



## **Homer City Hall**

491 E. Pioneer Avenue

Homer, Alaska 99603

[www.cityofhomer-ak.gov](http://www.cityofhomer-ak.gov)

# **City of Homer Agenda**

**Parks, Art, Recreation & Culture Advisory Commission Worksession**

**Thursday, February 04, 2021 at 5:30 PM**

**City Hall Cowles Council Chambers via Zoom**

**CALL TO ORDER, 5:30 P.M.**

**AGENDA APPROVAL**

**DISCUSSION TOPIC(S)**

A. HAWSP Program and Public Restrooms

B. Personal Watercraft in Kachemak Bay

**COMMENTS OF THE AUDIENCE** (3 minute time limit)

**ADJOURNMENT**

Next Regular Meeting is Thursday, February 18, 2021, at 5:30 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

It was agreed to set a special meeting date after establishing the availability of Dave Berry and Homer Foundation then Parks Maintenance Superintendent Steffy will confirm but it was agreed to tentatively set for January 21, 2021 at 5:30 p.m.

- E. Memorandum from Deputy City Clerk re: Beach Policy Review
- Public Comment Received

Chair Lewis introduced item by reading the title and opened the floor for discussion.

Commissioner Archibald commented on the number of meetings and public hearings on the beach policy and he has been contacted by the public regarding the behavior that is going on at Bishops Beach and regarding dogs.

Commissioner Lowney reminded the Commission regarding any changes to the Beach Policy needs to be directed by City Council but would like to discuss the traditional uses compared to the existing uses and maybe clean up or verbalize the language and then there is the issues of enforcement.

Discussion further ensued between staff and the Commission on the following:

- Review policy and bring forth amendments or recommendations by motion
- include previous minutes from the last beach policy review
- Bring back to the regular meeting in February
- Review Access points recommended for improvement
- Enforcement and input from Homer Police Department
- Bring it forward at the February Meeting, continuing to the March meeting with Public Hearing if needed

- F. Public Restrooms

Chair Lewis introduced the new item by requesting input from Public Works Director Keiser and Parks Superintendent Steffy.

Public Works Director Keiser provided background to address this item on the agenda; she requested to have a worksession to help collect feedback for writing capital improvement program/budget, which happens in March. Ms. Keiser then noted the HAWSP program and criteria regarding the support for public restrooms. There is some support on the Council. She would like to have this discussion sooner rather than later due to the changes in the Fiscal year and related budget.

Ms. Keiser agreed with Chair Lewis that having a worksession before their February meeting to discuss this topic of what level of service should the City be providing in regards to restrooms in regards to location, replacement, level of service. Additional discussion covered the recommendation to have a separate meeting for the discussion and the Commission agreed to February 4, 2021 at 5:30pm. Staff will prepare and bring materials.

Deputy City Clerk Tussey noted for the record that this date would be tentative until she could confirm availability on the Clerk's calendar.



# City of Homer

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## Office of the City Manager

491 East Pioneer Avenue  
Homer, Alaska 99603

[citymanager@cityofhomer-ak.gov](mailto:citymanager@cityofhomer-ak.gov)  
(p) 907-235-8121 x2222  
(f) 907-235-3148

## Memorandum

TO: Mayor Castner and Homer City Council  
FROM: Rob Dumouchel, City Manager and Bryan Hawkins, Harbormaster  
DATE: January 5, 2021  
SUBJECT: PWCs in Kachemak Bay

A decision signed by Alaska Department of Fish & Game Special Assistant Rick Green, effective January 9<sup>th</sup>, allows personal watercraft (PWC), such as jet skis, to access Kachemak Bay for the first time in almost 20 years. This change has created concerns in the community which include, but are not limited to, public safety, shoreline protection, and recovery of the appropriate fees for PWC usage of harbor facilities. The intent of this memo is to acknowledge and analyze known concerns and seek guidance from Council on future actions.

### City Jurisdiction

The City has jurisdiction over waters within City limits. That mainly consists of the harbor and tidelands along the coast of the City. The City does not currently have any restrictions on vessel operations in the City tidelands. The City's ability to patrol and enforce regulations on the water and outside of the harbor is very limited. We also control the launch ramp and the ability to drive on certain beaches.



Figure 1 - City waters are located inside the dashed line

The City does not have specific PWC regulations. From a Port/Harbor perspective, they are small boats. We do however have a number of existing regulations which would apply to PWCs, and any other motorized aquatic vessels, which operate in our harbor.

