



# 2021 Annual Conference

Niagara Falls, New York

**Adjudicating Environmental Conservation Law  
Offenses**

September 27, 2021

Presented by:

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1.0 MCLE Professional Practice

This program has been approved for credit in New York State  
for all attorneys including those who are  
Newly Admitted (less than 24 months) and administered by  
the Onondaga County Bar Association.



**Environmental Conservation**  
**Law and Title 6 NYCRR**  
**Criminal Penalties**



**Local Criminal Court Reference**  
**2017 Edition**

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# User Guidance:

To use this reference sheet compare the general language in the narrative section of the ticket to the table of contents and then turn to that specific Page. Then confirm the actual law or regulation on the ticket matches this reference sheet section.

## Notes:

-**ALL** fine amounts shown are the MINIMUM and MAXIMUM fines established by law in the relevant statute. Many offenses specify a minimum fine.

-**In calculating surcharges**, a single surcharge is levied for EACH offense upon which the defendant is convicted (ECL71-0213. Mandatory surcharge). There is no maximum number of surcharges which may be assessed, as there are for other areas of law (ex. VTL).

-An **Environmental Conservation Law (ECL)** offense is cross referenced by "Article," "Title," "Section" and/or "Subdivision". The first two digits in the offense section on the ticket for an ECL charge is the Article with the rest of the offense following as noted in this example: ECL **11-0703 6a3** (**11** is the article, **07** is the title, **03** is the section, and **6a3** is the subdivision.)

-A **6 NYCRR** offense is cross referenced by "Sections (§)". It is necessary to locate the decimal point between numbers in the offense section on the ticket. For a single digit "Part" the decimal point is in the ones position ie: § **1.21**, for a two digit "Part" the decimal point is in the tens position ie: § **10.2**, and for a three digit "Part" the decimal point is in the hundreds position ie: § **215.2** There are some three digit parts that include a dash between numbers ie: § **360-1.5** In these cases they are read as the three digits preceding the dash and for the previous example given would be § **360** not § **3601**.

-This document references the most common, but not all, Environmental Conservation Law or Rules and Regulation offenses. If the Court does not find an offense listed or has any questions, please contact the Region 7 Division of Law Enforcement Office during regular business hours by telephone at 315.426.7431 or anytime by e-mail at [r7.dispatch@dec.ny.gov](mailto:r7.dispatch@dec.ny.gov)

The statewide 24/7 dispatch phone number is 844-DEC-ECOs (844-332-3267)

**Licensing Offenses (Fishing/Hunting/Trapping):**

**ECL Article 11, Title 7 & 6 NYCRR § 183**

**Enforcement Penalty Section: ECL 71-0923**

**Violations:** Fine Range - \$0 to \$250.00 and /or up to 15 Days in Jail

*Except* – ECL Section 11-0705 sub 1(a)(1) and 11-0705 sub 2- \$0 to \$25

**Misdemeanors:** ECL Section 71-0921 sub 8 - Making a False Statement When Applying for a License \$0 to \$200 and/or up to 3 Months in Jail.

