



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

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Monthly Meeting Minutes  
Three Hundred Forty Seventh Meeting  
**09-March-2015**

Department of Environmental Conservation, 625 Broadway, Albany, NY

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

**Roll Call: 9:05 am**

**Voting Board Members Present**

Charles Bevilacqua	Region 1
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**

Dominick Scarzafava	Region 3
Gordon Whiting	Region 2

**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

**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:* Director Timothy Duffy and Lt. Eric Tupaj

**Guests**

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**

●Members sent a letter to Commissioner Martens regarding their concerns with the Habitat Conservation and Access Account.

## **Minutes of Prior Meeting**

MOTION: Dale Dunkelberger motioned to accept the February 18, 2015 meeting minutes, seconded by Marc Osypian, the motion passed unanimously.

## **Executive Report:**

●Kathy Moser indicated that 25 out of 50 Access and Hatchery projects will be completed at the end of March 2015.

●Kathy informed the members that in the 1<sup>st</sup> Round of NY3, that there is \$8 million in the Governor's budget for the Access Projects

●Kathy will provide members with the Access and Hatchery Projects spreadsheet

●Executive will be working with the Regions to get a list of the next batch of Access Projects and Regional Staff will be reaching out to CFAB Members.

●Kathy will reach out to the Regional Staff regarding the next batch of Access Projects as the Master List needs to be ready by April 1, 2015.

●Budget – update: EPF increased by \$10 million: \$1 million to the Invasive Species Account; \$1 million increase to the Ocean & Great Lakes Account; \$3 million increase to the Open Space account.

●Kathy Moser guaranteed Bill Conners that the 4 car parking lot will be included in the Draft UMP.

●Kathy Moser will provide Members with information regarding the Adirondack Project, MOU Press Release and Boat Launching at the next CFAB meeting

●Jason Kemper asked Kathy Moser and other DEC staff in attendance when there would be a response to the February 20, 2015 email that was sent to Doug Stang, Steve Hurst, Jeff Stefanko and Kathy Moser on the Conservation Fun cash flow in future years. Kathy Moser state she would follow up and get a response back to Jason Kemper.

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

### **e-Licensing:**

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

- Work continues on addressing the various system defects and reporting issues in the current Production system ("DEC 1.0") that have been identified to date. Fixes are being uploaded to the Production system on a semi-monthly basis. Defect resolution has slowed as staff have been focused on DEC 2.0 and testing the Accela upgrade 7.3.3.3.
- New York Enterprise eLicensing System (NYELS) has taken over reports development and amendment. NYELS will soon begin redesign of the sporting license panel to make the fonts consistent with DEC's new "branding" guidelines.

- A “hotfix” was implemented to Accela 7.3.3.3 upgrade, and DEC resumed testing its license sales processes and procedure under the upgrade. DEC has completed testing cycles 1, 2, and 3. Once defects are fixed, DEC will complete cycle 3 testing (slated to be completed March 13<sup>th</sup>).
- DEC, Accela and NYELS have been working with Walmart on Walmart’s system upgrade and the timing of that upgrade. Walmart has revised their system roll-out schedule and has targeted April 20<sup>th</sup> as the date to complete their system upgrade in New York stores. If this schedule is met, then DEC will be able to implement the Accela upgrade (7.3.3.3) with all license-issuing agents prior to turkey season (and the youth turkey hunt).
- DEC and NYELS staff have seen the initial proof of concept (POC) for DEC 2.0 (new user interfaces for LIAs and on-line customers).”Final” demonstration for the DEC 2.0 POC is scheduled for March 10<sup>th</sup>. DEC is expected to make a Go / No-Go decision on March 10<sup>th</sup> or March 11<sup>th</sup>.
- In anticipation of a successful POC, work has continued on the design of new user interfaces for license-issuing agents and on-line and adjustments have been made based on feedback received during the “voice of the customer” sessions.
- The design and color for the new (2015-16) valeron has been finalized (copy attached to notes). DEC is expecting samples of the material by March 15<sup>th</sup> so DEC can run the sample material through its testing (run through washing machine, put in freezer, place out in the sun for several days, sign with several types of pens and ink) prior to approving the material.

