



Federal Register

**Friday,
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Part II

Department of Commerce

**National Oceanic and Atmospheric
Administration**

**50 CFR Parts 600 and 660
Magnuson-Stevens Act Provisions;
Fisheries off West Coast States and in the
Western Pacific; Pacific Coast Groundfish
Fishery; Ground fish Fishery Management
Measures; Emergency Rule and Proposed
Rule**

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 600 and 660

[Docket No. 011231309-1309-01; I.D. 121301B]

RIN 0648-A069

Magnuson-Stevens Act Provisions; Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Groundfish Fishery Management Measures

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

ACTION: Emergency rule; groundfish fishery management measures for January through February 2002; request for comments.

SUMMARY: NMFS announces the January through February 2002 management measures for groundfish taken in the U.S. exclusive economic zone (EEZ) and state waters off the coasts of Washington, Oregon, and California. Management measures for January through February 2002 are intended to prevent overfishing; rebuild overfished species; minimize incidental catch and discard of overfished and depleted stocks; provide equitable harvest opportunity for both recreational and commercial sectors; and, within the commercial fisheries, allow achievement of harvest guidelines and limited entry and open access allocations to the extent practicable.

DATES: Effective January 1, 2002, through February 28, 2002. Comments must be received no later than 5 p.m., local time (l.t.) on February 11, 2002.

ADDRESSES: Send comments to D. Robert Lohn, Administrator, Northwest Region (Regional Administrator), NMFS, 7600 Sand Point Way NE., Bldg. 1, Seattle, WA 98115-0070, or fax to 206-526-6736; or Rodney McLinnis, Acting Administrator, Southwest Region, NMFS, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213, or fax to 562-980-4047. Comments will not be accepted if submitted via E-mail or Internet. Information relevant to this emergency rule and the proposed rule for the annual specifications and management measures published elsewhere in this issue of the **Federal Register**, which includes an environmental assessment/regulatory impact review/initial regulatory flexibility analysis (EA/RIR/IRFA), is available for public review during

business hours at the offices of the NMFS Northwest Regional Administrator and the NMFS Southwest Regional Administrator, or may be obtained from the Pacific Fishery Management Council (Council), at 7700 NE Ambassador Place, Portland, OR 97220, phone: 503-326-6352.

Additional reports referred to in this document may also be obtained from the Council. This emergency rule also is accessible via the Internet at the Office of the Federal Register's Web site at http://www.access.gpo.gov/su_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 Council's Web site at <http://www.pcouncil.org>.

FOR FURTHER INFORMATION CONTACT: Yvonne deReynier or Becky Renko (Northwest Region, NMFS), phone: 206-526-6140; fax: 206-526-6736 and; E-mail: yvonne.dereynier@noaa.gov, becky.renko@noaa.gov, or Svein Fougner (Southwest Region, NMFS) phone: 562-980-4000; fax: 562-980-4047 and; E-mail: svein.fougner@noaa.gov.

SUPPLEMENTARY INFORMATION:**Background**

The Pacific Coast groundfish fishery management plan (FMP) requires that fishery specifications for groundfish be annually evaluated and revised as necessary, that OYs be specified for species or species groups in need of particular protection, and that management measures designed to achieve the OYs be published in the **Federal Register** and made effective by January 1, the beginning of the fishing year. The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) and the FMP require that NMFS implement actions to prevent overfishing and to rebuild overfished stocks.

Since 1990, the Council has developed annual specifications and management measures in a two-meeting process (usually its September and November meetings) followed by a NMFS final action published in the **Federal Register** and made available for public comment and correction. Each year specifications and management measures are effective until the specifications and management measures for the following year are published and effective. In 2001, the agency was challenged on this process in *Natural Resources Defense Council, Inc. v. Evans*, 2001 WL 1246622 (N.D.Cal. 2001) and the court ordered

NMFS to provide prior public notice and allow public comment on the annual specifications. NMFS is publishing the 2002 specifications and management measures initially as a proposed rule available for a 30-day public comment elsewhere in this issue of the **Federal Register**, to be followed by a final rule.

Given the timing of the court order, it was not possible to adjust the Council process so that the Council could recommend management measures earlier in the year. The Council finalized its 2002 specifications and management measures recommendations at its October 28 through November 2, 2001, meeting in Millbrae, CA. Given the complexity of the annual specifications and management measures package, NMFS did not have enough time to publish a proposed rule on the Council's recommendations, receive public comments, and implement a final rule by January 1, 2002. Thus, NMFS is publishing this emergency rule under the Magnuson-Stevens Act emergency authority at section 305(c), which finalizes and makes effective the groundfish management measures for January 1 through February 28, 2002.

Absent a final rule by January 1, 2002, management measures for January and February 2002 would revert to those that were in place for January-February 2001. There are several species for which reverting to higher 2001 limits at the beginning of the year could result in either exceeding the annual commercial OYs or very early attainment of OYs during the year. This would also run counter to the Council's goal of having a year round fishery. While these circumstances could jeopardize the ability to stay within rebuilding targets for some species, they could also lead to significant foregone revenue from other target species whose fisheries might also have to be closed prematurely.

Proposed trawl management for widow rockfish in 2002 allows no midwater fishing above the small-footrope trawl limit. The 2001 midwater trawl limit of 20,000 lb (9,072 kg) per 2 months produced landings of over 800 mt during the first 4 months of 2001. The landed catch OY for limited entry in 2002 is only 575 mt. Assuming the same catch rates as in 2001, not only would the rebuilding target be exceeded through use of the 2001 limits, but other fisheries which take widow rockfish incidentally, such as the \$16 million whiting fishery, would likely have to be foregone. Similarly, the 65,000 lb (29,484 kg) limit for Dover sole north of Cape Mendocino in 2001 produced 3,800 mt of landings during the first four months. Were this to be repeated in

2002, less than half of the Dover sole OY would remain for the remaining 8 months of the year. Early attainment of Dover sole would likely result in closures or severe cutbacks in opportunities for other DTS complex (Dover sole, shortspine thornyhead, longspine thornyhead, sablefish) species and flatfish species during much of 2002. To address bycatch concerns for rebuilding species, proposed 2002 flatfish limits were also lowered during the first four months of the year relative to 2001. Failure to implement these reductions could jeopardize the ability to stay within rebuilding targets for some species.

Within the fixed gear fisheries, several drastic reductions in shelf rockfish limits are being proposed to reduce mortality of yelloweye rockfish, which will be declared overfished in the Proposed Rules section of this issue of the **Federal Register**. Line gears will land at least 8 mt of yelloweye rockfish in 2001, and landed over 7 mt in 2000. Less than 5 mt of yelloweye rockfish mortality will be allocated to the commercial fishery for 2002, with an expectation that 1–2 mt will be caught as bycatch in trawl fisheries on the continental shelf. A new yelloweye rockfish bag limit and other yelloweye rockfish restrictions are imposed in the recreational fisheries to protect this species. Failure to implement the more restrictive fixed-gear landing limits proposed for shelf rockfish species in 2002 could lead to early attainment of yelloweye rockfish. This could jeopardize not only other longline fisheries, such as the \$4 million primary sablefish season, but also trawl fisheries on the continental shelf. In a few cases, trip limits in January and February 2002 are higher than in 2001 because the proposed OYs have increased or because they provide an opportunity to harvest healthy stocks when they are segregated from the overfished stocks in the winter.

Specifications and management measures proposed for March–December 2002 in the Proposed Rules section of this issue of the **Federal Register**, combined with this emergency rule, are a balance intended to protect overfished groundfish species while allowing harvesters some access to healthy groundfish stocks. The proposed specifications and management measures are designed to rebuild overfished stocks through constraining direct and incidental mortality to prevent overfishing, and to achieve as much of the OYs as practicable for healthier groundfish stocks managed under the FMP. The proposed specifications and

management measures describe the rationale for the 2002 groundfish management measures and include trip, bag and size limits, time/area closures, and gear-and area-specific regulations, including the management measures implemented in this emergency rule.

During 2002, NMFS and the Council will consider how to incorporate a NMFS proposed and final rulemaking process into the Council's annual specifications and management measures process without using an emergency rule to implement management measures for 2003.

NMFS Actions

For the reasons stated above, the Assistant Administrator for Fisheries, NOAA (Assistant Administrator or AA), concurs with the Council's recommendations and announces the following management actions for January 1 through February 28, 2002.

A. General Definitions and Provisions

The following definitions and provisions apply to the 2002 management measures, unless otherwise specified in a subsequent **Federal Register** document:

(1) *Trip limits*. Trips limits are used in the commercial fishery to specify the amount of fish that may legally be taken and retained, possessed, or landed, per vessel, per fishing trip, or cumulatively per unit of time, or the number of landings that may be made from a vessel in a given period of time, as follows:

(a) A per trip limit is the total allowable amount of a groundfish species or species group, by weight, or by percentage of weight of legal fish on board, that may be taken and retained, possessed, or landed per vessel from a single fishing trip.

