



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

**Four Hundred and Fifteenth Meeting – March 20, 2023**  
**Department of Environmental Conservation, 625 Broadway, Albany**

**Call to Order** – The meeting was called to order at 9:04AM.

**Meeting Adjourned** – The meeting was adjourned at 2:11PM.

**Roll Call: 9:04am**

**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 Osypian	Region 8
Dale Dunkelberger	Region 9
Bill Conners	FWMB
Anthony Kordziel	NYSCC

**Voting Board Members**

**Excused**

Dale Dunkelberger                      Region 9

**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  
NASP = National Archery in the  
Schools Program (NASP®)

**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:*  
Katharine Petronis, Deputy Commissioner  
Katherine McNamara, Director of  
Legislative Affairs  
Jacqueline Lendrum, Director  
Assistant Director, Michael Schiavone  
Ben Sears, Administrative Unit  
*Division of Law Enforcement:*  
James Boylan, Assistant Director  
Brian Gillis, Major

**Guests**

Richard Davenport, Guest Region 9

**Correspondence:** Conservation Fund Advisory Board meeting – Public participation inquiry email. Michael Schiavone responded by email on Wednesday March 15, 2023.

**From:** [Schiavone, Michael V \(DEC\)](#)  
**To:** [REDACTED]  
**Subject:** Re: Next Conservation Fund Advisory Board meeting? Public participation?  
**Date:** Wednesday, March 15, 2023 4:45:00 PM  
**Attachments:** [image002.png](#)  
[image003.png](#)  
[image004.png](#)

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Hello Christa:

Your email was forwarded to me for reply. Conservation Fund Advisory Board (CFAB) meetings are not open to public attendance. As you noted, meeting minutes, which reflect each meeting's agenda, are [posted to the DEC website](#). That said, there are still opportunities for public input to CFAB and to DEC on fish and wildlife management.

CFAB is comprised of 11 members of the public from across the State who make recommendations to state agencies on state government plans, policies, and programs affecting fish and wildlife. In addition to attending CFAB meetings, members of the advisory board attend meetings of local conservation-related organizations across the regions they represent to solicit input and feedback from interested stakeholders, and are generally available to receive similar feedback from the public at large (contact information for members is found at the link above).

The public may comment to CFAB members directly on relevant topics or proposals or through the Department's Division of Fish and Wildlife (email links for each Division program are available on the website or call 518-402-8924). Further, any [proposal to add or revise environmental regulations](#), including those affecting the management of New York's fish and wildlife resources, is subject to public review and comment through the administrative rulemaking process. Species management and land management plans seek public input when they are being drafted, so look for these announcements in [DEC press releases](#) and subscribe to [DEC newsletters](#).

If you have questions about specific fish and wildlife programs, please let me know and I can get you the information or point you to the right person.

Regards,  
Mike

**Michael V. Schiavone**  
Assistant Director, Division of Fish and Wildlife

New York State Department of Environmental Conservation  
625 Broadway, Albany, NY 12233-4754  
P: (518) 402-8886 | F: (518) 402-8925 | [michael.schiavone@dec.ny.gov](mailto:michael.schiavone@dec.ny.gov)  
[www.dec.ny.gov](http://www.dec.ny.gov) |  |  | 



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**From:** Christa [REDACTED]  
**Sent:** Tuesday, March 14, 2023 5:48:13 PM  
**To:** dec.sm.FW.Information <[FW.Information@dec.ny.gov](mailto:FW.Information@dec.ny.gov)>  
**Subject:** Re: Next Conservation Fund Advisory Board meeting? Public participation?

[REDACTED] <https://www.wildlifehistory.org/land/>

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

Apologies, the day was disrupted so I am remembering to follow up now... I haven't heard from anyone other than this this address, so my questions still stand.

I'm wondering if there's actually a meeting tomorrow given the well-intended mid-day deadline today.

Thank you,

**Christa** [REDACTED]

*"All living things which have evolved with us on this planet have a right to parts of this planet."*  
~ Alan Robert Rabinowitz

Re: "The Manhattan Project for Cats": *"That's what Panthera is all about. Panthera is all about harnessing the best minds, the best science, and the most capital into species-wide conservation."*  
~ Thomas S. Kaplan

#### **Native Species Support**

Wildlife Biologist, Vegan, Owner

*Stewardship for a Sustainable Earth is  
Steward Our Planet. Steward Yourself. [sa](#)*

On Fri, Mar 10, 2023 at 4:18 PM Christa [REDACTED] wrote:

Thank you, Kevin! Will do.

