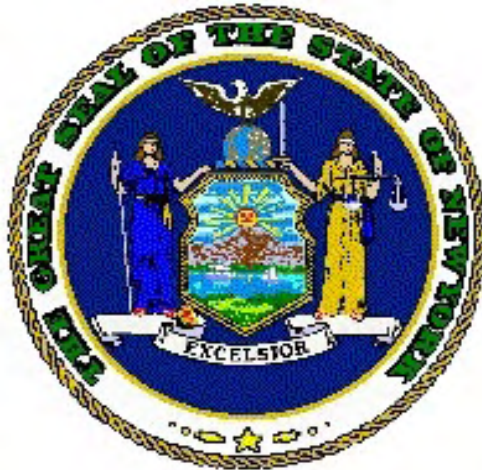


State of
New York

CONSERVATION FUND ADVISORY BOARD



Annual Report to the
Commissioner
and
Sportsmen and Sportswomen
April 1, 2004 to March 31, 2005

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Executive Summary

The Board held 11 monthly meetings in FY 2004-05 including a field trip to Region 8.

- The Board heard numerous presentations, received reports, and discussed topics including: Conservation Fund financial statements; chronic wasting disease; a visible fishing license regulation; revenue from timber sales from Wildlife Management Areas; blaze orange; free sporting licenses; fish hatchery budget needs; license buyers right to privacy; DECALS; CFAB meeting schedule; fishing and hunting regulations; fish and wildlife law enforcement; DEC staffing and hiring freeze; venison donation program; five-year capital budget planning; the Open Space Conservation Plan; the Habitat/Access Stamp program; Invasive Species; and proposed revenue sources to the Conservation Fund.
- The Board analyzed income to and expenditures from the Conservation Fund and concluded the Conservation Fund remained healthy through State Fiscal Year (SFY) 2004-05. The Conservation Fund faces an operating deficit by the close of SFY 2005-06 due to lower than projected license sales and dramatic increases in staff fringe benefits costs. The Board is not recommending a license fee increase at this time. The Board recommends that other mechanisms to increase revenue to the Conservation Fund must be developed and support for the Fish and Wildlife Program from other funding sources should be increased to prevent a Conservation Fund deficit.
- Overall funding of the Fish and Wildlife Program increased \$3.6 million to \$87.5 million from SFY 2002-03 to SFY 2003-04. Expenditures from the Conservation Fund declined by nearly \$7.0 million while funding from other state sources, including the General Fund, increased by \$9.7 million. Funding from federal sources stayed level while funding for capital projects increased about \$0.9 million.
- The Board fulfilled its charge to review Department allocations and expenditures from the Conservation Fund and concluded expenditures from the Conservation Fund are consistent with the requirements of Section 83 of the State Finance Law.

1. A Message from the Chairperson

The Conservation Fund Advisory Board (Board) continued a busy schedule from April 1, 2004 through March 31, 2005. Two new members joined the Board. Mr. Fred Langdon of Buffalo was appointed by the Assembly majority to represent Region 9 and Mr. Charles Hancock was appointed by the Senate majority to represent Region 8. Both Fred and Charlie have strong backgrounds in conservation and in business. Both are welcome additions to the Board and have already made significant contributions to the workings of the Board. The Board's 11 monthly meetings, including a field trip to Region 8, and numerous committee meetings, provided a forum to discuss and act on many issues of concern to New York's sportsmen and women.

The Conservation Fund ended SFY 2004-05 in the black but now faces program costs that are greater than Conservation Fund revenue. Action must be taken to avoid a Conservation Fund deficit at the close of SFY 2005-06. The Board has been actively engaged with the Department of Environmental Conservation, the Governor's Office, the Division of Budget and the Legislature to avoid a Conservation Fund deficit. The Board does not support a general license fee increase at this time, but is evaluating other ways to increase revenue to the Conservation Fund and has encouraged policy makers to make funds from other sources available to support the Fish and Wildlife Program.

We continue to be disappointed that the Legislature has failed to act on Department and sportsmen-supported proposals to allow 14 and 15-year old hunters to hunt big game with rifle or shotgun. It is truly a shame that New York is the only state in the Nation that doesn't allow 14 and 15-year old hunters to pursue big game. We believe lowering the big game hunting age is a critical action necessary to maintain New York's proud traditions of hunting and wildlife conservation. Neither did the legislature act on a Department of Environmental Conservation request to pass legislation to make the crossbow a legal hunting implement for disabled people and for all hunters in certain, regulated seasons. The Board will continue to pursue legislation to allow our well-trained and safe young hunters to hunt big game in New York just as they can in every other state in the Nation. We will also continue our efforts to increase hunting opportunity for disabled hunters and others by supporting legislation to make the crossbow a legal choice under regulated circumstances. These actions would eventually increase revenue through license sales to the Conservation Fund.

The Board continues to work to improve its annual report so sporting license buyers have the best possible information about how fish and wildlife conservation is funded. This fifth annual report to be made available on the Web represents our commitment to work with sportsmen and women to ensure the Conservation Fund remains healthy and that our resources fund fish and wildlife conservation.

Robert J. Monacchio
Chairman of the Board
Region 5

2. About This Report

The Conservation Fund Advisory Board is required to submit a report annually to the Commissioner of the Department of Environmental Conservation (Department) by November 15th of each year. The primary purpose of this report to the Department is to advise the Commissioner regarding the Board's assessment of the extent to which expenditures and appropriations from the Conservation Fund are consistent with the requirements of state law. The Board will make its annual report available to the public by posting it on the Department of Environmental Conservation's web site at: www.dec.state.ny.us. The Conservation Fund Advisory Board has no independent means to audit the report and relies upon the DEC for its accuracy and completeness.

3. 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 expenditure of Conservation Fund monies, thereby ensuring that the Fund was spent in accordance with the Environmental Conservation Law, specifically for the care, management, protection and enlargement of the fish and game 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 (CFAB), removed from the jurisdiction of Executive Law and placed under the Environmental Conservation Law. The change allowed the addition of ex-officio members to the Board (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 having 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., and the New York State Fish and Wildlife Management Act Board.

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.

The specific duties of the Board are:

- Review the allocations and expenditures of the DEC for fish and wildlife programs.
- 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. 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.

4. Accounts in the Conservation Fund

The Conservation Fund consists of several accounts. The following is a list of those accounts and a general description of the funding source. The revenue figures reported below for each account were obtained from the records of the Office of the State Comptroller (OSC) and are official figures.

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 transferred from the Lifetime License Account.

During 2003/2004, the Traditional Account generated **\$39,542,628**.

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, whelk permits, food fish/crustacean permits, fines and other revenues. During 2003/2004, the Marine Resources Account generated **\$1,921,112**.

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. This account generated **\$34,073** in 2003/2004.

Migratory Bird Account

This account is relatively small and funds are generated through the sale of collector stamps. During 2003/2004, this account generated **\$25,351**.

Guide License Account

Another very small account, the Guide License Account, generated **\$60,011** from the sale of guide licenses.

Surf Clam & Ocean Quahog Account

This account generated **\$62,175** from per bushel fees associated with clam harvest.

Lifetime License Account

The sale of “lifetime” licenses generates the monies in this very important account. The principal may not be touched by law and interest is transferred from this account to the Traditional Account annually. The formula for the transfer is designed to replace money lost from the sale of hunting and fishing licenses when a lifetime license is purchased. The most important feature of the account is the fact that a person’s lifetime license money continues to work long after the person has stopped hunting or fishing or has died.

Investment in this account is the ultimate long-term commitment that a sportsman or woman can make to his or her sport. During the year 2003/2004, the lifetime license account generated **\$1,250,844** and had a balance of **\$11,798,051**. Life to date interest has been transferred to the Traditional Account in the amount of **\$2,296,717**.

5. Members of the Board

Region 1: Charles A. Bevilacqua was born in Brooklyn and has been a resident of Nassau County since 1950. He is a veteran of the U.S. Marine Corps and attended Nassau Community College and the American Management Institute. He has been active in community affairs as a former Scoutmaster, fund-raiser and assistant coach for the Syosset Spartans Young Sports Program. He is an avid hunter, angler, competitive target shooter and Life Member of the National Rifle Association. Presently, Charlie serves on the Nassau County Forest Practices Board, the NYS Open Space Advisory committee for Region 1 and the NYS Conservation Council/NY Power Authority Joint Task Force on Energy and Natural Resources. He has been active with the Nassau County Fish and Game Association, holding offices as President, Vice-President and Director. He is a past President of the Manhasset Bay Sportsmen's Club. Charlie has held several offices with the NYS Conservation Council, including Vice-President, Regional Director and a member of several key committees. He is associated with Nassau Suffolk Realty. He has held various management positions with Lisa & Company, has been a Senior Field Engineer with TRW and a Sales Manager with Singer Business Machines. He was appointed in 1984 to serve as the representative of Region 1.

Region 2: John F. Matuszewicz, a hunter and angler for more than 50 years, was born and spent all his life in Staten Island, graduated from local public schools and served in the US Army from 1952-1954 during the Korean Conflict as a Helicopter Mechanic and Crew Chief. He is an Honorary Life member and past commander of the American Legion, a member of the Veterans of Foreign Wars, the National Rifle Association (35 years), the Colonial Rifle & Pistol Club (35 years), Co-founder and Secretary of the Isle Wide Rifle & Pistol Shooting Club and a member and Past Exalted Ruler of the B.P.O. Elks, Lodge 841 serving as a State Trustee, National Foundation and Scholarship Chairman. He has also served as a DEC Hunter Education Instructor. In his professional life, John worked for the Food

Machinery & Chemical Corporation (9 years), Procter & Gamble Manufacturing Company as an Analytical Chemist (35 years), retiring in 1990. He was the recipient of the Outstanding Conservationist Award 2000, presented by the New York Chapter of The Wildlife Society. In retirement he enjoys teaching his seven grandchildren the basic fundamentals of hunting, fishing, gun safety and conservation. He was appointed Region 2 representative in 1997.

Region 3: Wallace "Wally" H. John was born in New York City on April 20, 1945 and grew up in West Shokan, Ulster County in the Catskill Park where he currently resides. He has hiked, camped, fished, and hunted throughout the Catskill Mountains, New York, Wyoming and Montana. Wally holds Bachelors and Masters degrees from SUNY New Paltz and did advanced graduate work at the University of Iowa. He was a teacher before working at the New York State Assembly. He is a life member and Legislative Vice President of the New York State Conservation Council and author of the "Albany Report" in Grassroot News. This year, Wally received an award from the NYS Conservation Council. He is active in the elk restoration project as a life member, habitat partner and past Catskill Mountain Chapter Chairman of the Rocky Mountain Elk Foundation. Wally is Vice-President of the Bushkill Rod and Gun Club, a member of Trout Unlimited, Ducks Unlimited, Nature Conservancy and other national conservation organizations. He has been a past Chairman of the Town of Olive Environmental Conservation Advisory Council and a member of the Ulster County Environmental Management Council. In 1985, the NYS Wildlife Society honored him with their outstanding Conservationist of the Year award. Wally's work for the Assembly for the Program and Council Staff included 16 years with the Environmental Conservation Committee and 8 years with the Agriculture Committee. He retired in 2000. In 2002 he was appointed to CFAB to represent Region 3.

Region 4: Mark J. Storti was born in Barre, Vermont. He has been a New York State resident for more than 29 years. As an avid hunter, trapper and fishing enthusiast, Mark has enjoyed the outdoors from the Adirondack Mountains to the western mountains of Maine. He is a graduate of SUNY at Plattsburgh with a B.A. in geography and a minor in land use planning. Presently, Mark is employed by Schenectady County as the GIS System Coordinator at Economic Development and Planning. Thirteen years ago, Mark founded one of the largest youth fishing days in the Capital District Region. The Indian Kill Open House/Fishing Day has become one of the prominent outdoor educational and recreational experiences for Schenectady County youths. As the past President of the Schenectady County Conservation Council, Mark was instrumental in forming one of the first Adopt-A-Natural Resource programs with NYS DEC Region 4 at the Featherstonhaugh State Forest in the Town of Duanesburg. Mark is a member of the NRA, the New York State Trappers Association, the New York State Muzzle-loaders Association, Inc., Scotia-Glenville Kiwanis and the Town of Glenville Planning Board. He was appointed Region 4 representative to CFAB in 2001.

