

species groups. Specifically, the total mortality estimate for canary rockfish, an overfished species, through October is 52 mt (52,000 kg), as compared to its 2003 OY of 44 mt (44,000 kg) and ABC of 272 mt (272,000 kg); and the total mortality estimate for lingcod, another overfished species, through October is 956.4 mt (956,400 kg), as compared to its 2003 OY of 651 mt (651,000 kg) and ABC of 841 mt (841,000 kg). Additionally, the California state harvest guidelines for shallow nearshore rockfish (105 mt (105,000 kg)) and deeper nearshore rockfish (54 mt (54,000 kg)) are also predicted to be exceeded by the end of October.

Because of the magnitude of RecFIN catch estimates for the California recreational groundfish fisheries during July and August and its implications for other Pacific Coast groundfish fisheries for the remainder of the year, the California Department of Fish and Game (CDFG) staff thought these catch estimates warranted evaluation. Therefore, CDFG staff explored these data by stratifying RecFIN catch estimates by area (Area One is between 42°00' N. lat. (Oregon/California border) and 40°10' N. lat. and Area Two is between 40°10' N. lat. and the 34°27' N. lat.) as well as applying a historical effort estimate to replace the exceptionally high RecFIN effort estimate for July and August 2003. The historical estimate used was the next highest effort estimate from the July and August period which occurred during 1985. When RecFIN catch estimates were stratified by applying the effort and catch per unit effort (CPUE) for the two areas, the total mortality estimates for canary rockfish (48.3 mt (48,300 kg)) and lingcod (928.2 mt (928,200 kg)) were slightly lower than those estimated by unadjusted RecFIN data. When the unusually high RecFIN effort estimate for July and August was treated as an anomaly and replaced with the historical estimate described above, the estimated total mortality for canary rockfish was similar to the stratified estimate (47.8 mt (47,800 kg)). However, this technique of adjusting the RecFIN effort estimate reduced the total mortality estimate for lingcod to 821.2 mt (821,200 kg), a harvest level that still exceeds the lingcod OY but is about 20 mt (20,000 kg) below the lingcod ABC.

The Pacific Council reviewed RecFIN catch estimates, data presented by CDFG, statements on inseason adjustments prepared by the GMT and Groundfish Advisory Panel (GAP), as well as public testimony before recommending inseason adjustments to groundfish management measures for the remainder of 2003. In order to keep

the harvest of canary rockfish and lingcod within levels that allow continued rebuilding, as well as minimizing the mortality of California nearshore rockfish species, the Pacific Council was faced with the need to recommend drastic inseason adjustments. In an effort to continue sustainable groundfish management while recognizing the economic importance of allowing fishery access to more abundant groundfish stocks, the Pacific Council recommended a series of inseason adjustments to groundfish management measures that would provide some fishery opportunities with minimal mortality of canary rockfish and lingcod.

Trawl Rockfish Conservation Area (RCA) Coastwide

In order to provide some year-end fishing opportunity for the trawl fleet while protecting canary rockfish and lingcod, the trawl RCA (the area closed to fishing for groundfish with trawl gear) is expanded in size for the remainder of the year to extend from the shoreline to specific latitude and longitude coordinates that approximate the 200-fm (366-m) depth contour and are modified to allow fishing for petrale sole. This increase in the size of the trawl RCA results in a change from the previously scheduled eastern trawl RCA boundary. That previously scheduled eastern trawl RCA boundary consisted of specific latitude and longitude coordinates approximating the 50-fm (91-m) depth contour between the U.S./Canada border and 40°10' N. lat., coordinates approximating the 60-fm (110-m) depth contour between 40°10' N. lat. and 34°27' N. lat., and coordinates approximating the 100-fm (183-m) depth contour between 34°27' N. lat. and the U.S./Mexico border. Expanding this closed area is intended to protect canary rockfish and lingcod by prohibiting trawling over the continental shelf, where canary rockfish and lingcod are found.

Year-end fishery access to deepwater, slope species, specifically petrale sole, is economically important to the limited entry trawl groundfish fleet. According to PacFIN, the coastwide exvessel price for petrale sole is currently averaging about one dollar per pound and last year's exvessel revenue generated by petrale sole landed with trawl gear was over three and a half million dollars. During winter months (November—February), petrale sole aggregate in certain areas along the coast to spawn. Within these "petrale sole areas", petrale sole can be harvested with a lower bycatch rate than in other areas. Because canary rockfish are typically

found at depths shallower than 150-fm (274-m), allowing the petrale sole fishery to continue as previously scheduled is not predicted to result in additional mortality of canary rockfish. Using NMFS West Coast Groundfish Observer data, the effects of allowing the slope/petrale sole fishery to continue as previously scheduled is predicted to result in about 1 mt (1,000 kg) of additional lingcod take by the end of 2003.

In the inseason adjustment to Pacific Coast annual specifications and management measures for October—December (68 FR 60865, October 24, 2003), NMFS announced a western trawl RCA boundary with specific latitude and longitude coordinates approximating the 200-fm (366-m) depth contour which was modified to allow for petrale sole fishing. That boundary contained several errors, specifically it omitted boundary modifications to allow for fishing in the petrale sole areas off the states of Oregon and California. Therefore, this inseason action corrects that 200-fm (366-m) trawl RCA boundary by modifying it to allow for petrale fishing in areas where petrale sole aggregate.

Non-Trawl Rockfish Conservation Area (RCA) Coastwide

In 2003, the Pacific Coast non-trawl fleet has been severely constrained by low trip limits as well as limited nearshore fishing opportunities. Throughout the year, the non-trawl RCA (the area closed to fishing for groundfish with non-trawl gear) has extended from an eastern boundary ranging between the shoreline and specific latitude and longitude coordinates approximating the 30-fm (55-m) depth contour out to a western boundary ranging between specific latitude and longitude coordinates approximating the 100-fm (183-m) and 150-fm (274-m) depth contours. These management measures were designed to limit the incidental take of overfished groundfish species.

Much like inseason adjustments to the trawl RCA, the non-trawl RCA is similarly expanded to prevent further mortality of canary rockfish, lingcod, and California's nearshore rockfish species. In an effort to protect these species while still allowing access to more abundant deepwater groundfish stocks, the non-trawl RCA is expanded for the remainder of the year to extend from the shoreline to specific latitude and longitude coordinates that approximate the 200-fm (366-m) depth contour, modified to allow fishing for petrale sole, between the U.S./Canada border and 46°16' N. lat. and from the shoreline to specific latitude and