

New York Marine Fisheries Licensing Review

**July 2019,
Revised November 2019**

Conducted For:

New York State Department of Environmental Conservation
Division of Marine Resources

By

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MARINE FISHERIES AND OCEAN ENVIRONMENTAL POLICY

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EXECUTIVE SUMMARY

Many changes have been made to the marine fisheries licensing system in New York to adapt to changing fishery resource and management issues. The cumulative changes have prompted calls for a review and modernization of the licensing system. The commercial fishing community has raised specific concerns on several issues including limited entry, license transferability, latent licenses, allowing new participants, too many participants (overcapitalization), participant qualification and flexibility due to health concerns to name a few. To address the need for a review, the DEC Division of Marine Resources contracted with a marine fisheries consultant to examine the State's marine limited entry license system and to make recommendations to change the system to address ongoing issues.

The report includes information on New York fishery management, licenses and issues; and the process used to gather information on licenses, issues, and concerns. Public participation was an important component of the process. Meetings were held from July to September 2018 to solicit public input on what was working in the current system, as well as what changes were needed to modernize the licensing system. These meetings were held in Brooklyn, Bronx, Freeport, Montauk (2), Setauket, Southampton, Southold, and Staten Island. Public input was also taken electronically and through the mail through 15 September 2018.

Many issues were raised by commenters during the process. Based on comments and review of laws and regulations, a number of changes were recommended to the licensing system.

Recommended changes to the licensing system included:

- 1) Taking a stepwise approach to changing the licensing system
- 2) Setting goals for limited entry licenses
- 3) Addressing latent licenses
- 4) Qualification through income / tax verification
- 5) Random selection process modification
- 6) New entrants
- 7) Limited changes to license transfer provisions
- 8) Waiver for temporary medical provisions

Longer term changes include a five-year review of license issues and consideration of transfer and sale of licenses.

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1. REPORT ORGANIZATION

This report is organized as follows:

- Background information on New York fishery management, licenses and issues;
- The process used to gather information on licenses, issues, and concerns;
- A summary of the licensing issues and concerns raised at public meetings and from comments submitted as part of the project. This information is organized from the most commonly heard issues to the least common. This section is meant to be inclusive of all comments received throughout the project without pre-determining the strength of the ideas.
- Recommendations, both short-term and long-term. This portion of the report contains the consultant's recommendations on actions to consider. It is important to note that these recommendations can be accepted, altered, or rejected by the New York Legislature or Department of Environmental Conservation ("DEC" or "the Department") based on their respective experience with marine fishery licensing issues.
- Appendices of license issuance trends, and comments given at public meetings and written comments submitted to DEC, DEC Division of Marine Resources (DEC DMR), or to the consultant.

2. INTRODUCTION, LICENSE TYPES, RELEVANT STATUTES AND REGULATIONS

New York's commercial fisheries date to colonial times and since then have changed significantly due to shifts in species abundance and distribution, market demands, technology, and culture. Over that time, diverse fisheries developed, including lobster, shad, flounder, cod, sturgeon and striped bass. For decades, the commercial fisheries flourished unhindered until the 1930s when there were concerns about declining populations of several economically important species.

To address these concerns the fifteen East Coast states created the Atlantic States Marine Fisheries Commission (ASMFC) in 1941 to cooperatively manage East Coast fisheries between Maine and Florida. The ASMFC's early days had success by providing stability and equity for the fisheries until the 1960s and 1970s when technological advancements provided access to U.S. waters by foreign vessels. These new fishing pressures from foreign vessels, coupled with ASMFC's limited three-mile offshore jurisdiction and limited federal jurisdictions up to 12 miles offshore, were major drivers in the passage of the Fishery Conservation and Management Act (Magnuson-Stevens Fishery Conservation and Management Act or MSA) in 1976. The MSA extended federal fisheries jurisdiction to 200 miles offshore, created nine regional councils to manage the nations fisheries, and set conservation standards for federally

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managed fisheries. The MSA provided control over foreign fleets exploiting US fisheries but also required significant effort and coordination by existing state entities to manage domestic fisheries.

Without regulations controlling catch, many states' fisheries continued to expand unabated. By the 1980s several fish stocks were experiencing significant declines. State and federal fishery managers implemented regulations requiring commercial fishing licenses, coast-wide species quotas, state allocations, seasonal fishing restrictions, and trip limits.

The commercial fishing industry in New York State is diverse, ranging from baymen harvesting shellfish in local harbors to large-scale ocean trawlers harvesting squid. In addition, there are strong generational and family traditions within New York's commercial fisheries.

NEW YORK STATE COMMERCIAL FISHING LICENSING

In New York State there are two classes of fishing licenses: open access and limited entry. Open access licenses have no eligibility requirements and are not limited in the number of licenses issued each year. Limited entry licenses require applicants to meet specific qualifications to be eligible to apply and are limited in the number of total licenses issued each year.

In New York State the **Commercial Food Fishing License**, **Commercial Whelk License**, and the **Commercial Crab Permit** are limited entry licenses. Environmental Conservation Law (ECL) 13-0328 stipulates that these licenses and permits are issued only to applicants who demonstrate that they received an average of at least \$15,000 of income from commercial fishing over three consecutive years. Applicants for these licenses and permits (from here on referred to as "permits") must provide the additional income documentation when initially applying for any of these permits. DEC staff will only accept US tax returns to demonstrate that the applicant's qualifying income is derived from commercial fishing.

Currently, there is a moratorium on the issuance of new Commercial Lobster Permits. These permits are only renewed to those who already hold the permit.

The **Striped Bass Commercial Harvesters Permit** and the **Summer Flounder Commercial Permit** (detailed below) are only issued to qualifying Commercial Food Fish License holders. These permits are associated with a specific Food Fish License and cannot be transferred separately from that Food Fish License.

The following is a summary on each of these licenses.

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a. Commercial Food Fishing License

In 1987 the New York State legislature amended the Environmental Conservation Law (ECL) to require that any person who wished to take and land food fish (food fish is defined as all fishes and squid) for commercial purposes possess a Food Fishing License. Initially, the license cost \$100 for a New York State resident and \$1,000 for a non-resident with no limit on the number of licenses issued.

Fishing populations continued to decline, prompting enactment of a moratorium on the issuance of new Food Fishing Licenses in 1995. In 1999 the legislature lifted the moratorium and established an annual cap on the number of licenses issued each year. This cap allowed one new license holder for every two licenses that were not renewed each year. This law allowed a limited number of new license holders but continued to constrain fishing effort. If the number of new applicants exceeded the number of available new licenses, a random selection was used to determine which applicants would be issued the licenses. Once an applicant obtains a Food Fishing License, he or she must renew it each year to maintain the license. Every three years the legislature must enact an amendment to the ECL that provides for the continued reduction of the license cap.

b. Striped Bass Commercial Harvesters Permit

In 1981 the ASMFC adopted an interstate fishery management plan (FMP) for striped bass in response to a decline in the striped bass population. This FMP applied to all the Atlantic Coast states with commercial striped bass fisheries, including New York. The FMP divided the annual coast-wide striped bass quota among the Atlantic coast states that have commercial striped bass fisheries based on the states' historic landings. Each state must comply with the provisions of the striped bass FMP to avoid the imposition of a moratorium on the fishing of striped bass in the non-compliant state by the Secretary of Commerce.

DEC began issuing Striped Bass Commercial Harvesters Permits in 1983. In 1990 DEC adopted regulations that limited the number of striped bass permits that could be issued to ensure fishing effort corresponded to the allocated striped bass quota assigned to New York. DEC only issued permits to those who held a Food Fishing License and held a Striped Bass Commercial Permit in 1983 or 1984. Alternatively, DEC also issued Striped Bass Permits to those who could demonstrate that at least 50% of their earned income derived from direct participation in fishing in one of the preceding three years.

By 1995 it became apparent that there were too many Striped Bass Permits issued relative to the amount of striped bass quota available to New York fishermen. DEC stopped issuing to new applicants who met the 50% earned income qualification and no new Striped Bass Permits were issued. Only those who held the license in 1983 or 1984

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or who had obtained a permit by meeting the earned income qualification from 1990 through 1995 now hold a Striped Bass Commercial Harvester Permit (or received the permit through a transfer or a designation. See below).

c. Summer Flounder Commercial Permit

ASMFC approved the first FMP for summer flounder in 1982; the Mid-Atlantic Fisheries Management Council (MAFMC) followed suit in 1988. The summer flounder annual coast-wide quota is divided among the states from Maine to North Carolina. Each state's commercial allocation of summer flounder is based on its historic landings. As with commercial striped bass, each state must comply with the FMP or face the imposition of a moratorium on the fishing of summer flounder in the non-compliant state. DEC issued Summer Flounder Permits from 1993 to 1995 to applicants who possessed a commercial Food Fishing License, previously held a Summer Flounder Permit and who could demonstrate that at least 50% of their earned income derived from direct participation in fishing during any year between 1988 and 1992, 1993 or 1994. Current commercial Food Fishing License holders that were issued a Summer Flounder Commercial Permit during the years 1993-1995 are eligible for a Summer Flounder Commercial Permit today (or received the permit through a transfer or a designation. See below).

d. Commercial Whelk License

The Commercial Whelk License was established in NYS ECL in 1999, with an effective start date of 2000. Only a licensed individual may take whelk for commercial purposes, defined as taking or landing 25 or more whelk per day. Whelk are usually harvested by baited pots and trawls. Starting in 2004 entry to the fishery was limited and dependent upon having possessed a license in 2003. A combined 307 resident and non-resident permits were issued in 2003 and decreased to 249 licenses issued in 2018, subject to the same rules that are applied to the commercial food fishing license. Interest in the whelk fishery has grown over the last 5-10 years especially by lobstermen who were displaced after the crash of the State's inshore lobster fishery in the late 1990s. A large market demand for whelk and high commercial price has made this license highly sought after. NYS is currently considering implementing additional fishery regulations to ensure that the fishery remains sustainable. There is no interstate fishery management plan for whelk.

e. Commercial Crab Permit

The Commercial Crab Permit has been issued by NYS since 1970. During that time, the number of permits issued increased from 4 in 1970 to a maximum of 1,162 in 1996 before declining. Entry to the commercial crab fishery was first limited in 1999, based upon having applied for a license in the first half of 1999 or having held a license in

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1998 or 1996. 743 permits were issued in 1999 and that number has declined, largely by design following the same rules that are applied to the commercial food fishing license, to 554 in 2018. Currently, that license is necessary in order for fishermen to take crabs for commercial purposes, defined as taking/landing more than 50 crabs per day or selling/bartering any number of crabs. While traditionally used to harvest blue crab, this license can also be used to harvest other crab species for human consumption and bait. Crab related law was changed to include horseshoe crab (*Limulus sp.*) in 1999 and the Department subsequently establish a specific permit in regulation for the harvest of horseshoe crabs, available only to crab permit holders. Blue crab are generally taken by pot and dredge and horseshoe crab by hand and trawl. Of the crab species that fall under the umbrella of this permit, only horseshoe crab and Jonah crab have interstate fishery management plans established under the Atlantic States Marine Fisheries Commission. In some years, access to the horseshoe crab permit has been highly sought after. Climate change is likely to increase the size of the blue crab fishery in NYS and maintain interest in the crab permit.

f. Commercial Lobster Permit

Commercial Lobster Permits have been issued by NYS since 1970 but were established in New York's Environmental Conservation Law (ECL) in 1972. A commercial permit is required to fish more than 5 lobster pots, take and land more than 6 lobsters per day, and sell, barter, trade or traffic in any number of lobsters. In 1970 a combined total of 579 resident and non-resident lobster permits were issued. That number increased to 1,330 permits by 1994. The inshore population of lobster in NYS had steadily increased throughout the late 1980s and mid 1990s with a concurrent increase in fishing effort. The inshore stock of lobster experienced a massive die-off and crashed in 1998.

Entry to the commercial lobster fishery was first limited in 1999, based upon having applied for a license in the first half of 1999 or having held a license in 1998 or 1996. Starting in 2000 a moratorium on new permits was established. Only persons who were issued a commercial lobster permit in the previous year were eligible to be issued a permit in the following year. This permit moratorium was intended to allow the inshore lobster population to recover from its crash and prevent new entrants into the fishery. 807 permits were issued in 1999 and that number has declined to 283 in 2018. The inshore lobster population has continued to decline despite restrictive management and ever decreasing fishing effort. It is likely that climate change has made the inshore waters of NYS inhospitable to lobsters. The American lobster is managed by a fishery management plan established by the Atlantic States Marine Fisheries Commission.

g. Transfer of Limited Entry Licenses and Permits

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All licenses and permits issued by DEC are non-transferable as specified in the ECL. However, ECL 13-0328(6) (a) authorizes DEC to permit the reissuance of a limited entry license or permit to a member of the immediate family of the original permit holder. The license or permit holder must notify DEC of the intended recipient in writing. The intended recipient must be at least 16 years of age at the time of the transfer (Notwithstanding the ECL, “reissuances” are informally referred to as “transfers.” “Transfer” may be used from here on in this document).

6 NYCRR 40.1(j)(8)(i) stipulates that DEC may allow a one-time reissuance of a striped bass commercial harvesters permit in conformance to the provisions of ECL 13-0328(6)(a).

6 NYCRR 40.1(1)(11) stipulates that DEC may permit a one-time reissuance of a summer flounder commercial harvesters permit in conformance to the provisions of ECL 13-0382(6)(a).

ECL 13-0328 (6) (d) defines immediate family to include “spouse, sibling, parent, child, grandparent, grandchild, and, in addition, all persons who are related by blood, marriage or adoption to the permit holder and domiciled in the house of the license or permit holder.”

h. Designation of a Limited Entry License or Permit

ECL 13-0328(6)(a) authorizes DEC to allow limited entry license or permit holders to designate a member of his or her immediate family to whom the license or permit should be reissued in the event of the death of the original license or permit holder. The license or permit holder must notify DEC of the intended designated recipient in writing. The intended recipient must be an immediate family member and at least 16 years of age at the time of the designation. If the designated family member should choose not to engage in commercial fishing activities, DEC may allow the family member to identify another individual to whom the license may be reissued.

6 NYCRR 40.1(j)(8)(i) provides that DEC may allow a one-time reissuance of a striped bass commercial harvesters permit in conformance with the provisions of ECL §13-0328(6)(a).

6 NYCRR 40.1(l)(11) provides that DEC may allow a one-time reissuance of a summer flounder commercial harvesters permit in conformance with the provisions of ECL §13-0382(6)(a).

3. MANAGING NEW YORK’S COMMERCIAL FISHING LICENSES

With the reductions in fishery availability and management shifts towards sustainable fishing practices, New York commercial fisheries are currently overcapitalized. This

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means that there are too many fishermen and too much fishing related infrastructure used to harvest a relatively small amount of fish. New York must seek a means to bring the number of licensed fishermen in line with the amount of available resources.

Currently, the number of limited entry license holders greatly exceeds the potential economic value of fish available to New York State commercial fishermen. This puts pressure on the fish populations targeted, increases the likelihood New York fishermen exceed state allocations, and constrains the income of commercial fishermen. To initiate a reduction in the number of commercial fishing licenses, the ECL required that the number of licenses be reduced each year; for every two licenses not renewed, only one may be issued new. This law was repealed in 2019. DEC DMR should find the means to continue to fairly reduce the number of limited entry license holders.

Each year, Marine Permit Office (MPO) staff determines how many licenses lapsed at the end of the previous year and how many new licenses will be available to new applicants. If the number of applicants is greater than the number of available licenses, the MPO holds a random selection to determine who will be issued a license. Some years there are only 5 or 6 new permits available for new applicants (Table 2). Many stakeholders have expressed frustration that new or young fishermen are not issued permits and cannot enter New York's commercial fisheries. Others have noted that many applicants participate in the random selection for several years and are never selected to be issued a permit.

Many limited entry license holders renew their license each year, but do not participate in any fishing activity related to the license making the reduction in the number of limited entry license holders difficult. For example, in 2017, 291 Lobster Permits were issued; however, only 47 lobster permit holders reported landing any lobster that year. The remaining inactive permits are called latent permits and they represent potential fishing effort that is not currently being felt by the fishery. This effort has the potential to put additional stress on New York's commercial fisheries if they become active in the future. The retention of a latent license allows the license holder to wait for fisheries to return to a more economically healthy condition, or to wait for a possible future increase in the value or transferability of licenses.

In summary, the issues concerning the limited entry licenses in New York include the following issues:

1. DEC must reduce the number of limited entry license holders to a number that allows all participants to earn a fair income and not exceed the state allocations for quota managed fisheries. This should be done in a fair manner, and hopefully, as painlessly as possible for permit holders.

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2. DEC must seek a means of reducing the number of latent licenses. These inactive licenses represent potential increased fishing effort that may be activated at any time.
3. A mechanism is needed to allow new entrants into New York State commercial fisheries. The current selection process does not allow many new entrants into the fisheries, frustrating many applicants.
4. DEC must decide if the limited entry permits should become transferable. Currently, all the limited entry licenses are non-transferable. License holders may choose to have their licenses reissued to immediate family members, but that is the only way for a license holder to pass possession of his or her license while alive.
5. Lastly, related to Item 4 above, license holders may choose to designate an immediate family member to be the recipient of their license after death. If the recipient chooses not to accept the license, he or she may designate another person, not necessarily a family member, to be issued the license. This is the only mechanism that is available to pass possession of a license to another individual who is not a family member of the original license holder.

To review and address these licensing issues and concerns, as well as other issues raised by stakeholders, the Department of Environmental Conservation committed to a thorough assessment of licensing issues and concerns; an examination of all limited entry licensing issues of concern to stakeholders in New York. DEC DMR has selected Mr. George Lapointe, a consultant with experience in fishery management, to review the current licensing system for commercial marine licenses, consult with commercial fishermen and other stakeholders, and draft a report recommending possible changes to the licensing system. The resultant recommendations could be considered for legislative and regulatory changes, as appropriate, by the New York State Legislature or DEC DMR.

Summary of License Numbers: Increasing or Decreasing?

The numbers of licenses¹ issued each year have varied for many reasons, including resource availability, fishery restrictions, and limited entry. Table 1 shows the trend in various licenses and permits since 1990, or when the license or permit was put in place.

¹ The terms license and permit are used interchangeably in this report

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Table 1: Licenses and permits issued over time*

| Year | Food Fish | Striped Bass Commercial Harvest | Summer Flounder, All Permits | Crab | Lobster ² | Whelk |
|------|-----------|---------------------------------|------------------------------|------|----------------------|-------|
| 1990 | 1417 | | | 631 | 1054 | |
| 1991 | 1453 | | | 696 | 1125 | |
| 1992 | 1650 | | | 821 | 1229 | |
| 1993 | 1681 | | | 838 | 1274 | |
| 1994 | 1737 | | | 921 | 1330 | |
| 1995 | 1846 | | | 1119 | 1070 | |
| 1996 | 1658 | | | 1162 | 1000 | |
| 1997 | 1541 | | | 1063 | 951 | |
| 1998 | 1352 | | | 741 | 824 | |
| 1999 | 1422 | | | 743 | 807 | |
| 2000 | 1353 | | 381 | 727 | 705 | 201 |
| 2001 | 1282 | | 360 | 713 | 645 | 253 |
| 2002 | 1247 | 554 | 357 | 709 | 594 | 284 |
| 2003 | 1209 | 555 | 349 | 683 | 545 | 307 |
| 2004 | 1180 | 545 | 347 | 661 | 513 | 288 |
| 2005 | 1149 | 524 | 342 | 645 | 490 | 285 |
| 2006 | 1112 | 528 | 338 | 632 | 458 | 278 |
| 2007 | 1109 | 504 | 331 | 635 | 442 | 274 |
| 2008 | 1069 | 494 | 327 | 618 | 414 | 271 |
| 2009 | 1051 | 484 | 327 | 619 | 405 | 272 |
| 2010 | 1030 | 481 | 325 | 606 | 390 | 268 |
| 2011 | 1021 | 478 | 320 | 595 | 372 | 264 |
| 2012 | 1007 | 475 | 315 | 583 | 361 | 263 |
| 2013 | 1008 | 466 | 322 | 588 | 349 | 263 |
| 2014 | 990 | 457 | 319 | 571 | 329 | 257 |
| 2015 | 973 | 453 | 311 | 566 | 311 | 249 |
| 2016 | 970 | 441 | 309 | 565 | 298 | 252 |
| 2017 | 964 | 434 | 307 | 562 | 291 | 251 |
| 2018 | 949 | 436 | 307 | 554 | 283 | 249 |

* Includes resident and non-resident licenses

* Blank cells indicate license wasn't issued that year

² The New York lobster permit is under moratorium; no new licenses are issued.

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When considering license availability, it is important to look at the number of licenses available as well as the overall number of licenses. Table 2 shows the number of new resident and non-resident licenses available by year for food fish, crab, and whelk licenses. This is important because it shows the relatively low number of licenses that were available annually under current law. The low number of licenses available is a result of efforts to reduce the number of license holders in a particular license type. In the long-term, the intent is to better match the number of license holders with available resources.

Table 2: Number of new licenses available in food fish, crab, and whelk fisheries by year.

| Year | Food Fish | | Crab | | Whelk | |
|------|-----------|----------|----------|----------|----------|----------|
| | Resident | Non-Res. | Resident | Non-Res. | Resident | Non-Res. |
| 2004 | | 1 | | 1 | | |
| 2005 | 33 | 1 | 18 | 2 | | |
| 2006 | 34 | 2 | 16 | 2 | | |
| 2007 | 20 | 0 | 7 | 1 | 6 | 0 |
| 2008 | 28 | 2 | 4 | 0 | 5 | 0 |
| 2009 | 23 | 2 | 5 | 1 | 2 | 0 |
| 2010 | 20 | 3 | 9 | 1 | 3 | 0 |
| 2011 | 16 | 0 | 10 | 1 | 3 | 1 |
| 2012 | 13 | 3 | 10 | 2 | 3 | 0 |
| 2013 | 8 | 0 | 4 | 0 | 1 | 1 |
| 2014 | 13 | 1 | 10 | 1 | 4 | 0 |
| 2015 | 16 | 0 | 8 | 1 | 6 | 1 |
| 2016 | 10 | 0 | 5 | 0 | 2 | 0 |
| 2017 | 8 | 1 | 4 | 1 | 2 | 0 |
| 2018 | 3 | 0 | 1 | 0 | 1 | 0 |
| 2019 | 17 | 1 | 9 | 0 | 3 | 0 |

Examination of this information graphically is useful to look at license trends over time. Figures 1, 2, 3, and 4 in Appendix 1 show license trends in the Food Fish License, Lobster Permit, Crab Permit, and Whelk License with resident and non-resident trends. The graphs are from various starting years, depending on when a license was implemented, to show long-term trends when available

4. PROCESS

DEC Division of Marine Resources (DEC DMR) hired a marine fisheries consultant to do background research, conduct public meetings, and make recommendations for changes to New York's marine commercial licensing system. The consultant met with

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DEC DMR staff and then the Marine Resources Advisory Committee in June 2018 to solicit their ideas about what changes need to be made in the commercial fisheries licensing system.

This report was developed in a two staged process. The first stage was holding public meetings in 2018, followed by drafting and delivering the report to DEC DMR. The second stage was presentation of the report to the DMR Marine Resources Advisory Committee and public in summer 2019. This second stage included four meetings; the first to present the report to the MRAC and answer questions about report and the following three meetings to solicit public comments about the recommendations in the report. Following the meetings in summer 2019, the report will address issues raised in the public meetings and make suggestions about changes for the State of New York to consider as changes to some aspects of the state marine fisheries license system are considered.

During the first stage, DEC DMR staff organized 9 public meetings to discuss licensing issues; these meetings were posted online. At the meetings, members of the public who wanted to speak were asked to sign up and, if they agreed, to give their telephone numbers and email addresses for possible follow up questions. Email addresses will also allow the licensing proposal to be sent directly to members of the public.

Members of the public were asked what they liked or did not like about the commercial licensing system, and what changes they believed need to be made in the licensing system.

Members of the public were also told that the scope of this project was solely about the marine commercial licensing system, recognizing that there are many other issues of concern to New York commercial fishermen and managers. For other issues regarding marine fisheries management, they were directed to DEC DMR, the Mid-Atlantic Fishery Management Council, or the Atlantic States Marine Fisheries Commission. Additionally, the scope of the project is about broad, structural issues and is not intended to be an arbiter in individual licensing cases. The issue of judging the validity of individual licensing circumstances is, and should be, the purview of the DEC DMR.

Meetings were held in the locations listed below (Table 3).

Table 3: Meeting locations, dates, and attendance

| Meeting Location | Date | Attendance* |
|------------------|-----------|-------------|
| Brooklyn | 7/30/2018 | 8 |
| Setauket | 7/31/2018 | 36 |

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| | | |
|---------------|-----------|----|
| Freeport | 8/1/2018 | 33 |
| Southampton | 8/2/2018 | 25 |
| Staten Island | 8/20/2018 | 9 |
| Southold | 8/21/2018 | 30 |
| Bronx | 8/22/2018 | 4 |
| Montauk | 8/23/2018 | 40 |
| Montauk | 9/5/2018 | 35 |

* Attendance at Brooklyn meeting from meeting notes; other meeting attendance from sign-up sheets.

Fishermen and others had many ideas about changes to the commercial fishing licensing system. The predominance of comments received were about the Food Fish License, Striped Bass Permit, and Fluke Permit; fewer comments were given regarding lobster permit, crab permit, whelk license or other licensing issues. All public meeting notes are included in Appendix 2 and comments received outside the public meetings are included in Appendix 3. Comments not related to the commercial licensing system are not included in this report.

5. ISSUES RAISED BY STAKEHOLDERS AT PUBLIC MEETINGS

People raised many issues regarding marine fishery licensing in New York. The issue with the most comments was the desire for more flexible license transfer provisions. There were also a significant number of comments about latent licenses, how to define commercial fishing, permit buyouts, and means of allowing new entrants into the fisheries. There were also many other issues discussed, but with lower numbers of similar comments.

A number of general comments were given that did not fall into specific issue categories, including:

1. Better notice of meetings should have been given for this important topic, including mail notice to all license holders;
2. The license review needs to pay attention to both full-time and part-time fishermen, both of who are commercial fishermen and are part of New York's commercial fishing history;
3. The license review needs to treat all fishermen the same;
4. Revisions to licensing provisions should not be able to take licenses away from fishermen who currently hold valid licenses.

The major issues mentioned by meeting attendees and people submitting comments are listed below. It is important to note that the issues raised by stakeholders are intended to list the issues people mentioned; this section does not contain recommendations. Recommendations are listed in pages 22 to 35.

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License Transfer

The transfer of licenses from one individual to another is restricted by state statute³ (see page 8); the reissuance or transfer of a license is currently limited to immediate family members. The issue of family transfer generated a number of comments with most commenters believing that the current provisions are too narrow to be useful to contemporary conditions. People expressed the view that transfer should be allowed before death, and that there should be a broader definition of family. A number also expressed the view that the current domicile requirements do not reflect contemporary family and living circumstances. Note – current statutory language (Appendix 4) includes provisions that many people expressed concerns about regarding family transfer and immediate family definition.

There is interest among New York license stakeholders in expansion of the circumstances under which license transfer can take place. Many commenters supported allowing open transfer and sale of commercial fishing licenses. They believe that licenses have value that should be set by the open market. Many believe that allowing transfer and sale will provide opportunity for new entrants in the fisheries. Most who support license transfer and sale do not believe that the price will be exorbitant for two reasons. First, they believe that the number of licenses that would be available for transfer or sale would be high because of latent licenses and the age of many fishermen who many want to leave the fisheries, particularly if they can get some value for their commercial fishing licenses.

There were some concerns expressed about license transfer, including:

- Concern that allowing license transfer would result in activation of a significant number of latent licenses. This could result in more fishermen pursuing a fixed amount of fish (fixed state quota), resulting in less catch available per active fishermen.
- Concern that transfers would go to wealthier individuals if sale was allowed, as contrasted to going to fishing families or new entrants;
- Concern that license transfer should be allowed only with strict criteria such as going to fishing families or to new entrants who can demonstrate time working in commercial fisheries or who have gone through an apprentice program;
- One commenter believed that transfer should be allowed but no sale should be allowed;

³ ECL 13-0328(6) (a)

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- License stacking should not be allowed;
- Transfer should be allowed only after a license had been held for 10 years;
- Only one transfer should be allowed per license

A number of commenters believe that Striped Bass and Summer Flounder (Fluke) Permits should be transferable separate from the Food Fish License.

Some people believe that full-time fishermen should be given preference when new licenses become available through transfer or buyout.

Latent Licenses

Latent licenses are those that are currently issued but are not used by license holders to land fish. However, latent license holders could resume fishing at any time which would result in more effort on available fish resources. Many commenters believe that the latent license issue should be addressed before other changes in licensing provisions are put in place.

Some people cautioned against addressing the latent license issue for a number of reasons, including:

- Many believe that latent licenses will not be used in the future
- Many believe that latent licenses will become active if people believe that “use it or lose it” provisions are put in place. This could result in more pressure being put on available fishery resources
- Some believe that the latent license issue is too controversial to address
- Many latent licenses are not used because of low resource availability, e.g. Long Island Sound depleted lobster populations, and restricted fluke and black sea bass quota
- Some people believe that the ability of people to use latent licenses in the future should not be taken away; people may be waiting for better conditions or retirement to use a license.

A number of people believe that latent licenses that are no longer used should be distributed to new entrants. They believe that this is needed to continue the commercial fishing tradition in New York.

Definition of Commercial Fisherman

There was much discussion of what makes someone a commercial fisherman, and the difference between full-time and part-time commercial fishermen. Some people believe

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that a commercial fisherman is someone who makes all annual income from working on the water. Others believe that someone can work at fishing part-time and still be a commercial fisherman. A number of commenters expressed concern that their ability to commercially fish could be taken away by income or fishing activity criteria that might be used to define commercial fishing.

The meetings included discussion of a couple of ways of qualifying people as commercial fishermen for the purpose of qualifying for limited entry licenses.

One method, included in a proposal by some MRAC members⁴, would be to use Vessel Trip Reports (VTRs) to qualify fishermen into various categories which would determine how much fishing activity their license recipients could pursue in the future. It should be noted that these categories would go into effect only after the license is transferred from the original license holder.

The other method, favored by many commenters, would be to use income to qualify as a commercial fisherman. The model used in qualifying for a Food Fish License, i.e. having an average at least \$15,000 in income over three consecutive years from commercial fishing⁵, was mentioned by many people as a good template. Other believe that a certain percentage of annual income should come from commercial fishing; people mentioned percentages from 51% to 100%.

With respect to using income as a qualifying method, the following ideas were offered:

- a. If using income as a qualifying criterion, consider a level of income from fishing below \$15,000 annually because it is difficult for many people to reach the \$15,000 threshold because of restrictions on fishing various species, and because some part-time fishermen don't make enough to reach this qualifying level
- b. Qualifications should be reviewed case by case to ensure fair treatment of every person
- c. The qualification system should include a dispute resolution process for applicants who believe that they weren't treated equitably in the qualification process
- d. The system should require re-qualification every 3 to 5 years
- e. Many part-time fishermen said that their ability to work on the water should not be eliminated because they're forced to take a job to earn a living in an expensive area.

⁴ License revision proposal from some MRAC members

⁵ECL 13-0328(1)(c)(iv)

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- f. Party/charter time and income should be counted as commercial fishing in an income-based qualification process.

One idea that was expressed was that commercial fishing should be defined before taking any action on latent licenses. The idea behind this proposal is that the latent license issue may be changed significantly depending on how commercial fishing is defined; e.g. if full-time is defined as making 80% of yearly income from commercial fishing which would put many licenses into a part-time classification. This could, in turn, make the latent license issue significantly different than current conditions.

License Buyout

Many meeting participants expressed support for a license buyout program which would reduce the number of licenses by paying license holders to relinquish their licenses. Many people also expressed the opinion that license holders who participated in a buyout program should not be allowed to re-enter the fishery in question in the future. Reasons given for supporting a license buyout program are to reduce latent effort and to allow people who want to get out of the fishery to do so with financial compensation.

Some commenters believed that licenses that were bought in a buyout program could be redistributed to qualifying young people as a way of allowing younger people to enter New York's commercial fishing community. Others expressed the view that full-time fishermen should be given preference when new licenses become available through buyout or transfer.

A few people identified potential sources of license buyout funding; compensation from offshore wind energy development and an appropriation from the New York Legislature.

Other license buy-out suggestions included:

- i. Having people interested in a license buyout submit a bid which included the amount that they wanted for giving up their license
- ii. Setting a price for licenses, with variation for permit value, which the state is willing to pay and then allowing people to apply for license buyout compensation at the set price

New Entrants / Crew

Many commenters expressed the view that the New York commercial fisheries need new, younger participants to survive and thrive in the long-term. They noted that many commercial fishermen are over 50 years old and that there needs to be a means of entry into the fisheries for the long-term viability of commercial fisheries in New York.

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Commenters also noted that there are people working in commercial fisheries who don't have a way to enter limited access fisheries except through the random drawing process which has relatively low percentages of being chosen for a license. This includes crew members who have been fishing for a number of years but cannot obtain a Food Fish License.

