

**7/23/08 N.Y. St. Reg. Erratum ENV  
NY-ADR**

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NEW YORK STATE REGISTER  
VOLUME XXX, ISSUE 31  
July 23, 2008  
ERRATUM

A Notice of Emergency/Proposed Rule Making, I.D. No. ENV-21-08-00003-EP, pertaining to Recreational Harvest and Possession of Summer Flounder and Scup, published in the May 21, 2008 issue of the *State Register* contained an error in the text of the rule. Following is the correct text:

Section 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)	Apr 15 – Dec 15	Licensed Party/ Charter Boat anglers 28" TL	2
		All other anglers 28" to 40" TL	1
		>40" TL (Total Length) *	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	Jan. 17–April 30 and Oct. 1–Dec. 17	14" TL	4
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	[None (closed as of September 17, 2007)] <i>May 15–Sept. 1</i>	20.5" TL	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	17" TL 11" tail length #	No limit
Weakfish	All year	16" TL	6
		10" Fillet length+	
		12" Dressed length**	
<b>Bluefish</b>	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)	June [1] 12–Aug. 31	[10.5"] 11" TL	[25] 10
licensed Party/Charter Boat anglers ****	Sept. 1–Oct. [31] 15	[10.5"] 11" TL	[60] 45
Scup (porgy) All other anglers	[June 1 – Oct. 31] <i>May 24–Sept. 26</i>	10.5" TL	[25] 10
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	
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\* 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).

The Department of State apologizes for any confusion this may have caused.

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