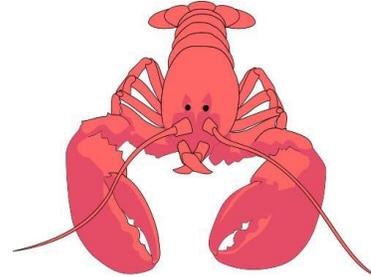


NOAA FISHERIES

Sustainable Fisheries

This summary provides a broad overview of restrictions and requirements; the regulations summarized here may be found at 50 CFR part 697. Please contact the Sustainable Fisheries Division at (978) 281-9315 for more information. Updated June 22, 2016

American Lobster Information Sheet



Homarus americanus

How is the American Lobster Fishery managed?

Federal management of the lobster fishery is influenced by management recommendations made by the Atlantic States Marine Fisheries Commission (Commission). Commission member states include Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, and Florida. In 1993, Congress passed the Atlantic Coastal Fisheries Cooperative Management Act which helps states and NMFS work together to effectively manage the lobster fishery. The Commission prepares fishery management plans in response to many things relating to the health and sustainability of the lobster fishery. We, in turn, use the Federal lobster regulations to complement the Commission’s management plan in Federal waters of Lobster Management Areas (LMAs). 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).

For more information about Commission and the history of lobster management, visit: www.asmfc.org

For the latest information on Federal measures for the American lobster fishery, visit: www.greateratlantic.fisheries.noaa.gov/sustainable/species/lobster

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VESSEL PERMITS (§§ 697.4 and 697.5)

To fish commercially for lobsters in Federal waters, a vessel must possess a Federal lobster limited access permit and the permit must be on board at all times. The operator of the vessel must also have a valid operator's permit. Only one Federal lobster permit is issued per vessel, with only one fishing history qualifying that permit. When a vessel is sold or transferred with the permit, the fishing history and qualifications stay with the permitted vessel. If the vessel sinks, is destroyed, or sold, you can apply for confirmation of permit history which will preserve your permit rights to fish until the vessel is replaced. Each year, you must renew your permit by the last day of the fishing year (April 30th) or you will lose it. From the effective date on your permit, you are allowed 45 days to make any changes concerning LMA designation or non-trap fishing. After this time, changes to the permit can only be made if/when a vessel is sold or replaced. If applicable, vessel trip reports (VTRs) must also be completed in order to renew your Federal permit. For permit renewal, vessel replacements, and other forms, visit www.greateratlantic.fisheries.noaa.gov/aps/forms.html.

LOBSTER TRAP REQUIREMENTS (§ 697.21)

Lobster trap gear must adhere to the following requirements:

Escape vents: All lobster traps must have unobstructed rectangular or circular openings in the side or top portions of the parlor section to allow small lobsters to exit. At least one rectangular or dual circular vent is required. See Table 1 for vent sizes required for each LMA.

Ghost panel: All lobster traps not made entirely of wood must have a 3 ¾ inch by 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. The door of the trap can also serve as a ghost panel if it is fastened with material that will decay over time.

Gear identification: Traps must be marked with a trap tag, identified by either the Federal or state permit number, depending on permit status as a dual-permit holder. See next page for more information on trap tags.

Gear marking: Trap trawls with four or more traps must be marked on the surface with a radar reflector in the Federal gear areas of the Gulf of Maine, Georges Bank, Southern New England, and Mid-Atlantic. Trawls with three or fewer traps must be marked with a single buoy.

Traps in a trawl: Trap trawls cannot exceed a length of 1.5 nautical miles.

Additional gear requirements designed to minimize entanglement of large whales apply to lobster gear. Please visit the Atlantic large whale take reduction plan (ALWTRP) information guides for complete details (links below).