Region 5: Robert J. Monacchio, a New York State resident for more than 40 years, has fished and hunted in the state since the 1950s. He is a camp owner in the Adirondack Park for more than 30 years and a full time resident and property owner for more than 18 years. Bob spent six years in the Naval Reserve. In his professional life, Bob has served as Treasurer of Mountain Home Consulting Group Inc., President of Coordinated Components Inc., Vice President and General Manager of Production Services for Trans World Display Corporation in New York and Project Director for Snyder Black & Schlegel. He is a member of the NRA and Great Sacandaga Lake Fisheries Federation Inc. He was a negotiator in the FERC relicensing of hydro facilities on the Great Sacandaga Lake and the Upper Hudson River. Bob is a member of the Great Sacandaga Lake Advisory Council. He is involved in stream stocking for DEC and has served on the Fulton County Water Quality

Strategy Committee. He enjoys hunting, fishing and snowshoeing. He was appointed Region 5 representative in 1997.

Region 6: Linda S. Sicley is a native New Yorker who has resided in the Town of Worth, Jefferson County, since 1979. She and her husband have two daughters and three sons and raise beef cattle on their farm on the Tug Hill Plateau. Her memberships include the Fur Harvesters Association of Jefferson County where she has been Secretary since 1992, the New York State Trappers Association, and the National Rifle Association. She is a delegate to the Lewis County Association of Sportsmen's Clubs and received the Conservationist of the Year Award in 2002. She is a DEC Trapper Training Instructor and has participated in the Cornell Cooperative Extension Environmental Awareness Days since 1994 with a Furbearer Management Presentation. Linda is an active member of the Lorraine United Methodist Church. She is a former Delegate and Secretary of the Jefferson County Sportsmen's Federation where she served on the Legislative and Education Committees. She was appointed in 1998 to serve as Region 6 Representative to CFAB. Linda enjoys hunting, fishing, and especially trapping with her family.

Region 7: Craig L. Tryon is a lifelong resident of New York State and lives on the west shore of Otisco Lake in Central New York. He has been employed by the NYS Office of Parks, Recreation and Historic Preservation for more than 35 years. He is currently the Park Operations Supervisor for parks and historic sites in the ten county Central New York Park Region. Craig is a Life Member of the National Rifle Association, a member of the NYS Conservation Council, the Friends of Carpenters Brook Fish Hatchery, and the White Otter Fish and Game Club. He is currently the Vice Chair of the Region 7 Fish and Wildlife Management Board. Craig is a licensed NYS Outdoor Guide and Co-owner of Adirondack Wilderness Experiences Guide Service. He is a Past President and a Life Member of the NYS Outdoor Guides Association and currently serves the Association as treasurer. Craig is the editor of the

Association's annual listing of member guides, *A Guide to the Licensed Guides of New York State*. In his recreational time, Craig is an avid hunter, fisherman, and fly tier. He enjoys wilderness camping, canoeing, and kayaking, as well as snowshoeing, hiking, and photography. He spends as much time as possible teaching his guide clients and grandkids to enjoy the outdoors. Craig was appointed as the Region 7 representative to CFAB in 2002.

Region 8: Charles (Charlie) O. Hancock was born in Massachusetts but has been a resident of New York State since 1964. He is married with three children and seven grandchildren. He served with the U.S. Army Security Agency as an analyst in Europe. He has received the United Nations Environment Programme "Citation of Excellence", the Canadian "Award of Merit", the U.S. EPA "Outstanding Professional", and the Regulatory Affairs Professional Society "RAC Certification" in 1999. Charlie is a practicing medical device sterilization consultant with his own firm and partners in a sterilization instrumentation and control company. He is a USA Representative to the International Standards Organization, ISO, Geneva. He is an Active Member of the Canadian Standards Association and the U.S. Association for the Advancement of Medical Instrumentation. He has served with the Genesee Conservation League President and Board of Directors; Monroe County Conservation Council; Finger Lakes Conservation Council; and the New York State Conservation Council. He is President of the Genesee Conservation Foundation, Inc. and is a member of the Oatka Fish and Game Club. Charlie has also represented Monroe County with the New York State Fish and Wildlife Management Board. He is an initial member of the New York State Canal Recreationway Commission and of the NYS Open Space Planning Committee. He was appointed as Region 8 representative in 2004.

Region 9: Fred Langdon was born, raised and spent most of his life in Buffalo. He now resides in West Seneca, NY. He is a Veteran of the US Navy and attended Erie Community College. He served 23 years in the Buffalo Fire Department, retiring in

1985. Fred presently is Owner/ Operator of the South End Marina Corporation located on Buffalo's Inner Harbor. An avid hunter, fisherman and conservationist, he served as President and Director of the Bison City Rod and Gun Club, Recording Secretary, Director and Delegate to the Erie County Federation of Sportsmens Clubs, Director of the Niagara Musky Association and is a member of Safari Club International, Niagara River Anglers Association, Southtowns Walleye Association, NYSCC, Niagara Chapter of the NWTF, SCOPE, and the NRA. He is a land owner in the Southern Tier (Cattaraugus County) and is actively pursuing a Quality Deer Management program. Fred expects to retire in a couple of years to spend quality time teaching his 13 grandchildren to appreciate and enjoy the outdoors. He was appointed as Region 9 representative in 2004.

FWMB Representative: Harry C. "Bud" Woodfield was born in Tarrytown, Westchester County, in 1923. He currently resides in Binghamton, NY. He attended Cornell University. He has retired from State service after 35 years with the New York State Department of Environmental Conservation and The New York State Office of Parks, Recreation and Historic Preservation. Bud is a member of the Board of Trustees of the Wyoming Conference and certified Lay Speaker of the United Methodist Church. Bud has been a hunter, angler and trapper all his life. He is a Life Member of the National Plott Hound Association and is a licensed UKC bench show judge. In 2000, He received the Outstanding Conservationist Award from the N.Y. Chapter of the Wildlife Society. During 2001, he was awarded a Lifetime Achievement Award from the NYS Conservation Council and an award for many years of service to the community from the Southern Tier Chapter of the National Wild Turkey Federation. In 2002, he received an award for Outstanding Services from the FWMB and an outstanding Member of the Year award from the NYS Chapter of the National Wild Turkey Federation. He was appointed as FWMB representative to CFAB in 1993.

NYSCC Representative: John J. Long was born in Niagara Falls in 1933. He holds a B.S. in

Economics from Niagara University and is Vice President of United Insurance Agency, Inc. an insurance agency where he has been employed since 1949. He is a veteran of the U.S. Army. John has hunted and fished over most of North America and is President of Outdoor World Productions, Inc. He has been active in the NYS Conservation Council since 1955 and was presented the 1987 NYS Conservationist of the Year Award by the Council and the New York Power Authority. He is a past Chairman of the Fish and Wildlife Management Act Board in Region 9; Past President and Life Member of the NYS Outdoor Writers

Association, past President of the Niagara County Federation of Conservation Clubs. John is a Life Member of The National Rifle Association and a member of the Outdoor Writers Association of America and the Association of Great Lakes Outdoor Writers. He recently constructed a walleye rearing facility in his property for the Niagara River Anglers Association to stock the Niagara River. He is Captain of the Niagara County Sheriff's Special Conservation Deputies. He was appointed to the Board in 1988 to serve as representative of Region 9.

6. Actions of the Board During FY 2004/2005

The Conservation Fund Advisory Board held 11 monthly meetings in FY 2004/2005 to discuss issues affecting sportsmen and sportswomen, and to formalize its recommendations. Each meeting was attended by the Commissioner who was represented by the Deputy Commissioner or the Director of the Division of Fish, Wildlife and Marine Resources (“DFWMR”), Bureau Chiefs and by other senior staff of the Department and by the representatives of the Fish and Wildlife Management Board and the New York State Conservation Council, Inc. Periodic reports were also provided by the Assistant Commissioner of Public Protection, the Director and Assistant Director of Law Enforcement and the NYS Division of Budget. Senator Elizabeth O’C. Little informed the Board of the New York Legislative Sportspersons Caucus and its primary focus to keep abreast of current legislation that could impact NY Sportsmen and Sportswomen. The New York State Conservation Council also monitors NY bills and contacts NY Legislators to confer on bills of concern.

Although most of the Board’s meetings were held in Albany, the Board also undertook a field trip to Region 8 and toured the Seneca Army Depot property with the famous White Deer herd, the Bath Fish Hatchery, improvements on Naples Creek, Montezuma swamp, and various habitat management areas.

In order to discharge its duties under the Environmental Conservation Law, the Board engages in a comprehensive assessment of a wide variety of matters related to the financial condition of the Conservation Fund and the programs and activities of the DFWMR, and generally conducts a monthly discussion with representatives of the Department to address issues related to the current and anticipated income and expenditures for the fish and wildlife programs, including planned expenditures for the next fiscal year.

The following discussion summarizes a number of the matters addressed by the Board throughout FY 2004/2005. For a more complete discussion of the financial report **[on revenues to and expenditures from the Conservation Fund and the Board’s review of the allocations and expenditures of the Department for Fish and Wildlife purposes]** please refer to the section entitled “Fiscal Report” that appears later in this annual report.

Financial Statements

The Board evaluates the Department’s income and expenditures for Fish and Wildlife Programs by reviewing Comparative Statements, monthly license sales reports and work plans prepared separately by each Regional Office and a consolidated work plan prepared by the DFWMR. During the year the Board has requested more timely monthly reports on the Conservation Fund expenditures from the Division of Management and Budget. The Chairman, Vice Chairman, and Chief Counsel to the Board met with the Commissioner and Assistant Commissioner in July and asked the DEC to be more forthcoming with timely, complete and accurate information.

Each month the Board reviews a Comparative Statement that sets forth by license type or other revenue source receipts of all revenue into the several accounts that comprise the Conservation Fund. The Comparative Statement is prepared on a monthly, quarterly, semi-annual and yearly basis. The data with respect to revenues and expenditures is generally furnished by the Department’s Division of Management and Budget Services, and the Board is entirely dependent upon the receipt of timely, complete and accurate financial information from the Department in order to fulfill its obligations under the Environmental Conservation Law.

Presentations of the work plans are made by the representative Bureau Chief of each of the Bureaus of Fish, Wildlife and Habitat. Additionally, the Board periodically receives other presentations from DFWMR and from the Division of Management and Budget Services with respect to revenues to and expenditures from the Conservation Fund.

On the basis of the Comparative Statements, the Board determined that there was a decline in excess of 50,000 in the number of licenses sold, and a corresponding reduction in the amount of funds recorded in the Conservation Fund.

Chronic Wasting Disease (“CWD”)

Chronic Wasting Disease was discovered in New York State in April of 2005 and an aggressive program by the DEC and the Department of Agriculture and Markets was put together to try and learn how widespread it was. The Board went on record supporting the DEC Commissioner and the Department on their response to the discovery of CWD. It was the Board’s feeling that the DEC had been very forthcoming with plans and results for CWD surveillance testing which had occurred prior to the current outbreak of the disease. Detailed discussion occurred on the cause and effects of CWD and specifically regarding the effect the entire operation would have on the Conservation Fund. No figures were available as to the cost of this project and where the monies are being drawn from. As the investigation continues, a containment area has been established to monitor the wild deer that are taken in that part of the State.

Fish Hatcheries

New York State operates 12 fish hatcheries that produce trout, salmon, walleye and muskellunge and its hybrids. Our hatcheries produce about a million pounds of fish each year that are stocked in the rivers, streams, lakes and ponds. These stockings supplement natural reproduction and provide an excellent sport fishery. In June, the Board visited the Rome Hatchery to consider the rehabilitation and repair needs of all 12 hatcheries. After the Board reviewed documents provided by the Department, the Board agreed that a significant appropriation of Capitol Funds would be needed above and beyond present appropriations. The FY 2005/2006 capitol budget for DEC only provided \$300,000 for engineering and design studies for hatchery repairs. Re-appropriations for past repairs were unfrozen and some repair work has begun. The Board estimates it will cost at least \$25 million and take up to five years to complete all needed repairs.

