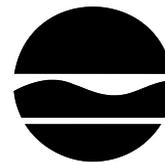


NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION



Assessment of Public Comment

Proposed Rulemaking I.D. No. ENV-14-12-00010-P

Amendments to 6 NYCRR Part 1 Single Species (various sections on Hunting Deer and Bear) and Section 4.1 (Wildlife Management Unit descriptions)

July 11, 2012

The Department of Environmental Conservation (DEC or department) received comments from several thousand individuals and organizations on the proposed amendments to deer and bear hunting regulations during the 45-day public comment period (April 4 – May 21, 2012). Many of the comments simply offered support or opposition to specific proposals, whereas others offered more detailed arguments for or against one or more of our proposals. Overall, the comments were consistent with those we received during summer 2011 on the draft “*Management Plan for White-tailed Deer in New York State, 2012-2016*”, and few significant alternatives were suggested. This was not surprising because the proposed regulations were based upon the final deer management plan adopted in October 2011.

We reviewed the substance of each comment and organized them in relation to each of our specific regulatory proposals: (1) establishment of a youth firearms deer season; (2) earlier opening of bowhunting seasons in the Southern Zone and regular season (bowhunting-only) in Westchester County; (3) adjustment of Northern Zone season dates; (4) allowing bowhunting during the late muzzleloading season in the Northern Zone; (5) allowing Deer Management Permits (DMPs) to be used during Northern Zone bow and early muzzleloader seasons; (6) expansion of mandatory antler restrictions to seven additional Wildlife Management Units (WMUs); (7) expand the open area for the January firearms season in Suffolk County; (8) designation of a Deer Management Focus Area in portions of Tompkins County; (9) adjustment of bear seasons to remain consistent with hunting seasons for deer; and (10) correction of a boundary description for WMUs 5A and 5C in Franklin County. More detailed explanations of these proposals, and our response to comments on each, are provided below. We did not respond to comments that were not specifically related to the proposed amendments, including those related to possible changes to the Environmental Conservation Law (ECL), such as changing the minimum age for big game hunting, allowing the use of crossbows during bowhunting seasons, or reducing the minimum setback distance for discharge of bowhunting equipment.

1. Establishment of a youth firearms deer season.

The number of hunters in New York has been declining by about 1-2 percent per year since the mid 1980s, and special opportunities for youth are considered valuable tools for improving recruitment and retention of new hunters. To increase opportunities for young hunters, we proposed establishing a 3-day youth firearms season for deer to occur during Columbus Day weekend in those portions of the Northern and Southern Zone where deer may be taken with a firearm.

Summary of public comments:

The department received hundreds of comments related to the proposed youth firearms deer season. Many hunters enthusiastically supported the proposed youth deer hunt over Columbus Day weekend, indicating that the youth hunt is a great way to promote hunting for future generations. Several comments described the excitement of young hunters in their family at the prospect of a youth deer hunt. Others, reflecting on their experience with the concurrent bow and muzzleloader season in the Northern Zone, agreed that holding a youth hunt concurrently with bow season is not likely to result in any noticeable impact on bowhunter success or deer behavior.

The department also received many comments opposed to the youth hunt as proposed, the vast majority of which came as a form letter. Many hunters disagreed with timing the hunt over Columbus Day weekend, or at any time during bowhunting seasons, and suggested that a special season is not necessary to introduce youth to deer hunting. Most of these comments conceded that if a youth hunt was necessary, it should be held either on the weekend when the regular firearms season opens now, delaying the opening of weekend of the regular season until the following Monday, or on a weekend in early September. Other hunters opposed the youth hunt altogether and stated that young hunters should not be provided any special opportunity but should learn the challenges of deer hunting along with all the adults. Many hunters also referenced the 2005 change in start date of the regular firearms season from Monday to Saturday as a sufficient means to increase opportunity for young hunters.

