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Declaration of Regulation Change (20-05)

Under authority of Section 26-159a of the Connecticut General Statutes and Section 26-159a-22 of the Regulations of Connecticut State Agencies, the Commissioner of Energy and Environmental Protection is authorized to establish or adjust, by declaration, closed seasons, length limits, creel limits, trip limits and trip limit adjustment values in order to comply with interstate fishery management plans adopted by the Atlantic States Marine Fisheries Commission or the U.S. Department of Commerce.

Under authority of Section 26-102 of the Connecticut General Statutes, the Commissioner of Energy and Environmental Protection is authorized to establish prescribed conditions for the operations of commercial fishing activity for any species of fish threatened with undue depletion.

In accordance with the aforementioned authorities, the following sections of departmental regulations are amended as specified on pages 2 through 14 of this Declaration.

- 26-142a-8a. Species restrictions
- 26-157c-1. Taking lobsters – general
- 26-159a-8. Winter flounder
- 26-159a-9. Bluefish (*Pomatomus saltatrix*)
- 26-159a-10. Summer flounder (*Paralichthys dentatus*)
- 26-159a-13. Tautog (Blackfish) (*Tautoga onitis*)
- 26-159a-15. Scup (porgy) (*Stenotomus chrysops*)
- 26-159a-16. Black sea bass (*Centropristis striata*)
- 26-159a-19. Spiny dogfish (*Squalus acanthius*)

In addition, this Declaration establishes regulatory measures for commercial fishing of Atlantic menhaden and weakfish, as well as commercial and recreational fishing of Jonah crab.

This declaration supersedes Declaration 20-03, shall be effective 10 days after signing, and shall remain in effect for 120 days or until amended or superseded by subsequent action.

Katie S. Dykes
Katherine S. Dykes
Commissioner

07/14/2020

Date

26-142a-8a. Species restrictions

(b) **Minimum Legal Length.** No person shall possess any fish taken by any commercial fishing gear or for commercial purposes less than the lengths specified below measured from the tip of the snout to the end of the tail and, notwithstanding section 26-159a-4 of the Regulations of Connecticut State Agencies, no person shall buy, sell, offer for sale or possess in a place where fish are offered for sale, any of said species less than the minimum legal length stated herein.

- (1) Atlantic tomcod (frostfish) (*Microgadus tomcod*) - 7 inches
- (2) Tautog (blackfish) (*Tautoga onitis*) - ~~14~~ **16** inches
- (3) Scup (porgy) (*Stenotomus chrysops*) - 9 inches
- (4) Black sea bass (*Centropristis striata*) - 11 inches
- (5) Winter flounder (*Pseudopleuronectes americanus*) - 12 inches
- (6) Bluefish (*Pomatomus saltatrix*) - 9 inches
- (7) Summer flounder (fluke) (*Paralichthys dentatus*) - 14 inches
- (8) Atlantic cod (*Gadus morhua*) - ~~[22-inches]~~ **the length specified in 50 CFR § 648.83(a)**
- (9) Weakfish (*Cynoscion regalis*) - 16 inches
- (10) Yellowtail flounder (*Pleuronectes ferrugineus*) - ~~[13-inches]~~ **the length specified in 50 CFR § 648.83(a)**
- (11) Haddock (*Melanogrammus aeglefinus*) - ~~[22-inches]~~ **the length specified in 50 CFR § 648.83(a)**
- (12) Pollock (*Pollachius virens*) - ~~[19-inches]~~ **the length specified in 50 CFR § 648.83(a)**
- (13) Witch flounder (*Glyptocephalus cynoglossus*) - ~~[14-inches]~~ **the length specified in 50 CFR § 648.83(a)**
- (14) American plaice (*Hippoglossoides platessoides*) - ~~[14-inches]~~ **the length specified in 50 CFR § 648.83(a)**
- (15) Redfish (*Sebastes marinus*) - ~~[9-inches]~~ **the length specified in 50 CFR § 648.83(a)**

(16) American eel (*Anguilla rostrata*): 9 inches;

Any of said species less than the minimum legal length taken by any commercial fishing gear shall, without avoidable injury, be returned immediately to the water from which taken. No person on board any vessel engaged in commercial fishing or landing species taken by commercial fishing gear shall possess any summer flounder fillet less than the minimum total length for the species unless the carcass of the fish from which the fillet was removed has been retained and meets the minimum length. This subsection shall not be construed to prevent filleting of fish on shore or at the dockside.

26-157c-1. Taking lobsters – general

(a) **Definitions**

- (4) “LMA” means any lobster management area as defined in the FMP.
- (5) “LMA 6 maximum length” means a carapace length of 5-1/4 inches.
- (6) “LMA 6 minimum length” means a carapace length of ~~3-5/16~~ 3 3/8 inches.

26-159a-8. Winter flounder: modified by the addition of the following specifications.

(a) **Commercial Fishery Possession Limit.**

- (1) No person engaged in commercial fishing shall possess or land winter flounder in excess of 50 pounds or 38 fish, unless such fish were taken in federal waters under a federal commercial fisheries northeast multispecies permit.
- (2) The possession and landings limits specified in subdivision (1) of this subsection shall apply to the vessel, regardless of how many persons are on board. Possession and landing limits shall apply per trip or per day, whichever is the longer period of time. Transfer of winter flounder between vessels at sea is prohibited. In any instance when there is a violation of the possession limit on board a vessel carrying more than one person when the catch is commingled, the violation shall be deemed to have been committed by the owner of the vessel, or the operator of the vessel, if the owner is not on board.
- (3) Any winter flounder taken contrary to this section shall, without avoidable injury, be returned immediately to the water from which taken.

