



Connecticut Department of
**ENERGY &
ENVIRONMENTAL
PROTECTION**

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Declaration of Regulation Change (20-01)

Under authority of Section 26-142a(d) of the Connecticut General Statutes, the Commissioner of Energy and Environmental Protection is authorized to order the emergency closure of any fishery if such closure is necessary to conform to regulations adopted under the Fishery Conservation and Management Act of 1976 (Public Law 94-265, as amended) or by other regional fishery management authorities.

In accordance with the aforementioned authority, the following sections of departmental regulations are amended as specified on page 2 of this Declaration.

- 26-157c-1. Taking lobsters – general
- 26-157c-2. Taking lobsters – pots and traps

This Declaration supersedes Declaration 19-05 and shall be effective upon signing and shall remain in effect through March 31, 2021 or until amended or superseded by subsequent action.


3/18/20

Katherine S. Dykes
Commissioner

Date

26-157c-1. Taking lobsters – general

(a) Definitions

- (1) “ASMFC” means the Atlantic States Marine Fisheries Commission, created under the terms of an interstate compact ratified by the State of Connecticut (section 26-295 of the Connecticut General Statutes) and approved by the U. S. Congress (Public Law 539, Chapter 283, Second Session, 77th Congress; 56 Stat. 267, approved May 4, 1942, as amended by Public Law 721, 81st Congress, approved August 19, 1950).
- (2) “American Lobster Fishery Management Plan” or “FMP” means the plan and its amendments and addendums approved and published by the ASMFC to manage the interstate lobster fishery.
- (4) “LMA” means any lobster management area as defined in the FMP.
- (10) “LMA 6 closed season” means September 8 to November 28, both dates inclusive.**

(g) During the LMA 6 closed season, no person engaged in commercial fishing or lobster fishing for personal use shall possess or land lobsters taken from LMA 6 by any method.

26-157c-2. Taking lobsters – pots and traps

- (g) Except as provided in subsections (h) and (i) of this section, no lobster pot may be left in the water within LMA 6 during the LMA 6 closed season.**
- (h) Between September 8 and September 21, both dates inclusive, a gear-removal grace period is established and between November 15 and November 28, both dates inclusive, a gear-resetting grace period is established, provided no lobster pot is baited during the LMA 6 closed season before one-half hour before sunrise on November 22.**
- (i) Holders of a license to take whelk issued by the Department of Energy and Environmental Protection under the authority of section 26-142a of the Connecticut General Statutes may use lobster pots to take whelk or conch during the LMA 6 closed season provided no finfish or crustaceans are taken or possessed on the same trip and such lobster pots are being actively fished. For the purposes of this subsection, actively fished means the pots are baited for conch or whelk and all such pots are tended at an interval not to exceed seven days.**

Justification

Need: To meet the requirements of the Atlantic States Marine Fisheries Commission (ASMFC) Interstate Fishery Management Plan (FMP) for American lobster.

Under 16 U.S.C. Chapter 17 - Atlantic Coastal Fisheries Cooperative Management Act (ACFCMA) Section 5106, states are required to implement and enforce ASMFC fishery management plans. If a state fails to implement mandatory measures of an ASMFC plan, the Secretary of Commerce is required to impose a moratorium on fishing for that species within the waters of the noncomplying state.

Management Background: Addendum XVII to Amendment 3 to the ASMFC American Lobster FMP (approved in February 2012) required a 10% reduction in exploitation of lobster in Lobster Management Area 6, which encompasses all Connecticut state waters. In response, Connecticut first implemented the fall closed season in 2013. To-date, ASMFC has taken no actions to amend the FMP such that the fall closed season could be eliminated.

Public Input/Notice: The depleted lobster stock condition and ASMFC mandate that culminated in the fall closure was the subject of eight public meetings and a Lobster Conservation Management Team (LCMT) meeting (an industry advisory group established by the ASMFC FMP and comprised of NY and CT lobstermen) over approximately two years. The LCMT recommended this season closure over alternative approaches to comply with the 10% reduction in exploitation required under Addendum XVII.

Declaration Authority

Sec. 26-142a. Environmental tourism cruise vessel permit. Commercial fishing vessel permits. Registration of nets and areas of use. Registration of charter boats. Fishing licenses and registrations. Possession limits. Fees.

(g) ... The commissioner may also order the emergency closure of any fishery if such closure is necessary to conform to regulations adopted under the Fishery Conservation and Management Act of 1976 (Public Law 94-265, as amended) or by other regional fisheries management authorities.

