



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

Monthly Meeting Minutes
Three Hundredth Fifth Meeting
12 October 2010

Department of Environmental Conservation, 625 Broadway, Albany, NY

Call to Order – Chairman Kemper called the meeting to order at 9:13 AM.

Roll Call

Voting Board Members Present

Charles Bevilacqua	Region 1
Alan Rosa	Region 4
Jason Kemper	Region 5
Linda Sicley	Region 6
Charles Hancock	Region 8
Dale Dunkelberger	Region 9
Lance Robson	FWMB
Howard Cushing	NYSCC

Voting Board Members Excused

Gordon Whiting	Region 2
Dominick Scarzafava	Region 3
Charles Pace	Region 7

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

Executive Office: Christopher Amato
Division of Fish, Wildlife and Marine Resources:
Patricia Riexinger, Douglas Stang, Gordon
Batcheller and Stephen Hurst
Division of Law Enforcement:
Walt Heinrich

Guests

Steve Piatt, New York Outdoor News

DFWMR = Division of Fish, Wildlife and Marine Resources

DLE = Division of Law Enforcement

DPAE = Division of Public Affairs & Education

DMBS = Division of Management and Budget Services

DOS = Division of Operation Services

OTA = Office of Taxpayer Accountability

Correspondence (Jason Kemper)

- The CFAB reviewed a letter sent by Mr. Fred Neff on September 19, 2010 which stated displeasure with the structure and material presented in the Annual Report to the Commissioner and Legislature (see attached).

MOTION: Chairman Kemper motioned that a letter of reply should be drafted telling Mr. Neff that the content of the Annual Report and the manner in which it presented is determined solely by this Board and while they appreciate his input, the Level of Effort section of the report will remain relatively unchanged. Seconded by Mr. Robson the motion passed unanimously.

Minutes of Prior Meeting

Draft minutes from the 13-September-2010 meeting were reviewed by the CFAB and accepted as drafted.

MOTION: Mr. Rosa motioned that the minutes be accepted as drafted. Seconded by Mr. Dunkleburger, the motion passed unanimously.

Legislative Report

- Handgun Listing: Mr. Cushing told members that he has FOILED the New York State Police regarding documents associated with the posting of the names of pistol permit holders on the internet. He stated that he is also working with other interested groups to stop the practice. He will report progress at the next meeting.

CFAB Business

- Shared Services Initiative: Chairman Kemper conveyed his disappointment with the vague response from OTA to his letter about the costs and services associated with migrating DECALS into the States new E-Licensing system. Mr. Stang said the response could only be vague because the requirements for E-Licensing have not been well thought out yet.

MOTION: Mr. Robson motioned that the OTA response is unacceptable and new letters need to be sent to OTA and DOB stating that specific questions concerning cost and service must be addressed. Seconded by Ms. Sicley the motion passed unanimously.

Chairman Kemper will draft a follow up letter stating that his concerns were inadequately addressed.

Mr. Stang also told CFAB that OSC has granted the DEC permission to extend the current contract with Verizon for another three years. Verizon will institute a three percent annual increase in the contract cap over that period of time.

- Fish Hatchery Positions: Chairman Kemper conveyed to members that he has spoken with staff of the Senate Finance Committee in regard to the loss of hatchery positions, but there has been no action taken by Committee to date. CFAB requested that the DFWMR provide them with the plan of action that will be taken if the positions are not filled this fall.
- Early Retirement Impacts (ERI) – DFWMR: Director Riexinger provided CFAB with the breakdown on staff losses due to the ERI below.

State = 5000

DEC = 260

DFWMR = 36 (9%), but may be as high as 40 resultant losses if DFWMR staff are promoted into 3 vacant NRS positions and OIS coordinator position.

DFWMR Breakdown for ERI by location

CO = 11

Hatcheries = 9

Regions = 10

Non-Reg Facilities = 5

Marine = 1

DFWMR Breakdown for ERI by Bureau

BOW = 13

BOF = 12

BOMR = 1

BOH = 7

Admin = 3

Backfill waivers will be obtained for 20 positions (double backfills for 4), but the DFWMR will still incur a 9% net loss since.

Two of the four vacant Bureau Chief positions have been filled. Gordon Batcheller will now head the Bureau of Wildlife and Christina Dowd will serve as Chief for Bureau of Habitat after acting in that capacity for over two years. Hiring of the Fisheries Chief and Fish and Wildlife Services Chief positions are in process.

