

5747

2017-2018 Regular Sessions

I N S E N A T E

April 27, 2017

Introduced by Sen. BOYLE -- (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 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 212 of the laws of
3 2015, subparagraph (iv) of paragraph c of subdivision 1 as separately
4 amended by chapter 484 of the laws of 2015, are amended to read as
5 follows:

6 1. Commercial food fish licenses. Commercial food fish licenses
7 provided for by section 13-0335 of this title shall be issued as
8 follows:

9 a. for the period beginning January first, two thousand [sixteen]
10 EIGHTEEN through December thirty-first, two thousand [seventeen] TWENTY,
11 the number of resident commercial food fish licenses and the number of
12 non-resident commercial food fish licenses shall not exceed the follow-
13 ing annual limits:

14 (i) for two thousand [sixteen] EIGHTEEN, the number of licenses shall
15 be limited to the number of licenses issued in two thousand [fifteen]
16 SEVENTEEN, plus fifty percent of any difference between the number of
17 licenses issued in two thousand [fifteen] SEVENTEEN and [one thousand
18 four] NINE HUNDRED SIXTY-NINE; [and]

19 (ii) for two thousand [seventeen] NINETEEN, the number of licenses
20 shall be limited to the number of licenses issued in two thousand
21 [sixteen] EIGHTEEN, plus fifty percent of any difference between the
22 number of licenses issued in two thousand [sixteen] EIGHTEEN and the
23 limit established in subparagraph (i) of this paragraph[.] ; AND

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

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1 (III) FOR TWO THOUSAND TWENTY, THE NUMBER OF LICENSES SHALL BE LIMITED
2 TO THE NUMBER OF LICENSES ISSUED IN TWO THOUSAND NINETEEN, PLUS FIFTY
3 PERCENT OF ANY DIFFERENCE BETWEEN THE NUMBER OF LICENSES ISSUED IN TWO
4 THOUSAND NINETEEN AND THE LIMIT ESTABLISHED IN SUBPARAGRAPH (II) OF THIS
5 PARAGRAPH.

6 b. for the period beginning January first, two thousand [sixteen]
7 EIGHTEEN through December thirty-first, two thousand [seventeen] TWENTY,
8 persons who were issued a commercial food fish license in the previous
9 year shall be eligible to be issued such license.

10 c. for the period beginning January first, two thousand [sixteen]
11 EIGHTEEN through December thirty-first, two thousand [seventeen] TWENTY,
12 the department shall issue commercial food fish licenses to persons who
13 were not issued such license in the previous year provided that the
14 total number of such licenses issued to such persons does not exceed the
15 difference between the number of licenses established in paragraph a of
16 this subdivision and the number of such licenses issued pursuant to
17 paragraph b of this subdivision, subject to the following:

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

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

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

27 (iv) licenses shall be issued only to persons who demonstrate in a
28 manner acceptable to the department that they received an average of at
29 least fifteen thousand dollars of income over three consecutive years
30 from commercial fishing or fishing, or who successfully complete a
31 commercial food fish apprenticeship pursuant to subdivision seven of
32 this section. As used in this subparagraph, "commercial fishing" means
33 the taking and sale of marine resources including fish, shellfish, crus-
34 tacea or other marine biota and "fishing" means commercial fishing and
35 carrying fishing passengers for hire. Individuals who wish to qualify
36 based on income from "fishing" must hold a valid marine and coastal
37 district party and charter boat license. No more than ten percent of the
38 licenses issued each year based on income eligibility pursuant to this
39 paragraph shall be issued to applicants who qualify based solely upon
40 income derived from operation of or employment by a party or charter
41 boat. For the income evaluation of this subdivision, the department may
42 consider persons who would otherwise be eligible but for having served
43 in the United States armed forces on active duty, provided that such
44 individual has received an honorable or general discharge, shall not be
45 deemed ineligible.

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

48 for the period beginning January first, two thousand [sixteen] EIGH-
49 TEEN, through December thirty-first, two thousand [seventeen] TWENTY,
50 only persons who were issued a commercial lobster permit in the previous
51 year shall be eligible to be issued such permit.

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

54 a. for the period beginning January first, two thousand [sixteen]
55 EIGHTEEN through December thirty-first, two thousand [seventeen] TWENTY,
56 the number of resident commercial crab permits and the number of non-re-

1 sident commercial crab permits shall not exceed the following annual
2 limits:

3 (i) for two thousand [sixteen] EIGHTEEN, the number of permits shall
4 be limited to the number of permits issued in two thousand [fifteen]
5 SEVENTEEN, plus fifty percent of any difference between the number of
6 permits issued in two thousand [fifteen] SEVENTEEN and five hundred
7 [eighty-two] SIXTY-THREE; [and]

8 (ii) for two thousand [seventeen] NINETEEN, the number of permits
9 shall be limited to the number of permits issued in two thousand
10 [sixteen] EIGHTEEN, plus fifty percent of any difference between the
11 number of permits issued in two thousand [sixteen] EIGHTEEN and the
12 limit established in subparagraph (i) of this paragraph[.]; AND

13 (III) FOR TWO THOUSAND TWENTY, THE NUMBER OF PERMITS SHALL BE LIMITED
14 TO THE NUMBER OF PERMITS ISSUED IN TWO THOUSAND NINETEEN, PLUS FIFTY
15 PERCENT OF ANY DIFFERENCE BETWEEN THE NUMBER OF PERMITS ISSUED IN TWO
16 THOUSAND NINETEEN AND THE LIMIT ESTABLISHED IN SUBPARAGRAPH (II) OF THIS
17 PARAGRAPH.

