



UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
NATIONAL MARINE FISHERIES SERVICE  
NORTHEAST REGION  
One Blackburn Drive  
Gloucester, MA 01930-2298

APR 3 2003

## SUMMARY

In response to the recommendations of the Atlantic States Marine Fisheries Commission (Commission) in Addendum 1 to Amendment 3 of the Interstate Fishery Management Plan for American Lobster (ISFMP), a Final Rule was published in the Federal Register on March 27, 2003. The Final Rule makes the following modifications to the Federal lobster regulations in 50

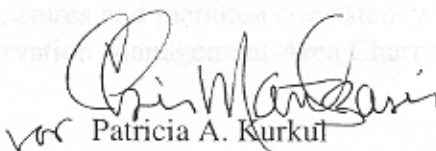
Dear Federal Lobster Permit Holder:

NOAA Fisheries recently published a Final Rule in the Federal Register that revises the Federal lobster regulations at 50 CFR 697. The revised regulations are summarized in the enclosed Small Entity Compliance Guide. The guide also includes instructions for submitting an application for eligibility for the Areas 3, 4 and 5 lobster trap fishery, as required under the new regulations.

In addition to the Small Entity Compliance Guide, an Area Eligibility Application Form is also enclosed for use in applying for future access to the Areas 3, 4 and 5 lobster trap fishery. If a green letter is enclosed with your packet, NOAA Fisheries was able to use data currently in its possession to waive your permit of some of the documentary requirements necessary to establish eligibility for the Areas 3, 4 and 5 lobster trap fishery.

NOAA Fisheries strongly urges all Federal lobster permit holders and interested parties to obtain a complete copy of the Final Rule either from the NOAA Fisheries web site at [www.nero.noaa.gov](http://www.nero.noaa.gov), or by contacting the Northeast Regional Office at (978) 281-9278.

Sincerely,

  
Patricia A. Kurkul  
Regional Administrator

Enclosures

The intent of this compliance guide is to inform Federal lobster permit holders of their obligations and responsibilities under the new Federal lobster regulations. It is not the intent of this guide, nor is it possible, to address all potential scenarios or to supersede the Final Rule itself. The regulations in the Final Rule control and provide the most definitive instruction on your obligations and responsibilities under the new regulations. NOAA Fisheries urges all interested parties to obtain a copy of the Final Rule either from the NOAA Fisheries web site at [www.nero.noaa.gov](http://www.nero.noaa.gov) or by contacting NOAA Fisheries at (978) 281-9278.



April 3, 2003

NOAA FISHERIES  
SMALL ENTITY COMPLIANCE GUIDE  
AMERICAN LOBSTER FINAL RULE

**SUMMARY**

In response to the recommendations of the Atlantic States Marine Fisheries Commission (Commission) in Addendum I to Amendment 3 of the Interstate Fishery Management Plan for American Lobster (ISFMP), a Final Rule was published in the Federal Register on March 27, 2003. The Final Rule makes the following modifications to the Federal lobster regulations in 50 CFR 697:

**Area 3, 4, and 5 Historical Participation**

Eligibility to fish for lobster with traps in the Federal waters of Areas 3, 4 and 5 will be based on historical participation with respect to the qualification criteria specified in the Final Rule. Federal permit holders who desire to fish in these areas in the future are required to submit an application for eligibility as indicated in the instructions beginning on page 2 of this guide.

**New Hampshire Conservation Equivalency**

This Final Rule acknowledges the State of New Hampshire's two-tiered conservation equivalent trap allocation system and authorizes Federal lobster permit holders who elect to fish in Area 1 and have a full commercial New Hampshire state license to fish 400 additional traps in New Hampshire state waters in addition to the 800 traps they may fish in the state and Federal waters of Area 1. However, these fishermen would not be allowed to fish more than 800 traps in the Federal waters of Area 1.

**Area Boundary Adjustments**

The Final Rule modifies the boundary lines for Areas 1, 2 and the Outer Cape Management Area, to be consistent with those in the Commission's ISFMP. This action will facilitate the effective enforcement of area-specific management measures and maintain consistency with historical fishing practices. See revised Lobster Conservation Management Area Chart and coordinates as Figure 3 on pages 10-12 of this guide.

**Conservation Equivalency Procedures**

This action also includes a mechanism to allow NOAA Fisheries to accept and consider conservation equivalency proposals from the Commission that recommend changes to the Federal lobster regulations as they may pertain to the activities of Federal lobster permit holders from the affected state(s).

The intent of this compliance guide is to inform Federal lobster permit holders of their obligations and responsibilities under the new Federal lobster regulations. It is not the intent of this guide, nor is it possible, to address all potential scenarios or to supercede the Final Rule itself. The regulations in the Final Rule control and provide the most definitive instruction on your obligations and responsibilities under the new regulations. NOAA Fisheries urges all interested parties to obtain a copy of the Final Rule either from the NOAA Fisheries web site at [www.nero.noaa.gov](http://www.nero.noaa.gov) or by contacting NOAA Fisheries at (978) 281-9278.