**Surcharge:** All Offenses - \$75.00

**Freshwater Fishing Offenses:**

**ECL Article 11 & 6NYCRR § 10, 19, 35 &188**

**Enforcement Penalty Section: ECL 71-0923**

**Violations:** Fine Range - \$0 to \$250.00 and /or up to 15 Days in Jail

**Surcharge:** All Offenses (other than 6NYCRR Part 10) - \$75.00

6NYCRR Part 10 Offenses - \$25.00

**Hunting Offenses – Wildlife Other Than Deer/Bear:**

**ECL Article 11 & 6NYCRR § 1, 2, 3 & 180**

**Enforcement Penalty Sections: ECL 71-0923**

**\*\*For Firearm/Bow Related Offenses, see Page 5\*\***

**Violations:** Fine Range - \$0 to \$250.00 and /or up to 15 Days in Jail

**Surcharge:** All Offenses - \$75.00

## **Big Game Hunting Offenses- Deer/Bear:**

**ECL Article 11 & 6 NYCRR § 1, 180, 187 & 189**

**Enforcement Penalty Sections: ECL 71-0921 & 71-0923**

**\*\*For Firearm/Bow Related Offenses, see below\*\***

**Violations:** Fine Range - \$0 to \$250.00 and /or up to 15 Days in Jail

### **Misdemeanors:**

- Fine Range- \$250.00 to \$2,000.00 and/or up to 1 Year in Jail for Offenses Related to the Illegal Taking of a **Deer**.
- Fine Range- \$250.00 to \$2,000.00 and/or up to 1 Year in Jail for the Illegal Taking of a **Bear** During the Closed Season or with the aid of an Artificial Light.
- Fine Range- \$0 to \$2,000.00 and/or up to 1 Year in Jail for the Illegal Taking of a **Bear** less than 1 Year old or by Means or Method not Permitted.

**Surcharge:** All Offenses - \$75.00

## **Firearm/Bow Related Offenses:**

**ECL 11-0931**

**Enforcement Penalty Section: ECL 71-0921 & 71-0923**

**Violations:** Fine Range - \$0 to \$250.00 and/or up to 15 Days in Jail

**Misdemeanors:** Fine Range- \$200.00 to \$1,000.00 and/or up to 3 Months in Jail

**Surcharge:** All Offenses - \$75.00

## **Hunting While Intoxicated/Impaired Offenses:**

**ECL 11-1203**

**Enforcement Penalty Section: ECL 11-1209**

**Violations:** Fine Range - \$0 to \$250.00 and /or up to 15 Days in Jail

**Misdemeanors:** Fine Range- \$0 to \$500.00 and/or up to 1 Year in Jail

**Surcharge:** All Offenses - \$75.00



## **Trapping Offenses:**

### **ECL Article 11 & 6 NYCRR § 6**

#### **Enforcement Penalty Section: ECL 71-0923**

**Violations:** Fine Range - \$0 to \$250.00 and /or up to 15 Days in Jail

*Except* – ECL Section 11-1101 sub 12 \$0 to \$100.00 and/or up to 10 Days in Jail

**Surcharge:** All Offenses - \$75.00

## **Protected Stream/Navigable Water Offenses:**

### **ECL 15-0501, 15-0503, 15-0505**

#### **Enforcement Penalty Section: ECL 71-1107**

**Violations [ECL 71-1107-2]:** Fine Range \$25.00 to \$250.00 and/or up to 15 Days in Jail

**Misdemeanors [ECL 71-1107(1)]:** Fine Range- \$0 to \$10,000.00 and/or up to 1 Year in Jail

**Surcharge:** All Offenses - \$75.00

## **Freshwater Wetland Offenses:**

### **ECL 24-0701 & 6 NYCRR § 663**

#### **Enforcement Penalty Section: ECL 71-2303**

*-1<sup>st</sup> Conviction-* Violation: Fine Range - \$2,000 to \$4,000. (no term of imprisonment)

*-2<sup>nd</sup> Conviction and each subsequent offense-* Misdemeanor: Fine Range- \$4,000.00 to \$7,000.00 and/or not Less Than 15 Days nor More Than 6 Months in Jail.

*-Remediation-* In all cases the court may mandate remediation to restore the wetland to condition prior to offense.

*The court cannot impose fine and remediation.*

**Surcharge:** All Offenses - \$75.00

## **Water Pollution Offenses:**

### **ECL Article 17, Title 5**

#### **Enforcement Penalty Section: ECL 71-1933**

**Misdemeanors:** Fine Range *1<sup>st</sup> conviction* - \$3,750.00 to \$37,500.00 per day of violation and/or up to 1 Year in Jail.

*2<sup>nd</sup> and subsequent Convictions-* fine up to \$75,000 per day of violation and/or up to 2 years in jail

*Exception: ECL Section 11-0503 sub (1) & (4) Water Pollution Offenses – Violation level offense: \$0 to \$250.00 and/or 15 Days in Jail.*

**Surcharge:** All Offenses - \$75.00 or 6% of the fine, whichever is greater.

**Open Burning/Outdoor Wood Boiler Offenses:**  
**6 NYCRR § 211, 215, & 247**

**Enforcement Penalty Section: ECL 71-2105**

**Misdemeanors:** Fine Range- \$500.00 to \$18,000.00 and/or up to 1 year in Jail

*2<sup>nd</sup> Conviction:* Fine Range- \$0.00 to \$26,000.00 and/or up to 1 year in Jail

-each day on which such violation occurs shall constitute a separate violation.

