

NEW YORK STATE
BLACK BEAR
RESPONSE MANUAL



NEW YORK STATE'S
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Third Edition

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Original Standard Operating Procedures Manual

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I Introduction

The Division of Fish, Wildlife & Marine Resources' Bureau of Wildlife is responsible for implementing and carrying out various wildlife programs throughout the State consistent with the Bureau mission: "To provide the people of New York the opportunity to enjoy all the benefits of the wildlife of the State, now and in the future. This shall be accomplished through scientifically sound management of wildlife species in a manner that is efficient, clearly described, consistent with law, and in harmony with public need."

One of the Bureau of Wildlife's principle goals is to "assure that people are not caused to suffer from wildlife or the users of wildlife." Providing services to the public to relieve suffering associated with wildlife is a major component of the Bureau's work in achieving two specific objectives: (1) to provide avenues for relief from human/wildlife conflicts in local areas, and (2) to manage wildlife populations in a manner which addresses wildlife damage, nuisance and human health and safety.

Unfortunately, competing wildlife priorities, declining numbers of wildlife staff and fiscal resources, coupled with demands by the public to meet their needs, strain the limited, available Bureau of Wildlife resources. Responding to various situations involving black bear in a timely manner that meets public expectations is becoming increasingly difficult. This manual can be used to educate Department of Environmental Conservation (DEC) staff and the public on what to expect from DEC when a bear situation occurs. This manual was developed to provide a quick, complete and consistent response to situations involving black bears.

This manual represents the efforts of over 30 authors, biologists, and technical staff, all having had extensive experience managing human – black bear interactions. This manual is a "living" document, subject to change depending on the information developed through research or experience. Although not meant to be the final word on nuisance bear management, the advice, suggestions, and procedures outlined in this manual are considered sound and have proven effective over time.

II How To Use This Manual

This manual contains information that is updated periodically for use by Department of Environmental Conservation staff and other interested parties to address various situations involving black bears. If you are involved in or receive a report of a situation involving a black bear, turn to the Table of Contents, select that situation that best fits your circumstances and then refer to that section of the manual.

Each situation included in the manual contains background information, a detailed list of recommended actions and equipment that will be useful in resolving the situation. Complex and developing cases may require that you refer to multiple situations to obtain all of the information that you may need. Sources for equipment and additional information are provided in the appendices. The authors avoided using potentially confusing abbreviations and terminology. However, the manual is specific in its use of registered trademarks for products and equipment. Where available, information on such products and their sources are also provided in the appendices.

Field Responses by Staff

Some of the situations discussed in this manual suggest that a response and follow-up action by DEC is desirable. Inherent in the recommendation is the assumption that the responder has the capability, experience and in some instances familiarity with black bears to act appropriately. Not all staff are capable of, nor should be expected to be able to carry out all of the actions described in the manual.

Some instances, such as the transfer of a bear carcass while maintaining a chain of custody, can be handled with little if any, training. Situations which require making specific recommendations for complaint resolution should be done by a Wildlife Biologist, Wildlife Technician, Environmental Conservation Officer, or Forest Ranger who has a basic knowledge of black bear behavior and complaint resolution. Only trained and experienced staff should handle the capture, immobilization, and handling of bears. Training is defined as successfully completing at least one formal 16-hour training course in chemical immobilization techniques. Experience is defined as having had hands-on experience in at least five bear immobilization situations. Considerations such as public safety, animal welfare, site constraints, proper immobilizing drug handling techniques, and the safe use of immobilizing equipment must be made before deciding to chemically immobilize a black bear. **Do not consider chemical immobilization without the direct supervision of one or more trained and experienced individuals!**

After Hours and Weekend Responses by Staff

Bureau of Wildlife staff responses described in this Manual will vary among the individual regional jurisdictions. Contractual issues, DEC Work Schedule Policies, staff experience, and regional policies and priorities will result in different levels of response throughout the state.

Accordingly each Regional Wildlife Manager and Regional Division of Law Enforcement Captains are encouraged to develop a regional protocol and coordinate staff responses to the Black Bear Response Manual, subject to approval by the Natural Resource Supervisor and Regional Director.

*Each Region should develop a protocol based upon regional policies and staff availability
A template protocol is provided below.*

**Region X
Staff Response to After Hours Wildlife Incidents**

In accordance with the Region X Emergency Response Manual, certain incidents involving free ranging wildlife that occur outside of normal working hours could require liaison with and/or the presence of Bureau of Wildlife (BOW) staff to resolve. Incidents involving several specific situations contained in the Black Bear Response Manual fall within this category.

Preferred response for these Situations could include both BOW and Division of Law Enforcement (DLE) staff. DLE staff typically receives the initial calls regarding black bears outside of normal agency working hours via 1-877-457-5680 or 1-800-847-7332.

Primary Contact:

**Region X Wildlife Manager
Home phone
Cell phone
Pager (if available)**

Secondary Contact:

**Region X member of black bear management team
Home phone
Cell phone**

Secondary Contact (If BOW is not available):

**Supervising Law Enforcement Officer
Home phone
Cell phone**

BOW and DLE staff will jointly decide upon the appropriate action and response based upon the circumstances, location and potential threat to public health and safety. During the peak period of nuisance bear activity, the Regional Wildlife Manager and the Duty Lieutenant for each weekend will coordinate staff availability.

Black Bear Report Form

New York State has standardized the way complaints, mortalities, and general public observations are reported. Nuisance situations can involve multiple bears over a small area (campground) or single animals over a larger geographical area (Township). Because of this black bear behavior can be very complex and a challenge to document and quantify. Efforts have been made to define and capture information gathered at nuisance black bear locations in order that all regions experiencing black bear issues are collecting similar data. See Appendix C for the faxable and scanable form currently being used by regional Bureau of Wildlife staff to document issues related to bear activity.

New York Nuisance Black Bear Severity Rating

In 2005, the Bureau of Wildlife began using a rating system to begin evaluating the severity of black bear nuisance complaints. There was also a desire to standardize complaint records between regions.

Also, there were situations in some areas where multiple complaints were generated by single animals and other instances where the same number of complaints might be generated by separate bears. Staff effort in handling these complaints differed and a single animal could require significant effort to modify behavior or mitigate the damage.

New York modeled its classification system after several other state systems. It is designed to identify problem animals and better track trends in nuisance complaints and their severity. For example, a Class 2 animal would require more effort to handle than a Class 4 animal, and a Class 1 animal has clearly been identified as a human health and safety threat. It is also desirable to track trends within a given nuisance situation as behavior of animals can change over time. Most often the behavior gets worse if actions are not taken to eliminate attractants or use aversive conditioning techniques to modify behavior.

The current rating system is described below with a short definition and suggested approach needed to handle these animals. It is meant as a guide and every nuisance situation is different. However, the Black Bear Management Team has identified the most severe situations within this manual with a Class 1 or Class 2 in the situation heading. Once the classification has been identified, document in the space provided on the Nuisance Black Bear Report form.

Class 1: Bears that are exhibiting or have shown behaviors that are clearly dangerous toward humans, domestic pets, or livestock

Bears in this class would include animals that have physically attacked or attempted to injure a human, domestic pet, or livestock, and bears that have developed habits of breaking into occupied dwellings. This might also include animals that have previously been identified or handled by Bureau of Wildlife staff and are now deemed a hazard to public safety. Individual bears in this class should be immediately euthanized.

Class 2: Bears that clearly show undesirable behaviors in the presence of humans

These animals have not responded favorably with efforts to modify behaviors by DEC staff or landowners. These bears show minimal fear in the presence of humans, are unresponsive to aversive conditioning techniques (e.g., scare darts, rubber buckshot, bangers), or repeatedly defeat other means of exclusion to man-made attractants. Animals in this class have not necessarily shown aggression toward people, but are often targeted by DEC staff for trap, tagging or relocation efforts. Repeat offenders in this class may be considered for euthanasia.

Class 3: Bears that have altered natural foraging behaviors in favor of man-made food sources

Bears in this class might occasionally raid bird feeders, be attracted to the odor of cooked foods, raid dumpsters or garbage cans, or tip over barbeque grills. These are considered isolated incidents and often the behavior ceases once the animal has left the area or the attractant has been removed. These situations require minimal to moderate staff effort. Technical advice or education can often satisfy complainant concerns. However, in some situations, staff may be required to conduct site visits for additional information and education. Initial attempts at aversive conditioning (e.g., noise makers, electric fencing, rubber buckshot, reinforced dumpster lids) may be required to discourage and modify the animal's behavior.

Class 4: Bears that are observed exhibiting normal, natural behaviors

Bears in this class might include animals observed crossing a road, foraging for food, or using natural travel corridors (e.g., streams, fence rows, timber stands, field edges). As with a Class 3 bear, technical advice and education should satisfy public concerns.

Black Bear Behavior Pertinent to Nuisance Situations

Black bears are large, powerful animals capable of evoking a high level of fear from people who are unfamiliar with bear habits. Omnivorous by nature, most of their diet is comprised of vegetation. Over 80 species of vegetation are consumed by New York's black bears. However, when confronted with a scarcity of natural food or when alternative foods are readily available, almost anything with an intriguing odor may be eaten. The "alternative" list includes many of the same foods that people eat and may be intentionally or inadvertently made available for bears. Alternative foods quickly become the food of choice for bears that are normally timid, but become less cautious when they have established a feeding pattern involving preferred foods.

Bears use their various senses to deal with all aspects of their behavior and environment, including food location. Their sense of smell is keenly developed, and is estimated to be 50 times greater than humans. While hearing is also well developed, they have difficulty determining noise sources because of the location of their ears. Noises of short duration such as a gunshot are often confusing to a bear; noise of longer duration allows them to determine the direction of the source. Their eyesight was once thought to be poor, but recent research shows that they possess average or above average eyesight for mammals of their size.

Black bears have a large brain in relation to body size and have excellent memory. They learn by association and any action that provides a reward or has a positive result is readily duplicated. Similarly, an action that has a negative result, has no reward or results in pain is avoided. They readily learn to replicate actions involving food, and this is almost always the basis of many bear human conflicts. Removal of the food attraction will almost always resolve the problem unless a pattern has developed. Conflicts involving food are difficult to resolve if the situation has been ongoing for a period of time. To modify the behavior pattern in these cases, more overt actions are required and a form of negative conditioning is sometimes necessary. Lack of a reward and/or inflicting temporary pain or discomfort are common methods of negative conditioning for bears.

Communication among black bears includes a variety of noises and body language. Vocalizations include grunts, whines, snorts and woofing sounds. The most often heard sound is a snort or blow during which a bear expels a large quantity of air in an explosive burst. "Blowing" such as this is usually an attempt to take in a large quantity of fresh air through the nose after having encountered something they do not understand, and is typical of a bear that is afraid or nervous. "Clacking" or "popping" of the teeth may also occur and is the defensive display of a scared bear. "Blowing" followed by a short lunge and slapping the ground is the bear's way of saying "move back." If pushed even more, a bear may "blow" and follow-up with a bluff charge which stops short of contact with the threat. Research has shown that these displays are not a prelude to an attack, but merely a display that occurs when a bear feels threatened or reluctant to leave a food source or its cubs. Additionally, bears that encounter something that they do not understand will often stand up on their back legs. This is not an aggressive posture; it is more typical of an inquisitive bear that is attempting to raise its head higher above the ground. Standing up and placing its head higher in elevation allows the bear to gain better visibility and take advantage of air currents that are higher than ground level.

It is generally accepted that all bears will aggressively and violently defend their cubs from danger. Any animal will defend its young from threats, real or perceived, and bears are no exception. However, aggression of a bear in the company of cubs is more of a brown bear/grizzly bear phenomena. Black bears routinely teach their cubs to avoid danger by climbing a tree and will usually resort to this unless an escape route is blocked. The female may also tree or may leave the area and not return to retrieve her cubs for many hours. Because their claws are sharply curved, black bears are extremely agile climbers. Other North American bears have straighter claws and often live in an environment lacking tree cover, hence the need for a different level of behavior for defense of their offspring. Still, one should give a black bear sow with cubs a considerable amount of personal space and never assume that an escape route is apparent to the bears. Sighting a cub from a distance is unlikely to provoke a defensive reaction in most cases.

There have been few reports of people being injured by black bears in New York. Three injuries were reported from 1960 through 1980. Since 1980 there have been seven injuries reported to have been caused by wild bears. A single fatality occurred in the Catskills region in 2002.

A Bear Attacks or Injures a Person

CLASS 1

Background/Expanded Description

Fortunately, in New York, instances where a bear has attacked or injured a person have been extremely rare. Wild bears are naturally afraid of people. Seven people were injured by bears in New York in the last 26 years. A human fatality occurred in the Catskill region in 2002, when a young male bear killed an infant. The attack appeared unprovoked and circumstances surrounding the incident are not fully understood. The bear was euthanized and the necropsy showed garbage in its stomach, indicating this particular bear and other bears in the area had easy access to human foods and refuse. In most of the other instances, the injured persons provoked the bears by picking up cubs, taking food away from a bear or by chasing and cornering a bear. Although injuries are rare, black bears are powerful wild animals capable of causing significant injuries or death.

Recommended Actions

- (1) Our biggest concern is public safety. If the bear is still there, immediately arrange for a public safety officer or other qualified agency staff to go to the scene and protect the person being attacked or injured. Immediately contact local law enforcement agencies, Environmental Conservation Officers, and the Regional Wildlife Manager beginning with the person you believe is the closest to the scene. If an Environmental Conservation Officer is unavailable, contact the nearest Forest Ranger. If someone says that they are responding, but cannot leave immediately, advise them you will continue to search for an additional, immediate response. If necessary, the bear could be shot to stop the attack. DEC staff are empowered to safely and humanely euthanize the bear pursuant to the Environmental Conservation Law. Make arrangements for the bear to be necropsied. If possible, do not shoot the bear in the head to preserve the brain for rabies testing.
- (2) It is possible to receive a call about this situation from a remote location where a timely response is not feasible. This is increasingly true with the expanding use of cellular phones by hikers, campers, hunters, and other outdoor recreationists. If possible arrange for someone to go to the scene and protect the person(s) being attacked as outlined in action (1) above; however, the information given to the caller may be the most important service we can provide.
 - (a) If the attack is still occurring, advise the caller that “playing dead” seldom helps when being attacked by a black bear. Vigorously fighting back with sticks, rocks, fists or feet and yelling, waving arms and flapping coats are more likely to stop an attacking black bear. If there is more than one person at the scene, have them stay together. Advise them not to climb a tree or to try to run away. Suggest that as soon as possible, they slowly back away avoiding any cubs and the aggressive bear. Arrange for the person(s) to reach safety or to meet the assistance dispatched in action (1) above (whichever can be achieved the quickest). Immediately proceed with an investigation as outlined in (3) below.

- (b) If the attack has stopped, advise the caller not to climb a tree or try to run away. If there is more than one person at the scene, have them stay together and slowly back away avoiding any cubs and the aggressive bear. Advise the caller that if the bear re-appears or follows, to wave their arms, flaps coats, or other object. Advise them that if necessary they should yell and throw rocks and sticks at the approaching bear. Arrange for the person(s) to reach safety or to meet the assistance dispatched in action (1) above (whichever can be achieved the quickest). Immediately proceed with an investigation as outline in (3) below.
- (3) In most instances, we will be notified after the attack has occurred. In these cases, an immediate investigation of circumstances would be required before deciding to euthanize the bear. The investigation should include regional personnel from the Bureau of Wildlife, Environmental Conservation Officers, and Forest Rangers, including similar staff in any neighboring region within 5 miles of the reported incident. These parties will then decide if any further actions are required. If the investigation suggests that the bear involved in this incident could be expected to hurt someone else without provocation and if the bear can be captured and identified, then the bear should be euthanized.
- (4) If someone requests a permit to destroy a bear that attacks or injures a person pursuant §11-0521 of the ECL, an immediate investigation as described in (3) above should be conducted. A permit to destroy the bear may be issued if the threatening behavior can be verified.
- (5) If someone kills a bear that was allegedly attacking or injuring them or someone else, an investigation should occur. As mentioned above, the investigation should include regional personnel from the Bureau of Wildlife, Environmental Conservation Officers, and Forest Rangers and these parties will decide if any further actions are required. Most of these cases will involve an attempt by the shooter to escape prosecution and punishment for the illegal killing of a bear, however, an actual attack may be covered by the “justification defense” provided in §35.05 (2) of the Penal Law.
- (6) If local Environmental Conservation Officers or Forest Rangers were not present at the scene, notify them of the incident and its resolution. The Division of Law Enforcement should prepare a significant incident report as soon as possible.
- (7) Make a complete record of this incident.
- (8) If the bear is killed, make arrangements to have it immediately transported for necropsy. If a sow with cubs is killed, the cubs should not be killed. See page 32 for recommended actions for handling the orphaned cubs.
- (9) After taking all necessary actions, the Department should consider issuing a news release documenting the circumstances surrounding the incident, the nature and magnitude of the incident, actions taken and the possibility of a reoccurrence of a similar incident.

Useful Equipment

- 12 gauge shotgun loaded with lead slugs (not buckshot), center-fire rifle, or other suitable firearm
- Trained black bear tracking dogs
- Culvert traps*
- Leg snares*
- Net
- Immobilization equipment*

*See Appendix A

A Bear is Aggressive Toward People **CLASS 1 or 2**

Background/Expanded Description

Bears exhibiting aggressiveness towards humans are rare. However, the perception of aggression may be more common. Perception may be influenced by the knowledge or lack of knowledge that a person has about bears. Media portrayals of bears are misleading. When a black bear sees something (or someone) at a distance and stands on its hind legs, it is not an aggressive act. It would not be a sign of aggression if a bear, used to seeing people and being illegally fed by people, approached a person. But if a non-habituated, unconditioned, wild bear approached a person in a remote area that would probably be a sign of aggression.

Recommended Actions

- (1) If the bear is aggressive and still at the scene, immediately arrange for someone to go to the scene and protect the person(s) involved. Contact local law enforcement agencies, Environmental Conservation Officers, and Forest Rangers beginning with the person you believe is the closest to the scene. If someone lets you know they are responding, but cannot leave immediately, advise them you will continue to search for an additional, immediate response. If you have the proper equipment and you could provide a quicker response, go to the scene yourself. Once at the scene, separate the bear from the people. If possible tree the bear. Investigate the circumstances and, to the best of your ability, determine what the bear did and, if relevant, why. Then go to (4a) below.
- (2) It is possible to receive a call about this situation from a remote location where a timely response is not feasible. This is increasingly true with the expanding use of cellular phones by hikers, campers, hunters, and other outdoor recreationists. In these cases, the information given to the caller may be the most important service we can provide. Try to remain calm and reassuring.
- (3) If the bear is still present, arrange for someone to go to the scene and protect the person(s) involved. Advise the caller not to climb a tree or to try to run away. If there is more than one person at the scene, have them stay together and slowly back away, avoiding any cubs and the aggressive bear. Tell the caller that it may be necessary to yell, wave their arms, flap coats, or throw sticks and rocks at the bear. Arrange for the person(s) to reach safety or to meet the assistance dispatched in action (1) above (whichever can be achieved the quickest). Immediately proceed with an investigation as outlined in (4c) below.
- (4) If the bear is not still at the scene, talk to everyone involved and, to the best of your ability, determine what the bear did and, if relevant, why.
 - (a) If, in your determination, the bear was not aggressive, thank everyone involved and inform them that although black bears are rarely aggressive in New York (also see page 12), it is important that we monitor any potentially threatening incident.

- (b) If, in your determination, the bear was provoked into being aggressive, warn everyone involved about their actions that provoked the bear.
- (c) If you are unable to make a determination or if it appears the bear was aggressive and not provoked, immediately notify local Environmental Conservation Officers, Forest Rangers, and other staff (including Bureau of Wildlife) in any neighboring region within 5 miles of the reported incident. These parties should quickly investigate the circumstances and decide if any further actions are required. If the investigation suggests that the bear involved in this incident could be expected to hurt someone without provocation, it would be classified as a Class 1 bear and steps should be taken to euthanize the bear.
- (5) If someone requests a permit to destroy the bear pursuant 11-0521 of the ECL because they believe that there is a threat to public safety and their belief is supported by evidence such as a history of increasingly aggressive acts by the bear, then a permit to destroy should be issued.
- (6) If the bear is killed, make arrangements to have it immediately transported for necropsy.
- (7) If the bear was determined to be aggressive, make a complete record of this incident.
- (8) If local Environmental Conservation Officers or Forest Rangers were not present at the scene, notify them of the incident and its resolution.
- (9) Record the information from any bear encounter on a “Regional Complaint, Mortalities and Observations” form and send one copy to Central Office and keep one copy for the regional files.

Useful Equipment

- 12 gauge shotgun loaded with rubber buckshot*, center-fire rifle, or other suitable firearm
- Pepper spray*
- 50 cal bear buster dart* and dart gun*
- Siren
- Flashing lights
- Air horn
- Flare
- Bird bangers or screamers*

*See Appendix A

A Bear is Attempting to Enter House **CLASS 1,2 or 3**

Background/Expanded Description

Bears are often attracted to the proximity of homes by the odors and availability of foods, garbage, compost, bird feeders, pet food, gardens or barbecue grills. Once accustomed to being near homes, some bears are attracted into the homes by the same odors. This behavior may be altered if there is no positive reinforcement (no food obtained) and significant negative reinforcement is used (see page 28).

Most of the calls in this situation will likely involve a bear on a person's deck or porch. The bear will either be attracted to or looking for (due to other positive experiences) bird feeders, pet food, barbecue grills or garbage. Discretion should be used when classifying these bears. Often, a bear gets very little resistance from screens and can enter enclosed porches with little effort. If a removable attractant caused the entry, removal may keep this from occurring again. Such bears should be listed as Class 3.

Backyard bear feeding has led to numerous cases of bears breaking into homes. It is against the law to feed black bears (6 NYCRR Part 187).

Our biggest concern is public safety. If the bear is actually attempting to enter the house, it is after food, not people. However, someone could be injured if cubs are involved or if the homeowner reacts too vigorously when scaring the bear away or if the bear's escape route is blocked.

