

Inland Sport Fishing Regulations - Statement of Purpose

Pursuant to CGS Section 4-170(b)(3), "Each proposed regulation shall have a statement of its purpose following the final section of the regulation."

Section 1. Section 26-112-39 (RCSA) regulates angler behavior and conduct when fishing. This section was last amended in 1977 and several provisions require updating. Subsection (b) contains a provision requiring anglers to stay within ten feet of the stream banks on private property that is open to public fishing under terms of a lease, permanent fishing easement or formal agreement. This requirement no longer reflects the variety of provisions found in current leases, permanent fishing easements and formal agreements providing for angler access. This proposal updates subsection (b) to explicitly allow for anglers to follow the actual provisions of certain leases, easements and agreements.

Subsections (j) and (k) address the use of state boat launches anglers to moor boats and still reflect the practice of allowing individuals to moor their vessels at launches from April 1 to December 15 provided the boats are marked visibly with the owner's name and are moored in a fashion as to not interfere with other users of the boat launch. This practice has been discontinued for many years and other current department regulations (subsections (j) through (m) of section 26-16-1 RCSA) prohibit this practice at state water access areas. This proposal deletes the obsolete subsections in section 26-112-39 concerning the mooring of boats at state boat launches, eliminating a conflict between two department regulations, and avoiding any confusion concerning regulations addressing activities at state boat launches.

Section 2. Section 26-112-43 (RCSA) contains definitions and restrictions for a range of fisheries- related terms, gear types and methods. This proposal eliminates the existing definition of closed season as a closure of an area to all fishing; revises regulations concerning daily creel and possession limits to clarify that an individual may continue to fish after reaching their limits provided no additional fish are retained; establishes a definition of culling (or high grading) and prohibit its practice in most instance; and establishes a definition for cast nets and limit their use to certain tidally influenced rivers including the Connecticut River and its tributaries. Several technical and conforming changes are also made.

Public Act 21-12 included a provision that eliminates closed seasons for fishing for trout. Current inland fisheries regulations provide both closed seasons for species and for closed seasons at specific waters where all fishing is prohibited. A definition of "closed season" for the taking of species is provided in section 26-1 of the Connecticut General Statutes and a statewide closed season for the fishing for trout is provided in section 26-112-45. To conform with this legislation, a concurrent proposal amends section 26-112-45 to eliminate this closed season for fishing for trout. This section provides a definition for area-specific "closed seasons" as a period of time during which all fishing is prohibited in specified areas. The type of "closed season" defined in this section is not species specific as it prohibits all fishing. However, following consultations with the Office of the Attorney General it is expected that this type of closure would likely not apply to trout due to the prohibition on closed seasons for trout found in the public act. This proposal will eliminate this definition of "closed season" and concurrent proposals eliminate all existing closed seasons on a wide range of lakes, ponds, rivers and streams.

The definitions of daily creel limit and possession limit are revised to clarify that an individual may continue to fish once they have attained their daily creel and possession limits provided any fish of a species or species group caught for which the creel or possession limits have been reached are immediately released without avoidable harm (often termed “catch-and-release fishing”). Although this has generally been the practice, especially at certain special management areas as provided in sec. 26-112-46 where only catch-and-immediate release fishing is allowed and the daily creel and possession limits are zero in these areas, the current wording is ambiguous and could alternately be interpreted as prohibiting fishing for a species or species group once the creel or possession limits are reached. This ambiguity has sometimes led to confused guidance to anglers and variation in enforcement of fishing regulations in the inland district. This clarification better reflects the goals of current fisheries management to enhance fishing opportunities and eliminates any confusion or disagreement in guidance to anglers and in enforcement of regulations.

This proposal establishes a definition for “culling” (“high-grading”) in the inland district and prohibits the practice excepted for permitted bass fishing tournaments. Culling is the practice of releasing or discarding previously caught and retained fish to keep a more desirable (typically a larger fish) fish of the same species or species group. As most methods for storing caught fish in the field, such as in a cooler or other container, or on a stringer, can be damaging or eventually deadly to the retained fish, culling leads to excess mortalities and can effectively increase the number of fish removed from the population by an angler to well above their daily creel and possession limits. Additionally, in support of the prohibition on culling a provision is added to the definition of “possession limit” explicitly stating that any fish placed on a stringer, in a container, cooler, live well or similar device, or otherwise not immediately released to the water counts against an individual’s possession limit.

