



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
National Marine Fisheries Service
P.O. Box 21668
Juneau, Alaska 99802-1668

MEMORANDUM FOR: The Record

FROM: James W. Balsiger, Ph.D.
Administrator, Alaska Region

SUBJECT: Categorical Exclusion (CE) for an Emergency Rule for a
Regulatory Amendment to Modify Season Start Date to the Central
Gulf of Alaska Rockfish Program in 2021

The National Oceanic and Atmospheric Administration's (NOAA) Policy and Procedures for Compliance with the National Environmental Policy Act and Related Authorities (NOAA Administrative Order 216-6A and Companion Manual for NAO 216-6A) establishes NOAA's policy and procedures for compliance with the National Environmental Policy Act, the CEQ regulations, Executive Order (EO) 12114 (Environment Effects Abroad of Major Federal Actions), EO 11988 and 13690 (Floodplain Management), and EO 11990 (Protection of Wetlands). It was used by NOAA to examine this action to allow an earlier start date for the Central Gulf Rockfish Program transfers in 2021 to increase flexibility and the quality of the human environment as discussed below.

Description of the Action(s):

This is an emergency rule to modify the 2021 fishing season start date for the Central Gulf of Alaska Rockfish to April 1. The emergency rule would only apply to fishing vessel members of rockfish cooperatives. This emergency rule would also provide flexibility to Rockfish Program shoreside processors accepting deliveries from these vessels. Vessel operators would be able to begin harvesting rockfish quota species beginning April 1, rather than May 1, 2021. Shoreside processors would be able to begin receiving deliveries from vessels in rockfish cooperatives on April 1, rather than May 1, 2021. This emergency rule would not modify other provisions of the Central Gulf Rockfish Program.

CE category number, title, and CE text that applies to the proposed action(s):

Category A1. Trust Resource Management Actions. An action that is a technical correction or a change to a fishery management action or regulation, which does not result in a substantial change in any of the following: fishing location, timing, effort, authorized gear types, or harvest levels.

Effects of the Action(s):

The unexpected continuation of the COVID-19 pandemic without widespread vaccinations poses risks to harvesters and processors and continues to cause unforeseen management and operational issues in fisheries. This emergency action would not impose additional restrictions



but would provide additional flexibility to the Rockfish Program fishery to address an unprecedented situation.

Processing facilities in Alaska have been hard hit by the COVID-19 pandemic in 2021. Allowing an earlier season by one month will provide flexibility to the Central Gulf Rockfish Program cooperative participants, including processing facilities and fishing operations, to prosecute the rockfish fishery efficiently and avoid conflicts with other fishery dates, in response to uncertainty surrounding potential impacts to processing capacity due to COVID-19 pandemic. This added flexibility is expected to mitigate some of the negative economic and social impacts to harvesters and processors and the community of Kodiak, AK.

The proposed April 1 start date is within the range of dates analyzed for the Central Gulf Rockfish Program. For that reason, this action would not have any effects beyond those previously analyzed. The effects of the date range considered in the EA were determined to be not significant. Therefore, this action would not have any significant effects on the environment.

Extraordinary Circumstances

This action can be reviewed independently from other actions. Additionally, I considered the context in which this action could have extraordinary circumstances listed in NOAA's Companion Manual for NAO 216-6A Section 4 and expect no extraordinary circumstances.

Based on the description of this action and its anticipated effects set out above, I have determined that this action has no potential for significant adverse effects on human health or safety; Areas with unique environmental characteristics; species or habitats protected by the Endangered Species Act, the Marine Mammal Protection Act, the Magnuson-Stevens Act, or the Migratory Bird Treaty Act; or properties listed or eligible for listing on the National Register of Historic Places. Furthermore, this action has no potential to generate, use, store, transport, or dispose of hazardous or toxic substances. Nor is there the potential to cause disproportionately high and adverse effect on the health or the environment of minority or low-income communities, compared to the impacts on other communities. This action will not contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species. This action does not pose a potential violation of Federal, State, or local law or requirements imposed for protection of the environment; involve environmental effects that are highly controversial, uncertain, unique, or unknown; establish a precedent or decision in principle for future actions; or result in cumulative significant impacts.

Categorical Exclusion Determination:

Based upon the above analysis, NOAA has determined that the action proposed: falls within NAO 216-6A, Appendix E, A1- Trust Resource Management Actions; a category of actions that does not individually or cumulatively have a significant effect on the quality of the human environment; is not connected to a larger action (40 CFR 1508.25(a)); and does not involve extraordinary

circumstances precluding use of the CE. As such, NOAA has determined that it is categorically excluded from further NEPA review.

The original signed memorandum will be maintained in the record for the proposed action.