I have a great weekend,

**Christa** [REDACTED]

*"All living things which have evolved with us on this planet have a right to parts of this planet."*  
~ Alan Robert Rabinowitz

Re: "The Manhattan Project for Cats": "*That's what Panthera is all about. Panthera is all about harnessing the best minds, the best science, and the most capital into species-wide conservation.*"

~ Thomas S. Kaplan

**Native Species Support**

Wildlife Biologist, Vegan, Owner

*Stewardship for a Sustainable Earth* 

*Steward Our Planet. Steward Yourself.* 

On Fri, Mar 10, 2023 at 1:14 PM dec:sm.FW.Information <[FW.Information@dec.ny.gov](mailto:FW.Information@dec.ny.gov)> wrote:

We have forwarded your questions on to the parties we believe should be able to respond. If you don't get a reply by mid-day Tuesday, March 14<sup>th</sup>, please let us know.

Thanks,

Kevin

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**From:** Christa [REDACTED]

**Sent:** Friday, March 10, 2023 1:00 PM

**To:** dec:sm.FW.Information <[FW.Information@dec.ny.gov](mailto:FW.Information@dec.ny.gov)>; [gwhiting@angelogordon.com](mailto:gwhiting@angelogordon.com); [tom@lessismore.biz](mailto:tom@lessismore.biz); [hushhawkeye@aol.com](mailto:hushhawkeye@aol.com); [scottfaulkner57@gmail.com](mailto:scottfaulkner57@gmail.com); [marc@osypian.com](mailto:marc@osypian.com); [dunkster1@aol.com](mailto:dunkster1@aol.com); [anthonykordziel@gmail.com](mailto:anthonykordziel@gmail.com); [connors@billconnors.net](mailto:connors@billconnors.net)

**Subject:** Next Conservation Fund Advisory Board meeting? Public participation?

[REDACTED] [Learn why this is important](#)

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

Hello,

I'm in the process of learning about public involvement in wildlife and biodiversity management in New York, truly ecosystem management and conservaiton, and have recently learned about this board. Can someone please tell me when the CFAB convenes next (maybe you even have a 2023 calendar built out...), and if the public can attend meetings, and/or comment either remotely or in person? I see minutes of past meetings posted, but not agendas. Are agendas drafted prior to meetings, and can they be shared with interested members of the public

beforehand?

Thank you,

**Christa** [REDACTED]

*"All living things which have evolved with us on this planet have a right to parts of this planet."*

~ Alan Robert Rabinowitz

**Re: "The Manhattan Project for Cats":** *"That's what Panthera is all about. Panthera is all about harnessing the best minds, the best science, and the most capital into species-wide conservation."*

~ Thomas S. Kaplan

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Wildlife Biologist, Vegan, Owner

*Stewardship for a Sustainable Earth sm*

*Steward Our Planet. Steward Yourself. sm*

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FSCUC Lead Ammo from The Federated Sportsmen's Clubs of Ulster County dated March 10, 2023.



**THE FEDERATED SPORTSMEN'S CLUBS OF ULSTER COUNTY**

Mailing: PO Box 3134, Kingston, NY 12402

Physical: 710 Springtown Road, New Paltz

[www.fscuc.org](http://www.fscuc.org) - <https://www.facebook.com/fscuc.org/>

March 10, 2023

We are writing to inform you of our opposition to proposed legislation in bills A5728/S5058, and ask for your assistance in stopping them from further passage to allow redress.

As you may know the bills are proposed with the stated purpose to: "Prohibit the use of lead ammunition in the taking of wildlife on state-owned land and on land contributing surface water to the New York city water supply"

NYS Senate Bill: <https://www.nysenate.gov/legislation/bills/2023/S4976>

NYS Assembly Bill: <https://www.nysenate.gov/legislation/bills/2023/A2084>

The Federated Sportsmen's Clubs of Ulster County is an organization comprised of 32 independent member organizations whose member roles at last census total in excess of 4,900 individual members. These individual members are NY residents most of whom reside Ulster County, with a small number living in surrounding counties. We are prepared to circulate a petition supporting the following position if required.

Our organization opposes the bills for the following reasons:

1-There is currently insufficient to non-existent non-lead ammunition available in the marketplace. So effectively the proposed legislation would create a hardship and/or the prevention of participation in an otherwise legal activity. It should be noted that for many hunters, wild game is a meaningful part of their family's food supply.

2-Due to concern of ammunition bans and supply sparsity from increased demand, many hunters have increased their stock of ammunition. There is no provision in the proposed legislation to allow for the current stock of anyone having already purchased ammunition that would be banned by this law.

3-Even with reasonably small stock of ammunition, the proposed timeline is very short, which does not allow for use of current ammunition stock, nor reasonable time for restocking with alternative ammunition.

4-The phrase "lands contributing to NYC Water Supply" is undefined, vague and open to interpretation. There is no specific definition of these lands in the bill, nor definition in who will be the determinant of inclusion/exclusion, nor what the redress procedure will be for disputing inclusion/exclusion necessity.

5-Without specific defined parcels of inclusion/exclusion, it will be confusing as to which lands are considered as "contributing to NYC Water Supply".



