



December 30, 2022

Philip Hooge, Superintendent
Glacier Bay National Park & Preserve
P.O. Box 140
Gustavus, Alaska 99826

Submitted via email and Planning, Environment & Public Comment (PEPC) website

Dear Superintendent Hooge,

Thank you for the opportunity to comment on Glacier Bay National Park's (GLBA/Park's) Draft Marine Management Plan (MMP) and Environmental Assessment and Updates to Vessel Quotas and Operating Requirements. The MMP updates vessel definitions and quotas and operating requirements for the GLBA marine waters as well as provides broad management direction for three new zoning areas which do not include wilderness waters. The State of Alaska (State) reviewed the documents and offers the following consolidated comments from the State resource agencies.

To start, the State appreciates the efforts of GLBA staff to meet with State staff to discuss details of this planning effort, as well as the consideration of our scoping comments¹ and the adjustments made to the "lower impact" vessel category definition and implementation. The conversations with the planning team have been very informative and provided necessary clarification. We believe these changes will limit unintended consequences while achieving GLBA's goals. We also support the stated intent of GLBA to "use the least restrictive mechanism or tool necessary ... if [management] action is necessary" (MMP, p. 3-8).

Though improvements were made from the information presented during Scoping, the State has some additional suggestions and concerns to share. We remain concerned with the effects of vessel quotas and operating requirements on state managed fisheries. Following the National Park Service's (NPS/Service) original implementation of quotas, we saw a dramatic shift in fishing efforts from inside to outside of Glacier Bay. This shift was likely due to the implementation of the lifetime permit requirement limiting who is eligible to fish inside of Glacier Bay proper. Glacier Bay fisheries are critically important to the Alaska Department of Fish & Game (ADF&G); we are very interested in and look forward to being involved in the implementation of the MMP.

Overarching issues from the State perspective include a continued concern that the MMP does not capture the applicability of the Alaska National Interest Lands Conservation Act (ANILCA), does not adequately capture ADF&G's responsibility for fish and wildlife management as stated in the NPS-

¹ State of Alaska to Glacier Bay National Park& Preserve, Scoping letter submitted September 9, 2022

ADF&G Master Memorandum of Understanding (MMOU)², and some topical comments addressed below.

We look forward to the opportunity to further clarify these concerns where needed and resolve concerns cooperatively with GLBA prior to finalization of the MMP and EA.

ANILCA is the Prevailing Statute

As we mentioned during Scoping, the State suggests a clear reference to the role of the Alaska National Interest Lands Conservation Act (ANILCA) in the management of NPS units in Alaska. We recognize the Organic Act of 1916 and the 1978 National Parks and Recreation Act provide direction to the NPS for management of its units. However, where conflicts exist between these two acts and ANILCA, ANILCA provides the overriding statutory guidelines for management of all of Alaska's national parks and preserves. Management documents need to provide appropriate recognition of ANILCA and its statutorily mandated provisions.

Appendix D: *Mitigation Measures and Best Management Practices* should include ANILCA in its list of applicable authorities. Appendix G – *Select Laws, Regulations, Policies, and Guidance* lists, does not recognize many of the topics for which ANILCA provides specific statutory language and direction.

The Plan and the public would benefit from a more robust discussion of all aspects of ANILCA that relate to park management. We request Appendix G be revised to list ANILCA for the relevant topics listed below. The following are examples of additional topics where ANILCA applies:

- Acoustic Environment, (ANILCA Secs. 1110 and 811 allows planes (1110 only), motorboats and snowmachines, among other motorized equipment);
- Aesthetics (ANILCA Titles I and II);
- Aquatic and Marine Resources (Titles I, II, VI, VII, VIII, XIII, as well as various amendments passed since enactment);
- Cultural, Historic, and Archaeological Resources (Titles I, II, XIII);
- Energy Requirements and Conservation (Title XI);
- Native Alaskan Tribal, Sovereignty, Self-Determination, Consultation, and Coordination (Titles VIII and XIII, Public Law 110-229, Section 301);
- Park Operations (Titles II, VI, VII, VIII, IX, XI, XIII, XIV, and other amendments passed since enactment);
- Park Purposes (Titles I and II);
- Public Health and Safety (Title XIII);
- Threatened and Endangered Species and Ecologically Critical Areas (Title XIII);
- Visitor Use and Experience (Titles I and XIII);
- Water Quality and Hydrology (Titles I, II, and VI);
- Wildlife and Habitat Management (Title II, Title VIII, XIII).

