



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

Monthly Meeting Minutes
Two Hundred Eighty-Sixth Meeting
8 December 2008

Dept of Environmental Conservation, 625 Broadway, Albany, NY

Call to Order – Mr. Bevilacqua called the meeting to order at 9:06 AM.

Roll Call

Voting Board Members Present

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| Charles Bevilacqua | Region 1 |
| Dominick Scarzafava | Region 3 |
| Alan Rosa | Region 4 |
| Jason Kemper | Region 5 |
| Linda Sicley | Region 6 |
| Dale Dunkelberger | Region 9 |
| Howard Cushing | NYSCC |
| Gerald Bierker | FWMB |

Voting Board Members Excused

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| Gordon Whiting | Region 2 |
| Charles Pace | Region 7 |
| Charles Hancock | Region 8 |

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

Ex-Officio Members Absent

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

DEC Personnel

Peter Fanelli, Director, Division of Law
Enforcement
Bradley Field, Director, Division of Mineral
Resources
Steve Hurst, Gordon Batcheller and Arthur J.
Newell, Division of Fish, Wildlife and
Marine Resources

Guest

Steve Piatt, Outdoor News

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

Correspondence: Chairman Hancock sent a letter to Commissioner Grannis on 19 Nov 08, transmitting

the Board's 2007-08 Annual Report.

Chairman Hancock received a letter from Michael Zeh, Chairman of the NYS F&W Management Board, dated 17 Nov 08, informing Chairman Hancock that Jim Bertram resigned from the FWMB, and Mr. Zeh appointed Gerry Bierker to be the FWMB representative on CFAB until the FWMB has elections at its meeting in March 2009

Mr. Bevilacqua said that the Board should have received correspondence from DEC regarding the closure of the Reynolds Game Farm. Mr. Stang that to date there has been no announcement or communication with the public and that the plan under consideration is to make cost savings.

[Note: Governor Paterson issued a news release on December 13, 2008 announcing the closure of the Reynolds Game farm and disposition of the broodstock of pheasants at the facility]

Minutes of 10 November 08 meeting: A motion to accept the minutes as presented was made by Mr. Bierker, seconded by Ms. Sicley and motion carried unanimously.

Committee Reports

Legislation

Mr. Cushing reported that he was having trouble getting meetings with legislators. He learned that to meet with the Governor's office it was necessary to work with Judith Enck, which is OK, but CFAB really needs to meet directly with the Governor. Mr. Cushing said the Board needs to formally request a meeting and carefully plan the agenda, which is hampered by not having the white paper done. A discussion ensued about the need for full Board involvement in the preparation of the white paper. Mr. Cushing advised that not only Republican support for Board positions should be sought since most western NYS, hardline hunters and anglers are Democrats. The Board needs to focus on the value of hunting and fishing in NYS; the need for both state and non-state funding for fish & wildlife programs, collaboration with environmental groups communicating the values of natural resources and the economic loss if natural resources are not managed properly. These major points need to be in the white paper, along with info on level of staffing on CF, cutbacks, how NYS/DEC will benefit from climate change laws, cost to repair hatcheries and other fish and wildlife related infrastructure; then create a "balance sheet" on the status of fish and wildlife resources, deliver it to the Governor and ask him for a formal assessment by Division of Budget. Messrs. Bevilacqua and Rosa said this was a good strategy, and Mr. Rosa said it needed to be produced professionally; with help from DEC said Mr. Cushing. Mr. John said he would talk to the DEC Legislative Affairs office about language on specific support to states that should be in climate change bills, and he agreed that DEC's help on the white paper was needed.

Mr. Bevilacqua said that a similar effort in the 1980's was successful. Mr. Cushing said support by the Governor and Assemblyman Sweeney was essential. Mr. John agreed and added that the Board needed to work with the new Senate majority staff, that proposals needed to be put on the table, otherwise, things will only come off the table. Mr. Kemper agreed, but stressed that all Board members need to work on the white paper. Mr. Cushing said he would not wait for the rest of the Board. He wants to give something to legislators during the Christmas week, then go see them.

Oil and Gas Leases on DEC Lands

Director Field gave a presentation on oil and gas leasing in NYS with a focus on gas from Marcellus Shale on DEC's Wildlife Management Areas (WMA), with a text handout and a figure illustrating the WMA across the state and the prime counties for Marcellus Shale. There was a general discussion on the issues associated with taking gas from shale deposits, in particular the environmental issues. Mr. Cushing asked if DEC regulations on water use when drilling and operating the wells would be tightened, in particular, with regard to water quality. Director Field said, yes, there was an array of environmental issues; a key issue being the volume of water used in the drilling fluid, its components and disposal of the drilling waste water and solids. Mr. Cushing asked if this problem can be solved and if revenue went from gas taken on WMAs went into the CF. Director Field said the problem would need to be solved or it won't be permitted in NYS; that New York City was a big player in the matter because of the risk to drinking water supplies; and, yes, the revenue from WMAs went into the CF, and he would send to Mr. Cushing the section of law that specifies this.