The one exception to the prohibition on culling is for participants of permitted black bass fishing tournaments. The vast majority of black bass fishing tournaments are conducted with a format of caught fish selected to be retained are stored in a live well until the end of the tournament at which time they are measured (typically weighed) and then released back into the water. The rest of the black bass tournaments are conducted under a format of catch, immediately measure and release fish. If catch rates are sufficiently high for catch and retain type tournaments, participants can sometimes cull fish. The live wells used to store retained bass in these tournaments are generally aerated and often have a water-cooling system or are otherwise cooled (often with a frozen water bottle added to the well) to maintain water temperatures at an appropriate range and helping maintain the retained fish in good condition. Additionally, additives are sometimes used to help maintain the retained fish and participants are typically penalized for any dead fish at the weigh-in, creating a further incentive in maintain their catch in good condition. Due to these various measures mortalities for tournament released fish are generally well within acceptable levels, unlike the mortalities induced by retaining in other types of containers or kept on a stringer.

Finally, this proposal establishes a definition for “cast net” and allows their use in certain tidally influenced rivers including the Connecticut River and its tributaries, Thames River, lower Housatonic and Naugatuck rivers, lower Salmon River, Mystic River, Niantic River and lower Quinnipiac River. Cast nets are thrown by hand with the intent to entrap fish, usually bait fish. The nets are typically conical with a round opening having a series of small weights. As the net is retrieved, the opening draws shut, capturing the intended targets. Under the structure of sport fishing regulations concerning fishing for various species in the inland district only those methods provided as methods of take for a species or species group can be used. Existing inland regulations do not include cast nets as an allowable method

of take for any fish species or species group, or for bait species, therefore their use in inland waters is not allowed. As this prohibition on the use of cast nets is not explicitly stated there has been confusion on the part of anglers as to whether they can use a cast net to fish for bait fish in the inland district. This proposal is expected to eliminate any confusion concerning use of cast nets in the inland district. As cast nets are an effective tool to capture menhaden and other bait species in tidal waters their use will be allowed in a number of tidally influenced waters (see above) while their use is prohibited in other inland waters, where their uses would possibly be more problematic (or used to take other fish besides bait fish).

There is one technical change to conform with provisions in other sections of this proposal. The name and citation for a class of rivers and streams formerly designated as “streams open to fishing throughout the year” is revised to “tidal waters and tributaries” and will be provided for in section 26-112-46 instead of section 26-112-44.

Section 3. RSCA section 26-112-44 establishes closed seasons for fishing. This proposal implements the provision of Public Act 21-12 that eliminated the closed fishing season for trout. The current general statewide closed season for rivers and streams is removed and the closed seasons specified for lakes and ponds are also removed. Use of the term “closed season” in reference to closures of areas to all fishing is eliminated, with any such remaining closures rephrased simply as a period of time during when the area is closed to all fishing.

Public Act 21-12 includes a provision that eliminates current closed seasons for fishing for trout as provided in section 26-112-45 of the Regulations of Connecticut State Agencies. Under existing regulations, however, there are numerous waterbodies with a closed season for all fishing. A statewide closed season applies to all rivers and streams with some exceptions for specially managed areas. This closure lasts from March 1 to 6:00 am on the second Saturday in April, inclusive, and although coinciding the statewide trout season, applies to all fishing, is site specific, and not specific to a particular species such as trout. Although there is no statewide closed season for lakes and ponds there is a closed season at many of these waterbodies and this closed season generally coincides with the closed season for trout. However, following consultations with the Office of the Attorney General concerning the interpretation of the provisions of Public Act 21-12 prohibiting closed seasons for trout, it is expected that this type of closure would likely not apply to trout, except for closures intended to protect fish health and population well-being.

This proposal therefore eliminates the closed seasons on all lakes and ponds, and all rivers and streams with a few exceptions for closures of areas associated with protecting trout and other fish from undue stress. These exceptions are to retain thermal refuge closure areas in portions of Trout Management Areas, Trophy Trout Streams, the Housatonic River, and the lower Salmon River.

Finally, this section currently includes a list of eleven tidally influenced rivers and portions of rivers designated as “Streams open to fishing throughout the year”. The regulations for several fish species (Alewife, Blueback Herring, American Shad, trout) and methods of take (snagging, cast nets) differ from the general statewide regulations at these waters. As this proposal eliminates closed seasons on all rivers and streams, the designation of “Streams open to fishing throughout the year” is no longer appropriate. This proposal deletes this list of rivers and portions of rivers and they will be added to section 26-112-46 and redesignated as “Tidal waters and tributaries”.

