



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Fish and Game

OFFICE OF THE COMMISSIONER
Headquarters Office

1255 West 8th Street
P.O. Box 115526
Juneau, Alaska 99811-5526
Main: 907.465.6136
Fax: 907.465.2332

February 11, 2021

Penelope Hass
Kachemak Bay Conservation Society
kbayconservation@gmail.com

Ms. Haas:

In a letter dated January 26, 2021, you requested the following public records from the Alaska Department of Fish and Game (ADF&G):

- 1) All communications between the Personal Watercraft Club of Alaska and the Alaska Department of Fish and Game (ADF&G) as well as all communications between the Alaska Outdoor Council and ADF&G.
- 2) All documents of internal statements of policy, interpretations to staff, formal or binding opinions, and factual statements from the Commissioner or the Special Assistant to the Commissioner to ADF&G staff regarding Personal Watercraft, including the order that prohibited or restricted ADF&G staff from communicating with the public about the repeal of 5 AAC 95.310, and directed staff to tell all members of the public to speak only to Rick Green about the repeal of 5 AAC 95.310.

Regarding the first part of your request, we searched the emails of Ron Benkert, Rick Green, and Doug Vincent-Lang for responsive records. We did not search other ADF&G staff who we believe would not have responsive records or would only have duplicative records. Any other responsive records not attached here were delivered to you on January 14, 2021 and December 17, 2020, respectively. Please let us know if you would like us to provide those records again; however, public comments received from those and other organizations are available on ADF&G's website.

Regarding the second part of your request, ADF&G did not issue an order that prohibited or restricted ADF&G staff from communicating with the public about the repeal of 5 AAC 95.310; however, the attached internal communications plan names Rick Green as ADF&G's communication coordinator for the regulatory proposal. Please confirm that is the document you were requesting.

If you have any questions, please contact me at 907-465-6136 or by email at kari.winkel@alaska.gov.

Respectfully,

A handwritten signature in black ink, appearing to read "Kari Winkel".

Kari Winkel
Special Projects Assistant

Enclosure:PDF of responsive records

Letter from ADF&G Commissioner in response to your 11.12.18 letter

Winkel, Kari M (DFG) <kari.winkel@alaska.gov>

Tue 1/22/2019 11:33 AM

To: akpwcrdr@yahoo.com <akpwcrdr@yahoo.com>

Cc: Vincent-Lang, Douglas S (DFG) <doug.vincent-lang@alaska.gov>; Benkert, Ronald C (DFG) <ronald.benkert@alaska.gov>; Ott, Alvin G (DFG) <al.ott@alaska.gov>; Tyler, Ethan A (DNR) <ethan.tyler@alaska.gov>

 1 attachments (885 KB)

1.22.19 Letter to Gina Poths.pdf;

Morning Ms. Poths,

Please accept the attached letter from the Alaska Department of Fish and Game in response to you November 12, 2018, letter. If you have any issues with the pdf please let me know as soon as possible so that I may correct them as soon as possible.

Respectfully,

Kari Winkel
Executive Secretary
Office of the Commissioner
Department of Fish and Game
Ph: (907)-465-6136
Kari.winkel@alaska.gov



THE STATE
of **ALASKA**
GOVERNOR MICHAEL J. DUNLEAVY

Department of Fish and Game

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Headquarters Office

1255 West 8th Street
P.O. Box 115526
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Main: 907.465.6136
Fax: 907.465.2332

January 22, 2019

Ms. Gina Poths
PWCA Administrative Director
P.O. Box 112984
Anchorage, AK 99511-2984

RE: Kachemak Bay and Fox River Flats Critical Habitat Areas (Log 18-759)

Dear Ms. Poths:

Thank you for your continued interest (letter dated November 12, 2018) in the Alaska Department of Fish and Game's (ADF&G) planning process for the Kachemak Bay and Fox River Flats Critical Habitat Area. In our June 18, 2018, response to you we addressed the subject of coordination between our department and the Department of Natural Resources planning efforts. In addition, we stated that ADF&G has decided to incorporate the regulation pertaining to the ban on personal watercraft in Kachemak Bay Critical Habitat Area (5 AAC 95.310) in the plan revision process.

Thank you again for your correspondence and please feel free to contact Mr. Ron Benkert in our Anchorage Habitat Office (907) 267-2172.

Sincerely,

A handwritten signature in cursive script, appearing to read "Doug Vincent-Lang".

Doug Vincent-Lang
Acting Commissioner

Attachment: June 18, 2018 Letter from Mr. Tyler and Mr. Rogers

cc: Ron Benkert, Regional Supervisor (Anchorage), Division of Habitat
Ethan Tyler, Division of Parks Director, Department of Natural Resources
Al Ott, Division Operational Manager, Division of Habitat



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of Fish and Game
Department of Natural Resources

THROUGH DNR COMMISSIONER'S OFFICE

550 West Seventh Avenue, Suite 1400

Anchorage, AK 99501

Main: 907.269.8431

Fax: 907.269.8918

June 18, 2018

Gina Poths
PWCA Executive Director
P.O. Box 112984
Anchorage, AK 99511
akpwcrdr@yahoo.com

Dear Ms. Poths:

Thank you for your recent correspondence regarding the management plans that affect Kachemak Bay State Park and Kachemak Bay and Fox River Flats Critical Habitat Areas.

Alaska Department of Fish and Game (ADF&G) and the Department of Natural Resources (DNR) / Division of Parks and Outdoor Recreation (DPOR) share jurisdiction over the portions of Kachemak Bay where the State Park and the Kachemak Bay Critical Habitat Area overlap. Though coordination efforts are in place, each agency implements their authority in accordance with their individual management responsibilities. Both agencies have undertaken revisions to their existing management plans that include public comment periods and this correspondence is intended provide you with an update to the progress of DNR's Kachemak Bay State Park management plan revision and ADF&G's Kachemak Bay Critical Habitat Area management plan revision.

DNR is currently drafting the Kachemak Bay State Park Management Plan and intends to release it for public comment this summer. Recognizing that the summer is a busy time for stakeholders, the department is planning on taking public comment on the plan for an extended period.

The Department of Fish and Game's public scoping process was complete November 2016. ADF&G has published the public scoping comments on the [Kachemak Bay and Fox River Flats Critical Habitat Areas Management Planning webpage](#) and you are welcome to review the comments received related to personal watercraft, as well as other information about the process. Comments received during scoping are incorporated in the information reviewed by the multi-agency planning team that is developing draft policies. ADF&G has decided to incorporate the regulation pertaining to the ban on personal watercraft in Kachemak Bay CHA (5 ACC 95.310) in the plan revision process.

The Critical Habitat Areas management plan's multi-agency planning team continues to meet to work on the draft revision. These meetings are open for members of the public to observe for maintaining transparency in the plan revision process; there will not be opportunities for the public to participate in the discussion. A public review of the draft revised plan will be available for public comment at the end of the revision period. We hope to have the public review draft revised plan published for comments in 2019.

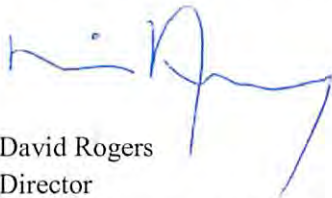
Monica Alvarez is the primary point of contact for the Kachemak Bay State Park Management Plan and can be reached at monica.alvarez@alaska.gov or 907-269-8145. Tammy Massie is the primary point of contact for the ADF&G revision process and the planning meetings. She can be reached at 267-2122 or tammy.massie@alaska.gov.

Thank you again for your correspondence. Don't hesitate to contact anyone from the departments' respective planning staff as this process moves forward.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ethan Tyler".

Ethan Tyler
Director
DNR Division of Parks & Outdoor Recreation

A handwritten signature in blue ink, appearing to read "David Rogers".

David Rogers
Director
ADF&G Division of Habitat

From: [Green, Rick E \(DFG\)](#)
To: [Gina Poths](#)
Subject: RE: KB management plan
Date: Thursday, April 18, 2019 4:51:00 PM

Thanks Gina,

Will let you know. I appreciate your efforts.

Rick

From: Gina Poths <akpwcrdr@yahoo.com>
Sent: Wednesday, April 17, 2019 9:51 PM
To: Green, Rick E (DFG) <rick.green@alaska.gov>
Cc: Gene Gerken <yamahariderak@gmail.com>; Barrett Moe <barrettmoe@lppowersports.com>; Korey Cronquist <korey@teamcc.com>
Subject: Re: KB management plan

Ok Thanks Rick. I have been told in the past that ADFG was following whatever DNR does. I can provide you letters and emails regarding that! So that is why I am concerned. There is no reason for the entire bay to be closed off, the areas that ADF&G manages. Please keep me updated as to what I and other pwc enthusiasts need to do to get this fixed! We are happy to attend any meetings.

Thanks, Gina

On Wednesday, April 17, 2019, 8:01:51 AM AKDT, Green, Rick E (DFG) <rick.green@alaska.gov> wrote:

Hey Gina,

Yes, I understand both of our plans are still in the process. (Ill have to check where ADFGs are) but we were supposed to review our plans together and see if we couldn't make them congruent with each other's. Well have to see how much they want that.

As always, my door is open if you find your self in Anchorage. I see my ol buddy Korey on this email thread. Been awhile Korey, how are ya?

Respectfully,

Rick

From: Gina Poths <akpwcrdr@yahoo.com>
Sent: Wednesday, April 17, 2019 1:09 AM
To: Green, Rick E (DFG) <rick.green@alaska.gov>

Cc: Gene Gerken <yamahariderak@gmail.com>; Barrett Moe <barrettmoe@lppowersports.com>; Korey Cronquist <korey@teamcc.com>
Subject: KB management plan

Hi Rick,

It has been a couple of weeks or more since I had the pleasure of meeting you and speaking with you in Fairbanks. Since that time I briefly met Ricky Gease with State Parks. I'm actually on the Alaska Boating Safety Advisory Board (ABSAC) which meets in April and December. Ricky attended the meeting on the 8th and during a break I asked him about the status of the KB management plan. He stated there was going to be another public comment period open to the public once they finalize their draft of the plan. I haven't seen anything on the website to date. When I mentioned personal watercraft he said as far as he could tell there weren't going to be any changes from what the statutes say now. He said Monica Alvarez is the person to contact (which we've done in the past with our letters) when it's time for public comments again.

At this point I think letter writing to anyone is a mute point although we will once again when the public comment period is open. It hasn't done us any good in the past no matter how many people write, they always say the public voted for the ban. That is so not true and I want to see actual numbers that say something out of x many comments received y stated they want to keep a pwc ban in the bay. (I have the original numbers from 1999-2000 but not with me and it was only like 420 comments about pwc.) Anyways, I think the most important thing right now is the difference of the areas managed by DNR and ADF&G. There is no reason ADF&G can't open the main part of the bay with simple restrictions in the areas of the state parks. I don't think it's right or fair really because we should be able to go where all boats go but at this time in the game if we need to compromise to at least have access to public launch ramps in Homer to enjoy the bay and be able to go to Seldovia and beyond is the most important thing.

Is there any way you can arrange a meeting with the Directors involved in this planning process and be present as well along with a couple members of PWCA and the industry representatives to talk about this compromise and what we need to do to gain access.

Looking at the attached map just infuriates me that a specific type of boat is banned from the bay.

From: [Green, Rick E \(DFG\)](#)
To: [Gina Poths](#)
Subject: RE: Letter from ADF&G Commissioner in response to your 11.12.18 letter
Date: Monday, April 29, 2019 8:05:00 AM

Gina,

Its my understanding that there should be a draft plan late fall or early winter for leadership review then it will go out for agency review and then public. Ill need you to stay active especially during the public comment part.

Thanks,

Rick

From: Gina Poths <akpwcrdr@yahoo.com>
Sent: Sunday, April 28, 2019 5:26 AM
To: Green, Rick E (DFG) <rick.green@alaska.gov>
Cc: Gene Gerken <yamahariderak@gmail.com>
Subject: Fw: Letter from ADF&G Commissioner in response to your 11.12.18 letter

Rick, So, this was my latest response from ADFG from a letter I wrote last year. What can we do, I had forgotten I saved this.

Please tell me the next steps and make sure I get notified immediately of any new public comment periods regarding the management plan.

