

January 11, 2009

WNYEF January 2009 Meeting

Meeting Called to Order at 2:00PM, Hoak's Restaurant

Role Call:

Cattaraugus present
Chautauqua present
Erie present
Niagara present
Wyoming – not here, new President
SCI – Not present

Announcements

2/15/2009 – Benefit for Tom Mark's ill child

DEC Reports

Russ Biss

FWMB – Term limits being enforced
9 of 18 reps need filling TY, Next Year land owners reps
Open space Conservation meeting in Springville on Jan 22.
Re-licensing of Niagara Power project - \$12 MIL in Habitat Improvement Project (HIPS)
Fish habitat improvement structures now in place in Niagara River. More HIPS projects coming
Region 9 DEC Budget complications – mileage cut by 10%, cut projects by 25%, no hiring. Do not anticipate layoffs, but no backfilling of positions being vacated either through retirement or promotion

Q – John Susz asked about walleye hatchery from NPA funding? No, could have been from Occidental settlement fund, unknown status of projects.
Will the slated projects be slowed or stopped? No, damages money, not budget money - project moving forward.

Report from Russ Biss as follows:

Western New York Environmental Federation

January 11, 2009

NYSDEC Natural Resources

Fish and Wildlife Mgt. Board

Contacted all county legislature chairmen in Region 9 counties regarding the appointment of landowner representatives for a two year term.

The county representatives for both the Farm Bureau and Grange were also contacted regarding recommendations for representation on the board starting in January 2009. There is also a need to replace some of the sportsmen and legislative representatives who have exceeded the 8 year term limit.

All county sportsmen federation presidents with the exception of Wyoming County were contacted. I was told there was already a selection made for the sportsman and landowner representatives for Wyoming County.

In 2009 there will be 9 new members on the Region 9 FWMB.

The funds allocated for the FWMB were reduced by 25 % which resulted in insufficient funds to pay for the usual meal and mileage reimbursement for the board members scheduled Dec. '08 meeting.

When the board meets again we will have to decide what format to use regarding meetings . We need to have a minimum of four meetings but we will have to decide about whether to forgo the meals and encourage more car pooling.

Open Space Plan Mtg.

A statewide news release went out this week announcing the release of the draft 2009 NYS Open Space Conservation Plan and scheduled public hearings in each DEC Region. The Public Hearing for Region 9 will be held on January 22, 2009 in the Town of Concord Hall in Springville, NY. There will be an information workshop starting at 1:00 PM until 2:30PM and then two sessions for public comments - the first starting at 2:30 PM and running until 4:30 PM and then the second from 7:00 PM until 9:00PM. The public comment period began on Weds. Jan 7 and will run for 45 days until Feb. 27, 2009 at 4:45PM. Comments can be provided by mail or email. Information is on the DEC website at www.dec.ny.gov/lands/47990.html

NYPA Item

We are still attempting to fill an item that was approved in the relicensing agreement for the Niagara Power Project with the New York Power Authority. The purpose of the item is to represent the DEC on the Ecological Standing Committee that helps decide on the approved projects submitted under the requests for Niagara River Greenway funds and also will handle DEC's responsibilities in seeing that the \$12 million in Habitat Improvement Projects and \$16 million in future projects is accomplished. We currently are waiting on agreements between DEC and NYPA regarding the funding transfer and finalizing an agreement with Natural Heritage Trust which will take the money

and hire the person for the position. The staff person hired will work out of the Buffalo DEC office and be supervised by the Natural Resource Supervisor.

Budget

Mileage reductions - 10%

Spending cuts - 25%

No hiring - except maybe some promotions to fill critical items with no backfill of vacated item.

No layoffs of DEC staff - hope to reach mandated cuts thru attrition.

DEC Wildlife Manager Mark Kandel

Game Farm – Gov announced closing, no pheasant program at all. Nothing to work with, day-old chicks, nothing.