26-159a-9. Bluefish (*Pomatomus saltatrix*): subsections (c) Open Commercial Fishing Season and (d) Commercial Fishery Possession Limit are superseded by the following specifications.

- (c) **Open Commercial Fishing Season.** The open commercial fishing season begins January 1st each year and ends December 31st or such sooner date as one hundred percent of the Connecticut quota of bluefish as set forth in subsection (e) of this section has been landed.

(d) **Commercial Fishery Possession Limit.**

- (1) No person engaged in commercial fishing shall possess or land bluefish in excess of the following possession limits that are based on Connecticut’s annual bluefish quota specified in the Bluefish Fishery Management Plan of the Atlantic States Marine Fisheries Commission:
 - (A) during the winter one period defined herein as the period between January 1 and April 30, inclusive, the possession and landing limit shall be 500 pounds, except as provided in subparagraphs (D), (E) and (F) of this subdivision, and the period target quota shall be 33% of Connecticut’s annual quota;
 - (B) during the summer period defined herein as the period between May 1 and October 31, inclusive, the possession limit shall be 500 pounds, except as provided in subparagraphs (D), (E) and (F) of this subdivision, and the period target quota shall be 84% of Connecticut’s annual quota, cumulatively;

- (C) during the winter two period defined herein as the period between November 1 and December 31, inclusive, the possession limit shall be **500** pounds, except as provided in subparagraphs (D), (E) and (F) of this subdivision, and the period target quota shall be 100% of Connecticut's annual quota, cumulatively;
 - (D) during each period the department shall monitor weekly landings and may periodically adjust the possession limit if less than or more than the period target quota specified in subparagraphs (A), (B) and (C) of this subdivision is projected to be landed. Except as provided in subparagraph (E) of this subdivision, the adjusted possession limit shall be calculated as $(Q / T / W)$, rounded to the nearest 100 pounds, where Q is the amount of Connecticut's annual quota remaining in the period and T is the projected number of fishing trips per week landing bluefish during the weeks remaining in the period and W is the number of weeks remaining in the period;
 - (E) the possession limit shall not exceed **1,500** pounds at any time.
 - (F) when 100% of Connecticut's annual quota is landed the possession limit shall be zero pounds.
- (2) The possession limits specified in subdivision (1) of this subsection shall apply to the vessel, regardless of how many persons are on board. Possession limits shall apply per trip or per day whichever is the longer period of time. Transfer of bluefish between vessels at sea is prohibited. In any instance when there is a violation of the possession limit on board a vessel carrying more than one person when the catch is commingled, the violation shall be deemed to have been committed by the owner of the vessel, or the operator of the vessel, if the owner is not on board.
 - (3) Any bluefish taken contrary to this section shall, without avoidable injury, be returned immediately to the water from which taken.

26-159a-10. Summer flounder (*Paralichthys dentatus*): subsection (c) Commercial Fishery Possession Limit is superseded by the following specifications.

(c) **Summer Flounder Commercial Fishery Possession Limit.**

- (1) No person engaged in commercial fishing shall possess or land summer flounder in excess of the following possession limits that are based on Connecticut's annual summer flounder quota specified in the Summer Flounder Fishery Management Plan of the Atlantic States Marine Fisheries Commission:
 - (A) during the winter one period defined herein as the period between January **1** and **April 30**, inclusive, the possession and landing limit shall be **600** pounds per weekly period, except as provided in subparagraphs **(D) and (E)** of this subdivision, and the period target quota shall be **25%** of Connecticut's annual quota. **If the period target quota is met before April 30, the possession limit shall be 50 pounds;**
 - (B)** during the summer period defined herein as the period between May 1 and October 31, inclusive, the possession limit shall be **150** pounds, except as provided in subparagraphs **(D) and (E)** of this subdivision, and the period target quota shall be 95% of Connecticut's annual quota, cumulatively;

- (C)** during the winter two period defined herein as the period between November 1 and December 31, inclusive, the possession limit shall be **75** pounds, except as provided in subparagraph **(D)** of this subdivision, and the period target quota shall be 100% of Connecticut's annual quota;
- (D)** during each period the department shall monitor weekly landings and periodically adjust the possession limit if less than or more than the period target quota specified in subparagraphs (A), (B), and **(C)** of this subdivision is projected to be landed. The adjusted possession limit shall be calculated as $(Q / T / W)$, rounded to the nearest 25 pounds, where Q is the amount of Connecticut's annual quota remaining in the period and T is the projected number of fishing trips per week landing summer flounder during the weeks remaining in the period and W is the number of weeks remaining in the period;
- (E)** when 100% of Connecticut's annual quota is landed the possession limit shall be zero pounds.
- (2) The possession limits specified in subdivision (1) of this subsection shall apply to the vessel, regardless of how many persons are on board. Possession limits shall apply per trip or per day whichever is the longer period of time. Transfer of summer flounder between vessels at sea is prohibited. In any instance when there is a violation of the possession limit on board a vessel carrying more than one person when the catch is commingled, the violation shall be deemed to have been committed by the owner of the vessel, or the operator of the vessel, if the owner is not on board.
- (3) Any summer flounder taken contrary to this section shall, without avoidable injury, be returned immediately to the water from which taken.
- (4) When a weekly landing or possession limit specified in subdivision (1) of this subsection is in effect, no person engaged in commercial fishing shall possess or land summer flounder more than the stated weekly limit during each weekly period that begins Sunday morning at 0001 hours and ends the following Saturday night at 2359 hours.
- (5) **When a biweekly landing or possession limit specified in subdivision (1) of this subsection is in effect, no person engaged in commercial fishing shall possess or land summer flounder more than the stated biweekly limit during each two week period that begins Sunday morning at 0001 hours and ends on the following second Saturday night at 2359 hours.**
- (6) When a weekly **or biweekly** landing or possession limit specified in subdivision (1) of this subsection is in effect, the commercial fishing vessel operator shall: (A) prior to departure on any trip in which summer flounder will be possessed, inform the Department Energy and Environmental Protection Environmental Conservation Police of the vessel's departure and provide information that shall include, but not be limited to, the vessel's name, vessel operator's name, departure date and time, estimated return date and time and the port of landing, (B) prior to offloading summer flounder inform the Environmental Conservation Police of the vessel's name, vessel operator's name, port of landing, and estimated weight of summer flounder on board.

