

RIMFC Lobster Advisory Panel  
Coastal Institute, URI Bay Campus, Narragansett, RI  
February 15, 2011

**Meeting Attendees:**

Advisory Panel members (\* = primary voting member):

Richard Bellavance, Interim/temporary Chair

\*Peter Brodeur (Inshore Trap)

\*Albert Christopher (Offshore Trap)

\*Lanny Dellinger (Inshore Trap)

Brian Thibeault (alternate for R. Smith, Inshore Trap)

Others:

Bruce Barr, Robert Braman, Richard Fuka, Alan Eagles, Thomas Geary, Aaron Gewirtz, Harry Gould, Patrick Heaney, Gregory Mataronas, Eric Roggero, Charlie Wetmore, Brittany White, Frances Ethier (Law Enforcement), Gary Powers (DEM Legal), Scott Olszewski (RIDFW), Thomas Angell (RIDFW)

Meeting convened at 6:35 pm by interim/temporary chairman R. Bellavance.  
There were 21 people in attendance (see list above).

**AGENDA:**

**1. Update on Whale regulations and issues (P. Brodeur/S. Olszewski).**

Please see Attachments #1, #2, and #3.

P. Brodeur reviewed the last Atlantic Large Whale Take Reduction Team (TRT) meeting held in Providence on November 30-December 3, 2010.

Environmentalists/conservationists want to remove exempted waters and add input from recreational fishing in terms of additional up & down lines (end lines, buoy lines) in the water; regulations would go to the beach; exempted waters now include Narragansett Bay and coastal ponds.

NMFS wants the proposed rule to be ready in 2013 and final rule to be ready in 2014. NMFS has requested updated information on federal vessel trip reports and cooperation from the states regarding logbook information pertaining to the number of up & down lines being deployed.

Recent research efforts have included the use of radio frequency identification tags for marking each individual up & down line; have also looked at "lineless" fishing using a grappling device which was deemed to be unacceptable due to excessive time consumption and safety concerns.

It was requested (P. Brodeur) that funding be sought for "lineless fishing" research by individual states in shallower waters where there is less strain on the lines (safety

concerns); lobster fishermen could conduct this research which would help to slow down the attrition of lobster fishermen during fishery reductions/cutbacks.

Scientists and environmentalists/conservationists requested that NMFS:

- (1) assess and manage up & down lines in current exempted state waters to the shore (Narragansett Bay and ALL ocean-associated waters);
- (2) assess all unused federal permits (latent effort); and
- (3) expand the model being used to assess recreational up & down line use to be added to the total count of up & down lines.

Environmentalists/conservationists stated that not enough time has passed to properly evaluate breakaways (weak links), less gear in the water, or the removal of floating ground lines to see if any of these measures have had an impact.

S. Olszewski referred to Attachments #2 and #3; main item to be aware of is that the Atlantic Large Whale TRT Northeast Sub-Group unanimously agreed that the Co-Occurrence Model should serve as the primary platform for developing and analyzing a vertical line strategy; a layered model that looks at whale aggregations (NOAA fly-over data) and gear densities (state sea sampling, other sampling data, gear use questionnaires).

The TRT also endorsed the opportunity for states to have an option for conservation equivalency.

A working group has also been established that will work on these issues and report back to the TRT.

Attachment #2 is just a representation of one of the model runs, as an example of the approach that this group will take.

Timeline TRT activities for 2011 is outlined (Attachment #3).

Comment/Question - Throughout the range of the resource? Yes, right whales and humpbacks

Mid-Atlantic has gillnet issues, Northeast has more fixed gear issues.

There have only been 2 whale interactions in our area and both were with humpback whales, not right whales.

Exempted areas were originally meant to deal with floating ground line issues. Now that floating ground lines are not an issue, the environmentalist groups feel that the exempted areas should no longer exist.

Comment that RI should take a stand to continue to keep Narragansett Bay and RI coastal ponds as exempted areas.

Comment that there is no need for these whale regulations inside (north of) the COLREGS line.

How will DEM find and haul gear if there are no buoy/end lines?

Comment that there are separate zones with its own regulations for lobster management, so why not have separate zones for whales?  
States will have the ability for “conservation equivalency” proposals; Co-occurrence model will be useful for this; if there are no whale concentrations, or very few whales, in southern New England at certain times of the year, we may be able to develop some “conservation equivalency” measures.  
We are still above the PBR (potential biological removal) rate, which is less than 1 whale per year.  
Several different methods used to try and make determinations if a whale that was entangled lived or died.

**2. Update of ASMFC Lobster Technical Committee, Lobster Management Board, and Lobster Plan Development Team activities (T. Angell/S. Olszewski).**

- Pending management actions for the Southern New England lobster stock unit.

T. Angell reviewed the ASMFC activities relevant to this issue.  
The Lobster Technical Committee (TC) report from April 2010 provided the Lobster Management Board (LMB) with their concerns for the southern New England (SNE) lobster stock unit and data collected by the states to support those concerns; recommended a 5-year fishery moratorium.  
Lobster Management Board met and reviewed the TC report; made recommendations and tasked the Lobster Plan Development Team (PDT) with developing an addendum with a suite of management options to result in a 50-75% reduction in fishing mortality (exploitation) for the SNE lobster stock.

The PDT is working at developing options (addendum) to address a 50-75% reduction in fishing mortality; this will be sent to the LMB for review at the March meeting; the LMB will then make decisions about the next step in the process; develop an addendum for public hearing. The PDT work will not be available for the upcoming Area 2 LCMT meeting, but the Area 2 LCMT will meet and develop their recommendations for the LMB regarding future management in SNE. The LMB has not actually tasked the Area 2 LCMT with providing their recommendations to address the SNE lobster stock issues.

Question – Who is on the Plan Development Team? Are there any lobstermen?  
No, generally just state biologists and/or fishery managers; in-house ASMFC committee.

Comment that options still include “status quo”; industry should be involved in the PDT process; once you get to the LCMT level, industry input doesn’t matter because the scientists/managers have already developed a suite of options for the LCMT to consider. Meetings should be open to the public; meetings of fishery managers on this issue have taken place outside of the accepted meeting protocol; closed-door

meetings. The LMB never asked anybody to “fast-track” this process; we have until 2022 to rebuild the lobster resource. Some people have taken it upon themselves to try and jam this process through as some kind of an emergency; the industry has not declared an emergency and does not see this as an emergency, especially in Area 2; it seems like the TC wants to take recommendations from the peer review that fits their process, but does not want to look at re-setting the targets and thresholds by adjusting the anomalous peak in landings that occurred in the mid-1990’s; this would put us much closer to the mortality and exploitation rates that the TC says we need to have, instead of the recommendation for a 5-year fishery moratorium; the first peer review (stock assessment review) did not agree with the TC; the latest review done by the ICE (Independent Center for Experts) was not a full peer review; were not privy to all the available data; were not given the URI trawl survey indices which clearly shows that we are right where we used to be historically in terms of landings; if the fish stocks were not at such low levels in the 1980’s, we never would have seen the spike in lobsters that occurred in the 1990’s; the TC picked and chose what information was given to the most recent peer review; should have given them all the information; comments regarding water temperature.

