

Black Bear Management Emergency Rule Discussion

for

Fish & Game Council

September 14, 2021

Presented by Game Committee

Comprehensive Black Bear Management Policy: *Background*

The Comprehensive Black Bear Management Policy (CBBMP) was developed by the Fish and Game Council.

The CBBMP considers the cultural carrying capacity, which is the number of bears that can co-exist compatibly with the local human population, in concert with the biological carrying capacity of the land with the goal of assuring the continued survival of bears in New Jersey while addressing property damage and human safety.

The CBBMP contains both lethal or population management (regulated hunting, euthanasia of dangerous bears), and non-lethal methods to control human behavior and reduce bear-human conflict (such as garbage control, public education, feeding ban).

CBBMP Objectives:

- Manage the bear population at a level commensurate with available habitat and consistent with reducing risk to public safety and property.
- Sustain a robust black bear population as part of New Jersey's natural resource base.
- Continue to advance the scientific understanding of black bears.
- Educate the public about common-sense practices that reduce the risk of negative black bear behavior on humans, their homes, their properties, and their communities.
- Ensure that regulated hunting remains a safe and effective management tool to provide recreation and control New Jersey's black bear population.
- Strengthen and enforce the law on bear feeding and garbage containment.
- Use lethal control on high-risk, dangerous bears.
- Utilize non-lethal aversive conditioning techniques on nuisance bears.

New Jersey Black Bear Population Growth and Biological Carrying Capacity

- 1 – NJ Black bears are among the most productive in the country:
avg. of 2.7 cubs/litter, 70% survive the first year.
- 2 – Northwestern NJ (bear country) has very productive habitat with
a varied and consistent natural food base, that is supplemented
by a variety of human-derived foods (including agriculture).
- 3- Even if all human-derived food sources were eliminated, the
consistency of the natural autumn foods would still result in an
increasing bear population.

Cultural Carrying Capacity: *Bear Ratings*

Category 1: bears exhibiting behavior that is an immediate threat to human safety or which cause agricultural damage.

Examples: human attacks, home entries, attempted home entries, agricultural crop damage, killing or injuring protected livestock, and killing or injuring pets.

Category 2: nuisance bears that are not an immediate threat to life and property.

Examples: habitual visits to dumpsters or birdfeeders, property damage less than \$1000, and bears that kill or injure unprotected livestock.

Category 3: as bears that are exhibiting normal behavior and are not creating a threat to the safety of the public or a nuisance. In general, these are animals observed and reported by the public or local authorities.

Examples: dispersing animals that wander into densely populated areas, black bears passing through rural and suburban neighborhoods, and black bears observed by hunters, hikers, campers, and other people visiting the outdoors.

New Jersey Black Bear Population – Management Indicators

1. A scientific population estimate using the widely-used Lincoln-Peterson method is one way to estimate NJ's black bear population. This is done annually.
2. Other data can be used as an index to the bear population.
These data include:
 - Bear-vehicle collisions
 - Farmer bear depredation permits
 - Number of Category 1 bear euthanized
 - Higher number of females in the population

