

Honorable Tom Vilsack
Secretary of Agriculture
U.S Department of Agriculture
Office of the Secretary
1400 Independence Avenue, Southwest
Washington, DC 20250

Honorable Sally Jewel
Secretary of the Interior
U.S Department of the Interior
Office of the Secretary
1849 C Street, Northwest
Washington, DC 20240

Dear Secretaries Vilsack and Jewell:

I would like to report to you recent positive actions on the part of the Alaska Board of Fisheries in addressing the concerns raised by Kootznoowoo Inc. in their petition to you to exert federal extraterritorial jurisdiction (ETJ) in Southeast Alaska (AK).

As you know, in 2010, Kootznoowoo, Inc. filed a petition to the Secretaries of Agriculture and the Interior to exert federal ETJ over fishing activities in Chatham, Peril and Icy straits. The central assertion in the petition was that interception of sockeye salmon by commercial fishing was limiting the sockeye salmon available for subsistence fishing in and near Angoon. In their response to the ETJ petition, the Secretaries of Agriculture and the Interior requested that parties seek alternatives to ETJ “at the local level” that address the problems identified in the petition.

During its public meeting held February 23 –March 3, 2015 in Sitka, Alaska, the Alaska Board of Fisheries (BOF) took action to revise the amounts reasonably necessary for subsistence (ANS) for salmon in Southeast Alaska Commercial Fisheries Districts 12 (near Angoon, AK) and 14 (near Hoonah, AK). The BOF considered testimony from the public and staff reports from the Subsistence and Commercial Fishery Divisions of the Alaska Department of Fish and Game (ADFG). Seven options were presented for the BOF to consider during its deliberations. Option B, which based the revised ANS on the 5-year (2008–2012) average harvest of all salmon species combined, as estimated from permit returns, plus or minus the standard deviation for those years, was selected by the BOF. The motion to adopt Option B was carried unanimously. For District 14, the ANS amount will be 600 – 1,500 salmon. For District 12, the ANS amount will be 1,100 – 1,700 salmon. The ADFG presented household survey information which indicates residents of Angoon also obtain additional salmon through the use of rod and reel and retain fish from commercial fishing vessels. The BOF considered cumulative harvest from all sources during deliberations.

Several proposals were submitted by various organizations to close areas in Chatham Straits to commercial fishing. Kootznoowoo Inc. submitted RC 97 and 113 (attached) that constituted an

agreement between Kootznoowoo Inc., the City of Angoon, and the Southeast Alaska Seiners Association to seasonally close certain areas in Chatham Straits to commercial purse seine fishing. Based on historical catch and subsistence harvest data, the timing of these new season closures should allow greater than 80 percent of the Kanalku Sockeye Salmon stock to pass through the area prior to commercial fishing by the purse seine fleet. New information collected through the genetic sampling of the commercial fisheries in the area was used as part of the justification for establishing the closure dates (Gilk-Baumer, S.E., et al 2015). The ADFG provided regulatory language (RC 117, attached) and a map (RC 123, attached) to the BOF for the proposed “local agreement”. Of note, RC 113 was signed by the General Manager and Chairman of the Board of Kootznoowoo Inc. and stated:

“We believe that the Chairman of the Fisheries board set the tone for a “local solution” of the Angoon ETJ petition (Extra Territorial Jurisdiction) to the Secretary of Interior and Agriculture is greatly advanced by this substitution proposal. Over time we believe that this proposal will advance the conservation and escapement of sockeye salmon returning to the streams on Admiralty Island and will in time increase the availability of these fish for the community residents of Angoon.”

The BOF moved and seconded the regulatory language in RC 117, and it was carried unanimously 5-0. The BOF was appreciative of the collaboration of all involved to come up with a broadly supported local solution. In addition, the BOF acted unanimously to close two areas near Kanalku and Basket Bay, which have been annually closed to commercial seining by Emergency Order by ADFG for most of the past ten years, in regulation. Those two areas are also displayed in the attached map in RC 123.

The Federal Subsistence Board is pleased to report that a successful local solution to this issue has been reached. I would like to thank Robert Loescher, a representative of Kootznoowoo Inc., and Bob Thorstenson, a representative of the Southeast Alaska Seiners Association, for their efforts in working out this compromise. Please contact Gene Peltola of the Office of Subsistence Management or Tom Whitford of the USDA Forest Service for more information regarding this issue.

