

Summary of Comments Related to DEP Commissioner's Black Bear Management Recommendations to the Council and to the 2007 Draft Fish and Game Council Comprehensive Black Bear Management Policy

During the period from July 26 to August 15, 2007, public comment was solicited and received regarding the Department of Environmental Protection's (DEP) black bear management recommendations to the New Jersey Fish and Game Council (Council) and the Council's draft Comprehensive Black Bear Management Policy (CBBMP).

On July 26, 2007 the DEP's recommendations on black bear management were posted on the Division of Fish and Wildlife's (DFW) web page. On August 2, 2007, the Fish and Game Council's Draft 2007 CBBMP was submitted to DEP Commissioner Lisa P. Jackson and subsequently posted on the DFW web page on August 3, 2007. The original public-comment period ended on August 10, but was extended to August 15, 2007 to provide a two-week comment period from the date of the posting of the Council's draft CBBMP. Downloadable copies of both documents were available on the DEP web page.

Notice of the public comment period and notice of an August 8, 2007 public meeting to accept oral comments were sent to the Secretary of State and published in the Star Ledger and the Press of Atlantic City. An initial notice was sent to the State House press office on July 26 and an amended notice on August 3, 2007. Constituents could comment through an email address for the Commissioner's recommendations and an email address for the Council's 2007 draft policy, which were both posted on the DEP web page. Comments were also received via regular mail and in person at the public hearing held on August 8, 2007 at the State Museum in Trenton, New Jersey.

The DEP received 2,454 comments. Please note some individuals commented orally, as well as sent in emails and letters. Known duplications were not counted. The majority of the comments were form letters. Approximately, 1,200 form letters were received in favor of the Council's draft policy and 469 form letters sent via email favored the Commissioner's recommendations. In support of the Commissioner's recommendations were 32 oral comments, 249 individual emails and 122 regular letters. In support of the Council's draft policy were 37 oral comments, 297 individual emails and 43 regular letters. Overall, 872 comments supported the Commissioner's recommendations and 1,580 comments supported the Council's draft.

The following is a summary of comments received. The comments are arranged according to the order discussed in the policy.

Supreme Court Decision: Several individuals commented in support of the New Jersey Fish and Game Council's draft policy because it provided an integrated approach to bear management. They stated that the Council's policy met the conditions of the New Jersey Supreme Court's decision to discuss and evaluate the tools available to manage bears. Several commentators pointed out that the Commissioner's draft policy did not meet these same standards.

Education: There is general support for education as part of bear management in New Jersey, and for increasing staff and funding for bear education. Some commentors believed education alone would suffice since bear related problems were a result of situations that could be avoided if citizens learned how to alter activities or behavior. Other commentors pointed out that education would not solve the problem of a growing bear population and resulting human-bear incidents.

Control of Human Derived Food: Individuals opposed to lethal control of the bear population stated that more should be done regarding garbage management and the enforcement of the ban on feeding bears. Some individuals suggested that garbage resistant cans should be mandated for those living in bear country. Some commentors believed that legislation prohibiting feeding should be strengthened, or that bear resistant cans should be mandated. Others questioned the fairness of requiring people to bear-proof their garbage. Questions were posed in comments as to whether or not the State would fund additional grants to provide municipalities or individuals with bear resistant garbage cans or dumpsters. Some commentors objected to spending their taxes on such efforts.

Comments on both sides of the issue were made regarding whether or not improved garbage management would result in a drop in the reproductive rate of the bear population. One commentor presented data indicating that intense education of campers and visitors to several national parks (Yellowstone, Yosemite and Great Smokey Mt.) was a successful nonviolent approach to bear nuisance complaints and therefore was a better alternative to a hunt. The commentor indicated that states with hunts (Virginia, Pennsylvania, New York, Ontario and Minnesota) all reported increases in bear related nuisance activity. Other commentors believed this study was flawed and did not relate to a statewide problem.

Research: Generally, there is support for continued research on bears. Persons opposed to bear hunting believed that the population data did not support a need for a hunt. Other commentors pointed out that both draft policies (Commissioner's and Council's) indicate the population supports a recreational hunt. Several commentors believed there was no peer review of the population estimates and/or an inadequate presentation and discussion of the research. A similar number of commentors pointed out that the data was peer reviewed. Commentors favoring the Council policy indicated that it was science based and believed the Commissioner's recommendations prioritizing non-lethal measures were not based upon scientific analysis of their efficacy, but rather politics. Several commentors believed that the DFW was biased toward hunting and therefore independent consultants should do bear research.

