

STATE OF NEW YORK

11040

IN ASSEMBLY

May 31, 2018

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Englebright)
-- (at request of the Department of Environmental Conservation) --
read once and referred 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:

Section 1. Subdivisions 1, 2, 3, 4 and 5 of section 13-0328 of the environmental conservation law, as amended by chapter 225 of the laws of 2017, are amended to read as follows:

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

a. for the period beginning January first, two thousand eighteen through December thirty-first, two thousand ~~eighteen~~ nineteen, the number of resident commercial food fish licenses and the number of non-resident commercial food fish licenses shall not exceed the following annual limits:

(i) for two thousand eighteen, the number of licenses shall be limited to the number of licenses issued in two thousand seventeen, plus fifty percent of any difference between the number of licenses issued in two thousand seventeen and nine hundred sixty-nine~~[-]~~; and

(ii) for two thousand nineteen, the number of licenses shall be limited to the number of licenses established in subparagraph (i) of this paragraph.

b. for the period beginning January first, two thousand eighteen through December thirty-first, two thousand ~~eighteen~~ nineteen, persons who were issued a commercial food fish license in the previous year shall be eligible to be issued such license.

c. for the period beginning January first, two thousand eighteen through December thirty-first, two thousand ~~eighteen~~ nineteen, the department shall issue commercial food fish licenses to persons who were not issued such license in the previous year provided that the total number of such licenses issued to such persons does not exceed the

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

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1 difference between the number of licenses established in paragraph a of
2 this subdivision and the number of such licenses issued pursuant to
3 paragraph b of this subdivision, subject to the following:

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

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

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

13 (iv) licenses shall be issued only to persons who demonstrate in a
14 manner acceptable to the department that they received an average of at
15 least fifteen thousand dollars of income over three consecutive years
16 from commercial fishing or fishing, or who successfully complete a
17 commercial food fish apprenticeship pursuant to subdivision seven of
18 this section. As used in this subparagraph, "commercial fishing" means
19 the taking and sale of marine resources including fish, shellfish, crus-
20 tacea or other marine biota and "fishing" means commercial fishing and
21 carrying fishing passengers for hire. Individuals who wish to qualify
22 based on income from "fishing" must hold a valid marine and coastal
23 district party and charter boat license. No more than ten percent of the
24 licenses issued each year based on income eligibility pursuant to this
25 paragraph shall be issued to applicants who qualify based solely upon
26 income derived from operation of or employment by a party or charter
27 boat. For the income evaluation of this subdivision, the department may
28 consider persons who would otherwise be eligible but for having served
29 in the United States armed forces on active duty, provided that such
30 individual has received an honorable or general discharge, shall not be
31 deemed ineligible.

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

34 for the period beginning January first, two thousand eighteen, through
35 December thirty-first, two thousand [~~eighteen~~] nineteen, only persons
36 who were issued a commercial lobster permit in the previous year shall
37 be eligible to be issued such permit.

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

40 a. for the period beginning January first, two thousand eighteen
41 through December thirty-first, two thousand [~~eighteen~~] nineteen, the
42 number of resident commercial crab permits and the number of non-resi-
43 dent commercial crab permits shall not exceed the following annual
44 limits:

45 (i) for two thousand eighteen, the number of permits shall be limited
46 to the number of permits issued in two thousand seventeen, plus fifty
47 percent of any difference between the number of permits issued in two
48 thousand seventeen and five hundred sixty-three[-]; and

49 (ii) for two thousand nineteen, the number of permits shall be limited
50 to the number of permits established in subparagraph (i) of this para-
51 graph.

52 b. for the period beginning January first, two thousand eighteen
53 through December thirty-first, two thousand [~~eighteen~~] nineteen, persons
54 who were issued a commercial crab permit in the previous year shall be
55 eligible to be issued such permit.

c. for the period beginning January first, two thousand eighteen through December thirty-first, two thousand ~~eighteen~~ nineteen, the department shall issue commercial crab permits to persons who were not issued such permit in the previous year provided that the total number of such permits issued to such persons does not exceed the difference between the number of permits established in paragraph a of this subdivision and the number of such permits issued pursuant to paragraph b of this subdivision, subject to the following:

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

(ii) permits may be issued to individuals only;

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

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

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

a. for the period beginning January first, two thousand eighteen through December thirty-first, two thousand ~~eighteen~~ nineteen, the number of resident commercial whelk or conch licenses and the number of non-resident commercial whelk or conch licenses shall not exceed the following annual limits:

(i) for two thousand eighteen, the number of licenses shall be limited to the number of licenses issued in two thousand seventeen plus fifty percent of any difference between the number of licenses issued in two thousand seventeen and two hundred fifty-two[-]; and

(ii) for two thousand nineteen, the number of licenses shall be limited to the number of licenses established in subparagraph (i) of this paragraph.

b. for the period beginning January first, two thousand eighteen through December thirty-first, two thousand ~~eighteen~~ nineteen, persons who were issued a commercial whelk or conch license in the previous year shall be eligible to be issued such license.

c. for the period beginning January first, two thousand eighteen through December thirty-first, two thousand ~~eighteen~~ nineteen, persons who were not issued a commercial whelk or conch license in the previous year shall be eligible to be issued such license provided that the total number of such licenses issued to such persons shall not exceed the difference between the number of licenses established in paragraph a of

1 this subdivision and the number of such licenses issued pursuant to
2 paragraph b of this subdivision, subject to the following:

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

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

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

12 (iv) licenses shall be issued only to persons who demonstrate in a
13 manner acceptable to the department that they received an average of at
14 least fifteen thousand dollars of income over three consecutive years
15 from commercial fishing or fishing, or who successfully complete an
16 apprenticeship pursuant to subdivision seven of this section. As used in
17 this subparagraph, "commercial fishing" means the taking and sale of
18 marine resources including fish, shellfish, crustacea or other marine
19 biota and "fishing" means commercial fishing and carrying fishing
20 passengers for hire. Individuals who wish to qualify based on income
21 from "fishing" must hold a valid marine and coastal district party and
22 charter boat license. No more than ten percent of the licenses issued
23 each year pursuant to this paragraph shall be issued to applicants who
24 qualify based upon income derived from operation of or employment by a
25 party or charter boat.

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

33 a. for the years two thousand [~~seventeen~~] eighteen through two thou-
34 sand [~~eighteen~~] nineteen, the annual number of marine and coastal
35 district party and charter boat licenses issued shall not exceed five
36 hundred seventeen.

37 b. for the years two thousand [~~seventeen~~] eighteen through two thou-
38 sand [~~eighteen~~] nineteen, persons who were issued a marine and coastal
39 district party and charter boat license in the previous year shall be
40 eligible to be issued such license.

41 c. for the years two thousand [~~seventeen~~] eighteen through two thou-
42 sand [~~eighteen~~] nineteen, the department shall issue marine and coastal
43 district party and charter boat licenses to persons who were not issued
44 such license in the previous year, provided that the total number of
45 licenses issued does not exceed five hundred seventeen, subject to the
46 following:

47 (i) licenses shall be issued in the order in which the applications
48 were received;

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

51 § 2. This act shall take effect December 31, 2018, provided that any
52 regulations necessary for the timely implementation of the provisions of
53 this act on its effective date may be promulgated on or before such
54 date.