



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

August 13, 2002

Small Entity Compliance Guide

Dear Permit Holder:

On July 31, 2002, the National Marine Fisheries Service (NOAA Fisheries) approved an Atlantic Deep-Sea Red Crab Fishery Management Plan (FMP), including a limited access vessel permit requirement for the directed red crab fishery. Although the final regulations are not yet in effect, the Northeast Regional Office of NOAA Fisheries has begun the process of qualifying fishing vessels into the red crab fishery, to ensure that qualified vessels may participate in the fishery on a timely basis.

Enclosed is a permit application for this purpose. If your vessel pre-qualifies for a limited access red crab permit based on landing information in NOAA Fisheries' database, an additional letter is enclosed in this package informing you of your vessel's qualification and the permit category for which it qualified. If you pre-qualify and would like to select a different category than the one that has been pre-selected for your vessel, or if a pre-qualifier letter is not enclosed and you want to apply for a limited access permit, you must submit proof that your vessel meets the qualification criteria described in this permit holder letter for the limited access vessel permit that you select.

Fishing vessel owners whose vessels do not qualify for a limited access permit under the following criteria may elect a red crab incidental catch permit to catch and land red crab incidentally, pursuant to other fisheries, subject to any restrictions in the final rule pertaining to such permits.

The new regulations will be explained in a subsequent permit holder letter upon publication of the final rule (publication is expected within the next 2 months). However, to ensure that you will receive your Federal red crab permit by the effective date of the Red Crab FMP, I encourage you to apply within 30 days of receiving this letter. Applications for an initial red crab limited access permit must be received within 6 months of the effective date of the regulations. Vessels that do not obtain an initial red crab limited access permit will not be issued a limited access permit in subsequent years.



RED CRAB VESSEL PERMITS

Beginning with the effective date of the Atlantic deep-sea red crab regulations, any vessel that fishes for, catches, possesses, transports, lands, sells, trades, barter, butchers or partially processes at sea 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:

Incidental Catch Permit - Category A

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 possess or sell up to 500 lb (226.8 kg) of whole red crab or its equivalent per fishing trip.

Limited Access Permit

To possess or land 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 the vessel. To qualify for a limited access red crab permit, a vessel must demonstrate that its average landings per year of red crabs 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.

1. **Category B Permit** - Vessels issued a limited access red crab Category B permit will be subject to a baseline trip limit of 75,000 lb (34,019 kg) of whole red crab or its equivalent. 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 will qualify for a Category C permit and a higher trip limit.

2. **Category C Permit** - A vessel may qualify for a limited access red crab Category C permit if it can show documented 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). Such proof will have to 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.

VESSEL LIMITED ACCESS PERMIT APPLICATION PROCESS

If you received a pre-qualification letter in this package, please complete the enclosed permit application and return it to NOAA Fisheries.

If you did not receive a pre-qualification letter in this package and believe your vessel qualifies for a limited access red crab permit, please apply for the appropriate permit on the enclosed permit application and submit evidence of red crab landings for the qualification period supporting your vessel's application. Acceptable proof of landings includes weighout slips (dealer slips),

and Federal or state records. If landings of red crab were in other than whole form, you must indicate what conversion factor described below was used to derive the whole crab equivalent weight.

Conversion Rate Formulas for Catches not Landed in Whole Form

NOAA Fisheries will presume that all red crab landings are in whole form unless a vessel can otherwise demonstrate through sufficient documentation that red crabs were landed in other than whole form. To determine the equivalent whole crab weight for crabs landed in other than whole form, a vessel must apply the most appropriate conversion rate formula to determine the whole weight equivalent of red crab landings during the qualification period. The conversion rate formulas are as follows:

- < For crabs landed in sections less than whole, 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 sections multiplied by 1.56 (a 64-percent recovery rate);
- < For crabs landed in sections less than whole, 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 sections multiplied by 1.72 (a 58-percent recovery rate); or
- < If red crabs were landed in a form other than described above, you must describe the form of the red crab landings in sufficient detail such that NOAA Fisheries can determine an appropriate conversion factor.

Permit Qualification Through a Vessel Replacement

You may qualify for a limited access red crab permit if your vessel is replacing a vessel that meets the above qualification criteria and you are using the replaced vessel's history in lieu of or in addition to your vessel's fishing history, unless the owner of the replaced vessel retained the vessel's permit or fishing history. If your vessel is replacing a vessel that qualified for a limited access permit, in addition to filling out the vessel application for your current vessel, you should provide the name, Coast Guard documentation number, and permit number of the vessel it is replacing. If you sold the vessel that is being replaced, you should provide a copy of any written agreement between yourself and the new owner with respect to ownership of the permit history or fishing rights.

