
April 20, 2024

VIA ELECTRONIC MAIL

North Carolina Office of Administrative Hearings
Rules Review Commission
1711 New Hope Church Road
Raleigh, North Carolina 27609
oah.rules@oah.nc.gov

Re: 15A NCAC 10B .0202 BEAR, Amendment H4

Members of the Commission:

I request that the North Carolina Wildlife Resources Commission's (NCWRC) recently adopted amendment to expand black bear hunting season by nine days in the Mountain Bear Management Unit (MBMU), create Saturday openers for each of the two bear hunting segments in the MBMU, and remove the prohibition on hunting bears with the aid of unprocessed bait during the second segment in the MBMU under 15A NCAC 10B .0202 BEAR, Amendment H4, be *independently* reviewed during the next legislative session as set out in N.C.G.S. 150B-21.3. I further request that the amendment's effective date be delayed as set out in that same provision.

The NCWRC's recently adopted amendment to expand the black bear hunting season in the MBMU by nine days, create Saturday openers for each of the two segments in the MBMU, and remove the prohibition on hunting bears with the aid of unprocessed bait during the second segment of the Mountain Bear season is in violation of:

1. The NCWRC has the authority delegated to it by the General Assembly to codify wildlife policy and, therefore, has the legal authority to make the amendment, but **the NCWRC has repeatedly failed to produce any scientific evidence to justify its rulings, which makes the rulings unlawful.**

Attempts by the NCWRC to open three designated bear sanctuaries to hunters and their dogs in 2022 was profoundly unpopular because even regional bear hunters were against it on scientific grounds. As a consultant with Help Asheville Bears, I produced a [video](#) of a public meeting featuring NCWRC District 9 biologist, Justin McVey, acknowledging he did not "understand the math" behind his recommendation to open the sanctuaries to hunters.

This latest attempt by the NCWRC to kill more bears to appease a tiny subset of the human population is based on the same intentionally fictive data. At a public hearing held on Thursday, January 11, 2024, Cherokee County resident Chris Palmer called out the NCWRC's bad-faith science stating, "Bear populations, I promise, fluctuate from year to year" and "[what population you say is out there, I don't think is out there.](#)"

To quote from The Humane Society of the United States (HSUS) in their letter to the Rules Review Commission (RRC) dated January 30, 2024:

In a study of 667 North American wildlife management plans, Artelle et al. (2018) and others found that some or most of the four fundamental “hallmarks of science” (measurable objectives, evidence, transparency and independent review) were absent from most state or provincial wildlife management plans in the U.S. and Canada. Sixty percent of the management plans reviewed contained fewer than half of those hallmarks necessary to meet standard scientific criteria. Artelle and others found that governmental wildlife agencies failed to state their objectives for management, have quantitative information about wildlife population sizes, provide transparency about how hunting rates were estimated, or use independent peer review of their plans. They write: “Our findings suggest that the assumed scientific basis of wildlife management across much of the United States and Canada might warrant reconsideration.”

Billionaire NCWRC District 9 Commissioner, Brad Stanback, really should reconsider why he gives “[more credence](#)” to NCWRC biologist’s recommendations than the public he is sworn to serve.

2. The rule is unclear and ambiguous:

- A.** The NCWRC justifies expanding and starting bear hunting in the MBMU nine days early by arguing it will change the composition of the Mountain bear harvest and slow down bear population growth. What it does not directly say is that the change in composition will come from killing additional pregnant bears since pregnant sows usually den earlier than the rest of the bear population and a greater number of pregnant sows would be exposed to hunters before entering their dens, if hunting was allowed even earlier in October.

But James Tomberlin, mountain operations supervisor for the NCWRC, [told on himself](#):

The intention there is to increase the percentage of female bears in the overall harvest. You're not going to be effective at managing your population if you don't have some type of focus on the female segment of the population.

When soliciting public comments, the NCWRC did not disclose that *pregnant* bears were specifically being targeted. Current regulations do not allow hunters to kill mother bears with cubs, but now the NCWRC has reversed its own rule to promote and permit hunters to chase and kill pregnant bears while attempting to keep that unsavory consequence from the public. Yet even with the NCWRC’s attempts to keep critical facts from the public, the bear amendment generated by far the most responses and the most negative responses. Six hundred forty-six respondents objected to the amendment, with 69% against the proposal to extend the bear hunting season. The NCWRC has historically misled the public and then ignored the will of the people to push through their politically and financially motivated agendas.

The NCWRC has not clearly defined the details of the rule; it is ambiguous. The NCWRC has not disclosed how many additional permits they expect to sell or the number of additional bears that will be allowed to be killed which could easily exceed even their admitted target goals; their own data shows the “[current harvest rate is at or approaching maximum sustainable yield](#).” Given the NCWRC’s endless push to kill more bears, it seems far more

likely that this latest attempt's sole objective is to provide "additional bear hunting opportunities" that panders to a tiny minority of bear hunters against the will of the vast majority of North Carolina residents and visitors who oppose expanding the bear hunting season.

3. Opening bear hunting season early in the Mountain Bear Management Unit **is not reasonably necessary** to implement or interpret an enactment of the General Assembly, or of Congress, or a regulation of a federal agency:
 - A. There are other population control methods to reduce the bear population without specifically targeting pregnant sows. The most ethical method is allowing female bears to regulate their own populations through delayed implantation. This [well-studied process](#) prevents bears from populating beyond their environmental carrying capacity.
 - B. The NCWRC's justification that "[additional hunting opportunity in early October is necessary to meet population management objectives for the Mountain Bear Management Unit](#)" is unnecessary and unscientific and fails to question whether their management objectives codified in 2012 were ever valid and/or are valid in 2024. The Mountain bear population is *not* increasing annually. Contrary to the NCWRC's claims, the black bear population in the Mountain Bear Management Unit has not increased by 7%, or even the [5% that was cited by the NCWRC's black bear and furbearer biologist, Colleen Olfenbittel, in 2023](#), or [the 3 to 4% increase that was also cited by Olfenbittel in 2023](#) (which is it?); by the latest NCWRC funded data from 2021, the population has *decreased*. In their 2021 paper, [Estimates of Abundance and Harvest Rates of Female Black Bears Across a Large Spatial Extent](#), Dr. Joseph P. Clark, Branch Chief of the U.S. Geological Survey Southern Appalachian Field Branch at the University of Tennessee, Knoxville, and Jacob Humm, a doctoral student in the Forestry, Wildlife and Fisheries Department at the University of Tennessee, Knoxville, concluded that, **"...increased harvest goals and poor hard mast production over a series of prior years reduced bear population abundance..."** and the **"harvest rate is at or approaching maximum sustainable yield."**

Yet even with Clark's density data the NCWRC funded stating harvest rate was at or approaching maximum yield in 2021, and the NCWRC's continual attempts at guessing the percentage, the NCWRC allowed an 11% increase in bear harvest from 2021 to 2022.

