



Connecticut Department of  
**ENERGY &  
ENVIRONMENTAL  
PROTECTION**

## **Declaration of Regulation Change 22-04**

Under the authority of section 26-159a-22 of the Regulations of Connecticut State Agencies (RCSA), the Commissioner is authorized to establish or adjust, by declaration, closed seasons, length limits and creel limits in order to comply with interstate fishery management plans adopted by the Atlantic States Marine Fisheries Commission or the U.S. Department of Commerce.

In accordance with the aforementioned authority the following sections of departmental regulations are amended as specified on pages 2 through 5 of this Declaration:

- 26-159a-4. Minimum lengths
- 26-159a-7. Creel limits
- 26-159a-20. Closed recreational fishing seasons

This Declaration supersedes Declaration 22-02, shall be effective 10 days after signing, and shall remain in effect for 120 days or until amended or superseded by subsequent action.

*Katherine S. Dykes* 4/21/2022  
**Katherine S. Dykes** **Date**  
**Commissioner**

#### 26-159a-4. Minimum lengths

(a) No person, while on the waters of this state or on any parcel of land, structure, or portion of a roadway abutting tidal waters of this state shall possess or land any fish of the following species taken by sport fishing methods, regardless of where taken, if it is less than the identified length as measured from the tip of the snout to the end of the tail:

(1) Scup (porgy) (*Stenotomus chrysops*): ~~[10.5]~~ 10 inches, except that no person ~~[on a vessel operating under the authority of a party/charter vessel registration issued under section 26-142a of the Connecticut General Statutes shall possess or land fish less than 11 inches;]~~ at an enhanced opportunity shore fishing site defined in subsection (d) of this section shall possess or land fish less than 9 inches;

(3) Summer flounder (fluke) (*Paralichthys dentatus*): ~~[19.5]~~ 18.5 inches, except that no person at an enhanced opportunity shore fishing site defined in subsection (d) of this section shall possess or land fish less than 17 inches;

(7) Tautog (blackfish) (*Tautoga onitis*): ~~[14]~~ 16 inches;

(10) Black sea bass (*Centropristis striata*): ~~[12]~~ 16 inches;

(11) American eel (*Anguilla rostrata*): ~~[6]~~ 9 inches;

(13) Striped bass (*Morone saxatilis*): 28 inches, except that no person shall possess or land striped bass greater than or equal to 35 inches.

(d) Enhanced opportunity shore fishing site means any public access fishing site listed in Appendix A.

#### 26-159a-7. Creel limits

(a) Unless otherwise specified in section 26-112-45 of the Regulations of Connecticut State Agencies, the daily creel limit for species taken by sport fishing methods, including spears of any kind, shall be as set forth in this subsection. No person, other than a person authorized to take finfish under a license or registration issued pursuant to section 26-142a of the Connecticut General Statutes, while on the waters of this state or on any parcel of land, structure, or portion of a roadway abutting tidal waters of this state shall possess or land any of the following species, regardless of where taken, in excess of the identified number.

(2) Black sea bass (*Centropristis striata*): ~~[25]~~ 5 fish, except that paying passengers on a vessel operating under the authority of a party or charter fishing vessel registration issued under section 26-142a of the Connecticut General Statutes may possess not more than 7 fish from September 1 through December 31, all dates inclusive;

(3) Summer flounder (fluke) (*Paralichthys dentatus*): ~~[5]~~ 4 fish;

(5) Scup (porgy) (*Stenotomus chrysops*): ~~[10]~~ 30 fish, except that paying passengers on a vessel operating under the authority of a party/charter vessel registration issued under section 26-142a of the Connecticut General Statutes may possess ~~[45]~~ 50 fish per angler from September 1 to October ~~[15]~~ 31, inclusive;

(6) American eel (*Anguilla rostrata*): ~~[50]~~ 25 fish;

(7) Winter flounder (*Pseudopleuronectes americanus*): ~~[10]~~ 2 fish;

(8) Bluefish (*Pomatomus saltatrix*): ~~[10 fish]~~ 3 fish, except that paying passengers on a vessel operating under the authority of a party or charter fishing vessel registration issued under section 26-142a of the Connecticut General Statutes may possess not more than 5 fish;