(b) A daily trip limit is the maximum amount that may be taken and retained, possessed, or landed per vessel in 24 consecutive hours, starting at 0001 hours 1.t. Only one landing of groundfish maybe made in that 24-hour period. Daily trip limits may not be accumulated during multiple day trips.

(c) A weekly trip limit is the maximum amount that may be taken and retained, possessed, or landed per vessel in 7 consecutive days, starting at 0001 hours 1.t. on Sunday and ending at 2400 hours 1.5 on Saturday. Weekly trip limits may not be accumulated during multiple week trips. If a calendar week includes days within two different months a vessel is not entitled to two separate weekly limits during that week.

(d) A cumulative trip limit is the maximum amount that may be taken and retained, possessed, or landed per vessel in a specified period of time

without a limit on the number of landings or trips, unless otherwise specified. The cumulative trip limit periods for limited entry and open access fisheries, which start at 001 hours 1.t. and end at 2400 hours 1.t., are as follows, unless otherwise specified:

(i) The first 2-month period of 2002 is January 1–February 28, March 1–April 30, May 1–June 30, July 1–August 31, September 1–October 31, and, November 1–December 31.

(ii) One month means the first day through the last day of the calendar month.

(iii) One week means 7 consecutive days, Sunday through Saturday.

(2) *Fishing ahead*. Unless the fishery is closed, a vessel that has landed its cumulative or daily limit may continue to fish on the limit for the next period, so long as no fish (including, but not limited to, groundfish with no trip limits, shrimp, prawns, or other nongroundfish species or shellfish) are landed (offloaded) until the next period. As stated at 50 CFR 660.302 (in the definition of "landing"), once the offloading of any species begins, all fish aboard the vessel are counted as part of the landing. Fishing ahead is not allowed during or before a closed period (see paragraph A.(7)). See paragraph A.(9) for information on inseason changes to limits.

(3) *Weights*. All weights are round weights or round-weight equivalents unless otherwise specified.

(4) *Percentages*. Percentages are based on round weights, and, unless otherwise specified, apply only to legal fish on board.

(5) *Legal fish*. "Legal fish" means fish legally taken and retained, possessed, or landed in accordance with the provisions of 50 CFR part 660, the Magnuson-Stevens Act, any document issued under part 660, and any other regulation promulgated or permit issued under the Magnuson-Stevens Act.

(6) *Size limits and length measurement*. Unless otherwise specified, size limits in the commercial and recreational groundfish fisheries apply to the "total length," which is the longest measurement of the fish without mutilation of the fish or the use of force to extend the length of the fish. No fish with a size limit may be retained if it is in such condition that its length has been extended or cannot be determined by these methods. For conversions not listed here, contact the state where the fish will be landed.

(a) *Whole fish*. For a whole fish, total length is measured from the tip of the snout (mouth closed) to the tip of the tail in a natural, relaxed position.

(b) *“Headed” fish.* For a fish with the head removed (“headed”), the length is measured from the origin of the first dorsal fin (where the front dorsal fin meets the dorsel surface of the body closest to the head) to the tip of the upper lobe of the tail; the dorsal fin and tail must be left intact.

(c) *Filets.* A filet is the flesh from one side of a fish extending from the head to the tail, which has been removed from the body (head, tail, and backbone) in a single continuous piece. Filet lengths may be subject to size limits for some groundfish taken in the recreational fishery off California (see paragraph D.(1)). A filet is measured along the length of the longest part of the filet in a relaxed position; stretching or otherwise manipulating the filet to increase its length is not permitted.

(d) *Sablefish weight limit conversions.* The following conversions apply to both the limited entry and open access fisheries when trip limits are effective for those fisheries. For headed and gutted (eviscerated) sablefish, the conversion factor established by the state where the fish is or will be landed will be used to convert the processed weight to round weight for purposes of applying the trip limit. (The conversion factor currently is 1.6 in Washington, Oregon, and California. However, the state conversion factors may differ; fishers should contact fishery enforcement officials in the state where the fish will be landed to determine that state’s official conversion factor.)

(e) *Lingcod size and weight conversions.* The following conversions apply in both limited entry and open access fisheries.

(i) *Size conversion.* For lingcod with the head removed, the minimum size limit is 19.5 inches (49.5 cm), which corresponds to 24 inches (61 cm) total length for whole fish.

(ii) *Weight Conversion.* The conversion factor established by the state where the fish is or will be landed will be used to convert the processed weight to round weight for purposes of applying the trip limit. (The states’ conversion factors may differ, and fishers should contact fishery enforcement officials in the state where the fish will be landed to determine that state’s official conversion factor.) If a state does not have a conversion factor for headed and gutted lingcod, or lingcod that is only gutted; the following conversion factors will be used. To determine the round weight, multiply the processed weight times the conversion factor.

(A) *Headed and gutted.* The conversion factor for headed and gutted lingcod is 1.5.

(B) *Gutted, with the head on.* The conversion factor for lingcod that has only been gutted is 1.1

(7) *Closure.* “Closure,” when referring to closure of fishery, means that taking and retaining, possessing, or landing the particular species or species group is prohibited. (See 50 CFR 660.302.) Unless otherwise announced in the **Federal Register**, offloading must begin before the time the fishery closes. The provisions at paragraph A.(2) for fishing ahead do not apply during a closed period. It is unlawful to transit through a closed area with the prohibited species on board, no matter where that species was caught, except as provided for in the Cowcod Conservation Areas at A.(20).

(8) *Fishery management area.* The fishery management area for these species is the EEZ off the coasts of Washington, Oregon, and California between 3 and 200 nm offshore, bounded on the north by the Provisional International Boundary between the United States and Canada, and bounded on the south by the International Boundary between the United States and Mexico. All groundfish possessed between 0–200 nm offshore or landed in Washington, Oregon, or California are presumed to have been taken and retained from the EEZ, unless otherwise demonstrated by the person in possession of those fish.

(9) *Routine management measures.* Most trip, bag, and size limits in the groundfish fishery have been designated “routine,” which means they may be changed rapidly after a single Council meeting. (See 50 CFR 660.323(b).) Council meetings in 2002 will be held in the months of March, April, June, September, and November. Inseason changes to routine management measures are announced in the **Federal Register**. Information concerning changes to routine management measures is available from the NMFS Northwest and Southwest Regional Offices (see **ADDRESSES**). Changes to trip limits are effective at the times stated in the **Federal Register**. Once a change is effective, it is illegal to take and retain, possess, or land more fish than allowed under the new trip limit. This means that, unless otherwise announced in the **Federal Register**, offloading must begin before the time a fishery closes or a more restrictive trip limit takes effect.

(10) *Limited entry limits.* It is unlawful for any person to take and retain, possess, or land groundfish in excess of the landing limit for the open access fishery without having a valid limited entry permit for the vessel affixed with a gear endorsement for the

gear used to catch the fish (50 CFR 660.306(p)).

(11) *Operating in both limited entry and open access fisheries.* The open access trip limit applies to any fishing conducted with open access gear, even if the vessel has a valid limited entry permit with an endorsement for another type of gear. A vessel that operates in both the open access and limited entry fisheries is not entitled to two separate trip limits for the same species. If a vessel has a limited entry permit and uses open gear, but the open access limit is smaller than the limited entry limit, the open access limit cannot be exceeded and counts toward the limited entry limit. If a vessel has a limited entry permit and use open access gear, but the open access limit is larger than the limited entry limit, the smaller limited entry limit applies, even if taken entirely with open access gear.

(12) *Operating in areas with different trip limits.* Trip limits for a species or a species group may differ in different geographic areas along the coast. The following “crossover” provisions apply to vessels operating in different geographical areas that have different cumulative or “per trip” trip limits for the same species or species group. Such crossover provisions do not apply to species that are subject only to daily trip limits, or to the trip limits for black rockfish off Washington (see 50 CFR 660.323(a)(1)). In 2002, the cumulative trip limit periods for the limited entry and open access fisheries are specified in paragraph A(1)(d), but may be changed during the year if announced in the **Federal Register**.

(a) *Going from a more restrictive to a more liberal area.* If a vessel takes and retains any groundfish species or species group of groundfish in an area where a more restrictive trip limit applies before fishing in an area where a more liberal trip limit (or no trip limit) applies, then that vessel is subject to the more restrictive trip limit for the entire period to which that trip limit applies, no matter where the fish are taken and retained, possessed, or landed.

(b) *Going from a more liberal to a more restrictive area.* If a vessel takes and retains a groundfish species or species group in an area where a higher trip limit or no trip limit applies, and takes and retains, possesses or lands the same species or species group in an area where a more restrictive trip limit applies, that vessel is subject to the more restrictive trip limit for the entire period to which that trip limit applies, no matter where the fish are taken and retained, possessed, or landed.

(c) *Minor rockfish.* Several rockfish species are designated with species-

specific limits on one side of the 40°10' N. lat. management line, and are included as part of a minor rockfish complex on the other side of the line.

