§ 11-0903. Open hunting seasons and bag limits fixed by regulation.

* 1. Open seasons and bag limits with respect to migratory game birds shall be those published annually in the federal register by the U.S. Department of the Interior, unless the department adopts regulations pursuant to section 11-0307. Notice of such open seasons and bag limits shall be provided by department press release and any other means that the department determines to be appropriate and effective, including posting on the department's public website.

* NB Effective until December 31, 2027

* 1. Open seasons and bag limits with respect to migratory game birds shall be those fixed by the department in regulations pursuant to section 11-0307, to conform with federal regulations made under authority of the Migratory Bird Treaty Act of July 3, 1918 (16 U.S.C. §§ 703-711).

* NB Effective December 31, 2027

2. The department may fix annually by regulation the open seasons and bag limits for wild game of the following species, until the date specified:

a. Hungarian partridge;

b. black, gray and fox squirrels, bobcat, lynx, coyote, fox, European hare, varying hare and cottontail rabbits, and may regulate or prohibit the use of dogs in hunting varying hare during any regular open season for deer;

c. pheasants anywhere in the state other than Long Island;

* c-1. pheasants on Long Island, but only for those individuals who hold a junior license, and provided that such youth pheasant hunting days are held prior to the start of the open season as indicated in paragraph d of subdivision two of section 11-0905 of this title;

* NB Repealed December 31, 2028

d. raccoon;

e. wild turkeys;

f. frogs, salamanders, turtles, lizards and snakes.

Such open seasons and bag limits may be fixed for the entire state, except on Long Island in the case of pheasants, or for any county or part thereof, giving due regard to abundance of the species and potential hunting pressure. The department may regulate the taking, possession and disposition of wild turkeys.

3. Any open season for pheasants, fixed by regulation of the department in the counties of Albany, Clinton, Columbia, Delaware, Dutchess, Essex, Franklin, Fulton, Greene, Herkimer, Jefferson, Lewis, Montgomery, Oneida, Orange, Oswego, Otsego, Putnam, Rensselaer, Rockland, St. Lawrence, Schenectady, Sullivan and Ulster shall include the intervening Sundays as part of such open season.

4. The department shall fix annually by regulation open seasons and bag limits for ruffed grouse and, whenever possible, and in its opinion it is in the public interest, shall make such seasons run concurrently with open seasons for taking woodcock.

5. Whenever in its opinion deer shall become numerous enough, on state or federal lands closed to the hunting of deer with firearms, to require population control for proper deer management, the department may by regulation permit the taking of deer of either sex, by long bow only, on such lands or any parts thereof during the regular open season for the surrounding area as provided in subdivision 2 of section 11-0907, provided, however, that no regulation adopted pursuant hereto shall include within its provisions any of the areas set forth in subdivision 5 of section 11-0907. Only persons properly licensed to hunt during the special archery season established in paragraph a of subdivision 1 of section 11-0907 shall be eligible to hunt pursuant to this subdivision.

6. a. Whenever investigation made by the department within the Adirondack park shows that deer have become numerous enough to cause overbrowsing of the range within any "Wilderness Hunting Area" defined in section 11-0103, the department may fix by regulation an open season

for taking antlerless deer in a tract within such area. The boundaries of any such tract shall not be less than three miles from any state, county or township road. Any such open season shall be fixed within the open season established by law, in the county or part of the county affected, for deer having antlers not less than three inches in length. For the purposes of this subdivision and of other provisions referring thereto, "antlerless deer" means deer having no antlers or having antlers measuring less than three inches in length.

b. Subject to this section and other applicable provisions of the Fish and Wildlife Law, the department shall have power to fix the conditions for taking "antlerless deer" in any such open season, and of possession, transportation and tagging thereof, and to regulate the issuance of special antlerless deer licenses applicable to the tracts in which such open season is fixed and of seals to be issued to licensees.

c. The department shall issue special antlerless deer licenses, in such form as it shall prescribe, for each tract in which an open season is fixed pursuant to this subdivision and shall have power to limit the number of such licenses to the number necessary in its judgment for proper management with respect to deer in the Area in which such tract is situated. Announcement of the opening of a tract to the taking of antlerless deer and of the number of licenses to be issued for such tract shall be made not later than August 1 of the year in which such open season is fixed. Application for such licenses shall be made not earlier than September 1, and the method of application for and issuance of such licenses, including eligibility and allocation among applicants, shall be specified in the regulations fixing the open season for the tract. No person shall be entitled to hold more than one special antlerless deer license in a calendar year.

