

Regulatory Impact Statement

1. Statutory authority:

The Commissioner of the Department of Environmental Conservation (Department or DEC), pursuant to Environmental Conservation Law (ECL) section 3-0301, has authority to promote the management of the wildlife resources of New York State. Section 11-0903 authorizes DEC to establish migratory game bird open seasons and bag limits that are consistent with federal regulations. 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 consideration given 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. ECL section 11-0307 allows the Department to adopt rules and regulations in relation to migratory game birds, provided such regulations are no less restrictive than federal regulations.

2. Legislative objectives:

In adopting various articles of the ECL, the Legislature has established wildlife conservation to be policies of the State and has empowered the Department to exercise care, custody, and control over the State's wildlife resources, certain recreational pursuits, State lands and other real property. Consistent with these statutory interests, the proposed regulations will protect natural resources and the safety and welfare of those who engage in migratory game bird hunting.

3. Needs and benefits:

This rulemaking is necessary to bring New York regulations into congruence with federal regulations. Current lack of agreement between federal and state regulations leads to confusion among hunters and the general public and potentially undermines the enforcement of the state regulations. The rulemaking also addresses a new federal act that allows states to provide new waterfowl hunting opportunities for veterans and active members of the military. Allowing a special two-day waterfowl season outside of the regular hunting seasons provides veterans and active members of the military a quality opportunity to hunt waterfowl and enjoy the outdoors with limited competition from other hunting parties. By having these dates outside of the regular season, it also promotes non-qualifying hunters to act as mentors and to introduce new veterans and active military members to waterfowl hunting. This rulemaking will also prohibit licensed adult hunters serving as mentors from carrying a firearm, longbow or crossbow (legal hunting implements) while accompanying youth waterfowl hunters in the field during the special youth opportunity. The rule would allow for additional opportunity to provide a quality hunting and educational experience for the mentored youth hunter and would be more consistent with all other New York youth hunting seasons that prohibit the mentor from carrying a firearm. Lastly, the rulemaking will clarify the status of the federal electronic migratory bird hunting and conservation stamp as it relates to waterfowl hunting. This rulemaking will make the federal stamp more accessible to the public, especially in rural areas with few post offices and for out-of-state hunters that can purchase their required stamps remotely.

4. Costs:

The costs associated with adopting the proposed regulation are minimal. The changes will not result in additional enforcement costs or additional costs for coordinating migratory game bird programs.

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 the migratory bird hunting regulations are left unchanged, the enforcement of migratory game bird regulations are potentially compromised. New York does not have the legal authority to adopt waterfowl hunting zone boundaries that differ from the federal waterfowl hunting boundaries, thus the proposed change will ensure that state and federal waterfowl hunting zone boundaries are aligned.

Change New York regulations in conflict with federal regulations but choose to forego the special Veteran and Active Military waterfowl hunting season. Changing the conflicting regulations would greatly improve the enforceability of current waterfowl hunting regulations in New York. However, by not including language that allows for special days for veterans and active military members to hunt waterfowl, DEC would not have the flexibility to allow this special opportunity if hunters support it.

9. Federal standards:

None.

10. Compliance schedule:

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