

**HB**

**285**

<TARGET><BILL>HB 285</BILL><SUBJECT>HB  
285</SUBJECT><COMM>HRES28</COMM></TARGET>



# Alaska State Legislature

State Capitol, Room 208  
Juneau, Alaska 99801-1182  
Phone: 907-465-3779  
Fax: 907-465-2833  
Toll Free: 800-469-3779



145 Main St. Loop  
Second Floor  
Kenai, Alaska 99611  
Phone: 907-283-7223  
Fax: 907-283-7184

## 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.

# Fiscal Note

State of Alaska  
2014 Legislative Session

Bill Version: HB 285  
Fiscal Note Number: \_\_\_\_\_  
( ) Publish Date: \_\_\_\_\_

Identifier: HB285-DFG-HAB-01-30-14  
Title: KACHEMAK BAY CRITICAL HABITAT AREA  
Sponsor: CHENAULT  
Requester: House Resources Committee

Department: Department of Fish and Game  
Appropriation: Habitat  
Allocation: Habitat  
OMB Component Number: 486

**Expenditures/Revenues**

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2015 Appropriation Requested	Included in Governor's FY2015 Request	Out-Year Cost Estimates					
			FY 2015	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019
<b>OPERATING EXPENDITURES</b>								
Personal Services								
Travel								
Services								
Commodities								
Capital Outlay								
Grants & Benefits								
Miscellaneous								
<b>Total Operating</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**Fund Source (Operating Only)**

None							
<b>Total</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**Positions**

Full-time							
Part-time							
Temporary							

<b>Change in Revenues</b>							
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**Estimated SUPPLEMENTAL (FY2014) cost:** 0.0 (separate supplemental appropriation required)  
*(discuss reasons and fund source(s) in analysis section)*

**Estimated CAPITAL (FY2015) cost:** 0.0 (separate capital appropriation required)  
*(discuss reasons and fund source(s) in analysis section)*

**ASSOCIATED REGULATIONS**

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No  
If yes, by what date are the regulations to be adopted, amended or repealed?

**Why this fiscal note differs from previous version:**

Initial version
-----------------

Prepared By: Randy Bates, Director	Phone: (907)465-3176
Division: Habitat	Date: 01/31/2014 01:00 PM
Approved By: Kevin Brooks, Deputy Commissioner	Date: 01/31/2014
Agency: Commissioner's Office	

FISCAL NOTE ANALYSIS

STATE OF ALASKA  
2014 LEGISLATIVE SESSION

BILL NO. HB 285

**Analysis**

House Bill 285 will amend AS 16.20.590 by excluding certain parcels of land from the critical habitat area on the Homer Spit that contain the City of Homer's boat harbor and deep water port. It is not anticipated that the exclusion of these parcels will result in any fiscal impacts or require regulatory changes.

Kachemak Bay Critical Habitat Area  
Proposed Areas of Exclusion  
1/6/2014

34




35

T06S-R13W

36



**Legend**

-  Township
-  CHA exclusion Area
-  Section Lines



City of Homer 1/6/2014  
Contact: Katie Koester (907) 435-3101

DRAFT

T07S-R13W

1

# Proposed Exclusion to The Kachemak Bay Critical Habitat Area

1/22/14 MJH @ DNR



Legend

Google earth

Image © 2014 DigitalGlobe  
Image © 2014 TerraMetrics  
© 2013 Google

**EXCLUSION TO  
AS 16.20.590.  
Kachemak Bay Critical Habitat Area  
(TIDELANDS and SUBMERGED LANDS)**

**The Exemption to the Kachemak Bay Critical Habitat Area** is that portion of the Kachemak Bay Tidelands and Submerged Lands within Protracted Sections 35 and 36, Township 6 South, Range 13 West, and Protracted Sections 1 and 2, Township 7 South, Range 13 West, Seward Meridian; more particularly described as follows:

Township 6 South, Range 13 West, Seward Meridian

Section 35: Those portions of the Tidelands and Submerged Lands: lying northerly of the Homer Spit, including any portion of the Homer Small Boat Basin, within the SE1/4 of the Protracted Section; and any portion within The Fishin' Hole subdivision, Plat 92-39 Homer Recording District.

