



Public Comments on the draft NYS Black Bear Management Plan, 2014-2024

DEC received several thousand written comments on the draft Black Bear Management Plan during the public comment period (January 16 – February 21, 2014). DEC appreciates the time and effort that so many individuals and organizations took to express their views or provide comment on specific aspects of the draft plan. The final *Management Plan for Black Bear in New York State, 2014-2024* (www.dec.ny.gov/docs/wildlife_pdf/bbplan2014.pdf) is stronger because of this input.

Many of the comments simply expressed support or opposition to the draft plan in general or particular aspects without explanation, whereas others offered more detailed arguments for or against specific elements or strategies. When reviewing comments, we did not count the number of form letters, petitions or individual letters as though they represented a vote for or against particular elements. Rather, comments were reviewed based on their substance, merit and relevance, regardless of whether two or five hundred comments were received with similar content.

The principal issues identified during public review of the draft, in no particular order, included: (1) an objection to killing black bears; (2) the use of dogs, bait, or trapping to aid in the taking of black bears; (3) the proposed supplemental bear hunting season in southeastern New York; (4) the human role in human-bear conflicts including public education and enforcement of existing regulations; and (5) stakeholder involvement and public input in management planning, both in developing this plan and future engagement. We discuss these issues and explain our response to each below.

(1) Objection to killing black bears

Summary of public comments: Some comments expressed the opinion that the draft plan should be amended to eliminate hunting altogether, and bear management should only entail non-lethal methods such as fertility control, trap and transfer programs, and extensive public education campaigns about preventing human-bear conflicts. Some comments stated that bears should not be killed because it is humans who have moved into and inhabited bear territory not the opposite. Killing bears for population management was described as cruel and promoting violence.

DEC response: DEC recognizes that some New Yorkers object to lethal forms of wildlife management in general and black bear hunting in particular. However, New York's Environmental Conservation Law (ECL), as established by the New York State Legislature, specifically authorizes hunting and trapping of animals as a legitimate use of our wildlife resources. The ECL directs DEC to manage bear populations with regard to the compatibility with other land uses and the importance of wildlife resources for recreational purposes and authorizes DEC to permit the taking of bears that are destructive to public or private property or are a threat to public safety. Furthermore, past research reveals that the majority of New Yorkers, 68% of survey respondents, approve of regulated bear hunting while only 14% do not

(Siemer and Decker 2003). Consequently, this plan describes bear management activities that are in accord with the ECL and public interests.

No combination of strictly non-lethal methods exists that will achieve DEC's bear management objectives. DEC does occasionally trap and transfer bears that wander into dense suburban or urban environments where no easy escape route exists for the bear or where the bear's presence creates such public commotion that the bear or people are at risk. However, trap and transfer is not a realistic option for large scale population management and is inconsistent with DEC's objectives to reduce the bear population in portions of Southeastern New York and stabilize populations elsewhere. Additionally, no current form of chemical or surgical fertility control could reasonably be used to stabilize or reduce New York's free-ranging bear populations. In fact, Fraker et al. (2006) investigated the use of an immunocontraceptive vaccine for fertility control of captive bears in New Jersey and concluded that fertility control is very unlikely to be a feasible means of managing wild black bear populations. They noted that fertility control of bears would be much more technically difficult and costly than other wildlife species because of the difficulty of capture, lower density, and variable and wide-ranging nature of bear movements.

While non-lethal techniques alone are insufficient to manage bear populations, DEC's Black Bear Management Plan and Black Bear Response Manual emphasize the importance and use of a variety of non-lethal management actions. These include the sustained effort to educate the public about preventing human-bear conflicts, removing attractants from sites of human-bear conflict, aversively conditioning nuisance bears, and the occasional trap and transfer noted previously.

Also, we note that in attempting to make the case against lethal control of bear populations, one organization mistakenly interpreted the data we presented as though the increase in bear harvest caused the increase in human-bear conflicts. Rather, both metrics reflect a bear population that has grown in number and distribution.

