



STATE OF NEW YORK CONSERVATION FUND ADVISORY BOARD

625 Broadway, Albany, NY 12233

<http://www.dec.ny.gov/about/566.html>

Agenda

Three Hundred Fifty Fifth Meeting – November 9, 2015

Department of Environmental Conservation, 625 Broadway, Albany

9:00 AM

- ❖ Call to Order – 9:11 am
- ❖ Roll Call – 9:11 am
- ❖ Welcome Guests:
- ❖ Correspondences
- ❖ Minutes of October Meeting – Dave Corr motioned to accept October's minutes, seconded by Dale Dunkelberger

❖

9:30 AM – Department Reports

- ❖ Executive
 - NY Works Update – Follow up from Last Meeting
 - Update HCAA Account – Staff, expenses, work completed, etc.
 - Proposed Rulemaking for LIA's and Wildlife Rehabilitators – Discussion of Policy Recommendations
 - DEC Proposed Legislative Priorities for 2016
 - DEC Staff Announcements

10:00 AM – Break

- ❖ Division of Fish, Wildlife & Marine Resources
 - Update on E-Licensing
 - Filled Positions
 - Regulatory Efforts
 - HCAA Account
 - Special Pheasant Hunts – Bill Connors

- ❖ Law Enforcement

12:00 - Lunch

1:00 PM - CFAB Business

- ❖ Field Trip to Region 9 Report
- ❖ CFAB Meeting Summary – Thoughts and Comments

3:00 PM – Adjourn (*Dave Corr motioned to Adjourn at 11:10 – Marc Osypian seconded the motion – motioned carried*)

Visitors are welcome and encouraged to attend Conservation Fund Advisory Board meetings. Please be advised that the Conservation Fund Advisory Board has adopted the following procedure for conducting regular business meetings:

- General discussion will be limited to Board Members and DEC Advisory staff.
- Visitors may be granted the privilege of the floor if requested by a Member of the Board and approved by the Board.
- Guests are usually granted time after the regular business meeting to make a presentation on a subject relevant to Board proceedings. Generally, guests are limited to 5 minute presentations. This time frame may be expanded or rescheduled at the discretion of the Chairman.

All in attendance are requested to mute or turn off cell phones during the meeting.

UPCOMING MEETINGS

December 14, 2015

NOTE: Agenda items must be submitted in writing to the Chairman seven working days prior to the meeting. Items not submitted or not emergencies will be deferred to the next meeting.

Correspondence

Minutes of Prior Meeting

MOTION: Dave Corr motioned to accept the October 13, 2015 meeting minutes, seconded by Dale Dunkelberger, motion carried.

Executive Report:

- Kathy Moser indicated that 36 out of 50 NY Works 3 access projects were completed.
- Kathy also mentioned that she has asked the Regions to focus on getting the projects in NY Works 3 completed.
- Kathy also mentioned that 3 of the 36 NY Works 4 access projects have been completed.
- CFAB Member Charles Pace told Kathy that the priority with NY Works Funds should be put towards the projects that need to be completed.
- Charles Pace inquired about a replacement for the Hunter Education Program Vacancy in Region 7; Patty indicated that we do not have any waivers yet with permission to fill that vacancy.
- Patty also mentioned that based on the Hunter Education Program Peer Review that was completed by the USFWS-lead panel, improvements to NY's Sportsman Education Program are being discussed and an update would be provided to CFAB Members.
- Kathy indicated that a proposal would be sent to Governor Cuomo recommending another \$1 Million to keep the Aquatic Invasive Species Project going; Dave Corr indicated that we need to be more proactive and not reactive regarding AIS and suggested that DEC develop and provide an App for the Aquatic Invasive Species.
- Dave Corr inquired about the status of fish passage at the Imperial Dam; Kathy said that she would have Lance Durfey, Region 5 Fisheries Manager, send an update on the Imperial Dam project to Dave Corr;
- Jason Kemper mentioned to Kathy that the CFAB members are still waiting for their sit down with Marc Gerstman regarding the Rule Making Package for Parts 183 & 184 that would allow for previously convicted criminals to become license-issuing agents (LIAs), and licensed wildlife rehabilitators, especially since the comment period is coming to a close near the end of November.
- Dave Corr asked for an update on the Black Boar (domestic pigs that have black hair and are being used at licensed shooting preserves) and Patty Riexinger and Doug Stang told CFAB members that DEC is gathering information to find out what is going on and where the problems are occurring.
- CFAB Members want to make it mandatory to purchase the Habitat Access Stamp prior to being eligible to purchase a hunting, fishing, or trapping licenses.
- Dave Corr asked Doug if there will be any changes made to the deer hunting regulations from the current ones implemented in 2015; Doug replied that we need to wait and see what happens this hunting season prior to posing additional changes.
- Dave Corr also inquired about free hunting event(s) like we have for free fishing events, but with requirements.
- Bill Conners inquired about Special Pheasant Hunts; would like to have the Regions decide on the dates on when or when not to authorize a youth Pheasant hunt.
- CFAB members requested an update on the Draft Fisher Plan and any regulatory proposals planned to implement plan the December CFAB meeting

