



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

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**Four Hundred and Eighteenth Meeting – October 10, 2023**  
**Department of Environmental Conservation, 625 Broadway,**  
**Albany, NY**

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

**Meeting Adjourned** – The meeting was adjourned at 12:40PM.

**Roll Call: 9:07am**

**Voting Board Members Present**

Timothy Huss	Region 1
Brandon Dale	Region 2
Vacant	Region 3
Nate Galimore	Region 4
Jason Kemper	Region 5
Scott L. Faulkner	Region 6
Shari Dann	Region 7
Vacant	Region 9
Bill Connors	FWMB
Anthony Kordziel	NYSCC

**Voting Board Members**

**Excused**

Marc Osypian	Region 8
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**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  
DLE = Division of Law  
Enforcement

**Ex-Officio Members Present**

**Ex-Officio Members Absent**

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

**DEC Personnel**

*Division of Fish and Wildlife:*  
Jacqueline Lendrum, Director  
Michael Schiavone, Assistant Director  
Ben Sears, Administrative Unit  
*Executive:*  
Katharine Petronis, Deputy Commissioner,  
Natural Resources  
Katherine McNamara, Director, Legislative  
Affairs

**Guests**

Arthur Wong, Excelsior Staff, Guest  
DFW  
Jeremy Hurst, Big Game Section Head,  
Wildlife, DFW

**Correspondence:** Youth Tags Options Memo (can be found at the end of the report).

**Minutes of Prior Meeting:**

*September 2023 meeting minutes and 2021 – 2022 CFAB Annual Report approved and posted on October 18, 2023.*

**Executive Report:**

*Katharine Petronis, Deputy Commissioner, Natural Resources*

- Katharine Petronis – Introduced the three new CFAB members. Brandon Dale – Region 2, Nate Galimore – Region 4 and Shari Dann – Region 7.
- Commissioner sent letters to Gordon Whiting and Tom Williams thanking them for their service to CFAB
- Discussed departmental and budget bills.
- Gave new CFAB members a review of departmental and budget bills. Bond Act – Identifying projects.
- Proposed package on fishing access.
- Working on hatchery modernization plan – working with HDR and OGS, have bi-weekly meetings. Should have a final report by April/May 2024.
- Discussed hard dollar capital and what it may be used for.
- Saltwater licenses – Survey was sent out. Deadline for surveys was in October.

*Katherine McNamara, Director, Legislature Affairs*

- Discussed Derby Bill – Nothing has changed, will keep us update on it.
- Discussed broad goals – How to make the public more aware, engaged and more active.
  - More messaging, Facebook, Youtube videos, etc.

**Division of Fish and Wildlife**

*Jacqueline Lendrum, Director*

*Michael Schiavone, Assistant Director*

*Ben Sears, Administrative Section Head*

*Arthur Wong, Empire Fellow*

*Jeremy Hurst, Big Game Section Head*

Michael Schiavone

- DECALS – Online purchases – 3,000 second DMP tags were not fulfilled.
  - Gordon Darby is working on fixing the issue.
  - Over 100 kids were affected for the youth hunt that weekend.
- Background checks – Does not affect hunter education teachers.
- Federal Aid Funds – NASP Programs
  - President Biden signed a bill on October 9, 2023 such that federal education funds can be used for archery and marksmanship programs in schools.
- Reasonable Accommodation for Crossbows – A total of 3,790 requests have been issued. 1,000 requests are pending.
  - Of the 1,000 pending, the majority are those where the applicant has not

completed the process. This is a two step process, first step is the application, second step is submitting the doctor certification. We are currently waiting on the certification.

- Some of the 1,000 are duplicates where applicants didn't realize their first attempt went through. Special Licenses clean up the duplicates during the issuing process.
- A small number are complete requests that have come in over the past week or two and should be issued shortly.
- Gave the new CFAB members a more extensive overview of departmental and budget bills, money from habitat and access stamp purchases.

**October 2023 CFAB Report:**

**Update on DEC's E-Licensing system and sporting license sales:**

No system outages or issues were reported since our last update. The deer management permit instant lottery period closed on October 1 without any significant issues reported. Staff are currently reviewing DMP issuance data to determine which units are undersubscribed and should be included in the back-end correction batch process. This batch process will be run in mid-October and permits should be in the hands of hunters by approximately November 1. Staff will also determine which units will be open for first-come, first-served issuance on November 1.

