

5138

2015-2016 Regular Sessions

I N S E N A T E

May 4, 2015

Introduced by Sen. MARCELLINO -- (at request of the Department of Environmental Conservation) -- 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 commercial fishing licenses

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

1 Section 1. Subdivisions 1, 2, 3, 4 and 5 of section 13-0328 of the  
2 environmental conservation law, as amended by chapter 383 of the laws of  
3 2011, are amended to read as follows:

4 1. Commercial food fish licenses. Commercial food fish licenses  
5 provided for by section 13-0335 of this title shall be issued as  
6 follows:

7 a. for the period beginning January first, two thousand [twelve]  
8 SIXTEEN through December thirty-first, two thousand [fifteen] NINETEEN,  
9 the number of resident commercial food fish licenses and the number of  
10 non-resident commercial food fish licenses shall not exceed the follow-  
11 ing annual limits:

12 (i) for two thousand [twelve] SIXTEEN, the number of licenses shall be  
13 limited to the number of licenses issued in two thousand [eleven]  
14 FIFTEEN, plus fifty percent of any difference between the number of  
15 licenses issued in two thousand [eleven] FIFTEEN and one thousand  
16 [fifty-three] FOUR;

17 (ii) for two thousand [thirteen] SEVENTEEN, the number of licenses  
18 shall be limited to the number of licenses issued in two thousand  
19 [twelve] SIXTEEN, plus fifty percent of any difference between the  
20 number of licenses issued in two thousand [twelve] SIXTEEN and the limit  
21 established in subparagraph (i) of this paragraph;

22 (iii) for two thousand [fourteen] EIGHTEEN, the number of licenses  
23 shall be limited to the number of licenses issued in two thousand [thir-  
24 teen] SEVENTEEN, plus fifty percent of any difference between the number

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

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1 of licenses issued in two thousand [thirteen] SEVENTEEN and the limit  
2 established in subparagraph (ii) of this paragraph;

3 (iv) for two thousand [fifteen] NINETEEN, the number of licenses shall  
4 be limited to the number of licenses issued in two thousand [fourteen]  
5 EIGHTEEN, plus fifty percent of any difference between the number of  
6 licenses issued in two thousand [fourteen] EIGHTEEN and the limit estab-  
7 lished in subparagraph (iii) of this paragraph.

8 b. for the period beginning January first, two thousand [twelve]  
9 SIXTEEN through December thirty-first, two thousand [fifteen] NINETEEN,  
10 persons who were issued a commercial food fish license in the previous  
11 year shall be eligible to be issued such license.

12 c. for the period beginning January first, two thousand [twelve]  
13 SIXTEEN through December thirty-first, two thousand [fifteen] NINETEEN,  
14 the department shall issue commercial food fish licenses to persons who  
15 were not issued such license in the previous year provided that the  
16 total number of such licenses issued to such persons does not exceed the  
17 difference between the number of licenses established in paragraph a of  
18 this subdivision and the number of such licenses issued pursuant to  
19 paragraph b of this subdivision, subject to the following:

20 (i) licenses shall be issued in the order in which the applications  
21 were received, except that where multiple applications are received by  
22 the department on the same day, applicants for whom the department has  
23 received notice of successful completion of an apprenticeship pursuant  
24 to subdivision seven of this section shall be considered by the depart-  
25 ment prior to other applicants;

26 (ii) licenses may be issued to individuals only;

27 (iii) licenses shall be issued to applicants who are sixteen years of  
28 age or older at the time of the application; and

29 (iv) licenses shall be issued only to persons who demonstrate in a  
30 manner acceptable to the department that they received an average of at  
31 least fifteen thousand dollars of income over three consecutive years  
32 from commercial fishing or fishing, or who successfully complete a  
33 commercial food fish apprenticeship pursuant to subdivision seven of  
34 this section. As used in this subparagraph, "commercial fishing" means  
35 the taking and sale of marine resources including fish, shellfish, crus-  
36 tacea or other marine biota and "fishing" means commercial fishing and  
37 carrying fishing passengers for hire. Individuals who wish to qualify  
38 based on income from "fishing" must hold a valid marine and coastal  
39 district party and charter boat license. No more than ten percent of the  
40 licenses issued each year based on income eligibility pursuant to this  
41 paragraph shall be issued to applicants who qualify based solely upon  
42 income derived from operation of or employment by a party or charter  
43 boat.

44 2. Commercial lobster permits. Commercial lobster permits provided for  
45 by section 13-0329 of this title shall be issued as follows:

46 for the period beginning January first, two thousand [twelve] SIXTEEN,  
47 through December thirty-first, two thousand [fifteen] NINETEEN, only  
48 persons who were issued a commercial lobster permit in the previous year  
49 shall be eligible to be issued such permit.

