

**For Immediate Release**

**From: Wendy Chamberlin, President of Wildlife Preservation Coalition of Eastern Long Island (WPCELI)**

**Dated: September 16, 2014**

**Long Island Deer Litigation Continues in Supreme Court**

Bridgehampton, New York: On Friday, September 12, 2014, in the lawsuit *Wildlife Preservation Coalition of Eastern Long Island, et al. v. New York State Department of Environmental Conservation, et al.*, oral argument was held before Judge W. Gerard Asher in Suffolk County Supreme Court on the pending motion for preliminary injunction and on the merits of the case.

This came after a six-month temporary restraining order (TRO), issued by state Supreme Court in March 2014. The TRO prevented new permits from being issued to kill deer which, effectively, halted the Long Island Farm Bureau and United States Department of Agriculture, Wildlife Services' ("LIFB/USDA-WS") planned 2013-2014 cull of, potentially, thousands of deer, which concluded this past Spring.

Oral argument on Friday, September 12, 2014 continued for approximately two (2) hours. WPCELI argued that the Long Island Farm Bureau and USDA-WS's planned 2013-2014 cull of 3,000-5,000 deer was a substantial increase from previous years and that a cull of this size has not been properly evaluated or studied by the New York State Department of Environmental Conservation ("DEC"). WPCELI argued, among other things, that DEC issues renewal Deer Damage Permits ("DDPs") without a factual basis and contrary to agency guidelines.

The record before the Court contains expert affidavits from Laura Simon, Wildlife Ecologist at the Humane Society of the United States, and DJ Schubert, Wildlife Biologist at the Animal Welfare Institute, along with a multitude of exhibits and legal arguments illustrating the deficiencies in DEC's issuance of DDPs in eastern Suffolk County and in regard to the unprecedented 2013-2014 deer cull by LIFB/USDA-WS.

Following oral argument, Judge Asher denied WPCELI's motion for a preliminary injunction, finding that the limited number of DDP applications currently pending before DEC (approximately 12 applications) is not a significant departure from past years and that these applications can go forward. However, the Court did not evaluate the entirety of the LIFB/USDA-WS program or the massive scale of the proposed 2013-2014 cull and the merits of the litigation remain pending until a full decision determining all issues is ordered by Judge Asher. WPCELI was encouraged by the careful consideration given by Judge Asher at the argument and is not discouraged by the preliminary injunction decision considering that the LIFB/USDA-WS program for 2014 is completed. WPCELI is confident that the court will find that DEC has not justified this unprecedented cull and will direct DEC to comply with the law before issuing more permits for the LIFB program.

Other plaintiffs include the Animal Welfare Institute, Hunters for Deer, LLC, Long Island Orchestrating for Nature, the Evelyn Alexander Wildlife Rescue Center, Inc. and several individuals. Representing WPCELI and the other plaintiffs are Jeffrey S. Baker and Jessica R.

Vigars of Young/Sommer, LLC in Albany, one of the preeminent environmental law firms in New York State.