

that the combination of restrictions on the species of groundfish that could be landed with small versus large footrope gear and the requirement that vessels fishing with large footrope gear operate offshore of the 250 fm (457 m) depth contour would remove opportunities and incentives for vessels to fish for small footrope species with large footrope gear. NMFS and Enforcement Consultants representatives also agreed with the commenter that there was likely no enforcement benefit in prohibiting the carrying of both trawl and non-trawl gear on board at the same time. However, NMFS and the Enforcement Consultants representatives were still concerned about allowing vessels to carry trawl gear permitted for use within the conservation areas on board with trawl gear prohibited from use within the conservation areas, primarily because these gears are indistinguishable by enforcement officers flying over vessels fishing within the conservation areas. Therefore, the prohibition against more than one type of trawl gear on board has been modified such that vessels fishing within a conservation area with allowable trawl gear may not carry any other type of trawl gear on board.

*Comment 23:* The proposed rule incorrectly states that the California recreational fisheries south of 40°10' N. lat will be closed entirely from January through June 2003, when in fact they will be open in January and February for California scorpionfish from shore to the 20 fm (37 m) depth contour. Bocaccio may be caught incidentally in these fisheries for California scorpionfish, thus recreational fishery management measures should account for this potential mortality source.

*Response:* NMFS agrees that the preamble to the proposed rule incorrectly stated that all recreational groundfish fisheries would be closed January-June, neglecting to mention the January-February opening for California scorpionfish. The agency's misstatement in the proposed rule preamble, however, does not indicate new and/or unaccounted-for recreational fishing activity because this scorpionfish fishing activity was accounted for in the Council's development of recreational fisheries restrictions.

The commenter raises an issue that is of concern to NMFS, improving estimates of catch and discard in the recreational fisheries. In 2000–2002, California's recreational fisheries management measures were not restrictive enough to adequately constrain the fishery's bocaccio catch. In all three years, commercial fisheries had

to be closed or severely limited in order to limit the overall take of bocaccio. Neither NMFS nor the State of California now have a recreational fishery catch monitoring system that satisfactorily characterizes catches in these fisheries to allow inseason monitoring and regulations revisions. However, NMFS is working with all three states to revise the current Marine Recreational Fisheries Statistical Survey so that it is more responsive to fishery management needs.

#### Changes from the Proposed Rule

This final rule is revising Pacific Coast Groundfish Specifications and Management Measures for March–December 2003 set forth in the proposed rule published in the Federal Register on January 7, 2003 (68 FR 936). This final rule includes changes made in a correction notice to the Specifications and Management Measures implemented via emergency rule for January–February 2003 (FR 68 4719, January 30, 2003). Changes to the emergency rule included: clarification of commercial and recreational trip limits, a re-ordering of Yelloweye Rockfish Conservation Area coordinates, and revisions to Rockfish Conservation Area boundary coordinates. Because vessels may now, in some circumstances, have more than one type of trawl gear on board, NMFS is reinstating the 2002 regulation that provides that the most constraining trip limit for the gear on board applies to landings made on that trip.

In addition, this final rule makes changes as a result of public comments. In response to public comments, NMFS has revised the prohibition set out in the proposed rule against the carrying of more than one type of trawl gear and/or trawl gear and non-trawl gear on board at the same time. Under modified (14)(b)(iv), vessels will be permitted to carry both trawl and non-trawl gear on board at the same time, but when fishing within a conservation zone with allowable trawl gear will not be permitted to carry any other type of trawl gear on board. Vessels fishing offshore or shoreward of the conservation areas will be permitted to carry both small footrope and large footrope bottom trawl gear on board at the same time.

Tables 3–5 have been modified to provide minor editorial revisions and also clarifications to: the trawl trip limit for yellowtail rockfish; the allowance for mid-water trawl vessels to fish for whiting in the conservation area during the primary whiting season; the minor slope rockfish limit in the North so that splitnose rockfish is clearly

incorporated within that complex. Regulations for open access exempted trawl fisheries have been revised to clarify that no trawling for spot prawn may take place within the trawl RCAs, regardless of whether groundfish is retained during fishing.

Recreational fisheries regulations have been revised to better clarify that bocaccio, cowcod, canary, and yelloweye rockfish are prohibited species south of 40°10' N. lat. and to more clearly tie recreational fishing regulations to Federal regulations designating the coordinate boundaries of the Cowcod Conservation Areas. Federal recreational fisheries regulations for California north of 40°10' N. lat. have been revised to match more restrictive state recreational regulations for bocaccio. In particular, minimum size limits for the total length and filet length of retained bocaccio were added. The California state regulation has minimum size limits for bocaccio that did not change between 2002 and 2003. Federal recreational regulations for bocaccio in the north had the same minimum size limits as California for 2002, but neglected to include those size limits in the 2003 proposed recreational regulations. These size limits are included in this final rule. A limited recreational fishery for bocaccio may exist north of 40°10' N. lat. because the bocaccio stock north of 40°10' N. lat. is genetically distinct from the overfished bocaccio stock south of 40°10' N. lat. as detailed in the 1999 stock assessment by McCall et al.

The Federal regulations at 50 CFR 660.302 provide definitions for different terms used in groundfish regulation and management. In this final rule, NMFS is revising the definition of "Trip Limit," so that the definition at 50 CFR 660.302 better matches the definition at Section IV.A.(1) of this document. NMFS has also added new definitions for the terms "Trawl Fishing line" and "Footrope" to clarify gear regulations at 50 CFR 660.322, which discuss trawl footrope restrictions.

At 50 CFR 660.304(d), the coordinates listed in the proposed rule for the Yelloweye Rockfish Conservation Area were correct but were listed in the incorrect order such that they did not form a recognizable "C" shape as described. For the final rule, NMFS has re-ordered the coordinates so that they correctly outline this conservation area.

The States of Washington and California submitted revisions to the coordinates designating the boundary lines to the trawl and non-trawl RCAs. Changes effective with the correction document to the emergency rule affected the following boundary lines: