

**State of Connecticut  
Regulation of  
Department of Energy and Environmental Protection  
Concerning  
Whelks, American Lobsters, Striped Bass Circle Hooks, and Horseshoe Crabs**

Sec.1 Section 26-142a-3a of the Regulations of Connecticut State Agencies is amended as follows:

**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 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, whelk pots, or lobster pots including those set by holders of the personal use lobster license.

Sec. 2 Section 26-142a-6 of the Regulations of Connecticut State Agencies is amended as follows:

**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.

(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) 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]~~that person's 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 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 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.

**(g) Whelk pots**

(1) No person shall use whelk pots except for the taking of whelk.

(2) No person shall use in the waters of this state a whelk pot, trap or similar device with a volume larger than 22,950 cubic inches.

(3) Whelk pots must have an unobstructed opening on the top side of no less than 196 square inches, and each side of the opening must be at least 10 inches in length.

(4) No person shall use any whelk pot and the buoys thereof unless such whelk pot is marked legibly with the commercial fishing license plate number and buoy is so marked with numbers not less than three-quarters of an inch in height.

(5) All whelk pot buoys used by any individual person 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 individual. Any person engaged in whelk fishing shall maintain one of their whelk pot buoys on their vessel in a position visible from all directions.

(6) No person shall set, tend or assist in setting or tending any whelk pot, trap or similar device for the catching of whelk on any leased shellfish bed without the permission of the lease holder.

(7) All bait used in whelk pots, trap or similar devices must be wholly contained within a mesh bag.

(8) No person shall from one-half hour after sunset to one-half hour before sunrise, set, tend or assist in setting or tending any whelk pot, trap or similar device for the catching of whelk or any live car or other

device in which whelks are kept in the water after having been removed from the pots, traps or trawls in which they were caught.

Sec. 3 Section 26-142a-8a of the Regulations of Connecticut State Agencies are amended as follows:

**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 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

(16) Channeled whelk (*Busycotypus canaliculatus*) – Effective August 1, 2022, 4.75 inches in shell length or 1 15/16 inches in shell height and effective January 1, 2024, 5 inches in shell length or 2 inches in shell height and effective January 1, 2026, 5 ¼ inches in shell length or 2 1/8 inches in shell height and effective January 1, 2028, 5 ½ inches in shell length or 2 ¼ inches in shell height.

(17) Knobbed whelk (*Busycon carica*) - Effective August 1, 2022, 4.75 inches in shell length or 1 15/16 inches in shell height and effective January 1, 2024, 5 inches in shell length or 2 inches in shell height and effective January 1, 2026, 5 ¼ inches in shell length or 2 1/8 inches in shell height and effective January 1, 2028, 5 ½ inches in shell length or 2 ¼ inches in shell height.

For whelk species, shell length shall be defined as the longest length of the shell from the spire apex to the siphonal canal and shell height shall be the distance along a straight perpendicular line from a point on the opercular side of the shell to the farthest point of the top of the shell. Shell height is measured with the whelk retracted, and shell placed with the operculum stably positioned against a flat surface. To properly measure shell height using a gauge: Minimum legal shell height shall be the shell height specified in section 26-142a-8a(b) between opposing parallel surfaces, measured with the whelk retracted and shell placed with the operculum stably positioned against one of the parallel surfaces. The whelk is legal-sized if it does not fit between the opposing parallel surfaces.

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. Whelk measuring less than the minimum shell length or shell height shall not comprise by number more than three percent of whelk in possession by any person, except holders of a commercial whelk fishing license may possess whelk measuring less than the minimum size provided: they are actively fishing in a designated shellfishing area with written permission of the shellfish lease holder, whelk measuring less than the minimum size are stored in a container separate from all other catch, such whelk are kept covered with a fabric wetted with sea water, and such whelk are released, without avoidable injury, to the waters of Long Island Sound on the same day that they were taken and prior to landing or off loading, provided that no such whelk may be released onto any shellfishing ground leased by another shellfisherman under section 26-149 of the Connecticut General Statutes and designated under the provisions of section 26-227 of the Connecticut General Statutes.

