

STATE OF NEW YORK

5542--A

2023-2024 Regular Sessions

IN ASSEMBLY

March 16, 2023

Introduced by M. of A. THIELE -- read once and referred to the Committee on Environmental Conservation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the environmental conservation law, in relation to a Long Island deer management pilot program; 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:

Section 1. The environmental conservation law is amended by adding a new section 11-0522 to read as follows:

§ 11-0522. Long Island deer management pilot program.

1. For the purposes of this section, "certified nuisance wildlife specialist" shall mean an employee of or a contractor for the federal or state government responsible for wildlife management and acting pursuant to a deer management plan, who has been certified by the department as complying with the criteria established by the department that at a minimum require:

a. a minimum level of marksmanship certification appropriate to the firearm or hunting implement to be used, including ongoing certification;

b. liability insurance coverage levels or other financial arrangements approved by the department; and

c. reporting requirements.

2. The department may, after reviewing the town of Southold's site-specific deer management plan, and upon a finding by the town of Southold that deer have become a nuisance, destructive to public or private property or a threat to public health or welfare, issue a certified nuisance wildlife specialist a deer cull permit for use within the boundaries of the town of Southold.

3. Each cull permit application shall at a minimum include requirements for: the timeframe during which the permit must be used, a site-

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

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1 specific deer management plan, a geographic description of the area for
2 which the permit is being requested, a written contract with the town of
3 Southold, requests for any authorization pursuant to subdivisions three
4 and nine of section 11-0505 of this title, subdivision two of section
5 11-0901 of this article, and subdivisions two and four of section
6 11-0931 of this article, provided that any such authorization subse-
7 quently granted shall be explicitly included on any cull permit, and
8 details regarding expected local law enforcement participation.

9 4. Nothing in this section shall be construed as requiring or obligat-
10 ing the department to issue a permit to take deer when in its opinion
11 the nuisance, destruction of property or threat to public health and
12 welfare will not be effectively abated thereby.

13 § 2. Subdivision 3 of section 11-0505 of the environmental conserva-
14 tion law, as amended by chapter 135 of the laws of 1982, is amended and
15 a new subdivision 9 is added to read as follows:

16 3. No deer or bear traps shall be made, set or used upon land inhabit-
17 ed by deer or bear. No salt lick shall be made, set or used upon land
18 inhabited by deer or bear, except that:

19 a. the department may do so on state wildlife refuges and wildlife
20 management areas; and

21 b. a certified nuisance wildlife specialist with a permit issued
22 pursuant to section 11-0522 of this title may do so provided that such
23 activities are in furtherance of the site-specific deer management plan.

24 9. A certified nuisance wildlife specialist with a permit issued
25 pursuant to section 11-0522 of this title may, in accordance with the
26 parameters of such permit and the participation of local law enforce-
27 ment, entice deer in the manner prohibited in subdivision eight of this
28 section provided that such activities are in furtherance of the site-
29 specific deer management plan.

30 § 3. Subdivision 2 of section 11-0901 of the environmental conserva-
31 tion law is amended to read as follows:

32 2. Wildlife shall not be taken on or from any public highway, except:

33 a. that in the forest preserve counties it may be taken from highways
34 other than state, county or town highways; and

35 b. by a certified nuisance wildlife specialist with a permit issued
36 pursuant to section 11-0522 of this article provided that such activ-
37 ities are in furtherance of the site-specific deer management plan.

38 § 4. Subdivision 2 and subparagraph 1 of paragraph b of subdivision 4
39 of section 11-0931 of the environmental conservation law, as amended by
40 section 8 of part EE of chapter 55 of the laws of 2014, are amended to
41 read as follows:

42 2. a. No crossbow or firearm except a pistol or revolver shall be
43 carried or possessed in or on a motor vehicle unless it is uncocked, for
44 a crossbow or unloaded, for a firearm in both the chamber and the maga-
45 zine, except that a loaded firearm which may be legally used for taking
46 migratory game birds may be carried or possessed in a motorboat while
47 being legally used in hunting migratory game birds, and b. no person
48 except a law enforcement officer in the performance of his official
49 duties or a certified nuisance wildlife specialist with a permit issued
50 pursuant to section 11-0522 of this article, provided that such activ-
51 ities are in furtherance of the site-specific deer management plan,
52 shall, while in or on a motor vehicle, use a jacklight, spotlight or
53 other artificial light upon lands inhabited by deer if he or she is in
54 possession or is accompanied by a person who is in possession, at the
55 time of such use, of a longbow, crossbow or a firearm of any kind except
56 a pistol or revolver, unless such longbow or crossbow is unstrung or

1 such firearm or crossbow is taken down or securely fastened in a case or
2 locked in the trunk of the vehicle. For purposes of this subdivision,
3 motor vehicle shall mean every vehicle or other device operated by any
4 power other than muscle power, and which shall include but not be limit-
5 ed to automobiles, trucks, motorcycles, tractors, trailers and motor-
6 boats, snowmobiles and snowtravelers, whether operated on or off public
7 highways. Notwithstanding the provisions of this subdivision, the
8 department may issue a permit to any person who is non-ambulatory,
9 except with the use of a mechanized aid, to possess a loaded firearm in
10 or on a motor vehicle as defined in this section, subject to such
11 restrictions as the department may deem necessary in the interest of
12 public safety. Nothing in this section permits the possession of a
13 pistol or a revolver contrary to the penal law.

14 (1) The owner or lessee of the dwelling house, or members of his imme-
15 diate family actually residing therein, or a person in his employ, or
16 the guest of the owner or lessee of the dwelling house acting with the
17 consent of said owner or lessee, provided however, that nothing herein
18 shall be deemed to authorize such persons to discharge a firearm within
19 five hundred feet, a long bow within one hundred fifty feet, or a cross-
20 bow within two hundred fifty feet of any other dwelling house, or a farm
21 building or farm structure actually occupied or used, or a school build-
22 ing or playground, public structure, or occupied factory or church;
23 provided further, that a wildlife specialist with a permit issued pursu-
24 ant to section 11-0522 of this article acting in furtherance of the
25 site-specific deer management plan may discharge a firearm within five
26 hundred feet of any dwelling houses, structures, schools or playgrounds,
27 provided that the owners or lessees thereof have been notified by certi-
28 fied mail of the date and time of the expected activity, and discharge a
29 firearm within two hundred fifty feet of such dwelling houses, struc-
30 tures, schools or playgrounds provided that all the owners or lessees
31 thereof have provided written consent;

32 § 5. The department of environmental conservation, following consulta-
33 tion with the town of Southold shall prepare a report examining the
34 effectiveness of the Long Island deer management pilot program estab-
35 lished pursuant to section 11-0522 of the environmental conservation law
36 in addressing deer overpopulation and the effectiveness in addressing
37 destruction to public or private property in the town of Southold as
38 well as the impacts on surrounding communities. The report shall include
39 estimates regarding the size of the deer population in the town of Sout-
40 hold prior to the issuance of deer cull permits pursuant to section
41 11-0522 of the environmental conservation law, the number of cull
42 permits issued, and the number of deer taken. The report shall also
43 include recommendations for program improvements, including the poten-
44 tial effectiveness of authorizing future programs. The report shall be
45 delivered to the governor, the speaker of the assembly and the temporary
46 president of the senate, as well as published on the department's public
47 website, no later than thirty months after the effective date of this
48 act.

49 § 6. This act shall take effect on the first of January next succeed-
50 ing the date on which it shall have become a law and shall expire and be
51 deemed repealed three years after such date.