



STATE OF NEW YORK CONSERVATION FUND ADVISORY BOARD

625 Broadway, Albany, NY 12233-4750

Monthly Meeting Minutes

Three Hundred Forty Third Meeting

08-September-2014

Department of Environmental Conservation, 625 Broadway, Albany, NY

**Call to Order** – The meeting was called to order by Chairman Kemper at 9:19 AM.

**Roll Call**

**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
Dale Dunkelberger	Region 9
Raymond Merlotto	NYSCC
Bill Conners	FWMB

**Voting Board Members Excused**

Alan Rosa

**Voting Board Members Absent**

Kathy Moser

**Ex-Officio Members Absent**

*Senate Finance Committee*

*Senate EnCon Committee*

*Assembly Ways and Means Committee*

*Assembly EnCon Committee*

**DEC Personnel**

*Division of Fish, Wildlife and Marine Resources:*

Patricia Riexinger

Steve Hurst

*Division of Law Enforcement:* Timothy Duffy,  
Director

**Guests**

Steve Hurst

Patricia Riexinger

Marc Gerstman

**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

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. Dave Corr motioned to accept the June 9, 2014 meeting minutes, seconded by Bill Conners the motion passed unanimously.

## **Executive Report**

- Assistant Commissioner Moser indicated that the Access Projects are complete with the exception of just one.
- The Hatchery projects are moving forward
- There is a request in for replacement of retirees, as well as some additional critical staffing needs are being requested.
- Also, many schools that are located in rural areas, will not allow firearms to be stored on Campus.
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## **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 is one-on-one assistance provided to LIAs experiencing problems.
- As of 6/5/2014 a total of 1,067 LIA s have made sales on the eLicensing system; another 126 have been trained, but have not made a sale (various reasons – experiencing problems, no customers, needs IT assistance, etc.), and 105 await the next training opportunity. Steady progress is being made getting license-issuing agents that experienced problems up and running.
- DEC is adding new license-issuing agents as the background checks are completed and the agents complete training. Weekly on-site training has been offered; however fewer and fewer agents (and prospective agents) are taking advantage of this opportunity.
- DEC continues working with IT contractor to develop eLicensing training available via the internet. Current plan is to have the training available mid- to late-June and agents can take the training at their pace from their own computer. These training modules will be updated as the system is updated and agent participation will be tracked.
- Accela and subcontractor resources are being off-loaded from the DEC project. Currently, all development and technical resources are slated to be off-loaded by the end of June.
- A new agent client that assures license-issuing agent computers are connected to a DEC-issued valeron printer and that allows for a single printing of documents is currently under development. Expected implementation has been moved to December.

- Enhanced license material (color background with watermark) and revised license/ tag design has been developed (examples handed out at the meeting).
- Plans are underway for transfer of DEC's system to Accela's East Coast Data Center. The transfer of DEC's Application to the ECDC will enhance the system's speed and should result in improved performance and customer satisfaction. The transfer to the ECDC should be completed by end of June with no noticeable disruption in system down time (less than 4 hours).
- Enhanced flow through the system (fewer screens, less page loading) are under final approval to enhance the customer experience when purchasing a sporting license via eLicensing.
- Issues with reporting turkey harvest via telephone has occurred sporadically throughout spring turkey season. Several issues have been resolved, but the sporadic nature of the issues has hampered resolution of the problem(s). On-line reporting of turkey harvest is functioning well and hunters are, increasingly, reporting harvests on-line.
- DEC and Accela are developing a game harvest reporting application for hand-held devices.
- Development of deer management permit issuance system is nearing completion with defects and bugs largely addressed. Instant lottery, IBP and first-come first-served processes have been tested and are functional.
- Defects with the fulfillment of lifetime license via batch processing are currently being addressed with changes such that the fulfillment vendor (RMS Omega) will be able to expeditiously process and mail tags to lifetime license / lifetime privilege holders. Unfortunately, the lifetime fulfillment batch process that used to take Verizon one night to process is projected to take Accela 140 batches over 4 days to complete.

### **License Sales**

- Sales since January continue to trail those from a year ago. During the period January 1 – June 5, 2014: 401,724 items sold totaling \$7,551,720 in revenue while during the same period in 2013, 406,981 items were sold totaling \$8,242,092 in revenue.
- Lifetime license sales are up compared to a year ago:
  - lifetime license/privilege sales for January 1 – June 4, 2014:  
 license (sportsman) – 1,339  
 fishing – 601  
 hunting - 89  
 trapping - 49  
 bow hunting - 241  
 muzzleloading - 116  
 total – 2,439
  - Lifetime license/ stamp sales for January 1 – June 4, 2013:  
 sportsman - 840

fishing - 219  
 hunting – 38  
 trapping - 8  
 bow hunting - 102  
 muzzleloading – 39  
 total – 1,246

**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	2.7	
State Purposes Account	37.35	-0.3
Fish, Wildlife & Marine Grants Account	60.9	-0.05
Conservation Fund (Marine Account)	14	
Conservation Fund (Traditional Account)	232.05	-2.0
Environmental Monitoring Account	2	
Environmental Regulatory Account	<u>5.8</u>	
<b>Total</b>	<b>355.8</b>	<b>-2.35</b>

