

Text of emergency/proposed rule: Part 40 of Title 6 of the Official Compilation of New York Codes, Rules and Regulations, entitled "Marine Fish," is amended as follows:

Subdivision 40.1 (f) is amended to read as follows:

(f) "Table A-Recreational fishing."

Species	Open Season	Minimum Length	Possession Limit
Striped Bass (except the Hudson River north of the George Washington Bridge)	April 15 - Dec. 15	Licensed Party/ Charter Boat anglers 28" TL All other anglers 28" to 40" TL >40" TL (Total Length) *	2 1 1
Red Drum	All year	No minimum size limit	No limit for fish less than 27" TL Fish greater than 27" TL shall not be possessed
Tautog	Oct. 1 - May 31	14" TL	10
American Eel	All year	6" TL	50
Pollock	All year	19" TL	No limit
Haddock	All year	19" TL	No limit
Atlantic cod	All year	22" TL	No limit
Summer flounder	[April 29 - Oct. 31] <i>May 6 - Sept. 12</i>	[17.5"] 18" TL	[5] 4
Yellowtail Flounder	All year	13" TL	No limit
Atlantic Sturgeon	No possession allowed		
Spanish Mackerel	All year	14" TL	15
King Mackerel	All year	23" TL	3
Cobia	All year	37" TL	2
Monkfish (Goosefish)	All year	[21] 17" TL [14] 11" tail length #	No limit
Weakfish	All year	16" TL 10" Fillet length + 12" Dressed length**	6
Bluefish	All year	No minimum size limit for the first 10 fish; 12" TL for the next 5 fish.	15, no more than 10 of which shall be less than 12" TL.
Winter Flounder	April 1 - May 30	12" TL	10
Scup (porgy)	[July 1] <i>June 1 - Aug. 31</i>	10.5" TL	25
licensed party/ charter boat anglers ****	Sept. 1 - Oct. 31	10.5" TL	60
Scup (porgy)	[July] <i>June 1 - Oct. 31</i>	10.5" TL	25
All other anglers			
Black Sea Bass	All year	12" TL	25
American Shad	All year	No minimum size limit	5
Hickory Shad	All year	No minimum size limit	5
Oyster toadfish	Jan. 1 - May 14 and July 16 - Dec. 31	10" TL	3
Large & Small Coastal Sharks ##, ###	As per Title 50 CFR, Part 635###	As per Title 50 CFR, Part 635###	As per Title 50 CFR, Part 635###
Pelagic Sharks ++ ,###	As per Title 50 CFR, Part 635###	As per Title 50 CFR, Part 635###	As per Title 50 CFR, Part 635###
Prohibited Sharks***, ###	No possession allowed		

* Total length is the longest straight line measurement from the tip of the snout, with the mouth closed, to the longest lobe of the caudal fin (tail), with the lobes squeezed together, laid flat on the measuring device.

The tail length is the longest straight line measurement from the tip of the caudal fin (tail) to the fourth cephalic dorsal spine (all dorsal spines must be intact), laid flat on the measuring device.

+ The fillet length is the longest straight line measurement from end to end of any fleshy side portion of the fish cut lengthwise away from the backbone, which must have the skin intact, laid flat on the measuring device.

** Dressed length is the longest straight line measurement from the most anterior portion of the fish, with the head removed, to the longest lobe of the caudal fin (tail), with the caudal fin intact and with the lobes squeezed together, laid flat on the measuring device.

Large and Small Coastal Sharks include those shark species so defined as in Table 1 to Appendix A to Part 635 of Title 50 Code of Federal Regulations.

++ Pelagic sharks include those species so defined as in Table 1 to Appendix A to Part 635 of Title 50 Code of Federal Regulations.

***Prohibited sharks include those species so defined as in Table 1 to Appendix A to Part 635 of Title 50 Code of Federal Regulations.

###Applicable provisions of the following are incorporated herein by reference: 50 CFR Part 635-Atlantic Highly Migratory Species, final rule as adopted by U.S. Department of Commerce as published in the Federal Register, Volume 64, Number 103, pages 29135-29160, May 28, 1999, and as amended in volume 68, Number 247, pages 74746-74789, December 24, 2003. A copy of the federal rule incorporated by reference herein may be viewed at: New York State Department of Environmental Conservation, Bureau of Marine Resources, 205 N. Belle Mead Road, East Setauket, New York, 11733.

****See Special Regulations contained in 6NYCRR 40.1(h)(3).

Subdivision 40.1(i) is amended to read as follows:

(i) "Table B - Commercial fishing."

Species	Open Season	Minimum Length	Trip Limit
Striped Bass (the area east of a line drawn due north from the mouth of Wading River Creek & east of a line at 73 degrees 46 minutes west longitude, which is near the terminus of East Rockaway Inlet).	July 1 - Dec. 15 #	Not less than 24" TL nor greater than 36" TL	See Subdivision (j) of this Section
Red Drum	All year	No minimum size limit	No limit for fish less than 27" TL Fish greater than 27" TL shall not be possessed
Tautog	April 8 to last day of February	14" TL	25 per vessel (except, 10 per vessel when fishing lobster pot gear and more than six lobsters are in possession)
American Eel	All year	6" TL	No limit
Pollock	All year	19" TL	No limit
Haddock	All year	19" TL	No limit
Atlantic cod	All year	22" TL	No limit
Summer flounder	All year	14" TL	A trip limit set by the department in consultation with the commercial fishing industry, consistent with the requirements of the Interstate Fishery Management Plan for Summer Flounder. The Department, in its discretion, may establish a weekly limit authorizing holders of commercial summer flounder permits to possess and land up to a specified amount of summer flounder in a seven day period.
Yellowtail founder	All year	13" TL	No limit
Atlantic sturgeon	No possession allowed		
Spanish mackerel	All year	14" TL	3,500 pounds in possession, per vessel
King mackerel	All year	23" TL	3,500 pounds in possession, per vessel
Cobia	All year	37" TL	2 per vessel