Confirmation of Permit History (CPH)

A person who does not currently own a fishing vessel, but who has owned a vessel qualifying for a limited access red crab permit that has sunk, been destroyed, or transferred to another person, may apply for and receive a CPH if the fishing and permit history of that vessel has been retained by the applicant. To be eligible to obtain a CPH, the applicant must show that the qualifying vessel meets the qualification requirements for a red crab limited access permit. Issuance of a valid and current CPH preserves the eligibility of the applicant to apply for or renew a limited access red crab permit for a replacement vessel based on the qualifying

vessel's fishing and permit history at a subsequent time, subject to the replacement provisions mentioned above.

Gear Requirements

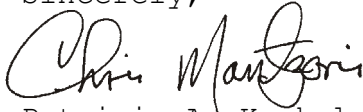
As part of the application for a limited access red crab permit, you must declare on your permit application the maximum number of traps/pots you intend to use per string and the maximum number of strings you intend to employ, such that the product of the maximum number of traps/pots per string and the maximum number of strings declared is no more than 600 traps/pots.

Vessel Limited Access Appeals

After publication of the regulations implementing the Red Crab FMP, you will be notified whether your application for a limited access permit has been denied. If the application is denied you may appeal the denial. Appeals must be requested in writing within 30 days of the notice of denial. The only ground for an appeal is that the Regional Administrator erred in concluding that the vessel did not meet the qualification criteria.

This letter is only a summary of the red crab permit information and qualification criteria for the red crab limited access program. Detailed information on red crab management measures will be forthcoming in a separate permit holder letter. For further information please call 978-281-9344.

Sincerely,

for 

Patricia A. Kurkul
Regional Administrator

U.S. DEPARTMENT OF COMMERCE
 NOAA/NATIONAL MARINE FISHERIES SERVICE
 PERMIT OFFICE
 ONE BLACKBURN DRIVE
 GLOUCESTER, MA 01930-2298

FEDERAL RED CRAB VESSEL PERMIT
 2002 INITIAL APPLICATION

Tel: (978) 281-9370

***** Please See Back for Federal Red Crab Vessel Permit Application Instructions*****

| | | | | |
|---|--|---|--|------------|
| Section 1 - OWNER INFORMATION | | Section 2 – VESSEL INFORMATION | | |
| Vessel Name: F/V Owner Name: Address: | | Northeast Federal Vessel Permit Number: CG Documentation Number or State Registration Number: Home Port: Principal Port: Telephone: | | |
| Section 2 - FISHERY INFORMATION | | | | |
| Fishery: | Category: | For Limited Access Permits ONLY | For Limited Access Permits ONLY | Gear Code: |
| | | Number of Pots/Traps per String: | Number of Strings: | |
| 2002 Initial Red Crab Permit | | | | |
| Section 3 - OWNER'S SIGNATURE & APPLICATION INSTRUCTIONS | | | | |
| <input type="checkbox"/> Issue with Requested Changes Above <input type="checkbox"/> No Longer Own Vessel <input type="checkbox"/> Vessel Sold <input type="checkbox"/> Vessel Destroyed <input type="checkbox"/> Qualifying from another vessel's fishing history | I, the undersigned, am the owner or legally authorized agent of the owner of the vessel named in Section 1 above. I affirm, subject to the penalties provided in 18 USC 1001, that all information that I have given in obtaining this permit is true and correct. Signature: _____ Print Name: _____ Date: _____ | | | |

EXP 03/31/2004

OMB# 0648-0202



INSTRUCTIONS -NORTHEAST FEDERAL FISHERIES 2002 INITIAL RED CRAB PERMIT APPLICATION

Your 2002 Initial Vessel Permit Application for the red crab fishery is partially completed. Please note, however, that you are responsible for updating or correcting any partially completed information printed on your application, plus all incomplete sections of the application. **Incomplete applications will not be processed.** In addition to landing records that you may submit to show proof that your vessel meets the qualification criteria for a limited access permit, additional documents are required of all vessels and are specified below. If any information you submit with this application changes during the 2002 fishing year, you are required to notify the National Marine Fisheries Service within 15 days. **Send the completed application to:** National Marine Fisheries Service, Attention: Permit Office, One Blackburn Drive, Gloucester, MA 01930-2298. Please send the application and all of the necessary documents within 30 days of receiving this package to help ensure that you receive your permit prior to the start of the 2002 red crab fishing year (to be announced).

SECTION 1: VESSEL/OWNER INFORMATION

Enter information only for items that have changed or are incorrect

HOME PORT City and State where vessel is moored
PRINCIPLE PORT City and State where the majority of your landings occur

SECTION 2: FISHERY INFORMATION

Category: Select the permit category that you wish to apply for from the Red Crab Permit Category table below, and write the permit category letter in this column.