Section 36: Those portions of the Tidelands and Submerged Lands, including any portion of the Homer Small Boat Basin within the S1/2 of the Protracted Section.

Township 7 South, Range 13 West, Seward Meridian

Section 1: Those portions of the Tidelands and Submerged Lands: lying northerly and/or easterly of the Homer Spit, including any portion of the Homer Small Boat Basin, within the N1/2N1/2 and N1/2S1/2N1/2 of the Protracted Section.

Section 2: Those portions of the Tidelands and Submerged Lands: lying in the Homer Small Boat Basin within the NE1/4NE1/4NE1/4 of the Protracted Section.

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

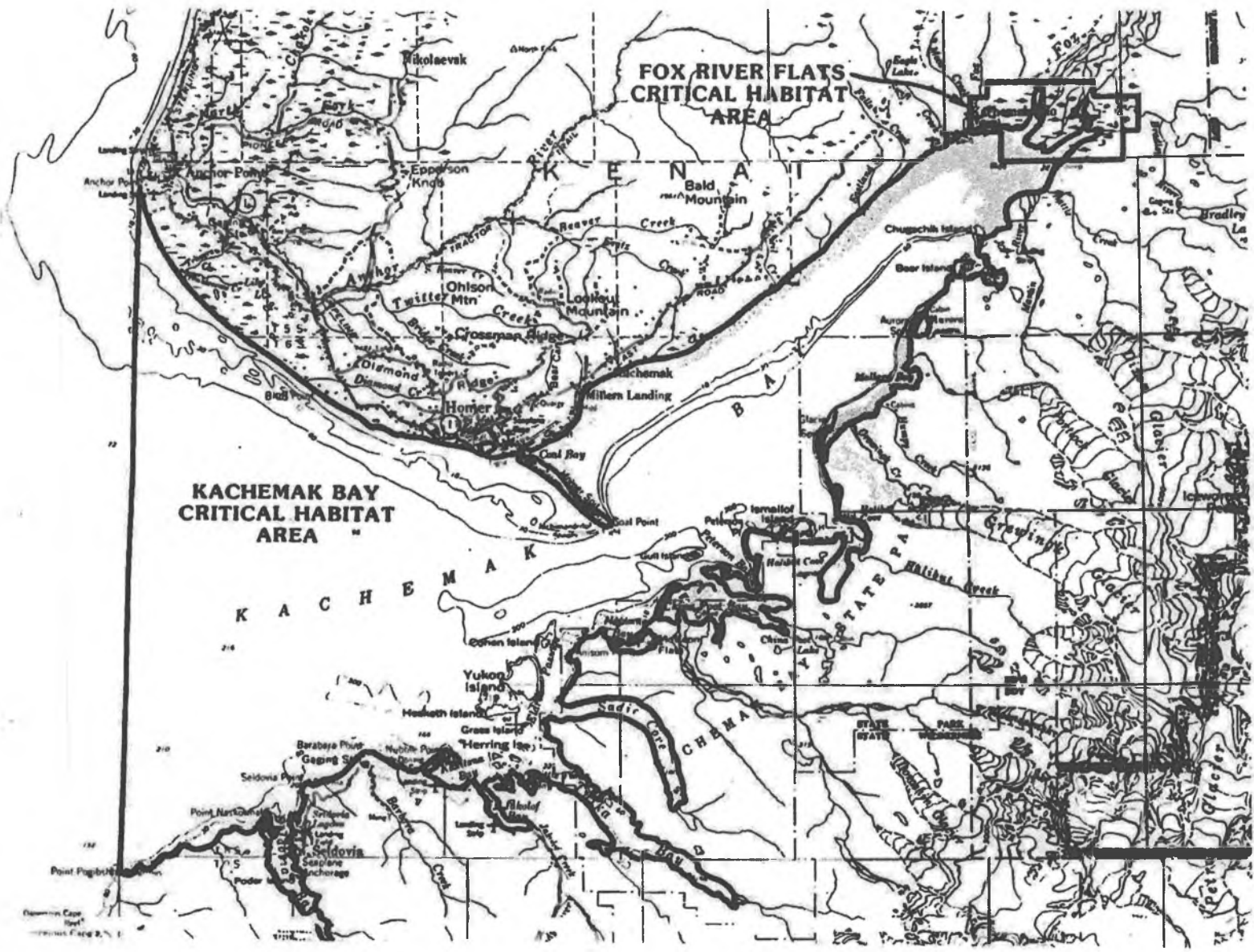
**DECEMBER 1993**

**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.

1 CITY OF HOMER  
2 HOMER, ALASKA

3 Mayor/Council

4 RESOLUTION 14-005

5  
6 A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,  
7 REQUESTING THAT THE ALASKA LEGISLATURE AMEND  
8 ALASKA STATUTE 16.20.590 ESTABLISHING THE KACHEMAK  
9 BAY CRITICAL HABITAT AREA BY CHANGING THE CRITICAL  
10 HABITAT AREA BOUNDARY TO EXCLUDE THE CITY OF HOMER  
11 PORT AND HARBOR AND MUNICIPAL LANDS IMMEDIATELY  
12 ADJACENT TO PORT FACILITIES NECESSARY FOR PORT  
13 OPERATIONS, AND MAKE THE STATUTE CONSISTENT WITH  
14 THE STATED INTENT OF THE CRITICAL HABITAT AREA  
15 MANAGEMENT PLAN.

16  
17 WHEREAS, AS 16.20.590 creates the Kachemak Bay Critical Habitat Area and  
18 establishes its boundaries; and

19  
20 WHEREAS, The established boundaries include and encompass the City of Homer Port  
21 and Harbor including municipal tide and submerged lands within the harbor basin and adjacent  
22 to the dock and port facilities; and

23  
24 WHEREAS, The introduction chapter of the Kachemak Bay and Fox River Critical  
25 Habitat Areas Management Plan specifically states that "the plan does not apply to federal or  
26 municipal lands within the critical habitat areas"; and

27  
28 WHEREAS, There is additional correspondence available in the record which indicates  
29 that the drafters of the Critical Habitat Management Plan did not intend to include the Homer  
30 Port and Harbor within the Critical Habitat Area Boundaries; and

31  
32 WHEREAS, The apparent conflict between the Statute and the Critical Habitat  
