

# New York State FISH AND WILDLIFE MANAGEMENT BOARD



**Minutes-NYS Fish and Wildlife Management Board  
99<sup>th</sup> Session, October 26, 27 and 28, 2006  
Holiday Inn, Waterloo, New York**

The meeting was called to order at 1:10 pm by Chairman Arnold  
Invocation was given by John Tusch.

**Roll Call** (Present at all or part of meeting)

**Board Members**

Region	Landowner	Sportsman	Legislator
3	Absent	Joseph Molinaro	Raymond Merlotto
4	Homer Casler	Michael Zeh	Absent
5	William Pike Laurie Bruce-Alt	Absent	Robert Banks Cathy Moses-Alt
6	Judy Aldrich	Patricia Arnold	Tom Grow
7	James Rodman Richard Fox-Alt	Harry Woodfield	Barbara Brown
8	Gary Evans	Rick Page	Emory Green Glenn Larison-Alt
9	Jim Agle	Walt Hallbauer	Charles Couture

**Advisors**

NYSDEC- Gerald Barnhart, Jack Cooper  
 NYS Farm Bureau- Barlow Rhodes  
 NY Grange- Dwight Widger  
 Izaak Walton League of America- John Tusch  
 NYS Conservation Council- Tim Noga, Dan Tone-Alt  
 NYS Forest Practice Board- Richard Fox  
 Conservation Fund Advisory Board- Bud Woodfield  
 NYS Dept of Ag&Markets /SWCD- John Schumacher  
 Cornell University- Tom Brown  
 SUNY College of Environmental Science and Forestry- Jacqueline Frair

## **Guests**

Randy Nemecek- Region 8 DEC  
Web Pearsall- Region 8 DEC  
Mike Pearsall - Region 8 DEC  
Doug Bernhard- Region 8 DEC  
Capt. Timothy Duffy- Region 8 DEC  
Hank Hamilton- Assistant Commissioner DEC  
Robert Lucas- Director Law Enforcement DEC  
John Major- Bureau of Wildlife, DEC  
Greg Kozlowski, Bureau of Fisheries, DEC  
Tom Brace, SWCD  
David Miller, CANY  
Bill Hilts, Keynote Speaker, Sports Writer

## **Approval of Previous Minutes, Spring 2006**

A motion was duly made by Barbara Brown and seconded by Charles Couture to accept the minutes from the Spring 2006 meeting, the motion was unanimously approved.

## **Welcome to the fall meeting and Region from Randy Nemecek, Supervisor of Natural Resources Region 8.**

Randy welcomed State Board to Region 8 on behalf of Sean Hanna, Regional Director. Randy explained how Region 8 has a widely diverse landscape, fish and wildlife resources and their habitats extending from the Pennsylvania boarder to Lake Ontario. The region contains major Finger Lakes, lake plains and the foothills of the Appalachians. The Region is participating in grant programs that provide habitat improvement and access, including the State Wildlife Grants program and the Habitat Access Stamp grant program. The Open Space program is also important within Region 8. The State is close to meeting the Governors goal of 1 million acres acquired. Region 8 has acquired lands through the program that includes, Junius Ponds, Lake Shore Marshes WMA, Bear Hill Unique Area, Hi Tor Wildlife Management Area. The region is also facing difficult challenges included non-indigenous invasive species, wildlife diseases such as CWD, wildlife damage complaints, pubic access, state land encroachment and others. The region is also working on promoting renewable resources such as the fish and wildlife resources as well as mineral resources and natural gas. Public outreach is also an important function of Region 8 staff. The regional leadership encourages one-on-one outreach as well as public participation. The region holds several large public outreach activities each year, including National Hunting and Fishing Days and Empire Farm Days.

## **Regional Reports**

### **Region 3 - Pre-filed report**

Regional Board 2006 officers: Chairman Bill Conners, Vice-chairman - Gregg Wunner, State Board Delegates: sportsman- Joe Molinaro, Jr, sportsman alternate- Ray Merlatto, Landowner- Bob Underhill. (Same as during spring meeting)

Longtime Board member from Rockland County, Bob Shield, stepped down after 40 years.

The Board has been active on a number of Access issues and in providing input to the DEC.

- The Regional Board has been working with the City of New York to get more access for deer hunting and has worked on antler restriction within City lands. The first 2 days of the deer season will be does only.
- Venison donation program continues to be active throughout the Region.
- Increasing public access to Office of Parks and Recreation lands continues to be an important issue.
- Region 3 Natural Resources Supervisor briefed the Board on the New York habitat conservation and public access program.
- Board continues to support the promotion of the Habitat Access Stamp. More needs to be done to promote program.
- Promoting access to DEC's Stony Kill Environmental Education Center for hunting.
- Discussed antler restriction in DEP watershed east of Hudson.
- Supports expanding hunting opportunities with DEP watershed.
- Provided input to Stewart State Forest Draft UMP.
- Provided input to the newly acquired Great Swamp Wildlife Management Area.
- Advocates increased access to trails and additional trails for ATV users.
- Continues to monitor DEC lands for public access.

#### **Region 4- Pre-filed report**

Regional Board is promoting antler restriction because the buck/doe ratio is way off.

Regional Natural Resources Supervisor, Peter Innes briefed the Board on forest defoliation resulting from forest tent caterpillar, eastern tent caterpillar and gypsy moths. In addition Peter talked about the Sirex Woodwasp and the Emerald Ash Borer.

The Regional also recently acquired 530 acres in Green and Columbia counties and near Round Top Mountain.

