

# SENATE, No. 3052

## STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED SEPTEMBER 29, 2022

**Sponsored by:**

**Senator HOLLY T. SCHEPISI**

**District 39 (Bergen and Passaic)**

**SYNOPSIS**

Requires Div. of Fish and Wildlife to conduct annual black bear population count.

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT requiring the Division of Fish and Wildlife to conduct an  
2 annual black bear population count and supplementing Title 23  
3 of the New Jersey Statutes.

4  
5 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
6 *of New Jersey:*

7  
8 1. The Legislature finds and declares that:

9 a. The Fish and Game Council is mandated by the Legislature  
10 to protect and conserve game birds, mammals, and fish, and to  
11 maintain and ensure long-term stable populations to adequately  
12 supply recreational and commercial harvest;

13 b. The Fish and Game Council ensures that the black bear  
14 population can support a hunting season by preparing a  
15 Comprehensive Black Bear Management Policy (CBBMP) based on  
16 the scientific evidence and data collected, including an estimate of  
17 the black bear population size, by the Division of Fish and Wildlife;

18 c. Every five years, the Fish and Game Council presents for  
19 approval a CBBMP to the Commissioner of Environmental  
20 Protection. Absent approval of the CBBMP by the commissioner,  
21 the Fish and Game Council is not authorized to set a black bear  
22 hunting season;

23 d. In 2018, Governor Murphy signed an executive order  
24 directing the Department of Environmental Protection to close all  
25 public land to bear hunting for the 2018, 2019, and 2020 hunting  
26 seasons;

27 e. On June 21, 2021, the CBBMP expired, and the  
28 Commissioner of Environmental Protection failed to approve the  
29 newly updated and proposed CBBMP, which resulted in no hunting  
30 season or population count for black bear in 2021;

31 f. Since the 1980's, the black bear population has increased  
32 and expanded its range, and since 2003, black bear hunting seasons  
33 in New Jersey have been recommended by the Fish and Game  
34 Council as a method of controlling the expansion of the black bear  
35 population;

36 g. The Division of Fish and Wildlife reported that black bear  
37 sightings and nuisance reports doubled in New Jersey from 2019 to  
38 2020. The division provided the following figures: (1) black bear  
39 sightings increased from 169 in 2019 to 349 in 2020; (2) damage  
40 and nuisance reports involving black bears increased from 122 in  
41 2019 to 268 in 2020; (3) black bears sightings in Hudson County,  
42 the most urbanized county in the State, rose from zero in 2019 to  
43 five in 2020; and (4) the most recent black bear count conducted in  
44 2020 estimated that there was a total of 3,153 bears in the  
45 northwestern part of the State, the third highest figure this century;

46 h. The Fish and Game Council reported in May 2022 that there  
47 was a 127 percent increase in the number of black bear encounters  
48 reported since 2021, and the number of serious black bear

1 encounters increased nearly ninefold in the same period of time;  
2 and

3 i. The Fish and Game Council reported a total of 13 serious  
4 black bear encounters from 2020 to 2021, which included the  
5 following incidents: (1) at least two people were injured by black  
6 bears just outside their homes in Sussex County; (2) at least three  
7 dogs were killed or injured by black bears; (3) a black bear entered  
8 a home, and another black bear attempted to enter a home in Morris  
9 County; and (4) at least three instances of black bears attacking  
10 protected livestock; and

11 j. Based on the increased number of black bear sightings,  
12 serious encounters, and nuisance reports since 2017, the last time  
13 bear hunting was allowed on State land, and 2020, the last regulated  
14 Statewide black bear hunt, it is likely that there is an overpopulation  
15 of black bears in the State, and the only way to confirm if the black  
16 bear population has increased is for the Division of Fish and  
17 Wildlife to conduct a yearly black bear population count.

18

19 2. As used in this act:

20 “Commissioner” means the Commissioner of Environmental  
21 Protection.

22 “Council” means the Fish and Game Council.

23 “Division” means the Division of Fish and Wildlife.

24

25 3 a. The division, in consultation with the council, shall  
26 conduct an annual Statewide black bear population count, arrived at  
27 through the most accurate population estimate method available.

28 b. The division shall submit an annual report to the Governor  
29 and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the  
30 Legislature, that contains an estimate of the black bear population  
31 in the State, along with the following information:

32 (1) an analysis of black bear population distribution and density,  
33 including population growth and decline, by county, municipality,  
34 and bear management zone; and

35 (2) data on the black bear population including birth rates, death  
36 rates, survivability, age, gender, home range size, habitat use, and  
37 movement.

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39 4. This act shall take effect immediately.

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## STATEMENT

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44 This bill requires the Department of Environmental Protection’s  
45 Division of Fish and Wildlife (“division”), in consultation with the  
46 Fish and Game Council (“council”), to conduct an annual Statewide  
47 black bear population count.

1 Specifically, the bill would require an estimation of the black  
2 bear population in the State to be determined through the most  
3 accurate population estimate method available. Under the bill, the  
4 division would also be required to submit an annual report to the  
5 Governor and Legislature that includes the following information:  
6 (1) an estimate of the black bear population in the State; (2) an  
7 analysis of black bear population distribution, density, growth, and  
8 decline by area; and (3) data on the black bear population including  
9 birth rates, death rates, survivability, age, gender, home range size,  
10 habitat use, and movement.

11 The council ensures that the black bear population can support a  
12 hunting season by preparing a Comprehensive Black Bear  
13 Management Policy (CBBMP) based on the scientific evidence and  
14 data collected, including an estimate of the black bear population  
15 size, by the division. Every five years, the council presents a  
16 CBBMP to the Commissioner (“commissioner”) of Environmental  
17 Protection. The commissioner must approve the CBBMP,  
18 otherwise, the council cannot set a black bear hunting season. On  
19 June 21, 2021, the CBBMP expired, and the commissioner failed to  
20 approve the proposed CBBMP, which resulted in no hunting season  
21 or population count for black bear in 2021. The council reported in  
22 May 2022 that there was a 127 percent increase in the number of  
23 black bear encounters reported since 2021. In addition, the number  
24 of serious black bear encounters increased nearly ninefold in the  
25 same period of time. Based on the increased black bear sightings,  
26 serious encounters, and nuisance reports, since the last regulated  
27 Statewide black bear hunt, it is likely that there is an overpopulation  
28 of black bears in the State. The only way to confirm if the black  
29 bear population has increased is for the division to conduct a yearly  
30 black bear population count.