

To: Senate Resources

2/5/14

**SB 148/HB 285:** In response to Homer City Resolution 14-005: Asking that the AK Statute 16.20.590 be amended to remove the Homer Port and Harbor and adjacent municipal lands from the KBay CHA.

The Kachemak Bay Conservation Society (KBCS) thanks the Senate Resources Committee for the opportunity to comment on SB 148/SB 285. We respectfully submit the following comments:

1. KBCS understands the reason for the City of Homer making this request to remove the port, harbor and municipal lands immediately adjacent, that are necessary for port operations, from within the Kachemak Bay Critical Habitat Area boundaries. In fact, it appears this could have originally been a simple oversight to include these city areas within the CHA. We support this action on its face, i however have some concerns about the details of how SB 148/HB 285 has been worded.
2. We have concerns about the size of the area requested to be removed from the CHA. Therefore, we request that the wording of the bill specifically exclude any and all oil, gas and mineral exploration and development activities from within the confines of the newly removed lands.
3. We ask that this area be specifically designated within the bill to only allow harbor industry -specific operations such as vessel moorage, storage, and freight transfer.
4. We believe this to be the first action to remove designated lands from within a critical habitat area in the state. We are concerned this will set a precedent for this type of un-designating lands action, especially in regards to resource development interests within the bounds of a CHA. At the present time, the Parnell Administration is openly working to undermine the existing management process of all state CHAs, Game Refuges and Wildlife Sanctuaries through the application of Administrative Order 266. This is unfortunately timing of the city's request for land removal from within the KB CHA when state residents are very alarmed by this broad sweeping action under AO 266. Therefore, this action looks suspect and could make the KB CHA vulnerable to further incursions.
5. Although we support the current City of Homer administration, our concerns are for the long-term protection of the local area encompassed by the KBay CHA. To this end, we request that these specific sections of the City of Homer Resolution 14-005 be incorporated into the wording of SB 148/HB 285, as follows:

Lines 62-65: Whereas, The City of Homer has a deep appreciation for the Critical Habitat Designation and the adopted Management Plan because it protects the resources which provide the very foundation of the local economy, lifestyle and quality of life; and

Line 74: Whereas, the City stipulates it does not propose or support any other amendments to the Kachemak Bay Critical Habitat Area or Plan as part of this request.

Thank you very much for your consideration of our concerns and comments.

Cynthia Burkheimer  
Cynthia Burkheimer, Secretary  
Kachemak Bay Conservation Society