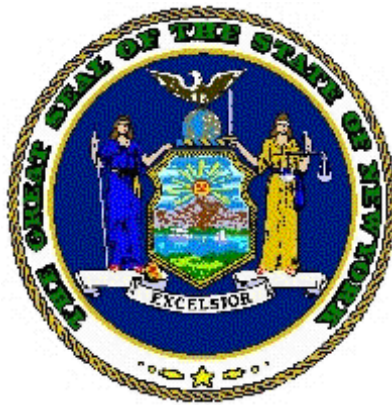


State of New York

Conservation Fund Advisory Board



Annual Report to the Commissioner,
Sportsmen and Sportswomen

For the period
April 1, 2010 to March 31, 2011

October 5, 2012

Contents

A Message from the Chairperson.....	1
About This Report.....	3
What is the Conservation Fund Advisory Board?.....	3
What is the DEC Fish and Wildlife Program?.....	5
Accounts in the Conservation Fund.....	5
Actions of the Board during FY 2010/2011	7
Actual and Projected Status of the Conservation Fund Traditional Account.....	7
Sporting License Sales and Revenue	7
Conservation Fund Accounts Revenue (2008-2010)	9
Appropriations and Allocations	10
Conclusions and Recommendations	11
APPENDIX A: CFAB Meeting Attendance.....	13
APPENDIX B Traditional Conservation Fund State Detailed Comparative Statement (2009-2010)	14
APPENDIX C State Fish and Game Trust Account Detailed Comparative Statement (2009-2010)	15
APPENDIX D Level of Effort Report- Fish,Wildlife&Marine Program FY 2010-11	16

A Message from the Chairperson

The Conservation Fund Advisory Board (CFAB or Board) has continued to work diligently over the last year to protect the interests of the sportsmen and women of New York State. The CFAB met on a regular schedule of monthly meetings, as well as its members attending numerous events within the various DEC regions and ongoing meetings with various Committees within the Legislature and with the staff of the Governor. The Division of Fish, Wildlife, and Marine Resources has continued to provide information and support to CFAB and coordinated new initiatives with the Board. This support has significantly improved the communication between the Board, the Department, and the license buying community.

The Conservation Fund supports programs and staff in the Fish and Wildlife Program in NYSDEC from funds provided by license fees and penalties. The Board continues to believe that the New York State Executive Branch and the Legislature of New York State Government do not fully understand the importance of the Fish and Wildlife Program and the role it plays in protecting our natural resources. In addition, there is significant revenue and taxes generated to the state economy by the purchases sportsmen and sportswomen make.

The sale of hunting, fishing and trapping licenses generates approximately \$50 million per year and approximately another \$22 million in Federal dollars for operating expenditures for the DEC. The dollars spent to operate DEC from these funds help provide significant benefits to the non-license buying public who also use the natural resources for which the DEC is responsible for. Based on the most current United States Fish and Wildlife Service data, the direct out-of-pocket expenditures by New York State residents related to hunting, sport fishing and wildlife watching exceed \$3 billion per year.

Since the 2009/10 annual report, the state fiscal crisis has continued to worsen and certain policy decisions within the Division of Budget has caused the staffing levels within the Division of Fish, Wildlife and Marine Resources to reach unprecedented lows. The Board believes that these policies do not make sense and will not only hurt the management of the States fish and wildlife resources, but will adversely impact New York's economy. The money to replace these losses in staff that were paid out of the Conservation Fund is available to be spent.

The CFAB will continue to review the allocations and expenditures for the Fish and Wildlife Program and advise state agencies, the Legislature and Governor on them and will also continue to make recommendations on state government programs, state government plans and policies affecting fish and game. The Board strongly believes that sportsmen and women need to become active and advocate State elected officials on the importance of NYSDEC and in particular, the fish and game programs for which they pay.

The CFAB has made every attempt to try and educate the license buyers on issues that impact the Conservation Fund. The board urges you to check the website (<http://www.dec.ny.gov/about/566.html>) on a regular basis. Updated information on the

Board has been added to the website as well as a “Correspondence” link that enables you to download letters and correspondence that have been issued by CFAB. In addition, there have been additional sections added to the annual report that will assist in educating the license buyers on issues concerning the Conservation Fund.

In conclusion, I would like to remind the sportsmen and women of New York State that we suffered personnel and non-personal service cuts during the 2009/10 and 2010/2011 fiscal years . At the writing of this report, these cuts and the restrictions placed on the Conservation Fund from the NYS Division of Budget continue to erode the support that Hunting, Fishing and Trapping receive from the NYSDEC. Despite the significant license fee increase, staffing levels within the Division of Fish, Wildlife and Marine Resources continue to diminish while at the same time additional non-DFWMR staff is being placed on the Conservation Fund. Now more importantly than ever it is very important that the sportsmen and women of NYS become active and contact their legislative representatives to express their opposition to these budgetary cutbacks and management policies that continue to erode our license base and adversely impact the Conservation Fund.

Jason Kemper
Region 5
Chairman of the Board

About This Report

The CFAB is required to submit a report annually to the Commissioner of the DEC (Commissioner). The primary purpose of this report is to advise the Commissioner regarding the CFAB's assessment of the extent to which expenditures and appropriations from the Conservation Fund are consistent with the requirements of state law. The CFAB makes its annual report available to the public by posting it on the DEC web site at: <http://www.dec.ny.gov/about/566.html>. Most of the fiscal information contained in this report is taken from the DEC's annual Level of Effort Report for the Fish and Wildlife Program as found in Appendix D. The CFAB has no independent means to audit the information in the report and relies upon the DEC for its accuracy and completeness.

What is the Conservation Fund Advisory Board?

The New York State Conservation Fund Advisory Council (CFAC) was established by Chapter Four of the Laws of 1982 as a branch of the State Executive Department. It provided the license buying public of the State of New York with information about expenditures of Conservation Fund monies, thereby ensuring that the Fund was spent in accordance with the Environmental Conservation Law (ECL), specifically for the care, management, protection, and enlargement of the fish and wildlife resources of the State and for the promotion of public fishing, hunting and trapping.

Under Chapter 308 of the Laws of 1994, the Council was reestablished as the Conservation Fund Advisory Board, removed from the jurisdiction of Executive Law and placed under the ECL. The change allowed the addition of ex-officio members to the CFAB (Senate and Assembly Environmental Conservation Committees, Senate Finance Committee, Assembly Ways and Means Committee, and DEC Commissioner, or their representatives) in an effort to speed up communications and give the panel the ability to make more timely decisions.

All CFAB members are volunteers serving without salaries and have a long standing interest, knowledge and experience in fish and wildlife management, including hunting, fishing, trapping, and related conservation activities. The members represent each of the nine DEC Regions with two statutory members representing the New York State Conservation Council, Inc., (NYSCC) and the New York State Fish and Wildlife Management Board (FWMB).

The CFAB's function is to make recommendations to appropriate state agencies on plans, policies and programs affecting fish and wildlife. This function is accomplished by CFAB review of the DEC's Fish and Wildlife Program and Law Enforcement Program (Titles 11 & 13 only). The Board submits an annual report to the DEC Commissioner.

Board members can be contacted by writing the Conservation Fund Advisory Board, 625 Broadway, Albany, New York 12233-4750 or by contacting individual board members as per the information located at <http://www.dec.ny.gov/about/566.html>.

The specific duties of the Board are:

- Review the allocations and expenditures of the DEC’s Fish and Wildlife program.
- Periodically make reports and release information to sportsmen and women and the general public about the Conservation Fund and the Fish and Wildlife Program.
- Consult with fish and wildlife interests and report annually to the DEC Commissioner on fiscal needs and recommendations for meeting them.
- Assist the DEC in expanding sources of income to the Conservation Fund.
- Provide recommendations on the needs of fish and wildlife programs.
- Evaluate expenditures of the Conservation Fund by reviewing current and proposed fish and wildlife programs.

