

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(8) provides the authority to set open seasons, open areas, bag limit, manner of taking, possession and disposition of bear and parts of bears, and the intentional and incidental feeding of bears. Section 11-0907 governs open seasons and bag limits for deer and bear.

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 is necessary to reduce bear population growth in Wildlife Management Unit (WMU) 4W which includes parts of Delaware and Sullivan counties. The current objective for WMU

4W, as identified in DEC's *Black Bear Management Plan for New York State, 2014-2024* is to maintain a moderate population density. However, current harvest levels are not adequate to achieve that objective, and the bear population in 4W is greater than desired and growing. Including WMU 4W in the early bear season is expected to yield the modest increase in bear harvest necessary to reduce population growth.

The early bear hunting season in portions of southeastern New York was initiated in 2014 as a management action to reduce the bear population in 10 WMUs and provides a supplemental, firearms hunting season in early-mid September. Since 2014, the early season has contributed to increased bear harvest in these units as intended.

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. If bear hunting opportunity remains unchanged in WMU 4W, we expect the bear population in the unit to continue to grow. While human-bear conflicts and agriculture damage from bears in the unit is not excessive currently, as the bear population continues to grow, conflicts could increase.

Broaden the expansion of the early bear season. DEC considered whether it would be appropriate or not to expand the early bear season more broadly in southeastern New York into new WMUs (e.g., 4O and 4S). However, current bear hunting strategies are satisfactorily achieving the management objectives in other southeastern units.

9. Federal standards:

None.

10. Compliance schedule:

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