



AUG 23 2012

Mr. Floyd Kookesh  
Chairman  
Kootznoowoo, Inc.  
8585 Old Dairy Road, Suite 104  
Juneau, Alaska 99801

Dear Mr. Kookesh:

On May 10, 2010, and in supplemental materials on June 15, 2011, Kootznoowoo, Inc. petitioned the Secretary of Agriculture to exercise extraterritorial jurisdiction into “marine waters adjacent to Admiralty Island and beyond.” The central issue in the petition, as supplemented, is whether State management of the commercial purse seine fishery has interfered with subsistence fishing on Federal public lands and waters to such an extent as to result in a failure to provide the subsistence priority to Angoon residents as provided for under Title VIII of the Alaska National Interest Lands Conservation Act and its implementing regulations.

On July 29, 2011, Secretary Thomas J. Vilsack sent you a letter stating that, in accordance with the Federal Subsistence Board’s (Board) established procedures of July 18, 2005, the Board would consider Kootznoowoo’s request and provide a recommendation on the petition for consideration by the U.S. Department of Agriculture (USDA) and the Department of the Interior.

On March 21-22, 2012, the Board met jointly with the Southeast Alaska Subsistence Regional Advisory Council (Council) in Juneau. Mr. Pat Pourchot, Special Assistant to the Secretary of the Interior for Alaska Affairs, and Mr. Arthur “Butch” Blazer, USDA Deputy Under Secretary for Natural Resources and Environment, represented us at the meeting. Kootznoowoo, Inc., represented by you, federally-recognized Alaskan tribes, other Alaska Native corporations, members of the public, and officials from the State provided informative testimony. Throughout the testimony, key participants in the process expressed a desire to work cooperatively to manage interception of sockeye salmon by the commercial purse seine fishery and to address other considerations in order to avoid the need for the Secretaries to exert extraterritorial jurisdiction into non-federal waters.

We have reviewed the Board’s recommendation; it closely parallels the Council’s recommendation to the Board (enclosed). Consistent with their recommendations, we believe that, where possible, these issues should be addressed at the local level, with key stakeholders being provided with the opportunity to develop solutions to the problems identified in the petition. The Board and Council recommend deferring action on the extraterritorial jurisdiction

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petition for 3 years in order to allow for locally developed solutions. We concur with their recommendation; however, we are concerned that 3 years is a long time to wait for resolution of an issue so important to Angoon's customary and traditional harvesting of salmon. In deferring, we fully expect positive action by involved parties and will be monitoring the work of the stakeholders, including the applicable actions identified on page 4 of the Council's recommendation. We have requested a twice-yearly status report from the Board on the progress being made. In the event that we do not see demonstrable progress, we may take appropriate alternative measures within the 3-year period.

Recognizing that it could be difficult for all parties to come together in a meaningful, productive, and timely manner, we also concur with the Board's recommendation, set forth in their letter dated April 27, 2012, that the Board engage professional mediators to assist the parties. We hope all parties will be receptive to such services.

If you need additional information concerning our decision, please contact Ms. Beth Pendleton, Regional Forester for the Alaska Region, at (907) 586-8863. In coordination with the Federal Subsistence Board and the Office of Subsistence Management, Ms. Pendleton will be developing the next steps in helping the parties resolve these most important issues. A similar letter is being sent to Mr. Peter M. Naoroz, President and General Manager of Kootznoowoo, Inc.

Sincerely,

/S/

NEH Sarazai  
Secretary of the Interior

Enclosure

/S/

Thomas J. Vilsack  
Secretary of Agriculture