

Express Terms

A new subdivision 6 NYCRR 40.1(ab) is added to read as follows:

Cobia commercial fishing—special regulations.

(1) Licenses. It is unlawful for any person to take or land cobia for commercial purposes without having in possession a valid New York State resident or non-resident commercial food fishing license or commercial food fish landing license issued by the State of New York.

(2) Quota harvest and trip limits.

(i) Harvest limits for cobia are based on the fishery management plan (FMP) for cobia as adopted and approved by the Atlantic States Marine Fisheries Commission (ASMFC) for the period January 1st through December 31st. Harvest limits are approved and adopted pursuant to the Atlantic Coastal Fisheries Cooperative Management Act, 16 U.S.C. section 5101, *et seq.*

(ii) Quotas and trip limits are established by ASMFC. The department will establish trip limits consistent with those established by ASMFC.

(3) Fishery closures.

(i) If ASMFC or the department determines that the cobia quota will be reached, the directed harvesting of cobia for commercial purposes will be prohibited for all license holders as directed by the department upon 72 hours written notice to commercial food fishing and food fish landing license holders.

(4) Possession, transport and sale.

(i) No person may commercially harvest, sell, offer for sale, trade or barter, or possess cobia except in compliance with this subdivision.