

1 **CITY OF HOMER**
2 **HOMER, ALASKA**

3 Evensen

4 **RESOLUTION 20-007**
5

6 A RESOLUTION OF THE HOMER CITY COUNCIL OPPOSING THE
7 STATE’S REPEAL OF ALASKA ADMIN CODE 5 AAC 95.310 WHICH
8 WOULD REMOVE THE PROHIBITION ON PERSONAL WATERCRAFT
9 USE IN THE FOX RIVER FLATS AND KACHEMAK BAY CRITICAL
10 HABITAT AREAS AND AFFIRMING THE DELETERIOUS
11 CONSEQUENCES FOR COMMUNITY AND ECONOMY IF PERSONAL
12 WATERCRAFT ARE ALLOWED IN KACHEMAK BAY.
13

14 WHEREAS, The Alaska Department of Fish and Game (ADFG) issued a notice of the
15 Department’s intent to repeal 5 AAC 95.310, which would remove the prohibition on personal
16 watercraft (PWC) use in the Fox River Flats and Kachemak Bay Critical Habitat Areas; and
17

18 WHEREAS, ADFG issued this notice with an unusually shortened timeline, scheduled to
19 occur slyly during seasonal holidays, bearing non-existent technical policy (which contradicts
20 core management and conservation principals of the Department), and staffed with
21 individuals who have dismissed – in a wholesale manner – public and scientific feedback
22 regarding Fox River Flats and Kachemak Bay Critical Habitat Areas; and
23

24 WHEREAS, Homer City Council passed Resolution 19-091(A), which requested ADFG to
25 extend the public comment period by 90 days, provide scientific and technical information
26 supporting the Department’s proposed rule change, and provide an explanation why the rule
27 change should not be considered as part of the ongoing revision process for the Kachemak
28 Bay Critical Habitat Area Management Plan;
29

30 WHEREAS, ADFG agreed to extend the public comment period by 15 days (January 21,
31 2020 deadline) but failed to address the other informational requests made; and
32

33 WHEREAS, Nautical speeds of PWC, which are often called ‘thrillcraft’, are extreme and
34 allow such “vessels” to reach 65 mph or more; these vessels change course frequently and
35 require minimum speeds to keep stable (owing to low “primary stability” but high “secondary
36 stability”); their qualities differ sharply from all other vessels commonly used in Kachemak
37 Bay including boats, skiffs, and kayaks; their purpose for “thrill recreation” also differs
38 sharply from established marine use within Fox River Flats and Kachemak Bay Critical
39 Habitat Areas; and
40

41 WHEREAS, Owing to markedly different vessel character, vessel operation, type and
42 direction of produced noise, and operational goals or purpose, these vessels represent a new
43 type of marine vessel in the Homer Area; their usage alone comes with risks for human safety

44 and their usage within mixed-use maritime environments can pose issues for human safety
45 aboard other vessels; and

46

47 WHEREAS, Economy of Homer stems upon its surrounding natural resources
48 including commercial fishing, sport fishing, wildlife tourism, world-class scenery, and general
49 tourism; visitors from around the world flock to Homer for wildlife, fishing and pristine,
50 unspoiled landscapes; and

51

52 WHEREAS, Economy of Homer stems upon its surrounding natural resources including
53 commercial fishing, sport fishing, wildlife tourism, world-class scenery, and general tourism;
54 visitors from around the world flock to Homer for wildlife, fishing and pristine, unspoiled
55 landscapes; and

56

57 WHEREAS, Homer is ranked approximately #55 Fishing Port in the United States by
58 value; on annual economic basis it sees substantial commercial landings (e.g., 6.7 million
59 pounds in 2016), substantial commercial revenues (e.g., \$18.1 million in 2016), and
60 substantial tax revenue generated from commercial fisheries businesses (> \$43,000 in 2017);
61 and

62

63 WHEREAS, Commercial fishing taxes are anticipated in fiscal budgeting and critically
64 needed for City of Homer operations including Port & Harbor; and

65

66 WHEREAS, Unlike other ports, Homer is positioned near and within common fishing
67 grounds, so that any activity by PWC directly impacts activities by commercial fishermen; and

68

69 WHEREAS, Personal watercraft operations deleteriously interfere with commercial
70 fishing activities, driving salmon away from active setnets and open seines, and create
71 underwater torrents of jet-bubbles, which are known to scare off and change course of
72 traveling salmon (cf. “plunge poles” used discretely in seining) as well as produce multi-
73 directional, high-frequency bursts of noise that impact fish at shallow water depths; and

