

15. In section IV., under D. Recreational Fishery, paragraph (3)(b)(ii)(B) is revised to read as follows:

\* \* \* \* \*

(B) *Bag limits, boat limits, hook limits.* South of 40°10' N. lat., in times and areas when the recreational season for the RCG Complex is open, there is a limit of two hooks and one line when fishing for rockfish.

(1) From January 1 through April 30 when the season for the RCG complex is open, the bag limit is 10-RCG Complex fish per day (not including canary rockfish, yelloweye rockfish and cowcod, which are prohibited), of which up to 10 may be rockfish, no more than 1 of which may be bocaccio and no more than 2 of which may be shallow nearshore rockfish. (Note: The shallow nearshore rockfish group off California are composed of kelp, grass, black-and-yellow, China, and gopher rockfishes.) Also within the 10-RCG Complex fish per day limit, no more than 2 fish per day may be greenling (kelp and/or other greenlings) and no more than 3 fish per day may be cabezon. Lingcod, California scorpionfish and sanddabs taken in recreational fisheries off California do not count toward the 10 RCG Complex fish per day 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.

(2) From May 1 through December 31, the bag limit is 10-RCG Complex fish per day (not including canary rockfish, yelloweye rockfish and cowcod, which are prohibited), of which up to 10 may be rockfish, no more than 1 of which may be bocaccio. Also within the 10-RCG Complex fish per day limit, no more than 2 fish per day may be greenling (kelp and/or other greenlings) and no more than 3 fish per day may be cabezon. Lingcod, California scorpionfish and sanddabs taken in recreational fisheries off California do not count toward the 10 RCG Complex fish per day 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.

\* \* \* \* \*

16. In section IV., under D. Recreational Fishery, paragraph (3)(b)(iv) is corrected to read as follows:

\* \* \* \* \*

(iv) *Lingcod.*

(A) *Seasons.* Between 40°10' N. lat. and 34°27' N. lat., recreational fishing for lingcod is open from January 1 through February 29 and from May 1 through October 31 (i.e., it's closed from

March 1 through April 30 and from November 1 through December 31). South of 34°27' N. lat., recreational fishing for lingcod is open from March 1 through October 31 (i.e., it's closed from January 1 through February 29 and from November 1 through December 31). When recreational fishing for lingcod is open, it is permitted only shoreward of the recreational RCA, as described in paragraph IV.D.(3)(b)(i)(B) above.

(B) *Bag limits, boat limits, hook limits.* South of 40°10' N. lat., in times and areas when the recreational season for lingcod is open, there is a limit of two hooks and one line when fishing for lingcod. The bag limit is two lingcod per day from January 1 through March 31 and one lingcod per day from April 1 through October 31. Lingcod do not count against the 10-RCG Complex fish per day 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.

(C) *Size limits.* In times and areas when the recreational season for lingcod is open, lingcod may be no smaller than 24 in (61 cm) total length from January 1 through March 31 and no smaller than 30 in (77 cm) total length from April 1 through October 31.

(D) *Dressing/Filleting.* In times and areas when the recreational season for lingcod is open, lingcod fillets may be no smaller than 16 in (41 cm) in length from January 1 through March 31 and no smaller than 21 in (54 cm) from April 1 through October 31 in length.

\* \* \* \* \*

#### Classification

These actions are authorized by the Pacific Coast groundfish FMP and its implementing regulations, and are based on the most recent data available. The aggregate data upon which these actions are based are available for public inspection at the Office of the Administrator, Northwest Region, NMFS, (see ADDRESSES) during business hours.

