



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

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**February 4<sup>th</sup>, 2013 Joint Legislative Public Hearing on 2013-2014 Executive Budget**  
**“Environmental Conservation”**

**Testimony Given by Jason Kemper, Chairman, NYS Conservation Fund Advisory Board**

**Balance in the Conservation Fund**

Good morning, my name is Jason Kemper and I am the current Chairman of the NYS Conservation Fund Advisory Board. The Conservation Fund is unlike any other special revenue fund in the State. The purpose of the Conservation Fund is “the care, management, protection and enlargement of the fish, game and shell fish resources of the state and for the promotion of public fishing and shooting” (NY Finance Law § 83). It is funded by the sales of hunting, trapping, and fishing licenses. The members of CFAB are from the very community that provides the revenue deposited into the fund.

The Hunting, fishing and trapping community in New York State is the only interest group that funds the management of the resources that are important to them. Hunting, fishing and trapping license sales (1.5 million per year) generate approximately \$47 million dollars per year that is deposited into the Conservation Fund. Those funds leverage millions more in federal aid as a direct result of the license sale revenue. This doesn't even include the estimated \$2 billion generated to the state economy on a yearly basis by residents and visitors coming to New York to hunt, fish and trap. That economy supports thousands of jobs across New York. For instance, the Conservation Fund pays for the cost of trout hatcheries and stocking of New York waters. Fly fishing started in the Catskill Mountains. Yearly fly fishermen from all over the world descend by the thousands to the Catskill and Adirondacks on opening day, April 1st, just to fish in our streams, lakes, and reservoirs.

Pursuant to the Environmental Conservation Law, CFAB was created to advise NYSDEC on license fees structure and Fish and Wildlife Budget supported by the Conservation Fund. In 2009, CFAB and virtually every other sporting group recommended a license fee increase because of the potential negative balance in the Conservation Fund. Since the license fee increase, the balance in the Conservation Fund has grown significantly. The December 2012 balance in the Conservation Fund is over \$54 million dollars. Despite the large balance in the Conservation Fund staffing levels within the NYSDEC Division of Fish, Wildlife, and Marine Resources have been significantly reduced and Conservation Fund allocations from the NYS Dept. of Budget are only a portion of what is approved during the budget process. Instead, the Conservation Fund monies are now being allocated for Department staff that do not work in the Fish and Wildlife or Marine Resources Divisions and have little to do with the game fish and wildlife that is the purpose of the fund and central to the interest of the license holders who provide the very revenue that replenishes the fund.

**Staffing Levels within the Division of Fish, Wildlife, and Marine Resources**

In 2009, CFAB and the sportsmen community were faced with a decision, either raise substantially more revenue or face a significant reduction in the level of service provided by NYSDEC for the support of game fish and wildlife. CFAB and every other sportsmen advocacy groups supported a substantial license fee increase with the understanding that the level or service provided by the Department would be at the same levels as it was previously.

When the license fee increase took effect in August of 2009, there were 412 staff persons assigned to the Division of Fish, Wildlife, and Marine Resources. 189 DFWMR staff were being paid under the Conservation Fund and an additional 14 other NYSDEC employees outside of that division were also being supported by the Conservation Fund. Three years later in December 2012, there are 360 staff persons in the Division of Fish, Wildlife, and Marine Resources. Of those, 239 are paid for under the Conservation Fund Main Account. However, there are now an additional 73 NYSDEC employees (up from 14 three years ago) who don't work for the Fish, Wildlife and Marine Resources Division that NYSDEC now pays for with Conservation Fund monies – that's a total of 312 DEC staff under the Conservation Fund.

In short, since the license fee increase, the sportsmen have lost the services of 52 staff persons from the Division of Fish, Wildlife and Marine Resources, there are 50 more positions in the DFWMR being charged to the CF Main Account, and there are 109 more total DEC Staff being funded out of the Conservation Fund. In essence, what is happening is the sportsmen in this state are paying for more of DEC's fish and wildlife program, paying more for staff that have nothing to do with the game fish and wildlife, and receiving less support than they ever have in the past.

**August 2009 Filled Position Report**

412 Total Staff in DFWMR  
189 DFWMR staff on CF Main Account  
203 Total DEC Staff on CF

**December 2012 Filled Position Report**

360 Total Staff in DFWMR  
239 DFWMR Staff on CF Main Account  
312 Total DEC Staff on CF

**Reduction of Conservation Fund Allocations from NYS Dept. of Budget**

As stated earlier, the sporting community faced a significant sporting license increase in 2009. Despite the increased revenue to the Conservation Fund, during fiscal year 2009-2010 the DOB reduced non-personal service allocations to the Division of Fish, Wildlife, and Marine Resources by 37% over what was enacted in the budget (see table 5 in 2009-2010 CFAB annual report). During the 2010/11 fiscal year the allocations from DOB were reduced by 51% over what was appropriated in the budget. These reductions continued during the 2011-2012 Budget year with a reduction of 41% over what was approved in the budget. These reductions occurred at the same time that the license fee increase was providing a significant increase in revenue to the Conservation Fund (traditional account) compared to previous years.