² Master Memorandum of Understand Between The Alaska Department of Fish and Game Juneau, Alaska and The U.S. National Park Service Department of the Interior, Anchorage, AK, October 1982. Also found in Glacier Bay General Management Plan Appendix D.

We also request the following subject areas include reference to ANILCA:

- Park purposes: in addition to other relevant language, the discussion of Park purposes should include discussion and citation of the ANILCA purposes established for GLBA. ANILCA purposes established for Glacier Bay as referenced in the Plan on page 1-5 rely on the legislative history of ANILCA rather than reflect what was passed in the final legislation. NPS must cite purposes provided by ANILCA not discussions contained in legislative history. To this point, Section 202(1) of ANILCA does not expand NPS authority to include fish and wildlife population management:

Glacier Bay National Monument ... furthermore, the monument is hereby redesignated as “Glacier Bay National Park”.[sic] The monument addition and preserve shall be managed for the following purposes, among others: To protect a segment of the Alsek River, ***fish and wildlife habitats and migration routes***[emphasis added], and a portion of the Fairweather Range including the northwest slope of Mount Fairweather.

- Discussions of NPS management plan legal authority should include reference to ANILCA Section 1301 (USC 3191). ANILCA supersedes the 1978 National Parks and Recreation Act cited in the MMP and EA (see pages 1-25, and 4-19). Section 1301 provides the statutory requirements for NPS management plans.

Access under Sections 1110(a) and (b)

Federal public lands in Alaska are managed as “open until closed” requiring clear identification and justification of conditions necessitating access restrictions in GLBA.

Future restrictions, if determined necessary for GLBA, must be implemented by park-specific regulation after going through the closure process outlined in 43 CFR 36 or, in the case of special ANILCA access those regulations found in DOI regulations at 43 CFR 36.11. Establishing quotas or imposing other restrictions on open access in GLBA is a closure to access that is protected by ANILCA. Section 1110 of ANILCA provides a guarantee of access for traditional activities that occur in GLBA including but not limited to sport fishing and access to inholdings.

The State requests a specific reference to the ANILCA protections for access to inholdings in the discussion of the mineral interest associated with the Brady Icefield copper-nickel deposit (MMP, p. 2-16). We propose the following language be added to the end of the existing paragraph to provide context and clarity to the public: ANILCA Section 1110(b) protects “adequate and feasible access” to subsurface rights underlying public land “for economic and other purposes” subject to reasonable regulations.

The public would benefit from a specific and broad discussion recognizing the breadth of ANILCA-authorized access provisions for various local users and inholders who may have access needs for the Park. ANILCA authorizes access for traditional activities and travel to villages and homesites (Sec. 1110(a)) and guaranteed access and temporary access to inholdings (Secs. 1110(b) and 1111) and for commercial fishing (where allowed under Public Law 105-277 Sec. 123) (Sec. 205). As written, the MMP only identifies some of these different access provisions, and those access discussions are limited to the Glacier Bay Zone (MMP, p 3-11). We request the MMP more fully acknowledge ANILCA’s

guaranteed access provisions with a separate section within chapter two of the MMP that includes at a minimum: a statement of access protections in ANILCA as detailed above; acknowledgement that these provisions apply to all Park zones; clarification that these activities are not limited by a vessel quota because they are considered in the Administrative Vessels category in the Glacier Bay Zone; and a statement that the Park must follow the procedure outlined in 43 CFR 36 or 43 CFR 36.11 for any future restrictions.

Additionally, the upcoming draft of the Glacier Bay National Park and Preserve Backcountry and Wilderness Management Plan (BWMP, expected early 2023) would benefit from the inclusion of a similar section, acknowledgement of ANILCA Section 1110(b), and a specific discussion of the mineral interests in the Park.

Wilderness

The MMP indicates that it only addresses non-wilderness waters and that wilderness waters will be addressed in the BWMP. However, the MMP contains important discussions about wilderness that we believe are more appropriately addressed in the BWMP. Therefore, we request deletion of all aspects of the MMP addressing wilderness and eligible wilderness. This includes discussion of managing non-designated lands/waters to avoid adversely affecting wilderness character. We understand that visitors may experience wilderness without the need to enter it as referenced by the MMP citation to Furr et al. 2021 and Swanson and Vande Kamp 2011. However, protecting wilderness areas with what is effectively a buffer area through an administrative land use planning decision circumvents Congressional intent expressed in ANILCA. Congress recognized ANILCA created expansive CSUs satisfying the national interest in conservation lands in Alaska and provided for the express need to limit the expansion of CSUs in Section 1326.