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6-There are no species of wild game that would be shot on or over open water other than Waterfowl, and Waterfowl which is already under Federal requirements to use Non-Lead Ammo.

7-Without reference to any supporting documentation, the proposed legislation draws on assumption that there is some sort of contamination linked to hunting ammunition on State Lands and Lands Contributing To NYC Water Supply". We are not aware of any documentation supporting that assumption nor the necessity of the proposed ban. Eagle population, is prolific and growing, bear population is over abundant, deer have been in abundant to over-abundant numbers until recent losses to viral infection. We are not aware of any study with data supporting any species suffering to lead ammunition in the ecosystem, nor any water reports supporting any contamination connected to lead ammunition in the proposed areas.

8-The alternative ammunition that would be required, if the proposed legislation were to pass, has a much more degrading effect on the hunting firearms, causing much more "wear and tear", and shortening the usable life cycle of all hunting firearms and expediting degradation of precision capability especially for the rifled-barrel hunting firearms.

9-If predatory consumption of the flesh of animals who have been exposed to lead, then hunters who have used lead shot in harvesting game animals for the table would exhibit symptoms. Yet many hunters have consumed significant amounts of lead ammo harvested game for decades without consequence.

10-Economic effects on Tourism and licensure in the wake of lead ammo hunting ban should be considered.

We feel that it is important to note that hunters have been labelled as takers and spoilers and not conservationists. It would be foolish to deny the label does not apply to a single person, but for the overwhelming majority this is not true. Most all hunters support training of safe practices, concern for environment, wildlife stocking programs and habitat improvement programs. And with very little exception, hunters treat the lands with reverence if only to preserve the opportunity for their own and for the next generation's continued use... And even to a higher level with hunters who depend on wild game as a source of food for their families.

Through license fees alone, hunters pay into the Conservation Fund, which is the largest pool of money that supports the conservation of lands and wildlife. The Conservation Fund has been tapped for many uses that have questionable connection to improving habitat and wildlife populations. We are not aware of any of these funds having been used to uncover or address any lead contamination set forth as a concern in the proposed legislation.

When there is a demonstrable threat to the ecosystem in the State Lands and Lands Contributing To NYC Water Supply, we will work with authorities and offer our support and assistance in producing appropriate legislation, and vocally support adherence to it. Currently, there is not a demonstrable threat.



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Therefore, as time is of the essence regarding further passage of the proposed legislation, we respectfully request your immediate assistance in stopping passage of this proposed legislation until these issues have been sufficiently addressed.

Additionally, we hereby respectfully request a response stating your position and intended reaction to the proposed legislation, and links to relevant research or other statements of fact that support the bills.

Thank You,

*Elmer LeSuer*

Elmer LeSuer  
Legislative Director – Federated Sportsmen's Clubs of Ulster County  
[elmer.lesuer@gmail.com](mailto:elmer.lesuer@gmail.com) – 914.466.5940

**FOR REFERENCE:**

Brian D. Dunn Full Article W/References: <https://countrysquire.co.uk/2022/08/12/the-truth-about-lead-shot/>

Summary Of Dunn: <https://www.allshooters.com/en/hunting/ammunition/ban-of-lead-in-ammunition-why-the-ban-doesn-t-make-much-sense/>

Public consultation of SEAC: <https://echa.europa.eu/de/-/lead-in-outdoor-shooting-and-fishing-seac-agrees-draft-opinion>

**DELIVERED VIA EMAIL TO:**

**LEGISLATIVE / AGENCY**

NYS Governor Kathy Hochul  
NYS Senate Majority Leader Andrea Stewart-Cousins  
NYS Assembly Majority Leader Carl Heastie  
NYS Senate Minority Leader Robert Ort  
NYS Assembly Minority Leader William Barclay  
NYS Senators Hinchey, Oberacker  
NYS Assembly Reps, Jacobson, Maher, Shrestha, Tague  
DEC Commissioner Basil Seggos  
NYS CFAB Chair Jason Kemper Chair  
NYS FWMaB Chair & Exec Committee Bill Connors  
Ulster County Exec Jenn Metzger

**ADVOCACY ORGS**

NYSCC President Charles Parker  
NYSRPA President Tom King  
NYSFA Chairman Thomas Gowan  
SCOPE President Tom Reynolds  
FSCUC President Ray Valk  
FSCUC Recording Secretary & Board  
NWTF-NY Reg Dir Sean Langevin  
NYSWMA President John Hatfield  
GOA Exec VP Erich Pratt  
BHA-NY President Brian Bird  
GPNY Jacob Rieper

# Oneida Lake Association response Scriba Creek letter dated March 15, 2023.

## NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Fish and Wildlife  
625 Broadway, 5th Floor, Albany, NY 12242-4750  
P: (518) 402-8924 | F: (518) 402-8928  
www.dec.ny.gov

March 15, 2023

John Harmon, Matt Snyder and Richard Colesante  
Oneida Lake Association  
P.O. Box 3536  
Syracuse, NY 13220

Dear Mr. Harmon, Mr. Snyder and Mr. Colesante,

Thank you for your continued attention to the health of Oneida Lake's fishery and water resources. We appreciate your partnership on our conservation and management actions in the region and look forward to working with you as our efforts progress. Toward that end, I am writing today to provide some updates regarding the Department of Environmental Conservation's efforts to manage fish on Oneida Lake.

