



**TO: GOVERNOR ELIOT SPITZER
MEMBERS OF NEW YORK STATE SENATE
MEMBERS OF NEW YORK STATE ASSEMBLY**

**FROM: JOSEPH M. GERGELA, III
EXECUTIVE DIRECTOR, LONG ISLAND FARM BUREAU**

DATE: FEBRUARY 4 & 5, 2008

RE: 2008 LONG ISLAND FARM BUREAU PRIORITY ISSUES

DEER MANAGEMENT

One of the most severe problems facing farmers in New York State and Long Island is economic damage to crops from the burgeoning deer population. The problem has been exacerbated by a shrinking wildlife habitat as a result of urban sprawl and by the unmanaged growth of the deer population. The impact of deer destruction of crops is not limited to the marketability of our products but includes the cost of labor, seed and fertilizer, initial purchase costs of vineyards, nursery and greenhouse crops, inability to produce certain crops in certain fields that would ordinarily produce a higher yield/value, and the inability to replant another crop to re-coup lost income from crops destroyed. It is evident the profitability of Long Island's agricultural industry is jeopardized by the failure of current NYS Law and regulations to adequately address this issue. For years we have asked that DEC conduct a formal study of wildlife damage to crops, especially the deer population so that there is data on how much it is costing New York farmers to subsidize the feeding and protection of the State's and citizens wildlife. Long Island Farm Bureau conducted a survey of our members several years ago. 80 members responded and projected 2 million dollars of damage at that time. A comprehensive wildlife management program needs to be developed by DEC in each region with partnership of landowners and hunting clubs.

There are a number of legislative and regulatory approaches to this problem including:

1. A cost share program should be developed and implemented by the NYS Soil & Water Conservation Committee at NYS Department of Agriculture & Markets. The cost share funding should come from the New York Environmental Protection Fund and disbursed to the individual Soil & Water Conservation District. Soil & Water Conservation Districts in each county where deer and wildlife are causing economic harm to the farming industry should cover 50% of the costs of fencing, posts, gates and labor.
2. Amend Environmental Conservation Law 11-0931 subdivision 4 to allow discharge of a long bow or crossbow at distances greater than 150 feet from a dwelling house, farm building, farm structure actually used or occupied, or occupied factory. **Requires legislative action.**
3. Farmers and private landowners should be allowed to charge fees for hunting access without incurring additional liability. **This would require a legislative change to the NYS General Obligations Law.**

4. Amend Environmental Conservation Law (ECL) 11-0903 subdivision 7 to extend the hunting season for deer for shotgun and archery and include hunting on weekends. **This requires legislative change.**
5. Amend ECL 11-0901 subdivision 3 to allow use of crossbow to hunt deer on Long Island. **This requires legislative change.**
6. A community based venison donation program should be developed statewide and at the Suffolk County Farm in Yaphank with nuisance deer being processed and inspected by USDA and the venison donated to soup kitchens and organizations such as LI Cares, etc. **We support line item funding for such a program within the NYS Budget.**
7. We support the authority of DEC in dealing with local Wildlife Management through the education of hunters and landowners. We encourage DEC to advertise and promote the DMAP program to the fullest extent possible.

We urge that hunting in New York State Parks and Suffolk County Parks be allowed.

AQUACULTURE:

Aquaculture, including the cultivation of bivalve shellfish, is considered agriculture under New York State Agriculture and Markets Law Article 25 AA. However, the regulation of the cultivation activities of this industry is conducted solely by the New York State Department of Environmental Conservation. This can result in aquacultured product being treated as wild product in terms of its cultivation and harvest. The NYSDEC has tried to accommodate the burgeoning shellfish aquaculture industry in spite of its capacity as a regulatory agency. The industry needs the Department of Agriculture and Markets to be engaged in its development as an agency that promotes and protects agriculture. The farm gate value of farmed shellfish in New York State is estimated to be between \$8-10 million dollars with an economic multiplier of 3.0. Shellfish farming imparts a benefit to the environment and is sustainable.

The industry will thrive if:

- The products we grow can be harvested when marketable.
- Our continued access to underwater land is affordable and provided by defensible legal statute.
- We have affordable shore-side access. (This is true for aquaculture and wild harvest fisheries.)
- The Department of Agriculture and Markets takes a more active role in the development and promotion of our industry.
- The environmental benefits of shellfish aquaculture are recognized as New York State evolves into a system of ecosystem based management of species harvested from New York State waters as is being developed by the New York Ocean and Great Lakes Ecosystem Conservation Council.
- Best Management Practices being developed by the East Coast Shellfish Growers Association, with input from ENGO's, are incorporated into shellfish farming development policy.

