

***Response to MRAC July 15, 2003 report; to be used as a guide in the event  
a new license is pursued.***

***PROPOSED SALTWATER LICENSE LEGISLATION***

This document, can be copied in full, noting its' origination by the writer.

***FORWARD***

This information has been compiled by Pat Augustine, as a result of discussion and comments from recreational constituents raised relative to the accuracy of MRFSS survey data and its' negative impact on NYS recreational quotas. NMFS instituted a charterboat survey program in 2003 that is designed to provide more accurate information from the recreational sector using this means of fishing. The charterboat sector accounts for approximately 20% of the recreational sector leaving the remaining 80% to the possibility of getting a call from MRFSS. History of MRFSS has shown that of 100,000 random calls, roughly 10% result in any input of value. Fishery management plans, based on state-by-state allocations, become more suspect, as MRFSS was NOT designed for this purpose. Therefore, this program may offer an alternative data collection tool.

This document will serve as a basis for discussion, data gathering, recommendations/deletions of information contained herein. THIS IS NOT AN ENDORSEMENT OF A SALTWATER LICENSE FOR THE STATE OF NEW YORK BY THE WRITER OR OF THE NEW YORK SPORTFISHING FEDERATION.

***CREDITS: ALL INFORMATION CONTAINED HEREIN, WAS DERIVED FROM SEVERAL STATES LICENSE LANGUAGE, WITH THEIR APPROVAL. THIS INFORMATION MUST/WILL BE REVIEWED WITH THE DEC TO DETERMINE THAT ALL AREAS ARE INCLUDED AND CONSIDERED. A RECREATIONAL ANGLERS FOCUS GROUP SHALL BE ESTABLISHED TO EVALUATE THE VIABILITY OF THIS PROGRAM.***

RECOMMENDATIONS FOR OR AGAINST A SALTWATER LICENSE FOR NYS WILL BE FORWARDED TO OUR LEGISLATIVE REPRESENTATIVES.

***GOALS***

The major goals of the marine recreational fishing license is: to establish a recognized database of participants to better determine catch and harvest; support a healthy recreational fishery by generating revenues to support fisheries resources improvement and management; public education; improved/expanded access; reef/pier program expansion; and a dedicated marine enforcement division.

Under the proposed new licensing system, the individual is the basic unit licensed. Any recreational vessels already permitted/licensed will be included in the new system. Three primary coastal/marine district fishing license(s) will be issued: (1) the standard individual marine recreational fishing license, (2) a party/head boat/charter vessel recreational license, and (3) a private fishing boat license.

## DEDICATED FUND FOR MONIES RECEIVED FROM LICENSE SALES

“The New York State Conservation Fund Advisory Board (CFAB) was established by law to provide the license-buying public of the State of New York with an oversight into the expenditure of the Conservation Fund monies. The CFAB ensures that the fund is spent in accordance with the Environmental Conservation Law for the care, management, protection and enlargement of the fish and wildlife resources of the State and for the promotion of public fishing, hunting and trapping. The CFAB’s function is to review the proposed and final allocations and expenditures of the Division of Fish, Wildlife and Marine Resources and to make recommendations to appropriate State agencies on plans, policies and programs affecting fish and wildlife.”

Similarly, the new Coastal Marine Recreational Fishing Advisory Board will consist of member volunteers that have a long-standing interest, knowledge and experience in marine and estuary fish management, and related conservation activities. The members will represent the DEC Regions in the Marine District, plus one member representing the NY State Conservation Council, Inc. and one member representing the NYS Fish and Wildlife Management Board.

(For more info on the CFAB and to view annual reports, and monthly meeting minutes, visit their website at [www.dec.state.ny.us/website/dfwmr/cfab/index.html](http://www.dec.state.ny.us/website/dfwmr/cfab/index.html).)

## ADDED VALUE

Changes in Federal Wallop-Beaux Aid Appropriation to New York State would increase approximately 12.8% to \$8,194,300 per year, as projected by the Southwick Associates, Inc. report on Revenue Options for Sport fisheries Management (dated 4/’02).

## COASTAL MARINE RECREATIONAL FISHING LICENSE

This license will be required for persons using traditional fishing gear, such as rod and reel, jigs, down riggers, gigging, hand line or by spearing in the tidal waters under the jurisdiction of the DEC. Lifetime, senior citizens and other special types of licenses will be sold and be similar to those identified in the fresh water license program. Blanket licenses will be available for piers/charter/head/dive vessels as an umbrella license to include their paying customers. State and federal recreational harvest limits and seasons will apply to all persons fishing in the marine district waters.

## RESIDENT SALTWATER FISHING LICENSE

Annual SALTWATER license fees for residents participating in fishing activities in this state will be as follows and remain static for a period of 3-5 (calendar years) from the effective date of the law are as follows:

- a) All fishers to 16 years will be free
- b) All others to senior status (65) will be \$ 12.00 annually.
- c) Seniors and physically challenged will be at \$5.00 per year.
- d) Totally and permanently disabled are exempted from license fees.

