

Amended by R.1999 d.287, effective August 16, 1999 (operative August 21, 1999).

See: 31 N.J.R. 1231(a), 31 N.J.R. 2338(a).

Changed dates throughout; and in (d), inserted "1/2 hour before" following "squirrels are".

Amended by R.2000 d.365, effective September 5, 2000 (operative September 10, 2000).

See: 32 N.J.R. 1673(a), 32 N.J.R. 3294(a).

Changed dates throughout.

Amended by R.2001 d.300, effective August 20, 2001 (operative August 25, 2001).

See: 33 N.J.R. 1527(a), 33 N.J.R. 2829(a).

Rewrote section.

Amended by R.2002 d.272, effective August 19, 2002, (operative August 24, 2002).

See: 34 N.J.R. 1504(a), 34 N.J.R. 2973(a).

Changed dates throughout (a), (b) and (d).

Amended by R.2003 d.359, effective September 2, 2003 (operative September 7, 2003).

See: 35 N.J.R. 1804(a), 35 N.J.R. 4053(a).

Changed dates throughout (a), (b) and (d).

Amended by R.2005 d.321, effective September 19, 2005 (operative September 24, 2005).

See: 37 N.J.R. 1959(a), 37 N.J.R. 3657(a).

Rewrote (a), (b) and (d).

Amended by R.2009 d.276, effective September 8, 2009 (operative September 13, 2009).

See: 41 N.J.R. 1320(a), 41 N.J.R. 3217(b).

Rewrote (a) and (b); and in (d), substituted "the Saturday following the first Monday in November" for "November 12, 2005; November 11, 2006; November 10, 2007; November 10, 2008; November 7, 2009; and November 13, 2010".

Amended by R.2013 d.115, effective September 16, 2013 (operative September 21, 2013).

See: 45 N.J.R. 787(a), 45 N.J.R. 2121(a).

In (a), substituted a comma for "or" following "shotgun", and inserted "or air gun".

Amended by R.2015 d.147, effective September 8, 2015 (operative September 13, 2015).

See: 47 N.J.R. 577(a), 47 N.J.R. 2264(a).

In (a), inserted the second sentence.

7:25-5.6 Black bear (*Ursus americanus*), bobcat (*Felis rufus*)

(a) There is a closed season for bobcat. It shall be illegal to intentionally take, kill, or attempt to take or kill a bobcat in the State of New Jersey at any time. Trappers shall report any bobcat incidentally caught within 24 hours of discovery to 1-877-WarnDEP (1-877-927-6337). Bobcat, including any part thereof, legally harvested in other U.S. states or Canadian provinces may be possessed provided they are affixed with a Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) tag from the state or province of harvest. It shall be illegal to use dogs to pursue or run black bear. There is a season for black bear in accordance with the approved comprehensive policy for the protection and propagation of black bear (see section Appendix, incorporated herein by reference). The season duration for black bear shall be concurrent with the six-day firearm deer season as enumerated in N.J.A.C. 7:25-5.27(a). Legal hunting hours for black bear shall be 1/2 hour before sunrise to 1/2 hour after sunset. Following the commencement of the season, the Director may, after consultation with the Chairman, close the season. To the extent possible, the Chairman will consult with available Council members prior to consultation with the Director. The Director will announce such closure, which will

become effective 24 hours from the daily legal closing time of the day on which the decision is made, based upon data obtained and reviewed by the Division. Season closure will be announced by news release, radio, the Division's website (www.njfishandwildlife.com) and other media.

1. Special black bear hunting permit requirement: All black bear hunters must have a current and valid firearm hunting license and a current and valid special "black bear hunting permit" which will be issued by the Division. A total of 10,000 special black bear hunting permits, allocated by bear management zone (BMZ), will be available to properly licensed firearm hunters. A random lottery will be conducted, if demand exceeds supply in any BMZ. Black bear hunting permits and special farmer black bear permits are not transferable and must be in the possession of the hunter while hunting black bear. Hunters are limited to two black bear hunting permits per year, as per (a)liii below. Juvenile hunters aged 10 through 13 years of age must have a black bear hunting permit and be under the direct supervision of a properly licensed adult (21 years of age or older) while bear hunting. The adult must also possess a black bear hunting permit. Direct supervision means the juvenile hunter and the supervising adult are together at the same location. The juvenile hunter may not hunt independently of the adult.

i. Black bear hunting permits will be issued on an individual basis to holders of valid and current firearm hunting licenses. Black bear hunting permits and special farmer black bear permits are valid only in the BMZ and year designated on the permit, and are not transferable.

ii. Black bear hunting permits consist of a back display and include a "Black Bear Transportation Tag." The back display shall be conspicuously worn in the middle of the back in addition to the valid firearm license.

iii. Black bear hunting permits shall be applied for as follows: Holders of valid and current firearm hunting licenses, including juvenile licenses, shall apply by submitting an application via the Division's ELS which has been properly completed in accordance with instructions or, in the event of ELS operating difficulties, by providing the same information at ELS locations through such alternate system as may be designated by the Division. First time permit applicants who do not possess a valid hunting license may apply for a black bear hunting permit provided they have applied for a hunter education course prior to the application period and have provided such related information as may be required on the application. Only two applications may be submitted per individual—one application for an initial permit lottery and one application for a left-over permit for a different BMZ. Submission of more than one application for the initial permit lottery or for a left-over permit by an individual will cause all applications to be void. All persons, while their hunting licenses are

void under authority of law or as imposed by a court, are prohibited from making application for, or otherwise procuring, a black bear hunting permit. The application shall be completed to include the applicant's Conservation ID Number or name, address, BMZ applied for, and any other information required by law or requested. Applications must be received no later than October 15, annually, to be included in the initial permit drawing. If the number of applications exceeds the BMZ permit quota, permit selection will be by random drawing. After the regular permit application period and initial permit selection process, nothing contained herein shall preclude the Division from issuing unfilled or unclaimed permits on a first come-first served basis to any properly licensed hunter. Any permit obtained by fraud shall be void.

iv. Special Farmer Black Bear Permits shall be applied for as follows:

(1) Only the owner or lessee of a farm, who resides thereon, or immediate members of his family 10 years of age or older who also reside thereon, may apply on forms provided for a special farmer black bear permit. Under this section a farm is an area of five acres or more and producing a gross income in excess of \$500.00 and is tax assessed as farmland. Special farmer black bear permits will be issued only in those Black Bear Management Zones where a season is prescribed.

(2) Application forms may be obtained from the Division of Fish and Wildlife, Mail Code 501-03, P.O. Box 420, Trenton, N.J. 08625-0420.

(3) The application shall be filled in to include Conservation ID Number or name, age, address, and any other information requested thereon. Properly completed application forms will be accepted in the Trenton office no later than October 15. There is no fee required and all qualified applicants will receive a Special Farmer Black Bear Permit delivered by mail.

(4) Only one farmer application may be submitted per individual during the initial application period. Application for a farmer black bear permit shall not preclude a farmer from applying for and the Division's issuing one regular black bear season permit as a holder of a valid hunting license.

2. Bag limit: Only one bear of either-sex and any age may be taken per properly licensed hunter annually. It is unlawful to take or attempt to take or continue to hunt for more than the number of black bear permitted. Properly licensed hunters who harvest a black bear shall immediately complete and affix to the bear the "Black Bear Transportation Tag" from their Black Bear Hunting Permit. Information included on the black bear transportation tag shall include: the hunters name, address and current firearm license number; date and time of kill; BMZ, county

and municipality of kill; and the sex of the black bear. Successful hunters must take the black bear to a designated check station by 7:00 P.M. on the day of the kill. Hunters shall surrender the black bear transportation tag and will be issued a legal possession tag. Any legally killed black bear recovered too late to be brought to a designated black bear check station by 7:00 P.M. on the date of the kill must be reported immediately by telephone to the Northern Region Office of the Bureau of Law Enforcement. Hunters must provide their name, address and a telephone number where they can be reached on the telephone message recording device, if a Division representative is not available. Said black bear must be brought to a designated black bear check station on the next weekday to be registered and to receive a legal possession tag.

3. The black bear management zones are located as follows:

i. Zone 1. That portion of Warren and Sussex Counties lying within a continuous line beginning at the intersection of the Portland Bridge and the Delaware River at Columbia; then northward along the east bank of the Delaware River to the New York State Line; then east along the New York State Line to Rt. 519; then south along Rt. 519 to its intersection with Rt. 627; then south along Rt. 627 to its intersection with Rt. 626; then south along Rt. 626 to its intersection with Rt. 521; then southwest along Rt. 521 to its intersection with Rt. 94 in Blirstown; then southwest along Rt. 94 to the Portland Bridge, the point of beginning in Columbia. The islands of Labar, Tocks, Poxono, Depew, Namanock, Minisink and Mashipacong lying in the Delaware River are also included within this Hunting Area.

ii. Zone 2. That portion of Sussex, Warren and Morris Counties lying within a continuous line beginning at Portland Bridge in Columbia; then northward along Rt. 94 to its intersection with Rt. 521 in Blirstown; then north along Rt. 521 to its intersection with Rt. 626; then north along Rt. 626 to its intersection with Rt. 627; then north along Rt. 627 to its intersection with Rt. 519 in Branchville; then north along Rt. 519 to the New York State Line; then southeast along the New York State line to Rt. 517; then south along Rt. 517 to its intersection with Rt. 94; then south on Rt. 94 to its intersection with Rt. 23 in Hamburg Borough; then south along Rt. 23 to its intersection with Rt. 517 in Franklin; then south along Rt. 517 to its intersection with Rt. 15 in Sparta; then south along Rt. 15 to its intersection with Interstate 80 in Dover; then west along interstate 80 to its intersection with Rt. 94; then south along Rt. 94 to the intersection with the Portland Bridge and the Delaware River located in Columbia, the point of beginning.

iii. Zone 3: That portion of Sussex, Passaic, Morris, and Bergen Counties lying within a continuous line beginning at the intersection of Rt. 80 and Rt. 15 in

Dover; then north along Rt. 15 to its intersection with Rt. 517 in Sparta; then north along Rt. 517 to its intersection with Rt. 23 in Franklin; then north along Rt. 23 to its intersection with Rt. 94 in Hamburg Borough; then north along Rt. 94 to its intersection with Rt. 517; then north along Rt. 517 to the New York State Line; then east along the New York State Line to its intersection with Rt. 287; then south along Rt. 287 to its intersection with Rt. 80; then west along Rt. 80 to its intersection with Rt. 15 the point of beginning in Dover.

iv. Zone 4. That portion of Sussex, Warren, Morris, Somerset and Hunterdon Counties lying within a continuous line beginning at the intersection of Route 78 and the Delaware River; then north along the east bank of the Delaware River to the Portland Bridge at Columbia; then northeast along Rt. 94 to its intersection with Rt. 80; then east along Rt. 80 to its intersection with Rt. 287; then southwest along Rt. 287 to its intersection with Rt. 78; then west along Rt. 78 to the Delaware River the point of beginning.

v. Zone 5. That portion of Bergen, Essex, Hudson, Middlesex, Morris, Passaic, Somerset, and Union Counties lying within a continuous line beginning at the intersection of Routes 78 and 287; then north along Route 287 to its intersection with the New York State line; then southeast along the New York state line to the Hudson River; then south along the west shore of the Hudson River to Upper New York Bay; then south along the shore of Upper New York Bay to the Kill Van Kull; then west along the north shore of the Kill Van Kull to Newark Bay; then west across Newark Bay to its confluence with the Arthur Kill; then south along the west shore of the Arthur Kill to its intersection with Route 440; then west along Route 440 to its intersection with Route 287; then northwest along Route 287 to its intersection with Rt. 78 the point of beginning.

vi. Zone 6. That portion of Warren, Hunterdon, Somerset, Middlesex, Mercer, Monmouth, Burlington, Ocean, Atlantic, Cape May, Cumberland, Salem, Gloucester and Camden Counties lying within a continuous line beginning at the intersection of Rt. 78 and the Delaware River; then east along Rt. 78 to its intersection with Rt. 287, then southeast along Rt. 287 to its intersection with Rt. 440; then south and east along Routes 287/440 to its intersection with the Arthur Kill at Perth Amboy; then south along the west shore of the Arthur Kill to Raritan Bay, then south and east along the shore of Raritan Bay to Sandy Hook; then north along the east shore of Sandy Hook Bay to the tip of Sandy Hook; then south along the Atlantic Ocean to the Delaware Bay shore; then north and west along the shore of Delaware Bay to its intersection with the Delaware River; then north along the east bank of the Delaware River to its intersection with Rt. 78, the point of beginning.

4. Only shotguns no smaller than 20 gauge or larger than 10 gauge with rifled slugs, and muzzleloader rifles of

.44 or larger caliber shall be used. Persons hunting with muzzleloader rifle must also possess a current and valid rifle-hunting permit.

5. Hunting manner shall be by stand hunting, still-hunting or drive hunting with shotgun or muzzleloader rifle. Black bears may not be taken from dens. No person shall attempt to take or kill a black bear or have in their possession or control any firearm, or other weapon of any kind, while elevated in a standing tree or in a structure of any kind within 300 feet of a baited area (N.J.S.A. 23:4-24.2). Persons hunting black bear must wear a cap made of daylight fluorescent orange or an outer garment containing at least 200 square inches of fluorescent orange material visible from all sides at all times while hunting.

6. A Black Bear Management Zone Map is on file at the Office of Administrative Law and is available from the Division. The Black Bear Hunting Season Permit Quotas are as set forth by Zone as follows:

BLACK BEAR HUNTING SEASON PERMIT QUOTAS

Bear Management Zone	Hunting Season Permit Quota	Portions of Counties Involved
1	2,000	Sussex, Warren
2	3,000	Sussex, Warren, Morris
3	3,000	Sussex, Passaic, Morris, Bergen
4	2,000	Warren, Hunterdon, Morris, Somerset, Sussex
5	0	Bergen, Essex, Hudson, Middlesex, Morris, Passaic, Somerset, and Union
6	0	Warren, Hunterdon, Somerset, Middlesex, Mercer, Monmouth, Burlington, Ocean, Atlantic, Cape May, Cumberland, Salem, Camden, Gloucester

(b) Authority: The authority for the adoption of the foregoing section is found in N.J.S.A. 23:4.1 and other applicable statutes.

OFFICE OF ADMINISTRATIVE LAW NOTE: The maps and graphs in Figures 1 through 5 of the Appendix include color shading that cannot be reproduced in the New Jersey Administrative Code; colored versions of the maps and graphs are included in the Comprehensive Black Bear Management Policy available on the Division of Fish and Wildlife's website at <http://www.state.nj.us/dep/fgw/> (see "Wildlife," "Black Bear").

APPENDIX

Comprehensive Black Bear (*Ursus americanus*)
Management Policy

EXECUTIVE SUMMARY

The New Jersey Fish and Game Council has been mandated by the NJ State Legislature to protect and conserve game birds, mammals and fish and to provide an adequate supply for recreational and commercial harvest. Council ensures long-term stable populations and maximizes and equitably distributes recreational opportunity to user groups by opening and closing seasons, setting season lengths, bag limits and manner of take. Council accomplishes this based on scientific evidence presented to it by the NJ Division of Fish and Wildlife through the rule-making Game and Fish Code processes.

Council designated black bears as a game animal in 1953 and provided a limited hunting season from 1958 through 1970. Based on data gathered during the hunting seasons, NJDFW assessed the bear population and Council closed the hunting season in 1971. NJDFW commenced a population research and monitoring project in 1988, providing data showing that the bear population could support a regulated hunting season, so Council reinstated a limited hunting season, resulting in a harvest of 328 bears in 2003 and 298 bears in 2005. The hunting season has been closed since, but NJDFW continues to conduct population monitoring and research.

On February 28, 2005, the NJ Supreme Court issued an opinion that comprehensive policies for black bear management should include the broad preservation goals of the Council, the tools at the Council's disposal to accomplish those goals, and most importantly, the factors that should be considered when determining which tools will be utilized. The Court also said the Council may include consideration, among other things, of 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.

The Council finds that DFW uses an integrated wildlife management approach for bear management, using all available methods within its fiscal and personnel resources, including research, educational programs, promoting the use of bear-resistant garbage containers, lethal control, and non-lethal control, including aversive conditioning. DFW staff has trained nearly 1,000 local police officers, state troopers, and state, county and municipal park rangers to assist in problem bear response. Recent studies in New Jersey as well as other states conclude that aversive conditioning has a limited short-term effect on reducing the negative behavior of nuisance bears.

DFW has determined, through its long-term research and monitoring program, that NJ has a productive black bear

population that can support a regulated hunting season. Based upon 2009 research data, the black bear population estimate for the portion of NJ north of I-80 is 3,400 bears. A statewide black bear population estimate cannot be generated without years of extensive population research and monitoring south of I-80.

DFW has conducted an intensive and extensive public education campaign about common-sense practices that may reduce the risk of negative black bear behavior on humans, their homes, their property and their communities. Over 100,000 people have received bear education presentations and over 3 million pieces of education material has been distributed. During the last several years, Law Enforcement staff inspected over 4,600 residential properties in high bear incident areas and found 98% were in compliance with black bear garbage management guidelines. This suggests the black bear education effort has been effective.

Despite these efforts more serious complaints have not abated as the bear population continues to expand. DFW uses lethal control on high-risk, dangerous bears and non-lethal aversive conditioning techniques on nuisance bears. DFW and DEP have stepped-up law enforcement activities on bear feeding and garbage containment.

The Council also finds that DFW should reduce and stabilize the bear population at a level commensurate with available habitat and consistent with reducing risk to public safety and property. Although fertility control and sterilization have been studied, these methods of population control are not effective, evaluated either by an efficacy or cost metric. Regulated hunting seasons in 2003 and 2005 demonstrated bears could be harvested safely, and harvests could be accurately predicted. Regulated hunting should remain a safe and effective management tool to provide recreation and control NJ's black bear population.

Council has determined that NJDFW is using all the tools available, as resources allow, to properly manage the black bear resource and further recommends a regulated bear hunting season, both to provide mandated recreational opportunity and to control the population in the most cost effective manner. The proposed Policy continues the commitment to a multi-faceted bear management strategy and is guided by the latest science and data on the New Jersey black bear population.

I. INTRODUCTION

This document defines the New Jersey Fish and Game Council's (Council) comprehensive black bear (*Ursus americanus*) policy and recommendations regarding the management of resident black bears (bears) to ensure their continued existence in suitable habitat in New Jersey. Council periodically re-evaluates its policies, recommendations and regulations as information on the wildlife species under its jurisdiction and the needs of NJ's citizens warrant. Council has

established this black bear policy and management goals should consider the cultural carrying capacity, which is the number of bears that can co-exist compatibly with the local

human population in a given area in concert with the biological carrying capacity of the land to support bears, just as it does for all wildlife species under its jurisdiction.

