



New York State Snowmobile Association

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Executive Director

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NYS DEC

Jeremy Hurst

Division of Fish and Wildlife

625 Broadway

Albany, NY 12233

Re: Extended Deer Harvest Season

To whom it may concern:

The New York State Snowmobile Association is the largest snowmobile association in the world advocating on behalf of the over 220 snowmobile clubs who maintain over 10,400 miles of trail on which over 100,000 snowmobilers ride each year.

NYSSA is submitting these comments in response to DEC's recent proposal to extend the longbow and muzzle loading hunting seasons through January 1st in the entire Southern Zone. In general, NYSSA supports the taking of big game, as many of our members are big game hunters. The taking of additional deer would have many benefits for the state, including diminishing damage to new growth understory and to agricultural crops. Over the past several years, the snowmobile industry has been hurt by low snow fall rates and more frequent winter rain. The businesses associated with our activities are feeling this impact – many of which are just hanging on.

NYSSA opposes this rule making by the Department for the following reasons:

1. The proposal will have a direct negative impact on the snowmobile season.
2. The proposal is not timely.
3. The proposal could have a direct negative economic impact on rural areas.
4. The proposal will interfere with clubs' efforts to properly prepare trails for safe snowmobiling and could result in less than optimum trail signing.
5. The snowmobiling season is restricted from beginning during hunting season.
6. The proposal will have negative impacts on local government.
7. NYSSA would like to work with the Department on viable alternatives to this regulatory proposal.

1. The proposal will have a direct negative impact on the snowmobile season.

Each year snowmobile clubs work with thousands of landowners to gain landowner permission to operate a snowmobile trail on their land. These landowners generously provide access to their land to the clubs, but also require certain conditions. The most common conditions are to do trail work before October 1, and to keep trails closed to snowmobilers until deer hunting is over. Therefore, while it is not the direct objective of this proposed regulation, this proposal will in effect shorten the snowmobiling season in the entire Southern Zone by one week.

We, as an organization, have worked diligently to educate riders to not use trails until after December 20 – the usual end to hunting season. This proposal, as presented, would require our organization to reeducate riders. Many riders will ignore the wishes of the clubs and the landowners, which will jeopardize their use of the private property. It only takes the action of one landowner to permanently shut down miles of trail. More than 80% of all trails statewide are on private land.

2. The proposal is not timely.

The proposed rulemaking expressly states that a deer management plan will be released in the latter part of 2020. As the Department will be releasing a complete deer management plan later this year, this proposal should be held until comments are received on the entire proposed plan so that the impacts of all of the Department's actions can be collectively analyzed. Implementing the proposed deer management plan on an incremental basis could result in segmentation of the proposed action. New York case law has held that an agency must consider all actions which are pending or known to be weighed together.¹

According to recent DEC press releases, New York has experienced a significant increase in the sale of hunting licenses.² The department should take no action on increasing the opportunity to take deer until the impacts of increased hunting activities from this year's high sales of licenses are assessed and publicly released.

3. The proposal could have a direct negative economic impact on rural areas.

Many small businesses depend on snowmobile activity for their livelihood. This proposal will result in a one-week delay in that economic activity starting. Many small businesses throughout the State have suffered enormously this past year because of the pandemic, and could take additional significant losses with a shortened snowmobile season. We estimate that losing one week of snowmobiling in New York's Southern Zone may cause a loss of up to \$13 million in direct spending by snowmobilers and a potential \$1million dollar loss in sales tax revenue.³

4. The proposal will interfere with clubs' efforts to properly prepare trails for safe snowmobiling and could result in less than optimum trail signage.

Clubs utilize late September to ready their trails for the coming season. They attempt to sign their trails and remove blowdown during this period. Generally, clubs must be off of the trails

¹ See In the Matter of Long Island Pine Barrens Society, Inc., 80 N.Y. 2d 500 (1992).

² "New York State Department of Environmental Conservation (DEC) Commissioner Basil Seggos today reported that DEC is experiencing record-breaking sales of hunting and trapping licenses for upcoming seasons. Sales for big game hunting and trapping licenses and Deer Management Permits (DMPs) were nearly triple prior years' sales on opening day, more than double on the second day and nearly double the first two weeks." DEC 9-9-2020

³ This is based on a 2011 NYSSA study showing that snowmobilers directly spend \$434 million annually in New York. We calculated the \$13 million loss figure by subtracting the 53% of impact generated in the North Country (\$230 million), as the North Country is not affected by this proposal, and pro-rating the remaining \$224 million over the typical 14-week season. Using this calculation, snowmobiling generates roughly \$13 million in weekly direct spending in New York (outside of the Adirondacks and Tug Hill) in an average snowmobile season.

by October 1, due to the start of hunting season. Clubs then return to their trails in late December when deer hunting season ends to remove new blowdown and to install the remaining signage. If deer hunting season extends into January, many clubs will find it difficult -if not impossible- to install trail signposts and work through what could be significant snow and frozen ground. This work to install trail signs ensures that trails are as safe as possible for riders and the public. Interfering with the clubs' ability to install signs could jeopardize public safety.