**APPLICATION INSTRUCTIONS**  
**AMERICAN LOBSTER TRAP FISHERY**  
**HISTORICAL PARTICIPATION ELIGIBILITY PROGRAM**  
**LOBSTER CONSERVATION MANAGEMENT AREAS 3, 4 and 5**

The new Federal lobster regulations implement a system of lobster trap effort reduction in Lobster Conservation Management Areas (Areas) 3, 4 and 5 based on historical participation. To qualify for future access into the lobster trap fishery in Areas 3, 4 or 5, you must demonstrate a history of participation in the fishery in these areas by completing the enclosed Area Eligibility Application Form and by submitting documentation to support both the number of traps fished and the qualification criteria as described in this guide. The number of traps fished as stated in the application will be used to determine your permit's initial trap allocation for each area your permit qualifies for. If you intend to fish for lobster in Area 3, 4 or 5, you must file an eligibility application with NOAA Fisheries by **December 31, 2003** as described in these instructions and in the Final Rule. If you fail to apply by December 31, 2003, your vessel will be excluded from fishing in these areas forthwith.

**I. Who is Impacted?**

The new lobster regulations affect all who fish for lobster with traps (gear code 800) in Areas 3, 4 or 5, as well as all who may wish to fish for lobster with trap gear in Areas 3, 4 or 5 in the future. Accordingly, if you wish to fish in Areas 3, 4 or 5 in the years to come, even if not in the immediate years to come, then you must apply to NOAA Fisheries by December 31, 2003. Qualification requirements and the application deadlines also apply to a person who has received a **confirmation of permit history** for a Federal lobster permit that is not currently associated to a fishing vessel and allows the lawful retention of the fishing and permit history for a qualifying vessel that has sunk, been destroyed, or transferred to another person or entity. Your ability to fish for lobster with traps in one or more of Areas 1, 2, the Outer Cape management area, and Area 6 (NY and CT license holders only) will not be impacted by these new regulations. Those that fish for lobster with non-trap gear only will also not be impacted by this action. Therefore, you are not required to apply under this program unless you intend to fish for lobster with trap gear in one or more of Areas 3, 4 and/or 5 in the future.

**II. What is the Qualification Period?**

For each lobster management area selected, you must select a calendar year between **March 25, 1991 and September 1, 1999** as a qualifying year and provide documentation supporting the eligibility requirements for that qualifying year for the area(s) selected. Use the enclosed application form to indicate which area(s) you are applying for access to, the qualification year and the number of traps fished in those areas during the qualifying year.

**III. What are the Qualification Criteria?**

The new lobster regulations limit future access to Areas 3, 4 and/or 5 to those who can prove that their permit has a history of fishing for lobster with traps in those areas during the qualification period. Only current Federal lobster permits are eligible to apply. The fishing activity that must be proven does not necessarily need to have been conducted by the permit holder or associated vessel that currently holds that permit, but rather the activity associated with the Federal permit during the qualification period.

The qualification criteria are quite specific and require that fishing activity under the permit demonstrates:

1. proof that the permitted vessel, over a two consecutive month period, set, soaked, hauled back and re-set at least 200 traps during the qualifying year chosen by the applicant (March 25, 1991-September 1, 1999) in the specific area(s) of concern;
2. proof that 25,000 lbs. of lobster was landed from any management area during the qualifying year. (For Area 3 applications only and not necessary when applying for either Area 4 or 5).
3. proof of the total number of traps fished in the specific area during the qualifying year as explained below:

#### Area 3 Trap Allocations and Annual Trap Reductions

Initial trap allocations for Area 3 will be determined by the Regional Administrator for each eligible permit holder based on credible documentation submitted by the applicant. Regardless of the total number of traps the applicant can prove that the vessel fished during the qualifying year, initial trap allocations for eligible vessels will not exceed 2,656 traps. Those qualified permit holders starting with 1,200 traps or less will have no further increases or reductions. Each trap allocation greater than 1,200 traps will be reduced on a sliding scale basis over four years according to the trap reduction schedule developed by the Area 3 Lobster Conservation Management Team in Figure 1 on page 8 of this guide.

#### Area 4 and 5 Trap Allocations

The applicant must submit documentation to show the historical number of traps that the permit fished during the calendar year selected by the applicant as the qualifying year between March 25, 1991 through September 1, 1999. If the applicant meets all the eligibility criteria, the documentation supporting the permit's trap allocation will be reviewed and a determination will be made by the Regional Administrator regarding the permit's final trap allocation for Areas 4 and or 5. Those allocations will not exceed 1,440 traps. Unlike Area 3, these final allocations will not be subject to annual reductions unless future action requires otherwise.

#### Qualifying for Multiple Areas

You must check off each Area you intend to qualify for on the Area Eligibility Application Form. The same qualifying year must be used when applying for access to more than one area. Your initial trap allocation will be the lowest of all areas you qualify for.

