



**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**  
NATIONAL MARINE FISHERIES SERVICE  
NORTHEAST REGION  
One Blackburn Drive  
Gloucester, MA 01930-2298

October 10, 2002

## **SMALL ENTITY COMPLIANCE GUIDE**

Dear Commercial Fishing Vessel Owner and Red Crab Dealer:

New regulations implementing the Atlantic Deep-Sea Red Crab Fishery Management Plan (FMP) have been approved and take effect on October 20, 2002. The new regulations are designed to manage the red crab fishery and prevent overfishing of the red crab resource. The regulations include management measures, a synopsis of which follows, and other measures for administration and enforcement purposes.

### **FISHING YEAR**

Fishing years begin March 1 and end February 28 of each calendar year, except in a leap year, in which case the fishing year ends February 29. (*Fishing year 2002 began March 1, 2002, and ends February 28, 2003.*)

### **RED CRAB MANAGEMENT UNIT**

The boundaries of the management unit for which these regulations apply are limited to the waters of the Atlantic Ocean from 35/15.3' N. lat., the approximate latitude of Cape Hatteras Light, NC, northward to the U.S.-Canada border, extending eastward from the shore to the outer boundary of the exclusive economic zone and northward to the U.S.-Canada border in which the United States exercises exclusive jurisdiction over all Atlantic deep-sea red crab fished for, possessed, caught, or retained in or from such area.

### **RED CRAB VESSEL PERMITS AND ASSOCIATED TRIP LIMITS**

Beginning with the effective date of the red crab regulations, any vessel that fishes for, catches, possesses, transports, lands, sells, trades, or barter red crab in or from Federal waters, will be required to have a Federal red crab permit. The following summarizes the different vessel permit categories:

#### **Open Access**

**Category A - Incidental Catch Permit** - A vessel that has not been issued a limited access red crab permit is eligible for and may be issued a red crab incidental catch permit to catch, possess, transport, land, sell, trade, or barter up to 500 lb (226.8 kg) of whole red crab or its equivalent per fishing trip.

#### **Limited Access**

To fish for, catch, possess, transport, land, sell, trade, or barter amounts of red crab greater than what is allowed by the red crab incidental catch permit, your vessel must



have a limited access red crab permit on board. To qualify for a limited access red crab permit, a vessel must demonstrate that its average landings of red crabs per year during the 3-year period prior to the March 1, 2000, control date (March 1, 1997, through February 29, 2000) were greater than 250,000 lb (113,398 kg). There are two types of limited access permits:

**Category B - Limited Access Permit** - A vessel issued a Category B limited access red crab permit will be subject to a baseline trip limit of 75,000 lb (34,019 kg) of whole red crab or its equivalent when fishing under a red crab day-at-sea (DAS). However, if a vessel can show documented proof of at least one trip with higher landings during the limited access qualification period, then that vessel may qualify for a Category C permit and a higher trip limit.

**Category C - Limited Access Permit** - A vessel issued a Category C limited access red crab permit will be allowed a trip limit higher than 75,000 lb (34,019 kg) of whole red crab if it can document proof of at least one trip with landings higher than 75,000 lb (34,019 kg) during the limited access qualification period. If a vessel can show proof of a higher trip, then that vessel will qualify for a trip limit equal to the larger trip, rounded to the nearest 5,000 lb (2,268 kg) when fishing under a red crab DAS. Such proof must be received by NOAA Fisheries within 30 days after receipt of a vessel owner's application for an initial limited access red crab vessel permit.

*Note: When not fishing under a red crab DAS, vessels with a Category B or C limited access permit may catch, possess, transport, land, sell, trade, or barter up to 500 lb (226.8 kg) of whole red crab or its equivalent per fishing trip.*

## **OPERATOR PERMITS**

An operator is defined as the master, captain, or any other individual on board a fishing vessel who is in charge of that vessel's operations. Any operator of a vessel issued a Federal red crab permit must obtain an operator permit in order to land red crab. The operator permit must be carried on board. Vessel operators who previously received an operator permit for another Federal fishery need **not** reapply.

## **DEALER PERMITS**

Dealers who purchase red crab or red crab product from any vessel are required to obtain a Federal red crab dealer permit. Red crabs harvested from the red crab management unit may only be sold by a federally permitted vessel to federally permitted red crab dealers.

## **GEAR REQUIREMENTS**

### **Maximum Number of Traps/Pots**

As part of the application for a limited access red crab permit, you must declare on your permit application the maximum number of traps/pots you intend to use per string and the maximum number of strings you intend to employ, such that the product of the maximum number of traps/pots per string and the maximum number of strings declared is no more than 600 traps/pots. You cannot fish with more than the maximum number of traps/pots and strings reported on your application.

