



Connecticut Department of  
**ENERGY &  
ENVIRONMENTAL  
PROTECTION**

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### **Declaration of Regulation Change (16-02)**

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 sections of Departmental regulations are amended as specified on pages 2 and 3 of this Declaration.

**Robert J. Klee**  
**Commissioner**

**Date**

2/4/16

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 Summer flounder (*Paralichthys dentatus*) – subsection (c) Commercial Fishery Possession Limit is superseded by the following restrictions.

### Summer flounder.

#### (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 500 pounds per week 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 100 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 100 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 possession and landing limit specified in subdivision (1) of this subsection is in effect, such limit shall apply to the vessel, regardless of how many license holders may operate such vessel during each weekly period, and each

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weekly period shall begin Sunday morning at 0001 hours and end the following Saturday night at 2359 hours.

- (5) When a weekly possession and landing 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.

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### Justification for Marine Fisheries Declaration

**Need:** Clarification that weekly summer flounder possession and landing limits apply to the vessel and not the individual license holder.

### 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.