



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

Monthly Meeting Minutes
Three Hundred Tenth Meeting
13-Jun- 2011

Department of Environmental Conservation, 625 Broadway, Albany, NY

Call to Order – Chairman Kemper called the meeting to order at 09:10 AM.

Roll Call

Voting Board Members Present

Charles Bevilacqua	Region 1
Dominick Scarzafava	Region 3
Alan Rosa	Region 4
Jason Kemper	Region 5
Linda Sicley	Region 6
Marc Osypian	Region 8
Dale Dunkelberger	Region 9
Howard Cushing	NYSCC
Lance Robson	FWMB

Voting Board Members Excused

Charles Pace	Region 7
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Voting Board Members Absent

Gordon Whiting	Region 2
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Ex-Officio Members Present

DEC Commissioner, Joseph Martens

Ex-Officio Members Absent

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

DEC Personnel

Office of Natural Resources:
Christopher Amato
Division of Fish, Wildlife and Marine Resources:
Patricia Riexinger, Douglas Stang and
Stephen Hurst
Division of Law Enforcement:
Peter Fanelli
Division of Lands and Forest:
Rob Davies, Frank Dunsten,

Guests

Doug Handy, David Wood, Les Armstrong, John Rybinski, David Hartman, Steve Piatt

Abbreviations

DFWMR = Division of Fish, Wildlife and Marine Resources
DLE = Division of Law Enforcement
DPAE = Division of Public Affairs & Education
DMBS = Division of Management and Budget Services
DOP = Division of Operation Services

Correspondence (Jason Kemper)

- Sealed letter from Senate

Minutes of Prior Meeting

MOTION: Mr. Rosa motioned that minutes from the April 14 meeting be approved with suggested corrections. Seconded by Mr. Dunkleburger, the motion passed unanimously.

Legislation (Howie Cushing)

- Various pieces of legislation in Assembly associated with reauthorization are being bundled. The same is taking place in the Senate.
- Mr. Scarzafava expressed concern about AO8041 and CFAB being circumvented in regard to license fee changes.

CFAB Business

Department Reports

Fish, Wildlife & Marine Resources (DFWMR) – Douglas Stang

- DEC forwarded to and received comments from OSC concerning the RFP and evaluation plan for the “interim” (between DECALS and e-Licensing) automated licensing system. DEC is currently addressing those comments and revising the RFP accordingly
- The RFP submission date for proposals for e-Licensing has been extended two weeks until July 13, 2011.
- Mr. Cushing asked if the license structure should be changed with the switch to E-Licensing. In DEC’s estimation E-Licensing for sporting licenses is 5-6 years out. If a restructuring is desired it should during the interim period before the switch is made from DECALS to E-Licensing.

ACTION ITEM: Mr. Cushing asked that License Restructuring be placed on the agenda for the August meeting.

- DOB contracts received 182 questions from eight companies in response to the E-Licensing RFP. About 90 questions came from a single vendor. Responses to those questions have been posted to DOB’s Enterprise E-Licensing RFP web page. The Pre-Proposal Conference was held on May 18. One hundred six individuals from 46 companies attended.
- DEC is awaiting the specific cost proposal from Verizon for several DECALS system enhancements that are proposed to be included in the contract extension (e.g. merge feature to eliminate duplicate customer records; new hosting platform; additional printers).
- Verizon has agreed to provide NYS with the DECALS source code as a potential back-up measure regarding the subsequent procurement of an interim automated licensing system, but Verizon has not, yet, provided the source code.

- All refund checks for lifetime recreational marine fishing licenses have been issued by OSC.
- DEC has replaced all lifetime combination fishing and recreational marine fishing licenses with lifetime fishing licenses.
- Mr. Dunkleberger asked what will happen to persons who were refunded if the law that suspended the license is not reauthorized in 2013. Mr. Stang replied that the names of persons who received refunds will be retained by the Department.
- Refund checks for all 1-day and 7-day recreational marine fishing licenses purchased after 3/31/2011 have been issued, and files for refunds for party/charter boat licenses and annual recreational marine licenses were prepared and ready for processing.
- The 2011-2012 catalog and associated changes to accommodate the newly legislated marine registry as a replacement for marine licenses was been migrated to production and implemented one-month earlier than targeted.
- The annual agent refresher training is currently in progress with approximately 180 agents in Utica, Syracuse, and Binghamton having received the training. Training resumed on June 6th. Approximately 300 agents having signed up for the training.
- The voice recognition feature of the new IVR platform performed well for the Spring Turkey season. Internet reporting of the harvest increased to 30% (from 19%) during May compared to the same time period last year.

