



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

Monthly Meeting Minutes

Three Hundred Fifty First Meeting – June 8, 2015
Department of Environmental Conservation, 625 Broadway, Albany

Call to Order – The meeting was called to order by Chairman Kemper at 9:05 AM.

Meeting Adjourned at 12:58 pm David Corr motioned – Charles Pace, Seconded – motion passed.

Roll Call: 9:05 am

Voting Board Members Present

Charles Bevilacqua	Region 1
Gordon Whiting (Phone)	Region 2
Dominick Scarzafava	Region 3
Jason Kemper	Region 5
Dave Corr	Region 6
Charles Pace	Region 7
Marc Osypian	Region 8
Dale Dunkelberger	Region 9
Bill Conners	FWMB
Raymond Merlotto-NYS Conservation Council	

Voting Board Members Excused

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, Jeff Stefanko

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,
Division of Law Enforcement: Acting Director Joe Schneider;

Guests

Sean Mahar, NY Audubon

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

●Letter of Opposition to S1081/A2778 – Charles Pace asked members to please make calls to their Senators urging them to Oppose this Bill.

Minutes of Prior Meeting

MOTION: Dave Corr motioned to accept the May 11, 2015 meeting minutes, seconded by Dale Dunkelberger, the motion passed unanimously.

Executive Report:

- CFAB members suggested that DEC have one of the new stocking trucks at the State Fair
- Charles Pace requested that staff show up occasionally at County federation meetings, he feels it would be very beneficial to have DEC staff attend these meetings.
- Phil Hulbert provided members with an update on the Imperial Dam; remains a high visibility issue. Member asked: Who at DEC has the lead, how many cubic yard of sediment is behind the dam, what is the budget and how much is coming from the Conservation Fund, current status/holdups, how can CFAB help (should they call Shumer?). Phil Hulbert said that he would verify funding source and get that information along with the new anticipated budget to the members.
- Patty Riexinger indicated that she wasn't sure if any funds were coming from Conservation Fund for the Imperial Dam project and asked the members to please let the Army Corp of Engineers do their job;
- Jason Kemper commented that he would hope the staff level at the hatcheries would not fall below like they have been in the past. Kathy Moser told Jason that we need to fill the FC1's first and then ask DOB to list jobs and request backfills.
- Kathy mentioned that the proposed NY Works 4 money needs to be used on state lands and that she would provide CFAB members with a spreadsheet of the projects.
- Essex Chain is on the UMP Agenda this week (6/11/15), comment period ends in July and the Board is set to vote in August, Kathy will provide members with an update at July's meeting.
- Patty gave the following update on the HCAA Account: hiring packages have been approved, training begins June 22, 2015; vehicles are being purchased solely for those positions (we have permission to buy them, we just need the funding; Grant is on Patty's desk and money needs to be amended to the grant).
- Steve Hurst is working with IT staff to get computers for HCAA staff.
- Dale Dunkelberger suggested that no logging occur during hunting season.
- Charles Pace also mentioned that Mike Putnam is doing a fantastic job out at Three Rivers WMA.
- Dale Dunkelberger also mentioned that he had spoken to Jeremy Hurst regarding the Antlerless Deer Regulations and that he was very disappointed with Jeremy because no one had spoken with 9A – 9F Deer Management Task Force for input; Jeremy suggested that the members of the task force should submit comments.

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

e-Licensing:

Status Summary and Activities Completed This Period

- New York Enterprise eLicensing System (NYELS) continues with redesign of the sporting license panel to make the logo and fonts consistent with DEC's new "branding" guidelines and is upgrading reports (data queries).
- License-issuing agents (LIAs) continue to upgrade their browsers (where necessary) since they cannot operate on the system post Accela upgrade 7.3.3.3.
- Parallel Pilot Go-Live: 25 license-issuing agents to operate on DEC 2.0 (new agents user interface) beginning Tuesday, June 9th
- Deploy DEC 2.0 to all license-issuing agents on Tuesday, June 16th
 - Go-Live system in June (phase 1) does not include hunting licenses or deer management permits since cannot be used at this time of year
 - Development and testing completed and code is "frozen"
 - Go-Live system beginning August 3rd (phase 2) includes all licenses, permits and privileges
 - Testing and develop continues
- Agent Training
 - DEC 2.0 materials provided to the license-issuing agents
 - Handouts and You-Tube video
 - Training Environment is deployed and being tested
 - Expect to provide all agents with access to training environment on Friday, June 5th
- Citizen user interface (part of DEC 2.0)
 - Go-Live scheduled for June 16th
 - Development and testing continues with target date to code freeze on June 8th
- Performance Testing
 - June 16th system meets expected performance measures
 - August 3rd system does not, yet, meet expected performance measures, but improvements have been made during each test and it is performance measures are expected to be met well in advance of August
- Additional Agent Support - additional support plan for DEC to address LIA issues is in place with additional agent support on-site at DEC on 6/16 for the full Go-Live
- Testing of the "secure printer solution" whereby each printing of a license panel and carcass tag will have a unique document number uncovered unanticipated issues so implementation has been delayed until December to increase likelihood of success with DEC 2.0 deployment

