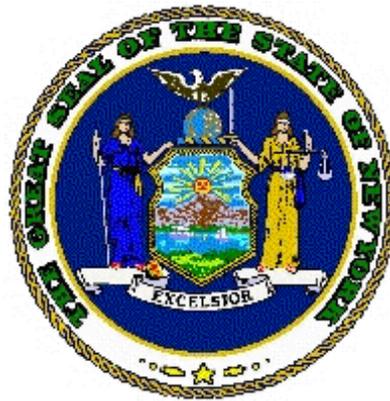


State of New York

# CONSERVATION FUND ADVISORY BOARD



Annual Report to the Commissioner,  
Sportsmen and Sportswomen

For the period  
April 1, 2009 to March 31, 2010



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## **1. A Message from the Chairperson**

The Conservation Fund Advisory Board (CFAB) has worked diligently over the last year to protect the interests of the sportsmen and women of New York State. The CFAB met on a regular schedule of monthly meetings as well its members attending numerous events within the various Department of Environmental Conservation (DEC) regions. Over the past year the Division of Fish, Wildlife, and Marine Resources (DFWMR) provided increased information and support to CFAB and coordinated new initiatives with the Board. This increased support has significantly improved the communication between the Board, the Department, and the license buying community.

The Conservation Fund supports programs and staff in the Fish and Wildlife Program in NYSDEC from funds provided by license fees and penalties. The CFAB continues to believe that the New York State Executive Branch and the Legislature of New York State Government do not fully understand the importance of the Fish and Wildlife Program and the role it plays in protecting our natural resources. In addition, there is significant revenue and taxes generated to the state economy by the purchases sportsmen and sportswomen make.

The CFAB also took the opportunity this year to better understand the State budget cycle and hopefully position ourselves to be more interactive in that process in the future. As a result of the activities this year, the CFAB is also much more knowledgeable about the role of the Division of Budget (DOB) in these budget negotiations.

The sale of hunting, fishing and trapping licenses generates approximately \$50 million per year and approximately another \$22 million in Federal dollars for operating expenditures for the DEC. The dollars spent to operate DEC from these funds help provide significant benefits to the non-license buying public who also use the natural resources for which the DEC is responsible.

The CFAB continues to advocate for a fractional percentage of sales tax on all outdoor sporting goods to be dedicated to the Conservation Fund as other states have done. The CFAB believes this would be an equitable means of cost sharing from the non-buying license general public who also use the resources for which the Division of Fish, Wildlife and Marine Resources are responsible.

This past year, New York's economy and the state fiscal crisis have grown worse and with certain policy decisions from the Division of Budget (DOB) DEC staffing has been seriously reduced. The Board believes that these policies do not make sense and will not only hurt the management of the States fish and wildlife resources but will adversely impact New York's economy. The money to replace these losses in staff that were paid out of the Conservation Fund is available.

The CFAB will continue to review the allocations and expenditures for the Fish and Wildlife Program and advise state agencies, the Legislature and Governor on them and it will continue to make recommendations on state government programs, state government plans and policies affecting fish and game. The CFAB strongly believes that sportsmen and women need to become active and advocate State elected officials on the importance of DEC and in particular, the fish and game programs for which they pay.

The CFAB has made every attempt to try and educate the license buyers on issues that impact the Conservation Fund. The board urges you to check the CFAB page on the DEC website <http://www.dec.ny.gov/about/566.html> on a regular basis. Updated information on the CFAB has been added to the website as well as a “Correspondence” link that enables you to download letters and correspondence that have been issued by CFAB. In addition, there have been additional sections added to the annual report that will assist in educating the license buyers on issues concerning the Conservation Fund.

In conclusion, I would like to remind the sportsmen and women of New York State that we suffered personnel and non-personal service cuts during the 2009-2010 fiscal year. At the writing of this report, these same cuts plus additional personnel and non-personnel cuts in the 2010-2011 fiscal year continue to erode the support that hunting, fishing and trapping receive from the DEC. Now more than ever it is very important that the sportsmen and women of NYS become active and contact their legislative representatives to express their opposition to these budgetary cutbacks and management policies that continue to erode our license base and adversely impact the State’s fish and wildlife program.

## **2. About This Report**

The CFAB is required to submit a report annually to the Commissioner of the DEC (Commissioner). The primary purpose of this report is to advise the Commissioner regarding the CFAB’s assessment of the extent to which expenditures and appropriations from the Conservation Fund are consistent with the requirements of state law. The CFAB will make its annual report available to the public by posting it on the DEC web site at: <http://www.dec.ny.gov/about/566.html>. Most of the fiscal information contained in this report is taken from the DEC’s annual Level of Effort Report for the Fish and Wildlife Program. The CFAB has no independent means to audit the information in the report and relies upon the DEC for its accuracy and completeness.

## **3. What is the Conservation Fund Advisory Board?**

The New York State Conservation Fund Advisory Council (CFAC) was established by Chapter Four of the Laws of 1982 as a branch of the State Executive Department. It provided the license buying public of the State of New York with information about expenditures of Conservation Fund monies, thereby ensuring that the Fund was spent in accordance with the Environmental Conservation Law (ECL), specifically for the care, management, protection, and enlargement of the fish and wildlife resources of the State and for the promotion of public fishing, hunting and trapping.

Under Chapter 308 of the Laws of 1994, the Council was reestablished as the Conservation Fund Advisory Board, removed from the jurisdiction of Executive Law and placed under the ECL. The change allowed the addition of ex-officio members to the CFAB (Senate and Assembly Environmental Conservation Committees, Senate Finance Committee, Assembly Ways and Means Committee, and DEC Commissioner, or their representatives) in an effort to speed up communications and give the panel the ability to make more timely decisions.

All CFAB members are volunteers serving without salaries and have a long standing interest, knowledge and experience in fish and wildlife management, including hunting, fishing, trapping,

and related conservation activities. The members represent each of the nine DEC Regions with two statutory members representing the New York State Conservation Council, Inc., (NYSCC) and the New York State Fish and Wildlife Management Board (FWMB).

The CFAB's function is to make recommendations to appropriate state agencies on plans, policies and programs affecting fish and wildlife. This function is accomplished by CFAB review of the DEC's Fish and Wildlife Program and Law Enforcement Program (Titles 11 & 13 only). The Board submits an annual report to the DEC Commissioner.

Board members can be contacted by writing the Conservation Fund Advisory Board, 625 Broadway, Albany, New York 12233-4750 or by contacting individual board members as per the information located at <http://www.dec.ny.gov/about/566.html>.

The specific duties of the Board are:

- Review the allocations and expenditures of the DEC's Fish and Wildlife program.
- Periodically make reports and release information to sportsmen and women and the general public about the Conservation Fund and the Fish and Wildlife Program.
- Consult with fish and wildlife interests and report annually to the DEC Commissioner on fiscal needs and recommendations for meeting them.
- Assist the DEC in expanding sources of income to the Conservation Fund.
- Provide recommendations on the needs of fish and wildlife programs.
- Evaluate expenditures of the Conservation Fund by reviewing current and proposed fish and wildlife programs.

Fulfillment of these responsibilities is aimed at ensuring that Conservation Fund expenditures are in accordance with New York State Finance Law (SFL). The Conservation Fund was created under that law in 1925 requiring one half of all monies collected from the sale of sporting licenses be spent exclusively for fish and game related purposes. In 1933, the law was amended to require that all the monies from license sales be used for these purposes. For over seven decades, sportsmen and women have purchased sporting licenses - the principal source of Conservation Fund revenue - and ensured the stewardship of New York's fish and wildlife.

A list of CFAB members can be found in Table 1 below. Member biographies, contact information and committee information can be found at <http://www.dec.ny.gov/about/566.html>.

**Table 1. New York State Conservation Fund Advisory Board voting member list and ex-officio members**

<b>STATE OF NEW YORK CONSERVATION FUND ADVISORY BOARD VOTING MEMBER LIST (as of March 31, 2010)</b>	
<b>NOMINATING AUTHORITY</b>	<b>REPRESENTATIVE</b>
Governor	GORDON J. WHITING, Residence - Region 2 ALAN ROSA, Residence - Region 4 CHARLES PACE, Residence - Region 7
Senate	CHARLES BEVILACQUA, Vice Chairman Residence - Region 1 LINDA SICLEY, Residence - Region 6 CHARLES O. HANCOCK, Chairman Residence - Region 8
Assembly	DOMINICK SCARZAFAVA, Residence - Region 3 • Majority ( D ) JASON KEMPER, Secretary Residence Region 5 DALE DUNKELBURGER, Residence - Region 9
Statutory	HOWARD CUSHING, NYS Conservation Council JIM PETRYSYN, NYS Fish and Wildlife Management Board
<b>EX OFFICIO MEMBERS</b>	
Alexander Grannis, Commissioner of NYS Department of Environmental Conservation Senate Finance Committee Senate Environmental Conservation Committee Assembly Ways and Means Committee Assembly Environmental Conservation Committee	

#### **4. What is the DEC Fish and Wildlife Program?**

The DEC's Fish and Wildlife Program is an extremely broad and diverse program that was created to protect, enhance and restore the State's fish and wildlife resources and provide the citizenry with opportunities to enjoy and learn about our natural heritage. While the Division of Fish and Wildlife and Marine Resources (DFWMR) has primary responsibility for the management and protection of our State's fish, wildlife and marine resources other Divisions such as the Division of Law Enforcement (DLE), the Division of Public Affairs and Education (DPAE) and the Division of Operations (DOP) also play a large role in assuring that the DEC delivers an effective and comprehensive program. The Fish and Wildlife Program also relies on partnerships with other government agencies, non-profit organizations and academic institutions. Through collaborative efforts populations are managed, habitat is enhanced, access to the resource is provided and valuable research is conducted.

