer:

I know this has been heard many times by those boards. Has their testimony been cut off, and how long do the meetings last?

Mr. Blakeslee:

They can last hours, just like this meeting.

Larry Johnson (Coalition for Nevada's Wildlife, Inc.):

I am Native American. I am an engineering geologist business owner. My testimony includes data collected from the University of California, the Smithsonian Institution and Library of Congress. In the past, several California-Sierra tribes would hunt bears in groups and use dogs. They were held in high esteem.

Chair Ford:

Should California habits dictate what should be done in Nevada for the black bear?

Mr. Johnson:

Testimony has been given today about Native American beliefs. I am trying to counter that by showing examples of tribes that lived in bear country. Most of Nevada did not have bears. Black bears are more numerous today than in any time in history. Trophy hunting has been used in a negative connotation. Native Americans danced around the campfire after they had killed a bear.

Because of my passion and reverence for wildlife, I oppose S.B. 82. Sportsmen and -women are wildlife conservationists and help fund NDOW. Their organizations have raised and spent millions of dollars supporting and enhancing our wildlife resources.

Bob Brunner (Coalition for Nevada's Wildlife, Inc.):

The bear population in Nevada is estimated between 400 and 700 animals. It is part of a continuous population of 15,000 black bears in the Sierra Nevada and over 500,000 bears throughout North America. Three scientific studies are

occurring to determine the actual movement. Previous information gathered is from conflict bears in public areas. It is illegal to hunt in populated areas. The new information we are gathering is from other areas where there is no study information.

The first hunt year was extremely wet. This last hunt year was extremely dry. We do not have information about what happens on a normal year.

What happens next year if there is a black bear on every corner in Incline Village? The Legislature will not be in session and therefore will be unable to respond. The Commission meets on a regular basis every year. The Commission has authority to make adjustments as needed. I checked the legislative Website before I spoke today regarding this bill. There were 111 in favor of the bill and 197 against this bill. The Commission did not ignore the public.

The newspaper polls referred to in previous testimony had 637 responders out of 2.1 million Nevadans.

The reason we have bears to view now is because enforcement is being paid for by sportsmen and -women.

Chair Ford:

I agree that 97 percent of funding for NDOW comes from hunters. Does that mean NDOW gets to make 97 percent of the decisions in its favor? Decisions should be made considering everyone's input.

Mr. Brunner:

Hunters are trained how to call in and report poachers. Hunters are effective agents of enforcement. They are aware of areas that are closed. I am opposed to S.B. 82.

Les Smith (Coalition for Nevada's Wildlife, Inc.):

I was the hunter education coordinator for NDOW for 15 years, and I am now the regional director for the Rocky Mountain Elk Foundation. The bear hunt presents a unique opportunity for hunters. Eleven bears is not a management issue. The Commission has the authority to set the number. Hunting is a tradition in many families. I am opposed to S.B. 82.

Kelly Strain:

I have been involved in the bear hunts. Some falsehoods were made regarding the bears that were taken. No bears were lactating or pregnant. I have Native American friends who said they were not informed. The tribal council boards did not speak to their people. I am opposed to S.B. 82.

Randall Stillboro:

I am an exploration geologist. Bears have overextended their natural habitat, which is in and around the Tahoe Basin. They are starting to wander throughout Nevada. A bear was found in town in Fallon.

Jason James:

Bears getting hit on the road is not good management. We can use the hide and the meat instead of leaving it for the raven, that are killing our sage grouse. The proponents of the bill say we are hunting the wild bears. In Nevada, it is illegal to hunt within a mile of any building. That is a reason to hunt the wild ones. If bears are hunted, the pressure of being hunted will keep the bears away from people. We need to use our heads instead of our hearts and use science. No generation should be denied the right to hunt, fish or trap in Nevada.