Fulfillment of these responsibilities is aimed at ensuring that Conservation Fund expenditures are in accordance with New York State Finance Law (SFL). The Conservation Fund was created under that law in 1925 requiring one half of all monies collected from the sale of sporting licenses be spent exclusively for fish and game related purposes. In 1933, the law was amended to require that all the monies from license sales be used for these purposes. For over seven decades, sportsmen and women have purchased sporting licenses - the principal source of Conservation Fund revenue - and ensured the stewardship of New York’s fish and wildlife.

A list of CFAB members can be found in Table 1 below. Member biographies, contact information and committee information can be found at <http://www.dec.ny.gov/about/566.html>.

Table 1. New York State Conservation Fund Advisory Board voting member list and ex-officio members April 1, 2010 – March 31, 2011	
<u>NOMINATING AUTHORITY</u>	<u>REPRESENTATIVE</u>
Governor	GORDON J. WHITING, Residence - Region 2 ALAN ROSA, Residence - Region 4 CHARLES PACE, Residence - Region 7
Senate	CHARLES BEVILACQUA, Vice Chairman Residence - Region 1 LINDA SICLEY, Residence - Region 6 CHARLES O. HANCOCK, Chairman Residence - Region 8
Assembly	DOMINICK SCARZAFAVA, Residence - Region 3 JASON KEMPER, Secretary Residence Region 5 DALE DUNKELBURGER, Residence - Region 9
Statutory	HOWARD CUSHING, NYS Conservation Council LANCE ROBSON, NYS Fish and Wildlife Management Board JIM PETRESYN (April only), NYS Fish and Wildlife Management Board
<u>EX OFFICIO MEMBERS</u>	
Commissioner of NYS Dept of Environmental Conservation Senate Finance Committee Senate Environmental Conservation Committee Assembly Ways and Means Committee Assembly Environmental Conservation Committee	

What is the DEC Fish and Wildlife Program?

The DEC's Fish and Wildlife Program is an extremely broad and diverse program that was created to protect, enhance and restore the State's fish and wildlife resources and provide the citizenry with opportunities to enjoy and learn about our natural heritage. While the Division of Fish and Wildlife and Marine Resources (DFWMR) has primary responsibility for the management and protection of our State's fish, wildlife and marine resources, other Divisions such as the Division of Law Enforcement (DLE), the Division of Public Affairs and Education (DPAE), and the Division of Operations (DOP) also play a large role in assuring that the DEC delivers an effective and comprehensive program. The Fish and Wildlife Program also relies on partnerships with other government agencies, non-profit organizations and academic institutions. Through collaborative efforts populations are managed, habitat is enhanced, access to the resource is provided, and valuable research is conducted.

Accounts in the Conservation Fund

The Conservation Fund was enacted under the State Finance Law §83 in 1940. The Conservation Fund is used to account for revenues that are earmarked for conservation purposes. Revenue sources contributing to the fund include fees collected from the sale of hunting, fishing, trapping and guide licenses; fines and penalties for violations of the fish and wildlife protection laws; sales of distinctive conserve habitat license plates (V&T Law §404-t); fees for environmental impact statements; tidal wetland use application fees; outdoor recreation and trail maintenance pins; revenues from the operation of real property under DEC's jurisdiction, including concessions; gifts for fish and wildlife management; the sale of migratory bird stamps and habitat stamps, art prints and fish and wildlife prints; and Short-Term Investment Pool (STIP) interest.

The fund is subject to appropriation control and is used for operating and capital expenditures of the Fish and Wildlife Program and the Marine and Coastal Program, related to the administration and enforcement of Articles 11 and 13 of the Environmental Conservation Law.

The Conservation Fund consists of several accounts. The following is a list of those accounts and a general description of the funding source. For the balances in these accounts at the close of the 2009 State Fiscal Year, please refer to Table 4.

- **Traditional Account**

As the name implies, the "Traditional Account" generally consists of monies raised from hunting, fishing, and trapping licenses. Other sources of funding for the Traditional Account include:

- Return a Gift to Wildlife;
- Deer management and other special permits;
- Fines from Title 11 & 13 violations;

- Certain rentals, royalties, and miscellaneous sales; and
 - Interest, including interest from the State Fish and Game Trust Account.
- **Marine Resources Account**
The Marine Resources Account generated monies from activities in the marine district of Long Island. Licenses and permits include the shellfish permits, tidal wetlands permits, charter boat permits, recreational marine fishing licenses, whelk permits, food fish/crustacean permits, fines, and other revenues.
 - **Surf Clam/Quahog Account**
The Surfclam/Ocean Quahog sub-account derives revenue from a 15 cent per bushel surcharge on all surfclams harvested from certified waters of the state. The funds are used to conduct surfclam population surveys, hire seasonal staff for surveys, data management and aging analysis and management of the clam fishery.
 - **Habitat Account**
This account was newly created in 2002 and receives revenue from the sale of voluntary Habitat & Access Stamps. Funds from this account can only be used for habitat conservation and enhancing public access for fish and wildlife related recreation.
 - **Migratory Bird Account**
Revenue for this account is from the sale of collector migratory bird stamps and art prints. This account no longer has appropriation language and current revenues are based on interest earned on the balance in the account.
 - **Guide License Account**
Funds for this account are generated through the issuance of guide licenses and are used for the administration of the DEC's Licensed Guide Program.
 - **Venison Donation Account**
This account receives funds from a one dollar voluntary contributions mechanism on all hunting and fishing licenses administered by the DEC. When appropriated, money from the account is made available to an appropriate nonprofit organization for implementation of a venison donation program, which provides funds for the processing of donated venison for those in need.
 - **Outdoor Recreation & Trail Maintenance Account**
Revenue for this account comes from the sale of outdoor recreation and trail maintenance pins. All monies generated are exclusively for outdoor recreation, trail maintenance, and the development and improvement of public access to outdoor recreation and trails.

- **State Fish and Game Trust Account**
Revenues from the sale of “lifetime” licenses are deposited into this account. The principal may not be touched by law and only interest is transferred from this account to the Traditional Account.

Actions of the Board during FY 2010/2011

The actions of the Board are recorded in the minutes of CFAB meetings which may be found at <http://www.dec.ny.gov/about/719.html>.

Actual and Projected Status of the Conservation Fund Traditional Account

The March 31 cash balance for SFY 2010 reflects a 119% increase from the SFY 2009 balance. The projected balance for the year ending March 31, 2011 is estimated to grow 49% from the preceding year. As such, the Traditional Fund balance will be approximately \$31.4M entering into SFY 2012. This beginning balance is most likely the highest on record for the fund.

Table 2. Actual and projected status of the Conservation Fund Traditional Account for State Fiscal Years 2007-2011

	ACTUAL FY 07-08	ACTUAL FY 08-09	ACTUAL FY 09-10	ACTUAL FY 10-11	PROJ FY 11-12
Opening Balance (4/1)	\$4.30	\$10.99	\$4.19	\$9.59	\$21.05
Revenue					
Revenue	\$42.01	\$40.22	\$47.38	\$48.17	\$48.27
Interest	\$0.22	\$0.17	\$0.03	\$0.04	\$0.03
Total Revenue	\$42.24	\$40.39	\$47.41	\$48.21	\$48.30
Disbursements					
Personal Service	\$17.69	\$14.30	\$17.64	\$17.07	\$17.10
Nonpersonal Service	\$9.37	\$10.65	\$7.33	\$5.95	\$7.11
D.E.C.A.L.S.	\$1.62	\$2.17	\$2.84	\$1.86	\$3.20
R.A.G.T.W.	\$0.58	\$0.44	\$0.18	\$0.24	\$0.23
Fringe Benefits	\$3.00	\$17.38	\$10.36	\$9.21	\$8.09
Cost Allocation Recovery	\$0.10	\$0.54	\$1.94	\$0.70	\$0.44
Total Disbursed	\$32.37	\$45.48	\$40.29	\$35.02	\$36.17
Transfer To Indirect Account	\$1.71	\$1.71	\$1.72	\$1.74	\$1.74

Sporting License Sales and Revenue

While revenue from annual sales increased by 4%, actual sales of annual sporting licenses decreased 4% from the preceding fiscal year. The increase in revenue in spite of decreased

sales can be attributed to the fact that a portion of the SFY 2009 sales occurred before higher license fees went into effect, therefore a true one-to-one comparison does not exist. Lifetime license sales decreased 89% between SFY 2010 and SFY 2009. This decrease is largely attributable to the dramatic increase in purchases of lifetime license which occurred before the sporting license increase went into effect during the summer of 2009. Interest earned on lifetime license for SFY2010 was \$98,532, an increase of 25% above earnings for the preceding fiscal year. Detailed comparisons for annual and lifetime license can be found in Appendix B and Appendix C.