#### **5. Accounts in the Conservation Fund**

The Conservation Fund was enacted under the State Finance Law §83 in 1940. The Conservation Fund is used to account for revenues that are earmarked for conservation purposes. Revenue sources contributing to the fund include fees collected from the sale of hunting, fishing, trapping and guide licenses; fines and penalties for violations of the fish and wildlife protection laws; sales of distinctive conserve habitat license plates (V&T Law §404-t); fees for environmental impact statements; tidal wetland use application fees; outdoor recreation and trail maintenance pins; revenues from the operation of real property under DEC's jurisdiction, including concessions; gifts for fish and wildlife management; the sale of migratory bird stamps

and habitat stamps, art prints and fish and wildlife prints; and Short-Term Investment Pool (STIP) interest.

The fund is subject to appropriation control and is used for operating and capital expenditures of the Fish and Wildlife Program and the Marine and Coastal Program, related to the administration and enforcement of Articles 11 and 13 of the Environmental Conservation Law.

The Conservation Fund consists of several accounts. The following is a list of those accounts and a general description of the funding source. For the balances in these accounts at the close of the 2009 State Fiscal Year please refer to Table 4.

- **Traditional Account**  
As the name implies, the “Traditional Account” generally consists of monies raised from hunting, fishing, and trapping licenses. Other sources of funding for the Traditional Account include:
  - Return a Gift to Wildlife;
  - Deer management and other special permits;
  - Fines from Title 11 & 13 violations;
  - Certain rentals, royalties, and miscellaneous sales; and
  - Interest, including interest from the State Fish and Game Trust Account.
- **Marine Resources Account**  
The Marine Resources Account generated monies from activities in the marine district of Long Island. Licenses and permits include the shellfish permits, tidal wetlands permits, charter boat permits, recreational marine fishing licenses, whelk permits, food fish/crustacean permits, fines, and other revenues.
- **Surf Clam/Quahog Account**  
The Surfclam/Ocean Quahog sub-account derives revenue from a 15 cent per bushel surcharge on all surfclams harvested from certified waters of the state. The funds are used to conduct surfclam population surveys, hire seasonal staff for surveys, data management and aging analysis and management of the clam fishery.
- **Habitat Account**  
This account was newly created in 2002 and receives revenue from the sale of voluntary Habitat & Access Stamps. Funds from this account can only be used for habitat conservation and enhancing public access for fish and wildlife related recreation.
- **Migratory Bird Account**  
Revenue for this account is from the sale of collector migratory bird stamps and art prints. This account no longer has appropriation language and current revenues are based on interest earned on the balance in the account.
- **Guide License Account**  
Funds for this account are generated through the issuance of guide licenses and are used for the administration of the DEC’s Licensed Guide Program.

- **Venison Donation Account**  
This account receives funds from a one dollar voluntary contributions mechanism on all hunting and fishing licenses administered by the DEC. When appropriated, money from the account is made available to an appropriate nonprofit organization for implementation of a venison donation program, which provides funds for the processing of donated venison for those in need.
- **Outdoor Recreation & Trail Maintenance Account**  
Revenue for this account comes from the sale of outdoor recreation and trail maintenance pins. All monies generated are exclusively for outdoor recreation, trail maintenance, and the development and improvement of public access to outdoor recreation and trails.
- **State Fish and Game Trust Account**  
Revenues from the sale of “lifetime” licenses are deposited into this account. The principal may not be touched by law and only interest is transferred from this account to the Traditional Account.

## 6. Actions of the Board during FY 2009/2010

The actions of the Board are recorded in the minutes of CFAB meetings which may be found at <http://www.dec.ny.gov/about/719.html>.

## 7. Actual and Projected Status of the Conservation Fund Traditional Account

The Traditional Account of the Conservation Fund (Traditional Account) began the State Fiscal Year (SFY) with an uncommitted balance of \$2.78M. Receipts for the year totaled more than \$47M. Of the \$50.2M available \$38.9M was disbursed leaving a cash balance of \$9.6M for the beginning of the 2010 state fiscal year (Table 2). Details of the actual and projected status can be found in Table 3 below.

**Table 2. Past performance and projected status for the Traditional Account of the Conservation Fund for state fiscal years 2003 to 2010. Figures represent millions.**

Fiscal Year	Cash Balance April 1	Carry In Expenses <sup>1</sup>	Uncommitted Balance	Receipts	Total Available	Disbursements	Cash Balance March 31
2003-04	\$4.47	\$4.00	\$0.47	\$39.54	\$40.01	\$36.97	\$3.04
2004-05	\$3.04	\$2.99	\$0.05	\$40.52	\$40.57	\$37.55	\$3.02
2005-06	\$3.02	\$4.15	-\$1.13	\$38.28	\$37.15	\$25.85	\$11.30
2006-07	\$11.30	\$11.33	\$1.03	\$39.07	\$39.04	\$34.74	\$4.30
2007-08	\$4.30	\$3.31	\$0.99	\$40.83	\$41.82	\$29.13	\$10.99
2008-09	\$10.99	\$3.19	\$7.80	\$40.39	\$48.19	\$42.29	\$4.19
2009-10	\$4.19	\$1.41	\$2.78	\$47.41	\$50.19	\$38.87	\$9.60
2010-112	\$9.60	\$4.21	\$5.39	\$50.67	\$56.06	\$32.08	\$22.24

1. Carry-In expenses represent charges carried into the new fiscal year from previous year obligations
2. Highlighted cells are projections.

**Table 3. Actual and projected cash flow for the Traditional Account of the Conservation Fund for state fiscal years 2007-2010. Figures represent millions**

	ACTUAL SFY 07-08	ACTUAL SFY 08-09	ACTUAL SFY 09-10	PROJ SFY 10-11
Opening Balance (4/1)	\$4.30	\$10.99	\$4.19	\$9.59
Revenue				
• Revenue	\$42.01	\$40.22	\$47.38	\$50.64
• Interest	\$0.22	\$0.17	\$0.03	\$0.03
Total Revenue	\$42.24	\$40.39	\$47.41	\$50.67
Disbursements				
• Personal Service	\$17.69	\$14.30	\$17.64	\$18.66
• Nonpersonal Service	\$9.37	\$10.65	\$7.33	\$6.56
• D.E.C.A.L.S. <sup>1</sup>	\$1.62	\$2.17	\$2.84	\$1.80
• R.A.G.T.W.	\$0.58	\$0.44	\$0.18	\$0.23
• Fringe Benefits	\$3.00	\$17.38	\$10.36	\$9.49
• Cost Allocation	\$0.10	\$0.54	\$1.94	\$0.72
Total Disbursed	\$32.37	\$45.48	\$40.29	\$37.46
Transfer To Indirect Account	\$1.71	\$1.71	\$1.72	\$1.74
Cash Balance (3/31)	\$12.46	\$4.19	\$9.59	\$21.07

Projection Assumptions:

- Personal Service projections reflect no salary increase and 1% for performance advances.
- Personal Service projections are based upon 271.9 filled positions.
- NPS, RAGTW and DECALS projections are based upon an across-the-board cut in 2010-11.
- Fringe Benefits are calculated at the rate of 48.43% of personal service for FY 2010-11, and 48.85% for the out-years.
- CAR is calculated at the rate of 3.61% of personal service for FY 2010-11, and 3.55% for the out-years.
- Revenue projections include a 15% resistance factor due to fee increase.
- New license fees became effective October 1st, 2009, therefore full value of the fee increase will not be realized until FY 10-11.
- Lifetime Licenses revenue is not included in projections because the potential to maximize yield on STIP investments remains low

<sup>1</sup> Projections for spending from the DECALS allocation are accurate, but the reader should not confuse disbursements from the set aside with the actual cost of the automated licensing system, which is \$3M annually. The \$1.2M shortfall was made up using funds from the Traditional Account.

From the table above it is projected that the Traditional Account will enter the 2011 SFY with a projected cash balance of approximately \$22M. This projection is almost twice as high as any balance realized within the last seven years and is a result of constraints placed on the DEC's ability to spend money on the Fish and Wildlife Program and unfilled vacancies that have accumulated over the course of the past two years. The Commissioner must realize that the fee increase introduced in 2009 was based on the level of spending at that time. That level of spending, based on the Governor's directive that all spending be cut regardless of source, has been dramatically reduced. Decreased spending and increased revenue will culminate in a fund balance that will continue to grow. The CFAB views this balance from two perspectives. First,

the spending restraints placed on the Traditional Account are unnecessary given the fact that revenues are derived from the sale of licenses and dedicated towards a specific purpose within the State’s budget. This will ultimately lead to an erosion of the Fish and Wildlife Program. Conversely, it also creates the potential for a healthy fund and negates the need for a license fee increase within the next 5 years as originally projected. A balance must be struck where the program is afforded adequate resources to provide the public with the level of access, recreation and management they have come to expect and also provide a level of fiscal protection that will safeguard the Conservation Fund and alleviate the need for another fee increase for at least another decade.

### 8. Sporting License Sales and Revenue

New license fees became effective when licenses went on sale in August, 2009. Annual sales decreased by approximately 174,000 licenses while annual revenue increased by \$5M over 2008 (Figure 1). CFAB anticipated a 15% resistance factor associated with the new fee structure, but only an 11% reduction was realized. The CFAB also assumes that part of the reduction was actually a shift in purchasing, with annual license buyers finding a cost benefit in purchasing a lifetime license.