Regarding public education to reduce human-bear conflicts, see issue 4 below.

Siemer, W. F. and D. J. Decker. 2003. 2002 New York State black bear management survey: study overview and findings highlights. HDRU Publ. 03-6. Dept. of Nat. Resources, N.Y.S. Coll. of Ag. and Life Sci., Cornell Univ., Ithaca, NY.

(2) Use of dogs, bait or trapping to take bears

Summary of public comments: One common comment on the draft plan related to the use of dogs or bait to hunt bears or the trapping of bears in New York. Many individuals and members of an animal rights organization expressed their belief that these methods are inhumane, unsporting, unnecessary, untargeted, and would not solve bear conflicts. Other individuals indicated that these methods would allow hunters to be selective with their harvest, offer optimal and safe shot opportunities for humane kills, foster development of a bear hunting community, and could help achieve population management objectives particularly in problem areas.

DEC response: Unfortunately, it is clear that many people who submitted comments misunderstood the plan to be currently proposing these methods of take. DEC recognizes that pursuit with dogs, use of bait, and use of cable restraints (a humane trapping technique) are viable management tools used by hunters and trappers in other jurisdictions, and the plan (Strategy 2.1.6) only proposes to assess the tradeoffs and implications associated with use of these techniques. The use of dogs to hunt black bears was a lawful method of take in New York as recently as 1989 and use of bait to hunt bears was lawful prior to 1980. If, after completion of the evaluation called for by Strategy 2.1.6, DEC finds that the use of dogs, bait or cable restraints to take bears is consistent with management objectives and that the expected management benefits outweigh the associated costs, DEC will outline a series of recommendations for consideration by policy makers and the public. At this time, none of these measures are proposed for implementation.

(3) Supplemental bear hunting season in Southeastern New York

Summary of public comments: The plan proposes a 16-day firearm season in mid-September in the Catskills and Western Hudson Valley area of Southeastern New York. Supporters of this proposal indicated that the early season is a great way to manage a valued resource, that it will increase the harvest rate as needed in the area, and that it may also remove some nuisance bears. We also received numerous comments suggesting that a firearms hunting season for bears in September will disrupt the activities of other recreationists, most notably hikers. Writers expressed great concern for their personal wellbeing, stated that hunting and hiking are incompatible, that DEC is just catering to hunters, and that an early firearms season would have negative impacts on regional tourism. A couple comments expressed concern that the early bear season might negatively impact bowhunting season for deer which begins October 1.

Some comments suggested DEC consider alternatives such as providing additional bear tags to successful hunters or no bear bag limit during the other bear seasons, extending the bear season into December, creating a spring bear hunting season, or providing incentives to hunters to focus their effort in specific problem areas.

DEC response: DEC's experience with bear hunting seasons in the Adirondack Region and elsewhere provide analogous situations to understand potential impacts and outcomes of a supplemental September bear season in portions of Southeastern New York. DEC has conducted an early firearms hunting season for bears in the Adirondack Region since the 1960s. This season runs annually from mid-September through mid-October, a time when trail register data reveal that tens of thousands of non-hunting recreationists are also using the region for hiking, bird watching, leaf peeping, horse-back riding, and other activities (Dawson 2012). Similarly, firearms bear hunting seasons occur in high use wild lands throughout North America. Other states with popular hiking destinations and bear hunting seasons in September, some beginning in early August, include: Colorado, Idaho, Massachusetts, Michigan, Minnesota, Montana, Nevada, New Hampshire, New Mexico, Oregon, Utah, Vermont, Washington, Wisconsin, and Wyoming. It is clear that bear hunting can be very compatible with other non-hunting recreational and tourist activities.

DEC has no record of a hiker ever being injured by a hunting-related shooting incident in New York. New York hunters are extremely safety conscious and have a great safety record (www.dec.ny.gov/docs/wildlife_pdf/huntingsafetystats13.pdf), a result of over 60 years of Sportsman Education courses that emphasize proper firearms handling, safe shooting techniques, marksmanship, outdoor safety, hunter ethics, and hunter responsibility toward wildlife, the environment, landowners and the general public. As a result, non-hunting recreationists endure greater risk of being killed in a motor vehicle accident on their way to recreate or being struck by lightning while recreating, than they do being injured by hunting-related activity.