Recommended Actions

- (1) Inform the caller about the different, non-lethal methods that we would use to scare the bear away. It is unlikely that the caller would have access to bear buster (scare) darts or rubber bullets, but they may have pepper spray, air horn, flares, fire hose or an especially noisy piece of equipment. Assist the caller in identifying their potential options and then let the caller decide their own course of action. Never suggest or recommend shooting the bear with birdshot, rock salt or a .22 caliber firearm.
- (2) Advise the homeowner to stay in his house, and to turn on as many lights, TVs, radios, and stereos as possible. If the bear doesn't leave, advise the homeowner to immediately call the nearest local law enforcement agency. Request a patrol vehicle approach as close as possible to the bear with lights and siren activated. This should solve the current problem and help prevent similar problems in the future.
- (3) The DEC person receiving the call should arrange for someone from DEC to go to the scene as soon as possible. Initially, try to contact a local Environmental Conservation Officer, or depending upon regional protocols, try to contact a local Forest Ranger and member of the Bureau of Wildlife. Initial response should include a member of the wildlife staff and a local ECO, or depending upon regional protocol, a Forest Ranger.

- (4) Once at the scene, the bear should be scared away using non-lethal techniques. Used at the recommended distances, rubber buckshot or rubber slugs work well on bears that are first-time offenders. If used at too close range, rubber bullets can injure or kill a bear. Shell-crackers may work, but be careful not to hit the bear-bears have been injured and killed by shell-crackers. Injuring a bear increases the general risk to the public. If you feel you would have a difficult time scaring away a bear (e.g., no access to rubber bullets or pepper spray), consult your supervisor or more experienced regional wildlife staff before you're asked to scare away a bear. You should be equipped and prepared ahead of time so there's no doubt or question about what to do or how to do it when you receive your first call. If the bear is treed, and the homeowner agrees, leave it in the tree overnight allowing it to escape. Do not immobilize and relocate the bear unless it is in a situation where it is unlikely, or unable, to leave on its own.
- (5) If a chronic problem exists at the location, identify any potential attractants and inform the landowner on how to remove them or how to otherwise exclude bears. Consider immobilizing and tagging the bear with color-coded ear tags if there is a problem at the location and any attractant problem has been addressed. Release the bear at or near the site of capture applying as much negative conditioning as possible.
- (6) If a bear has been positively identified as attempting to enter a home and there is a history of attempted home entries in the area, the Regional Wildlife Manager may decide to take steps to euthanize the bear. Bears can be identified with color-coded ear tags, radio collars or truly unique physical features. Free roaming bears can also be temporarily marked for identification with oil based paint balls.
- (7) If at any time the bear becomes an actual threat to human safety, it should be given a Class 1 Severity Rating and it should be euthanized. If such a bear is a lactating female, her cubs should be captured and rehabilitated.
- (8) Provide the homeowner with information on what attracts bears to backyards and homes. Thank the person for calling.
- (9) If local Environmental Conservation Officers or Forest Rangers were not present at the scene, notify them of the incident and its resolution.
- (10) If the bear is killed, make arrangements to have it transported for necropsy if there are indications of disease, such as rabies, or in high profile cases where media coverage is expected.
- (11) Record the information from any bear encounter on a "Regional Complaint, Mortalities and Observations" form and send one copy of the form to Central Office and keep one copy for the regional files.

Useful Equipment

- 12 gauge shotgun loaded with rubber buckshot* (use a lead slug if the bear needs to be destroyed), center-fire rifle, or other suitable firearm
- Pepper spray *
- 50 cal. Bear buster dart* and dart gun*
- Siren
- Flashing lights
- Air horn
- Flare
- Fire hose
- Immobilization equipment*
- Colored ear tags Color coded markings
- Nets
- Title 6NYCRR Part 187 (Black Bear Feeding) (See Appendix B)
- “Living with Bears” Brochure (See Appendix C)
- Culvert Trap*

* See Appendix A

A Bear has Entered a House or Occupied Dwelling

CLASS 1

Background/Expanded Description

Bears are often attracted to the proximity of homes by the odor and availability of food, garbage, compost, bird feeders, pet food, gardens or barbecue grills. Once accustomed to being near homes, some bears are attracted into the homes by the same odors. Once a bear enters a home and obtains something to eat, it is probably more likely to enter a home a second time. Deliberate and/or incidental bear feeding can create a positive reinforcement and influence bear behavior especially when conducted in or near human development. Artificial feeding can and has led to individual bears associating food in proximity to houses and ultimately learning to break into homes for food. It is against the law to feed black bears (6 NYCRR Part 187).

Our biggest concern is public safety. If a bear has entered a house or building in close proximity to a house, it probably has been attracted by some food source. However, it also poses a potential threat to human safety, and someone could be injured in a close quarters encounter. This is especially true if the bear feels that its escape route is blocked or if the homeowner responds too vigorously when reacting to the bear. If the bear is shot and killed in the house, the killing may be covered by the “justification defense” provided in §35.05 (2) of the Penal Law.

To date, there has been little success in using negative conditioning to deter reoccurrences by home entry bears, and a bear that exhibits behavior that has progressed to the point of entering homes or buildings in close proximity to a home should be euthanized.

Recommended Actions

- (1) Advise the occupants that if a bear that has entered or attempted to enter a house is still present, they should avoid further contact if at all possible. If a timely response by agency personnel is not possible, you should get the person’s name, address, home telephone number and location information and then call 911. If you cannot call 911, advise the caller to attempt to do so. Furthermore, try to advise the responding police agency that they will probably be more successful evicting the bear if they can use their emergency lights, sirens and other noise devices in close proximity to the building on the side opposite from where the bear entered. If the bear has actually entered a human living space or dwelling, then it is necessary to protect the occupants, and destruction of the bear is warranted. If circumstances permit and it is feasible to safely do so, then the home entry bear should be euthanized by Department personnel who have been trained and equipped, police agency staff or by the occupant, if capable.
- (2) If the incident is still occurring, or the caller believes that the bear has not left the immediate area, the DEC person receiving the call should arrange for someone from DEC to go to the scene as soon as possible. Initially, try to contact a local Environmental Conservation Officer, or depending upon regional protocols, try to contact a local Forest Ranger and member of the Bureau of Wildlife. Initial response should include a member of the Wildlife staff and a local ECO or depending upon regional protocol, a Forest Ranger.

- (3) The destruction of home entry bears is a difficult and particularly sensitive task that involves full consideration of the consequences. Not all DEC staff or individuals are equally skilled in firearms use or euthanizing animals. All contingencies and potential risks must be considered before irreversible actions are undertaken. If not caught directly in the act, it is helpful if the offending bear(s) be identified by some distinctive marking, physical trait or some unique behavior whenever feasible.
- (4) If the caller asks about shooting the bear, inform him that he can legally do so if done in self defense within the provisions of the Penal Law. Destruction of the bear should be done quickly and humanely. If shooting is to be considered, there should be minimal chance for a wounding that could ultimately result in extended property damage or risk to human health and safety. Recommend against trying to wound the bear or trying to shoot it with small size birdshot, a small caliber firearm, or any other load lacking lethality. Whenever possible, the safest procedure for killing a bear is to capture the bear, immobilize it and remove it to a safe location where it can be destroyed with a suitable firearm.
- (5) If the bear has left the location by the time staff arrives, it is likely the bear will return at some time in the future. A live trap should be set at the location, with an attractive bait to preclude further home entry attempts. If the captured bear is believed to be the home entry bear, then it should be destroyed per paragraph 4.
- (6) Any bear that is destroyed in a home entry situation should be necropsied if there are indications of disease, such as rabies, or in high profile cases where media coverage is expected.
- (7) Provide the homeowner with information on what attracts bears to backyards and homes.
- (8) If local Environmental Conservation Officers and Forest Rangers were not present at the scene, notify them of the incident and its resolution.
- (9) If the bear is killed, every effort should be made to determine if more than one bear is involved; and particularly if orphan cubs, incapable of survival, remain on the scene. If the bear is killed before August and if cubs are present, then efforts should be made to capture them and transfer them to a qualified wildlife rehabilitator. Cubs that become orphaned during August or later should, in most cases, be able to survive on their own, and their capture should only be attempted if their presence becomes a concern. Older cubs in these circumstances should be released to the wild at a location at the discretion of the Regional Wildlife Manager.
- (10) Make a complete record of the incident for your regional records and for Central Office. Provide data as needed to the local Environmental Conservation Officer for use in the Significant Incident Report (SIR).

Useful Equipment

- 12 gauge shotgun with lead slugs, center-fire rifle, or other suitable firearm
- Trailing hounds
- Culvert trap or snare*

*See Appendix A

**A Bear has Damaged a House or Damaged or
Entered Other Structures (e.g., barns or sheds)**
CLASS 2 or 3

Background/Expanded Description

Bears are often attracted to homes and other structures by the odors of livestock, feed, garbage, compost, bird feeders, pet food, barbecue grills, and food. If a bear enters a structure and obtains something to eat, it is then more likely to enter a structure a second time. If there is no positive reinforcement (no food obtained) and significant negative reinforcement, the bear may be less likely to enter another structure. Feeding bears often leads to bears breaking into buildings. It is against the law to feed black bears (6 NYCRR Part 187).

Recommended Actions

- (1) Have the caller describe the damage.
 - (a) Sometimes bears merely mark wooden structures by scratching, biting and rubbing against the building. A mixture of ground cayenne pepper and egg whites painted onto the surface or hot pepper wax insect repellent sprayed onto the surface has been known to stop marking by bears.
 - (b) Sometimes the bear is ripping off the outer layer of the structure. In these cases the bear is usually after colonial insects. Advise the caller that it may be necessary to have the insects (and hive in the case of bees) completely removed in order to stop the damage. In the case of an infestation by honey bees, suggest contacting a beekeeper to remove them. One method of locating a beekeeper may be through the local County Cooperative Extension Office. For other insect infestations, suggest the landowner contact an exterminator.
 - (c) If the bear is trying to enter the structure it is generally because it detects (usually smells) something attractive (as mentioned above) in the building. In these cases, advise the caller to remove the attractant (if possible) and to cover or contain their odors as much as possible. Adding noise from a radio, a barking dog or lights and noise activated by a motion detector such as a Critter Gitter may prevent damage in the future.
 - (d) Sometimes a bear will break into a structure that contains no attractant and no attracting odors. If this is actually the case, the bear probably has an extensive history of finding food in similar structures. Such bears seldom return to structures where they obtained no food, but will continue to explore other structures. This is a community problem. Everyone needs to be advised of the problem and encouraged to completely cut off this bear's access to any attractants. Combined with administering negative conditioning of any bears found near homes or other structures, problems should decrease and possibly stop.

- (e) Electric fencing is an option that has been successfully used to stop bear damage to buildings.
- (2) If the bear actually entered the structure, notify local Environmental Conservation Officers and if appropriate local Forest Rangers. A field investigation by wildlife personnel is recommended to see that the problem is addressed in a timely manner. The attractant problem should be addressed as in 1c above. Consideration for temporary placement of a Critter Gitter or Bear-Be-Gone may be warranted.
- (3) If a chronic problem exists at the location, identify any potential attractants and inform the landowner on how to remove them or how to otherwise exclude bears. Consider immobilizing and tagging the bear with color-coded ear tags if there is a problem at the location and any attractant problem has been addressed. Release the bear at or near the site of capture applying as much negative conditioning as possible.
- (4) If a bear has been clearly identified as damaging homes or damaging or entering other structures and there is a history of this activity in the area, the Regional Wildlife Manager may decide to: a) take steps to euthanize this bear or; b) radio collar this bear and if it is not a lactating female, relocate it as appropriate for the site-specific conditions of the incident. If the bear is lactating, release her at the site of capture if cubs are present. Apply as much negative conditioning as possible.
- (5) If at any time the bear becomes an actual threat to human safety, it should be given a Class 1 Severity Rating and it should be euthanized. If such a bear is a lactating female, her cubs should be captured to be rehabilitated.
- (6) If the bear is killed, make arrangements to have it transported for necropsy, if appropriate.
- (7) Record the information from any bear encounter on a "Regional Complaint, Mortalities and Observations" form and one copy of the form to Central Office and keep one copy for the regional files.

Useful Equipment

- Sources for ground cayenne pepper and hot pepper wax insect repellent
- Critter Gitter
- Electric Fence materials and design plans**
- Bear-Be-Gone
- Title 6NYCRR Part 187 (Black Bear Feeding) *

* See Appendix B

**See Appendix C

A Bear Has Attracted a Group of People

Background/Expanded Description

Although common throughout much of New York State, black bears intrigue and garner a considerable amount of public interest. Often people only have glimpses of a fleeing bear and their observations are quite brief. However, when a bear becomes confined or contained, word spreads rapidly and many people gather to observe the bears(s) and have a “Kodak Moment.” While this usually presents little if any problems for the bear, the presence of humans, dogs, media and other commotion will often keep them confined for prolonged period of time.

Black bears are extremely adept climbers and readily seek refuge in a tree. Whether frightened by humans, dogs, noise or any other unnatural activity, treeing is a normal escape/danger reflex, especially for younger bears. Bears do not get “stuck” in trees, and can (and will) come down when they determine that the danger or threat no longer exists. The presence of curiosity seekers is perceived as a threat to the bear, and accordingly, the bear will remain in the tree until such time as they believe that the threat has passed.

A similar circumstance occurs when a bear(s) has found a very attractive food source such as garbage, a dumpster, ripened fruit trees or other crop near a road where passers by are likely to see the bear and spread the word. While similar to a treed bear, in this case an escape route usually exists, but the bear chooses not to use it because of the presence of food. Further complicating the issue is the fact that humans can and often do approach the bear for pictures, hand feeding or other acts of bravado. The potential for the situation to become negative for the bear and the humans is greater than for a treed bear.

Recommended Actions

- (1) In any case, it is usually more of a “people” problem than a bear problem. Dispersal of the crowd should be the first and foremost concern. Assistance from local police agencies is desired, and often necessary. As long as an escape route exists, every opportunity to allow the bear to escape should be considered and encouraged. The issue becomes further complicated when the bear is in the middle of a highly developed urban area and an escape route is not readily available. Coupled with large numbers of potentially hostile people, capturing and relocating the bear is often the most expeditious and desirable outcome. See Pages 73-82 also.
- (2) In the case of a chronic problem where a bear(s) generates public attention, removal and or abatement of the food attraction should be a priority. Dumpsters can be protected, garbage cans be picked up and laws pertaining to feeding of bears can be enforced. Removal of the attraction will remove the recurring bear problem. Negative conditioning (e.g., rubber buckshot, pepper gas) can hasten the departure of the bear long enough to disperse the onlookers and begin removal of the attraction.

- (3) For bear/human crowd incidents that are a one-time occurrence, crowd control and dispersal are also a priority. These types of incidents usually involve a treed bear or bears in a highly visible location such as an urban area or well-traveled road. If an escape route exists, then the bear should be afforded every opportunity to leave on its own. The novelty will wear off for small crowds fairly quickly, but large crowds will continue to recycle and will prevent the bear from escaping. Removal of the humans and other perceived threats should result in the bear leaving, usually after darkness sets in.
- (4) If the bear's escape route is such that it will have to traverse some major roads or numerous yards or similarly will be unable to avoid contact with the public, then capture and handling of the bear should be considered. Consider the time of day. A bear treed late in the day may be able to escape without incident once darkness sets in. On the other hand, a bear treed early in the day risks an extended period of potentially attracting crowds, being chased by the authorities and complications such as overheating and dehydration. History has shown that a bear deep within an urban area may continue to be treed multiple times, and a protracted chase such as this tests the patience of local authorities. This is one of the few instances where removal of the bear sooner rather than later is in the best interest of all concerned. Bears captured in urban areas require special equipment such as drop nets, a cooperative police presence and potentially fire trucks. Assistance should be sought from experienced regional and appropriately trained Wildlife personnel. If unavailable, the Regional Wildlife Manager should be contacted. If also unavailable, try to contact a local Environmental Conservation Officer or, depending on protocols, a local Forest Ranger.
- (5) After the initial problem has been dealt with, use the opportunity to educate the people drawn to the incident about bears and preventing bear problems by providing any media and bystanders present with information and brochures, if available.

Useful Equipment

- Pepper spray*
- Rubber buckshot*
- Bear handling equipment, including transport cage*
- Drop net
- Fire department ladder truck (on standby)
- "Living With Bears" brochure**

*See Appendix A

** See Appendix C

A Bear Is Sick or Injured and Cannot Leave the Area

Background/Expanded Description

It is imperative that an initial determination be made as soon as possible regarding any bear that appears physically unable to move or leave a given area. In many instances a very strong attraction may cause a bear to be extremely reluctant to leave a location. Attractants can include food, cubs in a nearby tree or the scent of an estrus female. It may also be a bear that has been habituated to, and perhaps even attracted to, human presence.

Ruling out the above possibilities, the situation then changes to an effort to determine the nature and extent of any injuries or sickness and the prognosis for recovery. Often a bear will be found along a roadway, unable to move. This is usually the result of a motor vehicle collision and usually indicates bone damage or severe internal injuries and escape is not possible. Destruction of the bear is required, however, there have been numerous instances where bears have been knocked unconscious by a vehicle, and appear to be comatose, only to recover and escape shortly thereafter. The time between the collision and examination is often a clue to the potential for recovery. Other potential reasons for an immobile bear can include gunshot wounds, and poisoning (both are often associated with chronic nuisance situations) and disease. The severity must be addressed on a case-by-case basis.

An immobile bear or one that approaches and seeks out humans is not normal. Both of the two rabid bears found in the history of New York State (as of 2005) displayed these behaviors and accordingly rabies can never be ruled out. Confinement and/or destruction may be appropriate, depending on the size of the bear and the equipment and personnel available.

Immobile bears may also be the result of chronic malnutrition, or occasionally compounded by an accompanying internal parasite load. These cases usually occur in late winter or early spring, following poor availability of natural foods in the previous fall. These are usually young bears that characteristically enter the winter denning period with poor fat reserves, and as a result may den very late or emerge very early. Malnourished bears are usually very lethargic and lack escape behavior. Direct treatment can sometimes reverse the condition and release to the wild is sometimes possible after a brief period of confinement.

Recommended Actions

- (1) If the circumstances regarding an immobile bear cannot be determined by phone, then a direct inspection of the bear and complaint location should be done as soon as possible. People on the scene should be directed to avoid any and all contact with the bear if at all possible. Our primary concern is public safety. Advise people to stay away from the bear. If approached too closely or touched, the bear may react as if it is being threatened. It could seriously hurt someone. Immediately contact local law enforcement agencies, Environmental Conservation Officers, or qualified agency staff to keep the people away from the bear. If an Environmental Conservation Officer is unavailable and depending on regional protocols, contact the nearest Forest Ranger.
- (2) First consideration should be to determine if there are any gross, mechanical injuries that are preventing the bear from moving. If the bear has severe injuries, it should be euthanized. If the bear exhibited any abnormal behavior, then consideration should be given to euthanizing the bear and submitting the animal for rabies testing.

Useful Equipment

- Bear handling equipment.
- Shotgun loaded with rifled slugs, center-fire rifle, or other suitable firearm for euthanasia
- Transport equipment for a live bear (Catch poles, culvert, kennel, drop net)
- Transport equipment for a dead bear (Body bags, gloves, disinfectant)

A Bear is Not Sick or Injured but Will Not Leave **CLASS 2 or 3**

Background/Expanded Description

One of the primary reasons black bears fare well around humans is because of their ability to avoid humans in the first place. Normally shy and secretive, black bears will often go to great measures to avoid contact with humans. However, there are instances where bears do not or cannot avoid coming into proximity with humans. If it has been determined that the bear physically (due to injury, illness or other debilitation) cannot leave a location after encountering people, then a bear's persistent presence is mechanical or morphological in nature rather than behavioral.

There are several reasons why bears may choose to remain in proximity to humans. Many times, it can be related to a food attraction that is either intentionally or inadvertently provided to them. Strong food attractions can include highly odiferous garbage, inadequate dumpsters or other storage arrangements, animal feed, apiaries, or ripened fruit crops in yards. All of these can be very powerful attractants to bears, especially when natural foods are scarce. Individuals who like the presence of bears around their homes may also deliberately feed them. Such individuals are typically people not familiar with bears, or are unaware of, or indifferent to, the potential impacts of their actions. Fed bears do not differentiate one house from another as a potential food source and soon become permanent fixtures in a neighborhood.

Female bears can be particularly persistent in an area if they have their cubs in a tree because of having perceived a danger to them. Cubs instinctively seek refuge in a tree when they perceive danger. They will normally remain in the tree until the adult sow makes a deliberate effort to retrieve them. While the adult female may leave the immediate locale for a period of time, she will invariably return time and again, until such time as she believes that it is safe for the cubs to come down.

In June and early July many females are approaching or are in estrus, and males will show fidelity to a given area that a female may be using as either a feeding area or resting location. Several males may show similar behavior in a single location.

Bears can also become conditioned to accept food from humans, and as a result these bears may readily approach humans seeking a handout. This behavior can be difficult to alter once it is strongly established. It is against the law to feed black bears (6 NYCRR Part 187).

Recommended Actions

- (1) In situations where a healthy, mobile bear is reluctant to leave an area, an investigation should be made to determine which of the above attractions is likely to be the cause of the behavior.
- (2) For the case of a sow with treed cubs, every effort should be made to afford her the opportunity to retrieve her young and leave the area. Removal of any and all humans, dogs, and other potential impediments to her efforts should be undertaken. Capture and removal of the cubs should **not** be considered as long as the female is known to be alive and her retrieval of the cubs is possible.

