S T A T E O F N E W Y O R K

4279

2011-2012 Regular Sessions

I N S E N A T E

March 25, 2011

Introduced by Sen. JOHNSON -- (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 extending the authority of the department of environmental conservation to manage various aquatic species

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

Section 1. Section 11-1303 of the environmental conservation law, as amended by chapter 256 of the laws of 2007, is amended to read as follows:

S 11-1303. Open seasons, size and catch limits and manner of taking fish fixed by regulation.

Notwithstanding any other provision of this chapter, the department may, until December thirty-first, two thousand [eleven] FIFTEEN, fix by regulation open seasons, size and catch limits and manner of taking of all species of fish in all waters of the state, except marine fish named in subdivisions 2 and 3 of section 13-0339 of this chapter and except to the extent that such open seasons, size and catch limits and manner of taking are otherwise specifically provided for in article 13 of this chapter.

S 2. Subdivision 3 of section 11-0303 of the environmental conservation law, as amended by chapter 150 of the laws of 2007, is amended as follows:

3. The department may, until December thirty-first, two thousand [eleven] FIFTEEN, fix by regulation measures for the management of striped bass, including size limits, catch and possession limits, open and closed seasons, closed areas, restrictions on the manner of taking and landing, requirements for permits and eligibility therefor, record-keeping requirements, requirements on the amount and type of fishing effort and gear, and requirements relating to transportation, possession

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

LBD09808-02-1

and sale, provided that such regulations are no less restrictive than requirements set forth in this chapter and provided further that such regulations are consistent with the compliance requirements of applicable fishery management plans adopted by the Atlantic States Marine Fisheries Commission and with applicable provisions of fishery management plans adopted pursuant to the Federal Fishery Conservation and Management Act (16 U.S.C. S 1800 et seq.).

S 3. Subdivision 3 of section 13-0323 of the environmental conservation law, as amended by chapter 144 of the laws of 2007, is amended to read as follows:

3. The department may, until December thirty-first, two thousand [eleven] FIFTEEN, fix by regulation measures for the management of oysters (Family Ostreidae) including size limits, catch and possession limits, open and closed seasons, closed areas, restrictions on the manner of taking and landing, requirements for permits and eligibility therefor, recordkeeping and identification requirements, requirements on the amount and type of fishing effort and gear, and requirements relating to transportation, possession and sale, provided that such regulations are no less restrictive than requirements set forth in this chapter.

S 4. Subdivision 8 of section 13-0325 of the environmental conservation law, as amended by chapter 142 of the laws of 2007, is amended to read as follows:

8. The department may, until December [31] THIRTY-FIRST, [2011] TWO THOUSAND FIFTEEN, adopt by regulation measures for the management of hard clams (Mercenaria mercenaria), soft or steamer clams (Mya arenaria), and razor clams (Ensis sp.), including size limits, catch and possession limits, open and closed seasons, closed areas, restrictions on the manner of taking and landing, requirements for permits and eligibility therefor, recordkeeping and identification requirements, requirements on the amount and type of fishing effort and gear, and requirements relating to transportation, possession and sale, provided that such regulations are no less restrictive than requirements set forth in this chapter.

S 5. Section 13-0327 of the environmental conservation law, as amended by chapter 148 of the laws of 2007, is amended to read as follows:

S 13-0327. Scallops; prohibited acts.

The department may, until December thirty-first, two thousand [eleven] FIFTEEN, adopt by regulation measures for the management of scallops (Family Pectinidae) including size limits, catch and possession limits, open and closed seasons, closed areas, restrictions on the manner of taking and landing, requirements for permits and eligibility therefor, recordkeeping and identification requirements, requirements on the amount and type of fishing effort and gear, and requirements relating to transportation, possession and sale, provided that such regulations are no less restrictive than requirements set forth in this chapter.

S 6. Subdivision 16 of section 13-0329 of the environmental conservation law, as amended by chapter 366 of the laws of 2007, is amended to read as follows:

16. The department may, until December thirty-first, two thousand [eleven] FIFTEEN, adopt regulations for Atlantic States Marine Fisheries Commission Areas One, Two, Three, Four, Five, and Outer Cape Cod, to implement conservation measures that affect TAKE, POSSESSION AND landings of lobsters, pursuant to the recommendations of the respective Area's Lobster Conservation Management Team as required by the Inter-

state Fishery Plan for Lobsters adopted by the Atlantic States Marine Fisheries Commission.