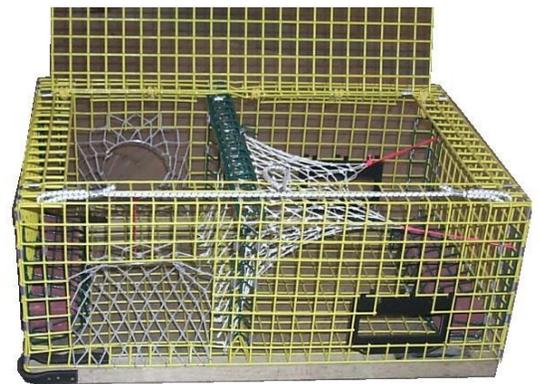
Northeast:

http://www.greateratlantic.fisheries.noaa.gov/protected/whaletrp/docs/Outreach%20Guides%20Updated%20May%202015/northeast_trap_pot_may2015_2.pdf

Mid-Atlantic:

http://www.greateratlantic.fisheries.noaa.gov/protected/whaletrp/docs/Outreach%20Guides%20Updated%20May%202015/mid_atlantic_trap_pot_may_2015.pdf

Southeast: http://www.greateratlantic.fisheries.noaa.gov/protected/whaletrp/docs/Updated%20Docs%2082514/southeast_trap_pot_dec_2014.pdf



Wire lobster trap



Ghost panel affixed with biodegradable hog rings

TRAP TAGS (§§ 697.4 and 697.19)

If you hold a Federal lobster permit and intend to fish for lobster with trap gear, you are required to purchase trap tags. Trap tags must be purchased every fishing year and permanently attached to traps. NMFS has an agreement with most Atlantic states, allowing them to issue residents their trap tags which satisfy both state and Federal requirements. If you cannot get your trap tags through your state, you must obtain your tags through NMFS. You are required to report any lost, destroyed, and missing tags within seven days after the tags have been discovered lost, destroyed, or missing. It is prohibited to use or possess a tag reported lost, missing, destroyed, or issued to another vessel. To download detailed instructions and a NMFS trap tag order form, go to www.greateratlantic.fisheries.noaa.gov/aps/forms.html.

LOBSTER MANAGEMENT AREAS (LMAs) (§ 697.18)

There are seven LMAs: Area 1, 2, 3, 4, 5, 6, and the Outer Cape; and three stock areas: Gulf of Maine (GOM), Georges Bank (GB), and Southern New England (SNE). LMAs, as shown in Chart 1, were established for management purposes. All LMAs have a Federal component except Area 6 which is only in state waters. Any vessel with a Federal lobster permit can fish in LMAs 1, 2, 3, 4, 5, and Outer Cape with gear other than traps but in order to trap fish in these LMAs, NMFS must have previously qualified your permit based on historical fishing in that Area. All Federal-water LMAs are limited access and only those permits that met qualifying criteria can elect to trap fish in those areas. Each LMA has different restrictions for trap limits, minimum/maximum sizes, gear requirements, closed seasons, etc. Refer to Tables 1 and 2 for these management measures.

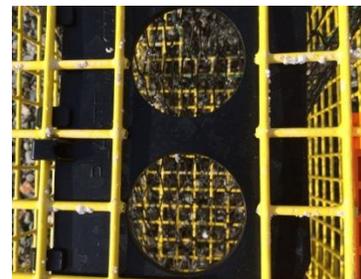
Table 1: Summary of Trap Requirements by LMA (Area)*

Management Measure	Area 1	Area 2	Area 3	Area 4	Area 5	Area 6	Outer Cape
Trap Limits	800	Permit-specific, not to exceed 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	Permit-specific, not to exceed 800
Maximum Trap Size	22,950 in ³	22,950 in ³	33,100 in ³	22,950 in ³	22,950 in ³	22,950 in ³	22,950 in ³
Escape Vent (Rectangular)	1- ¹⁵ / ₁₆ " x 5- ³ / ₄ "	2" x 5- ³ / ₄ "	2- ¹ / ₁₆ " x 5- ³ / ₄ "	2" x 5- ³ / ₄ "	2" x 5- ³ / ₄ "	1- ¹⁵ / ₁₆ " x 5- ³ / ₄ "	2" x 5- ³ / ₄ "
Escape Vent (Circular)	2- ⁷ / ₁₆ "	2- ⁵ / ₈ "	2- ¹¹ / ₁₆ "	2- ⁵ / ₈ "	2- ⁵ / ₈ "	2- ⁷ / ₁₆ "	2- ⁵ / ₈ "

*State and Federal measures may differ. Permit holders are bound by the more restrictive of either state or Federal American lobster regulations.