- Layoffs – DFWMR: Director Riexinger provided CFAB with the breakdown on staff losses due to the ERI below.

DEC has been slated for 209 layoffs. Executive has written justification for a reduction in this number to DOB.

Director Riexinger also told members that "Interests of sportsmen is paramount in our decision making as we move forward and we will do everything we can to ensure that the services and opportunities we provide them are impaired as little as possible"

MOTION: Mr. Robson motioned that CFAB should send a letter to the Commissioner asking that the DFWMR receive no further cuts. Seconded by Mr. Hancock the motion passed unanimously.

- Crossbow Regulations: Gordon Batcheller provided members with a synopsis of the new crossbow legislation that was signed into law. Regulations will be promulgated over the winter, information regarding their use will be included in the next printing of the Hunting, Fishing and Trapping Guide the Sportsmen Education Unit will purchase crossbows for hunter safety courses and add a self instruction component to the website.

- Moose River Plains Unit Management Plan (MRPUMP): Assistant Commissioner Amato provided members with an update on progress towards modification of the MRPUMP. Revisions to the draft plan include:
 - Keeping the Indian River Road open up to the trail to Squaw Lake where a new parking area will be developed.
 - Create a new trail from Squaw Lake to Indian Lake that will be accessible via horse and wagon.
 - Build a trail from Rock Dam Road to Horn Lake.

Mr. Amato also told members that the Indian River Road, which was closed this summer due to poor repair, will reopened before the Northern Zone Big Game Season opens.

MOTION: Mr. Rosa motioned that CFAB agree with the changes to the plan as presented by Assistant Commissioner Amato. Seconded by Mr. Robson the motion passed with a single dissenting vote from Mr. Cushing.

- Revised Endangered and Threatened Species (ETS) Regulations: Assistant Commissioner Amato addressed CFAB in regard to their concerns that the new ETS regulations place an undue burden on staff and the Conservation Fund. While he understands CFAB’s concerns he feels that the existing regulations will now be clarified, which should actually save staffs time. The new regulations will codify what staff is doing now in practice so impact review should be more efficient. He also stated that 99.9% of projects will have no impact because plans will get redesigned.

The ETS regulations are currently undergoing final review and should be filed within seven days. Chairman Kemper still expressed serious concerns to Mr. Amato regarding the ETS regulations and the increased workload it will cause on those positions funded out of the Conservation Fund.

Department Reports

Fish, Wildlife & Marine Resources (DFWMR) - Douglas Stang

- Filled position reports (Note: The figures below represent more recent data then what was presented at the meeting and includes the departure

DFWMR Staff

Account	Filled Positions
Natural Resource Damages Account	2.00
Hazardous Waste Cleanup Account	2.85
State Purposes Account	8.50
FWMR Grants Account	67.65
Conservation Fund – Marine Account	35.00
Conservation Fund – Traditional Account	237.1
Environmental Regulatory Account	5.80
Total	358.9

Conservation Fund – Traditional Account

Division	Filled Positions
Fish, Wildlife & Marine	237.10
General Counsel	1.00
Information Services	1.00
Law Enforcement	3.00
Operations	2.50
Public Affairs	3.00
Regional Affairs	2.00
Total	249.60

Conservation Fund – Marine Account

Division	Filled Positions
Fish, Wildlife & Marine	35.00
General Counsel	1.00
Law Enforcement	6.00
Regional Affairs	1.00
Total	43.00

- DOB has not yet approved the waivers to hire seasonal help this fall. The delay has already forced DEC to cancel the Lake Ontario Creel Survey and fall pheasant stocking and the cooperative hunting area operations may also be in jeopardy.
- DEC is receiving a large number of inquiries from vendors desiring to be License Issuing Agents.
- DEC is in the process of developing guidelines for the transfer of lifetime licenses

Law Enforcement (DLE) – Major Walter Heinrich

- DLE received an award from the Association of Fish and Wildlife Agencies for operation Shell Shock
- DLE is currently down 23 officers
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Regional Reports from Board Members

Region 1:	No report.	Region 7:	No report.
Region 2:	No report.	Region 8:	No report.
Region 3:	No report.	Region 9:	No report.
Region 4:	No report.	NYSCC:	No report.
Region 5:	No report.	FWMB:	No report.
Region 6:	No report.		

MOTION: At 2:50 PM Mr. Robson motioned that the meeting adjourn. Seconded by Mr. Dunkleburger, the motion passed unanimously.

