



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

ATTENTION - ACTION REQUIRED

MAR 29 2004

**Small Entity Compliance Guide
2004 LOBSTER TRAP TAG PROGRAM**

Dear Federal American Lobster Permit Holder:

Federal lobster permit holders who intend to fish for lobster with trap gear during the 2004 fishing year (May 1, 2004 - April 30, 2005) are required to designate lobster management areas and tag all lobster traps. Traps fished by Federal lobster permit holders must be affixed with a 2004 lobster trap tag by June 1, 2004. Any tags purchased for the 2003 season will be invalid after May 31, 2004.

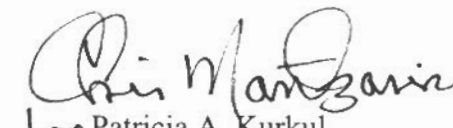
The National Marine Fisheries Service (NMFS) has trap tag agreements with several states to allow the majority of Federal lobster permit holders to purchase their trap tags from their state marine fisheries agency in satisfaction of both state and Federal trap tagging requirements.

See the enclosed instructions to determine how to order your trap tags. You must renew your Federal lobster permit for the 2004 fishing year to be eligible to order trap tags. Any trap tags ordered with the enclosed form will identify lobster management areas that appear on your 2004 Federal lobster permit. The amount of tags you may order is limited to the trap allocation identified on your 2004 permit, plus 10%.

Regardless of the amount of tags purchased, Federal lobster regulations require Federal permit holders to abide by the most restrictive of either state or Federal trap limits. The mere issuance of Federal trap tags does not preempt any more restrictive state law that may be applicable to a Federal lobster permit holder with a state lobster license. Therefore, **it is recommended that you contact your state fisheries agency for further details.**

For questions regarding lobster management area designation or trap tags contact NMFS at (978) 281-9278 or visit the NMFS Northeast Region home page at: <http://www.nero.nmfs.gov>.

Sincerely,


for Patricia A. Kurkul
Regional Administrator

Enclosures: Lobster Trap Tag Order Form and Instructions





**SMALL ENTITY COMPLIANCE GUIDE
NATIONAL MARINE FISHERIES SERVICE
LOBSTER TRAP TAG ORDERING INSTRUCTIONS**

TRAP TAG REQUIREMENT

Federal lobster permit holders who intend to fish for lobster with trap gear during the 2004 fishing year (May 1, 2004 - April 30, 2005) are required to designate lobster management areas and tag all lobster traps. Traps fished by Federal lobster permit holders must be affixed with a 2004 lobster trap tag by June 1, 2004. Any tags purchased for the 2003 season will be invalid after May 31, 2004.

AREA DESIGNATION REQUIREMENT

All Federal lobster permit holders electing to fish for lobster with trap gear (gear code 800) must designate at least one lobster management area on their Federal Permit Renewal Application. If you are eligible to use the enclosed form for ordering tags, the lobster management areas you designate on your Federal permit renewal application will be forwarded to Stoffel Seals by NMFS and will appear on your trap tags. Federal permit holders purchasing their tags through a state agency must designate the same lobster management areas on their state tag order forms as they have on their Federal permit renewal application.

NON-TRAP GEAR FISHERMEN

If you do not intend to fish with traps and if trap gear (gear code 800) is not identified as a gear type on your Federal permit, you are not required to elect a lobster management area or complete the enclosed trap tag order form. If fishing with non-trap gear, you may harvest lobster outside of your designated trap gear areas, but must abide by the most restrictive measures in effect of the trap area(s) selected and the area that the vessel is fishing in.

WHO SHOULD ORDER TAGS WITH THE ENCLOSED FORM? The state identified in your address on your Federal permit will determine whether you should order tags via NMFS or your state.

Federal permit holders from MA, NH*, RI, CT

If your Federal lobster permit has a Massachusetts, New Hampshire*,
Rhode Island or Connecticut address,
you must order your trap tags from your state marine fisheries agency.