The statements in the Smoky Mountain Times by Henderson County resident Sarah Carpenter more than likely reveals the true and *only* motivation for the NCWRC's unnecessary, unscientific ruling/s:

I'm a fourth-generation bear hunter, and my children are five years old. I have twin girls, and they come up and they ride on the four wheelers with us, but they can't come on a Monday. Having a Saturday opener is how we are going to [perpetuate this tradition and this heritage](#), by being able to get our kids out there.

The NCWRC has failed to submit any data supporting its assertion that "removing the prohibition on the use of unprocessed bait during the second segment will reduce regulation

complexity without any biological impacts.” If unprocessed bait has no biological impacts, why has it been prohibited for decades?

4. Opening the bear hunting season early **will have a negative impact on the state's economy:**
 - A. The tourism and outdoor recreation industries are significant contributors to North Carolina's economy. Fifteen percent of visitors in 2022 came to the mountains of North Carolina to view wildlife, a far greater percentage than the visitors who come to hunt.
 - B. Western North Carolina's mountains are a revered destination for tourists from all over the world who come to enjoy the serene, peaceful environment and the prospect of seeing bears.
 - C. Opening bear hunting in the Mountain Bear Management Unit early will infringe upon the popular tourist leaf season for an additional nine days, putting outdoor enthusiasts at increased risk of an accidental shooting or an attack by packs of hunting dogs. Bear hunting with dogs is a significant danger. In 2014, [Dr. Kadie Anderson](#) and her two dogs were viciously attacked by bear hunting dogs while camping in the Nantahala National Forest.
 - D. Under North Carolina law, [dogs "being used in a lawful hunt" are exempt](#) from dangerous dog laws that require owners to prevent their animal from harming a person or another animal. The NCWRC's amendment to expand bear hunting season endangers the public, companion and farm animals, and private property owners. Tourists and residents will hesitate before bringing their families to a place where they can be potentially shot and/or attacked by hunting dogs. Learning that hunting dog owners are exempt from laws that protect people and their companion animals will only further deter people from visiting for an additional nine days of the expanded bear hunting season.

At the NCWRC's public hearing in Clyde on January 11, 2024, [Caldwell County resident David Woods stated:](#)

I would never shoot a man over a dog, but I know people that will. I'm telling you, you can mark it down tonight. I'm just telling you there will be trouble. If we have meetings next year, we'll be talking about it, because somebody is stupid enough to do it.

- E. [Despite bear hunters](#) who defend their minority killing “tradition” and falsely claim the NCWRC's proposal to expand bear hunting season is “science based,” [hunting continues to decline in popularity](#). Progressive wildlife managers and legislators have recognized the challenges the decline in hunting poses for the long-term sustainability of the current funding model. But instead of recognizing those challenges and the public's increasing distaste for hunting, and bear hunting with dogs in particular, the NCWRC has doubled down with their unscientific proposal.

As more and more people learn about the horrific manner bears die when hunted with dogs, it is guaranteed there will be more of a public outcry. Extending bear hunting season only extends the intense and extreme suffering bears endure when hunted with dogs, and with

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As more and more people learn about the horrific manner bears die when hunted with dogs, it is guaranteed there will be more of a public outcry. Extending bear hunting season only extends the intense and extreme suffering bears endure when hunted with dogs, and with

pregnant bears now being specifically targeted, the state has opened itself up to an organized boycott to discourage people from visiting North Carolina.

To summarize the Humane Society of the United States from their January 30th letter: Hounding causes stress and distress to all wildlife, including non-target species, and to the hounds themselves. Hounds can kill bears with cubs and kill cubs, and hounds can be killed by bears. Hounding disrupts bears when they should be foraging to prepare and survive wintertime hibernation, not hiding and running from hunters and packs of dogs. Neither hounds nor bears sweat; to dissipate heat to prevent damage to their brains, they must either inefficiently pant or find a body of water to cool off, which is impossible if they are running from and fighting off hungry dogs for many hours or even days.

According to the NCWRC's own materials, "[The black bear is a very shy, non-aggressive animal that avoids human beings in most cases](#)," and, therefore, hounding is an incredibly cruel and barbaric practice that should not continue or be expanded because less than 2% of North Carolina residents hunt bears and hunting is an easier solution than compelling the NCWRC to understand the science or ethics behind their unscientific rulings.

For all the reasons outlined above, I request that NCWRC's amendment to expand the black bear hunting season in the Mountain Bear Management Unit not be approved by the Rules Review Commission and that an *independent*, scientific review be conducted.

Thank you for your urgent consideration.

Sincerely,

Diana Starr
diana@wildthingsdwell.org

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Sincerely,

Diana Starr
diana@wildthingsdwell.org

Members of the Rules Review Commission

N.C. Rules Review Commission

1711 New Hope Church Rd.

Raleigh, NC 27609

Re: Review Request for Regulation [15A NCAC 10B .0202,] Pertaining to Bear Hunting

Dear Commissioners,

I am writing to request a thorough review of the recent amendments to bear hunting regulations proposed by the North Carolina Wildlife Resources Commission (NCWRC). Specifically, I urge the commission to consider the amendments outlined in N.C.G.S. 150B-21.3 during the upcoming legislative session. Furthermore, I propose that any changes be subjected to a delayed effective date, as prescribed in the aforementioned provision.

The recent alterations to bear hunting regulations, particularly those pertaining to the opening of the hunting season nine days earlier and the authorization of bear hunting with dogs in Franklin County, warrant careful scrutiny. My concerns regarding these amendments stem from several significant issues:

The language of the amendment is not clear and concise – most disturbingly, it fails to address the issue of pregnant bears. Pregnant bears, which typically den earlier than others, will constitute a percentage of the harvest due to the timing. The ambiguity surrounding this *issue within the issue* raises serious ethical concerns.

When there are other, more ethical ways to manage bear populations – as is the situation here – those methods should be prioritized. These approaches align with conservation principles, demonstrate respect for wildlife, and better represent the preferences of North Carolina's residents and tourists, who significantly outnumber bear hunters.

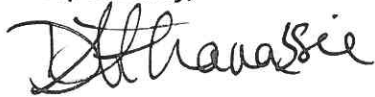
To that extent, advancing the bear hunting season **poses significant risks to public safety** by extending the period during which outdoor enthusiasts may encounter packs of hunting dogs, thus increasing the likelihood of aggressive encounters (particularly if they are hiking or camping with their pet). Secondly, it can have adverse economic effects on North Carolina's tourism and outdoor recreation industries. As awareness grows regarding the inhumane treatment of bears during hunting with dogs, coupled with the targeting of

pregnant mothers, there may be a backlash resulting in decreased tourism and revenue loss.

Given these concerns, I respectfully request a legislative review to ensure that the interests of both wildlife conservation and public welfare are adequately addressed.

Thank you for your attention to this matter.

Respectfully,

A handwritten signature in black ink, appearing to read "Dina Athanassie". The signature is written in a cursive style with a large initial "D".