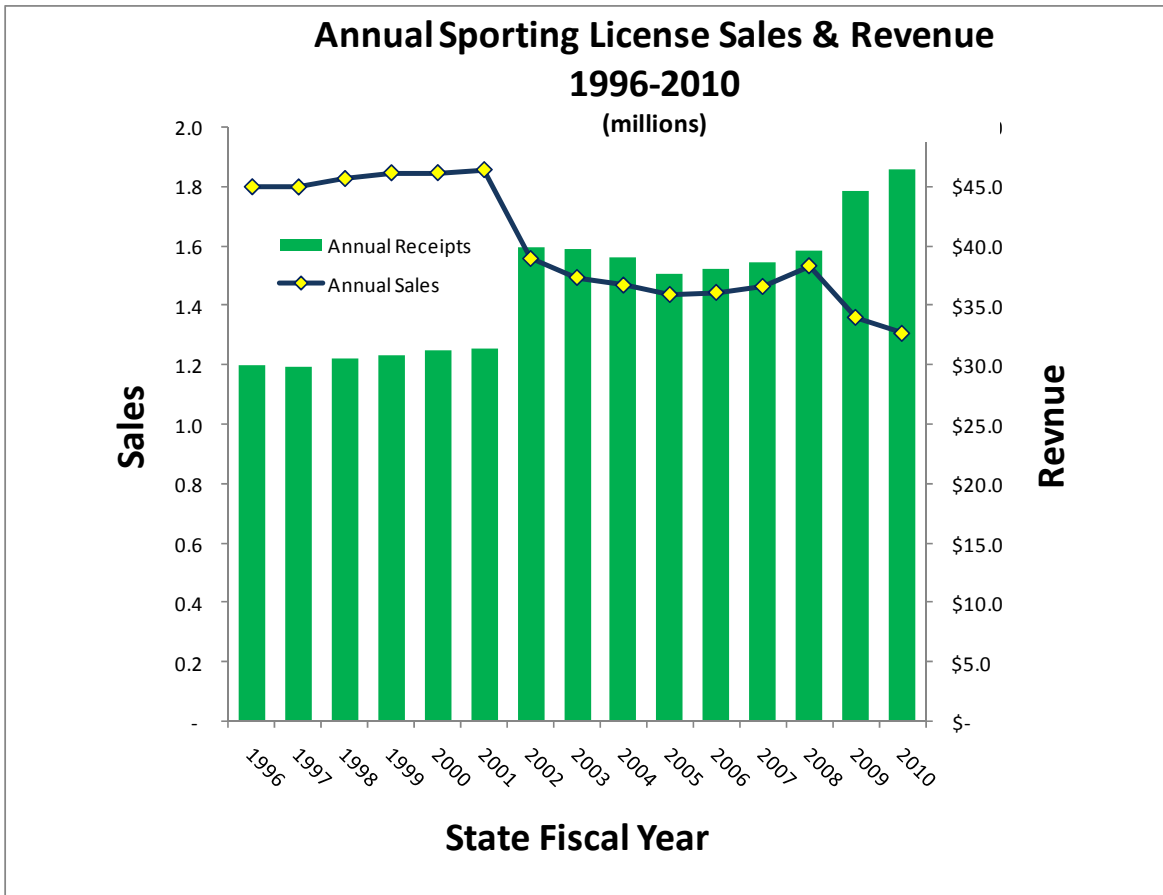


Figure 1. Annual sporting license sales and revenue for State Fiscal Years 1996-2010.

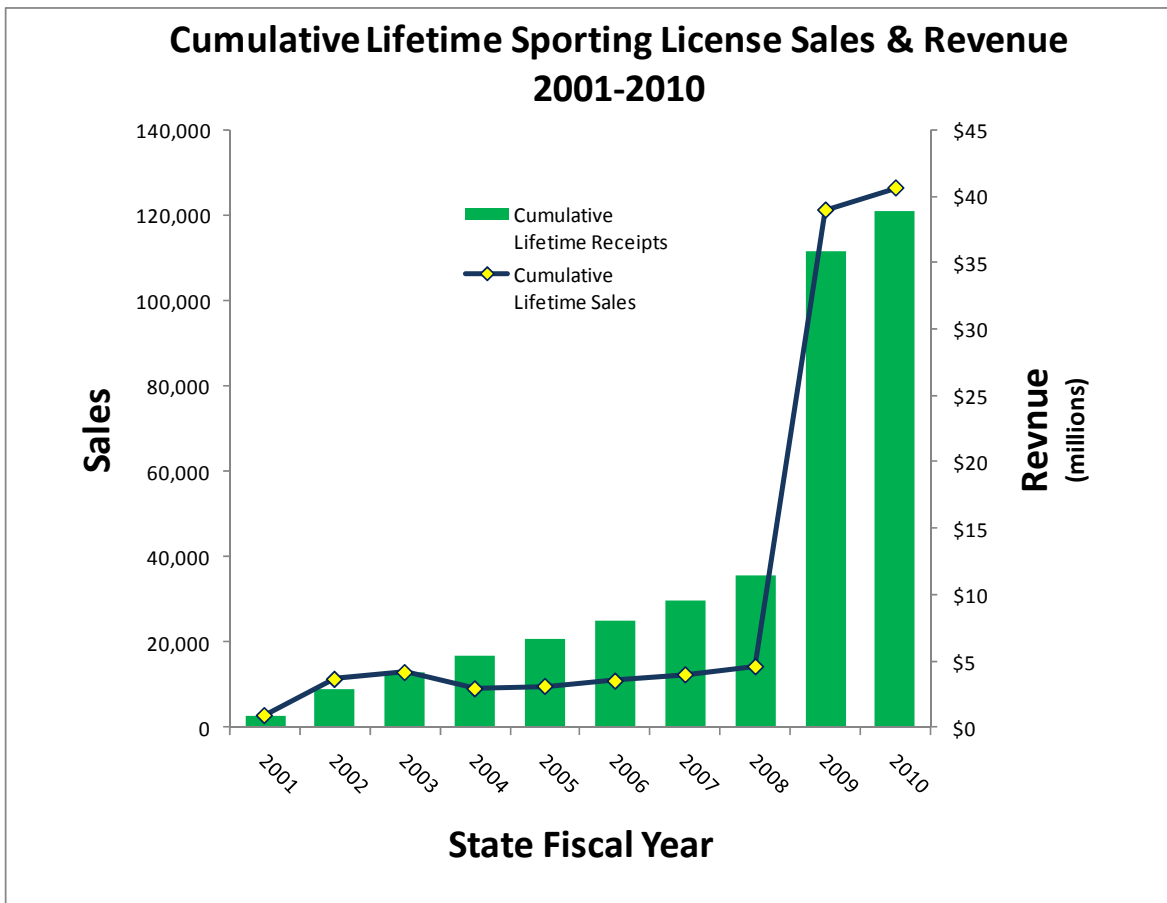


Figure 2. Cumulative lifetime sporting license sales for State Fiscal Years 2001-2010.

Conservation Fund Accounts Revenue (2008-2010)

Table 3 reflects detailed comparisons for various Conservation Fund accounts for State Fiscal Years 2008 through 2010. The approximate \$2M increase to the Marine Account was due revenues received from a natural resources damage claim for Jamaica Bay. Traditional Account increases were largely a function of license sales revenue (see Appendix B and C).