Section 4. RCSA section 26-112-45 deals with limitations on the taking of specific species. This proposal adapts trout seasons and creel limits to conform with a provision of Public Act 21-12 that eliminated a closed season for trout. Several minor, conforming and technical changes are also made.

Public Act 21-12 includes a provision prohibiting closed seasons for fishing for trout. Currently the general statewide closed season for trout, as provided in this section, lasts from March 1 to 6:00 am on the second Saturday in April, inclusive. There are also a number of special management areas provided for in sec. 26-112-46 that either already have no close seasons or shorter closed seasons. There also is a statewide closed season for fishing at nearly all rivers and streams and closed seasons on many lakes and ponds, and these closed seasons generally coincides with the statewide closed season for trout. A concurrent proposal amending sec. 26-112-44 eliminates nearly all of these closed seasons and closures and this proposal eliminates the statewide closed season for trout.

This proposal establishes a daily creel limit of zero (catch-and-release fishing only) during the now eliminated closed period from March 1 through 6:00 am on the second Saturday in April. This daily creel limit choice is based on staff assessments of management options and angler preferences (as suggested by the results of a survey that was both posted on DEEP's Fish & Wildlife Facebook page and emailed to inland fishing license holders who had supplied an email address). The two most popular choices from the survey was 1) maintain the closed season regulations and 2) catch-and-release only for trout during the previously closed season. The daily creel limit of zero during the previously closed season is expected to provide the best early season trout fishing opportunities, address angler preferences, and conserve stocked trout resources to maintain adequate trout fishing opportunities throughout the now extended spring trout fishing season. To maintain at least some of the Opening Day traditions the spring catch-and-release season will end on the second Saturday in April.

Exceptions from the statewide daily creel limits are retained for boundary waters, Trout Management Areas, Wild Trout Management Areas, Trout Parks, Sea-Run Trout Streams, Trophy Trout Streams and Trout Management Lakes (as specified in sec. 26-112-46); in tidal waters and tributaries (as specified in section 26-112-46) and for several waters (as specified in sec. 26-112-48).

Additionally, this proposal adjusts the daily creel limit for trout and Kokanee Salmon. Currently this limit is in aggregate. A total of eight trout and kokanee may be kept, of which no more than five could be trout and no more than five could be Kokanee Salmon. This proposal eliminates the "in aggregate" daily creel limit and provides a daily creel limit of five for trout and five for Kokanee Salmon. There are currently three waterbodies statewide, Beach Pond (Voluntown), East Twin Lake (Salisbury) and West Hill Pond (Barkhamsted-New Hartford) that are managed concurrently for trout and Kokanee Salmon. In the past, anglers wishing to keep both trout and Kokanee at these waters were limited to eight fish total. This change simplifies regulations for anglers, provides additional opportunities to keep fish, and is expected to spread out the catch of trout and Kokanee for anglers while still maintaining ample numbers of adult salmon in the lakes to be used as broodstock.

There are also several changes to conform with the provisions of amendments to other sections including the inclusion of cast nets as a method of take for bait species in certain waters and the redesignation of "Streams open to fishing throughout the year" as "Tidal waters and tributaries" and technical changes that update the scientific name of White Suckers, and revise the notification process for announcing the annual Atlantic Salmon regulations (must be posted on the agency's website and social media accounts instead of in news releases).

Section 5. RCSA section 26-112-46 deals with special management areas. This proposal makes conforming changes and adaptations to reflect the elimination of a closed season for trout; elimination of the closed seasons at all rivers and streams and the close seasons at all lakes and ponds; rephrasing the term “closed season” in reference to closures of areas to all fishing as a period of time during when an area is closed to all fishing; the establishment of a catch-and-release season for trout during the former closed period, and revisions to the trout and kokanee creel limits by concurrent proposals. Additionally, Long Pond is added to the list of Trout Management Lakes and special regulations for Brown Trout are established at East Twin Lake.