Visible Fishing License

The Board believes that a visible fishing license could generate a significant amount of money. We feel that a large number of people are fishing without a license and that this illegal activity is taking money away from the license buying public. It appears to be up to the Department to move ahead with the visible fishing license. The Director indicated that the Department is putting together a rule-making memo that would require the display of a fishing license by New York anglers. That memorandum will go to the Executive Office and then be published in the New York State Register.

The Division has not made a decision whether or not to adopt that proposal, which it will determine largely by public input. The Division thinks the proposal is worthy of review and public comment and would like to find out how much revenue it would generate. The Chairman was concerned that the Department has not moved forward on the visible fishing license issue, especially with the Conservation Fund being potentially in the red in the near future. The Director also provided the Board with a mock-up of a visible fishing license as it would be printed out by the DECALS system. No movement has resulted on this proposal thus far.

Timber Sales

The Director reported that over the last 3 years several timber sales were held on state wildlife management areas. The DEC determined that the proceeds of these sales were placed in the Natural Resources Account instead of the Conservation Fund. This error amounted to as much as \$1.8 million. The Director indicated that a correction will be done in an upcoming budget request. DEC has not determined how much interest might be paid on the money. The Board went on record requesting the transfer of this money as soon as possible and that interest be included. A letter was sent to the Commissioner representing the Board's position. The Director was asked by the Board about the money generated from oil and gas leases on Wildlife Management Areas (WMAs). Director Barnhart indicated that these monies go into the Conservation Fund and show up as miscellaneous sales in the Fund. The Chairman then asked if monies for logging and oil/gas leases are accounted separately. The Board then resolved that the items be added as individual items on the Comparative Statement. The Director subsequently distributed a letter from Acting Commissioner Denise Sheehan related to the repayment to the Conservation Fund for money inadvertently deposited in the Natural Resources Account. The Department has taken the position that it has fully repaid the Conservation Fund by transferring personal service and fringe benefit costs from the Conservation Fund to the General Fund. In the opinion of the Commissioner, the net impact of the transfer will save the Conservation Fund \$2.2 million. The Director indicated that this action, along with transfers from the Lifetime License Account, would help to reduce the Conservation Fund's deficit below \$4.4 million. He indicated that the Department and the Division of Budget met to work on resolving the deficit problem. The Director commented that the meeting was productive and will help to resolve the fiscal problem by 2005-06. The Director referred to a "structural" deficit of \$7 million in the Conservation Fund.

Blaze Orange

The Board's Legislative Chairman reported that the Blaze Orange Bill would probably pass both houses before the end of session. Much discussion has occurred over the years and the Board is on record in opposition to this bill. At the request of the Chairman, Chief Counsel provided a report to the Board on hunter accident incidents related to blaze orange usage. He contacted the license administrator and hunter training coordinator for the states around New York including: Vermont, New Hampshire, New Jersey, Pennsylvania, Connecticut, and Maine. He also contacted the International Hunter Safety Organization. Forty out of 50 states in the US have a Blaze Orange requirement. New York and California are the 2 largest of the 10 states that do not require blaze orange, the others are Alaska, Arizona, Indiana, New Hampshire, Nevada, New Mexico, Oregon and Vermont. He then looked at the accident rate for a number of states that do and do not have a blaze orange requirement. He looked at the highest rate of injuries over the last 4 years for Vermont, New Hampshire, New York, Maine, Pennsylvania, Connecticut, and New Jersey related to the number of licenses sold. Based upon those numbers, Vermont had an accident rate per 100,000 of 7.86, New Hampshire had 7.14, New York had 8.22, Connecticut had a rate of 7.2, Pennsylvania at 7.27 and Maine at 6.63 per 100,000. New Jersey had a rate of 15.3 and also a blaze orange requirement as does Connecticut, Pennsylvania and Maine. New York had 32 injuries last year, of which 7 were self inflicted, 9 were turkey hunting (3 of the self inflicted were wearing blaze orange), 13 were big game and 3 were small game hunting. Seven of the 16 shooting injury victims were wearing blaze orange. In states such as Vermont and Maine almost 50 % of the victims were wearing blaze orange which is consistent with New York. The Chief Counsel indicated that the history of incidents in the New York region reflected that wearing blaze orange had only a limited utility in protecting a hunter from being shot. He also found that NY has a very high rate of voluntary compliance in wearing blaze orange. From the data that he reviewed, he could not conclude that compelling hunters to wear blaze orange would assure a significant or material reduction in the rate of hunting incidents in New York. The Chairman asked the Board for recommendations. A motion was duly made and seconded that the Board not support legislation that would

require big game hunters to wear blaze orange while afield in New York State. The motion was approved by seven members with one abstention. The Board then sent a letter to the Legislature and the Governor stating their opposition to the Blaze Orange Bill. This bill subsequently passed both houses and was vetoed by the Governor.

Free Licenses

Free licenses not only directly reduce Conservation Fund revenue, but also reduce Federal aid by \$6 per reduced license buyer. Free licenses are traditionally allowed for senior citizens at 70 years of age and active duty, full time members of the military stationed in the state. In recent years, free licenses have been extended to include persons confined to nursing homes. The Board is concerned with the continuing drop in fishing license sales and is opposed to the creation of any new exemptions for license purchase. The privilege of hunting, fishing and trapping should involve an individual contribution to the support of the management and welfare of the state's fish and wildlife. The Board is committed to keeping the cost of licenses reasonable and within the reach of all residents no matter their income level. The gift of free licenses to special groups undermines the personal relationship to the state's resources and places an additional financial burden upon the remaining license buyers.

Right to Privacy

The Board supports a license buyers right to privacy. The data collected on the application to purchase a hunting, fishing or trapping license is verified by the information on a person's driver's license. When the State began using the computer license system (DECALS), the tracking of individual license buyer information became very easy. Prior to 2002 the only computer list available consisted of the applicants for deer management permits. This list was sold by the state to private and public groups. When DECALS came into use, the Department decided that it would treat license buyer lists as confidential and they would not be for sale. Both the Senate and the Assembly asked for the deer management permit list in 2004, and when the DEC did not release the list, the Assembly filed a Freedom of Information Request for the list. When the DEC rejected the FOIL request, the Assembly went to Court with an Article 78 proceeding to have the Court order the DEC to release the list. Both sides have submitted written briefs to the Court and the Judge will eventually issue the decision. CFAB supports the DEC's denial of the list.

Other Matters

DECALS

Director Barnhart indicated that three "deliverables" were still outstanding under the DECALS contract:

1. Ad-hoc reporting capability will allow DEC staff to look at data and get the kind of reports the Board wants;
2. The internet sales application is currently being tested by DEC to ensure accuracy before the feature is launched; and
3. Integration of the Sportsman Education database with the DECALS database will allow replacement of hunter training certificates if they are lost.

Director Barnhart indicated that the first two deliverables were likely to become available earlier than the integration of the sportsmen education database with the DECALS database.

In discussing the budget, Director Barnhart stated that the \$1.2 million reduction in General Fund contribution was related to the funding of DECALS. DECALS was originally funded with General Fund

dollars; in the future it will be funded by the Conservation Fund. Director Barnhart indicated that a number of staff have been switched from General Fund to Conservation Fund. Asked by the Board whether this shift of staff to the Conservation Fund was expected to continue after this year, Director Barnhart stated that no plans existed to shift the funding of other Division staff out of the General Fund.

Robert Monacchio suggested that long term maintenance of DECALS will be a drain on the Conservation Fund. Even though the Conservation Fund looks good now, the long term funding of DECALS by the Conservation Fund will impact programs. There was a statement that past projections indicated that DECALS was going to save the DEC money.

There was a projection by the Board in it's 2003-2004 annual report as to where the Conservation Fund would be in six years. With the current reductions of General Fund monies and the shifting of costs to the Conservation Fund, that projection is going to change.

The Board requested a report which reflects the Division's budget and details the amounts of Federal, Conservation Fund and General Fund allocations along with a report that just reflects only the Conservation Fund. Mr. Bevilacqua indicated that there is a need to get the message out to the governor and the legislature that there will be a problem with the Conservation Fund shortly down the road if the State continues to make funding shifts that impact Fish and Wildlife programs and the Conservation Fund.

In response to a question as to whether the Department had done an inventory of DECALS equipment, Director Barnhart indicated that they have, and that the Department has enough equipment to meet current needs.

Proposal to Revise CFAB Meeting Schedule

Robert Monacchio expressed concern that reducing the number of meetings will cause further interruption of the flow of information to the Board and to other sportsmen groups and will cause sportsmen to become further alienated. He indicated that the Board should continue to meet as frequently as it historically met to make sure that sportsmen's questions are answered in a timely manner.

Director Barnhart indicated that the statute requires the Board to meet at least quarterly and otherwise at the discretion of the Chairman. If the Board determines it wants to meet more often the Department will do its best to support the Board. Mr. Barnhart indicated that he put together his proposal to try to make Board meetings as productive as possible and because he had promised to prepare a proposal. John Long indicated that the Board meets 11 times per year. He felt that the Board could likely cut out the January meeting. However, after Mr. Long and Chairman Monacchio met, they decided on behalf of the Board to continue to meet as they had in the past.

Fishing and Hunting Regulations

The Board discussed all the proposed regulation changes that the Department had proposed during the year.

Law Enforcement

Information on Assembly Bill A00465, An act to amend the environmental conservation law, in relation to prohibiting certain persons from purchasing licenses in the state. This bill would prevent persons who have had their hunting, fishing, or trapping privileges revoked in another state from purchasing similar licenses in New York. Director Johnson asked the Board to review the bill. The Board was concerned about how

license revocations in other states might compare to violations in New York State. Can licenses be revoked over minimal violations? Director Johnson indicated that New York would be looking at more significant issues. There should be the opportunity for a hearing if a license is going to be revoked in New York.

Colonel Egelston provided a handout showing the reports of deer and bear baiting violations. The handout showed minimal violations related to bear baiting, i.e., 8 violations over the last 5 years, while there were 373 violations involving deer baiting during that same period. Colonel Egelston closed by thanking the Board for their support.

Director Johnson talked about pushing legislation to allow New York to join into the Interstate Compact for sharing violation records between states.

DEC Staffing and Hiring Freeze

Director Barnhart passed out staffing summary reports for April 2004 through June 2004. The handout includes permanent staff by funding source. Currently, there are 53 staff that are paid from the General Fund, 248.4 staff that are paid from the Conservation Fund (Traditional Account) and a total of 388.15 staff for the Division of Fish and Wildlife that are paid from all funding sources. The budgeted staffing level for the Division is 389 for the FY 2004-05 budget. The Division recently submitted a request for a waiver to the hiring freeze to fill 5 positions in the division, including: an Environmental Chemist 2 for Hale Creek, a Biologist 1 (Aquatic) for Region 1, a Biologist 1 (Marine) for the Marine Program on Long Island, a Biologist 2 (Aquatic) and a Biologist 2 (Wildlife) for the Central Office in Albany.

The Board discussed whether to draft a letter to the Governor and Division of Budget questioning why the hiring freeze applies to the Conservation Fund which is a dedicated fund.

The Board expressed concerns about the loss of staff and the the reduction in the Department's activities and programs. The Chairman indicated that the Board's constituents see that Fish and Wildlife Programs are not getting done and they are also frustrated with a license fee increase and loss of programs. He and others on the Board expressed their concerns that this frustration could result in a loss of license buyers in the future.

Venison Donation Program

Greg Fuerst, the DEC Technical Advisor to the Venison Donation Coalition, made a presentation on this program explaining how it operated and how significantly it has grown, especially in the last several years. Fuerst indicated that the program has grown from two counties participating and 1000 pounds donated in the first year to last year's totals of 52 counties participating and over 108,000 pounds donated. He also indicated that each deer donated could be entitled to a \$60 contribution on an individuals New York State tax return. The Board recognized Mr. Fuerst as a driving force in the success of this important program.

Five-year Capital Plan

A draft report was provided to the Voting Members of the Board. The plan outlines the Division's needs for the next five fiscal years. This plan is what the Division sends internally to the Division of Management and Budget to be considered in the DEC budget. This plan includes dollar amounts that the Division believes are necessary for capital projects for hatcheries, wildlife management areas, fishing access development and restoration (both marine and inland), habitat restoration, and DECALS equipment replacement, among others.

