

26-159a

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PLEASE NOTE: Sections of 26-159a are frequently amended by Commissioner Declaration to maintain compliance with federal or interstate fishery management plans or to prevent the undue depletion of native fishery resources. Such amendments are NOT maintained in this document. Please refer to the current [Notices to Fishermen](#) web page for information on declaration amendments.

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26-159A - COMMERCIAL AND SPORT FISHING IN THE MARINE DISTRICT

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

- (a) The minimum legal length for trout and charr taken by angling in the marine district shall be fifteen inches. The daily creel limit for trout or charr, or both, shall be two fish in the aggregate. The taking of trout and charr in the marine district by commercial fishing methods or by sport fishing methods other than angling is prohibited.
- (b) The taking of Atlantic salmon in the marine district is prohibited and all Atlantic salmon caught must be immediately returned without avoidable injury to the waters from which taken.
- (c) No person shall take, possess, sell, exchange or offer for sale or exchange in Connecticut any Atlantic sturgeon (*Acipenser oxyrinchus*) or shortnose sturgeon (*Acipenser brevirostrum*). Any such sturgeon caught must be immediately returned, without avoidable injury, to the waters from which it was taken.

- (d) No person shall take from or possess any rainbow smelt (*Osmerus mordax*) taken from, the marine district or those areas of the inland district specified in section 26-142a-2 of the Regulations of Connecticut State Agencies. Any such rainbow smelt caught shall be immediately returned, without avoidable injury, to the waters from which it was taken.
- (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.
- (1) Atlantic angel (*Squatina dumerili*);
 - (2) Basking (*Cetorhinus maximus*);
 - (3) Bigeye sand tiger (*Odontaspis noronhai*);
 - (4) Bigeye sixgill (*Hexanchus vitulus*);
 - (5) Bigeye thresher (*Alopias superciliosus*);
 - (6) Bignose (*Carcharhinus altimus*);
 - (7) Caribbean reef (*Carcharhinus perezi*);
 - (8) Caribbean sharpnose (*Rhizoprionodon porosus*);
 - (9) Dusky (*Carcharhinus obscurus*);
 - (10) Galapagos (*Carcharhinus galapagensis*);
 - (11) Longfin mako (*Isurus paucus*);
 - (12) Narrowtooth (*Carcharhinus brachyurus*);
 - (13) Night (*Carcharhinus signatus*);
 - (14) Sand tiger (*Odontaspis taurus*);
 - (15) Sevengill (*Heptranchias perlo*);
 - (16) Sixgill (*Hexanchus griseus*);
 - (17) Smalltail (*Carcharhinus porosus*);
 - (18) Whale (*Rhincodon typus*); and
 - (19) White (*Carcharodon carcharias*).

Effective May 1, 1985. Amended 2/26/2004 added sturgeon. Amended 12/27/2006 added smelt. Amended 12/22/2009 added sharks (e).

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

- (a) 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.
- (b) No person shall sell, exchange, or offer for sale or exchange any striped bass taken from the waters of this state. Striped bass taken from the waters of a state in which commercial striped bass fishing is allowed may only be possessed for commercial purposes in Connecticut provided they meet the minimum length specified in section 26-159a-4 of the Regulations of Connecticut State Agencies and each fish is affixed with that state's valid, current commercial striped bass tag.
- (c) No person shall possess, sell, exchange, or offer for sale or exchange any striped bass, regardless where taken, less than the minimum length, except that artificially reared

hybrid striped bass (one parent *Morone saxatilis*) which are less than the minimum length, may be possessed and sold under the following conditions:

- (1) such fish, when offered for sale, shall be accompanied by documentation showing that such fish were propagated in a licensed commercial fish hatchery; and
 - (2) such documentation shall include the name and address of the owner of the hatchery of origin, the number and description of fish received in the current shipment, and the shipping date and date of receipt of the current shipment.
- (d) Striped bass shall not be taken except by angling and the use of a gaff in the taking of striped bass is prohibited.
- (e) Any striped bass taken contrary to the provisions of this section shall, without avoidable injury, be returned immediately to the waters from which taken, provided that notwithstanding the provisions of sections 26-159a-4 and 26-159a-7 of the Regulations of Connecticut State Agencies, anglers participating in a tagging program approved by the Commissioner of Environmental Protection may apply tags to and release striped bass sixteen inches or greater in total length.
- (f) The provisions of this section shall not be construed to restrict the number of legally acquired fish that may be kept in storage in the home or other storage facilities.
- (g) No person shall land or possess on the waters of this state or on any parcel of land, structure, or portion of a roadway abutting tidal waters of this state any striped bass from which the head or tail has been removed or which has otherwise been rendered unidentifiable as a striped bass or unable to be measured.

Effective July 26, 1996. Amended; 05/9/2000 by emergency regulation to implement slot limit for private recreational anglers and modified two fish possession limit for anglers on P/C vessels; expired 01/04/2001, rule reverted to 2 @ 28" until final regulation adopted. Final regulation adopted 02/27/2001. Amended 12/27/2006 reduced dealer tagging requirements, authorized tagging programs.

26-159a-3. Repealed May 15, 1995

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 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;
 - (2) Winter flounder (*Pseudopleuronectes americanus*): 12 inches;
 - (3) Summer flounder (fluke) (*Paralichthys dentatus*): 19.5 inches;
 - (4) Atlantic cod (*Gadus morhua*): the length specified in 50 CFR 648.89;
 - (5) Haddock (*Melanogrammus aeglefinus*): the length specified in 50 CFR 648.89;
 - (6) Yellowtail flounder (*Limanda ferruginea*): 13 inches;
 - (7) Tautog (blackfish) (*Tautoga onitis*): 14 inches;
 - (8) Pollock (*Pollachius virens*): the length specified in 50 CFR 648.89;
 - (9) Weakfish (*Cynoscion regalis*): 16 inches;
 - (10) Black sea bass (*Centropristis striata*): 12 inches;

- (11) American eel (*Anguilla rostrata*): 6 inches;
 - (12) White perch (*Morone Americana*): 7 inches; and
 - (13) Striped bass (*Morone saxatilis*): 28 inches.
- (b) Any of said species taken contrary to subsection (a) of this section shall, without avoidable injury, be returned immediately to the water from which taken. Culling or high-grading, as defined in section 26-142a-16 of the Regulations of Connecticut State Agencies, is prohibited, except in fishing tournaments granted an exemption by the Commissioner of Environmental Protection pursuant to section 26-159a-26 of the Regulations of Connecticut State Agencies. This subsection shall not be construed to prevent tagging and release of fish, other than striped bass, under a tagging program consistent with the Atlantic States Marine Fisheries Commission's standards for scientific tagging programs.
- (c) No person engaged in sport fishing 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.

Effective May 19, 1995. Amended October 23, 1997, October 30, 1998, December 27, 2000. Adopted as Emergency Regulation 06/19/2002 to implement 10" minimum length for scup and 11 1/2" minimum length for black sea bass; 1/28/2002. Amended 03/31/2003 Atlantic cod and haddock 23", black sea bass 11.5" add white perch 7". Amended 4/26/2005 scup 10.5", cod, haddock and pollock = CFR. Amended 12/27/2006 summer flounder 17.5", authorized tagging programs. Amended 01/25/2007 summer flounder 18", culling prohibition. Amended 09/27/2007 technical change – added Connecticut to RCSA reference. Amended 12/22/2008 scup 11" on party/charter, summer flounder 19.5", capitalized "States" in (b).

