

New York State Conservation Council Inc.
8 East Main Street, Ilion, New York 13357-1899

MEMORANDUM IN SUPPORT

Amend the environmental conservation law to lower the age for universal hunting licenses from fourteen years old to twelve years old.

This change would allow junior hunters to take big game with firearms at age twelve under the supervision of an experienced hunter. Currently, juniors can hunt small game with a firearm at twelve years of age and big game at fourteen.

The NYSCC strongly supports the expansion of opportunities for youth to hunt big game. Enabling more young people to hunt big game with a firearm can foster lifelong participation in this outdoor sport thus increasing the number of hunters and maintaining their role in managing deer populations across the state.

The DEC's current five-year deer management plan strongly recommends that the minimum age for big game hunting with a firearm be lowered to twelve. Nationally, all states allow youth age twelve to hunt big game with a firearm and 60% have an even lower minimum age. As a result, many young hunters are travelling to adjacent states to hunt deer and bear.

Since 1991, youth have been able to hunt small game with a firearm at twelve years of age. In 2008, the minimum age for hunting big game with a firearm was reduced from sixteen to fourteen. This change would complete the process of bringing New York in line with all other states.

Concurrent with the 2008 change, New York established the Mentored Youth Hunting Program which provided for supervision by experienced hunters in order to develop a strong safety ethic in young hunters. The results from this program and from other states show that mentored young hunters are clearly among the safest groups afield.

These changes have had a positive impact on the young hunters and their families, participation in outdoor sports, state and local economies and funding for natural resources protection.

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01/08/20



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MEMORANDUM IN OPPOSITION

Legislation that would raise the minimum age at which individuals are permitted to possess rifles and shotguns to twenty-one from the current age of sixteen.

The NYS CC believes that this change is entirely unwarranted.

Proponents assert that this restriction is necessary to “protect the public from the dangerous misuse of firearms.” There is, however, no creditable evidence that legal possession by individuals within the ages of sixteen through twenty poses a greater risk than any other age group. In fact, available data would indicate that they are in reality a much safer group.

This proposal appears to be an ill-conceived and misdirected response to a single incident where, in fact, the proximate cause was not the accessibility of firearms but the failure of multiple government agencies to address a clear and present danger. The government “dropped the ball.” The law abiding should not have to pay.

As of this date, no state has a categorical ban on the possession of rifles and shotguns by persons eighteen of age. The vast majority of states have a minimum possession age of sixteen or less for rifles and shotguns.

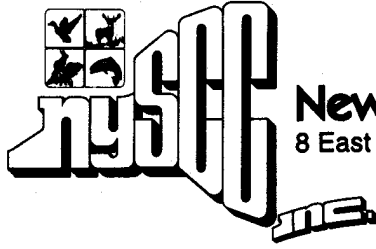
The effect of this change would be to stigmatize a whole group of young adults. 80% of the individuals who would be impacted are considered old enough to join the military (where they are allowed to use firearms), and 60% are eligible to vote. Moreover, it would impede, if not preclude completely, their participation in a wide range of training, recreational and competitive activities on the local through international levels.

Legislative effort would be more profitably directed at addressing the root cause of such incidents – the failure to deliver proper supervision and treatment of those who have been identified as posing a risk to themselves and others.

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MEMORANDUM IN SUPPORT

Establish a minimum age ten and define the circumstances for juveniles to possess rifles, shotguns and air guns.

The NYSCC supports legislation that would set the minimum age at which individuals are permitted to use rifles, shotguns and air guns under supervision at ten. This would bring New York in line with the rest of the nation and permit New York residents age ten and up to participate in national competitive programs designed for this age group.

Sound training is the single greatest measure that we can take to further firearms safety. Providing the means and environment for instilling safe handling practices ensures the welfare of everyone. This legislation would allow young shooters to acquire the requisite skills and safe habits at an early age while participating in supervised programs prior to entering the fields as hunters.

Juniors can hunt small game with firearms at twelve years of age and big game with a bow at fourteen. The DEC's current five-year deer management plan calls for the big game age to be lowered to twelve, bringing New York in line with all other states. It makes a great deal of sense that individuals who are going to be legally hunting be given training and encouraged to develop the firearms handling skills required for safe hunting before they go afield.

This change would also allow individuals to participate in national competitive shooting programs developed for this age group. Participation in both local and national sports shooting programs builds character and preserves our heritage. These activities are sponsored not only by shooting sports organizations but by the Boy Scouts, 4H and the American Legion.

Studies and statistics show that young hunters are among the safest groups afield. The early training of our youth in the safe and responsible handling of firearms and their participation in local and national sports shooting programs is the foundation of firearms safety both in the field and on the range.

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MEMORANDUM IN SUPPORT

Repeal the restrictions, background checking and record keeping requirements for the retail sale of ammunition imposed by the SAFE Act.

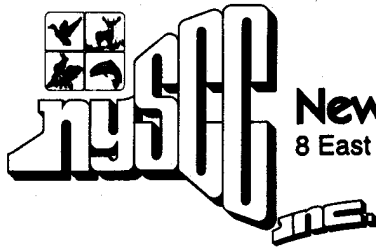
The NYSCC fully supports legislation to this effect. The registration of ammunition sales has been tried on a nationwide basis and has been found "wanting of purpose." It provides no deterrent to the offenders and does not provide even exploratory leads to help in the investigation of firearms offenses. It merely adds costs that are ultimately paid by the consumer with utterly no economic or social benefit.

Registration of ammunitions sales was instituted by the Gun Control Act of 1968 (GCA68). Record keeping for rifle and shotgun ammunition was repealed in 1969. All record keeping requirements for ammunition sales were eliminated in 1986. The record keeping requirement was determined to have no useful purpose in keeping ammunition out of the hands of ineligible persons or in providing information to investigators.

The imposition of this procedure will pose a burden on retailers for whom ammunition sales are a small part of their business. This is particularly true in rural areas where general stores, convenience stores, etc. sell sporting ammunition as a convenience to their customers. Ultimately, this requirement will put a financial burden on consumers, retailers and the taxpayers, all to fund a system that has little potential for detecting anything illegal.

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MEMORANDUM IN OPPOSITION

Amending the agriculture and markets law by expanding the scope of the aggravated cruelty to animals prohibition to include wildlife.

The New York State Conservation Council is opposed to making this change. It would extend coverage of the animal cruelty law to cover wildlife – an area that is was never intended to cover. It is much too likely to result in attempts at “legislation by litigation.”

We believe that if this proposal is enacted hunters, fishermen and trappers will be at risk for malicious prosecution by those opposed to all forms of wildlife harvesting. By declaring all forms of hunting, trapping and angling to be (as it may be in their eyes) aggravated cruelty, spurious but well publicized charges could follow, necessitating a costly, if eminently successful, legal defense.

While there can be no justification for cruelty to wildlife, the proposed changes are neither necessary nor desirable. Cruelty to wildlife can be punished under current law, albeit at the misdemeanor level. The implementation of broad statutory changes, with the potential for unintended consequences, to address an isolated egregious incident is a poor legislative practice.

