



Sponsored by: Mayor Gabriel

CITY OF KENAI

RESOLUTION NO. 2021-13

A RESOLUTION OF THE CITY OF KENAI, ALASKA, REQUESTING THE US SECRETARY OF COMMERCE VETO THE NORTH PACIFIC FISHERY MANAGEMENT COUNCIL'S ADOPTION OF MEASURES THAT WILL CLOSE COMMERCIAL SALMON FISHING IN THE COOK INLET EXCLUSIVE ECONOMIC ZONE.

WHEREAS, the Magnuson-Stevens Fishery Conservation and Management Act directs the North Pacific Fishery Management Council (Council) to prepare a fishery management plan for each fishery under its authority that requires conservation and management; and,

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 the Cook Inlet commercial fishermen and seafood processors, the North Pacific Fishery Management Council was required to amend the FMP to bring it in line with the Ninth Circuit Court's decision; and,

WHEREAS, the North Pacific Fishery Management Council considered four alternative amendments to the FMP at its December 7, 2020 meeting:

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 Council, selected Alternative 4 closing all federal waters in Cook Inlet to commercial salmon fishing (the EEZ); and,

WHEREAS, the City of Kenai, through Resolution No. 2020-89, dated November 23, 2020, provided its opposition of Alternative 4 to the Council; and,

WHEREAS, the commercial fishing industry has been an important economic activity in Kenai for well over 100 years, providing many jobs for City of Kenai residents and others; and,

WHEREAS, the commercial fishing industry provides a large tax base for the City of Kenai in the form of property taxes and raw fish tax; and,

WHEREAS, the Council's action jeopardizes the viability of existing local fish processors by limiting available supply and reliability of deliveries; and,

WHEREAS, likely job loss in the commercial fishing and processing sectors, business failures and a smaller tax base resulting from the Council's adoption of Alternative 4 threaten the City's economy.


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


Section 1. That the City of Kenai requests the US Secretary of Commerce veto the North Pacific Management Council adoption of Alternative 4.

Section 2. That this resolution takes effect immediately upon adoption.

Section 3. That copies of this resolution be submitted to the U.S. Secretary of Commerce, and to the Alaska Congressional Delegation, Senator Lisa Murkowski, Senator Dan Sullivan and Representative Don Young.

PASSED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, this 3rd day of March, 2021.


BRIAN GABRIEL, SR., MAYOR


ROBERT MOLLOY, VICE MAYOR

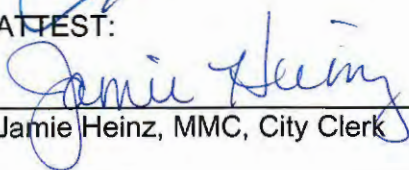

GLENEASE PETTEY, COUNCIL MEMBER


JIM GLENDENING, COUNCIL MEMBER


TEEA WINGER, COUNCIL MEMBER


VICTORIA ASKIN, COUNCIL MEMBER


HENRY KNACKSTEDT, COUNCIL MEMBER

ATTEST:

Jamie Heinz, MMC, City Clerk





KENAI

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

MEMORANDUM

TO: Kenai City Council Members
FROM: Mayor Gabriel
DATE: February 25, 2021
SUBJECT: Resolution No. 2021-13

The North Pacific Fishery Management Council developed the *Fishery Management Plan for Salmon Fisheries in the EEZ off Alaska*, (FMP) which manages salmon fisheries in the United States 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 the Cook Inlet commercial fishermen and seafood processors, the North Pacific Fishery Management Council was required to amend the FMP to bring it in line with the Ninth Circuit Court's decision. The North Pacific Fishery Management Council considered the following 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.

At their December 7th meeting, the North Pacific Fishery Management Council selected alternative 4, closing all federal waters in Cook Inlet to commercial salmon fishing. If approved by the Secretary of Commerce, the Council's action will amend the FMP by removing an exclusion from federal management that applies to a portion of Cook Inlet that overlaps with the EEZ. As a result of the Council's action, the Cook Inlet EEZ will be closed to commercial salmon fishing.

This Resolution requests that the US Secretary of Commerce veto the North Pacific Management Council adoption of Alternative 4. Your consideration is appreciated.