Old Business

Comparative Statement and Fund Status

All Board members received these reports. Mr. Bevilacqua advised Mr. Newell to make sure new Board members are on the mailing list

DECALS

Mr. Stang said that a company named Automated Licensing Systems (ALS) is giving a presentation to DEC on what services they can provide in relation to automated licensing, as further efforts toward the deconstruction of the current DECALS system into its various components and in preparation for going out to bid in the future for the next contract to deliver DEC's automated licensing system. Mr. Stang reported that license sales agents generally like DECALS and tell us not to go back to paper. Hunters have responded positively to the internet harvest report function. Mr. Cushing asked if license name and address info can be used by DEC to do surveys. Mr. Stang said yes, but the personal information can not be given to the public; contractors may be given the personal info to do surveys, but it must be kept confidential; DEC would like to collect e-mail addresses from license holders in the future.

Mr. Dunkelberger said that a Lewiston entity wants to be a license agent. Mr. Stang that DEC is now at the maximum number per the contract with Verizon; there are 100+ on the waiting list who have been asked if they are still interested, and some of those have passed the credit check. Ms Sicley asked about Town Clerks who sell few licenses, and Mr. Stang said that at this time they can't be taken off the system; a change in the law would be needed to give DEC authority to take Clerks off the system for specific reasons, e.g., low sales.

[Note: in subsequent follow-up the Lewiston entity in questions failed to pass its credit check and, at this time, will not be offered the opportunity to sell sporting licenses]

License Fee Proposal

Mr. Cushing said that although the white paper is not completed, the Board needs to consider license fee increase ideas, in particular, to be prepared when meeting with the Governor and legislators; this matter should be discussed at every CFAB meeting. Mr. Bevilacqua said that there should be now new stamps, just across the board increase in existing licenses, otherwise specific stamps would fractionalize the hunting,

fishing and trapping constituents. Mr. Scarzafava said that in Ontario all hunters and anglers must buy an “outdoor” card before they can buy a hunting or fishing license, at a cost of \$9/3 yrs. Messrs. Cushing and Bevilacqua favored an across the board increase over such a separate requirement, and Mr. Bevilacqua said he wants to focus on “our” fund, i.e., revenue from hunting, fishing and trapping.

Mr. Cushing proposed that the Board determine which staff are paid from CF and Wildlife & Sport Fish Restoration funds, then take the position that these staff should only work on programs directly related to hunting, fishing and trapping. Mr. John said that the only option is for the Board to propose a license fee increase because additional General Funds will not be available. Mr. Cushing asked how much is now needed to eliminate the deficit, assuming the 60+ staff stay off CF. Mr. Stang said that about \$4.5 million more would be needed in the coming year just to balance the Conservation Fund at the end of the current fiscal year. Mr. Cushing then suggested that the Board develop a license fee increase to accomplish that. Mr. Bevilacqua agreed. Mr. Dunkelberger said the sporting constituents would oppose any increase if any cuts like closing the pheasant farm are made without providing something in return, e.g., longer coyote, archery or gun seasons. Mr. Kemper said it is not so simple because all costs keep going up. Mr. Dunkelberger replied that there would be staff attrition. In response to a question, Mr. Stang said that the pheasant farm annual budget is about \$700,000. Mr. John suggested that an increase of \$5-8 million was needed and to double it so that it would last for a number of years. Mr. Stang added that that a \$1.5 million loss would occur annually over that time as the number of reduced fee or free license buyers 65 and older increased. Mr. Bevilacqua said that a change to the reduced/free license should be added to Mr. Cushing’s proposal.

Mr. Cushing asked how much revenue was projected from the proposed marine license fee. Mr. Stang said it was projected to be about \$4.5 million/yr, and it is currently proposed that all revenue would go into the Traditional CF account, which will likely draw strong opposition from marine sport fishers.

(At this point the Board interrupted this part of the agenda to address other business, and the remainder of the License Fee Proposal part of the agenda occurred later in the meeting.)

Mr. Cushing proposed a two part strategy, then there was discussion culminating in the following motions.

Mr. Cushing made a motion that the Board resolve to inform the State Legislature that the fish and wildlife resources of the State provide not only valuable historic, cultural and recreational opportunities and benefits, they are also highly valuable economic commodities; seconded by Mr. Bierker and passed unanimously.

Mr. Cushing made a motion that the Board make it a priority to discuss and prepare a license revenue increase proposal at the next few meetings; seconded by Mr. Dunkelberger and passed unanimously.

Mr. Cushing made a motion that the Board send a letter to the Commissioner, requesting that DEC staff accompany Board members when they meet with the Governor and State Legislators to talk about the FWMR programs and finances, so that the staff may provide the Board assistance in answering questions related to technical details, seconded by Ms. Sicley and passed unanimously.

Mr. Bevilacqua asked DFWMR to bring to the next meeting copies of the mark-up of CFAB By-laws, which has changes that would be needed to reflect current law, and CFAB will consider making those and other needed revisions.

Annual Report

Members were asked how many paper copies they needed. Ms Sicley asked for 20, and Mr. Cushing six, and Mr. Bevilacqua 16.

