



Connecticut Department of
**ENERGY &
ENVIRONMENTAL
PROTECTION**

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Declaration of Regulation Change (15-10)

Under the authority of 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.

RECREATIONAL FISHERY MEASURES FOR 2015

In accordance with the aforementioned authority, effective July 18, 2015, the following sections of departmental regulations are amended as specified on pages 2 through 6 of this declaration:

- 26-159a-1. Sport and commercial restrictions for marine and anadromous species;
- 26-159a-2. Striped bass (*Morone saxatilis*);
- 26-159a-4. Minimum lengths;
- 26-159a-7. Creel limits.

Robert J. Klee
Commissioner

12/9/15
Date

26-159a-2. Striped bass (*Morone saxatilis*)

(a) Except as provided in subsection (h) of this section, ~~t~~The minimum legal length and daily creel limit for striped bass shall be as specified in sections 26-159a-4 and 26-159a-7, respectively, of the Regulations of Connecticut State Agencies.

(h) Bonus Striper Fishing Program. In addition to the creel limit specified in Section 26-159a-7, one striped bass at least 22 inches but less than 28 inches total length may be possessed daily between May 1 and December 31, both dates inclusive, provided the person harvesting such fish has a valid Connecticut resident or non-resident fishing license and such fish is affixed with a valid 2015 bonus striped bass tag issued by the department.

(1) The tag shall be permanently affixed to the lower jaw of the fish immediately upon harvest. The tag shall remain affixed to the fish until such fish is taken to the home or other location where the fish is to be consumed.

(2) The person taking such bonus striped bass shall immediately upon harvesting such fish, record the date of harvest, the total length of the fish harvested, and their conservation identification number on the 2015 bonus striped bass catch report card issued with the tag by the department. The person harvesting such fish shall mail or otherwise return such report card to the department within forty-eight hours of harvesting such fish.

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** 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 16 inches;

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

(10) Black sea bass (*Centropristis striata*): ~~[12]~~ **14** inches;

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

(A) For anglers fishing from shore or from private vessels: 3 fish from June 1 to August 31 and 5 fish from September 1 to December 31, all dates inclusive;

(B) For paying passengers on a vessel operating under the authority of a party/charter registration issued under section 26-142a of the Connecticut General Statutes: 8 fish from June 21 to December 31, both dates inclusive;

(3) Summer flounder (fluke) (*Paralichthys dentatus*): 5 fish;

(4) American shad (*Alosa sapidissima*) and hickory shad (*Alosa mediocris*): 6 fish of both species in the aggregate;

(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 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;

(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 fish from October ~~[1]~~ 10 to December 6, 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.

Appendix A. Section 26-159a(d) Enhanced Opportunity Shore Fishing Sites at which summer flounder and scup may be taken as small as 16 and 9 inches, respectively.

Cont.

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

Appendix A. Section 26-159a(d) Enhanced Opportunity Shore Fishing Sites at which summer flounder and scup may be taken as small as 16 and 9 inches, respectively.

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

Justification for Marine Fisheries Regulation Declaration 15-10

Need: To comply with mandatory provisions of Atlantic States Marine Fisheries Commission (ASMFC) Fishery Management Plans (FMP) 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 fishery management plans. 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 Background: Summer flounder, scup and black sea bass are managed jointly between ASMFC and the Mid-Atlantic Fishery Management Council under a single FMP utilizing annual catch quotas. American eel, striped bass, tautog and winter flounder are managed under ASMFC authority only. Menhaden is also managed by ASMFC. The creel limit is being adopted in response to state resident concerns that unlicensed commercial fishing was taking place. The creel limit is intended as a law enforcement tool and is not intended to limit recreational harvest.

American eel Addendum III requires states to adopt a 9 inch minimum size and 25 fish creel limit to provide additional conservation for the yellow eel life stage and consistent with 26-159a-4 (size limits) and 26-159a-7 (creel limits) applies to all tidal waters of the state, including in the inland district.

Summer flounder is being managed by region again in 2015 (first year was 2014) with Connecticut, New York and New Jersey forming the mid-Atlantic region. Each state within the region is compelled under Addendum XXVI to adopt identical minimum size and creel limits and limit the open season to a specific number of days. Each state has limited flexibility to adjust the specific opening date.