26-159a-13. Tautog (Blackfish) (*Tautoga onitis*): superseded by the following specifications.

- (a) **Closed Season.** No person engaged in commercial fishing shall possess or land any tautog, wherever taken, except from April 1 to April 30, July 1 to August 31, and October 8 to December 24, all dates inclusive.
- (b) **Commercial Fishery Possession Limit.** No person engaged in commercial fishing shall possess or land tautog in excess of the following possession limits that are based on Connecticut's annual tautog target harvest limit adopted under Amendment 1 to the Tautog Fishery Management Plan of the Atlantic States Marine Fisheries Commission.
 - (1) The possession limit shall be **10 fish** for a person engaged in commercial fishing under a limited access license issued by the Commissioner.
 - (2) **The possession limit shall be 3 fish for a person engaged in commercial fishing under either a restricted commercial fishing license or a restricted lobster pot fishing license issued by the Commissioner.**
 - (3) The possession and landing limits specified in this subsection shall apply to the vessel, regardless of how many persons are on board. Possession and landing limits shall apply per trip or per day, whichever is the longer period of time. No person shall transfer tautog between vessels at sea. In any instance when there is a violation of the possession limit on board a vessel carrying more than one person when the catch is commingled, the violation shall be deemed to have been committed by the owner of the vessel, or the operator of the vessel, if the owner is not on board.
 - (4) At any time when 100% of the annual target harvest limit is landed the possession limit shall be zero pounds.
 - (5) Any tautog taken contrary to this section shall, without avoidable injury, be returned immediately to the water from which taken.
- (c) **Commercial Tautog Tagging Program. Any person engaging in commercial fishing for tautog or possessing tautog with the intent to sell, barter, or trade tautog must abide by the following provisions for commercial tautog tagging adopted under Amendment 1 to the Tautog Fishery Management Plan of the Atlantic States Marine Fisheries Commission.**
 - (1) **No person engaged in commercial fishing may land or offload tautog without first affixing a commercial tautog tag issued by the Department of Energy and Environmental Protection (department) to the left opercula bone (gill plate) of all tautog to be landed or offloaded, such that the identifying number on the commercial tag is clearly visible.**
 - (2) **Commercial fishermen may only land or offload tautog affixed with commercial tautog tags issued by the department during the same calendar year as the landing or offloading event.**
 - (3) **No tautog shall be sold, purchased, bartered, or traded in Connecticut unless it bears a commercial tautog tag as defined in Amendment 1 to the Tautog Fishery Management Plan of the Atlantic States Marine Fisheries Commission.**
 - (4) **No person shall transfer commercial tautog tags between individuals or fish.**
 - (5) **Any person issued commercial tautog tags by the department in any calendar year must return any unused tags and submit a report of tag use to the department by February 15 of the following calendar year. Failure by any**

person to return unused tags, submit required reports, or account for disposition of tags issued previously may result in loss of future privilege to obtain commercial tautog tags.

(6) Any tautog tagged with a commercial tautog tag must remain tagged until it reaches the final consumer. Processed or fileted tautog shall be packed with the commercial tautog tag originally affixed to that tautog. Tags must be retained with processed or fileted tautog and be available for inspection until the processed or fileted tautog is sold to the final consumer.

26-159a-15. Scup (porgy) (*Stenotomus chrysops*): subsections (b) Commercial Fishing Moratorium and (c) Commercial Fishery Possession Limits are superseded by the following specifications.

(b) Commercial Fishing Moratorium.

(1) From May 1 through **September 30** inclusive, no holder of a license or registration issued under authority of Section 26-142a of the Connecticut General Statutes shall possess, or shall have possessed scup unless said person:

(A) is in immediate possession of a 2003 Scup License Endorsement Letter for Connecticut Waters, herein referred to as the “2003 Scup License Endorsement Letter,” issued by the Commissioner pursuant to this section which attests that:

(i) the license holder held a 1997 Scup License Endorsement Letter or a 1994 Summer Flounder License Endorsement Letter as specified in subsection (a) of section 26-159a-10 of the Regulations of Connecticut State Agencies and made qualifying landings during the qualifying period and reported said landings to the department in accordance with section 26-157b-1 of the Regulations of Connecticut State Agencies; or

(ii) the vessel owner held a 1997 Scup License Endorsement Letter or a 1994 Summer Flounder License Endorsement Letter as specified in subsection (a) of section 26-159a-10 of the Regulations of Connecticut State Agencies and purchased, or was constructing or rerigging a commercial fishing vessel between January 1, 2000 and May 31, 2003 for purposes of fishing with qualifying fishing gear, to be based on more than one form of verifiable written proof of such activity, provided said vessel owner has or will have made and reported qualifying landings with that vessel no later than 12 months immediately succeeding the effective date of this regulation; or

