

Express Terms

New 6 NYCRR Part 38 is adopted to read as follows:

Part 38 Marine Fisheries Data Management

Section 38.1 General provisions.

(a) Introduction.

The purpose of this Part is to clearly delineate the rules and regulations requiring the reporting of fishing activities to the department, insuring confidentiality of collected fishing data, and detailing the requirements for the tagging of fish. The rules in this Part shall apply to all those who hold a Crab Permit, Food Fish and Crustacea Dealer and Shipper License, Food Fish License, Food Fish Landing License, Lobster Permit, Lobster Landing Permit, Marine Bait Permit, Party and Charter Boat License, Whelk License, Gill Net License, Eel Pot License, Eel Weir License, Seine License, Scoop/Dip/Scap Net License, Trap Net License, or Fyke Net License.

(b) Definitions.

For the purposes of this Part, the following definitions apply:

(1) 'eDR' means a web-based application where seafood dealers can create and submit electronic dealer reports as required by state and federal fisheries agencies.

(2) 'Electronic reporting' means the submission of fisheries related data by means of a digital application on a computer, tablet, or cellular phone.

(3) 'Electronic vessel tracker' means an electronic device used to collect and transmit spatial vessel location data.

(3) 'eTRIPS' means an online application where fishermen can complete and submit commercial, party and charter, or recreational trip reports as required by state and federal agencies.

(4) 'Standard Atlantic Fisheries Information System' or 'SAFIS' means a coastwide fisheries data collection system operated by the Atlantic Coastal Cooperative Statistics Program.

(5) A 'vessel trip report' or 'VTR' means a document, either paper or electronic, that details all fishing activities and all the species caught or landed and their amounts that is submitted to the department or National Oceanographic and Atmospheric Administration (NOAA) Fisheries (National Marine Fisheries Service (NMFS)).

(c) Confidentiality of fisheries data.

Fisheries data, statistics, or other information collected from individual permit or license holders by the department or available to the department from other states or the Federal government shall be confidential and shall not be disclosed except to an authorized user or when required under court order; provided, however, that the department may release or make public any statistics in an aggregate or summary form (with no less than three license holders or submitters contributing to that statistic) which does not directly or indirectly disclose the identity of any person who submits such statistics. For the purposes of these regulations, an authorized user is any person that is employed by or under contract to the department or who is employed by or is under contract to the NOAA Fisheries (NMFS), the U.S. Fish and Wildlife Service, the Mid-Atlantic Fishery Management Council, the New England Fishery Management Council, the South Atlantic Fishery Management Council, the Atlantic States Marine Fisheries Commission, or the states of Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New Jersey, Pennsylvania, Maryland, Delaware, Virginia, North Carolina, South Carolina, Georgia, or Florida, and who has been designated by such agency or state, under the auspices of the Atlantic Coastal Cooperative Statistics Program, to require confidential data as a means to fulfill their job and their job is related to fisheries management and conservation.

Section 38.2 Reporting requirements.

(a) Vessel trip reports.

(1) Commercial License and Permit Holders. Any person holding a marine commercial fishing license, including food fish license, food fish landing license, marine bait permit, commercial lobster permit, lobster landing, lobster bait gill net, horseshoe crab and crab permit holders, and commercial whelk license holders shall complete and submit on a form prescribed by the department an accurate fishing vessel trip report for each fishing trip, detailing all fishing activities and all species landed. The fishing vessel trip report must be completed with all required information, except for information not yet ascertainable, and signed before the vessel arrives at the dock or lands the catch. Information that may be considered unascertainable before arriving at the dock or landing includes dealer name, dealer number, and date sold. The license holder shall submit such completed and signed fishing reports monthly to the department within 15 days of the end of each month or at a frequency specified by the department in writing. If no fishing trips were made during a month, a report must be submitted stating no trips were made for that month. Incomplete or unsigned reports will not satisfy these reporting requirements. The license holder may also submit completed trip reports electronically using eTRIPS. Failure to submit the vessel trip reports that are required in this subdivision may result in fines and denial of future applications for the licenses and permits affected pursuant to this action.

