STATE OF NEW YORK

6682

2017-2018 Regular Sessions

IN SENATE

June 13, 2017

Introduced by Sens. LAVALLE, AVELLA -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the environmental conservation law, in relation to the taking of crabs

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section 13-0331 of the environmental conservation law, as amended by chapter 365 of the laws of 1994, subdivision 1 as amended by chapter 325 of the laws of 1999, subdivision 2 as amended by chapter 263 of the laws of 1997, subdivision 3 as amended by chapter 327 of the laws of 1999 and subdivision 7 as amended by chapter 226 of the laws of 2015, is amended to read as follows:

§ 13-0331. Crabs; permit to take; prohibited acts.

1. No person shall take crabs, including horseshoe crabs (Limulus sp.) for commercial purposes without first obtaining a permit from the department. For purposes of this subdivision, a presumption of "commercial purposes" shall be made wherein one takes or lands more than fifty crabs in any one day or sells or barters or offers for sale or barter any crabs he or she has taken. Permits shall be issued to individuals only but may be endorsed for use on a vessel, in which case it shall cover all persons on board such vessel.

2. A person domiciled within the state may take crabs, for commercial purposes, from the waters of the state upon first obtaining a crabbing permit from the department.

a. The department shall prescribe and furnish forms for application for such permit.

b. The fee for such crabbing permit shall be thirty dollars.

3. A person not domiciled in the state who is domiciled in a state that provides reciprocal permits or licenses to persons domiciled in New York state may take crabs, for commercial purposes, upon first obtaining a crabbing permit from the department.

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

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a. The department shall prescribe and furnish forms for application for such permit.

b. The fee for such crabbing permit shall be fifty dollars.

4. Permits are not transferable and shall expire on December 31 following the date of issue. If it appears in the public interest, the department may suspend or cancel such permits without prior notice.

5. Female crabs with eggs visible thereon, commonly called sponge crabs, or any female crabs from which the egg pouch or bunion has been removed, shall not be taken, possessed, transported or offered for sale at any time.

6. Crabs shall not be taken by dredging in the waters of Richmond county; Hempstead Bay and South Oyster Bay in the county of Nassau; or in the waters of Great South Bay west of Captree bridge in the county of Suffolk.

7. The department may, until December thirty-first, two thousand [~~seventeen~~] **eighteen**, fix by regulation measures for the management of crabs of any kind including horseshoe crabs (Limulus 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 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. § 1800 et seq.).

8. The department shall, when adopting regulation measures for the management of horseshoe crabs (Limulus sp.) pursuant to subdivision seven of this section, cooperate with any town, village or county that requests any municipal property be subject to a harvest closure.

§ 2. This act shall take effect January 1, 2018.