

Regulations of Connecticut State Agencies

TITLE 26. Fisheries & Game

Agency

Department of Environmental Protection

Subject

Public Use of State Facilities and Waters

Inclusive Sections

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Public Use of State Facilities and Waters

Sec. 26-16-1. Prohibited activities in access areas

At any boating access area which is under the control of the Department of Environmental Protection and is intended to provide public access, or parking related to such access to streams, lakes, ponds or tidal waters, including Long Island Sound, the following regulations shall apply:

- (a) No person shall discard any fish or portion thereof.
- (b) No person shall dispose of any litter, as defined in Section 22a-248 of the Connecticut General Statutes, except into a receptacle provided for such purpose, and no person shall dispose at such facility of any litter not generated at such access area.
- (c) No person shall wash or clean any vehicle except a boat trailer. A vessel or boat trailer may be cleaned only with plain water. No person shall use any detergent or chemical agent to clean a vessel or boat trailer.
- (d) No person shall park a vehicle except in an area designated by the Commissioner for parking.
- (e) No person shall kindle a fire.
- (f) No person shall engage in camping.
- (g) No person shall engage in disorderly conduct.
- (h) No person shall damage any building, equipment, poster or vegetation.
- (i) No person shall use any such facility for purposes other than:
 - (1) fishing, where permitted;
 - (2) parking where permitted for the purpose of fishing, boating, hunting, or observing wildlife;
 - (3) launching of boats or;
 - (4) The observation of wildlife from constructed observation decks.
- (j) No person shall use any such facility for any purpose when it is posted closed by the Commissioner.
- (k) No person shall tie up, moor or anchor a vessel in a manner that may obstruct or interfere with the launching of any other vessel except when actively launching or retrieving a vessel.
- (l) No person shall leave any vessel unattended in the water or on land, or tied to any state dock or pier.
- (m) No person shall moor or anchor a vessel or leave a vessel on land at any such facility.
- (n) No person shall engage in any commercial activity at such facility unless so authorized by the Department of Environmental Protection.
- (o) No person shall erect or post any notice or sign unless authorized in writing by the Commissioner.
- (p) No person shall consume any alcoholic liquor. "Alcoholic liquor" as used in this subsection, shall have the same definition as in Section 30-1 of the Connecticut General Statutes.
- (q) No person shall engage in sport fishing from the courtesy docks or from the ramp

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surface when said sport fishing interferes with boating activities. "Courtesy docks" means, in this subsection, floating or non-floating platforms that are located adjacent to a launch ramp for use by boaters to facilitate the loading or unloading of boats.

(r) No person shall engage in bathing, swimming, snorkeling or scuba diving.

(s) Dogs must be on a leash no longer than seven (7) feet and under the control of their owner or keeper. The person responsible for the dog must hold the leash at all times. The provisions of this subsection shall not apply to the proper use of dogs while in the act of hunting, however, all dogs may be prohibited on any area or during any time period when so posted by the Department.

(Effective April 23, 1993; Amended March 9, 2004; Amended February 29, 2008)

Sec. 26-16-2. Limitations of public use of state controlled field trial and dog training areas

The public use of state-owned and state-controlled dog training and field trial areas administered by the Department of Environmental Protection shall conform with the following regulations:

(a) The area shall be closed for all purposes from one-half hour after sunset to one-half hour before sunrise.

(b) There shall be no other use of the area while an authorized field dog trial is being conducted.

(c) Running and training of dogs is restricted to the areas so posted.

(d) Discarding of trash is prohibited.

(e) Garbage, trash and other materials shall not be brought to the area for disposal.

(f) Vehicles shall be parked only in authorized locations.

(g) The maximum speed of any vehicle shall not exceed 20 miles per hour.

(h) Kindling or open fires is prohibited.

(i) Camping is prohibited, except with written authorization from the department of environmental protection.

(j) Gambling in any form, disorderly conduct, intoxication, obscene or indecent behavior is prohibited.

(k) Damaging any building, fence, facility, poster, tree or shrub is prohibited.

(l) No notice, poster or sign shall be erected or placed without written permission of the department of environmental protection.

(m) Horses shall be kept off the oil-treated portion of any roadway.

(n) Only artificially propagated gamebirds (pheasants, chukar partridge, quail, ducks), and pigeons of either sex may be liberated. Special permits for other birds or animals must be obtained from the department of environmental protection.

(o) All birds liberated shall be full winged and capable of maintaining normal flight and shall be in a condition suitable to maintain themselves in the wild.

(p) No birds or animals are to be shot except during the open season; use of blank cartridges will be permitted. This restriction shall not apply to field trials held at Nod Brook

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management area, Dr. John E. Flaherty Field Trial Area or Mansfield Hollow Dam which are sanctioned by AKC, CASDFTA, or NAVHDA.

(q) Upon the completion of a field trial, no dogs shall be allowed to run free on the area until the morning of the following day.

(Effective October 1, 1986)

Sec. 26-16-3. Repealed

Repealed August 20, 1974.

Sec. 26-16-3a. Limitations of public use of state controlled wildlife management areas

(a) Target shooting is prohibited on any wildlife management area unless so designated by the Department.

(b) All-terrain vehicles, motorcycles, snowmobiles, and all other motorized vehicles shall be prohibited on any wildlife management area unless so designated by the Department.

(c) Horses and other riding animals shall be prohibited on any wildlife management area posted against such activities.

(d) Except as provided in Section 26-16-2, camping is prohibited on any state controlled Wildlife Management Area, except on the Sessions Woods Wildlife Management Area where camping, conducted in conjunction with an educational program approved by the Commissioner, shall be permitted only if authorized in writing by the Commissioner.

(e) Wildlife Management Areas shall be closed to the public from one-half hour after sunset until one-half hour before sunrise except for hunting, fishing or other activities authorized by the Department.

(f) Dogs must be on a leash no longer than seven (7) feet and under the control of their owner or keeper. The person responsible for the dog must hold the leash at all times. The provisions of this subsection shall not apply to the proper use of dogs while in the act of hunting or the training of dogs for the specific purpose of hunting, however all dogs may be prohibited on any area or during any time period when so posted by the Department.

(Effective October 18, 1996; Amended April 27, 2005; Amended February 29, 2008)

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Sec. 26-27b-1. Migratory bird conservation stamp

Migratory Bird Conservation Stamp

Sec. 26-27b-1. Migratory bird conservation stamp

(a) The requirement for possession of a Connecticut Migratory Bird Conservation Stamp while hunting or taking waterfowl shall be in addition to the requirement for possession of a Connecticut small game hunting license and any other permit or stamp required by Connecticut or federal law. The stamp shall not be transferable.

(b) The price of the Connecticut Migratory Bird Conservation Stamp shall be ten dollars. Such stamp shall be issued annually beginning on July first and shall expire on June thirtieth of the following calendar year.

(Effective May 21, 1993; Amended April 27, 2005)

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Instructions in Trapping, Hunting and Archery

Sec. 26-31-1. Trapper certification course fee

No person or organization shall be authorized to charge a fee for a trapper certification course without the commissioner's approval. In the event of such approval, the fee for such a course shall not exceed \$3.00 per participant.

(Effective October 1, 1982)

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Sport Fishing in the Inland District

Sec. 26-40d-1. Taking, transfer and possession of threatened or endangered fish species

(a) The Commissioner may issue permits for the taking, as defined in section 26-304 of the Connecticut General Statutes, or delivery of any species determined to be threatened or endangered as listed in sections 26-306-4 and 26-306-5 of the Regulations of Connecticut State Agencies, for scientific, educational, biological or zoological purposes and for purposes of propagation for conservation of the species as defined in section 26-304 of the Connecticut General Statutes.

(b) A permit issued by the Commissioner pursuant to subsection (a) of this section shall be issued for a term established by the Commissioner and shall not be transferable.

(c) The Commissioner may renew a permit issued by the Commissioner pursuant to subsection (a) of this section upon receipt of a request for renewal on or before 30 calendar days preceding expiration of such permit.

(d) The Commissioner may determine the species, life stages, number of specimens, the area, method and period of taking, location and manner of display, confinement, storage, or propagation of specimens, and location, timing and method of disposition of any or all specimens under any permit issued by the Commissioner pursuant to subsection (a) of this section.

(e) Each permittee shall report annually to the Commissioner on or before January thirty-first, information on the current status of specimens, disposition of specimens and any other information as may be required under a permit issued by the Commissioner pursuant to subsection (a) of this section.

(f) Each permittee shall submit a final report including results of scientific studies, disposition of specimens and any other information as may be required under a permit issued by the Commissioner pursuant to subsection (a) of this section on or before thirty days following expiration of a permit issued by the Commissioner pursuant to subsection (a) of this section.

(Adopted effective January 30, 2007)

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Sec. 26-42-1. Receipt of raw furs by fur dealers

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Raw Fur Dealers

Sec. 26-42-1. Receipt of raw furs by fur dealers

No fur dealer licensed under Section 26-42 of the General Statutes, as amended, may accept, receive, buy or sell any raw fur of any beaver, bobcat, wild mink, river otter, red fox, gray fox, or coyote which has not been tagged by Department representatives. For the purposes of this section, raw fur means a pelt which has not been tanned, mounted, or processed in any way.

(Effective October 1, 1985)

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§ 26-47-1

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Sec. 26-47-1. Licensed nuisance wildlife control operators

Nuisance Wildlife Control Operators

Sec. 26-47-1. Licensed nuisance wildlife control operators

(a) No person shall obtain a nuisance wildlife control operator license without first presenting evidence of having obtained the appropriate certificate of competency issued by the Department.

(b) Nuisance wildlife control operators shall submit to the commissioner a nuisance wildlife control operator report between December 1 and December 31 of the current licensing year. Submission of such report shall be a condition for license renewal. Such report shall include the number, species, date, and location of animals captured, killed, or relocated and other information which the commissioner may deem necessary. Any licensee shall permit, at any reasonable time, any Department official to examine and inspect such records.

(c) Nuisance wildlife control operators shall outline to the persons seeking services the control methods to be used to relieve the nuisance problem and or to alleviate damage to livestock, crops, or property caused by wildlife.

(d) Nuisance wildlife control operators may use cage traps, box traps, padded leg-hold traps in the burrow of a wild animal, other nonlethal methods, or shooting to alleviate nuisance situations caused by the following species: striped skunks (*Mephitis mephitis*), weasels (*Mustela* sp.), raccoons (*Procyon lotor*), opossums (*Didelphis virginiana*), woodchucks (*Marmota monax*), chipmunks (*Tamias striatus*), porcupines (*Erethizon dorsatum*), gray squirrels (*Sciurus carolinensis*), red squirrels (*Tamiasciurus hudsonicus*), cottontail rabbits (*Sylvilagus* sp.), snowshoe hare (*Lepus americanus*), European Hare (*Lepus europaeus*), starlings (*Sturnus vulgaris*), house sparrows (*Passer domesticus*), pigeons (*Columba livia*), bats, moles, snapping turtles (*Chelydra serpentina*), or snakes except timber rattlesnake (*Crotalus horridus*) and black rat snake (*Elaphe O. Obsoleta*). The use of high velocity air guns or firearms under this section shall be subject to all state and municipal restrictions.

(e) No species, other than those listed in 26-47-1 (d), may be trapped or killed by a nuisance wildlife control operator without said operator first obtaining a special permit from the Department. Such permit shall establish the methods and procedures which may be used to alleviate the nuisance condition.

(f) The Department, upon receiving three or more complaints from persons seeking assistance regarding unsatisfactory or unethical performance by a licensed nuisance wildlife control operator, may suspend the license of such operator for a period as determined by the commissioner.

(Effective January 1, 1987)

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Private Shooting Preserves

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Sec. 26-48-7.	Identification and records of game shot
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Sec. 26-48-11.	Liberation of legally propagated game birds
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Private Shooting Preserves

Sec. 26-48-1. Permits

Any person or organization who owns or controls by lease or agreement the hunting rights on an area may apply for a regulated private shooting preserve permit. When the hunting rights are under lease or agreement, a true copy of such lease or agreement shall be filed with the department before the first permit is issued. Copies of any subsequent leases or agreements that add to the area shall be filed with the department and any lease or agreement that is cancelled shall be reported to the department.

(Effective August 20, 1974)

Sec. 26-48-2. Area

- (a) No permit shall be issued for an area of less than two hundred contiguous acres.
- (b) The area shall be suitable for the purpose, and such use shall not endanger public safety or conflict with any reasonable prior public interest.
- (c) The external boundaries of the area included in the permit shall be described in the original application and shown on a map that shall accompany the original application. Any subsequent changes in the area shall be shown on a map filed with the department.
- (d) The external boundaries of the area included in the permit shall be adequately posted by the permittee at intervals of not more than five hundred feet with conspicuous signs of a size not less than 11" x 16". These signs shall include thereon the name of the person or organization holding the permit and the words "Private Shooting Area—Authorized under the regulation of the department of environmental protection.

(Effective January 1, 1983; Amended April 27, 2005)

Sec. 26-48-3. Repealed

Repealed January 1, 1983.

Sec. 26-48-3a. Season

Permits issued by the department shall authorize the hunting of legally propagated gamebirds on the area covered by the permit during the period September fifteenth through March thirty-first of the following year, both dates inclusive.

(Effective January 1, 1983)

Sec. 26-48-4. Hunting limited to persons authorized by permittee

Only persons authorized by the permittee shall be permitted to hunt on the property during the period covered by the permit.

Sec. 26-48-5. Repealed

Repealed January 1, 1983.

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Sec. 26-48-5a. Limitation on taking

(a) Permits issued by the department shall authorize the hunting of legally propagated pheasants, quail, chukar partridge and/or ducks, without regard to sex or daily and seasonal bag limits during the period specified in Section 26-48-3a.

(b) The number of pheasants, quail, chukar partridge and/or ducks harvested on the area included in the permit shall not exceed the total number of each species liberated by the permittee.

(c) The hunting of all other wildlife species not authorized under the permit shall be in accordance with state-wide regulations governing the season, and daily and season bag limits for each particular species.

(d) The permittee shall be required to liberate a minimum number of each species authorized under the permit. Minimum liberation shall be:

(1) Pheasants. Not less than one pheasant for each two acres included in the permit, with a minimum liberation requirement of two hundred fifty birds.

(2) Quail. Not less than fifty quail if the permittee is also authorized to liberate and hunt pheasants, or one hundred quail if the permittee is not authorized to liberate and hunt pheasants.

(3) Chukar Partridge. Not less than fifty chukar partridge if the permittee is authorized to liberate and hunt pheasants, or one hundred chukar partridge if the permittee is not authorized to liberate and hunt pheasants.

(4) Ducks. Not less than fifty ducks shall be liberated for pass shooting if the permittee is also authorized to liberate and hunt pheasants or one hundred ducks if the permittee is not authorized to liberate and hunt pheasants. The shooting of ducks is restricted to pass shooting while the birds are in flight.

(e) Liberations authorized and required under the permit are not restricted to the time frame of the permit and may be made at any time during the calendar year.

(Effective January 1, 1983)

Sec. 26-48-6. Sunday hunting

Sunday shall be included as a day when hunting is permitted only if the permittee has obtained permission to hunt on Sunday on the area in conformance with section 26-73 of the general statutes. Any permittee who obtains permission to hunt on Sunday shall file with the department a true copy of such permission. When permission to hunt on Sunday has been revoked, the permittee shall inform the department of this fact within forty-eight hours.

(Effective August 20, 1974)

Sec. 26-48-7. Identification and records of game shot

(a) (1) All pheasants, quail, chukar partridge and/or ducks shot on the property included in the permit and recovered shall be securely tagged with a sealed, numbered tag supplied by the department at a cost of ten cents per tag.

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(2) A separate record shall be kept of all birds killed and recovered, that are dressed and frozen and held on the property.

(b) The permittee shall keep accurate, written, daily records which shall be open to inspection by any duly authorized representative of the Department at any reasonable time. These records shall include (1) the name of each person hunting on the area, the day the person was hunting and the amount of game, pheasant, quail, chukar partridge, and ducks taken each day. (2) The number of all pheasants, quail, chukar partridge, and ducks liberated on the area included in the permit, together with the dates when such birds were liberated.

Not later than thirty days following the period for which the permit was issued, the permittee shall submit to the department a true copy of his records on forms provided by the department.

(Effective September 15, 1976)

Sec. 26-48-8. Condition of game

All pheasants, quail, chukar partridge and/or ducks liberated on the area shall be healthy and free from disease, full winged and capable of maintaining reasonable flight according to age, in a condition suitable for release, capable of maintaining themselves in the wild and, with the exception of Cortuniz quail, shall not be less than twelve weeks of age.

(Effective August 20, 1974)

Sec. 26-48-9. Renewal of permits

Permission to operate a regulated private shooting preserve is renewable annually at the option of the department and such application shall be made on forms provided by the department for this purpose.

(Effective August 20, 1974)

Sec. 26-48-10. Revocation of permits

Permits to operate are subject to revocation at any time for a violation of any provision of chapter 490 of the general statutes, or for a violation of any regulation made by the department pertaining to regulated private shooting preserves.

(Effective August 20, 1974)

Sec. 26-48-11. Liberation of legally propagated game birds

Upon written request from the permittee, the department may grant permission authorizing the liberation and subsequent shooting of legally propagated game birds, in addition to pheasants, quail, chukar partridge and/or ducks, on the area and during the period covered by the permit in effect at the time of such application. The required liberation and the number of birds authorized to be shot will be determined by the department for each specific request. All birds liberated and shot under such authorization shall be subject to sections 26-48-5, 26-48-7 (a) (1), (2), 26-48-7 (b) and 26-48-8.

(Effective August 20, 1974)

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Sec. 26-48-12. Repealed

Repealed August 20, 1974.

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Department of Energy and Environmental Protection

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Hunting and Trapping

Inclusive Sections

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Sec. 26-48a-1.	Pheasant season, bag limits, tags, use and reporting
Sec. 26-48a-2.	Fees for permits to hunt wild turkey
Sec. 26-48a-3.	Migratory bird harvest permit

Hunting and Trapping

Sec. 26-48a-1. Pheasant season, bag limits, tags, use and reporting

(a) (1) The open season for taking pheasant shall be from the third Saturday in October through the last day in February.

(2) The second Saturday in October shall be designated as junior pheasant hunting training day. On this day, only hunters having a valid Connecticut junior firearms hunting license and pheasant harvest stamp may hunt on private lands with permission of the landowner. The accompanying adult mentor shall have in his/her possession a valid Connecticut hunting license. The adult mentor shall not carry a firearm.

(3) The daily bag limit shall not exceed two pheasants and the season bag limit shall not exceed ten pheasants, except as provided in subsection (j) of this section.

(b) No person, required to be licensed per Section 26-27 of the Connecticut General Statutes as amended, shall kill, take, possess or transport any pheasant without a valid pheasant stamp, except as provided in subsection (j) of this section.

(c) No person shall allow another to have or use such stamp issued to himself or use any stamp issued to another.

(d) Pheasants taken under the provisions of Sections 26-48, 26-49 and 26-52 of the Connecticut General Statutes shall not be subject to regulations provided under this section.

(e) All stamp holders who are contacted by the department for the purposes of surveying pheasant hunting activity shall complete a hunting season activity report by the method specified in the hunting and trapping guide published annually by the Department of Energy and Environmental Protection.

(f) (1) Members and guests of a private hunting club shall not be subject to state pheasant stamp requirements or seasonal bag limitations under subsections (a) and (b) of this section when hunting on club lands provided such club has qualified for an exemption pursuant to this subdivision. Members and guests of a private hunting club shall not be subject to daily bag limitations if a club tag is affixed to each pheasant taken on club lands. The club tag shall be affixed to the pheasant immediately upon kill and remain attached to the pheasant until it is prepared for consumption or mounted for display. The following information shall be printed legibly on each club tag: the name of the exempted club, date of taking, and the hunter's current hunting license number. To qualify for an exemption, under this subdivision, a private hunting club shall:

(A) Obtain an application form for exemption from the Wildlife Division of the Department;

(B) Secure the signature of the local Department Conservation Officer on the completed application form prior to submitting it to the Wildlife Division;

(C) Submit the completed form to the Wildlife Division;

(D) Purchase and/or raise pheasants for liberation on club lands; and

(E) Post the boundaries of all club lands to be subject to such exemption in accordance with instructions from the Wildlife Division.

(2) The exemption shall be effective when the completed application form is signed by

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an authorized representative of the Wildlife Division.

(3) For the purposes of this section, “club lands” shall be defined as those lands which are closed to the public and which the club owns, leases or uses for hunting pursuant to an agreement with a private landowner. “Club lands” shall exclude lands on which pheasants are released under any state cooperative program.

(4) The Commissioner may revoke an exemption for submission of false or misleading statements on the application form or violation of the requirements of section 26-48a-1(j)(1)(C) or (D). Revocation shall be effective when the hunting club receives written notice of revocation.

(Effective May 16, 1996; Amended August 30, 1999; Amended December 18, 2002; Amended April 27, 2005; Amended October 4, 2011)

Sec. 26-48a-2. Fees for permits to hunt wild turkey

The fee for a permit to hunt wild turkey on state-owned and private lands shall be ten dollars for spring season permits and five dollars for fall season permits.

(Effective January 1, 1983)

Sec. 26-48a-3. Migratory bird harvest permit

(a) No person required to be licensed under section 26-27 of the Connecticut General Statutes as amended shall hunt, possess or transport any migratory game bird, other than a crow, without also possessing a Migratory Bird Harvest Permit (“Permit”) issued by the Commissioner.

(b) The permit is valid for a calendar year, and expires December 31.

(c) The permittee shall carry the permit at all times when hunting.

(d) A permit may be purchased from any town clerk for two dollars.

(e) For each permit sold, the town clerk shall retain one dollar and shall send one dollar to the Department in accordance with Section 26-36 of the Connecticut General Statutes.

(f) Any person purchasing a permit shall possess a current hunting license issued per Section 26-27 of the Connecticut General Statutes and provide his or her name, date of birth, current mailing address, and complete a questionnaire regarding his or her hunting and harvest of migratory birds.

(g) The town clerk shall mail the appropriate part of each Permit to the United States Fish and Wildlife Service within twenty-one (21) days of the date that the permit was purchased.

(Adopted effective May 29, 1998)

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Hunting Dogs

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Sec. 26-49-1.	Training
Sec. 26-49-2.	Hunting dog training areas

Hunting Dogs

Sec. 26-49-1. Training

The training of hunting dogs shall be permitted in the field at any time except as provided in section 26-66-3 (i), provided due care shall be exercised to avoid injury to any protected wildlife.

Sec. 26-49-2. Hunting dog training areas

(a) The size of the area where dog training is permitted shall be not more than 300 acres; however, the area where the shooting of birds will be permitted in connection with dog training shall be not less than five acres nor more than ten acres in size and shall be in a single block.

(b) The external boundaries of the dog training area shall be conspicuously posted and the area where the shooting of birds is permitted in connection with dog training shall be adequately posted by the permittee at intervals of not more than 100 feet with conspicuous signs of a size not less than 11" x; 16". These signs shall include the name of the permittee and the words "Regulated Dog Training Area . . . Authorized under regulations of the Department of Environmental Protection."

(c) The area where the shooting of birds is permitted in connection with dog training shall be in a location that does not conflict with any reasonable prior public interest, shall be suitable for the purpose, where the discharge of firearms will not endanger public safety, and shall be on or in close proximity to the private shooting preserve, game farm or commercial kennel of the permittee.

(d) Only artificially propagated pheasants, chukar partridge, quail, ducks and pigeons of either sex may be liberated and shot.

(e) All birds liberated shall be full-winged and capable of maintaining normal flight and shall be in a condition suitable to maintain themselves in the wild.

(f) No game bird or pigeon shall be permanently confined on the area where shooting is permitted in connection with the training of dogs by the use of any device.

(g) All birds after they are shot in connection with dog training, shall be identified with a tag obtained from the department at a fee of ten cents each.

(h) The permittee shall keep accurate written daily records which shall be open to inspection by any duly authorized representative of the department at any reasonable time. These records shall include

(1) the name of each person hunting on the area, the day the person was hunting and the amount of game, pheasant, quail, chukar partridge, and ducks taken each day.

(2) The number of all pheasants, quail, chukar partridge, and ducks liberated on the area included in the permit, together with the dates when such birds were liberated. Not later than thirty days following the period for which the permit was issued, the permittee shall submit to the department, a true copy of his records on forms provided by the department.

(Effective January 1, 1992)

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Training of Bird Dogs By Use of Live Pheasants

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Sec. 26-50-1. Repealed

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Training of Bird Dogs By Use of Live Pheasants

Sec. 26-50-1. Repealed

Repealed October 1, 1984.

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Dog Training, Non-Shooting Field Dog Trials

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§§ 26-51-1—26-51-2

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Sec. 26-51-1.	Repealed
Sec. 26-51-2.	Field dog trials at which birds or quadrupeds are not shot

Dog Training, Non-Shooting Field Dog Trials

Sec. 26-51-1. Repealed

Repealed October 1, 1983.

Sec. 26-51-2. Field dog trials at which birds or quadrupeds are not shot

Field dog trials at which birds or quadrupeds are not shot are subject to the following:

- (a) Due care shall be exercised to avoid injury to any protected wildlife.
- (b) If firearms are used, blank cartridges only shall be discharged.
- (c) Trials shall be run only during daylight hours except that when permission of the landowner is obtained, non-shooting raccoon trials may be held at night.
- (d) Only dogs duly entered and under judgment shall be permitted to run free on the area during the trial.
- (e) Upon the completion of the trial, no dogs shall be allowed to run free on the area until the morning of the following day.
- (f) Only birds in excellent physical condition shall be used for any bird dog or retriever trial. Birds with clipped wings or otherwise mutilated, shall not be used.
- (g) Field dog trials shall be held on lands suitable for the purpose and approved by the commissioner.
- (h) Beagle hound trials are permitted only between the dates of September first to May thirty-first, both dates inclusive.
- (i) A report on the trial on a form furnished by the commissioner must be submitted to the commissioner by the agent of the commissioner within one week of the end of the trial.

(Effective October 1, 1983)

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Sec. 26-52-1. Permits for shooting birds liberated at field dog trials

Shooting Field Dog Trials

Sec. 26-52-1. Permits for shooting birds liberated at field dog trials

The commissioner will issue permits for field dog trials at which birds may be shot subject to the following regulations:

(a) Birds may be shot at all field dog training trials, and at other trials which are licensed or sanctioned by the AKC, CASDFTA, or NAVHDA.

(b) Field dog trials at which birds may be shot may be held during daylight hours, any time, including Sunday.

(c) The location where such field dog trial is held shall be suitable for that purpose and such trial shall not endanger the public safety. State-owned lands approved for shooting field dog trials are the Nod Brook Management Area, Dr. John E. Flaherty Field Trial Area, Mansfield Hollow Dam, and Sugarbrook Field Trial Area.

(d) Only pheasants, quail, chukar partridge, ducks and pigeons of either sex shall be liberated and shot at field dog trials.

(e) A minimum of five of any of the following species, pheasant, quail, chukar partridge, ducks or pigeons shall be liberated at each field dog trial.

(f) All pheasants, quail, chukar partridge, ducks, or pigeons liberated at field dog trials for the purpose of their being shot shall have complete wing feathers, shall be capable of maintaining normal flight and shall not be confined to the field trial area by use of any device.

(g) No pheasant, quail, chukar partridge, or duck shall be liberated unless it was obtained from the same source of supply as that stated in the permit, except with the permission of the commissioner.

(h) All pheasant, quail, chukar partridge or ducks shot shall be immediately tagged by an agent of the commissioner. Tags shall be obtained from the Department of Environmental Protection upon payment of a fee of ten cents each.

(i) A report on the trial, on a form furnished by the commissioner must be submitted to the commissioner by the agent of the commissioner within one week of the end of the trial.

(j) Birds escaping from the trial course shall not be hunted further by trial participants or spectators on the same day as the trial. Shooting by trial participants off the bird field area as designated by the Department of Environmental Protection is prohibited.

(k) A permit to hold a field dog trial at which birds may be shot shall cost ten dollars (\$10.00) if held at the Nod Brook Management area, Dr. John E. Flaherty Field Trial Area or Mansfield Hollow Dam and sanctioned by the AKC, CASDFTA, or NAVHDA, and five dollars (\$5.00) if held on private lands.

(Effective January 1, 1992)

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Sec. 26-54-1. Wildlife pen specifications

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Wildlife Pen Specifications

Sec. 26-54-1. Wildlife pen specifications

(a) Any bird or quadruped possessed under the provisions of section 26-54 or 26-55 of the General Statutes shall be cared for and held in pens conforming to specifications established by the department of environmental protection.

(b) Raccoons possessed under the provisions of section 26-54 or 26-55 of the General Statutes shall be held in pens conforming to specifications established by the department of environmental protection. Permits shall not be granted to individuals not meeting the required minimum pen specifications.

(Effective January 1, 1983)

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Importation of Fish, Birds and Quadrupeds

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**Importation, Possession or Liberation of Wild Birds, Mammals, Reptiles,
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Importation of Fish, Birds and Quadrupeds

Sec. 26-55-1. Importation, transportation or liberation of live fish or live fish eggs

No person, firm or corporation shall import into this state, transport for the purpose of liberation within this state or liberate into the waters of this state live fish or live fish eggs except as hereinafter provided.

(a) Permits for the importation or liberation of live fish and live fish eggs may be issued at the discretion of the Commissioner.

(b) No permit for the importation or liberation of live fish or live fish eggs shall be issued to cover a period of more than sixty days and a separate application must be made for each importation or liberation of live fish or live fish eggs.

(c) All applications for an importation permit or liberation permit shall include the full name and address of the applicant and the vendor from whom the live fish or live fish eggs will be obtained, the number of each species of live fish or live fish eggs to be imported or liberated, the purpose of such importation or liberation and, if such live fish or live fish eggs are to be liberated, the name and location of the waters where such live fish or live fish eggs are to be liberated.

(d) Any live fish or live fish eggs originating outside of the United States, or originating from west of the United States continental divide, must have originated from a source that has obtained a current fish health certification issued by a person or persons acceptable to the Commissioner and such fish health certification shall accompany the shipment of such live fish or live fish eggs. Any live fish or live fish eggs originating outside of the United States must, in addition, have official clearance in writing, from the United States Fish and Wildlife Service.

(e) Representatives of the Commissioner may inspect any imported fish or fish eggs being brought into the state. The Commissioner may order that any live fish or live fish eggs, suspected of carrying diseases, pathogens or parasites capable of inducing any disease, be quarantined, at permittee's expense, for a period of up to one hundred and twenty days.

(f) Any fish which show evidence of any disease, pathogen or parasite capable of inducing any disease shall be immediately taken to the state fish pathologist for examination and diagnosis. In the event that any disease, pathogen or parasite capable of inducing any disease is determined to be present by said pathologist the Commissioner may in the public interest, order that all imported fish as well as any other fish present in the waters containing such imported fish be destroyed by whatever means he shall determine is the most practical and in the best public interest.

(g) No imported fish or fish eggs shall be liberated or introduced into the waters of the state if they are known to be infected with disease or infected with parasites which, in the opinion of the Commissioner, would make the liberation of such fish inadvisable in the interest of protecting humans, resident fish species or established exotic fish species from disease or parasitism.

(h) No permit shall be required to import live, common aquarium species. The importation or possession of piranha of the subfamily: Serrasalminae, genera Serrasalmus,

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Serrasalmo, Pygocentrus, Teddyella, Rooseveltiella and Pygopristus, and walking catfish of the family Clariidae, genera Clarias, Heteropneustes, Dinotoplerus and Heterobranchus is prohibited except that the Commissioner may at his discretion issue permits for the importation and possession, when it is in the public interest, for public display purposes, of specimens of piranha and walking catfish. Such possession permits shall be issued for a calendar year and the applicant must request renewal of said permit prior to December thirty-first of the year said permit is in effect. Renewal of said permit shall be at the discretion of the Commissioner. Such permittee shall report annually to the Commissioner during the month of December on the status and health of the specimens for which said permit is issued, except that in the case of death of said specimens the permittee shall report same to the Commissioner within seven days.

(i) The importation, possession or liberation of grass carp or white amur (*Ctenopharyngodon idella*) is prohibited, except that the Commissioner, at his discretion, may issue a permit for the importation, possession and liberation of triploid (sterile) grass carp into lakes and ponds of this state as herein provided.

(1) Waters into which triploid grass carp are to be liberated may be inspected by an agent of the Commissioner.

(2) The Commissioner shall not issue a permit for the liberation of triploid grass carp into any waters under multiple ownership unless all individuals who have ownership rights on such waters have first provided written agreement to such liberation.

(3) The Commissioner shall not issue a permit for the liberation of triploid grass carp into any waters unless the outlet and inlet of such waters are, in his opinion, adequately screened so as to prevent the emigration of such grass carp or unless such waters are ecologically isolated. For the purposes of this subsection, ecologically isolated means any waters from which, in the opinion of the Commissioner, the emigration of such grass carp will not significantly impact public waters or waters of another, or from which there is no surface water outflow.

(4) Any permit for the liberation of triploid grass carp issued by the Commissioner may prescribe the number and size class of triploid grass carp that may be liberated.

(5) Such fish shall be certified as triploid prior to shipment by a person or persons acceptable to the Commissioner and such certification shall accompany the shipment of such fish.

(6) At least fourteen (14) days prior to importation of such fish, the permittee shall notify the Commissioner of the date that any grass carp are to be imported and the location where such fish may be inspected.

(7) Such fish may be inspected and may be sampled and tested for triploidy by an approved method by an agent of the Commissioner prior to liberation.

(8) Any shipment of grass carp which contains any diploid (fertile) individuals shall be confiscated and disposed of at the discretion of the Commissioner.

(9) The owner of any pond into which grass carp are liberated shall allow agents of the Commissioner to monitor the population dynamics of the grass carp and other environmental

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conditions of the pond in order to determine the long term efficacy of grass carp in Connecticut waters.

(10) In the event that any grass carp or white amur, that are capable of reproduction, are liberated into or found in any waters of this state, the Commissioner may, in the public interest, order that all such fish as well as any other fish present in such waters be destroyed by whatever means he shall determine to be the most practical and in the best public interest except as provided in section 26-55a of the Connecticut General Statutes.

(j) Live fish or live fish eggs of the following species, genera or families shall not be imported into the state or possessed except that, when it is in the public interest, permits for the importation or possession of specimens may be issued, at the discretion of the Commissioner, for research or public display purposes or as provided for in section 26-40d-1 of the Regulations of Connecticut State Agencies:

- (1) bowfin (*Amia calva*);
- (2) gars (*Lepisosteidae*);
- (3) gizzard shad (*Dorosoma cepedianum*);
- (4) white bass (*Morone chrysops*);
- (5) freshwater drum (*Aplodinotus grunniens*);
- (6) snail carp or black carp (*Mylopharyngodon piceus*);
- (7) silver carp (*Hypophthalmichthys molitrix*);
- (8) big head carp (*Aristichthys nobilis*);
- (9) tench (*Tinca tinca*);
- (10) rohu (*Labeo rohita*);
- (11) calbasu (*Labeo calbasa*);
- (12) catla (*Catla catla*);
- (13) mrigal (*Cirrhina mrigala*);
- (14) mahseer (*Tor tor*);
- (15) crucian carp (*Carassius carassius*);
- (16) rudd (*Scardinius erythrophthalmus*);
- (17) european whitefish, orfe or ide (*Leuciscus idus*);
- (18) any species of fish whose importation into the United States is prohibited;
- (19) any species of fish designated rare, threatened or endangered;
- (20) any species of fish which the Commissioner determines is potentially dangerous to humans, established species of fish or established aquatic plants;
- (21) Snakehead (including all members of the genus *Channa* and *Parachanna* or their generic synonyms of *Bostrychoides*, *Ophicephalus*, *Ophiocephalus* and *Parophiocephalus*); and
- (22) Sturgeon (including all members of the family *Acipenseridae*, genera *Acipenser*, *Huso*, *Scaphirhynchus* and *Pseudoscaphirhynchus* and their hybrids).

Permits issued by the Commissioner under this subsection shall be for a term established by the Commissioner and shall not be transferable. The Commissioner may renew such permits upon receipt of a request for renewal on or before thirty (30) calendar days preceding

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expiration of such permit. The Commissioner may determine the species, life stages, number of specimens, location and manner of display, confinement, or storage of specimens, and location, timing and method of disposition of any or all specimens under any permit. Each permittee shall report annually to the Commissioner on or before November thirtieth, information on the current status of specimens, results of scientific studies, disposition of specimens and any other information as may be required under said permit. In the event that any of the species listed previously in this subsection are liberated or introduced into any waters of the state, the Commissioner may, in the public interest, order that all such fish as well as any other fish present in such waters be destroyed by whatever means he shall determine is the most practical and in the best public interest.

(k) The transporter of any live fish or live fish eggs that are destined for any state waters shall be in possession of a copy of the importation or liberation permit covering such live fish or live fish eggs and any applicable fish health certification. Any box, package or container holding live fish or live fish eggs transported by a common carrier and destined for delivery in this state shall have attached thereto and in plain view a copy of the permit covering such importation and any applicable fish health certification.

(Effective January 1, 1994; Amended April 27, 2005; Amended January 30, 2007; Amended October 4, 2011)

Sec. 26-55-2. Repealed

Repealed March 5, 2012.

Reptiles and Amphibians

Sec. 26-55-3. Possession of salamanders and turtles

(a) No person shall possess in excess of three (3) Spotted Salamanders, *Ambystoma maculatum*, at any time.

(b) No person shall possess in excess of three (3) Marbled Salamanders, *Ambystoma opacum*, at any time.

(c) No person shall possess any Wood Turtle, *Clemmys insculpta*, at any time.

(d) No person shall possess in excess of one (1) Eastern Box Turtle, *Terrapene c. carolina*, at any time.

(e) No person shall possess in excess of one (1) Eastern hognose snake, *Heterodos platirhinos*, at any time.

(f) No person shall possess in excess of one (1) Eastern ribbon snake, *Thamnophis sauritus*, at any time.

(Effective February 16, 1994)

Importation and Possession of Deer, Moose, and Elk Carcasses and Parts

Sec. 26-55-4. Importation and possession of deer, moose, and elk carcasses and parts

No person shall import or possess whole carcasses or parts thereof of any deer, moose,

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or elk from wild or captive herds from other states or Canadian Provinces where chronic wasting disease has been confirmed, including, but not limited to, Colorado, Wyoming, Utah, New Mexico, Montana, South Dakota, Kansas, Minnesota, Wisconsin, Illinois, Nebraska, Oklahoma, New York, West Virginia, Alberta and Saskatchewan. Any additional states and provinces where chronic wasting disease is confirmed will be published in the Department's annual Hunting and Trapping Guide and on the Department's Web site. This provision shall not apply to meat that is de-boned, cleaned skullcaps, hides or taxidermy mounts.

(Adopted effective October 3, 2007)

Sec. 26-55-5. Possession of nuisance aquatic invertebrates

(a) The importation, introduction into the state, possession or liberation therein of live specimens or eggs of the following species, genera or families of aquatic invertebrates is prohibited, except that, when it is in the public interest, permits for the importation or possession of specimens may be issued, at the discretion of the Commissioner, for control, eradication, research or educational purposes:

- (1) quagga mussel, including veligers (*Dreissena bugensis*);
- (2) zebra mussel, including veligers (*Dreissena polymorpha*);
- (3) Chinese mitten crab, (*Eriocheir sinensis*);
- (4) New Zealand mud snail (*Potamopyrgus antipodarum*);
- (5) any species of aquatic invertebrate whose importation into the United States is prohibited; and
- (6) any species of aquatic invertebrate designated rare, threatened or endangered.

(b) The importation, introduction into the state or liberation therein of live specimens or eggs of the following species, genera or families of aquatic invertebrates is prohibited, except that, when it is in the public interest, permits for the importation of specimens may be issued, at the discretion of the Commissioner, for research or educational purposes:

- (1) Asian clam (*Corbicula fluminea*); and
- (2) rusty crayfish (*Orconectes rusticus*).

(c) The use of individuals, living or dead, of any species listed in subsection (a) or (b) of this section as bait is prohibited, except that those species listed in subsection (b) of this section may be used as bait in the waters from which they were taken.

(d) Permits issued by the Commissioner for control, eradication, research or educational purposes shall be for a term established by the Commissioner as determined by the needs of each specific control, eradication, research or educational program and shall not be transferable. The Commissioner may renew such permits upon receipt of a request for renewal on or before thirty (30) calendar days preceding expiration of such permit. The Commissioner may determine the species, life stages, number of specimens, location and manner of display, confinement, or storage of specimens, and location, timing and method of disposition of any or all specimens under any permit. Each permittee shall report annually to the Commissioner on or before November thirtieth, information on the current status of

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specimens, results of scientific studies, disposition of specimens and any other information as may be required under said permit.

(Effective October 4, 2011)

**Importation, Possession or Liberation of Wild Birds, Mammals, Reptiles,
Amphibians and Invertebrates**

**Sec. 26-55-6. Importation, possession or liberation of wild birds, mammals, reptiles,
amphibians and invertebrates**

(a) **Definitions.** As used in this section:

(1) “Aquarium” means a facility accredited by the Association of Zoos and Aquariums, or the Alliance of Marine Mammal Parks and Aquariums;

(2) “Category One Wild Animal” means, notwithstanding changes in taxonomic nomenclature, any wild animal, gamete or hybrid of any of the following:

(A) A member within the family Felidae (including, but not limited to, lion, leopard, cheetah, jaguar, ocelot, jaguarundi cat, puma, lynx and bobcat) except Bengal cat pursuant to section 26-40a of the Connecticut General Statutes;

(B) A member within the family Canidae (including, but not limited to, wolf and coyote);

(C) A member within the family Ursidae (including, but not limited to, black bear, grizzly bear and brown bear); or

(D) A member within the family Hominidae (including, but not limited to, gorilla, chimpanzee and orangutan);

(3) “Category Two Wild Animal” means any wild animal, gamete, or hybrid thereof, as follows:

(A) That is not a Category One Wild Animal; and

(B) That is, notwithstanding changes in taxonomic nomenclature:

(i) A species referenced as injurious wildlife in 50 CFR 16.11,

(ii) A member within the family Elephantidae (including, but not limited to, African elephant),

(iii) A member within the order Primate (including, but not limited to, capuchin, macaque, lemur and marmoset),

(iv) Wolverine (*Gulo gulo*),

(v) A member within the family Hyaenidae (including, but not limited to, brown hyaena, spotted hyaena, striped hyaena and aardwolf),

(vi) A member within the genus *Dendrolagus* (including, but not limited to, tree kangaroos),

(vii) A member within the genus *Dorcopsis* (including, but not limited to, dorcopsis and New Guinea forest wallabies),

(viii) A member within the genus *Dorcopsulus* (including, but not limited to, lesser forest wallaby),

(ix) A member within the genus *Lagorchestes* (including, but not limited to, hare-

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wallabies),

(x) A member within the subgenus *Osphranter* (including, but not limited to, red kangaroo),

(xi) A member within the subgenus *Macropus* (including, but not limited to, gray kangaroo);

(xii) A member within the genus *Onychogalea* (including, but not limited to, nail-tailed wallaby),

(xiii) A member within the genus *Petrogale* (including, but not limited to, rock wallaby),

(xiv) Quokka (*Setonix brachyurus*),

(xv) A member within the genus *Thylogale* (including, but not limited to, pademelons),

(xvi) Swamp wallaby (*Wallabia bicolor*);

(xvii) A member within the family *Viveridae* (including, but not limited to, civets, genets, binturong, linsangs),

(xviii) A member within the family *Herpestidae* (including, but not limited to, mongooses, meerkats),

(xix) A member within the family *Dasypodidae* (including, but not limited to, armadillos),

(xx) A member within the family *Mephitidae* (including, but not limited to, striped skunk),

(xxi) A member within the family *Procyonidae* (including, but not limited to, common raccoon),

(xxii) A member within the suborder *Suiformes* (including, but not limited to, wild boar, warthog, hippopotamus, and peccary),

(xxiii) A member within the order *Chiroptera* (bats),

(xxiv) A member within the family *Rhinocerotidae* (rhinoceros),

(xxv) A member within the order *Rodentia*, except for guinea pig (*Cavia porcellus*), gerbil (*Meriones unguiculatus*), chinchilla (*Chinchilla lanigera*), rat (*Rattus norvegicus*), mouse (*Mus musculus*), hamster (*Mesocricetus auratus*), dwarf hamster (genera *Phodopus* and *Cricetulus*), Patagonia mara (*Dolichotis patagonum*) and American beaver (*Castor canadensis*),

(xxvi) Mute swan (*Cygnus olor*),

(xxvii) Monk parakeet (*Myiopsitta monachus*),

(xxviii) A member within the order *Crocodylia* (including, but not limited to, alligator, crocodile and caiman),

(xxix) A member within the family *Elapidae* (including, but not limited to, cobra, coral snake, mamba, sea snake and sea krait),

(xxx) A member within the family *Viperidae* (including, but not limited to, copperhead, rattlesnake, cottonmouth, adder, viper, pit viper and night adder),

(xxxi) Northern African python (*Python sebae*), Southern African python (*Python natalensis*), reticulated python (*Python reticulatus*) and amethystine python (*Morelia amethystina*),

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(xxxii) Green or common anaconda (*Eunectes murinus*), yellow anaconda (*Eunectes notaeus*) and Bolivian anaconda (*Eunectes beniensis*),

(xxxiii) A member within the genera *Boiga*, *Thelotornis*, *Enhydris*, *Dispholidus*, *Clelia*, *Rhabdophis*, *Hydrodynastes*, *Philodryas* or *Malpolon* (including, but not limited to, mangrove snake, false cobra, cat-eyed snake, false water snake, African boomslang, vine snake, twig snake and bird snake),

(xxxiv) A member within the family *Helodermatidae* (including, but not limited to, *Gila monster* and beaded lizard),

(xxxv) Nile monitor (*Varanus niloticus*), water monitor (*Varanus salvator*), black-throated monitor (*Varanus a. ionidesi*), white-throated monitor (*Varanus a. albigularis*) or crocodile monitor (*Varanus salvadorii*), or

(xxxvi) Komodo dragon (*Varanus komodoensis*);

(4) “Category Three Wild Animal” means any wild animal, gamete, or hybrid thereof, as follows:

(A) That is not a Category One, Category Two or Category Four Wild Animal; and

(B) That is, notwithstanding any changes to taxonomic nomenclature:

(i) A member within the family *Cervidae* (including, but not limited to the, white-tailed deer, elk, red deer and sika),

(ii) American beaver (*Castor canadensis*),

(iii) A member within the family *Mustelidae* (including, but not limited to, short-tailed weasel, long-tailed weasel, mink, fisher, otter and marten),

(iv) Harbor seal (*Phoca vitulina*),

(v) American black duck (*Anas rubripes*), lesser scaup (*Aythya affinis*), greater scaup (*Aythya marila*), canvasback (*Aythya valisineria*), long-tailed duck (*Clangula hyemalis*), hooded merganser (*Lophodytes cucullatus*), white-winged scoter (*Melanitta fusca*), black scoter (*Melanitta nigra*), surf scoter (*Melanitta perspicillata*) and common merganser (*Mergus merganser*),

(vi) Ruffed grouse (*Bonasa umbellus*),

(vii) Chimney swift (*Chaetura pelagica*) and ruby-throated hummingbird (*Archilochus colubris*),

(viii) Spotted sandpiper (*Actitis macularius*), sanderling (*Calidris alba*), semipalmated sandpiper (*Calidris pusilla*), willet (*Tringa semipalmata*), American woodcock (*Scolopax minor*), ruddy turnstone (*Arenaria interpres*) and black skimmer (*Rynchops niger*),

(ix) Great blue heron (*Ardea herodias*), green heron (*Butorides virescens*) and black-crowned night-heron (*Nycticorax nycticorax*),

(x) Belted kingfisher (*Ceryle alcyon*),

(xi) Yellow-billed cuckoo (*Coccyzus americanus*) and black-billed cuckoo (*Coccyzus erythrophthalmus*),

(xii) Cooper’s hawk (*Accipiter cooperii*), northern goshawk (*Accipiter gentilis*), red-shouldered hawk (*Buteo lineatus*), osprey (*Pandion haliaetus*) and rough-legged hawk (*Buteo lagopus*),

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- (xiii) Red-throated loon (*Gavia stellata*),
- (xiv) Virginia rail (*Rallus limicola*), clapper rail (*Rallus longirostris*) and sora (*Porzana carolina*),
- (xv) Baltimore oriole (*Icterus galbula*) and orchard oriole (*Icterus spurius*),
- (xvi) Brown creeper (*Certhia Americana*),
- (xvii) Purple finch (*Carpodacus purpureus*),
- (xviii) Rose-breasted grosbeak (*Pheucticus ludovicianus*),
- (xix) Gray catbird (*Dumetella carolinensis*),
- (xx) Red-breasted nuthatch (*Sitta canadensis*),
- (xxi) Cliff swallow (*Petrochelidon pyrrhonota*), bank swallow (*Riparia riparia*) and northern rough-winged swallow (*Stelgidopteryx serripennis*),
- (xxii) Scarlet tanager (*Piranga olivacea*),
- (xxiii) Veery (*Catharus fuscescens*), hermit thrush (*Catharus guttatus*), gray-cheeked thrush (*Catharus minimus*), Swainson's thrush (*Catharus ustulatus*) and wood thrush (*Hylocichla mustelina*),
- (xxiv) Blue-gray gnatcatcher (*Polioptila caerulea*),
- (xxv) Golden-crowned kinglet (*Regulus satrapa*),
- (xxvi) Louisiana waterthrush (*Seiurus motacilla*), northern waterthrush (*Seiurus noveboracensis*), black-throated blue warbler (*Dendroica caerulescens*), bay-breasted warbler (*Dendroica castanea*), cerulean warbler (*Dendroica cerulea*), yellow-rumped warbler (*Dendroica coronata*), prairie warbler (*Dendroica discolor*), blackburnian warbler (*Dendroica fusca*), magnolia warbler (*Dendroica magnolia*), chestnut-sided warbler (*Dendroica pensylvanica*), Cape May warbler (*Dendroica tigrina*), black-throated green warbler (*Dendroica virens*), worm-eating warbler (*Helmitheros vermivorum*), black-and-white warbler (*Mniotilta varia*), ovenbird (*Seiurus aurocapilla*), American redstart (*Setophaga ruticilla*), blue-winged warbler (*Vermivora pinus*), Canada warbler (*Wilsonia canadensis*) and hooded warbler (*Wilsonia citrina*),
- (xxvii) Dark-eyed junco (*Junco hyemalis*), eastern towhee (*Pipilo erythrophthalmus*), field sparrow (*Spizella pusilla*) and indigo bunting (*Passerina cyanea*),
- (xxviii) Olive-sided flycatcher (*Contopus cooperi*), eastern wood-pewee (*Contopus virens*), least flycatcher (*Empidonax minimus*), willow flycatcher (*Empidonax traillii*), acadian flycatcher (*Empidonax virescens*), great crested flycatcher (*Myiarchus crinitus*) and eastern kingbird (*Tyrannus tyrannus*),
- (xxix) Yellow-throated vireo (*Vireo flavifrons*), warbling vireo (*Vireo gilvus*), white-eyed vireo (*Vireo griseus*) and blue-headed vireo (*Vireo solitarius*),
- (xxx) Marsh wren (*Cistothorus palustris*) and winter wren (*Troglodytes troglodytes*),
- (xxxii) Great cormorant (*Phalacrocorax carbo*),
- (xxxii) Northern flicker (*Colaptes auratus*) and pileated woodpecker (*Dryocopus pileatus*),
- (xxxiii) Horned grebe (*Podiceps auritus*) and red-necked grebe (*Podiceps grisegena*),
- (xxxiv) Great horned owl (*Bubo virginianus*), snowy owl (*Bubo scandiacus*), eastern

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screech owl (*Megascops asio*) and barred owl (*Strix varia*),

(xxxv) Spotted turtle (*Clemmys guttata*),

(xxxvi) Eastern racer (*Coluber constrictor*),

(xxxvii) Diamond-backed terrapin (*Malaclemys terrapin*),

(xxxviii) Fowler's toad (*Bufo fowleri*),

(xxxix) Northern dusky salamander (*Desmognathus fuscus*),

(xl) Gray treefrog (*Hyla versicolor*),

(xli) Eastern newt (*Notophthalmus viridescens*), or

(xlii) Wood frog (*Rana sylvatica*);

(5) "Category Four Wild Animal" means any wild animal or gamete thereof listed as endangered, threatened, or of special concern pursuant to section 26-306 of the Connecticut General Statutes;

(6) "Commissioner" means Commissioner of Energy and Environmental Protection

(7) "Domestic animal" means any animal that humans have selectively bred in captivity to produce genetic changes affecting the temperament, color, conformation, or other attributes of the species to an extent that makes such animal unique and distinguishable from wild individuals of the species, and that has been raised in a life intimately associated with and advantageous to humans. "Domestic animal" does not include any wild animal raised in captivity, even over many generations, that has become accustomed to human interaction but that is still wild by nature;

(8) "Exhibitor" means a person or organization engaged in the showing, displaying, exhibiting or training of wild animals for the purpose of public viewing, and who meets the requirements of subsection (f) of this section;

(9) "Exhibitor registered with the United States Department of Agriculture" means an exhibitor who holds a Class C ("exhibitor's") license issued by the United States Department of Agriculture pursuant to the Animal Welfare Act (7 USC 54), and who holds a copy of the last inspection report signed and dated by the United States Department of Agriculture;

(10) "Hybrid" means any animal or egg that results from the combining of a gamete of a wild animal with a gamete of another species;

(11) "Import" or "importation" means bringing or causing to be transported into the state wild animals or eggs of such wild animals by any means;

(12) "Marine mammal park" means a facility accredited by the Alliance of Marine Mammal Parks and Aquariums;

(13) "Municipal park" means a facility publicly owned and operated by a municipality, and that is in the practice of displaying wild animals for public viewing;

(14) "Museum" or "Nature center" means an institution devoted to the procurement, care, study, and public display of wild animals and that meets the requirements of subsection (e) of these regulations;

(15) "Passive Integrated Transponder Tag" means a computer microchip attached to a wire antenna and encapsulated in a biologically inert glass capsule which, when passed through the electromagnetic field of a detector, transmits a unique identification code to the

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detector;

(16) “Public nonprofit aquarium” means an aquarium that is publically held and that has been issued a federal Determination Letter of exemption under section 501(c)(3) or (13) of the Internal Revenue Code;

(17) “Research facility” or “Laboratory” means a facility maintained by a scientific or educational institution with documented works that relate to branches of systemized knowledge including, but not limited to, zoology, botany, ecology, wildlife management, fisheries management, medicine, psychology or veterinary medicine;

(18) “Research facility registered with the United States Department of Agriculture” or “Laboratory registered with the United States Department of Agriculture” means a research facility or laboratory that holds a Class C (“exhibitor’s”) license issued by the United States Department of Agriculture pursuant to the Animal Welfare Act (7 USC 54) and that holds a copy of the last inspection report signed and dated by the United States Department of Agriculture;

(19) “School” means kindergarten and grades one to twelve, inclusive;

(20) “Veterinarian” means a person licensed to practice veterinary medicine, surgery or dentistry pursuant to the provisions of chapter 384 of the Connecticut General Statutes;

(21) “Wild animal” means any bird, mammal, reptile, amphibian, or invertebrate that is, or historically has been found, in the wild or in the wild state, and that is not otherwise a domestic animal; and

(22) “Zoo” means a facility accredited by the Association of Zoos and Aquariums or the Zoological Association of America.

