



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

Monthly Meeting Minutes
Three Hundred Fortieth Meeting
12-May-2014

Department of Environmental Conservation, 625 Broadway, Albany, NY

Call to Order – The meeting was called to order by Alan Rosa at 08:57 AM.

Roll Call

Voting Board Members Present

Charles Bevilacqua	Region 1
Gordon Whiting	Region 2
Alan Rosa	Region 4
Dave Corr	Region 6
Charles Pace	Region 7
Marc Osygian	Region 8
Dale Dunkelberger	Region 9
Raymond Merlotto	NYSCC
Bill Conners	FWMB

Voting Board Members Excused

Dominick Scarzafava	Region 3
Jason Kemper	Region 5

Voting Board Members Absent

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:

Stephen Hurst, Gordon Batcheller, Mary Bailey

Division of Law Enforcement: None

Guests

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

- None.

Minutes of Prior Meeting

MOTION: Mr. Dunkleburger motioned to accept the April 14, 2014 meeting minutes, seconded by Mr. Connors the motion passed unanimously.

Executive Report

- Assistant Commissioner Moser spoke about progress being made on the Access Initiative and Hatchery infrastructure improvements. Spending requests for both have been approved. The Department feels that half of the access projects should get completed this fiscal year. The hatchery truck purchase is also proceeding well: Specifications for the new vehicles has been finalized and the invitation for bid was let on May 2, 2014.
- Mr. Corr asked if Wildlife Restoration funds could be used to purchase new vehicles. Mr. Hurst replied “no” (DEC policy).
- Mr. Corr asked to be on record regarding his concerns that the hatchery truck purchase as buying sixteen trucks in one instance takes money away from other needed infrastructure projects, will make for a large replacement ten years from now and that a majority of the fleet will be tied to 2014 technology.
- Mr. Corr asked Ms. Moser if she could investigate the potential to have legislation enacted to allow for hunting on SUNY and other University property and look into legislation that would allow each University President to decide where to allow hunting. Ms. Moser will speak with Julia Tighe.
- Mr. Corr asked that DEC provide the Board with an update on the pipeline and roof repairs that are needed at the Salmon River Hatchery.

Roof replacement - Included in the first year of NY Works 3 projects, with \$725,000 allocated to the project. Operations plans on assigning an engineer to the project this summer.

Pipeline – DEC needs to inspect the upper section of the pipeline, then possibly proceed with "ice pigging" to flush out organic matter that is lining the pipe and believed to be impeding flow. DEC is currently trying to resolve access/easement issues with Brookfield Power so work can proceed.

DFWMR Report

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

e-Licensing:

Status Summary and Activities Completed This Period

- Work continues on addressing the various system defects and printing issues experienced by LIAs. Additional IT (2) resources continue to work with LIAs and trouble-shoot problems experienced by LIAs. This is one-on-one assistance provided to LIAs experiencing problems.
- As of 5/8/2014 a total of 1,017 LIA s have made sales on the eLicensing system; another 146 have been trained, but have not made a sale (various reasons – experiencing problems, no

customers, needs IT assistance, etc.), and 148 await the next training opportunity. Steady progress is being made getting license-issuing agents that experienced problems up and running.