Dina Athanassie

P.O. Box 340384

Tampa, Florida 33694

Patricia Hughes
3013 East Beaumont Lane
Eustis, FL 32726

April 1, 2024

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: (15A NCAC 10B 0202,) Bear

Members of the commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

The North Carolina Wildlife Resources Commission recently adopted new rules to Bear Hunting, which allows opening bear hunting season nine days early and the use of bear hunting with dogs in Franklin County. This is cruel and these shy, non-aggressive animals do not deserve to be terrorized in such a cruel way. They go out of their way to avoid humans and their suffering is because of ignorant humans. They only deserve to live their lives peacefully and citizens need to be responsible and respect them as all wildlife.

Regarding opening the bear season early, this is not reasonably necessary. There are other ways, certainly more ethical ways, to reduce the bear population without trying to specifically target pregnant mothers carrying cubs and without adding more days of exposing the public to packs of free-running dogs and killing bears in such a cruel manner. Allow bears to regulate their own populations through delayed implantation. Although this method does not generate income for NCWRC through the sale of hunting licenses, which in fact generates very little income after all the bear hunting means necessary is paid for. Only 50% of cubs live to be a year old, many are killed by cars, poaching and other bears.

Opening the bear hunting season early will have two very negative cumulative effects including a risk to public safety. Many outdoor recreationists come to North Carolina specifically to enjoy the fall color season in the mountains. Opening the bear hunting season early will infringe upon the color season an additional nine days, putting outdoor enthusiasts at more risk of encountering packs of aggressive hunting dogs during that extra time-period. It is a significant safety issue as Dr. Kadie Anderson can testify. She and her two dogs were viciously attacked by bear hunting dogs while camping in the Nantahala National Forest.

The tourism and outdoor recreation industries are significant contributors to North Carolina's economy. As more and more people are learning about the horrific manner bears suffer when hunted with dogs, there will be more of a public outcry. The harassing, tormenting and extended suffering bears endure when hunted with dogs and with pregnant mothers now being targeted, the state is exposed to the real risk of an organized attempt (boycott) to discourage people from traveling to and vacationing in North Carolina. It will certainly discourage travel and vacationing in the WNC mountains during those additional nine days of the fall color season. There will be lost revenue.

The court of public opinion is opposed to these considerations. The vast majority of citizens love, and respect bears and it is a highlight to experience seeing one in their habitat. These gentle and magnificent beings try their best to avoid humans and live with their families peacefully in the woods.

✓ For all the reasons listed above, if the Rules Review Commission approves NCWRC's adopted rule changes for bear hunting, I ask that the RRC Requests a Legislative Review be conducted. ✕

Please do what is right for wildlife and oppose this.

Thank you for your consideration.


Patti Hughes

Erin Sobe
970 Hamilton Ridge Lane
Rural Hall, NC 27045
03/27/2024

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2024 APR -1 PM 2:45
OFFICE OF ADMIN HEARINGS

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The rule is not clear and it is ambiguous:

The NCWRC justifies starting the bear hunting season early by saying it will “change the composition of the Mountain bear harvest.” What it does not say is that the change in composition comes about by killing more pregnant bears. Since pregnant mothers usually den earlier than the rest of the bear population, a greater percentage would now be killed by hunters with the season opening sooner. When soliciting public input, the public was not made aware of the fact that pregnant bears were being specifically targeted. Currently, hunters are not allowed to kill mother bears with cubs, but now NCWRC wants hunters to kill pregnant bears carrying cubs. The new policy makes it very unclear as to whether NCWRC wants to kill cubs or protect cubs. The rule is ambiguous and contrary to existing policy and human decency.

Opening the bear hunting season early is not reasonably necessary:

There are other ways, certainly more ethical ways, to reduce the bear population without trying to specifically target pregnant mothers carrying cubs and without adding more days of exposing the public to packs of free-running dogs and killing bears in such a cruel manner. What about considering still hunting at the end of the current season? Another way might be to allow bears to regulate their own populations through delayed implantation. Although this method does not generate income for NCWRC through the sale of hunting licenses, this well-studied process prevents bears from populating beyond their environmental carrying capacity.

Opening the bear hunting season early will have two very negative cumulative effects:

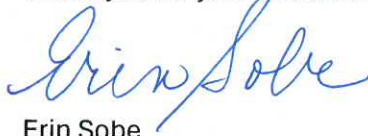
1. Risk to Public Safety: Many outdoor recreationists come to North Carolina specifically to enjoy

the fall color season in the mountains. Opening the bear hunting season early, will infringe upon the color season an additional nine days, putting outdoor enthusiasts at more risk of encountering packs of aggressive hunting dogs during that extra time-period. It is a significant safety issue, as Dr. Kadie Anderson can testify. She and her two dogs were viciously attacked by bear hunting dogs, while camping on the Nantahala National Forest in October 2014 (<https://www.citizen-times.com/story/news/local/2014/10/20/charges-hunting-dog-attack-graham-forest/17623053/>).

1. Adverse Economic Impact: The tourism and outdoor recreation industries are significant contributors to North Carolina's economy. As more and more people are learning about the horrific manner bears suffer when hunted with dogs, there will be more of a public outcry. Now NCWRC wants to add another week and two days to the killing. The harassing, tormenting, and extended suffering bears endure when hunted with dogs and with pregnant mothers now being targeted, the state is exposed to the real risk of an organized attempt (boycott) to discourage people from traveling to and vacationing in North Carolina. It will certainly discourage travel and vacationing in the WNC mountains during those additional nine days of the fall color season. There will be lost revenue.

For all the reasons listed above, if the Rules Review Commission approves NCWRC's adopted rule changes for bear hunting, I ask that the RRC requests a Legislative Review be conducted.

Thank you for your consideration.



Erin Sobe
Erogers9@hotmail.com

Burgos, Alexander N

From: Rules, Oah
Sent: Wednesday, March 27, 2024 7:47 AM
To: Burgos, Alexander N
Subject: FW: [External] 15A NCAC 10B .0202 BEAR
Attachments: Blank 2.pdf

From: Sherri Ozcomert <sherozcomert@bellsouth.net>
Sent: Tuesday, March 26, 2024 4:50 PM
To: Rules, Oah <oah.rules@oah.nc.gov>
Subject: [External] 15A NCAC 10B .0202 BEAR

[You don't often get email from sherozcomert@bellsouth.net. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

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Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.

Sherri Ozcomert
446 Worley Rd
Highlands, NC 28741

March 26, 2024

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: [15A NCAC 10B .o wow.] Bear

Members of the Commission:

I request that the above rule(s) Bear reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

The North Carolina Wildlife Resources Commission's recently adopted rule that allows the expansion of the bear hunting season by starting nine days early is not clear and it is ambiguous:

If hunters are not allowed to kill mother bears with cubs, why would they be allowed to kill bears when it's more likely that bears are pregnant with cubs? Is the NCWRC wanting to kill cubs or protect cubs?

Opening the bear hunting season early is not reasonably necessary:

According to a well studied process that prevents bears from populating beyond their environmental carrying capacity, why not use delayed implantation?