Thanks,
Gina

----- Forwarded Message -----

From: Winkel, Kari M (DFG) <kari.winkel@alaska.gov>
To: akpwcrdr@yahoo.com <akpwcrdr@yahoo.com>
Cc: Vincent-Lang, Douglas S (DFG) <doug.vincent-lang@alaska.gov>; Benkert, Ronald C (DFG) <ronald.benkert@alaska.gov>; Ott, Alvin G (DFG) <al.ott@alaska.gov>; Tyler, Ethan A (DNR) <ethan.tyler@alaska.gov>
Sent: Tuesday, January 22, 2019, 11:33:50 AM AKST
Subject: Letter from ADF&G Commissioner in response to your 11.12.18 letter

Morning Ms. Poths,

Please accept the attached letter from the Alaska Department of Fish and Game in response to you November 12, 2018, letter. If you have any issues with the pdf please let me know as soon as possible so that I may correct them as soon as possible.

Respectfully,

Kari Winkel

Executive Secretary

Office of the Commissioner

Department of Fish and Game

Ph: (907)-465-6136

Kari.winkel@alaska.gov

From: [Green, Rick E \(DFG\)](#)
To: [Gina Poths](#)
Subject: Re: Kachemak Bay fox River Flats Critical Habiat Areas Management Plan Revision- planning team meeting - Alaska Online Public Notices
Date: Sunday, May 12, 2019 10:57:13 PM

I'm going to send a message in the am to make sure you're on the email list

Sent from my iPhone

On May 12, 2019, at 1:09 AM, Gina Poths <akpwcrdr@yahoo.com> wrote:

Thanks Rick. We'll see when we can arrange to meet you before the meeting.

Gina

Guess I'll have to check the 'public notice' database and make sure I'm on the list again.

Thanks again, Gina

----- Forwarded Message -----

From: Green, Rick E (DFG) <rick.green@alaska.gov>
To: Gina Poths <akpwcrdr@yahoo.com>
Sent: Saturday, May 11, 2019, 9:29:03 AM AKDT
Subject: Re: Kachemak Bay fox River Flats Critical Habiat Areas Management Plan Revision- planning team meeting - Alaska Online Public Notices

You SHOULD be on the mailing list, but to be honest, this is the first I've seen of it too. I will plan on being there. Yes, I'll make time for you guys. Let me know when

Sent from my iPhone

On May 11, 2019, at 5:56 AM, Gina Poths <akpwcrdr@yahoo.com> wrote:

Hey Rick, why didn't I get this info? I thought I was on mailing lists for all things KB

Any chance a couple folks can meet with u or u can email me what to expect?
Thanks. Any help and advice would be appreciated.

Gina

[Sent from Yahoo Mail for iPhone](#)

Begin forwarded message:

On Thursday, May 9, 2019, 1:38 PM, Rodarno
<rodarno@gmail.com> wrote:

Gina,
Did you get this notice?

Just back from Morocco and Southern Spain but will be leaving for Mexico until June. Let me know what PWC folks plan to do.

Cheers.
Rod

Sent from Rod Arno's iPhone.

Begin forwarded message:

From: Jeffrey Logan <jefflogan@gci.net>
Date: May 9, 2019 at 12:56:42 PM AKDT
To: Rod Arno <rodarno@gmail.com>
Subject: Kachemak Bay fox River Flats
Critical Habiata Areas Management Plan
Revision- planning team meeting - Alaska
Online Public Notices

<https://aws.state.ak.us/OnlinePublicNotices/Notices/View.aspx?id=194142>

Kachemak Bay fox River Flats Critical Habiata Areas Management Plan Revision- planning team meeting

The seventeenth planning team meeting for the Kachemak Bay and Fox River Flats Critical Habitat Areas Management Plan Revision is scheduled for Wednesday May 22, 9:00 am to 1:00 pm.

This meeting is an agency staff working meeting. These meetings will be open for members of the public to observe for the purpose of maintaining transparency in the plan revision process. However, there will not be opportunities for the public to participate in the discussion. A limited period of time will be available at the end of meeting for members of the public to ask questions. A public review draft of the revised plan will be available for comment at the end of the revision process.

Please contact 267-2122 or tammy.massie@alaska.gov prior to the day of the meeting with any questions.

The tentative agenda for this meeting is to continue discussing draft policies on grazing, Fox River Flats trails, and shoreline alteration as time allows.

Meeting locations:

In Anchorage, the meeting will be at ADF&G at 333 Raspberry Road, upstairs in the Aerie Conference Room.

In Homer, the meeting will be at the Islands and Oceans Visitor Center at 95 Sterling Highway, in the seminar room.

From: [Green, Rick E \(DFG\)](#)
To: [Gina Poths](#); [Korey Cronquist](#); [Gene Gerken](#)
Subject: RE: Mtg today 9 am
Date: Wednesday, May 22, 2019 7:47:00 AM

Corey, et al.

I will try and come in the meeting to say hello and listen for a bit, at least for the beginning. It will be good to see ya as I think its been at least a decade or two.

Thanks for letting me know you'll be here.

Rick

From: Gina Poths <akpwcrdr@yahoo.com>
Sent: Wednesday, May 22, 2019 3:49 AM
To: Green, Rick E (DFG) <rick.green@alaska.gov>; Korey Cronquist <korey@teamcc.com>; Gene Gerken <yamahariderak@gmail.com>
Subject: Mtg today 9 am

Korey let Tammy know he was attending today. She mentione Joe Meehan running the Anch one while she will be in Homer. Joe is not on our side. I feel he is biased and put together the "evidence" from anecdotal reports back in 1999 to 2000 that said pwcs were noisy. Just fyi

[Sent from Yahoo Mail for iPhone](#)

From: [Korey Cronquist](#)
To: ["Gina Poths"; Green, Rick E \(DFG\)](#)
Subject: RE: Response from Tammy
Date: Wednesday, May 29, 2019 12:31:40 PM

I agree and conclude your points are the same as mine, Gina.

To determine the regulation banning is based on activities is clever wording. Bottom line is, how do they determine it's an activity and not a user group. Is it because you sit on instead of in the vessel? If so, where is the study to show that. And as Gina pointed out, "it's a boat then".

I would suggest them to adopt looking at it as a user group, and not an activity to be consistent and fair with everyone.

Korey Cronquist
Team CC
907 357-3200 ext 310
www.teamcc.com

From: Gina Poths [mailto:akpwcrdr@yahoo.com]
Sent: Wednesday, May 29, 2019 11:48 AM
To: Green, Rick E (DFG); Korey Cronquist
Subject: Response from Tammy

The response was nothing more than the usual b.s. we seem to get regarding the use of personal watercraft in K.B.

I am going to draft a letter to the governor and cc everyone again with these main points regarding her response.

1-The management plan is based on activities, not user groups.

If that is the case the activity is boating, a personal watercraft is a boat, period end of story.

2-The content of the policy is a result of of balancing..... scientific and historical data...

There isn't any scientific data at all. Only 2 anecdotal reports done before 1999. Review Joe Meehan's actual 10 page literature review dated May 2000. His conclusion is copy and pasted here:
V. CONCLUSIONS While numerous studies have investigated the impacts of boating and other human activities on fish, wildlife, and other natural resources, only two studies have specifically investigated disturbance caused by PWC. These two studies came to somewhat different conclusions. A study in Florida indicated that personal watercraft were not more disturbing to feeding and loafing waterbirds than were conventional motorboats; while work in New Jersey indicated that personal watercraft were more disruptive to a common tern nesting colony than were conventional motorboats. Considerable anecdotal information on the impacts of personal watercraft exists. While personal watercraft do not appear to be inherently more disruptive to wildlife or more polluting than other 2-stroke marine engines, many professional biologists and managers believe that the characteristics of PWC use make them more disruptive and polluting than conventional watercraft. They cite the higher noise levels, faster speeds, erratic movements, the PWC's ability to enter shallower water, and their tendency to operate in groups as reasons why PWC impact wildlife to a greater degree than conventional motorboats. 39"

Excerpt from PDF Analysis Final 2.pdf.

Anyways, where is the scientific evidence?

Rick, any comments about sending the Governor a letter??

Gina

From: [Green, Rick E \(DFG\)](#)
To: [Gina Poths](#); [Korey Cronquist](#)
Subject: RE: Response from Tammy
Date: Wednesday, May 29, 2019 1:38:00 PM

Gina,

I am trying to find your phone number. Little help?

Rick

From: Gina Poths <akpwcrdr@yahoo.com>
Sent: Wednesday, May 29, 2019 11:48 AM
To: Green, Rick E (DFG) <rick.green@alaska.gov>; Korey Cronquist <korey@teamcc.com>
Subject: Response from Tammy

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Excerpt from PDF Analysis Final 2.pdf.

Anyways, where is the scientific evidence?

Rick, any comments about sending the Governor a letter??

Gina

From: [Green, Rick E \(DFG\)](#)
To: [Gina Poths](#); [Gene Gerken](#); [Vicki L. Gerken](#); [Korey Cronquist](#); [Barrett Moe](#); [Earl Carson](#)
Subject: RE: Follow up letter- KBay
Date: Tuesday, June 4, 2019 8:42:00 AM

Gina,

Lets chat about this letter before you send it. Is there a time this afternoon we can talk?

Rick

From: Gina Poths <akpwcrdr@yahoo.com>
Sent: Monday, June 3, 2019 10:57 PM
To: Gene Gerken <yamahariderak@gmail.com>; Vicki L. Gerken <alaskavickig@gmail.com>; Korey Cronquist <korey@teamcc.com>; Barrett Moe <barrettmoe@lppowersports.com>; Earl Carson <earlheart@hotmail.com>
Cc: Green, Rick E (DFG) <rick.green@alaska.gov>
Subject: Follow up letter- KBay

I have attached my draft copy I plan on sending to Brett Huber and Governor Dunleavy. I need help wording my paragraph regarding John Sturgeons win and how I hope it helps us! And of course any other changes you feel fit.

I have to check the post office box tomorrow as I realize it's been a few weeks, want to make sure I don't have a letter from either one! LOL

THanks all,
Gina

From: [Green, Rick E \(DFG\)](#)
To: [Gina Poths](#)
Subject: RE: national park regulations
Date: Wednesday, June 5, 2019 7:49:00 AM
Attachments: [image001.png](#)
[image002.png](#)

Thank you , Gina.

From: Gina Poths <akpwcrdr@yahoo.com>
Sent: Wednesday, June 5, 2019 12:36 AM
To: Green, Rick E (DFG) <rick.green@alaska.gov>
Subject: national park regulations

I have been going through all my print outs of press releases etc from the national parks. The actual press releases that I have printed copies of, I can't pull them up on line any more.

Also when I google parks that I know are open to pwc, there seems to be new press releases with someone suing saying the parks service again about it! But, if you go to this website and click on the individual parks that you want to look at, you'll find what I think you are looking for. Gulf Island Seashore and Lake Mead are good one to look at that say pwc can operate except then gives a list...something we can easily do with DNR.

Anyways, we are so busy at work tonight, this is all I've had time for right now. If I find more info to give to you to review, I'll send it later.

Thanks again for all of your assistance.

Gina

[eCFR — Code of Federal Regulations](#)



[Gulf Islands National Seashore. Personal Watercraft Use](#)





Gulf Islands National Seashore, Personal Watercraft Use

This final rule designates areas where personal watercraft (PWC) may be used in Gulf Islands National Seashore, ...

From: [Green, Rick E \(DFG\)](#)
To: [Gina Poths](#)
Subject: Re: Follow up letter- KBay
Date: Wednesday, June 5, 2019 9:57:22 PM

Wouldn't hurt your cause.

Sent from my iPhone

On Jun 5, 2019, at 9:06 PM, Gina Poths <akpwcrdr@yahoo.com> wrote:

Awesome. Thanks Rick. Should I cc the gov and both dnr and Adfg commissioners?

Gina

[Sent from Yahoo Mail for iPhone](#)

On Wednesday, June 5, 2019, 8:24 AM, Green, Rick E (DFG) <rick.green@alaska.gov> wrote:

June 7, 2019

Office of the Governor

Michael J. Dunleavy

Senior Policy Advisor, Brett Huber

550 W. 7th Avenue, Suite 1700

Anchorage, AK 99501

Dear Brett Huber,

This is a follow up letter to the one I wrote February 25th regarding personal watercraft use in Kachemak Bay. While the Alaska Department of Fish and Game has been very responsive concerning this issue the Division of Parks has not.

