

**NEW YORK STATE**  
**DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

**Assessment of Public Comment**

**Proposed Rulemaking I.D. No. ENV-08-13-00007-P**

**Amendments to 6 NYCRR Part 2, Section 2.20, Part 6, Sections 6.2 and 6.4 - More Than  
One Species (Bobcat)**

**June 12, 2013**

The Department of Environmental Conservation (DEC or department) received comments from over 400 individuals on the proposed amendments to bobcat hunting and trapping regulations during the 45-day public comment period (February 20 - April 5, 2013). The amended regulations will provide additional, sustainable bobcat harvest opportunities in many areas of the state, and standardize hunting and trapping season dates in areas where bobcat harvest opportunities already exist. Many of the comments simply offered support or opposition to the proposed regulations, whereas others offered more detailed arguments for or against the proposals. Overall, the comments were consistent with those received during summer 2012 on the draft "*Management Plan for Bobcat in New York State 2012-2017*". This was not surprising because the proposed regulations were based upon the final bobcat management plan that was adopted in October 2012 (available at <http://www.dec.ny.gov/animals/9360.html>). A summary of the comments received during this rule-making, along with the Department's response is provided below.

Many comments simply stated support for or opposition to trapping or hunting of bobcats and/or other wildlife species. People who were opposed to the proposed regulation stated their personal values against killing animals, a belief that human use of wildlife is inappropriate,

and/or a belief that taking of wildlife should only be allowed to alleviate human-wildlife conflicts. We realize that many people do not approve of hunting, trapping, or other activities that involve capture or killing of wildlife. However, New York's Environmental Conservation Law (ECL), as established by the New York State Legislature, specifically authorizes trapping and hunting of animals as a legitimate use of our wildlife resources. Consequently, the bobcat management plan and this regulation provide for the continued use of bobcats, while ensuring that it is done on a sustainable basis. This is accomplished through setting of appropriate seasons across the state, specifying allowable trapping techniques, and monitoring bobcat populations and harvests. In addition, the harvest opportunity offered by promulgation of this regulation has a foundation in the central tenets of the North American Model of Wildlife Conservation - wildlife is a public trust resource and may be sustainably used for legitimate purposes. In accordance with the ECL and the North American Model, the question of whether to allow or not allow hunting and trapping of bobcats, or any other furbearing species, was not addressed in this rule-making.

Some comments stated that estimates of bobcat population size and acceptable harvest levels are not based on "sound science" and that further scientific study is needed before bobcat seasons can be modified. There is no practical way to estimate bobcat populations by methods that involve direct observations of the animals or their sign (e.g., tracks and droppings). The elusive nature of bobcats precludes the effective use of traditional visual observational studies such as those used for assessing other wildlife populations (e.g., waterfowl and songbirds). In the absence of complex field studies, the most common and generally accepted method involves analysis of data collected from hunters and trappers.

The bobcat population estimate noted in the management plan was developed by DEC biologists with assistance from Cornell University. The estimate is an extrapolation from harvest data using a conservative assumption of an approximate 10% harvest rate of bobcat in New York. Harvest totals in recent years via hunting and trapping have ranged between 400-500 animals per year, with an increasing trend over the long term (i.e., 1980s to 2000s). Using the upper limit of approximately 500 bobcats harvested annually, and assuming a 10% harvest rate, we estimated a population of approximately 5,000 bobcats. However, this estimate is only for those areas of New York where harvest is currently allowed (referred to as the “Current Harvest Area” in the bobcat management plan). The estimate does not include areas where we will institute conservative harvests (the “Harvest Expansion Area”) and where we believe bobcat densities are comparable to or greater than those found in much of the Current Harvest Area. Had we used the actual mean harvest of 470 bobcats per year observed during 2005-2009, and a sustainable harvest rate of 14% calculated for bobcats in eastern New York, we would have estimated approximately 3,400 bobcats in just the Current Harvest Area.

The estimate of 5,000 (or 3,400) bobcats can be compared to available data on home range sizes for bobcats across North America. Based on data from 29 populations, female home ranges average about 16 km<sup>2</sup>, and male home ranges average about 40 km<sup>2</sup>. Based on those figures, and assuming that about half of upstate New York (or about 50,000 km<sup>2</sup>) is currently open for hunting and trapping, we would expect that area to support about 4,400 bobcats (about 3,125 females and 1,250 males). This suggests that our population estimates are reasonable.

The bobcat management plan and the regulations being adopted provide for a sustainable harvest while maintaining a stable or increasing population. We provide the population estimate for context, and historic harvest data show that current and proposed harvest opportunities can be

allowed without negatively impacting bobcat populations. Bobcat harvests over the past 35 years have increased significantly; if bobcat populations were being overharvested, this trend would not have occurred. If populations were declining, harvest would have declined as bobcat densities decreased. The frequency of occurrence based on observation data indicates bobcat densities in central and western NY may be higher than those found in historic core areas and therefore capable of sustaining harvest. Given that regulations in our Current Harvest Area have been sustained for more than 30 years, and regulations adopted for our Harvest Expansion Area are very conservative, we are confident that the changes made pursuant to the plan will not adversely affect bobcat populations in any area of the state.

