



MARC S. GERSTMAN
DEPUTY COMMISSIONER AND GENERAL COUNSEL

STATE OF NEW YORK
DEPARTMENT OF
ENVIRONMENTAL CONSERVATION
ALBANY, NEW YORK 12233

DEC 11-02

March 27, 1990

Frederick H. Monroe, Esq.
P.O. Box 465
Lake Country Plaza
Chestertown, New York 12817

Dear Mr. Monroe:

By letter dated January 24, 1990, you requested a Declaratory Ruling on behalf of a client who is considering raising fallow deer with the intention of selling the meat to a distributor for resale to restaurants. You seek a ruling, pursuant to the State Administrative Procedures Act and 6 NYCRR Part 619, whether such activity requires a license or permit pursuant to the Environmental Conservation Law (ECL) or rules and regulations adopted pursuant thereto.

Fallow Deer (Dama dama) were originally found in the Mediterranean region of southern Europe and Asia Minor. They have been widely introduced and are now found in the wild state throughout parts of western Europe, the western Ukraine, the Baltic countries and Great Britain. Both wild and domestic populations are present within the United States.

ECL §11-1717 defines "foreign game" to include, among other species, fallow deer. Under ECL §11-1719(1), any person selling or offering to sell foreign game must have first obtained a game dealers' license. Accordingly, in order for your client to lawfully offer for sale fallow deer which have been raised by your client, a game dealers' license is required. No such license is required for mere possession of these animals. Also, while ECL §11-1719(2)(d) exempts retail dealers (including restaurants) of foreign game meat from the license requirement, the law provides no similar exemption for wholesale dealers. Consequently, the distributor to whom your client sells the fallow deer meat would also need a game dealers' license if the meat is to be resold (other than at retail) within the State.

To obtain a game dealers' license your client may contact the Division of Fish and Wildlife Special Licenses Unit, 50 Wolf Road, Albany, New York, 12233-4752. That unit may be reached by telephone at 518-457-0689.

Sincerely,

Marc S. Gerstman
Deputy Commissioner
and General Counsel