Kyle Davis (Nevada Conservation League and Education Fund):

This is, and has been, a difficult issue. Wildlife decisions need to be made on sound science. Declaring a specific animal as protected by legislation does not meet the test of scientific evaluation. From our perspective, the science supports a bear hunt. This issue has been heard and debated at the Commission meetings. Because we are dealing with wildlife, the science will never be exact. If NDOW had to have exact population numbers before a hunt is authorized, it would never have seasons for any type of animal.

The North American Wildlife Conservation Model has been responsible for successes in wildlife recovery in our State as well as nationally. We have not seen cases where there has been large detriment to wildlife population when there is a hunting season. We can reevaluate and close seasons, if necessary.

We feel the process is there and the science does work. We are opposed to S.B. 82.

Kelly Dean (Nevada Bow Hunters Association):

I am a NDOW volunteer teacher for hunters' education. It is hard to explain how you can love animals and still hunt them. The slippery slope is an issue. The same groups that are working on the bear hunt here in Nevada worked on the bear hunt in California. They said archery was cruel and unusual. That particular issue tied the bear hunt issue up in court for 2 years.

I urge you to continue with professional management and not put this into the legislative process. I attended many Commission meetings. Disagreement does not mean disregard. I am opposed to S.B. 82.

Tom Smith (Coalition for Nevada's Wildlife, Inc.):

I oppose S.B. 82. The NRS 501.102 establishes that hunting is permitted in this State. In NRS 501.181, subsection 4, paragraph (a) outlines the responsibility of the Commission and establishes regulations that closure of a season must be based upon scientific data concerning the management of wildlife.

Chair Ford:

Do you agree that the Legislature can take away some authority from the Commission?

Mr. Smith:

I do not disagree. I think it sets a bad precedent. There are many professionals within NDOW, working for the whole State. There is also a financial consideration. Last year 1,762 individuals applied for 1 of 45 tags to hunt bears. Each paid a \$15 nonrefundable fee. This demonstrates the enthusiasm among sportsmen and -women for this hunt. Additional information is in my written testimony ([Exhibit T](#)).

Lee Rankin:

I oppose S.B. 82. There is no reason to protect bears. There are more bears killed by cars or nuisance bears euthanized than we hunt. Bears are already protected in tribal areas.

Shane Evans (Nevada Outfitters and Guides Association):

We oppose S.B. 82. As a private citizen, I am against any of my rights being taken away.

Karen Boeger:

I oppose S.B. 82. I have seen actual prehistoric paintings of bears in the Pyrenees Mountains. They have been revered for a long time. I do not hunt bears, but I support NDOW's ability to manage them.

I live on a ranch in Washoe Valley. Almost every day, from spring to fall, we have bears on our ranch. We have called Mr. Lackey of NDOW to deal with nuisance bears. Few people realize who pays for that service. The hunters' money pays for that management.

If we care about the bears, there should be additional funds slated for bear management. We should also focus on restoring healthy bear habitats and the corridors that connect them to keep the bear population diverse. Additional information is in my written testimony ([Exhibit U](#)).

Doug Busselman (Nevada Farm Bureau Federation):

We oppose S.B. 82. The Nevada Farm Bureau Federation has an organizational policy that says NDOW should continue current programs which remove nuisance bears in a timely manner when they damage private property or pose a public safety concern. We support a hunting season for bears as a management tool with the opportunity to use dogs for hunting.

Darrell Pursel (Pursel Farms):

I am a fifth generation Nevada farmer. Bears have caused approximately \$15,000 to \$25,000 damage to livestock in Lyon County. I am opposed to S.B. 82. Additional information is in my written testimony ([Exhibit V](#)).

Greg Smith (Nevada Bighorns Unlimited):

Years ago, people came to the Commission and agreed no bear hunting would be allowed in the Tahoe Basin. They also wanted a public process. A subcommittee was created within NDOW. Meetings were held and opponents were heard, but they did not win their case. They went to the U.S. Fish and Wildlife Service (USFWS) and were denied.