Let's be clear, the artificial spending restraints placed on the Conservation Fund are not necessary. The fund is supported by revenues from the sale of licenses, not by the State General Fund. By law, these license fees have to be dedicated towards specific purposes within the State's budget - the care, management, protection and enlargement of the fish, game and shell fish resources of the state and for the promotion of public fishing and shooting.

This unexplained annual reduction in allocations will continue the erosion of the Fish and Wildlife Program. This in turn will lead to fewer license sales, and thereby less revenue than what we all projected when we agreed to a license fee increase. A balance must be struck where the program is afforded adequate resources to provide the public with the level of service, recreation and management they have come to expect and also provide a level of fiscal protection that will safeguard the Conservation Fund and alleviate the need for another fee increase for the foreseeable future.

**License Fee Reduction**

It is evident from the information CFAB has received that the money collected from the sporting community is being diverted in the manner that's inconsistent with the legal purpose of the Conservation Fund. Diversion of

these funds from the Division of Fish, Wildlife and Marine Resources will result in fewer licenses sold, fewer sportspersons using these resources in New York State, and less revenue to the Conservation Fund, not to mention the negative economic impacts this will cause. The CFAB will continue discussions on recommending a significant license fee decrease to spur participation in hunting, fishing, and trapping and foster the economic benefits derived from increased recreation activity. During Governor Cuomo's press conference (Aug. 2011) on the repeal of the Recreational Marine Fishing License, he made the point that the license fees were unfair and caused a negative impact to the local economy. Reduced Conservation Fund allocations have resulted in reduced fish and wildlife program delivery and a significant balance in the Conservation Fund. There is no need to carry this large balance with the current staffing levels in the Division of Fish, Wildlife, and Marine Resources so reduced revenues and reduced fees seem to be completely in order and are consistent with Governor Cuomo's messages. The CFAB has testified in front of the Legislature during the 2010-2011 and 2011-2012 budget cycle on the issues related to the Conservation Fund and had numerous conversations and correspondences with the Governor's Office outlining these issues. With the release of the 2012-2013 Executive Budget it is very clear that the current administration is not taking any steps to improve the issues outlined above. The CFAB is hopeful that the members of the NYS Legislature will work with the sporting community to address the issues outlined above.

<b>Division of Fish, Wildlife, and Marine Resources</b>	<b>Aug. 2009</b>	<b>Dec. 2009</b>	<b>Dec. 2010</b>	<b>Dec. 2011</b>	<b>Dec. 2012</b>
<b>Natural Resources Damage Account</b>	2	2	2	1	1
<b>Hazardous Waste Cleanup Account</b>	2.85	2.85	2.85	3.6	2.7
<b>State Purposes Account</b>	96.8	12.8	9.5	35	34.85
<b>Fish, Wildlife, and Marine Grants Account</b>	78.9	77.9	66.65	66.75	66.5
<b>Conservation Fund (Main Account)</b>					
<b>Conservation Fund (Traditional Account)</b>	189	262.5	235.05	228.45	238.55
<b>Environmental Monitoring Account</b>					2
<b>Environmental Regulatory Account</b>	5.8	5.8	5.8	5.8	5.8
<b>Conservation Fund (Marine Account)</b>	37	37	35	9	9
<b>Total</b>	<b>412.35</b>	<b>400.85</b>	<b>356.85</b>	<b>349.6</b>	<b>360.4</b>
<b>Conservation Fund Marine Account</b>					
<b>Division of Fish, Wildlife and Marine Resources</b>	37	37	35	9	9
<b>General Counsel</b>	1	1	1		
<b>Law Enforcement</b>	6	6	6		
<b>Regional Affairs</b>	1	1	1		
<b>Total</b>	<b>45</b>	<b>45</b>	<b>43</b>	<b>9</b>	<b>9</b>
<b>Conservation Fund Main Account</b>					
<b>Fish, Wildlife, and Marine Resources</b>	189	262.5	235.05	228.45	238.55
<b>General Counsel</b>	1	1	1	1	1
<b>Information Services</b>		1	1	0.9	
<b>Law Enforcement</b>	1	3	3	22	64
<b>Operations</b>	3	3	3	3	2
<b>Management and Budget</b>	3				2
<b>Public Affairs and Education</b>	3	3	3	2	2
<b>Regional Affairs</b>	3	3	3	2	3
<b>Total</b>	<b>203</b>	<b>276.5</b>	<b>249.05</b>	<b>259.35</b>	<b>312.55</b>
<b>Total Law Enforcement Staff</b>	<b>328</b>	<b>324.5</b>	<b>310</b>	<b>293</b>	<b>284</b>