Overall sales for the period are down by a little less than 5%. One exception to this trend is the Habitat Stamp, with sales increasing about 47% over 2022, which may be related to the popularity of this year's animal, the opossum.

We have begun planning the transition from Valeron to plain paper licenses and tags that we expect to be complete by August 1, 2024, including assessing the impacts on hunters, DEC law enforcement, and License Issuing Agents and developing a roll out plan. A project kickoff meeting is scheduled for next week with our licensing vendor.

**License Year Sales by Item Comparison**

**Overall Sales:**

<b><u>Begin</u></b>	<b><u>End</u></b>	<b><u>Sales</u></b>	<b><u>Revenue</u></b>	<b><u>% Change</u></b>
August 1, 2023	October 2, 2023	1,393,964	21,019,480	-5%
August 1, 2022	October 2, 2022	1,450,681	22,065,852	-4%
August 2, 2021	October 2, 2021	1,492,175	23,020,912	

**I Support Conservation Fund:**

August 1, 2023	October 2, 2023	4,644	\$19,425	-16%
August 1, 2022	October 2, 2022	5,282	\$23,067	-6%
August 2, 2021	October 2, 2021	5,416	\$24,537	

**Venison Donation:**

August 1, 2023	October 2, 2023	3,335	\$12,826	-10%
August 1, 2022	October 2, 2022	3,606	\$14,339	-4%
August 2, 2021	October 2, 2021	3,806	\$14,944	

**Habitat & Access Stamp:**

August 1, 2023	October 2, 2023	24,647	\$123,235	47%
August 1, 2022	October 2, 2022	16,784	\$83,920	2%
August 2, 2021	October 2, 2021	16,494	\$82,470	

**Filled Position report:**

<b>Division of Fish and Wildlife</b>		
<b>Account</b>	<b>October 2023</b>	<b>September 2023</b>
Access / Land Acquisition	0	0
Habitat Conservation & Access Account	6	6
Hazardous Waste Cleanup Account	1	1
State Purposes Account	62.4	61.4
Federal Fish & Wildlife Grants Account	44.6	44.6
Conservation Fund (Main Account)	206.75	203.65
Environmental Regulatory Account	3	3
Natural Resources Damages Account	0	0
<b>Total</b>	<b>323.75</b>	<b>319.65</b>

<b>Conservation Fund (Main Account)</b>		
<b>Division</b>	<b>October 2023</b>	<b>September 2023</b>
Fish and Wildlife	206.75	203.65
General Counsel	0	0
Law Enforcement	0	0
Operations	3	3
Management & Budget Services	0	0
Communication, Education, & Engagement	0	0
Regional Affairs	3	3
<b>Total</b>	<b>212.75</b>	<b>209.65</b>

**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 if 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.

- NOPR Drafted and with Tom Berkman as of 9/1/2023

**6 NYCRR Part 182, Endangered and Threatened Species Repromulgation Package.** The Part 182 Repromulgation Package is required due to 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.

- NOPR Drafted and with Tom Berkman as of 9/1/2023

**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.

- NOPR Drafted and with Tom Berkman as of 9/1/2023

**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.

- NOPR in progress

**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*.

- NOPR Drafted and with Greg Kozlowski for edits as of 10/4/2023

**6 NYCRR Fishing Tournament Permit and Reporting System.** 6 NYCRR Part 10, licensing and reporting of sportfishing (freshwater) tournaments. The Department may propose the creation of a sportfishing (freshwater) tournament registry and reporting system for select fish species. These amendments may require a Regulatory Flexibility Analysis for Small Businesses or a Rural Area Flexibility Analysis.

- NOPR Drafted and with Jacqueline Lendrum for review as of 10/4/2023

## **Explainer Video for the Deer Harvest Estimation Process**

At the May CFAB meeting, Brendan Quirion and Dave Kramer from the Bureau of Wildlife's Game Management Program provided the Board with a walkthrough of the [deer harvest estimation process](#). At that time, Board members suggested this information be shared more widely via social media.

To that end, Brendan and Dave worked with DEC's Division of Communication, Education, and Engagement to produce a You Tube video summarizing the estimation process and why it is important for hunters to report their harvest. The video can be accessed at: [https://youtu.be/QKLu4\\_pwz0I](https://youtu.be/QKLu4_pwz0I)

DFW staff are developing a newsletter item and social media post to be published in the coming weeks.