### **Maximum Trap/Pot Size**

The maximum allowable size of traps/pots used when fishing under a DAS in the red crab fishery is 18 cubic ft in volume. Such traps/pots must be rectangular, trapezoidal or conical. New designs for which the volume does not exceed the maximum limit established in the

regulations may be used if first approved by the Regional Administrator.

### **Marking Requirements**

The following is required on all buoys used at the end of each red crab trap trawl:

- < “RC” must be painted on the top of each buoy to clearly indicate red crab fishing gear;
- < The vessel’s permit number must be painted on the side of each buoy to indicate clearly the vessel and to allow for verification that it is authorized to participate in the limited access fishery;
- < The number of the trap trawl relative to the total number used by the vessel (i.e., “3 of 6”) must be painted on the side of each buoy;
- < All letters and numbers painted on buoys must be at least 3 inches in height to be clearly visible by U.S. Coast Guard and other vessels; and
- < High flyers and radar reflectors must be deployed on each trap trawl.

### **Parlor Traps**

The use of parlor traps when fishing under a red crab DAS is prohibited. A “parlor trap” is defined as a trap with two or more compartments within the trap that are intended to make it more difficult for animals to escape from the trap.

### **Non-trap Gear**

#### **When Fishing under a Red Crab DAS**

The possession of non-trap/non-pot gear is prohibited on a vessel fishing under a red crab DAS. A vessel fishing under a red crab DAS may use crab traps/pots only, subject to the restrictions and requirements identified above, to fish for red crab. A red crab trap/pot is defined as any structure or other device, other than a net or parlor trap/pot, that is placed, or designed to be placed, on the ocean bottom and is designed for, or is capable of, catching red crabs.

#### **When not Fishing under a Red Crab DAS**

Vessels not fishing under a red crab DAS, including those vessels issued an open access red crab incidental catch permit, may use any type of fishing gear they choose to harvest red crabs provided they do not possess or land red crabs in excess of the incidental take limit and are consistent with other current fisheries regulations.

***Note:** The red crab fishery falls under the Marine Mammal Protection Act Category I Lobster Trap/Pot fishery. Vessels must comply with that fishery’s applicable gear restrictions, including a required weak link at the buoy that breaks away knotless at 3,780 lb (1,714.6 kg) and a requirement for marking of gear as specified at 50 CFR 229.32. Also, red crab fishing gear, fished in 200 fathoms (365.8 m) or less by a vessel issued a limited access lobster permit under 50 CFR 697.4(a), must comply with the trap tagging requirements specified at 50 CFR 697.19.*

### **MANDATORY REPORTING**

#### **Monthly Vessel Trip Reports (VTR) System**

If you have either a limited access or incidental catch Federal red crab permit, you must submit monthly reports for all fishing trips, regardless of species fished for or taken. These reports must be submitted monthly within 15 days of the end of the reporting month. Both limited access and

incidental catch vessels must complete and submit accurate VTRs for all fishing trips, regardless of whether they fish for or land any red crab. You will be sent forms and instructions, including the address to which to submit reports, shortly after you receive your Federal red crab permit.

### **Vessel Interactive Voice Response (IVR) System Fishing Reports**

Owner/operators of vessels issued a limited access Federal red crab permit must also report their total red crab landings through an IVR system within 24 hours after returning to port and offloading any trip that lands red crab.

### **Dealer Weekly Reports**

All dealers holding a Federal red crab dealer permit are required to report detailed information by mail on any species purchased directly from vessels each week. Reports must be provided weekly, and must be postmarked and received within 16 days after the end of each reporting week. If authorized in writing by the Regional Administrator, the form(s) may be submitted electronically or through other media. If there is no purchase of any species during the reporting week, a report so stating must be submitted. Each dealer will be sent forms and instructions, including the address to which to submit reports, shortly after receipt of a Federal red crab dealer permit.

### **TARGET TOTAL ALLOWABLE CATCH (TAC)**

Each fishing year the landings in the red crab fishery will be counted against a target TAC. An annual specifications process will adjust the amount of target TAC available to the fishery and the corresponding number of DAS to be allocated to each vessel authorized to participate in the limited access fishery. The baseline target TAC for each fishing year is 5.928 million lb (2,688.9 mt), unless modified by the annual specifications process.

### **DAYS-AT-SEA**

A DAS is counted as a whole day (24 hours). Any portion of a calendar day on which a vessel is out of port counts as a full DAS. For example, if a vessel embarks on a fishing trip at 11:00 p.m. on June 1, that day of departure counts as one DAS. If it returns from the trip at 1:00 a.m. on June 10, that day of return also counts as one DAS. Total DAS are allocated equally to all vessels issued a limited access red crab permit, divided by the number of vessels that declare their intention to participate in the fishery for the fishing year.