- DEC conducted two sessions of hands-on training at 625 Broadway and trained 37 agents that missed the initial training opportunity. DEC is conducting additional trainings at 625 Broadway one day per week the next four weeks. Those offered training included large retail stores, recently-elected Town Clerks, municipal agents that missed the initial training, retail agents that missed the initial training and some new agents. Several agents that took the DEC-administered training are currently selling licenses.
- 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- May 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.
- In an effort to facilitate additional municipal agents adopting the new license-issuing and game harvest reporting system, DEC has started to allow experienced, DEC-trained municipal agents to train other municipal agents. DEC must be notified and approve the municipal agent prior to serving as a trainer to other municipal agents.
- Accela and subcontractor resources are being off-loaded from the DEC project. Currently, all development and technical resources are slated to be off-loaded by the end of June.
- A new agent client that assures license-issuing agent computers are connected to a DEC-issued valeron printer and that allows for a single printing of documents is currently under development. Expected implementation is mid-October.
- Enhanced license material (color background with watermark) and revised license/ tag design is underway and awaiting approval from Governor's Office.
- Plans are underway for transfer of DEC's system to Accela's East Coast Data Center. The transfer of DEC's Application to the ECDC will enhance the system's speed and should result in improved performance and customer satisfaction. The transfer to the ECDC should be completed by end of June with no noticeable disruption in system down time (less than 4 hours).
- Enhanced flow through the system (fewer screens, less page loading) are under development to enhance the customer experience when purchasing a sporting license via eLicensing.
- Issues with reporting turkey harvest via telephone has occurred sporadically and were abundant during opening weekend of spring turkey season. Several issues have been resolved, but the sporadic nature of the issues has hampered resolution of the problem(s). On-line reporting of turkey harvest is functioning well and hunters are, increasingly, reporting harvests on-line.
- Mr. Pace stated that a new LIA in Nelson provided him with very positive feedback regarding the training his business received and the promptness in which he received his equipment.
- Board members asked how long it takes for a licensee that applies for a new licence via the

internet to receive their tags. DEC replied that requests for licenses are processed and mailed to the applicant within 48 business hours and that most customers receive their material in five to seven business days.

License Sales

- Sales since January continue to trail those from a year ago. During the period January 1 – May 8, 2014: 233,188 items sold totaling \$4,634,608 in revenue while during the same period in 2013, 287,602 items were sold totaling \$5,814,725 in revenue.
- Revenues from license year to date sales for 2013-14 also trail those from 2012-13: Revenues to date for 2013-14 total \$41.7 million compared to \$43.9 million during 2012-13.
- Lifetime license sales are up compared to a year ago:
 - lifetime license/privilege sales for January 1 – May 8, 2014:
 sportsman – 1,155
 fishing - 471
 hunting - 73
 trapping - 37
 bow hunting - 218
 muzzleloading - 104
 total – 2,058
 - Lifetime license/ stamp sales for January 1 – May 8, 2013:
 sportsman - 705
 fishing - 157
 hunting - 36
 trapping - 8
 bow hunting - 92
 muzzleloading – 35
 total – 1,033

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	37.65	-0.4
Fish, Wildlife & Marine Grants Account	60.95	-1.15
Conservation Fund (Marine Account)	14	
Conservation Fund (Traditional Account)	234.05	-2.2
Environmental Monitoring Account	2	
Environmental Regulatory Account	<u>5.8</u>	
Total	358.1	-3.75

Conservation Fund (Marine Account)

<u>Division</u>	<u>Number of Staff</u>	<u>Change</u>
Fish, Wildlife, and Marine Resources	<u>14</u>	
Total	14	

Conservation Fund (Main Account)

<u>Division</u>	<u>Number of Staff</u>	<u>Change</u>
Fish, Wildlife, and Marine Resources	234.05	-2.2
General Counsel	1	
Law Enforcement	84	-2.0
Operations	6	+1.0
Management and Budget	2	
Public Affairs and Education	2	
Regional Affairs	<u>3</u>	
Total	332.05	-3.2

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) **6NYCRR 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.*

4) **6NYCRR Parts 1 and 2 - Crossbows.** Amend regulations to allow for use of crossbows to take small game (including upland game birds) during all open seasons, big game during seasons where a firearm is allowed, and big game during the last 10 days of the northern zone archery-only season and last 14 days of the southern zone archery-only season. *Proposal is being routed for internal review and approval.*

Proposals Filed:

1) **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 was filed with Department of State 3/11/2014 and published in the New York State Register 3/26/2014. Public comment period is scheduled to run through 5/12/2014.*

