

M E M O R A N D U M

TO: Christopher Amato, Assistant Commissioner

FROM: Patricia Riexinger, Director, DFWMR

SUBJECT: MONTHLY REPORT - January 2008

DATE: February 26, 2008

Commercial Use

Surfclam/Ocean Quahog Management Advisory Board - Shellfish Management staff attended a meeting of the Surfclam/Ocean Quahog Management Advisory Board on January 8, 2008. At this meeting, staff presented DEC's recommendations for Amendment 1 to the Fishery Management Plan for the Mechanical Harvest of the Atlantic Surfclam in New York State Waters of the Atlantic Ocean. The principal recommendation was the proposed introduction of individual fishing quotas (IFQs) to the Atlantic Ocean fishery. As recommended by DEC, these IFQs, based on the estimated standing stock, would be equally allocated to each eligible vessel currently in the fishery. The IFQs would not be transferable and clams not taken by the quota holder within a calendar would remain in the ocean as a conservation measure. DEC's recommendation did not include consolidation, a highly debated topic for the Board and participants in the surfclam fishery. Consolidation allows individual permittees to combine permits or combine quota for use on a single vessel. DEC's proposal recommends management measures that will provide protection and conservation of the Atlantic surfclam resource and at the same time economic viability and flexibility to fishery participants. DEC will prepare a draft of Amendment 1 for presentation to the Board at a later meeting. The next surfclam board meeting is Tuesday, March 11 at 7 PM.

Bureau of Marine Resources

Maureen Davidson

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Information and Extension

NYC Boat Show: Staff from Central Office and Regions 1, 2, 3 and 7 (both Albany and East Setauket) participated in this year's New York Boat Show at the Jacob Javits Convention Center in Manhattan. This year's exhibit included a 35-foot SAFE Boat (staffed with Environmental Conservation Officers from the Marine Unit and from Region 2), fresh and salt water fish mounts of New York State record fish, various interactive fish-related activities created by I FISH NY staff (such as a seven-foot tall display of NYS fish silhouettes against which attendees could compare their height), a display encouraging use of pump out facilities (Environmental Facilities Corporation) and a Hudson River display staffed by the Hudson River Estuary Program. Staff answered questions about marine and freshwater resources of NYS and the DEC website was also available for public use, serving as a useful resource for questions requiring more research.



Bureau of Fisheries

Melissa K. Cohen

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Information and Extension

Black Bear Public Meetings Held - Wildlife Biologist Ed Reed and Region 5 Wildlife Manager Ken Kogut held two public meetings to discuss New York's black bear management system and to solicit public input on management actions. These meetings were held as part of a statewide effort to assess public opinion on the expansion of black bear range, and the impacts to humans that will occur as a result of range expansion. The meetings were held in Cambridge, Washington County, and Gloversville, Fulton County. These locations were chosen because they are in areas where black bear hunting is not currently legal, and bears are becoming more common. Attendees at both meetings expressed concerns about negative impacts to agriculture and apiaries from bear range expansion. There was support for opening these areas to bear hunting at both locations. As a continuation of an effort begun in the fall of 2007, Region 9 Biologist Spierto has held two public information meetings related to the population growth and range expansion of black bears in western NY. The first meeting was conducted for DEC staff as a "cross-training" event. The second event was presented to the Western New York Environmental Federation. Three additional events are scheduled in February.

Bureau of Wildlife

Jeremy Hurst

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Licensing

Marine Resources Permit Office - The Marine Resources Permit office is responsible for the processing and issuance of commercial and recreational licenses and permits for the harvest, sale and shipment of marine resources including shellfish, foodfish, crustaceans and baitfish. In 2007, the Marine Permit office processed more than 7,700 licenses and permits which accounted for almost \$1.1 million in revenue to the Marine Resources Account. So far for 2008, the Marine Resources permit office has issued over 2,350 licenses and permits which total more than \$252,000 in revenues. On February 13, Marine Resources staff held a random selection process for all eligible applicants who had submitted applications for commercial crab and whelk licenses that are subject to limited entry (moratorium). A total of seven Resident Crab Permits and six Whelk Licenses were issued after the random selection process. Of the limited entry licenses and permits, only 16 Resident Foodfish licenses are still available for issuance under the limited entry criteria for 2008.

