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Know the New York Limits: Hunting and Posting on Private Property

As a private forest landowner you will face some tough decisions over time. Perhaps one of the most important issues you will encounter is controlling the access of others onto your private land. Wildlife-related activities are very popular in New York state, nearly 50% of which is privately owned forest land. Many outdoor enthusiasts, particularly hunters, depend on private landowners for hunting opportunities. According to the NY Department of Environmental Conservation (DEC), more than two-thirds of the hunting in the state occurs on private land—and more than 90% of all hunters in NY will hunt on private lands over the course of the hunting season. So take time to evaluate your personal preferences and your objectives for your property—managing your private land is your responsibility.

Most people understand that hunting is a privilege. Ethical sportsmen and women understand that hunting is indeed an opportunity not to be taken for granted. An ethical sportsman wishes to maintain his privileged tradition by cooperating with landowners and respecting their preferences. This means that a responsible hunter will ask the landowner's permission before accessing their property to hunt.

As a landowner, you have the legal right to prohibit people from entering your property. Responsible landowners who do not want hunters on their property make their preferences very clear; they distinguish areas of their land as "posted property" under the guidelines established by Environmental Conservation Law. Nevertheless, trespassing by anyone is illegal even on non-posted property. Only the landowner or lawful occupant, or someone authorized by them, is legally allowed to post private property. If you clearly designate your land as "posted" or under "limited access," then you will likely reduce your number of incidences with curious hunters. Keep in mind

that it may be legal for hunting, fishing, and trapping to occur on land adjacent to your own. Hunters may only pursue wounded animals onto your property if they first have your permission to do so.

You have the option to post just certain parts of your property. Or you can prohibit certain activities—namely hunting—but allow horseback riding and hiking, for example. Use specific wording on posted signs to indicate which activities you wish to either include or exclude. The DEC does not provide posted signs to citizens, but will provide stickers that declare, “Ask Permission: See Landowner.” You should find posted signs at your nearest hardware store, farm supply store, or the New York Forest Owners Association. All posted signs must be a minimum of 11 by 11 inches in size. These must include the name and address of the landowner or the person authorized to post the property. At least one sign should be placed on each side of the designated property, and on each side of all reasonably identified corners. At least one sign must be posted every 660 feet. Placing posted signs too closely wastes time and money and is visually unappealing to many people. Illegible or missing signs must be replaced at least once a year.

If you do decide to allow hunting on your property, consider requiring all hunters and anyone who may accompany them to have your written permission. Your local DEC office provides free blank Landowner Permission Record forms or you can make a simple homemade form. Requiring written permission is a convenient way for you to get to know the people hunting on your property. In effect, hunters who use your property make a contract with you. Verify where the hunters will be during their activities, and be sure to notify them of where you and/or your family members will be at the same time. To minimize the possibility of a hunting accident, make your requirements very clear from the beginning. Perhaps you can request contracted hunters to be on the lookout for lawbreakers and help you protect your land from misuse by trespassers.

If you or trusted witnesses observe a trespassing on your property, write down as much information as you can to help police identify the unwanted visitor. People convicted of trespassing may be fined and/or spend time in jail. They may be assigned additional charges if they damage your property; removing your posted signs is an example of illegal damages. Hunters who damage tree bark by putting up blinds or tree stands without your permission are causing illegal damages to your property. Nor can hunters clear branches from shooting lanes or establish walking trails without your consent. Rights-of-way, such as power lines and railroads that cross private property are not considered public land, and trespassing on these areas without permission from the landowner is also illegal.

You have the option to charge a fee to hunters who use your property, but if you do charge for access then you no longer receive liability protection. Whether your property is posted or not, you are protected against most

types of recreational access under the General Obligations Law from liability lawsuits as long as people do not have to pay a fee to hunt on your land. If you charge a fee, discuss changes in your liability with your attorney and insurance agent.

Most people who hunt and enjoy outdoor recreation want to have a good relationship with you as a landowner. They are citizens like you who respect private property rights and the environment. If you are a hunter yourself, then you realize the importance of thanking the landowner for the privilege to hunt on his or her property. If appropriate, you may even decide to share part of your wild game harvest with the landowner. To show your appreciation you may choose to purchase a small portion of the landowner's crops, such as apples or maple syrup.

When performed ethically and responsibly, hunting is a powerful wildlife management tool and contributes to an important cultural tradition. If you are managing your private forest for sawtimber and hope to regenerate most hardwood seedlings in the near future, then consider deer hunting as a critical means for you to help those seedlings to reach maturity. Remember, only you have the right to decide whether or not to use such a 'tool' to manage your own property.

For additional information on forestland activities that will benefit your objectives, visit Cornell's forestry website at www.ForestConnect.info, contact your local office of Cornell University Cooperative Extension, or join the New York Forest Owners Association through their website at www.nyfoa.org

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Editors note: This article is the twelfth in a 15 part series that is provided through a joint initiative of Cornell University Cooperative Extension and the New York Forest Owners Association as an educational service that helps the citizen of New York enjoy, use, and sustain private rural lands. For more information on these and other topics, please contact your local office of Cornell Cooperative Extension or visit www.ForestConnect.info or www.NYFOA.org.