

Paul A. Shadura

RC016

October 11, 2023

To: Alaska Board of Fisheries

P.O. Box 115526

Juneau, Alaska 99811-5526

FAX: 907.465.6094

Attn: Chairperson Marit Carlson-Van Dort,

I attended the City of Kenai Council meeting on October 4th, 2023. I asked the Council members if they would support a request to the Alaska Board of Fisheries (BOF) at their upcoming Worksession, to consider changing the location of the Upper Cook Inlet Regulatory meeting, currently scheduled for Anchorage, to instead, move the meeting to the Kenai/Soldotna area.

They Council members responded that because of the late request they would be unable to submit a current resolution or written support letter as they would have to had prior notice. However, they individually supported all of the community's present efforts to have the meetings convene in the local area. They reiterated all their past extensive efforts to request the BOF to change their scheduling policy and suggested that I re-submit the previous resolutions and support letters.

Many added that the City's support to have the BOF convene in the Kenai/Soldotna area has not changed. They did comment that conditions on the Kenai River have changed and decisions made at the State level may definitely reflect on their actions.

Therefore, as suggested, I am submitting past City of Kenai documents to support the need for the BOF to address this vital issue.

Thank you,

Paul A. Shadura II

[REDACTED]

Kenai, Alaska [REDACTED]

[REDACTED]

Paul A. Shadura

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Sponsored by: Mayor Gabriel and City Council Members
Suggested by: Council Member Molloy

CITY OF KENAI

RESOLUTION NO. 2019-10

A RESOLUTION OF THE COUNCIL OF THE CITY OF KENAI, ALASKA, ENCOURAGING THE STATE OF ALASKA BOARD OF FISHERIES TO RESCIND THEIR JANUARY 18, 2019 DECISION TO MOVE THE UPPER COOK INLET 2020 FINFISH MEETING TO ANCHORAGE DUE TO THE LACK OF ADEQUATE PUBLIC NOTICE AND PROCESS.

WHEREAS, in March of 2018 the State of Alaska Board of Fisheries (BOF) considered and passed Board Policy 2018-289-FB by a vote of 4-2 at their Statewide Dungeness Crab, Shrimp, and Miscellaneous Shellfish meeting, establishing a rotating schedule of the Upper Cook Inlet Finfish (UCI) meeting between the communities of Kenai / Soldotna, Palmer / Wasilla, and Anchorage beginning with Kenai / Soldotna in 2020, Palmer / Wasilla in 2023, and Anchorage in 2026; and,

WHEREAS, prior to considering Board Policy 2018-289-FB, the public was adequately noticed 35 days prior to the vote through the Boards Supplemental Notice of Regulatory Actions to Be Taken on February 2, 2018; and,

WHEREAS, the BOF held their Arctic / Yukon / Kuskokwim Finfish meeting from January 15 – 19, 2019 in Anchorage; and,

WHEREAS, on Tuesday, January 15, the BOF Chairman, Reed Morisky, stated that they would be discussing the UCI meeting location later in the meeting; and,

WHEREAS, on Friday, January 18, the BOF voted 4-3 to move the UCI 2020 meeting to Anchorage; and,

WHEREAS, adequate public notice was not provided prior to the vote, the action was inconsistent with past BOF practices, and it did not meet the requirements of the Open Meetings Act; and,

WHEREAS, this action has the potential to erode the public trust in the BOF process; and,

WHEREAS, all Alaskans deserve consistency, openness, legal compliance, and transparency when engaging with their government during any deliberative decision making process.

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

Section 1. That the Kenai City Council encourages the State of Alaska Board of Fisheries to rescind their January 18, 2019 decision to move the Upper Cook Inlet 2020 Finfish meeting to Anchorage due to the lack of adequate public notice and process.

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Section 2. That rescinding the decision to move the Upper Cook Inlet 2020 Finfish meeting to Anchorage will help restore the public's trust in the Board of Fisheries and their processes.

Section 3. That a copy of this Resolution be forwarded to Governor Mike Dunleavy, Board of Fisheries Chair, Reed Morisky, Board of Fisheries Members, and the Board of Fisheries Executive Director, Glenn Haight.


Section 4. That this resolution takes effect immediately upon passage.

