

Notice of Intent to Adopt Regulations and to Hold a Public Hearing

The Commissioner of the Department of Energy and Environmental Protection (DEEP), pursuant to sections 4-168 and 22a-6 of the Connecticut General Statutes (“CGS”), hereby gives notice of intent to amend sections 26-142a-6, 26-142a-15, 26-142a-16, 26-157b-1, 26-157c-1, 26-157c-2, 26-157c-4, 26-159a-1, 26-159a-2, 26-159a-4, 26-159a-7, 26-159a-8, 26-159a-18, 26-159a-19, 26-159a-20, and 26-159a-22 of the Regulations of Connecticut State Agencies (“RCSA”) and to add two new sections, 26-159a-29 and 26-159a-30, to the RCSA. These proposals will be considered for adoption under the authority of sections 26-142a, 26-157b, 26-157c and 26-159a of the CGS.

Summary

Most of the proposed amendments and additions implement measures that are intended to satisfy compliance with mandatory provisions of interstate fisheries management plans (FMPs) of the Atlantic States Marine Fisheries Commission (ASMFC). To ensure that states implement such measures, federal law authorizes the Secretary of Commerce to impose a harvest moratorium in that state’s waters for a species in which a state fails to implement such mandatory provisions. In addition to the specific amendments identified below, the proposals also contain numerous technical corrections, wording clarifications, and wording changes to satisfy guidelines on gender neutrality. The specific sections of the RCSA proposed to be amended/added are:

26-142a-6. Commercial fishing gear specifications

The proposal: modifies the escape vent requirement for fish pots/traps; relocates from section 26-159a-8 an existing seasonal prohibition on the use of trawl nets other than fly nets; and utilizes a standardized definition of “not available for immediate use” as it relates to trawl nets.

26-142a-15. When a commercial license is not required

The proposal makes a modification to the title of the regulation to clarify its intent (under what circumstances a commercial license is not required).

26-142a-16. Definitions

The proposal: adds: “Atlantic States Marine Fisheries Commission”, “commissioner”, “department”, and “not available for immediate use” to the common set of definitions that are broadly applicable to RCSA sections 26-112, 26-142a, 26-157b, 26-157c, and 26-159a; and clarifies that the definition of “culling” or “high-grading” is specific to the waters of the marine district.

26-157b-1. Reports

The proposal: formally extends the seafood dealer reporting requirement to fishermen that meet the statutory definition of a “seafood dealer” in CGS 26-1; formally specifies that shad fishermen report daily activity monthly instead of daily activity seasonally; and clarifies the reporting frequency of most other commercial and personal use license types.

26-157c-1. Taking lobsters – general

The proposal: formally implements the Lobster Management Area 6 (i.e. Long Island Sound) minimum carapace length for lobster; and incorporates the standardized definition of “Atlantic States Marine Fisheries Commission” proposed in section 26-142a-16.

26-157c-2. Taking lobsters – pots and traps

The proposal formally implements specifications for lobster pot escape vents that correspond to the established Lobster Management Area 6 minimum carapace length.

26-157c-4(b). Management of the Lobster Pot Fishery

This proposal incorporates the standardized definition of “Atlantic States Marine Fisheries Commission” proposed in section 26-142a-16.

26-157c-4(c). Management of the Lobster Pot Fishery

This proposal clarifies and substantiates that lobster fishermen who participated in the trap allocation buyback program conducted by the department from 2001 through 2003 have had their trap allocations permanently reduced by the number of traps they relinquished in that program.

26-159a-1. Sport and commercial restrictions for marine and anadromous species

The proposal removes the subsection related to the harvest of sharks. More comprehensive regulations implementing measures related to the harvest of sharks are proposed in the new section 26-159a-29.

26-159a-2. Striped bass

The proposal: allows fishermen to fillet striped bass while on or adjacent to the waters of the state, provided the fillets are at least 18 inches in length and have the skin attached; and formally implements the Connecticut striped bass bonus recreational fishing program which utilizes Connecticut commercial striped bass quota for a special recreational striped bass access program.

26-159a-4. Minimum lengths

26-159a-7. Creel limits

26-159a-20. Recreational fishing seasons

The proposals in these sections seek to amend regulations related to the minimum length, possession (creel) limit, and/or open season for: summer flounder, scup, black sea bass, winter flounder, weakfish, striped bass, tautog and menhaden. The department will entertain comments and recommendations for other species as well.

26-159a-8. Winter flounder

The proposal: amends the open season and implements a possession limit for winter flounder in the commercial fishery; and provides an exception to the proposed season/possession limit for federally permitted vessels fishing outside the southern New England winter flounder stock area (e.g. George’s Bank).

26-159a-18. Atlantic herring

The proposal: modifies the wording of when a herring management area closure occurs; and establishes an incidental possession limit for Atlantic herring taken from a herring management area that has been closed to directed fishing.

26-159a-19. Spiny dogfish

The proposal: increases the commercial possession limit for spiny dogfish; and specifies that the spiny dogfish quota relevant to triggering a closure in Connecticut is the “Northern region” (Maine-Connecticut) quota established under ASMFC FMP.

26-159a-22. Compliance with interstate fishery management plans

The proposal: establishes a broader range of management measures which the commissioner may adjust or establish by declaration; amends the wording related to public notification of such declarations; and lengthens the effective duration of such declarations.

(NEW) 26-159a-29. Coastal sharks

This new section implements a broad suite of recreational and commercial management measures for coastal shark species in the recreational and commercial fisheries. These measures include, but are not limited to a list of allowable species, allowable gears, possession limits, minimum lengths, quota closures, restrictions on processing sharks at sea, and dealer requirements.

(NEW) 26-159a-30. Weakfish

This new section implements a commercial fishery possession limit for weakfish.

Availability of the Proposed Regulations

Copies of the proposed regulations, fiscal note, small business impact statement, and regulatory flexibility analysis are available for public inspection from 8:30 AM to 4:30 PM Monday through Friday at the DEEP Marine Fisheries Division, 333 Ferry Road (PO Box 719), Old Lyme, CT 06371-0719. The materials may also be obtained by writing to the aforementioned address (use the PO Box), calling 860-434-6043, emailing deep.marine.fisheries@ct.gov, or by visiting the department's website at www.ct.gov/deep/publicnotices.

Public Hearing and Comments

All interested parties are invited to present their views on the proposed amendments to the regulations at two public hearings to be held at the following times and places:

7:00 PM, Monday, November 5, 2012
DEEP Marine Headquarters, Boating Education Center
333 Ferry Road
Old Lyme, CT 06371

3:00 PM, Wednesday, November 7, 2012
Bridgeport Regional Aquaculture Science & Technology Center
60 St. Stevens Road
Bridgeport, CT 06605

In addition to the public hearings, the DEEP Marine Fisheries Division will accept written comments for two weeks following the public hearings. Submit comments to Mark Alexander by hand-delivery to the DEEP Marine Headquarters, by mail to the Marine Fisheries Division, PO Box 719, Old Lyme, CT 06371-0719, by email to deep.marine.fisheries@ct.gov, or by fax to 860-434-6150. Based on public comment, the proposed regulations may be adjusted to meet the objective of the proposal.

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Susan Whalen
Deputy Commissioner