



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

Monthly Meeting Minutes
Three Hundredth Seventh Meeting
13 December 2010

Department of Environmental Conservation, 625 Broadway, Albany, NY

Call to Order – Chairman Kemper called the meeting to order at 9:07 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 Hancock	Region 8
Dale Dunkelberger	Region 9
Lance Robson	FWMB
Howard Cushing	NYSCC

Voting Board Members Excused

Charles Pace	Region 7
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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

Division of Fish, Wildlife and Marine Resources:
Douglas Stang and Stephen Hurst
Division of Law Enforcement:
Peter Fanelli

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
DOP = Division of Operation Services
OTA = Office of Taxpayer Accountability

Correspondence (Jason Kemper)

- Chairman Kemper has been in contact with Assemblyman Sweeny via telephone and email. He will be meeting with the Assemblyman on Friday December 17, 2010 for a follow up discussion regarding concerns presented by CFAB at the legislative oversight hearing on November 18, 2010. This discussion will include, among other things, Legislative Ex-Officio attendance at CFAB meetings.

Minutes of Prior Meeting

- The December 6 meeting was a working meeting and draft notes were not yet prepared. Although no business took place, other than work on the 2009 Annual Report, draft minutes will be presented for approval at the January 10, 2011 meeting so an official record can be archived.

Legislative Report

- None

CFAB Business

- A review of the final draft of the 2009 Annual Report was conducted. Mr. Hurst will make final changes to the report and post it on the CFAB webpage on the DEC website once it is completed.
- Members asked Mr. Stang for an update on the status of the 2011 budget for the DFWMR. Mr. Stang reported that at the current time, the 2010 budget will serve as the 2011 base budget. He has requested that DECALS and other fixed costs be fully funded to provide some relief on an already constrained operating allocation to DFWMR.
- Mr. Cushing stated that previous years' capital appropriations for hatchery infrastructure improvement were swept or lost due the inability to spend. He told members that they must look beyond the Conservation Fund and be prepared to discuss the need for hatchery infrastructure improvement funds during the upcoming joint budget hearings. He asked the DEC to update a report provided to the CFAB in January 2009 on the need and status of hatchery upgrades and repairs. The DEC will try to provide the CFAB with an updated report at the January 2011 meeting.
- Lance Robson reported that the Fish and Wildlife Management Board needs approximately \$25,000 in operating funds to carry out its duties. This amount includes approximately \$16,500 to conduct two state wide meetings and travel for regional meetings and administration.

MOTION: Mr. Cushing motioned that provisions should be made for the FWMB to receive a maximum of \$20,000 in funding for operating expenses with the caveat that a spending plan including goals and objectives be established before any money can be disbursed. Seconded by Mr. Bevliaqua, the motion passed for discussion.

A discussion ensued after the motion regarding the potential for unintended consequences associated with such an action. Mr. Stang and Mr. Hurst told the CFAB that, even if an appropriation text for such an item were included in the budget, the potential for funding is uncertain at best. They reiterated that appropriation language is merely legislative spending authority that can be usurped via the financial plan and cash ceiling established by DOB. They reminded members that it cost \$3M to maintain DECALS and, although the enacted budget appropriated said amount, the financial plan resulted in an allocation of only \$1.2M (see above).

The same can happen if a line item is granted to the FWMB. Alternatively, if the DFWMR is forced to allocate \$20,000 for FWMB operations out of allocated operating funds other program areas would have to be cut. Chairman Kemper raised the concern that the above scenario could

place CFAB’s budget in jeopardy and although he agrees with the spirit of the motion he does not want press too hard on an action that would diminish the ability of the CFAB to conduct business. **After further discussion the members decided to withdraw the before mentioned motion. A new motion was issued as follows:**

MOTION: Mr. Cushing motioned that the CFAB will assist the FWMB in efforts to obtain funding for operational expenses. Seconded by Mr. Bevilaqua, the motion passed unanimously.

- Members engaged in a discussion regarding the potential need for a three-day non-resident small game license as some sportsmen, most notably hunting guides, have complained that the current \$85 fee for an annual license is an impediment to out-of- state hunters that want to hunt small game in New York. After considerable discussion, members decided to table the issue until more information can be obtained.