Water temperature - first saw shell disease in 1997, right after North Cape Oil spill; water temperatures did not spike until 1999; had shell disease for 2-3 years before this; the TC is associating shell disease with climate change – How can this be? What is the justification?

Need to put out accurate information.

Does anybody have an idea regarding the timetable for an emergency action?

Comment regarding the TC recommendation for a 5-year fishery moratorium; What is the difference between that and reducing the fishery by 50%? How can anyone stay in business? With a 50% reduction, you might as well close the fishery down; most everyone will go out of business.

The TC feels that there are still too many traps being fished in relation to the biomass; want to bring the fishery into equilibrium with the available resource.

Comment/Questions - Will everyone have to reduce by 50%, or do they want to reduce the number of people in the fishery by 50%.

No one will survive a 50% reduction, no matter how it is done; the whole infrastructure will also collapse.

The fishermen aren’t the cause of this problem, but they are the ones being penalized for it.

Economics will take care of the number of people that fish on the lobster resource.

Is DEM working for and with the fishermen? Is DEM working for the resource? Whose decision is it (in RI) to say what management actions will occur?

The RI delegation to for the ASMFC Lobster Management Board is composed of 3 people (Mark Gibson, Bill McElroy, and Peter Martin); those 3 people have to decide what the RI position on an issue will be and their vote is decided by majority rule; each state represented on the LMB has one (1) vote; states of ME to NC; majority of the LMB is made up of southern New England states.

The LMB can make whatever decision they want to.

Is “status quo” still an option? The DEM delegate on the LMB does not stand up for the RI lobster industry; has his own agenda.

Comment/Question - Is there any humanitarianism involved in this process? Who is in charge of the people who make these decisions that affect people’s livelihoods? Decisions are being made strictly based on biology; is there any consideration for people at all, or is it strictly science?

There is certainly more consideration of the social and economic impacts of management measures now than there used to be.

Is there any protocol for getting the social and economic issues considered?

There is a Socio-Economic Committee as part of the ASMFC process; the TC has asked this committee to meet for consideration of the socio-economic impacts of proposed lobster management measures, but has not had input from this subcommittee.

Why doesn’t the LMB ask the Socio-Economic Committee to provide input for these issues and management recommendations?

Can the Area 2 LCMT make a request to the LMB for input from the Socio-Economic Committee? YES.

This is the tip of an iceberg that the State of RI will not be able to deal with; the regulations are being designed to put fishermen out of business; this will have dramatic economic effects on the state; boats not able to pay dock rent; need to consider the economic consequences of management.

Comment that the biggest problem that industry should be concerned with is the lack of science that was used to develop these Draconian reductions; 90% of the SNE landings come from federal waters and 85% of the information used to come up with these management recommendations came from state waters; we have instituted many management measures over many years to try and protect the broodstock of lobsters (gauge increases, v-notching, large escape vent sizes); maybe need to consider management measures that protect the larval lobsters that are being produced by the broodstock; there are too many predators; need more ecosystem-based management; much of the information that the TC used to make their recommendations is bogus.

Question – Where does the TC get their data from? Is it just the trawl survey? TC uses information from a variety of data collection programs.

T. Angell suggested that the Panel needed move on with the meeting agenda; there will be an Area 2 LCMT meeting on Thursday, February 24<sup>th</sup> at the DEM offices in Providence where the recommendations for management actions in the southern New England lobster stock be considered and debated.

Request/recommendation that ASMFC task the Socio-Economic Committee to examine the SNE

**Motion by P. Brodeur that a request be made by the RI representatives on the LMB for the economics be taken into consideration of proposed management measures for southern New England and call for a meeting of the ASMFC Socio-Economic Committee as soon as possible.**

**Second – A. Christopher**

**Voted – YES; unanimous; the motion passes.**

DISCUSSION:

Comment that this motion may need a similar motion by the LMB to make it happen; this could happen at the next LMB meeting in March 2011.

**3. Definition of a Lobster Trap and Mobile gear types.**

- Considerations for defining a lobster trap and re-defining Non-Trap (Non Lobster Trap/Mobile Gear) gear types; Enforcement and RIDFW position.
- Review regulations from MA, CT, NY, NMFS
- RIDFW and Law Enforcement concerns; use of multiple gear types (lobster traps and non-trap gear types during a fishing trip; ability to circumvent the lobster trap allocation program and intent of Non-Trap/Mobile gear limits on lobster landings.
- Consideration of a “Miscellaneous Trap/Pot” license endorsement; How many and what kind of traps/pots?

This issue arose due to a law enforcement action that was unable to be prosecuted due to ambiguity of the definitional differences between a lobster trap and a non-lobster trap.

Some people are using what is essentially a lobster trap to fish for and take lobsters, but the trap is not tagged with a lobster trap tag and they are calling it some other kind trap other than a lobster trap, such as a crab trap/pot or a black sea bass trap/pot. Additionally, these “other” types of traps/pots may not have the appropriate escape vents that are required for lobster traps.

Current regulations allow people to fish these other types of “traps/pots” and take/land lobster under the provisions that allow for a 100 or 500 number of lobsters to be taken/landed (RIMFC regulation 15.18 Landings of lobsters taken by gear or methods other than trap - Limits).

This provides a loophole in the regulations that allows RI commercial fishing license holders who may not have received a lobster trap allocation to deploy a “trap” to take

lobsters; it also provides a loophole for those RI commercial fishing license holders that did receive a lobster trap allocation to deploy “traps” in excess of their lobster trap allocation and take/land lobsters from those other types of “traps/pots”.

The real issue is to try and prevent the proliferation of “traps/pots” that have the ability to take lobster; want to try and reduce the fishing effort on lobsters from “traps/pots”.

Comment that it is the escape vent that should be used to determine what kind of a “trap/pot” it is; there are different escape vent size requirements depending on what a person is fishing for.

The original intent of ASMFC’s Amendment 3 on this issue was directed at limiting the lobster landings the otter trawl and gillnet fisheries, or what was termed “mobile gear”; at some point, the terminology was changed from “mobile gear” to “non trap gear”, with “non-trap gear” including almost every other gear type except for lobster traps.

RIDFW and Law Enforcement had an internal meeting to try and resolve this issue (see Attachments #4, #5, and #6); trying to figure out how to let people use a “trap/pot” for other fisheries such as scup, black sea bass, and tautog, but not increase the fishing effort and fishing mortality on the lobster resource.

After the license restructuring, the fishermen who had a Rod & Reel license for finfish were issued Principal Effort licenses that now allows them to use other gear types (i.e. traps/pots) to take finfish and the current regulations allow them to use these other types of “traps/pots” to do so.

There are other issues involved relative to whales and the number of vertical lines that are in the water.

Federal permit holders are required to put a lobster trap tag in any kind of “trap/pot” that they may fish, whether that “trap/pot” is in federal waters or not.

Comment that there used to be a Miscellaneous Trap/Pot license prior to the license-restructuring process back in 2003.

Out-of-state people are allowed to come into Rhode Island and deploy an unlimited number of “traps/pots”, particularly if they are recreational fishers.

