

Proposed Local Law Number 4 Of 2021

County of Ulster

A Local Law Authorizing Participation In The Hunting Pilot Program For 12 – 13 Year Old Deer Hunters

BE IT ENACTED, by the Legislature of the County of Ulster, as follows:

SECTION 1. LEGISLATIVE INTENT.

Environmental Conservation Law §11-0935 establishes a pilot program wherein a hunting license holder who is 12 or 13 years of age may hunt deer with a crossbow, rifle, shotgun or muzzle loading firearm in areas where, and during the hunting season in which, such implements may be used. This law requires that in order to be an “eligible area”, a county must pass a local law authorizing participation in the pilot program.

Sporting activities have a positive impact on the local and statewide economy. Participation in sporting activities, including deer hunting, has significantly increased, including the number of individuals completing hunter education programs and purchasing hunting and other sporting licenses across the State. Prior to the adoption of Environmental Conservation Law §11-0935, 49 out of 50 States, with New York being the exception, permitted 12 and 13 year-olds to hunt big game such as deer with a firearm.

Hunting with youth provides quality time for parents, guardians and other mentor figures to bond with their children, other family members and friends in an outdoor setting and presents an excellent opportunity to introduce youth to nature, stewardship, conservation, and responsible wildlife management. Hunting with youth also provides an opportunity to mentor and instruct youth hunters regarding safe and responsible hunting.

As such, the purpose of this Local Law is to authorize Ulster County to participate in the hunting pilot program established for 12-13 year old deer hunters, in accordance with Environmental Conservation Law Section 11-0935 (ECL §11-0935).

SECTION 2. HUNTING PILOT PROGRAM.

The hunting pilot program established for 12-13 year-old deer hunters, as enacted by the New York State Legislature in the Fiscal Year 2021-2022 Budget Bill, is defined as a temporary pilot program for upstate counties through December 31, 2023.

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ECL §11-0935 provides that a hunting license holder who is 12 or 13 years of age may hunt deer with a crossbow, rifle, shotgun or muzzle-loading firearm as provided for in ECL §11-0935 in an eligible area as that term is defined in ECL §11-0935(2) provided that:

2.1 such minor is accompanied by their parent or legal guardian, or by a person designated in writing by such parent or legal guardian on a form prescribed by the Department of Environmental Conservation who is 21 years of age or older;

2.2 such parent, guardian or person has had at least three (3) years' experience in hunting deer; and

2.2.1 such parent, guardian or person holds a hunting license; and

2.2.2 such parent, guardian or person maintains physical control over the minor at all times while hunting. For the purposes of this paragraph "physical control" shall mean that the physical proximity of such minor to the parent, guardian or person is such that the parent, guardian or person is reasonably able to issue verbal directions and instructions, maintain constant visual contact, and otherwise provide guidance and supervision to the minor; and

2.2.3 such parent, guardian or person and the minor remain at ground level at all times while hunting; and

2.3 such parent, guardian or person and the minor shall each display either a minimum total of 250 square inches of solid fluorescent orange or pink or patterned fluorescent orange or pink consisting of no less than 50% fluorescent orange or pink material worn above the waist and visible from all directions, or a hat or cap with no less than 50% of the exterior consisting of solid fluorescent orange or pink material and visible from all directions.

SECTION 3. ULSTER COUNTY OPT-IN.

Ulster County hereby authorizes participation in the Hunting Pilot Program which allows 12-13 year-olds to hunt deer within Ulster County in accordance with the provisions of ECL §11-0935.

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SECTION 4. SEVERABILITY.

If any provision of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, then such adjudication, shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the particular provision directly involved in the controversy in which such judgment shall have been rendered.

SECTION 5. FILING.

A copy of this local law shall be sent to the New York State Department of Environmental Conservation in accord with the provisions of ECL §11-0935(2) as well as to the New York State Secretary of State.

SECTION 6. EFFECTIVE DATE.

This Local Law shall take effect upon its filing with the New York State Secretary of State.