New Hampshire*: ***NEW REQUIREMENT*** If your Federal lobster permit has a New Hampshire address, you must purchase your trap tags through the NH Fish and Game Dept.

Maine: If you have a Federal lobster permit and a State of Maine lobster license, you must purchase your lobster trap tags through the ME Dept. of Marine Resources, otherwise use the enclosed form.

New York: Federal lobster permit holders with a New York State lobster license and electing to fish in Area 6 only, are required to purchase their trap tags from the NY Dept. of Environmental Conservation, otherwise use the enclosed form.

Federal Lobster Permit Holders from Other States, Including: New Jersey, Delaware, Maryland, Virginia, North Carolina If your Federal permit DOES NOT have a ME, MA, NH, RI, CT, or NY address, you must order your lobster trap tags from NMFS.

TO ORDER TAGS WITH THE ENCLOSED FORM - If ordering trap tags through NMFS, submit the following documents to Stoffel Seals at the address below:

**Stoffel Seals Corp.
P.O. Box 825 - Dept. 3
Nyack, NY 10960-0825**

- 1. A completed Lobster Trap Tag Order Form** indicating the number of trap tags you are purchasing, including the additional 10 percent to replace lost or destroyed trap tags, if desired;
- 2. PAYMENT** in the form of either a **cashier's check or money order** payable to Stoffel Seals, or **credit card** authorization which includes the credit card type, card number and expiration date in the fields provided in Part B of the order form. **No personal or corporate checks or cash will be accepted.** Payment amount should include the sales tax for your state of residence if you are not tax exempt;
- 3. If you are tax exempt, submit a completed state tax exemption form** or other relevant documentation. These forms may be obtained from your state's Department of Revenue. Orders without either the sales tax or state sales tax exemption document will not be processed which may substantially delay the processing of your order.

QUESTIONS CONCERNING TRAP TAG ORDERS - CONTACT STOFFEL SEALS

It is estimated that you will receive your trap tags approximately 14 days after your order has been received by Stoffel Seals. For questions concerning orders you have submitted or incorrect shipments, **contact Stoffel Seals at (845) 348-7188**, or you may contact NMFS at (978) 281-9278.

TRAP LIMITS AND TAG ALLOCATIONS

Your total overall trap allocation, based on the areas you designated on your 2004 Federal lobster permit, is indicated on your permit. You may order that number of trap tags, plus an additional 10%.

AREA 3, 4 AND 5 APPLICANTS AND QUALIFIERS

If you have been notified in writing by NMFS, and received a Final Determination of Lobster Trap Area Eligibility (for Area/s 3, 4 and/or 5), your 2004 trap allocation will appear on your 2004 Federal lobster permit. **You may order that number of tags plus an additional 10%.**

Applications Received Prior to July 31, 2003:

If you submitted a lobster area 3, 4 or 5 eligibility application prior to July 31, 2003, and have not been notified in writing of a final determination, you may continue your interim permit for these areas for the 2004 fishing year until otherwise notified. **Your trap allocation will appear on your 2004 Federal permit and you may order that number of tags plus an additional 10%.**

Applications Received After July 31, 2003 and by December 31, 2003:

If you submitted a lobster Area 3, 4 and 5 application during this period, you MAY NOT fish for lobster with traps in Area 3, 4 or 5 until you are notified in writing of your eligibility for future access to these areas. Therefore, **you are not eligible to order trap tags for these areas until your eligibility application is approved and a revised permit with your final allocation is issued.**

No Application Submitted:

If you did not submit an application for future access to lobster Areas 3, 4 and 5, **your permit is not eligible for access with traps to Area 3, 4 or 5 and you MAY NOT order trap tags for these areas.**

FEDERAL OPEN ACCESS AREAS

Area 1, Area 2, Outer Cape Cod Area

Under the current Federal lobster regulations, any vessel with a Federal lobster permit may elect to fish in these areas, subject to more restrictive state requirements.

