



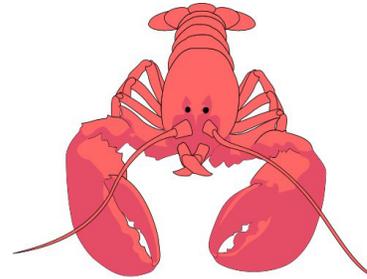
# NOAA FISHERIES

## Sustainable Fisheries

*This summary provides a broad overview of restrictions and requirements; the regulations summarized here may be found at 50 CFR part 697.1 through § 697.26. Please contact the Sustainable Fisheries Division at (978) 281-9315 for more information.*

*Updated February 12, 2014*

# American Lobster Information Sheet



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.

### **How does NMFS manage the American Lobster Fishery?**

Federal management of the American lobster fishery is influenced by management recommendations made by the Atlantic States Marine Fisheries Commission (Commission). <http://www.asafc.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 NMFS 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 NMFS manages Federal waters from 3 – 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.

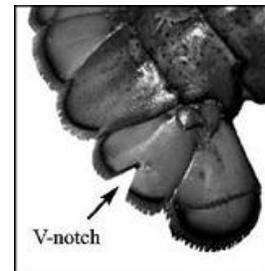
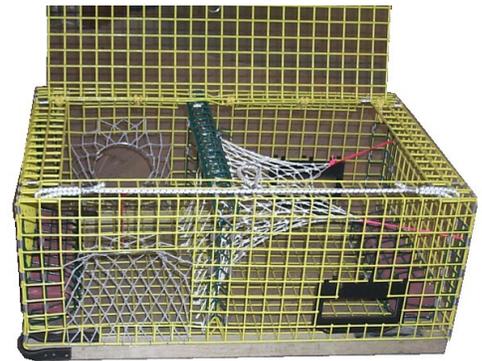
**Lobster trap:** A lobster trap is any structure, other than a net, fished by someone with a Federal lobster permit that is placed on the ocean floor and is capable of catching lobsters. All lobster traps must have escape vents, the dimensions are described in Table 2.

**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 restrictive management measures of all areas designated on your Federal lobster permit.

**Setal hair:** A stiff hair, bristle or bristle-like part that grows on 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, next to and to the right of the center tail flipper. It is at least 1/8 inch deep, with or without setal hairs.

**Zero tolerance V-notch:** means it is prohibited to retain any female American 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 (Refer to Table 2).



## 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 along with the permit, 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 the Federal American lobster Permit 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, you may 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 8 weeks that it takes to process and mail the tags.

Federal American lobster vessel permits and trap tags are issued by NMFS; 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/sustainable/species/lobster/>.



The number of traps that you may fish varies by management area as shown in Table 1. Note that in Areas 3, 4 and 5, the number of traps you can fish is based on the history of the permit.

**Table 1: Trap Allocations 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	Completed	Federal rule-making underway	Completed	Completed	Completed	State waters only	Federal rule-making underway

**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. In some cases, this is only allowed if the permit has already qualified for participation in the trap fishing in a given area. There are specific qualification requirements for Areas 1, 3, 4 and 5 that can be found in § 697.4(7). A federal rulemaking is currently underway to implement specific qualification requirements for Area 2 and the Outer Cape Area.



