



STATE OF NEW YORK CONSERVATION FUND ADVISORY BOARD

625 Broadway, Albany, NY 12233-4750

Monthly Meeting Minutes

Three Hundred Forty Fourth Meeting

14-October-2014

Department of Environmental Conservation, 625 Broadway, Albany, NY

Call to Order – The meeting was called to order by Chairman Kemper at 9:07 AM.

Roll Call: 9:08 am

Voting Board Members Present

Charles Bevilacqua	Region 1
Gordon Whiting	Region 2
Jason Kemper	Region 5
Dave Corr	Region 6
Charles Pace	Region 7
Marc Osypian	Region 8
Dale Dunkelberger	Region 9
Raymond Merlotto	NYSCC
Bill Connors	FWMB

Voting Board Members Excused

Alan Rosa
Dominick Scarzafarva

Voting Board Members Absent

Ex-Officio Members Present

DEC Commissioner represented by:

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

Kathy Moser

Ex-Officio Members Absent

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

DEC Personnel

Division of Law Enforcement: Timothy Duffy, Director

Guests

Marc Gerstman, Executive Deputy Commissioner
Jeff Stefanko, Executive Assistant Commissioner
Steve Piatt, Outdoor News
Rob Davies, Division of Lands and Forest, Director
Eric Kasza, Division of Lands and Forest, Section Chief, Public Lands Access

DLF = Division of 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. Dale Dunkelberger motioned to accept the September 8, 2014 meeting minutes, seconded by Marc Osypian, the motion passed unanimously.

Executive Report:

Kathy Moser & Jeff Stefanko willing to discuss other funding options with concerns with the Marine Resource Fund and Jeff indicated that they are committed to keeping the funds in the “black”.

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 (2) resources continue to work with LIAs and trouble-shoot problems experienced by LIAs. This in one-on-one assistance provided to LIAs experiencing problems and has been very effective in addressing issues (when issues are reported).
- Except for routine maintenance (conducted on a few occasions between midnight and 2:00 am), the eLicensing system not had an outage for 50 days.
- 1,169 different LIAs have made sales on the system with 700-900 different LIAs making sales on a single day.
- DEC is adding 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 will be provided the URL to the training link and they can become trained. Following a background check, prospective LIAs will be sent a printer and “turned on” in the system and they can 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.
- Problems have been experienced with many agents trying to print on the multi-colored license material. The new license stock does not consistently feed through the printer. License-issuing agents have experienced difficulty with the new license stock are using the previous year’s yellow stock. DEC secured additional yellow stock and LIAs can replenish supplies of yellow and multi-colored stock. More LIAs are currently using the multi-colored stock 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 “down” and their inability to purchase a license. The system has remained functional since August 4th, however, there have been printing issues at certain LIAs who have placed signs indicating that the system is down rather than trying to address the issue. Certain

LIAs (particularly Walmart stores) do not have administrative rights to their computer and cannot implement the most current printer setting that resolve the issue/errors/misprints.

- Conceptual discussions have begun regarding a more user-friendly front-end interface for eLicensing. The expectant results is improved interface for LIAs and on-line license buyers.

License Sales

- Overall, sales since August 4th are less compared to the same time period in 2013 and revenues are less by approximately \$3.5 million:
 - Resident fishing license sales are down 22%
 - Resident bow privileges are same
 - Resident muzzleloader sales are down 22%
 - Resident 7-day fishing license sales are down 51%
 - Resident 1-day fishing license sales are down 57%
 - Resident turkey permit sales are down 16%
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 - Non-resident hunting license sales are up 9%
 - Non-resident fishing license sale are up 4%
 - Non-resident bow privileges are up 8%
 - Non-resident muzzleloader sales are down 10%
 - Non-resident 7 day fishing license sales are down 26%
 - Non-resident turkey permit sales are down 18%
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 - Deer management permit applications are the same.
- Except for short-term fishing license sales, due to changes in license structure, it remains too early to draw conclusions about license sales for 2014-15. The reductions in short-term resident and non-resident fishing license sales (without an increase in annual fishing license sales) is likely the result of relatively poor Lake Ontario tributary fishing so far this fall.