S 7. Subdivision 6 of section 13-0330 of the environmental conservation law, as amended by chapter 143 of the laws of 2007, is amended to read as follows:

6. The department may, until December thirty-first, two thousand [eleven] FIFTEEN, fix by regulation measures for the management of whelk or conch (Busycon spp.), including size limits, catch and possession limits, open and closed seasons, closed areas, restrictions on the manner of taking and landing, requirements for permits and eligibility therefor, recordkeeping requirements, requirements on the amount and type of fishing effort and gear, and requirements relating to transportation, possession and sale, provided that such regulations are no less restrictive than requirements set forth in this chapter and provided further that such regulations are consistent with the compliance requirements of applicable fishery management plans adopted by the Atlantic States Marine Fisheries Commission and with applicable provisions of fishery management plans adopted pursuant to the Federal Fishery Conservation and Management Act (16 U.S.C. S 1800 et seq.).

S 8. Section 13-0340 of the environmental conservation law, as amended by chapter 152 of the laws of 2007, is amended to read as follows:

S 13-0340. Bluefish (Pomatomus saltatrix).

The department may, until December thirty-first, two thousand [eleven] FIFTEEN, fix by regulation measures for the management of bluefish (Pomatomus saltatrix), including size limits, catch and possession limits, open and closed seasons, closed areas, restrictions on the manner of taking and landing, requirements for permits and eligibility therefor, recordkeeping requirements, requirements on the amount and type of fishing effort and gear, and requirements relating to transportation, possession and sale, provided that such regulations are no less restrictive than requirements set forth in this chapter and provided further that such regulations are consistent with the compliance requirements of applicable fishery management plans adopted by the Atlantic States Marine Fisheries Commission and with applicable provisions of fishery management plans adopted pursuant to the Federal Fishery Conservation and Management Act (16 U.S.C. S 1800 et seq.).

S 9. Section 13-0340-a of the environmental conservation law, as amended by chapter 152 of the laws of 2007, is amended to read as follows:

S 13-0340-a. Weakfish (Cynoscion regalis).

The department may, until December thirty-first, two thousand [eleven] FIFTEEN, fix by regulation measures for the management of weakfish (Cynoscion regalis), including size limits, catch and possession limits, open and closed seasons, closed areas, restrictions on the manner of taking and landing, requirements for permits and eligibility therefor, recordkeeping requirements, requirements on the amount and type of fishing effort and gear, and requirements relating to transportation, possession and sale, provided that such regulations are no less restrictive than requirements set forth in this chapter and provided further that such regulations are consistent with the compliance requirements of applicable fishery management plans adopted by the Atlantic States Marine Fisheries Commission and with applicable provisions of fishery management plans adopted pursuant to the Federal Fishery Conservation and Management Act (16 U.S.C. S 1800 et seq.).

S 10. Section 13-0340-b of the environmental conservation law, as amended by chapter 152 of the laws of 2007, is amended to read as follows:

S 13-0340-b. Fluke - summer flounder (Paralichthys dentatus).

The department may, until December thirty-first, two thousand [eleven] FIFTEEN, fix by regulation measures for the management of fluke or summer flounder (Paralichthys dentatus), including size limits, catch and possession limits, open and closed seasons, closed areas, restrictions on the manner of taking and landing, requirements for permits and eligibility therefor, recordkeeping requirements, requirements on the amount and type of fishing effort and gear, and requirements relating to transportation, possession and sale, provided that such regulations are no less restrictive than requirements set forth in this chapter and provided further that such regulations are consistent with the compliance requirements of applicable fishery management plans adopted by the Atlantic States Marine Fisheries Commission and with applicable provisions of fishery management plans adopted pursuant to the Federal Fishery Conservation and Management Act (16 U.S.C. S 1800 et seq.).

S 11. Section 13-0340-c of the environmental conservation law, as amended by chapter 145 of the laws of 2007, is amended to read as follows:

S 13-0340-c. Winter flounder (Pleuorenectes americanus).

The department may, until December thirty-first, two thousand [eleven] FIFTEEN, fix by regulation measures for the management of winter flounder ([Pleuorenectes] PSEUDOPLEUORENECTES americanus), including size limits, catch and possession limits, open and closed seasons, closed areas, restrictions on the manner of taking and landing, requirements for permits and eligibility therefor, recordkeeping requirements, requirements on the amount and type of fishing effort and gear, and requirements relating to transportation, possession and sale, provided that such regulations are no less restrictive than requirements set forth in this chapter and provided further that such regulations are consistent with the compliance requirements of applicable fishery management plans adopted by the Atlantic States Marine Fisheries Commission and with applicable provisions of fishery management plans adopted pursuant to the Federal Fishery Conservation and Management Act (16 U.S.C. S 1800 et seq.).

S 12. Section 13-0340-e of the environmental conservation law, as amended by chapter 145 of the laws of 2007, is amended to read as follows:

S 13-0340-e. Scup (Stenotomus chrysops).