A number of people discussed how to provide opportunities for new entrants to commercial fishing. This included:

- iii. Developing and implementing the apprentice program which is currently permitted under state statute
- iv. If license transfer is allowed, giving a preference to young people who have demonstrated their interest and participation in commercial fishing
- v. Modify requirements for qualifying for participation in the random selection process, or processes that might be developed, to include credit for work in the fisheries, e.g. as a crew member, in addition to income qualification levels

One person said that the apprentice program is too complicated, perhaps referring to the draft proposal developed by some MRAC members. Others believed that any apprentice program should have enough structure and content to show new participants the difficult nature of commercial fishing and the complexity of management at the state, regional, and national levels. However, this is a good reminder if an apprentice program is developed to not make it too complicated.

Random Selection Process

A number of people commented on the random selection process, informally known as the license lottery, which is used to distribute available limited entry licenses. The most common comment was that the random selection process should have a weighting factor that gives more chances the longer an individual has applied to the random selection process but was not selected. This means that the likelihood of being selected increases with more years trying to get a license through the random selection process.

A couple of commenters believe that the random selection process is unfair. One commenter thought that the random selection process should be scrapped and replaced with an eligibility list. This would mean that an applicant would be placed on a waiting list when they become eligible for applying for a license but would have to wait until the eligibility list reached their place on the list.

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License Vessel Rather Than Person

A number of commenters believed that vessels should be licensed, as contrasted with the current system of licensing individuals. These commenters believe that changing licensing to being on a vessel would give commercial fishermen more flexibility such as the crew being able to work when the license holder was not on board.

No New Entrants to Fisheries

Some people commented that no new entrants should be allowed in commercial fisheries because they take landings away from current fishermen. The idea behind this sentiment is that more licenses being fished for a set amount of quota results in lower daily catches per fisherman. Many believe that new entrants will fish hard to make money and to establish a catch/income history which will result in a significant amount of increased effort in already stressed fisheries.

Limited Access Program Goal

Some people believe that the license limited entry programs should establish a goal for the number of licenses, i.e. what is the definition of a “success” for a limited entry program. Suggestions included reducing Food Fish Licenses by 20% or 33%. People said that it’s not possible to judge progress without a goal to work towards.

Domicile Issues

Some people believe that moving out of state should result in losing one’s commercial fishing license. Others expressed the view that the domicile issue is antiquated and should be changed to reflect current conditions. One specific issue mentioned was a person believed that you should be able to keep your license if you moved out of state.

Gear type and geographic diversity as a goal

Some commenters believe that the state should pay attention to gear diversity and restrict licenses to specific geographic regions to maintain opportunity in less active areas. They expressed the view that licenses would be concentrated in more active areas and with larger volume gears and that this runs counter to maintaining traditional fishing patterns.

License Fees

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Some commenters expressed the view that license fees should be increased as a deterrent to fishermen retaining their licenses either speculatively in the hopes that the license would have some value or as a way of affirming their place in commercial fisheries. One commenter said that the license fee would have to be increased significantly to function as a deterrent.

Medical Exemption Process

A number of commenters said that a medical exemption process should be put in place on all licenses to allow a person to temporarily use another person's license privileges in the event that the license holder is unable to use the license for medical reasons. The general idea is that a license holder should be able to get income from the license when they are unable to use it for medical reasons. Additionally, in the case of a license holder with crew, this would allow the crew to continue working when the license holder was medically unable to work.

Allow Lease of Licenses and Permits When Not Being Used by License Holder

One commenter believed that licenses should be leasable when not being used by the license holder. This idea would be that a license holder could lease their license or permit to another person whenever they chose to do this. No other details were provided to better understand how this idea might be developed.

Commercial Fishing Advocate Needed

One commenter suggested that commercial fishermen could benefit from a commercial fishing advocate whose job would be to advocate for issues and ideas of importance. This could include advocating for one person's issues or policies that impact more than one person. The speaker said that the New York Department of Agriculture has an analogous position.

Shellfish Permit Moratorium

One commenter expressed the view that a moratorium was needed for shellfish permits. The person believed that shellfish resources are under similar pressures as other fisheries resources and shellfish harvesters would benefit from having more catch available per harvester.

During the second stage of the licensing review project, DEC DMR scheduled four meetings. These meetings were held in:

- Stony Brook, 9 July
- Stony Brook, 23 July
- Point Lookout, 20 August
- East Hampton, 21 August

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The format of the first meeting in Stony Brook was a presentation of the report by the consultant followed by questions from MRAC members and members of the public. The following three meetings included a presentation of the report followed by comments on the report by members of the public. Comments from the second series of meetings are included in Appendix 4. Comments submitted during the public comment period, written and by email, are included in Appendix 5.

Issues raised in the second set of public meetings included:

a. License transfer

The majority of people commenting think that transfer of licenses should be allowed in the first set of changes to the licensing system. This contrasts with the report's initial recommendation of waiting five years before allowing license transfer. Some people were in favor of largely unrestricted transfer.

Concern that much latent effort could be activated through transfer provisions led some commenters to state that latent licenses, as defined by whatever restrictions are put in place through legislation or regulation, should not be transferable.

Another concern voiced about license transfer was that license transfer should be limited within gear types, e.g. a license from a hook and line fisherman should only be transferred to another license holder that fishes hook and line gear.

Some commenters expressed the view that license transfer would result in an increase in fishing effort.

b. Latent licenses

The majority of people commenting on aspects related to latent licenses believe that no license holder should lose their ability to maintain their license because of non-use or low levels of activity if there is a qualification requirement such as the recommendation for \$15,000 annually of income from fishing related activity for three years. They gave a number of reasons for this position, including allowing older license holders to keep their licenses for personal reasons, not having fishing activity because of vessel building or breakdown, or low levels of landings in some fisheries, most notably lobster, that do not allow fishermen to reach the recommended \$15,000 annual income requirement.

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Another theme in comments given was that the recommended \$15,000 annually for three years was too high for current fishing conditions, and that the number should be lower. Commenters did not offer what income level would be appropriate to use to determine active fishing.

c. Separation of full-time and part-time fishermen

A number of commenters expressed the view that there should be a formal separation of full-time and part-time fishermen; some of these commenters offered suggestions about criteria for the proposed separation. Other commenters believe that there should be no formal separation of full-time and part-time fishermen.

d. Family transfer / domicile provisions

A number of commenters expressed the view that family transfer provisions should be expanded to allow transfer of licenses to immediate family members⁶.

e. Miscellaneous Issues

Some miscellaneous comments were offered, including:

- i. Doing nothing, i.e. making no changes to license provisions, is an option to consider
- ii. Attention must be paid to individual fisherman's circumstances when new provisions are applied
- iii. Setting a goal for license reduction programs is difficult to do

6. REPORT FOUNDATION PRINCIPLES

The recommendations in this report are based on the following principles or ideas.

a. Focus on broad policies

This report addresses broad recommendations for changing the limited access commercial fishing licenses in New York. The report does not address individual circumstances that were mentioned at the public meetings because these issues, while they may be compelling, are not about policy options. Rather, they are about the application of policy which requires information and knowledge that is not available to the marine fisheries consultant. Further, these decisions have been made previously and using an outside process as an ad hoc appeals process is not appropriate. The

⁶ Transfer to immediate family members is currently authorized under Environmental Conservation Law 13-0328(6)

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individual circumstances mentioned are useful to this license review process because they can illustrate licensing issues that merit modification.

b. A license is a harvest privilege, not a right or ownership

A commercial fishing license is legally a certificate of harvest privilege, as contrasted with a right or ownership. This means that a license holder can harvest marine fisheries while following appropriate conditions imposed by law or regulation. This is an important distinction because privileges can be restricted or removed with cause and due process, where rights are much harder to restrict.

A similar interpretation is taken at the federal level, Section 303(A)b of the Magnuson-Stevens Fishery Conservation and Management Act⁷ states that a limited access license is “considered a grant of permission to the holder of the limited access privilege or quota share to engage in activities permitted by such limited access privilege.”

c. Step-wise approach

Changes to the New York commercial license system can be addressed in two ways; either in an “all at once” or step-wise approach. Both are valid approaches to address the licensing issues impacting New York commercial fishermen.

The one-time approach would address all license issues at once which could be viewed as a balanced fair approach because all stakeholder issues are addressed. At the same time, this approach may be too much for the social and management system to handle all at once. A risk with this approach is taking on too many issues at one time. This could, in turn, lead to inaction because the overall issue appears overwhelming.

The step-wise approach is recommended so that certain issues can be addressed, and the impacts of these changes assessed, then followed by other issues being addressed sequentially. The step-wise approach allows a series of adjustments then learning and follow-up adjustment to these complex licensing issues. Additionally, the step-wise approach seems easier to address from a social, management, and political perspective.

It should be noted that either approach is valid and can be used to make changes to the New York limited access commercial licensing system.

⁷ <https://www.fisheries.noaa.gov/resource/document/magnuson-stevens-fishery-conservation-and-management-act>

d. Five-year Review of License Issues

The license review process should be re-visited in five years to determine the impacts of changes made to the licensing system, and to determine other changes that may be warranted or desired in the future. Depending on how many changes are made to the licensing system, this time period would allow the DEC DMR to assess impacts of these changes on New York license holders.

e. Set goals for limited access licenses

Management programs should have goals so that the impacts of the management measures can be assessed. Limited access license programs should have specific goals so that fishermen, stakeholders, and managers know if program goals are being met. Additionally, goals allow appropriate program adjustment if goals are met.

From the 1990s to 2018, state law called for one new license for every two limited entry licenses that are not renewed. This has resulted in the number of Food Fish Licenses trending down over time (Figure 1). New York needs to determine whether the goal of the license reduction is to continue reducing without a goal in mind, or to set some desired reduction level such as 30% of total Food Fish Licenses or 600 active Food Fish Licenses. If a goal is established, the management response to be taken when the goal is met should also be established such as one new license for every one license that is not renewed.

If a goal of a 30% reduction was established, the goal would be 647 resident Food Fish Licenses over time. Looking at the trend in Figure 1 from 1999-2017, reaching this goal could take a number of years. As mentioned above, a goal would show stakeholders how the limited access program is performing. Similar discussions should take place for other limited access or moratorium licenses: lobster (Figure 2), crab (Figure 3), and whelk (Figure 4). In the case of the lobster moratorium, the goal discussion could be the conditions under which the moratorium might be ended.

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7. ISSUES, OPTIONS, AND RECOMMENDATIONS

a. Latent licenses

1. Issue

The issue of latent licenses, licenses that are not used but could be activated, impacts many other aspects of commercial licensing issues in New York, including transfer and providing a means for new entrants in the fisheries. Table 3 shows the percentage of Food Fish Licenses that are active and inactive from 2011-2018. Over this time period, an average of 32.3% of licenses were inactive.

Table 3: Food Fish License activity, 2011-2018⁸

| Year | Licenses Issued | Reporting | Reporting Landings | Reported "Not fishing" | Not reporting | Total "inactive" | Percent Total Inactive |
|-------|-----------------|-----------|--------------------|------------------------|---------------|------------------|------------------------|
| 2011 | 1019 | 701 | 678 | 23 | 318 | 341 | 33.5% |
| 2012 | 1009 | 866 | 716 | 150 | 143 | 293 | 29.0% |
| 2013 | 987 | 946 | 698 | 248 | 41 | 289 | 29.3% |
| 2014 | 989 | 840 | 653 | 187 | 149 | 336 | 34.0% |
| 2015 | 973 | 857 | 644 | 213 | 116 | 329 | 33.8% |
| 2016 | 969 | 912 | 634 | 278 | 57 | 335 | 34.6% |
| 2017 | 964 | 925 | 673 | 252 | 39 | 291 | 30.2% |
| 2018* | 949 | 934 | 627 | 307 | 15 | 322 | 33.9% |

*2018 data should be considered preliminary at the time of this report.

Many reasons were given for retaining latent licenses, including hoping to gain value through license transfer or a license buy-out, waiting for fisheries to return to a more economically healthy condition, retirement from active fishing, and a sentimental attachment to having once been an active commercial fisherman.

Some commenters believe that latent license numbers don't matter in the context of contemporary fisheries management because they are not being used. However, the possibility of active use impacts other license discussions because over 3 in 10 licenses is not being used but could be brought out if the conditions were right. Additionally, the threat of activation is mentioned as a reason to not take other actions regarding licenses.

An important consideration in this discussion is which licenses that the provisions would apply to. This measure is primarily focused on the Food Fish License but could also be

⁸ Source – DEC DMR Fisheries Data Management Office

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applied to other limited access licenses. If applied to other licenses, it is important to look at the reason for latency. For example, latency in the lobster fishery could be the result of low resource availability as contrasted with fisheries with more fish availability.

2. Options

Two primary means of addressing latent licenses were discussed at the public meetings, and through other comments. One is requiring demonstration of license activity to retain a license and the second is a permit buy-out program.

1. Demonstration of fishing activity

Requiring demonstration of fishing activity would entail a process of license holders showing proof of fishing to retain a commercial fishing license. This could be done by setting a control date which could be done with passage of legislation or a date set in the future, e.g. one or two years. The Marine Resources Advisory Council voted to establish a control date in November 2017⁹ that could impact future transfer of licenses.

Should a control date be used to impact license provisions, determining whether the control date is imposed retroactively or prospectively is important. A retroactive control date would impact license holders based on past events or actions. Some jurisdictions have determined that control dates cannot be established retroactively.

Setting a control date into the future would likely result in some increase in the number of active licenses, i.e. those that report landings. A consequence of a prospective control date could be a short-term increase in license holders who would qualify for the provisions that are impacted by the control date, e.g. qualifying for a license. Acting on latent licenses, however, would allow other actions to be taken in the future as needed. Additionally, it would allow DEC and stakeholders to have an idea of the true number of active participants in a fishery.

2. License buy-out

A license buy-out could be used to reduce latent effort by offering payment for licenses in an effort to reduce effort in the fishery. A buy-out could be used to retire either active or latent licenses. Any buy-out would have to be authorized through legislation or regulation and would need to have an identified funding source. It is important to note that no source of funding has been identified for a license buy-out program.

⁹ MRAC report Vol. XXVIIV No. 7

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It is also important to note that there is no guarantee that license holders would participate in a buy-out program if such a program was implemented. A number of people who spoke at the public meetings suggested that many latent license holders are retaining their licenses in the hope that the licenses would gain value through a buy-out or change in license transfer options. However, the number who might participate at a given funding level, or potentially submitting a bid for their perceived value is speculative at best.

A number of issues would need to be resolved if a license buy-out program as implemented. This includes:

a. Funding source and amount

As noted above, implementing a license buy-out program would require sufficient funding to buy out enough licenses to achieve the objective of a buy-out program.

b. How to select licenses for buy-out

Should a license buy-out be implemented as part of commercial license reform, the value of a license could be established in a couple of ways. One method would be to establish a set buy-out price for various license categories, e.g.

- a. Food Fish License with no Striped Bass or Fluke Permits
- b. Food Fish License with Striped Bass Permit
- c. Food Fish License with Fluke Permit
- d. Food Fish License with Striped Bass and Fluke Permits.

License holders, both active and latent, could then apply to have their licenses bought out at the fixed price. A second method would be to have license holders who wanted their licenses to be bought out to submit a bid for the price that they would accept to retire their license.

Under either method, a process of assigning a value to an individual license would need to be established. Under the set value model, license value would be determined, and license holders could apply to retire their license at the set value. A risk inherent with this type of process is setting the license value too low. This would likely mean that not many people would participate in the program. Setting the value too high would not be fiscally sound and could result in the state being criticized for paying too much for the licenses in question.

As with other components of license value discussions, this is speculative at this point. An analysis could probably be conducted to look at license value with transfer in other

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fisheries and regions but how applicable this information would be to New York is questionable.

An alternative way of buying out licenses would be to request interested license holders submit a bid for the amount that the individual license holder would be willing to relinquish their harvest privileges. This process would establish a value for various license / permit combinations but also comes with risk of coordinated action by license holders to have license value set at an artificial level, likely on the high side for this discussion. This type of coordinated response has been seen in other public bid processes, e.g. establishing value for quota in the Maine state groundfish permit bank program. If this type of bid system is advanced in New York, establishing a maximum price, and criteria for valuation of license / permit combinations would be a way of getting value to the management system for each license bought out.

b. Assigning a value to licenses generally

A license buy-out program, through the act of assigning value to licenses being bought out, would establish a de facto value for licenses. This would likely be at the value established by the market for licenses as contrasted with a value set in a buy-out program.

Establishing a license value could also be a precedent for value of licenses in a more open market if less restricted license transfer were implemented.

For these reasons, it is recommended that provisions be put in place to retire latent licenses that haven't been used in three or five years.

If the approach of retiring latent licenses is put in place, a review of licenses that have become latent could be done each year at the time of license renewal.

iii. Recommendation

It is recommended that latent licenses be addressed through demonstration of fishing activity. This would, in time, reduce the number of latent licenses so that future management decisions are based on the balance of license numbers with resource availability. Additionally, demonstration of fishing activity would reduce the concern that latent licenses could be activated which would exacerbate the balance of resource availability and the number of licenses issued.

The demonstration of fishing activity option also would not require significant amounts of funding that would be required to fund a buy-out program and would not require that the value of permits be determined for a buy-out program.

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b. License Qualification Through Landings or Income

1. Issue

Requiring verification of ongoing, active fishing activity is a way to maintain a core of active licenses, and to minimize the build-up of latent licenses over time. During public meetings, there were two methods of qualifying fishermen for maintaining a Food Fish License, these are proof of landings or income. The consultant does not recommend using proof of landings as a means of qualifying fishermen for two primary reasons.

2. Options

Two options could be used to determine ongoing fishing activity; documentation of landings and income-based qualifications.

a. Documentation of landings

Documentation of landings would require landings reports from different types of fishing, e.g. state waters landings through vessel trip reports or shellfish landings that do not have mandatory reporting. Vessel trip reports (VTRs) are not filled out by all active fishermen holding licenses, such as crew members. Second, many active fishermen earn part of their annual income through shellfishing and landings reporting is not robust enough to use as evidence of landings or fishing activity.

Landings and fishing activity could be used in the future as a measure of fishing activity regardless of income. However, this would require a reporting system sufficient to document all fishing activity or landings. This type of system could be mandatory or voluntary. A voluntary system might result in many license holders not keeping accurate records of their fishing activity.

c. Income based qualification

The other means of qualifying active fishermen is to use income. The Commercial License, Limited Entry statute (ECL 13-0328) contains language for license eligibility that requires an income threshold be reached to obtain a limited entry license. This language states.

“licenses shall be issued only to persons who demonstrate in a manner acceptable to the department that they received an average of at least fifteen thousand dollars of income over three consecutive years from commercial fishing or fishing, or who successfully complete a commercial food fish apprenticeship pursuant to subdivision seven of this section.”

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1. Recommendation

The consultant recommends ongoing license qualification through verification of income for maintaining Food Fish Licenses in the future. If this recommendation is accepted, a number of issues need to be discussed and, where appropriate, be included. These include:

Appropriate staff are needed to conduct the income review

A past opinion from the New York Attorney General's office recommended that DEC Marine Division procure the services of a qualified person, e.g. accountant or similar profession, to conduct income qualifications of license holders. The general idea behind this recommendation is that marine biologists or managers should not be reviewing tax information of license applicants.

Consequently, if an income requirement were incorporated into license renewals, this would require DEC Marine Division to procure the services of a qualified person. This could be one as a hired employee, contract employee, or an arrangement with another New York State employee who had the qualifications to conduct the required reviews.

Time period for qualification

The income qualification criteria for obtaining a license is an average of at least \$15,000 annually for three consecutive years. To accommodate changing circumstances, using three of the last five years would provide for variation in income from changing resource availability or other causes. This would also allow for extenuating circumstances such as medical events that might prevent a harvester from reaching the \$15,000 in one or two years in the five-year period.

Appropriate income level for qualification

A number of comments were received about the appropriate income level for the qualification process. The current three-year average of \$15,000 was established a number of years ago. To maintain a level of fishing activity as when the qualification income was established, the income threshold could be raised proportionately with the cost of living increase from the date of implementation through the end of 2018. For example, if inflation has been 2% for each of the last five years, the cumulative increase is 10.4%. Using this inflation factor would result in the income qualification level being increased to a three-year average of \$16,500.

Another comment was that an average of \$15,000 is too high a qualification level for license holders that hold other jobs. This commenter believed that the income qualification level should be \$5,000.

Waiver Process Consideration

If qualification through income is implemented, it is recommended that a waiver process be considered to address special circumstances, e.g. medical issues, that prevent a license holder from meeting the qualification criteria. An example of this is the waiver provision for the Lobster Permit¹⁰. Meeting the waiver criteria could include written explanation from a doctor and approval by DEC DMR staff.

Alternatively, a waiver process may not be required if the income requirement is three of the last five years which would allow for two years of fishing income below the threshold. This could be deemed sufficient to address most conditions for which a waiver might be requested.

c. Formal separation of full-time and part-time fishermen

i. Issue

At project public meetings, there was considerable interest in a formal means of separating full-time and part-time fishermen. Among the reasons given for a formal separation were conferring different management actions or catches on different types of fishermen, giving more emphasis on full-time fishermen to help them economically, and the perception that many part-time fishermen have some other means of income that makes them less dependent on commercial fishing for their yearly income.

Should a full-time / part-time separation be included in New York licensing provisions, consideration could be given to different categories of part-time fishermen. One category is fishermen who work a number of jobs to provide enough income to live in an expensive area. The other is people who are retired with other income. These categories could be delineated using earned income as compared with total income.

ii. Options

The options for separating full-time from part-time fishermen are either choosing to make the distinction between full-time and part-time fishery, or not making the distinction.

a. No separation of fishermen into full-time or part-time fishermen

No formal separation of full-time and part-time fishermen is maintenance of status quo conditions. This option would require no change in current laws or regulations.

¹⁰ECL 13-0329 (6)

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b. Separation of fishermen into full-time or part-time fishermen

Separation of different classes of fishermen could be done based on what percentage of a fishermen's annual earned income comes from fishing relative to overall earned income. For example, if a person's earned income is \$100,000, then the definition of a full-time fishermen could be set at a percentage of the overall number. Input from project public meetings suggested percentages ranging from 51% to 100%.

This option would require that a percentage of annual earned income be established to classify fishermen as full-time or part-time. Similar to addressing latent licenses through documentation of income, the process of determining earned income levels would require that DMR have access to accountants or other financial professionals to make these determinations.

iii. Recommendation

The consultant does not recommend a formal distinction between full-time and part-time fishermen.

One of the strengths of New York commercial fishing is the diversity of fishing operations from large operations that fish full-time in a number of fisheries to small operations that fish for targeted species and perhaps during limited times of the year. This mix of large and small operations support the infrastructure needed to support commercial fishing.

Additionally, a number of people who commented on the licensing project indicated that they fished part-time because they are not able to generate enough income to support themselves or their families in a high-cost region and are fishing part-time until they are able to transition to full-time fishing. A passion for fishing and the importance of fishing income to family finances were also mentioned as reasons for part-time fishing.

Separation of full-time and part-time fishermen would also create a divide among categories of fishermen that could result in social and political friction among types of fishermen; a distinction derived in part from personal perceptions of what constitutes full-time and part-time.

d. License transfer

1. Issues

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Many project meeting attendees discussed a number of license transfer ideas, ranging from minor changes to current transfer provisions to allowing unlimited transfer and sale of licenses and permits.

The minor changes to current transfer provisions include changing the domicile requirement which would allow greater flexibility in transferring a license to additional family members¹¹.

Allowing unrestricted transfer of licenses would create a market for licenses that doesn't currently exist in New York. This would allow fishermen to acquire licenses that they desire by using the market economy and based on prices that are dictated by a marketplace for licenses and permits. This market would develop over time and would take place outside of state government. The role of DMR would be to set up processes that monitor license transfers, not to set prices. If license transfer is adopted as a management option, provisions could be put in place to minimize license accumulation or to accomplish other goals.

2. Options

1. No change to current transfer provisions

Maintenance of status quo transfer provisions would not allow broad transfer and sale of licenses. Status quo would also continue transfer provisions to immediate family members only.

2. Limited change to current license transfer provisions

The domicile requirements for license transfer were raised as an issue to address during the public meetings. Currently, license holders can transfer to a family member who meets statutory requirements, including being an immediate family member, as defined in law, or being related by blood, marriage or adoption to the permit holder and domiciled in the house of the license or permit holder¹². One potential change in the domicile requirement is to allow that those recipients related by blood, marriage, or adoption not be required to live in the license holder's home.

3. Transfer and sale of licenses

¹¹ Statutory definition of immediate family - shall include spouse, sibling, parent, child, grandparent, grandchild, and, in addition, all persons who are related by blood, marriage or adoption to the permit holder and domiciled in the house of the license or permit holder.

¹¹ECL 13-0328, (6) (d)

¹²ECL 13-0328, (6) (d)

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Many meeting participants supported the open transfer and sale of licenses in a market-based system where license supply and demand would dictate license value. They believe that this would allow a number of major benefits including allowing current license holders to acquire new licenses, allowing new entrants to obtain commercial fishing licenses through purchase, allowing fishermen to obtain Striped Bass or Fluke Permits, allowing young people as new entrants to access fisheries, allowing people to retire through license or permit sale, and making the a limited entry license a financial asset. Those supporting sale and transfer of licenses acknowledged that this change would likely result in an increase in effort, latent licenses being acquired by active fishermen, but they did not believe this would be an unmanageable change. It would be, in essence, establish a true baseline of active fishermen.

Others expressed concern that the transfer and sale of licenses would result in a significant increase in effort, and in consolidation of effective fishing effort toward larger operations and ports, and away from smaller operators and fishing locations. Additionally, people expressed concerns that acquired licenses would likely come from less efficient methods of fishing, e.g. hook and line, and move to more efficient fishing methods, e.g. trawling, and that this would result in a significant increase in pressure on available fish stocks. Some concerns about this possibility would be less fish availability per active license holder and more restrictive quotas as a buffer to increased fishing pressure on available fish stocks.

3. Recommendations

1. Modify current immediate family license transfer provisions to allow recipients not be required to be domiciled in the home of the current license holder.

The consultant recommends that ECL 13-0328, (6) (d) be modified to not require that family recipients be domiciled in the home of the current license holder. This would adjust this provision of law to reflect current demographic conditions in New York where immediate family members may not share a home with other family members, a condition that a number of project public meeting attendees noted reflects current social and demographic conditions.

2. Do not change current prohibition on broad license transfer at this time

The consultant does not recommend a change that would allow broad license transfer of the Food Fish License because this change would likely result in many changes in the make-up of New York's commercial fishing industry. This

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could include significant consolidation in the industry, shifts among different types and scales of operation within the commercial fishing industry. These changes would likely destabilize many of the aspects of the industry that are deemed important in New York.

The consultant does recommend future consideration of the broad license transfer concept after other changes are made to the commercial license system. Future consideration could be undertaken five years after other changes are put in place, providing sufficient time for these changes to be assessed for effectiveness and impacts on the commercial fishing industry.

e. **New Entrants in Fisheries**

1. Issue

Allowing new entrants into commercial fishing was a strong desire of many people who attended the licensing public meetings. At the same time, some meeting attendees expressed the view that there should be no new entrants allowed for any license category because more entrants means less catch for current license holders.

Additionally, entry into New York fisheries is important because commercial fishermen are getting older and must be succeeded by younger fishermen over time to maintain commercial fishing in New York. At the same time, it is important to recognize that allowing new entrants into commercial fisheries will increase effort for limited resources and will slow the reduction in the number of commercial Food Fish Licenses because the number of active license holders will likely increase in the short term. This is, in part, because new, younger license holders will probably fish hard to make money and to develop history in the fishery.

Entry to commercial fishing is currently allowed through the random selection process but only allows a small number of new entrants into the fishery. Additionally, the probability of being selected for a license is relatively low through the random selection process. Ongoing reliance on the random selection process is not likely to satisfy the desire of people, new entrants and people who want to re-enter the fishery, to try to obtain a commercial Food Fish License, Crab Permit or Whelk License. Currently, there is a moratorium on new Lobster Permits.

New York statutes authorize the development of a commercial license apprenticeship program¹³ but an apprenticeship program has not been developed.

¹³ ECL 13-0328, Section 7

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2. Options

1. No New Entrants

New York could change the current provisions of the random selection process to allow no new entrants into various license categories. This would continue the decrease in license numbers over time and would likely increase the amount of fish available to remaining license holders.

At the same time, this option would not address replacement of fishermen as they age out of fisheries. It would also not address the desire of many people to have the opportunity to commercially fish in New York

2. Random Selection Process

The random selection process allows new entrants into various license categories but has been criticized for not having a mechanism that gives a greater chance of getting a license the longer one stays in the random selection process without successfully obtaining a license.

3. Apprenticeship Program

New York statute authorizes an apprenticeship program, but such a program has never been established. An apprenticeship program would provide training and practical experience in various fisheries as a condition of obtaining a commercial fishing license.

The number of people who might enter an apprenticeship program is not known but would provide a means of entering one of the New York licensed commercial fisheries, except lobstering which is under a license moratorium.

3. Recommendations

The consultant recommends two changes to allow new entrants into New York's fisheries. This would increase the pool of license holders over time which, in turn, would increase pressure on available fish stocks. This increased pressure must be balanced with the desire of many people to enter the commercial fishery, and the need to have young people in the fisheries to maintain a diverse commercial fishery over time.

1. Modify random selection process to give weight to amount of time spent waiting for a license

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It is recommended that the current random selection process be modified to give applicants a better chance at being selected the longer the time period that they are not selected, with the requirement that an applicant would have to apply in successive years to qualify for the increased odds. This would result in the odds of being selected increase with the number of years that a person applies for a license through the random selection process.

Language from the State of Maine scallop license lottery system¹⁴ is included below as an example of how this provision could be written:

The number of draws (chances) allotted to each eligible applicant shall be calculated by the Department.

- a. Each eligible applicant shall be awarded a minimum of one draw.*
- b. Each eligible applicant shall be awarded one additional draw for every consecutive year they enter each lottery.”*

There are likely other examples from other states and fisheries, but the Maine scallop fishery regulation provides an example for modifying the random selection process to give more weight to applicants who have applied over a number of years.

2. Implement an apprentice program to provide an avenue for trained new entrants into fisheries.

It is recommended that an apprentice program to allow new entrants in the fishery be developed; this could be done in a simple or complex manner. A complex program would require DEC staff time and resources for what might be a relatively small number of people applying over time. An alternate approach could be to develop the apprentice program with a written test and proof of working in commercial fishing (on deck, shellfish harvest, dockside support work) for some period of time, 2 or 3 years. The proof of working in commercial fishing could be done through a logbook for new entrants or an affidavit verifying past work that could be signed by the captain or vessel owner and the local Conservation Officer. The use of the conservation officer to verify past work activity would be a less effective method if there aren't enough conservation officers that are familiar with local fishing conditions and operations. This less direct verification process would be more susceptible to misuse by some participants if there isn't direct knowledge of an individual's circumstances by someone outside the harbor or fishery.

¹⁴ https://www.maine.gov/dmr/laws-regulations/regulations/documents/dmrchapter11_06242018.pdf

f. Medical Waiver Provision to Allow Temporary Use of License Privileges

1. Issue

Medical events can render license holders temporarily unable to fish which can impact the license holders' finances as well as crew members who cannot fish without the license holder being on the vessel. The Lobster Permit has a provision that states

"... in the event of a temporary emergency, a licensee may provide written authorization for a different licensee to haul and remove lobster from the licensee's pots or traps. A copy of such written authorization shall be filed with the department and the department shall determine what constitutes a temporary emergency and the appropriate maximum duration of a temporary emergency for the purposes of this subdivision."¹⁵

2. Options

1. Leave medical waiver provision only for lobster license

This option maintains status quo conditions, providing a medical waiver provision for lobster licenses but not for holders of other commercial fishing licenses.

2. Eliminate medical waiver provision from lobster license statutes

This option would eliminate the medical waiver provision from statute which would mean that all license types were treated similarly. It would also mean that lobster license holders lose the ability to work through temporary medical conditions by allowing somebody else to haul their gear while the license holder addresses the medical condition.

3. Expand the medical waiver provision to other limited entry licenses.

This option would expand the medical waiver provision to other license types, providing flexibility to license holders to continue their fishing operations while addressing temporary medical conditions.

¹⁵ ECL 13-0329 (6)

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3. Recommendation

It is recommended that the medical waiver provision be applied to all limited entry licenses. As part of considering this recommendation, law enforcement should be consulted to judge whether the lobster medical waiver provision has been effective and isn't mis-used in that fishery. Additionally, a medical waiver provision should have constraints, including:

1. The amount of time a waiver is granted. For example, a waiver could be issued for a six-month period with a maximum overall period of two years.
2. Communication from physician indicating the need for a medical waiver

g. License vessel rather than person

1. Issue

Licensing vessels rather than individuals would provide flexibility to vessel owners to hire captains and crew to fish without committing the license holder to be on board at all times.

2. Recommendation

This option is not recommended because New York licenses individuals rather than vessels. Changing this could cause unforeseen changes in licensing and resource use at a time when there is interest in stabilizing the license system. This could, in turn, result in increased effort in fisheries where management efforts to constrain the fisheries are in place.

h. Gear and geographic diversity as a program goal

1. Issue

A few commenters suggested a licensing goal of maintaining gear and geographic diversity in the fishery. They expressed the view that this type of goal was needed to maintain viable commercial fisheries in all parts of the marine district.

2. Recommendation

This option is not recommended because the legal or regulatory framework to implement the proposed goal would be complex and difficult to implement and administer.

i. Allow lease of licenses and permits

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1. Issue

Allowing the lease of licenses and permits was thought to be a way to get more people fishing and to provide flexibility to license holders.