**Filled Position report:**

**Division of Fish, Wildlife, and Marine Resources**

<i>Account</i>	<i>Number of Staff</i>	<i>Change</i>
Natural Resources Damages Account	1	
Hazardous Waste Cleanup Account	2.85	
State Purposes Account	38.65	
Fish, Wildlife & Marine Grants Account	59.2	-1.0
-Conservation Fund (Marine Account)	13	-1.0
Conservation Fund (Traditional Account)	224.65	+0.4
Environmental Monitoring Account	2	
Environmental Regulatory Account	5.8	
<b>Total</b>	<b>347.15</b>	<b>-1.6</b>

**Conservation Fund (Marine Account)**

<i>Division</i>	<i>Number of Staff</i>	<i>Change</i>
Fish, Wildlife, and Marine Resources	13	-1.0

*Total*

*13*

**Conservation Fund (Main Account)**

<u>Division</u>	<u>Number of Staff</u>	<u>Change</u>
Fish, Wildlife, and Marine Resources	224.65	+0.4
General Counsel	1	
Law Enforcement	77	-1.0
Operations	6	
Management and Budget	2	
Office of Communications	1	
Regional Affairs	<u>3</u>	
<b><i>Total</i></b>	<b><i>314.65</i></b>	<b><i>-0.6</i></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 has been drafted and is being circulated for review and consideration.*

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) **6NYCRR Part 43 Surfclam/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 surfclam 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 surfclam 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 surfclams without cage tags provided that the vessel owner has a valid surfclam 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 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.*

2) **NYCRR Part 44.1- Lobsters.** Amend the regulations for lobster harvest in Lobster Management Area 4 (included south shore of Long Island) to reduce harvest by 10% and allow for stock rebuilding. Change closed season from February 1 – March 31 to April 30 – May 31. *Notice of Proposed Rulemaking was filed with Department of State on 1/29/2015. Notice of Proposed Rulemaking was published in the New York State Register 2/18/2015 with the public comment period running through 4/30/2015.*

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. 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. Notice of Adoption was filed with the Department Of State on 2/23/2015 and scheduled to be published in the New York State Register on 3/11/2015.*

2) **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. Assessment of public comment and Notice of Adoption under preparation.*

Emergency Rules:

1) **NYCRR Part 44.1- Lobsters.** Amend the regulations for lobster harvest in Lobster Management Area 4 (included south shore of Long Island) to reduce harvest by 10% and allow for stock rebuilding. Change closed season from February 1 – March 31 to April 30 – May 31. *The Emergency Regulation was adopted 1/30/2015 and expires 4/29/2015.*

Recent Adoptions: none

## **DLE Report**

- Director Duffy indicated that DLE is in rebuild/refocus mode for wildlife forensics/training thanks to DFWMR help with getting the equipment to do so.

- DLE is 2/3 done with training and should be done within 2 months and then DLE can incorporate their 5 year strategic plan.

- Director Duffy also indicated the Academy should be ready in 2016; and DLE will focus on Maritime next year as well.

- Director Duffy said ticket issuing is up 50%;

- Lt. Eric Tupaj also indicated that the old DEC tip hotline phone number could be shut down by 2017.

## **CFAB Business**

- Steve Hurst informed members that the Senate had summoned Steve and wanted to know where the CFAB Annual reports were. Steve recommended that members use the Effort of Level report as a basis for the Annual Report and get it done and on the website.

- Jason will coordinate with Charlie Pace to figure out what is the most recent version of the annual report.

- Jason Kemper further emphasized the point that he will need assistance in preparing the annual reports and asked that everyone provide feedback within two weeks.

- Members will also clean up the 2011-2013 Annual report and get it published to the website.

- Members expressed concerns on the cutting of firewood on state land and would like clarification regarding this; Kathy Moser will check with Rob Messenger.

- Charlie Pace asked Kathy about the Recreation Web Group and Kathy said that she would be meeting with Dianne Patterson and Harold Evans regarding the Recreation Web Group and would get back to Charlie Pace.

- Jason Kemper brought up the Army Corps of Engineers involvement with the Imperial Dam and feels that it is a major issue; Members would like facts regarding the Army Corps involvement.

- Members had a discussion regarding the proposed Habitat Account:

1. They want to see that monies taken from the lifetime license account be limited to not more than 50% of the previous year's net lifetime license revenues;

2. Members are concerned that DEC is not doing enough to promote the habitat stamp and thus very poor sales of the Habitat Stamp. Members believe a better effort in marketing of the stamp be initiated immediately and public recognition of projects funded, in whole or in part, by the account should have signage and public recognition;

3. Members would like to review the possibility of any increase in the price of Habitat/Access stamps as well as making the Stamp mandatory should be discussed.

- Members congratulate Gordon Batcheller on his induction into the NYS Outdoor Hall of Fame.