To implement the provisions of Public Act 21-12 prohibiting closed seasons for trout, Concurrent proposals amending sections 26-112-44 and 26-112-45 eliminate the closed season for trout, the statewide closed season for rivers and streams, and all closed seasons at lakes and ponds. Additionally, a catch-and-release season for trout is established during the former closed period. The creel limit for trout and Kokanee Salmon were also revised. This proposal makes conforming changes and adaptations reflecting these amendments. This proposal does retain thermal refuge closure areas in portions of Trout Management Areas, Trophy Trout Streams, the Housatonic River, and the lower Salmon River as these areas are intended to protect trout and other fish from undue stress. Additionally Long Pond is added to the list of Trout Management Lakes, special regulations for Brown Trout are established at East Twin Lake and the waterbodies formerly designated as “Streams open to fishing throughout the year” are added as a type of special management area to this section and redesignated as “Tidal waters and tributaries”. This proposal amends subsections (a), (b), (c), (d), (g), (i), (j) and (k), and adds a new subsection (m):

Subsection (a) pertains to Boundary waters. DEEP has recently begun managing for Kokanee Salmon by stocking salmon fry into Beach Pond. The updated creel limit for Kokanee Salmon is added to the regulations for Beach Pond in this subsection to explicitly inform anglers of the new creel limits for Kokanee Salmon. Conforming edits are made to the regulations for many boundary waters to reflect the elimination of the statewide closed seasons for trout and replacing the term “closed season” as a period of time an area is closed to all fishing. The closed seasons at Beach Pond and Colebrook River Lake are eliminated.

Subsection (b) pertains to Fly fishing only areas. The text concerning delineation of these areas by “posters” is updated to “signs” posted by DEEP.

Subsection (c) pertains to Trout Management Areas. Conforming edits are made to reflect elimination of use of the term “closed season” for closures of areas to all fishing and elimination of the trout season by sections amending 26-112-43 and 26-112-45.

Subsection (d) pertains to Trout Management Lakes. Conforming edits are made to reflect elimination of use of the term “closed season” for closures of areas to all fishing and elimination of the trout season by sections amending 26-112-43 and 26-112-45, and extends the existing March 1 to March 31 one fish per day with a 16-inch minimum length to end at 6:00 am on the second Saturday in April.

Long Pond (Ledyard-North Stonington) is being designated Trout Management Lake. Trout Management Lakes are designated as such because of the presence of coldwater habitat during the summer months, which is key to the potential to holdover and grow large trout. Fisheries staff have determined that Long Pond has the physical characteristics (a suitable well-oxygenated cool layer of water) and potential to provide additional trout fishing opportunities if managed as a Trout Management Lake.

Special regulations for Brown Trout are also re-established at East Twin Lake. Brown Trout in East Twin Lake are very dependent on land locked populations in this lake. When Alewives are abundant the lake has the potential to produce Brown Trout of outstanding size and quality. However, when alewife populations plummet as they did in the early 2010's there is not sufficient other forage to support many Brown Trout. The land locked Alewife population have now rebounded and become re-established through East Twin Lake to the levels needed to support production of large Brown Trout. The proposal establishes a protective slot limit (14 to 22 inches) for Brown Trout to support the production of very large and highly desired trophy Brown Trout that feed on the resurgent Alewife population.

Subsection (g) pertains to Wild Trout Management Areas. Conforming edits are made to reflect the elimination of the statewide closed seasons for trout and for rivers and streams and changes to creel limits for trout.

Subsection (i) pertains to Trout Parks. Conforming technical edits are made to reflect the elimination of the statewide closed season for trout, the elimination of closed seasons on the designated waterbodies, and changes to creel limits for trout.

Subsection (j) pertains to Sea run trout streams. Conforming edits are made to reflect the elimination of the statewide closed season for trout and the elimination of closed seasons and for rivers and streams.

Subsection (k) pertains to Trophy Trout Streams. Conforming technical edits are made to reflect the elimination of the statewide closed season for trout, the elimination of closed seasons on the designated waterbodies, and changes to creel limits for trout.

Subsection (m), pertaining to Tidal rivers and tributaries, is established. Included in the existing section 26-112-44 is a list of eleven tidally influenced rivers and portions of rivers designated as "Streams open to fishing throughout the year". The regulations for several fish species (Alewife, Blueback Herring, American Shad, trout) and methods of take (snagging, cast nets) differ from the general statewide regulations at these waters. As a concurrent proposal eliminates closed seasons on all rivers and streams, this previous designation of "Streams open to fishing throughout the year" is no longer appropriate. This proposal establishes these areas as special management areas and designates them as "Tidal waters and tributaries".

Section 6. RCSA section 26-112-48 deals with miscellaneous restrictions. Conforming edits are made to reflect elimination of closed seasons on lakes and ponds to comply with the provisions of Public Act 21-12 eliminating closed seasons for fishing for trout. Additionally, based on discussion with South Central Connecticut Regional Water Authority, a prohibition on ice fishing at several lakes and ponds (Factory Pond, Lake Chamberlain, Lake Saltonstall, Maltby Lakes) is established.