33 Management Plan with respect to the Homer Port and Harbor has created legal ambiguity  
34 about both the enforceability of the municipal lands exemption provision in the Plan and the  
35 Department of Fish and Game's ability to permit certain legitimate activities at the port; most  
36 notably oil and gas drill rigs attempting to dock for the purpose of maintenance and repair; and

37 WHEREAS, The Critical Habitat Management Plan states that any vessel that drops an  
38 anchor or moors at a dock for more than 14 days, must obtain a permit from the Alaska

39 Department of Fish and Game; a requirement that is inefficient and clearly impractical for a  
40 large municipal port and harbor facility; and

41

42 WHEREAS, Because the port and harbor is within the Critical Habitat Area boundaries,  
43 the City has experienced costly and time consuming permitting hurdles for construction  
44 projects, even when those projects comprised replacing and repairing existing infrastructure;  
45 and

46

47 WHEREAS, There is a compelling public interest in bringing the statute into alignment  
48 with the Critical Habitat Area Management Plan and the intent of its drafters because it will  
49 eliminate legal uncertainty, clarify the permitting process, stimulate the local economy, and  
50 enhance marine safety and environmental protection; and

51

52 WHEREAS, The proposed boundary change would serve to improve environmental  
53 protection in Kachemak Bay and the Lower Cook Inlet because oil and gas drilling rigs in  
54 particular would have a safe and secure place to dock for maintenance, repair, and  
55 emergencies services; and

56

57 WHEREAS, Homer has the only year-around ice free, deep water port on Cook Inlet,  
58 has been designated as a Port of Refuge by the U.S. Coast Guard, and has the resources and  
59 assets required to improve marine safety, enhance environmental protection, and respond to  
60 emergencies at sea; and

61

62 WHEREAS, The City of Homer has a deep appreciation for the Kachemak Bay Critical  
63 Habitat Area designation and the adopted Management Plan because it protects the resources  
64 which provide the very foundation of the local economy, lifestyle, and quality of life; and

