



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

FEB 16 2011

## Small Entity Compliance Guide

### **Subject: Reminder for Fixed Gear Buoy and Line Marking Requirements in the Northeast Region**

Dear Northeast Region Permit Holder:

This letter is to remind you of the current fixed gear buoy, line, and surface gear deployment requirements for lobster pots, gillnets, and longlines within Federal waters of the Northeast. Discussions at the New England Fishery Management Council Vessel Monitoring System Enforcement Committee have led to concern that some fishermen may be unaware of current fixed gear marking and surface gear deployment requirements. Therefore, this letter provides the current Federal fixed gear marking and surface gear deployment requirements when fishing within the Federal waters of the Northeast. The Federal regulations for these requirements have been developed under the Northeast Multispecies, Monkfish, and Red Crab Fishery Management Plans, Federal American lobster regulations, and Atlantic Large Whale Take Reduction Plan. The requirements are as follows:

#### **1. Multispecies and Monkfish**

##### **Fixed Gear Buoy, Line Marking, and Deployment Requirements**

The Code of Federal Regulations at 50 CFR 648.84(a) through (d) require that bottom-tending fixed gear, including, but not limited to, gillnets and longlines designed for, capable of, or fishing for Northeast multispecies or monkfish, must have the name of the owner or vessel, or the official number of that vessel, permanently affixed to any buoys, gillnets, longlines, or other appropriate gear so that the name of the owner or vessel or the official number of the vessel is visible on the surface of the water.

Bottom-tending fixed gear, including, but not limited to gillnets, or longline gear must be marked so that the westernmost end (measuring the half compass circle from magnetic south through west to, and including, north) of the gear displays a standard 12-inch tetrahedral corner radar reflector and a pennant positioned on a staff at least 6 ft above the buoy. The easternmost end (meaning the half compass circle from magnetic north through east to, and including, south) of the gear need display only the standard 12-inch tetrahedral radar reflector positioned in the same way. Continuous gillnets must not exceed 6,600 ft between the end buoys.



Also, in the Gulf of Maine and Georges Bank regulated mesh areas, specified at 50 CFR 648.80(a), (see Figure 1 for location of these two regulated mesh areas), it is required that gillnet gear set in an irregular pattern or in any way that deviates more than 30 degrees from the original course of the set, must be marked at the extremity of the deviation with an additional marker, which must display two or more visible streamers and may either be attached to or independent of the gear. Permit holders should be aware that the multispecies and monkfish fishery management plans have gillnet tagging requirements in addition to the buoy and line marking and gear deployment requirements mentioned in this permit holder letter. Please contact the Sustainable Fisheries Division at 978-281-9315 if you have any questions about gillnet tagging.

## **2. Lobster Traps**

### **Buoy, Line Marking, and Deployment Requirements for Lobster Traps**

The deployment and gear configuration for American lobster, as defined by 50 CFR 697.21(b), establishes gear requirements for four geographic areas: (1) The Gulf of Maine, (2) Georges Bank, (3) Southern New England and (4) Mid-Atlantic gear areas (see Figure 3). American lobster trap trawls consisting of three or fewer traps deployed in the four geographic areas identified in Figure 3 must be attached to and marked with a single buoy. Lobster trap trawls consisting of more than three traps must have a radar reflector and a single flag or pennant on the westernmost end (marking the half compass circle from magnetic south through west, to and including north), while the easternmost end (meaning the half compass circle from magnetic north through east, to and including south) of an American lobster trap trawl must be configured with a radar reflector only. Standard tetrahedral corner radar reflectors of at least 8 inches (20.32 cm) (both in height and width, and made from metal) must be employed. Furthermore, no American lobster trap trawl shall exceed 1.5 nautical miles (2.78 km) in length, as measured from radar reflector to radar reflector.

In addition to the gear configuration requirements mentioned in this letter, permit holders should be aware that American lobster regulations have trap tag requirements for each trap. Please contact the Sustainable Fisheries Division at 978-281-9315 if you have any questions about American lobster trap tagging.