(b) Prohibitions and Exemptions.

(1) No person, except a municipal park, zoo, public nonprofit aquarium, nature center, museum, exhibitor licensed or registered with the United States Department of Agriculture, laboratory registered with the United States Department of Agriculture, or research facility registered with the United States Department of Agriculture, shall import or possess any Category One Wild Animal.

(2) A person authorized to import or possess a Category One Wild Animal as provided in subdivision (1) of this subsection shall not allow such animal to be accessible for handling by the general public.

(3) No person, except a veterinarian for purposes of treatment and care, a municipal park, zoo, marine mammal park, aquarium, nature center, museum, exhibitor, laboratory or research facility, shall import or possess any Category Two Wild Animal.

(4) No person, except a municipal park, zoo, marine mammal park, aquarium, nature center, museum, exhibitor, laboratory, research facility or school, or any person otherwise authorized pursuant to section 26-40, 26-54, 26-57 or 26-67e of the Connecticut General Statutes, shall import or export any Category Three Wild Animal.

(5) No person shall import or possess any Category Four Wild Animal unless such person has been issued a permit pursuant to subsection (d) of this section.

(6) No person shall liberate any wild animal except as provided pursuant to sections 26-

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48, 26-48a, 26-49, 26-51, 26-52, 26-54, 26-60 or 26-67e of the Connecticut General Statutes, or subsection (d) of this section.

(7) A primate that weighs less than thirty-five pounds at maturity and that was legally possessed by a person in this state on or before October 1, 2003 may continue to be possessed by such person provided such person complies with the provisions of subsection (c) of this section.

(c) Registration and Transfer of Primates.

(1) Registration. A primate that weighs less than thirty-five pounds at maturity and that was legally possessed by a person in this state on or before October 1, 2003 may continue to be possessed by such person provided such person registers such primate in accordance with the provisions of this subdivision. Such registration shall include proof of legal possession prior to October 1, 2003, a detailed physical description and photographs of such primate, and descriptions and photographs of the enclosure in which such primate is kept. All required information shall be submitted on or before December 31, 2012 on forms provided by the Department of Energy and Environmental Protection. A registrant shall:

(A) Keep and handle a registered primate in such a manner as to prevent the possibility of loss, breeding with other animals, or injuring persons or other animals;

(B) Maintain a plan for the recapture or destruction of any such registered primate in the event of loss;

(C) Immediately notify the Department of Energy and Environmental Protection and the local law enforcement agency in the event such registered primate is lost or injures a person or other animal;

(D) Maintain a plan for the maintenance or disposition of such registered primate in the event of the owner or keeper's absence, illness, or death;

(E) Maintain complete and accurate records that identify:

(i) The species, sex, age, and lineage of such registered primate,

(ii) Date of birth and acquisition of such registered primate,

(iii) If applicable, the name and address of any person who has previously possessed such primate and date of transfer, and

(iv) The date of the death, loss or transfer to another person of such registered primate;

(F) If required by the commissioner, uniquely identify such primate with a passive integrated transponder tag administered by a veterinarian;

(G) Not breed or liberate a primate registered pursuant to this subdivision; and

(H) Maintain the records required pursuant to this subdivision in chronological order, for a minimum of five years after the date of death, loss, or transfer of such registered primate and make such records available for inspection at any reasonable time upon request of the commissioner or the commissioner's designee.

(2) Such registered primate may be transferred to another individual provided that the recipient has and maintains an adequate enclosure that prevents the possibility of loss or breeding with other animals, the transfer is registered with the Department of Energy and Environmental Protection, and the transferee meets all requirements set forth in this

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subsection.

(3) Registered primates may be transferred to a municipal park, zoo, marine mammal park, aquarium, nature center, museum, exhibitor, laboratory or research facility, provided the transfer is registered with the Department of Energy and Environmental Protection.

(4) The registrant shall immediately notify the Department of Energy and Environmental Protection upon the death of a registered primate.

(5) The registrant shall update the Department of Energy and Environmental Protection concerning the status of such registered primate when requested by the commissioner.

(6) Upon adequate notice, the registrant shall allow a representative of the Department of Energy and Environmental Protection to inspect such registered primate and the enclosure in which such primate is kept.

(d) Permit Duration and Revocation.

(1) The commissioner may, upon receipt of an application, issue a permit authorizing the importation and possession of a Category Four Wild Animal, as follows:

(A) The duration of an importation or possession permit shall be for the life of the specific wild animal listed on the permit;

(B) An importation and possession permit is not transferable; and

(C) The commissioner may at any time revoke, in accordance with the provisions of the Uniform Administrative Procedure Act, an importation or possession permit for failure by the permittee to comply with the terms of a permit or any statute or regulation governing importation or possession of wild animals.

(2) The commissioner may, upon receipt of an application, issue a permit authorizing the liberation of wild animals. The commissioner may prescribe the location and time of year such liberation may occur.

(e) Museums and Nature Centers. In order to qualify for the exemptions provided in subsection (b) of this section, the operator of a museum or nature center shall meet the following minimum requirements:

(1) For purposes of importing or possessing mammals, holds a Class C (“exhibitor’s”) license issued by the United States Department of Agriculture pursuant to the Animal Welfare Act (7 USC 54), and a copy of the last inspection report signed and dated by the United States Department of Agriculture;

(2) Holds municipal, state, or federal permits or licenses required to possess wild animals;

(3) Complies with all applicable laws of the municipality in which the housing facility is located;

(4) Accommodates a minimum of 5,000 visitors to the facility annually;

(5) Has regularly scheduled hours open to the public consisting of a minimum of 28 hours per week, and eight months within a calendar year;

(6) Maintains the wild animal under conditions that give the owner or keeper exclusive control over it at all times as to prevent loss or risk of injury to the public;

(7) Maintains a housing facility consistent with design standards established pursuant

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to the United States Animal Welfare Act (7 USC 54) and complies with state and local health and building codes;

(8) Maintains liability insurance of a least \$1 million;

(9) Maintains a plan for the recapture or destruction of any such wild animal in the event of loss;

(10) Maintains a plan for the maintenance or disposition of all wild animals in the event of the owner or keeper's absence, illness, or death;

(11) Maintains complete and accurate records for each wild animal in its possession which identify:

(A) The species, sex, age, and lineage of each wild animal;

(B) Date of birth and acquisition of each wild animal;

(C) If applicable, the name and address of any person who has previously possessed the wild animal and date of transfer; and

(D) The date of the death, loss or transfer to another person of each wild animal; and

Maintains records required by this subsection in chronological order, for a minimum of five years after the date of death, loss, or transfer of any wild animal and makes such records available for inspection at any reasonable time upon request of the commissioner or the commissioner's designee.

(f) **Exhibitors.** In order to qualify for the exemptions provided in subsection (b) of this section, an exhibitor shall meet the following minimum requirements:

(1) For purposes of importing or possessing mammals, holds a Class C ("exhibitor's") license issued by the United States Department of Agriculture pursuant to the Animal Welfare Act (7 USC 54), and a copy of the last inspection report signed and dated by the United States Department of Agriculture;

(2) Holds all municipal, state, or federal permits or licenses required to possess wild animals;

(3) Complies with all applicable laws of the municipality in which the housing facility is located;

(4) Has conducted public programs involving the exhibition of the wild animals subject to this section and in the exhibitor's possession, and maintains documentation thereof. Such public programs shall meet the following criteria:

(A) Fifty programs or before 1,000 attendees within the first two years of possession of a Category One or Two Wild Animal, or, in the case of mammals, attaining a Class C license as described in subdivision (1) of this subsection; and

(B) Fifty programs or before 1,000 attendees in the third year of possession of a Category One or Two Wild Animal, or, in the case of mammals, attaining a Class C license, as described in subdivision (1) of this subsection, and in each calendar year thereafter;

(5) Maintains the wild animal under conditions that give the owner or keeper exclusive control over them at all times as to prevent loss or risk of injury to the public;

(6) Maintains a housing facility consistent with the design standards established pursuant to the United States Animal Welfare Act (7 USC 54) and compliant with state and local

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health and building codes;

(7) Maintains liability insurance of a least \$1 million;

(8) Maintains a plan for the recapture or destruction of any such wild animal in the event of loss;

(9) Maintains a plan for the maintenance or disposition of all wild animals in the event of the owner or keeper's absence, illness, or death;

(10) Maintains documentation to verify a minimum of one year of practical husbandry or a minimum of 300 hours of formalized training or apprenticeship in the care, feeding, handling and husbandry of the species to be possessed or of another species that is substantially similar to the species to be possessed in size, characteristics, care and nutritional requirements. A Bachelor of Science or higher degree in a relevant biological science, obtained at an accredited institution of higher learning, may be substituted for 150 hours of apprenticeship. Documentation shall consist of:

(A) A description of the specific experience acquired;

(B) The date and time the experience was obtained and the specific locations where acquired; and

(C) A minimum of two references from a professional organization or governmental institution such as a university, zoological association, or federal agency;

(11) Has not been convicted of violating wild animal laws or regulations of any state, the federal government or other country pertaining to the importation, possession, liberation, or welfare of wild animals;

(12) Maintains complete and accurate records for each wild animal in its possession which identify:

(A) The species, sex, age, and lineage of each wild animal;

(B) Date of birth and acquisition;

(C) If applicable, the name and address of any person who has previously possessed the wild animal and date of transfer; and

(D) The date of the death, loss or transfer to another person of each wild animal; and

(13) Maintain records required by this subsection in chronological order, for a minimum of five years after the date of death, loss, or transfer of any wild animal and shall make such records available for inspection at any reasonable time upon request of the commissioner or the commissioner's designee.

(g) **Notification Requirement.** Any person possessing a Category One or Two Wild Animal who loses such wild animal shall notify the Department of Energy and Environmental Protection upon becoming aware of the loss.

(h) **Disease Reporting and Prevention.**

(1) Any person who possesses a wild animal showing any symptoms of illness within six weeks of the importation of such wild animal shall, not later than twenty-four hours after recognition of such symptoms, file a report with the commissioner on a form prescribed by the commissioner. The commissioner may require that any wild animal imported into the state that shows symptoms of illness or disease be quarantined for a period of time to

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be determined by the commissioner.

(2) Any person who possesses a wild animal that continues to show symptoms of illness or disease during the quarantine period described in subdivision (1) of this subsection shall immediately have such animal taken to a licensed veterinarian for examination, or if the animal is dead, shall have such animal taken to an animal disease laboratory, or such other laboratory designated by the commissioner, for examination. Such person shall request that a copy of the animal disease laboratory's, or other laboratory's, findings be sent to the Department of Energy and Environmental Protection and the Department of Agriculture.

(Effective March 5, 2012)

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Subject

Hunting and Transportation of Wildlife

Inclusive Sections

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Hunting and Transportation of Wildlife

Sec. 26-57-1. Permits for the transportation and disposal of deer carcasses by highway departments

(a) No person shall transport a deer carcass from any roadway except that a carcass affixed with a deer disposal permit may be transported for disposal purposes by state or local highway departments.

(b) For the purposes of subsection (a) of this section, a deer disposal permit shall be defined as that form (EPW-32) printed by the Commissioner, which shall be signed and dated by a Connecticut State Police, local police or Department of Environmental Protection Conservation officer, indicating the department of the officer and affixed to the carcass to be disposed of after completion of a Deer Kill Incident Report (EPW-8) pursuant to section 26-86 of the Connecticut General Statutes.

(Effective November 1, 1988)

Sec. 26-57-2. Permits for the transportation and disposal of vehicle killed deer

(a) No person shall transport a deer killed or seriously wounded as the result of a collision with a motor vehicle without a deer transportation permit.

(b) For the purposes of subsection (a) of this section, a deer transportation permit shall be defined as that form (EPW-8) Deer Kill Incident Report (DKIR) printed by the Commissioner, containing the following information (1) date; (2) location; (3) sex and weight of the deer; (4) disposition of carcass; (5) vehicle information; and (6) other remarks the officer may wish to note, which shall be completed and signed by the Connecticut State Police, local police or Department of Environmental Protection Conservation officer on site. The DKIR shall be designated as the permit by which a person may claim and transport a deer killed or wounded by a motor vehicle after inspection of such deer and issuance of a DKIR by any Connecticut State Police, local police or Department of Environmental Protection Conservation officer as authorized by section 26-86 of the Connecticut General Statutes. The white and canary copies of DKIR reports shall be routed to the Department of Environmental Protection by the officer within 30 days of issuance.

(Effective November 1, 1988)

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Subject

Permits for Tanning, Curing, or Mounting Wild Birds and Wild Quadrupeds

Inclusive Sections

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Permits for Tanning, Curing, or Mounting Wild Birds and Wild Quadrupeds

Sec. 26-59-1. Permits for tanning, curing or mounting wild birds and wild quadrupeds

(a) No permit shall be required for the tanning, curing or mounting of game birds, wild quadrupeds, reptiles or amphibians legally acquired during the open season for taking such animals or for such animals when legally acquired and legally possessed under the provisions of the general statutes, and no permit shall be required for the tanning, curing or mounting of unprotected birds, quadrupeds, reptiles or amphibians.

(b) No species of wild bird, wild quadruped, reptile or amphibian acquired other than specified in this section shall be tanned, cured or mounted without first obtaining a permit from the department of environmental protection.

(c) No individual shall be issued a permit for tanning, curing or mounting any wildlife, or parts thereof, which has been pursued, hunted, killed, captured or trapped contrary to any laws or regulations, or obtained and possessed as a result of the accidental death of such wildlife, except that a permit may be issued to any individual with the conditions that the animal, or parts thereof, must be tanned, cured or mounted, donated to, and immediately housed at an educational institution, museum, zoological park or nature center specified on the permit, provided such recipient is aware of such conditions and agrees to accept the specimen for public educational purposes.

(d) Any wildlife possessed contrary to the regulations or provisions of this chapter shall become the property of the state, to be disposed of at the discretion of the commissioner.

(Effective January 1, 1995)

Sec. 26-59-2. Receipt of raw furs by taxidermists

Any person who is licensed as a taxidermist under section 26-58 of the General Statutes and receives the untagged raw fur or carcass of any quadruped listed in section 26-66-5 (d) of the Regulations of Connecticut State Agencies as amended, for the purpose of tanning, curing, or mounting shall immediately report the receipt of such raw fur or carcass by telephone to a location specified by the Commissioner. Upon receipt of such raw fur or carcass, it shall become the responsibility of the taxidermist to have the raw fur or carcass properly tagged, as required by section 26-66-5 (d), not later than the next regularly scheduled tagging session. In addition, the taxidermist shall keep a record of all transactions involving such untagged furs or carcasses, which shall include the date of each transaction, owner's name, species and method of take. Such records shall be open for inspection by department representatives at any reasonable time.

(Effective October 31, 1984)

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Subject

Hunting and Trapping

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Hunting and Trapping

Sec. 26-66-1. Behavior and actions of hunters

(a) The method of taking wild birds and wild quadrupeds by hunting shall be restricted to firearms, high velocity air guns using a single ball or pellet type projectile, and compound, long, or recurved bow. In designated areas, by special permit, the commissioner may allow the use of modified versions of air guns or archery implements to achieve wildlife management objectives. No arrow or projectile which is coated with or contains any drugs, poison or known tranquilizing substance may be used or possessed while engaged in archery hunting.

(b) Use of crossbows is prohibited, except during the January bow and arrow season on private land in deer management zones described pursuant to section 26-86a-6(b) of the Regulations of Connecticut State Agencies or except that a person who has a permanent physical disability to the degree that he or she cannot operate a long, recurve or compound bow may obtain a permit to take deer or turkey with a crossbow. A person applying for a crossbow permit under the disability provision of this section shall show proof that he or she has successfully completed the Connecticut conservation education/firearms safety advanced bowhunter education course or its equivalent and present a certificate from a licensed physician that he or she is so disabled. Upon satisfactory proof of disability, the commissioner may issue such a permit under this section which shall be carried at all times while hunting. Such permit shall not be a replacement for and is valid only with any license or permit required for archery hunting under the provisions of chapter 490 of the Connecticut General Statutes or regulations promulgated thereunder. Any crossbow and bolt combination to be used for hunting as permitted under this subsection shall meet the following specifications: (1) The draw weight of the crossbow shall be not less than 125 pounds nor more than 200 pounds; (2) The crossbow shall have a permanent fixed rifle type stock, and a functional and/or fully operational mechanical safety device; (3) The bolt (arrow) length shall be not less than eighteen inches, excluding the broadhead; (4) The bolt weight shall be not less than 450 grains, including the broadhead; (5) the broad head shall have two or more blades with a width not less than seven-eighths of an inch at the widest point. In addition, any crossbow in a drawn and cocked position shall be considered a loaded weapon, whether or not a bolt is loaded on the crossbow.

(c) There shall be no hunting from one-half hour after sunset to one-half hour before sunrise, except that raccoon and opossum hunting is permitted after sunset on state-owned lands which are open to hunting and on privately owned lands where landowners do not object, and provided the open season for hunting migratory game birds shall be governed by the provisions of Section 26-66-4, and provided further that on the third Saturday in October, hunting shall commence at 7:00 a.m. e.d.t. (eastern daylight time) except for waterfowl, turkey and archery deer hunting.

(d) There shall be no hunting with firearms, discharging of firearms or carrying of loaded firearms within five hundred feet of any building occupied by people or domestic animals or used for storage of flammable or combustible materials, unless written permission of

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owner of such buildings is obtained and carried while hunting to allow closer shooting distances, except that the above referred to distance shall be not less than two hundred fifty feet unless written permission of owner of such buildings is obtained and carried while hunting to allow closer shooting distances when waterfowl is hunted in tidal water areas from land shooting positions or from floating blinds anchored adjacent to land or from rock formations. The provisions of this subsection shall not apply to landowners, their spouses or lineal descendants when hunting within five hundred feet of buildings owned by them or, when hunting waterfowl, within two hundred fifty feet of such buildings, but shall apply when said persons are hunting within said distances of buildings not so-owned.

(e) No hunting weapon shall be discharged toward any person, building or domestic animal when the same is within range or from or across the traveled portion of any public roadway.

(f) Domestic animals, agricultural crops, signs, fences, installations and facilities of utility companies and other property shall not be damaged.

(g) No dogs shall be trained, run or exercised or be permitted to run at large during the period from June first to the opening of the upland hunting season on any land posted by the Department or its agents against such activity.

(h) Hunting, trapping, fishing and/or trespassing is prohibited on any wildlife refuge, closed area or safety zone posted by the Department or its agents against such activity.

(i) Hunting is prohibited from the traveled portion of a public road or on any road adjacent to any premises used for the breeding, rearing, or holding in captivity of wildlife, or premises used for zoological purposes, or posted by the Department or its agents against such activity.

(j) No animals, except a dog or bird of prey where permitted by law or regulation shall be used in hunting or pursuing any wild bird or wild quadruped. Permits to use of birds of prey may be issued at the discretion of the commissioner to those persons who are engaged in federal, state or university cooperative research programs for the reestablishment of wild populations of raptors.

(k) No motor vehicle shall be operated or parked upon any public or private road, parking area, lane, passageway, right-of-way, field or lot posted by the Department or its agents against such activity.

(l) Discarding of bottles, glass, cans, paper, junk, litter or trash is prohibited on lands and waters open to hunting or otherwise under the jurisdiction of the Department of Environmental Protection.

(m) Vehicles using department-controlled parking areas shall be parked only in authorized places.

(n) At department-controlled boat launching sites, no boat shall be moored or anchored in a manner that will obstruct or interfere with the launching of other boats, and no boat shall be left unattended in the water or beached on shore unless such boat has, in an exposed area, the name and address of the owner of such boat painted or branded thereon or in any legible manner attached thereto. Any boat anchored, moored, beached or stored in violation

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of this subsection, and not removed within forty-eight hours after notice has been served on the owner thereof, shall be subject to impoundment at the expense of the owner, and such owner shall be subject to the penalties provided for violations of the provisions of this subsection. For the purpose of this subsection, notice shall be considered to have been served on the owner when a warning card has been affixed to his boat by a representative of the Department.

(o) At department-controlled boat launching areas on inland lakes and ponds, unattended boats left moored, anchored, beached or stored after December fifteenth and before March first shall be subject to impoundment at the expense of the owner and such owner shall be subject to the penalties provided for violations of the provisions of this subsection.

(p) Subject to the provisions of subsection (c), no person shall hunt raccoons or opossums from 1/2 hour after sunset to 1/2 hour before sunrise by the use of a rifle, revolver, or pistol that uses centerfire ammunition or rim fire ammunition having a cartridge case longer than that of a .22 caliber long rifle cartridge case and the projectile of which is heavier than 20 grains or by use of shotgun shells larger or heavier than number two shot. No person shall take or attempt to take raccoons or opossums by the use of a light from a motor vehicle.

(q) Rifles and handguns using centerfire ammunition or rim fire ammunition having a cartridge case longer than that of a .22 rim fire long rifle cartridge case and the projectile of which is heavier than 20 grains and shotgun ammunition of loads larger or heavier than number two shot shall not be possessed or used for the purposes of hunting as defined in section 26-1 of the Connecticut General Statutes on any private land during the private land shotgun/rifle deer season as specified in section 26-86a-6(d) of the Regulations of Connecticut State Agencies. This provision relating to rifle and shotgun ammunition shall not apply to persons holding valid private land shotgun and/or rifle deer permits. Waterfowlers hunting from a boat, blind or stationary position may only use the ammunition specified in section 26-66-4(t) of the Regulations of Connecticut State Agencies.

(r) No person shall hunt, pursue, wound or kill any wildlife from September 1 through the last day of February without wearing above the waist at least a total of four hundred square inches of fluorescent orange clothing visible from all sides. This provision does not apply to: (1) archery deer hunting during the open season for hunting deer with bow and arrow; (2) archery deer hunting during the private land muzzleloader or shotgun/rifle deer seasons while hunting from an elevated tree stand more than 10 feet from the ground in zones designated by the commissioner; (3) archery and firearms turkey hunting; (4) waterfowl hunting from blinds or boats or from a stationary position; (5) crow hunting from a blind or a stationary position; (6) hunting raccoon and opossum from one-half hour after sunset to one-half hour before sunrise; (7) deer hunting by a landowner on his own property; or (8) archery hunting on state lands designated by the commissioner and listed in his applicable annual Connecticut Hunting and Trapping Guide as open to bowhunting only while hunting from an elevated stand more than ten feet from the ground.

(Effective May 16, 1996; Amended May 29, 1998; Amended August 30, 1999; Amended December 18, 2002; Amended April 27, 2005; Amended August 3, 2009)

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Sec. 26-66-2. State-owned, state-leased, and permit-required hunting areas; weapons

(a) Any rifle or handgun using centerfire ammunition may not be used to hunt on state-owned land. Any rifle or handgun that uses rim fire ammunition having a cartridge case longer than that of a .22 long rifle cartridge case and the projectile of which is heavier than 20 grains, muzzleloading rifles larger than .36 caliber or using any projectile other than round ball, crossbows and shotgun ammunition of loads larger or heavier than number two shot shall not be possessed or used for the purposes of hunting as defined in section 26-1 of the Connecticut General Statutes on any state-owned land, including state forests. This provision shall not apply to rifles possessed by persons transporting legally killed and properly tagged deer taken on private lands to check stations located on state-owned properties, approved rifle range areas or deer hunting with shotgun or muzzleloader during the open season on such land. Waterfowlers hunting from a boat, blind or stationary position may only use the ammunition specified section 26-66-4(t) of the Regulations of Connecticut State Agencies.

(b) Rifles of any caliber and shotgun ammunition of any shot load larger or heavier than number two shot shall not be possessed and pistols or revolvers of any caliber shall not be used for the purposes of hunting as defined in section 26-1 of the Connecticut General Statutes on any state-leased or permit-required hunting area during the period starting the third Saturday in October through the last day in February, except by landowners, lessees, their spouses, lineal descendants and regular employees on land owned or leased by them. Waterfowlers hunting from a boat, blind or stationary position may only use the ammunition specified in section 26-66-4(t) of the Regulations of Connecticut State Agencies. This provision shall not apply to combination rifle-shotgun firearms when the rifle portion thereof is, or has been made, inoperative, or to approved rifle range areas on such land. This provision shall not apply to persons holding a valid permit to hunt deer on such land with shotgun, rifle or muzzleloader. Trappers actively engaged in legal trapping and raccoon hunters may use handguns using ammunition having a cartridge case not longer than that of a .22 rim fire long rifle cartridge case and the projectile of which is not heavier than 20 grains.

(c) During the period from the last day in February to the third Saturday in October, rifles, pistols or revolvers without regard to caliber, and shotgun ammunition of any load may be used in the legal hunting or taking of wildlife, or for any other legal purpose, on state-leased and permit-required hunting areas only with written permission of the landowner or lessee of the land.

(d) Hunting or possession of any hunting weapon is prohibited in any park or forest recreation area except at predetermined times in such areas as are set aside by the commissioner or his designee and posted for such purposes.

(e) Starting the third Saturday in October through the last day in February, hunting or shooting is prohibited on any permit-required hunting area without a written permit or other authorization from the Department of Environmental Protection or an authorized agent of the Department except on lands owned by the Department of Environmental Protection

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designated as a permit-required hunting area, a written permit or other authorization from the Department is required from the third Saturday in October through the first Saturday in December unless otherwise posted. All such written permits or other authorizations shall be returned to the Department, or its authorized agent, within forty-eight hours following expiration of such permit or authorization. Records kept by any authorized agent in issuing such permits or authorizations shall be available for inspection by any state conservation officer or other Department official during normal business hours.

(Effective October 18, 1996; Amended May 29, 1998; Amended April 27, 2005)

Sec. 26-66-3. Open hunting season and bag limits for upland game birds and quadrupeds

The following seasons are subject to the closures provided in (i) and (j) of this section:

(a) The open season for taking chukar partridge shall be from the third Saturday in October through the second Saturday in January. The daily bag limit shall not exceed two chukar partridge, and the season bag limit shall not exceed ten chukar partridge.

(b) The open season for taking European hare and cottontail rabbit shall be from the third Saturday in October through the last day of February. The daily bag limit shall not exceed one European hare and three cottontail rabbits, and the season bag limit shall not exceed ten European hare and twenty-five cottontail rabbits. The open season for taking ruffed grouse shall be from the third Saturday in October through the last day of November. The open season for taking gray squirrel shall be a split season starting the first day in September and running through the last day of September and starting the third Saturday in October and continuing through the last day of February. The daily bag limit shall not exceed one ruffed grouse and eight gray squirrels and the season bag limit shall not exceed eight ruffed grouse and forty gray squirrels.

(c) The open season for taking snowshoe rabbit shall be from the third Saturday in November through January 31. The daily bag limit shall not exceed two and the season bag limit shall not exceed ten.

(d) The open season for taking raccoon and opossum shall be from the third Saturday in October through the third Saturday in January. During the shotgun season for hunting deer, raccoon and opossum hunting will not be permitted during the daylight hours from ½ hour before sunrise to ½ hour after sunset. The daily bag limit shall not exceed five for raccoon. There shall be no daily or seasonal bag limits on opossum.

(e) The open season for taking quail shall be from the third Saturday in October and continue for two consecutive weeks, except that the season shall continue through the second Saturday in January on the following state controlled field trial or dog training areas: Dr. John E. Flaherty Field Trial Area, Mansfield Hollow Dam, Nod Brook Management Area and Sugarbrook Field Trial Area. The daily bag limit shall not exceed two and the season bag limit shall not exceed ten.

(f) There shall be no open season on Hungarian partridge, northern and southern flying squirrel, mink, moose, muskrat, beaver, otter, Canada lynx, harbor seal, pine marten, Indiana

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bat, black bear, fisher, bobcat and mountain lion (*felis concolor*).

(g) There shall be no closed season except as provided in section 26-66-1 (c) and subsection (j) of this section; and no daily or season bag limits on any of the following species: coyote, porcupine, red squirrel, weasel, and skunk.

(h) The open season for taking red fox and gray fox shall be from the third Saturday in October through the last day in February. The daily bag limit shall not exceed three and the season limit shall not exceed thirty, in combination.

(i) There shall be a closed season for all hunting and the training of dogs from the first Saturday in October through 7:00 a.m., e.d.t. on the third Saturday in October except for turkey and archery deer hunting; rail and gallinule hunting in tidal marsh; waterfowl hunting; the hunting of foxes and rabbits under the provisions of section 26-39 of the general statutes as amended; hunting on licensed private shooting preserves operating under the provisions of section 26-48 of the general statutes as amended; junior pheasant hunting training day under the provisions of Section 26-48a-1(a) of the Regulations of Connecticut state agencies; field trials held under the provisions of section 26-51 and section 26-52 of the general statutes as amended, the training of dogs under the provisions of Section 26-49 of the general statutes as amended; or the training of hunting dogs on any area approved by the Department for this purpose.

(j) There shall be no open season for hunting any wild game birds or mammals other than turkeys during the open spring turkey season beginning the first Wednesday in May and ending after 25 consecutive days thereafter.

(k) The open season for taking woodchuck shall be from March 15 through November 15.

(Effective May 16, 1996; Amended May 29, 1998; Amended December 18, 2002; Amended April 27, 2005)

Sec. 26-66-4. Wild fowl and shore birds

The open season daily bag limit and possession limit for migratory game birds and the method of taking such game birds shall be the same as the open season, daily bag limit, possession limit and methods of taking fixed for such birds by the regulations of the United States fish and wildlife service made under the provisions of an act of Congress relating to migratory birds, and as provided under the provisions of section 26-91 of the general statutes, except as provided in section 26-66-1(c).

(a) There shall be a minimum distance of one hundred yards between all occupied duck hunting blinds, whether such blinds be permanent, temporary, drift or float.

(b) No person, except the commissioner, may construct or place any permanent blind or structure for hunting of waterfowl on state-controlled lands or waters. Any such permanent blind or structure may be removed or destroyed by the commissioner at any time.

(c) All waterfowl hunting on state-controlled lands and waters of Great Island, Old Lyme and Ragged Rock Creek, Old Saybrook, shall be from waterfowl hunting blinds only, except that cripples may be recovered by shooting within the area open to hunting.

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(d) Waterfowl hunting in the Niantic River in the towns of Waterford and East Lyme is subject to the following regulations:

(1) Hunting is prohibited from shore or in the intertidal area without the permission of the riparian property owner;

(2) Hunting is prohibited in the water areas northerly of an east and west line which touches the southern tip of Sandy Point and includes Keeny Cove;

(3) Hunting from boats is permitted only along the midline of the river;

(4) Hunting is prohibited in Smith Cove and the channel entering Smith Cove in East Lyme.

(e) Waterfowl hunting is prohibited in Alewife Cove and entrance channel, Waterford and New London, and in Jordan Cove, north from the mean high water line on the northern side of the sand spit and island.

(f) Except during the regular duck season scaup, scoter, eider and old squaw may be hunted only in coastal waters and all waters of rivers and streams lying seaward from the first upstream bridge.

(g) There shall be no waterfowl hunting on or from the tidal waters of the inlet between Cuttings Road, Compo Beach Road and Owenoke Park, known as Gray's Creek, Westport.

(h) There shall be no waterfowl hunting in Cove Pond (Holly Pond) Stamford and Darien north of the dam.

(i) The open season for taking crows shall be from the third Saturday in October through the first Saturday in March.

(j) There shall be no waterfowl hunting in the tidal waters of Cove Harbor within 100 feet of the mean high tide mark of the Darien shore.

(k) Except when specifically authorized by the United States Fish and Wildlife Service for use during a special hunting season and as published in the migratory bird hunting guide, no person shall take migratory game birds with a shotgun of any description capable of holding more than three shells, unless it is plugged with a one-piece filler, incapable of removal without disassembling the gun, so its total capacity does not exceed three shells.

(l) Waterfowl hunting in the Thames River in the Town of Waterford is prohibited in Smith Cove northwest and above the railroad tracks, and from the shores and waters in the vicinity of Mamacoke Island in Mamacoke Cove westward of a line running from the easternmost point of land at Harrison's Landing due north to the point where it intersects the southernmost tip of Mamacoke Island, and from the shores and waters within the unnamed cove west of Mamacoke Island southward of a line running due east from the southernmost point of shoreline of the unnamed waterbody west of the railroad tracks, the shores and waters of which shall also be closed to waterfowl hunting, to a point intersecting the shoreline of Mamacoke Island.

(m) Waterfowl hunting shall be prohibited in the area of Mason's Island known as Ram Point Cove inland of a line extending from the high water mark on the southernmost tip of Ram Point to the southernmost tip of Mason's Island bordering the eastern side of Ram Point Cove.

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(n) There shall be no waterfowl hunting in the Black Hall River in Old Lyme in the area bordered on the south by Route 156 and on the north by the first upstream railroad crossing.

(o) No person shall kill or wound any waterfowl without making a reasonable effort to retrieve the bird. Any bird which is killed or wounded and not retrieved shall count in the daily bag total.

(p) A waterfowl hunting party shall include no more than 6 individuals with a minimum distance of 100 yards between parties.

(q) There shall be no waterfowl hunting in Assekonk Swamp, North Stonington.

(r) For waterfowl hunting, only the following shot shall be used: (1) Non-toxic steel shot no larger than BB steel, or (2) Bismuth-tin alloy (97% bismuth and 3% tin), Tungsten Polymer, or tungsten iron shot or tungsten-matrix (95.9% tungsten: 4.1 % polymer). tungsten-nickel-iron (Hevishot) or any other non-toxic shot approved for use by the United States Fish and Wildlife Service no larger than number two. No person may possess lead shot while waterfowl hunting.

(s) (1) There shall be no waterfowl hunting in any direction within a 500 foot radius of the mean high tide mark at Merwin Point in Milford.

(2) There shall be no waterfowl hunting within the area bounded by the shoreline and a line from the southernmost extension of the 500 foot radius at Merwin Point in Milford referenced in subdivision (1) of this subsection westward to the southeastern shoreline at Pond Point in Milford.

(t) Waterfowl hunting is prohibited in the area known as the Cedar Point peninsula, shoreward of a line extending from the southerly tip of the stone breakwall at the eastern end of Compo Beach to the tip of Cedar Point and to the westerly tip of Owenoke Point in Westport.

(u) There shall be no waterfowl hunting in or from the banks of the Mystic River between Route 1 and Route 27 in Mystic and Groton.

(v) There shall be no waterfowl hunting in or from the banks of Ash Creek north of a line drawn from the northern end of the steel railing on the fishing pier in Fairfield to the northern end of the stone seawall in Bridgeport at the mouth of the creek where it enters Long Island Sound.

(w) Waterfowl hunting is prohibited from the shore and water in the Giant's Neck area of East Lyme at the mouth of the Pataguanset River northward of a line running due west from the south end of the fixed pier located at the Giant's Neck Boat Association Launch to the south end of the breakwall located at the end of Point Road.

(x) Waterfowl hunting is prohibited from the shores and waters of Long Island Sound in Greenwich as follows:

(1) In Greenwich Cove, north of a line extending from the easternmost point of land at Willowmere Point to the northernmost point of land on the peninsula immediately north of Meadow Place.

(2) In Cos Cob Harbor, north of a line extending due east from the southeasternmost point of land at the power plant property off of Sound Shore Road to the shoreline adjacent

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to Glen Avon Road.

(3) In Greenwich Harbor, Smith Cove and Indian Harbor, north of a line extending from the northernmost tip of the area known as Round Island on the west side of Greenwich Harbor to the southernmost tip of the peninsula at the end of Indian Field Road.

(4) In Byram Harbor, north of a line extending northeastward from the end of Dock Road to the southeastern most tip of Gamecock Island across Byram Harbor to the southern most tip of the unnamed peninsula immediately west of Harbor Drive.

(y) Waterfowl hunting is prohibited from the shores and waters of the Branford River in Branford from Route 1 south to Montowese Avenue.

(z) Waterfowl hunting is prohibited from the shores and waters in Post Cove in Deep River southward of the dike that extends across the northern edge of the cove.

(aa) Waterfowl hunting is prohibited from the shores and waters in the area known as Long Shore Club Park in Westport shoreward of a line extending from the westerly tip of Owenoke Point to the southwest tip of Hendricks Point.

(bb) Waterfowl hunting at Plum Bank Marsh Wildlife Management Area in Old Saybrook is prohibited north and east of a line extending from Southview Circle southeast to Gull Lane.

(cc) Waterfowl hunting is prohibited from the shores and waters of the Quinnipiac River in New Haven south from a line extending from the southernmost tip of Granis Island at the mouth of Hemingway Creek, across the river to Lombard Street to the Route 1 Bridge.

(dd) Waterfowl hunting is prohibited from the shores and waters of the Housatonic River in Milford and Stratford southward from the I-95 bridge to a line extending from Edgemont Road in Milford across the river to Riverview Place in Stratford.

(Effective October 18, 1996; Amended October 22, 1997; Amended May 29, 1998; Amended August 30, 1999; Amended December 18, 2002; Amended April 27, 2005; Amended August 3, 2009; Amended October 4, 2011)

Sec. 26-66-5. Trapping. General

The following regulations concerning trapping of furbearing animals apply throughout the state and supplement the provisions of Section 26-72 of the general statutes.

(a) Furbearing animals may be taken by deadfall, box trap, live trap, unpadded metal traps not having a spread or opening greater than five and three quarters inches or padded metal traps not having a spread or opening greater than five and fifteen sixteenths inches, and smooth wire traps not having an opening greater than six and one-half inches, and species specific traps. For the purposes of this section, a species specific trap shall have all of the following features: (1) a triggering mechanism and restraining mechanism enclosed by a housing; (2) when set, triggering and restraining mechanisms accessible only via a single opening; (3) an access opening measuring not greater than 2 inches in diameter if round, or not greater than 2 inches diagonally if rectangular in shape; (4) a triggering mechanism that can only be activated by a pulling force; and (5) a swivel mounted anchoring mechanism. For the purposes of this section, a padded metal trap shall have all of the

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following features: (1) spring strength shall not exceed 55 inch pounds with arms in the closed position and 85 inch pounds with arms in the open position: (2) a gap between the arms of the trap such that in a closed position the gap shall be no less than $\frac{1}{4}$ inch in width and no less than 4 inches in length: (3) provides and incorporates replaceable non-weather hardening, non-age hardening padding material not less than $\frac{3}{32}$ inch thick covering the closing surfaces of, and securely affixed to, the arms: (4) a chain no longer than 6 inches in length: (5) swivels located at each end of the chain, with one center mounted below the trap and (6) a shock absorbing spring incorporated into the anchoring chain. Unpadded metal traps or padded metal traps with a spread or opening not greater than seven and one-half inches, or conibear type traps or similar smooth wire traps not greater than ten inches square may be set for beaver in water bodies occupied or frequented by beaver, including but not limited to lakes, ponds, marshes, swamps, rivers and streams. No traps may have serrations or teeth.

(b) Subject to the provisions of section 26-66-5(a) unpadded metal traps and smooth wire traps shall only be placed, set or attended below the surface of the water in a pond, lake, stream, river, spring hole or tidal waters, except smooth wire traps having an opening of four and three quarters inches or less may extend above the surface of the water provided a portion of the trap frame must remain in contact with the water. Subject to the provisions of section 26-55-5(a), padded metal traps shall only be placed, set or attended below the surface of the water in a pond, lake, stream, river, spring hole or tidal waters or in the burrow of wild animal, except from December 1 through January 31, coyotes may be trapped with padded metal traps placed, set or attended on or below the ground on private land subject to the following restrictions: (1) private land parcels shall be a minimum of 10 contiguous acres; (2) any person placing, setting or attending such traps shall carry in possession proof of completion of a land trapping course approved by the commissioner; (3) any person placing, setting or attending such traps shall carry in possession written landowner permission explicitly allowing use of padded metal traps on or below ground; (4) bait shall not be visible; (5) traps shall require a force greater than two pounds to be triggered; (6) traps shall be securely anchored to the ground. No trap shall be placed, set or tended within ten feet of the waterline of a muskrat house or beaver house.

(c) Any device, the object of which is to discharge a firearm, or cause the discharge of any shell, cartridge, explosive, poison or flammable material of any nature, is prohibited when used with any trap.

(d) No person taking or possessing furs required to be tagged shall sell, exchange, give away, mail or transport beyond state boundaries, otherwise dispose of, or retain for his or her own use, any raw fur of any beaver, bobcat, coyote, fisher, red fox, gray fox, wild mink or river otter unless such raw fur has been tagged, at no cost, by department representatives. Times, dates and locations of the regular tagging sessions shall be listed in the abstract of hunting laws and regulations. All raw fur must be properly tagged by the last scheduled tagging date of the current season or before selling, exchanging, giving away, mailing or transporting beyond state boundaries, or otherwise disposing of the raw fur, whichever

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comes first. For the purposes of this section, raw fur means a pelt which has not been tanned, mounted or processed in way.

(e) On privately owned lands, no person shall set, place, or attend any trap unless he has in his possession the written permission of the owner. Dated permission must be obtained for the current season.

(Effective February 16, 1994; Amended April 27, 2005)

Sec. 26-66-6. Trapping on state-owned land

In addition to the regulations in subsections (a) to (d) inclusive of section 26-66-5, the following regulations are in effect:

(a) **Definitions:** As used in this section:

(1) “Commissioner” means the Commissioner of Environmental Protection or his or her authorized representative; and,

(2) “Unit or units” means property or portions thereof specifically identified by the commissioner.

(b) No person shall trap on state-owned property without written authorization from the commissioner. Such authorization to trap on state-owned property shall be issued to all persons qualified pursuant to subsection (c) of this section in the order in which completed registration forms and required fees are recorded as received by the commissioner.

(c) The Commissioner may authorize trapping on units of state-owned property during the open trapping seasons specified in section 26-66-7(b) of the Regulations of Connecticut State Agencies by any person who: (1) submits proof of having a valid license to trap in Connecticut issued pursuant to section 26-27 of the Connecticut General Statutes; (2) submits proof of having a certificate of completion of the Connecticut Trapper Education Course as described in section 26-31(a) of the Connecticut General Statutes; (3) is 16 years of age or older; (4) certifies in writing on a form furnished by the commissioner that he or she has not been convicted of violating any Connecticut statute or regulation governing trapping during the previous three years’ trapping seasons; and, (5) submits to the commissioner a completed registration form provided by the commissioner and the fee specified in subsection (d) of this section.

(d) The fee to trap on each unit of state-owned property for a trapping season as defined in section 26-66-7(b) of the Regulations of Connecticut State Agencies shall be sixty dollars per unit. This fee is non-refundable.

(e) All trapping authorized under this section shall be confined within the boundaries of the unit described on the authorization issued by the commissioner. The authorization issued under this section is not transferable.

(f) Any person authorized to trap on state-owned property shall maintain, for each unit, up-to-date, complete and accurate daily records of trapping activity on forms provided by the commissioner. Any person authorized to trap on state-owned property shall, while trapping, make such records available for inspection upon request by the commissioner. The daily records of trapping activity shall include the number of traps set each day and the

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number and species of animals caught each day. At any time during the trapping season, the commissioner may require that the daily records of trapping activity be submitted to the commissioner not more than three days after being requested. At the end of the trapping season, each person authorized to trap on state-owned property shall submit to the commissioner a completed season summary of the daily records of trapping activity for each unit on forms provided by the commissioner. The season summary for each unit shall be submitted to the commissioner not more than thirty days after the close of the season for which the authorization was issued. Any person failing to submit a complete season summary or provide daily records of trapping activity as requested shall not be issued an authorization to trap on any unit for the next season.

(g) The commissioner may at any time: (1) revoke an authorization to trap for violating the terms of an authorization or any other statute or regulation governing trapping in the State of Connecticut, or any limitation imposed by the Commissioner under this subsection in accordance with the provisions of the Uniform Administrative Procedures Act; (2) prohibit trapping during specified dates and times; (3) close a unit or certain areas within a unit; (4) restrict the types of traps and their placement; and, (5) limit the number of a particular species that may be trapped.

(h) Any person authorized by the commissioner to trap pursuant to this section may use assistants under the age of 16 provided that prior written authorization is obtained from the commissioner and the assistants meet the requirements of subsection (c)(1), (2) and (4) of this section. No fee shall be charged by the commissioner for such authorization.

(i) For the purposes of wildlife management, the commissioner may remove any fur-bearing animal at any time from a unit.

(Effective October 3, 1972; Amended October 29, 2001)

Sec. 26-66-7. Seasons and bag limits for trapping furbearing animals

(a) There shall be no daily or season bag limit for trapping any species of fur-bearing animal for which an open trapping season is provided, except that the otter season bag limit shall be eight and the fisher season bag limit shall be four.

(b) The open season for trapping raccoon, wild mink, muskrat, river otter, gray fox, red fox, coyote, opossum, weasel and skunk shall be from the first Sunday following the first Saturday in November through March 15th. The open season for trapping fisher shall be from November 20th through December 31st. The open season for trapping beaver shall be from December 1 through March 31st.

(c) There shall be no open season for trapping snowshoe rabbit (varying hare), cottontail rabbit, gray squirrel, European hare, porcupine, red squirrel, woodchuck, Canada lynx, pine marten, black bear, bobcat, mountain lion (*felis concolor*), Indiana bat and harbor seal.

(Effective January 1, 1993; Amended August 30, 1999; Amended April 27, 2005; Amended August 3, 2009)

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Sec. 26-66-8. Sale of game

Any game bird or quadruped, or parts thereof, purchased within or out of the state for the purpose of sale, within or out of the state, shall, within seven days after such sale, be reported by the vendor to the department. Such report shall contain the full name and address of the vendor and the vendee, the date and quantity of the sale and the number and species of such birds or quadrupeds, or parts thereof. All such birds and quadrupeds, or parts thereof, shall bear a tag or marker with legible writing thereon showing the state or country from which such birds or quadrupeds, or parts thereof, have been shipped or purchased.

(Effective February 1, 1990)

Sec. 26-66-9. Repealed

Repealed September 15, 1976.

Sec. 26-66-10. Birds. Open coastal waters beyond outer harbor limits

The definition of “open coastal waters beyond outer harbor limits” for the purpose of hunting migratory waterfowl in Connecticut shall be all coastal waters and all waters of rivers and streams lying seaward from the first upstream bridge.

(Effective January 7, 1964)

Sec. 26-66-11. Wildlife management study areas

On areas designated by posting as Wildlife Management Study Areas, hunters and others using the area shall be required to observe the following, when so indicated by posting:

- (a) Enter and leave the area only at authorized check stations;
- (b) Use the area by permit only, obtained at the check station on a first come-first served basis, in numbers to be determined by the department of environmental protection.
- (c) Wear on the area, at all times, an arm band or other visible identification furnished at the check station;
- (d) Persons using the area will be issued a permit only when willing to cooperate in the study and allow removal of bands and tags from the game taken, crops and the first joint from one wing of birds and similar sampling of wildlife in the bag.

(Effective September 27, 1979)

Sec. 26-66-12. Wild turkey seasons, bag limits, firearms, ammunition, archery equipment, methods, permits, tags and reporting

(a) Season and bag limit:

(1) In such areas of the state as designated by the commissioner and listed in his applicable annual Connecticut hunting and trapping guide, the open spring private land season for hunting bearded wild turkey shall begin the last Wednesday in April and end the last Saturday in May. The two Saturdays before the last Wednesday in April shall be designated as junior turkey hunting training days. On these days, only hunters having a valid Connecticut junior hunting license and a spring season turkey permit may hunt on

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private lands for which they have written permission. The accompanying adult mentor shall have in his/her possession a valid Connecticut hunting license, a spring season turkey permit and written permission from the landowner. The adult mentor shall not carry a firearm, but may assist in calling. Hunting shall be allowed from one-half hour before sunrise until 12:00 noon, except on junior turkey hunting training days, when hunting shall be allowed from one-half hour before sunrise until 5:00pm. The season bag limit shall be three bearded wild turkeys.

