

NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Assessment of Public Comment
Proposed Rulemaking I.D. No. ENV-19-15-00008-P
Amendment to 6 NYCRR Part 1 / Section 1.40 – Hunting Wild Turkey

The Department received approximately one hundred comments on the proposed amendment to regulations pertaining to fall wild turkey hunting seasons and bag limits. A summary of comments and the Department's response follows.

Comment:

Many comments stated support for the proposed fall turkey hunting seasons.

Response:

Many commenters were concerned about declines in wild turkey populations and were in favor of the proposed fall turkey hunting regulations and the process used to develop the proposal. The Department appreciates this support and will evaluate the impact of the season changes on harvest and survival to ensure that fall harvest opportunities are sustainable. We will continue to monitor turkey populations, including regional variation based on differences in environmental factors, and adjust seasons as necessary.

Comment:

Some people felt that turkeys were abundant in their local area so no changes to fall hunting regulations were necessary. Others had observed a decline in turkey

numbers, but felt that changes to fall hunting regulations would not slow or reverse this trend.

Response:

The Department's goal when adjusting hunting regulations is to ensure that harvest opportunities are sustainable based on current population levels and ecological conditions. Multiple data sources indicate that turkey populations have declined throughout upstate New York over the past 15 years, and environmental factors such as habitat and predator populations have changed as well. We developed and used a population model based on data from New York to evaluate various harvest alternatives. Although recent studies by the Department indicate that fall harvest rates are relatively low, the model indicated that the proposed season should improve hen survival and did a better job at minimizing the potential negative impacts of harvest on turkey abundance than other season alternatives.

The proposed changes were developed as part of a four-year research study. Department staff banded and radio-tagged hen wild turkeys for two years under the current fall season structure (2013 and 2014) and will continue to do so for two years after the proposed seasons are implemented (2015 and 2016) to assess the effect of this management action. Information on harvest and survival, as well as abundance, productivity, and hunter survey data, will then be used to ensure that fall seasons are appropriate based on current environmental conditions and hunters' desires, and to update the Wild Turkey Management Plan.

Comment:

The proposed two-week season will not provide enough time for hunters to go afield and have the chance to harvest a turkey.

Response:

The Department surveyed a sample of turkey hunters to help determine the optimal fall season structure. Important factors in hunter satisfaction include hearing and seeing more birds (i.e., a stable or growing turkey population), a fall season that includes at least two weekends, and a season that does not overlap with the firearms deer season. Other survey data indicated that fall turkey hunters in New York spend 4-6 days afield on average, regardless of whether they hunt in a region with a two-week season (i.e., the Lake Plains) or a seven-week season (southeastern New York). We evaluated four harvest alternatives ranging from a conservative season (2 weeks, 1-bird bag limit) to a liberal season (7 weeks, 2-bird bag limit). A two-week season provides the most benefit to the turkey population, while allowing hunters time to continue a similar level of effort, albeit with less choice of when to go afield. The proposed season dates in all three zones do not overlap with one another, so a hunter could hunt turkeys for up to six weeks in total if they were willing to travel around the state.

For perspective, the average maximum season length in Northeast states is 3 weeks, so hunting opportunity in New York would be similar to its neighbors.

Comment:

The proposed season dates are undesirable due to concerns about safety, law enforcement, conflicts with other hunters, and/or hunter preference.

Response:

Some commenters were concerned that the proposed season dates in the Southern Zone pose a safety risk to hunters because of other concurrent hunting seasons and foliage that may still be on trees and limit visibility. However, the proposed season dates in most areas fall within the time frame that seasons have previously been held. The Lake Plains area is an exception, where the season will be about two weeks earlier than it was previously, but consistent with past seasons in other areas of the state. In selecting the proposed season dates, the Department considered the possibility of safety and law enforcement issues but concluded that the proposed dates would not increase the potential for hunting accidents or conflicts with other hunters (e.g., bowhunters). Hunting accidents during fall turkey seasons are rare (about one/year statewide, on average), and the number of incidents between turkey hunters or between turkey hunters and other hunters is negligible. Fall turkey season has run concurrently with seasons for other species for many years without negatively affecting law enforcement or hunter compliance with regulations. It is incumbent upon hunters to know season dates, legal implements, and other regulations for species they are pursuing.

Some commenters stated a preference to hunt turkey in early October or the week just prior to the Southern Zone firearms deer season (early November). Turkey harvest data indicate that hunting activity is highest during the opening week of the fall season regardless of whether it starts on October 1 or mid-late October. In addition, fall turkey seasons in western New York have opened in mid-late October for several years, so the proposed season start dates are not a significant departure from what hunters have previously experienced.

Comment:

The proposed season dates in the Southern Zone (roughly, the last two weeks of October) will result in more turkeys being taken by bowhunters.

Response:

The overlap in fall turkey season and archery-only deer season has existed for many years without evidence of increased take. Furthermore, bowhunting participation is higher in early October and early November than during the proposed season.