Comment that there needs to be a limit on the number of “traps/pots” that can be deployed in RI state waters by out-of-state recreational fishers.

Suggestion to reinstate the Miscellaneous Trap/Pot endorsement for RI commercial license holders; suggestion to have a limit on the number of Miscellaneous traps/pots that can be deployed (100, 150, 200?); any combination of other types of “traps/pots” up to the maximum number.

Suggestion to prohibit possession of lobster taken by these Miscellaneous traps/pots, but this is very difficult for Law Enforcement to enforce if fishermen who have a lobster trap

allocation haul their lobster traps and also haul their miscellaneous traps/pots during the same fishing trip; impossible to enforce.

Comment that these other types of “traps/pots” (scup, black sea bass, conch) catch very few legal lobsters.

Rebuttal comment that this is not the point; the problem is that people can deploy these other types of “traps/pots” to specifically take lobsters.

Comment that under current regulations, Enforcement can’t prosecute someone that doesn’t have a lobster trap allocation, but takes lobsters with some other type of “trap/pot”, and calls the type of trap/pot that is being used “a crab trap/pot”; there are no regulations governing “a crab trap/pot”.

Comment/Question - What do you do for someone that has a lobster trap allocation and also fishes other types of “traps/pots”? Can they keep lobsters that are caught in those other types of “traps/pots”? How does Enforcement distinguish from which type of “trap/pot” the lobsters were caught with?

Maybe put a Miscellaneous trap tag in any type of “trap/pot” other than a lobster trap; there is still the issue of people retaining lobsters that are caught by a “trap/pot”, but do not have a lobster trap allocation.

Comment that this is not the issue; if every trap/pot has a tag, such as is done in MA, that indicates exactly what type of trap/pot it is; tag that says “Sea Bass”, “Scup”, “Crab”, etc.

Suggestion to add a provision to the regulations that would prohibit an out-of-state individual from setting any type of “trap/pot” in RI state waters.

Suggestion that every “trap/pot” that is in the water must have some kind of tag in it to identify what type of “trap/pot” it is.

Suggestion to allow the Miscellaneous trap/pot tag to be transferrable; can transfer the tag between different types of miscellaneous “traps/pots” depending on which fisheries they use these other types of “traps/pots” for

Suggestion to form a committee/working group of fishermen who use lobster traps or some other type(s) of “traps/pots” (scup, black sea bass, tautog, and conch) to address all these issues that we are discussing and develop an equitable solution.

Scup – currently limited to 50 traps

Sea Bass – currently unlimited; suggestion for 100 trap limit

Crabs – suggestion for a 200 trap limit

Apply for these tags just like you do for the lobster trap tags.

Any untagged trap will be a violation.

Every type of “trap/pot” should be labeled with the a tag that indicates the what it is fishing for.



Comment/suggestion for a Miscellaneous Trap/Pot endorsement with a limit of 200 traps/pots maximum; these can be whatever type of “trap/pot” the fisherman wants, other than a lobster trap, and in whatever combination the fisherman wants.

Comment/suggestion that every type of wire “trap/pot” should have a biodegradable “ghost” panel in it.

Comment/suggestion that conch traps/pots do not need to be tagged; fish and crab traps/pots need to be tagged and need to have a biodegradable “ghost” panels.  
Rebuttal comment that conch traps/pots need to be included as well; a person could fish a trap/pot that looks like a lobster trap and call it a conch trap/pot.

Comment that we do not want to have the ability for licenses to add any more lobster traps into the water.

Question – Can people who currently have a license for finfish use fish pots keep up to 100 lobsters?

No, not with a license for finfish only; a Principal Effort Finfish license is not able to get an endorsement to take lobster.

Comment – Need to have a tag that will identify what type of trap/pot it is and need to have a limit on the number of miscellaneous traps/pots a license holder can have.

Comment – If you are a federal permit holder, any type of trap/pot that you fish must have a lobster trap tag in it, no matter where you are fishing (state or federal waters).

Comment/Question – So, a person who only has a RI multi-purpose license, without a lobster trap allocation, can go out and set 1000 crab pots and take as many lobsters as he can?

No, but he can take up to 100 lobsters/day; the other issue involved with this is that this would increase the number of vertical lines in the water and would increase the potential for interactions (entanglements) with whales. Those who went through the lobster trap allocation process should be very upset that a license holder who did not receive a lobster trap allocation has the ability to use some other type of “trap/pot” to be able to take lobsters (up to 100/day). This contradicts the intent of the lobster trap allocation program.

Comment that a federally-permitted lobster trap fisherman is penalized because under federal rules he must use a lobster trap tag to legally fish some other type of “trap/pot”.

R. Bellavance asked the Panel if there was any recommendation or a motion that they wanted to forward on to the RIMFC on this issue.

**Motion by B. Thibeault that licensed non-resident recreational fishers who want to use “traps/pots” to fish for species other than lobster must be limited to the same 5-trap limit that is in effect for resident recreational lobster trap license holders.**

**Resident recreational lobster trap license holders will also be allowed a maximum of 5 miscellaneous trap/pot tags in addition to their limit of 5 lobster traps.**

**Second – A. Christopher**

**Voted – NO; unanimous. The motion fails.**

DISCUSSION:

Comments/Questions - The non-resident recreational traps/pots would also have to be tagged and identified.

What about transferability of these non-resident recreational trap/pot tags? Should they be able to be transferred from one type of trap/pot to another type of trap/pot to allow them to fish for different species during the season?

Yes, there should be a provision to allow for this just as for the miscellaneous traps/pots for the commercial fishing license holders.

Comment that only a RI resident can fish for lobsters and crabs in RI state waters, both commercially and recreationally.

Comment that this recommendation will add many more vertical lines in the water.

Comment that prior to license restructuring, there was a Miscellaneous Pot license; this was for commercial fishermen only; recreational fishers could only take finfish by rod & reel; this license disappeared after license restructuring and Rod & Reel licenses holders were converted to Principal Effort licenses, which opened the door for them to use gear types other than rod & reel to take finfish.

Comment/suggestion that the only way to get a Miscellaneous Trap/Pot endorsement would be if you are a commercial fisherman.

Need to remove the option for both resident and non-resident recreational license holders to be able to get the Miscellaneous Trap/Pot endorsement.

Comment/Question – Before license restructuring, was the Miscellaneous Trap/Pot license available to recreational fishermen?

No, it was only available to commercial fishermen.

Recommendation made to keep it that way; Miscellaneous Trap/Pot endorsement will be for commercial fishermen only.

The only way for a resident or non-resident recreational license holder to take finfish would be by rod& reel.

The only way for a recreational fisher to deploy a “trap/pot” in RI state waters would be by the resident recreational lobster trap license.

Comment that conch traps/pots also need to be tagged; if you don’t require this, then conch traps/pots will become a trap/pot that could be used to take lobster.

Question – Can recreational people use a “green crab trap/pot” to catch green crabs for tautog bait?

Comment/Question - Did you look at the MA regulations? MA requires that all traps/pots be tagged.  
We need to do the same thing.