While the proponents state that nothing contained in the proposal “shall be construed to prohibit or interfere in any way with anyone lawfully engaged in hunting, trapping or fishing as provided in article eleven of the conservation law,” there are too many words open to interpretation by too many people for us to feel comfortable, particularly when dealing with a felony offense.

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MEMORANDUM IN OPPOSITION

Imposition by the Adirondacks Park Agency of time limits on occupancy in private campgrounds located in the Adirondack Park

The NYSCC supports legislation to prevent the Adirondack Park Agency (APA) from imposing time limits on private campground occupancy for recreational vehicles. These facilities serve a particular market for visitors with a long-term commitment to the park, providing significant income to local communities in the process. Imposing artificial limits on the duration of a space rental will put many of these campgrounds out of business.

The APA has no business micromanaging private businesses that serve a legitimate segment of the visitors to the park, pose no threat to the health of the park and generate badly needed revenue for local communities. The agency appears to be straying from its true purpose of protecting the resource to a goal of socially engineering the composition of the visitor population.

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MEMORANDUM IN OPPOSITION

Prohibiting the operation of all-terrain vehicles in the state forest preserve, Long Island central pine barrens area and Albany pine bush preserve.

The NYSCC opposes this prohibition. While the stated purpose of the proposed legislation is to protect sensitive state forest preserve lands from damage from illegal ATV operation, this is a red herring.

The underlying objective is clearly to prohibit all ATV operation by the public, regardless of purpose or impact. It has less to do with the well-being of the preserves and more to do with the objection of a self-selected consortium to an activity of which they personally do not approve.

Soundly managed ATV access allows members of the public to enjoy legitimate entree to the forest preserve which would otherwise be inaccessible. Appropriate operating practices do not pose any ecological threat to the preserve. The term "within the forest preserve" could even be construed to include all lands physically within the preserve area perimeter but not forest preserve lands (e.g. town roads and trails).

The health of the preserve can be effectively protected via the regulatory process. The development procedure for Unit Management Plans provides ample opportunity for both the public and the state's professional staff to participate in the planning process. This is the proper forum for balancing the mutable desires for public use with the evolving needs of the forest itself. And after all, the public is the owner ne plus ultra.

If law enforcement does not have adequate fiscal or statutory resources to deal with illegal ATV operations, that is the problem that should be addressed. The approach offered by this legislation is akin to dealing with highway traffic violations by shutting down the Thruway.

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02/08/20



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MEMORANDUM IN SUPPORT

Amending the vehicle and traffic law to raise the defined maximum weight for all-terrain vehicles.

The NYSCC supports raising the maximum allowable dry weight for all-terrain vehicles, excluding snowmobiles, from the current 1000 pounds to 1500 pounds.

New York State's definition for all-terrain vehicles has become obsolete. Advances in technology and design have resulted in vehicles that are heavier than the traditional models that were in use when the law was originally written.

The State's failure to update the ATV definition is a hindrance to both new vehicle sales and the collection of registration fees in New York. New vehicle buyers often go out of state to buy and register their ATVs.

There has been some concern regarding the negative environmental impact of ATV usage that would only be increased with heavier vehicles. We believe that this is unlikely. The primary causes of any environmental damage from ATVs, or any off road vehicle for that matter, are poor driving habits and riding in unsuitable areas.

ATVs are both a working tool and a means of recreation. In both cases, they are positive contributors to the state's economy and their legal use should be fully supported by the regulatory structure.

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MEMORANDUM IN SUPPORT

Amending the vehicle and traffic law to exempt from registration all-terrain vehicles used solely on lands owned by or leased to the vehicle owner.

The NYSCC believes all-terrain vehicles should be treated like other motorized vehicles. The owner of an ATV should not be required to register the vehicle when it is used exclusively on his or her own property. This change would give ATVs the same exemption from registration requirements enjoyed by snowmobiles when used solely on land owned or occupied by the vehicle owner.

Registration is not required for conventional motor vehicles that are never operated on a public highway (e.g., lot trucks on farms). The V&T Law already provides an exemption for farm use and snowmobiles. ATVs are the only motorized vehicles that are required to be registered when used exclusively on the owner's property.

Landowners use ATVs in much the same manner as golf carts to get around their property. This is particularly true of individuals with disabilities or limited mobility.

ATVs are often used as utility equipment or maintenance vehicles, much the same as tractors or utility carts. This includes hauling, towing, mowing and "moving dirt." It is more appropriate to treat equipment employed in this manner as a power tool than as a motor vehicle.

There is no justifiable reason for the state to collect a motor vehicle registration fee for a vehicle which literally never leaves the parking lot.

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MEMORANDUM IN SUPPORT

Amend the environmental conservation law to permit the use of live restraint cable devices to take coyotes.

The NYSCC supports amending the ECL to authorize the use of live restraint devices for trapping. Non-powered cable restraints hold captured animals alive and with few, if any, significant injuries. This allows them to be safely used in locations where other types of traps would pose a risk to non-target animals and pets.

These traps have been designed for humane capture of wildlife while minimizing injury to the animal. We believe that these devices address the concerns for animal welfare that frequently arise over trapping issues. They have been tested by many state and federal agencies and are currently allowed in 38 states and most Canadian provinces as well as in areas under federal jurisdiction. It is the method used by researchers to capture coyotes to be fitted with tracking collars.

The proposed use of cable restraints is supported by "The Best Management Practices for Trapping," which was produced by the Association of Fish and Wildlife Agencies in one of the most ambitious research projects in the history of the conservation movement. Data collected during the BMP project recognizes properly used cable restraints as an appropriate tool for the safe, selective and practical capture of furbearers and problem animals, specifically eastern coyotes.

This is the preferred method for trapping coyotes in developed areas both because of the restraints' effectiveness as well as their ability to avoid injury to domestic animals. The use of loop stops and breakaway devices can improve selectivity; and if an undesired animal or a domestic pet were accidentally captured, it can be easily released with little or no injury.

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MEMORANDUM IN SUPPORT

Amend the penal law in relation to the sale of ammunition by shooting preserves and shooting clubs.

This NYSCC supports this change. It would permit shooting preserves and shooting clubs to sell ammunition for exclusive use on their premises without being deemed a "seller of ammunition" and thus not be subject to the verification and record keeping requirements imposed upon these sellers.

While the NYSCC believes that the entire ammunition sales regulation structure established by the Secure Ammunition and Firearms Enforcement Act is without merit, the restriction that this act placed on shooting clubs and game preserves is particularly onerous and completely negative in effect.

Clubs and preserves are not in the ammunition business. They sell ammunition to members, clients and their guests as an ancillary service for use on the premises. This is purely a convenience service much as a golf course sells golf balls or a tennis club sells tennis balls.

The requirements of the existing law greatly complicate the conduct of shooter training and safety programs where ammunition is a consumable. Supplying ammunition is a virtual requirement in training new and inexperienced shooters in safe and responsible firearms use.

In addition, several clubs in New York sponsor national and international level competitive shooting events; and as part of their sponsorship, they provide ammunition for competitors who travel by air and are thus unable to bring their own. Sanctioning bodies often require host organizations to provide ammunition for sale for just this reason.

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MEMORANDUM IN OPPOSITION

Providing free hunting, fishing and trapping licenses or a refundable tax credit for active sportsman education instructors.