The department may, until December thirty-first, two thousand [eleven] FIFTEEN, fix by regulation measures for the management of scup (Stenotomus chrysops), including size limits, catch and possession limits, open and closed seasons, closed areas, restrictions on the manner of taking and landing, requirements for permits and eligibility therefor, recordkeeping requirements, requirements on the amount and type of fishing effort and gear, and requirements relating to transportation, possession and sale, provided that such regulations are no less restrictive than requirements set forth in this chapter and provided further that such regulations are consistent with the compliance requirements of applicable fishery management plans adopted by the Atlantic States Marine Fisheries Commission and with applicable provisions of fishery management plans adopted pursuant to the Federal Fishery Conservation and Management Act (16 U.S.C. S 1800 et seq.).

S 13. Section 13-0340-f of the environmental conservation law, as amended by chapter 145 of the laws of 2007, is amended to read as follows:

S 13-0340-f. Black sea bass (Centropristis striata).

The department may, until December thirty-first, two thousand [eleven] FIFTEEN, fix by regulation measures for the management of black sea bass (Centropristis striata), including size limits, catch and possession limits, open and closed seasons, closed areas, restrictions on the manner of taking and landing, requirements for permits and eligibility therefor, recordkeeping requirements, requirements on the amount and type of fishing effort and gear and requirements relating to transportation, possession and sale, provided that such regulations are no less restrictive than requirements set forth in this chapter and provided further that such regulations are consistent with the compliance requirements of applicable fishery management plans adopted by the Atlantic States Marine Fisheries Commission and with applicable provisions of fishery management plans adopted pursuant to the Federal Fishery Conservation and Management Act (16 U.S.C. S 1800 et seq.).

S 14. Section 13-0340-g of the environmental conservation law, as amended by chapter 139 of the laws of 2007, is amended to read as follows:

S 13-0340-g. Monkfish (Lophius americanus, Lophius reticulatus and Lophius gastrophysus).

The department may, until December thirty-first, two thousand [eleven] FIFTEEN, fix by regulation measures for the management of monkfish (Lophius americanus, Lophius reticulatus and Lophius gastrophysus), including size limits, catch and possession limits, open and closed seasons, closed areas, restrictions on the manner of taking and landing, requirements for permits and eligibility therefor, recordkeeping requirements, requirements on the amount and type of fishing effort and gear, and requirements relating to transportation, possession and sale, provided that such regulations are no less restrictive than requirements set forth in this chapter and provided further that such regulations are consistent with the compliance requirements of applicable fishery management plans adopted by the Atlantic States Marine Fisheries Commission and with applicable provisions of fishery management plans adopted pursuant to the Federal Fishery Conservation and Management Act (16 U.S.C. S 1800 et seq.).

S 15. Subdivision 1 of section 13-0340-d of the environmental conservation law, as amended by chapter 147 of the laws of 2007, is amended to read as follows:

1. The department may, until December thirty-first, two thousand [eleven] FIFTEEN, fix by regulation measures for the management of blackfish (Tautoga onitis), including size limits, catch and possession limits, open and closed seasons, closed areas, restrictions on the manner of taking and landing, requirements for permits and eligibility therefor, recordkeeping requirements, requirements on the amount and type of fishing effort and gear, and requirements relating to transportation, possession and sale, provided that such regulations are no less restrictive than requirements set forth in this chapter and provided further that such regulations are consistent with the compliance requirements of applicable fishery management plans adopted by the Atlantic States Marine Fisheries Commission and with applicable provisions of fishery management plans adopted pursuant to the Federal Fishery Conservation and Management Act (16 U.S.C. S 1800 et seq.).

S 16. Subdivision 3 of section 13-0360 of the environmental conservation law, as amended by chapter 151 of the laws of 2007, is amended to read as follows:

3. Notwithstanding any other provision of this chapter, the department may, until December thirty-first, two thousand [eleven] FIFTEEN, adopt regulations restricting the taking of fish, shellfish and crustacea in any special management area designated pursuant to subdivision two of this section. Such regulations may restrict the manner of taking of fish, shellfish and crustacea in such areas and the landing of fish, shellfish and crustacea which have been taken therefrom. Such regulations shall be consistent with all relevant federal and interstate fisheries management plans and with the marine fisheries conservation and management policy set forth in section 13-0105 of this article.

S 17. Subdivision 4 of section 13-0338 of the environmental conservation law, as amended by chapter 141 of the laws of 2007, is amended to read as follows:

4. The department may, until December thirty-first, two thousand [eleven] FIFTEEN, fix by regulation measures for the management of sharks, including size limits, catch and possession limits, open and closed seasons, closed areas, restrictions on the manner of taking and landing, requirements for permits and eligibility therefor, recordkeeping requirements, requirements on the amount and type of fishing effort and gear, and requirements relating to transportation, possession and sale, provided that such regulations are no less restrictive than requirements set forth in this chapter and provided further that such regulations are consistent with the compliance requirements of applicable fishery management plans adopted by the Atlantic States Marine Fisheries Commission and with applicable provisions of fishery management plans adopted pursuant to the Federal Fishery Conservation and Management Act (16 U.S.C. S1800 et seq.).

S 18. This act shall take effect immediately.