



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

Four Hundred and Twentieth Meeting – December 12, 2023
Department of Environmental Conservation, 625 Broadway,
Albany, NY

Call to Order – The meeting was called to order at 9:10AM.

Meeting Adjourned – The meeting was adjourned at 2:32PM.

Roll Call: 9:10am

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
Marc Osypian	Region 8
Vacant	Region 9
Bill Connors	FWMB
Anthony Kordziel	NYSCC

Voting Board Members

Excused

None.

Voting Board Members

Absent

None.

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
None.

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, Fish & Wildlife Administration
Section

Executive:

Katherine McNamara, Director, Legislative
Affairs

Division of Law Enforcement:

James Boylan, Assistant Director, DLE

Guests

Sean Mahar, Executive Deputy
Commissioner
Steve Hurst, Chief of Fisheries, DFW
James Farquhar, Chief of Wildlife, DFW
Jeremy Hurst, Game Management Section
Head, Wildlife, DFW
Matthew Palumbo, Biologist, DFW

Correspondence: Dale Dunkelberger's (Region 9 CFAB representative) resignation letter (attached at the end of these minutes).

Minutes of Prior Meeting:

October 2023 meeting minutes voted on and passed on December 12, 2023.

Legislative Affairs

Katherine McNamara, Director, Legislature Affairs

- Discussed two urban/suburban deer management bills that have passed and will take effect January 1, 2024, one for the City of Syracuse (Onondaga County) and one for the Town of Southold (Suffolk County). Both are three-year pilots. These bills provide additional deer management tools to the municipality including the ability for a “nuisance wildlife specialist” to bait within 300 feet of a road and to take deer with a firearm within 500 feet of a dwelling with written notification of the landowner.
- “Derby bill”, which prohibits hunting contests for game species, has not been delivered to the Governor’s office yet. This bill does not apply to contests for deer, bear, turkeys, field trials, or fishing contests.
- Discussions continue re: the feasibility of a bill proposal that would eliminate the requirement for back tags.
- Discussed the proposed marine fishing license. Data from a survey of marine anglers is being reviewed by the Division of Marine Resources to help identify next steps.
- Discussed potential opportunities for taking Senate and Assembly Environmental Conservation Committee members and their staff to the Wildlife Health Lab at Delmar and other DFW facilities to increase awareness of the Division, the work it does, and infrastructure improvement needs.
- State Budget needs to be out by January 17th.
- Discussed on-going collaboration of DFW with the Division of Communication, Education, and Engagement and opportunities for additional promotion and outreach.

Division of Fish and Wildlife

Steve Hurst

- Discussed New York Works – receiving around \$1 million a year which is used to maintain hatcheries and other DFW infrastructure.
- Bond Act – up to \$75 million dollars is available for hatcheries.
 - Working with Cornell on a structured decision-making process to identify the optimal hatchery system design that best meets the goals of the Fish Culture program.
 - Working with OGS consultant, HDR, to develop a suite of alternatives on where to go with the hatcheries. The 12 hatchery visits are now done. A briefing will be held in early 2024 with DEC and HDR about their findings for alternatives.

James Farquhar/Jeremy Hurst

- Youth hunt options memo – Discussed the options DEC came up with. CFAB members will go over the youth hunt memo options and suggest a pathway or identify other alternatives they would like DFW to investigate.
 - CFAB Members will go over options memo and will talk with DEC more at a future meeting.
 - The board had questions about the 2023 Youth Big Game Hunt. The number of eligible youth hunters was higher in 2023 than the previous year, but we won't know whether deer take and participation are also higher until the deer check/harvest estimation process and the post-season survey of junior hunters is completed. New questions will be included in the post-season survey of junior hunters asking about any obstacles that hindered their participation in the regular deer season.

Sean Mahar

- Welcomed new CFAB members.
- Discussed things going on for DFW.
 - New wetlands law implementation in 2025; regulations in 2024.
 - Hiring freeze has been lifted and there are now 1,500 new people in the agency.

