

# Assessment of Public Comments on the draft New York State Fisher Management Plan, 2015-2024

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DEC received over 300 comments from individuals and organizations on the draft New York State Fisher Management Plan during the 30-day public comment period (February 19 -March 21, 2015). While the majority of comments expressed support for some components of the plan, many also offered differing views and suggested improvements for portions of the plan. Many of the comments were received electronically with a high percentage being driven by an action alert sent to members of the New York State Trappers Association. We reviewed the content of each comment and prepared this brief assessment to respond to those issues that we believe require further clarification or modification. During this process, comments did not constitute votes for or against specific sections of the plan or the plan in general, but offered insights into areas that were unclear or required further explanation. We thank all those who took the time to personally review the draft plan and provide useful feedback. Based on these comments, we clarified some areas of the plan and also made minor modifications to some of the proposals within the plan.

## Support the draft plan

A few comments were received that expressed support for all or parts of the plan. Some were excited about the proposed new harvest opportunities in Central and Western New York (C/WNY) while others agreed with the evidence presented by the Department that fisher populations in some Northern New York (NNY) Wildlife Management Units (WMUs) have experienced declines over the last decade.

## Do not use the word “trophy”

Several commenters took exception to the use of the word “trophy” to describe fisher, feeling it puts trapping and fur harvest in a negative light. What is or is not considered a trophy is often in the eye of the beholder. In any case, the fisher is clearly an important and highly sought after furbearer, as evidenced by the number of trappers who travel to areas where fisher trapping occurs specifically to target this fascinating species. Furthermore, the language in the plan primarily referred to nature photographers viewing fisher as a trophy species given the relative challenges of capturing one “on film” as opposed to more common species like white-tailed deer or wild turkey.

## Bag limits

Many comments were received pertaining to bag limits, most in direct reference to the proposed limit of one fisher per trapper per season in C/WNY. A few commenters expressed support for bag limits, including their use in the traditional fisher harvest

areas in NNY and Southeastern New York (SENY). The Department fully understands and appreciates the challenges of using bag limits to control trapper harvest of any species. Trapping is a passive activity and as such, the possibility of a trapper unintentionally exceeding a one-fisher bag limit does exist any time more than a single trap is set. However, bag limits are used in some other northeastern states for various species including fisher. A random sample of trappers responding to a 2014 Trapper Mail Survey question where they were asked to rank preferred management alternatives chose “establish a bag limit” as their top choice, with reduce season length close behind (Figure 1). However, in response to the many comments in opposition to that aspect of the plan, the Department calculated various estimated harvest scenarios and determined that a shorter season length (6 days instead of 9 days) with no imposed bag limits would result in an annual estimated take that is also sustainable. Therefore, we have amended the plan and will be proposing a season length of six days with no bag limit for the proposed new harvest opportunities in C/WNY.

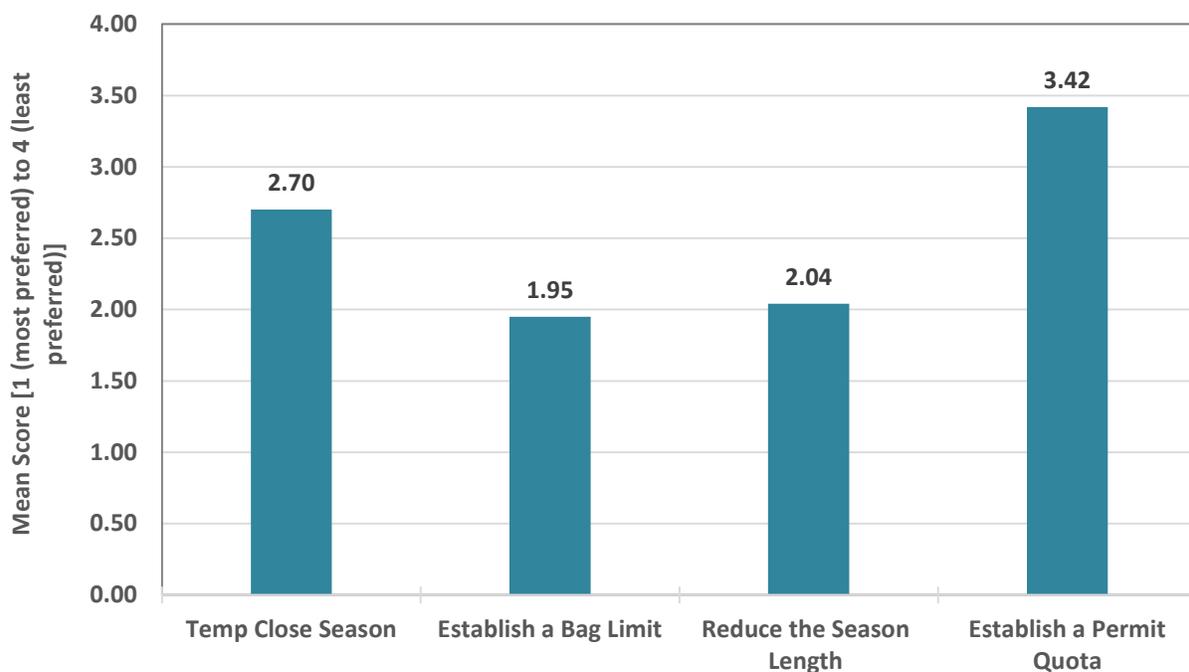


Figure 1. Trappers ranked their preferred alternatives 1 through 4. A low score indicates the most preferred option and a high score the least preferred.