(10) Tautog (blackfish) (*Tautoga onitis*): ~~[4]~~ 2 fish from ~~[January]~~ April 1 to April 30, 2 fish from July 1 to August 31, and ~~[4]~~ 3 fish from October ~~[1]~~ 10 to November 28, all dates inclusive;

- (12) Weakfish (*Cynoscion regalis*): ~~[6]~~ 1 fish; ~~and~~
- (13) Striped bass (*Morone saxatilis*): ~~[2]~~ 1 fish; and
- (14) Menhaden (*Brevoortia tyrannus*): 50 fish or 5 gallons, whichever is the greater amount.

#### **26-159a-20. Closed recreational fishing seasons**

(a) No person, while on the waters of this state or on any parcel of land, structure, or portion of a roadway abutting tidal waters of this state shall take, possess or land any of the following species taken by sport fishing methods, regardless of where taken, except during the following periods.

~~[(1) Scup (porgy) (*Stenotomus chrysops*): For persons on a vessel operating under the authority of a party/charter vessel registration issued under section 26-142a of the Connecticut General Statutes, October 16 to June 11, inclusive; for all other persons, September 27 to May 23, inclusive;]~~

(2) Tautog (*Tautoga onitis*): ~~[May 1 to June 30, September 1 to September 30, and December 7 to December 31];~~ April 1 to April 30, July 1 to August 31, October 10 to November 28, all dates inclusive;

(3) Summer flounder (fluke) (*Paralichthys dentatus*): ~~[September 2 to May 23],~~ May 1 to October 9, both dates inclusive; ~~and;~~

(4) Winter flounder (*Pseudopleuronectes americanus*): ~~[May 31 to March 31]~~ April 1 to December 31, both dates inclusive; and

(5) Black sea bass (*Centropristis striata*): May 19 to December 1, both dates inclusive, except that paying passengers on a vessel operating under the authority of a party or charter fishing vessel registration issued under section 26-142a of the Connecticut General Statutes may take, possess, and land black sea bass during the period May 19 to December 31, both dates inclusive.

**Appendix A. Section 26-159a(d) Enhanced Opportunity Shore Fishing Sites at which summer flounder and scup may be taken as small as 17 and 8 inches, respectively.**

<b>County</b>	<b>City</b>	<b>Owner</b>	<b>Site (w/ Link)</b>
Fairfield	Bridgeport	City	<a href="#">Pleasure Beach Fishing Pier</a>
Fairfield	Bridgeport	City	<a href="#">Saint Mary's by the Sea</a>
Fairfield	Bridgeport	City	<a href="#">Seaside Park</a>
Fairfield	Fairfield	City	<a href="#">Ash Creek Open Space</a>
Fairfield	Fairfield	City	<a href="#">Jennings Beach</a>
Fairfield	Fairfield	City	<a href="#">Penfield Beach</a>
Fairfield	Fairfield	City	<a href="#">Penfield Reef</a>
Fairfield	Norwalk	City	<a href="#">Calf Pasture Beach</a>
Fairfield	Norwalk	City	<a href="#">Maritime Aquarium Park</a>
Fairfield	Stratford	City	<a href="#">Bond's Dock</a>
Fairfield	Stratford	City	<a href="#">Long Beach</a>
Fairfield	Stratford	City	<a href="#">Point-No-Point</a>
Fairfield	Stratford	City	<a href="#">Russian Beach</a>
Fairfield	Stratford	City	<a href="#">Short Beach Park</a>
Fairfield	Westport	State	<a href="#">Sherwood Island State Park</a>
Middlesex	Old Saybrook	State	<a href="#">South Cove Causeway</a>
Middlesex	Old Saybrook	City	<a href="#">Saybrook Point</a>
New Haven	Branford	City	<a href="#">Branford Point</a>
New Haven	Guilford	City	<a href="#">Chaffinch Island Park</a>
New Haven	Madison	State	<a href="#">Hammonasset Beach State Park</a>
New Haven	Milford	Audubon	<a href="#">Connecticut Audubon Coastal Center</a>
New Haven	Milford	City	<a href="#">Gulf Beach</a>
New Haven	Milford	State	<a href="#">Silver Sands State Park</a>
New Haven	New Haven	City	<a href="#">Criscuolo Park</a>
New Haven	New Haven	State	Tomlinson Bridge Fishing Pier
New Haven	New Haven	State	<a href="#">Fort Nathan Hale Park</a>
New Haven	West Haven	City	<a href="#">Bradley Point Park</a>
New Haven	West Haven	City	<a href="#">Sandy Point</a>
New Haven	West Haven	City	<a href="#">Sandy Point Bird Sanctuary</a>