Attempting to distribute the breeders to existing cooperators, special licenses unit is anticipating game bird breeder licensing interest and demand.

CONTACT: Special Licensing Unit, can call direct or call DEC Buffalo Office.

Roughly 8500 hens and 850 cock birds that need to be distributed. What doesn't get distributed planned to slaughter and donated to poor.

Decision made on farm with very little discussion with Dept. (none)

Final year of turkey study. Looking at S. Tier counties to target. Still looking at winter flock study. Will become an annual survey, trend information year to year to determine health of overall flocks.

In addition to other surveys, grouse hunter log and grouse drumming observation diary (spring – using turkey hunters).

Venison Donation Coalition winning USDA Fight Hunger award - only 4 awards being issued Nationwide.

Preliminary harvest numbers

Bear – Expanded hunting areas in regions 7,8,9. 200 bears harvested, up from 120, which was also a record. Harvested 95 bears in region 9, 19 bears killed on roadway. 6 cubs harvested (illegal). Biggest bear 360 lb (taken over bait illegally)

Deer – Statewide, close to LY. Region 9 harvest down 1900 fewer bucks and 2800 fewer antlerless. Numbers may change slightly. Numbers through check station way down – Holland, check station opened at 12:00 noon.

CWD sampling down this year – sampling completed in archery season.

John Susz – read an article concerning shooting feral hogs. Is it illegal to taken them?
No you can take them so long as you have a hunting license.

Tony Gonnello – brings up the early ML season. Where does DEC officials here fit into in getting this done? Write lots of letters – Mark K will keep putting in front of deer team. Biologically, no issue, politically another matter.

Name and contact for pheasant – Mike Murphy – at Reynolds, for requests and questions concerning farm

519-402-8985 – Special License unit – End of March – Game bird breeder license 4/1 – 3/31

607-373-3763 – All other Q's – Reynolds Game Farm – Mike Murphy
Requests for birds must be in by Jan 13.

Fisheries – Mike Todd, DEC

No expected changes in inland stocking changes this year – with exception of waters with multiple stockings, combined into one stocking to save mileage and fuel. This is not necessarily in stone yet. If they have to decrease mileage, they will combine multiple stocking into fewer trips.

No great lakes changes, except fewer Chinooks in the pens. More pen programs this year, Salmon river can only handle 300,000 penned fingerlings

Other sites will decrease to make up for new pens.

Walleye VHS testing will no longer be paid for by the Dept. This will affect Niagara River Anglers stocking program. They must pay for the tests.

Contact Joe Golati with Q's

Sampling musky in spring for adult and YOY in summer. Seining and electro fishing – Buffalo Creek.

No expected changes in bait regulations – no new occurrences of VHS spread or fish kills recently.

I fish NY program – education and outreach program. 3 others, region 7, 3 and Central Office. Education is back bone, plus fisheries promotions, access improvement and fisheries management. 8 promotional appointments at fairs, outdoors, shows and BASS Elite Series, 10 youth and family fishing clinics.

Maintain the two fishing hotlines, Lake Erie and WNY hotline. New brochures and expansion of region 9 info on DEC website. Goals for 2009 – increase involvement in fishing clinics. And programs currently running, he will offer assistance. Attending upcoming shows and outdoor events, compiles a list of events to publish, if you want your event published, please get it to Mike.

Increasing presence in schools – in class or after school. Looking to create new booklet to replace the Getting Started booklet, which is out of print.
5 access kiosks, 2 at Chautauqua, 1 at Cassadaga, several on Erie and Ontario.

Working on public fishing rights maps. Going into statewide format, to show where you have public access to fishable waters.

Trout stamp? Where do we go to give input on this? Contact Steve and Paul, but this came from higher up.

Rich asks, if we go this route of stamp for this and stamp for that, how would this impact additional administration and tracking for these new stamps? Are there going to be designated fund accounts? Will this be adding cost? Unknown, as no details as of yet.

