

S. 4419

A. 6428

2013-2014 Regular Sessions

S E N A T E - A S S E M B L Y

March 27, 2013

IN SENATE -- Introduced by Sen. LAVALLE -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation

IN ASSEMBLY -- Introduced by M. of A. THIELE -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to authorizing the towns of East Hampton, Riverhead, Shelter Island, Southold, and Southampton in the county of Suffolk to adopt local laws in certain cases related to the taking of wild deer; and providing for the repeal of such provisions upon expiration thereof

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Legislative findings. The recent population explosion of
2 white-tailed deer (*Odocoileus virginianus*) on Eastern Long Island
3 threatens public health, public safety, personal property, and the envi-
4 ronment. Local municipal deer management plans describe the uncontrolled
5 increase in population as an emergency, crisis situation, requiring
6 immediate action.
7 There are several indicators of the crisis. Tick borne illnesses such
8 as Lyme disease, Babesiosis and Ehrlichiosis have increased exponential-
9 ly. The incidence of reported deer/vehicle collisions on eastern Long
10 Island has increased. The incidence of property damage complaints has
11 increased, including huge financial losses to the region's critical
12 agricultural economy.
13 Environmentally speaking, the preserved lands and native landscapes of
14 the East End are being destroyed. Increased browsing on deer-preferred
15 plants has changed the type and species of plants that can survive and
16 withstand the destruction. Rare wildflowers and common native herbaceous
17 plants have declined. Forested lands show a clear browse line, and tree
18 saplings are now not surviving. Intense browsing of native species has

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets
[] is old law to be omitted.

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1 also led to an increase in invasive plant species which cause even
2 further destruction to natural habitats. The environmental changes in
3 and degradation of these native habitats displaces wildlife. These long-
4 term changes adversely impact the integrity of eastern Long Island's
5 ecosystems.

6 This legislation would give local towns on eastern Long Island
7 increased authority to implement the state and local deer management
8 plan goal of reducing deer populations by providing increased hunting
9 opportunities where local conditions allow. Without controlling the deer
10 population, human health and safety will continue to be put in jeopardy.

11 S 2. Subdivision 7 of section 11-0903 of the environmental conserva-
12 tion law is amended by adding a new paragraph h to read as follows:

13 H. NOTWITHSTANDING THE PROVISIONS OF THIS SUBDIVISION TO THE CONTRARY,
14 THE TOWNS OF EAST HAMPTON, RIVERHEAD, SHELTER ISLAND, SOUTHDOLD, AND
15 SOUTHAMPTON IN THE COUNTY OF SUFFOLK, AND VILLAGES WITHIN SAID TOWNS,
16 SHALL BE AUTHORIZED TO ENACT LOCAL LAWS TO: (I) PERMIT HUNTING ON SATUR-
17 DAY AND SUNDAY DURING SUCH SEASON; (II) PERMIT THE USE OF A LONG BOW TO
18 TAKE WILD DEER DURING SUCH SEASON IN AREAS DESIGNATED BY THE DEPARTMENT
19 AND THE TOWN; AND (III) TO REPEAL THE REQUIREMENT OF A SPECIAL PERMIT
20 PROVIDED BY THE DEPARTMENT AND ISSUED BY THE TOWN CLERK DURING SUCH
21 SEASON AS PROVIDED FOR BY THIS SUBDIVISION.

22 S 3. Subdivision 4 of section 11-0931 of the environmental conserva-
23 tion law, subparagraph 3 of paragraph a as added by chapter 400 of the
24 laws of 1973 and subparagraph 4 of paragraph a as added by chapter 67 of
25 the laws of 1976, is amended to read as follows:

26 4. a. No person shall:

27 (1) discharge a firearm or long bow in such a way as will result in
28 the load or arrow thereof passing over a public highway or any part
29 thereof;

30 (2) discharge a firearm or long bow within five hundred feet from a
31 dwelling house, farm building or farm structure actually occupied or
32 used, school building, school playground, or occupied factory or church;