### **Lobster Trap Definition and Exceptions**

American lobster permit holders are reminded that a “lobster trap” means any structure or other device, other than a net, that is placed, or designed to be placed, on the ocean bottom and is designed for or is capable of, catching lobsters. The following are traps deemed not to be lobster traps for the purpose of this part, and not subject to the provisions of this part: Red crab traps, fished deeper than 200 fathoms (365.8 m); traps fished from vessels fishing for black sea bass when the vessels have a Lobster Area 5 Waiver as specified in 50 CFR 697.26 (see Figure 2 for the location of Area 5); and, traps fished by a vessel not issued a limited access lobster permit under 50 CFR 697.4(a).



### **3. Deep Sea Red Crab**

#### **Buoy, Line Marking, and Deployment Requirements for Fixed Gear**

Regulations at 50 CFR 648.264(a)(5)(6) require that all buoys used at the end of each red crab trawl must comply with the following:

- The letters “RC” in letters at least 3 inches in height must be painted on top of each buoy;
- The vessel's permit number in numerals at least 3 inches in height must be painted on the side of each buoy to clearly identify the vessel;
- The number of each trap trawl relative to the total number of trawls used by the vessel (i.e., “3 of 6”) must be painted in numerals at least 3 inches in height on the side of each buoy; and
- High flyers and radar reflectors are required on each trap trawl.

### **4. Atlantic Large Whale Take Reduction Plan**

In addition to the fisheries management buoy and line marking requirements, permit holders are reminded that they, as well as vessels not operating under a Federal permit, are also subject to gear marking provisions of the Atlantic Large Whale Take Reduction Plan. These provisions are designed to improve the ability to identify the trap/pot and gillnet gear involved in a whale entanglement. These requirements provide identification of the owner of the gear, and thus allow for collection of additional information on where, when, and how the gear was set. By increasing scientific understanding of the nature of large whale entanglements, gear marking measures would allow for, over time, improved effectiveness of the Atlantic Large Whale Take Reduction Plan.

Vessels must comply with the Atlantic Large Whale Take Reduction Plan regulations at 50 CFR 229.32(b), requiring the following:

#### **Buoy and Line Marking Requirements**

##### ***For Trap/Pot and Gillnet Surface Buoy Marking***

All surface buoys will need to be marked to identify the vessel or fishery with one of the following:

- The owner’s motorboat registration number and/or U.S. vessel documentation number;
- The Federal commercial fishing permit number; or
- Whatever positive identification marking is required by the vessel’s home-port state.

When marking is not already required by state or Federal regulations, the letters and numbers to mark gear must be at least 1 inch in height, block letters or Arabic numbers (common numbers such as 1, 2, 3) , in a color that contrasts with the color of the buoy.

***For Trap/Pot and Gillnet Buoy Line Marking***

The gear marking scheme will require one 4-inch colored mark midway along the buoy line. Each color code must be permanently affixed on or along the line and each color code must be clearly visible when the gear is hauled or removed from the water.

***Trap/Pot Gear Marking Colors by Area***

RED: Cape Cod Bay Restricted Area; Northern Nearshore Trap/Pot Waters; Northern Inshore State Trap/Pot Waters; Stellwagen Bank/ Jeffreys Ledge Restricted Area; Great South Channel Restricted Area overlapping with Lobster Management Area (LMA) 2 and/or the Outer Cape LMA.

ORANGE: Southern Nearshore Trap/Pot Waters.

BLACK: Offshore Trap/Pot Waters; Great South Channel Restricted Area overlapping with the LMA 2/3 Overlap and/or LMA 3.

See Figure 4 for the locations of the Trap/Pot Areas and LMA's.

**Note:** If the color of the rope is the same as or similar to a color code listed above, a white mark may be substituted for that color code.

***Gillnet Gear Marking Colors By Area***

GREEN: Cape Cod Bay Restricted Area; Stellwagen Bank/Jeffreys Ledge Restricted Area; Great South Channel Sliver Restricted Area; and Other Northeast Gillnet Waters.

BLUE: Mid/South Atlantic Gillnet Waters.

YELLOW: Southeast U. S. Restricted Area South and Other Southeast Gillnet Waters

**Note:** If the color of the rope is the same as or similar to a color code listed above, a white mark may be substituted for that color code.

If you have any questions about these gear marking and surface gear deployment requirements, please contact the Sustainable Fisheries Division at 978-281-9315.

