

the bag limits for greenling in California's recreational fishery north of 40°10' N. latitude; a correction to the limited entry fixed gear and open access Pt. Fermin/Newport South Jetty area opening during July through August to specify which species are subject to this opening; a clarification of who is subject to restrictions for the nontrawl gear RCA; a clarification on groundfish retention in the open access pink shrimp and prawn trawl fisheries; and a clarification on limited entry trawl trip limit tables for whiting and midwater trawl gear.

Federal recreational regulations should mirror state regulations, except that the states may have more restrictive regulations than Federal regulations. For California's recreational fishery north of 40°10' N. lat. to the California/Oregon border, Federal regulations impose a 10 greenling (rock and/or kelp greenling) bag limit while State regulations in the California code of Regulations at Title 14, Section 28.29 impose a 10 kelp greenling and 10 rock greenling bag limit. This document corrects the error in Federal regulations, therefore, Federal regulations mirror California State regulations.

For the limited entry fixed gear and open access fixed gear fleets, an area between Pt. Fermin and the Newport South Jetty is scheduled to open from July through August. Federal regulations incorrectly stated that this area applies to all Federal groundfish species in the limited entry fixed gear and open access tables (Tables 4 (South) and 5 (South)). The intent of California's California Rockfish Conservation Area proposal presented to the Pacific Council at its September 2002 meeting, as well as language in California's Code of Regulations at Title 14, Section 27.82 (d)(2), was that this area should be open to limited entry fixed gear and open access fixed gear for all Federal groundfish species, except all rockfish, lingcod and ocean whitefish (Note: Ocean whitefish is managed by the State of California). This area is intended to be open during July-August to allow vessels to intercept California scorpionfish that are spawning on the sandy flats. This document corrects the error by specifying which species are subject to the Pt. Fermin/Newport South Jetty opening.

There has been some confusion among fishermen and managers about which open access participants are subject to the non-trawl RCA restrictions. In general, fishing for groundfish and Pacific halibut with non-trawl gear is prohibited in the non-trawl RCA. Fishing for salmon with troll gear is allowed within the non-trawl

RCA; however, no groundfish may be retained either within or outside the RCA on a trip when any fishing occurs within the RCA (except that yellowtail rockfish, subject to the limits for salmon trollers in Table 5 (North), may be retained both inside and outside the non-trawl RCA). If salmon trollers fish exclusively outside the RCA during the entire trip, then all groundfish may be retained, subject to the trip limits in the open access tables (Table 5 (North) and Table 5 (South)). This document includes clarification of who is subject to restrictions in the non-trawl RCA.

This document also clarifies regulations for the open access fishery by stating that participants in the open access pink shrimp trawl and prawn trawl fisheries may retain groundfish caught both within and outside the trawl RCA and participants in the salmon troll fisheries may retain yellowtail rockfish caught both within and outside the non-trawl RCA, subject to the trip limits and restrictions in the open access tables (Table 5 (North) and Table 5 (South)).

To clarify which gears may retain the whiting trip limit in the limited entry trawl trip limit tables (Table 3 (North) and Table 3 (South)), the reference to midwater trawl gear in the lefthand column of the tables under "whiting" was removed. Midwater trawl gear is only required for participation in the whiting primary season inside the trawl RCA. In addition, language was added to top of Table 3 (North) and Table 3 (South) stating that midwater trawl gear is permitted both shoreward and seaward of the trawl RCAs.

NMFS Actions

For the reasons stated herein, NMFS concurs with the Pacific Council's recommendations and hereby announces the following changes, corrections and clarifications to the 2003 specifications and management measures (68 FR 11182, March 7, 2003, as amended at 68 FR 18166, April 15, 2003) to read as follows:

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1. On page 11204, in section IV., under A. General Definitions and Provisions, paragraph (15)(c) is redesignated as paragraph (15)(d) and revised and a new paragraph (15)(c) is added to read as follows:

IV. NMFS Actions

A. General Definitions and Provisions

(15) *Platooning-Limited entry trawl vessels.* * * *

(c) For a vessel in the trawl "B" platoon, the RCAs for the cumulative limit period beginning May 16 through

June 30, 2003, will be the same for the "A" platoon. For the remainder of the "B" platoon cumulative limit period, from July 1 through July 15, 2003, the "B" platoon will be subject to the RCAs that were in place for the "A" platoon through June 30, 2003.

(d) A vessel authorized to operate in the "B" platoon will have the same cumulative trip limits for the November 16, 2003, through December 31, 2003, period as a vessel operating in the "A" platoon has for the November 1, 2003, through December 31, 2003 period.

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2. On page 11206, in section IV., under A. General Definitions and Provisions, paragraph (19)(d)(i) is revised to read as follows:

IV. NMFS Actions

A. General Definitions and Provisions

(19) *Rockfish Conservation Areas.* * *

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(d) *Non-Trawl (Limited Entry Fixed Gear and Open Access Nontrawl Gears) Rockfish Conservation Area.* (i) The non-trawl RCA is closed to fishing for groundfish using non-trawl gear (limited entry or open access longline and pot or trap, open access hook-and-line, jig gear, pot or trap, gillnet, set net, trammel net, spear, or any other non-trawl gear). Fishing with non-trawl gear is prohibited within the non-trawl gear RCA. It is unlawful to take and retain, possess, or land groundfish taken with non-trawl gear in the non-trawl gear RCA. Limited entry fixed gear and open access non-trawl gear vessels may transit through the non-trawl gear RCA, with or without groundfish on board. Vessels fishing for species other than groundfish with non-trawl gear (except for vessels fishing for Pacific halibut), may fish for species other than groundfish in the non-trawl RCA, but may not retain any groundfish. If a vessel fishes in an RCA, it may not participate in any fishing on that trip that is inconsistent with the restrictions that apply within the RCA. For example, if a vessel participates in the salmon troll fishery within the RCA, the vessel cannot on the same trip participate in the sablefish fishery outside of the RCA, nor may it on the same trip retain groundfish caught with salmon troll gear either within or outside the RCA. If a vessel participates in the salmon troll fishery exclusively outside the RCA, that vessel may retain groundfish, or may switch fishing strategies to target sablefish outside the RCA. Notwithstanding the above, salmon trollers may retain and land yellowtail rockfish both within and outside the RCA north of 40°10' N. lat. subject to the