**Conservation Fund (Marine Account)**

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

**Conservation Fund (Main Account)**

<u>Division</u>	<u>Number of Staff</u>	<u>Change</u>
Fish, Wildlife, and Marine Resources	232.05	-2.0
General Counsel	1	
Law Enforcement	83	-1.0
Operations	6	
Management and Budget	2	
Public Affairs and Education	2	
Regional Affairs	<u>3</u>	
<b>Total</b>	<b>329.05</b>	<b>-3.0</b>

**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) **6 NYCRR 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 Part 1.31 – Bear.** In accordance with the black bear management plan: amend regulations pertaining to bear hunting. Allow bear hunting in 21 additional Wildlife Management Units, establish an early bear season in a portion of the southern zone (WMUs 3A, 3C, 3H, 3J, 3K, 3M, 3P, 3R, 4P, and 4R) first Saturday after Labor Day for 16 days, change northern zone bow hunting season for bear to first Saturday after the second Monday in September, allow bow hunting for bear in 17 additional WMUs in the southern zone, allow early season muzzleloader hunting for bear in WMUs 6A, 6G, 6K, and 6N, add 15 WMUs to those where lack bear may be taken during the late muzzleloader season. *RIM signed 3/20/2014. Notice of proposed rulemaking was filed with Department of State 4/30/2014 and was published in the New York State Register 5/21/2014. Public comment period is scheduled to run through 7/7/2014.*

2) **6 NYCRR Parts 1 and 2 - Crossbows.** Amend regulations to allow for use of crossbows to take small game (including upland game birds) during all open seasons, big game during seasons where a

firearm is allowed, and big game during the last 10 days of the northern zone archery-only season and last 14 days of the southern zone archery-only season. ***Notice of proposed rulemaking was filed with Department of State 5/20/2014 and was published in the New York State Register 6/4/2014. Public comment period is scheduled to run through 7/21/2014.***

Pending Adoptions:

1) **6 NYCRR Part 41 – Sanitary condition of shellfish lands.** Classify currently uncertified (closed) shellfish lands as seasonally certified (open during limited times of the year). Particular shellfish lands in Wickham Creek and Mattituck Creek within the Town of Southold, Northwest Creek in the Town of East Hampton, Sag Harbor in the towns of East Hampton and Southampton and a portion of Great South Bay in the Town of Babylon now meet the water quality criteria for seasonally certified shellfish lands. These lands must be designated as certified during the portion of the year when they meet those criteria. *RIM signed 11/13/2013. Notice of proposed rulemaking was filed with Department of State 3/11/2014 and published in the New York State Register 3/26/2014. Public comment period ended 5/12/2014.*

Emergency Rules:

1) 6NYCRR Part 40.1 Summer flounder and black sea bass. Amend 6 NYCRR Part 40.1 to: change the regulations for summer flounder: change open season to May 17 – September 21, reduce the minimum size limit to 18 inches and increase the daily harvest limit to 5; and change the open season for black sea bass to July 15 – December 31. *Emergency regulations and Notice of Proposed Rulemaking were filed with the Department of State 4/29/2014. The rulemaking will be effective 5/14/2014 and public comment period will run 5/14/2014 through 6/30/2014.*

Recently Adopted:

1) **6NYCRR Part 59 – State Boat-launching sites, fishing-access sites and fishing rights areas and Part 190.24 Use of State lands – boat launching sites.** Amend 6 NYCRR Part 59 and Part 190.24 governing use of DEC boat launching, fishing access, fishing rights areas, campground and other state lands to prohibit boats, trailers and associated equipment carrying visible aquatic invasive species from launching at DEC facilities or leaving these facilities. *RIM signed 3-7-2013. Notice of Proposed Rulemaking filed with Department of State 12/24/2013. NPR published in State Register 1/8/2014. Public comment period ended 2/24/2014. Notice of Adoption was published in the State Register and became effective 6/4/2014.*

DLE Report

- Director Duffy indicated that they are filling all vacancies and requesting more administrative staff
- DFWMR & DLE have regular Quarterly meetings
- License compliance is at 95% (Statewide – Regions 3 – 9)
- Deer Jacking numbers are down
- Fall initiative is planned they are having Salmon River details on weekends
- Director Duffy will send information regarding the new training program

**CFAB Business**

- *Finalize Annual Report – Charles Pace suggested downsizing for next year and add the annual report to the website.*
- *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*
- *Jason Kemper will send revised report one last time for review before finalizing*
- *Marc Osypian stated that the Caledonia Hatchery Celebration went very well*
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- *Future updates were requested by CFAB.*

MOTION: Mr. Corr motioned to conclude the meeting at 1:14 PM, seconded by Mr. Osypian the motion passed unanimously.

**Summary of Motions:**

MOTION: Mr. Corr motioned to accept the May 12, 2014 meeting minutes, seconded by Bill Conners, the motion passed unanimously.

MOTION: Mr. Corr motioned to conclude the meeting at 1:14 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:** #342 – Monday, July 14, 2014

LP/WC/JK

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Jason Kemper - Chairman