

## Regulatory Impact Statement

### 1. Statutory authority:

Section 3-0301 of the Environmental Conservation Law (ECL) establishes the general functions, powers and duties of the Department of Environmental Conservation (department) and the Commissioner, including general authority to adopt regulations. Sections 11-0303 and 11-0305 of the ECL authorize the department to provide for the management and protection of the State's fisheries resources, taking into consideration ecological factors, public safety, and the safety and protection of private property. Sections 11-1301 and 11-1303 of the ECL empower the department to fix by regulation open seasons, size and catch limits, and the manner of taking of all species of fish, except certain species of marine fish (listed in section 13-0339 of the ECL), in all waters of the State. Section 11-1319 of the ECL governs possession of fish taken in waters of the State.

### 2. Legislative objectives:

Implementation of size restrictions is the tool used by the department in achieving the intent of the legislation referenced above. Size limits are necessary to maintain quality fisheries and to ensure that adequate numbers survive to spawning age.

### 3. Needs and benefits:

Some rivers and streams in the state are managed under 10-inch or any size minimum size limit (msl) regulations to allow harvest of black bass populations that were generally

believed to not grow as large as their lake and pond counterparts. A recent evaluation of the black bass rivers managed under this regime found no differences in the size structures or growth of smallmouth bass when compared to rivers and lakes managed under the statewide 12-inch minimum size limit. These results indicate that there is ample opportunity for anglers to harvest black bass 12 inches and larger, thereby invalidating previous assumptions that select riverine fisheries need special regulations for reduced harvest size. Lake Champlain is recognized as one of the best black bass lakes in the Country. Aligning the minimum size limit with the statewide 12" minimum will maintain the quality of the Lake Champlain black bass fishery. Aligning the two remaining any size black bass minimum size regulations and lakes and ponds will simplify regulations.

The 10-inch and any size msl regulations for black bass are unnecessary and should be eliminated. Management of black bass in riverine fisheries, lakes and ponds, and Lake Champlain under the statewide 12-inch msl should instead be instituted for the following reasons:

- Harvest opportunity under a 12-inch msl will not be diminished.
- Black bass angling is primarily catch-and-release. Anglers have minimal interest in harvesting black bass from streams and rivers or Lake Champlain.
- A recent survey of bass anglers in New York found that almost all of them (99%) prefer either a 12-inch minimum size or larger for managing black bass.
- Regulations will be simplified and easier to understand, which encourages fishing participation

Eliminating the 10-inch and any size regulations and replacing it with the statewide msl should not affect angler opportunity, is consistent with expressed bass angler desires, and will simplify the current suite of black bass fishing regulations

4. Costs:

Elimination of this special regulation will not result in increased expenditures by the State, local governments, or the general public.

5. Local government mandates:

The proposed rule will not impose any programs, services, duties or responsibilities upon any county, city, town, village, school district, or fire district.

6. Paperwork:

No additional paperwork will be required as a result of this proposed rule change.

7. Duplication:

The proposed rule does not duplicate any state or federal requirement.

8. Alternatives:

No change: The alternative is to keep the special regulation and maintain a reduced minimum size limit in certain rivers and streams throughout the state. This would also prevent simplification of the regulations.

9. Federal standards:

There are no minimum federal standards that apply to the regulation of sportfishing.

10. Compliance schedule:

These regulations, if adopted, will be in effect for the 2021 license year, which begins on April 1, 2021. Regulated persons will comply with these regulations once they take effect.