



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

Monthly Meeting Minutes
Three Hundred Tenth Meeting
14-Mar- 2011

Department of Environmental Conservation, 625 Broadway, Albany, NY

Call to Order – Chairman Kemper called the meeting to order at 09:04AM.

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
Charles Pace	Region 7
Dale Dunkelberger	Region 9
Howard Cushing	NYSCC
Lance Robson	FWMB

Voting Board Members Excused

Voting Board Members Absent

Gordon Whiting	Region 2
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CFAB Vacancies

	Region 8
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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 Management & Budget Services:

Nancy Lussier

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)

- [Letter of opposition](#) to repeal of the Recreational Marine Fishing License.

Minutes of Prior Meeting

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

Discussion with Nancy Lussier – Director of NYSDEC Division of Management and Budget Services

- Mr. Pace asked the Director what can be done to make DOB realize the need to reverse the movement of the 24 jobs currently paid under the Marine Account that were originally paid for with General Fund dollars before the creation of the Recreational Marine Fishing License. He also asked if DEC has requested DOB to consider the use of General Fund dollars for the marine program. Ms. Lussier replied that during these tough fiscal times the budget must be examined comprehensively and strategies to manage within the budget are best developed with an agency wide perspective. She also stated that the Agency has been responding vigorously to the use of Conservation Fund dollars for unintended purposes.
- Speaking to the overall proposed budget, Ms. Lussier told CFAB last year DEC absorbed a large amount of reductions due to the ERI, RIF and severance strategies employed by the State. As a result the agency will fare better in the upcoming year and no layoffs are expected occur, but she cautioned the Board that collective bargaining could influence the agency's "hold harmless" position.
- Additional questions regarding appropriation and allocation were asked of Ms. Lussier. Answers could not be definitive as they are entirely dependent on an executed budget and cash plan.
- Mr. Robson stated that the DEC should cut Marine programs if General Funds cannot be used and recreational anglers are not willing to pay for conservation.

CFAB Business

An Update from Assistant Commissioner Chris Amato

- Assistant Commissioner Amato thanked CFAB for their hard work on combating the Recreational Marine License repeal.
- Joe Martens has been officially confirmed as DEC's new Commissioner.
- Steve Russo has been selected to serve as General Counsel
- An Executive Deputy has not yet been appointed
- Agencies could see some reorganization over the next few weeks
- Senate and Assembly budgets have been released. The Senate bill includes a repeal of the Recreational Marine Fishing License and the addition of a "no-fee" State registry.
- The Senate bill also includes a \$2M reduction in the overall budget for DEC (\$1.5M in personal service and 0.5M in enforcement).
- The Assembly bill, in regard to DEC, mimics the Governor's proposed budget.

Recreational Marine Fishing License

- The Senate has introduced S3638, which would repeal the Recreational Marine Fishing License. At this time there is no companion bill in the Assembly and it appears that the bill will not be

forwarded to the Finance Committee for review.

- If a repeal takes place, personal service expenditures currently funded with Marine Account dollars will be unsustainable. Mr. Pace stated that funding the staff from the Conservation Fund - Traditional Account should not be an option.
- Chairman Kemper said that many of the Senators he has spoken with are unaware of the financial implications associated with loss of the license revenues.
- When asked about other implications, Mr. Stang stated that the language in the current bill provides for a no-fee registry, but that “free” registry will come at a cost because DEC will have to develop and implement a system. The harvest Information Program (HIP) model cannot be used because the bill language explicitly states that registrations can be acquired via agent, telephone and internet. This will leave the Department no choice but to implement the registry through DECALS. He also noted that a repeal will cause New York to lose additional Federal Aid in Sportfish Restoration funds. These additional funds would result from New York receiving a larger portion of the overall federal Sport Fish Restoration dollars due to an increase in the number of fishing license holders.