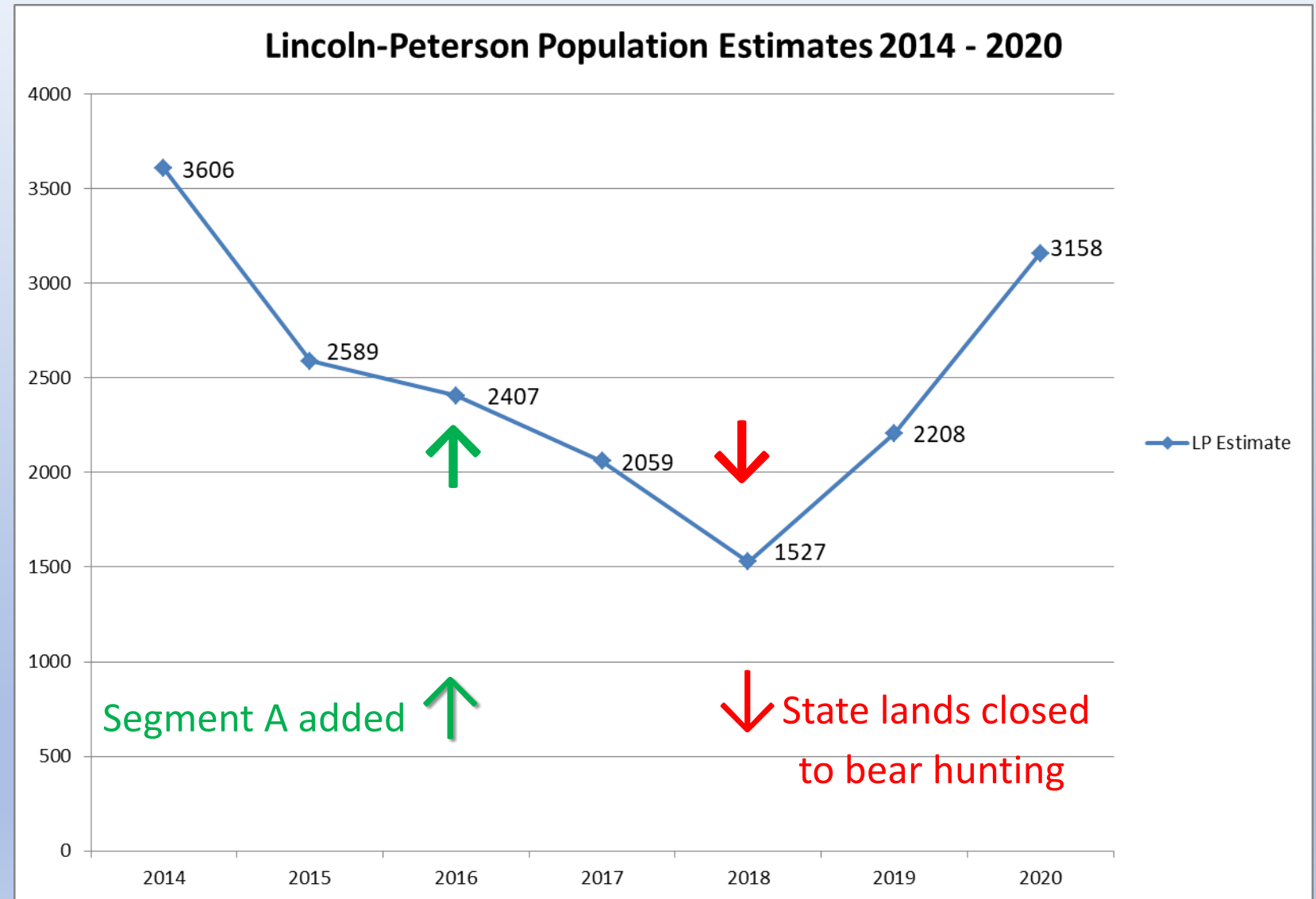
New Jersey Black Bear Population Growth

Prior to 2016, the hunt season structure was very conservative, necessitating the addition of a second hunting segment in 2016 to reduce bear numbers to a more manageable level.