We did consider several alternatives to the supplemental September bear season. Spring bear hunts, as some comments recommended, are generally focused on male bears and therefore have less impact on populations than fall harvests (Hristienko and McDonald 2007). However, we recognize that a spring bear hunt may be consistent with several other management objectives, and Strategy 2.1.6 calls for DEC to assess tradeoffs of a spring bear season as a potential future opportunity and management tool. Extending the season later into December, as other comments suggested, would be of limited management value given that the majority of bears would already be in dens. Likewise, we believe that increasing the bag limit (i.e., the number of bear tags issued with a hunting license) would result in minimal additional harvest. Most bears are taken opportunistically by people out hunting for deer, and less than 0.5% of hunters each year are successful in taking a bear. The opportunities for a hunter to take more than one bear are even less, and many hunters may not choose to take a second bear. The annual harvest of bears (and most other game species) is related primarily to time spent in the field by hunters (as it affects the chance of an encounter), rather than daily or seasonal limits. The September season is specifically designed to increase the available time that potential bear hunters can spend in the field and to incentivize bear hunting in the proposed area by creating a unique opportunity separate from deer hunting seasons.

Thus, the supplemental bear hunting season in September was proposed as a reasonable, prudent, and safe means to reduce the bear population in the Catskills and Western Hudson Valley as recommended by former Stakeholder Input Groups (Schusler and Siemer 2004) and consistent with public meetings and other stakeholder input in recent years. The early season will likely yield some secondary benefit through removal of individual nuisance bears, as September is a common period of bear agricultural damage, particularly to corn.

Finally, we do not anticipate any substantial impact on the activities of bowhunters because of the proposed supplemental bear season. Little to no impact on bowhunting activities has been evident from the youth firearms deer hunt weekend that occurs in the midst of bowhunting season, and the proposed early bear season will not overlap with bowhunting season but will conclude 3-9 days before bowhunters will be afield.

Dawson, C. P. 2012. Adirondack Forest Preserve visitor study summary. Syracuse, NY: SUNY College of Environmental Science and Forestry. 9 p. www.esf.edu/nywild/publications/docs/Visitor-study-summary.pdf

Hristienko, H. and J. E. McDonald, Jr. 2007. Going into the 21st century: a perspective on trends and controversies in the management of the American black bear. *Ursus* 18:72–88.

Schusler, T. M. and Siemer, W. F. 2004. Report on Stakeholder Input Groups for black bear management in the Lower Catskills, Upper Catskills and Western New York, October 2003-January 2004. Cornell Cooperative Extension and Human Dimensions Research Unit, Department of Natural Resources, New York State College of Agriculture and Life Sciences, Cornell University, Ithaca, NY.

(4) Human-bear conflict management

Summary of public comments: Many comments, particularly those from individuals opposed to hunting or lethal management of bears, indicated that human behavior is the root cause of human-bear conflicts and public education about reducing bear attractants and preventing conflicts with bears should be emphasized more strongly in the plan. Others suggested that DEC should increase enforcement of existing prohibitions of bear feeding.

DEC response: We appreciate the balanced approach acknowledged by one organization which commented, “While in many of these cases [*human-bear conflicts*], we feel that the best solution would be the alteration of human behaviors that contribute to the problem, we recognize that such an approach to reducing incidents of conflict will take time and will be successful only when the vast majority of people in the affected areas comply with the best practices. In the meantime, effort needs to be undertaken to manage the population.” This comment is insightful and reflects both the challenge and the multifaceted approach to human-bear conflict resolution described in the Black Bear Management Plan, Objective 3.1.