Table 3. Gross revenue for various Conservation Fund accounts for State Fiscal Years 2008-2010.

Account	2008	2009	2010
Traditional	\$41,942,987	\$48,937,754	\$51,144,813
Marine Resources	\$2,192,659	\$2,457,279	\$4,542,100
Migratory Bird	\$3,969	\$669	\$477
Guide License	\$56,645	\$49,452	\$48,307
Surf Clam/Ocean Quahog	\$50,336	\$55,478	\$16,824
Habitat Stamp Account	\$47,649	\$23,323	\$17,383
Total	\$44,294,245	\$51,523,955	\$55,769,904
Fish and Wildlife Trust Fund	\$2,169,473	\$24,522,839	\$3,110,034

Appropriations and Allocations

Each year when the budget legislation is passed by the NYS Legislature it includes specific appropriations for the DEC and each program division. These appropriations represent a ceiling that is available for each category of spending. This ceiling can only be raised by the passage of a supplemental budget or a deficiency budget. Within the DFWMR budget there are three basic appropriations of revenue: General Fund, Special Revenue Other (SRO), and Special Revenue Federal (SRF) funds. One of the SRO funds is the Conservation Fund. These appropriations can be found in the final budget bill passed by the NYS Legislature.

Similar to 2009, allocations in 2010 were substantially less than the amounts appropriated in the enacted budget. The total allocation was also reduced by approximately \$3.3M, largely through reductions in funds committed to the Traditional Account and the maintenance of DECALS.

Table 4. Appropriations and allocations of various funds (non-personal service, temporary service and overtime/holiday pay) to the DFWMR for SFY 2009 and SFY 2010

Year	Fund/Account	Sum of Appropriation	Sum of Allocation
2009	DECALS Line	\$3,000,000	\$3,000,000
	E-Duck Account	\$480,000	\$0
	ERA Account	\$144,000	\$1,015
	General Fund	\$1,553,000	\$901,851
	Habitat Account	\$150,000	\$101,250
	Marine & Coastal Acct	\$50,000	\$0
	Marine Account	\$1,773,000	\$1,153,240
	RAGTW Line	\$1,000,000	\$340,875
	Surf Clam Account	\$124,300	\$93,420
	Trad Account	\$8,025,900	\$5,107,675
	Venison Donation	\$150,000	\$21,000
2009 Total		\$16,450,200	\$10,720,326
2010	DECALS Line	\$3,200,000	\$1,800,000
	E-Duck Account	\$480,000	\$0
	ERA Account	\$119,000	\$605
	General Fund	\$1,613,000	\$684,810
	Habitat Account	\$121,000	\$60,750
	Marine & Coastal Acct	\$50,000	\$0
	Marine Account	\$1,492,000	\$882,810
	RAGTW Line	\$1,000,000	\$204,525
	Surf Clam Account	\$105,000	\$85,260
	Trad Account	\$6,919,000	\$3,682,325
	Venison Donation	\$116,000	\$10,000
2010 Total		\$15,215,000	\$7,411,085

Conclusions and Recommendations

Expenditures for the Fish and Wildlife Program decreased from \$112M in 2009-2010 to \$109M in 2010-2011. The Conservation Fund continues to accumulate a large balance as a result of the inability of the Department to backfill vacant positions and the decreases in non-personal service allocations and spending as a direct result of the State's strategy to deal with its fiscal deficiencies. It should also be noted that the decreases in staff may jeopardize the ability of the department to provide the non-federal match necessary to receive federal funds and the ability to administer those funds.

Legislation is commonly introduced in both houses that may negatively impact the revenue that is generated for Conservation Fund by granting free licenses to certain groups. However, due to the possible loss of federal aid and the reduction of income to the conservation fund, the CFAB strongly discourages any free licenses for any group of individuals. At a minimum a recipient should be charged the cost of issuing a license. The CFAB feels it is unfair that licensing buying sportsmen bear the burden of cost for free licenses and further believes the cost of free licenses should be reimbursed from the State's General Fund.

The CFAB continues to support a dedicated source of revenue for the DEC other than the Conservation Fund to supplement the fish and wildlife program. The general public benefits immensely from the Fish and Wildlife Program. The CFAB encourages the license buying public to begin fostering relationships and conveying the importance of the program with other interest groups that also benefit from the fish and wildlife program.

The SFY 2012 projected beginning balance of approximately \$31M in the Conservation Fund is significantly larger than any balance ever realized by the Fund. This is a result of constraints placed on the Department's ability to spend money on the Fish and Wildlife Program and the losses of staff that have not been replaced. The fee increase introduced in 2009 was based on the level of spending at that time. The actual spending was based on the Governor's directive that all spending be cut regardless of source, was dramatically reduced. Decreased spending and increased revenue will result in a fund that will continue to grow. The CFAB views this balance from two perspectives. The positive balance in the Conservation Fund indicates the changes in DEC staffing at the direction of the Executive Branch does not justify the license fee increase under current circumstances. Conversely, that positive balance provides a healthy fund negating the need for a license fee increase in the foreseeable future. Accordingly, we believe a balance must be established providing adequate resources within the DEC to deliver the level of access, recreation and management the sporting public has come to expect and at the same time provide a level of fiscal security that will safeguard the fund and eliminate the need for another license fee increase in the next decade.

In summary, the CFAB recommends that the Commissioner seek the waivers necessary to fill the vacant fish and wildlife technician, biologist, and support positions in the Central and Regional Offices and allocate the related non-personal service funds to allow these individuals to perform their traditional duties. In addition, DEC must hire the necessary staff and allocate the non-personal service funds needed to maintain the hatchery system at full production. Ultimately, the granting of these waivers and the release of funds will need approval from the Governor and the Division of Budget. If these positions cannot be filled and non-personal service funds be restored to appropriate levels, then CFAB will recommend that license fees be reduced to pre-fee increase levels.

APPENDIX A: CFAB Meeting Attendance

Voting Members	Apr 12 2010	May 10 2010	Jun 14 2010	Sept 13 2010	Oct 12 2010	Dec 6 2010	Dec 13 2010	Jan 10 2011	Feb 14 2011	Mar 14 2011
Charles Bevilacqua Region 1	P	P	P	P	P	P	P	P	P	P
Gordon J. Whiting Region 2	P	P	P	E	E	E	P	A	A	A
Dominick Scarzafava Region 3	E	P	P	P	E	P	P	P	P	P
Alan Rosa Region 4	P	P	P	P	P	P	P	E	P	P
Jason Kemper Region 5	P	P	P	P	P	P	P	P	P	P
Linda Sicley Region 6	P	P	P	P	P	P	P	P	P	P
Charles Pace Region 7	E	P	P	P	E	E	E	P	P	P
Charles O. Hancock Region 8	P	P	E	P	P	P	P	P	P	P
Dale F. Dunkelberger Region 9	P	P	P	P	P	E	P	P	E	P
Howard Cushing NYSCC	P	P	P	P	P	P	P	E	P	P
Jim Petresyn FWMB	P									
Lance Robson FWMB		P	P	P	P	P	P	P	P	P
DEC Commissioner Represented by designee	P	P	P	P	P	P	P	P	P	P
Senate Finance Committee	A	A	A	A	A	A	A	A	A	A
Senate EnCon Committee	A	A	A	A	A	A	A	A	A	A
Assembly Ways and Means	A	A	A	A	A	A	A	A	A	A
Assembly EnCon Committee	A	A	A	A	A	A	A	A	A	A

APPENDIX B Traditional Conservation Fund State Detailed Comparative Statement (2009-2010)

