



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
NORTHEAST REGION
55 Great Republic Drive
Gloucester, MA 01930-2276

MAY 11 2011

Small Entity Compliance Guide

FEDERAL AMERICAN LOBSTER TRAP GEAR BUOY and LINE MARKING and DEPLOYMENT REQUIREMENTS

Dear Northeast Region Federal American Lobster Permit Holder:

The following information is to clarify for you the American lobster fixed gear requirements we described in a Federal permit holder letter sent to you on February 16, 2011. The deployment and gear configuration requirements for American lobster are defined in regulations 50 CFR 697.21(b), and they are summarized below for your convenience. Although **THERE HAVE BEEN NO RECENT CHANGES TO LOBSTER FIXED GEAR REQUIREMENTS**, some confusion remains, especially regarding the geographic locations where the lobster fixed gear deployment and configuration requirements apply. Also, gear deployment requirements vary depending on the number of lobster traps in each “lobster trap trawl.” Requirements differ for lobster trap trawls of three or fewer traps versus trap trawls of more than three traps – as described in the regulations below.

Federal lobster fixed gear requirements apply in four geographic areas (see Figure 1). Figure 1 also shows the latitudes and longitudes for each area, as defined in paragraph (b)(4) below.

- (1) *Gulf of Maine* gear requirements apply beginning 12 nautical miles (22.2 km) from shore,
- (2) *Georges Bank* requirements apply beginning 3 nautical miles (4.8 km) from shore,
- (3) *Southern New England* requirements apply at depths greater than 25 fathoms (45.72 m),
- (4) *Mid-Atlantic* fixed gear requirements apply at depths greater than 40 fathoms (73.15 m).

Federal lobster fixed gear buoy and line deployment and gear configuration regulations are as follows:

§697.21 Gear identification and marking requirements:

(b) *Deployment and gear configuration*. In the areas of the Exclusive Economic Zone (EEZ) described in paragraph (b)(4) below, lobster trap trawls are to be displayed and configured as follows:

Lobster Trap Trawls of Three or Fewer Traps:

(b)(1) Lobster trap trawls of three or fewer traps deployed in the EEZ must be attached to and marked with a single buoy.

Lobster Trap Trawls of More Than Three Traps:

(b)(2) Lobster trap trawls consisting of more than three traps must have a radar reflector and a single flag or pennant on the westernmost end (marking the half compass circle from magnetic south through west, to and including north), while the easternmost end (meaning the half compass circle from magnetic north through east, to and including south) of an American lobster trap trawl must be configured with a radar reflector only. Standard tetrahedral corner radar reflectors of at least 8 inches



(20.32 cm) (both in height and width, and made from metal) must be employed.

Maximum Lobster Trap Trawl Length:

(b)(3) No American lobster trap trawl shall exceed 1.5 nautical miles (2.78 km) in length, as measured from radar reflector to radar reflector.

Geographic Locations where Lobster Trap Deployment and Configuration Requirements Apply:

(b)(4) Gear deployment and configuration requirements specified in paragraphs (b)(1) through (b)(3) of this section apply in the following areas:

(i) *Gulf of Maine gear area.* Gulf of Maine gear area is defined as all waters of the EEZ north of 42°20' N. lat. seaward of a line drawn 12 nautical miles (22.2 km) from the baseline of the territorial sea;

(ii) *Georges Bank gear area.* Georges Bank gear area is defined as all waters of the EEZ south of 42°20' N. lat. and east of 70°00' W. long. or the outer boundary of the territorial sea, whichever lies farther east;

(iii) *Southern New England gear area.* Southern New England gear area is defined as all waters of the EEZ west of 70°00' W. long., east of 71°30' W. long. at a depth greater than 25 fathoms (45.72 m); and

(iv) *Mid-Atlantic gear area.* Mid-Atlantic gear area is defined as all waters of the EEZ, west of 71°30' W. long. and north of 36°33' N. lat. at a depth greater than 40 fathoms (73.15 m).

Federal Lobster Trap Tag Requirements:

In addition to the gear configuration requirements mentioned in this letter, permit holders should be aware that American lobster regulations require tags for each trap. Please contact the Sustainable Fisheries Division at 978-281-9315 if you have any questions about American lobster trap tag requirements. A copy of the current trap tag order form and instructions are available on the NMFS Northeast Region website: www.nero.noaa.gov/sfd/lobster.

