



September 9, 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 the Glacier Bay National Park's (GLBA's) Marine Management Plan Environmental Assessment including Updates to Vessel Quotas and Operating Requirements. The State of Alaska (State) reviewed the "[Public Scoping for a Marine Management Plan Environmental Assessment including Updates to Vessel Quotas and Operating Requirements](#)" Newsletter (newsletter) and offers the following consolidated comments from the State resource agencies.

General Comments

The scoping newsletter begins by noting that "Glacier Bay marine waters support one of the most accessible national park experiences in Alaska for visitors of all ages and abilities," and continues with a planning vision that "invites and inspires people to explore and discover" Glacier Bay National Park (p. 1). The State appreciates this recurring theme and offers comments in the spirit of continuing to improve access to the park's marine waters for local communities and all visitors.

Of the comments in this letter, the State would like to meet with GLBA staff prior to the release of the next draft Marine Management Plan (MMP) and Environmental Assessment (EA) to discuss the following topics:

- Data collection efforts and how State-provided data will be used in the EA and future plans
- Potential closures under Alaska National Interest Lands Conservation Act (ANILCA)
- Management activities that impose a restriction on Alaska Department of Fish & Game (ADF&G) management of sport and commercial fisheries

Information lacking in the purpose and need statement

Our review of the GLBA newsletter was complicated by the failure of the purpose and need statement to adequately explain why the MMP is necessary and what specific problems or deficiencies GLBA hopes to address with the MMP. The newsletter notes substantial information has been collected since 2003, information that depicts injury to park resources, but the newsletter does not cite or provide the supporting data nor identify the injured resources and the activities causing them. GLBA staff should clearly articulate the purpose and need for the MMP in the EA document.

The newsletter also proposes three management zones, yet only discusses possible changes to the Glacier Bay Zone without identifying the need for the other two zones. State field work in those other

zones could be impacted by quotas or restrictions; further elaboration on these areas is needed in the EA and MMP.

Data to support decision making

The newsletter notes GLBA has completed studies and other data collection efforts since 2003 to “better understand visitor use patterns, experiences, and potential vessel disturbances to marine wildlife.” We strongly advocate 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). We request GLBA identify what studies and data collection occurred and how that information has shaped GLBA’s decision to prepare an MMP. Please include explanations regarding which studies inform the EA, what ecological concerns exist presently in the park, and how each proposed management actions seeks to address those concerns. Providing relevant data and analyses in the upcoming EA will inform the public and others so they are able to provide relevant feedback.

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

The newsletter refers the public to the Frontcountry Plan for activities in Bartlett Cove waters and to the Backcountry and Wilderness Plan for some activities within wilderness waters. The Backcountry and Wilderness Plan refers members of the public to the MMP for quotas and restrictions across all marine management zones. Incorporating a cross-tabulation of relevant information or other such tool in the EA will be necessary to make this layering of plans and their requirements clear to a vessel operator and their guests.

ANILCA is the Prevailing Statute

We recognize the Organic Act of 1916 and the Redwood Amendment provide direction to the NPS for management of its units. However, 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. Federal public lands in Alaska are managed as “open until closed” therefore, particular attention must be paid to clearly identifying and justifying the conditions under which access to GLBA may be restricted.

Establishing true quotas that preclude administrative use vessels from entering GLBA, rather than performance targets, is a closure under ANILCA. Section 1110 of ANILCA provides a guarantee of access for traditional activities that occur in GLBA including but not limited to sport fishing, subsistence uses, and access to in-holdings. As defined in the newsletter, administrative vessels include vessels engaged in

NPS authorized uses such as public access for traditional activities, and guaranteed access to inholdings or for commercial fishing (where allowed under Public Law 105-277 Sec. 123)

as well as vessels used by native communities in the area, State and GLBA vessels, and emergency response operations. Day-to-day operations of the park and emergency response operations are likely to

take up many of the allocated administrative vessel trips. Please clarify what management actions ensure that GLBA provides access granted under ANILCA.