2. Recommendation

This option is not recommended because it could destabilize the current balance of resource availability and effort in the fishery. This option would likely result in a significant increase in effort; this, in turn, would make addressing other licensing and management issues more difficult.

j. License Fees

1. Issue

This idea was mentioned by a couple of commenters; it is to increase license fees high enough to address latent licenses as well as licenses that are very infrequently used.

2. Recommendation

This option is not recommended because the issues of addressing latent effort should be undertaken directly and compared to the indirect approach of raising license fees. Additionally, raising the cost of licenses would impact all commercial fishing licenses, not only latent license holders.

Responses to comments about recommendations in July 2019 draft report

1. Latent licenses

The draft report recommended latent licenses, those that aren't used or are used at low levels of fishing, be addressed by requiring that proof of use for license renewal. The recommended level of activity was \$15,000 of fishing activity in the last three years of activity. This recommendation generated a number of comments.

One group of commenters indicated that generating \$15,000 annually from fishing activity is very difficult given the current conditions in New York fisheries. The draft report, page 32, discusses the potential for using another level of income from fishing to qualify people. If the recommendation of using income for ongoing license qualification is used, a clear policy decision is what income level will be used for the qualification program. The income level chosen could be lower or higher than the recommended \$15,000 annually, i.e. \$3,000, \$5,000, \$7,000, \$10,000 or another level.

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Other commenters expressed the view that licenses should not be taken away from anyone who renews the license. People expressed the view that retaining a license was a choice for individuals to make and that latent licenses did not negatively impact fish stocks because they aren't being fished.

Some commenters believe that a license buy-out is a feasible means of reducing latent effort. The draft report did not recommend a license buy-out program but discussed some aspects of a potential license buy-out, pages 28-30. The draft report did not recommend a license buy-out because of lack of an identified funding source. A license buy-out is a viable policy option to consider if funding is identified and made available for this purpose. A license buy-out may not be a viable policy option if reducing latent licenses is not accepted as an option for New York to consider. If reduction of licenses is a program goal, it does not seem logical to buy-out some licenses while allowing other license holders to retain their licenses.

Another group of comments suggested, with the assumption that license transfer would be permitted, that latent licenses be made non-transferable. This concept would allow people to retain their limited entry licenses but would minimize the outcome of latent effort being activated. It is important to note that this concept would be used only if license transfer is permitted. This idea would also require determination of what constitutes a latent license through a qualification process based on landings or income.

2. New entrants

Random Selection Process

The draft report recommended changing the random selection process to give more chances of being selected for each successive year that an applicant enters the random selection process. This recommendation remains unchanged.

A license transfer program could render the random selection process unnecessary. The State of New York should consider the utility of the random selection process should license transfer be implemented. Elimination of the random selection process would save time and resources for prospective license holders and DEC DMR staff.

Apprenticeship Program

The draft report recommended implementation of an apprentice program to provide an avenue for trained new entrants into fisheries. Although this recommendation remains unchanged, decision makers should carefully weigh the benefit of an

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apprentice program with the length of time that people who successfully complete the apprentice program may remain on a waiting list. Simply, people may remain on a waiting list for many years before entering the fishery. Additionally, balancing entry expectations for people who successfully complete an apprentice program with entry through the random selection process needs to be discussed.

As mentioned at the summer 2019 meetings, being put on a waiting list for an extended period of time would likely be frustrating for both prospective license holders and DEC DMR staff. If there isn't a reasonable expectation of obtaining a license in certain time period, e.g. 5 years, the prudent option may be to not implement an apprentice program.

A license transfer program could render the need for an apprentice program unnecessary. The State of New York should consider the utility of establishing an apprentice program should license transfer be implemented. With a transfer program, not establishing an apprentice program would save time and resources for prospective license holders and DEC DMR staff.

3. Medical waiver provisions

The draft report recommended that the medical waiver provisions currently in effect for lobster license holders be expanded to other license types, providing flexibility to license holders to continue their fishing operations while addressing temporary medical conditions. This recommendation remains unchanged.

4. Domicile provisions

The draft report recommended that current immediate family license transfer provisions to allow recipients not be required to be domiciled in the home of the current license holder. DEC DMR staff responded that this ability is currently in statute which means that no change to current law is required. The statutory language regarding family is not clear. Therefore, it is recommended that the language be clarified to make it more understandable.

However, if license transfer is authorized, the family transfer and domicile provisions may no longer be needed and could be deleted from statutory language.

5. License transfer

The draft report recommended that license transfer not be implemented until other changes in licensing were made and further recommended that a review of changes be conducted in five years, at which time license transfer could be reconsidered. A significant majority of people commenting at the public meetings

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about the draft report advocated for license transfer to be considered in the initial changes to licensing provisions following release of this report.

If license transfer is pursued for New York commercial licenses, some of the issues to consider are:

a. Limiting activation of latent effort

A significant concern about license transfer is the activation of latent effort into active fishing, a likely outcome of license transfer as new entrants will almost certainly fish actively for income. Additionally, new license holders will also likely actively fish to establish landings history as a hedge against possible future changes in license availability and eligibility.

One means of limiting activation of latent effort suggested by a number of commenters would be to not allow transfer of latent licenses. This would allow people who hold on to licenses for personal reasons or for low levels of fishing activity to retain their licenses but would be able to transfer their license in the future.

If latent licenses are ineligible for transfer, there would need to be a determination of what makes a license “latent”. This could be done by making a determination of latency through income or landings. The consultant’s recommendation is to use income to qualify licenses as active or latent for the reasons outlined in the draft report (pages 31-32). If income is used as the determinant of activity or latency, decision makers will need to determine what level of income from fishing related activities is used to make this determination. At public meetings, the proposed level of \$15,000 a year for three years was seen as being too high for many license holders under current conditions. Another level could be chosen to determine what constitutes an active license, e.g. \$3,000, \$5,000, \$7,000, or \$10,000.

Decision makers need to be aware that the lower an income level is selected, the more licenses will be determined to be active and would, therefore, be transferable which could, in turn, increase pressure on fish stocks.

An additional factor to consider is whether license holders whose licenses were determined to be latent would consider this restriction on their licenses to be an unwarranted restriction on a license holder’s ability to use their license as they see fit. In other words, whether the restriction on license transfer would be viewed as a restriction on a license holder’s freedom to benefit from the license through transfer and sale. This point of view could be seen as holding a license

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for speculative purposes but the loss of ability to transfer and sell the license could also be viewed as taking potential income from license holders.

b. Limit within gear type

Some commenters suggested that a transfer program should limit license transfers to within gear types, e.g. trawl, gillnet, hook and line, to minimize increases in effort and to maintain gear type diversity in New York fisheries.

Implementing this restriction would require that DEC DMR change license forms to indicate gear type. This change would take time and would likely be implemented in 2021 at the earliest.

c. Limit to maximum of one trade per year

If license transfer is implemented, it is recommended that a license can be transferred only once a year. This provision would help DEC DMR with the administrative impacts of license transfer.

d. Do not allow permit stacking

If license transfer is implemented, it is recommended that an entity only be permitted to hold one license, i.e. that permit stacking not be allowed. In practical terms, this would mean that a person could obtain a license with a higher perceived value, with a striped bass endorsement for example, but would have to relinquish the entity's license of lower perceived value.

e. Transfers must be approved by DEC DMR

If license transfer is implemented, it is recommended that DEC DMR have the authority to accept or deny any proposed transfer. This would allow for review by law enforcement and other DMR offices to ensure that transfers meet legal requirements and do not go to people with significant law enforcement histories.

f. DEC administrative issues

If license transfer is implemented, it is recommended that administrative issues relevant to DEC be considered and implemented concurrently with implementation of license transfer. Examples of administrative issues include:

- i. Sufficient staff to handle transfer volume
- ii. Staff or contractors to address qualification criteria based on income
- iii. Admin fee?
- iv. Other?

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g. Let marketplace determine costs of license transfer

If license transfer is implemented, it is recommended that any value associated with license transfer, i.e. transfer price, be an issue between the current license holder and the prospective license recipient. As mentioned at public meetings, some transfer may be done without charge to family members, crew, or other entities. Other transfers will be done with financial compensation; the financial compensation arrangement is a private transaction that should not involve government intervention.

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Appendix 1: Graph of resident and non-resident licenses issued over time.

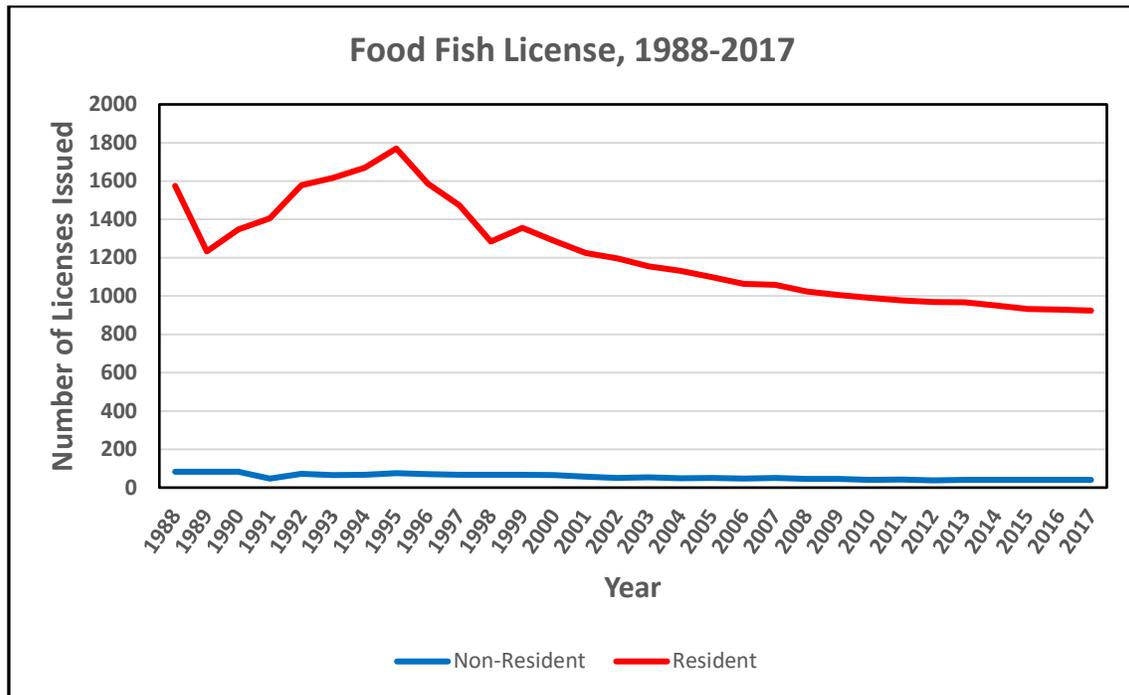


Figure 1: Food Fish License trends, 1988 to 2017

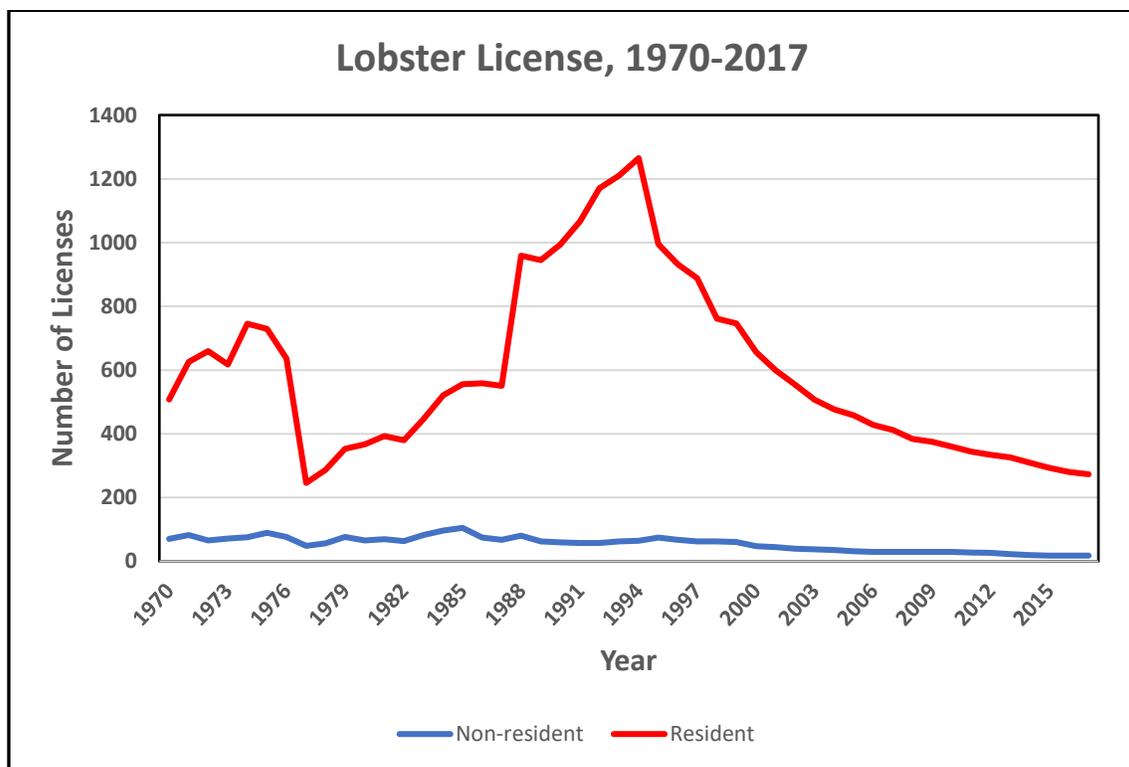


Figure 2: Lobster permit trends, 1970 to 2017

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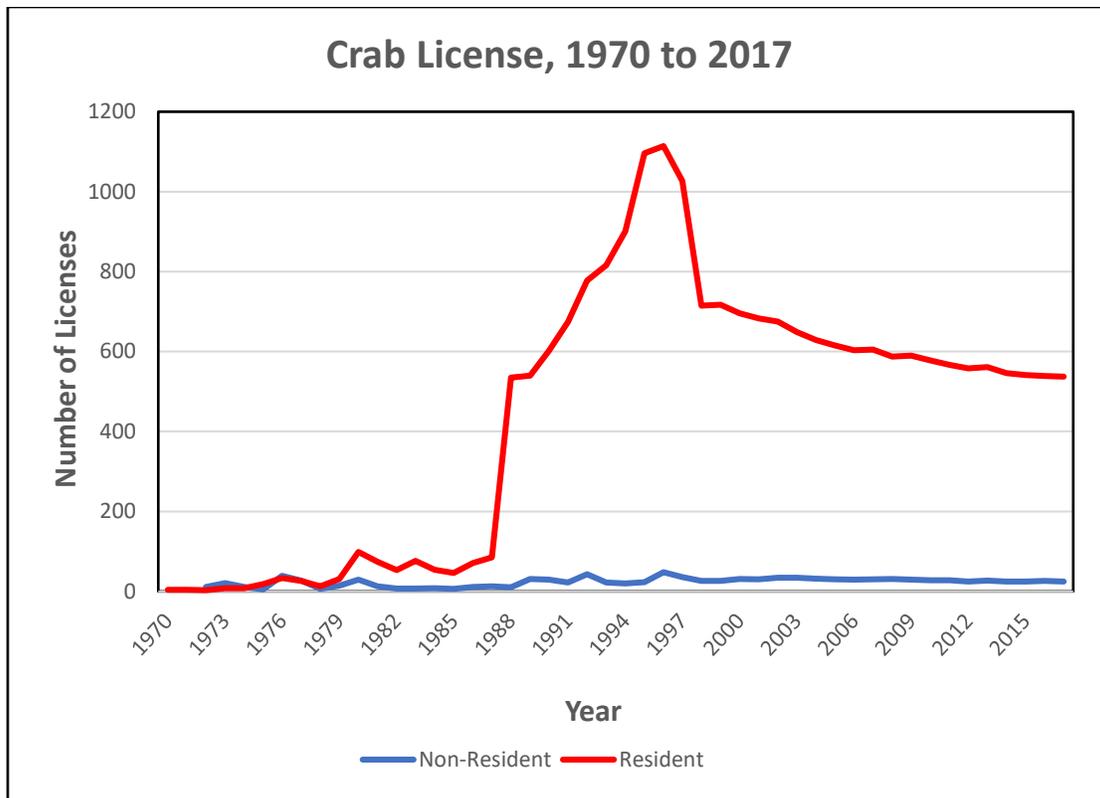


Figure 3: Crab permit trends, 1970-2017

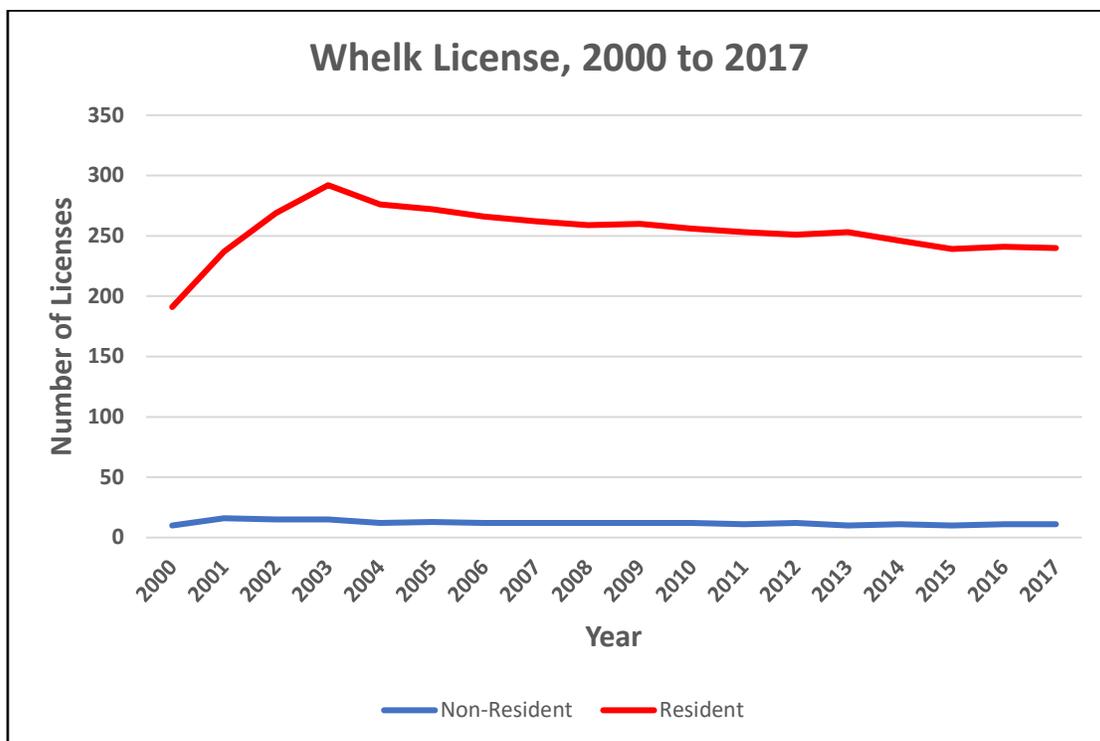


Figure 4: Whelk license trends, 2000-2017

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Appendix 2: Comments from licensing public meetings

BROOKLYN, 30 JULY

- 1) Joe Lauro
 - a. Comm. fisherman
 - b. Fishes with another person, both have food fish licenses (FFLs), both can get 25 black sea bass. Has multiple permits on one boat.
 - c. Asked if tagging of fish does away with need for trip limits

- 2) Joseph Giaramita
 - a. Attorney
 - b. Has dealt with past proposals re. license reform
 - c. Believes the real issue is the need to expand the resource; can't get young people into the fishery without more fish.
 - d. Don't reduce the number of licenses, more fishermen are needed to make the NY fishery viable again
 - i. Expand licenses, how do you add licenses?
 - ii. Encourage people to get into commercial fishing
 - e. Def. of commercial fisherman
 - i. Use three years to tax returns

- 3) Steve Cannizzo (sp?)
 - a. People with no licenses need to buy a license
 - i. Grandfather people in
 - ii. Don't affect allocations
 - b. Party/Charter (PC) captains who fished for blackfish should be able to count their time and income toward commercial fishing

- 4) Joseph Cerimido
 - a. Get more people involved
 - b. Had NC license, lost NY license
 - i. Could sell the NC license but not the NY license
 - ii. Got shut out of fishery
 - iii. Sale
 1. Corporate license – likely \$100,000
 2. FFL – likely \$30,000 to \$40,000
 - c. License transfer – should allow
 - i. Family transfer
 - ii. Sale
 - d. Give the permit some real value
 - e. Ensure gear type competition, distribution – keep equitable
 - i. Hook and line (H&L)
 - ii. Gillnet
 - iii. Trawl

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- f. Fishermen look at how license availability and value impact their bottom line
- 5) Jim Gorer
- a. Make other states more cooperative re.
 - i. Allocation
 - ii. Fishing in other states
 - b. Full time (FT) / part time (PT)
 - i. Broke this down with striped bass based on income taxes
 - c. Some commercial fishermen are retirees with pensions
 - d. Don't get rid of anybody, use a means test
 - e. Size the industry to the resource
- 6) Tony Delernia
- a. Address latent licenses before impact active fishermen
 - b. What are the number of licenses in adjacent states?
 - c. Latent licenses would impact catch limits if activated
- 7) Paul Risi
- a. Cap on number of licenses; license numbers should be reduced 20%
 - b. Address latent licenses first
 - c. Make licenses saleable
 - i. Let people get out of the fishery with some value
 - ii. If prices get too high, make some PT for a number of years
 - d. Need to get young people into fishery
 - i. Set up an apprentice council
 - ii. Make 7 years with an Associate's Degree at the end
 - iii. Apprentices would be paid a fair wage
 - 1. Get quality people
 - 2. Get funding from grants
 - e. Latent licenses don't draw on quota
 - i. If transferred, new people would most likely actively fish
- 8) Tom D (?)
- a. Apprentice program
 - i. Require 5 years of deck time to obtain licenses
 - b. Deck hands
 - i. Have crew added to vessel trip report (VTR), get credit toward history
- 9) Sean Reilly, DEC Conservation Officer
- a. Need to count non-residents and where they land fish
- 10) Unknown speaker
- a. Increase license fees as a deterrence to holding latent licenses
 - b. But the question would be how far do you go with the increase

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SETAUKET, 31 JULY

- 1) John German
 - a. Commercial lobsterman / whelk fisherman
 - b. No notification of meeting by mail
 - i. Would have been easy to do
 - ii. Not all fishermen use internet or email
 - c. If fishermen are re-qualified, could use VTR or income
 - i. Can we use income because he thought that Department of Environmental Conservation (DEC) said that we couldn't use income?

- 2) John Davi
 - a. Fisherman, Marine Resources Advisory Council (MRAC) member
 - b. Based on past work and MRAC discussions, has put together a plan that has three elements
 - i. Transfer of licenses
 - ii. Different categories of licenses to get at PT/FT issue
 - iii. Apprenticeship program
 - c. Type A licenses (most active based on VTRs)
 - i. Want to be able to sell licenses
 - ii. There won't be history with older license holders who either fish intermittently or haven't submitted VTRs
 - d. Type B licenses would get half the number of days, based on VTRs
 - e. Should be able to transfer licenses at top dollar
 - f. Need to get young people into fisheries

- 3) David Borneman (sp?)
 - a. Commercial fisherman
 - b. Agree with John Davi's proposal

- 4) Joe McBride
 - a. Past MRAC member
 - b. The striped bass tag program was designed to give commercial fishermen an extra fishing opportunity
 - c. Wanted an equitable distribution of fish, e.g. a dragger needs more fish than a PC captain
 - d. Bass tag program included
 - i. Qualification criteria
 - ii. Dispute resolution process
 - e. There were still inequities in the program
 - f. The program included
 - i. A cap on the number of tags
 - ii. A target of 450 permit holders
 - iii. Let new people in if the number of permits went below the target cap of 450

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- iv. Let people in based on holding FFLs
 - g. Striped bass tag program has FT and PT tag allocations
 - h. Didn't want to see a re-distribution of the fishery
- 5) Peter Rungen
- a. Has been a deckhand for a long time because no transfer / sale is allowed.
 - b. Allow license transfer and sale
- 6) George Doll
- a. Lobsterman
 - b. Look at Lobster Conservation and Management Team for the definition of a commercial fisherman
 - c. For fisheries like lobster, you shouldn't lose your status as a commercial fisherman because of low resource availability
 - d. Allow transfer and sale
 - e. Also allow transfer without sale
- 7) Tom Ganneby (sp?)
- a. Has FFL and crab license
 - b. Gets 100% of income from commercial fishing
 - c. Has tried to get whelk license but can't get into the fishery
 - i. How about implementing a preference point system to let in comm. fishermen, give more points for more time on list
 - d. Allow license transfer with strict guidelines
- 8) John Gillen (sp?)
- a. FT fisherman
 - b. 100% of income from commercial fishing
 - c. Can't get into various fisheries because of his age
 - d. Allow license transfer
- 9) Bill Verity
- a. 6th generation commercial fisherman
 - b. Have to show income for striped bass tags
 - c. Use this on all fisheries, at least 51% of income from commercial fishing
- 10) Mark Cleack (sp?)
- a. Fisherman my whole life, can't get a striped bass permit
 - b. Have FFL, go longlining and surfclamming
 - c. Have all my 1040's for a long time
 - d. Can't get conch permit
 - e. Commercial fishermen who show income from commercial fishing should be able to get striped bass permit
- 11) Phillip Bussard (sp?)
- a. Pin hooker, fishes 30-ft boat about 4 months of the year

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- b. Has to compete against FT fishermen
- c. Need to pay attention to both FT and PT fishermen

12) John Davi

- a. Has put together a proposal that protects people regardless of the number of days that they fish
 - i. Has license categories scaled to broad effort categories
- b. Keeps latent licenses from being activated
 - i. Because activating latent effort will put more pressure on resource and current fishermen
- c. Striped bass tags and fluke permits are actually license endorsements
- d. Understands where John German is coming from re. age and potentially wanting to get out of fisheries
- e. Mates that have time on boats but may have no VTR's
 - i. How to get them into fishery?
 - ii. Giving mates a way to fish on their own will increase effort
- f. Wants equity in commercial fishing business
- g. Transfer program needed but his idea is that no current license holders would be impacted by the provisions of his draft plan
 - i. Impacts on transfer
 - ii. Could take a lot of time to result in significant changes.

13) Joe Kastenholz

- a. With respect to fluke quota, increasing fishermen numbers would result in decreased daily catch limits
- b. Shouldn't shut down fisheries mid-season
- c. H&L fishermen are different than draggers, pot fisherman
- d. Cannot be a FT H&L fisherman
- e. Should be able to transfer licenses and permits
 - i. But this would increase effort

14) James Schneider

- a. 3rd generation fisherman, original license holder
- b. Licenses should be like an insurance policy, should be able to transfer
- c. License is an asset
- d. Son is a 24 yr old head boat captain, would be nice to transfer license to him in future
- e. For transfer
 - i. Exclude people from list who have
 - 1. Been latent for at least 10 years
 - 2. People who don't have a PC license
 - ii. Would like to be able to lease whelk license
- f. Other states allow license transfer, NY should as well

15) Geoffrey Carr

- a. Latent license holder

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- b. Don't take away licenses for fisheries that have been down, e.g. lobster

16) John Mihale

- a. H&L fisherman
- b. Striped bass since 1984, FFL since 1986
- c. Striped bass F/FT
 - i. Prior to 1984, didn't need a license to sell striped bass
 - ii. 1985, started licensing again with a geographic restriction (GDL note – no Hudson River because of PCBs?)
 - iii. 1986-1990 – striped bass fishery closed
 - iv. Many fishermen had to get a job, got put in part share category
 - 1. These fishermen should be allowed to upgrade to full share striped bass tags
- d. Transfer
 - i. Support b/c that's what is good for fishermen
 - ii. No transfer would reduce effort b/c of older fishermen
 - iii. Need pre-qualification
 - 1. \$45,000 over three years
 - 2. Any of last 10 years
 - 3. Should include all fishery income
- e. All licenses should be pre-qualified as transferable or non-transferable, only qualified licenses could be transferred
- f. In 2019, have a form that requires applicants to be considered for transfer in the future
 - i. One-time qualification
 - ii. Only one-time transfer
- g. Biggest problem is latent effort
 - i. 1/3 of FFL license holders have no landings
- h. Still have pre-designation of beneficiaries
 - i. Will activate landings
 - ii. 289 2013
 - iii. 341 2011
- i. Anybody with a license should be able to continue fishing
- j. This would resolve latent licenses through non-renewal or attrition
- k. Licenses must be reduced to some pre-determined level, e.g. 300 FFL licenses, before allowing transfer or apprenticeship

17) Mark Cusamano

- a. PT H&L fisherman
 - i. Fishes 40 days a year
- b. This effort should include different categories of fishermen
- c. PT is still commercial fishing
- d. Use income to rank fisherman over cost of living
- e. Many people have a 2nd job with fishing because they need to make a living
- f. For young people getting in

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- g. With H&L, I can survive based on fishing alone
 - i. Impacted by fluke, black seabass closure, so we can't fish
- h. Look at each group within commercial fishing
- i. Have to rebuild industry, not enough left

18) Charles Techule

- a. Should allow sale of limited entry licenses
- b. Many states allow sale and transfer of limited entry licenses
- c. Remember that licensing isn't a blank slate, need to pay attention to license holders
- d. Licenses are professional licenses
- e. 3 rights in country
 - i. Life, liberty, property
 - ii. Property is transferable
- f. License is property, property can be sold
- g. Nothing to worry about with many people getting into fishery, because young people aren't getting into the fishery

19) Anthony Quarisimo

- a. 24 years old, wanted to get license
 - i. FFL, striped bass, fluke
- b. Need transferability, 51% of income from fishing
- c. Need to figure out a way for young people to get into fishery

20) Tyler Quarisimo

- a. Wants to get into fishery
- b. Should be a 51% income requirement for eligibility, not 100%
- c. Transferability should be ongoing, not a one-time opportunity

21) James Quarisimo

- a. Father of Anthony and Tyler
- b. Has been fishing his whole life, currently a PC captain
- c. Can't go clamming, not enough clams locally
- d. License transfer and sale should be allowed
- e. Make minimum percentage of income from fishing to get license
- f. Can't get PC license
- g. A fisherman is a fisherman, don't treat inequitably
- h. Make a H&L only license because license is most restricted, many people with no history

22) Timothy Froelich

- a. Commercial fishermen should get 100% of their income from the water
- b. Shouldn't be able to take a license away from fisherman
- c. Young people getting in will work harder, increase fishing
 - i. Have to get young people into fishery
- d. Business end of fishing is way worse than in the past

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- e. Allow ongoing transfer
 - i. Permit part of fishing business
 - ii. Need licenses and money to get into fishery
- f. Old fishermen need some mechanism to get out of the fishery
- g. Young people need mechanism to get into fishery

23) Unknown person

- a. Taxable income isn't reflective of income
- b. Only need tax returns from new entrants

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FREEPORT, 1 AUGUST

- 1) Harvey Smith
 - a. Should be able to transfer license to whomever we want
 - b. License should be a retirement asset, not be lost when moving out of state
 - c. Allow multiple transfers
 - d. Value is likely \$30-50 K

- 2) Alex Duschene
 - a. Has all permits but doesn't fish because of fishery shutdowns
 - b. Goes after shellfish
 - c. Fishing is always part time, hit or miss
 - d. Fishermen should be able to do multiple fisheries, gears to make a living
 - e. Young people
 - i. Some states have apprenticeship programs
 - ii. Young people need to demonstrate interest and hard work

- 3) Richard Hunter
 - a. Has held FFL since 1992
 - b. Fishermen's hands are tied for access to fisheries because of restrictions
 - c. Can't make a living based solely on FFL
 - d. Not enough opportunity, they opened up the whelk fishery and he didn't get a license.
 - e. Can't qualify for licenses because of not enough income from fishing, can't fish without qualifying.
 - f. Doesn't have a solution in mind

- 4) Mike Fogel
 - a. For latent permits, if we can commoditize, they'll be active, turning into active fishermen
 - b. The management process is making slim quotas even slimmer
 - c. Could then be bought out

- 5) Mike Kalad
 - a. Wholesale fish supply company owner
 - b. Need to pay attention to whole supply chain because he doesn't have a good future if the fishing isn't good
 - c. Here to support fishermen

- 6) Dan Harris
 - a. Has held FFL since 1990s
 - b. Couldn't make it, switched to boat handling / guiding
 - c. Too much hassle with forms, left fishery
 - d. Now, can't get back into fisheries
 - e. This should be changed to allow new access

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7) Matt Corcoran

- a. Lobster's north shore
- b. FFL alone can't support him
- c. Would like to go commercial fishing again but needs supplemental income because can't make enough income on lobsters
- d. Couldn't get whelk license
- e. His license is latent, but he wants to use it
- f. Wants access when fish come back
- g. Would like to be able to sell license later on

8) Frank Morelli

- a. PT fishermen, used to be FT
- b. Has maintained license in good faith with the idea that he'd go fishing after retiring from his current job, had paid for permit each year
- c. Has had small amount of landings, has done paperwork
- d. Doesn't want to be shut out of fishery as PT fisherman, wants to use license
- e. His opportunity is down to porgies and sea bass
- f. The latent license issue is real; potential solutions
 - i. Buy out
 - ii. Increase cost of licenses to shake out people who aren't serious

9) Joe Mazza

- a. Left the fishery, went to school
- b. Wants to get back into fishing for supplemental income
- c. The income requirement is ridiculous
- d. Latent licenses is an issue
 - i. Allow transfer to people like him
 - ii. Allow sale

