



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

Monthly Meeting Minutes
Three Hundred Thirty Seventh Meeting
10-Feb-2014

Department of Environmental Conservation, 625 Broadway, Albany, NY

Call to Order – The meeting was called to order by Jason Kemper at 09:10 AM.

Roll Call

Voting Board Members Present

| | |
|---------------------|----------|
| Charles Bevilacqua | Region 1 |
| Gordon Whiting | Region 2 |
| Dominick Scarzafava | Region 3 |
| Jason Kemper | Region 5 |
| Dave Corr | Region 6 |
| Charles Pace | Region 7 |
| Marc Osypian | Region 8 |
| Dale Dunkelberger | Region 9 |
| Raymond Merlotto | NYSCC |
| Bill Conners | FWMB |

Voting Board Members Excused

| | |
|-----------|----------|
| Alan Rosa | Region 4 |
|-----------|----------|

Voting Board Members Absent

Ex-Officio Members Present

DEC Commissioner represented by: Kathy

Moser

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

Ex-Officio Members Absent

Senate Finance Committee
Senate EnCon Committee
Assembly Ways and Means Committee
Assembly EnCon Committee

DEC Personnel

DEC Executive: Marc Gertsman
Division of Fish, Wildlife and Marine Resources:
Gordon Batcheller, Stephen Hurst, Doug Stang,
Division of Law Enforcement: Scott Florence

Guests

Office of State Comptroller: John Stouffer, Donna
Benson

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

- January letter from OSC

Minutes of Prior Meeting

Not yet completed.

Executive Report

- Assistant Commissioner Moser handed out and reviewed the Top 50 Access Projects which will be undertaken as part of the Governor's Access Initiative. She also spoke to the Board about compliance issues relating to projects will be done in the Adirondack Park. The Board will be updated on progress toward the Access Initiative during each regularly scheduled meeting.
- Assistant Commissioner Moser provided a brief summary of the Executive Budget and discussed the 3 and 5 year license proposal with members. Mr. Pace and other members expressed concern over this proposal as it is counter to the recent restructuring, which was done in part to simplify the license structure and because it may negatively impact revenue due to the discounts given for these licenses. Executive Deputy Commissioner Gertsman informed the Board there will be a \$2.5M General Fund appropriation added to the budget to make up for any shortfalls that may occur as a result of the new licenses.
- Standard operating procedures (SOP) for gate closures to public land have been drafted and are currently under review by the Natural Resources Supervisors. The draft SOP states that all closures not emergency related will have to be approved by the Assistant Commissioner and that all closures will be posted on the DEC website. A final SOP will be shared with CFAB in March.
- Mr. Dunkelburger informed the Assistant Commissioner that Region 9 is unable to gravel parking lots at Oak Orchard and Tonawanda.WMAs.
- The Board discussed opening up State University lands to hunting.

DFWMR Report

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

e-Licensing:

Status Summary and Activities Completed This Period

- System was shut down on 1/31/2014 at 3:00 PM to move the new sporting license structure and license fee schedule into the automated licensing system
- System was back up and functional at 12:01 AM on February 1, 2014 with the new license structure and fee schedule in place
- Service Data Sharing Agreement / MOU Signed by DMV & DEC
- To address the system compatibility issues experienced with certain LIA operating systems and security software, the Agent Client software program was disabled on February 2, 2014
- Notification of the change and a new set of printing instructions were sent to all LIAs beginning of business February 3, 2014

- Disabling the Agent Client software increased the number of LIAs that could access the automated licensing system, allows licenses to be sold without being connected to the specialized valeron printer, and has led to other printing issues
- On-line access by individuals for license purchase and harvest reporting and sales and harvest reporting via call center seem to be functioning properly
- New computer interfaces were established (designed and are currently being tested) with DMV to implement the Adventure License and Adventure Plates initiatives
- New requirements were developed and scoped with Accela contractor staff to implement the 3-year and 5-year license provisions outlined in the Executive Budget
- Work continues on addressing the various system defects and printing issues experienced by LIAs

License Sales

- License sales in January 2014 declined 50% compared to January 2013
- License sales for 2013-14 year remain on par with 2012-13 sales on a license-year-to-date basis

