



New Hampshire Fish and Game Department

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September 30, 2011

Kate Swails, ALWTRP Coordinator
National Marine fisheries Service
Northeast Regional Office
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Dear Ms. Swails,

Attached is New Hampshire's conservation equivalency proposal for vertical line risk reduction under the Atlantic Large Whale Take Reduction Plan for the NOAA National Marine Fisheries Service and Atlantic Large Whale Take Reduction Team's review.

Sincerely,

Douglas E. Grout
Chief of Marine Division

cc: Glenn Normandeau
Cheri Patterson

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New Hampshire's Vertical Line Risk Reduction Plan Proposal

1) Description of area.

New Hampshire is located within the northeast region of the co-occurrence model of the Atlantic Large Whale Take Reduction Plan. New Hampshire has a coastline of eleven nautical miles which, because of state seaward boundaries narrows to less than eight nautical miles at its narrowest point. Located approximately seven miles off the New Hampshire seacoast is the Isles of Shoals. The majority of these islands are located in Maine state waters. New Hampshire has four harbors, one being a deep water port shared with Maine, which are all exempted waters (Figure 1). All of the harbors offer commercial and recreational access to the ocean. New Hampshire's seacoast is a tourist destination and the various coastal public access sites provides for active vessel traffic. The majority of fisheries occurring in state waters are conducted in less than ten fathoms of water; depths of thirty fathoms are located in federal waters.

LOBSTER FISHERY

New Hampshire State Waters:

New Hampshire's lobster fishery identified within the Northern Inshore State Trap/Pot Waters of the Atlantic Large Whale Take Reduction Plan (ALWTRP) is unique compared to the lobster fisheries in other states. New Hampshire's lobster and small gillnet fishery is conducted in an area much smaller than any other state. The recreational vessel traffic combined with commercial vessel traffic such as fishing vessels, charter and head boats, and deep water port vessels traffic has a significant impact on buoys thus the need for two buoys per trawl.

It is important to understand the purpose of a multiple trap lobster trawl and the necessity for marking it with two buoy lines and buoys. As stated above, vessel traffic has the high potential for buoy loss thus eliminating the location of one end of the trawl. Recovery of the gear is then accomplished by retrieving the remaining buoy line. Without two buoys and buoy lines marking the location of the trawl it is difficult (if not impossible) for other lobster harvesters to know where gear has been set to avoid gear conflicts and gear loss within the fishery. New Hampshire's lobster trawl fishery has evolved to address these stated concerns and in a manner that is conducive to the concerns of reduced entanglement risk for the ALWTRP.

The New Hampshire lobster license system is different from all other states. We have a tiered license system based on the number of traps allowed with each license (Table 1):

- 1) The limited access Commercial lobster license allows for the use of a maximum of 1200 traps, 800 of which may be fished in federal waters if the license holder holds the appropriate federal lobster permit. There are 32 individuals who qualify for this license.
- 2) The Limited Commercial license, also limited access, allows for a maximum number of 600 traps regardless if fishing in state or federal waters (most restrictive rule applies). There are 564 individuals who qualify for this license however an average of 181 individuals have purchased the license annually since 2006.

- 3) The Part-Time Commercial license established in 2006, is an open access license and limited to 100 traps including those with a federal permit. There were 185 licenses issued in 2010 with the average of 153 licenses purchased annually since 2006.
- 4) The recreational license allows the fishing of up to 5 traps and the catch is for personal use only. The average individuals obtaining this license since 2006 totaled 194 licensees annually. Recreational lobster fishing will not be further analyzed for the purpose of this proposal as the fishery is exempt from consideration.

The 30 active commercial licensees account for the highest landings of lobster within the New Hampshire fishery (Table 2). In 2010, the average number of trap tags purchased per individual in this license category was 1,143 trap tags. Of the 30 individuals, 23 have federal permits and fish part of the year in federal waters. The remaining seven licensees fish solely in state waters. Twenty-four of the commercial license holders work from vessels with a documented or registered length greater than 32 feet. The average vessel size for commercial lobster licensees was 37 feet (Figure 2). The remaining license holders are limited in the scope of their operations by vessel size. Smaller vessels limit the fishing range, time of year fishing, crew size, and trawl size. All of the commercial license holders fish trawls of various lengths. The standard is 10 trap trawls with 2 buoy lines (Figure 3). Trawls of greater length in near shore waters severely impact the ability of others to safely fish. Those who fish shorter trawls, ranging from 5 to 9 traps, do so because the size of their vessel dictates what can be safely handled. Most of the operators with short trawls fish only in the near shore waters (10 fathoms or less).

As with the commercial license holders, the limited commercial licensees have the same vessel size constraints. The average vessel size of licensed limited commercial harvesters was 28 feet. The traps per trawl vary considering vessel size, placement of traps, etc. In 2010, of the 132 limited commercial licensees; 32 did not fish, 44 purchased the full complement of their trap tag allocation (600 traps), and the remaining licensees purchased between 15 and 500 trap tags towards their allotment. The average number of trap tags purchased by limited commercial lobster harvesters was 368 trap tags per licensee. Fifteen limited commercial licensees also hold a federal permit which restricts them to 600 traps in either state or federal waters.

The 185 part-time commercial license holders mostly consist of recreational boat owners who are supplementing their income or using the license for family recreation. The average vessel size is 22 feet, thereby limiting the number of traps per trawl. Most of these operators fish less than the allowed number of traps (average of 56 traps per licensee). These license holders very rarely venture more than a mile from shore. Two part-time commercial licensees also hold a federal permit which restricts them to 100 traps in either state or federal waters.

The lobster fishing seasons vary along license category lines but the most effort occurs between July and October as indicated in Table 2. A portion of the commercial license holders fish year round and move into federal waters starting late fall through the winter. The part-time commercial license holders primarily fish just during the summer months.

Federal Waters

In addition to the dually licensed/permitted New Hampshire lobster harvesters, there are federally permitted vessels that qualify to fish for lobsters within Lobster Management Areas (LMA) 1, 2 and 3 (Figure 4) that reside in the state and fish solely in federal waters (EEZ). A vessel's permit(s) may have attached mandatory reporting requirements however vessels with solely an American lobster permit are not required to report through a vessel trip report.

The baseline focus will be the area that has the most activity for the New Hampshire's federally permitted vessels, LMA 1 federal waters, for the purposes of this proposal. Seventy-five vessels from New Hampshire were federally permitted for American Lobster from LMA 1 in 2010. Many of these may be latent effort. Separate from those that are dually licensed, twenty-six federally permitted vessels were allocated LMA 1 trap tags; however, only six vessels purchased solely LMA 1 EEZ trap tags in 2010. Therefore 20 vessels could be considered latent effort of those that had actual trap tag allocations. Those that ordered trap tags to fish within the EEZ purchased the full complement of their trap tag allocation (800 traps). The average trap per trawl was higher than those fishing in New Hampshire state waters; 14 traps per trawl. The number of pots and buoy lines reported through vessel trip reports from LMA 1 in federal waters in 2010 are shown in Figure 5. As effort starts to diminish in state waters effort within the EEZ increases as those that are dually licensed/permitted follow the lobsters moving into deeper waters where there is a higher co-occurrence of gear interaction with ALW.

GILL NET FISHERY

The vessels from New Hampshire that fish in either state or federal waters will not be considered in this proposal as the vertical lines are very minimal as indicated from the description below.

New Hampshire State Waters:

Gill nets are another vertical line fishery within New Hampshire state waters, however it is a very small variable fishery primarily for bait during the spring and summer or dogfish in the summer (Tables 3 and 4).

Federal Waters:

Thirty two federally permitted vessels utilizing gill net gear reported landings in New Hampshire in 2010 from four statistical areas (Table 5). For the purposes of this proposal only eighteen vessels landing from statistical area 513 will be described as this is the heaviest fished area of the vessels landing in New Hampshire. An average of 21 nets were set monthly with a maximum of 64 nets in October to zero nets in February in 2010 (Figure 6). Per conversations with industry each string of net has two buoy lines resulting in a maximum of 128 endlines during the heaviest fished month of October.

2) Description of the baseline of New Hampshire nearshore (non-exempt) waters and federal vessels fishing in LMA 1.

LOBSTER FISHERY

The co-occurrence model has eliminated all New Hampshire vessels holding a federal permit. However, with the exception of LMA 3 vessels, the majority of federally permitted LMA 1 vessels/individuals do fish in state waters part of the year. Therefore the co-occurrence model likely underestimates the vertical lines within state waters. New Hampshire licenses individuals as opposed to vessels therefore the baseline will address the actual number of traps and buoy lines as mandatory reports indicate. New Hampshire Fish and Game Department (NHFGD) initiated a requirement of all licensed lobster harvesters to report total pots and buoy lines fished monthly in 2010. Therefore NHFGD will use 2010 lobster data as the baseline data for the purposes of this proposal.

Lobster fishing activity in New Hampshire waters peaks in the summer months and diminishes through the fall and winter months (Table 6). The majority of the commercial lobster and a smaller portion of limited and part-time commercial licensees move gear out to federal waters if appropriately permitted through NOAA. The commercial and limited commercial licensees account for the most number of pots and associated buoys (Figure 7). The number of pots and buoy lines diminish drastically during the most active co-occurrence month of November within state waters. More specifically with the limited and part-time commercial licensees as they remove gear from the waters during the winter months.

The latent state waters lobster fishing effort is being addressed in New Hampshire starting in 2012. The potential number of lobster licenses in the limited access license categories is shown in Table 7. New Hampshire passed a law in 2011 that requires an individual to either purchase the license or submit an affidavit indicating the desire to continue to qualify for the limited access license annually starting in 2012. The number of the latent limited commercial lobster qualifying licenses is anticipated to decrease dramatically over the next 5 years through attrition. While there may be an initial increase of limited commercial lobster licenses purchased in 2012 due to the new law, effort is not anticipated to increase beyond the average effort over the last five years. This will be monitored through mandatory reporting requirements.

The baseline for this proposal for EEZ lobster landings in New Hampshire will focus on the most recent available data from federal vessel trip reports with landings in New Hampshire. The NHFGD will only assess the 2010 lobster fishery from those vessels fishing within the EEZ from the most active area, LMA 1. Latent effort is described above as best as NHFGD can distinguish from NMFS's available data.

3) Proposed Management Approach.

