



## Kenai City Council - Special Meeting

November 23, 2020 – 6:00 PM

Kenai City Council Chambers

210 Fidalgo Avenue, Kenai, Alaska

[www.kenai.city](http://www.kenai.city)

**\*Telephonic/Virtual Information Below\***

### Agenda

#### A. CALL TO ORDER

1. Pledge of Allegiance
2. Roll Call
3. Agenda Approval

#### B. PUBLIC COMMENT

*(Public comment limited to three (3) minutes per speaker; thirty (30) minutes aggregated)*

#### C. PUBLIC HEARING

- 1. Resolution No. 2020-89** - Opposing Alternative 4 Proposed to the North Pacific Fishery Management Council that would Close All Federal Waters in Cook Inlet to Commercial Salmon Fishing. (Mayor Gabriel)

#### D. NEW BUSINESS

- 1. Discussion** - Future Council and Commission Meeting Format. (Administration)

#### E. ADJOURNMENT

*The agenda and supporting documents are posted on the City's website at [www.kenai.city](http://www.kenai.city). Copies of resolutions and ordinances are available at the City Clerk's Office or outside the Council Chamber prior to the meeting. For additional information, please contact the City Clerk's Office at 907-283-8231.*

#### **Join Zoom Meeting**

<https://us02web.zoom.us/j/85172783701>

**Meeting ID:** 851 7278 3701 **Passcode:** 960578

OR

**Dial In:** (253) 215-8782 or (669) 900-6833

**Meeting ID:** 851 7278 3701 **Passcode:** 960578



Sponsored by: Mayor Gabriel

## CITY OF KENAI

### RESOLUTION NO. 2020-89

A RESOLUTION OF THE CITY OF KENAI, ALASKA, OPPOSING ALTERNATIVE 4 PROPOSED TO THE NORTH PACIFIC FISHERY MANAGEMENT COUNCIL THAT WOULD CLOSE ALL FEDERAL WATERS IN COOK INLET TO COMMERCIAL SALMON FISHING.

WHEREAS, the North Pacific Fishery Management Council developed the *Fishery Management Plan for Salmon Fisheries in the EEZ off Alaska*, (FMP) that manages salmon fisheries in the United State Exclusive Economic Zone (EEZ; 3 nautical miles to 200 nautical miles off shore of Alaska); and,

WHEREAS, pursuant to a United States Court of Appeals Ninth Circuit ruling, after successful litigation brought by Cook Inlet commercial fishermen and seafood processors, the North Pacific Fishery Management Council must amend the FMP to bring it in line with the Ninth Circuit Court's decision; and,

WHEREAS, the North Pacific Fishery Management Council is considering four alternative amendments to the FMP:

Alternative 1 is status quo or no action, deferring management to the State of Alaska by excluding the traditional net fishing area in the Cook Inlet EEZ from the FMP (the Ninth Circuit Court ruling makes this alternative "untenable" according to the authors' of the Public Review Draft Environmental Assessment/ Regulatory Impact Review for Proposed Alternative XX to the Fishery Management Plan for the Salmon Fisheries in the EEZ Off Alaska);

Alternative 2 would establish federal management of the commercial salmon fishery in Cook Inlet with management of the commercial fishery delegated to the State of Alaska in accordance with the Magnuson Stevens Act and other applicable federal law;

Alternative 3 would establish Federal management of the commercial salmon fishery in Cook Inlet with the North Pacific Fishery Management Council and national Marine Fisheries Service without delegation of management to the State of Alaska; and

Alternative 4 would effectively close all federal waters in Cook Inlet to commercial salmon fishing; and,

WHEREAS, the City Council of Kenai has consistently advocated for science-based fisheries management decisions; and,

WHEREAS, Alternative 4 proposed by the State of Alaska ADF&G Deputy Commissioner at the North Pacific Fishery Management Council's October 12, 2020 meeting after closure of public comment is not a science-based decision, but instead according to the United Cook Inlet Drift association is a punitive decision for bringing the lawsuit and rather than constituting a