## PIER FEES

A pier license for any pier fixed to land for the purpose of taking or attempting to take saltwater fish is \$ 500.00. The pier license may be purchased at the option of the owner, operator, or custodian of such pier and must be available for inspection at all times. The pier operator may chose to be a license agent and sell individual licenses to all users of the pier.

## VESSEL LICENSES

A) No person may operate any vessel wherein a fee is paid, either directly or indirectly, for the purpose of taking, attempting to take, or possessing any saltwater fish for noncommercial purposes unless she/he has obtained a license for each vessel for that purpose, and has paid the license fee for such vessel.

B) A license for any person who operates any vessel licensed to carry more than 10 customers, wherein a fee is paid, either directly or indirectly, for the purpose of taking or attempting to take saltwater fish, is (\$500-800) per year. The license must be kept aboard the vessel at all times.

C) A license for any person who operates any vessel licensed carry no more than 10 customers, or for any person licensed to operate any vessel carrying more than 6 customers wherein a fee is paid, either directly or indirectly, for the purpose of taking or attempting to take saltwater fish, is \$ 400 per year.

D) A license for any person licensed to carry 6 or fewer customers, wherein a fee is paid, either directly or indirectly, for the purpose of taking or attempting to take saltwater fish, is \$ 250 per year. The license must be kept aboard the vessel at all times.

E) A person who operates a vessel required to be licensed, may obtain a license in her/his own name, and such license shall be transferable and apply to any vessel operated by the purchaser , provided that the purchaser has paid the appropriate license fee.

F) A license for a recreational vessel not for hire or for which no fee is paid, either directly or indirectly, by guests for the purpose of taking or attempting to take saltwater fish non-commercially is \$ 50.00 per year. The license may be purchased at the option of the vessel owner and must be kept on board the vessel at all times. A log of species taken and the date the species were taken shall be maintained and a copy of the log filed with the DEC at the time of license renewal.

G) The owner, operator, or custodian of a vessel, of which the operator has been licensed, must maintain and report such statistical data as required by, and in the manner set forth in, the rules of the DEC.

## BOAT FEES

The owner or operator of a recreational boat used for saltwater fishing shall have the option of purchasing a license which covers passengers

## LICENSE SALES AGENTS

Agents of the DEC shall retain \$ 2.00 as compensation for issuing each license during the initial year of the licensing program and \$ 1.50 for all years thereafter.

## GENERAL POINTS

- 1- Licenses will be sold to individuals, shall be assigned a permanent identification number and are not transferable.
- 2- Any person who seeks to take any marine or estuarine resource from the marine waters of New York shall be required to hold a valid coastal marine fishing license, except:
  - a) Unlicensed persons younger than 16 years may lawfully take marine fishery resources.
  - b) Persons fishing recreationally under a “blanket license” as provided under party/charter/head boat vessel registered under the licensing program as described elsewhere in the law.
  - c) Adults over the age of 65 will be \$5.00 and can purchase a sportsman’s license as described.
  - d) Recreational marine fishing licenses will be available by mail, telephone, or through a network of vendors (bait & tackle/sports stores).
  - e) All recreational marine fishing licenses shall be valid from Sept. 30 of any given year until Sept. 30 of the following year and is renewable by mail.
  - f) Revenues derived from the sale of all marine fishing licenses shall be deposited in one or more dedicated funds, reserved for use in conserving, enhancing, and managing marine and estuarine resources.

## EXCEPTIONS

- 1- A permanently and totally disabled person disabled for purposes of workers’ compensation or disabled by the U.S. Social Security Adm. Upon prove of same.
- 2- A person from private real property that he/she owns or rents, the non-paying guest of such person, or a member of the immediate family of such person.
- 3- A person fishing from a licensed recreational boat or a member of the immediate family of such person.
- 4- A person fishing from a licensed charterboat/headboat, licensed rental boat, or a licensed pier.
- 5- The holder of a valid recreational fishing license issued by another state or jurisdiction upon determination of reciprocity of the license.
- 6- Members of the following groups as determined by the Director:
  - a) organized groups of individuals physically or mentally challenged

- b) organized groups of military veterans residing in veteran's hospitals or residences
- c) School groups, grades kindergarten through twelve participating in school sponsored trips.
- d) A person fishing from a federally owned park or reserve with boundaries that extend into or adjoining state that does not require a state license.
- e) A license is not required on days that are designated as free fishing days by the Director/Commissioner of the DEC. This exemption shall not apply to headboats, charter boats or rental boats not covered in the boat license program.

#### TEMPORARY/SPECIAL/NONRESIDENT LICENSES

The DEC/agencies shall provide for issuance of temporary saltwater license as follows:

- a) Saltwater fishing license to take saltwater fish for 1 day, \$ 2.00.
- b) Saltwater fishing license to take saltwater fish for 3 consecutive days, \$ 5.00.
- c) Saltwater fishing license to take saltwater fish for 7 consecutive days, \$15.00.
- d) Non resident annual saltwater fishing license, \$ 30.00.

All funds collected shall be paid into the non-reverting dedicated fund as established.

