

Division of Fish, Wildlife and Marine Resources

Monthly Highlights

December, 2008

Issue Priorities:

Connect New Yorkers to Nature



Willowemoc Creek Kiosk - In 2002, DEC purchased the 45-acre Al Hadden property with 3,700 feet of Willowemoc River frontage. The parcel was added to the existing Catskill Forest Preserve that abutted the property. From the beginning of the project, Lands and Forests agreed to develop a Fishermen Parking Area along the main road where fishermen parked informally; this was completed in 2007. This spring, we were

approached by local residents who wanted to construct a kiosk depicting local history and an informational billboard that included DEC rules & regulations, maps etc. A meeting was held with the volunteers and Lands & Forests and Fisheries personnel to go over what was planned and what permits were needed. An "Adopt a Natural Resource" agreement was then issued for this project. The volunteers landscaped the area, planted shrubs and flowers, added stone work and boundary rocks. They were assisted by Town of Neversink DPW who also removed an abandoned car and appliances. The site was the winner of two awards; one from the Greater Hudson Heritage Network and the other from Sullivan (County) Renaissance who awarded a grant of \$7500 for beautification and history.

Bureau of Fisheries

Ed Van Put

845-256-3161

Guide to Baitfish in New York now available on the web - New York's regulations concerning the use of fish as bait have changed significantly in recent years. Testing for critical fish diseases is required for most baitfish, and we now have a "green list" of fish species that can be bought and sold as bait. The new regulations are essential to reduce the spread of disruptive, non-native fishes, and to limit the spread of fish diseases such as VHS. A guide is now available on the DEC web site to help anglers understand the new requirement. To see the guide, visit:

http://www.dec.ny.gov/docs/fish_marine_pdf/baitfishofny.pdf

Individuals with additional questions about the regulations should feel free to contact Fisheries staff at the DEC regional offices or at Central Office in Albany. Contact information is available on the web and in the Freshwater Fishing Regulations Guide provided with the purchase of a fishing license.

Bureau of Fisheries

Jeff Loukmas

518-402-8897

Safeguard New York's Unique Natural Assets

Chestnut Creek Redd Study - Recently, New York City Department of Environmental Protection applied for an Article 15 permit to reconstruct a lengthy section of a tributary of Rondout Reservoir known as Chestnut Creek. The application called for an entirely new channel to be constructed for approximately 1,100 feet with numerous in-stream structures. Fisheries and Habitat staff reviewed the application and registered concerns about



the effect the project would have on reservoir brown trout migrating to Chestnut Creek to spawn. Fisheries data on the value of Chestnut Creek as a spawning stream was insufficient, and it was decided to monitor the stream this fall by walking the stream weekly. The length of the stream section investigation was approximately 1.572 miles. At the upper end of the stream section, a failing sewer line crossing was deemed to be a barrier to spawning migration.

This effort involved walking this section weekly between October 9 through early December, over which time the water temperatures varied from 54 degrees F to 36 degrees Fahrenheit. Redds (spawning beds) were plotted on a portion of an enlarged USGS map with observation dates. During the month of October, a few small redds were seen, which appeared to be made by resident trout. Spawning activity increased on November 12, as many larger redds began to appear; but it was not until the 26th of the month that large reservoir-type brown trout were observed, along with 22 new redds - with the largest concentration being just below the sewer line barrier. Activity increased even more on December 3, when a significant number of new redds throughout the stretch were seen, as well as the largest number of brown trout, especially trout in the 24-30" size range.

To confirm the upper limit of the spawning reach, the next mile above the sewer line crossing was walked at the height of spawning activity and no redds, old or new, were observed. These observations helped us conclude the upstream limit of reservoir spawning fish from Rondout Reservoir during the flow conditions during this period, and that peak spawning activity can occur as late as early December. Findings from this survey will be used in evaluating and perhaps modifying the terms of a permit should one be issued.

Bureau of Fisheries

Ed Van Put and Mike Flaherty

845-256-3066

Brook Trout Research - R. Preall and L. Demong attended a demonstration of a topographic index model developed by Cornell graduate student Peter Stevens that will help locate springs and tributary seeps in brook trout ponds. Peter developed this GIS tool with financial assistance from the Brook Trout Restoration Fund and guidance from Departmental staff. While use of the model has proved accurate in identifying groundwater sources, Peter was unable to correlate the amount of groundwater with probable success of natural reproduction for brook trout. His research indicates that water chemistry variables such as low pH are more critical for trout reproduction. Also, beaver activity and other physical factors such as siltation can block trout usage of groundwater point sources. However, this modeling tool will still be useful for pre-reclamation planning. Future survey work and/or use of additional GIS layers will likely lead to model improvements.