5. The snowmobiling season is restricted from beginning during hunting season.

The snowmobiling season in New York begins when snowmobile clubs and private landowners agree that the trails are suitable for snowmobile operations. This typically occurs when local areas have a sufficient amount of snowfall. Traditionally, snowmobile clubs, which vary in the geographical areas of trail coverage, do not open their trails until hunting season is over as a courtesy to landowners and at the landowners' request. Many landowners perceive that giving permission for both activities to occur will expose them to litigation should one user injure the other. Given the distance that snowmobilers cover in a riding day, it has become a necessity to keep all trails in an area either open or closed – but they are not required to do so. Since not all clubs and private landowners in the Southern Zone are prohibited from operating in the hunting season, this proposed regulation may create unnecessary risks for snowmobilers and hunters in certain parts of the Southern Zone. For safety, all clubs choose to not open their trails until hunting is concluded.

During our discussions with the Department, we have been asked several times why this new proposal would create any problems that do not already exist with the small game season. For the most part, small game animals do not exhibit the same sensitivity to human scent that deer exhibit, nor is their flee zone as large as a deer. Landowners who hunt have experienced deer being driven away by uninvited snowmobile use. Therefore, it is in the interest of both the landowner and the club to keep active snowmobiling away until hunting has concluded.

The Department should look at how the proposed regulation will impact VSAs (Volunteer Service Agreements) and TRPs (Temporary Revokable Permits) issued by the Department, as well as permits issued by other State agencies, all of which restrict snowmobile trail maintenance during respective deer hunting seasons.

6. The proposal will have negative impacts on local government.

Some local governments have adopted local laws establishing a snowmobile season (for example, Oneida County). These local laws were developed in consultation with landowners and the snowmobile community. Most of these local laws refer to the snowmobile season as starting when big game season is over. These local laws do not refer to “regular” big game season. This proposed state regulation would require local governments to amend their local laws to reflect a new additional week of hunting, which would therefore create additional expenses for cash-strapped local governments who are already facing significant cost reductions due to the pandemic.

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In addition, some local governments cannot predict if an extended season would change their approach to seasonal roads. Some may receive demands to keep roads open and maintained so that individuals can participate in this longbow and muzzle loading season, further exacerbating cost concerns.

7. NYSSA would like to work with the Department on viable alternatives to this regulatory proposal.

From our position, there are several unknowns regarding this proposal, as the Department has not released any economic impact studies, including any analysis of the potential impacts caused by the significant increase in the number of hunting licenses sold this year. In light of our concerns regarding both the timeliness of this proposal and its impacts, we would like to offer two proposals that would help to ease the snowmobiling industry's concerns.

First, we would recommend that the Department delay this proposal while it conducts public hearings to address the concerns of stakeholders regarding this proposal. We believe that the proposal will have impacts beyond merely the hunting community and snowmobiling industry, as other businesses may be affected, including restaurants and other businesses that cater to the snowmobiling and winter tourism industry. These businesses will lose revenue to a shortened snowmobile season caused by an extended hunting season. Therefore, we propose that at a minimum, this regulation should not take place for the 2020 season.

Our second proposal would allow the Department to test the impact of this proposal while avoiding significant losses to the snowmobiling industry by limiting the geographic application of this proposed extended season. We would recommend that as an alternative to the current proposal, the Department narrow the geographic application to those counties in the lower Hudson Valley and Catskill Area (Green, Columbia, Ulster, Dutchess, Sullivan, Orange, Putnum, and Rockland counties). This would allow the state to provide a meaningful test of the proposal while not impacting the majority of the State's snowmobiling industry and the economic impact that snowmobiling attracts. Once the Department has an understanding of the impact of increased hunting licenses on the deer population in the Southern Zone, we believe that the State may determine that this regulation as proposed is unnecessary – particularly in the wide geographic area currently proposed.

Both of these proposals would provide time for both the hunting community and the snowmobile community to educate everyone to the fact that there may be bowhunters and muzzle loaders in the field at the same time they are on the trail system.

We appreciate this opportunity to comment and look forward to working with the Department on alternatives.

Sincerely,



Dominic Jacangelo

Executive Director