26-159a-5. Vessel size

- (a) *No subsection title or text*
- (1) No person shall use any vessel greater than forty four (44) feet in length for the purpose of towing any otter trawl, beam trawl or similar device in the waters of this state west of longitude 73° 00', except a person may use a vessel greater than forty four (44) feet in length for this purpose if that person used any vessel greater than forty four (44) feet in length for this purpose in the calendar year 1982. Use during calendar year 1982 shall be determined by inspection of the fishing records filed pursuant to section 26-157b of the Connecticut General Statutes, and shall be demonstrated by fishing activities in Connecticut waters and/or the landing of catch at Connecticut ports. Size of vessel in use during calendar year 1982 shall be determined by inspection of the fishing license application or renewal filed pursuant to section 26-142a of the Connecticut General Statutes or by inspection of vessel registration or documentation. Any person who meets the criteria for the use of a vessel greater than forty four (44) feet in length may use any vessel with a length equal to or less than that of the vessel for which the exception was determined.
 - (2) A person denied the use of any vessel under this subsection may apply in writing to the Commissioner for a variance. The Commissioner, at his discretion, may grant a variance provided:
 - (A) the applicant used any vessel for the purpose of towing any otter trawl, beam trawl or similar device in Connecticut waters during the calendar year 1982 and acquired a vessel larger than forty four (44) feet in length prior to December 31, 1982;

- (B) the applicant made a written commitment prior to December 31, 1982 to acquire or construct a vessel larger than forty four (44) feet in length for the purpose of towing any otter trawl, beam trawl or similar device in Connecticut waters; or
 - (C) the applicant is an ascendent, descendant or sibling of a person using, at the time of the application, a vessel larger than forty four (44) feet in length pursuant to this subsection, and the applicant is applying to use said vessel.
- (b) No person shall use any vessel greater than twenty six (26) feet in length to tow any otter trawl, beam trawl or similar device in any waters of the state north of a line beginning at the southerly tip of the Byram River breakwater to buoy N2, which is two-tenths of a nautical mile southwest of Great Captain Island to buoy N34, which is one-half nautical mile south of Greenwich Point in Greenwich to buoy R32, which is eight-tenths of a nautical mile south of Shippan Point in Stamford to buoy R24A, which is nine-tenths of a nautical mile south of Pecks Ledge in Norwalk to buoy R24, which is nine-tenths of a nautical mile southeast of the southern tip of Cockenoe Reef in Norwalk to buoy BH, which is one and four-tenths nautical miles southeast of Penfield Reef Light in Bridgeport to a point midway between buoy R18 and R20, which point is one and six-tenths nautical miles south of Point No Point in Stratford and thence towards the west end of the west breakwater at New Haven Harbor and west of a line drawn from the Stratford Shoal light to the easterly breakwater of the Housatonic River in Milford.
- (c) No person shall use any vessel greater than forty-four (44) feet in length to tow any otter trawl, beam trawl or similar device in any waters of the state north of a line from shore to shore running through buoy C5 at Three Foot Rock in East Lyme and buoy N6 at Black Rock in Waterford.
- (d) No person shall use any vessel to tow any otter trawl, beam trawl or similar device in any waters of the state north of a line extending from the southern tip of the Old Saybrook west breakwater to Buoy R8 which is 1.5 nautical miles southeast of the southern tip of the Old Saybrook west breakwater to the shoreline at 72 degrees 18 minutes west longitude in Old Lyme, which is approximately 1.9 nautical miles east of the Old Saybrook breakwater, from Friday one hour after sunset to Sunday one hour before sunset.

Effective March 17, 1994.

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

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.

Effective January 1, 1992.

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.

- (1) Atlantic cod (*Gadus morhua*): the creel limit shall be the number specified in 50 CFR 648.89;
 - (2) Black sea bass (*Centropristis striata*): 25 fish;
 - (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 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, inclusive;
 - (6) American eel (*Anguilla rostrata*): 50 fish;
 - (7) Winter flounder (*Pseudopleuronectes americanus*): 10 fish;
 - (8) Bluefish (*Pomatomus saltatrix*): 10 fish;
 - (9) Alewives and river herring (*Alosa pseudoharengus* and *Alosa aestivalis*): 25 fish of both species in the aggregate;
 - (10) Tautog (blackfish) (*Tautoga onitis*): 4 fish from January 1 to April 30, 2 fish from July 1 to August 31, and 4 fish from October 1 to December 6, all dates inclusive;
 - (11) White perch (*Morone americana*): 30 fish;
 - (12) Weakfish (*Cynoscion regalis*): 6 fish; and
 - (13) Striped bass (*Morone saxatilis*): 2 fish.
- (b) This section shall not be construed to restrict the number of legally acquired fish that may be kept in storage in the home or other storage facilities, or in a commercial storage facility where seafood is handled, stored, processed or marketed.
- (c) Any of said species taken contrary to subsection (a) of this section shall, without avoidable injury, be returned immediately to the water from which taken. Culling or high-grading, as defined in section 26-142a-16 of the Regulations of Connecticut State Agencies, is prohibited, except in fishing tournaments granted an exemption by the Commissioner of Environmental Protection pursuant to section 26-159a-26 of the Regulations of Connecticut State Agencies. This subsection shall not be construed to prevent tagging and release of fish, other than striped bass, under a tagging program consistent with the Atlantic States Marine Fisheries Commission's standards for scientific tagging programs.
- (d) No person fishing under the provisions of this section or section 26-159a-2 of the Regulations of Connecticut State Agencies shall also, during the same trip for which the creel limit applies, possess any fish taken under commercial fishery trip limits specified in the Regulations of Connecticut State Agencies.

Effective October 23, 1997. Amended 10/30/1998, 09/29/1999, 12/27/2000, 01/28/2002. Amended 06/19/2002 as Emergency Regulation to implement 50 fish limit for scup and to add new subsection (c) regarding release of fish without avoidable injury. Amended 03/31/2003 Atlantic Cod and Haddock as in 50 CFR, Scup to 50 fish, added winter flounder, bluefish (10), alewives and blue backs (25), tautog (4), white perch (30) and weakfish (10) added subsection (d). Amended 4/26/2005 scup 20 fish. Amended 12/27/2006 scup 25 fish, 60 for party/charter September 1 – October 31 and tagging programs. Amended 01/25/2007 culling prohibition. Amended 09/27/2007 summer flounder 5 fish, weakfish 6 fish. Amended 12/22/2008 technical corrections, scup 10 fish private angler, 45 fish party/charter, tautog 4 fish January 1 – April 30 and October 1 – December 6 and 2 fish from July 1 to August 31, capitalized "States" in (c).

26-159a-8. Winter flounder

The taking of winter flounder from the waters of this state during the period March 1 through April 14, by holders of a license or registration issued under authority of section 26-142a of the Connecticut General Statutes concerning the taking of finfish for commercial purposes is prohibited except as provided in section 26-142a-6(g). No bottom trawl gear other than fly net gear defined in 26-142a-6(g) shall be used during this period in the waters of this state.

Effective April 20, 1995. Amended 03/31/2003 to move recreational creel limit to creel limit section.

26-159a-9. Bluefish (*Pomatomus saltatrix*).

