

## 6 NYCRR Parts 10 and 40 - Shad and Cobia - Regulatory Impact Statement

### 1. Statutory authority:

Environmental Conservation Law (ECL) § 13-0105 directs the Department of Environmental Conservation (DEC) to manage New York State's marine fishery resources to preserve their long-term health and abundance for future generations while maintaining consistency with interjurisdictional fishery management plans (FMP). ECL § 11-0317 grants DEC authority to adopt regulations for American Shad in the Delaware River to restore and maintain stock health, cooperatively with Pennsylvania and New Jersey.

### 2. Legislative objectives:

It is the objective of the above-cited legislation that DEC manages marine fisheries to optimize resource use for commercial and recreational harvesters in a manner that is consistent with marine fisheries conservation and management policies and interjurisdictional FMPs.

### 3. Needs and benefits:

New York is required to adopt new management measures for the recreational harvest of American Shad to remain in compliance with the ASMFC Shad FMP. The Delaware River stock of American Shad was found to be experiencing unsustainable mortality in the 2020 Atlantic States Marine Fisheries Commission (ASMFC) stock assessment. The Delaware Basin States (NY, NJ, DE, PA) addressed this finding by taking measures to reduce mortality in their ASMFC Sustainable Fishery Management Plan. New York must reduce the harvest limit of American Shad in the Delaware River watershed to remain in compliance with this plan. The proposed amendment to 6 NYCRR Part 10 would decrease the daily harvest limit from 3 fish per day to 2 fish per day for American Shad in inland waters, not including the Hudson River. Failure to adopt these regulations could result in closure of New York's American Shad fishery in the Delaware River.

New York is required to adopt new management measures for the recreational harvest of Cobia to remain in compliance with the ASMFC Cobia FMP. The proposed amendment to 6 NYCRR Part 40 for Cobia is a decrease of the recreational possession limit from 2 fish per vessel to 1 fish per vessel. Failure to adopt these regulations could result in closure of New York's Cobia fishery.

4. Costs:

There are no new costs to state and local governments from this action. DEC will incur limited costs associated with both the implementation and administration of these rules, including costs relating to notifying recreational fishers, party and charter boat operators, and other recreational fishing associated businesses of the new rules.

5. Local government mandates:

The proposed rule would not impose any mandates on local government.

6. Paperwork:

The proposed rule would not impose any new reporting requirements.

7. Duplication:

The amendment does not duplicate any state or federal requirement.

8. Alternatives:

*Status quo* – This alternative is not recommended because it would put New York State out of compliance with ASMFC fishery management plans for American Shad and Cobia. Non-compliance places New York's fisheries at risk of closure and inconsistent regulations decreases the effectiveness of the fishery management plans and related enforcement efforts.

9. Federal standards:

The proposed rule does not exceed any minimum federal standards.

10. Compliance schedule:

Compliance with the proposed rule would be required upon the effective date of the rule. The public would be notified of the changes to the regulations through appropriate news releases, by DEC Delivers, and through DEC's website.