The Open Space Conservation Plan

Bud Woodfield reported on the “Open Space” Committee. Bud feels that Board members should attend open space meetings in the region that they represent. He is concerned that sportsmen’s interests are not being represented adequately on the regional committees. It appears that regional Fish and Wildlife Management Board members may not be aware what is happening with the open space issues. Bud recommended that the CFAB make a greater effort to keep track of what is happening with the open space plan. The Open Space Conservation Plan is updated on a three year cycle as required in statute. Each region establishes an open space advisory committee, the membership is from a variety of interests appointed by different appointing authorities. This is a joint effort between the DEC and OPRHP. Some committees are short term during the period of updating the plan, others may remain in effect for longer periods, at the discretion of the Region. There are several opportunities during the process for public input. Chairman Monacchio suggested that the Board get the latest and most up-to-date recommendations of properties considered for inclusion in the open space plan.

It was suggested that the Regional Representatives should call their respective Regional Director to request they be put on the Regional Open Space Committee as an observer to represent sportsmen issues.

Habitat/Access Stamp Program

The Habitat Stamp was created by amending Subdivision 17 of Section 11-0305 of the Environmental Conservation Law. This authorized the DEC to sell “voluntary” stamps. In addition, Section 83 of the state finance law was amended authorizing the money from the sale of the stamps to be placed in the Habitat Account of the Conservation Fund. The monies are to be used for habitat management and improvement and public access. The legislation creating the Habitat Stamp did not provide any guidance or direction to the Department on how to administer the program. The Department is creating a grant type application process to solicit, evaluate and award projects. The Department is looking to keep funding requests for proposed projects under \$15,000. The state finance law requires that applicants for this money be either a “not-for-profit” organization or a municipality. The Department will also include individuals and other landowners that are sponsored by a not-for-profit organization or municipality.

Once the funding application package is approved by the Department Division of Legal Affairs and Contracts Unit, a public notice will be issued announcing the availability of funds and requesting the submittal of applications. Applications will be available from DEC Regional Offices and at the DEC Website. Proposed projects will be reviewed in the region where they are located by a committee composed of DEC staff and Regional FWM Board members. Projects will be scored and sent to Central Office for ranking and prioritization of projects statewide. Final projects will be selected with the input of the NYS Fish and Wildlife Management Board. Successful applicants will work with the DEC to complete the contract process so that the project can be constructed. Completed projects will be inspected by DEC staff, approved and payment will be made.

There has been a very good level of response to the request for proposals and a total of 53 applications have been received by the Department. Central Office has gotten back reviewed projects from Region 1. The Department expects to get reviewed projects back mid to late March to be ranked. Ranked projects will be reviewed by the Statewide FWM Board at their meeting March 31-April 2 and the final selected projects will be awarded and announced early April.

Invasive Species

Invasive Species are defined as non-native, non-indigenous, exotic, alien species that are organisms that have been moved from their native habitat to a new location - often in a different country.

Globalization is contributing to the rate of invasion. Invasive species have been around for a while such as: chestnut blight, water chestnut, Eurasian water milfoil, mute swan, common reed, golden nematode, Eurasian carp, Japanese knotweed and Dutch elm disease. There have been a score of new invasive species, including: zebra mussel, round goby, west Nile virus, woolly abelgid, Asian long-horned beetle. Others are just waiting to invade, like: Swede midge, southern bacterial wilt, soybean rust, plum pox virus, bighead carp, emerald ash borer, sudden oak death, Chinese mitten crab, chronic wasting disease, garlic mustard.

The Governor has established a Task Force to deal with invasive species that include state agencies, including the DEC and others. The Task Force is to assess impacts and identify existing actions and make recommendations to the Governor and Legislature by November 2005. The Task Force will look at prevention, early detection, rapid response, control and/or management and education.

“Proposed Revenue Sources” Committee

The Board came up with several ideas to increase the revenue sources into the Conservation Fund and decided to focus on two of the many suggestions made. These were to be introduced to the Legislature as bills that the sporting community would support and that would also generate income to the Conservation Fund. These Bills were the 14-15 year old Big Game license and the Crossbow Bill. It was the feeling of the Board that these Bills should be passed by the Legislature and supported by the rank and file sportsmen and sportswomen.

A visible fishing license was another proposal of the committee. The Department has not proposed any regulatory changes that would require a visible fishing license. The Department has reviewed the Board's revenue enhancement issues including the visible fishing license. No decision has been made to pursue that option. The Department is concerned that this could create an undue burden on the license buyer. There is also a question as to how much revenue it would generate. Chairman Monacchio was concerned that the Department has not moved forward on the visible fishing license issue, especially with the Conservation Fund being potentially in the red in the near future.

Director Barnhart indicated that the Department is putting together a rule-making memo that would require the display of a fishing license by New York anglers. That memorandum will go to the Executive Office within a couple of weeks. It will then be published in the New York State Register within a couple of weeks thereafter.

The Division has not made a decision whether or not to adopt that proposal, which it will determine largely by public input. The Division feels the proposal is worthy of review and public comment. The Director also provided the Board with a mock-up of a visible fishing license as it would be printed out by the DECALS system. Ms. Sicley suggested the use of a button as a visible fishing license. Director Barnhart indicated that the control of inventory and distribution of buttons can be very costly.

7. Resolutions of the Board

April 12, 2004

Robert Monacchio made a motion, seconded by John Matuszewicz, that the Board request from the Department a copy of the 5-year capital plan which is necessary for the Board to carry out its responsibilities to review the expenditures of the Department for Fish and Wildlife purposes. The motion was unanimously approved.

A motion was duly made by Charles Bevilacqua and seconded by Linda Sicley to support the reintroduction of the Eddie Eagle program legislation. The motion was unanimously approved.

May 3, 2004

A motion was duly made by John Long and seconded by Dennis Money, to approve a letter from Chairman Monacchio to Governor Pataki with a copy to Carole Stone, Director, Division of the Budget, thanking the Governor for allowing the DEC to hire staff to fill nine vacancies within the Division of Fish, Wildlife and Natural Resources. The motion was unanimously approved.

A motion was duly made by Charles Bevilacqua and seconded by John Matuszewicz to table discussion until the June meeting of the Board of a proposal presented by Director Barnhart to reduce the number of meetings scheduled by the Conservation Fund Advisory Board. The motion was unanimously approved.

A motion was duly made by John Long and seconded by Linda Sicley to have a summary of the minutes of each monthly meeting of the Board put on the DEC website until the minutes of such meeting are approved by the Board at a subsequent monthly meeting. The motion was unanimously approved.

A motion was duly made by Charles Bevilacqua and seconded by John Matuszewicz to request that the DEC review a draft proposal designated "NYS Duck Hunter's Bill of Legal Rights" and to provide

comments to the Board. The motion was unanimously approved.

A motion was duly made by John Matuszewicz and seconded by Bud Woodfield to retract an earlier request to the DEC to place the names, addresses and email addresses of Board members on the DEC website. The motion was unanimously approved.

June 7, 2004

A motion was duly made by Mr. Long and seconded by Mr. Woodfield to draft and distribute a position statement to State legislators, requesting reimbursement for anticipated lost revenues to the Conservation Fund as a result of passage by the Assembly of Assembly Bill 9323A to provide free licenses for disabled military and to reduce license fees for veterans and disabled NY residents. The motion was unanimously approved.

A motion was duly made by Mr. John and seconded by Mr. Woodfield, in reference to the prior motion, to prepare two letters: one, a general letter outlining the Board's concerns about the loss of revenue to the Conservation Fund as a result of the proposed legislation (Assembly Bill 9323A); and a second, more detailed letter identifying more specifically the amount of revenue anticipated to be lost. The motion was unanimously approved.

A motion was duly made by Mr. John and seconded by Mr. Bevilacqua to request from the DEC a copy of a report entitled, "Fish Hatchery Infrastructure: Repair and Renovation Needs," dated February 24, 2003. The motion was unanimously approved.

A motion was duly made by Mr. Bevilacqua and seconded by Mr. Long that the Board not support legislation that would require big game hunters to wear blaze orange while afield in New York State. The motion was approved by seven members with one abstention.

A motion was duly made by Mr. John and seconded by Mr. Long, in reference to the prior motion, to

prepare and distribute a position paper to the Governor and the Legislature, expressing the Board's position, and detailing the use of blaze orange in other states in comparison with the use of blaze orange in New York. The motion was unanimously approved.

September 13, 2004

A motion was duly made by Mark Storti and seconded by Bud Woodfield to prepare a letter, requesting that the monies from timber sales that was deposited in the Natural Resources Account and any interest from those monies be transferred as soon as practicable into the Conservation Fund and recorded as miscellaneous and royalties fees. The motion was unanimously approved.

A motion was duly made by John Matuszewicz and seconded by Wally John to add two line items to the comparative report related to revenue from oil and gas leases and timber sales on Wildlife Management Areas. The motion was unanimously approved.

October 4, 2004

A draft letter to the Commissioner concerning the transfer of timber sales money into the conservation fund was prepared. Chairman Monacchio read the letter to the Board and asked for a motion to approve the letter. A motion was duly made by Fred Langdon and seconded by Bud Woodfield to send the letter to the Commissioner. Chairman Monacchio asked if there was any discussion on the motion. Chief Counsel Wu suggested amending the letter to include reference that the Board prepared a resolution at the September 13, 2004 meeting requesting that the monies from timber sales that were deposited in the Natural Resources Account and any interest from those monies be transferred as soon as practicable into the Conservation Fund and recorded as miscellaneous and royalties fees.

A motion was duly made by Bud Woodfield, seconded by Linda Sicley to amend the letter to the commissioner to include reference to the Board's previous resolution. The motion was unanimously approved. The original motion to send the letter, as amended by the previous motion, to Commissioner

Crotty was unanimously approved.

A motion was duly made by Charlie Bevilacqua, seconded by John Long to include a footnote in the Annual Report that the dollar figures presented in the report are supplied by the Department of Environmental Conservation. The motion was unanimously approved.

A motion was duly made by Bud Woodfield, seconded by Charles Bevilacqua to request the Director's PowerPoint presentation "The Conservation Fund - Forecasting the Future." The Director reminded the Board that the presentation was a draft and asked the Board not to share the presentation. Chief Counsel Wu suggest that a note be placed on the cover page indicating the presentation is "confidential." The motion was unanimously approved.

A motion was duly made by Bud Woodfield, seconded by Craig Tryon that the Board provide a written set of priorities for the 5 year plan to the Division Director based upon the listing prepared by Chief Counsel Wu. The motion was unanimously approved.

A motion was duly made by Charles Bevilacqua, seconded by Linda Sicley to clarify opportunities to fish and hunt in both Sterling Forest and Stewart Coop and provide CFAB with statistics relative to the use of these areas. Director Barnhart indicated that the DEC has use statistics on Stewart, however. the Sterling Forest is under the jurisdiction of Parks, Recreation and Historic Preservation. Gerry will check to see if he can find information relative to the use of these two areas. The motion was unanimously approved.

November 1, 2004

A motion was duly made by Wally John and seconded by Bud Woodfield to request the Department provide a list of Wildlife Management Areas by region and when they were acquired. The motion was unanimously approved.

A motion was duly made by John Long and seconded by Fred Langdon to focus the Board's

efforts on the legalization of the crossbow and 14-15 year old big game license. The motion was unanimously approved.

A motion was duly made by John Long and seconded by Linda Sicley to request someone from Public Affairs come to the December Board meeting to discuss Empire State Outdoors TV program. The motion was unanimously approved.

A motion was duly made by Bud Woodfield and seconded by Linda Sicley that the Board support the Departments efforts at expanding bear hunting opportunities within New York State. The motion was unanimously approved.

December 6, 2004

A motion was duly made by Mr. Long and seconded by Mr. John to have the Board send a letter to Director Barnhart with a copy to Deputy Commissioner Lynette Stark to request that the Division Director request that Regional Directors allow representatives from the CFAB to sit on the Regional Open Space Advisory Committees as observers.