In referencing “human-bear conflicts,” we intentionally mention humans first, as human behavior contributes to the cause of many conflict incidents, particularly those that occur near homes or camps. Educating the public about their role in preventing and working with the public and public officials to mitigate human-bear conflicts are fundamental components of DEC’s bear management program and are emphasized in Goals 3 and 4 of the bear management plan. Indeed, the plan highlights that DEC staff routinely work with individuals, communities, and local law enforcement to improve public compliance with existing statutes and rules. DEC is also invested in educating students and families about bear ecology and avoiding bear conflicts and has made the *Understanding Black Bears Curriculum* available to all teachers through the state. DEC uses public education as one part of an integrated approach to comprehensively address human-bear conflicts that also incorporates mitigation of specific nuisance bear situations through non-lethal and lethal means and managing bear populations through regulated hunting.

As a uniform disincentive for feeding bears, in 2009, DEC amended state regulation to prohibit the intentional feeding of black bears at any time and the incidental feeding of bears (e.g., poorly stored garbage or bird seed) after notification from DEC. The DEC Division of Law Enforcement is responsible for enforcing this regulation, as well as all other aspects of environmental laws and regulations, including those related to environmental quality, hunting, fishing and trapping, and protection of natural resources. DEC does not have the staff or resources to pro-actively search for incidents of bear feeding.

Thus, DEC officers respond to incidents of bear feeding as they are reported by the public or other DEC staff. Repeated access to human-supplied foods by bears, whether intentional or not, can establish behavior patterns in bears that lead to human-bear conflicts. We encourage the public to report incidents of intentional or repeated incidental bear feeding.

DEC appreciates the interest expressed by these individuals and organizations to address human-bear conflicts through public education about reducing bear attractants. We would be remiss, however, not to acknowledge that nearly all aspects of human-bear conflict management conducted by DEC are funded by sportsmen and women through their purchases of hunting, trapping and fishing licenses. DEC welcomes other organizations and interested persons to also support DEC's human-bear conflict management activities by contributing to the New York State Conservation Fund (see www.dec.ny.gov/permits/329.html to donate) or by partnering with DEC to develop new campaigns to increase public awareness of effective techniques to prevent human-bear conflicts.

(5) Stakeholder involvement and public input in management planning

Summary of public comments: Several writers expressed concern that the plan was apparently developed without public hearings and was based on input from Stakeholder Input Group meetings conducted a decade ago. These writers were concerned that planning for the next iteration of stakeholder engagement near the conclusion of the plan cycle (2024) would result in, what they consider to be, an unacceptable gap in public input.

DEC response: We acknowledge that the draft plan did not adequately describe the various forms of public input and stakeholder engagement that informed development of the plan. To address this deficiency, we added a Planning Process section on pages 7-9 of the final plan.

Public input about bear management and bear-related impacts is an important element of bear management in New York. We believe a 10-year horizon for evaluating bear population trends and reestablishing population trend objectives is appropriate and consistent with the time frame in which adjustments in bear populations could be achieved and identified by our monitoring metrics. However, to continue managing bears responsive to public interests, we clarify in Strategy 1.1.3 our intent to reassess public desires for bear management and concerns for bear impacts midway through the life of this plan (i.e., in 5 years).

Overview of Other Comments and Suggestions

The following is a generalized list of comments and suggestions received by DEC regarding other aspects of the draft bear management plan not covered in the previously described issues. Although we respond to some but not all of these comments and ideas here, we considered them all and some resulted in specific modifications of the final plan. This list is not exhaustive but illustrates the diversity and nature of the comments received on the draft black bear management plan.

