



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

---

Monthly Meeting Minutes  
Three Hundred Forty Sixth Meeting  
**12-January-2015**

Department of Environmental Conservation, 625 Broadway, Albany, NY

**Call to Order** – The meeting was called to order by Chairman Kemper at 9:14 AM.

**Roll Call: 9:34 am**

**Voting Board Members Present**

Charles Bevilacqua	Region 1
Gordon Whiting	Region 2
Jason Kemper	Region 5
Dave Corr	Region 6
Charles Pace	Region 7
Marc Osypian	Region 8
Bill Connors	FWMB

**Voting Board Members Excused**

Dominick Scarzafava	Region 3
Dale Dunkelberger	Region 9

**Voting Board Members Absent**

Raymond Merlotto-NYS Conservation Council

**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, Douglas Stang, Stephen Hurst  
*Division of Law Enforcement:* Eric Tupaj, Lt.

**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**

- None.

## **Minutes of Prior Meeting**

MOTION: Bill Conners motioned to accept the November 17, 2014 meeting minutes, seconded by Dave Corr, the motion passed unanimously.

## **Executive Report:**

- Kathy Moser indicated that half of the projects on the New York Works 3 Access Project list have been completed
- Kathy also mentioned that there was no word yet from Governor Cuomo regarding New York Works 4
- Kathy is very understanding regarding the concerns from the Members and will get them the updates they are requesting regarding the repairs of the Hatchery Projects, Salmon River, and the Caledonia Hatchery
- Steve Hurst indicated that he would give members an update on Altmar Hatchery regarding the progress on the roof; Steve and Doug will also take a look at the revenue over a period time regarding the Habitat Account and will have updates for Members at the next CFAB meeting.
- Patty will ask Gordon for an update on the Shooting Range Grant Program

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

### **e-Licensing:**

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

- Work continues on addressing the various system defects and reporting issues that have been identified to date. Fixes are being uploaded to the Production system on a semi-monthly basis.
- DEC has decided to move forward with the development of a new front end to the Accela system (aka DECALS Portal – formerly referred to as “DEC 2.0”). This would provide a new user interface for license-issuing agents and on-line customers that should be faster, more intuitive and an enhanced experience.
- DEC staff are currently evaluating the 7.3.3.2 upgrade to the Accela system. The upgrade has been installed in a “testing” environment and DEC staff has been working with Accela staff to resolve issues and defects. Implementation of this system upgrade into DEC’s eLicensing system is expected to occur during the last week of February. Installation of the system upgrade will allow for use of newer browsers and is a prerequisite for moving forward with the new DECALS Portal.
- Hunters experienced and reported difficulty reporting their harvest via the integrated voice recording (IVR) system as many callers are dropping out of the automated system to the call center. Department of Tax and Finance operated the call center and took harvest reports from hunters that were unsuccessful reporting via the IVR system. DEC reports from hunters that

were glad to be able to talk with a person when reporting their harvest and DTF staff reportedly enjoyed the experience – talking with successful hunters.

- DTF Call Center has performed well during the initial busy license sales and hunting season. DTF staff worked many weekends and extended hours August – November, 2014 and were effective in addressing issues, handling complaints, registering harvests, and selling licenses.

**License Sales**

- Overall, sales since April 1st are less compared to the same time period in 2013 and gross revenues are less by approximately \$7.9 million:
  - Resident fishing license sales are down 12%
  - Resident senior fishing license sales are down 24%
  - Resident 1-day fishing license sales are down 66%
  - Resident 7-day fishing license sales are down 57%
  - Resident bow privileges are down 2%
  - Resident muzzleloader sales are down 8%
  - Resident turkey permit sales are down 15%
  - Resident hunting license sales are down 2%
  
  - Non-resident hunting license sales are up 1%
  - Non-resident fishing license sales are up 14% %
  - Non-resident bow privileges are up 4%
  - Non-resident muzzleloader sales are down 8%
  - Non-resident 7-day fishing license sales are down 57%
  - Non-resident 1-day fishing license sales are down 48%
  - Non-resident turkey permit sales are down 19%
  
  - Deer management permit applications are the same

**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	2.85	
State Purposes Account	38.35	
Fish, Wildlife & Marine Grants Account	60.2	
Conservation Fund (Marine Account)	14	
Conservation Fund (Traditional Account)	223.25	+0.5
Environmental Monitoring Account	2	
Environmental Regulatory Account	<u>5.8</u>	
<b>Total</b>	<b>347.45</b>	<b>+0.5</b>

**Conservation Fund (Marine Account)**

<u>Division</u>	<u>Number of Staff</u>	<u>Change</u>
Fish, Wildlife, and Marine Resources	<u>14</u>	
<b>Total</b>	<b>14</b>	

**Conservation Fund (Main Account)**

<u>Division</u>	<u>Number of Staff</u>	<u>Change</u>
Fish, Wildlife, and Marine Resources	223.25	+0.5
General Counsel	1	
Law Enforcement	79	-1.0
Operations	6	
Management and Budget	2	
Office of Communications	1	
Regional Affairs	<u>3</u>	
<b>Total</b>	<b>315.25</b>	<b>-0.5</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 is in internal review.*

3) **6NYCRR 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 40.1 Marine fish – open seasons, size and catch limits.** Amend regulations pertaining to harvest of winter flounder to extend the winter flounder fishing season to 306 days, from March 1 through December 31, the maximum allowed by ASMFC guidelines. The winter flounder season may not be opened from January 1 through the last day of February. The possession limit (2 fish) and minimum size limit (12 inches) will not be changed. *Rim signed 10-31-2014. Proposal is under development.*