7. Notwithstanding any other provision of this title, the department may, by regulation fix open seasons for taking wild deer of either sex in the counties of Westchester and Suffolk, or any part thereof, and may fix the conditions of such season provided the regulations pertaining thereto shall conform to the following:

a. In Westchester county, such season shall not include Saturdays or Sundays;

b. Such season shall not commence earlier than during the first full week in January nor shall it continue later than January 31 in any year;

c. Deer may be taken only by holders of a license authorizing the taking of big game who have also obtained a special permit provided by the department and issued by the town clerk of each town where such season is fixed; provided, however, in Suffolk county a town may, by local law, waive the requirements that a permit is necessary to take deer during such seasons;

d. Permits issued by a town clerk shall authorize hunting only within the town where issued and only on property where permission of the owner or lessee is granted to the permittee for such hunting;

e. Applications for permits shall be only on forms provided by the department, and each application, before being presented to a town clerk, shall be endorsed by a person who owns or leases ten or more acres of land in the town where application is to be made, certifying that such owner or lessee gives consent to the applicant to hunt deer on his premises in accordance with the conditions of such season;

f. The number of permits to be issued in each town shall be fixed by the department and the town clerk shall issue permits in the order in which valid applications are received until the number fixed for the town is exhausted;

g. Town clerks shall be entitled to charge and receive a fee of one dollar for each permit issued;

h. Such a season shall be fixed only in towns or parts thereof where the discharge of firearms is not prohibited by town ordinance, and deer shall be taken only by means of shotguns using a single ball or slug or muzzle loading firearms, provided, however that a deer may also be taken by long bow in Suffolk county.

8. Notwithstanding any provision of law, rule or regulation to the contrary, the department may, until December thirty-first, two thousand twenty-seven, fix by regulation the open seasons, open areas, bag limit, manner of taking, possession and disposition of bear and parts of bears, and the intentional and incidental feeding of bears. Such regulations shall implement the provisions of this article. Such regulations, as the department deems appropriate, may provide for special permits and permit quotas. When a special permit is required, the department may fix by regulation a fee for each such permit issued.

9. a. Until December thirty-first, two thousand twenty-seven, whenever in its opinion deer shall become numerous enough in any area to cause substantial damage to property or overbrowsing of deer range, the department may fix by regulation special open seasons for taking wild deer of either sex. Subject to this subdivision, the department may fix the conditions of such seasons.

b. Such seasons may be fixed only in counties or parts of counties in which an open season for taking deer by the use of firearms is established by law.

c. Such seasons may be fixed for any number of days during the period beginning on the eleventh day after the close of a regular open season for deer established by law and ending on February 10 immediately following.

d. The department shall designate by regulation areas of the state consisting of a county, a part of a county, or any combination of counties or parts of counties, excluding the northern zone as defined in subdivision sixteen of section 11-0103 of this chapter, for which separate special open seasons are fixed, and shall issue separate special permits for hunting in each such area so designated, and for each permit shall receive a fee of three dollars to cover the cost of permit issuance and special deer tags.

e. A regulation fixing a season pursuant to this subdivision shall

include:

(1) a requirement that hunting deer during such special season shall be only by holders of both a license authorizing the taking of big game and a special permit for the area where hunting is permitted,

(2) a limitation on the number of such special permits to be issued for the area where such open season is fixed,

(3) the method of application for and issuance of such special permits,

(4) suspension of the provisions of subdivision one of section 11-0911 with regard to the manner of reporting deer taken, provided an alternative method of reporting is established, and

(5) such other rules and regulations as the department shall deem necessary for the orderly and efficient conduct of such seasons.

f. This subdivision does not increase the limit of one deer per person per license year.

10. Notwithstanding any inconsistent provision of subdivision 10 of section 11-0901 or subdivision 2, subdivision 3 or subdivision 8 of section 11-0907 of this title, until December thirty-first, two thousand twenty-seven, the department is authorized to adopt regulations with respect to the manner of taking, possession, open seasons and bag limits for deer. The authority to adopt such regulations is in addition to any authority contained in this section or section 11-0913 of this title respecting regulations fixing open seasons for deer and the issuance of deer management permits.

11. The department shall have the authority to establish by regulation, deer management assistance permits to allow land/resource managers to meet the deer management needs of their property. Such permits shall be valid only on the permittee's lands and shall address site specific management goals including but not limited to agricultural damage, areas where existing statutes do not allow for adequate harvest and areas where public access may be limited for justifiable security reasons. Deer taken under this subdivision are in addition to the one deer per year authorized in section 11-0907 of this title.