

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, minimum size limits, and gear restrictions are the tools used by the DEC in achieving the intent of the legislation referenced above. Possession and minimum size limits and gear restrictions 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:

Freshwater fishing regulations as they currently exist are an amalgamation of waterbody independent fisheries management strategies that have not been fully evaluated with respect to current angling behavior or statewide management. Many types of special regulations no longer serve a distinct management purpose and in some instances their continued use supersedes statewide regulations that were established for broad management. In an effort to provide optimal management and also make fishing easier and more enjoyable to all facets of our population, the Bureau of Fisheries has determined that a comprehensive revision of the State's overall fishing regulations is warranted.

In this respect the proposed amendments to sportfishing regulations in 6 NYCRR Parts 10, 19 and 35 seek to eliminate unnecessary regulations, provide consistency, and align regulations with actual management intent. Although many of the changes sought are minor, cumulatively they represent a substantial revision to 6 NYCRR. Significant amendments for improving upon the current state of management include:

- 1) Establish a statewide Brook Trout regulation for lakes and ponds from April 1 to October 15 with a daily limit of 5 with no more than 2 trout longer than 12".
- 2) Establish a statewide Rainbow and Brown Trout regulation for lakes and ponds all year with a daily limit of 5 with no more than 2 longer than 12".
- 3) Expand the statewide season for Lake Trout and Atlantic Salmon to all year.
- 4) Eliminate 237 special regulations and 33 county-wide regulations for Trout, Lake Trout and Atlantic Salmon.
- 5) Change the statewide opening date to May 1 for Walleye, Northern Pike, Pickerel and Tiger Muskellunge; June 1 for Muskellunge; and June 15 for Black Bass and

align special regulations with new season dates for these species.

- 6) Simplify ice fishing regulations by permitting ice fishing unless specifically prohibited in New York except for Essex, Franklin, Fulton, Hamilton, Herkimer, Lewis, St. Lawrence, Warren, and Washington counties where the existing ice fishing is prohibited unless specifically permitted in waters inhabited by trout.
- 7) Eliminate regulations allowing snatching and spearing in select waters.

Making the changes enumerated above will:

- Simplify regulations by eliminating hundreds of special regulations, reducing the number of regulation variations, and setting hard dates for opening days;
- Clearly identify where anglers can ice fish in most of the state;
- Align regulations with current fisheries management;
- Reorganize regulations to make regulation look up simpler for anglers, resource managers and enforcement staff; and
- Decrease the number of pages in the fishing regulations guide.

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: The alternative is to retain the existing complicated regulations that do not adequately advance statewide management of the fisheries. The benefits of simplified regulations and an expansion of angling opportunity would not be realized.

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.