10) Mike Jacobs

- a. If licenses are transferable and saleable, the fishery will move to wealthy participants
- b. Will result in a small number of people controlling a lot of the fishery
- c. With death,
 - i. Heirs are able to sell
 - ii. Balance what's fair to license holder, long-time participants should be able to transfer while still living
- d. Need to get young people into industry
- e. Moving out of state results in loss of license

11) Joe Belardi

- a. Got license in 1982, retired in 1992
- b. For striped bass and fluke, need 50% of income from fishing, otherwise you get a PT allotment of tags

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- c. There are a lot of licenses, licenses are held by DEC until sale, many of these licenses are held by people who live out of state
- d. Allow transfer and sale of licenses

12) Mike Caruso

- a. Allow lease of quota shares or licenses not being currently used, allowed in crab fishery (Note – DEC has tried to close the crab lease loop hole)
- b. Allowing leasing of license, permits, quota when not being used

13) Joe Ippolitti

- a. People have to be able to make a living
- b. It's all about the quota and available opportunity
- c. Have state buy out latent permits, circulate bought-out licenses to young people; fisheries shouldn't go to the rich

14) Bruce Lauro

- a. Has been in fishing business most of life
- b. Need to bring in young people
- c. If licenses aren't maintained, they should be turned in and re-issued
- d. Cutting license numbers to allow remaining participants to have more catch is bullshit

15) Tom Jefferies

- a. Local bayman from Freeport
- b. Very tough to make a living
- c. He's single, the beneficiary form only allows transfer to direct family, in his case to his brother who's older than him which doesn't make sense
- d. How about allowing transfer to nephew or niece
- e. He's being penalized for being single

16) Nick Savino

- a. Is a captain and does P/C license
- b. Would like to be able to sell license when he retires; his older sister is his license pre-designee
- c. Allow transfer and sale

17) Chris Squiry

- a. Not a commercial fisherman, on MRAC
- b. This issue has been going on a long time
- c. Please offer ideas and solutions to this process

18) Karen Cummings

- a. Def of commercial fishing
 - i. Fishes every day
 - ii. Makes living on water
 - iii. Not part time

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- iv. No pension
- v. No medical benefits
- b. License family transfer
 - i. Should be able to transfer outside immediate family, e.g. nephew or niece
- c. Need to keep people in fisheries
- d. Transfer needs to be family oriented
- e. Families with FT fishermen should get precedence in access to new licenses
- f. Implement apprenticeship program before putting people on list

19) Peter Morresey

- a. Is here to support fishermen; it's hard to make a living fishing anymore

20) Reed Reimer

- a. Recreational fishermen
- b. Commercial fishermen should be able to sell their licenses
- c. Supports license buyback

21) Mike Barnett

- a. Has all licenses, would like to be able to sell
- b. Should allow transfer and sale of licenses
- c. It is not fair that corporate licenses can be transferred but private licenses cannot be transferred
- d. Criteria for getting license
 - i. Commercial fishing
 - ii. Income from fishing, including PC

22) Nancy Solomon

- a. Folklorist
- b. Should allow some flexibility in who can have a license, e.g. allow switching between commercial and PC
- c. With aging fishermen, we could be looking at the last generation of commercial fishermen
- d. Provide a mechanism for new entry
- e. Apprenticeship program
 - i. Prioritize based on trends in the fishery to allow fishermen to get into other fisheries

23) John Mihale

- a. MRAC has set a control date of November 2017
- b. Use income as a qualifier
- c. John Davi should show people his proposal
- d. Gear type diversity needs to be maintained
- e. Determine qualifications for license transfer

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- f. There are always loopholes. If transfer is allowed, the person doing the transfer should not be allowed to get back into that fishery
 - g. State buyout of licenses is a good idea
 - h. Latent licenses
 - i. Bring down over a period of time
 - ii. There are too many licenses for the amount of fish available
 - i. If there's a buyout, have fishermen submit offers at a set price
 - j. People want to retain licenses but not all people renew. Should be able to renew even with no landings
 - k. Only 2 in 3 FFL licenses report any landings
 - i. Need to be very cautious about transfer because many licenses would become active, impact amount of fish available to fishermen
 - l. Problems with income requirement
 - i. Pre-qualification 45K over three years (15K per year)
 - ii. Allow over 10-year period
 - iii. Include income from all fishing
 - 1. FF, lobster, crab, whelk
 - m. Pre-designation of beneficiaries
 - i. Have to make sure that transfers don't activate a lot of latent effort
 - n. 2016 – require applicants to set who transfer to go to, needs to be notarized.
 - i. Without this notarized declaration, do not allow transfer
 - o. Don't want lottery because of getting people into fisheries
 - p. Only on-time transfers, not ongoing
 - q. If license transfer is allowed, allow transfer if person transferring is
 - i. 65 + years and 20+ years in fishery, or
 - ii. Age plus years is over 85
 - iii. No transfer without age/year qualification
 - r. Don't allow new licenses to be issued until FFLs reduce to a pre-determined number, e.g. 300
 - i. No new entrants or apprentices until that number is reached
 - s. Question for John – my license will go to my son, but he earns a lot as an engineer and wouldn't qualify for comm. fishing income requirements
- 24) Unknown speaker
- a. licenses should be bought out like Northeast Multispecies
 - b. there is a lot of grant money available to do this
 - c. Apprentice program already in some fisheries
- 25) Joe Fink
- a. North shore lobsterman, 30 years fishing
 - b. Was a FT lobsterman but now can't fish
 - c. Holds latent license, hasn't fished in years
 - d. Has paid his dues, will fight if people try to take his license away
 - e. Allow transfer like a taxi medallion
 - f. Corporate licenses can be sold, FFL should be the same

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- g. When we had no lobster in LI sound, there was a trap buy-back
 - i. There was a few million dollars for the buyback
- h. The state should come up with some way to fund a buy-back

26) John Davi

- a. Working on proposal to address all the issues that have been discussed
 - i. Welcomes ideas and input
- b. Proposal based on VTRs
- c. Grandfathers in all who've had VTRs
- d. All new rules would apply to non-family transfers
- e. New people, new rules
- f. Three major components
 - i. Transfer
 - ii. Buy back
 - iii. Apprentice programs
- g. Can't have new people come in and take fish away from current fishermen
- h. Classify licenses based on history, will impact new license holders
- i. Need transferability to make the proposal work

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SOUTHAMPTON, 2 AUGUST

- 1) John German
 - a. Extremely disappointed that notices weren't mailed about these meetings, not everyone uses email / internet
 - b. Need to protect long-time fishermen, transfer value should be higher for long-standing fishermen
 - c. If you've worked in the business, you should be able to get out, so transfer of licenses should be allowed
 - d. If access is given to people with no catch history, e.g. crew, then he wants to be given access as well

- 2) Hank Lackner
 - a. Trawler owner / operator from Montauk
 - b. Remember that true, FT fishermen are in the minority; PT are in the majority
 - c. Need to define commercial fisherman
 - i. Use Schedule C on tax form
 - ii. Code 114110 is for commercial fishing
 - d. There are too many licenses in the system; the number needs to be reduced
 - e. When licenses were issued, there weren't any TACs and too many licenses were given out
 - f. No FT / PT licenses should be locked out but could easily distinguish between FT and PT by using the model from striped bass permits / tags
 - g. Deck hands
 - i. Young, hardworking, have FFLs but can't go on their own because they don't have landings documented through VTRs
 - ii. Should be given access, perhaps through an affidavit signed by the captain
 - iii. Given credit for time on the boat
 - h. Asked if there was a goal for license reductions (I replied that there currently was not a goal but that the current license review effort could be used to establish one)
 - i. Asked about how an apprentice program would be run
 - i. Who teaches the program?
 - ii. Where do the people come from?

- 3) Arnold Leo
 - a. Striped bass permits have FT and PT shares
 - b. Need new people in fisheries
 - i. There is currently no procedure for new people to get striped bass permits
 - ii. Young people should be able to get striped bass, fluke permits
 - c. Only family transfer
 - d. Allow permits to be sold only to FFL license holders

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- e. What happens if PT shareholder sells to someone who qualifies for FT shares? He thinks that this would be okay
 - f. Allow permit transfer and sale
 - g. Striped bass permit numbers have declined, a new cap should be established for the striped bass permit program
- 4) Floyd Carrington
- a. State fish people don't understand what it's like to be a fisherman / businessman, need to get some management people with business experience
 - b. Deckhands
 - i. Give them some credit for time spent commercial fishing, maybe by issuing duplicate VTRs
 - c. License / permit transfer should be allowed
 - d. It isn't fair that corporate licenses can be sold but individual licenses cannot be
 - e. Would like the ability to sell his license
- 5) James Mangano
- a. Started fishing in 1981, started business in 1983
 - b. Has used gillnets, pound trap, trawling, many gears
 - c. Registered with county as DBA (doing business as) in 1983 which is a type of corporate license, but this isn't recognized by the DEC
 - i. NY state should give him the same privileges, e.g. transfer, as with other corporate licenses
 - d. FT fishermen should have the same rights as corporate license holders, except liability
 - e. FT fishermen should have first access to striped bass and fluke permits, this would help make people whole
 - f. Doesn't think that using a lottery to issue licenses is fair
 - g. Need to keep young people in the fishing business
 - i. Use transfer
 - ii. VTRs are one part of the puzzle of figuring this out
 - h. What is the legal difference between a DBA and a Corporation in the State's mind?
- 6) Julie Lofstad
- a. Wife of commercial fisherman
 - b. Southampton Board of Supervisors
 - c. Better notice about the meetings should have been done, e.g. postcards
- 7) Richard LaRocca
- a. Young people on boats can't get permits even when they've qualified based on income and have paid taxes
 - b. Entry by lottery should be scrapped
 - i. Should be a list of eligible people

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- ii. Should be an income requirement
- iii. This list should be examined by the legislature, not just the DEC

8) Brad Lowoen

- a. Chair of East Hampton Fisheries Commission
- b. Said that DEC does not follow required review procedures, like federal Reg. Flex. Act.

9) Norman Stiansen

- a. 3rd generation fisherman but isn't any longer because of being denied a license
- b. In 2013, was denied uncle's fishing license
- c. Filled in forms about two months prior to uncle's death
- d. Denied license because he wasn't in uncle's domicile but wasn't told this when he submitted the paperwork
- e. No recourse because his uncle died while the application was in review
- f. Should allow transfer and sale of licenses

10) Sam Rispoli

- a. Fishes out of Southampton
- b. Lack of proper notification of these meetings was an oversight that should be corrected in the future
- c. Licenses and permits are restricted based on underestimation of fish stocks, this should be addressed
- d. Has had state permits since 1972, pays \$500-600 yearly in license fees
- e. Young people don't have access to permits to get into fishery
- f. Allow license and permit transfer as a business deal with fishermen having a say in the value of the transferred license or permit

11) Steve Johnston

- a. 4th generation commercial fisherman
- b. Current conditions are tough on fishermen, particularly if they don't have a striped bass or fluke permit
- c. He leases a corporate license, but this leaves him at the whim of the corporate license holder
- d. Should allow transfer in of individual licenses, have to make it easier
- e. Separate FT / PT fisherman in FFL
- f. Give you people a way to get into fisheries
- g. Have to make it easier for us

12) Robert Drexel

- a. Graduated in 2015, didn't want to go to school, wanted to fish
- b. Met all license requirements except three years of taxes because of age, didn't get into lottery
- c. Has invested money in business, should be able to get license

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13) Aaron Rozzi

- a. In same boat as Mr. Drexel
- b. Used to fish out of Shinnecock
- c. In lottery, didn't get into fishery
- d. Need way to get licenses for people who have done the work to qualify and become fishermen

14) Fred Thiele

- a. State Assembly member, represents two largest ports in NY
- b. Last year, Assembly renewed DEC licensing regulatory package for one year to make sure that this issue gets addressed
- c. With the DEC Commissioner, there's a commitment to the current process and to consider a comprehensive licensing package to address the issues that have been raised.
- d. Goal is to address issues and try to find solutions; want to get something done; need improvements in licensing system
- e. Post cards should have been mailed out
- f. Important that proposal gets input from industry
- g. Thinks that a commercial fishing advocate might be needed, similar to Agriculture and Marketing, to assist industry
 - i. Consider whether this should be outside DEC

15) Hank Lackner

- a. Has been part of MRAC process that developed licensing proposal which includes most of the issues raised
- b. License transfer – transfer of latent licenses to active fishermen will increase overall effort
- c. It is imperative that latent licenses get addressed first

16) John German

- a. We're going backwards on process
- b. Need to define commercial fishing before addressing transfer
 - i. Different criteria can be used
 1. Income taxes
 2. VTRs
 3. Schedule C
- c. Jim Gilmore has said that income can't be used, is this true?
 - i. Morgan Brunbauer replied that the reason for not using income is that the DEC staff are not qualified to do this work because they are not accountants. Will need to add accountants if income is used in revamped licensing system.
- d. Some striped bass fishermen have had permit for 14 years and have not been re-qualified

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17) Ian Berliuk

- a. Was clamming in 70s, moved upstate
- b. Moved back to LI in 1990s
- c. Did fishing, lobster, razor clamming
- d. Didn't use FFL, fished striped bass on other people's boats
- e. If people have had permits for at least 10 years, they should own the permit and transfer should be allowed
- f. Don't limit effort to highliners
- g. Don't reduce number of fishermen, the industry will lose influence
- h. Limiting permits will make permits too expensive for regular people to afford
 - i. More modest price will allow young people to get into the fishery
- i. Don't allow permit stacking
- j. Lottery system doesn't work; isn't fair

18) James Mangano

- a. Use schedule C for qualifications
- b. Don't use direct income, can't look into numbers which are just a category
- c. Without permit, boat and gear don't have as much value
- d. Consider using DBA which is registered in county

19) Victor Makis

- a. Why no moratorium on shellfish licenses?
- b. Need a moratorium for the same reasons as FFL moratorium, i.e. FT/PT competition

20) Dan Lester

- a. Fisherman, commercial bayman from Amagansett, fishes inshore
- b. Start with latent licenses first
- c. Many people with other incomes, e.g. teachers, policeman, electricians, got licenses; this isn't right
- d. For older people who don't fish anymore, there should be a way to transfer licenses prior to death
- e. DEC paperwork is difficult
- f. Has many licenses except fluke, couldn't get it because he was still in high school
- g. Leases corporate license
- h. Has two crew members in room who work for him
 - i. Should be able to fill out some form / affidavit to show effort by crew members
- i. Sale of licenses
 - i. Corporate licenses go for \$100,000, can't afford this
 - ii. Young people starting out should be able to afford to buy licenses, can't afford \$100,000 to \$150,000
- j. Keep licenses affordable with transfer with no value
- k. Work on latent licenses first

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- l. Put a cap on the number of licenses
- m. PT licenses – competition from PT fishermen take opportunity away from FT fishermen
- n. Have a quota problem, need more fish
- o. License transfer
 - i. Domicile issue is antiquated
 - ii. Look at transfer for young people; need real opportunity for young people
- p. VTRs for fishing
 - i. No VTRs for clamming
- q. Schedule C concept is good for qualification
- r. People getting into fishery should get every license possible

21) Mike Bauhs

- a. Draggerman from Shinnecock
- b. Address latent licenses first
- c. Qualifications
 - i. Show DAS, captains can sign off on effort
 - ii. May be the way to go for crew

22) Gary Cobb

- a. East Hampton Fishing Commission
- b. High prices on licenses is a mistake for the fishery, discourages new entrants
- c. If license numbers are kept high, they won't get much value
- d. Transferability is an issue that should be addressed

23) Ian Burliuk

- a. In case of class A license (J Davi proposal), restrictions will a value
- b. Latent licenses
 - i. Renewal after moratorium is what people do
- c. Keep license numbers high to keep value lower
 - i. High value from low license numbers isn't good for the overall industry

24) Hank Lackner

- a. License value
 - i. Licenses currently have no value
 - ii. If license transferability is instituted, the market will dictate the price
 - iii. Corporate licenses have high value because there are so few of them; if FFL is transferable then the value of corporate licenses will go down because of increased supply
 - iv. Question for DEC – do we use income tax to qualify for lottery?
 - 1. If no, we should be consistent
 - 2. Morgan Brunbauer – if this is done, DEC would need to hire an accountant

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25)Arnold Leo

- a. Has participated in 3 MRAC subcommittees on striped bass permits
 - i. Didn't find a way to transfer without sale
- b. Permit sale will operate by supply and demand
 - i. Value will probably be \$10,000 to \$20,000
- c. Should be able to separate STRIPED BASS permit from license
- d. Do not allow corporate ownership of STRIPED BASS or fluke permits

26)John Davi

- a. Striped bass and fluke are endorsements on FFL
- b. Transfer should include attached endorsements; shouldn't be separated
- c. License value will be determined by supply and demand
 - i. Under MRAC proposal, type of license will also determine value

27)Sam Rispoli

- a. Would like clarification if license is a permit by the state or do fishermen own the permit
- b. If we can own the license, we can control it

28)Dan Lester

- a. There are caps on the books for the number of striped bass and fluke permits but the number of permits is below the caps
- b. We need to figure out how to issue permits when numbers fall below the caps
- c. DEC says that they don't know how; this is wrong

29)John German

- a. \$100,000 corporate licenses but other licenses won't be worth that much because fisheries are not lucrative enough to support high values
 - i. Not like lobster fishery in Maine
- b. If FFLs become transferable, the value of corporate licenses will go down

30)Ian Burliuk

- a. Has 2 sons with careers who won't go into fishing
- b. If transfer is allowed, there won't be a rush into the fishery
 - i. Tough business
 - ii. High cost of living on LI
- c. Even with license and sale, the number of fishermen will probably still go down

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STATEN ISLAND, 20 August

- 1) Fred Russo
 - a. Commercial h&l fisherman
 - b. Don't issue new licenses, every new license that enters will take away quota from current fishermen
 - c. Lottery system
 - i. Develop a system that gives more weight / points to people who have been in the lottery longer, i.e. more time in lottery, more weight in a given year's selection process
 - d. FFL and fluke
 - i. Have to sit out because of low quotas so don't add more people
 - e. Should be able to fish other people's boats
 - f. If licenses are forfeited, are they to be given to other people...? Because every new active license decreases what is available to those already fishing...
 - i. GDL note – I don't know if he meant that the permits could be given to active fishermen
- 2) James Gorras
 - a. If it is decided to reduce the number of licenses, the system needs to let all license holders know and to give them time
 - i. Some people may not be reporting
 - b. Agrees that lottery should give more weight to people who have been applying for many years
 - c. For fairness, regulations should be similar to other states
- 3) Vincent Iacone
 - a. Has held FFL since inception
 - b. Can't get striped bass and fluke permits
 - i. Now closed, had to qualify in 1990s
 - ii. Didn't know about these restrictions when applying for license
 - iii. Would like way to get striped bass and fluke permits
 - iv. You need SFL and SB to make any money
- 4) Nick Mazzone
 - a. Believes that FFL should be transferable similar to corporate licenses
 - b. Why can't we form a corporation and get a corporate license which is transferable
 - c. Individual licenses should be transferable like a corporate license
 - i. Why does a corporation have more rights than an individual?
 - ii. Other states allow transfer
 - d. Waiting lists
 - i. DEC rules don't make sense
 - ii. Rec. fishermen (he was discussing P/C fishing) can get commercial licenses by counting recreational income

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1. DEC staff told Mr. Manzion that 10% of licenses in a given year can go to fishermen who show P/C income as part of qualifying
- e. Try not to give fish to everybody
- f. Latent licenses
 - i. If these licenses are activated, then the catch per fisherman will go down
 - ii. Don't increase numbers without more quota
 - iii. Don't take them away overnight, give people warning and time to adjust
- g. No access to striped bass in Hudson, around Staten Island because of PCB's in past
 - i. Should re-test
 - ii. Make sure that there are opportunities in the west end of Long Island
 - iii. People who have been fishing for other things, doing other work, shouldn't be penalized because of the striped bass closure
- h. Can't get more fish because of rec. quota
 - i. No caps on rec. fishing leads to decreased commercial quota
- i. With respect to permits, he uses some but not others
- j. Inactive permits aren't hurting the fisher because they aren't using quota
- k. Striped bass is the only fishery with tags
 - i. This was corrected by DEC EP (Law Enforcement)
- l. Limited entry licenses and permits
 - i. Is there a floor on the number of licenses below which new licenses would be issued.
 1. John M response – there are not floors on FFL, striped bass permits, fluke permits
- m. People should be able to get new state permits to get into the fisheries and be able to catch fish like bunker where the new entrant wouldn't take away from current, active fishermen (fisheries not currently regulated by quotas)

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- 5) Ilya Elkin
 - a. If you make latent permits active, it will take away catch and income from current active license/permit holders especially for quota managed species

- 6) Steve Tumminia
 - a. Glad that meetings are being held in western part of marine district, but didn't think that everyone was properly notified
 - b. License transfer
 - i. Corporate licenses are transferable
 - ii. Individual licenses should also be transferable
 1. Should have the same provisions as corporate licenses
 - c. Should have a provision to allow somebody else fish his permit if he gets sick (currently only allowed with a crab license)
 - i. Would like option of putting somebody else on his boat
 - d. New entrants
 - i. New people in the business is good
 - ii. There should be a 3-year probation period
 - iii. Should have to show 51% of earned income from fishing, NOT \$15,000
 - iv. Right now, the only way in is through charter boat income
 - e. With respect to inactive licenses, what is the definition of inactive?
 - i. This is important because some people hold multiple licenses but don't use some of them for a period of time, e.g. blue claw crabs
 - f. Staten Island has only one fluke permit, how many should we let in?
 - i. Somebody responded that the licenses aren't for geographic areas
 - g. Licensing should have a provision for licenses that are not active because of illness

- 7) Nick Auritt
 - a. Make FFL license transferable
 - b. He lost his license and it's impossible to get back.

- 8) Joe Hardigan
 - a. Should be able to sell licenses with boat to give it value
 - i. Similar to Softee ice cream truck where a territory comes with the truck

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SOUTHOLD, 21 August

- 1) Anthony Palumbo
 - a. NY Assemblyman, North Fork
 - b. Local fishermen concerned about simple things such as weekly limits vs. daily limits
 - c. This has been lingering for many years, time to address
 - d. Consistency among states, regionally, is important

- 2) Robert Hamilton
 - a. Biggest problem is that we're not allowed to keep enough fish
 - b. NY is lacking in data to make case
 - c. Don't give out more licenses
 - i. Would result even lower daily catch limits that current fishermen rely on
 - ii. DEC shouldn't give out more permits
 - d. Def FT/PT
 - i. Everybody is PT because of low quotas
 - ii. Don't segregate – a fisherman is a fisherman
 - e. Transfer
 - i. Allow license transfer and sale
 - ii. 1 license per person / corporation
 1. Don't allow permit stacking
 - iii. It's up to the individual who to transfer to
 - iv. Want to be able to sell at some point because he's 70
 - f. I asked about getting more people into fishing. Bob replied that we shouldn't get more people in until there's more quota

- 3) Chris Hamilton
 - a. Works with father PT, doesn't get paid
 - b. Can't make enough commercial fishing

- 4) Nathan Andruski
 - a. Younger fishermen, 37 years old
 - b. Clams, goes after bay scallops
 - c. Because of age, didn't have chance to qualify for licenses and permits
 - d. Lack of opportunity for young fishermen is a problem
 - i. Almost no fishermen less than 40 years old with striped bass tags
 - e. Allow permit sale to get new blood into fisheries
 - i. In 10 years, many people will be out of fisheries
 - f. Currently, we have many factions fighting for too little opportunity
 - g. Striped bass tags
 - i. When licenses are retired, tags go away
 - ii. Need way to get tags back into fishery
 - h. Make licenses transferable, saleable
 - i. FT/PT

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- i. Use earned income from work on water but use 75-80% from fishing / ocean work
- 5) Philip Kess
 - a. In past turned down FFL and striped bass tags, got FFL back through lottery
 - b. Agrees with others re. transfer, impacts of quota, need to get people into fisheries
 - c. Younger people working on mates on vessels, including party/charter
 - d. For qualifications, use all income from fishing
 - e. Need people with drive to get into fisheries
 - f. Striped bass tags
 - i. Many tags get returned, returned tags should be re-distributed to active fishermen
 - g. FFL – give unused quota to remaining fishermen
 - h. Fish quotas are a problem, too low which limits financial returns
- 6) Richard Jensen
 - a. Full time fisherman since 1970
 - b. Is now 95-99% party/charter fishing
 - i. Don't limit licenses because of lack of sale and VTRs
 - ii. Use to file 170+ VTRs annually, doesn't want to lose FFL because of no VTRs
 - c. In favor of transfer and sale of licenses and permits
 - i. Best thing for getting young fishermen entering fisheries
- 7) Sloan Gurney
 - a. Has been fishing since he was a kid
 - b. Is now a party/charter fisherman because he couldn't make a living commercial fishing but would like to get back in to fishing
 - i. Shouldn't be forced out of FFL license
 - c. Supports license permit transfer and sale
 - d. Don't let one group push out another group
- 8) Donald Schnaars
 - a. Fishing since 1980's near Jones Beach
 - b. Allow license / permit transfer and sale
 - i. As you age, you should be able to bring in young people
 - c. Used to fish 200-230 days per year
 - d. Have seen huge change in fisheries, transferability would help fisheries
 - e. Most commercial fishermen follow the rules, are trying to comply
 - f. Higher quotas would help people fish
- 9) Arthur Kretcher
 - a. Permits should be given to crew members to run vessels
 - b. FFL should be treated the same as a corporate license

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10) Mark King

- a. Has been fishing for 43 years
- b. DEC needs to look at how old we are, figure out how to get young people into fisheries
 - i. Need young blood in fisheries
- c. License transfer
 - i. Could only transfer to daughter
 - ii. Domicile rule is ridiculous
 - iii. Should be able to transfer to whomever he wants to
 - iv. Go to weekly catch limit, rather than daily limit
 - 1. Would be more efficient economically, better for environment

11) William Reimer

- a. Need transfer and sale of licenses
- b. The current situation looks like a slow death for the commercial fishing industry

12) Ted Szczotka

- a. Has fished all his life
- b. Quotas are important as a licensing issue
- c. When do long moratoria in fluke, striped bass end?
- d. Partial share striped bass tags should go with FFL
- e. Licenses should be transferable to anyone
- f. Consider partial transfer where striped bass or fluke endorsements could be transferred but not FFL

13) Mike Reich

- a. PT fisherman
- b. Wants to retire next year and supplement his income with commercial fishing
- c. Permit transfer is good, should be allowed
- d. Don't restrict PT fisherman; they are fishermen too
- e. Has two boys, would like to see them be able to go fishing but doesn't see how this can happen with current situation

14) Tim Goss

- a. Licenses should be transferable
- b. Hasn't used his license in four years
- c. What is part-time?
 - i. How will it be restricted?
 - ii. Is restriction of PT fisherman fair?

15) Steven Jackson

- a. PT fisherman
- b. What is a fisherman?

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- c. Who is the state to tell me that I can't fish?
- d. Maybe need to subsidize fishermen to make sure that they get a living wage
- e. Give fishermen more flexibility
- f. License transfer should be allowed
- g. Most people aren't looking out for anybody but themselves; need to be fair

16) Tim Winters

- a. Likes Nathan Andruski's ideas
- b. Trying to get into industry
- c. Can't afford to go full time
- d. Young people have lost their hope about getting into industry
- e. License transfer / sale should be allowed
- f. Mating in P/C should count as time, income for commercial fishing
- g. Apprentice program should allow young people to get foot in the door of industry
- h. Make it easier to get FFL, maybe restrict to non-quota species like bluefish, scup

17) Alex Sutton

- a. Gave up FFL in past because of paying with no return
- b. PT, has been waiting forever to get FFL
- c. Would like to go fishing again
- d. Transfer
 - i. Put in concentration limits
 - ii. Make permits / licenses saleable
 - iii.
- e. Provide a way for mates to get a license which requires some real value with license
- f. FFL doesn't give you much without tags, endorsements

18) Greg Fisher

- a. SCORE (nation's network of volunteer, expert business mentors) representative
- b. Looking at fishing and farming
- c. Lack of permit transfer is unfair
 - i. Transfer and sale should be allowed
- d. Need a long-term solution

19) John Davi

- a. MRAC member, with others developed proposal that addressed license issues.
- b. Has three parts
 - i. Transfer
 - 1. Has up-grade provisions
 - ii. Apprentice Program

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- iii. Buy-out provisions
 - c. Tried at address many concerns raised at meetings
 - d. The proposal is a draft, still working on it.
 - i. Want input from fishermen
 - e. GDL note – I will send to people who gave email addresses at meeting
- 20) Bob Hamilton
 - a. How about deckhands with no VTR's
 - i. Allow income as proof of fishing?
- 21) Chris Hamilton
 - a. Can't be FT fishermen because there's not enough fish to make a living right now
 - b. Latent licenses
 - i. Make sure that non-use isn't because of resource condition like the LI lobster fishery
 - 1. Don't have landings because there aren't enough lobsters to catch
 - c. License transfer
 - i. Allow sale
 - d. Allow weekly catch limits rather than daily catch limits
- 22) Philip Kess
 - a. Likes some of MRAC proposal
 - i. Get rid of latent licenses but need to allow some people into fishery
 - b. Have specific caps, i.e. targets, been set on limited entry licenses and permits
 - i. DEC staff response – no
- 23) Unidentified fisherman
 - a. MRAC proposal would hurt fishermen
 - b. DEC seems to be going toward giving up on lotteries

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BRONX, 22 August

- 1) Chris Schneck
 - a. Commercial fisherman, fishing since 7 years old
 - i. Can't get fluke or striped bass endorsement, whelk license; would like to be able to get these
 - ii. Concerned that new people getting into the industry will get endorsements before him, even though he's been waiting.
 - b. License transfer
 - i. Allow transfer but not sale
 - ii. Have DEC re-distribute permits, rather than transfer?
 - c. FFL – returned licenses should be put in pool that are available first to other active fishermen to allow them to be more economically viable
 - d. FFL – maybe give them back to the state and use a lottery to give them out
 - e. Latent licenses
 - i. If you eliminate some, other people will be able to catch more
 - ii. But if they switch from latent to active, it will result in less available catch per fishermen and will hurt current participants
 - f. Overall, it is important to figure out how to continue the number of fishermen so that fishermen retain some political and social relevance.
 - i. If the numbers drop too low, people won't care anymore
 - ii. Don't eliminate latent licenses
 - iii. Don't take people out of fishery
 1. If the fishery is too small – NYS may shut it down completely
 - g. No expansion of fishery, not enough opportunity
 - h. Apprentice program
 - i. Hard to support idea of getting people in the fishery who will compete with current participants
 - ii. Where there's a will, there's a way
 - iii. Need some access method for new people
 - i. Don't use full license closures, allow some small number of people inX
- 2) Carlo Frugola
 - a. Currently one permit to one vessel, should allow permits to be fished on more than one vessel
 - i. Treat FFL like corporate permits
 - b. Don't let new people in fishery; the low number of people in business show the industry isn't healthy enough to make a living
 - c. Some people used to fish full time for blue claw crabs but now have to be in multiple fisheries
 - d. Need access somewhere for current fishermen
- 3) Vincent Maraldo
 - a. Has FFL and lobster, has applied for whelk but no luck in lottery
 - b. Latent licenses – need to figure out why the license is latent

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- i. Older fishermen who don't go as much anymore but may want to go in the future
 - ii. People holding on to license because they think they may be able to sell in the future
 - iii. Sickness where people can't fish
 - iv. Fisheries that don't have current opportunity, e.g. lobster
 - c. New licenses to people in industry
 - d. Lobster fishing
 - i. No fishing activity but filled out VTRs, is this latent?
 - e. The use of tax papers to renew licenses
 - i. It is hard to reach the \$15,000 per year when fishing opportunity is limited, e.g. lobster, or restricted, e.g. blackfish seasons
 - ii. Need to take this into account when considering what income amount to use
 - f. Issue license to vessel operator / owner, let them fish on whatever vessel fits their business plan
 - g. How about licenses by region so that regions with more opportunity get more licenses than areas with less opportunity, e.g. lobster in western LI Sound
 - h. Endorse other people to operate vessel so that vessels can be fished when people make money when sick or need a vacation
 - i. What structure can be put in place to allow new people in when there's no opportunity
 - j. Need complete DEC change to make easier for fishermen to get information and licenses
 - k. Need some access for current fishermen to get access
 - i. E.g. fluke permit
 - ii. Bycatch permit? This would allow people to keep small amount of bycatch
- 4) Sal Conerico
 - a. Shouldn't issue any more licenses
 - b. Transfer should be allowed
 - c. Local area is too small to take more fishermen, LI sound is limited
 - d. Lobster federal relief program
 - i. Shouldn't have given out more money
 - ii. Should have paid fishermen to stay out of lobster fishing for 5 years
 - e. Don't need more fishermen, not enough fish and opportunity
 - f. Can't commercial fish full time anymore
 - g. Too much poaching around NYC, particularly blackfish
 - i. Regional consideration should be accounted.
 - h. Fines aren't enough to deter illegal activity

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MONTAUK, 23 August

- 1) Ace Auteri
 - a. Has lobstered since 1970s
 - b. There are too many licenses but how to choose, how to restrict?
 - c. Different fisheries need different qualifications
 - d. Trap fishermen only fish for 6 months, take this into account
 - e. Pot time should also count

- 2) Robert Aaronsen
 - a. Need to look at qualifications case by case
 - i. Who's vested in the industry
 - ii. Include both party/charter and commercial
 - iii. Show involvement in industry
 - b. Changing conditions require diversification
 - c. Some fishermen are looking for licenses
 - d. Apprenticeship program
 - i. Time on vessels – verify with captain
 - ii. Also – use tax returns to show dependence on commercial fishing

- 3) Terrence Wallace
 - a. Treat FFL like corporate licenses
 - b. VTR – be careful what cut-offs are used to put people in different categories
 - c. For FT fishermen, use tax returns
 - d. Be careful of down time, no VTRs in winter and when seasons are restricted.

