

## Regulatory Impact Statement

### 1. Statutory authority:

Section 3-0301 of the Environmental Conservation Law (ECL) establishes the general functions, powers and duties of the Department of Environmental Conservation (DEC) and the Commissioner, including general authority to adopt regulations. Sections 11-0303 and 11-0305 of the ECL authorize the DEC to provide for the management and protection of the State's fisheries resources, taking into consideration ecological factors, public safety, and the safety and protection of private property. Sections 11-1301 and 11-1303 of the ECL empower the DEC to fix by regulation open seasons, size and catch limits, and the manner of taking of all species of fish, except certain species of marine fish (listed in section 13-0339 of the ECL), in all waters of the State. Section 11-1319 of the ECL governs possession of fish taken in waters of the State.

### 2. Legislative objectives:

Implementation of daily possession limits and minimum size limits are the tools used by the DEC in achieving the intent of the legislation referenced above. Possession and minimum size limits are necessary to maintain quality fisheries and to ensure that adequate numbers survive to perpetuate fisheries and provide an equitable distribution of fish to anglers.

### 3. Needs and benefits:

Being excellent table fare species, sunfish and crappie fisheries in New York are generally harvest oriented. The current statewide regulations for sunfish and crappie are essentially based on what was thought to allow fair and equitable harvest among anglers when promulgated in the late 1990s. Since that time, significant advancements in fishing technology (i.e. fish finders, underwater cameras, etc.) and social media have improved the ability of anglers to catch and harvest more fish. More conservative statewide regulations are recommended as a conservation safeguard for these resources considering these advancements and feedback received from the angling public.

The special sunfish regulations are part of a 5-year experimental program intended to take advantage of the ecological capacity of select lakes by using a minimum length restriction and reduced daily limit to provide a fishing experience for large sunfish. This program is conceptually based on research and increasingly popular and expanding sunfish management programs in other Great Lakes states with similar climates and freshwater resources and fisheries as New York, such as Wisconsin and Minnesota. This experimental program will be evaluated by measuring impacts to sunfish populations and assessing angler satisfaction throughout the timeframe of the study.

This rulemaking is supported by results of a recent sunfish angler survey and positive feedback received on a recently released Draft New York State Sunfish and Crappie Management Plan. Results from the survey of sunfish anglers suggested that the majority prefer a reduced daily limit for sunfish, indicating that a decrease in the daily limit would garner support. Although not directly surveyed, we feel that crappie anglers

would have a similar desire to protect crappie populations. Feedback based on the draft plan substantiates this foundation for changes in the statewide regulations and new rules on a select set of experimental waters to try and create unique fisheries for larger sunfish.

#### 4. Costs:

Costs associated with the implementation and enforcement of the proposed regulation are principally the responsibility of the DEC. The DEC will incur no costs from this rulemaking beyond typical administrative and field sampling expenses. This rulemaking will not result in increased expenditures by other State agencies, local governments, or the general public.

#### 5. Local government mandates:

The proposed rule will not impose any programs, services, duties or responsibilities upon any county, city, town, village, school district, or fire district.

#### 6. Paperwork:

No additional paperwork will be required as a result of this proposed rule change.

#### 7. Duplication:

The proposed rule does not duplicate any state or federal requirement.

#### 8. Alternatives:

No change: Maintaining current sunfish and crappie regulations will leave some fisheries at risk for overharvest. An opportunity to take advantage of the special characteristics of a select few waterbodies across the state to create unique fisheries for large sunfish will also be lost.

9. Federal standards:

There are no minimum federal standards that apply to the regulation of sportfishing.

10. Compliance schedule:

These regulations, if adopted, will be in effect for the 2022 license year, which begins on April 1, 2022. Regulated persons will comply with these regulations once they take effect.