

ANOTHER POV

The \$100 Bear

My lady, I have lived here in Highlands for four years now, and the neighborhood I live in has three bears in full-time residence, a mother and two cubs. The bears' activities have been fairly routine; they have been seen walking out of the woods, strolling down the street, and on rare occasions, they have been on someone's porch helping themselves to a bird feeder that the homeowner had failed to take in during the night. On one occasion the bears startled a neighbor on her early morning walk with her dogs. The large mother bear and her cubs, which surprised the diminutive lady and her equally less menacing small dogs, quickly left the scene after the shrill sound of the whistle the woman wore around her neck filled the air with its high-pitched scream. With the rare porch visits being the extent of the bears' incursions into their security, the residents of our neighborhood have been unafraid of these gentle giants and willing to share their living space.

It just so happens that my lady and I are the only full-time members of our neighborhood who have not seen these bears. It had become such a thing with me that on two occasions, when the word had spread that the bears had been seen walking around the neighborhood, I positioned my car at the crossroads where they had been seen and sat there in my car throughout the night, camera in hand, waiting for the chance to photograph the elusive bears. Unfortunately, I had no sightings and remained the only resident not to have seen our bears.

We were driving down Biscuit Rock road this Christmas when we spotted a bear feasting on its version of Christmas dinner—a roasted turkey carcass, assorted breads, and a Cool Whip container a visitor had placed in a trash can but apparently had not secured. Safe within the confines of our car, we were thrilled to see it wasn't just one bear but a mother bear and three cubs. They knew we were there, and after a probing glance from Mother Bear, they knew they had nothing to fear from us, so they continued to enjoy their Christmas feast.

We watched from just feet away, all the while mindful of the bear's potential, yet never fearing as we gleefully watched from within the safety of our car. I was struck by the sight of these bears as they sat quietly enjoying their meal; their huge bodies and obvious strength were so clear, yet there was a gentleness to them that said there was nothing to fear. Throughout our visit, Mother Bear sat off to the side, quiet and unmoving, just watching. I knew she was ready at a moment's notice to use all her strength and ferocity to protect her cubs yet there was a gentleness to her I find hard to describe; it was an inspiring sight. We watched these bears until they quietly slipped back into the darkness of night, and all the while, I wasn't sure what they enjoyed more, their meal or watching the silly humans in their metal cave. How blessed we are that these magnificent creatures can live in harmony with us; they are a cherished part of this wonderful area in which we live. I finally saw my Highlands bears.

With my recent joyous experience of bear watching just past, I was both surprised and dismayed to read in the Silva Herald of the conviction of a man on a violation of North Carolina General Statue 113-292, specifically, "Take a black bear with the aide of poison to (wit) antifreeze." This seemed a bit cryptic, but a call to the Clerk of Courts clarified

the crime. The offending party had pleaded no contest to the charge of killing a black bear through the use of poison. As a result of his conviction, the offending party was ordered to pay a fine of \$100, court costs of \$121, and restitution in the amount of \$2,232.

In speaking with the North Carolina Wildlife Association, I was told that the perpetrator (I'll call him Mr. Jones) had intended to poison coyotes by setting out poisoned food (violation of NC GS 113-262), which apparently Mr. Jones stated had been causing problems in the area; however, a bear fell victim to this illegal act. The bear had been found dead earlier in the summer, and only through the diligent investigation of the North Carolina Wildlife Association was the perpetrator of the crime discovered.

This poisoning took place at Chinquapin, a sub-community of Trillium, whose mission is, according to its website, "(to serve) as stewards of our natural and economic resources; developing land in harmony with nature; fostering a spirit of genuine connection and belonging; and ensuring a pristine, welcoming family environment." The most recent owner of the land, now known as Chinquapin, was the Carlton family, who donated 700 acres to the conservation easement with the North American Land Trust. The Carlton family, who seem to have a deep and sincere concern for the environment, made the conservation easement as they "...want(ed) to ensure there is a place where our grandchildren and great-grandchildren can enjoy the natural and preserved elements of nature." I applaud the Carlton family for their commitment to the environment.

The poisoning of the bear at Chinquapin seems to be a doubly tragic event, knowing the intent of the Chinquapin community. I endeavored to determine the reason for the poisoning but my calls to Mr. Jones and Trillium management went unreturned. It is also of note that our Mr. Jones was an employee of Trillium and, as of my last inquiry to Trillium, continues to be one. It would seem that the poisoning of a bear would violate the charter of Chinquapin and, most certainly, the wishes of the Carlton family "to preserve the elements of nature."

I was also somewhat surprised at the low fine, \$100, but after an enlightening conversation with the judge who handled this case and researching the Sentencing System of North Carolina, I found, to my dismay, that the fine was consistent with state guidelines. In response to the overcrowding in our jails and to ensure fair treatment, this system was developed that, to put it simply, divides crimes into categories of as serious and not so serious and people as habitual and first-time offenders. Using a simple matrix, the judge matched the crime with the criminal record of the person and provided a list of available punishments. It's pretty much a pick one from column A and one from column B kind of thing. It is of curious note that at Whiteside Mountain, for example, a sign states littering is punishable by a \$1,000 fine. Can it be that discarded beer cans are a more heinous crime to us than the killing of a black bear?

Some might say it's just one animal, just one bear, but I have another point of view. I believe the unspoiled forests and mountains that surround us, as well as the bears and all the other creatures that call them home, are not only why we live here but also why people visit our beautiful mountain community. We need to protect our precious mountain animals and maybe it's time for the legislators to re-think the fines for destroying one of those precious creatures of nature that make this area the special place it is. I wrote to my representatives and told them it's time to change the fines; perhaps you should, too. I'll have Another Point of View in two weeks.

Matthew Eberz
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