The NYSCC is opposed to direct or indirect compensation to sportsman education instructors. The sportsman education program in New York originated in the 1950's, predating the current DEC by almost 20 years. It has always been taught by volunteer instructors donating their time, with sportsmen's clubs and other service organizations providing the facilities.

Participation in the sportsman education program is an opportunity for sportsmen and sportswomen to give back to the sport. This provides experienced hunters and trappers with the chance to not only teach safe and responsible hunting and trapping practices but also to instill in newcomers a respect for wildlife and foster wildlife conservation.

The Council does not believe that providing compensation for this service adds anything to the program. This is one of those situations where the "reward is in the doing" and passing on the tradition provides sufficient recoupment.

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The NYSCC's objective is to support hunting in New York both as a sporting tradition and as part of the management program for a healthy wildlife population. The use of crossbows provides an opportunity to bring more hunters into the fields and to keep them coming back in the future.

Crossbows are nearly identical to compound bows in terms of ballistic performance. The principal difference is that they provide this performance in a form that is much more accommodating to hunters without the upper body strength or mobility to effectively use compound or recurve bows.

With 20% of hunters over the age of sixty-five, the crossbow provides a chance for older hunters to return to bow hunting. It also provides an opportunity for others who have physical limitations and for those who just find the crossbow a challenge in its own right. This is beneficial for both the management of the deer population and for the contribution that hunting provides to the economy, particularly in underserved rural areas.

Crossbows are now legal in some form in 46 states. More than half of the states now allow crossbows during the full bowhunting season. These states have seen an increase in the bowhunters through the recruitment of young hunters as well as the retention of older hunters. At the same time, there has also been little or no negative impact on the number of vertical bow hunters as a percentage of the total hunter population.

The bottom line is that the addition of the crossbow has provided states with both an additional tool for population management as well as presenting hunters with additional and more varied opportunities as well as new personal challenges. This is evidenced by the fact that states that have fully integrated the crossbow into their management plans have shown an increase in the number of hunter days afield.

While the legislature is the representative of the people and is responsible for establishing the broad policies reflecting the objectives for wildlife management, the DEC should have the freedom to develop and administer the methodologies needed for implementation.

We believe that the professional staff at the DEC should be empowered to manage the methods to be used and within what parts of the season. Management of habitat and wildlife is complex, requiring both professional training and the experienced gained through actual boots on the ground. This is particularly important in those areas where there is a burgeoning deer population and the use of firearms is precluded.

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MEMORANDUM IN SUPPORT

Access for the disabled and mobility impaired to state forest lands and wildlife management areas

The NYSCC supports efforts to allow disabled and mobility impaired individuals to access outdoor areas and participate in recreational activities to the greatest extent possible. This is particularly critical in the 6 million acre Adirondack Park where "forever wild" restrictions mandate careful management of motorized access.

The NYSCC opposes proposals to establish areas with limited or highly restrictive access for the benefit of a limited number of individuals. This would include such programs as "Quiet Waters" that would set aside areas for carry-in canoeing only. These areas should be accessible to as many people as possible, consistent with the "forever wild" principal.

Furthermore, every effort should be made to support and, indeed, encourage the use and enjoyment of the state's outdoor areas by individuals who can navigate buildings and developed areas without assistance but are unable to venture "off the paved road" without mechanical assistance. Very often statutes and regulations are written with only those who are fully mobility impaired in mind.

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MEMORANDUM IN OPPOSITION

Establishing liability for owners of dogs for injuries caused by such dog without any prior reason to believe that the dog was a dangerous dog.

The objective of this proposal is to remove the requirement that a dog be determined to be a "dangerous dog" prior to determining liability for injuries and damages. The owner of a dog shall be liable for all injuries and damages suffered by any person who is bitten by the dog regardless of the prior behavior or provocation.

The NYSCC is opposed to this change. Under current law, the petitioner is required to establish that the dog is, in fact, a dangerous dog through "clear and convincing evidence." Under the proposed changes, all dogs would be deemed dangerous, regardless of circumstances.

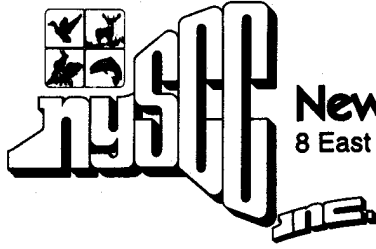
The effect of the proposed changes would be to make dog owners liable for all injuries and damages inflicted by the dog barring outright assault on the dog or its owner. Under this proposal, the owner would be liable irrespective of having taken preventative steps or of actions taken by the victim. An accidental bite inflicted by a friendly dog engaged in play could become the basis for litigation.

This proposition is much too open ended nor has there been any compelling argument as to the need for this change. Its only visible reason appears to be easing the path to the courthouse.

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MEMORANDUM IN OPPOSITION

Provide for the regulation of and sets standards for the tether, restraint and sheltering of dogs.

The NYSCC believes that the proffered changes, although no doubt well intended, attempts to impose a one-size-fits-all set of restrictions and conditions covering an area of both great breadth and widely varying circumstances. This is the reason local laws vary and can be seen by someone outside of the area as vague and/or contradictory.

A level of micromanagement that might well be desirable in the concrete canyons of "a city over one million" is entirely unnecessary and inappropriate in "cow country."

For example, one proposal specifies that collars and harnesses must be made exclusively of nylon or leather. This would appear to make illegal the use of articles made of polypropylene (very widely used) or cotton (often used for its non-chafing and moisture absorbing characteristics). Eco-friendly soy fiber is also apparently out of the question.

Purpose built indoor/outdoor kennels would also appear to be of questionable legality.

Local authorities have the competence to deal legislatively with this issue in accordance with local contexts. Police officers and agents of societies for the prevention of cruelty to animals clearly have the authority to take possession of illegally confined or mistreated animal. They may also ticket, summon or arrest violators.

Regulation is best left in the hands of local authorities who are well acquainted with the matters at hand and fully empowered to providing adequate oversight.

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MEMORANDUM IN SUPPORT

Repeal the provisions of the environmental conservation law requiring hunters to display back tags.

The NYSCC supports elimination of the statutory requirement that mandates the display of back tags while hunting. This is a change whose time has come. Back tags no longer serve a practical purpose, as evidenced by the fact that they are no longer required in any other state.

The tag requirement is an annoyance to hunters. Both bow and gun hunters find back tags to be noisy when moving through the woods. They also require hunters to poke holes in expensive (and formerly waterproof) hunting clothes. Definitely not GORE-TEX friendly.

The tag has to be frequently moved from garment to garment as weather changes necessitate de-layering. Forget or lose the tag in the process and one faces a fine of \$25 and potential license forfeiture.

Even in New York, back tags are not required to be worn while hunting in the Northern Zone and the Catskill Park, which comprise almost 50% of New York's land area. This bill would simplify the existing regulations by eliminating confusion along the border areas of today's back tag and no back tag areas.

It is time to drop this superfluous requirement. They have become a vestigial icon and a small but unnecessary additional expense to the state.

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MEMORANDUM IN OPPOSITION

Provides for the imposition of restrictive business practices and additional record keeping requirements on firearms and ammunition dealers.