Sincerely,

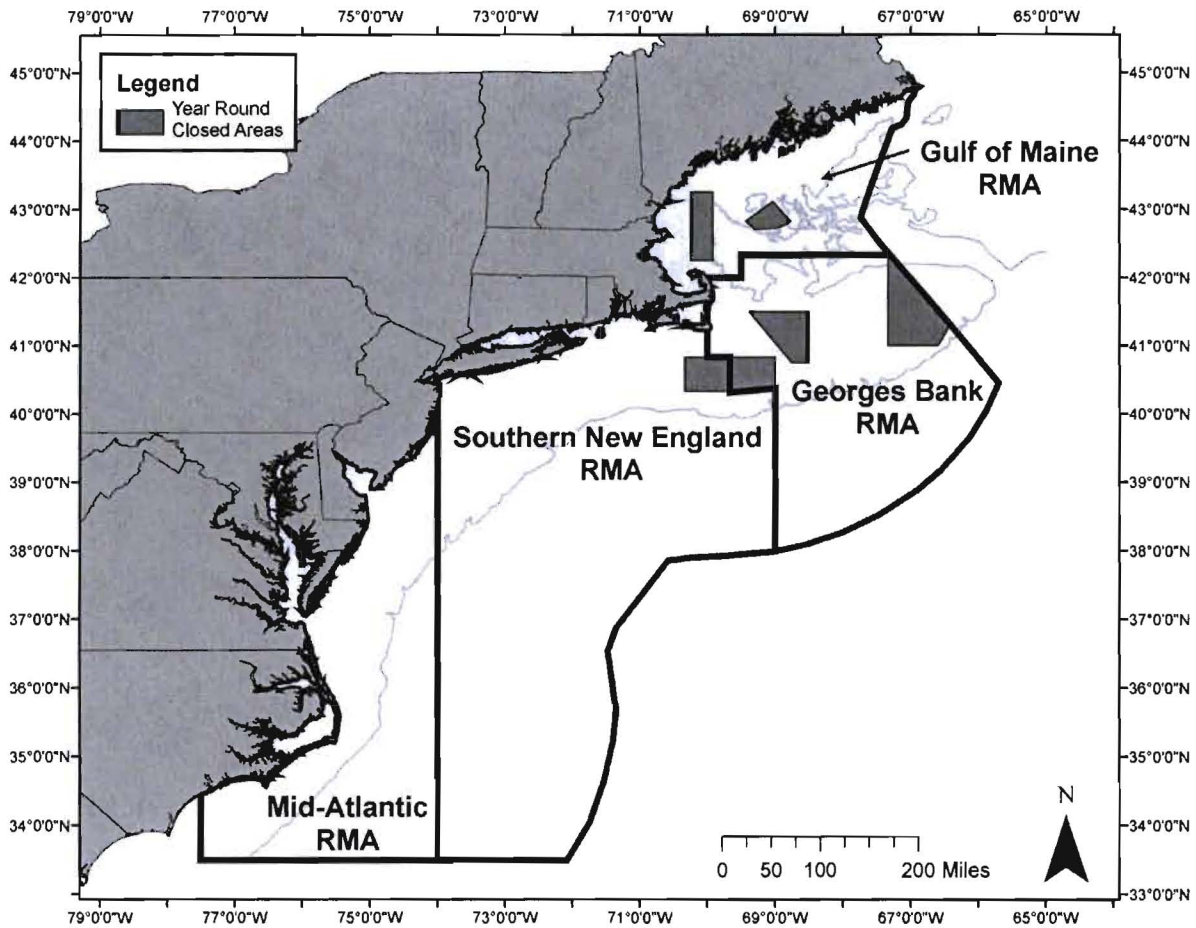


Patricia A. Kurkul  
Regional Administrator

Enclosures

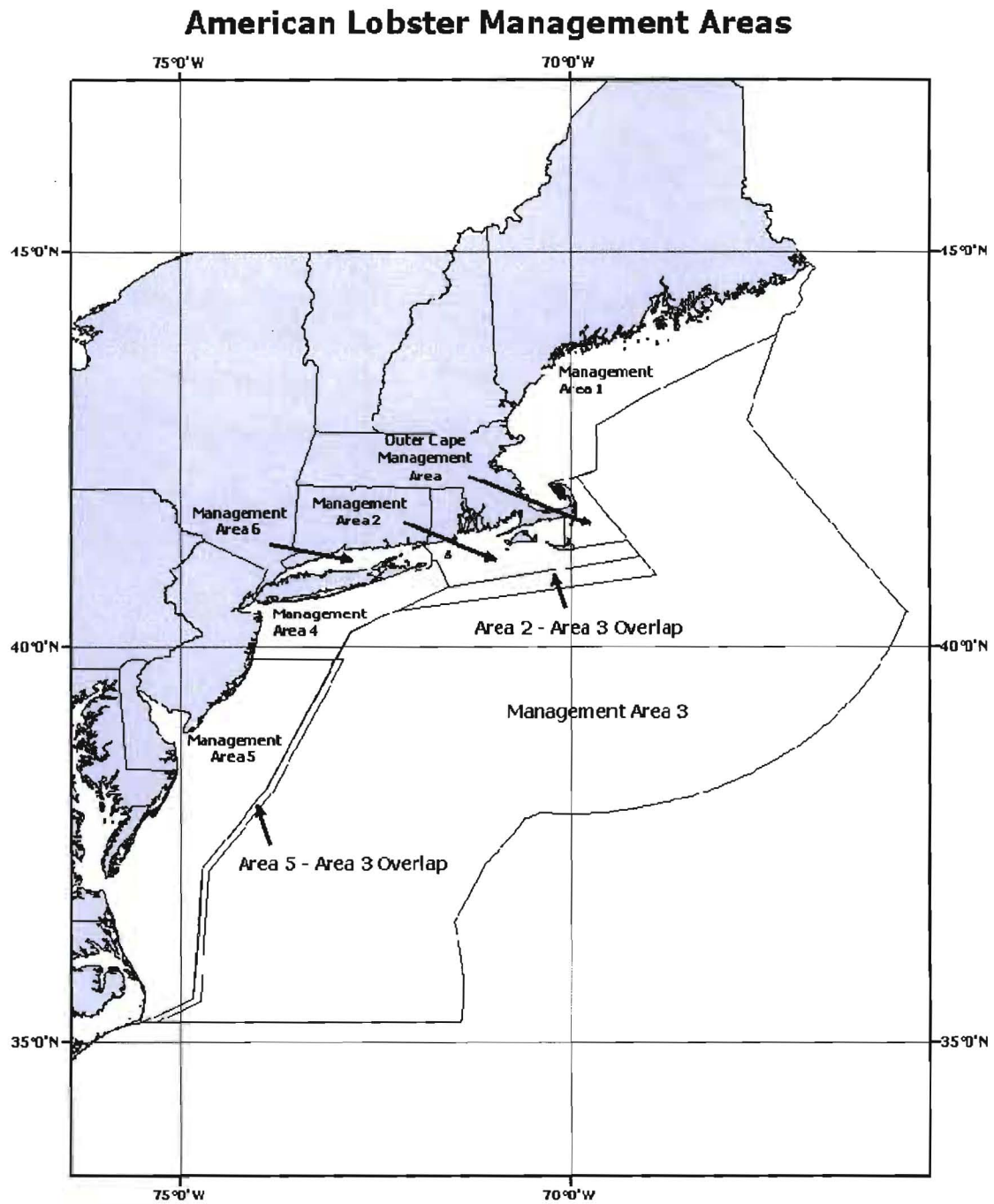
*This small entity compliance guide complies with section 212 of the Small Business Regulatory Enforcement and Fairness Act of 1996.*

**Figure 1. Multispecies Regional Management Areas (RMAs)**



**50 CFR 648.80(a) requires that gillnet gear in the Gulf of Maine and Georges Bank RMAs set in an irregular pattern or in any way that deviates more than 30 degrees from the original course of the set must be marked at the extremity of the deviation with an additional marker, which must display two or more visible streamers and may either be attached to or independent of the gear.**

Figure 2.

