

Biological Opinion's (whiting BO) (December 19, 1999) incidental catch statement estimate of 11,000 fish, by approximately 500 fish. In the 2001 whiting season, however, the whiting fishery's chinook bycatch was about 7,000 fish, which approximates the long-term average. After reviewing data from, and management of, the 2000 and 2001 whiting fisheries (including industry bycatch minimization measures), the status of the affected listed chinook, environmental baseline information, and the incidental catch statement from the 1999 whiting BO, NMFS determined in a letter dated April 25, 2002, that a re-initiation of the 1999 whiting BO was not required. NMFS has concluded that implementation of the FMP for the Pacific Coast groundfish fishery is not expected to jeopardize the continued existence of any endangered or threatened species under the jurisdiction of NMFS, or result in the destruction or adverse modification of critical habitat. This action is within the scope of these consultations.

Because prior notice and opportunity for public comment are not required for this emergency rule by 5 U.S.C. 553, or any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, are inapplicable. However, as described above, the January-February 2003 management measures are based on the overall analysis underlying the 2003 specifications and March-December 2003 management measures which are proposed in the Proposed Rules section

of this issue of the **Federal Register**. The Council's Initial Regulatory Flexibility analysis prepared for the 2003 specifications and management measures considers the effects of the January and February management measures on the fisheries.

#### List of Subjects in 50 CFR Part 660

Administrative practice and procedure, American Samoa, Fisheries, Fishing, Guam, Hawaiian Natives, Indians, Northern Mariana Islands, Reporting and recordkeeping requirements.

Dated: December 20, 2002.

**Rebecca Lent,**

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For the reasons set out in the preamble, 50 CFR part 660 is amended as follows:

#### PART 660—FISHERIES OFF WEST COAST STATES AND IN THE WESTERN PACIFIC

1. The authority citation for part 660 continues to read as follows:

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

2. In § 660.302, the definition for "Open access fishery" is suspended and a definition for "Open access fishery (for the period January 1, 2003 to February 28, 2003)" is temporarily added to read as follows:

#### § 660.302 Definitions.

\* \* \* \* \*

*Open access fishery (for the period January 1, 2003 to February 28, 2003)* means the fishery composed of vessels using open access gear fished pursuant to the harvest guidelines, quotas, and other management measures governing the open access fishery. Any commercial fishing vessels that does not have a limited entry permit and which lands groundfish in any commercial fishery is a participant in the open access fishery.

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3. In § 660.304, paragraphs (a) through (f) are suspended and paragraphs (g) through (j) are temporarily added to read as follows:

#### § 660.304 Management areas.

\* \* \* \* \*

(g) *Management areas*—(1) *Vancouver*. (i) The northeastern boundary is that part of a line connecting the light on Tatoosh Island, WA, with the light on Bonilla Point on Vancouver Island, British Columbia (at 48 deg.35'75" N. lat., 124 deg.43'00" W. long.) south of the International Boundary between the U.S. and Canada (at 48 deg.29'37.19" N. lat., 124 deg.43'33.19" W. long.), and north of the point where that line intersects with the boundary of the U.S. territorial sea.

(ii) The northern and northwestern boundary is a line connecting the following coordinates in the order listed, which is the provisional international boundary of the EEZ as shown on NOAA/NOS Charts #18480 and #18007:

Point	N. lat.	W. long.
1 .....	48 deg.29'37.19"	124 deg.43'33.19"
2 .....	48 deg.30'11"	124 deg.47'13"
3 .....	48 deg.30'22"	124 deg.50'21"
4 .....	48 deg.30'14"	124 deg.54'52"
5 .....	48 deg.29'57"	124 deg.59'14"
6 .....	48 deg.29'44"	125 deg.00'06"
7 .....	48 deg.28'09"	125 deg.05'47"
8 .....	48 deg.27'10"	125 deg.08'25"
9 .....	48 deg.26'47"	125 deg.09'12"
10 .....	48 deg.20'16"	125 deg.22'48"
11 .....	48 deg.18'22"	125 deg.29'58"
12 .....	48 deg.11'05"	125 deg.53'48"
13 .....	47 deg.49'15"	126 deg.40'57"
14 .....	47 deg.36'47"	127 deg.41'23"
15 .....	47 deg.22'00"	127 deg.41'23"
16 .....	46 deg.42'05"	128 deg.51'56"
17 .....	46 deg.31'47"	129 deg.07'39"

(iii) The southern limit is 47 deg.30' N. lat.

(2) *Columbia*. (i) The northern limit is 47 deg.30' N. lat.

(ii) The southern limit is 43 deg.00' N. lat.

(3) *Eureka*. (i) The northern limit is 43 deg.00' N. lat.

(ii) The southern limit is 40 deg.30' N. lat.

(4) *Monterey*. (i) The northern limit is 40 deg.30' N. lat.

(ii) The southern limit is 36 deg.00' N. lat.

(5) *Conception*. (i) The northern limit is 36 deg.00' N. lat.

(ii) The southern limit is the U.S.–Mexico International Boundary, which