**Surcharge:** All Offenses - \$75.00 or 6% of the Fine, whichever is greater.

**Solid and Regulated Waste Offenses,**  
**Including Disposal/Transporting/Facility Offenses:**  
**6 NYCRR § 360, 364, 381 and ECL 27-0712 sub 2**

**Enforcement Penalty Section: ECL 71-2703**

**Violations:** Including *Illegal Disposal of Solid Waste (Less Than 10 Cubic Yards):*

Fine Range - \$1,500.00 to \$15,000.00 per day of violation and /or up to 15 Days in Jail

**Misdemeanors:** *More than 10 Cubic Yards:* **(Class B)** - Fine Range- \$3750.00 to \$22,500.00 and/or imprisonment for a term in accordance with the Penal Law (70.15)

*More than 10 Cubic Yards:* **(Class A)** - \$3750.00 to \$37,500.00 per day and/or Imprisonment per Penal Law (PL 70.15) if previous conviction within 5 years.

*More than 70 Cubic Yards:* **(Class A)** – Fine Range- \$3,750.00 to \$37,500.00 per day of violation and/or imprisonment for a term in accordance with the Penal Law (70.15)

**Felony:** **(Class E)** - Fine Range- \$3750.00 to \$37,500.00 per day of violation and/or Imprisonment per Penal Law for Causing or Attempt to Cause the Release of More than 10 Cubic Yards of Solid Waste when previously convicted of same within preceding 5 Years.

**Surcharge:** All Offenses - \$75.00 or 6% of the fine, whichever is greater.

**Possession of Wildlife, Dangerous Wildlife, or Endangered Species:**

**ECL Article 11 & 6 NYCRR § 3, 174 & 182**

**Enforcement Penalty Section: ECL 71-0923**

**Violations:** Fine Range - \$0 to \$250.00 and /or up to 15 Days in Jail

*Except* –ECL 11-0512 sub (1) (**Wild Animals as Pets offenses**)

Enforcement Penalty section 11-0512 sub. 9

*1st Conviction* \$0 to \$500.00 and/or 15 Days in Jail.

*2nd Conviction* \$0 to \$1,000.00 and/or 15 Days in Jail.

*Except* ECL 11-0537 **Bald/Golden Eagle Prohibited Acts:**

Enforcement Penalty Section ECL 71-0921 sub 11.

(Misdemeanors) *1st Offense (Class B)* \$0 to \$5000.00 and/or up to 90 Days in Jail.

*2nd Conviction (Class A)* \$0 to \$10,000.00 and/or up to 1 Year in Jail.

**Surcharge:** All Offenses - \$75.00

**Pesticide Offenses:**

**ECL Article 33 & 6 NYCRR § 325 to 329**

**Enforcement Penalty Section: ECL 71-2907**

**Violations:** *1st Conviction:* \$0 to \$2,500.00 (no term of imprisonment)

*2nd Convictions:* \$0 to \$5,000.00 (no term of imprisonment)

**Misdemeanors:** - *1st Conviction* \$0 to \$5,000.00 and/or up to 1 Year in Jail.

*2nd Conviction:* \$0 to \$10,000.00 and/or up to 1 Year in Jail.

**Surcharge:** All Offenses - \$75.00

**DEC Administered Lands Offenses:**

**Including: State Lands and Forests, Wildlife Management Areas, Fishing Access Sites, Boat Launches, Unique Areas, Cooperator Areas, Multiple Use Areas and Fish Hatchery Properties.**

**ECL Article 9 & 6 NYCRR § 51 to 113 & 190**

**Enforcement Penalty Section: ECL 71-0703 & 71-0923**

**Violations:** Fine Range - \$0 to \$250.00 and/or up to 15 Days in Jail

**Surcharge:** All Offenses - \$75.00

## **Timber Theft Offenses:**

### **ECL 9-0303 sub 1 & ECL 9-1501**

#### **Enforcement Penalty Section: ECL 71-0703**

**Misdemeanors:** Fine and/or Imprisonment as provided in the Penal Law:

*Fine-* Penal Law 80.05 sub 1- \$0 to \$1000.

