

REGULATORY IMPACT STATEMENT FOR UPDATES TO TITLE 6, CHAPTER 1, SUBCHAPTER G OF NYCRR; REPEAL AND REPLACEMENT OF PART 51, PUBLIC USE OF STATE WILDLIFE MANAGEMENT AREAS, AND REPEAL OF PARTS 61, 75, AND 84.

1. Statutory authority: NYS Environmental Conservation Law §§1-0101, 3-0301, 9-0105, 11-2101.
2. Legislative objectives: To enable the State to make regulations, post signs, issue permits, remove trees, and to take other actions as necessary to manage state-owned hunting, trapping, and fishing lands and facilities.
3. Needs and benefits: This proposal seeks to repeal and replace Title 6, Chapter 1, Subchapter G, Part 51 (“6 NYCRR Part 51”) of the New York Codes, Rules and Regulations which regulates public use of Wildlife Management Areas and simultaneously, to repeal three unnecessary, obsolete, and potentially-confusing regulations: Parts 61, 75 and 84.

The Division of Fish and Wildlife (the Division) administers all Wildlife Management Areas (WMAs) and selected Unique and Multiple Use Areas to benefit and conserve native wildlife and to provide opportunities for wildlife-dependent recreation; namely hunting, wildlife observation, fishing, and trapping. Other activities are allowed if they do not interfere with these management goals. This regulation has not been amended since 1984. Since then, public use of these lands has increased considerably, and has the potential to adversely affect wildlife and wildlife-dependent recreation. The proposed changes to 6 NYCRR Part 51 will regulate public uses, including several activities not formerly addressed by the current regulation, to prevent disturbances to wildlife and conflicts with wildlife-dependent recreation. In addition, these revisions will ensure that public uses of WMAs remain consistent with the goals of the federally administered Wildlife and Sportfish Restoration (WSFR) Program, which is the primary funding source for the management of WMAs.

Part 61 addresses Public Use of Clay Marsh, Deer Creek Marsh, Howland Island and Three Mile Bay Wildlife Management Areas and State-Owned Islands on Oneida Lake. These sites are not regulated separately, independently, or any differently than the other 125 Wildlife Management Areas in New York. Repeal of this regulation will streamline the NYCRR.

Part 75 addresses Hunting and Trapping on Fire Island National Seashore Cooperator Area. This area ceased to be a Cooperator Area in 1990. The Fire Island National Seashore (FINS) is under the sole jurisdiction of the National Park Service and hunting is restricted to waterfowl only and trapping is no longer allowed. Repeal of this Part will remove confusion since FINS is no longer a Cooperator Area and trapping and big game hunting are not allowed.

Part 84 applies to public use of the Bog Brook Unique Area, located in the towns of Southeast and Patterson in Putnam County. Bog Brook Unique Area is now managed as part of the WMA system and public use is regulated by 6 NYCRR Part 51. Repeal of Part 84 will remove an unnecessary and potentially misleading regulation and streamline 6 NYCRR.

4. Costs: None. The activities regulated provide no income. The proposed amendments will allow the Division to regulate and when necessary curtail certain public activities which can adversely affect wildlife and wildlife-dependent recreation (wildlife observation, hunting, trapping). The adoption of these amendments will reduce conflicting and interfering uses, reducing policing, stewardship, and maintenance costs.
5. Local government mandates: None. DEC is responsible for enforcing Title 6, Chapter 1, subchapter G of NYCRR and the action proposed will not affect local government resources.
6. Paperwork: No additional paperwork will be required as a result of the proposed rule changes. Law enforcement officers will have an increased ability to issue tickets for violations of 6 NYCRR Part 51. For special cases, the Regional Manager may issue a Temporary Revocable Permit or letter of permission to allow regulated activities under certain conditions.
7. Duplication: None. The repeal of Parts 61, 75 and 84 reduces duplication and confusion. There are no other regulations addressing the public use of wildlife management areas.
8. Alternatives: No Change. Not revising 6 NYCRR Part 51 would not address current activities and situations that can adversely affect wildlife and wildlife-related recreation. Without these amendments, DEC is powerless to regulate these activities. While their repeal is not required, not repealing Parts 61, 75 and 84 will keep confusing and duplicative regulations in Title 6, Chapter 1, Subchapter G of NYCRR and prevent simplification of the regulations.
9. Federal standards: There are no federal standards that apply. The changes to 6 NYCRR Part 51 through repeal and replacement will ensure compliance with the provisions of the Wildlife and Sportfish Restoration Program which funds the Division's administration of Wildlife Management Areas.
10. Compliance schedule: Once the repeal and replacement of 6 NYCRR Part 51 is adopted it will allow for immediate regulation and enforcement of violations.