Assessment of Public Comments on the draft NYS Deer Management Plan, 2012-2016

DEC received written comments from several thousand individuals and organizations on the draft Deer Management Plan during the public comment period (June 13 – July 28, 2011). Many of the comments simply offered support or opposition to specific strategies or for the plan in general, whereas others offered more detailed arguments in favor of specific elements or alternatives. DEC reviewed all of the input received, and we appreciate the time and effort that so many took to express their personal and organizational views in writing. We prepared this brief overview of what seemed to be the principal issues identified with the draft plan, and offer our response to those issues. Comments were not counted as though they represented a vote for or against particular strategies; rather, comments were reviewed for substance, regardless of the number of people who commented similarly.

In general, the plan was acknowledged as a comprehensive, well-organized, and useful document for guiding deer management for the next 5 years. The principal issues that received the most substantive comments were as follows: 1) antlerless tag structure; 2) antler restrictions; 3) early muzzleloader season; 4) longer early bow season; 5) special youth deer hunt; and 6) various legislative proposals (lower age for deer hunting, allowing crossbows during archery seasons). We discuss each of these issues and explain our response to each below.

(1) Antlerless Tag Structure

Summary of public comments:

Although the department received many comments in support of the proposed changes to the 3/2 tag system (i.e., discontinued use of either-sex and antlerless-only tags for bow and muzzleloader hunters and transition to use of Deer Management Permits [DMPs] exclusively), the overwhelming majority of feedback reflected a dissatisfaction with the loss of special season (bow/muzzleloader) antlerless and either-sex tags. Reasons included the presumed loss of ability to take a second buck, the feeling that special season hunters were losing tags they felt they had paid for, the feeling that special season hunters statewide would be affected by a situation that exists in relatively few units (i.e., excessive harvest of antlerless deer on special season tags), and the loss of special season tags by those hunters who recently purchased lifetime licenses that included bowhunting or muzzleloading privileges. There were also concerns that discontinuing special season tags across the board would limit antlerless opportunities for hunters who might want to hunt multiple areas of the state, since they would need to be selected for a DMP in each area they would like to hunt antlerless deer.
DEC response:

In reading the comments received on this issue, it was clear that a good deal of misunderstanding existed concerning our plans to discontinue either-sex and antlerless-only bow and muzzleloader tags, and transition to a system based solely on DMPs in all areas of the State. We tried to address this misinterpretation with the following statement, posted on the DEC web site, and via other outlets:

“Strategy 1.3.2 proposes to initiate a process to discontinue either-sex and antlerless-only bow and muzzleloader tags for antlerless harvest and transition to a system based on Deer Management Permits (DMPs) exclusively in all areas of the state. Some hunters have apparently misinterpreted this strategy as though DEC intends to institute a 1-buck per hunter rule. However, this is not the case. The proposal is strictly based on the need for a more sensitive antlerless harvest system, and Appendix 5.6 in the deer plan describes this need and purpose. At this point, the draft plan presents a concept for improved antlerless management. The potential tag system is not fully described, but bow and muzzleloader hunters would still be able to harvest one antlered deer during the regular season and one during either of the special seasons.”

Even with the above clarification, it was apparent that substantive objections to this part of the plan existed. Yet, the problem of uncontrolled harvest of antlerless deer on special season tags in some units is real and can compromise our ability to raise deer numbers in areas that are significantly below objectives. Since this plan includes a measure to temporarily address the latter issue, albeit in a more coarse manner (Strategy 2.2.3 – shut off antlerless harvest by bow and muzzleloader hunters in units during years when DMPs are not issued), we have removed the proposal to completely discontinue either-sex and antlerless-only tags. Rather, to continue to pursue responsive deer management, we intend to investigate alternative tag structures for antlerless deer that increase simplicity, in the context of potential broader efforts to simplify all sporting licenses. These alternatives may entail a reconfiguration of how hunters acquire and use deer tags.