The NYSCC opposes these proposals as unnecessarily burdensome. They would be particularly problematic for to the small businesses that serve rural areas and provide the only practicable source of hunting supplies for both residents and visitors. Many are secondary businesses that provide this service as a convenience to their regular customers.

There is no justification for the imposition of the mandates, restrictions and duplication contained in these proposals. There is absolutely no evidence that any of these changes would have any impact on the ability of ineligible individuals to acquire firearms or on the trafficking in illegal weapons. With the level of regulation currently in effect in this state, the term "rogue dealer" is not applicable.

This legislation would impose a particular burden on hunters and landowners in the rural areas of the state. The cost of compliance would force small rural retailers who sell small quantities of ammunition to local farmers and hunters to stop stocking ammunition – an inconvenience to local residents and no crimes prevented. The overhead and regulatory labyrinth imposed would drive the small and part-time dealers currently serving the needs of their communities out of business.

This is clearly a situation where the sponsors of the legislation have no real understanding of the firearms business or of the regulatory practices already in place at both the state and federal levels. If the objective of this legislation is to reduce trafficking in illegal weapons and to make it more difficult for criminals to obtain firearms and ammunition, these bills are focused on the wrong part of the supply chain.

The result is pointless imposition of costs, the fabrication of "annoyance mandates," and the establishment of bureaucratic overhead with no coherent relationship to achieving a legitimate state objective. This legislation has the potential to impose huge costs on dealers, and ultimately consumers, while providing no perceptible benefit. It appears to be designed for the sole purpose of driving gun dealers out of business.

Many of the “new” mandates are redundant, duplicating existing state and federal procedural and record-keeping requirements. They would impose additional restrictions with no demonstrable potential for precluding any injury that would substantiate a need for such draconian state action.

Dealers would be required to obtain insurance coverage that does not exist. Insurance products are designed under certain elemental principles, one of which is that it is intended to cover losses due to unexpected events, not damage due to intentional behavior. Thus, no insurance underwriter is going to provide coverage for willful or illegal acts. Nor will they provide coverage for the down-stream actions of unrelated third parties.

This proposal would set up a completely new licensing system in the Division of Criminal Justice Services for licensing dealers in handguns and/or ammunition. This is on top of the existing licensing system administered by the counties, which would not be repealed and would therefor presumably remain in effect. We do not see any purpose to this system, since it is completely redundant and thus satisfies no currently unmet regulatory requirement.

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MEMORANDUM IN OPPOSITION

Prohibition of firearms as prizes in games of chance

The NYSCC is opposed to the imposition of this prohibition. The firearms that are offered in these events are legitimate sporting equipment and there is no reason for prohibiting their inclusion as prizes in an entirely lawful nonprofit or charitable activity.

The transfer of any firearm won in a raffle is completed in the same manner as a normal retail purchase with the appropriate NICS check and paperwork. These transactions are subject to all the normal state and federal laws including adherence to any applicable licensing or age restrictions. Accordingly, these raffles pose no unique risk to public safety.

The inclusion of firearms and other outdoor sporting equipment as prizes in fund raising activities has a long tradition throughout New York State. It should be remembered that throughout much of the state hunting and competitive marksmanship are an integral part of the culture as well as a vital component of the state's wildlife management program.

Volunteer fire departments, churches, veterans groups, conservation federations and other not-for-profit organizations use these events as staples in their fund raising activities. The income raised from these activities is a vital component of the funding for these organizations' charitable and community service activities.

Legislation of this type is truly "a solution in search of a problem." There is absolutely no evidence that the inclusion of firearms as raffle prizes in any way contributes to violent or otherwise illegal activity.

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MEMORANDUM IN SUPPORT

Require the Department of Environmental Conservation to review laws and policies pertaining to free or reduced cost hunting and fishing licenses.

The NYSCC supports this initiative. With a steady stream of bills proposing free or reduced cost licenses to various groups, usually 20 to 25 per session, we believe that an understanding of the costs involved and the development of a common process for handling these proposals is needed.

It is entirely appropriate for the legislature to, at least in part, recognize the sacrifice incurred in military service, the value of volunteer public service or the needs of the disabled through the waiver of recreational license and access fees. The state is obligated, however, to recognize the cost of these waivers and ensure that they are shared equitably across the general population.

The Council is particularly concerned about any negative impact on the Conservation Fund. This is a dedicated account that receives its funding from fishing, hunting and trapping license fees and is committed to the state's fish and wildlife conservation efforts.

License sales are also one of the factors that determine the state's share of federal excise tax funds under the Wildlife and Sport Fish Restoration Program. Free licenses are specifically excluded from the distribution formula.

In the 2015-2016 license sale year, free licenses and tags cost the Conservation Fund \$1,174,936 in revenue. This was compounded by a resulting loss of \$309,306 in our federal aid apportionment. A total loss of almost \$1.5 million to restoration funding.

We believe that the state should fund the licenses for which it does not wish to charge using monies appropriated from the General Fund. This assures that the cost is clearly identified and that it is shared across the full tax base and not borne entirely by the entity providing the service.

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MEMORANDUM IN SUPPORT IF AMENDED

Provision of free or reduced cost hunting, fishing and trapping licenses to disabled persons.

This proposal would enable disabled persons to obtain sporting licenses free or at reduced cost. While under existing statutes there are exemptions from some licensing requirements for persons with disabilities, they are limited.

The NYSCC recognizes the desirability of making the state's natural resources available to all its citizens. Eliminating fees to maximize use by disabled persons is certainly an appropriate objective. The state is obligated, however, to recognize the loss of income and ensure that it is shared across the general population.

The negative impact of waivers of sporting license fees on the Conservation Fund is of singular concern to the NYSCC. This is a dedicated account funded by license fees and committed to the state's fish and wildlife conservation efforts.

License sales are also one of the factors that determine the state's share of federal excise tax funds under the Wildlife and Sport Fish Restoration Program. These allocations are based, in part, on the number licenses actually sold; free licenses are excluded.

From both law enforcement and accounting perspectives, the state should pay the fees which it does not collect from the recipient using monies appropriated from the General Fund. This assures that the cost is clearly identified and that it is shared across the full tax base and not borne solely by the entity providing the service.

The Council supports these bills only if licenses are purchased from funds external to the Conservation Fund.

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MEMORANDUM OF SUPPORT WITH CONCERNS

Provide a tax credit to volunteer firefighters and volunteer ambulance workers for hunting and fishing license fees.

The NYSCC supports recognizing the service provided by first responders but is reluctant to fully support these proposals as currently constituted. The Council is specifically apprehensive with respect to any negative impact on the Conservation Fund.

This is a dedicated account that receives its funding from license fees and is committed to fish and wildlife conservation efforts. License sales, both in terms of units and dollars, are also one of the principal factors that determine the state's share of federal excise tax funds under the Wildlife and Sport Fish Restoration Programs.

Whatever methodology the state should employ in issuing free or reduced cost licenses should ensure that the Conservation Fund is credited with the sale of the license and full license fee. This assures that the cost is clearly identified and that it is shared across the full tax base and is not borne entirely by the entity providing the service.