Bureau of Marine Resources

Marian Stern

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Protection

Studying the Impacts of Wind Energy Development on Birds and Bats - On January 23, the much-anticipated Draft Guidelines for Conducting Bird and Bat Studies at Commercial Wind Energy Projects was released. This document is intended to standardize the methodologies used during pre- and post-construction bird and bat surveys at wind energy development sites, and to provide a way for meaningful comparisons of data to be made from across sites and years. The Guidelines are based on discussions and information presented at an August 2006 meeting with NYSERDA and other stakeholders, the recommendations of project developers, and input from regional DEC staff.



The Guidelines can be accessed at: <http://www.dec.ny.gov/energy/40899.html>
Public comments will be accepted until March 7, 2008 by writing to Brianna Gary, NYSDEC Bureau of Habitat, 625 Broadway 5th Floor, Albany, NY 12233-4756, or via email from the website.

Bureau of Habitat

Brianna Gary

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Protection

Remediation of Former MGP to Include Streambank Restoration - The Mechanicville Former Manufactured Gas Plant (MGP) is a 1.8 acre parcel located in Saratoga County and bordered to the north by the Anthony Kill. After extensive investigation, a Record of Decision was issued in 2006 requiring a cleanup that includes the removal of soil from four targeted areas to the top of bedrock. Doing so will not only remove PAH contaminated soils from the site, but will also protect the Anthony Kill (and ultimately the Hudson River) from discharges of NAPL (oily liquid) sitting below the site. Three of the four excavations abut the Anthony Kill, thereby requiring the removal of roughly 200 feet of vegetated streambank. Original design documents submitted to DEC called for replacing excavated streambanks with rip rap rather than restoring them to their current vegetated state. Bureau of Habitat biologist, Corbin Gosier, has been working with the Division of Environmental Remediation and the party responsible for the cleanup to obtain a design that incorporates natural stream restoration principles. In the most recent design submitted to the Department, extensive riprapping has been abandoned in favor of native riparian plants and other materials that are sure to keep wildlife happy while providing necessary stability. Remediation will likely take place during the summer of 2008.



Bureau of Habitat

Corbin Gosier

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Region 8 Wetlands Receive Protection - Steve Miller and Scott Jones from Region 8 stepped up to protect 2100 acres of previously unmapped and unregulated wetland with the initiation of wetland map amendments in Seneca County. From 1941 to its closure in 2000, the Seneca Army Depot was used for the storage and disposal of military explosives. Staff review of this property revealed that many of the previously drained lands have begun to revert back to their natural wet state. The wetland map amendments recently initiated will result in the creation of 11 new wetlands.

The map amendment occurs as the land use designation of the Seneca Army Depot is being changed from protected open space providing significant wildlife habitat for both game and non-game species to one of conservation, recreational activities and other uses to be determined by the Seneca County Industrial Development Agency. Two major development proposals are already under way for the creation of an ethanol production plant and a hunting preserve.

The Seneca Army Depot is home to three sensitive species- the short-eared owl (endangered), osprey (special concern) and potential nesting habitat for the American bald eagle (threatened). The mix of various habitats (grasslands, shrub meadow, forested uplands, and various wetland habitats) provide habitat for a variety of migratory bird species.