The Council's goals for bear management reflect the legislative mandate of the Department of Environmental Protection (DEP) and the Council (N.J.S.A. 13:1B-28 et seq.) and the mission and goals of DEP and the Division of Fish and Wildlife (DFW). The NJ State Legislature mandated that Council has the responsibility of protecting and conserving game birds, mammals and fish and providing an adequate supply for recreational and commercial harvest. (For more information on Council, see APPENDIX 1, Role of the Fish and Game Council.) The Mission of DFW is to protect and manage the state's fish and wildlife to maximize their long-term biological, recreational and economic values for all New Jerseyans. The Goals of DFW are:

To maintain NJ's rich variety of fish and wildlife species at stable, healthy levels and to protect and enhance the many habitats on which they depend;

To educate New Jerseyans on the values and needs of our fish and wildlife and to foster a positive human/wildlife co-existence;

To maximize the recreational and commercial use of NJ's fish and wildlife for both present and future generations.

Based upon scientific evidence presented to it by DFW, Council opens and closes seasons and sets season lengths, bag limits and manner of take to ensure long-term stable populations and to maximize and equitably distribute recreational opportunity to user groups. Additionally, with some species such as black bear, white-tailed deer (*Odocoileus virginianus*), wild turkey (*Meleagris gallopavo*) and beaver (*Castor canadensis*), hunting and trapping can be used to control populations. Historically, Council has adjusted hunting and trapping seasons to control these species in order to minimize agricultural, residential or environmental damage. The Council recognizes that the most cost effective method of population control for these species is provided through regulated hunting and trapping seasons.

Council has directed that DFW manage black bears to assure their continued survival in NJ, while addressing the property damage and safety concerns of residents and farmers. In addition, Council recognizes that, although instances of black bears injuring or killing humans are rare and no person in NJ has been killed by a black bear since 1852, human safety concerns must be considered as part of black bear management decisions. With careful management, the black bear can be a benefit for the citizens of NJ in the form of wildlife appreciation, observation and hunting.

Council notes that it is generally recognized that responsible management, not passive preservation, is necessary when managing agricultural and natural resources, or protecting property and human health and safety (USDA WS WI 2002). Council also notes that DFW uses Integrated Wildlife Damage Management (IWDM), which seeks to prevent, reduce or stop wildlife damage by integrating a combination of methods sequentially or concurrently (USDA WS WI 2002).

II. DECISION MAKING

Council's current and future management decisions regarding black bears have been and will continue to be based upon the best available scientific data. Based upon scientific evidence presented to it by DFW, Council opens and closes seasons, and sets season lengths, bag limits and manner of take to ensure long-term stable populations and to maximize and equitably distribute recreational opportunity to user groups. In addition, the Council, subject to the approval of the commissioner, formulates comprehensive policies for the protection and propagation of fish, birds and game animals (N.J.S.A. 13:1B-28). It is this statutory framework that provides the basis for the CBBMP.

New Jersey Court Order and Decision on Bear Management

On February 28, 2005, the NJ Supreme Court held that a black bear hunt must conform to a comprehensive black bear management policy developed by the Council and approved by the DEP Commissioner (U.S. Sportsmen's Alliance vs. NJ Dept. of Env. Protect. 182 NJ. 461 (2005)). The opinion indicated that comprehensive policies should include: 1) black bear management objectives, 2) a detailed outline for meeting those objectives, 3) the tools at the Council's disposal, and 4) the criteria used to determine which tools are selected.

Fish and Game Council Black Bear Management Objectives

Council has set the following objectives for management of the NJ black bear population:

- Sustain a robust black bear population as part of NJ's natural resource base.
- 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 property and their communities.
- 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.
- Reduce and stabilize the population at a level commensurate with available habitat and consistent with reducing risk to public safety and property.
- Ensure that regulated hunting remains a safe and effective management tool to provide recreation and control NJ's black bear population.

Council recognizes that management of NJ's expanding black bear population to meet these objectives requires a variety of measures. Council reiterates the conclusion of the 1997 Black Bear Management Plan (BBMP) (McConnell et

al. 1997) that the New Jersey bear population is large enough to support a regulated recreational hunting season and that the regulated hunting seasons of 2003 and 2005 resulted in a subsequent reduction in nuisance bear incidents, providing relief to people living near black bear habitat. This policy endorses education for people living and recreating in bear country, garbage management to reduce bear access to non-natural food, lethal control for dangerous bears, non-lethal control methods for nuisance bears and a hunting season to provide recreation and control the black bear population.

Council desires to reduce high-risk bear incidences that are a threat to public safety and property damage, and so has selected a range of management tools according to criteria of consistency with current law, practicability in light of current resource constraints and demonstrated efficacy. A well-managed black bear population will require public education, proper waste management, enforcement, bear control, aversive conditioning, population control and other measures to reduce risk to people living close to black bears.

III. HISTORY

The black bear occurred statewide in NJ through the 1800's, however, by the mid-1900's less than 100 existed and these were restricted to the northern portion of the state (Lund 1980, McConnell et al. 1997). In 1953, Council classified black bears as a game animal, thereby protecting bears from indiscriminate killing. This protection stabilized the population. DFW wildlife control agents (later wildlife technicians) responded to citizen complaints to alleviate black bear damage. Limited hunting was legal in 10 seasons from 1958-1970 and resulted in a harvest of 46 black bears. Based upon data gathered through the regulated hunting seasons, DFW assessed the bear population status and Council closed the black bear hunting season in 1971 (Lund 1980). Council reinstated a limited hunting season, resulting in a harvest of 328 bears in 2003 and 298 bears in 2005.

Historically, management of black bears has been funded through the Hunters and Anglers Fund, which comes from the sale of hunting and fishing licenses. Additional funding is obtained from Federal Aid to Wildlife Restoration (Pittman-Robertson) grants. Funding for these grants is derived from a federal excise tax placed on hunting related equipment and ammunition that is passed on to State wildlife agencies for research, education and management activities. Bear management activities conducted by DFW have been supplemented with General Treasury monies in five of the last ten fiscal years.

Since the 1980's the black bear population has increased, and its range has expanded (Figure 1) due to the protection afforded it by game animal status. Also contributing to this population increase were black bear population increases in Pennsylvania and New York and improved habitat in NJ, provided by the maturation of forested areas (McConnell et al. 1997). Because of agricultural damage attributed to black

bears, DFW and Council recognized that the level of human/bear conflict had become untenable in northern NJ and the black bear population was large enough to sustain a limited, regulated hunting season (McConnell et al. 1997).

The 1997 Black Bear Management Plan (BBMP) recommended that DFW stabilize NJ's black bear population using regulated hunting seasons in bear management zones (BMZs), institute a statewide ban on feeding black bears, install bear-proof (bear-resistant) dumpsters at public campgrounds within black bear range, educate beekeepers on the use of electric fences to deter black bear depredation, institute a black bear depredation permit for landowners suffering damage to property, agricultural crops or livestock, continue to analyze NJ black bear data as new technology and data becomes available, protect critical habitat and reduce illegal killing of bears (McConnell et al. 1997). Since the release of the 1997 BBMP, DFW has instituted these recommendations with some limitations. Council believes that DFW should fully implement those recommendations and advance additional non-lethal control methodologies.

IV. INTEGRATED BLACK BEAR MANAGEMENT STRATEGY

DFW utilizes an integrated approach to managing black bears; this integrated black bear management strategy includes educating people about black bear ecology, recommending human behavioral adjustments while in bear range, enforcing laws that minimize human-bear conflicts, taking action against dangerous and nuisance bears, monitoring the bear population and implementing population control. Since 1980, the DFW has been conducting research on NJ black bears and has utilized an array of tools for managing black bears. This multi-prong approach is necessary because the bear population is increasing and expanding while the human population is also expanding through residential and commercial development. Council believes that it is imperative to have a broad, comprehensive approach in place to address the growing potential for human/bear conflicts. In November 2000, DFW instituted a more aggressive integrated black bear management strategy, implementing an enhanced educational effort, more aggressive control measures and increased research and monitoring activities. From FY01 through FY10, DFW has devoted more than \$9 million to black bear management, including \$2 million to educational, \$2 million to law enforcement, and \$5 million to control, research and monitoring activities. These funds have come from the general treasury subsidy (\$5.5 million), the Hunters' and Anglers' Fund (\$2.5 million) and the Federal Aid to Wildlife Restoration Fund (\$1 million).

A. Education

Policy:

Council believes there is a continued need to educate people living and recreating in bear habitat about methods to

minimize negative interactions with black bears. Residents, campers and outdoor enthusiasts within bear country can reduce or eliminate negative interactions with black bears by simply adjusting their activities. There is general support from the public, DEP, DFW and Council for increasing education efforts about bears.

Discussion:

Council recognizes that it is important to make the educational message available to as many citizens as possible. While education alone will not solve all the problems associated with bears, those who adjust their activities to take into account bear activity will be less likely to have problems. Council recognizes that DFW has created and participated in "Bear Aware" programs like nearly all other states and provinces with bear populations. These programs have resulted in declines in certain nuisance complaints over time, especially in such simple actions as reducing bear damage to bird feeders and using electric fencing to protect beehives (Table 1, Figure 2).

DFW has conducted an extensive educational campaign to provide NJ residents and visitors with techniques and methods for minimizing negative interactions in areas where black bears exist (APPENDIX 2). Council notes that this educational campaign is having a positive effect. The DFW campaign emphasizes the importance of never feeding bears, either intentionally or unintentionally. Some of DFW efforts include: (1) developing and distributing educational materials for homeowners and campers to reduce negative encounters with bears; (2) producing brochures, bookmarks, bumper stickers, coloring books and book covers for distribution to schools, municipalities, libraries, parks and environmental education centers; (3) conducting public presentations about living with black bears for schools, service organizations, township meetings, parks, camps and clubs; (4) producing and distributing radio, TV and cinema public service announcements (PSAs) and issuing statewide news releases providing bear information and bear-proofing techniques; (5) addressing media inquiries and providing interviews regarding bears; (6) providing bear information and bear-proofing techniques to all persons who contact DFW regarding bears and (7) producing a Spanish version of the "Know the Bear Facts" brochure.

DFW provides NJ residents and visitors with techniques and methods for reducing negative interactions while spending time in areas where black bears exist. The primary message is "Do Not Feed Bears," either intentionally or unintentionally. DEP developed and continues to issue news releases during the peak spring and fall activity periods, alerting the public to increased bear activity and reminding them with tips to minimize conflicts. Television, radio and cinema PSAs are aired for the bear activity seasons in spring, summer and fall. DFW's Web Page (www.njfishandwildlife.com) provides additional black bear biology, natural history and bear-proofing information, including a black bear slide show and sources

for bear-resistant garbage containers. Council recognizes that DFW has also produced two educational videos.

Education programs designed to reduce human-black bear conflict have been instituted by NJDFW and other states, entities and institutions. These programs seek to reduce the magnitude or frequency of human-black bear conflict and/or increase the awareness of human actions that result in conflict. Council concurs with the recommendations of Gore et al. (2006) that emphasis should be placed on evaluating the efficacy of education programs to identify improvements or inform decisions about the allocation of scarce resources.

The need to educate New Jersey's citizenry will increase as bears expand their range throughout the state. Bear education efforts have been concentrated in northern and central New Jersey counties. However, it is now necessary to begin education efforts in the southern counties since there are confirmed bear sightings in all New Jersey counties.

There are data indicating that intense education of campers and visitors to several national parks (for example, Yellowstone, Yosemite and Great Smoky Mountains) has resulted in a reduction in bear nuisance complaints. Council agrees that educating campers and visitors to parks is a valid and successful way to minimize negative human-bear interactions in the campsite/park situation.

New York tested the outreach intervention program designed to modify bear-related human behavior, NeighBEARhood Watch (NYNW), and found the impact was varied (Gore and Knuth 2006). Council notes that the direct associated costs for the NYNW program for 2 treatment towns were approximately \$27,000, not including staff/researcher time and that respondents' knowledge scores did not change after the NYNW program in both treatment and reference towns. In 2004, reference and treatment town respondents did not differ in their knowledge of how to keep black bears away from their home; one year later, neither group demonstrated a change in this knowledge. Neither treatment nor reference towns indicated a change in their willingness to adopt desired behaviors after the NYNW (Gore and Knuth 2006).

Recommendations:

1. DFW should continue educational efforts in northern and central counties.
2. DFW should broaden educational efforts to include the southern counties.
3. DFW should evaluate the effectiveness of its educational campaign for residents and visitors.
4. DFW should evaluate the effectiveness of an educational campaign for residents and visitors to use bear resistant garbage cans.
5. The General Treasury should continue funding bear education at the FY08 level.

B. Control of Human-Derived Food

Policy:

Council believes that legislation and enforcement initiatives are necessary to ensure that human-related food sources and garbage do not unintentionally become a source of food for bears.

Discussion:

Council recognizes that in 2003 NJ enacted legislation that banned the intentional feeding of bears (NJSA 23:2A-14) because bears habituated to human food sources through intentional feeding can cause problems for entire communities. However, experience has shown that the ambiguous definition of unintentional feeding as contained in the statute has made effective enforcement difficult. DEP and DFW law enforcement officers inspected over 4,600 residential properties in high bear incident areas and found 98% were in compliance with black bear garbage management guidelines. This suggests the black bear education effort has been effective.

DFW conservation officers have canvassed scores of homes and businesses and have worked with additional state and local law enforcement officials to enforce the law. Inspections of commercial establishments indicates that it is difficult to acquire bear-resistant dumpsters from garbage haulers and bear proofing dumpsters continues to be a problem.

DEP has a trash policy of "Carry In – Carry Out" that reduces the garbage at DEP-managed parks and forests. Council recognizes that DEP has installed bear resistant garbage dumpsters in North Jersey and DEP has begun placing bear resistant dumpsters in Central Jersey park and forest locations.

DFW has installed bear resistant garbage dumpsters on North Jersey Wildlife Management Areas (WMAs).

DFW has identified closed or limited access communities in bear habitat where implementation of a bear resistant community dumpster would enhance efforts to limit access of bears to residential garbage. DFW telemetry studies and observations have determined that bears will alter their movements to access household garbage left on the street for hauler pick-up. Installation of a community bear-resistant dumpster would further limit access to garbage by these bears.

Council recognizes that great strides have been made in educating citizens about the value of garbage management, but the expense of bear-resistant garbage cans and commercial containers has hampered their wide spread use. Council notes that no municipalities have mandated bear-resistant garbage cans, so use is strictly voluntary. Additionally, Council notes that it does not have the authority to mandate the use of bear-resistant cans or to regulate municipal garbage containment.

DEP provided a Community Grant to West Milford Township, Passaic County to purchase and deploy 3,000 bear-resistant garbage cans in selected neighborhoods. Council notes that DFW personnel continue to monitor bear activity in those neighborhoods with the bear-resistant garbage cans against those neighborhoods without the bear-resistant cans to evaluate the effectiveness of bear-resistant cans for reducing human/bear interactions and nuisance calls.

Council recognizes that no data exists that demonstrates that reduction of provisioning from garbage sources would result in a decrease in fecundity within the NJ bear population. However, eliminating bear access to human provided food should result in decreased habituation and should decrease nuisance and public safety related complaints.

Recommendations:

1. DEP should work with legislators to amend the feeding ban statute to clarify that intentional and unintentional feeding of bears is prohibited and to tighten the enforcement provision.

2. DEP should seek legislation to require public and private campgrounds in habitat occupied by bears to install bear-resistant dumpsters and food boxes.

3. DEP should seek legislation that would require closed communities to make a bear-resistant community dumpster facility available to residents.

4. Local authorities should mandate the use of bear-resistant garbage containers in entire communities with the coordination and cooperation of local garbage haulers. Regulations, funding and coordination with local garbage contractors is necessary in order to implement a successful program.

5. DEP should identify funding and grant sources and/or incentive programs to assist public and private entities to purchase bear-resistant garbage systems.

C. Research

Policy:

Council believes that using the best available scientific data is crucial for making management decisions regarding black bears, as it does for all wildlife species under its jurisdiction. Council believes that DFW personnel are qualified and highly trained professionals who provide the data and analysis to ensure that black bears remain a viable component of New Jersey's landscape.

Discussion:

DFW has conducted intensive and extensive research on bears throughout NJ and more specifically in the Kittatinny (Western) and Bearfort (Eastern) regions of northern NJ (Figures 3 and 4) since 1980 and the data represent a solid,

long term and extremely valuable database upon which to make management decisions.

Since 1981 DFW personnel have handled over 3,600 individual black bears; DFW staff have tagged and released alive over 2,400 bears, including 750 young-of-the-year at dens.

DFW personnel have collected data from nearly 1,950 bears killed as a result of vehicle strikes (730), control actions (236), hunting seasons in NJ, PA and NY (805) and other types of mortality. Recent tagging and bear information is contained in Table 2.

DFW continues to radio-collar and monitor bears using radio telemetry to acquire information on reproduction, survival, mortality, home range size and habitat use. DFW currently has 40 female bears fitted with radio collars to monitor reproduction and survival. DFW has determined that the average litter size is 2.7 cubs per litter. The most common litter size is 3 (43%), followed by litters of 4 (23%) and 2 (22%), which has not changed over the thirty years that DFW has conducted research.

DFW has been conducting research in the long-term established study areas and has begun research in the area between I-80 and I-78 to gain bear population parameters (density, birth rates and survivability) in an area occupied by bears but which exhibits different habitat characteristics and human development pressures compared to the two study areas already established and studied for the past thirty years. Council recognizes that the information should enable biologists to extrapolate the population level and growth rate in this area of the State and enhance bear management decisions.

DFW has employed population monitoring by determining individual identity using DNA analysis. DFW personnel continue to monitor bears using radio telemetry to acquire information on reproduction, survival, mortality, home range size and habitat use. Council also recognizes that DFW uses cooperating university statisticians to generate population size estimates.

Council recognizes that the current bear population in southern NJ is small. Although there is sufficient habitat for black bears to survive in the Pinelands, productivity and survival in this area will be different than in northern NJ, as is the case for white-tailed deer and wild turkey (Burke and Predl 1990, McBride 2003). Council recognizes that undertaking a trap and tagging operation for bears at the current low density would not be cost effective at this time, so DFW has limited research opportunities in this region.

Based on the intensive population monitoring that DFW has conducted over the past 30 years, Council concludes that the NJ bear population is a robust and viable population that has maintained a high reproductive and survival rate. This finding is in concert with population parameters reported for other viable populations in the mid-Atlantic region. In fact,

NJ's bear population, like all other mid-Atlantic populations are larger, denser and exhibit a higher rate of fecundity compared to other, less productive habitat areas of the country.

Recommendations:

1. DFW should continue to conduct research and analyze NJ's database on the black bear population within the long-term study areas in the Kittatinny (Western) and Bearfort (Eastern) regions, which can be used as an index to the population within prime black bear range, and the study area in the lower bear density area between I-80 and I-78.