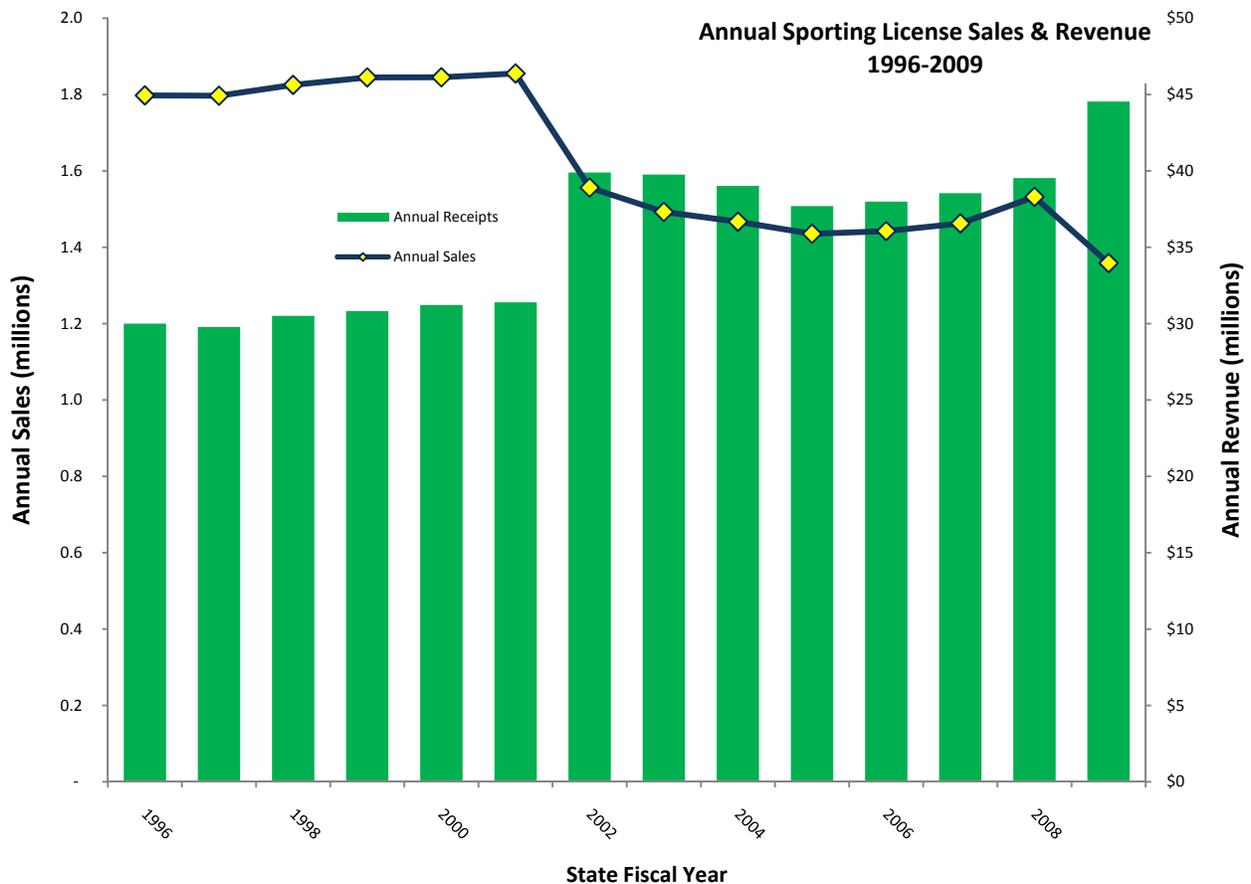


Figure 1. Sales and revenue from annual sporting licenses for state fiscal years 1996 to 2009.

With the increase in prices, lifetime license purchases skyrocketed, increasing over 1000% from 2008. Revenues from these licenses increased from approximately \$2M annually to more than \$24M from 2008 to 2009 (Figure 2).

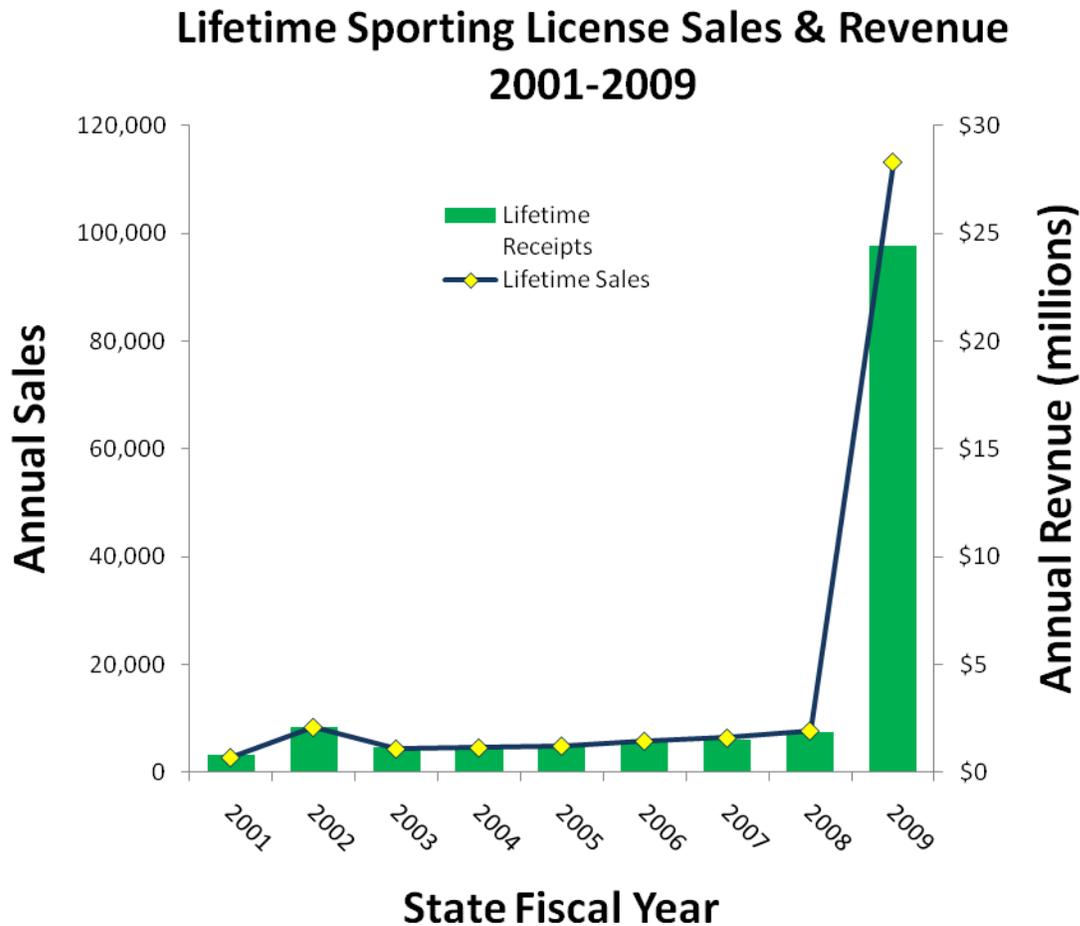


Figure 2. Sales and revenue from the sale of lifetime sporting licenses for state fiscal years 1996 to 2009.

### 9. Conservation Fund Comparisons (2008-2009)

Revenue deposited into the Conservation Fund increased by 16% in SFY 2009. A majority of this increase was due to higher revenues from 2009 license sales. Deposits into the Habitat Account dropped dramatically and no money was transferred from the Fish and Wildlife Trust account to the Traditional Account due to poor interest earnings. A summary of 2008 to 2009 comparisons can be found in Table 4 below. Detailed comparisons for the Traditional Account and the State Fish and Wildlife Trust account can be found in Appendix B and Appendix C.

**Table 4. Summary statement for comparative revenue for all accounts of the Conservation Fund (2008-2009).<sup>2</sup>**

<b>Account</b>	<b>2008</b>	<b>2009</b>	<b>Comparison</b>	
Traditional	\$41,942,987	\$48,937,754	\$6,994,767	17%
Marine Resources	\$2,192,659	\$2,457,279	\$264,620	12%
Migratory Bird	\$3,969	\$669	(\$3,300)	-83%
Guide License	\$56,645	\$49,452	(\$7,194)	-13%
Surf Clame/Ocean Quahog	\$50,336	\$55,478	\$5,142	10%
Transfer from Trust Account	\$0	\$0	\$0	0%
Transfer from Surplus Federal Grant Reimbursement	\$0	\$0	\$0	0%
<b>Subtotal</b>	<b>\$44,246,597</b>	<b>\$51,500,632</b>	<b>\$7,254,035</b>	<b>16%</b>
Lifetime License	\$2,169,473	\$24,522,839	\$22,353,366	1030%
<b>Total Conservation Fund</b>	<b>\$46,416,069</b>	<b>\$76,023,0471</b>	<b>\$29,607,401</b>	<b>64%</b>

<sup>2</sup>Marine Resources account reflects revenues from the Marine Recreational Fishing Licenses for only a five month period

## 10. Appropriations and Allocations

Each year when the budget legislation is passed by the NYS Legislature it includes specific appropriations for the DEC and each program division. These appropriations represent a ceiling that is available for each category of spending. This ceiling can only be raised by the passage of a supplemental budget or a deficiency budget. Within the DFWMR budget there are three basic appropriations of revenue: General Fund, Special Revenue Other (SRO), and Special Revenue Federal (SRF) funds. One of the SRO funds is the Conservation Fund. These appropriations can be found in the final budget bill passed by the NYS Legislature.

The fiscal crisis that developed in 2009 and continues today was determined by the Governor and the Division of the Budget (DOB) to require post-budget reductions in spending. This meant that the appropriations given to DEC and its divisions were reduced. This was achieved by reducing the allocated amounts available for spending during the fiscal year. The reductions have been applied as a percent of the appropriation. This reduced amount of available money is called an allocation. An example of this would be a 10% reduction of a \$100 million appropriation would be an allocation of \$90 million which would be available to be spent. If a second reduction of 10% is proscribed the new reduced allocation would be \$81 million.

During the 2009/2010 fiscal year, DEC's ability to spend was reduced by two separate and cumulative percentages to a lower allocation each time. In each case, DEC chose to achieve the reductions in allocations by reducing non-personal spending rather than laying off staff. Non-personal service spending includes but is not limited to, travel, supplies and materials, equipment, but not salaries. While General Fund and Conservation Fund appropriations in SFY 2009 were subject to reduced allocations, Special Revenue Federal was held harmless.