At this point in the planning, both agencies appear to still have the

bans of personal watercraft (PWC) in their respective plans. Fish and Game leadership has been open and welcoming and is still working with us. My fear is that Parks is avoiding changes not because of “protection” of any land or habitat but simply because they don’t want to deal with the heat that they feel may be coming from the “anti” crowd.

I know I don’t need to remind you that this country and this state were not set up to be run by “Mob Rule” and the individual rights of its citizens is what truly sets Alaska apart from other states.

If you could take a couple minutes from your busy schedule and remind the Director of Parks of this fact, I believe it could go a long way towards carrying out the leadership and the promises of Governor Mike Dunleavy.

Thanks for your consideration,

Gina Poths

PWCA Executive Director

P.O. Box 112984

Anchorage, AK 99511-2984

[907-440-6597](tel:907-440-6597)

akpwcrdr@yahoo.com

www.pwcalaska.org

From: Gina Poths <akpwcrdr@yahoo.com>

Sent: Monday, June 3, 2019 10:57 PM

To: Gene Gerken <yamahariderak@gmail.com>; Vicki L. Gerken <alaskavickig@gmail.com>; Korey Cronquist <korey@teamcc.com>; Barrett Moe <barrettmoe@lppowersports.com>; Earl Carson <earlheart@hotmail.com>

Cc: Green, Rick E (DFG) <rick.green@alaska.gov>

Subject: Follow up letter- KBay

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THanks all,

Gina

From: [Gina Poths](#)
To: [Kirk Garoutte](#); [Jan Durrington](#); [Angela Miller](#); [Gene Gerken](#); [Earl Carson](#); [Ron Paye](#); [Vickie Gerken](#); [Barbara Harris](#); [Korey Cronquist](#); [Jordan May](#); [Petr Bucinsky](#); [Frank Bailey](#); [Gina Poths](#); [John Lang](#); [Barrett Moe](#); [Mack Bergstedt](#); [Rachel Mentzel](#); [Larry Mentzel-Home](#)
Cc: [Green, Rick E \(DFG\)](#)
Subject: another letter
Date: Tuesday, June 11, 2019 10:00:10 PM
Attachments: [draft huber.docx](#)
[2nd draft to huber.docx](#)
[huber final.docx](#)

Ok, I had some help with Rick Green with my letter regarding KB Management Plan.

I had sent my draft to him and he re-worked it. I then added just two things back in! LOL

Here's my 1st draft, Rick's draft, and what I think is my final draft!

Sent to current PWCA members.

Gina

June 3, 2019

Office of the Governor
Michael J. Dunleavy
Senior Policy Advisor, Brett Huber
550 W. 7th Avenue, Suite 1700
Anchorage, AK 99501

Dear Brett Huber,

This is a follow up letter to the one I wrote February 25th regarding personal watercraft use in Kachemak Bay. I am disappointed that I have not heard anything back from the Office of the Governor as I had copied it directly to the Governor as well writing one directly to the Governor March 7th.

I am again requesting that the administrative codes: 5AAC.95.310, 11AAC20.115 and 11AAC20.215 be repealed because these regulations were adopted into policy in 2001 based on anecdotal evidence and biased opinions regarding the use of personal watercraft.

My concern regarding these codes is the fact that ADNR and ADF&G plan to include them in the revisions and updates to the Kachemak Bay & Fox River Flats Critical Habitat Area Management Plan. Wednesday May 22, 2019 the seventeenth planning team held a meeting to continue discussing the draft policies and provide transparency to the public. While it was not a meeting for public testimony only observation any public in attendance was allotted time to ask a couple of questions. As the Director of the Personal Watercraft Club of Alaska (PWCA) I was not able to attend the meeting myself but had 3 other representatives of the club and the industry present. After sitting through the presentation Korey Cronquist, owner of Team CC Wasilla asked why was the ban going to be included in the management plan. The answer was because the habitat values are not met with that user group. At that time Korey did not ask any further questions because he knew it wasn't the time to go in to detail, however he sent a follow up email to Tammy Massie the following day. I have included his email and Tammy's response. PWCA president Gene Gerken sent a follow up email regarding the same topic and got the basic same reply, which I have included as well.

The main thing I have been emphasizing for 20 years, is this ban is based purely on discrimination, biased opinions and unscientific evidence. Tammy's current response to both Gene and Korey state, "the management plan policies are based on activities, not on user groups." I find this not to be true because personal watercraft are boats, pure and simple and the activity is boating, fishing, sightseeing just like other 'boaters' using the bay. So, if her statement was true than we wouldn't be having this ongoing battle for 20 years and personal watercraft would be allowed in the bay.

Tammy's last paragraph in the response letter to Gene states there are several layers of internal review that need to occur before the public review draft is ready for release. Our request at this time is that the Governor repeal the codes mentioned earlier and take them out of the new draft management plan completely. Kachemak Bay is 220,000 acres of water that all boaters should have equal access to. If

there are a few coves, critical nesting ground areas or other small areas of concern, then all boaters should be banned from those specific areas, not the entire navigable waters for the bay and waters included in the Alaska Marine Highway.

John Sturgeon, whom I know you are familiar with recently won his battle about discrimination by the federal government when he used his airboat on navigable waters. The U.S Supreme Court voted 9-0 that Alaska is different and Alaska manages their own navigable waters, not the National Park Service (other outside government agency). With this said, I am hoping Alaska's legislatures and the Governor manage our navigable waters appropriately and without discrimination to a specific user group or type of boat. We all want to believe that this Supreme Court win means we can trust the State to manage wisely.

Sincerely,

Gina Poths
PWCA Executive Director
P.O. Box 112984
Anchorage, AK 99511-2984
907-440-6597
akpwcrdr@yahoo.com
www.pwcalaska.org

June 7, 2019

Office of the Governor
Michael J. Dunleavy
Senior Policy Advisor, Brett Huber
550 W. 7th Avenue, Suite 1700
Anchorage, AK 99501

Dear Brett Huber,

This is a follow up letter to the one I wrote February 25th regarding personal watercraft use in Kachemak Bay. While the Alaska Department of Fish and Game has been very responsive concerning this issue the Division of Parks has not.

At this point in the planning, both agencies appear to still have the bans of personal watercraft (PWC) in their respective plans. Fish and Game leadership has been open and welcoming and is still working with us. My fear is that Parks is avoiding changes not because of "protection" of any land or habitat but simply because they don't want to deal with the heat that they feel may be coming from the "anti" crowd.

I know I don't need to remind you that this country and this state were not set up to be run by "Mob Rule" and the individual rights of its citizens is what truly sets Alaska apart from other states.

If you could take a couple minutes from your busy schedule and remind the Director of Parks of this fact, I believe it could go a long way towards carrying out the leadership and the promises of Governor Mike Dunleavy.

Thanks for your consideration,

Gina Poths
PWCA Executive Director
P.O. Box 112984
Anchorage, AK 99511-2984
907-440-6597
akpwcrdr@yahoo.com
www.pwcalaska.org

June 11, 2019

Office of the Governor
Michael J. Dunleavy
Senior Policy Advisor, Brett Huber
550 W. 7th Avenue, Suite 1700
Anchorage, AK 99501

Dear Brett Huber,

This is a follow up letter to the one I wrote February 25th regarding personal watercraft use in Kachemak Bay. While the Alaska Department of Fish and Game has been very responsive concerning this issue the Division of Parks has not.

During the seventeenth planning team session held May 22, 2019 members of the personal watercraft community attended to see how the progress was going. At the end of the meeting they were allowed to ask a couple of questions and Korey Cronquist, owner of Wasilla Team CC asked why was the ban going to be included in the plan. The response from the team was simply, "the habitat values are not met with that user group." Korey knew this wasn't a public comment session so he refrained from asking for better clarification and wrote an email after he returned home. I have included those correspondences.

At this point in the planning, both agencies appear to still have the bans of personal watercraft (PWC) in their respective plans. Fish and Game leadership has been open and welcoming and is still working with us. My fear is that Parks is avoiding changes not because of "protection" of any land or habitat but simply because they don't want to deal with the heat that they feel may be coming from the "anti" crowd.

I am again requesting that the administrative codes: 5AAC.95.310, 11AAC20.115 and 11AAC20.215 be repealed because these regulations were adopted into policy in 2001 based on anecdotal evidence and biased opinions regarding the use of personal watercraft.

I know I don't need to remind you that this country and this state were not set up to be run by "Mob Rule" and the individual rights of its citizens is what truly sets Alaska apart from other states.

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Thanks for your consideration,

Gina Poths
PWCA Executive Director
P.O. Box 112984
Anchorage, AK 99511-2984
907-440-6597
akpwcrdr@yahoo.com
www.pwcalaska.org

cc: Governor Mike Dunleavy
ADF&G Commissioner Doug Vincent-Lang
Special Assistant to Commission Vincent-Lang, Rick Green
ADNR Commissioner Corrie Feige
ADNR Parks & Outdoor Recreation Division Director Ricky Gease

From: [Green, Rick E \(DFG\)](#)
To: [Gina Poths](#)
Subject: RE: call from the big wigs! kind of
Date: Monday, June 24, 2019 8:16:00 AM

Glad to hear! And Im a little envious about the trip. Sounds like a hoot.
Enjoy!

From: Gina Poths <akpwcrdr@yahoo.com>
Sent: Sunday, June 23, 2019 1:06 PM
To: Green, Rick E (DFG) <rick.green@alaska.gov>
Subject: call from the big wigs! kind of

Hi Rick,
Been meaning to touch base. So my letter was received by Brett Huber's office, his assistant, Brandon (?) called last week to say they received it and they are definitely working on language to allow pwc in the bay. Wahoo. I hope it's true and we can work something out. Like I've said so many times, we're willing to compromise on the small bays/coves that DNR handles but nlt the entire bay where the harbor is public and the shipping lanes go through the bay and there is no way they can keep boaters of any kind out of what is considered international waters.

BTW, three of us are planning a Kodiak trip this next weekend/week. We are thinking of staying one night in Homer and launching very early in the morning out of Homer! Jacque and Tabb have done that before! Or we just might launch in Ninilchik. Haven't decided. Be interesting to see how much grief we get. Tabb says 2 or 3 years ago, the cops were called on them but they had launched and jetted out before anyone showed up! I don't want a ticket but might be willing to risk it!! LOL

Hope you are having a good summer.

Can't wait to see something in writing about the bay!

Gina

From: [Green, Rick E \(DFG\)](#)
To: [Gina Poths](#)
Subject: RE: permits
Date: Monday, June 24, 2019 2:53:00 PM

I don't know that we issue those. I can check but I don't think we do.

From: Gina Poths <akpwcrdr@yahoo.com>
Sent: Monday, June 24, 2019 2:50 PM
To: Green, Rick E (DFG) <rick.green@alaska.gov>
Subject: Re: permits

Hey Rick, anyway we can get a permit to ride from Homer of the bay to Kodiak, then we don't have to worry about things?

Just curious.

Thanks, Gina

On Monday, June 24, 2019, 08:16:32 AM AKDT, Green, Rick E (DFG) <rick.green@alaska.gov> wrote:

Glad to hear! And Im a little envious about the trip. Sounds like a hoot.

Enjoy!

From: Gina Poths <akpwcrdr@yahoo.com>
Sent: Sunday, June 23, 2019 1:06 PM
To: Green, Rick E (DFG) <rick.green@alaska.gov>
Subject: call from the big wigs! kind of

Hi Rick,

Been meaning to touch base. So my letter was received by Brett Huber's office, his assistant, Brandon (?) called last week to say they received it and they are definitely working on language to allow pwc in the bay. Wahoo. I hope it's true and we can work something out. Like I've said so many times, we're willing to compromise on the small bays/coves that DNR handles but nlt the entire bay where the harbor is public and the shipping lanes go through the bay and there is no way they can keep boaters of any kind out of what is considered international waters.