Chair Ford:

Did the USFWS refuse to declare the bear an endangered species?

Mr. Smith:

I believe that is correct. It went to court, and the opponents lost.

Chair Ford:

The court argument was regulatory. That is different from today's argument, which is to declare the bear a protected mammal and to bar hunting it.

Mr. Smith:

Proponents of the bill say fire, drought and loss of habitat should result in there not being a bear hunt. If that concept is correct, then hunting Area 6 in northeastern Nevada should be protected for mule deer. What bird or animal will be next? The proponents of the bill say more money will be received from nonhunters if hunting was stopped. How many hunting licenses or tags have they bought? How much money have they supplied? We have been allowed to hunt bears in unpopulated wildland areas, which are outside the Tahoe Basin, and now they want us to stop hunting in these areas. Costs of bear management in the Tahoe area are borne by hunters, not residents. I urge that science prevail over emotions. I oppose S.B. 82.

Al Harris:

I oppose S.B. 82. I am a taxidermist in Elko. I have hounds. I have hunted bears for years, but not in Nevada. I receive bears from all over the world. I do not think you can manage anything without keeping the management tools in place. Hunting is a big part of management.

Marcial Evertson:

My concern is the slippery slope. What precedent will we start? The management processes in place now are sufficient.

Tina Nappe:

I have represented conservation on the Commission and helped realize an allocation for endangered species. The bear advocates have probably been the most effective group of people working for wildlife. It would be a shame to pass this bill without sharing the cost of managing bears. This issue comes down to cost. The bear hunt was initiated when the Legislature did not provide an allocation for NDOW to address nuisance bears.

Local governments are responsible for waste management and the protection and safety of their residents. They did not have to deal with bear problems. Therefore, NDOW was left with challenges and requests for support without a budget to accommodate them.

It would be nice if the bear advocates, NDOW and local governments came together to create a plan for bear management. The bear advocates could start a fund to help with the payment and financial support of the bears.

Jack Robb (Chair, Board of Wildlife Commissioners, Department of Wildlife):

We are neutral on this bill. Jeremy Drew will present a timeline on the bear hunt.

Jeremy Drew (Vice Chair, Board of Wildlife Commissioners, Department of Wildlife):

I have provided a document that establishes a timeline of the black bear hunt ([Exhibit W](#)). In June 2010, NDOW provided an update to the Commission on bear management. At that time, the Commission requested a future presentation on the potential for a bear hunt.

Chair Ford:

Why did the Commission receive an update in 2010? Was it requested?

Mr. Drew:

I was not on the Commission at the time. My understanding is it was predicated by the nuisance bears in Lake Tahoe.

Chair Ford:

Your understanding is the nuisance bear issue is what prompted the conversation about a bear hunt in the first place?

Mr. Drew:

In that meeting, yes. I do not know if that prompted the original request.

In August 2010, NDOW provided an informational report to the Commission on the potential for a hunt based on population status, describing pertinent authorizations under both NRS and NAC.

In September 2010, the Commission directed NDOW to draft regulations to authorize a hunt. The Commission then approved temporary regulations necessary to establish and authorize a hunt. In this original approval, 45 tags were authorized to fill a quota of 20 bears, of which only 6 could be females. A mandatory hunt indoctrination course was required and a hotline was established to close the season in the event that six females were harvested.

There was also a provision stating it was unlawful to kill a cub or a sow with a cub.

Chair Ford:

Do you feel that the public's concerns were considered or ignored when instituting the bear hunt in the first place?

Mr. Drew:

I am not comfortable testifying on behalf of the previous Commissioners.

Senator Settlemeyer:

During your tenure, how would you say the meetings have been? Has there been adequate time for both sides? How long have the meetings been?

