



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

October 8, 2003

SMALL ENTITY COMPLIANCE GUIDE

Dear Tilefish Permit Holder and
Federally Permitted Tilefish Dealer:

This letter is to inform you that the tilefish quota for the 2004 fishing year will be the same as the annual tilefish quota for the 2003 fishing year, unless otherwise noted below. Accordingly, the total allowable landings (TAL) for the 2004 fishing year will remain at 1.995 million lb, with none of the quota being set aside to fund research.

The tilefish regulations at 50 CFR 648.290 specify that, in the absence of a new stock assessment, or if the Mid-Atlantic Fishery Management Council (Council) Chairman does not request that the Monitoring Committee meet to establish a yearly quota, the previous year's specifications will remain effective for the following year. As both of these conditions were met, the quota from the 2003 fishing year will remain in effect for the 2004 fishing year.

The decision in the case of Hadaja v. Evans set aside the permit categories for the tilefish fishery. As a result, until otherwise modified by the Council and the National Marine Fisheries Service (NOAA Fisheries), **the yearly quota of 1.995 million lb applies to the entire tilefish fishery** and is not distributed among limited access permit categories until further action reestablishes the permit categories for the tilefish fishery. Should further action reestablish the permit categories, the 2004 quota could be reduced for a specific tilefish limited access permit category if landings information, once available, indicates that the allocation for that permit category was exceeded during the 2003 fishing year. If an adjustment of the quota is necessary, a notification of the adjustment will be published in the Federal Register.

Therefore, effective 0001 hrs local time, **November 1, 2003**, vessels may fish for and land tilefish from within the tilefish management unit* through the end of the 2004 fishing year on **October 31, 2004**, 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 "NOAA Fisheries News Releases" on our website at <http://www.nero.nmfs.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 and Fairness Act of 1996.