Department Reports

Fish, Wildlife and Marine Resources

Mr. Stang reported. Since last summer FWMR has provided a series of cost savings and revenue generating possibilities. A general license fee increase proposal is not expected to be in the Governor's proposed budget, possibly a trout & salmon stamp and/or a marine recreational fishing license. A cost savings option that has been worked on is closure of the Reynolds game farm; would involve disposing of about 9000 birds (wings clipped so can't release them at this time of year) and alternative use or disposition of the land. Mr. Bevilacqua asked if Cornell might operate the game farm or influence the decision to close the game farm, and Mr. Stang said it was not likely that Cornell would operate the farm, nor did it have any influence on the DEC decision, but the university would probably like to have the land. Mr. Dunkelberger asked if any organizations like Pheasants Forever or SCI were asked if they had interest in taking the birds or operating the farm, and Mr. Stang didn't think any organizations would want to do either. Mr. Stang said that DFWMR was exploring options to dispose of the birds, e.g., donate to food banks (which would require processing of the birds first), sell to game bird breeders, give away to pheasant-rearing cooperators. Mr. Piatt asked if DEC proposed closure of the farm and how likely it was to happen, and Mr. Stang said that DEC was not an advocate of it, but it would likely be announced as a DEC proposal, and that from his perspective it looked like it would close. Mr. Stang said that the game farm staff would likely be reassigned to other critical vacancies. Mr. Cushing asked what it would take to fix the problem, and Mr. Stang replied that he did not know. Mr. Cushing said that since staff are not being laid off it looks like it would take only \$350,000/yr to keep the game farm open and now sporting license buyers now have to figure out how much a license fee increase would be needed to accomplish that.

Mr. Cushing made a motion that the Board should send a letter to the Governor and a similar letter to the Commissioner, copies to the Senate and Assembly EnCon chairs, strongly requesting that the Reynolds Game Farm not be closed; seconded by Mr. Dunkelberger and passed unanimously.

Mr. Bevilacqua asked Mr. Kemper to write and send the letter, including in it the request not to close the farm until CFAB reviews and advises on the DEC Fish, Wildlife and Marine Resources program budget.

Mr. Stang continued his report. The fall deer harvest caught up with the 2007 harvest by the end of the regular gun season, ending with only a little less deer taken in 2008 than in 2007.

Plans to reduce spending on nonpersonal services, overtime and CWD monitoring are being implemented.

Regarding tuberculosis surveillance in deer in Columbia County, DEC is receiving a lot of cooperation from hunters allowing sampling of their deer; no cows in the area have been found to have TB; the owner of the deer farm with the TB positive deer is opposing the depopulation of his herd; it is hoped that this is a single, isolated incident, resulting from taking in a wild fawn several years ago that was in poor condition.

[Note: follow-up found that none of the other fallow deer on the farm tested positive for TB, including the “poor condition” fawn that was taken in].

New marine regulations for take of tautog (blackfish) and waterfowl regulations have been adopted.

Mr. Dunkelberger asked if there was any news on feral hogs. Mr. Stang that DEC is not seeing many now at baited traps, and few have otherwise been seen or taken by hunters.

Mr. Bierker asked if there were any plans to open Harriman and Palisades State Parks to hunting. Mr. Stang said no, because the deer populations have crashed.

Law Enforcement

Director Fanelli gave the report. Law Enforcement training staff will be moving to the new training facility, but at this time there is no money to operate the facility as a training center.

Need another source of capital for the three large boats that are in the procurement process. The state share of \$400,000 from the capital fund to obtain a \$1.2 million federal grant was swept as a cost savings. The boats were ordered when DEC had the capital. DLE is in communication with Homeland Security, the granting agency, about the problem.

Director Fanelli reported that it was pretty much a normal deer season. DLE had banked overtime for the season, and there is little left for the rest of the FY.

The DEC new acquisitions will be reduced. DLE had been getting about 80 new cars each year, but it looks like it will be about 60 this year. There are about 350 vehicles in the DLE fleet

Other Business and Discussions

Comments from the Board

Ms. Sicley asked for clarification, whether there would be one letter to the Governor, copy to the Commissioner, or a letter to each, regarding closure of the game farm, and it was decided that it would be two letters, one to each, and the motion was clarified to reflect that.

Mr. Kemper stated that he has received a significant amount of phone calls from hunters relating to the late muzzleloader season in 5J. When the snow comes early like this year the deer move into the yards early. The Towns of Northampton, Benson and Mayfield all located in 5J have significant deer yards that suffer a lot of hunting pressure when this occurs. Mr. Kemper is working with Region 5 to address the issue.

Agenda for next meeting

Mr. Cushing said the Board should dispense with all other matters, except necessary brief reports, especially those pertinent to the DEC budget, and spend all the time on the License Fee Proposal.

Upcoming CFAB meetings

NYSDEC, 625 Broadway, Albany, PA-129A: 12 Jan 09
Legislative Office Building, Room 711A, Albany: 9 Feb 09

Mr. Dunkelberger made a motion to adjourn, seconded by Ms Sicley; motion passed unanimously, and meeting adjourned at 2:35 PM

Jason Kemper, Secretary