

Under D. Recreational Fishery:

7. On page 931, in column 2, paragraph (1)(a) is corrected to read as follows:

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(1) * * *

(a) *Yelloweye Rockfish Conservation Area*. The YRCA is an "L-shaped" area which is closed to recreational groundfish and halibut fishing. The coordinates for the YRCA are defined at A.(19).

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8. On page 932, in column 1, line 29, paragraph (3)(b)(i)(A) is corrected to read as follows:

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(3) * * *

(b) * * *

(i) * * *

(A) *Cowcod Conservation Areas*.

Recreational fishing for groundfish is prohibited within the CCAs, for coordinates described in Federal regulations at 50 CFR 660.304(i), except that fishing for sanddabs is permitted subject to the provisions in paragraph D.(3)(iv) and that fishing for species managed under this section (not including cowcod, bocaccio, canary, and yelloweye rockfishes) is permitted in waters shoreward of the 20- fm (37-m) depth contour within the CCAs from July 1 through December 31, 2003, subject to the bag limits in this section.

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9. On page 932, in column 2, line 3, paragraph (3)(b)(ii)(B) is corrected to read as follows:

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(ii) * * *

(B) *Bag limits, boat limits, hook limits*.

South of 40°10' N. lat., in times and areas when the recreational season for the RCG Complex is open, there is a limit of two hooks and one line when fishing for rockfish, and the bag limit is 10 RCG Complex fish per day (not including bocaccio, canary rockfish, yelloweye rockfish and cowcod which are prohibited), of which up to 10 may be rockfish, no more than 2 of which

may be shallow nearshore rockfish. [Note: The shallow nearshore rockfish group off California are composed of kelp, grass, black-and-yellow, China, and gopher rockfishes.] Also within the 10 RCG Complex fish per day limit, no more than 2 fish per day may be greenling (kelp and/or rock greenling) and no more than 3 fish per day may be cabezon. Lingcod, California scorpionfish, and sanddabs taken in recreational fisheries off California do not count toward the 10 RCG Complex fish per day bag limit. Multi-day limits are authorized by a valid permit issued by California and must not exceed the daily limit multiplied by the number of days in the fishing trip.

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Classification

The Assistant Administrator for Fisheries, NOAA (AA) finds that good cause exists pursuant to 5 U.S.C. 553(b)(B) to waive prior notice and opportunity for public comment as such prior notice and opportunity for public comment is unnecessary, impracticable, and contrary to the public interest. It is unnecessary because this notice publishes a minor technical correction, changing the 2003 emergency rule specifications and management measures to refer to the CCAs in section 660.304(i) to section 660.304(c). It is impracticable because NMFS does not have sufficient time to seek public comment on the clarifications to harvest levels and management measures in this notice and to incorporate such comments into the notice before it is published in the **Federal Register**. NMFS must act quickly to publish this notice as it corrects harvest trip limits and other management measures that will protect overfished groundfish stocks. Such measures include clarifying the trip limits of yellowtail rockfish and Pacific whiting, allowing only mid-water trawling for Pacific whiting inside the RCA from May through August, and prohibiting the retention of bocaccio, canary rockfish,

yelloweye rockfish, and cowcod in the RCG complex bag limits south of 40°10' N. lat. Prior notice and opportunity for public comment is contrary to the public interest because such notice and opportunity for public comment will delay implementing this correction notice, thereby increasing the risk of further depletion of overfished groundfish stocks. Such depletion would most likely result in the premature closure of certain sectors in the Pacific Coast groundfish fishery later in 2003 to protect such stocks. These fishery closures would likely have a negative socio-economic impact on local fishing communities. Finally, one of the measures corrects the western boundary of the trawl RCA in order to allow access to areas where petrale sole congregate in the winter. Delay in implementing this correction would prevent fishers from accessing the petrale sole before they disperse, and would have a negative socio-economic impact on local fishing communities.

The AA also finds good cause pursuant to 5 U.S.C. 553(D)(3) to waive the 30 day delay in the effective date of this correction notice. Such a delay would increase the probability that fishermen would further deplete overfished groundfish species as they would continue to fish in areas and with gear that are incompatible with the conservation efforts contained in the 2003 harvest specifications and management measures. For the correction of the petrale sole area, the delay would prevent fishermen of taking advantage of an opportunity to harvest healthy stocks of petrale sole when they can be taken with minimal bycatch.

Authority: 1801 *et seq.*

Dated: January 23, 2003.

Rebecca Lent,

Deputy Assistant Administrator for Regulatory Affairs, National Marine Fisheries Service.

[FR Doc. 03-1910 Filed 1-27-03; 2:12 pm]

BILLING CODE 3510-22-S