- (a) No person shall use any pair trawl or purse seine to capture or take any bluefish.
- (b) No person shall use any roller rig gill net to surround any bluefish. For the purposes of this section, a roller rig gill net is defined as a gill net which is set or retrieved with the assistance of a mechanical, electrical, or hydraulic device.
- (c) **Open Commercial Fishing Season.** The open commercial fishing season begins April 15th 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. No holder of a license or registration issued under section 26-142a of the Connecticut General Statutes concerning the taking of finfish shall land bluefish in excess of the daily creel limit specified in section 26-159a-7 from January 1st to April 14th inclusive, or after one hundred percent of the Connecticut quota specified in subsection (e) of this section has been landed. Any such bluefish taken in accordance with a creel limit under the provisions of section 26-159a-7 shall not be used for commercial purposes.
- (d) **Commercial Fishery Possession Limit.**
 - (1) No holder of any commercial fishing or landing license or registration permitted to take bluefish from the waters of this state or to land bluefish in Connecticut, regardless of where such fish are taken, shall possess bluefish in excess of the limits specified as follows:
 - (A) Five hundred pounds until a total of ninety-five percent of the Connecticut quota specified in subsection (e) of this section has been landed in Connecticut, at which time the limit shall be one hundred pounds until the Connecticut quota has been landed in Connecticut,
 - (B) On October first, if less than eighty percent of the Connecticut quota specified in subsection (e) of this section has been landed in Connecticut, the limit shall be one thousand pounds until a total of ninety-five percent of the Connecticut quota has been landed in Connecticut, at which time the limit shall be one hundred pounds.
 - (C) When 100 percent of the Connecticut quota is landed the possession limit shall be zero.
 - (2) The possession limits specified in subdivision (1) of this subsection shall apply to the aggregate of all persons on board the vessel per trip or per day whichever is the longer period of time. Transfer of bluefish between vessels at sea is prohibited.
 - (3) Any bluefish taken contrary to this section shall, without avoidable injury, be returned immediately to the water from which taken and no person fishing under the provisions of this section shall also, during the same trip, possess any bluefish taken under section 26-159a-7 of the regulations of Connecticut State Agencies.

- (e) **Commercial Quota.** The commercial fishery quota for bluefish landed in Connecticut regardless where such bluefish are taken shall be as adopted in the Atlantic Bluefish Fishery Management Plan of the Atlantic States Marine Fisheries Commission.

Effective May 19, 1995. Amended 03/31/2003 moved recreational creel limit to creel limit section, added subdivision (3).

26-159a-10. Summer flounder (*Paralichthys dentatus*)

(a) **Definitions.**

- (1) “Commissioner” means commissioner of Environmental Protection.
- (2) “Department” means Department of Environmental Protection.
- (3) “Qualifying fishing gear” means commercial hook, gill net, pound net, trawl net, scallop dredge or fish pot.
- (4) “Qualifying landings” means summer flounder or scup landings made in Connecticut and taken by qualifying fishing gear as indicated in reports submitted under authority of section 26-157b of the Connecticut General Statutes.
- (5) “Qualifying period” means June 1, 1995 through May 31, 2003, inclusive.
- (6) “1994 Summer Flounder License Endorsement Letter” means a summer flounder license endorsement letter for Connecticut waters issued by the commissioner which attests that the license holder:
 - (A) recorded finfish landings in Connecticut taken by commercial finfishing methods between January 1, 1985 and January 1, 1994 as indicated in reports submitted under authority of section 26-157b of the Connecticut General Statutes, in commercial fishery landing records of the U. S. National Marine Fisheries Service, or in a notarized copy of a dealer or wholesaler receipt; or
 - (B) purchased, or was constructing or rerigging a commercial fishing vessel between January 26, 1990 and January 1, 1994 for purposes of fishing with commercial finfishing gear, to be based on written proof of such activity.

(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 summer flounder unless said person:
 - (A) is in immediate possession of a 2003 Summer Flounder License Endorsement Letter for Connecticut Waters, herein referred to as the “2003 Summer Flounder License Endorsement Letter,” issued by the commissioner pursuant to this section which attests that:
 - (i) the license holder held a 1994 Summer Flounder License Endorsement Letter or a 1997 Scup License Endorsement Letter as specified in subsection (a) of section 26-159a-15 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 1994 Summer Flounder License Endorsement Letter or a 1997 Scup License Endorsement Letter as specified in subsection (a) of section 26-159a-15 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 1994 Summer Flounder License Endorsement Letter or a 1997 Scup License Endorsement Letter as specified in subsection (a) of section 26-159a-15 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 1994 or 2003 Summer Flounder License Endorsement Letter issued under this section or a 1997 or 2003 Scup License Endorsement Letter issued under section 26-159a-15 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 summer flounder and shall not be used to authorize the possession of summer flounder on any additional vessel, except that said license holder shall be allowed to use said endorsement letter to authorize possession of summer flounder on any vessel said license holder owned prior to January 1, 1994 and that said license holder still owns.
- (2) 2003 Summer Flounder License Endorsement Letters will automatically be issued without application. Any person who does not receive a 2003 Summer Flounder 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 summer flounder with a trawl net if the qualifying landings for which the 2003 Summer Flounder 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 Summer Flounder Endorsement Letter based on the landings history for which the transferred endorsement letter was issued.
- (c) **Commercial Fishery Possession Limit.**
- (1) No holder of any commercial fishing or landing license or registration permitted to take summer flounder from the waters of this state or to land summer flounder in Connecticut, regardless of where such fish are taken, shall possess summer flounder in excess of the following possession limits that are based on Connecticut's summer flounder quota specified in the Summer Flounder Fishery Management Plan of the Atlantic States Marine Fisheries Commission, herein referred to as "the plan":
- (A) between January 1 and January 21, inclusive, 150 pounds;
- (B) between January 22 through April 30, inclusive, 1,500 pounds, until a total of 45% of the Connecticut quota specified in the plan has been landed in Connecticut, at which time the limit shall be 50 pounds until a total of 50% of said quota has been landed, at which time the limit shall be zero pounds;
- (C) between May 1 and October 31, inclusive, 75 pounds until a total of 97% of the Connecticut quota specified in the plan has been landed in Connecticut, at which time the limit shall be zero pounds until October 31;
- (D) between November 1 and December 31, inclusive, 500 pounds, unless or until a total of 97% of the Connecticut quota specified in the plan has been landed in Connecticut, at which time the limit shall be 75 pounds;
- (E) notwithstanding the provisions of subparagraphs (C) and (D) of this subdivision, if on or after October 1, the Connecticut quota specified in the plan is projected not to be landed in Connecticut by the end of the quota period, the commercial fishery possession limit shall be calculated as $Q(0.14 / W)$, rounded up to the nearest 100 pounds, where W is the number of weeks remaining in the quota period and Q is the amount of the annual quota remaining, provided that when 97% of said Connecticut quota is projected to be landed in Connecticut, the possession limit shall be 50 pounds;
- (F) when 100% of the Connecticut quota is landed the possession limit shall be zero pounds.
- (2) When the summer flounder possession limit will change based on the status of landings relative to the quota threshold percentages specified in subparagraphs (A) through (F) of subdivision (1) of this subsection, the Department shall mail a notice of such change to all persons who possess a 2003 Summer Flounder Endorsement Letter as defined in subsection (b)(1)(A) of this section and to all seafood dealers licensed under section 26-142a of the Connecticut General Statutes.
- (3) The possession limits specified in subdivision (1) of this subsection shall apply to the aggregate of all persons on board the vessel per trip or per day whichever is the longer period of time. Transfer of summer flounder between vessels at sea is prohibited.