(2) Antler Restrictions

Summary of public comments:

We received numerous comments, both in favor of, and opposed to, mandatory antler restrictions (ARs). Hunters have very strongly held opinions regarding mandatory ARs, and that tenor was very apparent in their comments. Advocates of ARs cite various reasons for wanting these implemented in certain areas of the state, including a desire for more older bucks or more even adult sex ratios, and a belief that ARs will yield a shorter and more intense breeding period. Opponents of ARs cite other reasons for not wanting mandatory ARs, such as reduced legal buck availability, the loss of freedom to shoot a buck of their choosing, and philosophical disagreement with the emphasis of AR advocates on trophy bucks. Those in favor of ARs often mentioned a possible economic boost to local economies and increased license sales due to a more desirable herd composition, but others felt that the restrictions
inherent in mandatory ARs would cause hunters to drop out of the sport and result in lower license sales and reduced hunter spending. In general, there was much support expressed for continuing ARs in the WMUs where they have been in effect since 2005 or 2006, and much support expressed for expanding ARs to the 7 WMUs that we proposed in the draft plan. Many of those generally in favor of mandatory ARs also felt that restrictions should be waived for youth. There was relatively little support expressed for expanding ARs statewide or to specific WMUs or regions other than those listed in the draft plan. Opponents also noted that results from the pilot AR program indicate that most hunter expectations of ARs were unmet and hunter satisfaction is still largely split regarding the mandatory ARs.

**DEC response:**

Many of the comments submitted regarding ARs were similar in nature to comments received by DEC during previous rulemaking proposals (www.dec.ny.gov/docs/wildlife_pdf/arcomment09.pdf). Many comments, from supporters and opponents, continued to reflect beliefs about potential outcomes of mandatory ARs. DEC has previously assessed the management implications of ARs, as described in Appendix 3 of the NYS Deer Management Plan and as documented in DEC’s Summary of New York’s Pilot Antler Restriction Program (www.dec.ny.gov/docs/wildlife_pdf/arsummary11.pdf).

The implementation of mandatory ARs in any form and at any level involves trade-offs for all concerned. The hunter must forego shots at small-antlered bucks, the deer manager must develop new tools for monitoring deer populations, and the Conservation Officer must enforce a new regulation and a more complex set of rules for legal deer harvest. While many hunters favor mandatory ARs, DEC does not see a compelling biological need to alter buck age structures through regulation or legislation (Appendix 3). Pre-season adult sex ratios of deer are generally much more balanced (i.e., 1 male per 2.5 or fewer females) than many hunters believe, and DEC does not anticipate any noticeable changes to deer breeding success or timing from ARs. Additionally, evidence from the pilot AR program suggests that no significant increase or decrease in hunter participation or economic benefit to local communities should be expected in areas where mandatory ARs are enacted. Thus, DEC contends that the issue is mostly social in nature, driven by hunter interests, values, and desired outcomes.

DEC supports voluntary ARs in areas lacking strong support among hunters for mandatory ARs. However, DEC also recognizes that interest in ARs is high in some regional areas and among some segments of hunters, but that this level of interest is not shared equally throughout the state. For these reasons, we will continue mandatory ARs in WMUs 3C, 3H, 3J, and 3K, and DEC will propose expanding them in 2012 into seven adjacent units in southeastern New York: 3A, 4G, 4O, 4P, 4R, 4S, and 4W (Strategies 2.3.5 and 2.3.6). As for the future, DEC has no immediate plans to expand mandatory antler restrictions outside of these areas, but we will develop objective criteria to determine and evaluate optimal strategies for reducing harvest of yearling bucks, possibly including mandatory antler restrictions (Strategy 2.3.7).

Having early, positive experiences is important in the development of a life-long deer hunter, and to facilitate that, current AR regulations in southeastern NY provide hunters under 17 years of age an
exemption to the three-point requirement. This exemption will be maintained for the additional units proposed for mandatory ARs in 2012.