50 3. Commercial crab permits. Commercial crab permits provided for by  
51 section 13-0331 of this title shall be issued as follows:

52 a. for the period beginning January first, two thousand [twelve]  
53 SIXTEEN through December thirty-first, two thousand [fifteen] NINETEEN,  
54 the number of resident commercial crab permits and the number of non-re-  
55 sident commercial crab permits shall not exceed the following annual  
56 limits:

1 (i) for two thousand [twelve] SIXTEEN, the number of permits shall be  
2 limited to the number of permits issued in two thousand [eleven]  
3 FIFTEEN, plus fifty percent of any difference between the number of  
4 permits issued in two thousand [eleven] FIFTEEN and [six hundred  
5 sixteen] FIVE HUNDRED EIGHTY-TWO;

6 (ii) for two thousand [thirteen] SEVENTEEN, the number of permits  
7 shall be limited to the number of permits issued in two thousand  
8 [twelve] SIXTEEN, plus fifty percent of any difference between the  
9 number of permits issued in two thousand [twelve] SIXTEEN and the limit  
10 established in subparagraph (i) of this paragraph;

11 (iii) for two thousand [fourteen] EIGHTEEN, the number of permits  
12 shall be limited to the number of permits issued in two thousand [thir-  
13 teen] SEVENTEEN, plus fifty percent of any difference between the number  
14 of permits issued in two thousand [thirteen] SEVENTEEN and the limit  
15 established in subparagraph (ii) of this paragraph;

16 (iv) for two thousand [fifteen] NINETEEN, the number of permits shall  
17 be limited to the number of permits issued in two thousand [fourteen]  
18 EIGHTEEN, plus fifty percent of any difference between the number of  
19 permits issued in two thousand [fourteen] EIGHTEEN and the limit estab-  
20 lished in subparagraph (iii) of this paragraph.

21 b. for the period beginning January first, two thousand [twelve]  
22 SIXTEEN through December thirty-first, two thousand [fifteen] NINETEEN,  
23 persons who were issued a commercial crab permit in the previous year  
24 shall be eligible to be issued such permit.

25 c. for the period beginning January first, two thousand [twelve]  
26 SIXTEEN through December thirty-first, two thousand [fifteen] NINETEEN,  
27 the department shall issue commercial crab permits to persons who were  
28 not issued such permit in the previous year provided that the total  
29 number of such permits issued to such persons does not exceed the  
30 difference between the number of permits established in paragraph a of  
31 this subdivision and the number of such permits issued pursuant to para-  
32 graph b of this subdivision, subject to the following:

33 (i) permits shall be issued in the order in which the applications  
34 were received, except that where multiple applications are received by  
35 the department on the same day, applicants for whom the department has  
36 received notice of successful completion of an apprenticeship pursuant  
37 to subdivision seven of this section shall be considered by the depart-  
38 ment prior to other applicants;

39 (ii) permits may be issued to individuals only;

40 (iii) permits shall be issued to applicants who are sixteen years of  
41 age or older at the time of the application; and

42 (iv) permits shall be issued only to persons who demonstrate in a  
43 manner acceptable to the department that they received an average of at  
44 least fifteen thousand dollars of income over three consecutive years  
45 from commercial fishing or fishing, or who successfully complete an  
46 apprenticeship pursuant to subdivision seven of this section. As used in  
47 this subparagraph, "commercial fishing" means the taking and sale of  
48 marine resources including fish, shellfish, crustacea or other marine  
49 biota and "fishing" means commercial fishing and carrying fishing  
50 passengers for hire. Individuals who wish to qualify based on income  
51 from "fishing" must hold a valid marine and coastal district party and  
52 charter boat license. No more than ten percent of the permits issued  
53 each year based on income eligibility pursuant to this paragraph shall  
54 be issued to applicants who qualify based upon income derived from oper-  
55 ation of or employment by a party or charter boat.

1 4. Commercial whelk or conch licenses. Commercial whelk or conch  
2 licenses provided for by section 13-0330 of this title shall be issued  
3 as follows:

4 a. for the period beginning January first, two thousand [twelve]  
5 SIXTEEN through December thirty-first, two thousand [fifteen] NINETEEN,  
6 the number of resident commercial whelk or conch licenses and the number  
7 of non-resident commercial whelk or conch licenses shall not exceed the  
8 following annual limits:

9 (i) for two thousand [twelve] SIXTEEN, the number of licenses shall be  
10 limited to the number of licenses issued in two thousand [eleven]  
11 FIFTEEN plus fifty percent of any difference between the number of  
12 licenses issued in two thousand [eleven] FIFTEEN and two hundred [seven-  
13 ty-one] SIXTY-ONE;

