



THE HUMANE SOCIETY
OF THE UNITED STATES



Lesniak Institute
for AMERICAN LEADERSHIP



THE LEAGUE
OF
HUMANE VOTERS®
of New Jersey
POLITICAL ACTION FOR ANIMALS

July 27, 2020

Office of Legal Affairs
Attention: Rulemaking Petitions
Department of Environmental Protection
Mail code 401-04L
401 East State Street, 7th Floor
PO Box 402
Trenton, New Jersey 08625-0402

Re: Petition to repeal rules permitting black bear hunting including the
Comprehensive Black Bear Management Policy (N.J.A.C. 7:25-5.6 and 5.24)

Dear Commissioner McCabe,

Senator Robert Torricelli, Raymond Lesniak, President, The Lesniak Institute for American Leadership, The Animal Legal Defense Fund, the Animal Protection League of New Jersey, The Humane Society of the United States, the League of Humane Voters of New Jersey, and the Sierra Club ("Petitioners") hereby petition the New Jersey Department of Environmental Protection to repeal rules permitting a black bear hunt (N.J.A.C. 7:25-5.6 and 5.24) pursuant to N.J.S.A. 52:14B-4(f), N.J.A.C. 1:30-4.1 et seq. and N.J.A.C. 7:1D-1.

As required under N.J.S.A. 52:14B-4(f), petitioners provide the following information:

1. The substance or nature of the rule-making which is requested;

Petitioners request the repeal of rules permitting black bear hunting including the Comprehensive Black Bear Management Policy ("CBBMP"), N.J.A.C. 7:25-5.6 and 5.24 .

2. The reasons for the request and the petitioner's interest in the request;

Reasons for the request: Petitioners request the repeal of the black bear hunting rules (“Rules”) because the rules and corresponding Comprehensive Black Bear Management Policy (CBBMP):

- supports the recreational trophy hunting of black bears in New Jersey despite overwhelming public opposition;
- contradicts the NJ Supreme Court's requirements for a comprehensive management policy;
- contradicts the Governor's policy on bear hunting;
- fails to prescribe effective nonlethal bear management;
- does not take the ongoing COVID pandemic into account; and
- sanctions the cruel killing of bears.

New Jersey Citizens Oppose Recreational trophy hunting:

The Rules and CBBMP promote and enable an unnecessary recreational trophy hunt that is not tied to any management of wildlife populations.¹ The Fish and Game Council (“Council”) and Division of Fish and Wildlife (“Division”) authorize and conduct a black bear hunt every year, regardless of the number of bears or the number of complaints. While some hunters may use the meat from hunted bears, the Division admits that most hunters hire professional taxidermists to turn the bears into rugs and trophies.² Such a trophy hunt, as evidenced by the public comments received on the draft CBBMP, is extremely unpopular in New Jersey. Of 10,142 public comments, only 390 comments, or 3.8 percent, supported the plan in its entirety, compared to the 6,635 comments, or 65.4 percent, that opposed it.

The Rules and the CBBMP fail to satisfy the Supreme Court's requirements for a comprehensive management policy

The current CBBMP also fails to meet the requirements set by the New Jersey Supreme Court. In U.S. Sportsmen’s Alliance v. NJDEP, 182 N.J. 461 (2005), the Supreme Court gave specific details for what comprises a "comprehensive policy" under N.J.S.A. 13:1B-28. In doing so, the Court cited examples of prohibitively vague language for a comprehensive policy plan objectives, including "balancing bear population with safety;" and "providing recreational and aesthetic opportunities for New Jersey citizens." Id. at 477.

Yet the New Jersey Department of Environmental Protection's (NJDEP) current CBBMP puts forth objectives that are virtually identical to the language that the court explicitly prohibited. The CBBMP's

¹ See, e.g. S. Russell. 2011. The Black Bear - Urban Wildlife Series. Report to the Animal Protection League of New Jersey, The BEAR Group, League of Humane Voters of New Jersey. Available at: <http://www.bearsmartnj.org/images/Urban%20Wildlife%20Series%20-%20Bears2.pdf>

² “[T]he majority of 2003 successful bear hunters stated that they would have the bear head and/or hide professionally prepared. Successful bear hunters in 2004 will most likely continue these practices.” 36 N.J.R. 2326

objectives include, “[r]educ[ing] and stabiliz[ing] the population at a level commensurate with available habitat and consistent with reducing risk to public safety and property;” and “ensur[ing] that regulated hunting remains a safe and effective management tool to provide recreation and control NJ’s black bear population.” These “vague statements of general aspiration” do not constitute comprehensive policies. U.S. Sportsmen’s Alliance, 182 N.J. at 477. The Supreme Court made clear that a comprehensive policy “refers to a thorough statement of guidelines that set forth not only end-point objectives but also the means that should be used to attain those ends. Comprehensive policies provide a detailed outline of the mandated approach to the topic at issue . . . [and] should at least include the broad preservation goals . . . the tools at the Fish and Game Council’s disposal to accomplish those goals, and most importantly, the factors that should be considered when determining which tools will be utilized.” Id. at 478.

