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UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Sustainable Fisheries Division F/NWR2
7600 Sand Point Way N.E., Bldg. 1
Seattle, WA 98115-0070

MAY 14 2013

MAY 03 2013

PFMC

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,

A handwritten signature in blue ink, appearing to read "Frank Lockhart".

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