



Oneida Lake Association
PO Box 3536 Syracuse, NY 13220-3536
info@oneidalakeassociation.org



Greetings!

Important Updates!

The Board of Directors of the Oneida Lake Association has resolved to keep OLA members up to date on the latest news of negotiations between Department of Environmental Conservation Commissioner Basil Seggos and the leaders of the nine recognized native Nations within New York State. To summarize, we have learned that DEC plans to continue its negotiations with the Nations regarding their members' hunting and fishing practices. We also know that DEC is still directing its Law Enforcement Officers to follow "Discretionary Enforcement" for Nation members, with regard to fishing and hunting laws, including laws against spearing, netting, and fishing out of season.

What follows is a more lengthy review of the situation, with detailed information provided to OLA members as a public service. We share this information to raise awareness of how the State of New York is performing in its responsibility to protect Oneida Lake, its fish, and other natural resources on behalf of New York's citizens.

At its July meeting, the Board of Directors of the Oneida Lake Association continued their research and discussion regarding the spearing incident in Scriba Creek last April. To be clear, we are not focused on the past; rather, we take a strong, unified, and vigilant approach to prevent similar events from occurring in the future. For example, we have already reported on our initial Zoom meeting with DEC officials where we outlined our concerns. It has been a month since that meeting, so we will urge these representatives to reach out to us again. We have been told that DEC is planning for continued discussion with the Nations, and we remain resolved to make sure our voices—your voices!—are heard.

Once again, we want to be clear that we have great respect for our friends in the First Nations. Quite simply, we invite people of all

nations to join us in our collective stewardship of the wildlife in Central New York, especially Oneida Lake.

As part of the Board's recent discussions, we passed a motion to publish some documents that provide further background for this complex issue. First, there is the bill that NYS Senator Rachel May introduced (S5266) in 2021. This bill would have provided easily accessible loopholes for Nation members to circumvent the fishing and hunting laws that citizens of the New York State are required to follow. For a complete look at the bill, [click here](#)

The OLA Board immediately mounted strong opposition to the bill, including sending a letter to Governor Hochul. We also thank the many members of the OLA who joined us in this effort. Fortunately, Governor Hochul vetoed the bill last December. Although it might seem like this veto put an end to the issue, it certainly did not. To understand why, we encourage our members to read the Governor's memo that explains her veto. In part, her memo states: "Because my paramount concern is the health and safety of the people of New York, I cannot sign this bill allowing the unrestrained hunting and fishing outside of the Nation's boundaries. For these reasons, I am constrained to veto this bill." We applaud this decision. She goes on to write: "Therefore, I am directing the staff at the Department of Environmental Conservation to work with the various Nations to identify a policy that respects the Nation's hunting and fishing rights, while ensuring the safety of all New Yorkers." For the complete text of her memo, click below:

Memo 66

These on-going discussions between the Nations and DEC have become the focus of the Board's research.

To further complicate the issue, DEC law enforcement officers in the field have been working under the constraints of a memo that the DEC Commissioner's Office sent out in November 2021, at the direction of Commissioner Seggos. This memo is titled *Commissioner's Native American Enforcement Discretion Letter*. This eight-page memo outlines his Discretionary Enforcement policy. Once again, the OLA Board passed a motion to publish this memo so that our members have a better understanding of this complex issue.

Although the entire memo is quite lengthy, here are a few important points.

Discretionary Enforcement is defined in the memo as: "DEC employees will take NO enforcement actions with respect to the subsistence activities outlined in the Commissioner's letter." The key word here is "subsistence." According to the memo: "Subsistence activities are the noncommercial, customary, and traditional use of wild, renewable resources for direct personal, family, or communal consumption, and for the customary trade, barter, or sharing for personal, family, or communal consumption. The commercial trade or sale of species is not subsistence activity."

Furthermore, the memo states: "When engaged in subsistence activities,

Nation Members are excluded from laws or regulations governing licensing, seasons, size, daily limits, or method-of-take for most fish.”

Fortunately, the following provision is also included: “Enforcement discretion does NOT apply to: Species listed as threatened, endangered, special concern, or a high priority species of greatest conservation need; nor Fishing in locations which present a conservation concern, such as spawning beds; or areas near hatcheries, as well as those areas that require consultation with other agencies. These areas need advanced notification to avoid impacts or to prevent conflict.” Careful readers will see that the incident in the Scriba Creek clearly violates this already relaxed policy, since they were spearing fish near a hatchery.

Other troubling provisions appear in the memo, such as: “Method of take discretion means Nation Members may take fish by means other than angling. The use of nets, fish traps, driving, spearing, and snatching are allowed.”

The second half of the memo includes a copy of the letter that Commissioner Seggos sent to the leader of the Haudenosaunee Nation. In this letter Commissioner Seggos outlines his instruction to DEC officers. He directs them to:

“Practice enforcement discretion on seasons, size, number, and method of take limitations for species that do not present a conservation or management concern (for example, those species not listed by state or federal government as threatened, endangered, a species of special concern, or a high priority species of greatest conservation need).” In other words, as long as the fish is not on the endangered species list, officers are to practice enforcement discretion.

