



**STATE OF NEW YORK CONSERVATION FUND ADVISORY BOARD**  
**625 Broadway, Albany, NY 12233-4800**

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January 18, 2013

Commissioner Joseph Martens  
NYS Dept. of Environmental Conservation  
625 Broadway  
Albany, NY 12233-1011

**RE: Federal Aid Eligibility**

Dear Commissioner Martens:

Please be advised that the Conservation Fund Advisory Board (CFAB) is requesting the Department of Environmental Conservation take immediate action with regard to protection of the assets of the Conservation Fund. As noted in the recent audit by a federal auditor, the State's continued failure to do so puts at risk millions of dollars in annual federal aid. CFAB is charged by law with advising the Department on the use of the fund's assets. We would be violating our fiduciary obligations to the fund if we did not bring this serious issue to your attention for immediate action.

As you are aware, the federal government charges an excise tax on the sale of firearms. A significant portion of the collected funds are returned to the States under the Pittman-Robertson and Dingell-Johnson Acts. In 2009, New York State received over \$20 million under these acts. However, a condition of receiving such funding is that the State must prohibit the diversion of sportsperson license fees for purposes other than fish and wildlife. See 50 CFR 80.3 and 80.4(b)

These federal funds are a critical component of New York's fish and wildlife program. During 2012 these funds help pay for access, maintenance and habitat management on wildlife management areas and studies on coyotes, turkeys, and bears that will lead to more sound management of these species. In addition, the Sportsmen Education Program was funded with federal aid. These funds also contribute to restoration efforts on numerous non-game species such as bald eagles and peregrine falcons.

In 2011, proposed State legislation put the Pittman-Robertson and Dingell-Johnson funds at risk but through our collective efforts, the State did not attempt to sweep the assets of the Conservation Fund for other purposes. A November, 2012 audit of New York's use of Pittman-Robertson and Dingell-Johnson funds completed by the federal Office of Inspector General in the Department of Interior again highlighted the risk of loss of this federal funding. The audit concluded that:

“The State's current legislation could be interpreted as not prohibiting the use of Program grant and State license revenues for other than fish and wildlife purposes. Failure to enact assent legislation could result in the State becoming ineligible to participate in the program.”

The federal government will be finalizing the report by January 31, 2013. They promise to continue to monitor and work with the State on assent protection.

By law, CFAB is tasked with monitoring department expenditures and use of the Conservation Fund to ensure it is consistent with state law as well as consulting with you on the fiscal needs of the fish and wildlife program. The loss of the Pittman-Robertson and Dingell-Johnson funds would be devastating to our State and to the sportspersons who purchase fish and wildlife licenses.

By this letter, CFAB is requesting to be kept up to date on the Departments efforts to introduce legislation to protect the assets of the Conservation Fund. By partnering together on this matter, we can hopefully obtain a result that will ensure that New York remains eligible for federal fish and wildlife funds and also continue to protect the assets of the Conversation Fund.

I look forward to your timely attention to this matter. Thank you in advance for your cooperation.

Very truly yours,

A handwritten signature in cursive script that reads "Jason Kemper".

Jason Kemper  
Chairman, NYS Conservation Fund Advisory Board

Cc: Basil Seggos, Assistant Secretary to the Environment