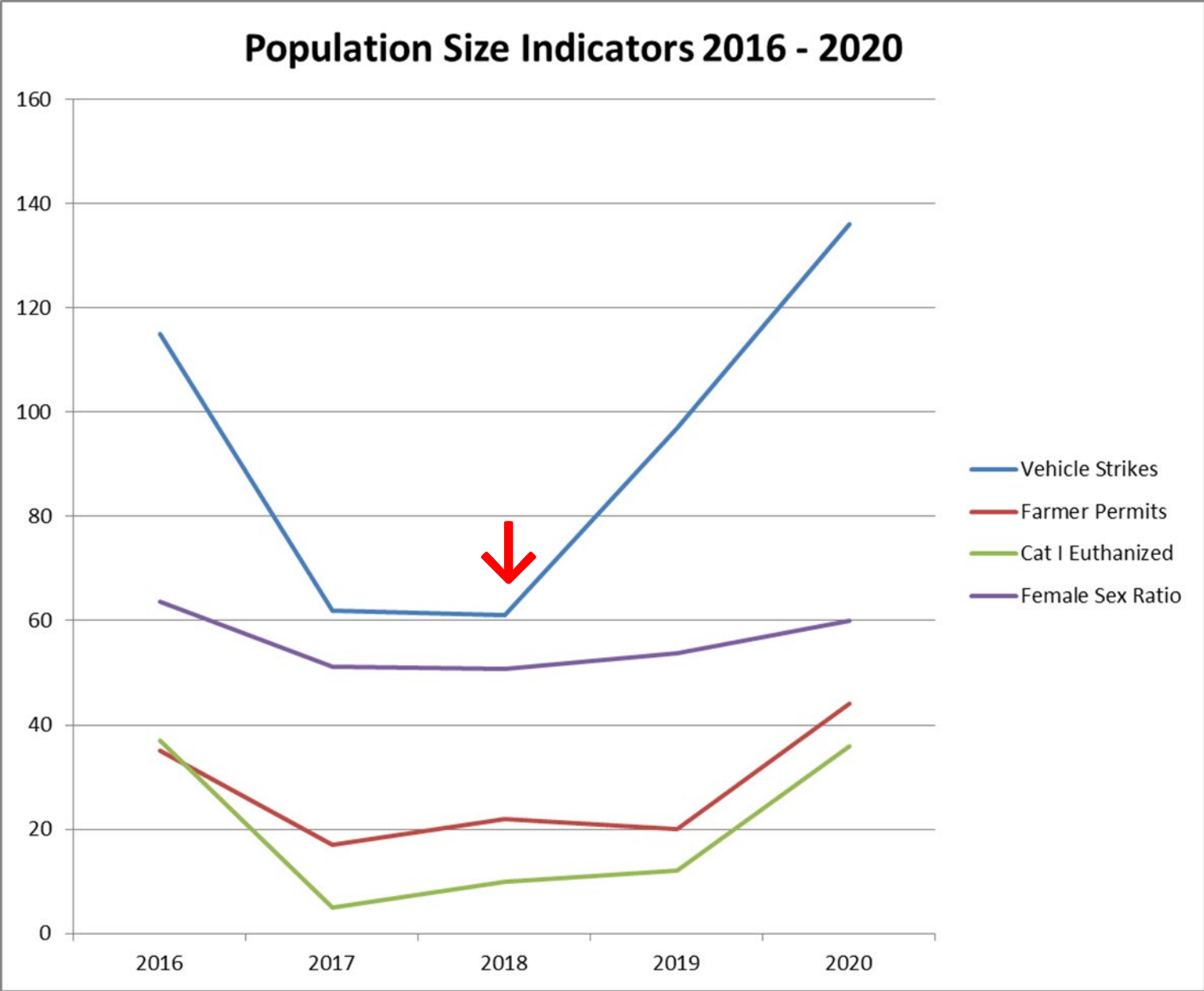
Segment A (October) is the added season; Segment B (December) was the existing season.

Prior to the 2018 bear season, all State lands were open to bear hunting; the Governor's Executive Order 34 closed all State lands to bear hunting for the 2018 season onward.

