



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

Four Hundred and Fourteenth Meeting – February 15, 2023
Department of Environmental Conservation, 625 Broadway, Albany

Call to Order – The meeting was called to order at 9:07AM.

Meeting Adjourned – The meeting was adjourned at 12:28PM.

Roll Call: 9:07am

Voting Board Members Present

Tim Huss	Region 1
Gordon J Whiting	Region 2
Vacant	Region 3
Tom Williams	Region 4
Jason Kemper	Region 5
Scott L. Faulkner	Region 6
Vacant	Region 7
Marc Osypan	Region 8
Dale Dunkelberger	Region 9
Bill Connors	FWMB
Anthony Kordziel	NYSCC

Ex-Officio Members Present

DEC Personnel

Division of Fish and Wildlife:

Katharine Petronis, Deputy Commissioner
Katherine McNamara, Director of
Legislative Affairs
Assistant Director, Michael Schiavone
Ben Sears, Administrative Unit

Guests

Richard Davenport, Guest Region 9

Voting Board Members Excused

Voting Board Members Absent

Abbreviations

CFAB or the Board = Conservation
Fund Advisory Board
FWMB= Fish and Wildlife Management
Board
DEC or the Department = NYS Department
of Environmental Conservation
DFW = Division of Fish and
Wildlife

Ex-Officio Members Absent

Senate Finance Committee
Senate EnCon Committee
Assembly Ways and Means
Committee Assembly EnCon
Committee
Executive Deputy Commissioner

Correspondence: None.

Minutes of Prior Meeting:

January 2023 Minutes Voted on and approved. Posted February 15, 2023.

Executive Report:

Katharine Petronis, Deputy Commissioner

Katherine McNamara, Director of Legislative Affairs

- Katharine Petronis
 - Discussed Bond Act - \$75 Million includes hatcheries. \$650 Million for Open Space (which includes the \$75 Million).
 - Open Space Subcommittee – DEC, Parks and Recreation and Ag. & Markets, working to develop required eligibility guidelines. Hatcheries are exempt.
 - Jacqueline Lendrum and Michael Schiavone and staff are developing a plan for the hatchery modernization.
 - Bond Act staffing - governor’s executive budget includes 231 staff positions proposed for DEC, of those, 130 were affiliated with bond act and CLCPA.
 - Budget – Press release was on Monday February 13, 2023, hearing was on Tuesday February 14, 2023. Youth Hunt was included in the executive budget proposal.

- Katherine McNamara
 - Talked with Glick about lead ammunition. Is building a relationship with legislature.
 - CFAB Members had questions about topics being discussed with legislature. Interest was expressed re: lead ammunition, pheasants, crossbows, snowmobiles and gun law enforcement.

Division of Fish and Wildlife

Assistant Director, Michael Schiavone

Ben Sears, Administrative Section Head

- Michael Schiavone - Emailed Jason Kemper “Economic Impact of Hunting and Shooting in America”, “National Survey of Hunting, Fishing, and Wildlife-Related Recreation” and “Minimizing Risks to Wildlife and People from Lead Hunting Ammunition” from DEC website on February 16, 2023.
- Ben Sears – Went over DECALS new vendor, Gordon Darby. Gordon Darby will take over for Kalkomey completely in Fall of 2024 with potential to extend if mutually desired.
- Bill Conners – Asked for a breakdown of Kalkomey numbers. Ben is following up on the questions about DECALS expenses. (A chart reflecting this has been added to the March 2023 CFAB Report).
- Youth Hunt – discussion on allowing youth to use a tag for a privilege they purchase, just like the extended muzzleloader season or the holiday hunt.
- Holiday Hunt 2022 Update – Table 1 - It is important to note that these are reported take figures. DEC’s big game managers are calculating total estimated take based on deer

checked by biologists and hunter reporting rates. There were no reports of conflicts between hunters and other winter recreationists during the Holiday Hunt period.

Table 1. Reported deer take during the traditional late bow/muzzleloader season and the Holiday Hunt period in the Southern Zone, 2021 and 2022.

