



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 Fourth Meeting – October 13, 2015

Department of Environmental Conservation, 625 Broadway, Albany

9:00 AM

- ❖ Call to Order – 9:13 am
- ❖ Roll Call – 9:13 am
- ❖ Welcome Guests:
 - Steve Piatt – Press – Outdoor News
 - Sean Mahar – Director of Communications
- ❖ Correspondences
- ❖ Minutes of September Meeting – Dale Dunkelberger motioned to accept September's minutes; Dave Corr seconded the motion with the condition that the revisions be made accordingly; motion carried.

9:30 AM – Department Reports

- ❖ Executive
 - 2015-2016 Access Project List Update
 - 2014-2015 Access Project List Update
 - Update HCAA Account – Staff, expenses, work completed, etc.
 - Proposed Rulemaking for LIA's and Wildlife Rehabilitators – Follow Up on Stakeholder Meeting that was state would be scheduled
 - Update on Imperial Dam
 - Update on Adirondack Invasive Species Program

10:00 AM – Break

- ❖ Division of Fish, Wildlife & Marine Resources
 - Update on E-Licensing
 - Filled Positions
 - Regulatory Efforts
 - HCAA Account
- ❖ Law Enforcement

12:00 - Lunch

1:00 PM - CFAB Business

- ❖ August 2015 Field Trip to Region 9
- ❖ Dave Corr – Eurasian/Black Boar
- ❖ Travel Expenses
- ❖ CFAB Meeting Summary

3:00 PM - Adjourn

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

November 9, 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: Dale Dunkelberger motioned to accept the September 14, 2015 meeting minutes, seconded by Dave Corr on the condition that Lu makes the required revisions; motion carried.

Executive Report:

- Kathy Moser announced the following:
 - That still no start date for Basil Seggos as Commissioner
 - Marc Gerstman will stay on as Executive Deputy Commissioner once Basil is Commissioner
 - Today was Ed McTiernan's last day and Tom Berkman is taking Ed's place as Acting General Counsel.
 - Dianne Patterson has also left and Sean Mahar is now the new Director of Communications.
- Kathy Moser indicated that 36 out of 50 projects were completed out of the NY Works 3 Money.
- 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 money 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; Patty indicated that we do not have any waivers yet with permission to fill the vacancy.
- Patty also mentioned that there would be a Hunter Education Program Peer Review and that 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 we provide an App for the Aquatic Invasive Species.
- Dave Corr inquired about the Imperial Dam; Kathy said that she would have Lance Durfey send an update on the Imperial Dam to Dave Corr;
- Jason Kemper mentioned that 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 for Felons to be LIAs, especially since the comment period is coming to a close near the end of November.
- Dave Corr as for an update on the Black Boar and Patty Riexinger and Doug Stang told CFAB members that we are 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 (perhaps tie it with license fees).

Guest: Sean Mahar, Director of Communications sat in on the meeting and asked that he be included on the cc list for receiving the Agenda for the CFAB meetings and also indicated that his door is always open and that CFAB Members should feel free to contact him with any concerns.

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 may increase reporting rate
- System slowness was experienced on September 30th and October 1st .
- System performance is monitored constantly and reports are generated and disseminated hourly.
- More than 1200 different license issuing agents sold licenses with DEC 2.0 since August 10th.

License Sales

- Compared to the same period a year ago (August 1 – October 4)
 - 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
 - Annual resident fish license sales are down approximately 6%
 - Annual resident hunting license sales are down approximately 2%
 - Lifetime license sales are down (except for bow hunting privilege)
 - Recreational marine fishing registrations are up 60%
- Peak of 2015 license sales was, as expected, September 28-October 1 with a secondary peak anticipated November 18-20.

[note: please refer to handout distributed at meeting]

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 | +0.2 |
| State Purposes Account | 42 | |
| Fish, Wildlife & Marine Grants Account | 67.3 | +2.2 |
| Conservation Fund (Marine Account) | 4 | |
| Conservation Fund (Traditional Account) | 235 | -0.2 |
| Environmental Monitoring Account | 1 | |
| Environmental Regulatory Account | <u>5.8</u> | |
| Total | 366.8 | +2.2 |

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 | 235 | -0.2 |
| General Counsel | 1 | |
| Law Enforcement | 88 | +1.0 |
| Operations | 5 | |
| Management and Budget | 2 | |
| Office of Communications | 1 | |
| Regional Affairs | <u>3</u> | |
| Total | 335 | +0.8 |

Division of Law Enforcement

| <u>Account</u> | <u>Number of Staff</u> | <u>Change</u> |
|---|------------------------|---------------|
| State Purposes Account | 143 | -2.5 |
| Conservation Fund (Traditional Account) | 88 | +1.0 |
| Environmental Regulatory Account | 39 | -2.0 |
| Waste Tire Account | <u>2</u> | |
| Total | 272 | -3.5 |

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.*

Pending Adoptions:

Emergency Rules:

Recent Adoptions:

1) **6 NYCRR Part 40.1 Marine fish – open seasons, size and catch limits.** Amend regulations for black sea bass to increase the minimum size limit by one inch, from 13 inches to 14 inches and modify the possession limit. The possession limit will remain at 8 fish from July 15 through October 31. It will increase to 10 fish from November 1 through December 31. The increase in minimum size is expected to reduce harvest of black sea bass by New York marine recreational anglers by 33%. The Atlantic States Marine Fisheries Commission (ASMFC) requires all states from Massachusetts through New Jersey to reduce recreational harvest of black sea bass by 33% to prevent recreational anglers from exceeding the coast-wide recreational harvest limit (RHL) set by the National Marine Fisheries Service (NMFS) for 2015. *Notice of proposed Rulemaking filed with Department of State on 4/28/2015. Notice of Proposed Rulemaking is scheduled to be published in the New York State Register 5/13/2015 with the public comment period running through 6/27/2015. Notice of Adoption filed with Department of State 9/17/2015 and published in the New York State Register with an effective date of 10/7/2015.*

DLE Report

- Director Joe Schneider gave the following updates:
 - DLE is moving forward with the Academy, with a start date of February 29, 2016.
 - Interviews will be conducted the 1st week of November
 - 150 New 2-Way Radios were purchased and DLE is pushing to get mobile radios updated.
 - Director Schneider agreed to send CFAB Members Monthly DLE updates

CFAB Business

- CFAB Members discussed putting together a Power Point Presentation of their August, 2015 Region 9 Field Trip which consisted of visited Frog Island, Strawberry Island and Beaver Island;
- Bill Conners will send Jason Kemper the photos that he has and Jason Kemper will draft a Summary of the Region 9 visit;
- Jason Kemper created a new Travel Expense form for all CFAB Members to use and all CFAB Members accepted the new form;
- Starting with the October 2015 CFAB Meeting, Jason Kemper will now provide CFAB Members with a brief summary of each meeting and ask for thoughts and updates from CFAB Members.