(iii) the vessel owner held a 1997 Scup License Endorsement Letter or a 1994 Summer Flounder License Endorsement Letter as specified in subsection (a) of section 26-159a-10 of the Regulations of Connecticut State Agencies and an operator of that vessel made qualifying landings with the vessel during the qualifying period and said landings were reported to the department in accordance with section 26-157b-1 of the Regulations of Connecticut State Agencies; or

- (iv) the license holder is the recipient of a license transferred under section 26-142b of the Connecticut General Statutes, such license was transferred with a 1997 or 2003 Scup License Endorsement Letter issued under this section or a 1994 or 2003 Summer Flounder License Endorsement Letter issued under section 26-159a-10 of the Regulations of Connecticut State Agencies, and such license holder made qualifying landings during the qualifying period and reported said landings to the department in accordance with section 26-157b-1 of the Regulations of Connecticut State Agencies or has or will have made and reported qualifying landings in the 12 months immediately succeeding the date of the license transfer, whichever is later; or
 - (B) is operating a vessel owned by a license holder who has qualified for an endorsement letter under subparagraph (A) of subdivision (1) of this subsection. During the operation of such vessel, said endorsement letter shall remain on such vessel as authorization of the operator to possess scup and shall not be used to authorize the possession of scup on any additional vessel, except that said license holder shall be allowed to use said endorsement letter to authorize possession of scup on any vessel said license holder owned prior to January 1, 1997 and that said license holder still owns; or
 - (C) is engaged in the hauling of lobster pots under the authority of section 26-142a of the Connecticut General Statutes and is in possession of lobsters;
or
 - (D) is engaged in commercial fishing under a restricted commercial fishing license issued by the Commissioner under authority of Section 26-142a of the Connecticut General Statutes.
- (2) 2003 Scup License Endorsement Letters will automatically be issued without application. Any person who does not receive a 2003 Scup License Endorsement Letter, or is denied said endorsement letter, may appeal in writing to the Commissioner. The only grounds for appeal is that the Commissioner erred in concluding that the license holder did not meet the criteria in subclause (i), (ii), (iii) or (iv) of subparagraph (A) of subdivision (1) of this subsection.
 - (3) No person shall take scup with a trawl net if the qualifying landings for which the 2003 Scup License Endorsement Letter was issued and under which that person is fishing did not indicate the taking of summer flounder or scup by trawl net.
 - (4) No person who has transferred a commercial fishing license according to the provisions of section 26-142b of the Connecticut General Statutes, with an endorsement letter issued under this section, shall qualify for a 2003 Scup License Endorsement Letter based on the landings history for which the transferred endorsement letter was issued.
- (c) **Commercial Fishery Possession and Landing Limits.**
- (1) No person engaged in commercial fishing shall possess or land scup in excess of the following possession limits that are based on the coast wide scup quota and

Connecticut's summer period scup quota as specified in the Scup Fishery Management Plan of the Atlantic States Marine Fisheries Commission:

- (A) during the winter one period defined herein as the period between January 1 and April 30, both dates inclusive, the possession limit shall be 50,000 pounds until 80% of the winter one coast wide quota has been landed, at which time the possession limit shall be 1,000 pounds until 100% of this period quota has been landed, at which time the limit shall be zero pounds;
 - (B) during the summer period defined herein as the period between May 1 and **September 30**, both dates inclusive, the **possession limit shall be 1,000** pounds except as provided in subparagraph (D) of this subdivision, and the period target quota shall be 100% of Connecticut's summer period quota;
 - (C) during the winter two period defined herein as the period between **October 1** and December 31, both dates inclusive, the possession limit shall be 12,000 pounds until 100% of the winter two coast wide quota has been landed, at which time the limit shall be zero pounds;
 - (D) during the summer period the department shall monitor landings weekly and periodically adjust the possession limit if less than or more than 100% of Connecticut's summer period quota is projected to be landed. The adjusted possession limit shall be calculated as $(Q / T / W)$, rounded to the nearest 50 pounds, where Q is the amount of Connecticut's summer period quota remaining and T is the projected number of fishing trips per week landing scup during the weeks remaining in the period and W is the number of weeks remaining in the period, except that:
 - (i) in the lobster pot fishery when in possession of lobsters, the possession limit shall be 10 fish;
 - (ii) **a person engaged in commercial fishing under a restricted commercial fishing license issued by the Commissioner, but not in possession of a quota managed species endorsement for scup, the possession limit shall be the lesser of 60 fish or ten percent of the adjusted possession limit as calculated by the department in this subparagraph, expressed in equivalent numbers of fish and rounded to the nearest 10 fish;**
 - (iii) at any time during the summer period, when 100% of Connecticut's summer period quota is landed the possession limit shall be zero pounds for all gear types.
- (2) The possession and landing limits specified in subdivision (1) of this subsection shall apply to the vessel, regardless of how many persons are on board. Possession limits shall apply per trip or per day, whichever is the longer period of time. No person shall transfer scup between vessels at sea. In any instance when there is a violation of the possession limit on board a vessel carrying more than one person when the catch is commingled, the violation shall be deemed to have been committed by the owner of the vessel, or the operator of the vessel, if the owner is not on board.
- (3) Any scup taken contrary to this section shall, without avoidable injury, be returned immediately to the water from which taken.

26-159a-16. Black sea bass (*Centropristis striata*): subsections (b) Commercial Fishing Moratorium and (c) Commercial Fishery Possession Limits are superseded by the following specifications.

