



STATE OF NEW YORK CONSERVATION FUND ADVISORY BOARD

625 Broadway, Albany, NY 12233-4750

Monthly Meeting Minutes

Three Hundred Forty Fifth Meeting

17-November-2014

Department of Environmental Conservation, 625 Broadway, Albany, NY

Call to Order – The meeting was called to order by Chairman Kemper at 9:13 AM.

Roll Call: 9:13 am

Voting Board Members Present

Charles Bevilacqua	Region 1
Gordon Whiting	Region 2
Dominick Scarzafava	Region 3
Alan Rosa	Region 4
Jason Kemper	Region 5
Dave Corr	Region 6
Charles Pace	Region 7
Marc Osypian	Region 8
Raymond Merlotto	NYSCC
Bill Conners	FWMB

Voting Board Members Excused

Dale Dunkelberger	Region 9
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Voting Board Members Absent

Ex-Officio Members Present

DEC Commissioner represented by:

Kathy Moser

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

Ex-Officio Members Absent

Senate Finance Committee

Senate EnCon Committee

Assembly Ways and Means Committee

Assembly EnCon Committee

DEC Personnel

Division of Law Enforcement: Joe Schneider, Captain

Division of Fish, Wildlife and Marine Resources: Patricia Riexinger, Douglas Stang, Stephen Hurst, and Gordon Batcheller

Guests

Jeff Stefanko, Executive Assistant Commissioner
Eric Kasza, Division of Lands and Forest, Section Chief, Public Lands Access

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. Dave Corr motioned to accept the October 14, 2014 meeting minutes, seconded by Bill Conners, the motion passed unanimously.

Executive Report:

Patricia Riexinger provided the members with updates on Imperial Dam and NYW3 Hatchery Projects as follows:

The Imperial Dam Removal/Restoration update:

The final design is based on the partial removal of the dam and the installation of a fish ladder. Sediment management will play a large role in the removal as a significant amount of material resides behind the current structure. There is expected to be a net increase in riparian wetlands as a result of the impoundment lowering.

URS (URS is the consulting firm with whom we have contracted to study and develop the project plans, as well as prepare the application for the US Army Corps permit. <http://www.urs.com/>) and Central Office Operations staff have nearly finalized the draft application materials for the US Army Corps Nation Wide Permit (Stream Restoration).

The next step would be to immediately hold a pre-application meeting with the US Army Corps, and present the proposal in order to ensure that the proposal will meet the nationwide permit (NWP). (Should the project be determined to not meet the NWP, a new application for a Corps Individual Permit would be needed, and the review clock would reset to 0.)

The Department will hold a public information meeting in Plattsburg, on a date TBD, in order to accept public comments during or near the commencement of regulatory processes. URS will be requested to present the project (as specified in their contract), with DEC staff presenting the information on resource improvement.

State of NYW3 Hatchery Projects update:

- Stocking trucks and tanks: trucks scheduled to arrive in December, new stocking tanks in January. Trucks will then be outfitted with new tanks, aerators and electronics.
- Chautauqua – new production boilers and UV disinfection system: in design/specification phase with DOP engineers.
- Oneida – drum filter and production boilers: in design/specification phase with DOP engineers
- Caledonia - contract for new fiberglass raceways at OSC for approval.
- Chateaugay – contract for new fiberglass raceways at OSC for approval
- Rome - spring wall repair isplanned for next year
- South Otselic-replace outdoor pond outlet structures planned for next year
- Salmon River-roof replacement planned for next year.
- Caledonia - paving and painting completed earlier this year.

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 resource continues to work with LIAs and trouble-shoot problems experienced by LIAs. This is one-on-one assistance provided to LIAs experiencing problems and has been very effective in addressing issues (when issues are reported).
- DEC continues to add new license-issuing agents as the background checks are completed and agents complete training via the on-line available training modules. Once a completed application is received from a prospective LIA, they are provided the URL to the training link and they can become trained. Following a background check, prospective LIAs are sent a printer and “turned on” in the system and they begin selling sporting licenses. We are working our way through the list of potential LIAs and expect to continue to add additional LIAs on a regular basis.
- LIAs are using the multi-colored stock on an increasingly more frequent basis than previously as the coating cures and LIAs use the latest set of printer instructions.
- Many complaints have been received by hunters, anglers, and trappers about the eLicensing system being problematic and difficult to use.
- Conceptual discussions continue regarding a more user-friendly front-end interface for agents and on-line customers purchasing licenses via the eLicensing system. Evaluation is currently underway regarding available program interfaces and the most current update to the Accela system. It is estimated that the initial evaluation will take approximately 6 weeks at which time a decision will be made to move forward with the new front end (aka “DEC 2.0”).
- On November 1st, 18 wildlife management units (WMU) were supposed to open up for deer management permits on a first-come first-served (FCFS) basis. Eight of the WMUs did not open up as expected. The issue was resolved and beginning November 2nd all DMPs were available in all 18 WMUs. Subsequently, only two of the WMUs opened up to FCFS have closed so many DMPs remain available in 16 WMUs.
- Hunters are experiencing difficulty reporting their harvest via the integrated voice recording (IVR) system as many callers are dropping out of the automated system to the call center. Most frequent fail points are with entering Document number (may be difficult to read) and entering date of birth (must use two digits – e.g. “zero two” and “zero five” for February 5th). Department of Tax and Finance will provide operate the call center during the certain weekends during the southern zone big game season.

