STATE OF NEW YORK

5747--A

2017-2018 Regular Sessions

IN SENATE

April 27, 2017

Introduced by Sen. BOYLE -- 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:

1 Section 1. Subdivisions 1, 2, 3, 4 and 5 of section 13-0328 of the 2 environmental conservation law, as amended by chapter 212 of the laws of 3 2015, subparagraph (iv) of paragraph c of subdivision 1 as separately 4 amended by chapter 484 of the laws of 2015, are amended to read as 5 follows: б 1. Commercial food fish licenses. Commercial food fish licenses 7 provided for by section 13-0335 of this title shall be issued as 8 follows: a. for the period beginning January first, two thousand [sixteen] 9 10 eighteen through December thirty-first, two thousand [seventeen] eigh-11 teen, the number of resident commercial food fish licenses and the number of non-resident commercial food fish licenses shall not exceed 12 13 the following annual limits: [(i)] for two thousand [sixteen] <u>eighteen</u>, the number of licenses 14 15 shall be limited to the number of licenses issued in two thousand [fifteen] seventeen, plus fifty percent of any difference between the 16 number of licenses issued in two thousand [fifteen] seventeen and [one 17 18 thousand four] nine hundred sixty-nine[; and

19 (ii) for two thousand seventeen, the number of licenses shall be

20 limited to the number of licenses issued in two thousand sixteen, plus

21 fifty percent of any difference between the number of licenses issued in

22 two thousand sixteen and the limit established in subparagraph (i) of 23 this paragraph].

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

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b. for the period beginning January first, two thousand [sixteen]
<u>eighteen</u> through December thirty-first, two thousand [seventeen] <u>eigh-</u>
<u>teen</u>, persons who were issued a commercial food fish license in the
previous year shall be eligible to be issued such license.

5 c. for the period beginning January first, two thousand [sixteen] б eighteen through December thirty-first, two thousand [seventeen] eigh-7 teen, the department shall issue commercial food fish licenses to persons who were not issued such license in the previous year provided 8 9 that the total number of such licenses issued to such persons does not 10 exceed the difference between the number of licenses established in paragraph a of this subdivision and the number of such licenses issued 11 pursuant to paragraph b of this subdivision, subject to the following: 12

(i) licenses 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;

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

20 (iii) licenses shall be issued to applicants who are sixteen years of 21 age or older at the time of the application; and

(iv) licenses shall be issued only to persons who demonstrate in a 22 manner acceptable to the department that they received an average of at 23 least fifteen thousand dollars of income over three consecutive years 24 25 from commercial fishing or fishing, or who successfully complete a 26 commercial food fish apprenticeship pursuant to subdivision seven of this section. As used in this subparagraph, "commercial fishing" means 27 the taking and sale of marine resources including fish, shellfish, crus-28 29 tacea or other marine biota and "fishing" means commercial fishing and 30 carrying fishing passengers for hire. Individuals who wish to qualify 31 based on income from "fishing" must hold a valid marine and coastal 32 district party and charter boat license. No more than ten percent of the 33 licenses issued each year based on income eligibility pursuant to this 34 paragraph shall be issued to applicants who qualify based solely upon 35 income derived from operation of or employment by a party or charter 36 boat. For the income evaluation of this subdivision, the department may 37 consider persons who would otherwise be eligible but for having served 38 in the United States armed forces on active duty, provided that such 39 individual has received an honorable or general discharge, shall not be 40 deemed ineligible.

41 2. Commercial lobster permits. Commercial lobster permits provided for 42 by section 13-0329 of this title shall be issued as follows:

for the period beginning January first, two thousand [sixteen] eigh-44 teen, through December thirty-first, two thousand [seventeen] eighteen, 45 only persons who were issued a commercial lobster permit in the previous 46 year shall be eligible to be issued such permit.

47 3. Commercial crab permits. Commercial crab permits provided for by 48 section 13-0331 of this title shall be issued as follows:

49 a. for the period beginning January first, two thousand [**sixteen**] 50 **eighteen** through December thirty-first, two thousand [**seventeen**] **eigh-**51 **teen**, the number of resident commercial crab permits and the number of 52 non-resident commercial crab permits shall not exceed the following 53 annual limits:

54 [(i)] for two thousand [sixteen] eighteen, the number of permits shall 55 be limited to the number of permits issued in two thousand [fifteen] 56 seventeen, plus fifty percent of any difference between the number of