- (3) Whenever it is possible, remove any food attractions, followed by a thorough sanitizing of the area with ammonia or other disinfectant. The landowner should be prepared to follow up with indirect negative conditioning (noise devices of duration such as hand held air horns, banging pots together or electronic motion detectors with audible noise making attachments). For extremely strong attractions or locations with a long history of problems, make direct negative conditioning measures such as rubber buckshot and Bear-Be-Gone portable pepper gas dispensers available to the landowner, if possible.
- (4) A determination should be made regarding any illegal bear feeding activities in the area. If detected, the offending individuals should be dealt with as per 6NYCRR Part 187. (See page 83). Once feeding activities are stopped, handle as per section 3 above.
- (5) If removal of the attraction and negative conditioning are still not successful, consider deploying trained tracking hounds if logistics allow. Exclusion fencing for the attraction is also a possibility.
- (6) If there are no apparent injuries to the bear that prevent it from moving, and there are no apparent site related attractions, then consideration should be given to capturing and/or euthanizing the bear for potential submission for pathological analysis. Either option will be dependent on the specific circumstances and resources available. A bear suffering from malnutrition can often be treated with nourishment and warmth and be suitable for release in a short period of time. Submission of a live specimen is always preferred unless keeping the bear alive poses a threat to humans or property, or is simply not logistically feasible. It is imperative in these situations that the Regional Wildlife staff be consulted as soon as possible so that all potential resources can be used.

Useful Equipment

- Noise makers (various)
- Rubber buckshot*
- Portable pepper gas dispenser, such as Bear-Be-Gone
- Ammonia and other disinfectant
- Trained tracking hounds (list of permittees at Regional Wildlife Office)
- Exclusion fencing
- Critter Gitter *
- Title 6NYCRR Part 187 (Black Bear Feeding) * *

* See Appendix A

** See Appendix B

A Bear is injured. People Want It Attended To

Background/Expanded Description

Wild black bear are so extremely tough they may recover from an accident, such as a collision with a vehicle and within minutes or even seconds, leave the scene. Sometimes these animals get away from the site and are fine. Other times they die a slow death. Many times though they will recover from serious injuries, such as broken bones, minor bullet wounds and other injuries, and are able to return to a normal life. When a black bear does not retreat into the wild when approached by people it should be assumed that it is very severely injured (see page 26). Because of their large size, strength, and wildness, they usually cannot be easily rehabilitated. Cubs may be handled and rehabilitated if their injuries are not too severe.

Occasionally, a bear turns up that has been injured and has recovered, but may be having difficulty fending for itself. The condition of the animal should be evaluated by a wildlife staff person.

Recommended Actions

- (1) Our primary concern is public safety. Advise people to stay away from the bear. If approached too closely or touched, the bear may react as if it is being threatened. It could seriously hurt someone. Immediately contact local law enforcement agencies, Environmental Conservation Officers, or qualified agency staff to keep the people away from the bear. If an Environmental Conservation Officer is unavailable, and depending on regional protocols, contact the nearest Forest Ranger. See page 26.
- (2) If the bear moves and tries to get away, advise the people to let it go. This is the best chance for the bear's recovery.
- (3) If the bear appears to be suffering from an old injury, DEC staff, including Bureau of Wildlife, should investigate. A determination should be made if the bear should be left alone, or euthanized. The bear should never be artificially fed at the location.
- (4) Otherwise, see page 28 for recommended action.
- (5) After taking all necessary action, the Department should consider reporting to the public the circumstances surrounding the incident, the nature and magnitude of the incident and the action taken.

Useful Equipment

- 12 gauge shotgun with rifled slugs, center-fire rifle, or other suitable firearm
- Catch pole
- Box trap, culvert trap or transport box*
- Immobilization equipment*

* See Appendix A

A Bear is Injured and Under Care of Veterinarian

Background/Expanded Description

If a bear can be captured and handled, it has an extremely serious injury. Rehabilitation of an adult bear should generally not be attempted. The size, strength, and wild nature of a bear make it virtually impossible for it to remain calm for treatment and recuperation. A cage for holding the bear would need to be extremely strong and have safe and adequate facilities for feeding and watering the bear. If kept too long, a bear could become habituated to people.

Recommended Actions

- (1) See page 26 for recommended actions to take with any sick or injured bear. Strongly advise against anyone trying to treat a sick or injured bear and instead suggest euthanizing the bear.
- (2) If a veterinarian already has a bear or insists on treating a bear, attempt to work with the veterinarian to determine if release is possible. Inform the veterinarian that there is no outlet for unreleasable black bears and euthanasia is mandatory for such animals. If the bear is releasable, work with the veterinarian to determine a protocol and location for release. It may be wise to radio collar such an animal to monitor its progress.

A Bear Cub is Orphaned or Abandoned

Background/Expanded Description

True cases of cub orphaning or abandonment are rare and only occur when the adult female is dead or a cub becomes ill or injured and cannot keep up with its mother. The adult may have been killed by a motor vehicle or intentionally shot either by permit or illegally. Injured cubs may not be able to keep up and will eventually be left behind. Young bears separated from the adult female during the fall are not a concern because they are usually self-sufficient by August.

The age at which cubs become orphaned is critical to their survival or rehabilitation. Prior to den emergence, nursing cubs can be successfully placed with surrogate adult females, provided the location of a denned female with a cub or cubs is known. Until placement in a den, they must be kept with a rehabilitator where these cubs will be bottle-fed rather than pan-fed because they will not readily nurse when placed with a surrogate adult female bear if they have become used to feeding from a pan. Bottle-feeding must be done carefully in order to avoid overfeeding and bonding to humans.

Rehabilitation of orphaned black bear cubs without imprinting or bonding familiarization with humans is critical for successful release to the wild. Cubs must be blind-fed (no exposure to humans while feeding) to be released back into the wild successfully. Cubs that have become habituated to people, or cubs that cannot be released to the wild, can only be placed in a permanent facility such as a zoo or euthanized.

Recommended Actions

- (1) Determine that the adult female bear is dead or unlikely to return.
- (2) Determine with assistance from law enforcement if any illegal acts have occurred.
- (3) Determine location, age, and status of cubs.
- (4) If cub needs to be removed from a tree, see Page 37.
- (5) Contact regional staff for advice on location of a qualified wildlife rehabilitator with an adequate facility.
- (6) Pick up & transport cubs to appropriate facility.

Useful Equipment

- Transport cage
- Vehicle with cap or ability to keep cubs at proper temperature range of 55°-80° F.

Bear Cub(s) Appears to be Orphaned

Background/Expanded Description

Bear cubs rarely become orphaned as the result of abandonment by the adult female (see page 32). Bear cubs are trained by the adult female bear not to wander away, and to stay put when she places them up or at the base of a tree while she is out foraging for food. It is always best to reunite the sow and the cub(s), usually by giving the sow time to return to get the cub(s). Cubs have survived up to twelve days without their sow or food. If a cub is orphaned or it becomes impossible to reunite, it can be sent to a specially equipped wildlife rehabilitator. Before August, cub rehabilitation is necessary to give the animal more than a 50/50 chance of surviving. Cubs orphaned during August or later or any bear over 50 pounds should be self-sufficient and can be released into the wild. Sibling cubs need to be kept together when transporting.

Recommended Actions

- (1) If it is a separated cub, (up or at the base of a tree), it is not an emergency. Have landowners and others leave the cub alone for at least 24 hours. If the cub is vocalizing, the reunion can still occur. Take steps to provide the opportunity for a reunion with the sow.
- (2) If the cub is quiet, and it has been over 24 hours, it may become dehydrated and need assistance. Call DEC Wildlife staff for transfer to a qualified wildlife rehabilitator. If cub needs to be removed from a tree, be careful. If possible, hand-capture any cubs under 10 pounds or snare with catchpole cubs that are less than 30 pounds. Larger cubs can be handled with a jab pole, especially if a cherry picker or ladder is available. It is often possible to catch sedated cubs before they fall and increase their chances of surviving the capture process. Expect approximately 50 percent mortality with small cubs shot with darts and allowed to fall out of a tree into a net. One or two nets should be used to break the fall of any bear that must be dropped from the tree. Never leave a catchpole attached to a bear that is being dropped, and never allow a bear to fall directly to the ground.
- (3) If it's known to be an orphan, it's still not an emergency, but there is no reason to wait 24 hours before arranging to have the cub picked up. There may be other cubs, sows usually have more than one cub. If possible, call wildlife personnel or pick up the cub(s) for transfer to DEC Wildlife, and then to a qualified wildlife rehabilitator with an adequate facility.
- (4) Large box traps designed for dogs are very effective for capturing cubs and are much safer for the cubs and the public than culvert traps or leg snares.

Useful Equipment

- Transport cage, box traps or large dog handling crates or cages, (Culvert trap may hold several cubs)
- Vehicle with cap or ability to maintain proper temperature range of 55° - 80° F
- Netting

- Handling equipment
- Bucket truck
- Climbing spikes, with safety harness and climbing ropes
- Water dish and bottled water
- Blanket
- Catch pole

A Bear with Cubs is Dead or Injured

Background/Expanded Description

Incidents occur every year where a sow with dependant cubs is injured, dead or otherwise unable to care for the cubs. Most commonly the situation is the result of a bear/motor vehicle collision; however female bears are also shot and wounded in nuisance situations. Much has been written regarding the relationship between a sow and her cubs, and in most cases the female seeks to place the cubs in a safe location at the first sign of perceived danger. Black bear cubs instinctively seek refuge in a tree and the need for highly aggressive defense by the sow is not as strong as other bear species.

Procedures for handling an injured bear are contained on page 26. If euthanasia is required, it should be carried out and the carcass examined immediately. As a standard practice any bear found injured or dead should be examined to determine sex, and if a female, the condition and state of lactation should be determined. The presence of cubs may not be obvious and if the sow is lactating then efforts should be directed to locating the cubs. It is likely the cubs will be treed, however free ranging cubs may be encountered. Depending on the time of the year and the size of the cubs, they may or may not need to be captured. A late summer/early fall cub may well reach a sufficient nutritional plane that they are not dependant upon the sow for nursing. This is especially true in years of abundant natural foods.

Capturing cubs, both confined and free ranging is not easy. Experience has shown that cub mortality as high as 50% can be expected when attempting to capture cubs with chemical immobilization. All captured cubs should be forwarded to either regional wildlife staff or a qualified rehabilitator with an adequate facility.

Recommended Actions

- (1) Wounded or injured bears should be handled in accordance with page 26. During the period March through August, someone competent in determining sex and state of lactation should examine every reported dead bear. Lactating females should warrant a follow-up investigation in the area to determine the presence, number and condition of any cubs.
- (2) With the exception of bear/motor vehicle collisions, an effort should be made to determine cause of death. If illegal activity is suspected, an Environmental Conservation Officer should make a determination if an additional investigation is warranted. If cause of death is not obvious, or legal action is likely, the carcass should be necropsied. All individuals having custody of the carcass should maintain a written chain of custody.
- (3) If cubs are present, and appear to be dependant on the dead sow, efforts should be made to capture them as described below.

- (4) If the dead bear is a lactating female and cubs are not apparent, a search of the surrounding area should be conducted. Tall trees with rough bark are likely to be used by cubs. If the cubs are not located, and the location allows, consider leaving the dead sow at the location for a period of time and monitor the site. Nursing cubs will display a fidelity to the sow and will at some point in time return and attempt to nurse.
- (5) If cubs are present and warrant capture for rehabilitation, then one of two capture methods should be considered. The use of immobilizing drugs may or may not be appropriate. Generally, hand capture of cubs under 30 pounds is preferred. The inability to metabolize and burn off drugs and the potential for extraneous wounds from a dart are very important considerations for bears under 30 pounds. Trauma from the potential fall is also a consideration. There is a high level of risk of cub mortality in such operations.
- (6) If the cubs are treed, hand capturing of small cubs is preferred. The operation can be aided by landing nets, expandable catch poles, climbing gear, and on occasion ladder/bucket trucks. If the cubs are not within the capability of the on-scene personnel and equipment, they can often be coaxed to leave the tree by placing the dead sow near the tree where it is visible. Personnel should not be visible to the cubs. Imitating the "all clear" vocalization of the sow can hasten the process. (A sample of this vocalization is available on the North American Black Bear Foundation website- www.bear.org.)
- (7) Although difficult, running down free ranging cubs, can be accomplished by those fleet of foot.
- (8) For free ranging cubs, consider using large, dog-sized box traps set near the sow's carcass and baited with attractive, odiferous food.
- (9) If chemical immobilization of the cubs is necessary, seek assistance from trained and experienced wildlife staff. It is likely that the cub(s) will be treed and a hand held drop net, tarp or blanket should be on the scene.
- (10) Human contact with captured cubs should be minimized and the cubs should be transferred to a qualified wildlife rehabilitator as soon as possible.

Useful Equipment

- Bear handling equipment
- Extendable catch pole
- Landing Net(s)
- Dog Sized Box traps*
- Transport cages

* See Appendix A

Bear Cubs are Treed and Sow Will Not Leave

Background/Expanded Description

Usually the biggest problem associated with this situation is controlling human activity and dealing with the concerns of people. A sow separated from her cubs can be dangerous. The simplest and safest resolution to this situation is to allow the sow to return to her cubs and then leave with her cubs. This can involve a high level of people/crowd control that might not be obtainable. Although cubs can be captured and rehabilitated, they suffer high mortality during handling. Cubs are always better off with their natural sow.

Recommended Actions

- (1) Our first concern is public safety. Advise everyone to be careful because a sow may defend her cubs. If an Environmental Conservation Officer is not present, contact one immediately. If Environmental Conservation Officers are unavailable, contact a Forest Ranger as soon as possible. If neither is available, immediately go to the scene. Assist local officials as necessary.
- (2) Have officers or local officials disperse any people or dogs from the area around the cubs and sow giving them an opportunity to reunite and leave. This should not be expected to happen the instant that people disperse. It could typically take hours. Cubs big enough to travel with the female can survive by themselves for days. Dehydration, hypothermia or predators would be the initial threats. Small, 5 pound orphaned cubs have been known to survive without the sow's warmth or milk for 12 days in April with sub-freezing temperatures at night. Cubs in this situation would almost always be larger and even more resilient. Suggest to officials that if the people stay away, and the cubs are still there after 24 hours, then you will attempt to capture and remove them.
- (3) If the people or other factors scaring the bears cannot leave the bears alone, go to the scene and consider capture and relocation or holding. Don't ask for assistance in capturing (cherry picker or professional tree climber) until after you are sure you need to capture the cubs. Expect approximately 50% mortality with small cubs shot with darts and allowed to fall out of a tree into a net. If possible, hand capture any cubs under 10 pounds or snare with catchpole cubs that are under 30 pounds. Larger cubs can be handled with a jab pole, especially if a cherry picker or ladder is available. It is often possible to catch sedated cubs before they fall and increase their chances of surviving the capture process. One or two nets should be used to break the fall of any bear that must be dropped from the tree. Never leave a catchpole attached to a bear that is being dropped, and never allow a bear to fall directly to the ground.
- (4) If cubs are captured, consider relocating them to a spot where they can be reunited with their sow. If that is not possible, or if she has not returned after 24 hours, hold the cubs for examination. Keep the cubs together, warm and fed. Arrange to have the cubs examined and then transferred to a qualified wildlife rehabilitator with an adequate facility.

- (5) Thank the people who called our agency and inform them of the actions taken.
- (6) If local Environmental Conservation Officers or Forest Rangers were not present at the scene, notify them of the incident and its resolution.
- (7) Arrange to have the rehabilitated cubs released back into the wild. If necessary notify local officials, Environmental Conservation Officers and Forest Rangers.

Useful Equipment

- Sturdy container* large enough to hold all cubs
- Catchpole (one that expands to 12' is especially valuable in capturing cubs in trees)
- Nets
- Immobilization equipment*
- Tree climbing spikes with 2 safety belts
- Ladder
- Pneumatic ladder or cherry picker
- Vehicle with cap or ability to keep cubs at the proper temperature range of 55° - 80° F

*See Appendix A

A Bear Has Attacked or Killed Livestock

Class 1

Background/Expanded Description

Although rare, black bears do occasionally attack and kill livestock. Stock depredation is usually the result of a situation where a bear has been attracted to an area or building where animals are being fed. Livestock that are attacked become an extension of the original attraction. Sweet feed, corn, grains, garbage and pig swill all have a high level of odor attraction and if liberal quantities are fed, usually liberal quantities will remain. As with most bear situations, prevention is essential. However, once a bear has killed domestic stock, the situation must be dealt with immediately.

The landowner can destroy a bear that is attacking livestock (Environmental Conservation Law Section 11-0523). Care should be exercised to insure that the offending bear is destroyed, and not one which merely happens to be in the area. ("Livestock" is defined in Article 25-AA of the New York State Agriculture and Markets Law.)

In the event that a bear attacking livestock is taken in accordance with ECL 11-0523(2) the landowner shall promptly notify the nearest Environmental Conservation Officer and deliver the carcass of the bear to the officer.

Recommended Actions

- (1) Determine the presence and extent of any food attraction and take efforts to minimize the attraction if at all possible.
- (2) Determine if the depredation is a random or chronic occurrence. Advise the landowner that he or she has the right to destroy the bear that is in the act of attacking livestock. However, prevention offers a greater likelihood that a repeat act will not occur.
- (3) Determine to what extent other preventative measures may be used. Electric fencing may be a simple, long-term solution in bear range. Lights and noise makers equipped with motion detection devices have also been used in some instances.
- (4) Consider assisting the landowner with either a culvert trap, foot snares or tracking dogs. If the bear is captured and identified, it should be destroyed.
- (5) In cases where a bear has been killed in the act of attacking livestock, a follow-up site investigation should be conducted by a member of the Bureau of Wildlife and/or an Environmental Conservation Officer. A possession tag may be issued to the homeowner to keep the bear carcass. If the animal was drugged a release should be signed that shows that the homeowner acknowledges that the carcass must not be consumed. Department staff may donate the bear to someone such as a taxidermist or Hunters for the Hungry in many cases.

Useful Equipment

- 12 gauge shotgun loaded with rifled slugs, center-fire rifle, or other suitable firearm
- Electric fencing materials and design plans**
- Rubber buckshot*
- Bear-Be-Gone or other portable pepper gas dispenser
- Leg snares*
- Culvert trap*
- Trained tracking hounds
- Equipment to handle a dead bear

* See Appendix A

** See Appendix C

A Bear Has Attacked a Domestic Animal or Pet

Class 1 or 3

Background/Expanded Description

The situation of a bear attacking a domestic animal is similar to attacks on livestock. The attraction is usually associated with food provided for the animal, and removal of the attraction will lessen the likelihood of a bear-domestic animal encounter.

Pets, especially dogs and cats that are fed outdoors, are likely candidates for this situation because they are often given more food than they can consume. The odor from the residue in a feeding dish is sufficient to attract a bear. Dogs that are highly territorial are likely to be nipped or cuffed by a bear in a squabble for a food dish.

In cases where a dog has been attacked, staff should investigate to determine if the attack was provoked. Dogs that pursue bears aggressively have been known to be seriously injured or killed. Bears defending themselves or their young are usually classified as Class 3 animals. Unprovoked attacks on pets should be classified as Class 1.

Many small animals, such as rabbits, are potential targets of bear encounters. However, their problem is often complicated by the fact that they are confined in pens or cages with little chance for escape. Killing and consuming smaller animals can occur once a bear has gained access to the enclosure for the food. (In legal terms, poultry is considered “livestock” and, accordingly, the attacking bear could be destroyed by the landowner in accordance with §11-0523 of the ECL.) Cats and dogs do not fall under this law, but are covered by 11-0521.

In all cases, if the animal is fortunate enough to survive the attack, it should be restrained and/or removed from the area (at least temporarily) to prevent future encounters. If a food attraction is involved, every effort should be made to eliminate it as much as possible. Feed for small animals should be stored in tightly sealed containers or other bear proof containers, and not in close proximity to the animal's pen or shelter.

Recommended Actions

- (1) Determine the presence and extent of any food attraction and take efforts to minimize the attraction if at all possible.
- (2) Remove and or restrain the animal(s) to prevent any future encounters with bears. Do not attempt to separate animals and bears that are fighting.
- (3) Consider the use of negative conditioning devices such as non lethal shot or noise makers if it is likely the bear will be seen again in the area.
- (4) If the food attractant is strong or cannot be adequately contained or removed, consider the use of a baited negative conditioner such as a Bear-Be-Gone pepper gas dispenser.
- (5) For small pens, cages and enclosures consider electrifying the area with a fence or other electric shocking devices.

(6) In cases where a bear has been killed in the act of attacking a domestic animal, a follow-up site investigation should be conducted by a member of the Bureau of Wildlife and/or an Environmental Conservation Officer.

(7) Issue a kill permit where appropriate.

Useful Equipment

- 12 gauge shotgun loaded with rifled slugs, center-fire rifle, or other suitable firearm
- Rubber buckshot*
- Cracker shells, bird bangers and screamers
- Bear-Be-Gone or other portable pepper gas dispenser
- Electric Fence materials and design plans**

* See Appendix A

** See Appendix C

A Bear Is Scaring Livestock

Background/Expanded Description

Bears are often involved in situations where they come in close proximity to livestock and, as a result, will spook the animals and result in skittish, sometimes self-destructive, behavior. This situation is similar in many respects to: **Bear has attacked or killed livestock**, page 39. The attraction is likely the same, but some other factor such as the presence of a dog or proximity to a dwelling may be keeping the bear at a distance.

Section 11-0523 of the ECL treats “worrying” livestock the same as “killing” livestock. “Worrying” when discussing livestock is defined in Black’s Law Dictionary as “to run after; to chase or to bark at.” Being in proximity to and worrying livestock is similar to a random attack. Accordingly, the landowner may destroy a bear in this situation. Preventative measures should be strongly encouraged.

Recommended Actions

- (1) Determine the presence and extent of any food attraction and take efforts to minimize the attraction if at all possible.
- (2) Determine if the depredation is a random or chronic occurrence. Advise the landowner that he or she has the right to destroy the bear that is in the act of attacking livestock; however, in either case prevention offers a greater likelihood that a repeat act will not occur.
- (3) Determine to what extent other preventative measures may be used. Electric fencing may be a simple, long term solution in bear range. Lights and noise makers equipped with motion detection devices have also been used in some instances.
- (4) For random occurrences, consider the use of negative conditioning. Rubber buckshot and portable pepper gas dispensers may discourage a bear from developing into a chronic depredating bear.
- (5) For chronic occurrences, consider assisting the landowner with either a culvert trap, foot snares or tracking dogs. If the bear is captured and identified, it should be permanently removed from the population.
- (6) In cases where a bear has been killed in the act of scaring livestock, a follow-up site investigation should be conducted by a member of the Bureau of Wildlife and/or an Environmental Conservation Officer.

