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

5738--A

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 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

Section 1. Subdivision 15 of section 13-0309 of the environmental conservation law, as amended by chapter 158 of the laws of 2011, is amended to read as follows:

15. Cooperative harvesting. Notwithstanding any other provision of this chapter or rule or regulation, persons holding harvesting permits in New York's Atlantic Ocean surf clam/ocean quahog fishery are hereby authorized to cooperatively harvest any portion of the person's individual fishing quota (IFQ) by use of any vessel that is eligible to harvest shellfish in the fishery, subject to the following:

a. Such cooperative harvesting shall comply with daily catch limits established for the fishery by the department which shall be counted against both the IFQ holder vessel's and the harvesting vessel's daily catch limits[.] ;

b. The harvesting vessel used to catch such IFQ or portion thereof shall be identified to the department in both the IFQ holder's and the harvesting vessel's report to the department[.] ;

c. In cooperative harvesting there shall be no requirement that the captain of the IFQ holder's vessel be on board the harvesting vessel during harvesting[.] ;

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

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d. In cooperative harvesting the IFQ holder will provide the captain of the harvesting vessel with such cage tags as are necessary to account for the harvest attributable to such IFQ holder[.] ;

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

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

G. THE DEPARTMENT MAY PROMULGATE A RULE OR REGULATION LIMITING COOPERATIVE HARVESTING TO NO MORE THAN FOUR PERMITS PER VESSEL; AND

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

S 2. Section 2 of chapter 158 of the laws of 2011 amending the environmental conservation law relating to the harvesting of surf clams and ocean quahogs, is amended to read as follows:

S 2. This act shall take effect immediately [and]; PROVIDED, HOWEVER, THAT SUBDIVISION 16 OF SECTION 13-0309 OF THE ENVIRONMENTAL CONSERVATION LAW AS ADDED BY SECTION ONE OF THIS ACT shall expire and be deemed repealed December 31, 2013.

S 3. This act shall take effect immediately.