	2021	2022	% Change 2021 vs. 2022
Traditional Late Bow/Mzl Season (9 days)	3,588 (50%)	4,243 (52%)	18%
Holiday Hunt (7 days)	3,553 (50%)	3,956 (48%)	11%
Total	7,141	8,199	15%

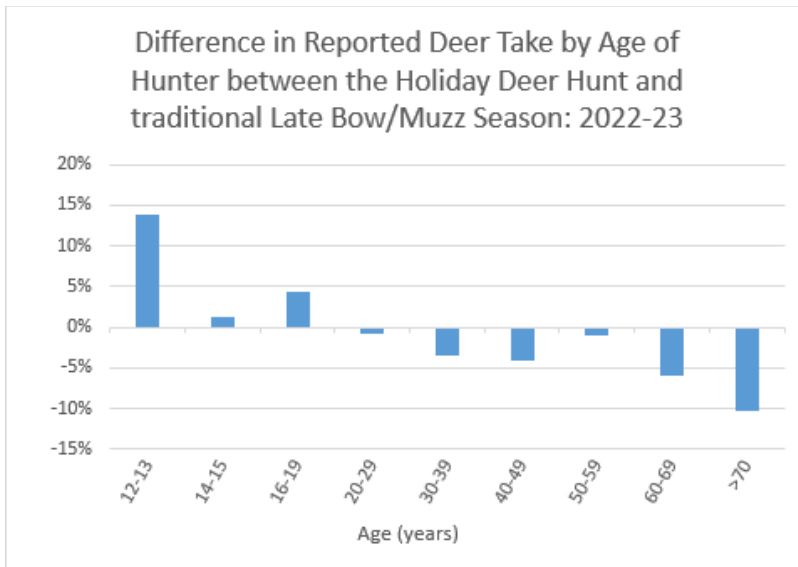


Figure 1. Difference in reported deer take by hunter age group for the traditional late bow/muzzleloader season and the Holiday Hunt period in 2022. Percentages greater than zero indicate more harvest reports during the Holiday Hunt than the traditional late bow/muzzleloader season for that age group.

- **February 2023 CFAB Report: Update on DEC’s E-Licensing system and sporting license sales:**

Since the January 2023 CFAB meeting, we experienced one outage in DECALS. This outage occurred on January 30th and prevented agents and the public from accessing DECALS for less than 3 hours. This outage was due to bad communication between the system and an internal server. Our AMS operations team at Kalkomey has put in place additional measures to monitor the system’s performance.

The transition of Kalkomey’s sporting license business to Gordon Darby is still in progress and awaiting approval from all the states Kalkomey presently services for licensing. DFW staff are

Filled Position report: (as of 2/3/2023)

Division of Fish & Wildlife

<u>Account</u>	<u>Number</u>
Access Land Acquisition	0
Habitat Conservation & Access Account	7
Hazardous Waste Cleanup Account	1
State Purposes Account	51.8
Federal Fish & Wildlife Grants Account	46.8
Conservation Fund (Traditional Account)	206.65
Environmental Regulatory Account	3
Natural Resources Damages Account	0
TOTAL	316.25

Conservation Fund (Main Account)

<u>Conservation Fund</u>	<u>Number</u>
Fish & Wildlife	316.25
General Counsel	0
Law Enforcement	0
Operations	4
Management & Budget Services	0
Office of Communication Services	0
Regional Affairs	3
TOTAL	323.25

Wildlife and Sportfish Restoration Apportionment Update:

At the end of the 2022 federal fiscal year, the total national excise tax receipts for Sport fish Restoration were \$752 million, a 5% increase from the previous year. The estimated preliminary apportionment for New York is about \$9.6 million (\$5.9 million freshwater: \$3.7 million saltwater). This would be the highest Sport fish apportionment for New York since 2012.

The Wildlife Restoration national excise tax receipts were \$1.21 billion, a 4% increase from the previous year. The estimated preliminary apportionment for New York is about \$31.2 million (\$23.9 million wildlife: \$7.3 million hunter education). This is the second consecutive year with record Wildlife Restoration apportionments nationally and for New York. Prior to this increase, the average annual apportionment for New York was about \$17 million.