We also request that discussions of “eligible” wilderness be deleted from the MMP. Consistent with Section 1317 of ANILCA, which provided a one-time wilderness review process in the 1980s after the passage of ANILCA, “eligible wilderness” does not exist in Alaska on NPS lands. Yet, the MMP mentions areas identified in a prior planning process as “eligible wilderness”: the East Arm of Glacier Bay and Alsek Lake (MMP, p. 2-8).

ANILCA Section 1317 was a time-sensitive provision that provided limited authority for the NPS to study all lands within the unit boundaries not already designated by ANILCA, as to their “suitability or nonsuitability for preservation as wilderness” and required NPS findings be reported to the President within 5 years of the enactment of ANILCA (i.e., 1985); wilderness recommendations were then to be forwarded by the President to Congress within 7 years (i.e., 1987). Notably, ANILCA Section 1320 granted the Bureau of Land Management continuing authority to conduct wilderness studies and make recommendations “from time to time;” while by contrast ANILCA Section 1326(b) prohibits further studies for the single purpose of establishing new conservation system units (CSUs) (wilderness and wild and scenic rivers are defined by ANILCA as CSUs) *unless directed by ANILCA or a further Act of Congress*. This prohibition thereby now applies to NPS lands. The recommendations for all park units in Alaska were never forwarded by the Secretary of Interior to the President or Congress for consideration. The timeline for completing this designation has long since expired and Congress has provided no additional authority to conduct new studies in Alaska. Implementing policy and planning direction to protect “eligible” lands – lands which have been neither recommended to Congress nor designated by Congress – is in direct violation of the Wilderness Act and ANILCA.

We understand that national policies provide general direction to manage “eligible” lands to protect wilderness character (NPS 2006 Management Policies and Director’s Order #41: Wilderness Stewardship). However, the policies are also very clear that protecting “eligible” lands was only intended as a short-term measure in the wilderness study process, not a measure to protect lands indefinitely. To do so exceeds the limited authority Congress granted in ANILCA to conduct wilderness studies. Both the 2006 Management Policies and Director’s Order #41 includes an important caveat regarding Alaska:

It is important to note that these policies may in some instances be superseded by statutory provisions that apply to individual wilderness areas, by rights reserved by former landowners and, in Alaska, by applicable provisions of the Alaska National Interest Lands Conservation Act (ANILCA).

To meet this Congressional intent expressed through ANILCA, we request the following edits to the MMP:

Revise the second bullet under *Areas Outside the Scope of This Plan* on page 1-4 as follows:

- Designated Wilderness marine waters in the Park (~53,000 acres) will be managed under the Backcountry and Wilderness Management Plan (BWMP) (in preparation). ~~At the same time, marine management planning does consider the interconnectedness of marine ecosystems and the importance of holistic park visitor management with respect to:~~
 - ~~○ Marine environment activities that adversely affect wilderness character in designated Wilderness.~~
 - ~~○ Glacier Bay social science research results indicating that visitor experiences of “wildness” do not require setting foot in designated Wilderness (Furr et al. 2021; Swanson and Vande Kamp 2011).~~

Page 1-11, we request the following sentence be stricken:

~~Therefore, management of the marine environment needs to be compatible with the management of the backcountry and wilderness areas.~~

Page 2-5, we request the following changes:

Necessary and appropriate commercial services support visitor access and experiences and are managed to reduce impacts ~~(including into designated Wilderness)~~, recognizing the interconnectedness of marine ecosystems and, the importance of holistic park visitor management, ~~and Glacier Bay social science research results indicating that visitor experiences of “wildness” do not require setting foot in designated Wilderness (Furr et al. 2021; Swanson and Vande Kamp 2011).~~

Page 2-8, please delete the following in accordance with Sec. 1326:

~~Park lands and waters in the East Arm previously determined to be “eligible” for wilderness designation are managed by the NPS to preserve their eligibility status by avoiding nonconforming or incompatible uses until formal designations are considered by Congress.~~

~~Any future change of status from eligible wilderness to full designated Wilderness protection will require an act of Congress.~~

The State also requests the Service incorporate a specific reference to ANILCA Section 1310 within the MMP's discussion of communication infrastructure upgrades. ANILCA Section 1310 provides for access to and operation of communications sites as well as other safety, research, and navigation aids in national parks, including in designated wilderness. Such a reference will provide the public with a more complete understanding of applicable law.

