

PRESS RELEASE

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FOR MORE INFORMATION:

Bob Shavelson, CIK (907.299.3277)
Penelope Haas, KBCS (907.419.4029)

ALASKANS SUE DUNLEAVY ADMINISTRATION TO PROTECT KACHEMAK BAY

ADFG Ignored Facts & Law, Catered to Special Interest Groups, with New Jet Ski Rule

HOMER, AK—Today a coalition of Alaskan groups [filed suit in state court](#) challenging the Dunleavy Administration's unlawful move to rollback safeguards in the Kachemak Bay & Fox River Flats Critical Habitat Areas to accommodate a small but influential special interest group of Jet Ski users.

The groups argue the Alaska Department of Fish & Game (ADFG) and Commissioner Doug Vincent-Lang violated the Alaska Constitution and the Alaska Administrative Procedures Act by, among other things:

- Making the unilateral and illegal [decision](#) to change the jet ski rule before any public notice to Alaskans or opportunity for comment;
- Ignoring science, facts and law, including the [recommendations of its own expert managers and biologists](#) in the ADFG Habitat Division to maintain existing protections;
- Helping jet ski promoters draft a letter urging the State of Alaska to change the jet ski rule;
- Working behind closed doors with jet ski proponents to circumvent an established public process for revising the Kachemak Bay Critical Habitat Area Management Plan.

Jet skis are designed and used in wholly different ways than traditional vessels, and they create unique risks and impacts incompatible with fish and wildlife habitat and with the rights and safety of other users. That's why jet skis are [banned or restricted in many waterbodies around Governor Dunleavy's home in the Mat Su Valley](#).

The City of Homer is trying to manage this new regulatory burden but it has limited capacity and jurisdiction. Despite the fact the City of Homer would bear the burden of overseeing Jet Skis launching and use in City tidelands and waters under the new rule, [ADFG ignored the City's requests](#) for the scientific and technical information to support the Jet Ski ban repeal, and refused to provide the financial resources needed to manage an entirely new user group, creating an unfunded mandate by the Dunleavy Administration on the City of Homer.

The groups are represented by Scott Kendall of the law firm Holmes, Weddle & Barcott in Anchorage.

Statements from Groups:

The Dunleavy Administration has no regard for facts or law when it comes to special favors for its supporters. It's hard to imagine a more biased, illegal and undemocratic process for managing our state's public resources. – Cook Inletkeeper

Friends of KBSP support the preservation and protection of the natural recreational, scientific and historical resources of Kachemak Bay. The Jet ski ban was removed without going through proper state procedures and this protective ban was in place for years because it has been proven that jet skis are disruptive and often damaging to eco systems, wildlife and other Park users. – Friends of Kachemak Bay State Park.

Alaska's Critical Habitat Areas are essential for keeping our fish and wildlife populations healthy. Kachemak Bay Conservation Society does not accept management of these precious areas that has zero basis in data or sound public process. – Kachemak Bay Conservation Society

Allowing jet skis in the Kachemak Bay Critical Habitat Area poses obvious and serious threats to fish and wildlife. If this issue was to be judged based on impacts to the resources that make this one of Alaska's Special Areas the ban repeal would never have been made. ADF&G would instead have accepted the recommendation of its biologists to retain the ban on jet skis. Critical Habitat Areas are set aside to protect natural habitat and the animals they support so that Alaska residents and visitors have an opportunity to observe and gather these resources on a sustainable basis. Allowing high speed, fast maneuvering and noisy jet skis in the area will shatter the natural soundscape and natural quiet, disrupt wildlife and destroy the experience for people the area was designated to protect. – Alaska Quiet Rights Coalition

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