(i) If a vessel takes and retains minor slope rockfish north of 40°10' N. lat., that vessel is also permitted to take and retain, possess or land splitnose rockfish up to its cumulative limit south of 40°10' N. lat., even if splitnose rockfish were a part of the landings from minor slope rockfish taken and retained north of 40°10' N. lat. [Note: A vessel that takes and retains minor slope rockfish on both sides of the management line in a single cumulative limit period is subject to the more restrictive cumulative limit for minor slope rockfish during that period.]

(ii) If a vessel takes and retains minor slope rockfish south of 40°10' N. lat., that vessel is also permitted to take and retain, possess, or land POP up to its cumulative limit north of 40°10' N. lat., even if POP were a part of the landings from minor slope rockfish taken and retained south of 40°10' N. lat.

Note: A vessel that takes and retains minor slope rockfish on both sides of the management line in a single cumulative limit period is subject to the more restrictive cumulative limit for minor slope rockfish during that period.

(iii) If a vessel takes and retains minor shelf rockfish north of 40°10' N. lat., that vessel is also permitted to take and retain, possess, or land chilipepper rockfish and bocaccio up to their respective cumulative limits south of 40°10' N. lat., even if either species is part of the landings from minor shelf rockfish taken and retained north of 40°10' N. lat.

Note: A vessel that takes and retains minor shelf rockfish on both sides of the management line in a single cumulative limit period is subject to the more restrictive cumulative limit for minor shelf rockfish during that period.

(iv) If a vessel takes and retains minor shelf rockfish south of 40°10' N. lat., that vessel is also permitted to take and retain, possess, or land yellowtail rockfish up to its respective cumulative limits north of 40°10' N. lat., even if yellowtail rockfish is part of the landings from minor shelf rockfish taken and retained south of 40°10' N. lat.

Note: A vessel that takes and retains minor shelf rockfish on both sides of the management line in a single cumulative limit period is subject to the more restrictive cumulative limit for minor shelf rockfish during that period.

(d) "*DTS complex.*" For 2002, there are differential trip limits for the "DTS complex" (Dover sole, shortspine

thornyhead, longspine thornyhead, sablefish) north and south of the management line at 40°10' N. lat. Vessels operating in the limited entry trawl fishery are subject to the crossover provisions in this paragraph A.(12) when making landings that include any one of the four species in the "DTS complex."

(13) *Sorting.* It is unlawful for any person to "fail to sort, prior to the first weighing after offloading, those groundfish species or species groups for which there is a trip limit, size limit, quota, or commercial OY, if the vessel fished or landed in an area during a time when such trip limit, size limit, commercial optimum yield, or quota applied." This provision applies to both the limited entry and open access fisheries. (See 50 CFR 660.306(h)). The following species must be sorted in 2002:

(a) For vessels with a limited entry permit:

(i) Coastwide—widow rockfish, canary rockfish, darkblotched rockfish, yelloweye rockfish, shortbelly rockfish, minor nearshore rockfish, minor shelf rockfish, minor slope rockfish, shortspine and longspine thornyhead, Dover sole, arrowtooth flounder, rex sole, petrale sole, other flatfish, lingcod, sablefish, and Pacific whiting;

Note: Although both yelloweye and darkblotched rockfish are considered minor rockfish managed under the minor shelf and minor slope rockfish complexes, respectively, they have separate OYs and therefore must be sorted by species.

(ii) North of 40°10' N. lat.—Pacific ocean perch, yellowtail rockfish, and, for fixed gear, black rockfish and blue rockfish;

(iii) South of 40°10' N. lat.—chilipepper rockfish, bocaccio rockfish, splitnose rockfish, and Pacific sanddabs.

(b) For open access vessels (vessels without a limited entry permit):

(i) Coastwide—widow rockfish, canary rockfish, darkblotched rockfish, yelloweye rockfish, minor nearshore rockfish, minor shelf rockfish, minor slope rockfish, arrowtooth flounder, other flatfish, lingcod, sablefish, Pacific whiting, and Pacific sanddabs;

(ii) North of 40°10' N. lat.—black rockfish, blue rockfish, Pacific ocean perch, yellowtail rockfish;

(iii) South of 40°10' N. lat.—chilipepper rockfish, bocaccio rockfish, splitnose rockfish;

(iv) South of Point Conception—thornyheads.

(14) *Limited Entry Trawl Gear Restrictions.* Limited entry trip limits may vary depending on the type of trawl gear that is on board a vessel during a

fishing trip: large-footrope, small-footrope, or midwater trawl gear.

(a) *Types of trawl gear.* (i) Large-footrope trawl gear is bottom trawl gear, as specified at 50 CFR 660.302 and 660.322(b), with a footrope diameter larger than 8 inches (20 cm) (including rollers, bobbins or other material encircling or tied along the length of the footrope).

(ii) Small-footrope trawl gear is bottom trawl gear, as specified at 50 CFR 660.302 and 660.322(b), with a footrope diameter 8 inches (20 cm) or smaller (including rollers, bobbins or other material encircling or tied along the length of the footrope), except chafing gear may be used only on the last 50 meshes of a small-footrope trawl, measured from the terminal (closed) end of the codend. Other lines or ropes that run parallel to the footrope may not be augmented or modified to violate footrope size restrictions.

(iii) Midwater trawl gear is pelagic trawl gear, as specified at 50 CFR 660.302 and 660.322(b)(2). The footrope of midwater trawl gear may not be enlarged by encircling it with chains or by any other means. Ropes or lines running parallel to the footrope of midwater trawl gear must be bare and may not be suspended with chains or other materials.

(b) *Cumulative trip limits and prohibitions by trawl gear type—(i) Large-footrope trawl.* It is unlawful to take and retain, possess or land any species of shelf or nearshore rockfish (defined at A.(21) and Table 1) except chilipepper rockfish south of 40°10' N. lat. (as specified in Table 2) from a fishing trip if large-footrope gear is on board; this restriction applies coastwide from January 1 to December 31. It is unlawful to take and retain, possess or land petrale sole, rex sole, or arrowtooth flounder from a fishing trip if large-footrope gear is onboard and the trip is conducted at least in part between May 1 and October 31; cumulative limits for "all other flatfish" (all flatfish except those with cumulative trip limits in Table 2) are lower for vessels with large-footrope gear on board throughout the year. (See Table 2.) It is unlawful for any vessel using large-footrope gear to exceed large-footrope gear limits for any species or to use large-footrope gear to exceed small-footrope gear or midwater trawl gear limits for any species. The presence of rollers or bobbins larger than 8 inches (20 cm) in diameter on board the vessel, even if not attached to a trawl, will be considered to mean a large-footrope trawl is on board. Dates are adjusted for the "B" platoon (See A.(16)).

(ii) *Small-footrope or midwater trawl gear.* Cumulative trip limits for canary rockfish, widow rockfish, yellowtail rockfish, bocaccio, minor shelf rockfish, minor nearshore rockfish, and lingcod, and higher cumulative trip limits for chilipepper rockfish and flatfish, as indicated in Table 2, are allowed only if small-footrope gear or midwater trawl gear is used, and if that gear meets the specifications in paragraphs A.(14).

(iii) *Midwater trawl gear.* Higher cumulative trip limits are available for limited entry vessels using midwater trawl gear to harvest widow or chilipepper rockfish. Each landing that contains widow or chilipepper rockfish is attributed to the gear on board with the most restrictive trip limit for those species. Landings attributed to small-footrope trawl must not exceed the small-footrope limit, and landings attributed to midwater trawl must not exceed the midwater trawl limit. If a vessel has landings attributed to both types of trawl during a cumulative trip limit period, all landings are counted toward the most restrictive gear-specific cumulative limit.

(v) *More than one type of trawl gear on board.* The cumulative trip limits in Table 2 must not be exceeded. A fishing vessel may have more than one type of limited entry trawl gear on board, but the most restrictive trip limit associated with the gear on board applies for that trip and will count toward the cumulative trip limit for that gear.

Example: If a vessel has large-footrope gear on board, it cannot land yellowtail rockfish, even if the yellowtail rockfish is caught with a small-footrope trawl. If a vessel has both small-footrope trawl and midwater trawl gear on board, the landing is attributed to the most restrictive gear-specific limit, regardless of which gear type was used.

(c) *Measurement.* The footrope will be measured in a straight line from the outside edge to the opposite outside edge at the widest part on any individual part, including any individual disk, roller, bobbin, or any other device.

(d) *State landing receipts.* Washington, Oregon, and California will require the type of trawl gear on board with the most restrictive limit to be recorded on the State landing receipt(s) for each trip or an attachment to the State landing receipt.

(e) *Gear inspection.* All trawl gear and trawl gear components, including unattached rollers or bobbins, must be readily accessible and made available for inspection at the request of an authorized officer. No trawl gear may be removed from the vessel prior to offloading. All footropes shall be

uncovered and clearly visible except when in use for fishing.

(15) *Permit transfers.* Limited entry permit transfers are to take effect no earlier than the first day of a major cumulative limit period following the day NMFS receives the transfer form and original permit (50 CFR 660.335(e)(3)). Those days in 2002 are January 1, March 1, May 1, July 1, September 1, and November 1, and are delayed by 15 days (starting on the 16th of a month) for the "B" platoon.