Regarding language on page 2-13 of the MMP, we are unaware of an ability to administratively "consider" areas within wilderness as being excluded from said designated wilderness. Neither section 5(a) of the Wilderness Act, which addresses inholder access and land exchanges, nor section 701 of ANILCA, which designated the GLBA wilderness, allow this type of action. Please delete the following language, or clarify the NPS authority to administratively exclude lands from wilderness:

The park considers this permitted installation as excluded from designated Wilderness because it was acquired with covenants or characteristics incompatible with wilderness designation (as specified in section 5(a) of the Wilderness Act and section 701 of ANILCA).

ADF&G Management Authority

The Service should incorporate unambiguous recognition of the State of Alaska's authority and responsibility to manage Alaska's fish and wildlife resources regardless of land ownership status. While we recognize the unique land and water ownership in Glacier Bay National Park and the authority of multiple federal agencies (e.g., the National Oceanic and Atmospheric Administration, the U.S. Fish and Wildlife Service) to manage federally protected species, it is important for the public to understand the State of Alaska's central role in fish and wildlife management throughout the State and more specifically in the Park.

We understand from conversations with GLBA staff that they attempted to address these concerns in the MMP. However, we agreed in our discussions that the section "Collaborative Fish and Wildlife Management" (page 3-2) does not adequately describe the existing process for seeking changes to fishing regulations. The section also does not reflect ADF&G authorities to the degree necessary. Therefore, we request elaboration in this section to fully address our concerns while also meeting the Park's intent for the MMP language. If needed, we are confident a verbal discussion would help resolve concerns. The following clarifications augment our scoping comments. We look forward to the working cooperatively with GLBA prior to finalization of the MMP and EA to resolve any remaining concerns.

We offer specific adjustments to the existing paragraph (Plan, p. 3-2) as follows:

- Please revise the following sentence as shown to accurately capture fish and wildlife management authorities:

~~"The NPS has the ultimate authority to protect fish and wildlife populations from impairment and to address threats to park resources or values (under the Organic Act, ANILCA and certain federal jurisdiction authorities over lands and waters secured pre-Alaska statehood and pre-ANILCA). The joint MMOU with the State of Alaska recognizes the NPS has a responsibility~~

to conserve fish and wildlife resources, while it is the State of Alaska who has management authority to protect healthy, unimpaired populations to provide for the sustained yield of fish and wildlife populations across all Alaskan lands for the benefit of all Alaskans.

Stating only that the NPS has ultimate authority to manage “fish and wildlife populations” leaves the reader without significant context of the role of the State of Alaska and other federal agencies. We recognize the NPS maintains a responsibility to conserve fish and wildlife resources. However, ANILCA Section 1314 clearly affirms the State of Alaska’s Constitutional management authority to protect healthy, unimpaired populations of fish and wildlife.

- The MMP states in the section on “Collaborative Fish and Wildlife Management” (page 3-2): “... many federal and state agencies are co-management partners with shared responsibilities and management roles applicable to ... fish and wildlife.” The State and NPS do not “co-manage” fish and wildlife populations. Co-management is defined particularly to apply to certain government-to-government relationships for particular species management.³ Using this defined term broadly confounds its specific applicability. Instead, state and federal agencies have *a cooperative responsibility to ensure conservation of species*—through management of species by the State and management of habitat by the Service.⁴ This section also speaks to the necessity to pursue changes to sport fish regulations through the Board of Fisheries (BOF).

Please revise the MMP language noted above as follows:

At the same time, many federal and state agencies are ~~co-management~~ cooperative partners with ~~shared~~ complementary responsibilities and management roles applicable to conservation, human safety, or visitor experience concerns related to fish and wildlife. If park staff or outside agencies notice a change in fish and wildlife populations which may be the result of human pressures that can be managed at the park level (e.g., overfishing in certain areas of the park, fishing gear impact concerns, reported wildlife incidents) the park will consult with ADF&G on management direction related to these issues and utilize the State’s regulatory process to the maximum extent allowed by Federal law to determine needed corrective actions through a science-informed and regulatory decision-making approach to take corrective action.

ADF&G-NPS MMOU

During scoping, we requested the draft MMP reference our joint MMOU regarding management between our two agencies. While the MMOU is listed in Appendix G (Select Laws, Regulations, Policies, and Guidance), the MMP does not adequately provide the cooperative intent the MMOU was designed to foster without specific reference to the MMOU language within the MMP. We request the following intent be directly reflected.

