

# Assessment of Public Comments on the draft NYS Deer Management Plan, 2021-2030

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DEC received written comments from approximately 2,000 individuals and organizations on the draft Deer Management Plan during the public comment period (November 27 – December 28, 2020). We appreciate the time and effort that so many took to express their personal and organizational views in writing.

DEC's Big Game Team reviewed all the input received. We did not count the number of comments as though they represented a vote for or against specific issues or strategies. Rather, we reviewed and considered comments based on their substance, merit and relevance to the deer management goals and objectives outlined in the draft plan. We prepared this brief overview of the principal issues identified in the comments and offer our response to those issues. In addition, in the [final deer management plan](#) (page 9) we provide a list of strategies and text sections that we clarified, updated, or added following public input. We welcome follow-up conversations with individuals or groups who seek additional background information about material that is included or excluded from the final deer plan.

In general, the plan was acknowledged as a comprehensive, well-organized, and useful document for guiding deer management for the next 10 years. The principal issues that received the most substantive comments were as follows:

## Goal 1 – Population Management

### *Summary of public comments:*

Four main themes emerged in the comments related to the strategies, objectives, and background text of Goal 1. First, some comments identified that the draft plan didn't adequately address deer mortality from predation or deer-vehicle collisions. Many of those comments suggested that predator populations, primarily coyotes, be reduced to benefit deer survival. Second, some hunters commented on the survey process used to gather input about public preferences for deer population change and suggested that the survey should have been limited to hunters, not the general public. Third, many comments commended DEC for more explicitly incorporating data on deer impacts to forests and regeneration success into deer management decisions and provided some critical evaluation of that process. Fourth, many people commented on DEC's recommendation to prohibit use of natural deer urine-based scents. Supportive comments focused on the need to protect New York deer from Chronic Wasting Disease and the perceived lack of benefit of using the products. Conversely, comments in opposition to DEC's recommendation suggested that the products are an important tool for hunter success and focused on the scientific uncertainty of the CWD risks associated with urine products.

*DEC response:*

Non-hunting sources of deer mortality – We updated the text of the final plan (page 18) to explain how DEC’s deer management process adapts to changing levels of non-hunting related deer mortality. Similarly, Robinson et al. (2014) found increased deer mortality from coyotes can be addressed through reduced hunting harvest of adult female deer. While perhaps not the action preferred by deer hunters, we expect that adjusting deer harvest by hunters is the most effective method to influence total deer mortality. Extending coyote hunting seasons is commonly suggested by deer hunters but considering current rates of coyote harvest by New York hunters during a six-month season, extending the season would likely have little impact both on coyote harvest and deer predation levels. Very high harvest rates (remove approximately 75% of the coyote population annually) are typically needed to effectively reduce coyote populations, much higher than are obtained through harvest by hunters. Also, the casual, incidental harvest of coyotes by hunters generally disrupts coyote social groups in ways that may stimulate coyote population growth. Additionally, lengthening the coyote hunting season would involve killing coyotes when pelts have little or no value and pups may be dependent on adults. Thus, DEC does not believe extending the coyote hunting season is appropriate or necessary for deer management purposes. Hunters may monitor the deer herd on the properties they manage and hunt and adjust their harvest of antlerless deer if they believe coyotes are negatively impacting fawn or adult deer survival. Hunters may also improve the habitat conditions on properties they manage to increase cover for fawns.

Robinson, K. F., D. R. Diefenbach, A. K. Fuller, J. E. Hurst, and C. S. Rosenberry, 2014. Can managers compensate for coyote predation of white-tailed deer? *Journal of Wildlife Management* 78:571-579. <https://doi.org/10.1002/jwmg.693>

Public survey – We added clarification in Goal 1 and Appendix 2 of the deer plan to more thoroughly describe the purpose and process of the public surveys. DEC manages deer for all New Yorkers, not just hunters. Similarly, all New Yorkers experience the benefits and impacts associated with deer and have an important perspective on how deer are managed. Thus, DEC prioritizes an approach to gather input from a broad spectrum of the New York public, including hunters and others. Coincidentally, despite a random sampling process, 31% of survey respondents identified themselves as hunters, which is considerably greater than the portion of New York citizens who are licensed hunters. So, hunter input was strongly represented in the results. DEC recommends hunters continue to demonstrate an active role in wildlife management by participating in surveys, contributing to research, and reporting harvests.

