

# STATE OF ALASKA

**DEPARTMENT OF NATURAL RESOURCES**  
*OFFICE OF PROJECT MANAGEMENT AND PERMITTING*  
*ANILCA IMPLEMENTATION PROGRAM*

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November 13, 2003

Tomi Lee, Superintendent  
Glacier Bay National Park and Preserve  
P. O. Box 140  
Gustavus, Alaska 99826

Dear Ms. Lee:

The State of Alaska has reviewed the Final Environmental Impact Statement addressing Glacier Bay National Park and Preserve Vessel Quotas and Operating Requirements. This letter represents the consolidated comments of state resource and transportation agencies. The State appreciates that the National Park Service incorporated most of the information we provided in the Final EIS; however, some outstanding issues remain which we request be addressed in the Record of Decision.

### **Limitations on Entry Affect State Management of Personal Fisheries**

We are concerned about the effects of the vessel quotas and operating requirements on state managed fisheries within Glacier Bay and Dundas Bay. According to the Alaska Department of Fish and Game (ADF&G) Statewide Harvest Survey, saltwater sport fishing effort and harvest of halibut within Glacier Bay proper declined slightly from 1997 to 2001. Outside the Bay, in Icy Strait, fishing effort and halibut harvest roughly tripled, even though catch rates for halibut (halibut per angler-day) is comparable for both Glacier Bay and Icy Strait. This dramatic shift in fishing effort from inside to outside the Bay appears to be a reflection of the Service's limits on the number of permits available to enter Glacier Bay proper. This means that, although the state managed fisheries are healthy and available for fishing, the permits required for entry are interfering in the conduct of the state's fishery, causing use to concentrate in Icy Strait.

During the June through August season, the Service limits entry to 25 private vessels per day, and the current permit system makes it difficult to get an entry permit on short notice. Similarly, commercial charter use is restricted primarily by limits on the number of entries and user days. Many charter businesses are interested in operating in the Bay; yet in 2003, only 57 percent of all permitted entries and only 46 percent of all permitted user days were actually utilized. The primary reason is that a large percentage of the total entries for the season are issued to one operator, who does not use them all. Although the unused days are made available for other permitted operators, it is difficult to use these additional entries. Most persons interested in charters book their trips in advance. When permits are not available, charter boat itineraries are planned without going into the Bay. When an entry or user day in the Bay becomes available later, it is seldom possible for charter users and private operators to adjust their plans to take advantage. We strongly urge the Service to reevaluate this permit system and work with ADF&G to provide more opportunities for entries to participate in the fisheries within the Bay.

This request is based in part on the fact that ADF&G manages all fish and wildlife to assure healthy populations. Harvest is limited by the Boards of Fisheries and Game within the management parameters established by ADF&G. The Service's limitations on entry to Glacier Bay and Dundas Bay impact the state's management of fisheries both inside and outside of the Bay. We ask the Service to acknowledge this concern and provide flexibility in the Record of Decision to develop additional options for managing entry for personal fishing. The Record of Decision should provide direction for the Service to cooperate with the State and the Board of Fisheries to ease access to fisheries within the Bay.

### **Vessels Based in Bartlett Cove**

In three of the six alternatives, including the preferred alternative, vessels based in Bartlett Cove would be unable to move or leave (and re-enter) during periods of high vessel use, such as when the numbers of vessels meet the daily quota. This unnecessarily limits local users' ability to use their own boats and could potentially create hazardous conditions by displacing boat owners onto the Gustavus public dock. We, therefore, request the Service reconsider exempting local Bartlett Cove vessels from the daily quota.

### **Ferry Service to Bartlett Cove**

The state recognizes that, by law, only one passenger ferry per day is allowed, and that ferry is operated by Goldbelt, Inc. The state does not wish to usurp Goldbelt's opportunity to operate a passenger ferry; however, we continue to request consideration of a regularly scheduled *vehicle* ferry between Juneau and Bartlett Cove operated by the Alaska Marine Highway System. As noted in our comments on the draft EIS, such ferry service would have significant positive benefits. Perhaps such a ferry could be considered in the context of administrative use? We request the Service also work with the AMHS to explore how the state ferry system might take advantage of some of the unused daily entries to enter the Bay during regular ferry runs when conditions are optimal.

### **Specific Comments**

The remainder of our comments relate to specific sections of the Glacier Bay National Park and Preserve Vessel Quota and Operating Requirements Final Environmental Impact Statement.

#### Chapter I, Pages 9-11, Legal Mandates, Policies, and Plans

While the Organic Act of 1916 and the Redwood Amendment provide some direction to the development of this plan, the Alaska National Interest Lands Conservation Act (ANILCA) provides the overriding statutory guidelines for management of Alaska's national parks and preserves. Not only does ANILCA provide mandates for management of all national parks in Alaska, it also specifies management provisions for wilderness areas and establishes conditions under which access can be restricted in the Park and Preserve. Because the EIS does not appropriately acknowledge these provisions, we request the Record of Decision recognize that these ANILCA mandates apply to the management of Glacier Bay National Park and Preserve.

#### Chapter I, Page 11, Legal Mandates, Policies, and Plans, Pertinent NPS Director's Orders

We request the Record of Decision recognize that the Omnibus Parks and Public Lands Management Act of 1996 (P.L. 104-333, Sec. 703) supersedes Director's Order # 47, Sound

Preservation and Noise Management, where there are conflicts. This Act 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.*”

Chapter II, Page 32, Biological Environment, Threatened and Endangered Species

The second sentence in the first paragraph does not accurately reflect the biological opinion from the NOAA Fisheries. The biological opinion documents that **all alternatives** would not jeopardize the continued existence of the North Pacific humpback whale population or Steller Sea Lion populations in Southeast Alaska and would comply with the Endangered Species Act. We request recognition of this significant factor in the Record of Decision.

Chapter IV, Pages 8-9, Administrative Vessel Traffic

We request the Record of Decision clarify that vessels operated by ADF&G for the management of fish and wildlife resources are considered part of the administrative vessel traffic. This is the apparent intent of the language used in Table 2-1, but it is not reflected in the text in Chapter IV. The operation of vessels in all areas is allowed by State and Federal government agencies for the purposes of law enforcement, emergency search and rescue, medical evacuations, fire suppression, or for fish, game, recreation and natural resource management. Under the Master Memorandum of Understanding between ADF&G and the Service, ADF&G is the agency with the primary responsibility to manage fish and resident wildlife, and ADF&G may enter national park units to conduct routine management activities. We further request that the Record of Decision confirm that there is no intent to depart from the current understanding that vessels on official business for the state are exempt from the permit requirements. To discharge its responsibility as a sovereign, and to manage fish and wildlife resources in Alaska, the state’s vessels must be free to enter Glacier Bay for routine management activities. As the Service has long agreed, requiring a permit of state vessels is not warranted or proper.

Chapter V, Page 5, Alaska Department of Fish and Game

We request the Service recognize all State authorities for management in Glacier Bay in the Record of Decision. The Alaska Department of Fish and Game has management authority for all fish and wildlife in the State of Alaska. In addition, the litigation between the State of Alaska and the United States for the title to the submerged lands within Glacier Bay is not exclusively an ADF&G issue, as inferred. The litigation concerns all State agencies, and, therefore, we request the Record of Decision reflect this concern.

Thank you for the opportunity to provide these comments. The state appreciates the tremendous amount of work that has gone into this effort under extremely rigorous timeframes. If you have any questions about the comments herein, please call me at 907-269-7477.

Sincerely,

/SS/

Sally Gibert  
State ANILCA Coordinator