Table 1. Final apportionments of Federal Aid in Sportfish Restoration funds for New York State, 2007 - 2022.
**Estimates for 2023 are preliminary.*

Year	Freshwater				Saltwater			Annual % Change
	Freshwater	Saltwater	Boating Access	Sportfish	Boating Access	Sportfish	Total	
2007	65%	35%	\$ 821,381	\$ 4,654,494	\$ 442,282	\$ 2,506,266	\$ 8,424,423	
2008	65%	35%	\$ 953,063	\$ 5,400,690	\$ 513,188	\$ 2,908,064	\$ 9,775,004	16.0%
2009	65%	35%	\$ 957,409	\$ 5,425,316	\$ 515,528	\$ 2,921,324	\$ 9,819,577	0.5%
2010	65%	35%	\$ 926,660	\$ 5,251,075	\$ 498,971	\$ 2,827,502	\$ 9,504,208	-3.2%
2011	65%	35%	\$ 890,499	\$ 5,046,163	\$ 479,500	\$ 2,717,165	\$ 9,133,327	-3.9%
2012	65%	35%	\$ 934,291	\$ 5,294,314	\$ 503,080	\$ 2,850,784	\$ 9,582,468	4.9%
2013	65%	35%	\$ 832,792	\$ 4,719,153	\$ 448,426	\$ 2,541,082	\$ 8,541,453	-10.9%
2014	65%	35%	\$ 773,013	\$ 4,380,406	\$ 416,238	\$ 2,358,680	\$ 7,928,336	-7.2%
2015	65%	35%	\$ 788,749	\$ 4,469,580	\$ 424,711	\$ 2,406,697	\$ 8,089,738	2.0%
2016	65%	35%	\$ 796,831	\$ 4,515,373	\$ 429,063	\$ 2,431,355	\$ 8,172,621	1.0%
2017	65%	35%	\$ 759,519	\$ 4,303,943	\$ 408,972	\$ 2,317,508	\$ 7,789,942	-4.7%
2018	61%	39%	\$ 715,546	\$ 4,054,763	\$ 457,481	\$ 2,592,390	\$ 7,820,180	0.4%
2019	61%	39%	\$ 744,032	\$ 4,216,183	\$ 475,693	\$ 2,695,593	\$ 8,131,501	4.0%
2020	61%	39%	\$ 750,396	\$ 4,252,245	\$ 479,761	\$ 2,718,648	\$ 8,201,051	0.9%
2021	61%	39%	\$ 838,173	\$ 4,749,650	\$ 535,881	\$ 3,036,661	\$ 9,160,366	11.7%
2022	61%	39%	\$ 839,930	\$ 4,759,602	\$ 537,004	\$ 3,043,024	\$ 9,179,560	0.2%
2023*	61%	39%	\$ 881,926	\$ 4,997,582	\$ 563,854	\$ 3,195,175	\$ 9,638,538	5.0%

Table 2. Final apportionments of Federal Aid in Wildlife Restoration funds for New York State, 2007 - 2022.
**Estimates for 2023 are preliminary.*

Year	New York State Wildlife Restoration Apportionment			Annual % Change
	Wildlife	Hunter Ed	Total	
2007	\$ 5,674,375	\$ 1,535,467	\$ 7,209,842	
2008	\$ 6,794,912	\$ 1,850,517	\$ 8,645,429	19.9%
2009	\$ 7,390,702	\$ 1,942,163	\$ 9,332,865	8.0%
2010	\$ 10,499,732	\$ 2,600,171	\$ 13,099,903	40.4%

2011	\$	8,828,169	\$	2,376,981	\$	11,205,150	-14.5%
2012	\$	7,689,352	\$	2,373,220	\$	10,062,572	-10.2%
2013	\$	11,014,296	\$	3,184,497	\$	14,198,793	41.1%
2014	\$	16,393,682	\$	4,145,884	\$	20,539,566	44.7%
2015	\$	16,489,055	\$	4,348,548	\$	20,837,603	1.5%
2016	\$	13,785,028	\$	3,917,335	\$	17,702,363	-15.0%
2017	\$	15,822,602	\$	4,518,624	\$	20,341,226	14.9%
2018	\$	16,061,523	\$	4,800,822	\$	20,862,345	2.6%
2019	\$	13,380,403	\$	4,089,646	\$	17,470,049	-16.3%
2020	\$	11,852,998	\$	3,834,705	\$	15,687,703	-10.2%
2021	\$	13,281,284	\$	4,271,335	\$	17,552,619	11.9%
2022	\$	23,022,298	\$	6,992,988	\$	30,015,286	71.0%
2023*	\$	23,943,190	\$	7,272,708	\$	31,215,897	4.0%

Status of Regulations:

Notice of Proposed Rule Making(s):

6 NYCRR Part 182, Endangered and Threatened Species Mitigation Bank Fund. The Endangered and Threatened Species Mitigation Fund (Fund) Package is required to implement the new laws that created the Fund to be an alternate method for large scale renewable energy projects to use to meet their mitigation requirements inf they take listed species. The regulation package outlines the intent of the fund, the process for the Department to develop a cost basis for evaluating appropriate payments into the fund, and the general approach on how the Department may utilize the Fund to provide a Net Conservation Benefit to listed species.