In particular, I want to provide an update on some actions at the Oneida Lake Fish Hatchery and Scriba Creek. DEC considers the mouth of Scriba Creek up to the Oneida Fish Hatchery Dam as a sensitive area to be protected as a conservation necessity. For that reason, DEC will be posting the site as closed to fishing from March 16, 2023, to April 30, 2023, due to its importance during walleye spawning season. Signage and barriers will be present to indicate such closure. Anyone fishing at this sensitive area on Scriba Creek will be ticketed in line with New York State Environmental Conservation Law. We appreciate your attention to these steps and we will continue to keep you apprised of any additional actions at this site.

Relatedly, I also want to update you on the progress we are making with Indian Nations toward the development of a unified and conservation minded approach for treaty protected fishing, hunting and gathering. As discussed previously, our first step in this process is to gain an understanding of the Nation's collective needs associated with these activities. On January 11, 2023, DEC executive staff along with staff from the Divisions of Fish and Wildlife, Lands and Forests and Office of Indian Nation Affairs met with the Haudenosaunee Environmental Taskforce to continue learning about these needs. The outcome of this meeting was positive, and an important stepping-stone in a process to develop a statewide policy on hunting, fishing, and gathering that respects treaty rights and upholds DEC's mission of natural resource protection. Once DEC has developed a draft policy, it will be released for public comment, and we would be happy to discuss this with you as this progress continues.

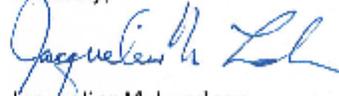
On another front, Steve Hurst has told me that Fisheries staff and researchers at the Cornell Biological Field Station are making great progress in developing studies that will use the new acoustic array system. The new system will be deployed later this year and will afford us a greater understanding of walleye behavior in Oneida Lake. DEC



has made this investment to ensure that our research continues to be cutting edge, informative and most importantly adaptive in an ever-changing environment. I hope you are as excited as I am about the long-term dividends that will be realized from this effort and again, look forward to keeping you apprised as this continues.

Thank you again for your attention to these steps and actions to protect Oneida Lake and the world-class fishery it supports. I look forward to continuing to keep the lines of communication open with the Oneida Lake Association and will be sure to update you on our conservation actions in the future as they arise.

Sincerely,



Jacqueline M. Lendrum  
Director, Division of Fish and Wildlife  
New York State Department of  
Environmental Conservation

### **Minutes of Prior Meeting:**

*February 2023 Minutes Voted on and approved. Posted March 20, 2023. Significant discussion occurred on the issue of youth hunting opportunities as it related to the draft minutes. Corrections will be made to previous minutes.*

### **Executive Report:**

*Katharine Petronis, Deputy Commissioner*

*Katherine McNamara, Director of Legislative Affairs*

- Katharine Petronis
  - Board members expressed some concern with outreach by the Dept. to Clubs and Federations. Board members reiterated past outreach done by the DFW. DFW staff expressed concern that it is a staffing issue and devoting resources to large attendance events. DFW staff stated that if there are specific agenda or topic they can arrange for coverage at the meetings. Board members also indicated FWMB support has also diminished. Various ideas were discussed for continued outreach to sporting community.
- Katherine McNamara
  - Discussed Article 7.
  - Discussed Youth Hunt – Assembly put in as two-year extender. No other changes. Senate budget language omitted the youth hunt. Executive proposed making the Youth Hunt permanent.

### **Division of Fish and Wildlife**

*Jacqueline Lendrum, Director*

*Michael Schiavone, Assistant Director*

*Ben Sears, Administrative Section Head*

- Ben Sears - Gordon Darby bought out Kalkomey March 15, 2023. DEC is finalizing the contract reassignment. Gordon Darby will be the vendor until September 2024 with an option to extend if doing well.
- Rich Davenport – Would like more real time stats on reported takes. Mentioned Maine has real time dashboard and could links if needed. Mentioned how the 2022 Harvest Report will not come out until April 2023.
- Bill Connors – Would like a breakdown of deer checks in the harvest report.
- Michael Schiavone – The percentage of deer checked and the harvest reporting rates are provided in the report posted on the DEC website. Sent email to CFAB members with links to the Deer Management Plan (page 68) and the annual harvest report (e.g. pages 4 and 11 in the 2021-22 report).
  - Mike gave an update on the 15<sup>th</sup> Annual National Archery in Schools Tournament Program (NASP).
  - Board members expressed concern that there was no prior notice on the tournament and at the time of this meeting there was no press release or PR on the event. Subsequent to the CFAB meeting, a press release was issued on March 23, 2023 and can be found at: [DEC Hosts 15th Annual](#)