2. DFW should continue using sophisticated statistical analysis as new data and data analysis tools become available to obtain the most accurate density and population estimates.

3. DFW should continue to develop the simulation model of NJ's black bear populations in the Kittatinny and Bearfort regions to evaluate the effect of various recruitment and mortality factors and other factors contributing to bear population dynamics as new data is added to the existing database.

4. DFW should, as limited resources allow, conduct research in southern NJ.

5. The General Treasury should, at a minimum, fund research at the FY08 level.

D. Bear Habitat Analysis for NJ's Bear Management Zones

Policy:

Council believes that NJ contains suitable habitat to support a viable, robust black bear population and that habitat analysis is necessary to properly manage this renewable and valuable resource. Council believes that the designation of Bear Management Zones is the most effective manner in which to make decisions concerning bears.

Discussion:

DFW developed a ranking of bear habitat throughout NJ (Figure 5) based on bear use of varying landscapes as defined by Land Use / Land Cover data for NJ (McLaughlin et al. 1987, Rogers and Allen 1987, MacKenzie 2003, Niles et al. 2004). DFW biologists and technicians overlaid the Deer Management Unit (DMU), an area of approximately 14 square miles, with the 2002 Land Use/Land Cover data, then used an Arcview GIS computer system to standardize the habitat evaluation. DFW determined the percentage of forested, wetland, agriculture, urban land, barren land and water in each DMU.

DFW designated the term Bear Management Zone (BMZ) to describe areas for bear management. BMZ defines the boundaries for all areas of the state and are designated as zones where bears should be managed at various densities

consistent with land use. Individual BMZs may or may not be open to regulated bear hunting.

DFW determined that excellent bear habitat consists of \geq 51% forest land and \leq 33% urban land and \leq 26% agricultural land. BMZs 1 and 3, which contain the black bear research study areas, have an average forest cover of 68% and are designated as excellent bear habitat. Mark-recapture studies have shown that the bear density in BMZs 1 and 3 was about 2.6 bears per square mile in 2003 (Carr and Burgess 2004).

BMZs 2 and 4 have an average forest cover of 43%, and are designated as good bear habitat. Council recognizes that the bear population is likely to exist at a lower density than BMZs 1 and 3 and, based on percentages of forested habitat, would probably be about 1.6 bears per square mile.

BMZ 5 contains an average forest cover of approximately 32% with a mosaic of forest, farmland, wetlands and urban land, which makes it fair bear habitat. Council recognizes that the bear population is likely to exist at a lower density than BMZs 2 and 4 and, based on percentages of forested habitat, would probably be about 1.2 bears per square mile.

Bear habitat in southern NJ has been designated as BMZ 6. Although there is sufficient habitat for black bears to survive in the Pinelands, Council recognizes that productivity and survival in this area will be different than in northern NJ, as is the case for white-tailed deer and wild turkey (Burke and Predl 1990, McBride 2003). Currently the bear population in southern New Jersey is small and undetermined.

DFW has classified BMZ 7 as unsuitable bear habitat. Council recognizes that the lack of suitable bear habitat in BMZ 7 makes it unlikely that a viable population could be established. Although small areas of forested habitat remain, they are isolated and cannot sustain a viable bear population. Additionally, Council recognizes that the preponderance of suburban and urban land in BMZ 7 would result in almost certain bear-human conflicts.

Recommendations:

1. DFW should continue to update the habitat analysis as new data becomes available.
2. The General Treasury should, at a minimum, maintain the FY08 appropriation level for the continued bear habitat analysis research efforts.

E. Cooperative Research

Policy:

Council believes that cooperative research is the most efficient and cost effective manner for DFW to conduct research on wildlife species, including bears. This model has proven effective, for waterfowl, bobwhite quail, wild turkey and bear. DFW should continue to partner with research institutions, federal and state agencies, which have the

expertise, staff and economic resources to enhance the knowledge base on the NJ black bear population.

Discussion:

Council recognizes that DFW has participated in a number of cooperative studies with such institutions as Rutgers University, Montclair State University, Tufts University (MA), East Stroudsburg State University (PA) and the adjacent states of Pennsylvania and New York. These studies are intended to expand knowledge about NJ black bears and to collect scientific information on which to base management decisions. These projects have included research on home range and habitat use, food habits, reproduction, diseases (West Nile Virus and Toxoplasmosis) and parasites (*Trichinella*), aversive conditioning, use of contraceptive techniques for population management, genetic relatedness using DNA and developing habitat suitability models.

DFW is cooperating with East Stroudsburg University's Applied DNA Sciences Center, Northeast Wildlife DNA Laboratory (NEWDL) and Fish & Wildlife Microbiology Laboratory (FWML) to build a black bear DNA database to be used for genetic diversity determination and forensic investigation. DFW continues to provide blood samples for determining the overall population health of NJ black bears and building a serum database that provides information on the extent that wild bears carry disease that may affect human or domestic animal health.

DFW biologists meet with biologists and administrators from NY, PA, the Delaware Water Gap National Recreation Area and the U.S. Forest Service to discuss research, population monitoring, aversive conditioning and population control.

DFW is cooperating with several northeastern states to evaluate non-lethal management techniques to determine their effectiveness. The research results will benefit not only management decisions in New Jersey, but will also provide valuable information to assist other states which are dealing with similar black bear issues.

Recommendations:

1. DFW should continue to cooperate in research projects with other State and Federal agencies, universities and entities.
2. DFW should continue to participate in the bear summits with the bear biologists from the neighboring states of New York and Pennsylvania at regular intervals to continue to coordinate black bear management strategies and to ensure the success of black bear management efforts for this tri-state regional population.
3. DFW biologists should continue to meet regularly with bear biologists from the region, eastern seaboard and North America to stay abreast of up-to-date research and management tools and techniques.

4. The General Treasury should, at a minimum, maintain the FY08 appropriation level for the continued bear research efforts that benefit all residents.

F. Bear Control: Lethal and Non-Lethal

Policy:

Council believes the DFW Black Bear Rating and Response Criteria (BBRRC) (NJDFW BWM 2000) is the most effective operating policy for response to bears that are a threat to human safety, agricultural crops and/or property, or are a nuisance. Council supports that the policy errs on the side of human safety. Council believes that despite educational efforts, situations will arise that will require private citizens, farmers, local police officers or DEP personnel to take action against problem bears.

Council supports DFW policy, which allows farmers, via special permit, to destroy black bears depredating crops and livestock (N.J.A.C. 7:25-5.32).

Council believes that continued cooperation between state and local law enforcement agencies and DFW is necessary to properly manage bears.

DFW should continue to use non-lethal control techniques such as aversive conditioning, to modify the behavior of nuisance bears. Council also believes that as interactions between humans and bears increase, additional non-lethal control techniques should be investigated, and if effective, be implemented.

Discussion:

Council recognizes that the increase of human development in NJ, the concurrent bear population increase and the expansion of bear range southerly and easterly has resulted in an increase in human-bear conflicts. Council recognizes that incidents involving bear damage to property and livestock remain high in frequency and severity (Table 1). DFW's Wildlife Control Unit (WCU) and DEP WARNDP Hotline receive complaint calls and the DFW WCU provides response and control using the BBRRC.

DFW has had a policy of responding to problem black bears since the 1980's and a more aggressive black bear operating policy was instituted on November 16, 2000. Council and DEP approved this policy. The BBRRC defines three categories of black bear behavior and dictates how DEP and other governmental agency personnel should respond.

DFW has determined that Category I black bears are those bears exhibiting behavior that is an immediate threat to human safety or which cause agricultural damage to farmland as defined pursuant to the Farmland Assessment Act (N.J.S.A. 54:4-23.1 et seq.) or significant damage (\geq \$ 500) to property. Examples of Category I behavior are human attacks, home entries, attempted home entries, agricultural crop damage and killing or injuring livestock or pets. Cate-

gory I black bears are euthanized as soon as is possible in order to protect the public or eliminate further damage to agricultural crops or property.

DFW has determined that Category II black bears are nuisance bears that are not a threat to life and property. Examples of Category II behavior are habitual visitors to dumpsters or birdfeeders or cause property damage less than \$500. Category II black bears are aversively conditioned using rubber buckshot, pyrotechnic charges and/or bear dogs (Yellow Blackmouth Cur) so they receive a negative experience associated with the nuisance location and people. If trapped, nuisance bears are released on site and aversively conditioned, or if conditions are unsuitable, taken to the nearest state land where they are released and aversively conditioned.

DFW has determined that Category III bears are 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 to DFW's WCU by the public or local authorities. Such animals may be considered by the caller to be a danger or a nuisance because the caller has not had the experience of interacting with bears. Category III black bears include 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 others using facilities in black bear habitat. Category III bears may occasionally utilize birdfeeders and trash containers as supplemental food sources in the course of their activities. Until a Category III black bear returns to a particular site and repeats utilization of these food sources, it is not considered to be a nuisance or problem animal (Category II). The WCU offers assistance in the form of technical advice on bear-proofing surroundings to callers reporting Category III encounters. No attempt is made to capture a Category III bear unless it is confined in a fenced area or treed in an urban area during daylight and any further movement will result in a threat to safety of the public or the animal due to potential vehicle collision.

The DFW BBRRC dictates that Category III bears from urban or suburbia settings that must be extracted will be released on the nearest State-owned property with suitable bear habitat. Although municipal officials in the towns where the bear are released have criticized relocation, Council recognizes that it represents the most acceptable public policy at this current time.

Council recognizes that the cooperation of all law enforcement personnel from all levels of governmental agencies within black bear range is essential to the implementation of the bear response policy. Council notes that since January 2001, DFW has trained over 950 municipal, county and state law enforcement officers from 123 municipalities, 14 counties and 33 state, county and federal parks to assist DFW in black bear control. Council notes that DFW has spent nearly \$100,000 for this task. Council recognizes that there will continue to be a need to respond to bear complaints. As

bears expand their range in NJ, such response will increasingly become the responsibility of local law enforcement agencies. The Council notes that some local enforcement agencies that have received bear response training from DFW have not filed annual reports on bear incidents as agreed upon when training was received and that this lack of information has the potential to negatively impact bear management decisions made by the DFW and Council.

Council recognizes that DFW and local law enforcement officers cannot respond immediately to situations involving depredating black bears and that farmers can alleviate damage caused by black bears if allowed the opportunity. Allowing farmers to act quickly to protect their crops, livestock and/or property constitutes responsible action by DFW to manage the growing black bear resource while minimizing negative impacts to humans, agricultural crops, livestock and property.

Council recognizes that some problem bears will be eliminated through regulated hunting seasons. In the 2003 and 2005 NJ hunting seasons, some problem bears were harvested, thereby reducing bear related problems without cost to the taxpayer. Council recognizes that without some method of population control to reduce then maintain a viable bear population in NJ at densities compatible with the human population, human-bear conflicts may continue to increase.

Council considers serious bear complaints (Category I) reported to DFW and law enforcement agencies to be high (Table 1). Many factors contribute to bear related incidences including individual bear and human behavior. Small year-to-year fluctuations may be attributed to environmental factors. For example, natural food scarcity, such as mast failures, may cause bears to seek alternate food supplies resulting in more negative human-bear incidents. It is clear, however, that over time, serious incidences have increased with the increase in the bear population. Of particular concern to the Council are increases in Category I incidents as the bear population has expanded. Although the number of overall complaints has varied since 1999 (Table 1), Category I complaints remain unacceptably high.

DFW personnel, law enforcement personnel, state park police and landowners and farmers have killed nearly 250 dangerous Category I bears since 1993.

Council recognizes that annual reductions in bear complaints reported to DFW from 1999 to 2009 is attributed to the following: (1) residents calling local police who have been trained by DFW for bear response; (2) euthanizing Category I bears thereby eliminating further negative behaviors by those animals; (3) DFW's education program successfully reaching residents who bear-proof their yards including proper garbage management; (4) an increased tolerance of bears by the public due to DFW's policy of destroying Category I bears; and (5) the short term population reduction achieved by the 2003 and 2005 black bear hunting seasons which included the harvest of nuisance bears by hunters.

DFW uses the non-lethal technique of aversive conditioning to deal with nuisance bears. Council recognizes that DFW determined that, as have other state and federal agencies and institutions, aversive conditioning can deter a bear from returning to the treatment location, but treated bears continue nuisance activity at other, different locations.

Council cites particular studies where aversive conditioning reduced but did not eliminate the occurrence of bears entering developed areas to forage on human food and trash in Sequoia National Park (Mazur 2010), Lake Tahoe Basin (Beckmann et al. 2004) and southern Louisiana (Leigh and Chamberlain 2008).

DFW continues to explore non-lethal methods to deal with nuisance bears. Council recognizes that DFW acquired specially trained Yellow Blackmouth Cur dogs to harass bears as part of the aversive conditioning technique.

Most recently, DFW and East Stroudsburg University conducted an evaluation of aversive conditioning techniques and found that rubber buckshot and dogs used to deter bears from returning to the spot of nuisance activity have limited short-term effectiveness. All bears, regardless of being unconditioned or conditioned, returned to urban settings within 17 days of capture and /or treatment. Overall, habitat use and availability of natural food in home ranges did not differ significantly among aversively conditioned and control group bears. Both conditioned and control bears were involved in subsequent nuisance behavior. The study concluded that the aversive conditioning protocol did not eliminate nuisance behavior in adult female black bears in NJ (Northeast Wildlife DNA Laboratory 2010).

Council recognizes that when a Category I bear must be destroyed, DFW and local law enforcement follow euthanasia procedures recommended by the American Veterinary Medical Association (Beaver et al. 2001). DFW and local law enforcement personnel follow procedures for animal welfare and care with respect to humaneness, pain and suffering as addressed in USDA WS WI (2002) and CA FED (2000).

Recommendations:

1. DFW should continue to operate under the BBRRC, an operating policy to respond to bear calls.
2. DFW personnel, law enforcement officers, State Park Police officers and park rangers trained by DFW should continue to destroy Category I bears immediately.
3. DFW should continue to refer Category II complaints to local law enforcement agencies, which can more quickly respond.
4. DFW should continue to train State and local police officers and State Park Police officers so that they can respond to problem black bears.

5. DFW should coordinate with universities on research to describe the distribution of black-bear human conflicts in NJ as they relate to spatial and temporal variables including anthropogenic development, habitat features and the demographic makeup of the human and nuisance bear populations.

6. DFW should continue to scientifically evaluate non-lethal control measures to determine their effect on bear behavior and bear related problems;

7. DFW should continue to develop aversive conditioning techniques for Category II bears for reducing conflict by altering bear behavior and movement.

8. DFW should open a dialogue with representatives of those municipalities which have failed to file the agreed upon annual reports on their bear response activities. A letter stressing the importance of reporting should be sent to all participating agencies.

9. DFW personnel should not actively remove bears in BMZ 7, however, Category III bears that must be removed from urban areas within BMZ 7 should be released on the nearest State owned land with suitable habitat.

10. DFW should continue issuing depredation permits to farmers because the circumstances and permit criteria regulating the taking of black bears and other wildlife under the special depredation permit has been addressed.

11. The General Treasury should, at a minimum, maintain FY 08 funding for DFW bear training and response and non-lethal control research because these activities benefit all NJ residents.

G. Habitat Protection

Policy:

Council believes that DEP's open space acquisition program has been instrumental in protecting valuable bear habitat; Council supports habitat acquisition and improvement programs.

Discussion:

DFW has undertaken an effort to identify and protect critical black bear habitat. Council also recognizes that DEP, through its Green Acres Program and State Park and Wildlife Management Area systems, has acquired a significant amount of habitat which is important to black bears. Council recognizes that the Pinelands and Highlands Protection Acts will ensure that bears remain part of NJ's landscape. Council supports the monumental effort by the DEP to preserve wildlife habitat through its aggressive Green Acres Program and Pinelands and Highlands legislation.

Recommendations:

1. DEP should continue to protect black bear habitat as it becomes available through the State's open space acquisition programs.

2. DFW should create a wildlife management plan for all new lands purchased by or deeded to the DEP that addresses the management and control of bears and other wildlife.

3. DFW should continue to use GIS technology to identify and rank black bear habitat and travel corridors.

4. The State Legislature should continue to allocate funding to purchase wildlife habitat as it becomes available.

H. Bear Population Management

Policy:

Council believes that DFW should stabilize the NJ bear population, then evaluate and eventually maintain the population at a density that minimizes human/bear conflicts, provides for a sustainable population within suitable bear habitat and minimizes emigration of bears to unsuitable habitat in suburban and urban areas.

Discussion:

Council recognizes that DFW has conducted bear population monitoring which has shown bear population growth and range expansion. Council notes that the bear population has been spreading south and east, impacting people in areas of NJ that have not had bears for more than a century.

Using data collected from 1988 to 1992, DFW estimated a 1992 population of between 450-550 black bears in the 681 square mile Kittatinny (Western) and Bearfort (Eastern) study areas (Figure 3) (McConnell et al. 1997).

In 2000, DFW biologists estimated a bear population of 1,056 in the Kittatinny and Bearfort study areas. The population estimate for the prime bear area of northern New Jersey north of Route I-80 and west of Route I-287 in 2001 was estimated at 1777 adult bears using DNA and mark-recapture data. DFW estimated a 2003 population of between 1,600-3,200 bears in an area north of Route I-80 and west of Route I-287 (NJDEP 2003); in the research study areas (Figure 4), the population was estimated at 1,490. The 2005 population estimate was 1,269 bears (range 700 to 2,306) in the study areas and 2,397 bears (range 1,328 to 4,329) in the areas north of Route I-80 and west of Route I-287 (Diefenbach 2006).

Most recently, genetic data was used to estimate the 2009 population size of black bears in New Jersey and to evaluate population structure, and landscape-genetic relationships. Black bear DNA was provided by the New Jersey Division of Fish and Wildlife (NJDFW) from tissue samples collected from hunter harvested bears and research trapped bears from bear management zones (BMZs) 1-4 in NJ. The 2009 bear population was estimated at 3,438 in the areas north of Route I-80 and west of Route I-287. The genetic structure indicates there is no evidence of increasing genetic isolation with geographic distance in New Jersey. The bears are not restricted in their movements. Highways and other land use

features are not a barrier to movement among BMZs. Data indicates the maturing NJ bear population is developing its own genetic character. Results of this study confirm interbreeding with Pennsylvania bears, however more data is needed to confirm inter-breeding with NY bears, however, this is likely. Additional sampling is recommended to confirm the tri-state nature of our bear population (Huffman et al. 2010).

Council also recognizes that emigration of NJ bears into neighboring Pennsylvania and New York has impacted these states. The concurrent expanding human population and bear population in this region of NJ, PA and NY provides potential for conflict. The 1997 BBMP recommended managing NJ bears at the same density (1 bear / 2½ square miles) as our neighboring states since bears living along our respective borders are essentially one regional population. Council notes that DFW research has found that in some areas in northwestern New Jersey black bear densities are as high as 2 – 3 bears / square mile, which is 5 to 7 times higher than the density recommended by the 1997 BBMP.

