



COALITION TO PROTECT NEW JERSEY BLACK BEARS FROM CRUEL, UNNECESSARY, AND **ECOLOGICALLY DAMAGING TROPHY HUNTS WHICH POSE A THREAT TO PUBLIC** **HEALTH DURING THE COVID-19 PANDEMIC**

July 24, 2020

Submitted by electronic mail

The Honorable Phil Murphy
Office of the Governor
225 West State Street
Trenton, NJ 08625

Dear Governor Murphy:

The undersigned organizations representing hundreds of thousands of New Jersey residents strongly object to the continuation of the trophy hunt of New Jersey's black bears during the upcoming 2020 fall and winter. We urge you to issue an executive order to stop the 2020 hunt in its entirety because the hunt is not consistent with your prior actions to ensure public health during the pandemic, is not based on science, and ignores public opinion against the hunt. The continuation of extreme practices permitted within the current hunt parameters including the driving of bears off state lands to permit their killing and the killing of female bears with cubs and the cubs themselves, not to mention the resulting abject animal cruelty abhorrent to most New Jersey residents, provide additional support for our request.

We commend the actions you have taken to address the COVID-19 pandemic in New Jersey. At your direction, your office has rightly issued an array of broad executive orders (EOs) since the onset of the pandemic to ensure public health and safety. Despite initial success, New Jersey, along with so many others, is seeing increases in

infections. According to New Jersey Advance Media, “the death toll from the coronavirus outbreak in New Jersey climbed Monday [7/24/20] to 15,804 confirmed and probable fatalities with 179,812 total cases while the rate of transmission jumped back above the key benchmark of 1, meaning the outbreak is increasing again” (NJ.com/Matt Arco-7.24.20).

Since it is impossible for anyone to predict the numbers of individuals who will become exposed this fall and winter with any accuracy, an executive order halting the upcoming fall and winter bear hunts would be consistent with the intent and purpose of your prior COVID-19 related EOs for the following reasons:

INTERSTATE TRAVEL OF HUNTERS INTO NEW JERSEY PUTS US ALL AT RISK

New Jersey’s trophy bear hunt is an outlier compared to bear hunts in most other states. The myriad reasons our state is an outlier is precisely what will encourage out of state hunters to enter New Jersey this upcoming fall/winter.

- New Jersey and Alaska are the *only* trophy hunting states which allow hunters to kill bear cubs. Thus, New Jersey is a magnet for hunters from surrounding states and beyond to both enter our state and partake in the unacceptable practice of cruelly killing cubs.
- The extreme and excessive bear baiting permitted in New Jersey is contrary to policies against the use of bait to hunt bears in all our neighboring states and most other states nationally. Baiting promotes an array of problems for the public. Trophy hunters both in and outside of New Jersey seeking quick and easy kills will be attracted to hunt our state’s black bears during this pandemic.

By failing to protect mother bears with cubs, and even permitting the hunting of black bear cubs themselves, the Fish and Game Council, nominated and dominated by members of private hunting clubs, and the Division of Fish and Wildlife, which serves the council and whose director the council appoints, persists in mounting an unethical, unsporting, unpopular and controversial hunt. The hunt may attract out of state hunters and/or that will inevitably encourage behavior including close contact between hunters removing dead bears from the field and between hunters and state officials at black bear hunting check stations contrary to the intent of all your prior EOs regarding the COVID-19 pandemic.

IT IS IMPOSSIBLE TO ENFORCE A 2020 TROPHY HUNT AND ENSURE PUBLIC HEALTH

Enforcement of the upcoming hunts puts Division staff and conservation officers gathered at weigh stations at risk and distracts them from other more worthy and necessary duties.