#### RECREATIONAL BOAT REPORTING OF CATCH

- A. Holders of recreational saltwater license shall report catch and other data as are deemed necessary by the DEC for effective fisheries management.
- B. Boat license holders registration data will become a permanent part of the record and used for survey purposes to identify and valid fishing activities.

#### LAW ENFORCEMENT

The funds generated from the coastal marine fishing license will support a full time marine enforcement division to meet the diverse needs of the marine district. This division should provide a substantial deterrence to activities that adversely impact the states marine and estuarine resources including critical fisheries habitat.

#### AUTHORITY

The DEC retains the necessary power to conduct and establish cooperative fish projects with the federal government as prescribed by Congress and in compliance with rules and regulations promulgated by the United States Secretary of Interior.

The DEC Director shall enter into cooperative programs with the Fish & Wildlife Services as are necessary to carry out the provisions of this section.

## NON-REVERTING DEDICATED FUND

All funds collected under this section shall be paid into a non-reverting dedicated marine fund and known as the New York Recreational Saltwater Fishing Development Fund. The interest earned on the principal of the “fund” shall not revert to the general account.

The fund shall be administered by the “Board” to be used solely for the purposes of conserving and enhancing finfish species by recreational anglers; enforcing regulations promulgated by this law and thereafter; improving recreational fishing opportunities; obtaining necessary data and conducting research for fisheries management; and creating or restoring artificial reefs and habitat for species taken by recreational anglers; support and promote marine recreational education programs.

## LEGISLATIVE ACTION

It will be incumbent for the Legislature to create a New York Recreational Saltwater Fishing Development Fund or utilize the existing dedicated marine fund and insure that all recreational marine fishing licensing fees collected by the state be held in that separate account and disbursed according to the following procedure.

- a) The legislation creating the fund shall provide that it is a continuous interest bearing account, so that both the license fees and interest earned on those monies shall be dedicated for the purposes of the fund. Funds not expended in any fiscal state year shall not revert to the general fund.
- b) The legislation creating the Fund shall specify that the base funding for the Marine Division of Environmental Conservation will not be diminished or replaced with the revenues from the sale of marine recreational fishing licenses, and will provide adequate start-up funding to implement the new licensing program.
- c) Private license sales agents shall be allowed to retain up to \$ 2.00 of the license fee as compensation for the cost of reporting, license issuance, and activities associated with the sale of each marine recreational license.

## NEW YORK MARINE RECREATIONAL FISHING ADVISORY BOARD

A) Through this legislative action, there is established the NYMRFAB which hereafter shall be known as the Board. The Board shall review/advise/approve the budgeted expenditures as presented by the Director-Marine Division, DEC that will result in meeting the goals established for the creation of the marine recreational fishing license.

B) The Board shall consist of five to nine members selected from a list of nominees by organized groups, civic organizations, or self nominations and evaluated by the MRAC or appointed by the Director. Selected individuals shall be representative of the interests associated with recreational fishing. The membership shall be representative of the geographic area covered by the license.

C) The term of office of each member shall be for three years, provided the initial appointments shall be by three members for three years, three members appointed for two years and three members appointed for one year. Appointments to fill vacancies shall be made to fill the unexpired terms of those not completing their full appointment.

D) No member shall receive compensation for their services, however, shall receive reimbursement for actual expenses. The Board shall meet at the call of the Director-DEC or at least four times yearly.

### FUND EXPENDITURES

Expenditures from the marine recreational license fund shall be authorized by the Director-Marine Division of the DEC with the consent of the Board.

The Board shall be composed of persons with expertise and interest in recreational use of marine and estuarine resources selected/appointed by the Focus Group/Director-MD.

The Director-Marine Division, DEC, shall be required to report quarterly to the Board and to the Legislature and the Governor annually regarding the performance of the marine fisheries licensing system and the use of expenditures from the fund.

### SPECIFIC FUND PURPOSES

The following minimum and maximum percentages of the fund shall be authorized:

- 1) law enforcement – not less than 20% and no more than 25%
- 2) Resource and habitat enhancement (reef program) - not more than 20%
- 3) Marine fisheries research-not less than 20% and no more than 25%
- 4) Grants for marine fishing programs, projects, and scholarships-to 10%
- 5) Public education/outreach information-not more than 10%
- 6) Administration-not more than 5% exclusive of agent fees.
- 7) The DEC will expand existing catch & effort data from all licenses-up to 5%.

These percentages shall be reviewed periodically but no more than two year cycles by the Board, which shall be authorized to adjust the allocation categories and/or percentage allocations.

#### SENSET CLAUSE

The legislation creating the marine recreational fishing license shall contain a sunset clause that cause the state requirement for each marine recreational fishing license to expire automatically if and at such time that the legislature diverts monies contained in the dedicated marine license fund to purposes other than those stated as the reasons for the creation of said license. In the event the legislation repeals the legislation that created the fund or cause the fund to cease to be dedicated to marine resources, the license will sunset on the end date of the current calendar year, or no later than September 30.

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