**Motion by A. Christopher to form a working group made up of representatives from the lobster trap fishery, other trap/pot fisheries (scup, black sea bass, conch), Enforcement, and RIDFW to address this issue and develop a recommendation for the RIMFC.**

**Second – P. Brodeur**

**Voted – Yes; unanimous. The motion passes.**

DISCUSSION:

Comment that the Industry Advisory Committee (IAC) may be the appropriate forum to address this issue; a wide variety of fishing interests are represented.

Comment that this is a “commercial trap” issue and not everyone on the IAC is knowledgeable about traps/pots.

There appeared to be consensus on the Panel that all traps/pots should be tagged with a tag that identifies what kind of a trap/pot it is, however there is still a question regarding the appropriate number (limit) of “miscellaneous traps/pots” that would be allowed; need to define an appropriate number of each kind of miscellaneous trap/pot.

Comment that the proposed change to regulation 15.18 (see Attachment #6) addresses some of these concerns; “mobile gear” would be the only other way for a commercial fisherman to be able to take lobster and they would be limited to 100 lobsters/day or up to 500 lobsters for fishing trips lasting 5 days or longer; this change would prevent those that do not have a lobster trap allocation from being able to use other types of “traps/pots” to take lobster.

Comment that the proposed regulatory changes and definitions (see Attachment #6) provide for only 2 ways that lobster can be taken, either by a lobster trap (allocated and affixed with a lobster trap tag) or by mobile gear (otter trawl, pair trawl, and gillnet).

Question - So, if someone sets 100 “crab pots”, then they can’t keep any legal lobsters that they may catch?

Yes, that is correct.

What is the primary issue for Enforcement regarding this issue?

Fishermen can deploy a trap/pot and call it something other than a lobster trap and take lobster; this puts additional pressure on the lobster resource; lobster management is recommending and attempting to reduce the amount of fishing pressure on the lobster resource.

A second issue for Enforcement is the loophole that allows non-resident fishers to deploy as many “traps/pots” that they want to in RI state waters.  
Suggestion was made that a person must be a RI resident in order to deploy any kind of trap/pot.

Comment/suggestion to allow a small by-catch of lobster from the miscellaneous traps/pots based on a percentage of the weight of the finfish that are taken.  
If a sea bass (trap) fisherman can't keep any lobster, should a lobster trap fisherman be able to keep any sea bass?

R. Bellavance – Any opinion on the recommendation for landings of lobster by mobile gear only if not taken by a lobster trap? A fisherman can only possess lobsters if taken by lobster trap or by mobile gear.

Comment that the lobster trap fishery is under the gun to reduce the fishing mortality on the lobster resource; it does not make any sense to allow other gear types, particularly other types of “traps/pots”, to be able to harvest lobsters; no by-catch of lobsters should be allowed in any type of finfish trap/pot.

Comment that the Lobster Advisory Panel should not make any recommendations until there is a better idea of what the Area 2 LCMT is going to do; all of these deliberations might not matter, depending on what the Area 2 LCMT recommends for addressing the rebuilding of the southern New England lobster stock

Meeting adjourned at 8:45 pm.

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#### SUMMARY OF MOTIONS:

**Motion by P. Brodeur that a request be made by the RI representatives on the LMB for the economics be taken into consideration of proposed management measures for southern New England and call for a meeting of the ASMFC Socio-Economic Committee as soon as possible.**

**Second – A. Christopher**

**Voted – YES; unanimous; the motion passes.**

**Motion by B. Thibeault that licensed non-resident recreational fishers who want to use “traps/pots” to fish for species other than lobster must be limited to the same 5-trap limit that is in effect for resident recreational lobster trap license holders. Resident recreational lobster trap license holders will also be allowed a maximum of 5 miscellaneous trap/pot tags in addition to their limit of 5 lobster traps.**

**Second – A. Christopher**

**Voted – NO; unanimous. The motion fails.**

**Motion by A. Christopher to form a working group made up of representatives from the lobster trap fishery, other trap/pot fisheries (scup, black sea bass, conch), Enforcement, and RIDFW to address this issue and develop a recommendation for the RIMFC.**

**Second – P. Brodeur**

**Voted – Yes; unanimous. The motion passes.**

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RIDFW Tasks:

- T. Angell will make contacts with fishermen involved in the other trap/pot fisheries (scup, black sea bass, tautog, crabs, conch) and form a working group to develop recommendations for the taking of lobsters using traps/pots other than lobster traps; set up meeting of this working group.

## ATTACHMENT #1

TRT Meeting, Hotel Providence, Nov. 30—Dec. 3

### R.I. Representatives

Bill Mackintosh (gillnet) Peter Brodeur (lobster) Scott Olszewski (DEM for April Valliere)

Meeting run by neutral facilitators, Scott McCreary & Bennet Brooks, from CONCUR, an environmental dispute resolution firm specializing in marine resource & water issues.

### NMFS Protected Resources Div.

Kate Swails, Mary Colligan, David Gouveia

Vertical line development schedule

1. Proposed rule in 2013
2. Final rule in 2014

NMFS request for updated info on Federal VTR's and state co-operation on Log Books pertaining to the number of U&D lines being deployed

Glen Salvador summarized recent research efforts;

1. Using radio frequency identification tags for marking each individual U&D line.
2. "Lineless fishing" using a grapple device. This method was deemed unacceptable due to excessive time consumption and safety concerns.

Peter Brodeur requested that funding be sought for "lineless fishing" research in individual states in shallower waters where there is less strain for safety concerns.

This research would help slow the attrition of lobster fishermen during cutbacks.

Scientists & conservationists requested NMFS to;

1. Assess and manage U&D lines in current exempted state waters to the shore. (Narr. Bay and ALL ocean associated waters.)
2. Assess all unused permits (latent effort).
3. Expand Model to assess recreational U&D line use to be added to the Count.

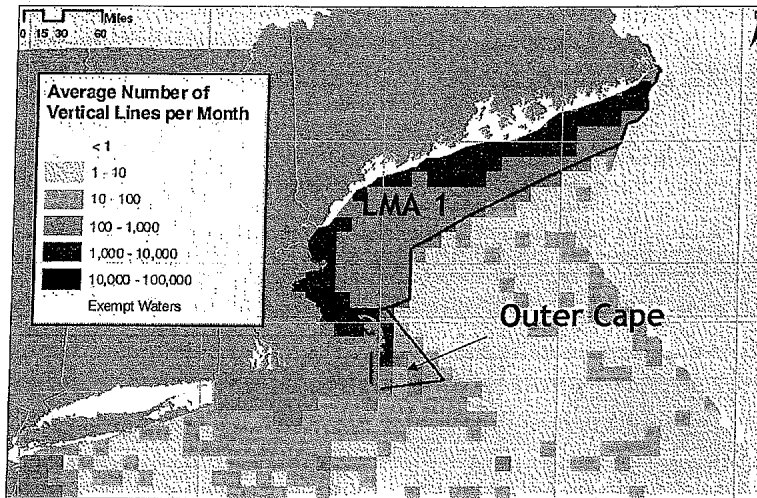
\* Not enough time has passed to evaluate, breakaways, less gear in the water, or the removal of floating ground lines.

