



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

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Monthly Meeting Minutes

Two Hundred Eighty-Eighth Meeting

9 February 2009

Legislative Office Building, State Empire Office Plaza, Albany, NY

**Call to Order** – Chairman Hancock called the meeting to order at 9:12 AM, and announced that because of the Board’s work demands for the meeting he would not entertain comments from the guests.

**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
Linda Sicley	Region 6
Charles Pace	Region 7
Charles Hancock	Region 8
Howard Cushing	NYSCC

DEC Personnel

Douglas Stang, John Major, Steve Hurst and  
Arthur J. Newell, Division of Fish,  
Wildlife and Marine Resources  
Peter Fanelli, Director, Division of Law  
Enforcement

Voting Board Members Excused

Dale Dunkelberger	Region 9
Gerald Bierker	FWMB

Ex-Officio Members Present

NYS DEC Commissioner, represented by  
Assistant Commissioner Christopher  
Amato; Patricia Riexinger, Director,  
Division of Fish, Wildlife and  
Marine Resources; and  
Wallace John, Office of Natural  
Resources  
Steve Liss and Michelle Merlot,  
Assembly EnCon Committee

Guests

Harold Palmer, NYSCC  
Russell Williams, sportsmen  
Patricia Arnold, CANY  
Jim Petreszyn, FWMB  
Dick Nelson, Hudson Valley Newspapers  
Timothy Cox, Catskill Watershed Corp.

Ex-Officio Members Absent

Senate Finance Committee  
Senate EnCon Committee  
Assembly Ways and Means Committee

Chairman Hancock stated that a quorum of voting members was present and opened the meeting for the conduct of business.

## License Fee Proposal

Chairman Hancock asked the committees to make their proposals.

### Fishing

Committee Chairman Scarzafava made a motion in the form of a resolution – see **Attachment 1**. It was seconded by Mr. Bevilacqua. Mr. Scarzafava said that he perceived that DEC doesn't care what the Board advises, and he wants someone to tell him that the revenue from the trout & salmon stamp will in fact go into a dedicated fund within the CF. Chairman Hancock said that we do know that that stamp revenue will go into the CF, but the problem is that the Board doesn't get a good accounting of what CF money is spent on. Both Messrs Scarzafava and Hancock then said that neither of them received the comparative statement for last month. Chairman Hancock said that the sportsmen will remain opposed to a license fee increase until there is good accountability on the use of the funds; the sportsmen have been wanting for this for 20 years and without it DEC will have no credibility. Mr. Rosa agreed with this sentiment, but he also thought a fee increase was needed and a resolution different from that proposed by the Fishing Committee was needed. Mr. Pace made a motion to table the resolution/motion; seconded by Ms Sicley, and it was passed unanimously.

Mr. John said that since the last meeting DEC has been producing an account of expenditures that it would like to present to the Board. Chairman Hancock said that it is not an auditable document, and anything short of that was not acceptable. Mr. John differed, saying that it indeed was auditable, and, in fact four audits in the last ten years (three by the USFWS and one by OSC) found that all CF and federal funds were used appropriately according to the State Finance Law and federal Sport Fish and Wildlife Restoration programs. Chairman Hancock agreed to see the presentation, adding that he would want to show it to their constituents. Mr. Stang then gave the presentation – see **Attachment 2**.

During and after the presentation there was discussion about the presentation. Mr. Cushing said that since DEC annually delivers a work plan with each budget request, and since anybody can see it, the Board should have been using this work plan and following up to see what DFWMR actually did; then if the Board didn't like what DFWMR did it should have challenged DEC at that time. Mr. Cushing then asked if the Board can get a report of staff time and activity at the end of a FY. Messrs Stang and Hurst said yes, and that about 5 years ago the Board was given a T&A report and didn't find it useful. Mr. Pace asked if the Board can get quarterly reports. Mr. Cushing answered for DEC, saying yes, but it can take months or longer after a quarter passes to get the reports, and it takes too much time to prepare and difficult to pick "target points" to focus on. Mr. Rosa said he does trust DEC to spend the CF appropriately; he is simply relaying what his constituents tell him. In response to a question from Mr. Rosa, Mr. Stang said that previous years' fringe benefit liabilities will be eliminated by the end of 2008-09, but with approximately 65 DFWMR staff scheduled to go back onto the CF, there will be about a \$10 million deficit in FY 09, per the proposed Executive budget. Mr. Cushing said that in addition when there is a settlement with the ECO union there will be a further increase in the deficit. Ms Sicley asked where the federal funds were, and Mr. Stang said they were in a separate Special Revenue-Federal account. Mr. Stang then distributed another handout (**Attachment 3**) which describes, among other things, initial charges to the CF, and the last table of the packet is a summary of over 5000 individual expenditures. Chairman Hancock said that when it takes from 1 July to 5 November to get the previous year Level of Effort Report, someone is cooking the books, and the numbers don't even match. There was then a discussion on this, after which Mr. Kemper said to Mr. Cushing, let's stop talking about the past and address the issue at hand. Mr. Cushing said that he and other sportsmen want