[National Archery in Schools Tournament - NYS Dept. of Environmental Conservation.](#)

- Jacqueline Lendrum – Proposed having Brendan Quirion and Dave Kramer doing a presentation on how deer harvest is calculated and iPad Pilot Program. Presentation scheduled for May 9 CFAB meeting.
  - DFW is putting together a Brook Trout focus group together.
  - Proposed having Steve Hurst and Geof Eckerlin provide a power point presentation on the fish hatcheries. A presentation will be at the June meeting.
  - Habitat Account – Balance of \$3 million. DFW does not have access to all of that at one time.
    - Discussion on future ideas for spending
    - Proposed work partnering with Trout Unlimited.
    - FWMB - \$800,000 is spent on staff salaries (Young Forest Initiative/forest management staff).
    - CFAB members asked for a breakdown of the HCAA, a presentation can be done at the June meeting. Concerns raised by Board members included but not limited to balance in Account, lack of movement of funds out of the account for projects, and what are suitable projects. There was also discussion on what constitutes an ideal project (large or small) for the division. The HCAA account will be the focus of a future CFAB meeting.
  - Jackie presented the Oneida Lake Association response letter about the hatchery being closed. A copy has been placed under the correspondence section.
  - Jackie and CFAB members had a discussion to clarify what can be done for tags and Youth Hunting. DFW staff considering options for enhancing youth deer hunter opportunity and whether and how changes could be made to tagging requirements to recruit and retain young deer hunters.
    - Board members stated that if regulatory changes must be made to allow youth hunters greater opportunities during the Youth Hunt it should be a priority. DFW staff stated this isn't an easy or quick process but will work to address the issue presented. Mr. Kemper stated this issue was brought up by other groups as well prior to January. DEC staff is hopeful that a fix to this issue can be resolved in time for the 2024 season.

**Division of Law Enforcement**

*James Boylan, Assistant Director*

*Brian Gillis, Major*

- DLE has sent canvass letters to all candidates on the new ECPO Civil Service Exam (approximately 2500 people). We hope to have 45 qualified candidates for a Basic School that will commence in early 2024.
- DLE's new officers all successfully completed their required Field Training Program and are on patrol in Region 2.

- DLE is hopeful that the 20-year bill will pass which will alleviate recruitment issues.
- DEC is prepared with a coordinated response to OLA’s concern over walleye poaching in Scriba Creek.
- Board members inquired on the recently enacted gun laws and whether there were any violations related to the new rules, DLE staff indicated there were not any significant enforcement issues that they were aware of.

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

Since the February 2023 CFAB meeting, we have not experienced any DECALS outages or issues. DFW staff are continuing work on both the contract reassignment process to Gordon Darby and Request for Proposal (RFP) development to secure a new DECALS vendor after the current contract expires (Sept. 2024) in the event a contract extension with Gordon Darby is not a viable or desired option. All three Kalkomey states have agreed to move forward with the reassignment to Gordon Darby. NYS has the longest and most complicated reassignment process, and we are currently still awaiting some insurance information from Gordon Darby before submitting the reassignment paperwork for approval. It could take an additional 2-4 weeks for final approval. Massachusetts and Nevada are already signed on.

<b>Cost Category</b>	<b>Rate</b>	<b>Total Cost</b>
<b>Transactions</b>		
1,094,689	\$1.81/transaction	\$1,981,387
<b>Development Hours</b>		
1,517	\$125/hour	\$189,625
<b>Total CY 2022</b>		<b>\$2,171,012*</b>

\*This is a breakdown of all of Kalkomey’s costs for DECALS for 2022. Note, the marine registry is a free item so is not part of the “transactions” costs. Maintenance of the marine registry is covered as part of the routine maintenance of DECALS and is not an additional cost to DEC.

**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 (Revenue)</u></b>
August 1, 2022	March 1, 2023	1,997,130	\$31,674,308	-4.9%
August 2, 2021	March 1, 2022	2,074,089	\$33,290,243	

**I Support Conservation Fund:**

August 1, 2022	March 1, 2023	7,0555	\$31,035	-7.04%
August 2, 2021	March 1, 2022	7,366	\$33,518	

**Venison Donation:**

August 1, 2022	March 1, 2023	4,574	\$17,968	-4.4%
August 2, 2021	March 1, 2022	4,890	\$18,801	

**Habitat & Access Stamp:**

August 1, 2022	March 1, 2023	23,662	\$118,310	-.15%%
August 2, 2021	March 1, 2022	23,698	\$118,490	

**Wildlife and Sportfish Restoration Update**

Final apportionments for the Wildlife and Sportfish Restoration Program (P-R, D-J) for Federal Fiscal Year 2023 were provided by the U.S. Fish and Wildlife Service. New York’s apportionment for Sportfish Restoration funds is about \$9 million, a roughly 2% decline from last year (Table 1). The apportionment for Wildlife Restoration funds is about \$30.5 million, which is a 2% increase from the previous year (Table 2).