Peter reported on major flooding that occurred in Region 4 this spring. Regional staff were busy responding to property damage and issued emergency permits for repair on various streams throughout the Region. Flooding also destroyed agricultural crops and wildlife habitat.

Regional Fish and Wildlife staff briefed the Board on the Regional fisheries and wildlife issues including: the Delaware River Basin, regional deer and bear status, turkey studies, endangered species and status of recruitment of new hunters.

Over 373,000 DMPs were issued by September 30 this year. Some DMUs were under subscribed and additional permits will be issued. The number of DMAP permits have been reduced in Region 4. The Schoharie Federation sponsored a public information meeting on antler restrictions.

The DEC is active on other issues such as: a deer reproduction study, CWD, bears, bobcat, small game, and the State Wildlife Grants Program.

County Federations provided reports to the Region 4 meetings. Topics covered issues from access to NYC DEP lands, flood damage, pheasant stocking, General Obligations Law, DMPs, QDM, youth hunts, walleye stocking, goose problems, venison donation program and hunter safety training, among others.

**Respectfully submitted by Michael Zeh  
FWMB Region 4 Sportsman Representative**

**Region 5 - Pre-Filed Report**

The Region 5 Board discussed issues related to Access and Species Management, including:

- A new cooperative agreement with Village of Cornith Waterworks to allow more diverse public access.
- Boat launch repair project completed at Upper Saranac Lake, Mossy Point and West Lake.
- Town of Milton Habitat Access Stamp project on Kayderosseras Creek completed.
- PFR rights posting were restored on a number of Region 5 streams.
- Brook Trout restoration was highlighted at the 136<sup>th</sup> meeting of the American Fisheries Society meeting in Lake Placid.
- Lake Champlain Sea Lamprey Control, reported problems getting Vermont to participate.
- Double-crested cormorant management discussed, there is a nesting island on Lake Champlain.
- State Wildlife Grants projects funded on nuisance black bears.
- Hamilton County Board of Supervisors opposes year round fishing for bass.

**Region 6 Pre-filed Report**

Region 6 Board is working toward reaching full membership as well as participation by Advisory members. The Board has been discussing possible Habitat Access Stamp grant projects, the Town of Fairfield may have an access project. Spring flooding was severe on West Canada Creek. Board reported on the rehab work at the Rome Fish Hatchery scheduled for 2006-07. Four million dollars has been allocated for hatchery repairs at Rome and South Otselic Hatchery. Stocking of Atlantic Salmon fry by the Atlantic Salmon Fish Creek Club has been successful in creating a fishery in Fish Creek and other tributaries to Oneida Lake.

Lewis County has expressed interest in restoring the Long Level Dam, however, Regional staff indicated that the dam does not meet dam safety standards and did not and would not provide any fishery values and would in fact cause negative environmental impacts.

A report on the CFAB was presented by Linda Sicley. The CFAB has established high priority items to work on for the future, including: 14-15 year old big game hunting, saltwater fishing license, NYS surcharge on outdoor equipment, visible fishing license and a surcharge on conservation violations. The CFAB continues to support increasing recruitment of young people into the ranks of hunter, fishermen and trappers.

Pat Arnold reported on efforts to advance youth hunting opportunities, including several youth pheasant hunts.

The Region indicates that Cormorant management has reduced the number of nests through control efforts. Reports from Regional Law Enforcement indicates the Region has a new K-9 unit, 4 new boats have been purchased, a new ECO academy is scheduled for early 2007, Forest Rangers have been given complete police status and the Region is currently down 4 ECOs.

UMPs are being developed for Ferris Lake, Moose River Plains, and White Hill.

Respectfully submitted,  
Judith Aldrich  
Vice Chair, Region 6

### **Region 7 - Pre-filed report**

A special committee was formed to work on improving the failed Habitat Access Stamp Legislation. Selkirk Shores State Park will be open to deer hunting in the 2006 regular season but Green Lakes will not. Use of trails on wildlife management areas was discussed.

Flood damage was an issue in Region 7. There was discussion about the study on the Owasco Flats by the Finger Lakes Land Trust. Energy exploration leasing on state lands was discussed with respect to benefitting habitat and access. Snowmobile registration and user permits was discussed.

### **Region 8 - Pre-filed report**

Seneca Army Depot tour observed much wildlife but few white deer.

The Habitat and Access projects awarded to Region 8 have been completed. The two projects included the Burger Parcel near Braddock Bay, Town of Greece, Monroe County and a grassland habitat development project at the Montezuma Complex in the Town of Savannah, Wayne County.

The Board was involved with the "Empire Farm Days" where Regional and Statewide FWM Board members sold Habitat Access Stamps and pins. The second event was the National Hunting and Fishing Day at the Region 8 Office. The event was co-sponsored by the Livingston County Sportsmen Federation and included 120 participants with displays and exhibits. Thousands of people attended the event. Nearly \$3000 in licenses were sold at the event.

Submitted by,  
Rick Page  
Gary Evans  
Emory Green

### **Region 9 Pre-Filed Report**

The Region has recently filled two positions, Tim Spierto has replace recently retired Jim Snyder and Mark Kandel has been appointed the Regional Wildlife Manager. Law Enforcement reports that there has been no hunting accidents during the spring turkey season.

The Wiscoy Creek project has been repaired after flood damage, the project received partial funding from the Habitat Access Stamp funding. PFR easements have be acquired in Cattaraugus and Erie counties. Fishing access sites are being acquired on Chautauqua Creek and Eighteen Mile Creek. Grant monies from the Great Lake Commission and Fisheries America has funded a rip-rap project on a 1500 foot fishing easement on Chautauqua Creek..