(b) **Commercial Fishing Moratorium.**

(1) No holder of a license or registration issued under authority of section 26-142a of the Connecticut General Statutes shall possess, or shall have possessed black sea bass unless said person:

(A) is in immediate possession of a 2003 Black Sea Bass License Endorsement Letter for Connecticut waters, herein referred to as the “2003 Black Sea Bass License Endorsement Letter,” issued by the commissioner pursuant to this section which attests that:

(i) the license holder made qualifying landings during the qualifying period and said landings were reported to the department in accordance with section 26-157b-1 of the Regulations of Connecticut State Agencies; or

(ii) the vessel owner purchased, or was constructing or riggering a commercial fishing vessel between January 1, 2000 and May 31, 2003 for purposes of fishing with qualifying fishing gear, to be based on more than one form of verifiable written proof of such activity, provided said vessel owner has or will have made and reported qualifying landings with that vessel no later than 12 months immediately succeeding the effective date of this regulation; or

(iii) the vessel made qualifying landings during the qualifying period and said landings were reported to the department in accordance with section 26-157b-1 of the Regulations of Connecticut State Agencies; or

(iv) the license holder is the recipient of a license transferred under section 26-142b of the Connecticut General Statutes, such license was transferred with a 2003 Black Sea Bass License Endorsement Letter, and such license holder made qualifying landings during the qualifying period and reported said landings to the department in accordance with section 26-157b-1 of the Regulations of Connecticut State Agencies or has or will have made and reported qualifying landings in the 12 months immediately succeeding the date of the license transfer, whichever is later; or

(B) is operating a vessel owned by a license holder who has qualified for an endorsement letter under subdivision (1)(A) of this subsection. During the operation of such vessel said endorsement letter shall remain on such vessel as authorization of the operator to possess black sea bass and shall not be used to authorize the possession of black sea bass on any additional vessel, except that said license holder shall be allowed to use said endorsement letter to authorize possession of black sea bass on any vessel said license holder owned prior to May 31, 2003 and that said license holder still owns.; or

- (C) is engaged in the hauling of lobster pots under the authority of section 26-142a of the Connecticut General Statutes and is in possession of lobsters.
 - (2) 2003 Black Sea Bass License Endorsement Letters will automatically be issued without application. Any person who does not receive a 2003 Black Sea Bass License Endorsement Letter, or is denied said letter, may appeal in writing to the commissioner. The only grounds for appeal is that the commissioner erred in concluding that the license holder did not meet the criteria in subclause (i), (ii), (iii) or (iv) of subdivision (1)(A) of this subsection.
 - (3) No person shall take black sea bass with a trawl net if the qualifying landings for which the 2003 Black Sea Bass License Endorsement Letter was issued and under which that person is fishing did not indicate the taking of black sea bass by trawl net.
 - (4) No person who has transferred a commercial fishing license according to the provisions of section 26-142b of the Connecticut General Statutes, with an endorsement letter issued under this section, shall qualify for a 2003 Black Sea Bass License Endorsement Letter based on the landings history for which the transferred endorsement letter was issued.
- (c) **Commercial Fishery Possession Limits.**
- (1) No person engaged in commercial fishing shall possess or land black sea bass in excess of the following possession limits that are based on Connecticut's annual black sea bass quota as specified in the Black Sea Bass Fishery Management Plan of the Atlantic States Marine Fisheries Commission:
 - (A) during the winter one period defined herein as the period between January 1 and April 30, inclusive, the possession and landing limit shall be **60 pounds**, except as provided in subparagraphs (D) and (E) of this subdivision, and the period target quota shall be 33% of Connecticut's annual quota;
 - (B) during the summer period defined herein as the period between May 1 and October 31, inclusive, the possession limit shall be **60 pounds**, except as provided in subparagraphs (D) and (E) of this subdivision, and the period target quota shall be 84% of Connecticut's annual quota, cumulatively;
 - (C) during the winter two period defined herein as the period between November 1 and December 31, inclusive, the possession limit shall be **60 pounds**, except as provided in subparagraphs (D) and (E) of this subdivision, and the period target quota shall be 100% of Connecticut's annual quota, cumulatively;
 - (D) during each period the department shall monitor weekly landings and periodically adjust the possession limit if less than or more than the period target quota specified in subparagraphs (A), (B) and (C) of this subdivision is projected to be landed. The adjusted possession limit shall be calculated as $(Q / T / W)$, rounded to the nearest 10 pounds or equivalent number of fish, where Q is the amount of Connecticut's annual quota remaining in the period and T is the projected number of fishing trips per week landing black sea bass during the weeks remaining in the period and W is the number of

weeks remaining in the period, except that in the lobster pot fishery when in possession of lobsters, the possession limit shall be ~~10 fish~~ 5 fish.

(E) When 100% of the Connecticut quota is landed the possession limit shall be zero pounds for all gear types.

(F) When the target quota for a quota period is met the possession limit shall be zero pounds for the remainder of that quota period.

- (2) The possession and landing limits specified in subdivision (1) of this subsection shall apply to the vessel, regardless of how many persons are on board. Possession limits shall apply per trip or per day, whichever is the longer period of time. No person shall transfer black sea bass between vessels at sea. In any instance when there is a violation of the possession limit on board a vessel carrying more than one person when the catch is commingled, the violation shall be deemed to have been committed by the owner of the vessel, or the operator of the vessel, if the owner is not on board.
- (3) Any black sea bass taken contrary to this section shall, without avoidable injury, be returned immediately to the water from which taken.

26-159a-19. Spiny dogfish (*Squalus acanthius*): is superseded by the following specifications.