### **IV. How Do I Prove the Qualification Criteria?**

The new lobster regulations require that each applicant back up their claim, with documentary proof, that their permit meets each qualification criterion. The qualification criteria and allowable documentation for permit holders applying for access to Area 4 and/or Area 5 are exactly the same as those for Area 3, ***EXCEPT no proof of landing 25,000 lbs. of lobster during the qualifying year is necessary to establish historical participation in Area 4 and/or Area 5. Also, the documentation submitted must be pertinent to, and clearly demonstrate activity in, each specific area identified in your application.***

To qualify for access to Areas 3, 4 and/or 5 you must submit:

1. A copy of the vessel's current Federal lobster permit. The potential qualifier may, in lieu of providing a copy, provide NOAA Fisheries with such data that would allow NOAA Fisheries to identify the current permit holder in its data base, which would at a minimum include: the applicant's name and address, vessel name and permit number;

2. Proof of fishing at least 200 traps over a two consecutive month period. The applicant must provide - to the extent that the document(s) clearly and credibly establishes this criterion - one or more of the following types of documentation: copies of Federal Fishing Vessel Trip Reports (NOAA Form 88-30), Federal Port Agent Vessel Interview forms (NOAA Form 88-30), Federal Sea Sampling Observer Reports or a Federal Fishing Vessel and Gear Damage Compensation Fund Report (NOAA Form 88-176); personal vessel logbooks; state permit applications; and/or official state reporting documentation showing the number of lobster traps fished, including, but not limited to, state report cards, state vessel interview forms, license application forms, state sea sampling observer reports, and catch reports. These documents must have been created on or about the time of activity stated in the document. NOAA Fisheries will not accept recent vessel log book entries or other recently created documents identified in this part as proof of fishing activity that occurred in prior years. **The documentation must clearly demonstrate that the trap fishing activity occurred in the area(s) that you're applying for;**

3. Proof that 25,000 pounds of lobster were landed during the qualifying year. **This criterion is only necessary when applying for access to Area 3. However, landings may have been from any area, not exclusively Area 3.** The applicant must provide - to the extent that the document(s) clearly and credibly establishes this criterion - one or more of the following types of documentation: copies of Federal Fishing Vessel Trip Reports (NOAA Form 88-30), Federal Port Agent Vessel Interview forms (NOAA Form 88-30) or Federal Sea Sampling Observer Reports; personal vessel logbooks; official state reporting documentation showing the pounds of lobster landed, including, but not limited to, state report cards, state vessel interview forms, state sea sampling observer reports, and catch reports; and/or sales receipts or landing slips. These documents must have been created on or about the time of activity stated in the document. NOAA Fisheries will not accept recent vessel log book entries or other recently created documents identified in this part as proof of fishing activity that occurred in prior years;

4. Proof of the number of traps fished during the qualifying year. NOAA Fisheries will accept – to the extent that the document(s) clearly and credibly establishes this criterion – one or more of the following types of documentation: copies of Federal Fishing Vessel Trip Reports (NOAA Form 88-30); Federal Port Agent Vessel Interview Forms (NOAA Form 88-30); Federal Sea Sampling Observer Reports; Federal Fishing Vessel and Gear Damage Compensation Fund Reports (NOAA Form 88-176); personal vessel logbooks; tax returns and sales receipts; state permit applications; and/or official state reporting documentation showing the number of traps fished, including, but not limited to, state report cards, state vessel interview forms, license application forms, state sea sampling observer reports, and catch reports. Documentation may represent the number of traps fished during any point in the qualifying year and does not necessarily need to represent the two consecutive month period used. These documents must have been created on or about the time of the activity stated in the document. NOAA Fisheries will not accept recent vessel log book entries or other recently created documents identified in this part as proof of fishing activity that occurred in prior years;

5. A signed cover letter. The cover letter must identify the documents provided, the qualifying year and which qualification and trap allocation criteria the documents are being used to establish;

6. An Affidavit. The signed affidavit must attest under the penalties of perjury that each aspect of each of the qualification and trap allocation criteria has been met and the submitted supporting documentation is truthful, accurate and created contemporaneously with the dates identified on the documents. Specifically, each affidavit must attest in separate and specific paragraphs:

- (a) the applicant's name, address, Federal permit number, vessel name and vessel number;
- (b) that at least 200 lobster traps were set, allowed to soak, hauled back and re-set during the two consecutive month period in the qualifying year in the area(s) being selected by the applicant, identifying those months and that year and further identifying which documents are being offered as proof of such;
- (c) that at least 25,000 pounds of lobster were landed during the qualifying year by the vessel,

identifying that year and further identifying which documents are being offered as proof of such (**for Area 3 applications only**);

(d) the total number of traps set in the qualifying area during the qualifying year, identifying that area and year, and further identifying which documents are being offered as proof of such; and

(e) that the submitted documents in support of these claims are truthful, accurate and created during the qualifying year. **A sample affidavit is provided for guidance as Figure 2 on page 9.**

## **V. What Should My Application Look Like?**

You will need to complete and send to NOAA Fisheries the following:

1) A completed Area Eligibility Application Form; 2) a copy of your current Federal lobster permit; 3) a signed and dated affidavit attesting to the truthfulness and accuracy of the documents submitted; 4) a cover letter that identifies and explains the documentary proof that you are submitting; and 5) documentary proof in support of the qualification criteria and number of traps fished as claimed in the application. For more details see Section III: *How do I prove the qualification criteria?*

**Submit your application package to:**

**National Marine Fisheries Service  
Lobster Area Eligibility Program  
One Blackburn Drive  
Gloucester, MA 01930**

Applicants must retain copies of all the application materials and documentation submitted to NOAA Fisheries while the application is pending. All documents and submissions must be legible. Illegible documents or submissions will not be considered.