### Take-per-unit-effort (TPUE) is not a useful metric

We received numerous comments suggesting that TPUE is not a useful metric for assessing changes in furbearer populations. Most comments indicated that changes in annual harvests are likely to occur due to a number of factors including weather, pelt prices, gas prices, and trapper interest, all resulting in decreased effort. The Department agrees that all of these factors can reduce effort and therefore, potentially, harvest. However, TPUE accounts for these potential sources of variation by normalizing harvest by effort expended. TPUE is calculated as the product of the

number of traps set by a trapper and the number of trap nights (24-hour period) these traps are set and is expressed as the number of fisher harvested per 100 trap nights. Normalizing the harvest data by effort facilitates year to year comparisons and addresses changes in effort and resulting harvest due to the factors noted previously. TPUE does not account for changes in vulnerability to trapping that occur in response to food availability, but this can be considered when interpreting TPUE trends. The scientific literature has several references that demonstrate the utility of using TPUE to monitor furbearer populations including fisher (Strickland 1994), marten (Fortin and Cantin 1990), and otter (Chilelli et al 1996 and Roberts et al 2008).

### **Oppose trapping fisher or opening seasons in C/WNY**

A small number of comments expressed total opposition to trapping fisher at all or indicated populations in C/WNY are not at a level that can sustain a harvest at this time.

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 Legislature, specifically authorizes trapping and hunting of animals as a legitimate use of our wildlife resources. Consequently, this management plan provides for this continued use of fisher, while ensuring it is done on a sustainable basis. That is accomplished through setting of appropriate seasons across the state, specifying allowable trapping techniques, and monitoring fisher populations and harvests. Furthermore, the Department encourages the use of trapping Best Management Practices that incorporate animal welfare concerns. In accordance with the ECL, the question of whether to allow or not allow trapping of fisher, or any other furbearing species, on moral or philosophical grounds (rather than biological) was not subject for discussion during development of this management plan.

The Department conducted intense trail camera surveys in C/WNY over the last three winters to estimate occupancy and density of fishers. This work included surveys in WMUs that currently have fisher trapping seasons and robust harvests for comparison to WMUs closed to fisher trapping. Based on these data, the Department is confident that fisher populations in those areas of C/WNY where seasons are being proposed are sufficient to sustain a limited harvest.

### **Set season dates for when fur is most prime**

Many trappers commented on their preferred dates for fisher seasons both in WMUs where a season exists and in proposed new units in C/WNY. Many suggested changing the current dates in eastern New York of October 25 through December 10 to November 15 through December 31, maintaining the same season length but shifting the start and end dates later to improve the quality of the fur on harvested fisher. While the Department does recognize that these later dates would lead to an improvement in overall pelt quality of harvested fisher there are other factors to consider. First, fishers harvested in late October are routinely sold at reasonable prices in the fur market, so the difference in pelt quality expected from a modest delay in season dates is small. In

addition, incidental capture of fisher by trappers targeting other species using body-grip traps prior to the later opening date is problematic. Body-grip traps are lethal traps and therefore, non-target catches cannot be released. In addition, questions asked on the 2010-11 Trapper Mail Survey show that a majority of trappers (57%) prefer a concurrent opening season date of October 25<sup>th</sup> for all land species and that 66% prefer a concurrent opening date for all land species including fisher and marten with no additional trap restrictions. Later seasons also are more likely to experience access limitations as snowfall, especially in northern New York, can result in road closures as well as more difficult travel on foot. For these reasons the start date for the existing season in SENY and proposed new units in C/WNY will be October 25<sup>th</sup>.

In response to the input received on season dates for NNY, the Department has amended the plan as described below. These changes address trapper preference while concurrently reducing the harvest in certain WMUs and protecting against incidental, lethal capture of fisher (and marten) during closed periods:

1. Establish a 30-day season, from November 1 to November 30 (instead of a season opening on October 25 and remaining open for 23 days on average as was originally proposed in the draft management plan), in selected Adirondack WMUs where fisher populations are in decline. This will reduce the season length sufficiently to achieve the desired reduction in fisher harvests and also shift season dates later in response to the desires expressed during the public comment period.
2. Modify existing regulations prohibiting the use of baited/lured body-grip traps on land after December 10<sup>th</sup> in the northern zone to prohibit the use of baited/lured body-grip traps on land in the northern zone whenever the fisher and/or marten seasons are not open. With a proposed season start date of November 1 in some WMUs, this regulation change will force trappers to use live-restraint type traps from October 25 to October 31 when targeting other land species and allow any incidentally captured fisher/marten to be released unharmed.