Council recognizes that Pennsylvania increased its bear hunting season in counties adjacent to New Jersey in 2002 due to an increase in the bear population and human/ bear conflict problems in this region and that New York increased its bear hunting season length in the Catskill region. Council recognizes that to properly manage this tri-state bear population, density goals must be similar.

The population reduction achieved by the 2003 and 2005 bear hunting seasons resulted in short-term reductions in bear related complaints received by DFW and cooperating law enforcement agencies. Council also notes that bear calls and complaints, in total, remain high, particularly the Category I complaints (Table 1). Council also recognizes that these negative interactions not only result in economic loss to individual citizens, but also have created a severe budgetary burden on responding agencies, particularly DFW. Council notes that maintaining a high level of bear response by DFW will require continued funding from the General Treasury.

The tools available for population reduction are few. Council notes that the NJ Supreme Court ruled that Council must consider the absolute size of the bear population, the number of harmful bear-human interactions and the fiscal and human resources available to carry out its goals. Council recognizes that DFW must consider the proven efficacy of the tools and the experience of other states and the cost of using the tools.

Council recognizes that wildlife managers, confronted with conflicting public perceptions of bears as both a nuisance and a valued game animal, are faced with a dilemma: how to maintain healthy populations of black bears while minimizing conflicts between bears and humans (USDA WS WI 2002). Council also recognizes that people in NJ express opinions on both sides of the hunting issue.

Council has recognized the concerns of citizens and, therefore, adopted a conservative approach to population reduction by regulated hunting in order to ensure the public that the long-term viability of the bear population is maintained. Council notes that the 2003 and 2005 bear hunting seasons clearly demonstrated that the outcome of the bear hunting season could be predicted based upon previously collected data on the New Jersey bear population and the results of similar hunting seasons in adjacent states.

Various methods to stabilize or reduce the increasing bear population have been suggested to the Council, DEP and DFW by NJ citizens. The following is a discussion of these proposed methods

1. Relocation:

Although relocation can be used to establish or reestablish bear populations, no state has successfully used relocation as a means of population control. Council recognizes that southern NJ contains quality long-term habitat for black bears. Over 1.1 million acres is contained in the Pinelands National Reserve, of which one third is publicly owned. Council also recognizes that in the early 1980's DFW conducted an Environmental Assessment of a plan to relocate black bears to the Pinelands (Lund et al. 1981). At that time, local opposition to the relocation of bears to southern NJ put a halt to this option. However, as a result of the population pressures created by an expanding northern NJ bear population, bears now occupy all NJ counties (Figure 1).

Council also believes that the bear population that is re-established in southern NJ will grow. Once all available bear habitat is occupied, there will be no additional space for relocation in NJ. Council has determined that no other state or provincial agency in North America would accept excess bears from NJ.

Additionally, relocation of nuisance and/or problem bears to unoccupied range comes with a level of risk. Dedication of the necessary staff and funding to subsequently handle the resultant nuisance complaints from citizens in southern NJ will place additional burden on already strained budgets.

Council believes that even if relocation of excess and/or problem bears to unoccupied range in southern NJ was acceptable to local residents, the cost of such a program would be prohibitive. DFW estimates that the cost to capture a bear during their research efforts is over \$1,000. Transporting bears out of the woods would significantly increase labor and equipment costs. Due to lower success, costs for trapping nuisance bears approaches \$2,000. Relocating 1000-2000 bears from northern NJ to southern NJ would be cost prohibitive and likely a multi-year task. Council believes that DFW does not have the necessary staff and funding to make such a program practical. To the Council's knowledge, no state has successfully used relocation as a means of population control. Based upon the cost and opposition to relocating bears, particularly nuisance bears, Council does not

consider this a viable option for population control. Therefore, Council concludes that relocation is not a suitable tool for bear population control.

2. Alternative Methods of Population Control:

DEP's Division of Science and Research commissioned a literature review of fertility control on bears and other wildlife, which concluded that fertility control is very unlikely to be a feasible means of managing the black bear population in New Jersey due to the costs involved with field capture and the inability to capture enough bears to effect population control, even if a licensed fertility agent existed for bears (Frakker et al. 2006).

Council's position on bear fertility control was presented in the 2005 CBBMP (Wolgast et al. 2005), which stated that Council has encouraged DFW and independent researchers to explore alternative population control techniques to determine if these techniques are viable for control of wild populations of bears. Council has adopted criteria that will allow DFW, with Council approval, to issue permits for legitimate research on fertility control when captive studies indicate that there is potential for controlling wild populations (N.J.A.C. 7:25-5.37).

In November 2002, the DEP entered into a Memorandum of Understanding with the Humane Society of the United States (HSUS) to investigate the feasibility of fertility control as a means of controlling the black bear population and DEP authorized a study investigating using sterilization as a means of controlling the black bear population. Both studies utilized captive bears at Six Flags Safari Park in Jackson, Ocean County, NJ. As of the publication date of this CBBMP, no results of these studies have become available.

Alternative non-lethal population control methods are still in the experimental phase and have yet to be tried on free roaming populations of bears. Current contraceptive techniques have been uneconomical or infeasible for practical implementation even in small localized populations of game species. The species for which contraceptives have been primarily tested (long-lived species such as deer and horses) are least suited for population reduction through use of fertility control (Fagerstone et al. 2002). In New Jersey, fertility control on a suburban deer population cost over \$ 714 per deer (DeNicola 2004). Although fertility control in field situations has not been attempted on bears, the cost of capturing bears during research or nuisance control activities in New Jersey, reported above, are applicable and might double since it is likely that as in the case of deer, multiple captures and injections would be required.

In 2006, federal authority to regulate fertility control agents on wildlife was transferred from the US FDA to US EPA. Neither FDA nor EPA has approved any chemical fertility control on an experimental basis for any wild population of bears. Although physical sterilization does not require FDA approval, the costs of trapping bears for such purposes would

be prohibitive. Council notes that since New Jersey bears have a very high annual survival rate and are known to live over twenty years, population reduction, if any, through sterilization or fertility control would be slow.

Even though fertility control may not affect survival of individual bears, it can easily be lethal to populations (Hobbs et al. 2000). Animals with good immune systems will be most likely to mount a strong immune response when given an immunocontraceptive agent and so would be least likely to reproduce. Animals with a poor immune system, either due to genetics, injury or disease, would be affected less, therefore be most likely to reproduce. The long-term implications of immunocontraceptives in wildlife populations would be that immunocontraception could artificially select for those individuals that are immunodeficient and produce populations of animals with weak immune systems and high susceptibility to disease and population fluctuations (Muller et al. 1997).

Council reiterates its support for continued testing of fertility control by credible scientists on enclosed populations despite DEP's finding that fertility control is unlikely to be a feasible means of managing the black bear population in New Jersey (Frakker et al. 2006) and the conclusion that fertility control will not limit the growth of long-lived game species like wild black bear populations (Fagerstone et al. 2002).

Based upon the lack of success with current research and logistical problems discussed in the above cited literature review, Council concludes that fertility control, either chemical or physical, is not a viable tool for bear population control.

3. Regulated Hunting:

Hunting is a safe, legal, responsible use of the wildlife resource and a legitimate and effective means to control over-abundant game species in a cost-effective manner. Council notes that, as with other species such as waterfowl and deer, bear hunting relies on the principle of adaptive management as described by Walters (1986). This approach relies on managing wildlife populations through experience and monitoring which allows the management agency to make necessary changes to maintain the natural resource (bear population) in the desired condition. Council further notes that because DFW has ongoing monitoring, any changes needed can be made by annually reviewing hunting regulations (the current Game Code process).

Black bear populations can withstand regulated hunting on an annual basis (CA FED 2000, Williamson 2002, Ternent 2006) and historically, managed hunting has been an effective system for protecting bear populations because it has enlisted a clientele interested in the continued abundance of the resource and it transfers the killing of a species which can become a public nuisance or threat from the general public to a smaller group of people (hunters) (Garshelis 2002). Council notes that regulated hunting engenders a conservation minded constituency group, hunters, who ensure the continued abun-

dance of the species of interest, and who support and are willing to pay for research, habitat protection and conservation measures necessary to meet that end. Council recognizes that hunters provide an important service to the public while decreasing the general tax burden.

Although the activity of regulated hunting of black bears results in the death of individual bears, specific safeguards, including an in-season closure mechanism and bag limit, will assure that bear harvests are below the population's sustained-yield capabilities. Council agrees with the finding that no significant negative effects, individually or cumulatively, on bears as a species are expected to result from hunting (CA FED 2000).

Council notes that hunting is the primary means of managing and regulating black bear populations in 29 states. Many of these states charge an additional permit fee for bear hunting that is used to support bear research and management. All states with bear hunting seasons allow archery, shotgun and muzzleloaders to be used. Firearms and archery equipment have been shown to be effective (CA FED 2000, Kurzejeski et al. 1999) and that both shotguns and archery equipment were allowed in past bear hunting seasons in New Jersey.

Council recognizes that the 1997 BBMP stated that "continual fragmentation of habitat and the projected growth of the human population has made it untenable to continue maintaining a black bear population at its present level and density" (McConnell et al. 1997, p. 76) and that the black bear population could sustain a limited, regulated hunting season (McConnell et al. 1997, p. 78).

No other method of black bear population control has been identified and implemented in states with resident bear populations. Hunting is considered one element of an integrated approach to manage bear populations. The purpose of the 2003 and 2005 hunting seasons was to provide recreation, gather data on hunter participation and success rates, and begin to reduce the black bear population density in order to reduce the associated human/bear conflicts, including property damage caused by bears.

The 2003 and 2005 black bear hunting seasons were successful because these hunting seasons met the objectives established: 1) the target harvests were obtained; 2) the seasons were conducted safely with no hunter accidents and without incident of trespassing or other complaints; and 3) biological data on bears, hunter success and hunter participation was collected. The results (APPENDIX 3, Wolgast et al. 2005) followed the predictions of DFW biologists based on the conservative format. The 2003 harvest was 328 bears and the 2005 harvest was 298 bears. These hunting seasons established that hunters could safely harvest black bears in a controlled manner.

DFW collected biological data on the bears and demographic data on hunter success and participation, which DFW

uses to design future management actions. Using surveys of successful hunters, DFW estimated that hunters spent approximately \$1 million in each of the 2003 and 2005 hunting seasons for equipment, supplies, gas, food and lodging in pursuit of black bears. If a bear permit fee had been in effect, similar to deer and turkey hunting permits, DFW would have collected about \$283,000 in permit fees from bear hunters. Bear hunting, like other recreational hunting seasons, has a demonstrated positive economic benefit.

Bear hunting seasons can alleviate damage and nuisance incidents caused by problem bears. Twenty percent of the tagged bears in the 2003 and 2005 harvests were bears tagged at nuisance sites or in urban situations. Damage and nuisance calls to DFW decreased by 40% and Category I reports to DFW decreased by 37% in 2004, after the 2003 season. Damage and nuisance calls to DFW increased by 37% and Category I reports to DFW increased by 35% in 2005; damage and nuisance calls to DFW decreased by 13% and Category I reports to DFW decreased by 7% in 2006, after the 2005 season.

Hunting has been used as a tool to reinforce the aversive conditioning methods employed by DFW and trained law enforcement officers. Council refers to the review of the scientific literature conducted by Conover (2001), who determined that hunting reduces wildlife damage by reinforcing an animal's fear of humans and causing animals to avoid areas where they might come into contact with humans. Conover (2001) also stated that hunting should increase the effectiveness of non-lethal techniques because the animals learn to associate humans with negative consequences. Although some nuisance bears are eliminated during hunting seasons, others are pursued but not harvested, thereby imparting a negative experience on the bear. This negative interaction for the bear contrasts the positive food reward in other human/bear interactions.

The adaptive management process will guide the future structure of bear population management. This dynamic process is already in place as the Game Code, where DFW biologist evaluate the results of the bear hunting season on the bear population and bear related conflicts.

As is the case with other polygamous species such as deer, management of the bear population is affected by management of the female segment of the population. Population benchmarks will provide a quantitative assessment of the effect of hunting on the bear population and guide future hunting season structure. For example, a deterministic model using productivity, survival and mortality of the New Jersey research study population yields population stabilization at a hunting harvest rate of 0.2 females per square mile and 8% reduction at 0.3 females per square mile.

The proposed conservative bear hunting seasons allows data to be collected without negatively impacting the black bear population. The December season reduces the possibility of over-harvest because most pregnant females would be

dened and not available for harvest. The current Game Code contains language that has authorized the Director of the DFW, after consultation with the Chairman of the Council, to close the bear season with 24 hours notice, if warranted, after DFW biologists review data from the harvest. Based upon data from the 2003 and 2005 NJ bear hunting seasons and harvest rates in adjacent states with similar seasons, DFW estimates that a harvest rate of more than 25% of the current year's tagged bears would call for consideration of an in-season closure.

Council will continue to rely on the expertise of DFW biologists, who through data collection and analysis provide recommendations regarding the structure and timing of future seasons which will ensure black bear populations are maintained in appropriate habitat at desired densities compatible with existing land use.

In reviewing the tools available for population control and the costs associated with each, the Council concludes that relocation will never be a viable tool for bear population control. Additionally, non-lethal tools such as sterilization and chemical fertility control are unproven at this time. However, research in this area should continue. In contrast, Council concurs with the experience of all states which manage viable bear populations that regulated sport hunting of bears is the most cost effective and practical tool to control bear populations.

Recommendations:

1. DFW should reestablish a regulated black bear hunting season which is similar to the 2003 hunting season and which includes BMZs to direct hunting pressure as appropriate. Council believes the purpose of this season is to collect additional information on hunter participation and success rates and bear harvest rates and to begin to reduce the bear population in the most efficient, cost-effective manner and to provide recreational opportunity to New Jersey sportsmen and women.

2. DFW should not use relocation as a means of population control.

3. DFW should continue to investigate alternative population control techniques, such as fertility control.

4. DFW should develop a long-term structure for bear hunting seasons to reduce and then stabilize the bear population at a level compatible with the availability and quality of habitat, which is consistent with public safety and residential and agricultural concerns. Future season structures should be based on data collected from the regulated bear hunting seasons and population monitoring. Permit quotas and season length should be adjusted as necessary to regulate hunting pressure in BMZs. Season formats should use all hunting implements legally available including archery and muzzleloaders.

5. DFW should use harvest parameters, including female harvest rates, as a benchmark to gauge the progress of the population reduction and stabilization, and trigger adjustments to future season structures.

6. DFW should include BMZ 7 in future Game Code proposals to legally harvest bears by properly licensed hunters with bear permits during the established deer hunting seasons.

7. Council supports legislation that would establish a fee of \$28 for a bear permit. Hunters will pay for the privilege to participate in a regulated hunting season with the fees used to cover the costs of administering the hunt. A bear permit fee comparable to the deer permit (\$28) has the potential to generate \$280,000.

V. CONCLUSION

Council supports active, integrated bear management and DFW's population goal of maintaining bears at a density that provides for a sustainable population within suitable bear habitat, minimizes human-bear conflicts and reduces emigration of bears to unsuitable habitat in suburban and urban areas.

Council recognizes that bears are causing considerable damage to personal property and that the amount of damage and threats to public safety have increased commensurate with the bear population. Home entries and attempted home entries increased significantly in the late 1990s and remain unacceptably high despite intensive efforts to eliminate problem bears and despite intensive education efforts. Even though DFW has been proactive in response to high risk bear incidents that are a threat to public safety and property damage, Council is not willing to continually subject the citizens of New Jersey to this level of risk to public safety and property damage from black bears and so must take the responsible action of reducing the bear population.

Council recommends that DFW continue its integrated strategy for black bear management that includes continuing the educational campaign, pursuing legislative initiatives, conducting research and population monitoring, continuing appropriate control measures, investigating all population control methods and implementing population reduction through a regulated hunting season. Bear population management through regulated hunting will satisfy the Council's legislative mandate of conserving the bear resource and providing recreational opportunity. Additionally, the use of regulated hunting as a tool for population control satisfies the NJ Supreme Court mandate to consider the most appropriate tool available.

Adequate funding from the General Treasury, combined with Hunters and Anglers and federal funds, must continue to maintain an adequate black bear management program. It is unrealistic to believe that NJ's sportsmen and women share the sole responsibility for paying for this cost. Since responsible bear management benefits all citizens of NJ, it is

appropriate that it continue to be funded through an appropriation from the General Treasury. Over time, a reduction in the bear population should reduce the associated management costs as well as reduce the economic losses incurred by citizens of New Jersey resulting from bear related property damage.

Council realizes that the desirable bear population level will be influenced over time by many dynamic factors such as the amount of available bear habitat, human population growth and resulting development, and changes in human tolerance for bears brought about by education and the willingness to change lifestyles to adapt to living in bear county. Council is confident that with careful management of this species, black bears will be able to thrive in suitable habitat in NJ where they can more safely coexist with NJ residents.

