



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

---

Monthly Meeting Minutes  
Two Hundred Ninety First Meeting  
11 May 2009

Dept of Environmental Conservation, 625 Broadway, Albany, NY

**Call to Order** – Chairman Hancock called the meeting to order at 9:00 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 Hancock	Region 8
Dale Dunkelberger	Region 9
Howard Cushing	NYSCC
Jim Petreszyn	FWMB

Voting Members Excused

Linda Sicley	Region 6
Charles Pace	Region 7

Ex-Officio Members Present

NYS DEC Commissioner, represented by  
Douglas Stang, Division of Fish,  
Wildlife and Marine Resources and  
Wallace John, Office of Natural  
Resources

DEC Personnel

Arthur J. Newell, Division of Fish, Wildlife and  
Marine Resources  
Peter Fanelli, Director, Division of Law  
Enforcement

Guests

Dick Nelson, Hudson Valley Newspapers  
Patrick Augustine, Atlantic States Marine Fisheries  
Commission

Ex-Officio Members Absent

Senate Finance Committee  
Senate EnCon Committee  
Assembly Ways and Means Committee  
Assembly EnCon Committee

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

## **Correspondence**

1. Mr. Kemper sent a letter for CFAB to Commissioner Grannis on 30 April 09 with the recommendation that DEC should not waive the DMP application fee for the Super Sportsman licenses.
2. CFAB was copied on a letter from Thomas J. La Russo, West Milford, NJ, to Governor Paterson saying that he purchased his last non-resident fishing or hunting license because of the high fee increases.

## **Minutes of prior meetings**

**Mr. Petresyzn made a motion to accept the 13 April 09 minutes, with replacement of one sentence on page 3; seconded by Mr. Dunkelberger and passed unanimously.**

## **Committee Reports**

### Legislation

No report.

### CF Expense Reporting – Annual Report: Structure and Content

Mr. Rosa reported that he compared recent Annual Reports with those in the early 2000's, and he found that the recent reports were much more informative than the older reports. What does the Board want; clearer reports? Chairman Hancock said the Board needs to have the FWMR program Level of Effort Report by August so that the Board can work on the Annual Reports at the September meeting. Mr. Cushing questioned the purpose of an annual report to the Commissioner, saying the Board should be reporting to the Commissioner through out the year on a regular basis, and delivery of the Annual Report in November is too late to have an affect on the next year's budget; it should be delivered in November. Chairman Hancock acknowledged the need for regular CFAB advice to DEC, but an Annual Report is required by law, that it covers past year expenditures, and perhaps the Board should take the information received from DEC and prepare a proposed FWMR budget; would need the 2010 work plan in July 09.

Mr. Rosa then read ECL 11-0327.3(a):

"To review the allocations and expenditures of the department for fish and wildlife purposes as provided in section 11-0303 of this title and report to the commissioner by November fifteenth of each year. To assist the board in its review, the department shall by September first of each year make available to the board, the governor and the legislature current and anticipated income and expenditures for the fish and wildlife programs, including planned expenditures by time and activity code for the next fiscal year. Such report shall include the findings of the advisory board regarding such allocations and expenditures, including expenditures and appropriations from the conservation fund and the extent to which such expenditures and appropriations are consistent with the requirements of state law. The report shall also include recommended maximum annual fees for the

licenses and stamps identified in subdivision 3 of section 11-0715 of this article. In recommending such fees the board shall consider economic indicators, the status of the conservation fund, and such program indicators as it may deem appropriate. The commissioner shall submit such report, in its entirety, to the governor and the legislature."

The Board then had a lengthy discussion on the content of the Annual Report and changes to make to it. The notes below reflect the substance of the discussion.

- Mr. Cushing: wants the CF reimbursed for unfair charges made to it, and then probably need to correct future charges.
- Mr. Rosa: review the FWMR 2010 work plan and making recommendations on funding for activities, including a certain percent of support of the work by GF.
- Chairman Hancock: alternatively, presume the FWMR program should be supported by GF and CF pays for what portion it can.
- Mr. John: the problem is that CF revenue was about \$38 million but about \$50 million was appropriated, so there was not enough money to pay for the program; the license fee increase is intended to fix that.
- Mr. Petreszyn: CF should probably pay for part of the wetlands work; CFAB should review the FWMR work plan and advise on a GF/CF cost share.
- Mr. Cushing: CFAB needs at least to recommend some FWMR costs should be looked at in terms of the appropriateness of their being funded by CF; for example who/what fund is going to pay for mapping and regulating freshwater wetlands as small as 1 acre?
- Mr. Petreszyn: NYS won't pay for that mapping because it takes the state too long to get the mapping done; too much work backlog; developers will hire consultants to do it and DEC might review them.
- Mr. John: CFAB really needs to review FWMR work plan
- Mr. Petreszyn: OK, but also need to see the "as built," i.e., the actual amount of time spent on activities and actual cost of them.
- Mr. Stang: DFWMR has given the Board both over the years, planned work as well as actual work; CFAB needs to decide how it wants the work plan info.
- Mr. Rosa: can we get info on state costs associated with a couple big projects in Region 3?
- Mr. John: yes, the work on Prattsville 20+ years ago was probably one of the most costly for FWMR.