Update on Status of Research on Eastern Coyotes and Management Needs:

- At the request of Board Member David Corr, Chief of Wildlife Gordon Batcheller updated the Board on the status of coyote research at SUNY ESF.
- The field work has been completed and the Principle Investigator, Dr. Jacqui Frair, is now developing scientific papers describing the findings.
- A succinct summary of the statewide coyote research is available on the ESF web-site, here: http://frair.weebly.com/uploads/3/1/7/8/31787235/coyote_progress_report_2014.pdf
- The research resulted in the development of a method for measuring coyote abundance across broad areas, and this will enable DEC to do long-term monitoring of coyote populations, as needed. (The method uses “distance sampling” combined with the use of recorded coyote calls.)
- The research also documented coyote food habits, including both adult and fawn deer. While it is clear that coyotes eat deer at all stages of their lives, it is less clear how significant this is to the deer population.
- Gordon reported that hunters and trappers who are interested in providing meaningful additional opportunities for coyote harvest should consider cable restraints as a key tool in increasing the effectiveness of trappers in taking coyotes during winter/frozen soil conditions. Information on coyote traps, including cable restraints, is available here: http://www.fishwildlife.org/files/EasternCoyote_BMP.pdf

License Sales

- Overall, sales since August 4th are less compared to the same time period in 2013 and gross revenues are less by approximately \$4.7 million:
 - Resident fishing license sales are down 24%
 - Resident bow privileges are up 10%
 - Resident muzzleloader sales are down 5%
 - Resident 7-day fishing license sales are down 47%
 - Resident 1-day fishing license sales are down 54%
 - Resident turkey permit sales are down 22%

 - Non-resident hunting license sales are up 6%
 - Non-resident fishing license sales are down 2%
 - Non-resident bow privileges are up 8%
 - Non-resident muzzleloader sales are down 8%
 - Non-resident 7-day fishing license sales are down 10%
 - Non-resident 1-day fishing license sales are down 21%
 - Non-resident turkey permit sales are down 22%

 - Deer management permit applications are the same
- The reduction in annual fishing licenses and turkey permits are likely due to changes in the license structure.
 - Anglers may be waiting to purchase their fishing licenses until the spring since they are valid for 365 days.

- Turkey hunters may wait to purchase their turkey permit prior to the spring bearded-bird season, but feedback we received from hunters is that they never turkey hunted, but just purchased the turkey permit as part of a combination license.
- Short-term fishing license sales are a reduction in license sales for the summer and fall.

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	2.85	
State Purposes Account	38.35	+1.0
Fish, Wildlife & Marine Grants Account	60.2	
Conservation Fund (Marine Account)	14	
Conservation Fund (Traditional Account)	222.75	-4.2
Environmental Monitoring Account	2	
Environmental Regulatory Account	5.8	
Total	346.95	-3.2

Conservation Fund (Marine Account)

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

Conservation Fund (Main Account)

<u>Division</u>	<u>Number of Staff</u>	<u>Change</u>
Fish, Wildlife, and Marine Resources	222.75	-4.2
General Counsel	1	
Law Enforcement	80	-1.0
Operations	6	
Management and Budget	2	
Office of Communications	1	
Regional Affairs	3	
Total	315.75	-5.2

Status of regulations (changes from previous month in bold):

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 Part 42 – Sanitary Control over Shellfish.** Amend regulations to attain consistency with the current National Shellfish Sanitation Program (NSSP) Guide for the Control of Molluscan Shellfish Model Ordinance: 2013 Revision. The proposed rule will: enable DEC to apply or modify special conditions to shellfish shipper permits and shellfish digger permits to require actions on the part of the permit holders that are necessary to prevent illness whenever DEC determines that a public health threat is imminent or ongoing and to ensure compliance with mandatory requirements under a State *Vibrio* Control Plan.; adopt new definitions defining requirements for shellfish harvester and shellfish dealer education, shellfish water storage, *Vibrio* Control Plan(s), maintenance of shellfish HACCP (Hazard Analysis Critical Control Point) plans, and shellfish transaction records; and require more stringent shellfish identification and tagging requirements for shellfish harvesting, receiving, packing and repacking operations, shellfish storage, and shellfish handling to better describe shellfish harvest areas. *Rim signed 10-31-2014. Proposal is under development.*

