



STATE OF NEW YORK CONSERVATION FUND ADVISORY BOARD  
*625 Broadway, Albany, NY 12233-4750*

---

Monthly Meeting Minutes  
Three Hundredth Meeting  
**08 March 2010**

Department of Environmental Conservation, 625 Broadway, Albany, NY

**Call to Order** – Chairman Hancock called the meeting to order at 9:02 AM.

**Roll Call**

Voting Board Members Present

Charles Bevilacqua	Region 1
Gordon Whiting	Region 2
Dominick Scarzafava	Region 3
Alan Rosa	Region 4
Jason Kemper	Region 5
Linda Sicley	Region 6
Charles Pace	Region 7
Charles Hancock	Region 8
Dale Dunkelberger	Region 9
Howard Cushing	NYSCC

Voting Board Members Excused

Jim Petreszyn	FWMB
---------------	------

Ex-Officio Members Present

NYS DEC Commissioner, represented by  
Wallace John, Office of Natural  
Resources

Ex-Officio Members Absent

Senate Finance Committee  
Senate EnCon Committee  
Assembly Ways and Means Committee  
Assembly EnCon Committee

DEC Personnel

Office of Natural Resources: Christopher Amato  
Division of Fish, Wildlife and Marine Resources:  
Patricia Riexinger, Douglas Stang, and  
Stephen S. Hurst  
Division of Law Enforcement:  
Officers Steven Gerould and Walt Heinrich  
Division of Lands and Forest:  
Rob Davies and McCrea Burnham

Guests

Lance Robinson, Region 7 FWMB

Chairman Hancock stated that a quorum of voting members was present and opened the meeting for the conduct of business at 9:02 AM.

### Correspondence

The DEC forwarded one email correspondences concerning sporting licenses to Chairman Hancock (Attachment 1). The Chairman stated that the correspondence was taken into consideration but complaints about license fee increases will not be addressed.

### Minutes of prior meetings

Draft minutes from the 08-Feb-2010 meeting were reviewed by the Board accepted without c minor ange.

MOTION: Mr. Hancock motioned to approve the minutes of the 08-Feb-2010 Board meeting as drafted. Seconded by Mr. Dunkelberger the motion carried unanimously.

### Bylaws

During the February 08 meeting Alan Rosa stated that there is no mechanism for the removal of a Board member that does not act in accordance with the Environmental Conservation Law (ECL). The representative from region four suggested a revision to the Duties and Responsibilities of each Board Member section of the bylaws and a draft amendment was agreed upon (see Feb-08 Meeting Notes). During this meeting Charles Bevilaqua stated that Roberts Rules has a provision for removal of a board member by trial and that the draft amendment to the bylaws constructed at the last meeting may not be necessary. After some discussion the Board decided to retain the amendment to make the duties and responsibilities of Board members perfectly clear. Mr. Amato suggested that the Board also include language for member removal based on a misdemeanor.

MOTION: A motion was made by Chairman Hancock and seconded by Alan Rosa to add a sixth paragraph to the Duties and Responsibilities of each Board Member section of the bylaws, which states the following.

**6. A Board member may be removed upon a majority vote of the Board if that Board member is convicted of any felony, or any misdemeanor or any violation of New York Environmental Conservation Law or enters into a civil agreement with the Department or officer or employee thereof to resolve an alleged violation of New York Environmental Conservation Law.**

Said motion carried unanimously by the members of the Board.

The new bylaws will be posted on the CFAB webpage.

### Legislation

A new list of legislative bills that should be on the Board's radar screen was provided Mr. Cushing (Attachment 2). After reviewing each piece of legislation he suggested that sportspersons need to understand the potential consequences of many of these bills and that the Board should convey the facts regarding these implications to constituents. Bills S6250, A6503 and A7682 are of particular concern due to the fiscal impacts that will result if passed.

A free recreational marine registry (S6250) will not only deny the State of funds needed to manage the marine fishery resource, it will cost the state money to develop and implement. Additionally, federal rules now require that the states prove that stocks are sustainable under current fisheries management

plans (FMPs). Without alternative funding, the DEC will be unable to maintain the level of effort needed for data collection and analysis to support a position of sustainability, which may result in closure of fisheries. Mr. Amato noted that Senator Schumer, who supports such a bill, has not heard from all affected parties and that the sporting community should reach out to him and explain how the passage of this bill will hurt the Marine Resources program.

