

Environmental Law: NYS outdoor recreation booms under the coronavirus shutdown



By **GEORGE S. VAN NEST**

Although we regularly report on legal and regulatory developments in this column, the COVID-19 pandemic and NYS On PAUSE lead to some interesting positive developments regarding the use and enjoyment of the State's vast recreational opportunities. As NYS ramped up to the COVID-19 shutdowns during the second week

of March, the calendar had a number of outdoor opportunities available for residents seeking a safe, albeit socially distanced, recreation in the outdoors. While there have not been many bright spots for businesses, families, schools and sports over the last several months, NYS Department of Environmental Conservation (DEC) has encouraged residents to take advantage of outdoor opportunities. The agency deserves significant credit for encouraging responsible outdoor recreation in a variety of contexts.

The spring time in New York includes a number of key dates for fishermen and hunters. Notably, trout season opens on April 1 across the state and spring turkey season opens on May 1. In order to hunt small or big game in New York, hunters are required to take a hunter safety course prior to purchasing a license. The hunter safety courses are typically taught at a variety of in-person locations around the state. With the COVID shutdown, DEC permitted new hunters to take the hunter safety course online. Based on DEC's statistics over 24,000 new hunters successfully completed the online course, an increase of 20 percent over a similar period. DEC has been trying in recent years to reach new, first-time and female hunters. Forty percent of those who completed the online course were females, over a 13 percent increase from typical courses. In addition, about half of the online course attendants were over the age of 30, compared to a mere 30 percent for in-person courses.

Based on DEC's flexible certification process and the public's COVID-imposed free time, the

agency saw a large increase in hunters during the spring turkey season. In particular, DEC has indicated that resident turkey permit sales increased by 49 percent this spring. Similarly, making online courses available led to a 60 percent increase in junior hunting licenses. Overall, hunting license sales during the spring pandemic increased by 130 percent. Based on the success of the online hunter safety course, DEC has just announced that it will extend the online course through Aug. 31, 2020 and make the bowhunter education available online in mid-July. Since license sales support DEC's programs and conservation projects, the significant jump in licenses sales has the potential to add new participants while simultaneously ensuring a strong funding source for DEC's conservation efforts across the state.

Fishing also experienced a significant jump in participation over the last few months. DEC indicated that there was an increase of 30 percent in annual and one-day fishing licenses from last year. The trout opener on April 1 saw a boom in participation with many streams across the state seeing increases in fishermen of all ages. The amount of individual and private fishing activity has been quite robust with many sporting goods stores short on supplies. However, the charter and sport fishing business in New York experienced a very difficult spring season due to the NY On PAUSE restrictions on business operations. As the state re-opens, Lake Ontario and Erie charter operations are just starting to operate after weeks of cancelled charters during spring salmon and trout season.

Although DEC regularly holds several Free Fishing Days each year, this weekend marks the second this year running from June 27 to 28. During these events DEC waives the resident and non-resident fishing license requirement to encourage participation. DEC Commissioner Basil Seggos said that "[a]mid the uncertainty of these challenging times, being home together has allowed many families to get outdoors and experience new activities. Free fishing days provide the perfect opportunity for all New Yorkers from Brooklyn to Buffalo and from Montauk to Mt. Marcy to try fishing for the first time and encourage those who have fished before to dust off their

fishing rods and get outside." In the process, DEC has encouraged anglers to maintain safe social distancing while fishing and protocols, including reference to staying six feet or a fishing rod length apart, while fishing from boats.

Similarly, throughout the spring DEC has encouraged residents to enjoy the Adirondacks, hiking and the outdoors in responsible ways. While DEC encouraged use of the trails in the High Peaks region to enjoy the natural resources and outdoors, it also suggested that hikers and visitors apply safe protocols during the COVID era. Prior to Memorial Day DEC suggested that hikers in the High Peaks regions find alternative trail systems to explore if the desired trail was crowded.

One of the more popular past times in NYS that also was subject to PAUSE restrictions on gatherings and activities has been camping at state parks and campgrounds. NYS campgrounds finally opened on June 22 to those with existing reservations. NYS online camping reservation system was also modified by lifting the normal nine-month reservation restriction period and allowing transfers of camping reservations from this year into 2021.

Another interesting step taken by DEC is the creation of a virtual Adventure NY on its website to share weekly content about various outdoor pursuits. While DEC has a full plate under normal conditions issuing permits for industry and commercial activities such as air, water discharge, wetland and tank permits, the agency appears to have been supportive of residents' desire to enjoy outdoor hobbies and places since the COVID pandemic hit in mid-March. Based on the significant jump in license sales and participation, hopefully DEC will continue to provide flexible platforms in future years to enhance and increase enjoyment of NY's natural resources.

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