



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
NORTHEAST REGION
One Blackburn Drive
Gloucester, MA 01930

SEP 2 2005

AMERICAN LOBSTER PROPOSED RULE

Dear Federal American Lobster Permit Holder:

This letter is to inform you that NOAA's National Marine Fisheries Service (NMFS) recently published in the Federal Register a proposed rule on Federal American lobster management in the Exclusive Economic Zone (EEZ). This proposed rule addresses American lobster management measures recommended by the Atlantic States Marine Fisheries Commission (Commission) following approval of Addendum II and Addendum III to Amendment 3 of the Interstate Fishery Management Plan for American Lobster. The proposed modifications would provide increased protection to egg bearing female lobsters and broodstock lobsters in certain Lobster Conservation Management Areas (LCMAs) and complement existing state regulations currently in effect. In addition, there are four measures in this proposed rule that would further clarify existing Federal lobster regulations.

The proposed lobster broodstock management measures would:

- **revise the Egg Per Recruit overfishing target timeline** of F10 from the year 2005 to the year 2008;
- **increase the lobster minimum legal carapace size limit** from 3 1/4 inches (8.26 centimeters (cm)) to 3 3/8 inches (8.57 cm) in LCMA 2 (inshore Southern New England), LCMA 3 (offshore waters), LCMA 4 (inshore Northern Mid-Atlantic), LCMA 5 (inshore Southern Mid-Atlantic), and the Outer Cape Management Area;
- **increase the rectangular lobster trap escape vent size** from 1 15/16 inches x 5 3/4 inches (4.92 cm x 14.61 cm) to 2 inches x 5 3/4 inches (5.08 cm x 14.61 cm) in LCMAs 2, 3, 4, 5, and the Outer Cape;
- **increase the circular lobster trap escape vent size** from 2 7/16 inches (6.19 cm) to 2 5/8 inches (6.67 cm) in LCMAs 2, 3, 4, 5, and the Outer Cape;
- **implement a 5 1/4 inch (13.34 cm) maximum legal carapace size** on possession of female lobsters in LCMA 4, and 5 1/2 inches (13.97 cm) in LCMA 5;
- **require mandatory V-notching of female lobsters carrying eggs in LCMA 1** (Gulf of Maine) and in LCMA 3 above the 42°30' North latitude line;
- **require a zero tolerance definition of V-notched female lobsters in LCMA 1;**
and
- **implement a 5 mile (8 kilometer) overlap boundary area** between LCMAs 3 and 5.

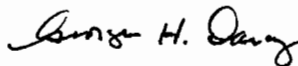


To clarify existing regulations, the proposed measures would:

- **allow a change in the LMCA designations** of a fishing vessel with a Federal lobster permit upon sale, transfer, or within 45 days of the permit's effective date;
- **clearly reference other laws and regulations** applicable to Federal lobster permit holders;
- **clearly prohibit hauling or possession of lobster trap gear belonging to another vessel;** and
- **exempt lobster trap gear retrieval by a substitute vessel from provisions of the exempted fishing regulations** when a Federally permitted vessel is inoperable or mechanically impaired.

NMFS is seeking public comment on management measures in this proposed rule. You are encouraged to obtain a complete copy of the proposed rule. To obtain a copy, please contact NMFS at (978) 281-9327, or access the document via the Northeast Regional Office website at: <http://www.nero.noaa.gov/> and click on Hot News. Written comments will be accepted until 5 p.m. Eastern Standard Time on or before OCT 17 2005, and should be sent to: Harold C. Mears, Director, State, Federal, and Constituent Programs Office, Northeast Region, NMFS, One Blackburn Drive, Gloucester, MA 01930. Comments may be sent via email to Lob0305@noaa.gov. Include in the subject line "American Lobster Proposed Rule Comments". Comments may also be sent via fax (978) 281-9117, or via the Federal e-Rulemaking Portal at www.regulations.gov. Thank you for your cooperation.

Sincerely,


for Patricia A. Kurkul
Regional Administrator