

# STATE OF NEW YORK

2575

2019-2020 Regular Sessions

## IN ASSEMBLY

January 23, 2019

Introduced by M. of A. ENGLEBRIGHT -- 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 Assem-  
bly, 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~~] twenty, 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[-];

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; and

19 (iii) for two thousand twenty, the number of licenses shall be limited  
20 to the number of licenses established in subparagraph (i) of this para-  
21 graph.

22 b. for the period beginning January first, two thousand [~~eighteen~~]  
23 nineteen through December thirty-first, two thousand [~~eighteen~~] twenty,  
24 persons who were issued a commercial food fish license in the previous  
25 year shall be eligible to be issued such license.

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

LBD08720-02-9

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

9 (i) licenses 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) licenses may be issued to individuals only;

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

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

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

39 for the period beginning January first, two thousand [~~eighteen~~] ~~nine-~~  
40 ~~teen~~, through December thirty-first, two thousand [~~eighteen~~] ~~twenty~~,  
41 only persons who were issued a commercial lobster permit in the previous  
42 year shall be eligible to be issued such permit.

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

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

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

54 (ii) for two thousand nineteen, the number of permits shall be limited  
55 to the number of permits established in subparagraph (i) of this para-  
56 graph; and

1 (iii) for two thousand twenty, the number of permits shall be limited  
2 to the number of permits established in subparagraph (i) of this para-  
3 graph.

4 b. for the period beginning January first, two thousand [~~eighteen~~]  
5 nineteen through December thirty-first, two thousand [~~eighteen~~] twenty,  
6 persons who were issued a commercial crab permit in the previous year  
7 shall be eligible to be issued such permit.

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

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

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

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

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

39 4. Commercial whelk or conch licenses. Commercial whelk or conch  
40 licenses provided for by section 13-0330 of this title shall be issued  
41 as follows:

42 a. for the period beginning January first, two thousand eighteen  
43 through December thirty-first, two thousand [~~eighteen~~] twenty, the  
44 number of resident commercial whelk or conch licenses and the number of  
45 non-resident commercial whelk or conch licenses shall not exceed the  
46 following annual limits:

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

51 (ii) for two thousand nineteen, the number of licenses shall be limit-  
52 ed to the number of licenses established in subparagraph (i) of this  
53 paragraph; and

54 (iii) for two thousand twenty, the number of licenses shall be limited  
55 to the number of licenses established in subparagraph (i) of this para-  
56 graph.

1 b. for the period beginning January first, two thousand [~~eighteen~~  
2 ~~nineteen~~ through December thirty-first, two thousand [~~eighteen~~ ~~twenty~~,  
3 persons who were issued a commercial whelk or conch license in the  
4 previous year shall be eligible to be issued such license.

5 c. for the period beginning January first, two thousand [~~eighteen~~  
6 ~~nineteen~~ through December thirty-first, two thousand [~~eighteen~~ ~~twenty~~,  
7 persons who were not issued a commercial whelk or conch license in the  
8 previous year shall be eligible to be issued such license provided that  
9 the total number of such licenses issued to such persons shall not  
10 exceed the difference between the number of licenses established in  
11 paragraph a of this subdivision and the number of such licenses issued  
12 pursuant to paragraph b of this subdivision, subject to the following:

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

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

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

43 a. for the years two thousand [~~seventeen~~ ~~nineteen~~ through two thou-  
44 sand [~~eighteen~~ ~~twenty~~, the annual number of marine and coastal district  
45 party and charter boat licenses issued shall not exceed five hundred  
46 seventeen.

47 b. for the years two thousand [~~seventeen~~ ~~nineteen~~ through two thou-  
48 sand [~~eighteen~~ ~~twenty~~, persons who were issued a marine and coastal  
49 district party and charter boat license in the previous year shall be  
50 eligible to be issued such license.

51 c. for the years two thousand [~~seventeen~~ ~~nineteen~~ through two thou-  
52 sand [~~eighteen~~ ~~twenty~~, the department shall issue marine and coastal  
53 district party and charter boat licenses to persons who were not issued  
54 such license in the previous year, provided that the total number of  
55 licenses issued does not exceed five hundred seventeen, subject to the  
56 following:

1 (i) licenses shall be issued in the order in which the applications  
2 were received;

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

5 § 2. This act shall take effect immediately.