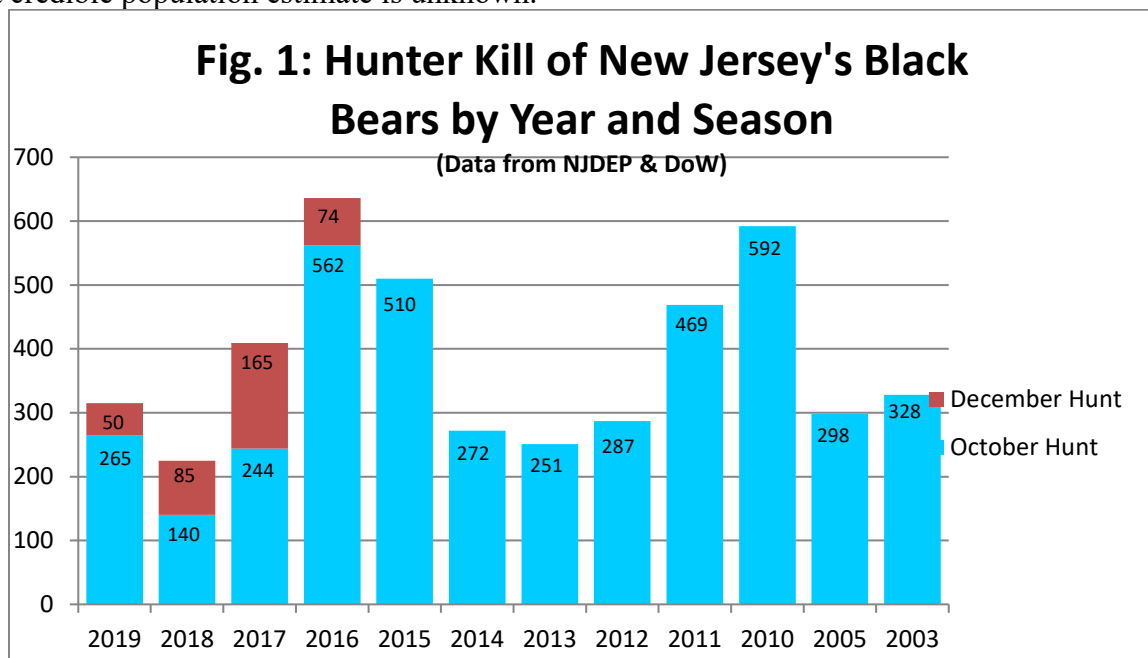
- Insistence on conducting recreational bear hunts in 2020 during a worldwide pandemic encourages public gatherings and the presence of protesters thus requiring maintenance of protest areas by other law enforcement. Like hunters, protestors should avoid unnecessary travel. Law enforcement officials diverted to manage the bear trophy hunt and monitor protest sites would best be utilized elsewhere. The winter weather during the hunt season could exacerbate transmission and virility of the coronavirus.
- In light of unpredictable state budget scenarios (i.e.: furloughs, closures of parks, enforcement issues) any expectations to continue these 2020 hunts are wholly irresponsible and counterproductive.

Our collective request for an executive order to halt the 2020 bear trophy hunting season is entirely consistent with the plain language and intent in *all your prior pandemic- related EOs*. Allowing such a hunt under extant, dire circumstances would undermine the intent, credibility, and effectiveness of all your administration’s hard work to “flatten the curve,” reduce infection rates, and protect public health.

THE 2020 HUNT IS CONTRARY TO YOUR STATED ENVIRONMENTAL GOALS AND OVERWHELMING PUBLIC OPINION IN NEW JERSEY

Your environmental goals include promoting clean energy including electric vehicles, protecting the Jersey shore from sea level rise and future superstorms, and preserving open space. We commend you and your staff for the completion and publication of New Jersey's 2020 scientific report on climate change (see: <https://www.nj.gov/dep/climatechange/docs/nj-scientific-report-2020.pdf>) which provides ample evidence that the climate is changing and that our environment will suffer without substantive and urgent reduction in greenhouse gas emissions. Additionally, the COVID-19 pandemic has increased society's awareness that how we treat animals and the environment is directly related to our public health and safety. Continuing to permit a black bear hunt is inconsistent with what must be a new relationship between humans and the environment including the wildlife that we all cherish.

- New Jersey's DEP is not using the best available science to manage the black bear population ostensibly held in trust for all of the state's citizen. Neither the state nor anyone else has empirically counted New Jersey's black bear population. In 2015, the DEP estimated that New Jersey was home to less than 4,000 bears. DEP then permitted the sale of up to 11,000 black bear permits in 2016 as part of its expanded black bear hunt. Furthermore, New Jersey's 2015 Comprehensive Black Bear Management Plan allows trophy hunters to kill up to 30 percent of the entire bear population annually; an excessive percentage particularly when a credible population estimate is unknown.



