



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

Monthly Meeting Minutes
Three Hundred Twelfth Meeting
12-Sept- 2011

Department of Environmental Conservation, 625 Broadway, Albany, NY

Call to Order – Chairman Kemper called the meeting to order at 09:05 AM.

Roll Call

Voting Board Members Present

Charles Bevilacqua	Region 1
Dominick Scarzafava	Region 3
Jason Kemper	Region 5
Linda Sicley	Region 6
Marc Osypian	Region 8
Dale Dunkelberger	Region 9
Howard Cushing	NYSCC
Lance Robson	FWMB

Voting Board Members Excused

Alan Rosa	Region 4
Charles Pace	Region 7

Voting Board Members Absent

Gordon Whiting	Region 2
----------------	----------

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 and Stephen Hurst
Division of Law Enforcement:
Walter Heinrich
Division of Management and Budget Services:
Andrew Rowinski

Guests

Dick Nelson

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)

- None

Minutes of Prior Meeting

MOTION: Mr. Robson motioned that minutes from the August 8 meeting be approved. Seconded by Mr. Dunkelburger, the motion passed unanimously.

- Chairman Kemper notified members the Board that Region 6 representative Linda Sicley submitted her resignation.

Department Reports

Executive (Assistant Commissioner Chris Amato)

- **Tropical Storms Irene and Lee**
 - Terrible conditions in Region 5 and the Adirondacks and Catskills
 - All Catskill trails are closed. Many have not been surveyed yet
 - All high peaks trails are closed
 - The bridge at Marcy is destroyed
 - The dam at Duck Hole is destroyed
 - The Moose River Plains appear to have been spared
 - An Executive Authorization was issued by the Governor allowing citizens and municipalities to take immediate measures to protect life and property.
 - Emergency repair work is/will be conducted through the issuance of general permits
- Hiring waivers for eleven hatchery positions have been approved by DOB
- 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. Mr. Amato explained the federal audit system and what actually happens when a sweep of a state's conservation fund occurs.
- DEC received approximately 3000 comments on the deer plan. The plan should be finalized very soon.
- Mr. Amato told the Board that the State Police helicopter use issue has not yet been resolved. DEC is aware of the negative impact that this may have on fall stocking in the Adirondacks. Marc Gerstman is working with the State Police to try and resolve the issue.

Division of Management and Budget (Andrew Rowinski)

- Mr. Rowinski provided the Board with a status report on the Main Account of the Conservation Fund.
 - The April 1 balance was \$21M
 - The current balance is \$19.2M. This balance includes a \$2M fringe benefit payment for fiscal year 2010.

- Mr. Cushing presented the idea of tracking weather and license sales to determine if the former has a cause effect on the latter.
- Mr. Cushing stated that what the Department does with license dollars needs to be more widely publicized so the public buys more licenses.
- Mr. Robson asked how much revenue would be generated in license sales if Lifetime License did not exist. The Department will try to conduct an analysis.

Fish, Wildlife & Marine Resources (DFWMR) – Douglas Stang
Update on DECALS, E-Licensing, and interim automated licensing system:

- 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 5, 2011
 - Proposals Due: October 19, 2011
 - Contract to OSC and AG by end of the 2011 state fiscal year
- We have sent out more than a dozen RFP packages and specifications to interested parties to date
- 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 gave demonstrations of their systems and these demonstrations have been scored.

State Fair

- \$120,895 in licenses were sold during 7 days of the fair
- In 2010, approximately \$198,000 in licenses were sold in 12 days
- More licenses were sold on a per day basis in 2011

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	35.8
Fish, Wildlife & Marine Grants Account	66.75
Conservation Fund (Marine Account)	9
Conservation Fund (Traditional Account)	230.15
Environmental Regulatory Account	<u>5.8</u>
Total	351.2

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	230.15
General Counsel	1
Information Services	0.9
Law Enforcement	2
Operations	2.9
Public Affairs and Education	2
Regional Affairs	<u>3</u>
Total	241.95

Status of regulations (changes from previous month):

Pending Rule Making Initiation Memos: None

Pending Proposals:

1) Part 10 - BOF - (Pending preparation of the RIM package). Biennial revision of regulations governing sportfishing (freshwater) and associated activities.

2) 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.