Matthew Palumbo

- Eagles and lead ammo research project presentation and answered questions.
- Resources about non-lead ammunition:
 - [Choosing Non-Lead Ammunition](#) and the DEC report on minimizing risks to wildlife and people from lead hunting ammunition (DEC website)
 - [DEC video about non-lead ammunition](#)
 - [High-tech bullets and slugs informational pamphlet](#)
 - [List of commonly used non-lead bullets by manufacturer](#)
 - [North American Non-lead Partnership](#)

Michael Schiavone

- Discussed highlights from the December CFAB report (see below).
- Board had a question about the Non-ambulatory Hunter permit and differences in eligible activities compared to the reasonable accommodation for use of an unmodified crossbow by hunters with a disability. DEC's Special Licenses Unit has handled questions from some people with a Non-Ambulatory Hunter permit who have also received an approved reasonable accommodation to use an unmodified crossbow asking if they, with the additional Non-Ambulatory Hunter permit, would be authorized to shoot a crossbow out of a motor vehicle. The answer is no, they cannot since the Non-Ambulatory Hunter permit authorizes possession of a loaded firearm in a motor vehicle, not a longbow or crossbow.
- Based on a recent session at the National Assembly of Sportsmen's Caucuses/Congressional Sportsmen's Foundation meeting, the Board inquired about impacts of free licenses on license revenue in New York. A query of

DECALS data for the 2022-23 license year indicate about 83,000 free licenses and privileges were issued, representing a value of about \$1.4 million.

Division of Law Enforcement

James Boylan, Assistant Director

- Discussed back tag violations for 2023. There were 2,629 tickets issued in 2023 for hunting violations. Of those, there have been 49 back tag tickets issued – most were failure to display back tag (2% of hunting-related tickets).
- Salmon River issues – There were 378 tickets issued and 128 written warnings issued for violations on Salmon River.
- Zone Officers assigned to Oswego County issued 255 tickets and 123 warnings.
- Special detail officers that help support Salmon River, come in Friday, Saturday, and Sunday's during the four weekends from the middle of September through the middle of October issued 123 tickets and 5 written warnings.
 - Tickets that were issued for fishing other than legal hours (people who were coming out at night), there were 46 arrests and 8 written warnings.
- Hiring process update – Re-canvas of 365 potential recruits due to a clerical error. 101 individuals have reported back that they were interested in taking the physical ability test, which is schedule for January 13 and 14, 2024.
 - Of those 101 individuals, hoping to get 25 additional recruits.
 - 45 seats have been tentatively authorized to run an academy.
- Governor vetoed the 20-year retirement legislation.
- Hunting-Related Shooting Incidents (HRSIs) – preliminary reports were discussed. Investigations are still pending and a final report will be available later this winter.
- December 1, 2022 – December 1, 2023, there were 2,813 calls for service involving violations in New York's air regulations. Of the 2,813 calls for service, 1,330 tickets were issued, and 317 written warnings were issued.

December 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 system has been performing well with sales and harvest reporting functionality working as expected.

Approximately 16,000 deer management permits (DMPs) were issued through a correction batch process in mid-October for wildlife management units (WMUs) that did not fill during the instant lottery. These DMPs were issued and mailed to customers who were previously not selected to receive a permit in these WMUs. Beginning on November 1, leftover permits became available on a first-come, first-served basis. WMUs that are available for "First Come, First Served" (FCFS) issuance will remain open until they reach their target quotas.

Overall sales for the period were down by approximately 1.5%. While Venison Donation

and Conservation Fund donations are also down, Habitat Stamp sales continue to trend higher, with these donations up by more than 30%.

Work continues on several fronts in preparation for the transition from Valeron to plain paper licenses and tags for 2024-25 license year. During this last reporting period, staff began development of outreach materials, including preparing Q&As to be released to the sporting license public and license issuing agents in January. DFW and Division of Law Enforcement staff met with our licensing vendor's app development team on improvements to the HuntFishNY App and development of the new DLE App.