*Imprisonment-* Penal Law 70.15 sub 1- Up to 1 year in Jail

*Restitution-* ECL 71-0703 sub 6- Up to triple damages

*Restitution-* Penal Law 60.27- Other costs (such as land surveys or forester surveys)

**Surcharge:** All Offenses - \$75.00

## **Mining Offenses:**

### **ECL Article 23 & ECL 71-1305 & 6 NYCRR § 421**

#### **Enforcement Penalty Section: ECL 71-1307**

**Misdemeanors:** Fine Range - 1<sup>st</sup> Offense \$0 to \$1,000.00 per day violation continues and/or up to 1 Year in Jail.

*2<sup>nd</sup> Conviction:* \$0 to \$8,000.00 per day violation continues and/or up to 1 Year in Jail.

**Surcharge:** All Offenses - \$75.00

## **Petroleum Bulk Storage Offenses:**

### **6 NYCRR § 612 to 614**

#### **Enforcement Penalty Section: ECL 71-1933**

**Misdemeanors:** Fine Range- \$3,750.00 to \$37,500.00 per day of violation and/or to 1 Year in Jail

*2<sup>nd</sup> conviction:* fine up to \$75,000 per day of violation and/or imprisonment up to 2 years.

**Surcharge:** All Offenses - \$75.00 or 6% of the fine, whichever is greater.

## **Marine District Fish/Shellfish/Crustacean Offenses:**

### **ECL Article 13 & 6 NYCRR § 40, 42, 44**

#### **Enforcement Penalty Section: ECL 71-0921 & 71-0923**

**Violations:** Fine Range - \$0 to \$250.00 and /or up to 15 Days in Jail

**Misdemeanors:** Fine Range- varies by law section and previous convictions.

**Surcharge:** All Offenses - \$75.00

## **Vapor Recovery Offenses:**

### **6 NYCRR § 230**

#### **Enforcement Penalty Section: ECL 71-2105**

**Misdemeanors:** Fine Range- \$500.00 to \$18,000.00 and/or up to 1 year in Jail

*2<sup>nd</sup> Conviction:* Fine Range- \$0.00 to \$26,000.00 and/or up to 1 year in Jail

Each day violations occurs constitutes a separate violation.

**Surcharge:** All Offenses - \$75.00 or 6% of the Fine, whichever is greater.

## **Heavy Duty Vehicle (Diesel/Non Diesel) Idling Offense:**

### **6 NYCRR § 217-3.2**

#### **Enforcement Penalty Section: ECL 71-2105**

**Misdemeanors:** Fine Range- \$500.00 to \$18,000.00 and/or up to 1 year in Jail

*2<sup>nd</sup> Conviction:* Fine Range- \$0.00 to \$26,000.00 and/or up to 1 year in Jail

Each day violations occurs constitutes a separate violation.

**Surcharge:** \$75.00 or 6% of the Fine, whichever is greater.

## **Heavy Duty Diesel Vehicle Emission Offenses:**

### **6 NYCRR § 217-5.4**

#### **Enforcement Penalty Section: ECL § 19-0320-4(a)(b) or**

#### **6NYCRR 217-5.7 (same in both places).**

**Violations:** Fine Range - \$700.00(flat penalty, no max/min) and/or up to 15 Days in Jail.

*2<sup>nd</sup> Conviction-* \$1300.00 (flat penalty) and/or up to 15 Days in Jail.

**\*Fines can be reduced** to \$150.00 for the first offense and to \$500.00 for the second and subsequent offenses for repairs made within 30 days (with documentation of said repair).

**Surcharge:** All Offenses - \$75.00

## **Firewood Related Offenses:**

### **6 NYCRR § 192.5**

#### **Enforcement Penalty Section: ECL 71-0703**

**Violations:** Fine Range - \$0 to \$250.00 and /or up to 15 Days in Jail

**Surcharge:** All Offenses - \$75.00

**Water Well Drilling Offense:**

**ECL 15-1525**

**Enforcement Penalty Section: ECL 71-1115**

**Violations:** Fine Range - \$0 to \$1000.00 (no term of imprisonment)

**Surcharge:** \$75.00

**Endangering Public Health, Safety, or the Environment  
Offenses:**

**ECL 71-2710 and ECL 71-2711**

**Enforcement Penalty Section: ECL 71-2721**

**Misdemeanors:**

ECL 71-2710 (**Class B**) - Fine Range- \$0 to \$15,000.00 and/or Jail per Penal Law  
Imprisonment- **Penal Law 70.15 sub 2-** Up to 3 months in Jail

