

**New York State
FISH AND WILDLIFE MANAGEMENT BOARD**

625 Broadway
Albany, New York 12233



November 8, 2020

NYS Department of Environmental Conservation
625 Broadway
Albany, NY 12233

Attn: Division of Fish and Wildlife

The state Fish and Wildlife Management Advisory Board (FWMB) provides the following commentary on the proposed rulemaking that would create an extended “holiday late season deer hunt”.

The New York State Fish and Wildlife Management Act was passed by the Legislature in 1957 for two major purposes:

to encourage the preservation and development of fish and wildlife resources on privately-owned lands and waters, and to improve public recreational access to fish and wildlife resources on privately-owned lands and waters.

The Board serves in an advisory capacity to DEC and other agencies, as and when necessary.

A more detailed description of the purpose, membership, and duties of State and Regional Fish and Wildlife Management Boards are set forth in New York State Environmental Conservation Law § 11-0501.

The Board also has an expanded interest in promoting and maintaining access to public lands, and in the DEC’s wildlife and habitat management programs.

We serve as the interface to the sporting community on the matters as described above,

The FWMB Chairman became aware of the proposed extended holiday muzzleloader season in early September but was cautioned that the issue was not ready for open discussion with stakeholders. However, the proposal had apparently already been discussed in at least one media outlet and with other interest groups and stakeholder. Subsequent to that one early discussion, the rulemaking was filed on September 9, 2020 with a 60-day comment period. This would suggest that INTERNAL discussions were further along than had been suggested in the initial discussion.

Except for in the most urgent emergency situation, the regulations routinely languish for months - if not longer - before they are even put out for public comment. In addition, every year there is a concerted effort by the Department to get any regulation or other change done in time to be put in the Hunting Regulations Guide. The department has openly stated they hope this proposal can be passed in time for the end of the 2020 season. The process used in the particular situation has been pushed along with lightning speed and has been moved with an energy that would normally be used in an emergency. .

This proposed regulation has raised a number of issues among stakeholders. Reaction among the Regional FWMB’s has been varied to the extreme. The state FWMB strongly urges the Bureau of Wildlife to carefully review and of the comments received and to address those comments with an open mind. The over-arching concern is that we can ill-afford to have increased tensions among and between stakeholder groups.

The Department has stated that the proposal comes out of the desire to provide increased hunting opportunity for both experienced and new hunters. The thought is that providing an opportunity to deer hunt through the Holiday Season will keep existing hunters engaged and attract new hunters. After all, more people are likely to be available during the Holiday Season and would take advantage of this new opportunity. That sounds logical.

An obvious pitfall in this plan is that it will be putting deer hunters afield at a time when their scheduled seasons have closed. Small game hunters, trappers, and snowmobilers have traditionally stayed off the trails until big game season closes. If and when the extended season becomes the new norm, it will open up the opportunity for conflict.

DEC has stated that the proposed was rooted in providing increased hunting opportunities. There is no evidence that stakeholders were pressing for the extended season. There is myriad evidence that the desire by many of the stakeholder groups is to provide big game hunting opportunity for 12-year old hunters. New York is the ONLY state that does not allow 12-year olds to hunt big game. New York is the only holdout. the State is the only holdout. Securing Big Game Hunting privileges for 12 and 13-year old hunters and securing expanded use of crossbows would have been far more beneficial to hunter recruitment, retainment, and the Conservation Fund.

At the core of this issue is the fact that the state's last Deer Management Plan made no mention of an extended season. DEC had not previously proposed the creation of an extended deer season prior to the release of the proposed regulation in September.

As it is with other stakeholder groups, FWMB has some fundamental issues that we would like the Department to address **BEFORE** regulatory changes are promulgated in the future:

- Concerns raised by stakeholders should have been more extensively vetted before the proposed regulations made it to the New York State Register.
- The proposal is not supported by the Deer Management Plan that was developed by the very agency that produced the plan.
- Might it have been more useful to allocate the Governor's and DEC's efforts and resources towards legislative initiatives that have been languishing for years; some of those initiatives would provide increased opportunities for hunters that are said to be the catalyst for this initiative.
- This proposed regulation change has moved with unprecedented speed, raising questions about the process and the role stakeholders should play in the process.