Primary objections to the proposed youth hunt related to some hunters' beliefs that: (1) a youth hunt is unnecessary; (2) young hunters with firearms present an increased safety risk for bowhunters or small game hunters afield in camouflage; (3) the youth hunt will affect bowhunting by altering deer behavior patterns; and (4) unscrupulous adults will illegally take deer during the youth season.

Additionally, a few comments suggested the youth hunt may negatively impact activities of other recreationists over Columbus Day weekend, may result in small game hunting dogs being mistakenly taken for deer, may be detrimental to deer populations in the Adirondacks, or may result in landowners prohibiting young hunters from hunting on their lands.

Many comments suggested a more effective means to recruit young hunters would be to support legislation to reduce the minimum age for big game hunting from 14 to 12 years of age and to take these youth afield during existing seasons. A few hunters suggested that youth should be engaged and trained through hunting small game rather than deer. Other suggestions included: establish a free license for young hunters; create a youth hunt for bowhunters and a youth hunt for firearms hunters; limit youth hunters to antlerless deer only to avoid take of trophy bucks; require blaze orange be worn by all hunters during the youth season; close bowhunting season during the youth hunt; give young hunters extra buck or doe tags for use during the regular season; and various alternative times in September, October or November for the youth hunt to occur.

Finally, several hunters commented that results of DEC's survey of youth hunters and mentors, which was used to determine the timing of the proposed youth hunt, were biased because the survey was only distributed to potential youth hunters and not to hunters of all ages or bowhunters specifically.

DEC response:

Comments submitted regarding a youth firearms deer season were generally consistent with comments received by DEC on the draft deer management plan and our assessment of that comment (www.dec.ny.gov/docs/wildlife_pdf/deerplanapc.pdf) is equally relevant now. DEC is committed to removing obstacles and providing opportunity for young hunters. A special youth deer hunt will provide interested junior hunters a special opportunity to hunt deer under the mentoring and supervision of an experienced adult without competition from adult firearms hunters. This is believed to be an important factor for recruiting new hunters, which is essential for the future of deer management. DEC also agrees with hunters in supporting legislative efforts to reduce the minimum age for big game hunting with a firearm from 14 to 12 years of age, and we believe this would be a valuable enhancement to DEC's current efforts, giving more youth hunters more opportunity to participate in the youth firearms deer season.

Most comments opposed to the youth hunt indicated their opposition stemmed from timing the youth hunt during bowhunting season. DEC believes concerns about adverse consequences of having a youth hunt during the bowhunting season, or on Columbus Day specifically, are unwarranted and inconsistent with the interests of the broader spectrum of New York hunters. While developing the "*Management Plan for White-tailed Deer in New York State, 2012-2016*" and in preparation of this rulemaking, DEC considered several alternatives for timing a youth firearms deer hunt. Each of the options suggested by hunters during this rulemaking was previously evaluated through scientific surveys. In a 2010 survey (www.dec.ny.gov/docs/wildlife_pdf/hdrudeer10.pdf), Cornell University found that a majority of hunters, including bowhunters, supported inclusion of a special firearms season for youth hunters, though no clear preference for timing of the season was apparent. Whereas, hunter opinions about the youth hunt over Columbus Day weekend were largely equivocal, a

significantly greater portion of hunters thought a youth hunt over the weekend immediately prior to the regular firearms season was a bad idea rather than a good idea. To more explicitly identify an appropriate time for the youth hunt, DEC surveyed those most directly affected by this initiative, namely junior hunters and their adult mentors (www.dec.ny.gov/docs/wildlife_pdf/ythdeer2012.pdf). DEC presented junior hunters with five options for a youth hunt, including: a weekend in early September, a weekend in late September, the first full weekend in October, the 3-day Columbus Day weekend, or the first two-three weeks of October including weekends. Of these options, Columbus Day weekend had the greatest overall preference and options in September were least preferred.

