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Declaration of Regulation Change (15-08)

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 (FMP) adopted by the Atlantic States Marine Fisheries Commission (ASMFC) or the U.S. Department of Commerce (DOC).

In accordance with the aforementioned authority, the following Departmental regulation is amended.

26-159a-15. Scup (porgy) (*Stenotomus chrysops*) subsection (c) Commercial Fishery Possession Limits – is superseded by the following restrictions.

Scup.

(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 coastwide scup quota and Connecticut's summer period scup quota as specified in the Scup Fishery Management Plan of the Atlantic States Marine Fisheries Commission:
 - (C) during the "winter II" period defined herein as the period between November 1 and December 31, both dates inclusive, the possession limit shall be 18,000 pounds until 100% of the winter II coastwide quota has been landed, at which time the 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 scup between vessels at sea.
- (3) Any scup taken contrary to this section shall, without avoidable injury, be returned immediately to the water from which taken.

**Robert J. Klee
Commissioner**

10/26/15
Date

Declaration 15-08

Justification for Marine Fisheries Declaration

Need: 1) To meet the requirements of the ASMFC fishery management plans (FMPs) for scup; and 2) 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: none.

Management Background: The harvest limit during the period from November 1 through December 31, known as "Winter II", is managed on a coastwide (MA-NC) basis. On September 23, 2015 ASMFC notified states that the possession limit for Winter II has been increased from 12,000 to 18,000 pounds. The increase in possession limit results from unused quota from Winter I (Jan-April) being "rolled over" into Winter II. The new Winter II quota is 5,468,726 pounds.

Public Input/Notice:

Public hearings were held at the time the Scup FMP was adopted.

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.