Filled Position report:

Division of Fish, Wildlife, and Marine Resources

<i><u>Account</u></i>	<i><u>Number of Staff</u></i>	<i><u>Change</u></i>
Natural Resources Damages Account	1	
Hazardous Waste Cleanup Account	2.85	
State Purposes Account	37.35	
Fish, Wildlife & Marine Grants Account	60.2	
Conservation Fund (Marine Account)	14	
Conservation Fund (Traditional Account)	226.95	-0.8
Environmental Monitoring Account	2	
Environmental Regulatory Account	<u>5.8</u>	

Total	350.15	-0.8
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Conservation Fund (Marine Account)

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

Conservation Fund (Main Account)

<u>Division</u>	<u>Number of Staff</u>	<u>Change</u>
Fish, Wildlife, and Marine Resources	226.95	-0.8
General Counsel	1	
Law Enforcement	81	-2.0
Operations	6	
Management and Budget	2	
Office of Communications	2	
Regional Affairs	<u>3</u>	
Total	320.05	-2.8

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

Rule Making Initiation Memos:

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.*

Proposals Filed:

1) **6 NYCRR 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 the enhanced recreations 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 9/29/2014 and is scheduled to be published in the New York State Register 10/15/2014 with public comment period running through 11/29/14.*

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 10/7/2014 and is scheduled to be published 10/22/14 with the public comment period running through 12/6/2014.*

Pending Adoptions:

Emergency Rules:

Recently Adopted:

DLE Report

- Director Duffy presented his report via a Power Point presentation (attached)

Lands & Forest

• Director Davies handed out NYS Forest Fact Sheet and spoke about Management planning process with hopes of the stewardship plan would be implemented within the next 10 days.

Eric Kasza, Section Chief, Public Lands access discussed the finished projects along with the upcoming ones for next season; all information was provided on via a spreadsheet from Eric (attached).

CFAB Business

- *Jason Kemper asked Kathy Moser and Marc Gerstman to provide the CFAB members with deliverables*
- *CFAB members are very upset with all the problems with the system and Accela; all voiced that not only did we go with the wrong vendor, but that way too much money has been lost to be able to recoup*
- *Dave Corr asked how much of CFAB \$\$\$ is being spent on e-Licensing and suggested maybe working with DOB to find other funding sources to reduce the cost of e-Licensing for CFAB and still concerns with CFAB recovering any of the costs*
- *Dave Corr also requested that the information booths at Cedar River be updated*
- *Board members also would like to see the veto on the Mute Swan Bill*
- *Board members want to have a serious discussion regarding funds*
- *Bill Conners discussed his concerns regarding the Pheasant Youth Hunt and would like a Bill submitted for the Pheasant Youth Hunt with exact dates in September*
- *Kathy Moser suggested that Jason Kemper should in writing to Kathy Moser and Jeff Stefanko the concerns on Marine Funding and request that Jeff attend November's meeting and that Bill Conners should talk Gordon Batcheller regarding the Pheasant Youth Hunt and to invite Gordon to November's meeting*
- *Future updates were requested by CFAB.*

Summary of Motions:

MOTION: Mr. Dunkelberger motioned to accept the September 8, 2014 meeting minutes, seconded by Marc Osypian, the motion passed unanimously.

MOTION: Mr. Corr motioned to conclude the meeting at 12:57 PM, seconded by Mr. Osypian the motion passed unanimously.

Summary of Resolutions:

- *None*

Actions for CFAB:

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Actions for the Department:

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Next CFAB Meeting: #345 – Monday, November 10, 2014

Jason Kemper - Chairman

LP/WC/JK