

# STATE OF NEW YORK

10044

## IN SENATE

April 24, 2026

Introduced by Sen. HARCKHAM -- (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

AN ACT to amend the environmental conservation law, in relation to commercial food fish 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 306 of the laws of  
3 2023, 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 [~~twenty-six~~] twenty-nine,  
9 the number of resident commercial food fish licenses and the number of  
10 non-resident commercial food fish licenses shall not exceed the follow-  
11 ing 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;  
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 (iv) for two thousand twenty-one, the number of licenses shall be  
23 limited to the number of licenses established in subparagraph (i) of  
24 this paragraph;  
25 (v) for two thousand twenty-two, the number of licenses shall be  
26 limited to the number of licenses established in subparagraph (i) of  
27 this paragraph;

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

LBD15003-01-6

1 (vi) for two thousand twenty-three, the number of licenses shall be  
2 limited to the number of licenses established in subparagraph (i) of  
3 this paragraph;

4 (vii) for two thousand twenty-four, the number of licenses shall be  
5 limited to the number of licenses established in subparagraph (i) of  
6 this paragraph;

7 (viii) for two thousand twenty-five, the number of licenses shall be  
8 limited to the number of licenses established in subparagraph (i) of  
9 this paragraph; ~~and~~

10 (ix) for two thousand twenty-six, the number of licenses shall be  
11 limited to the number of licenses established in subparagraph (i) of  
12 this paragraph;

13 (x) for two thousand twenty-seven, the number of licenses shall be  
14 limited to the number of licenses established in subparagraph (i) of  
15 this paragraph;

16 (xi) for two thousand twenty-eight, the number of licenses shall be  
17 limited to the number of licenses established in subparagraph (i) of  
18 this paragraph; and

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

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

26 c. for the period beginning January first, two thousand ~~[twenty-three]~~  
27 twenty-six through December thirty-first, two thousand ~~[twenty-six]~~  
28 twenty-nine, the department shall issue commercial food fish licenses to  
29 persons who were not issued such license in the previous year provided  
30 that the total number of such licenses issued to such persons does not  
31 exceed the difference between the number of licenses established in  
32 paragraph a of this subdivision and the number of such licenses issued  
33 pursuant to paragraph b of this subdivision, subject to the following:

34 (i) licenses shall be issued in the order in which the applications  
35 were received, except that where multiple applications are received by  
36 the department on the same day, applicants for whom the department has  
37 received notice of successful completion of an apprenticeship pursuant  
38 to subdivision seven of this section shall be considered by the depart-  
39 ment prior to other applicants;

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

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

43 (iv) licenses shall be issued only to persons who demonstrate in a  
44 manner acceptable to the department that they received an average of at  
45 least fifteen thousand dollars of income over three consecutive years  
46 from commercial fishing or fishing, or who successfully complete a  
47 commercial food fish apprenticeship pursuant to subdivision seven of  
48 this section. As used in this subparagraph, "commercial fishing" means  
49 the taking and sale of marine resources including fish, shellfish, crus-  
50 tacea or other marine biota and "fishing" means commercial fishing and  
51 carrying fishing passengers for hire. Individuals who wish to qualify  
52 based on income from "fishing" must hold a valid marine and coastal  
53 district party and charter boat license. No more than ten percent of the  
54 licenses issued each year based on income eligibility pursuant to this  
55 paragraph shall be issued to applicants who qualify based solely upon  
56 income derived from operation of or employment by a party or charter

1 boat. For the income evaluation of this subdivision, the department may  
2 consider persons who would otherwise be eligible but for having served  
3 in the United States armed forces on active duty, provided that such  
4 individual (1) has received an honorable or general discharge, or (2)  
5 has a qualifying condition, as defined in section one of the veteran's  
6 services law, and has received a discharge other than bad conduct or  
7 dishonorable from such service, or (3) is a discharged LGBT veteran, as  
8 defined in section one of the veteran's services law, and has received a  
9 discharge other than bad conduct or dishonorable from such service,  
10 shall not be deemed ineligible.

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

13 for the period beginning January first, two thousand [~~twenty-three~~]  
14 ~~twenty-six~~, through December thirty-first, two thousand [~~twenty-six~~]  
15 ~~twenty-nine~~, only persons who were issued a commercial lobster permit in  
16 the previous year shall be eligible to be issued such permit.

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

19 a. for the period beginning January first, two thousand eighteen  
20 through December thirty-first, two thousand [~~twenty-six~~] ~~twenty-nine~~,  
21 the number of resident commercial crab permits and the number of non-re-  
22 sident commercial crab permits shall not exceed the following annual  
23 limits:

24 (i) for two thousand eighteen, the number of permits shall be limited  
25 to the number of permits issued in two thousand seventeen, plus fifty  
26 percent of any difference between the number of permits issued in two  
27 thousand seventeen and five hundred sixty-three;

28 (ii) for two thousand nineteen, the number of permits shall be limited  
29 to the number of permits established in subparagraph (i) of this para-  
30 graph;

31 (iii) for two thousand twenty, the number of permits shall be limited  
32 to the number of permits established in subparagraph (i) of this para-  
33 graph;

34 (iv) for two thousand twenty-one, the number of licenses shall be  
35 limited to the number of licenses established in subparagraph (i) of  
36 this paragraph;

37 (v) for two thousand twenty-two, the number of licenses shall be  
38 limited to the number of licenses established in subparagraph (i) of  
39 this paragraph;

40 (vi) for two thousand twenty-three, the number of licenses shall be  
41 limited to the number of licenses established in subparagraph (i) of  
42 this paragraph;

43 (vii) for two thousand twenty-four, the number of licenses shall be  
44 limited to the number of licenses established in subparagraph (i) of  
45 this paragraph;

46 (viii) for two thousand twenty-five, the number of licenses shall be  
47 limited to the number of licenses established in subparagraph (i) of  
48 this paragraph; [~~and~~]

49 (ix) for two thousand twenty-six, the number of licenses shall be  
50 limited to the number of licenses established in subparagraph (i) of  
51 this paragraph;

52 (x) for two thousand twenty-seven, the number of licenses shall be  
53 limited to the number of licenses established in subparagraph (i) of  
54 this paragraph;

1 (xi) for two thousand twenty-eight, the number of licenses shall be  
2 limited to the number of licenses established in subparagraph (i) of  
3 this paragraph; and

4 (xii) for two thousand twenty-nine, the number of licenses shall be  
5 limited to the number of licenses established in subparagraph (i) of  
6 this paragraph.

