

EXECUTIVE ORDER NO. 310

WHEREAS, New Jersey is home to abundant and diverse wildlife that is critical to the State's varied ecosystems, including the American black bear (*Ursus americanus*); and

WHEREAS, the State of New Jersey, through the Department of Environmental Protection ("DEP") and its predecessors, has long authorized hunting and trapping of certain species in New Jersey, including black bears, for multiple purposes, including recreation and wildlife management; and

WHEREAS, on August 20, 2018, I signed Executive Order No. 34, which directed the Commissioner of DEP (the "Commissioner") to take all necessary and appropriate actions to protect black bears on lands controlled by the State, including determining whether to close such lands to hunting of black bears; and

WHEREAS, in accordance with Executive Order No. 34 (2018), the Commissioner signed Administrative Order No. 2018-24, ordering and directing that all lands owned, managed, or otherwise controlled by DEP be closed to the hunting of black bears; and

WHEREAS, with the expiration of the Comprehensive Black Bear Management Plan in 2021, no bear hunting has taken place in New Jersey since 2020; and

WHEREAS, DEP and the Fish and Game Council ("Council") estimate that the black bear population in Morris, Passaic, Sussex, and Warren counties, where the bulk of the State's bear population is centered, has increased to approximately 3,000 bears from approximately 1,500 bears in 2018; and

WHEREAS, State biologists project that, in the absence of population control measures, the black bear population in the northwest portion of New Jersey would increase to over 4,000 bears in the next two years; and

WHEREAS, the DEP received 1,538 bear incident reports between January and October 2022, a 237 percent increase from the same period in 2021, including 1 human attack, 62 aggressive encounters with humans,

12 dog attacks, 12 home entries, 15 attempted home entries, 89 instances of property damage, and 52 attacks on protected livestock; and

WHEREAS, on November 15, 2022, the Council found that the increasing bear population and increasing number of adverse human-bear interactions constitute an imminent peril necessitating the reinstatement of a bear hunting season for December 2022; and

WHEREAS, the Council further found that increases in adverse human-bear interactions are closely correlated with increases in the black bear population, which cause bears to disperse into more densely populated areas and seek food from human sources such as trash and agricultural crops and livestock; and

WHEREAS, the Council also found that the data on the ground has shown that, in addition to control of human food sources, non-lethal strategies such as outreach and education, while helping to increase awareness and public safety, have proven to be insufficient to reduce dangerous human-bear interactions in the face of uncontrolled population growth; and

WHEREAS, based upon the findings described above, the Council enacted emergency regulations adopting a new Comprehensive Black Bear Management Plan and amending the Game Code to implement appropriate black bear hunting restrictions, including prohibitions on the taking of cubs under 75 pounds and adults traveling with cubs under 75 pounds, as well as certain restrictions on baiting; and

WHEREAS, on the same date, the Commissioner approved the Comprehensive Black Bear Management Plan and stated his agreement with the Council's finding of imminent peril; and

WHEREAS, in consultation with the Commissioner, I have determined that a regulated bear hunt that takes place on both state and private lands is necessary to protect New Jersey residents from harm and reduce the threat of tragic human-bear interactions, and I have concurred with the Council's Statement of Imminent Peril; and

WHEREAS, as a result of this emergency rulemaking, a Bear Hunting Season will take place pursuant to the Comprehensive Black Bear Management Plan and N.J.A.C. 7:25-5.6 from December 5 through December

10, 2022, and will be extended from December 14 through December 17 if necessary to achieve a 20 percent harvest rate;

NOW, THEREFORE, I, PHILIP D. MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. Executive Order No. 34 (2018) is hereby rescinded.

2. Nothing in this Order shall be construed to confer any legal rights upon entities whose activities are regulated by State entities; nothing shall be construed to create a private right of action on behalf of any such regulated entities; and nothing shall be used as a basis for legal challenges to rules, approvals, permits, licenses, or other action or inaction by a State entity. Nothing in this Order shall be construed to supersede any federal, State, or local law.

3. This Order shall take effect immediately.

GIVEN, under my hand and seal this
15th day of November,
Two Thousand and Twenty-two, and
of the Independence of the
United States, the Two Hundred
and Forty-Seventh.

[seal]

/s/ Philip D. Murphy
Governor

Attest:

/s/ Parimal Garg

Chief Counsel to the Governor