

<http://www.dailypress.com/news/local/virginia/dp-va--dismal-bearhunt1130nov30,0,5537476.story?coll=dp-headlines-virginia>

## **Judge rules bear hunt in wildlife refuge can proceed Friday**

By SONJA BARISIC  
Associated Press Writer  
November 30, 2006

NORFOLK, Va. -- A federal judge shot down a last-minute legal challenge by animal-rights groups trying to stop a two-day black bear hunt scheduled to start Friday in the Great Dismal Swamp National Wildlife Refuge.

Three wildlife groups and two southeastern Virginia residents went to court late Thursday seeking a temporary restraining order. They asked a judge to postpone the hunt for a week and hold a full hearing on the matter.

"There is nothing to replace a bear killed tomorrow morning," Frank A. Edgar Jr., an attorney for the groups, told the judge.

U.S. District Judge Henry C. Morgan Jr. denied the request. He said there was no evidence to support the groups' contentions that the federal government did not comply with procedures for opening the refuge to bear hunting and that the recreational hunt would irreparably harm the refuge's black bear population.

The U.S. Fish and Wildlife Service, which oversees the refuge, had made a "long-considered, deeply studied decision" to hold the hunt, Morgan said in ruling from the bench after a three-hour hearing.

"You have not demonstrated to me that the Fish and Wildlife Service has done anything wrong," Morgan told attorneys for In Defense of Animals, the American Environment Foundation, the Animal Welfare Institute and residents Kristie Phelps and Danielle Moore.

The judge said, however, that the groups could return to court to try to bar future hunts. Phelps, program coordinator for In Defense of Animals, said after the hearing that they would mull that option.

"To hunt bear in a wildlife refuge is just not right," Phelps said outside court. She said refuge officials are permitting the hunt based on "faulty science."

Phelps said she was unaware of any protests planned at the refuge but that group members would be on hand to photograph and videotape the hunt to document the outcome.

Two wildlife biologists testified for the government that the hunt would have no impact on the refuge's bear population of more than 250 and that Virginia's overall black bear population of about 5,000 is healthy and growing.

Officials said the 58 hunters participating in the event will be allowed to kill a total of 20 bears. They probably only will manage to kill 10, testified Robert Duncan, wildlife division director with the Virginia Department of Game and Inland Fisheries.

Edgar argued that the Fish and Wildlife Service did not properly open the refuge to bear hunting because a proposed hunting rule published in the Federal Register in 1998 did not contain the word "bear." The word was added when the final rule was published 37 days later, he said.

"They slipped one past everybody," Edgar said.

Morgan asked Edgar, "Where have you been the last eight years?"

Edgar said the refuge has not held a bear hunt until now.

Refuge manager Suzanne Baird testified that officials followed procedures properly. She said that because deer hunting already had been authorized, officials were not required to go through the whole rule-making process again in order to permit bear hunting.

Baird also said the public was given ample chance to comment on the bear hunt at meetings and in writing earlier this year.

The hunt is in 21,000 acres of the 111,000-acre refuge, and is limited only to the portion of the refuge in southeastern Virginia. Part of the refuge is in northeastern North Carolina.

P>

On the Net:

Great Dismal Swamp National Wildlife Refuge: <http://www.fws.gov/northeast/greatdismalswamp/>