Opening the bear hunting season earlier will impact families who bring money through tourism to the state's economy:

The economy in the mountainous areas of NC is heavily dependent on tourism and outdoor recreation. Tourists come for leaf season, how will children and families feel safe in the woods, especially areas that once were bear sanctuaries like Panthertown? When I shared this with friends who reside in the town of Highlands, who are also parents of young children, they were very upset. I have continued to share this with others and no one has been in support of this. The facts here are a greater possibility of getting shot. Bear hunting dogs are often vicious due to abusive treatment by the owners who have been given no reason to treat them well, which also must be addressed. For tourists supporting NC economy during leaf season, enjoying photography, families hiking with children, bird watchers, campers all being with hunters and their dogs in the forests is not welcoming and likely a deterrent.

For all the reasons outlined above, I request that NCWRC's amendment to expand the bear hunting season in the Mountain Bear Management Unit not be approved by the Rules Review Commission and that an independent, legislative review be conducted.

Thank you for your urgent consideration.

Sincerely,

Sherri Ozcomert

March 21, 2024

Diane Levine
157 Country Squire Rd.
Highlands, N.C. 28741

N.C. Rule Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: 15A NCAC 10B.0101, Bear

Members of the Commission:

I am requesting that the above rule(s) be reviewed in the next legislative session as set in N.V.G.S. 150B-21.3. I am also requesting the rule(s) be subject to a delay effective date as set out in the same provision.

North Carolina Wildlife Resources Commission's adopted rule that allows the expansion of bear hunting season by starting Nine days early is NOT clear.

It states it will change our mountain bear harvest. The new policy makes it very unclear as to whether the NCWRC is trying to kill pregnant bears to reduce population or what????? It's most contrary to the existing policy.

The opening of bear Hunting early is not necessary.

This will not generate income for the state in the sale of hunting licenses. It has been well studied that bears will not populate beyond their environmental capacity.

We the public do not need guns and hungry vicious dogs running through the Fall Foliage when tourism is at its peak.

Out state receives much more revenue from tourist than hunters. If these guns and dogs are allowed to roam when we are taking our family outings people will think seriously about not coming to our forest. Our family, friends and animals are subject to attacks. Not to mention a happy trigger and accidents DO HAPPEN. These have been documented in numerous newspapers.

Bears die a most horrific manner when hunted by dogs. You want to hunt then follow the signs and use your skills. This harassing our neighbors and tourist at the busiest time vacationers will hurt North Carolina income.

Please truly consider my request to NOT EXPAND THE STARTING OF BEAR HUNTING SEASON EARLY.

Most Sincerely,

A handwritten signature in cursive script that reads "Diane Levine".

Diane Levine

A hunter and lover of forest safety

Oleg Finodeyev
5633 NE 20th Ave., Ft. Lauderdale,
FL 33308

03/25/2024

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: [15A NCAC 10B .0202,] Bear

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

The North Carolina Wildlife Resources Commission recently adopted new rules to Bear Hunting, which allows opening bear hunting season nine days early and the use of bear hunting with dogs in Franklin County.

The rule is not clear and it is ambiguous:

The NCWRC justifies starting the bear hunting season early by saying it will “change the composition of the Mountain bear harvest.” What it does *not* say is that the change in composition comes about by killing more pregnant bears. Since pregnant mothers usually den earlier than the rest of the bear population, a greater percentage would now be killed by hunters with the season opening sooner. When soliciting public input, the public was not made aware of the fact that pregnant bears were being specifically targeted. Currently, hunters are not allowed to kill mother bears with cubs, but now NCWRC wants hunters to kill pregnant bears carrying cubs. The new policy makes it very unclear as to whether NCWRC wants to kill cubs or protect cubs. The rule is ambiguous and contrary to existing policy and human decency.

Opening the bear hunting season early is not reasonably necessary:

There are other ways, certainly more ethical ways, to reduce the bear population without trying to specifically target pregnant mothers carrying cubs and without adding more days of exposing the public to packs of free-running dogs and killing bears in such a cruel manner. What about considering still hunting at the end of the current season? Another way might be to allow bears to regulate their own populations through delayed implantation. Although this method does not generate income for NCWRC through the sale of hunting licenses, this well-studied process prevents bears from populating beyond their environmental carrying capacity.

Opening the bear hunting season early will have two very negative cumulative effects:

1. **Risk to Public Safety:** Many outdoor recreationists come to North Carolina specifically to enjoy the fall color season in the mountains. Opening the bear hunting season early, will infringe upon the color season an additional nine days, putting outdoor enthusiasts at more risk of encountering packs of aggressive hunting dogs during that extra time-period. It is a significant safety issue, as Dr. Kadie Anderson can testify. She and her two dogs were viciously attacked by bear hunting dogs, while camping on the Nantahala National Forest in October 2014 (<https://www.citizen-times.com/story/news/local/2014/10/20/charges-hunting-dog-attack-graham-forest/17623053/>).

1. **Adverse Economic Impact:** The tourism and outdoor recreation industries are significant contributors to North Carolina's economy. As more and more people are learning about the horrific manner bears suffer when hunted with dogs, there will be more of a public outcry. Now NCWRC wants to add another week and two days to the killing. The harassing, tormenting, and extended suffering bears endure when hunted with dogs and with pregnant mothers now being targeted, the state is exposed to the real risk of an organized attempt (boycott) to discourage people from traveling to and vacationing in North Carolina. It will certainly discourage travel and vacationing in the WNC mountains during those additional nine days of the fall color season. There will be lost revenue.

For all the reasons listed above, if the Rules Review Commission approves NCWRC's adopted rule changes for bear hunting, I ask that the RRC requests a Legislative Review be conducted.

Thank you for your consideration.

Oleg Finodeyev

Monroe Gilmour

PO Box 1341, Black Mountain, NC 28711
828-273-6677 monroegilmour@gmail.com

RECEIVED

March 15, 2024

NC Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

MAR 21 2024

OFFICE OF ADMIN HEARINGS

RE: Expansion of bear hunting season: Bear [15A NCAC 10B .0202]

Opposition to NC Wildlife Commission recently adopted rule about Bear Hunting
Request for review

Dear Commissioners:

Through this letter, I request that the rule in BEAR [15A NCAC 10B 0202,] be reviewed by you when the next legislative session takes place and that the rule not be activated during that time as NC rules indicate. The rule is ambiguous, reasonably unnecessary, and hurts our economy.

Having been born in North Carolina and living in the mountains outside Black Mountain, I see bears almost daily. It appears to me that the NCWC has made this rule to placate bear hunters at the expense of the public & our economy. There are numerous negatives to expanding the season -- from more pregnant bears being killed, the perpetuation of the out-of-date practice of hunting bears with dogs (which many states already prohibit) and putting the public and tourists in greater danger in the woods. On that latter point, our public that more and more gets out and enjoys our NC forests and woods will have more days to worry about being mistakenly shot by hunters or being harassed or harmed by their hunting dogs.

Through these results, the NCWC's rule would discourage visitors, thus hurting our economy and the image of the state.

I think many of us who have over the years made contributions to the NCWC via our tax filing will now cease to do that and will alert others that the NCWF appears to be a euphemism for hunting-support organization and too-often an abuse of our environment and wildlife. If this rule proposal were put to a vote by taxpaying North Carolinians, I feel sure it would fail. Bottom line for me is that I am disappointed that the NCWF is not better at representing us, and not better at conserving our wildlife.