Mr. Drew:

Anyone who wishes to provide public testimony is allowed time at the end of the meeting and also on every action item. We typically allow 3 minutes apiece for individuals and 6 minutes for organizations. Our meetings run for 2 days. We have nine meetings a year. Meetings usually take 8 hours. Because the black bear issue was so big, the previous Commission formed a black bear committee to allow more input outside of the regular Commission meetings. The three bear meetings I attended ran over 4 hours each.

Mr. Robb:

The bear committee meetings were used as a workshop, with a lot of dialogue and open discussion. There was sufficient time allotted for comments.

Senator Manendo:

Has the bear population been steady since the 1990s?

Mr. Drew:

The information received in 2008 stated the population was growing at approximately 16 percent.

Senator Manendo:

Where did you get that information?

Mr. Drew:

From NDOW.

Chair Ford:

I have heard the bear population had been steady for decades. Then, suddenly, to ostensibly support a bear hunt, a 16 percent increase was presented. Are you able to respond, or should it be NDOW?

Mr. Drew:

It would be better for NDOW to answer the technical questions regarding the population. My family has been in the Douglas County area since 1931. You rarely saw a bear. Now, bears are very common in the area. Anecdotally, my personal experience seems to match NDOW's timeline in terms of when the bear population began to reestablish and increase.

In July 2011, Governor Brian Sandoval appointed three new Commissioners. The First Judicial District Court of Nevada filed an order denying injunctive relief filed by NoBearHuntNV. The bear hunts started on August 20, 2011.

The original hunt was approved on the basis of a temporary regulation. The Commission voted to make it a permanent hunt. By approving the temporary regulation, there were protections afforded to black bears that would not have been available for the time period of November 1 to December 31. We cannot close a season without scientific information to support that decision.

Chair Ford:

I appreciate science, and I realize its importance. Should culture, history and social concern issues also be part of the consideration?

Mr. Drew:

Absolutely.

Chair Ford:

Was that considered in this instance?

Mr. Drew:

Persons who were at the hearing had an opportunity to present their viewpoints on the hunt. We listened to the science and input from county advisory boards, local constituents and the public. Part of the reason for establishing the black bear committee was to further vet those concerns. Some considerations we have made since that time have shown that we have disagreed with nearly

every side of this issue at one time or another. Just because we disagree does not mean we are not receptive.

As an example, we agreed to take the Tahoe Basin and part of the Sierra Front out of the hunt unit. We worked with both sides. When we came to the meeting, there was no agreement. We ultimately made the decision that was against what the county advisory boards and sportsmen and -women wanted and the general public favored. There were concerns about trespassing on tribal lands in the hunt unit. The Bureau of Indian Affairs came to the last hunt indoctrination course and handed out maps showing all the tribal lands in the Pine Nut Mountain Range. We have included that information on our wildlife hunt unit management maps. This informs all hunters that there is an issue of tribal lands in the Pine Nut Mountain Range.

Chair Ford:

I have seen that map. Tribal lands encompass a large part of the Pine Nut Mountain Range. It would be difficult to avoid tribal lands.

Mr. Drew:

That is correct for the west side of the mountains. Access from Smith Valley and the east side is a different story.

The 2012 hunt start date was changed from August 20 to September 15 because of high use in that area before children returned to school.

Chair Ford:

Now the hunt takes place during the pine nut gathering season for the Native American tribes. What do we do about public safety?

Mr. Drew:

I would be amenable to speaking with the tribes to ascertain when the pine nut gathering is happening. The Commission has the authority to adjust the season time to avoid that conflict.

Senator Manendo:

It is my understanding this has been brought to the Commission's attention. Would this be something you could discuss by next week?

Mr. Drew:

To get licenses, sportsmen or -women must go through a rigorous safety course. I do not believe it is a public safety issue. The hunters identify their targets and are ethical. They are aware of the provision that you cannot shoot a sow with a cub. However, accidents can happen.

We have a new hunt and a new Commission, and many of the participants to the process are new. We are working through the issues.

