

ADDRESSES: Copies of the CSP and the environmental assessment/regulatory impact review (EA/RIR) are available at NMFS Northwest Region, 7600 Sand Point Way NE., Seattle, WA 98115-0070. The CSP is also available on the Northwest Region home page at <http://www.nwr.noaa.gov>.

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SUPPLEMENTARY INFORMATION:

Electronic Access

This final rule also is accessible via the Internet at the Office of the Federal Register's Web site at <http://www.access.gpo.gov/su--docs/aces/aces140.htm>.

Background

The IPHC has promulgated regulations governing the Pacific halibut fishery in 2003 under the Convention between the United States and Canada for the Preservation of the Halibut Fishery of the North Pacific Ocean and Bering Sea (Convention), signed at Ottawa, Ontario, on March 2, 1953, as amended by a Protocol Amending the Convention (signed at Washington, DC, on March 29, 1979). The IPHC regulations have been approved by the Secretary of State of the United States under section 4 of the Northern Pacific Halibut Act (Halibut Act, 16 U.S.C. 773-773k). Pursuant to regulations at 50 CFR 300.62, the approved IPHC regulations setting forth the 2003 IPHC annual management measures are published in the **Federal Register** to provide notice of their effectiveness, and to inform persons subject to the regulations of the restrictions and requirements. These management measures are effective until superseded by the 2004 management measures that NMFS will publish in the **Federal Register**.

The IPHC held its annual meeting in Victoria, British Columbia, on January 21-24, 2003, and adopted regulations for 2003. The substantive changes to the previous IPHC regulations (67 FR 12885, March 20, 2002) include:

1. New commercial fishery opening date of March 1;
2. New commercial fishery closing date of November 15;
3. Exemption from clearance requirements in Area 4 for those vessel operators using a NMFS-approved vessel monitoring system and complying with the requirements of 50 CFR 679.28(f)(3), (f)(4), and (f)(5); receiving a confirmation number from NOAA Enforcement prior to fishing; and transmitting until all halibut caught are landed;

4. Opening dates for the Area 2A commercial directed halibut fishery;

5. Revising the term "vessel" to "harvesting vessel" for purposes of allowing fillets from legally landed and retained fish to be possessed only aboard a vessel, in port, up to 1800 hours local time on the calendar day following the offload;

6. Using the term "landed" halibut rather than "delivered" halibut for purposes of meeting the requirement of retaining records by vessel operators;

7. Updating coordinates for the Cape Spencer light used for the Area 2C-3A boundary (58°11'54" N, 136°38'24" W) to agree with the U.S. Coast Guard light list;

8. Allowing Area 4D Community Development Quota (CDQ) harvest to be taken in Area 4E;

9. Adoption of the revised Area 2A CSP;

10. New depth-based closed areas for the Area 2A commercial directed halibut fishery, and;

11. Season dates for the Area 2A tribal fishery.

The IPHC recommended to the governments of Canada and the United States catch limits for 2003 totaling 74,920,000 lb, identical to the regulatory area catch limits in 2002. The IPHC staff reported on the assessment of the Pacific halibut stock in 2002. Some significant changes occurred in the assessment as a result of changes in the underlying data being analyzed and the persistence of smaller sizes at the same age in the central part of the halibut range. These changes created some uncertainty about differences in the biomass of the stock estimated from the current and the previous assessment. Analyses were conducted for the 2002 assessment to ensure that the stock is not in any danger of being overharvested. However, the staff needs to resolve these technical issues of the assessment over the next year. In addition, IPHC staff is investigating a new harvest policy that may result in greater stability in the yield from the fishery and insulate the process of setting catch limits from technological changes in the assessment. This harvest policy will also need to be reviewed by the IPHC. The resolution of the technical issues of the assessment may indicate a larger estimate of biomass in the central region of the stock distribution, but application of the proposed harvest policy might dictate slightly lower yields. Because these two processes may be somewhat counterbalancing, the staff wishes to complete its investigations before recommending any changes to present catch limits or the harvest policy. While

the trajectory of the halibut stock biomass is downward, the biomass is still above the long-term average level and is expected to remain above this level for the next several years.

This action also implements the CSP for regulatory Area 2A. This plan was developed by the PFMC under authority of the Halibut Act. Section 5 of the Halibut Act (16 U.S.C. 773c) provides the Secretary of Commerce (Secretary) with general responsibility to carry out the Convention and to adopt such regulations as may be necessary to implement the purposes and objectives of the Convention and the Halibut Act. The Secretary's authority has been delegated to the AA. Section 5 of the Halibut Act (16 U.S.C. 773c(c)) also authorizes the Regional Fishery Management Council having authority for the geographic area concerned to develop regulations governing the Pacific halibut catch in United States Convention waters that are in addition to, but not in conflict with, regulations of the IPHC. Pursuant to this authority, NMFS requested that the PFMC allocate halibut catches should such allocation be necessary.

Catch Sharing Plan for Area 2A

The PFMC's Area 2A CSP allocates the halibut catch limit for Area 2A among treaty Indian, non-treaty commercial, and non-treaty sport fisheries in and off Washington, Oregon, and California. Under the CSP, 35 percent of the Area 2A total allowable catch (TAC) is allocated to Washington treaty Indian tribes in Subarea 2A-1, and 65 percent is allocated to non-treaty fisheries in Area 2A. Treaty fisheries are divided into commercial fisheries, and ceremonial and subsistence fisheries. The allocation to non-treaty fisheries is divided into three shares, with the Washington sport fishery (north of the Columbia River) receiving 36.6 percent, the Oregon/California sport fishery receiving 31.7 percent, and the commercial fishery receiving 31.7 percent. The non-treaty commercial allocation is further divided between a directed halibut longline fishery (85 percent) and an incidental catch allowance in the salmon troll fishery (15 percent). The directed commercial fishery in Area 2A is confined to southern Washington (south of 46°53'18" N. lat.), Oregon and California. North of Point Chehalis, WA (46°53'18" N. lat.), halibut may be retained by longline vessels participating in the limited entry, primary sablefish fishery. Incidental halibut retention in the primary sablefish fishery is only allowable when the overall Area 2A TAC is above