The Board discussed QDM and will be getting info on how it is working in Pennsylvania. ECO Jim Hunt gave a K-9 demonstration with his dog Matz. Matz has been training to sniff out venison taken illegally and hidden and can sniff out gun powder.

Youth participation has been excellent in Allegheny County in assisting with fish stocking and shrub planting. A recent trapper training class was attended by over 20 students.

Submitted by, Jim Agle, Chairman, Region 9

## **Advisory Members Reports**

### **Farm Bureau- Barlow Rhodes**

Policies have not changed since those presented at spring 2006 meeting.

### **Izaak Walton League Report-Written report provided**

This year the IWLA, on national and local areas, have concentrated mostly on cleaning waters. Locally, for example Cortland has two schools that are involved with the IWLA in the SOS program

The Oswego River, a real mess about 20 years ago, according to our state division president, Les Monostory, has been “de-listed”, and this is the first location on the United States Side of the Great Lakes to be de-listed. There are two de-listed areas on the Canadian side.

Les Monostory was chosen by “Outdoor America” magazine as one of the five leading conservationists in the clean up of waters. Les, a retired DEC employee was inducted into the conservation council’s hall of fame.

A committee consisting of one representative of the IWLA for each state that borders the Great Lakes area along with other like minded committees and works. Another commendable worker is Jennifer Malbone.

This committee is called “Healing Our Water: (Know as “HOW””, and is dedicated to the re-structuring of our water. HOW has adopted a position paper concerning ballast water, exotic species and other pollutants. These recommendations are being sent to the appropriate law makers, both state and federal. The additional goal is to hasten the clean up.

John A. Tusch, National Director

### **New York Grange by Dwight Widger**

Mr. Widger provided the Board with a copy of the Executive Summary for the Final Report by the International Lake Ontario - St. Lawrence River Study Board on “Options for Managing Lake Ontario and St. Lawrence River Water Levels and Flows.” He also provided a news release from October 24, 2006 “IJC recommends a new Great Lakes Water Quality Agreement for the 21<sup>st</sup> Century.” The new special report recommends that Canada and the US “replace the current Great Lakes Water Quality Agreement with a shorter and more action-oriented document.”

### **New York State Conservation Council by Tim Noga**

Harold Palmer was elected president of the NYSCC

Some important issues include:

- 14-15 year old big game hunting
- Educators workshop “Aldo Leopold project”
- Deer Survey
- Seneca Army Depot and the issue of Eco Tourism
- Sportsmen Education in big demand

### **Conservation Fund Advisory Board Report - Bud Woodfield**

Bud reported on the joint “Summit” meetings being held with CFAB, FWM Board, NYSCC and CANY to develop issues of mutual concern that can be pursued jointly. Regular meetings of this “team” will be

held. Some of the priority issues being discussed include: 14-15 year old big game license, saltwater fishing license, NY State surcharge on outdoor equipment, visible fishing license, among others.

Bud also passed out a summary of license sales from April 1, 2006 to date:

- Total licenses Sold 1,348,398 (Down 448,696 from 2005-06)
  - Total receipts \$24,398,053.57 (Down \$11,828,494.92 from 2005-06)
  - Total Habitat Stamps Sold 6,902
  - Total Revenue from HS \$32,835.72
- 
- There was discussion on how the wording for the proposal to allow 14 and 15 year olds to hunt deer would be changed to say that anyone with a junior hunting license could also take deer and bear.
  - Marine Fishing license could generate an additional 600,000 fishing licenses and 7.5 million federal aid dollars.

### **New York State Forest Practice Board- Richard Fox**

A meeting was held in April 2006 with attendance from 4 DEC Regions. The principle item discussed was the questions of assessing and taxing timber on forestlands (Real Property Class 900s).

- The NYS Office of Real Property Services encourages and provides values for standing timber to all local assessors.
- NYS FPB passed a resolution seeking to bar taxing timber on private land.
- NYS FWM Board passes similar resolution.
- Many counties and Farm Bureau also oppose taxing timber.
- Assemblyman Parment introduced a bill to remove timber and underlying vegetation from the definition of real property. This would relieve tax burden for timber on both private and state lands.
- FPB resolved to oppose bills because the loss of state revenues to municipalities would increase the levy on all properties and decrease the assessment on the affected state properties.

The FPB continues to try to get more participation and recognition from the DEC.

### **Soil and Water Board and Ag and Markets by John Schumacher**

Reported that the Environmental Protection Fund considered 66 Agricultural projects and provided 10.2 million dollars for 43 projects that were funded. There were also some "Non-Ag" projects such as salt storage facilities and stream work that were funded.

Significant flooding in Central New York severely impacted agricultural activities and road systems. Monies are coming in from FWMA to help impacted property owners. Streams have become filled with gravel and agricultural fields have been covered with gravel. Restoration efforts will be very expensive.

County Legislatures are providing funding to SWCDs and are re-imbursing local districts.

Tom Brace of Western NY SWCD covers 13 counties. He reports that 15 EPF projects were funded in Western NY. He discussed the Farm Bill and its relation to wildlife issues such as some of the funding sources.

Discussed concept and pilot projects involving manure digester for producing electricity.

### **Cornell University, College of Agriculture and Life Sciences - Pre-filed Report provided by Tommy Brown**

Statewide deer hunter survey looking at hunter satisfaction, desires, met with DEC to design study.

Survey on antlerless hunting interests in Region 7.

Looking at deer damage around the Cornell Plantation.