Lobster Trap Definition and Exceptions:

American lobster permit holders are reminded that a “lobster trap” means any structure or other device, other than a net, that is placed, or designed to be placed, on the ocean bottom and is designed for or is capable of, catching lobsters. The following traps are not deemed to be lobster traps for the purpose of the Federal lobster regulations, and not subject to them: Red crab traps, fished deeper than 200 fathoms (365.8 m); traps fished from vessels fishing for black sea bass when the vessels have a Lobster Area 5 Waiver as specified in 50 CFR 697.26 (see Figure 2 for the location of Area 5); and, traps fished by a vessel not issued a limited access lobster permit under 50 CFR 697.4(a).

Atlantic Large Whale Take Reduction Plan

In addition to the fisheries management buoy and line marking requirements, permit holders are reminded that they, as well as vessels not operating under a Federal permit, are also subject to gear marking provisions of the Atlantic Large Whale Take Reduction Plan. These provisions are designed to improve the ability to identify the trap/pot and gillnet gear involved in a whale entanglement. These requirements provide identification of the owner of the gear, and thus, allow for collection of additional information on where, when, and how the gear was set. By increasing scientific understanding of the

nature of large whale entanglements, gear making measures will allow for, over time, improved effectiveness of the Atlantic Large Whale Take Reduction Plan.

Vessels must comply with the Atlantic Large Whale Take Reduction Plan regulations at 50 CFR 229.32(b), requiring the following:

Buoy and Line Marking Requirements

For Trap/Pot and Gillnet Surface Buoy Marking

All surface buoys will need to be marked to identify the vessel or fishery with one of the following:

- The owner's motorboat registration number and/or U.S. vessel documentation number;
- The Federal commercial fishing permit number; or
- Whatever positive identification marking is required by the vessel's home-port state.

When marking is not already required by state or Federal regulations, the letters and numbers to mark gear must be at least 1 inch (2.54 cm) in height, block letters or Arabic numbers (common numbers such as 1, 2, 3), in a color that contrasts with the color of the buoy.

For Trap/Pot and Gillnet Buoy Line Marking

The gear marking scheme requires one 4-inch (10.2 cm) colored mark midway along the buoy line. Each color code must be permanently affixed on or along the line and each color code must be clearly visible when the gear is hauled or removed from the water.

Trap/Pot Gear Marking Colors by Area

RED: Cape Cod Bay Restricted Area; Northern Nearshore Trap/Pot Waters; Northern Inshore State Trap/Pot Waters; Stellwagen Bank/ Jeffreys Ledge Restricted Area; Great South Channel Restricted Area overlapping with Lobster Management Area (LMA) 2 and/or the Outer Cape LMA.

ORANGE: Southern Nearshore Trap/Pot Waters.

BLACK: Offshore Trap/Pot Waters; Great South Channel Restricted Area overlapping with the LMA 2/3 Overlap and/or LMA 3.

See Figure 3 for the locations of the Trap/Pot Areas and LMA's.

Note: If the color of the rope is the same as or similar to a color code listed above, a white mark may be substituted for that color code.

