

## DEPARTMENT OF COMMERCE

## National Oceanic and Atmospheric Administration

## 50 CFR Part 660

[Docket No. 021209300–3048–02; I.D. 111903C]

**Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Annual Specifications and Management Measures; Trip Limit Adjustments; Corrections**

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

**ACTION:** Inseason adjustments to trip limits and rockfish conservation areas; partial closures of recreational fisheries; corrections; request for comments.

**SUMMARY:** NMFS announces changes to commercial fisheries trip limits and rockfish conservation areas (RCAs), as well as recreational fisheries closures and prohibitions for the Pacific Coast groundfish fishery. Trip limit adjustments include changes to the limited entry trawl Dover sole, thornyhead, and sablefish (DTS) limits north of 40°10' N. lat. This action also expands the commercial trawl and non-trawl RCAs as well as the areas closed to recreational fishing to provide more protection for overfished continental shelf species, particularly canary rockfish and lingcod. These changes will be effective for the trawl "A" platoon, as well as the trawl "B" platoon, on November 21, 2003. These actions, which are authorized by the Pacific Coast Groundfish Fishery Management Plan (FMP), will allow fisheries access to more abundant groundfish stocks while protecting overfished and depleted stocks.

**DATES:** Changes to management measures are effective November 21, 2003, until the 2004 annual specifications and management measures are effective, unless modified, superseded, or rescinded through a publication in the **Federal Register**. Comments on this rule will be accepted through December 26, 2003.

**ADDRESSES:** Submit comments to D. Robert Lohn, Administrator, Northwest Region, NMFS, 7600 Sand Point Way NE, Seattle, WA 98115–0070; or Rod McInnis, Acting Administrator, Southwest Region, NMFS, 501 West Ocean Blvd, Suite 4200, Long Beach, CA 90802–4213.

**FOR FURTHER INFORMATION CONTACT:** Carrie Nordeen or Jamie Goen

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## SUPPLEMENTARY INFORMATION

## Electronic Access

This **Federal Register** document is available on the Government Printing Office's Web site at: [http://www.access.gpo.gov/su\\_docs/ca/docs/aces/aces140.html](http://www.access.gpo.gov/su_docs/ca/docs/aces/aces140.html). 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 Pacific Fishery Management Council's Web site at: <http://www.pcouncil.org>.

## Background

The Pacific Coast Groundfish FMP and its implementing regulations at 50 CFR part 660, subpart G, regulate fishing for over 80 species of groundfish off the coasts of Washington, Oregon, and California. Annual groundfish specifications and management measures are initially developed by the Pacific Fishery Management Council (Pacific Council), and are implemented by NMFS. The groundfish specifications include acceptable biological catches (ABCs) and optimum yields (OYs) for groundfish species and species groups. The OYs are the annual harvest targets and management measures are implemented at the start of the season, and adjusted inseason, to allow the fishery to achieve, but not exceed, the OYs for groundfish. The ABCs are the maximum total mortality levels for species or species groups under sustainable management. Should catch levels approach the ABC, total mortality of that species or species group will be minimized in order to prevent exceeding the ABC and overfishing that species or species group. The specifications and management measures for the 2003 fishing year (January 1–December 31, 2003) were initially published in the **Federal Register** as an emergency rule for January 1–February 28, 2003 (68 FR 908, January 7, 2003) and as a proposed rule for March 1–December 31, 2003 (68 FR 936, January 7, 2003). The emergency rule was amended at 68 FR 4719, January 30, 2003, and the final rule for March 1–December 31, 2003 was published in the **Federal Register** on March 7, 2003 (68 FR 11182). The final rule has been subsequently amended at 68 FR 18166 (April 15, 2003), at 68 FR 23901 (May 6, 2003), at 68 FR 23924 (May 6, 2003), at 68 FR 32680 (June 2, 2003), at 68 FR 35575 (June 16, 2003), at 68 FR 40187 (July 7, 2003), at 68 FR

43473 (July 23, 2003), at 68 FR 52703 (September 5, 2003), and at 68 FR 60865 (October 24, 2003).

The following changes to current groundfish management measures were recommended by the Pacific Council, in consultation with Pacific Coast Treaty Tribes and the States of Washington, Oregon, and California, at its November 3–7, 2003, meeting in Del Mar, CA.

At the Pacific Council's November 3–7, 2003, meeting, the most recent commercial and recreational catch data were reviewed by the Pacific Council's Groundfish Management Team (GMT) in preparation for recommending inseason adjustments to the Pacific Council. These data included: Commercial landed catch data through the middle of October available in the Pacific Fishery Information Network (PacFIN); estimated discard in the commercial groundfish fisheries; recreational catch estimates through the end of August available in the Recreational Fishery Information Network (RecFIN); as well as estimated recreational catch through the end of October and projected recreational catch through the end of the year compiled by state agency personnel and GMT members. When the GMT reviewed these data, it became apparent that the RecFIN catch estimates for California, specifically nearshore rockfish, canary rockfish, and lingcod, during the months of July and August were significantly higher than the GMT had initially predicted for those months. RecFIN catch estimates for the State of California during July and August are as follows: shallow nearshore rockfish 88.2 mt (88,200 kg), deeper nearshore rockfish 748 mt (748,000 kg), lingcod 509 mt (509,000 kg), and canary rockfish 14 mt (14,000 kg).

While catch rate and the weight of individual fish were above average during this period, the principle factor contributing to the significantly higher than predicted RecFIN catch estimates is the exceptionally high estimates of effort (angler days) for the private and rental boat participants in northern California (north of 34°27' N. lat.). This higher than expected influx of effort is estimated to have occurred during the first two months (July and August) of the fishery. It may be due, in part, to a NMFS and State of California prohibition on fishing between 40°10' N. lat. and the U.S./Mexico border for the first six months of 2003.

Combining RecFIN catch estimates from California with catch estimates from other recreational and commercial fisheries coastwide produces total mortality estimates that exceed harvest targets for groundfish species and/or