

Regulatory Impact Statement

1. Statutory authority:

The Commissioner of the Department of Environmental Conservation (Department), pursuant to Environmental Conservation Law (ECL) section 3-0301, has authority to promote the management of the wildlife resources of New York State. Section 11-0303 of the Environmental Conservation Law directs the Department to develop and carry out programs that will maintain desirable species in ecological balance, and to observe sound management practices. This directive is to be met with regard to ecological factors, the compatibility of production and harvest of wildlife with other land uses, the importance of wildlife for recreational purposes, public safety, and protection of private premises. Section 11-0903(10) provides the authority to adopt regulations with respect to the manner of taking, possession, open seasons and bag limits for deer.

2. Legislative objectives:

The legislative objective behind the statutory provisions listed above is to establish, or authorize the department to establish by regulation, certain basic wildlife management tools, including the setting of open areas, and restrictions on methods of take and possession. These tools are used by the department to maintain desirable wildlife species in ecological balance, while observing sound management practices.

3. Needs and benefits:

This rulemaking will provide additional opportunity for New York deer hunters and their families by creating a second portion of the late bow and muzzleloading deer

seasons in the Southern Zone, adding the holiday week of December 26 through January 1. During the Christmas to New Year holiday week families gather, many people are off from work, and students are on school break. This provides time for families to hunt together, share memories and make new ones, and gather venison for the next year. This new opportunity is consistent with the department's efforts to recruit, retain, and reactivate New York hunters.

The additional season is proposed for the Southern Zone only because in many years and in many parts of the Northern Zone deer may already be moving to wintering areas by Christmas. Hunting seasons that occur when deer are migrating or already concentrated on wintering areas can result in overharvest.

4. Costs:

The costs associated with adopting the proposed regulation relate to the outreach needed to inform hunters and other members of the regulated community of these changes. These costs are minimal and entail such things as production of press releases and updates to the department's website and annual hunting and trapping regulations guide.

5. Local government mandates:

The proposed rule does not impose any mandates on local governments.

6. Paperwork:

The proposed rule does not create a need for additional paperwork.

7. Duplication:

The proposed amendment does not duplicate any state or federal requirement.

8. Alternatives:

No change in 2020. The Department anticipates releasing a draft deer management plan for public review later in 2020, including recommendations for several deer hunting changes to possibly be implemented for the 2021 hunting seasons. This proposed Christmas to New Year's Day hunt could be included in the deer management plan and implemented with other changes in 2021.

Establish the seasons but only allow take of antlerless deer. Additional antlerless harvest is needed in many, but not all, Wildlife Management Units (WMUs). A late bow and muzzleloader antlerless season is not the most efficient strategy to increase antlerless harvest and would not alleviate concerns about mistaken harvest of shed-antlered bucks. Also, concentrating hunter effort on antlerless deer would be counter to population management objectives for some WMUs.

Establish the new seasons but only allow take of antlered deer. This option would avoid concerns of increased antlerless harvest in low density WMUs or harvest of shed-antlered bucks. However, it would likely exacerbate concerns of increased harvest of young bucks.

Shift the dates of the existing late bow and muzzleloader season. New York currently has a 9-day late bow and muzzleloader season that immediately follows the end of the regular firearm season in the Southern Zone. To offset harvest-related concerns while maintaining hunter opportunity, the late seasons could simply be shifted to the week between Christmas and New Year's Day. This option would more dramatically change hunting traditions, but by providing a longer break between the regular and late seasons, it would reduce hunter, deer processor, landowner, and Department staff fatigue associated with longer seasons.

9. Federal standards:

None.

10. Compliance schedule:

The regulated community will be required to comply with these regulations upon their adoption.