



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

Monthly Meeting Minutes
Three Thirteenth Meeting
11-Oct- 2011

Department of Environmental Conservation, 625 Broadway, Albany, NY

Call to Order – Chairman Kemper called the meeting to order at 09:10 AM.

Roll Call

Voting Board Members Present

Charles Bevilacqua	Region 1
Gordon Whiting	Region 2
Jason Kemper	Region 5
Marc Osypian	Region 8
Dale Dunkelberger	Region 9
Howard Cushing	NYSCC
Lance Robson	FWMB

Voting Board Members Excused

Dominick Scarzafava	Region 3
Alan Rosa	Region 4
Charles Pace	Region 7

Voting Board Members Absent

Voting Board Member Vacancy

Linda Sicley	Region 6
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Ex-Officio Members Present

*DEC Commissioner, represented by
Christopher Amato*

Ex-Officio Members Absent

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

DEC Personnel

*Office of Natural Resources:
Christopher Amato
Division of Fish, Wildlife and Marine Resources:
Douglas Stang, Gordon Batcheller and
Stephen Hurst
Division of Law Enforcement:
Peter Fanelli*

Guests

None

Abbreviations

DFWMR = Division of Fish, Wildlife and Marine Resources
DLE = Division of Law Enforcement
DPAE = Division of Public Affairs & Education
DMBS = Division of Management and Budget Services
DOP = Division of Operation Services

Correspondence (Jason Kemper)

- Chairman Kemper asked that correspondences be attached to the meeting minutes in the future.
- Two attached.

Minutes of Prior Meeting

MOTION: Mr. Robson motioned that minutes from the September 12 meeting be approved. Seconded by Mr. Kemper, the motion passed unanimously.

Department Reports

Executive (Assistant Commissioner Chris Amato)

- **State Police Aircraft Use:** The issue of reimbursement for the use of state aircraft is not yet resolved. Discussions are ongoing and include the use of Conservation Fund to conduct the remainder of the flights for the DFWMR. Approximately \$93,000 would be needed to conduct fall stocking and other tasks that require aircraft.
- **Deer Plan:** The Plan is still being reviewed by the Commissioner.
- **Storm Related Stream Disturbances (Irene & Lee):** Some of the emergency work conducted on streams in response to flooding events is problematic in regard to habitat destruction and fostering future potential flooding events. Regional teams are being assembled to assess the problems and work with various entities to restore streams impacted by the storms.
- **Budget Language:** The DEC has not yet received a reply from the USFWS regarding the budget language passed earlier this year that contradicted the State's Federal Aid in Sport Fish and Wildlife assent legislation.

Division of Fish Wildlife and Marine Resources (Douglas Stang)

Update on DECALS, E-Licensing, and interim automated licensing system:

- Approximately 10,000 permanent lifetime license cards were sent out to holders
- Approximately 17,000 deer management permits will be issued via intermediate batch process (IBP) "back-end selection" for 2011-12 license year
- Received the amended DECALS contract (extension) from Verizon – costs were higher than anticipated largely due to need to refresh servers or find alternate source to store the data and system
- The Request for Proposals (RFP) for the "interim" automated licensing system was released 9/1/2011.
 - Questions Due: September 21, 2011
 - Responses Provided: October 7, 2011
 - Proposals Due: October 26, 2011
 - Contract to OSC and AG by end of the 2011 state fiscal year
- Technical reviews were completed for the three e-Licensing proposals (one of the four that

- originally submitted a proposal removed themselves from consideration)
- Prospective E-Licensing vendors demonstrations and presentations were completed by end of September and final scores by each agency have been submitted. Vendor selection is likely to occur on October 26, 2011.
- Schema for proportional cost of e-Licensing Enterprise system among the state agencies is being developed by DOB. NOTE: CFABB members expressed concern that license buyers may have to unfairly pay a higher price to maintain an automated licensing system that is part of a larger shared services initiative.
- The scheduled implementation of the e-Licensing Enterprise solution has DEC as the last agency to be brought on board during Phase 5 of implementation (likely 2014 – 2015 at the earliest)

Filled Position report:

Division of Fish, Wildlife, and Marine Resources

<u>Account</u>	<u>Number of Staff</u>
Natural Resources Damages Account	1
Hazardous Waste Cleanup Account	2.7
State Purposes Account	35
Fish, Wildlife & Marine Grants Account	66.75
Conservation Fund (Marine Account)	9
Conservation Fund (Traditional Account)	229.15
Environmental Regulatory Account	<u>5.8</u>
Total	349.4

Conservation Fund (Marine Account)

<u>Division</u>	<u>Number of Staff</u>
Fish, Wildlife, and Marine Resources	<u>9</u>
Total	9

Conservation Fund (Traditional Account)

<u>Division</u>	<u>Number of Staff</u>
Fish, Wildlife, and Marine Resources	229.15
General Counsel	1
Information Services	0.9
Law Enforcement	2
Operations	2.9
Public Affairs and Education	2
Regional Affairs	<u>3</u>
Total	240.95

Status of regulations (*changes from previous month*):

Pending Rule Making Initiation Memos:

- 1) Part 40 - BMR - (Pending preparation of the RIM package). Amendment of recreational Atlantic cod regulations to limit the recreational possession limit to no more than 10 fish. This will apply to party and charter passengers, as well as anglers aboard private vessels.
- 2) Part 155 - Transporting Black Bass Raised in Private Hatcheries - BOF - (Pending preparation of the RIM package). Sale of Aquaculture-reared Black Bass.

Pending Proposals:

- 1) Part 10 - BOF - (Pending preparation of the RIM package). Biennial revision of regulations governing sportfishing (freshwater) and associated activities. ***RIM package to Legal and Executive 9-12-11. Signed by the Commissioner 9-28-11***

Proposals Filed:

- 1) Part 189 - Chronic Wasting Disease - BFWS - (RIM and NPR package prepared). Prohibits the importation of certain parts of deer, elk or moose from the State of Maryland.. ***Filed 10-4-11. Will appear in the State Register 10-19-11. Public Comment Period closed 12-5-11.***

Pending Adoptions:

- 1) Part 2, section 2.25 - Hunting Upland Game Birds - Establish a special two-day youth pheasant hunting weekend for licensed junior hunters on Long Island just prior to the regular fall season. Proposal package was pending Governor's signature of legislation approved on 6/14/2011. ***Filed 8-2-11, Will appear in the State Register 8-17-11. Public Comment Period closed 10-3-11. Notice of Adoption package prepared and to be filed this week.***

Recently Adopted:

- 1) Part 40, section 40.1 -Marine fish - open seasons, size and catch limits for scup – extend the season for scup until December 25 and reduce the daily limit to 10. ***Notice of Emergency Adoption filed 9-27-11. 90 Emergency expires 12-25-11.***

Law Enforcement (Peter Fanelli)

- **Union Meeting:** The newly formed Police Benevolent Association of New York State represents the interests of approximately 1,200 members of the state agency law enforcement services (ALES) and includes officers from New York State's public universities and colleges, state parks, and DEC's environmental conservation officers and forest rangers. October 19 is the scheduled beginning of contract negotiations for the PBA.
- **Academy:** Renovations including a new conference room are almost complete.
- **Handguns:** The Glock handguns currently used by officers are wearing out. DLE will trade in old 40 cal Glocks obtained from OPRHP for new weapons of the same caliber at no cost to the state.
- **Vacancies:** There are approximately 40 vacancies in the DLE. And overtime cost continue to rise because due to the low number of supervising officers. The Director of DLE is working

with DEC executive staff to provide for promotions to supervisor ranks.

- **SAFE Boats:** Two new SAFE boats will arrive soon. One boat purchased with National Oceanic and Atmospheric Association (NOAA) funds will be stationed in Region 2 while another purchased using Homeland Security funds will be stationed on Lake Champlain.

