

#### 4.13: Trap Gear Marking and Maximum Trawl Length

(1) Definitions.

Boston Harbor and its Approaches means those waters under the jurisdiction of the Commonwealth circumscribed by an imaginary line beginning at Point Allerton in Hull; thence in an easterly direction to the #1 buoy at Thieves Ledge; thence in a northerly direction to the BG buoy; thence in a westerly direction to Grovers Cliff in Winthrop.

**Buoy Line means the line that extends through the water column from the buoy at the surface to a single trap on the ocean floor or to a groundline that connects multiple traps on a trap trawl and extends no more than 12' from the first trap on the trawl.**

**Black Sea Bass Pot means any trap that has six sides and at least two unobstructed escape vents or openings in the parlor that are at least two and one-half inch in diameter, two inches square or one inch by five inches, and is set on the bottom of the ocean and designed to capture black sea bass.**

**Conch Pot means any trap without side heads or horizontal laths that is set on the bottom of the ocean and designed to capture whelks.**

East End means that part of the trawl extending from 01° through 180° magnetic.

**Fish Pot means inclusively any black sea bass pot or scup pot.**

**Groundline means lines connecting traps on a trap trawl.**

**Homeport means the location assigned as vessel's home on its commercial American Lobster Permit issued by NOAA Fisheries, or if a federal commercial American Lobster Permit is not held, then the Homeport shall mean the location assigned as the vessel's home on its Coastal Lobster Permit issued by the Division of Marine Fisheries pursuant to 322 CMR 7.01(2).**

**Parlor means that compartment of a pot that does not contain bait.**

Recreational Fishing means the non-commercial taking or attempted taking of lobsters and crabs for personal or family use, sport or pleasure, which are not to be sold, traded or bartered.

**Registered Under the Laws of the Commonwealth means any individual or vessel which is licensed by the Division of Marine Fisheries as evidenced by the issuance and possession of a valid commercial Offshore Lobster Permit or Coastal Lobster Permit, issued pursuant to 322 CMR 7.01(2), which may be in addition to any federal registration of the vessel.**

**Scup Pot means any trap that has six sides and at least two unobstructed escape vents or openings in the parlor that are at least three and one-tenth inch in diameter or two and one-quarter inch square that is set on the bottom of the ocean and designed to catch scup.**

Single means individually set and buoyed traps.

Trap means any lobster trap, modified lobster trap, fish pot, conch pot or any other contrivance, other than nets, that is placed on the ocean bottom and designed to catch finfish, whelks lobsters or crabs.

Trawls means a series of single traps that are tied together and buoyed at one or both ends.

West End means that part of a trawl extending from 181° through 00° magnetic.

Vessel means any waterborn craft.

(2) Traps. The following requirements apply to marking of traps set within the waters under the jurisdiction of the Commonwealth.

(a) Buoy and Trap Marking.

1. All buoys set by commercial fishermen permitted in accordance with M.G.L. c. 130, §§ 37, 38 or 80, and 322 CMR 7.01(2): *Commercial Fisherman Permits* or (4): *Special Permits*, shall be marked with the permit number assigned by the Director.
2. All traps or cars set by commercial fishermen permitted in accordance with M.G.L. c. 130, §§ 37, 38 or 80, and 322 CMR 7.01(2): *Commercial Fisherman Permits* or (4): *Special Permits*, shall be marked with trap tags in accordance with 322 CMR 6.31: *Trap Tags*.
3. All buoys set by non-commercial lobster and crab trap fishermen, permitted in accordance with M.G.L. c. 130, §§ 37 and 38, and 322 CMR 7.01(4): *Special Permits*, shall be marked with the letter "N" prior to the permit number assigned by the Director then a dash (-) with a single digit from 0 - 9 shall follow the permit number indicating the sequential trap number in the series up to ten traps. Said alpha numerical sequence shall be permanently secured to the inside of the trap through the use of a synthetic plate or by being burned or cut into a wooden lath.
4. The buoy markings required in 322 CMR 4.13(4) shall not be less than one inch in height nor less than ½ inch in thickness or width of line.