Thank you for your consideration and we hope this rule can be reconsidered and revoked through the proper channels – and that the expansion of the bear hunting season is cancelled.

Sincerely,



Burgos, Alexander N

From: Rules, Oah
Sent: Tuesday, March 26, 2024 8:25 AM
To: Burgos, Alexander N
Subject: FW: [External] Bear hunting
Attachments: NC Letter 26MAR2024.docx

From: LabVIEW with Oleg <oleg.scubaff@gmail.com>
Sent: Tuesday, March 26, 2024 7:16 AM
To: Rules, Oah <oah.rules@oah.nc.gov>
Subject: [External] Bear hunting

You don't often get email from oleg.scubaff@gmail.com. [Learn why this is important](#)

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Oleg Finodeyev
5633 NE 20th Ave., Ft. Lauderdale,
FL 33308

03/25/2024

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: [15A NCAC 10B .0202,] Bear

Members of the Commission:

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The North Carolina Wildlife Resources Commission recently adopted new rules to Bear Hunting, which allows opening bear hunting season nine days early and the use of bear hunting with dogs in Franklin County.

The rule is not clear and it is ambiguous:

The NCWRC justifies starting the bear hunting season early by saying it will “change the composition of the Mountain bear harvest.” What it does *not* say is that the change

in composition comes about by killing more pregnant bears. Since pregnant mothers usually den earlier than the rest of the bear population, a greater percentage would now be killed by hunters with the season opening sooner. When soliciting public input, the public was not made aware of the fact that pregnant bears were being specifically targeted. Currently, hunters are not allowed to kill mother bears with cubs, but now NCWRC wants hunters to kill pregnant bears carrying cubs. The new policy makes it very unclear as to whether NCWRC wants to kill cubs or protect cubs. The rule is ambiguous and contrary to existing policy and human decency.

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Opening the bear hunting season early will have two very negative cumulative effects:

1. **Risk to Public Safety:** Many outdoor recreationists come to North Carolina specifically to enjoy the fall color season in the mountains. Opening the bear hunting season early, will infringe upon the color season an additional nine days, putting outdoor enthusiasts at more risk of encountering packs of aggressive hunting dogs during that extra time-period. It is a significant safety issue, as Dr. Kadie Anderson can testify. She and her two dogs were viciously attacked by bear hunting dogs, while camping on the Nantahala National Forest in October 2014 (<https://www.citizen-times.com/story/news/local/2014/10/20/charges-hunting-dog-attack-graham-forest/17623053/>).

1. **Adverse Economic Impact:** The tourism and outdoor recreation industries are significant contributors to North Carolina's economy. As more and more people are learning about the horrific manner bears suffer when hunted with dogs, there will be more of a public outcry. Now NCWRC wants to add another week and two days to the killing. The harassing, tormenting, and extended suffering bears endure when hunted with dogs and with pregnant mothers now being targeted, the state is exposed to the real risk of an organized attempt (boycott) to discourage people from traveling to and vacationing in North Carolina. It will certainly discourage travel and vacationing in the WNC mountains during those additional nine days of the fall color season. There will be lost revenue.

For all the reasons listed above, if the Rules Review Commission approves NCWRC's adopted rule changes for bear hunting, I ask that the RRC requests a Legislative Review be conducted.

Thank you for your consideration.

Oleg Finodeyev

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Burgos, Alexander N

From: Julie Davidson <juliedavidson3@comcast.net>
Sent: Sunday, March 17, 2024 12:48 PM
To: rrc.comments; Rules, Oah
Subject: [External] Fwd: NCWRC Bear Hunting Season Change
Attachments: RRC Letter By Dr Davidson 3-15-2024.docx

Follow Up Flag: Follow up
Flag Status: Flagged

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March 15, 2024

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: [15A NCAC 10B .0202,] Bear

Dear Members of the Rules Review Commission:

I request that the proposed amendment to expand black bear hunting season by nine days in the Mountain Bear Management Unit (MBMU) and to allow bear hunting with dogs in Franklin County be reconsidered and independently reviewed during the next legislative session as set out in N.C.G.S. 150B-21.3. I further request that the amendment's effective date be delayed as set out in that same provision. Here is my reasoning:

The rules are not clear and they are ambiguous:

The NCWRC says they want to “change the composition of the Mountain bear harvest” by starting the bear hunting season early. However, they never tell the public they will achieve their objective by killing pregnant female bears since they den earlier than all other bears. They never revealed that fact to the public when requesting public input. NCWRC does not allow hunters to kill cubs, but they want hunters to kill bears pregnant with cubs. Does NCWRC want to kill cubs or not? The purpose of the new rule to open the season early and thus change the bear-kill composition is ambiguous and contrary to existing policy.

Even with NCWRC's attempts to keep critical facts from the public, the black bear amendment generated by far the most responses. Of the 646 received, almost 70% were against the proposed bear hunting changes. The Wildlife Commission historically ignores the will of the people and only listens to hunters. They need to remember non-hunters pay taxes, which also contributes to funding the agency.

The rules are not reasonably necessary:

There are other ways to control the bear population without specifically shooting pregnant mother bears. What about adopting a more natural way? Biologists know bears control their own population through their delayed implantation reproductive strategy. Why must the public's safety be put at risk with a longer season of aggressive dogs running free through the woods? None of this even addresses the additional nine days of killing bears in the one of the most-cruel ways imaginable with using dogs. Now NCWRC wants to expose more of the public to packs of dogs during fall color season while also allowing a greater number of bears to suffer excruciating deaths an additional nine days. To add insult to injury, NCWRC now wants to expand the suffering by opening Franklin County to bear hunting with dogs? Why not consider extending the bear hunting season on the back end to still hunting only? Greater public risks and bears suffering more days of agonizing deaths by dogs certainly does not seem the way to meet NCWRC's unscientific and outdated population objectives. None of it is reasonably necessary.

The rules will have a negative impact on the state's economy:

Tourism and outdoor recreation play a significant role in North Carolina's economy. People from all over the world cherish the mountains of Western North Carolina. They come to enjoy the peaceful environment and the possibility of seeing bears. Viewing the region's beautiful fall colors is at the top of the list of things visitors want to experience. However, NCWRC wants to open bear hunting season nine days earlier into the fall color season. Those additional days infringe upon even more of the relatively short color season, putting a greater number of outdoor enthusiasts at risk of encountering packs of antagonistic bear hunting dogs. If you do not think it is a danger worth considering, just ask Dr. Kadie Anderson. She and her two dogs were viciously attacked by a pack of bear hunting dogs, while camping on the Nantahala National Forest in October 2014: <https://www.citizen-times.com/story/news/local/2014/10/20/charges-hunting-dog-attack-graham-forest/17623053/>

As more people are beginning to understand the agonizing way bears die when hunted with dogs, people are going to speak-out. The torment and suffering bears endure when hunted with dogs, the safety risk to recreationists, and now with NCWRC wanting to specifically kill pregnant mothers, North Carolina is eventually going to experience organized economic repercussions.