Chair Ford:

What about categorizing the black bear as a protected mammal? Have you looked at any qualifications that would make the bear protected under the NAC?

Mr. Drew:

To my knowledge, we have not.

Chair Ford:

When could that be accomplished?

Mr. Robb:

We do that in a future Commission meeting.

Chair Ford:

When would that be held?

Mr. Robb:

We have a Commission meeting about legislative matters in April. We could add it to the agenda at that time.

Chair Ford:

It would be helpful for my decision making if you could have your research staff come back with an opinion before your meeting in April as to whether the black bear could be classified as a protected mammal.

Mr. Robb:

That would be difficult to do without the public process.

Chair Ford:

Do you know of any other species that has been placed in statutes as a protected animal?

Mr. Robb:

Not in our statutes. I am aware of species in the State that are protected by the USFWS under the Endangered Species Act, but none that are protected specifically by the Commission or NDOW.

I would like to respond to Senator Manendo's concern about the Native Americans and the pine nut gathering. This year's hunt boundaries and season was set at the previous Commission meeting and is already in print. We will be able to tell hunters in the mandatory indoctrination that there is pine nut harvesting occurring during a certain time frame and in certain areas. Next year we could put it into the regulations.

Senator Manendo:

I appreciate it. Why was it not done last time?

Mr. Robb:

Most regulations that changed resulted from multiple discussions with the committee. Season dates and boundary units were discussed. I cannot remember any discussions regarding tribal lands in the Pine Nut Mountain Range within the committee. The Commission has committed to have a 3-year total review of the black bear hunt.

Senator Goicoechea:

Have any lactating sows been taken by accident?

Mr. Drew:

Not to my knowledge, but I would defer that question to Mr. Lackey of NDOW.

George Tsukamoto (Interim Director, Department of Wildlife):

We would like to limit our presentation to the justification of the bear hunt and our assessment of the bear population.

Larry Gilbertson (Game Division Chief, Department of Wildlife):

The Game Division biologists of NDOW are tasked with assessing wildlife populations. There are 16 field biologists strategically placed throughout the

State to assess populations of over 50 game species. They also make recommendations for hunting to maintain those populations and keep them from being negatively impacted. Mr. Lackey will provide information regarding the bear population and information requested from the Commission.

Chair Ford:

Why did you get the initial request for the study?

Mr. Gilbertson:

People have entertained hunting bears for a long time in Nevada. Because of the controversy of the bear hunt, no decisions were made. In 2010, the Commission indicated it would like to entertain the idea of a bear hunt and asked us to bring forth pertinent information to see whether a hunt was feasible.

Carl Lackey (Wildlife Biologist, Department of Wildlife):

The black bear was classified as a game animal in 1920. It was offered protection as a game mammal in 1969. This meant it could be hunted, but only under a managed system. The first managed hunt did not happen until 2011. I will be referring to my PowerPoint presentation ([Exhibit X](#)).

Historic observation says bears were extirpated from Nevada by the early 1900s. The 1979 director of NDOW stated there were no bears in Nevada. That changed in the mid to late 1980s when NDOW started to receive and record black bear and human conflicts. Those complaints have risen steadily for the past 25 years.

This prompted a long-term study of black bears in Nevada with Dr. Jon Beckmann, Dr. Jim Sedinger and myself. I have included the 2011 and 2012 summary statistics provided by Dr. Beckmann ([Exhibit Y](#)). We are in the seventeenth season of this study. In the past 16 years, we have handled close to 600 black bears. This does not include recaptures. We have marked and released over half of them back into the population for our mark and capture study.

This 15-year study has produced seven peer-reviewed manuscripts in professional journals, including the one alluded to earlier today. We generated three population estimates in this study period, as shown in [Exhibit X](#). The sample size increased dramatically, but the confidence intervals also dropped

dramatically. We estimate the current bear population is between 400 and 700 bears.