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

e-Licensing:

Status Summary and Activities Completed This Period

- DEC and Accela continued development of prototype game harvest and electronic license application for use on mobile devices (APP).
 - APP now runs on iOS and Android devices
 - Suggestions for improvement that were captured via voice of the customer sessions are being incorporated
 - Availability of game harvest APP is not likely to occur until the spring 2016 turkey season
- System slowness had a brief outage on November 2nd
- Back-end draw for under subscribed deer management permits was completed and mailed out October 26th and DMPs are being received by hunters
- Issuance of first-come first-served (FCFS) deer management permits was implemented on November 1st
- License paper for 2016-17 has been ordered from vendor (trying to get ahead of the game for next year)

License Sales

- Pattern of license sales experienced since August continues:
 - 2015 revenues from sales of sporting licenses are down 4% compared to 2014
 - Number of customers served is similar
 - Number of “licenses” sold are similar
- Breakout of “sales channel” is similar to past years:
 - Call Center – 2%
 - Internet Sales – 6%
 - Municipal Agents – 28%
 - Retail Agents – 62%

Filled Position report:

Division of Fish, Wildlife, and Marine Resources

<u>Account</u>	<u>Number of Staff</u>	<u>Change</u>
Access Land Acquisition	1	
Capital (Habitat Conservation and Access Account)	8	
Hazardous Waste Cleanup Account	2.7	
State Purposes Account	42	
Fish, Wildlife & Marine Grants Account	67.3	
Conservation Fund (Marine Account)	4	
Conservation Fund (Traditional Account)	231.9	-3.1
Environmental Monitoring Account	1	
Environmental Regulatory Account	<u>5.8</u>	
Total	363.9	-3.1

Conservation Fund (Marine Account)

<u>Division</u>	<u>Number of Staff</u>	<u>Change</u>
Fish, Wildlife, and Marine Resources	<u>4</u>	
Total	4	

Conservation Fund (Main Account)

<u>Division</u>	<u>Number of Staff</u>	<u>Change</u>
Fish, Wildlife, and Marine Resources	231.9	-3.1
General Counsel	1	
Law Enforcement	87	-1.0
Operations	5	
Management and Budget	2	
Office of Communications	1	
Regional Affairs	<u>3</u>	
Total	330.9	-4.1

Division of Law Enforcement

<u>Account</u>	<u>Number of Staff</u>	<u>Change</u>
State Purposes Account	144	+1.0
Conservation Fund (Traditional Account)	87	-1.0
Environmental Regulatory Account	38	-1.0
Waste Tire Account	<u>2</u>	
Total	271	-1.0

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 has been drafted and is being circulated for review and consideration.*

3) **6 NYCRR 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.*

4) **6 NYCRR Part 43 - Surf Clam/Ocean Quahog Fishery Management.** Amend regulations to eliminate a loophole that allows a single vessel to catch more than one individual fishing quota (IFQ) in a year by using the vessel replacement process by allowing any eligible vessel in the fishery, regardless of the Atlantic Ocean surf clam permit they are assigned to, to be used to catch only one IFQ or a portion thereof in any given year. The vessel replacement rules for eligible vessels in the fishery will be clarified and amended to minimize the potential for misuse and to be consistent with the provisions of Amendment 1 of the State’s FMP for the Atlantic Ocean surf clam fishery. The cage tagging requirements will also be updated to be consistent with the IFQ section of regulations. This will provide consistency with all harvest provisions for tracking vessel quota allocations on an annual basis. The regulations will temporarily allow a vessel to take surf clams without cage tags provided that the vessel owner has a valid surf clam permit and has placed an order for cage tags for the year but is waiting on the order to be processed. *Rim signed 1-8-2015. Proposal is under development.*

