



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

Monthly Meeting Minutes  
**Three Hundred Sixty Third Meeting – September 19, 2016**  
Department of Environmental Conservation, 625 Broadway, Albany

**Call to Order** – The meeting was called to order at 9:23 AM.

**Dave Corr motioned to adjourn the meeting, Bill Conners seconded – motion passed, Meeting Adjourned at 1:45 pm.**

**Roll Call: 9:23 am**

**Voting Board Members Present**

Gordon Whiting	Region 2
Tom Williams	Region 4
Jason Kemper	Region 5
Dave Corr	Region 6
Marc Osypian	Region 8
Dale Dunkelberger	Region 9
Bill Conners	FWMB
Ray Merlotto	NYSCC

**Voting Board Members Excused**

Dominick Scarzafava	Region 3
Charles Pace	Region 7

**Voting Board Members Absent**

Vacant	Region 1
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**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  
DFW = Division of Fish and Wildlife  
DLE = Division of Law Enforcement

**Ex-Officio Members Present**

*DEC Commissioner represent by: 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 and Wildlife:  
Doug Stang, Assistant Director  
Division of Law Enforcement: Joe Schneider,  
Director*

**Guests:**

*Ken Lynch, Exec. Dep. Comm.  
Chris Ballantyne, Asst. Comm. Public Protection & Regional Affairs,  
Erin Hovish, DMBS*

*DLF = Division of Lands and Forest*

*DMBS = Division of Management and Budget Services*

*OGC = DEC Office of General Counsel*

*DOB = Division of the Budget*

*DOP = Division of Operation Services*

*DPAE = Division of Public Affairs & Education*

*OSC = Office of State Comptroller*

## Correspondence

### Minutes of Prior Meeting

MOTION: Dave Corr motioned to approve the minutes to the June 13, 2016 meeting, Ray Merlotto seconded the motion; motion passed.

### Executive Report:

- Kathy Moser updated the Board on the Proposed LIA Regulations and the DEC program policy that will govern evaluation of applicants, including background checks. CFAB remains concerned with the change in regulations but appreciates DEC's efforts to reduce the risk to license buyers. Background checks are being performed at no cost to the Conservation Fund.
- Kathy will provide a full breakdown of NYWORKS projects at the next meeting (October).
- Kathy updated the Board on the upcoming APA Land Classification public hearings.
- Discussion was held regarding the CFAB trip to Region 2, scheduled for October 17<sup>th</sup>, Gordon Whiting will work with DEC and board members on the Agenda, travel arrangements, etc.
- Board was joined by Executive Deputy Commissioner Ken Lynch and Chris Ballantyne, Assistant Commissioner, Public Protection and Regional Affairs.

### Division of Fish and Wildlife:

- Acting Director Doug Stang provided the Board with updates and handouts with regards to the following:
  - Status of system improvements, updates and enhancements
  - Batch processing of lifetime licenses
  - Summary of outages
  - Sales Breakdown – over 70% occur in retail establishments
  - Update on hatchery improvements full details provided in spreadsheets
  - Summary of Proposed Freshwater Fishing Regulations
  - Update on the proposed Stocking Level reductions in Lake Ontario – *Doug followed up with providing board members with the PowerPoint that was presented at the public meetings*
  - Lake Champlain Lampricide Treatment in VT will continue to this fall but with the installation of a carbon filtering system on the water intakes for the City of Burlington; the LaPlatte River (VT) and Stony Bridge Creek (VT) will be treated in 2016; the Missisquoi River (VT) will be treated in 2017 and treatments in NY waters will resume, as per schedule, in 2018
  - Chinook stocking in Lake Ontario will be reduced approximately 20% in 2017 due to concerns of Alewife numbers being down.
- License sales appear to be up from the same period last year.
- Pop up window for the habitat/access stamp appears to be working out well, sales of the stamp have nearly doubled; Board members thanked DEC for these efforts.

- Board members also discussed the monthly financials supplied to the board and what improvements could be made to so that the information is easier to comprehend.

