

# STATE OF ALASKA

## DEPARTMENT OF FISH AND GAME

### DIVISION OF HABITAT

SEAN PARNELL, GOVERNOR

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August 9, 2011

Bob Shavelson  
Cook Inletkeeper  
P.O. Box 3269  
3734 Ben Walters Lane  
Homer, AK 99603

Dear Mr. Shavelson:

RE: Vessel Moorage  
Kachemak Bay Critical Habitat Area – Homer Harbor

The Alaska Department of Fish and Game, Division of Habitat (ADF&G) has received word from Alaska Department of Natural Resources, Division of Oil and Gas that the Escopeta Spartan is presently in Kachemak Bay 59-38N 151-20W awaiting documentation to complete the journey to its final destination in Upper Cook Inlet. I have not received a Fish and Game Special Area permit application for moorage of this vessel which would be required if the moorage were to last longer than two weeks in this location. Patricia Bettis (Oil and Gas) is contacting Escopeta to obtain further details.

The KBCHA was established by the Alaska legislature in 1974 through the enactment of AS 16.20.590 to “...*protect and preserve habitat areas especially crucial to the perpetuation of fish and wildlife, and to restrict all other uses not compatible with that primary purpose*”. (AS 16.20.500). The Kachemak Bay and Fox River Flats Critical Habitat Areas Management Plan (Management Plan) was adopted by the ADF&G in 1993. The management plan provides that KBCHA be managed to maintain and enhance public use of fish, wildlife and critical habitat area lands and water.

ADF&G evaluates all applications for activities in the Kachemak Bay Critical Habitat Area on a case-by-case basis. Currently, long term anchorage (over 14 days) in the KBCHA requires a Special Area Permit. Historically, ADF&G has not required a Special Area Permit for long term

moorage within the vicinity of the Homer and Seldovia boat harbors. If an application is received, Division of Habitat will evaluate the request and make determinations to best protect the valuable fish and wildlife resources in Kachemak Bay. The policy regarding Oil Drilling Rig Storage in the management plan states *'To avoid damage to fish and wildlife habitats, disturbance to fish and wildlife populations, and displacement of public use of Kachemak Bay Critical Habitat Area, drilling rig storage will not be allowed in the Kachemak Bay Critical Habitat Area'*. This policy historically referred to rig storage with legs down (in substrate) which had a direct effect on fish and wildlife habitat.

The Division of Habitat is investigating the presence of the Escopeta Spartan in Kachemak Bay and appreciates you bringing this to our attention.

Sincerely,



Ginny Litchfield  
Kenai Peninsula Area Manager  
(907) 714-2477

cc: KRC File

ADF&G-Homer

Patricia Bettis -Division of Oil and Gas

ADF&G-Anchorage