

PART Fis 602 PROHIBITED MARINE ACTIVITIES

**Readopt with amendments Fis 602.09, eff. 11-1-18, (Doc #12655, EXEMPT), to read as follows:**

Fis 602.09 Marking and Tending of Gear.

(a) For the purpose of this section, the term “72 COLREGS demarcation line” means the line defined in 33 CFR Section 80.115(b), namely “a line drawn from the southernmost tower on Gerrish Island charted in approximate position latitude 43°04.0’N longitude 70°41.2’W to Whaleback Light, thence to Jaffrey Point Light 2A, thence to the northeasternmost extremity of Frost Point.”.

(b) No person shall leave unattended in the waters of the state a pot, trap, or net used for the take of a marine species unless the gear is identified in the following manner:

- (1) All fixed gear shall have the name of the owner permanently affixed.
- (2) High flier buoys, as customarily used on longline gear, shall be marked with the name of the owner;
- (3) Pot or trap trawls shall be marked at each end with at least a single buoy made of highly visible material and utilize the distinctive color scheme or markings noted on the person’s license issued by the executive director;
- (4) Gill nets and longline sets 6,000 feet or less shall be buoyed on each end to support a vertical shaft at least 5 feet high with a radar reflector of at least 100 square inches of reflective area;
- (5) Flags and pennants affixed to buoys marking a string of gear as required by this section shall be of uniform color;
- (6) Weak links with a maximum breaking strength of 1100 pounds shall be used in gillnet panels and on all flotation and/or weighted devices attached to the buoy line of gillnets set seaward of 72 COLREGS demarcation line and seaward of the Rye harbor approach channel as defined in RSA 211:19-a, III or the outer most jetty at the Hampton harbor entrance;
- (7) ~~[Weak line or insert on the list approved by NOAA Fisheries 50% down the buoy line or top 50% of buoy line must be weak rope on the list approved by NOAA Fisheries; on or before May 1, 2022, gear used upon lobster, crab or fish traps or pots in state waters shall be rigged using a weak line or insert rigging method approved by the National Oceanic and Atmospheric Administration (NOAA) found at [www.fisheries.noaa.gov/alwtrp](http://www.fisheries.noaa.gov/alwtrp).]~~ **By May 1, 2022, all buoy lines for gear used upon lobster, crab or fish traps or pots in state waters shall be rigged using:**

**a. 100% weak line; or**

**b. Top 50% weak line; or**

**c. Weak insert 50% down the buoy line;**

**d. Weak line and weak inserts must be on the list approved by the National Oceanic and Atmospheric Administration (NOAA) found at [www.fisheries.noaa.gov/alwtrp](http://www.fisheries.noaa.gov/alwtrp).**

(8) Groundlines between traps or gillnet panels shall be sinking for all gear set seaward of 72 COLREGS demarcation line and seaward of the Rye harbor approach channel as defined in RSA 211:19-a, III or the outer most jetty at the Hampton harbor entrance.

(9) ~~Vertical~~ **Buoy** lines used for lobster trap/pot or gill net gear in all state waters shall be permanently and clearly marked as follows:

a. By January 1, 2022, the marks shall be yellow in color, with one 3-foot long mark placed within two fathoms of the buoy at the surface system, and two additional 12-inch (30.5cm) marks placed in the top and bottom half of ~~the vertical~~ buoy lines;

b. The required colored marks may be added to the surface of the line in the form of dye, paint, thin colored whipping line, thin colored plastic, heat-shrink tubing, or other durable material. Alternatively, a thin colored line may be woven into or through the line **or a solid yellow line may be used;**

c. By May 1, 2022, ~~the 3-foot long mark placed~~ within two fathoms of the buoy at the surface system **3 feet of the line** shall be solid yellow in color~~[-];~~ **and**

**d. It is unlawful to fish lobster gear within state waters which has a buoy line marked with a green mark.**

(10) No person or vessel shall fish with trap or pot gear set seaward of 72 COLREGS demarcation line and seaward of the Rye harbor approach channel as defined in RSA 211:19-a, III or the outer most jetty at the Hampton harbor entrance that has any portion of the buoy line floating at the surface at any time when the buoy line is directly connected to the gear at the ocean bottom. If more than one buoy is attached to a single buoy line, or if a high flyer and a buoy are used together on a single buoy line, floating line may be used between these objects.

(c) Any person leaving unattended pot or trap gear in the waters of the state shall:

(1) Mark each boat or vessel used to tend such gear with the distinctive color scheme or markings noted on the license issued by the executive director;

(2) Tend such gear only between one hour before sunrise to sunset; and

(3) Haul and tend any gear used to take or store lobster at least once in every 30 day period that the gear is placed in the water.

#### APPENDIX

Rule	Specific State or Federal Statute or Regulation the Rule Implements
Fis 602.09	RSA 211:62, V; 16 USC 1801; 50 CFR 648