BTW, three of us are planning a Kodiak trip this next weekend/week. We are thinking of staying one night in Homer and launching very early in the morning out of Homer! Jacque and Tabb have done that before! Or we just might launch in Ninilchik. Haven't decided. Be interesting to see how much grief we get. Tabb says 2 or 3 years ago, the cops were called on them but they had launched and jetted out before anyone showed up! I don't want a ticket but might be willing to risk it!! LOL

Hope you are having a good summer.

Can't wait to see something in writing about the bay!

Gina

From: [Green, Rick E \(DFG\)](#)
To: [Gina Poths](#)
Subject: Re: any kb news?
Date: Saturday, July 27, 2019 12:58:47 PM

Yep, we are still working on it. We have an internal regulatory review underway including this one. Great summer so far huh?

Sent from my iPhone

> On Jul 26, 2019, at 6:58 PM, Gina Poths <akpwcdr@yahoo.com> wrote:

>

> HI Rick,

> Been a busy summer, hope you are able to get out and enjoy.

>

> Our trip to Kodiak was awesome. We did launch out of Homer and only got a few comments, which we ignored! We used the landing craft area to launch (not the main boat launch). When we returned a week later a truck came up to me (I think it was the harbor master) said are you pulling out now? I said yes sir. He said good and left! LOL

>

> We launched and rode straight out of the bay and didn't stop til out of the habitat area. On way back we did stop for dinner in Seldovia. Only one person said something and of course we ignored her!

>

> So, any news on how the plan is going and if pwcs are going to be allowed back in??

>

> Thanks.

> Gina

>

> Here's a couple pictures! Sunset parked by Lands End Homer! , PWCs parked in Kodiak, and fog around the Barren Islands!

> <pwcsHomerposted.JPG>

> <pwcsParkedKodiak.jpg>

> <BarrenIslandfog.JPG>

From: [Green, Rick E \(DFG\)](#)
To: [Gina Poths](#)
Subject: RE: KBay
Date: Friday, October 4, 2019 8:57:00 AM

Yep, lets catch up there. Sounds good.

From: Gina Poths <akpwcrdr@yahoo.com>
Sent: Friday, October 4, 2019 5:58 AM
To: Green, Rick E (DFG) <rick.green@alaska.gov>
Subject: Re: KBay

I can't remember if I replied. I work nights and sleep days!! If you are attending the AOC Wasilla banquet on the 12th will see you there.

Gina

[Sent from Yahoo Mail for iPhone](#)

On Monday, September 30, 2019, 8:21 PM, Green, Rick E (DFG) <rick.green@alaska.gov> wrote:

Hey Gina! If you're in town you can stop in for a visit. If not I'll be in Fairbanks the 9th.

Sent from my iPhone

On Sep 30, 2019, at 6:50 PM, Gina Poths <akpwcrdr@yahoo.com> wrote:

Hi Rick,

Haven't talked to you or anyone in awhile. Thought I'd touch base and see what the progress is on the re-write of the KB Management plan.

Hope you had a great summer. Can't believe how fast it went.

Gina

From: [Green, Rick E \(DFG\)](#)
To: [Gina Poths](#)
Subject: RE: DUNLEAVY ROLLBACKS IGNORE PROPERTY RIGHTS & TOURISM DOLLARS
Date: Friday, November 29, 2019 7:59:00 AM

What did I do? Ha, just trying to improve access for the owners of Kachemak Bay Critical Habitat area. May have some official news later today, right now Im working on the Public Records request that came in right as the article broke. So any emails between you and me or me and Gene and me and Corey are going to be included.

Anyway,

May have more later today for ya.

Happy Thanksgiving!

From: Gina Poths <akpwcrdr@yahoo.com>
Sent: Thursday, November 28, 2019 11:34 PM
To: Green, Rick E (DFG) <rick.green@alaska.gov>
Subject: Fw: DUNLEAVY ROLLBACKS IGNORE PROPERTY RIGHTS & TOURISM DOLLARS

Wow Rick, what did you do! LOL HA HA HA I was hoping to get a warning from you first of something in writing. We really have our work cut out for us!

Ok, Guess I better get the troops together and work on a response.

Gina

----- Forwarded Message -----

From: Gene Gerken <yamahariderak@gmail.com>
To: Tabb Thoms <907time@gmail.com>; Kirk Garoutte <kirk@susitnaenergy.com>; Jim Patton <jimpatton@gci.net>; Gina Poths <akpwcrdr@yahoo.com>; Jan Durrington <janscrazy@aol.com>; Larry Mentzel <h82luz@gmail.com>; Rachel Mentzel <watercrossgirl@gmail.com>; Frank Bailey <kodiakkup@gmail.com>; Petr Bucinsky <violins@gci.net>; John Donaldson <j_donaldson@sbcglobal.net>; Alaska Outdoor Council <klutina.settlement@alaska.gov>; Korey Cronquist <korey@teamcc.com>; Israel Hale <aktoyrental@gmail.com>; Barbara Harris <barb@teamcc.com>; Hezekiah Holland <ky@kyholland.com>; John Lang <jolang000@yahoo.com>; Rob Moore <akrobee@gmail.com>; Jamie Olthoff <jbolthoff@petro-star.com>; Andrew Smith <andrew@anchorageyamaha.net>
Sent: Thursday, November 28, 2019, 11:17:56 AM AKST
Subject: DUNLEAVY ROLLBACKS IGNORE PROPERTY RIGHTS & TOURISM DOLLARS

<https://inletkeeper.org/2019/11/27/dunleavy-rollbacks-ignore-property-rights-tourism-dollars/>

Hi all.

They are at it again without the true facts. NIMBY's
They just have no idea that PWC's are the safest, and the least destructive boat on the water.

Thanks
Gene Gerken

From: [Rodarno](#)
To: [Gina Poths](#)
Cc: [Bill Iverson - AOC](#); [Gene Gerken](#)
Subject: Re: The "culture" of Kachemak Bay?
Date: Saturday, December 7, 2019 2:09:10 PM

Okay, here is the hurdle to cross;

"Shavelson said this (allowing PWC) adds up to safety concerns, threats to wildlife and a major change to the **feel and culture** of the Kachemak Bay area as it's currently known and enjoyed."

This gets back to the "Not in my backyard" (NIMBY) syndrome running rampant in Alaska. (Never mind that it's not just "their" backyard.) Once regulations prohibiting public access to public resources for one group of users is allowed other NIMBYs are empowered to achieve the same exclusive use of public lands/waters. Lands/waters that they access may be closed next.

We need to let other outdoor users know that stopping that pattern of NIMPY exclusivity is what the PWC folks efforts are all about. It's the culture of NIMBLY exclusivity in Alaska that needs stopped.

Shavelson goes on to say; *"the nature of PWC traffic, especially the capability to execute rapid changes in speed and direction in nearshore shallow waters, continues to have a high potential to **impact habitats, marine organisms, wildlife, and other traditional user groups** and those cannot be easily mitigated."*?

Who are these other "traditional user groups" and why does **Regulated** PWC use threaten their use in Kachemak Bay? Shavelson should have to answer that.

Locally, the Kachemak Bay State Park Advisory Board will be taking its own public comments on the personal watercraft issue at its Dec. 11 regularly scheduled board meeting at 5:30 p.m. at the Alaska Islands and Ocean Visitor Center, according to Chair Robert Archibald. Shavelson said this adds up to safety concerns, threats to wildlife and a major change to the feel and culture of the Kachemak Bay area as it's currently known and enjoyed.

Question. Is it worth the time/cost of getting pro-PWC folks to attend?

Locally, the Kachemak Bay State Park Advisory Board will be taking its own public comments on the personal watercraft issue at its Dec. 11 regularly scheduled board meeting at 5:30 p.m. at the Alaska Islands and Ocean Visitor Center, according to Chair Robert Archibald.

Rod

Sent from Rod Arno's iPhone.

On Dec 6, 2019, at 5:15 AM, Gina Poths <akpwcrdr@yahoo.com> wrote:

This is the official email I sent out today. I am hoping you can forward it to all AOC members. Edt where you feel necessary!

Rod, we wouldn't have finally made it this far without our support and influence. Thirty days then the wait, hope that doesn't take long. I'm hoping 2020 is the best!!

Gina

----- Forwarded Message -----

From: Gina Poths <akpwcrdr@yahoo.com>

To: Gina Poths <akpwcrdr2@gmail.com>

Sent: Friday, December 6, 2019, 05:06:11 AM AKST

Subject: On line public notices posted we need you now-PWC USE IN KBAY WAHOO

So, I have done everything I possibly could over the last 20 years to finally reach this point. I'm excited about the future of Personal Watercraft use in Kachemak Bay. But it's not over and the only way this is going to happen is if we flood ADFG & I say even the Governor's office with our letters and comments. Below is a link to the official notice (more can be found on other websites but they are all the same).

Easy peasy, write an email to rick.green@alaska.gov or snail mail it to the address listed in the notice. ALL COMMENTS MUST RECEIVED BY 5:00PM JANUARY 6, 2020

I copied and pasted one member's letter. I hope the person doesn't mind, I deleted the name. But it's simple and to the point. I have attached a another letter I have drafted if you want to take key points from that as well. I tend to be very wordy and ramble, yes even in my job dispatching on the radio I ramble! That's another reason I wanted to include the one person's letter! (BTW, my official letter is 2 pages, sorry!)

So please forward this to all of your friends and family in your contact lists on your phone, twitter, instagram, FB, email Etc.

I plan to write letters and have them with me to hand out to everyone I think would send them in either via snail mail or email. I'm making stamped & addressed envelopes to AK Dept. of Fish and Game 333 Raspberry Road, Anchorage, AK 99518-1565 Attn: Rick Green, with my drafted letters, so all my family, friends have to do is sign, put their return address on the envelope and I will mail them!

[Notice of Proposed Changes on the Use of Personal Watercraft in the Fox River Flats and Kachemak Bay Critical Habitat Areas - Alaska Online Public Notices](#)





Notice of Proposed Changes on the Use of Personal
Watercraft in the Fox ...

I also believe you should copy and paste your comments on the following Governor's page so nothing gets lost!

[Feedback](#)

Feedback

Rick

Thanks for taking comments on the ban reversal. It blows my mind that people still think they can take possession of State owned property (and bodies of water), build a substantial business operating on the State owned property, then ban other user groups that want to use the same State owned property. How many times do we have to tell Bob Shavelson at Cook Inlet Keepers he and his business counterparts do NOT own Kachemak Bay! The State does and we want equal access to the area! Great work to Dunleavy Administration for helping with this screwed up situation!