FWMB's over-riding concern is not the proposal, but rather how the proposal was advanced. As members of our statutory board our desire and responsibility are to help shape regulatory and legislative changes in wildlife management before, they are promulgated. The process used in this instance does support the Board in that effort. The Department again, has ignored our statutory obligations.

Sincerely,

(Original Signed By)

Bill Conners – Chairman



STATE OF NEW YORK CONSERVATION FUND ADVISORY BOARD
625 Broadway, Albany, NY 12233-4800

November 8, 2020

NYS Department of Environmental Conservation
625 Broadway
Albany, NY 12233

Attn: Division of Fish and Wildlife

The state Conservation Fund Advisory Board would like to take the opportunity comment on the proposed rulemaking that would create an extended “holiday late season deer hunt”.

Originally established as the Conservation Fund Advisory Council as a branch of the State Executive Department (State Finance Law, §83 Conservation Fund), in 1994 the Council was reformulated under Environmental Conservation Law (ECL §11-0327) and became the Conservation Fund Advisory Board (CFAB).

CFAB was established by law to make recommendations to state agencies on state government plans, policies, and programs affecting fish and wildlife. Also, the Board is to serve in an advisory capacity to DEC regarding revenue and expenses to the state’s Conservation Fund.

As primary responsibility of the Board is to act as a liaison to the sporting community on issues related to the matters mentioned above.

CFAB first learned of the proposed extended holiday muzzleloader season during the September 14, 2020 Board Meeting. However, the proposal had been widely discussed in the media and with other interest groups and stakeholders prior to the CFAB meeting. In addition, the proposed rulemaking was filed on September 9, 2020 with a 60-day comment period. The concern raised by board members is also the hastiness of the proposal.

Every month CFAB is provided a summary of pending regulations and a summary is provided. Ironically, except in the case of the most urgent emergency regulation, the regulations languish for months if not longer before they are even put out for public comment. In addition, every year there is a very hard push by the Department to get any regulation or other change done in time to be put in the Hunting Regulations Guide. The department has openly stated they hope this proposal can be passed in time for the end of the 2020 season. This completely goes against everything that has been implemented in the past.

CFAB openly discussed the issue at its September Board meeting and followed up with discussions at the regional level across the state. It became profoundly obvious that the proposed regulation was

being greeted with a variety of viewpoints - both for and against the proposal. Myriad issues have been brought forward by various stakeholders including the sporting community. With that being said, CFAB hopes that all comments are adequately addressed, and the concerns resolved prior to the adoption of any regulation.

(If the proposal for the new season makes it through the regulatory process in time for the 2020 season, the extended season will be from December 26, through January 1. In combination the current Muzzleloader Season and the new "Extended Season" would provide 16 days of hunting following the close of the Regular Big Game Season in the Southern Zone. Those 16-days are limited by statute and cannot be extended by regulation, it would require a change in Environmental Conservation Law (ECL).)

As exciting as an extended season may be for some hunters, it is cause for concern for many others. Stakeholders have until November 8, 2020, to inform the DEC as to how they feel about the proposal. That comment period is a part of the Regulatory Process. It is that process that concerns the state's two Statutory Boards that serve in an advisory capacity to DEC – the state Conservation Fund Advisory Board, and the state Fish and Wildlife Management Board.

The Department has stated that the proposal comes out of the desire to provide increased hunting opportunity for both experienced and new hunters. The thought is that providing an opportunity to deer hunt through the Holiday Season will keep existing hunters engaged and attract new hunters. After all, more people are likely to be available during the Holiday Season and would take advantage of this new opportunity. That sounds logical.

At the same time there are pitfalls in the plan, including the likelihood that putting deer hunters afield could create conflicts with small game hunters, trappers, and snowmobilers. Traditionally the "sleds" have stayed off the trails until big game season closes. That could change should the extended season become the new norm.