A motion was duly made by Mr. Long and seconded by Mr. John to amend the original motion to request that the Department make its best effort to have each member of the Board appointed to, or at least to have each member of the Board designated as an observer of, the respective Regional Open Space Committee. The motion was unanimously approved. The original motion, as amended, was unanimously approved.

A motion was duly made by Mr. Storti and seconded by Mr. Bevilacqua to request that the Board's position on blaze orange be put on the Department's website and to forward a copy of the Board's position to the Outdoor New York Sportsman's Magazine to inform them about the Board's position. Director Barnhart initially indicated that he was concerned if such a paper might be appropriate on the DEC's website inasmuch as it may conflict with other positions expressed by the DEC. However, he indicated that he recognized that the minutes of the Board were

reflected on the website, and that he would have to review the matter further. The motion was unanimously approved.

A motion was duly made by Mr. Bevilacqua and seconded by Mr. Woodfield to accept the proposed format for the comparative statement as presented by Chairman Monacchio to reflect the revenues in the Conservation Fund. Mr. Long suggested that the pages need a title to help distinguish the documents. The motion was unanimously approved.

Chief Counsel Wu indicated that he would have a draft letter of the Board's priorities to the Department for the Chairman by December 7. Mr. John stated that he missed the October meeting and that his priorities would not be reflected in the letter. Mr. John asked if the letter could be revised to reflect his priorities. Mr. John's number one priority is the DeBruce Fish Hatchery. A motion was duly made by Mr. John and seconded by Mr. Storti to include Region 3's priorities as expressed by Mr. John in the draft letter from Chief Counsel Wu. The motion was unanimously approved. Mr. John indicated that he could get his priorities to Mr. Wu by December 7.

January 10, 2005

(No Resolutions)

February 7, 2005

A motion was duly made by Linda Sicley and seconded by Charles Hancock to hold the June 6 meeting of the Conservation Fund Advisory Board at the Rome Hatchery. The motion was unanimously approved.

A motion was duly made by Mr. John and seconded by Mr. Langdon to have the Habitat Account included on the Comparative Statement. The motion was unanimously approved.

A motion was duly made by Mr. Bevilacqua and seconded by Mr. Langdon to request that the Department provide forthwith and in any event by no later than at the meeting of the Board to be held in June 2005, an accounting of any and all allocations and expenditures from each and every

account of the Conservation Fund with respect to such Fish and Wildlife Programs for the fiscal years ended March 31, 2003 and 2004. The motion was approved by a vote of 7 in favor and 3 against.

A motion was duly made by Mr. Tryon and seconded by Mr. John to hold the field trip in Region 1 on July 31 through August 2, 2005. The motion was unanimously approved.

March 13, 2005

A motion was duly made by Mr. Matuszewicz and seconded by Mr. Woodfield to support the reintroduction of legislation (A1814) banning the sale of panfish. The motion was unanimously approved.

A motion was duly made by Mr. Woodfield and seconded by Mr. Hancock to request that the Department provide an update on the DECALS system at the April 11 meeting of the Conservation Fund Advisory Board. The motion was unanimously approved.

A motion was duly made by Mr. Hancock and seconded by Mr. Bevilacqua to request from the Department an accounting of the allocations for, and expenditures paid by the DEC on behalf of the Board in connection with its monthly meetings and its other activities for the current year and for the past two years, such accounting to be provided to the Board as soon as possible and in any event by

the meeting of the Board to be held in June 2005. The motion was unanimously approved.

A motion was duly made by Mr. Bevilacqua and seconded by Mr. Matuszewicz to request from the Department a list and description of all legislative or regulatory changes of the DEC pending, proposed or contemplated by the Director or more senior official with responsibility over the Division of Fish, Wildlife and Marine Resources or the Division of Law Enforcement, for the fiscal year beginning April 1, 2005 with respect to, or that may affect participants engaged in, hunting, fishing and trapping, such listing and description to be provided to the Board as soon as possible, and in any event by the meeting of the Board to be held in April 2005. The motion was unanimously approved.

A motion was duly made by Mr. Langdon and seconded by Mr. Woodfield to request from the Department a revised 5-year Capital Plan for the Division of Fish, Wildlife and Marine Resources, as amended and updated for the fiscal year beginning April 1, 2006, that the DEC has provided, or may provide, to the Division of the Budget or to the Governor with respect to the capital needs of the Division of Fish, Wildlife and Marine Resources or the Division of Law Enforcement, such plan to be provided to the Board as soon as possible and in any event by the meeting of the Board to be held August 2005. The motion was unanimously approved.

The complete minutes of any of the meetings are available upon request from CFAB and may be viewed at:

<http://www.dec.state.ny.us/website/dfwmr/cfab/>

8. License Fee Recommendation

In 2002 a comprehensive resident and non-resident license fee increase was enacted into law as part of a budget bill. These fees took effect for the license year beginning October 1, 2002. The fees have not changed in 2004/2005. The Board's initial estimate that the new fees would raise \$38 to \$40 million dollars for the Conservation Fund has now been reduced to just over \$37 million dollars due to a reduction in gross sales. In addition to reduced license sales revenue, the Division of Fish, Wildlife and Marine Resources has suffered significant cuts in General Fund appropriations in each fiscal year. Because annual costs continue to increase, the revenue trend indicates a shortfall of \$8 million dollars will occur by the 2006-2007 fiscal year. Please refer to the following projected revenue/cost charts for additional information.

The Board does not recommend a license fee increase at this time. The Board has examined possible revenue additions to negate the coming projected shortfall. The preferred way to resolve this deficit would be a restoration of General Funds to pay for staff fringe benefits. Health and retirement charges will soon equal 50% of personnel costs. This budget change would reduce the burden on license fees by \$10 million dollars. The only other sources that could raise this amount involve creating new taxes.

SPORTING LICENSE FEE SCHEDULE			
License Type	Fee	License Type	Fee
New York Resident		Resident Lifetime Licenses	
Senior Sportsman	\$5	Sportsman ⁴	
Seven-day Fishing	\$12	child under 5 yrs old	\$300
Fishing	\$19	child 5-11 yrs old	\$420
Small & Big Game	\$19	12-64 yrs old	\$600
Small Game	\$16	65 yrs and older	\$50
Trapping	\$16	Small and Big Game	\$350
Jr. Trapping	\$6	Fishing	\$350
Sportsman	\$37	Trapping	\$300
Bowhunting	\$16	Bowhunting	\$180
Muzzleloading	\$16	Muzzleloading	\$180
Super Sportsman ¹	\$68	Resident & Nonresident	
Turkey Permit	\$5	Jr. Small Game	\$5
Conservation Legacy ²	\$76	Jr. Archery	\$9
Nonresident		One-day Fishing	\$15
Fishing	\$40	Conservation Patron ³	\$12
Hunting	\$55	Habitat & Access Stamp	\$5
Big Game	\$110	Notes:	
Seven-day Fishing	\$25	¹ Allows the bearer to hunt small game and big game, bow hunt, muzzle-loader hunt, hunt turkeys and fish.	
Muzzleloading	\$110	² Includes super sportsman license, habitat and access stamp and "The Conservationist."	
Bowhunting	\$110	³ Includes "The Conservationist" and a habitat and access stamp.	
Bear Tag	\$30	⁴ Lifetime turkey permit included with lifetime sportsman license.	
Turkey Permit	\$30		
Super Sportsman	\$250		
Trapping	\$255		

The Board is investigating a new ½% excise tax on the purchase of outdoor recreation equipment. This tax could raise up to \$8 million dollars annually. Passage of existing legislation would raise much smaller amounts of revenue: crossbow license \$800,000; Hudson River freshwater fishing license exemption repealed \$750,000; junior big game license \$270,000; requiring display of a fishing license \$1,250,000.

These estimates include an additional \$6 dollars in federal aid for each additional buyer. The Board will work with the Legislature and the Governor to explore the enactment of these possible revenue enhancements before considering any increase in basic license fees. Historical evidence from prior budgets points to a General Fund increase by the Legislature as the favored method of reversing deficits in the Division of Fish, Wildlife and Marine Resources budget.

The 2002 license fee increase fee package kept the Conservation Fund solvent through FY 2004-05, sustained critical conservation programs, increased opportunities for resident deer hunters and junior hunters, created new opportunities to manage habitat and increase public access, and made life simpler for license issuing agents. The Conservation Fund Advisory Board, New York State Conservation Council and many other conservation organizations strongly supported this package.

The following table shows New York’s sporting license fees are a great bargain compared to Northeast and Great Lakes States. The table shows what a resident or non-resident must pay to engage in the particular fishing or hunting activities listed.

LICENSE FEE COMPARISON WITH NEIGHBORING STATES												
LICENSE TYPE	NY	NJ	PA	CT	MA	VT	ME	WI	MI	MN	AVG	NY DIFF.
RESIDENT												
FISHING												
Season Fishing	\$19.00	\$22.50	\$22.00	\$20.00	\$28.50	\$20.00	\$22.00	\$20.00	\$15.00	\$18.00	\$20.70	(\$1.70)
Trout & Salmon	\$0.00	\$10.50	\$9.00	\$0.00	\$0.00	\$0.00	\$0.00	\$10.00	\$13.00	\$10.00	\$5.25	(\$5.25)
Great Lakes	\$0.00	NA	\$9.00	NA	NA	NA	NA	\$10.00	\$0.00	\$0.00	\$3.80	(\$3.80)
Combo Trout & GLs	NA	NA	\$15.00	NA	NA	NA	NA	NA	NA	NA	NA	NA
Saltwater	\$0.00	\$0.00	NA	\$0.00	\$0.00	NA	\$0.00	NA	NA	NA	\$0.00	NA
Fishing, all species & waters	\$19.00	\$33.00	\$37.00	\$20.00	\$28.50	\$20.00	\$22.00	\$40.00	\$28.00	\$28.00	\$27.55	(\$8.55)
HUNTING												
Basic Deer	\$19.00	\$55.50	\$20.00	\$28.00	\$28.50	\$16.00	\$22.00	\$24.00	\$15.00	\$53.00	\$28.10	(\$9.10)
Archery Deer	\$35.00	\$59.50	\$36.00	\$30.00	\$34.60	\$33.00	\$22.00	\$24.00	\$15.00	\$27.00	\$31.61	\$3.39
Small Game	\$16.00	\$27.50	\$20.00	\$14.00	\$27.50	\$16.00	\$15.00	\$18.00	\$15.00	\$20.00	\$18.90	(\$2.90)
Turkey	\$21.00	\$48.50	\$20.00	\$42.00	\$27.50	\$33.00	\$28.00	\$48.00	\$45.00	\$61.00	\$37.40	(\$16.40)
Waterfowl	\$31.00	\$47.50	\$38.00	\$39.00	\$48.50	\$38.00	\$38.50	\$40.00	\$35.00	\$42.50	\$39.80	(\$8.80)
Pheasant	\$16.00	\$67.50	\$20.00	\$28.00	\$27.50	\$16.00	\$34.00	\$28.00	\$15.00	\$27.50	\$27.95	(\$11.95)
NON-RESIDENT												
FISHING												
Season Fishing	\$40.00	\$34.00	\$52.00	\$40.00	\$38.50	\$41.00	\$53.00	\$50.00	\$34.00	\$35.00	\$41.75	(\$1.75)
Trout & Salmon	\$0.00	\$20.00	\$9.00	\$0.00	\$0.00	\$0.00	\$0.00	\$10.00	\$8.00	\$10.00	\$5.70	(\$5.70)
Great Lakes	\$0.00	NA	\$9.00	NA	NA	NA	NA	\$10.00	\$0.00	\$0.00	\$3.80	(\$3.80)
Combo Trout & GLs	NA	NA	\$15.00	NA	NA	NA	NA	NA	NA	NA	NA	NA
Saltwater	\$0.00	\$0.00	NA	\$0.00	\$0.00	NA	\$0.00	NA	NA	NA	NA	NA
Fishing, all species & waters	\$40.00	\$54.00	\$67.00	\$40.00	\$38.50	\$41.00	\$53.00	\$70.00	\$42.00	\$45.00	\$49.05	(\$9.05)

LICENSE FEE COMPARISON WITH NEIGHBORING STATES

LICENSE TYPE	NY	NJ	PA	CT	MA	VT	ME	WI	MI	MN	AVG	NY DIFF.
<u>NON-RESIDENT</u>												
HUNTING												
Basic Deer	\$110.00	\$163.50	\$101.00	\$117.00	\$100.50	\$90.00	\$88.00	\$160.00	\$138.00	\$136.00	\$120.40	(\$10.40)
Archery Deer	\$110.00	\$163.50	\$127.00	\$100.00	\$106.60	\$115.00	\$58.00	\$160.00	\$138.00	\$136.00	\$121.41	(\$11.41)
Small Game	\$55.00	\$135.50	\$101.00	\$67.00	\$66.50	\$40.00	\$58.00	\$85.00	\$69.00	\$80.50	\$75.75	(\$20.75)
Turkey	\$85.00	\$156.50	\$101.00	\$95.00	\$66.50	\$65.00	\$101.00	\$125.25	\$138.00	\$146.00	\$107.93	(\$22.93)
Waterfowl	\$70.00	\$160.50	\$122.00	\$92.00	\$87.50	\$60.00	\$81.50	\$107.00	\$89.00	\$102.50	\$97.20	(\$27.20)
Pheasant	\$55.00	\$175.50	\$101.00	\$81.00	\$66.50	\$40.00	\$77.00	\$95.00	\$69.00	\$88.00	\$84.80	(\$29.80)

9. Projected Health of the Conservation Fund

The table below reflects the projected status of the Conservation Fund.