Sincerely,

Tim Towarak
Chairman

Enclosures

cc:

References:

Gilk-Baumer, S.E, S.D. Rodgers Olive, D.K. Harris, S.C. Heintz, E.K.C. Fox, and W.D. Templin 2015. Genetic mixed stock analysis of sockeye salmon harvests in selected northern Chatham Straits commercial fisheries, Southeast Alaska, 2012-2014. Alaska Department of Fish and Game, Fishery Data Series no. 15-03, Anchorage, Alaska.

http://www.adfg.alaska.gov/static/regulations/regprocess/fisheriesboard/pdfs/2014-2015/southeast_finfish/fds15-03.pdf

DRAFT

Actions on Proposals Taken by the Alaska Board of Fisheries that Relate to Kootznoowoo Incorporated's Petition for Extended Jurisdiction

Alaska Board of Fisheries (BOF) Public Meeting Feb. 23 –March 3, 2015 in Sitka, AK

Amounts Necessary for Subsistence (ANS)

Two Proposals (146 by ADFG and 147 by SERAC) were submitted requesting the revision of the amounts reasonably necessary for subsistence for salmon in Southeast Alaska Commercial Fisheries Districts 12 and 14. The BOF considered RC 3 from ADFG. Special Publication BOF 2014-06, *Customary and Traditional Uses of Salmon and Options for Revising Amounts Reasonably Necessary for Subsistence Uses of Salmon in Districts 12 and 14, Southeast Alaska*, provided 7 options for the BOF to consider during its deliberations. Option B, which based the revised ANS on the 5-year (2008–2012) average harvest of all salmon species combined, as estimated from permit returns, plus or minus the standard deviation for those years, was selected by the BOF as the motion to adopt proposal 146 and it was carried unanimously. For District 14 the ANS amount will be 600 – 1500 salmon and the ANS amount for District 12 will be 1,100 – 1700 salmon. ADFG presented household survey information which indicates residents of Angoon also obtain additional salmon through the use of rod and reel as well as fish retained from commercial fishing vessels. The BOF considered cumulative harvest from all sources during deliberations.

Subsistence Gear

One proposal (153 by SERAC) was submitted to allow the subsistence harvest of salmon with purse seine and gillnet gear in portions of Districts 12 and 13 near Angoon. The BOF took no action on this proposal since gillnet gear is currently an allowed gear type on subsistence permits and the ADFG local manager has the authority to add purse seine as an allowable gear type on subsistence permits.

Commercial Salmon

Seven proposals (173, 192, 193, 198, 199, 200, and 201) were submitted by various organizations. Proposal 173 (submitted by Kootznoowoo Inc.) would require the BOF to address habitat, conservation, and subsistence priority when considering regulations and policies. The BOF took no action on this proposal since the provisions of the proposal is already required by policies and regulations. Similarly, the BOF took no action on proposal 192 (submitted by Kootznoowoo Inc.) since similar reporting requirements asked for in the proposal are currently required by existing statewide regulations. Proposals 193, 199, and 200 were deliberated as a group. Kootznoowoo Inc. submitted RC 97 and 113 (attached) that constituted an agreement between Kootznoowoo Inc., the City of Angoon, and the Southeast Alaska Seiners to seasonally close certain areas in Chatham Straits to commercial purse seine fishing. The timing of these new seasonally closed areas should allow greater than 80 percent

of the Kanalku Sockeye Salmon stock to pass through the area prior to commercial fishing by the purse seine fleet. New information collected through the genetic sampling of the commercial fisheries in the area was used as part of the justification for establishing the closure dates. BOF Chair Kluberton requested that ADFG provide regulatory language (RC 117 attached) and a map (RC 123 attached) showing the closure areas. Of note, RC 113 (attached) signed by the General Manager and Chairman of the Board of Kootznoowoo Inc. was submitted stating:

We believe that the Chairman of the Fisheries board set the tone for a “local solution” of the Angoon ETJ petition (Extra Territorial Jurisdiction) to the Secretary of Interior and Agriculture is greatly advanced by this substitution proposal. Over time we believe that this proposal will advance the conservation and escapement of sockeye salmon returning to the streams on Admiralty Island and will in time increase the availability of these fish for the community residents of Angoon.

The BOF moved and seconded the regulatory language in RC 117, and it was carried unanimously 5-0. The BOF was appreciative of the collaboration of all involved to come up with a broadly supported local solution.

The last two proposals deliberated were proposals 198 (ADFG) and 201 (SERAC). These two identical proposals requested that the areas near Kanalku and Basket Bay which have been closed to commercial seining by Emergency Order by ADFG every year be closed in regulation. Those areas were also displayed in the map in RC 123. Proposal 198 was carried unanimously 6-0, No action was taken on proposal 201 based on action taken on proposal 198.

Attachments

RC 97, RC 113, RC 117, RC 123, RC 135

References:

Gilk-Baumer, S.E, S.D. Rodgers Olive, D.K. Harris, S.C. Heini, E.K.C. Fox, and W.D. Templin 2015. Genetic mixed stock analysis of sockeye salmon harvests in selected northern Chatham Straits commercial fisheries, Southeast Alaska, 2012-2014. Alaska Department of Fish and Game, Fishery Data Series no. 15-03, Anchorage, Alaska.

