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Title 50 –Wildlife and Fisheries

Chapter VI –Fishery Conservation and Management, National Oceanic and Atmospheric Administration, Department of Commerce

Part 697 –Atlantic Coastal Fisheries Cooperative Management

Subpart B –Management Measures

Authority: 16 U.S.C. 5101 *et seq.*

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§ 697.21 Gear identification and marking, escape vent, maximum trap size, and ghost panel requirements.

- (a) ***Gear identification and marking.*** All lobster gear deployed or possessed in the EEZ, or, deployed or possessed by a person on or from a vessel issued a Federal limited access American lobster permit, and not permanently attached to the vessel must be legibly and indelibly marked with the following:
- (1) ***Identification and trap tagging.*** Lobster gear must be marked with a trap tag (as specified in § 697.19) with the following code of identification:
 - (i) A number assigned by the Regional Administrator; or
 - (ii) Whatever positive identification marking is required by the vessel's home-port state.
 - (2) [Reserved]
- (b) ***Deployment and gear configuration.*** In the areas of the EEZ described in paragraph (b)(4) of this section, lobster trap trawls are to be displayed and configured as follows:
- (1) Lobster trap trawls of three or fewer traps deployed in the EEZ must be attached to and marked with a single buoy.
 - (2) With the exception of Maine permitted vessels fishing in Maine Lobster Management Zones that can fish up to ten lobster traps on a trawl with one buoy line, 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. (A copy of a diagram showing a standard tetrahedral corner radar reflector is available upon request to the Office of the Greater Atlantic Regional Administrator.)
 - (3) No American lobster trap trawl shall exceed 1.5 nautical miles (2.78 km) in length, as measured from radar reflector to radar reflector, except in the EEZ Offshore Management Area 3 where the maximum length of a lobster trap trawl shall not exceed 1.75 nautical miles (3.24 km).
 - (4) Gear deployment and configuration requirements specified in paragraphs (b)(1) through (b)(3) of this section apply in the following areas:

- (i) **Gulf of Maine gear area.** Gulf of Maine gear area is defined as all waters of the EEZ north of 42°20' N lat. seaward of the outer boundary of the territorial sea (12 nautical miles (22.2 km) from the baseline);
- (ii) **Georges Bank gear area.** Georges Bank gear area is defined as all waters of the EEZ south of 42°20' N lat. and east of 70°00' W long. or the outer boundary of the territorial sea (12 nautical miles (22.2 km) from the baseline), whichever lies farther east;
- (iii) **Southern New England gear area.** Southern New England gear area is defined as all waters of the EEZ west of 70°00' W long., east of 71°30' W long., and north of 36°33' N lat. at a depth greater than 25 fathoms (45.72 m); and
- (iv) **Mid-Atlantic gear area.** Mid-Atlantic gear area is defined as all waters of the EEZ, west of 71°30' W. long. and north of 36°33' N. lat. at a depth greater than 40 fathoms (73.15 m).

(c) **Escape vents.**

- (1) All American lobster traps deployed or possessed in the EEZ Nearshore Management Area 1 or the EEZ Nearshore Management Area 6 or, deployed or possessed by a person on or from a vessel issued a Federal limited access American lobster permit fishing in or electing to fish in the EEZ Nearshore Management Area 1 or the EEZ Nearshore Management Area 6, must include either of the following escape vents in the parlor section of the trap, located in such a manner that it will not be blocked or obstructed by any portion of the trap, associated gear, or the sea floor in normal use:
 - (i) A rectangular portal with an unobstructed opening not less than $1\frac{15}{16}$ inches (4.92 cm) by $5\frac{3}{4}$ inches (14.61 cm);
 - (ii) Two circular portals with unobstructed openings not less than $2\frac{7}{16}$ inches (6.19 cm) in diameter.
- (2) All American lobster traps deployed or possessed in the EEZ Nearshore Management Area 2, 4, 5, and the Outer Cape Lobster Management Area, or, deployed or possessed by a person on or from a vessel issued a Federal limited access American lobster permit fishing in or electing to fish in the EEZ Nearshore Management Area 2, 4, 5, and the Outer Cape Lobster Management Area, must include either of the following escape vents in the parlor section of the trap, located in such a manner that it will not be blocked or obstructed by any portion of the trap, associated gear, or the sea floor in normal use:
 - (i) A rectangular portal with an unobstructed opening not less than 2 inches (5.08 cm) $5\frac{3}{4}$ inches (14.61 cm);
 - (ii) Two circular portals with unobstructed openings not less than $2\frac{5}{8}$ inches (6.67 cm) in diameter.
- (3) All American lobster traps deployed or possessed in the EEZ Offshore Management Area 3, or deployed or possessed by a person on or from a vessel issued a Federal limited access American lobster permit fishing in or electing to fish in the EEZ Offshore Management Area 3, must include either of the following escape vents in the parlor section of the trap, located in such a manner that it will not be blocked or obstructed by any portion of the trap, associated gear, or the sea floor in normal use:
 - (i) A rectangular portal with an unobstructed opening not less than $2\frac{1}{16}$ inches (5.24 cm) \times $5\frac{3}{4}$ inches (14.61 cm);