Sec. 4 Section 26-157c-1 of the Regulations of Connecticut State Agencies is amended as follows:

#### **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] 3-3/8 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.

(10) "LMA 6 closed season" means September 8 to November 28, both dates inclusive.

(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 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.

(g) During the LMA 6 closed season, no person engaged in commercial fishing or lobster fishing for personal use shall possess or land lobsters taken from LMA 6 by any method.

Sec. 5 Section 26-157c-2 of the Regulations of Connecticut State Agencies is amended as follows:

**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  $[1-7/8]$  2 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  $[2-3/8]$   $2-5/8$  inches in diameter[, and, effective May 1, 1998, not less than  $2-7/16$  inches in diameter]. All 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] department 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] 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. For all pots and traps constructed of wood used for the taking of lobsters, the escapement panel shall incorporate a rectangular escape vent with an inside measurement not less than 2 inches by  $5-3/4$  inches and, on the longitudinal axis, be composed of lath not thicker than  $3/8$  of an inch. 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] department and disposed of as determined by the commissioner.

(c) [Effective January 1, 1999, no] 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] such 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 Connecticut 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] department and either used by the [Department] department for purposes of marine research or destroyed.

(g) Except as provided in subsections (h) of this section, no lobster pot may be left in the water within LMA 6 during the LMA 6 closed season.

(h) Between September 8 and September 21, both dates inclusive, a gear-removal grace period is established and between November 15 and November 28, both dates inclusive, a gear-resetting grace period is established, provided no lobster pot is baited during the LMA 6 closed season before one-half hour before sunrise on November 22.

Sec. 6 Section 26-159a-2 of the Regulations of Connecticut State Agencies is amended as follows:

**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] Commissioner 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.

(h) Notwithstanding any other provision of the Regulations of Connecticut State Agencies, no person shall engage in angling for striped bass with natural bait unless such person uses an inline circle hook. Any striped bass taken incidentally by use of natural bait on a hook other than an inline circle hook shall be returned immediately to the waters from which taken. The provisions of this subsection (h) shall not apply to any artificial lure with bait attached, or to the use of a fly, as defined in section 26-112-43 of the Regulations of Connecticut State Agencies. For purposes of this subsection, "natural bait" means any organism, in whole or in part, that is live or dead, and "inline circle hook" means a fishing hook on which the point and barb are not offset from the plane of the shank and bend of such hook and such point is perpendicular to such shank.

Sec. 7 Section 26-159a-17 of the Regulations of Connecticut State Agencies is amended as follows:

**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 License Endorsement[ Letter]" means an annual license endorsement [letter] that is required to engage in the hand-harvest of horseshoe crabs and that is issued according to subsection (b) of this section.

(5) "Commercial horseshoe crab season" means the period beginning three days following the last full or new moon, whichever occurs later, in May and ending on July 7.

**(b) [Endorsement Letters.] License Endorsement**

(1) The Commissioner shall issue a Horseshoe Crab Hand-Harvest License Endorsement upon application to persons who possessed said endorsement in the previous year. [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)](2) The Commissioner shall not issue an annual Horseshoe Crab Hand-Harvest License 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)](3) The Commissioner shall authorize the transfer of a Horseshoe Crab Hand-Harvest License 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)](4) 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 License 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 License 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] 150 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 License 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.] except during the commercial horseshoe crab season. During the [period May 22 through July 7, inclusive,] commercial horseshoe crab season, 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] 1800 hours on any Friday through [06:00 pm] 1800 hours 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.

(h) **Lunar Closure.** No person shall engage in the harvest of horseshoe crabs during the period beginning two days prior to the date of the first full or new moon in June, whichever comes first, and ending two days after the date of said moon. The date of the moon shall be as published by the U. S. Naval Observatory.

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## **Statement of Purpose**

Section 1. In Section 26-142a-3a of the Regulations of Connecticut State Agencies (RCSA), adds whelk pots to the list of fixed commercial gears that may not be set in navigational channels or mooring fields. The setting and tending of fixed commercial fishing gear in navigational channels and mooring fields can be hazardous to boaters and commercial shipping.

