

JAN 23 2011



**UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration**

NATIONAL MARINE FISHERIES SERVICE
1315 East-West Highway
Silver Spring, Maryland 20910

THE DIRECTOR

Ms. Cora Campbell
Commissioner, Alaska Department of Fish and Game
P.O. Box 115526
1255 W. 8th Street
Juneau, AK 99811-5526

Dear Ms. Campbell:

This letter follows up on a letter I sent to you dated February 28, 2011, regarding fishery management issues raised by changes in the Alaska area baseline and resulting changes to the 3-nautical-mile line on certain NOAA charts. In that letter, I noted that the effect of the changes on existing fishery management regimes raises complex issues that could not be resolved before the end of the 2011 seasonal fishery. I indicated that NOAA would proceed for the remainder of the 2011 fishing year by maintaining the status quo—that is, as though the change in the 3-mile line had no impact on the existing federal fishery management plan and regulations and their geographic extent.

Since last winter, NOAA has worked to resolve the underlying issues and the U.S. Baseline Committee has made significant progress toward addressing the State of Alaska's concerns with the 2006 revisions in certain areas. However, I understand that Alaska may identify other areas of concern to the Baseline Committee for review, and additional questions remain to be answered. Accordingly, for fishing year 2012 and until further notice, NOAA intends to proceed as described below.

For the specific areas listed below, we will manage and enforce federal fisheries based upon the most recent decisions of the U.S. Baseline Committee, as reflected in the minutes of their September 30, 2011, meeting, which generally adopt Alaska's proposals:

- Kachemak Bay
- Uyak Bay
- Akun Bay
- Aniakchak and Amber Bays
- Imuya Bay
- Portage Bay
- Port Dick (the only area in which the 2006 revision was allowed to stand)

With regard to one of these areas (Kachemak Bay), we note that in October and November 2011, NOAA's Office of Coast Survey produced a new edition of its charts 16640, 16645, and 16647 that reflect the Baseline Committee decision for Kachemak Bay. Charts for the other areas listed above are not expected to be revised prior to FY 2013. To assist with administration of the federal and state fisheries, the National Marine Fisheries Service (NMFS) Alaska Region will produce chartlets for those areas, for information purposes, and post them on its website at www.alaskafisheries.noaa.gov.



Recognizing that the State may have concerns in other areas, for the 2012 fishing year and until further notice, NOAA intends to proceed in all areas not specifically listed above as it has in 2011. That is, we will maintain the status quo, and proceed, with respect to Alaska, as though any changes in the 3-mile line as a result of prior Baseline Committee decisions in 2006 had no impact on the existing federal fishery management plan and regulations and their geographic extent. The approach described in this paragraph will apply to two specific areas that the Baseline Committee has reviewed but for which it has not yet finalized decisions: for Chignik and Castle Bays and for Kalekta Bay. We hope the State of Alaska will take a similar approach going forward pending resolution of additional issues.

NOAA continues to examine issues related to the interpretation and implementation of the inner limit of the Exclusive Economic Zone under the Magnuson-Stevens Act. We are acting expeditiously to resolve these complicated issues and will continue to cooperate with the State, the North Pacific Council, and other agencies as we consider what, if any, further action may be appropriate regarding the identification and description of state and federal fisheries jurisdiction. As we continue this process, we would welcome further engagement with the State to identify areas of particular concern and solutions to minimize disruption or confusion in the fishery.

Sincerely,

A handwritten signature in black ink, appearing to read "Samuel D. Rauch III". The signature is fluid and cursive, with a large initial "S" and "R".

Samuel D. Rauch III
Acting Assistant Administrator
for Fisheries