Statewide survey of duck hunters.

Evaluation of the impacts of Great Lakes Water Level management did not place a high priority on Recreational Boating and Fishing. As a result the economic impact of these activities was underestimated during the evaluation effort. It has since been determine that economically these activities has a significant impact on local communities. The impacts on boating and fishing is now being considered in future planning and consideration of various alternatives.

The 2005 Annual Report of the Human Dimensions Research Unit is out and available online at <http://www.dnr.cornell.edu/hdru/>.

### **SUNY College of Environmental Science and Forestry by Dr. Jacqueline Frair**

This was Dr. Frair's first meeting as representative of ESF to the State Board.

Highlights of Fish and Wildlife Related Research in NYS:

- Study of eel ecology on the Hudson River looking at demographics and parasite incidence in the presence of urbanization and dams and characterizing eel diet. and tropic interactions.
- Study on the effects of invasive predatory zooplankton on planktivorous fish in the Great Lakes.
- A study "Freshwater Adaption and Early invasion of Viral Hemorrhagic
- Septicemia Virus into the Great Lakes Basin" sponsored by Sea Grant.
- Chronic Wasting Disease - looking ast potential risk of the disease spread based on population density, social interactions, site fidelity, home range size, dispersal, and seasonal migration.
- Statewide study of coyotes and their relationship with deer.
- Study of moose vehicle accidents.
- Study on the impacts of water level management in the St. Lawrence River on muskrats.
- Impacts of habitat manipulation on eastern massasauga rattlesnake at Cicero Swamp WMA.
- Study of the life history of the Eastern Spiny Softshell Turtle in Central NY.
- Impacts of climate on mink frogs.
- Study on marsh management for bird abundance and species richness.
- Research on spruce grouse populations in the Adirondack region.
- Impacts of changing landscape conditions on bird populations.
- Impacts of shoreline development on loon nesting in the Adirondacks.

More information can be found on the ESF website at [WWW.esf.edu/EFB/faculty/](http://WWW.esf.edu/EFB/faculty/)

### **Habitat Access Stamp Grant- Update on Habitat/Access Stamp Program- Jack Cooper, DEC**

#### **First Round Projects**

Smith Point Access – Region 1

Grangebel Park Eelway – Region 1

Lullwater Habitat Restoration and Access – Region 2  
 Silver Lake Access – Region 3  
 Otego Creek Access – Region 4 - Complete  
 Snyders Lake Access Region 4 - Complete  
 Kayderosseras Creek Access – Region 5 - In Progress  
 Batten Kill Stream Improvement – Region 5 - Complete  
 Upper Lisle WMA – Region 7  
 Salmon River Access – Region 7  
 Montezuma Wetlands Complex – Region 8 - No Contract yet  
 Burger Property on Buttonwood Creek – Region 8 - Complete  
 Eighteen Mile Creek Access – Region 9 - In Progress  
 Wiscoy Creek Stream Improvement – Region 9 - Complete

Habitat Stamp Sales for 06-07 as of October 2006

LY	Agent Type	Total
2006/2007	Call Center	100
	Internet	105
	Retail	654
	Municipality	758
	NYS Fair	892
	Total	2509

2nd Round of Habitat Access Stamp Grant Proposals

News release to go out by November 1  
 Deadline for application January 5, 2007  
 Target award date April 1, 2007  
 Award amounts \$1500 to \$15,000  
 Amount to be awarded, no more than \$100,000  
 Scoring and ranking to be conducted similar to first round

**Guest Speaker: Tommy Brown - General Obligations Law:**

Tommy L. Brown  
 Human Dimensions Research Unit  
 Department of Natural Resources  
 Cornell University

**New York's General Obligations Law §9-103: In Need of Revision?**

GOL 9-103: NY's Limited Liability Recreation Use Statute:

- All states now have such a statute.
- New York was the second state in the nation to enact such a statute
- Michigan, 1954
- New York, 1956
- New York's GOL was last amended in 1984

## Primary Purpose of Statutes

To encourage landowners to open their lands to recreationists by reducing their liability in case of an accident or injury.

## Purpose of Study

- Review recreation use statutes and court cases of the four Northern Forest states (ME, NH, VT, NY) since 1990.
- Review also the statutes of the other Northeastern states.
- Determine how liability protection for owners in New York now compares with owners in other NE states.

## Key Elements of GOL 9-103

An owner, lessee or occupant of premises, whether or not posted, owes no duty to keep the premises safe for entry or use by others for hunting, fishing, organized gleaning, canoeing, boating, trapping, hiking, cross-country skiing, tobogganing, sledding, speleological activities, horseback riding, bicycle riding, hand gliding, motorized vehicle operation for recreational purposes, snowmobile operation, cutting or gathering of wood for non-commercial purposes or training of dogs, or to give warning of any hazardous condition or use of or structure or activity on such premises to persons entering for such purposes an owner, lessee or occupant of a farm, whether or not posted, owes no duty to keep such farm safe for entry or use by a person who enters or remains in or upon such farm without consent or privilege, or to give warning of any hazardous condition or use of or structure or activity on such farm to persons so entering or remaining. This shall not be interpreted, or construed, as a limit on liability for acts of gross negligence in addition to those other acts referred to in subdivision two of this section.

## Limitations of GOL 9-103

This section does not limit the liability for:

- a. willful or malicious failure to guard or to warn against a dangerous condition, use, structure or activity;
- b. injury suffered where permission to pursue any of these activities was granted for a consideration other than that paid to said owner by the state or federal government, or;
- c. injury caused by acts of persons to whom permission was granted to other persons to whom a duty was owed to keep the premises safe or to warn of danger.