Although some bowhunters or small game hunters who go afield in camouflage, and other people who use the outdoors in the fall, expressed concerns that that they may be mistaken for game or struck by an errant gunshot, DEC believes this risk is extremely small. Youth hunters, who must be accompanied by an adult mentor, have an exceptional safety record nationally. Many hunters of all types already share the woods and fields during concurrent big game and small game hunting seasons in New York, and hunting safety incident rates are extremely low. For example, in the Northern Zone, bowhunters and small game hunters have successfully and safely shared time afield with rifle and shotgun hunters during the early bear season and muzzleloading hunters during the early muzzleloading season. Youth deer hunts are held concurrent with bowhunting seasons in many other states (e.g., Connecticut, Delaware, Illinois, Indiana, Iowa, Maine, Maryland, Minnesota, Missouri, New Hampshire, New Jersey, Ohio, Pennsylvania, West Virginia, and Wisconsin). Furthermore, bowhunters who remain concerned for their personal safety may opt to wear orange clothing while bowhunting or preferably, to set their bows aside for that weekend and take a young hunter afield as an experienced mentor and role model.

DEC also believes that concerns about disrupted bowhunting activity are not warranted. We anticipate eligibility of about 16,000 youth hunters (about 3% of New York's big game hunting population) or roughly 1 potential youth hunter and mentor for every 2-3 square miles. As such, hunting activity and/or gunfire associated with a youth deer season will not have a notable impact on deer behavior or bowhunter success, particularly in light of the more than 100,000 small game hunters also afield during the early fall. Similarly, deer monitored with global positioning system tracking collars in Pennsylvania did not demonstrate altered activity patterns during or following a week-long early muzzleloader season in mid-October.

2. Earlier opening of bowhunting seasons in the Southern Zone and the regular season (bowhunting-only) in Westchester County.

Currently, bowhunting season in the Southern Zone and the regular season (bowhunting-only) in Westchester County begin the Saturday following Columbus Day. We proposed to lengthen the seasons in these areas by moving to a fixed opening date of October 1.

Summary of public comments:

The department received enthusiastic support from many bowhunters for the longer season. Most of this support was expressed in the same form letter that opposed establishing a youth firearms deer hunt. One non-hunter applauded the longer season as a means to help control deer populations.

The department also received many comments in opposition to the bow season expansion. The following reasons were frequently cited: (1) bow season is already too long and bowhunters have plenty of time to take a deer; (2) the longer season exacerbates the significant advantage that bowhunters have over other hunters through their first chance at "trophy" bucks and opportunity to hunt in warmer weather or in firearm restricted areas; (3) bowhunters who oppose participation of crossbow hunters during bow season should not be rewarded with more time to go afield; (4) beginning bow season on October 1 will reduce the training season for bear-tracking dogs and will reduce time for small game hunters to be afield without potential conflict with other hunters; (5) the rule creates greater disparity of opportunity between bowhunters and muzzleloader hunters and bowhunters should not be given more time unless muzzleloader hunters and firearms hunters get longer seasons too; and (6) it will put additional stress on the deer population.

DEC response:

DEC believes that starting the Southern Zone bowhunting season on October 1 each year is a reasonable action to increase opportunity for New York deer hunters. This rule will provide adult and junior bowhunters in the Southern Zone an average of 15 additional days, including 4 weekend days, over the previous season structure. Though this rule provides no additional muzzleloader hunting opportunity, in a 2010 survey by Cornell University (www.dec.ny.gov/docs/wildlife_pdf/hdrudeer10.pdf), hunters did not strongly support extending the late muzzleloader season in the Southern Zone or creating a new muzzleloader season at some other time. However, DEC continues to see value in a potential muzzleloader season for antlerless deer, where and when necessary to increase deer management efficacy.

DEC does not anticipate increased conflicts with other recreationists or hunters with this rule, given that existing bowhunting seasons in the Northern and Southern Zones already overlap with non-hunting activities as well as small game, furbearer, and early bear seasons without serious conflicts. Yet, DEC acknowledges that this rule will reduce the training season for bear-

tracking dogs in the Southern Zone. DEC values the skills and services that licensed bear-dog trainers and their dogs provide, particularly for hazing bears from agricultural areas. Through ongoing development of the management plan for black bears in New York, DEC will work with bear-dog houndsmen to identify reasonable strategies that preserve the effectiveness of the training season.