<template letter.docx>

From:
To:

[Green, Rick E \(DFG\)](#)

[amkke@hotmail.com](#); [ewolf97@gmail.com](#); [akpwcdr@yahoo.com](#); [rideak574@Hotmail.com](#); [mikearno@lppowersports.com](#); [rich_d999@hotmail.com](#); [cdsix@me.com](#); [jdo.ltd@gmail.com](#); [ydna7@hotmail.com](#); [stefenopolis@yahoo.com](#); [ddykema@hotmail.com](#); [corbinwaynearno@gmail.com](#); [williambrock.emtp@gmail.com](#); [catie.bursch@gmail.com](#); [caino66@gmail.com](#); [cmcoates56@outlook.com](#); [mikew907@hotmail.com](#); [cheddaed_66@icloud.com](#); [codyhazard@yahoo.com](#); [shipj0@gmail.com](#); [skiffgirl@gmail.com](#); [mbernas76@gmail.com](#); [coldwaterak@yahoo.com](#); [akmikejm2@yahoo.com](#); [danielle_wiles@hotmail.com](#); [michael.r.folkerts@uscg.mil](#); [cguo2@alaska.edu](#); [907time@gmail.com](#); [alaskavickig@gmail.com](#); [pallan99@gmail.com](#); [hwmishler@gmail.com](#); [bruceturkington@yahoo.com](#); [matt@ak-49.com](#); [kdii900@yahoo.com](#); [daveyrobl81@gmail.com](#); [patrickverity@yahoo.com](#); [theultrarider@gmail.com](#); [58willys@gmail.com](#); [akbearak@yahoo.com](#); [cvlogan@me.com](#); [marilyn.sigman@gmail.com](#); [sheldonhallmark@hotmail.com](#); [huskyfreighters@gci.net](#); [janetfink117@gmail.com](#); [gghouck@gci.net](#); [lglady513@gmail.com](#); [cdxski@yahoo.com](#); [feece08@hotmail.com](#); [kholderied@gmail.com](#); [danpresley@horizonsatellite.com](#); [alaskancowgirl57@gmail.com](#); [crew@jakolofosters.com](#); [kirk@susitnaenergy.com](#); [soeh@akalaska.net](#); [cgwhitney@yahoo.com](#); [alaskafil@hotmail.com](#); [sruddyalaska@gmail.com](#); [alaskacarly@gmail.com](#); [goseebears@gmail.com](#); [carla_stanley@fws.gov](#); [gerken@acsalaska.net](#); [yamahariderak@gmail.com](#); [kodiakkup@gmail.com](#); [akmoonlit@gmail.com](#); [akpwcdr@yahoo.com](#); [watercrossgirl@gmail.com](#); [wdunne907@gmail.com](#); [anchorrivierappliance@gmail.com](#); [jimpatton@gci.net](#); [Skidooryan@hotmail.com](#); [jsandrw@matnet.com](#); [noahm@uw.edu](#); [Lufe18@gmail.com](#); [charger74_383@msn.com](#); [agpacsu@xyz.net](#); [Elliott.tuttle@gmail.com](#); [j_donaldson@sbcglobal.net](#); [Cronquist, Gerry \(DOA sponsored\)](#); [waffen@matnet.com](#); [alaskaoutdoorcouncil@gmail.com](#); [yoginidancer@gmail.com](#); [barb@teamcc.com](#); [bglen.ak@gmail.com](#); [anthony_boling@hotmail.com](#); [service@teamcc.com](#); [chad.ebert@teamcc.com](#); [mccarter984@gmail.com](#); [skiridge@gmail.com](#); [schoenak@gci.net](#); [lauriedanieltnc@hotmail.com](#); [ishuak.tq@gmail.com](#); [louie@akcenter.org](#); [mikeo@horizonsatellite.com](#); [aknina51@gmail.com](#); [Bob Shavelson](#); [halibuts@gmail.com](#); [bear@alaska.net](#); [cmwalker9@alaska.edu](#); [barrettmoe@lppowersports.com](#); [pcue@acsalaska.net](#); [info@homerswcd.org](#); [robert.e.archibald@gmail.com](#); [kbayconservation@gmail.com](#); [info@ciaanet.org](#); [hal@waterpolicyconsulting.com](#); [fasgadair@gmail.com](#); [ccollier@svt.org](#); [kachemakbaywatertrail@gmail.com](#); [bglen.ak@gmail.com](#); [slowdotnawildbrand@yahoo.com](#); [scottthed@hotmail.com](#); [catrionareynoldshomer@gmail.com](#); [dinahdecember@gmail.com](#); [SEAKTIM@AOL.COM](#); [korey@teamcc.com](#); [Leahcloud@yahoo.com](#); [joecob@mindspring.com](#); [megcav12@gmail.com](#); [scottgbartlett@gmail.com](#); [owlcreekid@yahoo.com](#); [summersong@alaska.net](#); [sylvia.maiellaro@gmail.com](#); [maureen.knutsen@gmail.com](#); [walk@alaska.net](#); [akpepi@icloud.com](#); [oasisofsnow@yahoo.com](#); [daveswarthout@gmail.com](#); [david@alaska-wildland.com](#); [wolfhowlmama@yahoo.com](#); [martinantuna@hotmail.com](#); [circlesofrainbows@yahoo.com](#); [anchorkylie@yahoo.com](#); [mggarrett_2000@yahoo.com](#); [wolfclan444@gmail.com](#); [susie.amundson@gmail.com](#); [duhowe@alaska.net](#); [fmogan@yahoo.com](#); [akdazed@yahoo.com](#); [jws38stu@hotmail.com](#); [anevolver@gmail.com](#); [denisonmarcia@yahoo.com](#); [Shannon@alaskawildernesslodge.com](#); [krsmith@gci.net](#); [ggrappi@hotmail.com](#); [aimstervan@gmail.com](#); [britarm@hotmail.com](#); [olgazvonziegesar@hotmail.com](#); [Antlerskev@gmail.com](#); [vicary@alaska.net](#); [ruth.sheridan@hotmail.com](#); [MtMike@Live.com](#); [scottthayd@gmail.com](#); [clarkeandrew084@gmail.com](#); [akmoonlit@yahoo.com](#); [michael@alaskawildernesslodge.com](#); [lbart119@gmail.com](#); [whatsupscott@gmail.com](#); [michellecosper@gmail.com](#); [sharon.baur@yahoo.com](#); [Seenallgoodpeople@yahoo.com](#); [mjarndt90@gmail.com](#); [Weiserdylan@gmail.com](#); [Jlay@uccs.edu](#); [dewanamaker@gmail.com](#); [missmemphis@hotmail.com](#); [cmbly.ak@gmail.com](#); [billnelsonalaska@gmail.com](#); [danasschimmel@hotmail.com](#); [Yamerack@alaska.net](#); [Wingo11dingo@gmail.com](#); [glomumm@hotmail.com](#); [medicine4light@gmail.com](#); [Akarea83@gmail.com](#); [yatra@ak.net](#); [eatmysnow06@alaska.net](#); [Bluerain42@hotmail.com](#); [amkke@hotmail.com](#); [tkatzmar63@gmail.com](#); [mnelson@alaska.net](#); [krsmith@gci.net](#); [mlswds@gci.net](#); [katerboo79@yahoo.com](#); [angelaroland@gmail.com](#); [books@ak.net](#); [arnesonpd@gmail.com](#); [cncathca@gmail.com](#); [fairwinds@briloon.org](#); [stanleykaneshiro@yahoo.com](#); [janomeara@horizonsatellite.com](#); [campbellrita50@yahoo.com](#); [francie.roberts@gmail.com](#); [michaelj.gustafson@yahoo.com](#); [earthacres2@gmail.com](#); [s.loshbaugh@gmail.com](#); [homerkev@gmail.com](#); [akthome@yahoo.com](#); [Dwessing46@gmail.com](#); [karyn@withinthewild.com](#); [anevolver@gmail.com](#); [dgsmith@mac.com](#); [Raybird68@hotmail.com](#); [harpethnarrows@gmail.com](#); [Darkpond@yahoo.com](#); [kachemakcomments@ovisdalli.33mail.com](#); [scottgbartlett@gmail.com](#); [lisaok@gmail.com](#); [vannos32@yahoo.com](#); [Bwebbalaska@gmail.com](#); [carol@redzone.org](#); [mikekliemann@hotmail.com](#); [yoginidancer@gmail.com](#); [debaloha@hotmail.com](#); [Mdebaloha@gmail.com](#); [Akshipwreck@hotmail.com](#); [duhowe@alaska.net](#); [dgherman@spbhs.org](#); [jtobey@slrconsulting.com](#); [seamansadventures@gci.net](#); [BHawkins@ci.homer.ak.us](#); [piiper@xyz.net](#); [lauriedanieltnc@hotmail.com](#); [zane@alaskaenviro.com](#); [crew@jakolofosters.com](#); [lazyj@horizonsatellite.com](#); [rideAK574@hotmail.com](#); [kbayconservation@gmail.com](#); [npfahomer@gmail.com](#); [mikearno@lppowersports.com](#); [pallan99@gmail.com](#); [kyra@homerswcd.org](#); [valerieshenning@gmail.com](#); [londonbunting@gmail.com](#); [jaymasendavis@gmail.com](#); [wdunne907@gmail.com](#); [karin.sonnen@ak.usda.gov](#); [Bob Shavelson](#); [jaryan@alaska.edu](#); [Ford, Ethan G \(DFG\)](#); [sminsch@hotmail.com](#); [jjokuly@hotmail.com](#); [kgeorge@acsalaska.net](#); [seaside@xyz.net](#); [geomatz@alaska.net](#); [horsebackalaska@hotmail.com](#); [carolgharding1@gmail.com](#); [jack@kenaiwatershedfoundation.org](#); [cmwalker9@alaska.edu](#); [zane@alaskaenviro.com](#); [mopheim@svt.org](#); [spayton@svt.org](#); [fltflyer@yahoo.com](#); [tom.dunagan@gmail.com](#); [mark@nukaresearch.com](#); [soeh@alaska.net](#); [ltdawn@live.com](#); [jyaeger@svt.org](#); [sminsch@alaska.net](#); [marilynsigman@gmail.com](#); [devonylehner@gmail.com](#); [homerbrann@gmail.com](#); [assemblyclerk@kpb.us](#); [KenaiRiverCenter@kpb.us](#); [Jacobsen, Melissa \(GOV sponsored\)](#); [membership@homerakalaska.org](#); [kachemak@xyz.net](#); [harbormaster@cityofseldovia.com](#); [homeramarinetrades@gmail.com](#); [port@cityofhomer.ak.gov](#); [Lehman, Charity A \(DFG\)](#); [Russell, Pamela J \(DNR\)](#); [Otis, Ted \(DFG\)](#); [Hollowell, Glenn J \(DFG\)](#); [Rumble, Janet M \(DFG\)](#); [Pring-Ham, Cynthia K \(DFG\)](#); [Blossom, Brian D \(DFG\)](#); [JEngebretsen@ci.homer.ak.us](#); [Pinckney, Charles A \(DNR\)](#); [Alvarez, Monica M \(DNR\)](#); [cmwalker9@alaska.edu](#); [Herreman, Jason K \(DFG\)](#); [Goodglick, Sue E \(DFG\)](#); [catherine_yeargan@fws.gov](#); [Meehan, Joe \(DFG\)](#); [homerswcd@gmail.com](#); [kris.holderied@noaa.gov](#); [citymanager@cityofseldovia.com](#); [Weiss, Edward W \(DFG\)](#); [Schamber, Jason L \(DFG\)](#); [Carter, Marla M \(DFG\)](#)

Subject: RE: Public Notice 5 AAC 95.310
Date: Thursday, December 19, 2019 2:59:00 PM
Attachments: [Public Notice 5AAC 95.310.pdf](#)
[Supplimental Public Notice 5 AAC 95.310.pdf](#)
[5 AAC 95.310 Public Notice Additional Information signed.pdf](#)

Dear interested parties,

Attached please find the Public Notice, Supplemental Public Notice and Public Notice Additional Information related to proposed changes to 5 AAC 95.310.

Thank you,

Rick Green
Special Assistant to the Commissioner
Alaska Department of Fish and Game
907-267-2228

NOTICE OF PROPOSED CHANGES ON PERSONAL WATERCRAFT USE IN THE FOX
RIVER FLATS AND KACHEMAK BAY CRITICAL HABITAT AREAS IN THE
REGULATIONS OF THE ALASKA DEPARTMENT OF FISH AND GAME

BRIEF DESCRIPTION

The Department of Fish and Game proposes to change regulations on personal watercraft use in the Fox River Flats and Kachemak Bay Critical Habitat Areas.

The Alaska Department of Fish and Game proposes to adopt regulation changes in 5 AAC 95.310 of the Alaska Administrative Code, dealing with the prohibition of the use of personal watercraft in the Fox River Flats and Kachemak Bay Critical Habitat Areas, including the following:

- (1) 5 AAC 95.310 is proposed to be repealed. The purpose of this repeal is to remove the prohibition on personal watercraft use in the Fox River Flats and Kachemak Bay Critical Habitat Areas.

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to the Alaska Department of Fish and Game at: Rick Green, 333 Raspberry Rd, Anchorage, AK 99518-1565. Additionally, the Alaska Department of Fish and Game will accept comments by facsimile at 907-267-2499 and by electronic mail at rick.green@alaska.gov. Comments may also be submitted through the Alaska Online Public Notice System by accessing this notice on the system and using the comment link. The comments must be received not later than 5:00 p.m. on January 6, 2020.

You may submit written questions relevant to the proposed action to Rick Green at rick.green@alaska.gov or 333 Raspberry Rd., Anchorage, AK 99518-1565. The questions must be received at least 10 days before the end of the public comment period. The Alaska Department of Fish and Game may aggregate its response to substantially similar questions and make the questions and responses available on the Alaska Online Public Notice System.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Rick Green at rick.green@alaska.gov or 907-267-2228 not later than December 30, 2019, to ensure that any necessary accommodation can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System and by contacting Rick Green at rick.green@alaska.gov or at 333 Raspberry Rd., Anchorage, AK 99518-1565.

