



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
NORTHEAST REGION
55 Great Republic Drive
Gloucester, MA 01930-2276

JAN 5 2009

**SMALL ENTITY COMPLIANCE GUIDE
CONTROL DATE FOR THE AMERICAN LOBSTER FISHERY**

Dear American Lobster Permit Holder and Interested Parties:

This letter serves to inform you of action taken by the National Marine Fisheries Service (NMFS), based upon recommendations of the Atlantic States Marine Fisheries Commission (Commission), relating to possible future fishery management action in the American lobster fishery in the Gulf of Maine waters of Lobster Conservation Management Area 1 (Area 1).

The Commission recently requested, and NMFS published, an Advance Notice of Proposed Rulemaking (ANPR), regarding the American lobster trap fishery. The date of publication of this ANPR, January 2, 2009, is proposed as a "control date" for potential use in determining historical or traditional participation in the American lobster fishery. This document is intended to give the public two-fold notification: first, that interested participants should locate and preserve records that substantiate and verify their past participation in the American lobster fishery in Federal waters; and second, that this control date may be used to discourage American lobster non-trap vessels from entering the lobster trap fishery as well as to discourage American lobster trap vessels fishing in other lobster management areas from entering the Area 1 lobster trap fishery, based upon economic speculation. NMFS, in consultation with the Commission, is considering whether and how access and effort should be further controlled.

NMFS may choose a different control date, or may choose a management program that does not make use of such a date. Fishers are not guaranteed future participation in the fishery, regardless of their entry dates or level of participation in this fishery before or after the control date. NMFS may choose to give variably weighted consideration to fishers active in the fishery before and after the control date. NMFS may also choose to take no further action to control entry or access to the fishery, in which case the control date may be rescinded. The Federal Register notice that established this control date contains additional information regarding the possible use of this control date. To request a copy of this notice, please call 978-281-9327, or visit the Northeast Regional Office website at <http://www.nero.noaa.gov/nero> and select menu item "Hot News".

Comments on this proposed control date may be sent to: Harold C. Mears, Director, State, Federal, and Constituent Programs Office, NMFS, 55 Great Republic Drive, Gloucester, MA 01930, faxed to (978) 281-9117, or via the Federal e-Rulemaking Portal at www.regulations.gov. Comments must be received no later than 5 P.M. Eastern Standard Time on or before February 2, 2009.

Sincerely,

Patricia A. Kurkul
Regional Administrator

This Small Entity Compliance Guide complies with section 212 of the Small Business Regulatory Enforcement and Fairness Act of 1996

