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Declaration of Regulation Change (16-09)

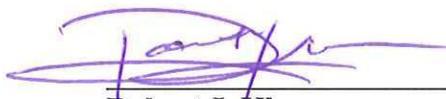
Under the authority of 26-102 of the Connecticut General Statutes, the Commissioner of Energy and Environmental Protection is authorized to establish a closed season on any species of fish threatened with undue depletion from any cause and to establish prescribed conditions for the operation of commercial fishing activity to conserve species threatened with undue depletion.

In accordance with the aforementioned authority, Section 26-159a-1: Sport and commercial restrictions for marine and anadromous species, is amended as follows to conserve sandbar shark consistent with NOAA Fisheries prohibition on the take of sandbar shark on the Atlantic coast in both the recreational and commercial fisheries except as provided below.

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

- (e) No person shall take from Connecticut waters, and no person shall possess, sell, exchange, or offer for sale or exchange in Connecticut regardless of where it was taken, any species of shark other than spiny dogfish (*Squalus acanthias*) and smooth dogfish (*Mustelus canis*) except:
- (1) a holder of a Scientific Collector's Permit issued by this department may possess sandbar shark (*Carcharhinus plumbeus*) for research or display purposes if specifically authorized to do so under the terms of the permit;
- (2) a holder of an Atlantic Highly Migratory Species permit issued by the National Marine Fisheries Service may possess shark species in accordance with 50 CFR 635, provided that no shark species is harvested when federal waters are closed to harvest for that species.
- (f) No person engaged in commercial fishing shall possess or land smooth dogfish in Connecticut, regardless where such fish are taken, once 100 percent of the Connecticut commercial smooth dogfish quota specified in the Atlantic States Marine Fisheries Commission Coastal Sharks Fishery Management Plan has been harvested.
- (g) Any shark species taken contrary to the provisions of this section must be released in a manner that will ensure maximum probability of survival, but without removing the fish from the water.

The foregoing restrictions supersede all previous declarations by the Commissioner of Energy and Environmental Protection regarding shark species and shall remain in effect between August 1, 2016 and March 31, 2017, both dates inclusive.



Robert J. Klee
Commissioner

7/29/16

Date

Justification for Marine Fisheries Regulation Declaration 16-09

Need: 1. To comply with mandatory provisions of Atlantic States Marine Fisheries Commission (ASMFC) Fishery Management Plans (FMP) for Atlantic shark species including the ability to close the smooth dogfish fishery once 100% of the newly adopted (March 2016) state specific quota has been harvested.

Management Background: NOAA Fisheries has management authority for Highly Migratory Species (HMS), which includes shark species, under the Magnuson-Steven Fishery Conservation and Management Act. To assure seamless shark conservation between federal and state waters, NOAA Fisheries requested and ASMFC approved a complementary Coastal Shark Fishery Management Plan for state waters that mirrors the HMS plan.

Special Note: An HMS Shark Permit (recreational, commercial or for-hire) is required to take sharks in federal waters which is where virtually all targeted shark fishing occurs in our region. Shark species other than dogfish are extremely rare in Connecticut state waters, yet we are obligated to enact all of the conservation measures for the 42 oceanic shark species in five management groups identified in the shark FMP. At the same time, we are aware that a few individuals may actually target large sharks from time to time in the Sound. By closing all shark fishing (other than for dogfish) unless the person has an HMS shark permit we can provide a clear – no take - message to casual anglers who may inadvertently catch a shark, while preserving the fishing opportunity for individuals who are at least familiar enough with shark fishing (and presumably shark identification) that they have obtained an HMS shark permit and know the federal rules.

Public Input/Notice: Public hearings were held in Old Lyme and Bridgeport in November 2012 on a suite of proposed actions. No comments regarding coastal shark management were received at either hearing.

DECLARATION AUTHORITY

Sec. 26-102. Fish spawning areas and refuges. The commissioner may establish fish spawning areas and refuges on any waters; and he may establish closed areas and safety zones on public lands and waters and, with the consent of the owner, on private lands and waters, and close any such area to fishing and trespassing. The commissioner shall have emergency authority to declare a closed season on any species of fish threatened with undue depletion from any cause and, the provisions of section 26-116 notwithstanding, if such cause is any person, firm or corporation engaged in commercial fishing activity, the commissioner shall have the additional emergency power to establish prescribed conditions for the operation of such commercial fishing activity, or suspend or prohibit the right of such person, firm or corporation to operate within such waters for such period of time as the commissioner deems necessary. The commissioner may, if he deems it necessary, close any waters, or portions thereof, in the inland district to fishing for limited periods of time.