The CBBMP addresses none of the factors that should be considered when determining which tools to utilize, as which the Supreme Court identified as “the absolute size of the bear population, the number of harmful bear-human interactions and the fiscal and human resources available to carry out the stated goals.” Id. The CBBMP calls for a recreational hunt every year without requiring annual assessment of these factors as a predicate for authorizing that season’s hunt, which is unlawful.

The Rules and the CBBMP contradict the governor's policy on bear hunting:

Governor Phil Murphy has made it clear that he is opposed to bear hunting and was elected with that platform by the majority of NJ residents. On August 21, 2018, Governor Murphy tweeted, “Our goal is to end bear hunting in New Jersey.”³ In October of 2019, the governor told the audience at a town hall meeting in Union Township, NJ, “I promise you, I want to end the bear hunt as much, if not more than, you do.”⁴ Further, while the governor's Executive Order (“EO”) No. 34 bans the bear hunt on state lands, it is not saving as many bears as intended because bears may be driven off of state land onto federal, county, municipal, or private lands, where they may be lawfully hunted, and because hunters have encouraged each other to hunt bears on state lands. (*See* Exhibits A and B) Furthermore, because baiting is legal in New Jersey, baiting is also used to draw bears away from state lands, contravening the purpose and reducing the effectiveness of the EO..

NJDEP is aware of this conflict. At a September 20, 2018 meeting between animal advocates and representatives of the NJDEP at the NJDEP office in Trenton, then-Acting Commissioner Ray Bukowski told representatives of the Animal Protection League of New Jersey that after the December 2018 black bear hunt, the NJDEP would “hit the reset button” on the CBBMP because the current CBBMP contradicts Governor Murphy’s policies. The agency has failed to do so, instead authorizing the same recreational hunt year after year.

³ <https://twitter.com/GovMurphy/status/1032032465806913537>

⁴B. Johnson, *N.J. still has a bear hunt. Murphy says he’s still trying to stop it*, October 29, 2019 NJ.com.

Available at

<https://www.nj.com/politics/2019/10/nj-still-has-a-bear-hunt-murphy-says-hes-still-trying-to-stop-it.html>

The Rules and the CBBMP fail to prescribe effective nonlethal bear management;

The CBBMP asserts a hunt is necessary to address human/bear conflict,⁵ yet the Division has failed to consider nonlethal bear management at all, let alone as a valid alternative to recreational hunting. Nonlethal management is essential for successfully reducing human/bear conflicts,⁶ yet the Division has never taken this strategy seriously. While the Division recommended garbage control as one nonlethal means of reducing human/bear conflicts,⁷ it has failed to enforce the bear feeding ban, N.J.S. 23:2A-14, advocate legislation to strengthen it, or require bear-resistant dumpsters at campgrounds and in communities with known and frequent human/bear conflicts. It has ignored any serious efforts of strengthening this means of nonlethal management despite language in the CBBMP itself that states the DEP should “seek legislation” to do so.

Instead, the Division maintains the hunt is necessary to address the conflict between humans and bears, yet this “conflict” relies on deliberately inflated and inaccurate bear complaint numbers that do not support a policy of recreational hunting.⁸ Such misleading statistics are partially a product of New Jersey hunters encouraging each other to call the Division with bear complaints, (*see, e.g.* Exhibit C). Also, when calculating the total number of bear complaints, adding police department complaints to their own complaint reports. Both practices artificially inflate the number of complaints, with the resulting data used as justification for a continued bear hunt. Even in years when there have been no bear hunts, hunters encourage each other to call in bear complaints. Several studies show that hunting does not reduce human/bear conflicts.⁹ The only study

⁵ CBBMP at 28.