For all the reasons above, I request that NCWRC's expansion of the bear hunting season with dogs and the allowing of bear hunting with dogs in Franklin County NOT be approved the Rules Review Committee and that a legislative review be conducted.

Thank you.

Respectfully,
Dr. Michael Davidson

592 Black Oak Drive
Sapphire, NC 28774

March 15, 2024

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: [15A NCAC 10B .0202,] Bear

Dear Members of the Rules Review Commission:

I request that the proposed amendment to expand black bear hunting season by nine days in the Mountain Bear Management Unit (MBMU) and to allow bear hunting with dogs in Franklin County be reconsidered and independently reviewed during the next legislative session as set out in N.C.G.S. 150B-21.3. I further request that the amendment's effective date be delayed as set out in that same provision. Here is my reasoning:

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For all the reasons above, I request that NCWRC's expansion of the bear hunting season with dogs and the allowing of bear hunting with dogs in Franklin County NOT be approved the Rules Review Committee and that a legislative review be conducted.

Thank you.

Respectfully,
Dr. Michael Davidson

592 Black Oak Drive
Sapphire, NC 28774

Burgos, Alexander N

From: Amanda Simpkins <amanda.simpkins@bcsemail.org>
Sent: Saturday, March 16, 2024 8:34 AM
To: Rules, Oah; rrc.comments
Subject: [External] Re: [15A NCAC 10B .0202,] Bear

Follow Up Flag: Follow up
Flag Status: Flagged

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March 15, 2024

N.C. Rules Review Commission

1711 New Hope Church Rd.

Raleigh, NC 27609

Re: [15A NCAC 10B .0202,] Bear

Members of the Commission:

I request that the above rule regarding the extension of the bear hunting season (and the use of hunting dogs) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3 and further request that the rule(s) be subject to a delayed effective date as set out in that same provision for the reasons I list below. As I understand that any objections must address three categories identified by the NCWRC, I focus my objections on two of those.

- The rule is not reasonably necessary. The argument offered to the public proposing that the season should be extended relies on the belief that the bear population needs to be reduced due to increased numbers of bears and because of increased interaction with humans. The numbers of negative bear interactions are often overstated, as people often misinterpret bluff charges made by nervous bears as “aggressive behavior” or “attacks.” The extremely rare occasions when bears have injured humans

almost always includes dogs who were off-leash or unsupervised by their owners. Many times on such occasions, the public has no tangible proof that when the authorities have decided that a bear needs to be “euthanized” that the “right bear,” i.e. the bear accused of the misbehavior, is identified. The incredibly small number of serious encounters between humans and bears does not warrant extending the hunting season. Killing bears in order to reduce these interactions is just not “reasonably necessary.”

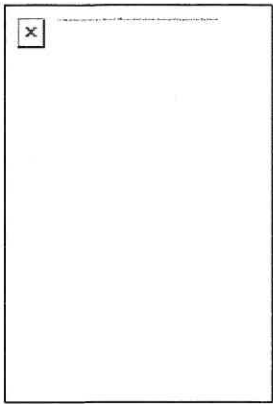
In regard to the belief that bear populations are increasing, those numbers have been called into question by experts not associated with the NCWRC. The increased population numbers do not account for the possibility that a single bear might be reported repeatedly by different people, thus skewing the count.

But regardless of the bear numbers, the number of serious injuries to humans caused by bears is so minimal, this rule is not reasonably necessary.

- The rule will have a negative impact on our state economy. Extending the bear hunting season puts other outdoor enthusiasts at a disadvantage for enjoying our fall season, and places them in increased danger. Many people who come to NC to enjoy the fall colors and temperatures may choose to go elsewhere where they are not in danger of being shot accidentally by hunters or of being injured by hunting dogs whose owners cannot control the dogs properly. (This happens!)

I and other North Carolinians with whom I have discussed this cannot help but come to the conclusion that the hunting lobby, possibly due to the fees gathered by licensing, has much more weight with the Commission than the average NC citizen does.

For whatever reason, whether it is for financial reasons or because you’d just like to be responsible and take the moral high path, I urge the Commission to delay implementation of this new rule in order to study it further as more voices make themselves heard about this and many other questions surrounding bear hunting practices in NC.



Amanda Sprouse Simpkins
Buncombe County School Board
At Large Member

Burgos, Alexander N

From: Monroe Gilmour <monroegilmour@gmail.com>
Sent: Friday, March 15, 2024 4:15 PM
To: Rules, Oah; rrc.comments
Subject: [External] Fwd: Request for review: Bear[15A NCAC 10B .0202,]
Attachments: BearRules3152024.docx

Follow Up Flag: Follow up
Flag Status: Flagged

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I am re-sending this email with the hardcopy ATTACHED

(also sent to NCOAH by USPS)

Monroe Gilmour
PO Box 1341, Black Mountain, NC 28711
828-273-6677 monroegilmour@gmail.com

March 15, 2024

NC Office of Administrative Hearings and NC Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

RE: Expansion of bear hunting season: Bear [15A NCAC 10B .0202]
Opposition to NC Wildlife Commission recently adopted rule about Bear Hunting
Request for review

Dear Commissioners:

Through this letter, I request that the rule in BEAR [15A NCAC 10B 0202,] be reviewed by you when the next legislative session takes place and that the rule not be activated during that time as NC rules indicate. The rule is ambiguous, reasonably unnecessary, and hurts our economy.

Having been born in North Carolina and living in the mountains outside Black Mountain, I see bears almost daily. It appears to me that the NCWC has made this rule to placate bear hunters at the expense of the public & our economy. There are numerous negatives to expanding the season -- from more pregnant bears being killed, the perpetuation of the out-of-date practice of hunting bears with dogs (which many states already prohibit) and putting the public and tourists in greater danger in the woods. On that latter point, our public that more and more gets out and enjoys our NC forests and woods will have more days to worry about being mistakenly shot by hunters or being harassed or harmed by their hunting dogs.

Through these results, the NCWC's rule would discourage visitors, thus hurting our economy and the image of the state.

I think many of us who have over the years made contributions to the NCWC via our tax filing will now cease to do that and will alert others that the NCWF appears to be a euphemism for hunting-support organization and too-often an abuse of our environment and wildlife. If this rule proposal were put to a vote by taxpaying North Carolinians, I feel sure it would fail. Bottom line for me is that I am disappointed that the NCWF is not better at representing us and not better at conserving our wildlife.

Thank you for your consideration and we hope this rule can be reconsidered and revoked through the proper channels – and that the expansion of the bear hunting season is cancelled.