## **Reasonable Accommodation for Use of Unmodified Crossbow**

DFW recently finalized development of an online application form to process requests for a Reasonable Accommodation for use of a crossbow during the regular bow season in compliance with the Americans with Disabilities Act (ADA). We have posted instructions on our [Permits for Hunters with Disabilities](#) webpage. If you receive requests or inquiries from the public, you may direct them to this page.

Note: this reasonable accommodation is not for people who may *prefer* a crossbow over a modified longbow. Rather, it is specifically for hunters whose injury or disability prevents them from using a modified longbow but who also are not eligible for a modified crossbow permit. Additional information on these permits can be found on the DEC website (see link above).

Through the end of September, almost 1,900 approvals were issued for a reasonable accommodation for use of an unmodified crossbow. Roughly 750 were hard copy submissions, and 1,150 were from the online system. There are about 800 requests pending, mostly awaiting action from the applicants (e.g., doctor's certification of disability).

## **Information for Hunter Education Program Instructors on Background Checks for Ammunition Purchases**

DFW staff worked with the Division of Law Enforcement to develop information clarifying whether the background check required for ammunition purchases that went into effect on September 13, 2023 will impact DEC's Hunter Education Program (HEP) instructors and participants.

This background check is not anticipated to impact the HEP. Neither instructors nor students are required to undergo background checks while participating in the program as all the ammunition used in hunter education courses is provided by the DEC HEP regional coordinators.

There is a separate registration available for clubs/organizations that provide ammunition but are not in the business of selling ammunition. For example, when running a sporting clays event or hosting a youth hunt, a club/organization could buy ammunition in bulk and provide them to event participants free of charge or sell them at cost (no profit) for the

purpose of use only at the event, and still be in compliance with the law. Clubs would register as “Organizational Keepers of Ammunition” and can distribute ammunition on premises for organized hunting activities, a shooting competition, shooting range, firearms safety training, or youth sport shooting programs.

Kelly Stang, Hunter Education Program administrator, shared this information with instructors via email on September 12, 2023. The “Q&A” documents on recent changes to New York State firearm laws [on the DEC website](#) were also updated with this information.

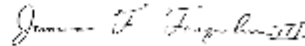
**NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

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**MEMORANDUM**

**TO:** Jacqueline Lendrum, Director, Division of Fish and Wildlife

**FROM:** James Farquhar, Chief, Bureau of Wildlife



**SUBJECT:** Youth Hunt/Regular Big Game Deer Tagging

**DATE:** September 5, 2023

**Issue:**

Youth hunters who successfully fill their regular season tag during the 3-day October Youth Big Game Hunt (Youth Hunt) may not be able to participate in the regular hunting season due to a lack of deer management permits in some areas. We estimate this affects about 1% of youth hunters annually<sup>1</sup>. This memo explores what options exist to provide an additional hunting opportunity for these youth.

**Background:**

The Youth Hunt was established to afford young hunters ages 12-15 an opportunity to hunt big game with a firearm with their mentor at a time when firearms season is not open to adult hunters. During the three-day youth big game hunt, they may use their:

- regular season deer tag (currently valid for deer of either sex during the Youth Hunt or antlered deer during the regular season);
- Deer Management Permit (DMP; antlerless-only); or a
- Deer Management Assistance Permit (DMAP; antlerless-only).

DMPs and DMAP tags are restricted to the Wildlife Management Unit (WMU) specified or the specific property for which the DMAP tag was issued. Harvest of a deer during the Youth Hunt is part of the season bag limit; no additional tags or take is authorized at this time. DMPs are limited in some WMUs and not available in several Northern Zone WMUs, and many young hunters may not have access to DMAP properties.

We have identified a number of options to provide additional opportunity for successful junior hunters during the Youth Hunt and regular seasons, including: use of other deer tags (e.g., Bow/Muzzleloader) during the Youth Hunt, a Youth Hunt specific tag, expansion of DMP availability, or a replacement regular season tag to successful Youth Hunt participants. All of these options would require a regulatory change and two would also require statute change. The regulatory process requires approximately one year to complete precluding any realized benefit until the 2024 deer season at earliest. In



addition, varying levels of DECALS reprogramming would be required to accommodate tag issuance and reporting. There are costs in terms of DECALS support and staff effort associated with undertaking such an effort, and some DECALS changes may not be possible until the new contract is implemented in 2025.

