

# STATE OF NEW YORK

7997--A

## IN SENATE

March 16, 2018

Introduced by Sen. BOYLE -- (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 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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

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

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1 not issued such license in the previous year provided that the total  
2 number of such licenses issued to such persons does not exceed the  
3 difference between the number of licenses established in paragraph a of  
4 this subdivision and the number of such licenses issued pursuant to  
5 paragraph b of this subdivision, subject to the following:

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

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

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

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

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

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

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

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

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

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

54 b. for the period beginning January first, two thousand eighteen  
55 through December thirty-first, two thousand [~~eighteen~~] nineteen, persons

1 who were issued a commercial crab permit in the previous year shall be  
2 eligible to be issued such permit.

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

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

17 (ii) permits may be issued to individuals only;

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

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

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

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

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

46 (ii) for two thousand nineteen, the number of licenses shall be limit-  
47 ed to the number of licenses established in subparagraph (i) of this  
48 paragraph.

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

53 c. for the period beginning January first, two thousand eighteen  
54 through December thirty-first, two thousand [~~eighteen~~] nineteen, persons  
55 who were not issued a commercial whelk or conch license in the previous  
56 year shall be eligible to be issued such license provided that the total

1 number of such licenses issued to such persons shall not exceed the  
2 difference between the number of licenses established in paragraph a of  
3 this subdivision and the number of such licenses issued pursuant to  
4 paragraph b of this subdivision, subject to the following:

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

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

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

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

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

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

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

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

49 (i) licenses shall be issued in the order in which the applications  
50 were received;

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

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