ECL 71-2711 (**Class A**) - Fine Range- \$0 to \$37,500.00 and/or Jail per Penal Law  
Imprisonment- **Penal Law 70.15 sub 1-** Up to 1 year in Jail

**Surcharge:** All Offenses - \$75.00 or 6% of the Fine, whichever is greater.

**Use of Flood Control Lands Offenses:**

**ECL 16-0107 sub. 13 & 6 NYCRR § 501.3**

**Enforcement Penalty Section: ECL 71-4001**

**Violations:** Fine Range: - \$0 to \$900.00 and/or up to 15 days in Jail.

Each day violation occurs is a separate offense.

**Surcharge:** \$75.00

**Noisome or Unwholesome Substance Offense:**

**ECL 71-3501**

**Enforcement Penalty Section: ECL 71-3501**

**Misdemeanors:** Fine Range- Not less than \$100.00 and/or not less than 3 Months nor  
more than 6 Months in Jail

**Surcharge:** \$75.00

## **Trespass Related Offenses:**

**ECL 11-2113, 11-2115, 11-2117**

**Enforcement Penalty Section: ECL 71-0923**

**Violations:** Fine Range - \$0 to \$250.00 and /or up to 15 Days in Jail

**Surcharge:** All Offenses - \$75.00

## **Dog/Deer Offenses:**

**ECL 11-0923 sub 1**

**Enforcement Penalty Section: ECL 71-0923**

**Violations:** Fine Range – Not less than \$200.00 and /or up to 10 Days in Jail

**Surcharge:** All Offenses - \$75.00

## **Hazardous Waste Offenses**

**Possession/Disposal/Transporting/Facility:**

**ECL Article 27, Title 9 and 6 NYCRR § 372**

**Enforcement Penalty Section: ECL 71-2705**

**Misdemeanors:** Fine Range- \$0 to \$37,500.00 per day of violation and/or up to 1 Year in Jail

*2<sup>nd</sup> and subsequent offenses:* Fine up to \$75,000 for each such violation and an additional penalty up to \$75,000 for each day the violation continues.

**Surcharge:** All Offenses - \$75.00 or 6% of the fine, whichever is greater.

## **Tidal Wetland Offenses:**

**ECL 25-0401 & 6 NYCRR § 661**

**Enforcement Penalty Section: ECL 71-2503**

**-1<sup>st</sup> Offense** - Violation: Fine Range - \$500.00 to \$5,000.00.

**-2<sup>nd</sup> Offense** - Misdemeanor: Fine Range- \$1,000.00 to \$10,000.00 and/or not

*Less than 15 Days nor More than 6 Months in Jail In addition to or instead of these punishments, any offender shall be punishable by being ordered by the court to restore the affected tidal wetland or area immediately adjacent thereto to its condition prior to the offense, insofar as that is possible.*

**Surcharge:** All Offenses - \$75.00

## **General Criminal Penalty Section:**

**ECL 71-4001**

**Violations:** Fine Range - \$0 to \$900.00 and /or up to 15 Days in Jail

**Surcharge:** All Offenses - \$75.00

New York State Department of Environmental Conservation  
Office of the Commissioner, 14<sup>th</sup> Floor  
625 Broadway, Albany, New York 12233-1010  
Phone: (518) 402-8540 • FAX: (518) 402-8541  
Website: [www.dec.ny.gov](http://www.dec.ny.gov)



**ORDER DESIGNATING PRESCRIBED  
FORM FOR UNIFORM APPEARANCE  
TICKET AND SIMPLIFIED INFORMATION**

Section 71-0203(1) of the Environmental Conservation Law (ECL) authorizes the Commissioner of Environmental Conservation to "prescribe the form of an appearance ticket and simplified information for all cases involving a violation of any provision of the ECL or any rule, regulation or order adopted or promulgated thereunder, or of any class or category of such cases, and to establish procedures for proper administrative controls over the disposition thereof." ECL § 71-0203(5) provides, however, that the Commissioner may not prescribe the form of an appearance ticket and simplified information to be used for any offenses for which a uniform summons and complaint is prescribed by the commissioner of motor vehicles pursuant to section two hundred seven of the vehicle and traffic law or by the commissioner of parks and recreation pursuant to article twenty-seven of the parks and recreation law.