(16) *Platooning—limited entry trawl vessels.* Limited entry trawl vessels are automatically in the "A" platoon, unless the "B" platoon is indicated on the limited entry permit. If a vessel is in the "A" platoon, its cumulative trip limit periods begin and end on the beginning and end of a calendar month as in the past. If a limited entry trawl permit is authorized for the "B" platoon, then cumulative trip limit periods will begin on the 16th of the month (generally 2 weeks later than for the "A" platoon), unless otherwise specified.

(a) For a vessel in the "B" platoon, cumulative trip limit periods begin on the 16th of the month at 001 hours, 1.t., and end at 2400 hours, 1.t., on the 15th of the month. Therefore, the management measures announced herein that are effective on January 1, 2002, for the "A" platoon will be effective on January 16, 2002, for the "B" platoon. The effective date of any inseason changes to the cumulative trip limits also will be delayed for 2 weeks for the "B" platoon, unless otherwise specified.

(b) A vessel authorized to operate in the "B" platoon may take and retain, but may not land, groundfish from January 1, 2002, through January 15, 2002.

(c) A vessel authorized to operate in the "B" platoon will have the same cumulative trip limits for the November 16, 2002, through December 31, 2002, period as a vessel operating in the "A" platoon has for the November 1, 2002, through December 31, 2002 period.

(17) *Exempted fisheries.* U.S. vessels operating under an exempted fishing permit issued under 50 CFR part 600 are also subject to these restrictions, unless otherwise provided in the permit.

(18) *Application of requirements.* Paragraphs B. and C. pertain to the commercial groundfish fishery, but not to Washington coastal tribal fisheries, which are described in the section on Washington Coastal Tribal Fisheries in this document. The provisions in paragraphs B. and C. that are not covered under the headings "limited entry" or "open access" apply to all vessels in the commercial fishery that take and retain groundfish, unless

otherwise stated. Paragraph D. pertains to the recreational fishery.

(19) *Commonly used geographic coordinates.*

(a) Cape Falcon, OR—45°46' N. lat.

(b) Cape Lookout, OR—45°20'15" N. lat.

(c) Cape Blanco, OR—42°50' N. lat.

(d) Cape Mendocino, CA—40°30' N. lat.

(e) North/South management line—40°10' N. lat.

(f) Point Arena, CA—38°57'30" N. lat.

(g) Point Conception, CA—34°27' N. lat.

(h) International North Pacific Fisheries Commission (INPFC) subareas (for more precise coordinates for the Canadian and Mexican boundaries, see 50 CFR 660.304):

(i) Vancouver—U.S. Canada border to 47°30' N. lat.

(ii) Columbia—47°30' N. lat.

(iii) Eureka—43°00' to 40°30' N. lat.

(iv) Monterey—40°30' to 36°00' N. lat.

(v) Conception—36°00' N. lat. to the U.S.-Mexico border.

(20) *Cowcod Conservation Areas (CCAs).* Recreational and commercial fishing for groundfish is prohibited within the CCAs, except that recreational and commercial fishing for rockfish and lingcod is permitted in waters inside 20 fathoms (36.9 m). It is unlawful to take and retain, possess, or land groundfish inside the CCAs, except for rockfish and lingcod taken in waters inside the 20-fathom (36.9 m) depth contour, when those waters are open to fishing. Commercial fishing vessels may transit through the Western CCA with their gear stowed and groundfish on board only in a corridor through the Western CCA bounded on the north by the latitude line at 33°00'30" N. lat., and bounded on the south by the latitude line at 32°59'30" N. lat.

(i) The Western CCA is an area south of Point Conception that is bound by straight lines connecting all of the following points in the order listed:

33°50' N. lat., 119°30' W. long.;
33°50' N. lat., 118°50' W. long.;
32°20' N. lat., 118°50' W. long.;
32°20' N. lat., 119°30' W. long.;
33°00' N. lat., 119°30' W. long.;
33°00' N. lat., 119°50' W. long.;
33°30' N. lat., 119°50' W. long.;
33°30' N. lat., 119°30' W. long.;
and connecting back to 33°50' N. lat., 119°30' W. long.

(ii) The Eastern CCA is a smaller area west of San Diego that is bound by straight lines connecting all of the following points in the order listed:

32°40' N. lat., 118°00' W. long.;
32°40' N. lat., 117°50' W. long.;
32°36'42" N. lat., 117°50' W. long.;
32°30' N. lat., 117°53'30" W. long.;

32°30' N. lat., 118°00' W. long.;
and connecting back to 32°40' N. lat.,
118°00' W. long.;

(21) *Rockfish categories.* Rockfish
(except thornyheads) are divided into
categories north and south of 40°10' N.
lat., depending on the depth where they
most often are caught: Nearshore, shelf,
or slope. (Scientific names appear in

Table 1.) Trip limits are established for
“minor rockfish” species according to
these categories (see Tables 1–4).

(a) Nearshore rockfish consists
entirely of the minor nearshore rockfish
species listed in Table 1.

(b) Shelf rockfish consists of canary
rockfish, shortbelly rockfish, widow
rockfish, yelloweye rockfish, yellowtail

rockfish, bocaccio, chilipepper, cowcod,
and the minor shelf rockfish species
listed in Table 1.

(c) Slope rockfish consists of Pacific
ocean perch, splitnose rockfish,
darkblotched rockfish, and the minor
slope rockfish species listed in Table 1.

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Table 1 – Minor Rockfish Species (excludes thornyheads)North of 40°10' N. lat.

black, *Sebastes melanops*
 black and yellow, *S. chrysomelas*
 blue, *S. mystinus*
 brown, *S. auriculatus*
 calico, *S. dalli*
 China, *S. nebulosus*
 copper, *S. caurinus*
 gopher, *S. carnatus*
 grass, *S. rastrelliger*
 kelp, *S. atrovirens*
 olive, *S. serranoides*
 quillback, *S. maliger*
 treefish, *S. serriceps*

bronzespotted, *S. gilli*
 bocaccio, *S. paucispinis*
 chameleon, *S. phillipsi*
 chilipepper, *S. goodei*
 cowcod, *S. levis*
 dwarf-red, *S. rufianus*
 flag, *S. rubrivinctus*
 freckled, *S. lentiginosus*
 greenblotched, *S. rosenblatti*
 greenspotted, *S. chlorostictus*
 greenstriped, *S. elongatus*
 halfbanded, *S. semicinctus*
 honeycomb, *S. umbrosus*
 Mexican, *S. macdonaldi*
 pink, *S. eos*
 pinkrose, *S. simulator*
 pygmy, *S. wilsoni*
 redstriped, *S. proriger*
 rosethorn, *S. helvomaculatus*
 rosy, *S. rosaceus*
 silvergrey, *S. brevispinis*
 speckled, *S. ovalis*
 squarespot, *S. hopkinsi*
 starry, *S. constellatus*
 stripetail, *S. saxicola*
 swordspine, *S. ensifer*
 tiger, *S. nigorcinctus*
 vermilion, *S. miniatus*
 yelloweye, *S. ruberrimus*

aurora, *S. aurora*
 bank, *S. rufus*
 blackgill, *S. melanostomus*
 darkblotched, *S. crameri*
 redbanded, *S. babcocki*
 rougheye, *S. aleutianus*
 sharpchin, *S. zacentrus*
 shortraker, *S. borealis*
 splitnose, *S. diploproa*
 yellowmouth, *S. reedi*

South of 40°10' N. lat.NEARSHORE

black, *Sebastes melanops*
 black and yellow, *S. chrysomelas*
 blue, *S. mystinus*
 brown, *S. auriculatus*
 calico, *S. dalli*
 California scorpionfish, *Scorpaena guttata*
 China, *Sebastes nebulosus*
 copper, *S. caurinus*
 gopher, *S. carnatus*
 grass, *S. rastrelliger*
 kelp, *S. atrovirens*
 olive, *S. serranoides*
 quillback, *S. maliger*
 treefish, *S. serriceps*

SHELF

bronzespotted, *S. gilli*
 chameleon, *S. phillipsi*
 dwarf-red, *S. rufianus*
 flag, *S. rubrivinctus*
 freckled, *S. lentiginosus*
 greenblotched, *S. rosenblatti*
 greenspotted, *S. chlorostictus*
 greenstriped, *S. elongatus*
 halfbanded, *S. semicinctus*
 honeycomb, *S. umbrosus*
 Mexican, *S. macdonaldi*
 pink, *S. eos*
 pinkrose, *S. simulator*
 pygmy, *S. wilsoni*
 redstriped, *S. proriger*
 rosethorn, *S. helvomaculatus*
 rosy, *S. rosaceus*
 silvergrey, *S. brevispinis*
 speckled, *S. ovalis*
 squarespot, *S. hopkinsi*
 starry, *S. constellatus*
 stripetail, *S. saxicola*
 swordspine, *S. ensifer*
 tiger, *S. nigorcinctus*
 vermilion, *S. miniatus*
 yelloweye, *S. ruberrimus*
 yellowtail, *S. flavidus*