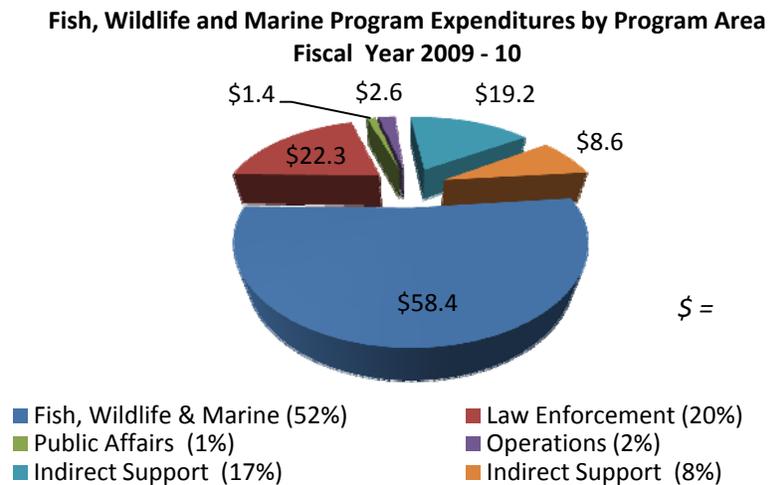
**Table 5. Appropriations and allocations of various funds to the DFWMR for SFY 2009**

	General Fund		Traditional Conservation Fund		Marine Resources Account	
	2009-10 Enacted Budget	2009-10 Allocation	2009-10 Enacted Budget	2009-10 Allocation	2009-10 Enacted Budget	2009-10 Allocation
	Temp Svc	\$87,000	\$87,000	\$916,000	\$707,670	\$177,000
Holiday/OT	\$35,000	\$35,000	\$22,300	\$487,300	\$190,000	\$164,250
Total NPS	\$1,431,000	\$779,851	\$9,587,000	\$6,912,705	\$1,406,000	\$835,180
	\$1,553,000	\$901,851	\$11,025,300	\$8,107,675	\$1,773,000	\$153,240
<b>Budget vs Allocation</b>	<b>42%</b>		<b>-26%</b>		<b>-35%</b>	

	Decals		RAGTW		Other Accounts	
	2009-10 Enacted Budget	2009-10 Allocation	2009-10 Enacted Budget	2009-10 Allocation	2009-10 Enacted Budget	2009-10 Allocation
	Temp Svc	\$ -	\$87,000	\$ -	\$ -	\$55,500
Holiday/OT	\$ -	\$35,000	\$ -	\$ -	\$7,800	\$1,980
Total NPS	\$3,000,000	\$3,000,000	\$1,000,000	\$340,875	\$1,105,300	\$146,210
	\$3,000,000	\$3,000,000	\$1,000,000	\$340,875	\$1,168,600	\$198,860
<b>Budget vs Allocation</b>	<b>0%</b>		<b>-66%</b>		<b>-87%</b>	

**11. Expenditure of Funds**

The State of New York again began the 2009-10 fiscal year with a bleak financial outlook. Further cuts and reductions were implemented. A hard hiring freeze implemented by the Governor in FY 2008-09 remained in effect along with a cap on temporary service and overtime/holiday pay (OPS). Non-Personal Service (NPS) spending was further reduced from FY 2008-09 levels. The Department was encouraged to maximize its use of federal dollars wherever possible. The fiscal strategy implemented as a result of these guidelines can be credited for the majority of decreased spending and minimal increases reflected within this report.



**Figure 3. State FY2009 expenditures for the Fish, Wildlife & Marine Resources program by program area.**

The total level of expenditure for the 2009-10 state fiscal year was \$112,565,917. This level reflects an increase of \$4,257,475 from the amount reported in FY 2008-09. Changes are summarized in Tables 6 and 7 below. Expenditures by program and funding source are represented in Figures 3 & 4 below. Figure 5 represents the sources of funding for the Fish and Wildlife Program as percentage of the total.

**Table 6. Level of expenditure by program for state fiscal year 2008-09 and 2009-10.**

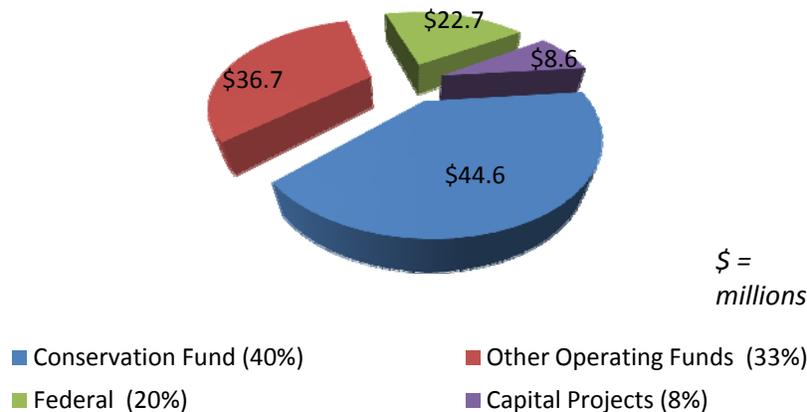
Program	2009-10	2008-09	Change
Fish, Wildlife & Marine	\$58,423,902	\$57,354,396	\$1,069,506
Law Enforcement	\$22,303,451	\$18,867,333	\$3,436,118
Public Affairs	\$1,359,371	\$1,345,019	\$14,352
Operations	\$2,645,437	\$2,116,159	\$529,278
Indirect Support	\$19,244,364	\$19,314,312	(\$69,948)
FW&M Capital Projects	\$8,589,392	\$9,311,223	(\$721,831)
<b>Total</b>	<b>\$112,565,917</b>	<b>\$108,308,443</b>	<b>\$4,257,475</b>

**Table 7. Level of expenditure by funding source for state fiscal year 2008-09 and 2009-10.**

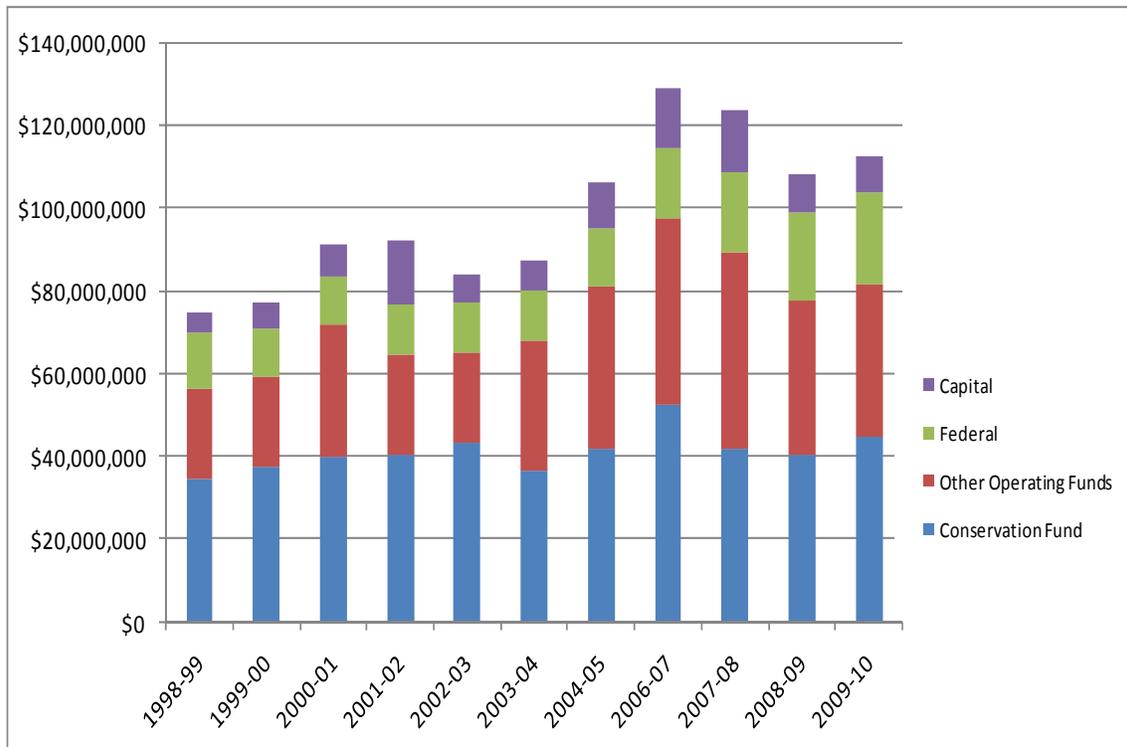
Program	2009-10	2008-09	Change
Conservation Fund <sup>3</sup>	\$44,597,182	\$40,544,623	\$4,052,559
Other Operating Funds	\$36,707,482	\$37,070,734	(\$363,252)
Federal	\$22,671,861	\$21,381,863	\$1,289,998
Capital Projects	\$8,589,392	\$9,311,223	(\$721,831)
<b>Total</b>	<b>\$112,565,917</b>	<b>\$108,308,443</b>	<b>\$4,257,474</b>

<sup>3</sup>Includes traditional & sub-accounts: RAGTW, Surf Clam, Habitat, Migratory Bird & Marine Resources; excludes Licensed Guides

**Fish, Wildlife and Marine Program Expenditures by Fund Source  
(millions) Fiscal Year 2009 - 10**



**Figure 4. Expenditures for the Fish, Wildlife and Marine Resources program by funding source.**



**Figure 5. Sources of Fish & Wildlife Program Funds SFY 1998 to SFY 2009.**  
Dollar amounts are not adjusted for inflation.

## 12. Highlights of Program Expenditures (taken from the 2009 Level of Effort Report)

This section covers expenditures occurring between April 1, 2009 and March 31, 2010. This period includes expenditures from FY 2009-10 appropriations and FY 2008-09 appropriations for the carry-out period April-June 2009, as well as expenditures from various fiscal year Capital appropriations.