## **VI. When Should I Apply?**

Application period extends from April 28, 2003 - December 31, 2003

NOAA Fisheries will accept applications from April 28, 2003 through December 31, 2003. The December 31, 2003 deadline is absolute; **NOAA Fisheries will not accept applications after December 31, 2003.** Any submitted application postmarked after or hand-delivered after December 31, 2003 will be rejected.

Special Consideration for Applications Received Prior to July 31, 2003

Special consideration will be given to those who have a current 2003 Federal lobster permit designating one or more of Areas 3, 4 and/or 5 and who have also submitted their historical participation application by July 31, 2003. If you already have a 2003 permit that designates Areas 3, 4, and/or 5, you will notice that this temporary permit expires on August 31, 2003. If you wish to continue fishing in Area 3, 4 and/or 5 beyond that date, then you must submit your application to NOAA Fisheries by **July 31, 2003.** If NOAA Fisheries receives your application on or before July 31, 2003, an interim permit will be issued to you allowing you to fish beyond the August 31, 2003 expiration date currently on your permit while NOAA Fisheries reviews your application.

Applications Received After July 31, 2003

If you do not submit an application by July 31, 2003, you are still able to submit an application, as long you do so by December 31, 2003, but, your current 2003 fishing year permit for Areas 3, 4 and/or 5 will expire

on August 31, 2003 and it will not be extended for the remainder of the fishing year. In such an event, your application may ultimately be approved, but regardless of when it is approved, you would not be eligible to fish in the approved area until the 2004 fishing year.

## **VII. Waiver of Documentary Proof**

Please note that in some limited circumstances, NOAA Fisheries already has clear and convincing documentary proof in its possession that would establish some of the qualification criteria for some Federal lobster permit holders. NOAA Fisheries' determination of a waiver of documentary proof is limited to those Federal permit holders who submitted Federal Fishing Vessel Trip Reports (NOAA Form 88-30) from 1994-1999 that indicated lobster trap fishing activity in one or more of Areas 3, 4 or 5. In some cases, NOAA Fisheries was able to determine that clear and credible evidence was available to indicate that some permits meet the "200 traps during a two consecutive month" criterion for one or more of Areas 3, 4 or 5. Those whose Vessel Trip Reports demonstrated this level of activity for Area 3 were also analyzed for the 25,000 lbs. landing requirement for the same calendar year(s) that the permit met the 200 trap criterion. As a result, some permits have been waived of the documentary proof requirement for both the "200 traps over two consecutive months" and "25,000 lb. landing requirement" for Area 3.

If NOAA Fisheries has granted you a waiver of some of the documentary proof requirements, then you will have a **green letter** so informing you in this packet. The green letter explains the extent to which you have been waived of the documentary proof requirements of this action with respect to the years, areas and specific qualification criteria. Regardless of whether you received a green letter, you will still need to fill out and submit an appropriate application (see Section V. *What should my application look like?*). If you were waived of the documentary proof requirements for some, but not all of Areas 3, 4 and/or 5, you may still submit an application for the areas for which those requirements have not been waived by NOAA Fisheries.

## **VIII. Application Review Process**

Applications will be processed on a first-come, first-served basis. If your application is incomplete, a letter will be sent to you indicating which additional information is necessary to resume the review. If, upon review of your application, your permit is deemed eligible, you will receive a revised permit with your eligible lobster management areas and trap allocation. If your permit is deemed ineligible, you will be notified in writing and a revised permit will be issued with any eligible lobster management areas, based upon the area designations you have made for the 2003 fishing year. If your permit is determined to be eligible for one or more of Areas 3, 4 and 5, but your application is received after July 31, 2003, your vessel will not be allowed to fish for lobster with traps in that area(s) until May 1, 2004.

## **IX. Appeals**

There are two grounds for appeal if you apply for access to Areas 3, 4 and/or 5 and are subsequently denied: the Regional Administrator erred clerically in concluding that the permit did not qualify; or, an otherwise qualified applicant is unable to produce the necessary evidence due to a documentary hardship. A documentary hardship appeal is allowed only when documentation necessary to prove historical participation is no longer available due to factors beyond the applicant's control, such as documents lost in a flood or fire, for example. Documentary hardship appeals require submission of documentation to corroborate the reason for the hardship, and affidavits from permit holders and others attesting to the

nature of the hardship and the appellant's fishing activity. For more details on the appeals process, consult page 14929 of the Final Rule. Appeals must be received in writing within 45 days of the date indicated on the notice of denial.

## **X. Data Requests**

### Vessel Trip Report (VTR), Port Agent Interview, and Sea Sampler Data

NOAA Fisheries has already made preliminary determinations on VTR data for the purposes of partially waiving the documentary proof requirement for certain vessels under this action (see Section VII. *Waiver of Documentary Proof*). If you have copies of your VTRs then it is not necessary to request this information from NOAA Fisheries.

Port agent interview, dealer weigh-out, and sea sampler (Federal fishery observer) data may also be available with regard to your permit. If you believe that any of these forms of data may exist relevant to your permit and you wish to receive this information, **submit a data request in writing to:**

**Lobster Data Request  
Fisheries Statistics Office  
National Marine Fisheries Service  
One Blackburn Drive  
Gloucester, MA 01930**

Requests may also be submitted via **fax to: (978) 281-9161**.

