

Regulatory Impact Statement

1. Statutory authority:

Environmental Conservation Law (ECL) § 13-0105 directs the Department of Environmental Conservation (Department) to manage New York State's marine fishery resources to preserve their long-term health and abundance for future generations while maintaining consistency with interjurisdictional fishery management plans (FMPs). ECL § 13-0339-a authorizes the Department to regulate Atlantic Cod.

2. Legislative objectives:

It is the objective of the above-cited legislation that the Department manage marine fisheries to optimize resource use for commercial and recreational harvesters in a manner that is consistent with marine fisheries conservation and management policies and interjurisdictional FMPs.

3. Needs and benefits:

Atlantic Cod is federally managed by National Oceanic and Atmospheric Administration (NOAA) Fisheries. NOAA Fisheries adopted new Atlantic Cod regulations, effective August 14, 2023. The federal regulations impose stricter season, size and possession limits in federal waters to support recovery of the declining Atlantic Cod stock. 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. The proposed amendment would 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 five fish.

4. Costs:

There are no new costs to state and local governments from this action. The Department will

incur limited costs associated with the implementation and administration of the rule, including costs relating to notifying recreational fishers, party and charter boat operators, and other recreational fishing associated businesses of the new rules.

The proposed regulations may result in a small loss of revenue for some party and charter businesses, marinas, and marine bait and tackle shops that depend, in part, upon recreational Atlantic Cod fishing trips. However, Atlantic Cod plays a relatively minor role among New York's recreational fisheries. The average annual number of trips over the last five years targeting Atlantic Cod (~20,000) are less than one percent of the number of trips taken in pursuit of Atlantic Striped Bass (~4,000,000), for example. In addition, most trips targeting Atlantic Cod occur in federal waters where these more restrictive measures already apply.

5. Local government mandates:

The proposed rule would not impose any mandates on local government.

6. Paperwork:

The proposed rule would not impose any new reporting requirements.

7. Duplication:

The amendment does not duplicate any state or federal requirement.

8. Alternatives:

Status quo – If the proposed amendments are not adopted, the recreational Atlantic Cod regulations in New York State waters would be inconsistent with the season, size, and possession limits in Federal waters and the state waters of our neighbors. Inconsistent regulations may confuse anglers, create enforcement challenges, and decrease the effectiveness of the federal FMPs.

9. Federal standards:

The proposed rule does not exceed any minimum federal standards.

10. Compliance schedule:

Compliance with the proposed rule would be required upon the effective date of the rule. The public would be notified of the changes to the regulations through appropriate news releases, by DEC Delivers, and through the Department's website.