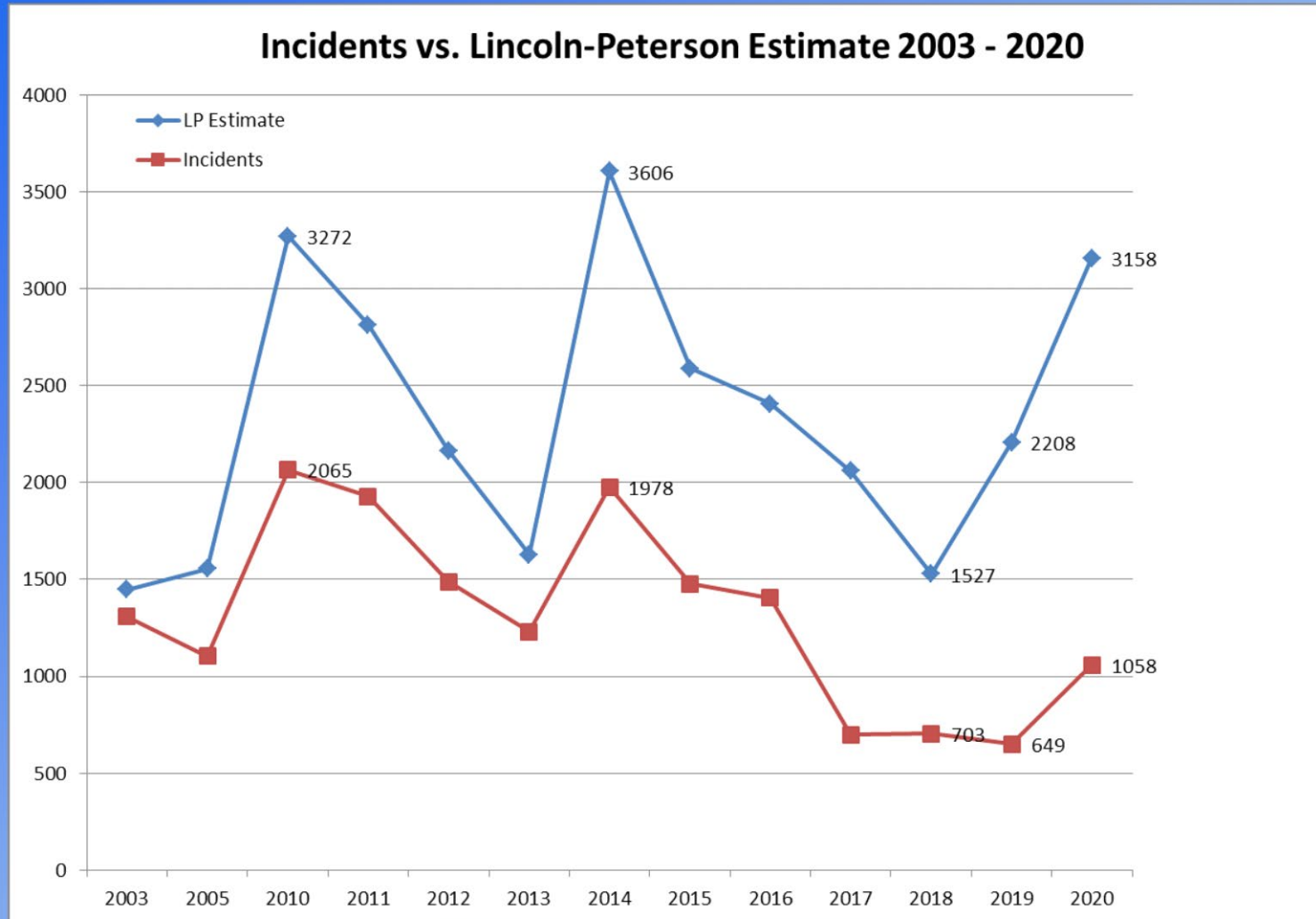
Up until the closure, approximately 40% of the bear harvest came from State lands.



New Jersey Black Bear Population Growth – Other Indicators



↓ State lands closed to bear hunting in 2018



* Incidents includes Category I, II, and III reports and excludes sightings

Townships
Reporting
Incidents in
BMZs 1 - 7 from
2018 to 2020
(Cumulative)

