

## 6 NYCRR Part 40 Marine Fish (Cod)

### Notice of Proposed Rule Making

Notice is hereby given that the New York State Department of Environmental Conservation (DEC) published a Notice of Proposed Rule Making with the New York State Department of State on January 24, 2024, to amend 6 NYCRR Part 40, "Marine Fish."

This rulemaking will shorten the open season from all year to September 1 – May 31, increase the minimum length from 21 inches to 23 inches, and decrease the possession limit from 10 fish per day to 5 fish to remain consistent with federal rule. While New York is not required to adopt these federal changes, inconsistent and less restrictive regulations in state waters (when compared with those in federal waters) will create angler confusion and enforcement challenges and will reduce the effectiveness of the federal management measures.

### Notice of Public Comment Hearing

A **public comment hearing** webinar for the proposed rule will be held on April 4, 2024, before Administrative Law Judge (ALJ) Elizabeth Phillips via electronic webinar as follows and, accordingly, are reasonably accessible to persons with impaired mobility:

**Date:** April 4, 2024

**Time:** 2:00 p.m.

**Registration Link:**

<https://meetny.webex.com/weblink/register/rbd7a97834741973695c27a897b77e2a2>

Meeting Number: 161 047 0324

Meeting Password: Part40

**Join by phone:** Call 518-549-0500. Enter access code 161 047 0324 and password 727840.

Persons wishing to comment on the proposed rulemaking will have the opportunity to make a statement at the public comment hearing webinar. Any person wishing to provide a public statement at the virtual hearing on April 4, 2024 must register in advance of the hearing no later than 4:00 p.m. the previous day. Each speaker will have a limit of two minutes to make their public comment. Additional hearing sessions may be scheduled if more than 60 persons register to speak for this session. Any person may listen to the hearing by phone without pre-registration.

All participants will be muted upon entry into the hearing. The ALJ will call each person who has requested to provide a statement to speak. The ALJ will continue the hearing until everyone wishing to speak has been heard or other reasonable arrangements have been made to include their comments in the record. A two-minute time limit will be set for each speaker to afford all participants an opportunity to be heard. We recommend that lengthy comments be summarized for oral presentation and submitted in writing as provided below. The hearing will be recorded for inclusion in the record.

Interpreter services shall be made available to deaf persons, and translator services shall be made available to persons with limited English proficiency, at no charge for either service, upon written request. Requests should be received by March 21, 2024, but DEC will make every effort to fulfill requests received closer to the hearing date. The written request must be addressed to ALJ Elizabeth Phillips, DEC Office of Hearings and Mediation Services, 625 Broadway, 1st Floor, Albany, NY 12233-1550 or emailed to ALJ Phillips at [elizabeth.phillips@dec.ny.gov](mailto:elizabeth.phillips@dec.ny.gov).

## Notice of Public Comment Period

The public comment period on the rule making concludes on **April 10, 2024**.

Written statements may be submitted to:

DEC - Division of Marine Resources  
123 Kings Park Blvd.,  
Kings Park, NY 11754,  
ATTN: John Maniscalco

Email: [fw.marine@dec.ny.gov](mailto:fw.marine@dec.ny.gov). Please include "Part 40 Atlantic Cod" in the subject line of the email. Written statements must be submitted to the DEC by 5 p.m. on **April 10, 2024**.

## Environmental and Regulatory Impact Review

DEC has determined that the proposed rule making will not have a significant adverse environmental impact. DEC has prepared a Regulatory Impact Statement, a Regulatory Flexibility Analysis for Small Businesses and Local Governments, a Rural Area Flexibility Analysis and a Job Impact Statement, in accordance with the State Administrative Procedures Act.

## Available Documents

Copies of the documents for the proposed rule making described above, along with the Express Terms (text of proposed rule), are available on the DEC website at <https://www.dec.ny.gov/regulations/propregulations.html> or by contacting the DEC (see below).

**Contact:** DEC - Division of Marine Resources, 123 Kings Park Blvd., Kings Park, NY 11754, ATTN: John Maniscalco Phone: (631) 444-0437, E-mail: [fw.marine@dec.ny.gov](mailto:fw.marine@dec.ny.gov).

## Authority

DEC is conducting the rule making proceedings, including the above-mentioned public hearing, pursuant to New York State Environmental Conservation Law §§ 13-0105 & 13-0338.