New Hampshire is proposing to exempt all state waters from reducing vertical line risk to Atlantic large whales for the following reasons:

1. **Prior conservation action –**

- a. The NHFGD instituted a tiered licensing system that restricts all but 32 commercial lobster licensees to fish with 600 or less traps in state waters opposed to the maximum of 800 traps allowed in other jurisdictions. The amount of traps and endlines within state waters has already been dramatically reduced due to this prior action.
- b. Mandatory reporting for both lobster and gill net fisheries allows for close monitoring of the fisheries and quick responses to issues that may arise in the future pertaining to Atlantic large whale interactions. There has only been one Atlantic large whale entanglement indentified (minke) near the New Hampshire coast according to NOAA records from 1997-2008 (Figure 8) and two whale sightings (Figure 9) within state waters since 1990 (Right Whale Consortium 2011).
- c. The following regulations are already in effect as part of New Hampshire's efforts to modify fishing gear in state waters for marine mammal concerns:

Fis 602.09 Marking and Tending of Gear.

- (a) It shall be required of anyone taking crustaceans or finfish to identify all pots, traps or nets left unattended in the following manner:
 - (1) All fixed gear shall have the name of the owner permanently affixed.
 - (2) High flier buoys, as customarily used on longline gear, shall be marked with the name of the owner;
 - (3) Pot or trap trawls shall be marked at each end with at least a single buoy made of highly visible material;
 - (4) Gill nets and longline sets 6,000 feet or less shall be buoyed on each end to support a vertical shaft at least 5 feet high with a radar reflector of at least 100 square inches reflective area;
 - (5) Flags and pennants affixed to buoys marking a string of gear as required by this section shall be of uniform color;
 - (6) Weak links with a maximum breaking strength 1100 pounds shall be used in gillnet panels and on all flotation and/or weighted devices attached to the buoy line of gillnets set seaward of 72 COLREGS demarcation line and seaward of Hampton and Rye and Hampton Harbor entrances;
 - (7) Weak links with a maximum breaking strength of 600 pounds shall be used on all flotation and/or weighted devices attached to the buoy line of all other fixed gear set seaward of 72 COLREGS demarcation line and seaward of Hampton and Rye and Hampton Harbor entrances; and
 - (8) Beginning April 5, 2009, groundlines between traps or gillnet panels shall be sinking for all gear set seaward of 72 COLREGS demarcation line and seaward of Hampton and Rye and Hampton Harbor entrances.
- (b) It shall be required of anyone fishing unattended pots or traps to conform to the requirement set forth in RSA 211:33.

- (c) Tending of pots and traps, excepting weirs, shall be restricted to the period from one hour before sunrise to sunset.

Source. #1878, eff 12-4-81; ss by #2839, eff 8-31-84; ss by #4868, eff 7-20-90; ss by #6291, eff 7-20-96; ss by #8087, eff 5-27-04; ss by #9014, EXEMPT, eff 1-1-08; ss by #9299, eff 10-22-08

Fis 602.06 Gill Netting Restriction.

- (a) The taking, transporting or possessing of Atlantic cod, Atlantic wolffish, Atlantic halibut, ocean pout, haddock, pollock, white hake, redfish, American plaice, windowpane, witch, winter and yellowtail flounders shall be prohibited on board any boat rigged for gill netting not in accordance with 50 CFR 648.80(a)(3)(iii) and (iv).
- (b) The mesh size referred to in paragraph (a) shall be measured in accordance with 50 CFR 648.80(f)(1).
- (c) No person shall take any species of fish listed in Fis 602.06(a) by gill netting during April, May and June.
- (d) Gill nets used for the taking of finfish, except as specified in (e), shall be subject to the following:
- (1) No more than 25 gill nets shall be used in state waters; and
 - (2) Gill nets shall not be longer than 300 feet in length.
- (e) Gill nets used for the taking of finfish from the waters of the Great Bay estuarine system inland of the Memorial Bridge in Portsmouth, Little Harbor and its tributaries inland of its most seaward jetty, Rye Harbor and its tributaries inland of its most seaward jetty, and inland of the Hampton Harbor Bridge shall be subject to the following:
- (1) Gill nets shall have a mesh size no larger than 3 inches;
 - (2) Gill nets shall be no longer than 100 feet in length and no wider than 7 feet in width;
 - (3) Gill netting shall only be permitted from April 16 through October 31;
 - (4) Gill netting shall only be permitted between 2 hours before sunrise until 2 hours after sunset, except as provided in RSA 211:48-b; and
 - (5) Any person using a gill net to take finfish shall be within unaided eyesight of the net. Unaided eyesight means unaided by devices such as binoculars or spotting scope.

Source. #1316, eff 2-15-79; ss by #2263, eff 1-7-83; ss by #2839, eff 8-31-84; amd by #4460, eff 7-29-88; ss by #4868, eff 7-20-90; ss by #5789, eff 2-18-94; amd by #5953, eff 1-25-95; amd by #7002, eff 5-25-99; ss by #7215, eff 3-16-00; ss by #7715, INTERIM, eff 6-21-02, EXPIRES: 12-18-02; ss by #7753, eff 8-19-02; ss by #9744, eff 7-1-10

2. The co-occurrence model does not indicate any monthly co-occurrence concerns with the exception of November within nearshore state waters. During the month of November effort within state waters is already being reduced due to part-time and limited commercial harvesters seasonally removing gear from state waters and federal/state commercial and limited commercial harvesters are moving to federal waters (Table 2 and Figure 5). NOAA has taken the approach in vertical line rulemaking to focus on reducing the risk of vertical line entanglements in finer-scale high impact areas. Upon reviewing available entanglement and sightings data New Hampshire state waters doesn't appear to exhibit a high impact area for interactions with Atlantic large whales.
3. Due to strict adherence of abiding by any agency's "most restrictive rule" by all federal and state partners, lobster harvesters that hold a limited commercial or part-time commercial New Hampshire lobster license are restricted to the either 100 or 600 traps regardless of whether fishing occurs in state or federal waters. Therefore the amount of traps and endlines within federal waters by dual licensees/permittees has already been reduced due to this prior action.
4. Latent effort of New Hampshire qualifying licensees will be addressed with a new law requiring qualifying limited and commercial lobster licensees to purchase a license or file a notarized affidavit with the Department indicating interest in maintaining the license qualification annually.

New Hampshire's fishing industry fishing in state waters has already reduced the number of vertical lines through the tiered license system and reduced number of traps for the majority of licensees compared to adjacent jurisdictions and is already complying with the Northern Inshore State Trap/Pot Waters universal requirements of the Guide to the Atlantic Large Whale Take Reduction Plan (December 2010) with the exception of 1) having buoy lines marked with one 4-inch, red, mark midway along the buoy line and 2) no wet storage of gear over 30 days. The New Hampshire lobster fishing industry and NHFG would be willing to propose new rules that would prohibit wet storage of gear over 30 days within state waters in addition to providing a red mark along the buoy line.

In summary, New Hampshire is requesting the state's territorial waters be exempt from the provisions of the ALWTRP because:

1. There are very low incidents of Atlantic large whale entanglements and sightings in state waters over the past 20 years.
2. The tiered licensing system and common fishing practices (10 trap trawls for commercial lobster licensees) have previously resulted in a lower number of endlines.

4) Continued monitoring to assure proposal continues to fulfill the Atlantic Large Whale Take Reduction Team's (ALWTRT) goal of reducing risk of interactions with vertical lines and Atlantic large whales.

The NHFGD will continue to require mandatory catch and effort reporting for all licensed lobster harvesters fishing in state waters using ACCSP standards to continue monitoring the fishery and vertical line risk concerns. While mandatory reporting has been in effect since 1969, the ACCSP reporting standard has been in effect since 2006 and in 2010 the reporting of buoy lines became

mandatory. The mandatory reporting (Figures 10 and 11) will continue to monitor the lobster and gill net fisheries and vertical line risk concerns. Those individuals that purchase a recreational or part-time commercial lobster license or a new entrant are required to report summarized monthly data on an annual basis while the remaining commercial licensees are required to report monthly trip-level information. Both forms require the reporting of total pots and buoy lines on a monthly basis. Non-compliance of mandatory reporting results in the prohibition of the purchase of future lobster licenses in New Hampshire.

The NHFGD will continue to work with the ALWTRT to assure vertical line risk concerns remain within current established limits.

5) Reduction of Vertical Line Risk to Atlantic Large Whales (ALW) in New Hampshire state waters.

The State of New Hampshire has already been very active in reducing the gear entanglement risk on ALW's through current and past regulations and current fishing practices. The majority of the commercial fishing industry already practices multiple trap trawls (Figure 3) with an average of 10 traps per trawl for commercial licensees, 6 trap trawls for limited commercial licensees, and 3 trap trawls for part time commercial licensees. The seasonality of the lobster fishery, which accounts for the largest number of vertical lines in state waters, is such that when ALW are present in state waters (according to the co-occurrence model) the number of vertical lines are diminishing as recreational, part-time commercial and limited commercial lobster harvesters are pulling gear out of the water for the winter season. Weak link and sinking ground line regulations have been in place since 2008 to reduce the likelihood of serious injury or mortality to marine mammals entangled in fishing gear.

LITERATURE CITED

Right Whale Consortium 2011. North Atlantic Right Whale Consortium Sightings Database
09/30/2011 (New England Aquarium, Boston, MA, U.S.A.)

Table 1. Number of New Hampshire licensed lobster harvesters, by license type, for 2006 through 2010.

| Year | Recreational | Part Time Commercial 100 Traps* | Limited Commercial 600 Traps | Commercial 1200 Traps | Total Licensees |
|----------------|--------------|------------------------------------|---------------------------------|--------------------------|-----------------|
| 2006 | 188 | 41 | 303 | 29 | 561 |
| 2007 | 215 | 158 | 174 | 30 | 577 |
| 2008 | 200 | 189 | 157 | 31 | 577 |
| 2009 | 203 | 194 | 141 | 30 | 568 |
| 2010 | 162 | 185 | 132 | 30 | 509 |
| AVERAGE | 194 | 153 | 181 | 30 | 558 |

*License type did not exist prior to 2006.