### **State Jurisdiction**

In the nearshore area surrounding the City, the State holds jurisdiction over all waters outside of City limits. Access to State waters by motorized vessels is regulated by the Alaska Department of Natural Resources (DNR). With the repeal of the PWC ban by the State, PWCs will be allowed in Kachemak Bay starting on January 9, 2021. The State views PWCs as small motor craft, and there are not PWC-specific regulations at the State level with the exception of some restrictions in some State Parks or specific facility plans. PWCs, like any other small motor vessel, are required to carry a fire extinguisher, life jacket, sound signaling device, flairs, and lights for operating after dark. Additionally they are required to be registered like any other vessel with DMV and have an AK number on the hull.

### **Public Safety**

There is concern in the community that PWCs could create various public safety hazards. There is a perceived issue of incompatibility with other user groups and an assumption that more users on PWCs may result in more incidents requiring rescue on the water.

Regarding incompatibility with other user groups, the staff analysis is that this is more an issue of behavior than the specific type of watercraft. PWCs are associated with speed. Inside the harbor, and other designated no wake areas, speeds are limited to two miles per hour by Homer City Code (HCC 10.08.210). Harbor and Police staff are able to issue citations for violations of this regulation. It is important to note that outside of the harbor itself, it is very difficult for the City to monitor behavior and enforce any type of regulation.

A potential increase in rescues is a very real concern that staff is already considering for the summer season. Any time the number of people on the water increases, the risk of an accident also increase. Typically first response in the Homer area has been provided by a combination of Good Samaritan, City, State, and Coast Guard resources. When the call goes out that someone is in trouble, the Harbor staff does their best to respond within the limits created by the time of day, location, conditions, and personnel availability. During non-emergency responses, the private company Sea Tow provides towing services.

The Harbormaster has a very specific concern about safety at the entrance to the harbor. This area is extremely dangerous because so much traffic, which ranges from very small to very large vessels, must pass through the jetties and the potential for accidents due to the close quarters traffic which occurs in that location. PWCs, if used irresponsibly, could exacerbate this already dangerous passage. This is an area in which we have considered installing a camera system to monitor traffic.

### **Shoreline Protection and Disruption of Wildlife**

I have received a few emails which include concerns regarding erosion and contamination related to launching PWCs from the beach. The potential for any damage to the shoreline is split between the PWCs themselves, and vehicles attempting to launch them from the beach.

The weight of most PWCs is too great for a user to unload and essential push the craft to the water. If an individual were interested in a beach launch, they are most likely going to use a truck and trailer. The City has very limited access for vehicles to drive on the beach. Vehicles are prohibited at Mariner Park Lagoon, Mud

Bay, Airport Beach Access Road, the majority of the Spit's beaches, Beluga Slough, and east of Bishops Beach Park. City beach policy only allows drivers year round west of Bishops Beach Park. The City also allows vehicles to drive between Mariner Park and the sea wall between October 31<sup>st</sup> and March 1<sup>st</sup> for the purposes of coal and sand gathering only, this stretch of beach is closed to all vehicles in summer (see attachment 1). Because of the limited options for driving on the beach legally, and the shallow slope which would require a truck to back uncomfortably far into the water to launch a PWC, staff believes there should be very limited instances of beach launches.

Using PWCs in shallow waters could result in the disruption of various types of habitat. This is a behavior which is difficult to monitor or enforce against. Similarly PWC users could behave in such a way that it becomes harassment of wildlife, which is an enforceable federal offense. When on the Bay, State Troopers and US Coast Guard would likely be the main enforcers of these regulations. In addition to purposeful harassment of wildlife, the speed of operation and limited view from a PWC could lead to unintentional collisions with marine mammals and other species off of our coast.

### **Launch and Other Associated Fees**

PWC are subject to the same fees as any other vessel launching from the ramp: \$20 per launch for vessels (\$13 for the launch and \$7 for the parking levy). Fees are collected from April 1<sup>st</sup> to October 15<sup>th</sup> each year. If a launch ramp user does not pay the required fee, fines begin at \$100 and go up to \$300 per offense (Ordinance 16-11). If a PWC is left in the harbor overnight, they will be required to file a moorage agreement and pay for moorage which is based on the overall length of the vessel.

### **Staff Recommendations:**

Within the City:

- Direct the City Manager to increase enforcement of existing rules regarding vehicles on the beach and no wake zones.
- Direct the City Manager to research a camera system for the harbor entrance.
- Direct the City Manager to work with other agencies to enforce wake speed regulations and vessel safety for all vessel types at the harbor entrance.

At the State-level:

- If the Council wishes to oppose PWCs in Kachemak Bay, direct the City Manager to identify opportunities for comment to the appropriate agencies, political offices, and ongoing planning projects and prepare drafts for Council review.

### **Attachments**

1. City of Homer "Where Can I Drive?" Beach Map