Please provide the specific years, permit numbers and vessel information desired in your written data request. Data may only be released to the owner of the vessel for the time period specified on the data request. Note that NOAA Fisheries is limited by confidentiality laws as to the degree of vessel-specific information that can be released. If you did not own the vessel or permit during all or part of the qualification period, and were not specifically granted the fishing history of the vessel from the previous owner, a written authorization from the former owner (permit holder) is required to allow NOAA Fisheries to provide all the data requested.

## **XI. Effects on Trap Tags**

If NOAA Fisheries qualifies an applicant, and if that qualification results in a greater trap allocation than can be currently fished (for example, an Area 4 qualifier who gets a 1,200 trap allocation), then NOAA Fisheries will authorize the eligible permit holder to purchase any additional trap tags as necessary. On the other hand, if NOAA Fisheries denies an application that applicant can keep and use the trap tags that have already been purchased, although not in the area for which eligibility was denied. For example, an applicant who designated Areas 1 and 3 on their 2003 permit and whose application into Area 3 is later denied can still use the 800 trap tags in Area 1. That person need not purchase a new set of trap tags that list only Area 1, although they can no longer fish in Area 3 even though their tags may indicate Areas 1 and 3. A revised permit will be issued with the permit holder's eligible areas. The final permit will act as the means to enforce the areas where the permit holder's vessel may fish.

If you have any questions regarding the area eligibility program, please call the NOAA Fisheries information line at (978) 281-9278 or visit our web site at: [www.nero.noaa.gov](http://www.nero.noaa.gov).



**Figure 1. Area 3 Trap Reduction Schedule**

Number of Traps Approved by Regional Administrator	Trap Allocation by Fishing Year			
	2003	2004	2005	2006 and beyond
*1200-1299	1200	1200	1200	1200
1300-1399	1200	1200	1200	1200
1400-1499	1290	1251	1213	1200
1500-1599	1388	1337	1297	1276
1600-1699	1467	1423	1380	1352
1700-1799	1548	1498	1452	1417
1800-1899	1628	1573	1523	1482
1900-1999	1705	1644	1589	1549
2000-2099	1782	1715	1654	1616
2100-2199	1856	1782	1715	1674
2200-2299	1930	1849	1776	1732
2300-2399	2003	1905	1836	1789
2400-2499	2076	1981	1896	1845
2500-2599	2197	2034	1952	1897
2600-2699	2218	2107	2008	1949
2700-2799	2288	2169	2063	2000
2800-2899	2357	2230	2117	2050
2900-2999	2425	2291	2171	2100
3000-3099	2493	2351	2225	2150
3100-3199	2575	2422	2288	2209
\$3200	2656	2493	2351	2267

*\* Eligible permit holders with initial trap allocations below 1,200 traps will remain at that level and will have no further reductions. For example, a permit holder that qualifies at 1,000 traps will be allowed to fish 1,000 traps indefinitely in Area 3 without further reductions unless a subsequent change in the regulations requires otherwise.*

**Figure 2. Sample Affidavit**

Affidavit of John Smith

I, John Smith, swear to the truth of the following:

1. My name is John Smith. I live at 10 Smith Street, Westerly, RI. My vessel's name is Miss Dimple. My Federal lobster permit number is 000000. I am applying for access into Area 3.
2. My vessel, the Miss Dimple set, allowed to soak, hauled back and re-set at least 200 lobster traps in Area 3 in September and October of 1998. As proof, I have attached my vessel log book from 1998 which shows that the Miss Dimple fished 1,000 traps in Area 3 during September and October of 1998.\*
3. The Miss Dimple landed at least 25,000 pounds of lobster in 1998. As proof, I have attached sales receipts from 1998 which show that the Miss Dimple landed over 25,000 pounds of lobster in 1998. (for Area 3 only)\*
4. The Miss Dimple fished on average 1,000 traps in Area 3 in 1998. As proof, I have attached my vessel log book from 1998.
5. All the documents that I refer to in this affidavit are truthful, accurate and were created in 1998, which is the qualifying year that I am using for in this application.

Signed under the penalties of perjury on May 3, 2003.

---

John Smith

\* If you received a green documentary waiver letter from NOAA Fisheries that waives your need to provide the documentary proof of this criterion, then your second sentence in either one or both of paragraphs 2 and 3 could read: "I am not providing documentary proof of this criterion because NOAA Fisheries has granted me a waiver of this requirement."

Figure 3. Modified Lobster Conservation Management Area Chart and Coordinates.

---

**REVISIONS TO FEDERAL LOBSTER MANAGEMENT AREA COORDINATES**  
**for MANAGEMENT AREAS 1, 2, and the OUTER CAPE**      March 2003

---

The following lobster management areas have been revised, effective April 28, 2003. Lobster management areas are established for purposes of implementing the management measures specified in the Code of Federal Regulations §697. Follow listed coordinates down and then across in the order stated. Current Federal lobster management measures can be found at the following NOAA Fisheries Northeast Region website: <http://www.nero.noaa.gov>.