(3) Early Southern Zone Muzzleloading Season

Summary of public comments:

There was significant opposition voiced to the idea of an early muzzleloader season in the Southern Zone, with the primary rationale that its placement during the early bow season would be disruptive to bowhunting activity and deer behavior during bow season. There was also a significant number of comments received opposing the idea of any more gun hunting days being added to a season structure that many believe is already too long. Some comments cited the opinion that modern muzzleloaders are no longer “primitive” implements, and are equal to centerfire rifles in terms of accuracy, range, and their potential impacts to a deer herd. Several comments indicated they might be more receptive to such a season if the only muzzleloaders allowed were more in keeping with the primitive designation, restricted to flintlocks and/or those shooting round patched balls only.

Other comments expressed gratitude that DEC was being more attentive to the wishes of muzzleloader hunters, many of whom felt that a basic inequity has existed between the length and quality of their opportunity compared to that of bowhunters. Additionally, many commented that an early muzzleloading season in the Southern Zone was an appropriate way to take additional antlerless deer in units needing more population control. Lastly, some commented that an early muzzleloader season should be considered in all areas of the Southern Zone.

DEC response:

During the review of initial comments received on our draft Plan, it became evident that some hunters had misinterpreted our intentions outlined in Strategy 2.2.6 in regards to a possible early muzzleloading season in the Southern zone. We believe that a good deal of the opposition voiced was based on the mistaken belief that its implementation would be immediate (along with other changes in 2012) and throughout the Southern Zone. To address this misinterpretation, we placed the following statement on our web site as soon as the problem became evident:

“Strategy 2.2.6 proposes a possible early muzzleloader season under very limited circumstances. Some hunters have apparently misinterpreted this strategy as though an early muzzleloader season is being proposed for most or all of the Southern Zone, however this is not the case. The strategy describes an approach to progressively increase harvest pressure on antlerless deer in areas where deer populations are above desired levels. This would be considered where DMPs are available to all hunters and additional tools are necessary to reduce the local deer population. A short, early muzzleloader season for antlerless deer is proposed as the third step of a three-step process. Based on current deer population trends, it is likely that step 1, use of Bonus DMPs, might be appropriate for 8-12 Wildlife Management Units, mostly located in the
Lake Plains of northern Regions 8 and 9. If use of Bonus Permits is sufficient, then we would not need to progress on to step 2 (make part of the bow and late muzzleloading season antlerless-only) or step 3 (a short early-muzzleloader season for antlerless deer)."

Our inability to harvest enough antlerless deer in many areas of the state is a fundamental challenge that we must address. As deer populations grow in these areas, increasing pressures are placed not only on whole ecosystems, but on segments of society who are negatively impacted by high deer numbers, such as forest owners, motorists, and farmers. It is important to understand that a large percentage of those impacted are non-hunters, to whom DEC also has an obligation regarding deer management. This non-hunting segment of New Yorkers will likely have an increasingly prominent voice in how future deer populations are controlled.

DEC feels strongly that real and substantial steps are needed to address areas of deer overpopulation, and that these steps will need to be largely outside the bounds of previously attempted methods. Ample evidence exists that simply making more Deer Management Permits available is no longer working in many units. As the clarification above points out, a special antlerless-only season for muzzleloader hunters is proposed in Strategy 2.2.6 as the 3rd step in a multi-step process to progressively increase antlerless take in specified areas when necessary to manage deer. We would first step up the use of bonus permits and evaluate the efficacy of those before potentially moving on to Step 2 or Step 3. If the special antlerless season (step 3) is necessary at some point in the future, our intention would be for it to occur early in the fall, prior to the regular firearms season and when breeding age does may be more easily distinguished from fawns.

(4) Extension of the Southern Zone Bow Season

Summary of public comments:

The proposal to start the Southern Zone archery season on October 1st received generally strong support among those who identified themselves as bowhunters. Among other segments of hunters, reaction ranged from mixed to strongly opposed. Non-hunting rural landowners and those primarily participating in non-hunting related outdoor activities in the fall were generally opposed to an extended bow season.