NYS DEPARTMENT OF ENVIRONMENTAL CONSERVATION
 CONSERVATION FUND - TRADITIONAL ACCOUNT
 COMPARATIVE STATEMENT - DECALS

10/03/12

		04/1/2009-3/31/2010		04/1/2010-03/31/2011				
TYPE OF REVENUE	SALES (B)	RECEIPTS	SALES (A)	RECEIPTS	Difference in Sales from Prior Period (A - B)	Difference in Receipts Period (C-D)	% Variance of sales from Prior Period	
Hunting, Fishing and Trapping Licenses								
5,6,111 Res. Fishing	378,564	8,003,007.00	328,371	9,235,076.75	(50,193)	1,232,069.75	(0.13)	
2,212 Res. Fishing - Senior/Disabled)	36,658	183,280.00	25,077	125,380.00	(11,581)	(57,900.00)	(0.32)	
31 Res. Small & Big Game	105,956	2,921,978.00	105,880	2,925,060.43	(76)	3,082.43	(0.00)	
115,122 Res. Junior Small Game	0	0.00			0	0.00	0.00	
26,110 Res. Trapping	6,551	123,966.00	6,607	124,152.00	56	186.00	0.01	
27,215 Res. Trapping (Senior/Dis.)	1,322	3,435.00	1,291	4,625.28	(31)	1,190.28	(0.02)	
28,123 Res. Jr. Trapping	619	3,666.00	611	3,606.00	(8)	(60.00)	(0.01)	
19,121 Res. Jr. Archery	3,666	32,940.00	3,593	32,281.75	(73)	(658.25)	(0.02)	
189,192 Res. Jr. Hunt	21,753	108,680.00	21,578	107,823.75	(175)	(856.25)	(0.01)	
193,195 Res. Jr. Hunt Big Game Tags	11,824	0.00	11,898	0.00	74	0.00	0.01	
10,112 Res. Sportsman	162,993	7,614,057.00	157,951	7,381,698.56	(5,042)	(232,358.44)	(0.03)	
20 Res. Super Sportsman	112,688	9,900,714.55	114,724	10,082,676.62	2,036	181,962.07	0.02	
200 Res. Super Sportsman - Trapper	2,507	220,616.00	3,066	269,808.00	559	49,192.00	0.22	
8,201 Res. Sportsman(Senior/Dis.)	39,950	359,100.00	35,665	322,001.08	(4,285)	(37,098.92)	(0.11)	
18 Res. Hunting	6,221	137,068.00	5,426	141,076.00	(795)	4,008.00	(0.13)	
12,107 Bowhunting	51,890	1,073,517.00	50,866	1,051,640.50	(1,024)	(21,876.50)	(0.02)	
13,213 Bowhunting (Senior/Disabled)	13,729	0.00	13,964	0.00	235	0.00	0.02	
14,120 Muzzleloading	62,301	1,291,099.00	59,777	1,236,986.26	(2,524)	(54,112.74)	(0.04)	
15,214 Muzzleloading (Senior/Dis.)	28,840	0.00	27,508	0.00	(1,332)	0.00	(0.05)	
23 Resident Turkey	88,940	831,330.00	86,197	862,278.91	(2,743)	30,948.91	(0.03)	
114 Res. Fishing 7-Day	16,364	198,603.00	17,014	255,300.00	650	56,697.00	0.04	
Subtotal - Resident	1,153,336	33,007,056.55	1,077,064	34,161,471.89	(76,272)	1,154,415.34	(0.07)	
43 Non-Res. Fishing	51,003	2,621,805.00	39,046	2,733,310.00	(11,957)	111,505.00	(0.23)	
41 Non-Res. 1-Day Fishing	30,247	453,675.00	48,884	733,190.00	18,637	279,515.00	0.62	
44 Non-Res. Hunting	7,978	609,700.00	7,184	611,065.00	(794)	1,365.00	(0.10)	
116 Non-Res. Junior Small Game	0	0.00			0	0.00	0.00	
190 Non-Res. Jr. Hunting	859	4,295.00	873	4,365.00	14	70.00	0.02	
194 Non-Res. Jr. Hunting Big Game Tags	439	50.00	452	0.00	13	(50.00)	0.03	
37 Non-Res. Big Game	22,572	3,158,580.00	20,774	2,908,777.50	(1,798)	(249,802.50)	(0.08)	
46 Non-Res. Trapping	43	13,275.00	40	12,400.00	(3)	(875.00)	(0.07)	
118 Non-Res. Super Sportsman	7,226	2,023,250.00	7,455	2,087,400.00	229	64,150.00	0.03	
39,199 Non-Res. Muzzleloading	1,078	150,950.00	994	139,160.00	(84)	(11,790.00)	(0.08)	
38 Non-Res. Bowhunting	1,777	248,600.00	1,726	241,640.00	(51)	(6,960.00)	(0.03)	
35 Non-Res. Junior Archery	87	783.00	99	891.00	12	108.00	0.14	
45 Non-Res. Bear Tag	1,830	90,800.00	1,713	85,650.00	(117)	(5,150.00)	(0.06)	
40 Non-Res. Turkey	3,872	146,000.00	3,208	160,500.00	(664)	14,500.00	(0.17)	
113 Non-Res. Fishing 7-Day	73,011	1,995,800.00	68,065	2,382,755.00	(4,946)	386,955.00	(0.07)	
Subtotal - Non Resident	202,022	11,517,563.00	200,513	12,101,103.50	(1,509)	583,540.50	(0.01)	
Subtotal of Resident and Non Resident	1,355,358	44,524,619.55	1,277,577	46,262,575.39	(77,781)	1,737,955.84	(0.06)	
3 One Day Fishing	3,104	22,960.00	27,092	135,520.00	23,988	112,560.00	7.73	
Attorney General Adjustments				0.00	0	0.00	0.00	
LIO Collections		16,896.12		9,264.58	0	(7,631.54)	0.00	
License Refunds		(104,864.00)		(9,985.07)	0	94,878.93	0.00	
Revenue Accounting Audit Adjustments					0	0.00	0.00	

APPENDIX C State Fish and Game Trust Account Detailed Comparative Statement (2009-2010)

	04/1/2009-3/31/2010		04/1/2010-03/31/2011	
TYPE OF REVENUE	SALES (B)	RECEIPTS (D)	SALES (A)	RECEIPTS(C)
Sportsman				
Age 0-4 years	3,101	\$942,990.00	541	\$205,580.00
Age 5-11 years	2,486	\$1,058,760.00	366	\$194,995.00
Age 12+ years	23,250	\$13,988,880.00	1,550	\$1,178,585.00
Hunting & Fishing				
Hunting & Big Game			0	\$0.00
Small & Big Game	1,013	\$364,355.00	157	\$84,530.00
Small & Big Game (0-11)	22	\$8,810.00	25	\$13,375.00
Small & Big Game (12-15)	54	\$20,195.00	9	\$4,815.00
Fishing	1,602	\$571,590.00	269	\$124,660.00
Fishing (0-15)	114	\$40,340.00	9	\$4,600.00
Hunting				
Big Game				
Trapping	199	\$59,890.00	28	\$11,060.00
Trapping (0-15)	15	\$4,500.00		
Bowhunting	11,573	\$2,094,963.00	854	\$201,630.00
Bowhunting (0-13)	749	\$136,305.00	57	\$13,395.00
Bowhunting (14-15)	275	\$50,160.00	38	\$8,930.00
Muzzleloading	8,473	\$1,533,805.00	539	\$127,840.00
Muzzleloading (0-15)	498	\$90,245.00	42	\$9,870.00
Senior Sportsman	45,326	\$2,257,950.00	697	\$44,505.00
Senior Fish	6,166	\$309,065.00	142	\$9,310.00
Marine Fish	5,112	\$766,800.00	4,026	\$603,900.00
Combo Fish & Marine	298	\$134,100.00	355	\$159,750.00
Lost License/Replacement	2,086	\$8,549.17	2,365	\$9,221.87
Lifetime Inscription	505	\$0.00	698	\$0.00
Fees - General	298	\$1,490.00	190	\$950.00
Sundry General				
Interest		\$79,096.57		\$98,532.06
Transfer to Cons. Fund		\$0.00		\$0.00
TOTAL	113,215	\$24,522,838.74	12,957	\$3,110,033.93

APPENDIX D Level of Effort Report- Fish, Wildlife & Marine Program FY 2010-11

New York State Department of Environmental Conservation Division of Management & Budget Services, 10th Floor