7 b. for the period beginning January first, two thousand twenty-one  
8 through December thirty-first, two thousand [~~twenty-six~~] twenty-nine,  
9 persons who were issued a commercial crab permit in the previous year  
10 shall be eligible to be issued such permit.

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

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

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

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

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

42 4. Commercial whelk or conch licenses. Commercial whelk or conch  
43 licenses provided for by section 13-0330 of this title shall be issued  
44 as follows:

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

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

54 (ii) for two thousand nineteen, the number of licenses shall be limit-  
55 ed to the number of licenses established in subparagraph (i) of this  
56 paragraph;

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

4 (iv) for two thousand twenty-one, the number of licenses shall be  
5 limited to the number of licenses established in subparagraph (i) of  
6 this paragraph;

7 (v) for two thousand twenty-two, the number of licenses shall be  
8 limited to the number of licenses established in subparagraph (i) of  
9 this paragraph;

10 (vi) for two thousand twenty-three, the number of licenses shall be  
11 limited to the number of licenses established in subparagraph (i) of  
12 this paragraph;

13 (vii) for two thousand twenty-four, the number of licenses shall be  
14 limited to the number of licenses established in subparagraph (i) of  
15 this paragraph;

16 (viii) for two thousand twenty-five, the number of licenses shall be  
17 limited to the number of licenses established in subparagraph (i) of  
18 this paragraph; ~~and~~

19 (ix) for two thousand twenty-six, the number of licenses shall be  
20 limited to the number of licenses established in subparagraph (i) of  
21 this paragraph;

22 (x) for two thousand twenty-seven, the number of licenses shall be  
23 limited to the number of licenses established in subparagraph (i) of  
24 this paragraph;

25 (xi) for two thousand twenty-eight, the number of licenses shall be  
26 limited to the number of licenses established in subparagraph (i) of  
27 this paragraph; and

28 (xii) for two thousand twenty-nine, the number of licenses shall be  
29 limited to the number of licenses established in subparagraph (i) of  
30 this paragraph.

31 b. for the period beginning January first, two thousand ~~[twenty-three]~~  
32 twenty-six through December thirty-first, two thousand ~~[twenty-six]~~  
33 twenty-nine, persons who were issued a commercial whelk or conch license  
34 in the previous year shall be eligible to be issued such license.

35 c. for the period beginning January first, two thousand ~~[twenty-three]~~  
36 twenty-six through December thirty-first, two thousand ~~[twenty-six]~~  
37 twenty-nine, persons who were not issued a commercial whelk or conch  
38 license in the previous year shall be eligible to be issued such license  
39 provided that the total number of such licenses issued to such persons  
40 shall not exceed the difference between the number of licenses estab-  
41 lished in paragraph a of this subdivision and the number of such  
42 licenses issued pursuant to paragraph b of this subdivision, subject to  
43 the following:

44 (i) licenses shall be issued in the order in which the applications  
45 were received, except that where multiple applications are received by  
46 the department on the same day, applicants for whom the department has  
47 received notice of successful completion of an apprenticeship pursuant  
48 to subdivision seven of this section shall be considered by the depart-  
49 ment prior to other applicants;

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

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

53 (iv) licenses shall be issued only to persons who demonstrate in a  
54 manner acceptable to the department that they received an average of at  
55 least fifteen thousand dollars of income over three consecutive years  
56 from commercial fishing or fishing, or who successfully complete an

1 apprenticeship pursuant to subdivision seven of this section. As used in  
2 this subparagraph, "commercial fishing" means the taking and sale of  
3 marine resources including fish, shellfish, crustacea or other marine  
4 biota and "fishing" means commercial fishing and carrying fishing  
5 passengers for hire. Individuals who wish to qualify based on income  
6 from "fishing" must hold a valid marine and coastal district party and  
7 charter boat license. No more than ten percent of the licenses issued  
8 each year pursuant to this paragraph shall be issued to applicants who  
9 qualify based upon income derived from operation of or employment by a  
10 party or charter boat.

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

18 a. for the years two thousand [~~twenty-three~~] twenty-six through two  
19 thousand [~~twenty-six~~] twenty-nine, the annual number of marine and coas-  
20 tal district party and charter boat licenses issued shall not exceed  
21 five hundred seventeen.

22 b. for the years two thousand [~~twenty-three~~] twenty-six through two  
23 thousand [~~twenty-six~~] twenty-nine, persons who were issued a marine and  
24 coastal district party and charter boat license in the previous year  
25 shall be eligible to be issued such license.

26 c. for the years two thousand [~~twenty-three~~] twenty-six through two  
27 thousand [~~twenty-six~~] twenty-nine, the department shall issue marine and  
28 coastal district party and charter boat licenses to persons who were not  
29 issued such license in the previous year, provided that the total number  
30 of licenses issued does not exceed five hundred seventeen, subject to  
31 the following:

32 (i) licenses shall be issued in the order in which the applications  
33 were received;

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

36 § 2. This act shall take effect immediately.