

result in a harvest well in excess of the established quota.

For the aforementioned reasons, the AA also finds good cause to waive the 30 day delay in the effectiveness of this action under 5 U.S.C. 553(d)(3).

This action is taken under 50 CFR 622.43(a) and is exempt from review under Executive Order 12866.

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

Dated: October 29, 2003.

**Bruce C. Morehead,**

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

[FR Doc. 03-27610 Filed 10-29-03; 4:43 pm]

**BILLING CODE 3510-22-S**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 660

[Docket No. 03043016-3258-02; I.D. 040103C]

**RIN 0648-AQ58**

#### Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Vessel Monitoring Systems and Incidental Catch Measures

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Final rule.

**SUMMARY:** NMFS issues a final rule to require vessels registered to Pacific Coast groundfish fishery limited entry permits to carry and use mobile vessel monitoring system (VMS) transceiver units while fishing in state or Federal waters off the coasts of Washington, Oregon and California. This action is necessary to monitor compliance with large-scale depth-based conservation areas that restrict fishing across much of the continental shelf.

This final rule also requires the operators of any vessel registered to a limited entry permit and any open access or tribal vessel using trawl gear, including exempted gear used to take pink shrimp, spot and ridgeback prawns, California halibut and sea cucumber, to declare their intent to fish within a conservation area specific to their gear type, in a manner that is consistent with the conservation area requirements. This action is intended to further the conservation goals and objectives of the Pacific Coast Groundfish Fishery Management Plan (FMP) by allowing fishing to continue in

areas and with gears that can harvest healthy stocks while reducing the incidental catch of low abundance species.

**DATES:** Effective January 1, 2004.

**ADDRESSES:** Copies of the environmental assessment/regulatory impact review/final regulatory flexibility analysis (EA/RIR/FRFA) and the finding of no significant impact prepared for this action may be obtained from the Pacific Fishery Management Council (Council) by writing to the Council at 7700 NE Ambassador Place, Portland, OR 97220, phone: 503-820-2280, or may be obtained from William L. Robinson, Northwest Region, NMFS, 7600 Sand Point Way NE., BIN C15700, Bldg. 1, Seattle, WA 98115-0070. Copies of the small business compliance guide are available from D. Robert Lohn, Administrator, Northwest Region, NOAA Fisheries, Bldg. 1, 7600 Sand Point Way NE., Seattle, WA 98112-0070. Written comments regarding the burden-hour estimates or other aspects of the collection-of-information requirements contained in this final rule may be submitted to NMFS at the address above and by e-mail to [David\\_Rostker@omb.eop.gov](mailto:David_Rostker@omb.eop.gov), or faxed to (202) 395-7285.

#### FOR FURTHER INFORMATION CONTACT:

Becky Renko or Yvonne deReynier at the Northwest Region, NMFS, phone 206-526-6140; fax: 206-526-6736; and e-mail [becky.renko@noaa.gov](mailto:becky.renko@noaa.gov) or [yvonne.dereynier@noaa.gov](mailto:yvonne.dereynier@noaa.gov); or Svein Fougner (Southwest Region, NMFS), phone: 562-980-4000; fax: 562-980-4047; and e-mail: [svein.fougner@noaa.gov](mailto:svein.fougner@noaa.gov).

#### SUPPLEMENTARY INFORMATION:

##### Electronic Access

This rule is accessible via the Internet at the Office of the Federal Register's Web site at <http://www.access.gpo.gov/su-docs/aces/aces140.htm>. Background information and documents are available at the NMFS Northwest Region Web site at <http://www.nwr.noaa.gov/1sustfsh/gdfsh01.htm> and at the Council's Web site at <http://www.pcouncil.org>.

##### Background

A proposed rule for this action was published on May 22, 2003 (FR 86 27972). NMFS requested public comment on the proposed rule through July 21, 2003. During the comment period on the proposed rule, NMFS received 4 letters, including those received from the Council and from the public at the Council's June 2003 meeting. These comments are addressed later in the preamble to this final rule.

See the preamble to the proposed rule for additional background information on the fishery and on this final rule.

Under this final rule, any vessel registered to a limited entry permit for the Pacific Coast groundfish fishery will be required to have an operating NMFS type-approved VMS transceiver unit on board while fishing in state or Federal waters off the states of Washington, Oregon and California. This regulatory amendment will require that the vessel owner or operator of a vessel registered to a limited entry groundfish permit carry and use a NMFS type-approved VMS transceiver at all times when engaged in any and all fisheries off the U.S. West Coast. A vessel owner required to continuously operate a VMS transceiver may choose to send an exemption report. This report will allow the owner to disconnect the power to the transceiver unit and discontinue transmissions during a period when the vessel will be continuously out of the water for more than 7 consecutive days, or will allow the owner to reduce or discontinue the VMS transmissions if the vessel is continuously operating seaward of the exclusive economic zone (EEZ) off Washington, Oregon, or California for more than 7 consecutive days.

Before the vessel is used to fish in any trawl Rockfish Conservation Area (RCA) or the Cowcod Conservation Areas (CCA) in a manner that is consistent with the requirements of the conservation areas, a declaration report will be required from (1) any vessel registered to a limited entry permit with a trawl endorsement; (2) any vessel using trawl gear, including exempted gear used to take pink shrimp, spot, and ridgeback prawns, California halibut and sea cucumbers; and (3) any tribal vessel using trawl gear. In addition declaration reports are required from vessels registered to limited entry permits with longline and pot endorsements, before these vessels can be used to fish in any non-trawl RCA or the CCA. The declaration report must be submitted before the vessel leaves port on the trip to fish in an RCA or a CCA. Each declaration report will be valid until cancelled or revised by the vessel operator. The declaration report must state the type of fishing in which the vessel will be engaged. If the type of fishing changes, a new declaration report must be submitted. For further information regarding declaration reports, see the preamble for the proposed rule for this action (68 FR 227972, May 23, 2003).

VMS is a tool that allows vessel activity to be monitored in relation to geographically defined management