

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.

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

(3) “Commercial horseshoe crab trawl license” means a license that authorizes the taking of horseshoe crabs by otter trawls, balloon trawl, beam trawl, scallop dredges or similar devices for commercial purposes issued under section 26-142a of the Connecticut General Statutes.

(4) A “Horseshoe Crab Hand-Harvest Endorsement Letter” means a letter that is required to engage in the hand-harvest of horseshoe crabs and that is issued according to subsection (b) of this section.

(b) Endorsement Letters.

(1) The Commissioner shall issue an annual Horseshoe Crab Hand-Harvest Endorsement Letter to persons that:

(A) possessed a commercial horseshoe crab hand-harvest license during the horseshoe crab open season of at least one year from 1999 through 2006, inclusive, and reported the hand-harvest and landings of horseshoe crabs during such open season or seasons to the Department of Environmental Protection in accordance with the provisions of section 26-157b-1 of the Regulations of Connecticut State Agencies; or

(B) received a Horseshoe Crab Hand-Harvest Endorsement Letter during the transfer of a commercial horseshoe crab hand-harvest license as provided in subdivision (4) of this subsection.

(2) Horseshoe Crab Hand-Harvest Endorsement Letters will be automatically issued annually without application to qualified persons. Any person who does not receive a Horseshoe Crab Hand-Harvest Endorsement Letter, or who is denied said letter, may request reconsideration in writing to the Commissioner. Such written request for reconsideration shall be delivered to the Department or postmarked by July 1, 2007. The only cause for reconsideration is that the Commissioner erred in concluding that the license holder did not meet the criteria in subdivision (1) of this subsection.

(3) The Commissioner shall not issue an annual Horseshoe Crab Hand-Harvest Endorsement Letter to any licensee who has not met the reporting requirements pursuant to the provisions of section 26-157b-1 of the Regulations of Connecticut State Agencies.

(4) The Commissioner shall authorize the transfer of a Horseshoe Crab Hand-Harvest Endorsement Letter in conjunction with a commercial horseshoe crab hand-harvest license transferred pursuant to the provisions of section 26-142b of the Connecticut General Statutes, provided the transferor of said license and endorsement letter has reported, in accordance with the provisions of section 26-157b-1 of the Regulations of Connecticut State Agencies, the hand-harvest and landings of horseshoe crabs during at least two of the three open horseshoe crab seasons preceding the transfer of said license.

(5) No person who has transferred a commercial horseshoe crab hand-harvest license

according to the provisions of section 26-142b of the Connecticut General Statutes, with an endorsement letter issued under this section, shall qualify for a Horseshoe Crab Hand-Harvest Endorsement Letter based on the landings history for which the transferred endorsement letter was issued.

(c) Possession.

(1) No person shall take, possess or land horseshoe crabs unless such person:

(A) possesses a commercial horseshoe crab hand-harvest license and is in immediate possession of a current year Horseshoe Crab Hand-Harvest Endorsement Letter issued to said license holder under this section; or

(B) possesses a commercial horseshoe crab trawl license and is engaged in, or is returning from a commercial fishing trip in which said license holder was engaged in, the use of any of the gears listed in subsection (a)(3) of this section; or

(C) possesses a commercial horseshoe crab landing license and is landing horseshoe crabs legally caught in another state or in federal waters; or

(D) has a valid license to harvest shellfish issued by the Department of Agriculture pursuant to section 26-192c of the Connecticut General Statutes and:

(i) is engaged in the active harvest of shellfish using shellfish gear in a designated shellfishing area; and

(ii) holds any horseshoe crabs on the harvesting vessel in a container with running seawater; and

(iii) maintains onboard the vessel a daily log of the number of horseshoe crabs possessed and the locations in which they were released; and

(iv) releases all said horseshoe crabs, without avoidable injury, to the waters of Long Island Sound on the same day that they were taken, provided that no such horseshoe crabs may be released onto any shellfish ground leased by another 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.

(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)