NMFS strongly urges Federal lobster permit holders intending to fish with traps in these areas to contact their state fisheries agency for details.

REPORTING LOST OR DESTROYED TRAP TAGS

The vessel owner or operator is accountable for all trap tags. Therefore, vessel owners or operators are required to report all lost or destroyed trap tags, regardless of reason, to NMFS, via fax or letter, within seven days after the tags are known to be lost or destroyed. To report lost or destroyed trap tags submit a statement of tag loss to NMFS by mail to:

**Lobster Trap Tag Replacement Program
National Marine Fisheries Service
One Blackburn Drive
Gloucester, MA, 01930**

Or by fax to: (978) 281-9117

In your statement of tag loss, include a description of the events that may have resulted in the destruction or loss of trap tags, such as: date the tags were first known to be lost or destroyed; last known latitude and longitude coordinates of traps/tags; weather events or other suspected causes of loss; date traps/tags were last seen; and any other information that will facilitate the ability to assess the circumstances of the loss.

REPLACEMENT OF USED, LOST OR DESTROYED TRAP TAGS

**IF NMFS HAS A TRAP TAG AGREEMENT WITH YOUR STATE,
FOLLOW INSTRUCTIONS PROVIDED BY YOUR STATE
REGARDING REPLACEMENT OF USED, LOST OR DESTROYED TRAP TAGS**

1. Replacement for Used Tags: You may replace tags that are affixed to gear that is no longer in use and has been removed from the water, by exchanging them on a tag-for-tag basis (minimum tag orders in multiples of 20 tags only e.g., 20, 40, 60, etc.) as described in the next section, **SUBSEQUENT TRAP TAG ORDERS.**

2. Replacement of Lost or Destroyed Tags NOT Exceeding 10 Percent of Your Total Trap Allocation: Your extra 10 percent allocation of trap tags must be used to replace tags if the number of lost or destroyed tags does not exceed 10 percent of your total trap allocation. You may purchase the number of tags equal to 10 percent of your total trap allocation when making your initial trap tag order using the enclosed Lobster

Trap Tag Order Form. No NMFS approval for using your additional allocation for routine losses is needed, but you are still required to report all lost or destroyed tags to NMFS. If you have used your entire 10 percent additional allocation and need to replace additional tags, you must obtain approval from NMFS in accordance with the replacement provisions described in #3 below.

3. Replacement of Lost or Destroyed Tags Exceeding 10 Percent of Your Total Trap Allocation: If the number of lost or destroyed tags exceeds 10 percent of your total trap allocation, indicate in your statement of tag loss or destruction, the number of lost or destroyed trap tags you intend to replace (minimum tag orders in multiples of 20 tags only e.g., 20, 40, 60, etc.). Your statement regarding lost or destroyed tags and request for replacement tags will be reviewed by NMFS and if you provide sufficient credible documentation of the loss or destruction of tags, NMFS will approve your replacement request. Do not include payment for tags when submitting your request to NMFS. You will be notified as to whether or not your request is approved. Upon approval, a Lobster Trap Tag Replacement Authorization Form will be sent to you. Complete the Lobster Trap Tag Replacement Authorization Form and submit, along with payment for the replacement tags (in multiples of 20 tags only e.g., 20, 40, 60, etc.), directly to Stoffel Seals. Payment should be sent to Stoffel Seals only after you have received approval and a Lobster Trap Tag Replacement Authorization Form from NMFS.

SUBSEQUENT TRAP TAG ORDERS

Additional trap tag orders may be placed after receiving your initial tag order under two circumstances by using the Lobster Trap Tag Order Form: 1) to purchase the balance of your trap tag allocation if you did not order your entire allocation of trap tags, including the extra 10 percent, when you initially ordered your tags, or 2) when a tag-for-tag exchange is desired to replace used tags. Include payment consistent with trap tag ordering instructions.