(b) Buoy Line Marking Requirements.

1. Single Traps in LCMA1. The buoy line on single traps fished or authorized to fish in LCMA 1, as defined at 322 CMR 6.33: *Lobster Management Areas*, shall be marked with three 12 inch marks located at the top, midway and bottom of the buoy line. Each mark shall be composed of at least six inches of red and at least six inches of white. **Effective February 1, 2022, this requirement shall apply only to fish pots and conch pots.**
2. Single Traps in LCMA2. The buoy line on single traps fished or authorized to fish in LCMA 2, as defined at 322 CMR 6.33: *Lobster Management Areas*, shall be marked with three 12 inch marks located at the top, midway and bottom of the buoy line. Each mark shall be composed of at least six inches of red and at least six inches of black. **Effective February 1, 2022, this requirement shall apply only to fish pots and conch pots.**
3. Single Traps in Outer Cape Cod LCMA. The buoy line on single traps fished or authorized to fish in Outer Cape Cod LCMA, as defined at 322 CMR 6.33: *Lobster Management Areas*, shall be marked with three 12 inch marks located at the top, midway and bottom of the buoy line. Each mark shall be composed of at least six inches of red and at least six inches of yellow. **Effective February 1, 2022, this requirement shall apply only to fish pots and conch pots.**
4. Trawls in LCMA1, LCMA2 and Outer Cape Cod LCMA. The buoy line on trawls fished or authorized to fish in LCMA 1, LCMA 2 or the Outer Cape Cod LCMA, as defined in 322 CMR 6.33: *Lobster Management Areas*, shall be marked with three red marks of at least 12 inches. A mark shall be located at the top, midway and bottom of the buoy line. **Effective February 1, 2022, this requirement shall apply only to fish pots and conch pots.**
5. Trawls in LCMA 3. The buoy line on trawls fished or authorized to fish in LCMA 3, as defined in 322 CMR 6.33: *Lobster Management Areas*, shall be marked with three black marks of at least 12 inches. A mark shall be located at the top, midway and bottom of the buoy line. **This requirement shall expire on February 1, 2022.**

6. Non-commercial Lobster and Crab Traps. The buoy line on traps fished or authorized to be fished by recreational lobster and crab fishermen, permitted in accordance with 322 CMR 7.01(4): *Special Permits* shall be marked with a red mark midway on the buoy line of at least four inches.

7. Exception to Buoy Line Marking Requirements. For the buoy line marking requirements at 322 CMR 4.13(2)(b)(1)-(6), if ~~if~~ the color of the buoy line is the same as or similar to the buoy line marking requirement color code, a similar sized white mark may be substituted for that color code at the appropriate location(s) on the buoy line.

**8. New Buoy Line Marking Requirements for the Commercial Lobster and Crab Trap Fisheries in 2022**. Effective February 1, 2022 the following buoy line marking requirements shall apply to lobster trap and crab trap gear:

**a. Commercial Lobster Gear Seaward of the Waters Under the Jurisdiction of the Commonwealth LCMA1, LCMA2, and Outer Cape Cod LCMA**. Any vessel registered under the laws of the Commonwealth with a Homeport in Massachusetts fishing commercial lobster trap gear seaward of the waters under the jurisdiction of the Commonwealth, within LCMA1, LCMA2 and the Outer Cape Cod LCMA, as defined at 322 CMR 6.33, shall mark their buoy lines with at least five color coded marks in the following configuration:

i. There shall be one solid red mark that is at least three feet in length within the first 12 feet of the buoy line extending through the water column from the buoy to the trap.

ii. No more than one foot below the three foot solid red mark, which occurs in the first 12 feet of the buoy line extending through the water column from the buoy to the trap, there shall be one solid green mark that is at least one foot in length .

iii. After the first 12 feet of the buoy line, there shall be at least one mark in each third of the remaining buoy line extending down to the trap. Each mark shall be at least two feet long and comprised of a solid or non-solid red mark measuring at least one foot in length and a solid or non-solid green mark measuring at least one foot in length.

iv. If the color of the buoy line is red or red and white striped, then a solid white mark of the same size shall be substituted for the red mark.

**b. Commercial Lobster and Crab Trap Gear in the Waters Under the Jurisdiction of the Commonwealth within LCMA1, LCMA2, and Outer Cape Cod LCMA**. Commercial fishermen who hold a Coastal Lobster Permit, issued pursuant to 322 CMR 7.01(2), and are fishing lobster and crab trap gear in the waters under the jurisdiction of the Commonwealth within LCMA1, LCMA2, and the Outer Cape Cod LCMA, as defined at 322 CMR 6.33, shall mark their buoy lines with at least five color coded marks in the following configuration:

i. There shall be one solid red mark that is at least three feet in length within the first 12 feet of the buyo line extending through the water column from the buoy to the trap.

ii. After the first 12 feet of the buoy line, there shall be at least four two foot solid or non-solid red marks in the remaining buoy line extending down to the trap with two of the red marks occurring in the top 50% of the buoy line and the other two red marks occurring in the bottom 50% of the buoy line.

- iii. There shall be no length of buoy line greater than 60 feet without a red mark.
- iv. If the color of the buoy line is red or red and white striped, then a solid white mark of the same size shall be substituted for the red mark.

c. Commercial Lobster Trap Gear in within LCMA3. Any vessel registered under the laws of the state and with a Homeport in Massachusetts fishing lobster trap gear in in LCMA3, as defined at 322 CMR 6.33, shall mark their buoy lines with at least five color-coded marks in the following configuration:

- i. There shall be one solid black mark that is at least three feet in length within the first 12 feet of the buoy line extending through the water column from the buoy to the trap.
- ii. No more than one foot below the three foot solid black mark, which occurs in the first 12 feet of the buoy line extending through the water column from the buoy to the trap, there shall be one solid green mark that is at least one foot in length.
- ii. After the first 12 feet of the buoy line, there shall be at least one sold or non-solid black that is at least one foot long in each third of the remaining buoy line extending down to the trap.

(c) Surface Identification of Traps.

1. Single Traps. Single traps shall each be marked with a single buoy measuring at least seven inches by seven inches or five inches by 11 inches. Sticks are optional, but if used, shall not have a flag attached.
2. Trawls. The east end of a trawl shall be marked with a double buoy, consisting of any combination of two buoys measuring at least seven inches by seven inches or five inches by 11 inches and one or more three foot sticks. The west end of a trawl shall be marked with a single buoy measuring at least seven inches by seven inches or five inches by 11 inches buoy with a three foot stick and a flag.
3. Exemption for Boston Harbor and its Approaches. It shall be lawful to fish with trawls marked on one end with a plastic bottle attached by at least ten feet of ½ inch cotton line or similar light material, provided that said substitute buoy shall be painted with the buoy colors and permit number of the owner. A single seven inches by seven inches or five inches by 11 inches shall mark the other end of the trawl. Sticks need not be used.

(d) Trawl Maximum Length. The total length of trawls set in waters under the jurisdiction of the Commonwealth shall not exceed 2,500 feet from end to end.

## 12.02: Definitions

For the purposes of 322 CMR 12.00 the following terms shall have the following meanings:

1,700 pound buoy line means any buoy line with a breaking strength of 1,700 pounds or less or any buoy line that is rigged with no less than one 1,700 contrivance per every 60 feet of buoy line in the top 75% of the buoy line. Only contrivances be approved by NOAA Fisheries pursuant to the Atlantic Large Whale Take Reduction Plan shall be lawful.

Abandon means to leave any fixed gear in the waters for a period of at least 30-days without hauling the gear or to leave any fixed gear in any fixed gear seasonal closure.

Bottom or Sink Gillnet means a gillnet, anchored or otherwise, that is designed to be, capable of being, or is fished on or near the bottom in the lower third of the water column.