(2) Party and Charter Boat License Holders. Party and Charter Boat License holders shall complete and submit on a form prescribed by the department an accurate fishing vessel trip report for each fishing trip, detailing all fishing activities, including all species landed and the number of anglers aboard. The fishing vessel trip report must be completed with all required information, except for information not yet ascertainable, and signed before the vessel arrives at the dock or lands the catch. If no fishing trips were made during a month, a report must be submitted stating no trips were made for that month. The license holder may submit completed reports electronically using eTRIPS.

Effective January 1, 2025, all Party and Charter Boat License holders must complete and submit their vessel trip reports electronically using eTRIPS and submit these reports within 48 hours of the completion of each trip.

(3) Federal Vessel Permit Holders. Any New York State license holder who is also the holder of a federal vessel fishing permit issued by NOAA Fisheries must only meet the reporting requirements specified by NOAA Fisheries. If requested in writing by the department, New York State permit holders who also hold federal fishing permits shall provide the electronic VTR numbers to the department for the month or months identified in the written notification. Holders of federal Highly Migratory Species (HMS) permits issued by NOAA Fisheries must satisfy the reporting requirements of New York State as stated in paragraphs (1) and (2) of this subdivision, in addition to any federal reporting requirements.

(b) Species specific trip reports.

(1) Tautog reporting requirements.

(i) In addition to the trip reporting requirements in subdivision (a) of this section, Food Fish License holders harvesting tautog must include the following information in their trip reports: tautog tag serial numbers used for the trip, the weight of all tautog taken (in pounds), and the number of tautog taken.

(ii) Food Fish License holders who operate federally permitted vessels and harvest tautog must complete and submit an electronic copy of their fishing vessel trip report to the department for each commercial tautog trip.

(iii) Food Fish License holders must submit all their tautog reports, along with the NY Tautog Tag Accounting Form, by February 15 for the previous tagging season. Food Fish license holders

who fail to submit complete and accurate reports to the department by February 15 may not be eligible to receive tautog tags for the following tagging season.

(2) Horseshoe Crab reporting requirements.

(i) During the months of January, February, March, April, August, September, October, November, and December, all Horseshoe Crab permit holders shall submit vessel trip reports to the department monthly. All reports must be received by the fifth business day of the following month. The department may institute weekly reporting during this period should it be deemed necessary.

(ii) During the months of May, June, and July, Horseshoe Crab permit holders will be required to submit trip reports to the department on a weekly basis to ensure that quota period allocations and annual quotas are not exceeded. Such weekly harvesting reports shall be received by the department by the fifth business day of the subsequent week.

(iii) All Horseshoe Crab bio-medical harvester permit holders shall file accurate and complete monthly harvesting reports of their Horseshoe Crab fishing activities on forms to be provided by the department. Reports for each month shall be submitted to the department by the fifth business day of the following month. Additionally, all Horseshoe Crab bio-medical harvester permit holders shall notify the department at least 24 hours prior to the commencement of harvesting activities and report number of horseshoe crabs intended to be harvested, intended harvest location, place and approximate time of landing, and Horseshoe Crab bio-medical users permit number. In addition, the department may accompany the Horseshoe Crab bio-medical harvester permit holder to monitor such activities granted under the permit. Failure to comply with harvest reporting requirements may result in the suspension of the current Horseshoe Crab bio-medical harvester permit or the denial of future Horseshoe Crab bio-medical harvester permit issued pursuant to this section, or both.

(c) Dealer purchase reports.

(1) Any person who is a holder of a marine and coastal district food fish and crustacea dealers and shippers license shall complete and submit electronically using eDR an accurate purchase report for each purchase made from a fishing vessel or fisherman, detailing each purchase of marine food fish, crustacea, horseshoe crabs, and whelks. Each purchase report must include the VTR number for the fishing trip the purchase was made from.

