



United States Department of the Interior

NATIONAL PARK SERVICE

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IN REPLY REFER TO:

Memorandum

To: Director, National Park Service

Through: Regional Director, Alaska Region

From: Tomie Patrick Lee, Superintendent

Subject: Cruise Ship Day Use Quotas for the 2006 and 2007 Operating Seasons

The level of seasonal cruise ship entries into Glacier Bay is controlled by special regulations found at 36 C.F. R. 13.65(b)(2)(v) and the Vessel Quota and Operating Requirements (VQOR) EIS Record of Decision (ROD) dated November 21, 2003. Under subsection (v) (C), by October 1 of each year, “the superintendent will determine, with the director’s approval, the number of cruise ship entries for the following season. This determination will be based upon available science and other information and applicable authorities.” Pursuant to the foregoing, on Oct. 17, 2005, I announced the decision that the seasonal cruise ship use day quota, for the 92-day summer operating season (June-August), in 2006 would remain at 139. I further announced my intention to increase the seasonal use day quota by 10% to 153 cruise ship use days for the 2007 operating season. Maintaining the existing cruise ship seasonal use day quota for 2006 will allow new research and monitoring to be initiated and baseline data to be collected before an increase takes effect in 2007. The year-round daily quota for cruise ships remains at two ships per day in accordance with both the ROD and the existing regulations.

These announcements were the result of guidance provided by an exhaustive public planning effort which resulted in the VQOR EIS ROD, reviews of the best available scientific information collected both by National Park Service and by scientists independent of the agency, recommendations from the Glacier Bay National Park Science Advisory Board (SAB), and an assessment of that report provided by the NPS Alaska Regional Science Advisor (RSA).

The purpose of this memorandum is to explain my decision and to obtain your approval in order that we may proceed with publication of the revision for the 2007 season in the Federal Register. In order to comply with the regulatory requirement that we receive public comment on the proposed change in cruise ship entry levels, we will make this draft decision document available through notice in the Federal Register as well as appropriate NPS web sites. Following consideration of the public comments, a final decision memorandum will be prepared for the Director’s approval.



The November 2003 ROD identified a modified Alternative 6 as the selected alternative. This alternative included a provision to increase the number of cruise ships during the quota season to a maximum of two ships per day each day (for a maximum of 184 cruise ships during the season) based on scientific and other information and applicable authorities. The ROD also provided that:

“The determination of whether to increase seasonal-use day quotas for cruise ships will rely on criteria that define the environmental and social conditions to be met before any additional seasonal-use days are approved. These criteria will be based on the results of and guidance provided through studies that examine the effects of vessels on all park resources and visitor experience. Studies will be identified in a research framework developed with the assistance of a science advisory board. This research framework will identify the studies necessary to provide information regarding the effects of vessel traffic on the environment and develop monitoring information necessary for park management.”

Consistent with the ROD, the SAB was organized in September 2004 and its final report submitted to me on September 30, 2005. The SAB consisted of eight scientists, six of whom are federal employees and two of whom are state employees. During the intervening year they met, studied, reviewed, evaluated, and listed the relevant scientific literature. The SAB also participated in the multidisciplinary Glacier Bay Science Symposium last October and reviewed operations onboard one of the cruise ships that operate within Glacier Bay. The SAB’s consensus report outlined a comprehensive research framework, including studies that could be implemented over short-to-long time frames. Some of the recommended studies were focused specifically on the potential effects of vessel traffic, while others were broader in scope.

My decision considered both the SAB report and the RSA assessment in context with the park’s purposes and mission, resources and values, and NPS policies. Consistent with the conclusions and recommendations contained therein, my decision to delay an increase in cruise ship entries until 2007 relied on their conclusion that additional data collection should occur before changing levels of use. As already mentioned, the ROD indicated that the determination of whether to increase seasonal-use day quotas for cruise ships would rely on criteria that define the environmental and social conditions to be met before any additional seasonal-use days are approved. The criteria identified by the RSA, following review of the SAB report, included: 1) preservation of air and water quality, 2) wildlife conservation, 3) cultural resource preservation and 4) high visitor satisfaction. The Service will further develop and expand upon these criteria, including indicators and benchmarks where practical, before the 2007 increases being proposed here are to occur.

