



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

Monthly Meeting Minutes

**Three Hundred Fifty Eighth Meeting – February 8, 2016**  
Department of Environmental Conservation, 625 Broadway, Albany

**Call to Order** – The meeting was called to order by Charles Pace at 9:06 AM.

**Meeting Adjourned at 1:58 pm Dale Dunkelberger motioned – Charles Pace, Seconded – motion passed.**

**Roll Call: 9:06 am**

**Voting Board Members Present**

Tom Williams	Region 4
Jason Kemper	Region 5
Dave Corr	Region 6
Charles Pace	Region 7
Marc Osypian	Region 8
Dale Dunkelberger	Region 9
Bill Connors	FWMB

**Voting Board Members Excused**

Charles Bevilacqua	Region 1
Gordon Whiting	Region 2
Dominick Scarzafava	Region 3
Raymond Merlotto – NYS Conservation Council	

**Voting Board Members Absent**

**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 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**

*Division of Fish, Wildlife and Marine Resources:*  
Patricia Riexinger, Doug Stang, Steve Hurst  
*Division of Law Enforcement:* Director Joe Schneider

**Guests**

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**

- Dove Letter; Jason will provide Lu with an electronic copy

## **Minutes of Prior Meeting**

MOTION: Dave Corr motioned to accept the January 19, 2016 meeting minutes, Charlie Pace seconded the motion, motion passed unanimously.

## **Executive Report:**

- Kathy Moser provide Board Members with the following updates:
  - Staff changes in the Executive Chamber
  - No update with the LIA Proposal Package, once recommendations are made/received, Kathy will ask DEC Counsel's office to provide an update to Board members.
  - The Department is working with APA on the wording for APA Amendments
  - It is a Commissioner's priority to continue to work on legislation involving the sporting community;
- Board Members expressed concerns regarding the gated access on boat launches on Lake George and the potential to set precedent on other state owned boat launches; Kathy assured Board Members that this was not the case.
- Board Members expressed their concerns with stock photos being used portraying a fishing boat with invasive species hanging off of it...Kathy expressed that it will be watched more closely moving forward...
- Board Members inquired about the 480a legislation status; both Kathy Moser and Patty Riexinger indicated that there was still a chance that something would be done and asked the Board Members to please be patient; Board members decided to wait until the March meeting for further action
- Board Member Tom Williams will draft a letter regarding 480a and send to the Department

## **Division of Fish, Wildlife and Marine Resources:**

- Patty Riexinger and Board Members discussed the Buck Management Meeting. Board Member Charlie Pace also attended the meeting on behalf of CFAB and expressed that he thought the meeting was well presented and that the concerns of various stakeholders were heard.
- Any proposals to ban use of natural deer urine in the taking of deer will not impact the 2016-17 season. DEC's CWD prevention plan will be released shortly which will help address the issue.
- Doug Stang also discussed the departments priorities for fixes and enhancements to the DECALS licensing system; secure printer solution is top priority, but other items are more "doable" in the near term.
- Board Members discussed the viability of developing a transaction log in DECALS that would indicate anytime a customer's record was accessed. Doug expressed concerns that the work load in developing the transaction log could impact the system speed and would impact the schedule for updates and fixes that are already being explored.
- Doug also provided Board Members with the monthly summary of status of various regulatory proposals pertaining to fish, wildlife and marine resources.

- Board Members were provided with an update on the status of various DEC Hatchery projects. DEC will advise on the status of new/amended contract at Salmon River for water recirculation system.
- Board Members asked that the definition of “public trail” be determined and expressed their concerns that the cumulative impact of lost trapping opportunities could be significant and could impact license buying trappers. DFWMR staff will check with Lands and Forest and provide an update.
- Board Members were provided with the Bureau of Fisheries Annual Report.