The Assistant Administrator for Fisheries, NOAA, finds good cause to waive the requirement to provide prior notice and opportunity for public comment on this action pursuant to 5 U.S.C. 553(b)(3)(B), because providing prior notice and opportunity for comment would be impracticable, unnecessary and contrary to the public interest. The data upon which these recommendations were based was provided to the Pacific Council and the Pacific Council made its recommendations at its March 7-12, 2004, meeting in Tacoma, WA. There

was not sufficient time after that meeting to draft this notice and undergo proposed and final rulemaking before these actions need to be in effect as explained below. For the actions to be implemented in this notice, prior notice and opportunity for comment would be impracticable because affording prior notice and opportunity for public comment would take too long, thus impeding the Agency's function of managing fisheries to approach without exceeding the OYs for federally managed species. The adjustments to management measures in this document include changes to California's recreational fishery and changes to the commercial trawl RCA off California. Changes to California's recreational fishery management measures must be implemented in a timely manner to protect overfished groundfish species, such as lingcod and canary rockfish, and to keep the harvest of other groundfish species, such as minor nearshore rockfish, within the harvest levels projected to be taken off the State of California in 2004. Changes to California's recreational RCG complex bag limits must be in effect by May 1, 2004, to keep harvest within the levels projected and to conform Federal and State recreational regulations. Changes to California's commercial trawl RCA are intended to reduce the take of overfished groundfish species by closing Cordell Banks, an area of high catch of canary rockfish and other overfished species, to commercial fishing in an effort to keep groundfish take within the OYs set for the year. Delaying these changes to management measures could lead to early closures of the fishery. This would contradict one of the Pacific Coast Groundfish FMP objectives of providing for year-round harvest opportunities or extending fishing opportunities as long as practicable during the fishing year.

For these reasons, good cause also exists to waive the 30 day delay in effectiveness requirement under 5 U.S.C. 553 (d)(3).

These actions are taken under the authority of 50 CFR 660.323(b)(1) and are exempt from review under Executive Order 12866.

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

Dated: April 22, 2004.

**Alan D. Risenhoover,**  
Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.  
[FR Doc. 04-9649 Filed 4-28-04; 8:45 am]

BILLING CODE 3510-22-S

## DEPARTMENT OF COMMERCE

## National Oceanic and Atmospheric Administration

## 50 CFR Part 679

[Docket No. 031125292-4061-02; I.D. 042304C]

**Fisheries of the Economic Exclusive Zone Off Alaska; Deep-Water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska**

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

**ACTION:** Closure.

**SUMMARY:** NMFS is prohibiting directed fishing for species that comprise the deep-water species fishery by vessels using trawl gear in the Gulf of Alaska (GOA). This action is necessary because the second seasonal apportionment of the 2004 halibut bycatch allowance specified for the deep-water species fishery in the GOA has been reached.

**DATES:** Effective 1200 hrs, Alaska local time (A.l.t.), April 26, 2004, through 1200 hrs, A.l.t., July 4, 2004.

**FOR FURTHER INFORMATION CONTACT:** Josh Keaton, 907-586-7228.

**SUPPLEMENTARY INFORMATION:** NMFS manages the groundfish fishery in the GOA exclusive economic zone

according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The 2004 final harvest specifications for groundfish of the GOA (69 FR 9261, February 27, 2004), established the second seasonal apportionment of the halibut bycatch allowance specified for the trawl deep-water species fishery in the GOA for the period 1200 hrs, A.l.t., April 1, 2004, through 1200 hrs, A.l.t., July 4, 2004, as 300 metric tons.

In accordance with § 679.21(d)(7)(i), the Administrator, Alaska Region, NMFS, has determined that the second seasonal apportionment of the 2004 Pacific halibut bycatch allowance specified for the trawl deep-water species fishery in the GOA has been reached. Consequently, NMFS is prohibiting directed fishing for the deep-water species fishery by vessels using trawl gear in the GOA. The species and species groups that comprise the deep-water species fishery are: all rockfish of the genera *Sebastes* and *Sebastolobus*, deep water flatfish, rex sole, arrowtooth flounder, and sablefish.

**Classification**

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA, (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such a requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent the Agency from responding to the most recent fisheries data in a timely fashion and would delay the closure of the deep-water species fishery by vessels using trawl gear in the GOA.

The AA also finds good cause to waive the 30-day delay in the effective date of this action under 5 U.S.C. 553(d)(3). This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

This action is required by § 679.20 and is exempt from review under Executive Order 12866.

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

Dated: April 23, 2004.

**Alan D. Risenhoover,**  
*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*  
[FR Doc. 04-9757 Filed 4-26-04; 4:00 pm]

BILLING CODE 3510-22-S