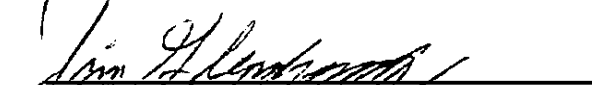
PASSED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, this 6th day of February, 2019.


BRIAN GABRIEL SR., MAYOR


TIM NAVARRE, VICE MAYOR



ROBERT MOLLOY, COUNCIL MEMBER


GLENISE PETTEY, COUNCIL MEMBER


JIM GLENDENING, COUNCIL MEMBER


ROBERT PETERKIN II, COUNCIL MEMBER


HENRY KNACKSTEDT, COUNCIL MEMBER

ATTEST:

Jamie Heinz, CMC, City Clerk



Paul A. Shadura

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January 25, 2019

Chairman Reed Morisky
Alaska Board of Fisheries
Board Support Section
P.O. Box 115526
Juneau, AK 99811

Dear Chairman Morisky and Members of the Alaska Board of Fisheries:

We are deeply disappointed in the action taken by the Board of Fisheries (Board) on January 18, moving the location of the Upper Cook Inlet (UCI) 2020 Finfish meeting without reasonable public notice, and after being assured by the Board Chair that no action would be taken. Given the legitimate and numerous concerns with the public process, we encourage the Board to rescind that decision and re-schedule the issue to be considered at a later date. Regardless of the outcome of the eventual vote, we hope Board members recognize the need to reassure all Alaskans in the fairness of the public process. Addressing the location of the 2020 UCI Finfish meeting at a future date would also allow the Board to consider the decision within the context of the current policy establishing rotating meeting locations. This policy, 2018-289FB¹, was not referenced in the Board's action last week and we presume is still in effect.

We recognize that the UCI Finfish meeting location is a perpetual topic for discussion, that comes up every cycle. However, several stark differences exist with how this most-recent vote was handled. When the Board revisited the 2020 UCI Finfish meeting location in early 2018, it was added to the agenda for the March meeting², and included in the *Supplemental Notice of Regulatory Actions to be Taken*³. This notice was published February 2nd, which was 35 days ahead of the vote and well before the cut-off for providing on-time written comments. Members of the public did provide written comments in the Board packet, and attended the meeting to speak to this issue in-person. The public also had access to the written proposal that was to be voted upon (referenced in the policy as RC50), before the Board ultimately approved the policy by a 4-2 vote.

Prior to the meeting last week, there was no advance notice given to the public that this item would again be revisited. No document was posted on the meeting website as a proposal. This topic wasn't published in the original *Notice of Proposed Changes*, and a *Supplemental Notice* was not issued. And

¹ Policy 2018-289-FB, adopted March 9th, 2018

² Statewide Dungeness Crab, Shrimp, and Miscellaneous Shellfish, held March 6-9 2018, Anchorage.

³ https://www.adfg.alaska.gov/static/regulations/regprocess/fisheriesboard/pdfs/2017-2018/supp_notice_final.pdf

even the Miscellaneous Business Agenda, posted on the website as RC70, fails to identify this topic as an action item.

Nonetheless, after learning via text message about the Chairman's intent to bring the 2020 UCI Finfish meeting location up for a vote, and despite not knowing exactly when the vote would occur, Kenai Mayor Brian Gabriel, Soldotna City Manager Stephanie Queen, and Kenai City Manager Paul Ostrander drove to Anchorage to attend the meeting in person. Knowing that there would be no opportunity for public comment directly to the Board, the group hoped to talk to individual members during breaks to learn what was being considered. During a morning break, the Board Chair informed the City delegation that no vote would be taken that day – a position he reiterated to the City officials when the Board broke for a lunch recess. He indicated that a teleconference would be scheduled to address the issue, and that public notice would be given and public comments taken. The City delegation left the meeting in reliance on the Chair's assurances, and was already back in Soldotna when we learned that the Board did in fact approve a motion to relocate the 2020 UCI Finfish meeting after returning from lunch.

When the audio was posted online later that evening, we were able to listen to the deliberation and decision. In justifying the decision to move ahead with a vote despite concerns raised about the lack of public notice, it was noted that the agenda states that it is subject to change. The statement Board Chair Morisky made on Tuesday, that "there's been an interest expressed in discussing the Upper Cook Inlet meeting location and so...that will likely happen near the end of this meeting⁴" was referenced. When pressed to explain why the motion was being made at that particular time, in the middle of other unrelated agenda items on Friday afternoon, Board Member Jensen explained that Friday was his last day of availability and he wanted to vote on this particular item. We note that had this action item come up during the 'Miscellaneous Business' section of the agenda on Saturday, Mr. Jensen's personal schedule would have prevented him from voting, and the motion to move the meeting back to Anchorage may have lacked sufficient votes to pass.

