

New York State FISH AND WILDLIFE MANAGEMENT BOARD



Joint Legislative Public Hearing on the 2013-2014 Executive Budget Proposal: Topic “Environmental Conservation”, 4 February, 2013.

The New York State Fish and Wildlife Management Board, a citizen’s board, represents the roughly 1.4 million members of the sporting public of the state, the landowners of the state and the county governments of 55 of the 62 counties of the state. The Board has a statutory responsibility under Article 11 Title 0501 of the Environmental Conservation Law to advise the Department of Environmental Conservation, the Legislature and the Governor on matters pertaining to fish, wildlife and habitat management along with matters pertaining to sporting access to the lands and waters of the state.

As you have heard from Chairman Kemper of the Conservation Fund Advisory Board, the DEC Division of Fish, Wildlife and Marine Resources has fifty-two less staff than it did in August of 2009 while well over one hundred additional personnel, many of whom are not even in the Division, are currently being charged to the Conservation Fund. This is an important issue in that the work previously done by the lost staff often goes undone while we have and will continue to have the funds in the Conservation Fund to fill those positions without using General Fund monies. As the financial stress on the General Fund has nothing whatever to do with the Conservation Fund or the programs it is intended by law to finance it simply does not seem to be good governance, prudent fiscal policy or responsible and competent stewardship of the fish, wildlife and habitat resources of the state to leave these positions vacant. I urge you to take this matter to heart and to work towards filling these positions which exist right across the state.

One funding issue related to fish and wildlife management and habitat access is the repeated attempts by members of the legislature to enact free or reduced fee sporting licenses for special interest groups and the use of Conservation Fund monies to fund items most appropriately funded through the General Fund.

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First, while I think the idea of free or reduced cost sporting licenses for the disabled, certain current and former military members etc may be a good thing, the way in which every one of the existing or proposed fee reductions has been enacted or proposed is deeply flawed. If it is a good idea for a particular class or group of people to receive free or reduced cost licenses then it is a good idea for all New Yorkers to participate in funding those licenses. By not tying these free and reduced cost licenses to annual appropriations and allocations sufficient to cover the costs we have left the costs of these "feel good" bills to be paid by the sporting public who actually do buy licenses. This is unfair and unreasonable in the extreme and the financial penalty is compounded by the loss of the normally associated federal matching funds lost due to the reduced revenue. Please take to heart my request that you, as legislators representing all New Yorkers, stop forcing the sporting public to pay for these free and reduced cost "feel good" licenses.

Second, is the tendency of the legislature to seek to use Conservation Fund dollars for projects that, while strictly legal, really should be funded through the General Fund. One recent example is the diversion last year of over three quarters of a million dollars (\$775K) of sporting license funds to pay for the control of the invasive plant hydrilla in the Cayuga Lake Inlet. While I appreciate the environmental issues at stake the simple fact is that the sporting public of New York was not responsible for the introduction of that or any other invasive plant and that the work, in all fairness, should have been funded through the General Fund.

I ask you to use a simple litmus test when considering the use of Conservation Fund dollars. If New York State stopped selling sporting licenses today, what would we fund tomorrow? If we would pay for it in the absence of sporting license dollars we probably shouldn't be using sporting license dollars to pay for it at all. Clearly, in the above example we would have acted to control the invasive plants. Just as clearly, that funding should have come from the General Fund.

While the purchase by the state of large tracts of land in the Adirondacks makes great press the state already has very large landholdings there and there are many dozens and likely hundreds of perhaps less glamorous yet equally important land acquisition and improvement opportunities all across the state that have had to be ignored or delayed in order to make these large purchases. While I fully appreciate the value of these large Adirondack tracts only a very small minority of New Yorkers will ever have the opportunity to make full use of them. I strongly urge you to support a more fair distribution of land acquisitions and improvements to access and habitat in the other areas of the state where the vast majority of the population of the state actually lives and recreates. Using just one example, Putnam County, which borders

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the Hudson River, does not have a single public boat launch on the river. There are many other missed or delayed opportunities in all parts of the state. Again, we need to work together to ensure a more equitable distribution of the land acquisition, habitat management and access dollars available.

Another troubling issue of great concern is the repeated and accelerating tendency of the legislature to use, or attempt to use, special interest legislation to direct the fish and wildlife management policies and practices of the DEC. Recent examples are the legislative enactment of mandatory antler restrictions in some wildlife management units, legislative attempts to restrict the use of crossbows in archery seasons and attempts to unreasonably restrict the timing of a youth deer hunting opportunity.

These and other examples of special interest legislation subvert the clear intent of Article 3, Title 0303 of the Environmental Conservation Law which mandates that the DEC has the task and responsibility to manage the fish and wildlife resources of the state. This legislative interference ties the hands of the DEC in the statutory role for which it alone is best equipped and trained and increases the complexity, and often the costs, of fulfilling their duties.

Simply put: If a proposal made by any special interest group cannot survive the light of day in the fair and public regulatory process required by the Administrative Procedures Act we have no business mandating it by legislation. Doing so both detracts from the statutory authority and ability of the DEC to manage the fish and wildlife resources of the state and increases the cost and complexity of doing so but it, by definition, unfairly harms the interests of the majority of the people of the state.

I and all of the members of the regional and state Fish and Wildlife Management Boards are more than willing to discuss with all of you these or any matters pertaining to fish, wildlife and habitat management and matters relating to sporting access to the lands and waters of the state.

Thank you.

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