(2) The license holder must submit these reports to the department within three days after the end of each week, or at a frequency specified by the department in writing. If no purchases of food fish, crustacea, horseshoe crabs or whelks were made during that week, a report must be submitted stating no purchases were made for the week. Incomplete reports will not satisfy these reporting requirements.

(3) Federal Dealer Permit. Any New York Food Fish and Crustacea Dealer Shipper License holder who is also the holder of a federal dealer permit issued by NOAA Fisheries must instead meet the reporting requirements specified by NOAA fisheries. If requested in writing by the department, New York License holders who also hold federal dealer permits must provide the electronic dealer report numbers to the department for the week or weeks identified in the written notification.

Section 38.3 Lobster and Jonah crab electronic vessel trackers.

(a) Federally permitted vessels in the lobster and Jonah crab fisheries issued commercial trap gear area permits are required to install an Atlantic States Marine Fisheries Commission approved electronic tracking device to collect and transmit spatial data in order to participate in the lobster or Jonah crab trap gear fisheries.

(b) Federally permitted vessels without an approved electronic tracking device are prohibited from landing lobster or Jonah crab taken with trap gear.

(c) Federal permit holders are required to install and activate the tracking device prior to beginning a lobster or Jonah crab fishing trip with trap gear. The Department is not required to aid with the installation or troubleshooting of vessel trackers.

(d) The permit holder must complete, sign, date, and return an affidavit for tracking device certification to the department prior to departing on the first fishing trip after the program implementation date of December 15, 2023.

(e) The device must remain on board the vessel and powered at all times when the vessel is in the water, unless the device is authorized to power down by the principal port state.

(1) Possible reasons for authorization to power down include but are not limited to vessel haul out/repairs and device failure reported to the principal port state.

(f) Tampering with an approved tracking device or signal is prohibited.

(1) Tampering includes any activity that may affect the tracking devices' ability to operate or signal properly, or to accurately compute or report the vessel's position.

(g) These requirements apply to all federal permit holders with commercial trap gear in Lobster Management Areas (LMAs) 1, 2, 3, 4, 5 and the outer Cape Cod area.

(h) Commercial trap gear in LMA 6 is excluded from the electronic vessel tracker requirement.

(i) In the event a vessel tracker is transferred between permit holders, the department will instruct harvesters to contact tracking device vendors to complete the transfer of a vessel tracker.

Subparagraph 39.4(b)(2)(iii) is amended to read as follows:

(iii) Applications for the striped bass commercial harvesters permit must be received by the date described in [Part 40.1(j)(9)] Part 40.1(i)(9) of this Title.

Paragraph 40.1(a)(1) is amended to read as follows:

(1) A trip limit means the maximum amount of fish that can be possessed on board or landed by a vessel during a period of time, not less than 24 hours, in which fishing is conducted, beginning when the vessel leaves port and ending when the vessel returns to port. A vessel or fisher shall not land more than a possession limit or trip limit per species in any one calendar day, except that, where a weekly limit or biweekly limit is specifically authorized by the department pursuant to subdivision [(i)] (h) of this section, a fisher authorized to take [the] such weekly or biweekly limit shall not possess or land more than the weekly limit or biweekly limit in one calendar day or; where one trip limit for each of two commercial license holders on board a single vessel is specifically authorized by the department pursuant to subdivision [(i)] (h) of this section, a vessel with two or more commercial license holders on board shall not possess more than two trip limits of the authorized species in one calendar day.

Subparagraph 40.1(b)(1)(iii) is amended to read as follows:

(iii) in excess of the possession limit or trip limit specified for such species, except that where a weekly limit or biweekly limit is specifically authorized by the department pursuant to subdivision [(i)] (h) of this section, such fish shall not be taken or possessed in excess of the weekly limit or biweekly limit specified for such species;

Subdivision 40.1(c) is repealed.

