

S T A T E   O F   N E W   Y O R K

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S. 4419--A

A. 6428--A

2013-2014 Regular Sessions

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

March 27, 2013

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IN SENATE -- Introduced by Sen. LAVALLE -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation -- recommitted to the Committee on Environmental Conservation in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

IN ASSEMBLY -- Introduced by M. of A. THIELE -- read once and referred to the Committee on Environmental Conservation -- recommitted to the Committee on Environmental Conservation in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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.

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

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1 Environmentally speaking, the preserved lands and native landscapes of  
2 the East End are being destroyed. Increased browsing on deer-preferred  
3 plants has changed the type and species of plants that can survive and  
4 withstand the destruction. Rare wildflowers and common native herbaceous  
5 plants have declined. Forested lands show a clear browse line, and tree  
6 saplings are now not surviving. Intense browsing of native species has  
7 also led to an increase in invasive plant species which cause even  
8 further destruction to natural habitats. The environmental changes in  
9 and degradation of these native habitats displaces wildlife. These long-  
10 term changes adversely impact the integrity of eastern Long Island's  
11 ecosystems.

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

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

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

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

32 4. a. No person shall:

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

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

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

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

50 BEGINNING AT A POINT KNOWN AS UMBRELLA POINT ON THE EAST SHORE OF  
51 LARCHMONT HARBOR THEN PROCEEDING IN A NORTHERLY DIRECTION TO CEDAR  
52 ISLAND; THENCE NORTHWESTERLY TO MONROE INLET; THENCE NORTHEASTERLY TO  
53 DELANCY COVE BEING IN THE TOWN OF MAMARONECK; THENCE IN A SOUTHWESTERLY  
54 DIRECTION FROM DELANCY COVE TO GREACEN POINT; THENCE RUNNING THE AREA  
55 BETWEEN DELANCY COVE AND THE WEST SHORE OF SATANS TOE NORTHEAST; THENCE

1 SOUTHEAST THEN ALONG THE WEST SHORE OF SATANS TOE SOUTHWEST AND THEN  
2 SOUTH TO THE SOUTHERLY POINT OF SATANS TOE TO EDGEWATER POINT.

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

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

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

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

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

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

30 S 4. This act shall take effect immediately, and provided further that  
31 this act shall expire December 31, 2015 when upon such date the  
32 provisions of this act and any local laws enacted pursuant to this act  
33 shall be deemed repealed.