- 4) Dave Aripatch
 - a. Don't want to cut out people, make them lose licenses
 - b. NY gave out too many fluke permits
 - c. Anybody can catch seabass
 - d. FT fishermen – use 80% of income from fishing
 - e. Many people are holding on to license but aren't using the licenses
 - i. Many have no VTRs for fluke, get rid of these licenses
 - f. If VTRs don't work because of various circumstances, use tax forms
 - g. Need to let young people into fishery, use the apprenticeship program
 - h. Can sell permit, this should be changed
 - i. The more people you let in, the more ongoing issues we have
 - j. Don't reward cops on retirement, pay attention to FT fishermen, fishing families

- 5) John German
 - a. Has been fishing most of his life
 - b. If VTRs are used to determine class of fishermen, make sure that you pay attention to

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- i. Old fishermen – who fish less and don't get as many VTR fishing days
 - ii. Fishermen in restricted fisheries, e.g. lobster, will be hurt by VTR based system
 - iii. Use earned income
 - iv. Older people would like to get out of fisheries, let them sell licenses
 - v. Need young people in fisheries but it's hard to see how there will be enough fish for all fishermen
 - c. If a lottery is used; give more chances for longer time in lottery without license; bonus points for longer time
- 6) John Davi
 - a. Discussed the MRAC proposal
 - i. Transfer, buyout, and apprenticeship components
 - ii. No impact on current license holders, all restrictions will be with future permit holders
- 7) Hank Lackner
 - a. Need to have a license requalification process to weed out latent licenses
 - b. Need license transfer
- 8) Jamie Quarismo
 - a. FT fisherman from commercial fishing and part/charter captaining
 - i. Got an FFL through the lottery
 - ii. Both commercial fishing and party/charter time should count toward qualification because it's all time working on the water
 - b. Remember that we're all fishermen
 - c. Definition of commercial fisherman
 - i. Income requirement should be well over 50%, suggest 90%
 - ii. All income from water should count toward qualifications
 - d. Latent licenses
 - i. Use for h&l, not net fishing
 - e. Licenses should be transferable
 - i. Saleable if desired by current license holders
 - f. Don't throw away latent licenses
 - i. Reduce available catch
- 9) Michael Potts
 - a. Agree with using a high percentage of income from fishing
- 10) Patrick Malik
 - a. Agree with much of what has been said
 - b. Licenses should be transferable
- 11) Charles Etzel
 - a. Address latent licenses first

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- b. Watering down current catch limits because of new entrants is unacceptable
 - i. There's not enough catch to go around
- c. Use income for defining FT fishermen
- d. Apprenticeship program – have captains sign for crew members
- e. Latent licenses – doesn't think that state will take this on; too controversial
- f. Size of boats matter, scale provisions to vessel size

12) Dan Lenox

- a. Agree with Dan and Jamie
- b. FFL – requalify every 5 years similar to striped bass tags (FT, partial shares)
- c. Use tax returns for qualifying, at least 80% of income from water
- d. People with other income shouldn't be able to catch the same amount of fish
- e. License transfer and sale should be allowed
- f. Should have medical provisions for qualification component
- g. Be cautious about using VTRs for qualifying, his effort isn't in his name because of a corporate license

13) Richard Stevens

- a. Currently clamming
- b. Need young people in fisheries, the apprenticeship program needs to be put in place
- c. Keeping crew is hard
- d. License transfer
 - i. Concerned about tiered system for qualifying
 - ii. What about landings of bay scallops, clams

14) Bruce Beckwith

- a. Allow license transfer to commercial fishermen

15) Robert Aarsonson

- a. Use high percentage of income for qualifying as FT commercial fisherman
- b. He can't get a license
- c. Part timers get as much as FT fishermen; this isn't right

16) Andrew Shaternick

- a. Wants time to count for commercial fishing because he doesn't have VTRs

17) Hank Lackner Jr

- a. All income from commercial fishing
- b. 200-250 days a year of fishing but no VTRs because VTRs are filled out by captain or owner
- c. Base FT on income taxes and time on deck

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- d. Shouldn't be penalized for time on deck; use time as component of apprentice program
- e. Doesn't want to lose license, would like to fish on days off of dad's boat

18) Ron Onorato

- a. Need to develop some other metric than VTRs to qualify in license tiers
 - i. In 2016, 331 people with FFLs had no VTRs; there are many reasons for this, e.g. sickness, fishing for clams or bay scallops
- b. New entrants will take away catch from current fishermen. Use tax returns, not A, B, C, D categories in MRAC proposal
- c. Licenses should be transferable or non-transferable (GDL note – check this)

19) Don Bell

- a. Son is a police officer, wants his son to be able to continue to keep license despite high income from police work
- b. Permits should be transferable
- c. Buy back latent permits
- d. Keep permits within fishing category, don't allow transfer to more efficient gear

20) Rob Stone

- a. Police officer with FFL, wants chance to fish
 - i. Had FFL before becoming police officer
- b. only fishes in bay
- c. wants to continue to get supplemental income for family
- d. fishes every day that he's off work
- e. Don't take license, don't penalize people who want to work harder to get ahead

21) Hank Lackner

- a. Favor latent licenses being address first
- b. Need to address FT/PT
- c. favors license transfer
- d. crew members should get credit for time at sea as part of apprentice program
- e. Need to protect future of fishing

22) Bonnie Brady

- a. Allow permit transfer, including sale
 - i. Eliminate domicile provision so people aren't punished because they didn't live with the license holder
- b. deal with latent license issue
- c. Apprentice program
 - i. Watch for how the program is funded; RI program funded by ENGOs. Concern about bias with this approach

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- d. Concerned about the impacts of closures and seasonal restrictions on fishing time; fishermen shouldn't be punished for forced time out of fishery
 - i. Affects days fished
 - e. Some guys use fish traps which is seasonal
 - f. clams and bay scallop fishermen don't file VTRs, shouldn't be penalized
 - g. Maybe there's another way to count fishing time
- 23) Ted Stevens
- a. Allow license transfer
- 24) Charles Etzel
- a. There's a lot of latent effort, maybe 2:1 transfer to qualified FT fishermen
- 25) Anthony Quarismo
- a. Doesn't have an FFL but would like to get one
 - i. Need a way to get a license without hurting commercial fishermen
 - b. Nobody should get hurt from license transfer if they're commercial fishermen
- 26) Chris Winkler
- a. Use income for qualifying as a FT fisherman, use a certain percentage of income
 - b. Licenses should be transferable, should have value
- 27) Julie Evans
- a. Late husband got 100% of income from commercial fishing
 - b. Estate left to Ms Evans, but it was determined that striped bass tags weren't transferable because of irregular signature
 - c. All fishing privileges should be transferable
 - d. Had to sell fishing business
 - e. Went into lottery didn't get in
- 28) Charles Moricci
- a. 54 years old, doesn't fish the biggest boat
 - b. Keep h&l as h&l, don't allow upgrade
 - c. Concerned about fish trapping guys; they're real fisherman so don't close them out
 - d. Fishermen fishing than 150 days are usually small boat fishermen who are limited by weather
 - e. NY needs more quota; we're like 50 ducks fighting over one piece of bread
- 29) Tom Herlihy
- a. Getting older, wants to slow down and use a smaller boat
 - b. Doesn't want to lose ability to go fishing

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- 30) Paul Beckwith
 - a. Shellfishing should count for qualifying time
 - b. VTRs from out of state shouldn't count as part of qualifying
 - c. If using a weekly catch limit, need to be able to count as multiple days

- 31) Unidentified speaker
 - a. Latent licenses should be saleable, transferable
 - b. The different license categories in the MRAC proposal may be unconstitutional
 - c. People aren't getting into the business because there's not enough money to make a living
 - d. Latent license
 - i. Maybe sell back to state
 - ii. Sell to another person, maybe an apprentice

- 32) Charles ?
 - a. Sale of licenses should not be allowed to go to non-residents
 - b. Latent licenses need to go
 - c. No new licenses

- 33) Ron Onorato
 - a. Have state buy back licenses, redistribute to younger fishermen

- 34) Dave Aripatch
 - a. With respect to idea of not counting VTRs that land out-of-state, he can't afford to land in NY
 - b. Shouldn't be penalized for fishing in way that brings success to business
 - c. NY gave out too many licenses
 - d. Don't want to hurt PT fishermen
 - e. Income threshold gets at FT/PT
 - i. Uses taxes with high percentage from fishing
 - f. Concerned about activation of latent effort

- 35) Hank Lackner
 - a. Agrees with Dave re. landing out of state; there's not enough quota in NY for offshore boats
 - b. Not enough fishing infrastructure in NY
 - c. Don't penalize smaller operations because these fishermen make money doing other things

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MONTAUK, 5 September

- 1) Chuck Morici
 - a. Concerned about who DEC is listening to in this project
 - b. Asked a question whether a resident license can be converted to non-resident? Or, can a non-resident license be converted to a resident license.
 - i. Asked because he's thinking of moving out of state
 - c. Concerned about license qualifications
 - i. Might kick too many people out of the fishery
 - ii. Then, the population of fishermen would be so low that they could be ignored politically
 - d. Latent licenses
 - i. Give young people a chance through apprenticeship or license transfer
 - e. The real issue for fishermen is quota, need more fish
- 2) Ace Auteri
 - a. If you cut the number of fishermen in half, fluke quota will go from 50 to 100 pounds
 - b. Quota is a huge issue, we can't fish every day because of low catch limits
 - c. his age makes him less able to fish in rougher weather and counting days fishing may discriminate against older fishermen.
- 3) Chuck Mallinson
 - a. Agree with Chuck Morici and Ace Auteri
- 4) Chris Carillo
 - a. Dragger, lobsterman
 - b. People should be able to start fishing businesses, deserve to be able to work for themselves
 - c. Wants to reserve the right to go commercial fishing whether its full time or part time.
- 5) Vincent Carillo
 - a. Volunteer fireman, Montauk fisherman
 - b. Latent licenses
 - i. Older fishermen made the fishing industry we have now
 - ii. It's not fair to take their licenses away
 - c. VTR
 - i. When established, we were told that they'd never be used for enforcement
 - ii. So, don't use for qualification process
 1. Nobody records discards

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- d. DAS – not a good metric because so many fishermen in the groundfish fishery have had their DAS reduced dramatically, not limited to groundfish, overall, regulatory pressure has limited effort by some fishermen.
 - e. Fishermen have been sacrificing their whole lives, don't make them reduce further
 - f. Don't reduce licenses and permits
 - g. Everybody has a right to fish
 - h. Allow license transfer and sale
 - i. Should use IRS forms for qualifications
 - i. It works for IRS, it could work for NY as well
 - j. Beware of who's driving the bus and are trying to push other people out of the fishing business
- 6) Ray Lofstad
- a. Agreed with others re. VTRs and transfer
 - b. Feels like he's put his time in, needs some flexibility
 - c. Has FFL, striped bass and fluke endorsements
 - d. His crew can't bring striped bass in unless he's on the boat
 - e. License should be on vessel to give flexibility
 - f. License should be transferable
- 7) Tony Marmoronski
- a. Looking for a chance to get a fishing license
 - b. Can't get license under current rules
 - c. Transfer
 - i. Should be allowed
 - ii. Won't get much value because of the number of licenses that would be available
- 8) Ebon Ball
- a. Has had FFL since he was 18
 - b. Is now a police officer, works at commercial fishing whenever he can
 - c. Earns extra money for family
 - d. Doesn't affect other people who hold licenses
 - e. Doesn't want to lose ability to fish by not being qualified

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9) Joe Kastenholz

- a. Sale of licenses should be allowed, whether latent or not
 - i. Value won't be too high because of the number of licenses that would be available
- b. With respect to decreased catch per fishermen with more licenses, the state should work harder to get more quota
- c. Apprentice program
 - i. License sale will allow people to get into fishery
 - ii. Establish some type of point system to allow apprentices in with a higher prioritization
- d. MRAC proposal will result in DAS in the future, will impact future generations and fishermen
- e. Fishing license is a right
- f. Hard to make a living commercial fishing with limited ability to catch fish
- g. Don't pit fisherman against each other
 - i. Beware of David vs. Goliath issues among fishermen
 - ii. Don't encourage squabbling among fishermen
- h. Commercial fishing will go away if we don't get young people into the fisheries
- i. When draft report is written, should allow every license holder to vote on what provisions they want to move ahead

10) Bonnie Brady

- a. Must have a mechanism for FT fishermen to retain their licenses
 - i. Count fisheries without VTRs
- b. Older fishermen shouldn't lose licenses
- c. Review each permit individually for qualifications
- d. Latent licenses
 - i. Look back 3-5 years
 - ii. No landings then no license
- e. Allow transfer and sale of permits
- f. Should be able to separate endorsements from licenses for flexibility
- g. The use of the lottery for available licenses is unfair
- h. Also, should increase value of fish caught

11) Michael Decker

- a. Has FFL without striped bass, fluke endorsement
- b. License transfer
 - i. Why should the next generation have to pay for license when other people got them without a license value cost
 - ii. Need to find another way to transfer
- c. The proposal that comes out of this process should be a New York proposal
- d. Use NY tax forms for qualification process

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- 12) Charles Etzel
 - a. Use tax forms for qualification process
- 13) Peter Hewitt
 - a. Has significant health issues, can't fish anymore
 - b. Should be able to transfer license to his son who helps him out fishing
- 14) Jason Hewitt
 - a. When dad (?) was in hospital, obviously didn't file VTRs
 - b. Lack of VTRs while dealing with health issues shouldn't be used against him
- 15) Don Ball
 - a. Licenses and permits should be transferable
 - i. Allow sale
 - ii. Don't allow sale to out-of-state people
 - iii. Allow only one license transfer, no stacking
 - b. Didn't want to see a handline permit become a dragger permit
- 16) Bruce Beckwith
 - a. Allow permit transfers
- 17) John German
 - a. Has paid for licenses a long time
 - b. Need better notification of meetings
 - c. Need to get your ? industry
 - i. Use VTRs or income
 - d. For qualification, used earned income
 - e. Would like to see young people get into the industry
- 18) Chris Scola
 - a. Has FFL
 - b. Would like to get striped bass and fluke endorsements when older guys leave the fishery
 - c. Would like to be able to buy state permits
 - d. Use taxes and apprenticeship to let new people in to fisheries

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19) Eric Suddech

- a. Concerned about using VTRs as standard for qualifying in fisheries
 - i. Works on a boat but doesn't sign VTRs
 - ii. Should use earned income on taxes

20) John Nemeth

- a. 31 years old, doesn't have FFL
- b. Has been fishing 5 years, has learned all about business
- c. Catch bunker from 31-ft boat, sell to tackle shops
- d. Would like to be able to get boss's license when he retires
- e. Is worried about his future if he can't get a license
- f. Worried about license transfer provisions

21) Mitchell Fulcher

- a. Has all licenses
- b. His crew has FFL but no VTR landings
- c. How does crew get license when they have experience but no VTRs

22) Gary Cobb

- a. Has seen the MRAC proposal and is concerned about the "look back" date (GDL note – qualification time period)
- b. Baymen, scallopers, and clambers haven't filled out VTR's, how is credit given for their commercial fishing
 - i. Need to allow shellfish tags to count for time on the water
- c. Time on water should all count for commercial fishing
- d. The idea that trip boats could get credit for 3 or more DAS per trip; this isn't fair
- e. Proposal doesn't give credit to small scale fishermen
- f. Definition of vessel is 33-ft plus which leaves out many small fishermen; this should be changed

23) Terry Wallace

- a. Concerned about use of VTRs for qualifying as others have mentioned
- b. Breakdowns, health issues, seasonal closures, etc. reduce the days that people fish; this doesn't mean that they aren't FT fishermen
- c. Need young people in fishery; need to devise some way to let them in

24) Anthony Sasinski

- a. Has been fishing since 1985
- b. Less than 1000 FFL holders to feed the whole state
- c. How many licenses have gone away?
- d. Tried to get fluke and striped bass endorsements, couldn't get them
- e. DEC has to step up to the plate
- f. Don't eliminate latent license holders
 - i. Older guys holding licenses
 - ii. Younger people need to come in to the fishery

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- g. I don't sign VTRs when I'm fishing because the boat owner does that.
But, this doesn't mean I'm not a FT fisherman
- h. What is FT? Does it include gearwork, etc.
- i. Older people won't be able to drop out anymore
 - i. They haven't thought about transfer w/ death or retirement
- j. Don't kick people out of the fisheries
- k. Develop a point system to allow crew members to get licenses

25) Ron Onorato

- a. Agrees with Bonnie Brady
- b. Using VTRs will disenfranchise too many FT fishermen
- c. Pay attention to how long individuals have held FFLs
- d. Use income as a qualifier, or a combination of income and effort
- e. Doesn't like A, B,C, D partitioning of MRAC proposal

26) Paul Farnham

- a. Congratulates everyone who's here tonight
- b. Fishermen need to stick together
- c. NY needs a diversified fleet
- d. Hard to make it as a commercial fisherman because of all the restrictions
- e. Re. qualifications, people should still qualify if they've had landings in the last 10 years; should also use tax returns
- f. Don't want anybody disenfranchised who's in the industry
 - i. Don't take away anybody's right to fish
- g. License transfer
- h. Concerned about increased effort
- i. If this is used, put in a 2-3 to 1 limitation

27) Andrew Rigby

- a. PT fisherman, fishes with father
- b. Wants to continue, is dedicated to commercial fishing
 - i. Should be able to pursue doing something that he loves to do
- c. VTRs shouldn't be used for qualification process
 - i. Fishes with father so he's a FT fisherman with no VTRs
- d. People want to get into the fishery, small changes need to be made to allow this to happen
- e. Seasonal fishermen should be able to grow their businesses by getting other licenses
- f. Shouldn't be punished because he has another job in a high cost area
- g. Shouldn't take away his ability to fish
- h. Doesn't know how to get new people into the business when there are no licenses available

28) Charles Oconnell

- a. Quota system robs NY
- b. Limits are so long that people can't make a living

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- c. Loves fishing
 - d. Better notice should have been given about meetings
- 29) John Davi
- a. Fisherman for 35 years, serve on MRAC
 - b. Put together proposal to try to address all issues without impacting current fishermen
- 30) Chuck Morici
- a. People aren't on board with the Davi / MRAC proposal
 - b. Corporate vs. individual licenses
 - c. The apprenticeship program is too complicated
 - d. Make licenses transferable
 - e. Need better notice of meetings
 - f. Go back to 1993 to get landings info from fishermen
 - g. No chance to sign over (transfer) licenses
- 31) Chuck Mallinson
- a. Opposed to using VTRs for qualification process
 - i. Mentioned that a fisherman should file multiple VTRs if switching gear or area; this could complicate the use of VTRs for qualifying
 - b. Treat all fishermen the same whether FT or PT
- 32) Joe Scarborough
- a. People have been paying license fees for years just so that they can pass the license along to family.
- 33) Vincent Carillo
- a. When the NEFMC did Amendments 5 and 13 to the groundfish plan, every permit holder was sent a survey asking their opinions on the various proposals, NY should do the same with this process
- 34) Anthony Sasinski
- a. Need to give us time to incorporate licenses into business
 - b. Incorporation would give the permits value
 - c. Make permits saleable
 - d. Use all fishing, lobster, finfish, clams as part of qualification process
 - e. Fishermen don't want to lose what they already have
 - f. Fishermen need to unite
- 35) Gary Cobb
- a. Focusing on FFL
 - b. Need to pay attention to the spectrum of fisheries that license holders pursue, not just VTR fisheries

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- i. People have logged time in other fisheries or spent time maintaining gear which is working at fishing but doesn't generate VTRs
- c. Should allow transfer of striped bass and fluke endorsements
- d. Give latent licenses to new people

36) Bonnie Brady

- a. As plan is put together, allow fishermen to vote on various issues, get a consensus
- b. Raised "domicile" issue or definition (Ultimately, how do we define family in law for pre-designation purposes)
- c. If you make FFLs transferable, what happens to the value of corporate permits?
- d. Should evaluate license by gear type
 - i. Very complex
 - ii. Gears should be weighted somehow

37) John Nemeth

- a. Takes 200 trips a year
- b. Fishes every day but has not VTRs
- c. NJ fishermen fish in NY state waters, bring catch back to NJ; this isn't fair
- d. Allow license transfer outside family

38) Mike Decker

- a. Latent licenses
 - i. Some have no VTRs but are still working commercial fishing
- b. For qualification process, use tax form and amount from commercial fishing
- c. For baymen, could still use tax forms
- d. Permit transfer
 - i. Has to be allowed but need some restrictions
 - ii. Can't be just for money because rich buys could buy licenses to write-off vessel expenses

39) Paul Farnham

- a. John Davi plan
 - i. Would consolidate to a very low number of people over time
 - ii. Opposed to using VTRs for qualification process

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Appendix 3: Submitted comments

WESLEY PETERSON

I am a full-time commercial fisherman from Montauk. I make 100 percent of my living off the water and fish 12 months a year. I truly feel that N.Y. state fishermen are at a huge disadvantage on the east coast and many of us are struggling to keep our heads above water and keeping a viable fishing business. I have been a fisherman my whole life and obtained all my commercial permits when I turned 16 except for summer flounder and striped bass tags which were already in moratorium by the time I was able to get my permits. I had to purchase a corporate food fish and summer flounder permit several years ago to keep my boat fishing. Here are a few of my ideas for future license.

1. I feel that personal license Should be transferable and be able to be sold by the original permit holder.
2. The 120 VTR scheme brought up by John Davies doesn't make sense.
3. I find it unfair that people that are police officers, fire fighters and other people that have full time jobs can retain the same amount of fish as I can when I make 100 percent of my living more like struggling from the water.
4. Being that I fish 200 days a year under my corporate license will my personal be considered latent? As I cannot bring my personal limit in on my dragger. This is one of my biggest concerns to be honest.
5. I think license eligibility should go by percentage of income say 85 percent is a fair number.
6. New license should not just be handed out I believe new people getting in should have to purchase them maybe buy 2 to make 1 this would get rid of latent license.

CHRIS SCOLA

I've been a fulltime commercial fisherman since 1991 and these are my opinions regarding NYS food fish permits.

- 1) All permit holders should have to requalify to determine NY residency. There are many retired fishermen who permanently live out of state and maintain permits utilizing the address of family members who reside here. These permits should be disqualified from being transferred.
- 2) Fishermen who can show at least 50% of their income is from fishing should be allowed to sell their permit to other fishermen who can also meet this criteria and hold a current" basic "(no moratorium or limited entry endorsements) food fish

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permit. If the buyer already owns a permit but wants to purchase another permit so they can obtain moratorium (fluke, striped bass, lobster) or limited entry endorsements, then one permit should be retired after all endorsements are obtained.

- 3) New entrants who can show 50% of their incomes from fishing but don't have a FF permit must purchase two basic permits and then one will be retired. After maintaining the income criteria for another 3 years they can then upgrade and purchase a permit with endorsements and retire their current permit.

These measures would help lower the total number of permits while allowing new and recent entrants to get their foot in the door or increase their participation in the industry.

- 4) If a current permit holder can't show any fishing income in the previous 5 years, then that permit is invalid for transfer.
- 5) There must be a distinction made for fishermen who file a joint tax return with a spouse. As long as they show that their portion of the income comes from fishing then their spouse's additional income shouldn't push them out of the qualifying bracket.
- 6) Fishermen who only hold shellfish endorsements but meet the income criteria should be able to purchase a basic food fish permit.
- 7) John Davi's plan should be totally disregarded. I'm 100% opposed to using VTRs to show qualification as a fisherman. I'm also opposed to a fisherman who spends the majority of his year landing out of state crafting a plan that will affect fulltime NY fishermen.
- 8) There should be no distinction between gear types in regards to transferring permits. In other words, a pinhooker can sell his permit to a draggerman or vice versa.
- 9) A fisherman who holds a valid permit should be able to endorse it to his vessel so the person of his choosing can run it without the permit holder being aboard.

There should be additional comment periods and meetings as these plans progress. All permit holders should receive cards in the mail to keep us abreast of additional meetings and comment periods.

MICHAEL VAN WYCK

Think the DEC should buy back permits. This way they get better control over each species. And then the aging fisherman that maybe doesn't fish enough to give value to his permit will not be short changed. According to what I heard at the meeting giving

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value to a permit by how many VTRs you submit does not seem fair. Some of us have been doing this stuff longer than permits have been in existence never mind having to fill out a VTR. As far as the latent permits are concerned there is no way it would be fair to have your permit taken away because you don't use it all the time. For example, how many guys have lobster permits that they don't use right now but maybe someday that permit will come in handy.

RAY AND JULIE LOFSTAD

Proposition: Personal permit should be transferable to another fisherman or to a boat. Like a corporate permit, but with less benefits.

Explanation:

Change permit category from "Personal" to "Transferable" (not to be confused with corporate).

Conditions required in order to be eligible are: Potential receiver of permit must show domicile of NYS, as shown on NYS tax return.

Restrictions on transfer: can't transfer or sell to someone who lives out of state.

Conditions to Qualify for "transferable" to another person or to endorse a boat: Own and/or work on a boat and/or used personal permit in last 10 years (proven by VTRs and/or Tax returns).

WHY should we do this? Because, for example:

Two guys own a boat together, they are partners, but only one has a permit. By making personal permits transferable, the partner who isn't named on the permit would be protected because permit would be endorsed to the boat or transferable to that partner.

Fishermen who are getting older and want to retire. Now, boat and permit are worthless because of the "personal" restrictions. If permits are transferable, both boat and permit can be sold to assist financially to retiree. It is a pathway out of fishing.

Young guy who wants to continue fishing, but can't afford to purchase or lease a permit, and who has been on lottery list. He can enter into agreement with the owner of boat and/or permit to use the vessel/permit. This will keep the industry alive and allow younger commercial fishermen a chance at making a living.

Corporate Permits under this scenario: All benefits that now apply still apply (holder can sell or lease permit to anyone, anywhere)

LATENT PERMITS

Proposition: Equitable latent permit reduction

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If your NYS taxes say “commercial fisherman” your license should not be taken for any reason. If your tax return does not say “fisherman” but you own a commercial boat and have filed VTRs, you can keep your license.

What makes a permit “latent”? If tax return doesn’t state “Commercial Fisherman”, and if you used someone else’s boat to fish, your permit may be deemed “latent”.

Some exceptions that should be considered: If fishing history is a condition of keeping permit active, a longer lookback is necessary because of aging fishermen who don’t fish as much as they used to. Also, if multiple permits are owned but only one permit is used for reporting - that unused permit should not be taken away. There probably is a good reason why one permit was used over the other, such as.....

We want to ensure that our industry is viable into the future. Do not take permits away without research. Those permits found to be latent “without cause”, can then be transferred to crew looking to move up to captain or start their own business.

Criteria for determinations - use ALL criteria with common sense.

Look back dates - history of permit since issued (don’t hand-pick time period) VTR history (do not handpick certain years)
NYS Taxes - “commercial fisherman” category

In closing, every fisherman’s situation is unique. Review of the above proposals must be done on a case by case basis, which is do-able due to the low number of permits.

MARK CUSUMANO

Below and attached you will find my public comments for your consideration regarding many issues pertaining to NY Food Fish Licenses, Part Time Participates and the overall status of the industry here in NY. Please confirm receipt at your convenience. I welcome the opportunity to speak with George LaPointe and other DEC staff members in greater detail on all the issues/comments I have outlined as well as other issues you may wish to discuss.

Issue #1 - The Transfer and Sale of NYS Food Fish Licenses

Food Fish Licenses should be transferable and sold at the permit holders’ discretion. There are many people in the industry that are no longer active in fishing and are holding onto their licenses in hopes of being able to pass them on to a loved one or that loyal employee that has been with them year after the year. The current NYS guidelines are holding permit holder’s hostage and not allowing fisherman that no longer have interest in fishing, would like to change careers, wish to retire or possibly aren’t in good health to move on while passing their license along to the next generation. Additionally, Food Fish Licenses should be treated as an asset for that

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fisherman looking to retire and enjoy his/her golden years. Most fisherman looking to get out of the business will be looking to sell their whole operation, i.e. boat, gear and license! A fishing boat and gear is worthless without a license to get off the dock and make money.

Issue #2 – Part Time Fisherman

I will be making many comments on this subject; some comments will be addressing other issues we face here in NYS but are all relative to the Part Time Fisherman topic.

The Hook and Line Fishery, aka Hand Gear (HND), Rod and Reel, Pinhooker. I feel confident in saying that most part time License Holders are in the HND category. The hook and line fishery is much different from your trap and trawl sectors. Rod and reel fisherman target one specific species at a time which takes up valuable time and limits your ability to land multiple species in one given trip. We do not have the luxury of dragging a net and landing a full trip limit of multiple species in a short period of the day. My point is many hook and line fisherman will land less fish which results in less income for day to day landings.

Sustainable fisheries looking forward. As NY quotas are reduced year after year we will see less full-time fisherman on the water. Fisherman will be and are being forced to seek other mean of generating income to support their households and businesses. If we try to forecast what the industry will look like in 10 years' time most will tell you they are not optimistic about the future. Part time fisherman participating in the HND category will be the future of this industry if quotas and the way fisheries are managed doesn't change. As I previously mentioned those fishing with hand gear direct all their effort on one specific species at a time. Mortality rates are substantially lower to other gear types, specifically trawl gear. As many full-time fishermen are begging for relief (and rightfully so), the people making decisions that will impact 100s of NY families need to take the time to really think about where this industry will be in decades to come.

Rounding out your income. Has there ever been an instance where a state agency limited its residents the right to work? Or an industry that doesn't allow willing and able citizens to participate in a job they want to do? Whether your working part time banging nails, cutting grass or fishing you should have the right to subsidize your income however you wish. New York is one of the toughest states for middle class families to stay above water and not fall into severe debt.

New York State Quotas. The current NYS quotas making it impossible to support a family here on Long Island using fishing as your main source of income. In speaking with people that participate in the industry full time I constantly hear how they are barely making ends meet. Daily trip limits are extremely low, some of the lowest on the east coast. With daily trip limits of 50 pounds for this, and 50 pounds of that there is no money to be made. Additionally, fish prices seem to be lower than ever. If NYS gets a

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fair and equitable share of the coast wide quotas I am sure many part time fisherman will make the investment to start a full-time operation. I would be one of them!

Part Time Fisherman and VTRs. Part time fisherman are just that, part time. Landings will vary from year to year due to many different variables. Weather always plays a major factor as well as other obligations such as work and family. If the license holder is actively reporting when they are fishing whether that be 10 or 50 times a year part time fisherman should not be penalized based on VTR reporting counts.

Issue #3 – Latent Licenses

I believe that most latent licenses are being held on to in hopes of being able to pass them on to a loved one or that loyal employee that has been with them year after the year at some point, even if that means after the permit holders dies. If Food Fish Licenses become transferable many of these latent licenses issues will go away but at the same time fishing effort and landings will increase which will create an even further hardship on the NY fishing industry.

Additional Issues/Comments

MRAC Board Members playing a major role in the changes to come. Many industry people have serious concerns with this and fear board members are using their position to recommend changes that will benefit themselves and others within their circle. I hope that the NYS DEC recognizes this and is taking this into consideration when considering guidance from MRAC board members on these issues.

License Classifications, A B C. State license classifications which will have different/less daily trip limits for specific species will never be fair and equitable to future industry participants. This industry is currently on the brink of extinction, further restriction to the fisherman of NYS will only cripple them further.

The definition of a Commercial Fisherman. A commercial fisherman is someone who participates in fishing activities that result in the sale of fish and monetary income for that individual.

Small boat operators. Commercial fisherman that operate out of small vessels should not have less rights to the fisheries they participate in than fisherman that operate larger ocean-going vessels. Small vessel operators are subject to weather and sea conditions to get off the dock where larger vessels can work in worse situations. The NYS DEC should not penalize participants that choose to maintain a smaller operation in hopes of cutting overhead and turning a larger profit for their time spent on the water.

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EBEN BALL

I have a food fish license and a conch license that I got when I was 18 years old. I am also a Police Officer. I use my licenses from May 1st through December and also scallop and clam during the winter months. I have invested a large amount of time and money into this business over the years, and plan to keep going for many years to come. I own a boat with over one hundred fish and conch pots.

I actively use my licenses as much as I possibly can every year. The extra income that I make from my licenses helps provide for my family of 5. When I got my licenses, I had to show \$15K in income off the water for three consecutive years. If I do have to re-qualify, it should be the same as when I first got my licenses.

I strongly feel your proposal should not affect anyone who is actively using their licenses whether or not they have another source of income, or a percentage of income from the water.

All licenses should be transferable to anyone who qualifies. It would be a great way to get new guys into the business and for others to get out. I know guys who have food fish with fluke and stripe bass tags that do not have family interested in the licenses and could transfer immediately to someone who qualifies.