Table 2. Pounds of lobster harvested in New Hampshire by month, license type, and monthly percent of total harvest for 2006 through 2010.

| Month | Commercial | % | Limited Commercial 600 Traps | % | Part Time Commercial 100 Traps | % | Recreational | % |
|--------------|------------------|---------------|---------------------------------|---------------|-----------------------------------|--------------|---------------|--------------|
| January | 54,646 | 1.02% | 16,804 | 0.31% | 46 | * | 0 | 0.00% |
| February | 21,609 | 0.40% | 7,912 | 0.15% | 8 | * | 0 | 0.00% |
| March | 18,343 | 0.34% | 5,914 | 0.11% | 25 | * | 27 | * |
| April | 29,791 | 0.56% | 12,043 | 0.22% | 1,052 | 0.02% | 216 | * |
| May | 93,331 | 1.74% | 50,550 | 0.94% | 6,514 | 0.12% | 1,111 | 0.02% |
| June | 199,653 | 3.72% | 101,616 | 1.89% | 16,377 | 0.31% | 4,834 | 0.09% |
| July | 622,912 | 11.61% | 282,609 | 5.27% | 38,908 | 0.73% | 7,664 | 0.14% |
| August | 660,177 | 12.30% | 317,610 | 5.92% | 38,800 | 0.72% | 8,353 | 0.16% |
| September | 639,009 | 11.91% | 277,329 | 5.17% | 26,732 | 0.50% | 5,560 | 0.10% |
| October | 656,116 | 12.23% | 222,292 | 4.14% | 17,639 | 0.33% | 1,958 | 0.04% |
| November | 468,736 | 8.74% | 143,216 | 2.67% | 5,602 | 0.10% | 195 | * |
| December | 221,274 | 4.12% | 59,038 | 1.10% | 1,050 | 0.02% | 50 | * |
| Total | 3,685,597 | 68.69% | 1,496,931 | 27.90% | 152,751 | 2.85% | 29,968 | 0.56% |

*Less than 0.01%

Table 3. New Hampshire gill net fishery participation and average number of nets, harvesters, and endlines from 2006-2010.

| Year | Gill Nets Fished in NH Waters |
|-------------|--------------------------------------|
| 2006 | 6 |
| 2007 | 3 |
| 2008 | 11 |
| 2009 | 5 |
| 2010 | 5 |

| Month | Average Number of Nets | Average Number of Harvesters | Average Number of Endlines |
|--------------|-------------------------------|-------------------------------------|-----------------------------------|
| January | 0.0 | 0.0 | 0.0 |
| February | 0.0 | 0.0 | 0.0 |
| March | * | * | * |
| April | 0.0 | 0.0 | 0.0 |
| May | 0.0 | 0.0 | 0.0 |
| June | * | * | * |
| July | 23.3 | 1.8 | 46.5 |
| August | 69.3 | 2.2 | 104.0 |
| September | 50.5 | 2.8 | 101.0 |
| October | 6.5 | 0.8 | 17.3 |
| November | 19.0 | 1.0 | 57.0 |
| December | 17.8 | 1.2 | 47.3 |

*-Data can not be displayed due to confidentiality concerns with less than three participants.

Table 4. Reported harvested weight (lbs.) of selected marine species by gill nets in New Hampshire coastal waters, by species, year and month, 2006-20010.

| Species | Year | Month | | | | | | | | | | | | |
|------------------------------|------|-------|-----|-----|-----|-----|-----|--------|---------|---------|---------|-----|--------|--------|
| | | Jan | Feb | Mar | Apr | May | Jun | Jul | Aug | Sep | Oct | Nov | Dec | |
| Atlantic Cod | 2006 | | | | | | | 10 | | | | 227 | 914 | 10 |
| | 2007 | | | | | | | 197 | | | | 256 | | |
| | 2008 | | | | | | | | | | | | | 115 |
| | 2009 | | | | | | | | | | | | | |
| | 2010 | | | | | | | | | | | | | |
| Atlantic Herring | 2006 | | | | | | | | | | | | | |
| | 2007 | | | | | | | | | | 450 | | | |
| | 2008 | | | | | | | | | | | | | |
| | 2009 | | | | | | | | | | | | | |
| Atlantic Menhaden | 2006 | | | | | | | | | 97 | | 700 | | |
| | 2007 | | | | | | | | 44 | 186 | | 254 | | |
| | 2008 | | | | | 40 | 30 | 104 | 131 | | 79 | | | |
| | 2009 | | | | | 2 | 7 | 24 | | | | | | |
| | 2010 | | | | | | | 125 | 145 | | 99 | | | |
| Dogfish | 2006 | | | | | | | | | | | | 16,478 | 48,650 |
| | 2007 | | | | | | | | | | | | | |
| | 2008 | | | | | | | | | 122,116 | 418,128 | | | |
| | 2009 | | | | | | | 54,917 | 103,031 | 31,200 | | | | |
| | 2010 | | | | | | | 97,300 | 31,264 | | | | | |

Table 5. Federally permitted vessels with gill net landings in New Hampshire in 2010.

| Statistical Area | # of Vessels* |
|------------------|---------------|
| 512 | 4 |
| 513 | 18 |
| 514 | 5 |
| 515 | 5 |

Table 6. Monthly harvested pounds, THSOD, and CPUE reported from New Hampshire lobster harvesters for 2006 through 2010.

| Month | 2006 Reported (Lbs) | THSOD | CPUE (Lbs/THSOD) | 2007 Reported (Lbs) | THSOD | CPUE (Lbs/THSOD) | 2008 Reported (Lbs) | THSOD | CPUE (Lbs/THSOD) | 2009 Reported (Lbs) | THSOD | CPUE (Lbs/THSOD) | 2010 Reported (Lbs) | THSOD | CPUE (Lbs/THSOD) |
|-----------|---------------------|-----------|------------------|---------------------|------------|------------------|---------------------|-----------|------------------|---------------------|-----------|------------------|---------------------|-----------|------------------|
| January | 15,423 | 249,628 | 0.08 | 15,465 | 232,545 | 0.09 | 16,301 | 260,112 | 0.06 | 11,946 | 207,349 | 0.06 | 12,361 | 300,152 | 0.04 |
| February | 7,124 | 220,624 | 0.04 | 4,569 | 146,012 | 0.05 | 7,276 | 204,364 | 0.04 | 6,406 | 197,727 | 0.03 | 4,156 | 139,294 | 0.03 |
| March | 4,942 | 257,203 | 0.03 | 1,988 | 137,462 | 0.02 | 9,893 | 372,540 | 0.03 | 5,851 | 290,276 | 0.02 | 1,634 | 132,101 | 0.01 |
| April | 9,087 | 322,177 | 0.05 | 3,265 | 239,529 | 0.03 | 11,223 | 378,166 | 0.03 | 11,411 | 395,768 | 0.03 | 8,115 | 273,578 | 0.03 |
| May | 23,956 | 656,245 | 0.07 | 29,961 | 716,243 | 0.06 | 35,185 | 696,554 | 0.05 | 34,816 | 651,912 | 0.05 | 27,591 | 546,944 | 0.05 |
| June | 79,728 | 1,049,368 | 0.10 | 69,819 | 1,171,866 | 0.08 | 55,076 | 996,026 | 0.06 | 55,274 | 993,808 | 0.06 | 62,616 | 943,175 | 0.07 |
| July | 208,716 | 1,432,833 | 0.17 | 171,396 | 1,522,237 | 0.14 | 192,311 | 1,442,297 | 0.13 | 205,488 | 1,412,007 | 0.15 | 174,222 | 1,264,987 | 0.14 |
| August | 192,588 | 1,512,456 | 0.15 | 184,178 | 1,597,874 | 0.13 | 238,848 | 1,405,409 | 0.17 | 188,446 | 1,401,075 | 0.13 | 221,106 | 1,315,471 | 0.17 |
| September | 209,425 | 1,398,949 | 0.18 | 148,187 | 1,436,026 | 0.12 | 204,890 | 1,341,162 | 0.15 | 194,552 | 1,334,087 | 0.15 | 192,071 | 1,190,331 | 0.16 |
| October | 171,200 | 1,235,335 | 0.16 | 172,214 | 1,373,001 | 0.15 | 175,379 | 1,111,095 | 0.16 | 175,082 | 1,190,800 | 0.15 | 204,541 | 1,162,375 | 0.18 |
| November | 115,130 | 1,013,317 | 0.12 | 125,660 | 893,961 | 0.16 | 123,317 | 787,103 | 0.16 | 128,369 | 880,565 | 0.15 | 125,270 | 875,482 | 0.14 |
| December | 68,495 | 646,254 | 0.13 | 50,991 | 548,755 | 0.13 | 48,272 | 471,233 | 0.10 | 65,390 | 527,086 | 0.12 | 48,264 | 467,069 | 0.10 |
| Total | 1,105,813 | 9,994,389 | 0.11 | 977,693 | 10,015,511 | 0.10 | 1,117,971 | 9,466,061 | 0.12 | 1,083,031 | 9,482,460 | 0.11 | 1,081,946 | 8,610,959 | 0.13 |

Table 7. Latent potential effort with limited access New Hampshire lobster licenses.

| Year | Limited Commercial 600 Traps | Latent Potential Limited Commercial | Commercial 1200 Traps | Latent Potential Commercial |
|--------------------------------|------------------------------|-------------------------------------|-----------------------|-----------------------------|
| 2006 | 303 | 261 | 29 | 3 |
| 2007 | 174 | 390 | 30 | 2 |
| 2008 | 157 | 407 | 31 | 1 |
| 2009 | 141 | 423 | 30 | 2 |
| 2010 | 132 | 432 | 30 | 2 |
| Qualifying Individuals | 564 | | 32 | |
| AVERAGE ANNUALLY ISSUED | 181 | | 30 | |