(2) In such areas of the state as designated by the Commissioner and listed in his applicable annual Connecticut hunting and trapping guide, the open spring state land season for hunting bearded wild turkey shall begin the last Wednesday in April and end the last Saturday in May. The two Saturdays before the last Wednesday in April shall be designated as junior turkey hunting training days. On these days, only hunters having a valid Connecticut junior hunting license may hunt on state land for which they have a spring season turkey permit. The accompanying adult mentor shall have in his/her possession a valid Connecticut hunting license and a turkey permit for the spring season. The adult mentor shall not carry a firearm, but may assist in calling. Hunting shall be allowed from one-half hour before sunrise until 12:00 noon, except on junior turkey hunting training days, when hunting shall be allowed from one-half hour before sunrise until 5:00pm. The season bag limit shall be two bearded wild turkeys.

(3) In such areas of the state as designated by the Commissioner and listed in his applicable annual Connecticut Hunting and Trapping Guide, the open fall season for hunting either bearded or non-bearded wild turkey with bow and arrow on private and state lands shall run concurrently with the archery deer season as specified in Section 26-86a-6(b) of the Regulations of Connecticut State Agencies. Hunting shall be allowed from one-half hour before sunrise until sunset. The season bag limit shall be two wild turkeys either bearded or non-bearded.

(4) In such areas of the state as designated by the Commissioner and listed in his applicable annual Connecticut Hunting and Trapping Guide, the open fall firearms season for hunting wild turkey shall begin on the first Saturday in October and end on October 31. Hunting shall be allowed from one-half hour before sunrise until sunset. The season bag limit shall be one turkey either bearded or non-bearded on state lands and two turkeys either bearded or non-bearded on private lands.

(b) Firearms, ammunition, archery equipment.

During the regulated seasons, Wild turkey may only be hunted as specified with a 20 gauge or larger shotgun, smooth bore muzzleloader of 20 gauge or larger, or with bow and arrow. Shot sizes in all firearms shall be restricted to #4, 5, 6, 7, or 7 ½. A shotgun used to hunt wild turkey shall not be capable of holding more than three shells and have its magazine plugged with a one-piece filler, incapable of removal without disassembling the gun, so its total capacity does not exceed three shells. Bow and arrow as used in this regulation section means a long, recurved or compound bow with a minimum draw weight of 40 pounds. The arrowhead shall have two or more blades and may not be less than seven-eighths of an inch

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at the widest point.

(c) Method of take

(1) No person shall hunt, pursue, kill, take or attempt to take any wild turkey without a validated turkey permit, in addition to the license required by Section 26-27 of the General Statutes.

(2) No animal, including a dog, may be used in hunting or pursuing any wild turkey.

(3) No person shall take or attempt to take any wild turkey with the aid of real or artificial bait; over any baited area; with the use of electronic amplified turkey calling device or live decoy.

(4) No person shall take or attempt to take any wild turkey by participating in a cooperative drive or assist in hunting, pursuing or killing of wild turkeys without a validated permit. This provision shall not prohibit a hunter that has harvested all of the turkeys allowed under their permit from calling for another hunter with a valid turkey permit.

(5) It shall be unlawful to shoot from a building or other permanent structure.

(6) No person shall take or attempt to take any wild turkey which is roosted in a tree.

(d) Written consent.

No person shall hunt or assist with the hunting of wild turkey on private land without carrying dated written permission of the landowner for the current season. During the spring and fall firearms seasons such written consent shall be on forms provided by the commissioner. Only those consent forms completely filled out, signed and dated by the landowner shall be valid. Persons hunting pursuant to section 26-66-12 (e) (2) (A) shall not be required to carry written consent.

(e) Permits and tags.

(1) (A) During both the spring and the fall firearms turkey seasons an individual may apply for and purchase one state land and one private land permit. Application for all permits except state land designated areas requiring lottery selection shall be made on forms provided by the commissioner and shall be accompanied by the appropriate fee, as specified in Section 26-48a-2 of the Regulations of Connecticut State Agencies.

(B) The issuance of permits on designated state-owned lands for the spring and fall firearms seasons shall be on the basis of a random selection of single accurately completed applications on forms provided by the commissioner. The total number of permits to be issued shall be predetermined by the commissioner and announced prior to the actual selection of permits. Upon notification of selection, the applicant shall return such notice with the appropriate fee as specified in section 26-48a-2.

(2)

(A) Upon receipt of a completed application signed by a landowner of record, the commissioner shall issue, without fee, a private land turkey hunting permit to the owner(s) of ten or more adjoining acres of private land and the husband or wife, parent, grandparent, sibling, and/or any lineal descendant of such owner(s), provided no such owner, husband, or wife, parent, grandparent, sibling, or lineal descendant shall be issued more than one such permit per season. Such permit shall be valid for hunting on the owner's land as

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specified in the permit application.

(B) The land listed in the application shall:

- (i) Be located in a designated turkey hunting zone; and
- (ii) Be open to the public for turkey hunting, subject to the provisions of section 26-66-12(d) of the Regulations of Connecticut State Agencies.

(3) No wild turkey permit may be used unless it is validated by the Department of Environmental Protection and signed by the hunter upon receipt. Such permit is valid only for the state land area and hunting period, or private land for which it is identified. A valid wild turkey permit shall be carried while hunting.

(4) Immediately upon killing a wild turkey, and before moving the carcass in any manner from where it was killed, a person shall write their conservation identification number; name; date and time of kill; town of kill; and permit type on a tag and then sign their name. This tag, signed and with complete information, shall be kept with the turkey at all times.

(5) No person shall change or alter a turkey permit or tag or loan to another or allow another to have or use such permit or tag issued to himself or use any permit or tag issued to another.

(6) During the spring season a person may obtain a single private land permit and a single state land permit. During the fall season a person may obtain a single archery permit, a single private land firearms permit and a single state land firearms permit.

(7) Information contained in the application for such turkey permit which is determined to be false or misleading shall be cause for rejecting such application or revoking such permit.

(f) Reporting.

(1) All spring and fall permittees, whether having taken a turkey or not, who are contacted by the Department for the purposes of surveying turkey hunting activity shall complete a hunting season activity report by the method specified in the hunting and trapping guide published annually by the Department of Environmental Protection.

(2) During the open spring firearms/archery season, the open fall firearms season or the open fall archery season, the fully completed and signed tag specified in sec. 26-66-12(e)(4) shall remain with any harvested turkey until it is packaged for consumption or mounted for display. The fully completed and signed tag kept with a turkey harvested in accordance with all applicable laws and regulations shall constitute lawful possession, provided that the reporting required under subdivision (3) has been completed.

(3) Any person taking a turkey during the open spring firearms/archery season, the open fall firearms season or the open fall archery season shall report the taking of such turkey within 24 hours after taking such turkey by the method specified in the hunting and trapping guide published annually by the Department of Environmental Protection.

(Effective October 18, 1996; Amended August 30, 1999; Amended December 18, 2002; Amended April 27, 2005; Amended August 3, 2009)

Reptiles and Amphibians

Sec. 26-66-13. Seasons, bag limits, and methods for taking amphibians

(a) There shall be no open season for taking Jefferson Salamanders, (*Ambystoma jeffersoianum*), Blue-spotted Salamanders, (*Ambystoma laterale*), Tremblay's Salamanders, (*Ambystoma tremblayi*), Silvery Salamanders, (*Ambystoma platineum*), Eastern Spadefoot Toads, (*Scaphiopus h. holbrooki*) and Northern Leopard Frogs, (*Rana pipiens*), in any developmental stage.

(b) The open season for taking adult Spotted Salamanders, *Ambystoma maculatum*, and adult Marbled Salamanders, *Ambystoma opacum*, shall be from May 1 through August 31. During the open season, adult Spotted Salamanders and Marbled Salamanders shall only be taken by hand or hand-held implement. No person shall take any adult Spotted Salamanders or Marbled Salamanders by seine net. The daily and season bag limit shall not exceed three (3) of each species. There shall be no open season for taking eggs or juveniles of these species. For purposes of this section, "seine net" means a net with sinkers on one edge and floats on the other that hangs vertically in the water and encloses aquatic wildlife when its ends are pulled together or are drawn ashore.

(c) There shall be no closed season and no daily or season bag limits on taking adult Red-spotted Newts, *Notophthalmus v. viridescens*. Adult Red-spotted Newts shall only be taken by hand or hand-held implement. No person shall take any adult Red-spotted Newt by seine net as defined in subsection (b) of this section, minnow trap, or by aid of a motorboat. There shall be no open season for taking eggs or juveniles of these species.

(Effective January 1, 1986; Amended May 29, 1998)

Sec. 26-66-14. Seasons, bag limits, and methods for taking reptiles

(a) There shall be no open season for taking Bog Turtles, (*Clemmys muhlenbergii*), Wood Turtles, (*Clemmys ensculpta*), Diamondback Terrapins, (*Malaclemys terrapin*) and Eastern Box Turtles, (*Terrapene c. carolina*), in any developmental stage.

(b) The open season for taking Black Rat Snakes, *Elaphe o. obsoleta*, shall be from May 1 through August 31. During the open season, Black Rat Snakes shall only be taken by hand or hand-held implement. The daily and season bag limit shall not exceed one (1). However, there shall be no open season for taking eggs of this species.

(c) Repealed, April 27, 2005.

(Effective January 1, 1993; Amended May 29, 1998; Amended April 27, 2005)

Sec. 26-66-15. Guide

For purposes of regulations promulgated under Section 26-66 and Section 26-86a of the general statutes, "guide" means the applicable annual Connecticut Hunting and Trapping Guide issued by the Commissioner of the Department of Environmental Protection.

(Adopted effective August 30, 1999)

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Subject

Implementation of a Falconry Program

Inclusive Sections

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Implementation of a Falconry Program

Sec. 26-67e-1. Definitions

(a) For the purposes of sections 26-67e-1 to 26-67e-18, inclusive of the Regulations of Connecticut State Agencies:

(1) “Captive-bred raptor” means a raptor that has been born and raised in captivity for a period of more than fourteen days;

(2) “Commissioner” means the Commissioner of Environmental Protection;

(3) “Department” means the Department of Environmental Protection;

(4) “Falconer” means a person who engages in falconry as defined in section 26-67d of the Connecticut General Statutes and holds a valid Connecticut falconry permit;

(5) “Falconry” means “falconry” as defined in section 26-67d of the Connecticut General Statutes;

(6) “Hybrid raptor” means a raptor that is the offspring of species that are genetically dissimilar and is sterile or unable to breed with native raptors;

(7) “Imping” means the process of grafting new feathers onto the wing or tail of a bird to repair damage or to increase flying capacity;

(8) “Non-resident” means any person who does not have a domiciliary residence in Connecticut; and,

((9))

(Adopted effective March 1, 2004; Amended August 3, 2009)

Sec. 26-67e-2. General requirements

(a) No person shall engage in falconry or possess a raptor identified in 26-67e-13 of the Regulations of Connecticut State Agencies for the purpose of falconry in the state of Connecticut without a valid falconry permit issued pursuant to section 26-67e of the Connecticut General Statutes and a federal permit issued pursuant to 50 CFR 21.28 and 21.29.

(b) No person shall possess, import, or transport any raptor for falconry purposes in the state of Connecticut without a permit issued pursuant to section 26-55 of the Connecticut General Statutes.

(c) No person shall be issued a falconry permit if they have been convicted of violating the falconry laws and regulations of any state or the federal government within a 5-year period preceding the date upon which a permit application is received by the commissioner.

(d) No falconer shall take any raptor from the wild in Connecticut pursuant to section 26-92 of the Connecticut General Statutes except that a falconer may capture by use of a bow net, mist-net, dho-ghazza net or bal-chatri trap a legally possessed captive-bred or hybrid raptor that has escaped provided that the raptor has been banded with a seamless band pursuant to subsection (b) of section 26-67e-15 of the Regulations of Connecticut State Agencies and the raptor is wearing an item of falconry equipment.

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(e) No person who holds a falconry permit shall propagate any raptor.

(Adopted effective March 1, 2004)

Sec. 26-67e-3. Application for a permit

(a) Any resident of Connecticut who would like to apply for or renew a falconry permit shall:

(1) Submit a complete application for the appropriate falconry class permit as described in section 26-67e-6 of the Regulations of Connecticut State Agencies, on a form provided by the commissioner;

(2) submit the fee specified in section 26-67e-5(a) of the Regulations of Connecticut State Agencies;

(3) submit proof of having successfully completed the examination requirements specified in section 26-67e-8 of the Regulations of Connecticut State Agencies for the appropriate falconry class permit;

(4) submit to the commissioner written documentation from the zoning enforcement officer of the municipality in which the raptor housing facility is located which verifies that the possession of a raptor and construction of a raptor housing facility, or use of an existing structure to house a raptor complies with all applicable local zoning requirements;

(5) certify, in writing, on a form provided by the commissioner, compliance with the facility and equipment requirements specified in sections 26-67e-9 and 26-67e-10 of the Regulations of Connecticut State Agencies;

(6) submit proof of having a valid Connecticut firearms hunting license; and,

(7) certify, in writing on a form provided by the commissioner, that they have not been convicted of violating the falconry laws and regulations of any state or the federal government within a 5 year period preceding the date upon which a permit application is received by the commissioner.

(b) Any non-resident who would like to apply for or renew a falconry permit shall:

(1) Submit a complete application for a non-resident falconry permit on a form provided by the commissioner;

(2) submit the fee specified in section 26-67e-5(b) of the Regulations of Connecticut State Agencies;

(3) submit proof of having a valid falconry license or a valid falconry permit from the state in which they reside, and a valid federal falconry permit;

(4) certify, in writing, on a form provided by the commissioner, compliance with all federal and resident state laws and regulations governing falconry;

(5) submit proof of having a valid Connecticut firearms hunting license; and,

(6) certify, in writing, on a form provided by the commissioner, that they have not been convicted of violating the falconry laws and regulations of any state or the federal government within a 5 year period preceding the date upon which a permit application is received by the commissioner.

(c) Any resident or non-resident who would like to renew a falconry permit shall submit

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a permit application in accordance with the requirements of subsection (a) and (b) of this section at least thirty days before the expiration date of the permit.

(Adopted effective March 1, 2004)

Sec. 26-67e-4. Permit duration and revocation

(a) The duration of a falconry permit shall be:

(1) Three years, beginning on July 1 and ending on June 30 for any person who is a resident of Connecticut; or,

(2) one year, beginning on July 1 and ending on June 30 for any person who is a non-resident.

(b) The commissioner may at any time revoke, in accordance with the provisions of the Uniform Administrative Procedures Act, a falconry permit for violating the terms of a permit or any statute or regulation governing falconry in the state of Connecticut.

(Adopted effective March 1, 2004; Amended August 3, 2009)

Sec. 26-67e-5. Permit fees

(a) The fee for an apprentice, general or master class permit shall be:

(1) \$175.00 for the initial permit or if the permit has lapsed or has been revoked; and,

(2) \$150.00 for the renewal of a current permit.

(b) The fee for a non-resident permit shall be the same as for a Connecticut resident permit for a resident of a state which allows the same privilege to residents of this state. If no such privilege exists, the fee for a non-resident permit shall be \$14.00 annually.

(c) The permit fees specified in subsections (a) and (b) of this section are not refundable.

(Adopted effective March 1, 2004; Amended August 3, 2009)

Sec. 26-67e-6. Classes of permits

(a) There shall be four classes of falconry permits: Apprentice; general; master; and, non-resident.

(b) **Apprentice class.**

(1) The commissioner may issue an apprentice class permit to any person who meets the requirements specified in section 26-67e-3(a) of the Regulations of Connecticut State Agencies; is at least 14 years old; has written approval of a parent or guardian if less than 18 years of age; and, has a sponsor who meets the requirements of section 26-67e-7 of the Regulations of Connecticut State Agencies;

(2) an apprentice class falconer shall possess only one raptor at any time;

(3) an apprentice class falconer shall only possess a red-tailed hawk (*Buteo jamaicensis*), which shall be trapped from the wild in another state by the apprentice under the supervision of the sponsor;

(4) an apprentice class falconer shall not obtain from the wild more than one red-tailed hawk (*Buteo jamaicensis*) for replacement during any twelve-month period beginning on January 1 and ending on December 31;

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(5) an apprentice class falconer shall maintain a written log describing the instruction provided by his or her sponsor. Instruction should include all phases of falconry relating to basic biology, care and handling of raptors, live-trapping techniques, teaching raptors to hunt, and laws and regulations governing falconry; and,

(6) an apprentice class falconer shall not fly or hunt their red-tailed hawk alone until the sponsor provides written notification to the apprentice stating that the apprentice is competent to handle the bird without direct supervision.

(c) General class.

(1) The commissioner may issue a general class permit to any person who meets the requirements in section 26-67e-3(a) of the Regulations of Connecticut State Agencies; is at least 18 years old; submits proof of a minimum of two years experience in the practice of falconry at the apprentice class level, has practiced falconry with their own raptor during at least two hunting seasons; submits written certification from the applicant's sponsor verifying that the applicant satisfies the experience requirement;

(2) a general class falconer shall possess in aggregate only two raptors at any time;

(3) a general class falconer may possess raptors from any category specified under section 26-67e-13 of the Regulations of Connecticut State Agencies; and,

(4) a general class falconer shall not obtain from any category specified in 26-67e-13 of the Regulations of Connecticut State Agencies more than two raptors for replacement birds during any twelve-month period beginning on January 1 and ending on December 31.

(d) Master class.

(1) The commissioner may issue a master class permit to any person who meets the requirements in section 26-67e-3(a) of the Regulations of Connecticut State Agencies; submits proof of having at least five years experience in the practice of falconry at the general class level; and, submits written recommendations from three master falconers stating that the applicant meets the qualifications of a master class falconer;

(2) a master class falconer shall possess in aggregate only three raptors at any time;

(3) a master class falconer may possess raptors from any category specified in 26-67e-13 of the Regulations of Connecticut State Agencies; and,

(4) a master class falconer shall not obtain from any category specified in 26-67e-13 of the Regulations of Connecticut State Agencies more than two raptors taken for replacement birds during any twelve-month period beginning on January 1 and ending on December 31.

(e) Non-resident class.

(1) The commissioner may issue a non-resident class permit to any person who meets the requirements of 26-67e-3(b) of the Regulations of Connecticut State Agencies.

(2) A non-resident falconer shall only possess, while in Connecticut, the approved raptor species specified in 26-67e-13 of the Regulations of Connecticut State Agencies and which are identified on their falconry permit.

(Adopted effective March 1, 2004)

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Sec. 26-67e-7. Sponsorship requirements

(a) Any person who would like to sponsor an apprentice class falconer shall certify in writing, on a form provided by the commissioner, that such person:

(1) Has a valid master falconry permit or a valid general falconry permit with a minimum of three years experience as a general falconer; and,

(2) has not been convicted of violating the falconry laws and regulations of any state or the federal government within a 3 year period preceding the start of the sponsorship.

(b) The sponsor shall:

(1) Act as a source of advice and information for the apprentice;

(2) provide a minimum of twenty hours of field instruction annually and oversee the care, maintenance, and training of the apprentice's raptor;

(3) reside within 400 miles of the apprentice's residence;

(4) not have more than three apprentices at any one time;

(5) notify the commissioner, in writing, within 10 days after the sponsorship has been discontinued with an explanation of the reasons for discontinuing the sponsorship; and,

(6) maintain a written log of the instruction provided to each apprentice class falconer.

(c) An apprentice class falconer may submit, at any time, a written request to the department to change sponsors. Said request shall describe the reasons or circumstances for changing sponsors and the name and address of the new sponsor. Upon authorization from the department, an apprentice class falconer may resume falconry activities with a new sponsor.

(Adopted effective March 1, 2004)

Sec. 26-67e-8. Examination

(a) Any resident who would like to apply for an apprentice class falconry permit shall successfully complete, prior to submitting a permit application, a written examination administered by the commissioner, or his designee.

(b) Any resident who would like to apply for a general or master class falconry permit shall successfully complete prior to submitting a permit application, a written and practical field examination. The commissioner or his designee shall administer the written examination. The commissioner or his designee and a master falconer selected by the commissioner shall administer the practical field examination.

(c) To successfully complete the written examination in subsections (a) and (b) of this section a person shall answer correctly at least 80 percent of the questions relative to the biology, care and handling of raptors and laws and regulations governing falconry.

(d) Any person failing an examination shall not retake the examination for at least 60 days following the date of the previous examination.

(Adopted effective March 1, 2004)

Sec. 26-67e-9. Housing facilities

(a) No resident of Connecticut shall be issued a falconry permit unless the commissioner

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or his designee has inspected and certified that the raptor housing facilities comply with all the requirements of subsections (b) to (i), inclusive, of this section.

(b) Raptor housing facilities shall include a mews (indoor facility) and a weathering area that provides protection from the environment, predators and undue disturbance. The mews and weathering area may be one enclosure or two separate enclosures.

(c) The requirements for separate mews shall be:

(1) For a single raptor: An enclosure having dimensions of 8' x 8' x 7' (L x W x H) at a minimum;

(2) for two or three raptors: An enclosure having dimensions of 8' x 8' x 7' (L x W x H) at a minimum, provided that each raptor shall be able to fully extend its wings without touching the roof, any walls or any other raptors;

(3) the raptors shall be tethered or separated by solid partitions if the species or individuals cannot be safely housed together;

(4) at least one window, protected on the inside by vertical bars that are spaced narrower than the width of the raptor's body;

(5) a roof which covers at least one half the size of the enclosure;

(6) at least three walls constructed of solid materials such as wood, metal, corrugated plastic or similar material;

(7) the fourth wall may be constructed of nonsolid material such as chain-link fencing, welded wire, heavy-duty plastic mesh or vertical bars having a mesh opening or spacing between the vertical bars that prevents the escape or entrapment of the raptor. A mesh opening of 2 inches by 2 inches or spacing between vertical bars of 2 inches shall not be exceeded;

(8) vestibule area with two secure doors that can be easily closed and locked at all times;

(9) a floor consisting of pea gravel, sand, grass, artificial turf, rubber mats, or other artificial substrates that provide proper drainage and are easily cleaned; and,

(10) two or more perches per raptor if the raptor is not tethered and one perch if the raptor is tethered.

(d) The requirements for a separate weathering area shall be:

(1) For a single raptor: An enclosure having dimensions of 8' x 8' x 7' (L x W x H) at a minimum;

(2) for two or three raptors: An enclosure having dimensions of 8' x 8' x 7' (L x W x H) at a minimum provided that each raptor shall be able to fully extend its wings without touching the roof, any walls or any other raptors;

(3) a roof that consists of a solid area at least one third (1/3) the size of the entire cage;

(4) entirely enclosed with at least two of the side walls consisting of nonsolid materials such as chain-link fencing, welded wire, heavy-duty plastic mesh or vertical bars;

(5) the mesh opening or spacing between the vertical bars shall prevent the escape or entrapment of all captive raptors;

(6) the maximum mesh opening shall be 2 inches by 2 inches and the maximum spacing between vertical bars shall be 2 inches; and,

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(7) two or more perches per raptor if the raptor is not tethered and one perch per raptor if it is tethered.

(e) The requirements for a combined mews and weathering area shall be:

(1) For a single raptor: An enclosure having dimensions of 10' x 10' x 7' (L x W x H) at a minimum;

(2) for two or three raptors: An enclosure having dimensions of 10' x 10' x 7' (L x W x H) at a minimum provided that each raptor shall be able to fully extend its wings without touching the roof, any walls or any other raptors;

(3) the raptors shall be tethered or separated by solid partitions if the species or individuals cannot be safely housed together;

(4) at least one window, protected on the inside by vertical bars that are spaced narrower than the width of the raptor's body;

(5) a roof which covers at least one half the size of the enclosure;

(6) at least three walls constructed of solid materials such as wood, metal, corrugated plastic or similar material;

(7) at least one side wall constructed of nonsolid material such as chain-link fencing, welded wire, heavy-duty plastic mesh or vertical bars having a mesh opening or spacing between the vertical bars that prevents the escape or entrapment of the raptor. A mesh opening of 2 inches by 2 inches or spacing between vertical bars of 2 inches shall not be exceeded;

(8) vestibule area with two secure doors that can be easily closed and locked at all times;

(9) a floor consisting of pea gravel, sand, grass, artificial turf, rubber mats, or other artificial substrates that provide proper drainage and are easily cleaned; and,

(10) two or more perches per raptor if the raptor is not tethered and one perch per raptor if it is tethered.

(f) Perches located in the mews and weathering areas shall be of natural materials with all sharp protrusions removed or the perches shall be covered with sisal or manila strand rope, artificial turf or indoor/outdoor carpeting. Natural perches and coverings shall be replaced when worn.

(g) A falconer relocating the raptor housing facility and the raptors to a new location shall notify the department 30 days in advance before the facility is relocated.

(h) Any major structural changes to the mews or weathering area shall be reported, in writing, with accompanying photographs, to the commissioner no later than 30 days after completion of the changes.

(i) The mews and weathering area shall be kept clean and maintained in good working order at all times.

(Adopted effective March 1, 2004)

Sec. 26-67e-10. Equipment

(a) No resident of Connecticut shall be issued a falconry permit unless the commissioner or his designee has inspected and certified that the falconer is in possession of the following

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equipment:

- (1) At least 1 glove or gauntlet appropriate for each species being handled;
 - (2) at least one pair of Aylmeri jesses or similar type constructed of pliable, high-quality leather or suitable synthetic material;
 - (3) a supply of leather and grommets along with grommet setters, a leather punch and cutting tools;
 - (4) at least 1 flexible, weather-resistant leash and 1 strong swivel designed for use with raptors;
 - (5) a digital, triple-beam, postal or baby scale weighing device that is graduated to increments of not more than ½ ounce (15 grams) and containing either a solid perch or an artificial turf covering;
 - (6) at least one suitable container, 2 to 6 inches deep and wider than the length of the raptor for the drinking and bathing of each raptor; and,
 - (7) at least one tethering perch designed for use with raptors.
- (b) All equipment shall be maintained in good working order at all times.

(Adopted effective March 1, 2004)

Sec. 26-67e-11. Transportation and temporary holding requirements

(a) **Transportation.** A raptor shall be transported within an enclosure that provides protection from extreme temperatures and excessive disturbance, and equipped with one perch as described in section 26-67e-9(f) of the Regulations of Connecticut State Agencies. The enclosure shall be at least 3 inches taller than the height of the bird while perched, shall allow for easy entry and removal to minimize stress, and have adequate ventilation. The raptor shall be kept in this temporary enclosure for a period not more than 30 days.

(b) **Temporary Holding.** A raptor may be temporarily held at an off site location in an enclosure constructed of wood or sturdy plastic for a period not more than 30 days. The enclosure shall have dimensions of 5' x 4' x 4' (L x W x H) at a minimum; have at least 1 perch as described in section 26-67e-9(e); adequate ventilation; and protect the raptor from extreme temperatures, excessive disturbance and predators.

(Adopted effective March 1, 2004)

Sec. 26-67e-12. Temporary custody of raptors

(a) A falconer may, for not more than 30 days, place a raptor under the temporary care of another person who:

- (1) Is authorized to do so by the United States Fish and Wildlife Service; and,
- (2) holds a valid permit issued by the commissioner pursuant to section 26-55 of the Connecticut General Statutes; or holds a valid permit issued by another state.

(b) A falconer who places a raptor under the temporary care of another person shall provide the temporary care provider with:

- (1) A completed United States Fish and Wildlife Service Form 3-186A (Migratory Bird Acquisition/Disposition Report); and,

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(2) written authorization which is signed and dated by the falconer, designating another person to temporarily possess the raptor.

(Adopted effective March 1, 2004)

Sec. 26-67e-13. Approved raptor species

(a) The following species of raptors may be used for falconry in Connecticut:

(1) Raptors taken from the wild:

Red-tailed Hawk	<i>(Buteo jamaicensis);</i>
Merlin	<i>(Falco Columbarius);</i>
Prairie Falcon	<i>(Falco mexicanus); and</i>
Harris's Hawk	<i>(Parabuteo unicinctus).</i>

(2) any captive-bred raptor species; and,

(3) any species of hybrid raptors, provided that the hybrid is sterile or unable to breed with wild native raptors.

(b) No species of raptor, identified in subsection (a), that is listed as threatened, endangered, or of special concern pursuant to section 26-306 of the Connecticut General Statutes or any species listed as threatened or endangered by the federal government shall be used for falconry in Connecticut.

(Adopted effective March 1, 2004)

Sec. 26-67e-14. Notification requirement

(a) A falconer shall submit to the commissioner a United States Fish & Wildlife Service form 3-186A (Migratory Bird Acquisition/Disposition Report) not more than five calendar days after the acquisition, recovery, transfer, loss, including death, escape, or euthanization intentional release of a raptor.

(b) A falconer shall submit a written request to and receive approval from the commissioner before release of a raptor into the wild in accordance with section 26-55 of the Connecticut General Statutes.

(Adopted effective March 1, 2004)

Sec. 26-67e-15. Banding requirements

(a) A falconer, upon capturing a raptor from the wild, shall immediately band the bird with a permanent non-reusable band provided by the commissioner or the United States Fish and Wildlife Service.

(b) A falconer shall not obtain or have in their possession a captive-bred or hybrid raptor unless the bird is banded with a seamless numbered band.

(c) When any band becomes mutilated, illegible or lost, the falconer shall submit to the commissioner a United States Fish and Wildlife Service Form 3-186A and request a replacement band within five calendar days. The mutilated or illegible band shall be returned

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to the commissioner at the time the new band is attached to the raptor.

(d) The commissioner or a United States Fish & Wildlife Service authorized federal bird bander shall remove from the raptor prior to its release the band affixed in subsection (a) of this section and shall attach a standard federal bird band to such birds.

(e) Upon death of any raptor held under a falconry permit, the falconer shall submit to the commissioner a United States Fish and Wildlife Service Form 3-186A and return the band taken from the raptor within five calendar days. The carcass shall be disposed of within five calendar days by burying or incineration, unless other arrangements are made with the commissioner.

(Adopted effective March 1, 2004)

Sec. 26-67e-16. Record keeping and reporting

(a) A falconer shall maintain complete and accurate records for each raptor that identifies:

- (1) The species, sex, age, and lineage of each raptor;
- (2) date of acquisition;
- (3) the date of the death, loss, release, or transfer to another person of each raptor and an explanation of the reasons therefore; and,
- (4) name, address, and permit number of the person(s) who previously possessed the raptor, and date of transfer.

(b) The records required in subsection (a) of this section shall be maintained in chronological order, retained for a minimum of five years after the date of death, loss, or transfer of any raptor possessed by a falconer and shall be available for inspection at any reasonable time upon request of the commissioner or his designee. The United States Fish and Wildlife Service Form 3-186A may be used. A supplemental report shall also be prepared and attached to the Form 3-186A to address the lineage of each bird and to explain the loss, release or transfer or death of each raptor.

(c) A falconer shall submit to the commissioner an annual activity report by July 1 on a form provided by the commissioner that identifies:

- (1) The number, species, and band number of raptors used;
- (2) the number, species, date, and location of all kills of any animal for which there is no season or is out of season;
- (3) the number, species, date, and location of all kills of any animal for which there is an open season; and,
- (4) the number and species of replacement raptors.

(Adopted effective March 1, 2004; Amended August 3, 2009)

Sec. 26-67e-17. Hunting requirements

(a) Any falconer while engaging in hunting shall have in their possession a valid Connecticut firearms hunting license.

(b) Hunting or training of falconry birds shall only take place on:

- (1) State-owned or managed lands identified by the commissioner as open to hunting;

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or

(2) private land, provided that the falconer has obtained verbal permission from the landowner.

(c) A falconer shall abide by all current Connecticut hunting laws and season dates pursuant to Chapter 490 of the Connecticut General Statutes and any regulations promulgated thereunder, while pursuing wildlife using a raptor and shall have in their possession:

- (1) A federal and Connecticut migratory waterfowl stamp when hunting waterfowl;
- (2) a harvest information permit when hunting migratory birds;
- (3) pheasant tags when hunting pheasants during the open season; and,
- (4) a valid Connecticut falconry permit.

(d) The commissioner may declare an area closed to hunting with raptors at any time, in accordance with the provisions of section 26-68 of the Connecticut General Statutes.

(e) Any falconer whose raptor kills an animal for which there is no season or that is out of season shall leave the dead quarry where it lies, except that the raptor may feed upon the quarry prior to leaving the site of the kill.

(Adopted effective March 1, 2004)

Sec. 26-67e-18. Other requirements

(a) Any person in possession of a lawfully acquired raptor prior to the effective date of Connecticut's falconry regulations who receives a notice of violation from the commissioner regarding any provision of Connecticut's falconry regulation shall have 60 days to achieve compliance. If compliance is not achieved within 60 days, the raptor shall be transferred to another person or organization having a valid federal falconry permit and a valid falconry permit from Connecticut or another state, or the raptor shall be released to the wild in accordance with section 26-67e-14 of the Regulations of Connecticut State Agencies.

(b) Any person who is issued a falconry permit may retain and exchange feathers for imping purposes only providing the feathers have molted or come from birds held in captivity that have died.

(Adopted effective March 1, 2004)

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Possession and Sale of Game and Furbearing Animals

Sec. 26-78-1. Possession and sale of game and furbearing animals

No person shall purchase, sell, offer or expose for sale, or possess the raw skin, raw pelt, or carcass of any bobcat, black bear, pine martin, Canada lynx, or mountain lion (*Felis concolor*) unless such skin, pelt or carcass was legally acquired in this state or any other state or country. Any such skin, pelt or carcass legally acquired shall, in addition to any tag required by any other state or country, have a separate tag attached with the following information printed legibly thereon: the date on which the raw skin, raw pelt, or carcass was acquired; the name and address of the person from whom such skin, pelt, or carcass was acquired and, if applicable, the trapping, or hunting license number under which such skin, pelt, or carcass was harvested; the state and/or country (if other than the United States) from which the raw skin, raw pelt, or carcass was acquired.

(Effective September 27, 1979; Amended April 27, 2005)

Reptiles and Amphibians

Sec. 26-78-2. Conditions on possession of bog turtles

(a) Any person owning or keeping a Bog Turtle shall submit the following information to the Wildlife Bureau of the Department of Environmental Protection: name and address of owner; name and address of keeper; type and number of turtles owned or kept; date each turtle was acquired; approximate age of each turtle; address at which each turtle is kept; and any other information which the commissioner deems necessary.

(b) Any change in the information provided in accordance with subsection (a) shall be reported to the Wildlife Bureau in writing within twenty (20) days.

(Effective February 21, 1985)

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Deer Hunting

Sec. 26-86a-1. Check stations and reporting

(a) Any person taking a deer during the archery, muzzleloader and/or free landowner seasons as established in section 26-86a of the Connecticut General Statutes shall report within 24 hours by the method specified in the hunting and trapping guide published annually by the Department of Environmental Protection. All persons issued a deer permit that are contacted by the Department for the purposes of surveying deer hunting activity shall complete a hunting season activity report by the method specified in the hunting and trapping guide published annually by the Department of Environmental Protection.

(b) Any person, taking a deer with a shotgun, rifle, or bow and arrow on days specified in the hunting and trapping guide published annually by the Department of Environmental Protection shall register such deer and have a metal possession seal affixed to the carcass at an official Department of Environmental Protection deer check station. Such deer shall be registered on the same date taken. This provision shall not apply to owners and lineal descendants hunting on their own property with a free landowner deer season permit.

(c) No person shall register or allow to be registered in his name, any deer which he did not legally kill.

(d) No person shall possess any deer affixed with a metal possession seal unless such deer has been registered at an official deer check station.

(e) The metal possession seal shall remain attached to any deer so marked until it is cut up and packaged for consumption.

(f) Any deer registered at an official deer check station shall be subject to the collection of biological data, including but not limited to the removal of teeth, lower jaw and organs.

(g) No person shall submit any deer killed other than during a regulated sport hunting deer season to be recognized by the state for any official trophy program or officially verified by the state for use in any national official record book entries.

(h) No person shall affix a metal possession seal to any deer not properly tagged in accordance with section 26-86a-2 (c) of the Regulations of Connecticut State Agencies.

(i) No person other than an authorized operator of an official department of environmental protection check station shall possess or affix a metal possession seal to any deer carcass. The authorized check station operator or their designated employee shall personally affix the metal possession seal on the deer carcass being registered.

(j) The operator of any deer check station shall maintain accurate records of any information required by the department in registering legally taken deer and or in operating such check station. Such records shall be made available for inspection by any State Conservation Officer or other Department official during normal business hours.

(Effective May 16, 1996; Amended April 27, 2005; Amended August 3, 2009)

Sec. 26-86a-2. Permits and tags

(a) The issuance of firearm permits on state-owned lands shall be on the basis of a random computer selection of single accurately completed applications. The number of

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permits to be issued shall be predetermined by the commissioner and announced prior to the actual selection of permits. No person may be selected for more than one state land firearms deer permit.

(b) No deer permit may be used unless it is validated by the department of environmental protection and signed by the hunter upon receipt. A state land deer permit is valid only for the area and for the season for which it is identified. A landowner deer permit is valid only for the property listed on the application by which such permit was obtained. A valid deer permit shall be carried while hunting.

(c) Immediately upon killing a deer, and before moving the carcass in any manner from where it was killed, a person shall write their conservation identification number; name; date and time of kill; town of kill; and permit type on a tag and then sign their name. This tag, signed and with complete information shall be kept with the deer at all times until the carcass is cut up and packaged for consumption.

(d) No person shall change or alter deer permits or loan to another or permit another to have or use such permit issued to himself or use any permit issued to another.

(e) No person shall obtain more than one of the same type deer permit in any one year other than as specified in section 26-86a-8 (c).

(f) Information contained in the application for such deer permits, which is determined to be false or misleading shall be cause for rejecting or revoking such applications or permits.

(g) No landowner shall make more than one application for the free landowner deer season permit for the same person.

(h) Persons using private land deer permits to check legally harvested antlerless deer at designated deer check stations may be issued a replacement antlerless only deer tag. Such tag shall be valid in the designated management zone during the designated season indicated on such tag by the commissioner only. Any person who checks a total of three antlerless deer at designated check stations may be issued a replacement either-sex deer tag for use during that same season in the designated management zones designated on such tag by the commissioner.

(i) Deer taken as antlerless-only with a private land shotgun/rifle permit may only be taken on days and in the zones specified on the permit.

(Effective May 16, 1996; Amended May 29, 1998; Amended April 27, 2005; Amended August 3, 2009)

Sec. 26-86a-3. Repealed

Repealed December 18, 2002.

Sec. 26-86a-4. Firearms and ammunition

(a) During the open regulated shotgun season, deer may only be hunted with 12, 16, or 20 gauge smooth or rifled bore shotgun using ammunition loaded with a single projectile. Shotguns used to hunt deer shall not be capable of holding more than three shells and shall

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have its magazine plugged with a one-piece filler, incapable of removal without disassembling the gun, so its total capacity does not exceed three shells.

(b) No person shall possess a capped percussion lock firearm or a flintlock firearm having powder in the pan, where a loaded firearm is prohibited.

(Effective May 16, 1996)

Sec. 26-86a-5. Written consent

(a) No person shall hunt deer with bow and arrow on private land without carrying dated written consent of the landowner for the current season on forms provided by the commissioner.

(b) No person shall hunt deer with firearms on private land except landowners and lineal descendants hunting their own property, without carrying dated written consent of the landowner for the current season specifying the firearm(s) type to be used on forms provided by the commissioner.

(Effective February 16, 1994)

Sec. 26-86a-6. Open seasons

(a) The hours for hunting deer authorized under the regulated sport hunting season permits shall be ½ hour before sunrise to sunset—prevailing time standard. The hours for hunting deer authorized under deer damage permits issued per Sec. 26-82 shall be from ½ hour before sunrise to ½ hour after sunset—prevailing time standard.

(b) The open season for hunting deer with bow and arrow on state land shall be two distinct hunting periods: the first period starting on September 15 and continuing through the second Tuesday before Thanksgiving Day, the second period starting on the fourth Wednesday after Thanksgiving Day and continuing through the last day of December. On private lands and on those state lands designated by the commissioner and listed in his applicable annual Connecticut hunting and trapping guide as open to bow hunting only, the deer bow hunting season shall run from September 15 through the last day of December. On those private lands in deer management zones designated by the commissioner and listed in his applicable annual Connecticut hunting and trapping guide, the open season for hunting deer with a bow and arrow shall start on September 15 and continue through the last day of January. A hunter who hunts with a bow and arrow during the firearms deer seasons shall comply with the fluorescent orange clothing requirements under Section 26-66-1(r), tagging requirements under Section 26-86a-2(c) and check station requirements under Section 26-86a-1(b).

(c) The open season for hunting deer with muzzleloader on state land shall start the second Wednesday after Thanksgiving day and end after fourteen consecutive days.

(d) The open season for hunting deer with shotgun or rifle on private land shall start on the second Wednesday before Thanksgiving day and end after twenty-one consecutive days. The two Saturdays prior to the second Wednesday before Thanksgiving shall be designated as junior deer hunting training days. On these days, only hunters having a valid Connecticut

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junior firearms hunting license and a private land shotgun/rifle deer season permit may hunt on private lands for which they have written permission from the landowner. The accompanying adult mentor shall have a valid Connecticut hunting license, a valid deer permit and written landowner permission for the same property. The adult mentor shall not carry a firearm.

(e) The open season for hunting deer with shotgun on state land shall be two separate seasons, one starting the second Wednesday before Thanksgiving day and ending after ten consecutive days, the other starting two days after Thanksgiving and ending after eleven consecutive days. The two Saturdays prior to the second Wednesday before Thanksgiving day shall be designated as junior deer hunting training days. On these days, only hunters having a valid Connecticut junior hunting license may hunt on state lands for which they have a valid state land shotgun deer permit. The accompanying adult mentor shall have a valid Connecticut hunting license and a valid deer permit. The adult mentor shall not carry a firearm.

(f) The open season for hunting deer with muzzleloader on private land shall start the second Wednesday after Thanksgiving day and end on December 31st.

(g) In those areas of the state as designated by the Commissioner, there shall be a special season for the taking of antlerless deer only with a muzzleloader, rifle or shotgun on private land only. This season shall start on the fourth Wednesday before Thanksgiving and end on the second Tuesday before Thanksgiving day.

(Effective January 1, 1995; Amended August 30, 1999; Amended December 18, 2002; Amended August 3, 2009)

Sec. 26-86a-7. Fluorescent orange clothing

Except as provided in Section 26-66-1(r), no person shall take or attempt to take any wildlife during any regulated deer season without wearing above the waist at least a total of four hundred square inches of fluorescent orange clothing which is visible from all sides at all times.

(Adopted effective August 30, 1999)

Sec. 26-86a-8. Deer permit limit

(a) Each deer permit shall limit the number of deer by sex or antler class.

(b) When it is shown to the satisfaction of the commissioner that a deer is unfit for human consumption at the time it was taken during a regulated deer season, upon surrender of the carcass to a biological deer check station or to a wildlife biologist, the commissioner may issue the taker a special replacement deer permit of the same type, provided that season is still open.

(c) The commissioner may issue replacement tags for specific permit types to persons reporting deer taken during the regulated seasons as required at such times and places designated by the commissioner when it is determined to be biologically prudent for the

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resource and/or habitat.

(Effective February 16, 1994; Amended August 3, 2009)

Sec. 26-86a-9. Daily regulated deer hunting areas

(a) On areas identified in the hunting and trapping guide published annually by the Department of Environmental Protection or designated by posting as wildlife management study areas, hunters and others using the area shall be required to observe the following:

- (1) Enter and leave the area only at authorized check stations;
- (2) Use the area by permit only; such permit shall be obtained at the check station or from an authorized issuing agent;
- (3) Wear at all times while on the area an arm band or other visible identification furnished at the check station;
- (4) As a condition of permit issuance, cooperate in the study, which may require that deer killed not be field dressed prior to submission to the check station and/or that the removal of teeth, jaws, body organs and tissue samples from deer killed be allowed.

(b) The issuance of permits by any agent for any daily regulated deer hunting area shall be on a first come, first served basis, and on days and at times approved by the department and advertised to the public.

(Effective January 1, 1993; Amended August 3, 2009)

Sec. 26-86a-10. Hunting option

(a) In such areas of the state as designated by the Commissioner and listed in the applicable annual Connecticut Hunting and Trapping Guide, during the private land muzzleloader season specified in Section 26-86a-6(f) of the Regulations of Connecticut State Agencies and during the private land shotgun/rifle season as specified in Section 26-86a-6(d) of the Regulations of Connecticut State Agencies, a person possessing a valid archery permit may use a bow and arrow to hunt deer on private land provided:

(1) Any deer killed with a bow and arrow during the said muzzleloader and shotgun/rifle seasons shall be identified with a tag pursuant to section 26-86a-2(c) of the Regulations of Connecticut State Agencies. In addition, any deer killed with a bow and arrow on days specified in the hunting and trapping guide published annually by the Department of Environmental Protection shall be registered at an official deer check station pursuant to section 26-86a-1(b) of the Regulations of Connecticut State Agencies.

(2) Any person hunting with a bow and arrow during the said muzzleloader and shotgun/rifle seasons shall wear above the waist a minimum of 400 square inches of fluorescent orange clothing visible from all sides at all times except as provided in section 26-66-1(r) of the Regulations of Connecticut State Agencies.

(Effective February 16, 1994; Amended August 30, 1999; Amended April 27, 2005; Amended August 3, 2009)

Sec. 26-86a-11. Deer management for Bluff Point

(a) **Hunting at Bluff Point.** No person shall hunt at Bluff Point Coastal Reserve except for deer pursuant to an authorization lawfully obtained from the Commissioner under this section of the Regulations of Connecticut State Agencies. All deer hunting at Bluff Point shall be conducted in accordance with subsections (d), (e), (f), (h), (i), (l) and (m) of section 26-66-1, section 26-86a-3 and this section of the Regulations of Connecticut State Agencies.

(b) **Seasons for deer hunting, hours and deer hunting closure procedures.**

(1) Through the issuance of press releases or using similar means, the Commissioner may declare a deer hunting season when the deer population as estimated by the Commissioner in November preceeding the calendar year in which a hunt will occur exceeds by at least ten deer the population goal established under subsection (c) of this section. The Commissioner shall estimate the deer population on the basis of aerial survey data, night spotlight data, and any other scientifically recognized deer population survey methods that the Commissioner deems appropriate.

(2) If the Commissioner declares a deer hunting season, it may run for up to, but no more than, 20 days beginning no earlier than the first Monday in January and ending no later than the last day of March. During any such season, no person shall hunt on Sunday if such hunting is prohibited by law.

(3) The Commissioner shall close a deer hunting season when 90 percent of the harvest quota has been tagged at the check station. If 90 percent of the harvest quota is reached prior to 12:00 noon, the season shall close at sunset of that day. If 90 percent of the quota is reached after 12:00 noon, the season shall close at 12:00 noon on the following day. Upon conclusion of the deer hunting season, all permits issued for that season by the Commissioner for deer hunting at Bluff Point Coastal Reserve shall be null and void.

(4) The hours for hunting deer during a deer hunting season shall be from one half hour before sunrise until sunset.

(5) During a deer hunting season no person shall enter Bluff Point State Park or Bluff Point Coastal Reserve except for persons with lawful authorization from the Commissioner issued in connection with the taking of deer or state personnel engaged in the performance of their duties.

(c) **Population goals and hunting quotas.**

(1) Each year the Commissioner shall establish a deer population goal. The Commissioner shall establish such goal considering (A) any biological data collected from deer harvested at Bluff Point Coastal Reserve in previous years, (B) any data collected during field research at Bluff Point Coastal Reserve, and (C) any other relevant data or information, including, without limitation, vegetative conditions and deer health. The Commissioner's policy in establishing a deer population goal is to maintain the deer herd at a level consistent with sound principles of wildlife management, which include the health of the deer and of the Bluff Point Coastal Reserve ecosystem. For the first year following the effective date of this section, the Commissioner shall establish a deer population goal of 25. Thereafter, the Commissioner shall establish the deer population goal in accordance

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with the policy and procedures described in this subsection.

(2) Each year in which the Commissioner declares a deer hunting season, he shall establish a deer harvest quota. The deer harvest quota shall be the number of deer which is equal to the Commissioner's deer population estimate minus the deer population goal.

(3) In any year in which there has been a deer hunting season but the deer harvest quota has not been achieved, the Commissioner may take as many deer as necessary to achieve such quota. In any year in which there has not been a hunting season but the deer population exceeds the deer population goal, the Commissioner may take as many deer as necessary to achieve such goal. The Commissioner may take deer pursuant to this subsection and he may close Bluff Point State Park and Bluff Point Coastal Reserve for such purpose or he may take deer during hours when Bluff Point State Park and Bluff Point Coastal Reserve are not open to the public. The Commissioner may use any legal method for any such taking.

(d) **Restrictions on hunters.** The Commissioner may limit the number of persons allowed on any day to hunt deer, and at no time shall that number exceed 30. Only graduates of Connecticut's Conservation Education/Firearms Safety program or an equivalent training program from another state or governmental entity and who possess a current valid Connecticut hunting license shall be eligible to receive a permit from the Commissioner to hunt deer at Bluff Point Coastal Reserve.

(e) **Check station and reporting.**

(1) Any person engaged in deer hunting shall, prior to beginning hunting on any day, check in at the Department of Environmental Protection Bluff Point Coastal Reserve deer check station and, after completing hunting on such day, check out at such station.

(2) Any person who takes a deer shall register such deer, and have a metal possession seal affixed thereto, at the official Bluff Point Coastal Reserve deer check station. Such deer shall be registered on the same date taken. No person shall register, or allow to be registered in his name, any deer which such person did not lawfully take. Employees of the Department of Environmental Protection may collect biological data, including removing teeth, jaws, or organs, from any deer registered at the Department of Environmental Protection deer check station for scientific or management purposes. No person shall hinder or interfere with the collection of such biological data.

(f) **Firearms and ammunition.** No person shall hunt deer except with a 12, 16, or 20 gauge smooth or rifled bore shotgun using ammunition loaded with a single soft alloy projectile. Any shotgun used to hunt deer shall be capable of carrying no more than three shells and shall be plugged with a one piece filler that cannot be removed unless the gun is disassembled.

(g) **Clothing color requirements.** No person shall hunt, pursue, wound or kill any deer during a deer hunting season at Bluff Point Coastal Reserve unless such person is wearing at least 400 square inches of fluorescent orange clothing visible from all sides.

(h) **Permits and tags.**

(1) No person shall apply for or be issued more than one permit to hunt deer at Bluff Point Coastal Reserve in a calendar year. The Commissioner shall issue permits for deer

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hunting at Bluff Point Coastal Reserve on the basis of a random selection of completed applications by applicants who possess a current valid Connecticut hunting license and who have completed Connecticut's Conservation Education/Firearms Safety Course or an equivalent training program from another state or governmental entity. Prior to selecting applicants, the Commissioner shall determine the number of permits to be issued. For the first deer hunting season following the effective date of this section, if the deer harvest quota is 49 or less deer, up to 200 permits will be issued, and if the deer harvest quota is 50 or more deer, up to 360 permits will be issued; thereafter, the Commissioner may make reasonable adjustments to the number of permits to be issued based upon experience from prior hunts, the factors set forth in subsection 26-86a-11(c) (1) of the Regulations of Connecticut State Agencies or any other factor aimed at promoting, or consistent with, sound principles of wildlife management.

(2) Any permit issued pursuant to this section shall contain conditions reasonably deemed necessary by the Commissioner relating to the hunt. These conditions may include the number of days a person can hunt, the number of deer a person may take, the locations or areas within which a person can hunt, the allowable or non-allowable hunting methods or any condition related to the safety of the hunt.

(3) Each person who takes a deer shall, immediately upon taking such deer, detach a deer tag from his permit, punch out and remove the proper areas on the tag indicating the month and day the deer was killed, and immediately attach the tag to the carcass.

(4) No person shall (A) change or alter a permit issued by the Commissioner to hunt deer or a deer tag, (B) loan a permit or tag issued to himself to another person or allow another person to have or use such permit or tag, or (C) use any permit or tag issued to another.

(5) The Commissioner shall not issue to any person more than one deer hunting permit during any calendar year, except that the Commissioner may issue a replacement deer hunting permit to a permittee if such permittee makes a complete application therefor, pays the application fee established under section 26-86a of the general statutes, and demonstrates that the original permit has been lost, destroyed or mutilated beyond recognition.

(6) False or misleading information contained in an application for a deer hunting permit or replacement deer hunting permit shall be cause for the Commissioner to deny such application or revoke a permit issued pursuant to such permit.

(i) **Definitions.** For the purposes of subsection 26-86a-11(a)—(h) of the Regulations of Connecticut State Agencies:

“Check station” means the Department of Environmental Protection’s deer check station at Bluff Point Coastal Reserve.

“Commissioner” is defined as in section 22a-2 of the general statutes.

“Person” is defined as in section 22a-2 of the general statutes.

“Taking” is defined as in section 26-1 of the general statutes.

(Effective October 4, 1995)

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TITLE 26. Fisheries & Game

Department of Environmental Protection

§26-86a-11

Sec. 26-86a-11. Method of take

(a) No person shall use a deer decoy to take or attempt to take any deer during the shotgun, rifle or muzzleloader deer seasons as defined in subsections (c), (d), (e) and (f) of section 26-86a-6.

(b) No person shall transport a deer decoy during the bow and arrow deer season, as defined in subsection (b) of section 26-86a-6, unless decoy displays at least 400 square inches of fluorescent material visible from all sides.

(Effective May 16, 1996)

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TITLE 26. Fisheries & Game

Agency

Department of Environmental Protection

Subject

Fish Spawning Areas and Refuges

Section

§ 26-102-1

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Sec. 26-102-1. Fish spawning areas and refuges

Fish Spawning Areas and Refuges

Sec. 26-102-1. Fish spawning areas and refuges

The following waters shall be designated fish refuges and shall be closed to all fishing.

(a) Farmington River power company canal from the Rainbow Dam downstream to its confluence with the Farmington River.

(b) Rainbow Reservoir from Rainbow Dam upstream to the buoys which mark the downstream limits of boating.

(Effective September 15, 1976)

Regulations of Connecticut State Agencies

TITLE 26. Fisheries & Game

Agency

Department of Environmental Protection

Subject

Inland Waters and Marine District Defined

Section

§ 26-108-1

CONTENTS

Sec. 26-108-1. Inland waters and marine district defined

Inland Waters and Marine District Defined

Sec. 26-108-1. Inland waters and marine district defined

The following lines across streams flowing into Long Island Sound, Fisher's Island Sound, Little Narragansett Bay and tributaries thereof shall be known as the inland-marine demarcation lines above which lines such water shall be known as the "inland district" and below which lines such water shall be known as the "marine district":

FAIRFIELD COUNTY

Byram River, Greenwich

marine district—up to and including the railroad crossing

inland district—all waters above

Horse Neck Brook, Greenwich

marine district—none

inland district—above junction with mouth of harbor

Indian Harbor, Greenwich

marine district—up to and including the first railroad crossing

inland district—all waters above

Mianus River, Greenwich

marine district—below dam just above Boston Post Road

inland district—all waters above

Rippowam River, Stamford

marine district—up to and including the first railroad crossing

inland district—all waters above

Noroton River, Stamford-Darien

marine district—up to and including Boston Post Road

inland district—all waters above

Goodwives River, Darien

marine district—below Stone Dam north of Goodwives River Road

inland district—all waters above

Tokeneke Brook, Darien

marine district—up to and including Old Farm Road

inland district—all waters above

Five Mile River, Darien-Norwalk

marine district—up to and including bridge on route 136

inland district—all waters above

Norwalk River, Norwalk

marine district—up to and including Wall Street Bridge

inland district—all waters above

Saugatuck River, Westport

marine district—up to and including bridge on King's Highway

inland district—all waters above

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Stony Brook, Westport

marine district—up to and including bridge on Riverside Avenue

inland district—all waters above

Muddy Brook, Westport

marine district—up to and including Stone Bridge on route 136

inland district—all waters above

Sasco Brook, Westport

marine district—below Buckleys Mill Dam just above route 1

inland district—all waters above

Mill River, Fairfield

marine district—below dam at head of Southport Harbor, Harbor Road

inland district—all waters above

Rooster River, Bridgeport

marine district—up to and including bridge on North Avenue

inland district—all waters above

Pequonnock River, Bridgeport

marine district—up to North Avenue (route 1)

inland district—all waters above

Bruces Brook, Bridgeport-Stratford

marine district—up to Stratford Avenue

inland district—all waters above

Pumpkin Ground Brook, Stratford

marine district—up to and including bridge on route 110

inland district—all waters above

Negro Brook, Stratford

marine district—up to and including bridge on route 110

inland district—all waters above

NEW HAVEN COUNTY

Wepawaug River, Milford

marine district—below Memorial Bridge at Fowler's Mill on route 122

inland district—all waters above

Indian River, Milford

marine district—up to and including route 122

inland district—all waters above

Oyster River, Milford

marine district—up to and including Shore Road, route 122

inland district—all waters above

Cove River, West Haven

marine district—up to and including Shore Road, route 122

inland district—all waters above

West River, West Haven

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marine district—below the tide gates at Orange Avenue Bridge (sometimes called Congress Avenue Bridge, route 1)

inland district—all waters above

Mill River, New Haven

marine district—up to and including below tide gates at State Street Bridge

inland district—all waters above

Quinnipiac River, New Haven

marine district—up to and including interstate route 91

inland district—all waters above

Farm River, East Haven (sometimes called East River)

marine district—up to and including route 142

inland district—all waters above

Branford River, Branford

marine district—up to and including Montowese Street Bridge

inland district—all waters above

West River, Guilford

marine district—up to and including route 146 bridge

inland district—all waters above

East Creek, Guilford

marine district—up to and including tide gates at Guilford dock

inland district—all waters above

East River, Madison-Guilford

marine district—up to and including route 1

inland district—all waters above

Neck River, Madison

marine district—up to and including route 1

inland district—all waters above

Hammonasset River, Madison

marine district—up to and including route 1

inland district—all waters above

MIDDLESEX COUNTY

Hammonasset River, Clinton

marine district—up to and including route 1

inland district—all waters above

Clinton River, Clinton (also known as Indian River)

marine district—up to and including route 1

inland district—all waters above

Menunketesuck River, Westbrook

marine district—up to and including route 1

inland district—all waters above

Patchogue River, Westbrook

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marine district—up to and including route 1

inland district—all waters above

Oyster River, Old Saybrook

marine district—up to and including route 1

inland district—all waters above

Black River, Old Saybrook

entirely in marine district

Connecticut River, Old Saybrook

marine district—up to and including interstate route 95

inland district—all waters above

NEW LONDON COUNTY

Connecticut River, Old Lyme

marine district—up to and including interstate route 95

inland district—all waters above

Lieutenant River, Old Lyme

marine district—up to and including route 156

inland district—all waters above

Duck River, Old Lyme

entirely in marine district

Blackhall River, Old Lyme

marine district—up to and including route 156

inland district—all waters above

Mile Creek, Old Lyme

entirely in marine district

Three Mile River, Old Lyme

marine district—up to and including first railroad crossing

inland district—all waters above

Four Mile River, Old Lyme-East Lyme

marine district—up to and including first railroad crossing

inland district—all waters above

Bride's Brook, East Lyme

marine district—up to and including first railroad crossing

inland district—all waters above

Pataganset Cove, East Lyme

marine district—up to and including first railroad crossing

inland district—all waters above

Graniteville Brook, Waterford (also known as Millstone Brook)

marine district—up to and including first railroad crossing

inland district—all waters above

Jordan's Cove, Waterford

marine district—up to and including first railroad crossing

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inland district—all water above
Hammond's Cove, Waterford
entirely in marine district
Alewife Cove, Waterford-New London
entirely in marine district
Shaws Cove, New London
entirely in marine district
Winthrop Cove, New London
entirely in marine district

(Effective January 1, 1975)

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Agency

Department of Energy and Environmental Protection

Subject

Sport Fishing in the Inland District

Inclusive Sections

§§ 26-112-1—26-112-48

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Sec. 26-112-22.	Repealed
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Sec. 26-112-38a.	Repealed
Sec. 26-112-39.	Conduct of fishermen
Sec. 26-112-40.	Repealed
Sec. 26-112-41.	Repealed
Sec. 26-112-42.	Fishing tournaments/derbys
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§26-112-38a

Sport Fishing in the Inland District

Sec. 26-112-1—26-112-20. Repealed

Repealed September 8, 1970.

Sec. 26-112-21. Application of regulations

These regulations concern sport fishing in all waters in the inland district, except fishing at licensed commercial hatcheries, in waters registered as private waters with the Department of Environmental Protection and in waters under association ownership or control and privately stocked as provided in section 26-132 of the General Statutes.

(Effective January 1, 1986)

Sec. 26-112-22. Repealed

Repealed January 1, 1986.

Sec. 26-112-23. Waters of the inland district

For the purpose of these regulations, the waters of the inland district are such waters as are established by the Commissioner under the provisions of Sections 26-108 and 26-109 of the general statutes and are defined as follows:

(a) “Streams” means all rivers, streams, brooks, creeks, and their flood waters, including temporary and seasonal pools resulting therefrom, and all coves, lagoons and canals contiguous thereto, but does not include that portion of impounded bodies of water on rivers, streams, brooks and creeks listed by the Secretary of the State as a lake, pond or reservoir.

(b) “Lakes and ponds” means all natural and artificial impounded bodies of water listed by the Secretary of the State as lakes, ponds and reservoirs, and includes their flood waters, including temporary and seasonal pools resulting therefrom and all coves and lagoons contiguous thereto.

(Effective January 1, 1987)

Sec. 26-112-24. Closed season

There shall be no fishing by any method in the inland district from 12:00 midnight on March thirty-first to 6 a.m. on the third Saturday in April, except as provided in section 26-112-27 (a), section 26-112-28 and section 26-112-41.

(Effective January 1, 1985)

Sec. 26-112-25—26-112-38. Repealed

Repealed January 1, 1986.

Sec. 26-112-38a. Repealed

Repealed October 3, 1972.

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§26-112-39

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Sec. 26-112-39. Conduct of fishermen

The following regulations relating to fishing and the behavior and conduct of fishermen apply through the inland district.

(a) Entrance and exit from streams, lakes and ponds is restricted to rights-of-way designated by posters or when consent has been obtained from the landowner or his agent.

(b) (1) All fishermen shall keep within a reasonable distance of the banks of streams, lakes and ponds and shall not trespass on lawns or posted property. (2) On stream open to fishing under leases, permanent fishing easements or formal agreements, all fishermen shall keep within ten feet of the stream bank.

(c) Domestic animals, agricultural crops and other property shall not be damaged.

(d) Swimming and/or picnicking is prohibited on any area when such prohibition is shown by posters erected by the Department or its agent.

(e) Fishing and/or trespassing is prohibited in fish spawning areas, refuge and closed areas and safety zones, when such prohibition is shown by posters erected by the Department or its agent.

(f) Fishing is prohibited in any state reservation area when such area is so posted by the Department of Environmental Protection.

(g) No motor vehicle shall be operated or parked upon any public or private road, parking area, lane, passageway, right-of-way, field or lot when such prohibition is shown by posters erected by the Department or its agent.

(h) Discarding of bottles, glass, cans, paper, junk, litter and trash is prohibited on any land and water open to fishing or otherwise under the jurisdiction of the Department of Environmental Protection.

(i) Vehicles using Department-controlled parking areas shall be parked only in authorized places as indicated by posters.

(j) At Department-controlled boat launching areas no boat shall be moored or anchored in a manner that will obstruct or interfere with the launching of other boats, and no boat shall be left unattended in the water unless such boat has, in an exposed area, the name and address of the owner of such boat painted or branded thereon or in any legible manner attached thereto.

(k) At Department-controlled boat launching areas on inland lakes and ponds boats left moored or anchored after December fifteenth and before April first shall be subject to impoundment at the expense of the owner and such owner shall be subject to the penalties provided for violations of the provisions of this subsection.

(Effective September 28, 1977)

Sec. 26-112-40. Repealed

Repealed September 15, 1976.

Sec. 26-112-41. Repealed

Repealed January 1, 1986.

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§26-112-43

Sec. 26-112-42. Fishing tournaments/derbys

No person or club shall conduct, on waters open to public fishing, a fishing tournament or derby which is open to persons sixteen years of age or older without having first obtained a Fishing Tournament/Derby Permit as herein provided.

(a) Each person or club wishing to conduct a fishing tournament or derby on waters open to the public shall make application for such tournament or derby to the Commissioner on forms provided by him. Information required on such application may include, but need not be limited to: the full name and address of the applicant; name of the tournament or derby; sponsor; location; date(s); starting time(s); check-in time(s); check-in location(s); anticipated number of participants; daily bag limits; size limit; entry fee; and total value of awards.

(b) Permits for fishing tournaments or derbies on waters open to public fishing shall be issued at the discretion of the Commissioner.

(c) Each permittee shall, within seven days after conducting a tournament or derby, report to the Commissioner, on forms provided by him, information on the results of the tournament or derby. Such information shall include, but need not be limited to: total number of participants; total hours fished; total number of each species caught; total weight of each species caught; number of fish released after weigh-in; and number of fish retained after weigh-in.

(d) Representatives of the Commissioner may collect biological and statistical information on any or all fish caught by participants at any permitted tournament or derby.

(Effective January 1, 1984)

Sec. 26-112-43. Definitions and restrictions

(a) "Angling" means fishing with hook and line which shall be personally attended, but shall not include ice fishing or snagging or snatching. Not more than two lines, with or without rods, may be used at one time. Each line may have any combination of hooks, flies or lures, among which not more than three hooks may be baited.

(b) "Bait" means any animal, bait species as defined in Section 26-112-45(d) of the Regulations of Connecticut State Agencies, fish eggs, insect or vegetable, or parts thereof, living or dead, except for certain nuisance aquatic invertebrates as provided for in section 26-55-5 of the Regulations of Connecticut State Agencies, used with a hook for the purpose of attracting and catching fish. Any fish legally acquired, except black bass (largemouth and smallmouth), chain pickerel, northern pike, trout, charr, salmon, carp and goldfish may be used as bait, except as provided in section 26-112-48(b) of the Regulations of Connecticut State Agencies.

(c) "Bait fishing" means taking or attempting to take bait species, for personal use as bait or food, by use of a bait seine, bait trap, umbrella net, scoop net or by hand.

(d) "Bait seine" means a seine or net which, for the purpose of this regulation, does not exceed fifteen feet in length and four feet in depth and is used for the taking of bait species.

(e) "Bait trap" means a glass, wire or wooden device which, for the purpose of this

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regulation, does not exceed twenty inches in length and fifteen inches in diameter and is used for the taking of bait species.

(f) “Barbless hook” or “barbless fishhook” means a curved, pointed device, without a barb, used to catch fish and includes single, double or treble hooks provided each point is without a barb and hooks manufactured with a barb if the barb has been bent down to the hook, broken off or otherwise made ineffective.

(g) “Bobbing” means fishing with a ball or mass of worms or other bait attached to a line held in the hand or a line attached to a rod held in the hand to which no hooks are attached.

(h) “Bow and arrow fishing” means fishing by use of a weapon made of wood or other elastic material, with a cord to connect the two ends when bent, by which an arrow is propelled, but shall not include the use of a cross bow. The use of a cross bow in fishing is prohibited.

(i) “Children’s stream” and “children’s pond” means waters that are set aside in whole or in part as children’s fishing areas when such restriction is indicated by posters. Angling in such areas is restricted to children under sixteen years of age.

(j) “Closed season” means that period of time during which all fishing is prohibited in the area specified.

(k) “Daily creel limit” means the quantity or number of fish of a species or species group that can be taken by an individual angler during the period from 12:01 a.m. to midnight.

(l) “Disabled Persons Fishing Area” means an area set aside for the exclusive use by the physically handicapped when such restriction is indicated by posters.

(m) “Downrigger” means a device, supplemental to a fishing line, used to deploy, via an electric or handpowered winch, reel or spool that projects over the side or stern of a boat and is used as a hoist, main line and terminal weight, one or more fishing lines to a desired depth in the water column.

(n) “Gaff” means a spear or hook, with or without a handle, used for holding or lifting fish. The use of a gaff to land or assist in landing a fish is prohibited in the inland district.

(o) “Hook” or “fishhook” means a curved, pointed device, with or without barb, used to catch fish. Hooks may be single, double or treble and each point shall be considered as a single hook.

(p) “Fishing” or “sport fishing” means taking or attempting to take fish in the inland district, except for commercial purposes, and is restricted to angling, bow and arrow fishing, bobbing, ice fishing, snagging or snatching, spearing, scoop netting, and taking or attempting to take fish by hand.

(q) “Float” or “bobber” means any buoyant object attached to a fishing line. No such float shall be used unless the line is personally attended.

(r) “Fly” means a single or double hook dressed with hair, feathers, tinsel, thread, yarn or similar material to which no bait, spinner, spoon, plug or other device is added.

(s) “Fly fishing” means angling with the use of a fly reel, fly rod, fly line, leader and a fly or flies. Additional weight may be built into the fly in its construction, as in a weighted

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nymph, and additional weight may be attached to the leader. The use of strike indicators, as defined in this section, is permitted.

(t) “Hand-held jig” means a rod, jig stick or line held in the hand, used for fishing through the ice.

(u) “Ice fishing” means fishing through the ice with tip-ups, bobbers or floats, similar devices or hand-held jigs. The following restrictions shall apply to ice fishing:

(1) An individual may use, at one time, tip-ups, bobbers or floats, similar devices or hand-held jigs in any combination thereof, not exceeding six in the aggregate.

(2) Each line shall be restricted to not more than three baited hooks, with or without attractors, or three ice flies or three artificial lures or any combination thereof, not exceeding three in the aggregate.

(3) All tip-ups, bobbers or floats or similar devices shall have the name and address of the person using the same legibly printed thereon or attached thereto.

(4) No tip-ups, bobbers or floats or similar devices shall be used unless they are personally attended.

(v) “Leadcore line” means a fishing line constructed with a metal core.

(w) “Minimum length” means the smallest total length of a species or species group that may be legally possessed, measured from the tip of the snout to the end of the tail unless otherwise specified. No person shall possess any fish less than the lengths specified and any fish less than the minimum length shall, without avoidable injury, be immediately returned to the water from which taken.

(x) “Possession limit” means the total number of fish of any species or species group that may be legally possessed by one person, either on the person, on the waters of the inland district, or the shores of such waters, or in any type of vehicle. Possession limit in the field shall not exceed the daily creel limit. Any fish in possession shall be intact to the extent that neither the heads nor the tails have been removed but gills and viscera may be removed. Possession limit shall not be construed to restrict the number of legally acquired fish that may be kept in storage in the home or in other storage facilities.

(y) “Scoop net” or “scap net” means a net attached to a handle which, for the purpose of this regulation, shall be not over thirty-six inches across the widest point of the single hoop or have a mesh bag more than thirty-six inches in depth at its deepest point. Such net shall be constructed of flexible mesh material and shall be manually operated by a single individual. The use of any such net constructed of metal mesh or stiff plastic mesh is prohibited.

(z) “Set line” means a line with one or both ends secured to the shore or to a fixed or buoyant object in the water which is used for fishing and is not personally attended. Set lines shall not be used in the inland district.

(aa) “Snagging” or “snatching” means the taking of fish by foul hooking, that is, hooking fish in any part of the body other than inside the mouth. Snagging or snatching is prohibited in all waters in the inland district for all species of fish and any fish so taken shall be released immediately, except, in streams open to fishing throughout the year, as provided in section

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26-112-44 of the Regulations of Connecticut State Agencies, menhaden, alewives and blueback (glut) herring may be taken by snagging or snatching.

(bb) “Spearing” means the use of any pointed instrument, with or without barbs, which is propelled by hand. The use of spears is prohibited in lakes and ponds and in streams, or sections of streams, stocked with trout, charr and salmon. Spears may be used only for taking carp, suckers, eels and lampreys. In the inland district, fish shall not be taken by underwater spear fishing and the use of any type of spear gun in fishing is prohibited.

(cc) “Strike indicator” means a brightly colored, highly visible tab, sleeve or bead or similar material used in fly fishing. Such devices may be attached to the line or leader when used in areas restricted to fly fishing only.

(dd) “Take” or “taking” means killing, capturing or otherwise rendering into possession, any fish or bait species, or attempting to kill, capture or render into possession, or assisting in taking or attempting to take any fish or bait species.

(Effective January 1, 1995; Amended January 30, 1998; Amended January 30, 2007; Amended October 4, 2011)

Sec. 26-112-44. Closed seasons

(a) **Streams.** The closed season for fishing in streams shall be from midnight on the last day in February through 6:00 a.m. on the third Saturday in April, except as provided below:

(1) Streams open to fishing throughout the year. There shall be no closed season for fishing in the following streams, or portions thereof, as specified:

(A) Coginchaug River, Middletown – downstream from Route bridge to its junction with the Mattabassett River (Sebeth River).

(B) Connecticut River and its coves.

(C) Farmington River – downstream from the outlet of the Rainbow Dam Tailrace Canal to its confluence with the Connecticut River (all fishing is prohibited in the Rainbow Dam Tailrace Canal and in the Farmington River from the Tailrace Canal upstream to Rainbow Dam).

(D) Housatonic River – downstream from the dam on Lake Housatonic (the Derby Dam).

(E) Mattabasset River (Sebeth River), Middletown – downstream from the Route 372 bridge to its junction with the Connecticut River.

(F) Mystic River, Groton and Stonington – downstream from the confluence of Whitfords Brook and Haleys Brook.

(G) Naugatuck River – downstream from the Kinneytown Dam (Seymour) to its confluence with the Housatonic River.

(H) Niantic River, East Lyme and Waterford

(I) Quinnipiac River – downstream from the highway bridge on Route 5 in North Haven to its junction with New Haven Harbor.

(J) Salmon River, Haddam and East Haddam – downstream from the bridge on Route 151 to its junction with the Connecticut River.

(K) Thames River and its coves – downstream from Greenville Dam.

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(2) Children's streams. The closed season for fishing in the following posted children's streams shall be from midnight on November thirtieth through 6:00 a.m. on the third Saturday in April.

(a) Indian Hole Brook, Shelton – from the falls in Indian Wells State Park downstream to the railroad bridge.

(b) Quinebaug River, Putnam – within Putnam Town Park.

(c) Wepawaug River, Orange – from old New Haven/Derby railroad upstream approximately two miles.

(3) Trout Management Areas. There shall be no closed season for fishing in Trout Management Areas listed in section 26-112-46(c) except as provided therein.

(4) In areas where fishing for Atlantic salmon is allowed, as indicated by signs posted by the Department of Environmental Protection, the closed season for Atlantic salmon fishing shall be as pursuant to the provisions of 26-112-45(c)(1).

(5) Wild Trout Management Areas. Except as provided in section 26-112-46(g), the closed season for fishing in Wild Trout Management Areas shall be from midnight on the last day in February through 6:00 a.m. on the third Saturday in April.

(6) Sea-run Trout Streams. Except as provided in section 26-112-46(j) of the Regulations of Connecticut State Agencies, the closed season for fishing in Sea-run Trout Streams shall be from midnight on the last day in February through 6:00 a.m. on the third Saturday in April.

(b) **Lakes and Ponds.** There shall be no closed season for fishing lakes and ponds, except as provided below.

(1) The closed season for fishing in the following lakes and ponds shall be from midnight on October thirty-first through 6:00 a.m. on the third Saturday in April.

Angus Parks Pond (Eastbury Park Pond), Glastonbury

Batterson Park Pond, Farmington, New Britain

Beaver Park Lagoon, New Haven

Bicentennial Pond (Mansfield Town Pond), Mansfield

Godfrey Pond, Stonington

Green Falls Reservoir, Voluntown

Hewitt Flyfishing Pond (Gallup Pond), North Stonington

Mohegan Lake, Fairfield

Pistol Shop Pond, Middlefield

Prospect Park Pond, Prospect

Shenipsit Reservoir, Ellington, Tolland, Vernon

Tollgate Ponds, Greenwich

Wononscopomuc Lake, Salisbury. Fishing hours shall be from 6:00 a.m. to 9:00 p.m. prevailing time.

(2) The closed season for fishing in the following lakes and ponds shall be from midnight on the last day of February through 6:00 a.m. on the third Saturday in April.

Alexander Lake, Killingly

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Allen Brook Pond (Wharton Pond), Wallingford
Ball Pond, New Fairfield
Barber Pond, Bloomfield, Windsor
Bashan Lake, East Haddam
Baummer Pond, Naugatuck
Beach Pond, Voluntown and Rhode Island
Beachdale Pond, Voluntown
Beaver Brook Ponds (Upper and Lower), Windham
Bigelow Pond, Union
Billings Lake, North Stonington
Black Pond, Meriden, Middlefield
Black Pond, Woodstock
Black Rock Flood Control Impoundment, Watertown
Blanchard Pond, New Canaan, Wilton
Branford Supply Ponds, Branford
Broad Brook Mill Pond, East Windsor
Brookfield Pond, South Windsor
Cedar Lake, Chester
Clarks Pond, Hamden
Clarktown Pond, Orange
Cobbs Mill Pond, Weston
Colebrook Flood Control Impoundment, Colebrook, and Massachusetts
Day Pond, Colchester
Dayton Pond, Wallingford
Disbrow Pond, New Fairfield
Dodge Pond, East Lyme
East Twin Lake, Salisbury
Enders Pond, Granby
Factory Pond, Redding, Wilton
Fitchville Pond, Bozrah
Fort Shantok Pond, Montville
Fountain Lake, Seymour, Ansonia
Freshwater Pond, Enfield
Gardner Lake, Salem, Montville, Bozrah
Gay City Park Pond, Hebron
Gills Pond, Berlin
Hallville Pond, Preston
Hancock Brook Flood Control Pool, Plymouth
Hanover Reservoir, Canterbury, Sprague
Hewitt Pond (Lower Hewitt Pond), North Stonington
Higganum Reservoir, Haddam

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Hop Brook Flood Control Pool, Middlebury
Hopeville Pond, Griswold
Horse Pond, Salem
Howells Pond, Hartland
Johnson's Pond, Bolton
Keney Park Pond, Hartford
Lafayette Pond, Somers
Lake Stibbs, Southbury
Lake Wintergreen, Hamden
Lantern Hill Pond, Ledyard, North Stonington
Little Pond, Thompson
Long Pond, Ledyard, North Stonington
Sec. 26-112 page 10 (5-12)
Lower Storrs Pumping Station Pond, Mansfield
Mad River Flood Control Impoundment, Winchester
Mansfield Training School Ponds, Mansfield
Mashapaug Lake, Union
Millers Pond, Durham
Millers Pond, Ridgefield
Mohawk Pond, Cornwall, Goshen
Moosup Pond, Plainfield
Mt. Tom Pond, Morris, Litchfield, Washington
Naubesatuck Lake, Mansfield, Chaplin, Windham
Nells Rock Reservoir, Shelton
Northfield Brook Flood Control Pool, Litchfield
Norwich Pond, Lyme
Pages Millpond, North Branford
Paine Pond, Ashford
Pataconk Lake (Russell Jennings Pond), Chester
Picketts Pond (Osborndale State Park), Derby
Roseland Lake, Woodstock
Saint Martha's Pond, Enfield
Salmon Brook Pond, Glastonbury
Sawmill Park Pond, Ledyard
Schreeder Pond (Chatfield Hollow Pond), Killingworth
Shaw Lake (Hayward Lake), East Haddam
Silvermine Pond, New Canaan
Somersville Mill Pond, Somers
Southford Falls Pond, Oxford, Southbury
Starret Pond (Huntington Park Pond), Redding
Stillwater Pond, Torrington

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Stratton Brook Park Pond, Simsbury
Taftville Reservoir, Norwich
Tankerhoosen Lakes, Vernon
Tungsten Mine Park Pond, Trumbull
Twin Brooks Park Pond, Trumbull
Tyler Pond, Goshen
Uncas Lake (Hog Pond), Lyme
Upper Fulton Park Pond, Waterbury
Valley Falls Pond, Vernon
Wangumbaug Lake (Coventry Lake), Coventry
Wards Millpond, Branford
Wauregan Reservoir (Quinebaug Lake), Killingly
West Branch Reservoir (Hogback), Hartland, Colebrook
West Side Pond, Goshen
Woodruffs Pond, Hamden
Wyassup Lake, North Stonington

(3) The closed season for fishing in the following lakes and ponds shall be as specified.
Bunnells Pond (Beardsley Park Pond), Bridgeport. From midnight on November thirtieth through 6:00 a.m. on the third Saturday in April.

Great Hollow Pond, Monroe. From midnight on November thirtieth through 6:00 a.m. on the third Saturday in April.

Isinglass Reservoir (Far Mill Reservoir), Shelton. From midnight on December thirty-first through 6:00 a.m. on the third Saturday in April.

Lake Chamberlain, Bethany. From midnight on November thirtieth through 6:00 a.m. on the third Saturday in April.

Lake McDonough (Compensating Reservoir), New Hartford, Barkhamsted. From midnight on November thirtieth through 6:00 a.m. on the third Saturday in April. Fishing hours shall be from 5:00 a.m. to 9:00 p.m. prevailing time, except opening day when fishing shall start at 6:00 a.m.

Lake Saltonstall, Branford, East Haven. From midnight on November thirtieth through 6:00 a.m. on the third Saturday in April.

Maltby Lakes (#1, #2, #3), Orange West Haven. From midnight on November thirtieth through 6:00 a.m. on the third Saturday in April.

Mohegan Park Pond, Norwich. From midnight on November thirtieth through 6:00 a.m. on the third Saturday in April.

Saugatuck Reservoir, Easton, Redding, Weston. From midnight on December thirty-first through 6:00 a.m. on the third Saturday in April.

Shelton Reservoir #2, Shelton. From midnight on December thirty-first through 6:00 a.m. on the third Saturday in April.

Simsbury Town Park Ponds, Simsbury. From midnight on June fifteenth through 6:00 a.m. on the third Saturday in April.

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West Pequonnock Reservoir, Monroe. From midnight on December thirty-first through 6:00 a.m. on the third Saturday in April.

(4) Children's Ponds. The closed season for fishing in the following posted children's ponds shall be from midnight on November thirtieth through 6:00 a.m. on the third Saturday in April, except as specified.

Backwater Brook Pond, Thompson

Beachland Park Pond, West Hartford

Butternut Pond, East Windsor. Open season 6:00 a.m. third Saturday in April through October thirty-first.

City Hall Pond, Milford

Clark Pond (Besse Pond), Torrington

Edgewood Park Pond, New Haven

Factory Pond, Salisbury

Fernridge Park Pond, West Hartford

Gould Manor Pond, Fairfield

Helen Keller School Pond, Easton

Hyde Park Pond, Glastonbury

Hurlburt Pond, Putnam

Katz Pond, Trumbull

Lilly Pond, Thompson

Lower Fulton Park Pond, Waterbury

McGovern Pond, West Hartford

Mill Pond, Newington

Mill Woods Park Pond, Wethersfield

Mirror Lake (Hubbard Park Pond), Meriden

North Street Pond, Milford

Orange Park Pond, Orange

Page Park Pond, Bristol

Pasture Pond (Quinebaug Valley Trout Hatchery), Plainfield. Open season 6:00 a.m. third Saturday in April through September thirtieth.

Sochrin Pond, Seymour

Stanley Quarter Pond, New Britain

Stroh Pond, Windsor

Washington Park Pond, Windsor

(5) Trout Management Lakes. The closed season for fishing in Trophy Trout Lakes listed in section 26-112-46 shall be as specified therein.

(6) Boundary Waters. The closed season for fishing in boundary water listed in section 26-112-46 of the Regulations of Connecticut State Agencies shall be as specified therein.

(Effective January 1, 1997; Amended January 30, 1998; Amended December 11, 2001; Amended April 4, 2005; Amended January 30, 2007; Amended October 4, 2011)

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Sec. 26-112-45. Species limitations

(a) **Alewives** (*Alosa pseudoharengus*) and blueback herring (*Alosa aestivalis*).

(1) Alewives and blueback herring may be taken only by angling or scoop net, except that in streams open to fishing throughout the year alewives and blueback herring may also be taken by snagging or snatching.

(2) The taking of alewives and blueback herring by scoop net from June sixteenth through March thirty-first, both dates inclusive, is prohibited.

(3) In rivers and streams, the taking of alewives and blueback herring by angling and snagging or snatching from June sixteenth through 6:00 a.m. on the third Saturday in April is prohibited.

(4) The taking of alewives and blueback herring from the section of Brides Brook, East Lyme, extending from the dam at Brides Pond downstream to Brides Brook Road is prohibited.

(5) Alewives and blueback herring shall not be taken from Saturday 12:00 midnight to Tuesday 12:00 midnight except in lakes and ponds, the main body of the Connecticut River, the main body of the Housatonic River, and the main body of the Thames River including the Shetucket River to the base of the Greenville Dam.

(6) The daily creel limit for alewives and blueback herring shall be twenty-five in the aggregate.

(b) **American shad** (*Alosa sapidissima*) and **hickory shad** (*Alosa mediocris*).

(1) American shad may be taken only by angling.

(2) In those streams open to fishing throughout the year the taking of American shad from July first through March thirty-first, both dates inclusive, is prohibited. In all other areas the taking of American shad from midnight on July first through 6:00 a.m. on the third Saturday in April is prohibited, except as provided in section 26-112-45(b)(4).

(3) The daily creel limit for American shad and hickory shad shall be six fish of both species in the aggregate, except as provided in section 26-112-45(b)(4).

(4) The open season for taking American shad from the Pawcatuck River, North Stonington-Stonington-Rhode Island, shall be as provided by Rhode Island regulations authorized by section 20-1-12 of the General Laws of Rhode Island, and the daily creel limit for American shad in this area shall be one.

(c) **Atlantic salmon** (*Salmo salar*)

(1) The taking of Atlantic salmon is prohibited, except that the Commissioner may, by an annual declaration, allow the taking of Atlantic salmon during a specified period in specified waters as indicated by signs posted by the department of environmental protection. The department of environmental protection shall inform the public of open seasons and angling regulations for Atlantic salmon by annually issuing a news release, posting signs, and by printing notice in the anglers' guide.

(2) During any period during which the taking of Atlantic salmon is allowed, the commissioner may, by declaration, specify the angling methods allowed for the taking of Atlantic salmon.

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(3) During any period during which the taking of Atlantic salmon is allowed, the commissioner may, by declaration, specify the daily creel limit and the minimum length for Atlantic salmon.

(4) The taking of Atlantic salmon in the main stem Connecticut River shall be as provided by regulations of the Connecticut River Atlantic Salmon Commission, as authorized by Chapter 494 of the General Statutes.

(d) **Bait species.** Bait species include the following species of fish, amphibians, aquatic insects and crustaceans to the exclusion of all other species: golden shiner or “pond shiner” (*Notemigonus crysoleucas*), common shiner (*Notropis cornutus*), fallfish (*Semotilus corporalis*), creek chub (*Semotilus atromaculatus*), spottail shiner or “river bait” (*Notropis hudsonius*), bridle shiner (*Notropis bifrenatus*), blacknose dace (*Rhinichthys atratulus*), longnose dace (*Rhinichthys cataractae*), pearl dace (*Semotilus margarita*), bluntnose minnow (*Pimephales notatus*), fathead minnow (*Pimephales promelas*), cutlips minnow (*Exoglossum maxillingua*), chub sucker (*Erimyzon oblongus*), white sucker (*Catostomus commersoni*), banded killifish (*Fundulus diaphanus*), mummichug (*Fundulus heteroclitus*), striped killifish (*Fundulus majalis*), tidewater silverside (*Menidia beryllina*), Atlantic silverside (*Menidia menidia*), sand lance or “sand eels” (*Ammodytes* spp.), frogs (except the northern leopard frog, *Rana pipiens*), crayfish (except rusty crayfish, *Orconectes rusticus*), perch bugs, helgramites, and mayfly nymphs. Bait species may be taken only for personal use as bait and food, except as provided in section 26-55-5 of the Regulations of Connecticut State Agencies, and shall not be sold or offered for sale, except as provided in sections 26-142a-1 to 26-142a-6 inclusive, 26-142a-12 and 26-142a-15 of the Regulations of Connecticut State Agencies.

(1) Bait species may be taken by bait seine, bait trap, umbrella net, by hand, by scoop net and by angling, as provided below:

(A) In all inland waters, except those lakes and ponds where the use of fish (dead or alive) as bait is prohibited, bait species may be taken at any time by bait traps not to exceed twenty inches in length and fifteen inches in diameter and by umbrella nets not to exceed four feet in length by four feet in width.

(B) In all streams bait species may be taken at any time with bait seines not to exceed fifteen feet in length and four feet in depth. Bait seines shall not be used in lakes and ponds, except in those lakes and ponds designated by the Department of Energy and Environmental Protection as open to the commercial taking of bait. In such lakes and ponds bait seines not exceeding fifteen feet in length and four feet in width may be used to take bait species at any time of year.

(C) During the open season for fishing in inland waters, bait species may also be taken by hand, by scoop net and by angling.

(e) **Black bass.** Black bass include largemouth bass (*Micropterus salmoides*) and smallmouth bass (*Micropterus dolomieu*).

(1) Black bass may be taken only by angling and ice fishing.

(2) The daily creel limit for black bass shall be six, except in Boundary Waters and Bass

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Management Areas as specified in section 26-112-46 and except as specified in section 26-112-48.

(3) There shall be no minimum length for black bass taken in streams, except in the Connecticut River, and its coves, where the minimum length shall be twelve inches. The minimum length for black bass taken in lakes and ponds shall be twelve inches, except in Boundary Waters and Bass Management Areas as specified in section 26-112-46 and except as specified in section 26-112-48.

(f) **Carp** (*Cyprinus carpio*), white suckers (*Catostomus commersonii*), American eels (*Anguilla rostrata*), and sea lampreys (*Petromyzon marinus*). Carp, suckers, eels and lampreys may be taken by angling, bobbing, ice fishing, bow and arrow fishing and spearing, except that, in streams or sections of streams stocked with trout, charr and/or salmon, these species may be taken only by angling or ice fishing. Spearing is prohibited in all lakes and ponds.

(g) **Chain pickerel** (*Esox niger*).

(1) Chain pickerel may be taken only by angling or ice fishing.

(2) There shall be no daily creel limit for chain pickerel taken in streams and the daily creel limit for chain pickerel taken in lakes and ponds shall be six, except in Boundary Waters as specified in section 26-112-46.

(3) There shall be no minimum length for chain pickerel taken in streams and the minimum length for chain pickerel taken in lakes and ponds shall be fifteen inches, except in Boundary Waters as specified in section 26-112-46.

(h) **Northern pike** (*Esox lucius*).

(1) Northern pike may be taken only by angling and ice fishing.

(2) The taking of northern pike from March first through April thirtieth, both dates inclusive, is prohibited in Bantam Lake, Little Pond (Little Bantam Lake), and their tributaries, Litchfield-Morris.

(3) The daily creel limit for northern pike shall be two, except that, during the period December 1 through the last day of February, the daily creel limit for northern pike in Bantam Lake, Little Pond (Little Bantam Lake), and their tributaries, Litchfield-Morris, shall be one.

(4) The minimum length for northern pike shall be twenty-six inches, except that in the Connecticut River and its coves the minimum length for northern pike shall be twenty four inches and, during the period December 1 through the last day of February, the minimum length for northern pike Bantam Lake, Little Pond (Little Bantam Lake), and their tributaries, Litchfield-Morris, shall be thirty-six inches.

(i) **Panfish.** Panfish include yellow perch (*Perca flavescens*), white perch (*Morone americana*), calico bass (*Pomoxis* spp.), rock bass (*Ambloplites rupestris*), all species of catfish including bullheads (*Ictalurus* spp.) and all species of sunfish (*Lepomis* spp.) except banded sunfish (*Enneacanthus obesus*). Panfish may be taken only by angling, bobbing and ice fishing.

(j) **Smelt** (*Osmerus mordax*)

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- (1) Smelt may be taken in lakes and ponds only by angling and ice fishing.
- (2) The taking of smelt in rivers and streams is prohibited.
- (3) The daily creel limit for smelt taken in lakes and ponds shall be fifty fish.
- (k) **Striped bass** (*Morone saxatilis*)

Regulations governing the taking and possession of striped bass in the inland district shall be as specified in sections 26-159a-2, 26-159a-4, 26-159a-7, and 26-159a-20 of the Regulations of Connecticut State Agencies.

- (l) **Sturgeon** (*Acipenser* spp.). The taking of sturgeon is prohibited.

(m) **Trout, charr and kokanee.** Trout, charr and kokanee include brown trout (*Salmo trutta*), rainbow trout (*Oncorhynchus mykiss*), brook trout (*Salvelinus fontinalis*), lake trout (*Salvelinus namaycush*), kokanee (*Oncorhynchus nerka*), and their hybrids.

- (1) Trout, charr and kokanee may be taken only by angling and ice fishing.
- (2) The taking of trout, charr and kokanee from March first through 6:00 a.m. on the third Saturday in April is prohibited, except: in boundary waters, Trout Management Areas, Wild Trout Management Areas, Sea-run Trout Streams and Trout Management Lakes as listed in section 26-112-46 of the Regulations of Connecticut State Agencies as specified therein; in streams open to fishing throughout the year as listed in section 26-112-44 and as specified in section 26-112-48 of the Regulations of Connecticut State Agencies.

(3) The daily creel limit for trout, charr and kokanee shall be eight in the aggregate, not more than five of which may be trout or charr except: in boundary waters, Trout Management Areas, Wild Trout Management Areas, Trout Parks, Sea-Run Trout Streams, Trophy Trout Streams and Trout Management Lakes as listed in section 26-112-46 of the Regulations of Connecticut State Agencies as specified therein; in streams open to fishing throughout the year as listed in section 26-112-44 and as specified in section 26-112-48 of the Regulations of Connecticut State Agencies.

- (4) The minimum length for lake trout shall be twenty inches.

(5) There shall be no minimum length for trout (except lake trout), charr and kokanee except:

(A) In Trout Management Lakes, Wild Trout Management Areas, Trophy Trout Streams, Sea-Run Trout Streams and Trout Management Areas listed in section 26-112-46 as specified therein.

(B) In streams open to fishing throughout the year listed in section 26-112-44 where the minimum length shall be fifteen inches.

(C) In the following streams, or portions of the streams, where the minimum length of trout and charr shall be nine inches:

Belden Brook, Hartland, Granby- that portion downstream from Fuller Road in Hartland.
Blackledge River, Glastonbury, Marlborough- that portion downstream from Route 94.
Burlington Brook, Burlington- that portion downstream from Covey Road.
Center Brook, Colebrook- that portion downstream from Route 183.
Cherry Brook, Canton- that portion downstream from Route 179.
Colebrook Brook, Winchester, Colebrook.

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Dickinson Creek, Colchester, Marlborough- that portion downstream from Route 66.

East Branch Salmon Brook, Granby- that portion downstream from the Connecticut-Massachusetts state line.

East Branch Eightmile River, Salem, East Haddam, Lyme- that portion downstream from Witch Meadow Road in Salem.

East Branch Farmington River, Barkhamsted, New Hartford- that portion downstream from the dam at Lake McDonough.

Eightmile River, East Haddam, Lyme- that portion from Foxtown Road downstream to the dam at Mt. Archer Road.

Farmington River, Farmington, Avon, Simsbury, East Granby, Bloomfield, Windsor- that portion downstream from Route 177.

Fawn Brook, Marlborough, Hebron- that portion downstream from Slocum Road.

Indian Meadow Brook, Winchester.

Jeremy River, Colchester- that portion downstream from Greyville Road.

Judd Brook, Colchester, Hebron- that portion downstream from Old Colchester Road.

Mad River, Norfolk, Winchester- that portion downstream from Grantville Road in Norfolk.

Meadow Brook, Colchester- that portion downstream from Route 16.

Mill Brook, Winchester- that portion downstream from Hannifin Road.

Morgan Brook, Barkhamsted- that portion downstream from the dam on West Hill Pond.

Mountain Brook, Granby- that portion downstream from the Route 20 bridge located between the Route 20 intersections with Case Street and Enders Road.

Pequabuck River, Plymouth, Bristol, Plainville, Farmington - that portion downstream from Canal Street in Plymouth.

Pine Brook, East Hampton, Haddam- that section downstream from Sexton Road in East Hampton.

Ratlum Brook, Canton, New Hartford- that portion downstream from the confluence with Spruce Brook.

Raymond Brook, Hebron- that portion downstream from Old Colchester Road.

Safstrom Brook, East Hampton- that portion downstream from Tartia Road.

Salmon River, Colchester, East Hampton, East Haddam, Haddam- that portion from the confluence of the Blackledge and Jeremy rivers downstream to Route 151.

Salmon Brook, East Granby, Granby.

Sandy Brook, Colebrook, Norfolk- that portion downstream from the Connecticut-Massachusetts state line.

Still River, Barkhamsted, Colebrook- that portion downstream from the confluence with the Mad River.

West Branch of Fawn Brook, Marlborough, Hebron- that portion downstream from Slocum Road.

West Branch of Salmon Brook, Granby- that portion downstream from Route 179.

(n) Any fish or bait species taken contrary to this section shall be immediately returned,

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without avoidable injury, to the waters from which taken.

(o) **Marine finfish.** Unless otherwise specified by section 26-112-45 of the Regulations of Connecticut State Agencies, the species limitations for marine finfish taken by sport fishing from the waters of this state shall be as specified in regulations adopted under authority of section 26-159a of the general statutes.

(p) **Walleye** (*Sander vitreus*).

(1) Walleye may be taken only by angling and ice fishing.

(2) The daily creel limit for walleye shall be two.

(3) The minimum length for walleye shall be eighteen inches except that in Lake Pocotopaug, East Hampton, the minimum length for walleye shall be twenty inches.

(q) **Banded sunfish** (*Enneacanthus obesus*). The taking of banded sunfish is prohibited.

(Effective January 1, 1997; Amended January 30, 1998; Amended September 29, 1999; Amended March 8, 2001; Amended October 9, 2001; Amended December 11, 2001; Amended April 4, 2005; Amended January 30, 2007; Amended October 4, 2011)

Sec. 26-112-46. Special management areas

(a) **Boundary Waters.** Boundary waters are defined as those lakes and ponds forming a common boundary between Connecticut and an adjoining state. Connecticut sport fishing regulations shall apply, except as provided herein.

(1) Beach Pond, Voluntown—Rhode Island. The closed season for fishing shall be from midnight on the last day in February through 6:00 a.m. on the third Saturday in April. Connecticut or Rhode Island fishing license legal on entire pond. Connecticut and Rhode Island regulations apply as follows: Black bass (largemouth and smallmouth): the daily creel limit shall be five and the minimum length shall be twelve inches. Chain pickerel: the daily creel limit shall be five and the minimum length shall be fourteen inches. Trout: the daily creel limit shall be five and there shall be no minimum length. Not more than six tip-ups may be used when ice fishing.

(2) Breakneck Pond, Union-Massachusetts. Connecticut or Massachusetts license legal on entire pond.

(3) Colebrook Flood Control Impoundment, Colebrook and Massachusetts. The closed season for fishing shall be from midnight on the last day in February through 6:00 a.m. on the third Saturday in April. Connecticut or Massachusetts fishing license legal on entire impoundment. Upstream demarcation line posted by Massachusetts.

(4) Congamond Lakes (South Pond, Middle Pond and North Pond), Suffield—Massachusetts. There shall be no closed season for fishing. Connecticut or Massachusetts fishing license legal on all three lakes. Massachusetts regulations apply as follows: Trout: the daily creel limit shall be six, during the period from the Saturday next preceding the third Monday in April, one hour before sunrise, through the Sunday following the third Saturday in October. Trout: the daily creel limit shall be three, during the period from the Monday following the third Saturday in October to the Saturday preceding the third Monday in April. Black bass (largemouth and smallmouth): the daily creel limit shall be five and

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the minimum length shall be ten inches. Chain pickerel: the daily creel limit shall be five and the minimum length shall be fourteen inches. Not more than two hooks may be used during periods of open water fishing and not more than five hooks may be used when ice fishing.

(5) Hamilton Reservoir, Union—Massachusetts. There shall be no closed season for fishing. Connecticut or Massachusetts fishing license legal on entire pond. Massachusetts regulations apply as follows: Trout: the daily creel limit shall be six, during the period from the Saturday next preceding the third Monday in April, one hour before sunrise, through the Sunday following the third Saturday in October. Trout: the daily creel limit shall be three, during the period from the Monday following the third Saturday in October to the Saturday preceding the third Monday in April. Black bass (largemouth and smallmouth): the daily creel limit shall be five and the minimum length shall be ten inches. Chain pickerel: the daily creel limit shall be five and the minimum length shall be fourteen inches. Not more than two hooks may be used during periods of open water fishing and not more than five hooks may be used when ice fishing.

(6) Hazard Pond, Voluntown—Rhode Island. No closed season. Connecticut or Rhode Island fishing license legal on entire pond. Connecticut and Rhode Island regulations apply as follows: Black bass (largemouth and smallmouth): the daily creel limit shall be five and the minimum length shall be twelve inches. Chain pickerel: the daily creel limit shall be five and the minimum length shall be fourteen inches. Not more than six tip-ups may be used when ice fishing.

(7) Indian Pond, Sharon—New York. The closed season for fishing shall be from midnight on March thirty-first through 6:00 a.m. on the third Saturday in April. Connecticut or New York license legal on entire pond. New York regulations apply as follows: Black bass (largemouth and smallmouth): The closed season for the taking of black bass shall be from midnight on November thirtieth through 6:00 a.m. on the third Saturday in April, the daily creel limit shall be six and the minimum length shall be twelve inches. Not more than five tip-ups and two hand held jigs may be used for ice fishing.

(8) Keach Pond, Thompson—Putnam—Rhode Island. Connecticut or Rhode Island license legal on entire pond. Rhode Island regulations apply.

(9) Killingly Pond, Killingly—Rhode Island. No closed season. Connecticut or Rhode Island fishing license legal on entire pond. Connecticut and Rhode Island regulations apply as follows: Black bass (largemouth and smallmouth): the daily creel limit shall be five and the minimum length shall be twelve inches. Chain pickerel: the daily creel limit shall be five and the minimum length shall be fourteen inches. Not more than six tip-ups may be used when ice fishing.

(10) Muddy Pond, Woodstock—Massachusetts. Connecticut or Massachusetts fishing license legal on entire pond.

(11) Perry Pond, Thompson—Massachusetts. Connecticut or Massachusetts fishing license legal on entire pond.

(b) **Fly Fishing Only Areas.** In the following waters or portions thereof, as indicated by

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posters, fishing is restricted to fly fishing only.

Bantam River (outlet), Morris, Litchfield.

Hewitt Flyfishing Pond (Gallup Pond), North Stonington.

Housatonic River, Cornwall, Sharon.

Moosup River, Plainfield.

Salmon River, Colchester.