Deer-impacts on forests – The need and intent to integrate data on deer impacts to forests into deer population management decisions is identified in Strategy 1.2.1 of Goal 1 and is described in greater detail in Goal 5 and Appendix 2 of the deer plan. Critical review suggested that our proposed decision process outlined in Appendix 2 did not appropriately account for all levels of “regeneration debt” (an index reflecting the inability of a forest to replace itself by regenerating new trees). In the final plan, we modified the decision framework to acknowledge that regeneration debt levels of 1 represent vulnerable forests that may need direct management intervention if deer are primarily responsible for poor regeneration. We also more explicitly acknowledged intent to prioritize forest monitoring with the

AVID protocol (Assessing Vegetation Impacts of Deer) in WMU Aggregates with regeneration debt. Despite changes to the decision process, resulting recommendations for deer population change do not differ from what were included in the draft plan.

Prohibit urine-based lures – We recognize that CWD risks associated with natural urine-based lures are lower than other tissues. However, because the consequences of CWD introduction to New York are immense and, likely, permanent, we believe that all known and manageable risks should be avoided. DEC and the Department of Agriculture and Markets have already implemented regulations to prevent most other likely modes of CWD introduction. Use of urine-based lures remains a risk and one that could be easily avoided. Synthetic alternatives are available for those hunters who believe lures are important for their hunting success. We acknowledge that efforts by the cervid biofluid industry to mitigate risks are ongoing and subject to improvement. Should the uncertainty in testing reliability and deficiencies and lack of regulatory oversight in current cervid biofluid product distribution be resolved to address concerns related to prion detection, agency notification, and product recall, alternative approaches may be considered. In the absence of such improvements, we recommend that DEC consider steps to prohibit the retail sale, and possession, use, and distribution of cervid biofluid products in New York to eliminate this risk of CWD prion introduction. Appendix 3 in the deer plan provides additional detail about the risks and recommended actions associated with natural urine-based lures.

## Goal 2 – Hunting and Recreation

### *Summary of public comments:*

Comments associated with strategies and objectives of Goal 2 generally expressed: (1) support or opposition to DEC’s recommendation to extend daily deer hunting hours, or (2) diverse preferences for hunting season timing, length, bag limits, implement use, or methods to adjust the age structure of buck harvest. Of the comments related to hunting seasons (length, timing, bag limits), it was apparent that the values underlying the preferences of hunters were principally tied to maximizing opportunity to hunt, maximizing opportunity to take older bucks with larger antlers, or maximizing the freedom to choose what type of buck to harvest. Many hunters also mistakenly assumed that the draft plan recommended elimination of the existing antler point restriction program in several Wildlife Management Units (WMUs) in southeastern New York.