In accordance with these provisions and in order to enable the Office of Public Protection to utilize a single appearance ticket and simplified information form for violations of the ECL, the Vehicle and Traffic Law, the Parks and Recreation Law, and regulations promulgated pursuant thereto, I hereby prescribe the form of such appearance ticket and simplified information to be that of the Simplified Information/Complaint currently utilized by the New York State Department of Motor Vehicles, or succeeding formats.

This Order continues the prior designation for the prescribed form of a Uniform Appearance Ticket and Simplified Information issued by former DEC Commissioner Alexander B. Grannis dated January 30, 2008. This Order shall continue until such time as it is expressly superseded or discontinued by written Order of a Commissioner or Acting Commissioner for this agency.

  
\_\_\_\_\_  
JOSEPH J. MARTENS  
COMMISSIONER  
NEW YORK STATE DEPARTMENT OF  
ENVIRONMENTAL CONSERVATION

12/19/2011  
\_\_\_\_\_  
DATE







## NOTICE OF FAILURE TO ANSWER A UNIFORM APPEARANCE TICKET NOTICE OF LICENSE SUSPENSION

**INSTRUCTIONS:** Upon failure to answer, court fills in PART A and mails form in to DEC (please retain a copy at the court)  
When the defendant satisfies the ticket, court completes PART B and mails form in to DEC. DEC notifies defendant of license suspension and lifting of suspension.

PART A	NAME OF DEFENDANT (Last, First, MI)				
	ADDRESS				
	CITY				
	STATE	ZIP CODE	DATE OF BIRTH	GENDER <input type="checkbox"/> MALE <input type="checkbox"/> FEMALE	
	NAME OF COURT			COURT CODE	
	ADDRESS				
	CITY	STATE	ZIP CODE	ISSUING OFFICER NAME/BADGE #	
	LICENSE TYPE	LICENSE NUMBER	UT-50 NUMBER		
	DATE OF VIOLATION	ECL SECTION VIOLATED	DATE OF LAST SCHEDULED APPEARANCE	EFFECTIVE DATE OF SUSPENSION	
	<p><b>EXPLANATION:</b></p> <p>The above court hereby notifies the Division of Law Enforcement of the Department of Environmental Conservation that the above-named defendant has failed to appear for a period of three (3) months from the last date to appear in response to the above-captioned appearance ticket.</p> <p>It is hereby requested that the above-named defendant's license(s) be suspended until such time that the court notifies the Division that said defendant has appeared in response to said uniform appearance ticket.</p> <p><b>AUTHORIZATION:</b></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 70%;">SIGNATURE OF JUSTICE</td> <td>DATE</td> </tr> </table>				SIGNATURE OF JUSTICE
SIGNATURE OF JUSTICE	DATE				
<p><b>SECTION OF LAW:</b></p> <p>Pursuant to Section 11-0719-(1) of the Environmental Conservation Law, the above-designated license of the above-named defendant is suspended for failure to answer within three (3) months the uniform appearance ticket captioned above. The Division of Law Enforcement of the Department of Environmental Conservation is authorized to keep the suspension in effect until so notified by the appropriate court that the above-captioned ticket has been answered.</p>					
PART B	<p><b>TERMINATION OF SUSPENSION:</b></p> <p>I hereby certify that defendant named above has answered the above-captioned accusatory instrument.</p> <p>_____ Court _____ of _____</p> <p>Date _____ Signature of Justice _____</p>				
	<p><b>When the Defendant answers the Uniform Appearance Ticket, please mail a copy of this form to:</b> New York State Department of Environmental Conservation, Division of Law Enforcement, 625 Broadway, Albany NY 12233-2500, Attention: Supervisor of Adjudication Section</p>				
	<p><b>TERMINATION OF SUSPENSION APPROVED</b></p>				

\_\_\_\_\_  
Supervisor of Adjudication Section

\_\_\_\_\_  
Date