DEC does not expect substantial management impact to result from this change. However, deer harvest during bowhunting season is strongly biased toward adult bucks compared to harvest during other seasons, and DEC will continue to monitor deer harvests to identify any impacts that may occur.

3. Adjustment of Northern Zone season dates.

Currently, the Northern Zone regular deer season is open from the next to last Saturday in October through the first Sunday in December, followed immediately by a 7-day late muzzleloader season. We proposed that the regular season be adjusted by opening for 44 consecutive days beginning on the fourth Saturday in October, followed again by a 7-day late bow and muzzleloader season. The net effect of this change would have been to open these Northern Zone deer and bear seasons one week later in four of seven years, and ending one week later in three of seven years, to allow for a longer early bow season and accommodate the proposed youth firearms season. On average, the early bow season would have been four days longer, the regular gun season would have been one day shorter, and the regular season would have ended three days later into December.

Summary of public comments:

Some hunters were concerned that the proposed season adjustments in the Northern Zone would extend hunting later into December, when it was more likely that winter weather conditions could restrict deer movements or hunter access, or make deer more vulnerable to harvest or disturbance in their winter yards. In areas where late muzzleloader seasons occur, and either sex of deer may be taken, this could affect the harvest of does as well as bucks. Some hunters questioned the need for any additional bow hunting opportunity, or a youth hunt, if those were the primary reasons for the proposed season changes in the Northern Zone. A few comments also suggested that the proposal may increase conflicts between hunters and snowmobilers.

DEC response:

The department does not agree that the original proposal would have had significant adverse impacts on deer populations, hunter opportunity, or other recreationists in the Northern Zone. A shift in season timing by just a few days on average is not likely to result in any

predictable change in harvest rates or hunting pressure. Deer populations in Northern Zone WMUs are managed via manipulation of doe harvests, either by issuance of DMPs where we have authority to do so, or by manipulation of regulations during muzzleloader seasons. However, because the formula we proposed would extend seasons a week later into December in some years, we are concerned about hunter perceptions and acceptance of the change in those years when snow conditions might make some localized deer herds more vulnerable, particularly in areas of the Adirondacks and Tug Hill. Consequently, we considered several minor season adjustments that would address those concerns and still meet our objectives. As a result, we adopted a formula in the final regulation where the Northern Zone would open for 44 consecutive days beginning on the second Saturday after Columbus Day, followed still by a 7-day late bow and muzzleloader season in some areas. This would open Northern Zone deer and bear regular seasons one week later in only two of seven years, and end one week later in only one of seven years. On average, the early bow season will be two days longer, the regular gun season will be one day shorter, and the regular season will end one day later in December, than under the previous regulations.

4. Allow bowhunting during the late muzzleloading season in the Northern Zone.

Currently, bowhunting is not authorized during the late muzzleloading season in the Northern Zone. We proposed to mirror the bowhunting structure of the Southern Zone by establishing a late bowhunting season in the Northern Zone as well.

Summary of public comments:

The department received several comments in support of and opposed to this proposal without specific justification. However, several comments expressed concern for low deer populations in portions of the Northern Zone and suggested that there be no late muzzleloader season.

DEC response:

This rule did not propose any changes to the areas open for a late muzzleloading season, but simply creates a late bowhunting season during the same time and in the same areas as the late muzzleloading season in the Northern Zone. Currently, the open areas form a rough fringe around the central Adirondacks and include areas with generally more mild winters than the central Adirondacks, where DEC considers deer populations capable of sustaining the harvest associated with bowhunting and muzzleloader seasons. In the future, if we determine that any of the Northern Zone areas should not have a late muzzleloader season, then the late bowhunting season would be closed as well.

5. Expanded use of Deer Management Permits (DMPs) in the Northern Zone.

Current regulations allow use of DMPs in the Northern Zone only during the regular season and late muzzleloader season. We proposed to also allow DMPs to be used during all Northern Zone seasons.

