§ 11-0305. General powers and duties of the department.

In addition to the powers and duties provided in other sections of the Fish and Wildlife Law, the department shall have the following powers and duties:

1. To sell or furnish trees, shrubs and other plants to owners or lessees of private lands situated in the state on such terms as it deems to be for the public benefit;

2. To issue the licenses and permits provided for by law, to fix their terms, and the fees therefor, when no statutory provision is made, to designate agents to sell and promote the sale of licenses, to adopt procedures for the issuance of licenses, to establish the design and format of licenses and the information to be contained thereon, to provide where it deems appropriate for tags and buttons, to adopt license conditions respecting tagging or identifying fish and wildlife being possessed or transported, to establish procedures and requirements for reporting license sales and handling and remittance of license revenues by persons or entities issuing such licenses, to provide for acceptable methods of payment of license fees, and to revoke licenses and permits as provided by law;

3. To regulate the taking of fish in any manner other than angling, except as to migratory fish of the sea within the marine district;

4. To increase by regulation the size, as established by statute, of mesh of nets that may be used for taking fish;

5. To declare by regulation that waters, specified in the regulation, are not inhabited by trout, whenever it shall determine that the waters specified in the regulation, previously inhabited by trout, are no longer so inhabited, or shall determine that the waters specified in the regulation are unsuitable for trout;

6. To control, manage, propagate and distribute, and to regulate the transportation, importation and exportation of shellfish, cephalopoda

and crustacea;

7. To regulate the examination and inspection of shellfish grounds, boats used in taking and buildings used for storage of shellfish, the handling and shipment of shellfish, the floating of shellfish, the removal of shellfish from unsanitary beds and their deposit on unpolluted grounds;

8. To enforce all laws relating to lands under water which have been or shall be designated, surveyed and mapped out pursuant to law as oyster beds or shellfish grounds and to grant leases of such lands, belonging to the state, for shellfish culture, according to law;

9. To conduct, manage and control all hatching and biological stations, game farms, game refuges, rearing stations and public hunting and fishing grounds owned or operated by the state;

10. To enforce all provisions of the Fish and Wildlife Law and regulations pursuant thereto, and all laws relating to fish, wildlife, protected insects, shellfish, crustacea and game;

11. To settle or compromise in its discretion any action or cause of action to recover a penalty under the provisions of this chapter as it may deem advantageous to the state;

12. To grant refunds of moneys erroneously received by the department, within two years of receipt thereof and upon satisfactory proof of entitlement, which refunds, upon approval of the commissioner and audit by the State Comptroller, shall be paid from any moneys available to the department in the Conservation fund.

13. Notwithstanding any other provision of law, to regulate the possession, transportation, sale, barter and purchase of Pacific salmon and parts thereof; and to require permits or otherwise regulate the sale, barter and purchase of raw or unprocessed Pacific salmon eggs.

14. Notwithstanding any inconsistent provision of law, the

commissioner may designate no more than eight days in each year that shall be effective in every administrative region of the department, as free sport fishing days during which any person may, without having a sport fishing license and without the payment of any fee, exercise the privileges of a holder of a sport fishing license, subject to all of the limitations, restrictions, conditions, laws, rules and regulations applicable to the holder of a sport fishing license. Free sport fishing days shall be designated in a manner determined by the department to best provide public notice thereof and to maximize public participation therein, so as to promote the recreational opportunities afforded by sport fishing.

15. To identify, manage and conserve plants, animals and ecological communities that are rare in New York state, located on state-owned lands under the jurisdiction of the department.

16. Notwithstanding any inconsistent provision of law, to authorize free sport fishing clinics. A free sport fishing clinic shall include, but not be limited to, instruction provided by employees of the department or its designee in recreational angling, including its benefits and values, and may also include instruction and other information relevant to an understanding of fisheries management, ethics and aquatic ecology and habitat. No license or recreational marine fishing registration is required to take fish by angling while participating in a fishing clinic conducted by the department or its designee that has been designated by the commissioner as a free sport fishing clinic. Such clinics shall be implemented consistent with department standards and in a manner determined by the department to best provide public notice thereof and to maximize public participation therein, so as to promote the recreational opportunities afforded by sport fishing. Further, the commissioner may designate additional fishing events organized through the department that provide physical or emotional rehabilitation for veterans, as defined in subdivision three of section one of the veterans' services law, or active duty members of the armed forces of the United States. No license or recreational marine fishing registration shall be required for such veterans or active duty members to take fish by angling while participating in these events.

17. To prepare or cause to be prepared voluntary habitat stamps and furnish such stamps annually to license issuing agents and officers for sale and issuance in the same manner as licenses and other types of stamps. The department shall, by rule, establish the fee for the habitat stamp which shall be no less than five dollars plus an additional amount for the issuing agent or officer. The purchase of a stamp is voluntary and a stamp need not be possessed in order to take fish or wildlife.

18. To provide a mechanism for a one dollar voluntary contribution to the venison donation account on all hunting and fishing license applications administered by the department. The option to utilize the mechanism shall be voluntary and the mechanism need not be utilized in order to process hunting or fishing license applications.