Bureau of Habitat

Steve Miller, Scott Jones, Judy Marth
Stevens

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Recreational Use

PFR Purchased on South Sandy Creek and Abijah Creek: On January 17, 2008, the closing papers were signed by Ronald J. Sloan who has agreed to the purchase of 2.43 miles of Public Fishing Rights on South Sandy Creek and Abijah Creek. These two streams run along Mr. Sloan's 120 acre parcel in the Town of Lorraine and their confluence will fall into the new Public Fishing Rights section. The purchase also includes a 100 ft x 100 ft Fishermen's Parking Area and a Fishermen's Footpath of approximately 2,358 ft which will allow fishermen to fish either or both streams in the same outing. These are very valuable and aesthetically pleasing streams in Jefferson County that make a great addition to the availability of public fishing in Region 6.

Bureau of Fisheries

Richard McDonald

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Research and Monitoring

Monitoring of Mercury in Fish to Continue - A new project will continue DEC's research and monitoring efforts of mercury concentrations in fish. The New York State Energy Research and Development Authority (NYSERDA) has agreed to fund the analytical portions of the project, which will include both mercury and selenium analyses. Measurements of selenium are important because recent data indicate that selenium may help reduce the uptake and the harmful effects of mercury. Biologists Eric Paul, Howard Simonin, and Larry Skinner will conduct the project, with the assistance of technical staff. Fish for the project will be collected from previously un-sampled state park lakes, a number of rivers downstream from reservoirs, and from lakes which are part of a continuing mercury trend study. The three-year study is planned to begin this summer.

Bureau of Habitat

Howard Simonin

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NY Natural Heritage Completes Conservation Mapping Project for Hudson River Valley –

With funding from DEC's Hudson River Estuary Program, NY Natural Heritage has completed a set of GIS data layers depicting Natural Heritage Important Areas in the 10 Hudson River Valley counties. Important Areas are lands and waters that support the continued presence and quality of known populations of rare animals and rare plants, or of documented examples of rare or high-quality ecological communities. Important Areas include the specific locations where the animals, plants, and/or ecological communities have been observed, but go beyond these to also include:

- additional habitat for the rare animal and plant populations, including areas which may be used by rare animals for breeding, nesting, feeding, roosting, or over-wintering.

- areas that support the natural ecological processes critical to maintaining the habitats of these rare animal and plant populations, or critical to maintaining these significant communities.

Important Areas are delineated using GIS models. For rare animals, the models are based on knowledge of the animal's habitat and life history. For example, the Important Area for a Blanding's turtle would include the various wetlands it may use during different seasons, as well as adjacent uplands it may use for nesting.

Important Areas also include land around these animal habitats, and around rare plant populations and significant ecological communities, that sustains ecological processes and that provides a buffer against disturbance. For example, for the wetland habitats identified for the Blanding's turtle above, the Important Area would also include an area around the wetlands that would contribute to maintaining favorable water quality and flow in the wetlands. The size of these surrounding areas can vary depending on the steepness and aspect of slopes, the type of soils, and the surrounding land cover.

The full set of data layers for the Hudson River Valley depict Important Areas

Research and Monitoring

around more than 1,600 individual locations of 93 animal species, 140 plant species, and 70 ecological community types. The Important Area data layers will be used by Estuary Program Biodiversity Outreach staff to educate and assist local municipalities and regional agencies in incorporating biodiversity information in municipal planning and land-use decisions. Important Area data layers will also be provided to other DEC staff, to other State agencies, and to conservation partners for use in biodiversity protection and conservation.

Bureau of Habitat

Nick Conrad

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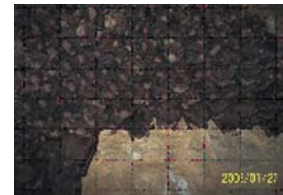
Winter Deer Yard Surveys -Region 5 wildlife staff conducted ten deer wintering area surveys. After a very cold and snowy start to the winter in December, a January thaw reduced snow depths dramatically and allowed deer to expand their movements and obtain food that would be unavailable in deep snow. Snow, temperature, and browse conditions for the rest of the winter will be monitored in these areas to determine the effect of the winter on the deer population. Wildlife Technicians James Stickles and Brittany DeLor and volunteer Amanda Schrader performed deer yard surveys at several wintering areas throughout the southern portion of Region 5. At the Saratoga Battlefield, Brittany and Jim were literally surrounded by deer which did not appear to have any fear of humans. It appears as if the January thaw has provided some much needed relief for the deer herds. Tracks indicated deer had spread out and were foraging on mast nuts where they were available.