Equipment Needed

- 12 gauge shotgun loaded with rifled slugs, center-fire rifle, or other suitable firearm
- Electric fencing materials and design plans**
- Rubber buckshot*
- Bear-Be-Gone* or other portable pepper gas dispenser
- Leg snares*
- Culvert trap*
- Trained tracking hounds
- Equipment to handle a dead bear

* See Appendix A

** See Appendix C

Bear Damage to an Apiary

Background/Expanded Description

Folklore aside, black bears are strongly attracted to bees and hives as a potential food source. Like other larval insects, bee “brood” is a preferred food of black bears in many instances. Honey and other odors associated with beekeeping activities also add to the attraction. Prevention is the best defense, and beekeepers located anywhere near bear range should consider an electric fence as a cost of doing business. Small electric fence installations can be completed for as little as \$200.00 and offer excellent protection from resident and transient bears. Fence design and construction information is readily available. Fences can also be effective after initial damages have occurred; however their value as a deterrent is far greater.

Negative conditioning also has the potential to offer relief in some instances. The use of non-lethal shot has met with limited success, but unless the apiary is under constant surveillance, it is difficult to utilize. Portable baited pepper gas dispensers can also be used, but the bait needs to be more attractive than the apiary itself. In some instances, capturing, immobilizing and handling a bear can offer site-specific aversion, but in cases of limited food availability or strong fidelity to an area, the technique is less effective.

Section 11-0523 of the ECL allows for the owner or other named persons to kill a bear destroying an apiary. Any bear taken under these conditions must be promptly reported to the nearest Environmental Conservation Officer and the carcass of the bear delivered to the officer.

Recommended Actions

- (1) In situations where a bear has damaged or been observed in proximity to an apiary, it is most strongly recommended that an electric fence be installed as soon as possible. Electric fences offer the highest degree of protection and deterrence.
- (2) If the installation of an electric fence is not logistically possible, or is prohibited by local ordinance, then consideration should be given to a more permanent (and more expensive) exclusion fence. A chain-link dog kennel, equipped with a chain link roof offers a high degree of protection from bear damage while allowing free movement of the bees. Installation of such a structure is more expensive than an electric fence and is less portable if the apiary is in a non-permanent location.
- (3) If it is not possible to install an electric fence or exclusion fence, investigate the availability and likely success of any negative conditioning devices. For an apiary close to the owner’s home, non-lethal shot may offer positive results. Critter Gitter and other motion activated noise devices have also been used with some success.
- (4) Advise the landowner that s/he has the right to destroy the offending bear, however, the damage is likely to reoccur from other bears if proactive preventative measures are not taken.

Useful Equipment

- Electric fencing materials* and design plans**
- Exclusion fencing materials and design plans
- Bear-Be-Gone or other portable pepper gas dispenser
- Rubber buckshot*
- Critter Gitter*

* See Appendix A

** See Appendix C

Repeated (Chronic) Bear Damage To an Apiary

Background/Expanded Description

In some situations an electric fence installation may not be sufficient to prevent continuing bear damage to an apiary. Negative conditioning may be equally ineffective and lethal control might be impractical. If that is the case then suggest to the bee keeper that he/she consider abandoning the site.

If, however, the beekeeper wishes to continue and cannot destroy the bear, consideration should be given to capturing the bear with either a culvert trap or foot snare. If successfully captured, either destruction or translocation of the bear may be considered. Any translocation should take into account the likelihood of the bear returning, becoming a problem at another apiary and any other mitigating factors the Regional Wildlife Manager needs addressed.

Recommended Actions

- (1) If damage continues, an objective assessment of both the installation and design of the fence should be completed. Lack of charge, lack of grounding or flimsy installation may be correctable.
- (2) If site aversion and/or negative conditioning has not been used or considered, then those options should be evaluated, including, but not limited to portable pepper gas dispensers and rubber buckshot.
- (3) Consideration should be given to capturing the bear either with a foot snare, culvert trap or with the use of hounds. Once the bear is contained or confined a decision can be made regarding its disposition.
- (4) If enhancements to the fence setup cannot be achieved, and site aversion and negative conditioning are not appropriate, then inform the beekeeper the animal may be destroyed. A permit may be issued by regional wildlife for the use of tracking dogs to aid in removing the bear.

Useful Equipment

- Plans for electric fence
- Better fencing materials and/or more powerful charger
- Bear-Be-Gone or other pepper gas dispenser
- Rubber buckshot
- Culvert trap*
- Leg snare*
- Trained bear tracking dogs
- 12 gauge shotgun loaded with rifled slugs, center-fire rifle, or other suitable firearm

*See Appendix A

A Bear is Causing Damage at a Fish Hatchery

Background/Expanded Description

Bear damage to a fish hatchery or its equipment is similar in many respects to an apiary (See page 45). It usually involves large quantities of fish food in a location where the attraction is often difficult to eliminate. Refuse, dead fish or fish parts, or fish feed and mechanical feeders are often the primary attractants. In periods of drought, the presence of water can also be an attraction, and the presence of food adds to the level of attraction.

Complete exclusion is an excellent preventive measure and deterrent. Well-maintained electric fences afford a high degree of protection and are the tool of choice for stopping and preventing bear damage. Installations can be quite large or may require multiple units in cases where extended raceways and layout occur.

Negative conditioning can also be used in fish hatchery situations with varying success. Rubber buckshot can offer some relief when the attraction level is low, however the size of some locations may preclude surveillance necessary to catch bears in the act. Portable pepper gas dispensers, strategically placed around the perimeter of the facility can have an impact at low levels of damage. In at least one instance, an electronic motion detector, coupled with a loud electronic claxon has served to scare bears before entry occurred.

Capturing bears, on-site handling and translocation has in some instances produced a site aversion and lessened damage by individual bears. Overall success in producing site aversion of such an endeavor is dependent upon the age, sex, availability of other food and fidelity to home range of the individual bear.

Hatcheries in marginal bear range that suffer damage from an occasional bear may also benefit from the use of tracking hounds. Harassing the bear may make the food source less attractive and forcing it to another location may provide new food sources for the animal.

Recommended Actions

- (1) Determine the feasibility and cost effectiveness of installing an electric fence around the entire fish hatchery, including the food storage locations. Provide technical assistance as appropriate.
- (2) Where an electric fence cannot be used, explore the potential negative conditioning devices as both a preventative and deterrent to ongoing damage. Both direct (non-lethal shot, pyrotechnics) and indirect (pepper gas dispensers, movement activated security systems) should be considered.
- (3) In cases of light or sporadic damage and in areas of low bear density, consider using trailing hounds to harass the bear and force it to a different location.
- (4) For extensive and ongoing damage, consider allowing the destruction and or capturing of the bear, at the discretion of the Department.

Useful Equipment

- Rubber buckshot*
- 12 gauge shotgun, center-fire rifle, or other suitable firearm
- Bear-Be-Gone or other portable pepper gas dispenser
- Trailing hounds and houndsmen
- Leg snares*
- Culvert trap*
- Electric fencing materials and design plans**

* See Appendix A

** See Appendix C

Bear Damage to Corn or other Field Crop

Background/Expanded Description

Bears will readily eat corn, oats, berries, melons, turnips, and cabbage when they are available. Bears are especially attracted to both field and sweet corn as it ripens each summer. Corn that is “in the milk” is almost an irreversible attraction (i.e., one that cannot be readily moved or eliminated). Bears and family groups of bears will feed heavily in such situations and, at times, have been known to take up residence in the cornfield. Bears in these extreme cases eat, sleep and defecate in the cornfield in an almost continuous process and are reluctant to leave unless forced. Bear damage is characterized by “craters” in the cornfield where the corn is knocked down in a series of small circles throughout the area. Bear depressions or loafing places can be found interspersed throughout the damaged area. Although corn is the most common crop they will eat and destroy, bears will damage almost any commercial vegetable crop.

Damage of this type is difficult to prevent and even harder to stop once it begins. With commercial fields, the attraction is large, widely distributed and becomes a food of convenience for the bears. The attraction is so strong that both direct and indirect negative conditioning has little effect. Capture by either foot snares or a culvert trap is difficult because baiting becomes a moot point with such great availability of food. Runway set snares sometimes catch a bear, but translocation of an adult bear with such a powerful food source almost always results in the eventual return of the bear(s). With such a powerful and concentrated food source, a bear quickly becomes accustomed to noise scare devices and their value is limited.

A recently developed technique to alleviate damage is the use of trailing hounds. Repeated harassment by dogs, often forcing the bear(s) to distant locations on consecutive days, is sufficient to discourage their return for a period of time and lessen the damage. Large bears are often reluctant to tree and will lead the hounds on a protracted chase. In some instances, treed bears have been radio collared and translocated by the Department where a need for tracking data exists. Negative conditioning of a treed bear with rubber buckshot is also an option.

There are few other options for bears that are reluctant to leave the locale of the crop, or repeatedly return. Permits to destroy depredating bears have been issued in cases where other attempts have been made to mitigate the problem and have failed. Permits to landowners to kill readily identifiable bears with the assistance of houndsmen are a precise method to accomplish this action.

Recommended Actions

- (1) Determine the nature and scope of the crop damage (and the animal causing the damage). Determine the time period of vulnerability of the crop.
- (2) If the crop will be in the field for an extended length of time and damage is likely to continue, contact local houndsmen for assistance.

- (3) If the actions of the hounds do not offer any relief, consider the use of a permit to destroy in accordance with Sections 11-0521 and 11-0928 of the ECL. Generally, a bear that returns three times in a week is unlikely to be deterred for any length of time. Houndsmen are often able to identify individual bears after one or more pursuits and are likely to be able to target removal of specific bears. Follow Regional protocols for disposition of the carcass and other parts.
- (4) Depending upon the data needs of the region, staff availability and timing, treed bears offer an opportunity to radio collar adult female bears for study. Translocation, if sufficiently distanced from the damage site may result in a return after the period of crop vulnerability. Such opportunities should not be overlooked.

Useful Equipment

- Trailing hounds and houndsmen.
- Immobilizing and bear handling equipment
- Rubber buckshot*

* See Appendix A

Bear Damage to Fruit Trees

Background/Expanded Description

Bear damage to fruit trees is usually limited in duration to the period when fruit is ripe or approaching ripeness. Soft mast is an attractive and desirable food for bears, especially in the late summer and fall. Damage is both short term in the loss of the current year's crop, and long term when trees are gouged during climbing and branches are broken off.

The scope of the problem is an important consideration. A single tree or several trees in a backyard can be considered a localized, site-specific problem while an orchard or plantation may require a more long-term response. Problems that occur on large acreages are similar to damage to a field crop (see page 50) and treated accordingly.

Damage to a backyard fruit tree is a problem of limited duration and might be handled in several ways. If possible, consideration might be given to harvesting the fruit early-bears can't damage what they can't find. Negative conditioning with rubber buckshot is also a possibility, but will probably have to be repeated several times and, by then, the crop may be destroyed. Preventative measures, in locations known to suffer fruit tree damage, are the most prudent measure. Portable pepper gas dispensers can be quickly deployed and have deterred bears long enough to allow the crop to ripen and be harvested. Temporary electric fences have proven effective as have motion detectors linked to a noise-making device. Portable radios, played all night with a talk station have also had positive results. In marginal bear range, the use of hounds has been successful in pushing a single bear far from the damage site.

Permits to destroy bears damaging fruit trees should be considered when damage is substantial, the crop is not yet harvestable and likely to get worse.

Recommended Actions

- (1) Determine the nature and extent of the damage. For large commercial fruit growing situations, see page 50 and handle accordingly.
- (2) For residential small scope situations, consider the following preventative and deterrent measures:
 - (a) harvest the crop in a timely manner,
 - (b) erect a temporary electric fence,
 - (c) use rubber buckshot
 - (d) use a portable radio, played throughout the night,
 - (e) use an electronic motion detector attached to a audible noise making device, such as a barking dog tape or a Critter Gitter.
 - (f) use trailing hounds in areas where other bears are not likely to fill the void.

Useful Equipment

- Temporary electric fence
- Electric fencing materials and design plans**
- Rubber buckshot*
- Portable radio
- Electronic motion detectors - Critter-Gitters*
- Portable pepper gas dispensers, such as Bear-Be-Gone
- Trailing hounds

* See Appendix A

**See Appendix C

A Bear is Not Stopped by an Electric Fence

Background/Expanded Description

Electric fences are a proven and effective bear deterrent, however, on occasion, a bear will gain entrance to the location that is being protected. If a bear can penetrate an electric fence, it is likely that either one of two scenarios exists.

The most common cause of an ineffective fence is some type of mechanical malfunction. Improper grounding by either design or extremely dry conditions is possible. The fence should immediately be tested with a voltmeter or multi meter. Output on the fence should be a minimum of 5,000 volts, preferably closer to 7,000. Lack of voltage is a result of charger malfunction and/or poor grounding and should be corrected as soon as possible. Fence design can also play a role if there are insufficient hot wires to guarantee contact with a bear. There should be a minimum of four hot wires for all permanent installations, and either sufficient grounding rods or wire mesh mats to insure contact.

If the fence is functioning properly and bears are still penetrating the perimeter, then there is likely a site design problem. Bears can and will scale adjacent trees and drop down inside the fenced area. Removal of the tree or relocation of the fence will solve the problem. Bears have also been known to dig under fences and not be shocked (especially in dry weather). Adding an additional low hot wire, adding wire mesh grounding mats, or alternating ground additional ground wires may resolve this problem.

The item being protected should also be considered. In situations where there is a high value target and the fence is working properly, a permit to destroy a continually damaging bear may be warranted. This often requires time and manpower on the part of the property owner, and a simpler solution may be to relocate the protected object(s).

Recommended Actions

- (1) Determine if the electric fence equipment is functioning properly by testing voltage, power source and continuity.
- (2) Determine if the fence installation is adequate and that all alternative routes have been eliminated.
- (3) Determine the likelihood of continued damage and value of the loss and decide if a permit to destroy the bear is warranted.
- (4) Determine if an alternate location for the protected object exists.

Useful Equipment

- Multimeter or voltmeter
- Continuity tester
- Electric fencing materials and design plans*
- Additional fence installation supplies

*See Appendix C

A Bear is Unable to Escape From Electric Fence or Other Enclosed Area

Background/Expanded Description

Bears do occasionally become trapped inside an electric fence, a corral, large building or other location where escape is neither possible nor not likely to occur. In all cases, the first consideration should be a determination of the condition of the bear and if it **can** leave. If injury or other conditions render the bear immobile, then it probably should be euthanized at the location. If, however, the bear is fully mobile, then every effort should be made to provide and enhance an avenue of escape. Removing a portion of the fence, opening doors and gates and elimination of impediments (e.g., dogs and people) should be aggressively pursued. A precaution is given to insure that an adequate escape route beyond the area of confinement also exists.

If no avenue of escape exists, then actual handling of the bear is required. For large areas, use of a culvert trap may be appropriate. Free ranging immobilization is an option for removing the bear and is dependant on the skill and experience of available staff. As a last resort, destruction of the bear may have to be considered.

Recommended Actions

- (1) Determine if an escape route from the area of confinement exists. Also, insure that a safe avenue of escape from the immediate location also is available.
- (2) Take actions as appropriate to open the escape route and guide the bear towards it using visual, noise and physical stimulants.
- (3) If escape is not possible, take actions to handle the bear. Use a culvert trap for large areas. For smaller locations establish a perimeter and attempt to confine the bear's movements as much as possible prior to attempting immobilization.
- (4) Determine availability of staff and materials for free ranging immobilization.
- (5) If all attempts to force the bear to leave fail and chemical immobilization is not possible, and waiting for the bear to leave of it's own volition is not an option, then the bear should be dispatched as humanely as possible.

Useful Equipment

- Air horns
- Rubber buckshot* and pyrotechnics*
- Explosive head darts, such as Bear Scare Darts*
- Culvert trap*
- Bear handling equipment, including radio transmitter darts for larger areas.
- 12 gauge shotgun loaded with rifled slugs, center-fire rifle, or other suitable firearm

* See Appendix A

A Bear is Dead, Cause of Death is Unknown

Background/Expanded Description

Bears die from any number of causes including, but not limited to: motor vehicle and train collisions, illegal shooting, electrocution, poisoning, disease, malnutrition and old age. The cause of death is not always obvious. Diseases, including rabies, can be a cause of death although this is extremely rare. There have only been two bears confirmed positive for rabies in New York State (in 1999 and 2005).

A dead bear, regardless of whether the cause of death is obvious, should be handled with care to avoid exposure to unknown potential pathogens and loss of evidence in potential actions. Consideration should be given to the proximity of the dead bear to roadways, and potential relationship to any known nearby nuisance situations. Previous observations, history and known actions of the bear are also important. If the history of behavior prior to death or circumstances surrounding death suggests disease, then a necropsy may be warranted. Additionally, if any contact between the bear and a person, pet or livestock has occurred, the bear should be submitted for rabies testing.

Recommended Actions

- (1) Try to determine the likely cause of death and whether any exposure to a person, pet or livestock has occurred. Gather any background information including known behaviors, actions, food habits and response to human presence.
- (2) If there is a potential for the death of the bear to have been caused by an illegal act, notify the Division of Law Enforcement before disturbing any physical evidence or confronting any individual.
- (3) If the cause of death is not apparent and cannot be determined, make arrangements to transfer the bear for necropsy as soon as possible. If an exposure has occurred to a human, pet or livestock notify the appropriate authority in the county that deals with rabies incidents or submit the bear for rabies testing.

Useful Equipment

- Rubber gloves
- Large plastic bags
- Access to a freezer large enough to hold a bear
- Vehicle capable of transporting a bear
- Disinfectant (bleach)

A Bear is Harvested by a Hunter

Background/Expanded Description

A bear harvested during the hunting season must be reported within 48 hours by calling the toll free DECALS reporting system at 1-866-426-3778 or by reporting via an Internet reporting system. A hunter should have their document number, town/county of kill, and date of kill available when making the report. The caller would then follow the instructions given in the menu provided by the automated system.

Regardless of the range the bear is harvested in, it is desirable for Bureau of Wildlife staff to check hunter-harvested bears. These field checks help establish reporting rates for bears so better estimates are made on the total harvest for that season and it provides opportunity to collect biological information useful in the construction of bear population dynamics. Local meat processors and taxidermists can be good sources to check hunter harvested bears and efforts should be made to visit these establishments during the bear hunting season.

Recommended Actions

- (1) Indicate to the hunter that the bear must be reported via the toll-free number or via Internet, even if they call you first.
- (2) Make arrangements to check or have someone check the bear as necessary and feasible.
- (3) If checking will be delayed, indicate the bear may be skinned or butchered if the weather is too warm.
- (4) If the hunter is traveling out of the area before the bear can be checked, get information on its final location so arrangements can be made to check it there or to have data and teeth mailed back to the Department.

Useful Equipment

- Bear check equipment: rubber gloves, tooth extractor, tooth elevator, tooth envelopes, scales, checking manual, block and tackle or winch and weighing stand.
- Cell phone.
- Maps for plotting kill locations and locating hunter's residence.

A Bear is Shot Illegally

Background/Expanded Description

Each year in New York bears are shot illegally outside of the regular hunting season framework or in some cases taken illegally within an open season. A bear taken illegally during an open season may have been taken outside of a legal bear hunting area, taken with an unlawful implement, or may have been taken by a means or method not permitted, such as over a baited area or from a den. Often the taker will attempt to change or modify the taking so that it appears that the bear was taken under legitimate circumstances.

Similarly, bears are killed just prior to, or immediately after a legal season by hunters attempting to take advantage of a target of opportunity. In some cases the facts will be misrepresented so that the bear can be legally tagged and reported.

Bear are also killed illegally outside of the regular hunting seasons in non-hunting situations. In many cases, a nuisance complaint is involved and the landowner is reluctant or unwilling to pursue alternatives to eliminate the problem. The “shoot first, ask questions later” syndrome is usually coupled with an unfounded fear of bears or misinterpretation of normal bear behavior. Given the nature of black bears around humans, especially in New York, (see page 10 and 17), the killing done in “self defense” is usually unjustified. It is imperative that each of these incidents be fully investigated by representatives from the Division of Law Enforcement, with support from the Bureau of Wildlife as needed.

Recommended Actions

- (1) Any circumstance where a bear has been deliberately killed other than a legal taking by a licensed hunter during a regular season should be fully investigated. While some situations in this manual warrant the killing of a bear, most do not. Any circumstances that are questionable should be referred to an Environmental Conservation Officer as soon as possible. Similarly, any circumstances involving the potential illegal taking of a bear during an open season should also be referred to an Environmental Conservation Officer as expeditiously as possible.
- (2) Failing the presence of an Environmental Conservation Officer, any Police Officer may arrest the individual for a violation of the ECL. They should hold the individual and contact the nearest Environmental Conservation Officer.
- (3) Other private citizens should observe and write down the physical description of the shooter, any back tag number visible, and any license plate number and description of the motor vehicle. Contact the nearest Environmental Conservation Officer or any other police officer.
- (4) Do not move or disturb any physical evidence, such as spent shell casing, carcasses, tire tracks, or footprints.

(5) If legal action against an individual or individuals is likely, the bear and any retrievable parts (e.g., internal organs/viscera) should be retained/preserved for necropsy. Biological information used for management (sex and age) should be collected from the dead bear.

(6) Record pertinent data.

Useful Equipment

- Vehicle capable of transporting a bear carcass
- Large body bag or other plastic bag suitable for carcass transport.
- Tooth envelope and extractor

A Bear is Killed by a Vehicle

Background/Expanded Description

Black bears in New York are often hit and killed by motor vehicles (up to 100 per year). Many of the accidents occur during the early fall when bears are actively seeking food in preparation for winter. A number are also hit in late June and early July during the breeding season and bear activity patterns are modified.

Previously, the ECL did not authorize the owner of the motor vehicle to possess the bear carcass if the animal was killed as a result of the accident. In 1993 the law was amended to allow the owner of the motor vehicle to take possession of the carcass as long as he or she gets a roadkill possession tag within 24 hours from a police officer authorizing such possession. Similar to deer, the possessor may transfer the carcass to another individual. If the owner of the vehicle declines possession of the bear, a police officer may give it to any other party who wishes to possess it.