Summary of public comments:

The department received several comments supporting and opposing the proposal to allow use of DMPs during all Northern Zone seasons. Those opposed to the rule expressed concern for the impact of DMPs on deer populations in the Adirondacks.

DEC response:

The department believes this change will simplify regulations and increase hunter opportunity and choice. No management impact is expected since DEC determines the total number of DMPs issued in each WMU based on current deer population conditions and hunting activity. Furthermore, DEC has legal authority to issue DMPs in only a portion of the Northern Zone WMUs, excluding units in the central Adirondacks and Tug Hill.

6. Expansion of mandatory antler restrictions

Mandatory antler restrictions (ARs) have been in effect in four Wildlife Management Units (WMUs 3C, 3H, 3J, and 3K) in the southern Catskills since 2005-2006, and in a portion of another WMU (3A) since 2011. Antlered deer taken in these WMUs must have at least one antler with 3 or more points that are at least one inch long. We proposed expanding this harvest restriction to seven adjoining WMUs in the Catskills (3A, 4G, 4O, 4P, 4R, 4S, and 4W), in accordance with the department's recently adopted deer management plan. The purpose of mandatory ARs is to reduce the harvest of yearling bucks, resulting in a higher proportion of older bucks in the local population, and a greater chance for hunters to harvest a larger buck with greater antler development.

Summary of public comments:

We received several thousand comments related to the proposed expansion of mandatory ARs, as occurred during public comment on the draft deer management plan in 2011. The vast majority of comments supporting mandatory ARs came as form letters, with several variations, and a few petitions. Many of the letters received were undated, lacked signatures, or were duplicates of letters submitted on the draft deer management plan prior to this rulemaking. Also included were letters of support from more than two dozen elected officials (New York State Senate and Assembly).

We received comments from many individuals, hunting clubs, sportsman's organizations, and statewide environmental and agricultural groups, opposed to expansion of mandatory ARs. Several environmental and forest landowner groups opposed any expansion of ARs without first developing alternative techniques to monitor deer populations and ensuring additional management actions to reduce deer population size where deer impacts on forests are high.

Advocates of mandatory ARs generally cited one or more of the following reasons for their support of this proposal: (1) various surveys showing that a majority of New York deer hunters favor such a restriction; (2) the high proportion of older bucks harvested in areas that currently have mandatory ARs; (3) strong hunter support for continuing mandatory ARs in areas where they have been in place for several years; (4) dissatisfaction with the number of older bucks that they observe while hunting; (5) a belief that mandatory ARs would promote deer herd health, productivity, a more balanced sex ratio, and/or more normal breeding behaviors; (6) a belief that mandatory ARs would increase license sales or attract hunters to those areas with attendant benefits to the local economy; (7) a belief that mandatory ARs will promote safety since hunters will have to be more certain of their target before they shoot; (8) a belief that mandatory ARs will promote the trophy hunting potential of New York's deer herd; (9) a belief that mandatory ARs will aid management by increasing antlerless harvest; and/or (10) low likelihood that self-imposed or voluntary ARs will achieve the desired results. Other supporters of mandatory ARs mentioned the success they have had practicing voluntary ARs but dissatisfaction that neighboring hunters do not hunt in the same way.