⁶ A. Treves and K.U. Karanth. 2003. Human-Carnivore Conflict and Perspectives on Carnivore Management Worldwide. *Conservation Biology*, 17(6) 1491-1499. M. Expósito-Granados et al. 2019. Human-carnivore relations: conflicts, tolerance and coexistence in the American West. *Environmental Research Letters*, 14, 123005. Available at: <https://iopscience.iop.org/article/10.1088/1748-9326/ab5485/pdf>;

⁷ *See, e.g.*, New Jersey Department of Environmental Protection, Division of Fish and Wildlife. Bear Facts for Homeowners – Garbage Management (“Certified bear-resistant trash containers have passed a formal testing procedure and are proven to keep bears out.”). Available at: https://www.state.nj.us/dep/fgw/pdf/bear/bearfacts_garbagemgt.pdf

⁸ *See, e.g.*, Jones, Nate. “Did New Jersey Fudge Numbers So It Could Hunt Bears?” *Time Magazine*. October 12, 2020 (referring to an analysis done by Rutgers professor Ed Tavss who found hundreds of duplicate entries when examining New Jersey’s human-bear complaint data). Available at: <https://newsfeed.time.com/2010/10/12/did-new-jersey-fudge-numbers-so-it-could-hunt-bears/>

⁹ A. Treves et al. 2010. American black bear nuisance complaints and hunter take. *Ursus*, 21(1):30-42. (“We conclude that the Wisconsin bear-hunting season did not show clear evidence of reducing nuisance complaints during 1995–2004, probably because hunting was not effectively designed for that goal”). Available at:

https://faculty.nelson.wisc.edu/treves/pubs/Treves_A_2010.pdf; E. Tavss. 2005. Correlation of reduction in nuisance black bear complaints with implementation of (a) a hunt vs. (b) a non-violent

contradicting this accepted fact is the one conducted by the Division in New Jersey, which found “decreased tolerance and increased reporting rates” in non-hunting years,¹⁰ which indicates a change in human reporting and not a change in the actual number of conflicts.

Multiple studies demonstrate that hunting does not alleviate human-bear conflicts unless bears are hunted to an unsustainable level.¹¹ All states that allow bear hunting continue to experience human-bear conflicts. Indeed, conflicts may occur whenever bears and people live near each other and if people do not secure potential black bear food sources. Black bears who live in human-occupied areas may seek out human food sources like garbage, bird seed, and pet food and unsecured garbage attracts bears to businesses and residential neighborhoods. Where human/bear conflict data is not intentionally and artificially inflated, complaint data provides a more accurate reflection of actual human/bear conflicts. . Where non-lethal management alternatives are used, human/bear conflict data demonstrates that nonlethal management is effective at reducing bear conflicts.¹² For example, studies show that bear –resistant garbage cans and dumpsters reduce human/bear conflicts.¹³ While New Jersey bans feeding bears, N.J.S. 23:2A-14, the statute is rarely

program. Final Report – Version 4. Presented in part at 9/21/05 New Jersey Public Hearing on the Comprehensive Black Bear Management Policy and at 8/8/07 Public Meeting on Black Bear Management at the New Jersey State Museum. Available at:

http://unexpectedwildliferefuge.org/uwr_public/literature/Tavss_v4_bear_management_study.pdf

¹⁰ See, e.g., Raithel et al. 2016. Recreational harvest and incident-response management reduce human–carnivore conflicts in an anthropogenic landscape. *Journal of Applied Ecology* (page 9), doi: 10.1111/1365-2664.12830. Available at:

<https://assets.documentcloud.org/documents/3226763/Reducing-Bear-Conflicts.pdf>, p. 9.

¹¹ See, e.g., H. Hristienko and J.E. McDonald, Jr. 2007. Going in the 21st Century: A Perspective on Trends and Controversies in the Management of the Black Bear *Ursus* 18, no. 1 ; A. Treves et al. 2010. American Black Bear Nuisance Complaints and Hunter Take, *Ursus* 21, no. 1; M. E. Obbard et al. 2014. Relationships among Food Availability, Harvest, and Human-Bear Conflict at Landscape Scales in Ontario, Canada, *Ursus* 25, no. 2; E. J. Howe et al. 2010. Do Public Complaints Reflect Trends in Human-Bear Conflict? *Ursus* 21, no. 2; E.F. Pienaar, et al. 2015. Understanding People's Willingness to Implement Measures to Manage Human-Bear Conflict in Florida, *Journal of Wildlife Management* 79, no. 5, p. 798; A. Treves et al. 2010. American black bear nuisance complaints and hunter take, *Ursus* 21(1):30-42; M. Elfström et al. 2014. Ultimate and proximate mechanisms underlying the occurrence of bears close to human settlements: review and management implications, *Mamm Rev.* 44.

¹² See, e.g., Stacy A. Lischka et al. 2019. Understanding and managing human tolerance for a large carnivore in a residential system, *Biological Conservation* 238; H. Johnson et al. 2018. Assessing Ecological and Social Outcomes of a Bear-Proofing Experiment, *The Journal of Wildlife Management*, 82(6): 1102-1114. Available at:

<https://wildlife.onlinelibrary.wiley.com/doi/epdf/10.1002/jwmg.21472>

¹³ See, e.g., B. Finley et al. “A 6-year study of Colorado bears is upending assumptions about their encounters with humans.” *Denver Post*. April 2, 2017 updated March 15, 2018 (“During the study,

enforced even though the most successful way to reduce human-bear conflicts is to secure items that attract bears into neighborhoods—i.e. through proper garbage control and proactive enforcement of the feeding ban.¹⁴

Furthermore, there is evidence indicating that bear hunting is leading to unintended consequences. Baiting, a practice that is banned in some states but allowed in New Jersey, brings bears closer to residential neighborhoods, introduces bears to human foods (often used as bait), and causes bears to associate human odors with food, which can increase human-bear conflicts. Baiting also pollutes the environment, lures bears across roads, increases bear density, spreads disease among wildlife, and causes bears to reach sexual maturity at a younger age, thereby increases productivity.¹⁵ In New Jersey, despite the restrictions imposed on bear hunting under EO No. 34, allowing bear hunting including with the use of bait on private, federal, county, and municipal land may cause such adverse impacts; impacts that were not assessed in the CBBMP.

CPW officials worked with Durango officials to put bear-proof trash cans at homes in some neighborhoods. They found that this reduced bear-human conflicts. In areas without bear-proof cans, conflicts increased sharply).” Available at:

<https://www.denverpost.com/2017/04/02/colorado-black-bear-management/>; M. A. Barrett et al. 2014. Testing Bear-Resistant Trash Cans in Residential Areas of Florida, *Southeastern Naturalist* 13, no. 1; and E. Tavss. 2005. Correlation of reduction in nuisance black bear complaints with implementation of (a) a hunt vs. (b) a non-violent program. Available at:

<http://www.bearsmartnj.org/images/Nonlethal%20Report%20-%202005%20Tavss.pdf>

¹⁴ J. Marley et al. 2017. Does human education reduce conflicts between humans and bears? An agent-based modelling approach. *Ecological Modeling*, 343:15-24; Baruch-Mordo et al. 2011. The Carrot or the Stick? Evaluation of Education and Enforcement as Management Tools for Human-Wildlife Conflicts. *PLoS ONE* 6(1): e15681. doi:10.1371/journal.pone.0015681. Available at:

<https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0015681>

¹⁵ See, e.g., T. Eveland. 2012. “Baiting the Black Bear.” Available at:

<http://bearsmartnj.org/images/BaitingReport2012.pdf>; Associated Press, “Study: Black bears that eat human food have higher reproductive rates.” March 20, 2016. (“Black bears that eat human foods from trash cans have higher reproductive rates than those living on natural foods, according to a study by Colorado researchers”). Available at:

<https://www.coloradoan.com/story/news/2016/03/20/study-black-bears-eat-human-food-have-higher-reproductive-rates/82053148/>;

H.E. Johnson, et al. 2015. Shifting perceptions of risk and reward: dynamic selection for human development by black bears in the western United States. *Biological Conservation* 178:164–172; P. McConnell et al. 1997. Black Bear Management Plan. State of New Jersey, Department of Environmental Protection, Division of Wildlife. (reports that bears with a “nutritional advantage” reach sexual maturity at a younger age (page 16). Available at:

https://www.state.nj.us/dep/fgw/pdf/bear_mgt_plan_1997.pdf .

Other states that allow baiting bears recognize the hazards and have imposed strict regulations to reduce such impacts. For example, Idaho prohibits bait within 200 feet of any body of water, or within 200 yards of any maintained trail or established roadway that is open to the general public.¹⁶ Wisconsin prohibits the use of bait within 50 yards of any trail, road or campsite that is used by the public, or within 100 yards of a roadway with a speed limit of 45 miles per hour or more.¹⁷ Recognizing the danger to other wildlife, Wisconsin also requires that bear bait be enclosed and covered to prevent access by deer. New Hampshire prohibits bait from being “placed less than 300 feet from a dwelling, public roadway, pathway, or trail.”¹⁸ In Maine, “[b]ait may not be placed to entice, hunt or trap black bear unless” it is “placed at least 50 yards from any travel way that is accessible by a conventional 2-wheel or 4-wheel drive vehicle,” “[t]he bait is placed more than 500 yards from any solid waste disposal site or campground,” and “[t]he bait is placed more than 500 yards from an occupied dwelling, unless written permission is granted by the owner or tenant.”¹⁹ New Jersey has no such restrictions on the placement of bait near trails, roadways, campsites, or homes.

The Rules and the CBBMP do not take the ongoing COVID pandemic into account

A rule prohibiting bear hunting is also necessary as a part of the state’s policies to limit public activities during the COVID-19 pandemic. Much is still unknown about COVID-19. There is no question, however, that hunting can lead to zoonotic spillover, whereby a pathogen transfers from a vertebrate animal to a human. A recently published study indicates that hunting increases the close contact between humans and wildlife that facilitates zoonotic disease transmission.²⁰ Indeed, the Union of Concerned Scientists has warned that “hunting can lead to zoonotic spillover”²¹ This concern is not new. Pike et al. (2010) identifies hunting and butchering wild animals as “high-risk

¹⁶ See, e.g., Idaho Department of Fish and Game. 2018. Idaho Big Game 2017 & 2018 Seasons & Rules - 2017 & 2018 Fall / 2018 & 2019 Spring Black Bear Hunting Seasons. Available at: <https://idfg.idaho.gov/sites/default/files/seasons-rules-big-game-black-bear-2017-2018.pdf>

¹⁷ See, e.g., Wisconsin Bear Baiting and Feeding Regulations. Available at: <https://dnr.wi.gov/files/PDF/pubs/wm/WM0457.pdf>

¹⁸ New Hampshire Hunting & Trapping Digest. 2020. General Hunting Regulations. Available at: <http://www.eregulations.com/newhampshire/hunting/general-hunting-regulations/>

¹⁹ Maine Department of Inland Fisheries and Wildlife. 2020. Bear Hunting. Available at: <https://www.maine.gov/ifw/hunting-trapping/hunting-laws/bear.html>

²⁰ C.K. Johnson, et al. 2020. Global shifts in mammalian population trends reveal key predictors of virus spillover risk. Proc. R. Soc. B 287: 20192736. Available at: <http://dx.doi.org/10.1098/rspb.2019.2736>

²¹ J. Carter, Trump Administration Considers Hunting in Wildlife Refuges a Celebration of COVID-19 "Success," April 13, 2020. (“hunters (should) exercise caution as exploitation of wildlife (such as hunting) can increase the likelihood of disease transmission”). Available at: <https://blog.ucsusa.org/jacob-carter/trump-administration-considers-hunting-in-wildlife-refuges-a-celebration-of-covid-19-success>

practices” that cause contact with blood and bodily fluids and can lead to infection with a zoonotic agent.²²

What we do know is human-to-human contact increases the COVID-19 infection rate. Yet the structure and conduct of the current bear hunt in New Jersey does not take the pandemic into account. Hunters who have been ill are not required to stay home. And while the Division recommends social distancing,²³ bears are too large for a single hunter to haul out of the woods, necessitating close human contact among hunters. The bear hunt will also put state employees’ lives at risk, requiring proximity to hunters and wildlife at weigh stations. It is irresponsible and unnecessary for the state to put its employees at risk of serious illness or death for the sake of an unpopular bear hunt that the majority of New Jersey citizens are against.

The Rules and the CBBMP sanction the cruel killing of bears.

In addition to eliminating a policy based on unsound scientific evidence and artificially inflated human-bear conflict data, adopting the course of action requested in the petition would eliminate bear hunting in New Jersey, a practice that enables the wholesale and indiscriminate killing of bears; separates bear families, including mothers from their cubs; and results in some bears suffering long and painful deaths from wounds sustained during a hunt.

Repeal of the CBBMP would additionally eliminate the particularly cruel use of bowhunting to kill bears, which the current CBBMP allows. Bowhunting is not an efficient method of hunting particularly for a large-bodied animal like a bear. It can cause more painful and prolonged suffering as the animal frequently bleeds to death, and it often results in a higher percentage of animals injured,²⁴ maimed, and lost.²⁵ The recovery of an animal hit by an arrow can be so difficult that

²² B.L Pike, et al. 2010. The Origin and Prevention of Pandemics. *Clinical Infectious Diseases*, vol. 50, no. 12, pp. 1636–1640. Available at: www.jstor.org/stable/25679929.

