§ 11-1521. Management of striped bass in the Hudson River.

Notwithstanding any provision of law to the contrary:

1. Striped bass (Morone saxatilis) less than eighteen inches in total length may not be taken, possessed, bought, sold or offered for sale.

2. Striped bass shall not be taken in the Hudson River from the George Washington bridge north to the Federal dam at Troy from December 1 through March 15. Striped bass unintentionally taken in violation of this subdivision shall be returned to the water immediately without unnecessary injury.

3. Striped bass shall not be taken in the Hudson River from the George Washington bridge north to the Federal dam at Troy with seines, fykes, hoop nets or trawls.

4. From March 15 through June 15, gill nets with stretched mesh size greater than 3 1/2 inches and less than 5 inches shall not be set in the Hudson River from the George Washington bridge north to the Federal dam at Troy nor possessed while on those waters.

5. In addition to the restrictions set forth in subdivision four hereof, from March 15 through June 15, no person shall set a gill net other than a drift gill net in the waters of the Hudson River lying between the Bear Mountain bridge and the Hamilton Fish Newburgh-Beacon bridge nor possess any gill net other than a drift gill net while on the shores or waters of that portion of the Hudson River. For the purposes of this subdivision a drift gill net is defined as a gill net that is not anchored or staked and is free to move with water currents. The department shall identify additional spawning areas and allocate fishing locations within these spawning areas.

6. Striped bass unintentionally taken in violation of subdivision one, three, four or five of this section shall be returned to the water at once without unnecessary injury, except that fish taken in gill nets need not be so returned to the water but shall not be bought, sold or

trafficked in. For the purposes of this section "trafficked in" includes possession or transportation in any boat or vehicle other than the boat in which such striped bass were landed after being taken. Nothing in this subdivision shall be construed as permitting any person to possess striped bass of less than legal size.

7. On or before March 15, 1984 the department shall adopt rules and regulations limiting entry to the traditional commercial fishery for striped bass in the Hudson River. Such rules and regulations may include the establishment of a limit on the number of commercial striped bass licenses to be issued, the establishment of equipment restrictions necessary to maintain traditional fishing methods, the establishment of a striped bass harvest quota for allocation among licensees and the establishment of a Hudson River commercial fishing board whose members will be appointed by the commissioner and which will function to approve or deny applications for commercial striped bass licenses on the basis of rules promulgated by the department, to establish criteria for the allotment of individual licensee catch quotas and to allot the catch quotas when the department establishes striped bass harvest limits for allocation among licensees. Such rules and regulations shall be publicly reviewed each year by the Hudson River Advisory Committee and revised as needed to insure maintenance of an economically viable, stable and traditional striped bass commercial fishery in the Hudson River and to provide proper protection for the Hudson River striped bass population.

8. No person shall sell or expose or offer for sale, trade or barter striped bass without first obtaining a commercial striped bass license. A commercial striped bass license is required only for initial sale, exposing or offering for sale, trade or barter and is not required for subsequent sales. The resident fee for such license shall be determined by the commissioner and shall not exceed one hundred dollars. Fees for licensing nets in the Hudson River as required by department rules and regulations shall be credited toward purchase of the commercial striped bass license. The nonresident fee for such license shall be two hundred dollars.