625 Broadway, Albany, New York 12233-5010

Phone: (518) 402-9228 • Fax: (518) 402-9023 • Website: www.dec.ny.gov



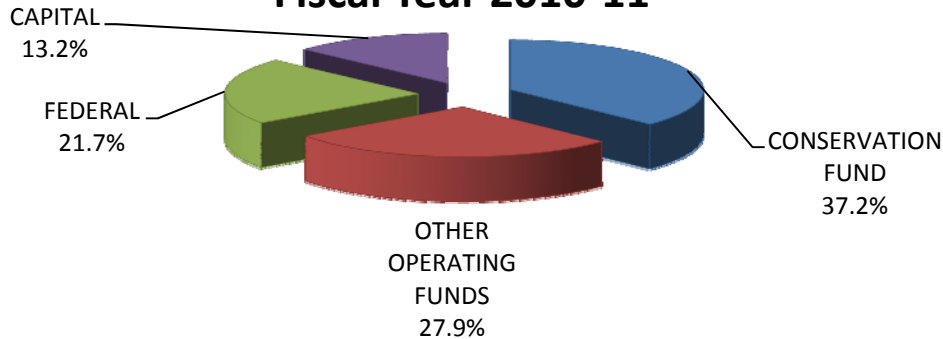
Joe Martens
Commissioner

MEMORANDUM

TO: Commissioner Martens and Patricia Riexinger
FROM: Nancy W. Lussier
SUBJECT: Level of Effort - Fish, Wildlife & Marine Program, FY 2010-11

Attached is a report of the sources and uses of funds expended by various DEC divisions on behalf of, and in support of, the Fish, Wildlife and Marine program during fiscal year 2010-11. The total effort from all funding sources is \$109,392,320. This report is promulgated to form the basis of the Legislatively-mandated annual report issued by the NYS Conservation Fund Advisory Board to the Commissioner, Legislature and Governor (Article 11, Section 327, of the Environmental Conservation Law).

Fish, Wildlife & Marine Level of Expenditures Sources of Funds for Fiscal Year 2010-11



Director of Management & Budget Services

NWL:AR;jlh
Attachments

c: M. Gerstman; M. Lenane; P. Fanelli; A. Reynolds; L. Brooks – DOB

2010-11 Fish, Wildlife & Marine
Level of Effort

The State of New York began the 2010-11 fiscal year with an optimistic financial outlook. By the Mid-Year Update in November 2010, it was apparent that the economic recovery was not occurring as fast as first hoped. The State budget had once again fallen out of balance. The Statewide hiring freeze implemented by the Patterson administration in FY 2008-09, remained in effect. Restrictions on Overtime/Holiday and Temporary Service (OPS) were continued. Non-Personal Service cash allocations were reduced by 40% from 2009-10 levels. The Department was encouraged to maximize its use of Federal dollars wherever possible. The financial plan implemented as a result of these guidelines can be credited for the majority of decreased spending and minimal increases reflected within this report. An Early Retirement Incentive (ERI) was offered in the late summer of 2010. The Conservation Fund lost 26 positions from the Main Account due to the ERI. 25 Positions were from Fish, Wildlife, and Marine Resources and 1 was from Executive.

The total level of expenditure for the 2010-11 state fiscal year was \$109,392,320. This level reflects a decrease of \$3,173,597 from the amount reported in FY 2009-10. Changes are summarized in Tables 1 and 2 below.

Table 1 - Level of expenditure by program for FY 2010-11 and FY 2009-10			
PROGRAM	2010-11	2009-10	CHANGE
Fish, Wildlife & Marine	\$53,689,353	\$58,423,902	-\$4,734,549
Law Enforcement	\$20,507,297	\$22,303,451	-\$1,796,154
Public Affairs	\$1,138,773	\$1,359,371	-\$220,598
Lands & Forest	\$459,204	\$0	\$459,204
Operations	\$2,564,041	\$2,645,437	-\$81,396
Indirect Support	\$16,576,466	\$19,244,364	-\$2,667,898
FW&M Capital Projects	\$14,457,186	\$8,589,392	\$5,867,794
Total	\$109,392,320	\$112,565,917	-\$3,173,597

Table 2 - Level of expenditure by funding source for FY 2010-11 and FY 2009-10			
Fund	2010-11	2009-10	Change
Conservation Fund ¹	\$40,714,164	\$44,597,182	-\$3,883,018
Other Operating Funds	\$30,485,424	\$36,707,482	-\$6,222,058
Federal	\$23,735,545	\$22,671,861	\$1,063,684
Capital Projects	\$14,457,186	\$8,589,392	\$5,867,794
Total	\$109,392,319	\$112,565,917	-\$3,173,597

¹ Includes traditional & sub-accounts: RAGTW, Surf Clam, Habitat, Migratory Bird & Marine Resources; excludes Licensed Guides.

Highlights of Program Expenditures

This report covers expenditures occurring between April 1, 2010 and March 31, 2011. This period includes expenditures from FY 2010-11 appropriations and FY 2009-10 appropriations for the carry-out period April-June 2010, as well as expenditures from various fiscal year Capital appropriations.

FISH, WILDLIFE & MARINE

Total direct expenditures for the Division of Fish, Wildlife and Marine Resources (FWMR) were \$53,689,353 in FY 2010-11 compared to \$58,423,902 in FY 2009-10. This is a decrease of \$4,734,549. Fish, Wildlife & Marine Resources expenditures funded by the Conservation Fund were \$31,542,296. This was a decrease of \$4,361,968 from \$35,904,264 in FY 2009-10. This decrease can primarily be attributed to the Early Retirement Incentive and the 40% cut to non-personal service allocations. FWMR's direct personal service paid by the Conservation Fund decreased by \$1,379,029. Non-personal service expenditures declined by \$3,193,410. Other Operating Funds, including the General Fund, contributed \$2,928,455 in support of the Division of Fish, Wildlife and Marine Resources compared to the FY '09-10 total of \$3,445,779. Expenditures in Federal Aid, excluding indirect support and Capital, contributed \$19,218,603 in FY 2010-11. This was an increase of \$144,744 compared to the FY 2009-10 Federal contribution of \$19,073,859.

Primary sources of Federal Aid include Wildlife Restoration grants, Fisheries and Marine Restoration grants, Section 6 (Endangered Species Act) grants and other grants from such Federal agencies as Agriculture, Environmental Protection, Commerce, and Interior. Over the past 3-5 years, the amount of State Wildlife Grants (SWG) from Department of Interior has continued to increase. All of these grants except for a few are still active multi-year grants. Many are tied into 3rd party contracts or time-specific studies. Therefore, encumbrances for these contracts are accumulating and the cumulative effect results in more expenditure each year.

LAW ENFORCEMENT

The Division of Law Enforcement's (DLE) direct support expenditures associated with Fish, Wildlife and Marine activities totaled \$20,507,297, after the percentage of Time & Activity (T&A) devoted to Fish, Wildlife and Marine Activities was applied to total Law Enforcement costs. This percentage was 52.61%. This is down from FY 2009-10 when the percentage was 55.87%. This change in effort was identified as a decrease of Trapping Enforcement and Off Road Vehicle Enforcement. Sources of funding for the Division of Law Enforcement were as follows: Conservation Fund \$2,948,951, Other Operating Funds \$17,303,237 and Federal funding of \$255,108. The Conservation Fund paid approximately \$1.9 million more in FY 2010-11 compared to the prior year for Law Enforcement activities. This was due to the transfer of seasonal dispatch items from Forest Protection's General Fund to Law Enforcement's Conservation Fund. This move was necessary to align the dispatch jobs with the temporary service allocation which supports them. The allocation exists within the Division of Law Enforcement's Conservation Fund allocation. An increase in the state's fringe benefit rate also contributed toward the increased spending associated with the transfer of dispatch jobs. There was also a year-to-year increase in DLE's non-personal service expenditures. The increase in non-personal service is a result of DLE electing to utilize its unused other-personal service (OPS) allocation balance as NPS. The Conservation Fund contributed 9.4% of the Division of Law Enforcement's total direct expenditures during the fiscal year.