If someone has a food fish and is getting transferred a fluke and or stripe bass endorsement, their food fish license would have to be turned over to the state. Over time I believe the food fish licenses with no endorsements would be less. Only one license allowed per person and that person should have to show that they either own or rent a residence in New York State. No P.O BOX'S!

Latent Fluke licenses should be defined as zero landings over a 5-year period of time. The latent fluke licenses should be discarded. The NYS fluke quota is so low that the few guys who are barely making a living on fluke now could not possibly keep going if the state gave out more licenses.

TOM POWELL

Unfortunately, was unable to attend meeting in Montauk due to prior commitments. Was unaware of other meetings as well.

Thanks for the 14 -15 slides of project.

NY licensing Project? Why does it have to be a project? So many questions what this pertains to and why? and who's making beefs about current status?

Less license holders than there's ever been. How many more people would actually like to participate for NY permit this day and age?

Let them have permits and call it a day.

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But again, after 30 years of busting my ass fishing I need to keep my current status with permit.

30 Years ! Over 3000 days running as Captain/Operator on 2 Trawlers filling VTRs out my last 20 years of it.

That's not to mention the countless days at dock and yards doing maintenance.

Again, need more info and what's on the table and why and who is proposing exactly what?

And will get back to you, I'm sure, on warrants and validity why I need and should retain license no matter what.

JOHN NEMETH

I spoke at the meeting in Montauk last night. I wanted to follow up and make sure I contacted you via email just to make sure you have my correct contact information since my hand writing is not great and you may not be able to read it on the sign in sheet. I also wanted to add a few statements and sentiments. I understand that you have a large undertaking in sorting out this licensing dilemma. I just wanted to go ahead and add this on the record and say that I think If someone like the man I work for wants to retire and transfer his license over to me or any other licensed fisherman wants to transfer theirs to any other number of other workers already in the industry or any one at all for that matter that should be their right (How does the government even have a right to say what someone can do with something the own?) We work with these guys day in day out. Miss family events, stay in at night when all our friends are out because we need to be up at 2:30-3 am we get hurt and work through it. We sacrifice our time, bodies and minds learning this business because we love it. I grew up in Amityville NY on the water. The dock was 1/2 an acre away from my bedroom. I got my first rowboat when I was 5 and I'd row around my canal trolling for snappers. I've never wanted to do anything but be on the water, I've wanted nothing more in my life than that. I worked in numerous fields retail, food service, automotive, and I even spent 10 years traveling around North America in the music industry working for touring bands living the "rock and roll" life done huge tours at huge venues, and honestly, I'd rather be out on the water every day than partying my way around the country getting treated like a king. After the first day I worked on the boat I was hooked. Just purely hooked and knew right then if this guy could make a living like this that's what I want to do. At that point I was attending LIU Post where I was also playing on our D2 hockey team, with a full time class schedule and full time hockey commitment I still worked on the boat not caring that if I had an 11 pm practice that I'd basically have to shower and go sleep on the dock after just to be able to get out there and work on the boat the next morning, get finished than have to be at class by early afternoon just to have to do it all again the next day while maintaining a 3.0 GPA to stay on the hockey team. Ever since I've been doing this I've had to work harder than I ever expected to in my life Its just the most pure and rewarding job I've ever had. Then my girlfriend and I had our first child in 2015 and I knew then that the only way I would be able to support us is to get into this industry full

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time forever. Fast forward a few years later now my daughters 3 and We have a 2nd child and my boss is coming up to retirement and now with my great luck the government is going to make it harder for me to pursue my chosen career path that I just spent 5 years learning and was sure that that was how I was going to support my family until the day I was rendered incapacitated. The legislature of this state (and most states) but particularity New York is one of the most nefarious, crooked, and bought and paid for government bodies around (the sheer number of politicians indicted in my area recently prove that). They don't care about the average person they care more about who's making them the richest. And in my opinion the giant commercial fish conglomerates are the one they would be fighting for. Not the bayman who goes out at 4 am daily keeps his head down catches his fish and goes home. They don't even know we exist. As for the plan that the gentleman John in the back was promoting last night, it seems that every other person in the room was against it. I haven't read it yet, so I don't know what to make of it (and I'd love to receive a copy) but going by the VTRS seems like the wrong way to go about it. As you can see many of the folks in the business share vessels and don't make VTRS or are getting older and not as healthy to make the amount of trips that they made in the past. To me going by that method it's like mine and their hard work is undervalued. I don't want to write you a book since you are a busy man with a lot to consider when making your plan. I just wanted to give you another perspective that will hopefully make the business better for the younger generation of men and women who want to support their families this way and hope that the local fisherman on Long Island doesn't go to the way side like most industries in this over taxed and over regulated sate. In the words of Billy Joel (who went to the same High School I attended) "I got bills to pay and children who need clothes. I know there's fish out there but where God only knows. They say these waters aren't what they used to be. But I got people back on land who count on me"

ANONYMOUS (Name given but requested anonymity)

Qualification for retaining a permit should be based strictly on active income from fishing, not VTRs

All permits holders should have to requalify IN PERSON with valid NY proof of residency and show that a minimum of 85% of their income is from commercial fishing

Applicants who wish to purchase a valid Personal Food Fish Permit must show a minimum of 85 % income from commercial fishing from the previous 5 years prior to the application. There also must be a mechanism for those who file joint tax returns with a spouse to not have their spouse's income counted as applicants income.

If a person who currently holds a personal food fish permit wishes to purchase another permit in order to obtain moratorium or limited access permits (eg summer flounder ,striped bass , whelk , crab , lobster) then the applicants permit must be retired or put into a pool for new applicants after the purchase

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Out of state fishermen should be disqualified from purchasing NY personal FF permit. Furthermore out of state fishermen (e.g. CT) should be disqualified from applying for limited access permits such as whelk because this is unfair to NY fishermen trying to obtain these permits .

BONNIE BRADY

There has to be a mechanism for those that fish full time for their season, so that they retain their full-time permit. Included within that there has to be a way to include days for those who are commercial fishermen when people fish in fisheries without VTRs, such as clamming, scalloping, crabbing, etc.

Also, regulations have forced less days at sea, southern New England more so than most. We have been the poster child for being cut back for all fisheries. It may be worth it to take each commercial permit and review it on a case by case basis.

Those that have fished full time for their entire lives should not lose their full-time status as they age and perhaps fish less.

Latent effort must be addressed. If you haven't fished at all in 3-5 years and there is no health or financial issue that involves you or your family that your house hasn't burned down, or your boat, something that has required you to leave fishing for a period of time, that can be proven with documentation, that permit should go. No landings no permit. Personal permits should be allowed to be sold once latent effort has been addressed. It allows for buy in from younger fishermen and allows a retirement component to those that wish to sell it.

The industry will not be sustainable if for every 10 permits retired, only four are returned to the pool. The industry will be doomed.

There should be research into when active permits can be sold, should be allowed to break off their moratorium permits to be sold in pieces.

The lottery has to go. If you've been waiting for 15 years for a permit, you should be at the top of the list.

In addition to addressing quotas, there should be an active effort for the state to try to find ways to increase the value of fish caught. Processing shop, mobile processing, directed advertising/marketing effort for NY fish, or Big Apple fish etc etc.

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VINCENT CARILLO

I HAVE BEEN A COMMERCIAL FISHERMAN FROM MONTAUK FOR OVER 35 YEARS. I AM AN EAST HAMPTON HIGH SCHOOL GRADUATE, WITH NO HIGHER EDUCATION. I WAS ON THE LOBSTER LCMT FOR AREA 6, AND AN ALTERNATE FOR AREA 4. I USED TO GILLNET FOR STRIPED BASS, THEN THAT FISHERY WAS BANNED, NOW I'M ALLOCATED 212 TAGS. I GILLNETTED FOR MONKFISH, BUT WENT FROM 3,300 POUNDS PER DAY, TO 1,490 POUNDS PER DAY. WE STARTED OFF WITH 44 DAYS AT SEA, THEN GOT REDUCED TO 21. I LOBSTERED, AND SUFFERED THROUGH MULTIPLE QUOTE INCREASES AND VENT INCREASES, UNTIL THE LOBSTER DIE OFF PUT ME OUT OF THAT FISHERY. I BOUGHT A DRAGGER, WAS INITIALLY GIVEN 122 GROUND FISH DAYS AT SEA. THAT WAS REDUCED TO 88, THEN 40, AND NOW ABOUT 21 DAYS. I HAD A GENERAL CATEGORY SCALLOP ALLOCATION ON THE DRAGGER OF 13,700 POUNDS. WE FISHED IT FOR ABOUT 4 YEARS, THEN NMFS TOOK IT AWAY, AND I WAS TOLD AT MY HEARING IT WAS, "ISSUED IN ERROR"!! ALL THE WHILE, TRYING TO DIVERSIFY TO STAY IN BUSINESS, RAISE MY FAMILY, AND PUT MY KIDS THROUGH SCHOOL AND COLLEGE.

I FEEL THAT THE OLDER GENERATION OF FISHERMAN IN THIS STATE HAVE SACRIFICED TREMENDOUSLY AND HAVE CONTRIBUTED SO MUCH TO THE CONSERVATION OF THE FISHERIES, AND THE HISTORICAL LANDINGS FOR THE QUOTAS WE NOW HAVE. IN NO WAY SHOULD WE BE ELIMINATED FROM ANY FISHERY. IF, IN THE EVENT THAT SOME TYPE OF QUOTA WILL BE REDISTRIBUTED, THE ORIGINAL FISHERMAN WHO SACRIFICED THE MOST THROUGHOUT THEIR CAREER SHOULD HAVE EQUAL ACCESS! I VEHMENTLY OPPOSE THE USE OF VESSEL TRIP REPORTS TO DETERMINE FUTURE ELIGIBILITY! IF YOU FILE TAX RETURNS AS A COMMERCIAL FISHERMAN, YOU ARE A COMMERCIAL FISHERMAN! SIGNING A VTR DOES NOT SHOW THAT YOU HAVE A VESTED INTEREST IN THE FISHERY. SIGNING CHECKS TO PAY FOR, FUEL, ICE, BAIT, INSURANCE, HAULOUTS ETC. SHOWS YOUR VESTED INTEREST. EVERYBODY IN AMERICA HAS A DIFFERENT OPINION ON HOW MUCH THEY NEED TO MAKE A LIVING, FROM THE PERSON FLIPPING BURGERS FOR MINIMUM WAGE, TO THE HEDGE FUND MANAGER BUYING FORTUNE 500 COMPANIES TO DISOLVE AND PROFIT. IT'S THE SAME WITH THE FISHERMAN. SOME ARE CONTENT, FISHING WITH ROD AND REEL, ENOUGH DAYS TO GET BY, OTHERS BUILD MULTI MILLION DOLLAR BOATS AND FISH UP AND DOWN THE COAST. WE ALREADY HAVE A MORATORIUM ON PERMITS, SO THE FISHERIES ARE CAPPED. NO BODY SHOULD LOSE THEIR RIGHT TO FISH NO MATTER WHAT. IF THE MRAC MANDATES THAT SOME SORT OF DOCUMENTATION IS REQUIRED, IT MUST BE FROM VESSELS THAT FISH FOR, AND PACK OUT EXCLUSIVELY IN NEW YORK STATE. NOT VESSELS FISHING IN FEDERAL WATERS, PACKING IN OTHER STATES.

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I BELIEVE THE NYSDEC PERMITS SHOULD BE FULLY TRANSFERABLE. THIS INDUSTRY NEEDS AN INFLUX OF YOUNG PEOPLE TO KEEP IT VIABLE. THE YOUNG FISHERMAN TODAY DOES NOT STAND A CHANCE IF HE CAN NOT BUY A PERMIT, ESPECIALLY WITH SO FEW CORPORATE PERMITS AVAILABLE. ALSO, IT WILL GIVE INCENTIVE FOR OLDER FISHERMAN TO RETIRE IF THEY KNOW THEY CAN SELL OUT. WAITING FOR THE FISHERMAN TO DIE, SO HIS FAMILY CAN SELL HIS PERMITS IS LUDACRIS.

IN CLOSING, I ENCOURAGE THIS COMMITTEE, AND NYSDEC, TO THINK ABOUT USING THE NUMERICAL AMOUNT OF PERMITS ISSUED, BOTH ACTIVE AND LATENT, AS A TOOL, TO FORCE NOAA/NMFS, AND THE MID ATLANTIC COUNCILS, TO EQUALLY DISTRIBUTE ALL SPECIES COASTWISE! AN EXAMPLE IS, IF NEW YORK HAS 1500 PERMITS, AND NEW JERSEY HAS 1000, THEN NEW YORK SHOULD GET 50% MORE QUOTA! PUTTING NEW YORK FISHERMAN AGAINST NEW YORK FISHERMAN IS EXACTLY WHAT THE COUNCILS WANT. LET'S ALL STICK TOGETHER AND LOOK OUT FOR EACH OTHER. THERE IS MORE POWER IN NUMBERS AND TRYING TO ELIMINATE FELLOW FISHERMAN IS DETRIMENTAL TO OUR FUTURE!

CHUCK MORICI

Chuck gave me a call this morning to provide some more feedback. He said he thought of some things after the meeting and does not have an email address, so he asked if I could pass along his additional thoughts. Please see them below:

- Freeze all permits by the gear type that they currently use. This will help to control effort levels in the future by not allowing a rod and reel guy to become a dragger.
- Freeze all latent permits as non-transferable. If they want to still renew and fish fine but once the license is done it is done. State can keep generating money from those licenses and effort is not increased.
- Use income – days at sea are not fair for certain types of fisheries. Have a grievance board made up of fishermen from that area for an individual who wants to grieve license status.
- Transfer to who you want but gear type cannot change.
- Protect the in state and local small boat guys – they have been hurt by regulation and are influenced by weather and seasons more than federal boats. If you use days consider only in-state days. Consider giving the big boats only landing licenses since they can fish and land elsewhere anyway.

TED SZCZOTKA

I attended the permit meeting on 8/21 at the Cornell Marine Center ..one comment that I wanted to add is that if you want to get rid of latent/under used licenses is that you should have a buyback program being that NOAA can get 50 million dollars for 5

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year observer program ...I'm sure that you can get money through grants or the energy groups to do thisbut you would have to make it worthwhile like \$5K-\$10K for a license

CHUCK TEKULA

I spoke at the meeting in East Setauket. The "Davi" proposal is way too complex to be effectively implemented and enforced. Like most of the suggestions raised at that meeting and previous meetings it attempts to address issues that may not even arise in the future. Right now, "latent" permits are not a problem under the current regulatory scheme. The fear is that "if" the State sues on the unfair allocation scheme and "if" that suit is successful, and/or "if" the State allows private permit holders to sell their permits, then many of these permits "may" become active keeping the current harvesters from benefiting from the "potential future" quota increases. Thing is. no one can predict what will happen -- so enacting a complete overhaul of the current regs at this stage is not very wise.

Like many of my colleagues I am beyond normal retirement age and health concerns have arisen that could make it impossible for me to continue at my present somewhat diminished capacity. I have worked the waters of Long Island full-time for nearly fifty years. I raised four children on that income. Determining the value of my permits based on recent activity is beyond discriminatory. The long-time policy of allowing corporate permits to be sold on the open market to the highest bidder while depriving the vast majority of private permit holders to do this is an obvious violation of our Constitutional proprietary rights and has caused untold financial hardships. Taking licenses away because of being as little as one day late renewing -- while all other professional licenses in New York are held open for three years -- is also unlawful and has caused similar hardships. I know it would be difficult to correct this without raising potential interests in filing lawsuits -- but the State should be focused on current unlawful errors in the statutory framework rather than trying to solve future problems that may not materialize at all.

I'd like to add a comment on the "apprenticeship" proposal. While this may be feasible in the Maine lobster harvest where there needs to be some kind of training, here the fisheries are so diverse and often specific to a particular body of water and one or two baymen. I can't imagine anyone volunteering to train some unknown newcomer. You'd have to be nuts to do that.

Again, this would be attempting to solve a problem that may not ever arise. No one expects quotas to increase to the point where a huge number newcomers will see some great business opportunity fishing in State waters. If you leave the "learning curve" as steep as it is currently and the law is changed to allow private holders to sell on the open market to those who have the money and inclination to become "licensed harvesters", it is more likely that many if not most of the "buyers" will be retired or active teachers, cops lawyers firemen and the like who only want to sell what the catch hook-

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and-line. Many of them are already selling on the black market anyway. And what kind of "apprenticeship" would be required for that.

RICHARD LAROCCA

I also agree with Mr. John Mihale's comments with the additional comment that a license holder who reaches the age of 70 years should be allowed to transfer and/or sell his license

PAUL FARNHAM

All current FFL should be able to equally harvest fish for as long as they are alive and hold a license.

Current FFL license holders should not have to qualify for license issuance

FFL holders who have not landed at least 1 pound of fish or shellfish or can demonstrate through tax records in the past 10 years harvest activity will not be able to transfer their license. This recommendation will address the latent license issue.

After identifying the non-active license group, the remaining license holders will be able to transfer licenses only among each other.

Example: License A has a basic FFL
License B has a FFL with striped bass and fluke endorsements
License A & B transfer or combine, leaving only License B
License A would become inactive and disappear

This recommendation will address license transferability and reduce fishing effort over time.

New license participants would be identified by tax returns showing at least a \$15,000 average income for three recent consecutive years from commercial fishing.

After qualifying a new license participant would have to buy or acquire a 2 basic FFLs to get 1 license

A new license participant cannot initially buy or acquire a FFL with a fluke or striped bass endorsement

This recommendation will address new participants and license qualification

I do not think that an apprentice program is necessary

I am opposed to the so called "John Davi DEC Plan".

I am also amazed and upset, but not surprised, that you have not reached out to the fishing community to form a working group to address these license issues.

Please consider allowing the fishing community additional time to construct their own solutions to these issues.

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ANONYMOUS (gave name but requested anonymity)

Considers himself a full-time fishermen and is concerned that if he speaks his mind, some might object (including those in his own family). So, he is reluctant to share publicly.

1. He advocates for the use of income tax AND some amount of VTRs (or bayman/clam digger equivalent) to verify that reported income has fishing effort behind it (20?)
2. He asks, who are we trying to help? People who are trying to make a living fishing full time.
3. People who don't fish full time, who don't depend heavily upon fishing income to support themselves and their family, are less likely to respect the resource and treat it with a long-term view. If fishing is just an avenue for quick, supplemental cash, they will extract everything they can get at every opportunity.
 - a. He doesn't support preserving access for cops, teachers, etc. over a long-time deckhand that can't get into the fishery.
4. Supports transferability of licenses, but only to those that have already completed an apprenticeship program (verified deck time)
 - a. Doesn't want to see stockbrokers or retired cops on the water with new commercial licenses
5. Wants black sea bass to have similar permitting as striped bass and fluke (not just open to all food fish license holders) – probably outside purview of this effort.
6. Agrees that a day on the water, whether its crabbing, clamming, fishing, dragging etc. is a day on the water and wouldn't be in favor of taking a food fish license away from a guy that rakes clams daily but hasn't filed VTRs.
7. Wants lobster licenses considered under this requalification (removing latent effort, etc.).

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TOM POWELL

1. Fished for 20 years FT, filled out VTRs, stopped FT fishing in 2010 to get better job
2. Still has FFL and uses it when fishing with other people, so doesn't get VTR
3. Wants to buy small boat and go pinhooking
4. Doesn't want to lose FFL because of no VTRs in last 8 years
5. No SB tags or fluke endorsement, would like to get both of them
6. With increased SB or fluke quotas, give some access to new participants
 - a. What is the goal for quotas, i.e. more for remaining fishermen or more fishermen getting access
7. DEC is part of the problem

NICHOLAS BIEBER

I am writing to you regarding the reformation and modernization of the NYS commercial fishing licensing system. As a NYS part-time commercial and recreational fisherman, I would like to show support for this program because it is the future of an imperative industry and the livelihood of thousands in New York.

I have been working on the water my whole life on the East End of Long Island. My first job as a deckhand started when I was thirteen years old on a charter boat out of Orient Point, New York. From there, I started working on a head boat and also started part-time commercial rod and reel fishing, both of which I am still very involved in today. I obtained my 100-ton Master's License in 2014 when I was twenty-years old because I knew the fishing industry would remain with me perpetually.

There has always been concern, however, from when I first started working on the water for the future of the industry. I was constantly told from a young age not to become too involved in this industry because of the unpredictability of regulations and of the business in general. The life-long captains and commercial fisherman who had warned me of this were absolutely correct.

Making a living by commercial fishing is something I have always wanted to do, however, I have had to take a different path and become a merchant mariner instead. This is because over the last decade due to the unpredictable and unreliable scrutiny of fishing regulations and the licensing process making it nearly impossible to obtain a license. This is why I believe the reformation of the licensing process must be severely

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and thoroughly repaired in order for there to be any sort of a future, not only for the fisherman, but for this vital industry in New York State.

ROBERT SPITZBERGEN

Permit Reform

The Department must address the need to create entry opportunities for the striped bass and fluke fisheries. There has been a moratorium on new entrants for over 20 years. My full-time commercial fishermen for a variety of reasons, did not possess a striped bass or fluke permit at the time the moratorium began and therefore have been prevented from engaging in these valuable fisheries for over two decades.

Remove latent permits

In order that permit reform take place, the Department must eliminate unqualified license holders. There are perhaps hundreds of permits currently held by person who no longer engage in commercial fisheries. There are a variety of reasons for this, but the fact remains, the Department has failed to regularly qualify these permit holders to determine if they engage in the commercial fisheries. One method is VTR verification rather than income verification to determine who is using these licenses and if they are part-time or full-time fishermen

Eliminate unqualified NYS license holders

There are way too many “part-time fishermen” who have high-paying full-time jobs. If individual license holders cannot prove a certain amount of income through commercial fishing or poundage caught and documented each year through VTRs, then license holders should not be allowed to catch and sell the exact same amount as a full-time fisherman.

Full share and partial share for all fisheries

In order to make distribution amounts fair and equitable, the Department should consider creating full share and partial share categories for all managed species

Inshore and offshore rules

This makes sense because these are two entirely different fisheries, each with their own methods and goals. For example, give fishermen the option for weekly or bi-weekly quotas.

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New York State Quota

New York needs more quota for striped bass and fluke

These proposals developed and put forth by the MRAC council could not be any more complicated, ridiculous and unnecessary!

The majority of MRAC council members are NOT full-time fisherman! Their interests are much different than that of the MAJORITY of NYS Commercial Inshore Fisherman. NYSDEC Permit Reform should be about the majority not the minority. Permit Reform will affect people that fish within 3 miles of shore (ocean), Long Island Sound, Block Island Sound, Gardiners Bay, Peconic Bays and Great South Bay.

JOE BELARDI

I am a US Army Veteran, I am also a ret NYPD Detective. I have held my NYS commercial license since 1984. When I retired from the PD I worked on a six-pack charter for a few years during which time I obtained additional endorsements for summer flounder and striped bass.

I still work in the industry both at marina and commercial fishing. At 70 although fit I think a proposal to take my license because I choose not to work five or more days a week is wrong. Many holders are up in years to remove their license because they don't make a certain amount of money in a suggested period of time is wrong.

At one meeting at the DEC in Setauket a few years back, a younger man suggested that the men with larger boats should get the lion share of the quota, I promptly told him some of us were fighting war while he was waiting to obtain his dads license and boat.

KENNETH CLARK

Lifelong commercial fishermen

Individual fishing licenses should be able to be sold and/or transferred without difficulty; and it should be permissible at the owners' discretion – sickness, retirement, financial – just like any other state. In turn, this could assist individuals with establishing a livelihood in the industry without difficulty and/or resistance.

Part-time and full-time fisheries should not be divided. A division would only create more animosity between fishermen and further destroy the infrastructure of the fishing community. This division would greatly affect inshore fishers which is more seasonal. Other reasons – environmental and New York State's low fish quotas on species. Algae blooms have affected many inshore fisheries and the combination of the low fish quotas financially, fishermen have been economically hurt. Not to mention a hurricane could destroy an entire fall season of fishing – making inshore fishermen seeking employment – not in the industry – for the winter months

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GORDON COLVIN

1. Gordon said that “we got into this whole mess” because of state by state commercial quotas for bluefish, fluke, and black sea bass. NY was trying to figure out how to manage the fishery with limited quota; there simply wasn’t enough fish to go around.
2. They also didn’t want marginal fishermen to disappear.
3. NY thought that it was important to retain a spectrum of fishing operations from small to large, and to maintain geographic diversity. They believed that this was the best way to provide opportunities to traditional fishing families.
4. They also recognized that they were faced with conflicting issues such as
 - a. FT/PT
 - i. PT retired
 - ii. Many PT were h&l
 - iii. Many PT’ers didn’t care about cash flow in the way that most FT do
5. So, they decided on a series of compromises, capping numbers where they were for:
 - a. FFL
 - b. Crab
 - c. Whelk
 - d. Lobster
 - e. Party / charter
6. NY legislature, consulting with MRAC, decided on how to put the system together, deciding on
 - a. A moratorium on new licenses until a date certain
 - b. Income based qualification system
7. One issue that they were not clear about was a vision or goal for the license moratorium and reduction process, which could have included
 - a. Maximizing commercial economic return from a fishery
 - b. Maximizing the number of participants in a fishery
 - c. Maintaining cultural and social components of the fishery
 - d. They didn’t pick a number because there was a feeling that “we’ll know it when we see it”
8. There have been a number of renewals of the legislation
9. Brad Lowoen, East Hampton bayman, was very influential in the discussions
 - a. Inshore fish trapper
 - b. Thoughtful, intelligent
 - c. Responsible for moratorium but felt there needed to be a way to let people into the fishery

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- i. Resulted in family transfer provisions
10. There are many latent permits, but it is important to understand why they might be latent
 - i. Waiting for family member to want to enter fishery
 - ii. Holding for potential value with permit buy-out
11. Have to pay attention to status of older people
 - a. Switch from FT to PT with age
 - b. Still concerned about being comm. Fishermen
 - c. Concerned about value of permit for transfer
12. NY also developed special permits for fluke and striped bass
 - a. 2 tier permit system based on landings (check with Vic Vecchio)
13. Party / Charter
 - a. Cap put in place as a move to be equitable among user groups
 - b. But – license numbers are below the cap, so we should ask whether a cap is really needed.
14. Should a limited entry system be put in place for other management problems like tautog to get ahead of the curve?
 - a. Gordon said that this might be a good idea
 - b. However, there is staff pushback when new types of regs are discussed because of workload, etc.

VIC VECCHIO

1. Vic said he was involved in the striped bass permit process
2. They initially broke down striped bass by gear type
 - a. Nets, hook and line as a way to segregating into bigger and smaller operations
 - b. The quota was changed into tag numbers, then divided by gear type
3. NY realized that the gear breakdown didn't work well so they needed another system.
4. They ended up with using earned income
 - a. Required 50% of earned income coming from commercial fishing in one of three past years
 - b. Excludes retirement, Social Security
 - c. 80% of tags went to FT (permit holders who met earned income qualification criteria)
 - d. 20% of tags to PT (permit holders who did not meet earned income qualification criteria)
5. The Department was brought to court twice over the income qualification system
 - a. Won both times

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- b. Advised by AG to get away from income or taxes
 - i. DEC staff not income specialists
 - ii. Creates an ongoing avenue for legal challenge and it is likely that someday this could be overturned
- 6. So, these provisions are still on the books but aren't being used. For example, the Department hasn't done 5-year qualification renewal as required by law
- 7. Vic questioned the need for further work because FFL and SB permit numbers are both down
- 8. He recalls that they wanted to drop permit and license numbers to 84-85 levels which would result in about 370 licenses
 - a. Then use this number as a cap and let new entrants in 1:1 to maintain numbers
 - b. Informal goal but could result in catch equivalent to what people were catching during that period
- 9. New striped bass quota could also be used to give additional shares to PT / 2nd tier fishermen
- 10. Could also re-allocate increased quota to commercial fishermen rather than giving all increases above commercial quota to recreational fishermen
- 11. Latent license issue
 - a. NY has a long history of PT fishermen
 - b. If a use it or lose it provision was put in place, fishermen could send in reports of tags used to nullify the latent license reduction effort
 - c. I asked about corroboration with dealer information, Vic replied that dealer reports can't be directly tied to VTR numbers
 - d. The latent license issue, if discussed seriously, could result in more people targeting important species, which would result in less catch per fishermen, e.g. fluke going from 50 pounds per day to 40 pounds per day because of new activity from formerly latent permits
- 12. Real costs for permits
 - a. Isn't that high

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DEBORAH BARNES – DEC STAFF

1. The ability to transfer is currently very restrictive
 - a. Dead – pre-designation
 - b. Live – immediate family or one-time transfer
2. Latent licenses – put in control date and “use it or lose it” provisions
3. Shellfish landings
 - a. Harvesters aren’t required to report, required to have logbooks but they aren’t accurate
 - b. Dealers – do monthly reporting but the data is aggregated so wouldn’t be useful to document an individual harvesters’ landings or effort
 - c. Shellfish harvesters’ income could be used (from tax forms)
4. FFL, crab, whelk licenses, lobster (moratorium) are limited or no access
5. Lottery – small odds, frustrates many people
6. Non-resident licenses
7. Domicile –
 - a. They check this when they can
 - b. Seems like less of an issue than many fishermen think it is

JOE SAWICKI

1. Former legislator, semi-retired fisherman, Greenport
2. Has FFL license, was grandfathered in first year of limited entry
3. Son is 30 years old, scallops and clams but has to work full-time job to support family.
4. Son wants to get FFL, doesn’t make enough income to qualify, probably \$8-12K per year
5. He questions how to get licenses to young people, thinks that the \$15K per year is too high a bar
6. Thinks that \$5K per year is more realistic in the current economic situation on Long Island
7. Thinks that the concern for an over-abundance of people getting into the fishery is exaggerated.
8. Thinks that the qualification for income will keep out “rich people who will buy their way into the fishery”

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Appendix 4: Public comments given at meetings on draft report

These comments were given at meetings held in summer 2019 regarding the draft licensing report. The meetings were held in Stony Brook on 9 July, Stony Brook on 23 July, Point Lookout on 21 August, and East Hampton on 22 August. Note that the first meeting, held 9 July in Stony Brook, was formatted to present the findings of the report and take questions about the recommendations but not to solicit public comment.

STONY BROOK, 9 JULY

- 1) John Davi
 - a. The whole licensing discussion process got started to put transfer in place, not addressing transfer makes this a waste of time
 - b. Doesn't favor taking away licenses that aren't being used
 - c. Increase in effort is a major concern
- 2) Hank Lackner
 - a. Latent licenses should be addressed first
 - b. Transfer should be addressed in the future but the state needs to be committed to addressing license transfer
 - c. Believes that full time / part time issue needs to be considered because it's a significant issue
- 3) Tom Jordan
 - a. Agrees that latency is the most important issue to address first
 - b. Family transfer is a loophole with the latency issue. This was originally designed to help families of deceased license holders with fishing assets but it has become a loophole for license holders without fishing assets
 - c. Agrees with income qualifier but with state action which didn't take place in the past
- 4) Nancy Solomon
 - a. Is concerned about potential long waiting period with the proposed apprenticeship program
 - b. Will there be compensation for apprentice and master?
- 5) John German
 - a. Define what is a full time and part time fishermen using percent of earned income
 - b. Is the recommendation to eliminate license holders?
- 6) Brad Lowoen
 - a. Wanted to read statement from Town of East Hampton

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- b. Was informed that this meeting was not to take comments. Rather, told that future meetings were to take comments (GDL note – Mr. Lowoen gave comments at 21 August meeting in East Hampton)
- 7) Pete Lisa
- a. Don't take licenses away from anyone who has one
 - b. There are lots of latent licenses but you need to look at the reason for the latency such as lobstermen who aren't fishing because there aren't enough lobsters but they would like to go fishing again in the future
 - c. Don't push latent license issue because it will increase effort in the short term
 - d. Don't need to regulate fishery, the fisheries will regulate themselves
- 8) Mark Harrington
- a. Did DEC ask Mr. Lapointe to change recommendations in the draft report
 - b. Will there be an appeal process for the income qualification process?
- 9) John Mihale
- a. Need to protect older fishermen
 - b. The income qualifier should reflect a fishermen's most productive years rather than the past three years
 - c. Important to be able to define what a latent license is
 - d. With transfer, prequalify licenses with \$45,000 of income over three years but include all fishing, e.g. finfish, lobster, crab
 - e. Should something be done now to determine which licenses can be transferred?
- 10) Arnold Leo
- a. Supports transfer and sale of licenses to allow younger fishermen to enter fishery
- 11) John Nameth (sp?)
- a. How to address crew is a legitimate issue, doesn't see it as part of recommendations
- 12) Emerson Hasbrouk
- a. Does the report include recommendations on transfer and sale of licenses?
- 13) Unidentified speaker
- a. Not all FFL's are the same
 - b. Can't show income from lobstering because there aren't lobsters to catch

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- 14) Unidentified speaker
 - a. Why is bunker a food fish?
- 15) Mark Harrington
 - a. Does the report consider a buy-back? Did state funding play into the recommendations?
 - b. Should domicile recommendations be made retroactive?