CFAB Business

- Mr. Cushing asked DEC if license data can be pulled by region or county to ascertain whether or not sales are up or down in a particular local. DEC will look at the sales data.
- Mr. Cushing asked Mr. Amato if the Conservation Fund will be reimbursed by developers that garner a profit from hydrofracking when staff time and resources must be used for environmental review or compliance. Mr. Amato replied that the DEC has submitted a staffing plan to hire various positions to work on the hydrofracking issue. The High-Volume Hydraulic Fracturing Advisory Panel will be charged with developing recommendations to ensure DEC and other agencies are adequately overseeing the drilling process and developing proper regulations. They will also evaluate fees and other revenue streams to fund government oversight of hydrofracking. Mr. Cushing told CFAB that no sportsmen or sportsmen groups are represented on the panel. He also stated that he would draft a letter to the Panel regarding staffing and reimbursement of the Conservation Fund. Mr. Kemper asked Mr. Amato for the staffing plan that was presented.
- Mr. Cushing stated that he would like a list of fish and wildlife activities that are not getting done or not getting done correctly. Board members agreed that they would speak with the Regional Managers in their respective regions to ascertain a measure of progress, or lack thereof, in regard to the delivery of program.
- Mr. Stang provided CFAB with an analysis of annualized value versus interest earned on lifetime licenses taking into account various rates of churn. At no time during the past six years has interest earned exceeded the value of what those sales would be on an annual basis.
- License sales at the State Fair were again discussed. Mr. Stang provided the Board with a handout regarding costs associated with licenses sales. CFAB will vote on whether or not DEC should continue to sell licenses at the Fair.

Costs associated with license sales at 2011 New York State Fair

Staff time (including fringe benefits, OT and Holiday pay)	\$22,101.75
Meals and Lodging	\$4,477.00
Vehicles - mileage chargeback costs (\$.35 / mile) and tolls	\$1,923.02
Supplies and materials	\$1,263.94
Telephone and internet lines	\$200.00
Total	\$29,965.71

Note: Gross license sales for 2011 were \$120,895

- CFAB spent the remainder of the meeting discussing the content of the 2010 annual report.

MOTION: At 1:30 PM Mr. Robson motioned that the meeting adjourn. Seconded by Mr. Dunkelburger the motion passed unanimously.

Summary of Motions:

MOTION: Mr. Robson motioned that minutes from the September 12 meeting be approved. Seconded by Mr. Kemper, the motion passed unanimously.

MOTION: At 1:30 PM Mr. Robson motioned that the meeting adjourn. Seconded by Mr. Dunkelburger the motion passed unanimously.

Summary of Resolutions:

- None.

Actions for CFAB:

- Mr. Cushing will draft a letter to the High-Volume Hydraulic Fracturing Advisory Panel regarding staffing and reimbursement of the Conservation Fund.

Actions for the Department:

- Provide information regarding LT Licenses and CF disbursements post fee increase. *NOTE: Data on the balance, interest earned, annualized value and rate of return for the Fish and game Trust Account was provided to CFAB on October 14, 2011.*
- Provide year to date license sales by county and license type. *NOTE: Sales to date information was provided to CFAB on October 14, 2011.*
- Provide CFAB with the proposed staffing plan for hydrofracking.
- Work with CFAB to determine the programmatic impacts associated with reduced staffing.

Unfinished Business:

- From August 8, 2011 - Chairman Kemper will ask a staff person from OSC to attend an upcoming meeting to explain how Lifetime License Funds are invested.
- From June 14, 2010 - Board members will review the attached draft calendar and prepare comments for Chairman Kemper for the September meeting.
- From June 14, 2010 - CFAB to give DEC specifics on what information they need in regard to quarterly program expenditures
- From Jan 10, 2011 - Chairman Kemper will arrange for a follow up meeting with the Assembly Environmental Conservation Committee and seek assurances that all bills associated with fees or funding for the Fish and Wildlife Program be vetted through the CFAB before being acted upon.
- From Jan 10, 2011 - Chairman Kemper will develop a list of issues that CFAB would like to speak to the Committee about and try to arrange for a meeting between the two groups. If a meeting is arranged, CFAB will seek clarification from the Committee on their exact understanding and capacity of “ex-officio membership” and determine if such status is actually needed or warranted.
- From February 14, 2011 - The DFWMR will revise the hatchery status report and post on website.

Next CFAB Meeting: #314 – November 14, 2011

Jason Kemper - Chairman

SSH/JK