These four options have been explored in some detail and are presented in order of preference:

***Option 1: Make DMPs available in all Northern Zone (NZ) units and provide priority DMP issuance to junior hunters (12-15 years old).***

This approach would require a statute change and minor change to DECALS. DMP issuance could be limited to landowners, veterans with disabilities, and junior hunters. The number of landowners and veterans is not currently known. There are 1,490 eligible youth hunters in the NZ units currently without DMPs (5A, 5C, 5F, 5G, 5H, 5J, 6F, 6J, 6N). The estimated antlerless take by youth hunters in these WMUs would be 223, or 1 antlerless deer per 50 square miles. Deer population trends in the NZ have increased in recent years and populations can likely sustain this extra deer harvest. DEC's Deer Management Plan (Appendix 8.8) recommends statute change to allow DMP issuance throughout the NZ. While this option would achieve DEC's recommendation for regulatory authority over DMP availability statewide and provide additional opportunity for youth hunters, the legislature may remain reluctant to enact such a change for the Adirondacks.

***Option 2: Replacement Regular Season tag: youth eligible for an antlerless-only regular season tag if they successfully report taking a deer of either-sex with their regular season tag during the Youth Hunt weekend.***

This option would result in an additional antlerless deer tag available to young hunters who are successful during the Youth Hunt. Implementation would require rulemaking and substantial changes to DECALS and training for all license vendors to process replacement tags. The estimated number of replacement tags would be: NZ (190-300), SZ (820-1,280). Deer populations could sustain this level of added harvest spread out across the state. Though a replacement tag could be issued as antlered-only or either-sex, doing so would increase the youth bag limit to three antlered deer, in a small way minimizing incentive to harvest antlerless deer. Furthermore, DEC is currently engaged in a process to identify optimal strategies to increase antlerless harvest, with one alternative being to limit hunters to one antlered deer per year. An either-sex or antlered only replacement tag would confound that alternative, should it be found optimal. Thus, a replacement tag would be better issued as antlerless-only. Prior feedback from hunters suggested that some would support providing additional tags for youth hunters while others indicated additional tags weren't necessary.

***Option 3: New either-sex tag for the youth deer hunt.***

This option would provide a unique either-sex tag valid only for the Youth Hunt weekend. Because the bag limit for the Youth Hunt is 1 deer, this would be the only tag valid for taking deer with a firearm during the Youth Hunt. Young hunters would retain their regular season tag for the regular season. This option would require rulemaking and DECALS modification to implement. Because this would be a new tag it may increase confusion about when the tag can be used (i.e., only Youth Hunt weekend as specified vs. anytime by a youth hunter).

The deer population can sustain the additional harvest likely to result from a new, unique tag for the Youth Hunt. However, as with Option 2, creating a new either-sex tag was not intended at the time the youth season was initiated due to mixed feedback from hunters including concern about misuse or unfair distribution of antlered harvest. Likewise, creating a new either-sex tag would increase the youth bag limit to three antlered deer, minimizing incentive to harvest antlerless deer and potentially confounding future deer management strategies alternatives.

***Option 4: Allow use of bow/muzz either-sex tag during the Youth Hunt weekend.***

This option does not result in an additional tag, only allowing a specified exception for youth hunters to use a special season tag with a firearm during the three-day youth season. It does, however, require a statute change to ECL 11-0931(6) to enable. While many young hunters may already purchase bow/muzz tags, for those that do not, a young hunter would need to purchase additional hunting privileges. This option may also lead to confusion related to who may use these tags, with what implements, and in which season. Additionally, a successful NZ youth using a bow/muzzle tag in the Youth Hunt would not have that tag available in the early or late muzzleloader seasons much as a youth filling a regular season tag during the Youth Hunt currently does not have that tag for the Regular Big Game season.

**Next Steps:**

DEC should explore potential legislative initiatives to expand use of DMPs in the NZ. However, recognizing that accomplishing legislation may not be feasible and given the complexities of addressing this request related to the Youth Hunt within the context of the overall deer management program and the likely protracted timeline needed to enact a change, a best approach may be to anticipate potentially incorporating an increase in youth hunter opportunities into broader regulatory revisions for deer management being considered for 2025. In the interim, DEC could use upcoming hunter surveys to further assess the scope of need and hunter preferences for additional tag opportunities for young hunters. Such social science work would inform which regulatory option may be most appropriate.

cc: J. Hurst  
B. Quirion

<sup>1</sup>In 2022, 177 youth hunters who lacked a DMP reported filling their regular big game tag during the Youth Hunt weekend in a WMU where DMPs were not available or were issued with low odds of selection.