### **For 2002 Fishing Year**

Because the final rule for the FMP implements red crab management measures well after the start of the initial fishing year (March 1, 2002), an initial baseline of 130 DAS is established for each limited access vessel for the fishing year that ends February 28, 2003. During the current initial fishing year, to account for red crab removed from the resource during the regulatory hiatus period between the expiration of the red crab emergency regulations on May 15, 2002, and implementation of the FMP, the Regional Administrator has calculated the amount of red crab landed during the hiatus period and deducted this total, which is 3,698,762 lb, from the target TAC (5.928 million lb) (2,689 mt). The difference is the amount of target TAC available for the remainder of the initial fishing year under the DAS program, and is 2.229 million lb (1,011 mt). The percentage of the target TAC remaining is calculated to be 38 percent, and vessels participating in the DAS program will be allocated 38 percent of the initial baseline of 130 DAS, or 49 DAS for each limited access vessel for the current fishing year, which ends February 28, 2003.

### **For Subsequent Fishing Years**

From March 1, 2003, through February 29, 2004, and each subsequent fishing year thereafter, each participating vessel will be allocated 156 DAS, unless this allocation is changed because one or more vessel owners declares out of the fishery, or under the FMP specification process. The allocation of 156 DAS per participating vessel will remain the baseline unless modified through the specification process in the FMP.

### **Partial End-of-Year Carryover**

Any unused DAS allocated to a vessel in one fishing year will be carried over to the next fishing year, up to a maximum of 10 DAS or 10 percent of the total allocated DAS, whichever is less.

## **PROCESSING-AT-SEA AND POSSESSION OF LESS THAN WHOLE RED CRAB RESTRICTIONS**

### **Processing-at-Sea**

The full processing of red crabs at sea by catcher-processor vessels is prohibited. “Full processing” is defined as any activity that removes meat from any part of a red crab. Red crabs may only be landed whole or in half sections with the claws and legs attached to the body of the red crab, except as described below. This prohibition applies to all vessels that land red crab.

### **Possession Limit for Red Crab Parts Not Attached to the Body**

#### **When Fishing under a Red Crab DAS**

The maximum allowance for red crab claws and legs separate from crab bodies for vessels fishing under a red crab DAS is equal to the amount necessary to fill one standard U.S. fish tote (approximately 100 lb (45.4 kg)) per vessel per trip.

#### **When Not Fishing under a Red Crab DAS**

Vessels fishing under an incidental catch permit or Category B and C limited access vessels not fishing under a red crab DAS may have no more than two claws and eight legs per crab on-board the vessel.

## **WHOLE WEIGHT EQUIVALENCY**

To determine the equivalent whole crab weight for crabs landed in half sections, the regulations provide two different calculations, depending on whether the gills and other detritus are removed. For crab halves where gills and other detritus have not been removed (typically referred to as “butchering”), the equivalent whole weight is equal to the weight of the halves multiplied by 1.56 (a 64-percent recovery rate). For crab halves where all of the gills and other detritus have been removed (typically referred to as “partial processing”), the equivalent whole weight is equal to the weight of the halves multiplied by 1.72 (a 58-percent recovery rate).

## **PROHIBITION OF RETENTION, POSSESSION OR LANDING OF FEMALE RED CRABS**

#### **When Fishing under a Red Crab DAS**

The retention, possession or landing of female red crabs in excess of one standard U.S. fish tote (approximately 100 lb (45.4 kg)) per vessel per trip is prohibited when fishing under a red crab DAS.

#### **When Not Fishing under a Red Crab DAS**

There is no separate restriction on the retention, possession or landing of female red crabs for vessels not fishing under a red crab DAS, provided such vessel complies with other applicable

possession and landing limits.

Because these regulations implement the fishery management plan for Atlantic deep-sea red crab, I encourage you to keep this letter handy for future reference. However, this letter is only a summary of the major regulatory measures in the Federal regulations and is not considered a substitute for the actual regulations. There are other requirements that may not be summarized in this compliance guide. To read the requirements in their entirety, you should request a complete copy of the regulations by calling the Sustainable Fisheries Division at 978-281-9344, or by accessing the Federal Register Online through our Internet home page at <http://www.nero.nmfs.gov/ro/doc/nero.html>.

If you have any questions relating to permits, or want to request a permit application, please call the Permits Office at 978-281-9370. For further information concerning vessel logbook reporting and recordkeeping, please contact the Fisheries Statistics Office at 978-281-9246. For further information concerning vessel reporting on the NMFS IVR system, contact the Fishery Statistics Office at 978-281-9296.

Sincerely,

A handwritten signature in black ink, appearing to read "Patricia A. Kurkul". The signature is stylized with a large, looped initial "P" and "K".

Patricia A. Kurkul  
Regional Administrator