

EXECUTIVE ORDER NO. 34

WHEREAS, New Jersey is home to abundant and diverse wildlife, including many threatened and endangered species and species that are critical to the State's varied ecosystems; and

WHEREAS, among those species is the American black bear (*Ursus americanus*), which is found primarily in the northern part of the State but has been sighted statewide; and

WHEREAS, the State of New Jersey, through the Department of Environmental Protection ("DEP") and its predecessors, has long authorized hunting and trapping of certain species in New Jersey for several purposes, including recreation and wildlife management; and

WHEREAS, there has been considerable debate over the last several decades as to whether New Jersey should authorize a black bear hunt; and

WHEREAS, in 2010, despite considerable public outcry against a hunt, the New Jersey Fish and Game Council (the "Council") published a Comprehensive Black Bear Management Plan ("CBBMP") which recommended the reintroduction of a black bear hunt to take place every year in December; and

WHEREAS, the Council also promulgated regulations through the New Jersey Game Code authorizing and setting forth the parameters of a black bear hunt to take place beginning in 2010; and

WHEREAS, a new CBBMP was finalized in 2015 that continued the recommendation to permit a black bear hunt; and

WHEREAS, as a result of the 2010 and 2015 CBBMPs and corresponding authorizations in the Game Code, a black bear hunt has been held in New Jersey for the past eight years; and

WHEREAS, the Council has refused to reconsider its authorization of a black bear hunt for 2018 despite a clear call to action by the Governor; and

WHEREAS, in light of the significant opposition to the black bear hunt and continuing debate about techniques for management of the black bear population, and in an effort to promote public safety on public lands, it is appropriate to limit the use of State lands for the black bear hunt; and

WHEREAS, the intent of this Order is to exercise the full extent of the legal authority of the Governor and the Commissioner of Environmental Protection ("Commissioner") to limit the black bear hunt in order to promote the public safety and welfare while protecting important wildlife; and

WHEREAS, the authority over the black bear hunt rests with the Council and several court decisions have made it clear that neither the Governor nor the Commissioner have the authority to unilaterally alter or cancel the black bear hunt; and

WHEREAS, while neither the Governor nor the Commissioner can unilaterally prevent a black bear hunt, the Commissioner has clear authority to direct and coordinate the use of all public lands under DEP's jurisdiction, including instituting a ban on hunting on said lands;

NOW, THEREFORE, I, PHILIP D. MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and the Statutes of this State, do hereby ORDER and DIRECT:

1. The Commissioner shall take all necessary and appropriate actions within the Commissioner's authority to protect black bears on lands controlled by the State of New Jersey, including deciding whether to close said lands to the hunting of black bears pursuant to the Commissioner's authority at N.J.S.A. 13:1B-5 et seq., as clarified and confirmed in Safari Club

International v. New Jersey Department of Environmental Protection, 373 N.J. Super. 515 (App. Div. 2004).

2. This Order shall take effect immediately.

[seal]

GIVEN, under my hand and seal this
20th day of August,
Two Thousand and Eighteen,
and of the Independence of
the United States, the Two
Hundred and Forty-Third.

/s/ Philip D. Murphy

Governor

Attest:

/s/ Matthew J. Platkin

Chief Counsel to the Governor