While the intent of both A6503 and A7682 are noble the Board feels that the passage of bills for free licenses puts an additional burden on license buying citizens and that the issuance of free licenses by other government entities such as Motor Vehicles is non-existent. The Board feels strongly that the support of our military men and women should be borne by all citizens of the state and a General Fund reimbursement must be established to compensate the Conservation Fund for lost revenue.

Lastly, the Board is extremely concerned about S6162, which will exempt active military members from taking a hunter education course. Military firearms training and hunter education are not synonymous or exchangeable. Passage of this bill will erode the progress New York has made toward the establishment of a safer hunting environment.

MOTION: Mr. Pace motioned that a letter of concern be written to the legislators regarding the bill that would repeal of the Recreational Marine Fishing License (S6250) and the bill which will exempt active military members from taking a hunter education course (S6162). Seconded by Mr. Dunkleberger the motion carried unanimously.

The Board also decided that fact sheets concerning the three bills above should be developed and posted with a position statement on the CFAB web page. DEC will develop the fact sheets and update the webpage with a hyperlink to the documents. On an unrelated note, Mr. Cushing also requested that the DEC provide the Board with a summary of legislative initiatives and rule makings in progress.

### **DEC Budget**

Mr. John reported that there have been no significant changes with the budget since late January as there is still no agreement on revenue projections between the three negotiating bodies. Mr. Amato told the Board that DEC has submitted a proposal to the Division of the Budget, but a budget has not yet been finalized. He also stated that the agency was able to prevent the closing of various facilities, but decreases in non-personal service will definitely hamper work on some activities.

### **CFAB Committees**

Board members approved the most recent committee list and duty descriptions. Said list will now be posted on the CFAB web page.

### **CFAB Web Page**

Mr. Hurst provided the Board a demo on a reformatted CFAB webpage. The Board had no objection to the new formatting and DEC will work to have the redesign posted before the next meeting.

### **Department Reports**

#### **Law Enforcement**

- Officer Geould provided the Board with a report concerning Division of Law Enforcement (DLE) time and activity for state fiscal year 2009. After review the Board asked DLE to restructure the report to include detail information on fringe benefits and present it at the next

meeting.

### **Fish, Wildlife & Marine Resources**

- **LIA on Google Maps:** Mr. Stang provided Board members a presentation on a new web application that will allow users to find license issuing agents (LIAs) using Google Maps. By clicking on the virtual map pins users are able to access the name, address, phone number and driving directions (Attachment 3). The new application can be found at <http://www.dec.ny.gov/permits/6101.html>.
- **Priority Action Plan:** Director Riexinger presented the Board with an overview of progress concerning the Commissioner's Priority Action Plan. The presentation provided Board members with information on the status of just a sample of the DFWMR program and also identified areas of vulnerability in these trying economic times.
- **Fishing, Hunting and Trapping Guides:** Mr. Stang informed the Board that the bid for printing of the 2010 guides has been awarded to J.F. Griffin Publishing. Both guides will be 88 pages and as a cost savings measure the fishing guide will now be produced in the standard 8" x 11" size.
- **Board Members Questions/Concerns for DFWMR**
  - The Board engaged DFWMR staff in a discussion on urban and nuisance deer management and concerns about not using hunting as a tool to address these issues. Mr. Stang discussed that there are many components to nuisance management and in most cases the deer herd has reached a level of overpopulation because local law prohibits hunting. Each situation is different and therefore requires its own prescription. DEC is developing a Commissioner's Policy for urban/suburban deer management which will be shared with CFAB when it becomes available.

### **Division of Lands and Forest**

- **Encroachment on State Lands:** McCrae Burnham (Special Assistant to the Director) provided the Board with a presentation on legislation being introduced to combat encroachment on state owned lands (S3783). The bill also increases civil and criminal penalties and provides for injunctive relief for violations of ECL Article 9. While CFAB members are pleased that such legislation is being introduced, they feel that the language "lacks teeth" in regard to fines and does not go far enough in addressing the matter.