Opponents of mandatory ARs generally cited one or more of the following reasons for their opposition to the proposal: (1) mandatory ARs result in the loss of harvest opportunity and deny hunters the freedom to choose what size buck they harvest, even on one's own property; (2) people who depend on or consider deer as a primary source of food may be adversely affected, especially in WMUs with limited availability of DMPs allowing take of antlerless deer; (3) philosophical disagreement with the emphasis on "trophy" bucks as an implied objective of deer management; (4) concern that reduced harvest of yearling bucks will result in higher deer populations, exacerbating ecological (e.g., forest regeneration, biodiversity) and agricultural impacts in some areas; (5) the lack of any biological need or benefit for mandatory ARs; (6) hunter expectations in the current AR areas have not been met, even though hunters strongly support continuation of ARs in those WMUs; (7) concern that ARs will cause hunters to drop out of the sport, resulting in lower license sales and reduced hunter spending; (8) belief that hunters who wish to harvest older bucks can practice voluntary restraint wherever they choose to hunt; and/or (9) belief that the existence and expansion of mandatory ARs is occurring because of the undue influence of a few politically connected trophy hunters. Beyond the large volume of comments for and against expansion of mandatory ARs to the seven additional Catskill WMUs, many of the letters supporting mandatory ARs also suggested expansion of mandatory ARs into other individual WMUs, the entire Southern Zone, statewide, or simply "elsewhere".

DEC response:

Clearly, mandatory ARs remain a very contentious issue among hunters and other stakeholders across New York State. Most of the comments submitted regarding ARs were consistent with comments received by DEC on the draft deer management plan (www.dec.ny.gov/docs/wildlife_pdf/deerplanapc.pdf). However, comments opposed to mandatory ARs, particularly related to potential environmental and agricultural impacts that could result from deer population growth with ARs, were more explicit and substantive.

Many comments, from supporters and opponents, continued to reflect beliefs about potential outcomes of mandatory ARs that cannot be substantiated (e.g., impact on hunting safety) or were inconsistent with existing data from DEC's pilot antler restriction program (e.g., impact on hunting participation or purported increases in antlerless harvest). DEC's previous responses to those comments can be found at the links cited above and apply here as well. Certainly, mandatory ARs will substantially reduce the harvest of yearling (1.5 year old) bucks, since the "3-points on a side" rule would make it illegal to harvest most yearling deer in southeastern New York. After a few years, and if the total deer population grows, hunters may take similar numbers of bucks with mandatory ARs as they did without. However, mandatory ARs are not biologically necessary to maintain a healthy deer population in New York. Furthermore, the yearling portion of total buck take in New York has been dropping statewide, without mandatory ARs, from greater than 70% in the early 1990s to about 55% in 2011.

Our previous assessments of the biological and management implications of ARs are summarized in Appendix 3 of the "*Management Plan for White-tailed Deer in New York State, 2012-2016*", and in our "*Summary of New York's Pilot Antler Restriction Program*" (www.dec.ny.gov/docs/wildlife_pdf/arsummary11.pdf). Evidence from the pilot AR program revealed no significant changes in hunter participation for the majority of hunters, though overall participation by non-local hunters appeared to decline because of mandatory ARs. As such, no economic benefit to local communities should be expected in areas where mandatory ARs are enacted.

We agree that unless overall populations are reduced, mandatory ARs will result in larger buck populations, potentially exacerbating concerns of agricultural or ecological impact in some areas. Though DEC intends to manage overall deer populations consistent with desires of local stakeholder task forces, mandatory ARs may invalidate the primary index (bucks killed per square mile) used to monitor deer population trends and will reduce DEC's ability to identify when a population is at objective levels. DEC is developing a new tool to track hunter effort and deer harvest per unit effort, which may provide additional insight to deer population changes, though several years of data will be necessary for trends to be apparent.

Because the comments received were generally consistent with stakeholder views on ARs expressed on the draft deer management plan in 2011, we have proceeded with adoption of

mandatory ARs to the seven Catskill WMUs as originally proposed. As for the future, DEC has no plans to expand mandatory ARs outside of these areas, but we have begun developing a more systematic process and criteria for determining when and where mandatory ARs or other strategies for reducing harvest of yearling bucks may be warranted. The ongoing debate about mandatory ARs has caused many hunters to view that as the only option for reducing harvest of yearling bucks. However, there are other approaches that may deal more effectively with diverse and often competing hunter values. Yearling buck harvest strategies involve significant tradeoffs among hunters who want to increase their chances of taking (or seeing) older bucks, hunters who want the freedom to take a buck of any size, other stakeholders concerned about overall deer populations, and DEC managers who must balance these competing interests and who have concerns about impacts on their ability to reliably monitor and manage deer populations without excessive cost or complexity. Going forward, we need to consider other approaches (e.g., mandatory ARs for part of the season, a one-buck per hunter limit, or other alternatives) that may offer more acceptable outcomes for New York deer hunters and stakeholders.

