



**Paul J. Diodati**  
Director

# Commonwealth of Massachusetts

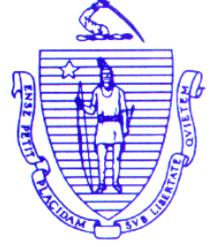
## Division of Marine Fisheries

251 Causeway Street, Suite 400

Boston, Massachusetts 02114

(617)626-1520

fax (617)626-1509



**Deval Patrick**  
Governor  
**Ian A. Bowles**  
Secretary  
**Mary B. Griffin**  
Commissioner

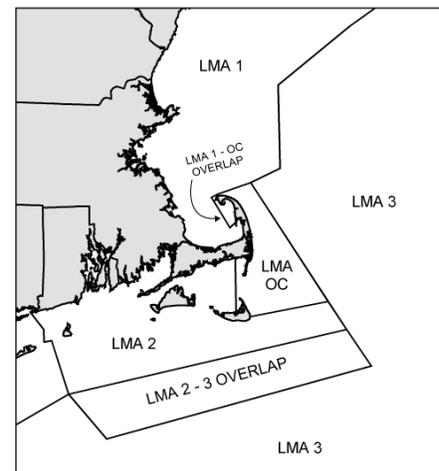
**November 29, 2011**

### COMPLIANCE REMINDER

### OUTER CAPE COD MANDATORY HAUL-OUT PERIOD AND THE CAPE COD BAY CRITICAL HABITAT RULES

The Division of Marine Fisheries (*Marine Fisheries*) reminds Outer Cape lobstermen of the **January 15th through March 15th Outer Cape lobster trap haul-out period, 322CMR 6.02(5)(a)**. During the haul-out period, fishing for lobster with traps is prohibited in the Outer Cape LCMA. Fishermen are required to remove all traps from the waters of the Outer Cape LCMA, as defined in 322 CMR 6.33(2)(b), 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 gear entanglement risk to right whales. *Marine Fisheries* has worked on the local, state and federal level to prevent harm and reduce this risk through surveillance and monitoring by the Right Whale Conservation Program and the gear studies of the Conservation Engineering Program. The goal of these efforts has been to ensure fishermen and large whales can co-exist.



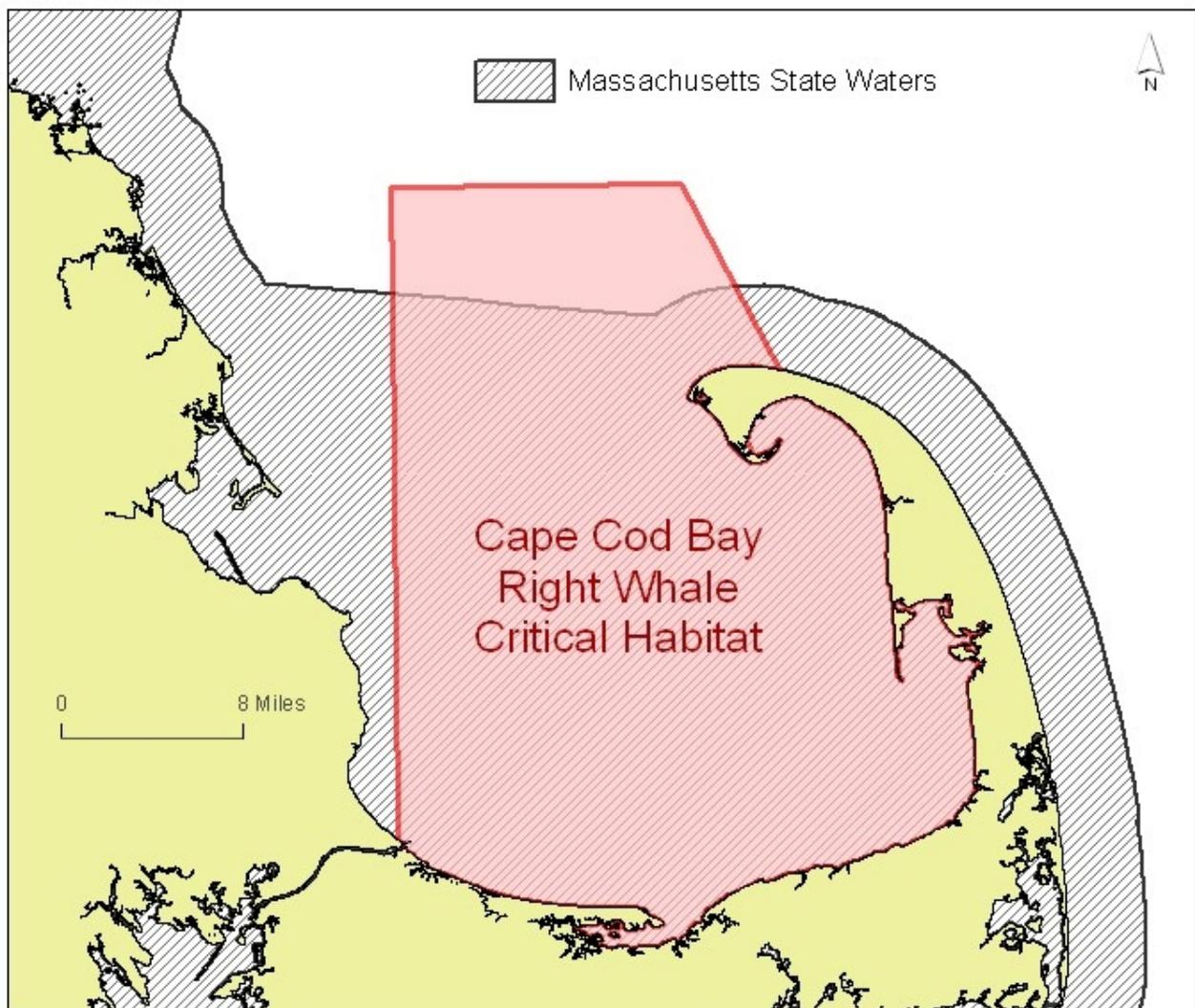
This notice reminds all fishermen that *Marine Fisheries* **prohibits the abandoning or storing of non-compliant gear in the Critical Habitat from January 1 – May 15.** (Note: Federal rules require that gear be hauled out of the water at least every 30 days). These rules will be enforced by the Office 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 Outer Cape area may be confiscated and the owner may be subject to permit suspension or revocation, fines, and removal costs.**

The four 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) are:

- 1) 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;
- 2) 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;

- 3) Sinking groundline required between connecting pots. This became a year-round requirement in all state waters on January 1, 2007;
- 4) 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 year.



**Figure 1.** Map of Cape Cod Bay Critical Habitat.