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REPRESENTATIVE MIKE CHENAULT SPEAKER OF THE ALASKA STATE HOUSE

SPONSOR STATEMENT

HOUSE BILL 285: *"An act excluding certain land from the Kachemak Bay Critical Habitat Area."*

House Bill 285 amends AS 16.20.590 by exempting the Homer Port and Harbor from the Kachemak Bay Critical Habitat Area (KBCHA).

There is discrepancy between the Kachemak Bay and Fox River Flats Critical Habitat Areas Management Plan and AS 16.20.590 establishing the KBCHA. The Management Plan states on page 1 "The plan does not apply to federal or municipal lands within the critical habitat areas." However, statute does not spell out such an exemption which has created legal ambiguity about both the enforceability of the municipal lands exemption provision in the Plan and Alaska Department of Fish and Game's (ADF&G) ability to permit certain legitimate activities at the port, most notably oil and gas drill rigs docking for the purpose of maintenance and repair.

The Management Plan further states that a vessel that drops anchor or moors at a dock for more than 14 days must obtain a permit from ADF&G, impractical and inefficient for a large municipal port and harbor facility. The City of Homer has experienced costly and time consuming permitting hurdles for construction projects in the port and harbor, even when those projects comprised replacing and repairing existing infrastructure.

The KBCHA protects Kachemak Bay and the resources which provide the foundation of Homer's local economy, lifestyle, and quality of life. This legislation will improve environmental protection in Kachemak Bay and the Lower Cook inlet giving oil and gas drilling rigs a safe place to dock for maintenance, repair, and emergency services. The location, quality tradesmen and accessibility by road and air make the Homer Port and Harbor a necessary part of the support system for oil and gas exploration in Cook Inlet. House Bill 285 is required to allow that support to take place.