Section 2. In Section 26-142a-6 (RCSA), adds a subsection to define dimensions, structural configuration, gear marking requirements for whelk pots, prohibit the setting of whelk pots on leased shellfish beds, require use of bait bags in whelk pots, and prohibit the hauling and setting of whelk pots from one half hour after sunset to one half hour before sunrise. These are standard stipulations and requirements for commercial pot fishing gear in Connecticut.

Whelk pots will become a defined commercial gear type. In conjunction with the regulatory changes proposed in Section 5 (see below), the definition of whelk pots will result in a change to permissible fishing practices during the fall lobster fishing closure. The annual declaration that has implemented the fall lobster closure since 2013 has allowed an exception under which commercial fishermen could leave lobster pots in the water if they were “actively fishing for whelk.” DEEP Environmental Conservation Police have indicated that this provision allowing lobster pots to stay in the water during the fall lobster closure for purposes of whelk fishing creates difficulties in effectively enforcing the fall lobster closure, as well as inadvertent bycatch and mortality of marine organisms in lobster pots that remain in the water but are not actively hauled and tended during the closure. Under the new regulatory regime proposed here in Sections 2 and 5, commercial fishermen would still be allowed to fish for whelk with pots during the fall closure; however, they would need to fish for whelk using pots that fit the definition of a “whelk pot.” The definition proposed here for whelk pots would allow fishermen to easily convert a lobster pot to a whelk pot by removing or fastening open the top door of the lobster pot. Fishing a lobster pot in this manner would allow for effective capture of whelk while preventing capture of lobster and other marine organisms, and would also facilitate effective enforcement of the fall lobster closure by DEEP EnCon Police. DEEP Marine Fisheries has received support for this proposal from members of the fishing industry and DEEP EnCon Police.

Section 3. In Section 26-142a-8a ((RCSA), adds channeled whelks (*Busycotypus canaliculatus*) and knobbed whelks (*Busycon carica*), the two species of whelks commonly found in Connecticut waters, to the list of species managed by minimum size limits, and specifies the minimum size limit. Public Act 15-52 transferred commercial licensing and management responsibility for whelk from the Department of Agriculture to the Department of Energy and Environmental Protection. Available data suggests that whelk populations in Long Island Sound are depleted, likely due to unregulated harvest which has reduced overall abundance and limited reproductive capacity. Limiting harvest of whelk via a minimum size limit will allow

populations to begin rebuilding; this management strategy has been successful in maintaining viable whelk fisheries in other Atlantic coastal states. The department worked closely with New York Department of Environmental Conservation staff to craft a consistent regulatory proposal for Long Island Sound. In response to comments received during the public comment period, DEEP modified the original regulation proposal for this section in three ways: a) replaced the original proposal for a minimum shell width limit with a minimum shell height limit (retaining the original proposal for a corresponding minimum shell length limit), b) incorporated a “phase-in” approach to implementation of minimum shell size requirements, in which the minimum shell length/height will be 4.75 inches / 1-15/16 inches effective August 1, 2022, and then will gradually increase in a stepped fashion every two years, until reaching 5.5 inches / 2-¼ inches on January 1, 2028, and c) incorporated a provision allowing whelk fishers fishing within a designated shellfish area to temporarily possess and relocate undersized whelk. The agency feels these revisions are substantively responsive to the comments received during the public comment period and will ameliorate the impact of the proposed regulatory changes to the commercial fishing and shellfishing industries.

Section 4. Addendum XI to Amendment 3 of the Atlantic States Marine Fisheries Commission (ASMFC) American Lobster Interstate Fishery Management Plan (FMP), approved in 2007, required that states implement a 3-3/8 inch minimum carapace length for lobster harvested from Lobster Management Area 6 (which includes Long Island Sound). Connecticut received a temporary deferral of this requirement, but ultimately implemented the minimum carapace length requirement in 2009 via declaration under authority of Section 26-169a-22 (RCSA), and has maintained the requirement since then via periodic renewal of the declaration. Given the ongoing depleted state of the Southern New England lobster stock (most recently re-confirmed via a 2020 ASMFC stock assessment), there is little prospect for relaxing this minimum carapace length requirement. This action will codify the requirement in Section 26-157c-1 (RCSA) and negate the need for periodic renewal of the declaration. Under the amendment to increase the lobster minimum size, no person will be allowed to possess (except for certain seafood dealers as provided for in CGS 26-157j), land or sell lobster with a carapace length smaller than 3-3/8 inches.