**Appendix A, Continued. Section 26-159a(d) Enhanced Opportunity Shore Fishing Sites at which summer flounder and scup may be taken as small as 17 and 8 inches, respectively.**

<b>County</b>	<b>City</b>	<b>Owner</b>	<b>Site (w/ Link)</b>
New London	East Lyme	City	<a href="#">Cini Memorial Park</a>
New London	East Lyme	City	<a href="#">Hole-in-the-Wall Beach</a>
New London	East Lyme	City	<a href="#">McCook Park</a>
New London	East Lyme	State	<a href="#">Rocky Neck State Park</a>
New London	Groton	State	<a href="#">Bluff Point State Park and Reserve</a>
New London	Groton	State	<a href="#">UConn-Avery Point</a>
New London	Groton	City of Groton	<a href="#">Eastern Point Beach</a>
New London	New London	City	<a href="#">City Pier and Waterfront Park</a>
New London	New London	State	<a href="#">Fort Trumbull State Park</a>
New London	Old Lyme	State	<a href="#">DEEP Marine Headquarters-Ferry Landing Park</a>
New London	Stonington	City	<a href="#">Mystic River Park</a>
New London	Stonington	State	<a href="#">Stonington Point</a>
New London	Stonington	City	<a href="#">Stonington Town Dock Fishing Pier and Memorial</a>
New London	Waterford	State	<a href="#">Harkness Memorial State Park</a>
New London	Waterford	City	<a href="#">Mago Point Park</a>
New London	Waterford	City	<a href="#">Waterford Beach Park</a>

## Justification

**Need:** To comply with mandatory provisions of Atlantic States Marine Fisheries Commission (ASMFC) Interstate Fishery Management Plans (FMPs) for the subject species.

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

**Management Authority:** Summer flounder, scup and black sea bass are managed jointly by ASMFC and the Mid-Atlantic Fishery Management Council (MAFMC) through a joint FMP. American eel, striped bass, tautog, and Atlantic menhaden are managed solely by ASMFC.

**Atlantic menhaden:** The menhaden creel limit has been adopted in response to state resident concerns that unlicensed commercial fishing was taking place (i.e. individuals taking large numbers of menhaden, intending to sell them rather than keep them for personal use). The creel limit is intended as a law enforcement tool and is not intended to restrict overall recreational harvest.

**American eel:** Addendum III to the ASMFC American Eel FMP required states to adopt a 9 inch minimum size and 25 fish creel limit to provide additional conservation for the yellow eel life stage. The minimum size and creel limit adopted here through modification of RCSEA sections 26-159a-4 and 26-159a-7 apply to all tidal waters of the state, including those tidal waters that fall within the inland district.

**Summer flounder:** this species has been managed by region since 2014 with Connecticut and New York forming a management region. Each state within a management region is compelled under Addendum XXVII to the FMP to adopt identical minimum size and creel limits and limit the open season to a specific number of days. Addendum XXVIII, approved in early 2017, required raising the minimum length to 19 inches and reducing the possession limit to 3 fish, with the open season length remaining status quo. Because the 2017 projected harvest was less than the 2018 recreational harvest limit, management action by the ASFMC and the MAFMC in late 2017 and early 2018 allowed regions to relax management measures for 2018. In response, CT and NY gained ASFMC approval to change the possession limit to 4 fish and modestly lengthen the season in 2018. The minimum size remained at 19 inches (17 inches at enhanced opportunity shore fishing sites in CT). During 2019-21, recreational measures for the CT-NY region were kept status quo given that estimated annual recreational harvests each year approximated the recreational harvest limits for the following year. For 2022, based on comparison of estimated 2021 harvest and the 2022 recreational harvest limit, ASMFC and MAFMC determined that a 16.5% liberalization in harvest was permissible. After obtaining public comment and discussing options, CT and NY received ASMFC approval to implement a reduced minimum length of 18.5 inches and an expanded season of May 1 – Oct. 9 for 2022 (bag limit was kept status quo at 4 fish).