Rectangular vent



Circular vent

Table 2: Summary of Management Requirements by LMA (Area)*

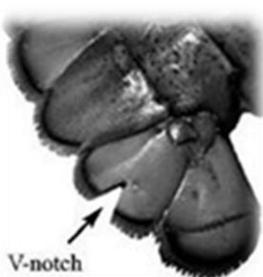
Management Measure	Area 1	Area 2	Area 3	Area 4	Area 5	Area 6	Outer Cape
Minimum Carapace Size	3-1/4"	3-3/8"	3-17/32"	3-3/8"	3-3/8"	3-1/4"	3-3/8"
Maximum Carapace Size	5"	5-1/4"	6-3/4"	5-1/4"	5-1/4"	5-1/4"	6-3/4"
V-notch Marking Requirement	Mandatory for all egg-bearing females	See state regulations	None				
V-notch Possession	Zero tolerance	< 1/8"	< 1/8"	< 1/8"	< 1/8"	< 1/8"	< 1/8"
Closed Season ¹	None	None	None	April 30 – May 31	February 1 – March 31	See state regulations	February 1 – March 31

*State and Federal measures may differ. Permit holders are bound by the more restrictive of either state or Federal American lobster regulations.

¹ Seasonal closures may be different in state waters. There are additional closures that may span more than one LMA, as set forth by ALWTRP. Refer to ALWTRP regulations for these closures.



Lobsters are measured by placing a gauge in the rear of the eye socket, parallel to center, down to the bottom edge of the carapace. This picture shows an over-sized lobster for LMA 1.



V-notch: A v-shaped cut out of the base of a female lobster’s tail flipper, next to and to the right of the center tail flipper. This mark signifies breed stock. For LMAs 2, 3, 4, 5, 6, and OC, v-notch possession is allowed if the v-notch is smaller than 1/8”.