VI. LITERATURE CITED

- Beaver, B.V., W. Reed, S. Leary, et. al. 2001. Report of the AVMA Panel on Euthanasia. *J. Am. Vet. Med. Assoc.* 218 (5):669-696.
- Beckmann, J. P., C. W. Lackey, and J. Berger. 2004. Evaluation of deterrent techniques and dogs to alter behavior of "nuisance" black bears. *Wildlife Society Bulletin* 32:1141-1146.
- Burke, D. and S. Predl. 1990. An assessment of deer hunting in New Jersey. NJ DEP, DFW. 150 pp. Trenton, NJ.
- California Final Environmental Document, Section 265, 365, 367, 367.5, Title 14, California Code of Regulations Regarding Bear Hunting. April 27, 2000. CA Department of Fish and Game, 188 pp. + Appendices.
- Carr, P.C. and K. Burgess. 2004. New Jersey status report. NJ DEP, DFW. 25 pp. Trenton, NJ.
- Conover, M.R. 2001. Effect of hunting and trapping on wildlife damage. *Wildlife Society Bulletin* 29(2):521-532.
- DeNicola, A. 2004. Experimental control of a suburban population of white-tailed deer using immunocontraception. Interim Summary Report for Princeton Township, NJ, Year 2. 8 pp.
- Diefenbach, D.R. 2006. Black Bear Population Estimates for New Jersey, 2003 and 2005. PA Coop. Fish and Wildl. Res. Unit, Pennsylvania State Univ., Univ. Park, PA. 5 pp.
- Fagerstone, K.A., M.A. Coffey, P.D. Curtis, R.A. Dolbeer, G.J. Killian, L.A. Miller, and L.M. Wilmot. 2002. Wildlife Fertility Control. *Wildl. Soc. Tech. Rev.* 02-2. 29 pp.
- Frakker, M.A., P.D. Curtis, and M. Mansour. 2006. An Analysis of the Feasibility of Using Fertility Control to Manage New Jersey Black Bear Populations. 44 pages.: <http://www.state.nj.us/dep/dsr/bear/bearreport.pdf>
- Garshelis, D.L. 2002. Misconceptions, ironies, and uncertainties regarding trends in bear populations. *Ursus* 13:321-334.
- Gore, M.L. and B.A. Knuth. 2006. Attitude and Behavior Change Associated With the New York NeighBEARhood Watch Program. Cornell University Human Dimensions Research Unit (06-14).
- Gore, M.L., B.A. Knuth, P.D. Curtis and J.E. Shanahan. 2006. Education programs for reducing American black bear-human conflict: indicators of success? *Ursus* 17(1):75-80.
- Hobbs, N.T., D.C. Bowden, and D.L. Baker. 2000. Effects of fertility control on populations of ungulates: general, stage-structured models. *Journ. Wildl. Manage.* 64(2):473-491.
- Huffman, J.E., T. Ombrello and D. Zellner. 2010. Evaluation of genetic structure and population estimate in New Jersey black bears (*Ursus americanus*). Northeast Wildlife DNA Laboratory, East Stroudsburg, PA. 28 pp.
- Kurzejeski, E.W., J.L. Byford, K. Causey, J.W. Enck, L.P. Hansen, W. Krueger, K. Mayer, and K. McCaffery. 1999. The Role of Bowhunting in Wildlife Management. *Wildl. Soc. Tech. Rev.* 99-1, 15 pp.
- Leigh, J. and M.J. Chamberlain. 2008. Effects of aversive conditioning on behavior of nuisance Louisiana black bears. *Human-Wildlife Conflicts* 2(2):175-182.
- Lund, R.C. 1980. New Jersey status report. Proc. East. Black Bear Workshop. 5:6-7.
- Lund, R.C., P. McConnell and S. Smyser. 1981. Restoration of the Black Bear to the New Jersey Pine Barrens-A discussion of the Proposal and Assessment of Impacts. NJ DEP, DFGW, BWM. 27 pp. Trenton, NJ.
- MacKenzie, K.G. 2003. Nuisance vs. non-nuisance bears: Seasonal movement and home range utilization of female New Jersey black bears (*Ursus americanus*). M.S. Thesis. East Stroudsburg State University, East Stroudsburg, PA. 108 pp.
- Mazur, R. L. 2010. Does Aversive Conditioning Reduce Human-Black Bear Conflict? *Journal of Wildlife Management* 74(1):48-54.
- McBride, A.E. 2003. Wild Turkey Research Project Report. NJ DEP, DFW. 64 pp. Trenton, NJ.
- McConnell, P.A., J.R. Garris, E. Pehek and J.L. Powers. 1997. Black Bear Management Plan. NJ Div. of Fish, Game & Wildl. 115 pp. Trenton, NJ.
- McLaughlin, C.R., G.J. Matula, and J.H. Hunt. 1987. A draft habitat suitability index model for black bears in the conifer-deciduous forests of New England: its application in Maine. Maine Dept. Inland Fish. & Wildl. Augusta, ME. 44 pp.
- Muller, L.I., R.J. Warren, and D.L. Evans. 1997. Theory and practice of immunocontraception in wild mammals. *Wildlife Society Bulletin* 25(2):504-514.
- Niles, L.J., M. Valent, P. Winkler and P. Woerner. 2004. New Jersey's Landscape Project, Version 2.0. NJ DEP, DFW, ENSP. 56 pp. Trenton, NJ.
- NJDFW BWM 2000. Black Bear Rating and Response Criteria. NJDEP DFW. Trenton, NJ 4 pp.
- NJDEP. 2003. New Jersey Independent Bear Panel Report. NJ DEP. Trenton, NJ. 17 pp.
- Northeast Wildlife DNA Laboratory. 2010. New Jersey black bear aversive conditioning report. East Stroudsburg University, East Stroudsburg, PA. 68 pp.
- Rogers, L.L. and A.W. Allen. 1987. Habitat suitability index models: Black Bear, Upper Great Lakes Region. U.S. Fish and Wildlife Service Biological Report 82 (10.144). 54 pp.
- Ternent, M. A. 2006. Management Plan for Black Bear in Pennsylvania (2006-2015). PA Game Commission, Harrisburg, PA. 72 pp.
- USDA WS WI 2002. Environmental Assessment: Black bear nuisance and damage management in Wisconsin. Decision and Finding of No Significant Impact. U.S. Department of Agriculture-APHIS-Wildlife Services. May 10, 2002. 60 pp.
- Walters, C. 1986. Adaptive management. MacMillan Publishing Co. NY. 374 pp.
- Williamson, D.F. 2002. In the Black: Status, Management, and Trade of the American black bear (*Ursus americanus*) in North America. TRAFFIC North America. Washington, DC: World Wildlife Fund. 161 pp.
- Wolgast, L.J., W.S. Ellis and J. Vreeland. 2005: Comprehensive Black Bear Management Policy: <http://www.njfishandwildlife.com/bearpolicy05.htm> and <http://www.njfishandwildlife.com/pdf/2005/bearpolicy05.pdf> and DEP letters: <http://www.njfishandwildlife.com/pdf/2005/bearpolicy05-letter.pdf> and http://www.njfishandwildlife.com/pdf/2006/letter_to_council.pdf

Figure 1. Black Bear Distribution 1995-
Black Bear Distribution
1995-2009

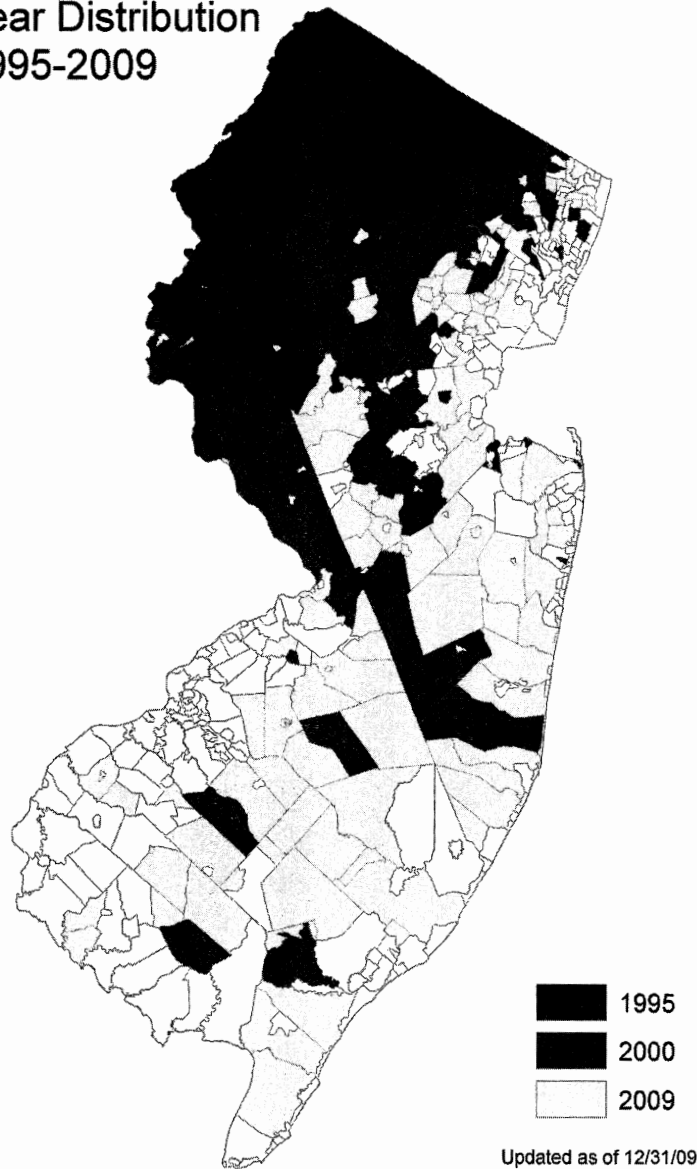


Figure 2. Bear Complaint Calls by Year

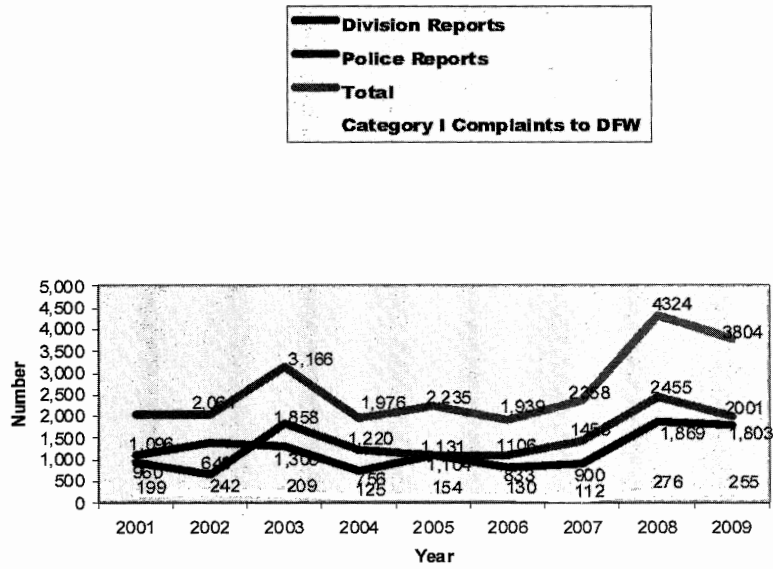


Figure 3. 1997 BBMP Study Areas

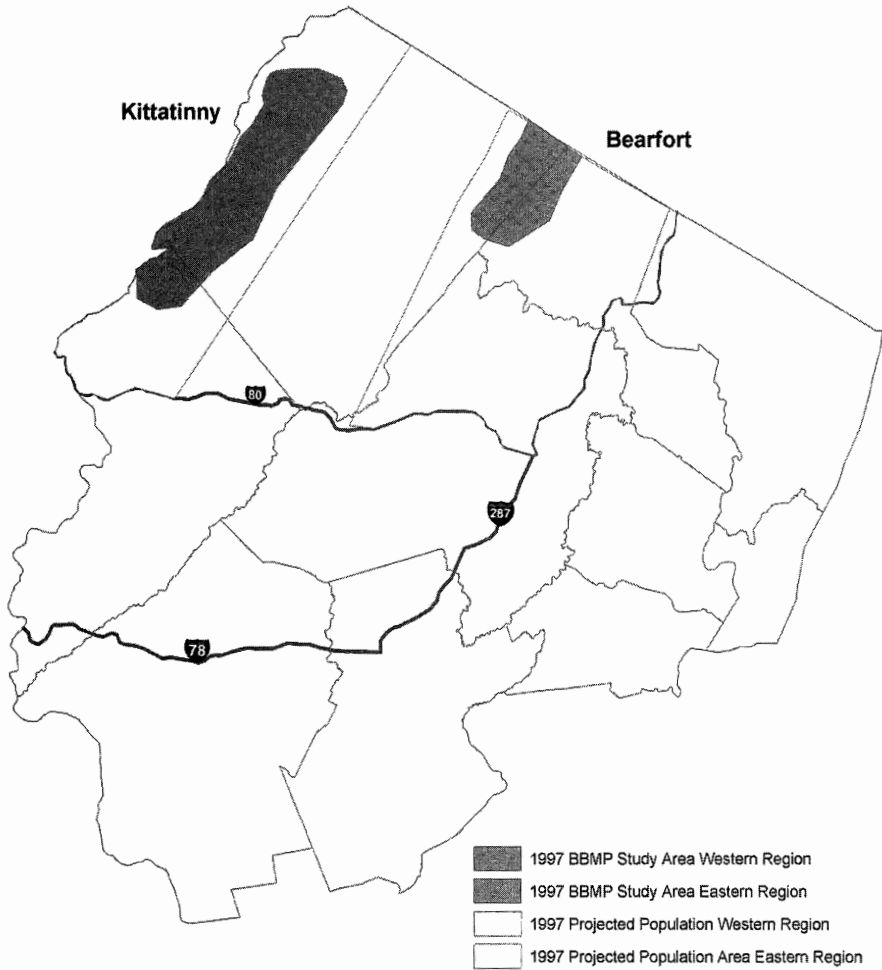


Figure 4. 2003 Study Areas

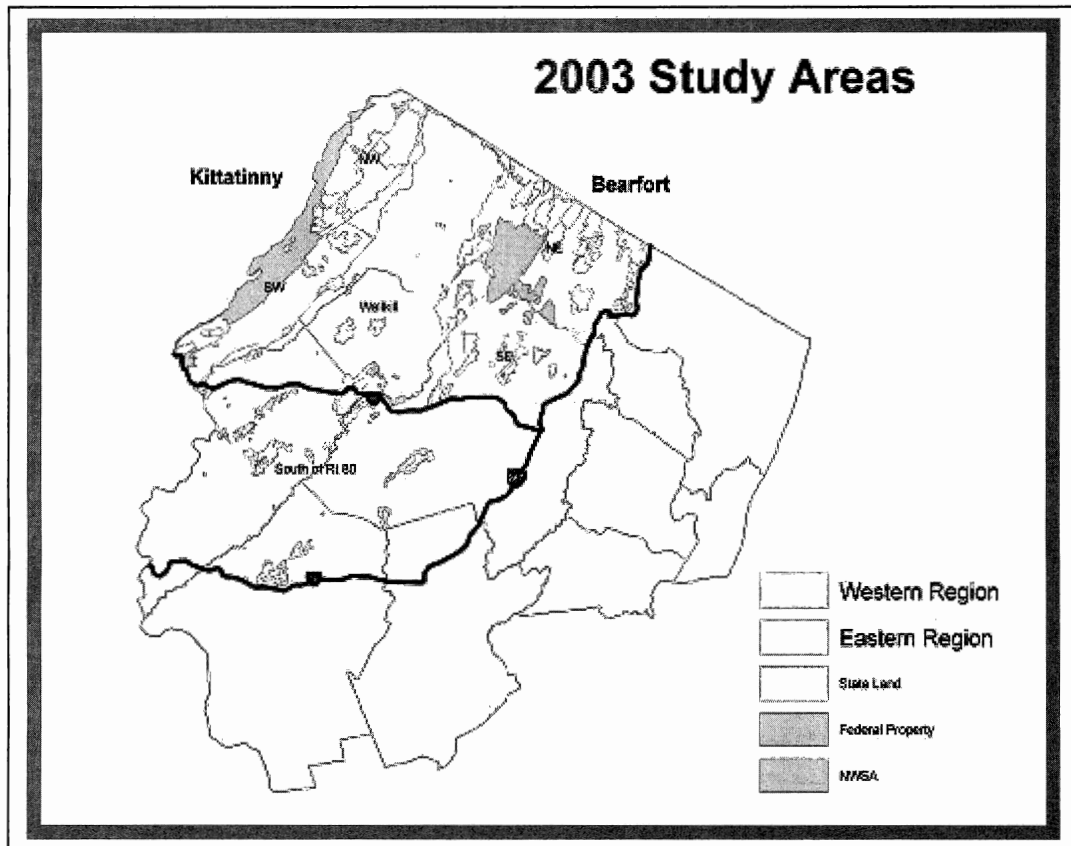
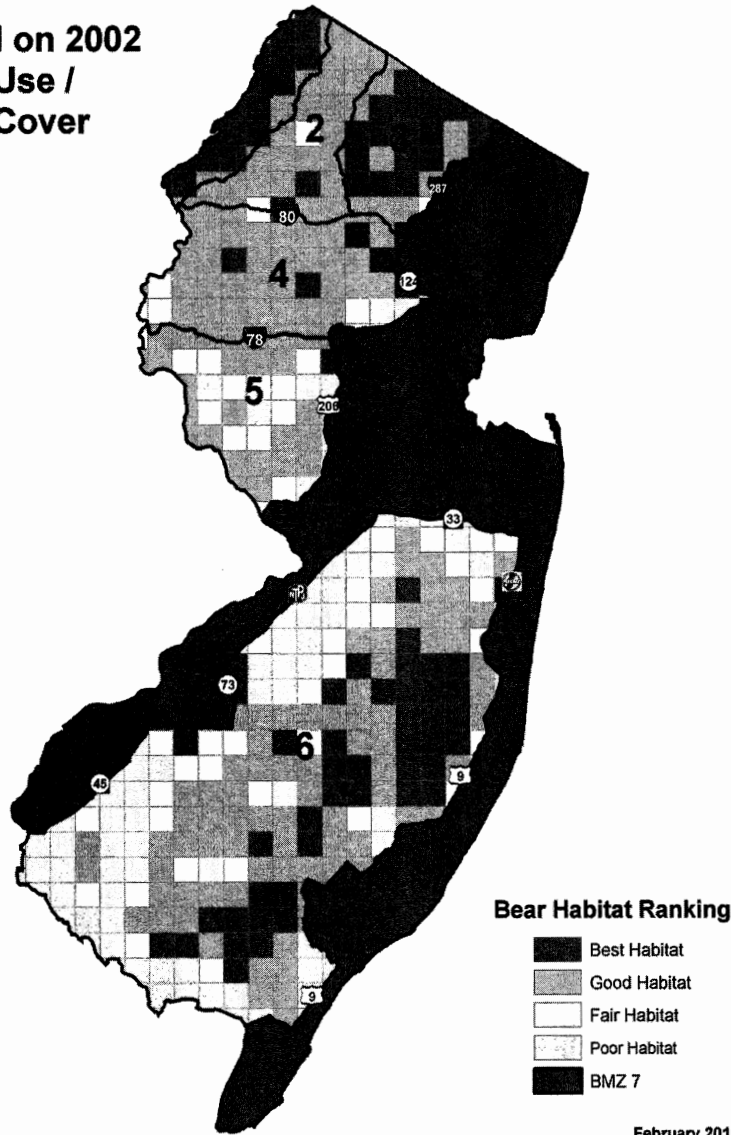


Figure 5. Black Bear Habitat

Black Bear Habitat

Based on 2002
Land Use /
Land Cover



February 2010

Table 1. Bear Calls Received by NJDFW by Type

TYPE	2001	2002	2003	2004	2005	2006	2007	2008	2009
CAT I	199	242	209	125	154	130	112	276	255
CAT II	754	1025	1015	562	832	625	732	1499	1477
CAT III	783	806	851	489	775	556	573	1045	1274
TOTAL	1736	2073	2075	1176	1761	1311	1417	2820	3006

Category I

TYPE	2001	2002	2003	2004	2005	2006	2007	2008	2009
AD	5	9	5	10	8	9	12	29	29
AHE	5	25	23	10	23	17	16	32	36
DA	6	15	11	5	8	2	9	1	2
HA	1	1	2	1	1	1		1	1
HE	29	55	53	24	29	40	32	69	34
LS	36	27	17	24	24	13	13	49	57
PD+	6	11	16	2	7	8	6	10	3
PH		2	3	5	2	6	3	6	9
RA	57	34	38	27	15	7	2	24	29
TA	37	28	19	7	21	13	10	28	35
TE	2	5	4	2	3		1	2	
UH	13	24	9	5	9	10	5	16	13
VE	2	6	9	3	4	4	3	9	7
TOTAL	199	242	209	125	154	130	112	276	255