Saugatuck River, Westport, from Dorr's Mill Dam to Merritt Parkway.

Willimantic River, Tolland, Willington.

Yantic River, Lebanon, above Johnsons Bridge and Bozrah.

(c) Trout Management Areas.

(1) The Housatonic River Trout Management Area shall be that portion of the Housatonic River in Salisbury, Canaan, Sharon, and Cornwall from the bridge at Route 112 downstream to the bridge at Routes 4 and 7. There shall be no closed season for trout and charr in the Housatonic River Trout Management Area, except that those portions of this trout management area within one hundred feet of the mouths of tributary streams, as indicated by signs posted by the Department of Energy and Environmental Protection, shall be closed to all fishing during the period June fifteenth through August thirty-first. Fishing within a portion of the Housatonic River Trout Management Area as indicated by signs posted by the Department of Energy and Environmental Protection is restricted to fly fishing only. The daily creel limit for trout and charr in the Housatonic River Trout Management Area is zero and all trout and charr caught shall be immediately returned, without avoidable injury, to the waters from which taken. Possession of trout or charr in the waters or on the shores of the Housatonic River Trout Management Area is prohibited.

(2) The Willimantic River Trout Management Area shall be that portion of the Willimantic River in Tolland and Willington from the mouth of Roaring Brook downstream to the bridge at Route 74. Fishing in the Willimantic River Trout Management Area is restricted to fly fishing only. There shall be no closed season for trout and charr in the Willimantic River Trout Management Area. The daily creel limit for trout and charr in the Willimantic River Trout Management Area is zero and all trout and charr caught shall be immediately returned, without avoidable injury, to the waters from which taken. Possession of trout or charr in the waters or on the shores of the Willimantic River Trout Management Area is prohibited.

(3) The Mianus River Trout Management Area shall be that portion of the Mianus River in Stamford, from Merrybrook Road to the dam approximately one mile upstream, as indicated by signs posted by the Department of Energy and Environmental Protection. There shall be no closed season for trout and charr in this area and the minimum length for trout and charr taken shall be nine inches. From September first through 6:00 a.m. on the third Saturday in April, fishing in this area is restricted to single hook flies and artificial lures only, the daily creel limit for trout and charr is zero, and all trout and charr caught shall be immediately returned, without avoidable injury, to the waters from which taken. During said time period from September first through 6:00 A.M. on the third Saturday in April,

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possession of trout or charr in the waters or on the shores of the Mianus River Trout Management Area is prohibited. From 6:00 a.m. on the third Saturday in April through August 31, the daily creel limit in the Mianus River Trout Management Area for any combination of trout and charr is two.

(4) The Farmington River Trout Management Area shall be the West Branch Farmington River in Hartland, Barkhamsted, and New Hartford and that portion of the Farmington River from the junction of the East and West Branches of the Farmington River in New Hartford downstream to the Route 177 Bridge in Unionville. There shall be no closed season for trout and charr in the Farmington River Trout Management Area. The daily creel limits for trout and charr in the Farmington River Trout Management Area shall be as follows:

(A) In that portion of the Farmington River Trout Management Area from the Goodwin Dam in Hartland downstream to the foot bridge abutments approximately one and four-tenths miles downstream of the confluence with the Still River in Barkhamsted, as indicated by signs posted by the Department of Energy and Environmental Protection, the daily creel limit for trout and charr in any combination shall be two and the minimum length for any trout and charr taken shall be twelve inches during the time period from 6:00 a.m. on the third Saturday in April through August 31. During said time period, possession of trout or charr less than twelve (12) inches or possession of more than two (2) trout or charr on such waters or their shores is prohibited. From September first through 6:00 a.m. on the third Saturday in April, the daily creel limit for trout and charr is zero and all trout and charr caught shall be immediately returned, without avoidable injury, to the waters from which taken. During said time period from September first through 6:00 a.m. on the third Saturday in April, possession of trout or charr in the waters or on the shores of this portion of the Farmington River Trout Management Area is prohibited.

(B) In that portion of the Farmington River Trout Management Area from the foot bridge abutments approximately one and four-tenths miles downstream of the confluence with the Still River in Barkhamsted, downstream to the bridge at Route 219 in New Hartford, as indicated by signs posted by the Department of Energy and Environmental Protection, fishing is restricted to the use of barbless hooks only, the daily creel limit for trout and charr is zero and all trout and charr caught shall be immediately returned, without avoidable injury, to the waters from which taken. Possession of trout or charr in the waters or on the shores of this portion of the Farmington River Trout Management Area is prohibited.

(C) In that portion of the Farmington River Trout Management Area from the bridge at Route 219 in New Hartford downstream to the Route 177 Bridge in Unionville, the daily creel limit for trout and charr in any combination shall be two and the minimum length for any trout and charr taken shall be twelve inches during the time period from 6:00 a.m. on the third Saturday in April through August 31. During said time period, possession of trout or charr less than twelve (12) inches or possession of more than two (2) trout or charr on such waters or their shores is prohibited. From September first through 6:00 a.m. on the third Saturday in April, the daily creel limit for trout and charr is zero and all trout and charr caught shall be immediately returned, without avoidable injury, to the waters from which

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taken. During said time period from September first through 6:00 a.m. on the third Saturday in April, possession of trout or charr in the waters or on the shores of this portion of the Farmington River Trout Management Area is prohibited.

(5) The Hammonasset River Trout Management Area shall be that portion of the Hammonasset River in Killingworth and Madison, from the Lake Hammonasset Dam downstream to Chestnut Hill Road. From September first through 6:00 a.m. on the third Saturday in April, the daily creel limit for trout and charr is zero and all trout and charr caught shall be immediately returned, without avoidable injury, to the waters from which taken. During said time period from September first through 6:00 A.M. on the third Saturday in April, possession of trout or charr in the waters or on the shores of the Hammonasset River Trout Management Area is prohibited. From 6:00 a.m. on the third Saturday in April through the last day in August, the daily creel limit in the Hammonasset River Trout Management Area for any combination of trout and charr is two and the minimum length for any such trout and charr taken shall be nine inches.

(6) The Mill River Trout Management Area shall be that portion of the Mill River in Fairfield, from the Merritt Parkway Bridge downstream to Lake Mohegan. There shall be no closed season for trout and charr in this area and the minimum length for trout and charr taken shall be nine inches. From September first through 6:00 a.m. on the third Saturday in April, the daily creel limit for trout and charr is zero and all trout and charr caught shall be immediately returned, without avoidable injury, to the waters from which taken. During said time period from September First through 6:00 A.M. on the third Saturday in April possession of trout or charr in the waters or on the shores of the Mill River Trout Management Area is prohibited. From 6:00 a.m. on the third Saturday in April through August 31, the daily creel limit in the Mill River Trout Management Area for any combination of trout and charr is two.

(7) The Moosup River Trout Management Area shall be that portion of the Moosup River in Plainfield from the bridge at Route 14 downstream to the junction with the Quinebaug River. Fishing within a portion of the Moosup River Trout Management Area as indicated by signs posted by the Department of Energy and Environmental Protection is restricted to fly fishing only. The daily creel limit for trout and charr in the Moosup River Trout Management Area is zero and all trout and charr caught shall be immediately returned, without avoidable injury, to the waters from which taken. Possession of trout or charr in the waters or on the shores of the Moosup River Trout Management Area is prohibited.

(8) The Salmon River Trout Management Area shall be that portion of the Salmon River in Colchester and East Hampton, from the junction of the Blackledge and Jeremy Rivers downstream to the Route 16 bridge. Fishing within a portion of the Salmon River Trout Management Area is restricted to fly fishing only as indicated by signs posted by the Department of Energy and Environmental Protection. From 6:00 a.m. on the third Saturday in April through the last day in August, the daily creel limit for trout and charr in any combination shall be two and the minimum length for any trout and charr taken shall be nine inches. From September first to 6:00 a.m. on the third Saturday in April, the daily creel

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limit for trout and charr is zero and all trout and charr caught shall be immediately returned, without avoidable injury, to the waters from which taken. During said time period from September first through 6:00 A.M. on the third Saturday in April possession of trout or charr in the waters or on the shores of the Salmon River Trout Management Area is prohibited.

(9) The Naugatuck River Trout Management Area shall be that portion of the Naugatuck River from Route 118 in Harwinton and Litchfield, downstream to the Thomaston Dam in Thomaston. There shall be no closed season for trout and charr in the Naugatuck River Trout Management Area, except that those portions of this Trout Management Area within one hundred feet of the mouths of tributary streams, as indicated by signs posted by the Department of Energy and Environmental Protection, shall be closed to all fishing during the period June fifteenth through August thirty-first. From October first through March thirty-first, fishing is restricted to those methods specified by the Commissioner for the taking of Atlantic salmon in accordance with section 26-112-45(c) of the Regulations of Connecticut State Agencies. The daily creel limit for trout and charr is zero and all trout and charr caught shall be immediately returned, without avoidable injury, to the waters from which taken. Possession of trout or charr in the waters or on the shores of the Naugatuck River Trout Management Area is prohibited.

(10) The Bulls Bridge Trout Management Area shall consist of (A) the portion of the Housatonic River from Bulls Bridge Dam downstream to the Gaylordsville Bridge (Route 7) and (B) the Ten Mile River from the New York State border downstream to the confluence with the Housatonic River. There shall be no closed season for trout and charr in the Bulls Bridge Trout Management Area, except that those portions of this trout management area within one hundred feet of the mouths of tributary streams, as indicated by signs posted by the Department of Energy and Environmental Protection, shall be closed to all fishing during the period June fifteenth through August thirty first. The daily creel limit for trout and charr is zero and all trout and charr caught shall be immediately returned, without avoidable injury, to the waters from which taken. Possession of trout or charr in the waters or on the shores of the Bulls Bridge Trout Management Area is prohibited.

(11) The William Doc Skerlick Trout Management Area shall be that portion of the Saugatuck River in Westport from the Dorr's Mill Dam to the Merritt Parkway bridge. Fishing within the William Doc Skerlick Trout Management Area is restricted to fly fishing only. There shall be no closed season for trout and charr in this area. From 6:00 A.M. on the third Saturday in April through August 31, the daily creel limit in the William Doc Skerlick Trout Management Area for any combination of trout and charr is two and the minimum length for trout and charr taken shall be nine inches. From September first through 6:00 a.m. on the third Saturday in April, the daily creel limit for trout and charr is zero and all trout and charr caught shall be immediately returned, without avoidable injury, to the waters from which taken. During said time period from September first through 6:00 A.M. on the third Saturday in April, possession of trout or charr in the waters or on the shores of the William Doc Skerlick Trout Management Area is prohibited.

(12) The Hockanum River Trout Management Area shall be the portion of the Hockanum

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River from I-84 in Vernon downstream to where the river crosses under I-84 at the Manchester/East Hartford town line as indicated by signs posted by the Department of Energy and Environmental Protection. There shall be no closed season for trout and charr in the Hockanum River Trout Management Area. The daily creel limit for trout and charr is zero and all trout and charr caught shall be immediately returned, without avoidable injury, to the waters from which taken. Possession of trout or charr in the waters or on the shores of the Hockanum River Trout Management Area is prohibited.

(13) The Pequabuck River Trout Management Area shall consist of (a) that portion of the Pequabuck River in Bristol and Plainville from King Street (Route 229 & 72) downstream to Route 177 and (b) that portion of Coppermine Brook in Bristol from Artisan Street downstream to the confluence with the Pequabuck River. There shall be no closed season for trout and charr in the Pequabuck River Trout Management Area. The daily creel limit for trout and charr is zero and all trout and charr caught shall be immediately returned, without avoidable injury, to the waters from which taken. Possession of trout or charr in the waters or on the shores of the Pequabuck River Trout Management Area is prohibited.

(14) The Yantic River Trout Management Area shall be that portion of the Yantic River from Barstow Road in Lebanon, downstream to the bridge crossing at the intersection of Fitchville Road and Schwartz Road in Bozrah. Fishing within portions of the Yantic River Trout Management Area as indicated by signs posted by the Department of Energy and Environmental Protection is restricted to fly fishing only. There shall be no closed season for trout and charr in this area. From 6:00 a.m. on the third Saturday in April through August 31, the daily creel limit in the Yantic River Trout Management Area for any combination of trout and charr is two and the minimum length for trout and charr taken shall be nine inches. From September first through 6:00 a.m. on the third Saturday in April, the daily creel limit for trout and charr is zero and all trout and charr caught shall be immediately returned, without avoidable injury, to the waters from which taken. During said time period from September first through 6:00 A.M. on the third Saturday in April, possession of trout or charr in the waters or on the shores of the Yantic River Trout Management Area is prohibited.

(15) The Upper Saugatuck River Trout Management Area shall be that portion of the Saugatuck River in Redding from Diamond Hill Pond Dam downstream to Saugatuck Reservoir, as indicated by signs posted by the Department of Energy and Environmental Protection. There shall be no closed season for trout and charr in the Upper Saugatuck River Trout Management Area. The daily creel limit for trout and charr is zero and all trout and charr caught shall be immediately returned, without avoidable injury, to the waters from which taken. Possession of trout or charr in the waters or on the shores of the Upper Saugatuck River Trout Management Area is prohibited.

(16) The Aspetuck River Trout Management Area shall consist of (a) that portion of the Aspetuck River in Easton, Redding and Newtown upstream from the bridge at Valley Road in Easton and (b) those portions of the unnamed inflow and outflow streams to Lyons Swamp in Easton and Redding from North Park Avenue downstream to the confluence with

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the Aspetuck River. There shall be no closed season for trout and charr in the Aspetuck River Trout Management Area. The daily creel limit for trout and charr is zero and all trout and charr caught shall be immediately returned, without avoidable injury, to the waters from which taken. Possession of trout or charr in the waters or on the shores of the Aspetuck River Trout Management Area is prohibited.

(17) The Sleeping Giant Trout Management Area shall be that portion of the Mill River within Sleeping Giant State Park located between Tuttle Avenue and Mount Carmel Avenue, Hamden. There shall be no closed season for trout and charr in the Sleeping Giant Trout Management Area and the minimum length for trout and charr taken shall be nine (9) inches. From September first through 6:00 a.m. on the third Saturday in April, the daily creel limit for trout and charr is zero and all trout and charr caught shall be immediately returned, without avoidable injury, to the waters from which taken. During said time period from September first through 6:00 a.m. on the third Saturday in April possession of trout or charr in the waters or on the shores of the Sleeping Giant Trout Management Area is prohibited. From 6:00 a.m. on the third Saturday in April through August thirty-first, the daily creel limit in the Sleeping Giant Trout Management Area for any combination of trout and charr is two.

(d) **Trout Management Lakes.** In the following lakes during the period March first through March thirty-first the daily creel limit for trout and charr shall be one and the minimum length limit shall be sixteen (16) inches, except as otherwise specified herein. For the purposes of this subsection “slot limit lengths” shall mean the lengths between which fish may not be retained and all fish equal to or greater than the lower limit but less than the upper limit must be released, without avoidable injury, to the waters from which taken.

Amos Lake, Preston. The closed season for fishing in this area shall be from midnight on March thirty-first through 6:00 a.m. on the third Saturday in April.

Candlewood Lake (including Squantz Pond), New Fairfield, Danbury, New Milford, Sherman, Brookfield. The closed season for fishing in this area shall be from midnight on March thirty-first through 6:00 a.m. on the third Saturday in April.

Crystal Lake, Ellington, Stafford. The closed season for fishing in this area shall be from midnight on March thirty-first through 6:00 a.m. on the third Saturday in April. During the period from 6:00 a.m. on the third Saturday in April through the last day of February, the slot limit lengths for trout and charr shall be from twelve (12) inches to sixteen (16) inches total length and the daily creel limit for trout shall be five, not more than one of which may equal or exceed sixteen (16) inches in total length.

East Twin Lake, Salisbury. The closed season for fishing in this area shall be from midnight on the last day in February through 6:00 a.m. on the third Saturday in April. The daily creel limit for brown trout, rainbow trout and charr during the open season shall be five in the aggregate, not more than one of which may be a brown trout. The minimum length for brown trout shall be twenty (20) inches in total length.

Highland Lake, Winchester. The closed season for fishing in this area shall be from midnight on March thirty-first through 6:00 a.m. on the third Saturday in April. During the

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period from 6:00 a.m. on the third Saturday in April through the last day of February, the slot limit lengths for trout and charr shall be from twelve (12) inches to sixteen (16) inches total length and the daily creel limit for trout shall be five, not more than one of which may equal or exceed sixteen (16) inches in total length.

Quonnipaug Lake, Guilford. The closed season for fishing in this area shall be from midnight on March thirty-first through 6:00 a.m. on the third Saturday in April.

Rogers Lake, Lyme, Old Lyme. The closed season for fishing in this area shall be from midnight on March thirty-first through 6:00 a.m. on the third Saturday in April.

West Hill Pond, New Hartford, Barkhamsted. The closed season for fishing in this area shall be from midnight on March thirty-first through 6:00 a.m. on the third Saturday in April.

(e) **Special use of streams by disabled persons.** The Department of Environmental Protection is authorized to set aside sections of streams for temporary use by groups of disabled persons from state institutions, veteran or similar organizations, upon written request, and under conditions as specified by the department.

(f) **Bass Management Areas.** In addition to the provisions of section 26-112-45, the following provisions shall apply in the following listed waters. For the purposes of this subsection, “slot limit lengths” are the lengths between which fish may not be retained. Measurements shall be from the tip of the snout to the end of the tail and all fish equal to or greater than the lower length limit and less than the upper length limit shall be released, without avoidable injury, to the waters from which taken.

(1) The slot limit lengths for black bass shall be from twelve to sixteen inches in length and the daily creel limit for black bass shall be six, not more than two of which may equal or exceed sixteen inches in length, in: Bashan Lake (East Haddam), Billings Lake (North Stonington), Black Pond (Meriden-Middlefield), Bolton Lakes (Upper, Middle, Lower; Bolton, Coventry, and Vernon), Lake Chamberlain (Bethany), Colebrook Flood Control Impoundment (Colebrook), Coventry Lake (Coventry), Halls Pond (Eastford and Ashford), Hayward Lake (East Haddam), Lake Kenosia (Danbury), Maltby Lakes (#1, #2, #3; New Haven, Orange-and West Haven), Mamasasco Lake (Ridgefield), Mansfield Hollow Reservoir (Mansfield, Chaplin, and Windham), Mashapaug Lake (Union), Pickerel Lake (Colchester and East Haddam), West Side Pond (Goshen) and Wononscopomuc Lake (Salisbury).

(2) The minimum length for black bass shall be sixteen inches and the daily creel limit for black bass shall be two, in: Gardner Lake (Salem, Montville, and Bozrah), Highland Lake (Winchester), Housatonic Lake (Shelton, Derby, Monroe, Oxford, and Seymour), Mohegan Park Pond (Norwich), Quinebaug Lake (Killingly), Taftville Reservoir (Norwich), and Wyassup Lake (North Stonington).

(3) The slot limit lengths for black bass shall be from twelve to eighteen inches; and the daily creel limit for black bass shall be six, not more than one of which may equal or exceed eighteen inches in length, in: Amos Lake (Preston), Moodus Reservoir (East Haddam), Mudge Pond (Sharon), and Pataganset Lake (East Lyme).

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(4) The minimum length for black bass shall be eighteen (18) inches and the daily creel limit for black bass shall be one, in: Lake Saltonstall (Branford and East Haven).

(5) The Commissioner may grant an exemption from minimum length and daily creel limit requirements of this section to any person issued a permit under Section 26-112-42 to conduct a fishing tournament or derby on Gardner Lake or Mansfield Hollow Reservoir, provided that all fish caught shall be released without avoidable injury to the waters where taken, and that each participating boat shall be furnished with live wells with aerators or circulating pumps.

(6) The Commissioner may grant an exemption from minimum length and daily creel limit requirements of this section to any person issued a permit under section 2-112-42 to conduct a fishing tournament or derby in any Bass Management Area between September 1 and June 30, provided that all fish caught shall be released, without avoidable injury, to the waters where taken, and that each participating boat shall be furnished with live wells with aerators or circulating pumps.

(7) The Bulls Bridge Bass Management Area shall consist of (a) the portion of the Housatonic River from Bulls Bridge Dam downstream to the Gaylordsville Bridge (Route 7) and (b) the Ten Mile River from the New York state border downstream to the confluence with the Housatonic River. The daily creel limit for smallmouth bass and largemouth bass is zero and all smallmouth bass and largemouth bass caught shall be immediately returned, without avoidable injury, to the waters from which taken. Possession of smallmouth bass or largemouth bass in the waters or on the shores of the Bulls Bridge Bass Management Area is prohibited.

(g) Wild Trout Management Areas.

(1) There shall be no closed season for trout or charr in class one Wild Trout Management Areas. Fishing in these areas is restricted to barbless single-hook artificial lures and barbless single-hook flies. The daily creel limit for trout and charr in these areas is zero and all trout and charr caught shall be immediately returned, without avoidable injury, to the waters from which taken. Possession of trout or charr on the waters or shores of these Wild Trout Management Areas is prohibited. The following are class one Wild Trout Management Areas:

(A) The Belding Wild Trout Management Area, which shall be that portion of the Tankerhoosen River and its tributaries contained within the Belding Wildlife Management Area in Vernon as indicated by signs posted by the Department of Energy and Environmental Protection.

(B) Deep Brook Wild Trout Management Area, which shall consist of (a) that portion of Deep Brook in Newtown from Wasserman Way downstream to the confluence with the Pootatuck River and (b) that portion of the Pootatuck River upstream and downstream of the confluence with Deep Brook as indicated by signs posted by the Department of Energy and Environmental Protection.

(C) Eightmile River Wild Trout Management Area, which shall be the Eightmile River in Southington.

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(D) Hawleys Brook Wild Trout Management Area, which shall be that portion of Hawleys Brook in Easton and Weston within the Trout Brook Valley property that is owned by the State of Connecticut Department of Energy and Environmental Protection, Aspetuck Land Trust, and the town of Weston.

(E) Merrick Brook Wild Trout Management Area, which shall consist of (a) that portion of Merrick Brook and Beaver Brook in Scotland within the Talbot Wildlife Management Area and (b) that portion of Merrick Brook upstream of the Talbot Wildlife Management Area as indicated by signs posted by the Department of Energy and Environmental Protection.

(F) Mill River Wild Trout Management Area, which shall be that portion of the Mill River in Easton from upstream of the first bridge crossing below Easton Reservoir (South Park Avenue) as indicated by signs posted by the Department of Energy and Environmental Protection to downstream of the third bridge crossing (South Park Avenue) as indicated by signs posted by the Department of Energy and Environmental Protection.

(G) Quinnipiac River Wild Trout Management Area, which shall be that portion of the Quinnipiac River in Cheshire and in Southington upstream of Cheshire Street.

(H) Wachocastinook Brook Wild Trout Management Area, which shall be that portion of Wachocastinook Brook on Mt. Riga Corporation property in Salisbury as indicated by signs posted by the Department of Energy and Environmental Protection.

(I) Upper Mill River Wild Trout Management Area, which shall be that portion of the Mill River in Easton and Monroe from Route 59 downstream to Judd Road.

(J) Lower Macedonia Brook Wild Trout Management Area, which shall be that portion of Macedonia Brook in Kent from the confluence with Bog Hollow Brook downstream to Route 341.

(2) In class two Wild Trout Management Areas the daily creel limit for any combination of trout and charr shall be two and the minimum length for trout and charr shall be 12 inches. Possession of more than two trout or charr or possession of trout or charr less than 12 inches on the waters or shores of these Wild Trout Management Areas is prohibited. The following are class two Wild Trout Management Areas:

(A) Heather Reaves Wild Trout Management Area, which shall be that portion of Furnace Brook in Cornwall Bridge upstream of the Housatonic River as indicated by signs posted by the Department of Energy and Environmental Protection.

(B) Salmon Brook (Glastonbury) Wild Trout Management Area, which shall be that portion of Salmon Brook in Glastonbury downstream of Addison Pond.

(3) In class three wild trout management areas the minimum length for trout and charr shall be nine inches. Possession of trout or charr less than nine inches on the waters or shores of these wild trout management areas is prohibited. The following are class three wild trout management areas:

(A) Beacon Hill Brook Wild Trout Management Area, which shall be that portion of Beacon Hill Brook in Naugatuck and Beacon Falls from Route 63 downstream to the confluence with the Naugatuck River.

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(B) Blackberry River Wild Trout Management Area, which shall be that portion of the Blackberry River in Canaan downstream of the Whiting River to the confluence with the Housatonic River.

(C) East Aspetuck River Wild Trout Management Area, which shall be that portion of the East Aspetuck River in New Milford and in New Preston downstream of Lake Waramaug to the confluence with the Housatonic River.

(D) East Branch Naugatuck River Wild Trout Management Area, which shall be that portion of the East Branch Naugatuck River in Torrington from Newfield Road downstream to the confluence with the West Branch Naugatuck River.

(E) Farm River Wild Trout Management Area, which shall be that portion of the Farm River from Mill Road in North Branford downstream to the I-95 Bridge in East Haven.

(F) Fenton River Wild Trout Management Area, which shall be the Fenton River in Mansfield and in Willington.

(G) Little River Wild Trout Management Area, which shall be that portion of the Little River in Oxford from Towner Lane downstream to Park Road.

(H) Macedonia Brook Wild Trout Management Area, which shall be those portions of Macedonia Brook in Kent within Macedonia Brook State Park.

(I) Morgan Brook Wild Trout Management Area, which shall be Morgan Brook in Barkhamsted.

(J) Sessions Woods Wild Trout Management Area, which shall be that portion of Negro Hill Brook in Burlington upstream of Route 69.

(K) Norwalk River Wild Trout Management Area, which shall be that portion of the Norwalk River in Wilton and in Ridgefield upstream of Wolf Pit Road.

(L) Pease Brook Wild Trout Management Area, which shall be that portion of Pease Brook in Lebanon within the Pease Brook Wildlife Management Area.

(M) Eric C. Schluntz Wild Trout Management Area, which shall be the portion of Roaring Brook in Glastonbury from Route 94 downstream to the confluence with the Connecticut River.

(N) Roaring Brook (Stafford) Wild Trout Management Area, which shall be the portion of Roaring Brook in Stafford and in Willington from Route 190 downstream to the confluence with the Willimantic River.

(O) Salmon Brook (Granby) Wild Trout Management Area, which shall be that portion of Salmon Brook and East Branch of Salmon Brook in Granby and in East Granby from Route 20 downstream to the confluence with the Farmington River.

(P) Shunock Brook Wild Trout Management Area, which shall be Shunock Brook in North Stonington.

(Q) Stony Brook Wild Trout Management Area, which shall be Stony Brook in Montville.

(h) **Atlantic salmon broodstock areas.** From October first through March thirty-first, angling for all species in the following areas is restricted to those methods specified by the commissioner for the taking of Atlantic salmon in accordance with section 26-112-45(c) of

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the Regulations of Connecticut State Agencies:

(1) The upper Naugatuck River Atlantic salmon broodstock area is that portion of the Naugatuck River from Route 118, Harwinton and Litchfield, downstream to Thomaston Dam, Thomaston.

(2) The lower Naugatuck River Atlantic salmon broodstock area is that portion of the Naugatuck River from Prospect Street, Naugatuck, downstream to Pines Bridge Road, Beacon Falls.

(3) The Shetucket River Atlantic salmon broodstock area is that portion of the Shetucket River from the Scotland Dam, Scotland, downstream to the Occum Dam, Norwich.

(i) **Trout Park Areas.**

Except as provided in Section 26-112-46(c), in the following waters the daily creel limit for trout and charr shall be two and possession of more than two trout or charr on such waters or their shores is prohibited:

(1) Black Rock pond and Branch Brook within Black Rock State Park (Watertown).

(2) Schreeder pond and Chatfield Hollow Brook within Chatfield Hollow State Park (Killingworth).

(3) Natchaug River within Natchaug State Forest (Eastford).

(4) Allen Brook Pond (Wharton Pond) within Wharton Brook State Park (Wallingford).

(5) Eight Mile Brook and Papermill Pond within Southford Falls State Park (Oxford).

(6) Day Pond (Colchester).

(7) Stratton Brook ponds and Stratton Brook as indicated by signs posted by the Department of Environmental Protection within Stratton Brook State Park (Simsbury).

(8) Valley Falls Pond within Valley Falls Park (Vernon).

(9) Mohegan Park Pond (Spaulding Pond, Norwich).

(10) Great Hollow Lake within Wolfe Park (Monroe).

(11) Kent Falls Brook within Kent Falls State Park (Kent).

(j) **Sea-run trout streams.**

(1) In the Eightmile River (East Haddam and Lyme): There shall be no closed season for fishing downstream of the dam at Mt. Archer Road. The daily creel limit for any combination of trout and charr is two (2) and the minimum length limit for trout and charr shall be fifteen (15) inches downstream of the dam at Mt. Archer Road. Possession of trout or charr less than fifteen (15) inches or possession of more than two (2) trout or charr on such waters or their shores is prohibited.

(2) In the Farm River (North Branford and East Haven): There shall be no closed season for fishing downstream of the I-95 bridge. The daily creel limit for any combination of trout and charr is two (2) and the minimum length for trout and charr shall be fifteen (15) inches downstream of the I-95 bridge. Possession of trout or charr less than fifteen (15) inches or possession of more than two (2) trout or charr on such waters or their shores is prohibited.

(3) In the Hammonasset River (Clinton, Killingworth, and Madison): Except as provided in section 26-122-46(c), downstream of the Hammonasset Dam (at the outlet of Hammonasset Reservoir) to the I-95 bridge the daily creel limit for any combination of

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trout and charr is two (2) and the minimum length for trout and charr shall be nine (9) inches. Possession of trout or charr less than nine (9) inches or possession of more than two (2) trout or charr on such waters or their shores is prohibited. There shall be no closed season for fishing downstream of the breached dam located approximately 300 feet above River Road. The daily creel limit for any combination of trout and charr is two (2) and the minimum length for trout and charr shall be fifteen (15) inches downstream of the breached dam located approximately 300 feet above River Road. Possession of trout or charr less than fifteen (15) inches or possession of more than two (2) trout or charr on such waters or their shores is prohibited.

(4) In Latimers Brook (East Lyme): There shall be no closed season for fishing downstream of the I-95 bridge. Downstream of the I-95 bridge the daily creel limit for any combination of trout and charr is two (2) and the minimum length for trout and charr shall be fifteen (15) inches. Possession of trout or charr less than fifteen (15) inches or possession of more than two (2) trout or charr on such waters or their shores is prohibited.

(5) In Oil Mill Brook (Waterford, East Lyme): Downstream of the I-95 bridge the daily creel limit for any combination of trout and charr is two (2) and the minimum length for trout and charr shall be fifteen (15) inches. Possession of trout or charr less than fifteen (15) inches or possession of more than two (2) trout or charr on such waters or their shores is prohibited.

(6) In the Mianus River (Greenwich and Stamford): Except as provided in section 26-112-46(c), the daily creel limit for any combination of trout and charr is two (2) and the minimum length for trout and charr shall be nine (9) inches. Possession of trout or charr less than nine (9) inches or possession of more than two (2) trout or charr on such waters or their shores is prohibited.

(7) In Whitfords Brook (Groton, Ledyard, and Stonington): There shall be no closed season for fishing downstream of the Route 184 bridge. Downstream of the Route 184 bridge the daily creel limit for any combination of trout and charr is two (2) and the minimum length for trout and charr shall be fifteen (15) inches. Possession of trout or charr less than fifteen (15) inches or possession of more than two (2) trout or charr on such waters or their shores is prohibited.

(8) In the Saugatuck River (Danbury, Redding, Weston, and Westport): There shall be no closed season for fishing downstream of Wood Dam. The daily creel limit for any combination of trout and charr is two (2) and the minimum length for trout and charr shall be fifteen (15) inches downstream of Wood Dam. Possession of trout or charr less than fifteen (15) inches or possession of more than two (2) trout or charr on such waters or their shores is prohibited.

(k) Trophy Trout Streams.

(1) In the Natchaug River (Eastford, Chaplin, and Windham), the daily creel limit for any combination of trout and charr shall be two. Possession of more than two trout or charr on such waters or their shores is prohibited.

(2) In the Naugatuck River (Torrington, Harwinton, Plymouth, Watertown, Waterbury,

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Naugatuck, Beacon Falls, Seymour, and Ansonia), except as provided in section 26-112-46(c) of the Regulations of Connecticut State Agencies, the daily creel limit for any combination of trout and charr shall be two. Possession of more than two trout or charr on such waters or their shores is prohibited. Those portions of the Naugatuck River within one hundred feet of the mouths of tributary streams, as indicated by signs posted by the Department of Energy and Environmental Protection, shall be closed to all fishing during the period June fifteenth through August thirty-first.

(3) In that portion of the Pequonnock River in Trumbull, from the Whitney Avenue Bridge Crossing downstream to the Daniels Farm Road Bridge Crossing, the daily creel limit for any combination of trout and charr shall be two. Possession of more than two trout or charr on such waters or their shores is prohibited.

(4) In the Pomperaug River (Woodbury and Southbury), the daily creel limit for any combination of trout and charr shall be two. Possession of more than two trout or charr on such waters or their shores is prohibited.

(5) In the Salmon River (Colchester, East Haddam, East Hampton, and Haddam), except as provided in section 26-112-46(c) of the Regulations of Connecticut State Agencies, the daily creel limit for any combination of trout and charr shall be two. Possession of more than two trout or charr on such waters or their shores is prohibited.

(6) In the Shetucket River (Windham, Scotland, Sprague, and Norwich), the daily creel limit for any combination of trout and charr shall be two. Possession of more than two trout or charr on such waters or their shores is prohibited. Those portions of the Shetucket River within one hundred feet of the mouths of tributary streams, as indicated by signs posted by the Department of Energy and Environmental Protection, shall be closed to all fishing during the period June fifteenth through August thirty-first.

(Effective January 1, 1997; Amended January 30, 1998; Amended October 9, 2001; Amended December 11, 2001; Amended February 4, 2003; Amended April 4, 2005; Amended January 30, 2007; Amended October 4, 2011; Amended January 1, 2012)

Sec. 26-112-47. State-controlled fishing areas

(a) **Enfield Dam Shad Fishing Area.** The Enfield Dam Shad Fishing Area shall include the west bank of the Connecticut River in Suffield from the head gates of the Windsor Locks Canal downstream as indicated by posters. In this area the following provisions shall apply:

(1) Daily permits are required when an attendant is on duty at the entrance to the area, and shall be secured from the attendant. A permit fee of up to one dollar per licensed angler may be charged.

(2) There shall be no fishing in the canal or from the dam.

(3) Fishing is permitted only within the area designated by posters.

(4) Persons under sixteen years of age shall be accompanied by a licensed angler over twenty-one years of age.

(5) Swimming within the state controlled area is prohibited.

(6) Firearms and dogs are prohibited within the state controlled area.

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(b) **Quinebaug Valley Trout Hatchery Public Fishing Ponds.** The public fishing ponds at the Quinebaug Valley Hatchery—Plainfield may be open to public fishing and daily permits or permits for specific hourly periods may be required. A permit fee of up to one dollar may be charged. Anglers shall be limited to one permit per day. Persons under sixteen years of age shall be accompanied by a licensed angler over twenty-one years of age. These ponds shall be managed so as to obtain data concerning catch, catch per unit of effort and method of angling. Legal methods of angling, daily limit, open season, legal angling hours, minimum lengths, areas open to angling, the number of anglers using these ponds and any other special condition governing the use of these ponds shall be determined by the Department of Environmental Protection and posted at each pond or stated on the permits issued by the department.

(Effective January 1, 1986)

Sec. 26-112-48. Miscellaneous restrictions

(a) In the following waters the indicated miscellaneous restrictions shall apply: Bog Meadow Pond, Norwich. The use of boats and canoes is prohibited.

East Twin Lake, Salisbury. The use of radios by fishermen is prohibited from 11:00 p.m. to 6:00 a.m. prevailing time.

Hewitt Pond (Lower Hewitt Pond), North Stonington. The use of boats and canoes is prohibited.

Isinglass Reservoir (Far Mill Reservoir), Shelton. Ice fishing is prohibited.

Messerchmidt's Pond, Deep River, Westbrook. The operation of boats with internal combustion engines is prohibited.

Quassapaug Lake, Middlebury, Woodbury. The closed season for fishing shall be from midnight on the last day of February through 6:00 a.m. on the third Saturday in April. Icefishing is prohibited. The daily creel limit for trout and charr shall be one and the minimum length shall be eighteen inches. The daily creel limit for black bass shall be one and the minimum length shall be eighteen inches.

Saugatuck Reservoir, Easton, Redding, Weston. Ice fishing is prohibited.

Shelton Reservoir #2, Shelton. Ice fishing is prohibited.

Trap Falls Reservoir, Shelton. The closed season for fishing shall be from midnight on November thirtieth through midnight on June thirtieth. Icefishing is prohibited. The daily creel limit for black bass shall be two and the minimum length shall be sixteen inches.

West Pequonnock Reservoir, Monroe. Ice fishing is prohibited.

Housatonic River, Kent. Those portions of the Housatonic River in Kent within one hundred feet of the mouths of Kent Falls Brook and Macedonia Brook, as indicated by signs posted by the Department of Environmental Protection, shall be closed to all fishing during the period June fifteenth through August thirty-first.

(b) In reclaimed waters and in other waters where it would be contrary to good fishery management practice to use any species of fish, alive or dead, as bait, the use of fish, alive or dead, as bait, is prohibited when so posted. If such waters have been reclaimed for trout,

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the possession on such waters or the shores of such waters of any species of fish, alive or dead, except trout, charr or salmon, is prohibited when so posted.

(Effective January 1, 1997; Amended March 9, 2004; Amended April 4, 2005)

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Prohibited Acts

Sec. 26-114-1. Prohibited acts

(a) No person shall buy, sell or exchange, offer for sale or exchange or possess with intent to sell or exchange, any species of salmon including Atlantic salmon (*Salmo salar*), coho (*Oncorhynchus kisutch*), sockeye or kokanee (*Oncorhynchus nerka*) or chinook (*Oncorhynchus tshawtscha*) taken in Connecticut waters.

(b) No person shall construct, for the purpose of taking fish, any rack, screen, weir, wing dam or other obstruction in any stream or in the outlet or inlet of any pond or stream, unless so authorized by a commercial hatchery license issued pursuant to section 26-149 of the general statutes.

(c) No person shall take, or attempt to take, fish by means of any rack, screen, weir, wing dam or other obstruction in any stream or in the outlet or inlet of any pond or stream, unless so authorized by a commercial hatchery license issued pursuant to section 26-149 of the general statutes.

(Effective January 1, 1995)

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Private Waters

Sec. 26-131-1. Private waters

Owners of private waters registered with the Department of Environmental Protection as provided by the General Statutes, and their guests, may remove any species of fish from such waters by any method, except by the use of chemicals or explosives. Fish taken from such waters may be removed from the premises, possessed and transported without regard to open or closed seasons, legal lengths or daily creel limits, provided such fish are dead and shall be packaged and the package containing such fish, shall have attached thereto a tag or label bearing legible writing showing the registration number issued for such water by the Department of Environmental Protection, the name and address of the owner of such water, the number and species of fish contained therein, the date such fish were removed from such water and the name and address of the person removing such fish from such water. Such fish shall not be sold, offered for sale or exchanged. The owner of such water shall not allow fish to be removed from the premises alive. No fee may be charged for the privilege of fishing in such waters.

(Effective September 28, 1977)

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Privately Stocked Waters

Sec. 26-132-1. Privately stocked waters

Any association owning or controlling the fishing rights in any stream or pond, the waters of which are stocked with fish by such association at no expense to the state, may request special open and closed seasons, daily creel and season limits, and legal lengths of species taken from such waters, under the provisions of Section 26-132 of the General Statutes, on forms provided by the Department of Environmental Protection. Information required may include, but need not be limited to: the full name and address of the association; name, location and description of such waters; full name and address of the owner(s) of such waters and, if the applicant does not own the waters, proof of the control of fishing rights. Any such request approved by the Commissioner under the provisions of this section shall be in letter form to the applicant and shall expire on December 31st of the year of approval.

(Effective June 23, 1986)

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Minimum Stream Flow Standards

Sec. 26-141a-1. Title

These regulations shall be known as the Minimum Stream Flow Standards and Regulations of the Connecticut Department of Environmental Protection.

(Effective April 24, 1979)

Sec. 26-141a-2. Definitions

As used in these regulations,

(a) “Commissioner” means the Commissioner of Environmental Protection.

(b) “Calendar month water surface elevations” is a listing of the pond elevations at the first of each calendar month which have occurred or would result from historical flows, the available storage, and the current demand.

(c) “Discharge device” means any gate, valve, pipe, spillway, tainter gate, flash-board, tailrace or similar means of conducting water from above an impoundment or diversion to the watercourse below.

(d) “Diversion” means a structure which removes water from a watercourse, which does not return substantially all of the water so removed directly and promptly to such watercourse. Diversions shall include, but are not limited to, structures used for water supply, irrigation, industrial use, power production, and recreation. Diversions shall not include combined impoundment diversion structures which shall be classified instead as impoundments.

(e) “Drainage area” means that portion of the watershed upstream from the subject structure which catches and conveys all runoff to the structure.

(f) “Impoundment” means a dam, dike, reservoir, or other structure, constructed to seize and hold water by effectively blocking the flow of a watercourse. Impoundments shall include, but are not limited to, structures used for water supply, industrial use, power production and recreation. Impoundments shall not include small retaining walls constructed for the sole purpose of keeping diversion pipes or structures submerged or dry flood control dams, but shall include all other combined impoundment-diversion structures.

(g) “Operator” means any person who, or the responsible administrative or executive officer of any organization which owns, operates, or proposes to construct any impoundment or diversion on a stocked river or stream system within the State.

(h) “Release” means any discharge by means of a valve, gate, penstock, pipe, spillway, flashboard, turbine, or from leakage, seepage, condensation, precipitation on the structure, or from any source which becomes part of the flow downstream of the structure.

(i) “Safe yield” means the maximum continuous supply which can be anticipated from the watershed with the available storage during a period of years in which occurs a year as dry as one in twenty.

(j) “Stocked watercourse” means any watercourse and its tributaries into which the Commissioner or his agent shall have ordered or directed to be placed therein any species of trout, charr, salmon or their hybrid, or any other commercial or game fish, regardless of

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age or size.

(k) “Water supply emergency” means a combination of climatological water demand, water quality, or structural problems which could cause a grave situation which these regulations could worsen or which their suspension could help alleviate.

(Effective April 24, 1979)

Sec. 26-141a-3. Jurisdiction

(a) These regulations shall apply to any dam or other structure which impounds, or diverts waters, located on those watercourses which are listed in an annual publication by the Commissioner of stocked watercourses and their tributaries, or parts thereof, the flow of which he finds reasonably necessary to the protection and maintenance of such stocking, which are in operation on the effective date of these regulations or which subsequently commence operation.

(b) Except that the following impoundments and diversions shall be exempt from these regulations:

- (1) those at locations with drainage areas of less than three (3) square miles in area;
- (2) government operated flood control dams;
- (3) those which discharge directly or through a stream less than one mile in length into a reservoir, lake, pond, or tidal waters unless the Commissioner has found that such stream has a unique value to the natural or stocked wildlife;
- (4) those which return substantially all the daily inflow to the same watercourse in the immediate vicinity or in the case of existing impoundments and diversions, in the locations where releases normally occur;

(5) those which have no capability of controlling the discharge; and

(6) those exempted by action of the Commissioner under Section 26-141a-4.

(c) Compliance with these regulations shall not affect, impair, or infringe upon any property or contractual rights which may have existed prior to the effective date of these regulations and which require greater releases.

(Effective April 24, 1979)

Sec. 26-141a-4. Variances

(a) The operator of any diversion or impoundment or any person who proposes to construct a diversion or impoundment may petition the Commissioner at any time for an exemption or variance for any such structure from the minimum flow and freshet release standards of these regulations. The petition shall contain information sufficient to allow the Commissioner to give adequate consideration to the effect, in terms of the factors enumerated below, of the operation of the structure under such an exemption or variance on the stocked river or stream system in question. The Commissioner may require additional information prior to acting on such a petition. Notice of the granting of an exemption or a variance shall be published in a newspaper of general circulation in the municipality or municipalities wherein the affected structure or river or stream system is located.

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In determining whether to grant an exemption or variance under this section, upon receipt of a petition from the operator of an impoundment or diversion, the Commissioner shall include, but is not limited to, consideration of whether operation of the structure will:

- (1) Prevent the maintenance of viable pools, channels, or other water basins, or allow their undue depletion by normal evaporation and aquifer absorption;
- (2) Reduce oxygen content below minimal levels, cause stagnation, or inhibit reproductive cycles (where that potential exists);
- (3) Prevent the preservation, protection and safe maintenance of the river and stream stocking program, the natural aquatic life contained in such waters (including anadromous fish), and the natural or stocked wildlife dependent upon the flow of such water, and the availability of such water for public recreational uses; or
- (4) Meet the needs and requirements for public health, flood control, industry, public utilities, water supply, water quality, electric power production, public safety, agriculture, and other lawful uses of such waters.

Any such exemption or variance may be revoked, after a hearing at which the operator shall have an opportunity to present evidence in support of retention of the exemption or variance, if the Commissioner finds, upon consideration of the factors enumerated above in this section, that there exists a change in the conditions surrounding, or manner of operation of, the diversion or impoundment, sufficient to materially and adversely alter the circumstances under which such exemption or variance was granted.

(b) Upon the receipt of a petition or request for the declaration of a water supply emergency from any operator, from the chief executive officers of municipalities wherein the affected structure or the impaired stocked river or stream system is located, from the State Commissioner of Health, and Public Utilities Control Authority, or upon the receipt of any information from a recognized authority that an emergency exists or may be likely to exist in the immediate future, the Commissioner shall immediately commence departmental proceedings to determine the nature and extent of such water shortage, its causes and consequences, the likelihood of its natural amelioration or termination, and the need for the suspension or minimum flow standards with regard to particular impoundments or diversions, or within an entire region, or within the entire State. The Commissioner shall render his decision within three (3) working days of the receipt of a water supply emergency petition.

In determining whether a water supply emergency exists or is likely to exist in the immediate future, the Commissioner's considerations may include, but are not limited to, the following factors:

- (1) Runoff or rainfall statistics for the watershed area for the period in question as compared with average runoff or rainfall over preceding years for comparable periods;
- (2) Impoundment levels or volume of diversion as compared with levels or volumes at the same season in previous years;
- (3) Peculiar or unusual demand situations or requirements to protect water quality;
- (4) Peculiar or unusual water capture problems; and

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(5) Unusual health, safety, power, or other crises imposing increased demands on water supplies.

(c) The Commissioner may modify the operation of minimum flow standards beyond the time at which incoming supplies, or losses, or use patterns of water return to normal, so that water supply deficits may be corrected.

(d) All declarations of water supply emergencies shall contain:

(1) The structures or stocked river or stream systems over which the operation of minimum flow standards shall be suspended;

(2) The duration of such modification, if for a definite term, or the conditions upon which the modification shall terminate if for an indefinite term; and

(3) Notice of the right of aggrieved persons to a hearing to appeal such modification, provided that such appeal, while pending, shall not enjoin the operation of such modification.

(e) All declarations of water supply emergencies shall be published in a newspaper of general circulation in the municipality or municipalities wherein the emergency exists, and a certified copy shall be sent to all operators of affected impoundments and diversions, the chief executive officers of municipalities wherein the affected structure or the impaired stocked river or stream system is located, the State Commissioner of Health, and the Public Utilities Control Authority.

(Effective April 24, 1979)

Sec. 26-141a-5. Filing requirements

(a) Operators of existing impoundments or diversions subject to these regulations shall file the following information within twelve (12) months after the effective date of these regulations. Operators of new impoundments or diversions subject to these regulations shall file such information three (3) months before the start of operation of such facilities.

(1) Name of structure; name, address and telephone number of owner and operator; location of structure on U.S. Geological Survey topographic map; purpose and use of structure; location of discharge.

(2) Drainage area above structure; reservoir capacity at various elevations; stream flow records; the safe yield of the facility; demand requirements.

(3) Frequency of recurrence of water surface elevations on the first day of each calendar month. Such water surface elevations and the frequency of occurrence may be corrected to what they would have been under conditions of current demand and current diversion requirements.

(4) Type, capacity and control capability of all discharge devices.

When two or more structures are operated as a single facility and the safe yield is interdependent, the method of operation shall be described, including the anticipated method of compliance with the requirements of Section 26-141a-6.

(b) Such data for new structures or for existing structures when not available from records shall be computed by standard engineering methods which methods shall be clearly

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outlined in the submission and approved by the Commissioner.

(c) Operators shall, within sixty (60) days, report any changes in data provided in accordance with this section.

(Effective April 24, 1979)

Sec. 26-141a-6. Flow requirements

(a) Subsequent to the approval by the Commissioner of the information filed under Section 26-141a-5, the operator of any impoundment or diversion subject to these regulations shall cause a release on each day of the current month a daily flow not less than that computed by multiplying the drainage area by the appropriate flow obtained from the following table:

Required Daily Average Releases in Cubic Feet per Second per Square Mile of Drainage Area Percent of Safe Yield Utilized

<i>Existing Impoundments</i>						
	0	75	85	95	100	
100-						-100
		.20	.15	.10	.05	.01
50-						-50
		.15	.10	.05	.01	.01
20-						-20
		.10	.05	.01	.01	.01
10-						-10
		.05	.01	.01	.01	.01
5-						-5
		.01	.01	.01	.01	.01
0-						-0
<i>New Impoundments</i>						
100-						-100
		.25	.20	.15	.10	.05
50-						-50
		.20	.15	.10	.05	.02
10-						-10
		.15	.10	.05	.02	.02

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5-						-5
	.10	.05	.02	.02	.02	
0-						-0

For impoundments—percent chance of occurrence of corrected calendar month water surface elevations being equal to, or lower than, the elevation on the first day of the current month.

For diversions—percent chance of occurrence of previous calendar month flow being equal to, or lower than, the actual flow during the previous month.

(b) Except that flow rates equal to, or exceeding, the mean inflow rate for March shall be allowed to pass during any consecutive five (5) days from February 15 to March 15. If the required Daily Average Release is below 0.20 cubic feet per second per square mile of drainage area, the number of days of such release of March mean inflow shall be reduced in accordance with the following table:

<i>Required Daily Average Release</i>	<i>Required Number of Days of Release of March Mean Inflow</i>
0.15	4
0.10	3
0.05	2
0.01	1

(c) The required daily releases shall be at a constant instantaneous rate throughout the day unless a variance is granted under Section 26-141a-4.

(d) The releases required by this section shall be determined in the watercourse immediately below the impoundment or diversion, or in the case of existing impoundments or diversions, in the locations where releases normally occur.

(e) All impoundments or diversions placed in operation subsequent to the effective date of these regulations shall include discharge devices with adequate controls to provide the required releases.

(f) Except for flows required by (b), no release shall be required which is in excess of the natural flow of water into the impoundment or diversion on that day.

(g) If the impoundment or diversion is downstream of an impoundment or diversion which is in noncompliance with these regulations, the required releases may be reduced to the extent of the upstream noncompliance.

(h) Releases shall not be made through discharge devices which the Commissioner has found will discharge water of unsatisfactory quality for the preservation, protection or safe maintenance of the natural or stocked wildlife.

(Effective April 24, 1979)

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Sec. 26-141a-7. Hearing

(a) Any person may request a hearing consistent with the applicable sections of 22a-7-1 through 22a-8-11 of the regulations of the Department of Environmental Protection when they file petitions under Section 26-141a-4 (a) of these regulations. A person aggrieved by the denial of a petition or a request for a Water Supply Emergency Declaration under Section 26-141a-4 (b) of these regulations may request a hearing consistent with 22a-7-1 through 22a-8-11 of the regulations of the Department of Environmental Protection.

(Effective April 24, 1979)

Sec. 26-141a-8. Conflict and severance

(a) Where there is a conflict between the provisions of these regulations and those of any other applicable ordinance or regulation, the provisions of the ordinance or regulation which imposes the most stringent flow standards shall govern.

(b) The invalidity of any word, clause, sentence, section, part, or provision of these regulations shall not affect the validity of any other part which can be given effect without such invalid part or parts.

(Effective April 24, 1979)

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Stream Flow Standards and Regulations

Inclusive Sections

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Stream Flow Standards and Regulations

Sec. 26-141b-1. Short title

Sections 26-141b-1 to 26-141b-8, inclusive, shall be known as the department's Stream Flow Standards and Regulations.

(Effective December 12, 2011)

Sec. 26-141b-2. Definitions

As used in sections 26-141b-1 to 26-141b-8, inclusive, of the Regulations of Connecticut State Agencies:

(1) "Adequate margin of safety" means a margin of safety that is greater than or equal to 1.15 or as otherwise approved in writing by the Commissioner of Public Health;

(2) "Agricultural" or "agriculture" means "agriculture" or "farming", as defined in section 1-1 of the Connecticut General Statutes;

(3) "Anadromous" means a species of aquatic life that spawns in freshwater and migrates to salt water to complete its life cycle as an adult;

(4) "Antecedent period" means the fourteen consecutive days immediately preceding the date the required release is calculated pursuant to section 26-141b-6(a) of the Regulations of Connecticut State Agencies;

(5) "Best management practices" means those activities, management practices, facilities or procedures which are generally accepted as the most effective and practical means to reduce the impact of human activity on natural stream flow;

(6) "Bioperiod" means the period during which certain biological processes dependent on stream flow rates occurs or is likely to occur;

(7) "Bioperiod Q25" means the naturally occurring daily stream flow that is predicted to be equaled or exceeded on 25 percent of days in a bioperiod calculated using methods developed by the U.S. Geological Survey or otherwise acceptable to the commissioner;

(8) "Bioperiod Q50" means the naturally occurring daily stream flow that is predicted to be equaled or exceeded on 50 percent of days in a bioperiod calculated using methods developed by the U.S. Geological Survey or otherwise acceptable to the commissioner;

(9) "Bioperiod Q80" means the naturally occurring daily stream flow that is predicted to be equaled or exceeded on 80 percent of days in a bioperiod calculated using methods developed by the U.S. Geological Survey or otherwise acceptable to the commissioner;

(10) "Bioperiod Q90" means the naturally occurring daily stream flow that is predicted to be equaled or exceeded on 90 percent of days in a bioperiod calculated using methods developed by the U.S. Geological Survey or otherwise acceptable to the commissioner;

(11) "Bioperiod Q95" means the naturally occurring daily stream flow that is predicted to be equaled or exceeded on 95 percent of days in a bioperiod calculated using methods developed by the U.S. Geological Survey or otherwise acceptable to the commissioner;

(12) "Bioperiod Q99" means the naturally occurring daily stream flow that is predicted to be equaled or exceeded on 99 percent of days in a bioperiod calculated using methods developed by the U.S. Geological Survey or otherwise acceptable to the commissioner;

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(13) “Clupeid spawning bioperiod” means that period from May 1 to May 31, inclusive, of each year;

(14) “Commissioner” means the Commissioner of the Department of Energy and Environmental Protection or such commissioner’s designated agent or representative;

(15) “Community water system” means a “community water system”, as defined in section 19-13-B102 of the Regulations of Connecticut State Agencies;

(16) “Dam” means “dam”, as defined in section 22a-409-1 of the Regulations of Connecticut State Agencies;

(17) “Department” means the Department of Energy and Environmental Protection;

(18) “Diversion” means “diversion”, as defined in section 22a-367 of the Connecticut General Statutes;

(19) “Divert” means “divert”, as defined in section 22a-367 of the Connecticut General Statutes;

(20) “Geomorphic” means those landforms resulting from geologic processes;

(21) “Habitat forming bioperiod” means that period from March 1 to April 30, inclusive, of each year;

(22) “Interbasin transfer” means “interbasin transfer”, as defined in section 22a-367 of the Connecticut General Statutes;

(23) “Margin of safety” means “margin of safety”, as defined in section 25-32d-1a of the Regulations of Connecticut State Agencies;

(24) “Maximum extent practicable” means able to be constructed or implemented consistent with sound science and engineering principles; and economically and otherwise reasonable in light of the societal and environmental benefits to be gained;

(25) “Median natural flow” means the naturally occurring daily stream flow that is predicted to be equaled or exceeded on fifty percent of days in a period of record calculated using methods developed by the U.S. Geological Survey or otherwise acceptable to the commissioner;

(26) “Overwinter bioperiod” means that period from December 1 to February 28 or February 29, inclusive, of each year;

(27) “Outlet works” means constructed features appurtenant to a dam’s operation, including but not limited to structures, spillways, conveyances, and conduits used for the safe operation of a dam and control of a release.

(28) “Person” means “person” or “municipality”, as defined in section 22a-423 of the Connecticut General Statutes;

(29) “Public water supply” means any surface or groundwater resource that provides water for a community water system;

(30) “Rearing and growth bioperiod” means that period from July 1 to October 31, inclusive, of each year;

(31) “Registration” means a document filed by a person in accordance with section 22a-368(a) of the Connecticut General Statutes that establishes the location of a diversion of surface or groundwater from a river or stream system in existence prior to 1982, the amount

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of that diversion, and the use of water diverted at that location;

(32) “Release” means the total release of water from a dam to provide for the preservation, protection, and propagation of fish and other forms of aquatic life and includes dam leakage, spillage from a primary spillway, spillage return flow from an auxiliary spillway, and discharge from outlet works;

(33) “Resident spawning bioperiod” means that period from June 1 to June 30, inclusive, of each year;

(34) “River or stream segment” means a discrete, contiguous reach of river or stream channel for which a uniform classification has been adopted. “River or stream segment” does not mean dam outlet works;

(35) “River or stream system” means a river or stream channel, including all tributary streams and any water, including groundwater, that contributes flow to such river or stream;

(36) “Salmonid spawning bioperiod” means that period from November 1 to November 30, inclusive, of each year;

(37) “Source” or “source of supply” means any well, spring, reservoir, stream, river or other location where water is siphoned, pumped, channeled, or withdrawn for water supply purposes, including interconnections with other water companies;

(38) “Usable storage” means “usable storage”, as defined in section 25-32d-1a of the Regulations of Connecticut State Agencies;

(39) “Water conservation” means measures designed to promote efficient use of water, to eliminate waste of water, and to encourage the reuse of water; and

(40) “Water supply plan” means a plan filed and approved pursuant to section 25-32d of the Connecticut General Statutes.

(Effective December 12, 2011)

Sec. 26-141b-3. Applicability

(a) The Stream Flow Standards and Regulations shall apply to all river or stream systems in this state.

(b) Any person owning or operating a dam that impounds or diverts the waters of a river or stream system or that affects the flow of water in such a system shall comply with the Stream Flow Standards and Regulations. Any dam owner or operator previously subject to the stream flow minimum release standards in sections 26-141a-1 to 26-141a-8, inclusive, of the Regulations of Connecticut State Agencies, shall continue to comply with such standards until such time as the dam owner or operator complies with the new minimum release standards prescribed in or pursuant to section 26-141b-6 of the Regulations of Connecticut State Agencies.

(c) Notwithstanding subsection (b) of this section, any person owning or operating a dam shall be exempt from the provisions of the Stream Flow Standards and Regulations when such dam is used for:

(1) Hydroelectric power generation, provided such operation represents the principal purpose of the dam and operation is subject to the jurisdiction of the Federal Energy

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Regulatory Commission;

(2) Temporary inspection, maintenance, repair or modification to a dam, provided all federal, state and local authorizations have been obtained and are complied with;

(3) Diversion of water for fire emergency purposes;

(4) Diversion of water for an agricultural operation, provided such operation follows generally accepted agricultural practices. Inspection and approval of such operation by the Commissioner of Agriculture shall be prima facie evidence that such operation follows generally accepted agricultural practices;

(5) Diversion of water for a golf course, provided the owner or operator of any such golf course:

(A) certifies, on a form provided by the commissioner, that the golf course's operation is in compliance and will maintain compliance with the department's "Best Management Practices For Golf Course Water Use" manual, as may be amended from time to time by an advisory committee convened by the department consisting of members of the golf course industry, consultants, public interest groups, government agencies and the academic community; and

(B) complies with the recordkeeping and reporting requirements of subsection (a) of section 26-141b-7 of the Regulations of Connecticut State Agencies;

(6) Operation of a government-maintained flood control dam for the protection of property;

(7) Operation of a dam that is not constructed on a river, stream or brook.

(8) Operation of a dam at the base of which the waters are tidally-influenced;

(9) Diversion of water authorized by the commissioner pursuant to 33 U.S.C.

(10) Diversion of water in a manner and degree that is specified by order of the commissioner for the abatement of pollution pursuant to sections 22a-133e, 22a-424, 22a-428, 22a-430, 22a-431, 22a-432, 22a-449 or 22a-451 of the Connecticut General Statutes, or as specified in approved plans submitted pursuant to such an order;

(11) Diversion of water caused by drawing down the surface elevation of an impoundment and subsequent refilling for the purpose of aquatic weed control, water quality control, seasonal drawdown, or inspection or maintenance of a dam, gate house, outlet works, reservoir, shoreline or dock, provided:

(A) the surface elevation of the impoundment is lowered only to the elevation and for the amount of time necessary for aquatic weed control, water quality control, or inspection or maintenance of dam, gate house, outlet works, reservoir, shoreline or dock; and

(B) during drawdown and refilling periods, water is continuously released in an amount no less than the minimum of either the rearing and growth bioperiod Q80 or the natural inflow of water;

(12) Diversion operated in compliance with a diversion permit issued by the commissioner pursuant to sections 22a-368 or 22a-378a of the Connecticut General Statutes;

(13) Diversion subject to a flow management plan contained in a resolution, agreement or stipulated judgment to which the state, acting through the commissioner, is a party, or

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the management plan developed pursuant to section 3 of Public Act 00-152;

(14) Operation of a dam designed and constructed for the primary purpose of providing temporary detention of stormwater during and immediately following a storm event;

(15) Operation of a dam such that, unless the Commissioner of Public Health determines that a water supply emergency exists, no active manipulation of the storage of water occurs behind the dam and no withdrawal of water occurs from within the impoundment, and only if such dam complies with the recordkeeping and reporting requirements of subsections (a) and (b) of section 26-141b-7 of the Regulations of Connecticut State Agencies;

(16) Operation of a public water supply dam during periods when no active manipulation of the storage of water occurs behind the dam and no withdrawal of water occurs from within the impoundment, provided:

(A) such dam complies with the recordkeeping and reporting requirements of subsections (a) and (b) of section 26-141b-7 of the Regulations of Connecticut State Agencies; and

(B) during any period when active manipulation of storage occurs behind the dam and subsequent refilling periods: (i) water is continuously released as required pursuant to section 26-141b-6 of the Regulations of Connecticut State Agencies; and (ii) such dam also complies with subsections (c) and (d) of section 26-141b-7 of the Regulations of Connecticut State Agencies;

(17) Operation of a public water supply dam immediately upstream of a stream or river segment having a rearing and growth bioperiod Q80 of 0.1 cubic feet per second or less as calculated in accordance with the United States Geological Survey Scientific Investigations report 2010-5052 titled "Regional Regression Equations to Estimate Flow-duration Statistics at ungaged stream sites in Connecticut" or other method acceptable to the Commissioner, provided such dam complies with the recordkeeping and reporting requirements of subsection (a) of section 26-141b-7 of the Regulations of Connecticut State Agencies;

(18) Operation of a public water supply dam immediately upstream of a stream or river segment having a rearing and growth bioperiod Q80 between 0.1 and 0.2 cubic feet per second as calculated in accordance with the United States Geological Survey Scientific Investigations report 2010-5052 titled "Regional Regression Equations to Estimate Flow-duration Statistics at ungaged stream sites in Connecticut" or other method acceptable to the Commissioner, provided the Commissioner has approved in writing a written exemption pursuant to subdivision (10) of section 26-141b-6 of the Regulations of Connecticut State Agencies and such dam complies with the recordkeeping and reporting requirements of subsection (a) of section 26-141b-7 of the Regulations of Connecticut State Agencies;

(19) Operation of a public water supply dam having an outlet structure that releases to a man-made conveyance structure or channel that discharges into an impoundment, provided releases from the downstream dam comply with section 26-141b-6 of the Regulations of Connecticut State Agencies, such dam complies with the recordkeeping and reporting requirements of subsection (a) of section 26-141b-7 of the Regulations of Connecticut State Agencies, and the Commissioner has approved in writing a written exemption pursuant to subdivision (10) of section 26-141b-6 of the Regulations of Connecticut State Agencies; or

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(20) Diversion of water authorized by a special act of the Connecticut legislature effective as of the date of the Stream Flow Standards and Regulations when such diversion is identified in the comprehensive flow management plan, including any report or study referenced therein, required by section 3 of the federal Wild and Scenic Rivers Act.

(Effective December 12, 2011)

Sec. 26-141b-4. Narrative standards

(a) A river or stream segment classified as “Class 1” pursuant to the Stream Flow Standards and Regulations shall exhibit, at all times, the depth, volume, velocity and variation of stream flow and water levels necessary to support and maintain habitat conditions supportive of an aquatic, biological community characteristic of that typically present in free-flowing river or stream systems of similar size and geomorphic characteristics under the prevailing climatic conditions.

(b) A river or stream segment classified as “Class 2” pursuant to the Stream Flow Standards and Regulations shall exhibit, at all times, the depth, volume, velocity and variation of stream flow and water levels necessary to support and maintain habitat conditions supportive of an aquatic, biological community minimally altered from that typically present in free-flowing river or stream systems of similar size and geomorphic characteristics under the prevailing climatic conditions.

(c) A river or stream segment classified as “Class 3” pursuant to the Stream Flow Standards and Regulations shall exhibit, at all times, the depth, volume, velocity and variation of stream flow and water levels necessary to support and maintain habitat conditions supportive of an aquatic, biological community moderately altered from that typically present in free-flowing river or stream systems of similar size and geomorphic characteristics under the prevailing climatic conditions.

(d) A river or stream segment classified as “Class 4” pursuant to the Stream Flow Standards and Regulations may exhibit substantially altered stream flow conditions caused by human activity to provide for the needs and requirements of public health and safety, flood control, industry, public utilities, water supply, agriculture and other lawful uses; and shall, while giving consideration to societal needs, economic costs, and environmental impacts, exhibit to the maximum extent practicable the depth, volume, velocity and variation of stream flow and water levels consistent with the narrative standard for Class 3 river and stream segments. The societal needs, economic costs, and environmental impacts to be considered shall include:

- (1) Extent of prior channel modification;
- (2) Current impact of development and impervious cover in the watershed;
- (3) Overriding societal needs that cannot otherwise be met;
- (4) Economic impact that would substantially impair or otherwise detrimentally affect the economy of the community in which the segment is located or of the state;
- (5) Associated environmental impacts to other river or stream segments;
- (6) Existing biological community; and

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(7) The margin of safety of the community water system utilizing the river or stream segment as an existing public water supply source.

(Effective December 12, 2011)

Sec. 26-141b-5. Adoption of river or stream system classifications

(a) The commissioner, after consultation with the Commissioner of Public Health, shall prepare a map of proposed classifications indicative of the degree of human alteration of natural stream flow after consideration of the following factors:

(1) A river or stream segment that is immediately downstream of an existing dam that impounds a public water supply source registered or permitted in accordance with section 22a-365 to 22a-378a of the Connecticut General Statutes, or that intersects a Level A aquifer protection area as approved by the Commissioner pursuant to section 22a-354d of the Connecticut General Statutes shall not be classified as Class 1 or 2;

(2) A river or stream segment that is immediately downstream of an existing dam that impounds a water supply source registered or permitted in accordance with section 22a-365 to 22a-378a of the Connecticut General Statutes, other than a public water supply, shall not be classified as Class 1 or 2;

(3) Size and location of permitted and registered diversions within the watershed, to the extent that these diversions, if operated to the maximum extent allowed in accordance with the provisions of the permit or registration, may affect the physical characteristics of flow, volume or velocity of water in the stream channel or may alter the daily, seasonal or inter-annual flow characteristics of the river or stream system;

(4) Size and location of dams, reservoirs and other impoundments within the watershed, to the extent that these dams, reservoirs and other impoundments may affect the physical characteristics of flow, volume or velocity of water in the stream channel or may alter the daily, seasonal or inter-annual flow characteristics of the river or stream system;

(5) Size and location of return flows of water within the watershed, to the extent that these return flows may affect the physical characteristics of flow, volume or velocity of water in the stream channel or may alter the daily, seasonal or inter-annual flow characteristics of the river or stream system;

(6) Existing land cover in the upstream watershed, to the extent that human development and associated impervious land cover may affect the physical characteristics of flow, volume or velocity of water in the stream channel or may alter the daily, seasonal or inter-annual flow characteristics of the river or stream system;

(7) Planned land use in the upstream watershed, as contained in an applicable local or state plan, including the state plan of conservation and development, to the extent that future human development and associated impervious land cover may affect the physical characteristics of flow, volume or velocity of water in the stream channel or may alter the daily, seasonal or inter-annual flow characteristics of the river or stream system;

(8) Available data related to the distribution and abundance of plant and animal species, such as wild trout, which are dependent upon stream and riparian habitat;

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(9) Available data related to the presence of anadromous fish runs or where anadromous fish are actively being restored or are targeted for restoration;

(10) Existence of trout management areas and other recreational resources;

(11) The location of stream gages operated and maintained by the U.S. Geological Survey that have been identified by the commissioner in consultation with the U.S. Geological Survey as hydrologic index reference gages;

(12) Wild or scenic water designation by the state or federal government, or waters predominately within state forests, wildlife management areas, natural heritage areas or other large contiguous areas protected for conservation purposes, including protection for public water supply purposes;

(13) River or stream systems or segments that are identified as a potential source of water supply in an approved coordinated water system plan prepared in accordance with section 25-33h of the Connecticut General Statutes or a water supply plan in effect as of the date of such mapping, to the extent that these potential water supply sources, if developed, may affect the physical characteristics of flow, volume or velocity of water in the stream channel or may alter the daily, seasonal or inter-annual flow characteristics of the river or stream system;

(14) River or stream systems or segments that are identified as a potential source of water supply in an approved coordinated water system plan prepared in accordance with section 25-33h of the Connecticut General Statutes or a water supply plan in effect as of the date of such mapping and where there has been a significant investment toward development of such potential source, including but not limited to capital expenditures, scientific or engineering studies or land acquisition cost, shall not be classified as Class 1 or 2;

(15) River or stream systems or segments that are identified by the Commissioner of Public Health pursuant to Section 59 of Public Act 11-242;

(16) Practicality of, and potential for, restoring stream flow patterns to achieve consistency with the Stream Flow Standards and Regulations due to the extent of prior channel modification or the impact of development and impervious cover in the watershed as of the date of such mapping;

(17) Publicly available data regarding the impact of stream classification on a community water supply's margin of safety; and

(18) Any other factor indicative of the degree of human alteration of natural stream flow.

(b) **Public participation.** After development of a map of proposed classifications, the commissioner shall provide notice to the public of the proposed classifications of such river or stream segments and offer opportunity for public comment.

(1) Notice of the proposed classifications and opportunity to comment shall be published in a newspaper with general circulation in the area within which the river or stream system is located, and on the department's web site.

(2) Notice shall also be provided to the following:

(A) The chief elected official in those municipalities within which the river or stream system is located;

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- (B) The executive director of the Council of Environmental Quality;
- (C) The Commissioners of the Department of Public Health, Department of Agriculture, Department of Economic and Community Development, and the chairperson of the Public Utilities Regulatory Authority;
- (D) The Secretary of the Office of Policy and Management;
- (E) Persons, at any such person's last known address as filed with the department, holding a registration or permit issued by the department authorizing activities that are known or suspected to alter the flow of water in the system for which classifications have been proposed; and
- (F) Regional planning organizations, as defined in section 4-124i of the Connecticut General Statutes.

(3) Procedure for submitting comments

(A) The public shall have no fewer than 90 days from the date of the newspaper publication of notice to submit comments to the commissioner on the proposed classification of any river or stream segment identified in such notice.

(B) The public may submit comments on the proposed classification of a specific river or stream system pertaining to, but not limited to, the following:

- (i) the factors for consideration in subsection (a) of this section;
- (ii) the impact of the proposed classification on any prior investment made to develop a permitted or registered diversion and the alternatives, if any, to the diversion including cost factors and feasibility of such alternatives;
- (iii) the relationship of an existing or proposed diversion to economic development or jobs; and
- (iv) the practicality of, and potential for, achieving ecological benefit from restoring stream flow to the specific river or stream system.

(C) To the extent reasonable, all comments received by the commissioner shall be posted on the department's website.

(c) Following the timely submission of public comments pursuant to subdivision (3) of this subsection, the commissioner, in consultation with the Commissioner of Public Health and with technical assistance from the Office of Policy and Management, Department of Economic and Community Development, and the Department of Agriculture as appropriate, shall: (1) consider such comments and adopt classifications for the river or stream segment thereof as identified in the newspaper notice; and (2) prepare a document, to be published on the department's website, summarizing the principal reasons in support of the classifications, the principal considerations raised in opposition to the classifications and the reasons for rejecting or modifying a proposed classification. Notice of the adopted classification of any river or stream segment shall be published in the Connecticut Law Journal.

(d) **Petition to change classification.** After the date of publication of a river or stream segment's classification pursuant to subsection (c) of this section, the commissioner may at any time consider the written petition from any person to change the classification of a

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river or stream segment.

(1) Demonstration of need for classification change

(A) Any petition to change the classification of a river or stream segment from a more altered to a less altered classification shall include a demonstration that:

(i) one or more of those factors identified in subsection (a) of this section as having relevance with respect to the original classification of that river or stream segment has substantively changed or was substantively mischaracterized at the time of the original classification by the commissioner; or

(ii) the river or stream segment currently exhibits a pattern of flow that is consistent with the narrative stream flow standard for the proposed classification and the release required pursuant to section 26-141b-6 of the Regulations of Connecticut State Agencies under the proposed classification will not cause a community water system to have less than an adequate margin of safety for its average daily demands for the twenty year planning period as specified in the water supply plan in effect at the time the petition is received, or further decrease a margin of safety that is already less than an adequate margin of safety.

(B) Any petition to change the classification of a river or stream segment from a less altered to a more altered classification shall include a demonstration that:

(i) one or more factors identified in subsection (a) of this section as having relevance with respect to the original classification of that river or stream segment has substantively changed or was substantively mischaracterized at the time of the original classification by the commissioner; or

(ii) such change is necessary to accommodate the needs and requirements of public health and safety, flood control, industry, public utilities, water supply, agriculture, or other lawful uses and that those needs and requirements cannot reasonably be satisfied while maintaining consistency with the narrative stream flow standard for the current classification, provided:

(I) alteration of the stream flow pattern has been and will continue to be minimized to the maximum extent practicable through the application of best management practices, including but not limited to, water conservation and a balancing of uses of existing sources of supply;

(II) available sources of water, such as interconnections, have been and will continue to be utilized to the maximum extent practicable; and

(III) new sources of water will be developed and utilized to the maximum extent practicable.

(C) For a river or stream segment for which a change in classification to Class 4 is sought, the petition shall, in addition to those items enumerated in subparagraph (B) of this subdivision, include a demonstration that there is an overriding societal need or economic need that necessitates changing the classification. The petitioner shall demonstrate to the maximum extent practicable that there is no less environmentally damaging alternative.

(2) Commissioner action on petitions; opportunity for public hearing

(A) The commissioner may reject for insufficiency any petition that is not complete or

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that does not contain information sufficient to make a determination. Such rejection for insufficiency shall state the reasons for such rejection and shall not be subject to public hearing.

(B) The commissioner shall review any petition that is deemed complete except if such petition is submitted less than three years after the initial date of publication in the Connecticut Law Journal of a river or stream segment's classification, the commissioner may reject such petition without prejudice. Such rejection without prejudice shall not be subject to public hearing.

(C) In consultation with the Commissioner of Public Health and with due consideration of the consistency of the petition with the identification of the river or stream segment on the current list prepared by the Commissioner of Public Health pursuant to section 59 of PA 11-242, the commissioner shall determine whether the applicable provisions of subdivision (1) of this subsection are met for the change in classification, request additional information as needed to satisfy such provisions, propose to tentatively grant or deny a petition to change classification, and provide a summary of the reasons for such tentative determination.

(D) The commissioner shall publish notice of such tentative determination in a newspaper with general circulation in the area within which the river or stream segment is located and on the department's website. The commissioner shall also provide notice to the persons listed in section 26-141b-5(b)(2) of the Regulations of Connecticut State Agencies.

(E) The commissioner shall hold a public hearing on such tentative determination, if no later than thirty days after publication of the tentative determination: (i) the petitioner requesting the change in classification requests such a hearing or (ii) the commissioner receives a petition, signed by at least twenty-five persons, requesting such a hearing.

(F) Prior to holding a public hearing, the commissioner shall publish notice of such public hearing in a newspaper with general circulation in the area within which the river or stream segment is located and on the department's website. Such notice shall include the date, time and location for such public hearing, provided the hearing date shall be not more than thirty days and not fewer than ten days after the date of such published notice; a description of the location of the river or stream segment at issue; and a summary of the reasons for the tentative determination.

(G) If no public hearing is requested thirty days after publication of the tentative determination, the tentative determination shall be a final decision and such final decision, including any change to an existing classification, shall be published in the Connecticut Law Journal. Any final decision issued after a public hearing shall also be published in the Connecticut Law Journal.

(H) Any public hearing pursuant to this subdivision shall be governed by section 22a-3a-6 of the Regulation of Connecticut State Agencies and the applicable provisions of sections 4-166 to 4-189, inclusive, of the Connecticut General Statutes.

(e) After the date of publication of a river or stream segment's classification pursuant to subsection (c) of this section the commissioner, on his own initiative, may review whether

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the current classification continues to be appropriate including consultation with the Commissioner of Public Health and, if not, may propose any classification changes as necessary, based upon the factors enumerated in subsections (a)(1) to (18), inclusive, of this section. A commissioner initiated tentative decision to change a classification shall be subject to the notice requirements of subdivision (2)(D) of subsection (d) of this section; the opportunity to request a public hearing by petition contained in subdivision (2)(E) of subsection (d) of this section; and the procedures established in subdivisions (2)(F) to (H), inclusive, of subsection (d) of this section.

(Effective December 12, 2011)

Sec. 26-141b-6. Release requirements

(a) Not later than ten years after the initial date of publication in the Connecticut Law Journal of a river or stream segment's classification, a dam owner or operator shall comply with the following:

(1) Operate all dams such that, unless the Commissioner of Public Health determines that a water supply emergency exists, no active manipulation of the storage of water occurs behind the dam and no withdrawal of water occurs from within the impoundment, if the release is into a river or stream segment designated as Class 1.

(2) Release a continuous seventy-five percent of the river or stream system's natural inflow if the release is into a river or stream segment designated as Class 2. Such release shall be calculated and the release rate adjusted, if necessary, on the first day and the fifteenth day of every month unless such day falls on a weekend or holiday in which case the required release shall be calculated and the release rate adjusted on the next business day.

(3) Release the following minimum continuous flow if the release is into a river or stream segment designated as Class 3:

Bioperiod	Effective Dates	Minimum Required Release	
		Antecedent Period Dry	Antecedent Period Wet
Overwinter	Dec 1 - Feb 28/29	Bioperiod Q99	
Habitat Forming	Mar 1 - Apr 30	Bioperiod Q99	
Clupeid Spawning	May 1 - May 31	Bioperiod Q95	
Resident Spawning	June 1 - June 30	Bioperiod Q90	
Rearing and Growth	July 1 - Oct 31	Bioperiod Q80	Bioperiod Q50
Salmonid Spawning	Nov 1 - Nov 30	Bioperiod Q90	

(A) The required release shall be calculated and the release rate adjusted, if necessary, on the first day and the fifteenth day of every month unless such day falls on a weekend or

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holiday in which case the required release shall be calculated and the release rate adjusted on the next business day.

(B) The wet period release shall be required when the median natural flow during the antecedent period equals or exceeds the bioperiod Q25.

(C) The dry period release shall be required when the median natural flow during the antecedent period is less than the bioperiod Q25.

(4) Release flow that is consistent with the narrative standards for a Class 4 river or stream segment and that is approved as a site specific release by the Commissioner pursuant to subdivision (2) of subsection (f) of this section, if the release is into a river or stream segment designated as Class 4. Such site specific release may include provisions similar to those specified in subsection (b) of this section.

(5) Notwithstanding subdivisions (2) and (3) of this subsection:

(A) Release a minimum of the rearing and growth bioperiod Q80 or the natural inflow of water, whichever is less, for a dam that impounds a river or stream system with an upstream, natural drainage area of three square miles or less;

(B) Release a minimum of the rearing and growth bioperiod Q80 or the natural inflow of water, whichever is less, for a dam that releases to a river or stream system that flows for a distance of one and one-half miles or less before discharging into an impoundment, and provided releases from the downstream dam, or the most downstream dam if in a series, comply with subdivision (3) of subsection (a) of this section; or

(C) Release a minimum of the rearing and growth bioperiod Q80 or the natural inflow of water, whichever is less, for a dam that impounds a reservoir with usable storage of 100 million gallons or less.

(D) The required release pursuant to this subdivision shall be calculated and the release rate adjusted, if necessary, not less frequently than the first day and the fifteenth day of every month unless such day falls on a weekend or holiday in which case the required release shall be calculated and the release rate adjusted on the next business day.

(b) A dam owner or operator may alter the minimum release required in subsection (a) of this section in accordance with the following:

(1) Reduce the minimum release to 85% of that required pursuant to subdivision (2) or (3) of subsection (a) of this section or subsection (c) of this section, as applicable, during the habitat forming and clupeid spawning bioperiods when water system storage is less than 50 percent of the difference between normal water system storage and the system's drought advisory trigger level, as specified in the water supply plan in effect at that time, for fourteen consecutive days, if such dam owner or operator is subject to section 25-32d of the Connecticut General Statutes and regulations adopted pursuant to said section, provided at no time shall the required release be less than the rearing and growth bioperiod Q80 and:

(A) The normal water system storage is a twenty year average as specified in the water supply plan in effect at that time;

(B) The dam owner or operator issues a general public announcement of intent to reduce releases as allowed in this subdivision for the purposes of summer stream flow preservation

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and provides notification to the commissioner and the Commissioner of Public Health, not later than seven days after reducing the release; and

(C) The minimum release required pursuant to subdivision (2) or (3) of subsection (a) of this section or subsection (c) of this section, as applicable, is restored when water system storage equals or exceeds 50 percent of the difference between normal water supply system storage and the system's drought advisory trigger level for fourteen consecutive days.

(2) Reduce the minimum release required pursuant to subdivision (3) or (5) of subsection (a) of this section or subsection (c) of this section, as applicable, during certain drought phases, if such dam owner or operator is subject to section 25-32d of the Connecticut General Statutes and regulations adopted pursuant to said section. These drought phases, as defined in the dam owner or operator's water supply plan in effect at that time, shall trigger the following reduced releases:

Water Supply Plan Trigger	Percentage of Required Dry Release	
	Rearing & Growth Bioperiod	All Other Bioperiods
Drought Advisory	100%	75%
Drought Watch	50%	50%
Drought Warning	25%	25%
Drought Emergency	No Release Required	No Release Required

(c) A dam owner or operator may alter the minimum release required pursuant to subdivisions (3) or (5) of subsection (a), for a period of ten years, if such dam owner or operator is subject to section 25-32d of the Connecticut General Statutes and regulations adopted pursuant to said section, and the release required pursuant to subdivision (3) or (5) of subsection (a) of this section will cause a community water system's margin of safety to be less than an adequate margin of safety or further decrease a margin of safety that is already less than an adequate margin of safety, provided that the margin of safety is based on an annual average of daily demands for the preceding five calendar years and the release is made in accordance with one of the following requirements:

(1) Release the maximum amount of water that will allow an adequate margin of safety to be maintained, provided the release is at least 50% of the release required pursuant to subdivision (3) of subsection (a) of this section, the release is at no time less than the rearing and growth bioperiod Q80, and the dam owner or operators complies with a work plan that is submitted to the commissioner that includes the following:

(A) a quantitative description of releases to be provided during each bioperiod and the impact on margin of safety;

(B) water conservation actions to be taken pursuant to long- term conservation as specified in the water supply plan in effect at that time;

(C) a balancing of uses of existing sources of supply, such as interconnections, to the

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maximum extent practicable, to minimize impact on the river or stream segment;

(D) a triennial water audit of the water distribution system which follows the standards and criteria contained within the American Water Works Association Manual M36, as may be amended or revised from time to time;

(E) a quinquennial system-wide, comprehensive leak detection survey of the water distribution systems and subsequent repair of any leaks found; and

(F) an annual written report to the commissioner documenting steps taken and the result of the work plan implementation on making the release required pursuant to subdivision (3) of subsection (a) of this section and achieving an adequate margin of safety.

(2) If the owner or operator cannot maintain an adequate margin of safety as a result of meeting the release required pursuant to subdivision (3) of subsection (a) of this section as may be modified by subdivision (1) of this subsection or pursuant to subdivision (5) of subsection (a) of this section, release the maximum amount of water that will allow an adequate margin of safety to be maintained provided that the dam owner or operator complies with a work plan submitted to the commissioner for review that includes:

(A) the items specified in subparagraphs (A) to (F), inclusive of subdivision (1) of this subsection;

(B) infrastructure improvements and any new source of water supply planned to achieve an adequate margin of safety, as may be specified in the water supply plan in effect at that time;

(C) any other actions the community water system has taken or will take, as necessary, to make the release required pursuant to subdivision (3) or (5) of subsection (a) of this section and to achieve an adequate margin of safety; and

(D) resubmittal of the work plan to include any additional steps necessary to address deficiencies in the work plan identified in writing by the commissioner.

(3) A dam owner or operator may reduce releases under this subsection in accordance with subdivision (1) or (2) of subsection (b) of this section, as applicable.

(d) A dam owner or operator may request from the commissioner a written extension of time to:

(1) Comply with the provisions of subsection (a) of this section or subdivision (2) of subsection (f) of this section at any time after the initial date of publication of a river or stream segment's classification or reclassification, if such extension of time is necessary to achieve compliance. Any such request for a time extension shall be submitted in writing to the commissioner and shall include reasons for such request, including but not limited to, engineering, financial, permitting, or public health considerations.

(2) Make reduced releases in accordance with subsection (c) of this section if after a period of ten years of compliance with a work plan in accordance to subdivision (1) or (2) of subsection (c) of this section, the dam owner or operator cannot maintain an adequate margin of safety while meeting the release required pursuant to subdivision (3) or (5) of subsection (a) of this section. The commissioner shall consult with the Commissioner of Public Health, and obtain technical assistance from the Office of Policy and Management,

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and the Department of Economic and Community Development, as appropriate, before granting or denying such request. The commissioner may request additional information before acting on such request. The owner or operator may include the following information for the commissioner's consideration in such request:

(A) the actions taken to achieve an adequate margin of safety, including the technical and economic practicability of any supply alternative or other potential actions identified in the work plan, but not fully implemented;

(B) an updated work plan submitted for the commissioner's approval;

(C) the provisions of the community water system's legislative charter or other legal authority;

(D) the financial viability of the community water system;

(E) the existing approved rate schedule of the community water system and the potential impact on rates and the system's long-range capital plan;

(F) any other factors that have the potential to jeopardize the safety, dependability, or financial viability of the community water system; and

(G) any other actions the community water system has taken or will take, as necessary, to make the release required pursuant to subdivision (3) or (5) of subsection (a) of this section and to achieve an adequate margin of safety.

(e) A dam owner or operator may apply for an exemption from the requirements of subdivision (3) or (5) of subsection (a) of this section, if such dam owner or operator is subject to section 25-32d of the Connecticut General Statutes and regulations adopted pursuant to said section, for a dam immediately upstream of a river or stream segment having a rearing and growth bioperiod Q80 between 0.1 and 0.2 cubic feet per second or a dam having outlet works that release into an impoundment. Any request for an exemption shall be submitted in writing and include a demonstration that a release from such dam in accordance with the provisions of subdivision (3) or (5) of subsection (a) of this section will provide de minimis environmental benefit due to downstream conditions or other factors. The commissioner may require additional information prior to acting on such a request.

(f) Alternative release requirements

(1) Variance

(A) The commissioner, after consultation with the Commissioner of Public Health, may approve a variance that modifies the minimum release required pursuant to this section if requested by:

(i) The Governor;

(ii) The Commissioner of Public Health, Agriculture or, Economic and Community Development, or the Secretary of the Office of Policy and Management; or

(iii) The owner or operator of a dam.

(B) A request for a variance under this subdivision shall contain information sufficient to allow the commissioner to give adequate consideration to the effect of the operation of the dam under such variance on the river or stream system in question. The commissioner

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may require additional information prior to acting on such a request.

(C) The commissioner may issue a variance for a period up to 180 days, followed by a renewal for 180 days.

(D) The commissioner may issue a variance having a duration longer than 360 days provided the person requesting such variance:

(i) Publishes notice of such request and opportunity to submit comments to the commissioner in a newspaper of general circulation in the area within which the river or stream system that will be affected by the variance is located and sends the commissioner a certified copy of such notice as it appeared in the newspaper. Such notice shall include:

(I) the name and mailing address of the requester;

(II) the location of the river or stream system that will be impacted by the variance;

(III) a description of the variance including any natural resources that would be impacted by such variance; and

(ii) Provides notice to the persons listed in section 26-141b-5(b)(2) of the Regulations of Connecticut State Agencies.

(E) In determining whether to grant a variance under this subdivision, the commissioner shall evaluate consistency of the variance with the applicable narrative standard for the river or stream segment in accordance with section 26-141b-4 of the Regulations of Connecticut State Agencies and shall consider the needs and requirements of public health and safety, flood control, industry, public utilities, water supply, agriculture and other lawful uses. The commissioner may also consider the following factors:

(i) Recent runoff or rainfall statistics as compared with average runoff or rainfall over preceding years;

(ii) Recent impoundment levels or volume of diversion as compared with levels or volumes during the same bioperiod in previous years;

(iii) Peculiar or unusual demand situations or requirements to protect water quality;

(iv) Peculiar or unusual water capture problems;

(v) Unusual health, safety, power, infrastructure or other circumstances affecting the dam owner or operator's ability to comply with the minimum release required in this section; and

(vi) Any comments received in response to the notice published in accordance with subparagraph (D) of this subsection.

(F) The commissioner may grant the requested variance in whole or in part, and may make any individual, basin-wide or state-wide adjustments to release requirements. The commissioner may include any condition that the commissioner deems necessary in granting any such variance.

(2) Site Specific Release

(A) The owner or operator of a dam, may at any time after the initial date of a river or stream segment's classification submit for the commissioner's written approval a request for a site specific release, provided any owner or operator of a dam located on a Class 4 river or stream segment shall submit such a request for a site specific release. Such site

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specific release may include provisions similar to those specified in subsections (b) and (c) of this section.

(B) A request for a site specific release under this subsection shall be on a form prescribed by the commissioner and shall contain information sufficient to:

(i) allow the commissioner to give adequate consideration to the effect of the operation of the dam under such an alternative release on the river or stream system in question;

(ii) demonstrate that the river or stream segment impacted by the site specific release will continuously meet the applicable narrative standard when fully implemented;

(iii) specify monitoring and reporting requirements consistent with the requirements of section 26-141b-7 of the Regulations of Connecticut State Agencies.

(C) The commissioner shall not grant a request for a site specific release unless the commissioner determines that the proposed release is consistent with the narrative standard for the river or stream segment in accordance with section 26-141b-4 of the Regulations of Connecticut State Agencies. In evaluating whether to grant the requested site specific release under this subdivision, the commissioner shall also consider the needs and requirements of the public health and safety, flood control, industry, public utilities, water supply, agriculture and other lawful uses. Specific factors for consideration may include:

(i) the impact of the site specific release on a community water system's margin of safety;

(ii) the ecological benefit of implementing the site specific release;

(iii) the potential of a site specific release to lessen capital and operating costs to implement a release; and

(iv) an implementation schedule.

(D) The commissioner may reject for insufficiency any request that is not complete or that does not contain information sufficient to make a determination. Such rejection for insufficiency shall state the reasons for such rejection and shall not be subject to public hearing.

(E) The commissioner shall review any request that is deemed complete.

(F) The commissioner shall make a tentative determination to grant or deny the site specific release and provide a summary of the reasons for such tentative determination.

(G) The commissioner shall publish notice of such tentative determination in a newspaper with general circulation in the area within which the river or stream system is located and on the department's website. The commissioner shall also provide notice to the persons listed in section 26-141b-5(b)(2) of the Regulations of Connecticut State Agencies.

(H) The commissioner shall hold a public hearing on such tentative determination, if no later than thirty days after publication of the tentative determination: (i) the petitioner requesting the site specific release requests such a hearing or (ii) the commissioner receives a petition, signed by at least twenty-five persons, requesting such a hearing.

(I) Prior to holding a public hearing, the commissioner shall publish notice of such public hearing in a newspaper with general circulation in the area within which the river or stream system is located and on the department's website. Such notice shall include the date, time and location for such public hearing, provided the hearing date shall be not more than thirty

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days and not fewer than ten days after the date of such published notice; a description of the location of the river or stream segment at issue; and a summary of the reasons for the tentative determination.

(J) If no public hearing is requested thirty days after publication of the tentative determination, the tentative determination shall be a final decision.

(K) Any public hearing pursuant to this subdivision shall be governed by section 22a-3a-6 of the Regulations of Connecticut State Agencies and the applicable provisions of sections 4-166 to 4-189, inclusive, of the Connecticut General Statutes.

(g) Notwithstanding the provisions of subsection (a) of this section, any change in release requirements that is a result of a re-classification of a river or stream segment, pursuant to subsection (d) of section 26-141b-5 of the Regulations of Connecticut State Agencies, shall be effective (1) immediately upon publication in the Connecticut Law Journal if such publication occurs ten years or more after the publication of the first classification of such system or segment in the Connecticut Law Journal, and the re-classification is from a less altered to a more altered classification, (2) three years after publication in the Connecticut Law Journal if such publication occurs ten years or more after the publication of the first classification of such system or segment in the Connecticut Law Journal and the re-classification is from a more altered to less altered classification, unless another date is approved by the commissioner pursuant to subsection (d) of this section or (3) ten years after the date of publication of the first classification of such system or segment in the Connecticut Law Journal if publication of the change in classification occurs within the ten years after the publication of the first classification unless a written extension of time is approved by the commissioner pursuant to subsection (d) of this section.

(Effective December 12, 2011)

Sec. 26-141b-7. Record keeping and reporting requirements

(a) Any person owning or operating a dam subject to the Stream Flow Standards and Regulations shall, not later than one year after the date of publication of classification for a river or stream segment on which such owner's dam is located, submit to the department on a form prescribed by the commissioner the following information:

- (1) The name of the dam;
- (2) The permit or registration number assigned to the dam pursuant to section 22a-368 of the Connecticut General Statutes;
- (3) The geographical location of the dam in latitude and longitude (degrees, minutes, seconds);
- (4) The affected river or stream segment and its classification;
- (5) The name, address and telephone number of the owner or operator of the dam;
- (6) A certification that the owner or operator will continue to meet sections 26-141a-1 to 26-141a-8, inclusive, of the Regulations of Connecticut State Agencies, if applicable; and
- (7) A statement that the owner or operator has or will develop a plan for making those

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infrastructure changes necessary to comply with the ten-year timeframe established in subsection (a) of section 26-141b-6 of the Regulations of Connecticut State Agencies, if such timeframe is applicable.

(b) Any person owning or operating a dam that is exempted pursuant to subdivision (15) or (16) of subsection (c) of section 26-141b-3 of the Regulations of Connecticut State Agencies shall submit to the department a certification that such dam is operating and will continue to operate pursuant to the requirements of such exemption, not later than: (1) ten years after the date of publication of a classification of the river or stream segment on which such owner's or operator's dam is located; (2) if changing a dam's operation to meet such exemption ten years after such date of publication, six months after such dam's change of operation; or (3) if dam ownership changes, six months after the date of ownership change.

(c) Any person subject to the Stream Flow Standards and Regulations shall:

(1) Not later than nine years after the date of publication of classification for the river or stream segment on which such owner's or operator's dam is located unless another date is approved in writing by the commissioner, submit for the commissioner's written approval a description of methods and locations to be used to calculate release flows and to demonstrate compliance with release flow requirements. Such description shall include practices used to manage the water quality of the release to the maximum extent practicable for the protection of downstream resources;

(2) Upon initiation of a release required pursuant to section 26-141b-6 of the Regulations of Connecticut State Agencies, maintain an operating log that documents the flow of water from the dam calculated at such time that an adjustment in release is made, provided the frequency of any release documentation is no less than biweekly, with sufficient detail to demonstrate that release meets the applicable requirement of section 26-141b-6 of the Regulations of Connecticut State Agencies on a daily basis; or an alternative method of documenting compliance acceptable to the commissioner; and

(3) Upon discovery of a deficiency, notify the commissioner in writing within 7 days if the time needed to remedy the deficiency is longer than 7 days.

(d) All operating records shall be maintained for a minimum of fifteen years and such records shall be submitted to the commissioner not later than thirty days following a written request for such records. Upon receipt of a written request from the public for operating records documenting the release of water, the commissioner shall request such records from the dam owner or operator and make them available to the public upon receipt. Upon notification by the department that an electronic reporting system is available for use, operators and owners shall commence the annual submittal of data electronically as prescribed by the commissioner.

(Effective December 12, 2011)

Sec. 26-141b-8. Conflict and severance

(a) Where there is a conflict between the provisions of the Stream Flow Standards and Regulations and those of any other applicable ordinance, regulation or permit, the provisions

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of the ordinance, regulation or permit that imposes the most stringent requirements shall govern.

(b) The invalidity of any word, clause, sentence, section, part or provision of the Stream Flow Standards and Regulations shall not affect the validity of any other part that can be given effect without such invalid part or parts.

(Effective December 12, 2011)

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Agency

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Subject

Commercial Fishing in the Inland and Marine Districts

Inclusive Sections

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Sec. 26-142-1—26-142-5. Repealed

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Sec. 26-142-1—26-142-5. Repealed

Repealed January 7, 1976.

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Agency

Department of Energy and Environmental Protection

Subject

Commercial Fishing in the Inland and Marine Districts

Inclusive Sections

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Commercial Fishing in the Inland and Marine Districts

Sec. 26-142a-1. Inland commercial species

Subject to the provisions of section 26-142a-3a to section 26-142a-7a, inclusive, of the Regulations of Connecticut State Agencies, only the following species may be taken for commercial purposes in those areas of the inland district described in section 26-142a-2 of the Regulations of Connecticut State Agencies:

- (a) Carp (*Cyprinus carpio*)
- (b) Common sucker (*Catostomus commersonii*)
- (c) American eel (*Anguilla rostrata*)
- (d) Sea lamprey (*Petromyzon marinus*)
- (e) Atlantic tomcod or “frostfish” (*Microgadus tomcod*)
- (f) Hickory shad (*Alosa mediocris*)
- (g) American shad (*Alosa sapidissima*)
- (h) Alewife (*Alosa pseudoharengus*)
- (i) Blueback (glut or river) herring (*Alosa aestivalis*)
- (j) White perch (*Morone americana*)
- (k) Yellow perch (*Perca flavescens*)
- (l) Catfish species (*Ictalurus* spp.)
- (m) **Bait species.** Only the following species of minnows and other bait species, except as provided in section 26-55-5 of the Regulations of Connecticut State Agencies, may be taken commercially for sale as bait:
 - (1) golden shiner or “pond shiner” (*Notemigonus crysoleucas*);
 - (2) common shiner (*Luxilus cornutus*);
 - (3) fallfish (*Semotilus corporalis*);
 - (4) creek chub (*Semotilus atromaculatus*);
 - (5) spottail shiner or “river bait” (*Notropis hudsonius*);
 - (6) bridle shiner (*Notropis bifrenatus*);
 - (7) blacknose dace (*Rhinichthys atratulus*);
 - (8) longnose dace (*Rhinichthys cataractae*);
 - (9) pearl dace (*Margariscus margarita*);
 - (10) bluntnose minnow (*Pimephales notatus*);
 - (11) fathead minnow (*Pimephales promelas*);
 - (12) cutlips minnow (*Exoglossum maxillingua*);
 - (13) chub sucker (*Erimyzon oblongus*);
 - (14) banded killifish (*Fundulus diaphanus*);
 - (15) mummichug (*Fundulus heteroclitus*);
 - (16) striped killifish (*Fundulus majalis*);
 - (17) tidewater silverside (*Menidia beryllina*);
 - (18) Atlantic silverside (*Menidia menidia*);
 - (19) bay anchovy (*Anchoa mitchilli*);
 - (20) sheepshead minnow (*Cyprinodon variegatus*);

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- (21) mullet species (*Mugil* spp.);
- (22) Frogs (except northern leopard frog, *Rana pipiens*);
- (23) perch bugs;
- (24) helgramites;
- (25) mayfly nymphs;
- (26) other aquatic insects;
- (27) crayfish (except rusty crayfish, *Orconectes rusticus*);
- (28) shrimp (families Crangonidae, Palaemonidae, and Penaeidae).

(n) Any species of crustaceans, except as provided in section 26-55-5 of the Regulations of Connecticut State Agencies, provided lobsters and blue crabs shall meet minimum legal size requirements and be taken by legal methods, as specified in Title 26, Chapter 490 of the Connecticut General Statutes.

(Effective September 18, 1990; Amended December 27, 2006; Amended October 4, 2011)

Sec. 26-142a-2. Locations. In the inland district commercial fishing is permitted only in the following areas:

(a) Connecticut River system:

(1) The main body of the river from the I-95 highway bridge at Old Saybrook-Old Lyme to the Massachusetts-Connecticut state line.

(2) The coves and portions of tributaries which are subject to tidal fluctuation except the Farmington River and its coves and flood waters and the Salmon River and its coves and flood waters.

(3) The temporary or seasonal pools formed by the flood waters of the Connecticut River.

(4) That portion of the Hockanum River lying within the boundaries of the township of East Hartford.

(5) Bait species as defined in section 26-142a-1 (n) may be taken for commercial purposes in the Hockanum River and its impoundments or portions of impoundments within the township of East Hartford.

(6) That portion of the Blackhall River which lies within the inland district and which is subject to tidal fluctuation.

(7) That portion of the Lieutenant River which lies within the inland district and which is subject to tidal fluctuations.

(b) Housatonic River system:

(1) The main body of the river from the Merritt Parkway upstream to the Derby electric plant in Derby.

(2) The coves and portions of tributaries subject to tidal fluctuation.

(3) The temporary or seasonal pools formed by the flood waters of the Housatonic River within the limits established by (1) above.

(4) The impoundments known as Lake Housatonic and Lake Zoar may be fished commercially for eels, carp and suckers only.

(c) Quinnipiac River system:

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(1) The main body of the river lying between the marine-inland district demarcation line and a point five hundred feet downstream of the Hanover Dam, Meriden.

(2) The coves and portions of tributaries subject to tidal fluctuation.

