§ 13-0343. Nets other than trawls; restrictions on use of nets and trawls.

1. Nets other than trawls shall not be placed, maintained or used in any of the following waters except: (a) as permitted by this section; (b) landing nets may be used in completing the catch of fish hooked by angling; and (c) cast nets, not in excess of twenty feet in diameter, operated by hand may be used to take Atlantic menhaden (Brevoortia tyrannus) and mullets (Mugil spp), except in the waters described in subdivisions four, eight and twelve of this section. The use of cast nets shall be limited to one per boat.

2. In the waters of the marine district in the county of Richmond purse seines may not be used to take menhaden; and nets of not more than ten feet in length, operated by hand, may be used to take minnows and shrimp for bait.

3. In the Harlem River and the East River east of the Robert F. Kennedy Bridge and in Long Island Sound west of a line drawn from Hewlett's (King's) Point to the north end of Hart Island, thence to the south end of Glen Island, and in their adjacent bays, coves, creeks and confluent waters, only such nets as are used to take lobsters or crabs may be used.

4. In the Nissequogue River fish may be taken by angling only except that nets of not more than twenty feet in length and four feet in depth, operated by hand, may be used to take bait fish during daylight hours only.

5. a. In the inland tidal waters within the town of Hempstead, no person shall at any time engage in eel dredging by the use of nets accompanied by cutting boards, chains or other similar devices.

b. In the inland tidal waters within the town of Hempstead westerly of the Wantagh State Parkway causeway, nets shall not be used except nets, not over forty feet long and four feet deep, may be used to take minnows or shrimp for bait.

6. In Jamaica Bay and its adjacent creeks, inlets and basins, nets shall not be used inshore of a line from the beacon at Rockaway Point jetty to the municipal bath houses on Coney Island, except that minnows and shrimp may be taken by hand nets not over forty feet long and four feet deep and except that nets other than trawls may be used from October 10 to December 31 in that part of such area southerly of a line from the lighted beacon at Manhattan Beach to the most southerly point on Barren Island and westerly of the Marine Parkway bridge across Rockaway Inlet.

7. In Gravesend Bay, and in the Atlantic Ocean within one-half mile of the shore from Norton's point to the municipal bath houses on Coney Island and within one-half mile of the shore from the Rockaway Inlet jetty at Rockaway Point to the East Rockaway Inlet jetty at Silver Point, nets shall not be used except as follows:

a. To take minnows or shrimp for bait, hand nets not more than forty feet long and four feet deep.

b. To take eels, spears and eel weirs.

c. To take menhaden, vessels of forty tons or less register using nets other than trawls, except where prohibited by subdivision 13 of this section.

8. In the Carmans river, Suffolk county.

a. Nets shall not be used in the river north of a line running from the most southerly point of land within the Wertheim National Wildlife Refuge on the western shore of the river easterly to the point where the southern boundary of the refuge meets the eastern shore of the river.

b. Eel pots shall not be used north of the point where Beaver Dam road (Brookhaven avenue) meets the river. Between the point where Beaver Dam road meets the river and the line described in paragraph a of this subdivision eel pots may be used only to take eels.

9. In Jones' Inlet, nets, except haul seines of not more than one hundred twenty feet in length and six feet in depth used to take bait fish or crustacea, shall not be used inshore from an east and west line drawn from a point one-half mile southerly of the municipal bathing pavilion at Point Lookout, thence easterly to a point one-half mile southerly of the Short Beach Coast Guard tower. The inshore boundary of the Jones' Inlet area closed to certain netting shall be the bridges of the Loop and Meadowbrook Parkway.

10. In Fire Island Inlet, nets, except during the period of time from April first through May thirty-first haul seines of not more than one hundred seventy-five feet in length and twenty feet in depth used to take bait fish or crustacea, shall not be used inshore of a line drawn from the sea end of the government jetty at Democrat Point to the town of Babylon bathing pavilion at Cedar Island Beach. The inshore boundary of the Fire Island Inlet area closed to certain netting shall be the Robert Moses bridge to Fire Island.

11. Nets shall not be used in Moriches inlet, Shinnecock Inlet and in Mecox Inlet nor in the Atlantic Ocean within one-half mile of the shores thereof for a distance of one-half mile measured east and west along the beach from the east and west shores of the seaward entrances to such inlets. The department, for law enforcement purposes, may in its discretion erect suitable markers on the beach at the limit points.

12. In the Connetquoit River nets shall not be used.

13. In the waters of the Atlantic Ocean and Fire Island Inlet, nets shall not be used within one thousand feet of the beach between Rockaway Inlet Jetty at Rockaway Point and the headland extending into Fire Island Inlet known as the "sore thumb".

14. In the county of Suffolk.

a. In the waters lying westerly of an imaginary line extending in a general southerly direction from Leaves Point in Southold town to Hay

Beach Point in Shelter Island, and a line extending in a general northeasterly direction from Mashomack Point in Shelter Island to Cedar Point at the eastern entrance to Sag Harbor.