³ E.g., see: <https://uaf.edu/caps/our-work/policy-perspectives-files/PB1%20Co-Management%20Policy%20Brief%2024%20Jan%202020.pdf>

⁴ Joint ADF&G/NPS MMOU

In the MMOU the NPS agreed in items 1 and 3 on page 2:

1. To recognize the Department [ADF&G] as the agency with the primary responsibility to manage fish and resident wildlife within the State of Alaska.
3. To manage the fish and wildlife **habitat** [emphasis added] on Service lands so as to ensure conservation of fish and wildlife populations and their habitats in their natural diversity.

At the same time, ADF&G agreed in items 1 and 2 on page 3 of the MMOU:

1. To recognize the Service's responsibility to conserve fish and wildlife and habitat and regulate human use on Service lands in Alaska and
2. To recognize the Service's responsibility to conserve fish and wildlife and their habitat and regulate human use on Service lands as well as to manage fish and resident wildlife populations in their natural species diversity on Service lands, recognizing that nonconsumptive use and appreciation by the visiting public is a primary consideration

The MMOU maintains ADF&G's primary role in management of fish and wildlife while recognizing a need to coordinate and cooperate with the Service based on specific habitat management needs within National Parks.

The MMP states that GLBA uses their compendia process to change sportfishing regulations in the Park and employs after-the-fact consultation with the BOF. This conflicts with the process outlined in the MOU which identifies NPS agreement to propose changes to the BOF prior to implementing a closure of sportfishing in the Park through compendia or other means. Following the public BOF process will adhere to the established transparent and informed public process ultimately better supporting the Park's efforts by garnering the BOF's opinion on record before making compendia changes.

We suggest the addition of the following language in this section. This language captures the commitments the NPS made in the MMOU (item numbers 8. And 10.) to utilize the State's regulatory process to the maximum extent allowed by Federal law when proposing changes to existing State regulations and to consult and cooperate with ADF&G in the design and conduct of research or management studies pertaining to fish and wildlife. We suggest discussing this language and we look forward to working with GLBA to revise this section of the plan if the language proposed below is insufficient.

The NPS has statutory direction to ensure the conservation of natural and healthy populations of fish and wildlife and to address threats to park resources or values... At the same time, many federal and state agencies ~~are co-management partners with~~ have shared responsibilities and complimentary management roles applicable to conservation, human safety, or visitor experience concerns related to fish and wildlife....

[Suggest a new paragraph break] The Alaska Department of Fish & Game has the primary responsibility to manage fish and resident wildlife within the State of Alaska. If park staff or outside agencies notice a change in fish or wildlife populations..., the park would consult with ADF&G to determine whether there is a conservation concern and,

if necessary, consider proposals to the Board of Fisheries (BOF) to implement additional management strategies to reduce pressures on fish populations from recreational fishing, such as reducing daily bag limits, limiting gear types, or implementing temporary spatial or temporal closures. The park will use a science-informed decision-making approach if actions are needed. Park actions will generally follow the management progressions listed below using transparent processes (public press releases, proposals to the BOF, Park Compendium, and CFR public comment opportunities).

[Suggest a new paragraph break] The NPS is also committed to fostering cooperative relations to facilitate the management of fish and wildlife populations. GLBA will work to maintain positive relationships with the State, other federal agencies, and local communities/tribes to cooperatively manage and co-manage where applicable, fish and wildlife resources of the park and their habitats. GLBA will foster these cooperative relationships through, for example, collaboration, outreach, education, consultations, cooperative agreements and other similar means. GLBA may enter into cooperative agreements to gather management data, research, incident management, protective measures, memoranda of understand and a joint fisheries management plan. The park will also strengthen the role of federally recognized tribal governments representing the Huna and Yakutat clans, collaborating with them and the state, on indigenous stewardship approaches to fish and wildlife management, these actions will be for the benefit of all fish and wildlife populations.

In addition to better clarification of agency roles in the “Collaborative Fish and Wildlife Management” section, we request the following modifications to page 2-7 of the MMP be included in the errata sheet regarding the impacts of the (preferred) alternative:

Fisheries harvest will be closely monitored ~~and managed~~ to minimize impacts on the marine ecosystem. If there were a noticeable change in angler harvest and associated catch rates, which may be predictive of harvest concerns and population viability, park staff would consult with ADF&G to determine whether there is a conservation concern and, if necessary, consider proposals to the Board of Fisheries (BOF) to implement additional management strategies to reduce pressures on fish populations from recreational fishing, such as reducing daily bag limits, limiting gear types, or implementing temporary spatial or temporal closures. Fisheries harvest will be closely monitored to minimize impacts on the marine ecosystem. Collaboration with fishery management agencies will be pursued for data sharing and general support of park conservation goals. ~~NPS management will prioritize characterizing impacts associated with different fishing gear types and practices and ensure that unacceptable impacts to resources are unlikely to occur or to be perceptible at the populations level.~~

Reference to the BOF process should also be added to the errata sheet for the EA. If helpful, ADF&G can provide information on the BOF and Board of Game processes.

