

Secretary of the State File Number

6341

Emergency Regulation of the
Department of Energy and Environmental Protection
Concerning

Sport Fishing in the Marine District

Emergency regulations adopted after October 1, 2016, become effective upon posting to the Connecticut eRegulations System.

Posted to the Connecticut eRegulations System on **June 28, 2021**

EFFECTIVE DATE

June 28, 2021

Approved by the Office of the Governor on

June 14, 2021

Approved by the Legislation Regulation Review Committee on

June 22, 2021

Electronic copy with agency head certification statement electronically submitted to and received by the Office of the Secretary of the State on

June 28, 2021

Form ICM-ECOPY (NEW 6/2015)
State of Connecticut
Secretary of the State



IMPORTANT NOTICE FOR CONNECTICUT STATE AGENCIES
This form should be used only for regulations first noticed *on and after March 23, 2015*.

Electronic Copy Certification Statement

(Submitted in accordance with the provisions of section 4-172 of the Connecticut General Statutes)

Regulation of the
Department of Energy and Environmental Protection
Concerning
Sport Fishing in the Marine District

Approved by the Legislative Regulation Review Committee: **June 22, 2021**

eRegulations System Tracking Number: **ER 2021-019**

I hereby certify that the electronic copy of the above-referenced regulation submitted herewith to the Secretary of the State is a true and accurate copy of the regulation approved in accordance with sections 4-169 and 4-170 of the *Connecticut General Statutes*.

And I further certify that in accordance with the approval of Legislative Regulation Review Committee, all required technical corrections, page substitutions and deletions, if any, have been incorporated into said regulation.

In testimony whereof, I have hereunto
set my hand on **June 28, 2021** .

Katherine S. Dykes

Katherine S. Dykes

Commissioner

Department of Energy and Environmental
Protection

**State of Connecticut
Regulation of
Department of Energy and Environmental Protection
Concerning
Sportfishing in the Marine District**

Section 26-159a-2 of the Regulations of Connecticut State Agencies is amended by adding subsection (h) as follows:

(NEW) (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.

R-39 Rev. 02/2012

Statement of Purpose

The purpose of this new section is to mandate the use of circle hooks by recreational anglers when fishing for striped bass with natural baits (but not 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) 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.

This proposed emergency regulation updates an emergency regulation previously adopted in December 2020 and is responsive to ASMFC clarifications of the circle hook mandate that were provided to states in March 2021. The ASMFC clarifications included: a) a clarified definition of natural baits which require use of a circle hook; b) an exemption from the circle hook requirement for addition of bait to artificial lures; and c) clarification that any striped bass caught incidentally (i.e. while targeting other species) with natural bait on a non-circle hook must be immediately released, regardless of whether it is of legal size for harvest. All of the ASMFC clarifications are reflected in the new emergency proposed regulation.



IMPORTANT NOTICE FOR CONNECTICUT STATE AGENCIES
This form is to be used for proposed emergency regulations only and must be completed in full.

AGENCY CERTIFICATION

Department of Energy and Environmental Protection

EMERGENCY REGULATION Concerning

Sport Fishing in the Marine District

eRegulations System Tracking Number **ER2021-019**

I hereby certify the following:

(1) The above-referenced emergency regulation is proposed

(check one and complete as applicable)

without prior notice or hearing as permitted by Section 4-168(g) of the *Connecticut General Statutes*. **or**

upon the following described abbreviated notice and hearing: _____.

(2) The statutory authority under which the regulation is proposed is as follows: **26-159a**.

(3) Subsequent to approval by the Legislative Regulation Review Committee, **the final emergency regulation shall be effective**

(Check one and complete as applicable)

when electronically submitted to the Secretary of the State.

OR on _____.

(Date must be a specific calendar date less than twenty days after submission to the Secretary of the State)

Katherine S. Dykes
SIGNED
*(Head of Board, Agency or Commission,
or duly authorized deputy)*

Commissioner

OFFICIAL TITLE

05/11/2021
DATE

The Connecticut General Assembly

Legislative Regulation Review Committee

Senator James Maroney
Senate Chair



Representative Nicole Klarides-Ditria
House Chair

Official Record of Committee Action

June 22, 2021

Agency: Department of Energy and Environmental Protection
Description: Sportfishing in the Marine District
LRRC Regulation Number: E2021-001
eRegulation Tracking Number: ER2021-019

The above-referenced regulation has been

Approved with Technical Corrections

by the Legislative Regulation Review Committee in accordance
with CGS Section 4-170.

Kirstin L. Breiner
Committee Administrator



State of Connecticut
Office of the Secretary of the State

Confirmation of Electronic Submission

Re: Emergency regulation of the Department of Energy and Environmental
Protection concerning Sport Fishing in the Marine District
eRegulations System Tracking Number ER2021-019
Legislative Regulation Review Committee Docket Number E2021-001

The above-referenced regulation was electronically submitted to the Office of the Secretary of the State in accordance with Connecticut General Statutes Section 4-172 on June 28, 2021.

Said regulation is assigned Secretary of the State File Number 6341.

The effective date of this regulation is June 28, 2021.

A handwritten signature in black ink that reads "Denise W. Merrill".

Denise W. Merrill
Secretary of the State
June 28, 2021

By:

/s/ Kristin M. Karr

Kristin M. Karr
Administrative Law
Information Systems Manager