We believe these actions cannot be considered "reasonable" public notice, as required by law. If items can be added to the agenda without specific prior notice (and not even posted as an update to the meeting agenda after the fact), and then brought to a vote at any point in the meeting, the public would essentially be required to attend every Board meeting in its entirety just to make sure that no issue of interest was unexpectedly added, considered, and voted on. In a multi-day meeting, which in this case was scheduled to discuss completely unrelated matters, we find this expectation unreasonable. In a practical sense, this version of "reasonable" notice serves the same function as no notice at all.

We work in government, and are familiar with Alaska's laws designed to guarantee public notice and access to decision-making. And we understand that public processes require flexibility so we can effectively deal with business at hand. But standard practices exist, to allow boards to have flexibility in conducting their business, without leaving the public in the dark. We know the Board of Fisheries can do better. Public notice in this case was insufficient, inconsistent with past Board practices, and does not meet the requirements of the Open Meetings Act.

Adhering to customary policy and procedures for adding and considering new agenda items, and providing reasonable notice, would not only better serve the public but Board members as well. In our conversations with Board Members during breaks in the meeting on Friday morning, it was clear that

⁴ Audio available on meeting website. See AYK Finfish meeting, Chair Morisky 2:26:43 PM Tuesday, Jan. 18th

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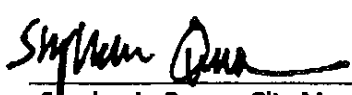
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there was confusion as to what the Board was potentially reconsidering. One Board member believed that the policy to rotate communities was still in place, and that the Board was simply reconsidering which community should go first. Another Board member was apparently unaware of the rotating policy entirely, telling us that the Board had never adopted a policy that set rotating meeting locations. Without any packet materials to provide the background, nor comments from staff or the public, we feel the Board's decision was made in haste, and without access to all the relevant information.

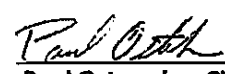
Furthermore, we feel that the policy adopted by the board in March 2018 to rotate the location of the UCI Finfish meetings, is a thoughtful solution to the sensible goal of providing access for all Alaskans impacted by the Board's decisions. It doesn't require the Board to designate one 'best' meeting location. Instead, it recognizes that stakeholders are significantly spread out geographically, and experience different personal sacrifices and expense to attend the two-week long UCI Finfish meeting. The difference between a 45-minute commute versus a 2 hour and 45-minute commute, for many Alaskans, means the difference between being able to participate or not. The rotating policy gives favorable access to Anchorage/Mat-Su residents by keeping the meetings within an hour drive most of the time (two out of every three cycles), while also bringing the meeting to the Kenai Peninsula to afford KPB residents the same opportunity once every nine years.

The Board's decision on Friday, to proceed with a vote to relocate the UCI 2020 Finfish meeting despite the concerns raised at the time, has the potential to erode public trust in this important process moving forward. Alaska's Open Meeting Act was designed not only for the public, to ensure they have access to deliberative processes and government decision-making, but also to benefit government decision-makers by hearing from residents who have knowledge, experience and valuable perspectives to offer. We expect that the Board will recognize the significance of the errors made last week, and take corrective actions to remedy them.

Sincerely,


Stephanie Queen, City Manager
City of Soldotna


Mayor Charlie Pierce
Kenai Peninsula Borough


Paul Ostrander, City Manager
City of Kenai

- Cc: The Honorable Governor Mike Dunleavy
- John Jensen
- Orville Huntington
- Alan Cain
- Israel Payton
- Robert Ruffner
- Fritz Johnson
- Glenn Haight

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Sponsored by: Mayor Brian Gabriel
Vice Mayor Tim Navarre
Council Member Robert Molloy
Council Member Glenese Pettey
Council Member Jim Glendening
Council Member Mike Boyle
Council Member Henry Knackstedt

CITY OF KENAI**RESOLUTION NO. 2017-61**

A RESOLUTION OF THE COUNCIL OF THE CITY OF KENAI, ALASKA, RESPECTFULLY REQUESTING THAT THE ALASKA BOARD OF FISHERIES MEETING, SCHEDULED FOR 2020 TO CONSIDER UPPER COOK INLET FINFISH ISSUES BE HELD ON THE CENTRAL KENAI PENINSULA.