**Buoy Line means the line that extends through the water column from the buoy at the surface to a single trap on the ocean floor or to a groundline that connects multiple traps in a trawl and extends no more than 12' from the first trap in the trawl.**

Buffer Zone means an area outward from a right whale a distance of 500 yards in all directions.

Cape Cod Bay Vessel Speed Restriction Area. The Cape Cod Bay Vessel Speed Restriction Area shall consist of all waters of Cape Cod Bay south of 42° 08' north latitude and those waters north and east of Cape Cod west of 70° 10' west longitude.

Commercial Fisherman means any person who may set gear or catch, possess or land fish for the purpose of sale, barter, or exchange or keeps for personal use any fish taken under the authority of a commercial fisherman permit issued in accordance with M.G.L. c. 130, §§ 2, 37, 38 or 80, and 322 CMR 7.01(2).

Double means two traps connected together by a groundline with a single vertical line buoy attached.

Fixed Fishing Gear means any bottom or sink gillnets or traps that are set on the ocean bottom or in the water column and are usually connected to lines that extend to the water's surface.

Gillnet means anchored, or surface or drifting vertical walls of webbing, buoyed on top and weighted at the bottom, designed to capture fish by entanglement, gilling, or wedging.

Groundlines means the lines connecting traps on a trap trawl and lines connecting gillnets to anchors.

Harass means to approach, pursue, chase, follow, interfere with, observe, threaten, harm in any fashion, turn in any manner to intercept or attempt to engage in any such conduct.

Massachusetts Restricted Area means those waters described in the federal Atlantic Large Whale Take Reduction Plan and bounded by the following coordinates: beginning at the shoreline at 42° 12' N latitude; thence heading due east to where 42° 12' N latitude intersects

with 70° 30' W longitude; thence due north to where 70° 30' W longitude intersects with 42° 30' N latitude; thence due east to where 42° 30' N latitude intersects with 69° 45' W longitude; thence due south to where 69° 45' W longitude intersects with 41° 56.5' N latitude; thence in a straight line in a southeasterly direction to where it intersects with 41° 21.5' N latitude and 69° 16' W longitude; thence in a straight line in a west southwesterly direction to where it intersects with 41° 15.3' N latitude and 69° 57.9' W longitude at the shoreline of Nantucket; thence following the eastern shoreline of Nantucket to where it intersects with 70° 00' W longitude; thence due north to where 70° 00' W longitude intersects with the shoreline of Cape Cod at 41° 40.2' N latitude; thence following the shore line of Cape Cod back to the original point.

Negatively Buoyant Line means line that has a specific gravity equal to or greater than that of seawater, 1.03, and does not float up in the water column.

Positively Buoyant Line means line that has a specific gravity less than that of seawater, 1.03, and floats up in the water column.

Recreational Fisherman means any person permitted in accordance with G.L. c. 130, § 38 and 322 CMR 7.01(4)(b) to catch, possess and land lobster or crabs for family use, sport, or pleasure, which are not to be sold, traded, or bartered.

Right Whale means that species of marine mammal known as *Eubalaena (Balaena) glacialis*.

Single Trap means individual set and buoyed traps.

To Abandon or To Store means to leave fixed gear in the water without hauling it at least every 30 days or in prohibited areas during prohibited periods.

To Fish means to use, set, maintain, leave in the water or haul gillnets or traps to harvest, catch, or take any species of fish or lobster.

Trap means any lobster trap, modified lobster trap, fish pot, fish trap, conch pot, or other contrivance, other than nets, that is placed on the ocean bottom and designed to catch finfish, whelks, lobsters or crabs.

Trawls means a series of single traps that are tied together and buoyed at one or both ends.

Vessel means any waterborn craft.

Weak Link means a breakable section or device that will part when subjected to specified poundage of pull pressure and after parting, will result in a knot-less end, no thicker than the diameter of the line, the so-called "bitter end" to prevent lodging in whale baleen. Lawful weak links are those devices approved by the National Marine Fisheries Service pursuant to the Atlantic Large Whale Take Reduction Plan and published in the Atlantic Large Whale Take Reduction Plan's Supplemental Gear Guide.