The first study was done by John Goodrich, University of Nevada, Reno, in 1990. This study had a sampling period of only 3 months and captured 30 bears. The first estimate made by Goodrich was not a statistical estimate. The 2002 Beckmann estimate was extrapolated from information in Goodrich's data set, which was based on density of bears in his two study areas, using densities over available habitats to get the population estimate of 220 bears, shown in [Exhibit X](#).

Chair Ford:

If the 1990 Goodrich estimate was not a statistical estimate, was the 2002 study number corrupted?

Mr. Lackey:

The 2002, 2008 and 2011 estimates were based on mark-recapture estimates. There has been some argument that the population was stable from 1990 until 2002. Goodrich did not even establish a population estimate in 1990. The estimate was done in 2002 based on his data so we had some comparison. The two estimates are not statistically comparable.

Senator Goicoechea:

Do you think the population increase from 1979 until 1990 was caused by migration from California or by different hunting methods?

Mr. Lackey:

We really do not know. We have some hypotheses that are in the document currently in press. It has to do with habitat regeneration, recolonization and influence of migration from California.

In a 2004 black bear status report, "Endangered and Threatened Wildlife and Plants: 90-day Finding on a Petition to List a Distinct Population Segment of the American Black Bear in Nevada," I said the population was stable. We had no information to contradict that statistic. The confidence interval in 2002 overlapped the confidence interval established in Goodrich's 1999 graph, [Exhibit X](#). We could not conclude the population was increasing despite other indications, one of which was the density in the Tahoe Basin. We had the

second highest density of bears anywhere in North America in the urban areas of Lake Tahoe.

The statistical estimates were created in Program MARK, a software program used to calculate data such as capture probability, survival, mortality, recruitment, population size and rate of population increase.

Chair Ford:

Were those processes accepted in the industry at the time?

Mr. Lackey:

Yes. Dr. Jim Sedinger, a nationally recognized population ecologist from the University of Nevada, Reno, ran these models for us.

Chair Ford:

Were there alternative models that could have been utilized?

Mr. Lackey:

There may have been. Considering the data we had and how we had established that data, Dr. Sedinger felt Program MARK was the best model.

The results of these models are conservative. It has to do with capture probability. Not every bear in the population has the same chance of being captured. Uncertainty is a given, but it decreases as the sample size increases. We built further conservatism into the 2008 analysis, which was not completed until 2010 when the bear hunt was being addressed. We removed first-encounter bears and dependent cubs from the study to improve the model's accuracy. These bears were in Nevada but removed from the analysis.

This ties in to the tag-and-quota calculations. Through this study we calculated a sustained yield of 40 bears. This means that 40 bears could be taken by hunters, in addition to other bears being killed by other means, and the population would remain stable. We made the decision to reduce the quota to be extra conservative. The recommendation was 20 bears.

To determine how many tags we would need, we researched the western states for the highest-published hunter success rate. Utah had a hunter success rate of 44 percent. Our calculations gave us 45 tags. There were 3,000 applicants over a 2-year period. This equates to over \$50,000 for fees for tags, licenses and

applications. There were 25 successful hunters giving a success rate of 28 percent.

Only one bear that had been marked previously was taken in the entire 2-year period. That indicates there are more bears in the wildland areas than we thought.

Chair Ford:

How many bears did you tag?

Mr. Lackey:

We have tagged 365. We will continue to monitor the harvest and evaluate the management plan. For evaluation, we are using three indices that are accepted practices. We will look at the number of female bears killed in the harvest, the percent of adult females within that female portion of the harvest, and the average age of male bears killed during the harvest. We have not come close to meeting any negative thresholds in the past 2 years.

During the last 6 years, 1,163 bears were killed in California by hunters. In comparison, only 25 bears were killed by Nevada hunters, and 192 bears were killed by human-caused reasons. Since 1997, there have been 359 documented bear mortalities. Almost half of those bears were hit by cars.