- NPR Drafted and en-route

6 NYCRR Part 182, Endangered and Threatened Species Repromulgation Package. The Part 182 Repromulgation Package is required as a result of a legal decision stating that the rule change adopted in 2010 did not include a public hearing, and therefore needs to be re-noticed, with a public hearing, to be officially adopted. This package would repost the 2010 language, along with the changes legally adopted in 2021, to ensure that Part 182 in its entirety was adopted correctly.

- NPR Drafted and en-route

Rulemaking Initiative Memorandum(s):

6 NYCRR Part 10 Trout Stream Sportfishing Regulations Changes. These regulation changes are proposed on several stream reaches to update and align management consistent with the criteria documented in the Trout Stream Management Plan (TSMP). They include clarification of trout fishing seasons in tidal and inland waters of Nassau and Suffolk counties. Additionally, in response to new biosurvey and angler use information, management category changes are proposed as follows: Camden Creek (Region 5) from *Wild* to *Wild-Quality* and Goose Creek (Region 9) from *Stocked-Extended* to *Stocked*.

- Rulemaking Initiation Memo is en-route

6 NYCRR Part 182 Endangered and Threatened Species. The List Revision Package begins

the process of updating the list of endangered and threatened species, a process that has not been done since 1999. The first step in the process is focused on updating the freshwater fish species based on expert review and ensuring that all species listed under the Federal Endangered Species Act are also captured in the regulatory list. The rest of the species will be addressed in subsequent rules over the next three years, with reptile, amphibians, marine species, invertebrates, mammals, and birds to all be addressed by the end of 2025.

- Rulemaking Initiation Memo is en-route

6 NYCRR Part 664, Freshwater Wetlands Maps and Classification. The legislation contains three fundamental changes to the Freshwater Wetlands Act that will need to be reflected in regulation. First, beginning in January 2025, maps depicting freshwater wetlands will no longer be relied upon to determine DEC’s permitting jurisdiction. Under the new legislation, freshwater wetlands maps will continue to be maintained by DEC but will be used for educational purposes. Second, smaller wetlands (less than 12.4 acres) of “unusual importance” will be regulated if they meet one of 11 newly established statutory criteria. Third, the acreage threshold for regulated wetlands will decrease from 12.4 acres to 7.4 acres (3 hectares) in 2028.

- In progress

Fish Hatchery Infrastructure Update February 2023

Staffing

The attached organization chart shows where vacancies exist. Dark red boxes indicate vacant items, and light red indicates a vacant item in the process of being filled. The blue box is a long-term leave. There are currently 13 vacant items out of 80 total hatchery positions. We are currently in the process of filling one of those. Filled positions are as follows.

<i>Hatchery</i>	<i>Filled</i>
Adirondack	4
Catskill	6
Rome	7
Chateaugay	5
Van Hornesville	3
Salmon River	8
Caledonia	6
Bath	5
Randolph	6
Oneida	4
Chautauqua	4
South Otselic	4
Fish Disease Control Center	2
Central office	3
Total	67

Infrastructure

Adirondack Hatchery

Well replacement – Test well investigation was completed (Phase 1) and an eight inch well casing with proper screen and gravel pack have been installed. Well development was also performed. Phase two work has begun, and Operations is weighing options between using one well with a variable flow drive (VFD) or utilizing both the old and the new well with two differently sized pumps.

Input from DEC Operations:

- Phase 1: installing casing/screen & performing yield test for a new well, as well as well development (Completed)
- Phase 2: Installing an adequate pump/motor for the newly installed well (Production Well), Electrical & plumbing work. This phase is ongoing. We are trying to find out the best alternative of using the new well (Well C') and the existing well (Well C).
- We will proceed with the option of using a big pump for the new well for high flow production & a small pump installed in the existing well for low flow production since installing dual pumps option will be difficult to achieve.
- Working on design

Alarm System Replacement – The alarm system and associated meters and sensors were recently updated. The current system relies on a computer at the hatchery to monitor hatchery systems and generate alarms and has been prone to failure. We will be moving to a SCADA system with remote monitoring that has proven itself at other hatcheries. Installation is complete, though not fully commissioned as the contractor is awaiting a replacement part from the manufacturer, as of 6 February 2023.

