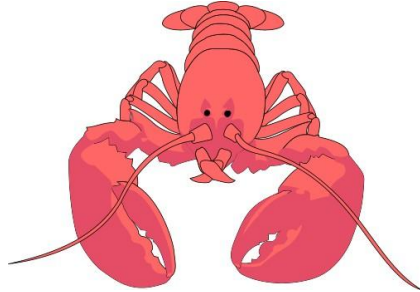


American Lobster Fishery Information Sheet

Summary of Regulations Fishing Year 2011

Effective September 20, 2011



INTRODUCTION

This summary is not a substitute for the Federal regulations; rather it provides a **broad** overview of restrictions and requirements of NOAA's National Marine Fisheries Service that apply to this fishery. You are strongly encouraged to read the regulations, 50 CFR 697.1 through § 697.26, along with this information sheet to fully understand how this fishery is managed.

Federal measures apply to a vessel issued a Federal American lobster permit, no matter where it fishes; however, individual states may set different regulations that govern lobster fishing in state waters. In cases where state measures differ from Federal regulations and you hold a Federal American lobster permit, you must adhere to the most restrictive state or Federal regulation as defined below.

Federal management of the American lobster fishery is influenced by management recommendations made by the Atlantic States Marine Fisheries Commission (Commission). <http://www.asmfc.org/> Commission member states are Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia and Florida. The current management of American lobster is in response to the passage of the Atlantic Coastal Act in 1993 by Congress. This Act helps the states and us to manage the American lobster fishery in a team-like fashion. The Commission prepares fishery management plans in response to many things relating to the lobster fishery, for example, stock assessments. We, in turn, use the Federal lobster regulations to complement the Commission's management plan in Federal waters. States manage state waters from 0 – 3 nautical miles offshore, and we manage Federal waters from 3 nautical miles – 200 nautical miles offshore, called the Exclusive Economic Zone (EEZ).



DEFINITIONS AND DESCRIPTIONS

Berried female: Means a female American lobster with eggs showing outside of her body and the eggs are attached to her belly area.

Ghost Panel: All traps not made entirely of wood must have a 3 ¾ inch x 3 ¾ inch panel that decays over time or is attached to the trap with fasteners that decay over time. The panel cannot be placed on the bottom of the trap since it is designed to decay and allow lobsters to escape from an abandoned or lost trap.

Lobster trap: A lobster trap is any structure, other than a net, fished by someone with a Federal lobster permit that is placed on the ocean floor and is designed to catch lobsters. All lobster traps must have escape vents, the dimensions are described in Table 3.

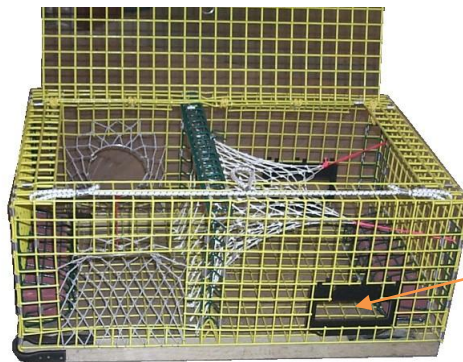
Most Restrictive Rule: If a state or local law is more restrictive than a Federal lobster regulation, you must comply with the more restrictive requirement. This applies to all measures, including gauge sizes, escape vents, etc. For example, if the state allows 650 lobster traps and we allow 800, then you must fish 650 traps anywhere you fish. It also requires you to abide by the most restrict management measures of all areas designated on your Federal lobster permit and all areas signed on a given grip.

Setal hair: a stiff hair, bristle or bristle-like part that grows on the ends of the tail flippers.

V-notch: There are two types of v-notch requirements. The first is the standard v-notch, which means a v-shaped cut out of the base of any female lobsters' tail flipper. It is at least 1/8 inch deep, with or without setal hairs

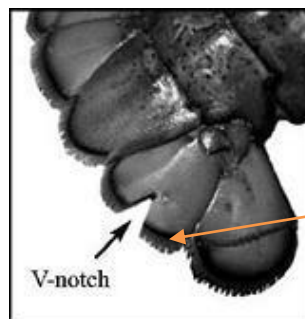


Berried
Female
Lobster



Escape
Vent

Lobster Trap



Setal hairs

V-notch



DEFINITIONS (Continued)

Zero tolerance V-notched American lobster, only applies in Area 1, means any female lobster that has a v-shaped cut of any size out of the tail flipper, next to and to the right of the center tail flipper. V-notches let you know which lobsters are breeding females and helps you to determine which lobsters need to be thrown back based on the size of the v-notch.