**Table 1.** Final apportionments of Federal Aid in Sportfish Restoration funds for New York State, 2009 - 2023.

Year	Freshwater	Saltwater	Freshwater		Saltwater		Total	Annual % Change
			Boating Access	Sportfish	Boating Access	Sportfish		
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%	\$ 824,786	\$ 4,673,788	\$ 527,322	\$ 2,988,160	\$ 9,014,056	-1.8%

**Table 2.** Final apportionments of Federal Aid in Wildlife Restoration funds for New York State, 2009 - 2023.

Year	New York State Wildlife Restoration Apportionment			Annual % Change
	Wildlife	Hunter Ed	Total	
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	\$	23,428,714	\$	7,103,150	\$	30,531,864	1.7%

**Filled Position report: (as of 3/6/2023)**

**Division of Fish & Wildlife**

<u>Account</u>	<u>March 2023</u>	<u>February 2023</u>
Access Land Acquisition	0	0
Habitat Conservation & Access Account	7	7
Hazardous Waste Cleanup Account	1	1
State Purposes Account	53.8	51.8
Federal Fish & Wildlife Grants Account	47.8	46.8
Conservation Fund (Traditional Account)	206.15	206.65
Environmental Regulatory Account	3	3
Natural Resources Damages Account	0	0
<b>TOTAL</b>	<b>318.75</b>	<b>316.25</b>

**Conservation Fund (Main Account)**

<u>Conservation Fund</u>	<u>March 2023</u>	<u>February 2023</u>
Fish & Wildlife	206.15	206.65
General Counsel	0	0
Law Enforcement	0	0
Operations	3	4
Management & Budget Services	0	0
Office of Communication Services	0	0
Regional Affairs	3	3
<b>TOTAL</b>	<b>212.15</b>	<b>213.65</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.

- 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

**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.

- NPR is in draft stage

**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.

- NPR is in draft stage

Notice of 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 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.

- Rulemaking Initiation Memo is en-route

### Fish Hatchery Infrastructure Update March 2023

#### Staffing

The attached organization chart shows where vacancies exist. Dark red boxes indicate vacant items. The blue box is a long-term leave. There are currently 14 vacant items out of 80 total hatchery positions. We are currently in the process of filling six of those. Filled positions are as follows.

<b><i>Hatchery</i></b>	<b><i>Filled</i></b>
Adirondack	4
Catskill	6
Rome	7
Chateaugay	5
Van Hornesville	3
Salmon River	8
Caledonia	6
Bath	4
Randolph	6
Oneida	4
Chautauqua	4
South Otselic	4
Fish Disease Control Center	2
Central office	3
<b><i>Total</i></b>	<b>66</b>

## Infrastructure

### Hatchery Alarm and Monitoring Systems

We are in the process of standardizing and upgrading our hatchery monitoring systems. These new systems, Mission™ SCADA (Supervisory Control and Data Acquisition), allow staff to remotely monitor critical parameters, including flow, temperatures, security alarm sensors and amperages feeding key equipment to name a few. Mission™ SCADA systems are widely used by municipal waters systems across the country and offer a robust support network. Fisheries in conjunction with Operations has performed an initial assessment for each hatchery and are in the process of addressing needs on a hatchery-by-hatchery basis. To date, we have installed units at Salmon River, Chautauqua, and Adirondack. Oneida is the next on the list for a planned installation, with the rest of the hatcheries to follow.

### Adirondack Hatchery

Well replacement – Test well investigation was completed (Phase 1) and an eight inch well casing with proper screen and gravel pack has been installed. Well development was also performed. Phase 2 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.

- Phase 1 (complete): Installing casing/screen & performing yield test for a new well.
- Phase 2: Installing an adequate pump/motor for the newly installed well along with the electrical and plumbing work. This phase is ongoing.
- Working on design - was on hold but commencing in March.

Alarm System Replacement – We've completed an upgrade of the alarm and monitoring system to a modern SCADA (Supervisory Control and Data Acquisition). Several parameters (flows, oxygen levels and temps) are now live with more capacity for additional parameters.

