

ASSEMBLY AGRICULTURE AND NATURAL RESOURCES
COMMITTEE

STATEMENT TO
ASSEMBLY, No. 4160

with committee amendments

STATE OF NEW JERSEY

DATED: OCTOBER 13, 2016

The Assembly Agriculture and Natural Resources Committee reports favorably, and with committee amendments, Assembly Bill No. 4160.

This bill, as amended, would amend and supplement the law, in several different ways, as it pertains to deer and deer hunting. In particular, the bill would:

- 1) expand the law relating to deer depredation control activities;
- 2) add a Statewide, general prohibition against the feeding of deer;
- 3) clarify the law pertaining to deer baiting; and
- 4) establish a uniform procedure by which monetary donations can be made by hunters to the non-profit organization Hunters Helping the Hungry.

State law currently allows the Division of Fish and Wildlife in the Department of Environmental Protection (DEP) to authorize a land owner or lessee, or the authorized agent thereof, through the issuance of a permit, to engage in deer depredation control activities only on land that is “under cultivation,” as defined by statute. The bill would amend the current relevant sections of law to additionally allow the Division of Fish and Wildlife to authorize a land owner or lessee, or the authorized agent thereof, through the issuance of a permit, to engage in deer depredation control activities on forested land that is the subject of a forest stewardship plan, forest management plan, or woodland management plan. The bill would authorize the Division of Fish and Wildlife to require:

- 1) the owner or lessee of land under cultivation to provide evidence that deer damage has occurred on the land under cultivation within the preceding 12 months; and
- 2) the owner or lessee of forested land to submit evidence from a forester that the nature and extent of deer damage within the preceding 12 months interferes with the goals of the woodland management plan, forest management plan, or forest stewardship plan.

The bill would additionally establish a new, and general, prohibition against the feeding of deer and the enticing of deer to feed through the placement or improper storage of edible materials or deer

attractants. The bill would, however, explicitly exempt from this general prohibition the authorized use and placement of bait for deer hunting purposes, and the feeding of deer at a deer farm. The bill would, moreover, amend the law pertaining to the baiting of deer, in order to make it clear that such baiting may be undertaken only:

- 1) for the purposes of hunting;
- 2) by a hunter who has been licensed or permitted by the Fish and Game Council; and
- 3) following the hunter's receipt of authorization therefor from the Fish and Game Council.

The law, as currently worded, indicates that deer baiting may be engaged in at any time, by any person, and without first obtaining authorization therefor. The bill would instead expressly grant the Fish and Game Council the power to authorize a hunter to:

- 1) use bait to lure deer for the purposes of hunting;
- 2) kill, shoot, injure, wound, or take a deer, or have a firearm or other weapon in the hunter's possession, within any distance of a baited area; and
- 3) be elevated, when using a baited area, in a tree or other structure, which lies within any distance of the baited area.

The Fish and Game Council would further be authorized to adopt any administrative rules that may be necessary to regulate the baiting of deer in accordance with the bill's provisions. The bill's baiting authorization would not be extended to permittees engaged in depredation activities on forested land or land under cultivation.

Finally, the bill would establish within the State's "hunters' and anglers' license fund," a special account to be known as the "Hunters Helping the Hungry Fund." Hunters Helping the Hungry (HHH) is a nonprofit organization that works with regional food banks to provide hungry State residents with nutritious, high-protein venison meat, which has been donated to the organization by deer hunters. Although, in 2001, HHH received a legislative grant of \$95,000, and in 2003, obtained a \$50,000 grant from the Division of Fish and Wildlife, since that time the organization has relied upon private donations to effectuate its mission.

In order to support the venison donation program currently overseen and managed by this organization, and in order to encourage hunters to make the private monetary contributions needed to sustain such a program, the bill would require the Division of Fish and Wildlife, on each new application or renewal application for a recreational hunting license, depredation control permit, or special deer management permit, or on any other hunting or fishing license or permit issued thereby, to provide the applicant with the opportunity to indicate thereon, using a check-off style format, that the applicant wishes an enclosed monetary contribution to be donated to the "Hunters Helping the Hungry Fund."

Although the bill would provide that any costs incurred by the DEP for the collection of funds or the administration of the donation program may be deducted from the receipts obtained from donations, the bill would require the remaining moneys to be deposited into the “Hunters Helping the Hungry Fund” and annually appropriated by the Legislature to the DEP, for distribution to HHH or to another nonprofit organization which, as determined by the DEP, has a substantially similar purpose and mission. The bill would further require those distributed funds to be used by HHH or by such other similarly purposed nonprofit organization, as the case may be, for the purposes of administering, maintaining, facilitating, and expanding the venison donation program.

COMMITTEE AMENDMENTS

The committee amendments make technical corrections to the bill.