to see how much money was actually spent on the activities in the work plan; and he posed the question, isn't our question really, do we want money spent on what is in the work plan. (Later in the meeting Mr. Palmer asked why the particular cost categories were selected, and Mr. Hurst replied that various levels of detail can be provided, and what level would he like to see.) There was further discussion, after which Mr. John said, so the issue is, do a fee increase or take \$10 million of work out of the CF budget. Mr. Kemper answered, yes, but sportsmen don't want to see a decrease in service. Mr. Bevilacqua said that his only concern about a fee increase is that he doesn't want to see it as stamps or non-resident increases; non-resident fee increases would be counter-productive. Mr. Pace asked if the Board could continue with the committee reports, and Chairman Hancock said they would. He then turned to Mr. Scarzafava and asked if the Fishing Committee had a specific license fee proposal. Upon Mr. Scarzafava's response in the negative, Chairman Hancock clarified that he wanted each committee to make a license fee proposal. Mr. Scarzafava said he is not opposed to a general fee increase, but he wants more accountability, acknowledging the need for more money to run the program, except that he opposes fees for disabled military personnel.

### Hunting Committee

Mr. Pace, chair of the committee, read a statement (see **Attachment 4**), which he then proposed as a motion; it was seconded by Mr. Bevilacqua, and after some discussion the motion was tabled. Mr. Bevilacqua said the Legislature would never approve a multi-tier fee increase because it imposes a funding act on a subsequent Legislature. Mr. Rosa suggested that it could be a suggested approach for the Board, i.e., recommend a fee increase for FY 09 and commit itself to consideration of the need for another in a year or two. Mr. John observed that a read of the press release indicated that if there is no new revenue for the CF, the funding for the pheasant farm would disappear within a year, or perhaps set aside money for the pheasant farm in lieu of some other program. Mr. Cushing said if the Board votes for an increase it would have to find a legislator to support it. Mr. Pace said some legislators have already been found, and Mr. Bevilacqua said the proposal would need constituent support. Mr. Pace said his committee is considering a fee/revenue increase of about 33%, but they are not sure this would cover the deficit. Mr. Cushing asked what they would be willing to give up if the increase did not cover the deficit.

### Trapping Committee

Ms. Sicley, chair of the committee, described a variety of recommendations (see **Attachment 5**), that generally agreed with the Hunting Committee proposal of across the board license fee increases and developing support for a "conservation tax."

### Marine District Committee

Mr. Bevilacqua reported that over 90% of the saltwater anglers oppose the proposed marine recreational license. Reasons may be a mix of general rejection of the need for a license to fish in saltwater and opposition to the revenue going into the Traditional CF rather than the Marine Resources Account.

The Board then began a general discussion on license fee increases, including the recommendations from the committees. Mr. Kemper said the Board has heard many opinions, and the only way for the Board to take a position is to have a vote on a particular fee proposal. Chairman Hancock said a license fee increase is overdue, and what is needed is 1) institute a large fee increase that will cover the deficit for at least five years, or 2) propose an increase for each year or 3) propose cuts in program. Ms. Sicley

suggested the Board could propose other actions, too, e.g., a visible fishing license, excise tax on outdoor gear, increase fish & wildlife violation penalties and a mandatory access permit for state lands. Mr. Amato said that looking at other sources of revenue carries a fair amount of risk – an access permit will be very difficult to enact – existing recreational groups are very opposed to them; we are assuming a great deal of risk if we look at options other than a fee increase. Mr. Cushing suggested a fee increase that would resolve the CF deficit for 3-4 years. Mr. Pace said that would be similar to his committee's proposal, which also included a public information & education effort to gain support for longer term measures like Ms. Sicley's committee suggested.

Before the break for lunch, Mr. Amato had some good news: 1) the Attachment A for the purchase of land for access to Little Sandy Pond was approved and 2) thanks to Messrs. Stang and Hurst for the work they did on the revenue and expenditure report, adding that DEC will help spread information on the status of the FWMR budget.

After lunch the Board returned to consideration of a License Fee Proposal. The Hunting Committee proposal (**Attachment 4**) was used as the starting point. There was considerable discussion for all to come to an understanding of the proposal. The Board then decided to defer on the two tier proposal and then did a mark up of the 2<sup>nd</sup> tier part of the proposal. See **Attachment 5**.

**Mr. Pace made a motion for the Board to take the following position: The Conservation Fund Advisory Board will endorse the attached (Attachment 6 [see at the end of these minutes]) hunting, fishing and trapping license fee increase schedule provided that issues, including but not limited to, accounting, policy, program, staffing and communications are determined by the Board to be satisfactorily rectified in a timely fashion and that the DEC will work to get support for a new "Conservation Tax" that will be an additional funding source for funding the Conservation Fund. The motion was seconded by Mr. Bevilacqua and passed unanimously.**

The discussion on this motion before the vote included the following. Mr. Cushing said that this proposal doesn't address the cuts in capital, i.e., passing this motion won't assure sportsmen of the Board that capital funding for the hatcheries will be preserved. The Board agreed that the Super Sportsman license fee proposal should include an option for the license buyer to select two of the following licenses: trapping, bowhunter or muzzleloader. Mr. John said that the Division of Operations just agreed to finish the design for the Rome hatchery, which is a good sign. Chairman Hancock asked Messrs. Scarzafava and Pace if the license proposal that was under consideration addresses their tabled motions, and both said it did, so those motions were then withdrawn.