²³ See, e.g., New Jersey Department of Environmental Protection, Division of Wildlife. 2020. Spring 2020 Hunting and Fishing FAQs. (“Licensed sportsmen and women are encouraged to get outside while remembering to protect yourself and others by not congregating in groups, maintaining a social distance of at least six feet from other anglers or your hunting partners, and washing your hands well before and after any outdoor recreation”). Available at: https://www.state.nj.us/dep/fgw/news/2020/huntfish_faq.htm

²⁴ See, e.g., S.S. Ditchkoff et al. 1998. Wounding rates of white-tailed deer with traditional archery equipment. *Proc. Annual Conf. Southeast Assoc. Fish & Wildlife Agencies*, 52: 244-248. Available at: <https://docs.google.com/viewer?a=v&pid=sites&srcid=ZGVlcmZyaWVuZGx5LmNvbXxob21lfGd4OjQ0MDY0NzAyOTc2NzE5ODA>

²⁵ See, e.g., Report on Bowhunting. (“In a major study done in 1989 by Glen Boydston and Horace Gore, wildlife biologists at the Texas Parks and Wildlife Department, they compared data on archery and gun wounding losses gathered at four wildlife management areas in Texas from 1972 through

bowhunters refer to the pursuit of a wounded animal as the “second hunt.”²⁶ The only reason to permit a bowhunting season is to cater to hunters who enjoy using more primitive weapons that are less deadly and less accurate.

Petitioners' interest in the request

The Petitioners represent thousands of New Jersey residents who support effective, nonlethal black bear management. Petitioners have a direct interest in this petition because they work to protect animals, protect the environment, and have an interest in public health and safety. Organizational petitioners also have many members who live in bear country or visit bear country and enjoy seeing and photographing the bears.

3. References to the authority of the agency to take the requested action.

Under N.J.S.A. 13:1B-28, the Fish and Game Council has the authority to formulate comprehensive policies for black bears. Also under N.J.S.A. 13:1B-28, those policies are subject to the approval of the NJDEP Commissioner.

As required under N.J.A.C. 7:1D-1, petitioners provide the following information:

4. The full name and address of the petitioner;

Senator Robert Torricelli
63 Bridge Street
Lambertville, NJ 08530

The Lesniak Institute For American Leadership @Kean University
1075 Morris Avenue, STEM 6th floor
Union NJ 07083

1985. During this period, archers bagged 128 deer and wounded and failed to retrieve 130 others, for a crippling loss exceeding 50%—revealing that for every deer legally killed and recovered by a bowhunter, at least one or more deer were wounded and left to die in a slow and painful manner”). Available at: http://animalrightscoalition.com/doc/bowhunting_report.pdf

²⁶ See, e.g., Pennsylvania Bowhunter Ed Course – Steps for a Successful Recovery (“Hunters often refer to game recovery as their ‘second hunt.’” Available at: https://www.bowhunter-ed.com/pennsylvania/studyGuide/Steps-for-a-Successful-Recovery/30103902_10244/; Alaska Department of Fish and Game, Hunter Information and Training, 2015 Today’s Bowhunter Teaching Guide (“Bowhunters often refer to game recovery as their ‘second hunt.’” Available at: http://www.adfg.alaska.gov/static/education/hunter/instructor/pdfs/bow_instructor_guide.pdf

Animal Protection League of New Jersey
PO Box 186
Glen Gardner, NJ 08826

The Humane Society of the United States

League of Humane Voters of New Jersey
PO Box 331
Glen Gardner, NJ 08826

Animal Legal Defense Fund

525 East Cotati Ave

Cotati, CA 94931

5. The substance or nature of the rulemaking which is requested. The petitioner may provide the text of the requested proposed rule;

Petitioners request the repeal of the rules permitting black bear hunting including the CBBMP, N.J.A.C. 7:25-5.6 and 5.24.

6. The reasons for the request;

Please see the response to Question No. #2 above.

7. The petitioners' interest in the request, including any relevant organization affiliation or economic interest;

Petitioners have no economic interest in the request. Also, please see the response to Questions No. #2 above.

8. The statutory authority under which the Department of Environmental Protection may take the requested action; and

Under N.J.S.A. 13:1B-28, the Fish and Game Council has the authority to formulate comprehensive policies for black bears. Also under N.J.S.A. 13:1B-28, those policies are subject to the approval of the NJDEP Commissioner.

9. Existing Federal or State statutes and rules which the petitioner believes may be pertinent to the request.

N.J.S.A. 13:1B-23 through N.J.S.A. 13:1B-35 are pertinent to the request.