ACTION NEEDED:

- 1.) **The Department of Agriculture and Markets needs to have a staff member devoted to the development, promotion and marketing of aquacultured products. This staff member must interact with the Department of Environmental Conservation and be accessible to the industry.**
- 2.) **The Department of Environmental Conservation must enact regulatory policy, this year, as promised, that allows farmed bay scallops to be harvested when marketable. Farmed bay scallops must be recognized as such and the regulations**

developed by the NYSDEC staff should not be subject to approval by the Shellfish Advisory Committee, which addresses the conservation needs of a WILD harvest fishery.

- 3.) The Department of Agriculture and Markets needs to be involved in the Suffolk County Aquaculture Leasing Program Advisory Committee. This committee is developing a leasing program for underwater farm land in the Peconic Estuary in accordance with recent state and county statutes. The committee should be developing a program that allows for secure access to underwater land for shellfish farms in an affordable manner.**
- 4.) Both the Department of Agriculture and Markets and the Department of Environmental Conservation must recognize the environmental benefits of a well managed shellfish aquaculture industry. This should include both on and off bottom cultivation methods as addressed in Best Management Practices guidelines being developed by the shellfish farming industry with input from ENGO's. These benefits must be recognized by New York when developing its Ecosystem Based Management policies.**

ADEQUATE STAFFING FOR NYSDEC REGION 1 MARINE RESOURCES DIVISION

The staff at the Region 1 New York State Department of Environmental Conservation Division of Fish, Wildlife and Marine Resources in East Setauket, New York has been allowed to dwindle since the early 1990's. A hiring freeze was imposed at that time and older staff was encouraged to retire early. Nearly two decades have passed and many of the current employees are at or approaching retirement age. The staff at the NYSDEC Marine Resources office is over worked. The hiring freeze also prohibits this knowledgeable staff from hiring and educating new personnel.

This staff shortage adversely affects our marine fisheries and shellfisheries. NYSDEC personnel are responsible for monitoring the fish populations in the marine district. This monitoring must be done in an accurate and comprehensive manner to assure that the stock assessment is accurate for each species. The data determines the population levels for commercially important species as well as others. The data help fisheries managers determine the causes of species resurgence or decline. Good data is not only important to conserve marine species, it is the information used to set harvest quotas. The Atlantic States Marine Fisheries Commission allots harvest quotas to each state in the region based on these numbers. The quotas are split between commercial and recreational fishermen. An understatement of species population densities due to lack of data results in New York commercial and recreational fisherman getting an unjustly small piece of the pie relative to the other states in the region. The resultant reduction in harvest hurts the commercial and recreational fisheries in New York and costs New York State the revenue it could receive from higher quotas. The current level of staffing at the NYSDEC Marine Resources Division is too low to adequately conduct the Marine Recreational Fisheries Survey and collect the data necessary to monitor commercial catches.

The Shellfisheries Management division is responsible for permitting shellfish harvest activities and monitor water quality to insure that shellfish harvested by these activities are safe for human consumption. Degradation in water quality requires more stringent and diverse testing. Staff must test the water in harvest and growing areas for pathogens such as those found in human waste, toxic algae and naturally occurring bacteria and viruses. Unusual occurrences of harmful algae blooms and pollution are becoming more common as the number of people living near the water increases and the number of extreme rainfall events increases. The staff required to monitor the waters in the marine district needs to be increase not decreased. This staff is overworked and can often not do required routine testing when an unusual event occurs that can threaten public health. Leaving areas with harvest sized shellfish untested not only creates an income loss for shellfish harvesters who cannot legally harvest in these areas, it threatens public health when people harvest from areas that have not been tested.

ACTION NEED: The staff of the Region 1 New York State Department of Environmental Conservation Division of Fish, Wildlife and Marine Resources in East Setauket, New York needs to be increased to its level prior to the hiring freeze.

ENVIRONMENTAL PROTECTION FUND BUDGET REQUESTS

- 1. FARMLAND PROTECTION PROGRAM**—Funding for this program is slated for \$30 million for the 2008-2009 executive budget. LIFB recommends increasing the funding to reflect the needs of New York agriculture. The Department of Agriculture and Markets currently receives over \$75 million in annual requests for funding to protect, by conservation easements, New York farmland. Preservation of farmland is vital not only to sustain our industry but also to secure a buffer from suburban sprawl, for our citizens desire for fresh produce, fruits, dairy and horticultural products, wildlife habitat protection, aquifer recharge, open space vistas and a destination for tourism.
- 2. NON-POINT SOURCE POLLUTION AND ABATEMENT**—This category is critical to protecting the environmental integrity of animal agriculture across New York State. Given the strict federal and state requirements for protecting ground and surface water quality, the cost share funding for compliance is critical to farmers as they work to meet the regulatory compliance deadlines. While the \$13 million in proposed funding from EPF is crucial for 2008/2009, it is inadequate to address the DEC's analysis that \$77 million is needed for CAFO compliance. Farmers are dedicated to protecting the environment however these expenditures for the cost of compliance do not enhance farm profitability.