- License stock (valeron) has been ordered from supplier, material should be distributed to LIAs in mid- to late July, and fulfillment house can begin fulfillment of lifetime license holders in early July.
- Work continues on lifetime license “batch” process to more efficiently generate licenses and tags for lifetime license holders

Filled Position report:

Division of Fish, Wildlife, and Marine Resources

<u>Account</u>	<u>Number of Staff</u>	<u>Change</u>
Access (WMA acquisition)	1	
Hazardous Waste Cleanup Account	3	
State Purposes Account	38.4	
Fish, Wildlife & Marine Grants Account	59.2	
Conservation Fund (Marine Account)	4	
Conservation Fund (Traditional Account)	234.6	-1.0
Environmental Monitoring Account	2	
Environmental Regulatory Account	<u>5.8</u>	
Total	348.0	-1.0

Conservation Fund (Marine Account)

<u>Division</u>	<u>Number of Staff</u>	<u>Change</u>
Fish, Wildlife, and Marine Resources	<u>4</u>	
Total	4	

Conservation Fund (Main Account)

<u>Division</u>	<u>Number of Staff</u>	<u>Change</u>
Fish, Wildlife, and Marine Resources	234.6	-1.0
General Counsel	1	
Law Enforcement	87	-1.0
Operations	6	
Management and Budget	2	
Office of Communications	1	
Regional Affairs	<u>3</u>	
Total	334.6	-2.0

Division of Law Enforcement

<u>Account</u>	<u>Number of Staff</u>	<u>Change</u>
State Purposes Account	148	-1.0
Conservation Fund (Traditional Account)	87	-1.0
Environmental Regulatory Account	40	
Waste Tire Account	<u>2</u>	<u>+1.0</u>
Total	277	-1.0

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) **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. Proposal is under development.*

Proposals Filed:

1) **6 NYCRR Part 1.11 Deer hunting seasons and Part 1.30 Deer Management Assistance Program.** Amend regulations to: allow antlered deer only harvest in WMU 6A during early muzzleloader season, allow antlerless deer only harvest in WMUs 3M, 4J, 8A, 8C, 8F, 8G, 8H, 8N, 9A, and 9F from October 1 – October 15 in early bow hunting season and during the late bow hunting and late muzzleloader seasons. Amend the Deer Management Assistance Program, which provides site-specific management options for landowners and land-managers, to improve harvest reporting, increase program accountability, expand opportunity for landowners, reduce paperwork burden of applicants and staff, and increase flexibility for staff administering the program. *RIM signed 3/31/2015. Notice of proposed Rulemaking filed with Department of State on 4/28/2015. Notice of Proposed Rulemaking is scheduled to be published in the New York State Register 5/13/2015 with the public comment period running through 6/27/2015.*

2) **6 NYCRR Part 6.2 Mink, muskrat, raccoon, opossum, weasel, red fox, gray fox, skunk, coyote, fisher, bobcat, and pine marten trapping seasons.** Reduce the fisher and marten trapping season from 46 days to 22 days in Adirondack Wildlife Management Units (WMUs) 5C, 5F, 5G, 5H, 5J, 6F, and 6J, where populations have declined in recent years. Establish a limited 9-day open trapping season, with a one-fisher seasonal limit, WMUs in Central/Western New York (4F, 4O, 7A, 7M, 7P, 7R, 7S, 8T, 8W, 8X, 8Y, 9J, 9K, 9M, 9N, 9P, 9R, 9S, 9T, 9W, 9X, and 9Y), to provide new opportunities for sustainable use of an expanding population in this region. Reword regulations to eliminate confusing language and to clarify that body-gripping traps with a jaw spread of more than 7.5 inches (also known as “330” traps) may be set in water for beaver or otter, as allowed by the ECL. Revise regulations to: prohibit setting of certain traps within 15 feet of a beaver den or house, to limit take of otter and beaver where they are highly vulnerable; lower the trap size (to >8.5 inches, from >9 inches currently) that requires an “off-set trigger” to minimize capture of otters when/where the otter season is closed, and simplify the season date table for raccoon, red fox, gray fox, skunk, coyote, opossum and weasel; and move the prohibition on use of body-gripping traps with bait or lure (for those species in the Northern Zone when fisher and/or marten trapping seasons are closed) to its own separate paragraph. This will simplify rule changes needed whenever fisher or marten seasons change in the future. *RIM signed 3/31/2015. Notice of proposed Rulemaking filed with Department of State on 4/28/2015. Notice of Proposed Rulemaking is scheduled to be published in the New York State Register 5/13/2015 with the public comment period running through 6/27/2015.*