**Scup:** this species has been managed by region since 2013, with the states of MA-NY constituting the “northern” management region. Although further liberalization in the scup minimum size and creel limits has been permitted since 2013, Connecticut maintained conservative management

measures in 2013 and 2014. In 2015 the minimum size and creel limit were liberalized to match neighboring states. Those 2015 measures were retained in 2016 and 2017. Because the 2017 projected harvest was less than the 2018 recreational harvest limit, management action by the ASFMC and the MAFMC in late 2017 and early 2018 allowed regions to further relax management measures for 2018. In response, the northern region gained ASFMC approval to reduce the minimum size to 9 inches in 2018. Connecticut was also allowed to reduce the minimum size at enhanced opportunity shore fishing sites to 8 inches. In 2019, ASMFC approved proposals from the northern region for minor liberalizations to scup measures, given coastwide harvest in 2018 was 30% lower than the recreational harvest limit. After considering and gathering public input on several potential options, the northern region states reached consensus to open the scup season year-round in 2019, and to increase party/charter creel limits from 45 to 50 fish during each states' current party/charter bonus season (for CT: Sept 1 – Oct 31). In 2020, incorporation of revised MRIP harvest estimates into both a stock assessment and the annual federal specifications-setting process initially resulted in a requirement for an approx. 60% coastwide reduction in scup recreational harvest; this large proposed reduction was attributable to revised MRIP harvest estimates (both current and historic) that were 3-4 times larger than previous estimates. However, due to uncertainty around the recently revised MRIP estimates and the robust nature of the scup stock, the MAFMC Management Committee recommended status quo scup recreational measures coastwide for 2020. MAFMC and ASMFC subsequently voted to implement status quo recreational measures for 2020 at their joint December 2019 meeting. Status quo measures were also maintained in 2021 due to uncertainty in 2020 recreational harvest estimates due to COVID-related suspension of MRIP sampling. For 2022, comparison of 2021 MRIP harvest estimates to the 2022 recreational harvest limit suggested a 56% reduction in scup harvest was necessary. MAFMC and ASMFC voted at their joint December 2021 meeting to implement a 1-inch increase in minimum length coastwide, which would produce an estimated 33% reduction in recreational harvest. NOAA responded to this action by stating that the agency would implement a federal waters closure for recreational scup harvest in 2022. At the time of this declaration, NOAA has yet to publish a proposed rule to implement a federal waters closure for 2022.

**Black sea bass:** Regional management for this species has been in place since 2013. Addendum XXX to the ASFMC FMP for black sea bass, adopted in early 2018, revised the management regions, established regional allocations of the recreational harvest limit, and required states within a region to develop similar measures that could not depart from a “regional standard” by more than three fish in possession limit and one inch in minimum size. The 2017 projected northern region (MA-NY) harvest exceeded the 2018 allocation of the recreational harvest target, and a regional harvest reduction was therefore required for 2018. Because Connecticut had an open season that was considerably longer than other states in the northern region, the regional standard approach adopted under Addendum XXX resulted in Connecticut bearing the brunt of the required regional reduction; Connecticut was required to substantially reduce the planned open season for 2018 and reduce the planned possession limit to achieve a 28.5% reduction in harvest. Subsequently, prior to the opening of the 2018 black sea bass season, northern region states filed an appeal with ASMFC seeking to address what the region viewed as an Addendum XXX outcome that was inequitable and not based on the best available science. The northern region appeal requested the initiation of a new Addendum that would institute the 2011 – 2015 timeframe for regional re-allocation of the recreational harvest limit, and also incorporate updated harvest data which would allow for more equitable regional management of black sea bass for 2018.