**Table 2: Summary of Management Measures by Area**

Management Measure	Area 1	Area 2	Area 3	Area 4	Area 5	Area 6	OCC
<b>Minimum Gauge Size</b>	3- <sup>1</sup> / <sub>4</sub> "	3- <sup>3</sup> / <sub>8</sub> "	Federal-3- <sup>1</sup> / <sub>2</sub> " (State 3- <sup>17</sup> / <sub>32</sub> " Jan 1, 2013*)	3- <sup>3</sup> / <sub>8</sub> "	3- <sup>3</sup> / <sub>8</sub> "	3- <sup>3</sup> / <sub>8</sub> "	3- <sup>3</sup> / <sub>8</sub> "
<b>Escape Vent Rectangular</b>	1- <sup>15</sup> / <sub>16</sub> x 5- <sup>3</sup> / <sub>4</sub> "	2 x 5- <sup>3</sup> / <sub>4</sub> "	2- <sup>1</sup> / <sub>16</sub> x 5- <sup>3</sup> / <sub>4</sub> "	2 x 5- <sup>3</sup> / <sub>4</sub> "	2 x 5- <sup>3</sup> / <sub>4</sub> "	2 x 5- <sup>3</sup> / <sub>4</sub> "	2 x 5- <sup>3</sup> / <sub>4</sub> "
<b>Escape Vent Circular</b>	2- <sup>7</sup> / <sub>16</sub> "	2- <sup>5</sup> / <sub>8</sub> "	2- <sup>11</sup> / <sub>16</sub> "	2- <sup>5</sup> / <sub>8</sub> "	2- <sup>5</sup> / <sub>8</sub> "	2- <sup>5</sup> / <sub>8</sub> "	2- <sup>5</sup> / <sub>8</sub> "
<b>V-notch Marking Requirement</b>	Mandatory for all egg-ers	Federal-None  (State-Mandatory for all egg-ers  June 1, 2012*)	Mandatory for all egg-ers above 42°30'	Federal-None  (State-Mandatory for all egg-ers July 1, 2012*)	Federal-None  (State-Mandatory for all egg-ers Jan 1, 2013*)	None	None
<b>V-Notch Definition<sup>1</sup> (possession)</b>	Zero Tolerance	Standard	Standard	Standard	Standard	Standard	Federal- <sup>1</sup> / <sub>8</sub> " with or w/out setal hairs
	V-notch <sup>1</sup>	V-Notch  <sup>1</sup> / <sub>8</sub> " with or w/out setal hairs <sup>2</sup>	V-Notch  <sup>1</sup> / <sub>8</sub> " with or w/out setal hairs <sup>2</sup>	V-Notch  <sup>1</sup> / <sub>8</sub> " with or w/out setal hairs <sup>2</sup>	V-Notch  <sup>1</sup> / <sub>8</sub> " with or w/out setal hairs <sup>2</sup>	V-Notch  <sup>1</sup> / <sub>8</sub> " with or w/out setal hairs <sup>2</sup>	(State - <sup>1</sup> / <sub>4</sub> " without setal hairs*)
<b>Maximum Gauge (male &amp; female)</b>	5"	5 <sup>1</sup> / <sub>4</sub> "	6 <sup>3</sup> / <sub>4</sub> "	5 <sup>1</sup> / <sub>4</sub> "	5 <sup>1</sup> / <sub>4</sub> "	5 <sup>1</sup> / <sub>4</sub> "	Federal – 6 <sup>3</sup> / <sub>4</sub> "  (State-none*)
<b>Closed Season</b>	None	None	None	Federal-None  (State-Feb.1 – March 31 closure* <sup>3</sup> )	Federal-None  (State-Feb.1 – March 31 closure* <sup>3</sup> )	Federal-None  (State-Early Sept. to Late Nov. or Dec -To be finalized* <sup>3</sup> )	Federal – Underway  State – Underway