KEY:		
AD= Agricultural Damage	HE= Home Entry	RA= Rabbit Attack
AHE= Attempted Home Entry	LS= Livestock Attack	TA= Aggressive Bear
DA= Dog Attack (Unprovoked)	PD+= Property Damage > \$500	TE= Tent Entry
HA= Human Attack	PH= Protected Beehives	UH= Unprotected Beehives
		VE= Vehicle Entry

Category II

TYPE	2001	2002	2003	2004	2005	2006	2007	2008	2009
CS	5	10	1	3	0	2	4	2	0
GA	269	379	503	282	358	288	319	632	504
NU	357	525	357	229	387	271	331	692	833
PD-	123	111	132	44	83	61	75	160	131
PDA	**	**	22	4	4	3	3	13	9
TOTAL	754	1025	1015	562	832	625	732	1499	1477

KEY:		
CS= Campsite	GA= Garbage	PD= Property Damage <\$500
	NU= Nuisance	PDA= Provoked Dog Attack
		**= new category in 2003

Category III

TYPE	2001	2002	2003	2004	2005	2006	2007	2008	2009
BF	137	137	89	59	87	71	45	77	68
FD	3	3	5	1	1	4	4	14	9
IB	50	65	69	35	58	43	49	58	130
IK	5	6			1	1	4	3	3
OT	13	34	11	7		2		45	80
ST	502	479	610	322	507	345	375	678	833
UB	12	19	11	12	38	15	17	27	6
VS	61	63	56	53	83	75	79	143	145
TOTAL	783	806	851	489	775	556	573	1045	1274

KEY:		
BF= Birdfeeder	IB= Injured Bear	ST= Sighting
FD= Found Dead	IK= Illegal Kill	UB= Urban Bear
	OT= Other	VS= Vehicle Struck Bear

Table 2. NJDFW Black Bear Tagging Effort

	2001	2002	2003	2004	2005	2006	2007	2008	2009	TOTAL
Tagged & Released, including recaptures	215	312	291	247	286	263	233	364	286	2497
Individual Bears Handled	202	291	270	230	274	246	223	337	262	2335
Cubs of Year (denwork)	14	89	60	50	44	38	42	69	53	459

APPENDIX 1. Role of the Fish and Game Council

Council has historically worked closely with DFW, utilizing the scientific expertise of its biologists to regulate the taking of wildlife in order to ensure its abundance and minimize wildlife related damage. Council's ability to manage is primarily through its rule-making authority to regulate hunting and trapping (Game Code) and fishing (Fish Code). The ability to implement various Council policies is constrained by the fiscal and human resources of governmental agencies, particularly DEP and DFW, as well as those of interested non-governmental organizations. Therefore, with regard to the Supreme Court opinion concerning the ability to determine the absolute population size of New Jersey black bears, the Council recognizes that the ability to measure wildlife populations is subject to the scientific tools available and that the population status is most often measured through the use of population indices and estimates, as opposed to absolute counts. Except for highly visible small populations such as bald eagles, it is impossible to obtain absolute counts on wildlife species. The CBBMP relies on estimates of abundance within the bear study areas as well as the changes in human-bear related incidences when considering bear management decisions.

Council was established by the legislature in 1945; Council's current makeup of 11 members was established in 1979. The makeup and authority of Council was upheld by the NJ Supreme Court in 1976 (*Humane Society of the U.S. vs. NJ State Fish and Game Council*, 70 N.J. 565 (1976), appeal dismissed 429 U.S. 1032, 50 L.Ed. 2d 744.) and more recently the Superior Court in 2002 (*Mercer Cty. Deer Alliance vs. NJDEP*, 349 NJ Super. 440). The Governor, with advice and consent of the Senate, appoints each member. Three members of the Council are farmers, recommended by the Agricultural Convention; six members are sportsmen, recommended by the State Federation of Sportsmen's Clubs; one member is a public member knowledgeable in land use management and soil conservation practices, and the final member is the Chairperson of the Endangered and Nongame Advisory Committee (N.J.S.A. 13:1B-24).

Council is mandated with the responsibility of protecting and conserving game birds, mammals and fish and providing an adequate supply for recreational and commercial harvest. This mandate is carried out through Council's adoption of the Fish and Game Codes, which determine "under what circumstances, when and in what localities, by what means and in what amounts and numbers [fish and game species] may be pursued, taken, killed, or had in possession so as to maintain an adequate and proper supply thereof . . ." (N.J.S.A. 13:1B-30, 13:1B-32).

"In addition to its powers and duties otherwise hereinafter provided, the Fish and Game Council shall, subject to the approval of the commissioner, formulate comprehensive policies for the protection and propagation of fish, birds and game animals . . ." (N.J.S.A. 13:1B-28). It is this statutory authority that provides the basis for the CBBMP.

APPENDIX 2. NJDFW Educational Effort

DFW has been providing information to the New Jersey public about black bears and precautions necessary to avoid attracting bears for the last 30 years. The bear education program was formalized in 1998 and intensified in 2001 through the addition of general treasury funding.

The bear education program received a national education award in 2000 from the Association of Conservation Information and has since won several other awards for bear education publications. The ½ hour television video "Bear Country NJ" produced by DFW and NJN received an Emmy, and more recently, the "Welcome to Bear Country" camping video won a "Telly" award for educational video.

Over the last 10 years, bear education has been provided directly to over 100,000 people through presentations and manned exhibits in every New Jersey county. A variety of audiences were reached including school children of all ages, scout troops, rotary clubs, senior groups, nature clubs, outdoor enthusiasts at public and private campgrounds, civic groups, personnel at various professional organizations and members of the general public. During the same period, over 3 million pieces of bear education material have been produced and distributed to the general public. A long standing education partnership between DFW and the Division of Parks and Forestry has provided bear information to hundreds of thousands of park visitors and minimized park user conflicts with bears.

The educational material produced and distributed includes:

295,000	Park, campground and outdoor recreation brochures
566,000	Residential household brochures
400,000	Residential/Outdoor recreation brochures
26,000	Residential/Outdoor recreation brochures – Spanish version
50,000	Signs for use in parks and campgrounds
350,000	Camper behavior in bear country cards
206,000	Garbage can fliers for residential households
35,000	Waste hauler bill inserts
500,000	Educational brochures for children
40,000	Educational coloring books for children
125,000	Educational activity book for children
350,000	Educational bookmarks
110,000	Educational bookcovers
45,000	'Do Not Feed the Bears' bumper stickers
1,500	Magnets

Annual letters to Municipality leaders on bear response, which have included requests to distribute bear education information to resident households have significantly added to the number of people receiving bear education information. In one year alone, more than 75,000 households received bear education information through the Municipal partnership.

In 2008 and 2009, black bear education public service announcements were aired on 30 New Jersey radio stations during the peak bear activity months of April, May, June, September, October and November. The 30 and 60 second PSAs aired thousands of times each year on these radio stations.

DFW's Website (www.njfishandwildlife.com) provides electronic versions of bear education literature and bear-proofing information including sources for bear-proof garbage containers. There is also information on black bear biology, natural history and black bear research and management.

APPENDIX 3. Results of 2003 and 2005 NJ Black Bear Hunting Seasons

The 2003 and 2005 black bear hunting seasons met the objectives established for the hunt: 1) the target harvest was obtained; 2) the hunt was conducted safely with no hunter accidents and without incident of trespassing or other complaints; and 3) biological data on bears, hunter success and hunter participation was collected. The results followed the predictions of DFW biologists based upon the conservative format. As predicted, the sex and age structure of the harvest

matched that of bears captured during research and control activities. Seventy percent of the harvested bears were untagged, similar to the numbers that Division personnel handle in research activities.

The data from the 2003 and 2005 hunting seasons has proven that hunting can alleviate damage and nuisance incidents caused by problem bears. Ten percent of the tagged bears in the 2003 and 2005 harvests were known nuisance bears; an additional 10 percent were bears tagged at nuisance sites or in urban situations. GIS analysis of harvest location has shown that in Vernon township, Sussex county, 38 bears were harvested an average of 309 yards from a road; subsequently Category I and II bear complaint calls to DFW from Vernon township were reduced more than 67% (from 174 in 2003 to 58 in 2004).

Township officials have reported that their level of bear complaints dropped significantly in 2004 and 2006, a year after a hunting season, but have since increased. Damage and nuisance calls were reduced by 37.5% and Category I reports to DFW were reduced by 37% after the 2003 season; damage and nuisance calls were reduced by 24.5% and Category I reports to DFW were reduced by 13.6% after the 2005 season.

Harvest		Township	Complaints				
2003	2005		2003	2004	2005	2006	2007
38	33	Vernon	263	72	160	124	167
24	31	West Milford	256	99	207	204	209
14	13	Stillwater	88	42	37	29	29
10	10	Rockaway	87	10	29	13	29
25	14	Montague	31	12	32	6	13
328	298	STATEWIDE	1308	756	1104	833	900

Harvest		Township	Cat I & II Complaints				
2003	2005		2003	2004	2005	2006	2007
38	33	Vernon	174	58	128	102	133
24	31	West Milford	159	51	99	88	127
14	13	Stillwater	57	26	25	25	18
10	10	Rockaway	5	5	17	8	10
25	14	Montague	23	7	11	5	6
328	298	STATEWIDE	1046	629	863	746	838

Hunting Season Results	2003	2005
Harvest	328	298
Harvest Rate	22.2%	19.8%
Hunter Success Rate	6.0%	7.0%

2005 SEX AND AGE DISTRIBUTION OF HARVEST

Age	Male	Female	Total (%)
Young of year	23	23	46 (15%)
Yearling	42	66	108 (36%)
Adult	59	85	144 (48%)
Total (%)	124 (42%)	174 (58%)	298

2003 SEX AND AGE DISTRIBUTION OF HARVEST

Age	Male	Female	Total (%)
Young of year	47	38	85 (26%)
Yearling	36	43	79 (24%)
Adult	36	128	164 (50%)
Total (%)	119 (36%)	209 (64%)	328

2003 BY COUNTY

County	Total Harvest	Percentage of Harvest	Area mi ²	Percentage of Hunt Area	Harvest/mi ²
Sussex	233	71 %	537	34 %	0.43 / mi ²
Warren	48	15 %	363	23 %	0.13 / mi ²

County	Total Harvest	Percentage of Harvest	Area mi ²	Percentage of Hunt Area	Harvest/mi ²
Passaic	26	8 %	126	8 %	0.21 / mi ²
Morris	20	6 %	429	28 %	0.05 / mi ²
Bergen	1	0.3 %	35	2 %	0.03 / mi ²
Hunterdon	0	0	219	13 %	0 / mi ²
Somerset	0	0	74	4 %	0 / mi ²
Total	328		1558		0.21 / mi ²

2005 BY COUNTY

County	Total Harvest	Percentage of Harvest	Area mi ²	Percentage of Hunt Area	Harvest/mi ²
Sussex	196	66 %	537	34 %	0.36 / mi ²
Warren	43	14 %	363	23 %	0.12 / mi ²
Passaic	32	11 %	126	8 %	0.25 / mi ²
Morris	26	9 %	429	28 %	0.06 / mi ²
Bergen	1	0.3 %	35	2 %	0.03 / mi ²
Hunterdon	0	0	219	13 %	0 / mi ²
Somerset	0	0	74	4 %	0 / mi ²
Total	298		1558		0.19 / mi ²

NJ bear harvest predictions by Division of Fish and Wildlife biologists:

Prediction: <10% of 79,000 firearms hunters would participate:

- 5,665 permits issued in 2003
- 4,434 permits issued in 2005

Prediction: Bear hunters would hunt bears where they traditionally hunt deer:

86% of bear permit holders said they would hunt bear where they hunt deer (based upon application question)

Prediction: This hunting season would not draw excessive numbers of non-resident hunters:

Only 4.3% of bear permit holders were non-residents. This is similar to other seasons.

Prediction: About half of the NJ bear hunters would have experience hunting bears:

47% of permit applicants had hunted bears previously, either in NJ before the season was suspended in 1971 or in other states or provinces

Prediction: Harvest rate would be less than 25% of available bears:

- 2003: 22.2% harvest rate
- 2005: 19.8% harvest rate

Prediction: Hunter success rate would be between 5% and 7.5%:

- 6.0% of 2003 hunters were successful
- 7.0% of 2005 hunters were successful

Prediction: Harvest would be between 272 and 408 bears:

- 328 bears were harvested in 2003
- 298 bears were harvested in 2005

Amended by R.1995 d.427, effective August 7, 1995.
See: 27 N.J.R. 1897(a), 27 N.J.R. 2889(a).

Amended by R.2000 d.365, effective September 5, 2000 (operative September 10, 2000).

See: 32 N.J.R. 1673(a), 32 N.J.R. 3294(a).
Rewrote the section.

Notice of stay of black bear hunting season.

See: 32 N.J.R. 3592(a).

Amended by R.2001 d.300, effective August 20, 2001 (operative August 25, 2001).

See: 33 N.J.R. 1527(a), 33 N.J.R. 2829(b).

Rewrote (a); deleted (b) through (g); recodified (h) as (b).

Amended by R.2003 d.359, effective September 2, 2003 (operative September 7, 2003).

See: 35 N.J.R. 1804(a), 35 N.J.R. 4053(a).

Rewrote (a).

Amended by R.2004 d.385, effective October 4, 2004 (operative October 9, 2004).

See: 36 N.J.R. 2325(a), 36 N.J.R. 4513(b).

In (a), substituted "6-11, 2004 and shall be concurrent with the six-day firearm deer season" for "8-13, 2003" following "shall be December" in the introductory paragraph, and substituted "2004" for "2003" throughout 1.

Amended by R.2005 d.321, effective September 19, 2005 (operative September 24, 2005).

See: 37 N.J.R. 1959(a), 37 N.J.R. 3657(a).

Rewrote (a).

Amended by R.2007 d.239, effective August 6, 2007.

See: 39 N.J.R. 587(a), 39 N.J.R. 3324(a).

Rewrote (a)liii.

Amended by R.2009 d.276, effective September 8, 2009 (operative September 13, 2009).

See: 41 N.J.R. 1320(a), 41 N.J.R. 3217(b).

In the introductory paragraph of (a)1 and in (a)1i, substituted "BMZ" for "black bear hunting area"; in the introductory paragraph of (a)1, substituted "bear management zone (BMZ)" for "black bear hunting area"; in (a)1iii, substituted "two applications" for "one application" following "Only", the first occurrence of "BMZ" for "black bear hunting area" and the second occurrence of "BMZ" for "hunting area", and inserted "one application for an initial permit lottery and one application for a left-over permit for a different BMZ", "for the initial permit lottery or for a left-over permit" and "or unclaimed"; in (a)2, inserted "annually" and "BMZ" and substituted "7:00" for "8:00"; in the introductory paragraph of (a)3, substituted "management zones" for "hunting areas"; in (a)3i, (a)3iii, (a)3iv, (a)3v and (a)3vi, substituted "Zone" for "Black Bear Hunting Area No."; in (a)3i, substituted "then" for "the" preceding "southwest"; in (a)3ii, substituted "Zone" for "Black Bear Hunting No. Area"; and in header of the first column of the BLACK BEAR HUNTING SEASON PERMIT QUOTAS table in (a)6, substituted "Bear Management Zone" for "Black Bear Hunting Area".

Amended by R.2010 d.262, effective November 15, 2010 (operative November 20, 2010).

See: 42 N.J.R. 753(a), 42 N.J.R. 2754(c).

In the introductory paragraph of (a), inserted "(see section Appendix, incorporated herein by reference)"; and added the section Appendix.

Amended by R.2011 d.237, effective September 6, 2011 (operative September 11, 2011).

See: 43 N.J.R. 1112(a), 43 N.J.R. 2307(a).

Rewrote the introductory paragraph of (a) and of (a)1; in (a)1i, inserted "and special farmer black bear permits"; in (a)1iii, substituted "15" for "30"; and added (a)1iv.

Amended by R.2013 d.115, effective September 16, 2013 (operative September 21, 2013).

See: 45 N.J.R. 787(a), 45 N.J.R. 2121(a).

In the introductory paragraph of (a), inserted a comma following "kill"; and in (a)3iii, inserted a comma following "Morris", and substituted "then north along Rt. 23 to its intersection with Rt. 94 in Hamburg Borough; then north along Rt. 94 to its intersection with Rt. 517;" for "then north along Rt. 23/517 to its intersection with 517 in Hamburg Borough;".

Amended by R.2015 d.147, effective September 8, 2015 (operative September 13, 2015).

See: 47 N.J.R. 577(a), 47 N.J.R. 2264(a).

In the introductory paragraph of (a), inserted the second sentence; and in (a)1iv(2), updated the address.

Case Notes

Decision of the Commissioner of the Department of Environmental Protection not to implement the 2005 Comprehensive Black Bear Management Plan (CBBMP) was affirmed since the policy was not adopted pursuant to the rulemaking provisions of the Administrative Procedure Act (APA); because the 2005 CBBMP set guidelines as to when and if a hunt can occur, it implicated matters of general administrative policy, warranting rulemaking pursuant to the APA. *N.J. Animal Rights Alliance v. N.J. Dep't of Env'tl. Prot.*, 396 N.J. Super. 358, 934 A.2d 52, 2007 N.J. Super. LEXIS 324 (App.Div. 2007).

7:25-5.7 Wild turkey (*Meleagris gallapavo*)

(a) The duration of the Fall Either Sex Wild Turkey Hunting Seasons for Turkey Hunting Areas 1, 2, 3, 4, 5, 8, 9, 11, 20, 21 and 22 shall include a hunting period "N" of seven consecutive days excluding Sunday beginning on the Saturday before the last Monday in October and ending on the following Saturday. There shall be no Fall Turkey Hunting in Turkey Hunting Areas 6, 7, 10, 12, 14, 15, and 16. The hunting periods for all Spring Wild Turkey Gobbler Seasons shall be as set forth in (a)1 through 6 below as follows:

1. Hunting Period A: A period of five consecutive days beginning the fifth Monday before Memorial Day;

2. Hunting Period B: A period of five consecutive days beginning the fourth Monday before Memorial Day;

3. Hunting Period C: A period of five consecutive days beginning the third Monday before Memorial Day;

4. Hunting Period D: Two periods of five consecutive days, one beginning the second Monday before Memorial Day, and the other beginning the Monday before Memorial Day;

5. Hunting Period E: A period of four days including the fifth, fourth, third and second Saturdays before Memorial Day;

6. Hunting Period Y, exclusively applicable to youth hunters 10 to 16 years of age: The sixth Saturday before Memorial Day, as designated in (o) below. If no turkey is harvested on this special youth spring turkey hunting day, the Y permit may be used for the duration of the Spring Wild Turkey Gobbler season until a bird has been harvested, as defined in (d) below.

