

STATE OF NEW YORK

8559

IN ASSEMBLY

January 9, 2024

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

AN ACT to amend the environmental conservation law and a chapter of the laws of 2023 amending the environmental conservation law relating to a Long Island deer management pilot program, as proposed in legislative bills numbers S. 4804-A and A. 5542-A, in relation to an urban deer management pilot program

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section 11-0522 of the environmental conservation law, as
2 added by a chapter of the laws of 2023 amending the environmental
3 conservation law relating to a Long Island deer management pilot
4 program, as proposed in legislative bills numbers S. 4804-A and A.
5 5542-A, is renumbered section 11-0522-a and subdivisions 1, 2, and 3 are
6 amended to read as follows:

7 1. For the purposes of this section, "[~~certified~~] nuisance wildlife
8 specialist" shall mean an employee of or a contractor for the federal or
9 state government responsible for wildlife management [~~and~~] acting pursu-
10 ant to a deer management plan[~~, who has been certified by the department~~
11 ~~as complying~~] and deer cull permit. A nuisance wildlife specialist must
12 be in compliance with [~~the~~] criteria established by the department that
13 at a minimum shall require:

14 a. a minimum level of marksmanship [~~certification~~] qualifications
15 appropriate to the firearm or hunting implement to be used[~~, including~~
16 ~~ongoing certification~~];

17 b. liability insurance coverage [~~levels~~] identified by the department; [~~and~~]

19 c. a copy of the cull permit and a copy of the log of nuisance wild-
20 life specialists using the permit, be on the nuisance wildlife special-
21 ist's person when exercising any privilege of such permit; and

22 d. reporting requirements.

23 2. The department may, after reviewing the town of Southold's cull
24 permit application and site-specific deer management plan, and upon a
25 finding by the town of Southold that deer have become a nuisance,

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

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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, authorizing the use of a nuisance wildlife specialist to take deer pursuant to the terms of the deer cull permit.

3. Each cull permit application shall at a minimum include requirements for: the timeframe during which the permit must be used, a site-specific deer management plan, a geographic description of the area for which the permit is being requested, a written contract with the town of Southold, a list which identifies participating nuisance wildlife specialists and eligibility based on the criteria established by the department, provided by the town of Southold, requests for any authorization pursuant to subdivisions three and nine of section 11-0505 of this title, subdivision two of section 11-0901 of this article, and subdivisions two and four of section 11-0931 of this article, provided that any such authorization subsequently granted shall be explicitly included on any cull permit, and details regarding expected local law enforcement ~~[participation]~~ consultation.

§ 2. Paragraph b of subdivision 3 and subdivision 9 of section 11-0505 of the environmental conservation law, as added by a chapter of the laws of 2023 amending the environmental conservation law relating to a Long Island deer management pilot program, as proposed in legislative bills numbers S. 4804-A and A. 5542-A, are amended to read as follows:

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

~~[9-]~~ 10. A ~~[certified]~~ nuisance wildlife specialist with a permit issued pursuant to section ~~[11-0522]~~ 11-0522-a of this title may, in accordance with the parameters of such permit and the ~~[participation]~~ consultation of local law enforcement, entice deer in the manner prohibited in subdivision eight of this section provided that such activities are in furtherance of the site-specific deer management plan.

§ 3. Paragraph b of subdivision 2 of section 11-0901 of the environmental conservation law, as added by a chapter of the laws of 2023 amending the environmental conservation law relating to a Long Island deer management pilot program, as proposed in legislative bills numbers S. 4804-A and A. 5542-A, is amended to read as follows:

~~[b-]~~ c. by a ~~[certified]~~ nuisance wildlife specialist with a permit issued pursuant to section ~~[11-0522]~~ 11-0522-a of this article provided that such activities are in furtherance of the site-specific deer management plan.

§ 4. Subdivision 2 and subparagraph 1 of paragraph b of subdivision 4 of section 11-0931 of the environmental conservation law, as amended by a chapter of the laws of 2023 amending the environmental conservation law relating to a Long Island deer management pilot program, as proposed in legislative bills numbers S. 4804-A and A. 5542-A, are amended to read as follows:

2. a. No crossbow or firearm except a pistol or revolver shall be carried or possessed in or on a motor vehicle unless it is uncocked, for a crossbow or unloaded, for a firearm in both the chamber and the magazine, except that a loaded firearm which may be legally used for taking migratory game birds may be carried or possessed in a motorboat while being legally used in hunting migratory game birds, and b. no person except a law enforcement officer in the performance of his official duties or a ~~[certified]~~ nuisance wildlife specialist with a permit

1 issued pursuant to section [~~11-0522~~] 11-0522-a of this article, provided
2 that such activities are in furtherance of the site-specific deer
3 management plan, shall, while in or on a motor vehicle, use a jacklight,
4 spotlight or other artificial light upon lands inhabited by deer if he
5 or she is in possession or is accompanied by a person who is in
6 possession, at the time of such use, of a longbow, crossbow or a firearm
7 of any kind except a pistol or revolver, unless such longbow or crossbow
8 is unstrung or such firearm or crossbow is taken down or securely
9 fastened in a case or locked in the trunk of the vehicle. For purposes
10 of this subdivision, motor vehicle shall mean every vehicle or other
11 device operated by any power other than muscle power, and which shall
12 include but not be limited to automobiles, trucks, motorcycles, trac-
13 tors, trailers and motorboats, snowmobiles and snowtravelers, whether
14 operated on or off public highways. Notwithstanding the provisions of
15 this subdivision, the department may issue a permit to any person who is
16 non-ambulatory, except with the use of a mechanized aid, to possess a
17 loaded firearm in or on a motor vehicle as defined in this section,
18 subject to such restrictions as the department may deem necessary in the
19 interest of public safety. Nothing in this section permits the
20 possession of a pistol or a revolver contrary to the penal law.

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

40 § 5. Section 5 of a chapter of the laws of 2023 amending the environ-
41 mental conservation law relating to a Long Island deer management pilot
42 program, as proposed in legislative bills numbers S. 4804-A and A.
43 5542-A, is amended to read as follows:

44 § 5. The department of environmental conservation, following consulta-
45 tion with the town of Southold, shall prepare a report examining the
46 effectiveness of the Long Island deer management pilot program estab-
47 lished pursuant to section [~~11-0522~~] 11-0522-a of the environmental
48 conservation law in addressing deer overpopulation and the effectiveness
49 in addressing destruction to public or private property in the town of
50 Southold [~~as well as the impacts on surrounding communities~~]. The report
51 shall include [~~estimates regarding the size of the deer population in~~
52 ~~the town of Southold prior to the issuance of deer cull permits pursuant~~
53 ~~to section 11-0522 of the environmental conservation law,~~] the number of
54 cull permits issued, and the number of deer taken. The report shall also
55 include recommendations for program improvements, including the poten-
56 tial effectiveness of authorizing future programs. The report shall be

1 delivered to the governor, the speaker of the assembly and the temporary
2 president of the senate, as well as published on the department's public
3 website, no later than thirty months after the effective date of this
4 act.

5 § 6. This act shall take effect on the same date and in the same
6 manner as a chapter of the laws of 2023 amending the environmental
7 conservation law relating to a Long Island deer management pilot
8 program, as proposed in legislative bills numbers S. 4804-A and A.
9 5542-A, takes effect.