

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:

- 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

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

LBD14408-04-8

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.