

# 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:

- 1 Section 1. Subdivisions 1, 2, 3, 4 and 5 of section 13-0328 of the  
2 environmental conservation law, as amended by chapter 225 of the laws of  
3 2017, 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 eighteen  
8 through December thirty-first, two thousand [~~eighteen~~ nineteen, the  
9 number of resident commercial food fish licenses and the number of non-  
10 resident commercial food fish licenses shall not exceed the following  
11 annual limits:  
12 (i) for two thousand eighteen, the number of licenses shall be limited  
13 to the number of licenses issued in two thousand seventeen, plus fifty  
14 percent of any difference between the number of licenses issued in two  
15 thousand seventeen and nine hundred sixty-nine[-]; and  
16 (ii) for two thousand nineteen, the number of licenses shall be limit-  
17 ed to the number of licenses established in subparagraph (i) of this  
18 paragraph.  
19 b. for the period beginning January first, two thousand eighteen  
20 through December thirty-first, two thousand [~~eighteen~~ nineteen, persons  
21 who were issued a commercial food fish license in the previous year  
22 shall be eligible to be issued such license.  
23 c. for the period beginning January first, two thousand eighteen  
24 through December thirty-first, two thousand [~~eighteen~~ nineteen, the  
25 department shall issue commercial food fish licenses to persons who were  
26 not issued such license in the previous year provided that the total  
27 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.

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

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

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

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

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

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

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

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

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

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

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