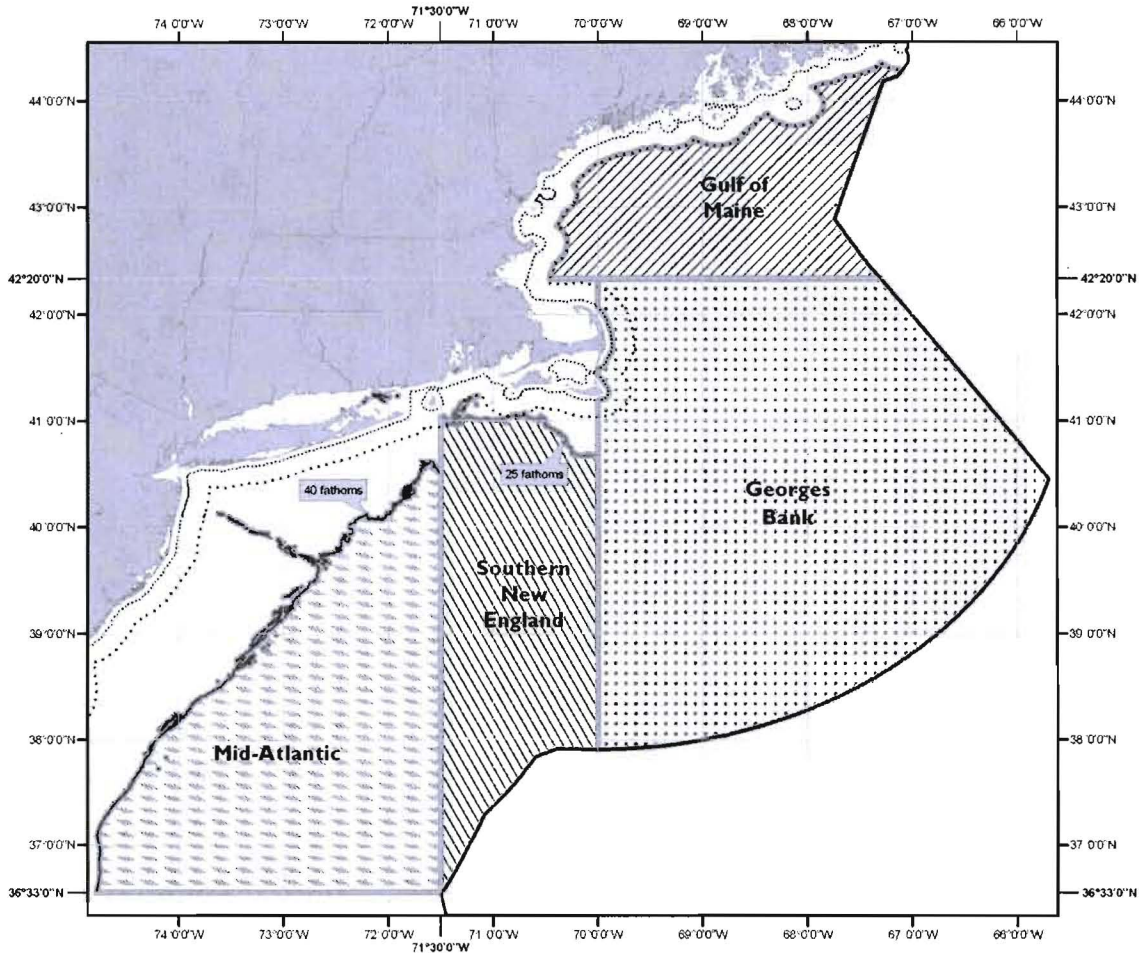


**NOAA Fisheries**  
Northeast Regional Office  
Gloucester, MA

9/21/04



### Figure 3: American Lobster Deployment and Gear Configuration Areas



Refer to 50CFR 697.21 (b)(4)(i-iv) for detailed descriptions of the deployment and gear configuration areas.

**Deployment and Gear Configuration Areas**

- (i) Gulf of Maine
- (ii) Georges Bank
- (iii) Southern New England
- (iv) Mid-Atlantic

