



February 21, 2006

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

## REVISED COMMENTS

Re: Oppose 10 Percent Increase in Cruise Ships Allowed into Glacier Bay in 2007 Due to Failure to Conduct and Complete Actions Recommended by Science Advisory Board, Regional Science Advisor, and National Marine Fishery Service Biological Opinion

Dear Superintendent Lee,

Bluewater Network, a division of Friends of the Earth, and the Campaign to Safeguard America's Waters, a project of the Earth Island Institute are writing to oppose the proposed 10 percent increase in cruise ship traffic to be allowed into Glacier Bay National Park for the 2007 season.

### General Comments:

The National Park Service (NPS) has not completed the appropriate and recommended research, monitoring and baseline data necessary to consider increases in cruise ship traffic into Glacier Bay. The proposed action is premature and directly conflicts with the Vessel Quota and Operating Requirements EIS public-planning process conducted to allow NPS to best fulfill its mission to protect the natural resources, scenic values and visitor experience of Glacier Bay. The proposed action contradicts and minimizes the importance of the Science Advisory Board (SAB) report and the Regional Science Advisor's (RSA) assessment regarding the park's purpose and mission, resources and values and NPS policies. It also ignores the recommendations in the Biological Opinion from the National Marine Fisheries Service under the Marine Mammal Protection Act.

The NPS has not met the criteria identified by the RSA including preservation of air and water quality, wildlife conservation, cultural resource preservation and high visitor satisfaction. The RSA evaluation and recommendation for any increases was extremely cautionary: stating that an "experimental" increase "may be" warranted for a temporary period if certain steps were taken and a rigorous program of scientific study undertaken – none of which appears to have been addressed or added to the public record since the October 2005 evaluation date.

This proposed action contradicts the Science Advisory's Panels' overall recommendation that the NPS take a "precautionary" approach to managing cruise ship visitation, rather than the "adaptive" or "experimental" approach that the NPS is initiating.

The proposed action also disregards the Biological Opinion from the National Marine Fisheries Service related to conservation actions that should be taken or considered related to protection of marine mammals in Glacier Bay.

Your undated memo to the Director of the National Park Service proposing cruise ship traffic increases points out that "there are undoubtedly impacts or effects from any level of ship traffic." Yet, the proposed action is not supported by science or new data, rather, it is based almost entirely on your "best professional judgment" that an increase in cruise ships will "neither cause impairment nor result in unacceptable impacts to park resources and

values.” This judgment is purely subjective; increases in ship traffic should only be allowed after consideration of scientific observation, traditional knowledge and experience, and adequate public process, in a manner consistent with all applicable State and federal environmental law.

The NPS should abide by the very specific recommendations of the SAB and the RSA to delay implementation of any cruise ship increases, due to the urgent need for implementing additional recommended studies and collecting data for better assessing vessel impacts. A promise that NPS “can and will have the necessary studies in place and underway before the increased level of entries occurs in 2007” does not constitute a reasonable basis for your recommendation. What if studies are not completed in time? What if studies find that impacts are not acceptable for an increase in cruise traffic to occur? At that point an increase in the level of ship traffic will be the norm and difficult to reverse – such an approach by the agency with the responsibility to protect this public resource is not only unethical, it is likely illegal. Such action is clearly unwarranted, given that the sole beneficiary of the proposed action would be the cruise line corporations, at the expense of our natural resources, other visitors to the Bay, and the public at large.

Based on the above-mentioned public process, scientific and administrative deficiencies, we urge the NPS to reconsider and withdraw its proposal to increase cruise ship traffic into Glacier Bay for the 2007 season.

#### Specific Comments:

Bluewater Network and Campaign to Safeguard America’s Waters are particularly concerned about the proposal to increase cruise vessel traffic into Glacier Bay National Park due to the following reasons:

#### Marine Mammal Impacts

NPS hesitation to address marine mammal “takes,” defined as harassment or killing of whales and other marine mammals under the Marine Mammal Protection Act because most if not all of cruise vessels are foreign flagged is totally inappropriate. NPS must not abrogate its responsibility to protect wildlife in Glacier Bay National Park by “questioning” the MMPA’s applicability to foreign-flagged vessels in U.S. waters. The federal government currently regulates foreign-flagged ships under the Oil Protection Act, the Clean Water Act, the Resource Conservation and Recovery Act, the American Disabilities Act, the Magnuson Stevens Act and other laws. The State of Alaska also regulates wastewater discharges and air emissions from the cruise lines.