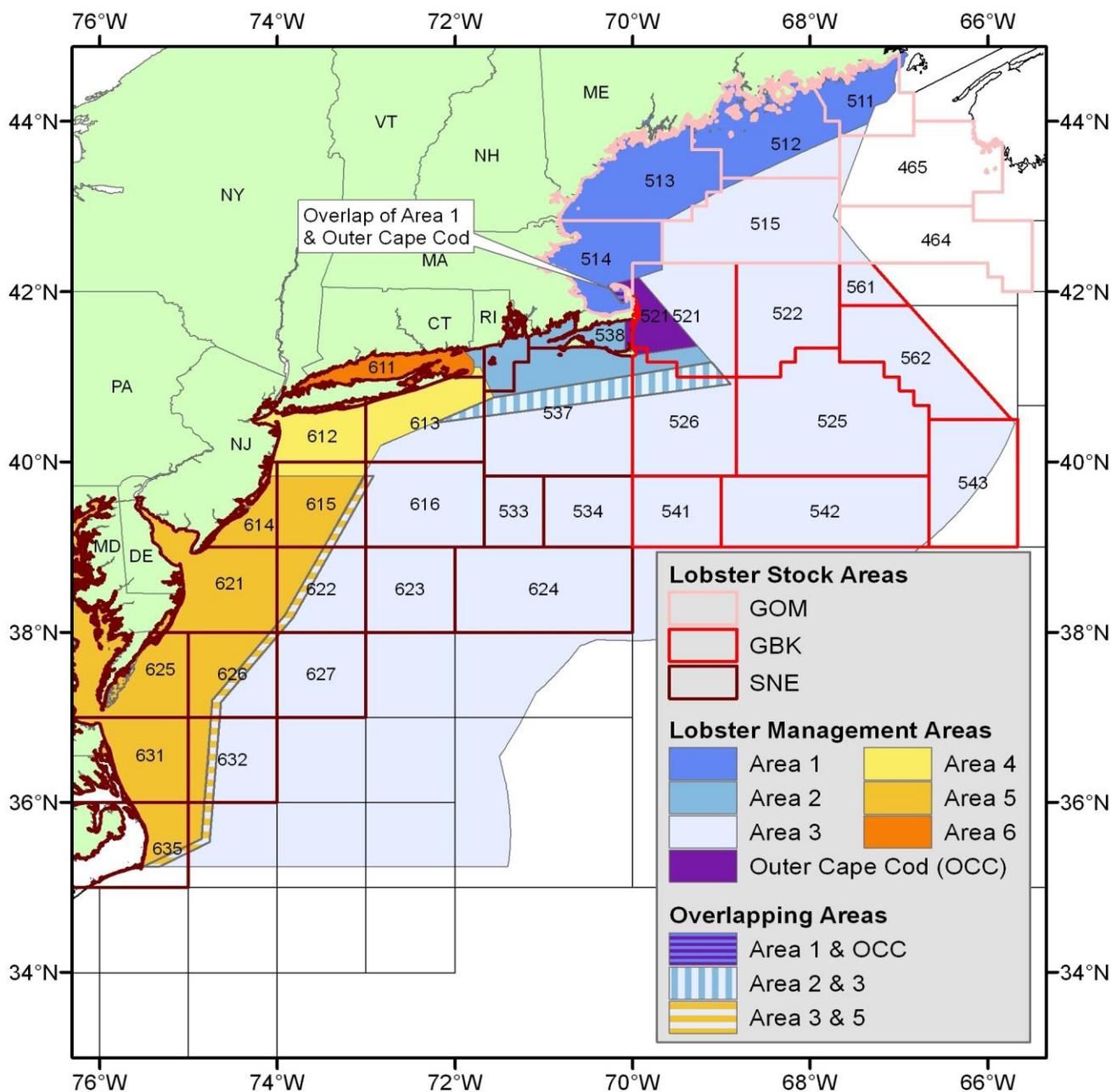


Removal of eggs or possession of an egg-bearing female lobster is prohibited.

MOST RESTRICTIVE RULE (§§ 697.3, 697.4, and 697.19)

The most restrictive rule is a constant theme in lobster regulations. The lobster fishery is managed separately by states and NMFS and regulations may not always be consistent between state and Federal waters. As a result, if you are fishing in an area where state and Federal regulations differ, you must abide by the more restrictive regulation. This also applies to permit-specific area allocation. If your state and Federal allocations are different for an area, you may fish across both areas but only by fishing the lower allocation. This rule also applies to permits that are qualified for trap fishing in more than one area. If you elect more than one area on your permit, you are able to fish traps across both areas but only at the lower allocation. For example, if you are allowed 800 traps in Area 1 and 600 traps in Area 3, you can elect to fish both areas but can only do so with 600 traps. For this same example, you are also bound by the most restrictive management measures for minimum and maximum lobster size, v-notch possession, trap size, and vent size. If electing non-trap and trap fishing, wherever you non-trap fish, you are bound by the potentially more restrictive measures of the elected area for trap fishing.