### *Fish, Wildlife & Marine Resources (DFWMR)*

Total direct expenditures for the DFWMR were \$58,423,902 in SFY 2009-10 compared to \$57,354,396 in SFY 2008-09. DFWMR expenditures funded by the Conservation Fund increased by \$6,827,096 from a SFY 2008-09 total of \$29,077,168 to a SFY 2009-10 total of \$35,904,264. This increase can primarily be attributed to the transfer of jobs which were funded by the General Fund to be funded by the Conservation Fund. Eighty-eight Fish, DFWMR positions were moved from the General Fund to the Conservation Fund's main account. These DFWMR positions were initially moved to the General Fund at the beginning of SFY 2008-09 to help alleviate a structural deficit that existed within the Traditional Account. Also, twenty-one DFWMR positions were moved from the General Fund to the Conservation Fund's Marine Resources account. Non-Personal Service (NPS) expenditures dropped by \$500,000 due to the restrictions on NPS spending during the fiscal year. Other Operating Funds, including the General Fund, contributed \$3,445,779 in support of the DFWMR compared to the SFY 2008-09 total of \$10,552,262. This decrease primarily represents the 109 jobs transferred off the General Fund. Expenditures from Federal Aid, excluding indirect support and Capital, contributed \$19,073,859 in SFY 2009-10. This was an increase of \$1,348,894 compared to the SFY 2008-09 Federal contribution of \$17,724,965.

Primary sources of Federal Aid include Federal Aid in Sport Fish and Wildlife Restoration grants, Section 6 (Endangered Species Act) grants and other grants from such Federal agencies as Agriculture, Environmental Protection, Commerce, and Interior. Over the past 3-5 years, the amount of State Wildlife Grants (SWG) from Department of Interior has continued to increase. All of these grants, except for a few, are still active multi-year grants. Many are tied into 3rd party contracts or time-specific studies. Therefore, encumbrances for these contracts are accumulating and the cumulative effect results in more expenditure each year.

#### Law Enforcement (DLE)

The DLE's direct support expenditures associated with Fish, Wildlife and Marine activities totaled \$22,303,451, after the percentage of Time & Activity (T&A) devoted to Fish, Wildlife and Marine Activities was applied to total Law Enforcement costs. This percentage was 55.87%. This percentage is up from SFY 2008-09 when the percentage was 46.71%. This additional effort was identified as an increase of big game hunting enforcement and fresh water fishing enforcement. The sources of funding were as follows: Conservation Fund \$1,048,225, Other Operating Funds \$20,861,441 and Federal funding of \$393,784. Conservation Fund Law Enforcement personal service expenses were less in SFY 2009-10 compared to the prior year. A decrease of approximately \$942,000 in personal service was realized. This decrease can be attributed to the 133 positions that were moved off of the Conservation Fund to the General Fund in SFY 2008-09. Overall, the Conservation Fund contributed \$2,480,715 less towards Division of Law Enforcement expenses.

Federal spending by the DLE is primarily made through Joint Enforcement grants from the Office of Homeland Security. These grants are being used to purchase and maintain boats, boating equipment, and related supplies & materials. For example, a purchase of outboard engines was made during the year with the use of Federal money. Overall there was a decrease of \$139,645 over SFY 2008-09 levels. This decrease is due to expenses that were non-recurring. There were large purchases for boats in SFY 2008-09 that were not made again in SFY 2009-10. These boats were purchased to support Homeland Security efforts. The Homeland Security grants are non-recurring and will sunset over the next few years. This will cause a continual decrease in NPS spending.

Services provided by the DLE for the Fish, Wildlife and Marine Resources program include enforcing fish and wildlife laws, conducting special investigations regarding license issuing officers and hunting accidents, and hunter safety instruction. In 2009 the DLE uncovered a lucrative, international black market for poaching and selling native, protected New York species – turtles, rattlesnakes and salamanders. This in-depth undercover investigation was dubbed “Operation Shellshock”. This operation led to 18 arrests for 14 felonies, 11 misdemeanors, and dozens of violations.

#### Public Affairs & Education (DPAE)

The Division of Public Affairs and Education (DPAE) is a support division to all agency programs at DEC, including Fish, Wildlife and Marine Resources. Of the DPAE's total time and activity in support of all agency programs, the percentage devoted to Fish, Wildlife and Marine Activities was 35.78%, which is an increase of less than a percentage point from SFY 2008-09. This percentage was applied to DPAE direct costs only for SFY 2009-10. DPAE indirect

expenditures are captured under the Indirect section of this report. Expenditures in direct support of Fish, Wildlife and Marine Resources totaled \$1,359,371. Source of funds were as follows: Conservation Fund \$196,550 and Other Operating Funds of \$1,162,821. Public Affairs & Education does not receive direct Federal Funding. There was an increase in overall personal service for Public Affairs under both the Conservation Fund and the General Fund. This is a result of negotiated salary increases. The Conservation Fund supports temporary service for work performed at the Environmental Education Centers in support of Fish, Wildlife and Marine program.

Other services provided by DPAE toward Fish & Wildlife efforts include: producing agency publications; writing and design of reports; design and production of interpretive signs and displays; design and maintenance of the DEC public website; publishing the Conservationist magazine; providing information to the public through various outreach services including public participation meetings, fairs, outdoor shows, festivals, clinics, etc.; providing photographic services; providing environmental education to the public on fish and wildlife issues; and stewardship of natural resources through our education centers and our summer youth camps.

#### Operations (DOP)

Total expenditures by the Division of Operations (DOP) in direct support of Fish, Wildlife and Marine activities for fiscal year SFY 2009-10 totaled \$2,645,437, an increase of \$529,278. The Conservation Fund contributed \$1,545,734 of the total expenditures incurred by Operations in support of Fish, Wildlife and Marine activities during this time period. The Conservation Fund contributed \$274,824 less in SFY 2009-10 than it did in SFY 2008-09. Other operating funds provided \$878,383 which is \$589,646 more than SFY 2008-09. Federal funding contributed a total \$221,320, which is \$214,456 more than the previous fiscal year.

Services provided by the DOP for Fish, Wildlife and Marine include:

- Design and Construction which is responsible for the planning and coordination of the engineering and architectural design program as it relates to the development, rehabilitation, and maintenance of Department facilities such as dams, boat launch sites, fish hatcheries, and wildlife management areas.
- Field Operations which covers a range of services including the construction permitting, construction quality control and maintenance of a very diverse and expanding range of Department assets which include, dams, bridges, laboratories, boat launch sites, wildlife management areas, game farms and fish hatcheries.
- Transportation Services which involves responsibility for the Department's automotive equipment management program on a statewide basis. In support of all Department programs, Transportation Services assists in the acquisition and assignment of automotive equipment, plus provides cost and use analysis, maintenance and disposal of all automotive equipment, i.e., cars, vans, pickup trucks, dump trucks, construction equipment, boats (large inboards to small outboards), etc.

Indirect support costs provided by this Division are addressed in the Indirect portion of this narrative.

### Capital

Capital expenditures, including personal service, totaled \$8,589,392. This was a decrease of \$721,831 from the FY 2008-09 amount of \$9,311,223. Capital expenditures under the Environmental Protection Fund totaled \$3,246,787, which includes \$1,104,212 in spending on Hudson River Estuary. The amount of -\$3,262 in personal service and associated fringe benefits represents a reversal of charges miscoded to the EPF that hit the fund in SFY 2008-09.

Capital Projects Fund (fund 002) is broken down into five sections. These sections are Construction, Reconstruction & Improvement, Rehab & Improvement, Clean Water & Clean Air Bond Act, Empire State Development Corp. (ESDC), Executive Order 111. Due to the State's financial situation capital spending was directed to be reduced. Funding could only be spent on approved projects and personal service. Due to these restrictions Capital Projects Fund expenditures, as a whole, decreased overall by approximately \$1.5 million. A large decrease in spending can be identified under the ESDC appropriation which is intended for projects relating to the fish hatcheries. The one time sub-allocation from the ESDC totaled \$3,000,000. Most of this was expended in SFY 2008-09. This resulted in less spending in SFY 2009-10 and decrease of approximately \$1.4 million.

There were capital expenditures under the State Parks Infrastructure Fund (SPIF) (fund 076). This funding was provided by a sub-allocation from the Office of Parks, Recreation and Historic Preservation (OPRHP). The purpose of this funding is for the rehabilitation, preservation and improvement of State park facilities and historic sites. There was \$800,583 in capital expenditures under the SPIF. The DOP used these funds for various projects in support of the Fish, Wildlife & Marine Resources program. Examples of these projects are the Hudson River Moreau Boat Launch Site, replacement of the rearing building at the Rome Fish Hatchery, and other boat launch site projects.

There was a decrease in Natural Resource Damages (NRD) expenditures. This decrease can be attributed to the purchase of the Northwest Marine Technology's Automated Fish Marking Trailer which occurred in SFY 2008-09. This totaled \$1,335,000. This large, one time purchase inflated the SFY 2008-09 expenditures. Spending was down from \$1,692,257 in SFY 2008-09 to \$777,625 in SFY 2009-10. The \$777,625 consisted of \$361,368 in personal service. This is an increase of \$246,164 from SFY 2008-09. This increase can be attributed to a series of journal vouchers which were executed in late SFY 2009-10. NRD related personal service charges were transferred to this account from the General Fund as part of the effort to save General Funds.

Expenditures under the Hazardous Waste Remedial Fund increased by \$264,634 over SFY 2008-09 levels. \$325,569 was spent in SFY 2009-10. This increase can be attributed to analytical work under contract C006494 for chemical analysis of Hudson River fish samples pursuant to agreements for the Hudson River dredging project; quality control fish samples obtained from General Electric Company (GE); and the analysis of pesticides and cholinesterase activity in wildlife.

An increase in Federal Capital Project Expenditures occurred in SFY 2009-10. Federal Capital Projects expenditures totaled \$1,974,552. This is an increase of \$1,352,657 over SFY 2008-09. This is primarily due to two factors. The first is a journal voucher that was executed to transfer Long Island Sound Restoration Act (LISRA) expenditures incurred under the Clean Water/Clean Air Bond Act to Federal LISRA grants. This action fully expended the grants and allowed them to be fully drawn and closed out. This journal voucher totaled \$874,318. The second factor is \$303,430 in expenditures against a Federal grant for the DEC Mattituck Creek Waterway Access Site – Boat Ramp.

