

## 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 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 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 size restrictions and creel limits are tools used by DEC in achieving the intent of the legislation referenced above. Size restrictions and creel limits are necessary to maintain quality fisheries, ensure that adequate numbers of fish survive to spawning age, and to provide equitable distribution of the fisheries resource.

### 3. Needs and benefits:

In an effort to provide the best management possible based on science and the desires of the angling public, DEC has reexamined its regulations for managing inland trout

streams as part of a comprehensive approach to improve our stewardship of these resources. The 26 inland trout stream special regulations currently in place have been enacted in an independent nature over a 30-year time span exclusive of overarching guidance and without consistency. In addition to being numerous, they can be confusing and in many cases are outdated. They do little to measurably influence the quality of trout stream fisheries and add unnecessary complexity, potentially dissuading angling participation.

DEC's newly developed New York Trout Stream Management Plan (Plan) establishes a categorical approach to trout stream management that reduces the number of special regulations to four regulatory strategies that are easily understandable.

The management categories are:

- Wild
- Wild Quality
- Wild Premier
- Stocked
- Stocked Extended

Applicable regulations for each stream reach will be selected from the standardized suite of four regulatory strategies, including a statewide regulation for those stream reaches on private lands. The existing complicated regulatory structure for trout streams should be eliminated and replaced in accordance with the Plan as follows:

- eliminate the current statewide creel limit of 5 trout, any size for inland trout streams
- eliminate unnecessary special regulations on trout stream reaches throughout

the state and replace them with one of the regulations identified below according to the management criteria identified in the plan

- 1) establish a default 5 trout with no more than 2 over 12" creel limit for inland trout streams statewide and for stream reaches categorized as *Wild* or *Stocked*
- 2) establish a 1 trout per day, any size creel limit on stream reaches categorized as *Wild Premier*
- 3) establish a 3 trout with no more than 1 over 12" creel limit on stream reaches categorized as *Wild-Quality* or *Stocked-Extended*
- 4) establish a statewide catch and release season for trout in inland trout stream, limited to artificial lures only, from October 16 through March 31

Making these changes will simplify regulations, clearly align regulatory strategies with defined management objectives, and help manage anglers' fishing experience expectations for managed trout stream reaches.

#### 4. Costs:

Aligning trout stream regulations with the Plan will not result in increased expenditures by the State, 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 keep the existing special regulation and maintain the existing complex regulatory structure. This would prevent simplification of the regulations.

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 start of the 2021 harvest season for trout, which begins on April 1, 2021. Regulated persons will comply with these regulations once they take effect.