



STATE OF NEW YORK CONSERVATION FUND ADVISORY BOARD

625 Broadway, Albany, NY 12233-4750

Monthly Meeting Minutes

Three Hundred Thirty Ninth Meeting

14-Apr-2014

Department of Environmental Conservation, 625 Broadway, Albany, NY

Call to Order – The meeting was called to order by Jason Kemper at 09:11 AM.

Roll Call

Voting Board Members Present

Charles Bevilacqua	Region 1
Dominick Scarzafava	Region 3
Alan Rosa	Region 4
Jason Kemper	Region 5
Dave Corr	Region 6
Charles Pace	Region 7
Marc Osypian	Region 8
Dale Dunkelberger	Region 9
Raymond Merlotto	NYSCC
Bill Connors	FWMB

Voting Board Members Excused

Gordon Whiting	Region 2
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Voting Board Members Absent

Ex-Officio Members Present

DEC Commissioner represented by: Kathy Moser

Ex-Officio Members Absent

Senate Finance Committee

Senate EnCon Committee

Assembly Ways and Means Committee

Assembly EnCon Committee

DEC Personnel

DEC Executive: Julia Tighe

Division of Fish, Wildlife and Marine Resources:

Lucretia Paulsen, Stephen Hurst, Doug Stang

Division of Law Enforcement: Scott Florence

Guests

Abbreviations

Ag. & Mkts = Department of Agriculture and Markets
CFAB or the Board = Conservation Fund Advisory Board
DEC or the Department = NYS Department of
Environmental Conservation
DFWMR = Division of Fish, Wildlife and Marine
Resources
DLE = Division of Law Enforcement

DLF = Division of Lands and Forest
DMBS = Division of Management and Budget Services
DOB = Division of the Budget
DOP = Division of Operation Services
DPAE = Division of Public Affairs & Education
OSC = Office of State Comptroller

Correspondence

- Letter from OSC regarding the Fish and Wildlife Trust Account.

Minutes of Prior Meeting

MOTION: Mr. Pace motioned to accept the March 17, 2014 meeting minutes, seconded by Mr. Rosa the motion passed unanimously.

Executive Report

- Julia Tighe provide a report on legislation that was passed as part of the New York State's 2014 Enacted Budget. As part of that report she also provided an interpretation of the crossbow bill.

Mr. Pace asked to be on record stating that the legislation is inadequate in regard to hunter education. He stated that the Standard Hunter education course is inadequate as a bolt fired from a crossbow may not impose the same lethality as a round from a firearm and that shot placement in regard to lethality is also not the same. He further stated that the cross bow education module would be more effective as a component of the bow hunter education course.

- Assistant Commissioner Moser provided an update on the Governor's Access Initiative and hatchery upgrade projects. She also conveyed to the Board that the DEC will begin developing a strategy for the expansion of free fishing days and how promotional licensing will be handled.
- Ms. Moser spoke about various recreational land plans that are in development.
Mr. Conners stated that DEC should take advantage of input from the CFAB and the FWMB in the earliest stages of plan development.

MOTION: Mr. Pace motioned that the eight free fishing days should be held on the same dates statewide. Seconded by Mr. Scarzafava the motion passed unanimously.

Action Item: Mr. Pace will draft a letter stating that the eight free fishing days should be held on the same dates statewide.

Action Item: Chairman Kemper will draft a regarding CFAB's concerns associated with promotional licenses.

DFWMR Report

Update on DEC's E-Licensing system and license sales:

e-Licensing:

Status Summary and Activities Completed This Period

- The system is slightly faster now than 2 weeks ago as improvements to the networking pathways between New York and California were identified and implemented
- New computer interfaces were placed into production with DMV to implement the Adventure License and Adventure Plates initiatives.