Table 1 V-Notch Marking Requirements in the Exclusive Economic Zone by Area

Federal Management Area	Area 1	Area 2	Area 3	Area 4	Area 5	Area 6	Outer Cape
Marking Requirements	Mandatory marking for all egg bearing lobsters	Voluntary marking	Mandatory marking for all egg bearing lobsters above 42°30' N. Lat.	Voluntary marking	Voluntary marking	Voluntary marking	Voluntary marking
Possession Definition	Zero Tolerance	Standard V-notch definition (1/8")	Standard V-notch definition (1/8")	Standard V-notch definition (1/8")	Standard V-notch definition (1/8")	Standard V-notch definition (1/8")	Standard V-notch definition (1/8")

VESSEL PERMITS

To fish commercially for American lobsters, a vessel must possess a Federal American lobster limited access permit and the permit must be on-board all the time. There are a few exceptions which can be found in § 697.4(a). Only one Federal lobster permit is issued for a vessel. When a vessel is sold or transferred, the fishing history and management area designations stay with the vessel. If the vessel sinks or is destroyed, you have to apply for a confirmation of permit history. If approved, you will be eligible to apply for a limited access permit in order to replace the vessel and preserve your right to fish. For specific details on how to obtain a confirmation of permit history, please go to § 697.4(a)(5). A Federal limited access lobster permit will not be issued to any vessel if the vessel's permit or fishing history has been used to qualify another vessel for the Federal American lobster fishery.

Since American lobster is a limited access permit, you must renew the permit at some point during each fishing year (May 1st through April 30th). If it is not renewed by the last day of a given fishing year, you will lose your permit. You have 45 days to make a change or correction on the American lobster permit from the effective date of the permit. For example, you may change a gear type or a trap area designation, as long as the vessel is eligible to fish in that



area with traps. No changes are allowed after 45 days from the effective date of permit; however, it is alright to make changes after the permit is issued if it is done to replace a vessel or when a vessel is sold.

TRAP TAGS

If you hold a Federal lobster permit and intend to fish for lobster with trap gear during a fishing year, you are required to purchase trap tags every year for each lobster trap. Any lobster traps fished in Federal waters must have a valid Federal lobster trap tag permanently attached to the trap bridge or central cross-member by June 1st, unless exempted under § 697.26. Remember to send in your order early enough to allow for the 6 – 8 weeks that it takes to process and mail the tags.

Federal American lobster vessel permits and trap tags are issued by us; however, we have an agreement with the Northeast states, (Maine, New Hampshire, Massachusetts, Connecticut, New York, and Rhode Island) that authorize them to issue you the tags to satisfy both state and Federal requirements. This allows you, the Federal lobster permit holder, to obtain trap tags from your state agency if you meet the Federal/state tag requirements. You are required to report any lost, destroyed, and missing tags within 7 days after the tags have been discovered lost, destroyed, or missing. To download detailed instructions and a trap tag order form, go to <http://www.nero.noaa.gov/nero/nr/nrdoc/12/12LobsterTrapTagPHL.pdf>.

The number of traps that you may receive varies from area to area as shown in Table 2. Note that in Areas 3, 4 and 5, the number of traps you can have is based on the history of the permit.

Table 2 Trap Allocation by Area

Area	Area 1	Area 2	Area 3	Area 4	Area 5	Area 6	Outer Cape
Trap Limit	800	800	Permit-specific–Not to exceed 1,945	Permit-specific–Not to exceed 1,440	Permit-specific–Not to exceed 1,440	State waters only	800
Limited Entry	Under review	Under review	Completed	Completed	Completed	State waters only	Under review

AMERICAN LOBSTER MANAGEMENT AREAS

There are seven American Lobster Management Areas: Areas, 1, 2, 3, 4, 5, 6 and the Outer Cape which are shown in Chart 1 on page 6. Any vessel with a Federal American lobster limited access area permit that has a designated area on the permit and fishes with traps, may not fish in an area not designated on the permit. For example, if your vessel only has an Area 1 limited access area permit, and fishes with traps, you may not fish in any other designated fishing area. However, you may choose more than one designated area when applying or reapplying for a fishing permit. There are specific qualification requirements for Areas 3, 4 and 5 that can be found in § 697.4(7).