A regional management approach in place for **scup** (MA-NY) for several years. Although further liberalization in the scup minimum size and creel limits have been permitted since 2013, Connecticut has maintained more conservative management measures. In 2015 the minimum size and creel limit are being liberalized to match neighboring states. This liberalization will help assure that coastwide changes in stock status determination expected in 2015 do not inadvertently disadvantage Connecticut anglers.

Regional management has been in place for **black sea bass** (MA-NJ) since 2013. Therefore the measures selected for this species were selected with regional consistency in mind. The **black sea bass** management plan requires a 32.5% reduction in harvest in 2015 which can be accomplished by a one inch increase in minimum length. Private anglers, particularly in the central Sound supported an earlier season opening which is balanced by a creel limit reduction from 8 to 5 fish. Party/charter fishermen were more concerned that a larger creel limit be preserved in order to compete with neighboring states. Consequently the same open season and full 8 fish creel limit is preserved in this sector. Similar measures are expected to be implemented in our neighboring states of Rhode Island and New York. Compatible measures will be adopted in Massachusetts and New Jersey.

Striped bass Addendum IV, approved at the February 4, 2015 ASMFC meeting calls 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.

Tautog are managed via “conservation equivalency”, which allows states to adopt unique regulations provided they achieve the same level of conservation based on a review and approval process conducted through ASMFC. Therefore, Connecticut has developed unique management measures for this species based on public input and technical review.

Winter flounder 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 such a season in 2015.

Enhanced shore fishing opportunity is being provided again at 46 public access areas where anglers will be able to take summer flounder two inches smaller and scup 1 inch smaller than the prevailing minimum size.

The **Bonus Striper Fishing Program** is being renewed this year with the longer season: May – December first adopted in 2014, versus the May-June open season in previous years. The ASMFC Law Enforcement Committee recommended such bonus striper programs require fish to be tagged. The declaration incorporates that recommendation. The number of fish available for harvest has been reduced by 25% (to 3,018 fish) consistent with the mandated 25% reduction in quota allocation.

Public Input/Notice: Public input on striped bass was received at the August 26, 2014 ASMFC Public Hearing Marine Fisheries hosted in Old Lyme for Addendum IV. Public input on summer flounder, scup, black sea bass and striped bass was received through a Public Hearing held at Marine Headquarters in Old Lyme on February 25, 2015, and a Marine Advisory Group meeting on February 17, 2015. Notice of the hearing was sent out on Marine Fisheries News list-serve (appr. 1,000 recipients) and to marine fishing license holder providing email in the Sport Licensing System (46,000). The options proposed for these species were also provided in the notice and posted on the DEEP/Fisheries web page. Several email comments were received.

Fisheries also received input through survey cards made available at the Northeast Hunting and Fishing Expo held in Hartford between February 13 and 15, 2015. Striped bass were also the subject of a Commission Public Hearing Marine Fisheries hosted in August, 2014.

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.

CGS Sec. 26-25. Commissioner may declare closed season or extend open season. (a) The commissioner may, when he finds that extraordinary precautions are necessary to prevent fires in any woodland of the state, declare a closed season, during which sport fishing in inland waters or hunting on any land or waters of the state shall be suspended and the provisions relating to closed seasons shall be in force; but the provisions of this section shall not apply to the hunting of sea coots (scoters), old squaw and eider ducks from boats or rock formations in open coastal waters seaward of the first upstream bridge; to licensed shooting preserves, or to authorized field trials sanctioned by the American Kennel Club or American Field; or to sport fishing from boats, docks, wharves, floats or bridges in lakes and ponds, the Connecticut River, the Thames River and the Housatonic River downstream of Derby Dam when such lakes, ponds and rivers can be reached over open roads and access to such lakes, ponds and rivers by sport fishermen is by this means, to shad fishing at the state-controlled area of the Enfield Dam in Suffield, or to fishing in licensed commercial hatcheries. Upon the termination of the necessity for any such closed season, the commissioner may reopen the season. Whenever the commissioner, under the provisions of this subsection, declares a closed season for any period, he may extend the open season for an equal period.

(b) The commissioner may, when he finds that the harvest level for a species exceeds or fails to meet the harvest level for efficient management of such species, declare a closed season or extend the open season for the sport fishing, hunting or trapping of such species. Any closed season or extended open season may be limited to a specific area.

(c) Whenever the commissioner declares a closed season, the reopening of a closed season or the extension of an open season under the provisions of this section, he shall cause notice thereof to be published in the Connecticut Law Journal.

CGS Sec. 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.