We welcome diverse opportunities for the public to meaningfully engage on this planning effort and support the open dialogue offered by the public meetings noted in the newsletter. Please note the required elements of ANILCA Section 1301 that the EA and MMP must address that differ from what is presented in the newsletter. ANILCA Section 1301 requires Park Service management plans include public involvement in the form of public hearings; these requirements include direction to hold at least one public hearing (i.e., rather than meeting) in the vicinity of the GLBA and one public hearing in a metropolitan area of Alaska. Public meetings offer a critical opportunity for dialogue and hearings offer an opportunity for the public to provide input as part of the formal record considered in the planning process. In tandem, these meeting types provide greater opportunity for meaningful engagement and input on the planning process. If we may assist GLBA in this effort, please let us know, as we strongly support the inclusion of both opportunities.

The State supports the use of floating cabins for administrative purposes and notes that Section 1303(b) of the ANILCA requires administrative cabins to be open for public use during emergencies. The State recommends the locations of these cabins be included on park maps and other navigation/wayfinding materials.

ADF&G Management Authority

ADF&G is responsible for the sustainable management of fish and wildlife throughout the State of Alaska regardless of land or water ownership. Section 1314 of ANILCA affirms that the state retains its authorities to manage fish and wildlife on public lands. This management authority includes determining population objectives and harvestable surplus and allocating fish and wildlife, including for subsistence purposes, unless preempted by federal law. We request the draft MMP reference the ADF&G/NPS 1982 Master Memorandum of Understanding (MMOU) regarding management. Recognition of the respective roles of our agencies, along with a commitment to consultation and cooperation on issues that affect each of our agencies' responsibilities, will help ensure clear management directives and positive interagency relations.

As part of our management responsibilities, ADF&G periodically conducts research work within the park, all in accordance with the MMOU and ANILCA. 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. ADF&G also has additional management responsibilities that fall under the international Pacific Salmon Treaty. As there is no discussion of the management purpose or intent for either the Icy Strait/Cross Sound or the Outer Coast Management Zones (shown on the Public Scoping Reference Map on page 2 of the newsletter), we cannot determine if they have any potential to negatively impact our responsibilities under the Pacific Salmon Treaty. Because of the critical nature of this work, we strongly object to the proposal to assign a quota amount to administrative vessel traffic.

We request the plan outline any management prescriptions that apply to such administrative uses and the associated cooperation requirements outlined in the MMOU.

The MMOU encourages early cooperation between our agencies on matters such as the MMP. We request GLBA consult with ADF&G in advance of the release of the draft MMP and EA on planning

actions that seek to impose restrictions on state-managed sportfishing or commercial fishing activities, in particular the extension of the “peak season” where permits are required and quotas are in place for an additional two months (May and September). This honors the intent of the MMOU and that ADF&G is responsible for the management of both commercial and sport fishing including within the waters of GLBA.

We support and appreciate GLBA’s intent to include vessels used in support of State management actions as “administrative use vessels.” We note that ANILCA provides flexibility in considering the need for administrative uses.

Additionally, please include references to any joint studies or data collection done with the ADF&G. Our comments on various GLBA planning documents consistently encourage joint planning and implementation of studies due to our fish and wildlife management responsibilities.

We continue to have concerns regarding the effects of vessel quotas and operating requirements on state managed fisheries. Following the Service’s original implementation of quotas, we saw a dramatic shift in fishing efforts from inside to outside of the Bay. The Glacier Bay fisheries are critically important to ADF&G; we are very interested in being involved in the preparation of the MMP to ensure our management efforts are not impacted by park actions.

Issue Comments

In addition to broad concerns, the State has feedback on five concepts in the newsletter.

1. Draft Vision statement

Issue: A vision statement is designed to formalize an organization’s long-term goals. As currently proposed, the vision statement seems in conflict with the management strategies outlined in the scoping newsletter.

Proposed Resolution: Revise the vision statement to include recognition of the history of commercial fishing in GLBA and remove references to sanctuaries.

Discussion: The draft vision statement “invites and inspires people to explore and discover” GLBA. The marine management recommendations seem to contradict this vision statement by focusing on implementation of restrictions to access such as vessel quotas and other restrictions on visitor use. The EA should address statements of need for these updated restrictions based on the data from GLBA’s data collection efforts mentioned as noted above in our general comments.

The vision statement fails to reflect Congressional direction (Public Law 105-277, 112 Stat. 2681, October 21, 1998, Section 123) that the Secretary of the Interior and the State of Alaska cooperate on the development of a management plan for the regulation of commercial fisheries in GLBA.

