

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.