In the 2015-2016 license sale year, free licenses and tags cost the Conservation Fund \$1,174,936 in revenue. This was compounded by a resulting loss of \$309,306 in New York's federal aid apportionment. This results in total loss of almost \$1.5 million to fish and wildlife restoration funding.

The Council would like to see a statutory guarantee that the cost of the tax credits is not later recouped through a charge back to the Conservation Fund. While federal law clearly prohibits diversion of income from sporting licenses used as the basis for matching Wildlife and Sport Fish Restoration Programs funds, reducing the basis by, in effect, refunding license fees might pass muster.

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New York State Conservation Council Inc.
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MEMORANDUM IN OPPOSITION

Prohibition of competitions involving the taking of wildlife

The NYS CC is opposed to the enactment of blanket restrictions on competitions involving the taking of wildlife.

Hunting, as all sports do, engenders a competitive streak. Thus, hunting and trapping contests have been conducted since time immemorial with participants congregating at the end of the day to socialize and compare results and perhaps settle a friendly wager or two. The organization of tournaments only represents a formalization of these activities, often as a fundraiser for a charitable cause.

These contests are not wanton killing events. They are comprised of a number of individual hunts conducted under the same statutes and regulations as any individual hunting or trapping activity. Contrary to often-stated complaints, these contests do not involve any confinement or impairment of fair chase practices.

Regulated hunting activities are a vital component of species management. The stewardship of habitat and wildlife is complex, requiring both professional training and actual boots on the ground. This is best provided by a well-schooled and experienced DEC staff and not by legislative micromanagement.

Broad legislative prohibitions of this type are based on misconceptions and emotion rather than the on the ground knowledge and experience that should prevail.

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New York State Conservation Council Inc.
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MEMORANDUM IN SUPPORT

Amending the agriculture and markets law to clarify that dogs engaged in hunting or training are not running at large.

The NYSCC supports this proposal. The purpose of the proposed change is to ensure that dogs, that while engaged in legal hunting or field training, become separated from their owner or trainer are not deemed to be "running at large" in violation of any local law or ordinance.

Section 122 of the Agriculture and Markets law gives local governments the authority to license and regulate dogs. There is no clear protection in this section that prevents a dog engaged in hunting or field training that has become temporarily separated from its owner or trainer from being deemed running at large, thus violating a local law or ordinance.

This bill would provide that distinction and requires the enforcement authority to make a reasonable effort to reach a fair and just determination. If it is established that the dog was engaged in hunting or training, the owner or trainer could not be charged with any violation related to dogs running at large.

Ensuring that a reasonable effort is made to make this determination will avoid the dog being confined in a shelter, thus stressing the dog and incurring unnecessary costs and fines for the owner who was engaged in a lawful activity.

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MEMORANDUM IN SUPPORT

The investment of moneys in the state fish and game trust account.

The NYSCC supports granting the Comptroller more flexibility in the investment of the funds received through the sale of lifetime hunting, fishing and trapping licenses and privileges. The current investment restrictions deprive the Conservation Fund of vitally needed income for no practicable reason.

Current statutory restrictions limit available investment options for these funds, known as the State Fish and Game Trust Account, to bank deposits and government securities. In a low interest rate environment, this severely constrains the yield, limiting the funds available for the conservation purposes these funds are intended to benefit.

This legislation would give the Comptroller the authority to invest these funds to maximize income under the same guidelines that apply to retirement funds. This is entirely appropriate, given the long-term objective of this account.

Given the current levels of return achieved by the state for these funds, this change could yield between \$2 and \$3 million additional income.

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MEMORANDUM IN SUPPORT

Clarification of the liability of land owners who permit the use of their property for recreational activities.

The NYSCC strongly supports this legislation. Given today's litigious environment, landowners are increasingly reluctant to open their property to public use. By expanding and clarifying the protection against unwarranted lawsuits, landowners and recreational groups will be more willing to open their land to the public for recreational use.

This legislation would ensure that the protection would encompass all recreational activities by providing an affirmative defense to claims of ordinary negligence against landowners who voluntarily provide public access to their land for recreational activities and groups that develop recreational facilities for the public use.

The current statute lists specific activities that are covered, leading to such casuistic parsing as trying to determine if walking is included in hiking. This bill makes clear that the protection for landowners applies when individuals are only traversing their property in order to access recreational facilities on other properties.

These changes would also allow access to facilities, including publicly owned ones, which would otherwise be landlocked.

By clarifying the current law, this change would provide a broad range of recreational opportunities on private lands which are now closed purely as a preemptive measure as landowners are unsure of their potential liability.

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MEMORANDUM IN SUPPORT

Protecting information on hunting, fishing and trapping license and permit applications from disclosure.

The NYSCC fully supports this proposal. The disclosure of this information outside of the DEC serves no legitimate governmental purpose, save for information necessary for justifiable investigative purposes. And there is no private need for access to this information on either a broad or individual basis. It is in the best interests of both the licensees and the general public to limit access to this information to specific requests for the legitimate purposes provided for in the legislation.

In the wrong hands, this information poses an unnecessary risk to public safety. This database contains sensitive personal information such as medical conditions, driver license number and physical attributes, the release of which would be an unwarranted intrusion into an individual's personal privacy. Moreover, the computerized nature of this database and the release in that format would provide for ease of distribution and anonymity of access.

With increasing recognition of the potential damage arising from identify theft and its impact on the personal and financial lives of individuals across the country, releasing an individual's personal information poses a substantial risk that their identity may be stolen. The right of hunters, trappers and anglers to maintain their personal privacy and security entails an obligation of government to protect from unnecessary disclosure personal information submitted to an agency for the limited purpose of obtaining a license or permit.

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MEMORANDUM IN OPPOSITION

Establishment of statutory buck protection programs.

The NYSCC strongly opposes legislative buck protection mandates. It is the policy of the Council to support wildlife and land management through DEC regulation as opposed to management through legislative statute.

We recognize that the legislature is responsible to the people for establishing the policies and objectives for natural resources management. This also entails the obligation to ensure that the implementation of these policies and objectives is effective and based on sound science and best management practices.

This is unlikely to be achieved by legislation that imposes detailed, field level direction by statute on wildlife management; restricts the ability of the DEC to set and adjust season dates, taking methods and bag limits; and attempts to micromanage wildlife populations, locally or on a statewide basis.

Effective administration is best achieved by ensuring that professional staff at the DEC has the authority to develop sound management plans and administer their implementation. The management of habitat and wildlife is complex, requiring both professional training and understanding as well as boots-on-the-ground experience. This is best accomplished by department level management utilizing the existing regulatory process.

Successful management of the whitetail deer population, as with all populations, must ensure that numeric levels and composition are of the appropriate size to meet both the human and ecological carrying capacities placed upon them. Whitetail deer hunting has a part to play, both as a time-honored tradition and a management tool.

Management, by definition, implies a system of processes purposefully designed and implemented to achieve a set of desired results. The DEC is charged with maximizing hunter satisfaction while remaining compliant with its legal mandate to "promote natural propagation and maintenance of desirable species in ecological balance" (ECL §11-0303).

This requires the flexibility to change strategies quickly in response to evolving environments. Such capability is not inherent in a "one-size-fits-all" statute that is difficult and time consuming to change. Antler restrictions are only one alternative among many. A management plan can only be implemented effectively when the managers can alter methodologies in response to changes in the real world environment.