ADF&G Research

As part of our management responsibilities, ADF&G periodically conducts research and related work within the Park. This work includes installations as well as access by motorboats, aircraft, and helicopters. The timing of these activities is largely dependent on biological concerns and weather. We request the MMP outline any management prescriptions and cooperation processes that apply to such administrative uses as outlined in our MMOU (Item 1. of mutually agreed items). These should include reference to Appendix D, where appropriate. We support and appreciate GLBA's inclusion of vessels used in support of State management actions as "administrative use vessels" as well as the intent to allow the use of helicopters in wilderness when necessary and appropriate, thereby recognizing ANILCA provides flexibility to consider the need for administrative uses.

Issue Comments

In addition to broad concerns, the State has feedback on nine concepts in the MMP and EA.

1. Floating Cabins/Seasonally Moored Vessels for Administrative Use

The importance Congress saw in allowing the continuation of cabin usage on Alaska's federal public lands is indicated by the number of sections ANILCA provides for the continued use as well as construction of cabins. Sec. 1303 and Sec. 1315 both allow for the continued use of cabins, including in designated wilderness.

The State supports the addition of new floating cabins/seasonally moored vessels for administrative use in the Outer Coast Zone (Plan p. 3-15). Additionally, we appreciate that the plan notes these floating cabins are left unlocked for use by the public in the event of an emergency and ask the MMP include a reference to this requirement of ANILCA Section 1303(b). The State continues to recommend the locations of these cabins be included on park maps and other navigation/wayfinding materials. We disagree with the statement in the MMP that the need for cabins is reduced based on improvements in communications, mayday calls over radio, and rescue by Park or United States Coast Guard (USCG) assets. The public safety need for cabins in a first aid situation is not obviated by improved communications. While response times may be reduced by improved communications, immediate critical care can be provided in a shelter before emergency personnel arrive. Park or USCG assets could take hours to arrive on site in remote locations, especially in the inclement weather often experienced in the Park and throughout Southeast Alaska. We request the following revision to the noted sentence on page 2-3 of the MMP to recognize the Congressional intent of ANILCA 1315(d). The statutory language recognizes and provides for the value and use of emergency cabins; this is relevant throughout GLBA in tandem with the use of modern emergency communication tools:

At the same time, the construction of other new cabins for public health and safety reasons under ANILCA 1315(d) ~~are~~ is not recognized as being considered needed at this time. The Park may consider additional cabins if a need is identified. ~~because~~ Emergency health and safety situations in the marine environment (e.g. injury, hypothermia, gear failure, wildlife incidents) to date have been ~~are~~ best dealt with using modern emergency communications tools (e.g. mayday calls, requests for mutual aid from passing boats or other recreationalists) with rescue by Park or US Coast Guard assets, including vessels and helicopters.

We continue to encourage GLBA to use their expertise from hosting administrative cabins to find ways to bring public use cabins into all zones of the park and preserve (including floating cabins). Public use cabins are an accessible way for many to experience public lands and wilderness and would increase access to overnight visitation by individuals who do not have access to sleep-aboard vessels.

2. Vessel Types and Quotas

Administrative Vessels

The State supports and is pleased with the inclusion of state-owned vessels in the definition of “administrative vessel.” Including state vessels in this definition assists us in carrying out our mission to manage fish and wildlife on all lands and waters within the state as well as conduct research related to our treaty obligations. We look forward to continuing to work with GLBA on fish and wildlife management issues. The MMP proposes an adaptive management trigger of 600 vessel trips per year over a two-year average that may limit the number of administrative vessels allowed during the peak season in future years. We request that GLBA include the State in any discussions to limit administrative vessel trips. If administrative vessel trips are limited, in accordance with the GMP and MMP the Park must document clear evidence that the use of administrative vessels is detrimental to the resource values of the Park and Glacier Bay proper.