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

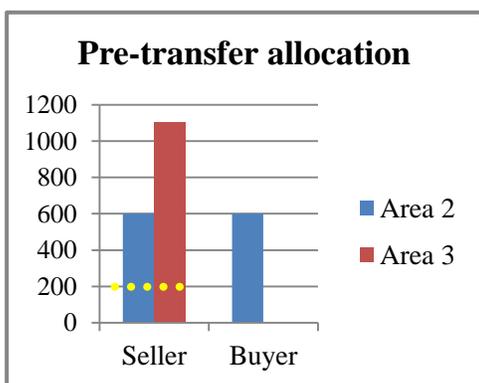


TRAP TRANSFERABILITY (§ 697.27)

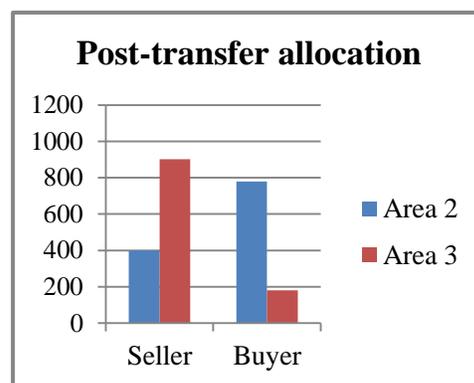
In 2002, the Commission approved Addendum III to Amendment 3 of the Interstate Fishery Management Plan, which allowed for the transfer of individual traps among Outer Cape Area permit holders. Since then, states have developed trap transfer programs for Area 2 and the Outer Cape. NMFS has adopted this program, working with the states to transfer traps for Areas 2, 3, and the Outer Cape. The purpose of the trap transferability program is to give lobster permit holders the flexibility to react to management measures that reduced fishing effort. This program is unique because if your permit did not qualify to trap fish in Areas 2, 3, or the Outer Cape, you may buy qualification for these areas in the form of traps. Traps cannot be leased, but can be bought and sold to your desired level of effort, not to exceed an area’s trap limit. With each transfer transaction, there is a 10-percent conservation tax to the buyer, further removing effort from the fishery. Each year, from August 1st to September 30th, trap transfer applications are accepted and NMFS works with state agencies to coordinate and approve valid trap transfers. Trap transfers go into effect the following fishing year. For more information on trap transfers and to obtain a trap transfer application, click on the “Trap Transfer Program” tab when you visit:

www.greateratlantic.fisheries.noaa.gov/sustainable/species/lobster/.

EXAMPLE OF A 200-TRAP TRANSFER



Because the seller has both Area 2 and Area 3 allocation, the buyer receives qualification for Area 3 in addition to more Area 2 allocation. With the 10-percent conservation tax, the buyer receives 180 Area 2 and Area 3 traps, making his final allocation 780 traps for Area 2 and 180 traps for Area 3. The seller debits 200 traps from both Area 2 and Area 3. Traps are debited from the bottom up.



HARVEST RESTRICTIONS AND POSSESSION LIMITS (§§ 697.17 and 697.26)

There are no landing limits for lobster trap fishing, however there are for non-trap fishing. Commercial non-trap harvesters are allowed 100 lobsters per 24-hour period, not to exceed 500 lobsters for a five or more day trip. During a fishing trip, lobster harvest can only occur by one method, trap or non-trap, but not both. If non-trap fishing, you may not possess on board, deploy, fish with, or haul back traps.

If your vessel is issued an Area 5 trap waiver to fish for black sea bass, you are allowed to land lobster equivalent to the commercial non-trap harvest limits. Vessels fishing under this waiver may not use baited traps and are exempt from other trap requirements.

Spearing lobster and transferring lobster from vessel to vessel is prohibited.

HAULING LOBSTER GEAR (§ 697.22)

It is prohibited to possess, deploy, fish with, haul, harvest lobster from, or have on board, trap gear issued to another vessel.

Traps must be hauled at least once every 30 days. Wet storage of traps is not permitted. If traps are expected to be unattended for greater than 30 days, NMFS may authorize a substitute vessel to haul ashore the lobster trap gear of a federally permitted lobster vessel that has broken down. Authorization will not be granted to fish a permitted vessel’s gear with another vessel.

