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### Classification

These actions are authorized by the Pacific Coast groundfish FMP and its implementing regulations, and are based on the most recent data available. The aggregate data upon which these actions are based are available for public inspection at the Office of the Administrator, Northwest Region, NMFS, (see **ADDRESSES**) during business hours.

The Assistant Administrator for Fisheries (AA), NMFS, finds good cause to waive the requirement to provide prior notice and opportunity for public comment on this action pursuant to 5 U.S.C. 553(b)(3)(B), because providing prior notice and opportunity for comment would be impracticable and contrary to the public interest. The data upon which these recommendations were based was provided to the Pacific Council and the Pacific Council made its recommendations at its September 8–12, 2003 meeting in Seattle, WA. There was not sufficient time after that meeting to draft this notice and undergo proposed and final rulemaking before these actions need to be in effect as explained below. For the actions to be implemented in this notice, prior notice and opportunity for comment would be impracticable because affording prior notice and opportunity for public comment would take too long, thus impeding the Agency's function of managing fisheries to approach without exceeding the OYs for federally managed species. For November through December, the trip limit adjustments in this document include

both increases and decreases from previously scheduled trip limits, as well as implementation of a trawl RCA boundary line which approximates the 200–fm depth contour as modified to incorporate petrale sole fishing grounds. Trip limit decreases must be implemented in a timely manner to protect overfished groundfish species, such as canary rockfish, and slow the harvest of other groundfish species, such as shortspine thornyhead, thereby, ensuring harvesting opportunities without exceeding the OY for those species throughout the remainder of the year. Additionally, trip limit increases are intended to allow harvest opportunity for fisheries targeting more abundant groundfish stocks with little or no impact on overfished stocks. Implementation of the coordinates for the trawl RCA boundary line which approximates the 200–fm depth contour, as modified to allow access to the petrale sole fishing grounds during the winter months (November and December), is intended to allow fishermen access to fishing grounds in areas when and where petrale sole tend to aggregate. These are also the times and areas where flatfish trawl tows are less likely to intercept overfished groundfish species. Because the Pacific Coast groundfish fishery is managed by trip limits and area closures, most of which are based on a 2 month cumulative period (January–February, March–April, May–June, July–August, September–October, November–December), these actions must be implemented by the beginning of the next cumulative trip limit period

(November 1, 2003). Otherwise, for species for which the trip limits are being reduced, fishers may be able to take the entire 2–month cumulative limit before the new lower limits are in place, thereby eliminating the conservation benefit anticipated from the lower trip limits in November and December and possibly exceeding the OY for some species. For the increases to trip limits to be effective November 1, 2003, the increased trip limits allow fishers to access groundfish allocations without exceeding the OY for those species or the OYs of overfished or depleted stocks and delaying the increase could prevent the industry from obtaining the intended benefit of increased harvest opportunity.

For these reasons, good cause also exists to waive the 30 day delay in effectiveness requirement under 5 U.S.C. 553 (d)(3). In addition, the increased trip limits relieve restrictions by allowing fishermen to harvest more fish than would have been allowed under the limits previously scheduled for the remainder of the year; thus, they are not subject to a 30 day delay in effectiveness under 5 U.S.C. 553(d)(1).

These actions are taken under the authority of 50 CFR 660.323(b)(1) and are exempt from review under Executive Order 12866.

**Authority:** 16 U.S.C. 1801 *et seq.*

Dated: October 21, 2003.

**Bruce C. Morehead,**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*

[FR Doc. 03–26927 Filed 10–23–03; 8:45 am]

**BILLING CODE 3510–22–C**