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**CITY OF HOMER
HOMER, ALASKA**

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RESOLUTION 19-091(A)

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA REQUESTING THE ALASKA DEPARTMENT OF FISH & GAME EXTEND THE COMMENT PERIOD FOR PROPOSED RULE CHANGE TO ~~THE KACHEMAK BAY CRITICAL HABITAT AREA MANAGEMENT PLAN REVISION~~ **5AAC95.310 OF ALASKA ADMINISTRATIVE CODE DEALING WITH THE PROHIBITION OF PERSONAL WATERCRAFT USE IN THE FOX RIVER FLATS AND KACHEMAK BAY CRITICAL HABITAT AREAS** TO 90 DAYS; AND THAT THEY PROVIDE INFORMATION SUPPORTING THE CHANGE AND WHY IT'S NOT BEING CONSIDERED AS PART OF THE ONGOING REVISION PROCESS FOR THE KACHEMAK BAY CRITICAL HABITAT AREA MANAGEMENT PLAN.

WHEREAS, The natural beauty and rich productivity of Kachemak Bay led the Alaska Legislature to designate Kachemak Bay one of the state's first Critical Habitat Areas in 1974; and

WHEREAS, The declared purpose of the Kachemak Bay Critical Habitat Area is "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"; and

WHEREAS, Kachemak Bay provides important recreational and economic opportunities for local residents, and attracts tens of thousands of visitors each year who support a broad range of local businesses and jobs; and

WHEREAS, The Alaska Department of Fish & Game (ADFG) recently opened a thirty (30) day public notice period to change rules **regulation 5AAC95.310 of the Alaska Administrative Code dealing with the prohibition of personal watercraft use in the Fox River Flats and Kachemak Bay Critical Habitat areas**, adopted to protect the Kachemak Bay Critical Habitat Area; and

WHEREAS, These rules have been in place since 2001, when a strong majority of local residents supported their enactment, and these rules are supported by ADFG staff; and

WHEREAS, ADFG staff have indicated the Governor's Office has already decided to adopt the rule change, despite the fact local residents have not had the opportunity to submit comments or voice their opinions; and

44 WHEREAS, ADFG adopted the current Kachemak Bay Critical Habitat Area Management
45 Plan in 1993, and has been working with stakeholders, including City of Homer staff, to revise
46 it over the past several years; and
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48 WHEREAS, City of Homer staff have attended at least twenty (20) meetings and spent
49 significant time and resources over the past three years on the Kachemak Bay Critical Habitat
50 Area Management Plan revision process; and
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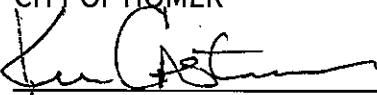
52 WHEREAS, Rule changes affecting the Kachemak Bay Critical Habitat Area should be
53 included in the management plan revision process; and
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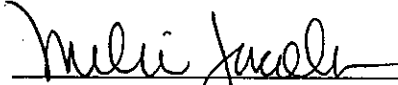
55 WHEREAS, The State of Alaska has provided no explanation or rationale for the
56 proposed rule change.
57

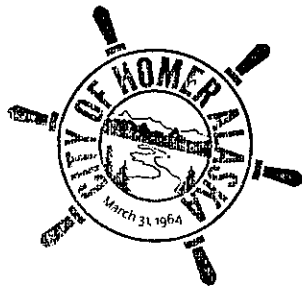
58 NOW, THEREFORE, BE IT RESOLVED that the City of Homer does hereby request the
59 Alaska Department of Fish & Game to:
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- 61 • Provide scientific and technical information supporting its proposed rule change in a
62 timely manner so the City of Homer and local residents can better-understand and
63 comment on the issues presented;
- 64 • Extend the comment period to ninety (90) days to allow local residents sufficient time
65 to comment meaningfully on the proposed rule change; and
- 66 • Provide an explanation why this rule change should not be considered as part of the
67 ongoing revision process for the Kachemak Bay Critical Habitat Area Management Plan.
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69 PASSED AND ADOPTED by the Homer City Council this 16th day of December, 2019.
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71 CITY OF HOMER
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73 _____
74 KEN CASTNER, MAYOR
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76 ATTEST:
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79 MELISSA JACOBSEN, MMC, CITY CLERK
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81 Fiscal note: N/A