It is not clear how or why the proposal was advanced absent stakeholders pressing DEC on the issue. Factually, when questioned about increased opportunity, the discussion usually goes to, why are we NOT allowing 12-year olds to big game hunt. New York State is the only holdout. Is it possible that this misdirected effort would have been far more beneficial to hunter recruitment, retainment and the Conservation Fund if the resources had been used to secure Big Game Hunting privileges for 12 and 13-year old hunters and to secure expanded use of crossbows?

The state's last Deer Management Plan did not raise the issue of an extended season. In fact, DEC had not publicly proposed the concept of an extended deer season prior to the release of the proposed regulation in September.

CFAB has some fundamental issues that we would like the Department to address BEFORE regulatory changes are promulgated in the future:

- Concerns raised by stakeholders should have been more extensively vetted before the proposed regulations made it to the New York State Register.
- The proposal is not supported by the Deer Management Plan that was developed by the very agency that produced the plan.
- Might it have been more useful to allocate the Governor's and DEC's efforts and resources towards legislative initiatives that have been languishing for years; some of those initiatives would provide increased opportunities for hunters that are said to be the catalyst for this initiative.
- This proposed regulation change has moved with unprecedented speed, raising questions about the process and the role stakeholders should play in the process.

In sum, the issue is not about desirability of an extended season, this is about making sure we as stakeholders

and as members of our statutory board help shape regulatory and legislative changes in wildlife management before they are promulgated. We want the Department to respect our statutory obligations and assist us in meeting those obligations to our stakeholders

New York's Department of Environmental Conservation, Division of Fish and Wildlife, has advanced a regulatory change that would establish an extended deer season following the Muzzleloader Season in the Southern Zone (only). Hunters are allowed the use of muzzleloaders, bow, and crossbows, during the current muzzleloader season and use of those implements would be allowed in the new season, should it be established.

Sincerely,

(Original Signed By)

Jason Kemper

Conservation Fund Advisory Board
Chairman

The Following are the comments regarding the Extended Deer Season a submitted to the NYSDEC by the New York State Conservation Council, Inc.

November 6, 2020

NYS Department of Environmental Conservation
625 Broadway
Albany, NY 12233

Subject Extended Holiday Deer Season

Attn: Division of Fish and Wildlife:

After learning about the comment period for an extended holiday deer season, the New York State Conservation Council polled its membership, via email on their support or opposition of this extended deer season hunt. Of the 29 voting federations that had time to poll their membership and respond to the NYSCC, the response was a 15 to 14 vote in opposition to an extended season.

The major comments for the extended season encompassed :

An increased opportunity to hunt big game, A tool for recruitment and, Family time afield.

The major comments in opposition were much broader in scope:

While not legally so, Access for small game and trapping would be restricted because of private lands being leased to big game hunters.

The added stress on the deer in the southern zone, where snow and weather is a concerns could be detrimental to the deer heard [sic].

While not a direct sportsmen concern, snowmobiling access on private lands could be adversely impacted.

o The economic impact on snowmobiling on the eastern portion of Lake Ontario, (within the southern zone) exceeds the economic impact that region gets from the summer lake fishing.

O A large portion of hunters are also snowmobilers.

It was also expressed that this added season was more restrictive in over all hunting opportunities as it would shut out a portion of the small game hunters and trappers.

It was also expressed from both sides of this issue that the timing of this comment period was not the best. Those expressing this point of view wished there was more time to weigh in on this matter. From a Council point of view, the opportunity to pole ourvoting organizations was much to short. Many Federations might not have even had a scheduled meeting to where they could seek the opinions of their membership.

It was also expressed that the difference in environmental conditions in the southern-tier is such that the impact from a extended season could be significantly different depending on where you hunt.

In conclusion it was expressed by many of the voting members of the NYSCC, that there was not enough time for the public to adequately submit a reply to this comment period.

Respectfully submitted,

A Charles Parker

President, New York State Conservation Council