33 (2-A) NOTWITHSTANDING THE PROVISIONS OF SUBPARAGRAPH 2 OF PARAGRAPH A
34 OF THIS SUBDIVISION TO THE CONTRARY, THE TOWNS OF EAST HAMPTON, RIVER-
35 HEAD, SHELTER ISLAND, SOUTHDOLD, AND SOUTHAMPTON IN THE COUNTY OF
36 SUFFOLK, AND VILLAGES WITHIN SAID TOWNS, SHALL BE AUTHORIZED TO ENACT
37 LOCAL LAWS TO PERMIT A PERSON TO DISCHARGE A LONG BOW A DISTANCE OF NOT
38 LESS THAN ONE HUNDRED FIFTY FEET FROM A DWELLING HOUSE, FARM BUILDING OR
39 FARM STRUCTURE ACTUALLY OCCUPIED OR USED, SCHOOL BUILDING, SCHOOL PLAY-
40 GROUND, OR OCCUPIED FACTORY OR CHURCH.

41 (3) use a firearm or a long bow for the hunting of migratory game
42 birds in Larchmont Harbor, specifically those portions bounded by the
43 following points of land:

44 BEGINNING AT A POINT KNOWN AS UMBRELLA POINT ON THE EAST SHORE OF
45 LARCHMONT HARBOR THEN PROCEEDING IN A NORTHERLY DIRECTION TO CEDAR
46 ISLAND; THENCE NORTHWESTERLY TO MONROE INLET; THENCE NORTHEASTERLY TO
47 DELANCY COVE BEING IN THE TOWN OF MAMARONECK; THENCE IN A SOUTHWESTERLY
48 DIRECTION FROM DELANCY COVE TO GREACEN POINT; THENCE RUNNING THE AREA
49 BETWEEN DELANCY COVE AND THE WEST SHORE OF SATANS TOE NORTHEAST; THENCE
50 SOUTHEAST THEN ALONG THE WEST SHORE OF SATANS TOE SOUTHWEST AND THEN
51 SOUTH TO THE SOUTHERLY POINT OF SATANS TOE TO EDGEWATER POINT.

52 (4) Use of a firearm or a long bow for the hunting of migratory game
53 birds in Udall's Cove, specifically those portions of Little Neck Bay
54 within Nassau and Queens counties lying east of a line running north
55 from the foot of Douglaston Parkway to the shore opposite.

1 b. The prohibitions contained in subparagraph 2 of paragraph a [above]
2 OF THIS SUBDIVISION shall not apply to:

3 (1) The owner or lessee of the dwelling house, or members of his imme-
4 diate family actually residing therein, or a person in his employ, or
5 the guest of the owner or lessee of the dwelling house acting with the
6 consent of said owner or lessee, provided however, that nothing herein
7 shall be deemed to authorize such persons to discharge a firearm or
8 longbow within five hundred feet of any other dwelling house, or a farm
9 building or farm structure actually occupied or used, or a school build-
10 ing or playground or occupied factory or church; OR IN THE TOWNS OF EAST
11 HAMPTON, RIVERHEAD, SHELTER ISLAND, SOUTHOLD, AND SOUTHAMPTON IN THE
12 COUNTY OF SUFFOLK, AND VILLAGES WITHIN SAID TOWNS, WHERE SUCH TOWN HAS
13 ADOPTED A LOCAL LAW CONSISTENT WITH SUBPARAGRAPH 2-A OF PARAGRAPH A OF
14 THIS SUBDIVISION;

15 (2) Programs conducted by public schools offering instruction and
16 training in the use of firearms or long bow;

17 (3) The authorized use of a pistol, rifle or target range regularly
18 operated and maintained by a police department or other law enforcement
19 agency or by any duly organized membership corporation;

20 (4) The discharge of a shotgun over water by a person hunting migrato-
21 ry game birds if no dwelling house or public structure, livestock or
22 person is situated in the line of discharge less than five hundred feet
23 from the point of discharge.

24 S 4. This act shall take effect immediately, and provided further that
25 this act shall expire December 31, 2014 when upon such date the
26 provisions of this act and any local laws enacted pursuant to this act
27 shall be deemed repealed.