(a) Commercial Fishery Possession Limits

- (1) No person engaged in commercial fishing shall possess or land spiny dogfish in excess of the following possession limits that are based on the northern region spiny dogfish quota as specified in the Spiny Dogfish Fishery Management Plan of the Atlantic States Marine Fisheries Commission:
- (A) between May 1 and October 31, both dates inclusive, the possession limit shall be 6,000 pounds, except as provided in subparagraph (C) of this subdivision;
- (B) between November 1 and April 30, both dates inclusive, the possession limit shall be 6,000 pounds, except as provided in subparagraph (C) of this subdivision.
- (C) when 100% of the northern region quota is landed the possession limit shall be zero pounds.
- (2) The possession and landing limits specified in subdivision (1) of this subsection shall apply to the vessel, regardless of how many persons are on board. Possession limits shall apply per trip or per day, whichever is the longer period of time. No person shall transfer spiny dogfish between vessels at sea. In any instance when there is a violation of the possession limit on board a vessel carrying more than one person when the catch is commingled, the violation shall be deemed to have been committed by the owner of the vessel, or the operator of the vessel, if the owner is not on board.
- (3) Any spiny dogfish taken contrary to this section shall, without avoidable injury, be returned immediately to the water from which taken.

Atlantic Menhaden (*Brevoortia tyrannus*)

(a) Commercial Fishery Possession Limits.

- (1) No person engaged in commercial fishing shall possess or land Atlantic menhaden in excess of the following possession limits that are based on Connecticut's annual Atlantic menhaden quota specified in the Atlantic Menhaden Fishery Management Plan of the Atlantic States Marine Fisheries Commission. Beginning January 1, the possession limit shall be 120,000 pounds until 75% of the annual quota has been landed, at which time the possession limit shall be 20,000 pounds until 90% of the annual quota has been landed, at which time the possession limit in the directed fishery shall be 0 pounds. Directed fishing means fishing for or landing of Atlantic menhaden with gears other than small scale or non-directed gears as defined in Amendment 3 of the Atlantic Menhaden Fishery Management Plan of the Atlantic States Marine Fisheries Commission.
- (2) No person engaged in commercial fishing in Connecticut state waters shall possess or land Atlantic menhaden in excess of the following possession limits. Beginning January 1, the possession limit shall be 12,000 pounds until 90% of the annual quota specified in subdivision (1) has been landed, at which time the possession limit in the directed fishery shall be 0 pounds.
- (3) No person engaged in commercial fishing with small scale non-directed gears as specified in Amendment 3 of the Atlantic Menhaden Fishery Management Plan of the Atlantic States Marine Fisheries Commission shall possess or land Atlantic menhaden in excess of 6,000 pounds once 90% of the annual quota specified in subdivision (1) has been landed.
- (4) The possession and landing limits specified in subdivisions (1), (2) and (3) of this subsection shall apply to the vessel, regardless of how many persons are on board. Possession limits shall apply per trip or per day, whichever is the longer period of time. The transfer of more than 6,000 pounds per day of menhaden between vessels at sea is prohibited. In any instance when there is a violation of the possession limit on board a vessel carrying more than one person when the catch is commingled, the violation shall be deemed to have been committed by the owner of the vessel, or the operator of the vessel, if the owner is not on board.
- (5) Any Atlantic menhaden taken contrary to this section shall, without avoidable injury, be returned immediately to the water from which taken.
- (6) When in possession of more than 6,000 pounds of Atlantic menhaden as specified in subdivision (1) and subdivision (2) of this subsection, the commercial fishing vessel operator shall:
 - (A) prior to departure on any trip in which Atlantic menhaden will be possessed, inform the Department of Energy and Environmental Protection Marine Fisheries Program of the vessel's departure and provide information that shall include, but not be limited to, the vessel's name, vessel operator's name, departure date and time, estimated return date and time and the port of landing; and

(B) prior to offloading Atlantic menhaden inform the Marine Fisheries Program of the vessel's name, vessel operator's name, port of landing, and estimated weight of Atlantic menhaden on board.

(7) The department shall monitor weekly landings and periodically adjust the possession limit if less than or more than the annual quota is projected to be landed before the end of the fishing season. The adjusted possession limit shall be calculated as $(Q / T / W)$, rounded to the nearest 500 pounds, where Q is the amount of Connecticut's annual quota remaining and T is the projected number of fishing trips per week landing Atlantic menhaden and W is the number of weeks remaining in the season.

Jonah Crab (*Cancer borealis*)

(a) Commercial Fishery.

- (1) No person engaged in commercial fishing by use of a pot or trap shall take Jonah crab except by lobster pot or trap meeting the requirements set forth in Sections 26-157c-2 and 26-157c-4 of the Regulations of Connecticut State Agencies.
- (2) No person engaged in otter trawl fishing including scallop dredge fishing shall possess or land Jonah crabs in excess of 1,000 crabs.
- (3) The possession and landing limits specified in subdivision (2) of this subsection shall apply to the vessel, regardless of how many persons are on board. Possession limits shall apply per trip or per day, whichever is the longer period of time. Transfer of Jonah crabs between vessels at sea is prohibited. In any instance when there is a violation of the possession limit on board a vessel carrying more than one person when the catch is commingled, the violation shall be deemed to have been committed by the owner of the vessel, or the operator of the vessel, if the owner is not on board.
- (4) No person engaged in commercial fishing or acting as a seafood dealer shall possess or land Jonah crab:
 - (A) less than 4.75 inches carapace width; or
 - (B) with ova or spawn attached or from which the ova or spawn has been removed; or
 - (C) with claws detached from the body of the crab, unless also in possession of the body and not more than two claws per body are possessed.

(b) Recreational Fishery.

