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

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

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

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

   b. Whenever a municipality determines that the deer population has caused significant damage to property, not including damage to agricultural property, in the municipality or has caused a significant number of vehicle collisions therein, the municipality may apply to the Division of Fish and Wildlife for designation of a special deer management area. Two or more municipalities may submit a single application for the designation of an area that includes more than one municipality. The application shall describe the nature and extent of property damage or vehicle collisions caused by deer, and delineate the area proposed for designation as a special deer management area. If the division determines that the significant damage to property or the significant number of vehicle collisions has been caused by an overpopulation of deer in the area described in the application, it shall designate it as a special deer management area. In designating a special deer management area, the division may, after consultation with the municipality, modify 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.
c. Whenever the owner or operator of an airport determines that the existing population of deer within its boundaries and immediately adjacent property constitutes a hazard to the safe operation of aircraft, the owner or operator of the airport may apply to the Division of Fish and Wildlife for designation of a special deer management area. The application shall describe the nature and extent of the hazard to safe operations of aircraft, and delineate the area proposed for designation as a special deer management area. If the division determines that there is a hazard to the safe operation of aircraft at the airport due to deer in the area described in the application, it shall designate it as a special deer management area. In designating a special deer management area, the division may, after consultation with the owner or operator of the airport, modify the area proposed for designation in an application.

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

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

2. a. Upon submission of an application pursuant to section 1 of [this act] P.L.2000, c.46 (C.23:4-42.3), or at any time thereafter, a county board of agriculture, municipal governing body [or] an owner or operator of an airport [or] a county governing body may submit to the division for its approval a community based deer management plan proposing alternative control methods to reduce the number of deer in an area designated as a special deer management area pursuant to section 1 of [this act] P.L.2000, c.46. A county board of agriculture, municipal governing body [or] an owner or operator of an airport [or] a county governing body may submit a community based deer management plan concurrently with an application to the division for designation of a special deer management area.
Two or more municipalities may submit a single community
based deer management plan for a special deer management area
that covers more than one municipality.

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

b. A community based deer management plan shall:

(1) delineate the boundaries of the special deer management
area;
(2) describe the proposed alternative control methods to reduce
the number of deer in the special deer management area, which may
include the methods authorized pursuant to section 3 of [this act]
P.L.2000, c.46 (C.23:4-42.5);
(3) identify any organization that will participate in the
implementation of the alternative control methods proposed in the
plan, and describe its qualifications;
(4) describe the methods that will be used to notify the public,
including residents located within and adjacent to the special deer
management area, of the alternative control methods proposed in
the plan and the specific times and the specific places when and
where they will be used;
(5) describe the precautions that will be taken to ensure the
safety of the public;
(6) document the written consent of each affected landowner for
access to that person's land if access to private property is necessary
to implement the plan;
(7) attach a resolution, adopted by the governing body of the
municipality in which the special deer management area is located,
which endorses the community based deer management plan, except
this requirement shall not apply to a community based deer
management plan submitted by a county governing body for lands
owned by the county; and
(8) include such additional information as the division may
determine to be necessary to properly review a community based
deer management plan.

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

d. Whenever practicable, a community based deer management
plan shall provide for the donation of deer in accordance with the
venison donation program established pursuant to section 1 of P.L.1997, c.268 (C.23:4-42.7).

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

(cf: P.L.2000, c.46, s.2)

3. This act shall take effect immediately.

STATEMENT

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

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

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