Filled Position report:

Division of Fish, Wildlife, and Marine Resources

| <i>Account</i> | <i>Number of Staff</i> | <i>Change</i> |
|---|------------------------|---------------|
| Natural Resources Damages Account | 1 | |
| Hazardous Waste Cleanup Account | 2.7 | |
| State Purposes Account | 35.35 | +1.0 |
| Fish, Wildlife & Marine Grants Account | 62.75 | -1.0 |
| Conservation Fund (Marine Account) | 12 | +1.0 |
| Conservation Fund (Traditional Account) | 236.25 | |
| Environmental Monitoring Account | 2 | |
| Environmental Regulatory Account | <u>5.8</u> | |
| Total | 357.85 | +1.0 |

Conservation Fund (Marine Account)

| <u>Division</u> | <u>Number of Staff</u> | <u>Change</u> |
|--------------------------------------|------------------------|---------------|
| Fish, Wildlife, and Marine Resources | <u>12</u> | |
| Total | 12 | +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 | -1.0 |
| Operations | 2 | |
| Management and Budget | 2 | |
| Public Affairs and Education | 2 | +1.0 |
| 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 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. Proposal is under development.*

4) **6NYCRR 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 is scheduled to run through 2/24/2014.*

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 is scheduled to run through 1/27/2014. Assessment of public comment and final rule adoption are under preparation.*

Emergency Rules:

Recently Adopted:

1) **6 NYCRR Part 41- Sanitary Conditions of Shellfish Lands-** Amend 6 NYCRR Part 41 to classify as uncertified (closed to shellfish harvest) either year round or seasonally the following shellfish lands in the towns of Hempstead, Islip, Brookhaven, Southampton, East Hampton and Southold: approximately 900 acres shall be reclassified as certified (open); approximately 2155 acres will be reclassified as uncertified (closed) for the harvest of shellfish year-round; and approximately 526 acres will be classified as seasonally uncertified. *Emergency Rule filed and effective 11/1/2013. Notice of proposed rulemaking scheduled to be published in NY State Register 11/20/2013. Public comment period closed 1/6/2014. Assessment of public comment and final rule adoption are under preparation. Rule was adopted on 1/29/ 2014 and published in the New York State Register on 1/29/2014.*

- The Long Island deer cull was discussed. Mr. Bevilaqua stated that he does not want Long Island towns to have full management authority over deer.

- Gordon Batcheller discussed the Mute Swan and Black Bear Management Plans. The former has received over 30,000 comments, many from outside of the United States. The plan will be modified to include other methods of control. The Black Bear Management plan received few comments and should be finalized this fall.

MOTION: Mr. Corr motioned that CFAB support the Mute Swan Management Plan, seconded by Mr. Conners the motion passed unanimously.

MOTION: Mr. Dunkelburger motioned to support the Black Bear Management Plan, seconded by Mr. Corr the motion passed unanimously.

Meeting with OSC

OSC representatives provided the Board a strategy for increasing the interest earned from the Fish and Wildlife Trust Account (see attached). OSC will take a laddered approach to investing the funds in US Treasury Bonds over the next three years. OSC will be sending a letter to the Commissioner detailing the investment strategy and when implementation will begin.

DLE Report

- Mr. Florence informed the Board that the Department will honor the 100th anniversary of Samuel Taylor’s passing this year. Officer Taylor was the first ECO to loose his life in the line of duty on April 14, 1914.
- Expect 20 retirements in 2014

MOTION: Mr. Osypian motioned to conclude the meeting at 1:40 PM, seconded by Mr. Dunkelburger the motion passed unanimously.

Summary of Motions:

MOTION: Mr. Corr motioned that CFAB support the Mute Swan Management Plan, seconded by Mr. Conners the motion passed unanimously.

MOTION: Mr. Dunkelburger motioned to support the Black Bear Management Plan, seconded by Mr. Corr the motion passed unanimously.

Summary of Resolutions:

- *None*

Actions for CFAB:

- *None*

Actions for the Department:

- *None*

Next CFAB Meeting: #338 – Monday, March 10, 2014

Jason Kemper - Chairman

SSH/WC/JK