“Such management plan shall provide for commercial fishing in the marine waters within Glacier Bay National Park outside Glacier Bay Proper, and in the marine waters within Glacier Bay Proper ... and shall provide for the protection of park values and purposes...”.

As we mention later in our comments, commercial fishing and other uses are part of GLBA's history.

As a vision statement generally serves to formalize an organization's long-term goals, we question the statement that "Marine waters ... are a protected sanctuary ..." especially without clarification as to where that statement comes from. We recognize that GLBA is a component of the Kluane/Wrangell-St. Elias/Glacier Bay/Tatshenshini-Alsek UNESCO World Heritage Site (an area identified as having exceptional cultural and natural value). This designation does not serve to require any additional management protections or strategies, instead recognizing that existing laws and regulations that apply to the park (ANILCA, the Organic Act, etc.) ensure protection for the natural and cultural resources in GLBA.

The National Oceanic and Atmospheric Agency (NOAA) oversees areas officially designated as National Marine Sanctuaries, given that GLBA is not an officially designated "marine sanctuary" we request the deletion of the language in the newsletter referring to Glacier Bay as "...a protected sanctuary.

2. Broad strategy alternatives for managing park waters over the next 10-20 years

Issue: In actions "Common to Preliminary Alternatives B and C," GLBA proposes to "Set a 'peak season' when private vessel quotas apply to enable more equitable distribution of permits:" We are concerned about the use of the term "equitable" as a measure of performance. What is perceived as equitable by GLBA may not be consistent with that of individual user groups, particularly local vessels and individuals that will need to compete with visiting vessels for permits

Proposed Resolution: We suggest that GLBA staff focus on balancing experiences based on park values and more accurately describe the issue.

Discussion: We recognize GLBA's desire to provide a variety of experiences within GLBA and the 1984 GMP objective to "balance forms of access and use..." Competition for permits to access GLBA during the peak season has the potential to push local use out of the bay during important times for fishing and other recreation. The newsletter refers to the "equitable distribution of permits" with the practical implication to relegate local use to the "off season" as a result of permit competition. While local community members have access to Glacier Bay year-round, management for GLBA should consider providing opportunities for local residents to use their backyard without competing for permits with "outside" vessels during the peak season. This could be done through various mechanisms and should be proposed in at least one alternative in the draft MMP and EA.

Several new management strategies are proposed to ensure equitable access to Glacier Bay National Park; we support this intent. The newsletter notes that proposed updates to the private vessel permit system will provide "more equitable access opportunities to high quality experiences of the glacial environment," (p. 7) and that the implementation of a "peak season" for private vessel quotas will "enable more equitable distribution of permits" (p. 5). It is unclear from the newsletter exactly what equity concerns exist presently in Glacier Bay regarding private vessel permitting and access. Please provide specific information in the MMP and EA about existing or anticipated equity concerns and how the proposed strategies will address those concerns.

The State supports the expansion of access to Glacier Bay National Park by increasing the number of private vessel permits from 25 to 30. Additionally, the State would like to engage with NPS on implementation of opportunities for access for private vessels over 79 feet. We also request more detailed information regarding the proposed overnight permit allocation system in Alternative C (p. 7).

Smaller private vessels engage in sport fishing and other activities within the bay during the peak season dates identified in the newsletter. While some sport fishing may occur outside those dates, it is important to provide the opportunity for sport fishing during the salmon runs that occur during the peak season. It is unclear from the information provided in the newsletter why GLBA is proposing to extend the “peak season” period for both charter boats and private boats. There is a reference in the newsletter (pages 3-4) to studies conducted since 2003 that have “provided insights on ways to improve vessel management to protect the marine environment and enhance visitor opportunities” however, no information is provided on what that information is, what resources are impacted, and why the proposed management proposals have been selected. It is difficult to provide feedback on quota limits and operating requirements for specific vessels when no information is provided on the resources GLBA has documented as being impacted by vessels and why new operating requirements are needed. We request the EA and draft MMP describe both why the new vessel quotas and other restrictions being considered in this plan are needed and how they will not negatively affect access to the bay for smaller private vessels.