#      **Nearshore Lobster Management Area 1.**

Nearshore Lobster Management Area 1 is defined by the area, including state and Federal waters that are nearshore in the Gulf of Maine, bounded by straight lines connecting the following points, in the order stated, and the coastline of Maine, New Hampshire, and Massachusetts to the northernmost point on Cape Cod:

<u>Point</u>	<u>Latitude</u>	<u>Longitude</u>	<u>Point</u>	<u>Latitude</u>	<u>Longitude</u>
A	43/58' N.	67/22' W.	G	42/05.5' N.	70/14' W.
B	43/41' N.	68/00' W.	G1	42/04.25' N.	70/17.22' W.
C	43/12' N.	69/00' W.	G2	42/02.84' N.	70/16.1' W.
D	42/49' N.	69/40' W.	G3	42/03.35' N.	70/14.2' W.
E	42/15.5' N.	69/40' W.			
F	42/10' N.	69/56' W.			

From point "G3" along the coastline of Massachusetts, including the southwestern end of the Cape Cod Canal, continuing along the coastlines of Massachusetts, New Hampshire, Maine, and the seaward EEZ boundary back to point A.

#      **Nearshore Lobster Management Area 2.**

Nearshore Lobster Management Area 2 is defined by the area, including state and Federal waters that are nearshore in Southern New England, bounded by straight lines connecting the following points, in the order stated:

<u>Point</u>	<u>Latitude</u>	<u>Longitude</u>	<u>Point</u>	<u>Latitude</u>	<u>Longitude</u>
H	41/40' N.	70/05' W.	N	40/45.5' N.	71/34' W.
I	41/15' N.	70/05' W.	O	41/07' N.	71/43' W.
J	41/21.5' N.	69/16.5' W.	P	41/06.5' N.	71/47' W.
K	41/10' N.	69/06.5' W.	Q	41/11.5' N.	71/47.25' W.
L	40/55' N.	68/54' W.	R	41/18.5' N.	71/54.5' W.
M	40/27.5' N.	72/14' W.			

From point "R" along the maritime boundary between Connecticut and Rhode Island to the coastal Connecticut/Rhode Island boundary and then back to point "H" along the Rhode Island and Massachusetts coast, including the northeastern end of the Cape Cod Canal.

#      **Nearshore Outer Cape Lobster Management Area.**

Nearshore Outer Cape Lobster Management Area is defined by the area, including state and Federal waters off Cape Cod, bounded by straight lines connecting the following points, in the order stated:

<u>Point</u>	<u>Latitude</u>	<u>Longitude</u>	<u>Point</u>	<u>Latitude</u>	<u>Longitude</u>
F	42/10' N.	69/56' W.	G2	42/02.84' N.	70/16.1' W.
G	42/05.5' N.	70/14' W.	G4	41°52! N.	70°07.49! W.
G1	42/04.25' N.	70/17.22' W.	G5	41°54.46! N.	70°03.99! W.

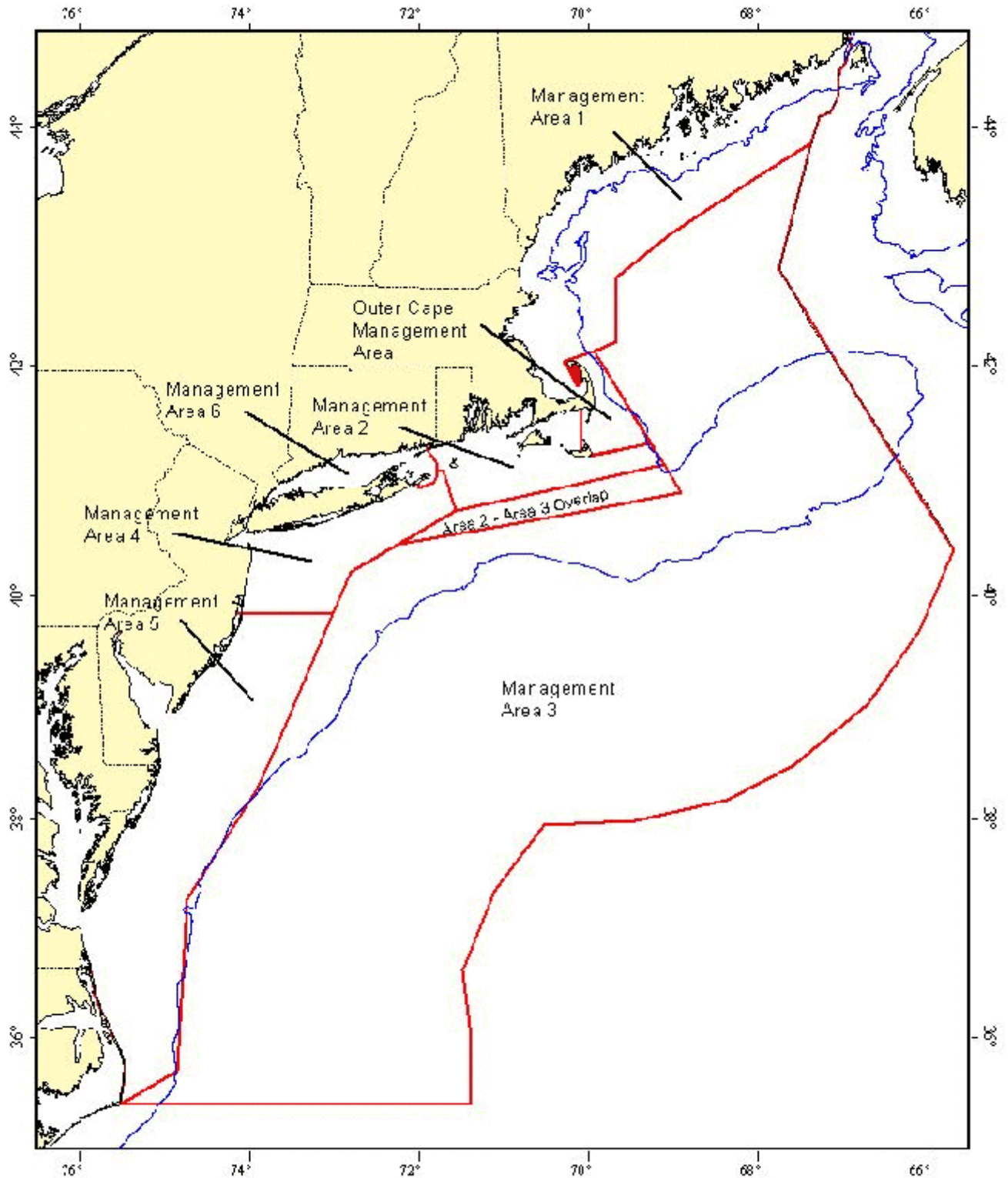
From Point G5 along the outer Cape Cod coast to Point H:

H	41/40' N.	70/05' W.
H1	41°18! N.	70°05! W.

From Point "H1" along the eastern coast of Nantucket Island to Point "I":

I	41/15' N.	70/00' W.
J	41/21.5' N.	69/16' W.

# American Lobster Management Areas

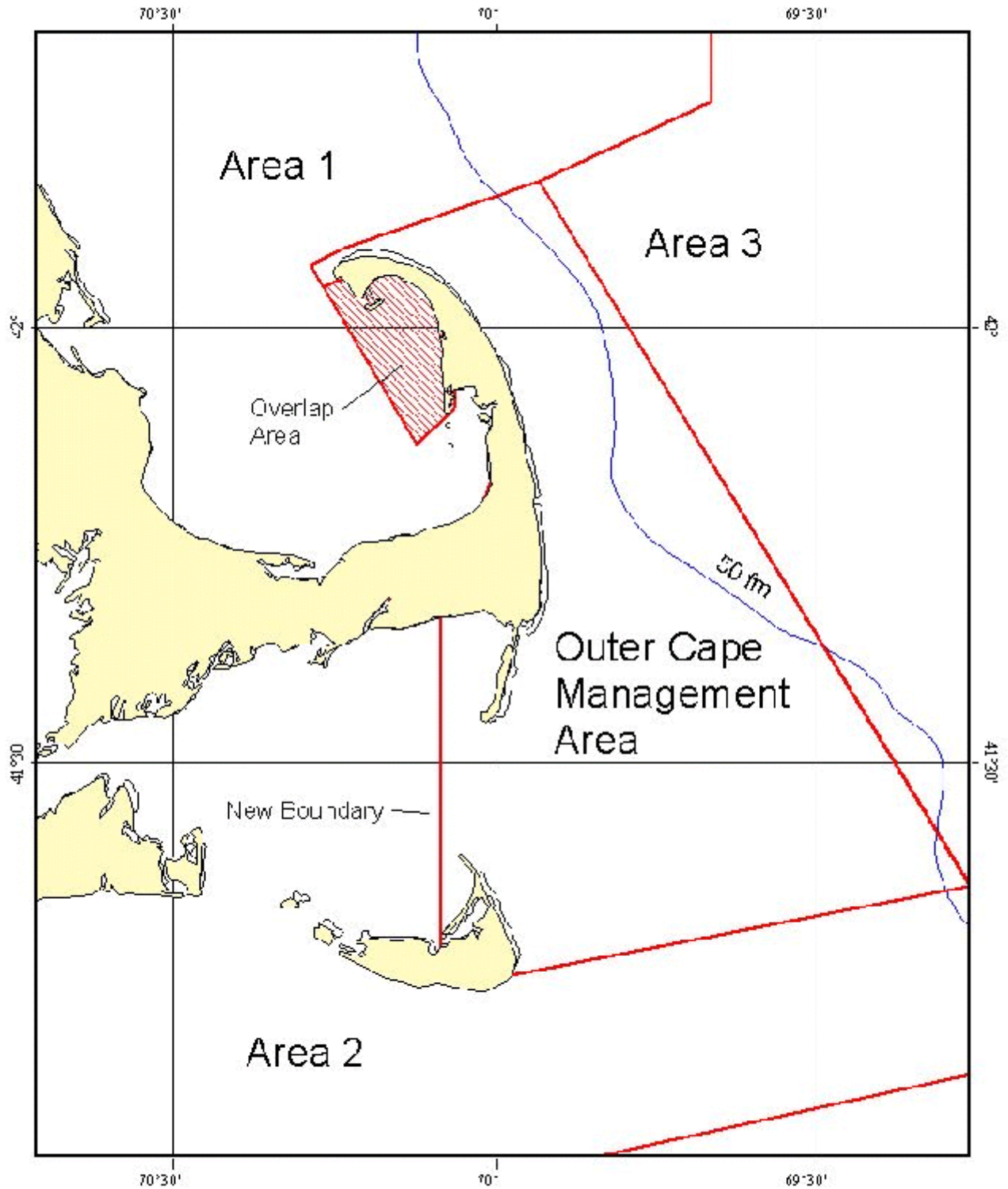


NOAA Fisheries  
North east Regional Office  
Gloucester, MA

3/18/03

From Point "J" back to Point "F".