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We believe that the most effective means of achieving the desired population structure is through hunter education and in implementing a regulatory structure that emphasizes achieving desired management goals. Different hunters have different objectives. But today's hunters, taken as a group, are supportive of efforts they see as structured to achieve legitimate wildlife management objectives.

The DEC has developed its management plan to include a variety of strategies to reduce the harvest of young bucks while remaining in harmony with hunter desire. This includes educating hunters on their role in affecting local deer populations and herd composition as well as encouraging those hunters who want to take older bucks to give a pass to young, small-antlered bucks.

There has been a trend toward voluntary participation by the hunting community as a whole in reducing the kill of young bucks. Young bucks currently comprise about 55% of the buck take as compared to 70% a decade ago. Education and free choice appear to be doing the job and we see no need for a complex, brute force mandate.

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MEMORANDUM IN OPPOSITION

Require the owners of firearms to obtain liability insurance.

The NYSCC believes that this is merely another attempt to raise the cost of firearms ownership. It is an effort to impose on to law-abiding gun owners the entire cost of the damages inflicted as a result of criminal activity with which they have no involvement.

The amount and breadth of the coverage that would be required is clearly intended to be so costly as to make firearms ownership unaffordable for a large number of New York sportsmen.

Insurance is designed to cover losses due to unplanned events, not intentional behavior. Thus, no insurance underwriter provides coverage for willful or illegal acts. Nor will they provide coverage for the actions of unrelated third parties. If the legislature were to mandate such coverage, the state would either have to convince insurers to offer such coverage or go into the business itself.

Responsible, law-abiding firearms owners who are envisioned to be the mandated purchasers of this insurance are not the ones responsible for gun violence. Virtually all firearms crimes and the vast majority of accidental firearms shootings are committed by habitual offenders. It is improbable that they would comply with this law any more than they obey currently existing laws and regulations.

This legislation could easily mutate into a very costly top down or no fault payment system. The fallacy is that while these systems depend on a small fraction of the relevant population being non-participants, in this case the vast majority would be outside of the system.

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MEMORANDUM IN OPPOSITION

Requiring that all semi-automatic pistols manufactured or sold in NYS be capable of microstamping cartridge cases upon firing with a unique code identifying the make, model, and serial number of the pistol.

Before it is introduced, a new forensic technology must be proven to be an effective aid to law enforcement in the investigation and prosecution of offenders. The technology proposed here does not meet that standard. While it may demonstrate future potential, it is at this time unproven, both as a technology and as a law enforcement tool.

While the concept of microstamping might seem to offer a powerful forensic tool, this system is clearly "not ready for prime time." It is still an emerging technology that has yet to be proven either operationally or economically viable. Substantial further development and real world testing on a much broader scale than is feasible in a single state will be necessary before any determination can be made as to its technical viability and economic sustainability.

While a yet-to-be-developed microstamping system would appear to have some value to law enforcement, this is not a foregone conclusion. Certainly, it is not the panacea its sponsors tout. Even if this technology does identify a specific firearm, the most it can do is point to the original legal purchaser. It does nothing to put the pistol in the hands of the perpetrator of the crime.

A great deal of work remains to be done in evaluating the real-world performance and the cost of integrating this type of technology into the forensic sciences and the manufacturing world. This must be conducted with the discipline of forensic science, not the fervor of social engineering. Forcing the implementation of this technology on the sportsmen of New York State would be serious mistake.

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MEMORANDUM OF SUPPORT WITH CONCERNS

Providing free hunting, fishing and trapping licenses to members of the active military and to veterans through a tax credit.

The NYS Conservation Council supports the military's dedication and service to our country, wherever in the world they may serve. It is thus entirely appropriate for the legislature to recognize, at least in part, their sacrifice through the waiver of recreational license and access fees. The state is obligated, however, to recognize the cost of these waivers and ensure that they are shared equitably across the general population.

The Council is reluctant to support completely these proposals unless there is a statutory guarantee that the cost will not be later charged backed to the Conservation Fund. The use of a tax credit assures that the cost is clearly identified, that it is shared across the full tax base and that it is not borne entirely by the entity providing the service. Nevertheless, we are concerned that this could be negated if the cost is later recouped through a charge back.

A statutory guarantee must be included that will ensure that this does not occur. The Conservation Fund, which is dedicated to fish and wildlife conservation, receives its income from the sale of sporting licenses. These sales are also one of the factors that determine the state's share of federal excise tax funds under the Wildlife and Sport Fish Restoration Program.

While federal law clearly prohibits diversion of income from sporting license sales which are used as the basis for matching Wildlife and Sport Fish Restoration Programs funds, reducing the basis by, in effect, refunding license fees could potentially pass muster. Hence, this alternative must be precluded before we can fully support these bills.

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MEMORANDUM IN OPPOSITION

Provides free hunting, fishing and trapping licenses and admission to state parks to members of the active military and to veterans.

The NYS Conservation Council supports our military's dedication and service to our country, wherever in the world they may serve. It is thus entirely appropriate for the legislature to recognize, at least in part, their sacrifice through the waiver of recreational license and access fees. The state is obligated, however, to recognize the cost of these waivers and ensure that they are shared equitably across the general population.

The Council cannot support these proposals as currently constituted. We are seriously concerned about a negative impact on the Conservation Fund. This account, which is dedicated to fish and wildlife conservation, receives its principle funding from license sales. These sales are also one of the factors that determine the state's share of federal excise tax funds under the Wildlife and Sport Fish Restoration Program. Free licenses are excluded from the distribution formulas.

In the 2015-2016 license sale year, free licenses and tags cost the Conservation Fund \$1,174,936 in revenue. This was compounded by a resulting loss of \$309,306 in New York's federal aid apportionment. This results in total loss of almost \$1.5 million to fish and wildlife restoration funding.

Our preference is for the use of a state income tax credit to ensure that the cost is clearly identified, is shared across the full tax base and is not borne solely by the entity providing the service. We are concerned, however, that this could be reversed if the cost of the tax credits is later recouped through a charge back to the Conservation Fund.

We would like to see a statutory guarantee that this will not occur. While federal law clearly prohibits diversion of income from sporting licenses that is to be used as the basis for matching Wildlife and Sport Fish Restoration Programs funds, reducing the basis by, in effect, refunding license fees could potentially pass muster.

Accordingly, the provision of no-cost licenses must be implemented in such a manner that it reflects fully funded sales with respect to the Conservation Fund.

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MEMORANDUM IN OPPOSITION

Establishes the New York State Police as the point of conduct for conducting national instant criminal background checks.

The Council opposes this proposal.

The proffered change would replace the Federal Bureau of Investigation with the New York State Police as the point of contact for accessing the National Instant Criminal Background Check system (NICS). The advocates' contention is that this change would in itself make the background check process more effective.

The real issue is a lower than desirable standard of accuracy of the NICS due to inaccurate and incomplete submission of information from reporting agencies within both state and federal governments. There is no value added in the proposed change. Inserting another agency into the mix is not going to mitigate the problem.