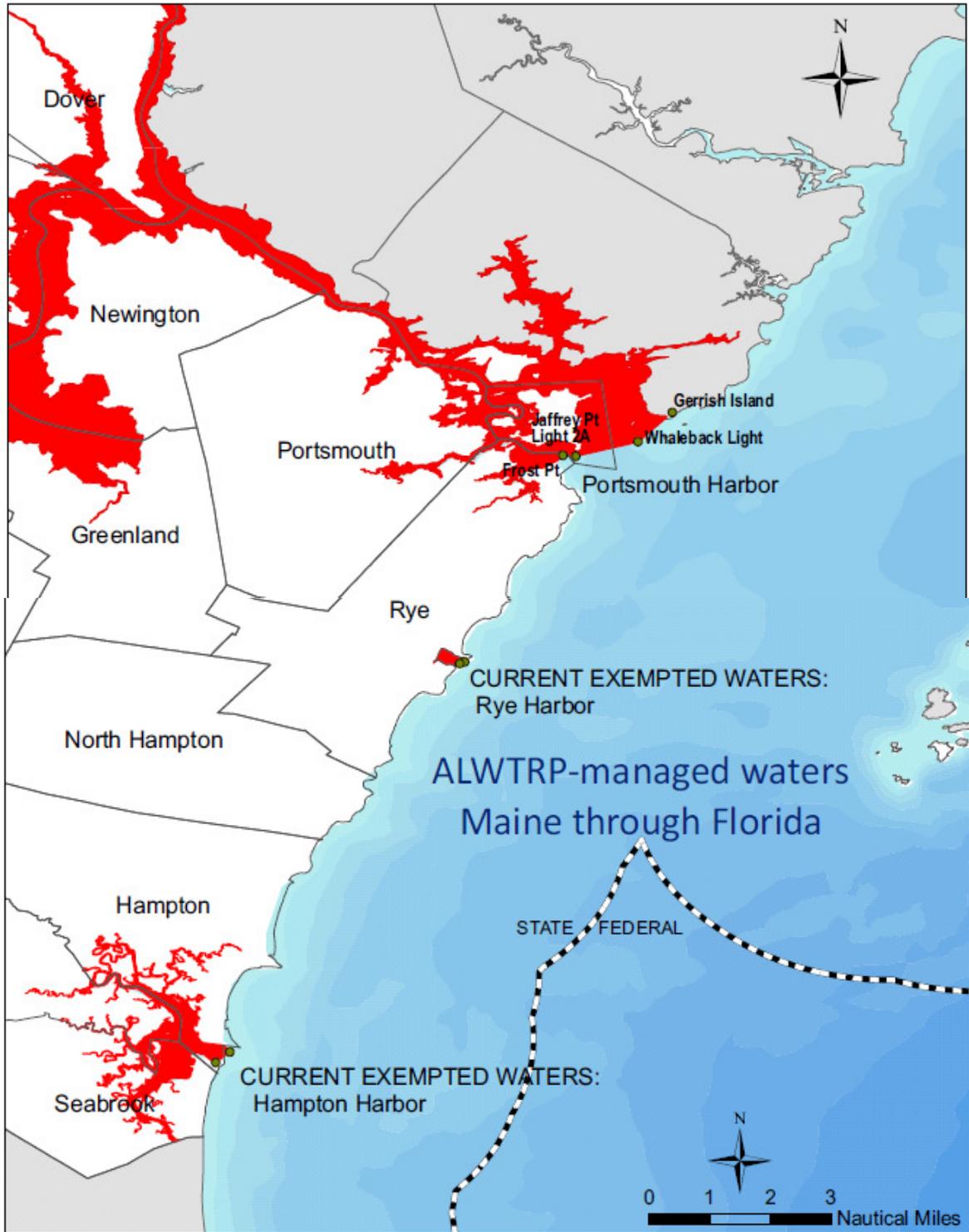


Figure 1. Current ALWTRP exempted areas within New Hampshire state waters.

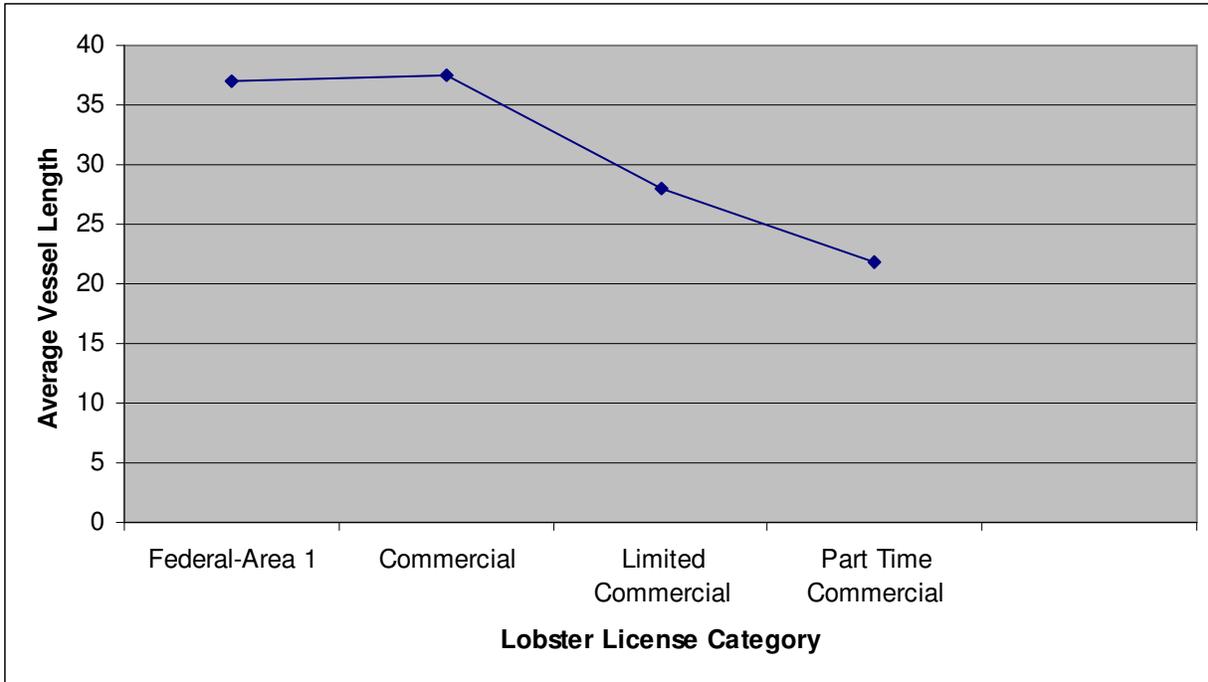
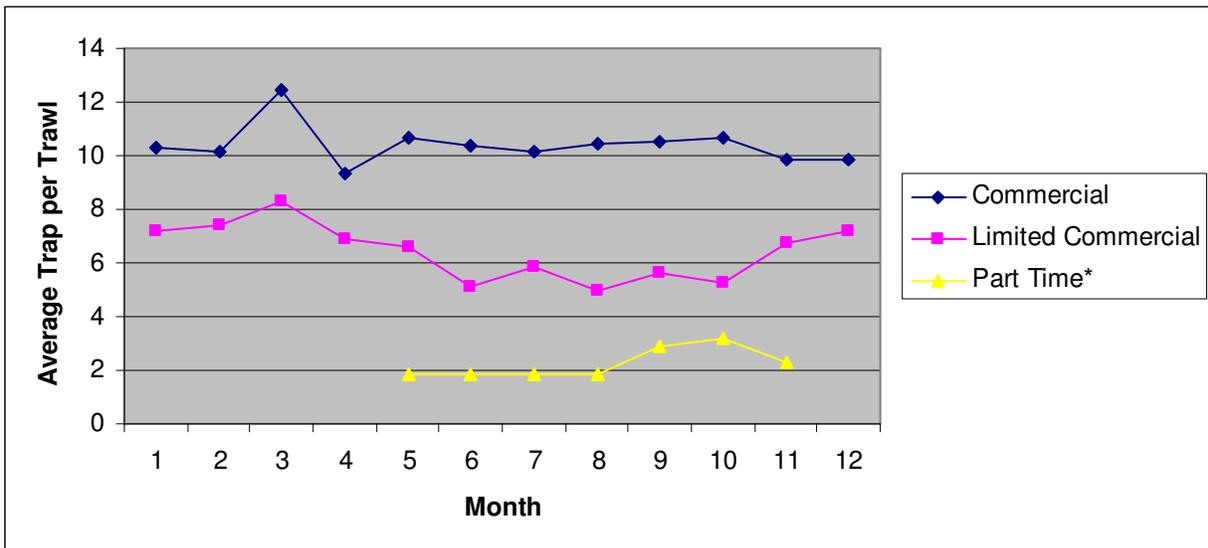


Figure 2. Average vessel length for New Hampshire’s various license categories and Lobster Management Area 1 federal waters.



* - April and December’s average trap per trawl could not be represented due to confidentiality concerns.

Figure 3. Average number of traps per trawl for New Hampshire’s commercial lobster license categories.

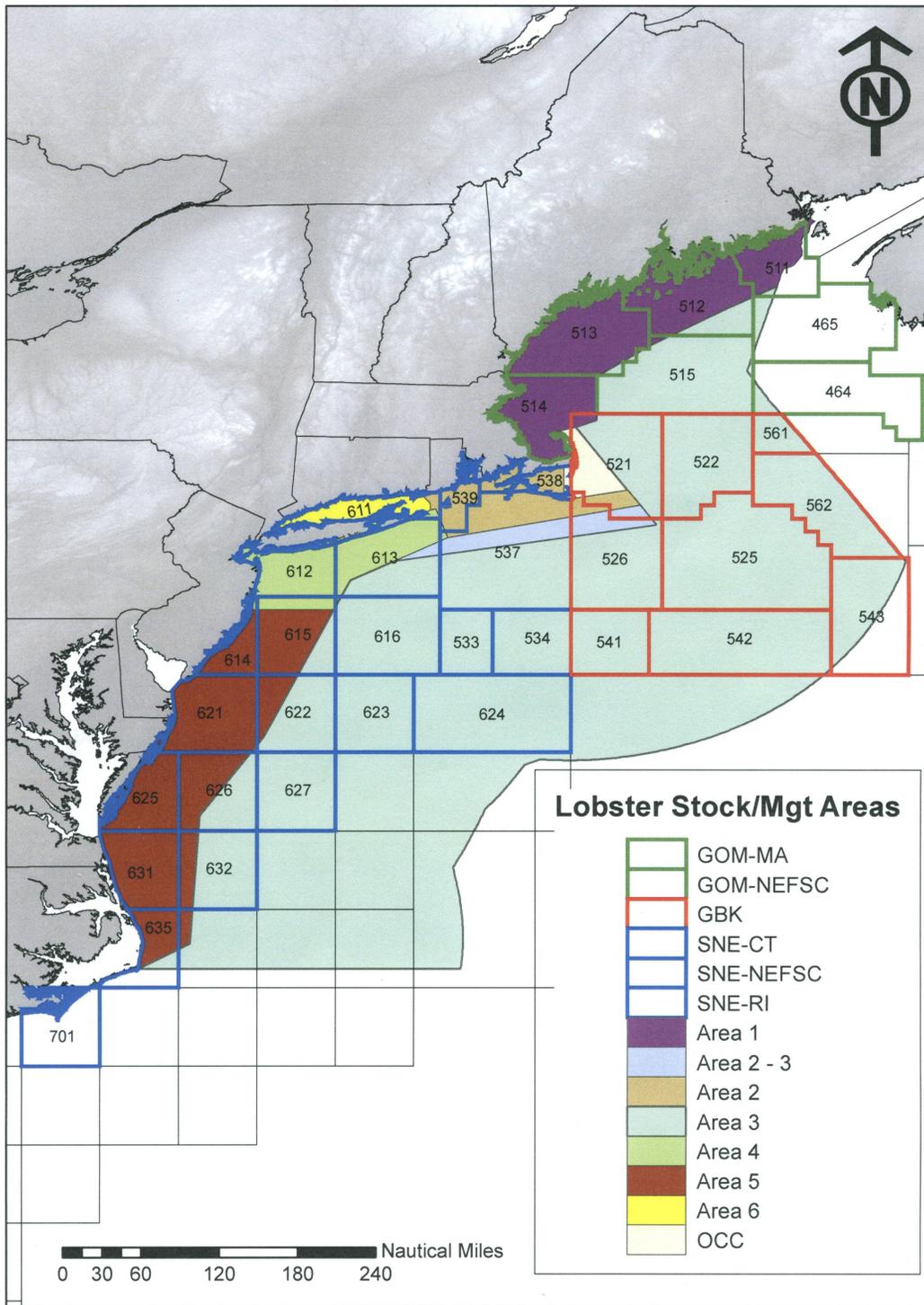


Figure 4. National Oceanic and Atmospheric Administration Fishing Statistical and Lobster Management Areas.