Some Nevada tagged bears have been killed elsewhere, usually in California. They have been found as far south as Lone Pine, California, and as far north as Lakeview, Oregon. We have also tracked the movement of 12 collared bears. They have traveled back and forth across state lines.

The 2012 Commission decision to close certain areas of the Lake Tahoe Basin has provided a sanctuary for the black bears, but only on the Nevada side. On the California side of the Lake Tahoe Basin, bears are still hunted.

We are looking at two projects funded by the Wildlife Heritage Trust Account: reproduction potential; recruitment of bears outside of the study area; and habitat modeling. We are also doing genetic mapping of DNA in bears and the relationship between resident bears in Nevada and the greater Sierra Nevada population, which we believe to be one large population. We are also doing an isotope analysis with the University of Tennessee. This looks at sex and age cohorts of bears that are utilizing human foods or garbage.

Senator Goicoechea:

Could you have double the number of bears than you think you have?

Mr. Lackey:

We could. The estimate is between 400 and 700.

Senator Goicoechea:

Could it be over 1,000 bears?

Mr. Lackey:

We are being conservative on the modeling, so it could be possible, but I do not think so.

Senator Goicoechea:

Do you think you have half the population tagged?

Mr. Lackey:

Probably not. Last year we handled 75 individual bears. Of those, 57 were brand-new bears.

Senator Ford:

Why is there a 16 percent jump in what was previously stated as a stable population?

Mr. Lackey:

I would not make a recommendation unless I have facts. In 2002, we had to say the population was stable because we did not have any statistical evidence it was increasing. We continued to use nonlethal management as we gathered statistics.

Senator Settlemeyer:

How many bears were harvested last year, and how many had aversion training?

Mr. Lackey:

We handled 75 individual bears with 31 mortalities. There were 44 bears captured and released.

Senator Ford:

Do you know of any other species labeled in statute as protected?

Mr. Tsukamoto:

We have been collecting data for years. We make recommendations based on the data. We have not even come close to having a species near extinction.

Senator Ford:

I am referring specifically to the reference in S.B. 82 that the black bear be made a protected mammal. As opposed to regulations, do any statutes exist that declare any animal as protected?

Mr. Tsukamoto:

There are reptiles, salamanders and falcons. Some are protected by federal rules, not State rules.

Senator Settlemeyer:

Is it in the NRS or NAC?

Richard L. Haskins II (Deputy Director, Department of Wildlife):

There are no other species in Nevada listed as threatened or protected in statute. There are numerous ones in the NAC.

Senator Ford:

How do we stop the bear hunt in statute? Would S.B. 82, section 2, subsection 2, be sufficient, or do we have to make the bear protected as well?

Mr. Haskins:

I believe that would be adequate protection to stop the bear hunt. If you remove the bears from the game mammal status, they will lose some protections in terms of penalties for poaching.

Senator Ford:

There are other consequences for doing that?

Mr. Haskins:

Yes. You can accomplish the same thing by limiting the ability to hunt bears.

Senator Goicoechea:

You are speaking about the protections listed in NAC. Would it be simpler to take this issue and establish it in the NAC where we have more flexibility?

Mr. Haskins:

I am not sure how to respond.

Senator Goicoechea:

It would be the first in statute.

Senator Settlemeyer:

How many bears are tagged, and how many were harvested that had tags?

Mr. Lackey:

We have marked 365 bears since 1997. Only one tagged bear was killed in the hunt. In the outlying areas, it could be 40 bears.

Senator Manendo:

Are the human-bear conflict issues mostly in urban areas?

Mr. Lackey:

Yes, they are mostly caused by bears getting into trash.

Senator Manendo:

Why is there no hunt in the Lake Tahoe area?

Mr. Lackey:

It was closed in 2012.

Senator Manendo:

That was one of the reasons to mitigate the problem. Would you go to where the problem is?

Mr. Lackey:

Are you asking me if the intention of the hunt is to take out the conflict bears?

