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**REMINDER TO LOBSTERMEN TO COMPLY WITH
OUTER CAPE COD MANDATORY HAUL-OUT PERIOD AND
THE CAPE COD BAY CRITICAL HABITAT RULES**

The Division of Marine Fisheries (*MarineFisheries*) reminds Outer Cape lobstermen of the **January 15th through March 15th Outer Cape lobster trap haul-out period (322 CMR 6.02)**. During the haul-out period, fishing for lobster with traps is prohibited in the Outer Cape LCMA. Fishermen are required to remove all lobster traps from waters of the Outer Cape LCMA as defined in 322 CMR 6.33 during this closed period. This measure is a part of the effort control plan for the Outer Cape lobster fishery approved by the Atlantic States Marine Fisheries Commission.

Cape Cod Bay lobstermen are required to modify or remove their gear to reduce the risk of entanglement to right whales. *MarineFisheries* has worked on the local, state and federal level to prevent harm to right whales through the Right Whale Conservation Program that included surveillance and monitoring and the Conservation Engineering Program that includes gear studies to reduce risk. The goal of these efforts has been to ensure fishermen and large whales can co-exist.

This notice reminds all fishermen that *MarineFisheries* **prohibits the abandoning or storing of non-compliant gear in the Critical Habitat from January 1 – May 15.** (*Note: Federal rules require that gear be hauled out of the water at least every 30 days*). These rules will be enforced by the Office of Environmental Law Enforcement. **From January 1 – May 15, any gear found in Critical Habitat that is unmodified or improperly marked or gear that is abandoned in the OuterCape area may be confiscated and the owner may be subject to permit suspension, fines, and removal costs.**

Below are the four existing state rules pertaining to lobster traps set in Cape Cod Bay Critical Habitat during the winter/early spring right whale season (Jan 1 - May 15):

- a. Break-away features must be used in all buoy lines deployed on lobster gear. Lines must be fitted with a 500 lb weak link that meets the federal criteria found at the following website:
<http://www.nero.noaa.gov/whaletrp/plan/weak%20link%20techniques%20aug%202006.v.s2.pdf>
- b. Singles are not allowed. To minimize the number of vertical lines in the waters, traps must be set in “trawls” of 4 or more pots; or in “doubles” or “triples” where only one buoy line is used.
- c. Sinking groundline required between connecting pots. This became a year-round requirement in all state waters on January 1, 2007.
- d. Special seasonal buoy-marking scheme required to designate “modified” lobster gear in Critical Habitat during January 1 - May 15:
 - a. Two-pot trawls or “doubles” shall be marked with a single buoy, three-foot stick and twin orange markers visibly attached to the top of the buoy stick; and
 - b. All buoys marking either end of a trawl shall have twin orange markers visibly attached to the buoy stick in addition to the existing marking requirements already in effect.

This allows surveillance teams or law enforcement officers to identify the abandoned and/or unmodified gear for removal. Twin orange markers means “*a pair of identical orange flag-like strips of material that are clearly visible and attached to the buoy stick or high flyer.*” These twin orange markers must be removed from all buoy sticks after May 15 and before June 1 and fishermen may not re-attach them until after November 30 of each.

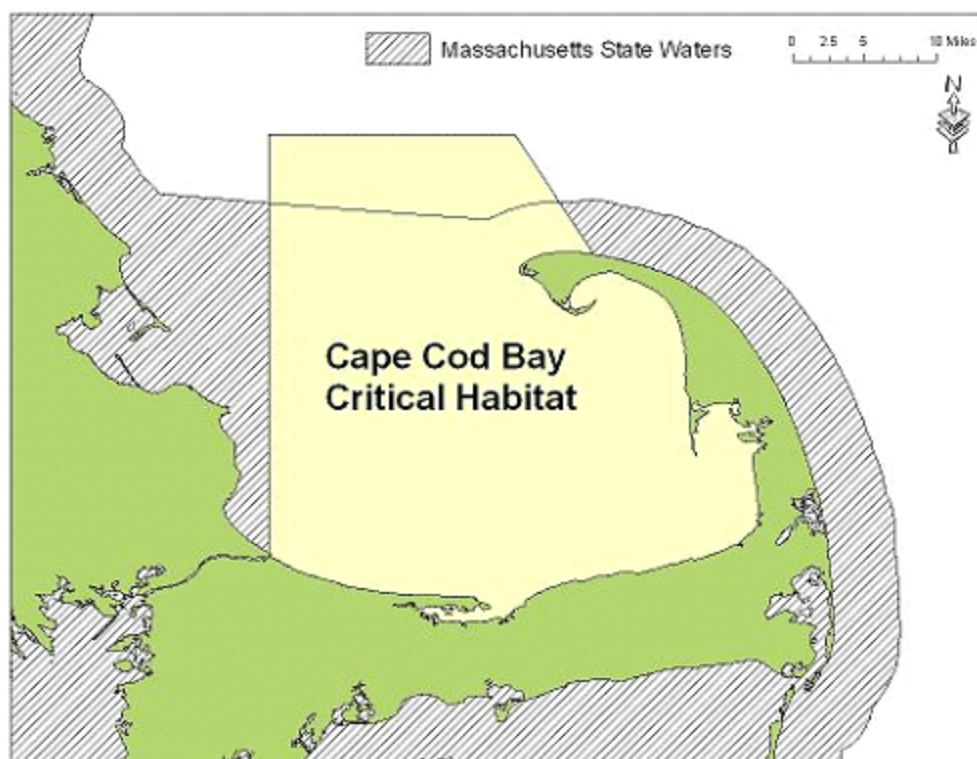


Figure 1. Map of Cape Cod Bay Critical Habitat.