License Year Sales by Item Comparison

Overall Sales:

<u>Begin</u>	<u>End</u>	<u>Sales</u>	<u>Revenue</u>	<u>% Change</u>
August 1, 2023	November 19, 2023	1,884,196	29,050,099	-1.5%
August 1, 2022	November 19, 2022	1,898,085	29,477,491	-4%
August 2, 2021	November 19, 2021	1,955,685	30,735,357	

I Support Conservation Fund:

August 1, 2023	November 19, 2023	5,588	\$22,991	-17%
August 1, 2022	November 19, 2022	6,327	\$27,647	-7%
August 2, 2021	November 19, 2021	6,579	\$29,671	

Venison Donation:

August 1, 2023	November 19, 2023	3,917	\$14,492	-12%
August 1, 2022	November 19, 2022	4,210	\$16,585	-5%
August 2, 2021	November 19, 2021	4,492	\$17,404	

Habitat & Access Stamp:

August 1, 2023	November 19, 2023	31,403	\$157,015	32%
August 1, 2022	November 19, 2022	21,180	\$105,900	1%
August 2, 2021	November 19, 2021	20,959	\$104,795	

Filled Position report as of 11/22/2023:

Division of Fish and Wildlife		
Account	November 2023	October 2023
Access / Land Acquisition	1	0
Habitat Conservation & Access Account	6	6
Hazardous Waste Cleanup Account	1	1
State Purposes Account	63.4	62.4
Federal Fish & Wildlife Grants Account	46.8	44.6
Conservation Fund (Main Account)	207.75	206.75
Environmental Regulatory Account	2	3
Natural Resources Damages Account	0	0

Total	327.95	323.75
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Conservation Fund (Main Account)		
Division	November 2023	October 2023
Fish and Wildlife	207.75	206.75
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
Total	213.75	212.75

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 Sean Mahar as of 11/29/2023

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 Sean Mahar as of 11/29/2023

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 Sean Mahar as of 11/29/2023

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 Drafted and with Katherine Petronis for review as of 11/29/2023

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 11/29/2023

6 NYCRR Part 10, Fishing Tournament Permit and Reporting System. This proposal related to registration 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 Katharine Petronis for review as of 11/29/2023

6 NYCRR Part 177, Sporting License Issuance and Use. This rulemaking would give DEC the authority to allow License Issuing Agents (LIAs) to charge a small fee to cover the cost of printing plain paper hunting, fishing, and trapping licenses and associated carcass tags on their own printers, using their own paper and printer ink. ECL 11-0715 specifies that issuing clerks may charge a fee in addition to the cost of the license. This regulation will specify the conditions under which such a fee may be charged and the amount. With the transition to plain paper licensing, customers will have the option to receive an email with a PDF of their license to be self-printed at home, as well as having access to electronic versions of their licenses online and in the HuntFishNY mobile application. Some license buyers may opt to have their license printed at point-of-sale locations or printed and mailed when purchased via phone or internet. The transition to plain paper will require LIAs to utilize their own plain paper stock, printers, and ink, which will result in increased costs to agents. The proposed fee is intended to offset those costs.

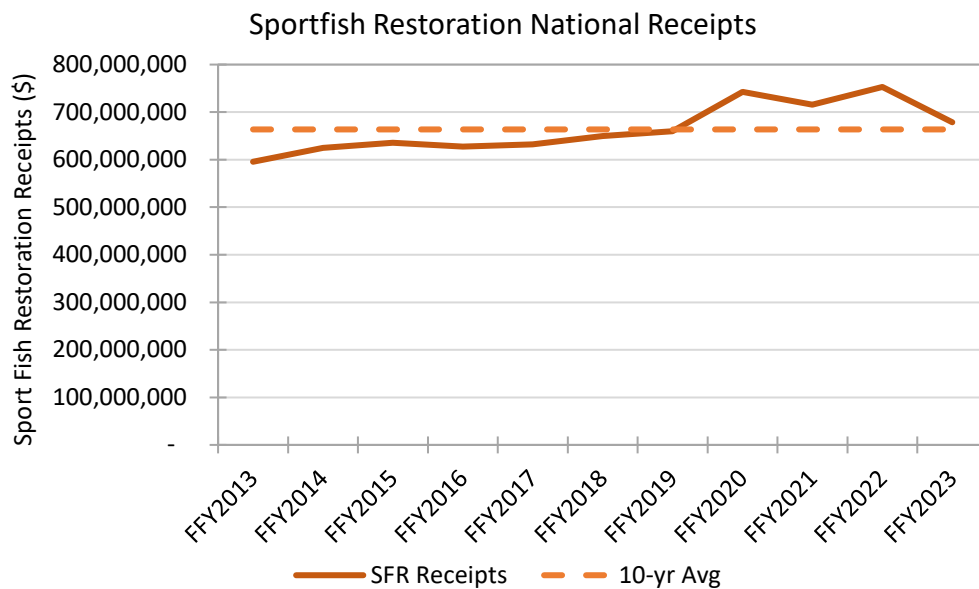
- RIM drafted and with Katharine Petronis for review as of 11/29/2023