Table 3 Vent and Gauge Sizes by Area

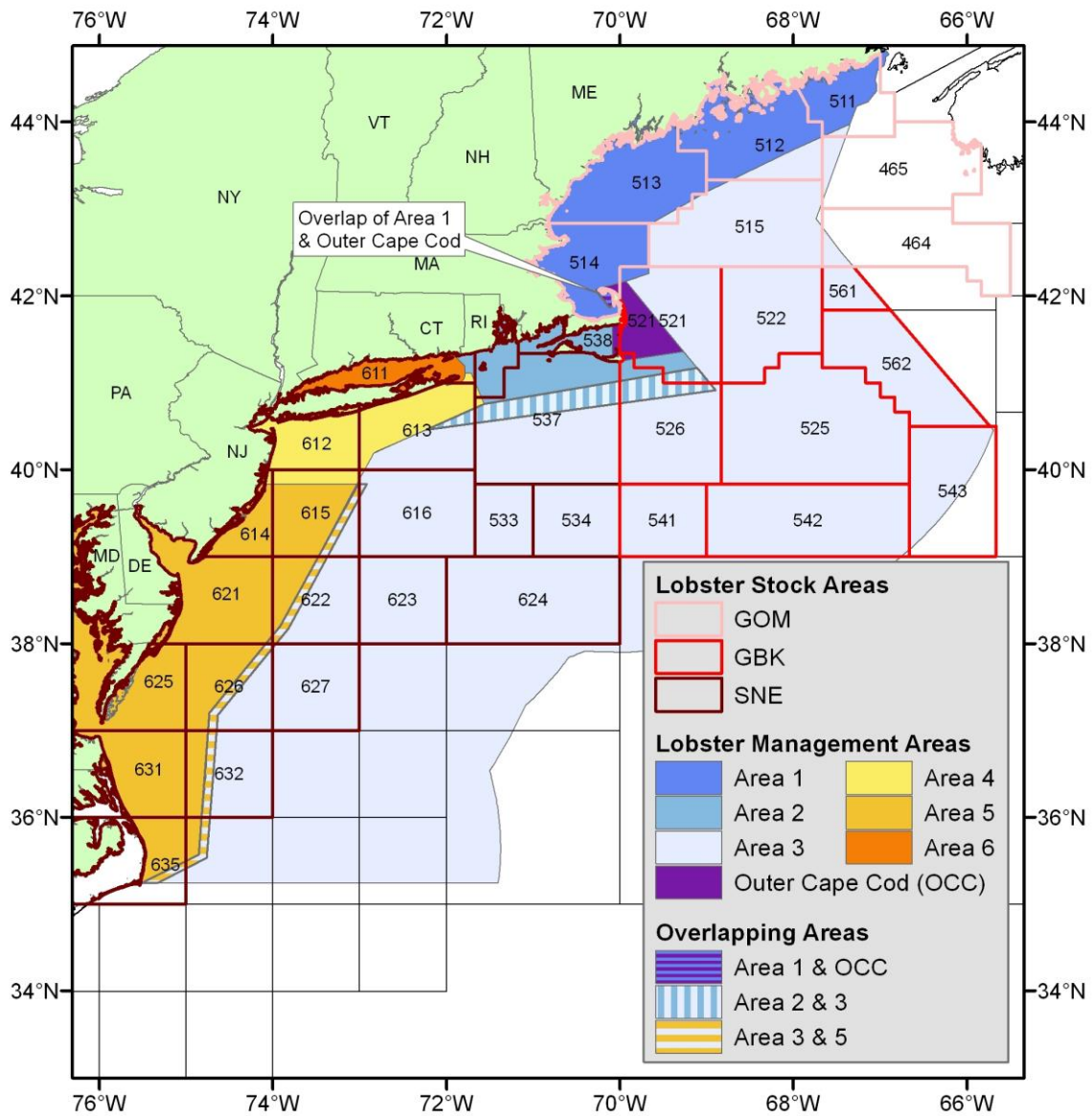
Management Measurement	Area 1	Area 2	Area 3	Area 4	Area 5	Area 6	Outer Cape
Minimum Gauge Size	3 1/4"	3 3/8"	3 1/2"	3 3/8"	3 3/8"	3 3/8"*	3 3/8"
Maximum Gauge Size	5"	5 1/4"	6 3/4"	5 1/4"	5 1/4"	5 1/4"	6 3/4" **
Escape Vent Rectangular	1 15/16" x 5 3/4"	2 x 5 3/4"	2 1/16" x 5 3/4"	2 x 5 3/4"	2 x 5 3/4"	2 x 5 3/4"*	2 x 5 3/4"
Escape Vent Circular	2 7/16"	2 5/8"	2 11/16"	2 5/8"	2 5/8"	2 5/8"*	2 5/8"