## **Update on DEC’s E-Licensing system and sporting license sales:**

### **e-Licensing:**

#### **Status Summary and Activities Completed This Period**

- DEC, ITS/ELS, and Accela continued development of prototype game harvest and electronic license application for use on mobile devices (eSportsman APP).
  - eSportsman APP now runs on iOS and Android devices
  - Testing of the eSportsman APP continues and issues are being resolved in a timely manner – all issues with Android version of eSportsman seem to have been resolved
  - DEC met with Parks-by-Nature staff and is in the process of evaluating a proposal to include game harvest reporting and electronic licenses (wallet) as part of DEC’s Fishing, Hunting and Wildlife APP (please see: <http://www.dec.ny.gov/outdoor/96470.html> ) instead of via eSportsman
- ITS/ELS is developing cost estimates and assessing staff resource ability / capacity for enhancements and fixes to DECALS:
  - secure printing functionality
  - issuance and reporting of DMAP and DFMA via DECALS
  - Habitat Stamp sales pop-up (*Note: prototype developed and ready for testing*)
  - E-mail address a mandatory field (*Note: prototype developed and ready for testing*)
  - Mobile device “friendly” / responsive design for DEC 2.0 for license purchase
  - Complete reports development and improve system so DEC staff can run the reports from their computers
  - Amend database to include more descriptive license items
  - Update DEC 2.0 LIA application layout / design improvements:
    - Sort customer previous DMPs by license year
    - Add non-resident to county drop-down
    - Non-resident – add state/ province to field
    - Capture date of permanent military disability
    - Display WMU #s to shopping cart
    - Ability automatically enter same landowner information
- License paper stock has been ordered and color selected for 2016-17 license panels and carcass tags – awaiting sample from vendor [ Note: license paper (valeron) stock sample received February 24<sup>th</sup> and staff have begun testing the sample stock]

**Filled Position report:**

**Division of Fish, Wildlife, and Marine Resources**

<i><u>Account</u></i>	<i><u>Number of Staff</u></i>	<i><u>Change</u></i>
Access Land Acquisition	1	
Capital (Habitat Conservation and Access Account)	8	
Hazardous Waste Cleanup Account	2.7	
State Purposes Account	41	-1.0
Fish, Wildlife & Marine Grants Account	66.5	-0.8
Conservation Fund (Marine Account)	3	-1.0
Conservation Fund (Traditional Account)	232.8	-0.1
Environmental Monitoring Account	1	
Environmental Regulatory Account	<u>6</u>	
<b><i>Total</i></b>	<b>361.9</b>	<b>-2.9</b>

**Conservation Fund (Marine Account)**

<i><u>Division</u></i>	<i><u>Number of Staff</u></i>	<i><u>Change</u></i>
Fish, Wildlife, and Marine Resources	<u>3</u>	<u>-1.0</u>
<b><i>Total</i></b>	<b>3</b>	<b>-1.0</b>

**Conservation Fund (Main Account)**

<i><u>Division</u></i>	<i><u>Number of Staff</u></i>	<i><u>Change</u></i>
Fish, Wildlife, and Marine Resources	232.8	+0.9
General Counsel	1	
Law Enforcement	87	
Operations	6	+1.0
Management and Budget	2	
Office of Communications	1	
Regional Affairs	<u>3</u>	
<b><i>Total</i></b>	<b>330.7</b>	<b>-2.1</b>

**Division of Law Enforcement**

<i><u>Account</u></i>	<i><u>Number of Staff</u></i>	<i><u>Change</u></i>
State Purposes Account	144	
Conservation Fund (Traditional Account)	85	-2.0
Environmental Regulatory Account	38	
Waste Tire Account	<u>2</u>	
<b><i>Total</i></b>	<b>269</b>	<b>-2.0</b>

**Status of Regulations (changes from previous month in bold):**

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 has been drafted and is being circulated for review and consideration.*

3) **6 NYCRR Part 42 – Sanitary Control over Shellfish.** Amend regulations to attain consistency with the current National Shellfish Sanitation Program (NSSP) Guide for the Control of Molluscan Shellfish Model Ordinance: 2013 Revision. The proposed rule will: enable DEC to apply or modify special conditions to shellfish shipper permits and shellfish digger permits to require actions on the part of the permit holders that are necessary to prevent illness whenever DEC determines that a public health threat is imminent or ongoing and to ensure compliance with mandatory requirements under a State *Vibrio* Control Plan.; adopt new definitions defining requirements for shellfish harvester and shellfish dealer education, shellfish water storage, *Vibrio* Control Plan(s), maintenance of shellfish HACCP (Hazard Analysis Critical Control Point) plans, and shellfish transaction records; and require more stringent shellfish identification and tagging requirements for shellfish harvesting, receiving, packing and repacking operations, shellfish storage, and shellfish handling to better describe shellfish harvest areas. *Rim signed 10-31-2014. Proposal is under development.*

4) **6 NYCRR Part 189 - Chronic Wasting Disease.** To amend regulations to prohibit the use of any material containing or purporting to contain urine, blood, glands, gland oil, feces, or other bodily fluids of any member of the family Cervidae for any purpose including hunting, attracting, surveillance, or scouting big game. Urine from certain members of the deer family may contain prions, the agents responsible for chronic wasting disease (CWD). Urine is used by some deer hunters as a lure to attract wild deer. Such use represents an avenue for chronic wasting disease transmission to wild deer. By prohibiting the use of deer urine and other related biological products for big game hunting, we increase the odds maintaining a healthy wild deer population. *Rim signed 6-17-2015. Proposal is ready to be filed.*

Proposals Filed:

1) **6NYCRR Part 43 - Surf Clam/Ocean Quahog Fishery Management.** Amend regulations to eliminate a loophole that allows a single vessel to catch more than one individual fishing quota (IFQ) in a year by using the vessel replacement process by allowing any eligible vessel in the fishery, regardless of the Atlantic Ocean surf clam permit they are assigned to, to be used to catch only one IFQ or a portion thereof in any given year. The vessel replacement rules for eligible vessels in the fishery will be clarified and amended to minimize the potential for misuse and to be consistent with the provisions of Amendment 1 of the State's FMP for the Atlantic Ocean surf clam fishery. The cage tagging requirements will also be updated to be consistent with the IFQ section of regulations. This will provide consistency with all harvest provisions for tracking vessel quota allocations on an annual basis. The regulations will temporarily allow a vessel to take surf clams without cage tags provided that the vessel owner has a valid surf clam permit and has placed an order for cage tags for the year but is waiting on the order to be processed. *Rim signed 1-8-2015. Notice of Proposed Rulemaking filed with Department of State on 12/1/2015 and slated for publication in the State Register on 12/16/2015. The public comment period is expected to run 12/16/2015 through 1/30/2016.*

2) **6 NYCRR 180.3 - Definition and use of firearms, guns, and airguns.** To amend regulations and allow for the use of big bore air rifles for the hunting of big game species. To allow for the use of big bore air rifles (.30 caliber or greater) for the taking of big game and other wildlife in New York. *Rim signed 6-17-2015. Notice of Proposed Rulemaking filed with Department of State on 12/8/2015 and slated for publication in the State Register on 12/23/2015. The public comment period is expected to run 12/23/2015 through 2/8/2016.*

Pending Adoptions:

1) **6 NYCRR Parts 183 - License-Issuing Officers and 184 - Wildlife Rehabilitators.** To conform with New York State Corrections Law Article 23-A, remove the stipulation that previous criminal conviction bars a person from meeting the qualifications of a license-issuing officer or a wildlife rehabilitator. Applicants with a previous criminal record will be evaluated for their suitability as a license-issuing officer or a wildlife rehabilitator on a case-by-case basis. *Notice of proposed Rulemaking filed with Department of State on 7/14/2015 and refiled on 8/11/2015. Notice of Proposed Rulemaking was published in the New York State Register on 7/29/2015 and was re-published in the New York State Register 8/26/2015. The public comment period ended 11/24/2015. DEC staff is assessing public comment received.*

Emergency Rules: None

Recent Adoptions:

1) **6 NYCRR Part 41 - Sanitary Condition of Shellfish Lands.** Amend regulations to prohibit harvest of shellfish from several areas of New York where recent bacteriological surveys of certain shellfish growing areas in Nassau and Suffolk counties indicate increased level of coliform bacteria and the increased potential to cause illness in shellfish from these areas are consumed. Certification category was changed for approximately 1800 acres (e.g. status changed from: year-round certified to seasonally uncertified, year-round certified to year-round uncertified, amended dates for seasonal certification). *Notice of Emergency Rulemaking and Notice of Proposed Rulemaking filed with Department of State on*

*10/14/2015. Notice of Emergency Rulemaking and Notice of Proposed Rulemaking was published in the New York State Register on 11/4/2015. The public comment period runs through 1/5/2016. Notice of Adoption filed with Department of State 1/12/2016 and published in New York State Register 1/27/2016.*

### **Status of DEC Hatchery System Infrastructure Work:**

Please see attached update on the DEC Hatchery projects funded via New York Works III and New York Works IV.

Updates from previous month:

Chautauqua Hatchery- Plans to install flow meter, modify piping, and add strainers upstream of new UV sterilizers. Adjusting boiler temps for heating hatchery water flows.

Chateaugay Hatchery - Slab construction bids were due on 1/10/16. Low bid was \$62,200. Work scheduled for June 2016.

### **DLE Report:**

- Director Schneider provided Board Members with the follow updates:
  - Academy on target for February 28, 2016 start date, which will include 37 ECO's and 17 Forest Rangers.
  - Promotions in Region 2, Region 6, and Region 8
  - Working with DFWMR staff on wildlife management (deer and bear)
  - Discussion regarding the cost of the manhunt that occurred in June; a summary of costs has been provided to DEC executive.
  - Trying to increase downstate recruitment
  - Awards ceremony is scheduled for April 8<sup>th</sup> at the Egg in Albany

### **CFAB Business:**

● Dave Corr will send a summary asking the Department's thoughts on the Conservation Easement Amendment Process

Board Member Tom Williams will draft a letter regarding 480a and send to the Department

● Members would like to discuss CFAB Outreach at the next CFAB Meeting (each member will give a brief update of the last 30 days.

● Board Members would like a briefing from Chuck Dente regarding the Shooting Range Grant and will add this to the agenda for next month.