Senator Manendo:

We heard that was one of the reasons.

Mr. Lackey:

It was recognized early that the conflict issue is a separate issue.

Senator Manendo:

I heard today that it is still part of the whole reason we need to continue to have a bear hunt.

Mr. Gilbertson:

The first year, the recommendation was to have the hunt include the Lake Tahoe Basin. Due to the public input, a compromise was made to remove it from hunting for the second year. It was never designed to reduce and remove urban bears.

Senator Manendo:

It just seems odd you would not hunt where the problems exist.

Rob Buonamici (Chief Game Warden, Department of Wildlife):

I would like to reference NRS 503.620. This is a protection of birds included in the federal Migratory Bird Treaty Act. That is a Nevada statutory protection.

Ms. Martini:

I have questions about the data presented. Over half of the 400 to 700 bears would be in the urban areas because of available food sources. They are healthy and procreating. Since only one tagged bear was taken in the hunt, there may not be many bears in the hunt areas that can be taken.

I do not think using the data of 400 to 700 bears and justifying the hunt and sustainability of the bears in the wild areas is relevant as to how many bears are actually in the hunt area.

Senator Manendo:

I would like to speak to the earlier polling question. I was not polled either. However, the Mason-Dixon polling organization has been relied on for many years for polling information. No other polling firm's record has been publicly tested and validated as often as Mason-Dixon's. That poll did say a majority of Nevadans oppose the bear hunt.

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Ms. Schwamberger:

I would like to register a technical objection to Mr. Lackey testifying in the neutral position. We have an email from Mr. Lackey, before the bear hunt was adopted, advocating to the public he was in favor of the bear hunt.

Chair Ford:

I have received a request to submit a letter for the record from the Nevada Firearms Coalition opposing S.B. 82 ([Exhibit Z](#)).

I will close the hearing on S.B. 82. There being no further business, the Senate Committee on Natural Resources is adjourned at 5:27 p.m.

RESPECTFULLY SUBMITTED:

Lynn Berry,
Committee Secretary

APPROVED BY:

Senator Aaron D. Ford, Chair

DATE: _____

<u>EXHIBITS</u>				
Bill	Exhibit		Witness / Agency	Description
	A	1		Agenda
	B	13		Attendance Roster
S.B. 11	C	1	Michael Stewart	Work Session Document
S.B. 65	D	5	Michael Stewart	Work Session Document
S.B. 73	E	1	Michael Stewart	Work Session Document
S.B. 83	F	1	Michael Stewart	Work Session Document
S.B. 82	G	1	Christine Schwamberger	Written Testimony
S.B. 82	H	1	Geoffrey Ellis	Written Testimony
S.B. 82	I	1	Raquel Arthur	Written Testimony
S.B. 82	J	3	Lloyd Peake	Written Testimony
S.B. 82	K	70	Kathryn Bricker	Written Testimony
S.B. 82	L	1	Catherine Smith	Written Testimony
S.B. 82	M	2	Pamela Gartin	Written Testimony
S.B. 82	N	2	Elaine Carrick	Written Testimony
S.B. 82	O	1	Beverlee McGrath	Written Testimony
S.B. 82	P	1	Daniel Carrick	Written Testimony
S.B. 82	Q	1	Trish Swain	Written Testimony
S.B. 82	R	2	Fred Voltz	Written Testimony
S.B. 82	S	2	Robert Gaudet	Written Testimony
S.B. 82	T	3	Tom Smith	Written Testimony
S.B. 82	U	1	Karen Boeger	Written Testimony
S.B. 82	V	3	Darrell Pursel	Written Testimony
S.B. 82	W	2	Jeremy Drew	Bear Hunt timeline
S.B. 82	X	25	Carl Lackey	Black Bear Information Report
S.B. 82	Y	2	Jon Beckmann	Bear Hunt Statistics
S.B. 82	Z	1	Nevada Firearms Coalition	Letter for the record