Sincerely,

Monroe Gilmour

Monroe Gilmour

PO Box 1341, Black Mountain, NC 28711
828-273-6677 monroegilmour@gmail.com

March 15, 2024

NC Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

RE: Expansion of bear hunting season: Bear [15A NCAC 10B .0202]
Opposition to NC Wildlife Commission recently adopted rule about Bear Hunting
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Sincerely,

Burgos, Alexander N

From: David Voyles <davoyles54@gmail.com>
Sent: Friday, March 15, 2024 12:55 PM
To: rrc.comments; Rules, Oah
Subject: [External] Request to delay and review bear hunting rule

Follow Up Flag: Follow up
Flag Status: Flagged

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March 15, 2024

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: [15A NCAC 10B .0202,] Bear hunting

Members of the Commission:

I request that the above rule regarding the extension of the bear hunting season (and the use of hunting dogs) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. and further request that the rule(s) be subject to a delayed effective date as set out in that same provision for the reasons I list below. As I understand that any objections must address three categories identified by the NCWRC, I focus my objections on two of those.

- **The rule is not reasonably necessary.** The argument offered to the public proposing that the season should be extended relies on the belief that the bear population needs to be reduced due to increased numbers of bears and because of increased interaction with humans. The numbers of negative bear interactions are often overstated, as people often misinterpret bluff charges made by nervous bears as “aggressive behavior” or “attacks.” The extremely rare occasions when bears have injured humans almost always includes dogs who were off-leash or unsupervised by their owners. Many times on such occasions, the public has no tangible proof that when the authorities have decided that a bear needs to be “euthanized” that the “right bear,” i.e. the bear accused of the misbehavior, is identified. The incredibly small number of serious encounters between humans and bears does not warrant extending the hunting season. Killing bears in order to reduce these interactions is just not “*reasonably necessary*.”

In regard to the belief that bear populations are increasing, those numbers have been called into question by experts not associated with the NCWRC. The increased population numbers do not account for the possibility that a single bear might be reported repeatedly by different people, thus skewing the count.

But regardless of the bear numbers, the number of serious injuries to humans caused by bears is so minimal, *this rule is not reasonably necessary*.

- **The rule will have a negative impact on our state economy.** Extending the bear hunting season puts other outdoor enthusiasts at a disadvantage for enjoying our fall season, and places them in increased danger. Many people who come to NC to enjoy the fall colors and temperatures may choose to go elsewhere where they are not

in danger of being shot accidentally by hunters or of being injured by hunting dogs whose owners cannot control the dogs properly. (This happens!)

I and other North Carolinians with whom I have discussed this cannot help but come to the conclusion that the hunting lobby, possibly due to the fees gathered by licensing, has much more weight with the Commission than the average NC citizen does.

For whatever reason, whether it is for financial reasons or because you'd just like to be responsible and take the moral high path, I urge the Commission to delay implementation of this new rule in order to study it further as more voices make themselves heard about this and many other questions surrounding bear hunting practices in NC.

Sincerely,

David Voyles
70 Jazaka Ridge Lane
Swannanoa, NC. 28778
(828) 231-8102

Burgos, Alexander N

From: Bill Lea <bears@dnet.net>
Sent: Friday, March 15, 2024 10:47 AM
To: rrc.comments; Rules, Oah
Subject: [External] NCWRC Bear Hunting Rules Changes
Attachments: RRC Letter - Bill Lea 3-14-2024.docx

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Bill Lea
Po Box 682
Townsend, TN 37882

March 14, 2024

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: [15A NCAC 10B .0202,] Bear

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

The North Carolina Wildlife Resources Commission's recently adopted rule that allows the expansion of the bear hunting season by starting nine days early **is not clear and it is ambiguous:**

The NCWRC justifies starting the bear hunting season early by saying it will "change the composition of the Mountain bear harvest." What it does *not* say is that the change in composition comes about by killing more pregnant female bears, since they usually den earlier than the rest of the bear population and a greater percentage would then be exposed to hunters before entering their dens. When soliciting public input, the public was not made aware of the fact that pregnant bears were being specifically targeted. Currently, hunters are not allowed to kill mother bears with cubs, but now they want hunters to kill pregnant bears carrying cubs. The new policy makes it very unclear as to whether NCWRC wants to kill cubs or protect cubs. It is ambiguous and contrary to existing policy.

Opening the bear hunting season early is not reasonably necessary:

There are other ways, certainly more ethical ways, to reduce the bear population without trying to specifically target pregnant mothers carrying cubs and without adding more days of exposing the public to packs of free-running dogs and killing bears in such a cruel manner. What about considering still hunting? Another way might be to allow bears to regulate their own populations through delayed implantation. Although this method does not generate income for NCWRC through

the sale of hunting licenses, this well-studied process prevents bears from populating beyond their environmental carrying capacity.

Opening the bear hunting season early will have a negative impact on the state's economy (economic impact);

1. The tourism and outdoor recreation industries are significant contributors to North Carolina's economy. Many outdoor recreationists come to North Carolina specifically to enjoy the fall color season in the mountains. Opening the bear hunting season early, will infringe upon the color season an additional nine days, putting outdoor enthusiasts at great risk of encountering packs of aggressive hunting dogs during that additional time period. It is a significant safety issue, as Dr. Kadie Anderson can testify. She and her two dogs were viciously attacked by bear hunting dogs, while camping on the Nantahala National Forest in October 2014 (<https://www.citizen-times.com/story/news/local/2014/10/20/charges-hunting-dog-attack-graham-forest/17623053/>)
1. Under North Carolina law, dogs "being used in a lawful hunt" are exempt from rules that otherwise require owners to take steps to prevent their animal from harming a person or another animal. This rule endangers the public, family pets, livestock, and private property owners themselves. Tourists and residents will think twice before bringing their families to a place where they can be potentially attacked by hunting dogs, during these nine additional days of the bear hunting season.
1. As more and more people are learning about the horrific manner bears die when hunted with dogs, there will be more of a public outcry. The harassing, tormenting, and extended suffering bears endure when hunted with dogs and with pregnant mothers now being targeted, North Carolina suffers the real risk of an organized attempt (boycott) to discourage people from traveling to and vacationing in North Carolina.

For all the reasons listed above, I request that NCWRC's expansion and starting of the bear hunting season early not be approved by the Rules Review Commission and that a Legislative Review be conducted.

Thank you for your consideration.

Bill Lea

Bill Lea
Po Box 682
Townsend, TN 37882

March 14, 2024

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

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3. As more and more people are learning about the horrific manner bears die when hunted with dogs, there will be more of a public outcry. The harassing, tormenting, and extended suffering bears endure when hunted with dogs and with pregnant mothers now being targeted, North Carolina suffers the real risk of an organized attempt (boycott) to discourage people from traveling to and vacationing in North Carolina.

For all the reasons listed above, I request that NCWRC's expansion and starting of the bear hunting season early not be approved by the Rules Review Commission and that a Legislative Review be conducted.

Thank you for your consideration.