Private Vessel Permit System

Vessels Longer than 79 feet

The Service proposes to develop specific requirements for private vessels longer than 79 feet and to publish and update these requirements in the annual Park Compendium (MMP, p. 3-12). Because the intent of this new classification and associated requirements is to make a permanent change, the State requests the Service use a rulemaking process rather than the Compendium to establish these new requirements. The intended permanence of the new requirements necessitates a process that is not subject to change from year to year.

The State has concerns that the proposed method by which private vessels over 79 feet may secure a permit to enter Glacier Bay effectively bars this private vessel type. While there is a possibility for a vessel to secure an unused cruise or tour vessel day use permit, the State understands the likelihood of this occurring to be rare. Further, the challenge of planning for a trip via one of these unused permits is likely prohibitive without advance notice. The State’s concerns stem from an interest in ensuring fair access to all users regardless of their chosen vessel technology and in applying the least restrictive management actions to address park issues. Data provided in the Environmental Assessment (EA) portion of the Plan shows park visitation by vessels in this class to be relatively steady over the last ten years and even decreasing over the last 20 years (Figure 3-5, EA, p. 3-8). The State asks the park to develop a new system by which to allow visitors in this vessel class predictable access to Glacier Bay. For example, a new permit for private vessels over 79 feet with a daily quota would allow for predictability for park visitors while also allowing the park to establish regulations that better address the impacts of larger private vessels.

Vessels shorter than 79 feet

The plan proposes a new policy that a private vessel permit will be relinquished to the Service if a permittee does not utilize the first day of the permit window. The State understands the intent to eliminate unused permit days and appreciates the caveat for severe weather or other emergencies that

might cause a permittee to miss the first day of their permit window. The State strongly encourages the park to liberally apply exceptions to this policy for weather or other delays (including delays in an in-transit vessel's ability to access communications to the Park) to support safe and responsible travel to, from, and within the Park.

Please provide clarity regarding the permit confirmation system for private vessels (e.g., does the permit holder need to confirm the permit, and to whom?).

The State recommends the Service revise the short notice permit application window (Plan, p. 3-13). While technology can facilitate an automated application receiving system at 12:01 AM Alaska Daylight Time, this process asks individuals to take action overnight (in every U.S. time zone) in order to be considered for a competitive permit. This seems unnecessary and the State suggests the Service amend the application window to both meet the Park's needs and respects the ability of individuals to participate effectively in the short notice permit system.

Private vessels operating with and without commercial intent

We support the judicious management of any vessels being operated with commercial intent, regardless of size, as commercial vessels. Through our discussions with GLBA staff, we have come to better understand the perception that some private vessels host tourists and other commercial activities that align with charter vessels also operating in GLBA. We request that this distinction be made between private vessels operating with commercial intent and those that are not. For example, the Service should clearly differentiate and manage the different vessel types by activity rather than size. We also request that data supporting this perception and the associated management justification be included in the analysis of the plan. The State considers these vessels with commercial crews to be charter vessels and require a licensed sport fishing guide on vessels that provide sport fishing guide and other services in salt water as well as fresh water.

To provide clarity for these concerns, the State recommends that the Service establish categories for large private vessels operating with and without commercial intent.

3. Traditional Cultural Fishery and Traditional Tribal Ceremonial Harbor Seal Hunt

Collaborations with Tribes to explore options for non-commercial cultural fisheries or traditional tribal ceremonial hunts are important to the lifeways of communities. The State understands that efforts to establish a cultural fishery or ceremonial harbor seal hunt in GLBA are in their beginning stages (MMP p. 3-8). Should these items move forward, the State looks forward to participation in these efforts. Through participation, we can provide valuable subject matter expertise and ensure our constitutional management responsibilities for fisheries. The ADF&G Threatened, Endangered, and Diversity program can facilitate information sharing for these efforts (e.g., the harbor seal hunt).

We request the Service work with Tribes to broadly share outcomes, collaboration processes/methods, successes, and lessons learned from these endeavors that do not involve culturally sensitive information. Your experiences may be a helpful model for other tribal and non-profit entities, as well as federal and state agencies.

4. Glacier Bay History

In passing ANILCA, Congress provided an Alaska-specific view for federal land management in Alaska that considered the vastness of the conservation system units being created throughout the state. This Alaska-specific perspective of the landscape is one where humans are recognized as an integral part of nature and that removing them from the ecological framework creates an artificial environment. GLBA needs to ensure its management plans capture a holistic perspective of the unique aspects of Alaskan park management.