Bath Hatchery

Cisco rearing building – The building is completely enclosed. Hatchery staff along with regional Operations staff have been working to finish the installation of the interior panels and trim, which is 95% complete as of 6 February 2023. A fire door to the mechanical room was installed 3 February and Operations is currently reconfiguring the mechanical room to accommodate both the chiller (for culture water) and the furnace. Work will slow a bit with the weather, as the building is not heated yet. Rearing tanks have been delivered and will be installed after the interior panels are complete. Overhead work completing the trim on the interior panels needs to reach 100% completion before the tanks are brought inside to avoid interference with ladders and damage to the new tanks. The installation of plumbing will be completed by DEC staff, likely after stocking season this year.

Caledonia Hatchery

West pond rehab – As of December 15, 2022, Operations submitted all necessary documentation to regional Permits staff for the required water withdrawal permits. Operations staff are working on construction documents and are now essentially ready for construction to begin. Looking for information about the crossing bridge to determine access routes for concrete and dump trucks.

Head box pipe and building replacement – A pipe from water supply head box building to hatchery is leaking and needs to be replaced. Project is in early stages, though moving along.

Roof replacement – Several roofs will be replaced, including the residence, in the very near future. We are waiting for the JOC contractor to provide an estimate.

Radon Mitigation – When the main hatchery building was recently renovated, it included radon mitigation equipment to pull radon from beneath newly placed slab in main hatchery building. This subslab system was put into operation, but radon levels remain high. Confirmation testing will take place this winter, and it is likely that radon mitigation for hatchery production water will be needed.

Catskill Hatchery

Hydrogen peroxide storage – A peroxide storage facility has been installed at the hatchery and has very recently been commissioned for use, which will greatly increase the efficiency with which broodfish care can be administered. A secure storage facility is required by the Department of Homeland Security when the quantity of hydrogen peroxide on site exceeds a certain threshold.

Chautauqua Hatchery

Manager's Residence – This residence needs to be replaced. Fisheries selected a three-bedroom floorplan prepared by Maintenance and Technical Services. Detailed plans are being developed for spring 2023 construction. Siting concerns for this house will require a site visit by Operations and Fisheries staff ASAP to keep the process moving. It may be easier and wiser to site the new house further from the lake to avoid moisture issues that plagued the old house.

Water tower inspection – On October 27, 2022, the 90,000gal water storage tank was inspected and found to be in good condition.

Monitoring and Alarm System – Installation of flow meters and water level sensors, along with a SCADA alarm system, has been completed. Full functionality of all sensors will not be confirmed until water is in use this spring, but the sensors that have been installed (November 22) are working and communication has worked to staff cell phones.

A roofing contractor is submitting a proposal to reroof a badly deteriorated shed-roof over the main entrance to the hatchery building.

Internet and phone service at the hatchery are being switched to Spectrum, which requires a new fiber-optic line to be run from the main road to the office building. Some trees needed removal to allow access. Monthly communication costs will be nearly half once service to the office is established.

Oneida Hatchery

UV treatment – Several UV manufactures have been contacted to find a system that will be suitable for the facility and satisfied the required design parameters. Most of the companies mentioned that the required power supply is 3 Phase, 480 VAC. The current power supply in the facility is below that and we need either a new transformer or new electrical service. Bruce

Giddings is working through both scenarios. Dennis Bitter from Atlantium conducted a site visit to the Hatchery on 1/18/2023 and took a water sample to find UVT. (Waiting for an updated proposal of UV System)

Wastewater Lift Pump and Leach Field/Misc. Projects – The Town of Constantia is upgrading their wastewater treatment capacity and plans to handle these needs as part of their work.

Randolph Hatchery

Pond dredging – This project has been completed. The final inspection was planned for December but was delayed by an historic snowfall. As-builts have been completed.

Hatchery Rebuild – DEC staff are working with OGS to contract with a design consultant with experience designing and building fish hatcheries to develop plans to rebuild and modernize the Randolph Fish Hatchery. We are at the end of the consultant selection process and are awaiting “Fair and Reasonable Pricing” from the selected firm. We are confident in the ability of this firm (HDR) to deliver given their reputation and track record. They have designed and built government hatcheries across North America.

