



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

October 27, 2006

SMALL ENTITY COMPLIANCE GUIDE

Dear Tilefish Permit Holder and
Federally Permitted Tilefish Dealer:

This letter is to inform you that the overall annual tilefish quota for the 2007 fishing year (FY) (November 1, 2006 - October 31, 2007) will remain the same as the FY 2006 overall annual tilefish quota, i.e. 1.995 million lb. None of the quota is being set aside to fund research. This letter also informs you that, because the Part-time tilefish permit category (Category C) quota was exceeded in FY 2006 the quota from the Part-time permit category is reduced by the amount of the overage, 92,935 lb, for FY 2007.

The tilefish regulations at 50 CFR 648.290 specify that, in the absence of a new stock assessment or recommendation from the Tilefish Monitoring Committee, the previous year's tilefish specifications will remain effective for the following year. In 2005, a stock assessment resulted in the Mid-Atlantic Fishery Management Council (Council) recommending a 9% increase in the total allowable landings (TAL) to the National Marine Fisheries Service (NOAA Fisheries Service). This proposed increase was published as a proposed rule (71 FR 52519) in the Federal Register on September 6, 2006. Because NOAA Fisheries Service has determined that an increase in the TAL is not warranted at this time, the proposed rule has been withdrawn. This determination was based on scientific uncertainty in the 2005 stock assessment, and the fact that the next stock assessment for tilefish is not scheduled to be completed until at least late 2007, affording little time to make any necessary adjustments to the TAL if population productivity estimates prove to be lower than those resulting from the 2005 stock assessment, given the 10-year rebuilding period ends in 2011.

The tilefish regulations also state that any overages of the quota for any limited access permit category that occur in a given fishing year will be subtracted from the allocation for that category the following fishing year. Additionally, if the tilefish harvest attributed to the open access Incidental catch permit category exceeds 5% of the TAL for a given fishing year, the trip limit for the Incidental category may be reduced the following year. Because the Part-time permit category exceeded its allocated 360,098 lb quota in FY 2006 by 92,935 lb, the quota for this permit category is reduced to 267,163 lb for FY 2007. If final landings data for 2006 indicate that any further adjustment of the 2007 quota for any of the permit categories is necessary, a notification of the adjustment will be published in the Federal Register.



The following quota and trip limits are effective for the FY 2007:

Permit Category	2007 Total Allowable Landings— 1.995 million lb
	Remaining quota after TAL is reduced by 5% for incidental catch allocation— 1,895,250 lb
Full-time Tier 1 (Category A)—66%	1,250,865 lb
Full-time Tier 2 (Category B)—15%	284,288 lb
Part-time (Category C)—19% minus 2006 overage (92,935 lb)	267,163 lb
Incidental (Category D)	300 lb trip limit

Therefore, effective 0001 hrs local time, **November 1, 2006**, vessels may fish for and land tilefish from within the tilefish management unit* through the end of FY 2007 on **October 31, 2007**, or until such time that the allocation for a specific tilefish limited access permit category is projected to be caught, if applicable, whichever is earlier.

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>, or via fax by providing a fax number through a written request to the above address, or by faxing your request to 978-281-9135.

Sincerely,



Patricia A. Kurkul
Regional Administrator

*The tilefish management unit is defined as an area of the Atlantic Ocean from the latitude of the VA and NC border (36°33.36' N. lat.), extending eastward from the shore to the outer boundary of the exclusive economic zone, and northward to the United States-Canada border.

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