CFAB Report – Dale Dunkenberger

Been to first 2 CFAB meetings. Heading to the meeting tomorrow. As it has been put out to the public, and getting blindsided, and

CFAB is also being blindsided.

Some of the Q's – it didn't come from the Commissioner. Came from budget. Enck is running the show – governor forwards all letters concerning this to her.

When she (Enck) made decision to close game farm, had no idea it was CF money.

Doing everything possible, but getting different statements. Scott Aberson from DEC counsel's office. Working on a moratorium on anything being done with these birds until after the budget process is complete.

Dept. has a ski center in the Catskills paid for from the GF. Not closing that. Why is the DEC in the ski business?

Official position of CFAB and what has been done, letter to Gov, and all others involved to oppose the move. Hasn't been too vocal.

Antoine Thompson – Chairman of the EnCon Senate Committee – Dan Tone spoke about the rep for Thompson is a pheasant hunter and Brittany spaniel owner.

Meeting last week in Ilion, NY. No contact with anyone on anything. HSUS has been trying to get rid of the pheasant program for years. Seems like the policy of HSUS and the DEC stated policy now in lockstep? What is going on here. Agreed. Anti's behind the move, if they cannot get in the front door, they are going to get in the back door.

Saltwater license prefer to see straight fishing license. SW license would not go to CF. There is talk of injunctions to keep the farm going. Additional groups please stay later today to discuss the options being discussed.

Rich D - The trust level with the Governor is down, they change their minds. How about a counter proposal from us? What are we doing?? Albany is putting the Dept in the middle and this isn't good.

DMP, early ML, mourning dove, proactive positive changes to increase the revenues, as without people buying licenses, you can increase them all you want, and make no money.

COBIS – Maryland and NY are only two states involved, yet costs \$25 MIL. SCOPE and NYSRPA is trying to get this eliminated.

Buffalo News cut some space on Sunday last week from Outdoors section. Pester the Buffalo News.

Gene P. Has been writing for the Observer for 20 years. Would fight the editors to get pictures in the paper. When done, public support was positive and overwhelming. This year the new editor developed a tag of the week! Give advice on how to pose for the pictures, cleaning up hands, put tongue of deer in mouth, do not show the body cavity, etc. Letters to editors will work.

What about rifle bill in Chautauqua. Parment told the sportsmen at a Federation meeting, you have more chance moving an oak tree than having me change my position on the rifle status (against). Under advisement from NRA that Parment is against guns and NRA

Joe Fischer motions to send Buffalo news a letter to not cut the Outdoor space
2nd Gene Pauszek.
Discussion- none
Motion carries

New Business

From Erie County

Rails to trails – many towns on board – problem is the railway runs close to many homes, and right through West Falls Conservation Club. If the trail goes through would effectively close down WFCS firing range.

Already lots of trails in state lands and parks in the area. Existing trails are already underutilized.

Would like to see this issue of the rail on 240 to trail on the FWMB agenda at next meeting.

Orchard Park doesn't want to oppose this, they want the trail despite at the last public meeting 63 of 65 speakers were opposed.

State Parks would take this over. Has anyone written to the parks? Yes.

Dan Tone motions to oppose the rails to trails.
2nd Joe Fischer

Discussion

Gene Pauszek – would you be willing to list why we're against it, not just that we're against it. List the reasons why.

Motion carries unanimously

Rich motions WNYEF support early ML

2nd Joe Fischer

Discussion:

Heard from Gene Pauszek – unknown concerning crossbow bill on our stance, could this get it going, early ML? Probably, maybe, but legislative action is required vs early ML is regulation only.

Delmonte and Maziarz have resubmitted handicapped crossbow bill

Real slap on NYS and lack of crossbows. Lost both legs and one arm, did not qualify for modified crossbow. Was invited to Texas to go deer hunting.

Motion carries to write letter to DEC to support the Early ML Season proposed by Erie County

County Reports

Erie – already given

Niagara – None at the moment

Cattaraugus -None at the moment.