Rome Hatchery

Hatchery Radon Mitigation – Scoping meeting held on August 15th with contractor. After reviewing plans for the existing radon system, it was found, that additional work to existing system needs to be completed prior to new work. We will work through JOC to complete the original system and then prepare a JOC supplement for new work.

Delta dam inspections – NYPA has initiated a dam inspection process and discovered an apparently leaking valve on the upstream end (at the dam) of our lake water supply line. Once NYPA completes their inspection, which has been rescheduled to the early 2023, a collaborative decision on how to proceed will be required. This is line and valve are critical to the operation of the Rome hatchery and the Fish Disease Control Unit.

Salmon River Hatchery

Fish ladder reconstruction – The new fish ladder, new fish crowder, and new viewing platforms and ramps are now all opened to the public. Punch list items have largely been completed, with the exception of one issue with the seams in the railing. Couplers have been sent and are now in the hands of the contractor.

Operations and Management Manual – An engineering consulting firm (HDR) has been contracted to rewrite the O&M manual for the facility, incorporating all the changes and adaptations that have been made since 1977, which have rendered the existing manuals functionally useless. This will be a great step forward in our efforts to affect a wholesale and meaningful improvement in the operations at Salmon River. All existing as-built plans were transmitted to HDR December 8th and 9th, 2022. A kick-off meeting was held January 26th and a path forward for this effort is being plotted within a small working group, including HDR, OGS and DEC staff.

Fish Hatchery Mold and Lighting Upgrade – Quotes for the mold remediation have been received (mid-Sept 2022). The window for this work in the fall has come and gone. The JOC contractor for this region was temporary unusable for administrative reasons.

Emergency generators – Emergency generators have been replaced in two locations. Both generators have been commissioned as of December 15, 2022 and provide much need insurance against fish loss in the event of electrical outages.

Salmon River Fish Hatchery Window Replacement – Window installation has commenced with roughly 80% of windows completed. Significant tape, caulk and sealant had to be removed from original windows which may lead to an extra charge.

Salmon River Fish Hatchery Lift Station Replacement – The contractor recently assessed the replacement of the wastewater lift station and developed a cost proposal. We are now awaiting delivery of the pumps and controls.

Well Field Improvement – A contract for the rehabilitation of two wells is in preparation. Aquafreed systems have been installed on several of the wells and will greatly increase our ability to maintain those wells on a regular basis.

A potable water system for the residences and visitors center has been elevated in priority, due to service water outages at the houses in late November. Operations is working to complete needed domestic water improvements within 2023.

South Otselic Hatchery

New well – Work was completed and well was producing over 400 GPM when the well was tested last fall. When the well was turned on in May yield had dropped to less than 100 GPM. Investigation by DEC engineers and contractor have not determined a cause. A second replacement well is under consideration. A seismic survey was completed December 5, 2022. Unfortunately, the survey revealed that the best well site is on the opposite side of the Otselic River from the hatchery. Another seismic survey was conducted January 4, 2023, focusing on the hatchery side of the river, to avoid additional wiring, piping and right-of-way complications that would result from crossing the river. A bedrock depth comparable to that found across the river was found in a far more accessible location on state land on the preferred eastern side of the river. A test well at the new location will be drilled ASAP.

New Pole barn – A new pole barn has been completed, and electrical service has been installed. This will provide heated, dry space for the storage of stocking trucks, tractor, and other equipment.

Dam repair – A dam on the Otselic River allows the hatchery to withdraw water for hatchery production. The dam needs repair. The primary needs are dredging and access road repairs. DEC Operations staff are working on the project design.

Van Hornesville Hatchery

Manager's residence – This residence has been completed and the hatchery manager has moved in. Radon testing to occur this winter. Design work for removal of electric from old residence has commenced. Punch list items on the new residence remain and are being addressed by Operations. These items will likely result in additional charges. Demolition of the old manager's residence will occur in 2023. Surplus building and Structural Archaeological

Assessment paperwork have all been submitted.

Bank stabilization – This project is complete. Operations was alerted to a concern regarding erosion between boulders placed as this project. A plan to “grout” between the boulders was developed by Operations in conjunction with the contractor. In the time since this remedy was developed, circumstances at the site have given indication the problem may naturally abate and therefore we’ve temporarily shelved the follow-up effort.