**Administrative Boundaries**

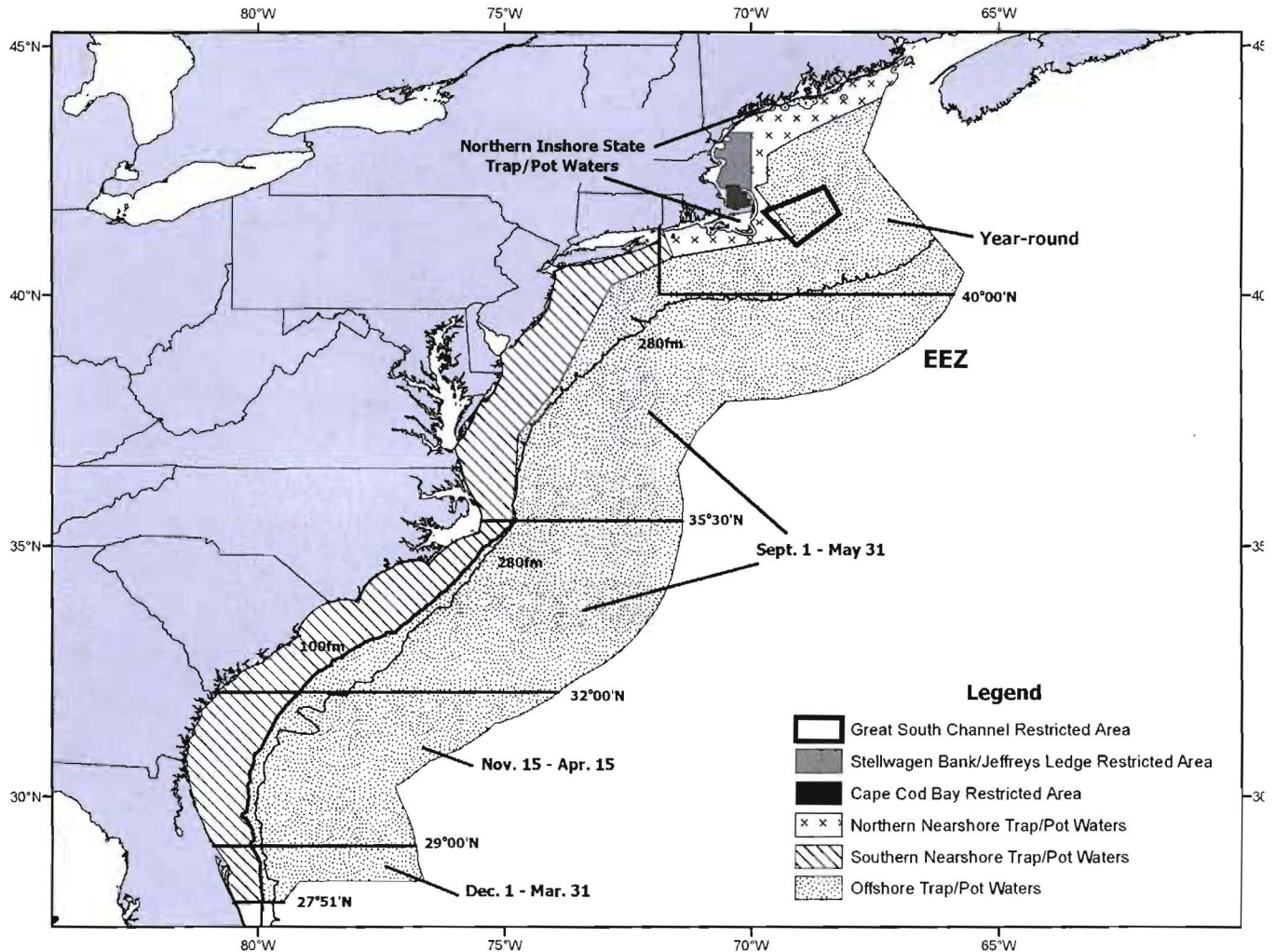
- 0 nm - Baseline, Territorial Sea
- 3 nm - Outer Boundary, Territorial Sea
- 12 nm
- 200 nm - US EEZ

**Depth Contours**

- 25 fathoms
- 40 fathoms

Map Date: 22 Dec 2010

**Figure 4. Atlantic Large Whale Take Reduction Plan (ALWTRP) Regulated Trap/Pot Areas (Trap/Pot Areas)**



The trap/pot gear requirements in the ALWTRP vary by geographic area. There are seven trap/pot areas: Cape Cod Bay Restricted Area; Great South Channel Restricted Area; Stellwagen Bank/Jeffreys Ledge Restricted Area; Northern Inshore State Trap/Pot Waters; Northern Nearshore Trap/Pot Waters; Southern Nearshore Trap/Pot Waters; and Offshore Trap/Pot Waters. Many of these areas overlap the Lobster Management Areas (LMA) described in the Federal American lobster regulations found at 50 CFR part 697 subpart B. A guide, providing specific ALWTRP area coordinates, can be found at <http://www.nero.noaa.gov/whaletrp/>. Regulations for the trap/pot areas can be found at 50 CFR 229.32.