SLOPE

aurora, *S. aurora*
 bank, *S. rufus*
 blackgill, *S. melanostomus*
 darkblotched, *S. crameri*
 Pacific ocean perch (POP), *S. alutus*
 redbanded, *S. babcocki*
 rougheye, *S. aleutianus*
 sharpchin, *S. zacentrus*
 shortraker, *S. borealis*
 yellowmouth, *S. reedi*

B. Limited Entry Fishery

(1) *General.* Most species taken in limited entry fisheries will be managed with cumulative trip limits (see paragraph A.(1)(d)), size limits (see paragraph A.(6)), and seasons (see paragraph A.(7)). The trawl fishery has gear requirements and trip limits that differ by the type of trawl gear on board

(see paragraph A.(14)). Cowcod retention is prohibition in all fisheries and groundfish vessels operating south of Point Conception must adhere to CCA restrictions (see paragraph A.(20)). Yelloweye rockfish retention is prohibited in the limited entry fixed gear fisheries. Most of the management measures for the limited entry fishery

are listed above and in Tables 2 and 3, and may be changed during the year by announcement in the **Federal Register**. However, the management regimes for several fisheries (nontrawl sablefish, Pacific whiting, and black rockfish) do not neatly fit into these tables and are addressed immediately following Tables 2 and 3.

Table 2. Trip Limits ^{1/} and Gear Requirements ^{2/} for Limited Entry Trawl Gear
Other Limits and Requirements Apply – Read Sections A. and B. before using this table

line	Species/groups	JAN-FEB	MARCH - DECEMBER
1	Minor slope rockfish		Management measures for March through December 2002 are proposed in the Proposed Rules section of this edition of the Federal Register.
2	North	1,800 lb/ 2 months	
3	South	50,000 lb/ 2 months	
4	Splitnose - South	25,000 lb/ 2 months	
5	Pacific ocean perch - North ^{5/}	2,000 lb/ month	
6	Chillipepper - South ^{6/}		
7	mid-water trawl	25,000 lb/ 2 months	
8	small footrope trawl	7,500 lb/ 2 months	
9	large footrope trawl	500 lb/ trip, not to exceed small footrope cumulative 2-month limits at any time during the year.	
10	DTS complex - North		
11	Sablefish	6,000 lb/ 2 months	
12	Longspine thornyhead	10,000 lb/ 2 months	
13	Shortspine thornyhead	2,600 lb/ 2 months	
14	Dover sole	30,000 lb/ 2 months	
15	DTS complex - South		
16	Sablefish	4,500 lb/ 2 months	
17	Longspine thornyhead	10,000 lb/ 2 months	
18	Shortspine thornyhead	2,600 lb/ 2 months	
19	Dover sole	22,000 lb/ 2 months	
20	Flatfish - North		
21	All other flatfish ^{3/}	Small footrope required: 15,000 lb/ month	
22	Petrale sole	Not limited	
23	Rex sole	Not limited	
24	Arrowtooth flounder	30,000 lb/ trip	
25	Flatfish - South		
26	All other flatfish ^{3/}	Small footrope: 70,000 lb/ month, no more than 40,000 lb of which may be species other than Pacific sanddabs	
27	Petrale sole	Not limited	
28	Rex sole	Not limited	
29	Arrowtooth flounder	30,000 lb/ trip	
30	All other flatfish ^{3/} , including petrale sole - North and South	Large footrope: 1,000 lb/trip, not to exceed small footrope cumulative monthly limits at any time during the year.	
31	Whiting shoreside ^{4/}	20,000 lb/ trip	
32	USE OF SMALL FOOTROPE BOTTOM TRAWL^{5/} OR MIDWATER TRAWL REQUIRED FOR LANDING ALL OF THE FOLLOWING SPECIES:		
33	Minor shelf rockfish		
34	North	300 lb/ month	
35	South	500 lb/ month	
36	Canary rockfish	200 lb/ 2 months	
37	Widow rockfish		
38	mid-water trawl	CLOSED ^{7/}	
39	small footrope trawl	1,000 lb/ month	
40	Yellowtail - North ^{6/}		
41	mid-water trawl	CLOSED ^{7/}	
42	small footrope trawl	Without flatfish, 1,000 lb/ month. As flatfish bycatch, per trip limit is the sum of 33% (by weight) of all flatfish except arrowtooth flounder, plus 10% (by weight) of arrowtooth flounder, not to exceed 30,000 lb/ 2 months.	
43	Bocaccio - South ^{6/}	600 lb/ 2 months	
44	Cowcod	CLOSED ^{7/}	
45	Minor nearshore rockfish		
46	North	300 lb/ month	
47	South	300 lb/ month	
48	Lingcod ^{8/}	800 lb/ 2 months	

1/ Trip limits apply coastwide unless otherwise specified. "North" means 40°10' N. lat. to the U.S.-Canada border. "South" means 40°10' N. lat. to the U.S.-Mexico border. 40°10' N. lat. is about 20 nm south of Cape Mendocino, CA.
 2/ Gear requirements and prohibitions are explained above.
 3/ "Other" flatfish means all flatfish at 50 CFR 660.302 except those in this Table 3 with a trip limit.
 4/ The whiting "per trip" limit in the Eureka area inside 100 fm is 10,000 lb/ trip throughout the year. Outside Eureka area, the 20,000 lb/ trip limit applies before and after the primary season.
 5/ Small footrope trawl means a bottom trawl net with a footrope no larger than 8 inches (20 cm) in diameter. Midwater gear also may be used; the footrope must be bare. See above.
 6/ Yellowtail rockfish and POP in the south, and bocaccio and chillipepper rockfishes in the north are included in the trip limits for minor shelf rockfish in the appropriate area.
 7/ Closed means that it is prohibited to take and retain, possess, or land the designated species in the time or area indicated. See A.(7).
 8/ The minimum size limit for lingcod is 24 inches (61 cm) total length.
 To convert pounds to kilograms, divide by 2.20462, the number of pounds in one kilogram.

Table 3. Trip Limits^{1/} for Limited Entry Fixed Gear
Other Limits and Requirements Apply – Read Sections A. and B. before using this table

line	Species/groups	JAN-FEB	MARCH - DECEMBER
1	Minor slope rockfish		
2	North	1,000 lb/ month	
3	South	25,000 lb/ 2 months	
4	Splitnose - South	25,000 lb/ 2 months	
5	Pacific ocean perch - North 5/	2,000 lb/ month	
6	Sablefish		
7	North of 36° N. lat.	300 lb/ day, or 1 landing per week of up to 800 lb, not to exceed 2,400 lb/ 2 months	
8	South of 36° N. lat.	350 lb/ day, or 1 landing per week of up to 1,050 lb	
9	Longspine thornyhead	9,000 lb/ 2 months	
10	Shortspine thornyhead	2,000 lb/ 2 months	
11	Dover sole		
12	Arrowtooth flounder		
13	Petrale sole		
14	Rax sole		
15	All other flatfish 2/	5,000 lb/ month (all flatfish)	
16	Whiting 3/	20,000 lb/ trip	
17	Shelf rockfish, including minor shelf rockfish, widow and yellowtail rockfish ^{4/}		
18	North	200 lb/ month	
19	South		
20	40°10' - 34°27' N. lat.	200 lb/ month	
21	South of 34°27' N. lat.	CLOSED 4/	
22	Canary rockfish	CLOSED 4/	
23	Yelloweye rockfish	CLOSED 4/	
24	Cowcod	CLOSED 4/	
25	Bocaccio - South 5/		
26	40°10' - 34°27' N. lat.	200 lb/ month	
27	South of 34°27' N. lat.	CLOSED 4/	
28	Chilipepper - South 5/		
29	40°10' - 34°27' N. lat.	500 lb/ month	
30	South of 34°27' N. lat.	CLOSED 4/	
31	Minor nearshore rockfish		
32	North	5,000 lb/ month, no more than 2,000 lb of which may be species - other than black or blue rockfish 6/	
33	South		
34	40°10' - 34°27' N. lat.	1,600 lb/ 2 months	
35	South of 34°27' N. lat.	CLOSED 4/	
36	Lingcod 7/		
37	North	CLOSED 4/	
38	South		
39	40°10' - 34°27' N. lat.	CLOSED 4/	
40	South of 34°27' N. lat.	CLOSED 4/	

Management
measures for March
through December
2002 are proposed in
the Proposed Rules
section of this edition
of the Federal
Register

1/ Trip limits apply coastwide unless otherwise specified. "North" means 40°10' N. lat. to the U.S.-Canada border.

"South" means 40°10' N. lat. to the U.S.-Mexico border. 40°10' N. lat. is about 20 nm south of Cape Mendocino, CA.

2/ "Other flatfish" means all flatfish at 50 CFR 660.302 except those in this Table 4 with a trip limit.

3/ The whiting "per trip" limit in the Eureka area inside 100 fm is 10,000 lb/ trip throughout the year.