Subdivisions 40.1(d) through (z) are renumbered to (c) through (y).

Renumbered subdivision 40.1(e) Table A-Recreational Fishing footnote **** is amended to read as follows:

**** See special regulations contained in paragraph [(h)] (g)(3) of this section.

Renumbered subdivision 40.1(e) Table A-Recreational Fishing footnote ### is amended to read as follows:

See special regulations contained in paragraph [(h)] (g)(4) of this section.

Renumbered paragraph 40.1(i)(1) is amended to read as follows:

(1) General provisions. The total season harvest may not exceed the amount approved for New York by the Atlantic States Marine Fisheries Commission pursuant to the Interstate Fishery Management Plan for striped bass. The annual quota shall be adopted by directive issued by the [Chief, Bureau] Director, Division of Marine Resources, consistent with the provisions of subdivision [(u)] (t) of this section.

Renumbered paragraph 40.1(i)(3) is amended to read as follows:

(3) Except as provided in paragraph [(g)] (f)(4) of this section, it is unlawful to possess striped bass from which the head or tail have been removed or that have been otherwise cleaned, cut, filleted, or skinned so that the total length or identity cannot be determined unless such fish is being prepared for immediate consumption.

Renumbered paragraph 40.1(i)(5) is amended to read as follows:

(5) Conviction for or civil settlement of a violation of any provision of subdivision [(d)] (c) or [(g)] (f) of this section may disqualify the convicted or settling person from receiving future striped bass permits pursuant to Part 39 of this Title.

Renumbered paragraph 40.1(k)(2) is amended to read as follows:

(2) Following consultation with the commercial fishing industry, the department may establish quota periods, allocations for quota periods, trip limits, and directed fishery thresholds for summer flounder, pursuant to subdivision [(u)] (t) of this section, consistent with the annual allocation (quota) assigned to New York such that harvest does not exceed such quota.

Renumbered paragraph 40.1(k)(6) is amended to read as follows:

(6) Except as permitted in subdivision [(e)] (d) of this section, 14 days following the beginning of any period when all commercial harvesting is prohibited, it is unlawful to possess summer flounder for sale, or offer summer flounder for sale, trade or barter during the period January 1st through April 30th and November 1st through December 31st and it is unlawful to sell or offer for sale, trade or barter summer flounder taken by gear other than fixed gear during the period May 1st through October 31st unless such summer flounder are separately boxed and properly tagged pursuant to the procedure set forth in subdivision [(e)] (d) of this section.

Renumbered paragraph 40.1(k)(13) is amended to read as follows:

(13) The possession of summer flounder for commercial purposes from which the head or tail have been removed or that have been otherwise cleaned, cut, filleted, or skinned so that the total length or identity cannot be determined, and which are not in properly labeled containers as required by subdivision [(e)] (d) of this section, is prohibited unless such summer flounder are in a wholesale or retail establishment or restaurant for sale to the consumer.

Renumbered paragraph 40.1(k)(17) is repealed.

Renumbered paragraph 40.1(l)(3) is amended to read as follows:

(3) When the department determines, based on a projection of landings using the United States Department of Commerce, National Marine Fisheries Service's weekly dealer reports, that trip limits are necessary as provided in Table B of subdivision [(i)] (h) of this section, such trip limits will be required and enforceable upon 72 hours written notice to license holders of the appropriate limit allowed per vessel for that time period. Such trip limits may be further reduced by written direction of the department if the projection of the landings indicates a closure will be required before the end of the period. In any month the trip limits may be increased if the projection of the landings indicates the total quota will not be caught.

Renumbered paragraph 40.1(l)(6) is amended to read as follows:

(6) Fourteen days following the beginning of any period when all commercial harvesting is prohibited, it shall be unlawful to possess bluefish for sale, or offer bluefish for sale, trade or barter, except as permitted in subdivision [(e)] (d) of this section.