74

75 WHEREAS, Noise generated by PWC is multi-directional in character, can be a
76 nuisance to wildlife, may cause harm to marine mammals, may destroy habitat and cause
77 resident and migratory species to flee the area; U.S. National Parks have identified noise
78 sources as being destructive to the environmental maintenance of their protected habitats;
79 and

80

81 WHEREAS, Noise generated by PWC is multi-directional in character, and can readily
82 distract operations of commercial and sport fishing, boaters, activities by tourists and others
83 can create unsafe conditions that lead can to injury, death – particularly within mixed-use
84 maritime regions of Kachemak Bay that, for example, may already involve interactions
85 among float planes, sea kayakers, boaters, sport and commercial fishermen; and

86
87
88
89
90
91
92
93
94
95
96
97
98
99
100
101
102
103
104
105
106
107
108
109
110
111
112
113
114
115
116
117
118
119
120
121
122
123
124
125
126
127

WHEREAS, Numerous businesses within and around the City of Homer were founded on and rely critically upon the preservation and sustainability of natural resources surrounding the Homer Area; many small businesses such as wilderness lodges and wildlife tours have branded business to successfully and dependably attract customers who seek quiet tourism (such as sea kayaking while identifying seabird calls); and

WHEREAS, Homer is a gateway community with access to deep, blue-colored waters of Lower Cook Inlet, Fox River Flats and Kachemak Bay Critical Habitat Areas, Kachemak Bay State Park, and several National Parks; tourism activities to these locations tend to begin at Homer; and

WHEREAS, Founded in 1970 Kachemak Bay State Wilderness Park was the first State Park to be established within the Great State of Alaska, and to this date remains the State's only officially designated Wilderness Park; and

WHEREAS, The City of Homer has urged the State of Alaska to prohibit the use of PWC in Kachemak Bay and Fox River Flats critical habitat areas since 1999 through substantial scientific conclusion and ultimately the adoption of Resolution 99-111; and

WHEREAS, Resolution 99-111 stated that "extensive research from around the country demonstrates that personal watercraft pose threats to waterfowl, seabirds, shorebirds, marine mammals, other wildlife, and their habitat; cause excessive noise and water pollution; create increased accident rates and user conflicts and could have a negative impact on Homer's visitor industry;" and

WHEREAS, Since the passage of 99-111, Homer has observed ADFG's periodic studies and assessments have reached the same conclusion, upholding the PWC ban; and

WHEREAS, Since 1999 Homer Area businesses have prospered by being positioned along the singular, unique waterway in the State of Alaska that explicitly bans PWC; such business branding and reputation for "serene settings" has led to business and residential investment and given Homer unique status for facilitating future economic growth; and

WHEREAS, Kachemak Bay and Fox River Flats are local, national, and international treasures, providing important recreational and economic opportunities for local residents; Homer has demonstrated sustainable levels tourism by attracting tens of thousands of visitors each year who support a broad range of local businesses and; and

WHEREAS, Existing jobs and businesses in Homer are directly and immediately threatened by this economically thoughtless proposal; and

128 WHEREAS, City of Homer does not appreciate having its greater operational economy
129 and established fiduciary strategy threatened by its own State and Governor’s Office, from
130 which the platform “open for business” seems to rely on destroying scores of existing, multi-
131 generational, and substantially profitable businesses in exchange for a grossly inferior
132 economy based on, at most, sales of personal watercraft from a single store; and
133

134 WHEREAS, The City of Homer hopes the State of Alaska, in the future, will
135 cooperatively work with the City and local stakeholders on issues that impact Kachemak Bay
136 and Fox River Flats through mechanisms like the Kachemak Bay Critical Habitat Area
137 Management Plan rather than use an overtly undemocratic, un-American, top down
138 approach that does not provide adequate time or information for informed public input nor
139 follows legal and State procedures governing change in public policy.
140

141 NOW, THEREFORE, BE IT RESOLVED that the Homer City Council hereby opposes the
142 State’s repeal of Alaska Admin Code 5 AAC 95.310, which would remove the prohibition on
143 personal watercraft use in the Fox River Flats and Kachemak Bay Critical Habitat Areas.
144

145 PASSED AND ADOPTED by the Homer City Council this ___ day of _____, 2020.

146
147 CITY OF HOMER

148
149
150 _____
151 KEN CASTNER, MAYOR

152 ATTEST:

153
154
155 _____
156 MELISSA JACOBSEN, MMC, CITY CLERK

157
158 Fiscal information: N/A