4/ Closed means that it is prohibited to take and retain, possess, or land the designated species in the time or area indicated. See IV.A.(7).

5/ Yellowtail rockfish and widow rockfish coastwide, POP in the south, and bocaccio and chilipepper rockfishes in the north are included in the trip limits for shelf rockfish in the appropriate area.

6/ For black rockfish north of Cape Alava (48°09'30" N.lat.), and between Destruction Island (47°40'00" N.lat.) and Leadbetter Point (46°38'10" N.lat.), there is an additional limit of 100 lbs or 30 percent by weight of all fish on board, whichever is greater, per vessel, per fishing trip.

7/ The minimum size limit for lingcod is 24 inches (61 cm) total length.

To convert pounds to kilograms, divide by 2.20462, the number of pounds in one kilogram.

(2) *Sablefish*. The limited entry sablefish allocation is further allocated 58 percent to trawl gear and 42 percent to nontrawl gear.

(a) *Trawl trip and size limits*.

Management measures for the limited entry trawl fishery for sablefish are listed in Table 2.

(b) *Nontrawl (fixed gear) trip and size limits*. To take, retain, possess, or land sablefish during the primary season for the limited entry fixed gear sablefish fishery, the owner of a vessel must hold a limited entry permit for that vessel, affixed with both a gear endorsement for longline or trap (or pot) gear, and a sablefish endorsement. (See 50 CFR 663.323(a)(2)(i).) A sablefish endorsement is not required to participate in the limited entry daily trip limit fishery.

(i) *Primary season*. The primary season begins at 12 noon l.t. on April 1, 2002, and ends at 12 noon l.t. on October 31, 2002. There are no pre-season or post-season closures. During the primary season, each vessel with at least one limited entry permit with a sablefish endorsement that is registered for use with that vessel may land up to the cumulative trip limit for each of the sablefish-endorsed limited entry permits registered for use with that vessel, for the tier(s) to which the permit(s) are assigned. For 2002, the following limits would be in effect: Tier 1, 36,000 lb (16,329 kg); Tier 2, 16,500 lb (7,484 kg); Tier 3, 9,500 lb (4,309 kg). All limits are in round weight. If a vessel is registered for use with a sablefish-endorsed limited entry permit, all sablefish taken after April 1, 2002, count against the cumulative limits associated with the permit(s) registered for use with that vessel. A vessel that is eligible to participate in the primary sablefish season may participate in the daily trip limit fishery for sablefish once that vessel's primary season sablefish limit(s) have been taken or after October 31, 2002, whichever occurs first. No vessel may land sablefish against both its primary season cumulative sablefish limits and against the daily trip limit fishery limits within the same 24 hour period of 0001 hour l.t. to 2400 hours l.t.

(ii) *Daily trip limit*. Daily and/or weekly sablefish trip limits listed in Table 3 apply to any limited entry fixed gear vessels not participating in the primary sablefish season described in

paragraph (i) of this section. North of 36° N. lat., the daily and/or weekly trip limits apply to fixed gear vessels that are not registered for use with a sablefish-endorsed limited entry permit, and to fixed gear vessels that are registered for use with a sablefish-endorsed limited entry permit when those vessels are not fishing against their primary sablefish season cumulative limits. South of 36° N. lat., the daily and/or weekly trip limits for taking and retaining sablefish that are listed in Table 3 apply throughout the year to all vessels registered for use with a limited entry fixed gear permit.

(3) *Whiting*. Additional regulations that apply to the whiting fishery are found at 50 CFR 660.306 and at 50 CFR 660.323(a)(3) and (a)(4). All allocations described in this section and the section on Washington Coastal Tribal Fisheries in this document will not be finalized until the Council finalizes the 2002 whiting ABC and OY at its March 2002 meeting.

(a) *Allocations*. Whiting allocations will be based on the percentages detailed in 50 CFR 660.323(a)(4)(i), and will be announced inseason when the final OY is announced.

(b) *Seasons*. The 2002 primary seasons for the whiting fishery start on the same dates as in 2001, as follows (see 50 CFR 660.323(a)(3)):

(i) *Catcher/processor sector*—May 15;

(ii) *Mothership sector*—May 15;

(iii) *Shore-based sector*—June 15 north of 42° N. lat.; April 1 between 42°–40°30' N. lat.; April 15 south of 40°30' N. lat.

(c) *Trip limits*. (i) *Before and after the regular season*. The "per trip" limit for whiting before and after the regular season for the shore-based sector is announced in Table 2, as authorized at 50 CFR 660.323(a)(3) and (a)(4). This trip limit includes any whiting caught shoreward of 100 fathoms (183 m) in the Eureka area.

(ii) *Inside the Eureka 100 fm (183 m) contour*. No more than 10,000 lb (4,536 kg) of whiting may be taken and retained, possessed, or landed by a vessel that, at any time during a fishing trip, fished in the fishery management area shoreward of the 100 fathom (183 m) contour (as shown on NOAA Charts 18580, 18600, and 18620) in the Eureka area.

(4) *Black rockfish*. The regulations at 50 CFR 660.323(a)(1) state: "The trip

limit for black rockfish (*Sebastes melanops*) for commercial fishing vessels using hook-and-line gear between the U.S.-Canada border and Cape Alava (48°09'30" N. lat.) and between Destruction Island (47°40'00" N. lat.) and Leadbetter Point (46°38'10" N. lat.), is 100 lb (45 kg) or 30 percent, by weight of all fish on board, whichever is greater, per vessel per fishing trip." These "per trip" limits apply to limited entry and open access fisheries, in conjunction with the cumulative trip limits and other management measures listed in Tables 3 and 4. The crossover provisions at paragraphs A.(12) do not apply to the black rockfish per-trip limits.

C. Trip Limits in the Open Access Fishery

(1) *General*. Open access gear is gear used to take and retain groundfish from a vessel that does not have a valid permit for the Pacific Coast groundfish fishery with an endorsement for the gear used to harvest the groundfish. This includes longline, trap, pot, hook-and-line (fixed or mobile), set net and trammel net (south of 38° N. lat. only), and exempted trawl gear (trawls used to target non-groundfish species: Pink shrimp or prawns, and, south of Pt. Arena, CA (38°57'30" N. lat.), California halibut or sea cucumbers). Unless otherwise specified, a vessel operating in the open access fishery is subject to, and must not exceed any trip limit, frequency limit, and/or size limit for the open access fishery. Groundfish species taken in open access fisheries will be managed with cumulative trip limits (see paragraph A.(1)(d)), size limits (see paragraph A.(6)), and seasons (see paragraph A.(7)). Cowcod retention is prohibited in all fisheries and groundfish vessels operating south of Point Conception must adhere to CCA restrictions (see paragraph A.(20)). Yelloweye rockfish retention is prohibited in all open access fisheries. The trip limits, size limits, seasons, and other management measures for open access groundfish gear, except exempted trawl gear, are listed in Table 4. The trip limit at 50 CFR 660.323(a)(i) for black rockfish caught with hook-and-line gear also applies. (The black rockfish limit is repeated at paragraph B.(4).)

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Table 4. Trip Limits^{1/} for Open Access Gears
Other Limits and Requirements Apply -- Read Sections A. and C. before using this table
Exceptions for exempted gears at Section C.

line	Species/groups	JAN-FEB	MARCH - DECEMBER
1	Minor slope rockfish		Management measures for March through December 2002 are proposed in the Proposed Rules section of this edition of the Federal Register
2	North	Per trip, no more than 25% of weight of the sablefish landed	
3	South	10,000 lb/ 2 months	
4	Splitnose - South	200 lb/ month	
5	Pacific ocean perch - North 5/	100 lb/ month	
6	Sablefish		
7	North of 36° N. lat.	300 lb/ day, or 1 landing per week of up to 800 lb, not to exceed 2,400 lb/ 2 months	
8	South of 36° N. lat.	350 lb/ day, or 1 landing per week of up to 1,050 lb	
9	Thornyheads		
10	North of 34° 27' N. lat.	CLOSED 3/	
11	South of 34° 27' N. lat.	50 lb/ day, no more than 2,000 lb/ 2 months	
12	Dover sole	3,000 lb/ month, no more than 300 lb of which may be species other than Pacific sanddabs	
13	Arrowtooth flounder		
14	Petrale sole		
15	Rex sole		
16	All other flatfish 2/		
17	Whiting	300 lb/ month	
18	Shelf rockfish, including minor shelf rockfish, widow and yellowtail rockfish ^{5/}		
19	North	200 lb/ month	
20	South		
21	40°10' - 34°27' N. lat.	200 lb/ month	
22	South of 34°27' N. lat.	CLOSED 3/	
23	Canary rockfish	CLOSED 3/	
24	Yelloweye rockfish	CLOSED 3/	
25	Cowcod	CLOSED 3/	
26	Bocaccio - South 5/		
27	40°10' - 34°27' N. lat.	200 lb/ month	
	South of 34°27' N. lat.	CLOSED 3/	
28	Chillipepper - South 5/		
29	40°10' - 34°27' N. lat.	500 lb/ month	
30	South of 34°27' N. lat.	CLOSED 3/	
31	Minor nearshore rockfish		
32	North	3,000 lb/ 2 months, no more than 1,200 lb of which may be species other than black or blue rockfish 5/	
33	South		
34	40°10' - 34°27' N. lat.	1,200 lb/ 2 months	
35	South of 34°27' N. lat.	CLOSED 3/	
36	Lingcod 7/		
37	North	CLOSED 3/	
38	South		
39	40°10' - 34°27' N. lat.	CLOSED 3/	
40	South of 34°27' N. lat.	CLOSED 3/	

1/ Trip limits apply coastwide unless otherwise specified. "North" means 40°10' N. lat. To the U.S.-Canada border.

