

First, Table 5 currently specifies closures to directed fishing for Pacific cod with hook-and-line gear and pot gear within the waters around Uliaga and Kagamil haulouts in the Bogoslof foraging area (68 FR 225–26, January 2, 2003). Although these haulouts are located in the Bogoslof foraging area, the critical habitat designated around these haulouts extends west beyond 170 degrees W. longitude, the western boundary of the Bogoslof foraging area (50 CFR 226.202(a), Table 2). Table 5 should have closed all of the Steller sea lion critical habitat around these haulouts that lies between 170 degrees W. longitude and 173 degrees W. longitude as well. The preamble to the proposed rule implementing the Steller sea lion protection measures explained that hook-and-line and pot vessels would be prohibited from directed fishing for Pacific cod in critical habitat east of 173 degrees W. longitude to the western boundary of the Bogoslof foraging area (67 FR 56703, column 2, September 4, 2002). Therefore, NMFS corrects Table 5 in 50 CFR part 679 by closing the waters that lie within 20 nm of Uliaga and Kagamil haulouts to directed fishing for Pacific cod with hook-and-line and pot gear.

Second, Table 5 currently specifies a closure to directed fishing for Pacific cod with hook-and-line gear within 10 nm in the waters around Chuginadak haulout (68 FR 225, January 2, 2003). Although Chuginadak is located in the Gulf of Alaska, the critical habitat designated around this haulout extends west beyond 170 degrees W. longitude, the eastern boundary of the Aleutian Islands subarea (50 CFR section 226.202(a), Table 2). For the reason stated above, this critical habitat should have been closed to fishing for Pacific cod with hook-and-line gear as well. Therefore, NMFS corrects Table 5 in 50 CFR part 679 by prohibiting directed fishing for Pacific cod with hook-and-line gear in waters west of 170 degrees W. longitude that lie within 20 nm of Chuginadak haulout. Table 5 retains the current 10 nm closure to directed fishing for Pacific cod with hook-and-line gear around Chuginadak in the Gulf of Alaska.

Third, Table 5 currently specifies no closures to directed fishing for Pacific cod with hook-and-line gear or pot gear around Marmot Island rookery in the Gulf of Alaska (68 FR 229, January 2, 2003). However, the proposed rule for this amendment announced that directed fishing for Pacific cod with hook-and-line gear or pot gear around Gulf of Alaska rookeries would be prohibited (67 FR 56704, column 2, September 4, 2002). The Steller sea lion

protection measures analyzed in the 2001 BiOp and in the SEIS specified 10 nm closures to hook-and-line and pot gear fishing around Marmot Island, and these closures were implemented in 2002 by emergency interim rule (67 FR 956, January 8, 2002). Therefore, NMFS corrects Table 5 in 50 CFR part 679 by closing the waters that lie within 10 nm of Marmot Island rookery to directed fishing for Pacific cod with hook-and-line or pot gear.

Finally, the closure around Tanaga I./Bumpy Pt. for the Aleutian Islands subarea Pacific cod trawl fishery in Table 5 is also corrected. Directed fishing for Pacific cod using trawl gear should have been prohibited in the Harvest Limit Area (HLA) during the Atka mackerel HLA directed fishery (§ 679.22(a)(8)(iv)). A portion of the 20 nm critical habitat area surrounding Tanaga I./Bumpy Pt. extends west of 178° W longitude, and this portion of water, by definition, is part of the HLA (§ 679.2). Therefore, the portion of critical habitat for Tanaga I./Bumpy Pt. that lies west of 178° W longitude should have been closed to directed fishing for Pacific cod with trawl gear during the Atka mackerel HLA directed fishery. Table 5 of the final rule did not describe this portion of critical habitat associated with Tanaga I./Bumpy Pt. as being part of the HLA, although the proposed rule clearly announced that this portion of critical habitat would be closed too, until the Atka mackerel HLA fishery is completed (67 FR 56703, column 2, September 4, 2002). A footnote is added to Tanaga I./Bumpy Pt. explaining the closure around this site. Because haulout sites located east of 178° W longitude are closed to 3 nm to directed fishing for Pacific cod with trawl gear, the no-fishing zone in column 7 of Table 5 is corrected to show 3 nm and 20 nm closures that apply around the Tanaga I./Bumpy Pt. haulout.

Table 6 of 50 CFR part 679 specifies closures to directed fishing for Atka mackerel with trawl gear near identified Steller sea lion rookeries and haulouts in the BSAI. The final rule included two errors in Table 6 that require correction. First, footnote 4 to Table 6 was inadvertently omitted from the site Tanaga I./Bumpy Pt. in the final rule. This footnote was included in the emergency interim rule implementing the Steller sea lion protection measures in 2002 (67 FR 956, January 8, 2002). The footnote explains the closure around this site and is added to the site name with this correction. For the same reasons as described above for the Pacific cod trawl fishery, footnote 4 is also corrected to specify that waters

within 20 nm of Tanaga I./Bumpy Pt. and west of 178° W longitude are closed as part of the HLA, as defined in § 679.2.

Second, footnote 7 to Table 6 is corrected to further describe the 10 nm and 20 nm closures around Gramp Rock. The 20 nm closure for Gramp Rock should apply to waters located east of 178° W longitude, and the 10 nm closure for Gramp Rock should apply to waters located west of 178° W longitude. Gramp Rock should be closed to directed fishing for Atka mackerel using trawl gear in waters within 20 nm and west of 178° W longitude after the closure of the Atka mackerel HLA directed fishery. This action corrects the footnote accordingly.

Classification

The Administrator, Alaska Region, NMFS (Regional Administrator), has determined that this action is necessary for the conservation and management of the groundfish fisheries of the BSAI and GOA. The Regional Administrator also has determined that this action is consistent with the Magnuson-Stevens Fishery Conservation and Management Act and other applicable laws. No relevant Federal rules exist that may duplicate, overlap, or conflict with this action.

This action has been determined to be not significant for purposes of Executive Order 12866.

A formal section 7 consultation under the Endangered Species Act (ESA) was initiated for the Steller sea lion protection measures under the fishery management plans for the groundfish fisheries of the BSAI and the GOA. In a biological opinion dated October 19, 2001, (2001 BiOp), the Director of the Office of Protected Resources determined that fishing activities conducted under the Steller sea lion protection measures implemented by the final rule (68 FR 204, January 2, 2003) are not likely to jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of critical habitat. This correction fully implements the Steller sea lion protection measures analyzed in the 2001 BiOp and approved by the Secretary of Commerce.

On December 18, 2002, the United States District Court for the Western District of Washington remanded to NMFS the 2001 BiOp for the groundfish fisheries managed pursuant to the Steller sea lion protection measures published on January 2, 2003 (68 FR 204). *Greenpeace, et al. v. National Marine Fisheries Service*, No. C98 492Z (W.D. Wash.). The Court held that the biological opinion's findings of no