



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

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Monthly Meeting Minutes  
Two Hundred Ninety Sixth Meeting  
9 November 2009

Dept of Environmental Conservation, 625 Broadway, Albany, NY

**Call to Order** – Chairman Hancock called the meeting to order at 9:01 AM.

**Roll Call**

Voting Board Members Present

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

Voting Board Members Excused

Dominick Scarzafava	Region 3
Charles Pace	Region 7
Jim Petreszyn	FWMB

Ex-Officio Members Present

NYS DEC Commissioner, represented by  
Director Patricia Riexinger and  
Douglas Stang, Division of Fish,  
Wildlife and Marine Resources and  
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

Peter Fanelli, Director and Major T. Duffy,  
Division of Law Enforcement  
DEC Deputy Commissioner Jack McKeon  
Rob Davies, Director, Division of Lands & Forests  
Arthur J. Newell, Division of Fish, Wildlife and  
Marine Resources

Guests

Steve Piatt, NY Outdoor News  
Dick Nelson, Hudson Valley Newspapers  
Sean Mahar, Audubon NY

Chairman Hancock stated that a quorum of voting members was present and opened the meeting for the conduct of business.

## Correspondence

Chairman Hancock received said he has been inundated with calls on the new opening burning rules, and some of the callers say that someone in DEC in Albany gave them the Chair's home phone number. The Chairman said he is also getting a number of calls with information on poaching reports; he provided the callers with the TIPP phone number. Director Fanelli said that DLE has been very busy this year responding to reports of poaching.

Director Riexinger spoke on two matters. First, Mr. Hurst was not reachable on the Biologist 4 (Aquatic) Civil Service list, and Mr. Newell will serve as the acting Chief of the Bureau of Fisheries until a waiver can be obtained to fill the vacant Biologist 4 (Aquatic) position. This will be a temporary reassignment because the division wants to maintain five bureaus. Second, DFWMR needs additional funding sources; Director Riexinger is involved in Assoc of F&W Agency efforts to generate support from NGOs to support important underfunded initiatives, e.g., biodiversity conservation. The Board expressed concern about hunters and anglers being asked to contribute more to these types of activities and reminded the Director that CFAB has generated a list of current DFWMR activities that the Board believes should not be funded with Conservation Fund dollars.

## Minutes of prior meetings

**Mr. Rosa motioned to approve the minutes of the 13 October 09 Board meeting as presented, seconded by Mr. Dunkelberger, and the motion carried unanimously.**

## Annual Report

Completion of the Annual report was discussed. Chairman Hancock said that due to the late delivery to the Board of the DEC Report on the Level of Effort expended on DFWMR programs it will simply be appended to the Annual Report without any evaluation by the Board.

**Mr. Cushing made a motion for the Board to strongly support the Chairman's message and recommendations in this year's Annual Report, with some modifications made at the meeting, and for the Board to give great credit to the Chair for taking such a bold step in the review of CF expenditures and providing advice thereon to DEC; seconded by Mrs. Sicley and carried unanimously.**

## By-laws

Chairman distributed revised by-laws. Mr. Rosa pointed out changes to Articles I and IV. After some discussion some additional changes were made.

**Mr. Kemper made a motion for the Board to adopt the revisions to the CFAB by-laws, as presented by Chairman Hancock and Mr. Rosa and further revised by the Board at this meeting; seconded by Mrs. Sicley and carried unanimously.**

## Funding Sources and Cost of the 3 FY 09-10 DFWMR Work Plan

Mr. Cushing suggested that the Board form a 2-3 person committee to work with DFWMR to determine the reason work is done that the Board thinks should not be funded by CF. Chairman Hancock

appointed Messrs. Cushing, Kemper and Rosa to complete this task.

The Board discussed the opportunities from the spike in Wildlife Restoration funds expected during the 2010 federal fiscal year, and said they would like a presentation on projects that were being considered for funding. Mr. Stang said that one limitation would be finding the required state match for the federal funds. Mr. Cushing said he could imagine using some of the spike on non-game if non-game constituents provided the non-federal match.

## **Department Reports**

### Division of Lands & Forests

Director Davies gave a presentation on changes being made to the conservation easements on the 110,000 acres acquired from Champion in 1999. DEC will propose an amendment to the state-owned easement that will allow the continued leasing of hunting camps on the former Champion International Corp. lands in Franklin, Herkimer, Lewis and St. Lawrence counties in exchange for the transfer of 2,661 acres of valuable wildlife habitat along the Deer River to the State Forest Preserve and State Forest holdings. Under the proposed easement amendment the landowner will retain the right to continue leasing no more than the existing 220 hunting camp sites on the working forest easement lands; the camps will occupy one-acre plots. In exchange, the company will convey title to 2,661 acres to the state. A 2,146-acre parcel within the Adirondack Park will be added to the State Forest Preserve in the vicinity of the Deer River Primitive Area (Franklin County). Also, a 515-acre parcel outside the Park in Franklin County will become a new State Forest. Together, these parcels will facilitate access to a previously inaccessible segment of Forest Preserve property, which will be open to the public for outdoor recreation, including hunting, fishing, camping and hiking.