At this point Mr. Newell distributed the table that was missing from the Annual Report that CFAB submitted in the fall of 2008; the table is entitled "2007-08 Fish, Wildlife & Marine Level of Support Analysis Summary." Chairman Hancock instructed Mr. Newell to add the table to the 2007-08 Annual Report and also to add a pie chart illustrating expenditures by DEC programs in FY 07-08.

Chairman Hancock asked if the Board could get the FY 08-09 Level of Effort Report (LoER) July. Mr. Stang thought it would be necessary to ask Nancy Lussier or Jack McKeon if that would be possible. Chairman Hancock then questioned whether the specifics that have been in the LoER are what the Board really wants for its Annual Report. Mr. John suggested asking Nancy Lussier and Jack McKeon to attend the next CFAB meeting.

**Mr. Cushing made a motion for the Board to inform DEC that it must have by 1 September 09 the full complement of fiscal information needed to prepare the CFAB Annual Report; seconded by Mr. Petreszyn and passed unanimously.**

## Field Trip Update

Mr. Scarzafava distributed a proposed schedule for the 2-3 August field trip, along with driving directions to the Wallkill Rod & Gun Club and a flyer on the dinner at the Club.

Mr. Stang reported that in deference to the planned Reduction in Workforce and the severe budget restrictions that DEC is considering canceling this year's CFAB field trip. Chairman Hancock said that given the license fee increase proposed by CFAB and adopted, and that this is the only substantive visit with the public by the Board, he strongly recommended not canceling the trip; DEC and the Board will lose credibility if the trip is canceled. Mr. Scarzafava said that if the trip was going to be canceled he would need to know immediately to cancel reservations, and he hoped that money would not be lost. Mr. Dunkelberger said DEC's credibility with hunters was severely impaired when it was proposed to close the pheasant farm, and canceling the Board's meeting with the public in Region 3 would reduce DEC/CFAB credibility even more.

**Mr. Scarzafava made a motion for the Board to proceed with plans for the annual regional review because the scope of the trip has been significantly reduced from previous years and the cost will be far less than in the past; seconded by Mr. Bevilacqua and passed unanimously.**

Chairman Hancock instructed Mr. Kemper to send a letter to the Commissioner, copies to chairs of the EnCon committees, transmitting the decision in the above motion and the substance of the discussion on the matter.

The Board continued discussion on the trip schedule. It was recommended that the Hudson River tour include more on freshwater fisheries and waterfowl management.

During the lunch break Chairman Hancock and Messrs. Scarzafava and Petreszyn met with DFWMR Director Patricia Riexinger. Chairman Hancock reported on the meeting. The regional meeting will now be more clearly focused as a regional review of FWMR program activities in the region, information collected will be compiled in a report by the Board, and which will include a section on findings by the Board. Messrs. Scarzafava and Petreszyn will revise the review schedule. Chairman Hancock asked that DEC provide a PowerPoint presentation on the Stewart Forest, in lieu of a visit that would preclude seeing much else in the day and a half.

## By-Laws

Chairman Hancock said the question is still open on whether CFAB is subject to the Open Meeting Law. Mr. Rosa said that the Board needs a legal opinion from DEC in writing on this question, and that the Board shouldn't vote on the revised by-laws until the legal opinion is received.

**Mr. Scarzafava made a motion to table the adoption of revisions to the CFAB by-laws until the Board receives a written legal opinion from DEC on the applicability of the Open Meetings Law to the Board; seconded by Mr. Rosa and passed unanimously.**

## DECALS

Chairman Hancock asked which Board members needed DECALS manuals and which needed ECL books. All needed the new DECALS manuals, and Messrs Cushing and Petreszyn need law books. Mr. Newell was asked to provide them.

## **Department Reports**

### Fish, Wildlife and Marine Resources

Mr. Stang gave the report.