- Requirements and system functionality were designed with Accela contractor staff to implement the 3-year and 5-year license provisions outlined in the Executive Budget. Prototype of screen shots and work flow for 3-year and 5-year licenses was presented to DEC staff, project change request developed by contractor and rejected by DEC.
- Work continues on addressing the various system defects and printing issues experienced by LIAs. Additional IT (2) resources were hired to work with LIAs and trouble-shoot problems experienced by LIAs. This is one-on-one assistance provided to LIAs experiencing problems.
- As of 3/11/2014 a total of 782 LIAs have made sales on the eLicensing system (or are ready to, but awaiting customers); another 318 have been trained, but have not made a sale (various reasons – experiencing problems, no customers, needs IT assistance, etc.), and 215 await the next training opportunity.
- Conducted web-ex sessions last week and were able to enable an additional 33 LIAs (primarily corporate agents – Walmart, Kmart, Bass Pro Shops, Gander Mountain) so they would be prepared for selling licenses. We are sending printers and agent agreements out to all recently enabled LIAs and as soon as agent agreements are returned, they will be activated.
- DEC is setting up hands-on training at 625 Broadway and will be notifying those LIAs that missed the training opportunities in the fall that they have another opportunity. DEC is still working out the logistics – initial invites will be to those recently-elected Town Clerks and retail agents that have contacted DEC.
- DEC is working with IT contractor to develop eLicensing training available via the internet. Current plan is to have the training available mid- to late-April and agents can take the training at their pace from their own computer. These training modules will be updated as the system is updated and agent participation will be tracked.
- *Mr. Pace asked for the cost of implementing the proposed 3 and 5 year license strategy. Mr. Stang replied that the cost would be approximately \$800,000 to develop the license structure change and implement the adventure license series. Said cost will not be borne from the Main Account of the Conservation Fund.*
- *Mr. Bevilaqua stated that he has received numerous complaints about the new ELS from LIAs located in Region 1. He asked that DEC:*

Action Items:

- *Reach out to LIAs in Garden City and Commack regarding system problems*
- *Provide a list of large retail stores that issue licenses and the date of last license sold*
- *Provide a list of what the DEC deems as valid proof of hunting, trapping and fishing licenses / privileges while afield.*

Mr. Stang provided this information to the Board via email on 04/21/2014

License Sales

- A comparison of license sales between 2012-13 (August 12, 2012 - March 12, 2013) and 2013-14 (August 12, 2013 - March 12, 2014) indicates that license year 2013 revenues (\$39,639,867) are approximately \$500,000 greater than last license year at this time (\$39,152,900) and the number of items "sold" is up 4% (1,501,229) compared to a year ago (1,448,414).
- Sales January - March 2014 are still lagging behind those of January - March 2013, but overall sales are up.

Filled Position report:

Division of Fish, Wildlife, and Marine Resources

<u>Account</u>	<u>Number of Staff</u>	<u>Change</u>
Natural Resources Damages Account	1	
Hazardous Waste Cleanup Account	2.7	
State Purposes Account	36.05	+0.7
Fish, Wildlife & Marine Grants Account	62.05	-0.7
Conservation Fund (Marine Account)	11	-1.0
Conservation Fund (Traditional Account)	236.25	
Environmental Monitoring Account	2	
Environmental Regulatory Account	<u>5.8</u>	
Total	356.85	-1.0

Conservation Fund (Marine Account)

<u>Division</u>	<u>Number of Staff</u>	<u>Change</u>
Fish, Wildlife, and Marine Resources	<u>11</u>	
Total	11	-1.0

Conservation Fund (Main Account)

<u>Division</u>	<u>Number of Staff</u>	<u>Change</u>
Fish, Wildlife, and Marine Resources	236.25	
General Counsel	1	
Law Enforcement	85	
Operations	2	
Management and Budget	2	
Public Affairs and Education	2	
Regional Affairs	<u>3</u>	
Total	331.25	

Status of regulations (changes from previous month in bold):

Rule Making Initiation Memos:

Pending Proposals:

1) **6 NYCRR Part 186 - Deer feeding.** Adopt a new Part 186 on the feeding of wild white-tailed deer to address programmatic needs associated with a variety of wildlife disease risks and other resource management concerns associated with feeding and/or baiting of deer, including the use of 4-Poster Tickicide. This will be a “stand alone” Part dealing exclusively with the feeding and/or baiting of deer. *Rim signed 6-27-2013. Proposal is under development.*

2) **6 NYCRR Part 180.1 – Wildlife dangerous to health or welfare.** Amend 6 NYCRR Part 180.1 by expanding the list of dangerous animals in paragraph (b) of Section 180.1 to include all species listed in ECL 11-0103(6)(e) that have been found by the legislature to pose a serious threat to the health and safety of New York State residents and to include other species such as constrictor snakes (Boidae). To prohibit the private ownership or possession of live dangerous animals while allowing only facilities accredited by the Association of Zoos and Aquariums (AZA) to possess such animals under a license issued by the department. Exceptions to this standard will have to be made for certain legitimate, bona fide, widely recognized entities such as circuses as well as veterinarians, universities, humane societies and animal welfare organizations in temporary possession of listed species. To provide for the continued licensing of facilities that possess listed species and are currently licensed, and to prohibit propagation or acquisition of additional listed species at these facilities. To restrict possession of listed species for the following activities only: exhibition/education, propagation and scientific. *RIM signed 7-12-2013. Proposal is in internal review.*

3) **6 NYCRR Parts 10, 11, 18, 19, 36, 37 and 40 - American eel.** Amend regulations pertaining to the taking of American eel. Specifically: change the minimum size for American eel to nine inches (from six inches) total length for commercial, recreational, and bait fisheries in both inland and marine water; change the recreational catch limit to 25 eels, with a 50 fish exemption for the captain and/or crew of party and charter boats, in both inland and marine waters (currently 50 for everyone); prohibit sale of American eel taken from Lake Ontario, its tributaries, and the St. Lawrence River; and add a minimum mesh size definition for eel pots and minnow traps of 1 inch by ½ inch; or else have a 4 inch by 4 inch escape panel of 1 inch by ½ inch wire mesh, located on the side of the trap or pot. *RIM signed 1/7/2014. Proposal is under development.*

Proposals Filed:

1) **Part 59 – State Boat-launching sites, fishing-access sites and fishing rights areas and Part 190.24 Use of State lands – boat launching sites.** Amend 6 NYCRR Part 59 and Part 190.24 governing use of DEC boat launching, fishing access, fishing rights areas, campground and other state lands to prohibit boats, trailers and associated equipment carrying visible aquatic invasive species from launching at DEC facilities or leaving these facilities. *RIM signed 3-7-2013. Notice of Proposed Rulemaking files with Department of State 12/24/2013. NPR published in State Register 1/8/2014. Public comment period ended 2/24/2014. Assessment of public comment and final rule adoption are under preparation.*

2) **6 NYCRR Part 41 – Sanitary condition of shellfish lands.** Classify currently uncertified (closed) shellfish lands as seasonally certified (open during limited times of the year). Particular shellfish lands in Wickham Creek and Mattituck Creek within the Town of Southold, Northwest Creek in the Town of East Hampton, Sag Harbor in the towns of East Hampton and Southampton and a portion of Great South Bay in the Town of Babylon now meet the water quality criteria for seasonally certified shellfish lands. These lands must be designated as certified during the portion of the year when they meet those criteria. *RIM signed 11/13/2013. Notice of Proposed Rulemaking filed with Department of State 3/11/2014. NPR scheduled to be published in State Register 3/26/2014. Public comment period is scheduled to run through 5/12/2014.*

Pending Adoptions:

1) **6 NYCRR Part 180.12 – Eurasian boar.** Adopt a new Part 180.12 that prohibits the hunting and targeting of free-ranging Eurasian boar and prohibits the interference with Eurasian boar trapping devices. *Notice of Proposed Rulemaking files with Department of State 11/26/2013. NPR published in State Register 12/11/2013. Public comment period ended 1/27/2014. Assessment of public comment and final rule adoption are under preparation.*

Emergency Rules:

Recently Adopted:

DLE Report

- Retirements:
 - Region 5 – 2
 - Potential for 38 retirements in 2014
- DLE are in discussion with Executive regarding the next ECO Academy
- The age limitation has now been lifted for taking the ECO Civil Service exam
- Section 55 of the Civil Service law has been revised to include a morality clause. This clause will make it easier to remove someone with a questionable background from the list of approved candidates
- DLE hopes to receive new SUVs later this year
- The ceremony celebrating the 100th anniversary of Sam Taylors death was discussed.

Filled Position Report (3/13/14 – 3/26/14):

Division of Law Enforcement

<u>Account</u>	<u>Number of Staff</u>	<u>Change</u>
Environmental Regulatory Account	42	
General Fund	157	
Conservation Fund (Main Account)	86	
Waste Tire Account	8	
Total	293	

Civilian employees = 4
Uniform members = 254
Investigators = 35

CFAB Business

- Mr. Hurst provided the Board with information regarding the surge in Federal Aid in Wildlife Restoration funds and the challenges the Department will face in regard to the deployment of said funds.
- CFAB discussed reinvestment of lifetime licenses dollars. A three, five and seven year laddered approach will be taken for investment of lifetime license receipts in the Fish and Wildlife Trust Account. The new strategy should generate \$895,000 in interest annually.
- Election of Officers:

MOTION: Mr. Scarzafava motioned to that the Board should reelect all officers currently serving. Seconded by Mr. Pace the motion passed unanimously.

- Future Meeting Dates:
 - May 12, 2014
 - June 9, 2014
 - July 14, 2014 (tentative)
 - August 11, 2014 (tentatively scheduled as a Region 8 Program Review)
 - September 8, 2014
 - October 14, 2014
 - November 10, 2014
 - December 8, 2014
 - January 12, 2015
 - February 9, 2015
 - March 9, 2015
 - April 13, 2015
- Chairman Kemper discussed the need for more timely submission of expense reports.

MOTION: Chairman Kemper motioned that all expense reports must be submitted within 60 days from the travel date, seconded by Mr. Connors the motion passed with one abstaining.

- Mr. Hurst provided the Board updated charts and graphs for the 2011/12, 2012/13 CFAB Annual report. Assignments were given to members by Chairman Kemper to complete various components of the report.

Action Item: Board members will work on assigned portions of the Annual Report and provide them to Chairman Kemper before the May meeting.

MOTION: Mr. Rosa motioned to conclude the meeting at 2:00 PM, seconded by Mr. Connors the motion passed unanimously.

Summary of Motions:

MOTION: Mr. Pace motioned to accept the March 17, 2014 meeting minutes, seconded by Mr. Rosa the motion passed unanimously.

MOTION: Mr. Pace motioned that the eight free fishing days should be held on the same dates statewide. Seconded by Mr. Scarzafava the motion passed unanimously.

MOTION: Mr. Scarzafava motioned to that the Board should reelect all officers currently serving. Seconded by Mr. Pace the motion passed unanimously.

MOTION: Chairman Kemper motioned that all expense reports must be submitted within 60 days from the travel date, seconded by Mr. Connors the motion passed unanimously.

Summary of Resolutions:

- *None*

Actions for CFAB:

- *Mr. Pace will draft a letter stating that the eight free fishing days should be held on the same dates statewide.*
- *Chairman Kemper will draft a regarding CFAB's concerns associated with promotional licenses.*

Actions for the Department:

- *Provide a briefing on Wild Turkey Research to CFAB at the June meeting.*

Next CFAB Meeting: #340 – Monday, May 12, 2014

SSH/WC/JK

Jason Kemper - Chairman