7. Expand the open area for the January firearms season in Suffolk County.

This rule replaces a very complex legal description of areas open for the January firearms season to simply state that all of Suffolk County is open, subject to local discharge restrictions.

Summary of public comments:

We did not receive any substantive comment related to this proposal.

DEC response:

We are adopting the proposal unchanged.

8. Designation of a Deer Management Focus Area in portions of Tompkins County.

This rule designates portions of central Tompkins County as a “deer management focus area” where more liberal deer hunting regulations will be in effect to help alleviate the burden of overabundant deer populations on local communities and property owners. Within the focus area, registered hunters will be allowed to take two antlerless deer per day, in addition to any deer taken on tags acquired through normal licensing procedures, during the bowhunting, regular, and late muzzleloader seasons, and during an additional season in January. The focus area encompasses the City of Ithaca, the Villages of Cayuga Heights and Lansing, the entire Town of Ithaca, and portions of the towns of Lansing, Dryden, Caroline, Danby, Newfield, Enfield and Ulysses; the total focus area is roughly 60 square miles in size. The establishment of

this focus area does not change the legal requirement that hunters must still comply with all applicable local ordinances governing the discharge of firearms.

Summary of public comments:

Several key stakeholders, including local residents and property managers in the focus area, expressed strong support for the proposal and reiterated the need for deer population reduction in this area. Two individuals objected to the proposal, citing concerns about overharvest, already low deer numbers in part of the focus area, or potential harvest of adult bucks that have shed their antlers prior to or during the additional January season. One person suggested a boundary change to expand the focus area and several others recommended that other areas be considered for designation as focus areas.

DEC response:

We appreciate the support expressed for this new approach to dealing with overabundant deer in areas with limited access (and legal bow or firearms discharge areas) for hunting. Deer harvests during previous seasons have not been sufficient to alleviate the overabundance of deer in this area, so we are hopeful that allowing hunters who can gain access to harvest more deer over a longer period of time will be more effective. We plan to evaluate this new approach over the next several years and, depending on the results, will consider designation of other areas in the future. We reviewed the specific concerns related to boundaries of the Tompkins County focus area, and concluded that no changes from our original proposal were warranted. The suggested expansion did not include an area known to be burdened with overabundant deer, and for the area of concern about too few deer (Town of Caroline), only about 10% of that town (the northwest corner) is included in the focus area. Additionally, though some shed antlered bucks may be taken during the January portion of the season, protection of adult bucks is not a goal of the focus area. Rather, the focus area is established to reduce total deer populations, principally through harvest of antlerless deer, but also through removal of adult bucks.

9. Adjustment of bear seasons to remain consistent with hunting seasons for deer.

Currently bear hunting seasons generally are consistent with deer hunting seasons throughout the state. We proposed modification of bear season dates to retain consistency with deer and bear hunting season structures.

Summary of public comments:

We received several comments supportive of keeping deer and bear hunting seasons consistent. A few comments acknowledged that the majority of black bears are taken incidentally and opportunistically by deer hunters. They suggested that bear harvest might drop substantially if the deer and bear seasons were not concurrent.

DEC response:

DEC is in the process of developing a black bear management plan, through which alternative bear hunting season structures may be considered. However, DEC agrees that retaining a consistent season structure for big game hunting is currently preferable.

10. Correction of a boundary description for WMUs 5A and 5C in Franklin County.

We proposed a technical modification to correct a road name in the boundary descriptions for WMUs 5A and 5C, where Franklin County Route 24 was incorrectly identified as State Route 24.

Summary of public comments:

We did not receive any substantive comment related to this proposal.

DEC response:

We are adopting the proposal unchanged.