#### Indirect Support

Indirect support service includes the Divisions of Executive, Management and Budget Services, Public Affairs and Education, Operations, Regional Affairs, Environmental Permits and Office of General Counsel activities. Indirect support service expenditures totaled \$19,244,364 for SFY 2009-10. This is a decrease of \$69,948 from the previous fiscal year. Indirect is calculated as a percentage of direct personal service and fringe benefits. The indirect rate fell from 30.23% in SFY 2008-09 to 29.07% in SFY 2009-10. This rate reduction is the reason for the decrease of indirect support service expenditures.

Of the total, the Conservation Fund contributed \$5,902,409 toward indirect support services; Federal aid contributed \$2,982,898; and the balance of \$10,359,058 was paid by other operating funds, including the General Fund. Contributions from the Conservation Fund increased by \$4,548. Federal aid contributions increased by \$241,180. Contributions from all other funding decreased by \$315,676.

### **13. DFWMR Staff Effort Analysis**

In 2009 the CFAB became concerned that time expended by DFWMR staff was unbalanced, with effort potentially being directed toward activities which the Board deems as an inappropriate use of Traditional Fund dollars. Time and activity codes for over 950 tasks carried out by DFWMR employees in 2008 were tagged with the category labels below based on the CFAB's determination of whether or not an activity "Should Be Paid with Conservation Funds". DFWMR staff performed a comprehensive analysis, where total cost for an activity was summed by major funding source, which allowed for an analysis of effort based on the source of staff funding. Results of the analysis can be found in Table 8 below and in Appendix D.

**Table 8. CFAB categorization and dollar amount of DFWMR staff time for State Fiscal Year 2008**

Category	Conservation Fund	General Fund	Federal Aid	Marine Account	Other	Total
Should be Paid with CF	\$10,894,239	\$3,923,223	\$3,036,319	\$282,375	\$416,232	\$18,552,388
Should be Paid in Part with CF	\$735,891	\$724,549	\$458,476	\$2,103	\$88,827	\$2,009,846
Should not be Paid with CF	\$721,936	\$2,561,786	\$1,352,867	\$630,700	\$573,548	\$5,840,072
Total	\$12,352,067	\$7,209,558	\$4,847,662	\$915,178	\$1,078,607	\$26,403,072

Significant findings of the analysis include:<sup>4</sup>

<sup>4</sup>Caveats of the Time and Activity Evaluation

- This analysis was for staff time only and does not include disbursements for non-personal service expenditures.
- The Federal Aid funding category consists of all sources of federal funds including non-Federal Aid in Sport Fish and Wildlife grant programs such as State Wildlife Grants and EPA grants.
- This report evaluates the effort for the DFWMR only and does not include staff effort from other Division's such as Law Enforcement, Operations or Public Affairs. As such, it does not portray a complete picture of agency staff effort directed toward the fish and wildlife program or staff effort directed toward activities the Board deems as beneficial to hunting, fishing and trapping.
- The categorizing and labeling of DFWMR activities is that of the Board and does not reflect the opinions or view of DEC. All activities carried out are commensurate with statutory requirements of the Environmental Conservation Law and the State Finance Law.

- Seventy percent of overall DFWMR staff time was spent on activities that the Board deems should be paid for with Conservation Funds.
- Eight percent of overall DFWMR staff time is spent on activities that the Board deems should be paid in part with Conservation Funds.
- Twenty two percent of overall DFWMR staff time is spent on activities that the Board deems should not be paid for with Conservation Funds.
- Of the staff effort that the Board deems should be paid for with Conservation Funds:
  - 59% were paid with Conservation funds
  - 21% were paid with General funds,
  - 16% were paid with Federal Aid funds
- Employees compensated with Conservation Fund dollars contributed effort of approximately;
  - \$11 million toward activities the Board deems should be paid for with Conservation Funds,
  - \$700,000 toward activities the Board deems should be paid in part with Conservation Funds,
  - \$700,000 toward activities the Board deems should not be paid for with Conservation Funds.

- Employees compensated with General Fund dollars contributed effort of approximately;
  - \$4 million toward activities the Board deems should be paid for with Conservation Funds,
  - \$700,000 toward activities the Board deems should be paid in part with Conservation Funds,
  - \$2.5 million toward activities the Board deems should not be paid for with Conservation Funds.
  
- Employees compensated with Federal Aid dollars contributed effort of approximately;
  - \$3 million toward activities the Board deems should be paid for with Conservation Funds activities,
  - \$450,000 toward activities the Board deems should be paid in part with Conservation Funds,
  - \$1.3 million toward activities the Board deems should not be paid for with Conservation Funds.
  
- Employees paid with Conservation Fund contributed \$1.4 million of effort toward activities the Board deems should be paid in part with Conservation Funds or should not be paid for with Conservation Funds.
  
- Employees paid with General Fund contributed \$3.9 million of effort toward activities the Board deems should be paid for with Conservation Fund dollars.

#### **14. Conclusions and Recommendations**

For the preceding three state fiscal years expenditures have gradually decreased for the Fish and Wildlife Program from a \$129M in SFY2006 to \$108M in SFY2008. Overall expenditures for the Fish and Wildlife Program increased to \$112M in 2009-2010. However, the increase in expenditures for the Fish and Wildlife Program (approximately 4 million dollars) were entirely covered by the Conservation Fund and Federal Aid in Sport Fish and Wildlife Restoration Act monies.

The Conservation Fund has accumulated a large surplus over the past year. This surplus is a direct result of the inability of the Department to backfill vacant positions and the decreases in non-personal service allocations and spending as a direct result of the State's strategy to deal with its fiscal deficiencies. It should also be noted that the decrease in staff could jeopardize the ability of the department to provide the non-federal match necessary to receive federal funds and the ability to administer those funds.

Legislation is commonly introduced in both houses that may negatively impact the revenue that is generated for Conservation Fund by granting free licenses to certain groups. However, due to the possible loss of federal aid and the reduction of income to the conservation fund, the CFAB strongly discourages any free licenses for any group of individuals. At a minimum a recipient should be charged the cost of issuing a license.

The CFAB continues to support a dedicated source of revenue for the DEC other than the Conservation Fund to supplement the fish and wildlife program. The general public benefits

immensely for the Fish and Wildlife Program. The CFAB encourages the license buying public to begin fostering relationships and conveying the importance of the program with other interest groups that also benefit from the fish and wildlife program.

The SFY 2011 projected beginning balance of approximately \$22M in the Conservation Fund is almost twice as high as any balance realized within the last seven years and is a result of constraints placed on the Department's ability to spend money on the Fish and Wildlife Program and the losses of staff that have not been replaced. The fee increase introduced in 2009 was based on the level of spending at that time. That level of spending, based on the Governor's directive that all spending be cut regardless of source, has been dramatically reduced. Decreased spending and increased revenue will result in a fund that will continue to grow. The CFAB views this balance from two perspectives. The positive balance in the Conservation Fund indicates the changes in DEC staffing at the direction of the Executive Branch does not justify the license fee increase under current circumstances. Conversely, that positive balance provides a healthy fund negating the need for a license fee increase in the foreseeable future. Accordingly, we believe a balance must be established providing adequate resources within the DEC to deliver the level of access, recreation and management the sporting public has come to expect and at the same time provide a level of fiscal security that will safeguard the fund and eliminate the need for another license fee increase in the next decade.

- In summary the CFAB recommends that the Commissioner seek the waivers necessary to fill the vacant fish and wildlife technician, biologist, and support positions in the Central and Regional Offices and allocate the related non-personal service funds to allow these individuals to perform their traditional duties. In addition DEC must hire the necessary staff and allocate the non-personal service funds needed to maintain the hatchery system at full production. Ultimately, the granting of these waivers and the release of funds will need approval from the Governor and the Division of Budget.

**APPENDIX A: *Methodology for Fish, Wildlife & Marine Sources and Uses of Funds SFY 2009-10***

**1. Classification of Costs**

Methodology to determine the total cost of the Fish, Wildlife & Marine program during SFY 2009-10 follows. Costs were classified as either direct or indirect in nature.

- a. If direct, various methods and formulae were used to determine the cost of Fish, Wildlife & Marine program activities.
- b. If indirect, the Department’s federally approved indirect rate of 29.07% of direct personal service and fringe benefits for SFY 2009-10 was applied to account for indirect expenditures.

**2. Program Classification**

The following programs expended effort for fish, wildlife & marine activities and were classified accordingly:

Direct	Direct Support	Indirect Support
Fish, Wildlife & Marine	Law Enforcement Public Affairs & Education Operations	Executive Office of Management & Budget Public Affairs & Education Operations Regional Affairs Office of General Counsel Environmental Permits Cost Allocations Recovery <sup>5</sup>
<sup>5</sup> Cost allocation recovery charges for costs incurred by central service agencies, such as the Division of Budget, the Department of Civil Service, the Office of the State Comptroller, and the Office of General Services, which provide indirect support services to all state agencies, were included as indirect support.		

**3. Direct Costs**

UFish, Wildlife & MarineU - All costs attributable to the program including costs for the Return a Gift to Wildlife, Migratory Bird, Freshwater Wetlands Appeals Board, Delmar Lab, Marine district costs, the Hudson River Estuary programs are considered fish, wildlife and marine.

**4. Direct Support Costs**

ULaw EnforcementU - A study of the time and activity codes was used to determine a percentage of time spent by Law Enforcement personnel on fish and wildlife activities. Time & activity codes were provided by program. All titles, sworn and civilian were used, as were all activities related to Fish, Wildlife & Marine Resources. Administrative codes were excluded as well as the cost for code 8921, Resource Protection. This exclusion (as requested by DLE) is due to the fact that this code is extremely variable as it pertains to DFWMR. The percentage developed was 55.87% and was applied to total DLE expenditures of personal service, fringe benefits and non-personal service including Resource Protection (8921) expenditures.