ATTACHMENT #2

**SCENARIO 4: AREA SELECTED BASED ON CO-OCCURRENCE  
LMA 1 & OUTER CAPE - YEAR ROUND**

2008 BASELINE (ALL FISHERIES)

AVERAGE PER MONTH	
Estimated Number of Active Vessels	2,010
Estimated Number of Vertical Lines	209,000



RESULTS OF POTENTIAL MANAGEMENT OPTIONS

SCENARIO OPTION	AVERAGE PER MONTH			
	AFFECTED VESSELS	VERTICAL LINES	VERTICAL LINE REDUCTION	% REDUCTION
MINIMUM 3 TRAPS PER TRAWL	360	180,200	28,800	14%
MINIMUM 5 TRAPS PER TRAWL	700	148,600	60,400	29%
MINIMUM 10 TRAPS PER TRAWL (1 ENDLINE)	1,600	80,000	128,900	62%
MINIMUM 10 TRAPS PER TRAWL (2 ENDLINES)	1,300	132,700	76,300	37%

### ATTACHMENT #3

#### **Atlantic Large Whale Take Reduction Team Northeast Sub Group Consensus Actions Related to Vertical Line Management Strategy**

Based on the Subgroup's deliberations, the Subgroup agreed to the following consensus

**Use co-occurrence model as analytic platform.** The Subgroup unanimously agreed that the co-occurrence model should serve as the primary platform for developing and analyzing a vertical line strategy. The Subgroup agreed to this approach with the caveat that other information and sources may be beneficial to look at and will be determined through subsequent Subgroup and Team deliberations.

**Consider equivalency proposals.** The Subgroup broadly endorsed the opportunity for States and other entities to draft and submit for full Team and NMFS consideration "equivalency proposals" to achieve vertical line reductions, rather than relying on a blanket set of actions (trap per trawl requirements, closures, etc.) to be applied in high-risk areas identified in the Northeast. The intent is to enable local fishermen and others to tailor locally nuanced approaches.

**Convene Work Group in near- to medium-term.** The Subgroup recommended NMFS convene a balanced subset of Subgroup members as a Work Group to serve as a sounding board for NMFS and Industrial Economics as they work to revise the co-occurrence model and identify high-risk areas. Any recommended approaches developed by the Work Group are to be discussed, revised (as needed) and confirmed by the full Team

**Overall Timeline.** The Subgroup broadly endorsed an overall timeline proposed by that stepped out the following approaches and timeframes for moving forward over the next 12 months:

#### **January/April**

Convene initial Work Group deliberations, with focus on informing NMFS work on:

- Data layers (whales, gear, habitat/depth, etc.) and methodologies
- Model runs to delineate updated co-occurrence areas
- Proposed areas to focus vertical line-related management actions

#### **April/May**

Foster discussion with full Northeast Subgroup to review, confirm and, as necessary, revise approaches developed in discussion with Work Group.

Lock in areas for NMFS scenario development

#### **May/July**

NMFS develops scenarios outlining different management strategies for reducing vertical lines

- NMFS work informed by ongoing input from Work Group
- Follow-on webinar/email communication with full subgroup to review approach

#### **January/November**

States and others develop, if they wish, "equivalency proposals" to be considered in place of the scenarios to be put forward by NMFS in summer 2011

- NMFS to distribute "equivalency proposal" format and criteria to Subgroup members by January 2011

Fall 2011

Meeting3

- Full Team, in-person meeting (both Northeast and Southeast/Mid-Atlantic Subgroups)
- Review co-occurrence model and NMFS scenarios
- Review any initial "equivalency proposals" brought forward by States and others

[www.netro.noaa.gov/whaletrp/trt/meetings](http://www.netro.noaa.gov/whaletrp/trt/meetings)



#### ATTACHMENT #4

Meeting Summary 11/9/2010 – Law Enforcement and Fish & Wildlife

Chief Steven Hall, EPO Sergeant Frances Ethier, EPO Jennifer Ogren, Larry Mouradjian, Gary Powers, Margaret McGrath, Scott Olszewski, Thomas Angell

This meeting was conducted so that there might be consensus presented at the LAP. A RIMFC Lobster Advisory Panel meeting will be held on November 15, 2010.

#### General Concepts:

All "trap" gear in the water must be tagged

All "trap" gear (except conch/whelk/snail traps) must have the escape vent and ghost panel that is required for lobster traps.

Possession of lobsters is prohibited by anyone other than an individual holding a valid license with an assigned lobster trap allocation or by mobile gear by definition.

The cost for annual non-commercial (recreational) Miscellaneous trap tags shall be incurred by the fisherman and be included in the Miscellaneous trap endorsement; Miscellaneous trap tags shall be administered by the Office of Licensing and Boat Registration.

Limit the number of non-lobster traps that can be deployed (100, 150, 200?) – NEED TO DEBATE HOW MANY

#### Recreational lobster trap license:

- Continue with 5 trap lobster license
- Create new resident and non-resident miscellaneous recreational endorsement for all "non-lobster" traps; 5 trap miscellaneous trap limit, including conch/whelk/snail traps.

#### DEFINITIONS:

Mobile Gear -- Otter trawls, Pair trawls, and gillnets

Non-Lobster Trap – any trap, pot or other stationary contrivance or device that does not have a valid lobster trap tag affixed thereto.

#### REGULATION CHANGES:


**15.14.1-2 No person may possess, sell, barter, or trade an American lobster unless harvested by an authorized and properly tagged lobster trap or mobile gear as defined, pursuant to RIMFC Regulations 1.3, 15.14.1 and 15.14.2-3** ~~Crab pots/traps, fish traps, fish weirs, minnow traps, eel pots/traps, conch pots/traps, gillnets or trammel nets, fyke nets, stake traps, trawling devices, clam and scallop dredges, beach seines, purse seines, and tongs or bullrakes shall be classified as non-lobster trap gear and shall be exempt from trap tagging requirements.~~

**15.18 Landings of lobsters taken by mobile gear or methods other than trap – Limits** Landings by fishermen using mobile gear or methods other than traps (non-trap fishermen) will be limited to not more than 100 lobsters per day (based on a 24-hour period) up to a maximum of 500 lobsters per trip, for trips of five (5) days or longer. RIMFC REGULATION [Penalty - Part 3.3 (RIGL 20-3-3)]

ATTACHMENT #4

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT  
OFFICE OF LEGAL SERVICES

MEMORANDUM

TO: W. Michael Sullivan, Director  
Larry Mouradjian, Associate Director  
Robert Ballou, Acting Chief Division of Fish & Wildlife  
Mark Gibson, Deputy Chief Division of Fish & Wildlife  
Thomas Angell, Principal Marine Biologist  
FROM: Gary Powers, Deputy Chief Legal Counsel   
Re: Proposed Consideration of Amendment of RIMFR Definition of  
Lobster/Non-lobster Traps  
DATE: July 31, 2010