3) 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.

4) Part 155 - Transporting Black Bass Raised in Private Hatcheries - BOF - (Pending preparation of the RIM package). Sale of Aquaculture Reared Black Bass.

Proposals Filed:

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 will close 10-3-11.***

Pending Adoptions: None

Recently Adopted:

1) Sections 2.3, 2.4, and 170.6 – Use of Crossbows. To amend 6 NYCRR Part 1 (various sections under separate headings for Deer and Bear) to authorize the taking of deer and bear by the use of a crossbow during any regular big game hunting season, or special season that follows the regular season, in which the use of a shotgun or muzzleloader is permitted and to specify the training and certification required for use of a crossbow for big game hunting. To amend 6 NYCRR section 170.6 (permit to use a bow equipped with a mechanical device) to replace the existing “modified archer permit” requirement with comparable certification requirements allowing the taking of game by use of specially equipped longbow by any person who, due to physical disability, is permanently incapable of drawing, holding, or releasing a longbow. ***Notice of Adoption filed 8-5-11. Rule was adopted - effective 8-24-11.***

2) Part 40 – Black Sea Bass. To amend NYCRR Part 40.1 to establish recreational fishing regulations for black sea bass: Open season from June 13 through October 1 and November 1 through December 31; 13 inch minimum length; and 10 fish/ day creel limit. ***Notice of Adoption filed 7-26-11. Rule was adopted- effective 8-10-11.***

3) Part 50 – Carnivorous Gastropods. Emergency regulations to close Western Shinnecock Bay (Town of Southampton) and Huntington Bay, Huntington Harbor, Lloyd Harbor, Northport Bay, Northport Harbor, Centerport Harbor and Duck Island Harbor (Town of Huntington) to harvest of marine gastropods (e.g. whelk, conch) due to presence of biotoxins in shellfish. ***Notice of Adoption filed 8-2-11. Rule was adopted - effective 8-17-11.***

4) Parts 40 and 44 - Reporting Requirements. State food fish and baitfish license holders, party and charter boat license holders, and lobster and crab license holders must submit fishing vessel trip reports within 15 days after the end of each month or at a frequency specified by DEC in writing. The

completed vessel trip report form may be mailed, faxed or delivered in person to DEC or completed and submitted on-line. *Notice of Adoption was filed 8-9-11. Rule was adopted – effective 8-24-11.*

Law Enforcement (DLE) – Walter Heinrich

- ECOs are entrenched in hurricane response operations
- **Problems with recently enacted legislation**
 - **R3 Antler Restrictions:** The new legislation may not be widely known amongst sportsmen. Officers will use a large degree of discretion and violations will be handled on a case by case basis during the upcoming season.
 - **Crossbow Legislation:** The new legislation does not include Cortland County. Officers will use a large degree of discretion and violations will be handled on a case by case basis during the upcoming season.
 - **Three Fishing Lines:** The new legislation is somewhat problematic from an enforcement standpoint since no formal definition of “freshwater” exists in chapters 11 or 13 of the ECL
- High amounts of overtime are being paid due to the shortage of officers that occupy supervisor rank. DLE is meeting with Executive to discuss the need for promotions to provide more structure and save on overtime costs.
- There currently exist 38 sworn member vacancies.
- Regions 3, 5, 6 and 9 have no BECI lieutenants. The Region 7 lieutenant will be retiring soon.
- DLE asked for 10 additional officers to supply adequate enforcement associated with hydrofracking.

CFAB Business

- The Board entered Executive Session.

MOTION: At 1:22 PM Mr. Dunkelburger motioned that the meeting adjourn. Seconded by Mr. Robson the motion passed unanimously.
--

Summary of Motions:

MOTION: Mr. Robson motioned that minutes from the August 8 meeting be approved. Seconded by Mr. Dunkelburger, the motion passed unanimously.
--

MOTION: At 1:22 PM Mr. Dunkelburger motioned that the meeting adjourn. Seconded by Mr. Robson the motion passed unanimously.
--

Summary of Resolutions:

- None.

Actions for CFAB:

- None.

Actions for the Department:

- Provide information regarding LT Licenses and CF disbursements post fee increase.

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: #313 – October 11, 2011

Jason Kemper - Chairman

SSH/JK