2) **6 NYCRR Part 1.31 – Bear.** In accordance with the black bear management plan: amend regulations pertaining to bear hunting. Allow bear hunting in 21 additional Wildlife Management Units, establish an early bear season in a portion of the southern zone (WMUs 3A, 3C, 3H, 3J, 3K, 3M, 3P, 3R, 4P, and 4R) first Saturday after Labor Day for 16 days, change northern zone bow hunting season for bear to first Saturday after the second Monday in September, allow bow hunting for bear in 17 additional WMUs in the southern zone, allow early season muzzleloader hunting for bear in WMUs 6A, 6G, 6K, and 6N, add 15 WMUs to those where lack bear may be taken during the late muzzleloader season. *RIM signed 3/20/2014. Notice of proposed rulemaking was filed with Department of State 4/30/2014 and scheduled to be published in the New York State Register 5/21/2014. Public comment period is scheduled to run through 7/7/2014.*

Pending Adoptions:

1) **6NYCRR 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 filed with Department of State 12/24/2013. NPR published in State Register 1/8/2014. Public comment period ended 2/24/2014. Final rule adoption is under internal review.*

Emergency Rules:

1) 6NYCRR Part 40.1 Summer flounder and black sea bass. Amend 6 NYCRR Part 40.1 to: change the regulations for summer flounder: change open season to May 17 – September 21, reduce the minimum size limit to 18 inches and increase the daily harvest limit to 5; and change the open season for black sea bass to July 15 – December 31. ***Emergency regulations and Notice of Proposed Rulemaking were filed with the Department of State 4/29/2014. The rulemaking will be effective 5/14/2014 and public comment period will run 5/14/2014 through 6/30/2014.***

Recently Adopted:

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 filed with Department of State 11/26/2013. NPR published in State Register 12/11/2013. Public comment period is scheduled to run through 1/27/2014. Notice of Adoption of rulemaking filed with Department of State 4/3/2014. Notice of Adoption was published in the State Register and became effective 4/23/2014.*

DLE Report

No staff from DLE was available.

MOTION: Mr. Pace motioned that the Board should recognize the dedicated service and sudden passing of Lieutenant John C. Fitzpatrick with a moment of silence, seconded by Mr. Conners the motion passed unanimously.

MOTION: Mr. Conners motioned that the Board should congratulate Timothy Duffy on his appointment to Division Director, seconded by Mr. Corr the motion passed unanimously.

CFAB Business

- Mr. Bevilaqua raised concerns regarding the use of 4 Poster Tickicide stations on Long Island. He is concerned that hunters may become sick should they consume meat that contains Permethrin. He asked that DEC provide him a list of 4 Poster baiting stations by town.
- Dave Corr presented a draft list of legislative priorities to the Board. The Board will review the draft list and develop a final list at the June meeting
- Mr. Pace told the Board that alternative funding for the fish and wildlife program must be a high priority for CFAB in SFY 2014. He further stated that work needs to begin now as available funding shrinks and a license fee increase is out of the question in the minds of most sportsmen.
- CFAB engaged Mr. Batcheller and Mr. Hurst on various questions regarding the new crossbow legislation. They asked DEC if a video on crossbow safety can be produced and made available on the DEC web site. DEC will investigate.
- Board members are tentatively planning on attending the Caldonia Hatchery 100 year celebration at on August 10 and holding the Region 8 program review at Montezuma on August 11. DEC will look into meeting space at the Audubon Center.
- The Board worked on the Annual Report. They also discussed a new report format for the 3013 report.

MOTION: Mr. Corr motioned to conclude the meeting at 11:47 AM, seconded by Mr. Merlotto the motion passed unanimously.

Summary of Motions:

MOTION: Mr. Dunkleburger motioned to accept the April 14, 2014 meeting minutes, seconded by Mr. Conners the motion passed unanimously.

MOTION: Mr. Pace motioned that the Board should recognize the dedicated service and sudden passing of Lieutenant John C. Fitzpatrick with a moment of silence, seconded by Mr. Conners the motion passed unanimously.

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Summary of Resolutions:

- *None*

Actions for CFAB:

- *Finish the Annual Report*

Actions for the Department:

- *Provide the Board a list of 4 Poster Tickicide stations on LI.*
- *Provide a briefing on Wild Turkey Research to CFAB at the June meeting.*
- *Assist in arrangements for the August Program Review in Region 8*

Next CFAB Meeting: #341 – Monday, June 9, 2014

SSH/WC/JK

Jason Kemper - Chairman