The Bureau of Wildlife has an interest in obtaining information about the bear, when feasible. Someone should make an assessment regarding the sex of the bear, and if it is a female during the months of March through July, an effort should be made to determine if she is lactating and possibly has dependant cubs. The bear should also be examined for the presence of ear tags and/or a radio collar.

If at all possible, two premolars should be obtained from the bear for age analysis.

Recommended Actions

- (1) The owner of the motor vehicle damaged by a collision with a bear is entitled to the carcass provided s/he gets a possession tag within 24 hours from a police officer who has geographical jurisdiction where the bear was hit. The tag will allow for continued possession by the owner for his/her use or s/he may consign it to another person.
- (2) If the owner of the motor vehicle involved declines the carcass, the police officer may give the bear, with a possession tag attached, to any other person.
- (3) The procedure for the police officer is to use the standard 'Car-Deer' tags. The latest version of the tag has bear, deer, and moose printed for check-off.
- (4) Every effort should be made by someone on the scene to determine the sex of the bear. Although the majority of road kills are males, road killed females with dependant cubs do occur.
- (5) If the bear is a lactating female, a member of the regional wildlife staff should be notified. Depending upon the reliability of the observations and the length of time since the collision, a field investigation may be warranted. See page 35.

- (6) Any ear tags or radio collar should be removed and forwarded to the Bureau of Wildlife.
- (7) Two premolars should be collected for age analysis. If timely collection of the premolars is not possible, information regarding the ultimate possessor of the bear should be forwarded to the regional Bureau of Wildlife. A tooth envelope, directions for removal, and a prepaid return envelope will mailed to the person in possession of the bear carcass.

Useful Equipment

- Tooth extraction equipment
- Small adjustable wrench for removal of radio collar
- Prepackaged tooth envelope, removal instructions and prepaid return envelope.

A Bear is Killed by Police

Background/Expanded Description

Black bears almost always will seek an avenue of retreat when they encounter humans. There are instances where bears are reluctant to leave an area (see page 28), and persons not familiar with bear behavior sometimes interpret this reluctance to be aggression. Although bears rarely pose a threat to humans, folklore and reputation often combine to make human safety an issue whenever bears come in proximity to people or their residences. Police officers are charged with maintaining public safety. When confronted with a potential or perceived bear/human altercation, bears are sometimes destroyed by police officers when no other means are readily available to resolve the situation. Such instances require an objective and careful investigation, the intent of which is not to fix blame, but to provide the public with a complete and thorough accounting of the incident. There may indeed be conditions such as a chronic illness or debilitating injury that warrant destruction of the bear.

Recommended Actions

- (1) If, for any reason other than a motor vehicle collision, a police officer should happen to kill a bear, he or she should contact an Environmental Conservation Officer as soon as possible.
- (2) The ECO should conduct an investigation into the circumstances regarding the killing of the bear(s), and if appropriate, seek advice and assistance from Regional Wildlife staff.
- (3) It is desirable in nearly all non-motor vehicle collision cases to have the bear necropsied. In almost all cases a rabies determination will be a part of the standard examination and any other existing conditions that may have resulted in abnormal behavior will be determined. Efforts should be made to deliver the carcass for necropsy as soon as possible. Keeping the bear carcass cool, or temporarily freezing the carcass in a large freezer may be appropriate if there will be a substantial delay in transporting the specimen.
- (4) A copy of any and all investigative reports should accompany the carcass.

Useful Equipment

- Vehicle capable of transporting a bear carcass.
- Bags, gloves and other personal protective gear to handle the carcass.

A Bear is Attracted To or Destroying a Bird Feeder

Background/Expanded Description

One of the most common nuisance complaints received about bears involves bird feeders. Black bears are very strongly attracted to bird feeders throughout their range. In some parts of New York, well over 80% of the nuisance complaints received regarding bears, has involved a bird feeder. A common adage is “Birdseed to bear is like catnip to a cat.” In addition to birdseed, suet and liquid filled hummingbird feeders also serve to attract bears.

A simple fact to remember is that when a person chooses to place food out for wildlife, it is impossible to pick which species will show up to eat it. Feeding birds is a long time habit of many people. Fortunately, most bird feeding takes place during the winter when bears are dened. There is, however, a growing trend to feed birds year round and with expanding bear populations it is likely that bear-bird feeder incidents will increase.

While bird feeders are a very strong attraction to bears, they are a “reversible” attraction. Removal of the bird feeder will almost always remove the presence of the bear unless other attractions such as garbage, residual seed or other attractive foods are involved. People who continue to feed birds after the feeder has been discovered by bears complicate the matter. Partial removal during nighttime or attempting to place the feeder out of reach will continue to attract the bear. People who insist on feeding birds (and bears) in spite of their neighbors’ objections to bears in the area often create a neighborhood turf war.

6NYCRR Part 187 makes the intentional feeding of bears illegal unless the person possesses a Black Bear Tracking Dog License. Additionally, citizens whose bird feeding activities are creating a nuisance can be warned by Department staff to cease such activities. Tickets can then be issued by an ECO if the warning is ignored.

Recommended Actions

- (1) For any person with questions about bears and bird feeders, provide them with a copy of the brochure “Bears and Birdfeeders” or refer them to the DEC website (www.dec.state.ny.us) where it is also available.
- (2) If a bear is seen or suspected of visiting a bird feeder, the feeder should be immediately taken down. Any spilled seed should be cleaned up as best as possible. Residual seed or seed shells that cannot be cleaned up should be sprinkled with ammonia to eliminate and/or cover any remaining odors
- (3) The use of cayenne pepper mixed with the birdseed has some value in certain circumstances. The pepper serves as a taste repellent; however the feeder has to be attractive for the repellent to have value. This alternative works for individual bears and at least trains them to avoid specific feeders. Any bear who encounters the pepper treated feeder for the first time will have to go through the learning process.
- (4) Physically taking down the feeder is recommended rather than just temporarily removing the food. Bears become accustomed to finding regularly filled feeders and will often break open an empty feeder because of the residual odor.

- (5) Efforts to suspend the feeder higher or otherwise make it inaccessible to the bear may be initially successful; however, the odor attraction will still be present. A bear may continue to visit the area and go to great lengths to reach the feeder. Even if unsuccessful they will often be attracted to other things such as garbage and barbeque grills.
- (6) For people who insist on continuing to feed the birds in the presence of bears, an electric fence or other shocking device around the feeder may be the only effective deterrent.
- (7) If someone insists on feeding birds and in so doing is attracting a bear or bears that are a problem for neighbors, they should be informed that it is illegal to feed bears in certain situations whether deliberate or incidental. If the problem persists, refer it to an Environmental Conservation Officer. Issue a formal warning to cease the incidental feeding if warranted.

Useful Equipment

- Electric fencing materials and design plans**
- Title 6NYCRR Part 187 (Black Bear Feeding) (See Appendix B)
** See Appendix C

A Bear is Damaging Bird Nesting Structures

Background/Expanded Description

Because they are omnivorous, bears will investigate many sources of food, including bird nests with eggs or young birds. Some bears learn to investigate artificial nest boxes and are not very delicate when opening them. This has been particularly troublesome on bluebird nest box trails where the boxes are often close to the ground and in open areas where they are quite obvious. It is also a problem with wood duck nest boxes placed near small bodies of water in bear range. Some nest boxes become occupied by bees and these too will serve to attract a bear's attention.

Nest boxes are targets of opportunity for a bear. The period when boxes contain eggs or nestlings usually coincides with the spring period when natural foods may not be abundant. Additionally, this same period is when bears, especially young males, are wandering in search of a territory. Prevention of damage in many cases is difficult; however in areas with a chronic history of bear damage to nest structures, the boxes can be placed such that they are less accessible to the bear.

Recommended Actions

- (1) Make nesting structures less of a target by putting them up higher in less conspicuous locations and farther apart. Do not place wood duck boxes near shorelines; a metal pole location in deeper water is preferred.
- (2) When checking nest box routes, do not walk directly from box to box as this may provide bears and other predators with an easy trail to follow.
- (3) Efforts to make nest structures strong enough to withstand bears, or using repellants, are probably not effective. While painting the box with a strong mixture of cayenne pepper and egg whites has had limited success, the structure is often destroyed before the bear encounters the pepper with a nose or mouth.
- (4) Periodically check the boxes for the presence of bees after nestlings have fledged. Eliminate any bees that may serve as a secondary attraction.

A Bear is Getting into Garbage at a Single Residence

Background/Expanded Description

One of the most common bear-related problems is that of a bear getting into garbage at a family residence. This is one of the most common problems because every family residence has waste food in various amounts and types, nearly all of which are very attractive to bears in the area. People normally store garbage in garbage bags and/or garbage cans, but this alone is not adequate to prevent problems with bears. Garbage placed out for local pickup is a very likely target for bears.

6NYCRR Part 187 makes the intentional feeding of bears illegal unless the person possesses a Black Bear Tracking Dog License. Additionally, citizens whose improperly stored garbage or other attractant is creating a nuisance can be warned by Department staff to take corrective measures to prevent bears from getting into it. Tickets can then be issued by an ECO if the warning is ignored.

Recommended Actions

- (1) Advise the homeowner that every effort should be made to minimize garbage odor. Always recommend double-bagging garbage and placing in a clean garbage can with an air freshener or an ammonia-soaked rag. Remember, garbage cans by themselves are not secure enough to deter a bear. Suggest storing garbage cans inside a building away from windows and doors. A screen porch is not adequate.
- (2) Garbage cans stored outside should be in a bear-resistant container. Such containers are generally homemade to meet the needs and esthetic taste of the landowner. Generally, these containers are large boxes with a fixed bottom, securable (lockable) top and sides just high enough to hold the largest garbage can. They are big enough to hold all the garbage that may accumulate between pickups or trips to the recycling center. They are usually built of wood or heavy welded wire. If the township offers curb pickup of garbage, these containers are located along the road in front of the residence. Various designs of securable, bear resistant garbage cans are also commercially available. The names of manufacturers of these cans may be obtained from the Bureau of Wildlife or via various commercial sources on the Internet.
- (3) In some cases, motion detectors such as Critter Gitters can be effective in scaring bears away from garbage storage areas. Some regions loan these out on a temporary basis and may provide ordering information which is also available online.
- (4) Frequently remove garbage from the premise. Advise the homeowner to take all garbage to the normal final disposal area as frequently as possible, especially during warm weather. Bears are most likely to seek garbage from April through November.
- (5) Once a bear gains access to garbage at or near a residence, it is almost certain to return, even after the garbage is removed or secured. Bears quickly learn to look for garbage in any plastic bag or garbage can. Bear problems are minimized when everyone in a community properly secures their garbage. Resolution of bear problems is a community effort. It takes a village to educate a child and a community to educate bears.

Useful Equipment

- Disposable plastic garbage bags
 - Air fresheners or ammonia
 - Clean garbage cans
 - Bear resistant containers as described above
 - Critter Gitter*
 - List of bear resistant container manufactures*
 - Pictures of different bear resistant containers
- * See Appendix A

A Bear is getting Into Garbage at a Business, Institution, Multiple Dwelling or Public Facility

Background/Expanded Description

Because of the large volume of food waste often generated daily by these types of facilities, odors attractive to bears make this situation a common problem particularly during warm summer months when bears are most active and garbage is most odorous. These types of facilities, because of their inherent larger volumes of garbage, tend to more often have waste picked up periodically by commercial waste haulers. Because of increased cost for more frequent garbage pickups, these facilities often tend to store the material for longer periods, obviously increasing the attraction of bears.

Because these facilities often have children, disabled, or elderly persons housed or frequently on the premises, the frequent close proximity to bears routinely finding food can cause a hazardous situation. It is very important that this situation is quickly corrected, and a follow-up is desirable to insure the bears have not returned.

6NYCRR Part 187 makes the intentional feeding of bears illegal unless the person possesses a Black Bear Tracking Dog License. Additionally, businesses whose improperly stored garbage is creating a nuisance can be warned by Department staff to take corrective measures to prevent bears from getting into it. Tickets can then be issued by an ECO if the warning is ignored.

Recommended Actions

- (1) Where available, bear-proof dumpsters or bear-proof lids should be used. Advise the owner or caretaker to request bear resistant dumpsters from their waste management company. Other dumpsters can usually be bear proofed (after thorough and periodic cleaning inside and out) by securing multiple 2 X 4 boards across the dumpster lids (doors) with chain or cable, when not adding or emptying garbage. (Note: This may require installing additional tie-down points on each side of the dumpster to allow securing two or more 2 X 4 boards across the lids, and if the lids are plastic or a previously damaged metal type, 1/2 - 3/4" plywood covers may be needed under the secured 2 X 4 boards).
- (2) If the dumpster cannot be bear proofed, it should be thoroughly cleaned and secured in some type of bear-proof enclosure, such as electric fence or chain link fence with plastic insertion with electric wires around the top.
- (3) See page 66 for recommended actions if a dumpster is not available.
- (4) Wildlife staff or an Environmental Conservation Officer should follow up to see that steps were taken to mitigate the situation and warning letters issued where noncompliance is a problem.

Useful Equipment

- Bear-proof dumpsters*
- Bear-proof lids
- Bear resistant containers* as described in recommended actions, Page 66
- Lumber – 2 X 4s and plywood 1/2" - 3/4"
- Chains or cable and tie downs such as bolted metal rings
- Electric or chain link fencing supplies

* See Appendix A

A Bear is Attracted to a Burn Barrel

Background/Expanded Description

Burning barrels and the ashes inside have no particularly powerful attraction to bears in the area. As a normal routine, burning barrels are, and should be, used only to destroy non-food related waste products such as paper and cardboard. The attraction for bears usually is caused by the burning (or partial burning) of waste food and food wrapping material which is often wet and doesn't burn completely, but rather leaves partially burned food material which remains for a very long time. This partially burned food contaminates the barrel and ashes in it, and causes a very attractive odor which is carried for long distances bringing bears into the area. These bears, besides getting into the barrel and starting a bad habit, also often cause secondary problems after being attracted to the area.

Burning garbage is illegal. Staff should advise the public to use traditional garbage disposal methods to deal with household waste.

Recommended Actions

(1) Advise the homeowners to, if possible, remove and dispose of the barrel and its contents

Useful Equipment

- Soap, water, brush, Clorox, ammonia, and small sprayer
- Clean secure garbage storage container.

A Bear is Attracted to a Barbecue Grill

Background/Expanded Description

Black bears rely heavily on their sense of smell to locate food. A barbecue grill transmits delicious odors not only to those individuals using the grill, but also to any bear within a very large area around that grill. It is a very tempting smell that can make even a wary bear lose some of its willingness to avoid humans. This is even more likely after the people have left the area, and the heated grill and the presence of heated, dripped and spattered fat and grease remains.

When dealing with portable gas or charcoal grills, the attraction is easily reduced by cleaning and relocating the grill to a secure location. With a permanent fixed grill, making the recently used grill less attractive is more difficult. In both cases, the act of cleaning the grill and its surroundings will greatly reduce the likelihood of a bear visiting it.

Recommended Actions

- (1) Advise the homeowner to make every attempt to keep the surrounding area clean and clear of meat, food wrappers, food scraps, grill drippings, and residue before and while cooking on the grill. The ground and the floor beneath the grill should not be allowed to absorb fat, grease or blood. If this does happen, the area should be cleaned with ammonia as soon as possible.
- (2) Instruct them to promptly clean the grill as soon as possible after using it. Gas grills should have the lid closed and should be turned on high for five minutes after the food is removed. Charcoal grills and hibachis should be left to burn freely also. In both cases, the extreme heat will carbonize any food residue and greatly reduce the odor. For fixed outdoor fireplaces, allow the fire to char the cooking surface as much as possible before removing. Many portable grills are equipped with a grease cup beneath the burners.
- (3) If it is possible, the grill should be covered and stored in a secure location as soon as it has safely cooled.
- (4) If a bear approaches or is observed in the area of a barbecue grill when people are present they should make noise from a safe distance to scare the bear away. There are usually pots, pans, metal cooking utensils and a variety of other devices present to make loud noises of duration.
- (5) If a bear refuses to leave call local police, an Environmental Conservation Officer or Forest Ranger (see page 28). Do not attempt to physically discourage the bear and if all else fails, consider letting the bear have the attraction.
- (6) Once the bear leaves the area, follow #2 and #3 as described above. Do not grill or cook in that location for several days.

Useful Equipment

- Cleaning supplies and ammonia
- Portable trash container
- Cover for grill

A Bear is a Nuisance at a Recycling Center

Background/Expanded Description

A recycling center may have many types of materials attractive to bears, from waste food and garbage to empty cans and bottles with the lingering odor of food and sweet beverages, etc.

Some recycle centers are staffed at all times, some part time, and some are left open most of the day with personnel on duty only for an hour or so at the end of the day to organize and store full containers, replace empty containers, clean up, and close up. This makes for a multitude of situations requiring a number of different corrective actions.

Also, in most cases the bears will only be a nuisance when people are not present, but in a few cases bears become bold and unafraid of people causing a possibly dangerous situation.

Recommended Actions

- (1) Various materials attractive to bears such as food waste and wrappers should be in double disposable plastic bags and sealed and placed in closed, clean dumpsters or other containers as soon as they are full. Bottles and cans should be rinsed, bagged, and stored as soon as bags are full. All containers and the inside and outside of the building should be kept very clean.
- (2) If the first step is followed and the bear persists, install electric fence around the center and, if necessary, adjust "open hours" and hours manned by personnel to minimize problems.
- (3) If the bear appears when a member of the staff is present, make sure the bear has an avenue of escape and then make noise to scare it away. In the unlikely event that the bear does not leave, see page 28 and 15, or call DEC Wildlife or local law enforcement. When the bear leaves, notify Bureau of Wildlife Unit during normal hours. If bear is still a nuisance after 2 or 3 days, call Bureau of Wildlife again during normal hours for further assistance.

Useful Equipment

- Cleaning supplies, bags, small hand sprayer, and ammonia
- Electric fencing materials and design plans**
** See Appendix C

A Bear Has Been Sighted In Normal Bear Range

Background/Expanded Description

New York State's black bear population currently is centered around three core ranges: (1) the Adirondack bear range, within an area of 9,500 square miles, (2) the Catskill/Southeastern bear range with comprises over 2,000 square miles, and (3) the Western New York bear range with over 450 square miles. With a healthy, thriving population of bears, it is becoming more common for hikers, campers and other outdoor enthusiasts to observe a bear while afield. Information on the size of New York's bear population can be found on the DEC website: www.dec.ny.gov Look for New York's Natural History Document: "Black Bears in New York: Natural History, Range, and Interactions with People".

While some people are unaware that black bears occur in New York, people are also unaware that they may live in normal bear habitat. Many urban residents purchase a second home "in the country" not realizing that they have moved into bear country. Bears are normally secretive and avoid people, and a person's first bear sighting is a unique experience, even more so if the first encounter is with their backyard bird feeder or garbage can. The uniqueness soon gives way to apprehension when people begin remembering the myths and folklore that are attributed to bears. They usually will seek additional information and it affords affording an excellent opportunity to provide information about bears, their habits and their management.

Recommended Actions

- (1) Determine the location, time and nature of the observation from the person reporting it. Also, try to determine the reason for reporting the observation, whether out of fear, curiosity or a need for additional information.
- (2) Thank the person for sharing their observation.
- (3) Discuss with the person the standard actions to do when encountering a bear (don't approach, don't annoy, don't feed and enjoy from a distance). Make an effort to determine if the person might be doing anything, inadvertent or otherwise, which might be attracting a bear. Offer advice on how not to attract a bear.
- (4) Provide additional information on black bears, including handouts. If the person has Internet access, refer them to the DEC website and additional links where bear information is available.

Useful Equipment

- Standard black bear educational materials (DEC) appropriate for the level of interest of the person reporting the bear observation.
- DEC's website (www.dec.ny.gov) and accompanying links to other sources of bear information.

A Bear Has Been Sighted Outside of Normal Bear Range

Background/Expanded Description

Members of the public who are not accustomed to seeing bears in areas outside of traditional bear ranges become easily excited and concerned about the prospects of a bear or bears being in the area. Generally there is no cause for alarm. The bear is more than likely a young male dispersing from occupied range, or a male searching for a female bear during the breeding season (June - July), or a bear moving between seasonal ranges to take advantage of changing food availability. Droughts and the accompanying lack of food will cause bears to seek food and water far away from their normal summer range. Reports of sows with cubs may be the result of an expanding bear population, generally within 20 miles of a known occupied range.

Bears live around people a lot easier than people live around bears. Many people react to a bear out of fear until they learn different. Areas outside of traditional bear range are generally ripe for plunder by wandering bears. Many bears on the move because of drought conditions also become opportunists. Bird feeders, garbage cans, barbeque grills, compost piles and other food attractions often provide a veritable "all they can eat" buffet. The public often expresses concern for the welfare of children, pets, livestock and apiaries. The bear is many times perceived to be ill, or injured, or wounded.

Anything that can happen to a bear in bear range can happen to a bear outside of bear range, and may in fact be even more likely to occur. Each person reporting an observation outside of bear range will have individual concerns and they will need to be handled on an individual basis. Additional situations from this manual should be referred to depending upon the nature of the concern. Media coverage may help allay the public's fears.

Recommended Actions

- (1) Determine the date, time, location and nature of the bear observation. Question the person reporting the bear with regard to the size, number of bears involved, markings (tags and or collars), behavior, and presence of any potential attractants. Thank the caller for reporting the bear observation.
- (2) Determine, if possible, any potential reasons why the bear may be wandering outside of normal bear range. Droughts will likely influence bears to expand their range. Young males will wander great distances during the spring dispersal period (late April through early July). Females with young of the year cubs may be a sign of expanding ranges. It helps to reassure the public that while it may be unusual for them to have a bear in their locale, it is not unusual for bears to become more mobile under certain conditions.
- (3) Treat each and every concern according to the recommendations contained in this manual. Homeowners, livestock owners, beekeepers, farmers and many others will have potential situations that are included here.
- (4) Link observations together to determine if a pattern exists with regard to individual bears. Bears can easily move 15 miles in a day and the pattern of sightings may allow you to predict the future movements. Be especially alert to a bear that has slowed or ceased its wanderings. It is likely that it has found a good food source and could develop into a chronic bear problem outside of bear range.