(3) Bait species may be taken for commercial purposes in the river and its impoundments to a point five hundred feet downstream of the Hanover Dam, Meriden.

(d) Thames River system:

(1) The main body of the river which lies within the inland district and which is subject to tidal fluctuation.

(2) The coves and portions of tributaries subject to tidal fluctuation.

(3) The temporary or seasonal pools caused by flood waters within the limits established by (1) above.

(e) **Quinebaug River system:** Bait species may be taken for commercial purposes in the main body of the river from the Massachusetts state line downstream to the bridge on Route 6 at Danielson and from its impoundments or portions of impoundments from the Massachusetts state line downstream to Providence Street in Putnam.

(f) French River system:

(1) The main body of the river lying within the boundaries of the township of Thompson.

(2) Bait species may be taken for commercial purposes in the main body of the river and its impoundments lying within the township of Thompson.

(g) Shetucket River system:

(1) Bait species may be taken for commercial purposes in the main body of the river and its impoundments from the junction of the Willimantic River and Natchaug River downstream to the Scotland Dam, Windham.

(2) Bait species may be taken for commercial purposes in the main body of the river and its impoundments from the Route 97 bridge in Sprague downstream to the bridge on Route 12 in Lisbon-Norwich.

(Effective May 19, 1995)

Sec. 26-142a-3. Repealed

Repealed January 1, 1981.

Sec. 26-142a-3a. Area-gear restrictions

(a) No commercial fishing gear shall be used for taking any fish in that portion of North Cove, as indicated by posters and known as Fall River, in the township of Essex.

(b) Pound nets and trap nets shall not be used to take any fish in the area lying between lines drawn south in Long Island Sound to the New York state line from Fenwick Dock, Old Saybrook, and from Mill Creek (Mile Creek), Old Lyme.

(c) No pound net shall be set less than five thousand two hundred and eighty (5280) feet from the documented location of any other pound net.

(d) No fixed commercial fishing gear shall be set at any time within any navigable channel as indicated by United States Coast Guard channel markers or within any fairway

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as designated by an approved harbor management plan adopted under Chapter 444a of the General Statutes. No fixed fishing gear shall be set in any mooring area as designated by an approved harbor management plan adopted under Chapter 444a of the General Statutes during the period May 1 through October 15. For the purposes of this section, fairway is defined as a harbor channel which is not marked by United States Coast Guard channel markers but is designated as a navigation channel in an approved harbor management plan; mooring area is defined as an area in which vessels are commonly moored with permanent mooring tackle, and fixed commercial fishing gear means the following: gill nets anchored or tied in a fixed position; trap nets; fyke nets; pound nets; and the buoys of fish pots, eel pots, or lobster pots including those set by holders of the personal use lobster license.

(Effective July 26, 1996)

Sec. 26-142a-4. Seasons

(a) There shall be no closed season on carp, suckers, eels and minnows taken for commercial purposes in the waters described in section 26-142a-2 of the Regulations of Connecticut State Agencies.

(b) The closed season for the taking of yellow perch, white perch, and catfish species for commercial purposes shall be April first to September thirtieth inclusive except that catfish species may be taken as a species incidental to the shad fishery subject to the provisions of section 26-142a-6(c)(2)(A) of the Regulations of Connecticut State Agencies.

(c) The closed season for the taking of American shad for commercial purposes shall be June sixteenth to March thirty-first inclusive and no shad shall be taken for commercial purposes from Friday night at sundown to Sunday night at sundown.

(d) The closed season for the taking of alewives and blueback (glut or river) herring for commercial purposes shall be June sixteenth to March thirty-first inclusive, and no alewives or blueback (glut or river) herring shall be taken for commercial purposes from Friday night at sundown to Sunday night at sundown except by scoop nets or sport fishing.

(e) The closed season for the taking of tomcod for commercial purposes shall be April sixteenth to November thirtieth inclusive.

(f) The closed season for the taking of blue crabs for any purpose shall be December first to April thirtieth inclusive.

(Effective September 18, 1990; Amended March 31, 2003; Amended December 27, 2006)

Sec. 26-142a-5. Closed season for fyke, trap and pound nets in Connecticut River

From April first to June fifteenth, both inclusive, fyke, trap and pound nets shall not be used in the main body of the Connecticut River. Nothing herein shall be construed so as to prevent the use of minnow traps as described in section 26-142a-6 (f) in the Connecticut River during the period April first to June fifteenth.

(Effective January 7, 1976)

Sec. 26-142a-6. Commercial fishing gear specifications

Commercial fishing gear shall conform to the following specifications:

(a) The bowl of pounds, trap nets and fykes shall have a mesh of not less than two inches when stretched.

(b) Seines shall have a mesh of not less than two and one-half inches when stretched, except that:

(1) seines used for taking shad shall have a mesh of not less than five inches when stretched;

(2) seines used for taking lamprey eels shall have a mesh of not less than two inches when stretched; and

(3) seines used for taking tomcod also known as “frostfish,” shall have a mesh of not less than one and one-half inches when stretched and fifty feet of the center or bunt of such seine shall be not less than one and one-quarter inches when stretched.

(c) Gill nets

(1) In the inland district, gill nets shall have a mesh of not less than five inches when stretched except that nets used for taking white perch, catfish species and yellow perch shall have a mesh of not less than three and one half inches when stretched.

(2) In the marine district gill nets shall have a mesh of not less than three inches when stretched with the following exceptions:

(A) gill nets used for taking American shad shall have a mesh of not less than five inches when stretched;

(B) gill nets used for taking tomcod shall have a mesh of not less than one and one-quarter inches when stretched; and

(C) gill nets used for taking white perch, catfish species and yellow perch shall have a mesh of not less than three and one-half inches when stretched.

(3) The use of gill nets constructed of a single strand or multiple strands of material known as monofilament is prohibited for the taking of American shad from sunrise to sunset. The twine thickness of any such gill net shall be no greater than .28mm diameter (#69).

(4) All gill nets being fished under authority of a personal use gill net license issued under section 26-142a of the Connecticut General Statutes shall be personally attended by the licensee.

(d) Scap nets or scoop nets may have a mesh of any size, except that for the taking of American shad such nets shall have a mesh size of not less than five inches when stretched. Scoop or scap nets for the taking of alewives and river herring means a single hoop attached to a handle with the hoop not more than thirty-six inches across the widest point and a net with a mesh bag not more than thirty-six inches from the hoop to the end of the bag. Such net shall be constructed of flexible mesh material and shall be manually operated by a single individual. The use of any such net constructed of metal mesh or stiff plastic mesh is prohibited.

(e) Minnow seines and traps for the taking of bait species only may have a mesh of any size.

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(f) Minnow traps for the taking of bait species only shall have a length of not more than thirty-six inches and a diameter of not more than eighteen inches. Such traps shall be equipped with not more than two funnels and the entrance opening shall not exceed one and one-half inches in diameter. Such traps shall not be equipped with leaders or wings.

(g) **(g) Trawl nets in Connecticut Waters**

(1) No person shall use any trawl net codend with a mesh size less than 5½ inches (diamond mesh) or six inches (square mesh) on any vessel fishing in Connecticut waters except as provided in subdivisions (3), (4), (6) and (7) of this subsection.

(2) From May 1 to October 31, inclusive, when in possession of more than 100 pounds of summer flounder or from November 1 to April 30, inclusive, when in possession of more than 200 pounds of summer flounder, no person shall use any trawl net with a mesh size in the body, extension or codend less than 5½ inches (diamond mesh) or six inches (square mesh).

(3) From November 1 to April 30 inclusive, if a person on a vessel is in possession of 100 pounds or less of winter flounder or 200 pounds or less of summer flounder, he may use a fly net with a codend mesh of any size to take Atlantic herring.

(4) From May 1 to October 31 inclusive, no person shall use any trawl net with a mesh size less than 4½ inches (diamond mesh) or five inches (square mesh), except that:

(A) A person may use a trawl net with mesh of any size in the body and wings of the net provided the codend is at least 75 meshes in length and the terminal 75 meshes of the codend have a mesh size of no less than five inches (diamond mesh) or 5½ inches (square mesh).

(B) For the taking of squid from May 15 to July 31 inclusive, a person may use a trawl net with a mesh of any size provided the codend mesh size is no less than 1-7/8 inches (diamond mesh) and no more than 100 pounds of scup or 100 pounds of black sea bass are in his possession.

(C) For the taking of butterfish and squid from October 1 to October 31, inclusive, a person may use a trawl net with a mesh of any size provided the codend mesh size is no less than 3 inches (diamond mesh) and no more than 200 pounds of scup or 100 pounds of black sea bass are in said person's possession.

(5) No person shall possess more than 100 pounds of winter flounder while fishing with a trawl net with a codend mesh less than 6½ inches (diamond mesh) or 6½ inches (square mesh).

(6) From May 1 to October 31, inclusive, no person shall possess more than 200 pounds of scup while fishing with a trawl net that does not:

(A) have a mesh size of at least 5 inches (diamond mesh) or 5½ inches (square mesh) throughout the entire net; or

(B) meet the specifications of subdivision (4)(A) of this subsection.

(7) From May 1 to October 31, inclusive, no person shall possess more than 100 pounds of black sea bass while fishing with a trawl net that does not meet the specifications of subdivision (4)(A) of this subsection.

(8) In Connecticut waters, no person shall possess any codend or trawl net with mesh

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sizes less than specified in subdivisions (2) to (7), inclusive, of this subsection on any vessel having winter flounder, summer flounder, black sea bass or scup on board in excess of the limits specified in subdivisions (2) to (7), inclusive, of this subsection unless the codend is detached from the main body of the net or the entire trawl net is removed and detached from the net reel or is covered on a net reel and is bound securely and unavailable for immediate use.

(9) For the purposes of this subsection, codend is the retaining bag of the net. The minimum mesh size is the maximum opening of any single mesh, measured when wet after use, by the median of eleven consecutive measurements taken at least five meshes from the lacings parallel to the longitudinal axis of the net. The “body of the net” is the main part of the net immediately behind (posterior to) the footrope, excluding the wings. The “extension of the net” is that part of the net between the body and the codend. A “fly net” is an otter trawl constructed of a minimum of 5½-inch stretch mesh webbing in the wings and forward body (belly) section extending at least twelve meshes or 5½ feet along the longitudinal axis of the net.

(10) The use of any means, device or material including but not limited to ropes, lines, liners, net strengtheners, or double nets which obstructs or diminishes the size of the meshes in the top of the codend or of that part of the net which does not contact the seabed during normal fishing activity, is prohibited. All netting in trawl nets not made on a braiding machine, whether of braided or twisted twine, whether machine or hand made, shall have only one knot, which shall be the weavers knot or sheet bend. The ends of the twine, called bars, that exit the knot shall be constructed so that their lay does not cross or twist.

(11) Any person who takes winter flounder or summer flounder while fishing pursuant to the provisions of subdivisions (2), (3) or (5) of this subsection, and any person who takes scup or black sea bass while fishing pursuant to the provisions of subdivisions (4), (6) or (7) of this subsection shall separate these fish by species and keep these fish apart from the main catch. All possession limits specified in subdivisions (2) to (7), inclusive, of this subsection shall apply to the aggregate of all persons onboard the vessel.

(12) No bottom trawl net shall be equipped with rollers or cookies (hard rubber disks on the sweep of the net) in excess of six inches in diameter.

(h) Fish pots and fish traps

(1) No person shall use fish pots or fish traps except for the taking of finfish. This subsection shall not apply to pound nets, trap nets, or lobster pots. Subdivision (3) of this subsection shall not apply to pots or traps used to take American eel and minnow traps used to take the bait species listed in section 26-142a-12(b) of the Regulations of Connecticut State Agencies.

(2) Fish pots or fish traps shall be not more than 72 inches in length, width, or height.

(3) No person shall use any fish pots or fish traps unless such pot or trap has on any side of the catch chamber but not the bottom, a circular escape vent with an unobstructed opening not less than 3.1 inches (78.7 millimeters) in diameter or a square escape vent with an unobstructed opening not less than 2.25 inches (57.2 millimeters) on each side. Each fish

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pot or fish trap shall also have an escapement panel on any side of the catch chamber but not the bottom which, when open, will provide an unobstructed opening not less than seven and three quarters inches by seven and three quarters inches (197 millimeters by 197 millimeters) or which shall be comprised of the entire side, or end, of a square or rectangular pot or trap. Such escapement panels shall be held in the closed position with ungalvanized, uncoated iron wire, the stock of which shall not be more than 0.094 inch (2.39 millimeters) diameter, or magnesium alloy, timed float releases (pop up devices) or similar magnesium alloy fasteners, or with untreated natural fiber such as cotton, hemp, or jute string of 3/16 inch (0.188 inch, or 4.8 millimeters) diameter or smaller.

(4) No person shall use any fish pots or fish traps and the buoys thereof unless such pot, trap, and buoy is affixed with the commercial fishing license plate number of the owner in numbers not less than three-quarters of an inch in height.

(Effective July 26, 1996; Amended June 27, 1997; Amended June 26, 1998; Amended October 30, 1998; Amended July 21, 1999; Amended July 1, 2002; Amended August 26, 2005; Amended December 27, 2006; Amended December 22, 2008)

Sec. 26-142a-7—26-142a-11. Repealed

Repealed January 1, 1981.

Sec. 26-142a-7a. Species — area limitations

(a) American shad

(1) In the inland district American shad shall not be taken except as provided by section 26-112-45 (b) of the regulations of Connecticut State Agencies and American shad may be taken with nets for commercial purposes only in the main body of the Connecticut River from the I-95 highway bridge in Old Saybrook-Old Lyme to the William H. Putnam Memorial Bridge on Route 3, Glastonbury-Wethersfield.

(2) In the marine district the following restrictions shall apply to the taking of American shad: (A) shad shall not be netted between lines drawn south in Long Island Sound to the New York State line from Menunketesuck Point, Westbrook and from Hatchett Point, Old Lyme except with seines, pounds and gill nets. (B) the taking of shad by commercial fishing methods is prohibited in the Pawcatuck River upstream from a line drawn southerly from the southern extremity of Pawcatuck Point to the Connecticut-Rhode Island State line.

(b) Alewives and Blueback (Glut or River) Herring

(1) Alewives and blueback herring shall not be taken in the inland district except as provided by section 26-112-45(a) of the regulations of Connecticut State Agencies and may be taken with nets for commercial purposes only in the main body of the Connecticut River from the I-95 highway bridge in Old Saybrook-Old Lyme to the William H. Putnam Memorial Bridge on Route 3 in Glastonbury-Wethersfield, in the main body of the Housatonic River from Route 1 upstream to the Derby electric plant below Derby Dam, in the main body of the Quinnipiac River from the bridge on Route 17, New Haven to the bridge on Route 22, North Haven, and the main body of the Thames River which lies within

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the inland district and which is subject to tidal fluctuation.

(2) Alewives and blueback herring shall not be taken in the marine district from Saturday night 12:00 midnight to Tuesday night 12:00 midnight except in those portions of the main body of the Connecticut River, the main body of the Housatonic River, and the main body of the Thames River lying south of the inland district demarcation line.

(c) **White Perch, Catfish species and Yellow Perch:** In the inland district, and subject to the provisions of sections 26-176 and 26-181 of the General Statutes and section 26-142a-4 (b) of these regulations, white perch, catfish species and yellow perch may be taken for commercial purposes only in (1) the Connecticut River, its coves and flood waters from the I-95 highway bridge in Old Saybrook-Old Lyme to Whalebone Creek range light number forty but not including Hamburg Cove and the Eight Mile River in the township of Lyme eastward of a north-south line extending through the red nun channel marker at the entrance to Hamburg Cove and the Eight Mile River and not including Whalebone Creek or Hadlyme cove in the township of Lyme and (2) the Thames River, its coves and flood waters from 500 feet north of the I-95 bridge, New London to the Mohegan-Pequot Bridge, Montville-Preston.

(Effective July 26, 1996; Amended December 27, 2006)

Sec. 26-142a-8a. Species restrictions

(a) **Blue Crabs.** No person shall take or attempt to take any blue crabs in any waters of this state except by scoop or scap net, handline or manually operated and personally attended devices described below:

(1) Manually closed, caging devices similar to the Star Crab Trap manufactured by the Cuba Specialty Manufacturing Company, Houghton, New York.

(2) Circular, topless traps not exceeding twenty-six (26) inches in diameter.

(3) Semicircular cylindrical traps not exceeding twelve (12) inches in diameter with hinged entrances or ends controlled by drawstrings.

No person shall take, offer for sale or possess at any time any female blue crab bearing eggs visible thereon or from which the egg pouch or bunion has been removed. No person shall take, offer for sale or possess any hard shell blue crab measuring less than five inches across the shell (carapace) from tip to tip of spikes; but soft shell blue crabs not less than three and one-half inches across the shell from tip to tip of spikes may be taken, sold and possessed. No person on the waters of this state or on any parcel of land, structure, or portion of a roadway abutting tidal waters shall possess any uncooked blue crab meat without the shell (carapace) attached. No more than two claws per crab may be possessed.

Any blue crabs taken contrary to these regulations shall, without avoidable injury, be returned immediately to the water from which taken.

(b) **Minimum Legal Length.** No person shall possess any fish taken by any commercial fishing gear or for commercial purposes less than the lengths specified below measured from the tip of the snout to the end of the tail and, notwithstanding section 26-159a-4 of the Regulations of Connecticut State Agencies, no person shall buy, sell, offer for sale or possess

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in a place where fish are offered for sale, any of said species less than the minimum legal length stated herein.

- (1) Atlantic tomcod (frostfish) (*Microgadus tomcod*) - 7 inches
- (2) Tautog (blackfish) (*Tautoga onitis*) - 14 inches
- (3) Scup (porgy) (*Stenotomus chrysops*) - 9 inches
- (4) Black sea bass (*Centropristis striata*) - 11 inches
- (5) Winter flounder (*Pseudopleuronectes americanus*) - 12 inches
- (6) Bluefish (*Pomatomus saltatrix*) - 9 inches
- (7) Summer flounder (fluke) (*Paralichthys dentatus*) - 14 inches
- (8) Atlantic cod (*Gadus morhua*) - 22 inches
- (9) Weakfish (*Cynoscion regalis*) - 16 inches
- (10) Yellowtail flounder (*Pleuronectes ferrugineus*) - 13 inches
- (11) Haddock (*Melanogrammus aeglefinus*) - 22 inches
- (12) Pollock (*Pollachius virens*) - 19 inches
- (13) Witch flounder (*Glyptocephalus cynoglossus*) - 14 inches
- (14) American plaice (*Hippoglossoides platessoides*) - 14 inches
- (15) Redfish (*Sebastes marinus*) - 9 inches

Any of said species less than the minimum legal length taken by any commercial fishing gear shall, without avoidable injury, be returned immediately to the water from which taken. No person on board any vessel engaged in commercial fishing or landing species taken by commercial fishing gear 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 June 27, 1997; Amended October 23, 1997; Amended July 1, 2002; Amended March 31, 2003; Amended February 26, 2004)

Sec. 26-142a-9. Repealed

Repealed February 26, 2004.

Sec. 26-142a-12. Taking and sale of bait species

(a) The species listed in this subsection, to the exclusion of all other species, may be taken commercially in the inland district under an inland commercial bait license, or in the marine district under a marine commercial bait license. These species may also be offered for sale as bait species under a bait dealers license.

- (1) golden shiner or “pond shiner” (*Notemigonus crysoleucas*);
- (2) common shiner (*Luxilus cornutus*);
- (3) fallfish (*Semotilus corporalis*);
- (4) creek chub (*Semotilus atromaculatus*);
- (5) spottail shiner or “river bait” (*Notropis hudsonius*);
- (6) bridle shiner (*Notropis bifrenatus*);

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- (7) blacknose dace (*Rhinichthys atratulus*);
- (8) longnose dace (*Rhinichthys cataractae*);
- (9) pearl dace (*Margariscus margarita*);
- (10) bluntnose minnow (*Pimephales notatus*);
- (11) fathead minnow (*Pimephales promelas*);
- (12) cutlips minnow (*Exoglossum maxillingua*);
- (13) chub sucker (*Erimyzon oblongus*);
- (14) banded killifish (*Fundulus diaphanus*);
- (15) mummichug (*Fundulus heteroclitus*);
- (16) striped killifish (*Fundulus majalis*);
- (17) tidewater silverside (*Menidia beryllina*);
- (18) Atlantic silverside (*Menidia menidia*);
- (19) sand lance or “sand eels” (*Ammodytes* spp.);
- (20) bay anchovy (*Anchoa mitchilli*);
- (21) sheepshead minnow (*Cyprinodon variegatus*);
- (22) mullet species (*Mugil* spp.);
- (23) frogs (except northern leopard frog, *Rana pipiens*);
- (24) perch bugs;
- (25) helgramites;
- (26) mayfly nymphs;
- (27) other aquatic insects;
- (28) crayfish (except rusty crayfish, *Orconectes rusticus*);
- (29) green crabs (*Carcinus maenas*);
- (30) fiddler crabs (*Uca* spp.);
- (31) hermit crabs (*Pagurus* spp.);
- (32) Asian (Japanese) shore crab (*Hemigrapsus sanguineus*); and
- (33) shrimp (families Crangonidae, Palaemonidae, and Penaeidae).

(b) In addition to the bait species listed in subsection (a) of this section, the following species, if legally taken under the appropriate commercial license and meeting the minimum legal length requirements specified in section 26-142a-8a of the Regulations of Connecticut State Agencies, may be offered for sale as bait under a bait dealer’s license:

- (1) menhaden (*Brevoortia tyrannus*);
- (2) alewives (*Alosa pseudoharengus*);
- (3) blueback or “glut” herring (*Alosa aestivalis*);
- (4) American eel (*Anguilla rostrata*);
- (5) butterfish (*Peprilus triacanthus*);
- (6) Atlantic mackerel (*Scomber scombrus*);
- (7) whiting (*Merluccius bilinearis*);
- (8) squid (*Loligo* sp.);
- (9) Atlantic herring (*Clupea harengus*);
- (10) hickory shad (*Alosa mediocris*);

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(11) Horseshoe crabs (*Limulus polyphemus*).

(c) Each bait dealer shall keep the following records on forms furnished by the department:

(1) the date and quantity by species and source of each consignment of bait received by the licensee;

(2) the total annual sale of bait by species made by the licensee during the license period. The above records shall be filed with the department within thirty days after the expiration date of the license.

(d) This regulation does not apply to fish used to bait lobster pots or eel pots.

(Effective January 1, 1986; Amended March 31, 2003; Amended December 27, 2006; Amended October 4, 2011)

Sec. 26-142a-13—26-142a-14. Repealed

Repealed September 28, 1977.

Sec. 26-142a-15. When a license is not required

In the marine district a commercial fishing license is not required to take, for personal use only, menhaden, hickory shad, alewives, glut herring, sea herring, eels, lampreys and bait species by the use of:

(1) cast nets;

(2) minnow traps not more than twenty inches long and fifteen inches in diameter;

(3) scoop or scap nets not more than thirty-six inches in diameter;

(4) umbrella nets not more than four feet in length by four feet in width;

(5) seines not more than thirty feet in length; and

(6) not more than two eel pots.

(Effective April 22, 1994; Amended December 27, 2006)

Sec. 26-142a-16. Definitions

The following definitions shall apply to regulations adopted under authority of sections 26-112, 26-142a, 26-157b, 26-157c, and 26-159a of the general statutes:

(1) “Bycatch” is that portion of a commercial fishery catch that is taken incidental to the directed fishing effort. Directed fishing is indicated by the primary species or group of species sought, the commercial gear utilized, the area and time of the year when the fishing occurs. Bycatch may include but not be limited to an amount of a species allowed to be taken during fishing with small mesh or a regulated gear type.

(2) For sport fishing purposes, “culling” or “high-grading” means discarding or returning a previously retained fish to the water in order to retain a more desirable fish. Any fish placed on a stringer, in a container, cooler, live well or similar device, or otherwise not immediately released to the water shall count against the daily creel limit.

(3) For commercial fishing purposes, to “land” means to tie up to a dock, the land or structure attached to the land, bring ashore, off-load, or to begin to off-load finfish, lobsters,

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crabs, sea scallops, or squid which were taken by commercial fishing gear or taken for commercial purposes.

For sportfishing purposes, to “land” means to fail to immediately return any finfish, lobster, or crab, without avoidable injury, to the waters from which such species were taken.

(4) “Landing limit” is the total number or weight of finfish, crustaceans, squid, sea scallops or horseshoe crabs, of any species or species group that may be legally landed in this state.

(5) “Possession limit” regarding commercial fishing is the total number or weight of finfish, crustaceans, squid, sea scallops or horseshoe crabs, of any species or species group that may be legally possessed while on the waters of the state by a holder of a license or registration issued under authority of section 26-142a of the general statutes concerning the taking of lobsters, finfish, crabs, squid, sea scallops or horseshoe crabs.

(6) “Lath” is the wood used to construct the outer surface of a lobster pot.

(Effective May 19, 1995; Amended January 25, 2007)

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Commercial Hatcheries

Sec. 26-149-1. Commercial hatcheries reporting requirements

Each owner or operator of a licensed commercial hatchery shall keep a complete record on forms furnished by the Commissioner of finfish, lobsters and blue crabs purchased from any source and brought into said hatchery. Each owner or operator of a licensed commercial hatchery shall keep a complete record of all sales of live finfish, live egg bearing lobsters, live sub-legal lobsters, live egg bearing blue crabs and live sub-legal blue crabs on forms furnished by the Commissioner. Such records shall be furnished to the Commissioner by January 31 of the year following the year covered by the report.

(Effective September 28, 1977)

Sec. 26-149-2. Commercial hatcheries, removal of fish from premises

Owners or operators of commercial finfish hatcheries, issued a license by the Department of Environmental Protection and their guests may remove any species of fish from the waters of such commercial hatcheries by any method, except by the use of chemicals or explosives. Fish taken from such hatcheries by the owner, operator or guests may be removed from the premises, possessed and transported at any season of the year without regard to legal lengths or daily creel limits, provided such fish or the package containing such fish, shall have attached thereto a tag or label showing the name and address of the owner of such hatchery, the number of the commercial fish hatchery license, the number and species of fish, the date such fish were removed from such hatchery and the name of the person removing such fish from such premises. The owner or operator of such hatchery shall not allow guests to remove live fish from the hatchery premises unless said guest is in possession of written authority from the Commissioner of the Department of Environmental Protection granted under the authority of Section 26-55 of the General Statutes to stock or introduce such species of fish in specified waters of the state.

(Effective January 1, 1987)

Sec. 26-149-3. Artificial fishing facilities

Operators of artificial fishing facilities, as authorized under the provisions of Section 26-149 of the General Statutes, may permit guests to take from such artificial fishing facility by angling legally acquired species of trout, charr or salmon, without regard to season, legal lengths or daily creel limits. Such fish may be removed from the premises, possessed and transported by any such guest, provided such fish are dead and provided such fish or the package containing such fish, shall have attached thereto a tag or label showing the name and address of the operator of such artificial fishing facility, location of the enterprise with which it is associated, the number and species of fish, the date taken and the name and address of the person having possession of such fish.

(Effective September 28, 1977)

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Sec. 26-157a-1. Repealed

Repealed January 1, 1986.

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Reports to the Commissioner

Sec. 26-157b-1. Reports

Each holder of any commercial fishing license, landing license, pound net registration, or charter-party boat registration, each person licensed to take lobsters or fish for personal use only, and each person licensed to purchase marine species for resale shall, as provided in this section, report to the commissioner. These reports may include but are not limited to the number, weight and sex of finfish, squid, sea scallops, lobsters or crabs in the catch and landings by species and market size and grade; gear used and effort expended; area fished; port landed; disposition of catch; type and value of nets, boats, and other equipment used; number of persons employed; number, weight, market size, grade and price of marine species purchased and distributed, including conch, and the number of anglers fishing on board charter-party boats. These reports shall be made on forms provided by the commissioner or by other methods approved by the Commissioner. Said reports shall be completed in their entirety and submitted to the Marine Fisheries Division office of the department (P. O. Box 719, Old Lyme, CT 06371).

(a) Each licensed commercial shad fisherman shall submit a report of daily fishing activities no later than June 30 of the year covered by the report.

(b) Each person licensed to take blue crabs for commercial purposes shall submit a report of daily fishing activities no later than the tenth of the month following the month covered by the report.

(c) Each person or firm issued a registration for a pound net or similar device shall submit a report of daily fishing activities no later than the tenth of the month following the month covered by the report.

(d) Each person licensed to set, tend or assist in setting or tending gill nets, seines, trap nets, fish pots, fykes, scaps, scoops, weirs, eel pots or similar devices to take finfish, or licensed to take finfish for commercial purposes by hook and line or licensed to take horseshoe crabs by hand, shall complete a report of all fishing activities, daily or at the end of the fishing trip. Said reports shall be submitted no later than the tenth of the month following the month covered by the report. Such reports shall be available on board any vessel at any time for inspection by authorized agents of the commissioner.

(e) Each person licensed to set, tend, or assist in setting or tending seines, traps, scaps, scoops, weirs or similar devices to take bait species for commercial purposes shall submit a report of daily fishing activities no later than the tenth of the month following the month covered by the report.

(f) Each person licensed to take lobsters or fish for personal use only, by means of not more than ten lobster pots, by skin diving, scuba diving or by hand, and each person licensed to take menhaden for personal use, shall submit a report of daily fishing activities no later than January thirty-first of the year following the year covered by the report.

(g) Each person (resident or nonresident) licensed to take lobsters, squid, sea scallops, crabs (other than blue crabs) or finfish for personal use or for sale by means of more than ten lobster pots or similar devices, or by the use of otter trawls, balloon trawls, beam trawls

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or similar devices, and each person licensed to land lobsters, sea scallops, finfish, crabs, including blue crabs, or squid shall complete a report of all fishing activities, daily or at the end of the fishing trip. Said reports shall be submitted no later than the tenth of the month following the month covered by the report. Such reports shall be available on board any vessel at any time for inspection by authorized agents of the commissioner.

(h) Each person or firm licensed to buy lobsters, finfish, squid, crabs, or sea scallops for resale from commercial fishermen licensed by the commissioner shall complete a report of individual purchase transactions of such species, including conch, and this report shall be submitted no later than the tenth of the month following the month covered by the report.

(i) Each person or firm issued a charter boat or party boat registration shall submit a report of daily fishing activities no later than the tenth of the month following the month covered by the report.

(j) In addition to the provisions of subsections (a) to (i), inclusive, of this section for all species managed by quota, all holders of licenses or registrations issued under section 26-142a of the Connecticut General Statutes concerning the purchase for resale of finfish, lobsters, crabs, sea scallops or squid, or the taking of said resources, shall report weekly total landings in pounds and Connecticut port where landed. Weekly reports shall be submitted for the period commencing on Sunday and concluding on the following Saturday, and shall be submitted by a method approved by the commissioner no later than 4:30pm on the following Tuesday or 24 hours after the end of any fishing trip commencing prior to a Saturday and concluding after the following Monday.

(Effective May 19, 1995; Amended December 27, 2000; Amended March 31, 2003)

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Subject

Taking of Lobsters

Inclusive Sections

§§ 26-157c-1—26-157c-4

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Taking of Lobsters

Sec. 26-157c-1. Taking lobsters – general

(a) Definitions

(1) “ASMFC” means the Atlantic States Marine Fisheries Commission, created under the terms of an interstate compact ratified by the State of Connecticut (section 26-295 of the Connecticut General Statutes) and approved by the U. S. Congress (Public Law 539, Chapter 283, Second Session, 77th Congress; 56 Stat. 267, approved May 4, 1942, as amended by Public Law 721, 81st Congress, approved August 19, 1950).

(2) “American Lobster Fishery Management Plan” or “FMP” means the plan and its amendments and addendums approved and published by the ASMFC to manage the interstate lobster fishery.

(3) “Carapace length” means the length of a lobster as measured along the length of the carapace (body shell) parallel to the centerline from the rear end of the eye socket to the rear end of the carapace.

(4) “LMA” means any lobster management area as defined in the FMP.

(5) “LMA 6 maximum length” means a carapace length of 5-¼ inches.

(6) “LMA 6 minimum length” means a carapace length of 3-⁵/₁₆ inches.

(7) “LMA 6 v-notch” means a v-notch, with or without setal hairs, at least one-eighth inch in depth.

(8) “Lobster” means American lobster (*Homarus americanus*).

(9) “V-Notch” means a notch or indentation in the flipper next to and to the right of the center flipper as viewed from the dorsal surface with the tail oriented toward the observer. Such a mark is applied to protect certain lobsters from harvest for conservation purposes.

(b) Lobsters may be taken only by lobster pots, traps, trawls or similar devices or by skin diving, including the use of self-contained underwater breathing apparatus, or by hand. The use of spears or hooks of any kind to take lobsters and the possession of lobsters taken by any method that pierces the shell is prohibited.

(c) No person shall buy, sell, give away, offer for sale or possess, regardless where taken:

(1) any female lobster with ova or spawn attached or from which the ova or spawn has been removed; or

(2) any female lobster bearing a LMA 6 v-notch or any female lobster which is mutilated in a manner which could hide, obscure or obliterate such a mark; or

(3) any lobster with a carapace length less than the LMA 6 minimum length, except as provided in section 26-157j of the Connecticut General Statutes; or

(4) any lobster with a carapace length greater than the LMA 6 maximum length, except that a person may buy, sell, give away, offer for sale or possess a lobster with a carapace length greater than the LMA 6 maximum length provided:

(A) such lobsters are not taken from LMA 6 waters; and

(B) such lobsters are not greater than the maximum legal length in effect for the waters of the LMA or nation of origin; and

(C) any seafood dealer, wholesaler or shipper in possession of such lobsters possesses a

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manifest, bill of lading, invoice, purchase order, seafood dealer report or other written documentation identifying the vessel, state, lobster management area or nation of origin, as applicable, where such lobsters were received, the number of such lobsters received that are greater than said LMA 6 maximum length and the date such lobsters were received. Such documentation shall be retained by the seafood dealer, wholesaler or shipper for a period of six months from the date such lobsters were received and shall be made available to law enforcement officers upon request; and

(D) any vessel possessing or landing lobster greater than the LMA 6 maximum length shall have a valid federal limited access American lobster permit issued pursuant to 50 CFR 697.4.

(d) When caught, any lobster specified in subdivisions (1) to (4), inclusive, of subsection (c) of this section or subdivisions (1) or (3) of subsection (e) of this section shall, without avoidable injury, be immediately returned to the waters from which taken.

(e) No person authorized to take lobsters from any LMA other than or in addition to LMA 6, as defined in the current FMP, shall possess on the waters or shores of this state:

(1) any lobster with a carapace length that is less than the largest minimum length or greater than the smallest maximum length specified in the FMP for any LMA for which the licensee has elected to engage in lobster fishing activity;

(2) any lobster pot with an escape vent as defined in subsection (a) of section 26-157c-2 of the Regulations of Connecticut State Agencies with an unobstructed opening less than the largest dimension specified in the FMP for any LMA for which the licensee has elected to engage in lobster fishing activity; or

(3) any female lobster that does not meet the most restrictive LMA-specific v-notch definition specified in the FMP for any LMA for which the licensee has elected to engage in lobster fishing activity, or any female lobster which is mutilated in a manner which could hide, obscure or obliterate such a mark.

(f) Any licensee authorized to take lobsters from an LMA in which the FMP requires a v-notch to be applied to all egg-bearing female lobsters shall, as specified in the FMP, apply such v-notch to all such lobsters taken when fishing in that LMA.

(Effective January 1, 1992; Amended October 30, 1998; Amended January 28, 2002; Amended March 31, 2003; Amended February 26, 2004; Amended March 30, 2006; Amended March 1, 2007; Amended December 22, 2008)

Sec. 26-157c-2. Taking lobsters—pots and traps

(a) All lobster pots, traps and similar devices used for the taking of lobsters shall be constructed so as to contain in the catch compartment (parlor) one of the following:

(1) a horizontal, rectangular escape vent with an unobstructed opening not less than 1-7/8 inches by 5-3/4 inches, and, effective May 1, 1998, not less than 1-15/16 inches by 5-3/4 inches; or

(2) two circular escape vents each with an unobstructed opening not less than 2-3/8 inches in diameter, and, effective May 1, 1998, not less than 2-7/16 inches in diameter. All

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lobster pots, traps or similar devices in use which do not contain such escape vents may be seized by any authorized representative of the Department of Environmental Protection and disposed of as determined by the commissioner.

(b) All lobster pots and traps made of material other than wood used for the taking of lobsters shall be constructed so as to contain, on any side of the catch compartment (parlor), an escapement panel which, when open, will provide an unobstructed orifice not less than 3-3/4 inches by 3-3/4 inches. If constructed of wood, said escapement panel shall incorporate a rectangular escape vent with an inside measurement not less than 1-7/8 inches by 5-3/4 inches and, effective May 1, 1998, not less than 1-15/16 inches by 5-3/4 inches and, on the longitudinal axis, be composed of lath not thicker than 3/8 of an inch. If constructed of material other than wood, said escapement panel may be hinged and shall be held in the closed position with uncoated, ferrous wire, the stock of which is not more than 3/32 of an inch in diameter, or with untreated natural fiber such as cotton, sisal, hemp, or manila. All such pots and traps in use which do not contain such escapement panels may be seized by any authorized representative of the Department of Environmental Protection and disposed of as determined by the commissioner.

(c) Effective January 1, 1999, no person shall use in the waters of this state a lobster pot, trap or similar device with a volume larger than 22,950 cubic inches.

(d) From one-half hour after sunset to one-half hour before sunrise, no person shall set, tend or assist in setting or tending any lobster pot, trap or similar device for the catching of lobsters or any live car or other device in which lobsters are kept in the water after having been removed from the pots, traps or trawls in which they were caught.

(e) All lobster pot buoys used in the waters of this state shall be of uniform color or uniform pattern of coloration, such color or pattern to be determined by the license holder. Any person engaged in lobstering shall maintain, in a position visible from all directions, a buoy displaying his color or pattern of coloration.

(f) All lobster pots used in the waters of this state shall be identified as required in subsection (b) of section 26-157a of the General Statutes and, upon transfer of ownership of said pots, any previous identification shall not be removed or obliterated. Any lobster pot, trap or similar device found to contain a defaced or obliterated license number may be seized by any authorized representative of the Department of Environmental Protection and either used by the Department for purposes of marine research or destroyed.

(Effective May 19, 1995; Amended October 23, 1997; Amended October 30, 1998)

Sec. 26-157c-3. Taking lobsters—otter trawls, beam trawls and similar devices

(a) In any waters of this state, on any vessel having on board an otter trawl net, beam trawl net or similar device capable of taking lobsters, there shall be a possession limit of 100 lobsters per day or per trip, whichever is the longer period of time, except that with respect to any vessel using methods other than pots and landing lobsters taken outside the waters of this state, said limit shall be 100 lobsters per day provided that, if a trip exceeds five days, such limit shall be 500 lobsters per trip. Said limits shall apply to the aggregate

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of all persons on board such vessel. For the purposes of this subsection, “day” shall be from 12:01 am until midnight, and “trip” shall be from the time the vessel departs from shore to begin fishing until the time that the vessel first returns to shore for the purpose of landing the catch.

(b) The transfer by any person of any lobster from any vessel having on board an otter trawl, beam trawl or similar device to any other vessel is prohibited.

(Effective January 1, 1986; Amended October 30, 1998)

Sec. 26-157c-4. Management of the lobster pot fishery

(a) **Purpose.** The purpose of this section is to implement requirements of the Atlantic States Marine Fisheries Commission’s American Lobster Fishery Management Plan by establishing the number of lobster pots authorized to be set each year by licensees of the Department of Environmental Protection and the provisions by which lobster pot tags will be issued to licensees. This section may be amended in the future in accordance with the provisions of chapter 54 of the Connecticut General Statutes.

(b) **Definitions.**

(1) “ASMFC” means the Atlantic States Marine Fisheries Commission, created under the terms of an interstate compact ratified by the State of Connecticut (section 26-295 of the Connecticut General Statutes) and approved by the U. S. Congress (Public Law 539, Chapter 283, Second Session, 77th Congress; 56 Stat. 267, approved May 4, 1942, as amended by Public Law 721, 81st Congress, approved August 19, 1950).

(2) “American Lobster Fishery Management Plan” means the plan and its amendments and addendums approved and published by the ASMFC to manage the interstate lobster fishery.

(3) “Catastrophic pot loss” means the loss, between June 1 of a given year through May 31 of the following year, of:

(A) with respect to a personal use licensee, 10 pots; and

(B) with respect to a commercial licensee, more pots than the number of tags issued to such licensee under subdivision (e)(1) of this section, if such loss is due to one or more events beyond the licensee’s control such as an act of God, theft or vandalism.

(4) “Commercial licensee” means any person to whom the Commissioner has issued a commercial license under section 26-142a of the Connecticut General Statutes.

(5) “Commissioner” shall mean the Commissioner of Environmental Protection.

(6) “Effective pots fished” means, for a given calendar year, the smaller value of:

(A) the maximum calculated number of pots derived from LMA 2 qualifying catch records, or

(B) the predicted pots fished derived from LMA 2 qualifying catch records, or

(C) if provided on reports submitted to the National Marine Fisheries Service, MADMF, the NYSDEC or the RIDEM, the maximum number of pots fished in LMA 2 during a year.

(7) “Federal lobster permit” means a federal fisheries permit issued by the U. S. Department of Commerce pursuant to 50 CFR 697.4 for a vessel for taking American lobster

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by pots from a specified LMA.

(8) “Fish” and “fished” means setting, tending, or hauling a pot, or leaving a pot in the water after setting, tending or hauling it.

(9) “Fishing week” means any calendar week within the qualifying period.

(10) “Fishing year” means the period from June 1 of a given year through May 31, inclusive, of the following year.

(11) “FMP” means the American Lobster Fishery Management Plan.

(12) “Haul” means to lift a pot from the water for the purpose of taking lobsters.

(13) “License” means a license to take lobster issued by the Commissioner under section 26-142a of the Connecticut General Statutes.

(14) “Licensee” means a person to whom the Commissioner has issued a license.

(15) “LMA” means any of the several lobster management areas defined in the FMP.

(16) “LMA 2” means Lobster Management Area 2 as defined in the FMP.

(17) “LMA 2 qualifying catch records” means those records that:

(A) are complete and accurate records of lobster catch, landings, pots hauled, and the soak-time associated with those pots, reported to the Commissioner in accordance of the provisions of section 26-157b of the Regulations of Connecticut State Agencies, or similar such data submitted to the National Marine Fisheries Service, the MADMF, the NYSDEC or the RIDEM, and

(B) represent fishing activity that occurred aboard a vessel that held a federal or applicable state lobster permit for LMA 2 and was conducted between the effective date and expiration date, inclusive, of said permit, and

(C) represent fishing activity that occurred aboard a vessel for which pot tags bearing the LMA 2 designation were purchased for the fishing year in which that activity occurred, and

(D) represent fishing activity that resulted in landings of lobster in Connecticut, Massachusetts, Rhode Island or New York, and

(E) represent fishing activity from any statistical area provided that at least one trip was reported in catch records for the same calendar year that meets the requirements of subparagraphs (A) through (D), inclusive, of this subdivision and that indicates fishing activity in a statistical area that lies in whole or in part within LMA 2 or the LMA 2/3 overlap.

(18) “LMA 2 qualifying period” means the calendar years 2001, 2002, and 2003 or, if applied under reconsideration granted by the Commissioner pursuant to subsection (g)(4)(B) of this section, the years 1999 and 2000.

(19) “LMA 2/3 overlap” means the overlap area between LMA 2 and LMA 3 as defined in the FMP.

(20) “LMA 6” means Lobster Management Area 6 as defined in the FMP, namely those waters of Long Island Sound and any New York territorial waters of Long Island Sound and Fishers Island Sound in which Connecticut residents are authorized by the Commissioner or by the NYSDEC to take lobsters but excluding New York waters on the

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south shore of Long Island west of 72° west longitude. Unless otherwise specified in this section, LMA 6 includes LMA 6A and the Race.

(21) “LMA 6 qualifying catch record” means a complete and accurate record of pots hauled, and the soak-time associated with those pots, submitted to the Commissioner in accordance of the provisions of section 26-157b of the Regulations of Connecticut State Agencies, covering any portion of the qualifying period.

(22) “LMA 6 qualifying period” means the period from January 1, 1995 through June 8, 1998, inclusive.

(23) “LMA 6A” means a portion of LMA 6 comprising the Connecticut waters of Long Island Sound west of the Loran C 26740 line.

(24) “MADMF” means the Massachusetts Division of Marine Fisheries.

(25) “Material incapacity” means an event determined by the commissioner to be beyond the control of a license holder that results in a significant reduction in fishing performance by that license holder. A material incapacity shall include, but not be limited to, a significant medical condition or active military service, but shall not include the decision of the license holder to pursue others interests.

(26) “Maximum calculated number of pots” means the larger of the following calculated number of pots:

(A) the number of pot-days from the LMA-specific qualifying catch records attributable to a fishing week divided by seven, or

(B) the largest value for pots hauled on any one day from the LMA-specific qualifying catch records within that fishing week.

(27) “NYSDEC” means the New York State Department of Environmental Conservation.

(28) “Permanent transfer” means the sale, barter, trade or gifting of some portion of the number of pots authorized to be fished by a commercial licensee.

(29) “Personal use licensee” means any person to whom the Commissioner has issued a license under section 26-142a of the Connecticut General Statutes to take lobsters for personal use.

(30) “Pot” means any lobster pot, trap or similar device used to take lobsters.

(31) “Pot-day” means the reported number of pots hauled during a day, times the reported soak-time for those same pots.

(32) “Predicted pots fished” means the number of pots, not to exceed 800 pots, calculated using the formula derived for LMA 2 in Addendum VII to the FMP, $P = e^{(a(\ln(L)) + b + (R/2))}$, where P is the predicted pots fished, L is the total annual landings, e is the base of the natural logarithm and \ln is the natural logarithm. The values for a , b , and R are dependent on the calendar year of the total annual landings and are:

(A) for 2001, 2002 and 2003, $a=0.6473$, $b=0.4782$ and $R=0.6525$, and

(B) for 1999 and 2000, $a=0.6221$, $b=0.6163$ and $R=0.5295$.

(33) “Qualifying license application” means the application for a license which the Commissioner issued between December 19, 1994 and June 8, 1998, inclusive, and which application was effective for any of the calendar years 1995, 1996, 1997 or 1998.

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(34) “Race” means a portion of LMA 6 comprising commercial fishery statistical areas 6 and 147 as referred to on the forms which the Commissioner provides for submission of fishing reports pursuant to section 26-157b of the Regulations of Connecticut State Agencies.

(35) “Report” or “Reported” means to submit or to have submitted to the Commissioner a complete and accurate qualifying catch record.

(36) “Resident licensee” means a commercial licensee who is a resident of Connecticut.

(37) “RIDEM” means the Rhode Island Department of Environmental Management.

(38) “Soak-time” means the number of days from the date a pot is set in the water until the date it is next hauled.

(39) “Tag” means a tag sold or authorized to be sold by the Commissioner or another state or the National Marine Fisheries Service, to be used to satisfy the requirements of this section.

(40) “Vendor” means a person authorized by the Commissioner or another state or the National Marine Fisheries Service to sell tags.

(c) LMA 6 Lobster Pot Limits.

(1) On and after June 1, 2000, no resident licensee shall fish in LMA 6 any more than the following number of pots:

(A) whichever of the following three numbers is the greatest:

(i) the number of pots he specified on any one of his qualifying license applications as the maximum number of pots he intended to fish, or

(ii) the maximum calculated number of pots that he fished in LMA 6 during the LMA 6 qualifying period, or

(iii) 200 pots, or

(B) the smallest number of pots which the Commissioner has determined a licensee is authorized under the FMP to fish in any LMA other than LMA 6,

(C) provided that if the number of pots determined under subparagraph (A) of this subdivision differs from the number of pots determined under subparagraph (B) of this subdivision, the lesser of those two numbers shall be the maximum number of pots which such licensee may fish, and

(D) provided further that he may not fish more than 200 pots if he did not report the fishing of any pots during the LMA 6 qualifying period but he:

(i) specified on any one of his qualifying license applications that he intended to fish one or more pots, or

(ii) reported landing lobsters from LMA 6 during the LMA 6 qualifying period, and

(E) provided further that he may not fish any pots if he did not report the fishing of any pots during the LMA 6 qualifying period and he did not specify on any one of his qualifying license applications that he intended to fish one or more pots and he did not report landing lobsters from LMA 6 during the LMA 6 qualifying period.

(2) No commercial licensee may fish in LMA 6A more than 800 pots.

(3) The Commissioner may authorize a commercial licensee to fish in LMA 6 the

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maximum calculated number of pots he would have qualified to fish under subsection (c) of this section based on the period January 1, 1992 through December 31, 1994, inclusive, provided that:

(A) he held a commercial license during any of the years 1992, 1993 or 1994, and

(B) he did not fish during the LMA 6 qualifying period due to his own verified and substantiated medical circumstances, and

provided further that he may not transfer any of said pots under the provisions of subsection (f)(2) of this section.

(4) No personal use licensee may fish more than 10 pots. Said pots may only be used in the Connecticut waters of LMA 6 and in LMA 6A.

(5) A licensee may fish pots with the tags of another licensee for as many as 30 fishing trips in a year without the Commissioner's approval. A licensee may fish pots with the tags of another licensee for more than 30 fishing trips in a year only with the Commissioner's written approval, provided not more than one such approval shall be issued to a licensee at any one time. The Commissioner shall deny such written approval unless the licensee applying therefor demonstrates that he is a partner, employer, employee or family member of the other licensee or he is assisting a licensee who cannot fish his own pots due to his own verified and substantiated medical condition.

(6) Under no circumstances may a licensee fish pots with the tags of more than one other licensee.

(7) A licensee may not fish pots with the tags of another licensee unless he carries on his person the written permission of such other licensee.

(d) Tags.

(1) Except as provided in subsection (c)(5) of this section, no licensee shall fish any pot unless it is affixed with a tag issued to him that is valid for the period from June 1 of a given year through May 31, inclusive, of the following year. Tags shall only be fished in LMAs for which they are designated. Possession of untagged pots on the waters of any LMA is prohibited. The Commissioner shall make available the name and address of any vendor authorized to provide tags to licensees.

(2) The fee for a tag shall be the total of the costs of manufacturing, shipping and handling the tag up to a maximum of \$0.20 for commercial licensees and \$0.25 for personal use licensees, plus an additional \$0.03.

(3) The licensee shall affix the tag to the top of the pot, provided he may not affix the tag to any portion of the door or to any cut wire mesh and may not reuse a tag once removed from a pot to which it was originally affixed.

(4) The Commissioner shall authorize for each licensee a number of tags equal to the maximum number of pots the licensee is authorized under this section to fish plus any overages for routine loss as determined according to subsection (e)(1) of this section, all rounded up to the next multiple of 10 tags. The Commissioner shall authorize for use in LMA 6A the number of such tags which is equal to the maximum number of pots the licensee is authorized under this section to fish in LMA 6A, provided the licensee may use

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in any portion of LMA 6 any of his tags designated for use in LMA 6A. No licensee may use in LMA 6A any of his tags unless such tag is designated for use in LMA 6A.

(5) No person that is authorized to fish lobster pots in more than one LMA shall be authorized to purchase pot tags in excess of the smallest number of pots said person is allowed to fish in each LMA authorized, as specified in the “most restrictive rule” in Addendum IV to Amendment 3 to the FMP.

(6) Residents of Connecticut shall not obtain tags from any source other than the Commissioner, the National Marine Fisheries Service or a vendor as defined in this section.