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- (ii) Two circular portals with unobstructed openings not less than $2^{11}/_{16}$ inches (6.82 cm) in diameter.
- (4) The Regional Administrator may, at the request of, or after consultation with, the Commission, approve and specify, through a technical amendment, any other type of acceptable escape vent that the Regional Administrator finds to be consistent with paragraph (c) of this section.
- (d) **Ghost panel.**
 - (1) Lobster traps not constructed entirely of wood (excluding heading or parlor twine and the escape vent) must contain a ghost panel located in the outer parlor(s) of the trap and not in the bottom of the trap constructed of, or fastened to the trap with, one of the following untreated materials: Wood lath, cotton, hemp, sisal or jute twine not greater than $3/_{16}$ inch (0.48 cm) in diameter, or non-stainless, uncoated ferrous metal not greater than $3/_{32}$ inch (0.24 cm) in diameter and covering a rectangular opening not less than $3^{3}/_{4}$ inches (9.53 cm) by $3^{3}/_{4}$ inches (9.53 cm). The door of the trap may serve as the ghost panel, if fastened with one of these materials.
 - (2) The Regional Administrator may, at the request of, or after consultation with, the Commission, approve and specify, through a technical amendment of this rule, any other design, mechanism, material, or other parameter that serves to create an escape portal not less than $3^{3}/_{4}$ inches (9.53 cm) by $3^{3}/_{4}$ inches (9.53 cm).
- (e) **Maximum trap size –**
 - (1) **EEZ Nearshore Management Area maximum trap size.** American lobster traps deployed or possessed in the EEZ, or, deployed or possessed by a person on or from a vessel issued a Federal limited access American lobster permit as specified under § 697.4, if deployed or possessed by a person or vessel permitted to fish in any EEZ Nearshore Management Area (Area 1, Outer Cape, Area 2, Area 4, Area 5, or Area 6) and the Area 2/3 Overlap, or only in the Area 2/3 Overlap, shall not exceed 22,950 cubic inches (376,081 cubic centimeters) in volume as measured on the outside portion of the trap, exclusive of the runners.
 - (2) **EEZ Offshore Management Area maximum trap size.** American lobster traps deployed or possessed in the EEZ, or, deployed or possessed by a person on or from a vessel issued a Federal limited access American lobster permit as specified under § 697.4, if deployed or possessed by a person or vessel permitted to fish only in EEZ Offshore Management Area 3 or only in EEZ Offshore Management Area 3 and the Area 2/3 Overlap, shall not exceed 30,100 cubic inches (493,249 cubic centimeters) in volume as measured on the outside portion of the trap, exclusive of the runners.
- (f) **Enforcement action.** Unidentified, unmarked, unvented, or improperly-vented American lobster traps, or any untagged American lobster traps, or any lobster traps subject to the requirements and specifications of § 697.21, which fail to meet such requirements and specifications may be seized and disposed of in accordance with the provisions of 15 CFR part 904.
- (g) **Exemption.** Any vessel issued an Area 5 Trap Waiver permit under § 697.4(p) is exempt from the provisions of this section.

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