Support among bowhunters for an earlier start to the archery season, not surprisingly, was largely based on the extra days afield and the net increase in opportunity, but a variety of other reasons were given. Several cited season frameworks in other states that had longer, or earlier bow seasons. Others mentioned that adding days to the season would rectify the decrease in season length (average of 2 days) that occurred when, beginning in 2005, opening day of the Southern Zone regular season was changed from a Monday to a Saturday. At least one thought that a longer bow season would help reduce the harvest of yearling bucks, since with a longer season, bowhunters could be more selective. It
was also mentioned that the longer days of early October are more suited to an after-work hunt.
Conversely, some bowhunters noted that they already have a long season, and more time is not needed.

Other segments of the hunting community were not so supportive of a longer bow season. Small game hunters and some trappers were concerned about the loss of exclusive days, potential conflicts arising from encountering bowhunters in the field, and the safety of dogs around bowhunters. Others felt that their hunting would be hampered by worries of accidentally shooting camouflaged bowhunters, who often sit in trees. Some felt that October 1st is too early and wounded deer will be harder to find and spoil faster. Many muzzleloader hunters stated dissatisfaction that bowhunters continue to get more time added to a season structure that is already lopsided in favor of bowhunters. Lastly, a few coyote hunters were worried that they would lose two weeks of coyote hunting with rifles due to a prohibition on possessing a rifle afield during an open deer season in areas where rifles cannot be used for deer hunting.

Comments from non-hunters, rural landowners, and non-hunting outdoor enthusiasts were mostly against a longer bow season due to perceived safety concerns. Many cited the nice weather in early October, and Columbus Day weekend as reasons for an influx of non-hunters in the woods during that time period.

**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 and is compatible with other hunting and non-hunting activities occurring in early October. Bowhunting in the Northern Zone currently begins September 27 each year and overlaps with non-hunting activities as well as small game, furbearer, and early bear seasons without conflict. The proposed structure for the Southern Zone provides adult and junior bowhunters an average of 15 additional days over the existing season structure. More importantly, since the bulk of bowhunting activity occurs on weekends, the proposed structure adds 4 weekend days in most years.

**Special Youth Deer Hunt**

**Summary of public comments:**

We received many comments on the proposal to include a 3-day firearms deer season for youth hunters on Columbus Day weekend each year. Many hunters enthusiastically supported the proposal, citing the recruitment benefits that a special youth season might provide. Other hunters objected to the proposal 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. Some hunters and non-hunters expressed safety concerns related to youth hunting with firearms concurrent with small game, turkey and bowhunting seasons or other non-hunting related recreation.
Additionally, many bowhunters believed that youth hunting activity would disrupt deer movement patterns and decrease bowhunters' success. Further, many bowhunters referenced the 2005 change in start date of the regular firearms season from Monday to Saturday as a sufficient means to increase opportunity for school-aged hunters. Frequently, these bowhunters suggested that DEC consider reverting back to a Monday opener for the regular firearms season and using that preceding weekend as the special youth hunt.

**DEC Response:**

The number of hunters in New York has been declining by 2% per year since the 1980s, and our hunter recruitment rate is among the lowest in the nation (55 new hunters for every 100 who stop). 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. This is believed to be an important factor for recruiting new hunters, which is essential for the future of deer management.

In 2005, DEC restructured the regular firearm season in the Southern Zone to begin on a Saturday rather than a Monday. This change was implemented to increase opportunity for all hunters, including adults with personal commitments during the work week, as well as for young hunters who had to attend school. However, the Saturday opener for the regular season did not provide the focus on youth participation that we feel is needed.

DEC anticipates that a maximum of about 16,000 youth hunters (about 3% of NY's big game hunting population) or roughly 1 potential youth hunter and mentor for every 2-3 square miles may participate in a special youth hunt. As such, hunting activity and/or gunfire associated with a youth deer season would not have any 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. Deer monitored with GPS collars in Pennsylvania did not demonstrate altered activity patterns during or following a week-long early muzzleloader season in mid-October (Rosenberry et al. 2009).

Additionally, supervised youth hunters nationwide have an exceptional safety record. 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).

DEC is committing to implementing a youth deer hunting opportunity prior to other firearms deer hunting seasons beginning in 2012. The details related to timing and structure of such a youth hunt have been removed from the deer management plan so as to allow continued discussion within DEC and among stakeholders for the most appropriate option. The details of a youth deer hunt will be determined by early 2012, so they can be included as part of a comprehensive proposal to amend our deer hunting regulations in accordance with this plan.