(7) Resident licensees holding a federal lobster permit to fish in a LMA other than LMA 2 or LMA 6 shall not be authorized to purchase pot tags in excess of the number allowed under the FMP.

(e) Tag Replacement.

(1) The Commissioner shall authorize for each commercial licensee an additional number of tags equal to 10% of the number of tags authorized under subsection (d)(4) of this section for use in LMA 6 or authorized under subsection (g)(3) of this section for use in LMA 2. The Commissioner may also issue to a commercial licensee an additional number of tags, solely for use in the Race, equal to 15% of the number of tags authorized under subsection (d)(4) of this section for use in LMA 6.

(2) A licensee may request in writing that the Commissioner authorize the replacement of tags for pots such licensee has lost due to catastrophic pot loss. If the Commissioner approves such request in writing, the licensee may purchase, as replacement tags, the total number of tags authorized in subsections (d)(4), (e)(1) and (g)(3) of this section. During the time between the date a licensee requests replacement tags under this subdivision and the date the Commissioner approves such request and the Commissioner or vendor issues such replacement tags, such licensee may, if the Commissioner so allows, fish pots without tags, provided the number of such pots does not exceed the number authorized under subsections (c) and (g) of this section. The licensee shall affix all such replacement tags to his pots within 10 days after issuance and shall remove all original tags from his pots. After said 10-day period, all original tags that were initially issued under subsections (d)(4), (e)(1) and (g)(3) of this section shall no longer be valid.

(3) If a commercial licensee makes a request for replacement of tags and returns to the Commissioner the tags to be replaced, the Commissioner shall authorize the licensee to purchase tags to replace tags issued under subsections (d)(4) and (g)(3) of this section.

(f) Transferability.

(1) If pursuant to section 26-142b of the Connecticut General Statutes, the Commissioner authorizes the transfer of a license from a commercial licensee to another person, such other person shall be authorized to fish only the number of pots authorized by section 26-142b of the Connecticut General Statutes.

(2) The Commissioner may authorize the permanent transfer of LMA-specific lobster pot allocations, in part or in whole, from one fisherman to another pursuant to provisions of the FMP adopted by the ASMFC that define the specific terms and conditions of such

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transfers.

(g) LMA 2 Lobster Pot Limits.

(1) No person licensed by and no commercial fishing vessel permitted by the Commissioner under section 26-142a of the Connecticut General Statutes shall fish lobster pots in LMA 2 or land lobsters taken from pots fished in LMA 2 unless such person and vessel combination has been issued an LMA 2 pot allocation by the Commissioner or by any other state that is in compliance with Addendum VII to Amendment 3 to the FMP.

(2) Eligibility. The Commissioner shall issue initial LMA 2 lobster pot allocations only to resident commercial license holders in combination with the vessel or vessels designated by such license holders, provided:

(A) said vessel had a federal lobster permit or applicable state permit for LMA 2 during any year of the LMA 2 qualifying period; and

(B) pot tags bearing the LMA 2 designation were purchased for use by said vessel during any year of the LMA 2 qualifying period; and

(C) said vessel does not have an approved or pending LMA 2 pot allocation in combination with any other person or from any other state; and

(D) LMA 2 qualifying catch records for said vessel were reported for the LMA 2 qualifying period; and

(E) such LMA 2 qualifying catch records shall only be used to qualify a single license holder and vessel and shall not have been used to qualify any other person or vessel for an LMA 2 pot allocation by the Commissioner or any other state; and

(F) for vessels that presently have a federal lobster permit or had a federal lobster permit during the qualifying period, the rules regarding qualification restriction, consolidation restriction, change in ownership, confirmation of permit history and restriction on permit splitting contained in 50 CFR 697.4(a) shall apply.

(3) Allocation. The initial LMA 2 allocation for each resident license holder and vessel combination shall be the largest of the annual values for effective pots fished as determined by the Commissioner for each license holder and vessel combination for each of the years of the LMA 2 qualifying period, provided such value shall not exceed 800 pots.

(4) Reconsideration. Any resident license holder seeking a reconsideration of their LMA 2 pot allocation shall do so in writing to the Commissioner. Such written request for reconsideration shall be delivered to the Department or postmarked by May 31, 2007. The only grounds for reconsideration that shall be considered by the Commissioner are:

(A) that the Commissioner erred in determining eligibility or in calculating the initial pot allocation, provided the Commissioner shall not consider supplemental catch, effort or landings data submitted with a request for reconsideration or that was received by the Department, National Marine Fisheries Service, or reporting authority of another state more than 60 days after the due date for the last reporting period that occurred in the LMA 2 qualifying period; or

(B) that the license holder had no, or had substantially reduced, fishing performance during the years 2001, 2002 and 2003 due to a material incapacity. Such a request for

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reconsideration is subject to the following requirements and conditions:

(i) the license holder must present to the Commissioner written documentation of the material incapacity, with such documentation circa the date of the incapacity and notarized at the time the request for reconsideration is presented; and

(ii) the years 1999 and 2000 will be used as the LMA 2 qualifying period for determining eligibility for, and the value of, the initial pot allocation according to subdivisions (2) and (3) of this subsection; and

(iii) the license holder must have reported LMA 2 qualifying catch records for the vessel for which he is seeking an allocation for any year from 1999 through 2003, inclusive.

(5) Limitations.

(A) No person shall land lobster from LMA 2 in Connecticut if they have purchased pot tags in excess of the number of tags authorized by their allocating state under Addendum VII to Amendment 3 of the FMP.

(B) No single person or company shall own, or share ownership of, more than two vessels with LMA 2 pot allocations, except that a person or company that concurrently owned more than two vessels with federal lobster permits for LMA 2 during December of 2003 may retain allocations for that number of permitted vessels.

(6) Allocation adjustments. Addendum VII to Amendment 3 of the FMP specifies that LMA 2 will be managed under an LMA-wide overall pot allocation cap. This cap constitutes the maximum number of pots allocated among all LMA 2 allocation holders. If an FMP amendment or addendum specifies an adjustment to this cap, initial LMA 2 pot allocations shall be increased or reduced consistent with such FMP amendment or addendum.

(Adopted effective June 28, 2000; Amended January 28, 2002; Amended March 1, 2007; Amended September 27, 2007; Amended December 22, 2008)

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Subject

Sport Fishing in the Marine District

Inclusive Sections

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Sport Fishing in the Marine District

Sec. 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

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(19) White (*Carcharodon carcharias*).

(Effective May 1, 1985; Amended February 26, 2004; Amended December 27, 2006; Amended December 22, 2008)

Commercial and Sport Fishing in the Marine District

Sec. 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 March 8, 2001; Amended February 26, 2004; Amended December 27, 2006)

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Sec. 26-159a-3. Repealed

Repealed May 19, 1995.

Sec. 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; Amended October 30, 1998; Amended December 27, 2000; Amended January 28, 2002; Amended March 31, 2003; Amended February 26, 2004; Amended April 26, 2005; Amended December 27, 2006; Amended January 25, 2007; Amended September 27, 2007; Amended December 22, 2008)

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Sec. 26-159a-5. Vessel size

(a) (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

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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)

Sec. 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)

Sec. 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

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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.

(Adopted effective October 23, 1997; Amended October 30, 1998; Amended September 29, 1999; Amended December 27, 2000; Amended January 28, 2002; Amended March 31, 2003; Amended February 26, 2004; Amended April 26, 2005; Amended December 27, 2006; Amended January 25, 2007; Amended September 27, 2007; Amended December 22, 2008)

Sec. 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 March 31, 2003)

Sec. 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

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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 March 31, 2003)

Commercial Fishery Possession Limit

Sec. 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

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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

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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

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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 June 27, 1997; Amended October 23, 1997; Amended June 26, 1998; Amended July 21, 1999; Amended September 29, 1999; Amended December 27, 2000; Amended January 28, 2002; Amended March 31, 2003; Amended December 4, 2003; Amended August 26, 2005; Amended September 27, 2007)

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Sec. 26-159a-11. Repealed

Repealed March 31, 2003.

Sec. 26-159a-12. American goosfish (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 April 22, 1994; Amended March 31, 2003; Amended December 27, 2006)

Sec. 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 March 31, 2003; Amended February 26, 2004; Amended De-

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Sec. 26-159a-14. Reserved

Sec. 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 rerigging 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

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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

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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

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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.

(Adopted effective October 23, 1997; Amended June 26, 1998; Amended July 21, 1999; Amended June 28, 2000; Amended January 28, 2002; Amended July 1, 2002; Amended March 31, 2003; Amended December 4, 2003; Amended August 26, 2005; Amended September 27, 2007)

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

(a) Definitions.

(1) “Commissioner” means Commissioner of Environmental Protection.

(2) “Department” means Department of Environmental Protection.

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(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.

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(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.

(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

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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 June 28, 2000; Amended April 24, 2001; Amended January 28, 2002; Amended July 1, 2002; Amended December 4, 2003; Amended December 27, 2006; Amended September 27, 2007; Amended December 22, 2008)

Sec. 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.

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(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-

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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 shell-fisherman 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.

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(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 effective December 27, 2000; Amended March 31, 2003; Amended December 27, 2006; Amended March 1, 2007)

Sec. 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

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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 effective December 27, 2000)

Sec. 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 effective April 24, 2001; Amended February 26, 2004; Amended March 1, 2007)

Sec. 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

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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 effective January 28, 2002; Amended March 31, 2003; Amended February 26, 2004; Amended April 26, 2005; Amended December 27, 2006; Amended January 25, 2007; Amended September 27, 2007; Amended December 22, 2008)

Sec. 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 effective March 31, 2003)

Sec. 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.

(Adopted effective March 31, 2003; Amended August 26, 2005)

Sec. 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

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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 effective March 31, 2003)

Sec. 26-159a-24—26-159a-25. Repealed

Repealed December 27, 2006.

Sec. 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

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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 (g) 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 effective January 25, 2007)

Sec. 26-159a-27. Transfer 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 effective March 1, 2007)

Sec. 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

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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.

Acronyms

ASMFC – Atlantic States Marine Fisheries Commission

DEP – Connecticut Department of Environmental Protection

FMP – Fisheries management plan

LCO – Legislative Commissioners' Office

LIS – Long Island Sound

LMA – Lobster management area

MAFMC – Mid-Atlantic Fishery Management Council

NMFS – National Marine Fisheries Service

(Adopted effective September 27, 2007; Amended December 22, 2008)

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Sec. 26-235-1. Recreation clamming areas

Exclusive Recreational Clam Harvesting Areas

Sec. 26-235-1. Recreation clamming areas

The following shores and waters are designated exclusive recreation clam harvesting areas for the purposes of Section 26-235 of the Connecticut General Statutes:

(a) **Westport Cockenoe Island area:** That area of shores and waters bounded northerly by Westport Saugatuck Shores and the mouth of the Saugatuck River; easterly by designated shellfish ground as shown on map entitled "Norwalk and Westport Town Oyster Grounds Prepared By The Connecticut Shellfish Commission"; southerly by the jurisdictional line shown on said map, Cockenoe Island and designated shellfish ground as shown on said map; westerly by Sprite Island and the Norwalk and Westport Town Line as shown on said map.

(b) **Sherwood Island area:** That area of shores and waters bounded northerly by the mouth of the Saugatuck River, Westport Compo Beach and Sherwood Island; easterly by Sherwood Point; southerly and westerly by designated shellfish ground as shown on the map entitled "Norwalk and Westport Town Oyster Grounds Prepared By The Connecticut Shellfish Commission."

(Effective August 27, 1984)

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Retail Value of State Oysters

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§ 26-237c(c)-1

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Sec. 26-237c(c)-1. Repealed

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Retail Value of State Oysters

Sec. 26-237c(c)-1. Repealed

Repealed April 11, 2006.

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Subject

Oyster Buyer's Certificate

Inclusive Sections

§§ 26-237c(f)-1—26-237c(f)-1a

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Sec. 26-237c(f)-1. Repealed

Records to be Kept by Seed Oyster Licensees

Sec. 26-237c(f)-1a. Repealed

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Oyster Buyer's Certificate

Sec. 26-237c(f)-1. Repealed

Repealed March 10, 1989.

Records to be Kept by Seed Oyster Licensees

Sec. 26-237c(f)-1a. Repealed

Repealed April 11, 2006.

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Endangered and Threatened Species, and Species of Special Concern

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Sec. 26-306-7.	Petitions to add or remove a species from the lists of endangered species, threatened species, or species of special concern, or to add or remove an area identified as an essential habitat

Endangered and Threatened Species, and Species of Special Concern

Sec. 26-306-1. Definitions

(a) For the purposes of sections 26-306-1 through 26-306-7 of the Regulations of Connecticut State Agencies:

“Commissioner” means the Commissioner of Environmental Protection.

“Extirpated” means to be extinct or not known to have occurred in Connecticut since 1980.

“Nonharvested wildlife” means any species of wildlife with respect to which taking is not allowed pursuant to chapter 490 of the General Statutes or regulations promulgated thereunder.

“Species Advisory Committee” means a committee of experts in biology appointed by the Commissioner to review and give advice to the Commissioner on proposed listings or delistings of endangered and threatened species, and species of special concern pursuant to sections 26-306-3 and 26-306-7 of the Regulations of Connecticut State Agencies.

(b) For the purposes of sections 26-306-1 through 26-306-7 of the Regulations of Connecticut State Agencies, the following terms shall be defined as they are defined in section 26-304 of the General Statutes: Department, conserve and conservation, wildlife, plants, native, species, endangered species, threatened species, species of special concern, Endangered Species Act, take or taking, essential habitat, destruction or adverse modification of essential habitat, threaten the continued existence, and occurrence.

(Effective March 23, 1992)

Sec. 26-306-2. Procedure for determining whether any species is endangered, threatened or of special concern

In determining whether any species is endangered, threatened or of special concern, the Department shall:

(a) Develop, pursuant to sections 26-306-2 and 26-306-3 of the Regulations of Connecticut State Agencies and any other applicable provisions of law, proposed lists of species which are endangered, threatened or of special concern;

(b) Establish a Species Advisory Committee;

(c) Submit proposed species lists developed under subsection (a) of this section to the Species Advisory Committee for review and comment;

(d) Consider but not be bound by the comments of the Species Advisory Committee in determining whether to include any species on the list of endangered species, threatened species, or species of special concern, or to delete any species from any such list; and

(e) Determine, pursuant to any applicable provisions of law, whether to include any species on the list of endangered species, threatened species, or species of special concern, or whether to delete any species from any such list.

(Effective March 23, 1992)

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Sec. 26-306-3. Criteria for determining whether any species is endangered, threatened, or of special concern

A species shall be considered for listing as an endangered species, threatened species, or a species of special concern if:

- (1) It is a wild mammal, bird, amphibian, reptile, fish, plant or invertebrate;
- (2) Individuals of such species reside, or, for species of special concern, have resided in the past, in Connecticut for a portion of their life cycle; and
- (3) It is an endangered species, threatened species, or species of special concern as those terms are defined by section 26-304 of the General Statutes.

(Effective March 23, 1992)

Sec. 26-306-4. List of endangered species

- (a) The following mammal species are determined to be endangered:

Cryptotis parva	Least shrew
Myotis sodalis	Indiana bat

- (b) The following bird species are determined to be endangered:

Accipiter striatus	Sharp-shinned hawk
Ammodramus savannarum	Grasshopper sparrow
Asio otus	Long-eared owl
Bartramia longicauda	Upland sandpiper
Botaurus lentiginosus	American bittern
Chordeiles minor	Common nighthawk
Circus cyaneus	Northern harrier
Cistothorus platensis	Sedge wren
Eremophila alpestris	Horned lark
Gallinula chloropus	Common moorhen
Icteria virens	Yellow-breasted chat
Laterallus jamaicensis	Black rail
	(nesting population only)
Melanerpes erythrocephalus	Red-headed woodpecker
Podilymbus podiceps	Pied-billed grebe
Pooecetes gramineus	Vesper sparrow
Rallus elegans	King rail
	(nesting population only)

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<i>Sterna dougallii</i>	Roseate tern
<i>Tyto alba</i>	Barn owl
<i>Vermivora chrysoptera</i>	Golden-winged warbler

(c) The following reptile species are determined to be endangered:

<i>Crotalus horridus</i>	Timber rattlesnake
<i>Dermochelys coriacea</i>	Leatherback
<i>Glyptemys muhlenbergii</i>	Bog turtle
<i>Lepidochelys kempii</i>	Atlantic ridley

(d) The following amphibian species are determined to be endangered:

<i>Ambystoma laterale</i>	Blue-spotted salamander (diploid populations)
<i>Scaphiopus holbrookii</i>	Eastern spadefoot

(e) The following fish species are determined to be endangered:

<i>Acipenser brevirostrum</i>	Shortnose sturgeon
<i>Lampetra appendix</i>	American brook lamprey
<i>Lota lota</i>	Burbot
<i>Osmerus mordax</i>	Rainbow smelt (anadromous populations only)

(f) The following invertebrate species are determined to be endangered:

<i>Alasmodonta heterodon</i>	Dwarf wedge mussel
<i>Alasmodonta varicosa</i>	Brook floater
<i>Amblyscirtes vialis</i>	Common roadside skipper
<i>Anarta luteola</i>	Noctuid moth
<i>Calephelis borealis</i>	Northern metalmark
<i>Callophrys hesseli</i>	Hessel's hairstreak
<i>Catocala herodias gerhardi</i>	Herodias underwing
<i>Cicindela lepida</i>	Dune ghost tiger beetle
<i>Cicindela puritana</i>	Puritan tiger beetle
<i>Epeoloides pilosula</i>	Macropis cuckoo
<i>Erynnis lucilius</i>	Columbine duskywing

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<i>Erynnis persius persius</i>	Persius duskywing
<i>Eubbranchipus holmanii</i>	Fairy shrimp
<i>Grammia phyllira</i>	Phyllira tiger moth
<i>Grammia speciosa</i>	Bog tiger moth
<i>Hemileuca maia maia</i>	Buck moth
<i>Hybomitra longiglossa</i>	Horse fly
<i>Lampsilis cariosa</i>	Yellow lamp mussel
<i>Metarranthis apiciaria</i>	Barrens metarranthis moth
<i>Papaipema appassionata</i>	Pitcher plant borer
<i>Phyllonorycter ledella</i>	Labrador tea tentiform leafminer
<i>Williamsonia lintneri</i>	Banded bog skimmer

(g) The following plant species are determined to be endangered:

<i>Abies balsamea</i>	Balsam fir	(native populations only)
<i>Agalinis acuta</i>	Sandplain gerardia	
<i>Agastache nepetoides</i>	Yellow giant hyssop	
<i>Agastache scrophulariifolia</i>	Purple giant hyssop	
<i>Ageratina aromatica</i>	Small white snakeroot	
<i>Angelica lucida</i>	Sea-coast angelica	
<i>Arceuthobium pusillum</i>	Dwarf mistletoe	
<i>Aristida tuberculosa</i>	Beach needle grass	
<i>Asclepias viridiflora</i>	Green milkweed	
<i>Bouteloua curtipendula</i>	Side-oats grama-grass	
<i>Carex alata</i>	Broadwing sedge	
<i>Carex backii</i>	Sedge	
<i>Carex barrattii</i>	Barratt's sedge	
<i>Carex buxbaumii</i>	Brown bog sedge	
<i>Carex castanea</i>	Chestnut-colored sedge	
<i>Carex exilis</i>	Sedge	
<i>Carex magellanica</i>	Sedge	
<i>Carex polymorpha</i>	Variable sedge	
<i>Carex pseudocyperus</i>	Cyprus-like sedge	
<i>Carex schweinitzii</i>	Schweinitz's sedge	

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Carex viridula	Little green sedge
Carex willdenowii	Willdenow's sedge
Chamaelirium luteum	Devil's-bit
Cheilanthes lanosa	Hairy lip-fern
Cirsium horridulum	Yellow thistle
Coeloglossum viride	Long-bracted green orchid
Crassula aquatica	Pygmyweed
Cryptogramma stelleri	Slender cliff-brake
Cypripedium reginae	Showy lady's-slipper
Dalibarda repens	Dew-drop
Desmodium cuspidatum	Large-bracted tick-trefoil
Desmodium humifusum	Trailing tick-trefoil
Dichanthelium scabriusculum	Panic grass
Diplazium pycnocarpon	Narrow-leaved glade fern
Dryopteris campyloptera	Mountain wood-fern
Echinodorus tenellus	Bur-head
Eleocharis equisetoides	Horse-tail spike-rush
Eleocharis quadrangulata	Spike-rush
	var. crassior
Equisetum pratense	Meadow horsetail
Equisetum scirpoides	Dwarf scouring rush
Eriocaulon parkeri	Parker's pipewort
Eupatorium album	White thoroughwort
Eurybia radula	Rough aster
Floerkea proserpinacoides	False mermaid-weed
Galium labradoricum	Bog bedstraw
Gentianella quinquefolia	Stiff gentian
Hasteola suaveolens	Sweet-scented Indian-plantain
Hudsonia ericoides	Golden-heather
Hydrastis canadensis	Golden seal
Hydrocotyle umbellata	Water pennywort
Hydrocotyle verticillata	Whorled pennywort
Isotria medeoloides	Small whorled pogonia
Lachnanthes caroliana	Carolina redroot

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(native populations only)

Leptochloa fusca ssp. fascicularis	Saltpond grass
Ligusticum scothicum	Scotch lovage
Linnaea borealis ssp. americana	Twinflower
Linum sulcatum	Yellow flax
Liparis liliifolia	Lily-leaved twayblade
Ludwigia sphaerocarpa	Globe-fruited false-loosestrife
Lycopodiella alopecuroides	Foxtail clubmoss
Lythrum alatum	Winged loosestrife
Malaxis bayardii	Bayard's white adder's mouth
Malaxis brachypoda	White adder's-mouth
Malaxis unifolia	Green adder's-mouth
Milium effusum	Tall millet-grass
Moehringia macrophylla	Large-leaved sandwort
Moneses uniflora	One-flower wintergreen
Morus rubra	Red mulberry
Muhlenbergia capillaris	Long-awn hairgrass
Myriophyllum alterniflorum	Slender water-milfoil
Myriophyllum pinnatum	Cutleaf water-milfoil
Oclemena X blakei	Blake's aster
Oclemena nemoralis	Bog aster
Oligoneuron album	Prairie goldenrod
Oligoneuron rigidum	Stiff goldenrod
Onosmodium virginianum	Gravel-weed
Paspalum laeve	Field paspalum
Pellaea glabella	Smooth cliff-brake
Pinus resinosa	Red pine

(native populations only)

Piptatherum pungens	Slender mountain ricegrass
Pityopsis falcata	Sickle-leaved golden aster
Platanthera blephariglottis	White-fringed orchid
Polygala cruciata	Field milkwort
Polygala nuttallii	Nuttall's milkwort
Polygala senega	Seneca snakeroot

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<i>Polymnia canadensis</i>	Small-flowered leafcup
<i>Potamogeton confervoides</i>	Pondweed
<i>Potamogeton friesii</i>	Fries' pondweed
<i>Potamogeton hillii</i>	Hill's pondweed
<i>Potamogeton ogdenii</i>	Ogden's pondweed
<i>Potamogeton strictifolius</i>	Straight-leaved pondweed
<i>Pycnanthemum clinopodioides</i>	Basil mountain-mint
<i>Pycnanthemum torrei</i>	Torrey mountain-mint
<i>Ranunculus ambigens</i>	Water-plantain spearwort
<i>Ranunculus cymbalaria</i>	Seaside crowfoot
<i>Rhynchospora capillacea</i>	Capillary beak-rush
<i>Rhynchospora scirpoides</i>	Long-beaked bald rush
<i>Ribes triste</i>	Swamp red currant
<i>Sabatia stellaris</i>	Marsh pink
<i>Sagittaria cuneata</i>	Waputo
<i>Salix pedicellaris</i>	Bog willow
<i>Saururus cernuus</i>	Lizard's tail
<i>Scheuchzeria palustris</i>	Pod grass
<i>ssp. americana</i>	
<i>Scleria pauciflora</i>	Few-flowered nutrush
<i>var. caroliniana</i>	
<i>Scleria reticularis</i>	Reticulated nutrush
<i>Scleria triglomerata</i>	Nutrush
<i>Scutellaria integrifolia</i>	Hyssop skullcap
<i>Scutellaria parvula</i>	Small skullcap
<i>var. missouriensis</i>	
<i>Sparganium fluctuans</i>	Floating bur-reed
<i>Sparganium natans</i>	Small bur-reed
<i>Sporobolus clandestinus</i>	Rough dropseed
<i>Sporobolus heterolepis</i>	Northern dropseed
<i>Sporobolus neglectus</i>	Small dropseed
<i>Stachys hyssopifolia</i>	Hyssop-leaf hedge-nettle
<i>Taenidia integerrima</i>	Yellow pimpernel
<i>Trichostema brachiatum</i>	False pennyroyal

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Triosteum angustifolium	Narrow-leaved horse gentian
Triphora trianthophora	Nodding pogonia
Utricularia resupinata	Bladderwort
Uvularia grandiflora	Large-flowered bellwort
Vaccinium myrtilloides	Velvetleaf blueberry
Viola brittoniana	Coast violet
Waldsteinia fragarioides	Barren strawberry
Xyris smalliana	Small's yellow-eyed
Zizia aptera	Golden Alexanders

(Effective March 23, 1992; Amended March 4, 1998; Amended May 31, 2001; Amended June 3, 2004; Amended July 1, 2010)

Sec. 26-306-5. List of threatened species

(a) The following mammal species are determined to be threatened:

None

(b) The following bird species are determined to be threatened:

Ammodramus maritimus	Seaside sparrow	
Anas discors	Blue-winged teal	(nesting population only)
Ardea alba	Great egret	
Asio flammeus	Short-eared owl	(wintering populations)
Charadrius melodus	Piping plover	
Egretta thula	Snowy egret	
Falco peregrinus	Peregrine falcon	
Falco sparverius	American kestrel	
Haematopus palliatus	American oystercatcher	
Haliaeetus leucocephalus	Bald eagle	
Ixobrychus exilis	Least bittern	
Progne subis	Purple martin	
Sternula antillarum	Least tern	

(c) The following reptile species are determined to be threatened:

Caretta caretta	Loggerhead
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Chelonia mydas Atlantic green turtle

Eumeces fasciatus Five-lined skink

(d) The following amphibian species are determined to be threatened:

Gyrinophilus porphyriticus Northern spring salamander

Plethodon glutinosus Northern slimy salamander

(e) The following fish species are determined to be threatened:

Acipenser oxyrinchus oxyrinchus Atlantic sturgeon

(f) The following invertebrate species are determined to be threatened:

Abagrotis nefascia benjamini Coastal heathland cutworm

Apodrepanulatrix liberaria New Jersey tea inchworm

Callophrys irus Frosted elfin

Calopteryx dimidiata Sparkling jewelwing

Celastrina neglectamajor Appalachian blue

Cordulegaster erronea Tiger spiketail

Drasteria graphica atlantica False heather underwing

Enallagma doubledayi Atlantic bluet

Erynnis brizo Sleepy duskywing

Eucosma morrisoni Morrison's mosaic

Euphyes bimacula Two-spotted skipper

Euxoa violaris Violet dart moth

Faronta rubripennis Pink streak

Gomphus adelphus Mustached clubtail

Gomphus descriptus Harpoon clubtail

Gomphus fraternus Midland clubtail

Gomphus quadricolor Rapids clubtail

Hemaris gracilis Slender clearwing

Hetaerina americana American rubyspot

Hybomitra frosti Horse fly

Leucorrhinia glacialis Crimson-ringed whiteface

Papaipema leucostigma Columbine borer

Phaneta clavana Lanced phaneta

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Progomphus obscurus	Common sanddragon
Psectraglaea carnosus	Pink sallow
Speranza exornata	Barrens itame
Speyeria atlantis	Atlantis fritillary butterfly
Stylurus amnicola	Riverine clubtail
Thaumatopsis edonis	Grassland thaumatopsis
Zale curema	Noctuid moth
Zale submediana	Noctuid moth
Zanclognatha martha	Noctuid moth

(g) The following plant species are determined to threatened:

Alopecurus aequalis	Orange foxtail
Andromeda polifolia	Bog rosemary
var. glaucophylla	
Anemone canadensis	Canada anemone
Asplenium ruta-muraria	Wallrue spleenwort
Bidens beckii	Water-marigold
Bidens eatonii	Eaton's beggars-tick
Carex alopecoidea	Foxtail sedge
Carex crawei	Crawe's sedge
Carex cumulata	Clustered sedge
Carex davisii	Davis' sedge
Carex limosa	Sedge
Castilleja coccinea	Indian paintbrush
Corydalis flavula	Yellow corydalis
Eriophorum vaginatum	Hare's tail
var. spissum	
Eurybia spectabilis	Showy aster
Gaylussacia dumosa	Dwarf huckleberry
var. bigeloviana	
Helianthemum propinquum	Low frostweed
Houstonia longifolia	Longleaf bluet
Hudsonia tomentosa	False beach-heather

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<i>Ilex glabra</i>	Inkberry	(native populations only)
<i>Lipocarpus micrantha</i>	Dwarf bulrush	
<i>Maianthemum trifolium</i>	Three-leaved false Solomon's-seal	
<i>Minuartia glabra</i>	Mountain sandwort	
<i>Myriophyllum sibiricum</i>	Northern water-milfoil	
<i>Ophioglossum pusillum</i>	Adder's-tongue	
<i>Packera paupercula</i>	Ragwort	
<i>Panicum amarum</i>	Panic grass	
<i>Pedicularis lanceolata</i>	Swamp lousewort	
<i>Petasites frigidus</i>	Sweet coltsfoot	
	var. <i>palmatus</i>	
<i>Platanthera ciliaris</i>	Yellow-fringed orchid	
<i>Populus heterophylla</i>	Swamp cottonwood	
<i>Potamogeton pusillus</i>	Capillary pondweed	
	ssp. <i>gemmaiparus</i>	
<i>Potamogeton vaseyi</i>	Vasey's pondweed	
<i>Rhododendron groenlandicum</i>	Labrador tea	
<i>Rhynchospora macrostachya</i>	Beaked rush	
<i>Rotala ramosior</i>	Toothcup	
<i>Salix exigua</i>	Sandbar willow	
<i>Schoenoplectus acutus</i>	Hard-stemmed bulrush	
<i>Schoenoplectus torreyi</i>	Torrey bulrush	
<i>Sibbaldiopsis tridentata</i>	Three-toothed cinquefoil	
<i>Silene stellata</i>	Starry champion	
<i>Spergularia canadensis</i>	Canada sand-spurry	
<i>Sporobolus cryptandrus</i>	Sand dropseed	
<i>Streptopus amplexifolius</i>	White mandarin	
<i>Thuja occidentalis</i>	Northern white cedar	
		(native populations only)
<i>Trollius laxus</i>	Spreading globe flower	
<i>Xyris montana</i>	Northern yellow-eyed grass	

(Effective March 23, 1992; Amended March 4, 1998; Amended June 3, 2004; Amended July 1, 2010)

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Sec. 26-306-6. List of species of special concern

(a) The following mammal species are determined to be species of special concern:

*Canis lupus	Gray wolf
Lasionycteris noctivagans	Silver-haired bat
Lasiurus borealis	Red bat
Lasiurus cinereus	Hoary bat
*Myotis leibii	Eastern small-footed bat
*Neotoma magister	Eastern woodrat
Phocoena phocoena	Harbor porpoise
*Puma concolor cougar	Eastern cougar
Synaptomys cooperi	Southern bog lemming
*Believed Extirpated	

(b) The following bird species are determined to be species of special concern:

Aegolius acadicus	Northern saw-whet owl
Ammodramus caudacutus	Saltmarsh sharp-tailed sparrow
*Ammodramus henslowii	Henslow's sparrow
Buteo platypterus	Broad-winged hawk
Caprimulgus vociferus	Whip-poor-will
Dolichonyx oryzivorus	Bobolink
Egretta caerulea	Little blue heron
Empidonax alnorum	Alder flycatcher
Gavia immer	Common loon
*Numenius borealis	Eskimo curlew
Nyctanassa violacea	Yellow-crowned night-heron
Parula americana	Northern parula
Passerculus sandwichensis	Savannah sparrow
Passerculus sandwichensis	Ipswich sparrow (wintering population)
ssp. princeps	
Plegadis falcinellus	Glossy ibis
Sterna hirundo	Common tern
Sturnella magna	Eastern meadowlark
Toxostoma rufum	Brown thrasher

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***Believed Extirpated**

(c) The following reptile species are determined to be species of special concern:

<i>Glyptemys insculpta</i>	Wood turtle
<i>Heterodon platirhinos</i>	Eastern hognose snake
<i>Liochlorophis vernalis</i>	Smooth green snake
<i>Terrapene carolina carolina</i>	Eastern box turtle
<i>Thamnophis sauritus</i>	Eastern ribbon snake

(d) The following amphibian species are determined to be species of special concern:

<i>Ambystoma jeffersonianum</i>	Jefferson salamander “complex”
<i>Ambystoma laterale</i>	Blue-spotted salamander “complex”
<i>Rana pipiens</i>	Northern leopard frog

(e) The following fish species are determine to be species of special concern:

<i>Alosa aestivalis</i>	Blueback herring
<i>Catostomus catostomus</i>	Longnose sucker
<i>Enneacanthus obesus</i>	Banded sunfish
<i>Notropis bifrenatus</i>	Bridle shiner

(f) The following invertebrate species are determined to be species of special concern:

* <i>Acronicta albarufa</i>	Barrens dagger moth
* <i>Acronicta lanceolaria</i>	Noctuid moth
<i>Agonum darlingtoni</i>	Ground beetle
<i>Agonum mutatum</i>	Ground beetle
<i>Agrotis stigmata</i>	Spotted dart moth
<i>Amara chalybeata</i>	Ground beetle
<i>Anthopotamus verticis</i>	Tusked sprawler
<i>Apamea burgessi</i>	Apamea moth
<i>Apamea inordinata</i>	Apamea moth
<i>Apamea lintneri</i>	Apamea moth
<i>Argyrostroma anilis</i>	Short-lined chocolate
<i>Atylotus ohioensis</i>	Tabanid fly
<i>Badister transversus</i>	Ground beetle

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Bembidion carinula	Ground beetle
Bembidion lacunarium	Ground beetle
Bembidion planum	Ground beetle
Bembidion pseudocautum	Ground beetle
Bembidion quadratulum	Ground beetle
Bembidion semicinctum	Ground beetle
Bembidion simplex	Ground beetle
Bombus affinis	Affable bumblebee
*Bombus ashtoni	Ashton's bumblebee
Bombus terricola	Yellowbanded bumblebee
Brachinus cyanipennis	Bombardier beetle
Brachinus fumans	Bombardier beetle
Brachinus medius	Bombardier beetle
Brachinus ovipennis	Bombardier beetle
Brachinus patruelis	Bombardier beetle
Callophrys henrici	Henry's elfin
*Callophrys polios	Hoary elfin
*Calosoma wilcoxi	Ground beetle
*Carabus serratus	Ground beetle
*Carabus sylvosus	Ground beetle
Carabus vinctus	Ground beetle
*Catocala pretiosa pretiosa	Precious underwing moth
Chaetagnathus cerata	Noctuid moth
*Chlosyne harrisii	Harris' checkerspot
*Chlosyne nycteis	Silvery checkerspot
*Cicindela dorsalis dorsalis	Northeastern beach tiger beetle
Cicindela formosa generosa	Pine barrens tiger beetle
Cicindela hirticollis	Tiger beetle
Cicindela marginata	Tiger beetle
*Cicindela purpurea	Tiger beetle
Cicindela tranquebarica	Dark-bellied tiger beetle
*Citheronia regalis	Regal moth
*Coccinella novemnotata	C9 Lady beetle
Crangonyx aberrans	Mystic Valley amphipod

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*Cucullia speyeri	Noctuid moth
*Eacles imperialis imperialis	Imperial moth
Enallagma minusculum	Little bluet
Enallagma pictum	Scarlet bluet
Erynnis horatius	Horace's duskywing
*Erynnis martialis	Mottled duskywing
Euchlaena madusaria	Scrub euchlaena
Eucoptocnemis fimbriaris	Noctuid moth
*Eulimnadia agassizii	Clam shrimp
Eumacaria latiferrugata	Brown-bordered geometer
Euphyes dion	Sedge skipper
Euxoa pleuritica	Noctuid moth
Exyra fax	Pitcher plant moth
*Fossaria galbana	Lymnaeid snail
Fossaria rustica	Lymnaeid snail
Geopinus incrassatus	Ground beetle
Gomphus vastus	Cobra clubtail
Gomphus ventricosus	Skillet clubtail
Goniops chrysocoma	Horse fly
Gyraulus circumstriatus	Aquatic snail
Harpalus caliginosus	Ground beetle
Harpalus eraticus	Ground beetle
Helluomorphoides praeustus bicolor	Ground beetle
Hybomitra luridus	Horse fly
Hybomitra trepida	Horse fly
Hybomitra typhus	Horse fly
*Hydraecia immanis	Hop vine borer moth
Ladona deplanata	Blue corporal dragonfly
Lepipolys perscripta	Noctuid moth
Leptodea ochracea	Tidewater mucket
Ligumia nasuta	Eastern pond mussel
*Lithophane lemmeri	Lemmer's noctuid moth
*Lithophane viridipallens	Pale green pinion moth
Lomamyia flavicornis	Yellow-horned beaded lacewing

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* <i>Lordithon niger</i>	Black lordithon rove beetle
<i>Loxandrus vulneratus</i>	Ground beetle
<i>Lycaena epixanthe</i>	Bog copper
<i>Lycaena hyllus</i>	Bronze copper
<i>Macropis ciliata</i>	Fringed loosestrife oil-bee
<i>Margaritifera margaritifera</i>	Eastern pearl shell
<i>Melitara prodenialis</i>	Eastern cactus-boring moth
<i>Meropleon ambifusum</i>	Newman's brocade
<i>Merycomyia whitneyi</i>	Tabanid fly
* <i>Mixogaster johnsoni</i>	Syrphid fly
<i>Nebria lacustris lacustris</i>	Ground beetle
* <i>Nicrophorus americanus</i>	American burying beetle
* <i>Omophron tessellatum</i>	Ground beetle
<i>Oncocnemis riparia</i>	Dune oncocnemis
* <i>Panagaeus fasciatus</i>	Ground beetle
* <i>Papaipema circumlucens</i>	Hops-stalk borer moth
<i>Papaipema duovata</i>	Seaside goldenrod stem borer
* <i>Papaipema maritima</i>	Maritime sunflower borer moth
* <i>Papaipema sciata</i>	Culvers root bore moth
<i>Paraleptophlebia assimilis</i>	Mayfly
* <i>Polygonia progne</i>	Gray comma
<i>Pomatiopsis lapidaria</i>	Slender walker
<i>Procambarus acutus</i>	Whiteriver crayfish
* <i>Pyreferra ceromatica</i>	Annointed sallow moth
<i>Rhodoecia aurantiago</i>	Aureolaria seed borer
<i>Sargus fasciatus</i>	Soldier fly
<i>Satyrodes eurydice</i>	Eyed brown
* <i>Scaphinotus elevatus</i>	Ground beetle
<i>Scaphinotus viduus</i>	Ground beetle
<i>Schinia spinosae</i>	Noctuid moth
<i>Somatochlora elongata</i>	Ski-tailed emerald
<i>Spartiniphaga inops</i>	Spartina borer moth
* <i>Speyeria idalia</i>	Regal fritillary
<i>Sphodros niger</i>	Purse web spider

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Stagnicola catascopium	Lymnaeid snail
Stonemyia isabellina	Tabanid fly
Stygobromus tenuis tenuis	Piedmont groundwater amphipod
Synurella chamberlaini	Coastal pond amphipod
Tabanus fulvicallus	Horse fly
Tetragonoderus fasciatus	Ground beetle
Tibicen auletes	Cicada
Valvata sincera	Boreal turret snail
Valvata tricarinata	Turret snail
Zale obliqua	Noctuid moth

*Believed Extirpated

(g) The following plant species are determined to be species of special concern:

Acalypha virginica	Virginia copperleaf
*Amaranthus pumilus	Sea-beach amaranth
*Angelica venenosa	Hairy angelica
*Antennaria howellii	Field pussytoes
ssp. petaloidea	
*Aplectrum hyemale	Puttyroot
*Arethusa bulbosa	Arethusa
Aristida longespica	Needlegrass
Aristida purpurascens	Arrowfeather
Aristolochia serpentaria	Virginia snakeroot
Asclepias purpurascens	Purple milkweed
*Asclepias variegata	White milkweed
Asplenium montanum	Mountain spleenwort
Atriplex glabriuscula	Orache
Betula pumila	Swamp birch
*Blephilia ciliata	Downy wood-mint
*Blephilia hirsuta	Hairy woodmint
Bolboschoenus maritimus	Bayonet grass
ssp. paludosus	
Bolboschoenus novae-angliae	Salt marsh bulrush
*Botrychium simplex	Little grape fern

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Calamagrostis stricta	Reed bentgrass
ssp. inexpansa	
*Calystegia spithamea	Low bindweed
Cardamine douglassii	Purple cress
Carex aestivalis	Summer sedge
Carex aquatilis	Sedge
var. aquatilis	
Carex bushii	Sedge
*Carex collinsii	Collins sedge
*Carex crawfordii	Crawford sedge
*Carex foenea	Bronze sedge
Carex formosa	Handsome sedge
Carex hitchcockiana	Hitchcock's sedge
Carex molesta	Troublesome sedge
*Carex nigromarginata	Black-edge sedge
Carex novae-angliae	New England sedge
Carex oligocarpa	Eastern few-fruited sedge
*Carex oligosperma	Few-seeded sedge
*Carex pauciflora	Few-flowered sedge
Carex prairea	Prairie sedge
Carex squarrosa	Sedge
Carex sterilis	Dioecious sedge
Carex trichocarpa	Sedge
Carex tuckermanii	Tuckerman's sedge
Carex typhina	Sedge
*Cercis canadensis	Eastern redbud
	(native populations only)
*Chenopodium rubrum	Coast blite
Corallorhiza trifida	Early coral root
*Croton willdenowii	Elliptical rushfoil
*Cuphea viscosissima	Blue waxweed
*Cuscuta coryli	Hazel dodder
*Cynoglossum virginianum	Wild comfrey
*Cypripedium arietinum	Ram's-head lady's-slipper

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Cypripedium parviflorum	Yellow lady's-slipper
Deschampsia caespitosa	Tufted hairgrass
Desmodium glabellum	Dillenius' tick-trefoil
*Desmodium sessilifolium	Sessile-leaf tick-trefoil
Dicentra canadensis	Squirrel corn
Dichanthelium ovale	Panic grass
var. addisonii	
*Dichanthelium sphaerocarpon	Panic grass
var. isophyllum	
*Dichanthelium xanthophysum	Panic grass
Diospyros virginiana	Persimmon
Draba reptans	Whitlow-grass
*Drosera filiformis	Thread-leaf sundew
Dryopteris goldiana	Goldie's fern
*Eleocharis microcarpa	Spike-rush
var. filiculmis	
Elymus wiegandii	Wiegand's wild rye
*Equisetum palustre	Marsh horsetail
Eurybia X herveyi	Hervey's aster
*Gamochaeta purpurea	Purple cudweed
Gaultheria hispidula	Creeping snowberry
*Geranium bicknellii	Bicknell's northern crane's-bill
*Goodyera repens	Dwarf rattlesnake plantain
var. ophioides	
*Helianthemum dumosum	Bush rockrose
Hepatica nobilis	Sharp-lobed hepatica
var. acuta	
*Heteranthera reniformis	Kidneyleaf mud-plantain
Honckenya peploides	Seabeach sandwort
Hottonia inflata	Featherfoil
*Huperzia selago	Fir clubmoss
*Hybanthus concolor	Green violet
Hydrophyllum virginianum	Virginia waterleaf
*Hypericum adpressum	Creeping St. John's-wort

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Hypericum ascyron	Great St. John's-wort
*Juncus debilis	Weak rush
Krigia biflora	Two-flowered cynthia
Lespedeza repens	Creeping bush-clover
Liatrix scariosa	Blazing star
var. novae- angliae	
Lilaeopsis chinensis	Lilaeopsis
Limosella australis	Mudwort
*Linum intercursum	Sandplain flax
Liquidambar styraciflua	Sweet gum
	(native populations only)
*Ludwigia polycarpa	Many-fruited false-loosestrife
Lycopus amplexans	Clasping-leaved water-horehound
Lygodium palmatum	Climbing fern
*Lyonia mariana	Stagger-bush
Mitella nuda	Naked miterwort
*Nuphar advena	Large yellow pond lily
Nuphar microphylla	Small yellow pond lily
*Oenothera fruticosa	Sundrops
Opuntia humifusa	Eastern prickly pear
Orontium aquaticum	Golden club
*Orthilia secunda	One-sided pyrola
Oxalis violacea	Violet wood-sorrel
Panax quinquefolius	American ginseng
*Panicum rigidulum	Tall flat panic-grass
var. elongatum	
*Panicum verrucosum	Warty panic grass
*Paronychia fastigiata	Hairy forked chickweed
*Paspalum setaceum	Bead grass
*Phaseolus polystachios	Wild kidney bean
var. polystachios	
Plantago virginica	Hoary plantain
*Platanthera dilatata	Tall white bog orchid
Platanthera flava	Pale green orchid

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var. herbiola	
* <i>Platanthera hookeri</i>	Hooker's orchid
* <i>Platanthera orbiculata</i>	Large round-leaved orchid
<i>Podostemum ceratophyllum</i>	Threadfoot
* <i>Polanisia dodecandra</i>	Clammy-weed
* <i>Polygonum glaucum</i>	Seabeach knotweed
<i>Potentilla arguta</i>	Tall cinquefoil
* <i>Prunus alleghaniensis</i>	Alleghany plum
* <i>Prunus maritima</i>	Grave's beach plum
var. gravesii	
* <i>Puccinellia tenella</i>	Goose grass
ssp. alaskana	
<i>Quercus macrocarpa</i>	Bur oak
* <i>Ranunculus flammula</i>	Creeping spearwort
var. filiformis	
<i>Ranunculus longirostris</i>	White water-crowfoot
* <i>Ranunculus pensylvanicus</i>	Bristly buttercup
* <i>Rhus aromatica</i>	Fragrant sumac (native populations only)
<i>Ribes glandulosum</i>	Skunk currant
* <i>Ribes lacustre</i>	Swamp black currant
<i>Ribes rotundifolium</i>	Wild currant
<i>Rosa nitida</i>	Shining rose
<i>Rubus cuneifolius</i>	Sand bramble
* <i>Rumex maritimus</i>	Sea-side dock
* <i>Sabatia dodecandra</i>	Large marsh pink
<i>Sagittaria subulata</i>	Arrowleaf
<i>Salix petiolaris</i>	Slender willow
<i>Salix serissima</i>	Autumn willow
<i>Schizachne purpurascens</i>	Purple oat
* <i>Schwalbea americana</i>	Chaffseed
<i>Scirpus georgianus</i>	Georgia bulrush
* <i>Scirpus longii</i>	Long's bulrush
* <i>Scleria verticillata</i>	Low nutrush

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Senna hebecarpa	Wild senna
*Smilax hispida	Bristly greenbriar
Solidago latissimifolia	Elliott's goldenrod
*Solidago rugosa	Early wrinkle-leaved goldenrod
var. sphagnophila	
Spiranthes tuberosa	Little ladies'-tresses
var. grayi	
Stachys tenuifolia	Smooth hedge-nettle
Stellaria borealis	Northern stitchwort
*Symphyotrichum prenanthoides	Crooked-stem aster
Trichomanes intricatum	Appalachian gametophyte
*Trichophorum alpinum	Cotton bulrush
Trisetum spicatum	Spiked false oats
*Vaccinium vitis-idaea	Mountain cranberry
ssp. minus	
*Valerianella radiata	Beaked corn-salad
*Veratrum latifolium	Hybrid bunchflower
*Verbena simplex	Narrow-leaved vervain
*Viburnum nudum	Possum haw
Viburnum prunifolium	Smooth black-haw
Viola adunca	Hook-spurred violet
Viola canadensis	Canada violet
*Viola hirsutula	Southern wood violet
Viola nephrophylla	Northern bog violet
*Viola renifolia	Kidney-leaf white violet
Viola selkirkii	Great-spurred violet
*Viola striata	Striped violet
Vitis X novae-angliae	New England grape
*Believed Extirpated	

(Effective March 23, 1992; Amended March 4, 1998; Amended June 3, 2004; Amended July 1, 2010)

Sec. 26-306-7. Petitions to add or remove a species from the lists of endangered species, threatened species, or species of special concern, or to add or remove an area identified as an essential habitat

(a) In accordance with sections 4-174 and 26-306 of the General Statutes and section 22a-3a-1 of the Regulations of Connecticut State Agencies, any person may petition the Commissioner to add or remove a species from the list of endangered species, threatened species, or species of special concern set forth in sections 26-306-4, 26-306-5 and 26-306-6 of the Regulations of Connecticut State Agencies, or to add or remove an area identified by the Commissioner as an essential habitat for an endangered or threatened species. The burden of proof for listing or delisting species or essential habitats shall be on the person requesting such listing or delisting.

(b) In addition to the information required by section 4-174 of the General Statutes and section 22a-3a-1 of the Regulations of Connecticut State Agencies, a petition under this section shall set forth facts demonstrating why the species or habitat at issue should be added or removed. A petition shall be on a form provided by the Commissioner and shall contain at least the following information:

(1) The petitioner's name, address, telephone number, and signature; and the date of the petition;

(2) The objective of the petition;

(3) For a petition to list a species as endangered, threatened, or of special concern:

(A) The common and scientific name of the species at issue;

(B) The list for which the species is proposed; and

(C) A detailed justification for listing the species as proposed, including without limitation past and present population and distribution in (i) Connecticut and (ii) throughout its range, and any known or suspected threats to its numbers in Connecticut.

(4) For a petition to remove a species from the list of endangered species, threatened species, or species of special concern:

(A) The common and scientific name of the species at issue;

(B) The list from which the delisting of the species is proposed; and

(C) A detailed justification for delisting the species, including without limitation any changes in population and distribution in (i) Connecticut and (ii) throughout its range, and in any known or suspected threats to its numbers in Connecticut.

(5) For a petition to add an area to those identified by the Commissioner as essential habitat for an endangered or threatened species:

(A) The common and scientific name of the species for which the area is claimed to be essential habitat; and

(B) A detailed justification for adding the area, including without limitation a description of the area's physical and biological features, location, and ownership; the nature of the species' use or potential use of the area; any known or suspected threats to the area or the species' continued or potential use of the area; and the relative abundance of similar such areas (i) in Connecticut and (ii) throughout the range of the species and the geographic

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relationship of the area at issue to such other similar areas.

(6) For a petition to remove an area from those identified by the Commissioner as essential habitat for an endangered or threatened species:

(A) The common and scientific name of the species for which the area is listed as essential habitat; and

(B) A detailed justification for removing the area, including without limitation a description of the area's physical and biological features, location, and ownership; a discussion of any changes in the nature of the species' use or potential use of the area; any known or suspected threats to the area or the species' continued or potential use of the area; and the relative abundance of similar such areas (i) in Connecticut and (ii) throughout the range of the species and the geographic relationship of the area at issue to such other similar areas.

(7) Copies of or citations to all scientific studies and other documentation which are relevant to the petition and known to the petitioner.

(c) Although the Commissioner will act on a petition containing the information set forth above, nothing in this section shall preclude the Commissioner from requesting information in addition to that initially provided by a petitioner.

(Effective March 23, 1992)