5) **6 NYCRR 180.3 - Definition and use of firearms, guns, and airguns.** To amend regulations and allow for the use of big bore air rifles for the hunting of big game species. To allow for the use of big bore air rifles (.30 caliber or greater) for the taking of big game and other wildlife in New York. *Rim signed 6-17-2015. Proposal is ready to be filed.*

6) **6NYCRR Part 189 - Chronic Wasting Disease.** To amend regulations to prohibit the use of any material containing or purporting to contain urine, blood, glands, gland oil, feces, or other bodily fluids of any member of the family Cervidae for any purpose including hunting, attracting, surveillance, or scouting big game. Urine from certain members of the deer family may contain prions, the agents responsible for chronic wasting disease (CWD). Urine is used by some deer hunters as a lure to attract wild deer. Such use represents an avenue for chronic wasting disease transmission to wild deer. By prohibiting the use of deer urine and other related biological products for big game hunting, we increase the odds maintaining a healthy wild deer population. *Rim signed 6-17-2015. Proposal is ready to be filed.*

Proposals Filed:

1) **6 NYCRR Parts 183 - License-Issuing Officers and 184 - Wildlife Rehabilitators.** To conform with New York State Corrections Law Article 23-A, remove the stipulation that previous criminal conviction bars a person from meeting the qualifications of a license-issuing officer or a wildlife rehabilitator. Applicants with a previous criminal record will be evaluated for their suitability as a license-issuing officer or a wildlife rehabilitator on a case-by-case basis. *Notice of proposed Rulemaking filed with Department of State on 7/14/2015 and refiled on 8/11/2015. Notice of Proposed Rulemaking was published in the New York State Register on 7/29/2015 and was re-published in the New York State Register 8/26/2015. The public comment period runs through 11/24/2015.*

2) **6 NYCRR Part 41 - Sanitary Condition of Shellfish Lands.** Amend regulations to prohibit harvest of shellfish from several areas of New York where recent bacteriological surveys of certain shellfish growing areas in Nassau and Suffolk counties indicate increased level of coliform bacteria and the increased potential to cause illness in shellfish form these areas are consumed. Certification category was changed for approximately 1800 acres (e.g. status changed from: year-round certified to seasonally uncertified, year-round certified to year-round uncertified, amended dates for seasonal certification). *Notice of Proposed Rulemaking filed with Department of State on 10/14/2015. Notice of Proposed Rulemaking was published in the New York State Register on 11/4/201. The public comment period runs through 11/24/2015.*

Pending Adoptions:

Emergency Rules:

1) **6 NYCRR Part 41 - Sanitary Condition of Shellfish Lands.** Amend regulations to prohibit harvest of shellfish from several areas of New York where recent bacteriological surveys of certain shellfish growing areas in Nassau and Suffolk counties indicate increased level of coliform bacteria and the increased potential to cause illness in shellfish form these areas are consumed. Certification category was changed for approximately 1800 acres (e.g. status changed from: year-round certified to seasonally uncertified, year-round certified to year-round uncertified, amended dates for seasonal certification). *Emergency Rulemaking filed with Department of State on 10/14/2015. Emergency Rulemaking was published in the New York State Register and effective on 11/4/201.*

Recent Adoptions:

DLE REPORT

- Director Schneider updated CFAB Members with the following:
 - 120 Job Applications came through: Really good candidates and they are going through the Process and have a smaller lists of candidate within the next couple of weeks.
 - Staff are geared up for deer season and lined up for overtime if need be.
 - ECOs set up a sting on illegal commercial blackfish capture and sale – 25,000 illegal sales to restaurants

CFAB BUSINESS

- CFAB Members discussed putting together information regarding the Field Trip to Region 9.
- CFAB Members also discussed doing the Annual Reports.

SCHEDULED CFAB MEETINGS FOR 2016

January 11th

February 8th

March 14th

April 11th

May 9th

June 13th

July 11th

August 8th

September 12th

Tuesday – October 11th

November 14th

December 12th