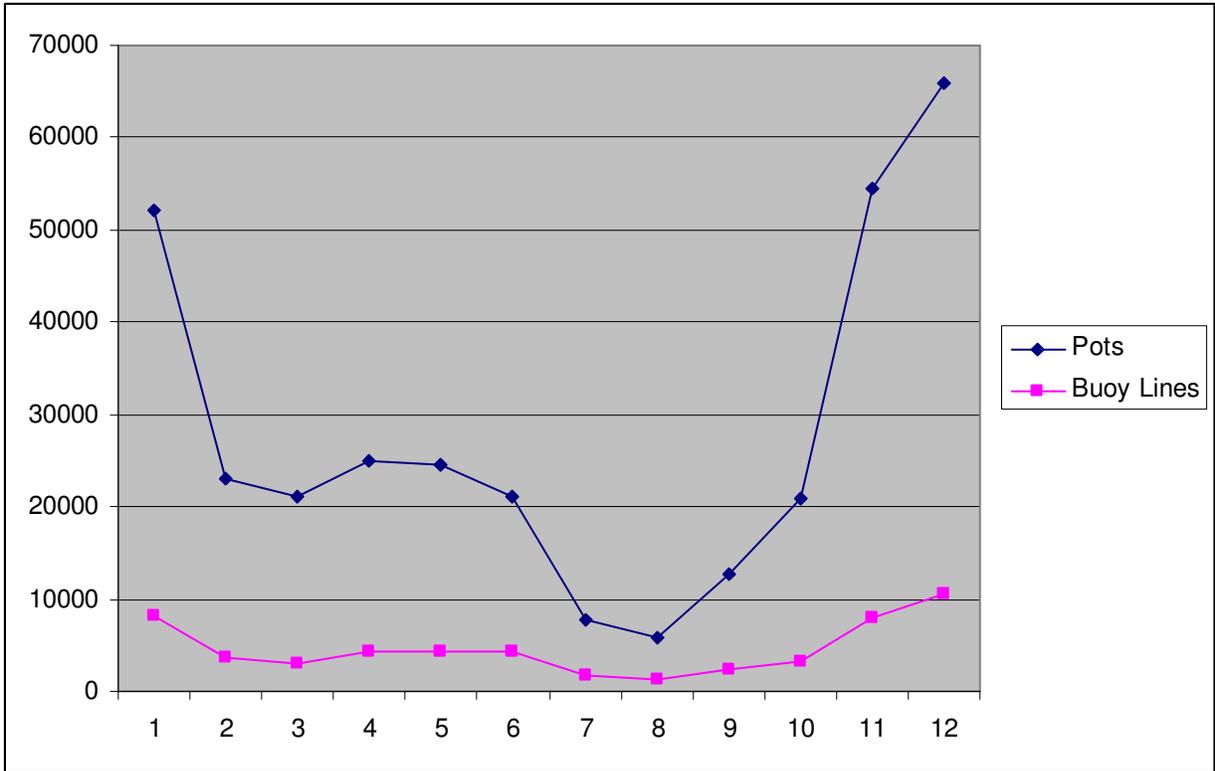
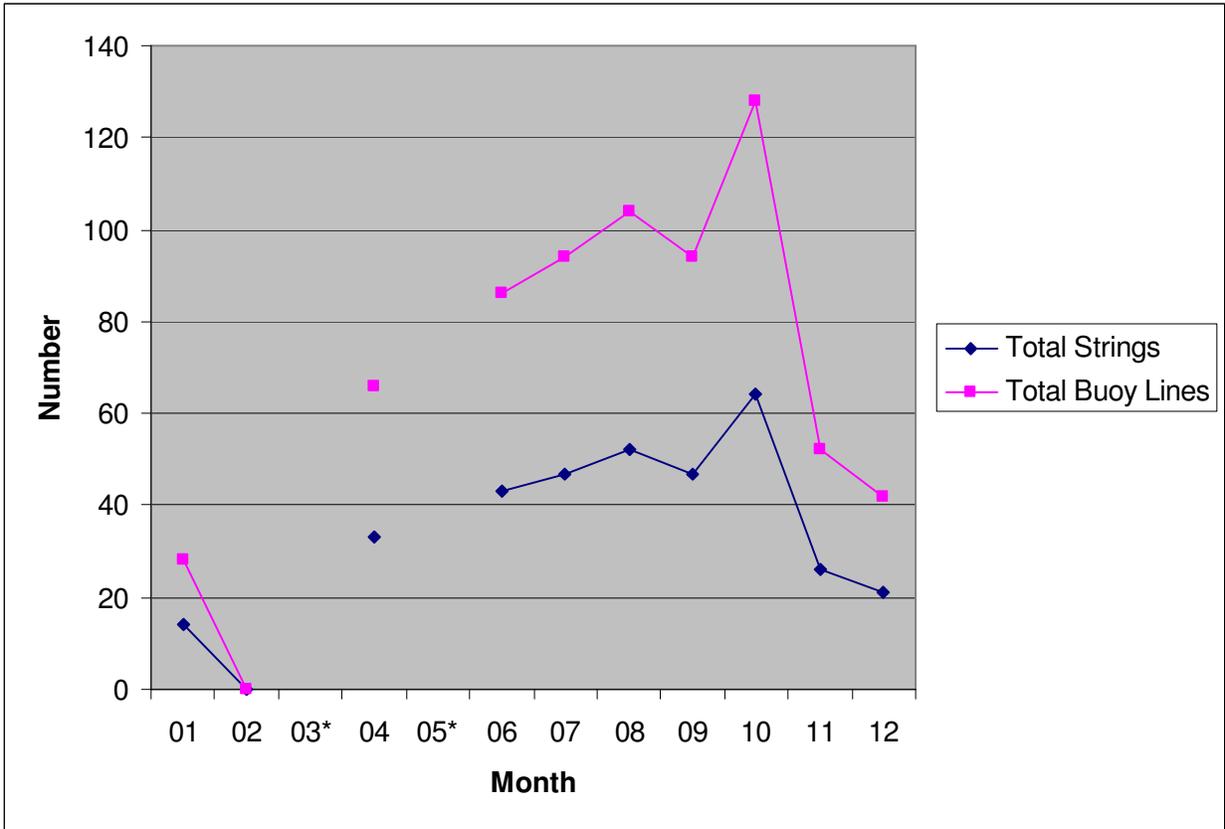


Figure 5. Total number of pots and buoy lines from New Hampshire lobster landings from vessel trip reports from Lobster Management Area 1 in federal waters in 2010.



* - Data cannot be displayed due to confidentiality concerns, less than three participants.

Figure 6. Total gill net strings and buoys from gill net activity in federal waters in Statistical Area 513 from New Hampshire landings in 2010.