- (1) No person engaged in sport fishing for Jonah crab, including by personal use lobster pot fishing, shall possess or land:
 - (A) more than 50 crabs per day or per trip whichever is the longer period of time; or
 - (B) crabs with ova or spawn attached or from which ova or spawn has been removed.

Weakfish (*Cynoscion regalis*)

(a) Commercial Fishery Possession Limits.

- (1) No person engaged in commercial fishing shall possess or land weakfish in excess of 100 pounds.

- (2) The possession and landing limits specified in subdivision (1) of this subsection shall apply to the vessel, regardless of how many persons are on board. Possession limits shall apply per trip or per day, whichever is the longer period of time. Transfer of weakfish between vessels at sea is prohibited. In any instance when there is a violation of the possession limit on board a vessel carrying more than one person when the catch is commingled, the violation shall be deemed to have been committed by the owner of the vessel, or the operator of the vessel, if the owner is not on board.
- (3) Any weakfish taken contrary to this section shall, without avoidable injury, be returned immediately to the water from which taken.

Justification

Measures applying to American eel, American lobster, Atlantic menhaden, black sea bass, bluefish, Jonah crab, scup, spiny dogfish, summer flounder, tautog, weakfish and winter flounder are necessary to maintain compliance with the mandatory provisions of the Atlantic States Marine Fisheries Commission (ASMFC) fishery management plans adopted for these species under the Atlantic Coastal Fisheries Cooperative Management Act. Measures applying to minimum lengths of northeast groundfish species (pg. 2) are adopted consistent with Northeast Multispecies (groundfish) federal fishery management plans adopted under the Magnuson-Stevens Fishery Conservation and Management Act.

These measures are also required to effectively manage Connecticut's annual adjusted commercial fishery allocations of summer flounder, scup, black sea bass, bluefish and Atlantic menhaden and the New England region allocation of spiny dogfish. These measures provide Connecticut-based commercial fishermen the fullest opportunity afforded under ASMFC and federal fishery management plans.

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 ASMFC finds that a state has failed 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 noncomplying state and prohibit landings of that species regardless where taken.

Special Comment:

The federal commercial minimum legal lengths for northeast multispecies and redfish are incorporated by reference as we currently do for some recreational northeast multispecies fisheries. Incorporating the new minimum sizes by reference to the CFR will eliminate the need to revisit these measures with each subsequent change in federal rules for species that rarely occur in state waters.

Management Background:

Lobster: The 3 3/8" minimum size is mandated by ASMFC for all inshore Lobster Management areas south of Cape Cod, including LMA 6 – Long Island Sound.

Winter flounder: Stocks in southern New England are in an overfished state. The low possession limit in this Declaration is mandated by ASMFC and is intended to eliminate targeted fishing, but prevent waste by allowing unavoidable bycatch to be landed. The possession limit was reviewed and reaffirmed by ASMFC in November, 2015.

State Quota-Managed Species: The **Summer Flounder, Scup and Black Sea Bass** Management Board and the **Bluefish** Management Board of the Atlantic States Marine Fisheries Commission, the Mid-Atlantic Fishery Management Council and NOAA Fisheries establish annual state specific commercial quotas for summer flounder, black sea bass and bluefish. Scup quotas are managed differently by season with January through April (Winter 1) and October-December (Winter 2) being managed on a coastwide basis whereas in May through September (Summer) scup quota is allocated by ASMFC on a state specific basis.

To allow equitable fishing opportunity for all participants in these commercial fisheries, to maximize the economic return of the fish landed, and to ensure that Connecticut does not exceed its quota allocation, the department is compelled to implement adjustments to the possession limits for summer flounder, scup, black sea bass and bluefish.

Tautog: Under ASMFC Addendum VI of the Interstate FMP for Tautog, each state was required to reduce both recreational and commercial harvest from 2008-2009 levels by 39%, which resulted in just 12,613 pounds or 2,913 fish as Connecticut's target commercial harvest quota. The 10 fish possession first applied in 2012 produced landings less than half of the harvest target in 2013 and 2014, and slightly over half of the harvest target in 2015. When the open access Restricted Commercial Fishing License was implemented in 2016, the department established a 4-fish possession limit for that license. The strategy was to provide some opportunity that was comparable to the prevailing recreational possession limit, yet fairly preserve opportunity for long time participants in the limited-access commercial fisheries. The 4-fish possession limit applied to the new Restricted Commercial Fishing License appeared to add negligibly to the 2016 landings. Amendment 1 to the Tautog FMP was implemented in October 2017 and required the states of Connecticut and New York to make a further combined 23% reduction in commercial harvest. The reduction to a 3 fish possession limit for holders of a Restricted Commercial Fishing License was a component of an appeal made by CT to the ASMFC Tautog Management Board at their May 1, 2018 meeting to forego the full reduction required under Amendment 1, while at the same time keeping the possession limit for the restricted commercial license in line with the recreational fishery, which was reduced from a 4 fish limit to a 3 fish limit during the fall season. Amendment 1 also mandated the implementation of a coast-wide commercial tautog tagging program to combat unreported and illegal harvest, particularly in the live fish market. Illegal harvest of tautog is widely considered to be a problem for effective management of the species, and is of particular concern in Long Island Sound due the overfished condition of the Long Island Sound tautog stock.

Spiny dogfish: This species is managed under multiple jurisdictions with ASMFC having its own FMP and management measures while NOAA Fisheries establishes management measures through FMPs of both the New England and Mid-Atlantic Fishery Management Councils. Under ASMFC the coastwide quota is divided into northern (ME-CT), southern (NY-VA) and North Carolina regions. In August 2016, NOAA Fisheries increased the possession limit in federal waters to 6,000 pounds. This action triggered a conforming change in the ASFMC possession limit for state waters, and in October 2019, ASFMC maintained a 6,000 pound possession limit for 2019.