The preamble to the 2006 proposed rule on vessel limits stressed that “The park places a high value on providing access for local users and those who travel with limited advanced destination planning” (71 FR 10943, March 3, 2006). We request the EA demonstrate a similarly high value on providing ease of access for local users.

The current method used in the newsletter of noting vessels the MMP will not regulate is not straightforward. The EA should clearly identify what vessels GLBA *is* proposing to address in this planning process rather than stating what it is *not* planning to address. The first paragraph states that “... the NPS will update vessel quotas (excluding charter vessels, tour vessels, cruise ships, and the passenger ferry to Bartlett Cove)...” as such, the only vessels this EA intends *to* regulate are private vessels. The newsletter also references “megayachts” but does not define this class of vessel or identify the impacts GLBA is seeing from these vessels.

3. Quotas and operating requirements for specific watercraft classes within Glacier Bay

Issue: The newsletter proposes new vessel definitions not contained in the 2003 Vessel Quota Operating Requirements (VQOR) without providing associated rationale and analysis to demonstrate the need to deviate from the VQOR Record of Decision (ROD).

Proposed Resolution: Provide the rationale and data to support the need to deviate from the 2003 VQOR ROD.

Discussion: The NPS proposes defining certain motorboats as a “low impact vessel” and prioritizing the allocation of short notice overnight permits (Alternative B) or overnight permits (Alternative C) to the owners of these “low impact vessels.” The newsletter states on page 6, “Low impact vessels are characterized by 1) having certain types of propulsion (electric, 4-stroke, diesel), 2) limited horsepower (≤ 60 horsepower), and 3) limited hull speed (≤ 10 knots). All three categories would need to be met to qualify as a low impact vessel.”

We request the EA provide an analysis of whether the proposed definition of this subset of motorboats has the potential to prioritize access by sailboats from outside of Alaska over local Alaskan motorized visitors. The prioritization of a subset of motorboats is not supported by Section 1110 of ANILCA which states:

Notwithstanding any other provision of this Act or other law, the **Secretary shall permit, on conservation system units** national recreation areas, and national conservation areas, and those public lands designated as wilderness study, the use of snowmachines (during periods of adequate snow cover, or frozen river conditions in the case of wild and scenic rivers), **motorboats**, airplanes, and nonmotorized surface transportation methods for traditional activities.... [emphasis added]

It is statutorily mandated the Secretary shall permit motorboats with such uses "...subject to reasonable regulations by the Secretary to protect the natural and other values of the conservation system units..." (ANILCA Sec. 1110(a)). The newsletter does not indicate how this prioritization protects the natural or other values of the area. The newsletter does not indicate what resources or values need protection, reference data on local use, or state why the 2003 vessel quota has not adequately protected the park.

Additionally, as the newsletter 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 any of the affected resources are state-managed fish or wildlife, we would expect GLBA to consult with ADF&G prior to reaching any conclusions.

Access to GLBA is primarily by watercraft and we support the vital role that commercial transporters and guides play in providing public access. When addressing management concerns, the GMP requires restrictions to be based on current and anticipated need. We request GLBA employ the least restrictive management tools to minimize the effects on visitors while also protecting the resource.

We request that the EA and draft MMP address these issues by providing the necessary data and analyses to demonstrate a resource protection need or a need for protection of other values of the area.

4. Vessel Types and Quotas

Issue: The newsletter lacks specificity on vessel types and quotas

Proposed Resolution: Add further details to the MMP and EA to clarify this information.

Discussion: The State suggests providing more details on vessel types and quotas. We offer the following suggestions as a possible approach.

Administrative Vessels – The MMP and EA could use a table or list format to clearly show the vessels and activities included in this category (the newsletter splits the description between narrative sections on page 6). We recommend the "quota" for administrative vessels be an estimate or target rather than a true quota as it is neither desirable nor practical to limit emergency response vessels, vessels used to access inholdings and for traditional activities protected in ANILCA, and other vessels in this category.

Non-motorized vessels – We understand that rather than a true quota for non-motorized vessels in Glacier Bay, NPS intends to move toward an “action threshold” model where GLBA would take management actions after a threshold number is reached. We agree that a true quota is unnecessarily restrictive for non-motorized vessels and requests further information about the ecological concerns necessitating “action threshold” numbers in this category.