65

66 WHEREAS, The Amendments to the Critical Habitat Area boundary proposed by the  
67 City are very limited and intended solely to remove the port and harbor and municipal lands  
68 immediately adjacent from the Critical Habitat Area; and

69

70 WHEREAS, If the Homer Port and Harbor is removed from the Critical Habitat Area,  
71 activities there remain subject to all applicable state and federal statutes and regulations  
72 governing ports and activities in marine waters; and

73

74 WHEREAS, The City stipulates that it does not propose or support any other  
75 amendments to the Kachemak Bay Critical Habitat Area or Plan as part of this request.

76 NOW, THEREFORE, BE IT RESOLVED that the Homer City Council hereby requests  
77 that the Alaska Legislature amend Alaska Statute 16.20.590 establishing the Kachemak Bay  
78 Critical Habitat Area by changing the critical habitat area boundaries to exclude the City of  
79 Homer Port and Harbor and municipal lands immediately adjacent to port facilities necessary  
80 for port operations, and make the statute consistent with the stated intent of the Critical  
81 Habitat Area Management Plan.

82  
83 PASSED AND ADOPTED by the City Council of Homer, Alaska, this 13<sup>th</sup> day of January,  
84 2014.

85  
86 CITY OF HOMER  
87  
88  
89 \_\_\_\_\_  
90 MARY E. WYTHE, MAYOR  
91

92 ATTEST:  
93  
94  
95 \_\_\_\_\_  
96 JO JOHNSON, MMC, CITY CLERK  
97

98 Fiscal Note: N/A  
99  
100  
101  
102



*Our Mission: To support our membership through cooperative economic development and community service.*

Friday, January 31, 2014

Mike Chenault  
Speaker of The House  
Alaska Legislature  
Juneau, AK 99801

Dear Mr. Speaker,

On behalf of the Homer Chamber of Commerce's Board of Directors, and its 500+ business members, I'd like to voice support for legislation, HB 285, which exempts the Homer Port and Harbor and lands immediately adjacent necessary for normal Port operations from the Kachemak Bay Critical Habitat Area.

The change is in accordance with the existing Kachemak Bay Critical Habitat Area Plan that states in the introduction that it does not apply to municipal lands.

I don't know why this exemption was never put into law before now. But I can tell you that without it the Port, the City, our members, and the economic health of Homer have already suffered.

*Please know that the City and the Chamber very much value the Kachemak Bay Critical Habitat Area as the lifeblood of our economy and crown jewel of our community.*

However, with the exemption, the City would be able to carry on the kinds of operations that a vibrant and productive port would normally be able to offer. The Port of Homer and Marine Trades in the area are vital components of the local economy. This exemption would allow the full use of the capabilities of both to benefit the full spectrum of business in our community.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Lavrakas".

Jim Lavrakas / Executive Director



OWNERS AND OPERATORS OF ANDERSON TERMINAL



# NORTH STAR TERMINAL & STEVEDORE CO. LLC NORTH STAR EQUIPMENT SERVICES

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**Anchorage**

**Valdez**

**Homer**

**Seward**

**Dutch Harbor**



Mike Chenault, House Speaker  
State Capital Building, Room 208  
Juneau, AK 99801

January 30, 2014

Subject: Letter of Support that exempts the Homer Port and Harbor from the Kachemak Bay Critical Habitat Area (KBCHA).

Dear Mr. Speaker,

North Star Terminal & Stevedore Co LLC (NSTS) has been in business in Alaska since 1950. Our headquarters and main barge terminal is in Anchorage. We also operate on the Homer Spit both at the City's Port and at English Bay's Homer Spit Marine Terminal.

Being a member of the Alliance and RDC North Star firmly supports the mission of responsible resource development and an advocate of the oil and gas industry. HB 285 is a tactical piece of legislation that will protect Homer's Port and Harbor from the onerous environmental movement's strategy to shut down exploration in the lower Cook Inlet.

We employ roughly 5 fulltime equivalent employees in Homer that support the jack up rigs and other oil and gas marine needs in Homer. Along with the heavy lift equipment we use this represents a large economic impact on the Homer area.