ANILCA Section 1301(b)(1) and (2) require the inclusion of a Park's cultural resources in its management plan(s). We appreciate the MMP's inclusion of the cultural ties the Huna and Yakutat Tlingit people have with the marine waters of the Park. The plans should also address other aspects of GLBA's cultural history as outlined in the 1984 GMP to provide the multifaceted history of the Park. We reiterate our request from our scoping comments that the MMP include a section on the history of commercial fishing in Glacier Bay. This is particularly important as commercial fishing use of saltwater areas within Glacier Bay National Park and Preserve has occurred since before the original monument was established in 1925 (GLBA GMP, 1984, page 40). Commercial fishing has also been a critical economic driver for area communities particularly Hoonah, Elfin Cove, Pelican, and Gustavus. The popularity of the Icy Strait Point's fully restored salmon cannery, originally built in 1912, speaks to the cultural value of and public interest in the area's commercial fishing history.

We request that the MMP and EA address the following:

- Address additional history in the MMP, including but not limited to European, Russian, and American exploration, use of Glacier Bay, and Glacier Bay's history of tourism/recreational use and as a scientific laboratory.
- Include relevant histories of communities that historically used GLBA including but not limited to: Elfin Cove, Gustavus, Pelican, Hoonah, and Yakutat.
- Include the cultural importance of commercial fishing in GLBA.

5. Noise Impacts

The MMP references noise impacts; we point out that the Omnibus Parks and Public Lands Management Act of 1996 (P.L. 104-333, Section 703) states that the Secretary shall not impose "operating conditions or limitations related to noise abatement for permittees entering Glacier Bay unless verifiable scientific information from available studies show that such conditions or limitations are necessary to protect park values and resources. If there is a management concern for state-managed fish or wildlife resources, we request GLBA consult with ADF&G at the outset of the concern to ensure appropriate ADF&G management of the resource(s) and to coordinate associated park management actions prior to developing conclusive management implementation measures.

6. Relationship between the requirements of the MMP, Frontcountry Plan, and Backcountry and Wilderness Plan may be confusing to the public

The MMP makes occasional reference to the Frontcountry Plan for activities in Bartlett Cove waters and to the Backcountry and Wilderness Plan for some activities within wilderness waters. Incorporating a cross-tabulation of relevant information or other such tool in the MMP will be necessary to make this

layering of plans and their requirements clear to a vessel operator and their guests. Additionally, as this plan does not cover wilderness waters, we believe references to wilderness management are best left to the Backcountry and Wilderness Management Plan. We recognize that the Frequently Asked Questions document touches on the inter-connectedness of these Plans, and feel this discussion is important enough to be included in the MMP to inform future management.

7. Supporting data is incorporated into the MMP and EA only by reference

In our scoping comments we strongly advocated for science-based decision-making and applaud Park staff for grounding this management plan in data collection efforts to guide management decisions. This provides continuity with the GLBA General Management Plan (GMP) which requires that all limits and restrictions proposed in the MMP be supported by current scientific information and management concerns (GMP, page v). The incorporation of the data sources by reference only, rather than communication of the Park's science through the presentation of data analysis and interpretation within the MMP and EA, makes review of the foundation data used to develop the MMP and EA difficult within a 30-day timeframe. We understand that the minimum requirement for your review times are 30 days, however, we were unable to review the more than 150 references listed. It is not reasonable to expect the public to review and interpret this data. Rather, it is the responsibility of the Park to communicate its science in a clear and concise manner and *additionally* provide the references to the raw data and published reports so the reader may explore additional detail on a case-by-case basis.

8. Helicopter use

Helicopters are an often necessary and useful tool for many management purposes and are not prohibited by ANILCA. We support the use of helicopters with appropriate planning and efforts to minimize disturbance to wildlife. The State is available to lend our expertise on this subject.

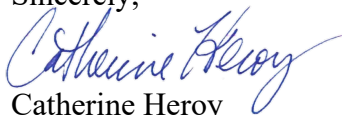
9. Management prescriptions in the appendices

Many of the management prescriptions are included in the appendices. We are unclear whether the appendices are part of the EA or part of the MMP. Please clarify what will be included in the MMP.

Closing

In summary, the State appreciates the efforts to responsibly manage marine access in Glacier Bay National Park and Preserve. We look forward to continuing discussions and cooperative work with park staff during the planning process. Please contact me if you have any questions or to discuss any of these issues.

Sincerely,



Catherine Heroy
State ANILCA Program Coordinator

Ecc: Sara Doyle, Outdoor Recreational Planner, Glacier Bay National Park & Preserve