KOOTZNOOWOO
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Kootznoowoo, Inc.
Board of Fish
2015 Sitka Meetings
R.C.—*Substitute for Proposal
193, 199, 200*
And support for Proposal 198

This R.C. covers the Basket Bay and Kanalku permanent closures sought for in Proposal 198 as well as substitute language for requesting closures in Chatham Strait and Admiralty Island, replacing Proposals 193, 199, 200.

This replacement proposal's purpose in replacing Proposals 193, 199, 200 is to close districts 12A sub-district 112-17 to commercial purse seine fisheries until July 21st from Fishery Point to Parker Point and also close from Fishery Point to the 112-17 north line until July 17th of each year.

As of July 21st approximately 80% or more of Kanalku sockeye will return before the fishery is opened for commercial use.

July 17th in northern waters of 112-17, gives 4 days for sockeye to travel to Kanalku by the time 80% of the run is in Kanalku. July 21st in the lower section of 112-17 gives even more protection of early potential harvest of Kanalku bound sockeye by the purse seine fleet.

These closures are in conjunction with the permanent, season long 4 mile closure surrounding Basket Bay as well the 9 mile permanent, season long closure from Pt. Samuel to Parker Point, in front of Kootznoohoo Inlet and the community of Angoon. Proposal 198 encompasses these closures.

The total closures, both permanent and timing closures, are covering approximately 37 miles.

Sincerely,
Robert Loescher,
Kootznoowoo, Inc.
Representative

KOOTZNOOWOO
INCORPORATED



February 27, 2015

Alaska Department of Fish & Game
Alaska Board of Fisheries
Tom Kluberton, Vice-Chairman
P.O. Box 115526
Juneau, AK 99811-5526

RE: Representation of Kootznoowoo Inc.

Dear Vice-Chairman Tom Kluberton:

This is a letter to notice representation on behalf of Kootznoowoo Inc., the Angoon Community Association, and the City of Angoon, for Mr. Robert W. Loescher. Additionally, this letter was prepared in consultation with Mayor, Matthew Kookesh, and Tribal President, Wally Frank, Sr. Mr. Loescher has been retained to assist Kootznoowoo in providing technical and political assistance in dealing with the US Forest Service and the Alaska Department of Fish and Game.

Kootznoowoo Inc. and the Angoon Community Association, a federally recognized tribe, have submitted a number of proposals to the Alaska Fish and Game Board currently holding meetings in Sitka, Alaska. We appreciate the consideration of the board for hearing these proposals.

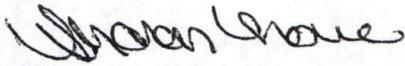
We have reviewed and support a substitute proposal for Kootznoowoo Inc.'s several proposals to close waters to the purse seine industry off the shores of West Admiralty Island. This proposal also asks for a four-mile closure of waters at Basket Bay on Chichagof Island. We support the closure of waters along the shore of Admiralty Island, targeting the calendar days of July 17th and July 21st for a distance extending from the community of Angoon to the

Submitted by Request of Chair Kluberton

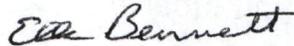
Fish and Game district boundary 112-17. We believe that the Chairman of the Fisheries board set the tone for a "local solution" of the Angoon ETJ Petition (Extra Territorial Jurisdiction) to the Secretary of Interior and Agriculture is greatly advanced by this substitution proposal. Over time, we believe that this proposal will advance the conservation and escapement of sockeye salmon returning to streams on Admiralty Island and will in time increase the availability of these fish for the community residents of Angoon. You should be aware, that this substitution proposal was negotiated with the Southeast Alaska Purse Seiners Association, and members of the commercial fisheries permit holders. We appreciate the collaborative efforts of these groups and its representatives. We ask you for your support of the substitute to this proposal.

Thank you for this consideration.

Sincerely,



Sharon Love
General Manager/President



Ella Bennett
Chairman of the Board

cc: Wally Frank, Sr. President/ACA
Matthew Kookesh, Mayor City of Angoon

Submitted by the Alaska Department of Fish and Game at the request of board member Kluberton

