



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

Monthly Meeting Minutes

Three Hundred Sixtieth Second Meeting – June 13, 2016
Department of Environmental Conservation, 625 Broadway, Albany

Call to Order – The meeting was called to order by Charlie Pace at 9:04 AM.

Dave Corr motioned to adjourn the meeting, Marc Osypian seconded – motion passed, Meeting Adjourned at 1:48 pm.

Roll Call: 9:04 am

Voting Board Members Present

Gordon Whiting	Region 2
Tom Williams	Region 4
Jason Kemper	Region 5
Dave Corr	Region 6
Charles Pace	Region 7
Marc Osypian	Region 8
Bill Conners	FWMB

Voting Board Members Excused

Dominick Scarzafava	Region 3
Dale Dunkelberger	Region 9
Ray Merlotto	NYSCC

Voting Board Members Absent

Ag. & Mkts = Department of Agriculture and Markets
CFAB or the Board = Conservation Fund Advisory Board
DEC or the Department = NYS Department of Environmental Conservation
DFW = Division of Fish and Wildlife
DLE = Division of Law Enforcement

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 and Wildlife:
Patricia Riexinger, Director
Doug Stang, Assistant Director
Division of Law Enforcement: Walter Heinrich,
District Major

Guests:

Scott Crisafulli and Monica Kreshik, OGC

DLF = Division of Lands and Forest
DMBS = Division of Management and Budget Services
OGC = DEC Office of General Counsel
DOB = Division of the Budget
DOP = Division of Operation Services
DPAE = Division of Public Affairs & Education
OSC = Office of State Comptroller

Correspondence

- Letter from Mr. Rossi regarding Dove Hunting.

Minutes of Prior Meeting

MOTION: Marcy Osypian motioned to approve the minutes to the May 10, 2016 meeting, Tom Williams seconded the motion; motion passed.

Executive Report:

- Kathy Moser updated the Board on the recent retirements that were announced including Patty Riexinger and Phil Hulbert. Doug Stang will serve as Acting Director of the Division of Fish and Wildlife until a replacement is named.
- Legislative session is coming to an end, no major developments for the sporting community.
- Township 40 legislation running into issues in Assembly, sportsmen should follow this in regards to the Marion Carry parcel to be acquired.
- Dave Corr thanked DEC staff for addressing safety issue at Utowana Lake
- A lengthy discussion was held on the issue of allowing convicted criminals to be license-issuing agents. CFAB was joined by Scott Crisafulli and Monica Kreshik from DEC's Office of General Counsel. DEC will circle back with CFAB on a couple of items to help alleviate the concerns raised by the Board.
- Board Members and Executive had a lengthy discussion regarding the 3 year projections for the Conservation Fund with the outcome as follows:
 - Conservation Fund will reach a negative balance in late 2017-2018 or early 2018-2019.
 - An offloading of expenses to General Fund will need to occur.
 - No program reductions for DEC's fish and wildlife program.
 - CFAB Members concerned with the very optimistic sales numbers used as the basis for Revenue Projections.

Division of Fish and Wildlife:

- Conservation Fund Staffing - Monthly Summary provided from Doug Stang with no signification change.
 - Hatchery Improvement Updates
 - Access and habitat management work plan handouts for each Region were provided to Board members

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

e-Licensing:

Status Summary and Activities Completed This Period

- DEC met with ITS's Enterprise Business Solutions – Mobile & Web Development Services team, reviewed progress to date, and suggested improvements to the draft game harvest reporting application.
- ITS has determined that one (of the four) Accela-proposed solutions for the secure print solution for printing licenses and carcass tags remains under consideration. GCOM and Accela are refining the proposed solution prior to ITS and DEC testing.
- Status of system improvements, updates and enhancements:
 - Habitat stamp sales reminder pop-up testing is complete.
 - Development of capability to report DMAP harvest via DECALS was initiated (system requirements provided, examples of tags provided)
 - Habitat Stamp image change completed in testing environment and ready to go for August 1st
 - New carcass tag design with QR code has been tested and is ready to go for August 1st
 - License name changes for lifetime license holders has been implemented (e.g. Lifetime Sportsman License is now Lifetime License and Lifetime Bow Hunting Stamp is now Lifetime Bow hunting Privilege)
- Issues remain with batch process for generating the lifetime licenses. ITS and Accela are working diligently to resolve. Still on schedule to have new-year carcass tags and license panels to lifetime license holders by early to mid-July.
- DECALS experienced outages May 9th (4 hrs - due to fiber optic cable cut in New York City), May 12th (4.5 hrs – internet only outage due top problem with reports), May 20th (2.25 hrs – issue with Azure connection), May 24th (17 minutes – issue with Azure connection), and May 31st (45 minutes – unknown) (please see attached report)