18 b. for the period beginning January first, two thousand [sixteen]
19 EIGHTEEN through December thirty-first, two thousand [seventeen] TWENTY,
20 persons who were issued a commercial crab permit in the previous year
21 shall be eligible to be issued such permit.

22 c. for the period beginning January first, two thousand [sixteen]
23 EIGHTEEN through December thirty-first, two thousand [seventeen] TWENTY,
24 the department shall issue commercial crab permits to persons who were
25 not issued such permit in the previous year provided that the total
26 number of such permits issued to such persons does not exceed the
27 difference between the number of permits established in paragraph a of
28 this subdivision and the number of such permits issued pursuant to para-
29 graph b of this subdivision, subject to the following:

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

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

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

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

53 4. Commercial whelk or conch licenses. Commercial whelk or conch
54 licenses provided for by section 13-0330 of this title shall be issued
55 as follows:

1 a. for the period beginning January first, two thousand [sixteen]
2 EIGHTEEN through December thirty-first, two thousand [seventeen] TWENTY,
3 the number of resident commercial whelk or conch licenses and the number
4 of non-resident commercial whelk or conch licenses shall not exceed the
5 following annual limits:

6 (i) for two thousand [sixteen] EIGHTEEN, the number of licenses shall
7 be limited to the number of licenses issued in two thousand [fifteen]
8 SEVENTEEN plus fifty percent of any difference between the number of
9 licenses issued in two thousand [fifteen] SEVENTEEN and two hundred
10 [sixty-one] FIFTY-TWO; [and]

11 (ii) for two thousand [seventeen] NINETEEN, the number of licenses
12 shall be limited to the number of licenses issued in two thousand
13 [sixteen] EIGHTEEN, plus fifty percent of any difference between the
14 number of licenses issued in two thousand [sixteen] EIGHTEEN and the
15 limit established in subparagraph (i) of this paragraph[.] ; AND

16 (III) FOR TWO THOUSAND TWENTY, THE NUMBER OF LICENSES SHALL BE LIMITED
17 TO THE NUMBER OF LICENSES ISSUED IN TWO THOUSAND NINETEEN, PLUS FIFTY
18 PERCENT OF ANY DIFFERENCE BETWEEN THE NUMBER OF LICENSES ISSUED IN TWO
19 THOUSAND NINETEEN AND THE LIMIT ESTABLISHED IN SUBPARAGRAPH (II) OF THIS
20 PARAGRAPH.

21 b. for the period beginning January first, two thousand [sixteen]
22 EIGHTEEN through December thirty-first, two thousand [seventeen] TWENTY,
23 persons who were issued a commercial whelk or conch license in the
24 previous year shall be eligible to be issued such license.

25 c. for the period beginning January first, two thousand [sixteen]
26 EIGHTEEN through December thirty-first, two thousand [seventeen] TWENTY,
27 persons who were not issued a commercial whelk or conch license in the
28 previous year shall be eligible to be issued such license provided that
29 the total number of such licenses issued to such persons shall not
30 exceed the difference between the number of licenses established in
31 paragraph a of this subdivision and the number of such licenses issued
32 pursuant to paragraph b of this subdivision, subject to the following:

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

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

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

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

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

8 a. for the years two thousand [sixteen] EIGHTEEN through two thousand
9 [seventeen] TWENTY, the annual number of marine and coastal district
10 party and charter boat licenses issued shall not exceed five hundred
11 seventeen.

12 b. for the years two thousand [sixteen] EIGHTEEN through two thousand
13 [seventeen] TWENTY, persons who were issued a marine and coastal
14 district party and charter boat license in the previous year shall be
15 eligible to be issued such license.

16 c. for the years two thousand [sixteen] EIGHTEEN through two thousand
17 [seventeen] TWENTY, the department shall issue marine and coastal
18 district party and charter boat licenses to persons who were not issued
19 such license in the previous year, provided that the total number of
20 licenses issued does not exceed five hundred seventeen, subject to the
21 following:

22 (i) licenses shall be issued in the order in which the applications
23 were received;

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

26 S 2. This act shall take effect December 31, 2017, provided that any
27 regulations necessary for the timely implementation of the provisions of
28 this act on its effective date may be promulgated on or before such
29 date.