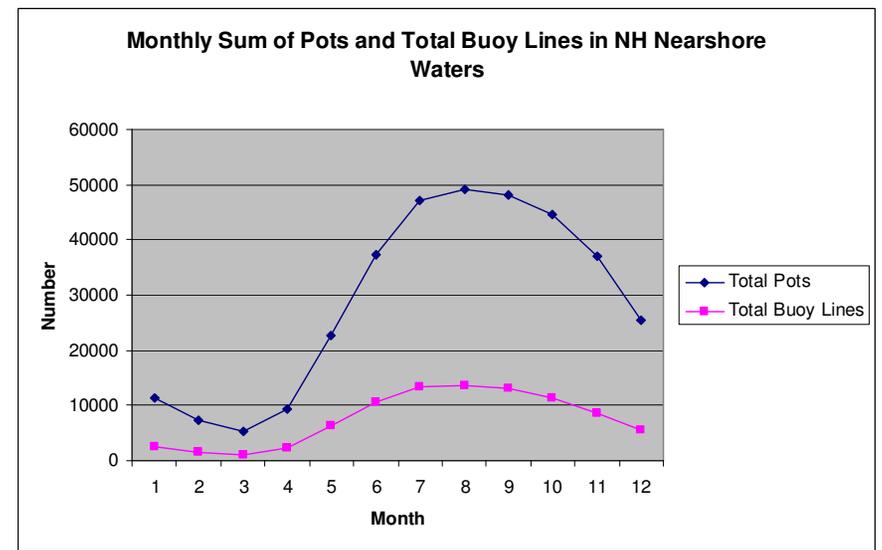
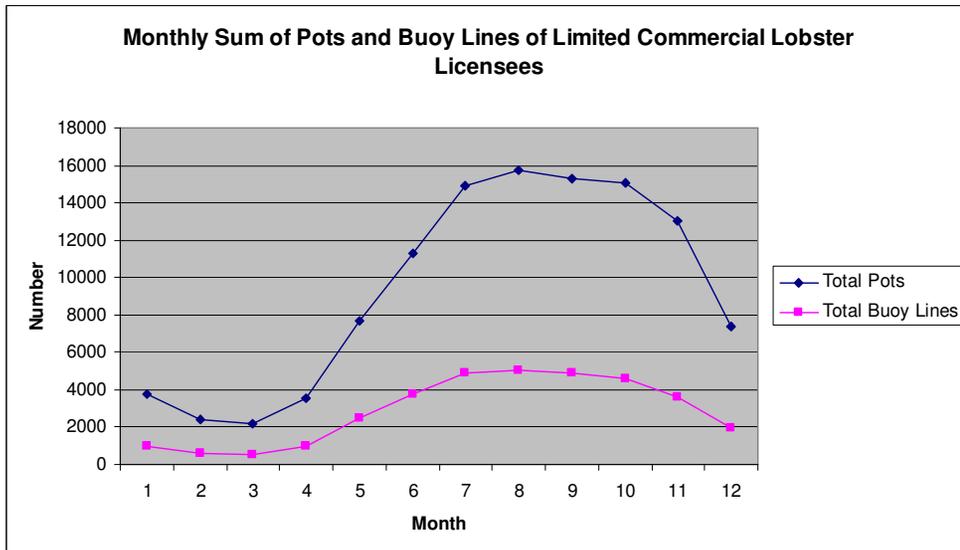
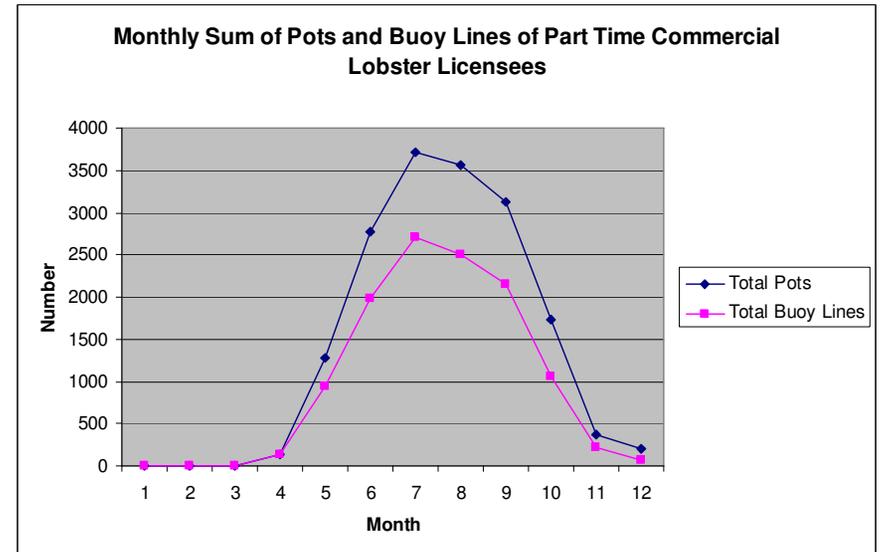
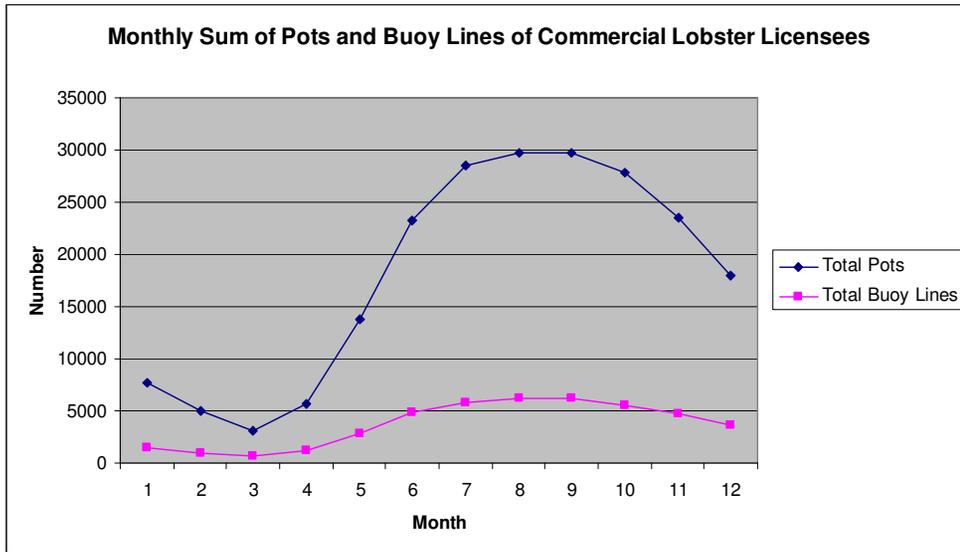


Figure 7. Monthly sum of lobster pots and buoy lines for each New Hampshire commercial, limited commercial, and part time commercial lobster license category and nearshore totals in 2010.

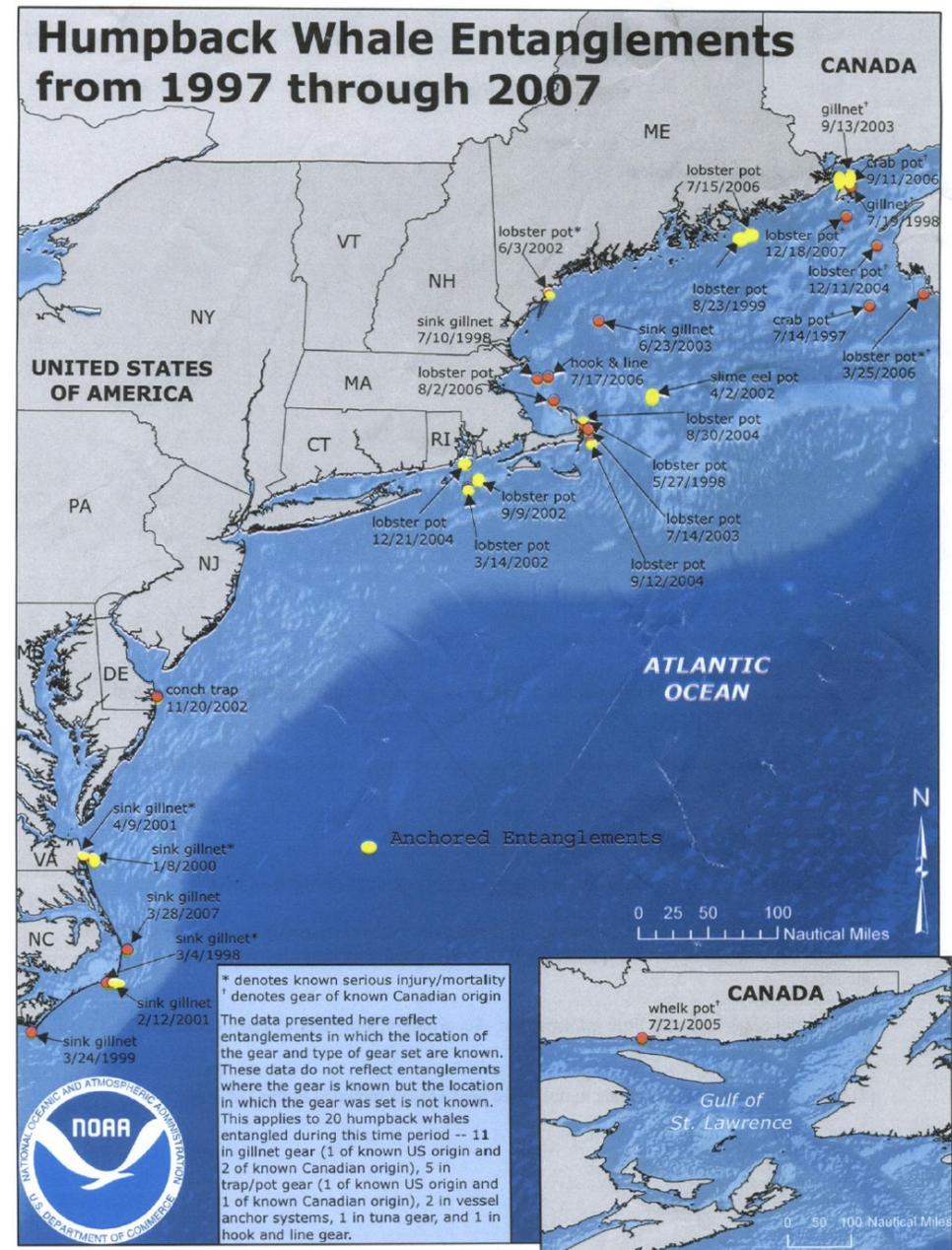
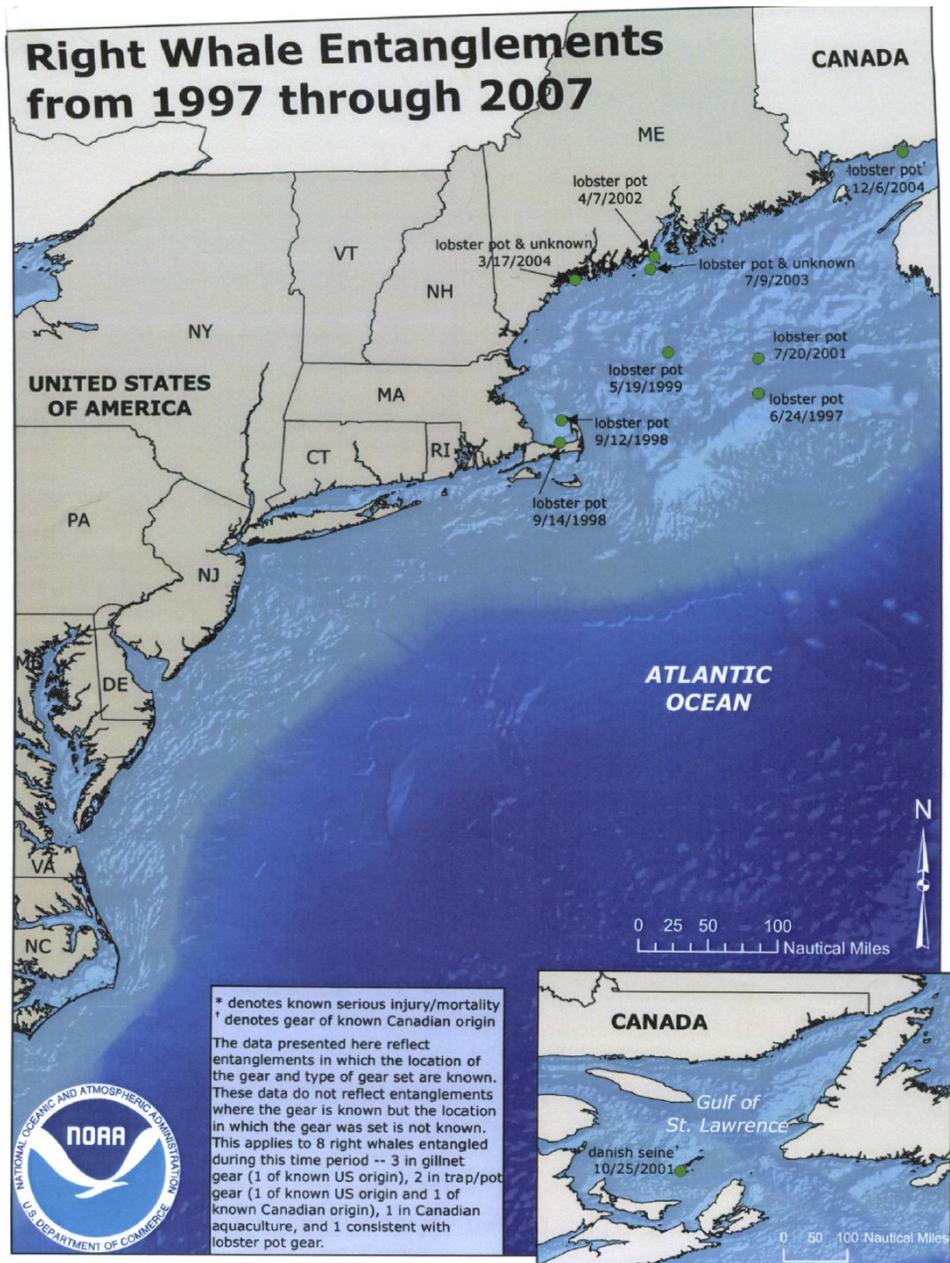


Figure 8a. Atlantic right and humpback whale entanglements from 1997 through 2007.