Bureau of Fisheries

Rich Preall

518-897-1333

Sea lamprey attacks decline in Lake Erie - Sea lamprey invaded Lake Erie and the Upper Great Lakes in the 1920's with the opening of the Welland Canal connecting Lakes Erie and Ontario, and they played an integral part in the demise of native lake trout stocks. Regular treatments of key Lake Erie tributaries occur to control lamprey populations and the damage they inflict on the Lake's coldwater fishery resources. Control of sea lamprey populations in Lake Erie is integral to the ongoing lake trout rehabilitation efforts.



Annual monitoring of sea lamprey attacks on coldwater fishes, especially lake trout, is used to determine the status of the sea lamprey population, and these samples are obtained from deepwater gill net assessments during August along New York's portion of Lake Erie. A wounding rate of 6.7 wounds per 100 lake trout greater than 21 inches was found in 2008. This was a 60% decline from the 2007 wounding rate of 16.5 wounds/100 fish and the lowest wounding rate in the last six years. Despite the decline, the wounding rate is still above the target rate of 5 wounds/100 fish. Large lake trout over 25 inches continue to be the prime targets of sea lampreys, but small lake trout between 17 and 21 inches were also targeted, possibly due to low numbers of fish in the larger size categories. Attacks on burbot also declined over 60% in 2008.

The decline in sea lamprey attacks comes after two consecutive years of lampricide treatments on Cattaraugus Creek, a main producer of sea lampreys in Lake Erie, and the first year of back-to-back lampricide treatments of all key Lake Erie tributaries. The second round of treatments is scheduled for fall 2009. These treatments are expected to reduce sea lamprey wounding to below target levels by 2010 in Lake Erie, and hopefully trigger a resurgence of the adult lake trout population.

Bureau of Fisheries

James Markham

716-366-0228

White Tailed Deer - Over the last two years, Region 3 Wildlife staff participated in a Westchester County task force that reviewed and documented the effects of overabundant white-tailed deer on biodiversity and forest regeneration and developed deer management recommendations to reduce deer impacts on forests in Westchester County. The task force was appointed by the Westchester County Executive in 2006 and was composed of various stakeholders including Westchester County Parks staff; various municipal and county legislative representatives; large landowners in Westchester County including New York City Department of Environmental Protection, Teatown Lake Reservation, and Mianus River Gorge Preserve; Westchester County Bowhunters Association; the Humane Society of the United States; New York State Department of State; and others. This effort recently culminated in the completion of a report which was delivered to the Westchester County Executive on November 24.

Deer management in Westchester County has been an ongoing challenge because of the county's large human population, mix of land uses, and diversity of perspectives regarding deer management. In 1990, a similar deer management task force was convened and produced a report the following year; however, growing recognition in the intervening years of the threat that overabundant deer can pose to biodiversity and forest health warranted a reexamination of deer management in Westchester County. Significant conclusions drawn by the 2006-08 Task Force included: 1) despite the inherent complexity surrounding the issue of forest regeneration and biodiversity conservation, deer do significantly impact forests in Westchester County, especially on preserved lands such as county and state parks where natural resource stewardship is a stated management goal; 2) a comprehensive, adaptive deer management program with dedicated staffing overseen by a steering committee comprised of key stakeholders provides the best opportunity to achieve a successful reduction in deer impacts; 3) directed, recreational hunting by licensed volunteers is the best available tool for cost-effective, landscape-level deer management; 4) one critical component to a successful, landscape-level deer management program is the elimination of large, unmanaged refuge areas such as Westchester County parks, where county statute currently prohibits deer hunting. From these conclusions, the task force proposed a number of recommendations including: 1) amending County law to allow for deer management, including hunting, on appropriate County properties; 2) implementation of a pilot deer hunting program at three Westchester County parks; 3) establishment of a public education campaign to inform the public about the impacts of deer on biodiversity and the importance of deer management; and 4) formation of an on-going public-private adaptive deer management partnership.

Bureau of Wildlife

Nathan Ermer, Kevin Clarke

845-256-3047

Experimental Fisher Trapping Season begins final year Wildlife Management Units (WMU's) 6A, 6C, and 6H - The experimental season was instituted as part of ongoing research being conducted at Cornell University to develop a furbearer harvest and management assessment system. The focus of this research is to analyze the utility of various data (age, sex, effort, etc.) for use by DEC biologists to improve the management of a number of furbearer species.