Comment:

The fall season should be closed until wild turkey populations increase.

Response:

Although New York's turkey populations have declined, they can still sustain a limited fall harvest. Closing the fall season would have the greatest benefit to turkey populations, but could disenfranchise the 50,000 New Yorkers who pursue this popular game bird each fall, and undermine a tradition that generations of hunters have enjoyed for over 50 years. The Department does not believe that a complete season closure is warranted at this time.

Comment:

Management efforts to help wild turkeys should focus on improving habitat, not on hunting regulations.

Response:

We agree that changes in habitat quantity and quality over the past 25 years have contributed to the decline in wild turkey populations. As the State's forests have matured, habitat diversity has declined, negatively influencing turkey nest success and

poult survival. The Department is working to improve habitat conditions on State-owned lands, but most land in the State is privately held, so landscape-scale changes in habitat will take a much larger effort to improve conditions for turkeys. Such an effort is outside the scope of the proposed regulations, although Department staff did take habitat conditions (and regional variation in those conditions), into account when developing the regulatory proposal.

Comment:

Hunting and trapping seasons for predators should be liberalized, such as a year-round season for coyotes, to reduce their populations.

Response:

New York already has liberal hunting and trapping seasons for many predators, including coyotes (e.g., six months long, no bag limit), and has proposed additional seasons as predators such as bobcat have increased in number and distribution. Department staff will continue to monitor furbearer populations and modify seasons to accommodate sustainable harvest opportunities for these species; however, expanding seasons for species that prey upon turkeys or their nests is unlikely to improve turkey populations on a large scale.

The Department is opposed to a year-round coyote season for several reasons: 1) during spring and summer, coyote pelts have little or no value and their meat has no redeeming culinary qualities; consequently, coyotes killed at that time would not be killed for any legitimate purpose or use; 2) most coyotes rear their young between early April and mid-summer, so killing adult coyotes during that time would result in pups dying from starvation; and 3) few people would go afield for coyotes during the spring

and summer, so even a year-round hunting season would not achieve the high harvest rates needed (about 65% mortality) to reduce coyote numbers.

Comment:

Wild turkeys should be trapped from out of state or parts of New York with higher turkey populations and released in areas with low turkey populations.

Response:

A trap and transfer program would not solve the decline in wild turkey populations. Environmental conditions such as habitat, weather, and predator populations have all played a role in the decline in turkey populations, so introducing “new” birds into the same conditions would only be a short-term fix to a long-term problem. Trap and transfer programs are logistically difficult, cost prohibitive, and have risks such as an increased chance for disease transmission.

Comment:

The bag limit for the fall season should be restricted to male birds.

Response:

Most hunters cannot accurately identify juvenile male turkeys during fall, so this would have to be implemented as a “bearded bird only” regulation, similar to our spring season. This would greatly reduce harvest opportunities as the vast majority of birds in fall are young of the year or hens, as adult males currently make up only about 22% of the total fall harvest. This would place a burden on hunters to confirm the presence of a beard at a time of year when such determinations are more difficult than in spring (when adult males are easily recognized by appearance, calls and behavior), which could result in significant incidental take of non-bearded birds.

Comment:

Some commenters suggested reducing the spring turkey season to improve turkey populations.

Response:

The primary driver of wild turkey populations is survival of hens (females). Current spring regulations are designed to protect breeding hens and minimize disruption to breeding/nesting behaviors. The spring season is currently May 1-31 and has a bag limit of two “bearded” birds, almost all of which are males. Available data indicate that spring harvest of male turkeys does not affect long-term turkey population levels. From 2006-09, the Department conducted an extensive study of survival rates and spring harvest rates statewide. Based on that research, overall spring hunting mortality rate is estimated to be 30–35% in New York. Reducing male harvest rates would increase the proportion of adult gobblers in the population, but it would not affect overall population growth rates. Fall hunting seasons, where a bird of either sex may be taken, are the primary tool managers have for affecting population changes.

Comment:

Expand wild turkey hunting opportunities on Long Island through a longer fall season or a spring season.

Response:

We proposed a modest increase to the current turkey hunting season on Long Island. Fall take per unit effort is higher in Suffolk County than in other parts of the state and other survey data indicate that turkey populations there are similar to parts of the state that have had a longer season, providing evidence that the Suffolk County turkey

population can sustain a two-week season. The proposed season for Suffolk County overlaps the regular Southern Zone deer season, so participation and harvest are expected to be low. Harvests during the 5-day fall season to date have been low, averaging about 100 birds per year.

Some commenters favor a spring season in Suffolk County; however, due to multiple uses of public land where turkeys occur in eastern Long Island, a fall season when other hunting seasons are open has fewer potential conflicts between the hunting and non-hunting public than a spring season.

Conclusion

After considering all of the comments received on the proposed changes to fall turkey hunting seasons, the Department has concluded that the proposal as published provides the optimal balance between the enhancement of turkey populations and hunter opportunity and satisfaction. Consequently, the regulation is being adopted as originally proposed.