

eliminated the "Sebastes complex" and created the "minor rockfish" categories (January 4, 2000, 65 FR 221). Minor rockfish species that have had rudimentary or no assessments are divided into nearshore, shelf, and slope categories that represent where they are predominantly caught.

Given the expected increase in fishing pressure in nearshore areas, the States of Oregon and California indicated that the commercial and recreational minor nearshore rockfish fisheries could be better managed if the minor nearshore rockfish species group were subdivided. For 2003, the States of Oregon and California will manage minor nearshore rockfish north as two groups: black and blue rockfish and all other nearshore rockfish. Due to the expected effort shift to the nearshore area resulting from depth based closures in deeper waters, the Council further recommended capping the 2003 OY at the 2000 OY level. This was done as a precautionary measure until quantitative assessment can be prepared for the southern portion (south of Cape Falcon, OR) of the area north of Cape Mendocino, CA. Because there are no commercial nearshore fisheries in the State of Washington, minor nearshore rockfish will continue to be managed as a single group. The total catch OY for black and blue rockfish in the area between 40°10' N. lat. and 46°16' N. lat. is 585 mt and the total catch OY for all other nearshore rockfish in this same area is 53 mt. For the area north of 46°16' N. lat. (the Washington/Oregon border), the total catch OY for all nearshore rockfish is 290 mt, most of which is estimated to be taken in the recreational fisheries although a small amount is expected to be taken in the tribal fisheries.

For 2003, the minor nearshore rockfish south OY will be managed as the following three groups with separate OYs: Shallow nearshore rockfish (black and yellow, China, grass, gopher and kelp rockfish), California scorpionfish, and deeper nearshore rockfish (black, blue, brown, calico, copper, olive, treefish, and quillback rockfish). Given the projected increase in both recreational and commercial fishing pressure in nearshore areas, the State of California indicated that the fisheries could be better managed and overfishing prevented if the minor nearshore rockfish species were subdivided. The shallow nearshore rockfish total catch OY will be 104.9 mt; the deeper nearshore rockfish total catch OY will be 351 mt; and the California scorpionfish total catch OY will be 84.8 mt. Alternative catch sharing arrangements between the commercial and recreational sectors were

considered by the Council. The catch sharing arrangement proposal in this rule was developed through a public hearing process conducted by the California Department of Fish and Game.

#### *Overfished Species*

Nine groundfish stocks have been designated as "overfished," POP, bocaccio, lingcod, canary rockfish, cowcod, darkblotched rockfish, widow rockfish, yelloweye rockfish and Pacific whiting. Management measures designed to rebuild overfished species, or to prevent species from becoming overfished, may restrict the harvest of relatively healthy stocks that are harvested with overfished species. As a result of the constraining management measures imposed to protect and rebuild overfished species, a number of the OYs for healthy stocks may not be achieved in 2003.

#### *Pacific Ocean Perch (POP)*

The recommended ABC for POP in 2003 is 689 mt, is based on an F50% Fmsy proxy and is a 2003 projection based on the Council's interim rebuilding strategy. Three OYs based on the most recent rebuilding analysis and corresponding to different probabilities of rebuilding the stock were presented to the Council. These OYs were: 496 mt based on a 50 percent probability of rebuilding POP rockfish to Bmsy by the year 2041 ( $T_{max}$ ); 377 mt the value corresponding to a 70 percent probability of rebuilding POP to Bmsy by the year 2041; and 311 mt the value corresponding to an 80-percent probability of rebuilding POP to Bmsy by the year 2041. The Council recommended OY of 377 mt is consistent with the interim rebuilding strategy adopted by the Council in prior years.

#### *Lingcod*

The recommended ABC for lingcod in 2003 is 841 mt and is based on an F45% Fmsy proxy. Three OYs, based on the rebuilding analysis prepared in 2001 and corresponding to different probabilities of rebuilding the stock to Bmsy by  $T_{max}$ , were presented to the Council. These OYs were: 555 mt based on a 80- percent probability of rebuilding lingcod to Bmsy by the year 2009 ( $T_{max}$ ); 651 mt the value corresponding to a 60-percent probability of rebuilding lingcod to Bmsy by the year 2009; and 725 mt the value corresponding to a 50-percent probability of rebuilding lingcod to Bmsy by the year 2009. The Council recommended adopting an OY for 2003 of 651 mt. This harvest level is

consistent with the interim rebuilding strategy adopted by the Council in prior years and is expected to maintain the Council's goal of rebuilding lingcod by the year 2009.

#### *Darkblotched Rockfish*

The recommended ABC for darkblotched rockfish in 2003 is 205 mt and is based on an F50% Fmsy proxy. Five OYs, based on the 2001 rebuilding analysis and corresponding to different probabilities of rebuilding the stock to Bmsy, were presented to the Council. These OYs were: 100 mt, 130 mt based on the 2001 harvest level that was in place before the final rebuilding analysis was completed, 172 mt the value corresponding to a 80- percent probability of rebuilding darkblotched rockfish to Bmsy by the year 2047 ( $T_{max}$ ); 184 mt the value corresponding to a 60- percent probability of rebuilding darkblotched rockfish to Bmsy by the year 2047; and 205 mt the value corresponding to a 50- percent probability of rebuilding darkblotched rockfish to Bmsy by the year 2047. The 172 mt OY is also comparable to a 50-percent probability of rebuilding darkblotched rockfish to Bmsy by the year 2030 ( $T_{mid}$ ).

Because darkblotched rockfish are primarily harvested with trawl gear, managing to a lower OY would most constrain the trawl fishery and likely require most fishing to occur seaward of the 250 fm (457 m) depth contour, where darkblotched rockfish is primarily caught (for further information see the Emergency rule to establish depth-based management measures; September 13, 2002, 67 FR 57973). Measures to further restrict flatfish trawl fisheries shoreward of 100 fm (183 m) would also protect juvenile darkblotched rockfish. Small vessels would be most affected by a lower OY. The Council recommended an OY of 172 mt, which provides a reasonable balance between the length of time for rebuilding the stock and the adverse economic impacts to the limited entry trawl sector. This OY is associated with an 80- percent probability of rebuilding within  $T_{max}$  as compared to the 70 percent probability that was applied in 2002.

#### *Widow Rockfish*

The recommended ABC for widow rockfish in 2003 is 3,871 mt and is based on an F50% Fmsy proxy. At the Council's June 2002 meeting, a revised widow rockfish rebuilding analysis was reviewed. Three OYs based on the revised analysis and corresponding to different probabilities of rebuilding the stock by  $T_{max}$  were presented to the