Weakfish: This stock is depleted likely from a combination of natural causes and overfishing. Low possession limits mandated by ASMFC are intended to eliminate targeted fishing, but prevent waste by allowing unavoidable bycatch to be landed.

Atlantic Menhaden: In December 2012, ASMFC adopted state by state quota management for this species effective April 15, 2013. The 6,000 pound commercial possession limit for small scale, non-directed gears established in this Declaration equals the "bycatch limit" maintained by ASMFC. In November 2017, ASMFC passed Amendment 3 to the Atlantic menhaden management plan, which resulted in Connecticut receiving a fixed minimum allocation of 2.4 million pounds, a substantial increase from previous quota allocations (approx. 70,000 pounds). Connecticut prohibits the use of purse seines, the gear most commonly used in targeted menhaden fishing, and historically, with rare exceptions, virtually all menhaden trip landings in Connecticut were at or below the bycatch limit. The substantial increase in menhaden quota allocation to

Connecticut in 2018 therefore created the potential for a substantial change in the character of the State's menhaden fishery. The Marine Fisheries Program held a public informational meeting in Hartford, CT on March 26, 2018 to receive input on management goals for the Connecticut menhaden fishery. Additional comments were received from industry during a Lobster Conservation Management Team meeting held in Old Lyme, CT on March 29, 2018. Subsequently, Connecticut implemented a tiered possession limit plan for the 2018 menhaden fishing year: 120,000 pounds until 50% of the annual quota is landed, then 80,000 pounds until 75% of the annual quota is landed, then 20,000 pounds until 90% of the annual quota is landed, at which time the directed fishery would be closed (landings of up to 6,000 pounds would still be permitted indefinitely under the bycatch limit). Additionally, possession limits for trips prosecuted in state waters were set at 12,000 pounds, and vessels intending to possess more than 9,000 pounds of menhaden were required to notify the Marine Fisheries Program via phone call prior to departure and offload. This management approach was intended to allow opportunity for utilization of Connecticut quota by vessels prosecuting the menhaden fishery outside of state waters, avoid localized depletion of menhaden within state waters, provide a conservative approach to tiered possession limit reductions given uncertainty around the rate at which landings would accumulate, and allow ample opportunity for law enforcement inspection of vessels landing menhaden. Based on the performance of the fishery in 2018, Connecticut is adopting a revised tiered possession limit plan for 2019 and maintained this management scheme for 2020: 120,000 pounds until 75% of the annual quota is landed, then 20,000 pounds until 90% of the annual quota is landed, at which time the directed fishery will be closed (landings of up to 6,000 pounds would still be permitted indefinitely under the bycatch limit). In addition, the threshold for phone call notifications has been reduced to 6,000 pounds, to correspond with the bycatch limit. These changes are intended to reduce the administrative burden of quota monitoring while still allowing for ample precaution against quota overages, as well as facilitate law enforcement inspection of vessels landing menhaden.

Jonah Crab: The ASMFC Lobster Board approved a fishery management plan for Jonah crab effective January 1, 2016. The mandatory conservation elements of that plan are included in this declaration. Jonah crabs are rare in Long Island Sound. A few thousand pounds are taken annually, some from the eastern Sound and most from Block Island Sound.

Public Input/Notice:

Public hearings were held at the time ASMFC mandated the measures pertaining to American eel, American lobster, Atlantic menhaden, black sea bass, bluefish, Jonah crab, scup, spiny dogfish, summer flounder, tautog, weakfish and winter flounder.

On December 5, 2019, the Department held a public meeting at Marine Headquarters in Old Lyme to receive input on how best to achieve the quota management goals outlined above for summer flounder, scup, black sea bass and bluefish in 2020 (see State Quota- Managed Species). Notice of the meeting was provided via Marine Fisheries News list-serve, which has approximately 1,000 subscribers including fishermen, media outlets and environmental groups. The public meeting was also announced and posted on the DEEP Fisheries web page. Attendees at the meeting, primarily quota-managed species endorsement holders and seafood dealers, developed and were in consensus with the proposed measures.

Regarding the minimum lengths for species managed under the Northeast Multispecies FMP, all public input and notice to date has occurred through the federal fisheries management process, via both the New England Fisheries Management Council and NOAA Fisheries. The Northeast multispecies fish species affected by this Declaration (Atlantic cod, yellowtail flounder, haddock, pollock, witch flounder, American plaice and redfish) do not normally occur in Connecticut waters. Therefore the regulations promulgated for these species pursuant to the federal fisheries management process will have no impact on state-water fisheries or fishermen. Federal permit holders receive direct notice of these changes from NOAA Fisheries.

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.

Connecticut General Statutes Section 26-102. Fish spawning areas and refuges. The commissioner may establish fish spawning areas and refuges on any waters; and he may establish closed areas and safety zones on public lands and waters and, with the consent of the owner, on private lands and waters, and close any such area to fishing and trespassing. The commissioner shall have emergency authority to declare a closed season on any species of fish threatened with undue depletion from any cause and, the provisions of section 26-116 notwithstanding, if such cause is any person, firm or corporation engaged in commercial fishing activity, the commissioner shall have the additional emergency power to establish prescribed conditions for the operation of such commercial fishing activity, or suspend or prohibit the right of such person, firm or corporation to operate within such waters for such period of time as the commissioner deems necessary. The commissioner may, if he deems it necessary, close any waters, or portions thereof, in the inland district to fishing for limited periods of time.