- (4) Any summer flounder taken contrary to this section shall, without avoidable injury, be returned immediately to the water from which taken and no person fishing under the provisions of this section shall also, during the same trip, possess any summer flounder taken under section 26-159a-7 of the Regulations of Connecticut State Agencies.
- (5) When a possession limit specified in subdivision (1) of this subsection is in effect that is 1,500 pounds or greater, no commercial vessel shall possess or land summer flounder on more than two trips per weekly period that begins Sunday morning at 0000 hours and ends the following Saturday night at 2400 hours.
- (6) All commercial vessel operators, prior to departing on any trip in which summer flounder will be possessed and that would be subject to a possession limit of 1,500 pounds or greater, shall inform the Department of 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, captain's name, departure date and time, estimated return date and time and the port of landing.

Effective July 26, 1996. Amended 06/27/1997, 10/23/1997, 06/26/1998, 07/21/1999, 09/29/1999, 12/ 27/ 2000. Amended 01/28/2002 to eliminate recreational closed season and to change quota reference to the ASMFC fishery management plan. Emergency Regulation 12/18/2002 extended the endorsement letter moratorium. Amended 03/31/2003 May – June 75 lbs, July – October 150 lbs, added subdivision (3). Amended 12/04/03 revised qualification criteria. Emergency Regulation 10/26/2004 adjusted trip limits and trip limit schedule. Amended 08/26/2005 added safety net and notification requirement. Amended 09/27/2007 sunset date eliminated, trip limit schedule amended, two trip per week limit implemented.

26-159a-11. Repealed March 31, 2003

Effective July 26, 1996. Repealed March 31, 2003

26-159a-12. American goosefish (monkfish) (*Lophius americanus*)

- (a) The minimum length of whole monkfish shall be 17 inches in total length, the minimum length of monkfish tails shall be 11 inches measured from the third dorsal spine from the snout to the tip of the tail, and no person while on the waters of this state or on any parcel of land, structure or portion of a roadway abutting tidal waters, shall possess any monkfish tails or whole fish less than the minimum length.
- (b) Any monkfish taken contrary to subsection (a) of this section shall, without avoidable injury, be returned immediately to the water from which taken.
- (c) Possession of monkfish livers in excess of twenty-five percent of the weight of monkfish tails or ten percent of the weight of whole fish possessed shall be prohibited.

Effective July 26, 1996. Amended 03/31/2003 increased minimum length for whole fish from 17" to 21" and for tails 11" to 14", added subsection (c). Amended 12/27/2006 changed back to 11" and 17".

26-159a-13. Tautog (Blackfish) (*Tautoga onitis*)

- (a) **Closed Season.** No person engaged in commercial fishing shall take, bring ashore, or possess any tautog, wherever taken, from May 1 to June 14, September 1 to October 14 and December 7 to December 31, all dates inclusive.
- (b) **Commercial Fishery Possession Limit.** No holder of any commercial fishing or landing license or registration permitted to take tautog from the waters of this state or to land tautog in Connecticut, regardless of where such fish are taken, shall possess tautog in excess of the limits specified as follows:

- (1) In the commercial trawl fishery, fifty (50) fish;
- (2) In the commercial hook, fish pot, trap net, fyke net, or gill net fisheries, twenty-five (25) fish;
- (3) In the pound net fishery, twelve (12) fish for each holder of a Connecticut Marine Pound net registration.
- (4) In the lobster pot or lobster trap fishery, when in possession of lobsters, ten (10) fish.
- (5) The possession limits specified in this subsection shall apply to the aggregate of all persons on board the vessel per trip or per day whichever is the longer period of time. Transfer of tautog between vessels at sea is prohibited.
- (6) No person fishing under the provisions of subdivisions (1) to (3), inclusive, of this subsection shall, during a fishing trip when using more than one gear type, possess any tautog in excess of the largest of the gear-specific limits they are authorized to possess and no such gear-specific trip limits shall be additive.
- (7) Any tautog taken contrary to this section shall, without avoidable injury, be returned immediately to the water from which taken and no person fishing under the provisions of this section shall also, during the same trip, possess any tautog taken under section 26-159a-7 of the Regulations of Connecticut State Agencies.

Effective July 26, 1996. Amended 03/31/2003, 02/26/2004. Amended 12/22/2008 technical corrections, trawl fishery 50 fish, eliminated pound net exemption.

26-159a-14. Reserved

26-159a-15. Scup (porgy) (*Stenotomus chrysops*)

(a) Definitions.

- (1) “Commissioner” means Commissioner of Environmental Protection.
- (2) “Department” means Department of Environmental Protection.
- (3) “Qualifying fishing gear” means commercial hook, gill net, pound net, trawl net, scallop dredge or fish pot.
- (4) “Qualifying landings” means summer flounder or scup landings made in Connecticut and taken by qualifying fishing gear as indicated in reports submitted under authority of section 26-157b of the Connecticut General Statutes.
- (5) “Qualifying period” means June 1, 1995 through May 31, 2003, inclusive.
- (6) “1997 Scup License Endorsement Letter” means a Scup License Endorsement Letter for Connecticut waters issued by the commissioner which attests that the license holder:
 - (A) recorded scup landings in Connecticut taken by commercial finfishing methods between January 1, 1994 and December 31, 1996 as indicated in reports submitted under authority of section 26-157b of the Connecticut General Statutes, in commercial fishery landing records of the U. S. National Marine Fisheries Service, or in a notarized copy of a dealer or wholesaler receipt; or
 - (B) purchased, or was constructing or riggering a commercial fishing vessel between January 1, 1995 and December 31, 1996 for purposes of fishing with commercial finfishing gear, to be based on written proof of such activity.

(b) **Commercial Fishing Moratorium.**

(1) From May 1 through October 31 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 Endorsement Letter as specified in 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 made 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.
 - (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 holder of any commercial fishing or landing license or registration permitted to take scup from the waters of this state or to land scup in Connecticut, regardless of where such fish are taken, shall possess or land scup in excess of the following possession or landing limits, respectively, that are based on the coastwide scup quota and Connecticut's scup quota as specified in the Scup Fishery Management Plan of the Atlantic States Marine Fisheries Commission, herein referred to as "the plan":
 - (A) Between January 1 and April 30, the landing limit shall be 30,000 pounds per two-week period, aggregated over all ports landed, until 80% of said coastwide quota has been landed, at which time the possession limit shall be 1,000 pounds until 100% of said coastwide quota has been landed, at which time the limit shall be zero pounds. During any such two-week period, no license holder shall land scup at any other port once that license holder's aggregate landings for that two-week period total 30,000 pounds. For the purposes of this subsection, a two-week period means from Sunday morning at 0000 hours to the second subsequent Saturday night at 2400 hours. For the purposes of quota-monitoring, the beginning of the first two-week period of a year shall be consistent with that established by the National Marine Fisheries Service or the Atlantic States Marine Fisheries Commission.
 - (B) Between November 1 and December 31, the possession limit shall be 3,500 pounds until 100% of said coastwide quota has been landed, at which time the limit shall be zero pounds.
 - (C) Between May 1 and May 31:

- (i) in the commercial hook, pound net and gillnet fisheries, the possession limit shall be 25 pounds;
 - (ii) in the bottom trawl and fish pot fisheries, the possession limit shall be 50 pounds;
 - (iii) in the lobster pot fishery when in possession of lobsters, the possession limit shall be 10 fish.
- (D) Between June 1 and August 31:
- (i) in the commercial hook, pound net and gillnet fisheries, the possession limit shall be 100 pounds until 40% of the Connecticut quota specified in the plan has been landed in Connecticut, at which time the possession limit shall be 25 pounds until 70% of said Connecticut quota has been landed, at which time the limit shall be zero pounds;
 - (ii) in the bottom trawl and fish pot fisheries, the possession limit shall be 200 pounds until 40% of the Connecticut quota specified in the plan has been landed in Connecticut, at which time the possession limit shall be 50 pounds until 70% of said Connecticut quota has been landed, at which time the limit shall be zero pounds;
 - (iii) in the lobster pot fishery when in possession of lobsters, the possession limit shall be 10 fish.
- (E) Between September 1 and October 31:
- (i) in the commercial hook, pound net and gillnet fisheries, the possession limit shall be 100 pounds until 90% of the Connecticut quota specified in the plan has been landed in Connecticut, at which time the possession limit shall be 25 pounds;
 - (ii) in the bottom trawl and fish pot fisheries, the possession limit shall be 200 pounds until 90% of the Connecticut quota specified in the plan has been landed in Connecticut, at which time the possession limit shall be 50 pounds;
 - (iii) in the lobster pot fishery when in possession of lobsters, the possession limit shall be 10 fish.
- (F) Notwithstanding the provisions of subparagraph (E) of this subdivision, if on or after October 1, the Connecticut quota specified in the plan is projected not to be landed in Connecticut by the end of the quota period, the commercial fishery possession limit shall for all gear types with the exception of lobster pots, be calculated as $(0.07 / W) * Q$, rounded up to the nearest 100 pounds, where W is the number of weeks remaining in the quota period and Q is the amount of Connecticut quota remaining, provided that when 98% of said Connecticut quota has been landed in Connecticut the possession limit shall be 100 pounds for all gear types with the exception of lobster pots. This formula shall be used for the scup fishery as of the effective date of this regulation, in lieu of the formula contained in section 26-159a-24 of the Regulations of Connecticut State Agencies.

- (G) During the period May 1 through October 31, when 100% of the Connecticut quota is landed the possession limit shall be zero pounds for all gear types.
- (2) When the scup landing limit or possession limit will change based on the status of landings relative to the quota threshold percentages specified in subparagraphs (A) through (G) of subdivision (1) of this subsection, the Department shall mail a notice of such change to all persons who possess a 2003 Scup Endorsement Letter as defined in subsection (b)(1)(A) of this section and to all seafood dealers licensed under section 26-142a of the Connecticut General Statutes.
- (3) 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.
- (4) No person fishing under the provisions of subparagraphs (C) (i) and (ii), (D) (i) and (ii) and (E) (i) and (ii) of subdivision (1) of this subsection shall, during a fishing trip when using more than one gear type, possess any scup in excess of the largest of the gear-specific limits they are authorized to possess and no such gear-specific trip limits shall be additive.
- (5) Any scup taken contrary to this section shall, without avoidable injury, be returned immediately to the water from which taken and no person fishing under the provisions of this section shall also, during the same trip, possess any scup taken under section 26-159a-7 of the Regulations of Connecticut State Agencies.

Effective October 23, 1997. Amended 06/26/1998, 07/21/1999, 06/28/2000, 01/28/2002. Amended 06/25/2002 to change trigger value in January-April period, add trigger value in November-December period, and establish 500 lb. incidental catch limit when trigger value is reached; Amended by Emergency Regulation 06/19/2002 to extend date of moratorium on possession by commercial fishermen and to revise the reference to a companion subsection of 26-159a-10,. Amended 03/31/2003 to extend the fishing moratorium to January 2008 and add subdivisions (3) & (4). Amended 08/26/2005 trip limit schedule, added safety net and notification requirement. Amended 09/27/2007 sunset date eliminated, no EL needed for winter periods.

26-159a

26-159a-16. Black sea bass (*Centropristis striata*)

(a) **Definitions.**

- (1) “Commissioner” means Commissioner of Environmental Protection.
- (2) “Department” means Department of Environmental Protection.
- (3) “Qualifying fishing gear” means commercial hook, gill net, pound net, trawl net, scallop dredge or fish pot.
- (4) “Qualifying landings” means finfish landings made in Connecticut and taken by qualifying fishing gear as indicated in reports submitted under authority of section 26-157b of the Connecticut General Statutes.
- (5) “Qualifying period” means January 1, 2000 through May 31, 2003, inclusive.

(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 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 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 who 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.

Amended 12/19/2002 through Emergency Regulation establishing the commercial moratorium for black sea bass. Final adopted 12/2003.

(c) **Commercial Fishery Possession Limits.**

- (1) No holder of a commercial fishing, finfish or landing license or registration permitted to take black sea bass from the waters of this state or to land black sea bass in Connecticut, regardless of where such fish are taken, shall possess black sea bass in excess of the following possession limits that are based on Connecticut's black sea bass quota as specified in the Black Sea Bass Fishery Management Plan of the Atlantic States Marine Fisheries Commission, herein referred to as "the plan":

(A) From January 1 to May 31, inclusive:

- (i) in the commercial trawl fishery, 1,000 pounds until 45% of the Connecticut quota specified in the plan has been landed, at which time the limit shall be zero pounds;
- (ii) in the fish pot fishery, 200 pounds until 45% of the Connecticut quota specified in the plan has been landed, at which time the limit shall be zero pounds;
- (iii) in the commercial hook, pound net, scallop dredge and gill net fisheries, 50 pounds until 45% of the Connecticut quota specified in the plan has been landed, at which time the limit shall be zero pounds;
- (iv) in the lobster pot fishery when in possession of lobsters, 10 fish.

(B) From June 1 to October 31, inclusive:

- (i) in the bottom trawl and fish pot fisheries, 200 pounds until 90% of the Connecticut quota specified in the plan has been landed, at which time the limit shall be zero pounds;
- (ii) in the commercial hook, pound net, scallop dredge and gill net fisheries, 50 pounds until 90% of the Connecticut quota specified in the plan has been landed, at which time the limit shall be zero pounds;
- (iii) in the lobster pot fishery when in possession of lobsters, 10 fish.

(C) From November 1 to December 31, inclusive:

- (i) in the bottom trawl and fish pot fisheries, 200 pounds until 100% of the Connecticut quota specified in the plan has been landed in Connecticut, at which time the limit shall be zero pounds;
- (ii) in the commercial hook, pound net, scallop dredge and gill net fisheries, 50 pounds until 100% of the Connecticut quota specified in the plan has been landed in Connecticut, at which time the limit shall be zero pounds;
- (iii) in the lobster pot fishery when in possession of lobsters, 10 fish.