Wildlife and Sport Fish Restoration Receipts for Federal Fiscal Year 2023

Federal Fiscal Year 2023 ended on September 30th, and the US Fish and Wildlife Service provided updated receipt data for Wildlife and Sport Fish Restoration funds for the full federal fiscal year.

The FFY 2023 Sport Fish Restoration and Boating Trust Fund (SFR) national receipts are \$678,957,538. These numbers are down 9.8 % or \$74 million from 2022, but close to the 10-year average (about \$664 million). SFR receipts include boat fuels, electronic outboard motors, and fishing equipment and tackle. The FFY 2023 Wildlife Restoration (WR) national receipts are \$998,290,084. These numbers are down 17.6 % or \$213.5 million from 2022, but above the 10-year average (about \$831 million). WR receipts include arms/ammo and archery equipment.

Please note that these are estimated amounts. Final totals will be tallied in the coming weeks and state WSFR apportionments will be available in February 2024.



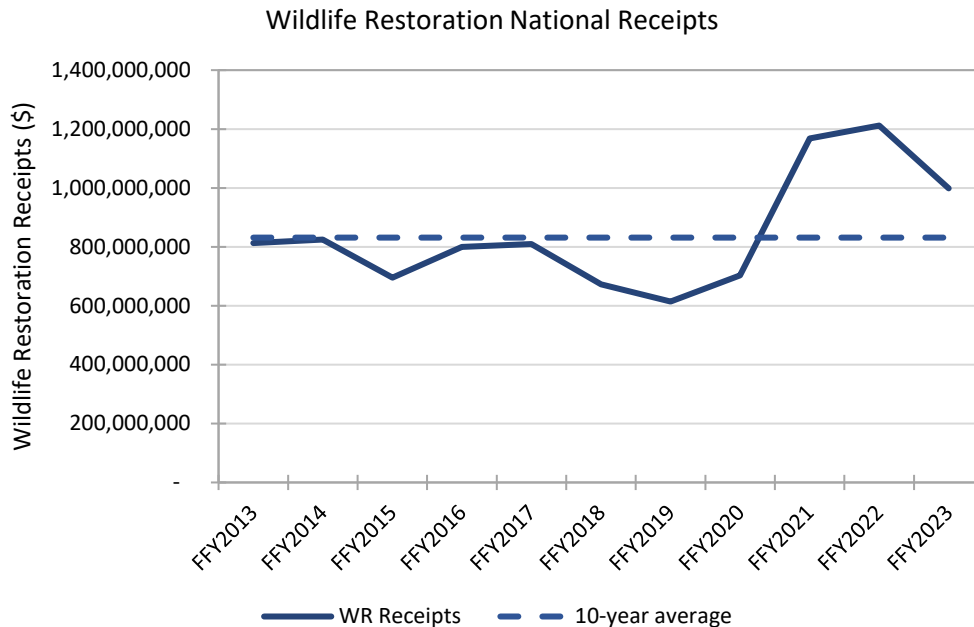


Figure 1. Wildlife and Sport Fish Restoration national receipts for federal fiscal years 2013 through 2023 (October 2 through September 30) and the 10-year average (FFY2013-2022). Totals for FFY2023 are estimates based on receipts received through September 30th. Final totals will be tallied in the coming weeks and state WSFR apportionments will be available in February 2024.