Proposals Filed:

1) **6NYCRR Part 40.7 – Coastal sharks – open seasons, size and catch limits.** Amend regulations to bring the New York’s shark regulations into compliance with Addendum III of the Atlantic State Marine Fisheries Commission Fisheries Management Plan: establish distinct species groups for the hammerhead sharks and blacknose sharks to allow closer monitoring of the landings for these two species groups and facilitate the management of the fishing quota; and increase the recreational minimum size limit from 54 inches to 78 inches fork length for the great hammerhead, the scalloped hammerhead and the smooth hammerhead sharks. *Notice of Proposed Rulemaking was filed with Department of State on 11/5/2014 and is scheduled to be published 11/26/2014 with the public comment period running through 1/10/2015.*

Pending Adoptions:

1) **6NYCRR Parts 10, 18, 19, and 35 – Freshwater sport fishing regulations and bait fish regulations.** Amend regulations (minimum size limits, seasons, daily harvest limits) pertaining to taking of sport fish from New York’s fresh waters. Adjust fish species allowed for use as bait fish, and amend rules for the taking of bait fish from certain New York waters. Proposed amendments provide for enhanced recreational opportunity and long-term sustainability of fish and aquatic resources. *RIM signed 5/8/2014. Proposal is under internal review. Notice of Proposed Rulemaking was filed with Department of State on 9/29/2014 and is scheduled to be published 10/15/2014 with the public comment period running through 11/29/2014. Assessment of public comment and Notice of Adoption under preparation.*

2) **6NYCRR Part 189.3 – Chronic Wasting Disease.** Amend regulations to add Ohio to the list of states from which the importation and possession of certain parts of deer are prohibited. This is a result of fishing CWD in whitetail deer on an Ohio deer farm. *Emergency regulations filed with Department of State and effective on 10/31/2014. Notice of Proposed Rulemaking was filed with Department of State on 10/31/2014 and is scheduled to be published 11/19/2014 with the public comment period running through 1/5/2015. Assessment of public comment and Notice of Adoption under preparation.*

Emergency Rules: none

Recent Adoptions:

1) **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. *Notice of Adoption was published in the State Register and became effective 11/25/2014.*

2) **6NYCRR Parts 1.11 and 1.24 – Long Island deer hunting.** Amend regulations to implement provisions of legislation signed by Governor Cuomo on August 11, 2014, relating to open hunting season requirements for the taking of deer in Suffolk County. Proposed amendments extend the bow hunting season through January 31<sup>st</sup>, allow for weekend hunting during the January firearms season, and allows for hunting to occur without a town-issued permit, pending local town concurrence. *Notice of Proposed Rulemaking was filed with Department of State on 10/7/2014 and is scheduled to be published 10/22/2014 with the public comment period running through 12/6/2014. Notice of Adoption was published in the State Register and became effective 12/31/2014.*

DLE Report

- Lt. Eric Tupaj sat in for Director Duffy:
- Lt. Eric Tupaj reported one fatality last year and that stats would be released shortly
- Lt. Tupaj indicated that the Vessel checks began January 2015 and he also let the members know that he would get the summaries and updates to Members regarding their questions and concerns

CFAB Business

- Jason Kemper asked members to send suggestions/recommendations to DEC regarding a replacement for Alan Rosa
- A discussion ensued on e-licensing report and fulfillment on Accela's original contract
- Members requested an update from DLE regarding e-recycling law, hunting accidents/incidents
- Marc Osypian indicated that he had received complaints regarding Law Enforcement's "presence" in Long Island with recreational fishermen/women
- Charles Pace indicated concerns regarding the Habitat account and how the funds are being "used", what the process is for project consideration and how can we improve marketing the Habitat Account stamp.
- Members asked Kathy Moser for an update on repairs of the Hatchery Projects
- Jason Kemper asked Kathy Moser for progress on the Access Project list, specifically Salmon River
- Bill Connors and Charles Bevilacqua noted that there is a continuing problem with LIA's on Long Island; Sportsmen are having a difficult time buying licenses because of a lack of agents and the limited hours of operation for many of the active agents.
- Bill Connors inquired about using Works IV funds to construct a parking lot at Fourth/Fifth Lakes in the Essex Chain if the lot was removed from the Interim Plan because of lack of funds.

**Note:** [Update: Status of progress on New York Works 3 money allocated to State hatchery facilities:

1. Purchase of 16 stocking trucks (no trucks have been delivered/outfitted yet. We expect a delivery of up to 5 trucks during the week of 1/26/2015. Pace of delivery is expected to pick up according to the dealer. It is unknown at this point in time how many trucks will be fully outfitted and on the road by April 1)
2. Exterior Painting at Caledonia is completed and we are entering into a new contract to paint the first floor interior of the main hatchery building.
3. Paving at Caledonia is complete.

Much design work has been done on other projects, and DEC expects to encumber funds this fiscal year and get the projects done in 2015. These include:

1. Chautauqua UV system
2. Raceways at Caledonia and Chateaugay
3. Rotating drum filter and boilers at Oneida
4. Paving/drainage at VanHornesville
5. Salmon River roof

Due to higher than expected costs for the South Otselic Pond project, the project is moved to the second year of funding (if available). If DEC has access to New York Works 4 funding very early in fiscal year 2015-16 DEC may be able to get a contract in place for the summer of 2015, but more likely that will move to 2016.]