

FRANK H. MURKOWSKI  
GOVERNOR

GOVERNOR@GOV.STATE.AK.US



STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
JUNEAU

P.O. Box 110001  
JUNEAU, ALASKA 99811-0001  
(907) 465-3500  
FAX (907) 465-3532  
WWW.GOV.STATE.AK.US

May 2, 2006

Ms. Tomie Lee  
Superintendent  
Glacier Bay National Park and Preserve  
P.O. Box 140  
Gustavus, AK 99826

Subject: Proposed Vessel Management Plan Regulations Comment  
Regulatory Information Number (RIN) 1024-AD25

Dear Ms. Lee: *Tomie*

The State of Alaska reviewed the Proposed Vessel Management Plan Regulations as published in the Federal Register on March 3. This letter provides the state's comments on regulations propose to revise existing regulations regarding vessel quotas and operating requirements for all vessels within Glacier Bay National Park and Preserve. The rule would implement the Vessel Quotas and Operating Requirements Environmental Impact Statement completed for the park in November 2003.

**Impacts on private vessels based in Bartlett Cove**

The state strongly objects to forcing area residents with private vessels based in Bartlett Cove to compete for one of 25 daily permits for each day they need to leave or return to their homeport. Local vessel owners have come to rely on the safe and convenient harbor and facilities that are not available in relative proximity elsewhere. The proposed rule places these vessel owners in an untenable position if they want to move their boats and no permits are available.

Of the 25 permits available per day, we understand that 15 will be available by reservation several months in advance, and ten will be available on short notice (i.e. within 48 hours) on a first come, first served basis. The limited number of short notice permits appears to be of most concern to area residents, including those living in nearby Gustavus. Under the current system, vessels "based in Bartlett Cove" have unrestricted access to come and go as needed for daily activities. Under the proposed new system, these vessel owners will be required to compete with park visitors, and even their neighbors, for one of the short notice permits unless their trip is planned months in advance. If no permits are available, the affected vessel(s) will be unable to leave Bartlett Cove; or upon returning from a multi-day trip, will be unable to

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Return. This is an unnecessary hardship, especially since there may not be enough permits to go around for some weeks during the height of the visitor season. Given the steady upward trend in both visitor and area resident vessel use, the practical impact of the increasing competition for permits will become even more burdensome.

The section-by-section analysis for paragraph (b)(2)(iii) notes *“The park places a high value on providing access for local users and those who travel with limited advance destination planning.”* The proposal as written is not consistent with this sentiment. While retaining some form of accountability to monitor the levels of use, the National Park Service (Service) needs to provide more access opportunities and additional flexibility for those who are dependent on Bartlett Cove. For example, the Service could provide qualified vessels with a certain number of extra, non-competitive days to come and go at the time of their choosing. Some form of built-in methodology to address changing demand, the future availability of other facilities, and other unforeseen factors may also contribute to the mix. There are likely other options suitable for consideration that would provide the necessary flexibility, and we urge the Service to work with affected vessel owners to find a solution.

### **Use of the Fuel Dock**

We appreciate the provision at Section 13.65(b)(4)(ii)(F) that provides discretion to the superintendent to authorize other uses of the fuel dock to protect park resources and for public safety. In light of the new state ferry service into Bartlett Cove, initiated in 2005, the state appreciates the opportunity to use the fuel dock. We will work closely with the superintendent to address such risks when the need arises.

### **Safe Harbor**

We have heard of incidents where vessel operators encountering emergency circumstances were either issued a ticket or denied entry when they attempted to use Bartlett Cove. We therefore appreciate that the regulations offer a permit exemption at 13.65(b)(2)(iii)(E) for those in need of safe harbor. We request that the final rule and/or response to comments clarify how this provision will be implemented. For example, if a vessel in distress is unable to reach the superintendent, will they be cited for reporting the safe harbor entry after the fact? We urge the Service to err on the side of caution and trust the judgement of the vessel captain when safe harbor entry requests are made.

### **Additional Cruise Ship Entries in Glacier Bay**

Section 13.65(b)(2)(v)(B) provides the superintendent discretion to annually determine the cruise ship quota during the summer months, up to a "maximum daily vessel quota of two vessels." As stated in my letter to you of February 17, we reiterate our request to allow two cruise ships a day (a total of 184 from June 1 to August 31). Currently, the Service authorizes two cruise ship entries on certain days, but not on others. There is no scientific or managerial reason why two cruise ships could not enter every day during the peak 90-day tourist season. No scientific evidence indicates that this increase would have negative environmental consequences, cumulative or otherwise. In the state's view, the current intent to cap the 2007 vessel entry limit at 153 is therefore unwarranted. We again request your reconsideration of this decision.

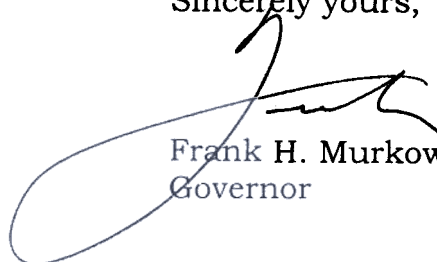
### **Rules Are Too Complex**

The current permit system for private vessels is widely recognized as very difficult to use, and simplification is one of the park's goals for the proposed new vessel management system. While some progress toward simplification has been achieved, the proposal remains complex. It is also unclear how implementation will affect permit applicants, especially for private vessels "based in Bartlett Cove" who will be brought into the new system for the first time. We therefore urge the Service to explore ways to further simplify the proposal. Then, after the rulemaking is complete (including appropriate revisions in response to comments), we recommend the Service make a concerted effort to assist local vessel operators and others in understanding and taking best advantage of opportunities to enter Glacier Bay and use the public facilities at Bartlett Cove.

While not substantive, we also observe that the organization of the proposed rule is very confusing considering the number of multiple levels of sub-sections. We strongly encourage any efforts to reorganize the content for clarity. Such an effort will undoubtedly help mitigate the more substantive confusion noted in the paragraph above.

Thank you for your consideration of these comments.

Sincerely yours,



Frank H. Murkowski  
Governor

*P.S.  
We hope to  
be over for a  
visit this  
summer.  
TH*

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cc: The Honorable Ted Stevens, U.S. Senator  
The Honorable Lisa Murkowski, U.S. Senator  
The Honorable Donald Young, U.S. Congressman  
The Honorable Dirk Kempthorne, Secretary Designate, U.S. Department  
of the Interior  
Marcia Blaszak, Regional Director, National Park Service  
John Katz, Director of State/Federal Relations and Special Counsel,  
Alaska Office of the Governor  
Layne Toshua Parker, Gustavus