MRAC meeting, Stony Brook, 23 July

- 1) John Davi
 - a. It is hard to set a goal for license reductions. There has been discussion of 400-500 FFLs
 - b. This project wasn't about reducing licenses, it was about transfer
 - c. Doesn't want to take a license away from anybody; this is unfair
 - d. Make latent licenses non-transferable
- 2) Charlie Witek
 - a. The goal is to reduce license numbers so that the remaining fishermen have more fish available per fisherman
- 3) Hank Lackner
 - a. Setting a goal is nearly impossible
 - b. Looking at latent licenses is a core issue
 - c. Black sea bass fishery was closed early this year even with increased quotas, wonders if the MRAC discussion on licensing caused the early closure because of concerns about use it or lose it recommendation
- 4) Bob Danielson
 - a. Are people who buy licenses but are not using them in the hope that they can sell in the future?
 - b. Appears that some people hold their licenses speculatively, others for future use
- 5) Pete Lisa Jr
 - a. How is latent licenses impacting fishery; seems like latent is no use and no impact on resources
 - b. Latent licenses when through the qualification process

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- 6) John Davi
 - a. Three types of license holders
 - i. People who couldn't make enough money to stay in the fishery but mean to come back
 - ii. People who hang onto licenses because of potential value with transfer
 - iii. People who supplement their income with commercial fishing
- 7) Pete Lisa Sr.
 - a. The proposed \$15,000 income requirement will create a fishery, will make more people target fisheries
- 8) Joe Fink
 - a. Hasn't been fishing because of lack of lobsters to catch
 - b. Has paid for licenses every year, should be able to fish when he wants to
 - c. Taking licenses will take people's sense of pride away
- 9) John German
 - a. Objects to some aspects of the income recommendation
 - b. Shouldn't be a set dollar amount, should be percent of earned income as was done with striped bass tags
- 10) John Schneider (sp?)
 - a. Part time fishermen are legitimate in many cases
 - b. Pride keeps people in the fisheries, don't take this away
 - c. \$15,000 a year can be scrapped together
- 11) Mark Cusamano
 - a. Part-time hook and line fisherman
 - b. This effort was supposed to be about transferability
 - c. \$15,000 a year is a hardship for many people
 - d. People should be able to work harder through commercial fishing, even when they have a good job
- 12) Tom Jordan
 - a. Opposed to financial requalification
 - b. An active fishermen is an active fisherman, don't separate full time and part time
 - c. Latent licenses is the monster under the bed, has potential for great harm to the fisheries
 - d. Some people hold licenses speculatively with potential damage to quota managed fisheries
 - e. Need to protect people who are in the fisheries

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- f. People who haven't fished their licenses in years don't deserve to retain their licenses
- 13) John Davi
 - a. License activity can be verified through VTRs
- 14) Charlie Witek
 - a. North Carolina is verifying activity through trip tickets, a 1,000 pound minimum, NY should look at other means beyond income
- 15) Unidentified speaker
 - a. This report will cause an increase in effort which will cause faster use of quotas
- 16) Joe McBride
 - a. Former MRAC member
 - b. Fisheries are public resource
 - c. Many restrictions on resources came from commercial fishermen
 - d. With respect to qualification, percent of earned income was used with striped bass tag qualification
 - e. No sale of licenses will cause attrition in the fisheries because fishermen are getting older
 - f. License transferability is not needed
 - g. Be careful with regulations, shouldn't be made by people who will benefit from the regulations
 - h. VTRs are pieces of junk, shouldn't be used for qualification
 - i. Put caps on the number of licenses, e.g. 500 charter licenses, and let people in when the number of licenses goes below the cap
- 17) Nancy Solomon
 - a. Agrees with many of Mr. McBride's statements
 - b. The assertion that fishing is a privilege, and not a right, needs to be re-examined
 - c. Focusing on this type of regulatory process could destroy the fisheries
 - d. Focus on quota instead
 - e. If you don't allow license transfer, it will get rid of much of the stress in the current process
- 18) John Mihale
 - a. License requalification – does this mean just fishing income from finfish or other types of fishing
 - b. Under the impression that sales are being used, not looking at other cost aspects such as gross fishing income including party/charter income

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- c. All licenses should be eligible for removal or transfer
 - d. Possibly put moratorium on new licenses until the regulatory and legislative process is finished
 - e. Have to stop family transfer; it is too broadly written
- 19) John Davi
- a. Thinks transfer is necessary for our fisheries
 - b. Allows sale of businesses
 - c. Brings new people into fisheries without increasing effort
- 20) Tom Jordan
- a. Doesn't believe that transferring licenses will control effort; people will buy licenses and use them more actively than the former license holder
 - b. The last three licensing studies concluded that NY fisheries can't support and increase in the number of fishermen
- 21) Bob Danielson
- a. It is important to remember that other professional licenses can be transferred, e.g. lawyer, doctor, engineers
- 22) Hank Lackner
- a. We should have license transfer and need to engage in the process to get this done
 - b. The 5 years recommended in the report may be too long before moving on license transfer
 - c. He agrees that this is unlikely to be done in one, big shot
- 23) John Davi
- a. License transfer and an apprenticeship program go hand in hand
- 24) Pete Lisa Jr.
- a. Wants to get a FFL but couldn't get it because of limited entry
 - b. Dad has a license, why can't he transfer to me? (GDL note – MRAC members suggested that Mr. Lisa check on this because it appears that he is eligible for family transfer.
- 25) Chris Schenck (sp?)
- a. It looks like we're always eliminating opportunity
 - b. Need license transfer and sale
 - c. Sale will alter the market because people with money will impact the market
 - d. Consider using \$15,000 income requirement with an apprenticeship program
 - e. Part time guys get shut out of fisheries
 - f. Agrees that nobody should lose their license

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26) Nick Marchetti

- a. Party / charter, commercial fisherman
- b. Limited to bluefish, porgies, black sea bass
- c. Needs access to fluke fishery
- d. State needs to open up new licenses and new fisheries to better themselves

27) Unidentified speaker

- a. FFL license holders should be treated the same as corporate license holders, allow transfer and sale
- b. Doesn't think that the report's latent license recommendation is legal

28) Mark Cusamano

- a. Start with striped bass tags where 25% are returned every year, distribute to other fishermen
- b. Need to bring in new fishermen, transfer extra tags to commercial fishermen

29) John Davi

- a. Believes that full time and part time licenses should be done but in the future; don't impact current fishermen
- b. If licenses are separated base on the amount of effort associated with that license; effort won't increase

30) Bob Danielson

- a. Thinks that the number of full time fishermen will go down, as happened with full time and part time striped bass fishermen

31) Tom Jordan

- a. Said that the current discussions will impact FFLs, but not striped bass and fluke endorsements

32) Hank Lackner

- a. Supports full time / part time separation because of low quotas
- b. It is also important to recognize the different levels of investment between full time and part time fishermen

33) John Mihale

- a. Has had license since 1984
- b. Different gear categories need to be recognized; don't allow a license of a hook and line fisherman be transferred to a fisherman with a dragged because effort will increase with the more efficient gear

34) John Nameth

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- a. What about fishermen working full time, why are they being treated the same as latent license holders?

POINT LOOKOUT, 20 August

1. John Mihale
 - a. Asked questions about family license transfer provisions
2. Unidentified speaker
 - a. In Maine, can a family member get the licenses from another family member, could this happen in New York? (GDL response – in Maine, license transfer is not allowed, even among family members)
3. Mike Ostrander
 - a. Agrees with much of report, disagrees with some of the recommendations
 - b. Striped bass availability for tags and fluke permits should be made available to other fishermen.
4. John Mihale
 - a. Doing nothing is an option
 - b. Transfer will result in transfer to people who will use the licenses
 - c. The current situation is a 1:1 exit / entry ratio
 - d. Could have many licenses available every year
 - e. If you allow veterans to get licenses and allow license transfer and sale, there could be big increases in effort
 - f. In short-term, allow no transfer
 - g. Don't kick out people with licenses who haven't fished because of low resource availability
5. Joseph Giaramita
 - a. Need more people in the fisheries
 - b. Latent license issue is complicated, could be lots of litigation about this, people deserve to be heard in court
 - c. It is wrong to hurt people by taking licenses away
6. Mike Jacobs
 - a. There is too little allocation for New York fishermen, trying to divide a limited asset
 - b. Pay attention to individual people's circumstances
 - c. Don't take away licenses from people who've had them for a long time. Keeping the license and fishing when you can is important
7. Unidentified speaker
 - a. Transfer and sale of licenses should be allowed

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8. Unidentified speaker
 - a. Don't take licenses away from people; this is a sad issue
9. Joe Fink
 - a. Don't take licenses away from license holders
 - b. Treat individuals the same way that you'd treat a lawyer
 - c. Should allow transfer and sale of licenses
10. Nice Marchetti
 - a. Allow striped bass and fluke endorsements to be transferred
 - b. Have state buy back licenses, then resell to others, particularly striped bass and fluke endorsements
11. Mark Cusamano
 - a. People want transfer and sale
 - b. Is the proposed income requirement annual or over time?
 - i. Need a longer period of time to qualify
 - c. Need to pay attention to individual circumstances, e.g. not fishing for some of qualification years because of building new boat
 - d. Pay attention to hardships
 - e. Restrict transfers within gear types
12. Nancy Solomon
 - a. Allow transfer of licenses only within gear type
 - b. Use apprenticeship program tie-in
 - c. The income requirement for applicants should have a longer look-back for qualification, e.g. 10 years
 - d. Why does New York issue licenses to out-of-state people, this doesn't seem right. (GDL response – court cases have determined that the commerce clause of the constitution prevents discrimination among states in this type of qualification)
13. Tyler Osier
 - a. Allow transfer and sale of licenses
 - b. Shouldn't take away latent licenses
14. Richard Hunter
 - a. Fishing is a business you retire into
 - b. A retroactive control date is unfair
 - c. Can't show the proposed \$15,000 per year in income because of low quotas and fish availability
15. Pete Lisa Sr
 - a. No lobsters left
 - b. Feels that license holders should be treated like shareholders

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- c. Can MRAC make decide to do nothing?
- d. Can legislature act without MRAC?
- e. Quota without fishermen doesn't work
- f. Can't make the proposed \$15,000 per year from fishing

16. Unidentified speaker

- a. Don't take anyone's license away

17. John Mihale

- a. Everyone should be able to renew their licenses; don't take away
- b. Maintain gear type distribution

East Hampton, 21 August

1. Assemblyman Fred Thiele

- a. Everyone should be able to renew their licenses
- b. Maintain gear type distribution
- c. Address latent effort and transfer together; don't wait

2. Richard Wright

- a. Have FFL but am not active
- b. Have been constructing new boat for about 5 years, no VTRs for past three years

3. Chuck Morici

- a. If you're lost a sea, a transfer to a family member should be allowed
- b. Don't take anyone's licenses away, maybe make them part time
- c. Allow license transfer and sale but don't allow transfer of latent licenses

4. Unknown speaker

- a. Do you have a profile of who has latent permits?
- b. Thinks that the latent license issue is overblown
- c. Older fishermen won't increase effort
- d. What is latent?
- e. Be careful of relying on VTR's, there are other types of fishing, e.g. clamming

5. John German

- a. Is the \$15,000 per year a hard figure or could some other number be used. (response – Other income levels could be used, the range that I heard was from \$3,000 to about \$17,500)
- b. Use income based qualification but use at least 51% of earned income

6. Unknown speaker

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- a. Is there a control date (Response – MRAC set a control date of November 2017)
7. Brad Loewe –
 - a. East Hampton Fisheries Committee
 - b. Laws must go through State Environmental Quality Review Act (SECRA), including balancing conservation with economic impact
8. Arnold Leo
 - a. Fishermen are concerned about losing their licenses based on \$15,000 per year
 - b. Allow fishermen over 65 to retain their licenses if they can show any income from fishing over last three years
 - c. Don't wait 5 years for license transfer and sale action
 - i. This will allow young people to get into the fisheries
9. Chuck Seaman (sp?)
 - a. What does latent mean?
 - b. Make requalification going forward rather than looking back
 - c. Show VTRs for verification
 - d. With transfer, use history of vessel to limit future uses
10. Kevin McGuire
 - a. Maybe it makes sense to have a part time license
 - b. There are too many licenses, making a part time license may reduce concerns about increasing effort
11. David Aripach
 - a. Need rules for new entrants
 - b. There should be part time and full time license categories
 - c. Addressing latent licenses will cause an increase in effort
 - d. Allow license transfer and sale
 - e. Deal with latent licenses first
 - f. Don't take licenses away, make latent licenses non-transferable
12. Unidentified speaker
 - a. If there's an ongoing qualification process, have an interview process available for each fisherman to understand their circumstances before deciding on the future of a license
13. Bill Schultz
 - a. Licenses should be able to renewed until we don't want to renew or with a significant violation
 - b. Doesn't support the \$15,000 per year qualification criteria
 - c. Most people are already part time, they need other jobs to get by

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- d. With the age of most fishermen, there will be a natural attrition in the number of licenses
- e. Change the domicile regulations
- f. Supports license transfer and sale
- g. Try to keep fishing traditions going; this isn't all about big business

14. John Davi

- a. Nobody should lose latent licenses but make them non-transferable
- b. Allow license transfer and sale

15. Floyd Carrington

- a. Nobody should lose their license unless they want to give it up
- b. Concerned about impacts of reduced license numbers on the DEC/DMR budget
- c. Base latency on VTRs
- d. Supports medical exemption recommendations
- e. Full time and part time fishermen are both needed
- f. Supports license transfer and sale, don't wait 5 years
- g. Supports recommendations on domicile provisions

16. Richard Rice

- a. Has FFL but is latent
- b. Wants FFL to supplement income with retirement
- c. The recommendation for \$15,000 annually is too high
- d. Policy effective dates should be forward looking not retroactive

17. Charlie Nichols

- a. Has latent permits, three sons who he'd like to be able to transfer to if they wanted this to occur
- b. Doesn't want to lose licenses
- c. Fishermen need to jump among fisheries to get by
- d. Taking licenses will remove long traditions
- e. Be cautious about using VTRs, many fishermen don't have them
- f. Supports license transfer and sale
- g. Need new blood coming into the fisheries

18. Julie Evans

- a. In fishing industry
- b. Husband dies, lost striped bass tags because fo DEC enforcement pressure
- c. Supports license transfer and sale
- d. Don't take away any licenses, it feels like age discrimination

19. Ian Burliek

- a. There is concern about speculation in permits if transfer is allowed
- b. Need flexibility based on participation in many fisheries

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- c. Supports recommendations on changes to domicile provisions
20. Troy Etsel
- a. Interested in fishing now, more than in the future
 - b. Limited resource availability, allow no new entrants until full time fishermen can make a living
 - c. Need more quota
 - d. Pay attention to full time fishermen
21. Richard Stevens
- a. Can crab, whelk licenses be transferred? (Response – yes, not quota limited – check this)
 - b. If transfer is allowed, and I buy a license, there would be effort reduction by turning in one license
 - c. Make the apprenticeship program like the Coast Guard licensing system
22. Ian Burliek
- a. Fishing is all the same except striped bass
 - b. Is there that much interest in future fishing, the latent license issue might be minor

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Appendix 5: Comments submitted on draft report, comment period closed 30 September 2019

1) Ilya Elkin

Please do not introduce more active FFLs into the NY fishery. We are already being suffocated due to NY's small quotas. I'm all for introducing youth into commercial fishing but what good is it if there is no \$ to be made. I urge the final decision makers to not make things even more difficult for the active commercial fisherman who are barely getting by. Thank you.

2) Joseph Bellardi

In so far as the article does mention there will be additional meeting relative to NY State Food Fish License, I would like to point out that the mere mention that most of us are in or approaching 70 years old will be considered an age discrimination. If we still want to work a few days a week to supplement our social security income. The mere mention of a cap on fish income to retain and renew a license will be a hard fight. While veterans are living in the street to put a cap on income of a veteran license holder that works at a fishing station and also commercial fishes is appalling! My twin brother and I as well as a younger brother all served during the Vietnam conflict, there will be many veterans attending the meetings. I do appreciate your efforts to help resolve the matter concerning myself and all of the NY State Food Fish license holders.

3) Lou Veprek

| | | |
|--|----------------------------|------------------------|
| * NOTE TO DEC, | | |
| I'M 82 YEARS OLD! I'VE LIVED | | |
| IN MY HOUSE ON LONG ISLAND FOR | | |
| 60 YEARS (SAME HOUSE). \$15,000 A YEAR | | |
| TO QUALIFY IS ARBITRARY EGOTRICKOUS! | | |
| I'VE SUBMITTED VTES CONSECUTIVELY | | |
| FOR 34 YEARS & MAINTAINED MY | | |
| PERMITS PORT #100! → \$750.00. WHY | | |
| AM I NOT "GRANDFATHERED IN" AND HAVE | | |
| TO REQUALIFY ??? ?? | | |
| 29. STRIPED BASS TAG SERIAL NUMBERS USED: | | |
| 30. PORT and STATE LANDED | 31. DATE LANDED (mm/dd/yy) | TIME LANDED (24 HOURS) |
| I hereby affirm under penalty of perjury that information provided on this form, and any attachments submitted herein, is true to the best of my knowledge and belief. False statements made herein are punishable as a Class A misdemeanor pursuant to Section 210.45 of Penal Law. I furthermore affirm that I am aware of the applicable Sections of the Environmental Conservation Law and Official Compilations of Codes, Rules and Regulations of the State of New York and fully understand them. I understand violation of these laws and regulations may subject me to criminal and civil penalties including fine, imprisonment, revocation of license or a combination of any of these penalties. | | |
| 32. NAME AS IT APPEARS ON THE PERMIT (printed) | 33. AUTHORIZED SIGNATURE | DATE |
| Lou Veprek | | |
| FOR OFFICE USE ONLY: <input type="checkbox"/> Rtn# <input type="checkbox"/> EVTR# Date Entered by ver. 7/17 <input type="checkbox"/> Scn. | | |

4. Steve Miller

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I think that some special considerations for Veterans who fought for their country should be given in cases of where the \$15,000 income is not met. Many of us Veterans are unable to meet those requirements for different reasons. NY State DEC has never given any considerations for Veterans even though other states have waived license fees and given preferences to Veterans. As a disabled Veteran, I am asking for a chance to keep my license even though I may not be able to meet the income requirements. When I was asked to serve I did, regardless of the financial hardship it may have caused me and my family, and now at 72 years of age would like to continue to fish as long as I can.

5. Ronald Onorato

After having read George LaPointe's report, I would like to make the following comments:

1. If implementing some of his suggestions as it pertains to the income qualification proposal, is the State of NY going to conduct a study of the socio/economic impact of those eliminated as well as to the region where they fished?
2. Since a good number of fishermen who may fail to qualify are over 60 years old, does age discrimination come into play?
3. What income is defined as "fishing income"? Strictly sale of fish, charter boat income?
4. If income qualifier is approved, due to an aging constituency, severely reduced trip limits, and other mitigating factors, look back period should be at least 20 years. Many fishermen when younger and with greater access to the resource probably had their best income years quite far in the past.
5. Licenses should be designated as transferable and non-transferable. If income qualifier is approved, only those licenses that meet the criteria should be transferable. Latent licenses or those not meeting the income qualifier should be non-transferable under all circumstances, and would expire upon the death of the license holder.
6. All licenses should be renewable by the license holder.
7. Corporate licenses are already transferable, so only personal licenses should be reviewed for transfer.
8. Inactive licenses(no fish landed) and latent licenses (no activity for 10 years) should expire upon the death of the licenses holder and should not be allowed to be

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transferred, including those with striped bass and fluke endorsements, with no predesignation of beneficiary permitted.

If an income qualifier is adopted (\$15,000.00/3 consecutive years is acceptable), then a look back period of at least 15 years should be used. This is important as the age of license holders is increasing. Someone could have had an extensive history as a younger fisherman.

We need to maintain fleet diversity.

If license transferability is approved, license holder should be at least 65 years old and have held their license for 15 consecutive years. This will prevent frequent license transfers and allow older fishermen to get some money for their permit.

No new licenses should be issued by the DEC.

Charterboat income should be included as fishing income.

6. whymejoe@aol.com

Great, about time, shut it down

7. bluefish1260 <bluefish1260@aol.com

There are at least 20,000,000 people in New York State and only about 900 Food Fish License holders. At least a third of these licenses are considered to be latent or inactive and have no actual impact on any fishery. These approximately 900 Food Fish License holders have dutifully and in good faith followed the DEC's rules and paid their renewal fees; in some cases, for more than three DECADES. Under the current system, no actual New licenses have been issued since 1995. Starting in 1999, one out of every two non-renewed licenses has been re-issued to a new qualifying applicant not to exceed the current license cap. The number of Food Fish Licenses, both latent and active, are slowly being decreased through attrition; this should be allowed to continue as is. THERE SHOULD BE NO CHANGES TO THE EXISTING FOOD FISH LICENSING SYSTEM.

8. Lucas Krucher

I am a part time commercial fisherman with only a shellfish license. I grew up in a commercial fishing family, the Carmans who have a very strong history in the town of Hempstead as commercial fisherman dating back to the settlement of this area of Long Island. I missed out on the licenses my grandfather held due to his unforeseen passing and there for all I have to work the water with is my shellfish license until I am able to show sufficient income, which I have been working hard at.

After reading the review one thing of concern is the recommendation to raise the annual qualifying income. If it was to be raised to above the current average of 15k

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this would make it near impossible for most commercial fisherman who only hold clamming license. My self for example has been struggling to meet the qualifications for nearly 8years. And I am now 24 years old and still not able to qualify.

I believe that making licenses available for sale would not be beneficial at all and only allow those who can afford to buy their way into the industry the privilege of working under the food-fish licenses.

The current state requirements for qualifying to enter the lottery are fair and should not be changed. The real issue to be addressed is latent licenses. Holders of these licenses should be required to show income from their limited entry permit in order to keep it. If they are not using it for work then it should be put back into the lottery system for a new applicant to take advantage of.

I think that it is a shame that many of us young commercial fisherman who grew up working certain fisheries are forced to work in different ones such as shellfishing just to maintain income from the fishing industry with only the hope of being lucky enough to draw a license from the limited entry which would allow us to work on what when know.

If latent permits are required to show use through reporting, more permits may not be renewed each year giving more opportunities to those who qualify in the limited entry lottery.

My main points:

Selling permits is not the answer.

Income requirements in place currently are fair, but more permits should be available to the lottery system. They should be un used latent ones.

A apprenticeship program should be in place, and should be able to accept fisherman who have been working commercial prior to the establishment of the program (sworn statements from license holders or proof of commercial fishing)

Apprenticeships should not include deck hands on party boats or charter boats. That is not commercial fishing and should not be counted as soo. It is not the same type of work. If you want to participate in the fishery you need to earn it by putting hard work and time in, not changing a customers bait for them.

I was not aware of the meetings held but I am glad to see action being taken to address the current issues. I hope that my perspective and response to the review

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can be of some help especially as a young fisherman in this industry with very strong cultural and family ties to working the water.

9. Carol Hoffman, DEC biologist

Some comments on George Lapointe's Draft Report:

1. The Draft report recommends no formal separation of Full-time vs. Part-time fishermen.
2. But it does recommend an income qualification (of \$15,000 from fishing) for removing "latent" licenses from the system.
3. I believe this will potentially be devastating to current striped bass permit holders, since many of them do currently fish, but only for striped bass, and most do not make close to that amount of money.

4. There are some inaccuracies re: permit history in the draft report.
5. In order to fish for striped bass, commercial fishermen must hold a current food fish license; and either have historically held a striped bass permit in 1984, 1985, 1990, 1991, 1992, 1993, 1994, or 1995; or have obtained their licenses through permit transfer.
6. Commercial striped bass fishermen must tag every legal sized fish they catch. There is only one striped bass commercial harvesters permit, but there is a Full Share vs. Part Share individual quota allocation of tags, depending upon income.
7. Permit holders who have at least 50% of their earned income from the direct harvest of marine biota receive a full share tag allocation, which is usually ~200 tags/year.
8. Those whose earned income from the direct harvest of marine biota is less than 50% receive a part share tag allocation, which is usually ~35 tags/year.
9. The current tag allocation system has been a rule in 6NYCRR since 1997.

10. In 2018, there were 910 Resident Food Fish license holders. 436 of these also held a striped bass permit. (i.e., 48% of all Resident Food Fish license holders also had a striped bass permit).

11. 342 striped bass permit holders in 2018 received a full share tag allocation of 215 tags each. At an estimated \$50/fish, they could have made \$10,750 from striped bass fishing, if they used all of their tags, and if they fished individually. But some fishermen do not catch their quota allocation in a year, and some go out on other's boats (partly due to limitations on areas where they can fish), and split their income with the other boat's captain. So, at ½ their potential income, this would be \$5,375, if they were able to use all of their tags.

12. Part share permit holders potentially made even less money. The 94 Part share permit holders received 35 tags each, for a potential \$1,750 income if they

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used all their tags and fished alone; or \$875 if they used all their tags and fished on someone else's boat.

| | # permits | # tags | price/fish | total income | 1/2 total income |
|------------|-----------|--------|------------|--------------|------------------|
| Full Share | 342 | 215 | \$50 | \$10,750 | \$5,375.0 |
| Part Share | 94 | 35 | \$50 | \$1,750 | \$875.0 |

13. In 2005, DEC amended regulations to ensure that permit holders who received a full share tag allocation were entitled to do so. All full share harvesters were required to submit tax records to the DEC demonstrating that at least 50% of their earned income was derived through the direct participation in the harvest of marine biota in any one of the previous three years. The requalification was conducted in 2005, and it was scheduled to take place every 5 years. Permit holders whose income did not meet the 50% requirement, or those who did not submit tax records, received a part share allocation of tags.

14. In 2010, DEC again conducted a tax requalification for full share harvesters. The DEC also proposed amending regulations to require a \$15,000 earned income derived through the direct participation in the harvest of marine biota during one of the previous three years, instead of the 50% earned income requirement. The proposed regulatory amendment received much negative public comment. Many fishermen stated that they did not earn \$15,000 yearly income from fishing, even though they were currently receiving a full share of striped bass tags, and at least 50% of their earned income was from fishing. They also stated that the proposed rule was discriminatory toward elderly fishermen. DEC withdrew the proposed amendment, and suspended the concurrent full share income tax requalification for full share striped bass tag holders.

15. Striped bass regulations may change in 2020. The quota may be reduced, and commercial fishermen may be receiving fewer tags per year., and thus less yearly income.

16. In summary, many striped bass fishermen have held their permits since the 1980's or 1990's and currently use their permits, but they do not make a yearly income of \$15,000 or even \$6,000 from fishing. Perhaps there should be other methods to define latent permits, such as a combination of income and/or landings.

10. William Straub

I started commercial rod and reel fishing with my father and grandfather on their boat in the 80's. my father was a member of the FDNY and fished part time. I followed in his foot steps and joined the NYPD in 1984 and continued my passion of fishing. In 1995, I had a commercial fishing vessel built "NORMA" for chartering and

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commercial fishing. In 1996 i went and received a 100 ton Merchant Marine officer license from the USCG, a NYS food fish and charter license and federal commercial fishing license. I Received my NMFS vessel operator card, federal radio call permit, EPIRB, Life raft and all required safety equipment. I have been paying insurance and licenses for commercial fishing, maintaining and upgrading all safety equipment and keeping my vessel USCG compliant since 1996. I have contacted the NYS marine fisheries office on numerous occasions and attempted to get a summer flounder license and striped bass tags, I was told they were not available.

My main income from fishing is blackfish and black sea bass, unfortunately we are able to keep less fish and the open seasons are shorter then past years. That being said, I do not have \$15,000 of income from fishing for three consecutive years. I believe I would have had the required income if I was permitted to have the summer flounder permit and striped bass tags like most of the commercial fisherman I know. In 2018 After 34 years of police service I have retired with the intent to be a full time commercial fisherman. I must say since I read the proposed requirements to receive the commercial license, I have felt very deflated to say the least.

I have spent a tremendous amount of time, effort and money to maintain my commercial fishing privilege and have documented this with required fishing trip reports since 1996. I do not think it is right if my permit is not renewed, I deserve the privilege to have this license, I have been compliant on every aspect of this fishery. I know of many individuals who have no activity or have not prepared required trip reports, I recommend you look into those cases first. Please look at individual cases when renewal applications are submitted, rather than reject them if the \$15,000 requirement is not met.

11. Anthony Maltese

I have a food fish license for 20 years and have always been informed of meetings by post card. The DEC office should have informed license holders they changed to emails. I missed the meetings because of this. I'm told the DEC is considering taking licenses away from license holders if they don't catch 15,000 dollars a year. I was denied a fluke permit and bass tags, sea bass season is closed for most of the season! Which makes it difficult to catch enough fish to meet this amount! If this happens, I want to be reimbursed for the cost of my ice machine, boat and all related commercial fishing equipment! If not, we will start a class action suit with all license holders to be compensated for our equipment.

12. Eric Auer

The NYS DEC is no friend to Long Island Fisherman! I am a part time commercial fisherman, my License goes back to 1989, I used to be a full time commercial fisherman but due to the NYS DEC regulations I found another full time job, and

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keep fishing part time. I get 36 striped bass tags as a part time commercial fisherman, I am going to be giving up my bass tags to my son Zachary Auer, who as a full time commercial fisherman has not been able to get them from the NYS DEC! The hope is these tags will better serve him, even though I had hoped to continue to commercial fish the rest of my life.

The NYS DEC is discriminating against all part time fisherman because of the regulations the DEC has made. As a part time fisherman, we can not get into other fisheries, no Fluke, No Lobster, no whelk, no crab licenses! No striped bass tags and we are limited on sea bass which we can only catch part time, they open the season when fish aren't here and close it when they are! We must meet a criteria as per the DEC but the DEC will not give us fisherman anything to work with.

Thanks to the NYS DEC and all of their regulations they have made full time commercial fisherman become part time commercial fisherman because we couldn't make a living as full timers and now they want to take away our part time status by making it harder to keep our licenses! Thanks but the NYS DEC is no friend to the working fisherman and families of Long Island ! Not to mention the NYS DEC fails to notify us fisherman of when these meeting are being held to discuss Permit regulation changes!

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13. Joe McBride

Date: August 27, 2019
To: DEC and George Lapointe
From: Montauk Boatmen and Captains Association (MBCA)
Subject: Proposed revision of commercial fishing licenses



The MBCA would like to suggest the following:

1. Philosophy: Fish are a public resource and are not owned by any one group.
2. The user groups should have quota allocations that are equitable, not necessarily equal. This is in order to share, as best is possible, the utilization of the resource by all user groups.
3. The determination of equitable should be made by MRAC and DEC.

The MBCA also suggests the following:

1. No sale of commercial state licenses on any public resource including fish.
2. A cap on the number of commercial licenses. When the number of NYS license holders falls below the cap, new entrants will be allowed. The means of new entry to be determined by MRAC and DEC.
3. With a cap and no sale of licenses, a good deal of latent licenses will be turned into the state.
4. Procedure for family retention of the license to be determined by MRAC and DEC.
5. No user group exploiting the issue for selfish reasons.
6. The current earned income of approximately \$15,000 can be earned by fishing, not just the sale of fish. The MBCA worked very hard to include this requirement at its inception. We do not want it changed.
7. The \$15,000 earned income should be adjusted to accommodate part time commercial fisherman such as retirees, rod and reel, etc.

Thank you for your consideration of our suggestions.

Respectfully,

Capt. Joe McBride
Legislative Representative, MBCA

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14. Donald Dzenkowski

Things to consider

1. One's health might be currently hindering one's ability to reach an income limit.
2. The DEC by not allowing everyone to participate in all fisheries automatically hinders one ability to reach an income threshold.
3. If the DEC is concerned that the yearly quotes are not met issue more permits as latent permit that are not used have no impact on harvest numbers. This would also bring in more revenue for the state.

15. Stanley McGrath

Stanley K. Magrath
31 Beech Street
Montauk, NY 11954

SEP 03 2019
DIVISION OF
MARINE RESOURCES

August 28, 2019

Maureen Davidson
NYSDEC
205 Belle Mead Road, Suite #1
East Setauket, New York 11733

RE: GLP Permits

Dear Ms. Davison:

This letter is in regard to the meeting held in East Hampton on August 21, 2019 (which I attended) regarding possible New York State Food Fish License qualification changes.

I have held a NYS Food Fish License since 1987 and a NYS Commercial Fishing License before that in one form or another going back to 1977. I have fished every year since then and have filed VTR's every year at least since 1998. The suggested \$15,000.00 limitation to maintain this license is unattainable for many license holders such as myself who were unable to obtain a Striped Bass or Fluke Permit - which you need to put you over the suggested dollar limit. It is near impossible to catch \$15,000.00 worth of Porgy or Sea Bass (with the limited seasons). I understand there are over 300 latent licenses whose holders have not fished or filed VTR's in years only holding onto the license with the hope of a big pay day if they could sell their permits at some point.

I really do not believe anyone should have their licenses taken away, but if it came down to that, if someone has not filed a VTR in three to five years or more these licenses should be the first to not be renewed. In any case I can guarantee that multiple law suits will be filed to stop this grievous injustice to people who have fished, filed their VTRs and have done the right thing for many years. Also the vast majority of these licenses are held by people in their 60's and 70's who only want to finish out their lives able to fish. (Sounds like age discrimination to me). I hope you can take some of my suggestions into consideration when you make your final decision. Thank You.

Respectfully yours,

Stanley Magrath
Stanley K. Magrath

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16. Joseph Giaramita

A committee should be formed to set up a buyout program from existing licenses. To take no action will hurt, and not help, the State achieve its' objectives and is unfair to the small group of commercial fishermen, many of whom need the money and are senior citizens

17. Nancy Solomon, Long Island Traditions

Income requirements

The consultant suggests that the threshold for defining a commercial fisherman should be reduced below \$15,000 annually to reflect that some fishermen only work part time, for a variety of reasons. In speaking with area stakeholders, the reaction to this is as follows:

- \$15,000 is too high for part time fishermen
- No one currently holding a license should lose their license due to income eligibility determinations.
- No income eligibility determination should be used in granting future licenses since this could lead to an invasion of privacy, but rather should be based on the permit applicant's intention to work as a commercial fisherman, full or part time.