Bureau of Wildlife

Ken Kogut

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Potential Bat Die-Off Investigated - Thousands of hibernating bats are dying in caves in New York and Vermont from unknown causes, prompting an investigation by the New York State Department of Environmental Conservation (DEC), as well as wildlife agencies and researchers around the nation. Region 5 Biologist Casey Holzworth and Wildlife Technician Ben Tabor inspected Barton Hill Mine in response to observations of a fungus possibly causing bat mortality at other locations in the State. During the survey no infected bats were observed and three banded bats were found. Another survey is planned with more Region 5 staff to make sure the mine is fully explored. At the 45-foot level cave in Glen Park, Jefferson County, four such bats (little brown) were identified in a small grouping of about 60 bats. Region 6 staff made a second trip into the cave to collect a sample of bats (10) for study at Cornell. At this time the cause of the disease remains unknown, but it is hoped that fresh live samples will provide insight. The Jamesville hibernaculum was visited to check the status of the bats in light of mortality problems last year and evidence this year of a white fungal growth on bats at some other sites. Fortunately, there was no evidence of problems at this site at this time.



Bureau of Wildlife

Various

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Short-eared Owls Under Study - NYS DEC initiated a study of wintering short-eared owls during the winter of 2006. This grassland dependent, mostly boreal species, breeds predominantly in northern Canada (and somewhat scattered in our northern states, including NY) but winters in grassland areas with limited snow-cover where they can successfully obtain their primary prey, meadow voles. We are fortunate in NYS to have several such wintering areas, annually used by short-ears, with up to 30 owls or perhaps a few more at such sites in "good" years. Our short-eared owl project began its third year in December 2007, and now has expanded to four areas of the State. The primary focus of the study is to determine the range and type of habitat use for roosting and foraging, as well as the number of owls using these habitats, with the obvious objective of preserving the most critical areas required by this endangered species and other birds. Capture and radio-tagging of resident owls is our primary means of getting at these questions. As one might imagine, with an



Research and Monitoring

ever-reforesting and human-altered landscape, suitable open grassland areas are at a premium in New York, a situation not lost on our suite of grassland dependent avian species. This study is vital not only to short-eared owls, but to all grassland bird species as development pressure is a serious threat to their future sustainability. The study has been expanded over the last three years into a statewide program that now includes significant grassland areas in four regions (4, 5, 6, and 9). During 2006 and 2007, eight owls have been captured and radio-tracked thus far.

The Region 5 study is centered in Fort Edward, Washington County, and despite owl numbers thus far being quite low, trapping efforts have been very successful. As of January 31, three owls have been caught. Trapped short-ears are banded, measured, and backpack radios placed for tracking purposes. Our third owl trapped this year has been outfitted with a satellite radio in hopes of tracking its local movements and migrations over the next few years. DEC staff are also actively at work in Greene, Jefferson, and Niagara Counties. Of course, the ultimate objective of these studies is not only the identification of these essential habitats, but their protection and preservation. Toward this end, Region 5 and Central Office staff have been hard at work and making excellent progress in delineating and moving forward with protection of a "Washington County Grassland Conservation Area," in cooperation with Audubon New York, an effort we hope will be duplicated in the other important grassland areas of the State as a result of this study. In addition to merely protecting such grasslands, however, it will be important to incorporate periodic management of these grasslands to ensure their long-term viability.