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management plan consistent with sound fishery management and applicable federal regulations simply short circuits the Court’s decision and intent of the Magnuson Stevens Act and FMP by eliminating the fishery altogether; and,

WHEREAS, if Alternative 4 were adopted by the North Pacific Fishery Management Council, it would close the area of fishing where most of the Cook Inlet Drift Fleet harvest occurs, effectively eliminating the economic viability of the fishery and viability of local seafood processors; and,

WHEREAS, the loss of the drift gillnet fishery in Cook Inlet would cause severe job loss, loss of capital investment in the fishery and support businesses, and could impact other fisheries if local processing capacity is lost or reduced; and,

WHEREAS, a 2015 report published by the McDowell group titled “The Economic Impact of the Seafood Industry in Southcentral Alaska” reported that the seafood industry in the reporting region directly employs over 10,000 people seasonally and had an economic output of \$1.2 billion; and,

WHEREAS, the City Council recognizes that the drift gillnet fleet, like other fisheries users, is a critical component of the City, positively contributing to the City’s local history, culture and economy; and,

WHEREAS, the City Council opposes adoption by the North Pacific Fishery Management Council of Alternative 4 which would effectively end the Cook Inlet Drift Net fishery and cause severe local economic impact and other harm to the City.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA:

**Section 1.** That the City Council opposes the North Pacific Fishery Management Council adopting Alternative 4, and that a copy of this Resolution along with other consistent written comment from the Mayor or City manager be provided to the North Pacific Fishery Management Council as public comment for consideration at its December meeting.

**Section 2.** That this resolution takes effect immediately upon passage.

PASSED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, this 23rd day of November, 2020.

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BRIAN GABRIEL, SR., MAYOR

ATTEST:

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Jamie Heinz, CMC, City Clerk



# KENAI

City of Kenai | 210 Fidalgo Ave, Kenai, AK 99611-7794 | 907.283.7535 | www.kenai.city

## MEMORANDUM

**TO:** City Council Members  
**FROM:** Mayor Gabriel, Mayor  
**DATE:** November 18, 2020  
**SUBJECT:** **Resolution no. 2020-89 - Opposition to Alternative 4 Closing Federal Waters in Cook Inlet to Commercial Salmon Fishing**

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The North Pacific Fishery Management Council (NPFMC) developed the *Fishery Management Plan for Salmon Fisheries in the EEZ off Alaska*, (FMP) that manages salmon fisheries in the United State Exclusive Economic Zone (EEZ; 3 nautical miles to 200 nautical miles off shore of Alaska)

Pursuant to a United States Court of Appeals Ninth Circuit ruling, after successful litigation brought by Cook Inlet commercial fishermen and seafood processors, the NPFMC must amend the FMP in the Cook Inlet to bring it in line with the Ninth Circuit Court's decision.

As a result of that decision by the courts, the NPFMC and stakeholders have spent 3 years trying to work out the details for an FMP that complies with the federal law and the court order. The NPFMC had been considering three alternative approaches to management of the EEZ in Cook Inlet. At the last meeting of the NPFMC on October 12, 2020, however, the Deputy Commissioner of the Alaska Department of Fish and Game introduced a 4<sup>th</sup> alternative for consideration by the NPFMC that would close the EEZ in the Cook Inlet to all commercial salmon fishing.

According to the United Cook Inlet Drift Association, if approved, Alternative 4 would effectively close the commercial salmon drift fishery in the Cook Inlet and force remaining processing plants to close. The commercial salmon fishery, including the drift fishery, has been and continues to be a vital component of our local economy. According to a 2015 McDowell Group report, the seafood industry in Southcentral Alaska directly employs over 10,000 people seasonally and has an annual economic output of \$1.2 billion.

The NPFMC will take final action on the new FMP at their meeting that takes place in December (Dec 4 and 7-11) of this year.

All of the user groups that rely on our annual salmon returns are important to the City of Kenai. Any action by NPFMC that effectively eliminates one of those user groups should be opposed.

Your consideration is appreciated.