In the three WMUs, the closing date of the fisher trapping season was extended from December 10 to January 10. Trappers wishing to pursue fisher in that area were required to obtain a free permit from DEC. As conditions of the permits, trappers were required to maintain and submit a daily trapping log book of their trapping activities and to submit the carcass and/or lower jaw of all fisher taken.

To date, 201 permits have been issued for the final season, nearly the same as the 204 permits issued in the 2007-08 season but down significantly from the 315 issued in the 2006-07 season. With a little less than two weeks remaining in the 2008-09 season, harvest totals won't be known for some time. Harvests from the 2006-07 and 2007-08 seasons were 754 and 275 respectively. Despite this large variation in harvest from the first to the second experimental seasons, catch per unit effort (calculated using effort data derived from the mandatory daily trapping log books) was virtually identical.

Bureau of Wildlife

Andy MacDuff

(315) 785-2261

Wintering Raptor Study - Region 6 staff are conducting surveys of wintering raptors in the Cape Vincent and Point Peninsula area as part of a statewide study. Focal species are the state-threatened northern harrier and the state-endangered short-eared owl. Goals are to locate roost sites, monitor numbers of individuals using roosts and foraging sites, use radio telemetry to track movements of individuals, and to describe habitat. To date, we located eight historic sites occupied by the northern harrier and three occupied by the short-eared owl. Over 20 northern harriers and 10 short-eared owls have been observed in Region 6. Habitat data collection will begin in December to resolve differences in habitat between fields used and unused by both the northern harrier and the short-eared owl. Information gathered from this study will be used to write a management plan for these state-listed species.



Bureau of Wildlife

Angelena M. Ross

(315) 785-2261

Main Dam Refurbished at Upper and Lower Lakes WMA – An emergency repair of the water control structure at Upper and Lower Lakes WMA was accomplished during the late fall. The work included rehabilitation of a gate valve on the area's main dam that had become unreliable and difficult to operate. This structure is one of two which together serve to impound water to sustain the area's 4,300 acre wetlands complex. These wetlands are among the most extensive in St. Lawrence County and provide important habitat for marshbirds, waterfowl and many other wetlands dependent wildlife

species. These species include several listed species such as american bittern, common loon, osprey and bald eagle. In addition to direct wildlife benefits, the wetlands on this WMA are also very popular with waterfowl hunters and trappers.



Bureau of Wildlife

Blanche Town

(315) 265-3090

Banded loon recovered from Lake Ontario - A banded loon was found dead on the shore of Lake Ontario in early November in the town of Richland, Oswego County. It was reported to us by a concerned citizen and was found near one of the transects that is surveyed each year in the fall to detect Type E Botulism in migrating waterfowl. The timing of the survey coincides with the peak of the loon migration from late October through early December. This is the first documented loon from the NY resident breeding population to be found during the botulism surveys. This is a surprise because we assume that loons breeding in NY would fly directly to their wintering grounds in the Atlantic Ocean. This male loon was banded as an adult (at least three years old) in 1999 in Cranberry Lake, and also had color bands placed on both legs for territorial surveys in the Adirondacks. He held a territory on Cranberry Lake near Dead Creek, but did not return there this summer. At a minimum, this bird was 12 years old. The oldest banded loon reported to the USGS Bird Banding Laboratory in Laurel, MD was 19 years old, although it is thought that common loons can live 25 – 30 years in the wild. While the bird was generally in good flesh and had a moderate amount of fat reserves, the pathology unit determined that he died as a result of Type E Botulism poisoning.

Bureau of Wildlife

Bonnie Parton

315-695-2272

NY Natural Heritage's database reaches 12,000 mapped locations - NY Natural Heritage's database of locations of rare animals, rare plants, and significant ecological communities now includes 12,034 mapped locations. Since July 1, 2008, 203 new locations have been mapped and entered into the database: 72 animals, 61 vascular plants, 27 mosses, and 43 communities. Also, 131 records were remapped based on new information or new technology: 84 animals, 17 vascular plants, 1 moss, and 29 communities. The prize for the species with the most new locations mapped since July 1 goes to the bald eagle, with 19 new nesting locations reported in 2008 from throughout New York State. Overall, many of the new locations for communities, plants, and animals were discovered through projects to inventory State Forests in Regions 3 and 4, to inventory selected NY State Parks, and to inventory former Finch-Pruyn lands that will be sold to private timber managers with easements held by NYS DEC.