1. Orders to Purchase the Balance of Your Tag Allocation: Permit holders are not obligated to purchase the total allowable allocation of trap tags for the areas that they designate for trap fishing, but must order enough tags for the number of traps intended to be deployed. If you do not order the total amount of tags you are allowed now, you may order the remaining tags later by using the Lobster Trap Tag Order Form and submitting it directly to Stoffel Seals.

2. Orders for a Tag-for-Tag Exchange: You may remove the tags from traps that have been taken out of the water, return these tags, along with a completed lobster trap tag order form and payment, to Stoffel Seals, and receive an equal amount of tags in return.

3. How to Purchase your Trap Tag Balance or Exchange Trap Tags: Use the enclosed Lobster Trap Tag Order Form for subsequent trap tag orders. Submit your form along with payment (including either state tax or a state tax exemption form) to Stoffel Seals in accordance with the instructions on the form.

National Marine Fisheries Service 2004 Lobster Trap Tag Order Form



Do NOT use this form if your Federal lobster permit address is in Connecticut, New Hampshire, Rhode Island, Massachusetts; or Maine (and you also possess a Maine state lobster license); or New York and you elect Area 6 only.
You must purchase your trap tags through your state agency.

1. If you are not required to purchase trap tags through your state agency, and you have a valid 2004 Federal lobster trap permit, complete Parts **A**, **B**, and **C** of this form.
2. Send this completed form and payment to:

**Stoffel Seals Corporation
P.O. Box 825 - Dept. 3
Nyack, NY 10960-0825**
3. Make a copy of this blank form for use when placing subsequent tag orders.

A

Name _____ *PLEASE PRINT*

P.O. Box / Street _____

City/State/Zip _____

Telephone Number () _____

Vessel Name _____ Federal Permit # _____

Vessel Documentation # or State Registration # _____

B PLEASE INDICATE BELOW THE NUMBER OF TRAP TAGS YOU WISH TO PURCHASE:

Note: The lobster management areas that appear on your trap tags will be consistent with those on your 2004 Federal lobster permit. The number of tags you may order is equivalent to the trap allocation indicated on your 2004 Federal permit, plus an additional 10%. If you have an interim permit to fish in Areas 3, 4 or 5 pending an eligibility determination, you may order trap tags, but those tags may be invalid later in the permit year if your permit does not qualify, or if your permit qualifies at a lower trap allocation.

Total Number of Federal Trap Tags Requested: _____ X \$0.14 per tag = \$ _____

* State Tax = \$ _____

Total Amount Enclosed /Authorized: \$ _____

Please indicate method of payment: Visa MasterCard Certified Check/ Money Order

Credit Card #:

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 Exp Date: _____

**Please make cashier's checks/money orders payable to: Stoffel Seals Corporation.
No cash, or personal or corporate checks will be accepted.**

***If tax exempt, please complete and return a tax exemption form for your state of residence. Orders received without a tax exemption certificate, or applicable sales tax, will not be processed.**

C Signature _____ Date _____

I certify that the information provided on this form is true, complete and correct to the best of my knowledge, and made in good faith. Making a false statement on this form is punishable by law (18 U.S.C. 1001). Forms that are not signed and dated will not be processed.

This collection is authorized under the Magnuson-Stevens Fishery Management and Conservation Act (16 U.S.C. 1801 et. seq.). The information will be used in the management of the American lobster fishery. One of the regulatory steps taken by NMFS to carry out its conservation and management objectives is limiting fishing vessel effort. The purpose and use of the lobster trap tagging program is to provide identification of trap ownership, and to limit the number of traps for those vessels that fish traps by issuing lobster trap tags, with a maximum number of tags for each vessel. This assures consistency throughout the fleet of affected vessels. In addition, it allows NMFS to determine the number of traps in use in the fishery to better monitor fishing effort in the future.

Public reporting burden for the collection of information is estimated at 5 minutes per response, 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 public burden for using this form to order additional trap tags is estimated at 2 minutes. 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.

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.