



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
1315 East-West Highway
Silver Spring, Maryland 20910

April 15, 2021

Mr. Simon Kinneen
Chairperson
North Pacific Fishery Management Council
1007 West Third, Suite 400
Anchorage, Alaska 99501-2252

Dear Mr. Kinneen:

Thank you for the February 10, 2021 motion requesting emergency action under Fishery Management Plan (FMP) for Groundfish of the Gulf of Alaska (GOA) and under the FMP for Groundfish of the Bering Sea and Aleutian Islands Management Area (BSAI) to suspend the residency requirements applicable to the Adak Community Quota Entity (CQE) Program for 2021 (50 CFR 679.41(g)(6)(ii)). I appreciate the North Pacific Fishery Management Council's (Council) intent to address the negative economic, social, and public health impacts on the community of Adak, Alaska by recommending emergency rulemaking under Section 305(c) of the Magnuson-Stevens Act.

Under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), the Secretary of Commerce's authority to take emergency interim action, as delegated to NOAA Fisheries, addresses *unanticipated* events or serious conservation and management problems that require *immediate* attention. NOAA Fisheries evaluated your request against our long-standing policy guidelines for the use of emergency rules, and the specific circumstances applicable to the CQE representing the community of Adak, Alaska. Based on this review, the Council's request does not appear to present a conservation or management emergency that the Secretary of Commerce could address through emergency rulemaking.

I am encouraged that during the Council's IFQ Committee meeting on March 25 and 26, 2021, a similar proposal was discussed that would evaluate a longer-term management solution. I believe the development of a regulatory change would be the best approach to address the ongoing challenges and impacts on the community of Adak, Alaska. If you have any questions, please contact Dr. James W. Balsiger, Ph.D., Regional Administrator, Alaska Region.

Sincerely,

Paul Doremus
Acting Assistant Administrator
for Fisheries