14 (ii) for two thousand [thirteen] SEVENTEEN, the number of licenses  
15 shall be limited to the number of licenses issued in two thousand  
16 [twelve] SIXTEEN, plus fifty percent of any difference between the  
17 number of licenses issued in two thousand [twelve] SIXTEEN and the limit  
18 established in subparagraph (i) of this paragraph;

19 (iii) for two thousand [fourteen] EIGHTEEN, the number of licenses  
20 shall be limited to the number of licenses issued in two thousand [thir-  
21 teen] SEVENTEEN, plus fifty percent of any difference between the number  
22 of licenses issued in two thousand [thirteen] SEVENTEEN and the limit  
23 established in subparagraph (ii) of this paragraph;

24 (iv) for two thousand [fifteen] NINETEEN, the number of licenses shall  
25 be limited to the number of licenses issued in two thousand [fourteen]  
26 EIGHTEEN, plus fifty percent of any difference between the number of  
27 licenses issued in two thousand [fourteen] EIGHTEEN and the limit estab-  
28 lished in subparagraph (iii) of this paragraph.

29 b. for the period beginning January first, two thousand [twelve]  
30 SIXTEEN through December thirty-first, two thousand [fifteen] NINETEEN,  
31 persons who were issued a commercial whelk or conch license in the  
32 previous year shall be eligible to be issued such license.

33 c. for the period beginning January first, two thousand [twelve]  
34 SIXTEEN through December thirty-first, two thousand [fifteen] NINETEEN,  
35 persons who were not issued a commercial whelk or conch license in the  
36 previous year shall be eligible to be issued such license provided that  
37 the total number of such licenses issued to such persons shall not  
38 exceed the difference between the number of licenses established in  
39 paragraph a of this subdivision and the number of such licenses issued  
40 pursuant to paragraph b of this subdivision, subject to the following:

41 (i) licenses shall be issued in the order in which the applications  
42 were received, except that where multiple applications are received by  
43 the department on the same day, applicants for whom the department has  
44 received notice of successful completion of an apprenticeship pursuant  
45 to subdivision seven of this section shall be considered by the depart-  
46 ment prior to other applicants;

47 (ii) licenses may be issued to individuals only;

48 (iii) licenses shall be issued to applicants who are sixteen years of  
49 age or older at the time of the application; and

50 (iv) licenses shall be issued only to persons who demonstrate in a  
51 manner acceptable to the department that they received an average of at  
52 least fifteen thousand dollars of income over three consecutive years  
53 from commercial fishing or fishing, or who successfully complete an  
54 apprenticeship pursuant to subdivision seven of this section. As used in  
55 this subparagraph, "commercial fishing" means the taking and sale of  
56 marine resources including fish, shellfish, crustacea or other marine

1 biota and "fishing" means commercial fishing and carrying fishing  
2 passengers for hire. Individuals who wish to qualify based on income  
3 from "fishing" must hold a valid marine and coastal district party and  
4 charter boat license. No more than ten percent of the licenses issued  
5 each year pursuant to this paragraph shall be issued to applicants who  
6 qualify based upon income derived from operation of or employment by a  
7 party or charter boat.

8 5. Marine and coastal district party and charter boat licenses. Marine  
9 and coastal district party and charter boat licenses provided for by  
10 section 13-0336 of this title shall be issued as follows, except that  
11 this subdivision shall not apply to the owner or operator of a party  
12 boat or charter boat whose vessel is classified by the United States  
13 Coast Guard as an Inspected Passenger Vessel and which is licensed to  
14 carry more than six passengers:

15 a. for the years two thousand [eight] SIXTEEN through two thousand  
16 [fifteen] NINETEEN, the annual number of marine and coastal district  
17 party and charter boat licenses issued shall not exceed five hundred  
18 seventeen.

19 b. for the years two thousand [eight] SIXTEEN through two thousand  
20 [fifteen] NINETEEN, persons who were issued a marine and coastal  
21 district party and charter boat license in the previous year shall be  
22 eligible to be issued such license.

23 c. for the years two thousand [eight] SIXTEEN through two thousand  
24 [fifteen] NINETEEN, the department shall issue marine and coastal  
25 district party and charter boat licenses to persons who were not issued  
26 such license in the previous year, provided that the total number of  
27 licenses issued does not exceed five hundred seventeen, subject to the  
28 following:

29 (i) licenses shall be issued in the order in which the applications  
30 were received;

31 (ii) licenses shall be issued only to persons who hold an Uninspected  
32 Passenger Vessel license issued by the United States Coast Guard.

33 S 2. This act shall take effect December 31, 2015; provided, however,  
34 that effective immediately, the addition, amendment and/or repeal of any  
35 rule or regulation necessary for the implementation of this act on its  
36 effective date is authorized and directed to be made and completed on or  
37 before such effective date.