§ 13-0330. Whelks or conchs; license to take.

1. A person domiciled within the state may take whelks or conchs (Busycon spp.) for commercial purposes from the waters of the state upon first obtaining a license from the department.

a. The department shall prescribe and furnish forms for application for such permit.

b. The fee for such whelk license shall be thirty dollars.

2. A person not domiciled in the state who is domiciled in a state that provides reciprocal permits or licenses to persons domiciled in New York state may take whelks or conchs (Busycon spp.) for commercial purposes upon first obtaining a license from the department.

a. The department shall prescribe and furnish forms for application for such permit.

b. The fee for such whelk license shall be fifty dollars.

3. Whelk licenses shall be non-transferable, and shall expire on the last day of December of each year.

4. The holder of a whelk license must be present and must have the license in possession and available for inspection at all times when the privileges of the license are being exercised.

5. For purposes of this section, "commercial purposes" shall mean the taking or landing of twenty-five or more whelks in any one day.

6. The department may, until December thirty-first, two thousand twenty-nine, fix by regulation measures for the management of whelk or conch (Busycon and Busycotypus spp.), including size limits, catch and possession limits, open and closed seasons, closed areas, restrictions on the manner of taking and landing, requirements for permits and eligibility therefor, recordkeeping requirements, requirements on the

amount and type of fishing effort and gear, and requirements relating to transportation, possession and sale, provided that such regulations are no less restrictive than requirements set forth in this chapter and provided further that such regulations are consistent with the compliance requirements of applicable fishery management plans adopted by the Atlantic States Marine Fisheries Commission and with applicable provisions of fishery management plans adopted pursuant to the Federal Fishery Conservation and Management Act (16 U.S.C. § 1800 et seq.).