Mr. Nelson asked who opposed the change, and Mr. Davies said it was primarily environmental groups that feared it would result in some degradation from ATVs, other motorized vehicles, etc. Mr. Kemper said it was good to be gaining access; the tendency is to lose it. Director Davies that Maine's forest lands are being subdivided, "McMansions" built, and the state DNR wishes they had gotten in conservation easements when NY did. He added that easements can't be the only tool; localities need land use ordinances, comprehensive land use management plans and other tools to protect lands; and NYS could use conservation easements outside the Adirondack Park .

### Division of Law Enforcement

The report was given by Major Duffy. The Major gave a presentation on the history and current capabilities of DLE.

Mr. Cushing suggested the ECOs should go to DEC campgrounds and do checks for hunting and fishing licenses, and further recommended that the campgrounds should sell licenses. Major Duffy said DLE would consider this suggestion. Chairman Hancock asked DLE to do a pilot program at 3-4 DEC-operated campgrounds.

**Mr. Cushing made a motion for the CFAB Fisheries Committee to work with DEC's DFWMR and DLE in coordinating a pilot check for hunting and fishing licenses in an area that is visited by large numbers of campers and recreationists; seconded by Mr. Kemper and was carried with seven yeas and one nay.**

## Office of Administration

Mr. McKeon presented a report on capital support for the FWMR program, including distribution of a list of projects funded in FY 09. Mr. Cushing asked what happened to older year capital that had been allocated to hatchery projects. Mr. McKeon said that he would get back to CFAB members with a list of expenditures and balance from the Empire State Development Corporation capital funds identified for fish hatchery upgrades. Mr. McKeon acknowledged that work on Belleayre was a priority, but he was not aware that any engineering work was re-directed from work on the hatcheries to Belleayre. Mr. Kemper asked about swept capital. Mr. McKeon said it was primarily unspent EPF, adding that he thinks DEC will get about \$81 million in EPF funds in a variety of categories next year and, hopefully, in future years.

Mr. Cushing asked why DEC doesn't seek reimbursement for work done on natural resource damage claims. Mr. Stang said depending the nature of the settlement, there may be benefits to hunters, trappers, and anglers such as increased access to resources or non-development easements and the DFWMR never contemplated seeking reimbursement to the Conservation Fund for staff time spent on these efforts.

## Fish, Wildlife and Marine Resources

Mr. Stang gave the report.

DEC adopted final rules for migratory game bird hunting and will be filing proposed changes to regulations governing fishing for winter flounder and American shad.

Work is progressing on the reconstruction of the Rome Hatchery office and early-rearing building.

License-issuing staff continue to field many, many, many telephone calls on the increase in license fees, the status of refunds for those that purchased lifetime licenses, the whereabouts of certain tags and DMPs, etc.

Work continues on the development of the RFP for the next DECALS contract.

Mr. John added that there is anti-hunt sentiment growing in regards to white deer in the Seneca Army Depot.

Chairman Hancock asked why there isn't a warning on contaminants in fish in markets. Mr. Stang responded that fish markets are sampled periodically and that the contaminant loads in fish for sale must meet FDA and NYS department of Health guidelines. Mr. Stang added that it seems to be inconsistent that fish (such as yellow perch and sunfish) that anglers catch from waters where these are consumption advisories are sold in the market place.

Mr. Dunkelberger asked about the status of the feral pig situation. Mr. Stang said that reports on the numbers of feral pigs are growing.

## Marine Sport Fish License Position

Chairman Hancock asked the Board if it wanted to take a position on the proposed appeal of the new saltwater recreational fishing license. There was a brief discussion on the matter and events related to the new license that were taking place in the Marine District. The Attorney General has decided not to engage in this matter so DEC legal council will be handling the case. The Chairman said the Board must ensure that CF money is not spent on marine programs if the license is eliminated. Mr. Nelson asked if there was a proposal to allow Hudson River charter boats to obtain a license to allow people to fish under the boat license. Mr. John said he was not aware of any such proposal.

**Mr. Cushing made a motion for the Board to support the institution of the NYS saltwater recreational fishing license, and further proposed that the fee be increased and these recommendations be sent in a letter from the Board to the Assembly Ways and Means and Encon Committees, the Senate EnCon and Finance Committees and Senator Schumer; seconded by Mr. Rosa and was carried with seven yeas and one nay.**

**Mrs. Sicley made a motion to adjourn at 2:53 PM; seconded by Mr. Cushing and carried unanimously.**

**Upcoming CFAB meetings**

**NYSDEC, 625 Broadway, Albany: December 14, 2009**

**NYSDEC, 625 Broadway, Albany: January 11, 2010**

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Jason Kemper, Secretary