Time & activity codes were provided by program. Administrative codes were excluded. Of

the codes identified in support of DFWMR, Code 1927 was determined to be 100%. The remaining DFWMR T&A costs were prorated, then the regular T&A methodology was applied yielding 35.78%. This percentage was applied to the expenditures of DPAAE's personal service, fringe benefits and non-personal service.

Operations--The following portions were considered as direct:

- Design and Construction
- Field Operations
- Transportation Services

A study of the time and activity codes, as provided by program, was used to determine the percentage of time spent on fish, wildlife and marine activities by the Design and Construction and Field Operations sections. Field Operations also spent a percentage of time on Law Enforcement activities. Administrative codes were excluded. The percentages developed were applied to the direct cost expenditures of personal service, fringe benefits and non-personal service for those sections. The percentages are as follows:

- Design and Construction: 43.74% for fish & wildlife
- Field Operations: 6.84% for fish & wildlife
- Field Operations: 0.04% for law enforcement

Since 55.87% of DLE's effort is devoted to Fish, Wildlife and Marine activities, Field Operations' level of effort was calculated at the same percentage of Operations' percent of effort for Law Enforcement.

The time and activity methodology was not used for Transportation Services due to the availability of mileage data for program chargeback's. The DOP does not fund equipment management costs for programs. All costs are recovered by Operations through the chargeback system. A ratio from the mileage data for program chargeback's gives the percentage of time spent on Fish, Wildlife and Marine activities. These percentages were applied to the direct cost expenditures of personal service and fringe benefits. Since costs are charged back to programs, the percentage is not applied to non-personal service. Non-personal service consists of only those purchases, if any, made by Operations for the fish, wildlife and marine program.

As with Field Operations, Transportation Services supports the DFWMR and the DLE. The percentage of time spent on DLE's efforts by DOP was developed from mileage data available for program chargeback's. As with Field Operations, transportation services' level of effort on behalf of Fish, Wildlife & Marine Resources was calculated at a percentage of Operations' percent of effort for Law Enforcement.

## **5. Indirect Support Costs**

Indirect Support was based on the federally approved indirect rate of 29.07% applied to total direct personal service costs of the agency, plus fringe benefit costs. The portion of indirect support funded by the Conservation Fund includes personal service and associated fringe benefits for Executive, Division of Management and Budget Services (DMBS), DPAE, DOP, Regional Affairs, Environmental Permits and Office of General Counsel.

Indirect Support costs from DEC for Fish, Wildlife & Marine activities:

- Executive - Fish & Wildlife's proportionate share of Executive Office efforts, including Deputy Commissioner for Natural Resources, Legislative Affairs office which works on legislation, and the Bond Act office.
- DMBS - includes staff which process personnel transactions, pay vendors, approve travel advances, process travel reimbursement, recoup funding from Federal grants, and prepare spending authorizations for State Operations and Capital funds. This report also includes Fish, Wildlife & Marine's proportionate share of Departmental leases for regional and sub-regional offices, as well as central offices. Telephone services, hunting & fishing license accounting, payroll processing and contract approval are other essential services provided.
- DPAE - audio-visual is the part of PA&E that is considered indirect and includes displays for state fair, etc.
- DOP - Electronics is indirect.
- Regional Affairs - includes regional directors and secretarial/clerical staff throughout the regions which provide a proportionate share of support to regional Fish, Wildlife & Marine activities.
- Office of General Counsel - includes Division of Legal Affairs' direct part for such activities as natural resource damages, counsel for rules, regulations, statutes, and contracts.
- Environmental Permits - permitting.

Cost allocation recovery charges for central agencies for programs funded by the Conservation Fund are also reflected as indirect support.

Costs actually paid for by the Conservation Fund were deducted from the total costs, less Federal and capital, and the balance was determined to be funded either by Federal, Capital, or Other Operating Funds.

## **6. Capital Projects**

All Capital project expenditures, including Capital, EPF, Natural Resource Damages Capital, Hazardous Waste Remedial Fund, and Federal Capital projects in support of FW&M activities for all programs were summarized.

**APPENDIX B: *Traditional Conservation Fund State Detailed Comparative Statement***  
*(2008-2009)*

	SALES				RECEIPTS			
	2008	2009	Comparison		2008	2009	Comparison	
Hunting, Fishing and Trapping Licenses								
Res. Fishing	389,433	378,564	(10,869.00)	-3%	\$7,228,304	\$8,003,007	\$774,703	11%
Res. Fishing - Senior/Disabled)	\$44,536.00	36,658	(7,878.00)	-18%	\$222,680	\$183,280	(\$39,400)	-18%
Res. Small & Big Game	88,365	105,956	17,591.00	20%	\$1,590,969	\$2,921,978	\$1,331,009	84%
Res. Junior Small Game	3,275	0	(3,275.00)	-100%	\$16,375	\$0	(\$16,375)	-100%
Res. Trapping	10,822	6,551	(4,271.00)	-39%	\$162,384	\$123,966	(\$38,418)	-24%
Res. Trapping (Senior/Disabled)	1,630	1,322	(308.00)	-19%	\$0	\$3,435	\$3,435	0%
Res. Jr. Trapping	735	619	(116.00)	-16%	\$4,368	\$3,666	(\$702)	-16%
Res. Jr. Archery	4,206	3,666	(540.00)	-13%	\$37,805	\$32,940	(\$4,865)	-13%
Res. Jr. Hunt	20,129	21,753	1,624.00	8%	\$100,580	\$108,680	\$8,100	8%
Res. Jr. Hunt Big Game Tags	12,451	11,824	(627.00)	-5%	\$0	\$0	\$0	0%
Res. Sportsman	196,502	162,993	(33,509.00)	-17%	\$7,241,106	\$7,614,057	\$372,951	5%
Res. Super Sportsman	139,309	112,688	(26,621.00)	-19%	\$9,447,237	\$9,900,715	\$453,478	5%
Res. Super Sportsman - Trapper		2,507	2,507.00	0%		\$220,616	\$220,616	0%
Res. Sportsman(Senior/Disabled)	89,730	39,950	(49,780.00)	-55%	\$448,705	\$359,100	(\$89,605)	-20%
Res. Hunting	6,831	6,221	(610.00)	-9%	\$109,279	\$137,068	\$27,789	25%
Bowhunting	50,091	51,890	1,799.00	4%	\$790,424	\$1,073,517	\$283,093	36%
Bowhunting (Senior/Disabled)	11,907	13,729	1,822.00	15%	\$0	\$0	\$0	0%
Muzzleloading	73,308	62,301	(11,007.00)	-15%	\$1,160,733	\$1,291,099	\$130,366	11%
Muzzleloading (Senior/Disabled)	24,266	28,840	4,574.00	19%	\$0	\$0	\$0	0%
Resident Turkey	141,681	88,940	(52,741.00)	-37%	\$708,545	\$831,330	\$122,785	17%
Res. Fishing 7-Day	15,854	16,364	510.00	3%	\$190,241	\$198,603	\$8,362	4%
<b>Subtotal Resident</b>	<b>1,325,061</b>	<b>1,153,336</b>	<b>(171,725.00)</b>	<b>-13%</b>	<b>\$29,459,735</b>	<b>\$33,007,057</b>	<b>\$3,547,322</b>	<b>12%</b>
Non-Res. Fishing	58,184	51,003	(7,181.00)	-12%	\$2,326,930	\$2,621,805	\$294,875	13%
Non-Res. 1-Day Fishing	23,914	30,247	6,333.00	26%	\$358,710	\$453,675	\$94,965	26%
Non-Res. Hunting	8,731	7,978	(753.00)	-9%	\$480,295	\$609,700	\$129,405	27%
Non-Res. Junior Small Game	147	0	(147.00)	-100%	\$735	\$0	(\$735)	-100%
Non-Res. Jr. Hunting	691	859	168.00	24%	\$3,455	\$4,295	\$840	24%
Non-Res. Jr. Hunting Big Game Tags	386	439	53.00	14%	\$0	\$50	\$50	0%
Non-Res. Big Game	24,778	22,572	(2,206.00)	-9%	\$2,725,680	\$3,158,580	\$432,900	16%
Non-Res. Trapping	53	43	(10.00)	-19%	\$13,515	\$13,275	(\$240)	-2%
Non-Res. Super Sportsman	7,106	7,226	120.00	2%	\$1,776,255	\$2,023,250	\$246,995	14%
Non-Res. Muzzleloading	1,357	1,078	(279.00)	-21%	\$148,830	\$150,950	\$2,120	1%
Non-Res. Bowhunting	2,024	1,777	(247.00)	-12%	\$222,640	\$248,600	\$25,960	12%
Non-Res. Junior Archery	84	87	3.00	4%	\$756	\$783	\$27	4%
Non-Res. Bear Tag	2,792	1,830	(962.00)	-34%	\$83,760	\$90,800	\$7,040	8%
Non-Res. Turkey	4,452	3,872	(580.00)	-13%	\$133,500	\$146,000	\$12,500	9%
Non-Res. Fishing 7-Day	71,617	73,011	1,394.00	2%	\$1,790,460	\$1,995,800	\$205,340	11%
<b>Subtotal Non Resident</b>	<b>206,316</b>	<b>202,022</b>	<b>(4,294.00)</b>	<b>-2%</b>	<b>\$10,065,521</b>	<b>\$11,517,563</b>	<b>\$1,452,042</b>	<b>14%</b>
<b>Subtotal Resident and Non Resident</b>	<b>1,531,377</b>	<b>1,355,358</b>	<b>(176,019.00)</b>	<b>-11%</b>	<b>\$39,525,256</b>	<b>\$44,524,620</b>	<b>\$4,999,364</b>	<b>13%</b>
One Day Fishing	680	3,104	2,424.00	356%	\$10,200	\$22,960	\$12,760	125%
Attorney General Adjustments					\$0	\$0	\$0	0%
LIO Collections					\$6,170	\$16,896	\$10,726	174%
License Refunds					(\$9,628)	(\$104,864)	(\$95,236)	989%
Revenue Accounting Audit Adjustments					\$0	\$0	\$0	0%
Transfer from General Fund					\$0	\$0	\$0	0%
Transfer from Other Funds					\$0	\$15,000	\$15,000	0%
Transfer from Lifetime Account					\$0	\$0	\$0	0%
<b>TOTAL</b>	<b>1,532,057</b>	<b>1,358,462</b>	<b>(173,595.00)</b>	<b>-11%</b>	<b>\$39,531,998</b>	<b>\$44,474,612</b>	<b>\$4,942,614</b>	<b>13%</b>