As stated above, NPS has failed to implement key recommendations made by the Science Panel, the Regional Science Advisor and NOAA related to the MMPA to protect marine mammals, such as requiring ships to slow down or determining or defining “take” levels by cruise ships. The NPS has not responded to issues in the 2003 Biological Opinion mandating the need to update information on estimated levels of take and the impact of noise on marine mammals.

The response from National Marine Fisheries Service to the Superintendent’s letter of December 15, 2005, regarding its opinion on the NPS proposal to increase cruise ship traffic was not posted on the website where other related documents are located. As a result, neither the NPS nor the public knows whether NMFS agrees with or opposes the NPS proposal. It would be irresponsible to move forward without considering the opinion of the federal agency charged with marine mammal protection.

Lastly, it is well known that whales are imperiled by cruise ships due to past collisions in Glacier Bay and elsewhere, noise generated by ship operations, and the potential for impacts from ship-based wastewater discharges and air emissions. All these impacts must be more fully understood and coupled to recommendations for their minimization and prevention before an increase in cruise ship visitation is permitted.

#### Air quality

The Science Advisory Board identified the “effect of stack emissions on subsistence resources” as “high importance” and “high urgency” in Glacier Bay National Park. The board’s report stated this impact should be high priority for examination.

The Alaska Regional Science Advisor recommended that NPS "initiate a dialog on this issue early, to determine what information is available and determine a logical course of future action." We found no evidence in the public record that NPS has addressed stack emissions from cruise ships or responded to either the SAB or the RSA recommendations.

The state of Alaska sets opacity standards for smokestack emissions for vessels operating in state waters, but opacity is related only to visible emissions and the most dangerous emissions are invisible in the form of smog-forming gases, sulfates and particulate matter. Further analysis is clearly required before any decision to increase emissions in the Bay is permitted. Meanwhile, given the existing lack of data it would be prudent for NPS to set a condition of entry into the park that cruise ships use marine distillate fuel of .5 percent sulfur or less. Ships could also be required to meet emissions requirements, such as 50 percent below MARPOL Annex VI standards before being allowed entry into Glacier Bay. Port entry agreements, financial incentives and other mechanisms are available to control air pollution from ships and should be explored and implemented by the NPS before any cruise ship visitation is increased.

#### Cultural and Spiritual Concerns with Cruise Ship Traffic

The Science Advisory Board identified cultural and spiritual concerns with cruise ship traffic as "high importance and high urgency," but once again we failed to find any evidence in the public record to suggest that the NPS has considered or addressed these concerns. Similarly, the RSA recommended that NPS "initiate a dialog on this issue early, to determine what information is available and determine a logical course of future action." Obviously, with a proposal already in the Federal Register to increase cruise ship traffic, the NPS has clearly failed to begin work on this, or other key issues "early" in the permitting process.

#### Summary:

The list of concerns, issues, recommendations and actions proposed by the SBA, the RSA and NOAA that NPS has failed to address are lengthy. They include research, definition of impacts and mitigations related to sound level data, acoustic monitoring, opacity, effects of changes in underwater soundscape, modeling to determine effects on populations and densities of marine species, potential disturbance for marine species and many others that can be found in the documents related to the proposed action. We see no evidence in the public record that any of the above concerns have been undertaken or addressed.

With this complete lack of solid scientific evidence or plans for impact mitigation to Glacier Bay National Park from increased cruise ship traffic now or in the future we must strongly urge the National Park Service to cease and desist with plans to increase cruise vessel traffic for the 2007 season. Instead, the NPS should do the work required and recommended in the Biological Opinion, the Science Advisory Board Report, and the Regional Science Advisor's evaluation. Moving ahead before completing this work is a breach of public process, and most likely a violation of federal environmental law.

Thank you for considering our comments. Please provide us with notice of your decision and include our organizations in any future notices, meetings, scoping sessions or other activities, official or unofficial, related to the expansion of cruise ship traffic in Glacier Bay National Park.

Sincerely,



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Bluewater Network

Gershon Cohen Ph.D., Project Director  
Campaign to Safeguard America's Waters