Other CFAB Business

- Mr. Robson asked about the zeroing out of State Wildlife Grant (SWG) funding in the 2011 Federal Budget and the affect it may have on staffing. Mr. Hurst replied that 2010 monies have not yet been allocated and that the DFWMR staff paid for with SWG dollars will be secure for at least five years using this allocation. It is unknown at this point in time what the status of SWG will be in Federal fiscal year 2012.
- Mr. Cushing reiterated his disappointment that the Department did not send a representative to Washington to fight for continued SWG funding. Mr. Amato replied that the Association of Fish and Wildlife Agencies (AFWA) has taken the lead on this matter and has spent considerable time advocating on behalf of all the states.
- Mr. Cushing asked that CFAB be provided the amount of money in the Fish and Wildlife Trust Account and the amount of interest that has been earned from the sale of lifetime licenses for the past four years and how much of the interest has been transferred to the Traditional Account. Mr. Stang indicated that these figures are included in the tables that are part of the CFAB annual reports. Mr. Cushing will provide the Chairman with a bulleted list of exactly what is being requested in regard to this matter and that will then be passed on to Division of Management and Budget Services.
- Mr. Cushing stated that sale lifetime license is, in effect, decreasing revenues to the Conservation Fund. Mr. Hurst and Mr. Stang reminded CFAB that they were enlightened to this fact when the Board was developing the 2009 fee increase. Mr. Cushing stated that the investment strategy for these funds should be examined and that the Comptroller should invest the money into securities that will yield a higher interest rate. Most members felt that they had little influence on the investment strategy and that they were more comfortable with a conservative fiduciary portfolio and not risking the loss of principal.
- Mr. Cushing then opined on the need for other sources of program funding and that a dedicated percentage of the sales tax should continue to be pursued. Most members felt that pursuing such a strategy would be ill-founded given the State’s turbulent fiscal atmosphere and the public’s desire for lower taxes. Mr. Cushing asked that one half hour of every meeting be dedicated to discussing long-term funding.
- Mr. Robson asked why instructions for the use of crossbows have not been provided to date and a draft Fact Sheet that was accidentally distributed outlining the Crossbow Regulations was discussed.

Mr. Stang replied that although there is legislation, no regulations have been promulgated so DEC cannot provide specifics until the regulations are officially proposed. The Department is striving to keep the regulations as simple as possible. A crossbow training sheet for instructors is currently being developed.

Legislative Report

None

Department Reports

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

Update on DECALS:

- The draft RFP and Evaluation Process for automated sporting licenses “stand alone” procurement was sent by DEC to OSC on March 3, in case DEC is permitted to seek procurement of an automated licensing system apart from other shared-service efforts.
- Verizon has responded to the request for an extension to the current contract and has agreed to an extension through December 2013 at a 5% annual increase. DOB wants to go back to Verizon and seek an additional 6-month extension beyond what Verizon offered and wants Verizon to turn over the source code for DECALS to DEC in hopes that someone can operate DECALS in the interim between end of the Verizon extended contract and incorporation into e-Licensing.
- Meeting is being scheduled between DEC and DOB concerning changes to DEC’s automated sporting licensing RFP such that DEC can get out of the contract for various parts of the automated licensing system as e-Licensing becomes operational.
- Approximately 1500 letters were sent out to individuals that hold lifetime licenses that will be “aging in” during 2011 and will be eligible enjoy their hunting privileges – provided they take the appropriate hunter education class(es). The letter explains the processes they must follow to be eligible to receive their hunting license and the process of receiving their licenses and annual tags.
- We are receiving approximately 2 inquiries per day on the transfer of lifetime licenses and are sending information packets to interested parties.
- In consultation with DEC, Verizon is continuing to develop an enhanced VRS (voice recognition system) for harvest reporting and anticipate having the improved system operational by spring turkey season.