As the real problem is with the collection and reporting of disqualifying records to the NICS databases, the state should first have in place a structure to identify problem areas and provide the necessary resources to rectify them. If the information is not being collected in the first place, it is hard to see how an alternate point of contact is going to improve the performance standard.

Furthermore, this proposal would place the responsibility in the wrong agency. The NYSP is a law enforcement agency, not a data collection and call center operator. In 1972, the state established the Division of Criminal Justice Services to provide this type of service. It is clear that this would be a much more appropriate agency to establish and manage an effective data collection and dissemination system.

From the firearms purchaser's perspective, the structure defined and the authorities granted in this bill provide no protection for the dealers or recipients from a time consuming and bureaucratic process. There is no time limit for processing authorization requests and no commitment to providing service during normal business hours.

As part of the sought after change is the resurrection of the currently moribund background check system for ammunition sales. The original proponents of that system offered only some faint hope that it would prevent "agents of a criminal enterprise" from acquiring stocks of ammunition. There was no evidence that that would do so at the time it was originally proposed and none has emerged since.

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The registration of ammunitions sales was instituted by the Gun Control Act of 1968 and was eliminated in 1986. The record keeping requirement was determined to have served no useful purpose in keeping ammunition out of the hands of ineligible persons or in providing information to investigators. Felons were in no way deterred from obtaining ammunition.

Furthermore, the use of the NICS is restricted to transactions involving the transfer of firearms.¹ The system was not structured to support non-firearms related activity. It was specifically architected and is managed to prevent such improper use.

The problem of the accuracy of the NICS performance in New York may be real, although this has not been clearly established. But if true, the solution offered here is ill conceived. The state should perform a comprehensive review of its procedures for collecting and transmitting disqualifying records and establish a mechanism for addressing any emerging lapses before launching any structural changes to delivery side of the system.

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¹ 28 CFR §25.6(a) and 28 CFR §25.6(j)(1).



New York State Conservation Council Inc.
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MEMORANDUM IN SUPPORT

Prohibit the hunting or taking of wildlife with the aid of an unmanned aerial vehicle.

The NYSCC supports this proposal. The substitution of technology for basic hunting and fishing skills undermines the fundamental concept of fair chase. The use of the technical resources available to the human hunter must be tempered to insure that they are not substituted for basic skills or that they do not constitute an unfair advantage. Doubtful calls go to the animal.

It should be made clear that this prohibition applies not only to direct taking but also includes the use of drones to flush or drive game from prohibited areas into spaces where game may be legally taken.

We also believe that the sponsors of this legislation should consider including a prohibition on the use of drones by non-hunters for the purpose of obstructing or interfering with the lawful hunting or taking by other persons.

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MEMORANDUM IN OPPOSITION

Transferring the regulation of aquaculture from the Department of Environmental Conservation to the Department of Agriculture and Markets.

The purpose of this change is to transfer the regulatory authority over various forms of aquaculture from the Department of Environmental Conservation to the Department of Agriculture and Markets in an effort to better regulate and promote this aspect of agriculture.

The NYSCC opposes this transfer. This is not opposition to aquaculture but recognition that it poses a different set of risks than terrestrial farming and that the DEC is best qualified to provide regulatory oversight of those issues with potential environmental impact.

Aquaculture and mariculture are unlike terrestrial agriculture in that, if not properly managed, can pose a significant risk to wild populations through the introduction of selectively bred native, non-native and transgenic species into the environment. Risks common in all forms of farming – nutrient pollution, disease and parasite propagation and habitat modification – are not as easily contained in the more mobile aquatic environment.

This is an area with which the DEC has the familiarity acquired through its responsibility for wildlife management. It also has a great deal of hard won knowledge gained from its experience in dealing with invasive species and pollution problems. A&M's focus, as the sponsors' memos reiterate, is on the safety of the human food supply and the promotion of agriculture as an industry.

These are all vital responsibilities and we believe that they are currently located in the right departments.

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MEMORANDUM IN OPPOSITION

The prohibition of firearms training, recreational and competitive shooting programs in public schools.

The NYSCC opposes legislation that would prohibit educational institutions from providing instruction in the safe handling of firearms or offering recreational and competitive shooting programs.

Firearms handling and hunter safety programs have been an integral part of secondary education programs in many areas throughout the state. Firearms accident rates are the lowest in history. Hunter safety programs have played a major role in reducing hunting-related shooting incidents to the lowest number ever in 2018 – an 80% decline in the last 50 years.

Competitive and recreational shooting programs have been an integral part of secondary education programs in many areas for nearly a century. These programs teach concentration and personal discipline that carryover into academic areas. And these programs have a virtually perfect safety record.

This legislation is unnecessary. Under existing statutes, the administration of each institution has the authority to control the possession and use of firearms on its grounds and there is no evidence that this authority is not adequate for maintaining staff and student safety nor is there any evidence of abuse that would warrant new legislation.

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MEMORANDUM IN SUPPORT

Requiring the Department of Environmental Conservation to promote hunting, fishing and outdoor education in high school physical education courses.

Hunting, fishing and related outdoor activities have a proud history and tradition in New York State. They have long been recognized as sound conservation and natural resource management practices for the protection of our forest and wildlife resources. Since the late 1800's, New York State has been a national leader in sound conservation practices. New York State was one of the first states to establish hunting, fishing, and trapping seasons.

This program would place this proud history in the classroom, stimulating awareness of the outdoors, the resources we have and the need to protect them. It would foster the ability to enjoy and become involved with hunting, fishing, trapping, and other outdoor activities in the future. Providing this educational experience will teach students about these links to our history.

Forests cover 18.9 million acres, or 63 percent of New York State's 30 million total acres. Through increased awareness of outdoor recreation opportunities, more students will be better equipped to enjoy and protect them. This will not only encourage them to lead a more active, healthy lifestyle but will better educate them to support the formulation and establishment of the policies and practices needed to conserve, protect and manage our forests, wildlife and recreational areas for present and succeeding generations.

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MEMORANDUM IN SUPPORT

Amending the vehicle and traffic law to establish a non-trail registration for snowmobiles used solely for accessing hunting, fishing and trapping areas.

The NYSCC supports the proposed changes.

These changes would stipulate that owners of snowmobiles used solely to access hunting, fishing and trapping areas would not be required to pay the surcharge portion of the annual registration fee allocated to the New York Snowmobile Trail System for trail maintenance.

The purpose being to exempt snowmobile owners from being required to pay for the maintenance of snowmobile trails they never use. These trails are established and maintained for the use of recreational riders. Sportsmen who use snowmobiles for transportation and do not operate on the trail system should not be required to pay for these facilities.

Sportsmen who drive on other public or open private lands do not object to paying the basic vehicle registration fee which is paid into the General Fund. This represents the same governmental interest as other motor vehicle registrations. Owners are not required to register snowmobiles that are used exclusively on their own property and appropriately, they pay no fee.

Imposing the trail maintenance surcharge on non-users is akin to charging automobile owners a fee for driving past a Thruway entrance.

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MEMORANDUM IN OPPOSITION

Requiring social media and search engine reviews by law enforcement prior to the approval of an application or renewal of a license to carry or possess a pistol or revolver or the acquisition of a rifle or shotgun.