5) **6 NYCRR Part 40.1 Marine fish – open seasons, size and catch limits.** Amend regulations pertaining to harvest of winter flounder to extend the winter flounder fishing season to 306 days, from March 1 through December 31, the maximum allowed by ASMFC guidelines. The winter flounder season may not be opened from January 1 through the last day of February. The possession limit (2 fish) and minimum size limit (12 inches) will not be changed. *Rim signed 10-31-2014. Proposal is under development.*

Proposals Filed:

1) **6NYCRR Parts 10, 18, 19, and 35 – Freshwater sport fishing regulations and bait fish regulations.** Amend regulations (minimum size limits, seasons, daily harvest limits) pertaining to taking of sport fish from New York’s fresh waters. Adjust fish species allowed for use as bait fish, and amend rules for the taking of bait fish from certain New York waters. Proposed amendments provide for enhanced recreational opportunity and long-term sustainability of fish and aquatic resources. *RIM signed 5/8/2014. Proposal is under internal review. Notice of Proposed Rulemaking was filed with Department of State on 9/29/2014 and is scheduled to be published 10/15/2014 with the public comment period running through 11/29/2014.*

2) **6NYCRR Parts 1.11 and 1.24 – Long Island deer hunting.** Amend regulations to implement provisions of legislation signed by Governor Cuomo on August 11, 2014, relating to open hunting season requirements for the taking of deer in Suffolk County. Proposed amendments extend the bow hunting season through January 31st, allow for weekend hunting during the January firearms season, and allows for hunting to occur without a town-issued permit, pending local town concurrence. *Notice of Proposed Rulemaking was filed with Department of State on 10/7/2014 and is scheduled to be published 10/22/2014 with the public comment period running through 12/6/2014.*

3) **6NYCRR Part 40.7 – Coastal sharks – open seasons, size and catch limits.** Amend regulations to bring the New York’s shark regulations into compliance with Addendum III of the Atlantic State Marine Fisheries Commission Fisheries Management Plan: establish distinct species groups for the hammerhead sharks and blacknose sharks to allow closer monitoring of the landings for these two species groups and facilitate the management of the fishing quota; and increase the recreational minimum size limit from 54 inches to 78 inches fork length for the great hammerhead, the scalloped hammerhead and the smooth hammerhead sharks. *Notice of Proposed Rulemaking was filed with Department of State on 11/5/2014 and is scheduled to be published 11/26/2014 with the public comment period running through 1/10/2015.*

Pending Adoptions: none

Emergency Rules:

1) **6NYCRR Part 189.3 – Chronic Wasting Disease.** Amend regulations to add Ohio to the list of states from which the importation and possession of certain parts of deer are prohibited. This is a result of fishing CWD in whitetail deer on an Ohio deer farm. *Emergency regulations filed with Department of State and effective on 10/31/2014. Notice of Proposed Rulemaking was filed with Department of State on 10/31/2014 and is scheduled to be published 11/19/2014 with the public comment period running through 1/5/2015.*

Recent Adoptions: none

Lands & Forest

● Eric Kasza, Section Chief, Public Lands access provided the members with the following updates:

Moose River Plains Update:

Road work in the Moose River Plains this year consisted primarily of routine maintenance (blowdown removal, road raking, and culvert and ditch cleaning). A road maintenance contract with Hamilton County has been approved and will be in place for the 2015 construction season. The contract will cover three years and is in the amount of \$90,000 (\$30,000/yr.). Initial work will most likely focus on the Otter Brook Road.

The Cedar River Headquarters has a new roof and the building has been stained. DEC plans to use this facility to house SCA Backcountry Stewards that will be working in the area. Other improvements to the Headquarters may include propane and a generator. There are also plans to rehabilitate the Limekiln Lake and Cedar River kiosks.

West Mtn. State Forest Access Project Update:

Regional staff continue work on a UMP revision.

DLE Report

Captain Joe Schneider handed out the latest news release announcing the new Toll-Free Hotline to report Poachers and Polluters.

Dispatch went down at 9:00 am and they were working on getting that fixed.

4 hunting-related shooting incidents (HRSI) occurred over the southern zone big game season opening weekend involving hunters in Regions 3, 5, 7 & 9.

Needs regarding the Academy were submitted to the Governor and they are hoping to hold the next DLE Academy during the winter of 2015 or spring 2016.

DLE was also approved for Federal Grant money for refurbishing boats.

CFAB Business

- Jason Kemper would like updates on the Marine Account
- CFAB Members are still very concerned regarding the problems with Accela and all the money that they will not be able to re-coup
- Dave Corr would like to comment on the proposed Aquatic Invasive Plan that more emphasis on the educational level, particularly in schools perhaps at the Junior/Senior High School level and that any additional staffing requirements for staff be paid out of the General Fund.
- Charles Pace would like to trim down the CFAB Annual report; include the highlights from previous year and perhaps add some info to the website. Would like to discuss more at next month's

CFAB meeting.

- Dave Corr is working on setting up a meeting with Assemblyman Silver.

NOTE: Alan Rosa participated by telephone until the Board broke for lunch.