

## Regulatory Impact Statement

### 1. Statutory authority:

The Commissioner of the Department of Environmental Conservation (DEC or 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 of Environmental Conservation 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. ECL section 11-0303 directs DEC to manage fish and wildlife resources in the State, including furbearing species that are trapped.

ECL section 11-1101 describes when trapping activities are prohibited, and states that beaver, fisher and otter shall be taken only as permitted by the department.

ECL section 11-1103 states that the department may by regulation permit trapping of beaver, fisher, otter, bobcat, coyote, fox, raccoon, opossum, weasel, skunk, muskrat, pine marten and mink and may regulate the taking, possession and disposition of such animals.

### 2. Legislative objectives:

The legislative objective behind the statutory provisions listed above is to establish, by regulation, certain basic wildlife management tools, including the setting of open areas for trapping furbearers. These tools are used by the department in recognition of the importance of trapping for recreational and wildlife management purposes.

### 3. Needs and benefits:

Many trapping seasons have not been formally evaluated in years, despite changes in the distribution and abundance of some species and complaints from the general public when conflicts occur (e.g., beaver causing flooding) and from trappers regarding season timing. A survey conducted by the department in 2017 found that there were discrepancies between preferred and current season dates for beaver, mink, and muskrat trapping in certain areas. Mink and muskrat trapping are often conducted using similar techniques and in similar habitats, so trapping dates and regulations for these species are linked. In addition, trappers who pursue mink and muskrat are also often pursuing beaver at similar or nearby locations, so season timing for these aquatic furbearers is closely related. Streamlining the seasons for these species whenever possible will help to ensure that New York regulations are enforceable and make it easier for trappers going afield.

Modifying the season dates for these species will allow us to better address our goal of meeting the public desire for sustainable use of these resources while improving management of species like beaver. The number of nuisance beaver complaints received by DEC has increased steadily each year, particularly in central and western New York. One of the major goals of the department's Bureau of Wildlife is to minimize

the damage and nuisance caused by wildlife; the growing number of beaver complaints indicates that changes are needed to the current beaver trapping season structure to better manage the population.

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 furbearer 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. No change in New York trapping season regulations would not address the growing nuisance beaver complaint issues throughout the State. It would also ignore trappers' desires regarding season dates. Finally, the lack of alignment of current water

trapping season dates can cause confusion among trappers and create enforcement challenges. Leaving the seasons as-is would not resolve this issue.

Mink, muskrat and beaver seasons start earlier than those proposed. Moving the start dates earlier than the proposed dates would ignore trappers' desires regarding season dates and their desire for additional trapping opportunity when pelts are prime. Moving the start dates earlier would also result in difficulties with enforcement and confusion for trappers who regularly trap multiple aquatic furbearers, as the river otter season would not align with the other seasons.

Mink, muskrat and beaver seasons start later than those proposed. Moving the season start dates later than the proposed dates would better align the season with the time when pelt quality is higher. This alternative would lead to additional trapping opportunity in the spring, which may be a concern for muskrat. Targeting muskrat in the fall has been shown to not impact their populations, as many of the animals removed would have perished over the winter anyway. Under this alternative, DEC law enforcement and trappers would still have the issue of the otter season not aligning with other water trapping, leading to potential enforcement issues and confusion. In addition, there would be less opportunity during open water, leading to decreased access and difficult trapping conditions.

9. Federal standards:

None.

10. Compliance schedule:

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