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

#### **e-Licensing:**

#### **Status Summary and Activities Completed This Period**

- Mobile App for electronic licenses and game harvest reporting is progressing. DEC staff have begun beta testing some of the features. The Mobile App is expected to be functional by early to mid-November.
- DEC and ITS have been developing the capability of reporting DMAP harvests via DECALS. Testing should begin the last week of September.
- Lifetime license holders received their 2016-17 back tags, license materials, and carcass tags in early to mid-July.
- All license-issuing agents had new-year valeron and 2016-17 Hunting / Trapping Regulations Guides in advance of initiating 2016-17 license sales.
- 2016-17 license went on sale August 1<sup>st</sup> – approximately 10 days earlier than previous years and one-month before the start of the 2016-17 hunting season.
- Pop-up window to foster sales of habitat / access stamps was implemented August 1<sup>st</sup> with success. August 2016 sales of H / A stamps (3,341) nearly doubled the number of H / A stamps sold in all of 2015 (1,794).
- DECALS experienced 9 outages May 20<sup>th</sup> through August 31<sup>st</sup> with most outages lasting less than an hour (please see attached report).

#### **License Sales:**

- For the period January 1 – June 13, 2016, the number of licenses sold and associated revenues are up 109,374 (7.6%) and \$1,827,524 (7.9%) compared to the same period in 2015
- Similar to previous year, most of the sales occur at retail stores (approximately 65%).
- License sales via the internet, seemingly, are gaining in popularity compared to sales a year ago

[Please see attached report for great detail on license sales, revenues, and trends compared to a year ago]

**Filled Position report:**

**Division of Fish and Wildlife**

<u>Account</u>	<u>Number of Staff</u>	<u>Change</u>
Access Land Acquisition	1	
Habitat Conservation and Access Account	8	
Hazardous Waste Cleanup Account	2.7	
State Purposes Account	1	
Federal Fish and Wildlife Grants Account	46.5	-1.0
Conservation Fund (Traditional Account)	235	-1.05
Environmental Regulatory Account	<u>5</u>	
<b>Total</b>	<b>299.2</b>	<b>-2.05</b>

**Conservation Fund (Main Account)**

<u>Division</u>	<u>Number of Staff</u>	<u>Change</u>
Fish, Wildlife, and Marine Resources	235	-1.05
General Counsel	1	
Law Enforcement	80	
Operations	5	
Management and Budget	2	
Office of Communications	1	
Regional Affairs	<u>3</u>	
<b>Total</b>	<b>327</b>	<b>-1.05</b>

**Status of Regulations (changes from previous month in bold):**

Pending Proposals:

1) **6NYCRR Part 180.6 Free Sport Fishing Days.** In accordance to change in ECL 11-0327 that provided for up to 6 additional free fishing days, amend regulations to add six free sport fishing days to complement the existing free sport fishing days:

- Presidents Day Weekend - February (2 days) – These two days coincide with winter recess for most schools, making it ideal for families to try ice fishing.
- 3<sup>rd</sup> Weekend in May (2 days) - These two days occur around the opening of popular warmwater fisheries such as walleye and pike/pickerel. This encourages people to get out at the start of the warm weather. Trout fishing opportunities are also still available at this time;
- National Hunting and Fishing Day (1 day) - the 4<sup>th</sup> Saturday in September links to many promotional events taking place nationwide. Fishing at this time of year is generally good for many species, including the very popular Fall salmon fishing in the Great Lakes tributaries; and
- Veteran's Day (1 day) - fishing is considered one of the most therapeutic outdoor activities, making it the ideal tribute to veterans and those currently serving in the armed forces.

*RIM signed 3/21/2016. Notice of Proposed Rulemaking under development.*

Proposals Filed:

1) **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. Notice of Proposed Rulemaking filed with Department of State on 12/8/2015 and published in the State Register on 12/23/2015. The public comment period is expected to run 12/23/2015 through 2/8/2016. DEC staff is assessing public comment received.*

2) **6 NYCRR Part 10 Sportfishing Regulations.** To amend sportfishing regulations in Sections 10/2, 10.3, 10.7, and 10.9 to maintain or improve the quality of the State's fisheries resources. Changes to sportfishing regulations are intended to promote optimum opportunity for public use consistent with resource conservation. The following is a summary of the amendments that the department is proposing. Proposed changes include: clarification of where certain regulations apply; water-specific changes to minimum size limits and creel limits for bass, trout, walleye, lake trout, and northern pike; and certain fishing gear allowances or restrictions. ***Notice of Proposed Rulemaking was filed with Department of State on 9/13/2016 /8/2015 and published in the State Register on 9/28/2016. The public comment period is expected to run through 10/28/2016.***

Pending Adoptions: None

Emergency Rules: None

Recent Adoptions:

1) **6 NYCRR Part 1.11 Pertaining to Deer Hunting Seasons, Part 1.18 Pertaining to the Issuance and Use of Deer Hunting Tags, and Part 1.31 Pertaining to Hunting Black Bear.** Amend regulations to:

- Provide additional opportunity to junior hunters by allowing them to take bear as well as deer during the youth firearms hunt over Columbus Day weekend;
- Rescind an antlerless-only requirement established in 2015 during portions of the bow and muzzleloader season in some WMUs;
- Reduce the take of antlerless deer in Wildlife Management Units (WMUs) 6F and 6J by allowing hunters to only take antlered deer during the early muzzleloader season to prevent further population decline and stimulate population growth; and
- Make a technical correction to clarify that bow/mz either-sex and antlerless-only tags may be used during either bow or muzzleloader seasons by properly licensed hunters.

*RIM signed 3/21/2016. Notice of Proposed Rulemaking filed with Department of State on 4/20/2016 and was published in the State Register on 5/11/2016. Public comment period ended 6/10/2016.*

***Notice of Adoption was filed with Department of State on July 16, 2016 and published in the New York State Register on August 3, 2016.***

2) **6 NYCRR Part 6 – Trapping.** Amend current regulations for fisher trapping by reducing the trapping season in seven WMUs (5C, 5F, 5G, 5H, 5J, 6F, and 6J) to a 30-day season (November 1 – November 30) and open a 6-day fisher trapping season (October 25 – October 30) in 22 WMUs (4F, 4O, 7A, 7M, 7P, 7R, 7S, 8T, 8W, 8X, 8Y, 9J, 9K, 9M, 9N, 9P, 9R, 9S, 9T, 9W, 9X, 9Y). Also, in the northern zone (Wildlife Management Units 5A, 5C, 5F, 5G, 5H, 5J, 6A, 6C, 6F, 6G, 6H, 6J, 6K and 6N) body-gripping traps set on land may not be set with bait or lure during a closed season for fisher and/or marten. These changes are consistent with the recently adopted fisher management plan and reflect changes in fisher population in these areas. *Notice of revised Proposed Rulemaking filed with Department of State on 4/28/2016 and was published in the State Register on 5/11/2016. Public comment ended 6/10/2016. Notice of Adoption was filed with Department of State on July 5, 2016 and published in the New York State Register on July 20, 2016.*

3) **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 ended 11/24/2015. DEC staff is assessing public comment received. Notice of Adoption was filed with Department of State on August 25, 2016 and published in the New York State Register on September 14, 2016.*

## **Status of DEC Hatchery System Infrastructure Work:**

Please see attached update on the DEC Hatchery projects funded via New York Works III, New York Works IV, and New York Works V. (to be distributed at meeting)

*Updates from previous meeting:*

Salmon River Hatchery - The pipeline pigging project at Salmon River Hatchery was completed and full flow has been restored. Hatchery roof was replaced. The three deep wells that were rehabilitated last year are scheduled for annual cleaning this fall. The remaining two deep wells to be rehabilitated are tentatively scheduled for the spring of 2017, provided the contracting process goes smoothly. DEC received a 30% design report for the recirculating system and some initial cost estimates. These are being reviewed by Operations and Fisheries staff. An on-site meeting with the contractors is being planned for the near future.

South Otselic Hatchery – replacement of earthen pond outlet structures and combining of ponds project is underway.

Chateaugay Hatchery – demolition of 13 outside concrete raceways has completed as was the installation of 13 fiberglass raceways.

### **DLE Report:**

- Director Schneider provided an update on the Academy, graduation was held on 9/2/16 with 31 new graduates, next ECO exam is scheduled for November 19, 2016.
- DLE is still down 60 Officers
- DLE is getting new vehicles, including new UTVs, ATVs and snowmobiles.
- Ivory bust in NYC press conference scheduled for 9/22
- Director also provided K-9 updates
- Dannemora prison escape costs were discussed. These have been provided to Division of Budget and some reimbursement has been made to DEC. Director Schneider will provide the Board with these costs.

### **CFAB Business:**

- Discussed a Regional Review meeting further, Gordon Whiting, Region 2 will make the arrangements.
- Region 3 Representative Dominick Scarzafava is resigning from CFAB because of health issues. The Board thanked him for his services. Members discussed strategies to try and seek interested individuals to fill the vacancies on the board.
- Board Members discussed Invasive Species efforts.
- CFAB passed a motion to support the Access the Adirondacks Initiative; Board members are concerned that further limiting access for the sporting community could impact license sales.
- Outreach to sportsmen and the need for “point of sale” rack card to promote CFAB/FWMB.