"South" means 40°10' N. lat. To the U.S.-Mexico border. 40°10' N. lat is about 20 nm south of Cape Mendocino, CA.

2/ "Other flatfish" means all flatfish at 50 CFR 660.302 except those in this Table 5 with a trip limit.

3/ Closed means that it is prohibited to take and retain, possess, or land the designated species in the time or area indicated. See IV.A.(7). in the time or area indicated.

4/ Yellowtail rockfish and POP in the south, and bocaccio, and chillipepper rockfishes in the north are included in the trip limits for minor shelf rockfish in the appropriate area.

5/ For black rockfish north of Cape Alava (48°09'30" N.lat.), and between Destruction Island (47°40'00" N.lat.) and Leadbetter Point (46°38'10" N.lat.), there is an additional limit of 100 lbs or 30 percent by weight of all fish on board, whichever is greater, per vessel, per fishing trip.

6/ The size limit for lingcod is 24 inches (61 cm) total length.

To convert pounds to kilograms, divide by 2.20462, the number of pounds in one kilogram.

(2) *Groundfish taken with exempted trawl gear by vessels engaged in fishing for spot and ridgeback prawns, California halibut, or sea cucumbers.*

(a) *Trip limits.* The trip limit is 300 lb (136 kg) of groundfish per fishing trip. Limits in Table 4 also apply and are counted toward the 300 lb (136 kg) groundfish limit. In any landing by a vessel engaged in fishing for spot and ridgeback prawns, California halibut, or sea cucumbers with exempted trawl gear, the amount of groundfish landed may not exceed the amount of the target species landed, except that the amount of spiny dogfish (*Squalus acanthias*) landed may exceed the amount of target species landed. Spiny dogfish are limited by the 300 lb (136 kg) per trip overall groundfish limit. The daily trip limits for sablefish coastwide and thornyheads south of Pt. Conception and the overall groundfish "per trip" limit may not be multiplied by the number of days of the fishing trip. The closures listed in Table 4 also apply, except for the species listed below in subparagraphs (i) through (v). The following sublimits also apply and are counted toward the overall 300 lb (136 kg) per trip groundfish limit:

(i) Shelf rockfish (including minor shelf rockfish, widow and yellowtail)—

(A) Between 40°10' N. lat. and 34°27' N. lat.: 200 lb (91 kg) per month.

(B) South of 34°27' N. lat.: 500 lb (227 kg) per month.

(ii) Bocaccio south of 40 deg. 10' N. lat.—200 lb (91 kg) per month.

(iii) Chilipepper rockfish—

(A) Between 40°10' N. lat. and 34°27' N. lat.: 500 lb (227 kg) per month.

(B) South of 34°27' N. lat.: 2,500 lb (1,134 kg) per month.

(iv) Minor nearshore rockfish south of 40 deg. 10' N. Lat.—1,200 lb (544 kg) per 2 months.

(v) Lingcod south of 40 deg. 10' N. lat.—May 1 through October 31, 2002: 300 lb (136 kg) per month, otherwise closed.

(b) *State law.* These trip limits are not intended to supersede any more restrictive state law relating to the retention of groundfish taken in shrimp or prawn pots or traps.

(c) *Participation in the California halibut fishery.* A trawl vessel will be considered participating in the California halibut fishery if:

(i) It is not fishing under a valid limited entry permit issued under 50 CFR 660.333 for trawl gear;

(ii) All fishing on the trip takes place south of Pt. Arena; and

(iii) The landing includes California halibut of a size required by California Fish and Game Code section 8392(a), which states: "No California halibut

may be taken, possessed or sold which measures less than 22 inches (56 cm) in total length, unless it weighs 4 lbs (1.8144 kg) or more in the round, 3 and one-half lbs (1.587 kg) or more dressed with the head on, or 3 lbs (1.3608 kg) or more dressed with the head off. Total length means "the shortest distance between the tip of the jaw or snout, whichever extends farthest while the mouth is closed, and the tip of the longest lobe of the tail, measured while the halibut is lying flat in natural repose, without resort to any force other than the swinging or fanning of the tail."

(d) *Participation in the sea cucumber fishery.* A trawl vessel will be considered to be participating in the sea cucumber fishery if:

(i) It is not fishing under a valid limited entry permit issued under 50 CFR 660.333 for trawl gear;

(ii) All fishing on the trip takes place south of Pt. Arena; and

(iii) The landing includes sea cucumbers taken in accordance with California Fish and Game Code, section 8396, which requires a permit issued by the State of California.

(3) *Groundfish taken with exempted trawl gear by vessels engaged in fishing for pink shrimp.*

(a) The trip limit is 500 lb (227 kg) of groundfish per day, multiplied by the number of days of the fishing trip, but not to exceed 1,500 lb (680 kg) of groundfish per trip. The following sublimits also apply and are counted toward the overall 500 lb (227 kg) per day and 1,500 lb (680 kg) per trip groundfish limits:

(i) Canary rockfish—

(A) April 1 through 30, 2002; 50 lb (23 kg) per month

(B) Starting May 1, 2002 through October 31, 2002: 200 lb (91 kg) per month

(ii) Lingcod—April 1 through October 31, 2002: 400 lb (181 kg) per month, with a minimum size limit (total length) of 24 inches (61 cm)

(iii) Sablefish—April 1, 2002 through October 31, 2002: 2,000 lb (907 kg) per month.

(iv) Thornyheads—Closed north of Pt. Conception (34°27' N. lat.)

(b) All other groundfish species taken with exempted trawl gear by vessels engaged in fishing for pink shrimp are managed under the overall 500 lb (227 kg) per day and 1,500 lb (680 kg) per trip groundfish limits. Landings of these species count toward the per day and per trip groundfish limits and do not have species-specific limits.

(c) In any trip in which pink shrimp trawl gear is used, the amount of

groundfish landed may not exceed the amount of pink shrimp landed.

(d) Operating in pink shrimp and other fisheries during the same cumulative trip limit period. Notwithstanding section A.(11), a vessel that takes and retains pink shrimp and also takes and retains groundfish in either the limited entry or another open access fishery during the same applicable cumulative limit period that it takes and retains pink shrimp (which may be 1 month or 2 months, depending on the fishery and the time of year), may retain the larger of the two limits, but only if the limit(s) for each gear or fishery are not exceeded when operating in that fishery or with that gear. The limits are not additive; the vessel may not retain a separate trip limit for each fishery.

D. Recreational Fishery

(1) *California.* (Note: California law provides that, in times and area when the recreational fishery is open, there is a 20-fish bag limit for all species of finfish, within which no more than 10 fish of any one species may be taken or possessed by any one person.) For each person engaged in recreational fishing seaward of California, the following seasons and bag limits apply:

(a) *Rockfish*—(i) *Cowcod Conservation Areas.* Recreational fishing for groundfish is prohibited within the CCAs, as described above at A.(20), except that fishing for rockfish is permitted in waters inside the 20-fathom (37 m) depth contour within the CCAs from March 1 through October 31, 2002, subject to the bag limits in paragraph (ii) of this section.

(ii) *Seasons.* North of 40°10' N. lat., recreational fishing for rockfish is open from January 1 through December 31. South of 40°10' N. lat. and north of Point Conception (34°27' N. lat.), recreational fishing for rockfish is closed from March 1 through April 30, and from November 1 through December 31. This area is also closed to recreational rockfish fishing from May 1 through June 30 and from September 1 through October 31, except that fishing for rockfish is permitted inside the 20 fathom (37 m) depth contour, subject to the bag limits in paragraph (iii) of this section, except that bocaccio, canary rockfish and yelloweye rockfish retention is prohibited. South of Point Conception (34°27' N. lat.), recreational fishing for rockfish is closed from January 1 through February 28 and from November 1 through December 31. Recreational fishing for cowcod is prohibited all year in all areas.

(iii) *Bag limits, boat limits, hook limits.* In times and areas when the

recreational season for rockfish is open, there is a 2-hook limit per fishing line, and the bag limit is 10 rockfish per day, of which no more than 2 may be bocaccio, no more than 1 may be canary rockfish, and no more than 1 may be yelloweye rockfish. No more than 2 yelloweye rockfish may be retained per vessel. Cowcod may not be retained. Bocaccio, canary rockfish, and yelloweye rockfish may not be retained, and no more than 2 shelf rockfish may be retained, in the area between 40°10' N. lat. and Point Conception (34°27' N. lat.) from May 1 through June 30, or September 1 through October 31. (Note: California scorpionfish are subject to California's 10 fish bag limit per species, but are not counted toward the 10 rockfish bag limit.) Multi-day limits are authorized by a valid permit issued by California and must not exceed the daily limit multiplied by the number of days in the fishing trip.

