

ASSEMBLY, No. 2863

STATE OF NEW JERSEY
214th LEGISLATURE

INTRODUCED JUNE 10, 2010

Sponsored by:
Assemblyman ALBERT COUTINHO
District 29 (Essex and Union)

SYNOPSIS

Authorizes counties to develop community based deer management plans and apply for special deer management permits for county-owned lands.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning community based deer management plans for
2 county-owned lands and amending P.L.2000, c.46.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

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7 1. Section 1 of P.L.2000, c.46 (C.23:4-42.3) is amended to read
8 as follows:

9 1. a. Whenever a county board of agriculture determines that a
10 farm or farms located within the county has incurred significant
11 crop damage caused by deer, based on evidence submitted by the
12 county board of agriculture or the Center for Wildlife Damage
13 Control in the New Jersey Agriculture Experiment Station at
14 Rutgers, The State University, the county board of agriculture may
15 apply to the Division of Fish and Wildlife for designation of a
16 special deer management area. The application shall describe the
17 nature and extent of crop damage incurred, and delineate the area
18 proposed for designation as a special deer management area. If the
19 division determines that the significant crop damage has been
20 caused by an overpopulation of deer in the area described in the
21 application, it shall designate it as a special deer management area.
22 In designating a special deer management area, the division may,
23 after consultation with the county board of agriculture, modify the
24 area proposed for designation in an application. The county board
25 of agriculture or the division may request the Center for Wildlife
26 Damage Control to coordinate and facilitate the application and
27 designation of a special deer management area pursuant to this
28 subsection.

29 b. Whenever a municipality determines that the deer population
30 has caused significant damage to property, not including damage to
31 agricultural property, in the municipality or has caused a significant
32 number of vehicle collisions therein, the municipality may apply to
33 the Division of Fish and Wildlife for designation of a special deer
34 management area. Two or more municipalities may submit a single
35 application for the designation of an area that includes more than
36 one municipality. The application shall describe the nature and
37 extent of property damage or vehicle collisions caused by deer, and
38 delineate the area proposed for designation as a special deer
39 management area. If the division determines that the significant
40 damage to property or **[the]** a significant number of vehicle
41 collisions has been caused by an overpopulation of deer in the area
42 described in the application, it shall designate it as a special deer
43 management area. In designating a special deer management area,
44 the division may, after consultation with the municipality, modify
45 the area proposed for designation in an application.

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 c. Whenever the owner or operator of an airport determines
2 that the existing population of deer within its boundaries and
3 immediately adjacent property constitutes a hazard to the safe
4 operation of aircraft, the owner or operator of the airport may apply
5 to the Division of Fish and Wildlife for designation of a special deer
6 management area. The application shall describe the nature and
7 extent of the hazard to safe operations of aircraft, and delineate the
8 area proposed for designation as a special deer management area. If
9 the division determines that there is a hazard to the safe operation
10 of aircraft at the airport due to deer in the area described in the
11 application, it shall designate it as a special deer management area.
12 In designating a special deer management area, the division may,
13 after consultation with the owner or operator of the airport, modify
14 the area proposed for designation in an application.

15 d. Whenever a county governing body determines that the deer
16 population has caused significant damage to property, not including
17 damage to agricultural property, in the county or has caused a
18 significant number of vehicle collisions therein, the county
19 governing body may apply to the Division of Fish and Wildlife for
20 designation of a special deer management area. The application
21 shall describe the nature and extent of property damage or vehicle
22 collisions caused by deer, and delineate the lands owned by the
23 county proposed for designation as a special deer management area.
24 If the division determines that the significant damage to property or
25 a significant number of vehicle collisions has been caused by an
26 overpopulation of deer in the area described in the application, it
27 shall designate it as a special deer management area. In designating
28 a special deer management area, the division may, after consultation
29 with the county governing body, modify the area proposed for
30 designation in an application.

31 (cf: P.L.2000, c.46, s.1)

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33 2. Section 2 of P.L.2000, c.46 (C.23:4-42.4) is amended to read
34 as follows:

35 2. a. Upon submission of an application pursuant to section 1
36 of **[this act]** P.L.2000, c.46 (C.23:4-42.3), or at any time thereafter,
37 a county board of agriculture, municipal governing body **[or]** ,
38 owner or operator of an airport , or county governing body may
39 submit to the division for its approval a community based deer
40 management plan proposing alternative control methods to reduce
41 the number of deer in an area designated as a special deer
42 management area pursuant to section 1 of **[this act]** P.L.2000, c.46.
43 A county board of agriculture, municipal governing body **[or]** ,
44 owner or operator of an airport , or county governing body may
45 submit a community based deer management plan concurrently with
46 an application to the division for designation of a special deer
47 management area.