Section 5. Addendum IV to Amendment 3 of the ASMFC American Lobster FMP, approved in 2004, created lobster pot escape vent size requirements for corresponding minimum carapace length limits. When Connecticut implemented an increased minimum carapace length limit in 2009 (see Section 4 above), Connecticut was also required by Addendum IV to implement a corresponding increase in lobster pot escape vent size. DEEP has yet to formally implement this requirement (DEEP does not have declaration authority to implement gear requirements; this regulatory change to Section 26-157c-2 (RCSA) was included in previous regulatory proposals that were not brought to completion). Addendum XVII to Amendment 3 to the ASMFC American Lobster FMP (approved in February 2012) required a 10% reduction in exploitation of lobster in Lobster Management Area 6, which encompasses all Connecticut state waters as well as the New York waters of Long Island Sound. In response, Connecticut and New York first implemented a fall closed season in 2013. To-date, ASMFC has taken no actions to amend the FMP such that the fall closed season could be eliminated. In addition, obsolete language in



subsection (c) is being removed to improve clarity, the text of subsection (b) is being rearranged for clarity, and subsection (e) is being amended for gender neutrality.

Section 6. The purpose of this new subsection in Section 26-159a-2 is to mandate the use of circle hooks by recreational anglers when fishing for striped bass with natural baits (as opposed to artificial lures). Atlantic striped bass populations are currently overfished and in need of conservation. Post-release or “discard” mortality of striped bass released by recreational anglers is a major contributing factor to the depleted state of striped bass populations. Use of circle hooks is a scientifically-proven method of minimizing hooking injury and thus increasing odds of post-release survival. To reduce discard mortality, the Atlantic States Marine Fisheries Commission (ASMFC) has added a provision to the Interstate Fisheries Management Plan (FMP) for Atlantic Striped Bass requiring Atlantic coastal states to implement rules by January 1, 2021 mandating use of circle hooks when fishing for striped bass with bait. The Atlantic Coastal Fisheries Cooperative Management Act of 1993 mandates that Atlantic coastal states implement the provisions of ASMFC FMPs or face a federally-imposed fisheries moratorium. The proposed regulation will therefore provide conservation of economically-important striped bass populations, and ensure compliance with the ASMFC striped bass FMP. Recreational fishermen will be required to use inline (non-offset) circle hooks while fishing for striped bass with bait, with the exception of bait added to artificial lures. In addition, recreational fishermen will be required to immediately release without avoidable injury any striped bass caught with bait on a non-circle hook (exempting artificial lures), regardless of the species they are targeting.

Section 7. The purpose of the amended section 26-159a-17 (RCSA) is to address the depleted state of horseshoe crab in Long Island Sound. The 2019 Atlantic States Marine Fisheries Commission (ASMFC) horseshoe crab stock assessment concluded that the Long Island Sound horseshoe crab stock is in poor condition. In response to the stock assessment, the ASMFC Horseshoe Crab Management Board requested that Connecticut and New York take regulatory action to reduce the commercial harvest of horseshoe crabs. Horseshoe crabs spawn on coastal beaches during the spring, and spawning activity and associated commercial hand harvest is most intense during the periods around the new and full moon. Public comment to DEEP Marine Fisheries has favored “lunar closures” (periodic harvest closures centered on the new/full moon phase) as an effective means of reducing commercial harvest and improving horseshoe crab spawning success, as well as establishing regulatory consistency with New York. New York has implemented regulatory restrictions (lunar closures during first two spring moon phases, daily possession limit reduction to 150 crabs) similar to those proposed here. The opening of the horseshoe crab commercial season will move from May 22 to the calendar date three days after the last full or new moon in May, and there will also be a new 5-day closure centered on the first moon phase in June. The daily possession limit for commercial hand-harvest will also be reduced from 500 to 150 crabs. In addition, obsolete language in subsection (b) related to issuance of license endorsements is being removed