



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

SMALL ENTITY COMPLIANCE GUIDE

MAR - 6 2009

Dear Red Crab Vessel Permit Holder:

The National Marine Fisheries Service (NMFS) is implementing an emergency rule with the following measures, under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, effective April 6, 2009:

- (1) A reduction in the 2009 target total allowable catch to 3.56 million lb; and
- (2) A fleet-wide days-at-sea (DAS) allocation of 582 DAS.

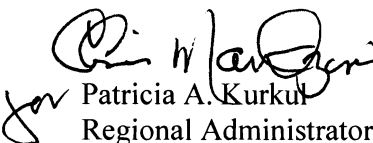
A fleet allocation of 582 DAS results in an initial per vessel DAS allocation of 116 DAS for each of the five current limited access permits. Rather than a simple proportional reduction in the DAS allocation (i.e., a 40-percent reduction from the current 780 DAS), the proposed DAS range is based on updated average landings per DAS in the red crab fishery for the fishing years 2005-2008. Further, one limited access permit holder formally declared out of the directed red crab fishery for FY 2009. **As such, the resulting DAS allocation for FY 2009 is 146 DAS for each of the remaining four limited access permit holders.** No other management measures for the red crab fishery are changed for FY 2009.

This emergency rule is effective for 180 days, and would need to be renewed for it to remain effective for the remainder of the fishing year. Comments are being accepted through April 6, 2009. Please see www.regulations.gov for more information.

The need for the emergency rule resulted from the results of the Data Poor Stocks Working Group and Review Panel, convened in the fall of 2008. The Northeast Fisheries Science Center convened the Data Poor Stocks Working Group and Review Panel to evaluate the biological reference points and status of several fishery stocks that have proven challenging to assess using traditional stock assessment methods. Red crab was among the species analyzed. The Review Panel agreed with the Working Group that the estimate of maximum sustainable yield (MSY) developed for the original FMP is no longer reliable as a foundation for setting biological reference points or management measures.

The New England Fishery Management Council intends to incorporate the results of the Data Poor Stocks Workshop and peer review into the development of specifications for the 2010 fishing year and an upcoming amendment to the FMP.

Sincerely,


for Patricia A. Kurkul
Regional Administrator



You may also receive permit holder letters, including closure notices, by e-mail by clicking on "Permit Holder Letters" on our website at <http://www.nero.noaa.gov>.

This small entity compliance guide complies with section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996.