Conclusion

For the reasons set forth above, Petitioners request that the NJ Department of Environmental Protection repeal the rules permitting black bear hunting including the CBBMP (N.J.A.C. 7:25-5.6 and 5.24) pursuant to N.J.S.A. 52:14B-4(f), N.J.A.C. 1:30-4.1 et seq. and N.J.A.C. 7:1D-1. Please act upon this petition in the time provided by N.J.A.C. 7:1D.1(f) and N.J.A.C. 1:30-4.2(a).

Please do not hesitate to contact us if you have any questions.

Regards,

Senator Robert Torricelli

Senator Raymond Lesniak,
Founder and President, The Lesniak Institute For American Leadership @Kean University

Angi Metler
Executive Director, Animal Protection League of NJ

Brian R. Hackett
NJ State Director, The Humane Society of the United States (HSUS)

Sue Russell,
Wildlife Policy Specialist, The League of Humane Voters of NJ

Kathleen Schatzmann
Senior Legislative Affairs Manager, Animal Legal Defense Fund

Exhibit A

From: SUSAN RUSSELL <selizabetherussell@verizon.net>
Sent: Thursday, September 20, 2018 2:06 PM
To: 'Matthew.Platkin@nj.gov' <Matthew.Platkin@nj.gov>; 'constituentrelations@nj.gov' <constituentrelations@nj.gov>; 'madeline.urbish@nj.gov' <madeline.urbish@nj.gov>; 'Robert Torricelli' <rgtnj1@rosemontassocs.com>; Senator Vin Gopal (sengopal@njleg.org) <sengopal@njleg.org>; 'SenSingleton@njleg.org' <SenSingleton@njleg.org>; 'asmbenson@njleg.org' <asmbenson@njleg.org>; 'Raymond Lesniak' <lesniakrj@gmail.com>; 'Dante DiPirro' <dante@dantelawyer.com>; Doris Lin Esq. (dorislinessq@verizon.net) <dorislinessq@verizon.net>; Jeff Tittel (jeff.tittel@verizon.net) <jeff.tittel@verizon.net>; Brian Hackett (bhackett@humanesociety.org) <bhackett@humanesociety.org>; ANGI METLER (angi.metler@aplNJ.org) <angi.metler@aplNJ.org>; selizabetherussell@verizon.net (selizabetherussell@verizon.net) <selizabetherussell@verizon.net>; 'Doreen Frega' <doreen.frega@aplNJ.org>
Subject: Prohibit the Driving of Black Bears on State Lands

Dear Mr. Platkin:

The Governor and Commissioner of the Department of Environmental Protection should prohibit the driving of black bears from state lands onto private lands in circumvention of Executive Order No. 34, which bans the hunting of black bears on state property. Though many view it as unsporting harassment of wildlife, driving, organized or otherwise, is an integral part of hunting. It's called "[drive-hunting](#)." We have information that parties and bear hunt activists are interested in engaging in organized drives of bears on state land before and during the upcoming bear hunt.

On September 19, 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." That's arrant nonsense. We, our counsel, and one suspects, the public, strongly disagree.

The bureau's intended allowance of bear driving on state land makes a mockery of Governor Murphy's executive order and its intent. It requires immediate DEP and gubernatorial attention.