The NYSCC strongly opposes these proposals.

These proposals, apparently put forward by some individuals in their zeal to further restrict the Second Amendment, demonstrate a willingness to seriously erode the First. The free expression of ideas and public debate are fundamental and serve as the basis for the resolution of differences and the hopefully the peaceful emergence of solutions to complex and controversial issues.

The open-ended ability of the police to determine what constitutes disqualifying "biased language" or include as a criteria for prohibition, again at their sole discretion, "any other issue deemed necessary" represents an unacceptable erosion of the right of free speech. While discriminatory practices or threats of violence are unlawful, personal beliefs, social media postings expressing controversial ideas and the uttering of sometimes-offensive speech are clearly not.

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MEMORANDUM IN OPPOSITION

Providing for the registration and regulation of dog breeders and setting standards for the care and breeding of dogs and puppies.

The NYSCC is concerned that the proposals put forward attempt to impose a one-size-fits-all regulatory structure to a field that is comprised of practitioners with significantly different objectives, standards and operating practices.

The law of unintended consequences comes into play. While the sponsors may have a clear idea of the problem they are attempting to address, the ramifications for other entities that are, at best, barely related to their intended target are arbitrary and serve no purpose.

The stated targets of this legislation are "puppy mills" whose principal objective is to produce large volumes of puppies as cheaply as possible. The sponsors' chosen method is to establish a regulatory structure designed to micro manage the industry into compliance with detailed statutory standards. Such an approach is nonsensical when applied to sporting dog breeders whose objective is the whelping of a limited number of sound, healthy animals.

The rigid requirements specified in these proposals are often in conflict with the established best practices in the breeding and training of sporting dogs. These include flexible feeding schedules and exercise routines. Sporting dog breeder practices are tailored to the requirements and capabilities of each dog, not an arbitrary schedule.

Any additions or changes to existing law must reflect these night and day differences. Regulation is best left in the hands of local authorities who are cognizant of the activities which they are overseeing and fully capable of providing adequate oversight.

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01/08/20



New York State Conservation Council Inc.
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MEMORANDUM IN SUPPORT

Remove the prohibition on firearms sound suppressors.

The NYSCC supports the legalization of suppressors in New York State.

The use of sound suppressors on firearms has gained wide public acceptance in the last decade both as a legitimate method of hearing protection for firearms users as well as to palliate noise levels near shooting ranges and hunting areas. These devices do not silence the sound of a gunshot but reduce it to tolerable levels in the same manner as automobile muffler.

Suppressors were placed under strict federal regulation over 80 years ago when they were arbitrarily grouped with the fully automatic weapons and short barrel firearms then popular with the widely publicized violent criminals of that era. Acquisition and possession require federal registration with the Bureau of Alcohol, Tobacco, Firearms, Explosives (ATF), and many state, including New York, prohibited their possession entirely.

The obvious utility of suppressors for health and environmental reasons as well as the lack of any real criminal use of these devices has led to wide public acceptance of their legal availability. Currently, 42 states have legalized suppressor possession and 40 allow their use while hunting.

Continuing this prohibition serves no real purpose. Although there are over 1.3 million suppressors registered in the United States, the ATF has averaged only 44 criminal referrals a year over the last decade with only about 6 of these having prior felony convictions. Their actual use in criminal shootings is very rare.

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MEMORANDUM IN SUPPORT

Amend the tax law to establish a venison donation tax credit

The NYSCC supports legislation that would provide a refundable tax credit for hunters who harvest a deer and donate it to a local food bank. Venison meat is one of the leanest and healthiest forms of animal protein and it is highly desired by food banks.

The goal of this legislation is to increase the amount of venison donated to food banks to feed needy New Yorkers while at the same time helping to achieve deer population management goals. Deer numbers in several areas of the state are well above the level desired for overall population health.

Since their capacity to store the meat is limited, hunters often do not take the number of deer to which they are legally entitled. As a result, the total harvest is less than is required to maintain the desired population densities. Providing a tax credit will incentivize hunters to harvest more deer while simultaneously benefiting the food banks.

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MEMORANDUM IN SUPPORT

Permit the designation by town boards of low volume and minimum maintenance roads.

The NYSCC supports this legislation. Road management issues are normally outside the purview of the Council but this legislation is the exception. The availability and the cost of providing access to forest lands, wildlife management areas and recreational land is of utmost concern to all those participating in outdoor recreational activities. Such legislation would insure that this can be done with minimal environmental impact.

This legislation would give the authority of law to standards developed by the NYS Local Roads Research and Coordination Council in 1992 for low-volume road classification in order to mitigate the costs that would be incurred in bringing such roads up to current design standards.

These activities are often centered in the state's less densely populated areas where local governments have a considerable number of low-volume roads and limited fiscal resources with which to maintain them. It is not realistic for many towns to upgrade these older roads to a "one size fits all" modern engineering standard.

The key determinant should be what is required to provide access for a specific purpose. It is much more pragmatic to allow towns to maintain roads based on their actual utilization in terms of time and duration of use, vehicle types and actual traffic counts. This would allow towns to more fully meet the needs of their constituencies with the resources available to them.

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MEMORANDUM IN SUPPORT

Amending the environmental conservation law with respect to the transfer of a lifetime license if the person to whom the license was issued dies before the age of twelve.

The NYSCC supports this proposal. It would remove the current one year from purchase limitation on transfers of lifetime licenses held by persons who die if the holder is less than twelve years of age.

Lifetime licenses are often purchased for young children by family members as a commitment to the future of outdoor sports and the environment that supports them. In the event of tragic death of a young person, it seems only proper that this commitment be transferred to another family member.

Quoting the bill sponsor's memorandum "... the license should be allowed to be transferred to another family member or friend to memorialize the deceased and be able hunt in their honor as opposed to the license being forever forgotten."

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MEMORANDUM IN OPPOSITION

Prohibiting the importation, transportation and possession of certain African wildlife species and products.

The NYSCC opposes the prohibiting the importation of selected big game hunting trophies even if legally exported from the country of origin. Legislation that inserts New York into the regulation of the importation and possession of legally taken foreign game is neither desirable nor necessary.

Regulation of wildlife issues involving foreign countries and ensuring compliance with treaties to which the United States is a party is a federal responsibility and is best left in those hands.

All international trade in protected species of wildlife, including the shipment of hunting trophies, is regulated under the Convention on the International Trade of Endangered Species (CITES). CITES is a 40 year old international agreement among 181 nations. It is an active organization, administered by a Secretariat within the United Nations Environmental Program. Approximately 5600 animal and 30,000 plant species are protected by CITES.

In addition to international CITES regulations, hunters attempting to import trophies to the United States are subject to stricter domestic measures that have been put into place under the [Endangered Species Act](#). U.S. Fish and Wildlife Service is the federal agency that regulates the importation of trophies and controls the movement of wildlife across United States borders.

[U.S. Customs and Border Protection](#), the [U.S. Department of Agriculture](#) and the [Centers for Disease Control and Prevention](#) also have specific oversight responsibilities.

Big game species are more than adequately protected against illegal trafficking and, equally important, from locally legal exploitation by this regulatory structure. No additional regulation at the state level is necessary.

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