3) **6 NYCRR Part 1.40 Hunting wild turkey.** Amend regulations to allow for a 14-day fall season and bag limit of one turkey of either sex in any open area. Open seasons: October 1-14 in WMUs 5A, 5C, 5F, 5G, 5H, 5J, 6A, 6C, 6F, 6G, 6H, 6J, 6K and 6N; 14 consecutive days beginning the first Saturday after October 14th in WMUs 3A, 3C, 3F, 3G, 3H, 3J, 3K, 3M, 3N, 3P, 3R, 3S, 4A, 4B, 4C, 4F, 4G, 4H, 4J, 4K, 4L, 4O, 4P, 4R, 4S, 4T, 4U, 4W, 4Y, 4Z, 5R, 5S, 5T, 6P, 6R, 6S, 7A, 7F, 7H, 7J, 7M, 7P, 7R, 7S, 8A, 8C, 8F, 8G, 8H, 8J, 8M, 8N, 8P, 8R, 8S, 8T, 8W, 8X, 8Y, 9A, 9C, 9F, 9G, 9H, 9J, 9K, 9M, 9N, 9P, 9R, 9S, 9T, 9W, 9X, and 9Y; and 14 consecutive days beginning the third Saturday in November in WMU 1C. *RIM signed 3/31/2015. Notice of proposed Rulemaking filed with Department of State on 4/28/2015. Notice of Proposed Rulemaking is scheduled to be published in the New York State Register 5/13/2015 with the public comment period running through 6/27/2015.*

4) **6 NYCRR Part 40.1 Marine fish – open seasons, size and catch limits.** Amend regulations for black sea bass to increase the minimum size limit by one inch, from 13 inches to 14 inches and modify the possession limit. The possession limit will remain at 8 fish from July 15 through October 31. It will increase to 10 fish from November 1 through December 31. The increase in minimum size is expected to reduce harvest of black sea bass by New York marine recreational anglers by 33%. The Atlantic States Marine Fisheries Commission (ASMFC) requires all states from Massachusetts through New Jersey to reduce recreational harvest of black sea bass by 33% to prevent recreational anglers from exceeding the coast-wide recreational harvest limit (RHL) set by the National Marine Fisheries Service (NMFS) for 2015. *Notice of proposed Rulemaking filed with Department of State on 4/28/2015. Notice of Proposed Rulemaking is scheduled to be published in the New York State Register 5/13/2015 with the public comment period running through 6/27/2015.*

Pending Adoptions:

1) **6 NYCRR 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. Assessment of public comment and Notice of Adoption under preparation.*

2) **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. Notice of Proposed Rulemaking was filed with Department of State on 1/13/2015 and was published in the State Register on 1/28/2015 with the public comment period running through 3/17/2015. Assessment of public comment and Notice of Adoption under preparation.*

3) **6 NYCRR Part 10.1 Sportfishing Regulations and Part 40.1 Marine fish – open seasons, size and catch limits.** Amend regulations for striped bass fishing to establish an April 1 – November 30 open season, 1 fish / day, 18" to 28" or > 40" size limits in the Hudson River upstream from the George

Washington Bridge; all year season, 1 fish / day and 28" minimum size limit the Delaware River; and April 15 – December 15 open season, 1 fish / day and 28" minimum size limit in all other waters of New York. These amended rules should result in a 25% reduction in harvest of New York striped bass and help to rebuild the striped bass stock along the Atlantic coast. *Notice of proposed Rulemaking filed with Department of State on 3/16/2015. Notice of Proposed Rulemaking was published in the New York State Register 4/1/2015 with the public comment period ending 5/18/2015. Assessment of public comment and Notice of Adoption under preparation.*

Emergency Rules:

Recent Adoptions:

DLE Report

- Acting Director Schneider gave the following updates:
 - Moving forward with the Academy;
 - ECOs out looking for the Escapees
 - ECOs were issued iPhones/they have excellent cameras on them and they will be a good way to the ECOs with their jobs, help getting pictures out there

CFAB Business

- Dave Corr motioned to take a chunk of money out of the Fish and Game Trust account and invest it out; invest in the longer term investment strategy.
- Charles Pace seconded the motion; motion carried; Dave Corr will draft the letter.
- CFAB Members indicated that the 2011-2012 Annual Report was completed but that they still need help completing the 2012-2013 Annual Report. Patty feels that Nancy Lussier's staff is better equipped for what is required for the report, and therefore, Patty told members that she would speak to Nancy Lussier and see if she will be willing to provide the level of support staff (i.e., fiscal; analyst) to help with annual report.
 - Jason Kemper will follow up with Patty regarding the needs and concerns for the annual report.
 - July's CFAB meeting will be via conference call.
 - Region 9 review to be held in August; will decide on a meeting place as the date gets closer; Dale Dunkelberger will check options for Regional Review including Hatchery Visit and will get back to Jason.

Guest: Sean Mahar, NY Audubon.Org talked to CFAB Members and encouraging them to reach out to their constituents in support of the Feral Cats Bill.

Sean talked about members attending NY Audubon Public Information meetings and would get a list of upcoming dates to Jason to forward on to the members along with handouts. NY Audubon is also promoting the Habitat Stamp.

List of Upcoming CFAB Meetings:

JULY 13, 2015 (Conference Call)

AUGUST 19, 2015 – REGION 9 REVIEW – DALE WILL CHECK INTO OPTIONS FOR MEETING.

SEPTEMBER 14, 2015

OCTOBER 13, 2015 (TUESDAY)

NOVEMBER 9, 2015

DECEMBER 14, 2015