Bureau of Habitat

Nick Conrad, Alina Leder

(518) 402-8944

NY Natural Heritage enters more than 1300 animal records - The State Wildlife Grant Animal Data Entry project (Job 16) has come to an end with 1331 animal records processed between January 1, 2007 through October 13, 2008. Of these records, 301 were new and 1030 were updates. The top priority species were those that are state listed with 407 records processed for endangered species, 528 records for threatened species, and 102 records for special concern species.

Bureau of Habitat

Hollie Shaw

(518) 402-8955

FDA Annual Shellfish Program Review - The Bureau of Marine Resources received an annual program evaluation report from the U.S. Food and Drug Administration (FDA) regarding the shellfish growing area classification program.

FDA's report noted that the program was in compliance with requirements of the National Shellfish Sanitation Program (NSSP).

However, in a section entitled, "New or Emerging Problems," FDA noted: "DEC's Shellfish Growing Area Classification Unit is now staffed at the lowest level it has been since 1986. These staff reductions have left the unit in a position that will jeopardize the unit's capacity to meet the sanitary survey requirements of the NSSP Model Ordinance and adequately protect public health." The bold text appeared as such in the FDA report.

The report further noted: "Similar reductions in the early 1980s resulted in FDA finding that DEC's shellfish growing area classification program was in significant non-compliance with the requirements of the National Shellfish Sanitation Program. At that time, there were two (2) Biologists (known as Marine Resources Specialists at that time), and two (2) Fish & Wildlife Technicians in the unit. They were unable to perform and maintain sanitary surveys of the >700 miles of shoreline and more than one million acres of certified shellfishing areas in New York State."

FDA stated its concern for the program's ability to maintain an effective marine biotoxin monitoring program: "However, due to the loss of program staff in recent months and years the GACU staff is finding it increasingly difficult to maintain sanitary surveys and take on additional programs necessary to protect shellfish consumers. One such program is the marine biotoxin monitoring program. As previously stated, in 2008, approximately 7,200 acres were closed in the town of Huntington when samples were found to contain Saxitoxin above action levels, thus demonstrating that this particular program is vital to public safety."

Bureau of Marine Resources

William Hastback

631-444-047

NYS Sea Level Rise Task Force Natural Resource Work Group Meeting – This work group, chaired by DEC and TNC, is meeting monthly to establish a comprehensive list of potential impacts of sea level rise and coastal inundation on coastal habitats; rate each

potential impact for relative significance and relative time of impact; establish a list of recommended adaptation strategies; provide recommendations to amend local or state regulations and/or statutes; suggest responsibility, cost, funding sources and timeframe for implementation of each strategy; and to prioritize recommendations for the Task Force. At the December meeting, the work group agreed to analyze 11 habitat types from low energy tidal wetlands to coastal bluffs to submerged aquatic vegetation and also identified potential impacts to each of them. Draft recommendations from the work group are to be due to the Task Force Steering Committee on May 21. The final report is due to the Legislature and Governor on December 31, 2009. The Task Force will be hosting public scoping sessions from January 22 – 29.

Bureau of Marine Resources

Karen Chytalo

631-444-0431

NOAA Evaluation of Hudson River NERR - In December, NOAA's Office of Ocean and Coastal Resource Management completed an evaluation of the operation and management of the Hudson River National Estuarine Research Reserve. Following three days of site tours and meetings with agency partners, educators, scientists, and land managers, the evaluation team concluded that the agency was largely meeting the requirements for continued federal designation. Concern was raised by evaluation team members over the loss of state funding for one reserve position. A draft findings document will be released by NOAA in about three months.

Bureau of Marine Resources

Betsy Blair

845-889-4745

Hudson River NERR Draft Management Plan - The Draft Hudson River NERR Management Plan, a NOAA requirement, was released in December for internal review by several NYS agencies and NOAA. This plan, a revision of an original 1993 plan, provides a framework to guide the direction and activities of the Hudson River National Estuarine Research Reserve (HRNERR). HRNERR is a state-federal partnership program that relates to four federally-designated and state-protected sites along 100 miles of Hudson River Estuary: Piermont Marsh, Iona Island, Tivoli Bays, and Stockport Flats. The mission of HRNERR is to improve the health and vitality of the Hudson River Estuary by protecting estuarine habitats through integrated education, training, stewardship, restoration, and monitoring and research programs. This program is operated as a partnership between New York State and the National Oceanic and Atmospheric Administration.