Fiscal Year	Actual Cash Balance 4/1	Projected Carry In	Uncommitted Balance	Projected Receipts	Total Available	Projected Disbursements	Cash Balance 3/31	Projected Carry out	Uncommitted Balance
2003-04 ¹	\$4.47	\$4.00	\$0.47	\$39.54	\$40.01	\$36.97	\$3.04	\$2.99	\$0.05
2004-05	\$3.04	\$2.99 ²	\$0.05	\$40.52	\$40.57	\$37.55	\$3.02	\$2.71	\$0.31
2005-06	\$3.02	\$2.71	\$0.31	\$38.71	\$39.02	\$39.51	\$-0.49	\$4.35	\$-4.84
2006-07	\$-0.49	\$4.35	\$-4.84	\$37.71	\$32.87	\$41.82	\$-8.95	\$3.00	\$-11.95

1. Actual FY 03-04 Receipts and Expenditures

2. Actual FY 04-05 Carry-In

10. Conclusions and Recommendations

The Board has reviewed the estimates of projected income and expenditures from the Conservation Fund that were provided by the Department and shown in the table above.

We conclude that, to the best of our knowledge, expenditures from the Conservation Fund are consistent with Section 83 of the State Finance Law. The license fee increase enacted in 2002 will keep the fund solvent to April 1, 2006, at best. This is due to severe reductions in General Fund appropriation, reduced license sales, and higher than anticipated non-personnel service costs. Unanticipated costs from the discovery of Chronic Wasting Disease can only exacerbate the shortfall. The Board is working with the Department to identify new funds so that the present level of programs can be maintained. Thus the Board has fulfilled its charge to review allocations and expenditures of the Department and to advise the Department with respect to the needs of various fish and wildlife programs.

REVENUE TO THE TRADITIONAL ACCOUNT OF THE CONSERVATION FUND

The Table below depicts the revenue for fiscal years 2003-2004 and 2004-2005 to the Traditional Account to the Conservation Fund. The figures reported here were compiled from the monthly comparative statements issued by the Department and may differ slightly from the official figures maintained by the Office of the State Comptroller due to delays in reporting deposits and audit adjustments. The comparative statements do provide useful information for monitoring trends in sales of specific license types.

NYS DEPARTMENT OF ENVIRONMENTAL CONSERVATION CONSERVATION FUND - TRADITIONAL ACCOUNT COMPARATIVE STATEMENT						
4/01/03 - 3/31/04			4/01/04 - 3/31/05			
TYPE OF REVENUE	SALES	RECEIPTS	SALES	RECEIPTS	Change in Sales	Change in Receipts
Hunting, Fishing and Trapping Licenses						
Res. Senior	643	\$2,572.00	0	\$0.00	NA	NA
Res. 3-Day Fishing	736	\$3,680.00	0	\$0.00	NA	NA
Res. Fishing	335,679	\$6,257,401.00	333,270	\$6,195,527.00	-2,409	(\$61,874.00)
Res. Fishing Senior/Disabled	36,125	\$180,356.00	36,120	\$180,590.00	-5	\$234.00
Junior Hunting	265	\$1,060.00	0	\$0.00	NA	NA
Res. Big Game	15	\$178.00	0	\$0.00	NA	NA
Res. Small & Big Game	101,300	\$1,848,522.05	99,095	\$1,804,544.00	-2,205	(\$44,008.05)
Res. Junior Small Game	19,852	\$99,225.00	20,079	\$100,310.00	227	\$1,085.00
Res. Trapping	10,093	\$132,688.00	8,708	\$133,040.00	-1,385	\$352.00
Res. Trapping Senior/Disabled	0	\$0.00	1,348	\$0.00	1,348	\$0.00
Res. Junior Trapping	475	\$2,791.00	521	\$3,108.00	46	\$317.00
Res. Junior Archery	4,256	\$38,295.00	4,378	\$39,348.00	122	\$1,053.00
Res. Sportsmen	243,460	\$8,982,272.96	231,773	\$8,552,503.00	-11,687	(\$429,769.96)
Res. Super Sportsmen	115,255	\$7,820,447.55	119,040	\$8,080,832.70	3,785	\$260,385.15
Res. Sportsman Senior/Disabled	77,645	\$388,325.00	79,844	\$399,315.00	2,199	\$10,990.00
Res. Hunting	6,664	\$105,618.00	6,084	\$97,376.00	-580	(\$8,242.00)
Bowhunting	75,197	\$1,080,549.00	63,963	\$1,015,360.00	-11,234	(\$65,189.00)
Bowhunting Senior/Disabled	0	\$0.00	7,900	\$0.00	7,900	\$0.00
Muzzleloading	73,089	\$959,103.00	63,686	\$1,009,201.00	-9,403	\$50,098.00
Muzzleloading Senior/Disabled	0	\$0.00	14,769	\$0.00	14,769	\$0.00
Res. Second Deer	10	\$100.00	0	\$0.00	NA	NA
Resident Turkey	158,297	\$788,057.50	152,110	\$760,730.00	-6,187	(\$27,327.50)
Res. Fishing 7-Day	16,712	\$200,412.00	17,218	\$206,616.00	506	\$6,204.00
Subtotal Resident	1,275,768	\$28,891,683.06	1,259,906	\$28,578,400.70	-14,193	(\$305,692.36)

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

4/01/03 - 3/31/04

4/01/04 - 3/31/05

TYPE OF REVENUE	4/01/03 - 3/31/04		4/01/04 - 3/31/05		Change	
	SALES	RECEIPTS	SALES	RECEIPTS	in Sales	Change in Receipts
Non-Res. Fishing	59,510	\$2,372,872.00	57,308	\$2,292,320.00	-2,202	(\$80,552.00)
Non-Res. 5-Day Fishing	1,214	\$23,066.00	0	\$0.00	NA	NA
Non-Res. 1-Day Fishing	25,260	\$377,095.00	24,047	\$360,705.00	-1,213	(\$16,390.00)
Non-Res. Hunting	9,045	\$496,844.00	8,686	\$477,730.00	-359	(\$19,114.00)
Non-Res. Jr. Small Game	483	\$2,415.00	498	\$2,490.00	15	\$75.00
Non-Res. Jr. Hunting	0	\$0.00	0	\$0.00	0	\$0.00
Non-Res 5 Day Hunting	0	\$0.00	0	\$0.00	0	\$0.00
Non-Res. Big Game	30,930	\$3,403,155.00	28,919	\$3,181,310.00	-2,011	(\$221,845.00)
Non-Res. Trapping	27	\$6,885.00	31	\$7,905.00	4	\$1,020.00
Non-Res. Combination	1	\$224.00				
Non-Res. Super Sportsman	7,219	\$1,804,910.00	7,137	\$1,784,250.00	-82	(\$20,660.00)
Non-Res. Muzzleloading	1,182	\$130,056.00	1,334	\$146,740.00	152	\$16,684.00
Non-Res. Bowhunting	2,397	\$263,985.00	2,276	\$250,360.00	-121	(\$13,625.00)
Non-Res. Jr. Archery	84	\$756.00	89	\$801.00	5	\$45.00
Non-Res. Bear Tag	2,039	\$61,170.00	1,896	\$56,880.00	-143	(\$4,290.00)
Non-Res. Turkey	5,376	\$160,477.50	4,712	\$141,360.00	-664	(\$19,117.50)
Non-Res. Fishing 7-Day	70,165	\$1,753,560.00	69,540	\$1,738,500.00	-625	(\$15,060.00)
Subtotal Non Resident	214,932	\$10,857,470.50	206,473	\$10,441,351.00	-7,244	(\$392,829.50)
Subtotal Resident and Non Resident	1,490,700	\$39,749,153.56	1,466,379	\$39,019,751.00	-21,437	(\$698,521.86)
One Day Fishing	1,312	\$16,710.00	635	\$9,525.00	-677	(\$7,185.00)
Replacement Turkey	0	\$0.00	0	\$0.00	0	\$0.00
Attorney General Adjustments	0	\$4,225.45	0	\$39.00	0	(\$4,186.45)
Suspense Adjustments	0	\$0.00	0	\$0.00	0	\$0.00
License Refunds	0	(\$9,962.48)	0	(\$12,509.68)	0	(\$2,547.00)
Revenue Accounting Audit Adjustments	0		0	\$0.00	0	\$0.00
Transfer from Lifetime Account	0		0	\$1,374,397.00	0	\$1,374,397.00
TOTAL	1,492,012	\$39,760,126.53	1,467,014	\$40,391,203.02	-22,114	(\$661,956.49)