Chautauqua – Already given

Wyoming – not here

Deer Search - Nothing

Dan Tone – Sandy Palmer for the last 3 years has been keeping the NYSCC office rolling since Linda Coffin left.

Dan Tone Motion to buy Sandy Palmer a farewell basket of flowers

2nd Dale Dunkenberger

Motion carries

Dan Tone motion to send Tom Marks a donation for his ill child

2nd Tom Fischer

\$50.00 value

Motion carries

Treasury report

We have \$1109.00, +\$25, -\$100.00

Next meeting will be April 19, 2009, 2:00 PM, Hoak's.

Meeting adjourned at 4:00 PM



2008-09 Cooperator Ruffed Grouse Hunting Log

Instructions:

Dear Cooperator:

Thank you for choosing to participate in the annual survey of grouse hunters! The information you provide is used to monitor long-term trends in ruffed grouse populations. Please adhere to the following guidelines:

- ✓ Record all of your grouse hunting trips, successful or unsuccessful.
- ✓ Only record hunts that take place in New York State.
- ✓ Only record your individual totals, not those of your hunting partner(s).
- ✓ Record whether or not you hunted on public land (e.g., Wildlife Mgmt. Areas, State Forests, etc.).
- ✓ If you hunt both public and private land on the same day within the same WMU, please use two separate lines on the form.
- ✓ Round the number of hours you hunted to the nearest whole hour.
- ✓ Record the information neatly in the boxes so it is legible.
- ✓ Keep the log in your vehicle and complete it after each hunt!
- ✓ **DO NOT** count grouse that you know are re-flushes or flushed by other hunters in your group.

Example Cooperator Ruffed Grouse Hunting Log

Did you hunt ruffed grouse during the 2008-09 season?

Yes No If No, stop here. If Yes, continue below.

Date (Month/Day)	County (First 4 letters)	WMU *	Public Land?	# Hours Hunted	# Grouse Flushed	# Grouse Killed	Hunted w/ Dog?
10 / 15	TOMP	7R	<input type="radio"/> Y <input checked="" type="radio"/> N	2	02	0	<input type="radio"/> Y <input checked="" type="radio"/> N
10 / 15	MADI	7M	<input checked="" type="radio"/> Y <input type="radio"/> N	4	05	0	<input checked="" type="radio"/> Y <input type="radio"/> N
12 / 07	DELA	4P	<input checked="" type="radio"/> Y <input type="radio"/> N	6	06	2	<input checked="" type="radio"/> Y <input type="radio"/> N

* Wildlife Management Unit (from Hunting & Trapping Regulations Guide)

At the close of the grouse hunting season, please return the completed log in the postage-paid envelope provided or mail it to:

NYSDEC
Wildlife Services
625 Broadway
Albany, NY 12233-4754
518-402-8883

If you downloaded these forms from the DEC website, please contact us at the number above and we will provide you with a postage-paid envelope.

After data have been analyzed, your hunting log will be returned to you along with a report of this survey. In subsequent years, you will receive a grouse hunting log in the mail just prior to the hunting season. The personal information you provide (e.g., name, address, phone) will be kept confidential. Thanks again and good luck this season!



2008-09 Cooperator Ruffed Grouse Hunting Log

Identification # (from hunting license)

- -

Name: _____

Address: _____

Phone/e-mail: _____

Please PRINT in blue or black ink only.

Correct Incorrect

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Did you hunt ruffed grouse during the 2008-09 season?
 Yes No If No, stop here. If Yes, continue below.

Date (Month/Day)	County (First 4 letters)	WMU *	Public Land?	# Hours Hunted	# Grouse Flushed	# Grouse Killed	Hunted w/ Dog?
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* Wildlife Management Unit (from Hunting & Trapping Regulations Guide)



Winter Wild Turkey Flock Survey 2009

Name: _____

Address: _____

Phone/e-mail: _____

Are you a DEC employee? Yes No

Please PRINT in blue or black ink only.

