

made to NMFS in the Federal Building, Room 453, 709 West 9th Street, Juneau, AK 99801.

Copies of the Final Environmental Assessment (EA) and Final Regulatory Flexibility Analysis (FRFA) prepared for this action and the Final 2002 Stock Assessment and Fishery Evaluation (SAFE) report, dated November 2002, are available from the North Pacific Fishery Management Council, West 4th Avenue, Suite 306, Anchorage, AK 99510-2252 (907-271-2809).

FOR FURTHER INFORMATION CONTACT:

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SUPPLEMENTARY INFORMATION:

Background for the 2003 Final Harvest Specifications

Federal regulations at 50 CFR part 679 that implement the FMP govern the groundfish fisheries in the BSAI. The Council prepared the FMP and NMFS approved it under the Magnuson-Stevens Fishery Conservation and Management Act. General regulations governing U.S. fisheries also appear at 50 CFR part 600.

The FMP and its implementing regulations require NMFS, after consultation with the Council, to specify annually the total allowable catch (TAC) for each target species and for the "other species" category, the sum of which must be within the optimum yield range of 1.4 million to 2.0 million metric tons (mt) (§ 679.20(a)(1)(i)). Also specified are apportionments of TACs, and Community Development Quota (CDQ) reserve amounts, prohibited species quota (PSQ) reserves, and PSC allowances. Regulations at § 679.20(c)(3) further require NMFS to consider public comment on the proposed annual TACs and apportionments thereof and the proposed PSC allowances, and to publish final specifications in the **Federal Register**. The final specifications set forth in Tables 1 through 17 of this action satisfy these requirements. For 2003, the sum of TACs is 2 million mt.

The proposed BSAI groundfish specifications and PSC allowances for the groundfish fishery of the BSAI were published in the **Federal Register** on December 12, 2002 (67 FR 76362). Comments were invited and accepted through January 13, 2003. NMFS received one comment on the proposed specifications. This comment is summarized and responded to in the Response to Comments section. Public consultation with the Council occurred during the December 2002 Council meeting in Anchorage, AK. After

considering public comments, as well as biological and economic data that were available at the Council's December meeting, NMFS is implementing the final 2003 groundfish specifications as recommended by the Council.

Regulations at § 679.20(c)(2)(ii) establish the interim amounts of each proposed initial TAC (ITAC) and allocations thereof, of each CDQ reserve established by § 679.20(b)(1)(iii), and of the proposed PSQ reserves and PSC allowances established by § 679.21 that become available at 0001 hours, A.L.T., January 1, and remain available until superseded by the final specifications. NMFS published the interim 2003 groundfish harvest specifications in the **Federal Register** on December 26, 2002 (67 FR 78739). Regulations at § 679.20(c)(2)(ii) do not provide for an interim specification for either the hook-and-line and pot gear sablefish CDQ reserve or for sablefish managed under the Individual Fishing Quota (IFQ) management plan. The final 2003 groundfish harvest specifications, PSQ reserves and PSC allowances contained in this action supersede the interim 2003 groundfish harvest specifications.

Implementation of Steller Sea Lion Conservation Measures

In accordance with a biological opinion issued by NMFS on October 19, 2001, NMFS implemented a final rule for the start of the 2003 BSAI groundfish fisheries (68 FR 204, January 2, 2003), that contains measures that were deemed necessary to avoid the likelihood that the pollock, Pacific cod, and Atka mackerel fisheries off Alaska would jeopardize the continued existence of the western population of Steller sea lions or adversely modify its critical habitat. The final rule implements three types of management measures for the pollock, Pacific cod and Atka mackerel fisheries of the BSAI: (1) Measures to temporally disperse fishing effort, (2) measures to spatially disperse fishing effort, and (3) measures to provide sufficient protection from competition with pollock fisheries for prey in waters immediately adjacent to rookeries and important haulouts.

The final rule establishes a Steller Sea Lion Conservation Area (SCA) to regulate total removals of pollock in an area considered to be critical to the recovery of the endangered western population of Steller sea lions. The final rule restricts pollock harvests within the SCA to a percentage of each sector's seasonal allocation as recommended by the Council.

On December 18, 2002, the United States District Court for the Western District of Washington entered an Order

remanding the October 19, 2001, biological opinion prepared for the groundfish fisheries. *Greenpeace, et al. v. National Marine Fisheries Service, No. C98-492Z (W.D. Wash.)*. The Court held that the biological opinion's findings of no jeopardy to the continued existence of endangered Steller sea lions and no adverse modification of their critical habitat were arbitrary and capricious. NMFS reached an agreement with the Plaintiffs that the 2003 groundfish fisheries will commence pursuant to the Steller sea lion protection measures examined in the biological opinion pending completion of the remand. The Court issued an order on December 30, 2002, that supported the agreement and extended the effective date of the 2001 Steller sea lion protection measures biological opinion until June 30, 2003.

Acceptable Biological Catch (ABC) and TAC Specifications

The final ABC levels are based on the best available scientific information, including projected biomass trends, information on assumed distribution of stock biomass, and revised technical methods used to calculate stock biomass. The FMP specifies the formulas, or tiers, to be used in computing ABCs and overfishing levels (OFLs). The formulas applicable to a particular stock or stock complex are determined by the level of reliable information available to fishery scientists. This information is categorized into a successive series of six tiers.

At its December 2002 meeting, the Scientific and Statistical Committee (SSC), Advisory Panel (AP), and Council reviewed current biological information about the condition of groundfish stocks in the BSAI. This information was compiled by the Council's Plan Team and is presented in the final 2002 SAFE report for the BSAI groundfish fisheries, dated November 2002. The SAFE report contains a review of the latest scientific analyses and estimates of each species' biomass and other biological parameters, as well as summaries of the available information on the BSAI ecosystem and the economic condition of groundfish fisheries off Alaska. From these data and analyses, the Plan Team estimates an ABC for each species or species category.

In December 2002, the SSC, AP, and Council reviewed the Plan Team's recommendations. Except for Bogoslov pollock, sablefish, northern rockfish, Atka mackerel and the "other species" category, the SSC, AP, and Council endorsed the Plan Team's ABC recommendations. Based on the best