MOTION: Mr. Cushing motioned that the Department should work to have the bill language changed so that the injunctive relief in clued all costs, including DEC staff time. Seconded by Mr. Rosa the motion carried unanimously.

- **Large Scale Tree Tapping on State Lands:** Rob Davies conveyed to the Board that the New York State Sugar Maple Producers Association has requested that large scale maple tapping be allowed to take place on State Forests. Mr. Davies said that such operations would require the use of tube and line collection systems that must remain in place for at least ten years for a tapping to be profitable. Collection systems such as this have the potential to tie up a large amount of acreage, rendering the area occupied to a status of "exclusive use". The Board feels strongly that activities such as these, that curtail opportunities for others, should be prohibited and opposes an action that would promote such exclusive use.

## Office of Natural Resources

- Mr. John provided the Board an apprehension summary from Operation Jack Hammer and a preliminary summary of 2009 hunting related shooting incidents.

### Regional Reports from Board Members

**Region 1:** No report.

**Region 2:** No report.

**Region 3:** No report.

**Region 4:** No report.

**Region 5:** No report.

**Region 6:** No report.

**Region 7:** Mr. Pace reported that State Parks are the only avenue for access in many areas of Central New York. Some of these sites are in danger of being shut down, therefore he would like DEC to investigate the use of Federal Aid in Sport Fish and Wildlife Restoration Funds to develop State Parks into Access Sites.

**Region 8:** No report.

**Region 9:** No report.

**NYSCC:** Mr. Cushing noted that there appears to be a better working relation between CFAB and DEC over the past few months and that information request have been satisfied in a proficient manner. He also told the Board that there will be a Sportsmen Caucus the morning of the April 14 March on Albany.

**FWMB:** No report.

**Chairman Hancock made a motion to adjourn at 2:36 PM; seconded by Mr. Pace and carried unanimously.**

### **Summary of Motions:**

MOTION: Mr. Hancock motioned to approve the minutes of the 08-Feb-2010 Board meeting as drafted. Seconded by Mr. Dunkelberger the motion carried unanimously.

MOTION: A motion was made by Chairman Hancock and seconded by Alan Rosa to add a sixth paragraph to the Duties and Responsibilities of each Board Member section of the bylaws, which states the following.

**6. A Board member may be removed upon a majority vote of the Board if that Board member is convicted of any felony, or any misdemeanor or any violation of New York Environmental Conservation Law or enters into a civil agreement with the Department or officer or employee thereof to resolve an alleged violation of New York Environmental Conservation Law.**

Said motion carried unanimously by the members of the Board.

MOTION: Mr. Pace motioned that a letter of concern be written to the legislators regarding the bill that would repeal of the Recreational Marine Fishing License (S6250) and the bill which will exempt active military members from taking a hunter education course (S6162). Seconded by Mr. Dunkleberger the motion carried unanimously.

MOTION: Mr. Cushing motioned that the Department should work to have the bill language

changed so that the injunctive relief included all costs, including DEC staff time. Seconded by Mr. Rosa the motion carried unanimously.

**Summary of Resolutions:**

- None.

**Actions for the Board:**

- Send letters of opposition to legislators regarding S6162.
- Write brief position statements for the following:
  - Repeal of the Marine Recreational Fishing License
  - Legislation that will provide for free licenses

**Actions for the Department:**

- Develop fact sheets for the Marine Recreational Fishing License and the Potential Impacts of Issuing Free Licenses.
- Update web page to include:
  - Links to Marine Recreational Fishing License and the Potential Impacts of Issuing Free Licenses.
  - Revised bylaws
  - Revised committee listing and committee descriptions

**Unfinished Business:**

- DLE will determine if firearms removed from service can be transferred to other programs such as Hunter Education.

**Next CFAB Meeting:** NYSDEC, 625 Broadway, Albany: March 8, 2010

**Tentative Agenda Items**

**Future Meetings**

NYSDEC, 625 Broadway, Albany: April 12, 2010

NYSDEC, 625 Broadway, Albany: May 10, 2010

NYSDEC, 625 Broadway, Albany: June 14, 2010

---

Jason Kemper, Secretary

SSH/JK

Attachment 1.