Correct Incorrect

A A

Instructions:

- Record sightings from **January through March** only.
- Fill-out a separate section for each flock observed. To report more than 3 flocks please use additional survey forms.
- Record sightings only when you can safely stop and count the turkeys. Use binoculars whenever possible. Do not report partial counts.
- Record weather and habitat data for each flock observed.
- Make an attempt not to report the same flock multiple times. It is not critical that each flock be recorded only once, but numerous duplications may bias the results.
- At the end of March, return to: Turkey Survey, NYSDEC, 625 Broadway, Albany, NY 12233-4754

Thanks for your help!

Date (Month/Day)	County (First 4 letters)	Town (First 7 letters)	WMU	Nearest Intersection
<input type="text"/> / <input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
# Birds in Flock	Temp (F)	Snow Depth (in.)	Habitat (select one)	
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="radio"/> Woodland <input type="radio"/> Pasture	<input type="radio"/> Crop Field <input type="radio"/> Hay Field <input type="radio"/> Other
				<input type="radio"/> Park/Golf Course <input type="radio"/> Lawn/Backyard

Date (Month/Day)	County (First 4 letters)	Town (First 7 letters)	WMU	Nearest Intersection
<input type="text"/> / <input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
# Birds in Flock	Temp (F)	Snow Depth (in.)	Habitat (select one)	
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Date (Month/Day)	County (First 4 letters)	Town (First 7 letters)	WMU	Nearest Intersection
<input type="text"/> / <input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
# Birds in Flock	Temp (F)	Snow Depth (in.)	Habitat (select one)	
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				<input type="radio"/> Park/Golf Course <input type="radio"/> Lawn/Backyard

2009 Draft New York State
Open Space Conservation Plan

We are pleased to announce that the Draft Revision of New York State's 2009 Open Space Conservation Plan will be available on DEC's web site starting today - January 7, 2009 at:

www.dec.ny.gov/lands/47990.html

We are encouraging people to view the web site to reduce our impacts on the environment. If anyone wants a copy on disk, just let us know. Hard copies should be available in a limited number next week and we'll have some for viewing at the DEC Regional Offices.

Statewide Open Space Public Hearings have been scheduled during the week of January 20 -22, 2009.

The Region 9 Public Hearing is scheduled for:

Thursday, **January 22, 2009**
Concord Town Hall
86 Franklin St.
Springville, NY

1:00 - 2:30 PM Workshop

2:30 - 4:30 PM Hearing

7:00 - 9:00 PM Hearing

I hope you all will considered attending, and please encourage anyone you feel may have an interest to review the plan and attend the hearings as well. Your comments are always invited. Comments will be accepted at the hearing, or in writing. The comment period on the draft starts today and concludes on February 27, 2009 at 4:45 PM.

Comments can be sent to : Francis E. Sheehan
Assistant Director

NYS DEC Division of Lands and Forests
625 Broadway, 5th Floor
Albany, NY 12233-4250

STATE PURCHASING**§ 167****Art. 11**

in the state treasury; provided, however, that a written request therefor, accompanied by the payment herein provided, be submitted to the clerk of the assembly within ninety days after such resignation or termination of term of office; and provided further that not more than one such chair may be thus sold, regardless of any service subsequently rendered as a member of the assembly. In the event that any member of the assembly dies leaving no surviving spouse, the clerk of the assembly shall have the power to sell such chair, upon the terms and conditions hereinabove prescribed, and in the following order of priority: (i) to any person designated by such member in a writing filed with the clerk of the assembly, or (ii) to a child of such member, if any, in the order of seniority, (iii) to the father of such member, (iv) to the mother of such member, (v) to a brother or sister of such member in the order of seniority.