Population Monitoring & Management

- Hunter log books might provide an index to bear abundance but may be less than ideal due to variation in effort and reporting rates. Suggest using a network of trail cameras operated by volunteer hunters and wildlife enthusiasts to provide records of bear observations. *(DEC note: Sampling protocols currently being explored for DNA mark-recapture studies may inform the potential use of camera surveys as well.)*
- There are not enough bears in the Finger Lakes and Southern Tier region; populations should be allowed to increase.
- The bear population in the Catskills is too high.
- Habitat in southern Madison County is becoming more conducive to black bears.
- The bear population in WMU 6N has increased to the point where corn damage is considerable and deer fawns are being killed.
- Monitoring of bear reproductive parameters (Strategy 1.2.3) is a great idea. DEC should use those activities as educational outreach opportunities for the public, NY TWS members and wildlife students.
- Annual monitoring of 3-5 bear dens per region is insufficient to get viable and accurate data; the number should be increased proportionally to reflect the amount of bears found in each region. *(DEC note: These targets reflect DEC's current capacity for additional annual work and will be aggregated over time to provide greater understanding of black bear vital rates.)*
- Suggest relocating some black bears to Long Island to prey on abundant deer fawns. *(DEC note: Long Island is incompatible for black bears due to potential for excessive human-bear conflicts.)*
- DEC should limit the number of rehabilitators authorized to handle bears. Bears are extremely durable and adaptable animals.
- DEC should provide funding for licensed rehabilitation facilities so they can continue their work.
- DEC should conduct another trap and tag project as occurred in the 1960s. Strategy 1.2.6 should be expanded. *(DEC note: DEC will consider additional research projects as management needs are identified.)*
- The needs of wildlife watchers and photographers are not given the same importance as those of the hunter. DEC should also allow the use of bear bait stations, similar to that already allowed for bear tracking dog trainers for use by wildlife watchers, photographers and guides. *(DEC note: DEC considers the general prohibition on feeding bears to be wise practice to reduce bear habituation to humans and conditioning to human supplied foods, and to reduce human-bear conflicts. Photographers and others may continue to seek wild bears by identifying marking trees, den locations, day bed areas, routine bear crossings over beaver dams or other key topographic features, or high use areas with abundant natural food. The use of scents or lures to attract bears is lawful, provided that the scent or lure is used in a manner that bears may not consume the scent or lure or the material upon which it is placed.)*
- The plan does not discuss black bear interactions with other wildlife, such as predation on deer fawns or turkey poults. *(DEC note: DEC does not consider predation by bears to be a limiting*

factor in deer or turkey population dynamics. Nor are we establishing bear management strategies that are designed to favor prey populations over predator populations.)

Bear Hunting

- Suggest allowing hunters to transfer bear tags as a means to achieve harvest goals.
- Suggest license reciprocity with neighboring states to entice bear hunters from other states to help manage bears in New York.
- DEC should open an early bear hunting season from September 1 – September 30 in all WMUs where bear complaints and densities are high.
- Bear hunting should be allowed in Allegany State Park – 60,000 acres of prime bear habitat, dense population of bears with related damage issues and no hunting. *(DEC note: DEC agrees that the lack of bear hunting in Allegany State Park contributes to human-bear conflicts within the park and to population growth in the surrounding area. Regulated bear hunting should be one part of a holistic strategy for this and other State Parks (e.g., Fahnestock, Harriman, Minnewaska, and Taconic State Parks) to reduce human-bear conflicts and provide visitor recreation. As noted in Strategy 2.1.5, DEC intends to work with the NYS Office of Parks, Recreation and Historic Preservation to expand bear hunting opportunities, especially where human-bear conflicts are occurring.)*
- DEC should allow the use of crossbows during bow season. *(DEC note: This is an issue governed by the NYS Legislature, not DEC. The 2014-15 budget bill does allow the use of crossbows to take bears during the early bear season, regular seasons, muzzleloader seasons and limited portions of the bowhunting seasons.)*
- Hunters should be able to purchase a bear tag rather than have it automatically part of the big game license. This would allow the DEC to track bear hunters. *(DEC note: This is an issue governed by the NYS Legislature, not DEC. This option was not included in Governor Cuomo’s 2013 plan to restructure hunting licenses.)*
- DEC should allow use of ATVs on forest preserve land to aid in retrieving harvested bears.