Department Reports

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

- Members were provided a handout on DFWMR staff loses from the Early Retirement Incentive (ERI) (see attached). As it stands now, the Traditional Account lost 25 positions due to the ERI, but the number may yet go up or down depending on the funding source of positions vacated for backfills.
- The DFWMR suffered a loss of five staff persons as a result of the Reduction In Force (RIF) measures enacted by the Governor in November. These positions include:
 - One Laborer position - Wildlife Pathology Unit (Delmar)
 - One Laboratory Technician position - Wildlife Pathology Unit (Delmar)
 - Two Fish and Wildlife Technician II position - Wildlife Pathology Unit (Delmar)
 - One Senior Biostatistician – Environmental Toxicology Unit (Hale Creek)
- Filled position reports.

DFWMR Staff

Account	Filled Positions
Natural Resource Damages Account	2.00
Hazardous Waste Cleanup Account	2.85
State Purposes Account	9.50
FWMR Grants Account	66.65
Conservation Fund – Marine Account	35.00
Conservation Fund – Traditional Account	235.05
Environmental Regulatory Account	5.80
Total	356.85

Conservation Fund – Traditional Account

Division	Filled Positions
Fish, Wildlife & Marine	235.05
General Counsel	1.00
Information Services	1.00
Law Enforcement	3.00
Operations	3.00
Public Affairs	3.00
Regional Affairs	3.00
Total	249.05

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

- A contract, which employs the DFWMR's DECALS consultant, cannot be extended because an Attachment A (approval to spend) was not received from DOB. As of November 30, the DFWMR lost its capacity to pull critical information from the automated licensing system. The DFWMR has asked DEC's Division of Information Services for assistance in developing query language for limited standardized reporting. Information, such as rudimentary deer take, should be able to be pulled from the system, but the ability to provide specialized reports and satisfy ad hoc information requests will be extremely limited.
- Plans remain unchanged to have sporting licenses integrated into the Governor's Shared Services Initiative, E-Licensing.
- Despite negative rhetoric from some individuals, Field Notes is alive and well and continues to provide valuable information to those interested in the DEC's fish and wildlife program.

Law Enforcement (DLE) – Director Peter Fanelli

- DLE lost nine people in eight positions due to the RIF (two staff were ½ time employees) including:
 - Three sampling team staff
 - Two data entry staff
 - Two lieutenants in Region 5
 - One Laborer – ECO Acedemy
 - One Secretary I - Avon
- DLE is currently understaffed by 33 positions, 24 of which are officers
- DEC Officers will be holding a press conference on a deer jacking detail instituted this Fall on Wednesday, December 15 at Region 8 headquarters in Avon. The detail resulted in the apprehension of 137 people and 271 charges including:
 - 245 ECL violations
 - 19 traffic violations
 - 7 penal code violations
- There have been more than 60 hunting-related shootings since January 1, 2010. Approximately one half were personal and one half were property-related.
- There has not yet been a decision on the 2005/2006 or 2006/2007 arbitration settlement for ECOs.

Executive Session

MOTION: Mr. Rosa motioned that the CFAB enter into executive session for the remainder of the meeting. Seconded by Chairman Kemper, the motion passed unanimously.

Regional Reports from Board Members

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|------------------|------------|------------------|------------|
| 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 2:15 PM Alan Rosa motioned that the meeting adjourn. Seconded by Mr. Scarzafava the motion passed unanimously.

Summary of Motions:

MOTION: Mr. Cushing motioned that provisions should be made for the FWMB to receive a maximum of \$20,000 in funding for operating expenses with the caveat that a spending plan including goals and objectives be established before any money can be disbursed. Seconded by Mr. Bevliaqua, the motion passed unanimously. **MOTION WITHDRAWN**

MOTION: Mr. Cushing motioned that the CFAB will assist the FWMB in efforts to obtain funding for operational expenses. Seconded by Mr. Bevliaqua, the motion passed unanimously.

MOTION: Mr. Rosa motioned that the CFAB enter into executive session for the remainder of the meeting. Seconded by Chairman Kemper, the motion passed unanimously.

MOTION: At 2:15 PM Alan Rosa motioned that the meeting adjourn. Seconded by Mr. Scarzafava the motion passed unanimously.

Summary of Resolutions:

- None.

Actions for CFAB:

- Members will obtain more information on the non-resident small game hunting license issue for the next meeting.

Actions for the Department:

- The DFWMR will update the 2009 hatchery status report and provide to CFAB members.

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 Chairman Kemper 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.
- From Oct 10, 2010 - Mr. Robson will draft a letter of reply to Mr. Neff regarding the Annual Report.
- From Oct 10, 2010 - Mr. Robson will draft a letter to the Commissioner asking that DFWMR receive no further cuts in staffing.

Next CFAB Meeting: #308 – January 10, 2011

Future Meetings: #309 - February 14, 2011

Linda Sicley, Secretary

SSH/LS

