



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
NORTHEAST REGION
55 Great Republic Drive
Gloucester, MA 01930-2276

ATTENTION - ACTION REQUIRED
Small Entity Compliance Guide
2009 LOBSTER TRAP TAG PROGRAM

MAR 03 2009

Dear Federal American Lobster Permit Holder:

Federal lobster permit holders who intend to fish for lobster with trap gear during the 2009 fishing year (May 1, 2009 - April 30, 2010) are required to designate lobster management areas and tag all lobster traps. Federal lobster permit holders with an Area 3 allocation must abide by the Area 3 Trap Reduction Schedule (see Table on page 4). Traps fished by Federal lobster permit holders without an Area 3 designation must be affixed with a 2009 lobster trap tag by June 1, 2009.

NOAA's National Marine Fisheries Service (NMFS) has trap tag agreements with several states to allow the majority of Federal lobster permit holders with a state license 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 2009 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 2009 Federal lobster permit. The amount of tags you may order is limited to the trap allocation identified on your 2009 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) 281-9299** or visit the NMFS Northeast Region home page at: <http://www.nero.noaa.gov/>.

Sincerely,

Patricia A. Kurkul
Regional Administrator

Enclosures





**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 2009 fishing year (May 1, 2009 - April 30, 2010) are required to designate lobster management areas and tag all lobster traps. Federal lobster permit holders with an Area 3 allocation must abide by the Area 3 Trap Reduction Schedule (see Table on page 4). Traps fished by Federal lobster permit holders without an Area 3 designation must be affixed with a 2009 lobster trap tag by June 1, 2009.

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

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, or 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. 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 received without a tax exemption certificate, or applicable sales tax, will not be processed.

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 (800) 345-3503, or you may contact NMFS at (978) 281-9299.**

TRAP LIMITS AND TAG ALLOCATIONS

Your total overall trap allocation is the lowest trap limit of all eligible areas designated on your 2009 permit. You may order that number of trap tags, plus an additional 10%.

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
55 Great Republic 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 the 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 as described in the next section:
SUBSEQUENT TRAP TAG ORDERS.

2. Replacement of Lost/Destroyed Tags NOT Exceeding 10% 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 below.

3. Replacement of Lost/Destroyed Tags Exceeding 10% 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. If approved, 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, 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 the following circumstances by using the Lobster Trap Tag Order Form:

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.

Table 1. Area 3 Lobster Trap Reduction Schedule, 2007 – 2010.

HISTORIC Trap Allocation	Year 2006 Trap Allocation	Year 1 5% Trap Reduction Effective November 2007	Year 2 5% Trap Reduction Effective July 1, 2008	Year 3 2.5% Trap Reduction Effective July 1, 2009	Year 4 2.5% Trap Reduction Effective July 1, 2010
Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
200	200	190	181	176	172
240	240	228	217	211	206
250	250	238	226	220	214
264	264	251	238	232	226
300	300	285	271	264	257
320	320	304	289	282	275
325	325	309	293	286	279
360	360	342	325	317	309
370	370	352	334	326	317
400	400	380	361	352	343
450	450	428	406	396	386
480	480	456	433	422	412
500	500	475	451	440	429
590	590	561	532	519	506
600	600	570	542	528	515
700	700	665	632	616	601
720	720	684	650	634	618
768	768	730	693	676	659
800	800	760	722	704	686
883	883	839	797	777	758
900	900	855	812	792	772
930	930	884	839	818	798
1000	1000	950	903	880	858
1004	1004	954	906	883	861
1020	1020	969	921	898	875
1100	1100	1045	993	968	944
1150	1150	1093	1038	1012	987
1170	1170	1112	1056	1030	1004
1200-1499	1200	1140	1083	1056	1030
1500-1599	1276	1212	1152	1123	1095
1600-1699	1352	1284	1220	1190	1160
1700-1799	1417	1346	1279	1247	1216
1800-1899	1482	1408	1338	1304	1271
1900-1999	1549	1472	1398	1363	1329
2000-2099	1616	1535	1458	1422	1386
2100-2199	1674	1590	1511	1473	1436
2200-2299	1732	1645	1563	1524	1486
2300-2399	1789	1700	1615	1574	1535
2400-2499	1845	1753	1665	1623	1583
2500-2599	1897	1802	1712	1669	1628
2600-2699	1949	1852	1759	1715	1672
2700-2799	2000	1900	1805	1760	1716
2800-2899	2050	1948	1850	1804	1759
2900-2999	2100	1995	1895	1848	1802
3000-3099	2150	2043	1940	1892	1845
3100-3199	2209	2099	1994	1944	1895
>3199	2267	2154	2046	1995	1945

**National Marine Fisheries Service
2009 Lobster Trap Tag Order Form**



Do NOT use this form if your Federal lobster permit address is in Connecticut, Massachusetts, New Hampshire, Rhode Island; or Maine and you 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 2009 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		PLEASE PRINT
	Name _____	
	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 2009 Federal lobster permit. The number of tags you may order is equivalent to the trap allocation indicated on your 2009 Federal permit, plus an additional 10%.

Total Number of Federal Trap Tags Requested: _____ X \$0.16 per tag = \$ _____

State Tax = \$ _____

Total Amount Enclosed /Authorized = \$ _____

Indicate method of payment: Amex Visa MasterCard Certified Check/ Money Order

CARD NUMBER _ _ _ _ / _ _ _ _ / _ _ _ _ EXP _ _ / _ _

Please make cashier's checks or 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 _____
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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, 55 Great Republic 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.