STATE OF NEW YORK

9674

IN ASSEMBLY

April 3, 2024

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

AN ACT to amend the environmental conservation law, in relation to establishing a town of Huntington 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-b to read as follows:

§ 11-0522-b. Town of Huntington 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 Huntington's site-specific deer management plan, and upon a finding by the town of Huntington 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 Huntington.

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 Huntington, requests for any authorization pursuant to subdivisions three-a and eleven of section 11-0505 of this title, subdivision two-a

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

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of section 11-0901 of this article, and subdivisions two-a and four-a 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. Section 11-0505 of the environmental conservation law is amended by adding two new subdivisions 3-a and 11 to read as follows:

3-a. Notwithstanding subdivision three of this section, a salt lick may be made, set, or used upon land inhabited by deer or bear by a nuisance wildlife specialist with a permit issued pursuant to section 11-0522-b of this title provided that such activities are in furtherance of the site-specific deer management plan.

11. A nuisance wildlife specialist with a permit issued pursuant to section 11-0522-b of this title may, in accordance with the parameters of such permit and the 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. Section 11-0901 of the environmental conservation law is amended by adding a new subdivision 2-a to read as follows:

2-a. Notwithstanding subdivision two of this section, wildlife may be taken by a nuisance wildlife specialist with a permit issued pursuant to section 11-0522-b of this article provided that such activities are in furtherance of the site-specific deer management plan.

§ 4. Section 11-0931 of the environmental conservation law is amended by adding two new subdivisions 2-a and 4-a to read as follows:

2-a. No person except a law enforcement officer in the performance of such officer's official duties or a nuisance wildlife specialist with a permit issued pursuant to section 11-0522-b 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 such person 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.

4-a. The prohibitions contained in subparagraph two of paragraph a of subdivision four of this section shall not apply to a nuisance wildlife specialist with a permit issued pursuant to section 11-0522-b of this article acting in furtherance of the site specific deer management plan; provided, however: (a) prior to the discharge of a firearm within five

hundred feet of any dwelling houses, structures, schools or playgrounds, the owners or lessees thereof have been notified by certified mail of the date or dates and time period of the expected activity; and (b) prior to the discharge a firearm within two hundred fifty feet of such dwelling houses, structures, schools or playgrounds all the owners or lessees thereof have provided written consent.

§ 5. The department of environmental conservation, following consultation with the town of Huntington shall prepare a report examining the effectiveness of the town of Huntington deer management pilot program established pursuant to section 11-0522-b of the environmental conservation law in addressing deer overpopulation and the effectiveness in addressing destruction to public or private property in the town of Huntington as well as the impacts on surrounding communities. The report shall include estimates regarding the size of the deer population in the town of Huntington prior to the issuance of deer cull permits pursuant to section 11-0522-b 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.