February 28, 2015

Draft Language in response to RC 97

5 AAC 33.366 is amended by adding a new subsection to read:

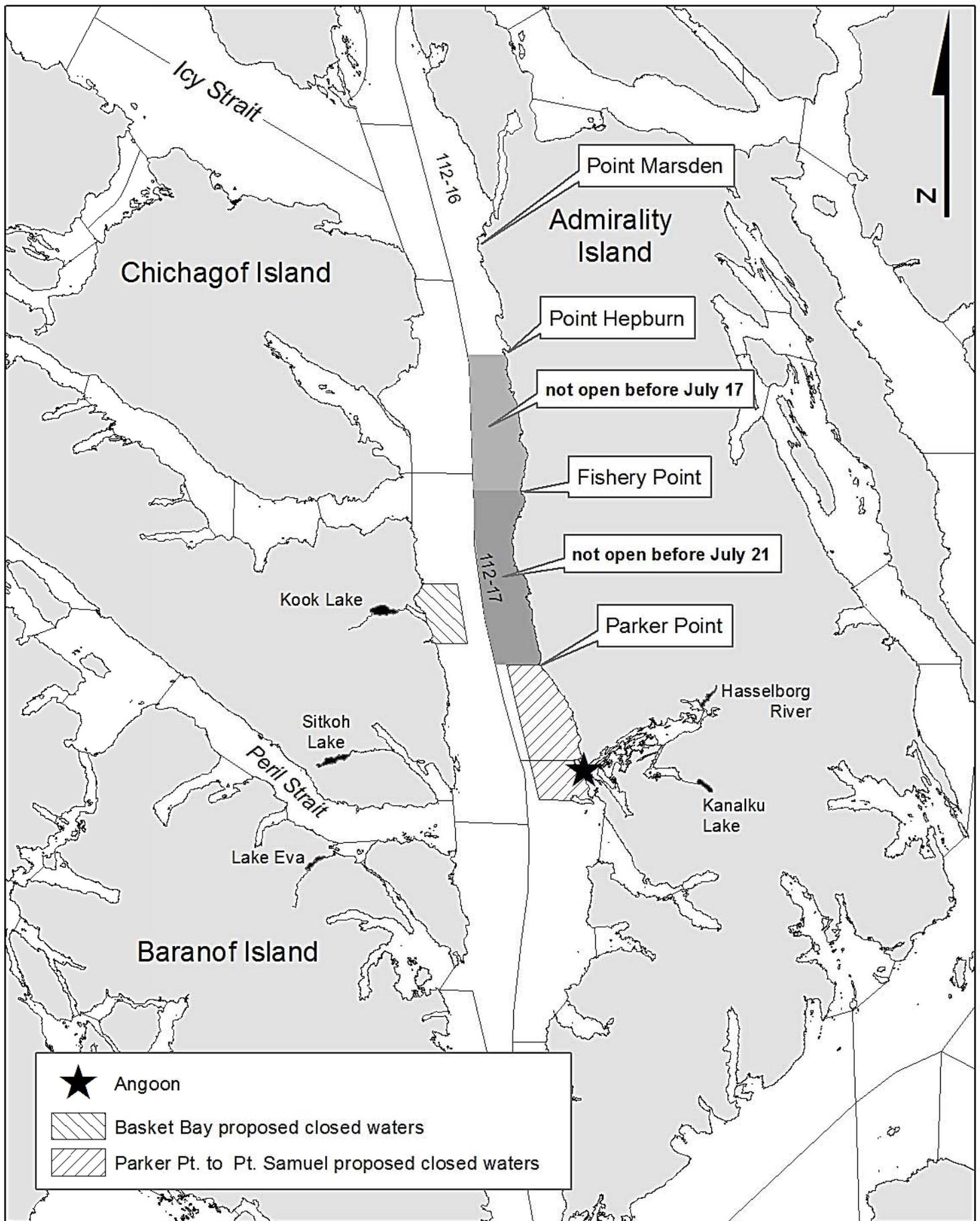
5 AAC 33.366. Northern Southeast seine fishery management plans.

(c) The department may allow operation of purse seines in District 12 south of Point Marsden. Before opening fishing areas and times under this subsection, the department must consider conservation concerns for all salmon species in the area, and

(1) the portion of District 12 within two miles of the Admiralty Island shoreline south of the latitude of Point Hepburn at 57° 56.21' N. lat. and north of the latitude of Fishery Point at 57° 47.36' N. lat. may not open before July 17;

(2) the portion of District 12 within two miles of the Admiralty Island shoreline south of the latitude of Fishery Point at 57° 47.36' N. lat. and north of the latitude of Parker Point at 57° 36.73' N. lat. may not open before July 21.

Chatham Strait areas referenced in RC 97 and RC 117



- ★ Angoon
- ▨ Basket Bay proposed closed waters
- ▩ Parker Pt. to Pt. Samuel proposed closed waters

0 10 20 40 Nautical Miles

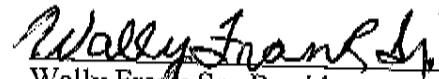
Angoon Community Association

P.O. Box 328 – Angoon, Alaska 99820 – (907) 788-3411 – FAX (907) 788-3412

February 27, 2015

Angoon Community Association, in speaking about ACA's proposal 199 has never given Robert Loescher permission or authorization to speak on the tribes behalf.

Signed;


Wally Frank Sr., President