

13. Assessment of Public Comment

The 60-day public comment period from November 9, 2022 to January 9, 2023 for the Rush Oak Openings proposed regulations resulted in four comments from one individual related to hunting. The comments and responses are as follows:

1. Comment: "The proposed rulemaking kind of backhandedly allows hunting by including Rule 6: 'Restrict discharging of firearms to the legal taking of game.' This seems unnecessarily unclear and should be rewritten."

Response: Existing regulations allow for hunting at Rush Oak Openings Unique Area. This proposed change in the regulation is a concise means of prohibiting any discharge of a firearm except for the legal taking of game, and is similar to the language used in other area-specific regulations where the department allows hunting but not target shooting. This provision is in response to concerns over target shooting at the Rush Oak Openings Unique Area that has resulted in littering, breaking of targets, and damage to surrounding trees. This change in regulation will allow continued hunting both for recreation and active management of the wildlife population.

2. Comment: The proposed rulemaking states that 'There is some public desire for more restrictive regulations to prohibit hunting or the use of firearms altogether in this unique area.' But this concern is dismissed in one statement: 'However, this action is not supported in the Rush Oak Openings UMP.' This response to a stated and acknowledged public concern appears to be inadequate."

Response: Most NYS DEC administered lands, including State Forests, Unique Areas Wildlife Management Areas and the Forest Preserve are open for hunting, fishing, and trapping during the appropriate seasons. The Rush Oak Openings Unique Area is administered by Region 8 Division of Lands and Forests. As a Unique Area the existing regulations permit hunting, subject to all applicable state laws and regulations.

The unit management planning (UMP) process occurred over numerous years. The first Rush Oak Openings UMP was approved in 1999. The update is included in the 2016 Draft Northern Finger Lakes UMP. A copy of the draft UMP is available at: https://www.dec.ny.gov/docs/lands_forests_pdf/nflump2016draft.pdf. During the develop of the UMP public comments were received for supporting continued hunting and for eliminating hunting.

Hunting-related shooting incidents involving non-hunters are extremely rare and the 2021 hunting seasons in New York were the safest ever, with the fewest number of hunting-related shooting incidents since New York's hunter safety program was signed into law in 1949. In the late 1940s the average hunting incident rate was 22.3 per 100,000 hunters.

The current five-year average is 1.5 incidents per 100,000 hunters, demonstrating that the chances of injury from a hunter are infinitesimal.

Visitors should take appropriate action to limit the chance of an accident. This would include wearing brightly colored clothing and being informed of the hunting seasons. Information regarding hunter safety basics is available at:
<https://www.dec.ny.gov/outdoor/7860.html#Basics>.

3. Comment: "I then read through the 40+ page UNIT MANAGEMENT PLAN document to find this statement of nonsupport but found only the following statements: 'At Rush Oak openings, deer and wild turkey are now overabundant and are causing damage to plant species which are an important part of the plant communities located on the property. Hunting is actively encouraged to help control the animal population.' Both the weakness of this argument and the backhanded allowance identified in item 1 above appear insubstantial rationales for allowing hunting on State-owned property."

Response: Hunting is both a recreational opportunity and a management tool that is allowed on this public land and most other DEC administered lands. This is the only such opportunity on NYS DEC administered lands in the Town of Rush.

4. Comment: "While I am not against hunting, recent efforts by the State to increase hunting have expanded the amount of time allowed for hunting and thereby reduced the amount of time available for others to enjoy this property without the threat of getting shot. This decision by the State to expand the hunting season seems to warrant more public involvement."

Response: This proposed rule prohibits the discharge of a firearm at the Rush Oak Openings Unique Area, except for the legal taking of game. This rule does not expand any existing hunting season. There was a separate public comment period for the development of the expanded hunting seasons.

However, NYS DEC has a long history of supporting hunting and trapping on DEC administered lands and through hunter education. All first-time hunters must complete a safety course before being eligible to purchase a hunting license in New York State. DEC-trained and certified volunteer instructors have taught hunters and trappers to be safe, responsible, and ethical since 1949.

More information regarding the NYS DEC's Hunter Education Program is available at <https://www.dec.ny.gov/outdoor/7860.html>.

DEC encourages hunters to remember the primary rules of hunter safety:

- Treat every firearm as if it were loaded;
- Control the muzzle, keep it pointed in a safe direction;
- Identify your target and what lies beyond;
- Keep your finger off the trigger until ready to fire;
- Wear hunter orange and pink.