The northern region states (MA-NY) met via conference call on April 27, 2018 and reached a compromise in an effort to develop revised 2018 recreational measures that would meet the needs of the northern region without unduly impacting other regions, while still constraining harvest to the 2018 recreational harvest limit. The northern region appeal and revised 2018 recreational measures were heard at the ASMFC Interstate Fishery Management Plan Policy Board on May 3, 2018. The proposed northern region 2018 revised recreational measures were approved by the Policy Board and subsequently implemented by the ASMFC Summer Flounder, Scup and Black Sea Bass Management Board, allowing Connecticut to forgo the planned reductions in season length and possession limit that had been required as a result of Addendum XXX. The Policy Board also initiated new management action for the 2019 black sea bass recreational fishery and tasked the Plan Development Team with developing a white paper to consider the impacts of changes in black sea bass abundance and distribution to the management of commercial and recreational fisheries. For 2019, the ASMFC Summer Flounder, Scup, and Black Sea Bass Management Board approved status quo recreational measures for black sea bass for all states, given relatively close correspondence of estimated 2018 recreational harvest and the 2019 recreational harvest limit, and the anticipated completion of a black sea bass stock assessment in late 2019 that likely will require adjustments to prevailing recreational measures. In 2020, incorporation of revised MRIP harvest estimates into both a stock assessment and the annual federal specifications-setting process initially resulted in a requirement for an approx. 30% coastwide reduction in black sea bass recreational harvest; this proposed reduction was attributable to revised MRIP harvest estimates (both current and historic) that were 3-4 times larger than previous estimates. However, due to uncertainty around the recently revised MRIP estimates and the robust nature of the black sea bass stock, the MAFMC Management Committee recommended status quo black sea bass recreational measures coastwide for 2020. MAFMC and ASMFC subsequently voted to implement status quo recreational measures for 2020 at their joint December 2019 meeting. Status quo measures were also maintained in 2021 due to uncertainty in 2020 recreational harvest estimates due to COVID-related suspension of MRIP sampling. For 2022, comparison of 2021 MRIP harvest estimates to the 2022 recreational harvest limit suggested a 28% reduction in black sea bass harvest was necessary. Subsequent analyses by the ASMFC Technical Committee suggested a revised reduction of 20.7% was acceptable, and the management board subsequently voted to adopt this revised reduction at a special board meeting in February 2021. After obtaining public input on potential options to achieve the required reduction, CT chose to adopt an increased minimum length of 16 inches (all other northern region states adopted the same length limit) and a reduced season of May 19 – December 1, with the exception that for-hire vessels would retain a status quo season and remain open during the entirety of December (i.e., season of May 19 – December 31).

**Striped bass:** Addendum IV to the Striped Bass FMP, approved at the February 4, 2015 ASMFC meeting, called for a 25% reduction in Amendment VI commercial fisheries quota and a 25% reduction in the collective coastal states sport harvest (relative to 2013 harvest) in 2015. Public input strongly favored 1 fish at 28 inches or stricter measures. A minimum size of 28 inches and a possession limit of 1 fish was instituted in 2015. Addendum VI, approved at the October 2019 ASMFC meeting, called for an 18% coastwide reduction in both recreational and commercial removals, in response to a 2018 stock assessment that determined the striped bass stock was overfished. The recreational measure approved in Addendum VI for the “ocean” fishery (all areas except Chesapeake Bay) was a 28-35” slot limit, with a one fish bag limit and no closed season. Connecticut implemented this measure in 2020 and will leave this measure in place through 2022.



Addendum VI also created a mandate for coastal states to implement rules requiring use of circle hooks when recreationally fishing for striped bass. Connecticut implemented the circle hook rule for 2021 through a separate regulatory action.

**Bonus Striper Fishing Program:** this program, initiated in 2011, allowed anglers to obtain one tag/voucher per season to allow harvest of one undersized striped bass (22-28"). This program was suspended indefinitely in 2020. This action was taken in response to the overfished condition of the striped bass stock and the need to reduce harvest.