- (D) Notwithstanding the provisions of subparagraphs (B) or (C) of this subdivision, if on or after October 1, the Connecticut quota specified in

the plan is projected not to be landed in Connecticut by the end of the quota period, the commercial fishery possession limit shall, for all gear types with the exception of lobster pots, be calculated as $Q(0.38 / W)$, rounded up to the nearest 100 pounds, where W is the number of weeks remaining in the quota period and Q is the amount of Connecticut quota remaining, provided that when 98% of said Connecticut quota has been landed in Connecticut the possession limit shall be 50 pounds for all gear types with the exception of lobster pots.

- (E) When 100% of the Connecticut quota is landed the possession limit shall be zero pounds for all gear types.
- (2) When the black sea bass possession limit will change based on the status of landings relative to the quota threshold percentages specified in subparagraphs (A) to (E), inclusive, of subdivision (1) of this subsection, the Department shall mail a notice of such change to all persons who possess a 2003 Black Sea Bass Endorsement Letter as defined in subsection (b)(1)(A) of this section and to all seafood dealers licensed under section 26-142a of the Connecticut General Statutes.
- (3) No person fishing under the provisions of subparagraphs (A)(i) to (iv), (B)(i) to (iii) and (C)(i) to (iii), inclusive of subdivision (1) of this subsection shall, during a fishing trip when using more than one gear type, possess any black sea bass in excess of the lesser of the gear specific limits they are authorized to possess.
- (4) Any black sea bass taken contrary to this section shall, without avoidable injury, be returned immediately to the water from which taken and no person fishing under the provisions of this section shall also, during the same trip, possess any black sea bass taken under section 26-159a-7 of the Regulations of Connecticut State Agencies.
- (5) The possession limits specified in subdivision (1) of this subsection shall apply to the vessel, regardless of how many persons are on board. Said possession limits shall apply per trip or per day, whichever is the longer period of time, unless otherwise specified as a weekly limit in subdivision (1). No person shall transfer black sea bass between vessels at sea.

Effective June 26, 1998. Amended 06/28/2000, 04/24/2001, 01/28/2002. Amended 07/01/2002 to implement a weekly limit alternative in the 4th quarter. Amended 06/19/2002 by Emergency Regulation to change 1st quarter trip limit to 7,000 lbs., and adjust 2nd and 3rd quarter trip limits and/or trigger values. Emergency action of 06/19/2002 to adopt a 750 lb. 4th quarter trip limit was superseded by the final regulation of 06/25/2002 re-establishing a weekly trip limit alternative. Amended 12/19/2002 by Emergency Regulation to implement a state specific quota management system. Amended 12/04/2003. Amended 12/27/2006 year end quota adjustments, increase lobster pot possession to 10 fish. Amended 09/27/2007 EL sunset date eliminated. Amended 12/22/2008 clarified formula in (c)(1)(D).

26-159a-17. Horseshoe crab (*Limulus polyphemus*)

(a) Definitions.

- (1) “Commercial horseshoe crab hand-harvest license” means a license that authorizes the taking of horseshoe crabs by hand for sale or personal use issued under section 26-142a of the Connecticut General Statutes.
- (2) “Commercial horseshoe crab landing license” means a license that authorizes the landing of horseshoe crabs for sale or personal use issued under section 26-142a of the Connecticut General Statutes.

- (3) “Commercial horseshoe crab trawl license” means a license that authorizes the taking of horseshoe crabs by otter trawls, balloon trawl, beam trawl, scallop dredges or similar devices for commercial purposes issued under section 26-142a of the Connecticut General Statutes.
- (4) A “Horseshoe Crab Hand-Harvest Endorsement Letter” means a letter that is required to engage in the hand-harvest of horseshoe crabs and that is issued according to subsection (b) of this section.
- (b) **Endorsement Letters.**
- (1) The Commissioner shall issue an annual Horseshoe Crab Hand-Harvest Endorsement Letter to persons that:
- (A) possessed a commercial horseshoe crab hand-harvest license during the horseshoe crab open season of at least one year from 1999 through 2006, inclusive, and reported the hand-harvest and landings of horseshoe crabs during such open season or seasons to the Department of Environmental Protection in accordance with the provisions of section 26-157b-1 of the Regulations of Connecticut State Agencies; or
- (B) received a Horseshoe Crab Hand-Harvest Endorsement Letter during the transfer of a commercial horseshoe crab hand-harvest license as provided in subdivision (4) of this subsection.
- (2) Horseshoe Crab Hand-Harvest Endorsement Letters will be automatically issued annually without application to qualified persons. Any person who does not receive a Horseshoe Crab Hand-Harvest Endorsement Letter, or who is denied said letter, may request reconsideration in writing to the Commissioner. Such written request for reconsideration shall be delivered to the Department or postmarked by July 1, 2007. The only cause for reconsideration is that the Commissioner erred in concluding that the license holder did not meet the criteria in subdivision (1) of this subsection.
- (3) The Commissioner shall not issue an annual Horseshoe Crab Hand-Harvest Endorsement Letter to any licensee who has not met the reporting requirements pursuant to the provisions of section 26-157b-1 of the Regulations of Connecticut State Agencies.
- (4) The Commissioner shall authorize the transfer of a Horseshoe Crab Hand-Harvest Endorsement Letter in conjunction with a commercial horseshoe crab hand-harvest license transferred pursuant to the provisions of section 26-142b of the Connecticut General Statutes, provided the transferor of said license and endorsement letter has reported, in accordance with the provisions of section 26-157b-1 of the Regulations of Connecticut State Agencies, the hand-harvest and landings of horseshoe crabs during at least two of the three open horseshoe crab seasons preceding the transfer of said license.
- (5) No person who has transferred a commercial horseshoe crab hand-harvest 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 Horseshoe Crab Hand-Harvest Endorsement Letter based on the landings history for which the transferred endorsement letter was issued.
- (c) **Possession.**
- (1) No person shall take, possess or land horseshoe crabs unless such person:

- (A) possesses a commercial horseshoe crab hand-harvest license and is in immediate possession of a current year Horseshoe Crab Hand-Harvest Endorsement Letter issued to said license holder under this section; or
 - (B) possesses a commercial horseshoe crab trawl license and is engaged in, or is returning from a commercial fishing trip in which said license holder was engaged in, the use of any of the gears listed in subsection (a)(3) of this section; or
 - (C) possesses a commercial horseshoe crab landing license and is landing horseshoe crabs legally caught in another state or in federal waters; or
 - (D) has a valid license to harvest shellfish issued by the Department of Agriculture pursuant to section 26-192c of the Connecticut General Statutes and:
 - (i) is engaged in the active harvest of shellfish using shellfish gear in a designated shellfishing area; and
 - (ii) holds any horseshoe crabs on the harvesting vessel in a container with running seawater; and
 - (iii) maintains onboard the vessel a daily log of the number of horseshoe crabs possessed and the locations in which they were released; and
 - (iv) releases all said horseshoe crabs, without avoidable injury, to the waters of Long Island Sound on the same day that they were taken, provided that no such horseshoe crabs may be released onto any shellfish ground leased by another shellfisherman under section 26-149 of the Connecticut General Statutes and designated under the provisions of section 26-227 or the Connecticut General Statutes.
- (2) No holder of any commercial fishing or landing license or registration permitted to take horseshoe crabs from the waters of this state or to land horseshoe crabs in Connecticut regardless of where such horseshoe crabs are taken, shall take, land or possess horseshoe crabs in excess of the following possession limits:
- (A) when taken under a commercial horseshoe crab hand-harvest license, 500 crabs per license holder per 24-hour period that begins at 12:00 noon; or
 - (B) when taken under a commercial horseshoe crab trawl license or landed under a commercial horseshoe crab landing license, 25 crabs. Said limit shall apply to the vessel, regardless of how many license holders are on board and shall apply per trip or per day, whichever is the longer period of time. No person shall transfer horseshoe crabs between vessels at sea.
- (3) Any horseshoe crabs taken contrary to the provisions of this section shall, without avoidable injury, be returned immediately to the waters from which taken.
- (4) The provisions of this section shall not be construed to restrict the possession of legally acquired dead horseshoe crabs for use as bait.
- (d) **Restrictions.**
- (1) No person taking horseshoe crabs under a commercial horseshoe crab hand-harvest license shall use any tool, including, but not limited to, nets, rakes, tongs, hooks, poles, gaffs or spears to take horseshoe crabs, except that gloves may be worn by the license holder.

