

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 wild turkey open seasons and bag limits via regulation. 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 sections 11-0903 and 11-0905 allow the Department to adopt rules and regulations in relation to the hunting of wild turkey.

2. Legislative objectives:

In adopting various articles of the ECL, the Legislature has established wildlife conservation to be a policy 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 and policy interests, the proposed regulations will responsibly manage and protect natural resources as well as the safety and welfare of those who engage in wild turkey hunting.

3. Needs and benefits:

This rulemaking is necessary to modernize regulations to reflect advances in shotgun ammunition efficacy. Shot size restrictions are in place to ensure animals are safely and ethically harvested by hunters. Over the past 10 years, there have been significant advances to turkey shot technologies with many companies now producing specialized Tungsten shot that is heavier and more effective than lead, even with smaller shot sizes. This change would allow hunters to use these improved shot options to legally harvest turkeys in New York State, increasing opportunities for hunters that want to shoot smaller gauge shotguns.

Additionally, DEC seeks to establish a regular spring turkey hunting season in Wildlife Management Unit (WMU) 1C. This new season will provide additional opportunity to the 18,000 turkey permit holders that reside in Nassau and Suffolk Counties. Turkey populations on Long Island have increased over the past 20 years to a point where landowner conflicts are beginning to occur. Hunting season can be an effective management tool to mitigate conflicts while providing New York hunters with recreational opportunity.

4. Costs:

The costs associated with adopting the proposed regulation are minimal. The changes may result in minor administrative cost increases for law enforcement and managing hunting on cooperative hunting areas in WMU 1C.

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 a spring turkey hunting season is not established in WMU 1C, New York State hunters would be foregoing recreational opportunity. Current turkey populations are more than sufficient to support recreational opportunity and foregoing that opportunity may lead to increasing populations and subsequently increased human-turkey conflicts. Making no change to allowable shot sizes may limit opportunity for younger hunters interested in shooting smaller gauge shotguns (e.g., .410 and 28 gauge).

Allow spring wild turkey hunting in WMU 1C but make no change to legal shot sizes.

Making no change to allowable shot sizes may limit opportunity for younger hunters interested in shooting smaller gauge shotguns (e.g., .410 and 28 gauge).

Allow up to size 9 shot statewide but make no change to spring turkey seasons.

If a spring turkey hunting season is not established in WMU 1C, New York State hunters would be foregoing recreational opportunity. Current turkey populations are more than sufficient to support recreational opportunity and foregoing that opportunity may lead to increasing populations and subsequently increased human-turkey conflicts.

9. Federal standards:

None.

10. Compliance schedule:

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