Summary of Motions:

MOTION: Chairman Kemper motioned that a letter of reply should be drafted telling Mr. Neff that the content of the Annual Report and the manner in which it presented is determined solely by this Board and while they appreciate his input, the Level of Effort section of the report will remain relatively unchanged. Seconded by Mr. Robson the motion passed unanimously.

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Summary of Resolutions:

- None.

Actions for CFAB:

- Mr. Robson will draft a letter of reply to Mr. Neff regarding the Annual Report.
- Mr. Robson will draft a letter to the Commissioner asking that DFWMR receive no further cuts in staffing.

Actions for the Department:

- Mr. Stang will provide CFAB with the plan of action that will be taken if hatchery positions are not filled this fall.

Unfinished Business:

- From Feb 8, 2010 - DLE will determine if firearms removed from service can be transferred to other programs such as Hunter Education.
- From May 10, 2010 - Members agreed to provide the Chairman Kemper with their thoughts on the usefulness of each committee and what committees they wanted to remain involved with.
- From June 14, 2010 - Mr. Rosa and Mr. Kemper will draft a letter to legislative ex-officios reminding them of their need to attend CFAB meetings.
- From June 14, 2010 - Board members will review the attached draft calendar and prepare comments for Jason for the September meeting.
- From June 14, 2010 - CFAB to give DEC specifics on what information they need in regard to quarterly program expenditures
- From June 14, 2010 - Monthly update from Operations regarding on ongoing fish and wildlife projects.
- From June 14, 2010 - CFAB should explore options to reduce the cost of DECALS through

options such as simplification of license structure.

Next CFAB Meeting: #306 - December 6, 2010

Future Meetings: #307 - December 13, 2010
#308 – January 10, 2011

Linda Sicley, Secretary

SSH/LS

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September 19, 2010

To: Conservation Fund Advisory Board Members
Pat Riexinger - DEC
Doug Stang - DEC
Wally John - DEC

Subj.: June 2010 CFAB Minutes

I just reviewed the June 2010 CFAB minutes. As most of you know, I have had a constant case of heartburn, and have communicated that feeling to you more than a few times in the past, over the degradation of the CFAB Annual Fiscal Reports. One of them was obvious - no one was seriously reviewing the reports before they were issued to the public via the Internet (e.g. - planet earth). Not good for the perception of professional competence. I have to assume that everyone will agree with that.

My other problem is my perception that there is a continuing reluctance of anyone (CFAB or DEC) to recognize that when I have referred to "Level of Support Analysis - Expenditure of Funds" and "Level of Support Analysis - Sources of Funds" tables in my past correspondences, I actually knew what I was talking about. I didn't make those titles up - DEC did! I cannot understand why the term "Level of Support" has been morphed into "Level of Effort" by all. It's still being used based on the June minutes. Under the section, "Expenditure of Funds", "Notes" (Page 10 of the Minutes), once again, "Level of Effort" seems to be the title of choice. What's the problem here? I know that I'm only an average retired electrical engineer/manager, but I'm going to state, yet again, that the two tables that WERE the most important tables in the Annual Report for me were the LEVEL OF SUPPORT tables. I'm not going to try to explain yet again what I'm referring to. I've been told several times already that it is "LEVEL OF EFFORT". This is starting to insult my intelligence. I may be a lot of things; but I assure you that I'm not stupid. How simple can I explain my suggestion for your review (if it's not too late by now)?

Okay...look at the CFAB Fiscal Reports for 2005/2006 or for 2006/2007. Those reports, as presented, are fine by me. But it was like pulling teeth from an alligator to get these two tables finally included as an addendum to the 2007/2008 report and, despite my persistent efforts, they were NEVER included in the 2008/2009 report. Explanation - "Enough changes have been made to the report already" (true - there were a lot of errors). Thanks for indicating that the Habitat/Access Stamp sub-account should be included. Maybe even the Habitat/Access License Plate fund (woeful as it is) can be accounted for.

I applaud CFAB's continued insistence on creation of a Fiscal Report that is simple and complete. As for myself, if nothing else happens, continuation of the format used in the 2005/2006 Report, with the inclusion of the H/A Stamp funding and expenditures is fine by me.

For the purpose of "Correspondence" in the Monthly Minutes, I request that you consider this Word document attachment as "hard mail" without the envelope since it appears that email correspondence is not presently acknowledged.

Cordially,

Fred Z. Neff