## How have other states broadened liability protection

NY: “an owner, lessee or occupant of premises, ... who gives permission...”

MA: “Any person having an interest in land, including the structures, buildings, and equipment applied to the land, including without limitation wetlands, rivers, streams, ponds, lakes...who lawfully permits the public to use such land...”

NY: "... for hunting, fishing, organized gleaning, canoeing, boating, trapping, hiking, cross-country skiing, tobogganing, sledding, speleological activities, horseback riding, bicycle riding, hand gliding, motorized vehicle operation for recreational purposes, snowmobile operation, cutting or gathering of wood for non-commercial purposes or training of dogs"  
ME: "Recreational or harvesting activities" means recreational conducted out-of-doors, including, but not limited to ..."

ME: List includes environmental education and research. Also, "...it includes entry of, volunteer maintenance and improvement of, use of and passage over premises in order to pursue these activities."

MA: Any person...who lawfully permits the public to use the land for recreational, conservation, scientific, educational, environmental, ecological, research, religious, or charitable purposes...

#### How have other states broadened the "consideration provision"?

NY: liability is not limited when permission was granted for a consideration...except from state or federal government..."

ME: for a consideration, except to:

- (1) the landowner or his/her agent by the State;
- (2) The landowner or agent for use of the premise on which the injury was suffered, as long as the premises are not used primarily for commercial recreational purposes and as long as the user has not been granted the exclusive right to make use of the premises for recreational activities;

#### For a consideration, except:

WV: a payment to the owner not to exceed \$50 per year per participant

MA: a voluntary contribution or payment if it is not connected to use of the land.

VT: a consideration or services paid to offset or insure against damages sustained by the owner from recreational use..."

#### Additional Steps Other States Have Taken to Broaden Liability Protection

WV: covers an owner who grants a lease to federal or state government, any agency thereof, or any county, municipality, or agency thereof.

MA: "Any person having an interest in land... shall not be liable for personal injuries or property damage sustained by such members of the public, including without limitation a minor..."

ME: "The court shall award any direct legal costs, including reasonable attorneys' fees, to an owner, lessee, manager, holder of an easement, or occupant who is found not to be liable for injury to a person or property pursuant to this section."

### CONCLUSIONS

New York has fallen behind many states in the Northeast in the extent of liability immunity it offers landowners and others who have legal control over the use of lands and waters for recreation and other noncommercial uses.

Areas of Particular Concern:

Have the law apply to anyone with a legal right to make decisions on the property  
Expand the activities and situations covered; get rid of list and thereby close loopholes.  
Consider allowing the owner to receive a donation or limited payment.

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Areas of Particular Concern:

Consider having court costs and attorney fees awarded to owners who are sued but found not liable.

**Discussion of State Board By-Laws -William Pike, Vice Chairman**

Objectives of Board

Point made--2B- temporary representatives must be from same group as rep they are replacing.  
Point made-- State by-laws do not apply to regional boards?  
Point made-- Regional boards must send reps from the same group that the member represents?  
Point made- what governs the regional boards? By-laws?

**Chairmans Report - Pat Arnold**

Committee Members:

The following is the assignments were made by Chairman Arnold as of October 26, 2006:

Executive:	Joe Molinaro	Region 3	
	Michael Zeh	Region 4	
	Bill Pike	Region 5	
	Pat Arnold	Region 6	
	Bud Woodfield	Region 7	
	Emory Green	Region 8	
	Walt Hallbauer	Region 9	
	Jack Cooper	Secretary	
Habitat:	Gary Evans	Region 8	Chairman
	Richard Fox	Forest Practice Board/Region 7	
	John Tusch	Izzak Walton League	
	Homer Casler	Region 4	
	Ray Merlatto	Region 3	
	Eugene Bloomer	Region 7	
	Tom Brown	Cornell	
	Barlow Rhodes	Farm Bureau	
Access:	Bob Banks	Region 5	Chairman
	Tom Grow	Region 6	
	Jim Bertram	Region 4	
	Bob Underhill	Region 3	
	Tim Noga	NYSCC	
	Dr. Jacqueline Frair	ESF	

	John Schumacher	SWCD/Ag and Markets	
Resolutions:	Judy Aldrich	Region 6	Chairman
	Barbara Brown	Region 7	
	Chuck Couture	Region 9	
	Rick Page	Region 8	
Nominating:	Walt Hallbauer	Region 9	
	Joe Molinaro	Region 3	
	Jack Cooper	Secretary	
Farm Days:	Emory Green	Region 8	
	Joe Molinaro	Region 3	
	Bud Woodfield	Region 7	
	Pat Arnold	Region 6	
	Gary Evans	Region 8	

Chairman Arnold would like the minutes from Regional Board meetings to be sent to all other Regional Boards for their inspection. The minutes should be sent to the regional board secretary and regional board chairman.

Chairman Arnold has attended many meetings statewide and hunts, including:

- Tracking Seminar
- Pheasant youth hunts
- Trapping Seminar
- Sportsmens organization summit meeting (CFAB, FWM Board, NYSCC, CANY)
- Assembly hunting and fishing taskforce

## **Friday October 28, 2005**

### **Field Trip led by Region 8 Staff**

- Seneca Meadows Landfill
- Montezuma Audubon Center
- Lake Shore Marshes, Red Creek Unit, Timbering Operation
- Port Bay North Fishing Access Site
- Ely Acquisition

### **DEC Law Enforcement - Director Robert Lucas**

Director Lucas recognized Hank Hamilton's presence at the meeting. Hank is the Assistant Commissioner for Public Protection. Commissioner is a strong advocate for sportsmen and women and their rights to bear arms.