# American Lobster Management Areas



NOAA Fisheries  
Northeast Regional Office  
Gloucester, MA

3/18/03

**AMERICAN LOBSTER TRAP FISHERY  
AREA ELIGIBILITY APPLICATION FORM  
LOBSTER CONSERVATION MANAGEMENT AREAS 3, 4 AND 5**

Use this form to apply for future access to the Area 3, 4 and 5 lobster trap fishery. This application form will assist NOAA Fisheries in processing your application.

First, provide the permit and vessel information in the spaces below. Second, check off the areas you are applying for access to and the calendar year chosen as the qualifying year for the area or areas selected. You must use the same qualifying year for all areas if applying for access to more than one area. Third, indicate the total number of traps fished during the qualifying year for each area selected. Fourth, be sure to **submit the appropriate supporting documentation, a copy of your Federal permit, cover letter, and affidavit along with this form.** Refer to Sections III, IV, and V (pages 2 - 5) of the enclosed Small Entity Compliance Guide for more detailed information.

**Current Federal Permit #:** \_\_\_\_\_ **Vessel Name:** \_\_\_\_\_

**Permit Holder Name:** \_\_\_\_\_ **Vessel Documentation #:** \_\_\_\_\_

**City:** \_\_\_\_\_ **State:** \_\_\_\_\_ **Zip:** \_\_\_\_\_ **Telephone #:** \_\_\_\_\_

Area(s) you are applying for with this application. Check (√) appropriate box(es).	Qualifying Year (Chose calendar year between March 25, 1991 - Sept. 1, 1999)*	Total number of traps fished in each area during qualifying year
<b>AREA 3</b> G		
<b>AREA 4</b> G		
<b>AREA 5</b> G		

\* If either 1991 or 1999 are chosen as the qualifying year, lobster trap fishing activity must have been during those portions of the year that fall within the qualification period. 1991 lobster trap fishing activity must have occurred between March 25 and December 31, 1991. For 1999, lobster trap fishing activity must have occurred between January 1 and September 1, 1999.

This collection-of-information requirement is subject to the Paperwork Reduction Act (PRA) and has been approved by the Office of Management and Budget (OMB) under OMB control number 0648-0450. This collection is authorized under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C 1801 et. Seq.). The information will be used in the management of the American lobster fishery. This information collection is necessary in reducing lobster trap fishing effort in Lobster Conservation Management Areas (LCMAs) 3, 4 and 5 consistent with the Interstate Fishery Management Plan for American lobster. The collection will allow NMFS to reduce trap fishing effort using a system of limited access based on historical participation.

The public reporting burden for each collection of information per response is indicated in the following list of requirements, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The collection of information requirements are as follows: (1) Provision of a cover letter intended to describe the types of documentation included in the application and the relevance of the documentation to the application process with a response time per application of 15 minutes; (2) Provision of documentation of possession of a current valid Federal lobster permit with a response time per application of 5 minutes; (3) Provision of documentation to demonstrate at least 200 lobster traps were set, allowed to soak, hauled back, and re-set in Areas 3, 4, or 5 during a 2-consecutive calendar month period in any calendar year during the qualification period from March 25, 1991, through September 1, 1999 with a response time per application of 15 minutes; (4) (For Area 3 only) Provision of documents pertaining to the sale of lobsters indicating the landing of at least 25,000 lb (11,340 kg) of lobster from any location during the year used as the qualifying year from March 25, 1991, to September 1, 1999 with a response time per application of 10 minutes; (5) Provision of documentation for proof of historical participation in two rather than one lobster management area with a response time per application of an additional 17 minutes if different consecutive two-month periods of trap fishing are used; (6) Provision of documentation for proof of historical participation in three rather than one lobster management area with a response time per application of an additional 34 minutes if three different consecutive 2-month periods are used; (7) Completion of lobster trap fishing area eligibility application form with a response time per application of 2 minutes for each area selected; (8) Provision of affidavit stating total number of individual lobster traps the permit holder set, allowed to soak, hauled back, and re-set in Areas 3, 4, or 5 at any one time during the qualifying year with a response time per application of 15 minutes; (9) Provision of a written appeal request to the Regional Administrator by non-qualifying permit holders with a response time per application of 15 minutes; and (10) Provision of affidavits in support of documentary hardship written appeal request to the Regional Administrator by non-qualifying permit holders with a response time per application of 3.25 hours if three affidavits are required and 4.25 hours per application if four affidavits are required. Therefore, the estimated time burden for a permit holder to submit an application under this action ranges from 52-96 minutes, not including the previously stated time estimates for subsequent appeals.

Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Patricia Kurkul, Regional Administrator, Northeast Region, NMFS, One Blackburn Drive, Gloucester, MA 01930-2298.

All data will be kept confidential as required by Section 402(b) of the Magnuson-Stevens Act and NOAA Administrative Order 216-100, Confidentiality of Fisheries Statistics, and will not be released for public use except in aggregate statistical form (and without identifying the source of data, i.e., vessel name, owner, etc.)

Notwithstanding any other provision of law, no person is required to respond to nor shall a person be subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number.