- DEP fails to recognize other, uncounted bear mortalities:
 - In Washington State, approximately 20 percent of study bears were killed by poachers and even more bears died from wounding losses.
 - Allowing recreational kills of a species induces and increases the numbers of animals killed by poachers.
 - Human persecution of bears through trophy hunting or discredited predator control is “super-additive,” meaning that kill rates exceed naturally occurring mortalities. This is because predator control agents and trophy hunters often kill adult breeding animals, which disrupts animals’ social structure and leads to indirect effects such as increased infanticide by incoming subadult male bears, resulting in decreased survival of, and recruitment of, young bears.
- The changes to weather patterns (precipitation/droughts) noted in the New Jersey DEP 2020 climate change report are likely to adversely impact black bear habitat and, in turn, black bears. Terminating the

2020 hunting seasons would be a precautionary action that should be taken until the full impacts of climate change on the black bear population and bear habitat can be properly evaluated.

EXECUTIVE ORDER No. 34: UNENFORCEABLE AND CIRCUMVENTED

The combined problems of the intentional and unintentional circumvention of EO No. 34, and the impossibility of proper enforcement of its prohibitions of bear hunting on state land, increase the risks and concerns with continuing the bear trophy hunt in 2020.

- The extremely variable geographic boundaries of state-owned land make distinguishing between public state-owned land, to which EO No. 34 applies, and private land to which it does not, extremely difficult if not impossible, effectively rendering the executive order unenforceable.



Source: NJ Division of Fish and Wildlife

- According to the Division website, there are “750,000 acres of public lands are available to the hunter...they include more than 352,000 acres in the state Wildlife Management Area System as well as acreage in 27 State Parks and Forests, National Wildlife Refuges, county parks and municipal parks and holdings. These areas are distributed throughout New Jersey, so hunters should have no problem finding a prime spot of their own.”
- Despite prior requests from residents and advocacy groups, the state did not clarify that EO No. 34 also prohibited “drive hunting” of bears on state property which is legal in New Jersey allowing hunters to drive bears off of state lands onto other public lands or private land where they can be hunted. The lack of this clarification and proper enforcement of the clear intent of your prior order has undermined the value of EO No. 34 and allowed hunters to willfully circumvent restrictions on bear hunting. Our requested EO to stop the 2020 black bear trophy hunt would remedy this problem.
- To highlight the problem with drive hunting, on September 19, 2018, Mr. Frank Panico, Deputy Chief of the Bureau of Law Enforcement for the Division of Fish and Wildlife, told Angi Metler, director of the Animal Protection League of New Jersey, that the driving of bears off of state property, where they are protected, in order to kill them, “is not illegal” despite the League providing proof that the Division’s own regulations defined “driving” as hunting. Unaccountably, the administration has allowed the actions of the agency enforcers themselves to undermine enforcement of EO No.34 for years.

In conclusion, allowing the 2020 black bear trophy hunt contravenes the administration’s valiant efforts to fight the COVID-19 pandemic, is inconsistent with the scientific evidence, and ignores the majority of New Jersey

citizens who oppose the hunt. The hunt parameters permitted in comprehensive black bear management plan are inappropriate for the environment and ecological health. Indeed, the comprehensive plan is comprehensive in name only; it has never been updated with the best available science and allows extreme practices that are counterproductive to sound management.

Based on the foregoing information, we respectfully request an executive order to cancel the 2020 black bear hunt. While alternate options remain to effectuate the same outcome, an EO would most efficiently and easily achieve this worthwhile and important request.

Sincerely,

The Humane Society of the United States

Animal Protection League of New Jersey

Friends of Animals United New Jersey

People for Animals, Inc.

League of Humane Voters of New Jersey

Lesniak Institute for American Leadership

New Jersey Voters for Animals

Sierra Club, New Jersey Chapter

Animal Legal Defense Fund

South Jersey Regional Animal Shelter

Jersey Shore Wildlife Rescue

Humane Rescue Alliance/St. Hubert's

Center for Biological Diversity

Humane Society Wildlife Land Trust