- (2) Any person that does not hold a commercial horseshoe crab hand-harvest license and a Horseshoe Crab Hand-Harvest Endorsement Letter is prohibited from entering the water to assist a person so licensed and endorsed. Such unlicensed or unendorsed persons are not prohibited from carrying crabs that have been placed on the beach by the license holder to a storage container or vehicle or taking crabs from a license holder for storage while remaining in a boat.
- (e) **Commercial Fishery Closure.** When 100% of the Connecticut annual horseshoe crab quota specified by the Atlantic States Marine Fisheries Commission's Horseshoe Crab Fishery Management Plan is landed, no person shall possess any live horseshoe crab on the waters of this state or on any parcel of land, structure, or portion of a roadway abutting tidal waters of this state.
- (f) **Commercial Fishery Season.** Except as provided in subsection (c)(1)(D), no person shall take horseshoe crabs from the waters of this state or, regardless of where such animals are taken, possess live horseshoe crabs on the waters of this state or on any parcel of land, structure, or portion of a roadway abutting tidal waters of this state from July 8 of any year through May 21 of the next year, inclusive. During the period May 22 through July 7, inclusive, no person shall take horseshoe crabs on the waters of this state or on any parcel of land, structure, or portion of a roadway abutting tidal waters of this state from 06:00 pm on any Friday through 06:00 pm on the following Sunday, inclusive.
- (g) **Closed Areas.** No person shall engage in the hand-harvest of horseshoe crabs from the following areas:
- (1) Menunketesuck Island in Westbrook; and
 - (2) the region known as Sandy Point in West Haven from the West Haven boat ramp on Beach Street south to, and clockwise around said point, including the breakwater, tidal flats and embayment and southeastern facing barrier beach to the groin adjacent to the intersection of Beach Street and Morse Avenue; and
 - (3) the region known as Milford Point in Milford, Connecticut, including all beaches and adjacent sand bars and tidal flats to the west of, and including, the spit that lies south-southeast of the southern terminus of Francis Street.

Adopted December 27, 2000 to implement closed season. Amended 3/31/2003 to add subsections (e) & (f) shellfish harvesters possessing horseshoe crabs while harvesting. Amended 12/27/2006 change season and closed days. Amended 3/1/2007 to add endorsement letter, modified closed season and added closed areas.

26-159a-18. Atlantic herring (*Clupea harengus*)

- (a) **Commercial Fishery Closure.** When 100% of an Atlantic herring management area annual quota specified by the Atlantic States Marine Fisheries Commission's Atlantic Herring Fishery Management Plan is landed, no person engaged in commercial fishing shall land or possess any Atlantic herring from that area.
- (b) **Long Island Sound Commercial Fishery Closure.** When 100% of the Management Area 2 annual quota specified by the Atlantic States Marine Fisheries Commission's Atlantic Herring Fishery Management Plan is landed, (1) no person engaged in commercial fishing shall take, land or possess Atlantic herring in Connecticut waters, or (2) transfer Atlantic herring to another vessel under the auspices of an Internal Waters Processing Agreement.

Adopted December 27 2000 to implement closed season.

26-159a-19. Spiny dogfish (*Squalus acanthius*)

- (a) No holder of a commercial fishing or landing license or registration permitted to take spiny dogfish from the waters of this state or to land spiny dogfish in this state, regardless of where such fish are taken, shall take, possess or land spiny dogfish in this state in excess of the following possession limits that are based on the coastwide spiny dogfish quota as specified in the Spiny Dogfish Fishery Management Plan of the Atlantic States Marine Fisheries Commission, herein referred to as the “Plan”:
- (1) Between May 1 and October 31, 600 pounds;
 - (2) Between November 1 and April 30, 600 pounds.
- (b) The possession limits specified in subsection (a) of this section shall apply to the aggregate of all persons on board the vessel per trip or per day which ever is the longer period of time. No person shall transfer spiny dogfish between vessels at sea.
- (c) When 100 percent of the quota specified in the plan is landed the possession limit shall be zero pounds.
- (d) The possession of spiny dogfish fins in the absence of the fish from which removed is prohibited.

Adopted April 24, 2001 to implement fishery closure when federal waters fishery is closed. Amended 02/26/2004 to add winter and summer limits and subsections b-d. Amended 3/1/2007 to increase the winter period possession limit to 600 pounds.

26-159a-20. Closed recreational fishing seasons

- (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 take, possess or land any of the following species taken by sport fishing methods, regardless of where taken, during the following periods.
- (1) Scup (porgy) (*Stenotomus chrysops*): For persons on a vessel operating under the authority of a party/charter vessel registration issued under section 26-142a of the Connecticut General Statutes, October 16 to June 11, inclusive; for all other persons, September 27 to May 23, inclusive;
 - (2) Tautog (*Tautoga onitis*): May 1 to June 30, September 1 to September 30, and December 7 to December 31, all dates inclusive;
 - (3) Summer flounder (fluke) (*Paralichthys dentatus*): September 2 to May 23, inclusive; and;
 - (4) Winter flounder (*Pseudopleuronectes americanus*): May 31 to March 31, inclusive.
- (b) Any of said species taken contrary to subsection (a) of this section shall, without avoidable injury, be returned immediately to the waters from which it was taken. This subsection shall not be construed to prevent tagging and release of fish under a tagging program consistent with the Atlantic States Marine Fisheries Commission’s standards for scientific tagging programs.
- (c) This section shall not be construed to restrict the possession of legally acquired fish in storage in the home or other storage facilities, or in a commercial storage facility where seafood is handled, stored, processed or marketed.

Adopted January 28, 2002. Amended by Emergency Regulation 06/19/2002 to eliminate closed season for black sea bass and change the season dates for scup. Amended 03/31/2003 closed season Scup 9/26 – 7/12, eliminated closed season for BSB. Amended 02/26/2004 closed seasons: Scup 10/31 – 5/23, BSB 9/2 – 9/15 and 12/1 – 12/31, Tautog 5/1 – 6/14, 9/8 – 9/21, 12/14 – 12/31. Amended 4/26/2005 closed seasons Scup 1/1 – 7/22 and 10/13-10/31, BSB 9/8 – 9/21 and 12/1 – 12/31. Amended 12/27/2006 Scup 11/1 – 6/30, BSB 12/1 – 12/31, Sfl 1/1 – 4/29 and Wfl 5/31 – 3/31. Amended 01/25/2007 Scup

11/ 1 – 5/31. Amended 09/27/2007 Sfl closed season 9/ 6 – 4/29. Amended 12/22/2008 technical corrections, scup 9.27 – 5/23 private anglers, 10/16 – 6/11 party/charter, tautog 5/1 – 6/30, 9/1 – 9/30, 12/7 – 12/31, summer flounder 9/2 – 5/23.