### Bath Hatchery

Cisco rearing building – The building is completely enclosed. Installation of the interior panels and trim is 95% complete. Operations is currently reconfiguring the mechanical room to accommodate both the chiller (for culture water) and the furnace. Rearing tanks have been delivered and will be installed after the interior panels are installed. Plumbing will be installed after stocking season this year. We predict the project to be completed by December 2023.

The manager at Bath has retired (as of 27 February) and the residence is being assessed for renovation or replacement before a new manager is asked to move in. The house was built in 1870 and needs significant upgrades to meet current living

standards.

### **Caledonia Hatchery**

West pond rehab – Withdrawal Permit & SPDES Permit completed and received. Working on contract documents (drawings & specifications). There is no information available about the bridge crossing Spring Creek toward the annex facility/bridge with respect to age and weight rating – operations will need to visit this month to assess the capacity of the crossing.

Head box pipe and building replacement – A pipe from water supply head box building to hatchery is leaking and needs to be replaced. Plans are under development with Operations staff.

Roof replacement – Roofs on several hatchery buildings, including the residence, are scheduled to be replaced in the very near future. We are waiting for the JOC contractor to provide an estimate.

Radon Mitigation – Main hatchery building renovations included a sub-slab radon mitigation, but radon levels remain high. Confirmation testing will take place as soon as possible. It is likely that radon mitigation for hatchery production water will be needed.

### **Catskill Hatchery**

No site work to be reported at Catskill this month, however, radon abatement of the water supply is in planning stages.

### **Chautauqua Hatchery**

Manager's Residence – This residence needs to be replaced. 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. The new house may require siting further from the lake to avoid moisture issues that plagued the old house.

Monitoring and Alarm System – Installation of flow meters and water level sensors, along with a SCADA alarm system, has been completed and are communicating with staff cell phones. Full functionality of all sensors will not be confirmed until water is in use this spring.

A roofing contractor has been secured and installation of a new roof over the entrance of the main hatchery building will take place in the very near future.

Internet and phone service at the hatchery have been switched to Spectrum, which required a new fiber-optic line to be run from the main road to the office building. Some trees needed removal to allow access. Service has improved and monthly

communication costs will be nearly half of the previous provider's cost.

### **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 require a power supply that 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. Atlantium and Operations staff conducted a site visit to the Hatchery on 1/18/2023 and an updated proposal of UV system has been received. Operations continues to work closely with Atlantium to solve issues regarding design and plumbing requirements.

### **Randolph Hatchery**

Hatchery Rebuild – DEC and OGS staff are working with an experienced design and build consultant on 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.

### **Rome Hatchery**

Hatchery Radon Mitigation – A radon mitigation system was installed in February 2023 in the hatch house. This installation is complete and the unit is functioning well.

Delta dam inspections – NYPA has initiated a dam inspection and discovered a leak (either from a valve or the dam) on the upstream end of our lake water supply line. Further inspection is required. An inspection was attempted in late February, but the dive was called off due to weather. Once NYPA completes the inspection in early 2023, a collaborative decision on how to proceed will be required. This line and valve are critical to the operation of the Rome hatchery and the Fish Disease Control facility.

The Mohawk River Trail will be constructed through a portion of the hatchery property. Hatchery staff are working with OGS to ensure these multiple uses can be accommodated without hampering hatchery operations.

### **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 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 obsolete. A new manual should result in meaningful improvement in operations at Salmon River. All existing as-built plans were transmitted to HDR December 8<sup>th</sup> and 9<sup>th</sup>, 2022. A kick-off meeting was held January 26<sup>th</sup> 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 – The mold remediation project will be underway soon. The remediation contractors, the electrician, the general (JOC) and operations were on hand for a coordination meeting at the end of February to ensure that work can move forward efficiently without interfering in fish culture operations.

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 increase in cost.

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 using the Aquafreed system is in preparation. Aquafreed systems have been installed on several wells at the hatchery resulting in more effective cyclical maintenance.

Unfortunately, the pump died at well 8-13A mid-February. Failure was attributed to an improperly sized pump. Operations, fisheries and a well development contractor are working to clean, test, resize and replace the pump, likely in the first half of March.

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. Potable water tanks in the hatchery proper are being inspected in March in hopes they can be rehabilitated and not replaced wholesale. Operations is working to complete needed domestic water improvements within 2023.

The hatchery experienced extensive tile buckling and tenting in the upper floor (observation deck) of the spawn house. There was also cracking observed in a beam above the affected area. The damage incurred is most likely related to the sub-zero temperatures in early February. This damage is currently being assessed by a consulting engineer contracted through OGS. Assuming the structural team deems the space safe, temporary fixes may be applied to the floor to allow for public visitation during the steelhead run. If that's not the case, the space will be closed until further fortification and repair efforts can take place.

### **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. DEC engineers and the 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 was drilled in February. We're still awaiting a final report that will inform the placement of the new well.

Dam repair – A dam on the Otselic River allows the hatchery to withdraw water for hatchery production. The dam requires 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 is now occupied. 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 is underway.