WHEREAS, Upper Cook Inlet finfish are a vital and long-standing component of the City of Kenai economy and community; and,

WHEREAS, all City of Kenai residents are impacted by Upper Cook Inlet finfish fisheries either directly or indirectly; and,

WHEREAS, the Alaska Board of Fisheries Upper Cook Inlet Finfish regular meeting has not been held on the Kenai Peninsula since 1999; and,

WHEREAS, City of Kenai residents and businesses benefit from informed science based fisheries management, strategies and practices; and,

WHEREAS, sound management, strategies and practices are developed by transparent processes, accessible public meetings and user participation, knowledge and representation; and,

WHEREAS, conducting the Alaska Board of Fisheries regular meetings concerning Upper Cook Inlet finfish exclusively in Anchorage instead of rotating locations between Anchorage and the Kenai Peninsula greatly hampers public participation by City of Kenai residents due to the substantial expense and burden of attending multi-day meetings in Anchorage; and,

WHEREAS, all users of public resources are entitled to reasonable access to public meetings and processes concerning matters affecting their economy, livelihood and lifestyle; and,

WHEREAS, holding the 2020 Alaska Board of Fisheries Upper Cook Inlet Finfish meeting on the Kenai Peninsula would improve the amount of testimony about local traditional knowledge to the board, which is a great resource for the Board of Fisheries; and,

WHEREAS, it is in the best interest of the residents and visitors to both the Kenai Peninsula and the Anchorage area to maintain healthy well-managed salmon stocks and provide opportunities and access for diverse user groups; and,

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

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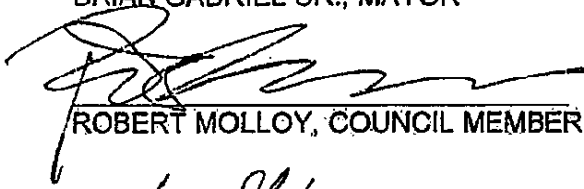
Section 1. That the Alaska Board of Fisheries is respectfully and strongly urged to schedule its full Upper Cook Inlet Finfish Meeting of 2020 and future such meetings on the Kenai Peninsula on a semi-regular basis.


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

PASSED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, this 4th day of October, 2017.


BRIAN GABRIEL SR., MAYOR

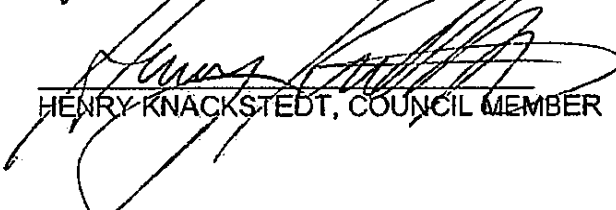

TIM NAVARRE, VICE MAYOR


ROBERT MOLLOY, COUNCIL MEMBER


GLENEISE PETTEY, COUNCIL MEMBER


JIM GLENDENNING, COUNCIL MEMBER


MIKE BOYLE, COUNCIL MEMBER


HENRY KNACKSTEDT, COUNCIL MEMBER

ATTEST:

Jamie Heinz, City Clerk



Paul A. Shadura

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**KENAI PENINSULA BOROUGH
CITY OF KENAI
CITY OF SOLDOTNA**

JOINT RESOLUTION NO. 2018-001

**A JOINT RESOLUTION OF THE ASSEMBLY OF THE KENAI PENINSULA
BOROUGH AND COUNCILS OF THE CITY OF KENAI AND THE CITY OF SOLDOTNA,
REQUESTING THE ALASKA BOARD OF FISHERIES TO ADOPT A POLICY TO ROTATE
THE REGULAR UPPER COOK INLET FINFISH MEETINGS BETWEEN THE THREE
PRINCIPAL COMMUNITIES OF KENAI/SOLDOTNA, PALMER/WASILLA, AND
ANCHORAGE**

WHEREAS, Upper Cook Inlet finfish issues are vitally important to, and directly impact residents, municipal governments and communities on the Kenai Peninsula; and