After the public comment period ends, the Alaska Department of Fish and Game will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulation may be different from that of the proposed regulation. You should comment during the time allowed if your interests could be affected. Written comments received are public records and are subject to public inspection.


Statutory authority: AS 16.05.020; AS 16.20.500; AS 16.20.580; AS 16.20.590

Statutes being implemented, interpreted, or made specific: AS 16.20.500

Fiscal information: The proposed regulation change is not expected to require an increased appropriation.

The Alaska Department of Fish and Game, Habitat Section keeps a list of individuals and organizations interested in its regulations. Those on the list will automatically be sent a copy of all of the Alaska Department of Fish and Game, Habitat Section notices of proposed regulation changes. To be added to or removed from the list, send a request to the Alaska Department of Fish and Game, Habitat Section at 333 Raspberry Rd, Anchorage, AK 99518-1565, giving your name, and either your e-mail address or mailing address, as you prefer for receiving notices.

Date: 12/02/2019


Rick Green, Special Assistant to the Commissioner
Alaska Department of Fish and Game

SUPPLEMENTAL NOTICE OF PROPOSED CHANGES ON PERSONAL WATERCRAFT
USE IN THE FOX RIVER FLATS AND KACHEMAK BAY CRITICAL HABITAT AREAS
IN THE REGULATIONS OF THE ALASKA DEPARTMENT OF FISH AND GAME

BRIEF DESCRIPTION

The Department of Fish and Game proposes to change regulations on personal watercraft use in the Fox River Flats and Kachemak Bay Critical Habitat Areas.

The Alaska Department of Fish and Game proposes to adopt regulation changes in 5 AAC 95.310 of the Alaska Administrative Code, dealing with the prohibition of the use of personal watercraft in the Fox River Flats and Kachemak Bay Critical Habitat Areas, including the following:

- (1) 5 AAC 95.310 is proposed to be repealed. The purpose of this repeal is to remove the prohibition on personal watercraft use in the Fox River Flats and Kachemak Bay Critical Habitat Areas.

This is a SUPPLEMENTAL NOTICE adding to the NOTICE OF PROPOSED CHANGES that was issued on December 5, 2019. This supplemental notice is providing an extension to the end date of the public comment period. You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to the Alaska Department of Fish and Game at: Rick Green, 333 Raspberry Rd, Anchorage, AK 99518-1565. Additionally, the Alaska Department of Fish and Game will accept comments by facsimile at 907-267-2499 and by electronic mail at rick.green@alaska.gov. Comments may also be submitted through the Alaska Online Public Notice System by accessing this notice on the system and using the comment link. The comments must be received not later than 5:00 p.m. on January 21, 2020.

You may submit written questions relevant to the proposed action to Rick Green at rick.green@alaska.gov or 333 Raspberry Rd., Anchorage, AK 99518-1565. The questions must be received at least 10 days before the end of the public comment period. The Alaska Department of Fish and Game may aggregate its response to substantially similar questions and make the questions and responses available on the Alaska Online Public Notice System.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Rick Green at rick.green@alaska.gov or 907-267-2228 not later than January 14, 2020, to ensure that any necessary accommodation can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System and by contacting Rick Green at rick.green@alaska.gov or at 333 Raspberry Rd., Anchorage, AK 99518-1565.

After the public comment period ends, the Alaska Department of Fish and Game will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulation may be different from that

Rick Green, Special Assistant to the Commissioner
Alaska Department of Fish and Game

ADDITIONAL REGULATION NOTICE INFORMATION
(AS 44.62.190(d))

1. Adopting agency: Alaska Department of Fish and Game_____
2. General subject of regulation: Prohibition of personal watercraft - Kachemak Bay_____
3. Citation of regulation (may be grouped): 5 AAC 95.310_____
4. Department of Law file number, if any: 2019200826_____
5. Reason for the proposed action:

☐ Compliance with federal law or action (identify):_____
- ☐ Compliance with new or changed state statute
- ☐ Compliance with federal or state court decision (identify):_____
- ☐ Development of program standards
- ☒ Other (identify): To repeal prohibition on personal watercraft in the Fox River Flats and Kachemak Bay Critical Habitat Areas.
6. Appropriation/Allocation:_____
7. Estimated annual cost to comply with the proposed action to:

A private person: \$0_____
- Another state agency: \$0_____
- A municipality: \$0_____
8. Cost of implementation to the state agency and available funding (in thousands of dollars):

	Initial Year FY 20____	Subsequent Years
Operating Cost	\$ <u>0</u>	\$ <u>0</u>
Capital Cost	\$ <u>0</u>	\$ <u>0</u>
1002 Federal receipts	\$ <u>0</u>	\$ <u>0</u>
1003 General fund match	\$ <u>0</u>	\$ <u>0</u>
1004 General fund	\$ <u>0</u>	\$ <u>0</u>
1005 General fund/0 program	\$ <u>0</u>	\$ <u>0</u>
Other (identify)	\$ <u>0</u>	\$ <u>0</u>

9. The name of the contact person for the regulation:

Name: Rick Green

Title: Special Assistant to the Commissioner I

Address: 333 Raspberry Rd, Anchorage, AK 99518

Telephone: (907) 267-2228

E-mail address: rick.green@alaska.gov

10. The origin of the proposed action:

☒ Staff of state agency

☐ Federal government

☐ General public

☐ Petition for regulation change⁷

☐ Other (identify): _____

11. Date: 12-2-19_____ Prepared by:



Name (printed): Ron Benkert

Title (printed): Fish and Game Coordinator

Telephone: (907) 267-2172

From: [Green, Rick E \(DFG\)](#)
To: [Gina Poths](#)
Subject: RE: 2006 article worth a read
Date: Monday, January 13, 2020 1:29:00 PM
Attachments: [image001.png](#)
[image002.png](#)

Thanks

From: Gina Poths <akpwcrdr@yahoo.com>
Sent: Saturday, January 11, 2020 10:24 PM
To: Green, Rick E (DFG) <rick.green@alaska.gov>
Subject: 2006 article worth a read

Rick,
Since I really don't have another way to pass this information on and I realize any emails to your work address are subject to public review, I thought this was worth a read. It reiterates the feeble reasons why the ban happened and shows that it is really just the locals who want the ban.

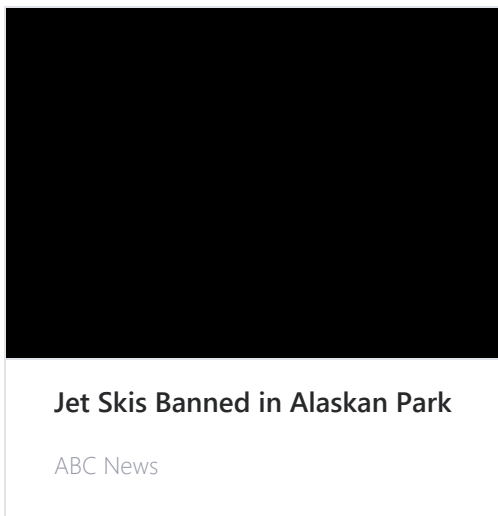
Gina Poths

Old NBC article worth a quick read. No Environmental impact study was ever completed. The ban was indeed a witch hunt.

So what next? Ban black boats because locals don't like them? How about blue boats? If it might impact business ban them..?

Time for equal access!

[Jet Skis Banned in Alaskan Park](#)



From: [Green, Rick E \(DFG\)](#)
To: [Gina Poths](#)
Subject: RE: Homer 2014 Resolution
Date: Thursday, January 16, 2020 10:13:00 AM

It passed in 2014. The harbor is exempted out of the critical habitat area.

From: Gina Poths <akpwcrdr@yahoo.com>
Sent: Thursday, January 16, 2020 10:10 AM
To: Green, Rick E (DFG) <rick.green@alaska.gov>
Subject: Homer 2014 Resolution

Rick,
I have been going through my files of KBay and PWC that I've kept over the years. I can't believe I forgot about this resolution from Homer asking that the boat harbor be taken out of the critical habitat area designation. I can't believe a public boat launch and harbor could even be a habitat area.

Anyway you can check into that and see what became of it?

Also, Jeff Johnson sent me a copy of his letter he sent, so glad I was able to track him down!!

Gina Poths

From: [Green, Rick E \(DFG\)](#)
To: [Gina Poths](#)
Subject: RE: Homer 2014 Resolution
Date: Thursday, January 16, 2020 10:23:00 AM
Attachments: [SB 148 Map Proposed Exclusion to the Kachemak Bay Critical Habitat Area DNR.pdf](#)

Heres the map of what the exempted from the CHA

From: Gina Poths <akpwcrdr@yahoo.com>
Sent: Thursday, January 16, 2020 10:10 AM
To: Green, Rick E (DFG) <rick.green@alaska.gov>
Subject: Homer 2014 Resolution

Rick,
I have been going through my files of KBay and PWC that I've kept over the years. I can't believe I forgot about this resolution from Homer asking that the boat harbor be taken out of the critical habitat area designation. I can't believe a public boat launch and harbor could even be a habitat area.

Anyway you can check into that and see what became of it?

Also, Jeff Johnson sent me a copy of his letter he sent, so glad I was able to track him down!!

Gina Poths

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

From: [Green, Rick E \(DFG\)](#)
To: [Gina Poths](#); [Rodarno](#); [Gene Gerken](#)
Subject: RE: SCI Praises Proposed National Park Service Rule Implementing Sturgeon Supreme Court Decision
Date: Monday, May 4, 2020 8:07:00 AM
Attachments: [image001.png](#)

Yep, were working on it, one step at a time.

From: Gina Poths <akpwcdr@yahoo.com>
Sent: Monday, May 4, 2020 3:54 AM
To: Rodarno <rodarno@gmail.com>; Gene Gerken <yamahariderak@gmail.com>; Green, Rick E (DFG) <rick.green@alaska.gov>
Subject: Fw: SCI Praises Proposed National Park Service Rule Implementing Sturgeon Supreme Court Decision

So, lets hope that the state doesn't go and do something stupid to restrict hovercraft like they did restricting personal watercraft from part of the ocean!

Rick, I know the world is crazy right now but summer is upon us. A ride in KBay would be awesome!

Gina

----- Forwarded Message -----

From: Grasser, Eddie K (DFG) <eddie.grasser@alaska.gov>
To: Grasser, Eddie K (DFG) <eddie.grasser@alaska.gov>
Sent: Friday, May 1, 2020, 08:55:02 AM AKDT
Subject: FW: SCI Praises Proposed National Park Service Rule Implementing Sturgeon Supreme Court Decision

FYI

This struggle is finally coming to fruition after years of court battles and recent negotiations with the NPS resulting in a major victory for state authority to manage our resources and provide access to them. We cannot thank Mr. Sturgeon enough for his courage and fortitude in pursuing this cause that will benefit Alaskans for generations to come.

Kudos are also appropriate for the Alaska Outdoor Council, the Alaska Wild Sheep Foundation, SCI, SCI Alaska Chapter, SCI Kenai Chapter, the Alaska Conservation Association and the Alaska Professional Hunters Association for the financial and legal resources contributed to the effort.

Last of all we need to thank Governor Dunleavy and his team who, unlike some previous administrations, stood up for Alaska's right to manage its own resources.

Eddie Grasser

Director of Wildlife Conservation

(907) 444-1973



Click [here](#) to view online

Contact: Chip Hunnicutt

FOR IMMEDIATE RELEASE

Tel: 202-543-8733

[Email: chip@safariclub.org](mailto:chip@safariclub.org)

SCI Praises Proposed National Park Service Rule Implementing Sturgeon Supreme Court Decision

Washington, DC - April 30, 2020 - Safari Club International (SCI) praises the proposal published today by the National Park Service (NPS) to amend NPS regulations applicable to Alaska. The proposed rule implements the U.S. Supreme Court decision in *Sturgeon v. Frost*, a case brought by SCI Life Member John Sturgeon.

Sturgeon was cited by the NPS after using his hovercraft in the Yukon-Charley Rivers National Preserve in Alaska to get to his favorite moose-hunting location. He challenged an NPS regulation prohibiting use of hovercrafts on rivers flowing through NPS lands on the ground that it did not apply to Alaska.