(1) haul seines shall not be used measuring over one hundred fifty fathoms in length, attached to which may be two wings, each measuring not more than one hundred fifty fathoms in length with a stretched mesh size including knot of not less than three and one-quarter inches in one wing and three and one-half inches in the other wing;

(2) the use of haul seines is prohibited from midnight Thursday to 6:00 P.M. Sunday.

(3) when permitted by the commissioner, pound or trap nets may be used in the waters described in paragraph a of this subdivision provided they do not interfere with or obstruct navigation or the carrying out of shellfish culture as provided in this chapter. Any such pound or trap nets shall be marked in accordance with requirements prescribed by the commissioner.

b. Waste fish shall not be left on shore or within the waters five hundred feet from shore.

15. a. Nets shall not be used in Long Island sound west of an imaginary line from the New York-Connecticut boundary shore line extending easterly and southerly to Eaton's Point Neck on Long Island from April 1 to November 1, nor at any time in the waters of Huntington Bay, Lloyd Harbor, Northport Bay or Coldspring Harbor; provided, however, that hand nets not more than forty feet long and four feet in width may be used to take minnows and shrimp for bait, at any time.

b. Gill nets shall not be used in Long Island Sound or in harbors, bays or other waters adjacent thereto west of an imaginary line extending north from the easterly boundary of the town of Brookhaven on the north shore of Long Island in the county of Suffolk. However, as permitted under subdivision ten of section 13-0329 of this chapter, a holder of a commercial lobster license may use no more than one gill net not longer than three hundred feet with a stretched mesh size between three and one-half inches and four and one-quarter inches to take bait fish between April 1 and November 15 during each weekly period beginning

6:00 p.m., Sunday, through 9:00 a.m. Friday, providing that each net will be buoyed on each end and identified with the permittee's commercial lobster license number. The net shall be fished with the top not less than four feet below the surface of the water.

16. Unless permitted by statute, or licensed or permitted by the department, nets shall not be possessed by any person in or on waters of the marine district, in the following instances:

a. Nets of metallic fabric shall not be possessed in or on any waters or within one-half mile thereof;

b. In waters where use of trawls is prohibited by section 13-0341, such trawls shall not be possessed in the waters where their use is prohibited, or during any time when such use is so prohibited;

c. In waters where use of nets other than trawls, or use of trawls; is prohibited by this section, the nets, or trawls, as the case may be, or nets of the kind or kinds prohibited, shall not be possessed in the waters where their use is prohibited or during any time when such use is prohibited, except that where a provision of this section expressly specifies a lesser distance from the water in which possession is prohibited, this section does not enlarge the distance from the water in which such possession is prohibited.

d. Nothing in this subdivision shall be construed as prohibiting commercial fishing vessels sailing to or from offshore fishing grounds from carrying on board fishing gear that may legally be used in such offshore waters even though they must pass through waters where the use of such gear is otherwise prohibited.

17. Within three nautical miles of the Atlantic coastline and in all other tidal waters within the state, the use of purse seines for taking food fish is prohibited.

18. Nets and seines measuring more than twenty-five feet in length and four feet in depth shall not be used in the waters of Oyster Bay Harbor.

19. a. Gill or trammel nets set or operated in the marine and coastal district shall be marked at each end with an orange flag at least twelve inches square attached to a mast rising above the surface of the water at least five feet. Nets operated after dark shall have orange and white reflective tape attached to the mast for a minimum one foot length immediately below the flag.

b. No gill or trammel net shall be set or operated in the marine and coastal district within one thousand feet of a pound or trap net.

c. Except in the waters of the Atlantic Ocean, Long Island Sound, Tiana Bay, Shinnecock Bay, Mecox Bay, Quantuck Bay, that portion of Moriches Bay within the town of Southampton, and the marine and coastal waters lying easterly of an imaginary line extending in a general southerly direction from Cleaves Point in the town of Southold to Hay Beach Point in Shelter Island, and a line extending in a general northeasterly direction from Mashomack Point in Shelter Island to Cedar Point at the eastern entrance to Sag Harbor, no gill or trammel net shall be set in the waters of the marine and coastal district from sunset Friday to sunrise Monday during the period from April first to November first.

d. Gill or trammel nets set or operated in the waters of the Great South Bay shall not exceed twelve hundred feet in length. In addition to the requirements in paragraph a of this subdivision, nets set or operated in the Great South Bay shall display surface markers at least every one hundred feet. No gill or trammel net shall be set in the waters of the Great South Bay from May first until May thirty-first, inclusive. For the purposes of this subdivision, Great South Bay shall mean the waters extending east from Wantagh State Parkway to the Smith Point Bridge and southwest to the Robert Moses Inlet Bridge.

e. Those gill and trammel nets set in the waters of the Hudson River in accordance with section 11-1511 of this chapter shall be exempt from the provisions of this subdivision.

f. The use of gill or trammel nets for the taking of blackfish is prohibited.