1 Two or more municipalities may submit a single community
2 based deer management plan for a special deer management area
3 that covers more than one municipality.

4 The county board of agriculture or the division may request the
5 Center for Wildlife Damage Control in the New Jersey Agricultural
6 Experiment Station at Rutgers, The State University, to coordinate
7 and facilitate the development of a community based deer
8 management plan.

9 b. A community based deer management plan shall:

10 (1) delineate the boundaries of the special deer management
11 area;

12 (2) describe the proposed alternative control methods to reduce
13 the number of deer in the special deer management area, which may
14 include the methods authorized pursuant to section 3 of **[this act]**
15 P.L.2000, c.46 (C.23:4-42.5);

16 (3) identify any organization that will participate in the
17 implementation of the alternative control methods proposed in the
18 plan, and describe its qualifications;

19 (4) describe the methods that will be used to notify the public,
20 including residents located within and adjacent to the special deer
21 management area, of the alternative control methods proposed in
22 the plan and the specific times and the specific places when and
23 where they will be used;

24 (5) describe the precautions that will be taken to ensure the
25 safety of the public;

26 (6) document the written consent of each affected landowner for
27 access to that person's land if access to private property is necessary
28 to implement the plan;

29 (7) attach a resolution, adopted by the governing body of the
30 municipality in which the special deer management area is located,
31 which endorses the community based deer management plan ,
32 except this requirement shall not apply to a community based deer
33 management plan submitted by a county governing body for lands
34 owned by the county ; and

35 (8) include such additional information as the division may
36 determine to be necessary to properly review a community based
37 deer management plan.

38 c. The division shall promptly review a community based deer
39 management plan submitted pursuant to **[this act]** P.L.2000, c.46 ,
40 and either approve the plan, approve the plan subject to
41 modification, or disapprove the plan and return it to the applicant
42 setting forth in writing the reasons for its decision. If the division
43 approves a community based deer management plan, the division
44 shall submit it to the Fish and Game Council for its review and
45 action pursuant to section 3 of **[this act]** P.L.2000, c.46 (C.23:4-
46 42.5).

47 d. Whenever practicable, a community based deer management
48 plan shall provide for the donation of deer in accordance with the

1 venison donation program established pursuant to section 1 of
2 P.L.1997, c.268 (C.23:4-42.7) .

3 e. For the purposes of **[this act]** P.L.2000, c.46 (C.23:4-42.3 et
4 seq.), "alternative control method" or "alternative deer control
5 method" means any technique, other than traditional hunting,
6 employed to reduce a deer population, which may include, but need
7 not be limited to, controlled hunting, shooting by an authorized
8 agent, capture and euthanization, capture and removal, and fertility
9 control.
10 (cf: P.L.2000, c.46, s.2)

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12 3. This act shall take effect immediately.

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STATEMENT

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17 This bill would authorize a county governing body to develop
18 community based deer management plans and apply for special deer
19 management permits for county-owned lands when the county
20 governing body determines that the deer population has caused
21 significant damage to property, not including damage to agricultural
22 property, in the county or has caused a significant number of
23 vehicle collisions therein.

24 The bill would amend P.L.2000, c.46 (C.23:4-42.3 et seq.),
25 which established in law procedures to be followed for a county
26 board of agriculture, municipal governing body, or owner or
27 operator of an airport to receive approval from the Department of
28 Environmental Protection's Division of Fish and Wildlife for a
29 community based deer management plan. Under the current law,
30 two or more municipalities may submit one plan for a special deer
31 management area that covers more than one municipality; however,
32 a county governing body may not submit a plan.

33 This bill would amend the law to allow a county governing body
34 to apply directly for approval of a community based deer
35 management plan and a special deer management permit for county-
36 owned lands when the county governing body determines that the
37 deer population has caused significant damage to property, not
38 including damage to agricultural property, in the county or has
39 caused a significant number of vehicle collisions therein. The bill
40 also provides that a county governing body would not need to
41 obtain a resolution, adopted by the governing body of the
42 municipality in which the county-owned lands are located, as part
43 of its application to the Division of Fish and Wildlife.