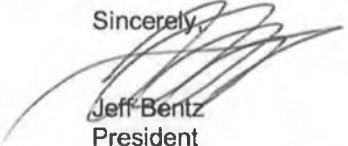
The proposed exclusion, see attached map, to the KBCHA should be expanded 3,000' feet to the north to include the Homer Spit Marine Terminal. This would allow the potential use of that dock and terminal and enhance the private / public relationship as well.

Other reasons why HB 285 needs to be passed include:

- ↓ HB 285 is necessary to allow the drill rigs to moor at the Homer Deep Water Dock.
- ↓ Support services for the rigs are easier to acquire then they are moored at the DWD versus just outside the KBCHA only accessible by boat or helicopter
- ↓ The proposed boundary change plus my requested expansion north still protects the resources and beauty that is the KBCHA.

Your attention and support of this bill is appreciated.

Sincerely,

  
Jeff Bentz  
President  
[ieffb@northstarak.com](mailto:ieffb@northstarak.com)  
907-263-0101

Mike Chenault

Speaker of The House

Alaska Legislature

Juneau, AK 99801

Dear Mr. Speaker,

I'm writing as a marine trades business in Homer and I'd like to support HB 285, which exempts the Homer Port and Harbor and lands immediately adjacent necessary for normal Port operations from the Kachemak Bay Critical Habitat Area.

The change is in accordance with the Kachemak Bay Critical Habitat Area Plan that states in the introduction that it does not apply to municipal lands.

This exemption is necessary for the Port to carry on with the kinds of operations that it currently conducts, and for the future expansion of Harbor and Port facilities. Without the exemption the City of Homer and the Marine Trades business will suffer economic hardships. The exemption is the first step to getting a deep water dock that can have freight hauled over it, which will not just benefit Homer and local businesses, but the entire Kenai Peninsula Borough and businesses.

Thank You,

Matthew Alward

Owner

Bulletproof Nets LLC

Mike Chenault

Speaker of The House

Alaska Legislature

Juneau, AK 99801

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Thank You



Jeff Erickson

Owner

HomeRun Oil Inc.

Mike Chenault

Speaker of The House

Alaska Legislature

Juneau, AK 99801

2014-02-06

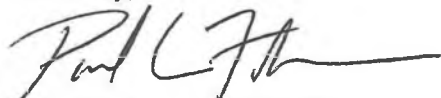
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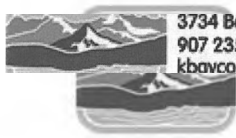
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Sincerely,

A handwritten signature in black ink, appearing to read "Paul C. Fleenor", with a long horizontal flourish extending to the right.

Paul C. Fleenor, AMS® #1101

Edgewater Marine Surveyors of Homer Alaska



3734 Ben Walters Ln.  
907 235.8214  
Kachemak Bay Conservation Society  
Ben Walters Ln, Homer, AK 99603  
907 235.8214  
kbayconservation@gmail.com

Representative Paul Seaton  
270 W. Pioneer Ave  
Homer AK, 99603  
Phone: 907-235-2921  
Fax: 907-235-4008  
rep.paul.seaton@akleg.gov

February 6, 2014

Dear Honorable Representative Seaton,

RE: 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 Kachemak Bay Critical Habitat Area (KBCHA).

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

1. KBCS understands the reason for the City of Homer making this request to remove the port and harbor and municipal lands immediately adjacent that are necessary for port operations from within the KBCHA 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, in support of the Homer Port and Harbor; 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 and 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 Kachemak Bay Conservation Society's mission is to protect the environment of the Kachemak Bay region and encourage sustainable use and stewardship of local natural resources through advocacy, education, information, and collaboration.**



**Kachemak Bay Conservation Society**

3734 Ben Walters Ln, Homer, AK 99603

907 235.8214

[kbayconservation@gmail.com](mailto:kbayconservation@gmail.com)

the application of Administrative Order 266. This is unfortunate timing of the city's request for land removal from within the KBCHA when state residents are very alarmed by this broad sweeping action under AO 266. Therefore, this action looks suspect and could make the KBCHA 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 KBCHA. 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.

