

5738

2013-2014 Regular Sessions

I N S E N A T E

June 10, 2013

Introduced by Sen. ZELDIN -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to regulations on surf clams/ocean quahogs; and to amend chapter 158 of the laws of 2011 amending the environmental conservation law relating to the harvesting of surf clams and ocean quahogs, in relation to making certain provisions permanent

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 Section 1. Subdivision 15 of section 13-0309 of the environmental
2 conservation law, as amended by chapter 158 of the laws of 2011, is
3 amended to read as follows:
4 15. Cooperative harvesting. Notwithstanding any other provision of
5 this chapter or rule or regulation, persons holding harvesting permits
6 in New York's Atlantic Ocean surf clam/ocean quahog fishery are hereby
7 authorized to cooperatively harvest any portion of the person's individ-
8 ual fishing quota (IFQ) by use of any vessel that is eligible to harvest
9 shellfish in the fishery, subject to the following:
10 a. Such cooperative harvesting shall comply with daily catch limits
11 established for the fishery by the department which shall be counted
12 against both the IFQ holder vessel's and the harvesting vessel's daily
13 catch limits[.] ;
14 b. The harvesting vessel used to catch such IFQ or portion thereof
15 shall be identified to the department in both the IFQ holder's and the
16 harvesting vessel's report to the department[.] ;
17 c. In cooperative harvesting there shall be no requirement that the
18 captain of the IFQ holder's vessel be on board the harvesting vessel
19 during harvesting[.] ;
20 d. In cooperative harvesting the IFQ holder will provide the captain
21 of the harvesting vessel with such cage tags as are necessary to account
22 for the harvest attributable to such IFQ holder[.] ;

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets [] is old law to be omitted.

LBD11415-07-3

1 e. Nothing herein described shall alter the daily, weekly or annual
2 catch limits obtainable by any IFQ holder within the fishery[.];

3 F. THE DEPARTMENT MAY PROMULGATE A RULE OR REGULATION REQUIRING THOSE
4 ENGAGING IN COOPERATIVE HARVESTING TO FILE A FORM NOTIFYING THE DEPART-
5 MENT PRIOR TO COMMENCEMENT, PROVIDED HOWEVER, NOTHING IN THIS SECTION
6 SHALL AUTHORIZE THE DEPARTMENT TO DISAPPROVE ANY SUBMISSION THAT
7 COMPLIES WITH THE PROVISIONS OF THIS SECTION;

8 G. THE DEPARTMENT MAY PROMULGATE A RULE OR REGULATION LIMITING COOPER-
9 ATIVE HARVESTING TO NO MORE THAN FOUR PERMITS PER VESSEL; AND

10 H. THERE SHALL BE NO REQUIREMENT TO IDENTIFY AN IFQ TO A VESSEL AS A
11 CONDITION OF APPLICATION OR HOLDING OF A PERMIT.

12 S 2. Section 13-0309 of the environmental conservation law is amended
13 by adding a new subdivision 17 to read as follows:

14 17. UNLESS AND UNTIL REGULATIONS ARE ADOPTED IMPLEMENTING A COMPREHEN-
15 SIVE LONG-TERM MANAGEMENT PLAN FOR THE PROTECTION OF SURF CLAMS AND
16 OCEAN QUAHOGS IN NEW YORK WATERS, THE FOLLOWING RESTRICTIONS SHALL APPLY
17 IN ADDITION TO ANY CONSISTENT REGULATIONS ADOPTED PRIOR TO THE DATE UPON
18 WHICH SUCH SECTION SHALL TAKE EFFECT:

19 A. A WEEKLY CATCH LIMIT NOT TO EXCEED TWENTY-EIGHT CAGES;

20 B. AN ANNUAL CATCH LIMIT IN CERTIFIED WATERS OF THE ATLANTIC OCEAN FOR
21 SURF CLAMS NOT TO EXCEED FIVE HUNDRED THOUSAND BUSHEL IN THE AGGREGATE;

22 C. AN ANNUAL CATCH LIMIT IN CERTIFIED WATERS OTHER THAN THE ATLANTIC
23 OCEAN FOR SURF CLAMS NOT TO EXCEED FIFTY THOUSAND BUSHEL IN THE AGGRE-
24 GATE; AND

25 D. REQUIRING PERMITTEES TO REPORT ON A WEEKLY BASIS THE NUMBER OF
26 BUSHEL HARVESTED IN THE PREVIOUS SEVEN DAY PERIOD, AND PROVIDE THAT THE
27 FAILURE TO FILE SUCH WEEKLY REPORT MAY RESULT IN THE REVOCATION OF SUCH
28 PERSON'S PERMIT BY THE DEPARTMENT.

29 S 3. Section 2 of chapter 158 of the laws of 2011 amending the envi-
30 ronmental conservation law relating to the harvesting of surf clams and
31 ocean quahogs, is amended to read as follows:

32 S 2. This act shall take effect immediately [and]; PROVIDED, HOWEVER,
33 THAT SUBDIVISION 16 OF SECTION 13-309 OF THE ENVIRONMENTAL CONSERVATION
34 LAW AS ADDED BY SECTION ONE OF THIS ACT shall expire and be deemed
35 repealed December 31, 2013.

36 S 4. This act shall take effect immediately.