

**KACHEMAK BAY
AND
FOX RIVER FLATS
CRITICAL HABITAT AREAS
MANAGEMENT PLAN**

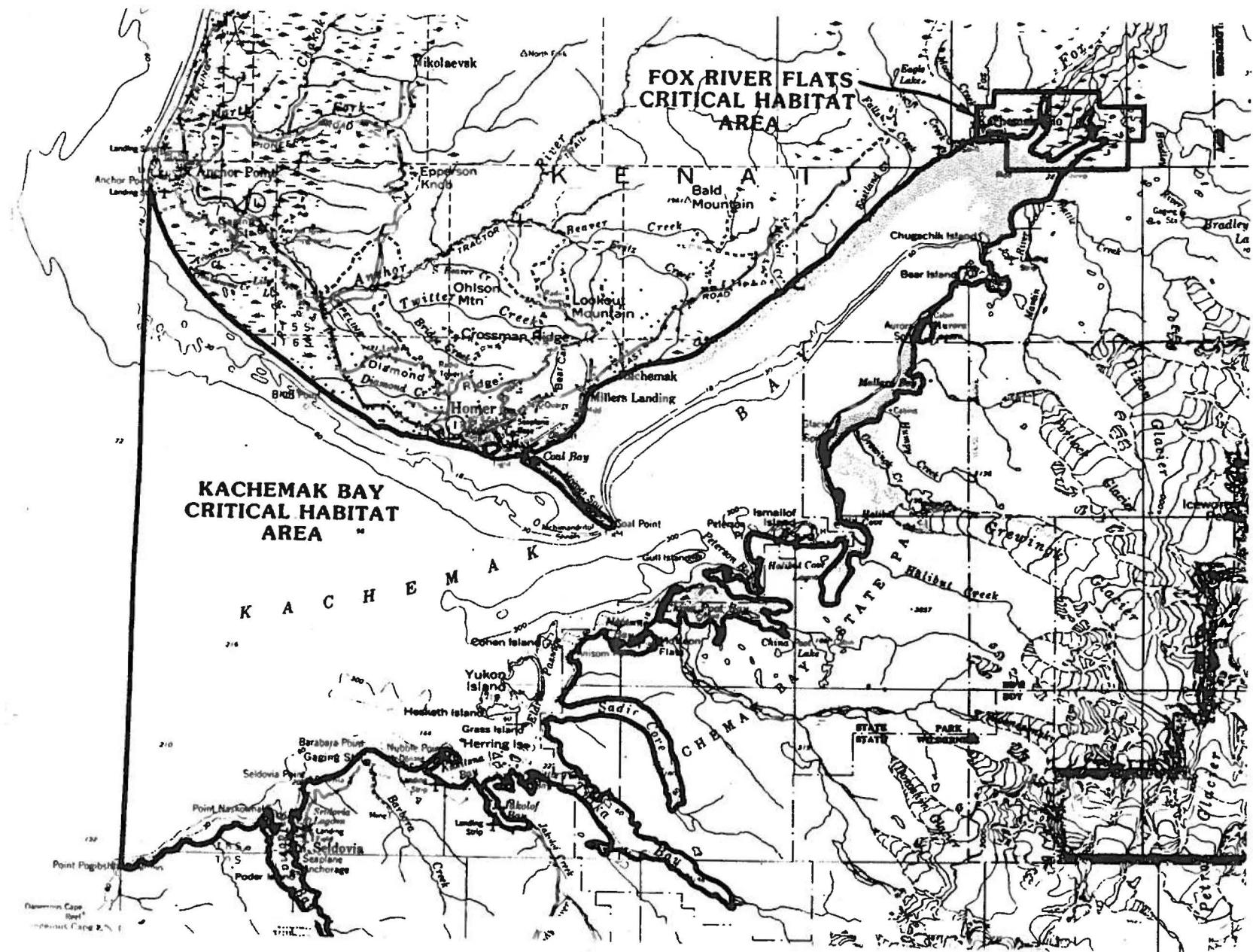
DECEMBER 1993

**Prepared by the Divisions of
Habitat and Restoration
and
Wildlife Conservation**

**Alaska Department of Fish and Game
333 Raspberry Road
Anchorage, AK 99518-1599**

Carl L. Rosier, Commissioner





INTRODUCTION

The tide and submerged lands of Kachemak Bay were established as a critical habitat area by the Alaska Legislature in 1974 and the Fox River Flats was established by the Alaska Legislature as a critical habitat area in 1972 to protect and preserve habitat areas especially crucial to the perpetuation of fish and wildlife, and to restrict all other uses not compatible with that primary purpose.

