Dr. D.O. McIsaac,
Executive Director
Pacific Fisheries Management Council
7700 NE Ambassador Place, Suite 101
Portland, Oregon 97220-1384

RE: RCA recommendation for April 15-April 30

Dear Dr. McIsaac,

This letter is in response to the Council’s inseason transmittal letter dated on April 19, 2013 recommending the shoreward boundary of the trawl rockfish conservation area (RCA) be moved from 75 to 100 fathoms from the area 40° 10 to 48° 10 N. latitude in Period 2 (March 1 to April 30). As I announced at the April 2013 Council meeting, the National Marine Fisheries Service (NMFS) considered this request and determined that the benefits to industry would not outweigh the public interest in having the opportunity to provide comment on this recommended action.

Under the typical inseason process, NMFS usually asserts it has good cause to waive the APA requirements for notice and comment rulemaking because allowing for the time necessary for notice and comment would be impracticable and contrary to the public interest. However, in this circumstance, it did not appear that the benefits of a two-week action outweighed the public’s interest in having the opportunity to provide comment. Further, NMFS believes that it is in the broader public interest to allow for notice and comment rulemaking during the consideration of increased industry access to adjust RCA modifications over the long term.

Should your staff have any questions regarding NMFS decision regarding this decision, please contact me at the Northwest Region Sustainable Fisheries Division office in Seattle, Washington.

Sincerely,

Frank Lockhart
Assistant Regional Administrator
Cc:  Mr. Dan Wolford  
      Ms. Dorothy Lowman  
      Mr. Alan Risenhoover  
      Mr. Sam Rauch  
      Mr. Rod McInnis  
      Mr. Frank Lockhart  
      Mr. Colby Brady  
      Mr. Jon McVeigh  
      Ms. Mariam McCall  
      Mr. Ryan Couch