



STATE OF NEW YORK CONSERVATION FUND ADVISORY BOARD

625 Broadway, Albany, NY 12233-4750

Monthly Meeting Minutes

Three Hundred Thirty Eighth Meeting

17-Mar-2014

Department of Environmental Conservation, 625 Broadway, Albany, NY

Call to Order – The meeting was called to order by Jason Kemper at 09:11 AM.

Roll Call

Voting Board Members Present

Charles Bevilacqua	Region 1
Gordon Whiting	Region 2
Dominick Scarzafava	Region 3
Alan Rosa	Region 4
Jason Kemper	Region 5
Charles Pace	Region 7
Raymond Merlotto	NYSCC
Bill Conners	FWMB

Voting Board Members Excused

Marc Osypian	Region 8
Dave Corr	Region 6
Dale Dunkelberger	Region 9

Voting Board Members Absent

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

DEC Executive: Julia Tighe

Division of Fish, Wildlife and Marine Resources:

Gordon Batcheller, Stephen Hurst, Doug Stang,

Division of Law Enforcement: Scott Florence

Guests

New York Outdoor News: Steve Piatt

Fish & Wildlife Management Board: Lance Robson

Ex-Officio Members Present

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

- Letter from Jason Kemper to Basil Seggos regarding the Executive Budget.

Minutes of Prior Meeting

MOTION: Mr. Connors motioned to accept the February 10, 2014 meeting minutes as amended, seconded by Mr. Scarzafava the motion passed unanimously.

Executive Report

- Assistant Commissioner Moser updated the Board on E-Licensing. Many towns are not yet issuing licenses. The State is reaching out to these towns to see if there is a problem and assisting them if they need help.
- Julia Tighe provided a report on pending legislation that is of interest to the Board (see attachment 1).

DFWMR Report

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

e-Licensing:

Status Summary and Activities Completed This Period

- The system is slightly faster now than 2 weeks ago as improvements to the networking pathways between New York and California were identified and implemented
- New computer interfaces were placed into production with DMV to implement the Adventure License and Adventure Plates initiatives.
- Requirements and system functionality were designed with Accela contractor staff to implement the 3-year and 5-year license provisions outlined in the Executive Budget. Prototype of screen shots and work flow for 3-year and 5-year licenses was presented to DEC staff, project change request developed by contractor and rejected by DEC.
- Work continues on addressing the various system defects and printing issues experienced by LIAs. Additional IT (2) resources were hired to work with LIAs and trouble-shoot problems experienced by LIAs. This is one-on-one assistance provided to LIAs experiencing problems.
- As of 3/11/2014 a total of 782 LIAs have made sales on the eLicensing system (or are ready to, but awaiting customers); another 318 have been trained, but have not made a sale (various reasons – experiencing problems, no customers, needs IT assistance, etc.), and 215 await the next training opportunity.
- Conducted web-ex sessions last week and were able to enable an additional 33 LIAs (primarily corporate agents – Walmart, Kmart, Bass Pro Shops, Gander Mountain) so they would be prepared for selling licenses. We are sending printers and agent agreements out to all recently enabled LIAs and as soon as agent agreements are returned, they will be activated.

- DEC is setting up hands-on training at 625 Broadway and will be notifying those LIAs that missed the training opportunities in the fall that they have another opportunity. DEC is still working out the logistics – initial invites will be to those recently-elected Town Clerks and retail agents that have contacted DEC.
- DEC is working with IT contractor to develop eLicensing training available via the internet. Current plan is to have the training available mid- to late-April and agents can take the training at their pace from their own computer. These training modules will be updated as the system is updated and agent participation will be tracked.

License Sales

- A comparison of license sales between 2012-13 (August 12, 2012 - March 12, 2013) and 2013-14 (August 12, 2013 - March 12, 2014) indicates that license year 2013 revenues (\$39,639,867) are approximately \$500,000 greater than last license year at this time (\$39,152,900) and the number of items "sold" is up 4% (1,501,229) compared to a year ago (1,448,414).
- Sales January - March 2014 are still lagging behind those of January - March 2013, but overall sales are up.