Director Lucas indicates that ECO moral is very high as a result of many of the changes made. A key was to make the ECOs more community based.

Some of the key accomplishments:

- Place phones in officers residence.
- ECO phone numbers listed in game guide.
- Development and implement in-house dispatch system.
- ECOs can now set their own hours to accomplish their jobs.
- Restored "Tip" program to the DEC.
- Officers can now issue "Warnings".

- New ECO Academy to begin soon with exams this winter.
- New Equipment purchased- police vehicles, boats, ATVs, Snowmobiles.
- New K-9 units.
- Officer funding comes from 1/3 from Conservation Fund (123 items), 1/3 from General Fund, 1/3 funded by Environmental Regulatory Account.

## **Fish and Wildlife Report**

### **Region 8 Wildlife Program - Mike Wasilico, Region 8 Wildlife Manager**

#### **Key issues in Region 8**

- CWD surveillance at former John White Game Farm
- Wildlife Management Area maintenance
- Recent Snow storm damage to state properties impacts hunting at Tonawanda and Oak Orchard
- Completion of Montezuma Audubon Center
- Bird Conservation Program

### **Statewide Wildlife Program - John Major, Chief, Bureau of Wildlife**

#### **Major statewide issues**

- Avian flu- Still a disease of birds and will likely be found first in Alaska
- Big Game Regulation changes - deer - enlarged antler restriction areas, some DMUs still restrict antlerless take; bear - expanded open areas
- CWD - ongoing, no new positives found, processing of animals continue in containment area and at Reynolds Game Farm, no new CWD cases found.
- Botulism has become an issue along Lake Ontario
- Trapping
- Youth Hunting
- Coyote - ESF study
- Turkey studies - harvest rate assessments, production assessments
- Grouse hunters log
- Montezuma Audubon Center

### **Regional Fisheries Program - Web Pearsall, Regional Fisheries Manager**

#### Major Activities:

- Public Access, PFR and Fisherman Parking areas
- Boat Access sites
- Habitat Improvement via Bond Act and Habitat Access Stamp
- NRD Claim for Hooker Chemical to provide access and fish hatchery to Lake Ontario in Regions 7, 8 and 9.

### **Regional Lands and Forests Program - Doug Burnhard, Regional Forester**

- Open Space Plan to be released November 2006
- Forest Health Issues - Woodwasp, Emerald Ash Borer
- 2007 Farm Bill - held recent stakeholder meeting on woodlot management issues
- Snow storm damage to trees
- Non-indigenous species both plants and animals
- Oil and Gas program on public lands
- Staffing changes affect program

### **Statewide Fisheries Issues - Greg Kozlowski, Bureau of Fisheries**

### **Update on Bureau of Fisheries Public Use and Outreach**

- Boat Launch Construction and Rehabilitation planned/proposed projects 2007
  - Freemans Bridge (Mohawk River) - \$300 K
  - Lake Champlain - City of Plattsburgh
  - Town of Moreau - Hudson River \$262 K (pending negotiations with GE)
- Major Projects completed over past 10 years
  - Oneida Lake South Shore (1997)
  - Lake Champlain (Westport) (1999)
  - Hudson River (Newburg)  
(Peekskill)
  - Lake Champlain (South Bay)
  - Sacandaga Lake (Moffit Beach) (2000)
  - Hudson River (Luzerne) (2002)
  - Oneida Lake (Godfrey Point)
  - Tupper Lake (2003)
  - Chazy Lake
  - Upper Chateaugay Lake
  - Hudson River (Haverstraw) (2004)
  - Lake Champlain (Ticonderoga) (2005)
  - Delaware River (Narrowsburg)
  - Long Lake
  - Mohawk River (Nelliston)  
(Amsterdam)
  - Schroon Lake (Village)
- Projects ranged in cost from \$200 K to 1.2 million
- \$500 K also provided in 2004-05 for rehabilitation of boat launches and fishing access sites.
- Other projects completed with the \$500K include: Schroon Lake, Waneta Lamoka, Grass Lake, Eagle Lake, Seneca River, and miscellaneous projects.
- Public Fishing Rights program (PFR)
  - 1300 miles of easements on 400 streams since 1935
  - 80 miles since 1995
  - 560 parking areas acquired
- PFR Mapping - Effort currently underway to digitally mark PFR holdings within the Catskill Park
- Outreach Efforts
  - Angler Achievement Awards
  - 2005 State Records
  - Lake Contour Maps
  - Regulations guide
  - Regulation sign standardization
  - Hatchery outreach
  - Angler Education
  - New York Angling All-Star Club
  - American Fisheries Society Lake Placid Meeting 2006

### **Update on Viral Hemorrhagic Septicemia Virus (VHS) in New York State**

- Aquatic rhabdovirus (rod shaped virus)
- Serious disease of rainbow trout and a few other freshwater fish raised commercially in Europe
- Causes high mortality
- can has sever economic consequences
- Readily transmissible to fish of all ages
- Colder water disease, mortalities greater at lower water temperatures
- Survivors of the virus can be lifelong carriers
- Pose no risk to human health

- Impossible to diagnose base on clinical signs alone
- Cell culture is standard and accepted method to diagnose
- Mass mortalities occurred in round gobies in St. Lawrence River and Lake Ontario in May 06
- Muskellunge in Lake Ontario and St. Lawrence in May and June 06
- August 06 walleye mortality in Conesus Lake
- Other fish have been isolated with the disease; smallmouth bass, burbot, bluegill, rock bass, pumpkinseed, emerald shiners, freshwater drum, yellow perch, white bass, gizzard shad, sucker, northern pike
- Potential vectors include: natural fish movement, transfer of fish from water to water, bait fish, boating, avian, ballast water, sampling activities
- Our goal is to minimize spread, minimize impacts on fishery, protect hatchery system, determine current status in NY, learn more about the disease.