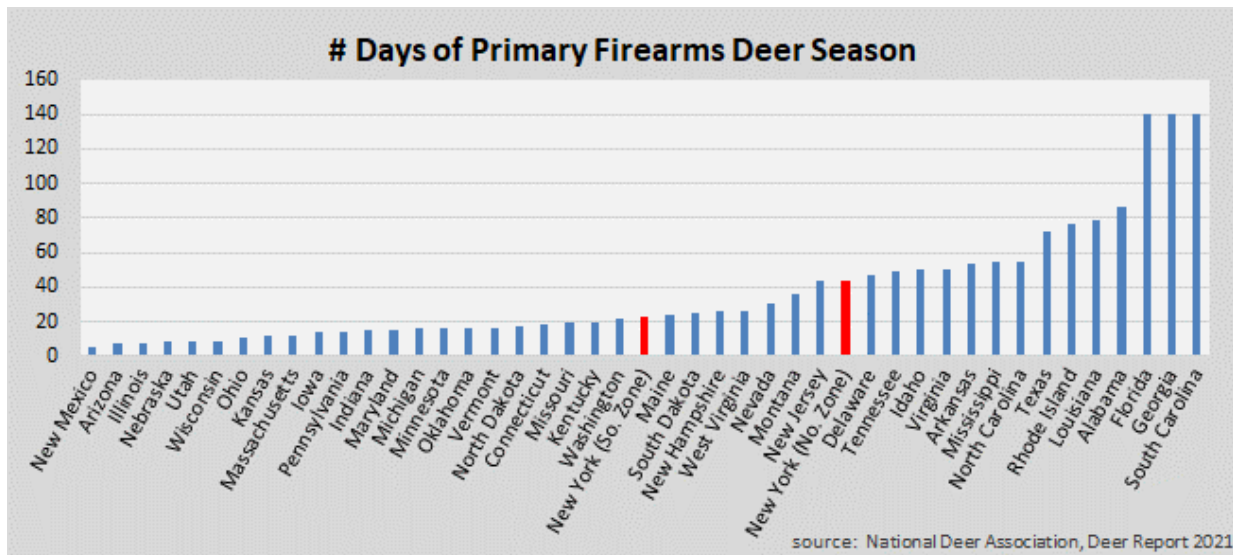
### *DEC response:*

Extend daily deer hunting hours – Allowing deer hunting to begin 30 minutes before sunrise and end 30 minutes after sunset would set New York’s hunting hours consistent with the majority of other states. It would also enable hunters to hunt during productive times of the day when deer are active and ambient light allows safe discharge of firearms and bows. To be clear, sunrise and sunset are meteorologically defined times that do not coincide with ambient light conditions. Ambient light generally precedes sunrise and extends after sunset. The length of time with ambient light before sunrise and after sunset is influenced by cloud cover, tree density in the area hunted, and presence of snow on the ground, but generally falls within the recommended 30-minute extension.

Most comments in opposition to the extended daily hunting hours expressed concerns for safety of other hunters or non-hunters and concerns for increased wounding of animals or failure to recover animals at the end of the day. New York hunters have an exceptional safety record. There is no evidence that extending hunting hours will increase hunting-related shooting incidents as states with existing longer hours report similar safety experiences during the extended periods as during typical daylight periods. Currently, waterfowl and spring turkey hunting begin 30 minutes before sunrise, and furbearer hunting can occur at any time of day or night. DEC's Hunter Education program emphasizes target identification in all situations, and hunters must always be aware that others may be in the same area and ensure down range safety. The time of day one can hunt has little bearing on the importance of target identification and safe consideration of what is beyond the target. Likewise, hunters bear responsibility to make wise and ethical shot choices and to make every reasonable effort to recover their harvest regardless of the time of day.

Firearms season length, buck bag limits, antler restrictions – DEC's deer management plan details the need for increased harvest of antlerless deer in portions of the state and recommends new opportunities to increase hunting and antlerless harvest in those areas. The plan does not recommend changing the existing regular firearms season structure or bag limits as a potential means to influence the age structure of buck harvest. The plan does not recommend elimination of the existing antler restriction program in portions of southeastern New York. Rather, the plan acknowledges that harvest of older bucks is increasing in areas without the restriction and suggests that continued evaluation of the antler point restriction is appropriate and integral to an "adaptive" approach to harvest management.

Many comments that expressed interest in changing season structure, bag limits, or establishing antler point restrictions also referenced beliefs about hunting conditions or regulations in other states with a perspective that the "grass is greener" elsewhere. Cross-state comparisons frequently reflected misconceptions of data and speculation of how alternative hunting regulations would impact buck harvest and availability of older, larger bucks. For example, comments related to season length in the Southern Zone frequently claimed that New York has one of the longest firearms seasons in the country. However, a recent [report by the National Deer Association](#) demonstrates that our season length is shorter than average and right at the national median.