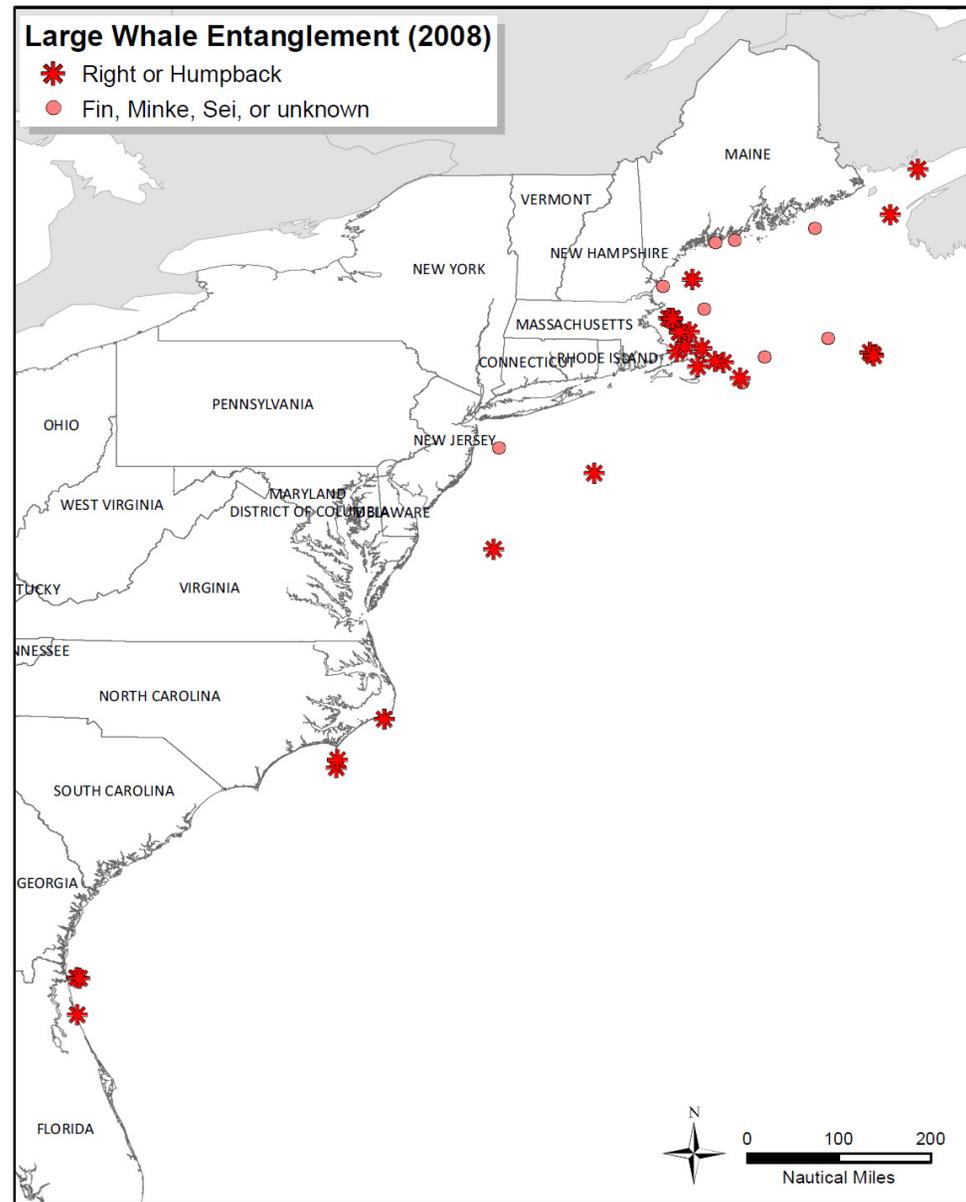
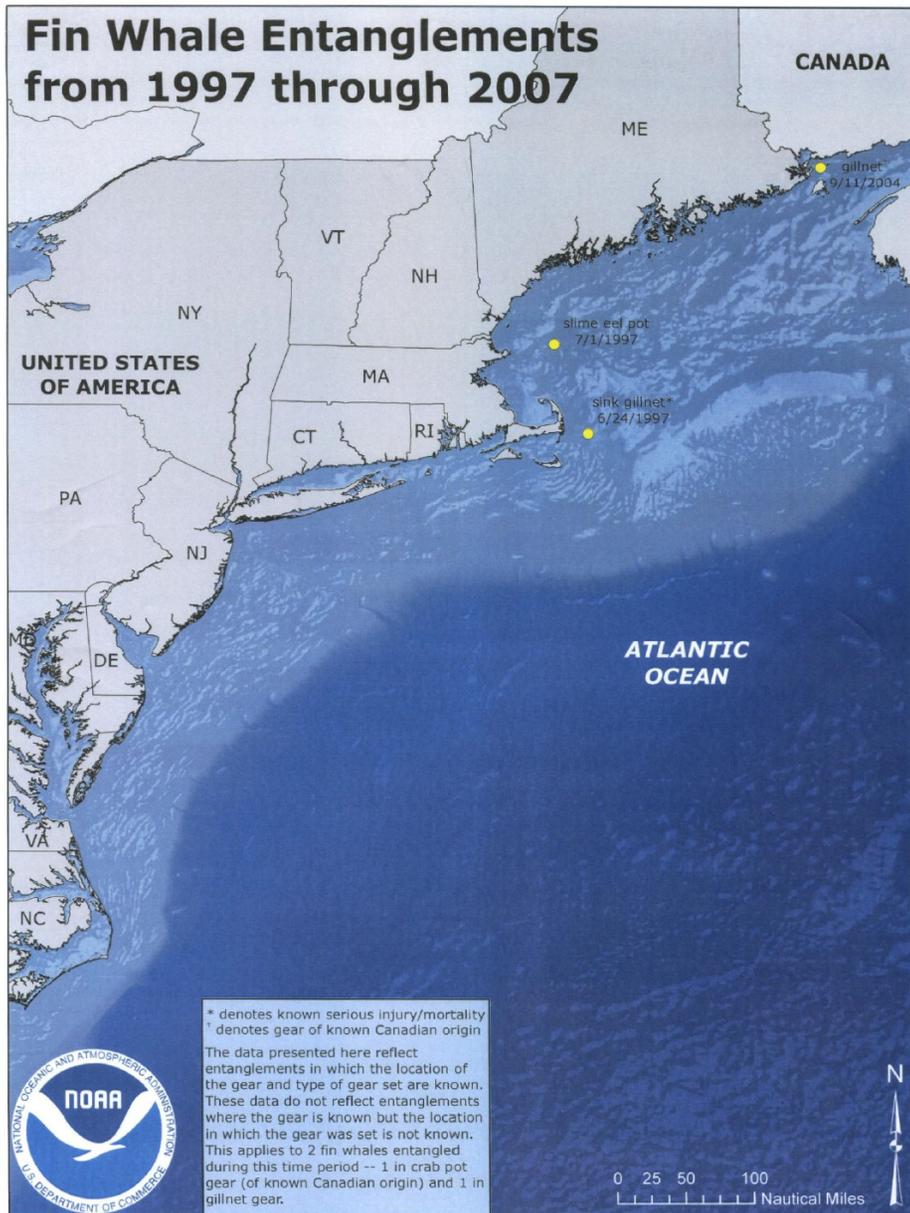


Figure 8b. Fin whale entanglements from 1997 through 2007 and large whale entanglements from 2008.

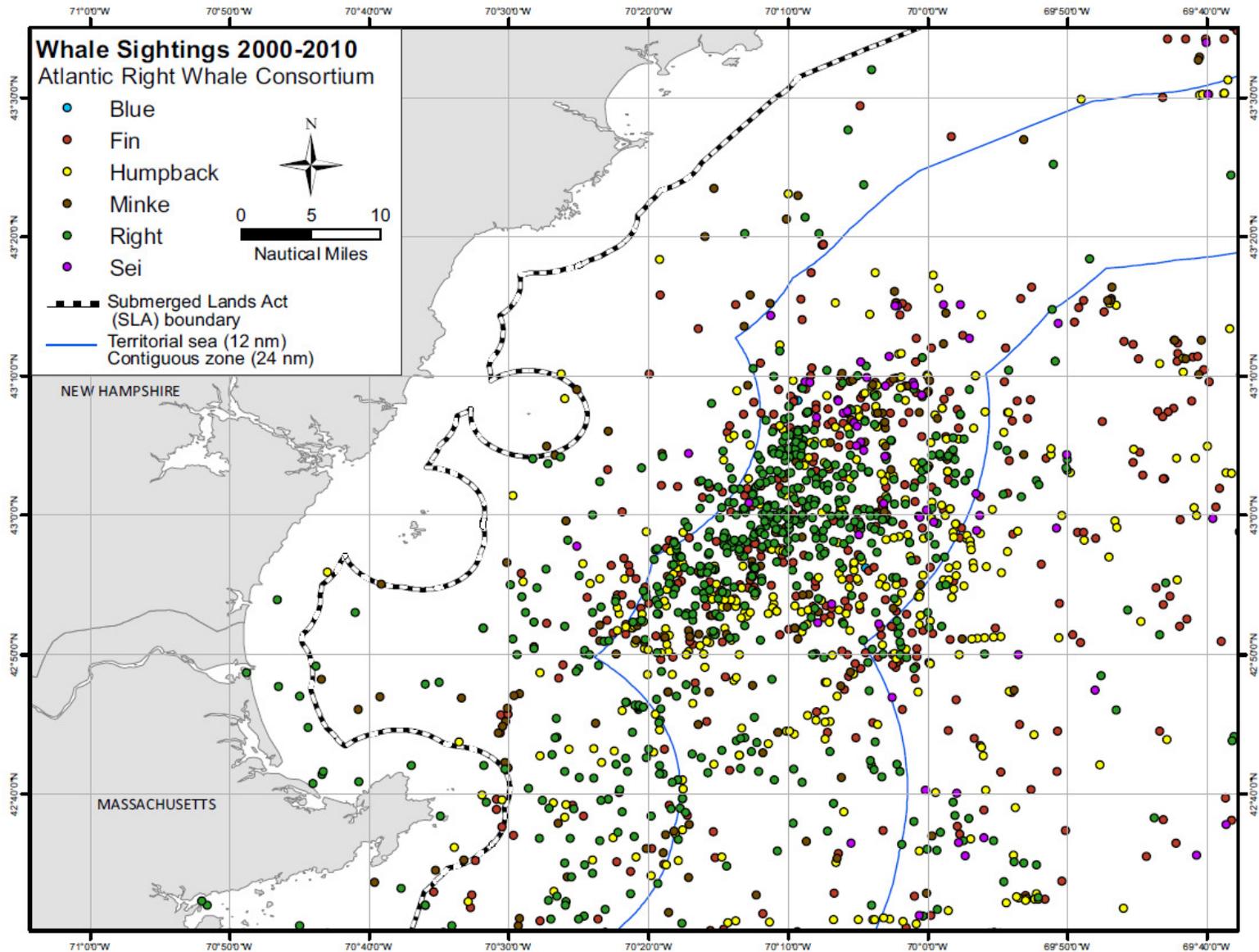


Figure 9a. Atlantic large whale sightings from 2000 through 2010*.