A criminal prosecution was recently instituted by the Division of Law Enforcement alleging that a fisher had failed to comply with RIMFR §15.13.1 due to his failure to have his lobster trap properly tagged and equipped with the requisite escape vents. However, the Division of Law Enforcement was forced to opt to "voluntarily" dismiss the case in response to a Motion To Dismiss brought by the fisher's counsel, Attorney Mark McSally, in which he relied upon the cloudy definitional differences between a lobster trap and a non- lobster trap (despite the fact that a non- lobster trap are still be employed to take lobsters). Not only is it appropriate to ensure that the Division of Law Enforcement has the regulatory tools necessary to succeed in prosecutions but in addition, given the well publicized recruitment problems encountered by lobsters in this area, it would appear incumbent upon the Department to restrict access to the lobster fishery to those fishers who possess the required lobster trap allocation and deploy traps that are properly tagged and constructed in a manner so as to allow juveniles to escape. I would, therefore, respectfully suggest that the definitions of lobster trap and a non- lobster trap be more clearly defined by regulatory amendment.

cc: Steven Hall, Chief Division of Law Enforcement  
Kurt Blanchard, Deputy Chief Division of Law Enforcement

#### ATTACHMENT #4

There has been a proliferation of stationary gear, specifically pots and traps, in Rhode Island waters. This has been caused by two factors: the commercial fishing license restructuring and the reduction in effort on lobsters which has resulted in drastic decreases and or elimination of lobster trap tag allotments for many fishermen. This problem affects biologists' ability to accurately assess the fishing pressure and manage the resource and it also creates hazards to navigation.

Prior to the commercial fishing license restructuring there was a miscellaneous pot license. Everyone who put a pot or trap in the water had to have a license. The current commercial licensing regulations speaks to the commercial harvest of species, however it does not address the issue of stationary gear deployed in Rhode Island waters. Currently there are a large number of pots and traps deployed by recreational fishermen. These traps and pots are set in Rhode Island waters by residents and non residents with no regulations (with the exception of lobster traps) controlling the number of traps and depending upon what type of trap they claim they are using, no regulation dictating whether there is a ghost panel or escape vent. A commercial fisherman is limited to 50 scup traps; however there is no limit for a recreational fisherman. Nonresident and resident 'recreational' fishermen have contacted Enforcement and asked how many fish and conch traps they can they set. It would be difficult to stop a non resident fisherman from setting conch traps (no possession limit) and other fish traps and return to his state and illegally sell his catch.

The lobster trap tag allotment issue has created different problems. Rhode Island commercial fishermen who have no trap tag allotment or have seen a drastic reduction are now deploying traps which they claim are not lobster traps. These traps look like lobster traps, catch lobsters however, there is no tagging requirement. It should be noted that all fish traps catch lobsters. With the exception of scup traps there is no limit on the number of fish traps that can be deployed. Also if is not a scup, sea bass or lobster trap there is no escape vent and or ghost panel requirement. There is also an inequity between a federal and state permitted vessel. If a fisherman has a federal permit he must tag any trap capable of catching lobster which is all traps deployed by a federally permitted vessel, therefore he must put a lobster trap tag on any trap he puts in the water. This puts a federally permitted vessel at an unfair disadvantage.

A simple solution would be a requirement that all traps and pots have a trap tag. Commercial fishermen could purchase up to 200 miscellaneous traps tags when they renew their license and use these tags for any traps or pots other than lobster traps. Also there could be a five pot miscellaneous non commercial license similar to the five pot non commercial lobster license for recreational fishermen. These trap tags both commercial and recreational could be issued by licensing in the same manner the non commercial trap tags are issued.

These suggestions would be in addition to the proposed changes suggested by Gary Powers and Tom Angell which address fishermen with no lobster trap tag allotment taking lobsters as a by catch from fish traps.

ATTACHMENT #5

Department of Environmental Protection

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1

## 26-157c - TAKING OF LOBSTERS

26-157c - TAKING OF LOBSTERS.....	1
26-157c-1. Taking lobsters - general.....	1
26-157c-2. Taking lobsters - pots and traps.....	2
26-157c-3. Taking lobsters - otter trawls, beam trawls and similar devices.....	3
26-157c-4. Management of the Lobster Pot Fishery.....	3

**26-157c-1. Taking lobsters - general**

**(a) Definitions**

- (1) "ASMFC" means the Atlantic States Marine Fisheries Commission, created under the terms of an interstate compact ratified by the State of Connecticut (section 26-295 of the Connecticut General Statutes) and approved by the U. S. Congress (Public Law 539, Chapter 283, Second Session, 77th Congress; 56 Stat. 267, approved May 4, 1942, as amended by Public Law 721, 81st Congress, approved August 19, 1950).
- (2) "American Lobster Fishery Management Plan" or "FMP" means the plan and its amendments and addendums approved and published by the ASMFC to manage the interstate lobster fishery.
- (3) "Carapace length" means the length of a lobster as measured along the length of the carapace (body shell) parallel to the centerline from the rear end of the eye socket to the rear end of the carapace.
- (4) "LMA" means any lobster management area as defined in the FMP.
- (5) "LMA 6 minimum length" means a carapace length of 3-5/16 inches.
- (6) "LMA 6 v-notch" means a v-notch, with or without setal hairs, at least one-eighth inch in depth.
- (7) "Lobster" means American lobster (*Homarus americanus*).
- (8) "V-Notch" means a v-shaped cut or remnants of a healed v-shaped cut in the flipper next to and to the right of the center flipper as viewed from the dorsal surface with the tail oriented toward the observer. Such a mark is applied to protect certain lobsters from harvest for conservation purposes.



- (b) Lobsters may be taken only by lobster pots, traps, trawls or similar devices or by skin diving, including the use of self-contained underwater breathing apparatus, or by hand. The use of spears or hooks of any kind to take lobsters and the possession of lobsters taken by any method that pierces the shell is prohibited.
- (c) No person shall buy, sell, give away, offer for sale or possess, regardless where taken:
  - (1) any female lobster with ova or spawn attached or from which the ova or spawn has been removed; or
  - (2) any female lobster bearing a LMA 6 v-notch or any female lobster which is mutilated in a manner which could hide, obscure or obliterate such a mark; or
  - (3) any lobster with a carapace length less than the LMA 6 minimum length.
- (d) When caught, any lobster specified in subdivisions (1) to (3), inclusive, of subsection (c) of this section or subdivisions (1) or (3) of subsection (e) of this section shall, without avoidable injury, be immediately returned to the waters from which taken.
- (e) No person authorized to take lobsters from any LMA in addition to LMA 6, as defined in the FMP, shall possess on the waters or shores of this state:

## ATTACHMENT #5

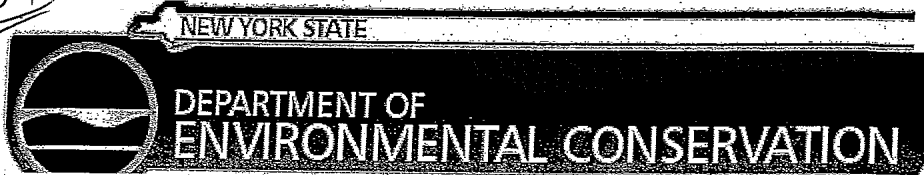
Department of Environmental Protection

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7

- (5) No person shall possess more than 100 pounds of winter flounder while fishing with a trawl net with a codend mesh less than 6½ inches (diamond mesh) or 6½ inches (square mesh).
- (6) From May 1 to October 31, inclusive, no person shall possess more than 200 pounds of scup while fishing with a trawl net that does not:
- (A) have a mesh size of at least 5 inches (diamond mesh) or 5½ inches (square mesh) throughout the entire net; or
- (B) meet the specifications of subdivision (4)(A) of this subsection.
- (7) From May 1 to October 31, inclusive, no person shall possess more than 100 pounds of black sea bass while fishing with a trawl net that does not meet the specifications of subdivision (4)(A) of this subsection.
- (8) In Connecticut waters, no person shall possess any codend or trawl net with mesh sizes less than specified in subdivisions (2) through (7) of this subsection on any vessel having winter flounder, summer flounder, black sea bass or scup on board in excess of the limits specified in subdivisions (2) through (7) of this subsection unless the codend is detached from the main body of the net or the entire trawl net is removed and detached from the net reel or is covered on a net reel and is bound securely and unavailable for immediate use.
- (9) For the purposes of this subsection, codend is the retaining bag of the net. The minimum mesh size is the maximum opening of any single mesh, measured when wet after use, by the median of eleven consecutive measurements taken at least five meshes from the lacings parallel to the longitudinal axis of the net. The "body of the net" is the main part of the net immediately behind (posterior to) the footrope, excluding the wings. The "extension of the net" is that part of the net between the body and the codend. A "fly net" is an otter trawl constructed of a minimum of eight inch stretch mesh webbing in the wings and forward body (belly) section extending at least thirty-five meshes or twenty-three feet along the longitudinal axis of the net.
- (10) The use of any means, device or material including but not limited to ropes, lines, liners, net strengtheners, or double nets which obstructs or diminishes the size of the meshes in the top of the codend or of that part of the net which does not contact the seabed during normal fishing activity, is prohibited. All netting in trawl nets not made on a braiding machine, whether of braided or twisted twine, whether machine or hand made, shall have only one knot, which shall be the weavers knot or sheet bend. The ends of the twine, called bars, that exit the knot shall be constructed so that their lay does not cross or twist.
- (11) Any person who takes winter flounder or summer flounder while fishing pursuant to the provisions of subdivisions (2), (3) or (5) of this subsection, and any person who takes scup or black sea bass while fishing pursuant to the provisions of subdivisions (4), (6) or (7) of this subsection shall separate these fish by species and keep these fish apart from the main catch. All possession limits specified in subdivisions (2) through (7) of this subsection shall apply to the aggregate of all persons onboard the vessel.
- (12) No bottom trawl net shall be equipped with rollers or cookies (hard rubber disks on the sweep of the net) in excess of six inches in diameter.
- \*** (h) **Fish pots and fish traps**
- (1) No person shall use fish pots or fish traps except for the taking of finfish. This subsection shall not apply to pound nets, trap nets, or lobster pots.

N.Y.



Printer-friendly || Subject Index A-Z ||  Search DEC

Home » Regulations and Enforcement » Regulations » Chapter 1 - Fish and Wildlife » Part 44: Lobsters and Crabs

## Part 44: Lobsters and Crabs

(Statutory authority: Environmental Conservation Law, §§ 11-0303, 11-1303, 13-0105, 13-0329, 13-0331, 13-0343-a, 13-0371)

### Contents:

#### Sec.

- 44.1 Definitions.
- 44.2 Identification of gear used in taking of lobsters
- 44.3 Construction of escape vents and panels in lobster pots or traps.
- 44.4 Lobster Trap Tags.
- 44.5 Temporary Emergency Authorization to Tend Gear.
- 44.6 Lobster size limits.
- 44.7 Horseshoe Crabs.
- 44.8 Crabs.
- 44.9 Requirements related to licensing, record keeping and reporting.
- 44.10 Chinese Mitten Crabs (*Eriocheir sinensis*).

### §44.1 Definitions.



- (a) A *lobster pot or trap* is any box-like or cage-like device that is made of any material, has an entrance or entrances from the outside into a compartment (sometimes called the kitchen) which has a further entrance to a second compartment (sometimes called the parlor), both compartments being on the same level, and is capable of catching lobsters.
- (b) *Catastrophic loss* is the loss of lobster pots or traps or trap tags that exceeds the initial additional allocation of trap tags provided for in section 44.4 (b) for routine loss.

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**§40.6 Fish Pots or Traps.****(a) Definitions.**

(1) A *fish pot* or *fish trap* is any box-like or cage-like device other than a lobster pot made of any material that is capable of taking and holding fish until removed by the fisher. Traps less than thirty inches in length used only to take bait and trap nets and pound nets are not fish pots or fish traps regulated under this section.



(2) A *lobster pot* is any box-like or cage-like device regulated and defined under Part 44 of 6 NYCRR of this Title.

(b) *Maximum size of a fish pot or fish trap.* It is unlawful to take any fish species using a pot or trap having any external dimension greater than six feet.

(c) *Identification of fish pots or traps.* Fish pots or traps must be identified as follows:

(1) Fish pots or fish traps must have attached to them a floating buoy or identification marker that must be constructed and placed as to be clearly visible on the surface of the water. Plastic containers, bottles or jugs originally designed to carry liquids must not be used.

(2) The number assigned to the holder of a commercial foodfish license for the current year at the time he or she obtains such license, followed by the letter "F", must be painted or otherwise affixed on each buoy or marker in a contrasting color, or branded on each buoy or marker, in clearly visible and legible characters not less than two inches in height. The same color or combination of colors must be used on all buoys or markers bearing the same permit number.

(3) The same number appearing on a buoy or marker must appear in characters not less than three-fourths of an inch in height, on all pots or traps identified by that buoy or marker. If the construction of a pot or trap does not allow it to be marked by branding, that pot or trap must be marked by a tag or other device bearing, in clearly visible and legible characters, the

NMFS

Thomas Angell

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**From:** Scott Olszewski  
**Sent:** Wednesday, March 19, 2008 1:44 PM  
**To:** Thomas Angell  
**Subject:** FW: trap tags

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**From:** Blue92357@aol.com [mailto:Blue92357@aol.com]  
**Sent:** Wednesday, March 19, 2008 1:39 PM  
**To:** Scott Olszewski  
**Subject:** Re: trap tags

Hey Scott, Do me a favor and forward this to Tom... I got a bad address sent back to me. I don't know if he or Mark is running the meeting tonight. On my way to the State House to testify on DEM Bills in Senate at 4:15. From there to Fort Witherill for 6. Another fun day. Thanks Denny

In a message dated 3/19/2008 12:43:22 P.M. Eastern Daylight Time, Scott.Olszewski@DEM.RI.GOV writes:

I also believe that in order for vessels/permit holders to retain 100/500 lobsters they must hold a non-trap federal permit in EEZ. This means that crabbers and fish potters in EEZ must return lobsters unless the permit is non-trap.