### **All seasons should end on the same date**

Several comments called for all fisher seasons in all areas of the state to end on the same date rather than start on the same date. Primary reasons given for this position were that it would be easier for trappers to understand and it would make it easier for Department staff to handle pelt sealing demands. The Department cannot say conclusively whether it is easier for trappers to understand uniform start dates or uniform end dates but it is logical to assume that either could be equally easy to comprehend. Additionally, our WMU system enables the Department to maintain flexibility in the management of game species. Concerns about availability of staff for pelt sealing are unfounded. Under the current season dates, staff need to be prepared to seal pelts on demand from the first day of the season until 10 days after the close of the season. Aligning seasons to all end on the same date would not change the nature of this responsibility. Finally, there are seasons for many species now which do not end

on the same date throughout the state and we are unaware of any issues resulting from this practice.

### **More research is needed before decreasing the length of the season in parts of the Adirondacks**

Several commenters felt that additional research was necessary to document the apparent declines in fisher populations in some Adirondack WMUs. While more research is always welcome, we do not believe it would change the outcome of the suggested management decision to shorten the season in these areas. All indicators we have included in the plan (TPUE and harvest rates based on sex ratios of harvested fisher) point to a decreasing population. In addition, these trends have been fairly apparent over a 10 or more year period. We firmly believe this warrants the proposed season length reduction to achieve a 20% harvest rate to stabilize the population. Lastly, in the draft plan the Department explicitly acknowledged uncertainty in those drivers that are influencing fisher populations in the Adirondacks. However, harvest mortality is something that the Department can manage via trapping regulations. In other areas of NNY (outside Adirondack WMUs), we do not have TPUE data to go along with other indicators that mirror trends in the Adirondacks. Over the next several years, we will begin collecting TPUE data for all areas of NNY to compare results among areas with the traditional season versus the reduced season.

The Department also intends to conduct research in parts of NNY to improve our knowledge on distribution and abundance of fisher, but this work is planned to co-occur with the proposed season changes. These studies will allow us to estimate fisher occupancy and abundance and improve population monitoring.

### **Not enough science in the plan**

Several commenters indicated that the plan lacked sufficient “science” for the conclusions that were made. There is no known measure for determining what constitutes enough science but the Department stands behind the analyses and determinations in the draft plan and rejects these comments. The plan includes exhaustive analyses of available data including harvest totals, trapping effort, sex ratios of harvested fisher, and both mail survey and field survey results. The plan also incorporates numerous references to scientific literature from peer-reviewed professional journals on fisher management and biology as well as general furbearer or resource management. While one can always debate the conclusions that were reached in the plan and may or may not agree with them, the claim of not enough science is unfounded. Part of the public comment process is to allow the public to offer alternative explanations or scientific findings to dispute the Department’s findings. Although we received a fair number of comments on the plan, none contained any new scientific information that would cause us to re-evaluate the conclusions and proposals presented in the plan.

## **Adirondack public land access and lack of habitat management**

A few comments suggested that access to public lands in the Adirondacks and/or lack of habitat management within Adirondack Park are likely drivers of the decreasing fisher population trends we believe are evident in some WMUs. The Department does recognize that access to some lands within the Adirondack Park have changed over time to become more restrictive in some cases (e.g., Wilderness Area designation). However, it is unlikely these changes have been significant enough over the previous decade (the approximate time period of our data analyses) to cause the fisher population declines we have identified, especially at the scale of the declines (essentially the central, northern, and eastern Adirondacks). Furthermore, with the dramatic increase in conservation easement lands in the Adirondacks over the past 10 years (many of which permit public access for hunting and trapping), there has likely been a net increase in access.

What role lack of habitat management plays is more difficult to quantify. Again, over the last decade it is unlikely this could be a source of population decline for fisher, since habitats in the Adirondacks have changed little during that time. Also, American marten, a similar species to fisher, have flourished over this same time span and in the same areas where fisher declines have been observed. Finally, Article XIV of the State Constitution established the Forest Preserve in New York and all Forest Preserve lands shall be held “forever wild”. This article prohibits the Department from conducting any active habitat management on State lands within the Adirondack Park, so management must be based with that constraint in mind.

While a lack of habitat management could influence fisher and other wildlife populations, the use of TPUE data to track fisher populations allowed us to account for changes in trapping effort that may have resulted from a loss of access to public lands.

## **Longer season in C/WNY**

Many comments expressed support for opening new seasons for fisher in C/WNY but a few took exception to the short, nine-day proposed season. Based on our decision to eliminate the bag limit of one fisher per trapper per season in C/WNY, we had to further reduce the proposed overall length of the season to six days. This proposed change will allow trappers in affected areas to target fisher without concerns over exceeding the bag limit but also allow the Department to keep harvest levels within what is projected to be sustainable limits. A longer season may be considered in the future if we find that additional harvest opportunity can be sustained in C/WNY based on results of the next several years.