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	2.7	
State Purposes Account	36.05	+0.7
Fish, Wildlife & Marine Grants Account	62.05	-0.7
Conservation Fund (Marine Account)	11	-1.0
Conservation Fund (Traditional Account)	236.25	
Environmental Monitoring Account	2	
Environmental Regulatory Account	5.8	
Total	356.85	-1.0

Conservation Fund (Marine Account)

<u>Division</u>	<u>Number of Staff</u>	<u>Change</u>
Fish, Wildlife, and Marine Resources	11	
Total	11	-1.0

Conservation Fund (Main Account)

<u>Division</u>	<u>Number of Staff</u>	<u>Change</u>
Fish, Wildlife, and Marine Resources	236.25	
General Counsel	1	
Law Enforcement	85	
Operations	2	
Management and Budget	2	
Public Affairs and Education	2	
Regional Affairs	<u>3</u>	
Total	331.25	

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

Rule Making Initiation Memos:

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) **6 NYCRR 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. *RIM signed 1/7/2014. Proposal is under development.*

Proposals Filed:

1) Part 59 – State Boat-launching sites, fishing-access sites and fishing rights areas and Part 190.24 Use of State lands – boat launching sites. Amend 6 NYCRR Part 59 and Part 190.24 governing use of DEC boat launching, fishing access, fishing rights areas, campground and other state lands to prohibit boats, trailers and associated equipment carrying visible aquatic invasive species from launching at DEC facilities or leaving these facilities. *RIM signed 3-7-2013. Notice of Proposed Rulemaking files with Department of State 12/24/2013. NPR published in State Register 1/8/2014. Public comment period ended 2/24/2014. Assessment of public comment and final rule adoption are under preparation.*

2) 6 NYCRR Part 41 – Sanitary condition of shellfish lands. Classify currently uncertified (closed) shellfish lands as seasonally certified (open during limited times of the year). Particular shellfish lands in Wickham Creek and Mattituck Creek within the Town of Southold, Northwest Creek in the Town of East Hampton, Sag Harbor in the towns of East Hampton and Southampton and a portion of Great South Bay in the Town of Babylon now meet the water quality criteria for seasonally certified shellfish lands. These lands must be designated as certified during the portion of the year when they meet those criteria. *RIM signed 11/13/2013. Notice of Proposed Rulemaking filed with Department of State 3/11/2014. NPR scheduled to be published in State Register 3/26/2014. Public comment period is scheduled to run through 5/12/2014.*

Pending Adoptions:

1) 6 NYCRR Part 180.12 – Eurasian boar. Adopt a new Part 180.12 that prohibits the hunting and targeting of free-ranging Eurasian boar and prohibits the interference with Eurasian boar trapping devices. *Notice of Proposed Rulemaking files with Department of State 11/26/2013. NPR published in State Register 12/11/2013. Public comment period ended 1/27/2014. Assessment of public comment and final rule adoption are under preparation.*

Emergency Rules:

Recently Adopted:

Lance Robson - FWMB

- Mr. Robson conveyed to the Board that the Fish and Wildlife Management Board (FWMB) initially had concerns regarding the Kushaqua Tract Draft Recreation Management Plan but is now working with the Region to ensure that adequate motorized access is provided.
- Mr. Robson expressed concerns that Regional FWMBs are not always a part of the early development of land management plans as promised by the Department.
- Mr. Robson told the Board that OPRHP is currently developing a statewide policy for hunting and fishing on State Park lands.

DLE Report

- Mr. Florence discussed what ECOs will accept as proof of a lawful fishing license.
- Filled Position Report (2/13/14 – 2/26/14):

Division of Law Enforcement

<u>Account</u>	<u>Number of Staff</u>	<u>Change</u>
Environmental Regulatory Account	42	
General Fund	157	
Conservation Fund (Main Account	85	
<u>Waste Tire Account</u>	<u>8</u>	
Total	292	

MOTION: Mr. Rosa motioned to conclude the meeting at 1:40 PM, seconded by Mr. Connors the motion passed unanimously.
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Summary of Motions:

MOTION: Mr. Connors motioned to accept the February 10, 2014 meeting minutes as amended, seconded by Mr. Scarzafava the motion passed unanimously.
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Summary of Resolutions:

- *None*

Actions for CFAB:

- *None*

Actions for the Department:

- *Provide CFAB an electronic list of LIAs*
- *Provide CFAB feedback on comments received on Eurasian Boar rule making*
- *Provide CFAB Wildlife and Sport Fish Restoration Apportionments when they become available*
- *Provide CFAB with assistance developing the 2011/12, 2012/13 report*

Next CFAB Meeting: #339 – Monday, April 14, 2014

Jason Kemper - Chairman

SSH/WC/JK