Bureau of Marine Resources

Betsy Blair

845-889-4745

Bid for Fluke Coast-wide Management Measures Fails, Again - At the December meeting of the Mid-Atlantic Fishery Management Council, conducted jointly with the ASMFC's Summer Flounder Management Board, the decision was made to continue to use the state-by-state conservation equivalency approach to managing the summer flounder (fluke) recreational fishery on the Atlantic Coast. This approach has been used for the last seven years, and has resulted in increasingly disparate regulations for the recreational fluke fishery between other states and New York. In particular, New Jersey

seems to benefit unfairly from this approach, while New York consistently must take the most conservative measures on the coast. Unlike last year, New York got NO support in its bid to change to the coast-wide approach, in which anglers in every coastal state must follow the same rules. We are working to try to get several neighboring states to join with us in a regional management approach, in which we would all share allocation and have the same regulations. This effort is unlikely to be fruitful. The lawsuit, which would void the use of state-by-state conservation equivalency, is still unsettled.

Bureau of Marine Resources

Stephen W. Heins

631-444-0436

Foster Green and Healthy Communities

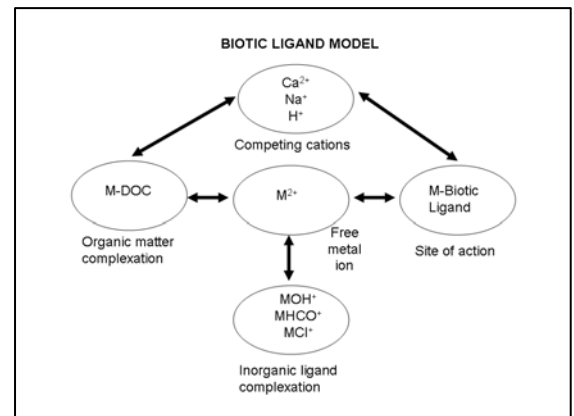
Proposed Plan for Remediation of Geddes Brook and Ninemile Creek Completed - Ninemile Creek (Onondaga County) and its tributary Geddes Brook were historically a main conduit for mercury contamination entering Onondaga Lake. Today, both streams and the associated wetland and floodplains still contain sediments with significantly elevated mercury concentrations. DEC's proposed remediation will result in the removal of these sediments and the restoration of the wetland and stream corridor so that the entire contaminated surface area will be replaced by clean substrates resulting in a cleanup concentration no higher than 0.18 ppm mercury. The scale of the remediation will be large as all of the contaminated sediments in Geddes Brook and adjacent freshwater wetland SYW-18 will be removed, Geddes Brook and a portion of Ninemile Creek will be realigned, and the floodplain corridor will be revegetated. A team of biologists, Joe Eifert (Region 7 BoH), Dave Lemon (Region 7 BoF), Jerry Rassmussen (Region 7 Natural Resource Supervisor), and Rebecca Quail (CO HWSEU) assisted Division of Environmental Remediation (DER) with the development of the natural resource restoration components of the proposed remediation plan. The issuance of the Proposed Plan for public review is a significant milestone for DFWMR in its evaluation of the Geddes Brook/ Ninemile Creek hazardous waste site. Staff have been negotiating with DER and Honeywell on the cleanup concentration and other elements of the remedy since the year 2000, and were finally successful in achieving a protective cleanup.

Bureau of Habitat

Rebecca Quail

518-402-8978

EPA Model for Predicting Toxicity of Copper Evaluated for use in New York – The toxicity of metals in water is complex and difficult to predict. In 2007, U.S. EPA published a revised water quality criteria document for copper, based on a new conceptual approach, the Biotic Ligand Model (BLM). The BLM assumes that toxicity of copper to aquatic organisms is related to the accumulation of copper at physiologically active binding sites [the “biotic ligands”] on the surface of the organism, or in the case of fish, on the surface of the gills. The Ecotoxicology and Standards Unit (ESU) of the Bureau of Habitat undertook a comprehensive study of the BLM to ascertain whether or not this methodology was appropriate to use in New York for regulating copper in surface water. ESU calculated what the BLM-based water quality standard for copper



would be in 131 different lakes in New York State for which the necessary water chemistry data were available, and compared them to the existing hardness-based water quality standards for copper in the same lakes. The BLM-based standards varied over a much greater range of values than the hardness-based standards. The comprehensive review identified some problems with the BLM approach, and ESU recommends that DEC not adopt this method for regulating copper on a statewide basis, but it should be considered for developing a site-specific standard. A copy of the draft assessment is available from ESU.

Bureau of Habitat

Timothy Sinnott

518-402-8970