**NYS DEPARTMENT OF ENVIRONMENTAL CONSERVATION
CONSERVATION FUND TRADITIONAL ACCOUNT
COMPARATIVE STATEMENT**

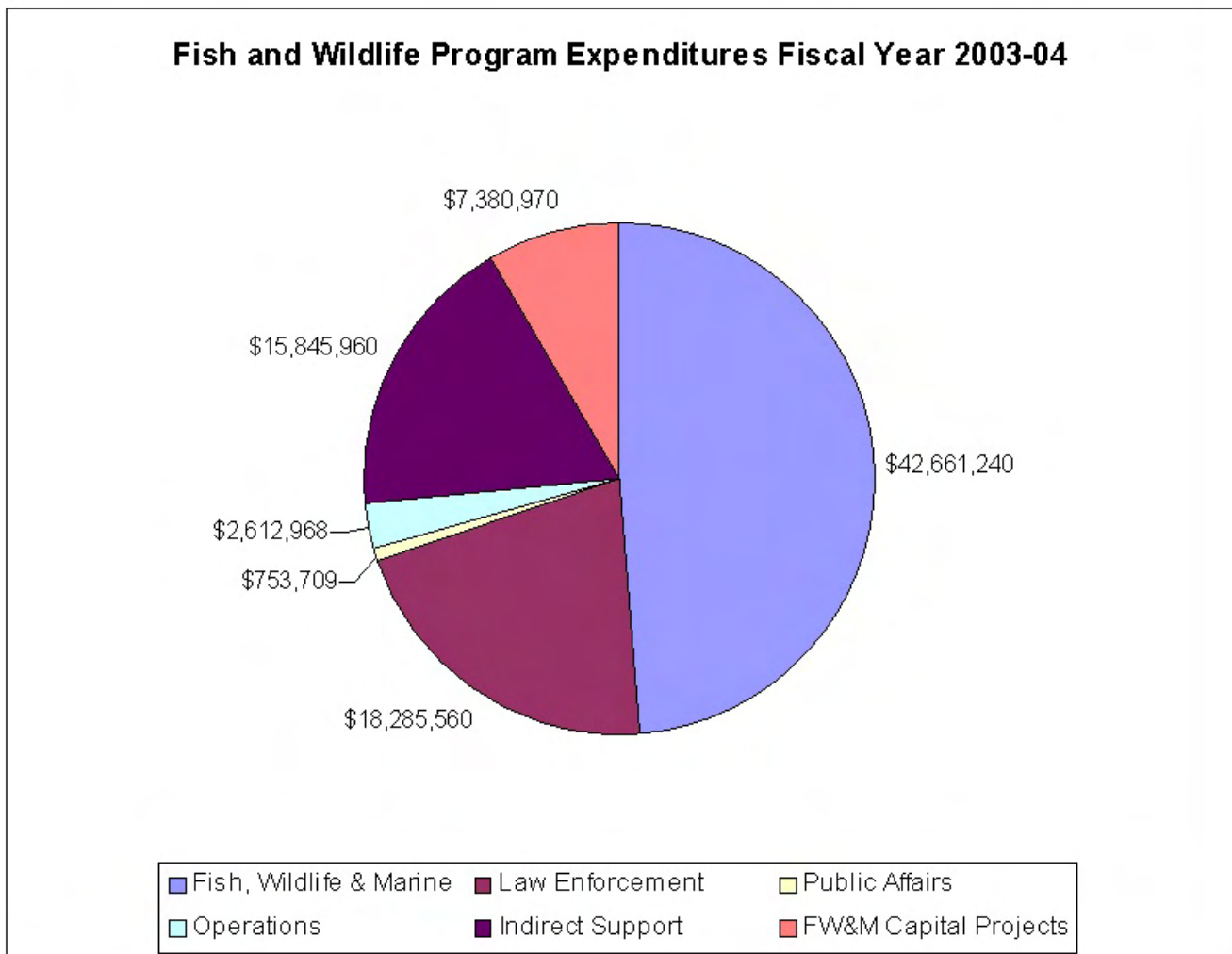
TYPE OF REVENUE	4/01/03 - 3/31/04 RECEIPTS	4/01/04 - 3/31/05 RECEIPTS	CHANGE
Special Licenses & Permits			
Deer Management Permits	\$414,115.00	\$389,960.00	(\$24,155.00)
Res. Conservation Legacy	\$10,077.98	\$9,513.68	(\$564.00)
Res. Habitat License Sales	\$23,193.00	\$30,213.44	\$7,020.44
Res. Conservation Patron	\$76.56	\$116.16	\$39.60
Non-Res. Habitat Stamp	\$879.64	\$3,393.64	\$2,514.00
Non-Res. Conservation Patron	\$24.42	73.92	\$49.50
Lost License Certificates	\$171,304.00	\$158,630.00	(\$12,674.00)
Special Licenses	\$133,765.60	\$113,024.60	(\$20,741.00)
TOTAL	\$753,436.20	\$704,925.44	(\$48,510.76)
Misc. Receipts & Federal Reimbursement			
Fees	(\$30,571.76)	\$3,889.00	\$34,460.76
Refund of Expenses	\$75.00	\$63,795.85	\$63,720.85
*Fines - Court Administration and Justice Court	\$424,405.43	\$376,236.33	(\$48,169.10)
Fines - Article 11	\$11,200.00	\$33,555.00	\$22,355.00
Fines - Article 13	\$100.00	\$24,000.00	\$23,900.00
Fines - Other	\$93,729.00	\$110,685.60	\$16,956.30
Assessments	\$0.00	\$0.00	\$0.00
Rentals & Royalties	\$608,762.30		
Timber Royalties		\$451,852.47	
Oil & Gas Lease Delay Rentals		\$7,095.03	
Oil & Gas Lease Royalties		\$4,027.44	
Oil & Gas Storage		\$109.00	
Oil & Gas Bonus Bids		\$0.00	
Acreage Rentals		\$9,519.50	
Rentals & Leases Habitat		\$9,441.24	
Miscellaneous Sales	\$53,797.74	\$27,127.02	(\$26,670.72)
Gifts & Donations	\$1,765.00	\$9.66	(\$1,755.34)
Sundry General	\$1.00	\$1.00	\$0.00
TOTAL	\$1,163,264.01	\$1,121,344.14	(\$41,919.87)
Other Revenue & Adjustments			
Interest	\$85,796.72	\$87,362.17	\$1,565.45
Gifts to Wildlife	\$506,631.85	\$490,504.25	(\$16,127.60)
TOTAL	\$592,428.57	\$577,866.42	(\$14,562.15)
Unidentified Funds			
TOTAL TRADITIONAL ACCOUNT	\$42,269,255.31	\$42,795,339.02	\$526,083.71

*Justice Court fines are received in May, August, November and February.

11. Fiscal Report

The total level of expenditures for 2003-04 program was \$87,540,403. This level reflects an increase of \$3,630,766 from the amount reported in 2002-03. The changes are summarized in Tables 1 and 2 below.

Summary of Expenditure of Funds			
Table 1 - Level of expenditure by program for FY 2003-04 and FY 2002-03:			
Program	2003-04	2002-03	Change
Fish, Wildlife & Marine Resources	\$42,661,238	\$46,731,201	(\$4,069,963)
Law Enforcement	\$18,285,561	\$13,983,558	\$4,302,000
Public Affairs	\$753,709	\$120,739	\$632,970
Operations	\$2,612,968	\$2,009,102	\$603,866
Indirect Support	\$15,845,957	\$14,456,556	\$1,389,401
FW&MR Capital Projects	\$7,380,970	\$6,608,481	\$772,489
Total	\$87,540,403	\$83,909,637	\$3,630,766



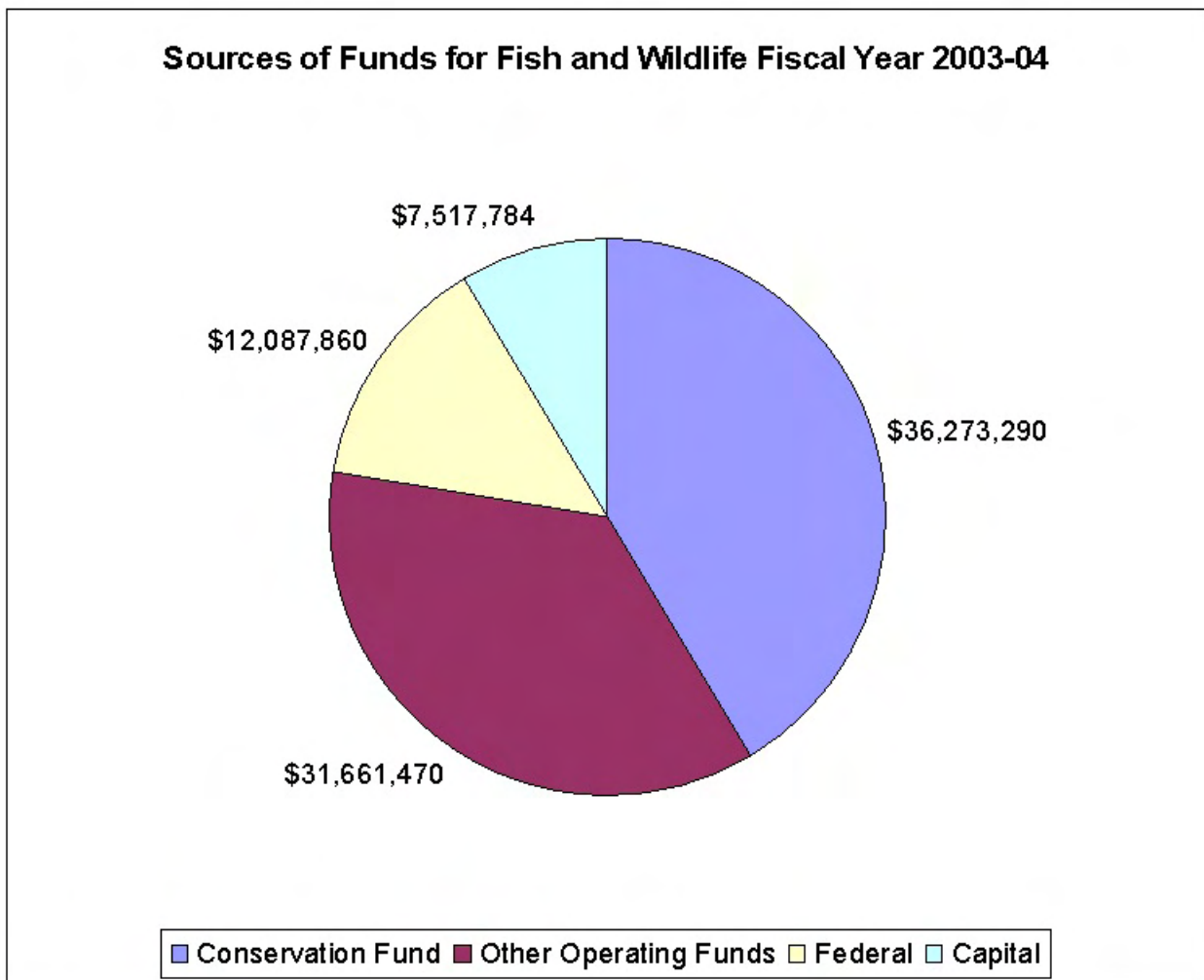
Summary of Source of Funds

Table 2 - Level of expenditure by funding source for FY 2003-04 and FY 2002-03:

Program	2003-04	2002-03	Change
Conservation Fund	\$36,273,293	\$43,239,685	(\$6,966,392)
Other Operating Funds ¹	\$31,661,469	\$21,949,361	\$9,712,108
Federal ²	\$12,087,857	\$12,112,110	(\$24,253)
Capital Projects	\$7,517,784	\$6,608,481	\$909,303
Total	\$87,540,403	\$83,909,637	\$3,630,766

¹Other operating funds include: the General Fund; Utility Regulatory Account; Site Investigation & Construction Account; Environmental Monitoring Account; Environmental Regulatory Account and Onondaga Lake Account.

²Federal includes Federal Aid in Wildlife Restoration (Pittman-Robertson); Federal Aid in Sport Fish Restoration (Wallop-Breaux); State Wildlife Grants; Atlantic Coast Fisheries Conservation and Management Act Grants; National Estuarine Research Reserve Grants; and miscellaneous National Oceanographic and Atmospheric Administration, and Environmental Protection Agency Grants.



**2003-04 FISH, WILDLIFE & MARINE LEVEL OF SUPPORT ANALYSIS
EXPENDITURE OF FUNDS**

Category	Personal Service	Fringe Benefits	Subtotal	Non-Personal Services	Total
DIRECT PROGRAM COST					
Fish, Wildlife & Marine	\$17,837,448	\$6,464,291	\$24,301,739	\$8,449,419	\$32,751,158
Federal Aid (FW&M)	\$4,300,394	\$1,545,561	\$5,845,955	\$4,064,124	\$9,910,079
Subtotal Direct	\$22,137,842	\$8,009,853	\$30,147,694	\$12,513,543	\$42,661,238
DIRECT SUPPORT COST					
Law Enforcement	\$11,266,318	\$4,082,914	\$15,349,232	\$2,936,329	\$18,285,561
Pub. Affairs & Eductn.	\$372,345	\$134,938	\$507,283	\$246,426	\$753,709
Operations					
Design & Const.	\$118,288	\$42,868	\$161,156	\$11,929	\$173,085
Field Operations	\$997,477	\$361,486	\$1,358,963	\$264,921	\$1,623,884
Transportation	\$598,942	\$217,057	\$815,999	\$0	\$815,999
Subtotal Direct + Support	\$13,353,370	\$4,839,263	\$18,192,633	\$3,459,605	\$21,652,238
Total Direct Cost	\$35,491,212	\$12,849,115	\$48,340,327	\$15,973,148	\$64,313,475
INDIRECT SUPPORT					
Total Indirect Cost					\$15,845,957
CAPITAL PROJECTS					
	Personal Services	Fringe Benefits	Subtotal	Other Capital	Total
Construction, Reconstruction Improvements	\$24,709	\$8,955	\$33,664	\$701,753	\$735,417
Rehab. & Imprvemts.	\$239,147	\$84,234	\$323,381	\$303,760	\$627,141
CW/CA Bond Act	\$0	\$0	\$0	\$387,285	\$387,285
Env. Protection Fund	\$0	\$0	\$0	\$5,029,993	\$5,029,993
Natural Resource Damages	\$47,452	\$17,197	\$64,649	\$42,487	\$107,136
Federal Projects	(\$2,208)	(\$794)	(\$3,002)	\$497,000	\$493,998
Subtotal Capital	\$309,100	\$109,592	\$418,692	\$6,962,278	\$7,380,970
GRAND TOTAL	\$35,800,312	\$12,958,707	\$48,759,019	\$22,935,426	\$87,540,403