Low impact vessels – The State is concerned that the criteria for vessels in this category are unnecessarily complex (both for administration of a priority permit system and for visitors on private vessels to understand) and that the resulting environmental protection will be minimal. Specifically, hull speed may be a problematic metric upon which to base regulation because it is a factor of the vessel’s waterline, which is not static. This could lead to challenging administration of a priority system and conflict between park staff and visitors. Consider “no wake” or speed limit zones to address particular ecological concerns and adding direct injection two stroke technology to the list of propulsion types.

We understand the prioritization program is intended to encourage visitors to invest in “low impact” vessels. However, short-notice overnight permits are a resource for local communities to access GLBA and the State is concerned about the outsized impacts – or even barriers to entry – this program could have on local communities. GLBA should provide data to show how many short-notice overnight permits go to local community members and how many vessels meeting the “low impact” criteria might be eligible for prioritization.

Other comments regarding the category and prioritization program include:

- If the NPS moves forward with this recommendation, we suggest modifying the category title to “lower impact vessels” to limit implications that all other vessels are “high impact.”
- NPS should develop clear sideboards to help park staff and the public understand the policy. For example, clarification regarding prioritization applies to a vessel with dual motors using only the motor that meets the low-impact vessel criteria while in Glacier Bay. This might allow a local resident to use the larger motor to arrive at Glacier Bay and the smaller while in the park.

Private vessels – Supporting information would be useful to explain the recommendation to allocate private vessel permits as overnight or day use permits with sub-quotas. Please provide an explanation of the management or ecological challenge this seeks to resolve. Also, given the small number of private vessel permits issued each day, NPS should count transit permits to and from Bartlett Cove separate from this quota.

The plan proposes the definition of a “*peak season* when private vessel quotas apply,” defined as “weeks when Glacier Bay is typically 90% full based on private vessel permit data.” Please provide additional detail regarding the need to designate a peak season and what regulatory implications the designation will have.

Vessels over 79 feet – DNR understands these vessels meet the size definitions of cruise ship, tour, and charter vessels in the 2003 ROD and that the NPS would like to clarify that the private vessel category does not include vessels longer than 79 ft. Each of the cruise, tour, and charter vessel definitions have a provision, though, that these vessels are engaged in transport of passengers for hire. As this might not always be the case for vessels over 79 feet, please make clear what changes are proposed to these definitions and regulations to incorporate private vessels over 79 ft in length.

5. Glacier Bay History

Issue: The newsletter presents only a narrowly focused history for GLBA.

Proposed Resolutions:

- Address additional history in the draft 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 mention and relevant histories of communities that historically used GLBA including but not limited to: Elfin Cove, Gustavus, Pelican, and Yakutat.
- Include the cultural importance of commercial fishing in GLBA.

Discussion: ANILCA Sections 1301(b)(1) and (2) require the inclusion of a Park's cultural resources in its management plan(s). We recognize and support GLBA's recognition of the Tlingit homeland in both this MMP and the recent Frontcountry Management Plan and the preliminary draft Backcountry and Wilderness Management Plan. The plans should also address other aspects of GLBA's history as outlined in the 1984 GMP.

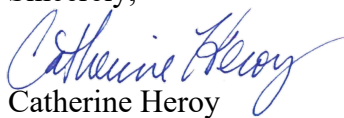
The incorporation of a section on the history of commercial fishing in Glacier Bay is particularly important as the use of saltwater areas within Glacier Bay National Park and Preserve has occurred since before the original monument was established in 1925. [GLBA GMP, 1984, page 40). It has been a critical economic driver for four area communities (Hoonah, Elfin Cove, Pelican, and Gustavus). The popularity of the Icy Strait Point's fully restored salmon cannery, originally built in 1912, speaks to people's interest in seeing the area's commercial fishing history.

In passing ANILCA, Congress incorporated an Alaska-specific view for federal land management that considered the vast sizes of the conservation units being created. This Alaska-specific viewpoint of the landscapes 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.

Closing

In summary, the State appreciates the efforts to responsibly manage marine access in Glacier Bay National Park and Preserve. We look forward to working cooperatively with park staff during the planning process, and to further discussions as the MMP is developed. 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