7. The commissioner shall have the power, at the request of a former governor or head of a state department or agency, or the surviving spouse of such a former official, to sell to such former official, or to his or her surviving spouse, selected articles of furniture, in use by such former official at the termination of his services as governor or head of a state department or agency in the private offices of the governor in the executive chamber or in the office occupied by such former head of a state department or agency, for the reasonable value thereof as articles of furniture as determined by the commissioner, depositing any moneys received from such sale in the state treasury; provided, however, that a written request therefor, specifying the articles to be purchased, be submitted to the commissioner within ninety days after the termination of such service.

8. The provisions of subdivision one of this section shall not apply to the transfer of library books and journals, provided, however, that in the event any such items are to be transferred or disposed of in a manner other than as provided by such subdivision, the head of the department having custody or control of the library book or journal shall certify that it is no longer needed by the department and a record of the transfer or disposal, including such certification, shall be filed with and kept by the office of general services.

9. The application of subdivisions one and three of this section to the transfer of computers, computer software and computer equipment, not required for trade-in, reuse within the agency, or requested by another state agency, shall be in conformity with section one hundred sixty-eight of this article. Disposal of computer equipment pursuant to paragraph (e) of subdivision one of this section, or disposal of computer equipment by an agency in the exercise of its discretion according to subdivision three of this section shall be

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STATE PURCHASING

Art. 11

deemed to be in the best interest of the state if in conformity with section one hundred sixty-eight of this article, or if the head of the disposing agency demonstrates the existence of a greater state interest in an alternate disposal.

(Added L.1995, c. 83, § 33; amended L.1996, c. 261, § 4.)

Historical and Statutory Notes

L.1996, c. 261 legislation

Subd. 9. L.1996, c. 261, § 4, eff. Sept. 30, 1996, added subd. 9.

L.1995, c. 83 legislation

Section effective July 20, 1995, retroactive to April 1, 1995, pursuant to L.1995, c. 83, § 362(5), set out as part of note under State Finance Law § 160.

Derivation

Former § 178, L.1940, c. 592; amended L.1946, c. 483, § 1; L.1947, c. 413, § 1; L.1948, c. 751, § 1; L.1949, c. 230, § 20; L.1955, c. 3, § 1; L.1958, c. 59, § 1; L.1958, c. 269, § 1; L.1961, c. 555, §§ 1, 2; L.1962, c. 294, § 1; L.1962, c.

885, § 1; L.1963, c. 911, §§ 1, 2; L.1967, c. 511, § 1; L.1971, c. 287, § 1; L.1973, c. 249, § 1; L.1990, c. 725, § 1; L.1992, c. 122, § 1; L.1994, c. 169, § 92, repealed L.1995, c. 83, § 33, was from State Finance Law of 1909, c. 58, § 140; formerly § 54-c, added L.1921, c. 336, § 3; renumbered § 140 and amended L.1927, c. 364, § 2; amended L.1928, c. 104.

Former sections

Former § 167, L.1940, c. 593; amended L.1961, c. 416, § 7, related to purchase of materials, equipment and supplies and was repealed by L.1995, c. 83, § 33, eff. April 1, 1995.

Library References

American Digest System

States ⇐89.

Encyclopedias

89 NY Jur 2d, Public Works and Contracts § 27.
C.J.S. States §§ 149 to 150.

Forms

17 Am Jur Legal Forms 2d, States, Territories, and Dependencies § 239:16.

Texts and Treatises

14 Am Jur Trials 437, Representing the Government Contractor.

WESTLAW Research

In a caselaw database, run TO(360) or 360k[add key number] to retrieve cases related to States.

Notes of Decisions

Authority to dispose of property 1

Certification of unfitness 3

Gifts 4

Property subject to disposal or transfer 2

Public sale or auction 5

1. Authority to dispose of property

Disposition of seized game and fish or parts thereof is within the jurisdiction of the Conservation Department under former § 151 of the former Conservation Law [now ECL 11-0105] rather than within the jurisdiction of the Budget Di-