- (5) Communication “out” to the public will address many concerns the public may have. Media opportunities and wider use of electronically available information are encouraged. Offer to mail information to those without Internet access.
- (6) Advise and keep current the local Environmental Conservation Officers, Forest Rangers and other regional staff who might receive reports from the public about the bear and keep them current.
- (7) Record the information from any bear encounter on a “Regional Complaint, Mortalities and Observations” form.

Useful Equipment

- Black Bear Observation/ Complaint form (See Appendix C)
- Other sections of this manual dealing with specific situations

A Bear Has Entered an Urban/Suburban Area

Class 2

Background/Expanded Description

This situation is very similar to page 74, **“Bear sighted outside of normal range”**. The background is also similar, and a number of the recommended actions apply to this situation when a bear enters an urban/suburban area.

Bear populations have been expanding throughout most of New York State in recent times and there is an increasing likelihood of a black bear occurring in an urban/suburban area. This is especially likely during the late spring and early summer period when young males will be seeking a new territory after having been dispersed by their matriarch. Although common throughout much of New York State, black bears intrigue the public and receive a considerable amount of attention.

Urban/suburban bears will often rapidly transit an area of high human density and activity, traveling by both day and night and covering more than a mile per hour. They will also use small, wooded locations within developed areas to avoid humans and high levels of activity. However, young bears are extremely adept climbers and when sufficiently frightened by humans, dogs, noise or any other unnatural activity will readily seek refuge in a tree. Treeing is a normal escape/danger reflex, especially for younger bears. The presence of curiosity seekers is perceived as a threat to the bear, and accordingly, the bear will remain in the tree until such time as they believe that the threat has passed. When a bear becomes confined or contained, word spreads rapidly and many people gather to observe the bears(s). The presence of humans, dogs, media and other commotion will often keep them confined for prolonged period of time.

Situations such as this are more of a “people” problem than a bear problem. Dispersal of and/or relocation of the crowd should be the first and foremost concern. Coordination and assistance from local police agencies is desired and often necessary. As long as a reasonable escape route exists, every opportunity for the bear to escape should be considered and encouraged where appropriate. The issue becomes further complicated when the bear is in the middle of a highly developed urban area and an escape route is not readily available. This is one of the few instances in this Manual where capturing and translocation is often the most expeditious and desirable outcome.

Assistance from local police agencies is invaluable in these situations. Invariably they receive the bulk of the calls from the public. Not only are they familiar with the terrain and the citizens, they have communication, manpower and other resources available to assist with security and the overall operation.

Urban/suburban bears are considered to be a Class 2 bear in accordance with the Nuisance Black Bear Severity ratings. Class 2 bears have not shown any aggression toward people, but are often targeted by DEC staff for trap, tagging and relocation efforts.

In 2002, a survey was conducted by the Human Dimensions Research Unit of Cornell University regarding public attitudes towards black bears in urban/suburban areas and specifically queried people about methods to resolve urban/suburban bear situations. Approximately 84% of the respondents felt that “DEC should be more willing to capture and relocate urban/suburban bears.” Furthermore, over 66% strongly disagreed with the statement that “DEC should be more willing to euthanize urban/suburban bears”. While the destruction of urban/suburban bears has little, if any, impact upon the integrity of the bear resource, it is apparent such actions will garner little public support.

Recommended Actions

- (1) When an urban/suburban bear is reported, closely monitor the direction and speed of travel. Many bears will travel quickly through a developed area and as long as sufficient progress towards less developed areas is occurring, the bear should be allowed to continue. In some cases, hazing and negative conditioning with rubber buckshot or rubber slugs, and hand-held air horns can hasten the rate of travel. Advise adjoining police jurisdictions that a bear may be reported and establish communications with senior officers and dispatchers so that the report of a bear is not a surprise.
- (2) If the bear trees, the location should be evaluated in terms of potential escape routes and the likelihood of the bear continuing to be the subject of future public attention. This is almost always the case when a treed bear or bears are in a highly visible location such as a densely populated urban area or well-traveled road. Before further action can be taken, crowd control and dispersal are also a priority for the on-scene personnel. If a likely escape route exists, then the bear should be afforded every opportunity to do so. The novelty will wear off for small crowds fairly quickly, but large crowds will continue to recycle and will prevent the bear from escaping. Removal of the humans and other perceived threats should result in the bear leaving, usually soon after darkness sets in.
- (3) If the bear does not have an escape route, or if the escape route is such that it will likely tree again before escaping, or, if crowd dispersal is not possible, then capture and handling of the bear should be considered. History has shown that a bear deep within an urban area may continue to be treed multiple times, and a protracted chase such as this tests the patience of local authorities. This is one of the few instances where removal of the bear sooner rather than later is in the best interest of all concerned. Bears captured in urban areas usually require extensive special equipment such as drop nets, ladder or bucket trucks, basic life support equipment and a cooperative police presence. Security for controlled substances (i.e., immobilizing drugs) must be a top priority.
- (4) If the bear is not treed and is free-ranging, attempts to immobilize the bear should only be attempted by the most experienced personnel in immobilizing free-range bears because of the potential problems and liabilities that may arise. Previous experience in immobilizing free-ranging bears is imperative. Drugs and delivery methods available to staff need to be capable of rapid and full induction and full reconnaissance of the area is imperative before this action is considered.

(5) In these cases the capture and translocation of an urban bear is the last option, but one that resolves the incident and eliminates extended incidents. Properly handled, it can afford an excellent opportunity for black bear educational and outreach efforts.

Useful Equipment

- Bear handling and immobilization equipment, including transport trailer or cage*
- Drop net
- Ladder or bucket truck (on standby)
- Climbing gear
- Rubber buckshot*
- Hand held air horn

*See appendix A

A Bear with Tags or a Collar is Observed

Background/Expanded Description

Ear tags and radio collars are placed upon black bears for identification purposes, and to document movements. Radio collars can be used to locate specific animals. Colleges and universities, as well as DEC and agencies in adjoining states, mark bears for specific research studies or to identify specific animals. An additional value for management is to be able to locate a nursing female bear with cub(s) as a potential surrogate mother for orphaned cubs. Nuisance bears (repeat offenders), or destructive bears may need to be identified or located for relocation or permanent removal from the population. College and university studies usually span only a couple of years; however, the tags often remain on the bear long after the study has finished. After the graduate student has finished, tags often stay on the bear for a longer period of time. In New York State, DEC and other researchers use expandable, breakaway radio collars on growing bears, and breakaway collars on all bears collared for short-term studies. It is a curiosity for many people to see a bear with tags or a collar and it usually invokes a request for information as to the goal of the study or where and why was it was tagged. Bears relocated from campsites by DEC may have ear tags with color-coding for ease of future identification. Oil-based paint balls are another means of marking bears that is occasionally used.

Recommended Actions

- (1) Record the pertinent information as to the date, location, tag number, or description of the bear and forward to the appropriate office or agency.
- (2) Thank the person for calling.
- (3) If known, provide background information to the caller on the specific research project or study.

Useful Equipment

- Master database of all tagging and collaring information

A Bear is Perceived to be a Problem

A. Background/Expanded Description

Humans develop a love/fear relationship with bears very early in life. One of the first things that we learn to adore is a teddy bear and one of the first things we learn to fear is a bear similar to the ones in “Goldilocks”. Without an opportunity to learn more about bears, we carry these perceptions into our adult life. In many instances, a person’s first encounter with a real, live bear does not occur until they are well into adulthood. The mere potential presence of a bear conjures images that are difficult to change.

Many people react to a bear out of fear until they actually learn different. Black bears are formidable animals with a large body size, powerful feet with claws, and teeth and many other characteristics that make them comparable or superior to humans. Bears certainly need to be respected, as should all wildlife, and they should not be encouraged to become familiar or dependant upon humans. Unfortunately, bears adapt to living around people much easier than people adapt to living around bears.

Much of the folklore regarding bears is based upon interactions with bears of other species. If black bears wanted to hurt people they are certainly capable of doing so. Black bears in New York have a remarkable safety record around humans. Considering that there are thousands of bear/human encounters every year, making that record even more remarkable. (See Section III, Black Bear Behavior Pertinent to Nuisance Situations, page 10). Black bears usually avoid humans if at all possible, however the act of avoiding people is less likely if bears are stressed for food or that particular food source is especially attractive.

Fear of bears is accompanied by a common perception that if one finds a bears presence unacceptable, then the immediate solution is to remove the bear. While this may be appropriate for stray dogs and cats, it is more of a knee-jerk reaction to a symptom than a solution to a problem. Most bear behavior is attributable to foraging for food; remove the food attraction and the bear will likewise be removed. Taking the time to listen and fully understand a person’s concerns will help them understand the reason behind a bear’s behavior; the more a person learns, the more they will understand and the less threatening the perceived situation will be. As with most things, a little knowledge cures many concerns.

Recommended Actions

- (1) **LISTEN** The most important aspect of helping to resolve a person’s fear of any animal is to fully understand their concern and the source of that concern. Bears are no exception. The more familiar a person becomes with bear behavior, the greater the chance of that person being more accepting of the animal. There are many more problems with what people **think** bears are going to do than what bears **actually** do.
- (2) If the person has actually had an encounter with a bear, determine the full nature of the incident. Almost always there is a food attraction involved and information on how not to attract a bear is appropriate. Stress prevention of future incidents.

- (3) If a concerned person has not seen a bear or had any evidence to suggest the presence of a bear, offer information regarding bears. Materials can include DEC pamphlets, electronic (Internet) information and other popular reading materials of a factual nature. Sensationalism in the media exists, and needs to be put into perspective for the concerned individual.
- (4) Record the information from any bear encounter on a “Regional Complaint, Mortalities and Observations” form.

Useful Equipment

- Various Bear Biology and Nuisance handouts.(See Appendix C)
- DEC's website (www.dec.ny.gov) and accompanying links to other sources of bear information.
- Regional Complaint, Mortalities and Observations form(See Appendix C)

A Bear is Being Chased by Dogs

Background/Expanded Description

Black bears have evolved to run away from perceived threats, such as the sight and sound of a group of dogs. Black bears have also evolved to escape close or persistent perceived threats by climbing up a tree. Many breeds of dogs will instinctively chase bears and other breeds can be trained to chase bears specifically. DEC issues licenses to train certain breeds of dogs to trail or chase black bears (see Regulation 187.2 in Appendix B). Once trained, these dogs are frequently used to chase bears from agricultural crops such as corn. Therefore it is possible that a situation involving dogs chasing bears might be related to nuisance mitigation work.

Recommended Actions

- (1) Listen to the person reporting the chase.
- (2) Try to reassure the person that the bear could end the chase by climbing a tree, where it would be safe and in a better position to wait out the dogs and escape after they leave. Explain that such chases are sometimes necessary to alleviate crop damage and is an alternative to lethal control.
- (3) If the situation details suggest the dogs are not associated with a nuisance permit, then take the information and contact your Regional Law Enforcement for further review.
- (4) Thank the person for reporting the chase.
- (5) If there are any extenuating circumstances, look for the situation that best deals with such circumstances for recommended action.

Useful Equipment

- Current list of licensed bear dog trainers from Special Licenses Unit.

A Bear is being Fed or is attracted to Legal Wildlife Feeding or Improper Storage of Garbage

Background/Expanded Description

The DEC has the legal authority to regulate bear feeding, and has adopted regulations in 6 NYCRR Part 187 to control feeding of bears.

Part 187.1 (c) (1) prohibits the intentional feeding of bears except by persons who hold a black bear tracking dog permit (see 6NYCRR Part 187.2 in Appendix B).

Part 187.1 (c) (2) defines indirect or incidental feeding as “using, placing, giving, exposing, depositing, distributing or scattering any material for a different purpose but which attracts one or more black bears. This includes storage of garbage or refuse and use and storage of birdseed in a manner that is accessible to black bears.” Such incidental or indirect feeding is prohibited after the department has issued a written notice to the person or persons directly responsible for the incidental or indirect feeding of a black bear.

Recommended Actions

When there is reason to suspect that bears are being fed or attracted to legal wildlife feeding or improperly stored garbage, a site investigation by the Division of Law Enforcement should be promptly made. The four situations, noted below, should trigger the following actions by the Department:

- (1) No feeding or attraction to bears - no further action
- (2) Legal wildlife feeding situation - provide information on regulations so feeding does not expand illegally and warn about potential problems.
- (3) Bears attracted to legal wildlife feed or improperly stored garbage in violation of regulation 187.1 (c) (2)
 - (a) Hand deliver or mail a certified letter from appropriate regional personnel to the person responsible for feeding or garbage with a copy of regulation 187.1 attached and areas of violation noted, and the likelihood of animal or human injuries or property damage in the future explained. The letter should inform the person that they will be ticketed if they do not comply with the regulations. A copy of the letter should be sent to the local Environmental Conservation Officer.
 - (b) If upon further inspection it is found that illegal feeding or garbage storage is no longer occurring in violation of regulations, then no further Department action is required.
 - (c) If upon further inspection it is found that illegal attraction is still occurring and a reasonable time, such as 10 days after receipt of the letter has passed, the local Environmental Conservation Officer or any available Environmental Conservation Officer should be requested to promptly inspect the site and responsible person issued a ticket in violation of regulation 187.1 (c) (2).

(4) Illegal feeding - Environmental Conservation Officer should seek immediate compliance with the regulations.

Useful Equipment

- Sample warning letter*

* See Appendix C

Bear Information is Requested

Background/Expanded Description

Requests for information regarding black bears can come from a variety of sources. Most common are the requests from sportsmen, both residents and nonresidents, for places and opportunities to hunt black bears. Harvest statistics for several years, listed by county and town are a popular request. News reporters and outdoor writers often create feature articles, write about prospects for the upcoming season, or request background information for a story they are working on. These articles can generate additional requests for information depending upon the circulation and geographic area of distribution.

Each year more and more people request information to assist them in resolving problems with nuisance bears. Problems can include a bear destroying a bird feeder, bears attracted by garbage, crops, cooking materials, camping equipment, apiaries, pet food, and a variety of other food attractions. We have a number of pertinent pamphlets and brochures available for direct mail or electronically on our DEC website.

Students often pick or are assigned the black bear as a topic for a report or presentation. The age of the student will determine the amount of detail needed for them to complete their assignment. They will often be asked to interview a professional person who deals with black bears.

Media sources such as television and radio will often prepare a timely feature depending upon the season of the year. Hunting information in the fall and nuisance information in the spring and summer have become standard topics of broadcast.

Recommended Actions

- (1) Determine the type of information requested. Hunters usually seek different information than people suffering nuisance or damage. Students will need still different information as will campers. The purpose for which the information will be used is key to providing quality service to the public.
- (2) Printed information exists in forms suitable for statewide and/or regional use. Each regional office should have a supply of materials appropriate for their region and copies of statewide brochures (Yearly Bear Take by County and Town.) A listing of handouts is available in Appendix C. General hunting information should also be offered, if appropriate.
- (3) Nuisance prevention and resolution handouts should also be distributed freely to those who have or might have a problem with bears. Nuisance information available is also available on DEC's website (www.dec.ny.gov).
- (4) Encourage callers to make maximum use of electronically available information. The DEC website is an excellent starting place and has links to locations such as the North American Black Bear Foundation webpage.

Useful Equipment

- Handouts contained in Appendix C
- County Highway maps and their source
- New York State Atlas and Gazetteer
- New York State Wildlife Recreation Map

A Bear Presentation is Requested

Background/Expanded Description

DEC staff is often requested to give presentations for school groups, property owners' associations, bear forums, campgrounds, sportsman's groups and civic organizations who may be just looking for a program. Good color photographs; handouts, and displays are essential for a successful presentation. There are many key points or messages that might be covered in a presentation such as the three bear ranges, sizes and weights, sexual dimorphism, denning, emergence, natural spring foods, bird feeding, yearly dispersal, breeding season, delayed implantation, natural summer foods, bear and garbage, bears and camping/hiking/canoeing, ways of preventing problems with bears, nuisance destruction, legal hunting seasons, den emergence and the future of bears in New York State.

Recommended Actions

- (1) Identify the audience.
- (2) Select several key messages that might be of special interest to this group or their location.
- (3) Obtain approval from supervisor to proceed.
- (4) Prepare presentation utilizing references mentioned on pages 85 and 86 for background information.
- (5) Consider preparing or assisting with a news release announcing the presentation.

Useful Equipment

- Good quality photographs, laptop computer, projector, extra bulb, large screen and extension cord
- Pamphlets, brochures & handout materials
- Demonstration bear fence, bear trap, zon gun, leg snares, bear skulls, radio collars and bear resistant canisters.

Bear Carcass Availability for Educational Institution, Governmental Body, Native American Tribe and Other Entities

Background/Expanded Description

The disposition of a bear carcass can often be a challenge. Car killed bears may be given to the driver of the motor vehicle or to anyone if the driver declines the bear by permit pursuant to Section 11-0915 of the Environmental Conservation Law. Transportation road crews often bury unclaimed carcasses of road-killed bears. If there is any possibility of disease, keep human and pet exposure to a minimum and make arrangements to have the bear transported for necropsy. See page 56. If there is any possibility that the bear was killed illegally, see page 58, (3). Attempts should be made to use other bear carcasses that become available. Schools and universities often can utilize a bear carcass for a biology lab or training class. The New York State Museum should be contacted to determine if they want any parts of the bear carcass. Museums and municipalities often are looking for a good carcass to have a mount made for an educational display. Native American tribes use bear parts in many of their ceremonies and tribal rituals.

Recommended Actions

- (1) Maintain a list of possible organizations or people who have an interest in obtaining a bear carcass for educational or Native American Tribal purposes.
- (2) Determine sex and collect one or two teeth from the bear. Remove any ear tags and radio collars.
- (3) Alternate offering available carcasses between the organizations or individuals on the list.
- (4) If no one on the list can currently accept the bear, make arrangements to send the bear for necropsy.
- (5) As a last resort, make arrangements to have the carcass buried.

Useful Equipment

- Pickup truck and means of loading the bear for transportation
- Rubber gloves
- List of people or institutions interested in obtaining a bear carcass.
- Possession tags

Bears and Campgrounds

Background/Expanded Description

There are hundreds of public and private campgrounds located across New York State. Campers seem to prefer campgrounds located in large forests, near bodies of water. Most campers arrive at campgrounds in a motor vehicle, store large quantities of food in coolers, and create enticing odors when cooking, eat outdoors, produce a large volume of garbage and sleep in a tent or trailer.

Black bears live in large forest and are also attracted to bodies of water. Bears are curious, opportunistic creatures of habit that learn by association. All these factors combine to produce frequent camper/bear interactions and problems. Bears are attracted by the enticing odors and soon overcome their natural fear of people and attempt to obtain garbage or the camper's food, usually after dark at first. If successful, the garbage or food provides positive reinforcement for the bear's actions. Those actions become more frequent and the bear becomes more determined to reach and obtain the enticing sight or odor. Initially, a bear might get into garbage or an unprotected cooler. Then, over a period of time, it progresses to obtaining garbage at recycling centers, obtaining food and coolers out of tents, tent trailers, through open windows in cars, off picnic tables during meals or by breaking into closed cars and motor homes.

Recommended Actions

- (1) As soon as campers arrive, they should be advised of any bear problems that have been occurring at the campground. Campers should always be advised to not have any food in their tent or tent trailer and to keep their site clean and free of garbage and used cooking oils and grease. When not being used, all food and coolers should be kept in a vehicle with a hard top. Campers should be warned to never feed bears. Some campgrounds have written rules on food storage that campers sign when they register for a campsite. This practice aids in the enforcement of rules and eviction of non-compliant campers.
- (2) Some campgrounds have bear resistant food storage containers. These are generally better than storing food in a car and are especially useful to bikers, hikers and other campers who do not have vehicles with hard tops.
- (3) Campers should remove all garbage from their campsite immediately after meals, especially after supper. All unused food and coolers should be covered and secured in a vehicle with a hard top. All windows should be completely rolled up. A 1/4" opening is an invitation to the bear to rip out the window. In addition to the obvious property damage, such an act could result in the destruction of the bear.
- (4) If a bear should enter an occupied campsite, the campers should make noise to see if the bear will leave. They should also report any bear sighting, problems or feeding to campground staff.

- (5) During routine patrol of the campgrounds, staff should look for unprotected food and coolers and instances of bear feeding and take immediate steps to correct. Staff should always scare away any bear they see in the campground. If available, warning devices such as motion detectors can be loaned to campers. Night patrols should be increased as warranted by the frequency and intensity of bear problems. Also, as warranted, each camping party should be asked to acknowledge verbal bear warnings with their initials.
- (6) Campground staff should keep records of all complaints. Staff should also keep Bureau of Wildlife informed as specified in DEC's campground policy and work to achieve bear behavior modification or negative conditioning. See page 93 for recommended actions for bears that become repeat offenders.

Useful Equipment

- Educational handouts and signs.
- DEC bear Campground Protocol (See regional Operations staff for latest version)
- Warning devices such as Critter Gitters*
- Good flashlight (for night patrols).
- Negative conditioning equipment, such as pepper spray* and rubber buckshot*.

* See Appendix A

Bears and Backpackers and Hikers

Background/Expanded Description

Backpackers and hikers walk through bear habitat carrying food, create enticing odors when cooking and eating outdoors, produce garbage and sleep in a tent or lean-to. Bears are attracted by the enticing odors and soon overcome their natural fear of people and attempt to obtain garbage or the campers' food. If successful, the garbage or food provides positive reinforcement for the bear's actions. Those actions become more frequent and the bear becomes more determined to reach and obtain the enticing sight or odor. Initially, a bear might sneak into the hikers' camp at night and steal garbage or unprotected food. If there are enough opportunities for the bear, it may progress to climbing trees and cables to obtain backpacks, entering occupied tents or lean-tos, daytime raids and perhaps aggressive acts towards hikers to separate them from their food.