REPORTING REQUIREMENTS (§ 648.7)

Vessels with only a Federal lobster permit and no other Federal fishery permits are not required to report landings to NMFS. For those vessels with a Federal lobster permit and another Federal permit that requires reporting, you must fill out VTRs to report all landings, including lobster. If this applies to you, you must keep copies of fishing log reports on board your vessel, available for review for at least one year. Copies of these records should be retained for at least 3 years. Although NMFS does not require reporting for a lobster-only federally-permitted vessel, most states do require reporting. You should contact your state agency to determine if you have state reporting requirements.

OBSERVER COVERAGE (§ 697.12)

Vessels federally permitted to fish for lobster must take an observer, if so requested, as a condition of their Federal lobster permit. The Northeast Fisheries Science Center contracts observer coverage to support the Northeast Fisheries Observer Program (NEFOP) and the current contract is with MRAG Americas. If you receive a selection letter requesting that you take an observer, you must notify the appropriate contact in that letter and schedule a date and time to take an observer. Once you receive this letter, your permitted vessel must not engage in fishing activity until you have been authorized to do so, either with an observer on board, or if a waiver is obtained. After your observer trip is complete, you can request a copy of your trip data and make comments about the data collection by visiting www.nefsc.noaa.gov/fsb/forms/. Additional information about NEFOP can be found by visiting www.nefsc.noaa.gov/femad/fishsamp/fsb/.

GEAR RESTRICTED AREAS (§ 697.23)

There are four restricted areas that are alternatively closed to either trap or mobile gear on a seasonal basis. These 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. Refer to the map below for geographical reference. See Table 3 for seasonal closures.

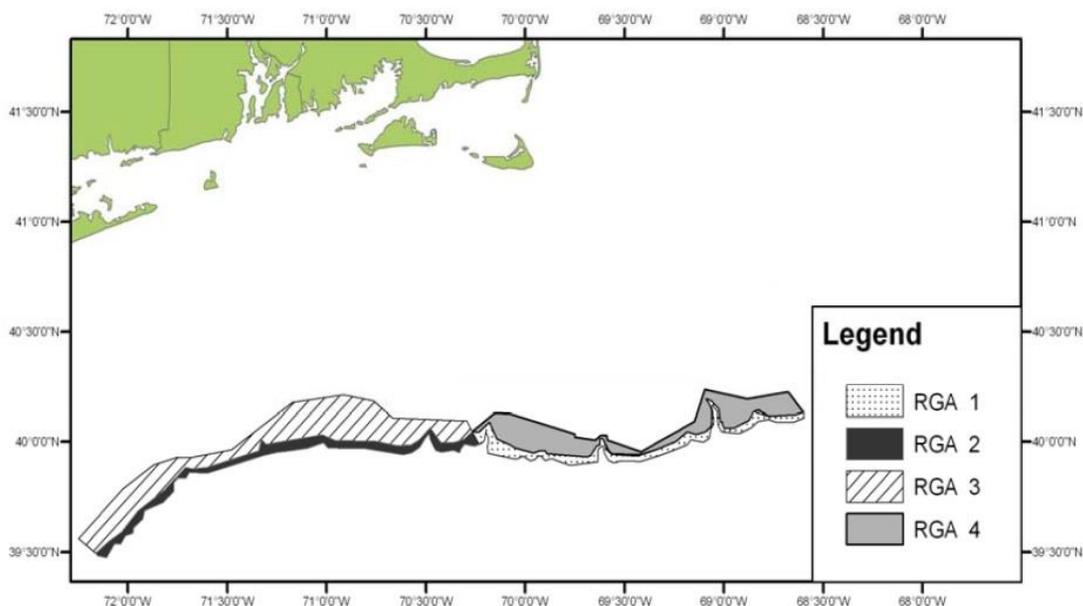


Table 3: Summary of Gear Restricted Areas

Restricted Gear Area	Area Closed to Mobile Gear	Area Closed to Lobster Fixed Gear
I	October 1 st – June 15 th	June 16 th – September 30 th
II	November 27 th – June 15 th	June 16 th – November 26 th
III	June 16 th – November 26 th	January 1 st – April 30 th
IV	June 16 th – September 30 th	N/A