Sincerely,

Susan Russell, Wildlife Policy Advisory

Animal Protection League of New Jersey

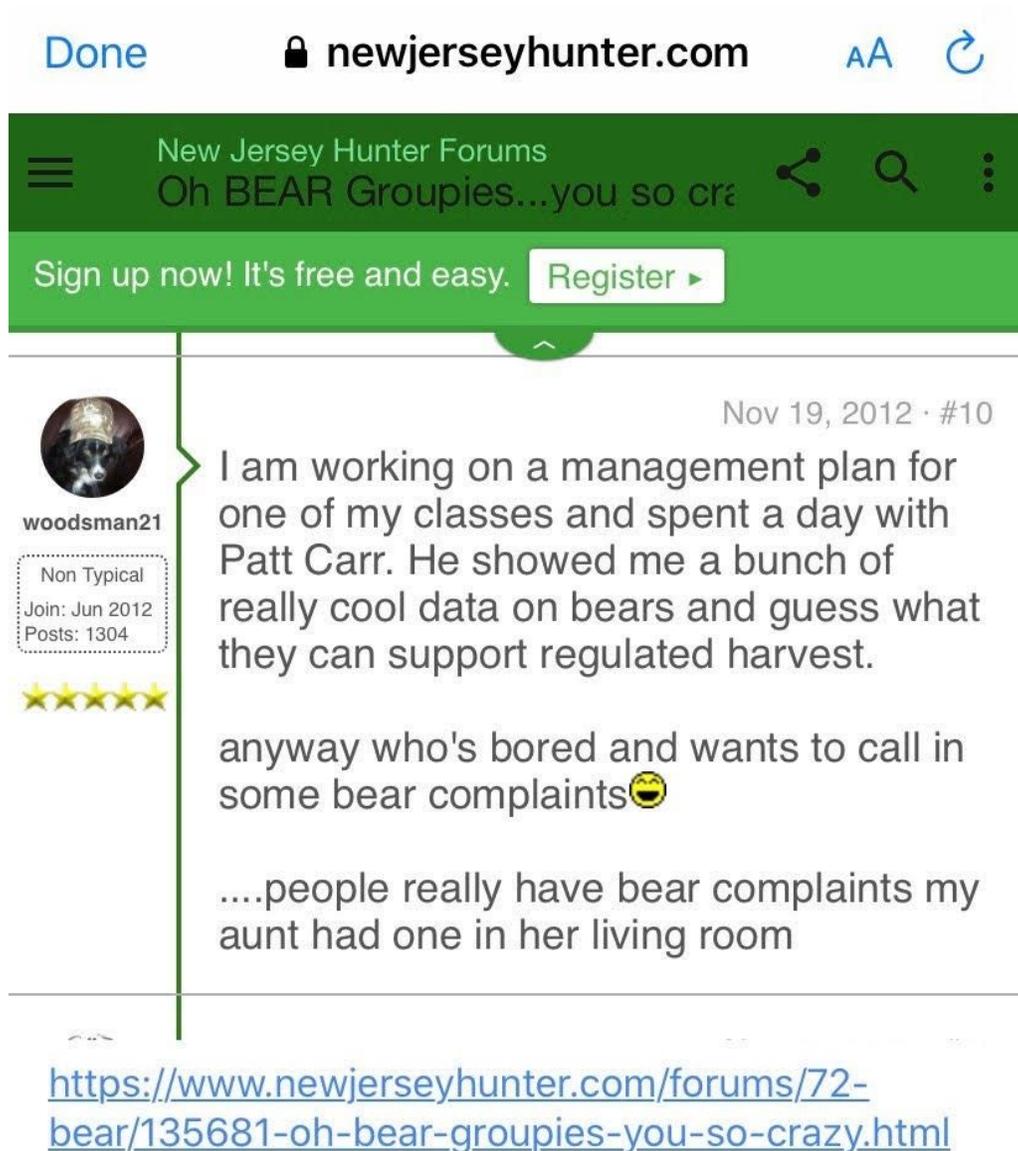
Exhibit B

The image shows a screenshot of a Facebook post and its comments. The post is from 'facebook.com' and has 2 likes. The comments are as follows:

- Ken Pier** replied · 1 reply
- Richard Planthaber**
Drives should be organized to push bear off state lands... keep things moving. (4 likes)
2 wks Like More
- Mike Bush** replied · 4 replies
- Andy Robertson**
I have 4 spots open on my 300 acre lease in Warren CTY.
A lot of bears on farm some big ones
Messenger me for info. (3 likes)
2 wks Like More
- Butch Mccoy**
that's one way of skinning a cat push the bear off of State on land a bear drive (2 likes)
2 wks Like More
- Bob Carlson**
Actually, you can still legally hunt deer on state land so while your driving deer you can drive bear out and onto private lands. As long as you don't shoot a bear on state land all is well. (1 like)
2 wks Like More
- Mike Bush**
Bob Carlson exactly. It is also legal to hunt the line and shoot one a foot over. If it dies on state land it is still legal
- Scott Tarnoski**
It would be a lot easier if everybody just said F Phil and hunted the state anyway. Lol I call for a game warden for a trespasser or hunter harassment and they show up 3 days later anyway because they are so over burdened. What happens when 75 people show up opening day in every state park and on every wma in sussex, Warren and Passaic counties? Do they call the national gaurd and bring the paddy wagons? There aren't enough judges in the world to sit on that many court hearings. And this is not a knock of our state's Game Wardens. They do an awesome job and I appreciate every thing they do. (3 likes)
14h Like
- Boonin Crunkett**
I also appreciate the wardens so much. They are way under staffed. There is no way to enforce this law. i would not feel right about falsely reporting on

Source: Facebook

Exhibit C



Source:

<https://www.newjerseyhunter.com/forums/72-bear/135681-oh-bear-groupies-you-so-crazy.html>