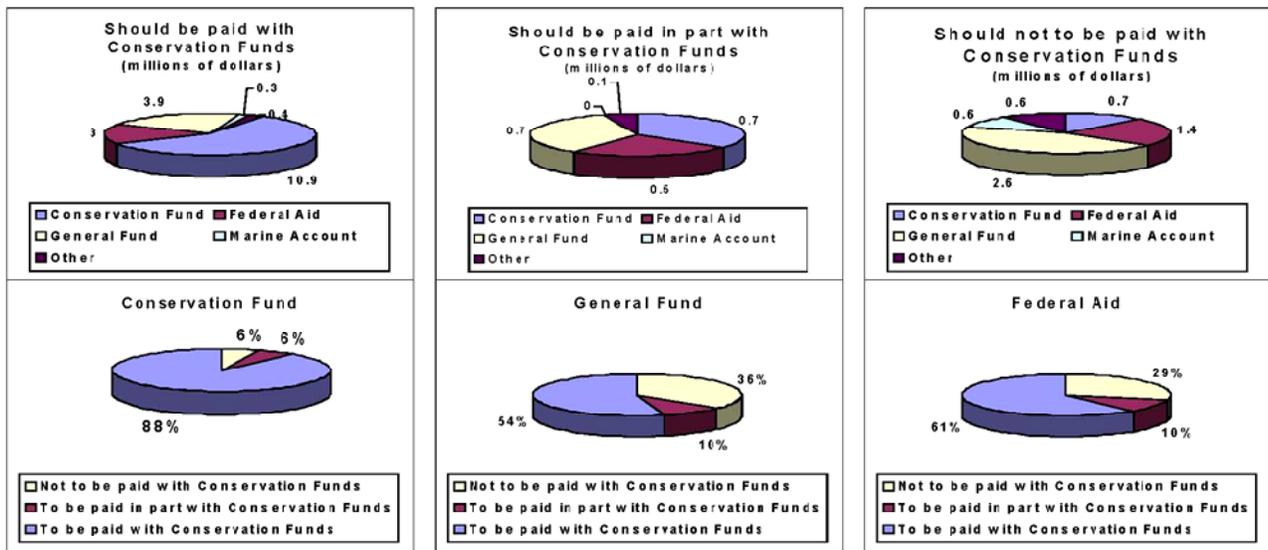
**APPENDIX C: *State Fish and Game Trust Account Detailed Comparative Statement (2008-2009)***

TYPE OF REVENUE	SALES				RECEIPTS				LIFE to DATE	
	2008	2009	Comparison		2008	2009	Comparison		SALES	RECEIPTS
Sportsman, Age 0-4 years	980	3,101	2,121	216%	\$294,600	\$942,990	\$648,390	220%	14,626	\$4,089,760
Sportsman, Age 5-11 years	615	2,486	1,871	304%	\$259,140	\$1,058,760	\$799,620	309%	11,836	\$4,595,245
Sportsman, Age 12+ years	1,324	23,250	21,926	1656%	\$778,800	\$13,988,880	\$13,210,080	1696%	64,018	\$36,921,139
Small & Big Game	171	1,013	842	492%	\$60,550	\$364,355	\$303,805	502%	3,322	\$1,160,340
Small & Big Game, Age 0-11	2	22	20	1000%	\$700	\$8,810	\$8,110	1159%	56	\$21,265
Small & Big Game, Age 12-15	20	54	34	170%	\$7,000	\$20,195	\$13,195	189%	168	\$61,205
Fishing	256	1,602	1,346	526%	\$90,650	\$571,590	\$480,940	531%	6,713	\$2,160,570
Fishing, Age 0-15	18	114	96	533%	\$6,650	\$40,340	\$33,690	507%	311	\$110,910
Trapping	20	199	179	895%	\$6,000	\$59,890	\$53,890	898%	629	\$181,935
Trapping, Age 0-15	4	15	11	275%	\$1,200	\$4,500	\$3,300	275%	43	\$13,800
Bowhunting	684	11,573	10,889	1592%	\$123,840	\$2,094,963	\$1,971,123	1592%	32,472	\$5,562,958
Bowhunting, Age 0-13	100	749	649	649%	\$18,180	\$136,305	\$118,125	650%	1,899	\$344,475
Bowhunting, Age 14-15	49	275	226	461%	\$8,820	\$50,160	\$41,340	469%	738	\$134,160
Muzzleloading	500	8,473	7,973	1595%	\$90,360	\$1,533,805	\$1,443,445	1597%	21,403	\$3,752,275
Muzzleloading, Age 0-15	84	498	414	493%	\$15,120	\$90,245	\$75,125	497%	1,198	\$216,740
Senior Sportsman	1,418	45,326	43,908	3096%	\$69,600	\$2,257,950	\$2,188,350	3144%	98,037	\$4,879,115
Senior Fish	363	6,166	5,803	1599%	\$18,500	\$309,065	\$290,565	1571%	13,903	\$696,385
Marine Fish		5,112				\$766,800	\$766,800	0%	9,532	\$1,429,800
Combo Fish & Marine		298				\$134,100	\$134,100	0%	518	\$233,100
Hunting & Fishing									18	\$6,030
Hunting & Big Game									84	\$29,125
Hunting									36	\$9,000
Big Game									924	\$233,250
<b>TOTAL LICENSES</b>	<b>8,616</b>	<b>112,335</b>	<b>98,308</b>	<b>1204%</b>	<b>\$1,851,718</b>	<b>\$24,435,712</b>	<b>\$22,583,994</b>	<b>1220%</b>	<b>282,484</b>	<b>\$66,842,582</b>
Lost License/Replacement	1,188	2,086	898	76%	\$5,960	\$8,549	\$2,589	43%	10,112	\$46,835
Lifetime Inscription		505	505			\$0	\$0		2,218	\$6,695
Fees - General		298	298			\$1,490	\$1,490		569	\$32,640
Sundry General										(\$18,905)
Interest					\$313,803	\$79,097	(\$234,706)	-75%		\$5,105,010
Transfer to Cons. Fund						\$0	\$0	0%		(\$3,838,367)
<b>GRAND TOTAL</b>	<b>9,804</b>	<b>115,224</b>	<b>100,009</b>	<b>1075%</b>	<b>\$2,171,481</b>	<b>\$24,524,848</b>	<b>\$22,353,367</b>	<b>1029%</b>	<b>295,383</b>	<b>\$68,176,491</b>

APPENDIX D: *DFWMR Staff Effort Analysis Summary*

**Conservation Fund Advisory Board Analysis of DEC  
Division of Fish, Wildlife and Marine Resources Time and Activity Expenditures  
for State Fiscal Year 2008-2009**

		Conservation Fund	General Fund	Federal Aid <sup>1</sup>	Marine Account	Other	Total
Should be paid with Conservation Funds	70%	\$10,894,239	\$3,923,223	\$3,036,319	\$282,375	\$416,232	\$18,552,388
Should be paid in part with Conservation Funds	5%	\$735,891	\$724,549	\$458,476	\$2,103	\$88,827	\$2,009,846
Should not be paid with Conservation Funds	22%	\$721,936	\$2,561,786	\$1,352,887	\$630,700	\$573,548	\$5,840,838
Grand Total: \$26,403,072		\$12,352,067	\$7,209,558	\$4,847,662	\$915,178	\$1,078,607	\$26,403,072
		47%	27%	18%	3%	4%	



<sup>1</sup> Federal Aid includes all federal grant programs including, State Wildlife Grants, EPA Grants, etc.  
Data from the DEC Leave and Accrual Tracking System (LATS).  
Best use of funding is based on CFAB categorization of DEC time and activity codes.

**APPENDIX E: *CFAB Meeting Attendance***

CFAB Member Attendance at SFY 09 Monthly Meetings P = Present ! E = Excused ! A = Absent											
Voting Members	Apr 13 2009	May 11 2009	Jun 8 2009	Aug 2 2009	Sept 14 2009	Oct 13 2009	Nov 9 2009	Dec 14 2009	Jan 11 2010	Feb 8 2010	Mar 9 2010
Charles Bevilacqua Region 1	P	P	P	P	P	P	P	P	P	P	P
Gordon J. Whiting Region 2	P	P	E	P	P	E	P	P	P	E	P
Dominick Scarzafava Region 3	P	P	E	P	P	P	E	P	P	P	P
Alan Rosa Region 4	P	P	P	E	P	P	P	P	P	P	P
Jason Kemper Region 5	P	P	P	P	P	P	P	P	P	P	E
Linda Sicley Region 6	P	E	P	P	P	P	P	P	P	P	P
Charles Pace Region 7	P	E	P	E	P	P	E	P	P	P	P
Charles O. Hancock Region 8	P	P	E	P	P	P	P	P	P	P	P
Dale F. Dunkelberger Region 9	P	P	E	E	P	P	P	P	P	P	P
Howard Cushing NYSCC	P	P	P	P	P	P	P	E	E	P	P
Jim Petresyn FWMB	P	P	P	E	P	P	E	P	P	P	P
Ex-Officio Members											
DEC Commissioner Represented by Wally John or designee	P	P	P	P	P	P	P	P	P	P	P
Senate Finance Committee	A	A	A	A	A	A	A	A	A	A	A
Senate EnCon Committee	A	A	A	A	A	A	A	A	A	A	A
Assembly Ways and Means	A	A	A	A	A	A	A	A	A	A	A
Assembly EnCon Committee	A	A	A	A	A	A	A	A	A	A	A