Deer Management Plan

- A press release will go out today. The plan is open for public comment for 45 days. The plan will be finalized by late summer/early fall. A comprehensive rulemaking may be initiated in 2012 to implement various aspects of the plan.
- The Antler Restriction survey results are now posted on the website.

Filled Position report:

Division of Fish, Wildlife, and Marine Resources

<i>Account</i>	<i>Number of Staff</i>
Natural Resources Damages Account	1
Hazardous Waste Cleanup Account	2.85
State Purposes Account	32.1
Fish, Wildlife & Marine Grants Account	67.9
Conservation Fund (Marine Account)	9
Conservation Fund (Traditional Account)	231.95
Environmental Regulatory Account	<u>5.8</u>
Total	350.6

Conservation Fund (Marine Account)

<u>Division</u>	<u>Number of Staff</u>
Fish, Wildlife, and Marine Resources	<u>9</u>
Total	9

Conservation Fund (Traditional Account)

<u>Division</u>	<u>Number of Staff</u>
Fish, Wildlife, and Marine Resources	231.95
General Counsel	1
Information Services	0.9
Law Enforcement	2
Operations	3
Public Affairs and Education	2
Regional Affairs	<u>3</u>
Total	243.85

Status of regulations (changes from previous month):

Pending Rule Making Initiation Memos: None.

Pending Proposals: None.

Proposals Filed:

1) Parts 40 and 44 - Reporting Requirements. State food fish and baitfish license holders, party and charter boat license holders, and lobster and crab license holders must submit fishing vessel trip reports within 15 days after the end of each month or at a frequency specified by DEC in writing. The completed vessel trip report form may be mailed, faxed or delivered in person to DEC or completed and submitted on-line. **Filed 4-6-11. Comment period opens 4-27-11, and closes 6-13-11.**

2) Section 1.31 - Black Bear Hunting. Open 14 Wildlife Management Units (WMUs) in Regions 3, 4 and 5 (WMUs 3F, 3G, 3N, 3R, 3S, 4C, 4K, 4L, 4T, 4U, 4Y, 4Z, 5S and 5T), to bear hunting for the bowhunting, regular and muzzleloading seasons; and establish an earlier opening date for regular (shotgun or rifle) bear hunting seasons in 28 WMUs in Region 7, 8 and 9 (proposed to open concurrent with regular deer season). **Filed 4-27-11. Comment period opened 5-18-11 and closes 7-5-11.**

3) Sections 2.3, 2.4, and 170.6 – Use of Crossbows. To amend 6 NYCRR Part 1 (various sections under separate headings for Deer and Bear) to authorize the taking of deer and bear by the use of a crossbow during any regular big game hunting season, or special season that follows the regular season, in which the use of a shotgun or muzzleloader is permitted and to specify the training and certification required

for use of a crossbow for big game hunting. To amend 6 NYCRR section 170.6 (permit to use a bow equipped with a mechanical device) to replace the existing “modified archer permit” requirement with comparable certification requirements allowing the taking of game by use of specially equipped longbow by any person who, due to physical disability, is permanently incapable of drawing, holding, or releasing a longbow. ***Filed 5-9-11. Comment period opened 5-25-11 and closes 7-11-11.***

4) Part 40 – Summer Flounder. To amend NYCRR Part 40.1 to establish recreational fishing regulations for summer flounder: Open season from May 1 through September 30; 20.5 inch minimum length; and 3 fish/ day creel limit. ***Filed 4-29-11 (also filed as emergency rule on this date). Comment period opened 5-18-11 and closes 7-5-11.***

5) Part 40 – Black Sea Bass. To amend NYCRR Part 40.1 to establish recreational fishing regulations for black sea bass: Open season from June 13 through October 1 and November 1 through December 31; 13 inch minimum length; and 103 fish/ day creel limit. ***Filed 5-17-11 (also filed as emergency rule on this date). Comment period opened 6-1-11 and closes 7-18-11.***

6) Part 50 – Carnivorous Gastropods. Emergency regulations to close Western Shinnecock Bay (Town of Southampton) and Huntington Bay, Huntington Harbor, Lloyd Harbor, Northport Bay, Northport Harbor, Centerport Harbor and Duck Island Harbor (Town of Huntington) to harvest of marine gastropods (e.g. whelk, conch) due to presence of biotoxins in shellfish. ***Filed 5-20-11 (also filed as emergency rule on this date). Comment period opened 6-8-11 and closes 7-25-11.***

Pending Adoptions:

1) Parts 10, 19, 35 and 188 -Transportation of uncertified baitfish & use of baitfish. Establishes uncertified baitfish transportation corridors for Lake Erie/ Upper Niagara River, Lower Niagara River/Lake Ontario/St. Lawrence River, and Hudson River; adds furunculosis, enteric redmouth and IPN to list of pathogens to be tested for all fish and adds bacterial kidney disease to list of pathogens that salmonids need to be tested for and found free of; receipts must list the overland transportation corridor. ***Comment closed 5-23-11, NOA prepared and proposed filing by 6-14-11.***