Stream bank stabilization – This project is complete. Operations was alerted to a concern regarding erosion between boulders used for stabilization, but this may get corrected through natural sedimentation. Visual reassessment by fisheries staff will take place in March.

### **CFAB Business**

**Federation and Club Outreach** - Discussion on CFAB members performing outreach to clubs and county federations. Each individual member expressed the challenges faced in their regions and with FWMB and the NYSCC. As discussed earlier in the meeting during the executive portion of the meeting, participation by the Dept. at meetings and events has decreased compared to pre-Covid. CFAB members also acknowledged that attendance by the sporting community at some meetings has diminished and DEC staff needs to focus on larger attendance events.

**Region 3 and Region 7** - These vacancies continue to be an issue. Members have made recent contacts with the appointing authorities and perhaps some progress could be made.

**Adirondack and Catskill Park** – Concern was raised by members that some of the work being initiated by the Dept. in the Adirondack and Catskill Park didn't include the sporting community. Mr. Kemper indicated that the original email that was sent out to

stakeholders did include CFAB and that was forwarded out to the Board when it was received.

## **MEMORANDUM**

**TO:** Jacqueline Lendrum, Director, Division of Fish and Wildlife  
**FROM:** Stephen Hurst, Chief, Bureau of Fisheries  
**Date:** March 10, 2023  
**SUBJECT:** Adirondack Brook Trout Pond Plan – Status report

### **Background**

A new ponded brook trout management plan is needed to replace the previous plan by Walter T Keller (1979). Known as the “Keller Plan”, this body of work has guided our management actions for more than 40 years. Although the plan was a statewide plan it emphasized ponded water habitat in the Adirondacks and set the stage for efforts to restore populations of brook trout that were lost due to the deleterious effects of acid precipitation and non-native fish introductions. Today, there are new threats and new opportunities that dictate the need for a revised approach. The impacts associated with acid precipitation is waning and waters are chemically more beneficial for brook trout due to the Clean Air Act. This healing provides us with an opportunity to restore populations and create fisheries previously lost. At the same time, we face a new threat due to a changing climate and the rapid expansion of aquatic invasive species. Using what we have learned over the past 40 years, a new plan will be developed to chart a revised approach that negotiates these challenges for successful outcomes.

### **Plan Development Process**

As with any good plan, reflection on and documentation of the current state is necessary to construct a viable approach to derive at a desired future state. DEC Fisheries staff have been working since the Fall of 2022 to accurately assess the current state, and more importantly, document the lessons learned from the past 40 years of management. This has been a monumental amount of work as although individual biologists intimately involved in brook trout management possess a keen knowledge of the science, the information has not been recorded or kept in a fashion that will serve those who will manage this resource in the future. Equally important, the compilation of this information will serve as the learning foundation for development of the new plan. At first, this “Historical Perspective” was intended to be part of the new plan, but it is so voluminous we have now decided to publish it as a standalone report that will be cited in the plan. This approach should serve the process well as it provides for a briefer management plan and will afford those interested in brook trout pond management an opportunity to learn about the current state of management before reading/commenting on a new plan. It will also serve as a learning tool for a group of individuals we plan on assembling in a Focus Group to provide feedback on draft goals and objectives associated with the new plan. We hope to issue the Historical Perspective Report in mid to late April.

Fisheries staff have drafted a vision statement, guiding principles and risk/challenges sections for the plan. We have also started to develop goals and objectives for management. As stated previously, the draft goals and objectives will be used to elicit feedback from a Focus Group of individuals who have an interest in brook trout

management in the Adirondacks. This collection will be made up of individual(s) from:

- the angling community,
- academia,
- federal researchers
- NYSOGA, and
- conservation organizations.

Work drafting the goals and objectives will continue to take place in April and May. The Focus Group will assemble in June to discuss the goals and objectives. A draft timeline for completing the plan is below.

### **Timeline**

#### April

- April 5-6 Goals and Objectives Meeting (location TBD)
- Release Brook Trout Pond Management webpage which includes Historical Perspectives Report
- Finalize Focus Group Charge
- Send invitations to Focus Group members
- Send Charge and Historical Perspectives Report to Focus Group members

#### May

- Finalize draft tenets of the Plan: goals and objectives completed.
- Produce slide presentation for Focus Group meeting

#### June

- Meet with Focus Group
- Adjust goals and objectives based on Focus Group feedback

#### July

- Complete draft plan
- Release draft plan for a 30-day comment period

#### August

- Hold 4 public meetings to present plan and elicit feedback

#### September

- Assess public comments
- Adjust plan
- Release final plan

Respectfully submitted

March 10, 2023

A handwritten signature in blue ink, appearing to read "Stephen S. Hurst".

Stephen S. Hurst  
Chief, Bureau of Fisheries

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