Bill Lea

Burgos, Alexander N

From: Cynthia Strain <cypicturelady@aol.com>
Sent: Thursday, March 14, 2024 12:14 PM
To: rrc.comments; Rules, Oah
Subject: [External] Request for legislative review 15A NCAC 10B .0202 BEAR
Attachments: BEAR letter 3-24 to NCRR Comm..docx

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The B.E.A.R. Task Force

149 Hillcrest Drive
Highlands, NC 28741

March 7, 2024

NC Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: **15A NCAC 10B .0202 BEAR**

Dear Commissioners,

I am writing to request that the proposed amendment put forth by the NC Wildlife Resources Commission to expand the bear hunting season and to allow the use of unprocessed bait during the bear season be reviewed in the next legislative session, and that the effective date be delayed for the following reasons:

1. **This rule is not clear and it is ambiguous.** By adding nine days at the beginning of the season, the new rule will result in more pregnant females being killed. That goal was not specified in the original publicity, but it has been made clear since the decision was made. The lack of transparency may have led some people to support the rule change who would not if they had this information.

The details of the rule have not been clarified. How many extra permits will the Commission sell? How many bears will they allow to be killed? The Wildlife Commission did not use the scientific data that they had paid for, which showed that the current rate of bear harvest "is at or approaching maximum sustainable yield" (Clark and Humm, University of Tennessee 2021) We worry that the rule change has

more to do with satisfying a very small segment of the population at the expense of the majority of the population as well as healthy bear populations and ecosystem balance.

2. **The extension of the bear season is not reasonably necessary.** A Wildlife Commission biologist admitted publicly that the environment can sustain more bears than the goal defined by the Commission. Delayed implantation is our preferred natural population control process for bears, which increases or decreases live births according to food availability.

According to the Commission, the bear population in WNC is around 8000. Their goal is 0% growth in the bear population. However, some 4400 bears were killed in the last season. In addition to those legally killed, it appears the commission has not taken into consideration the not insignificant number of bears killed by poachers and car strikes. Increasing the length of the bear season by nine days, permitting more pregnant females to be killed, and selling a so-far undetermined number of permits appears to us to be detrimental to overall bear populations. The math does not provide a number that looks to be sustainable or in accordance with their stated goal.

We have not seen any data from the Commission that supports their assertion that "removing the prohibition on the use of unprocessed bait during the second segment will reduce regulation complexity without any biological impacts." What has changed since it was prohibited in the first place?

3. **The plan to open the bear season nine days early will undoubtedly have a negative impact on the state's economy.** The economy here in western North Carolina is highly dependent upon tourism and outdoor recreation. Certainly, more tourists come to see wildlife than to hunt them. What these tourists (and residents as well) may encounter instead of peace, quiet, and wildlife is bear hunters, packs of hunting dogs, and rifle shots.

The overlap of autumn leaf season and bear hunting season is bound to cause conflicts between hunters and people enjoying **OUR** National Forests. In fact, there would be a profound likelihood of injury to people especially as they recreate in remote forests. There is a greater possibility of getting shot. Also, bear hunting dogs have been known to be vicious and to cause serious injuries to people and their pets. Due to their owners' immunity from prosecution, there is no accountability for the damage they cause. This must be addressed!

It is no stretch of the imagination to say that this situation will deter some people from visiting the area, hiking in the forest, and enjoying recreational pursuits like

bird watching, photography, camping, etc. during our economically important leaf season.

For all of these reasons, the B.E.A.R. Task Force requests that NCWRC's new rules extending the bear hunting season and use of unprocessed bait in the Mountain Bear Management Unit not be approved by the Rules Review Commission. In addition, we request that a Legislative Review be conducted.

Respectfully,

Cynthia Strain, Chairwoman

Gail Kinstler, Vice Chairwoman

The B.E.A.R. Task Force
149 Hillcrest Drive
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Respectfully,

Cynthia Strain, Chairwoman
Gail Kinstler, Vice Chairwoman

Burgos, Alexander N

From: Gail Kinstler <gail_kinstler@yahoo.com>
Sent: Saturday, March 9, 2024 1:07 PM
To: rrc.comments; Rules, Oah
Cc: Gail Kinstler
Subject: [External] Bear Hunting Rules Change
Attachments: My Bear Review Request Letter.docx

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Gail Kinstler
378 Hurrah Ridge
Scaly Mountain, NC 28775

March 9, 2024

NC Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Rule 15A NCAC 10B .0202 Bear Hunting

Members of the Commission:

I request that the commission **not approve** the above rule for the reasons listed below.

Rule is not clear and ambiguous

The justification for this rule states that expanding the bear hunting season by nine days will slow down the bear population growth. It does not state how this change will accomplish this objective. It further leaves out the fact that early opening of the hunting season will result in the harvest of pregnant female bears who are in hyperphagia preparing for denning. The result will be harvesting a significant number of next years cubs, decreasing the population far more than just the number of bears killed during the nine days. The current rule states that mother bears with cubs are not allowed to be harvested. In effect this change will allow the killing of cubs, all be it unborn cubs, which is contradictory.

Bear hounding has consequences beyond the number of bears harvested that are not taken into account. They include:

- Embryo loss due to subpar conditioning going into hibernation as a result of the energy spent fleeing hounds. Bears dark fur, subcutaneous fat layer and lack of functioning sweat glands cause undue stress on their bodies as they are not built to run.
- Orphaned cubs that will likely die from slow starvation and predation as a result of being separated from their mothers due to the fact that the hunters are not close enough to their dogs to control the bears that are chased.
- Bears are chased into roadways and killed by oncoming vehicles.
- Bears that are chased by hounds often become nocturnal causing them to be unable to acquire the nutrition need to sustain themselves through hibernation.

These population reducing effects need to be incorporated into the expected results in the rule changes.

The ruling states that removing the prohibition on the use of unprocessed bait will reduce the regulation complexity without any biological impacts. There is no supporting evidence that supports the need for this change nor any studies on the biological impact.

Rule is not reasonably necessary

Bear populations are naturally regulated by delayed implantation when food sources are limited. Hunting is simply not necessary.

The commission's own documentation shows that the bear harvest is at or approaching maximum sustainable yield. The new ruling does not state how many additional permits will be available nor how the numbers of bears harvested will be managed to stay within their own objectives.

Rule will have a negative impact on the state's economy

Tourist spending is a significant component of the economy in western North Carolina. Prime season for tourists is during the fall color season which is exactly when the proposed hunting would commence. Visitors come to enjoy nature at its finest by hiking, camping, photographing, etc. They come for the solitude and beauty of nature including the wildlife. They do not want to encounter hunters and loose hunting dogs, not to mention seeing the results of bear harvesting. The impact on children and pets will be the most pronounced. As soon as the word gets out about such encounters, tourists will find other destinations and our local economy will be negatively impacted for years to come.

A large number of landowners in western North Carolina own property as second homes or homes for their retirement. These homeowners frequently have pets and livestock. Unrestrained hunting dogs are known to chase and harm these animals. In addition, the owners simply do not want these dogs on their property. As the impact of hunting dogs on personal property becomes more prevalent and visible, the impact will be felt in a decline in property sales.

I request that the rule 15A NCAC 10B .0202 NOT BE APPROVED by the Rules Review Commission and that a Legislative Review be conducted.

Respectfully submitted,
Gail Kinstler
gailkinstler@gmail.com
gailkinstler.myportfolio.com
831-252-0176

Gail Kinstler
378 Hurrah Ridge
Scaly Mountain, NC 28775

March 9, 2024

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Raleigh, NC 27609

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