### **Conservation Alliance of New York (CANY) - David Miller**

- Formed in 2003 with a goal to be educators on Outdoor activities and conservation issues
- Major interest in youth
- Promote fishing derbies (ice fishing)
- Promote youth hunting activities
- Work with Educators
- Conduct Trapping seminars
- Sponsor venison donation programs
- Working with CFAB, FWM Board and NYSCC on “Summit” meetings

## **Committee Reports**

### **Executive Committee**

Spring 2007 meeting to be held in Albany, March 29, 30 and 31, 2007. This will be the 100<sup>th</sup> meeting of the FWMB. Executive Committee meet to plan spring meeting to be held in Herkimer, February 1, 2007 with February 8<sup>th</sup> as a snow date. Meeting will be 11:00 to 1:00 PM.

Some topics to consider for the Spring meeting include:

- Hear from new commissioner and any new F&W staff
- Habitat Stamp proposals
- Stripped bass restoration in the Hudson River
- Albany Pine Bush restoration
- Diversity issues related to Access and F&W use (minorities)
- DOT access
- SWG program
- Fred LaBruin

The Fall 2007 meeting will be held in Region 6, October 25, 26 and 27, 2007 with the Executive Committee meeting to be held in Herkimer August 29.

Some topics to consider include:

- Field Trip to: CWD center, Rome Fish Hatchery, Cape Vincent, Fort Drum
- Wind mills
- St Lawrence Water Levels
- Fishing on the St. Lawrence

Chairman Arnold asked the members if they would like to pursue getting Board patches made for each

member. **A motion was duly made by Judy Aldrich and seconded by ? To get patches made. The motion as unanimously approved.** Chairman Arnold also asked about getting name tags made similar to those that DEC staff have. There was general agreement from board members to look into have name tags made.

#### Habitat Committee

Habitat Access Stamp issues were discussed: which states have a mandatory stamp? Is it for residents and non-residents alike? NY should push to re-introduce the mandatory non-resident stamp legislation. The Board did a resolution last year supporting a mandatory non-resident habitat stamp, do we need to re-submit it?

**A motion was duly made by Richard Fox and seconded by Judy Aldrich to resubmit resolution 2006-01-03 “Resolution in Support of a mandatory Habitat/Access Stamp for non-resident hunting and fishing license buyers and that monies collected from the sale of this mandatory stamp be divided equally between the nine DEC Regions to be used for habitat and access projects selected by a joint DEC, Regional Fish and Wildlife Management Board partnership.” The motion was unanimously approved. New resolution will be sent as Resolution 2006-02-10.**

#### Access Committee

Discussions about the Seneca Army Depot, the Region 8 Board should be pushing for complete access to the Depot for all types of hunting and recreational activities. The committee commented that it would have been useful during the field trip to have an outdoor writer join the group to educate them on the work that the Department is doing.

There was also a question if the Board has ever invited newspaper reporters to the annual meetings.

**A motion was duly made by Judy Aldrich to send a letter to the USDA about the 2007 Farm Bill concerning programs that enhance habitat that the board supports. Motion unanimously passed.**

There was discussion and a decision to send a letter from the Board to the family of Dean Windsor acknowledging his long standing work toward fish and wildlife conservation and hunting.

#### Resolutions Committee

The Resolutions committee will submit 10 proposed resolutions to the State Board for consideration.

Resolution 2006-02-01 Title: **Extending Junior Big Game Hunting Privileges to 14-15 year old hunters**

Resolution 2006-02-02 Title: **Pre-season youth pheasant hunt**

Resolution 2006-02-03 Title: **Promotion of trapping**

Resolution 2006-02-04 Title: **Surcharge on violations of Fish and Wildlife laws**

Resolution 2006-02-05 Title: **Statewide Fishing License**

Resolution 2006-02-06 Title: **Resolution in support of Habitat Stamp promotion**

Resolution 2006-02-07 Title: **Payment of Fringe Benefits for NYS DEC Fish and Wildlife Management Personnel**

Resolution 2006-02-08 Title: **Defining the crossbow as a hunting implement**

Resolution 2006-02-09 Title: **Resolution in support of a change (exception) in DEC regulations that would deny bow/muzzle loader harvest of antlerless deer in Southern Zone WMUs where there are no DMPs issued.**

Resolution 2006-02-10 Title: **Resolution in Support of a mandatory Habitat/Access Stamp for non-resident hunting and fishing license buyers and that monies collected from the sale of this mandatory stamp be divided equally between the nine DEC Regions to be used for habitat and access projects selected by a joint DEC, Regional Fish and Wildlife Management Board partnership.**

Banquet Speakers included: Captain Duffy from Region 8 and Bill Hilts

## **Saturday, October 28, 2006**

Unfinished Business- Chairman Arnold asked that Board members go back to their respective Regional Board and discuss their by-laws if they exists and come back to the spring meeting ready to brief the Board.

The State Board Secretary will send an e-mail to the Regional Secretary requesting the names of the Regional Chairman, and State Board Reps.

### **Resolutions:**

Judy Aldrich presented resolution 2006-02-01 to the Board for consideration.