*- Raw sighting data from the NARWC database are not effort-corrected and the management documents in which they are used are not peer reviewed. Distributional patterns based on these data are likely to be biased by where, and when, surveys were conducted.

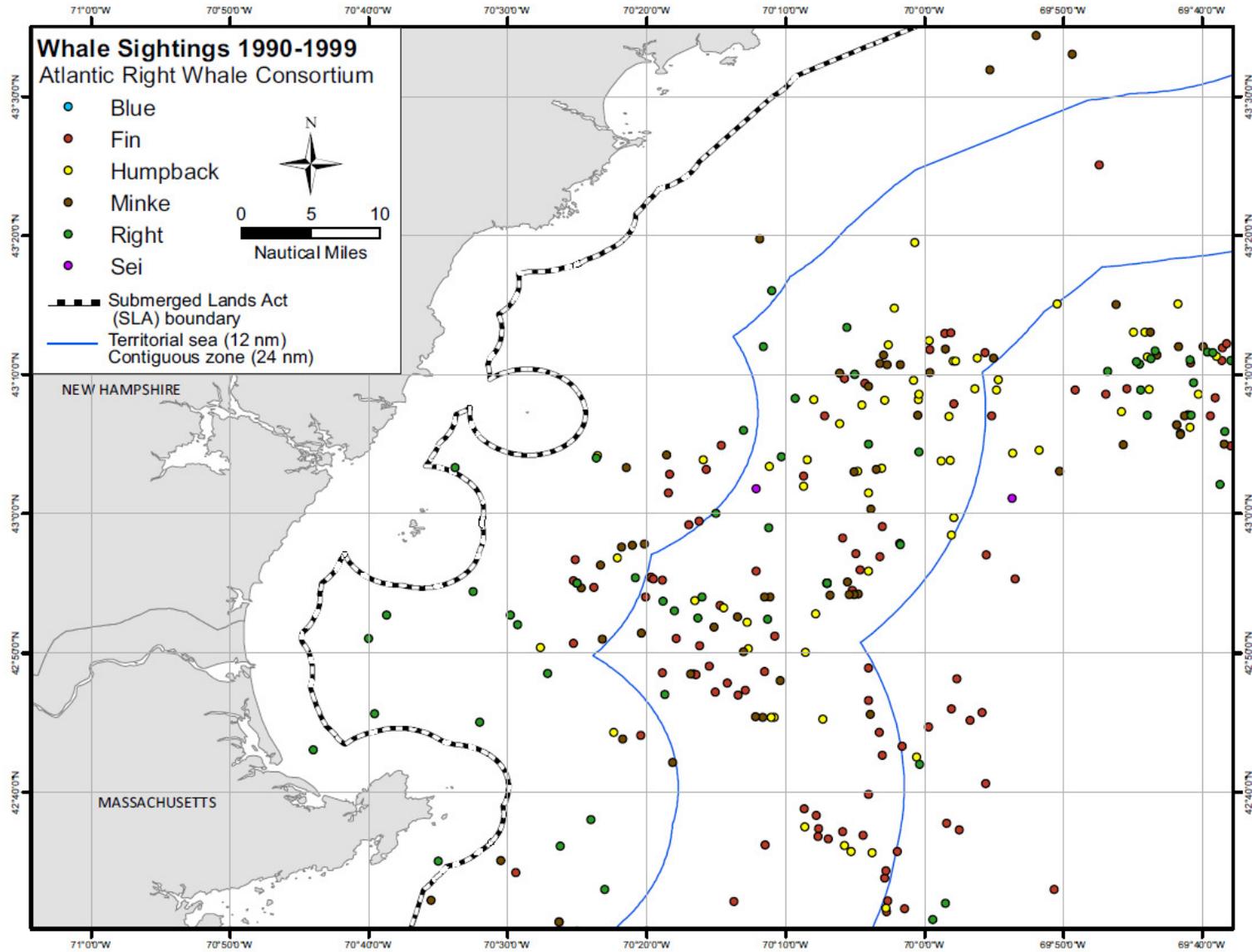


Figure 9a. Atlantic large whale sightings from 1990 through 1999*.

*- Raw sighting data from the NARWC database are not effort-corrected and the management documents in which they are used are not peer reviewed. Distributional patterns based on these data are likely to be biased by where, and when, surveys were conducted.

PLEASE TAPE THIS EDGE CLOSED BEFORE RETURNING



New Hampshire Fish and Game Department
Marine Fisheries Division
225 Main Street
Durham, NH 03824-4732
(603) 868-1095

MONTHLY RECORD OF LOBSTER CATCH & DEALER TRANSACTIONS

These reports should be completed on a daily (fishing) or transaction (dealing) basis and returned to the New Hampshire Fish and Game Department, 225 Main Street, Durham, NH 03824-4732 by the 10th of the following month.

ISSUED TO:

Permit # _____ Month/Year _____
Vessel Name _____ Vessel ID _____

Dealer

| |
|--|
| <p><input type="checkbox"/> DID NOT FISH THIS MONTH</p> <p><input type="checkbox"/> NO DEALER TRANSACTIONS THIS MONTH</p> <p>TOTAL POTS FISHED _____ <small>(maximum number of pots in the water)</small></p> <p>TOTAL BUOY LINES _____ <small>(maximum number of buoys in the water)</small></p> <p>I hereby certify that the enclosed information is true and correct. (Licensee subject to the penalties for making unsworn false statements under RSA 641:3).</p> <p>_____</p> <p>SIGNATURE</p> |
|--|

CONFIDENTIALITY: Records pertaining to commercial, or financial information submitted to the Executive Director of the Fish and Game Department by any person, voluntarily, or in compliance with any requirement under the authority of any RSA or any regulation promulgated by the Fish and Game Commission or the Executive Director, whose disclosure would constitute an invasion of privacy, shall be confidential, except that the Executive Director or his agent may release or make public any such information in any aggregate or summary form which does not directly or indirectly disclose the identity or business of any person who submits such information.

Release of information within the Fish and Game Department or to any other state or federal agencies, for statistical purposes only, shall not constitute a disclosure under the intent of this regulation, provided that those entities have confidentiality provisions that do not allow disclosure of the financial or commercial records of any person.

RSA 91-A:10

DIVISION OF MARINE FISHERIES
NEW HAMPSHIRE FISH AND GAME DEPARTMENT
REGION 3
225 MAIN STREET
DURHAM NH 03824-4732

PLEASE TAPE THIS EDGE CLOSED BEFORE RETURNING

PLEASE TAPE THIS EDGE CLOSED BEFORE RETURNING

Figure 10b. Cover Page of Monthly Lobster Harvester and Dealer Reporting Form for New Hampshire Licensed Lobster Harvesters.

INSTRUCTIONS: Please complete the form below on a monthly basis and return when you are done fishing or, at the very latest, by January 10 of the following year:

Number of pots fished _____ Maximum number of pots/traps fished at any one time during the month. Write DNF if you did not fish for the month.
 Average number of pots pulled _____ Average number of pots/traps pulled on the days pots were checked.
 Maximum number of buoy lines _____ Maximum number of buoys in the water at any one time during the month.
 Average number of traps per trawl _____ Average number of traps on a trawl during the month.
 Days fished _____ Number of days pots/traps were checked for the month.
 Average # of days soaked _____ Average number of days pots/traps were left in water between checking catch.
 Weight _____ Pounds caught (if quantity instead of weight please specify).
 Area (use appropriate #) _____

4-Bellamy River 26-Hampton Harbor 7-Lamprey River 1-Piscataqua River 2-Salmon Falls River 8-Squamscott River
 27-Blackwater River 21-Hampton River 5-Little Bay 19-Portsmouth Harbor/Newcastle 22-Seabrook 11-Taylor River
 3-Cocheco River 24-Hampton-Coastal 20-Little Harbor 15-Rye-Coastal 33-Seabrook-Coastal 9-Winnicut River
 10-Great Bay 14-Isle of Shoals 6-Oyster River 13-Sagamore Creek 17-Seavy Creek 23-Other (Specify)

Port Landed _____ Port catch was brought into.
 Did you sell your catch _____ Did you sell your catch? Yes or No
 Dealer catch sold to _____ Name of dealer or business you sold your catch to.

| MONTH | # OF POTS FISHED | AVERAGE # POTS PULLED | MAXIMUM # BUOY LINES | AVG # TRAPS PER TRAWL | DAYS FISHED | AVG. # DAYS POTS SOAKED | WEIGHT (POUNDS) | AREA | PORT LANDED | DID YOU SELL YOUR CATCH? | DEALER CATCH SOLD TO |
|-----------|------------------|-----------------------|----------------------|-----------------------|-------------|-------------------------|-----------------|------|-------------|--------------------------|----------------------|
| January | | | | | | | | | | | |
| February | | | | | | | | | | | |
| March | | | | | | | | | | | |
| April | | | | | | | | | | | |
| May | | | | | | | | | | | |
| June | | | | | | | | | | | |
| July | | | | | | | | | | | |
| August | | | | | | | | | | | |
| September | | | | | | | | | | | |
| October | | | | | | | | | | | |
| November | | | | | | | | | | | |
| December | | | | | | | | | | | |

DUE BEFORE JANUARY 10TH OF THE FOLLOWING YEAR

Figure 11. Annual Reporting Form for New Hampshire Licensed Lobster Harvesters.