

**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.
- (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 riggering a commercial fishing vessel between January 1, 2000 and May 31, 2003 for purposes of fishing with qualifying fishing gear, to be based on more than one form of verifiable written proof of such activity, provided said vessel owner has or will have made and reported qualifying landings with that vessel no later than 12 months immediately succeeding the effective date of this regulation; or

(iii) the vessel made qualifying landings during the qualifying period and said landings were reported to the department in accordance with section 26-157b-1 of the Regulations of Connecticut State Agencies; or

(iv) the license holder is the recipient of a license transferred under section 26-142b of the Connecticut General Statutes, such license was transferred with a 2003 Black Sea Bass License Endorsement Letter, and such license holder made qualifying landings during the qualifying period and reported said landings to the department in accordance with section 26-157b-1 of the Regulations of Connecticut State Agencies or has or will have made and reported qualifying landings in the 12 months immediately succeeding the date of the license transfer, whichever is later; or

(B) is operating a vessel owned by a license holder who has qualified for an endorsement letter under subdivision (1)(A) of this subsection. During the operation of such vessel said endorsement letter shall remain on such vessel as authorization of the operator to possess black sea bass and shall not be used to authorize the possession of black sea bass on any additional vessel, except that said license holder shall be allowed to use said endorsement letter to authorize possession of black sea bass on any vessel said license holder owned prior to May 31, 2003 and that said license holder still owns; or

(C) is engaged in the hauling of lobster pots under the authority of section 26-142a of

the Connecticut General Statutes and is in possession of lobsters.

(2) 2003 Black Sea Bass License Endorsement Letters will automatically be issued without application. Any person who does not receive a 2003 Black Sea Bass License Endorsement Letter, or who is denied said letter, may appeal in writing to the commissioner. The only grounds for appeal is that the commissioner erred in concluding that the license holder did not meet the criteria in subclause (i), (ii), (iii) or (iv) of subdivision (1)(A) of this subsection.

(3) No person shall take black sea bass with a trawl net if the qualifying landings for which the 2003 Black Sea Bass License Endorsement Letter was issued and under which that person is fishing did not indicate the taking of black sea bass by trawl net.

(4) No person who has transferred a commercial fishing license according to the provisions of section 26-142b of the Connecticut General Statutes, with an endorsement letter issued under this section, shall qualify for a 2003 Black Sea Bass License Endorsement Letter based on the landings history for which the transferred endorsement letter was issued.

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

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

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

(i) in the commercial trawl fishery, 1,000 pounds until 45% of the Connecticut quota specified in the plan has been landed, at which time the limit shall be zero pounds;

(ii) in the fish pot fishery, 200 pounds until 45% of the Connecticut quota specified in the plan has been landed, at which time the limit shall be zero pounds;

(iii) in the commercial hook, pound net, scallop dredge and gill net fisheries, 50 pounds until 45% of the Connecticut quota specified in the plan has been landed, at which time the limit shall be zero pounds;

(iv) in the lobster pot fishery when in possession of lobsters, 10 fish.

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

(i) in the bottom trawl and fish pot fisheries, 200 pounds until 90% of the Connecticut quota specified in the plan has been landed, at which time the limit shall be zero pounds;

(ii) in the commercial hook, pound net, scallop dredge and gill net fisheries, 50 pounds until 90% of the Connecticut quota specified in the plan has been landed, at which time the limit shall be zero pounds;

(iii) in the lobster pot fishery when in possession of lobsters, 10 fish.

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

(i) in the bottom trawl and fish pot fisheries, 200 pounds until 100% of the Connecticut quota specified in the plan has been landed in Connecticut, at which time the limit shall be zero pounds;

(ii) in the commercial hook, pound net, scallop dredge and gill net fisheries, 50 pounds until 100% of the Connecticut quota specified in the plan has been landed in Connecticut, at which time the limit shall be zero pounds;

(iii) in the lobster pot fishery when in possession of lobsters, 10 fish.

(D) Notwithstanding the provisions of subparagraphs (B) or (C) of this subdivision, if on or after October 1, the Connecticut quota specified in the plan is projected not to be landed in Connecticut by the end of the quota period, the commercial fishery possession limit shall, for all gear types with the exception of lobster pots, be calculated as  $Q(0.38 / W)$ , rounded up to the nearest 100 pounds, where W is the number of weeks remaining in the quota period and Q is the amount of Connecticut quota remaining, provided that when 98% of said Connecticut quota has been landed in Connecticut the possession limit shall be 50 pounds for all gear types with the exception of lobster pots.

(E) When 100% of the Connecticut quota is landed the possession limit shall be zero pounds for all gear types.

(2) When the black sea bass possession limit will change based on the status of landings relative to the quota threshold percentages specified in subparagraphs (A) to (E), inclusive, of subdivision (1) of this subsection, the Department shall mail a notice of such change to all persons who possess a 2003 Black Sea Bass Endorsement Letter as defined in subsection (b)(1)(A) of this section and to all seafood dealers licensed under section 26-142a of the Connecticut General Statutes.

(3) No person fishing under the provisions of subparagraphs (A)(i) to (iv), (B)(i) to (iii) and (C)(i) to (iii), inclusive of subdivision (1) of this subsection shall, during a fishing trip when using more than one gear type, possess any black sea bass in excess of the lesser of the gear specific limits they are authorized to possess.

(4) Any black sea bass taken contrary to this section shall, without avoidable injury, be returned immediately to the water from which taken and no person fishing under the provisions of this section shall also, during the same trip, possess any black sea bass taken under section 26-159a-7 of the Regulations of Connecticut State Agencies.

(5) The possession limits specified in subdivision (1) of this subsection shall apply to the vessel, regardless of how many persons are on board. Said possession limits shall apply per trip or per day, whichever is the longer period of time, unless otherwise specified as a weekly limit in subdivision (1). No person shall transfer black sea bass between vessels at sea.

(Effective June 26, 1998; Amended 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)