Bear Habitat Ranking: Very few comments were received on this section of either draft. One commentor indicated that portions of BMZ 7 in southern New Jersey contained adequate forested habitat to sustain bears and should be included in BMZ 6.

Bear Control: Many comments addressed the issue of bear control, specifically non-lethal control of bears. There was general support for aversive conditioning of nuisance bears as part of an integrated bear-management strategy. The major difference in opinion was whether or not non-lethal methods would suffice in abating problems. Those favoring the Commissioner's recommendations stated that non-lethal control along with education would eliminate problems. Those favoring the Council's draft policy stated prioritizing non-lethal control, without population reduction through hunting, would not be effective. Some individuals believed aversive conditioning should be used on Category I Bears and that these bears should not be euthanized. Others stated their tax dollars were being wasted on this effort. Some individuals stated that the Category I should be eliminated or changed so that a higher threshold of damage or problems was necessary before a bear was euthanized. Other commentors pointed out that past studies showed that non-lethal control will not alter Category I bear behavior. Commentors supporting the Council's policy supported using a 30 percent reduction in Category I complaints as a measure of the success of the non-lethal control program, and pointed out that the Commissioner's policy did not have specific measures of success. Generally, supporters of the non-lethal initiative did not address this issue, but some indicated 30 percent was an arbitrary percentage, or that non-lethal measures were a long-term strategy and needed more than one year to properly evaluate.

Depredation Permits: No individuals opposed issuing permits to farmers allowing the destruction of problem bears. One commentor representing the agricultural community stated it was difficult for farmers to discover bear damage until crops such as corn were harvested and then it is too late. He also stated that bears were destroying beehives and killing livestock. He believed hunting eliminated local problem bears that cause damage every year, and thereby helped relieve farmer damage.

Habitat Protection: No individual opposed the protection of bear habitat. Several commentors believed that more funding was necessary and that DEP should actively purchase bear habitat throughout the state to protect the growing population.

Bear Population Management: The majority of the comments received addressed bear-population management, particularly with the regard to hunting of bears. Emails were received from residents who live in areas with bears and who were on both sides of the hunting issue. Some individuals opposed to bear hunting and who lived adjacent to public land in the heart of bear country stated that they rarely encountered bears and stated they were not a problem. Other families in the same area stated that they could not let their children play outdoors unsupervised because of the frequent visits by bears, despite practicing sound garbage management.

Individuals favoring the Commissioner's recommendations did not believe that the proposed integrated black bear management strategy should include lethal control, while those favoring the Council policy indicated that the Council's strategy had a balanced approach that utilized all the management tools at their disposal.

Relocation: A few individuals advocated the relocation of bears to southern New Jersey, another state, or to some public land surrounded by a fence that would serve as a bear zoo or refuge.

Alternative Methods: Several commentors opposed the lethal control of bears and suggested birth control should be tried as alternatives. One commentor believed chemical sterilization of male bears should be tried and reported conducting studies in this area. Another suggested that bears captured by DFW for research or during control activities could be sterilized. Several commentors favoring the Council's draft indicated that there was no licensed fertility control agent for free-ranging bears, and that fertility control would be cost prohibitive and has not been proven to work with other wildlife species. It was noted that the literature search conducted by DEP indicated that fertility control of bears is unfeasible.

Hunting: The majority of comments received dealt with the proposed bear hunt. The majority of commentors opposed to bear hunting cited their philosophical opposition to the killing of animals as a reason for opposing a bear hunt. Other reasons given were that the size of the bear population did not warrant reduction, or that a hunt would not eliminate problem bears. Some commentors questioned using the reduction of Category I Bear complaints as a measure to determine the success of non-lethal control and as a trigger to initiate hunting in 2008 and 2009.

Some commentors stated that control of problem bears negated the need for a hunt since the hunt did not specifically target problem bears. The fact was cited that only 10 nuisance bears were harvested during the 2003 bear season.