

Full Assessment of Public Comments on Sunfish and Crappie Fishing Regulations

January 31, 2022

Assessment of Public Comment

A Notice of Proposed Rule Making to Amend 6 NYCRR Part 10 - Sportfishing (Freshwater) and Associated Activities pertaining to sunfish and crappie regulations was released for public review on October 27, 2021 with a 60 day comment period extending through December 26, 2021.

Public comment was solicited through:

- a posting of the statewide public comment period in the Environmental Notice Bulletin (ENB),
- a DEC press release distributed statewide, and
- two announcements distributed to all subscribers to the DEC Delivers Fishing Line newsletter [approximately 150,000 recipients] on October 29, 2021, and December 17, 2021.

A total of 69 public comments were received:

- Fifty-five comments were received on each of the three primary proposals (statewide sunfish, statewide crappie, and Big Panfish Initiative (BPI) sunfish), most of which were in support.
- The statewide sunfish regulation proposal received 50 comments in support and 5 in opposition.
- The statewide crappie proposal received 44 comments in support and 11 in opposition.
- The Big Panfish Initiative (BPI) sunfish proposal received 41 comments in support and 14 in opposition.
- Other comments were specific to individual BPI waters, suggested other regulatory options, did not provide an opinion on the proposals, or did not apply to the proposals.
- Of the few comments that were specific to individual BPI waters, support was expressed for Cazenovia Lake (1 comment), Honeoye Lake (2 comments) and Silver Lake (2 comments), and opposition was expressed for Otisco Lake (1 comment) and Silver Lake (2 comments).

Comments were grouped into 8 themes. Responses to those themes are included on the following pages. Comments in support of the proposals are not included in this assessment.

Comment #1: The proposed statewide 10 inch minimum size limit for crappie is too restrictive and will make it very difficult to harvest a worthwhile number.

Response: The proposed increase in the statewide regulation from 9 inches to 10 inches is intended to improve the size quality of crappie for anglers in waters that are capable of producing fish of that size. Harvest in unproductive waters where crappies are typically small or stunted is likely limited regardless of what the minimum size limit is because few fish can reach sizes desirable to anglers.

Comment #2: Further limiting harvest of these panfish will be counterproductive and result in overabundant, stunted populations.

Response: A stunted fish population is one that is overpopulated with a subsequent reduced growth rate and high natural mortality, resulting in few fish reaching sizes that are desirable to anglers. It is generally caused by excessive reproduction, insufficient predation on juvenile or otherwise small fish, limited resources, or any combination of these factors. As such, stunting is more likely to occur in waters that are not capable of producing good numbers of quality sized fish and angler harvest is likely to be minimal in these waters regardless of the daily limit. Waters with the potential for producing quality sized fish could benefit from more conservative regulations as angler harvest is generally the biggest driver of adult mortality and size structure in these systems.

Comment #3: The proposed BPI sunfish 8 inch minimum size limit will cause anglers to release some smaller fish that are likely to die from hooking trauma that they would have otherwise kept.

Response: It is recognized that some of these smaller sunfish with hooking trauma may need to be released. The potential degree and severity of this is unknown, but it is not expected to have a major negative impact on anglers or the resource. The Department feels that the potential benefits of the 8 inch minimum size limit to the sunfish fishery outweigh the risk. Anglers will have opportunities to provide feedback on this and other issues related to the BPI through planned angler surveys.

Comment #4: The BPI regulations, or other more conservative regulations, should be more widely applied, including reducing the possession limit for crappie to 15/day in sunfish BPI waters and further protecting the largest sunfish.

Response: The proposals in the draft plan were developed with the recognition that while sunfish and crappie anglers have diverse interests and behaviors, these fisheries are generally harvest-based. It was important to develop regulations that were not only more conservative, but were simple and easy to follow, were acceptable to anglers, and made biological sense without unduly diminishing fishing opportunity. More conservative regulations may be considered in the future based on the outcomes of the BPI experiment.

Comment #5: The BPI proposal is unnecessary, adds to already complex fishing regulations, and will discourage fishing.

Response: The BPI was proposed as a 5-year experimental program for relatively few waters across the state that have potential to provide unique fisheries for large sunfish. This proposal aims to creatively develop more diverse sunfish fishing opportunities by taking advantage of the ecological capacity of select lakes to provide a special fishing experience. While this would add to the suite of fishing regulations, the Bureau believes that these waters have the potential to become destination fisheries for anglers who seek out larger sunfish.

Comment #6: There should be a prohibition on the commercial sale of sunfish.

Response: Commercial sale of panfish has been a longstanding concern because it increases the motivation to harvest large numbers of fish. However, attempts to legislatively prohibit the sale of panfish have failed in the past and moving forward with such a dramatic change would risk making progress on other practical and obtainable conservation measures. The statewide sunfish regulation proposal is designed to moderate situations where overharvest may occur.

Comment #7: What data and information were used to justify these proposals?

Response: The BPI program was conceptually based on available and relevant science and similar, successful, management programs in the Midwest that were based on that same science. BPI lakes were selected based on information derived from the Statewide Database, the statewide angler survey, and input from Regional staff who are familiar with and manage these waters. Criteria for selecting those waters were largely based on criteria identified in the literature that were related to positive size structure changes due to more conservative regulations.

Statewide regulations were based on the recognition that a more conservative approach was needed in light of new fishing technology and other advancements, and feedback from sunfish anglers indicating support for that type of approach.

Comment #8: A better approach would be to increase enforcement of current regulations and/or increase access to panfish fisheries.

Response: These are important issues that the Department will continue to work on and advance in the best interest of our fisheries resources.