



PRESS RELEASE

Recreational Fishing Alliance

5724 N. Route 9, New Gretna, NJ 08224

P: 888-564-6732 F: 609-294-3812

For Immediate Release
Contact: Jim Hutchinson, Jr.

December 16, 2010
888 564-6732

NY SUPREME COURT RULES AGAINST SALTWATER FISHING LICENSE RFA Applauds Decision Granting Towns Win In Lawsuit Against State

Newsday reported today that seven Long Island towns have won a lawsuit against the state Department of Conservation (DEC) which prevents the agency from requiring that recreational anglers obtain a saltwater fishing license to fish town waters.

A new saltwater license law took effect in October of 2009 requiring anglers older than 16 to get a \$10 license before fishing New York's coastal waters. The towns of East Hampton, Southampton, Shelter Island, Brookhaven, Southold, Huntington and Oyster Bay opposed the law arguing it encroached on their pre-existing authority to regulate town waters - patent rights the towns have enjoyed since the colonial era. The decision by State Supreme Court Justice Patrick A. Sweeney said those rights give the seven towns full control over their fisheries.

According to Newsday, the decision stated "Concerning the issuance of a saltwater fishing license, the statute as applied to the respective plaintiffs is in violation of the rights of the people of the respective Towns and may not be enforced upon those who seek to fish in the waters regulated by the respective towns."

"This was a tax, nothing more than a tax," said Joseph Lombardo, assistant town attorney for Southampton. "We allow people to go shellfishing for free. We don't charge you if you're a resident. We've never made people get a fishing license to go saltwater fishing. These are rights that we have to protect." Lombardo told Newsday that Sweeney's decision may apply only to the seven towns that mounted the lawsuit because the constitutionality of the law itself wasn't challenged.

The towns in the lawsuit obtained an injunction from the fees for the duration of the dispute which said they were not required to obey the law until a formal decision is overturned on appeal. According to the Recreational Fishing Alliance (RFA), this injunction restricted the DEC's ability to actually enforce the license requirement anywhere within the New York marine district in 2010, and this latest decision will have a pretty resounding impact on the rest of the community moving forward.

"At Marine Resource Advisory Council meetings during 2010, it was stated numerous times that the DEC enforcement officers would not be enforcing the license law while the injunction was in place," said Jim Hutchinson, Jr., managing director of the RFA and president of the New York Sportfishing Federation. "I'm not exactly sure how DEC is going to enforce this restrictive saltwater user fee throughout our coastal district now that a State Supreme Court Justice called it a violation of the rights of many Long Island's fishermen," Hutchinson said.

The saltwater license law was designed in part to enable collection of contact information for New York saltwater anglers, which the federal government now requires in order to perform recreational harvest surveys. To meet new federal requirements, one of New York's neighbor states is looking at establishing a free saltwater registry program. "New Jersey is very close to passing a no-fee saltwater registry law to satisfy the federal mandate, and it's a program we could very easily implement New York with some legislative assistance there," Hutchinson said.

In 2010, the New York Senate voted unanimously on a bill which would repeal the saltwater fishing license for all anglers in the New York marine district, however, an Assembly companion bill was caught up in committee and never sent through for a full Assembly vote.

“Hopefully this is the beginning of the end,” said John Mantione from the New York Fishing Tackle Trades Association. “The state’s repressive saltwater fishing tax was broken from the start, and now we’re really starting to see the whole thing begin to unravel,” Mantione said.

RFA, the Federation and NYFTTA are hoping to see a comprehensive saltwater license repeal effort taken up by both the New York Senate and Assembly early in 2011, and have pledged to work actively to help protect the rights of all saltwater anglers in the District.

“The historical document which grants those seven towns individual rights to their coastal waters is something which also recognizes the rights of tens of thousands of fishing families in the New York coastal region,” Hutchinson said. “This about our coastal heritage and a bureaucracy run afoul of its promise to serve the best interests of the people. I hope our legislators in Albany understand that this decision represents the rights of all us who live and fish in New York’s coastal region.”

#####

The Recreational Fishing Alliance is a national, grassroots political action organization representing recreational fishermen and the recreational fishing industry on marine fisheries issues. RFA’s Mission is to safeguard the rights of saltwater anglers, protect marine, boat and tackle industry jobs, and ensure the long-term sustainability of our Nation’s saltwater fisheries. For more information, call 888-JOIN-RFA or visit www.joinrfa.org.