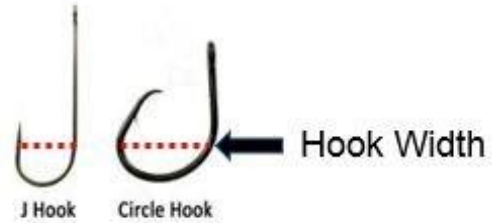


6 NYCRR Part 40 - Marine Fish - Express Terms

6 NYCRR Section 40.1 (a) Definitions is amended to read as follows:

New paragraphs 40.1 (a)(13) through 40.1(a)(15) are adopted to read as follows:

(13) 'Hook width' means the maximum distance measured inside the curve created by the hook when measured at the widest dimension (see figure below)



(14) 'Chum' means fish, chopped fish, fish parts, fish fluids or other organic materials

placed in waters of the marine and coastal district for the purpose of attracting sharks or other marine organisms.

(15) 'Chumming' means the act of placing chum in the waters of the marine and coastal district for the purpose of attracting sharks or other marine organisms.

(16) 'Shore angler' means any person engaged in any type of fishing that does not take place aboard a vessel.

6 NYCRR Section 40.1(b) General Provisions is amended to read as follows:

Existing paragraphs 40.1(b)(2) through 40.1(b)(4) are renumbered paragraphs 40.1(b)(4) through 40.1(b)(6).

A new paragraph 40.1(b)(2) is added to read as follows:

(2) Gear prohibitions to protect prohibited shark species.

- i) Hook size. It shall be unlawful for a shore angler to possess baited J-hooks with a hook width that exceeds 7/8 inches or baited circle hooks with a hook width that exceeds 1 1/8 inches. This prohibition does not apply to anglers fishing aboard a vessel.
- ii) Metal leader size. It shall be unlawful for a shore angler to use a baited hook attached to a metal fishing leader that exceeds 12 inches total length. This prohibition does not apply to:
 - ('a') anglers fishing aboard a vessel or
 - ('b') a metal fishing leader attached solely to an artificial lure.
- iii) Rod and reel only. It shall be unlawful for a shore angler to deploy baited hooks by any means other than casting with rod and reel. It shall be unlawful for a shore angler to transport or deploy baited hooks by or from a vessel, kayak, paddle board, surfboard, boogie board, swimming, unmanned surface vessel (USV), unmanned underwater vehicle (UUV), unmanned aerial vehicle (UAV), kite, balloon, pneumatic propulsion or all other types of propulsion other than casting with rod and reel, at any time of the year. This restriction does not apply to anglers fishing from a vessel.

A new paragraph 40.1(b)(3) is added to read as follows:

(3) Chumming

- i) It shall be unlawful for any person to use chum or engage in chumming from shore in the marine and coastal district.
- ii) It shall be unlawful to place or deploy chum within 600 feet seaward of the mean high-water mark, or from structures abutting the shoreline including but not limited to jetties, bulkheads, docks, piers, and bridges, at any time of the year.
- iii) The prohibitions in this paragraph do not apply to:
 - (‘a’) anglers fishing aboard a vessel, or
 - (‘b’) the use of mollusks or crustaceans as chum.

6 NYCRR Section 40.7 is amended to read as follows:

New paragraphs 40.7 (c)(9) through (c)(11) are adopted to read as follows:

(9) It shall be unlawful for a recreational angler to pursue or capture sharks using artificial lures. This restriction does not apply to anglers fishing aboard a vessel.

(10) Handling and Release of Sharks (all shark species).

- i) Keeping sharks submerged. It shall be unlawful for an angler to remove a shark from the water except where the angler intends to harvest the shark and reduce it to possession. The shark’s gills must remain submerged, and the entire length of the shark must remain in the water. This subparagraph shall not be construed to require unsafe practices while fishing from shore and does not prohibit temporarily lifting the head of a shark from the water in order to facilitate removal of a hook or other fishing tackle. This prohibition does not apply to smooth dogfish (*Mustelus canis*) and spiny dogfish (*Squalus acanthias*).
- ii) Tackle cutting device. Recreational anglers fishing for sharks shall possess and have immediately available wire or bolt cutters capable of quickly cutting either the leader or the hook and use such cutting device to quickly remove as much tackle and fishing gear as possible in order to immediately, and without unnecessary harm release sharks not being harvested or reduced to possession.
- iii) Release without undue harm. Anglers are required to take every precaution to ensure the maximum probability of survival of any shark that will be released and to release the shark without causing any undue harm to the shark. Anglers are prohibited from engaging in any activities which may decrease the shark’s probability of survival after release.

(11) Handling and Release of Sharks (prohibited species):

Prohibited shark species (recreational). The following shark species must be released immediately if caught: Atlantic angel shark (*Squatina dumeril*); basking shark (*Cetorhinus maximus*); bigeye sand tiger shark (*Odontaspis noronhai*); bigeye thresher shark (*Alopias superciliosus*); bignose shark (*Carcharhinus altimus*); blacknose shark (*Carcharhinus acronotus*); Caribbean reef shark (*Carcharhinus perezii*); Caribbean sharpnose shark (*Rhizoprionodon porosus*);

dusky shark (*Carcharhinus obscurus*); Galapagos shark (*Carcharhinus galapagensis*); longfin mako shark (*Isurus paucus*); narrowtooth shark (*Carcharhinus brachyurus*); night shark (*Carcharhinus signatus*); sandbar shark (*Carcharhinus plumbeus*); sand tiger shark (*Carcharias taurus*); sharpnose sevengill shark (*Heptranchias perlo*); shortfin mako shark (*Isurus oxyrinchus*); silky shark (*Carcharhinus falciformis*); bigeye sixgill shark (*Hexanchus nakamurai*); bluntnose sixgill shark (*Hexanchus griseus*); smalltail shark (*Carcharhinus porosus*); whale shark (*Rhincodon typus*); white shark (*Carcharodon carcharias*)