Hatchery Modernization Project Update

DFW’s Bureau of Fisheries is evaluating the fish hatchery system to determine the optimal configuration and design of new and/or renovated hatcheries to create and maintain a modernized hatchery system that is adaptable, efficient, and durable over the next 50 years to meet DEC’s current and future fisheries management needs. Up to \$75 million in Bond Act funds have been earmarked for this purpose.

Over the past few months, Fisheries staff have met repeatedly with the NYS Office of General Services, consulting engineering firm HDR, and decision support specialists from Cornell University on this project. Highlights include:

- Fisheries staff and scientists at Cornell University use a structured decision-making process to develop a suite of objectives associated with the operation and outputs of DEC’s fish hatchery system.
- The objectives developed from this process serve as framework for optimizing funding that will be used to modernize the hatchery system.
- HDR Inc., a consulting engineering firm, has been selected to assess DEC’s hatchery system and provide a suite of alternatives to modernize our production in a fashion that is sustainable and lasting.

- HDR, having done similar statewide assessments and designed dozens of hatcheries across North America, is uniquely equipped to serve us in this capacity.
- HDR will use the objectives created through the SDM process to frame the development of the alternatives.
- Since the kickoff meeting in September HDR has been reviewing drawings, SOPs, operational plans, stocking data and other hatchery specific information provided by fisheries staff.
- HDR, along with CO fisheries staff, visited all 12 DEC hatcheries over the course of two weeks in November to evaluate:
 - production schedules and water supplies
 - infrastructure
 - UAV data was collected to develop digital elevation models and hatchery staff were interviewed to provide additional insight on individual hatchery infrastructure and operations.
- HDR will provide DEC an assessment based on site visits and information provided by DEC.
- A sub-group of staff from Fisheries and scientist from Cornell will work with HDR to formulate plans to use those data in the development of alternatives.
- A workshop for review of alternatives is scheduled for early January 2024.

Youth Big Game Hunt Update

The Youth Big Game season occurred October 7-9, 2023. The season was open across the Northern and Southern zones except in bowhunting-only WMUs. Deer hunting was open to 14- and 15-year-old hunters in all areas and these hunters were also eligible to take a bear.

Hunters ages 12 and 13 could hunt deer in all upstate counties that passed a local law to provide this opportunity (all upstate counties except Erie and Rockland). The bag limit was one deer (antlered or antlerless) and junior hunters could use their regular season tag (either sex), DMP tag (antlerless), or DMAP tag (antlerless).

The reported take for the 2023 youth big game hunt was 1,311 deer, down about 12% from 2022. Over the last three years the reported deer take averaged about 1,240 annually. The reported bear take was 4, and the three-year average harvest was 5 bears.

Please note that, though it is a legal requirement, not all hunters report their harvest. The reported take will be adjusted to calculate a total estimated take. The harvest estimation process is available on the [DEC website](#) and [DEC's YouTube page](#).

No hunting-related shooting incidents were reported during the three-day hunt.

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 November almost 3,800 approvals were issued for a reasonable accommodation for use of an unmodified crossbow. Roughly 1,140 were hard copy submissions and 2,642 were issued through the online system. There are about 1,100 requests pending in the online system with 100 awaiting DEC approval and the remaining 1,000 requests awaiting action from the applicants (e.g., doctor's certification of disability).

From: [Kemper, Jason](#)
To: [Curran, Christina \(DEC\)](#)
Subject: FW: CFAB Meeting
Date: Thursday, December 28, 2023 3:03:28 PM

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

This is all I have from him and originally forwarded to Jackie.

Thanks.

From: Dunkster5 <dunkster5@aol.com>
Sent: Sunday, October 29, 2023 8:58 PM
To: Kemper, Jason <JKemper@saratogacountyny.gov>
Subject: Re: CFAB Meeting

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Jason. I am stepping down its been long enough with the assembly chairman to confirm Rich. So untill such time I am no longer filling in its been a pleasure serving

[Sent from the all new AOL app for Android](#)

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