Filled Position Report:

Division of Fish, Wildlife, and Marine Resources

<u>Account</u>	<u>Number of Staff</u>
Natural Resources Damages Account	1
Hazardous Waste Cleanup Account	2.85
State Purposes Account	8.5
Fish, Wildlife & Marine Grants Account	68.15
Conservation Fund (Marine Account)	32
Conservation Fund (Traditional Account)	231.75
Environmental Regulatory Account	<u>5.8</u>
Total	350.05

Conservation Fund (Marine Account)

<u>Division</u>	<u>Number of Staff</u>
Fish, Wildlife, and Marine Resources	32
General Counsel	1
Law Enforcement	6
Regional Affairs	<u>1</u>
Total	40

Conservation Fund (Traditional Account)

<u>Division</u>	<u>Number of Staff</u>
Fish, Wildlife, and Marine Resources	231.75
General Counsel	1
Information Services	1
Law Enforcement	3
Operations	3
Public Affairs and Education	2
Regional Affairs	<u>3</u>
Total	244.75

Status of regulations:

Proposals:

- Parts 40 and 44 - BMR - Reporting Requirements. Received by Rose 3/10/11. Pending express terms revisions by BMR.
- Part 41 - BMR - Sanitary Conditions of Shellfish Lands - Towns of North Hempstead and Oyster Bay. The proposed rule making will upgrade the classification of approximately 2,500 acres of shellfish lands within Nassau County, increasing the areas available for shellfish harvesting. Filed with DOS 2-22-11. Comment period opens 3-9-11 and closes 4-25-11.

Preparing Regulation Change Proposals:

- Parts 10, 19, 35 and 188- BOF -Transportation of uncertified baitfish & use of baitfish.
- Part 1 and 170. Crossbow.
 - Authorize the taking of deer and bear by the use of a crossbow by any licensed person 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
 - Specify the training and certification required for safe and lawful use of a crossbow for big game hunting by any person.
 - Replace the existing “modified archer permit” requirement with regulations that specify comparable certification requirements allowing the taking of big or small game in any

season by use of a specially-equipped longbow by any person who, due to physical disability, is permanently incapable of drawing, holding, or releasing a longbow.

- Section 1.31 - Hunting Black Bears.
- Part 608 - BOH - Use and Protection of Waters.
- Part 664 - BOH - Freshwater Wetlands.

Pending Preparation of a Regulatory Initiation Memo / Meeting:

- Part 40 - BMR - Amendment of recreational Atlantic cod regulations to limit the recreational possession limit to no more than 10 fish. This will apply to party and charter passengers, as well as anglers aboard a private vessel.

Recently Adopted:

- Part 41 - Sanitary Conditions of Shellfish Lands - Towns of Southold, Southampton, Riverhead, Brookhaven, and Oyster Bay. Filed w/DOS 3-1-11. Will appear in the State Register 3-16-11.

Law Enforcement (DLE) – Director Peter Fanelli

- OSC is in the process of developing a new actuary table for sick leave that would dilute the value of unused time by 25%. This will curtail the actual value of unused sick time that can be applied towards an individual’s health insurance upon retirement. Eleven senior officers have filed to retire based on the proposal.
- There is a rumor that ECOs will merge with the State Police, but DLE has seen no official correspondence on this matter.
- The State has requested that testimony be reopened in regard to contract arbitration.
- The number of tickets issued in 2010 declined by 2000 from the previous year.

MOTION: At 1:45 PM Alan Rosa motioned that the meeting adjourn. Seconded by Charlie Pace the motion passed unanimously.

Summary of Motions:

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

MOTION: At 1:45 PM Alan Rosa motioned that the meeting adjourn. Seconded by Charlie Pace the motion passed unanimously.

Summary of Resolutions:

- None.

Actions for CFAB:

- None.

Actions for the Department:

- The Department will provide the Board with the amount of money in the Fish and Wildlife Trust Account and the amount of interest that has been earned from the sale of lifetime licenses for the past four years and how much of the interest has been transferred to the Traditional Account.

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: #311 - April 11, 2011 (official annual meeting)

Linda Sicley, Secretary

SSH/LS