The purpose of the Kachemak Bay and Fox River Flats Critical Habitat Areas Management plan is to provide consistent long-range guidance to the Alaska Department of Fish and Game and other agencies involved in managing the critical habitat areas.

The plan presents management goals for the critical habitat areas and resources and identifies policies to be used in determining whether proposed activities within the critical habitat areas are compatible with the protection of fish and wildlife, their habitats and public use of the critical habitat areas. The plan will be reviewed every five years and, if appropriate, updated as funding permits. Public participation will be solicited during the update process. The plan affects state and private lands within the critical habitat areas. The plan does not apply to federal or municipal lands within the critical habitat areas. The plan does not address hunting or fishing regulations which are the authority of the Boards of Fish and Game.

This document is the result of a public planning process led by the Alaska Department of Fish and Game. The plan has been developed by the planning team representing state, federal and municipal agencies including: The Alaska Departments of Fish and Game, Natural Resources, Environmental Conservation, Transportation and Public Facilities, Alaska Energy Authority, and Division of Parks and Outdoor Recreation; the United States Fish and Wildlife Service, Coast Guard, National Marine Fisheries Service and Environmental Protection Agency; the City of Homer, the City of Seldovia, and the Kenai Peninsula Borough.

At the beginning of the public planning process, public meetings were held in Homer, Seldovia, and Anchorage to explain the planning process and solicit citizens' opinions regarding the issues, interests and concerns pertinent to critical habitat area management. The meeting results and written comments received were used by the planning team to identify a list of issues to be addressed in the plan. At the same time, resource information on critical habitats and their fish and wildlife populations, other natural resources, existing land use, and land ownership was being collected and synthesized. This information, presented in both map and narrative form, comprises the plan's resource inventory.

Management goals and policies for the critical habitat areas were developed by the planning team to address the identified issues. All policies were developed with consideration of their ability to meet the plan's management goals. In addition, other applicable laws and the Public Trust Doctrine were considered.

The draft plan was distributed for public review, and comments received during the public review process were used to develop the final plan. The goals and policies were then adopted by the Commissioner of Fish and Game.

MINING - Mineral or coal leasing will not be allowed in the critical habitat areas. Close the critical habitat areas to new locatable mineral entry and close tide and submerged lands within the critical habitat areas to issuance of offshore prospecting permits. Incidental gathering of loose coal for personal use on Kachemak Bay beaches will continue to be allowed.

MATERIAL EXTRACTION - Material extraction on public lands will not be allowed within the critical habitat areas unless for purposes of maintenance, enhancement, or restoration of critical habitat area habitat. All material extraction activities within the critical habitat areas, including activities on private lands, must be consistent with critical habitat area statutes and the goals and policies of this management plan.

OIL AND GAS - To avoid damage to fish and wildlife habitats, disturbance to fish and wildlife populations, and displacement of public use, surface entry for oil and gas exploration or development will not be allowed on Kachemak Bay or Fox River Flats critical habitat areas, except that geophysical surveys may be permitted if there is no surface impact and appropriate stipulations, including seasonal restrictions, preclude impact to fish and wildlife habitat, fish and wildlife populations, and public use of the critical habitat areas.

OIL DRILLING RIG STORAGE - To avoid damage to fish and wildlife habitats, disturbance to fish and wildlife populations, and displacement of public use of Kachemak Bay Critical Habitat Area, drilling rig storage will not be allowed in the Kachemak Bay Critical Habitat Area.

HAZARDOUS MATERIALS - Hazardous materials may not be stored or deposited in the critical habitat areas.

OTHER USES - To protect fish and wildlife populations and their habitats in the critical habitat areas, the department may allow by permit only those activities compatible with the purposes for which the critical habitat areas were established, terms and standards of 5 AAC 95, and the goals and policies of the plan. Any activity that is not compatible with the purposes for which the critical habitat areas were established, terms and standards of 5 AAC 95, and the goals and policies of this plan will not be allowed.