**References Cited**
(6) Legislative Issues

Summary of public comments:

Many people commented on the six issues discussed in Appendix 5 (Legal Matters). As indicated in that appendix, these are all matters that require action through the legislative process. These issues included:

- lowering the minimum hunting age to 12 years for all big game hunters;
- allowing the use of crossbows during all seasons when other bowhunting equipment is allowed;
- reducing the setback distance for bowhunting to 150 feet;
- removing various constraints on deer hunting on Long Island;
- increasing penalties for deer hunting violations; and
- restructuring the issuance of carcass tags for antlerless deer.

We received comments in support of all of these recommendations and we received comments opposed to several, including expanded use of crossbows and restructuring the antlerless deer harvest system. Many of the comments urged DEC to implement (or not implement) the actions discussed, apparently because the distinction between laws (enacted by the Legislature) and regulations, policies or programs (enacted by DEC) is not well understood by the public.

DEC Response:

While we appreciate the feedback on the various legal issues, we continue to believe that the initiatives have merit and would enhance effectiveness of our deer management program. Though most of the appendix remains unchanged, we did modify Appendix 5.6 (Deer Management Permit Authority in the Northern Zone) to remain consistent with revised Strategy 1.3.2, related to alternative tag structures for antlerless deer.

We included Appendix 5 (Legal Matters) in the deer management plan to inform the public of several issues that can only be addressed through law changes. Though many people suggested that DEC simply implement the actions proposed, DEC does not have the authority to do so. These issues require action through the legislative process.
Overview of Other Comments and Suggestions

The following is a generalized list of comments and suggestions received by DEC regarding other aspects of the draft deer management plan not covered in the overview above. This list is not exhaustive but illustrates the diversity and nature of the comments received on the draft deer management plan. Although we have not responded directly to each of these ideas, we considered them as we finalized the plan and will keep them in mind as we implement deer management on a day-to-day basis.

Access

- DEC should initiate a public hunting lease program on State Lands similar to those offered on timber properties where hunting groups could lease the land just for deer season and ensure that access would be limited to them.
- DEC should initiate a program that offers incentives to landowners who make their property available to hunters.
- Glad to see DEC intends to work with state and local parks to increase deer hunting.

Deer Damage

- DEC should stop issuing deer damage (nuisance) permits. Too many nuisance permits are given out. Deer populations are way down in some spots.
- DEC needs greater oversight of deer damage permits and better reporting of damage permits and the deer management assistance program.
- DEC should establish standards for deer damage permits by regulation. This will create greater standardization for damage permit issuance and provide greater enforcement capability.
- All deer taken on Damage Permits should be donated.
- Establishing Deer Management Focus Areas is a good idea but more detail is needed.

Deer Population Management and Antlerless Deer Hunting

- Deer population recommendations have been based on social carrying capacity through Citizen’s Task Forces rather than balancing the needs of other species and overall forest health.
- Less importance should be placed on the CTF and more weight should be placed on scientific evidence and the knowledge and experience of the DEC staff.
- CTFs should be held every five years.
- DEC should consider translocation of deer from areas of the state with high deer populations to other areas with lower populations and sustainable habitat.
- In areas where deer populations are too high, you could require landowners to allow hunters on their lands, effectively overriding posting laws.
- Buck take index may no longer be the best tool to guide deer management.
- DEC needs to include the impact of predation and deer-vehicle collisions into deer management.
- Instead of WMU aggregates, DEC should just combine WMUs and have fewer units.
- DEC should split up large WMUs into smaller subunits for issuing DMPs.
- DMPs should be automatically paired with regular buck licenses in high deer population areas.
• Drop the antlerless-only tag but keep the either sex tag for bow and muzzleloader hunters.
• Do not allow DMPs in the Northern Zone. Either-sex tags currently fit the bill.
• Discontinue allowing use of buck tag as either sex in the late seasons.
• Discontinue allowing unfilled tags during the last 4 days in Sept.
• Don’t make Bonus Permits antlerless-only. Continue to offer hunters an incentive by keeping them either-sex.
• Making Bonus DMPs antlerless only is a good idea.
• Residents of a WMU should have preference for DMPs issued in that WMU.
• DEC should consider an earn-a-buck approach to increase antlerless harvest where appropriate.
• It is good to see proactive ideas like the three-tiered approach to increasing antlerless harvest.