1	permits issued in two thousand [fifteen] seventeen and five hundred
2	[eighty-two] <u>sixty-three</u> [; and
3	(ii) for two thousand seventeen, the number of permits shall be limit-
4	ed to the number of permits issued in two thousand sixteen, plus fifty
5	percent of any difference between the number of permits issued in two
6	thousand sixteen and the limit established in subparagraph (i) of this
7	paragraph].
8	b. for the period beginning January first, two thousand [sixteen]
9	eighteen through December thirty-first, two thousand [seventeen] eigh-
10	teen, persons who were issued a commercial crab permit in the previous
11	year shall be eligible to be issued such permit.
12	c. for the period beginning January first, two thousand [sixteen]
13 14	eighteen through December thirty-first, two thousand [seventeen] eigh-
$14 \\ 15$	teen, the department shall issue commercial crab permits to persons who were not issued such permit in the previous year provided that the total
16	number of such permits issued to such persons does not exceed the
17	difference between the number of permits established in paragraph a of
18	this subdivision and the number of such permits issued pursuant to para-
19	graph b of this subdivision, subject to the following:
20	(i) permits 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) permits may be issued to individuals only;
27	(iii) permits shall be issued to applicants who are sixteen years of
28	age or older at the time of the application; and
29	(iv) permits 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 an
33	apprenticeship pursuant to subdivision seven of this section. As used in
34 35	this subparagraph, "commercial fishing" means the taking and sale of marine resources including fish, shellfish, crustacea or other marine
35 36	biota and "fishing" means commercial fishing and carrying fishing
30 37	passengers for hire. Individuals who wish to qualify based on income
38	from "fishing" must hold a valid marine and coastal district party and
39	charter boat license. No more than ten percent of the permits issued
40	each year based on income eligibility pursuant to this paragraph shall
41	be issued to applicants who qualify based upon income derived from oper-
42	ation of or employment by a party or charter boat.
43	4. Commercial whelk or conch licenses. Commercial whelk or conch
44	licenses provided for by section 13-0330 of this title shall be issued
45	as follows:
46	a. for the period beginning January first, two thousand [sixteen]
47	<u>eighteen</u> through December thirty-first, two thousand [seventeen] <u>eigh-</u>
48	teen, the number of resident commercial whelk or conch licenses and the
49	number of non-resident commercial whelk or conch licenses shall not
50	exceed the following annual limits:
51	[(i)] for two thousand [sixteen] eighteen, the number of licenses
52	shall be limited to the number of licenses issued in two thousand
53 E4	[fifteen] seventeen plus fifty percent of any difference between the
54 55	number of licenses issued in two thousand [fifteen] seventeen and two hundred [sixty-one] fifty-two[; and
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(ii) for two thousand seventeen, the number of licenses shall be 1 2 limited to the number of licenses issued in two thousand sixteen, plus fifty percent of any difference between the number of licenses issued in 3 two thousand sixteen and the limit established in subparagraph (i) of 4 5 this paragraph]. б b. for the period beginning January first, two thousand [sixteen] 7 eighteen through December thirty-first, two thousand [geventeen] eigh-8 teen, persons who were issued a commercial whelk or conch license in the 9 previous year shall be eligible to be issued such license. 10 c. for the period beginning January first, two thousand [sixteen] 11 eighteen through December thirty-first, two thousand [seventeen] eighteen, persons who were not issued a commercial whelk or conch license in 12 13 the previous year shall be eligible to be issued such license provided 14 that the total number of such licenses issued to such persons shall not exceed the difference between the number of licenses established in 15 16 paragraph a of this subdivision and the number of such licenses issued pursuant to paragraph b of this subdivision, subject to the following: 17 (i) licenses shall be issued in the order in which the applications 18 19 were received, except that where multiple applications are received by 20 the department on the same day, applicants for whom the department has 21 received notice of successful completion of an apprenticeship pursuant to subdivision seven of this section shall be considered by the depart-22 23 ment prior to other applicants; 24 (ii) licenses may be issued to individuals only; 25 (iii) licenses shall be issued to applicants who are sixteen years of 26 age or older at the time of the application; and 27 (iv) licenses shall be issued only to persons who demonstrate in a manner acceptable to the department that they received an average of at 28 29 least fifteen thousand dollars of income over three consecutive years 30 from commercial fishing or fishing, or who successfully complete an 31 apprenticeship pursuant to subdivision seven of this section. As used in 32 this subparagraph, "commercial fishing" means the taking and sale of marine resources including fish, shellfish, crustacea or other marine 33 biota and "fishing" means commercial fishing and carrying fishing 34 35 passengers for hire. Individuals who wish to qualify based on income 36 from "fishing" must hold a valid marine and coastal district party and 37 charter boat license. No more than ten percent of the licenses issued 38 each year pursuant to this paragraph shall be issued to applicants who 39 qualify based upon income derived from operation of or employment by a 40 party or charter boat. 41 5. Marine and coastal district party and charter boat licenses. Marine 42 and coastal district party and charter boat licenses provided for by section 13-0336 of this title shall be issued as follows, except that 43 44 this subdivision shall not apply to the owner or operator of a party 45 boat or charter boat whose vessel is classified by the United States 46 Coast Guard as an Inspected Passenger Vessel and which is licensed to 47 carry more than six passengers: 48 a. for the years two thousand [sixteen] seventeen through two thousand [seventeen] eighteen, the annual number of marine and coastal district 49 party and charter boat licenses issued shall not exceed five hundred 50 51 seventeen. 52 b. for the years two thousand [sixteen] seventeen through two thousand 53 [seventeen] eighteen, persons who were issued a marine and coastal 54 district party and charter boat license in the previous year shall be 55 eligible to be issued such license.

c. for the years two thousand [**sixteen**] **seventeen** through two thousand [**seventeen**] **eighteen**, the department shall issue marine and coastal district party and charter boat licenses to persons who were not issued such license in the previous year, provided that the total number of licenses issued does not exceed five hundred seventeen, subject to the following:

7 (i) licenses shall be issued in the order in which the applications 8 were received;

9 (ii) licenses shall be issued only to persons who hold an Uninspected 10 Passenger Vessel license issued by the United States Coast Guard.

11 § 2. This act shall take effect December 31, 2017, provided that any 12 regulations necessary for the timely implementation of the provisions of 13 this act on its effective date may be promulgated on or before such 14 date.