



May 10, 2017

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Sent Via Email

Re: Proposed Black Bear Population Objective Changes; Amendments to 4VAC15-40-30 and 4VAC15-40-275; Addition of 4VAC15-40-225 and 4VAC15-40-287

Dear Mr. Smith:

*Board of Directors:*

*Bette Dzamba*

*Howard Evergreen*

*Jennifer Lewis*

*Laurie Miller*

*Ernie Reed*

*David Sellers*

*Deirdre Skogen*

*Elizabeth Williams*

*Katehryn Keiler*

*Reiko Dogu*

I am submitting these comments on behalf of Wild Virginia, in response to the notice in the Virginia Register of Regulations (“Notice”), April 17, 2017, pages 1951 - 1957. We appreciate the opportunity to provide comments and would like to request that a representative from Wild Virginia be added to the Black Bear Management Plan (“BBMP”) Stakeholder Advisory Committee (“SAC”). Wild Virginia works to protect and preserve the natural ecosystems of Virginia’s forests, especially those within the George Washington and Jefferson National Forests (“GWJNF”). In that role, we believe we may be able to provide a unique perspective on the subject matter addressed by the SAC. We also request that we be added to any mailing lists maintained by the Virginia Department of Game and Inland Fisheries (“VDGIF”) regarding regulatory and management proposals for wildlife management in Virginia.

We object to the regulatory changes and additions proposed in the Notice. Our objection is primarily based on our contention that there are viable alternatives to the proposed actions that have not been adequately analyzed and/or presented. We have numerous questions we believe should have been addressed in the documents announcing and explaining the proposed actions. Further, we assert that the analysis that is provided fails to emphasize the sustainability of black bear populations and their abilities to react to unavoidable disturbances that will occur.

As a general principle, we assert that the biological carrying capacities (“BCCs”) in the various regions of the state should be more fully discussed, defined as accurately as possible, and used as the primary bases for black bear management plan population goals. While we recognize that population management choices must be made with due consideration of potential human interactions with black bears and that valid interests may justify variances from the BCCs at times, we assert that reliance on the cultural carrying capacities (“CCCs”) should be secondary to the BCCs. The document *Proposed Black Bear Population Objective Changes* states that for VDGIF to fulfill its mission “requires knowledge about public values for Virginia’s black bears.” We represent a viewpoint that values bear populations using natural habitats fully and rejects the idea that public complaints born of unfounded fears or overzealous “protection” of property should govern bear/human interactions.

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The following quote from the state's Bear Management Plan provides a good explanation of the overall setting for this proposed regulatory change:

At CCC, the bear population is a balance of positive demands (e.g., recreation) with the negative demands (e.g., damage) for bears. The CCC level for bears generally occurs well below the biological carrying capacity (BCC); BCC is the maximum number of bears that a habitat can sustain over time. Bear populations should be managed to meet both population viability and CCC goals. While traditionally bear populations have been manipulated to meet CCC objectives, public attitudes (i.e., CCC desires) can also be changed to meet bear population levels. Public attitudes and perceptions often determine the success or failure of bear management. In the future, emphasis will need to be placed on effective public education to achieve bear population objectives and/or change public attitudes. For example, public tolerance (CCC) of bears could be increased with additional information and resources on how to coexist with bears.

VDGIF, Black Bear Management Plan, 2012 - 2021, p. 67.

This statement and other explanations in agency documents raise many important questions that should be answered before the regulations are changed as VDGIF has proposed. The guiding principle behind all management plans for native animals must be to maintain populations that are sustainable in the long-term. We assert that the agency cannot have any assurance that this principle is upheld without answers to the following questions.

- What efforts have the state and other parties made to meet the stated need to place an emphasis on “effective public education to achieve bear population objectives and/or change public attitudes?” Id.

We reviewed online documents, such as DGIF's brochure *Living with Black Bears*, and understand that these documents can contribute to meeting the above-stated need. We believe VDGIF must offer a full discussion of the range of educational efforts that it and others have undertaken since the Plan was adopted.

- How has the success of such education efforts been judged?

Without some data and analysis to determine the level of effectiveness of the educational efforts, the agency and the public cannot adequately judge the need for this proposal and make a valid choice between this action and other options. Have the brochures and other materials been widely distributed; have they reached the appropriate populations; has the agency done surveys to assess public attitudes and changes through time or are its proposals based solely on less reliable indicators?

- Has the agency attempted to change its strategies through time to meet changing public perceptions or increased complaints and concerns from different members of the public?

If any representative data or information on effectiveness has been gathered, has the agency responded to it with management changes?

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Even more basic questions that are unanswered in the document announcing this proposal and in the Plan are:

- What is the BCC in each management region?

We acknowledge that the Plan discusses the difficulties in knowing the BCC with certainty but we assert that this difficulty cannot justify the failure to at least attempt to make these estimates. Also, we fully understand that the BCCs will change through time, in response to both natural and human-caused factors but, again, we do not believe population goals can be properly set without attempting to understand and account for these changes.

- What is the CCC in each management region and how does it compare to the BCC?

Again, the recognition that such numbers will be imprecise does not justify the failure to provide them to the public or to make decisions that account for them.

- How does the agency estimate the management rules changes will impact the BCCs and CCCs and over what periods?
- What types of specific complaints from the public have prompted the proposed changes and how have they changed, proportionally, through time. Why/how do you predict the management changes will affect the numbers of complaints?

Thank you for the chance to comment on this project and for your consideration of the issues we have raised.

Sincerely,

/s/ David Sligh  
David Sligh  
Conservation Director