**Tautog:** the 2016 tautog stock assessment assessed Long Island Sound as a separate population for the first time and determined that tautog were overfished and that overfishing was occurring. Amendment 1 to the ASFMC Tautog FMP required that CT and NY develop recreational and commercial management measures to reduce harvest by 20.3%. (the original draft amendment specified a 47% reduction, but CT and NY gained Board approval for a more modest reduction). In response, the two states developed common recreational measures that include the same possession limits, minimum size, spring and summer seasons (fall seasons differ in length) for 2018. These same common recreational measures were implemented in 2019 and will remain in place through 2022.

**Winter flounder:** this species is managed by NOAA Fisheries in federal waters and ASMFC in state waters. Since only a fraction of the state waters catch limit (set aside) is being used, ASMFC was able to adopt a 10 month open season for recreation harvest in 2014 and maintain this season through 2022.

**Enhanced shore fishing opportunity sites:** at these 46 public access areas, anglers will be able to take summer flounder two inches smaller and scup one inch smaller than the prevailing minimum size to provide additional harvest opportunities for shore anglers.

**Public Input/Notice:** Public input on changes to summer flounder, scup, and black sea bass recreational regulations for 2022 were obtained at a meeting of the Department's Marine Advisory Group on February 23, 2022 and at a public informational meeting on March 1, 2022 (both meetings conducted virtually via Zoom). No public hearings concerning recreational regulations were held in 2020 and 2021 due to a lack of anticipated changes to recreational regulations. Public input on striped bass was received at public hearings on Addendum VI hosted on September 23, 2019 in Old Lyme and on September 25, 2019 in Bridgeport; additional input was received at meetings of the Fisheries Advisory Council on September 5, 2019 and December 12, 2019. For bluefish, public input was received at meetings of the Fisheries Advisory Council on December 12, 2019. For tautog, the Department hosted an ASFMC public hearing on June 26, 2017 to get public input on Draft Amendment 1 to the Tautog FMP. On January 10, 2018 the department hosted an ASMFC public hearing to receive public input on Draft Addendum XXX to the Black Sea Bass FMP. The Department's Marine Advisory Group considered at a meeting on July 24, 2017 the developing ASFMC management actions on tautog and black sea bass. On March 5, 2018 the Department held public a meeting in Old Lyme, CT to get final input on proposed recreational management measures for tautog, scup, summer flounder and black sea bass. The input and recommendations from this meeting were presented for consideration and discussion by the Department's Marine Advisory Group on March 12, 2018 and again for the Department's Fisheries Advisory Council on March 15, 2018. On November 5, 2018 the Department hosted an ASMFC public hearing to receive public input on Draft Addenda XXXI and XXXII to the Black Sea Bass

FMP. On February 27 and 28, 2019 the Department held public meetings in Old Lyme and Milford, respectively, to gather public input on potential changes to scup regulations in 2019; a meeting of the Department's Marine Advisory Group was also held on March 5, 2019 to discuss 2019 scup regulations. Notice of the hearings and public meetings was sent out on the Marine Fisheries News ListServ (approx. 1,000 recipients).

Public input on other species included in this declaration were received at the time changes were last considered under ASMFC plan adjustments.

## **DECLARATION AUTHORITY**

### **Regulation 26-159a-22. Compliance with Interstate Fishery Management Plans.**

(a) The Commissioner may, by declaration, establish and adjust closed seasons, length limits, creel limits, trip limits, and trip limit adjustment values in order to comply with interstate fishery management plans and emergency actions adopted by the Atlantic States Marine Fisheries Commission or the U.S. Department of Commerce.

(b) The Commissioner shall inform the public of all such changes at least 10 days prior to the effective date by placing posters at state boat launch areas, by issuing news releases, by mailing notices to bait and tackle shops and by mailing notices to all affected license holders.

(c) Any declaration made under this section shall be for a period not more than 120 days provided, if notice of intent to amend regulations has been published under Chapter 54, such declaration shall remain in effect until said regulations have been adopted, but not longer than 240 days.