## CFAB Correspondences for the period February 08, 2010 to March 08, 2010

>>> Carl & Joyce Mallory <[cmallory@optonline.net](mailto:cmallory@optonline.net)> 2/15/2010 1:29 PM >>>

I was just looking at renewing my Non Resident NY State Fishing License for the 2010 year and I have to say how disappointed I was to see a 75% increase in the cost of these licenses. I have been coming to NY for the last 9 years with my family and have continued to pay for an annual license each year, however, I am not sure this is something I can continue to do. I have purchased 3 licenses for the last 2 years and this year was scheduled to go to 4 NR Fishing Licenses. Unfortunately, that raises my costs from \$120.00 last year to \$280 this year. My family has always enjoyed the camping and fishing in NY. It has always been a great family vacation twice a year, but it seems to me that NY is not very interested in ensuring their state remains affordable to folks that live outside of it. At this rate, I think I will need to consider taking my vacations to some other states.

If it is possible, I would like to have an understanding of why these license expenses went up 75%.

Regards,

Joyce Mallory  
A former NY State Vacationer!

Attachment 2.  
CFAB Legislative Committee Report

March 8, 2010

A9234-Sweeney

S6250-Foley

Establishes a registration system for saltwater recreational fishing for people 16 and over-administered thru DEC- address, DOB, phone#, each person assigned a unique ID#, repeal existing Marine License and establish no fee rule.  
(Senator Schumer recently supported a rally in Washington in support of this legislation)

A406-Kavanagh

Animal control and licensing of animals for better control, establishes an animal population control fund

A506- Kavanagh

Gun violation prevention program in schools

A555 -Kavanagh

Gun "free kids law"- felonies for improper storage of firearms

A563- Sayward

S326- Little

Stewardship and habitat conservation credit for personal income and business franchise taxes

A740 -Gunther

S2943- Nozzolio

Disabled may use crossbow

A801A -Paulin

S159A-Schneiderman

Renewal of firearms licenses after 5 years.

A816-DelMonte

Warm waters hatchery for Lake Erie

A825-DelMonte

Dogs released for hunting are considered under control of owner

A924- DelMonte

Authorizing hunting w/crossbow

A1186-Paulin

S1713-Schneiderman

Sale of firearms thru licensed firearms dealers only

A1199 Destito

Extends archery season at the end of Big Game Rifle in Northern Zone for 7 days

A1765 –Morelle

Prohibits discharge of bow or firearm within 1,000 feet of a school

A2559-Glick

S845-Marcellino

Unlawful to organize, promote or participate in contest for taking the greatest number of wildlife

A4777 Englebright

S5423 Serrano

Allows counties to restrict or prohibit trapping

A5438-Koon

Regulars ballast water

A6503-Ortiz

Waives fishing, hunting fees for 5 years after military service

A7682 Alessi

Lifetime sportsmen license for honorably discharged, disabled veterans

S6162- Aubertine

Exempts active military people from taking a hunter education course

S658-Larkin

Allows commercial deer hunting

NOTE:

We need a summary report on Legislation and Reg. Changes DEC is proposing

Respectfully submitted,

Howie Cushing

Chr. CFAB Legislative Chairman

Attachment 3

The screenshot shows a Microsoft Internet Explorer browser window displaying Google Maps. The address bar shows the URL: <http://maps.google.com/?q=http://www.dec.ny.gov/maps/gmliasouth.kmz>. The search bar contains the same URL. The map shows Albany County, NY, with numerous green location pins. On the left side, there is a list of "DEC License Issuing Agents" with checkboxes for "Eastern and Southern NY:" and "Albany County:". The list includes:

- A. PHILLIPS HARDWARE
- CITY OF COHOES
- DICK'S SPORTING GOODS INC.
- DICK'S SPORTING GOODS INC.
- K-MART CORPORATION
- NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
- TOWN OF BERNE
- TOWN OF BETHLEHEM

The browser's taskbar at the bottom shows the start button and several open applications: Novell GroupWise - M..., CFAB Draft Minutes..., and DEC License Issuing ... The system clock shows 9:56 AM.