LIFB recommends increasing the funding to reflect the needs of New York agriculture.

- 3. SOIL AND WATER CONSERVATION DISTRICTS**—Soil and Water Conservation Districts work closely with farmers on environmental projects related to water quality and protection. Farmers depend on the technical expertise of the Districts, and we recognize that resources are becoming increasingly tight at the SWCDs with regard to staffing levels and funding.

As a result LIFB supports funding of the 2008-2009 Executive Budget of \$3 million dollars to fund Soil and Water Conservation Districts.

GOLDEN NEMATODE

In order to prevent nematodes from spreading, certain "quarantine" measures are imposed on local potato, nursery, and sod growers. These products are restricted from certain markets – Canada in particular. Sod from quarantined land cannot leave Long Island. Most serious is the fact that farmers whose lands have been determined to be infested must grow nematode resistant varieties and comply with strict crop rotation methods. Some 2,000 acres of potato land is infested and must comply with the mandatory program to control the spread of nematodes. The problem is that the nematode resistant varieties do not match standard traditional varieties in yield or quality.

Currently, the Cornell Research/Outreach Program is facing a reduction in support. The total impact of this reduction is still being assessed, but it will mean a reduction in breeding efforts for new golden nematode resistant varieties and in the generation of seed stocks of these varieties by Cornell. These funds are critical to maintain the personnel and program activities that lead to resistant varieties, and resistant varieties are now the centerpiece for golden nematode management. This situation is further exacerbated by the determination of a second race that can overcome the current resistance gene in selected potato fields. Germplasm with resistance to the new race has been identified but is not yet incorporated into advance breeding selections.

This program has been a cooperative effort of USDA/ARS, USDA/APHIS, New York State Agriculture & Markets, and Cornell University. The current cuts and proposed cuts jeopardize the viability of the current program and have the potential to irreparably fragment a unique collaborative relationship that has been recognized as one of the leading examples of a successful IPM program.

ACTION NEEDED: LIFB urges your support for the 2008-2009 Executive Budget recommendation of \$100,000 in funding for the Golden Nematode program.

AVIAN DISEASE PROGRAM

This program is vital to New York's poultry industry. It prevents and controls diseases by providing diagnostic service, extension service and problem oriented basic and applied research. It funds staff members both at Cornell University Duck Research Laboratory in Eastport and at the Cornell University Veterinary College in Ithaca. Currently, salmonella enteritidis, avian influenza and duck virus enteritis control and monitoring are accomplished with this aid.

The support for this program is vital for the Eastport Duck Lab. This lab is funded primarily by the duck industry, however, without New York support through Cornell, it is unlikely that the lab can survive. This support is essential to retain the PHD's and DVM's on staff. The lab is vital to the duck industry as it is the one source of vaccines, without which the industry would have trouble keeping its birds alive and healthy. It is necessary to monitor, control and prevent poultry diseases on a statewide basis so that epidemics do not wipe out individual producers, and problem organisms such as salmonella and listeria can be held in check to ensure food safety for consumers.

ACTION NEEDED: LIFB urges your support as proposed in 2008-2009 Executive Budget for \$315,000 in funding.

SALES TAX EXEMPTION – S.5552-A Skelos/A. 4145 Weisenberg – Grant exemption from petroleum business tax, and sales and compensating use taxes for fuel used in vessels chartered for sport fishing purposes.

Long Island Farm Bureau supports Bill(s) No. S.5552-A Skelos/A.4145 Weisenberg which grants exemption from petroleum business tax, and sales and compensation use taxes for fuel used in vessels chartered for sport fishing purposes.

Much in the way agri-tainment (u-pick, corn mazes, etc.) has become an important economic extension of traditional agriculture, commercial sport fishing is an important economic extension of the traditional commercial fishing industry. Commercial charter and party boats provide the recreational fisherman with the means by which to enjoy open water fishing he may not otherwise have the opportunity to experience. The commercial sport fishing industry is a multi-billion dollars industry, providing jobs and a ripple effect of economic benefits. As commercial fishermen and their industry have benefited from the exemption from sales tax on fuel for their vessels, it is equitable to extend this exemption to the commercial sport fishing vessels, as well.

LONG ISLAND FARM BUREAU SUPPORTS BILL NO. S.5552-A SKELOS/A.4145 WEISENBERG WHICH GRANTS EXEMPTION FROM PETROLEUM BUSINESS TAX, AND SALES AND COMPENSATING USE TAX FOR FUEL USED IN VESSELS CHARTERED FOR SPORT FISHING PURPOSES.