(b) Bag Limit: The bag limit for the spring turkey hunting season is one male wild turkey with each special wild turkey, general turkey hunting, private land turkey hunting permit and with each special farmer turkey permit. Only one turkey may be taken in a given day. The bag limit for the fall season is one wild turkey of either-sex per permit.

(c) The hunting hours for wild turkey gobblers in the spring season shall be 1/2 hour before sunrise to noon daily for Hunting Periods A, B, and C and the first three Saturdays of hunting Period E; and 1/2 hour before sunrise to sunset daily for Hunting Period D and the last Saturday of hunting Period E. A youth hunting with a Hunting Period Y permit on any day of the spring turkey season other than the sixth Saturday

before Memorial Day will follow the hunting hours of that hunting period. Hunting hours for the fall either sex turkey season shall be 1/2 hour before sunrise to 1/2 hour after sunset daily.

(d) Special wild turkey hunting permits are valid only during the hunting period designated and only in the designated turkey hunting area. Permittees aged 10 to less than 14 years of age shall be accompanied by and under the direct supervision of a properly licensed adult who is at least 21 years of age. For the purposes of this section, direct supervision is defined as both the juvenile hunter and properly licensed adult set up together at the same location, hunting as a unit and not hunting independently of each other for different birds. Youth hunters, 10 to 16 years of age, may obtain only one permit for Hunting Period Y per season. Youth hunters may use their Hunting Period Y permit in the designated zone at any time the season is open, including the special youth spring turkey hunting day enumerated in (o) below. Youth hunters possessing permits for Hunting Periods A, B, C, D or E may only use these permits during the periods specified and on the special youth spring turkey hunting day. Youth hunters are not required to use their Hunting Period Y permit before using other permits. After taking their bird with a permit for Hunting Period Y, youth hunters are subject to the same area and hunting period that any additional regular period hunting permit designates. Permits are not transferable.

(e) Hunting methods shall be restricted to calling or stand hunting during the spring gobbler season. No person shall stalk or attempt to approach a wild turkey for the purpose of taking or attempting to take the bird. All persons must have a turkey calling device in their possession while turkey hunting. No person shall use an electronic calling device for calling turkeys at any time during the open season. Persons may not drive or chase wild turkeys for the purpose of putting them in range of hunters, except that fall hunters may rush turkeys for the purpose of causing the flock to scatter. No group of hunters larger than five individuals may hunt turkeys at any time. The use of dogs is prohibited in the spring gobbler season. No live or electronically operated decoys may be used. Fluorescent hunters orange is not required on outer clothing for turkey hunting. No shot size larger than No. 4 fine shot or smaller than No. 7 1/2 fine shot may be used for turkey hunting. No shotgun larger than 10 gauge or smaller than 20 gauge may be used for turkey hunting. A person hunting turkeys shall not have in possession or control, a firearm or other weapon within 300 feet of a baited area during the turkey hunting seasons. A baited area is defined as the collection, deposit, concentration or unnatural gathering of feed including, but not limited to, corn, wheat, oats or other substance that may constitute a lure or enticement to turkeys.

(f) Method: The taking of one male wild turkey in the spring gobbler season with firearm or bow and arrow or one wild turkey of either sex during the fall turkey season per special turkey permit with firearm, bow and arrow or falconry is permitted in any designated turkey hunting areas by holders of a special wild turkey permit.

similar devices for the sole purpose of chemically immobilizing wild or non-domestic animals or from possessing, carrying or using rifles or shotguns, upon completion of approved training course, in order to dispatch sick, injured, or dangerous animals or for non-lethal use for the purpose of frightening, hazing or aversive conditioning of nuisance or depre-dating wildlife. All such duly authorized personnel of the New Jersey Division of Fish and Wildlife, except Conservation Officers, shall possess a firearms purchaser card, a valid New Jersey hunting license and a rifle permit issued by the New Jersey Division of Fish and Wildlife.

(s) Nothing in this subchapter shall be construed to prevent duly authorized personnel or agents of the New Jersey Division of Fish and Wildlife from the possession and use of any other Division approved device or equipment for the capture, marking or killing of wildlife for scientific, enforcement or public safety purposes. This section applies to all non-domestic animals whether native or exotic, irrespective to season status, or other restrictions in any statute or rule.

(t) Nothing in this subchapter shall be construed to prevent duly authorized personnel or agents of the New Jersey Division of Fish and Wildlife from possessing, carrying or using any device which projects, releases or emits any substance specified as being non-injurious to black bears or other animals by the State Director of Animal Health and which produces temporary physical discomfort though being vaporized or otherwise dispensed in the air for the purpose of repelling animal attacks or for the aversive conditioning of nuisance wildlife.

(u) Notwithstanding the foregoing, this section shall not preclude the Director from authorizing, on a case by case basis, Federal Government employees operating under a State of New Jersey Depredation Control Permit, Special Wildlife Management Permit and/or a Federal Fish and Wildlife permit that is co-signed by the New Jersey Division of Fish and Wildlife, to shoot wildlife specifically listed on that permit with an air rifle or a rifle when that permit specifically authorizes the use of air rifles and/or rifles. Air rifles used for this purpose shall be restricted to .22 caliber or smaller only. Rifles used for this purpose shall be restricted to .22 caliber or other calibers approved by the Division.

(v) Authority: The authority for the adoption of the foregoing section is found in N.J.S.A. 13:1B-30, 23:3-1, 23:4-1, 23:4-12, 23:4-13, 23:4-16, 23:4-18, 23:4-19, 23:4-24.1, 23:4-29, 23:4-42, 23:4-44 and 23:8-10 and other applicable statutes.

Amended by R.1995 d.427, effective August 7, 1995.

See: 27 N.J.R. 1897(a), 27 N.J.R. 2889(a).

Amended by R.1996 d.404, effective August 19, 1996 (operative August 24, 1996).

See: 28 N.J.R. 2434(b), 28 N.J.R. 3934(a).

Amended by R.1997 d.327, effective August 4, 1997 (operative August 9, 1997).

See: 29 N.J.R. 2213(a), 29 N.J.R. 3462(a).

In (e) and (f)1, amended dates of hunting season; inserted (t) through (v); and recodified former (t) as (w); and in (w), amended N.J.S.A. references.

Amended by R.1998 d.408, effective August 3, 1998 (operative August 8, 1998).

See: 30 N.J.R. 1681(a), 30 N.J.R. 2886(a).

In (e), changed the season date; in (f), deleted the former second and tenth sentences in 2; deleted former (p); and recodified former (q) through (w) as (p) through (v).

Amended by R.1999 d.287, effective August 16, 1999 (operative August 21, 1999).

See: 31 N.J.R. 1231(a), 31 N.J.R. 2338(a).

In (a), rewrote the third sentence, and added the last four sentences; in (c), added an exception at the beginning; in (e), changed dates; and in (f), added the last sentence in the introductory paragraph, and substituted "10" for "14" throughout 3.

Amended by R.2000 d.365, effective September 5, 2000 (operative September 10, 2000).

See: 32 N.J.R. 1673(a), 32 N.J.R. 3294(a).

In (a), inserted a reference to black bears in the first sentence, and rewrote the second sentence; in (e), changed dates; in (f), rewrote the introductory paragraph, 1 and 2; and in (p), deleted a reference to (o) in the first sentence, inserted "on the forms provided by the Division" following "documentation" in the second sentence, and rewrote the third sentence.

Amended by R.2001 d.300, effective August 20, 2001 (operative August 25, 2001).

See: 33 N.J.R. 1527(a), 33 N.J.R. 2829(a).

Rewrote section.

Amended by R.2002 d.272, effective August 19, 2002, (operative August 24, 2002).

See: 34 N.J.R. 1504(a), 34 N.J.R. 2973(a).

Rewrote (f) and (o); neutralized the gender reference in (m).

Amended by R.2003 d.359, effective September 2, 2003 (operative September 7, 2003).

See: 35 N.J.R. 1804(a), 35 N.J.R. 4053(a).

In (a), inserted "or black bear" following "deer" in the first sentence and added the last sentence; in (e), changed the dates; rewrote (f).

Amended by R.2004 d.385, effective October 4, 2004 (operative October 9, 2004).

See: 36 N.J.R. 2325(a), 36 N.J.R. 4513(b).

In (e), changed the dates; added a new (u) and recodified existing (u) as (v).

Amended by R.2005 d.321, effective September 19, 2005 (operative September 24, 2005).

See: 37 N.J.R. 1959(a), 37 N.J.R. 3657(a).

In (a), deleted "coyote" following "permitted for hunting", added ", red fox and gray fox" following "eastern coyote", deleted "No.2" following "who may use", and added "no smaller than #4 (.13 inches in diameter) or larger than #T (.20 inches in diameter)" following "fine shot"; in (e), updated dates.

Amended by R.2009 d.276, effective September 8, 2009 (operative September 13, 2009).

See: 41 N.J.R. 1320(a), 41 N.J.R. 3217(b).

In (e), substituted "the last Saturday in September and the Friday following the first Monday in November, inclusive; and between the first Saturday in January and the third Monday in February, inclusive," for "September 24—November 11, 2005 and January 7—February 20, 2006; September 30—November 10, 2006 and January 6—February 19, 2007; September 29—November 9, 2007 and January 5—February 18, 2008; September 27—November 7, 2008 and January 10—February 16, 2009; September 26—November 6, 2009 and January 9—February 15, 2010; and September 25—November 12, 2010 and January 8—February 21, 2011"; and in (j), inserted ", or on Wildlife Management Areas or private property during prescribed seasons".

Amended by R.2011 d.237, effective September 6, 2011 (operative September 11, 2011).

See: 43 N.J.R. 1112(a), 43 N.J.R. 2307(a).

In (n), inserted the last three sentences.

Amended by R.2013 d.115, effective September 16, 2013 (operative September 21, 2013).

See: 45 N.J.R. 787(a), 45 N.J.R. 2121(a).

Rewrote (a) and the introductory paragraph of (f); in (h), inserted "Hungarian partridge," and ", Hungarian partridge,,"; and in (k), inserted

a comma following "taking" and following "take", and inserted "except as provided for in (f)3 above,".

Amended by R.2015 d.147, effective September 8, 2015 (operative September 13, 2015).

See: 47 N.J.R. 577(a), 47 N.J.R. 2264(a).

Rewrote (a); in (d), inserted the second sentence; reserved (e); and in (n), inserted a comma following "special permit bow", inserted "except as enumerated in N.J.A.C. 7:25-5.7(e) and N.J.S.A. 23:4-13.1", and deleted "for deer" following the second occurrence of "hunting".

7:25-5.24 Bow and arrow, general provisions

(a) A bow means longbow, recurved bow, compound bow, or crossbow. A crossbow means a device capable of propelling an arrow by means of traverse limbs and a string, mounted on a stock of at least 25 inches in length, and having a working safety. Cocking levers and other devices may be used on crossbows. Hand-held releasing devices are permitted.

(b) No person shall use a bow and arrow for deer hunting during the permit muzzleloader or permit shotgun seasons. Nothing in this section shall preclude a properly licensed person from hunting with a bow and arrow when other seasons run concurrent and in the same deer management zones as the six-day firearm, permit muzzleloader or permit shotgun seasons or on any additional days if declared open. A bow and arrow may be used to harvest antlered deer during the six-day firearm season only if the hunter has a current and valid firearm license in addition to a current and valid archery license, or a current and valid all-around license. If an antlered deer is harvested with a bow and arrow during the six-day firearm season, the antlered transportation tag for the six-day firearm season from a firearm or all-around license must be used. Bow and arrow hunting is not permitted between ½ hour after sunset and ½ hour before sunrise during other seasons. Deer shall not be hunted for or taken on Sunday except on wholly enclosed preserves that are properly licensed for the propagation thereof, or on Wildlife Management Areas or private property during the prescribed seasons.

(c) During the seasons for taking deer, coyote, fox, woodchuck or turkey with bow and arrow (as listed elsewhere in this subchapter), all arrows used for taking deer, coyote, fox, woodchuck or turkey must be fitted with an edged head of the following specifications:

1. Minimum width shall be 3/4 inch.
2. Minimum length—None.
3. Cutting edges shall be of well-sharpened metal only.
4. Arrows fitted with heads other than specified in (c)1 through 3 above may be carried in the woods and fields during the Upland Game Season or other seasons which overlap with the Bow and Arrow Deer Season, in addition to arrows specified for deer. It is legal to carry blunt or judo tips in the field for the purpose of discharging crossbows. It is unlawful to hunt with any device propelled by any means that is used for the purpose of injecting or

delivering any type of drug into an animal. Whenever a crossbow is in or upon a motor vehicle, it shall be uncocked.

5. All bows, except compounds and crossbows, must have a minimum draw pull weight of 35 pounds at the archers draw length. Compound bows must have a minimum peak weight of 35 pounds. Crossbows must have a minimum draw pull weight of 75 pounds.

(d) No person shall hunt deer with the aid of a deer decoy except during the fall bow, winter bow and special bow seasons. No person shall hunt for deer with an electronic calling device, or any other device which projects a beam of light upon the target. A bowhunter hunting for deer and utilizing a ground blind during a time period when the bowhunting season is concurrent with a deer firearm season, must display 200 square inches of hunter orange atop the blind and visible from all sides, or within five feet outside of the blind and higher than the blind or at least three feet off the ground, whichever is higher. A "ground blind" is defined as a temporary man-made structure used for the purpose of concealing from sight a person who is hunting. A ground blind is not a naturally occurring feature that a hunter merely uses for concealment.

(e) No person shall take or attempt to take flying game birds with arrows equipped with heads as described in (c)1, 2, and 3 above. Persons may only take or attempt to take flying game birds with flu-flu type arrows. Canada geese and turkey which are not in flight may be taken with arrows with standard fletching and edged heads as described in (c)1, 2, and 3 above.

(f) Authority: The authority for the adoption of the foregoing section is found in N.J.S.A. 23:4-1, 23:4-12, 23:4-16, 23:4-43, 23:4-44, 23:4-45 and other applicable statutes.

Correction: Deleted subsection (d) and renumbered old (e)-(g) as (d)-(f).
See: 20 N.J.R. 2936(a).

Amended by R.1995 d.427, effective August 7, 1995.

See: 27 N.J.R. 1897(a), 27 N.J.R. 2889(a).

Amended by R.1996 d.404, effective August 19, 1996 (operative August 24, 1996).

See: 28 N.J.R. 2434(b), 28 N.J.R. 3934(a).

Amended by R.1999 d.287, effective August 16, 1999 (operative August 21, 1999).

See: 31 N.J.R. 1231(a), 31 N.J.R. 2338(a).

In (e), added "under a Special Use Bow Permit" at the end of the second sentence.

Amended by R.2000 d.365, effective September 5, 2000 (operative September 10, 2000).

See: 32 N.J.R. 1673(a), 32 N.J.R. 3294(a).

In (b), deleted an exception at the end of the third sentence; and in (c), inserted references to black bears in the introductory paragraph, rewrote 4, added an exception at the beginning of 5, and added 6.

Amended by R.2001 d.300, effective August 20, 2001 (operative August 25, 2001).

See: 33 N.J.R. 1527(a), 33 N.J.R. 2829(a).

In (c), deleted "black bear" in the introductory paragraph and deleted 6.

Amended by R.2002 d.272, effective August 19, 2002, (operative August 24, 2002).

See: 34 N.J.R. 1504(a), 34 N.J.R. 2973(a).

Rewrote (e).

Amended by R.2003 d.359, effective September 2, 2003 (operative September 7, 2003).

See: 35 N.J.R. 1804(a), 35 N.J.R. 4053(a).

In (c)4, deleted "either the Bow and Arrow Black Bear Season or" preceding "the Bow and Arrow Deer Season".

Amended by R.2009 d.276, effective September 8, 2009 (operative September 13, 2009).

See: 41 N.J.R. 1320(a), 41 N.J.R. 3217(b).

Rewrote (a) and (b); in (c)4, inserted the last sentence; in (c)5, substituted "All" for "Except as noted in (c)6 below, all", inserted "and crossbows" and inserted the last sentence; and reserved (e).

Amended by R.2011 d.237, effective September 6, 2011 (operative September 11, 2011).

See: 43 N.J.R. 1112(a), 43 N.J.R. 2307(a).

In the introductory paragraph of (c), inserted "fox," twice; in (c)4, inserted the second sentence; in (d), inserted the last three sentences; and added (e).

Amended by R.2013 d.115, effective September 16, 2013 (operative September 21, 2013).

See: 45 N.J.R. 787(a), 45 N.J.R. 2121(a).

In (e), inserted "1, 2, and 3" twice.

7:25-5.25 White-tailed deer (*Odocoileus virginianus*) fall bow season

(a) Duration of the fall bow season is as set forth in (a)1 and 2 below. Legal hunting hours shall be 1/2 hour before sunrise to 1/2 hour after sunset.

1. Opening the fourth Saturday prior to the last Friday in October through the last Friday in October, in zones in Regulation Sets 0, 1, 2, and 3; and in Zones 37 and 54.

2. Opening the second Saturday in September through the last Friday in October, in zones in Regulation Sets 4 through 8; and in Zones 39, 53, 66, and 68.

3. A special youth deer hunting day with bow and arrow will be held on the Saturday prior to the opening day of the fall bow season as specified in (a)1 above. The season will be open in all zones that are open for the fall bow season. Youth hunters must possess a current and valid youth bow license or be less than 16 years of age on the season date and qualified to hunt without a license under the farmer license exemption. All youth hunters must be under the direct supervision of a non-hunting adult (21 years of age or older), who must possess a proper and valid bow license. Direct supervision means the youth hunter and the supervising adult are together at the same location. The youth hunter may not hunt independently of the supervising adult. Any bow and edged arrowhead approved for deer hunting may be used. Legal hunting hours are 1/2 hour before sunrise to 1/2 hour after sunset EST. All other hunting requirements for the fall bow season shall apply, except as noted in (b)3 below.

