



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

August 24, 2009

## **APPLICATION COVER LETTER**

Dear Vessel Owner:

The final rule for Amendment 1 to the Golden Tilefish Fishery Management Plan published on August 24, 2009, implementing the measures approved as part of Amendment 1. All Amendment 1 measures are effective November 1, 2009, with the exception of the measures necessary to determine the initial eligibility for an Individual Fishing Quota (IFQ) Allocation permit and issue permits, and other related implementation measures, which are effective August 24, 2009.

We will send a separate letter to all permit holders summarizing all of the Amendment 1 management measures. While Amendment 1 includes several new management measures, this letter and enclosed materials pertain to only the IFQ Allocation permit application process for the tilefish IFQ program provisions.

### **AMENDMENT 1 IFQ ALLOCATION PERMIT & VESSEL PERMIT REQUIREMENT EFFECTIVE DATES**

Tilefish limited access vessel permits issued for the 2009 permit year (with an effective date of May 1, 2009), will not be valid after October 31, 2009. These permits will be converted to open-access vessel permits, and mailed to the permit holder of record prior to November 1, 2009.

To possess tilefish, in excess of the incidental trip limit beginning November 1, 2009, a vessel must fish under both an IFQ Allocation permit and an open access tilefish vessel permit. Although we will try to expedite application reviews, it may take up to 30 days to process applications for tilefish IFQ Allocation permits. You are therefore encouraged to return the enclosed application and other required documents as soon as possible to ensure that, if qualified, you receive an IFQ Allocation permit by November 1, 2009.

**The following documents are enclosed with this letter:**

- An application for a Tilefish IFQ Allocation permit, including instructions for applying for a Tilefish IFQ Allocation permit
- Declaration of Interest Held in Tilefish IFQ Allocation Form
- Transfer of IFQ Allocation Form
- Prequalification Letter, if NMFS determined that you are qualified for an IFQ Allocation permit.

You must complete all applicable enclosed forms to be issued a Tilefish IFQ Allocation permit.

**Note:** The Transfer of IFQ Allocation Form need not be completed if you are not intending on transferring allocation for the beginning of the fishing year. This form may be submitted to NMFS at any time that you desire to transfer allocation.



## **6-MONTH APPLICATION PERIOD**

In order to be issued a IFQ Allocation permit, you must return the enclosed application, along with any other required forms specified in this letter and attached information, no later than February 20, 2010.

If you do not submit a complete application for a Tilefish IFQ Allocation permit by February 20, 2010, you will no longer be eligible to possess tilefish, in excess of the incidental catch limit, unless you transfer or lease IFQ from an IFQ Allocation permit holder.

## **PERMIT APPLICATION REVIEW PROCESS**

Each application for a tilefish IFQ Allocation permit will be reviewed on a case-by-case basis to determine eligibility. You will be notified of approval through issuance of a tilefish IFQ Allocation permit or denial through issuance of a denial letter, within 30 days of receipt of the IFQ Allocation permit application. Failure to submit all required documents by February 20, 2010, will result in a permit denial.

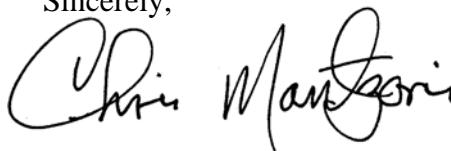
If you have any questions about this letter or the enclosed information, please contact the Sustainable Fisheries Division at (978) 281-9315. Forms that are not vessel-specific can be downloaded and/or printed from NMFS's Amendment 1 website:

<http://www.nero.noaa.gov/nero/hotnews/tileamend1/>

## **Appeal of Permit Denial**

If your application for an IFQ Allocation permit is denied, or if you dispute your IFQ allocation, you are able to appeal in writing. Appeals must be based on the grounds that the information used in denying the permit was incorrect. The only items subject to appeal under this IFQ program are the initial eligibility for IFQ allocations based on ownership of a tilefish limited access permit, the accuracy of the amount of landings, and the correct assignment of landings to the permit holder. The appeal may be presented, at the option of the applicant, at a hearing before an officer appointed by NMFS. A hearing will only be held if the applicant presents credible documentation with the hearing request to show an error was made in determining the ownership of a tilefish limited access permit, the accuracy of the amount of landings, or the correct assignment of landings to the permit holder. An appeal must be made in writing within 30 days of any denial.

Sincerely,



for Patricia A. Kurkul  
Regional Administrator