Also, many comments pointed toward either Pennsylvania or Ohio as nearby states presumed to have better buck hunting opportunities. Both Pennsylvania and Ohio restrict hunters to one antlered buck per year, and Pennsylvania also mandates a statewide antler point restriction. Pennsylvania and Ohio each have shorter firearms seasons (14 and 11 days, respectively) than New York (23 days in the Southern Zone) but have longer overall hunting seasons (PA – 99 days, OH – 143 days, NY Southern Zone – 78 days). However, despite the differences in hunting regulations, data from the three states reveal nearly identical portions of older bucks in the annual harvest. In 2019, 66% of the antlered bucks harvested in Pennsylvania and 61% of the bucks harvested in Ohio were 2½ years old or older. In New York, without statewide mandatory antler restrictions and with rules that allow hunters to take two bucks per year, 60% of the antlered bucks harvested were 2½ years old or older, and this trend toward a greater proportion of older bucks in the harvest has been increasing.

Because hunters frequently request changes to hunting regulations that they believe will improved buck hunting opportunities, in 2016, DEC concluded an extensive research effort to explore hunter values for buck hunting and evaluate how a number of potential regulation changes (e.g., shortening of the regular firearms season, restricting hunters to 1 buck tag per year, and expanding mandatory antler point restrictions) aligned with those values. That research revealed the complex and diverse interests of hunters including strong desires to take older bucks but also strong desires to preserve their freedom of choice in buck harvest. Ultimately the research indicated that changes to season length, buck bag limits, and antler point restrictions were not the best approach to maximize what hunters’ value. Thus, in 2016 DEC initiated a campaign to [Let Young Bucks Go and Watch Them Grow](#), encouraging hunters to voluntarily pass up shots at young bucks so they can mature another year or two. The 2021-2030 deer management plan continues this campaign.

Despite doubts among some hunters that a voluntary approach would be effective at reducing harvest of young bucks, age data from New York suggest that the voluntary approach is working. Statewide in WMUs without mandatory antler point restrictions and through the voluntary choice of hunters, buck harvest has shifted from >60% yearlings to 60% 2.5-year old and older bucks over the past decade. Even

more pronounced, in several WMUs in southeastern New York without restrictions 75% of the bucks taken by hunters are now  $\geq 2.5$  years old, indicating that voluntary efforts may be nearly as effective in shifting the age structure of buck harvest as mandated restrictions.

DEC has no current plans to expand or eliminate antler restrictions or to shorten firearms seasons or restrict hunters to 1 buck per year. We plan to continue to encourage hunters to voluntarily refrain from taking small bucks while also allowing hunters to take any age deer they feel satisfies their hunting experience. As hunter values and management needs change, DEC may reassess interest in alternative firearms season timing and buck bag limits.

### Goal 3 – Conflict and Damage Management

#### *Summary of public comments:*

Comments on this section of the draft plan generally fell into two categories: (1) hunter concern for the issuance of Deer Damage Permits (DDPs) including beliefs that DDPs should not be issued to landowners who do not allow hunting or that deer are routinely being wasted; and (2) concern that non-lethal methods of population control (i.e., chemical and surgical fertility control) were not emphasized enough in the plan or were emphasized too much.

#### *DEC response:*

First, some comments reflected a misunderstanding about funding of damage control activities and fertility control projects. To clarify, DEC does not pay for private or municipal use of DDPs to cull deer. These activities are funded by the individuals or organizations that seek authority from DEC to remove additional deer and reduce deer-related impacts. Similarly, DEC does not fund fertility control research. Because such research efforts involve physical capture and/or marking and treating wild deer, researchers must obtain a special license from DEC to conduct the projects. DEC reviews and approves the research but has not funded any of the research.

DDPs – DEC has obligations to both hunters and non-hunters to ensure that deer populations remain robust and healthy while not burdening the public with the negative impacts of deer. While harvest by hunters is the primary method for adjusting deer populations at the landscape scale, additional site-specific management is often needed when and where deer impacts are acute. In particular, crop farmers, nursery owners, and orchardists can experience significant damage from deer at times of year and at levels of impact that cannot be resolved through general regulated hunting. Also, hunting is often inadequate to manage deer populations in developed areas, and many municipalities need the ability to use professionals or trained volunteers to cull additional deer. New York State law directs DEC to assist these businesses and communities, and as part of that process, DEC issues DDPs to authorize permit holders to kill deer outside of the typical hunting framework.

