



Connecticut Department of  
ENERGY &  
ENVIRONMENTAL  
PROTECTION

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### Declaration of Regulation Change (15-04)

Under the authority of 26-102 of the Connecticut General Statutes, the Commissioner of Energy and Environmental Protection is authorized to establish a closed season on any species of fish threatened with undue depletion from any cause and to establish prescribed conditions for the operation of commercial fishing activity to conserve species threatened with undue depletion.

In accordance with the aforementioned authority, Section 26-159a-1: Sport and commercial restrictions for marine and anadromous species, is amended as follows to conserve sandbar shark consistent with NOAA Fisheries prohibition on the take of sandbar shark on the Atlantic coast in both the recreational and commercial fisheries except as provided below.

#### 26-159a-1. Sport and commercial restrictions for marine and anadromous species

(e) No person shall take from Connecticut waters, and no person shall possess, sell, exchange, or offer for sale or exchange in Connecticut regardless of where it was taken, any species of shark listed in this subsection or listed in 50 CFR 635, Subpart F Appendix A, Table 1 D – Prohibited Sharks. Any shark identified in this subsection that is caught shall be immediately returned, without avoidable injury, to the waters from which it was taken except that a holder of a Scientific Collector's Permit issued by this department may take sandbar shark for research or display purposes if specifically authorized to do so under the terms of the permit.

(18) Whale (*Rhincodon typus*); ~~and~~

(19) White (*Carcharodon carcharias*)~~]; and~~

(20) Sandbar (*Carcharhinus plumbeus*).

In accordance with the aforementioned authority, Section 26-159a-6: Use of commercial fishing gear, is amended as follows to conserve Atlantic sturgeon and shortnose sturgeon (both species are federal Endangered Species Act listed endangered).

#### 26-159a-6. Use of commercial fishing gear.

(a) On any waters of Long Island Sound lying west of the Loran C 14935 line at Kimberly Reef, no person shall operate an otter trawl, beam trawl or similar device from one hour after sunset to one hour before sunrise.

(b) No person shall use, set or tend any otter trawl, beam trawl, sink gillnet or anchored gillnet in the following areas of Long Island Sound:

(1) Falkner Island Gear Restricted Area. An area approximately 22.5 mi<sup>2</sup> within a rectangle bounded by:

(A) 41 degrees 12.5 minutes latitude, -72 degrees 43.5 minutes longitude at the northwest corner;

- (B) 41 degrees 12.5 minutes latitude, -72 degrees 36 minutes longitude at the northeast corner;
    - (C) 41 degrees 09.5 minutes latitude, -72 degrees 43.5 minutes longitude at the southwest corner; and
    - (D) 41 degrees 09.5 minutes latitude, -72 degrees 36 minutes longitude at the southeast corner.
  - (2) Connecticut River Mouth Gear Restricted Area. An area approximately 9 mi<sup>2</sup> within a rectangle bounded by:
    - (A) 41 degrees 16 minutes latitude, -72 degrees 23.5 minutes longitude at the northwest corner;
    - (B) 41 degrees 16 minutes latitude, -72 degrees 19 minutes longitude at the northeast corner;
    - (C) 41 degrees 14 minutes latitude, -72 degrees 23.5 minutes longitude at the southwest corner; and
    - (D) 41 degrees 14 minutes latitude, -72 degrees 19 minutes longitude at the southeast corner.
- (c) Gillnets used to take American shad on the Connecticut River shall not be fished in excess of the following soak times:
  - (1) four (4) hours when water temperature is less than 68° F (20° C);
  - (2) two (2) hours when water temperature is between 68° F (20° C) and 77° F (25° C); and
  - (3) when water temperature exceeds 77° F (25° C) the use of gillnets to take American shad shall be prohibited.

For the purposes of this subsection soak time means the time elapsed between the onset of net deployment from the boat into the water and the complete retrieval of the net from the water into the boat.

The foregoing restrictions supersede all previous declarations by the Commissioner of Energy and Environmental Protection regarding shark and sturgeon species and shall remain in effect between April 1, 2015 and March 31, 2016, both dates inclusive.

  
Robert J. Klee  
Commissioner

3/23/15  
Date