

SB

148

<TARGET><BILL>SB 148</BILL><SUBJECT>SB
148</SUBJECT><COMM>HRLS28</COMM></TARGET>

Fiscal Note

State of Alaska
2014 Legislative Session

Bill Version: SB 148
Fiscal Note Number: _____
() Publish Date: _____

Identifier: SB148-DFG-HAB-02-03-14
Title: KACHEMAK BAY CRITICAL HABITAT AREA
Sponsor: MICCICHE
Requester: Senate 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	Included in	Out-Year Cost Estimates				
	Appropriation Requested	Governor's FY2015 Request	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
OPERATING EXPENDITURES	FY 2015	FY 2015					
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
Total Operating	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Fund Source (Operating Only)

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time							
Part-time							
Temporary							

Change in Revenues							
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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If yes, by what date are the regulations to be adopted, amended or repealed?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: 01/31/14
Agency: Commissioner's Office	

FISCAL NOTE ANALYSIS

**STATE OF ALASKA
2014 LEGISLATIVE SESSION**

BILL NO. SB 148 _____

Analysis

Senate Bill 148 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 any regulatory changes.

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SENATOR PETER A. MICCICHE

Sponsor Statement

DISTRICT 0

Anchor Point

Clam Gulch

Cohoe

Diamond Ridge

Fox River

Fritz Creek

Funny River

Hullbut Cove

Happy Valley

Homer

Kachemak City

Kachemak Selo

Kalifornsky

Kasilof

Kenai

Nikolaevsk

Ninilchik

Razdulna

Ridgeway

Seldovia

Soldotna

Voznesenka

SB 148 "An Act excluding certain land from the Kachemak Bay Critical Habitat Area."

SB 148 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. This is 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 responsible oil and gas exploration in Cook Inlet. SB 148 is required to allow that support to take place in an efficient manner.

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
64 resources which provide the very foundation of the local economy, lifestyle, and quality of
65 life; and

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

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

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

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

83

84 PASSED AND ADOPTED by the City Council of Homer, Alaska, this 13th day of January,
85 2014.

86

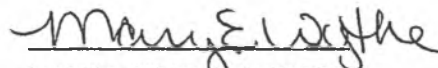
87

CITY OF HOMER

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MARY E. WYTHE, MAYOR

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93 ATTEST:

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JO JOHNSON, MMC, CITY CLERK

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99 Fiscal Note: N/A

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Proposed Exclusion to The Kachemak Bay Critical Habitat Area

1/22/14 MJH @ DNR



Legend

Google earth

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3000 ft