Properties that receive DDPs are inspected by staff from DEC's Bureau of Wildlife. The site visit confirms the presence and intensity of damage and the visit provides an avenue to discuss the damage and what management actions DEC recommends. Where practical, DEC staff recommend allowing hunter access

to the properties to help control deer numbers. While DEC cannot mandate that landowners allow hunting, most DDP properties are hunted. The number of deer authorized to be killed varies with each DDP depending on the size of the property and level of damage. Most permits only authorize take of 3-5 deer, but some large culls by municipalities or parks may take several hundred deer. On average, DEC issues only about 1,525 permits annually which result in removal of about 5,200 deer, or roughly 3.4 deer per permit. In contrast, hunters take more than 100,000 antlerless deer each hunting season.

DEC encourages that all carcasses be utilized, and we suggest landowners consider donating extra venison to local community members or through the [Venison Donation Coalition](#). When possible, all large-scale culling operations distribute venison within the community or donate to regional food banks. DEC is not aware of any significant waste of deer taken on these permits and our experience has been that landowners who use these tags are doing so as a last resort to mitigate damage they are experiencing.

Non-lethal deer management – Appendix 7 of the final plan addresses chemical and surgical fertility control of deer and explains why fertility control is not a primary tool for deer management in New York. The logistical and financial burdens associated with fertility control, as well as the inefficiency of current chemical agents, present significant obstacles to most communities and would be immensely impractical for landscape-scale deer management.

Communities generally engage in deer management to reduce deer-related impacts. Yet, fertility control measures may only stabilize, or at best, minimally reduce a deer population over many years. Thus, without simultaneous efforts to increase deer mortality, fertility control is unable to adequately mitigate the acute deer-related impacts that prompt intervention.

However, because fertility control may be a useful component of an integrated deer management program in unique circumstances on islands or within highly developed landscapes, the deer plan provides two outlets for continued use and development of fertility control techniques. First, surgical sterilization of does may be included as one element of a community deer management program, provided that methods which directly and effectively reduce the deer population and deer-related impacts are also included. Second, DEC will continue to consider authorizing research projects that seek to advance the science of chemical fertility control agents for managing free-ranging deer populations. These projects typically focus on improving chemical formulations of fertility control agents and delivery mechanisms to increase and lengthen the effect on individually treated animals and to increase efficiency of treating a larger portion of the population.

## Goal 4 – Education and Communication

### *Summary of public comments:*

Several comments suggested that DEC should engage more with hunter groups, schools, and other stakeholders.

*DEC response:*

We recognize that regular communication is important for DEC to understand the interests and values of the public and hunters and to educate the public and hunters about important deer management issues. DEC staff regularly engage the public and participate in public outreach events including at county conservation education days, nature centers, the New York State Fair, meetings of local and state hunter organizations, and at community clubs. DEC staff also host webinars and social media events on specific topics. In the final deer plan, Strategy 4.2.2, we clarified intent for DEC staff to participate in periodic meetings of hunting organizations and other conservation or civic organizations to provide information and gather feedback about deer management.

DEC also routinely employs various social science methods when input from hunters and other stakeholders is needed as part of the decision-making process (e.g., surveys, focus groups, etc.). This includes evaluating public and stakeholders understanding and awareness of deer management issues and identifying strategies for how best to communicate to these groups.

## Goal 5 – Deer Habitat

*Summary of public comments:*

Many comments suggested that DEC should manage habitat on state lands and wildlife management areas specifically for deer.

*DEC response:*

Managing private properties to enhance deer habitat has become a popular activity for many landowners across the country. Regardless of the size of property, landowners and hunters can conduct a variety of silvicultural and agricultural treatments to enhance the attractiveness of their properties for deer.