## **Other Committee Reports**

### Legislation

Mr. Cushing voiced concern that: may not be able to muster enough effort to get license fee proposal drafted and support generated; CFAB does not seem to have the standing that it once did with NYS Legislature and sporting interest groups; and there is a need to improve the organization of CFAB and the issues/ efforts that the Board is working on.

CFAB should ask DEC Commissioner Grannis for assistance in drafting appropriate bill language for the fee proposal.

## **Other Business and Discussions**

Mr. John distributed two handouts: 1) the January-June 2009 NYS Legislative Session Calendar (**Attachment 7**) and 2) the new Legislative Committees (**Attachment 8**).

Regarding the draft minutes of the 12 January 09 meeting, the Board said it needed more time to review them. Chairman Hancock instructed Mr. Newell to put them on the CFAB web page, clearly marked as draft, and in the meantime Board members should send their comments and corrections to Mr. Newell.

Chairman Hancock presented to the Board a document entitled Investing in State-based Fish & Wildlife Conservation (**Attachment 9**) compiled by the Association of Fish and Wildlife Agencies (AFWA) that highlights Teaming with Wildlife efforts and potential spending by the States for these efforts. See [http://www.tlcv.org/blog/AFWA%20Green%20Jobs%20Recommendations%20\(Final\).pdf](http://www.tlcv.org/blog/AFWA%20Green%20Jobs%20Recommendations%20(Final).pdf)

Russ Williams (from the floor): felt that CFAB members are simply a collection of names and that there should be biographical sketches and photos of the CFAB members up on the website. The CFAB web pages need to be "livened up."

### **Upcoming CFAB meetings**

The Board discussed future meetings. Chairman Hancock asked if the Board could do video conferencing, expressed the opinion that downtown hotels and parking cost too much, and DEC should look for meeting rooms at state offices on Wolf Rd and the state office campus. Mr. Cushing said the Board shouldn't use video conferencing because it costs too much, and he understands that the August field trip in Region 3 has been reduced to one overnight.

**Chairman Hancock declared the meeting adjourned at 4:32 PM.**

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Jason Kemper, Secretary

## Conservation Fund Advisory Board License Fee Proposal

### Resident Licenses

License / Permit Type	Current Fee	Proposed Fee
Conservation Legacy	\$76	\$96
Super Sportsman	\$68	\$88
Sportsman	\$37	\$47
Sportsman (Sr. 70+)	\$5	\$10
Small and Big Game	\$19	\$29
Fishing	\$19	\$29
Fishing (Sr. - 70+)	\$5	\$5
Fishing (Blind)	\$0	\$5
DMP - (instant)	\$0	\$5
DMP (fcfs)	\$0	\$5
DMP (fcfs)	\$10	\$10
DMP (instant)	\$10	\$10
Military Disability	\$5	\$5
Bow Hunting	\$16	\$21
Bow Hunting (Sr. 70+)	\$0	\$0
Bow Hunting (Jr.)	\$9	\$9
Muzzleloading	\$16	\$21
Muzzleloading (Sr. 70+)	\$0	\$0
Small Game	\$16	\$26
Junior Hunting	\$5	\$5
Turkey Permit	\$5	\$10
Trapping	\$16	\$21
Trapping (Sr. 70+)	\$0	\$5
Trapping (Jr.)	\$6	\$6
7-day Fishing	\$12	\$15
1-day Fishing	\$15	\$5

### Lifetime Licenses

License / Permit Type	Current Fee	Proposed Fee
Sportsman (age 0- 4)	\$300	\$380
Sportsman (age 5-11)	\$420	\$535
Sportsman (age 12-69)	\$600	\$765
Sportsman (age 70+)	\$50	\$65
Small and Big Game	\$350	\$535
Fishing (age 0-69)	\$300	\$460
Fishing 70+	\$50	\$65
Trapping	\$300	\$395
Bow Hunting	\$180	\$235
Muzzleloading	\$180	\$235

**Non-Resident Licenses**

<b>License / Permit Type</b>	<b>Current Fee</b>	<b>Proposed Fee</b>
Super Sportsman	\$250	\$280
Big Game	\$110	\$140
Bow Hunting	\$110	\$140
Bow Hunting (Jr.)	\$9	\$9
Muzzleloading	\$110	\$140
Bear	\$30	\$50
Small Game	\$55	\$85
Junior Hunting	\$5	\$5
Turkey	\$30	\$50
Trapping	\$255	\$310
Fishing	\$40	\$70
7-Day Fishing	\$25	\$35
1-Day Fishing	\$15	\$15
Conservation Patron	\$12	\$12

3/9/2009