



State of New Jersey
DEPARTMENT OF ENVIRONMENTAL PROTECTION
PO Box 402
TRENTON, NJ 08625-0402
TEL. # (609) 292-2885
FAX # (609) 292-7695

JON S. CORZINE
Governor

LISA P. JACKSON
Commissioner

August 20, 2007

Ms. Jeannette A. Vreeland, Acting Chairwoman
New Jersey Fish and Game Council
P.O. Box 400
Trenton, New Jersey 08625-0400

Dear Ms. Vreeland:

Thank you for presenting the New Jersey Fish and Game Council's Draft 2007 Comprehensive Black Bear Management Policy ("Council's Policy") for my review and for your August 16, 2007 letter. As you know, the Department has recently closed the public comment period soliciting input on both the policy recommended by the Department of Environmental Protection ("DEP") for black bear management and the subsequently provided Council's Policy. I am enclosing for the Council's review a summary of the oral and written comments received, as well as the transcript from the August 8, 2007 public meeting.

In accordance with the New Jersey Supreme Court's decision in U.S. Sportsmen's Alliance Foundation v. NJDEP, my role is to review the comprehensive policies set forth by the Council for the protection of fish, birds and game animals, and to approve them if they are consistent with my overarching views of environmental protection and conservation initiatives. In my November 15, 2006 letter to you, I explained that the Council's previous Comprehensive Black Bear Management Policy ("2005 CBBMP"), which had been approved by the prior Commissioner on November 14, 2005, was inconsistent with my overall conservation and environmental protection goals concerning bear management because it provided for a hunt before the implementation and analysis of non-lethal bear management techniques. As a result, it was necessary for me to withdraw the prior Commissioner's approval of the 2005 CBBMP.

Since that time, much progress has been made toward the implementation and analysis of non-lethal techniques. For example, the State's 2008 budget provides \$850,000 for black bear management, which has been used by DEP to hire a full-time wildlife biologist devoted to bear education, launch a major bear education media campaign, and replenish education materials for distribution. This appropriation has also enabled DEP to hire an additional wildlife biologist, two wildlife technicians, and two conservation officers. In addition, during March and April 2007, DEP undertook an

enforcement and education initiative in Sussex, Passaic, Bergen, Morris, and Warren counties to determine if the public is doing all it should to avoid attracting bears. These and other efforts undertaken by DEP represent a new and real commitment by the State to the implementation of the full range of non-lethal management techniques.

At the same time, the DEP and the Council have made efforts toward the development of a new State black bear management plan. These efforts have included meetings and other communications and information exchanges between the DEP and the Council focused on the development of a new plan. In recent weeks, both the Council and I have offered recommendations on such a plan. And, recently, the DEP recently sought public input on black bear management in the State of New Jersey and conducted a public meeting offering the public the opportunity to comment on these issues. As the extensive public comment received during this period demonstrates, this is a subject of vigorous debate by members of the public holding differing views about management of the State's black bear population. DEP is continuing to evaluate and respond to the comments received during the recent public comment period.

In light of the above, I remain convinced that the 2005 CBBMP does not comport with my overarching environmental policies as they pertain to the management of the State's black bear population. As described above, over the last nine months, DEP and the State have made substantial progress toward implementing many of the policies and initiatives outlined in my November 15, 2006 letter, and I continue to believe that a new CBBMP must be developed that emphasizes reliance on available non-lethal management techniques before resorting to another black bear hunt. Having withdrawn the prior Commissioner's approval of the 2005 CBBMP, I remain hopeful that a new CBBMP can be developed that I can approve as consistent with my overall environmental policies.

To that end, I have thoroughly reviewed the Council's Policy against the policy recommended by DEP, and note that there is much common ground in these documents. I am pleased that the Council understands the need to implement the non-lethal strategies of enhanced public education, proper garbage management, more research, and more robust enforcement of the bear feeding ban, as outlined in my November 15, 2006 letter. The Council has also acknowledged that DEP needs time to implement these strategies and to evaluate their success or failure.

The major area of disagreement between DEP's recommended policy and the Council's Policy is whether or not there should be a threshold to determine whether to hold a bear hunt. While I recognize the Council's attempt to quantify the success of the non-lethal strategies to a decline in the number of Category I (human-bear) incidents, I do not believe that a 30% reduction in the number of Category I incidents by September 8, 2008 and an additional 30% reduction in these incidents by September 7, 2009 is an appropriate standard. I do not believe that such an inflexible standard fully reflects the complexity of the factors that affect the number of bear incidents that may occur in a given time period and that must be considered in evaluating the effectiveness of non-lethal measures. I do note, however, that the public comment period elicited a significant number of comments on the need for more specific standards to measure the

effectiveness of non-lethal management techniques and to establish a threshold to determine whether to hold another black bear hunt, and I agree with these commenters.

Like the Council, my paramount concern is public health and safety, and I agree with the Council that the number of Category I bear incidents can provide a useful gauge for assessing these public safety concerns. I note that, so far in 2007, such Category I incidents are virtually unchanged from the level observed in 2006. Thus, while DEP staff will continue to respond, trap and euthanize Category I bears, I believe that DEP must also implement and thoroughly analyze the effectiveness of non-lethal bear management strategies. As part of that evaluation, DEP would closely track the Category I incidents on a yearly basis. A significant increase in the number and severity of these human-bear Category I incidents could be an indicator of the need for population control over and above the euthanization of Category I bears that is currently occurring. I believe that the Policy I have proposed, with the modifications discussed above, fully protects public safety while still assuring a commitment to allowing a meaningful opportunity to implement and assess non-lethal management techniques.

I assure you that I will continue to do what is needed to address any and all public safety concerns. I sincerely hope that the Council will continue to work with me in developing a Comprehensive Black Bear Management Policy that is consistent with the goals outlined above so that I can approve it.

Sincerely,

A handwritten signature in black ink, appearing to read 'L. Jackson', with a long horizontal flourish extending to the right.

Lisa P. Jackson
Commissioner

c. Members of the Fish and Game Council