Renumbered paragraph 40.1(l)(7) is amended to read as follows:

(7) It is unlawful for any person to take bluefish for commercial purposes without having in possession a valid New York State commercial food fish license. For purposes of this subdivision, a person is presumed to be taking bluefish for commercial purposes when that person possesses more bluefish than the possession limit indicated in Table A of subdivision [(f)] (e) of this section.

Renumbered paragraph 40.1(l)(8) is amended to read as follows:

(8) The possession of bluefish for commercial purposes from which the head or tail have been removed or otherwise cleaned, cut, filleted, or skinned so that the total length or identity cannot be determined and which are not in containers tagged as required by subdivision [(e)] (d) of this section is prohibited unless such bluefish are in a wholesale or retail establishment or restaurant for sale to the consumer.

Renumbered paragraph 40.1(n)(4) is amended to read as follows:

(4) No individual may possess tautog in storage in the waters of the marine and coastal district in excess of the commercial possession limit unless the individual submits trip reports for all live stored tautog, as specified in [subparagraph (5)(iv) of this subdivision] Part 38.2(b)(1) of this Title to the department within 24 hours of landing. Individuals must retain copies of submitted trip reports for inspection onboard their vessel during the tagging season.

Renumbered subparagraph 40.1(n)(5)(iv) is repealed.

Renumbered subparagraphs 40.1(n)(5)(v) through (viii) are renumbered to (iv) through (vii).

Renumbered paragraph 40.1(q)(6) is amended to read as follows:

(6) Fourteen days following the beginning of any period when commercial harvesting is prohibited, it shall be unlawful to possess scup for sale, or offer scup for sale, trade or barter except scup taken by gear other than fixed gear during the period of May 1st to October 31st and as provided for in subdivision [(e)] (d) of this section.

Renumbered subparagraph 40.1(r)(2)(iii) is amended to read as follows:

(iii) When the department determines, based on a projection of landings using the United States Department of Commerce, National Marine Fisheries Service's weekly dealer reports, that trip limits are necessary as provided in Table B of subdivision [(i)] (h) of this section, such trip limits will be required and enforceable upon 72 hours' written notice to license holders of the appropriate limit allowed per vessel for that time period. Such trip limits may be further reduced by written direction of the department if the projection of the landings indicates a closure will be required before the end of the period. In any month, the trip limits may be increased if the projection of the landings indicates the total quota will not be caught.

Renumbered subparagraph 40.1(r)(3)(i) is amended to read as follows:

(i) The possession of black sea bass for commercial purposes which the head or tail have been removed or otherwise cleaned, cut, filleted, or skinned so that the total length of identity cannot be determined, and which are not in labeled containers as required by subdivision [(e)] (d) of this section, is prohibited unless such black sea bass are in a wholesale or retail establishment or restaurant for sale to the consumer.

Renumbered subparagraph 40.1(r)(3)(iii) is amended to read as follows:

(iii) Fourteen days following the beginning of any period when all commercial harvesting is prohibited, it is unlawful to possess black sea bass for sale, or offer black sea bass for sale, trade or barter, except as permitted in subdivision [(e)] (d) of this section.

Renumbered subdivision 40.1(t) is amended to read as follows:

(t) The [Chief of the Bureau] Director of the Division of Marine Resources [within the Department's Division of Fish, Wildlife and Marine Resources] is authorized to:

Renumbered paragraph 40.1(t)(2) is amended to read as follows:

(2) prohibit the harvesting for commercial purposes and possession of any species for which an annual harvest quota is established pursuant to this Part, by all applicable license/permit holders, when the determination has been made by the [Bureau] Division of Marine Resources that the maximum allowable harvest of that species, in any specified time period is projected to have taken place or has taken place. The [chief] director will provide written notice of a closure directive to appropriate permit and license holders, the Division of Law Enforcement and the National Marine Fisheries Service's Northeast Regional Administrator;

Renumbered paragraph 40.1(u)(5) is amended to read as follows:

(5) Fourteen days following the beginning of any period when commercial harvesting is prohibited, it shall be unlawful to possess spiny dogfish, or offer spiny dogfish for sale, trade or barter except as permitted in subdivision [(e)] (d) of this section.