The Commissioner also writes that he has directed DEC staff to:

“Work with Indigenous leadership to identify locations where particular species are in abundance and where expanded harvesting would be beneficial to people and the overall health of the environment.”

This section is most alarming for Oneida Lake. Our lake is clearly a water of abundance, placing us as a prime target for “expanded harvest.” It is important for us to ask: Who would make that determination that expanded harvest would be beneficial? For decades we have relied on the scientists of Cornell University to advise us (and the DEC) on proper wildlife management regulations. Will scientists be asked to make this new determination? For example, based on years of research from the Cornell University scientists, as well as two rounds of public input, the DEC recently raised the daily limit for walleyes on Oneida Lake from three to five. Will that same process be followed? If it is determined that expanded harvest would be beneficial, is there any scientist on the planet who would say that this harvest must be completed only by Native Americans?

The Board of Directors of the OLA encourages all of our members to become informed on this issue. We realize that it is indeed complex, and fraught with personal interpretations from both sides. We also believe that it is important for our members to become informed, and then make thoughtful interpretations. In order to review the complete document, [click here](#).

We ask you to take some time to read these documents carefully. If you have questions or concerns, feel free to contact us. And feel free to contact your

local representatives in the NYS Assembly and Senate. In the meantime, the Board of Directors of the Oneida Lake Association will remain vigilant and active on this issue, and we will continue to keep you posted.

Meet Our Inaugural Scholarship Winner!

Our recent generous gift from Meyer's RV of Syracuse and the Fenech Foundation has allowed us to fulfill an important goal--developing a scholarship for students who have demonstrated an interest in caring for our environment and natural resources, including the fish and game which abound in Central New York. The OLA Board understands that we need to support the next generation of citizens who share our goal of the stewardship of Oneida Lake.



We recently awarded a scholarship to **Alexandra Mantilla**, an undergraduate at Cornell University. Alexandra was chosen for her work at the Cornell Field Station at Shackelton Point on Oneida Lake. Her research study focused on ecological rhythms and how we gather clues from nature to guide us on when to hunt, fish, gather, or plant crops. She also wrote an article for the *OLA Bulletin* for the Fall 2021 issue.

Here is a photo of Alexandra as she prepares to collect fish for one of the mark-recapture studies.

Alexandra writes:

*To the Oneida Lake Association,
I would like to take this opportunity to personally thank you for believing and supporting me in my academic aspirations. This scholarship will help me cover my textbook expenses for an entire year! I am so grateful for your consideration.*

Thanks to this opportunity, I will be able to choose the classes that fully align with my curiosities rather than cost related to materials for the course. With this scholarship, I plan to continue to pursue my dream of creating a more sovereign and equitable food system.

*With Sincere Gratitude,
Alexandra Mantilla
Cornell University '24*

Pledge to Protect

SLELO PRISM is a partnership group that was formed in 2011 to combat the spread of invasive species and mitigate associated threats. Their mission is to "protect native habitats, biodiversity, natural areas, and freshwater resources by using a collaborative and integrated approach to invasive species management with an emphasis on prevention, early detection, rapid response, education and outreach."

Their work focuses across five counties; Jefferson, Lewis, Oneida, Oswego, and St. Lawrence.



This group has developed a new outreach initiative called Pledge to Protect. This initiative aims to provide pledgers with simple steps they can take to help protect their favorite hiking trails, paddle-ways, forests, garden and waterways, such as Oneida Lake and its tributaries. Pledgers receive monthly emails showcasing these steps, and gain access to virtual toolboxes with best management guides, and a plethora of other resources.

They also have a volunteer opportunity that OLA members may want to know about. They are recruiting volunteers to assist a hand pull for yellow iris at Three Mile Bay. Here is a [link](#) for more information.

Visit

<https://www.sleloinvasives.org/Pledge-to-Protect/>

Pay your dues, and HELP PROTECT ONEIDA LAKE!!!!

\$8 annually

Recruit your neighbors and friends TO JOIN US!

Donate

Memorials and contributions to our program are most welcome.

OLA is a 501(c)4 organization serving and protecting the Oneida Lake environment.





[Website](#) [Who We Are](#) [What We Do](#) [How to Help](#)

OLA is a 501(c)(4) not-for-profit organization.

The Oneida Lake Association is a member of the New York State Conservation Council <http://www.nyscc.com/> and the New York State Federation of Lake Associations <http://www.nysfola.org/>.

Please remember to obey all laws, rules, regulations, and codes of ethics as they pertain to boating, fishing, hunting, and the management of Oneida Lake and its tributaries.

Report environmental violations.

1-844-DEC-ECOS (1-844-332-3267)

Edited by John Harmon and Matt Snyder

Send us your notes and articles for use in future ENews!