The case went to the Supreme Court twice. SCI filed a trio of amicus briefs in support of Sturgeon's position.

The Supreme Court held that the NPS lacks authority to regulate non-federal lands, even those located within National Park and Preserve borders, under the Alaska National Interest Lands Conservation Act of 1980 (ANILCA). The NPS may only regulate federally-owned lands in the National Park System. Because the State of Alaska owns the submerged lands under navigable waters in Alaska, the NPS cannot regulate those waterways. Under the Supreme Court's opinion, Sturgeon could "again rev up his hovercraft in search of moose."

Today's proposed rules were published in response to a petition by the State of Alaska. They revise the "Scope and Applicability" of NPS regulations to clarify that they do not apply to non-federally owned waterways in Alaska. The proposal also carves out non-public lands from falling within the boundaries of National Park System units in Alaska.

"Safari Club appreciates that the proposed NPS rules remain true to the Supreme Court's decision," said SCI CEO W. Laird Hamberlin. "The Supreme Court did more than tell the NPS to allow hovercrafts. The Court made clear that ANILCA restricts where the NPS can regulate to federal lands in Alaska. This ensures the proper balance of State and federal authority, and benefits hunters by reducing the restrictions applicable to non-federal lands."

For more information about SCI's reaction to the proposed rule, contact Regina Lennox at rlennox@safariclub.org.

###

Safari Club International - First For Hunters is the leader in protecting the freedom to hunt and in promoting wildlife conservation worldwide. SCI's approximately 200 Chapters represent all 50 of the United States as well

as 106 other countries. SCI's proactive leadership in a host of cooperative wildlife conservation, outdoor education and humanitarian programs, with the SCI Foundation and other conservation groups, research institutions and government agencies, empowers sportsmen to be contributing community members and participants in sound wildlife management and conservation. Visit the home page www.SafariClub.org or call (520) 620-1220 for more information.

International Headquarters Washington, District of Columbia · Tucson, Arizona · Ottawa, Canada

Be sure to add Info@safariclub.org to your address book or safe sender list so our email gets to your inbox.
Please do not reply to this message as the "reply to" function does not allow us to receive your email.

|

From: [Green, Rick E \(DFG\)](#)
To: [Gina Poths](#)
Subject: RE: Any news
Date: Tuesday, October 6, 2020 8:11:00 AM

I don't ever mind you asking. Its always good!

From: Gina Poths <akpwcrdr@yahoo.com>
Sent: Tuesday, October 6, 2020 1:50 AM
To: Green, Rick E (DFG) <rick.green@alaska.gov>
Subject: Re: Any news

Thank you. I get asked every now and then from a club member.
Gina

[Sent from Yahoo Mail for iPhone](#)

On Monday, October 5, 2020, 8:05 AM, Green, Rick E (DFG) <rick.green@alaska.gov> wrote:

It has been a strange one, for sure.

I was thinking with sportfishing dying down, and commercial fishing coming to and end, that once the majority of hunts were done, Doug and I could sit down and really poor thru this thing and get it done. Should have been this week or next that we had the time, but you know how well layed plans go. Doug left on an emergency flight back east and got therh just in time to have one last day with his father who passed.

Its not slipped off the radar, I promise and and soon as we get things back to some semblance of order, we'll be addressing it.

Thanks for you hard work and patience,

Rick

From: Gina Poths <akpwcrdr@yahoo.com>
Sent: Monday, October 5, 2020 5:19 AM
To: Green, Rick E (DFG) <rick.green@alaska.gov>
Subject: Any news

Hey Rick,

Summer is over and what a strange one it had been. Just curious if there is any news on Kachemak Bay Critical Habitat Area and personal watercraft use??

Just thought I'd say hi and touch base real quick.

Hope you are well,

Gina

Kevin Meyer
Lieutenant Governor
State Capitol
Juneau, Alaska 99811
907.465.3520
WWW.LTGOV.ALASKA.GOV




530 West 7th Ave, Suite 1700
Anchorage, Alaska 99501
907.269.7460
LT.GOVERNOR@ALASKA.GOV

**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

M E M O R A N D U M

TO: Ron Benkert
Department of Fish and Game

FROM: April Simpson, Office of the Lieutenant Governor 
465.4081

DATE: December 10, 2020

RE: Filed Permanent Regulations: Department of Fish and Game

Department of Fish and Game Regulation re: use of personal watercraft in Kachemak Bay and Fox River Flats Critical Habitat Areas (5 AAC 95.310)

Attorney General File:	2019200826
Regulation Filed:	12/10/2020
Effective Date:	1/9/2021
Print:	237, April 2021

cc with enclosures: Harry Hale, Department of Law
Judy Herndon, LexisNexis
Rick Green, Special Assistant
Shellene Hunter, Regulations Specialist

ORDER ADOPTING CHANGES TO REGULATIONS
OF THE ALASKA DEPARTMENT OF FISH AND GAME


The attached one page of regulations, dealing with the repeal of the personal watercraft use prohibition in Kachemak Bay and Fox River Flats Critical Habitat Areas (5 AAC 95.310), is adopted and certified to be a correct copy of the regulation changes that the Department of Fish and Game adopts under the authority of AS 16.05.020 and AS 16.20.500 after compliance with the Administrative Procedure Act (AS 44.62), specifically including notice under AS 44.62.190 and 44.62.200 and opportunity for public comment under AS 44.62.210.

This action is not expected to require an increased appropriation.

In considering public comments, the Department of Fish and Game paid special attention to the cost to private persons of the regulatory action being taken.

The regulation changes adopted under this order take effect on the 30th day after they have been filed by the lieutenant governor, as provided in AS 44.62.180.

Date: Nov 20, 2020




Doug Vincent-Lang, Commissioner
Department of Fish and Game

April Simpson for
↑

FILING CERTIFICATION

I, Kevin Meyer, Lieutenant Governor for the State of Alaska, certify that on

December 10, 2020, at 4:49pm. I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.

for 

Kevin Meyer, Lieutenant Governor

Effective: January 9, 2021.

Register: 237, April 2021.

FOR DELEGATION OF THE LIEUTENANT GOVERNOR'S AUTHORITY

**I, KEVIN MEYER, LIEUTENANT GOVERNOR OF THE STATE OF ALASKA,
designate the following state employees to perform the Administrative Procedures Act
filing functions of the Office of the Lieutenant Governor:**

**Josh Applebee, Chief of Staff
Kady Levale, Notary Administrator
April Simpson, Regulations and Initiatives Specialist**

**IN TESTIMONY WHEREOF, I have
signed and affixed the Seal of the State of
Alaska, in Juneau, on December 11th,
2018.**



K-Meyer
.....

**KEVIN MEYER
LIEUTENANT GOVERNOR**

5 AAC 95.310 is repealed:

5 AAC 95.310. Personal watercraft use prohibited. Repealed. (Eff. 5/3/2001, Register 158; repealed 1 / 9 / 2021, Register 237)

5 AAC 95.552(b) is amended to read:

(b) In this section, "personal watercraft" means a vessel that is

(1) less than 16 feet in length;

(2) propelled by a water-jet pump or other machinery as its primary

source of motor propulsion; and

(3) designed to be operated by a person sitting, standing, or kneeling.

on the vessel, rather than by a person sitting or standing inside it [HAS THE

MEANING GIVEN IN 5 AAC 95.310(b)]. (Eff. 8/6/2010, Register 195; am 1 / 9 / 2021
Register 237)

Authority:	AS 16.05.020	AS 16.20.020	AS 16.20.050
	AS 16.05.050	AS 16.20.030	AS 16.20.060

From: [Benkert, Ronald C. \(DFG\)](#)
To: [Green, Rick E. \(DFG\)](#)
Subject: FW: PWC Repeal
Date: Thursday, February 4, 2021 10:46:13 AM
Attachments: [Signed Adoption Order - PWC Repeal.pdf](#)

Here is the first of 4 emails to the Personal Watercraft Club of Alaska. The others to follow.

Ron Benkert
Regional Supervisor
ADF&G Habitat
333 Raspberry Rd.
Anchorage, AK 99518
907-267-2172



From: Benkert, Ronald C (DFG)
Sent: Friday, December 11, 2020 9:15 AM
To: Gina Poths <akpwcrdr@yahoo.com>
Subject: RE: PWC Repeal

Good morning Ms. Poths,

Attached please find the fully executed Adoption Order repealing the ban on PWC in the Kachemak Bay/Fox River Flats Critical Habitat Areas as you requested. Please feel free to contact me with any questions you may have.

Sincerely,

Ron Benkert
Regional Supervisor
ADF&G Habitat
333 Raspberry Rd.
Anchorage, AK 99518
907-267-2172



From: Gina Poths <akpwcrdr@yahoo.com>
Sent: Thursday, December 10, 2020 7:55 PM
To: Benkert, Ronald C (DFG) <ronald.benkert@alaska.gov>

Subject: Wahooo

OMG, I can't wait to share this news with everyone.
Merry Christmas to PWCA (Personal Watercraft Club of AK)

Thanks for all your hard work!

Gina

From: [Benkert, Ronald C. \(DFG\)](#)
To: [Green, Rick E. \(DFG\)](#)
Subject: FW: Wahooo
Date: Thursday, February 4, 2021 10:46:22 AM

Ron Benkert
Regional Supervisor
ADF&G Habitat
333 Raspberry Rd.
Anchorage, AK 99518
907-267-2172



From: Gina Poths <akpwcrdr@yahoo.com>
Sent: Thursday, December 10, 2020 7:55 PM
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Gina

From: [Benkert, Ronald C. \(DFG\)](#)
To: [Green, Rick E. \(DFG\)](#)
Subject: FW: PWC Repeal
Date: Thursday, February 4, 2021 10:46:44 AM
Attachments: [Signed Adoption Order - PWC Repeal.pdf](#)

Ron Benkert
Regional Supervisor
ADF&G Habitat
333 Raspberry Rd.
Anchorage, AK 99518
907-267-2172



From: Benkert, Ronald C (DFG)
Sent: Friday, December 11, 2020 9:15 AM
To: Gina Poths <akpwcrdr@yahoo.com>
Subject: RE: PWC Repeal

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Sincerely,

Ron Benkert
Regional Supervisor
ADF&G Habitat
333 Raspberry Rd.
Anchorage, AK 99518
907-267-2172



From: Gina Poths <akpwcrdr@yahoo.com>
Sent: Thursday, December 10, 2020 7:55 PM
To: Benkert, Ronald C (DFG) <ronald.benkert@alaska.gov>

Subject: Wahooo

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Thanks for all your hard work!

Gina

From: [Benkert, Ronald C. \(DFG\)](#)
To: [Green, Rick E. \(DFG\)](#)
Subject: FW: Wahooo
Date: Thursday, February 4, 2021 10:46:54 AM

Ron Benkert
Regional Supervisor
ADF&G Habitat
333 Raspberry Rd.
Anchorage, AK 99518
907-267-2172



From: Benkert, Ronald C (DFG)
Sent: Friday, December 11, 2020 5:07 PM
To: Gina Poths <akpwcrdr@yahoo.com>
Subject: RE: Wahooo

Hi Gina, here is the link to the public notice posted today. [Adopted Regulations of the Alaska Department of Fish and Game - Alaska Online Public Notices \(state.ak.us\)](#).

Ron Benkert
Regional Supervisor
ADF&G Habitat
333 Raspberry Rd.
Anchorage, AK 99518
907-267-2172



From: Gina Poths <akpwcrdr@yahoo.com>
Sent: Thursday, December 10, 2020 7:55 PM
To: Benkert, Ronald C (DFG) <ronald.benkert@alaska.gov>
Subject: Wahooo

OMG, I can't wait to share this news with everyone.
Merry Christmas to PWCA (Personal Watercraft Club of AK)

Thanks for all your hard work!