26-159a-21. Party and charter vessel fishing

- (a) Any fish taken during party or charter vessel fishing, if sold by the captain or crew under the provisions of section 26-142a of the Connecticut General Statutes concerning party or charter vessel fishing, shall be landed in accordance with the provisions of all regulations adopted under the Regulations of Connecticut State Agencies governing commercial fishing.
- (b) No person on board a party or charter fishing vessel registered under section 26-142a of the Connecticut General Statutes shall engage in any commercial fishing activities for which the person may otherwise be licensed under section 26-142a of the Connecticut General Statutes during any trip on which said vessel is operated as a party or charter fishing vessel.

Adopted March 31, 2003

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 & 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.

Effective March 31,2003. Notice period amended from 30 to 10 days amended 08/26/2005.

26-159a-23. Red drum

No person shall possess any red drum taken by any sport fishing or commercial fishing gear or for commercial purposes greater than 27 inches measured from the tip of the snout to the end of the tail and no person shall buy, sell, offer for sale or possess in a place where fish are offered for sale, any red drum greater than said length. Any red drum greater than said legal length shall, without avoidable injury, be returned immediately to the water from which taken.

Adopted March 31, 2003

26-159a-24. Repealed December 27, 2006

26-159a-25. Repealed December 27, 2006

26-159a-26. Marine fishing tournaments

No person, club, or organization shall conduct, in Connecticut marine waters, a fishing tournament or derby which is open to persons sixteen years of age or older without having first registered such tournament or derby as provided in this section.

- (a) Each person, club, or organization wishing to conduct a fishing tournament or derby in marine waters shall register such tournament or derby with the Commissioner on forms provided by the Commissioner. Information required on such registration shall include, but not be limited to, the full name and address of the registrant; name of the tournament or derby; sponsor; general capture location; date(s); starting time(s); check-in time(s); check-in location(s); anticipated number of participants; target species, daily bag limits; size limit; entry fee; and total value of awards.
- (b) Each registrant shall, within seven days after conducting a tournament or derby, report to the Commissioner, on forms provided by the Commissioner, information on the results of the tournament or derby. Such information shall include, but not be limited to: total number of participants; total hours fished; total number of each species caught, the numbers released alive and dead and retained; and the individual length and weight of each fish weighed-in.
- (c) Representatives of the Commissioner shall be provided access to all tournament or derby areas during the event, for the purposes of observation, assessment and law enforcement. Said representatives shall be allowed to collect biological and statistical information on any or all fish caught by registered participants in the tournament or derby.
- (d) Tournament or derby officials must agree to provide, upon written request, any or all fish entered in the tournament or derby to the Commissioner or to any representative of the Commissioner.
- (e) The Commissioner may grant, for any registered tournament or derby, an exemption from the prohibition on culling or high-grading specified in sections 26-159a-4 and 26-159a-7 of the Regulations of Connecticut State Agencies, provided that the Commissioner determines that the tournament or derby meets all of the following conditions:
 - (1) The tournament or derby director submits a written proposal to the Commissioner detailing the equipment and measures the tournament will use to ensure the survivability of fish taken in the tournament, including: the capture, handling and storage of fish by tournament entrants on the water during the competition, by tournament officials at the weigh-in and by tournament officials when transporting and returning fish to the water. Said proposal shall also include the tournament or derby rules, shall specify any penalties that will apply to entrants bringing in or weighing dead fish, shall be submitted no later than 120 days prior to the tournament and shall be determined by the Commissioner to adequately address potential fish mortality issues;
 - (2) The tournament operates for a limited duration, with a maximum of 72 hours from the official start of the tournament to the final weigh-in deadline;
 - (3) When using baited hooks or lures with baited hooks, the use of non-offset circle hooks is required;
 - (4) The tournament format specifies the live release of all fish and imposes significant penalties for entrants landing or weighing in dead fish; and
 - (5) The tournament format specifies that any tournament participant that culls or high-grades dead fish from his catch before the tournament weigh-in shall be disqualified from the tournament.
- (f) The director of any tournament or derby granted an exemption under subsection (e) of this section shall provide to the Commissioner at least 12 hours prior to the beginning of the tournament a list of the names, residence addresses and boat registration numbers of each tournament participant.

- (g) Any determination by the Commissioner that the approval of any fishing tournament or derby would jeopardize any fish stock or adversely affect the Department's compliance with any interstate fishery management plan of the Atlantic States Marine Fisheries Commission or U. S Department of Commerce will result in disapproval of that request.
- (h) Failure to comply with the provisions of this section shall be deemed grounds for denying the tournament applicant, club or organization a registration or exemption for a similar event to be held within three years from the date of such failure of compliance.

Adopted January 25, 2007.

26-159a-27. Transfers of quotas

Upon the request of a member state of the Atlantic States Marine Fisheries Commission and subject to a determination by the Commissioner that Connecticut will not be able to utilize its commercial quota for a quota-managed species before the end of the state-specific quota period, the Commissioner may transfer a portion of the Connecticut quota to the state making the request.

Adopted March 1, 2007.

26-159a-28. Federal research set-asides for quota managed species

- (a) **Definitions.** Federal Research Set-Aside, or "RSA," means that portion of the total allowable landings for certain fisheries that is designated as a research quota and that may be harvested and sold to fund research and compensate vessels under the Research Set-Aside Program administered by the National Marine Fisheries Service.
- (b) No person fishing in federal waters under an RSA shall be required to hold the applicable Connecticut quota-managed species license endorsement letter issued under sections 26-159a-10, 26-159a-15 or 26-159a-16 of the Regulations of Connecticut State Agencies to possess or land said species or be prohibited from possessing or landing said species during a closed season or be constrained by a trip limit for said species other than that established by National Marine Fisheries Service for the RSA Program.
- (c) No person shall take any species from Connecticut waters under an RSA during a closed season for such species or in excess of the possession limits for such species as specified in the Regulations of Connecticut State Agencies.
- (d) No vessel shall possess in Connecticut waters a quota-managed species taken under an RSA or land in Connecticut a quota-managed species taken under an RSA unless:
 - (1) the operator of said vessel notifies the Department of Environmental Protection Environmental Conservation Police at 860-424-3503 prior to the vessel's departure and provides information that shall include, but not be limited to: the vessel's name; the vessel's federal permit number; the captain's name; the departure date and time; the estimated return date and time; the intended port of landing and the RSA species; and
 - (2) the operator of said vessel notifies the Department of Environmental Protection Environmental Conservation Police at 860-424-3503 not more than 24 hours after the completion of the trip and provides information that shall include, but not be limited to: the vessel's name; the vessel's federal permit number; the captain's name; the return date and time; the port of landing; the RSA species and the federal fishing vessel trip report serial number.

Adopted September 27, 2007. Amended 12/22/2008 technical corrections, clarify RSA fishing in state waters, establish RSA trip reporting procedures.