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RECEIVED
MEMBER OF THE NJ BAR
NOV 18 2010
Div. of Fish & Wildlife
Director's Office

November 17, 2010

VIA HAND DELIVERY

Bob Martin, Commissioner
NJ Department of Environmental Protection, 7th Floor
401 East State Street
Trenton, NJ 08625

David Chanda, Chair
NJ Division of Fish & Wildlife
501 East State Street, 3rd Floor
Trenton, NJ 08625

Jeanette Vreeland, Chair
NJ Fish & Game Council
501 East State Street, 3rd Floor
Trenton, NJ 08625

Re: 2010 Bear Hunt

Dear Mr. Martin, Mr. Chanda and Ms. Vreeland:

This office represents Animal Protection League of NJ (APLNJ), the Bear Education And Resource Group (BEAR Group), and Theresa Fritzes, who have authorized this office to file an appeal of the state's adoption of the Comprehensive Black Bear Management Policy (CBBMP) with the NJ Appellate Division.

I am requesting that the NJDEP, the Division of Fish and Wildlife and the Fish & Game Council issue a stay of the 2010 black bear hunt, currently scheduled to begin on December 6, pending this appeal.

The hunt should be stayed for numerous reasons, including those explained to Commissioner Martin at the October 4, 2010 meeting at the NJDEP office between Commissioner Martin, Professor Ed Tavss, and attorneys and representatives for The BEAR Group, APLNJ and The Humane Society of the US:

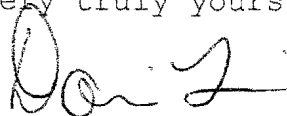
- An April, 2010 poll shows that the majority of NJ voters oppose the bear hunt;
- Prof. Ed Tavss' peer-review of the Division of Fish & Wildlife's bear complaint documents reveals that some complaints were counted two or three times while complaints from additional sources were wrongly included, and when the data is corrected, bear complaints in NJ are actually declining;
- Prof. Ed Tavss' research shows that throughout North America, hunting does not reduce bear complaints and only non-lethal management reduces bear complaints;
- NJDFW's own data shows that hunting increases the bear population;
- NJDFW misrepresented predictions and information about the sex ratio of bears killed in previous hunts;
- Data from the 2003 and 2005 hunts show that pregnant females are not protected in a December hunt;
- NJDFW failed to consider cultural carrying capacity and has conducted no cultural carrying capacity study; and
- The CBBMP fails to consider the safety risks of hunting.

Documentation supporting these points was also provided to Commissioner Martin at the October 4, 2010 meeting. None of the attendees of that meeting have received any requests for further information, documentation or meetings since October 4.

Additionally, since the publication of the adoption of the CBBMP on November 15, 2010, several violations of the Administrative Procedure Act, N.J.S.A. 52:14B-4 are now evident, including misrepresentations and omissions of public comments and failures to respond to public comments.

Given the emergent nature of this appeal, please rule on this request for a stay by noon on Monday, November 22. If this office does not hear from you with respect to this request for a stay by noon on November 22, 2010, I will assume that you have denied this request for a stay of the bear hunt.

Very truly yours,



Doris Lin, Esq.
Attorney for Appellants

cc: Dean Jablonski, via facsimile