Obtaining a license

In order to maintain the current level of fishing effort, the consultant suggests that there should be a lottery system similar to the one in Maine, with some modifications. This might include the development of a ranked system where the longer one is on the list, the greater one's chances would be in obtaining a permit. There are several factors that can affect the success of this policy:

- Primary preference should be given to family members of current fishermen, defined as someone who is related to the permit holder, and need not live with the permit holder to qualify. This should include immediate family, nephews and nieces and cousins of the permit holder. The reason this is desirable is because the permit holder has intricate and depth of knowledge regarding the fishery in which they are engaged. This local ecological knowledge is essential to preserve, in the hopes of preserving the tradition of commercial fishing.
- Secondary preference should also be given to anyone who has participated in an apprenticeship with someone who is in their desired field, i.e. a striped bass fishermen would work with an apprentice, while a fluke permit holder would work with someone interested in fluke fishing. The apprentice master should receive some

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sort of stipend and is ready to retire, so that his/her permit can then go to their apprentice. Apprentices should be approved by the master fisher.

Selling of licenses

There is a great deal of concern regarding the sale of licenses. On the one hand, corporate license holders can sell their licenses, while individual permit holders cannot. This is unfair in the eyes of many individual permit holders. At the same time an open market could attract more fishermen at a time when quotas are already restricted, leading to increased pressure on the stocks. In speaking with area baymen and fishermen, the following suggestions were made:

- If the state agrees that permit holders can sell their licenses, the purchaser must be someone who will only use the same type of license, i.e. fluke, striped bass, squid, in the same manner as the existing permit holder. For example a part time permit holder could only sell the license to another part time permit holder for the same species.
- If individual license holders are not permitted to sell, the state should consider a buyback program where inactive license holders receive some compensation for their license. The license would then be “retired” or entered into the lottery/apprentice program described above.

Medical waivers

As the baymen and fishermen’s population ages, and as younger fishers are often required to care for older family members, there are times when neither group is actively fishing. We therefore recommend that the medical waiver program be expanded to all license holders.

18. Mark Cusamano

Below you will find my comments for your consideration following my attendance at both the Stony Brook meeting held on July 23, 2019 and the Point Lookout meeting held on August 20, 2019.

- Any potential requalification options need to address hardships that are out of the control of the license holder, i.e. engine failures, loss of equipment, the health of both the individual and their immediate family, any substantial hardship that may limit the stakeholder’s efforts, etc. The state should not penalize fishermen for events that are out of their control, fishermen need a job to come back to once their situations have been resolved
- Stakeholders operating under a NYS FFL without a Striped Bass and or Fluke Endorsement – In listening to the public comments at both meetings I attended it seems the feedback is that it is very hard to have any real earnings year after

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year. Most fishermen operating under a limited NYS FFL rely mostly on the black seabass fishery to make up most of their income. Looking at the 2019 black seabass season regarding the amount of days fishermen could fish and ask yourself how can anyone sustain a profitable business/living? Please see the below chart outlining the black seabass quota by period and open and closing dates as of September 30, 2019:

| DEC DMR Accounting | | | | | | |
|--------------------|-----------------|------------|--------------|----------------|----------|----------|
| Period Name | Period Dates | Allocation | Period Quota | % Period Quota | Landings | Rollover |
| 1 | Jan – Apr | 24,640 | 24,640 | 123% | 30,370 | -5,730 |
| CLOSED1 | May 1 - May 14 | 0 | 0 | | 1,955 | -1,955 |
| 2 | May 15 - Jun 16 | 81,312 | 81,312 | 127% | 103,539 | -22,227 |
| CLOSED2 | Jun 17 - Jun 30 | 0 | 0 | | 3,599 | -3,599 |
| 3 | Jul 1 - Jul 18 | 66,528 | 40,702 | 100% | 40,702 | 0 |
| CLOSED3 | Jul 19 - Aug 31 | 0 | 0 | | 3,370 | -3,370 |
| 4 | Sep – Oct | 61,600 | 58,230 | 30% | 17,355 | 40,875 |
| 5 | Nov – Dec | 12,320 | 45,510 | | | |

Transferability of Licenses – The DEC should start with a pilot program where ACTIVE licenses could transfer only Striped Bass and or Fluke to another license holder with a limited NYS FFL. The whole licensing review started a few years back regarding access, or should I say the lack there of, specifically with Fluke. Allowing the transfer of these additional license endorsements would open access and provide relief to fulltime fishermen who could really use additional access. I said it at both meetings I attended, and I will say it again in my written comments. I am a part time hook and line fishermen with a partial share of Striped Bass. If the state would entertain a pilot program to see how these transfers would help fishermen, I would be one of the first to make a transfer to a full time (only full time) participant of my Striped Bass endorsement

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- The state needs to look at gear types. Depending on gear types and the fisheries a fisherman participates in will greatly determine the frequency of effort and annual income
- Infrastructure – With the exception of ports on the east end of Long Island, our waterfront businesses have turned their backs on the fishing industry. We have seen packing houses disappear from most west end harbors. Fishermen are now forced to deal with local fish markets/buyers who take advantage of the current situation. As an example, Northport, NY, where I live, we have two private marinas; both charging extremely high rates and they do not welcome commercial fishing vessels. We have no packing houses to ship our fish to the Fulton Fish Market. Fishermen are forced to sell fish to local markets at a reduced rate because they are being taken advantage of by local buyers. You can sell your fish at a reduced rate or drive it into the Market yourself which will cut profits even further
- Our Fishermen are aging out and there is no one to fill their shoes. Most stakeholders are in their 50's based on the comments in the recent meetings
- License transfers in the immediate future - It is obvious we have many issues that need to be addressed before license transfers become a reality. With that said, the state should consider the following:
 - If the license holder is 59.5 years of age, is participating in the fisheries on a full-time basis and has no outstanding fines, he or she should be allowed to transfer their license so that they can retire out of the business
- Requalification Requirements – If the state is forced to put a requalification requirement in place the frequency of the requalification should be every five years with the license holder showing effort at least three out of the five. License holders should not be held hostage and be forced to fish year after year. The fishing industry is in dire straits, fishermen should have the ability to explore new opportunities while knowing they can always return to fishing if things don't work out
- Income Requalification Requirements – Based on the public comments I have heard and read to date, the proposed \$15,000 annual income requirement is much too high of an achievable goal, especially for license holders with limited access licenses. Until the states quota issues are worked out (increased) I believe any substantial income requirement is unfair to all stakeholders. Any substantial monetary requalification requirement with a frequency greater than three out of five years should and will be considered extremely harsh and will be taken as the states attempt of eliminating small business from the industry
- State VS Federally Licensed Vessels – Any changes to the Licensing process needs to be in the best interest of License Holders operating in state waters. Larger operations simply using their NYS FFL to land fish in NY should not be a priority of the DEC. We need to keep local fishermen working

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19. Kevin Greene

I was a full time fisherman for about ten years and fished in the summers through college before that, I have been a fisherman for most of my adult life. I received my food fish, crab, and conch through the current lottery system. Four years ago, I took a job as a boat captain for Robins Island so I no longer work full time in the fishing industry. As a family man, I have a moral obligation to earn the best income I can and insurance for my family.

I still identify myself as a commercial fisherman and plan on returning to fishing full time once my kids are older and I have the financial freedom to do so. Under your new recommendations I would be stripped of my permits. I would be stripped under the income base recommendations and under the demonstration of fishing activity recommendation.

As a part time bayman, I work independently and run a pound trap in the Peconics, gill net in bay, clam, and scallop. In 2018, I went fishing roughly 25 trips and shellfishing another 25 times. I did not crab commercially and did not conch. As a part time bayman I wouldn't be able to competently use all three of the limited entry license at the same time, assuming I would want to be fishing for the spring run. As a full time bayman I would. I am in my 30's so I am too young to hold fluke or bass. If I had those permits I probably would not have turned to other work. I definitely understand young ambitious fisherman need to get permits. That's why I support the following:

License transfer: It would let a younger fisherman use limited entry license. It gives fishermen more options to work. As a personal example another fisherman has fluke, he is on a dragger for the season where they are not using his permit because the boat is permitted. I could lease that for my pound trap program.

License boats : it would let younger fisherman use limited entry licenses also giving fisherman options that increase their businesses. A younger fisherman could use another fisherman's boats and equipment gaining independence experience without the financial commitment into a fishery. It would be great for the industry and works with the bigger corporation boats.

DEC permit / pressure reduction goals:

the DEC is gaining license every year. If the age of the current license holders was taken into account their projected gains in the coming years is going to increase. If they would continue their 2 to 1 license reduction program they have been doing. The DEC regulates landing. That's a strong tool. I understand we want landings to go up but recommendations isn't advocating reduce active permit just inactive ones that do not effect landing.

From 1990 - 2018 the food fish permits issued have dropped by 450 permits. So they are reducing 25 permits per year on average. They are on track to hit their goals and if you take into account the current age of most permit holders, especially

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fluke and bass, that should increase in the coming years.

In conclusion, I am for license leasing and license transfer between fisherman because I am for fisherman increasing and diversifying their businesses while adding young ambitious fisherman to the industry. I am against an income based license and activity demonstration license to phase out fisherman. Again, I am in my 30's and planning on fishing full time again once I have the freedom to do so and the current recommendations would strip my permits away pretty quickly which would handcuff me to shellfishing for three years and start the fight all over again to work as a bayman, which I have already earned. Also these aren't landing and permits we are discussing as much as it's the men's lives we are talking about.

20. Fred Thiele, New York State Assembly

**COMMENTS
OF
ASSEMBLYMAN FRED W. THIELE, JR.
ON THE DRAFT
NEW YORK STATE MARINE FISHERIES LICENSING REVIEW
REPORT
JULY 2019**

A. INTRODUCTION-

In 2017, the NYS Department of Environmental Conservation, by Departmental Bill, requested a 3-year extension of New York State's limited entry, commercial fishing licensing law. The current law has been extended largely unchanged for decades. This statute is outdated and has worked to unnecessarily injure the commercial fishing in New York State. It has been a major culprit thwarting the growth of this vital part of the New York State economy.

Senator Ken LaValle and I objected to the three (3) year extension because of the adverse impact the law was having on the commercial fishing industry. State Assembly Environmental Conservation Committee Chair Steve Englebright concurred in our view and a three (3) year extension was denied. We also concurred that action to reform the commercial fishing licensing statute needed to be taken with all deliberate speed.

Consequently, only a one (1) year extension was granted through 2018. As part of the enactment of the one (1) year extension, the Department agreed to meet with the commercial fishing industry on Long Island to discuss licensing reform. That meeting took place in the Fall of 2017. At that time, the Commissioner of the Department agreed to undertake this review of the licensing law.

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In Spring 2018, a consultant was hired by the Department to assist with the review. In the Summer of 2018, public meetings were held with the commercial fishing industry throughout the Marine District to get the industry's input on licensing reform.

In 2019 with this report still pending, the State Legislature agreed to extend the current law for 2 additional years through the end of 2020, to permit the completion of the Department's report on licensing reform. In July 2019, the draft report was finally issued. In August, public meetings were conducted to present the report. Comments on the report are being accepted through September 30, 2019.

This document constitutes my comments on the draft report.

B. Step-wise Approach-

The draft report recommends that a segmented or "step-wise" approach to licensing reform be undertaken. In summary, the recommendation is that the reduction of licenses should be accomplished first. Other reforms, such as new access to the fishery and license transfer should be put on hold for 5 years.

I strongly oppose any segmented approach to licensing reform. Commercial fishermen have waited far too long for licensing reform already. Further, given the history of licensing in New York State, it is not fair or practical to expect the commercial fishing industry to trust the Department to address the needs of the industry on new access and license transfer only after the number of licenses has been reduced. There is legitimate reason to believe that there will not be action on access and transfer by the State once the number of licenses has been reduced.

All issues related to licensing reform need to be addressed at once in a comprehensive fashion. All relevant issues are interconnected and need to be addressed at the same time.

C. License Reduction-

The draft report indicates that in 2018, there were 949 commercial food fish licenses. The report indicates that about 1/3 of all licenses were "totally inactive" or latent licenses. It is the underlying premise of the report that the number of latent licenses need to be reduced.

It is understood that a portion of these licenses should be retired forever and that a portion could be re-purposed to permit access by new entrants into the fishery. The draft report recommends that the number of latent licenses be reduced by demonstration of fishing activity, based upon income from fishing (such as an annual income of \$15,000).

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The reduction of latent licenses through a “buy back” program was rejected because no source of funding to administer the program could be identified.

Based on the testimony of the members of the commercial fishing industry, it is my opinion that any reduction in the numbers of licenses should be accomplished “with a carrot not a stick”. There are a variety of reasons why a license may be latent. They cannot be addressed in a “one size fits all” regulation. In short, we should be utilizing incentives to reduce the number of licensing, not a regulatory mandate that would involuntarily take licenses away.

Among the incentives I would support to reduce the number of latent licenses is a “buy back” program or an income tax credit for any owner of a latent license who surrendered their license.

Among the issues that will need to be resolved is (a) what constitutes a latent license, (b) how long should a buy back or income tax credit be in place before regulatory mandates are again considered, (c) how many latent licenses need to be retired, and (d) what ratio of such licenses can be returned to the industry to foster new entry into the fishery? The size of any incentives that would serve as a financial inducement to retire a license would also need to be established. MRAC should be tasked to address these issues.

Finally, there are several opportunities to fund these incentives, such as funding through the state’s robust economic development program including the REDC. Funding of such initiatives as a mitigative measure by the offshore wind industry should also be considered.

I support the recommendation to permit a medical waiver for those who are temporarily unable to utilize their license due to a medical condition. These should not be considered latent.

D. License Transfer

Current license transfer provisions under the ECL are limited and arbitrary, such as the domicile requirement. While unlimited transfer of licenses may not yet be appropriate, I believe broader criteria for transfer is warranted than what is recommended in the draft report. Transfers to family members without regard to domicile, those who are already in the commercial fishing industry, and those who have completed an apprentice program should be candidates for license transfer. In addition, there should be a hardship procedure for those who cannot meet the strict transfer criteria but have a unique set of facts that constitute a hardship. Finally, there should be a “look back” provision to permit persons who were adversely

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impacted by the current arbitrary and perhaps illegal license transfer law to obtain a license under the new law.

E. New Entrants

I support a process that facilitates new entrants. I support the creation of an apprentice program and its full funding by the state. I also support the establishment of a weighted random selection process, as recommended by the draft report, for any licenses still available after license transfers to new entrants and entry through an apprentice program has been accomplished.

F. Quotas-

Reform of the commercial fishing licensing laws is only one part of the equation to insure the return to a vibrant commercial fishing industry. While not the subject of this report, unfair federal quotas must be reversed. The recent dismissal of New York's lawsuit against the federal government as premature was disappointing. Legal and legislative action on the federal level must continue to be vigorously pursued. Fairer licensing laws will only succeed if there are also more fish to catch by New York fishermen. Again, the issue isn't the need for quotas, which is acknowledged. However, New York commercial fishermen must get their fair share of those quotas. Any objective review of the current state shares of the quota would conclude they are unfair and arbitrary to our residents. New York needs to press harder to increase its share of the quota.

G. Timing-

Clearly, the recommendations of the draft report need substantial revision. Additional input from the commercial fishing industry must be obtained.

However, any additional undue delay is unwarranted. 27 months have passed since the Department first promised to undertake the review of the licensing laws and regulations. The Department missed promised deadlines all along the way. It took a year from the public hearing process to simply write and present a draft report. These delays are unacceptable. The industry has waited too long for needed reform.

There is no reason why the industry cannot be re-engaged in the process and a new law enacted during the 2020 legislative session. I will not vote to again extend the current inadequate and injurious laws on licensing.

21. Floyd Carrington

From Table 3 page25, there has been a decline in the number of Food Fish Licenses from 2011 to 2018. From page 24, the goal is 647 licenses. Which puts a \$75,500.00 hole in the Marine District budget. In my opinion the people who have

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licenses in 2019 should be able to keep them. Say from 2020 or whatever future date you pick new people who get licenses will have to use them or lose them.

Pages 26-28 a license buy-out program will not work as proposed. Besides where is the money coming from?

License Qualification page 29 should be by landings. Not everyone on the boat gets paid the same. For a crew member who wants landings credit, setup a commercial registry. Each crew member gets a number. At the bottom of VTR sheet or NYSDEC form list crew member name and number for each trip.

Formal separation of full-time and part-time fishermen page 31-32 keep the status quo.

License transfer pages 32-34, for starters ECL 13-0328, (6) (d) needs to be changed so family recipients do not have to be domiciled in the house of the current license holder. The biggest problem with license transfer is that Fishcrats are employees and with few exceptions have never run a business in their lives. The check comes every two weeks, no matter what. The mindset of a person who runs a business and employees are different. The fishing license is an asset to the business just like a boat and fishing gear. I should be able to sell the license for whatever the market value is.

22. CHARLES TEKULA

As per the efforts and expense in establishing new policies involving existing and future licensed commercial fishermen in the State by NYSDEC -- being that it has been focused on reducing current and future commercial landings by eliminating so-called "latent permits" and making active fishermen re-qualify periodically by providing IRS forms that "prove" the exceeding of a taxable income threshold from fishing:

1. This violates the spirit and letter of MSA National Standard #4 (fair and equitable allocation) in that while the Department's own numbers indicate that the landing by the recreational sector far exceed that of commercial landings, the NYSDEC spends millions of dollars a year promoting marine recreational fishing in the State with workshops, seminars, and a Center at Gilgo State Park, the Department has been spending millions annually in law enforcement efforts against the commercial sector and is now engaged in this effort to greatly reduce the number of licensed commercial fishermen in the State. At the meetings on LaPointe's report it was repeatedly stated that these effort to limit commercial landings is because "there are not enough fish to go around". Does not ring true. It is politics and money behind these efforts -- the recreational sector has much more influence in this regard.

2. LaPointe's legal assertion that commercial fishing licenses are "privilege" and not "property" are not based in law. His citing of Sec303A of MSA is blatantly

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disingenuous as that section deals with “Limited Access” fisheries. None of the permitted commercial fisheries in the State are of this category. The long standing common law decisions on any and all state created commercial licenses hold that the holders of said licenses have a property interest in them. In nearly all instances limited entry commercial fishing licenses in all other state and federal venues are treated as the property of the holders regardless of what respective statutes state.

3. Past, present and suggested future taxable income from fishing requirements to obtain and maintain commercial fishing licenses in the State do not meet the “legitimate governmental purpose” standard or the much greater “compelling state interest” standard. For the former the State has the VTR’s of any licensed fishermen and therefore has no need for the IRS 1040’s. And for someone not yet licensed what has been claimed on a tax form does not really establish anything at all. Plus, such a number would vary widely from actual fishing activity given the vagaries of various deductions for each person. A sworn affidavit from a licensed captain is much more persuasive. And for the latter legal standard, being that nothing is considered by law and statute more private than a person’s tax forms, any governmental agency would have to vault a high hurdle to legally demand them. It is inconceivable that the mandate of the NYSDEC would in any way justify such demand for any reason -- especially when a person’s livelihood is at stake.



TOWN OF EAST HAMPTON

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To whom it may concern;

The Town of East Hampton is steeped in history, with centuries of its residents working the townships territorial waters and beyond for means of making a living and providing food sources for our residents. Within the boundaries of our township exists the largest commercial fishing port in the State of New York and also other home bases for individuals that harvest the seas with a wide range of various gear types. Fisheries and their stakeholders are a segment of our population that are among the proudest and hardest working class in our township. For hundreds of years they have been providing a means of living for their families and it is the desire of myself and the East Hampton Town Council to see a strong and robust fishery for generations to come in our township.

It is for these reasons and others, that the East Hampton Town Council is closely monitoring the progression and process of the New York Department of Environmental Conservation Division of Marine Resources, in regards to its New York Marine Fisheries Licensing Review.

As liaison to The Town of East Hampton's Fisheries Advisory Committee (FAC), I have been aware and educated on the subject of the New York Department of Environmental Conservation Division of Marine Resources' desire to study and potentially implement changes to its current marine fisheries licensing system. This topic has been discussed at multiple FAC meetings recently. It is the town's FAC, that is the most appropriate and qualified town appointed advisory committee that is charged to make recommendations to the town council in regards to George Lapoints report, on behalf of the stakeholders within the township. The FAC is comprised of multiple members of The Town of East Hampton's Fisheries industries and represents the spectrum of gear types and fisheries that are home ported within the township. While the FAC does not speak for each individual within the township's fisheries, it does speak as a collective advisory committee whose responsibility is to advise the town council on matters relating to East Hampton's fisheries. For this, the Town council is grateful for each member's service to his and her community.

The following are responses and recommendations from the majority East Hampton Town's FAC membership in response to George Lapoints report for the New York Department of Environmental Conservation Division of Marine Resources, in regards to its New York Marine Fisheries Licensing Review. East Hampton's Town Council has discussed these recommendations put forth by the FAC and supports their findings.

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As an individual Town Councilman, I would also ask the report to address how seasonal closures to certain fisheries would affect the income qualification levels that are recommended within the report. Hence if a fishery is closed for twenty five percent of the season, would the income verifications level also be altered by that same percentage.

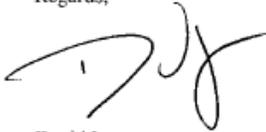
The East Hampton Town Council looks forward to the New York Department of Environmental Conservation Division of Marine Resources final recommendations and any potential legislative changes when it comes to the issue of its New York Marine Fisheries Licensing Review. We hope that during this final phase that the New York Department of Environmental Conservation Division of Marine Resources will follow the New York's State Environmental Quality Review Act (SEQR) which requires all state and local government agencies to consider environmental impacts equally with social and economic factors during discretionary decision-making. And furthermore, schedule a public meeting within The Town of East Hampton for added public comments at a time to be determined in the future.

The entire East Hampton Town Council is appreciative of the efforts made by the New York Department of Environmental Conservation Division of Marine Resources to seek public comment from the stakeholders that this review might affect. The board is also appreciative of the decision to hold a public meeting on this issue within our township, which will always only increase stakeholder participation and engagement in the discussion.

The East Hampton Town Council is committed to the sustained health of the fishing industry within East Hampton. We express our confidence that the New York Department of Environmental Conservation Division of Marine Resources will take any and all public comment seriously and with examination, during your deliberations on how to move forward with any potential changes to New York States Marine Fisheries Licensing.

My office stands ready to answer any questions and provide assistance, when asked, on any related topic during this review.

Regards,



David Lys

East Hampton Town Councilman

24. FLORENCE DUFFY SHARKEY

- a. 3rd generation bay person, working on bay since 11 years old, now 77 years old
- b. Fish and clam during the week
- c. Fished and clammed in August, September, and October 2019
- d. Wants to retain food fish license, believes she should be grandfathered in to the system

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Appendix 6: Language of New York statute, Environmental Conservation Law 13-0328

13-0328. Commercial licenses; limited entry.

- * 1. Commercial food fish licenses. Commercial food fish licenses provided for by section 13-0335 of this title shall be issued as follows:
- a. for the period beginning January first, two thousand sixteen through December thirty-first, two thousand seventeen, the number of resident commercial food fish licenses and the number of non-resident commercial food fish licenses shall not exceed the following annual limits:
 - (i) for two thousand sixteen, the number of licenses shall be limited to the number of licenses issued in two thousand fifteen, plus fifty percent of any difference between the number of licenses issued in two thousand fifteen and one thousand four; and
 - (ii) for two thousand seventeen, the number of licenses shall be limited to the number of licenses issued in two thousand sixteen, plus fifty percent of any difference between the number of licenses issued in two thousand sixteen and the limit established in subparagraph (i) of this paragraph.
 - b. for the period beginning January first, two thousand sixteen through December thirty-first, two thousand seventeen, persons who were issued a commercial food fish license in the previous year shall be eligible to be issued such license.
 - c. for the period beginning January first, two thousand sixteen through December thirty-first, two thousand seventeen, the department shall issue commercial food fish licenses to persons who were not issued such license in the previous year provided that the total number of such licenses issued to such persons does not exceed the difference between the number of licenses established in paragraph a of this subdivision and the number of such licenses issued pursuant to paragraph b of this subdivision, subject to the following:
 - (i) licenses shall be issued in the order in which the applications were received, except that where multiple applications are received by the department on the same day, applicants for whom the department has received notice of successful completion of an apprenticeship pursuant to subdivision seven of this section shall be considered by the department prior to other applicants;
 - (ii) licenses may be issued to individuals only;
 - (iii) licenses shall be issued to applicants who are sixteen years of age or older at the time of the application; and
 - (iv) licenses shall be issued only to persons who demonstrate in a manner acceptable to the department that they received an average of at least fifteen thousand dollars of income over three consecutive years from commercial fishing or fishing, or who successfully complete a commercial food fish apprenticeship pursuant to subdivision seven of this section. As used in this subparagraph, "commercial

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fishing" means the taking and sale of marine resources including fish, shellfish, crustacea or other marine biota and "fishing" means commercial fishing and carrying fishing passengers for hire. Individuals who wish to qualify based on income from "fishing" must hold a valid marine and coastal district party and charter boat license. No more than ten percent of the licenses issued each year based on income eligibility pursuant to this paragraph shall be issued to applicants who qualify based solely upon income derived from operation of or employment by a party or charter boat. For the income evaluation of this subdivision, the department may consider persons who would otherwise be eligible but for having served in the United States armed forces on active duty, provided that such individual has received an honorable or general discharge, shall not be deemed ineligible.

* NB Effective until December 31, 2017

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

- a. for the period beginning January first, two thousand sixteen, through December thirty-first, two thousand seventeen, only persons who were issued a commercial lobster permit in the previous year shall be eligible to be issued such permit.

* NB Effective until December 31, 2017

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

- a. for the period beginning January first, two thousand sixteen through December thirty-first, two thousand seventeen, the number of resident commercial crab permits and the number of non-resident commercial crab permits shall not exceed the following annual limits:
 - (i) for two thousand sixteen, the number of permits shall be limited to the number of permits issued in two thousand fifteen, plus fifty percent of any difference between the number of permits issued in two thousand fifteen and five hundred eighty-two; and
 - (ii) for two thousand seventeen, the number of permits shall be limited to the number of permits issued in two thousand sixteen, plus fifty percent of any difference between the number of permits issued in two thousand sixteen and the limit established in subparagraph (i) of this paragraph.
- b. for the period beginning January first, two thousand sixteen through December thirty-first, two thousand seventeen, persons who were issued a commercial crab permit in the previous year shall be eligible to be issued such permit.
- c. for the period beginning January first, two thousand sixteen through December thirty-first, two thousand seventeen, the department shall issue commercial crab permits to persons who were not issued such permit in the previous year provided that the total number of such permits issued to such persons does not exceed the difference between the number of permits established in paragraph a of this subdivision and the number of such permits issued pursuant to paragraph b of this subdivision, subject to the following:

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- (i) permits shall be issued in the order in which the applications were received, except that where multiple applications are received by the department on the same day, applicants for whom the department has received notice of successful completion of an apprenticeship pursuant to subdivision seven of this section shall be considered by the department prior to other applicants;
- (ii) permits may be issued to individuals only;
- (iii) permits shall be issued to applicants who are sixteen years of age or older at the time of the application; and
- (iv) permits shall be issued only to persons who demonstrate in a manner acceptable to the department that they received an average of at least fifteen thousand dollars of income over three consecutive years from commercial fishing or fishing, or who successfully complete an apprenticeship pursuant to subdivision seven of this section. As used in this subparagraph, "commercial fishing" means the taking and sale of marine resources including fish, shellfish, crustacea or other marine biota and "fishing" means commercial fishing and carrying fishing passengers for hire. Individuals who wish to qualify based on income from "fishing" must hold a valid marine and coastal district party and charter boat license. No more than ten percent of the permits issued each year based on income eligibility pursuant to this paragraph shall be issued to applicants who qualify based upon income derived from operation of or employment by a party or charter boat.

* NB Effective until December 31, 2017

- * 4. Commercial whelk or conch licenses. Commercial whelk or conch licenses provided for by section 13-0330 of this title shall be issued as follows:
 - a. for the period beginning January first, two thousand sixteen through December thirty-first, two thousand seventeen, the number of resident commercial whelk or conch licenses and the number of non-resident commercial whelk or conch licenses shall not exceed the following annual limits:
 - (i) for two thousand sixteen, the number of licenses shall be limited to the number of licenses issued in two thousand fifteen plus fifty percent of any difference between the number of licenses issued in two thousand fifteen and two hundred sixty-one; and
 - (ii) for two thousand seventeen, the number of licenses shall be limited to the number of licenses issued in two thousand sixteen, plus fifty percent of any difference between the number of licenses issued in two thousand sixteen and the limit established in subparagraph (i) of this paragraph.
 - b. for the period beginning January first, two thousand sixteen through December thirty-first, two thousand seventeen, persons who were issued a commercial whelk or conch license in the previous year shall be eligible to be issued such license.
 - c. for the period beginning January first, two thousand sixteen through December thirty-first, two thousand seventeen, persons who were not issued a commercial whelk or conch license in the previous year shall be eligible to be issued such license provided that the total number of such licenses issued to such persons shall not exceed the

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difference between the number of licenses established in paragraph a of this subdivision and the number of such licenses issued pursuant to paragraph b of this subdivision, subject to the following:

- (i) licenses shall be issued in the order in which the applications were received, except that where multiple applications are received by the department on the same day, applicants for whom the department has received notice of successful completion of an apprenticeship pursuant to subdivision seven of this section shall be considered by the department prior to other applicants;
- (ii) licenses may be issued to individuals only;
- (iii) licenses shall be issued to applicants who are sixteen years of age or older at the time of the application; and
- (iv) licenses shall be issued only to persons who demonstrate in a manner acceptable to the department that they received an average of at least fifteen thousand dollars of income over three consecutive years from commercial fishing or fishing, or who successfully complete an apprenticeship pursuant to subdivision seven of this section. As used in this subparagraph, "commercial fishing" means the taking and sale of marine resources including fish, shellfish, crustacea or other marine biota and "fishing" means commercial fishing and carrying fishing passengers for hire. Individuals who wish to qualify based on income from "fishing" must hold a valid marine and coastal district party and charter boat license. No more than ten percent of the licenses issued each year pursuant to this paragraph shall be issued to applicants who qualify based upon income derived from operation of or employment by a party or charter boat.

* NB Effective until December 31, 2017

- * 5. Marine and coastal district party and charter boat licenses. Marine and coastal district party and charter boat licenses provided for by section 13-0336 of this title shall be issued as follows, except that this subdivision shall not apply to the owner or operator of a party boat or charter boat whose vessel is classified by the United States Coast Guard as an Inspected Passenger Vessel and which is licensed to carry more than six passengers:
 - a. for the years two thousand sixteen through two thousand seventeen, the annual number of marine and coastal district party and charter boat licenses issued shall not exceed five hundred seventeen.
 - b. for the years two thousand sixteen through two thousand seventeen, persons who were issued a marine and coastal district party and charter boat license in the previous year shall be eligible to be issued such license.
 - c. for the years two thousand sixteen through two thousand seventeen, the department shall issue marine and coastal district party and charter boat licenses to persons who were not issued such license in the previous year, provided that the total number of licenses issued does not exceed five hundred seventeen, subject to the following:
 - (i) licenses shall be issued in the order in which the applications were received;

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

* NB Effective until December 31, 2017

6. License or permit reissuance.

- a. Notwithstanding the provisions of subdivisions one, two, three and four of this section, the department may permit reissuance of a license or permit to a member of the immediate family of the prior holder of such license or permit; provided that the individual to whom the license or permit is being reissued is at least sixteen years of age. The department may permit a license or permit holder to designate in writing a member of his or her immediate family to whom the license or permit shall be reissued in the event that the license or permit holder dies prior to surrendering his or her license or permit to the department.
 - b. In the event that a designated immediate family member does not wish to engage in the commercial fishing activities authorized by such license or permit, the department may permit such person to identify an alternate person to whom the license or permit shall be reissued. The department is authorized to adopt regulations concerning the reissuance of licenses or permits pursuant to this subdivision.
 - c. The holder of a reissued license or permit shall engage in the activity authorized by the license or permit within three years of the reissuance date. If the license or permit holder fails to engage in such activity during the three years following reissuance, the license or permit shall lapse at the end of the three-year period and shall not be renewed unless the department, in its discretion, determines that the license or permit holder's inactivity was justified by significant hardship or unavoidable circumstances.
 - d. For purposes of this section, "immediate family" shall include spouse, sibling, parent, child, grandparent, grandchild, and, in addition, all persons who are related by blood, marriage or adoption to the permit holder and domiciled in the house of the license or permit holder.
7. Commercial license apprenticeship program. The department is authorized to adopt regulations establishing an apprenticeship program for persons who wish to obtain a commercial crab permit pursuant to section 13-0331 of this title, a commercial food fish license pursuant to section 13-0335 of this title or a commercial whelk (conch) license pursuant to section 13-0330 of this title. Upon successful completion of the apprenticeship program, a person shall become eligible to receive a commercial crab permit, commercial food fish license or a commercial whelk (conch) license, as applicable, subject to the provisions of paragraph c of subdivision one, paragraph c of subdivision three, and paragraph c of subdivision four of this section, respectively.