(iv) *Size limits.* The following rockfish size limits apply: bocaccio may be no smaller than 10 inches (25 cm); and California scorpionfish may be no smaller than 10 inches (25 cm).

(v) *Dressing/Fileting.* Rockfish skin may not be removed when fileting or otherwise dressing rockfish taken in the recreational fishery. The following rockfish filet size limits apply: bocaccio filets may be no smaller than 5 inches (12.8 cm); California scorpionfish filets may be no smaller than 5 inches (12.8 cm); and brown-skinned rockfish filets may be no smaller than 6.5 inches (16.6 cm). "Brown-skinned" rockfish include the following species: brown, calico, copper, gopher, kelp, olive, speckled, squarespot, and yellowtail.

(b) *Roundfish* (Lingcod, cabezon, kelp greenling)—(i) *Cowcod Conservation Areas.* Recreational fishing for groundfish is prohibited within the CCAs, as described above at A.(20), except that fishing for lingcod is permitted in waters inside the 20 fathom (37 m) depth contour within the CCAs from March 1 through October 31, 2002, subject to the bag limits in paragraph (iii) of this section. Fishing for cabezon and kelp greenling is allowed in waters inside the 20 fathom (37 m) depth contour within the CCAs year round.

(ii) *Seasons.* South of 40°10' N. lat. and north of Point Conception (34°27' N. lat.), recreational fishing for lingcod is closed from March 1 through April 30, and from November 1 through December 31. This area is also closed to recreational lingcod fishing from May 1 through June 30 and from September 1 through October 31, except that fishing for lingcod is permitted inside the 20 fathom (37 m) depth contour, subject to

the bag limits in paragraph (iii) of this section. South of Point Conception (34°27' N. lat.), recreational fishing for lingcod is closed from January 1 through February 28 and from November 1 through December 31.

(iii) *Bag limits, boat limits, hook limits.* In times and areas when the recreational season for lingcod is open, there is a 2-hook limit per fishing line, and the bag limit is 2 lingcod per day. Multi-day limits are authorized by a valid permit issued by California and must not exceed the daily limit multiplied by the number of days in the fishing trip.

(iv) *Size limits.* The following roundfish size limits apply: lingcod may be no smaller than 24 inches (61 cm) total length, cabezon may be no smaller than 15 inches (38 cm); and kelp greenling may be no smaller than 12 inches (30 cm).

(v) *Dressing/Fileting.* Cabezon and kelp greenling taken in the recreational fishery may not be filleted at sea. Lingcod filets may be no smaller than 15 inches (38.1 cm).

(2) *Oregon.* The bag limits for each person engaged in recreational fishing seaward of Oregon are 1 lingcod per day, which may be no smaller than 24 inches (61 cm) total length; and 10 rockfish per day, of which no more than 1 may be canary rockfish and no more than 1 may be yelloweye rockfish. During the all-depth recreational fisheries for Pacific halibut (*Hippoglossus stenolopis*), vessels with halibut on board may not take, retain, possess or land yelloweye rockfish.

(3) *Washington.* For each person engaged in recreational fishing seaward of Washington, the following seasons and bag limits apply:

(a) *Rockfish.* There is a rockfish bag limit of no more than 10 rockfish per day, of which no more than 2 may be canary rockfish, or no more than 1 may be canary rockfish and 1 may be yelloweye rockfish. Taking and retaining yelloweye rockfish is prohibited from a vessel with Pacific halibut retained on board.

(b) *Lingcod.* Recreational fishing for lingcod is closed between January 1 and April 15, and between October 16 and December 21. When the recreational season for lingcod is open, there is a bag limit of 2 lingcod per day, which may be no smaller than 24 inches (61 cm) total length.

Washington Coastal Tribal Fisheries

The basis for and background information on groundfish allocations harvest by the four Washington Coastal Tribes (Makah, Quileute, Hoh, and Quinault) with treaty rights to

groundfish is described in the proposed rule to implement the 2002 groundfish specifications and management measures in the Proposed Rules section of the January 11, 2002 issue of the **Federal Register**.

The Assistant Administrator (AA) announces the following tribal allocations for 2002, including those that are the same as in 2001. Trip limits for certain species were recommended by the tribes and the Council and are specified here with the tribal allocations.

A. Sablefish

The tribal allocation is 424 mt, 10 percent of the total catch OY, less 3 percent estimated discard mortality.

B. Rockfish

(1) For the commercial harvest of black rockfish off Washington State, a harvest guideline of: 20,000 lb (9,072 kg) north of Cape Alava (48°09'30" N. lat.) and 10,000 lb (4,536 kg) between Destruction Island (47°40'00" N. lat.) and Leadbetter Point (46°38'10" N. lat.).

(2) Thornyheads are subject to a 300 lb (136 kg) trip limit.

(3) Canary rockfish are subject to a 300 lb (136 kg) trip limit.

(4) Yelloweye rockfish are subject to a 100 lb (45 kg) trip limit.

(5) Yellowtail rockfish taken in the tribal mid-water trawl fisheries are subject to a cumulative limit of 30,000 lb (13,608 kg) per two-month period. Landings of widow rockfish must not exceed 10 percent of the weight of yellowtail rockfish landed in any two-month period. These limits may be adjusted by an individual tribe inseason to minimize the incidental catch of canary rockfish and widow rockfish.

(6) Other rockfish, including minor nearshore, minor shelf, and minor slope rockfish groups are subject to a 300 lb (136 kg) trip limit per species or species group, or to the non-tribal limited entry trip limit for those species if those limits are less restrictive than 300 lb (136 kg) per trip.

(7) Rockfish taken during open competition tribal commercial fisheries for Pacific halibut will not be subject to trip limits.

C. Lingcod

Lingcod are subject to a 300 lb (136 kg) daily trip limit and a 900 lb (408 kg) weekly limit.

D. Pacific whiting

Whiting allocations will be announced when the final OY is announced.

Classification

These final management measures for January 1 through February 28, 2002 are issued under the authority of, and are in accordance with, the Magnuson-Stevens Act and 50 CFR parts 600 and 660 subpart G (the regulations implementing the FMP).

The January-February management measures are intended to protect overfished and other depressed stocks and meet the Council's overfished stock rebuilding goals while also allowing as much harvest of healthy stocks as possible. As previously explained, delay in implementation of these regulatory measures could cause harm to some stocks, as fishing will continue using 2001 management measures until the implementation of these regulations, possibly allowing the overfishing of some stocks. Delay in publishing these measures could require unnecessarily restrictive measures later in the year to make up for the late implementation, leading to higher fish prices and fewer fish available for sale to the public as well as further reduced employment of the groundfish fleet. Much of the data necessary for these specifications and management measures came from the 2001 fisheries year. Because of the timing of the receipt, development, review, and analysis of the fishery information necessary for setting the initial specifications and management measures, and the need to have these management measures in effect January 1, 2002 (the beginning of the 2002 fishing year), the AA finds, under 5

U.S.C. 553(b)(B), that prior notice and the opportunity for public comment are impracticable and contrary to the public interest for the January 1 through February 28, 2002, management measures.

Amendment 4 to the FMP, implemented on January 1, 1991, recognized that there is a very short time between when fisheries data become available and when annual management measures must be in place. The amendment set up a system by which the interested public is notified, through **Federal Register** publication and Council mailings, of meetings and of the development of these measures and is provided the opportunity to comment during the Council process. The public participated in Groundfish Management Team, Groundfish Advisory Subpanel, Scientific and Statistical Committee, and Council meetings in September and November 2001 where these recommendations were formulated. Additional public comments on this emergency rule and on the proposed 2002 specifications and management measures will be accepted for 30 days after publication of these documents in this **Federal Register**.

As previously described, the interested public has participated in the Council process to formulate these regulations. The Council has provided information to the industry on the above management measures and specifications through the newsletters that it sends to fishery participants, and NMFS has provided notice through the

U.S. Coast Guard's Notice to Mariners, and the States of Washington, Oregon, and California also disseminate information. As previously explained, there is a need to implement these management measures on January 1, 2002. Therefore, the AA finds, under 5 U.S.C. 553(d)(3), good cause not to delay the effective date of these management measures.

This action has been determined to be not significant for purposes of Executive Order 12866.

Because prior notice and opportunity for public comment are not required for this 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 previously described, the January-February 2002 management measures are based on the overall analysis underlying the 2002 specifications and March-December 2002 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 2002 specifications and management measures considers the effects of the January and February management measures on the fisheries.

Dated: December 31, 2001.

Rebecca Lent,

*Deputy Assistant Administrator for
Regulatory Programs, National Marine
Fisheries Service.*

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