None of the comments received included additional data, or alternative interpretations of the data used by DEC, to evaluate the sustainability and impacts of expanded harvest opportunities provided by the proposed regulation. Upon adoption of the changes, the harvest of bobcats in all areas of New York will be closely monitored by Department biologists via activity logs maintained by hunters and trappers, a mandatory pelt sealing program, and hunter and trapper surveys. This will allow for “adaptive management” where regulations can be modified in the future to keep pace with the changing needs and status of our bobcat populations.

We received comments of varying types with a consistent theme: longer trapping seasons in the Northern Zone would negatively impact bobcat populations there; however, no scientific evidence was provided to support this claim, nor were any new analyses of existing data presented. The conservative seasons and highly regulated harvest of bobcats as adopted in the regulation are not expected to result in decreased bobcat populations anywhere in the state. Bobcat hunting and trapping have been occurring in many areas of New York, including the Northern Zone, since the 1970s, and extending the trapping season in the northern portion of the

Current Harvest Area so it aligns with the existing hunting season dates for the Northern Zone will have minimal impact on populations. We expect minimal additional harvest to occur because snow, ice, and poor road access limit trapper effort and success in the Adirondacks and Tug Hill during the winter months. In addition, the rugged landscape and limited road network in these areas creates refuge areas where bobcats are subject to little trapping pressure. We recently extended land trapping seasons for other furbearing species (i.e., fox, coyote, opossum, skunk, raccoon, and weasel) in eight Northern Zone WMUs, from December 10 until February 15, and only 3% of trappers took advantage of this new opportunity. Nevertheless, a small number of trappers appreciate reasonable opportunities to trap even during mid-winter and the proposal meets that interest while ensuring the population security of bobcat populations. In the Tug Hill area, where the bobcat hunting season would also be extended (to match the rest of northern New York), hunting is limited to those areas located near roads or along snowmobile corridors.

There is no evidence to suggest bobcat populations in the Adirondacks are geographically isolated from, or are more vulnerable than, populations in other parts of the state. Bobcats are highly mobile and can move significant distances. Bobcat populations have expanded across the southern tier of New York across a landscape with a higher road density and relatively greater amounts of habitat fragmentation than the Adirondacks. This evidence suggests that bobcats are not restricted from moving through, coming from, or moving into the Adirondacks. Hunting and trapping seasons in southeastern New York (i.e., the Hudson Valley, Taconics, and Catskills) have existed for many years, and despite this, bobcat populations have continued to increase in size and expand their distribution. This regulation amendment makes no changes to existing seasons in the portions of the southern tier that are currently open to hunting and trapping.

Some comments expressed concern over increased harvest opportunities for bobcat resulting in decreased bobcat abundance, thus limiting this species ability to control prey populations such as deer and small mammals. Bobcats are one of many mammalian predators that exist on the landscape across New York State, along with coyotes, fox, fisher, marten, raccoon, and others. In New York, bobcats are considered a generalist and opportunistic predator, meaning they have a very diverse and seasonally variable prey base. Bobcats usually consume mammalian prey, especially rabbits, hares, and other mammals ranging in size from mice and voles to deer. Bobcat home ranges vary widely depending on food availability, but because bobcats occur in such low densities (home range size is about 16 km<sup>2</sup> for females and 40 km<sup>2</sup> for males, on average), they generally do not effectively “control” or limit any undesirable prey populations. This is especially true in urban-suburban areas, which bobcats tend to avoid, so any hypothesized benefit that bobcats could play in reducing the incidence of host species for Lyme disease (i.e., mice and deer) would be negligible.

People who enjoy viewing bobcats in the wild are not likely to be noticeably affected by adoption of these regulation changes. Despite open seasons in eastern New York that have existed for decades, bobcat populations in this region, as indicated by harvest data and observations reported to the Department, have actually increased in number and have expanded their range into areas of New York that were previously unoccupied. We do not expect or intend for the regulation changes to reduce bobcat populations anywhere in the state. Furthermore, whereas trappers and hunters are restricted to harvesting bobcats during only a limited portion of the year, nature enthusiasts can continue to view them year-round, and these diverse interests are not incompatible.

We received no comments on the proposal to eliminate obsolete regulations pertaining to experimental trapping seasons for bobcat and fisher held during the 2006-07 through 2008-09 seasons. Those seasons are no longer in effect and would be inconsistent with bobcat harvest regulations being adopted at this time.

No new scientific evidence or alternative interpretations of data used by DEC to assess the sustainability and impacts of expanded bobcat harvest opportunities were provided during the public comment period. Consequently, the department has determined that it remains appropriate to allow the modification of existing bobcat hunting and trapping seasons and to expand bobcat hunting and trapping opportunity into new regions of the state, so the regulation is being adopted as originally proposed.