Kachemak Bay Conservation Society

3734 Ben Walters Lane

Homer, AK 99603

907-235-8214

[kbayconservation@gmail.com](mailto:kbayconservation@gmail.com)

[www.kbayconservation.org](http://www.kbayconservation.org)

Mike Chenault

Speaker of The House

Alaska Legislature

Juneau, AK 99801

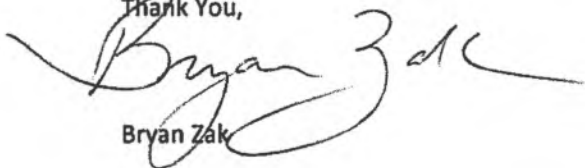
Dear Mr. Speaker,

I'm writing as a citizen that lives in Homer and I'd like to support HB 285, which exempts the Homer Port and Harbor and lands immediately adjacent necessary for normal Port operations from the Kachemak Bay Critical Habitat Area.

The change is in accordance with the Kachemak Bay Critical Habitat Area Plan that states in the introduction that it does not apply to municipal lands.

This exemption is necessary for the Port to carry on with the kinds of operations that it currently conducts, and for the future expansion of Harbor and Port facilities. Without the exemption the City of Homer and the Marine Trades business will suffer economic hardships. The exemption is the first step to getting a deep water dock that can have freight hauled over it, which will not just benefit Homer and local businesses, but the entire Kenai Peninsula Borough and businesses.

Thank You,

A handwritten signature in black ink that reads "Bryan Zak". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Bryan Zak

Homer resident



37 WHEREAS, The Alaska Department of Fish and Game requested and Buccaneer funded  
38 a study which showed that there were no significant or long term environmental impacts or  
39 habitat damage which resulted from mooring the *Endeavour* at the dock with its legs  
40 extended in a "soft pinned" position; and

41  
42 WHEREAS, Buccaneer would like to have the ability to use City port and harbor  
43 facilities in the future but has lingering concerns about whether the community would  
44 support its return; and

45  
46 WHEREAS, It is important for the Homer City Council to formally express its position  
47 and policy on this matter to clear up any confusion or ambiguity that may exist.

48  
49 NOW, THEREFORE, BE IT RESOLVED that the Homer City Council hereby formalizes its  
50 position and establishes its policy that oil and gas drilling rigs and support vessels are  
51 welcome and encouraged to use the City of Homer Port and Harbor Facilities.

52  
53 BE IT FURTHER RESOLVED that Buccaneer Energy is specifically invited and  
54 encouraged to return to the Port of Homer and the City appreciates its continued business.

55  
56 PASSED AND ADOPTED by the Homer City Council this 9<sup>TH</sup> day of December, 2013.

57  
58 CITY OF HOMER

59  
60    
61  
62 MARY E. WYTHE, MAYOR

63  
64 ATTEST:

65  
66   
67  
68 JOHN JOHNSON, MMC, CITY CLERK

69  
70 Fiscal Note: N/A

71  
72  
73

# Alaska State Legislature

State Capitol, Room 208  
Juneau, Alaska 99801-1182  
Phone: 907-465-3779  
Fax: 907-465-2833  
Toll Free: 800-469-3779



145 Main St. Loop  
Second Floor  
Kenai, Alaska 99611  
Phone: 907-283-7223  
Fax: 907-283-7184

## REPRESENTATIVE MIKE CHENAULT SPEAKER OF THE ALASKA STATE HOUSE

### MEMORANDUM

TO: Representative Eric Feige  
Representative Dan Saddler  
Co-Chairs, House Resources Committee

FROM: Representative Mike Chenault  
Speaker, Alaska State House

A handwritten signature in black ink, appearing to read "Mike Chenault", enclosed in a hand-drawn oval.

DATE: January 29, 2014

RE: Request for Hearing, House Bill 285

Please consider this memorandum as a request to hear House Bill 285: Kachemak Bay Critical Habitat Area, before the House Resources Committee at your convenience.

Back up materials will be forwarded to your committee aide as soon as possible.

Thank you for your consideration of my request. Call either myself or Tom Wright of my staff in the event either of us can provide further information.