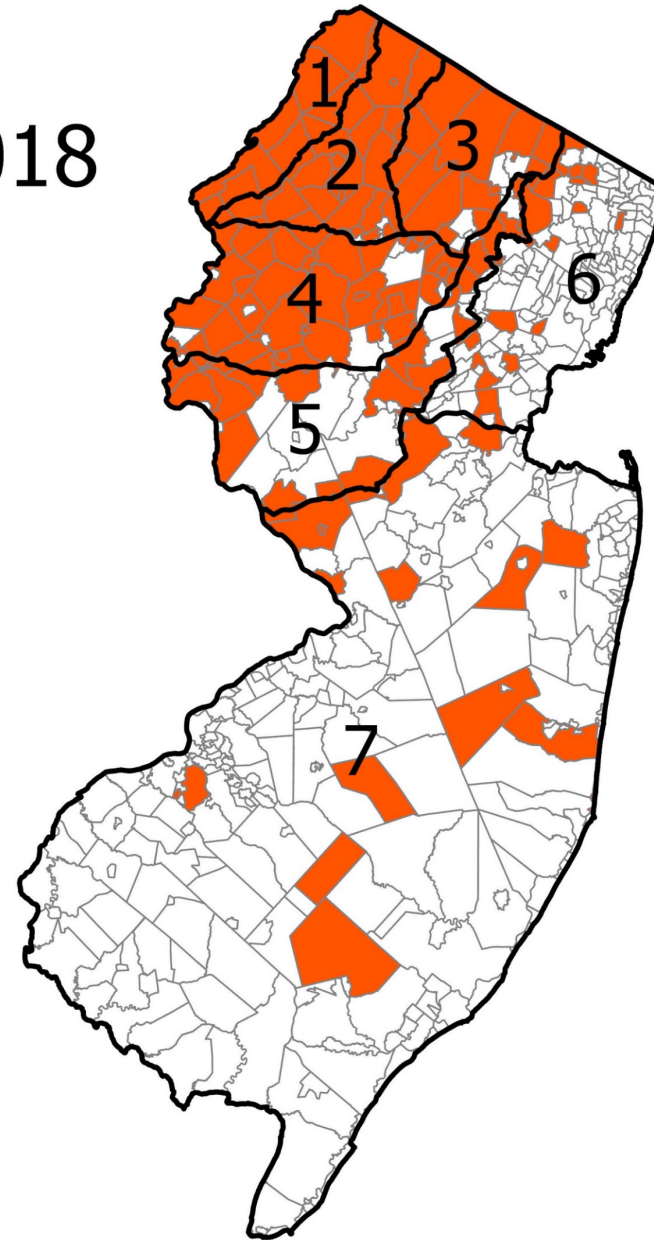
2018

BMZ 1-5 = 650 calls

BMZ 6&7 = 54 calls

BMZ 1-7 = 704 calls

2018



Townships
Reporting
Incidents in
BMZs 1 - 7 from
2018 to 2020
(Cumulative)

