

Adopt Fis 601.11 and Fis 612 to read as follows:

Fis 601.11 “Approved electronic tracking device” means an electronic device approved by the Atlantic States Marine Fisheries Commission to track vessel location and collect and transmit spatial data to the Atlantic States Marine Fisheries Commission’s Atlantic Coastal Cooperative Statistics Program in compliance with Addendum XXIX to the Interstate Fishery Management Plan for American Lobster and Addendum IV to the Interstate Fishery Management Plan for Jonah Crabs.

PART Fis 612 LOBSTER AND JONAH CRAB ELECTRONIC TRACKING

Fis 612.01 Lobster and Jonah Crab Electronic Tracking.

(a) Effective February 20, 2024, no person shall fish for, take, possess, or land lobster or Jonah crab by trap from a vessel permitted by NOAA Fisheries, pursuant to 50 CFR § 697.4, to fish trap gear for lobster or Jonah crabs in the Economic Exclusion Zone without an installed, operable, and approved electronic tracking device.

(b) The approved electronic tracking device shall remain on the vessel and powered at all times when the vessel is in the water.

(c) No person shall tamper with an approved electronic tracking device or device signal.

(d) In the event of device failure or removal from the water, the vessel operator shall immediately notify the department by email at reg3@wildlife.nh.gov and must include the vessel name and NOAA Fisheries Permit number. The vessel operator must work with the department in good faith and in a timely manner to restore device operability. No vessel operator shall begin subsequent fishing trips with an inoperable device without written approval from the department.

(e) To be exempt from the requirement to install an approved electronic tracking device, an affidavit must be filed by the owner of the vessel permitted by NOAA Fisheries, pursuant to 50 CFR § 697.4, to fish trap gear for lobster or Jonah crabs in the Economic Exclusion Zone, if the following apply:

- (1) The vessel shall not fish trap gear at any point during the fishing year; or
- (2) The federal permit has been placed in confirmation of permit history (CPH) with NOAA Fisheries.

APPENDIX

Rule	Specific State or Federal Statute the Rule Implements
Fis 601.11	RSA 206:10, I; RSA 211:62, V
Fis 612.01	RSA 206:10, I; RSA 211:62, V; 50 CFR § 697.4