Traps/pots: **For limited access permits only**, provide 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. It is not necessary to provide this information if you are applying for an open access Category A permit.

Gear Code: **For permit Categories B and C, the only allowable gear is trap gear (gear code 800).**

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|---|-------------------------------|-------------------------------|---|---|--|---|---|-----------------|--------------------|------------------|---------------|----------------|------------------|-------------------|-------------------------|----------------------|---------------|------------------|-----------------|------------|------------------|--------------------------|--|
| <p>RED CRAB PERMIT CATEGORIES: (See enclosed Permit Holder letter for explanations)</p> <table style="width: 100%; border: none;"> <tr> <td style="border: none;"><u>Open Access permit:</u></td> <td style="border: none;"><u>Limited Access Permit:</u></td> </tr> <tr> <td style="border: none; text-align: center;">A</td> <td style="border: none; text-align: center;">B</td> </tr> <tr> <td style="border: none;"></td> <td style="border: none; text-align: center;">C</td> </tr> </table> | <u>Open Access permit:</u> | <u>Limited Access Permit:</u> | A | B | | C | <p>GEAR CODES:</p> <table style="width: 100%; border: none;"> <tr> <td style="border: none;">120 Purse Seine</td> <td style="border: none;">800 Pots and Traps</td> </tr> <tr> <td style="border: none;">210 Beach Seines</td> <td style="border: none;">911 Handlines</td> </tr> <tr> <td style="border: none;">220 Boat Seine</td> <td style="border: none;">912 Rod and Reel</td> </tr> <tr> <td style="border: none;">310 Bottom Trawls</td> <td style="border: none;">920 Longlines/ Setlines</td> </tr> <tr> <td style="border: none;">320 Mid-water Trawls</td> <td style="border: none;">1010 Harpoons</td> </tr> <tr> <td style="border: none;">330 Other Trawls</td> <td style="border: none;">1200 Other Gear</td> </tr> <tr> <td style="border: none;">410 Dredge</td> <td style="border: none;">1400 Diving Gear</td> </tr> <tr> <td style="border: none;">700 Gill/Entangling Nets</td> <td style="border: none;"></td> </tr> </table> | 120 Purse Seine | 800 Pots and Traps | 210 Beach Seines | 911 Handlines | 220 Boat Seine | 912 Rod and Reel | 310 Bottom Trawls | 920 Longlines/ Setlines | 320 Mid-water Trawls | 1010 Harpoons | 330 Other Trawls | 1200 Other Gear | 410 Dredge | 1400 Diving Gear | 700 Gill/Entangling Nets | |
| <u>Open Access permit:</u> | <u>Limited Access Permit:</u> | | | | | | | | | | | | | | | | | | | | | | |
| A | B | | | | | | | | | | | | | | | | | | | | | | |
| | C | | | | | | | | | | | | | | | | | | | | | | |
| 120 Purse Seine | 800 Pots and Traps | | | | | | | | | | | | | | | | | | | | | | |
| 210 Beach Seines | 911 Handlines | | | | | | | | | | | | | | | | | | | | | | |
| 220 Boat Seine | 912 Rod and Reel | | | | | | | | | | | | | | | | | | | | | | |
| 310 Bottom Trawls | 920 Longlines/ Setlines | | | | | | | | | | | | | | | | | | | | | | |
| 320 Mid-water Trawls | 1010 Harpoons | | | | | | | | | | | | | | | | | | | | | | |
| 330 Other Trawls | 1200 Other Gear | | | | | | | | | | | | | | | | | | | | | | |
| 410 Dredge | 1400 Diving Gear | | | | | | | | | | | | | | | | | | | | | | |
| 700 Gill/Entangling Nets | | | | | | | | | | | | | | | | | | | | | | | |

SECTION 3: OWNER'S SIGNATURE AND INSTRUCTIONS

Please sign the form. Unsigned or incomplete applications will be returned. Your signature is an affirmation under penalty of perjury, that all the information provided in obtaining this permit is true.

ADDITIONAL DOCUMENTS REQUIRED (if you have not renewed in 2002)

1. Certification of Incorporation, Partnership Agreement or Annual Reports - If the vessel is owned by a corporation or partnership, please submit the following information:

- < A copy of the certification of incorporation or equivalent documents showing **current** corporate status
- < A list of corporate officers
- < A copy of the partnership agreement and names and addresses of all partners

2. USCG Documentation - A copy of the vessel's **current** US Coast Guard Documentation, or, if undocumented, a **current** state registration.