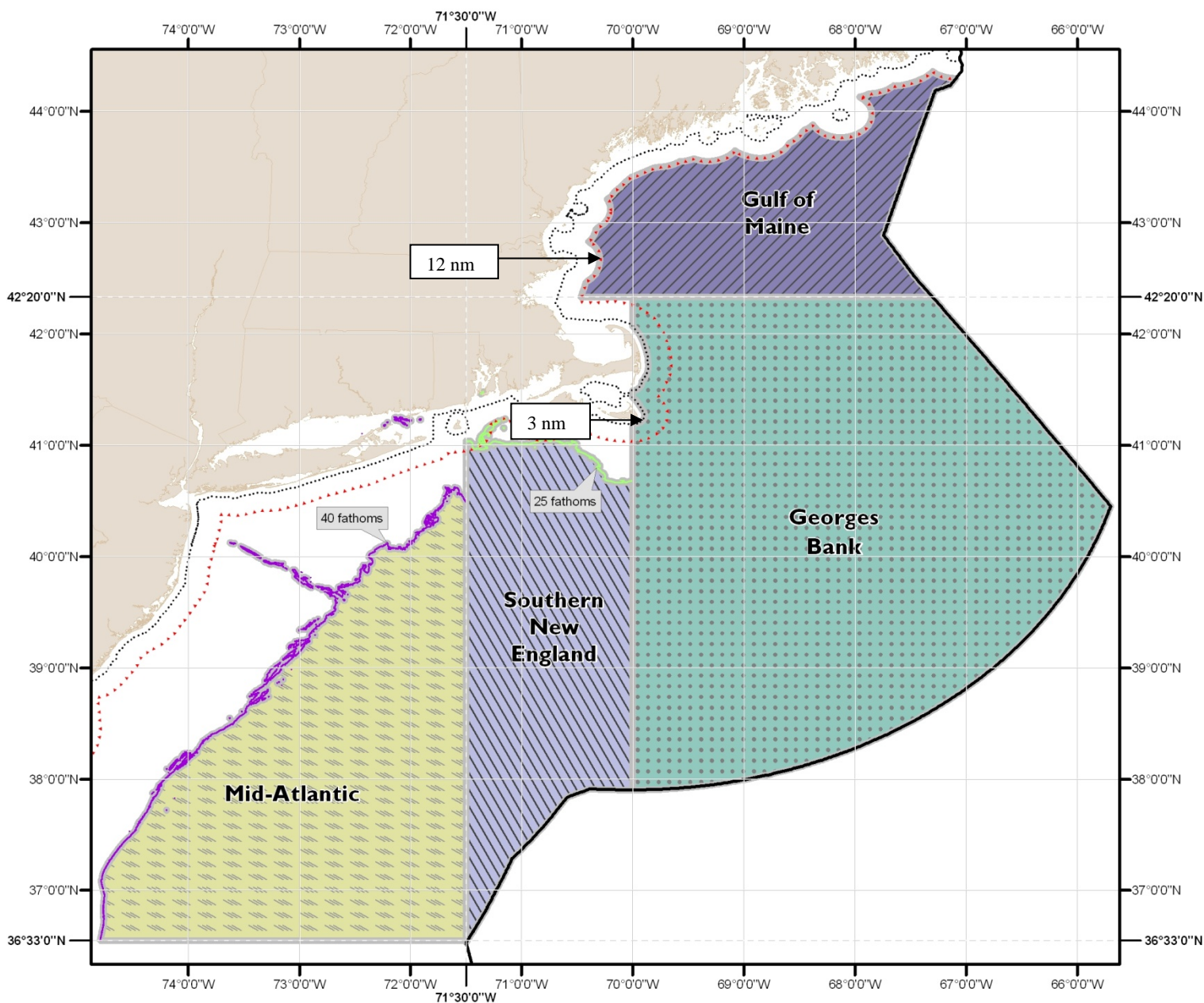
If you have any questions about these gear marking and surface gear deployment requirements, please contact the Sustainable Fisheries Division at 978-281-9315.

Sincerely,



Patricia A. Kurkul
Regional Administrator

Figure 1: Federal American Lobster Gear Marking and Gear Configuration Areas







Refer to 50CFR 697.21 (b)(4)(i-iv) for detailed descriptions of the deployment and gear configuration areas.


Deployment and Gear Configuration Areas

-  (i) Gulf of Maine
-  (ii) Georges Bank
-  (iii) Southern New England
-  (iv) Mid-Atlantic

Administrative Boundaries

-  0 nm - Baseline, Territorial Sea
-  3 nm - Outer Boundary, Territorial Sea
-  12 nm
-  200 nm - US EEZ

