FEB 28 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
Juneau, Alaska

Dear Commissioner Campbell:

Thank you for your letter to Dr. James Balsiger, NOAA Fisheries Regional Administrator for Alaska, regarding fishery management issues raised by recent changes in the Alaska area baseline and resulting changes to the 3-nautical mile line on navigational charts. In your letter, you noted that, in a number of areas, the changes could result in substantial reductions in waters previously considered to be under state jurisdiction. Such areas include Kachemak Bay, Uyak Bay, and Nushagak Bay.

In Kachemak Bay and Uyak Bay, State of Alaska fisheries for Pacific cod that open after closure of a Federal and State parallel fishery have been disrupted because significant fishing grounds are now outside the 3-mile line as newly charted, and there is concern that under existing federal regulations these areas may be unavailable to vessels that had fished the areas during the State waters fishery. The situation is most urgent in Kachemak Bay, where grounds accounting for as much as 50% of the State waters fishery catch are now outside the 3-mile line. We understand that the Alaska Attorney General has opined that the areas are now closed to state-permitted vessels. The fisheries are seasonal, and if this situation is not clarified very soon, the opportunity to harvest the fish will be lost for the year. I further realize that there is concern that the change in the 3-mile line could have removed certain protections, including prohibitions to bottom trawling in Uyak Bay, that the State believes are important for conserving fishery resources and habitats.

The effect of recharting the 3-mile line on existing fishery management regimes raises a number of complex issues that we do not believe can be resolved before the seasonal fishery ends this year. Because of the uncertainty regarding the effect of the change, the need to take additional time to resolve these issues, and the potentially significant impacts on Alaska fishermen, NOAA intends to proceed for this 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. We hope the State of Alaska would take a similar approach pending a resolution of the issue – that is, continuing to enforce the state fishery regulations in the area in question for this fishing year. We plan to move expeditiously to resolve the underlying issue.

I regret the confusion that the change in the charted 3-mile line has caused for the State and for affected fishermen. I assure you that we will proceed as expeditiously as possible to resolve the underlying questions, and that we will cooperate with the State, the North Pacific Council, and other agencies in considering, what if any, changes may be appropriate for long-term State and Federal management of the fishery.

Sincerely,

Eric C. Schwaab

THE ASSISTANT ADMINISTRATOR
FOR FISHERIES

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