(b) Bag Limit: Only one antlered deer may be taken State-wide during the fall bow season. Hunters must use an antlered deer transportation tag from their bow and arrow or all around sportsman license, which is designated for use during the fall bow season, when registering an antlered deer. The standard bag limit is two deer, either one antlered and one antlerless or two antlerless in zones in Regulation Sets 1, 2, or 3. In zones in Regulation Sets 4, 5, 6, 7, and 8 and zones 37, 39, 53, 54,

and 68, the bag limit is one antlered deer and an unlimited number of antlerless deer. In zones in Regulation Set 0, the bag limit is one antlered or one antlerless deer. In Regulation Sets 4, 5, 6, 7, and 8 and in Zones 39, 53, and 68, an antlerless deer must be taken before an antlered deer from the second Saturday in September through the first Friday in October except for youth hunters, as defined in N.J.A.C. 7:25-5.1(d)15. All deer must be legally registered either at a deer check station or via the automated harvest report system. Only one deer may be taken at a time until the season limit is reached except in zones in Regulation Sets 6, 7, and 8, and in Zones 37, 39, 53, 54, 66, and 68, where the limit is two deer at a time until the season concludes. Properly licensed hunters who harvest their first antlerless deer during the bow season subject to the provisions of this section will be given a "New Jersey Supplemental Deer Transportation Tag" (supplemental tag), upon registration of their deer at a designated deer check station, or will be assigned a confirmation number via an automated harvest report system as designated by the Division. This tag or confirmation number will be valid for the taking of additional antlerless deer, as applicable by zone bag limit specified above. No supplemental tags will be issued for antlered deer. The supplemental tag or confirmation number may be used in any zone that is open for the season subject to the limitations of this section. Properly licensed hunters that harvest a second deer may obtain a "New Jersey Supplemental Deer Transportation Tag" upon registration of their second deer at a designated check station. Supplemental tags for the taking of a third or subsequent deer are valid only in zones that have a bag limit of an unlimited number of antlerless deer listed above. After taking a second deer in any zone in Regulation Sets 0, 1, 2, or 3, hunters may not hunt deer during the fall bow season in the zones in Regulation Sets 0, 1, 2, or 3. One additional supplemental tag, valid only in zones with an unlimited antlerless deer bag limit, will be issued upon registration of each subsequent deer until the season concludes. All supplemental tags or confirmation numbers are valid on the date of issuance in all zones that are open for this season. Deer shall be tagged immediately with completely filled in "transportation tag" and shall be transported to a deer checking station before 8:00 P.M. D.S.T. or E.S.T., whichever is in effect, on the day killed to secure a legal possession tag. The legal possession tag must be securely affixed or locked on the deer before the deer is transported or removed from the authorized deer checking station. Hunters are responsible for legal possession tags being securely affixed or locked before leaving the deer check station. The supplemental tag shall be valid on the day of issuance and all registration requirements apply. If the deer check station system is no longer in use, then with the exception of the confirmation number, the possession tag on the license shall be filled out immediately upon killing. Additionally, every deer is to have a tag affixed to the carcass bearing the hunter's CID, date of harvest, zone of harvest, antler points if applicable, and confirmation number if registered. This tag shall remain attached until such time as the deer is processed for consumption. The deer shall be registered via an automated harvest report system, as designated

by the Division, in lieu of a deer check station prior to the attempt to take an additional deer, and no later than 8:00 P.M. D.S.T. or E.S.T., whichever is in effect, of the day of harvest. Hunters must record the confirmation number given via this system, which replaces the legal possession tag. If an automated harvest report system is implemented, notice will be published in the New Jersey Register, on the Division's website, and in the Hunting Digest which summarizes hunting season dates and regulations.

1. The possession of a deer after 8:00 P.M. on the date killed without a legal possession tag shall be deemed illegal possession under the deer check station system. Possession of a deer after 8:00 P.M. on the date killed without a legal confirmation number shall be deemed illegal under the AHRS. Any legally killed deer which is recovered too late to be brought to the deer check station by closing time must be immediately reported by telephone to the nearest Division of Fish and Wildlife law enforcement regional headquarters. Said deer must be brought to a checking station on the next open day to receive a legal "possession tag." If the season has concluded, said deer must be taken to a regular deer checking station on the following weekday to receive a legal possession tag. It is unlawful to attempt to take or continue to hunt for more than the number of deer permitted. Should the hunter be unable to access the AHRS by the designated time, the deer shall be immediately reported by telephone to the nearest Division of Fish and Wildlife law enforcement regional headquarters and registered via the AHRS the next day. Within 48 hours of registering a deer with the AHRS and upon request from the Division, a hunter shall be required to produce the head of the deer harvested or produce records relating to the location of the head.

2. In Zones 3, 9, 13, 27, 28, 29, 30, 31, 34, 35, 47, and 63, it shall be illegal to kill, take, or attempt to take any antlered deer which does not have a minimum of three antler points on one side.

3. The bag limit for the special youth hunting day provided in (a)3 above is one deer of either sex and any age. The requirement that hunters take an antlerless deer first is waived for this day. All tagging and deer checking requirements shall apply. The provisions of (b)2 above, requiring that antlered deer must have at least three antler points on one side, is waived for the special youth hunt on this day only.

(c) This season shall be open only to holders of a valid and current bow and arrow hunting license or all around sportsman license that contains an attached fall bow and arrow deer "transportation tag" or harvest report stub or a proper and valid supplemental tag. If the anticipated harvest of deer has not been accomplished during this season, additional days of bow and arrow deer hunting may be authorized by the Director, in consultation with the Council. Such authorization and dates thereof shall be announced by press and radio.

(d) Authority: The authority for the adoption of the foregoing section is found in N.J.S.A. 23:4-42, 23:4-43, 23:4-45, 23:4-47 and other applicable statutes.

Amended by R.1995 d.427, effective August 7, 1995.

See: 27 N.J.R. 1897(a), 27 N.J.R. 2889(a).

Amended by R.1996 d.404, effective August 19, 1996 (operative August 24, 1996).

See: 28 N.J.R. 2434(b), 28 N.J.R. 3934(a).

Amended by R.1997 d.327, effective August 4, 1997 (operative August 9, 1997).

See: 29 N.J.R. 2213(a), 29 N.J.R. 3462(a).

In (a), inserted first two sentence and amended dates of hunting seasons; and in (b)1, deleted provision relating to single bonus tag zones and amended zones in which multiple tags allowed.

Amended by R.1998 d.408, effective August 3, 1998 (operative August 8, 1998).

See: 30 N.J.R. 1681(a), 30 N.J.R. 2886(a).

Rewrote (a) and (b).

Amended by R.1999 d.287, effective August 16, 1999 (operative August 21, 1999).

See: 31 N.J.R. 1231(a), 31 N.J.R. 2338(a).

Rewrote (a) and (b).

Amended by R.2000 d.365, effective September 5, 2000 (operative September 10, 2000).

See: 32 N.J.R. 1673(a), 32 N.J.R. 3294(a).

Rewrote the section.

Amended by R.2001 d.300, effective August 20, 2001 (operative August 25, 2001).

See: 33 N.J.R. 1527(a), 33 N.J.R. 2829(a).

Changed dates throughout section; rewrote (b).

Amended by R.2002 d.272, effective August 19, 2002, (operative August 24, 2002).

See: 34 N.J.R. 1504(a), 34 N.J.R. 2973(a).

Rewrote (a) and (b); in (c), inserted "or all around sportsman license" in the first sentence.

Amended by R.2003 d.359, effective September 2, 2003 (operative September 7, 2003).

See: 35 N.J.R. 1804(a), 35 N.J.R. 4053(a).

In (a) and (b), changed dates and zones.

Amended by R.2004 d.385, effective October 4, 2004 (operative October 9, 2004).

See: 36 N.J.R. 2325(a), 36 N.J.R. 4513(b).

In (a) and (b), changed dates and zones.

Amended by R.2005 d.321, effective September 19, 2005 (operative September 24, 2005).

See: 37 N.J.R. 1959(a), 37 N.J.R. 3657(a).

In (a), updated dates in 1 and 2 and added 3; in (b), updated dates and zones.

Amended by R.2007 d.239, effective August 6, 2007.

See: 39 N.J.R. 587(a), 39 N.J.R. 3324(a).

Rewrote (a)1, (a)2, and the introductory paragraph of (b); and in (b)2, inserted a comma following "63" and added the last sentence.

Amended by R.2009 d.276, effective September 8, 2009 (operative September 13, 2009).

See: 41 N.J.R. 1320(a), 41 N.J.R. 3217(b).

Rewrote (a)1, (a)2 and the introductory paragraph of (b); in (a)3, substituted "the Saturday prior to the opening day of the fall bow season as specified in (a)1 above" for "Saturday, September 24, 2005; Saturday, September 23, 2006; Saturday, September 22, 2007; Saturday, September 27, 2008; Saturday, September 26, 2009; and Saturday, September 25, 2010"; in (b)1, inserted "under the deer check station system" and inserted the second sentence; in (b)2, deleted "6," following "Zones 3," and deleted the former last sentence; and in (c), deleted the former last sentence.

Amended by R.2011 d.237, effective September 6, 2011 (operative September 11, 2011).

See: 43 N.J.R. 1112(a), 43 N.J.R. 2307(a).

In (a)2 and in the introductory paragraph of (b), inserted "3A," in the introductory paragraph of (b), substituted "second" for "first" preceding "Saturday", "with the exception of the registration number, the possession tag shall be filled out immediately upon killing," for "deer shall be tagged immediately with completely filled in "transportation

New Rule, R.1999 d.52, effective February 16, 1999.

See: 30 N.J.R. 3881(a), 31 N.J.R. 538(a).

Former N.J.A.C. 7:25-14.13, Penalties, recodified to N.J.A.C. 7:25-14.18.

Amended by R.2002 d.277, effective August 19, 2002.

See: 34 N.J.R. 1375(a), 34 N.J.R. 2995(a).

Rewrote (a); added (b) to (f); recodified existing (b) and (c) as (g) and (h).

Administrative correction.

See: 34 N.J.R. 3641(c).

Administrative change.

See: 40 N.J.R. 150(c).

Administrative change.

See: 44 N.J.R. 1973(a).

Administrative change and correction.

See: 46 N.J.R. 212(b).

7:25-14.14 Lobster possession limits

American lobster taken by otter trawl or fish pot shall be limited to 100 lobster per day per vessel (based on a 24-hour period) up to a maximum of 500 lobsters per trip per vessel, for trips of five days or longer. American lobster taken by hand, or any gear or methods other than otter trawl, fish or lobster pot or fish or lobster trap shall be limited to six lobster per person in possession or taken in any one calendar day.

New Rule, R.1999 d.52, effective February 16, 1999.

See: 30 N.J.R. 3881(a), 31 N.J.R. 538(a).

Amended by R.2001 d.346, effective September 17, 2001.

See: 33 N.J.R. 453(a), 33 N.J.R. 3352(a).

Inserted "per vessel" following "per day" and "per trip" in the first sentence; inserted "fish pot" preceding "or any gear", inserted "lobster" following "otter trawl," and preceding "trap shall be limited", and inserted "per person" preceding "on possession" in the second sentence.

Amended by R.2002 d.277, effective August 19, 2002.

See: 34 N.J.R. 1375(a), 34 N.J.R. 2995(a).

Rewrote the section.

7:25-14.15 Prohibitions

(a) A person shall not take from the marine waters of this State by any means, import, export, offload at any port, have in his or her possession, buy, sell or offer to buy or sell, any American lobster with eggs attached, or from which the egg have been removed.

(b) A person fishing in ASMFC Lobster Management Area (LMA) 4 and/or 5 or that has designated LMA 4 and/or 5 for fishing on their Federal Fisheries or State Lobster Pot Permit shall not take or attempt to take, land, have in his or her possession, sell, or offer to sell any American lobster during the closed season of April 30 through May 31, inclusive. During the closed season, no dealer shall accept, have in his or her possession, buy or offer to buy, sell, or offer to sell any American lobster harvested from LMA 4 and/or 5. During the closed season, all lobster traps in LMA 4 and/or 5 must be removed from the water. In addition, unbaited lobster traps may be set one week prior to the season reopening. If the license holder is harvesting other species with lobster trap gear, the lobster trap gear does not need to be removed; however, it shall be tended at least every 30 days.

(c) A person shall not possess a female lobster bearing a v-shaped notch (that is, a straight-sided triangular cut with or without setal hairs, at least one-eighth inch in depth and tapering to a sharp point) as viewed from the rear of the

female lobster. V-notched female lobster also means any female which is mutilated in a manner which could hide, obscure or obliterate such a mark. The right flipper will be examined when the underside of the lobster is down and its tail is toward the person making the determination.

(d) A person shall not use any spear, gig, gaff or other penetrating device as a method of capture of lobsters.

New Rule, R.1999 d.52, effective February 16, 1999.

See: 30 N.J.R. 3881(a), 31 N.J.R. 538(a).

Administrative change.

See: 40 N.J.R. 150(c).

Administrative change.

See: 44 N.J.R. 1973(a).

Administrative change

See: 47 N.J.R. 106(a).

7:25-14.16 Eligibility for lobster pot permit and pot allocation

(a) As of December 31, 2001, a vessel shall not land lobster harvested by a lobster pot unless such vessel is in the possession of a valid New Jersey Lobster Pot Permit issued in the name of the vessel and owner, except as provided for at N.J.A.C. 7:25-18.5(g)11i(4).

1. To be eligible for a Type A, B, C and F Lobster Pot Permit allowing the use or possession in Federal and/or State waters of an allotted number of lobster pots as defined under N.J.A.C. 7:25-18.5(g)11, a complete application, including the required documentation, must be received by the Department no later than December 31, 2001. To be eligible for a Type E Lobster Pot Permit allowing the use or possession in Federal and/or State waters of an allotted number of lobster pots as defined under N.J.A.C. 7:25-18.5(g)11, a complete application, including the required documentation, must be received by the Department no later than December 31, 2002. Applications may be mailed to:

New Jersey Lobster Pot Permit
Nacote Creek Research Station
PO Box 418
Port Republic, NJ 08241

i. For a Type A Lobster Pot Permit, the applicant shall document that the vessel owner possesses a current valid Federal Lobster Permit, had landed and sold a minimum of 2,000 pounds of lobster in New Jersey in any one calendar year during the period from March 25, 1991 to September 3, 1998, and participated in the harvest of lobster by lobster pot, pursuant to (a)4 below, during the year of documented landings submitted by the applicant.

(1) A Type A Lobster Pot Permittee shall receive an allocation for the number of lobster pots (traps) authorized on the permittee's Federal Fisheries Permit for American lobster (Federal Lobster Permit), to be fished in Federal and/or State waters. For the purpose of this section, lobster pots will be assumed to last for five years with a 10 percent loss of pots per year.

(2) Documented proof of participation in an ASMFC Management Area pot fishery shall consist of one or more of the following:

(A) Federal logbook reporting forms identifying the vessel, number of pots fished, date of landings and National Marine Fisheries Service Statistical Area from where lobster were harvested;

(B) A personal logbook in combination with a notarized statement from the applicant attesting to its authenticity; and/or

(C) Gear damage compensation reports.

ii. For a Type B Lobster Pot Permit, the applicant shall document that the vessel owner possesses a current valid Federal Lobster Permit, had landed and sold a minimum of 2,000 pounds of lobster in New Jersey in any one calendar year during the period from January 1, 1980 to March 25, 1991 and participated in the harvest of lobster by lobster pot pursuant to (a)4 below, during the year of documented landings submitted by the applicant.

(1) A Type B Lobster Pot Permittee shall receive an allocation for the number of lobster pots (traps) authorized on the permittee's Federal Fisheries Permit for American lobster to be fished in Federal and/or State waters.

iii. For a Type C Lobster Pot Permit, the applicant shall document that the vessel owner has possessed a valid New Jersey Lobster/Fish Pot License in any one calendar year during the period from January 1, 1980 to September 3, 1998 and landed and sold a minimum of 2,000 pounds of lobster in New Jersey during the year of the valid New Jersey Lobster and Fish Pot License submitted by the applicant.

(1) A Type C Commercial Lobster Pot permittee shall receive an allocation for 500 lobster pots to be fished in State waters only.

(2) An applicant seeking eligibility for a Type C New Jersey Lobster Pot Permit and pot allocation shall not have received or applied for pot or trap tags from any other lobster pot or trap tag issuing jurisdiction.

iv. For a Type E Lobster Pot Permit, the applicant shall document that the vessel owner possesses a current valid Federal Lobster Permit, landed and sold a minimum of 500 pounds of lobster in New Jersey in any one calendar year during the period from January 1, 1980 to September 3, 1998, and participated in the harvest of lobster by otter trawl or lobster pot, pursuant to (a)4 or (a)5 below, during the year of documented landings submitted by the applicant.

(1) A Type E Lobster Pot Permittee shall receive an allocation for the number of lobster pots (traps) authorized on the permittee's Federal Fisheries Permit

for American lobster to be fished in Federal and/or State waters.

(2) A Type E Lobster Pot Permittee that does not possess a Federal Fisheries Permit for American Lobster shall receive a lobster pot (trap) allocation of 500 pots (traps) to be fished in State waters only.

(3) A Type E Lobster Pot Permittee shall not possess otter trawl gear aboard his or her permitted vessel when fishing with pot gear. The simultaneous possession of otter trawl gear and lobster pot gear on board a vessel shall constitute prima facie evidence of a violation of this section.

v. For a Type F Lobster Pot Permit, the applicant shall document that the vessel owner possesses a current valid Federal Lobster Permit, landed and sold a minimum of 2,000 pounds of lobster in New Jersey in any one calendar year during the period from September 3, 1998 to December 31, 2000, and participated in the harvest of lobster by lobster pot pursuant to (a)4 below during the year of documented landings submitted by the applicant.

(1) A Type F Lobster Pot Permittee shall receive an allocation for the number of lobster pots (traps) authorized on the permittee's Federal Fisheries Permit for American lobster to be fished in Federal and/or State waters.

2. Documented proof of a Federal Lobster Permit or State Lobster/Fish Pot License shall consist of a copy of said permit or license submitted with the application that can be confirmed by Federal and State records.

3. Documented proof of landings shall consist of one or more of the following:

i. Weigh-out slips from the purchaser totaling the weight and the date the lobster was harvested; or

ii. A notarized statement from the applicant and the purchaser(s), attesting to the weight and date the lobster were landed and sold. A copy of the business records supporting the statement(s) must accompany the application.

4. Documented proof of participation in the lobster pot fishery shall be established through one or more of the following:

i. Federal logbook reporting forms identifying the vessel, number of pots fished and date of landings in New Jersey;

ii. A personal logbook in combination with bait and pot receipts;

iii. Gear damage compensation reports; or

iv. A notarized statement from the applicant and pot manufacturer or retailer attesting to the number of lobster pots and the date that the pots were purchased. A copy of the business records supporting the statement(s) must accompany the application.

5. Documented proof of participation in the lobster otter trawl fishery shall be established through one or more of the following:

i. Federal logbook reporting forms identifying the vessel, fishing gear and date of landings in New Jersey; or

ii. A copy of New Jersey license to fish with an otter trawl that can be confirmed by State records.

6. Other documentation similar to that in (a)3, 4 and 5 above may be accepted at the discretion of the Commissioner after his or her review.

7. The applicable New Jersey Lobster Pot Permit shall be on board the vessel to which it is issued at all times. The permit and pot allocation is valid upon issuance and in subsequent years unless revoked as part of a penalty action