Federal spending by the Division of Law Enforcement is primarily made through Joint Enforcement grants from the Office of Homeland Security. These grants are being used to purchase and maintain boats, boating equipment, and related supplies & materials. Overall, there was a decrease of \$138,676 over FY 2009-10 levels. These are associated with Homeland Security grants. The Homeland Security grants are non-recurring and will sunset over the next few years. This will cause a continual decrease in NPS spending.

Services provided by the Division of Law Enforcement for the Fish, Wildlife and Marine Resources program include enforcing fish and wildlife laws, conducting special investigations regarding license issuing officers and hunting accidents, and hunter safety instruction. In 2010 the Division of Law Enforcement charged 137 people with more than 250 misdemeanors and violations in a crack down on illegally hunting deer at night with lights. Investigators staked out rural areas over the course of seven weeks and reported 10 deer killed after lights were used to immobilize them, a crime that carries penalties up to \$2,000 and a year in jail. Some hunters faced related charges like carrying a loaded gun in a vehicle, shooting over a public highway or shooting within 500 feet of residence. Half of the charges involve incidents in northern New York, with others in the greater Albany area and Catskills, central and western New York and on Long Island.

PUBLIC AFFAIRS & EDUCATION

The Division of Public Affairs and Education (DPAE) is a support division to all agency programs at DEC, including Fish, Wildlife and Marine Resources. Of the Division of Public Affairs and Education's total time and activity in support of all agency programs, the percentage devoted to Fish, Wildlife and Marine Activities was 35.37%, which is a decrease of less than a percentage point from FY 2009-10. This percentage was applied to Public Affairs' direct costs only for Fiscal Year 2010-11. Public Affairs' indirect expenditures are captured under the Indirect section of this report. Expenditures in direct support of Fish, Wildlife and Marine Resources totaled \$1,138,773. The source of funds for Public Affairs effort was as follows: Conservation Fund \$170,391 and Other Operating Funds of \$968,382. Public Affairs & Education does not receive direct Federal Funding. There was a decrease in overall personal service expenditures for Public Affairs under both the Conservation Fund and the General Fund. Both the personal service-regular and other-personal service expenditures decreased over the previous year. Other-personal service includes both overtime & holiday pay and temporary service. The Conservation Fund supports temporary service for work performed at the Environmental Education Centers in support of Fish, Wildlife and Marine program.

Other services provided by Public Affairs and Education toward Fish & Wildlife efforts include: producing agency publications; writing and design of reports; design and production of interpretive signs and displays; design and maintenance of the DEC public website; publishing the Conservationist magazine; providing information to the public through various outreach services including public participation meetings, fairs, outdoor shows, festivals, clinics, etc.; providing photographic services; providing environmental education to the public on F&W issues; and stewardship of natural resources through our education centers and our summer youth camps.

LANDS & FOREST

The Division of Lands & Forest's direct support expenditures associated with Fish, Wildlife and Marine activities totaled \$459,204, after the percentage of Time & Activity (T&A) devoted to Fish, Wildlife and Marine Activities was applied to total Lands & Forest costs. This percentage was 2.44%. The source of funding associated with the Division of Lands & Forest support expenditures was as follows: \$1,166,836

Federal and -\$707,632 from Other Operating Funds. The Conservation Fund does not fund activities for the Division of Lands & Forest. Therefore there were no Conservation Fund expenditures. The negative amount of Other Operating Funds is due to the method of calculating the source of funds. Other Operating Funds is calculated by taking Lands & Forest support expenditures and backing out Conservation Fund and Federal funding. This resulted in a negative amount. Division of Lands & Forest receives funding from the General Fund, Federal Grants, Capital, and Special Revenue-Other accounts such as the Environmental Regulatory Account, Natural Resource Account, Oil & Gas Account, and Recreation Account.

Services provided by the Division of Lands & Forest toward Fish & Wildlife efforts include: acquisition of lands, appraisals for Fish & Wildlife, survey of lands under Fish & Wildlife jurisdiction, survey contracts, Wildlife Management Area inventory, and Wildlife Management Area woodlands management.

OPERATIONS

Total expenditures by the Division of Operations in direct support of Fish, Wildlife and Marine activities for fiscal year FY 2010-11 totaled \$2,564,041, a decrease of \$81,396. The Conservation Fund contributed \$864,867 of the total expenditures incurred by Operations in support of Fish, Wildlife and Marine activities during this time period. The Conservation Fund contributed \$680,867 less in FY 2010-11 than it did in FY 2009-10. Other operating funds provided \$1,467,391 which is \$589,007 more than FY 2009-10. Federal funding contributed a total \$231,784, which is \$10,464 more than the previous fiscal year.

Services provided by the Division of Operations for Fish, Wildlife and Marine include:

- Design and Construction which is responsible for the planning and coordination of the engineering and architectural design program as it relates to the development, rehabilitation, and maintenance of Department facilities such as dams, boat launch sites, fish hatcheries, and wildlife management areas.
- Field Operations which covers a range of services including the construction permitting, construction quality control and maintenance of a very diverse and expanding range of Department assets which include, dams, bridges, laboratories, boat launch sites, wildlife management areas, game farms and fish hatcheries.
- Transportation Services which involves responsibility for the Department's automotive equipment management program on a statewide basis. In support of all Department programs, Transportation Services assists in the acquisition and assignment of automotive equipment, plus provides cost and use analysis, maintenance and disposal of all automotive equipment, i.e., cars, vans, pickup trucks, dump trucks, construction equipment, boats (large inboards to small outboards), etc.

Indirect support costs provided by this Division are addressed in the Indirect section of this narrative.

CAPITAL

Capital expenditures, including personal service, totaled \$14,457,186. This was an increase of \$5,867,794 from the FY 2009-10 amount of \$8,589,392. Capital expenditures under the Environmental Protection Fund (EPF) totaled \$4,843,617, which includes \$320,409 in spending on Hudson River Estuary. EPF spending increased by \$1,596,830. Expenditures were against several contracts which

include the Natural Heritage Core Contract, The Nature Conservancy, Cornell – Information Clearinghouse Contract, Catskill Center – PRISM, and various invasive species contracts.

Capital Projects Fund (002) is broken down into five sections. These sections are Construction, Reconstruction & Improvement, Rehab & Improvement, Clean water/Clean Air Bond Act, Empire State Development Corp. (ESDC), Executive Order 111. Spending under the Capital Projects Fund increased by 66% in 2010-11. The significant increase in spending was associated with Clean Water / Clean Air (CW/CA) Bond Act. \$1,000,000 was expended from New York Harbor funding which was awarded to DEC for the Jamaica Bay Tidal March Restoration project. \$1,143,465 was expended for the Massapequa Preserve. CW/CA South Shore Estuary funding was awarded to the Nassau County Department of Public Works for stormwater treatment projects at the Preserve. There was also \$712,600 in expenditures against the construction contract D007285. This contract is for the construction of the rearing building and a workshop building at the Rome Fish Hatchery in Region 6.

There was an increase of capital expenditures under the State Parks Infrastructure Fund (SPIF), fund 076. This funding was provided by a sub-allocation from the Department of Parks, Recreation and Historic Preservation. The purpose of this funding is for the rehabilitation, preservation and improvement of State park facilities and historic sites. There was \$1,311,023 in capital expenditures under the SPIF. The Division of Operations used these funds for various projects in support of the Fish, Wildlife & Marine Resources program. Examples of these projects are the Hudson River Moreau Boat Launch Site, Plattsburgh Boat Launch Site, and the Raquette River Boat Launch Site. These projects will be closed out in SFY 2011-12 and final payment will be disbursed.