License Sales:

- For the period January 1 – June 5, 2016, the number of licenses sold and associated revenues are up 10,761 (2.5%) and \$448,550 (6.3%) compared to the same period in 2015
- Similar to previous year, most of the sales occur at retail stores (>70%)
- License sales via the internet, seemingly, are gaining in popularity compared to sales a year ago

[Please see attached report for great detail on license sales, revenues, and trends compared to a year ago]

Filled Position report:

Division of Fish and Wildlife

<u>Account</u>	<u>Number of Staff</u>	<u>Change</u>
Access Land Acquisition	1	
Habitat Conservation and Access Account	8	
Hazardous Waste Cleanup Account	2.7	
State Purposes Account	1	
Federal Fish and Wildlife Grants Account	47.5	
Conservation Fund (Traditional Account)	236.05	
Environmental Regulatory Account	<u>5</u>	
Total	301.25	

Conservation Fund (Main Account)

<u>Division</u>	<u>Number of Staff</u>	<u>Change</u>
Fish, Wildlife, and Marine Resources	236.05	+3.0
General Counsel	1	
Law Enforcement	80	-3.0
Operations	5	
Management and Budget	2	
Office of Communications	1	
Regional Affairs	<u>3</u>	
Total	328.05	

Status of Regulations (changes from previous month in bold):

Pending Proposals:

1) **6NYCRR Part 180.6 Free Sport Fishing Days.** In accordance to change in ECL 11-0327 that provided for up to 6 additional free fishing days, amend regulations to add six free sport fishing days to complement the existing free sport fishing days:

- Presidents Day Weekend - February (2 days) – These two days coincide with winter recess for most schools, making it ideal for families to try ice fishing.
- 3rd Weekend in May (2 days) - These two days occur around the opening of popular warmwater fisheries such as walleye and pike/pickerel. This encourages people to get out at the start of the warm weather. Trout fishing opportunities are also still available at this time;
- National Hunting and Fishing Day (1 day) - the 4th Saturday in September links to many promotional events taking place nationwide. Fishing at this time of year is generally good for many species, including the very popular Fall salmon fishing in the Great Lakes tributaries; and
- Veteran's Day (1 day) - fishing is considered one of the most therapeutic outdoor activities, making it the ideal tribute to veterans and those currently serving in the armed forces.

RIM signed 3/21/2016. Notice of Proposed Rulemaking under development.

Proposals Filed:

1) **6 NYCRR 180.3 - Definition and use of firearms, guns, and airguns.** To amend regulations and allow for the use of big bore air rifles for the hunting of big game species. To allow for the use of big bore air rifles (.30 caliber or greater) for the taking of big game and other wildlife in New York. *RIM signed 6-17-2015. Notice of Proposed Rulemaking filed with Department of State on 12/8/2015 and published in the State Register on 12/23/2015. The public comment period is expected to run 12/23/2015 through 2/8/2016. DEC staff is assessing public comment received.*

2) **6 NYCRR Part 1.11 Pertaining to Deer Hunting Seasons, Part 1.18 Pertaining to the Issuance and Use of Deer Hunting Tags, and Part 1.31 Pertaining to Hunting Black Bear.** Amend regulations to:

- Provide additional opportunity to junior hunters by allowing them to take bear as well as deer during the youth firearms hunt over Columbus Day weekend;
- Rescind an antlerless-only requirement established in 2015 during portions of the bow and muzzleloader season in some WMUs;
- Reduce the take of antlerless deer in Wildlife Management Units (WMUs) 6F and 6J by allowing hunters to only take antlered deer during the early muzzleloader season to prevent further population decline and stimulate population growth; and
- Make a technical correction to clarify that bow/mz either-sex and antlerless-only tags may be used during either bow or muzzleloader seasons by properly licensed hunters.