Renumbered paragraph 40.1(w)(1) is amended to read as follows:

(1) Permits. It is unlawful for any person to take or land menhaden for commercial purposes without having in possession a valid commercial food fishing license, commercial food fish landing license, [a menhaden vessel license,] or marine bait permit issued by the State of New York. For purposes of this subdivision, a person is presumed to be taking menhaden for commercial purposes

when that person possesses more than 100 menhaden, or more than the possession limit for menhaden listed in Table A of this section, whichever is less. A person who holds a lobster bait gill net permit may take or land more than 100 menhaden; menhaden taken using this permit are for the sole use of the permittee to pursue the permittee's lobster fishery and may not be sold. A person who holds a lobster bait gill net permit must abide by the special regulations of this subdivision.

Renumbered subparagraph 40.1(w)(2)(iii) is amended to read as follows:

(iii) When the department determines, based on a projection of landings using daily fishing vessel trip reports, that trip limits are necessary as provided in Table B of subdivision [(i)] (h) of this section, such trip limits will be required and enforceable upon 72 hours written notice to license holders referenced in paragraph (1) of this subdivision of the appropriate limit allowed per vessel for that time period. Such trip limits may be further reduced by written direction of the department if the projection of the landings indicates a closure will be required before the end of the period. In any time period, the trip limits may be increased if the projection of the landings indicates the total quota will not be caught.

Renumbered paragraph 40.1(w)(5) is repealed.

Renumbered clause 40.1(x)(1)(i)(e) is amended to read as follows:

(e) demonstrated compliance with commercial fishing reporting requirements as provided in [NYCRR 40.1(c)(1)(i) of this title] Part 38.2(a)(1) of this Title.

Renumbered clause 40.1(x)(3)(v)(b) is amended to read as follows:

(b) did not report landings as required in [NYCRR 40.1(c)(1)(i) of this title] Part 38.2(a)(1) of this Title;

Renumbered subparagraph 40.1(x)(3)(vii) is amended to read as follows:

(vii) Any program participant, whose program privileges have been revoked by the department, may, within 30 days of receipt of the revocation notice, submit a written appeal addressed to Director, Division of Marine Resources, NYS Department of Environmental Conservation, [205 N. Belle Mead Road, Suite 1, E. Setauket, NY 11733] 123 Kings Park Boulevard, Nissequoque River State Park, Kings Park, NY 11754 or by email to fw.marine@dec.ny.gov. Such appeal shall include a written statement addressing the grounds for revocation, as stated by the department in the revocation notice, and explaining why those grounds are not accurate. Should the director determine that the revocation of program privileges was appropriate, the former program participant may not apply for admittance into the program for a period of five years from the date of revocation.

Section 40.4 is repealed.

Sections 40.5 through 40.7 are renumbered to 40.4 through 40.6.

Renumbered paragraph 40.4(e)(3) is amended to read as follows:

(3) It is unlawful to take or possess a trip limit of more than seven striped bass while using gill nets with mesh less than six inches or greater than eight inches stretched mesh, inside measure, as a bycatch in the non-directed fishery for striped bass. All such striped bass must comply with the applicable provisions of [subdivision (j) of this section] section 40.1(j) of this Part and must be separately boxed.

Renumbered paragraph 40.6(d)(6) is amended to read as follows:

(6) No person shall take, possess or land any shark species listed in subparagraphs (4)(i) and (ii) of this subdivision without first obtaining and possessing a valid special license in accordance with [Part 175] Part 39 of this Title.