**2003-04 FISH, WILDLIFE & MARINE LEVEL OF SUPPORT ANALYSIS
SOURCES OF FUNDS**

Category	Conservation Fund Service	Other Operation Fund¹	Federal²	Capital	Total
DIRECT PROGRAM COST					
Fish, Wildlife & Marine	\$24,540,656	\$8,210,502			\$32,751,158
Federal Aid (FW&M)			\$9,910,079		\$9,910,079
Subtotal Dir.	\$24,540,656	\$8,210,502	\$9,910,079		\$42,661,238
DIRECT SUPPORT COST					
Law Enforcement	\$6,327,918	\$11,703,109	\$254,533		\$18,285,561
Public Affairs & Education	\$8,362	\$730,401	\$14,946		\$753,709
Operations	\$248,318	\$2,364,650			\$2,612,968
Subtotal Direct Support	\$6,584,598	\$14,798,160	\$269,479	\$0	\$21,652,238
Total Direct Cost	\$31,125,254	\$23,008,663	\$10,179,558	\$0	\$64,313,475
INDIRECT SUPPORT					
Total Indirect Cost	\$5,148,039	\$8,652,806	\$1,908,299	\$136,814	\$15,845,957
CAPITAL PROJECTS					
Construction, Reconstruction, Improvements				\$735,417	\$735,417
Rehabilitation & Improvements				\$627,141	\$627,141
CW/CA Bond Act				\$387,285	\$387,285
Env. Protection Fund				\$5,029,993	\$5,029,993
Natural Resource Damages				\$107,136	\$107,136
Federal Projects				\$493,998	\$493,998
Subtotal Capital				\$7,380,970	\$7,380,970
TOTAL	\$36,273,293	\$31,661,469	\$12,087,857	\$7,517,784	\$87,540,403

¹Other operating funds include: the General Fund; Utility Regulatory Account; Site Investigation & Construction Account; Environmental Monitoring Account; Environmental Regulatory Account and Onondaga Lake Account.

²Federal includes Federal Aid in Wildlife Restoration (Pittman-Robertson); Federal Aid in Sport Fish Restoration (Wallop-Breaux); State Wildlife Grants; Atlantic Coast Fisheries Conservation and Management Act Grants; National Estuarine Research Reserve Grants; and miscellaneous National Oceanographic and Atmospheric Administration, and Environmental Protection Agency Grants.

Highlights of Program Expenditures

This report covers expenditures occurring between April 1, 2003 and March 31, 2004. This period includes expenditures from FY 2003-04 appropriations and FY 2002-03 appropriations for the carry-out period April-June 2003, as well as expenditures from various fiscal year Capital appropriations. Methodology is included in attachment A.

FISH, WILDLIFE & MARINE

Total direct expenditures for the Division of Fish, Wildlife and Marine Resources were \$42,661,238 in 2003-04 compared to \$46,731,201 in 2002-03. This is largely a result of reduced staff due to the March 2003 retirements. Non-personal service expenditures were also lower mainly as a result of a reduction in DECALS expenditures from the General Fund. Fish, Wildlife & Marine Resources expenditures funded by the Conservation Fund decreased from a FY 2002-03 total of \$24,943,399 to a FY 2003-04 total of \$24,540,656. Other Operating Funds, including the General Fund, contributed \$8,210,502 in support of the Division of Fish, Wildlife and Marine Resources compared to the FY 2002-03 total of \$11,805,521. Expenditures from Federal Aid, excluding indirect support and Capital, decreased from \$9,982,282 to \$9,910,079. 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 Environmental Protection, Commerce, and Interior.

LAW ENFORCEMENT

The Division of Law Enforcement's direct support expenditures associated with Fish, Wildlife and Marine activities was worth \$18,285,561. This figure equates to 57.76% of the total Law Enforcement hours worked. Source of funds were as follows: Conservation Fund \$6,327,918, Other Operating Funds \$11,703,109 and Federal funding of \$254,533.

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.

PUBLIC AFFAIRS & EDUCATION

The Division of Public Affairs and Education 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 24.66%. Fiscal Year 2003-04 expenditures in support of Fish, Wildlife and Marine Resources totaled \$753,709. Source of funds were as follows: Conservation Fund \$8,362, Other Operating Funds \$730,401 and Federal funding of \$14,946.

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.

OPERATIONS

Total expenditures by the Division of Operations in direct support of Fish, Wildlife and Marine activities for fiscal year 2003-04 totaled \$2,612,968 which is \$603,866 more than what was spent in 2002-03. The Conservation Fund contributed \$248,318 of the total expenditures incurred by Operations in support of Fish, Wildlife and Marine activities during this time period. Other Operating Funds paid the balance of \$2,364,650.

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 portion of this narrative.

CAPITAL

Capital expenditures, including personal service, totaled \$7,380,970. This is an increase of \$772,489 from the 2002-03 amount of \$6,608,481. Of the Capital Environmental Protection Fund expenditures of \$5,029,993, \$4,170,038 were for projects relating to the Hudson River Estuary Management Plan. There were also Federal Capital Project expenditures of \$493,998, which includes grants to private marinas.

INDIRECT SUPPORT

Indirect support service includes the Divisions of Executive, Management and Budget, Public Affairs and Education, Operations, Regional Affairs, Environmental Permits and Office of General Counsel activities (see methodology section for details). Indirect support service expenditures total \$15,845,957 for 2003-04, which is an increase of \$1,389,401 from 2002-03. Indirect is calculated as a percentage of direct personal service and fringe benefits. Therefore, the increases mentioned above resulted in an increase in indirect costs.

Of the total, the Conservation Fund contributed \$5,148,039 toward indirect support services; federal aid contributed \$1,908,299; and the balance of \$8,789,620 was paid by other operating funds, including the General Fund. Contributions from the Conservation Fund increased by \$384. Federal aid contributions decreased by \$184,917. Contributions from all other funding increased by \$1,573,935.

APPENDIX A

Methodology for Fish, Wildlife & Marine
Sources and Uses of Funds
FY 2003-04

1. Methodology to determine the total cost of the Fish, Wildlife & Marine program during fiscal year 2003-04 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 32.56% of direct personal service and fringe benefits for 2003-04 was applied to account for indirect expenditures.
2. The following programs expended effort for Fish, Wildlife & Marine activities and were classified accordingly:

<u>Direct</u>	<u>Direct Support</u>	<u>Indirect Support</u>
Fish, Wildlife & Marine Resources	Law Enforcement	Executive
	Public Affairs and Education Operation	Office of Management & Budget Public Affairs and Education Operations Regional Affairs 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, and 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 hours for code 8921, Resource Protection. This exclusion is a revision to the methodology (as requested by LE) and is due to the fact that this code is extremely variable as it pertains to FW&M. The percentage developed was 57.76%. This percentage, however, 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. This percentage was applied to the expenditures of Public Affairs and Education's 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	21.52% for fish & wildlife
Field Operations	7.42% for fish & wildlife
Field Operations	4.82% for law enforcement

Since 75.11% 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 service's level of effort on behalf of Fish, Wildlife & Marine Resources was calculated at a percentage of Operation's percent of effort for Law Enforcement.

4. Indirect Support was based on the federally approved indirect rate of 32.56% 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, Environmental Protection Fund, Natural Resource Damages Capital and Federal Capital projects in support of FWMR activities for all programs were summarized.

APPENDIX B

**STATE OF NEW YORK CONSERVATION FUND ADVISORY BOARD
VOTING MEMBER LIST**

Nominating Authority	Representative	
Governor	JOHN MATUSEWICZ Residence - Region 2	
	MARK STORTI Residence - Region 4	
	CRAIG TRYON Residence - Region 7	
Senate	CHARLES BEVILACQUA, Secretary Residence - Region 1	Majority (R)
	LINDA SICLEY Residence - Region 6	Minority (D)
	CHARLES O. HANCOCK Residence - Region 8	Majority (R)
Assembly	WALLY JOHN Residence - Region 3	Majority (D)
	ROBERT J. MONACCHIO, Chairman Residence - Region 5	Minority (R)
	FRED LANGDON Residence - Region 9	Majority (D)
Statutory	JOHN J. LONG, Sr., Vice Chairman Residence - Region 9	
	BUD WOODFIELD NYS Fish and Wildlife Management Board Residence - Region 7	

Ex Officio Members

Assembly Ways and Means Committee	Senate Environmental Conservation Committee
Assembly Environmental Conservation Committee	Commissioner of NYS Department of Environmental Conservation
Senate Finance Committee	P. Bartlett Wu, Chief Counsel to CFAB

**STATE OF NEW YORK CONSERVATION FUND ADVISORY BOARD
2005 COMMITTEES**

Committees	Members
Bylaws, Rules and Procedures	Charles Bevilacqua, Chair Craig Tryon • Fred Langdon • Charles Hancock
Computer Licensing	Charles Bevilacqua, Chair Robert Monacchio • John Long Sr.
Fiscal/Fiscal Distribution	Robert Monacchio, Chair Charles Bevilacqua • John Long Sr. Shawn Keeler /Ann Harrison (DEC)
Fish	Mark Storti, Chair Craig Tryon • Wally John • Fred Langdon
Hunting	John Long Sr., Chair Bud Woodfield • Fred Langdon • Charles Hancock
Legislation	Wally John, Chair John Matuszewicz • Charles Bevilacqua • Bud Woodfield
Marine District	John Matuszewicz, Chair Charles Bevilacqua • Wally John
Open Space	Bud Woodfield, Chair Mark Storti • Charles Bevilacqua • Linda Sicley
Annual Report	Fred Langdon, Chair Wally John • Craig Tryon • Bart Wu
Wish List	John Long Sr., Chair Wally John • Fred Langdon • Charles Bevilacqua
Sportsman Education	Linda Sicley, Chair Mark Storti • Charles Bevilacqua
Nominating	John Matuszewicz, Chair Bud Woodfield • Linda Sicley

CFAB Member Attendance at Monthly Meetings											
Voting Members	Apr 12 2004	May 3 2004	Jun 7 2004	Aug 1 2004	Sep 13 2004	Oct 4 2004	Nov 1 2004	Dec 6 2004	Jan 10 2005	Feb 7 2005	Mar 13 2005
Charles Bevilacqua <i>Region 1</i>	P	P	P	P	P	P	P	P	P	P	P
John Matuszewicz <i>Region 2</i>	P	P	E	P	P	E	P	E	E	E	P
Wally John <i>Region 3</i>	P	P	P	P	P	E	P	P	P	P	P
Mark Storti <i>Region 4</i>	P	P	P	P	P	E	A	P	P	P	P
Robert Monacchio <i>Region 5</i>	P	P	P	P	P	P	P	P	P	P	P
Linda Sicley <i>Region 6</i>	P	P	P	P	P	P	P	P	P	P	P
Craig Tryon <i>Region 7</i>	P	P	P	E	P	P	P	P	E	P	P
Dennis Money <i>Region 8 (resigned Oct. '04)</i>	P	P	E	P	P	P					
Charles O. Hancock <i>Region 8 (appointed Jan. '05)</i>									P	P	P
Donald Kill <i>Region 9 (resigned May '04)</i>	A										
Fred Langdon <i>Region 9 (appointed Jun. '04)</i>				P	P	P	P	P	P	P	P
John Long Sr. NYSCC	P	P	P	P	E	P	P	P	P	P	E
Bud Woodfield NYSFWMB	P	P	P	P	P	P	P	P	P	P	P
Ex-Officio Members											
DEC Commissioner											
Rep. By Gerald Barnhart	P	P	P	P	P	P	P	P	P	P	P
Senate Finance Committee	A	A	A	A	A	A	A	A	A	A	A
Senate EnCon Committee	P	A	A	A	A	P	A	A	A	A	A
Assembly Ways and Means	A	A	A	A	A	P	P	A	A	A	A
Assembly EnCon Committee	A	A	A	A	A	A	P	E	P	A	A

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