1) Resolution 2006-02-01 Title: **Extending Junior Big Game Hunting Privileges to 14-15 year old hunters.** A motion was duly made by Judy Aldrich and seconded by Mike Zeh to support resolution 2006-02-01. Discussion followed, and a motion was duly made by Bob Banks and seconded by Dick Fox to amend the wording on the resolution to replace “14-15 year old hunters” with “junior license holders.” The amendment was unanimously approved. The original motion, as amended was unanimously approved.

2) Resolution 2006-02-02 Title: **Pre-season youth pheasant hunt.** A motion was duly made by Judy Aldrich and seconded by Chuck Couture to support resolution 2006-02-02. Discussion followed, and a motion was made by Bob Banks and Seconded by Chuck Couture to amend the resolution by adding a “whereas” that refers to the proposal by the Department of Environmental Conservation to hold a special youth-only pre-season pheasant hunting weekend in the fall of 2007, and that the State Board “support” this pre-season hunt. The amendment was unanimously approved. The original resolution, as amended, was unanimously approve.

3) Resolution 2006-02-03 Title: **Promotion of trapping.** A motion was duly made by Judy Aldrich and seconded by Emory Green to support resolution 2006-02-03. The motion was unanimously approved.

4) Resolution 2006-02-04 Title: **Surcharge on violations of Fish and Wildlife laws.** A motion was duly made by Judy Aldrich and seconded by Emory Green to support resolution 2006-02-04. The motion was unanimously approved.

- 5) Resolution 2006-02-05 Title: **Statewide Fishing License**. A motions was duly made by Judy Aldrich and seconded by Barbara Brown to support resolution 2006-02-05. The motion was unanimously approved.
- 6) Resolution 2006-02-06 Title: **Resolution in support of Habitat Stamp promotion**. A motion was duly made by Judy Aldrich and seconded by Barbara Brown to support resolution 2006-02-06. Discussion followed and a motion was duly made by Barbara Brown and seconded by Walt Hallbauer to amend the original resolution to add language about making outer purchase options available for habitat stamps, namely, internet purchase for non-license holders. The amendment was unanimously approved. The original motion, as amended, was unanimously approved.
- 7) Resolution 2006-02-07 Title: **Payment of Fringe Benefits for NYS DEC Fish and Wildlife Management Personnel**. A motion was duly made by Judy Aldrich and seconded by Chuck Couture to support resolution 2006-02-07. Discussion followed and a motion was duly made by Bob Banks and seconded by Judy Aldrich to remove the second “whereas” from the original resolution. The motion was unanimously approved. The original motion, as amended, was unanimously approved.
- 8) Resolution 2006-02-08 Title: **Defining the crossbow as a hunting implement**. A motion was duly made by Judy Aldrich and seconded by Ray Merlatto to support resolution 2006-02-08. Discuss followed, and a motion was duly made by Ray Merlatto and seconded by Walt Hallbauer to remove the third and forth “whereas.” The motion was unanimously approved. The original motion, as amended was unanimously approved.
- 9) Resolution 2006-02-09 Title: **Resolution in support of a change (exception) in DEC regulations that would deny bow/muzzle loader harvest of antlerless deer in Southern Zone WMUs where there are no DMPs issued**. A motion was duly made by Judy Aldrich and seconded by Barbara Brown to support resolution 2006-02-09. Discussion followed, a motion was duly made by Chuck Couture and seconded by Bob Banks to table Resolution 2006-02-09. The motion was unanimously approved. The resolution was tabled without future discussion or vote.
- 10) Resolution 2006-02-10 Title: **Resolution in Support of a mandatory Habitat/Access Stamp for non-resident hunting and fishing license buyers and that monies collected from the sale of this mandatory stamp be divided equally between the nine DEC Regions to be used for habitat and access projects selected by a joint DEC, Regional Fish and Wildlife Management Board partnership**. This resolution was sent out after the Spring 2006 meeting as Resolution 2006-01-03. The Board voted to re-affirm this resolution and send it out again. A motion was duly made by Judy Aldrich and seconded by Tom Grow to assign resolution 2006-01-03 and new number related to the Fall 2006 Meeting, 2006-02-10. The resolution was otherwise unchanged from it’s spring version. The motion was unanimously approved.

There was a brief evaluation of the Fall 2006 meeting, everyone thought the meeting went well, food was good and the accommodations were good. Everyone especially liked the field trip and wished to continue having field trips during future fall meetings. It was suggested that future meeting set up use tables set up in a “V” to facilitate better interaction and hearing. It was suggested that speakers use a microphone and that the chairman use a microphone.

A motion was duly made by Chuck Couture and seconded by Walt Hallbauer to adjourn. The motion was unanimously approved.

John Tusch offered a prayer for everyone's safe journey home.

Meeting was adjourned at 10:10 AM

Respectfully Submitted by:

Jack G. Cooper  
Biologist 3 (Ecology)  
Division of Fish, Wildlife and Marine Resources  
Statewide Fish and Wildlife Management Board Secretary

Members: Representatives of County Boards of Supervisors/County Legislators, Landowners and Sportsman

Advisory Members: New York State Department of Environmental Conservation, New York State Department of Agriculture and Markets, New York State Conservation Council Inc., Farm Bureau of New York, New York State Grange, New York State Forest Practice Board, Izaak Walton League of America; New York State Division, New York State Soil and Water Conservation Committee, New York State College of Environmental Science and Forestry at Syracuse University, New York State College of Agriculture and Life Sciences at Cornell University.