State lands, however, are owned and managed for a variety of purposes. While deer and deer hunters generally benefit from management activities on state lands, enhancing deer habitat is typically not the primary focus of the work. For some lands, such as the Adirondack and Catskill Forest Preserve, the New York State Constitution precludes habitat management. Other lands, such as State Forests, Unique Areas, Multiple Use Areas, and Conservation Easements are managed by DEC's Division of Lands and Forests for a variety of purposes including forestry, watershed and ecosystem protection, open space conservation, preservation of wildlife habitat, and recreation.

DEC's Bureau of Wildlife manages nearly 245,000 acres at 127 Wildlife Management Areas (WMAs), 4 Unique Areas, and 2 Multiple Use Areas. Habitats on these lands are specifically owned and managed to benefit wildlife and wildlife-dependent recreation. Again, DEC is generally not focusing primarily on deer and deer hunting when enhancing habitat on WMAs. Rather, we are tasked with creating habitats for a variety of game and non-game species. However, because deer are a habitat generalist, they benefit from most habitat projects intended for other species. For example, a project focusing on



creating grassland habitat for the endangered Henslow's sparrow creates excellent feeding and bedding cover for deer. Similarly, maintenance of shrub habitat and young forests for woodcock, New England cottontails, or ruffed grouse also greatly benefits deer with abundant forage, fawning habitat, and escape cover. Habitat management activities commonly conducted on state managed lands include:

- young forest management – create a mosaic of young-aged forest stand conditions
- traditional timber harvest – establish beneficial changes to forest structure and health through normal silvicultural practices
- fruit and nut tree planting and release – enhance forest diversity and wildlife food and cover
- old field mowing – maintaining open areas through periodic brush mowing
- access road management – maintain truck trail shoulders in grass conditions for access and wildlife benefits
- moist soil management – active water level manipulation in wetlands
- control burns – use fire to manage invasive plant species, hinder encroachment of woody plant species, and stimulate desirable plants in areas that are managed for grasslands and ecologically sensitive habitats
- agricultural agreements – DEC agreements with farmers to grow agricultural crops and mow fields which maintain open space, provide forage and create edge habitat for wildlife

## Appendix 8 – Legal Matters

### *Summary of public comments:*

DEC received supportive and opposing comments for most of the statute changes recommended in Appendix 8. It was apparent, though, that many writers mistakenly believed that DEC has authority to accomplish the recommended changes.

### *DEC response:*

To clarify, we added introductory text in Appendix 8 explaining that DEC does not have authority to modify state laws. All the issues and recommendations introduced in Appendix 8 involve the New York State Environmental Conservation Law. New laws or changes to existing laws require initiation and approval first by the New York State Legislature and then by the Governor.

While DEC cannot amend state laws, we compiled the recommendations outlined in Appendix 8 to inform the public and elected officials about potential law changes that, if enacted, would improve DEC's ability to manage deer and be responsive to public interests.

## Other Related Suggestions for Deer Management and Deer Hunting

DEC received many additional suggestions relevant to deer management and deer hunting. The following list is not comprehensive, and although we have not responded directly to each of these ideas here, we considered them as we finalized the plan. *Note: An asterisk (\*) preceding an item below*

*indicates an issue that could only be addressed through modifications of state law and is thus beyond the purview of DEC.*

- prohibit the sale of deer feeds and attractants
- allow importation of deer carcasses from Pennsylvania and add check stations along the border to pull sample for CWD testing
- only prohibit urine-based lures from suppliers in other states
- lengthen the timeframe for harvest reporting
- require hunters to take a doe before harvesting a buck in areas where increased antlerless harvest is needed
- create an apprentice hunter mentoring program for individuals younger than 12 years old and new hunters of any age
- incorporate survey questions into process of license purchase or harvest reporting
- \* allow purchase of ammunition via the internet
- \* eliminate the backtag requirement for the Southern Zone
- \* eliminate deer carcass tags
- \* increase penalties for poaching deer and trespassing on posted lands
- \* reduce or eliminate application fee for Deer Management Permits
- \* create new deer carcass tags with new fees
- \* allow straight-walled cartridges in shotgun-only areas of the Southern Zone