Education and Communication
• DEC should develop new tools for communication that reach out through social media and schools.
• DEC should create a “Stewards of the Woods” (Citizen Science) program to obtain “on the ground” data to aid management.
• The plan should more fully address the needs of non-hunters with strategies to measure public interest in deer-related activities.
• More effort should be made to educate the hunters about the importance of reporting harvests and how not reporting harvests may impact their future hunting experiences.

Fertility Control
• Fertility control of deer should not be looked at as a viable option. It is a waste of state resources.
• The draft deer plan acknowledges hunting is not always a viable option, yet states that fertility control must be tied to lethal control. It is not clear why this limitation is included.

Habitat & Deer-Forest Impacts
• Glad to see DEC is interested in managing deer in balance with overall forest health and needs of other species.
• The index should focus on biodiversity and water quality not just tree regeneration.
• DEC should do more work on state forests to create openings to increase areas for deer to browse so that the deer population increases slightly on state land.
• DEC should use wintering area mapping to ensure no one builds any new logging roads, ATV, snowmobile or cross-country ski trails, or homes or condos through or close to any recognized winter deer yards.
• DEC should allow some forest management in the Catskill and Adirondack Forest Preserves.
Hunting Seasons or Regulations

- Proposed changes to the Northern Zone regular season (delayed start in some years and consistent length of 44 days) pushes the regular season and late muzzleloader season later into December, possibly resulting in overharvest of deer that have concentrated in wintering areas.
- Should open Northern Zone archery same date as Early Bear for economic boost to Northern Zone.
- NY has a long gun season as it is. Do not add to it with youth hunts and early muzzleloader hunts. The last thing NY needs is a longer gun season.
- In regards to all the different seasons and implements, each season should have its time and not be interfered by another season.
- DEC should allow big game hunting from ½ hr before sunrise to ½ hr after sunset, for better success.
- DEC should not allow hunting on Sundays so that non-hunters have a time to use the woods.
- DEC’s deer seasons are nothing more than a large scale fund drive to maximize state revenues. NY should have a single statewide season running from October 25 to Dec. 1st.
- DEC should have a special late muzzleloader season in late December or January during which hunters could use all unfilled tags.
- Hunters should be limited to 1 buck per year, regardless of whether they use a firearm or bow.
- For safety reasons, all areas of the state should be shotgun only except the Adirondack Park, Catskill Park and Allegany Park.
- Regular season tag should be either-sex. Bucks go nocturnal when hunted, and this will let hunters be more successful.

Miscellaneous

- Ambitious plan – not likely to get everything done; should focus on priority tasks that can be done.
- The plan does not mention impact of lead ammunition on scavenging animals.
- DEC should authorize the use of bait for trail camera surveys.
- DEC’s strategy for research and disease monitoring is broad and unspecific research and represents a blank check for universities.
- DEC should rescind the feeding ban.
- Goal 6 should state intent to revisit and update the plan in 2016.
- The plan should include a timeline for initiation and completion of strategies.
- Hunters should be required to wear blaze orange for increased safety.
- Non-resident license fees have stopped me from coming to NY to hunt deer.
- Please help us get the deer off our highways by allowing more deer tags & doe permits & a longer season...motorcyclists are in the most danger.
- DEC should open a year-round season for coyote hunting to address units with very low deer populations.
• DEC should stop glorifying deer with beautiful and sentimental pictures but should use more realistic photographs of problems created by deer including: accidents, disease, starving deer, and crop or forest damage.

• There is a conflict of interest built into the funding of all of the hunting programs. DEC should work toward separating the salaries of the wildlife staff from funding sources obtained from hunting licenses and taxes associated with hunting gear, guns and ammunition.