We have resource data (e.g., whale populations, underwater acoustic environment, stack emissions) collected at the 139 cruise ship level that has been in place with limited exceptions since 1997 (2001 130 ships, 2002 135 ships, 2004 and 2005 138 ships). The resource information actually reviewed in the preparation of the FEIS as well as provided to the SAB, did not reveal information that is counter to the proposed increase to occur in 2007. Although there are undoubtedly impacts or effects from any level of ship traffic, it is important to note that two cruise ships have already been entering Glacier Bay on 47 of the 92 day long peak season, and our research and monitoring have not revealed impairment nor unacceptable impacts to park resources and values. Moreover, based on these studies, it is my best professional judgment that the incremental increase of 14 cruise ships in 2007 will neither cause impairment nor result in unacceptable impacts to park resources and values.

The recommendations of the SAB and the RSA to delay implementation of increases were based on the need for implementing additional recommended studies and collecting data for better assessing vessel impacts. The Service can and will have the necessary studies and data collection in place and underway before the increased level of entries occurs in 2007.

The 2003 Biological Opinion (BO) by the NOAA Fisheries (NOAA) included four conservation recommendations. Briefly summarized, these were: 1) to continue to monitor levels of disturbance from vessels and vessel noise to determine take, 2) to continue to monitor the occurrence of whales in near shore waters, 3) to work with NOAA and others to implement vessel speed limits outside of the park in Icy Strait, and 4) to monitor vessel operating requirements to determine compliance and effectiveness. The BO also includes four circumstances that would warrant re-initiating consultation, including any whale mortalities discovered within the park boundaries and to report progress in implementing the conservation recommendations. The NPS will continue to work with NOAA to ensure that their concerns about vessel-related impacts are addressed.

The 2003 BO also recommended no increase in cruise ship entries until determinations were made about the levels of marine mammal 'take' that would occur due to the proposed action. One reason that levels of take were not determined in the BO was the lack of a consistent definition of 'take', especially as it concerns exposure to underwater sound. In January 2005 the NOAA Office of Protected Resources announced that they were undertaking development of noise exposure criteria guidelines for determining what constitutes take under the Marine Mammal Protection Act and Endangered Species Act. While we are encouraged by this development, we also understand that the scientific basis for acoustic exposure criteria for take is not sufficiently developed for application in Glacier Bay.

We believe that NOAA's intent in calling for estimation of take was that impacts related to increased vessel numbers be detected in the context of those increases. Thus, we have initiated discussions with NOAA Fisheries to clarify recommendations regarding incidental take statement guidelines for Glacier Bay prior to the proposed increase in cruise ship numbers. We expect NOAA to reaffirm the principal conservation recommendations included in the ROD, including their first recommendation calling for NPS to continue monitoring disturbance levels from vessels and vessel noise in Glacier Bay National Park waters, to determine the occurrence at which a take of Steller sea lions and humpback whales occurs as a result of the proposed actions. This could include estimating take resulting from physical injuries and mortality. However, recent review of section 101(a)(5) of the Marine Mammal Protection Act and discussions with NOAA subsequent to the ROD, have led me to question whether amending the BO with an incidental take statement (ITS) should be prerequisite to implementing the proposed increases. Foremost among my reasons is that incidental take authorizations under the Marine Mammal Protection Act are limited to U.S. citizens and not to foreign flagged vessels, such as those operating in Glacier Bay. Although it is highly probable that an ITS is precluded due to the limitations of the 101(a)(5) requirements, we are continuing to work with NOAA to address other relevant conservation recommendations.

The decision to delay an increase in vessel numbers until 2007 was based on recommendations contained in the SAB report and was refined through consultation with management and staff. In 2006 the park will initiate new research and monitoring, and collect additional baseline data specifically identified by the SAB prior to any increase in cruise ship numbers. Collection of baseline data, to document conditions before a change occurs, is a well-established practice. However, pre-existing ship traffic, planned implementation of new regulations, other human activity, climate and post-glacial change, and natural variation may still make it difficult to differentiate with precision the effects due to

increasing vessel numbers in Glacier Bay. Consequently, more than one comparative approach may be applied. Other approaches identified by the RSA included control sites (similar in nearly all respects except for the planned change), collecting data during shoulder seasons when vessel numbers are increasing or decreasing, and monitoring changes while using a stepped approach to increase vessel traffic over a period of years.

The modeling, research and monitoring, in an adaptive management approach, as well as the particular authorities provided to the Superintendent, including those set forth in the Park's special regulations at 36 C.F.R. 13.65, provide a process and the means by which park resources will be carefully protected. Resources will be monitored long-term in order that any unexpected but resulting unacceptable impacts can be expeditiously identified and measures taken to mitigate those to acceptable levels before they produce a threat of impairment to park resources or values. While it is possible that new studies could fail to demonstrate statistically significant impacts resulting from modest increases to vessel numbers, this potential loss of certainty would be balanced against the benefits of taking action to protect park resources and values before unacceptable impacts occur.