Depth Contours

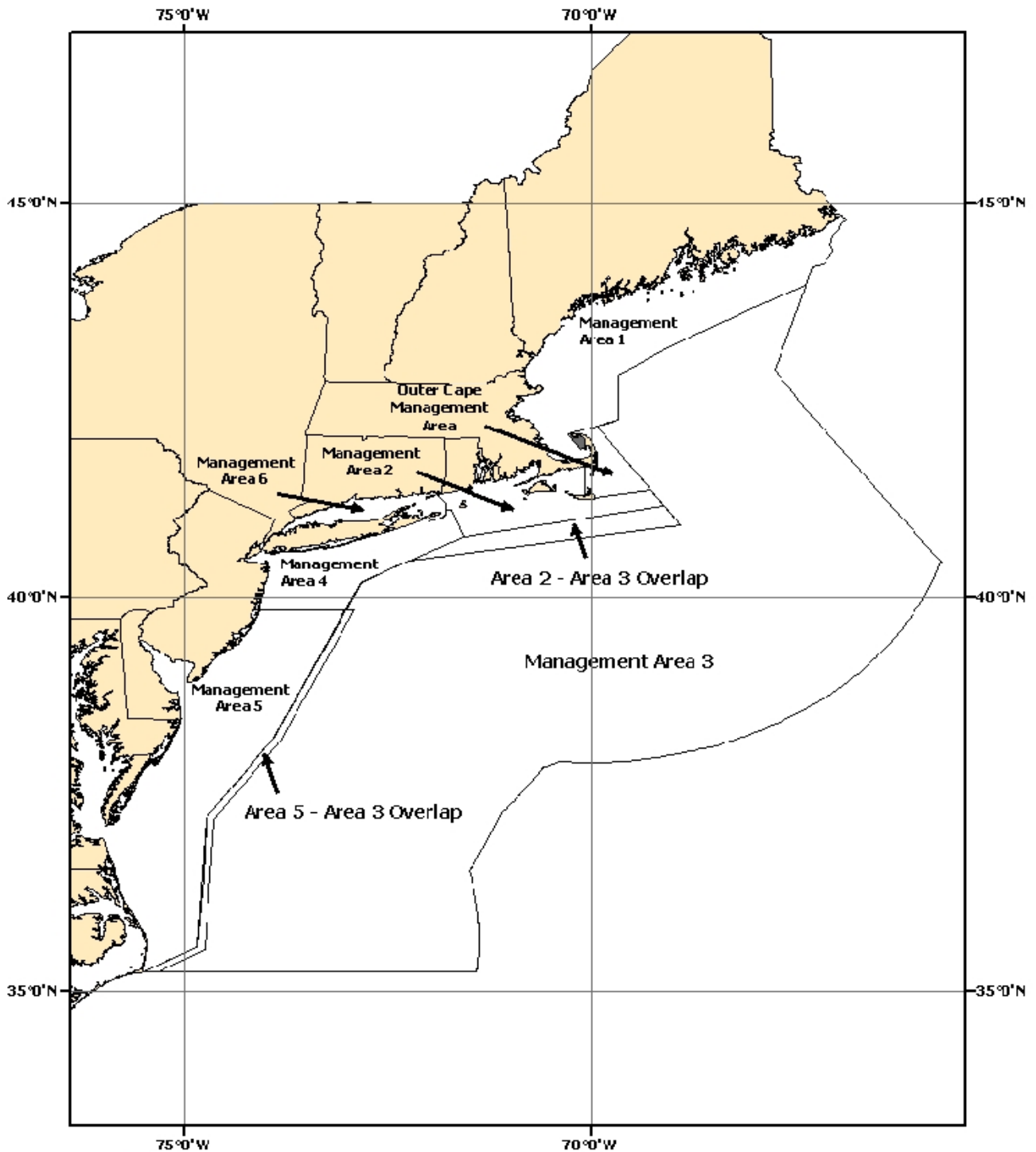
-  25 fathoms
-  40 fathoms



**NOAA Fisheries Service
Northeast Regional Office
Gloucester, MA**

Figure 2:

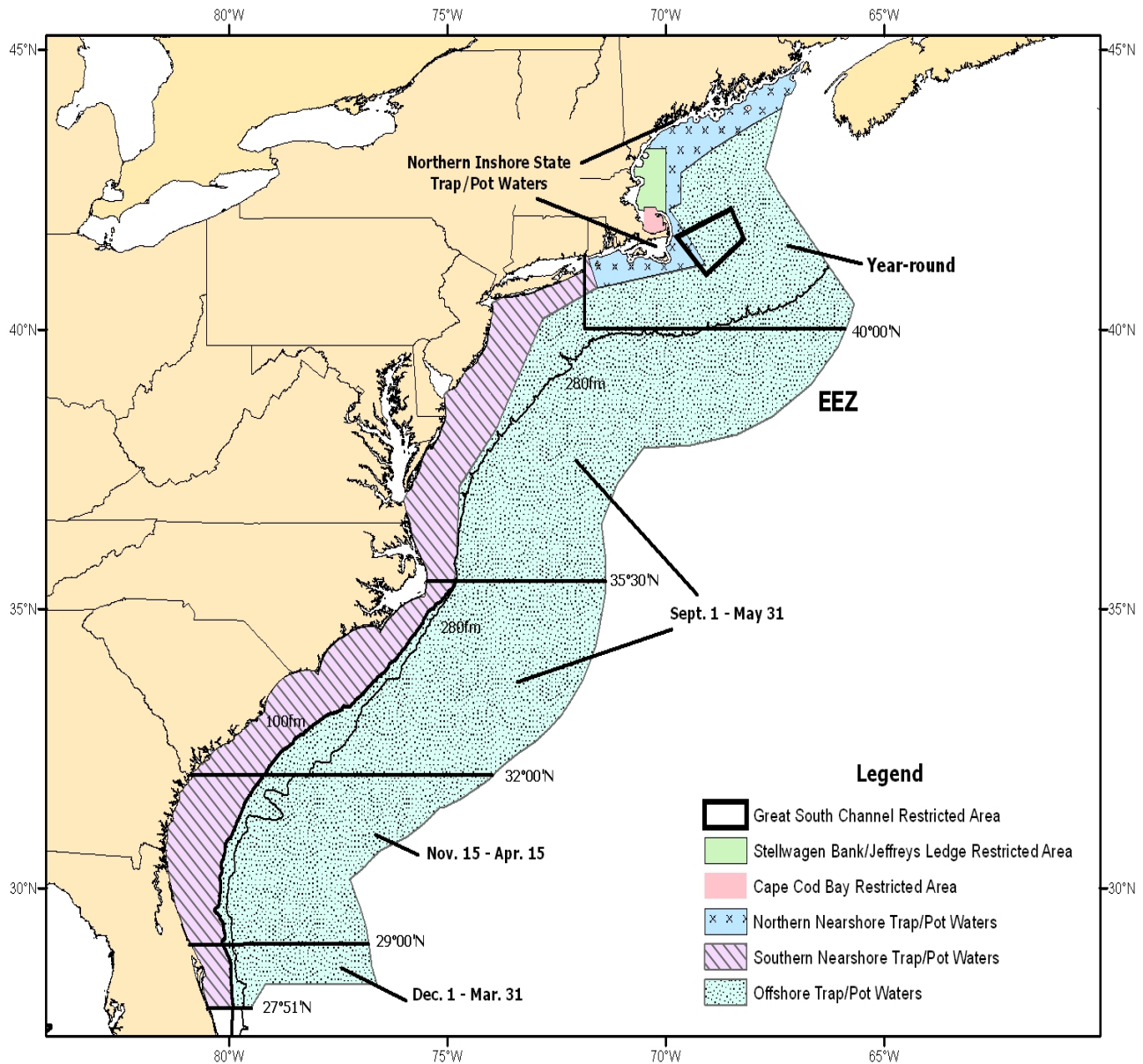
American Lobster Management Areas



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9/21/04

**Figure 3: Atlantic Large Whale Take Reduction Plan (ALWTRP)
Regulated Trap/Pot Areas (Trap/Pot Areas)**



The trap/pot gear requirements in the ALWTRP vary by geographic area. There are seven trap/pot areas: Cape Cod Bay Restricted Area; Great South Channel Restricted Area; Stellwagen Bank/Jeffreys Ledge Restricted Area; Northern Inshore State Trap/Pot Waters; Northern Nearshore Trap/Pot Waters; Southern Nearshore Trap/Pot Waters; and Offshore Trap/Pot Waters. Many of these areas overlap the Lobster Management Areas (LMA) described in the Federal American lobster regulations found at 50 CFR part 697 subpart B. A guide, providing specific ALWTRP area coordinates, can be found at <http://www.nero.noaa.gov/whaletrp/>. Regulations for the trap/pot areas can be found at 50 CFR 229.32.