Recommended Actions

- (1) Backpackers are advised not to keep any food, cooking utensils, garbage or anything that has an odor in their tent or lean-to and to protect these items by hanging them in a tree, up a pole, along a cable, in a bear-resistant canister, or in a bear proof food storage container as available. Backpackers are also advised to keep their campsite clean, to leave nothing behind and to never feed bears. Finally, backpackers should report all bear problems to DEC.
- (2) A regulation (6NYCRR Section 190.13) effective in August 2005 requires overnight users in the Eastern Zone of the High Peaks Wilderness Area in Essex County to store all food, food containers, garbage, and toiletries in a bear-resistant canister from April 1 through November 30.
- (3) DEC staff, especially Forest Rangers and Assistant Forest Rangers as directed by their supervisors should post necessary bear warning signs. Patrols should provide information on potential bear problems to backpackers and guard against unclean campsites, unprotected food, dumping of excess food and bear feeding. Forest Rangers and Assistant Forest Rangers through their supervisors should keep the Bureau of Wildlife apprised of all bear problems and work with Bureau of Wildlife and other DEC staff to achieve bear behavior modification or negative conditioning. See page 93 for recommended actions for bears that become repeat offenders.

Useful Equipment

- Educational signs and handouts.(See Appendix C)
- Negative conditioning equipment, such as pepper spray* and rubber buckshot*
- Bear-resistant canisters*

* See Appendix A

Bears and Shoreline Camping

Background/Expanded Description

Canoeists, kayakers and boaters who camp along shorelines in bear habitat carry food, create enticing odors when cooking and eating outdoors, produce garbage and often sleep in a tent or lean-to. Bears are attracted by the enticing odors and soon overcome their natural fear of people and attempt to obtain garbage or the campers' food. If successful, the garbage or food provides positive reinforcement for the bear's actions. Those actions become more frequent and the bear becomes more determined to reach and obtain the enticing sight or odor. Bears normally travel along shorelines and might initially sneak into a shoreline campsite or lean-to and steal garbage or unprotected food. If there are enough opportunities for the bear, it may progress to climbing trees to obtain properly stored food, entering occupied tents or lean-tos, daytime raids and perhaps aggressive acts towards people to separate them from the food.

Recommended Actions

- (1) Campers are advised not to keep any food, cooking utensils, garbage or anything that has an odor in their tent or lean-to and to protect these items by hanging them in a tree, up a pole, along a cable, in a bear-resistant canister, or in a food storage container as available. Storing these items in a canoe or boat offshore doesn't work if an experienced bear smells the contents or has already learned to explore such vessels for food. Campsites on islands generally have fewer bear problems unless a bear swims to the island and locates a source of food. Then problems can be very intensive until the bear is scared from or removed from the island. All campers are advised to leave nothing behind and to never feed bears. Finally, campers should report all bear problems to DEC.
- (2) Environmental Conservation Officers and Forest Rangers should post necessary bear warning signs and provide information on bear problems to campers. They should also guard against unclean campsites, unprotected food, dumping or littering and bear feeding. They should also keep the Bureau of Wildlife apprised of all bear problems and work with the Bureau of Wildlife staff to achieve bear behavior modification or negative conditioning. See page 93 for recommended actions for bears that become repeat offenders.

Useful Equipment

- Educational signs and handouts
- Negative conditioning equipment, such as pepper spray* and rubber buckshot*
- Bear-resistant canisters*

See Appendix A

Bear has History of Repeated Offenses Breaking into Tents or Vehicles

Class 2

Background/Expanded Description

Sometimes bears learn to associate certain structures such as motor vehicles, tents, campers, trailers, coolers or backpacks with the possibility of obtaining food. Once these bears have learned this association, they can be frequent offenders that are not easily stopped. These bears have inevitably learned about this type of food from unprotected coolers, picnic tables, and garbage cans, dumpsters, recycling centers or direct feeding.

Recommended Actions

- (1) Prevent bears from having access to these sources of foods. Have coolers, backpacks, garbage cans, dumpsters and recycling centers kept secure. Keep food off picnic tables except during meals. Keep picnic tables and campsites free of any crumbs or food scraps. Any food or coolers stored in vehicles must be in the trunk of a passenger car or out of sight (covered) in the cab of a pickup or sport utility vehicle. Stop all feeding of wildlife in or near the campground.
- (2) If a bear or bears start breaking into motor vehicles, tents, campers or trailers, achieve actions recommended in (1) above, then begin capturing the bears that frequent the campground. Tag each bear with uniquely colored ear tags. Administer negative conditioning and release the bears at or near the campground. Free roaming bears can also be negatively conditioned with bear scare darts or rubber ammunition and temporarily marked with oil-based paint balls to aid in identification of individual bears.
- (3) Add mention of the colored ear tags or paint ball marks to your general warning about bear problems to all campers. Ask them to look for the colored ear tags or paint ball marks whenever a bear is causing damage. Do not provide the color combination(s) used, let camper experiencing problem identify colors.
- (4) If a captured bear has been identified as causing damage again, after it has been ear tagged, paint-balled or otherwise uniquely identified and negatively conditioned, the Regional Wildlife Manager may decide to: a) euthanize the bear or; b) radio collar the bear and if it is not a lactating female, relocate it as appropriate for the site-specific conditions of the incident. If the bear is lactating, release her at the site of capture if cubs are present. Apply as much negative conditioning as possible.
- (5) If at any time the bear becomes an actual threat to human safety, it should be given a Class 1 Severity Rating and it should be euthanized. If such a bear is a lactating female, her cubs should be captured to be rehabilitated.

- (6) If a bear has been identified as causing damage again after it has been relocated, or as soon as it becomes a threat to human safety, it should be given a Class 1 Severity Rating and it should be euthanized. If the bear is a lactating female, her cubs should be captured and rehabilitated.
- (7) Notify local Environmental Conservation Officers, Forest Rangers, and Park Officials of the problem and its resolution.
- (8) If the bear is killed, if feasible make arrangements to have it necropsied.
- (9) Complete a Significant Incident Report (SIR).

Useful Equipment.

- 12 gauge shotgun loaded with rubber buckshot* (use a lead slug if the bear needs to be destroyed), center-fire rifle, or other suitable firearm.
- Pepper spray*
- Bear Scare Dart* and dart gun*
- Siren
- Air horn
- Flare
- Flashing lights
- Fire hose
- Immobilization equipment*
- Colored ear tags
- Nets
- Culvert trap*
- Dog-sized box trap for capturing cubs*
- DEC bear/campground policy (See regional Operations staff for latest version)
- Paint ball gun and oil-based paint balls (tree marking paint balls)

*See Appendix A

A Bear is caught in a Trap or Container

Background/Expanded Description

In addition to DEC's trapping effort with culvert traps and snares, our agency has also received reports of and seen bears being trapped in homemade culvert traps, foothold traps, body-gripping traps (size 160, 220 and 330), garages and various garbage containers and dumpsters. Bears can only be legally trapped in New York in certain specific limited nuisance situations. (See Environmental Conservation Law Sections 11-0521 and 11-0523). Therefore, most of the instances where someone other than DEC traps a bear would be considered accidental or illegal.

Recommended Actions

- (1) If the public is involved, our first concern is their safety. A trapped bear is very stressed and can become very aggressive. Ideally, have everyone leave the area. If that is not possible, have everyone stay back away from the bear.
- (2) If the bear is trapped in a garage, garbage container or dumpster, make arrangements for the bear to be provided an avenue of escape. This can be as easy as opening a door or leaving a plank or log inside a dumpster. Care should be taken because the bear may be aggressive when released. If there is a reoccurrence of a bear being trapped at this site, the site may need to be modified or fenced.
- (3) If the bear entrapment may potentially be an illegal act, immediately notify the local Environmental Conservation Officer. Try to keep the situation as intact and as unaltered as possible to preserve evidence.
- (4) In other cases, the bear will have to be immobilized in order to be treated and have the trap removed. It is **not** advisable to attempt to remove a trap from a mobile bear. A free-roaming bear with a trap on its foot may have to be captured in a culvert trap to facilitate immobilization. Other options would be the use of a radio-dart or the use of a leashed tracking dog to locate the sedated bear. It is **not** advisable to use unleashed dogs to try to tree a bear with a trap on its foot.
- (5) Cubs caught in leghold traps may eventually be abandoned by the sow. If the sow has left the area the cub can be held down with the aid of a catch pole while another person releases the trap. Multiple staff members may be needed to watch for the return of the sow as the cub will make distress calls during handling. Those staff should be equipped with shotguns containing rubber shot to ward off the sow if she is present. After releasing the catch pole the cub should be expected to find and reunite with its mother on its own.

Useful Equipment

- Handling equipment*
 - Culvert trap*
 - Leashed, trained black bear tracking dog
- *See Appendix A

A Bear is in Human Possession (In Captivity)

Background/Expanded Information

There are several circumstances where a bear might be held in captivity and possessed by a person. There are relatively few individuals in New York State who have a license to properly possess a black bear. Several zoos, game farms and other scientific and educational institutions have the proper licenses under ECL 11-0515. These licenses are issued by the Special Licenses Unit of the Central DEC Office.

Some people acquire bears illegally as cubs. It is permissible in certain states to purchase black bear cubs from a licensed breeder. It is however, not legal to bring them to New York without first obtaining the proper permits. Similarly, people occasionally “find” or take a bear cub from the wild with the misguided intention of raising it as a pet. This is unlawful and every effort should be made to return the cub(s) to the wild as soon as reasonably possible.

In some instances, the bear may have been held in captivity too long and may become habituated to and familiar with humans to the point of complete dependency. Placing bears like this is difficult, if not impossible. Relatively few locations are willing to accept “tame” bears and many that will are limited in the number of bears that they can accept.

Recommended Actions

- (1) Each documented case of a black bear being held in captivity should be jointly investigated by the Department. Every effort should be made to determine if the person possessing the bear is properly licensed.
- (2) If the individual is not properly licensed, a seizure tag should be placed on the facility (unless the bear(s) is a newly acquired cub) and appropriate legal action taken.
- (3) In the case of a newly acquired cub(s), efforts should begin to return them to the sow if her location is known. Consult with regional personnel if in doubt regarding the potential for reuniting the family group. Time does not favor success in these instances and generally a period over 48 hours has little chance for success unless the sow is still denned or known to be in the area.
- (4) In cases where a reunion is not likely, assume custody of the cubs (See page 32) and arrange for transfer to a qualified wildlife rehabilitator.
- (5) In cases involving a large cub capable of foraging for food on its own, consider release to a remote area where it is unlikely to encounter humans during the period of transition. Such animals should be ear tagged and preferably radio collared.

- (6) In cases involving a bear that is dependant upon humans for survival, it is important to identify a legal, final location for the bear prior to any consideration for physically relocating it. The court having jurisdiction over the legal case should direct selection of a location, if available.
- (7) If no suitable location exists and the existing facility is inadequate, then court directed euthanasia is the only remaining alternative.

Useful Equipment

- Transport cage adequate size for the bear
- Bear Handling Equipment

Appendix A Products

** Please note that the following list of products is not a complete resource of all that is available. This is not an endorsement for any company or product. It simply shows some of the items that are available to help resolve problems with black bears. Some of these items have been used by Wildlife Staff and others who have contributed to this document and have performed satisfactorily unless otherwise noted.*

Similar products can be found by using internet search engines.

Appendix A Products

Scare Devices

1. Heat and Motion Sensors.

These devices detect movement and sound a loud alarm which scares off animals and alerts homeowners to their presence.

Critter Gitter
1-800-762-7618
E-mail: info@amtekpet.com
Fax 1-800-762-7613

NASCO
Wildlife Control Supplies
901 Janeville Ave.
Fort Atkinson, WI 53538-0901
800-558-9595
www.wildlifecontrolsupplies.com

2. Pyrotechnics

These devices are fired from a shotgun or specially designed pistol and explode in the air or on contact with an animal or hard surface.

Reed-Joseph (this company sells bird bangers, screamer sirens, and launcher pistol)
www.reedjoseph.com

Pneu-Dart, Inc. (this company sells Bear-scare darts for .50 caliber dart guns)
15223 Route 87 Highway
Williamsport, PA 17701
Toll Free: 866.299.DART (3278)
Phone: (570) 323-2710
Fax: (570) 323-2712

NASCO
Wildlife Control Supplies
901 Janeville Ave.
Fort Atkinson, WI 53538-0901
800-558-9595
www.wildlifecontrolsupplies.com

3. Pepper Spray

These substances are sprayed from a can directly in the bear's face to scare them away.

The Pepper Spray Store
P.O. Box 3323
Spokane, WA 99220-3323
(888) 811-8864

TBO-Tech
Phone 910-426-5722
FAX 910-426-2301 3069
Cumberland Rd. Suite 106
Fayetteville, NC 28306

Ben Meadows Co.
PO Box 5277
Janisville, WI 53547-5277
800-241-6401

Cabela's (this company sells rubber buckshot)
www.cabelas.com
1-800-237-4444

Counter Assault
Bear Kegs and Pepper Spray
800-695-3394
www.counterassault.com

4. Non-lethal Shot and Projectiles

These devices are usually fired from a twelve gauge shotgun and should cause no permanent injury to the animal when used as intended.

Cabela's (this company sells rubber buckshot)
www.cabelas.com
1-800-237-4444

MARGO Supplies
403-652-1932 (phone)
403-652-3511 (fax)
www.margosupplies.com

Fiocchi Ammunition USA
6930 North Fremont Rd.
Ozark, MO 65721
417-725-4118 (phone)
417-725-1039 (fax)

Garbage and Food Storage

1. Garbage Cans and Dumpsters

These devices have specially designed lids to prevent opening by wildlife.

Critter Can or Animal Resistant Can
www.crittercan.com
1-(800)-914-4771

BearSaver
1390 S Milliken Ave
Ontario, CA 91761
1-909-605-1697

Solid Waste Systems Eqpt.
7855 E. Lark Dr.
Parker, CO 80138
Phone: (303) 840-3390
Toll Free: 1-800-944-7973
Fax: (303) 840-3460
E-mail: solidws@comcast.net

Bear Proof Inc
234 S. Golden Dr.
Silt, CO 81652
Phone: 970-309-2460
fax: 970-876-0420
www.bearproofinc.com

2. Food Storage

These devices help backpackers and campers safely store their food items.

Bear Vault
Tel 866-301-3442 / 858-204-6164
Fax 866-301-3442
5663 Balboa Ave #354, San Diego, CA 92111
www.bearvault.com

Wild Ideas
805-693-0550
Wild Ideas, LLC
P.O. Box 1575
Santa Ynez, CA 93460

Garcia Machine
Backpacker's Cache
14097 Ave. 272
Visalia, CA 93292
559-732-3785
www.backpackerscache.com

Counter Assault
Bear Kegs and Pepper Spray
800-695-3394
www.counterassault.com

Electric Fencing

These products can be found at Agway and other farm stores. Equipment includes a charger, fencing and posts. See diagram in Appendix B.

Bear Handling and Capture Equipment

1. Traps

Traps suitable for capturing bears must be sturdy. Culvert traps are custom made by metal fabricators. The largest Havahart and Tomahawk traps are only suitable for small bears. Snares are another type of trap.

NorthEast Fabricators, LLC (this company custom makes culvert traps)
Post Office Box 65
30-35 Williams St.
Walton, NY 13856
Phone: 607-865-4031
Fax: 607-865-8306

Tomahawk Live Trap
P.O. Box 323
Tomahawk, WI 54487
1-800-272-8727
www.livetraps.com

The Snare Shop
858 E Highway 30
Carrol, Iowa 51401
www.snareshop.com
712-792-0600

Margo Supplies Ltd (this company also sells bear scare products and fencing)
P.O. Box 5400
High River, Alberta, Canada T1V 1M5
403-652-1932
www.margosupplies.com

2. Tranquilizer Guns and Darts

Pneu-Dart, Inc.
15223 Route 87 Highway
Williamsport, PA 17701
Toll Free: 866.299.DART (3278)
Phone: (570) 323-2710
Fax: (570) 323-2712
www.pneudart.com

TELINJECT USA, INC.
Remote Injection Equipment
9316 Soledad Canyon Road
Agua Dulce, California 91390
Phone: 661-268-0915 • 800-468-5111
Fax: 661-268-1105
www.telinject.com

3. Tags and Radio Collars

These devices are used to identify bears previously handled and to monitor movement after handling.

National Band & Tag Company
721 York St., P.O. Box 72430
Newport, KY 41072-0430
Phone: (859) 261-2035
U.S./Canada Fax: 800-261-TAGS (8247)
www.nationalband.com

Wildlife Materials, Inc.
1202 Walnut Street
Murphysboro, Illinois 62966
FAX -- 618-687-3539
PHONE -- 618-687-3505
U.S.A. -- 1-800-842-4537
www.wildlifematerials.com

Telemetry Solutions
5063 Commercial Circle, Suite E, Concord, CA 94520
Phone (925) 798-1942
Fax: (925) 798-0574
Customer Service: qkermee@telemetrysolutions.com
www.telemetrysolutions.com

Lotek Wireless
115 Pony Drive
Newmarket, Ontario
Canada L3Y 7B5
Telephone: 905-836-6680
Fax: 905-836-6455
www.lotek.com

NASCO
Wildlife Control Supplies
901 Janeville Ave.
Fort Atkinson, WI 53538-0901
800-558-9595
www.wildlifecontrolsupplies.com

4. Medical and veterinary supplies

NASCO
Wildlife Control Supplies
901 Janeville Ave.
Fort Atkinson, WI 53538-0901
800-558-9595
www.wildlifecontrolsupplies.com

Med-vet International
Animal Care Catalog
800-544-7521
www.shopmedvet.com

Local Hospitals may also have out-of-date supplies to donate.

5. Other Handling Equipment

Most other tools for handling black bears can be found using internet searches. Items include catch poles for restraint, tooth extractors and elevators, climbing gear for climbing trees, stethoscopes, thermometers, and latex gloves.

APPENDIX B RELEVANT LAWS, REGULATIONS AND POLICES

The Department of Environmental Conservation (DEC) is directed under various sections of the Environmental Conservation Law (ECL) to manage the Black Bear resource. The ECL also enables DEC to establish regulations involving activities associated with bears. These laws and regulations also control, restrict or regulate activities carried out or undertaken with bears.

Relevant sections of New York Codes, Rules and Regulations Title 6NYCRR:

§1.31 Hunting black bear (definitions, seasons, regulations, ranges)

§187.1 Black Bear feeding (**see entire text on the next page**)

§187.2 Training of dogs on black bears (**see entire text beginning on the next page**)

Relevant sections of the ECL:

§11-0103(2) defines big game as including bear

§11-0505 interference with fish and wildlife (bear traps and salt licks)

§11-1515 license to collect, possess or sell for propagation, scientific or exhibition purposes

§11-0521 destructive wildlife; taking pursuant to permit

§11-0521 allows taking or tracking pursuant to permit

§11-0523 destructive or menacing wildlife; taking without permit

§11-0701 definition of licenses and privileges of licenses

§11-0703 general provisions

§11-0707 excepts deer and bear from exemption from license requirements

§11-0901 prohibitions on hunting and spotlighting

§11-0907 open hunting seasons, bag limits

§11-0909 hunting hours

§11-0911 procedures on taking wild deer and bear

§11-0915 disposal of deer, bear, and moose killed unintentionally by collision

§11-0921 surrender of game unfit for human consumption

§11-0923 prohibition of hunting bear with aid of a dog

§11-0928 tracking dogs

§11-0931 prohibition on use and possession of firearms

§11-1705 importation, possession and sale of wildlife and game

All of the above Sections are available on DEC's internal website.

Section 35.05 (2) of the penal Code is available at <http://public.legisfo.state.ny.us/menuf.cgi>

By clicking on Laws of New York, then select penal law, then title C article 35 and finally section 35.05.

Part 187: Miscellaneous Black Bear Regulations

(Statutory authority: Environmental Conservation Law, §§3-0301(2)(m), 11-0521, 11-0903(8), 11-0923 and 11-0928)

[Last Amended: January 12, 2011]

Contents:

Sec.

- 187.1 Black bear feeding
- 187.2 Training of dogs on black bears

§187.1 Black bear feeding

(a) "Purpose." The purpose of this section is to protect public safety while conserving New York's black bear populations. The deliberate, intentional feeding of black bears is prohibited. The incidental, indirect feeding of black bears becomes unlawful once a written warning has been issued by the department.

(b) "Definitions."

(1) "Feeding" means using, placing, giving, exposing, depositing, distributing or scattering any material to attract one or more black bears to feed on such material.

(2) "Incidental or indirect feeding" means using, placing, giving, exposing, depositing, distributing or scattering any material for a different purpose but which attracts one or more black bears. This includes storage of garbage or refuse and use and storage of birdseed in a manner that is accessible to black bears.

(c) Prohibited activities. It is a violation for any person to:

(1) Feed black bears, except as authorized by section 187.2 of this Part;

(2) Incidentally or indirectly feed black bears after the department has issued a written notice to the person or persons directly responsible for the incidental or indirect feeding of a black bear.

§187.2 Training of dogs on black bears

(a) "Purpose." The purpose of this section is to allow the use of certified black bear tracking dogs by persons possessing a black bear tracking dog license issued by the department.

(b) "Definitions."

(1) "Certified black bear tracking dog" means a dog that is used to track, trail, pursue and tree black bears pursuant to a black bear tracking dog license, issued as provided by this section; that is licensed, collared, identified and vaccinated against rabies in accordance with the Agriculture and Markets Law; and that is one of the following breeds or a cross among these breeds: Airedale, American Black and Tan Coonhound, Bluetick Coonhound, Majestic Tree Hound, Mountain Cur, Leopard Cur, English Coonhound, Plott Hound, Redbone Coonhound, Treeing Walker, Black Mouth Yellow Cur, and Karelian Bear Dog.

(2) "License" means a black bear tracking dog license issued pursuant to this section, authorizing the use of certified black bear tracking dogs as specified in this section and subdivision 6 of section 11-0923 of the Environmental Conservation Law.

(3) "Licensee" means a person who is the holder of a black bear tracking dog license.

(4) "Agent" means any person authorized by the licensee to place baits to attract a black bear, who is listed on the licensee's agent list, and who possesses a copy of the license.

(5) "Relaying" means the act of replacing dogs or a pack of dogs during a chase or pursuit of a black bear.

