

STATE OF NEW YORK

2410

2019-2020 Regular Sessions

IN SENATE

January 24, 2019

Introduced by Sen. MARTINEZ -- read twice and ordered printed, and when printed to be committed 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~~] 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.

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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.