If it helps,

Scott O

---

**From:** Blue92357@aol.com [mailto:Blue92357@aol.com]  
**Sent:** Wednesday, March 19, 2008 12:33 PM  
**To:** Mark Gibson; tangell@dem.state.ri.us; Scott Olszewski  
**Subject:** Fwd: trap tags

FYI

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**From:** Bob.Ross@noaa.gov  
**To:** Blue92357@aol.com  
**CC:** LAD0626@aol.com, drspencer1@cox.net, Harry.Mears@noaa.gov  
**Sent:** 3/18/2008 12:35:33 P.M. Eastern Daylight Time  
**Subj:** Re: trap tags

Hi Denny,  
This issue has become a topic of discussion again, apparently due in part to reduced lobster trap limits and an abundance of crabs in deeper water. It was an issue several years ago and then died away, but it now seems to have resurfaced.

I agree with you that setting trap gear by anyone with a federal lobster permit has the potential to undermine the limited access lobster trap programs. Federal lobster regulations are clear on this issue, anyone with a Federal lobster permit cannot possess any trap gear capable of catching lobsters unless the gear conforms to all Federal lobster trap gear configuration requirements, including the need for lobster trap tags, escape vents, marine



mammal gear configuration requirements, gear marking, etc. There are two exceptions to this rule, vessels fishing red crab gear at depths greater than 200 fathoms, and for vessels that do not have a Federal lobster permit. We also have a waiver requirement in Area 5 (midcoast NJ to North Carolina) that allows only a bycatch limit of lobster for black sea bass fishermen (at §697.26). Based on recent buzz, there has been renewed law enforcement activity also. Last week, a federal lobster vessel out of southern Mass. was caught by the Coast Guard fishing "crab traps" without lobster tags in an Area not authorized on the vessels' permit, and federal review of that case is underway now.

As to where you can find this in the Federal regs, I've cut out the definition of a lobster trap under §697.2 Definitions that spells out the regs.

§ 697.2 Definitions.

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. Red crab fishing gear, fished deeper than 200 fathoms (365.8 m), and fishing gear fished by a vessel not issued a limited access lobster permit under § 697.4(a), are gear deemed not to be lobster traps for the purpose of this part, and are not subject to the provisions of this part.

The definition ties into other parts of the federal lobster regs, such as the requirement to have escape vents in the trap, the need for trap tags on every trap, the requirement that you must declare the LCMA on your permit where you intend to set trap gear, etc. So, someone with a federal lobster permit is not authorized to fish 'other' traps, or fish traps in LCMA's that are not on the vessels lobster permit.  
regards, Bob Ross.

Blue92357@aol.com wrote:

Hi Bob,

I have a question about non-lobster traps and trap tagging requirements? RI DEM has asked it's state lobster advisory board for a recommendation on how to address sea bass and scup traps. The question came up after a few fishermen asked if it was legal to take lobsters they caught in sea bass traps. Some of these fishermen have a Area 2 allocation and some of them don't. No one is putting lobster trap tags in their traps.

This subject also was a topic of interest at the last RI Lobstermen's board meeting. It seems everyone of us has a different opinion on this and the discussion of people setting traps to go crab fishing in Area 3 came up. Most of the guys think you do not need a allocation in Area 3 to go crabbing. I think in both fisheries (sea bass, crabbing) this could undermine the conservation of any trap plan and also be problematic with the whale issue. I also have a fear of someone violating a law they don't know about.

Has NMFS ever made any rules on this? If so, do you know where I could find them?

Hoping you can help,  
Dennis Ingram  
Area 2 LCMT

Define "Snail Pot/Trap"

DRAFT - Prepared on 10-6-2010 by Gary Powers and Thomas Angell

**DEFINITIONS:**

~~Lobster Trap - any trap, pot or other stationary contrivance or device that may be set on the ocean bottom and is deployed and fished pursuant to RIMFC Regulation 15.14.2.~~

~~Mobile Gear - Otter trawls, Pair Trawls, and Gillnets~~  
Mobile Gear -

**REGULATIONS:**

15.14.1-2 No person may possess, sell, barter, or trade an American lobster unless harvested by a lobster trap or mobile gear, pursuant to RIMFC Regulations 1.3, 15.14.1 and 15.14.2-3. ~~Crab pots/traps, fish traps, fish weirs, minnow traps, eel pots/traps, conch pots/traps, gillnets or trammel nets, fyke nets, stake traps, trawling devices, clam and scallop dredges, beach seines, purse seines, and tongs or bullrakes shall be classified as non-lobster trap gear and shall be exempt from trap tagging requirements.~~

*permitted and tagged as defined*

**15.18 Landings of lobsters taken by mobile gear or methods other than trap - Limits**

Landings by fishermen using mobile gear or methods other than traps (non-trap fishermen) will be limited to not more than 100 lobsters per day (based on a 24-hour period) up to a maximum of 500 lobsters per trip, for trips of five (5) days or longer. RIMFC REGULATION [Penalty - Part 3.3 (RIGL 20-3-3)]

*methods other than traps*

**15.20.3 ASMFC Lobster Fishery Management Area Management Measures**  
15.20.3.1.

G. Limits on Landings by Fishermen Using Mobile Gear Gear or Methods other than Traps - Landings by fishermen using mobile gear or methods other than traps (non-trap fishermen) will be limited to no more than 100 lobsters per day (based on a 24-hour period) up to a maximum of 500 lobsters per trip, for trips 5 days or longer.

15.20.3.2.

G. Limits on Landings by Fishermen Using Mobile Gear Gear or Methods other than Traps - Landings by fishermen using mobile gear or methods other than traps (non-trap fishermen) will be limited to no more than 100 lobsters per day (based on a 24-hour period) up to a maximum of 500 lobsters per trip, for trips 5 days or longer.

ATTACHMENT #6

15.20.3, 3.

G. Limits on Landings by Fishermen Using **Mobile Gear** Gear or Methods other than Traps – Landings by fishermen using **mobile** gear or methods other than traps (non-trap fishermen) will be limited to no more than 100 lobsters per day (based on a 24-hour period) up to a maximum of 500 lobsters per trip, for trips 5 days or longer.

15.20.3, 4.

G. Limits on Landings by Fishermen Using **Mobile Gear** Gear or Methods other than Traps – Landings by fishermen using **mobile** gear or methods other than traps (non-trap fishermen) will be limited to no more than 100 lobsters per day (based on a 24-hour period) up to a maximum of 500 lobsters per trip, for trips 5 days or longer.

15.20.3, 5.

G. Limits on Landings by Fishermen Using **Mobile Gear** Gear or Methods other than Traps – Landings by fishermen using **mobile** gear or methods other than traps (non-trap fishermen) will be limited to no more than 100 lobsters per day (based on a 24-hour period) up to a maximum of 500 lobsters per trip, for trips 5 days or longer.

15.20.3, 6.

H. Limits on Landings by Fishermen Using **Mobile Gear** Gear or Methods other than Traps – Landings by fishermen using **mobile** gear or methods other than traps (non-trap fishermen) will be limited to no more than 100 lobsters per day (based on a 24-hour period) up to a maximum of 500 lobsters per trip, for trips 5 days or longer.

15.20.3, 7.

G. Limits on Landings by Fishermen Using **Mobile Gear** Gear or Methods other than Traps – Landings by fishermen using **mobile** gear or methods other than traps (non-trap fishermen) will be limited to no more than 100 lobsters per day (based on a 24-hour period) up to a maximum of 500 lobsters per trip, for trips 5 days or longer.