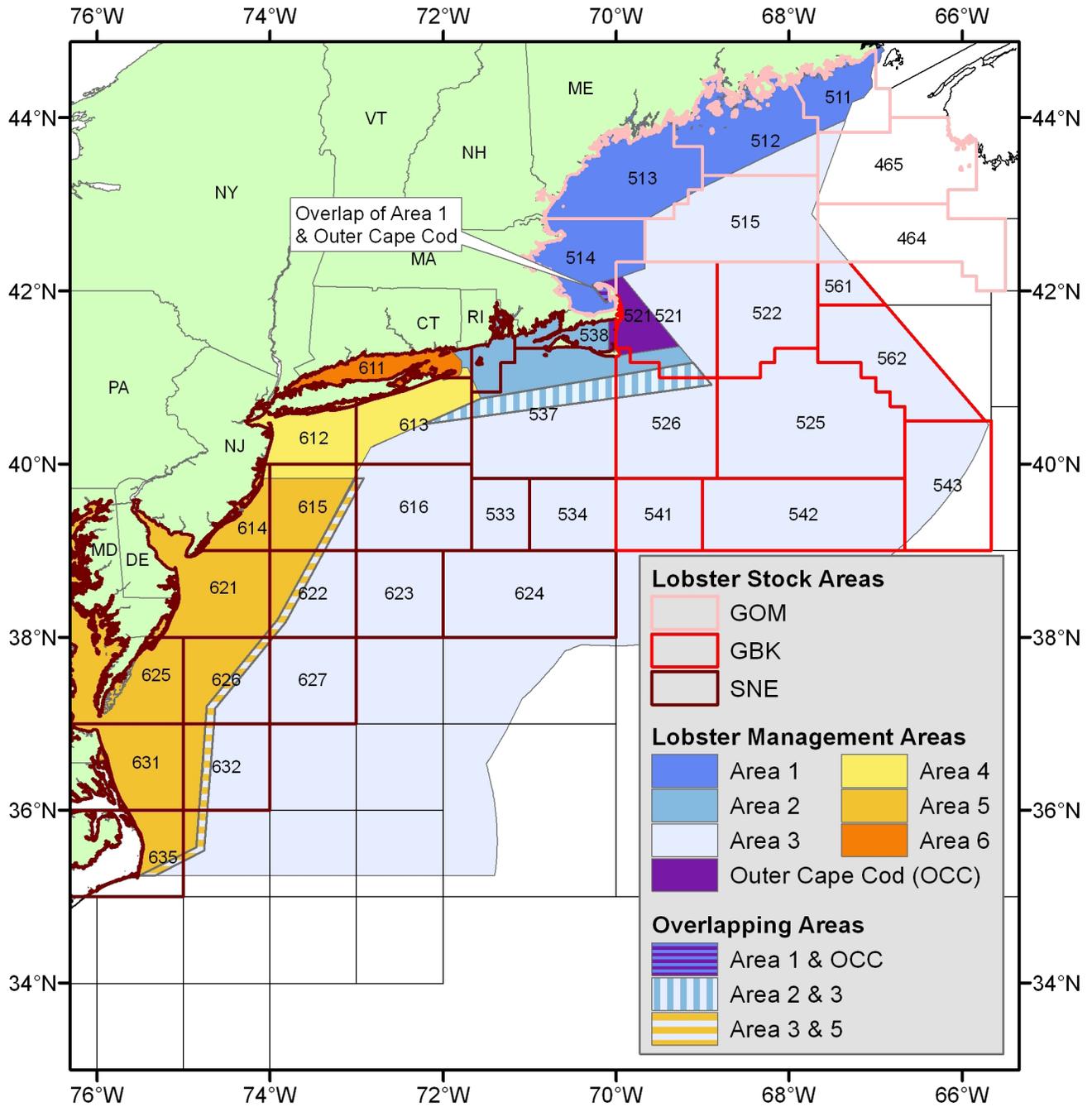
\* Asterisk indicates state and Federal measures differ, and may include the effective date of the state regulation. Federal permit holders are bound by the more restrictive or either state or Federal lobster regulations.

<sup>1</sup> A 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

<sup>2</sup> A Standard V-notched American lobster is defined as any female lobster that bears a notch or indentation in the base of the flipper (next to and to the right of the center flipper as viewed from the rear of the lobster – underside of the lobster down and the tail toward the viewer) that is at least as deep as 1/8 inch, with or without setal hairs. It also means any female which is mutilated in a manner that could hide, obscure, or obliterate such a mark.

<sup>3</sup> State regulated Closed Seasons allow for a 2 week gear removal and a 2 week gear replacement grace period during the specified closed season, and no lobster traps can be baited more than 1 week prior to season reopening.

**Chart 1: Lobster Areas by Stock Area (GOM, GB, SNE) and Management Areas (A1-A6, OCC)**



**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 size of a lobster trap. 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.

There is also specific gear requirements intended to help reduce the entanglement of whales in lobster gear. For detailed information on these requirements, see the 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 NMFS 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 a black sea bass permit and 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.