Section 42.6 is amended to read as follows:

The revocation of licenses or permits issued pursuant to this Part will be pursuant to the provisions of [Part 175] Part 39 of this Title.

Subparagraph 42.7(c)(4)(iii) is amended to read as follows:

(iii) No shellfish dealer possessing a valid class A, B, D or E permit shall fail to maintain records of quantities (net weights or numerical counts or standard measures), common names and the harvest areas of all shellfish received from harvesters, nor fail to report such monthly totals to the [Shellfisheries Section, Division of Fish, Wildlife and Marine Resources] Bureau of Shellfisheries, Division of Marine Resources, New York State Department of Environmental Conservation by the 10th day of each succeeding month.

Subparagraph 42.11(a)(2)(v) is amended to read as follows:

(v) By written request to and with the permission of the department, shippers who purchase shellfish from harvesters may define a harvest area. Such harvest areas may combine no more than two adjacent harvest areas. Requests must be addressed to the [Bureau] Division of Marine Resources, [Shellfish Section] Bureau of Shellfisheries, New York State Department of Environmental Conservation.

Subdivision 43-2.4(j) is amended to read as follows:

(j) Licenses or permits issued pursuant to this Part may be revoked by the department pursuant to the provisions of [Part 175] Part 39 of this Title.

Subdivision 43-2.9(i) is amended to read as follows:

(i) All VMS units installed on a vessel operating under an IFQ must transmit a signal indicating the vessel's accurate position at least every 15 minutes, 24 hours per day, throughout the year unless exempted by the department. A vessel owner may apply for a letter of exemption from the VMS transmitting requirements of this section by sending a written request to the department. In order for a

vessel to be considered for exemption, one or more of the requirements must be met: The vessel must be continuously out of the water for more than 72 consecutive hours or the vessel will not engage in harvest of surfclams from the New York State waters of the Atlantic Ocean for a minimum period of 30 consecutive days. The following information must be included in such written request: Identification of the vessel requesting the exemption; the location of the vessel during the time an exemption is sought; the exact time period for which an exemption is needed indicating the time the VMS signal will be turned off and turned on again; and, reason supporting the request for exemption. Any requests for exemption shall be subject to approval by the [Chief of the Bureau] Director of the Division of Marine Resources.

Paragraph 44.1(d)(10) is amended to read as follows:

(10) The Director, [Bureau of Marine Resources of the Division of Fish, Wildlife and Marine Resources] Division of Marine Resources, is authorized to implement and administer the policies and procedures set forth in this section, on behalf of the department, which are necessary for the issuance of lobster trap tags pursuant to Environmental Conservation Law section 13-0329.

Subparagraph 44.1(e)(1)(iii) is amended to read as follows:

(iii) The Director, [Bureau] Division of Marine Resources, is authorized to grant approvals and authorizations pursuant to this subdivision.

Paragraph 44.3(b)(6) is amended to read as follows:

(6) It is the responsibility of the holder of a horseshoe crab bio-medical users permit to ensure all horseshoe crab which are used in the production of ambocyte lysate shall either be returned to the location of harvest as approved by the department as soon as possible after the bleeding process, or be sold as bait and reported as bait harvest in compliance with [subdivision (d) of this section] Part 38.2(b)(2)(iii) of this Title.

Paragraph 44.3(c)(5) is amended to read as follows:

(5) Permit modification, suspension, or revocation shall be pursuant to [Part 175] Part 39 of this Title.

Subdivision 44.3(d) is repealed.

Subdivisions 44.3(e) through (g) are renumbered to (d) through (f).

Renumbered subdivision 44.3(f) is amended to read as follows:

(f) The Director of the [Bureau] Division of Marine Resources is authorized to make determinations and issue directives pursuant to this subdivision.

Sections 44.4 and 44.5 are repealed.

Section 44.6 is renumbered to 44.4.

Section 50.2 is repealed.

Section 50.3 is renumbered to 50.2.