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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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, 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.

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

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

3. No deer or bear traps shall be made, set or used upon land inhabited by deer or bear. No salt lick shall be made, set or used upon land inhabited by deer or bear, except that:

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

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

9. A certified nuisance wildlife specialist with a permit issued pursuant to section 11-0522 of this title may, in accordance with the parameters of such permit and the participation 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. Subdivision 2 of section 11-0901 of the environmental conservation law is amended to read as follows:

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

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

b. by a certified nuisance wildlife specialist with a permit issued pursuant to section 11-0522 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 section 8 of part EE of chapter 55 of the laws of 2014, 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 issued pursuant to section 11-0522 of this article, provided that such activities are in furtherance of the site-specific deer management plan, shall, while in or on a motor vehicle, use a jacklight, spotlight or other artificial light upon lands inhabited by deer if he or she is in possession or is accompanied by a person who is in possession, at the time of such use, of a longbow, crossbow or a firearm of any kind except a pistol or revolver, unless such longbow or crossbow is unstrung or

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

(1) The owner or lessee of the dwelling house, or members of his immediate family actually residing therein, or a person in his employ, or the guest of the owner or lessee of the dwelling house acting with the consent of said owner or lessee, provided however, that nothing herein shall be deemed to authorize such persons to discharge a firearm within five hundred feet, a long bow within one hundred fifty feet, or a crossbow within two hundred fifty feet of any other dwelling house, or a farm building or farm structure actually occupied or used, or a school building or playground, public structure, or occupied factory or church**; provided further, that a wildlife specialist with a permit issued pursuant to section 11-0522 of this article acting in furtherance of the site-specific deer management plan may discharge a firearm within five hundred feet of any dwelling houses, structures, schools or playgrounds, provided that the owners or lessees thereof have been notified by certified mail of the date and time of the expected activity, and discharge a firearm within two hundred fifty feet of such dwelling houses, structures, schools or playgrounds provided that all the owners or lessees thereof have provided written consent**;

§ 5. The department of environmental conservation, following consultation with the town of Southold shall prepare a report examining the effectiveness of the Long Island deer management pilot program established pursuant to section 11-0522 of the environmental conservation law in addressing deer overpopulation and the effectiveness in addressing destruction to public or private property in the town of Southold as well as the impacts on surrounding communities. The report shall include estimates regarding the size of the deer population in the town of Southold prior to the issuance of deer cull permits pursuant to section 11-0522 of the environmental conservation law, the number of cull permits issued, and the number of deer taken. The report shall also include recommendations for program improvements, including the potential effectiveness of authorizing future programs. The report shall be delivered to the governor, the speaker of the assembly and the temporary president of the senate, as well as published on the department's public website, no later than thirty months after the effective date of this act.

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