Bureau of Wildlife

Pete Nye and Glenn Hewitt

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Resource Management Plans

Invasive Species Signs: Sr. Fisheries Technician Jim Zanet and Fisheries Technician Jon Sztukowski started putting new signs labeled: Protect Your Waters, Prevent the Spread of Invasive Species. All Fisheries Offices across the State were given a supply of these new signs from Central Office and directed to post these signs at ALL DEC Fishing Access Sites in the State. Direction was given to have all of our DEC Fishing sites posted by spring 2008. NYS DEC is trying to get the public to realize the threat of invasive species to our waters and help protect our waters of NYS by removing all visible mud, plants, fish or animals from boats, trailers and gear before transporting such equipment from the water body you are leaving. It should be the concern of all water recreationists to prevent moving Invasive Species from one body of water to another. Prevention is the key as once an invasive species enters a body of water it is nearly impossible to get rid of it.

Bureau of Fisheries

Michael Wilkinson

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Restoration

Paddlefish Project Meetings: Fisheries Manager McKeown and Biologists Clancy and Janis met with Conservation Officers John, Titus, and George of the Seneca Nation of Indians to discuss the upcoming study, "Assessment of Paddlefish Restoration in the Allegheny River System." The officers expressed support for the project and grant us permission to conduct the study on their territory. They will accompany us as we start to trap and track the fish along the Allegheny River. Officers John and Titus took us on an extensive tour of the Allegheny River through their territory and the various locations where paddlefish might be found and captured.

Fisheries Manager McKeown and Biologists Clancy, Janis, Cornett, Galati, and Sr. F & W Technician Zanett met with SUNY Fredonia Professor Strakosh and Seneca Nation of Indians Conservation Officer John to discuss the upcoming study, "Assessment of Paddlefish Restoration in the Allegheny River System." Many different aspects of the study were debated including equipment, research parameters, and monitoring schedule. Officer John also offered the use of certified divers for the project which will be very beneficial to determining the paddlefish's micro-habitat.

Bureau of Fisheries

Meg Janis

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Lake Ontario Sport Fishing Restoration Program: The Lake Ontario Sport Fishing Restoration Program begins as a result of the natural resource damages claim settlement with Occidental Chemical Corporation (OCC) for the mirex contamination in Lake Ontario that OCC (then Hooker Chemical) was responsible for. The public participation process began about a year ago, as we sought public comment for ideas on ways in which to use the \$12 million settlement. The ideas brought forth by the process were evaluated and selected for implementation by DEC staff and incorporated into the Final Sport Fishing Restoration & Spending Plan for the Lake Ontario System (seen at <http://www.dec.ny.gov/outdoor/40068.html>).

The Plan was announced by Commissioner Grannis in several press events in late January. Steps have already been taken to move forward with several of the highest ranking projects listed including the purchase of the Autofish tagging trailer from Northwest Marine Technology that will enable the Bureau of Fisheries to mark or coded wire tag every chinook salmon the DEC stocks into Lake Ontario, as well as making other salmonid marking experiments possible. This purchase is a first for fisheries science in the Great Lakes Basin, and heralds the opportunity for gaining knowledge of the Lake Ontario system only previously dreamed of. The Autofish is expected to be in use this spring at the Salmon River Hatchery to mark the entire 2008 year class of chinook salmon to be stocked into Lake Ontario this spring.

Bureau of Fisheries

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Wilson Hill WMA Rehabilitation - The FERC license mandated and New York Power Authority sponsored rehabilitation of dikes and other infrastructure at the Wilson Hill WMA are well under way. As of the end of January, most of the area's dikes have been re-rip-rapped, and dike surfaces have been prepared for a new top-finish. Work that will include installation of several new water level control structures, is scheduled to continue through the winter, weather permitting, with anticipated completion by fall. A second phase of this WMA work, scheduled for 2008-09, includes development of a new dike between the area's East and West Pools and a Pumphouse that is intended to enhance water level control capabilities within the WMA.

Bureau of Wildlife

Bill Gordon

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