*Regulation has been implemented by the state but not by NOAA Fisheries; therefore, the most restrictive rule applies.

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Chart 1: Statistical Areas Used to Define American Lobster Gulf of Maine, Georges Bank and Southern New England Stocks and Regions



GEAR IDENTIFICATION AND MARKING, ESCAPE VENT, MAXIMUM TRAP SIZE, AND GHOST PANEL REQUIREMENTS

As a Federal limited access American lobster permit holder, you are required to mark your lobster traps with the trap tags. Your traps must also have escape vents and ghost panels and there are restrictions on the lobster trap size that the lobster trap can be. There are also lobster trap deployment and gear configuration regulations if you fish with traps.

For detailed information on these topics, go to § 697.21. For Large Whale Take Reduction Plan, go to <http://www.nero.noaa.gov/whaletrp/>

EEZ NEARSHORE MANAGEMENT AREA 5 TRAP WAIVER

Typically, an American lobster trap is any trap that sits on the bottom of the ocean and is capable of catching lobster; however, based on public feedback regarding Area 5, a special consideration was made for black sea bass fishers. Technically, the pots used for catching black sea bass could also catch lobsters. But because Area 5 does not have a large population of lobsters, an agreement was reached between us and the black sea bass fishers and a regulation was established to allow an Area 5 Trap Waiver Permit to those who qualify. Briefly, any exempted vessel issued an Area 5 Trap Waiver permit, may fish for black sea bass in the EEZ Nearshore Management Area 5 and may retain, land and sell a minor allowance of lobster equal to the non-trap harvest restrictions. For detailed information on this, please go to § 697.26.