- the public comment period on deer management is about to close; most comments were in opposition to antler restrictions
- emergency rules and notice of proposed rulemaking on fluke and black sea bass have been filed.
- DFWMR is working on the rulemaking with regard to DMP application fees; moving forward per the recommendation in CFAB's letter to the Commissioner that provides no application fees for holders of lifetime sportsman licenses, junior hunting licenses, and junior bowhunting licenses.
- DFWMR has approval to fill most of its seasonal positions for the April through September/November period; still waiting for temporary service and non-personal service allocations
- agencies have been notified there will be a reduction in workforce, including a possible reduction of 30-35 in DFWMR; a seniority list of all DEC staff was distributed as an FYI, which has made many staff nervous
- frequently asked questions and answers on the license fee increases and recreational marine fishing license are in development
- Rome Hatchery reconstruction is in proceeding with final plans done; bids due 1 June; expected demolition in August; reconstruction expected to begin in September; it is hoped that fish production and stocking impacts will be minimized.
- DEC probably won't sell licenses at the State Fair; Chairman Hancock asked if on-line sale could be available at the Fair or possibly phone sales, and Mr. Stang said those were a good ideas that he would look into.

DFWMR Director Patricia Riexinger attended the meeting for a while in the afternoon, and she reported on several matters. First, funding for the production and distribution of the Habitat Stamp pins was disapproved; the money saved will be spent on projects; Director Riexinger expressed concern that some people will think DEC is not sufficiently promoting the Stamp. Second, DFWMR is working with the NYS F&W Mgt Bd to refocus their activities on management of private lands for fish and wildlife; DEC will provide each of the seven NYS Boards \$5,000 from the Habitat Account for projects on private lands; conduct of a formal Request for Applications became too costly and time-consuming a means to distribute Habitat Stamp funds; it is hoped that the Boards will find cost share partners for

some projects, e.g., Audubon Society. Third, Director Riexinger distributed a NYS Wildlife Viewing Site Nomination Form for people to submit their suggestions for where wildlife may be watched; this info will be used to update the next edition of the book NYS Watchable Wildlife and add to the info on the DEC Watchable Wildlife page; forms may be sent to the DEC Watchable Wildlife Steering Committee, c/o Director Riexinger.

### Division of Law Enforcement

The report was given by Director Fanelli.

- DLE was required to submit eight names for the Reduction in Workforce; the least senior would go, probably all or most in Region 2; Region 2 staff are doing a lot of good environmental justice work; at this time no transfers or promotions are allowed
- DLE still has available \$1 million from a Homeland Security Grant for boats, but there is no state match; but DLE received a 5-yr old boat in good condition from the NYS Naval Militia; Mr. Scarzafava asked how many boats DLE had, and Director Fanelli said he would find out.

### **Atlantic States Marine Fisheries Commission**

Pat Augustine, one of three NYS Commissioners on ASMFC, distributed a packet of information on ASMFC for each Board member.

### **Review of Classification and Categorization of Work Performed by DEC Staff on FWMR Programs**

Messrs. Stang and Newell described the 11 and 35 page versions of the DFWMR FY 09 work plan; the 11 page version contains effort and cost associated with DFWMR's Goals, Strategies and Objectives and the 35 page plan adds to that a breakdown of effort and cost associated with specific activities under each objective. Mr. Rosa suggested that the Board focus on those objectives and activities that the Board thinks should not be funded by CF or Wildlife Restoration funds or Sportfish Restoration funds. The Board then discussed possible criteria to apply to make such a determination. Board members felt that in addition to planned effort it should see how funds have actually been spent. Mr. Stang said that he would provide to Board members for the next meeting a report of staff time spent on all activities in FY 08-09 and the associated cost broken out by funding source for the staff effort.

### **Venison Donation Program**

The Board discussed the status of the Venison Donation Program and funding available. Chairman Hancock told DEC staff that DEC should send a letter to the Venison Donation Coalition, briefing the VDC on the amount of funds that would likely be available this year from the Venison Donation Account and whether any other DEC funds for the Program would be available.

### **Board Member Reports**

Mr. Scarzafava reported that he has scheduled a number of meetings to meet hunting and fishing organizations, and he will meet with DEC re the Pine Kill effort to restore flow to the stream; the project may be eligible for receiving \$160,000 from Clearwater.

Mr. Rosa reported that bears continue to be a problem in Region 4; people still feed birds, bears eat the feeders, then raid houses and garages looking for more food.

Chairman Hancock reported that the Region 8 FWMB met with the Finger Lakes Conservation Council to review and discuss the license fee increases.

**Chairman Hancock adjourned the meeting at 3:05 PM.**

**Upcoming CFAB meetings**

**NYSDEC, 625 Broadway, Albany: 8 June 09**

**Region 3 Review, 2 & 3 August 09**

**NYSDEC, 625 Broadway, Albany: 14 September 09**

**NYSDEC, 625 Broadway, Albany: 13 October 09**

**NYSDEC, 625 Broadway, Albany: 9 November 09**

---

Jason Kemper, Secretary