WHEREAS, many local residents and businesses of the Kenai Peninsula depend on, participate in, and are otherwise affected by decisions made by the Board of Fisheries with regard to subsistence fisheries, sport fisheries, commercial fisheries, personal use fisheries and conservation measures in Upper Cook Inlet; and

WHEREAS, when making informed decisions regarding finfish issues in Upper Cook Inlet, the Board of Fisheries should consider the comments and interests from residents of the Kenai Peninsula; and

WHEREAS, the costs and travel time to attend meetings outside the Kenai Peninsula pose a significant burden to local residents, limiting participation and the Board of Fisheries' ability to benefit from local knowledge; and

WHEREAS, the Alaska Board of Fisheries has not held a regular Upper Cook Inlet Finfish meeting on the Kenai Peninsula since 1999 despite numerous requests that it do so; and

WHEREAS, holding the meeting on the Kenai Peninsula would show local residents, businesses and communities that the Alaska Board of Fisheries listens, cares about, and understands the local impacts of its decisions; and

WHEREAS, there are local quality venues of sufficient size with advanced technologic capabilities to host public meetings, as well as exceptional lodging and dining opportunities on the Kenai Peninsula.

**NOW, THEREFORE, BE IT RESOLVED BY THE KENAI PENINSULA BOROUGH
ASSEMBLY AND THE COUNCILS FOR THE CITY OF KENAI AND CITY OF
SOLDOTNA:**

SECTION 1. That the Alaska Board of Fisheries is respectfully and strongly urged by the Kenai Peninsula municipal governments representing their constituents to adopt a policy to rotate the Upper Cook Inlet Finfish meetings between the three principal communities of Kenai/Soldotna, Palmer/Wasilla, and Anchorage.

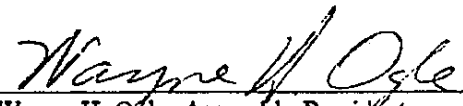
SECTION 2. That this Joint Resolution be forwarded to Governor Bill Walker, Senator Peter Micciche, Representative Gary Knopp, Representative Paul Seaton, Representative Mike Chenault, Governor's Chief of Staff Scott Kendall, Alaska Department of Fish and Game Commissioner Sam Cotton, Alaska Board of Fisheries members John Jensen, Reed Morisky, Orville Huntington, Alan Cain, Israel Payton, Robert Ruffner, Fritz Johnson, Alaska Board of Fisheries Executive Director Glenn Haight.

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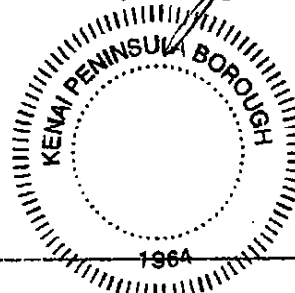
SECTION 3. That this resolution takes effect immediately upon approval by the Kenai Peninsula Borough Assembly and the participating city councils.

APPROVED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 20TH DAY OF FEBRUARY, 2018.


Wayne H. Ogle, Assembly President

ATTEST:

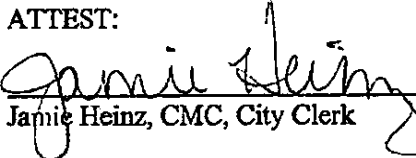

John Blankenship, MMC, Borough Clerk

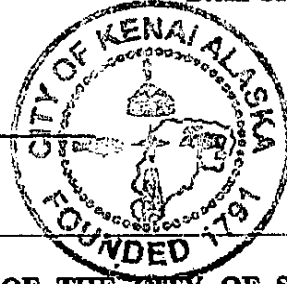


APPROVED BY THE COUNCIL OF THE CITY OF KENAI THIS 7TH DAY OF FEBRUARY, 2018.

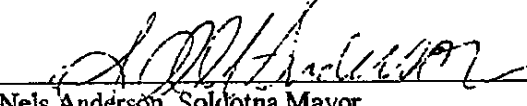

Brian Gabriel, Sr., Kenai Mayor

ATTEST:


Jamie Heinz, CMC, City Clerk



APPROVED BY THE COUNCIL OF THE CITY OF SOLDOTNA THIS 14TH DAY OF FEBRUARY, 2018.


Nels Anderson, Soldotna Mayor

ATTEST:


Michelle M. Sauer, MMC, City Clerk