RIM signed 3/21/2016. Notice of Proposed Rulemaking filed with Department of State on 4/20/2016 and was published in the State Register on 5/11/2016. Public comment period runs through 5/25/2016.

3) **6 NYCRR Part 6 – Trapping.** Amend current regulations for fisher trapping by reducing the trapping season in seven WMUs (5C, 5F, 5G, 5H, 5J, 6F, and 6J) to a 30-day season (November 1 – November 30) and open a 6-day fisher trapping season (October 25 – October 30) in 22 WMUs (4F,

4O, 7A, 7M, 7P, 7R,7S, 8T, 8W, 8X, 8Y, 9J, 9K, 9M, 9N, 9P, 9R, 9S, 9T, 9W, 9X, 9Y). Also, in the northern zone (Wildlife Management Units 5A, 5C, 5F, 5G, 5H, 5J, 6A, 6C, 6F, 6G, 6H, 6J, 6K and 6N) body-gripping traps set on land may not be set with bait or lure during a closed season for fisher and/or marten. These changes are consistent with the recently adopted fisher management plan and reflect changes in fisher population in these areas. *Notice of revised Proposed Rulemaking filed with Department of State on 4/28/2016 and was published in the State Register on 5/11/2016. Public comment period runs through 6/10/2016.*

Pending Adoptions:

1) **6 NYCRR Parts 183 - License-Issuing Officers and 184 - Wildlife Rehabilitators.** To conform with New York State Corrections Law Article 23-A, remove the stipulation that previous criminal conviction bars a person from meeting the qualifications of a license-issuing officer or a wildlife rehabilitator. Applicants with a previous criminal record will be evaluated for their suitability as a license-issuing officer or a wildlife rehabilitator on a case-by-case basis. *Notice of proposed Rulemaking filed with Department of State on 7/14/2015 and refiled on 8/11/2015. Notice of Proposed Rulemaking was published in the New York State Register on 7/29/2015 and was re-published in the New York State Register 8/26/2015. The public comment period ended 11/24/2015. DEC staff is assessing public comment received.*

Emergency Rules: None

Recent Adoptions: None

Status of DEC Hatchery System Infrastructure Work:

Please see attached update on the DEC Hatchery projects funded via New York Works III and New York Works IV.

Updates from previous month:

- A new engineer has been hired to work on fish culture projects. His start date is June 20 (but will only be on for about a week before a planned vacation lasting until late July).

Salmon River Hatchery - The pipeline pigging project at Salmon River has begun. Divers will be on site Monday, 6/6, and the pipeline will be dewatered so new valves can be installed. Pigging to occur subsequently. Salmon River Hatchery will operate exclusively on well water during this project.

South Otselic Hatchery – replace earthen pond outlet structures and combine ponds – pre-construction meeting scheduled for later in June.

Chateaugay Hatchery – demolition of 13 outside concrete raceways has begun and pre-construction meeting with contractor for new pad and walls for raceway installation was held on June 2nd.

DLE Report:

- District Major Walter Heinrich filled in for Director Joe Schneider
- Academy Graduation is scheduled for September 2, 2016.
- Costs to DLE for the Dannemora Prison escape were discussed; overtime and other expenses were reimbursed. DLE will provide the Board with further documentation.
- Waiting for Budget approval on backfills.

CFAB Business:

- CFAB member Charlie Pace provided members with a brief updated with regards to the Conference Call with Assemblyman Magee's office and Representatives of the NY Snowmobile Association on May 11th regarding Non-Trail Snowmobile Registrations.
- Members discussed a Regional Review in August, Gordon Whiting, Region 2 will make the arrangements.
- Dave Corr motioned that the Board support the Non-Trail Snowmobile Registration as it will provide transportation for hunting, trapping and fishing, for those wanting to participate in those activities, Bill Conners seconded the motion; Motion passed. BillA-1427a is sponsored by Assemblyman Magee and has the language CFAB supports.
- Board Members discussed a tribute to Dave Nelson, acknowledging his work.
- Bill Conners will draft a letter to Charles Bevilacqua's family and members will also make a contribution in Charles Bevilacqua's name.