(6) "Reversible attractants" means conditions that attract black bears where the conditions can be removed, made unattractive, or inaccessible to black bears.

(c) Black bear tracking dog license.

(1) Qualifications. An applicant for a license must:

- (i) Possess a current license authorizing the applicant to hunt black bear in New York; and
- (ii) Not have been convicted of, pled guilty to, or settled by civil settlement or otherwise for, the illegal taking of a black bear or the illegal sale of black bear parts within the last five years.

(2) Issuance. Applicants who meet the qualifications for a license must submit a completed, signed application and:

- (i) a \$25 fee for a license valid for one year; or
- (ii) a \$100 fee for a license valid for five years.

(3) Entitlements.

(i) A black bear tracking dog license issued by the department entitles the licensee to train and use certified black bear tracking dogs to track, trail, pursue and tree black bears, including the placement of bait to attract bears, from July 1 until nine days before the opening of any bear hunting season in the Zone (Northern or Southern Zone) where certified black bear tracking dogs are being used. The licensee must also possess a current license authorizing him or her to hunt black bear in New York. A licensee may also assist with controlling damage caused by black bears as provided in subdivision (e) of this section.

(ii) Residents of any age and non-residents under the age of 18, who have not been issued a black bear tracking dog license and have not been convicted of, pled guilty to, or settled by civil settlement or otherwise for, the illegal taking of a black bear or the illegal sale of black bear parts within the last five years may accompany a licensee during the training and use of certified black bear tracking dogs to track, trail, pursue and tree black bears. They may also act as an agent of the licensee to place baits pursuant to subdivision (d) of this section.

(iii) Non-residents 18 years old and older who have not been issued a black bear tracking dog license, but do possess a current New York license authorizing black bear hunting, and have not

been convicted of, pled guilty to, or settled by civil settlement or otherwise for, the illegal taking of a black bear or the illegal sale of black bear parts within the last five years, may accompany a licensee during the training and use of certified black bear tracking dogs to track, trail, pursue and tree black bears. They may also act as an agent of the licensee to place baits pursuant to subdivision (d) of this section.

(4) Conditions.

(i) No person may capture, take, kill or attempt to kill a black bear with the aid of a dog except by permit issued pursuant to subdivision 1 of Section 11-0521 of the Environmental Conservation Law.

(ii) No person may possess a longbow, crossbow, pistol, rifle, shotgun or firearm of any kind while using dogs to track, trail, pursue or tree a black bear except under a permit issued pursuant to subdivision 1 of section 11-0521 of the Environmental Conservation Law.

(iii) Black bear tracking dog training hours will be from one half hour before sunrise to sunset.

(iv) Only certified black bear tracking dogs may be used to track, trail, pursue or tree black bears.

(v) At least two but no more than eight certified black bear tracking dogs must be used to track, trail, pursue or tree black bears, except an additional four certified black bear tracking dogs may be brought to the tree for purposes of training after the chase has ended and the black bear is treed.

(vi) No relaying of packs or dogs is allowed when tracking black bear.

(vii) Each black bear tracking dog must have a tag which includes the owner's name, address, and telephone number.

(viii) No more than 12 people may accompany a pack of dogs during the tracking, trailing, pursuit or treeing of black bears.

(ix) At least one person accompanying the pack must be a licensee.

(x) No licensee may release dogs after a black bear when the reported ambient air temperature is above 85 degrees Fahrenheit.

(xi) Licensees will make every effort to end any black bear chase or to remove their dogs and leave a treed black bear whenever the reported ambient air temperature is above 90 degrees Fahrenheit or when the black bear is panting.

(xii) Licensees must complete and return any survey, questionnaire, agent list or daily diary requested by the department.

(xiii) Licensees will maintain a list with names and addresses of agents who are authorized to place baits and provide all agents with a copy of their license.

(xiv) Licensees will maintain a map or list of GPS coordinates of all bait locations and show this map or coordinate list to any department official upon request;

(xv) Licensees will identify each bait site with their 12-digit Department of Environmental Conservation Automated Licensing System (DECALS) identification number or their name and address clearly legible on a metal tag, plastic tag, stake, or container for bait;

(xvi) The department may at any time amend license conditions establishing reporting requirements. Licensees will be notified in writing of any license condition amendments and the period of time during which they are in effect.

(xvii) Licensees and their agents will cease placing baits when notified by the department that such baits are creating a nuisance.

(d) "Deployment of bait used for black bear tracking dog training." It is a violation for any licensee or agent to:

(1) place any bait within 500 feet of any occupied building (unless the building is owned or leased and occupied by that person), school, playground, paved public road, trailhead, designated or established campsite, landfill, dump or municipal waste transfer site or dumpster;

(2) place any bait within 100 feet of any other building, any unpaved public road or trail, or body of water;

(3) place any bait or use any substance containing metal, glass, plastic, paper, cardboard or porcelain;

(4) place any bait during any time period other than the black bear tracking dog training season as defined in subdivision (c) of this section;

(5) act as an agent of the licensee unless the person:

(i) is listed on the licensee's agent list;

(ii) has agreed to the conditions and signed a copy of the license;

(iii) carries that copy of the license on their person when placing bait;

(iv) follows all other conditions of the license.

(6) fail to remove all baits by the close of the black bear tracking dog training season as defined in subdivision (c) of this section.

(e) "Deployment of black bear tracking dogs pursuant to a chase permit."

(1) In addition to training seasons established by this section, the department may also issue permits to chase nuisance black bears with trained, certified black bear tracking dogs when all of the following conditions are met:

- (i) The department receives a complaint of damage to property or threat to public health or safety caused by one or more black bears;
 - (ii) The department examines the evidence of damage or threat and identifies any reversible attractants and all practical non-lethal control methods for the complainant;
 - (iii) The complainant has removed any reversible attractant and tried all practical non-lethal control methods, but the damage or threat continues;
 - (iv) The department determines that tracking dogs are essential to manage the nuisance black bear or bears.
- (2) The department may issue a permit to destroy the nuisance black bear if there is a strong likelihood that the nuisance black bear can be identified. This destroy permit may, at the department's discretion, include the use of trained, certified black bear tracking dogs to tree the black bear for identification prior to destruction.
- (3) After the above conditions are met, chase and destroy permits may be issued by the department at any time and any place.
- (4) Nothing in this section may be construed to prohibit the use of dogs by the department or by persons authorized by the department pursuant to Environmental Conservation Law section 11-0515 or 11-0521 to aid in the capture or taking of black bears for management or research purposes or damage abatement.

APPENDIX C
SOURCES OF INFORMATION ON BLACK BEARS, HANDOUTS AND
MISCELLANEOUS REFERENCES

Black Bear Fact Sheet for Backcountry Users

Bear-Resistant Canister Fact Sheet

2006 Black Bear Situation Response Protocol

Fencing Diagram

Black Bear Program Regional Complaints, Mortalities, and Observations Form

Sample Warning Letter for Indirect or Incidental Black Bear Feeding

In addition, the DEC website has many useful informational pages, including the “Living With Black Bears” brochure: <http://www.dec.ny.gov/animals/6995.html#Bird>

Black Bear Fact Sheet for Backcountry Users

Facts About Black Bears

- **Bears are Common in the Adirondacks and Catskills** - The Adirondack Region contains the largest black bear population in New York (5000-6000) and the Catskill Region contains the second largest (500-600). The Allegheny Region contains 100-200 bears. You are very likely to encounter a bear while camping in the backcountry of these regions.
- **Bears are Intelligent and Curious** - They spend a great deal of time exploring for food, and this can bring them close to humans. If an activity results in food, they will repeat that activity.
- **Feeding Bears *Will* Cause Trouble for Humans and Bears** - When bears learn to obtain food from humans, they become bold and aggressive. Bear's natural foraging habits and behavior are changed. Usually solitary, bears can be concentrated in areas causing stress, injuries from physical conflicts, and the spread of diseases. When feeding from human sources, bears will often eat unhealthy materials such as soap, shaving cream, insect repellent, food packaging, etc.

DO NOT FEED BEARS (INTENTIONALLY or ACCIDENTALLY)

How to Avoid Attracting Bears

- **Use Bear-Resistant Canisters** - This is a highly effective means for preventing bears from getting your food, toiletries and garbage. If you have no choice but to hang your food be sure to use a **dark-colored cord**. The cord should be 75 feet long and the bag should be hung 15 feet above the ground and at least 10 feet away from trees.

NOTE: DEC REGULATION REQUIRES THE USE OF BEAR-RESISTANT CANISTERS BY OVERNIGHT USERS IN THE EASTERN HIGH PEAKS WILDERNESS BETWEEN APRIL 1 AND NOVEMBER 30.

- **Pack a Minimal Amount of Food and Plan Meals to Avoid Leftovers** - The less food to store, the better. Use lightweight and dehydrated foods. Eat all that you cook.
- **Cook Before 5 p.m., Away From Your Campsite and Be Clean** - Bears become active after 5 p.m.; have food stored and site cleaned by then. Choose an area at least 100 feet away from your campsite. Avoid spills and drippings.
- **Keep Food in Storage Containers** - Only take out the food you plan to cook. Store food immediately if a bear approaches your cooking area.
- **Never Leave Food Unattended** - Bears often watch, hidden in woods, waiting for opportunities to steal food.

Bear Encounters

- **Never Approach or Surround a Bear** - Bears aggressively defend themselves when they feel threatened or cornered. Be especially cautious around cubs as mother bears are very protective.
- **Do Not Throw Your Backpack or Food Bag at an Approaching Bear** - This practice will only encourage bears to approach and "bully" people to get food.
- **Use Noise to Scare Bears Away** - Yell, clap or bang pots immediately upon sighting a bear near your campsite. Never run from the bear. If you feel threatened, back away slowly.
- **Avoid Walking Trails at Night** - Stay in your campsite to avoid chance encounters.

FOLLOW THE INSTRUCTIONS OF DEC FOREST RANGERS AND CARETAKERS

More information may be found on the DEC web site www.dec.ny.gov under "Bears"
or call DEC Region 5 at 518/897-1200.

New York State Department of Environmental Conservation
George E. Pataki, Governor Denise M. Sheehan, Acting Commissioner

Bear-Resistant Canister Fact Sheet

Many black bears, particularly those in the Adirondack High Peaks Wilderness, have become adept at obtaining food that is hung by backcountry campers. Bear-resistant canisters are a highly effective means for preventing bears from obtaining food, toiletries and garbage. When bears are unable to obtain food from backcountry campers, campers will have a more enjoyable backcountry experience, and the bears will return to looking for natural foods in the forest. Canisters are required in many National Parks and resist even grizzly bears.

DEC REGULATION REQUIRES THE USE OF BEAR-RESISTANT CANISTERS BY OVERNIGHT USERS IN THE EASTERN HIGH PEAKS WILDERNESS BETWEEN APRIL 1 AND NOVEMBER 30.

Bear-Resistant Canisters

- Canisters are solid and non-pliable.
- Canisters are usually made of a hard plastic, but metal or another material may also be used.
- Non-rigid containers or sacks are not considered bear-resistant canisters under the regulation.
- Canisters weigh 3 to 5 pounds.
- Canisters typically are 8 inches by 12 inches in size.
- Canisters can hold 6 person-days of food.

Packing a Bear-Resistant Canister

- Pack all scented items (food, toiletries, and trash) in the canister.
- Pack materials in sealed plastic bags or containers to reduce odors that will attract bears.
- Choose foods that are compact, compressible and high in calories.
- Don't take more than you will need.

Using a Bear-Resistant Canister

- Ensure that the canister lid is secured.
- Carry the canister in the backpack or strap it to the outside.
- Nylon carrying cases are available for some canisters.
- Place reflective tape on the canister to assist in locating the canister in the dark.
- Label the canister with your name and contact information, in case it is lost.

Storing a Bear-Resistant Canister

- Canisters should be stored at least 100 feet away from your campsite.
- Wedge the canister between rocks, under logs or just place it in a shallow depression.
- Do NOT hang canisters; bears can still carry off your food.
- Do NOT store canisters in carrying case; bears will be able to carry it away.
- Do NOT store canisters near water; canisters are not watertight and do not float.

Benefits of Bear-Resistant Canisters (when properly used)

- Prevent the loss of food to a bear, thus preventing hungry campers and shortened camping trips.
- Reduce or eliminate the occurrence of night time visits by bears to your campsite.
- Reduce or eliminate occurrences of damage to expensive camping equipment like backpacks and tents.
- Eliminates the need to locate the proper tree for a tree hang.

More information may be found on the DEC web site www.dec.ny.gov under "Bears"
or call DEC Region 5 at 518/897-1200.

New York State Department of Environmental Conservation
George E. Pataki, Governor Denise M. Sheehan, Acting Commissioner

Black Bear Situation Response Protocol for Law Enforcement Agencies, State Police and 911 Dispatchers

If anyone reports a situation with a bear, use this protocol to determine a recommended course of action and what, if any, DEC notification is appropriate.

1. Is the bear **attacking anyone** or trying **to enter a home, schoolyard, or daycare** center? Immediately dispatch a unit to the scene and call the statewide ECO dispatch at 877-457-5680. Tell the caller **do not** approach the bear. When officers arrive, have them try to drive the bear away with noise, siren, lights, deterrent sprays or rubber buckshot. If a bear ever attacks a person without provocation, it should be safely and humanely destroyed and later autopsied by DEC. _____ **End**
 - or Is the bear creating a public **disturbance** (attracting a crowd)? Immediately dispatch a unit to the scene and call the statewide ECO dispatch at 877-457-5680. Keep people away from the bear. Do everything possible to allow the bear to escape. If the bear does not leave, wait for the ECO. _____ **End**
 - or Is the bear **attacking a pet or livestock**? Immediately dispatch a unit to the scene. If the bear is not killing a pet or livestock, allow it to leave. If the bear is destroyed or does not leave, call the statewide ECO dispatch at 877-457-5680. _____ **End**
 - or All other situations, is the **bear still there**? Yes _____ **Go to 2**
No _____ **Go to 7**

2. Is there **more than one bear** ? Yes _____ **Go to 3**
No, there's just one bear and:
 - It is **believed to be injured** _____ **Go to 4**
 - or It is believed to be a **cub, orphaned or separated** from its mother. If separated, the best action is to keep people away, wait and allow the sow to return _____ Otherwise, **Go to 5**
 - or It seems to be or **is dead** _____ **Go to 6**

In **all** other situations, **leave the bear alone and allow it to escape**, or if necessary, scare the bear away with sirens, etc, then:
If the bear can't be left alone, can't escape or just refuses to leave _____ **Go to 5**

 - or If the bear leaves _____ **Go to 7**

3. Direct the people to keep away from the group of bears which is often a sow defending cubs or yearlings. The best solution to this situation is to allow the bears to **all leave together**.
If the bears leave _____ **Go to 7**
 - or If the bears refuse to leave or if one of the bears is left behind or appears injured _____ **Go to 5**

4. **If the injured or diseased bear can move freely, physically can escape and has an escape route, then let it escape.** Do not pursue. It will not attack people and it will probably recover _____ **Go to 7**
 - or If the bear is injured or appears diseased and cannot move freely, or move away and escape, it could hurt someone if they got too close or tried to touch it. As quickly and as safely as possible, humanely dispatch the bear by shooting it at the base of the skull
Go to 7

5. Call the statewide ECO dispatch at 877-457-5680. The ECO will decide if additional DEC staff is required _____ **End**

6. Have someone determine the status of the bear. If injured _____ **Go back to 4**
If the bear is dead as the result of:
a **collision** with a vehicle, the vehicle owner, or an interested third party can legally possess the carcass. Issue a deer road kill possession tag after altering it to read "bear" instead of deer, then _____ **Go to 7**
 - or of being **shot** or if there is any potential violation, immediately call the statewide ECO dispatch at 877-457-5680 and maintain a chain of evidence _____ **End**
 - or All other situations involving dead bears _____ **Go to 7**

7. Tell the caller DEC is interested in this bear and they should call _____ during normal business hours. _____ **End**

Fencing Diagram

Power Supply:

For Battery Powered Fencers:

- Put inside enclosure
- Put fencer on post (2½' high) with battery under it, (on board or in plastic case) and ground rod beside it.
- (Cover all with plastic garbage can slit up one side for 'hot' wire to fence)

*Fencer: Should have 5000V+

Note : modern fencers have very high voltage, & very low amperage, 'Effective, but Safe'.

Example - Gallagher B75 (Battery)
Gallagher M100 (Plug in)

Posts:

- 6-8' spacing
- Note: gates with Gallagher spring gates longer, wire or polywire 10' max.
- Corners braced if using tight wire.
- Set in pipes if need to be removeable.

Wire/Polywire:

- (4) Strands
- On outside of posts
- Spacing from ground; 6", 12", 24", 36".
- All wires connected at several points, including beside fencer connection.

Materials (basic): (As per Diagram)

-Posts (or Gallagher Insul timbers 5')	15
-Insulators (Or Gallagher Insul timber pins)	1 pkg
-Polywire (Or Wire)	1 roll
-Gate Handles (or Gallagher spring gates)	4
-Electric fence signs	5
-Gate Anchors	4
-Fencer - M100	1 or
- B75/ 12V Marine battery	1
-Ground Rod (4')	1
-Ground Clamp	1
-Hot Wire (insulated)	1

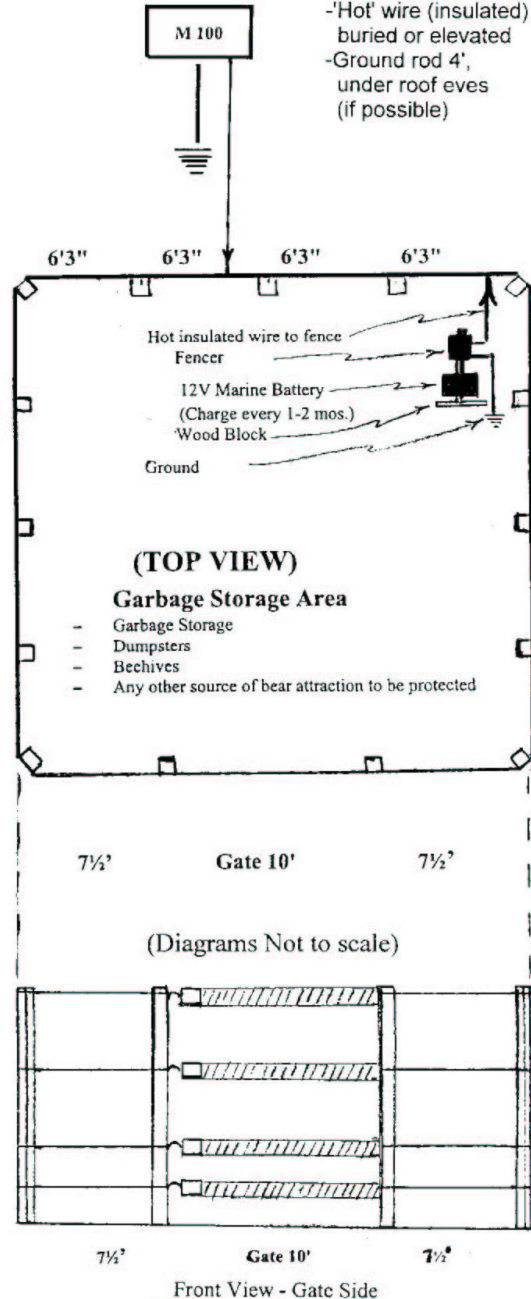
Cost: Approx: \$280 (No annual cost)

Note:

Gallagher materials were referenced because they are readily available throughout the state and have been used and displayed excellent quality, and are sold by persons offering technical advice, the builder should buy and use any quality materials he chooses and many other quality brands are no doubt available.

Plug-In Fencer Set Up:

- Fencer in sheltered location
- 'Hot' wire (insulated) buried or elevated
- Ground rod 4', under roof eaves (if possible)



7 1/2' Gate 10' 7 1/2'

Front View - Gate Side
(Gallagher Spring gates shown)

**New York State Department of Environmental Conservation
Division of Fish, Wildlife and Marine Resources, Region x
Bureau of Wildlife**

Regional Address

Phone: (xxx) xxx-xxxx • **FAX:** (xxx) xxx-xxxx

Website: www.dec.ny.gov



Joe Martens
Commissioner

**NOTICE TO COMPLY WITH PART 187
NEW YORK CODES, RULES AND REGULATIONS
THE INDIRECT OR INCIDENTAL FEEDING OF BEARS**

Dear _____:

On _____ I inspected your property located at _____ and found conditions that may result in the attraction or the enticement of bears. At that time, you were offered technical advice on how to prevent the attraction of bears. If you fail to take corrective action and the bears are attracted to your property after the date of this letter (_____), you may be in violation of Part 187.1(c)(2) of the New York Codes, Rules and Regulations.

The technical advice consisted of:

- 1) _____
- 2) _____
- 3) _____

If you require further assistance or would like to have your property reinspected after making the necessary corrections, please contact the Region x Wildlife Office at xxx-xxx-xxxx.

Sincerely,

Bureau of Wildlife

Attachment: Part 187.1 NYCRR

cc:

NOTICE: If you fail to take corrective action, this matter will be referred to the Division of Law Enforcement for prosecution. This violation, after conviction in the local criminal court, subjects you to a fine of up to \$250.00 and/or up to 15 days in jail.

6NYCRR §187.1 Black bear feeding

(a) "Purpose." The purpose of this section is to protect public safety while conserving New York's black bear populations. The deliberate, intentional feeding of black bears is prohibited. The incidental, indirect feeding of black bears becomes unlawful once a written warning has been issued by the department.

(b) "Definitions."

(1) "Feeding" means using, placing, giving, exposing, depositing, distributing or scattering any material to attract one or more black bears to feed on such material.

(2) "Incidental or indirect feeding" means using, placing, giving, exposing, depositing, distributing or scattering any material for a different purpose but which attracts one or more black bears. This includes storage of garbage or refuse and use and storage of birdseed in a manner that is accessible to black bears.

(c) Prohibited activities. It is a violation for any person to:

(1) Feed black bears, except as authorized by section 187.2 of this Part;

(2) Incidentally or indirectly feed black bears after the department has issued a written notice to the person or persons directly responsible for the incidental or indirect feeding of a black bear.