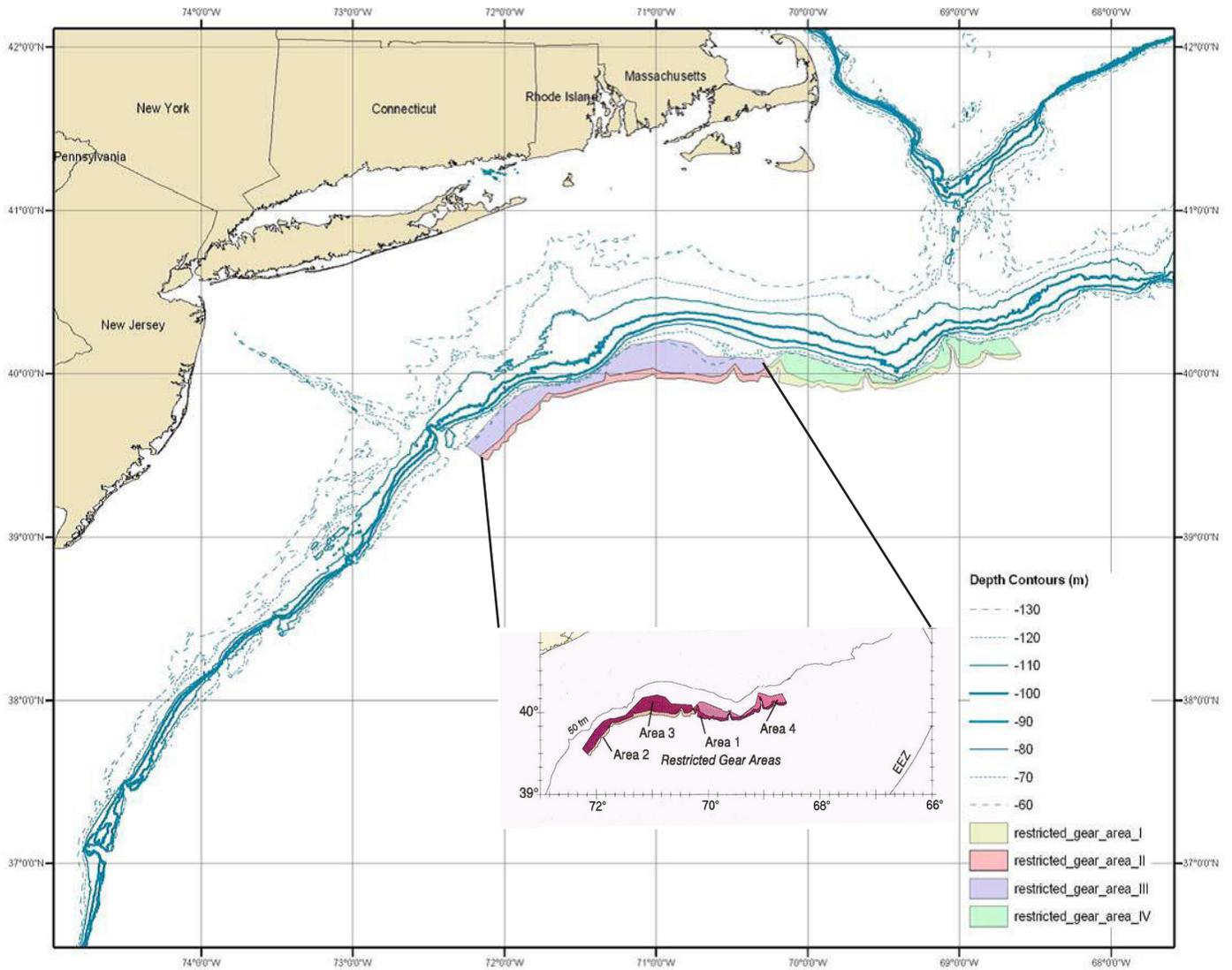
**GEAR RESTRICTED AREAS**

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. For detailed information on these areas, please go to § 697.23.

**Table 3: Lobster 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





\*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).

