

(Pacific Council), and are implemented by NMFS. The specifications and management measures for the 2003 fishing year (January 1 - December 31, 2003) were initially published in the **Federal Register** as an emergency rule for January 1 - February 28, 2003 (68 FR 908, January 7, 2003) and as a proposed rule for March 1 - December 31, 2003 (68 FR 936, January 7, 2003). The emergency rule was amended at 68 FR 4719, January 30, 2003, and the final rule for March 1 - December 31, 2003 was published in the **Federal Register** on March 7, 2003 (68 FR 11182). The final rule was corrected on April 15, 2003 (68 FR 18166).

The Northern Pacific Halibut Act of 1982 (16 U.S.C. 773-773k) (Halibut Act) and its implementing regulations at 50 CFR part 300, subpart E, regulate fishing for Pacific Halibut in U.S. Convention waters. The Halibut Act also authorizes the Pacific Council to develop regulations governing the Pacific halibut catch in waters off of Washington, Oregon, and California that are in addition to, but not in conflict with, regulations of the International Pacific Halibut Commission (IPHC). Accordingly, the Pacific Council has developed, and NMFS has approved, a catch sharing plan (CSP) to allocate the total allowable catch (TAC) of Pacific halibut between treaty Indian and non-Indian harvesters, and among non-Indian commercial and sport fisheries in IPHC statistical Area 2A (off Washington, Oregon, and California). The CSP, as implemented at 50 CFR part 300, provides for retention of halibut landed incidentally in the limited entry, longline primary sablefish fishery north of Pt. Chehalis, WA (46°53'18" N. lat.) in years when the Area 2A TAC is above 900,000 lb (408.2 mt). Because the Area 2A TAC is above 900,000 lb (408.2 mt) in 2003, NMFS is establishing an allowance for incidental halibut retention in the primary sablefish fishery in 2003.

The following changes to current groundfish management measures were recommended by the Pacific Council, in consultation with Pacific Coast Treaty Tribes and the States of Washington, Oregon, and California, at its April 7-11, 2003, meeting in Vancouver, WA. Pacific Coast groundfish landings will continue to be monitored throughout the year, and further adjustments will be made as necessary to allow achievement of or to avoid exceeding the 2003 OYs and allocations.

At their April meeting, the Pacific Council adopted preliminary observer-based bycatch rates to incorporate into the bycatch model used for groundfish management. The West Coast

Groundfish Observer Program (Observer Program) released observer data from September 2001 through August 2002 in January 2003. The preliminary observer-based bycatch rates used in the bycatch model are only from observations of the trawl fleet. Observer coverage of the fixed gear and open access fleets is limited at this time and considered to be in the pilot project phase, therefore, bycatch rates from these sectors were deemed inadequate to incorporate into the bycatch model at this time. To estimate the preliminary observer-based bycatch rates, observed haul weights of retained catch were adjusted by state fish ticket data. Compared with the trawl logbook-based bycatch rates originally used to model the 2003 annual specifications and management measures, observer-based bycatch rates show an initial trend of higher estimated bycatch of all overfished groundfish species, except widow rockfish. For example, the canary rockfish trawl bycatch rate in the flatfish fishery shallower than 100 fm (183 m) was estimated to be roughly 0.45 percent during the months from March through June in the 2002 analysis of the 2003 fishery, while the NMFS observer rates applied to this fishery in April 2003 were roughly 1.0 percent. As fish ticket-adjusted logbook data become available, it will be used to revise the preliminary observer-based bycatch rates in the model. However, the rates are only expected to change slightly in magnitude and the trend is not expected to change between the preliminary and revised observer-based bycatch rates. The revised rates are expected to be available for the June 16-20, 2003, Council meeting in San Francisco, CA. Most changes to trip limits and area closures in this inseason action affect the trawl fleet, based on using the best available science, the new observer bycatch information.

North of 40°10' N. Latitude

Based on the new observer program information on bycatch rates in the trawl fishery for groundfish, the Pacific Council recommended changes to the boundary lines for the trawl Rockfish Conservation Area (RCA) (the area that is closed to fishing for groundfish with trawl gear) along with trip limit changes. In particular, new estimates of canary rockfish bycatch in the trawl fishery north of 40°10' N. lat. are higher than previously estimated. At this higher bycatch rate, the OY for canary rockfish would be reached before the end of the year. In order to slow the rate of canary rockfish interception, the trawl RCAs will eventually be shifted to better align with observed canary

rockfish interception. Until new management lines can be put in place, the trawl RCA north of 40°10' N. lat. is being extended from the shoreline to 250 fm (457 m) (see next section).

While most of the trawl trip limits will remain as previously scheduled, the trip limits for DTS complex and arrowtooth flounder are being increased to allow access to more abundant groundfish stocks in offshore areas where canary rockfish are not intercepted. However, to allow this increase, further restrictions were added to vessels fishing for DTS and/or flatfish with small footrope gear, to discourage fishers from fishing inshore of the trawl RCA (when that area is reopened later this month) where there is an increased likelihood of intercepting canary rockfish. Vessels fishing for the DTS complex or flatfish with small footrope gear at any time in any area during the entire 2-month cumulative limit period are subject to lower trip limits than vessels using large footrope gear or midwater trawl gear. Large footrope gear is permissible only in waters offshore of the trawl RCA. Thus, vessels that choose to fish against the higher limits would not be allowed to use bottom trawl gear anywhere inshore of the trawl RCA (when that area is reopened later this month). The higher limits for vessels fishing with midwater trawl gear are intended to allow retention of DTS and flatfish caught incidentally to the primary whiting fishery.

Trawl RCA Restrictions North of 40°10' N. lat.

For May-June (until the changes described below can be implemented through a subsequent **Federal Register** document), the offshore boundary line of the trawl RCA north of 40°10' N. lat. will remain the same, 250 fm (457 m), while the inshore boundary line will move from 100 fm (183 m) to the shoreline. Thus, the trawl RCA will extend from the shoreline out to 250 fm (457 m). This increased area closure is intended to protect canary rockfish, an overfished species, until new trawl RCA depth-based management lines can be implemented. Data from the observer program showed that canary rockfish tend to be intercepted in trawl gear further inshore than previously expected. In evaluating the observer data, the Pacific Council's Groundfish Management Team (GMT) recommended that the trawl RCA boundaries be shifted to lines approximating 50 fm (91 m) for the shoreward boundary and 200 fm (366 m) for the offshore boundary for the remainder of the year. However, NMFS cannot implement these new boundary