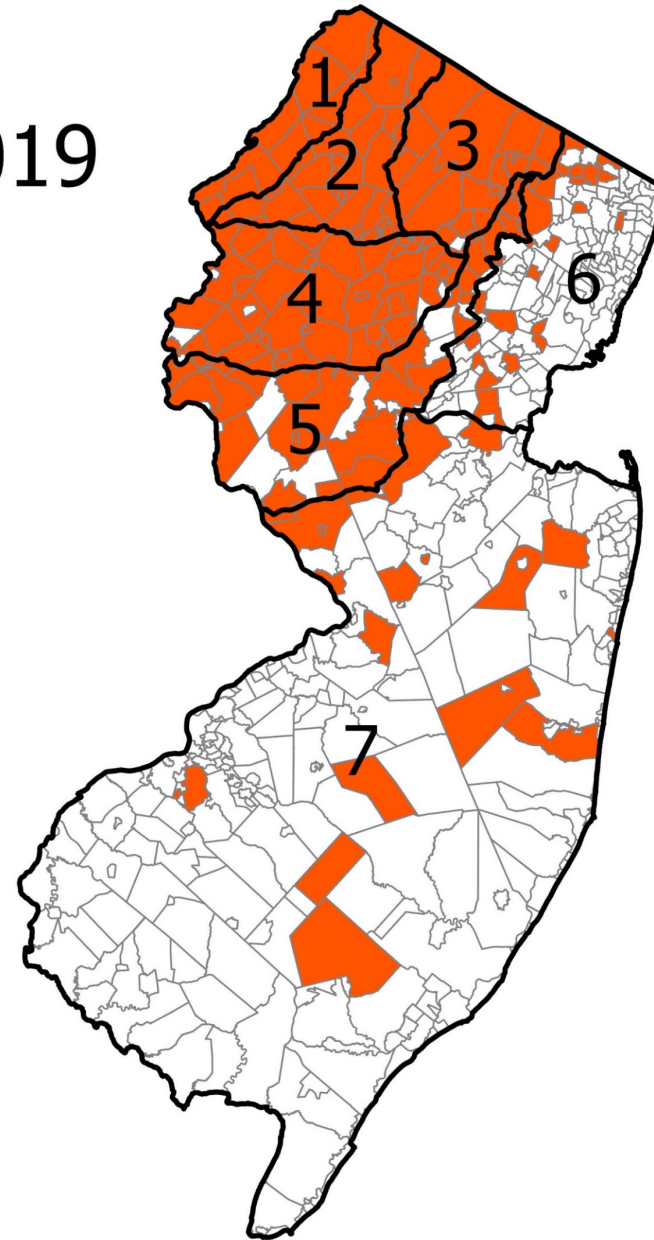
2019

BMZ 1-5 = 599 calls

BMZ 6&7 = 55 calls

BMZ 1-7 = 654 calls

2019



Townships
Reporting
Incidents in
BMZs 1 - 7 from
2018 to 2020
(Cumulative)

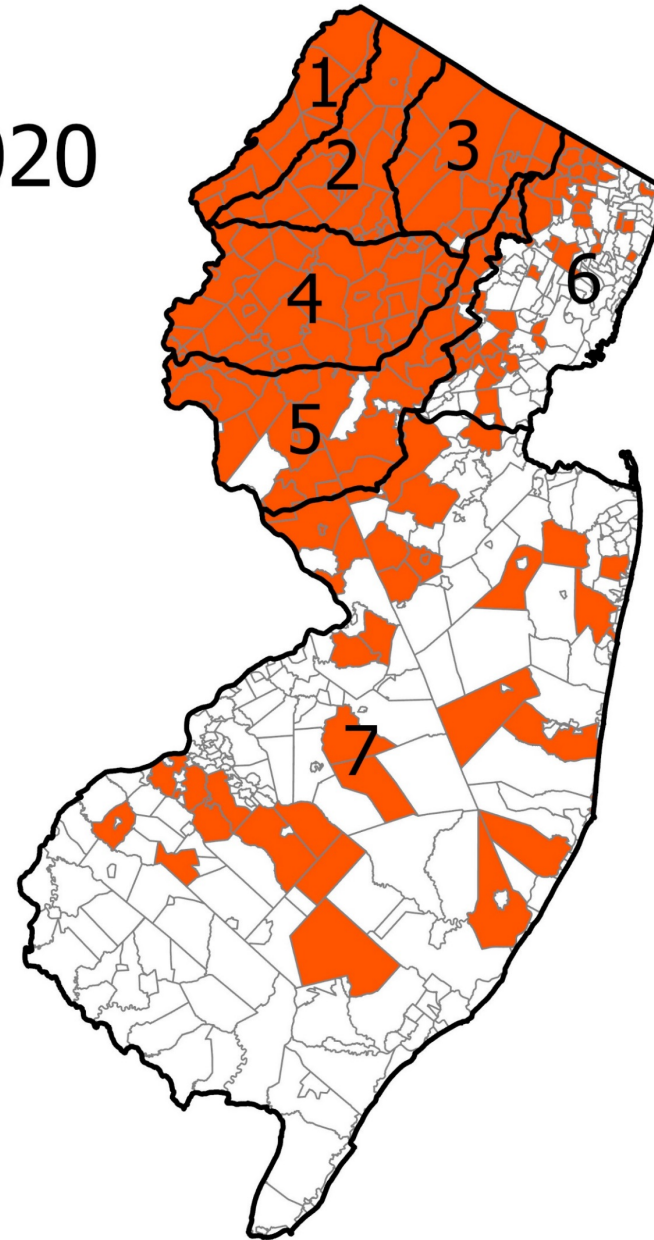
2020

BMZ 1-5 = 961 calls

BMZ 6&7 = 99 calls

BMZ 1-7 = 1,060 calls

2020



CBBMP: Where are we?

- 1 – Although Game Code defines season length and bag limits and is under F&G Council authority, per NJ Supreme Court ruling, the DEP Commissioner must sign off on a CBBMP for a hunt to occur.
- 2 – The CBBMP, last updated in 2015, expired on June 12, 2021. In preparation, the F&G Council updated the CBBMP, which included a hunt to control the growing population along with non-lethal measures, and submitted it to Commissioner LaTourette for approval on March 11, 2021.
- 3 – Because an approved CBBMP does not exist, and Council has been given no indication that an approval of a CBBMP with a hunt is forthcoming, the Game Committee presents the following data for Council consideration regarding the dangers that a bear population that is growing in numbers and expanding in range presents to the residents of and visitors to the State of New Jersey.
- 4 – No speculation is needed to see where the NJ bear population will go because we've been here before. The season was closed for 4 years (2005-2009) by then-Commissioner Campbell:
the bear population and bear incidents doubled.

\$1.5M Budget Appropriation to DFW for Bear Management

New hires + equipment and training

- 6 biologist trainees/technicians for BWM
 - 3 CPOs for BLE
 - 2 positions, titles unknown
- } **DFW**
- } Division of Solid & Hazardous Waste

BWM – onboarding by January → training → in the field by September 2022

BLE – onboarding by January? → Police Academy → training → in the field by March 2023

Non-Lethal is NOT bear population management

But rather Human behavior control.

While useful, it is not enough as

NJ's bear population will continue to expand



In Conclusion:

Concerns for imminent peril to public health, safety, and welfare are based on the following:

- In 2014, after the population had risen to over 3,500 bears and complaints rose to almost 2,000, New Jersey recorded its first human fatality due to a predatory black bear attack.
- In 2020, an 82-year-old resident required over 30 stitches to his face after encountering a black bear in his garage.
- Black bears in New Jersey, northeastern Pennsylvania, and southeastern New York are some of the most productive bears in North America.
- Without a regulated hunt, including the use of State land upon which to hunt, the black bear population will continue to increase. The current population estimate is at 3,158 bears in New Jersey. It is projected that the bear population will approach or exceed 4,000 bears during 2021.

In Conclusion

- The rate of human-bear conflict is a direct result of density-dependent factors. The higher the bear population gets in the most densely human-populated state in the nation, the likelihood of potentially dangerous interactions will also increase.
- A regulated hunt has proven effective in reducing negative human-bear interactions. Following an expanded hunting season in 2016, Category I complaints dropped 64 percent. Category I bears pose an immediate threat to human safety, home entries, livestock or pet kills, or property or agricultural damage. Reports of Category II complaints, or complaints of nuisance bears that are not a threat to life and property, dropped 61 percent.
- While expanded outreach measures can help reduce negative interactions and are an essential component of the CBBMP, they do not control the increasing bear population.

**Considering these data,
the best available science,
the lack of an approved CBBMP and bear hunt,
and our ongoing concern for public safety,
the Game Committee suggests that the
Fish and Game Council
utilize
the statutory option of exercising
an Emergency Rule.**

Proposal:

The Fish and Game Council submit an emergency rule adoption and concurrent proposal. NJAC 1:30-6.5

The emergency rule consists of a Statement of Imminent Peril and Governor Certification. The concurrent proposal is adoption of the updated draft CBBMP, as submitted to Commissioner LaTourette in March 2021.

The emergency rule is effective upon filing and is good for 60 days.