Human-Bear Conflicts

- Do not allow New Jersey to transfer their nuisance bears to the Adirondacks *(DEC note: This does not occur.)*
- Nuisance wildlife control operators seek to get training for responding to bear conflicts.
- Suggest incorporating a “green initiative” to incentivize homeowners and business owners to properly reduce bear attractants, purchase bear proof trash cans or use electric fences. Maybe provide a “Partner with Wildlife” placard for these businesses. *(DEC note: We appreciate this suggestion and believe it is consistent with existing Strategy 3.1.4 of the bear plan.)*
- Plan identifies that clearer interpretation of ECL § 11-0521 and § 11-0523 is needed, but the plan does not explain any strategies to address this. *(DEC note: Clearer statutory language is needed in ECL §11-0521 to ensure that reasonable measures have been taken to exclude bear access to livestock, apiaries or other agricultural attractants when such measures may be*

expected to prevent bear damage. DEC may, at some point, amend the bear plan Appendix 3, Legal Matters, with greater detail related to these statutes.)

- Negative human interactions in specific locations should not dictate influence on overall harvest rates of bears across a regional landscape. *(DEC note: Black bear movements can be expansive, and home ranges of male bears may cover areas greater than 100 square miles. In fact, DEC has records of some bears moving up to 40 miles seasonally to access concentrated food sources. Accordingly, management actions must also be conducted at a large, regional scale.)*
- 6 NYCRR Part 187.1 should be amended to prohibit all incidental and indirect feeding of bears, not just deliberate feeding *(DEC note: Part 187.1 already prohibits incidental and indirect feeding of bears after written notice by the Department.)*
- DEC should develop an online training tool for non-DEC law enforcement regarding appropriate response to presence of black bears in residential areas, parks, or campgrounds. *(DEC note: We appreciate this suggestion and added Strategy 3.2.4 to the bear plan.)*
- Biologists who visit winter dens for population surveillance could euthanize bears in areas known to be problematic.
- DEC should mandate the use of bear resistant dumpsters and garbage cans. *(DEC note: As noted in Strategy 3.1.4, we will work with communities to develop community wide programs to prevent human-bear conflicts. While use of bear resistant dumpsters and garbage cans is wise practice, mandating their use is beyond DEC's purview.)*

Public Education

- DEC should develop a documentary about black bears in NYS. *(DEC note: Pick up a copy of the DVD, Living with Bears in New York, at your local public library.)*
- DEC should involve university wildlife students and members of the New York Chapter of The Wildlife Society to assist at public meetings and educate the public about bears and bear management.
- DEC should work with county Federation Conservation Clubs to promote education about bear management and hunting; develop materials that can be presented by sportsmen rather than DEC to cover many events and reduce staff costs.

Management Capacity and Resources

- Additional efforts should be identified to increase resources for scientific monitoring, relocation and other professional staffed solutions to address population control.
- DEC needs to immediately end its reliance upon the hunting and firearms industries as a significant source of its funding. *(DEC note: We updated Goal 5 in the final bear plan to reference options for public donations to support New York black bear management activities. However, in the absence of substantial funding from other sources, DEC's wildlife management programs will continue to be largely funded by the license fees and taxes on firearms and other equipment paid by the more than 700,000 sportsmen and sportswomen in the state.)*

Legal Matters (DEC note: DEC cannot make changes to the Environmental Conservation Law. Those changes can only be made by the NYS Legislature and Governor.)

- The Legislature should give full authority of bear management to DEC. Legislators are not biologists.
- Lifting the prohibition on taking a bear from a group of bears, such as a sow with cubs, will leave cubs to die or increase human-bear conflicts by inexperienced cubs. Cubs are dependent on the sow for one denning season. (DEC note: Black bears are born in the den and will typically stay with the sow for about 17 months, through a second den season. However, bears are commonly self-sufficient by mid-summer of their first year (at approximately five months of age), will instinctively den in fall without the sow, and show high rates of survival as independent cubs.)
- DEC should change the rule to prohibit taking cubs statewide.
- Allowing hunters to take cubs will turn public opinion against hunting.
- The current law prohibiting the taking of cubs in the Southern Zone is absurd. There is no way to tell the age of the bear while it is alive and moving about.