Gina

From: [Benkert, Ronald C. \(DFG\)](#)
To: [Green, Rick E. \(DFG\)](#)
Subject: FW: ADF&G Communication Plan for the Proposed Repeal of 5 AAC 95.310 (Prohibition on Personal Watercraft Use in Kachemak Bay and Fox River Flats Critical Habitat Areas)
Date: Thursday, February 4, 2021 10:22:40 AM
Attachments: [ADF&G Communication Plan for the Proposed Repeal of 5 AAC 95.310 \(Prohibition on Personal Watercraft Use in Kachemak Bay and Fox River Flats CHAs\) Dec. 3 2019.pdf](#)

Rick, here is the original Communication Plan. There may be a more recent one as well. I'll keep looking. I have not emails from the AOC or the Personal Watercraft Club that I can locate.

Ron Benkert
Regional Supervisor
ADF&G Habitat
333 Raspberry Rd.
Anchorage, AK 99518
907-267-2172



From: Harper, Kate J (DFG) <kate.harper@alaska.gov>
Sent: Tuesday, December 3, 2019 2:04 PM
To: Blossom, Brian D (DFG) <brian.blossom@alaska.gov>; Meehan, Joe (DFG) <joe.meehan@alaska.gov>; Weiss, Edward W (DFG) <ed.weiss@alaska.gov>; Grasser, Eddie K (DFG) <eddie.grasser@alaska.gov>; Carter, Marla M (DFG) <marla.carter@alaska.gov>; Otis, Ted (DFG) <ted.otis@alaska.gov>; Hollowell, Glenn J (DFG) <glenn.hollowell@alaska.gov>; Herreman, Jason K (DFG) <jason.herreman@alaska.gov>; Goodglick, Sue E (DFG) <sue.goodglick@alaska.gov>; Bunker, Carolyn I (DFG) <carolyn.bunker@alaska.gov>; Booz, Michael D (DFG) <michael.booz@alaska.gov>; Monaghan, Donna R (DFG) <donna.monaghan@alaska.gov>
Cc: Benkert, Ronald C (DFG) <ronald.benkert@alaska.gov>; Green, Rick E (DFG) <rick.green@alaska.gov>; Massie, Tammy M (DFG) <tammy.massie@alaska.gov>; Ott, Alvin G (DFG) <al.ott@alaska.gov>; Mulligan, Benjamin J (DFG) <ben.mulligan@alaska.gov>
Subject: ADF&G Communication Plan for the Proposed Repeal of 5 AAC 95.310 (Prohibition on Personal Watercraft Use in Kachemak Bay and Fox River Flats Critical Habitat Areas)

Good Afternoon,

Attached is the communication plan for the department's proposal to repeal 5 AAC 95.310 (Prohibition on Personal Watercraft Use in the Kachemak Bay and Fox River Flats Critical Habitat Areas). Please distribute to any other department staff that may receive calls or questions on this issue. The online public notice is scheduled to go live on Thursday December 5 and can be found by searching <https://aws.state.ak.us/OnlinePublicNotices/Default.aspx>. The public notice will also appear in the Anchorage Daily News, the Homer News and the Peninsula Clarion. If you have questions about the communication plan, please let me know.

Thank you,

Kate Harper

Habitat Biologist IV

Alaska Dept. of Fish & Game

Habitat Section

333 Raspberry Road

Anchorage, AK 99518

907.267.2261

ADF&G Communication Plan for the Proposed Repeal of 5 AAC 95.310 (Prohibition on Personal Watercraft Use in the Kachemak Bay and Fox River Flats Critical Habitat Areas)

December 3, 2019

Issue: The Department of Fish and Game is proposing to change the existing stand-alone regulation that prohibits Personal Watercraft (PWC) Use in the Kachemak Bay and Fox River Flats Critical Habitat Areas (KBFRFCHAs).

Objectives:

- Provide information to staff regarding the department's proposal to repeal 5 AAC 95.310, which would remove the prohibition on PWC use in Kachemak Bay and Fox River Flats Critical Habitat Areas.
- Coordinate agency communication and ensure consistent handling of public inquiries and comments (per Alaska Administrative Procedures Act requirements).

Communication Coordination:

- Department of Fish and Game:
 - Rick Green, Special Assistant to the Commissioner, will be fielding all public inquiries and public comments on the regulation change. Rick can be reached at (907) 267-2228.
 - Tammy Massie, Habitat Biologist, can answer questions about the status of the Kachemak Bay and Fox River Flats Critical Habitat Area Plan revision process. At this time, PWC use is not being considered in the planning process. Tammy can be reached at (907) 267-2122.

Messages and Distribution:

- The department is currently proposing to repeal 5 AAC 95.310, which is a standalone regulation prohibiting the use of personal watercraft in Kachemak Bay and Fox River Flats Critical Habitat Areas.
- The reason for the repeal is to remove the prohibition on personal watercraft in the Kachemak Bay and Fox River Flats Critical Habitat Areas.
- The public notice will be posted on December 5, 2019 and will be available on the online public notice system. Additionally, an email copy of the public notice will be sent to known interested parties (entities that have previously contacted the department on this topic or provided comments during the scoping period for the Kachemak Bay and Fox River Flats Critical Habitat Area Plan revision). The public notice will also appear in the Anchorage Daily News, the Homer News and the Peninsula Clarion.
- To comply with the Alaska Administrative Procedures Act, all comments must be submitted in written format either by email, fax or letter mail. Additionally, all public questions should be sent to Rick as any information provided needs to be made

available to the public at large, not just an individual caller. Rick Green's contact information is listed in the public notice.

- Written questions may be submitted until 10 days prior to the closing date of January 6, 2020. The department may respond to commonly asked questions in the form of an FAQ sheet posted on the online public notice system. If an FAQ sheet is developed, it will be attached to the communication plan and distributed to staff.
- The appropriate staff will be notified regarding when the repeal will become effective.

INTERNAL

From: [Benkert, Ronald C \(DFG\)](#)
To: [Green, Rick E \(DFG\)](#)
Subject: FW: Adopted Regulations of the Division of Habitat
Date: Thursday, February 4, 2021 10:36:59 AM
Attachments: [2019200826 Adopted Regulations.pdf](#)

I think this is all we did for the most recent communication plan.

Ron Benkert
Regional Supervisor
ADF&G Habitat
333 Raspberry Rd.
Anchorage, AK 99518
907-267-2172



From: Benkert, Ronald C (DFG)
Sent: Monday, December 14, 2020 6:46 AM
To: Massie, Tammy M (DFG) <tammy.massie@alaska.gov>
Subject: FW: Adopted Regulations of the Division of Habitat

FYI. The commissioner has asked Rick to be the point of contact for any inquiries that we get.

Ron Benkert
Regional Supervisor
ADF&G Habitat
333 Raspberry Rd.
Anchorage, AK 99518
907-267-2172



From: Hutter, Shellene L (DFG) <shellene.hutter@alaska.gov>
Sent: Friday, December 11, 2020 12:40 PM
To: Vincent-Lang, Douglas S (DFG) <doug.vincent-lang@alaska.gov>; Rabung, Samuel H (DFG) <samuel.rabung@alaska.gov>; Bowers, Forrest R (DFG) <forrest.bowers@alaska.gov>; Taube, Tom (DFG) <tom.taube@alaska.gov>; Haight, Glenn E (DFG) <glenn.haight@alaska.gov>
Cc: Benkert, Ronald C (DFG) <ronald.benkert@alaska.gov>; Green, Rick E (DFG) <rick.green@alaska.gov>; Winkel, Kari M (DFG) <kari.winkel@alaska.gov>; Nelson, Arthur N (DFG) <art.nelson@alaska.gov>
Subject: Adopted Regulations of the Division of Habitat

Good Afternoon Everyone,

The regulatory language of a department regulations project from the Division of Habitat originally noticed in 2019 has officially been adopted by the Lt. Governor's office with an effective date of 1/9/2021.

The APA requires that the adopted text be posted on the AOPNS which can be found here:

<https://aws.state.ak.us/OnlinePublicNotices/Notices/View.aspx?id=200742>

The adopted regulations specifically repeals 5 AAC 95.310, which will now allow the use of personal watercraft to be operated in the Kachemak Bay and Fox River Flats Critical Habitat Areas. Additionally, the definition of the term "personal watercraft" was relocated in 5 AAC 95.

Now that these regulations have officially been adopted we may receive additional public comments or questions. I wanted to send this email to everyone in case these comments come in randomly to the different divisions. Please direct all questions concerning this project to Ron Benkert in the Division of Habitat.

Sincerely,

Shellene Hutter
ADF&G Regulations Specialist
907-465-6124
shellene.hutter@alaska.gov

Kevin Meyer
Lieutenant Governor
State Capitol
Juneau, Alaska 99811
907.465.3520
WWW.LTGOV.ALASKA.GOV



530 West 7th Ave, Suite 1700
Anchorage, Alaska 99501
907.269.7460
LT.GOVERNOR@ALASKA.GOV

**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

M E M O R A N D U M

TO: Ron Benkert
Department of Fish and Game

FROM: April Simpson, Office of the Lieutenant Governor
465.4081

A handwritten signature in blue ink, likely belonging to April Simpson, is placed next to the "FROM:" line.

DATE: December 10, 2020

RE: Filed Permanent Regulations: Department of Fish and Game

Department of Fish and Game Regulation re: use of personal watercraft in Kachemak Bay and Fox River Flats Critical Habitat Areas (5 AAC 95.310)

Attorney General File:	2019200826
Regulation Filed:	12/10/2020
Effective Date:	1/9/2021
Print:	237, April 2021

cc with enclosures: Harry Hale, Department of Law
Judy Herndon, LexisNexis
Rick Green, Special Assistant
Shellene Hunter, Regulations Specialist

ORDER ADOPTING CHANGES TO REGULATIONS
OF THE ALASKA DEPARTMENT OF FISH AND GAME


The attached one page of regulations, dealing with the repeal of the personal watercraft use prohibition in Kachemak Bay and Fox River Flats Critical Habitat Areas (5 AAC 95.310), is adopted and certified to be a correct copy of the regulation changes that the Department of Fish and Game adopts under the authority of AS 16.05.020 and AS 16.20.500 after compliance with the Administrative Procedure Act (AS 44.62), specifically including notice under AS 44.62.190 and 44.62.200 and opportunity for public comment under AS 44.62.210.

This action is not expected to require an increased appropriation.

In considering public comments, the Department of Fish and Game paid special attention to the cost to private persons of the regulatory action being taken.

The regulation changes adopted under this order take effect on the 30th day after they have been filed by the lieutenant governor, as provided in AS 44.62.180.

Date: Nov 20, 2020




Doug Vincent-Lang, Commissioner
Department of Fish and Game

April Simpson for
↑

FILING CERTIFICATION

I, Kevin Meyer, Lieutenant Governor for the State of Alaska, certify that on

December 10, 2020, at 4:49pm. I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.

for 

Kevin Meyer, Lieutenant Governor

Effective: January 9, 2021.

Register: 237, April 2021.

FOR DELEGATION OF THE LIEUTENANT GOVERNOR'S AUTHORITY

**I, KEVIN MEYER, LIEUTENANT GOVERNOR OF THE STATE OF ALASKA,
designate the following state employees to perform the Administrative Procedures Act
filing functions of the Office of the Lieutenant Governor:**

**Josh Applebee, Chief of Staff
Kady Levale, Notary Administrator
April Simpson, Regulations and Initiatives Specialist**

**IN TESTIMONY WHEREOF, I have
signed and affixed the Seal of the State of
Alaska, in Juneau, on December 11th,
2018.**



K-Meyer
.....

**KEVIN MEYER
LIEUTENANT GOVERNOR**

5 AAC 95.310 is repealed:

5 AAC 95.310. Personal watercraft use prohibited. Repealed. (Eff. 5/3/2001, Register 158; repealed 1 / 9 / 2021, Register 237)

5 AAC 95.552(b) is amended to read:

(b) In this section, "personal watercraft" means a vessel that is

(1) less than 16 feet in length;

(2) propelled by a water-jet pump or other machinery as its primary

source of motor propulsion; and

(3) designed to be operated by a person sitting, standing, or kneeling.

on the vessel, rather than by a person sitting or standing inside it [HAS THE

MEANING GIVEN IN 5 AAC 95.310(b)]. (Eff. 8/6/2010, Register 195; am 1 / 9 / 2021
Register 237)

Authority:	AS 16.05.020	AS 16.20.020	AS 16.20.050
	AS 16.05.050	AS 16.20.030	AS 16.20.060