

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 Assem-
bly, do enact as follows:

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

7 § 13-0331. Crabs; permit to take; prohibited acts.

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

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

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

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

22 3. A person not domiciled in the state who is domiciled in a state
23 that provides reciprocal permits or licenses to persons domiciled in New
24 York state may take crabs, for commercial purposes, upon first obtaining
25 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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1 a. The department shall prescribe and furnish forms for application
2 for such permit.

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

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

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

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

15 7. The department may, until December thirty-first, two thousand
16 [~~seventeen~~] eighteen, fix by regulation measures for the management of
17 crabs of any kind including horseshoe crabs (*Limulus* sp.), including
18 size limits, catch and possession limits, open and closed seasons,
19 closed areas, restrictions on the manner of taking and landing, require-
20 ments for permits and eligibility therefor, recordkeeping requirements,
21 requirements on the amount and type of fishing effort and gear, and
22 requirements relating to transportation, possession and sale, provided
23 that such regulations are no less restrictive than requirements set
24 forth in this chapter and provided further that such regulations are
25 consistent with the compliance requirements of applicable fishery
26 management plans adopted by the Atlantic States Marine Fisheries Commis-
27 sion and with applicable provisions of fishery management plans adopted
28 pursuant to the Federal Fishery Conservation and Management Act (16
29 U.S.C. § 1800 et seq.).

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

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