

6 NYCRR Part 40 - Marine Fish (Striped Bass) - Express Terms

6 NYCRR Section 40.1, "Marine fish – open seasons, size and catch limits" is amended to read as follows:

New paragraph 40.1(a)(13) is adopted to read as follows:

(13) A "gaff" means any implement or device used, after a fish has been caught by other means, to puncture, hook, or penetrate the fish during the landing, retrieval or release of the fish. "Gaff" also means the act of using a gaff.

New subparagraph 40.1(g)(2)(ii) is adopted to read as follows:

(ii) When fishing recreationally, the use of a gaff to land or assist in landing striped bass is prohibited. No person shall gaff or attempt to gaff striped bass at any time when fishing recreationally.

Existing paragraph Section 40.1(j)(13) is amended to read as follows:

(13) Each permittee will be provided, in batches, a number of tags equal to their individual quota. A permittee will be required to pay a fee [not to exceed 25 cents] per tag issued to them. The department will advise permit holders of the fee per tag each year when commercial tag order forms are distributed. The fee for tags must be paid in full before the permittee receives their tag allocation for the current year. No refunds or replacements will be made for tags which are lost, broken, confiscated or unused.

Existing paragraph Section 40.1(j)(20)(i) is amended to read as follows:

(i) Fishing vessel trip reports. Any person who is a holder of a striped bass commercial permit shall complete and submit an accurate fishing vessel trip report for each commercial fishing trip, detailing all fishing activities and all species landed, pursuant to paragraph (c)(1) of this section. Fishing vessel trip reports shall be completed, signed, and submitted to the department for each month; if no fishing trips were made for striped bass during a month, a report must be submitted for that month stating no striped bass trips were made. Permit holders who operate or who fish from a federally permitted [vessels] vessel and take striped bass must submit the federal trip information to the department for each trip. This trip information includes but is not limited to the permit holder's permit number, the federal trip identification number, the number of tags used, the amount of striped bass landed (in pounds), disposition of striped bass, gear type, and tag serial numbers. This information must be reported on a form approved by the department. [complete and submit the State (blue) copy of their fishing vessel trip report (NOAA Form No. 88-30) to the department for each commercial striped bass trip.] Permit holders must submit the last report five days after the close of the commercial striped bass season or within five days after all striped bass tags are used. Permit holders must submit all required information, including, but not limited to, the name of the vessel, the permit number(s), trip type, all species taken, the striped bass tag serial numbers used for the trip, the weight (in pounds), and number of striped bass taken, the name and signature of the permit holder, and the date signed. All reports must be complete. Incomplete fishing vessel trip reports or unsigned reports will not satisfy these reporting requirements and may be returned to the permit holder who submitted them for completion. Once commercial striped bass permit holders have reported 100 percent use of the individual allocation of tags, they are no longer required to submit reports for striped bass. Permit holders who fail to submit acceptable fishing vessel trip reports to the department may be denied future commercial striped bass fishing permits pursuant to Part 175 of this Title.