Recently Adopted:

1) Part 41 - Sanitary Conditions of Shellfish Lands - Approximately 2,500 acres of uncertified underwater lands, adjacent to the Towns of North Hempstead and Oyster Bay (Hempstead Harbor and Long Island Sound), will be designated as certified for the harvest of shellfish year-round. ***Final rule filed with DOS on 5-17-11 and published in State Register 6-1-11.***

Law Enforcement (DLE) – Director Peter Fanelli

- OPRHP is down 80 officers. DLE is entering into a formal arrangement with OPRHP to work together. ECOs will do some park patrols in the western end of the state. OPRHP officers will help DLE on large water enforcement.
- DLE currently employs approximately 300 officers. They are down 39 staff, which includes civilian titles.
- Two officers are on military leave
- Mr. Cushing stated that a study should be conducted to show that OPRHP enforcement be

dissolved and officers integrated into the ECO force.

Executive (Assistant Commissioner Chris Amato)

- The number of people signing up for the Marine Fishing Registry is not as expected as only 30,000 have signed up to date. DEC is taking a two prong approach to encourage anglers to register; 1) a press release and 2) a fact sheet that will be printed and also placed on the website.
- A waiver to fill ten hatchery positions has been submitted to DOB, but DEC does not know what the chances for approval are given the current fiscal climate and talk of layoffs.
- Linda Sicley asked if there was any news about a CF sweep based on recent budget legislation. Mr. Amato replied that there has been no indication about a transfer of CF.
- Mr. Kemper asked that CFAB be notified of any layoffs.

Division of Lands and Forest (DLF) Presentation

- DLF staff provided a slide show on the Finch Prynne lands. Rob Davies told the Board that Follensby Pond is a world class fishery that needs to be sustained and protected. He asked for help from the Board to develop a management plan for the water.

CFAB Business

- CFAB’s regional meeting in August is scheduled to take place in Region 2 this year. Given the workload and limited funds the Board discussed the utility of having a Regional visit this year.

MOTION: Jason Kemper motioned to postpone the Region 2 visit this year. Seconded by Alan Rosa the motion passed unanimously.

- Mr. Cushing asked about the DFWMR work plan for the 2012 fiscal year. Mr. Hurst told the Board that the Division is constructing a new work plan that will be less cumbersome, easier to understand and based on few time and activity codes. He told the Board that a draft framework for the plan can be presented at the August meeting.

MOTION: Mr. Cushing motioned that CFAB should receive the DFWMR work plan at the September meeting so CFAB can make recommendations to the Commissioner regarding plan expenditures and work for the upcoming year. Seconded by Dale Dunkleberger the motion passed unanimously.

CFAB met independently from 1:00 PM until adjournment.

MOTION: At 1:54 PM Mr. Robson motioned that the meeting adjourn. Seconded by Mr. Dunkleberger the motion passed unanimously.

Summary of Motions:

MOTION: Jason Kemper motioned to postpone the Region 2 visit this year. Seconded by Alan Rosa the motion passed unanimously.

MOTION: Mr. Cushing motioned that CFAB should receive the DFWMR work plan at the September meeting so CFAB can make recommendations to the Commissioner regarding plan expenditures and work for the upcoming year. Seconded by Dale Dunkleberger the motion passed unanimously.

Summary of Resolutions:

- None.

Actions for CFAB:

- License Restructuring be placed on the agenda for the August meeting.

Actions for the Department:

- Provide the 2012 work plan framework at the August meeting.

Unfinished Business:

- From June 14, 2010 - Board members will review the attached draft calendar and prepare comments for Chairman Kemper for the September meeting.
- From June 14, 2010 - CFAB to give DEC specifics on what information they need in regard to quarterly program expenditures
- From Jan 10, 2011 - Chairman Kemper will arrange for a follow up meeting with the Assembly Environmental Conservation Committee and seek assurances that all bills associated with fees or funding for the Fish and Wildlife Program be vetted through the CFAB before being acted upon.
- From Jan 10, 2011 - Chairman Kemper will develop a list of issues that CFAB would like to speak to the Committee about and try to arrange for a meeting between the two groups. If a meeting is arranged, CFAB will seek clarification from the Committee on their exact understanding and capacity of “ex-officio membership” and determine if such status is actually needed or warranted.
- From February 14, 2011 - The DFWMR will revise the hatchery status report and post on website.

Next CFAB Meeting: #312 – August 8, 2011

Linda Sicley, Secretary

SSH/LS