GEAR RESTRICTED AREAS

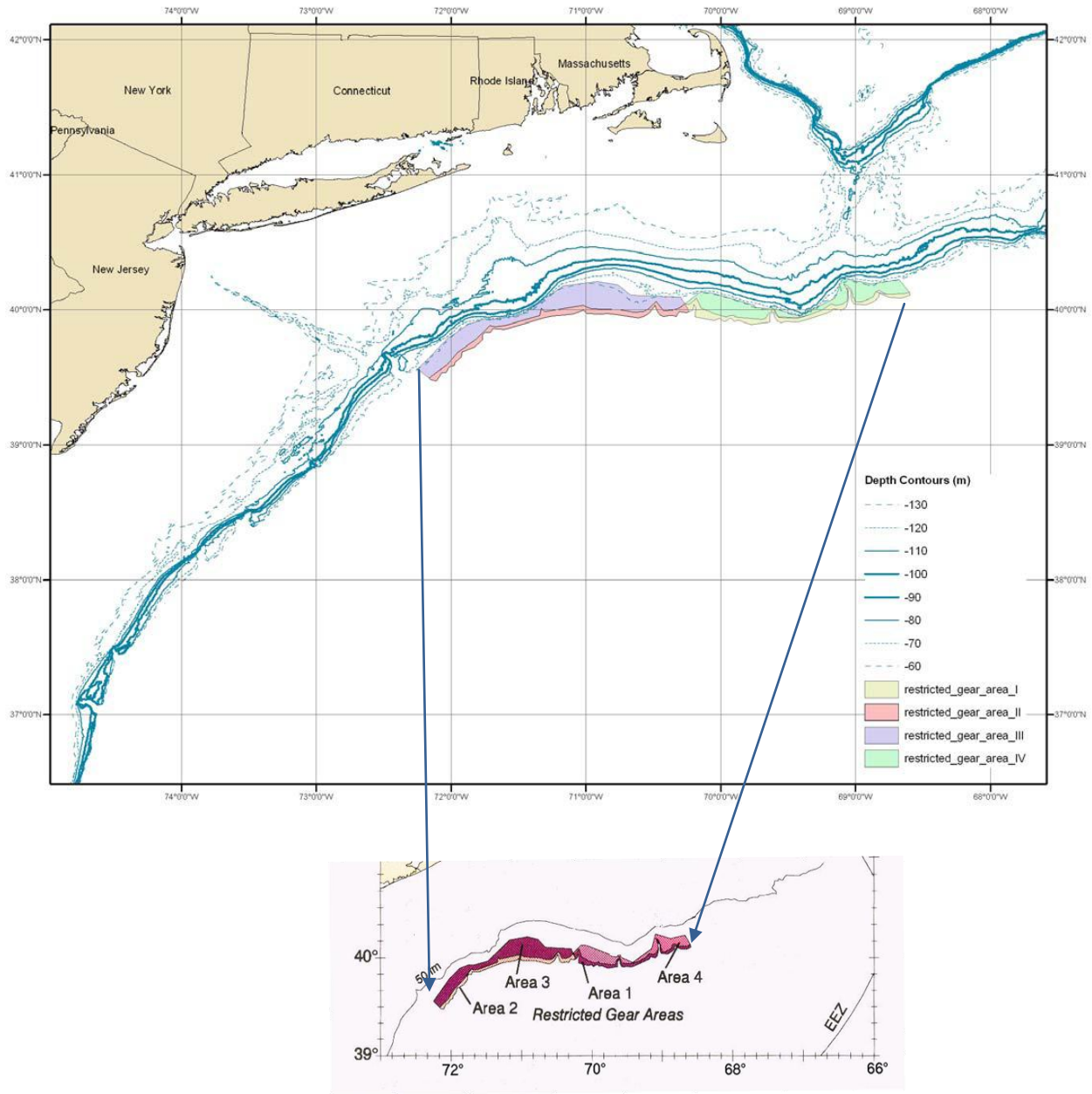
There are 4 restricted gear areas that are alternatively closed to either trap gear or mobile gear on a seasonal basis. The areas were agreed upon by the mobile gear and trap fishers to reduce gear conflicts. These areas run west to east along the 50 fathom contours, south of Rhode Island.

Table 3 Lobster §697.23 Restricted Gear Areas I-IV Regulations

Federal Regulations	Restricted Gear Area	Area Closed to Mobile Gear	Area Closed to Lobster Fixed Gear
§697.23(b)	I	10/1-6/15	6/16-9/30
§697.23(c)	II	11/27-6/15	6/16-11/26
§697.23(d)	III	6/16-11/26	1/1-4/30
§697.23(e)	IV	6/16-9/30	Not Applicable



Chart 2: Restricted Gear Areas*



*Graphics Credit: Mid-Atlantic Fishery Management Council, 2009.

SELECTED PROHIBITIONS

While there are a number of activities that are not allowed that are found in § 697.7, some additional activities not allowed are listed below:

- Transfer or attempt to transfer American lobster from one vessel to another vessel;
- Possess a lobster trap tag, tag a lobster trap with, or use, a lobster trap tag that has been reported lost, missing, destroyed, or issued to another vessel; and,
- Possess, deploy, fish with, haul, harvest lobster from, or carry aboard a vessel trap gear issued to another vessel.

MARINE MAMMALS

As part of the Atlantic large whale take reduction plan regulations, you are required to haul back your lobster traps/pot gear at least once every 30 days as required by 50 CFR 229.32(c)(1)(ii).

GEAR HAULING WITH SUBSTITUTE VESSEL

If traps are expected to be unattended for greater than 30 days, we may, as appropriate, authorize a substitute vessel to haul ashore the lobster trap gear of a federally permitted lobster vessel that has broken down without having to engage in a lengthy exempted fishing process as described in § 697.22(c).