An increase in Federal Capital Project Expenditures occurred in FY 2010-11. Federal Capital Projects expenditures totaled \$3,015,635. This is an increase of \$1,041,083 over FY 2009-10. The reason for this increase is the same as in SFY 2009-10. A journal voucher was processed to transfer eligible Long Island Sound Restoration Act (LISRA) expenditures incurred under the Clean Water/Clean Air Bond Act to Federal LISRA grants. This action expended grant funds which allowed a cash draw down from the Federal Clearing House. This journal voucher totaled \$1,061,580. The other factor relating to this increase was charges against the construction contract D007353. This contract is for the construction of the Mattituck Creek Boat Launch along the North Shore of Long Island. Expenditures totaling \$1,028,807 were disbursed throughout the year against a Federal grant.

There were no other significant increases in expenditures under the other Capital Funds.

INDIRECT SUPPORT

Indirect support service includes the Divisions of Executive, Management and Budget Services, Public Affairs and Education, Operations, Regional Affairs, Environmental Permits and Office of General Counsel activities. Indirect support service expenditures totaled \$16,576,466 for FY 2010-11. This is a decrease of \$2,667,897 from the previous fiscal year. Indirect is calculated as a percentage of direct personal service and fringe benefits. The indirect rate fell from 29.07% in FY 2009-10 to 27.11% in FY 2010-11. This rate reduction is the reason for the decrease of indirect support service expenditures.

Of the total, the Conservation Fund contributed \$5,187,659 toward indirect support services; Federal aid contributed \$2,863,214; and the balance of \$8,564,813 was paid by other operating funds, including the General Fund. Contributions from the Conservation Fund decreased by \$714,749. Federal aid contributions decreased by \$119,683. Contributions from all other funding sources decreased by \$1,833,464.

LEVEL OF EFFORT - ATTACHMENT A

Methodology for Fish, Wildlife & Marine Sources and Uses of Funds FY 2010-11

1. Methodology to determine the total cost of the Fish, Wildlife & Marine program during fiscal year 2010-11 follows. Costs were classified as either direct or indirect in nature.
 - a. If direct, various methods and formulae were used to determine the cost of fish, wildlife & marine activities.
 - b. If indirect, the Department's federally approved indirect rate of 27.11% of direct personal service and fringe benefits for FY 2010-11 was applied to account for indirect expenditures.
2. The following programs expended effort for fish, wildlife & marine activities and were classified accordingly:

Direct	Direct Support	Indirect Support
Fish, Wildlife & Marine	Law Enforcement	Office of Mgmt & Budget
	Executive	Public Affairs and Education
	Public Affairs and Education	Operations
	Operations	Regional Affairs
	Lands and Forest	Office of General Counsel
		Environmental Permits

Cost allocation recovery charges for costs incurred by central service agencies, such as the Division of Budget, the Department of Civil Service, the Office of the State Comptroller, and the Office of General Services, which provide indirect support services to all state agencies, were included as indirect support.

3. The direct and direct support components include:

Direct

Fish, Wildlife & Marine - All costs attributable to the program including costs for the Return a Gift to Wildlife, Migratory Bird, Freshwater Wetlands Appeals Board, Delmar Lab, Marine district costs, the Hudson River Estuary programs are considered as fish, wildlife and marine.

Direct Support

- Law Enforcement

A study of the time and activity codes was used to determine a percentage of time spent by Law Enforcement personnel on fish and wildlife activities. Time & activity codes were provided by program. All titles, sworn and civilian, were used, as were all activities related to Fish, Wildlife & Marine resources. Administrative codes were excluded as well as the cost for code 8921, Resource Protection. This exclusion (as requested by LE) is due to the fact that this code is extremely variable as it pertains to FW&M. The percentage developed was 52.61% and was applied to total Law Enforcement expenditures of personal service, fringe benefits and non-personal service including Resource Protection (8921) expenditures.

- **Public Affairs and Education**
As with Law Enforcement, a study of time and activity codes was used to determine a percentage of time spent by Public Affairs personnel on Fish, Wildlife and Marine activities. Time & activity codes were provided by program. Administrative codes were excluded. Of the codes identified in support of FW&M, Code 1927 was determined to be 100%. The remaining FW&M T&A costs were prorated, then, the regular T&A methodology was applied yielding 35.37%. This percentage was applied to the expenditures of Public Affairs and Education’s personal service, fringe benefits and non-personal service.
- **Lands and Forest**
A study of the time and activity codes was used to determine a percentage of time spent by Lands and Forest personnel on fish and wildlife activities. Time & activity codes were provided by program. Administrative code 7203 was excluded. The percentage developed was 2.44% and was applied to total Lands and Forest expenditures of personal service, fringe benefits and non-personal service.
- **Operations**
The following portions were considered as direct:
 - Design and Construction
 - Field Operations
 - Transportation Services

A study of the time and activity codes, as provided by program, was used to determine the percentage of time spent on fish, wildlife and marine activities by the Design and Construction and Field Operations sections. Field Operations also spent a percentage of time on Law Enforcement activities. Administrative codes were excluded. The percentages developed were applied to the direct cost expenditures of personal service, fringe benefits and non-personal service for those sections. The percentages are as follows:

Design and Construction • 36.70% for fish & wildlife
 Field Operations • 8.21% for fish & wildlife
 Field Operations • 0.08% for law enforcement

Since 52.61% of Law Enforcement’s effort is devoted to Fish, Wildlife and Marine activities, Field Operations’ level of effort was calculated at the same percentage of Operations’ percent of effort for Law Enforcement.

The time and activity methodology was not used for Transportation Services due to the availability of mileage data for program chargebacks. The Division of Operations does not fund equipment management costs for programs. All costs are recovered by Operations through the chargeback system. A ratio from the mileage data for program chargebacks gives the percentage of time spent on Fish, Wildlife and Marine activities. These percentages were applied to the direct cost expenditures of personal service and fringe benefits. Since costs are charged back to programs, the percentage is not applied to non-personal service. Non-personal service consists of only those purchases, if any, made by Operations for the fish, wildlife and marine program.

As with Field Operations, Transportation Services supports both Fish, Wildlife & Marine and Law Enforcement. The percentage of time spent on Law Enforcement’s efforts by Operations was developed from mileage data available for program chargebacks. As with Field Operations, transportation services’ level of effort on behalf of Fish, Wildlife & Marine Resources was

calculated at a percentage of Operations' percent of effort for Law Enforcement.

4. Indirect Support was based on the Federally approved indirect rate of 27.11% applied to total direct personal service costs of the agency, plus fringe benefit costs. The portion of indirect support funded by the Conservation Fund includes personal service and associated fringe benefits for Executive, Management and Budget, Public Affairs and Education, Operations, Regional Affairs, Environmental Permits and Office of General Counsel.

Indirect Support costs from DEC for Fish, Wildlife & Marine activities:

- Executive - Fish & Wildlife's proportionate share of Executive Office efforts, including Deputy Commissioner for Natural Resources, Legislative Affairs office which works on legislation, and the Bond Act office.
- Management and Budget - includes staff which process personnel transactions, pay vendors, approve travel advances, process travel reimbursement, recoup funding from Federal grants, prepare spending authorizations for State Operations and Capital funds. This report also includes Fish, Wildlife & Marine's proportionate share of Departmental leases for regional and sub-regional offices, as well as central offices. Telephone services, hunting & fishing license accounting, payroll processing and contract approval are other essential services provided.
- Public Affairs and Education - audio-visual is the part of PA&E that is considered indirect and includes displays for state fair, etc.
- Operations - Electronics is indirect.
- Regional Affairs - includes regional directors and secretarial/clerical staff throughout the regions which provide a proportionate share of support to regional Fish, Wildlife & Marine activities.
- Office of General Counsel - includes Division of Legal Affairs direct part for such activities as natural resource damages, counsel for rules, regulations, statutes, and contracts.
- Environmental Permits - permitting.

Cost allocation recovery charges for central agencies for programs funded by the Conservation Fund are also reflected as indirect support.

Costs actually paid for by the Conservation Fund were deducted from the total costs, less Federal and capital, and the balance was determined to be funded either by Federal, Capital, or Other Operating Funds.

5. Capital Projects

All Capital project expenditures, including Capital, EPF, Natural Resource Damages Capital, Hazardous Waste Remedial Fund, and Federal Capital projects in support of FW&M activities for all programs were summarized.